

testABC

Meena Mahendra Vakharia vs K.L. Verma And Ors. on 6 April, 1997

ABC

documents annexed alongwith the grounds of detention sets out various documents such as basic documents and, pith and substance of primary documents and pith and substance of primary documents as also some subsidiary documents. Some documents elaborating the details while indulging in large scale havala transactions resulting in serious violations of FERA. Needless to say that some of these documents forming part of the two compilations running into 851 pages pertain to either offences under I.P.C. in respect of which investigation is pending or offences punishable under FERA in respect of which also investigation is pending. It will be evident from the later part of this Judgment that some of the documents forming part of the two compilations running into 851 pages do not constitute either the basic documents or the mated al on which the order of detention is primarily based much less the pith and substance of the primary facts. They have not been relied upon for arriving at the subjective satisfaction for making the order of detention. Nevertheless they have been referred to in the course of narration of facts either in connection with the offences under the I.P.C. or offences under the FERA or the details of the FERA violations as a result of havala transactions which is the basis of the order of detention.

ABC1

authority on the grounds mentioned in Section 3(1) of the said Act. In our view, the ratio of the decision in Prakash Chandra Mehta's case clearly supports the respondent's contention that it is not each and every document and each and every material, to which a reference is made in the grounds of detention which must be furnished to the

detenu.

ABC2

n 12th November, 1992. While the Gujarathi version is to be found at pages 452 to 455 of the compilation of documents, the English version is to be found at pages 456 to 458. It appears that the entire Gujarathi version has been translated into English which is at pages 456 to 458. We have gone through both the versions and it appears to us that the best portion of the translated version in English, is complete though the corresponding portion in Gujarathi is missing. A perusal of the last portion namely pages 458 in English shows that it is not relating to any basic fact but refers to some of the minor details of the modus operandi adopted by the detenu while operating the bank accounts. It refers to one Salim, employee of the detenu, going to

Heera Lal Umar Son Of Late Sri Moti ... vs State Of U.P. Through The ... on 6 February, 2006

bcd

Constitution and, therefore, insertion of Clauses (4) and of Article 243T of the Constitution of India contravenes Article 368 of the Constitution of India. According to

bcd1

down constitutional amendments which would otherwise have passed muster. For example, in Smt. Indira Gandhi the Revenue Raj Narain, , Article 329A(4) was held by the Court to be beyond the amending competence of the Parliament since, by making separate and special provisions as to elections to Parliament of the Prime Minister and the Speaker, it destroyed the basic structure of the Constitution. Ray C.J. based his decision on the ground that the 39th Amendment by which Article 329A was introduced violated the Rule of Law (p.418); Khanna J. based his decision on the ground that democracy was a basic feature of the Constitution, that democracy contemplates that elections should be free and fair and that the clause in question struck at the basis of free and fair elections (pp. 467 and 471); Mathew J. struck down the clause

on the ground that it was in the nature of legislation ad hominem (p.513) and that it damaged the democratic structure of the Constitution (p.515); while one of us, Chandrachud, J. held that the clause was bad b

bcd2

democracy further contemplates that the election should be free and fair so that the voters may be in a position to vote for candidates of their choice. Democracy can indeed function only

bcd3

Constitutional amendments which offended the basic structure of the Constitution would be ultra vires the basic structure. Sikri, C.J. laid stress on the basic feature enumerated in the Preamble to the Constitution and said that there were other basic features too which could be gathered from the constitutional scheme (para 506-A of SCC). Equality was one of the basic features referred to in the Preamble to our Constitution. Shelat and Grover, JJ. Also refer

Indian Express Newspapers ... vs Union Of India & Ors. Etc. Etc on 6 December, 1984

cde

India 1950 Article 19(1)(a)- Interpretation of-American 288 cases- Whether sole guide-He1p in understanding the basic principles of freedom of speech and expression. Statutes Taxing Newsprint-Tests for determining vires of-Different from other taxing

cde1

HEADNOTE: Under the Indian Tariff Act 1934, there was a levy of customs duty on imported paper. Exemption, however, had been granted for import of white, grey or unglazed newsprint from the levy of any kind of customs duty in excess of 1.5% ad valorem but subsequently a specific import duty of Rs

cde2

from abroad under section 12 of the Customs Act 1962 (Act 52 of 1962) read with section 2 and Heading No. 48.01/21 Sub-heading No. (2) in the First Schedule to the Customs Tariff Act, 1975 (Act 51 of 1975) and the levy of auxiliary duty under the Finance Act, 1981 on newsprint as modified by notifications issued under section 25 of the Customs Act 1962 with effect from March 1, 1981 was challenged in the writ petitions. In the writ petitions it was contended (1) that the imposition of the import duty has the direct effect of crippling the freedom of speech and expression guaranteed by the Constitution as it led to the increase in the price of newspapers and the inevitable consequence of reduction of their circulation; (2) that with the growth of population and literacy in the country every newspaper is expected to register an automatic growth of at least 5% in its circulation every year but this growth is directly 'impeded by the increase in the price of newspapers; (3) that the method adopted by the Customs Act, 1962 and the Customs Tariff Act, 1975 in determining the rate of import duty has exposed the newspaper publishers to Executive interference; (4) that there was no need to impose customs duty on newsprint which had enjoyed total exemption from its payment till March 1, 1981, as the foreign exchange position was quite comfortable. Under the scheme in force, the State Trading Corporation of India sells newsprint to small newspapers with a circulation of less than 15000 at a price which does not include any import duty. to medium newspapers with a circulation between 15000 and 50,000 at a price which includes 5% ad valorem duty (now Rs. 275 per MT) and to big newspapers having a Circulation of over 50,000 at a price which includes the levy of 15% ad valorem duty (now Rs. 825 per MT). This classification of newsp