

Despite the limited court functioning and the plethora of COVID related matters, 2020 had significant judgments and hearings. In this section, we profile the ten most important cases. And the cases to look forward to in 2021.

#### 1. Land Acquisition

This judgment, on 4th March, resolved ambiguities between the [1804](#) and [2013 land acquisition legislations](#). Section 24(2) of 2013 Act states that land acquisition proceedings initiated under 1804 Act will lapse if the State has yet to take physical possession of the land "or" failed to pay compensation to the landowners. The Union argued that only if both conditions were met, could a land acquisition lapse.

The five-judge bench led by [Arun Mishra I](#) held that the State's failure to deposit compensation in the landowner's account was not sufficient to lapse proceedings. This case had previously garnered public attention for the questions it raised about [precedent](#) and [recusal](#).

#### 2. RTI Requests for Pleadings

On March 4th, the Supreme Court restricted the application of the [Right to Information Act, 2005](#) to the Gujarat High Court. In particular, [Justice Banumathi](#)'s three-judge Bench held that citizens cannot file RTI requests to obtain pleadings. Instead, citizens must resort to using the procedure established by the Gujarat High Court rules. As commentators have [pointed out](#), this judgment is likely to set the precedent for all High Courts and the Supreme Court itself.

#### 3. The legality of SC/ST (Prevention of Atrocities) Act Amendment:

[Justice Arun Mishra](#)'s three-judge Bench upheld the constitutionality of Parliament's [2018 Amendment](#) to the [Prevention of Atrocities Act](#). The Amendment stated that preliminary enquiry would not be required for the registration of FIR against the accused under the PoA Act. It also declared that the investigating officer shall not require approval for the arrest of the accused.

#### 4. EWS Reservation

The petitioners made submissions challenging the [Constitution \(One Hundred and Third Amendment\) Act, 2019](#). Some crucial Constitutional issues considered were:

- a) The question of the Act violating the basic structure of the Constitution in light of the 'width' and 'identity' equality principles.
- b) The issue of the 50% ceiling limit and whether reservation to EWS constituted an exception to this limit.

After examining the arguments of the parties, the Court noted that the present case posed substantial questions around the interpretation of the Constitution. On 6th August, the

three-judge bench consisting of CJI Bobde, and Justices Reddy and Gavai referred the case to a five-judge bench.

## 5. Scheduled Castes & Preferential Treatment

The case challenged the constitutional validity of Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006. The Act provided 'first preference' for the Balmikis and Mazbhi Sikh castes under the reservations for Scheduled Caste in public services.

On 27 August 2020, a five-judge bench comprising [Arun Mishra](#), [Indira Banerjee](#), [Vineet Saran](#), [M.R. Shah](#) and [Aniruddha Bose](#) JJ decided to refer the contextual case in the matter, [E.V. Chennaiah](#), to a larger bench. The Constitution Bench will have to decide if any preferential treatment to specific communities within the Scheduled Castes and Scheduled Tribes is categorically unconstitutional.

## 6. Maratha Reservation

Maharashtra passed the [Socially and Educationally Backward Classes Act, 2018](#) ('Act') to extend reservations to the Maratha community. In effect, its introduction reserved over 70% of seats in Maharashtra. This opened a floodgate of petitions challenging the Act before the Bombay High court. The High Court upheld the SEBC Act but reduced the reserved seats to 12% in education and 13% in public employment.

When the case moved to the Supreme Court, one of the key issues was whether the State has the power to exceed the 50% reservation ceiling set by the Supreme Court in [Indra Sawhney v Union of India](#). After hearing the parties, the three-judge bench determined that the issue involved substantial questions of law on the interpretation of the Constitution. Hence, it needed to be heard by a Constitution Bench.

A five-judge bench consisting of [Ashok Bhushan](#), [Nageswara Rao](#), [Abdul Nazeer](#), [Hemant Gupta](#) and [Ravindra Bhat](#) JJ will be hearing this case on a day-to-day basis from January 25th 2021 onwards.

## 7. Article 370 -Reference Issue

In March, the five-judge Article 370 Bench [ruled out](#) referring this case to a larger bench. Senior Advocates Dinesh Dwivedi and Sanjay Parikh had argued that in [Sampat Prakash](#), the Court had given its decision without contemplating the law laid down in [Prem Nath Kaul](#) – both significant cases on Article 370. With this [order](#), the Bench dismissed that two were in conflict with each other.

The Court [signalled](#) its preference for the precedent set by Sampat Prakash – namely, whether the President can issue orders under Article 370 after the dissolution of the J&K Constituent Assembly. Sampat Prakash held yes. More [here](#).

## 8. Admissibility of Confessions under the NDPS Act

With an ongoing crackdown under the [Narcotics Drugs and Psychotropic Substances Act, 1985](#) (NDPS Act), the Tofan Singh judgment assumes great significance. The case revolved

around conflicts arising from three laws, namely, the NDPS Act, [The Evidence Act, 1872](#) and the [Code of Criminal Procedure, 1973](#) (CrPC).

The Court had to answer two crucial questions: first, whether officers under the NDPS Act would be construed as traditional Police Officers. Second, what would be the evidentiary value of confessions given to such officers?

A three-judge bench of the Supreme Court comprising [Rohinton F. Nariman](#), [Naveen Sinha](#) and [Indira Banerjee JJ](#), in its majority judgment, deemed officers under the NDPS Act as police officers. They invoked S.25 of The Evidence Act and concluded that confessions to such officers cannot be used during the trial. Read our analysis of this judgment [here](#) and [here](#).

#### 9. [The Right to Assembly at Shaheen Bagh](#)

In December last year, nationwide protests against the [Citizenship Amendment Act, 2019](#) dominated public discourse in India. In this case, the Supreme Court had to decide if Shaheen Bagh protestors had blocked public spaces.

The three-judge bench consisting of [Sanjay Kishan Kaul](#), [Aniruddha Bose](#) and [Krishna Murari JJ](#) pronounced a unanimous judgment. It noted that the right to freedom of speech and expression and right to assembly granted the Shaheen Bagh occupants the right to protest. However, this right was subject to the public interest exception. In this case, indefinite blockage of public spaces tilted the balance in favour of the public interest exception. More [here](#).

#### 10. [Prashant Bhushan Contempt Case](#)

The Supreme Court initiated suo moto criminal contempt proceedings against Advocate Prashant Bhushan and Twitter India, on the basis of two tweets posted by Bhushan on the social media platform.

The bench took the prima facie view that the statements brought the administration of justice into disrepute and were capable of undermining the authority of the institutions of the Court – particularly the Chief Justice – in the eyes of the public.

On 19th August, the Court issued a brief [order](#) seeking Bhushan to apologise unconditionally before August 24th. After Bhushan [declined](#) to retract his statement, the Court reserved its order on sentencing for the meantime. A week later, on August 31st, the Court fined Bhushan INR 1. Prashant Bhushan paid the fine and has filed for a review of this judgment.