



# MOST IMPORTANT JUDGEMENTS OF SUPREME COURT JAN TO DECEMBER 2023

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1. Demonetisation Decision Making Process Lawful, Supreme Court Holds By 4:1 Majority; Justice Nagarathna Dissents

Case Title: Vivek Narayan Sharma v. Union Of India [WP (C) No. 906/2016] and other connected matters 2023 (SC)

Coram: Justices S Abdul Nazeer, BR Gavai, AS Bopanna, V Ramasubramanian and BV Nagarathna

The Supreme Court Constitution Bench upheld by 4:1 majority the decision taken by the Union Government six years ago to demonetise the currency notes of Rs. 500 and Rs.1000 denominations. The majority held that Centre's notification dated

November 8, 2016 is valid and satisfies the test of proportionality. Justice BV Nagarathna in her dissenting view held that though demonetization was well-intentioned and well thought of, it has to be declared unlawful on legal grounds (and not on the basis of objects).

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## 2. Right To Free Speech: Supreme Court

Case Title: Kaushal Kishor v. State of UP | 2023 (SC)

Coram: Justice S. Abdul Nazeer, Justice B.R. Gavai, Justice A.S. Bopanna, Justice V. Ramasubramanian and Justice B.V. Nagarathna

The Supreme Court Constitution Bench has held that additional restrictions, not found in Article 19(2), cannot be imposed on the exercise of right to free speech under Article 19(1)(a) of Ministers, MPs and MLAs. It held that the grounds mentioned in Article 19(2) for restricting free speech are exhaustive. The Court by 4:1 majority added that statements made by Minister, even if traceable to any affairs of state or protecting the govt, cannot be attributed vicariously to the govt even applying the principle of collective responsibility. In her dissenting opinion, Justice B.V. Nagarathna agreed that greater restriction cannot be imposed on free speech, in addition to grounds under Article 19(2). However, she observed that in case a Minister makes disparaging statements in his "official capacity", then such statements can be vicariously attributed to the government.

## 3. Parole Period Can't Be Included In Period Of Actual Imprisonment

Case Title: Rohan Dhungat vs State of Goa and Ors | 2023 (SC)

Supreme Court held that the Parole period has to be excluded from the period of sentence under the Goa Prison Rules, 2006 while considering 14 years of imprisonment for premature release. The bench held that if the parole period is included as part of the sentence period, then any prisoner who is influential enough may get parole several times.

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#### 4. 'Woman Not A Chattel, Has Identity Of Her Own; Marriage Won't Take Away Her Identity' : Supreme Court Strikes Down Income Tax Provision

Case Title: Association of Old Settlers of Sikkim vs Union of India | 2023 (SC)

Coram: Justices M R Shah and B V Nagarathna

The Supreme Court held that excluding Sikkimese woman merely because she marries a non-Sikkimese after 01.04.2008 from exemption provision under Section 10(26AAA) Income Tax Act is totally discriminatory and thus unconstitutional. The Court also held that the exclusion of old Indian settlers, who have permanently settled in Sikkim prior to merger of Sikkim with India on 26.04.1975 from the definition of "Sikkimese" in Section 10(26AAA) of Income Tax Act is unconstitutional.

#### 5. Default Bail Can Be Cancelled On Merits After Presentation Of Chargesheet: Supreme Court

Case Title: State through CBI v. T. Gangi Reddy @ Yerra Gnagi Reddy | 2023 (SC)

Coram: Justice M.R. Shah and Justice C.T. Ravikumar

The Supreme Court has held that there is no bar in cancelling default bail on merits after the presentation of chargesheet. The question that arose in the case was whether default bail can be cancelled after presentation of chargesheet, when it was granted for not filing it within 90 days as per the CrPC.

#### 6. Chargesheets Not 'Public Documents', Can't Direct Investigating Agencies To Upload Them On Websites : Supreme Court

Case Title : Saurav Das vs Union of India | 2023 (SC)

The Supreme Court held that police and investigating agencies like CBI, ED etc., cannot be directed to upload the chargesheets filed in cases in a public platform for easy access by the general public.

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## 7. Land Cannot Be Kept Under Temporary Acquisition For Years, It Violates Right To Property Under Article 300A : Supreme Court

Case title: Manubhai Sendhabhai Bharwad and Another Versus Oil and Natural Gas Corporation Ltd. & Others 2023 (SC)

Coram: Justices MR Shah and MM Sundresh

The Supreme Court held that, “to continue with the temporary acquisition for number of years would be arbitrary and can be said to be infringing the right to use the property guaranteed under Article 300A of the Constitution of India. Even to continue with the temporary acquisition for a longer period can be said to be unreasonable, infringing the rights of the landowners to deal with and/or use the land.”

## 8. Supreme Court Strikes Down Assam Law Allowing Diploma Holders To Treat Specified Diseases and Perform Minor Procedures

Case Title: Baharul Islam and Ors. v. Indian Medical Association and Ors. | 2023 (SC)

Coram: Justices B.R. Gavai and B.V. Nagarathna

The Supreme Court struck down the Assam Rural Health Regulatory Authority Act, 2004 which permitted diploma holders in Medicine and Rural Health Care to treat certain common diseases, perform minor procedures, and prescribe certain drugs. Any variation in the standards of the qualifications required of medical practitioners who render services in rural areas vis-à-vis those rendering services in urban and metropolitan areas is violative of the constitutional values of substantive equality and non-discrimination, said Supreme Court.

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## 9. Don't Record Witness Testimonies In English Translations Alone; Follow Sec 277 CrPC : Supreme Court To Trial Courts

Case Title: Naim Ahamed vs State (NCT of Delhi) | 2023 (SC)

Coram: Justices Ajay Rastogi and Bela M. Trivedi

The Supreme Court has disapproved of the practice of trial judges recording the deposition of a witness only in the English language form as translated by the judge, when the witness testifies in a different language. The evidence of the witness has to be recorded in the language of the court or in the language of the witness as may be practicable and then get it translated in the language of the court for forming part of the record.

## 10. Supreme Court Directs All Courts/Tribunals To Mandatorily Deposit Amounts Deposited By Parties With Registry In A Bank/Financial Institution

Case Title : KL Suneja and others vs Dr(Mrs) Manjeet Kaur Monga (Died) through legal representatives 2023 (SC)

The Supreme Court has issued an important direction that all courts and judicial forums should frame guidelines to ensure that amounts deposited with the office or registry of the Courts or Tribunals are mandatorily deposited in a bank or financial institution. This direction is issued to ensure that litigants do not face any future loss of interest on the amount deposited before Courts.

## 11. Supreme Court Issues Directions To Avoid Delay In Release Of Prisoners After Getting Bail [Read 7 Directions]

Case Title: In Re Policy Strategy for Grant of Bail SMW 2023 (SC)

The Supreme Court has issued guidelines on the issue of undertrial prisoners who continue to be in custody despite having been granted the benefit of bail on account of their inability to fulfill the conditions stipulated in the bail order or otherwise.

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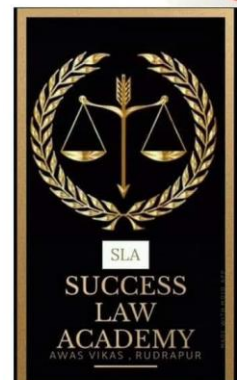
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## 12. Case Title: Common Cause v. Union of India | 2023 (SC)

The Supreme Court has modified the slew of directions relating to advance medical directives, or living wills issued in a 2018 judgement that had recognised the right to die with dignity as an inextricable facet of the right to live with dignity under Article 21 of the Constitution, and had, accordingly, upheld the legal validity of passive euthanasia.

## 13. Bar Council Of India Has Powers To Prescribe All India Bar Examination : Supreme Court; Overrules 'V Sudeer' Judgment

Case Title: Bar Council of India v. Bonnie Foi Law College & Ors. | 2023 (SC)

A Constitution Bench of the Supreme Court upheld the power of the Bar Council of India to require law graduates to qualify for the All-India Bar Examination as an eligibility criterion to practise law in India.

## 14. Children's Right Not To Have Their Legitimacy Questioned Frivolously Part Of Their Privacy Right : Supreme Court On Power To Order 'DNA Test'

Case Title: Aparna Ajinkya Firodia vs Ajinkya Arun Firodia 2023 (SC)

The Supreme Court observed that DNA tests of children born during the subsistence of a valid marriage may be directed only when there is sufficient prima-facie material to dislodge the presumption under Section 112 of the Evidence Act.

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15. 'Service As Adhoc Judges Can't Be Considered For Elevation As HC Judges' : Supreme Court Rejects Plea Of Judicial Officers From AP

Case Title : C Yamini and others vs High Court of Andhra Pradesh at Amaravathi and another 2023 (SC)

The Supreme Court dismissed a writ petition filed by nine judicial officers from Andhra Pradesh seeking to direct the Andhra Pradesh High Court to consider them for elevation as HC judges.

16. Section 45 PMLA Conditions Applicable To Anticipatory Bail Applications For Money Laundering Offence : Supreme Court

Case Title : The Directorate of Enforcement vs M. Gopal Reddy and another 2023 (SC)

The Supreme Court has reiterated that the conditions under Section 45 of the Prevention of Money Laundering Act for grant of bail are applicable to anticipatory bail applications under Section 438 of the Code of Criminal Procedure as well.

17. Adani-Hindenburg Issue : Supreme Court Directs SEBI To Conclude Investigation In 2 Months, Constitutes Expert Committee To Review Regulatory Framework

Case Title: Vishal Tiwari vs Union of India W.P.(C) No. 162/2023, Manohar Lal Sharma vs Union of India W.P.(Crl.) No. 39/2023, Anamika Jaiswal vs Union of India W.P.(C) No. 201/2023, Dr.Jaya Thakur vs Union of India

The Supreme Court directed the Securities and Exchange Board of India (SEBI) to complete the investigation of the Adani-Hindenburg issue within a period of two months and file a status report before the Court.

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18. Supreme Court Directs Appointment Of Election Commissioners On Advise Of Committee Comprising Prime Minister, Leader Of Opposition And CJI

Case Title: Anoop Baranwal v. Union of India | 2023 (SC)

A Constitution Bench of the Supreme Court has ordered that Election Commissioners will be appointed by the President of India on the advice of a Committee consisting of the Prime Minister, and leader of Opposition in the Lok Sabha (or leader of largest opposition party), and the Chief Justice of India.

19. Supreme Court Paves Way For Lawyers With 10 Yrs Experience To Be Considered For Consumer Commission Appointments; Upholds Striking Down Of Centre's Rules

Case Title: The Secretary, Ministry of Consumer Affairs versus Dr.Mahindra Bhaskar Limaye and others 2023 (SC)

The Supreme Court held that persons having a Bachelors degree and having a professional experience of at least 10 years in consumer affairs, law, public affairs, administration etc. should be treated as qualified for appointment as President and members of State Consumer Commissions and District Consumer Forums.

20. Can HC Exercise Jurisdiction Over A Tribunal Situated Outside Its Territorial Limits? Supreme Court Refers To Larger Bench

Case Title: Union of India v. Sanjiv Chaturvedi And Ors. 2023 (SC)

In a case relating to whistleblower Indian Forest Service officer Sanjiv Chaturvedi, the Supreme Court referred to a larger bench the issue regarding the jurisdiction of a High Court to entertain a challenge against an order passed by a Tribunal which is situated outside its territorial limit.

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## 21. District Judges Appointment - Only 10% Posts Can Be Filled Through Limited Competitive Examination : Supreme Court

Case Title: Rajendra Kumar Shrivastava v. State of Madhya Pradesh And Ors. | 2023 (SC)

The Supreme Court directed the Madhya Pradesh High Court to comply with the directions of the Apex Court in All India Judges' Association And Ors. v. UOI And Ors. (2010) 15 SCC 170, particularly, the one asking the High Courts to reserve only 10% seats in the higher judiciary to be filled up by limited departmental competitive examination.

## 22. Bhopal Gas Tragedy : Supreme Court Dismisses Centre's Curative Petition Seeking Additional Compensation From UCC

Case Title: UOI And Ors. v. M/s. Union Carbide Corporation And Ors. 2023 (SC)

A Constitution Bench of the Supreme Court dismissed the curative petition filed by Central Government seeking to reopen the settlement with the Union Carbide Corporation (now Dow Chemicals) to claim additional compensation for victims of the Bhopal Gas Tragedy of 1984.

## 23. 'Union Govt Has Power To Abolish State Administrative Tribunal' :

Supreme Court Affirms Abolition Of Odisha Administrative Tribunal

Case Title: Orissa Administrative Tribunal Bar Association v. Union of India & others | 2023 (SC)

The Supreme Court upheld the notification issued by the Central Government in 2019 to abolish the Odisha Administrative Tribunal.

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## 24. Supreme Court Questions Practice Of Some Trial Courts To Remand Accused The Moment They Appear In Response To Summons

Case Title- Mahdoom Bava v. Central Bureau of Investigation 2023 (SC)

The Supreme Court has noted that in some parts of the country, trial courts follow the practise of remanding the accused when they appear in response of a summoning order. Therefore, accused persons apprehend arrest even in cases when the investigating agencies are not seeking their custody.

## 25. 'Courts Should Not Further The Notion That Only Male Child Will Assist Parents In Old Age; Avoid Patriarchal Remarks' : Supreme Court

Case Title : Sundar @ Sundarrajan v. State by Inspector of Police 2023 (SC)

The Supreme Court has advised Courts to refrain from making patriarchal remarks in judgments. A bench comprising Chief Justice of India DY Chandrachud, Justice Hima Kohli and Justice PS Narasimha was deciding a petition seeking to review the death penalty awarded to a convict for the kidnap and murder of a 7-year old boy.

## 26. High Courts Can Entertain Challenges To Orders Passed By Armed Forces Tribunal : Supreme Court Overrules Its Judgment

Case Title: Union of India And Ors. v. Parashotam Dass | 2023 (SC)

The Supreme Court overruled its decision in Union of India And Ors. v. Major General Shri Kant Sharma And Anr. which barred the exercise of jurisdiction under Article 226 of the Constitution of India in cases assailing orders passed by the Armed Forces Tribunal.

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## 27. Banks Must Give Opportunity Of Hearing To Borrowers Before Classifying Their Accounts As Fraud : Supreme Court

Case Title : State Bank of India vs Rajesh Agarwal and connected cases 2023 (SC)

In a significant verdict, the Supreme Court held that borrowers must be heard before their accounts are classified as fraud. The Court held that the principles of "audi alteram partem" must be read into the Circular issued by the Reserve Bank of India on the classification of bank accounts as fraud accounts.

## 28. Day Of Remand Should Be Included For Considering Default Bail Claim : Supreme Court Answers Reference

Case Title : Enforcement Directorate v. Kapil Wadhawan 2023 (SC)

Answering a reference on a significant point of law, the Supreme Court has held that the day of remand is to be included for considering a claim for default bail.

## 29. Supreme Court Releases Death Row Prisoner After 28 Years On Finding Him To Be A Juvenile At The Time Of Offence

Case Title: Narayan Chetanram Chaudhary v. State of Maharashtra | 2023 (SC)

The Supreme Court released a death row convict upon finding that even though he was a juvenile at the time of the commission of the offence he was tried as an adult and was sentenced to death.

## 30. 'Open Ballot System In Rajya Sabha Elections Necessitated To Prevent Cross-Voting' : Supreme Court Rejects Challenge To Election Rules

Case Title: Lok Prahari v. UoI And Ors. WP(C) No. 1141/2020 PIL

Citation : 2023 (SC) 254

The Supreme Court dismissed a PIL which challenged the open ballot system for Rajya Sabha elections. A bench comprising Chief Justice of India DY Chandrachud, Justice PS Narasimha and Justice JB Pardiwala was considering a petition filed by the NGO Lok Prahari challenging Rule 39AA of the Conduct of the Election Rules 1961.

### 31. Plain & Literal Interpretation Of Section 37 NDPS Act Would Make Bail Impossible: Supreme Court Adopts 'Prima Facie' Test

Case Title: Mohd. Muslim v. State (NCT of Delhi) | Special Leave Petition (Criminal) No. 915 of 2023

Citation : 2023 (SC) 260

The Supreme Court of India, while enlarging on bail an undertrial prisoner who was arrested seven years ago under the Narcotic Drugs and Psychotropic Substances Act, 1985 for his alleged involvement in peddling a prohibited substance, observed that a plain and literal interpretation of the rigorous conditions under Section 37 would make granting of bail impossible.

### 32. 'SCBA Cannot Assert Right Over Entire Land Allotted To SC' : Supreme Court Refuses To Consider Association's Plea On Judicial Side

Case Title: SCBA v. Ministry of Urban Development And Ors. WP(C)No. 640/2022

Citation : 2023 (SC) 236

The Supreme Court held that it cannot consider on the judicial side the plea of the Supreme Court Bar Association to convert the entirety of 1.33 acres of the land allotted to the Top Court by the Central Government as space for lawyers' chambers.

### 33. Mere Membership Of Unlawful Organization Is UAPA Offence : Supreme Court Overrules 2011 Precedents

Case Title : Arup Bhuyan vs State of Assam

In a significant verdict, the Supreme Court on Friday overruled its 2011 judgments in Arup Bhuyan vs State of Assam, Indra Das vs State of Assam and State of Kerala vs Raneef which held that mere membership of a banned association is not sufficient to constitute an offence under the Unlawful Activities (Prevention) Act 1967 or the Terrorism and Disruptive Activities (Prevention) Act, unless it is accompanied with some overt violent.

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### 34. Affinity Test Not Essential To Determine Correctness Of Caste/Tribe Claim :

Case Title: Mah. Adiwasi Thakur Jamat Swarakshan Samiti v. State of Maharashtra And Ors. SLP (C) No. 24894 of 2009

Citation : 2023 (SC) 241

The Supreme Court answered the reference pertaining to the question - whether the affinity test is integral to the determination of caste status made by the Caste Scrutiny Committee.

### 35. Period Of Parole Granted By HPC During COVID-19 Can't Be Counted Towards Actual Sentence : Supreme Court

Case Title : Anil Kumar vs State of Haryana | W.P.(Crl.) No. 46/2022

Citation : 2023 (SC) 237

The Supreme Court held that period of parole granted to prisoners during the COVID-19 pandemic period to prevent the overcrowding of prisoners cannot be counted towards the period of actual imprisonment underwent by the prisoner.

### 36. District Judges Appointment - Only 10% Posts Can Be Filled Through Limited Competitive Examination : Supreme Court

Case Title: Rajendra Kumar Shrivastava v. State of Madhya Pradesh And Ors. | 2023 LiveLaw (SC)181 | Civil Appeal No. 1514 of 2023

Citation : 2023 (SC) 181

The Supreme Court directed the Madhya Pradesh High Court to comply with the directions of the Apex Court in All India Judges' Association And Ors. v. UoI And Ors. (2010) 15 SCC 170, particularly, the one asking the High Courts to reserve only 10% seats in the higher judiciary to be filled up by limited departmental competitive examination.

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### 37. Article 226(2) - Supreme Court Explains Tests To Determine If Cause Of Action Has Arisen Within Jurisdiction Of High Court

Case Title : State of Goa vs Summit Online Trade Solutions (P) Ltd and others

Citation : 2023 (SC) 184

In a notable judgment explaining the concept of 'cause of action' under Article 226(2) of the Constitution of India, the Supreme Court held that only those facts, which are relevant to the grant of the relief, will give rise to 'cause of action'.

### 38. Doctor Can't Be Punished Under Drugs & Cosmetics Act For Storing Small Quantities Of Medicines : Supreme Court

Case Title: S. Athilakshmi vs. The State Rep. By The Drugs Inspector 2023 SC

The Supreme Court has held that a doctor's act of storing small quantities of medicines will not amount to an offence of unauthorized stocking of medicines under Section 18(c) of the Drugs and Cosmetics Act 1940.

### 39. Should A Judgment Be Reviewed Because It Followed A Precedent Which Was Later Overruled? Supreme Court Bench Delivers Split Verdict

Case Title: Govt. of NCT of Delhi Through the Secretary, Land and Building

Department And Anr. v. M/s. K.L. Rathi Steels Limited And Ors. | Diary No. 32257 of 2021

Citation : 2023 (SC) 204

A Division Bench of the Supreme Court took a divergent view on the scope of review, when the judgment relied on in the impugned order and all subsequent judgment that followed it is eventually overruled by a superior court.

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40. National Security Concerns Won't Absolutely Abrogate Principles Of Natural Justice; No Blanket Immunity For IB Reports; 'Sealed Cover Procedure Infringes Open Justice; Press Has Duty To Speak Truth To Power, Critical Views On Govt Policies Can't be Termed Anti-Establishment; Supreme Court Lifts Telecast Ban On MediaOne, Says State Using Plea Of 'National Security' To Deny Citizens' Rights

[Case Title : Madhyamam Broadcasting Ltd vs Union of India and others]

41. 2015 Amendment To Section 153C Of Income Tax Act Will Apply To Searches Conducted Prior To Date Of Amendment : Supreme Court

[Case Title : Income Tax Officer vs Vikram Sujitkumar Bhatia and 114 connected cases]

In a significant judgment on taxation law, the Supreme Court held that the amendment brought to Section 153C of the Income Tax Act 1961 by the Finance Act 2015 will retrospectively apply to searches conducted prior to the date of the amendment, i.e, 01.06.2015.

42. Consumer Protection Act 1986 | Commercial Enterprises Can Raise Consumer Disputes In Relation To Goods Or Services Unconnected To Profit Generation : Supreme Court

[Case Title: National Insurance Co. Ltd. v. Harsolia Motors And Ors. | 2023 SC

In a notable verdict, the Supreme Court Bench comprising Justices Ajay Rastogi and CT Ravikumar held that an enterprise is not excluded from the definition of "consumer" under the Consumer Protection Act 1986 merely because it is a consumer enterprise. A commercial enterprise can raise consumer disputes under the Act in relation to any goods purchased or services availed which are not for commercial purposes. To decide whether it is for "commercial purpose" it has to be seen if the goods or the services had a close and direct nexus with the profit generating activity.

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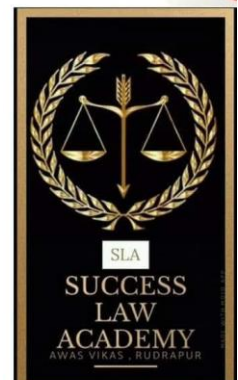
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43. Supreme Court Deprecates High Courts Entertaining Writ Petitions In SARFAESI Matters; Frowns Upon Borrowers Approaching HCs To Consider Offers To Banks

[Case Title: M/s. South Indian Bank Ltd. And Ors. v. Naveen Mathew Philip And Anr. | 2023 (SC) 320]

The Supreme Court Bench comprising Justices Sanjiv Khanna and MM Sundresh deprecated the interference of the High Courts in commercial matters, more particularly pertaining to the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“SARFAESI Act, 2002”).

44. Supreme Court Shocked To See Police Filing Closure Report In Case Where FIR Was Quashed; Directs To Discontinue Such Practice

[Case Title: State of Uttarakhand v. Umesh Kumar Sharma And Ors. | 2023

The Supreme Court bench comprising Justices MR Shah and CT Ravikumar observed that police need not file closure reports in cases where criminal proceedings or FIR have been quashed by the High Court.

45. Arbitration Agreement In Unstamped Contract Which Is Exigible To Stamp Duty Not Enforceable: Supreme Court Holds By 3:2 Majority

[Case Title: M/s. N.N. Global Mercantile Pvt. Ltd. v. M/s. Indo Unique Flame Ltd. And Ors. | Citation : 2023 (SC) 343]

A Constitution Bench of the Supreme Court comprising Justices K.M. Joseph, Ajay Rastogi, Aniruddha Bose, Hrishikesh Roy and C.T. Ravikumar answered the reference, which pertains to the issue - whether the arbitration clause in a contract, which is required to be registered and stamped, but is not registered and stamped, is valid and enforceable. It may be noted that this decision was later overruled by a 7-judge bench on December 14.

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#### 46. Allopathy Doctors And Ayurved Doctors Do Not Perform Equal Work And Are Not Entitled To Equal Pay: Supreme Court

[Case Title: State of Gujarat And Ors. Etc. v. Dr. P.A. Bhatt And Ors. Etc. | 2023 SC 350]

The Supreme Court Bench comprising Justices V. Ramasubramanian and Pankaj Mithal held that Allopathy doctors and doctors of indigenous medicine cannot be said to be performing equal work so as to be entitled to equal pay.

#### 47. Supreme Court Modified Its Previous Order Mandating A 1 Km Eco- Sensitive Zone (ESZ) Around Protected Forests

[Case Title: In Re: T. N. Godavarman Thirumulpad v. Union of India & Ors. | Citation: 2023 (SC) 351]

The Supreme Court Bench comprising Justices B. R. Gavai, Vikram Nath and Sanjay Karol modified its order dated June 3, 2022 to the extent that directions in the said order mandating a 1 km Eco-Sensitive Zone (ESZ) around protected forests would not be applicable to the ESZs in respect of which a draft and final notification has been issued by the Ministry of Environment, Forest and Climate Change (MoEF & CC) and in respect of the proposals which have been received by the Ministry.

#### 48. Irretrievably Broken Down Marriage Can Be Dissolved On Ground Of 'Cruelty' : Supreme Court

[Case Title: Shri Rakesh Raman v. Smt. Kavita | Citation: 2023 (SC) 353]

In a notable judgment, the Supreme Court Bench comprising Justices Sudhanshu Dhulia and JB Pardiwala held that irretrievable breakdown of marriage can be read as the ground of "cruelty" under Section 13 (1)(ia) of the Hindu Marriage Act for the dissolution of marriage.

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#### 49. 'Irretrievable Breakdown of Marriage' A Ground To Dissolve Marriage Invoking Article 142 Powers : Supreme Court

[Case Title: Shilpa Sailesh v. Varun Sreenivasan [TP(C) No. 1118/2014] and other connected matters] 2023 (SC)

A Constitution Bench of the Supreme Court held that it can invoke its special powers under Article 142 of the Constitution of India to grant divorce on the ground of irretrievable breakdown of marriage, which is not yet a statutorily recognised ground. It also that the Court can invoke the special powers under Article 142 of the Constitution of India to waive the waiting period of 6 to 8 months prescribed for seeking divorce through mutual consent as per Section 13-B of the Hindu Marriage Act 1955.

#### 50. Chargesheet Not Incomplete Merely Because It Was Filed Without Sanction; Accused Can't Seek Default Bail On That Ground : Supreme Court

[Case Title: Judgebir Singh @ Jasbir Singh @ Jasbir and others vs National Investigation Agency and others | Crl.A. No. 1011/2023]

The Supreme Court pronounced a judgement holding that an accused person would not be entitled to default bail on the ground that the chargesheet filed against them is without a sanction of valid authority and hence is an incomplete chargesheet.

#### 51. Filing Incomplete Chargesheet Without Completing Investigation Would Not Extinguish The Right Of Accused To Get Default Bail: Supreme Court

Case Title : Ritu Chhabaria v. Union of India And Ors, 2023 (SC) 352.

The Supreme Court held that without completing an investigation of a case, a chargesheet or prosecution complaint can't be filed by an Investigating Agency only to deprive an accused of his right to default bail under Section 167 of CrPC. It may be noted that a 3-judge bench of the Court later effectively kept this judgment in abeyance by directing that Courts should not grant bail relying on Ritu Chhabaria.

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52. View That There Cannot Be Police Custody Beyond 15 Days From Date Of Arrest Should Be Reconsidered : Supreme Court

Case Title : Vikas Mishra v. CBI SC 2023

The Supreme Court opined that its decision in CBI v. Anupam J. Kulkarni, wherein it was observed that there cannot be police custody beyond 15 days from the date of arrest, requires to be re-considered.

53. Accused Not Entitled To Default Bail When First Extension(Passed In Absence Of Accused) Wasn't Challenged & Second Extension Was Passed In His Presence

Case Title : Qamar Ghani Usmani v. The State of Gujarat 2023 (SC) 297

The Supreme Court held that an accused cannot claim the benefit of default bail, when he did not challenge the first extension of time granted for investigation and the second extension was granted in his presence and when the chargesheet was subsequently filed within the period of extension.

54. Govt Employees Can't Be Denied Annual Increment Merely Because They Retired The Next Day Of Earning It

Case Title : The Director (Admn and HR) KPTCL & Others vs CP Mundinamani and others, Citation : 2023 (SC) 296

In a significant judgment, the Supreme Court has held that government employees cannot be denied the annual increment merely because they are to retire on the very next day of earning the increment.

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55. Can't Direct That 50% HC Judges Should Be From District Judiciary; But At Least 1/3rd Should Be From Judicial Services : Supreme Court

[Case Title: All India Judges Association And Ors. v. Union of India And Ors. WP(C) No. 1022/1989]

Citation : 2023 (SC) 385

The Supreme Court refused to issue directions to the High Courts to fill 50% of the seats in the respective High Courts from the Bench (service judges, district judiciary), if vacancy from the Bar quota lies vacant for more than 6 months.

56. Section 140(5) Companies Act 2013 Is Constitutional; Resignation Of Auditor Won't End Proceedings Under Sec 140(5) : Supreme Court

[Case Title: Union of India vs Deloitte Haskins and Sells LLP]

Citation: 2023 (SC) 388

The Supreme Court upheld the constitutional validity of Section 140(5) of the Companies Act, 2013 and held that that the provision is "neither discriminatory, arbitrary and/or violative of Articles 14, 19(1)(g) of the Constitution of India".

57. District Police Chief Can't Order Further Investigation Without Permission From Magistrate Or Higher Court: Supreme Court

Case Title: Peethambaran v. State of Kerala & Anr. 2023 (SC)402

The Supreme Court stated that the power to order further investigation rests with either with the concerned magistrate or with a higher court and not with an investigating agency.

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58. IBC | Date Of Order Pronouncement & Time Taken To Provide Certified Copy Excluded From Limitation Period For Appeal To NCLAT : Supreme Court

[Case Title: Sanket Kumar Agarwal & Anr v APG Logistics Private Limited]

Citation: 2023 (SC) 406

The Supreme Court has held that for the purpose of computing limitation for filing of appeal under Section 61(2) of the Insolvency and Bankruptcy Code, 2016, the time taken by Tribunal for providing certified copy of order to be challenged ought to be excluded from computation of limitation.

59. 2015 Arbitration Amendment Not Applicable Though S.11 Application Was Filed After It, If Arbitration Notice Was Issued Pre-Amendment: Supreme Court

[Case Title: M/s. Shree Vishnu Constructions vs The Engineer in Chief Military Engineering Service & Ors.]

Citation : 2023 (SC) 417

The Supreme Court has ruled that where the notice invoking arbitration is issued prior to the coming into force of the Arbitration and Conciliation (Amendment) Act, 2015, i.e., prior to 23.10.2015, and the application under Section 11 of the Arbitration and Conciliation Act, 1996 (A&C Act), seeking appointment of an arbitrator, is made post the enforcement of the Amendment Act, the 2015 Amendment Act shall not be applicable.

60. GNCTD vs LG: Supreme Court Holds Delhi Govt Has Control Over

"Services" Excluding Public Order, Police & Land

[Case Title : Government of NCT of Delhi vs Union of India] 2023 (SC) 423

The Supreme Court Constitution Bench held that the National Capital Territory of Delhi has legislative and executive power over administrative services in the National Capital, excluding matters relating to public order, police and land. The Lieutenant Governor shall be bound by the decision of Delhi government over services, apart from public order, police and land, it held. All reports about the judgment can be found here.

61. Maharashtra Case - Governor's Decision For Floor Test Wrong, But Uddhav Govt Can't Be Restored As He Resigned : Supreme Court

[Case Title: Subhash Desai v. Principal Secretary, Governor of Maharashtra And Ors. WP(C) 493/2022]

Citation : 2023 (SC) 422

In the matter pertaining to the Shiv Sena rift, the Supreme Court Constitution bench held that it cannot order the restoration of the Uddhav Thackeray government as he resigned without facing floor test. Since Thackeray voluntarily resigned, the Court held that the Governor was right in inviting Ekanth Shinde form the government with the support of BJP. All Other reports about the judgment can be read here.

62. Be Vigilant Before Invoking Stringent Laws Like SC-ST Act : Supreme Court 'Reminds' Police Officers

[Case Title: Sri Gulam Mustafa vs State of Karnataka]

Citation: 2023 (SC) 421

The Supreme Court observed that the police officers have to be vigilant before invoking provisions of stringent laws like SC-ST (Prevention of Atrocities) Act.

63. Supreme Court Modifies Guidelines For Senior Advocate Designations; Says Process Should Be Done At Least Once A Year

[Case Title: Indira Jaising v. Supreme Court of India MA 709/2022 in WP(C) No. 454/2015]

Citation : 2023 (SC) 425

The Supreme Court passed directions in pleas seeking modifications in the guidelines regulating the conferment of designation of Senior Advocates as laid down in its 2017 judgment.

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64. Ensure ICCs Are Constituted Under POSH Act : Supreme Court To All Govts, Statutory Professional Bodies, Universities Etc

[Case Title: Aureliano Fernandes Versus State Of Goa And Others | Civil Appeal No. 2482 Of 2014]

Citation : 2023 (SC) 424

In a significant judgement, the Supreme Court of India has issued a slew of directions for the proper implementation of the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 [POSH Act] all over the country.

65. IBC | NCLT Has To Admit Sec 7 Petition If Debt Is Due; Decision In 'Vidarbha Industries' Based On Its Facts : Supreme Court

[Case Title: M. Suresh Kumar Reddy v Canara Bank & Ors.]

Citation : 2023 (SC) 428

The Supreme Court has held that if the existence of a financial debt and its default on the part of Corporate Debtor has been proved, then the National Company Law Tribunal ("NCLT") is left with no option apart from admitting the petition under Section 7 of the Insolvency and Bankruptcy Code, 2016 ("IBC").

66. Supreme Court Laments Trial Judges Not Using Section 313(5) CrPC; Asks Judicial Academies To Take Notice

[Case Title: Raj Kumar @ Suman v. State (NCT of Delhi)]

Citation : 2023 (SC) 434

The Supreme Court recently opined that while recording the statement under Section 313 of CrPC in cases involving a large number of prosecution witnesses, the Judicial Officers should take benefit of Section 313 (5) of CrPC, which will ensure that the chances of committing errors and omissions are minimized.

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67. 'Receipt Of Bribe Is An Act Of Money Laundering' : Supreme Court Says Registration Of FIR In Corruption Case Sufficient To Launch ED Probe; Refuses To Refer 'Vijay Madanlal Choudhary' Judgment, Which Upheld PMLA Provisions, To Larger Bench

[Case Title: Y. Balaji v. Karthik Desari & Anr. |

Citation : 2023 (SC) 440

A two-judge bench of the Supreme Court has turned down a plea to refer the judgment in Vijay Madanlal Choudhary vs Union of India, which upheld several provisions of the Prevention of Money Laundering Act 2002, to a larger bench.

68. Supreme Court Upholds Laws Allowing Jallikattu, Kambala & Bull-Cart Racing In Tamil Nadu, Karnataka & Maharashtra

[Case Title: The Animal Welfare Board of India And Ors. v. Uoi And Anr.

Citation : 2023 (SC) 447

A Constitution Bench of the Supreme Court upheld the constitutional validity of the State amendments made to the central law Prevention of Cruelty to Animals Act by the States of Tamil Nadu, Karnataka and Maharashtra to allow the conduct of animal sports like Jallikattu, Kambala and bull-cart racing in these respective States.

69. Electricity Dues Of Previous Occupier Can Be Recovered From

Subsequent Occupier Of Premises : Supreme Court

[Case Title: KC Ninan vs Kerala State Electricity Board and others 2023 SC

In a significant judgment, the Supreme Court has held that electricity dues of the previous owner of a property can be recovered from the subsequent owner or an auction purchaser.

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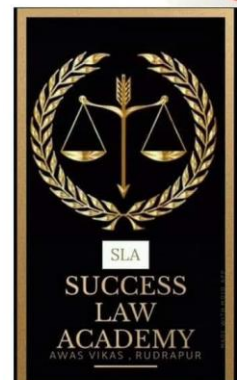
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70. Increase In Salary Of High Court Judges Must Reflect In Same Proportion To District Judges : Supreme Court

[Case Title: All India Judges Association v. UoI And Ors. 2023 SC

The Supreme Court, in its judgement accepting various recommendations of the Second National Judicial Pay Commission (SNJPC) on pay, pension, gratuity, age of retirement etc. of judicial officers, remarked that the functions of District judges were essentially the same as High Court judges. Hence, the increase in the salary of the High Court judges should reflect in the pay scale of district judges in the same proportion. The inability of a judicial officer to reach the prescribed targets of disposal or not satisfying the quantitative norms during the initial stage of the career need not be viewed seriously.

71. State Monopolies, Govt Companies & PSUs Can't Violate Competition Act : Supreme Court

[Case Title : Coal India Ltd v Competition Commission of India] 2023 SC

The Supreme Court has observed that State Monopolies, Government Companies and Public Sector Units cannot be allowed to indulge in anti-competitive practices in violation of the Competition Act 2002. It held that Coal India Ltd. would come under the purview of the Competition Act, 2002 despite being a Public Sector Undertaking.

72. UAPA - 'Watali' Precedent Won't Apply If Evidence Is Of Low Probative Value On Surface Level Analysis: Supreme Court

Case title: Vernon v. State of Maharashtra 2023 SC

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The Supreme Court's decision to grant bail to Bhima Koregaon-accused and activists Vernon Gonsalves and Arun Ferreira appears to have carved out a crucial exception in an otherwise unyielding interpretation of the court's bail-granting powers under the Unlawful Activities (Prevention) Act, which flows from the Zahood Ahmad Watali judgment. In Vernon, the bench of Justices Aniruddha Bose and Sudhanshu Dhulia held that a plea for bail under Section 43D(5) of the Unlawful Activities (Prevention) Act would not pass muster of the prima facie test envisioned in Watali without “at least surface- analysis of the probative value of evidence” and if the court is not satisfied of the worth of the probative value of such evidence.

### 73. 'Strictly Follow Arnesh Kumar Guidelines On Arrest': Supreme Court Directs High Courts & DGPs To Ensure Compliance

Case Details: Md Asfak Alam v. State of Jharkhand & Anr. 2023 SC

The Supreme Court of India reiterated the guidelines laid down by the top court for arrest under Section 498A of the Indian Penal Code, 1860, and for other offences punishable by a maximum jail term of seven years in its 2014 Arnesh Kumar judgment.

Not only this, a bench of Justices S Ravindra Bhat and Aravind Kumar has also directed high courts and police chiefs to issue notifications and circulars in terms of the 2014 judgment to ensure strict compliance.

### 74. 15 Days Police Custody Meant To Be Applied To Entire Period Of Investigation As A Whole: Supreme Court Doubts 1992 Precedent

Case Title: V. SENTHIL BALAJI v. THE STATE REPRESENTED BY DEPUTY DIRECTOR 2023 SC

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In the Senthil Balaji case, the Supreme Court has questioned the interpretation given by the 1992 judgment in CBI v. Anupam J. Kulkarni that the police or investigating agency can't seek custody of the accused after the first 15 days from the arrest.

A two-judge bench of the Supreme Court, while dismissing Tamil Nadu Minister Senthil Balaji and his wife's plea against custody by the Directorate of Enforcement (ED), held that the prescribed 15-day-period of police custody can be an aggregate of shorter periods of custody sought over the entire period of investigation lasting 60 or 90 days, as a whole. Therefore, the bench has referred Anupam Kulkarni (1992) to a larger bench for reconsideration.

Also from this judgment- Violation Of Section 19 PMLA Will Vitiating Arrest; Magistrate Should Ensure That ED Followed Arrest Procedure: Supreme Court Section 41A CrPC Not Applicable To Arrest Made Under PMLA: Supreme Court Habeas Corpus Writ Not Maintainable Against ED Alleging Illegal Arrest; Plea To Be Raised Before Magistrate

Custody' Under Section 167 CrPC Includes Custody Of Other Investigating Agencies Such As ED, Not Just Police.

75. PC Act | Special Court Can Proceed Against Accused For IPC Offences Though Sanction Under S.19 PC Act Is Not Granted: Supreme Court

Case Title: A. Sreenivasa Reddy v. Rakesh Sharma

Citation: 2023 (SC) 614

The Supreme Court recently held that a Special Court under the Prevention of Corruption Act 1988 (PC Act) can proceed against an accused for offences under the Indian Penal Code 1860 even if sanction for prosecution has not been granted in respect of PC Act offences as per Section 19 of the said Act.

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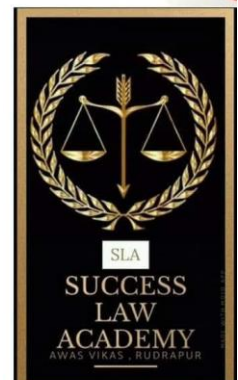
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## 76. Gun Firing Incidents In Courts Deeply Disturbing': Supreme Court Issues Slew Of Directions For Security In Courts

Case Title: Pradyuman Bisht v. Union Of India

Citation: 2023 (SC) 628

The Supreme Court on Friday issued a slew of directions to ensure safety within court premises in light of the recent incidents of gun firing within court premises in the National Capital, stressing on the need to 'preserve the sanctity of the court'.

The Apex Court also said that the recent incidents of violence has 'disturbed it to no end'. A division bench of Justice S Ravindra Bhat and Justice Dipankar Datta stressed on the need to take immediate measures stating that the safety and security of the stakeholders in the judicial process is 'non-negotiable'.

## 77. When Accused Seeks To Quash FIR On Ground That It's Based On Personal Vengeance, Attendant Circumstances Must Be Looked Into:

Supreme Court

Case title: Salib @ Shalu @ Salim v. State of U P 2023 SC

The Supreme Court, on Tuesday, while quashing a criminal FIR, made imperative observations. It observed that in cases where the quashing of FIR is sought, essentially on the ground that the proceedings are based on ulterior motive for wreaking personal vengeance, "then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely."

## 78. B.Ed. Graduates Ineligible For Post Of Primary School Teachers, Holds Supreme Court; Says 'Right To Education Includes Quality Education

Case Title: Devesh Sharma v. Union of India

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The Supreme Court has upheld the decision of the Rajasthan High Court which had made B.Ed. (Bachelor of Education) degree holders ineligible for appointment to the post of primary school teachers. The bench comprising Justice Aniruddha Bose and Justice Sudhanshu Dhulia opined that the fundamental right of primary education in India as guaranteed under Article 21A of the Indian Constitution as well as the Right to Education Act, 2009 not just included 'free' and 'compulsory' education for children below 14 years of age but also included 'quality' education to be imparted in such children.

### 79. Self-Respect Marriages Don't Require Public Solemnisation Or Declaration : Supreme Court Overrules Madras HC Judgment

Case title: Ilvarasan v. Superintendent of Police 2023 SC

Upholding the fundamental right of a person to choose a life partner, the Supreme Court on Monday (August 28) overruled a Madras High Court judgment which held that the marriages performed in the offices of the Advocates are not valid as per the Hindu Marriage Act 1955.

### 80. Interest Income Earned On Deposits By Clubs In Banks Which Are Corporate Members Taxable; Principle Of Mutuality Not Applicable: Supreme Court

Case Title: SECUNDRABAD CLUB ETC. v. C.I.T.-V ETC.

Citation: 2023 (SC) 660

The Supreme Court has ruled that the interest income earned on fixed deposits (FDs) made by Clubs in the banks that are members of those Clubs has to be treated like any other income from other sources within the meaning of Section 2(24) of Income Tax Act, 1961. The bench of Justices B.V. Nagarathna and Prashant Kumar Mishra said that the principle of mutuality would not apply to interest income earned on FDs made by Clubs in the banks irrespective of whether the banks are corporate members of the Club or not.

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## 81. Maternity Benefits Must Be Granted Even If Period Of Benefit Overshoots Term Of Contractual Employment: Supreme Court

Case title: Kavita Yadav v. Secy, Ministry of Health and Family Welfare

Citation: CA No-5010/2023

The Supreme Court on Thursday(17 Aug) held that maternity benefits have to be granted even if the period of benefit overshoots the term of contractual employment. Maternity benefits can travel beyond the term of contractual employment. The court directed the employer to pay maternity benefits as would have been available in terms of Sections 5 and 8 of the Maternity Benefits Act, 1961 and payment to be made within 3 months.

The court underlined that the statute itself envisions the continuation of benefits beyond the term of employment, asserting that entitlement to medical benefits, as stipulated under Section 5, Maternity Benefits Act, 1961 goes beyond the confines of employment duration.

## 82. Ensure Public Authorities Follow Mandate Of Section 4 RTI Act': Supreme Court Directs Central/State Information Commissioners

Case title: Kishan Chand Jain vs Union of India

Citation: 2023 (SC) 665

The Supreme Court directed the Central Information Commission and the State Information Commissions to ensure proper implementation of the mandate of Section 4 of the Right to Information Act. "While declaring that all citizens shall have the 'right to information' under Section 3 of the Act, the co-relative 'duty' in the form of an obligation of public authorities is recognized in Section 4.", the bench of Justices DY Chandrachud, PS Narasimha and JB Pardiwala observed.

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### 83. Supreme Court Emphasises Importance Of “Support Persons” For Victims Under POCSO Act; Issues Guidelines

Case title: Bachpan Bachao Andolan v. Union of India 2023 SC

The Supreme Court on Friday(Aug 18), passed an order relating to the appointment of support persons under the POCSO Act and their qualifications. The Court issued directions for framing guidelines on their appointment. “A support person is to provide information, emotional and psychological support, and practical assistance which are often crucial to the recovery of the child. This can go a long way in helping them cope with the aftermath of the crime and with the strain of any criminal proceedings – in many ways a support person, acts as guardian ad litem for the child”, the Court observed.

### 84. Remission Shouldn't Be Denied Solely On Reports Of Presiding Judge Or Police: Supreme Court Lays Down Factors For Premature Release

Case title: Rajo @Rajwa@Rajendra Mandal v. State of Bihar 2023 SC

The Supreme Court recently pronounced a notable judgment explaining the factors which a Government should take into account while deciding to grant remission of sentence to convicts as per Section 432 of the Code of Criminal Procedure. The government should also take into account factors such as age, health, familial relationships, reintegration possibilities, extent of earned remission, and post- conviction conduct including, but not limited to – whether the convict has attained any educational qualification whilst in custody, volunteer services offered, job/work done, jail conduct, whether they were engaged in any socially aimed or productive activity, and the overall development as a human being. The Court suggested that the government could also benefit from a report prepared by a qualified psychologist after interacting with the convict. This would provide a more comprehensive understanding of the individual's post-conviction development, rehabilitation efforts, and potential for reintegration into society.

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## 85. Children Of Invalid Marriages Have Right In Their Parents' Share In Hindu Joint Family Property: Supreme Court

Case Title: Revanasiddappa vs. Mallikarjun C.A. No. 2844/2011 and connected cases

Citation: 2023 (SC) 737

The Supreme Court on Friday (September 1) pronounced a judgment recognizing the rights of children born out of invalid marriages in their parents' share in Hindu joint family property.

The Court held that children born out of void/voidable marriages are entitled to inherit a share in the property of their deceased parents which would have been allotted to them on a notional partition of the Hindu coparcenary property. However, such children are not entitled to the properties of any coparcener other than their parents.

The Court clarified that this ruling is applicable only to Hindu joint family properties governed by Hindu Mitakshara law.

Also from the judgment - Child From Void/Voidable Marriage Cannot Be Treated As Coparcener By Birth In Mitakshara Hindu Undivided Family: Supreme Court

## 86. Public Servants Lose Immunity In Pre-2014 Corruption Cases; Supreme Court Clarifies That Striking Down Of Sec 6A DSPE Act Has Retrospective Effect

Case Title: Central Bureau of Investigation v. Dr RR Kishore | Criminal Appeal No. 377 of 2007 and other connected matters

Citation : 2023 (SC) 770

In a significant development, a constitution bench of the Supreme Court on Monday declared that its 2014 judgment, which declared Section 6A of the Delhi Special Police Establishment Act 1946 as unconstitutional, will have retrospective effect. This means that Section 6A is held to not be in force right

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from the date of its insertion. Section 6A of the DSPE Act required the Central Bureau of Investigation to obtain prior sanction from the central government to investigate corruption cases against an officer of the rank of joint secretary and above. This provision was struck down as unconstitutional by the Supreme Court in Subramanian Swamy v. Union of India. Also from the judgment- Article 20(1) Of the Constitution Doesn't Bar Retrospective Application Of Procedural Changes In Criminal Trial : Supreme Court Once A Law Is Declared Unconstitutional, It Becomes Inoperative From Its Inception; Void Ab Initio: Supreme Court

87. 'Army & Air Force Liable': Supreme Court Awards Rs 1.5 Crore Compensation To Air Veteran Who Contracted HIV During Blood Transfusion

In a significant judgment that reaffirms the principles of upholding the dignity, rights, and well-being of armed forces personnel, the Supreme Court has ruled in favor of a retired Air Veteran, holding the Indian Air Force (IAF) and the Indian Army jointly and vicariously liable for medical negligence. The appellant, who contracted HIV during a blood transfusion at a military hospital while falling sick on duty during Operation Parakram, has been awarded compensation amounting to 1 crore 54 lakhs 73,000.

88. Mere Non-Cooperation To ED Summons Not A Ground For Arrest Under PMLA; ED Can't Expect Admission Of Guilt From Person Summoned: Supreme Court

Case Title: Pankaj Bansal v. Union of India, Basant Bansal v. Union of India

Citation: 2023 (SC) 844; 2023INSC866

In a significant judgment, the Supreme Court has ruled that a person cannot be arrested by the Directorate of Enforcement for mere non-cooperation in response to a summons issued under Section 50 of the Prevention of Money Laundering Act 2002.

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"Mere non-cooperation of a witness in response to the summons issued under Section 50 of the Act of 2002 would not be enough to render him/her liable to be arrested under Section 19", held a bench comprising Justices AS Bopanna and PV Sanjay Kumar Why ED Must Furnish Grounds Of Arrest To Accused In Writing? Supreme Court Explains

Case Title: Pankaj Bansal v. Union of India, Basant Bansal v. Union of India

Citation: 2023 (SC) 844; 2023INSC866

In a landmark judgment in the case Pankaj Bansal v. Union of India, the Supreme Court has held that the Directorate of Enforcement (ED) must furnish the reasons for arrest to the accused in writing. While holding so, the bench comprising Justices AS Bopanna and PV Sanjay Kumar, noted that Section 19 of the Prevention of Money Laundering Act, which gives the power to officers of ED to arrest any person guilty of a money laundering offense, uses the expression that the accused shall be 'informed of the grounds of such arrest'. The Section did not specify how the grounds of arrest should be informed. This aspect was not dealt with in the recent Vijay Madanlal Choudhary

and Senthil Balaji cases. ED Can't Be Vindictive, Grounds Of Arrest Must Be Furnished In Writing To Accused At The Time Of Arrest: Supreme Court

Case Title: Pankaj Bansal v. Union of India, Basant Bansal v. Union of India

Citation: 2023 (SC) 844

In a significant judgment pronounced on Tuesday (October 3), the Supreme Court held that the Directorate of Enforcement (ED) should furnish the grounds of arrest to the accused in writing at the time of arrest. "We hold that it would be necessary, henceforth, that a copy of written grounds of arrest is furnished to the arrested person as a matter of course and without exception." pronounced a bench comprising Justices AS Bopanna and Sanjay Kumar while setting aside the arrest of Pankaj Bansal and Basant Bansal in the money laundering case against the real estate group M3M.

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89. Case Title: Supriyo v. Union of India | Writ Petition (Civil) No. 1011 of 2022

Citation: 2023 (SC) 900

The Supreme Court on 17.10.2023 refused to grant legal recognition for queer marriages in India saying that it is a matter for the legislature to decide.

However, all the judges on the bench agreed that the Union of India, as per its earlier statement, shall constitute a committee to examine the rights and entitlements of persons in the queer union, without legal recognition of their relationship as a "marriage". The Court also unanimously held that queer couples have a right to cohabit without any threat of violence, coercion or interference; but refrained from passing any directions to formally recognize such relationships as marriages.

Marriage Equality Case | No Right For Queer Couples To Adopt Children,  
Supreme Court Holds By 3:2 Majority

Case Title: Supriyo v. Union of India | Writ Petition (Civil) No. 1011 of 2022

Citation: 2023 (SC) 900

The Supreme Court today refused to grant legal recognition for queer marriages in India. The Constitution bench has pronounced four judgments– written by CJI DY Chandrachud, Justice SK Kaul, Justice Ravindra Bhat, and Justice PS Narasimha respectively, with Justice Hima Kohli concurring with the view of Justice Bhat. Along with this, the Supreme Court also declined the right of adoption to queer couples by a 3:2 majority.

Transgender Persons In Heterosexual Relationships Have Right To Marry Under Existing Laws: Supreme Court

Case Title: Supriyo v. Union of India | Writ Petition (Civil) No. 1011 of 2022

Citation: 2023 (SC) 900

While refusing to grant legal recognition for queer marriages in India, the Supreme Court today affirmed that transgender persons in heterosexual relationships have a right to marry as per the existing statutory laws or personal laws.

The Constitution bench pronounced four judgements– written by CJI DY Chandrachud, Justice SK Kaul, Justice Ravindra Bhat and Justice PS Narasimha respectively, with Justice Hima Kohli concurring with the view of Justice Bhat.

Queerness Not An Urban, Elitist Concept: Supreme Court Declares

Case Title: Supriyo v. Union of India | Writ Petition (Civil) No. 1011 of 2022

Citation: 2023 (SC) 900

Stating that the court could not step into the domain of the legislature, the Supreme Court today refused to grant legal recognition for queer marriages in India. The Constitution bench pronounced four judgments– written by CJI DY Chandrachud, Justice SK Kaul, Justice Ravindra Bhat and Justice PS Narasimha respectively, with Justice Hima Kohli concurring with the view of Justice Bhat.

End Discrimination Against Queer Couples, Address Exclusion Of Same-Sex Partners From Benefits: Supreme Court To State

Case Title: Supriyo v. Union of India | Writ Petition (Civil) No. 1011 of 2022

Citation: 2023 (SC) 900

Even though the Supreme Court refrained from granting legal recognition for same- sex marriages, it did make a strong call to the State to take steps to end the discrimination faced by queer couples and to ensure protection for their right to cohabitation.

The Court observed that the discrimination faced by the queer community due to the exclusion of same-sex partners from welfare measures due to the heteronormative definitions in laws must be addressed by the State. Right To Civil Union, Adoption, Transgender Persons' Right To Marry: Where Supreme Court Bench Agreed & Disagreed In Marriage Equality Case

Case Title: Supriyo v. Union of India | Writ Petition (Civil) No. 1011 of 2022

Citation: 2023 (SC) 900

"There is a degree of agreement and a degree of disagreement on how far we have to go," remarked CJI DY Chandrachud as he commenced the pronouncement of the judgment denying the grant of legal recognition for queer marriages in India in open court yesterday. With four separate judgments authored by CJI DY Chandrachud, Justice SK Kaul, Justice Ravindra Bhat, and Justice PS Narasimha, a lot seems to be clarified on these "agreements and disagreements" of the bench on crucial questions of law.

Marriage Equality | 5 Reasons Why Supreme Court Didn't Include Same-Sex Unions Under Special Marriage Act

Case Title: Supriyo v. Union of India | Writ Petition (Civil) No. 1011 of 2022

Citation: 2023 (SC) 900

On October 17, 2023, a Supreme Court Constitution Bench unanimously held that it could not strike down or read down the provisions of the Special Marriage Act (SMA), 1954 to include non-heterosexual unions within the ambit of 'marriage'. In doing so, the Supreme Court effectively denied legal recognition for queer marriages in India.

Despite the Constitution bench having pronounced four judgments— written by CJI DY Chandrachud, Justice SK Kaul, Justice Ravindra Bhat and Justice PS Narasimha respectively, with Justice Hima Kohli concurring with the view of Justice Bhat, all five judges, in one voice, agreed to not strike or read the SMA down. The court stated that reading the provisions of the SMA to bring within its fold queer marriages would amount to a legislative exercise which fell exclusively within the domain of the Parliament.

90. 'Ensure Manual Sewer Cleaning Is Completely Eradicated': Read 14 Directions Issued By Supreme Court Against Manual Scavenging

Case Title: Dr. Balram Singh vs Union of India, Writ Petition (Civil) No. 324/2020

Citation: 2023 (SC) 917

The Supreme Court has issued a slew of directions to the Union and the State Governments to ensure that the abhorrent practice of manual scavenging is totally put to an end by strict implementation of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. The Court directed that the process of manual cleaning of sewers is completely eradicated and to ensure that no individual has to manually enter sewers for any purpose

'Completely Eradicate Manual Scavenging': Supreme Court Directs Union & States; Increases Compensation For Sewer Deaths To Rs 30 Lakh.

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## 91. Read 12 Directions Issued by Supreme Court For Speedy Trial of Civil Cases

Case Title: Yashpal Jain v. Sushila Devi and others

Citation : 2023 (SC) 916

Expressing serious concerns at the pendency of cases in the country, the Supreme Court on Friday issued a slew of directions to ensure the speedy disposal of cases. 'Litigants Become Disillusioned': Supreme Court Expresses Anguish At Long Pendency Of Civil Cases; Issues Directions For Speedy Disposals A bench comprising Justices S Ravindra Bhat and Aravind Kumar issued eleven directions to the high courts to ensure speedy trial and to monitor the disposal of cases, especially those pending for over five years.

## 92. ED Can't Invoke PMLA Using S.120B IPC When Criminal Conspiracy Isn't Linked To A Scheduled Offence: Supreme Court

Case title: PAVANA DIBBUR v. THE DIRECTORATE OF ENFORCEMENT 2023 SC

In an important judgment , the Supreme Court clarified that an offence of criminal conspiracy punishable under Section 120-B of the Indian Penal Code will be deemed a scheduled offence under the Prevention of Money Laundering Act (PMLA) only if the alleged conspiracy is directed towards committing an offence specifically included in the schedule of the PMLA. "An offence punishable under section 120-B will become a scheduled offence only if the conspiracy alleged is of committing an offence specifically included in the schedule. On that ground, we've quashed the proceedings," ruled the Court. Person Accused Of PMLA Offence Need Not Be An Accused In Scheduled Offence: Supreme Court. The Supreme Court clarified that a person accused of an offence under Section 3 of the Prevention of Money Laundering Act (PMLA) need not necessarily be shown as an accused in the scheduled offence. The judgment clarified that a person, unconnected to the scheduled offence but knowingly assisting in the concealment of the proceeds of crime, can be held guilty of committing an offence under Section 3 of the PMLA.

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93. Case title: Priya Indoria v. State of Karnataka

Citation: 2023 (SC) 996

The Supreme Court held that the Sessions Court or High Court would have the power to grant interim/transit anticipatory bail, when the FIR is not registered within the territory of a particular State but in a different State. The Court observed : "...we hold that the Court of Session or the High Court, as the case may be, can exercise jurisdiction and entertain a plea for limited anticipatory bail even if the FIR has not been filed within its territorial jurisdiction and depending upon the facts and circumstances of the case, if the accused apprehending arrest makes out a case for grant of anticipatory bail but having regard to the fact that the FIR has not been registered within the territorial jurisdiction of the High Court or Court of Session, as the case may, at the least consider the case of the accused for grant of transit anticipatory bail which is an interim protection of limited duration till such accused approaches the competent Sessions Court or the High Court, as the case may be, for seeking full-fledged anticipatory bail" Conditions For Transit Anticipatory Bail In FIRs Registered In Other States: Supreme Court Explains Police Must Secure Transit Remand For Arrests Outside State To Safeguard Rights Under Article 22 : Supreme Court

94. Article 370 A Temporary Provision : Supreme Court Upholds Abrogation of Special Status of Jammu and Kashmir

Case Title : In Re Article 370 of the Constitution of India

A Constitution Bench of the Supreme Court on December 11 upheld the validity of the Union Government's 2019 decision to repeal the special status of Jammu and Kashmir (J&K) under Article 370 of the Constitution. The Court held that the State of J&K had no internal sovereignty and the concurrence of the State Government was not required to apply the Indian Constitution to the State of J&K. It was held that Article 370 was a temporary provision.

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95. A seven-judge bench of the Supreme Court on Wednesday (December 13) ruled that arbitration clauses in unstamped or inadequately stamped agreements are enforceable. Insufficiency of stamping does not make the agreement void or unenforceable but makes it inadmissible in evidence. However, it is a curable defect as per the Indian Stamp Act, the Court pointed out. The Court overruled the judgment rendered by a 5-judge bench in April this year in M/s. N.N. Global Mercantile Pvt. Ltd. v. M/s. Indo Unique Flame Ltd. And Ors which had by a 3:2 majority held that unstamped arbitration agreements are not enforceable.

Case Title: In Re Interplay Between Arbitration Agreements Under The Arbitration And Conciliation Act 1996 And The Indian Stamp Act 1899 Curative Pet(C) No. 44/2023 In R.P.(C) No. 704/2021 In C.A. No. 1599/2020

Citation : 2023 (SC) 1049

96. Arbitration Agreement Can Bind Non-Signatories: Supreme Court Upholds 'Group Of Companies' Doctrine

Case : Cox and Kings Ltd v. SAP India Pvt Ltd | 2023 SC

A Constitution Bench of the Supreme Court on December 6 held that an arbitration agreement can bind non-signatories as per the "group of companies" doctrine. "The 'group of companies' doctrine must be retained in the Indian arbitration jurisprudence considering its utility in determining the intention of the parties in the context of complex transactions involving multiple parties and multiple agreements," the Court observed. A bench comprising Chief Justice of India DY Chandrachud, Justices Hrishikesh Roy, PS Narasimha, JB Pardiwala and Manoj Misra delivered the verdict.

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## 97. Supreme Court Upholds Constitutionality Of IBC Provisions Relating To Personal Guarantors; Says Adjudicatory Role Can't Be Read Into Sec 97

In a significant judgment, the Supreme Court upheld the constitutionality of the provisions of the Insolvency and Bankruptcy Code (IBC) relating to Personal Guarantors' Insolvency Resolution, which were introduced through the amendments made in 2019.

The Court held that these provisions (Section 95 to 100 IBC) cannot be held as unconstitutional for not affording an opportunity of hearing to the personal guarantors before the insolvency petition filed by creditors is admitted against them and the moratorium is automatically applied against them as soon as the insolvency petition is filed.

Case Title: Dilip B Jiwrajka v. Union of India and others, Surendra B. Jiwrajika and Anr. vs. Omkara Assets Reconstruction Private Limited SLP(C) No. 016464/2021 + connected matters 2023 (SC)

## 98. ED Needn't Give Reasons In Writing To Accused At Time Of Arrest, Can Give Within 24 Hrs; 'Pankaj Bansal' Doesn't Apply Retrospectively: Supreme Court

Case Title : Ram Kishor Arora v. Directorate of Enforcement 2023 SC

The Supreme Court on December 15 held that its judgment in Pankaj Bansal v. Union of India which held that the Directorate of Enforcement (ED) must furnish the grounds of arrest to the accused in writing does not apply retrospectively.

A bench comprising Justices Bela M Trivedi and Satish Chandra Sharma held that non-furnishing of grounds of arrest till the date of pronouncement in Pankaj Bansal (October 3, 2023) cannot be held to be illegal. Further, the bench made certain observations which have the effect of diluting Pankaj Bansal dictum. It stated that the accused need not be informed of the grounds of the arrest in writing at the time of the arrest and they need to be furnished within 24 hours, but the accused must be orally told about the grounds at the time of arrest.

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99. Case Title: The State Of Punjab v Principal Secretary To The Governor Of Punjab And ANR. 2023 SC

The Supreme Court has held that if a Governor decides to withhold assent to a Bill, then he has to return the bill to the legislature for reconsideration. This clarification by the Court is important because Article 200 of the Constitution does not expressly state what should be the next course of action after a Governor withholds assent for a Bill.

100. Supreme Court Allows Centre To Extend Term Of Delhi Govt Chief Secretary Naresh Kumar; Upholds Centre's Power To Appoint GNCTD Chief Secretary

Case : Government of NCT of Delhi v. Union of India 2023 SC


The Supreme Court allowed the Union Government to extend by six months the term of the Chief Secretary of the Government of the National Capital Territory of Delhi, Naresh Kumar, who is otherwise due to retire tomorrow. The Court held that the Central Government has the power to appoint the Chief Secretary of the Delhi Government and that such power includes the power to extend the term of the superannuating officer. The Court clarified that its views are prima facie in the nature, subject to the adjudication by the Constitution Bench on the validity of the Centre's services law.

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