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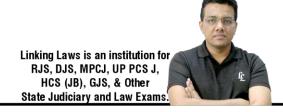


Landmark Judgement 2023-24

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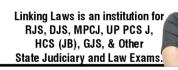


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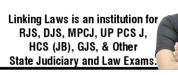


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Sr. N.	Subject	Judgment Summary
1.	Criteria for the determination of	ALIGARH MUSLIM UNIVERSITY THROUGH ITS REGISTRAR FAIZAN MUSTAFA V. NARESH AGARWAL
	a minority educational	2024 INSC 856 (8 November 2024)
	institution.	C.A. No. 2286/2006
		Justices: Chief Justice (Dr.) Dhananjaya Y. Chandrachud, Justice Sanjiv Khanna, Justice Surya Kant, Justice Jamshed B. Pardiwala, Justice Dipankar Datta, Justice Manoj Misra, Justice Satish C. Sharma Question(s): (i) When does an educational institution qualify as a minority institution entitled to the protections under Article 30 of the Constitution? (ii) Whether the Supreme Court's judgment in S. Azeez Basha v. Union of India ("Azeez Basha") (1967 INSC 238), which held that Aligarh Muslim University (AMU) is not a minority institution is correct.
		Factual Background: Sir Syed Ahmed Khan established the Mohammadan Anglo Oriental College (MAO) on 8 January 1877 in Aligarh. In 1920, the British Imperial Legislative Council enacted the Aligarh Muslim University Act ("AMU Act"), incorporating AMU as a university. In 1950, as part of the Constitution Article 30(1) came into force which grants minorities the right to establish and administer educational institutions. In 1967, a Constitution Bench of the Supreme Court (five Judges) in Azeez Basha ruled that AMU was not a minority institution because it was established by statute and thus was not "established" and "administered" by a minority community as required by Article 30(1). On 26 November 1981, a Two-Judge Bench of the Supreme Court in Anjuman-e-Rahmaniya v. District Inspector of Schools ("Rahmaniya") (W.P.(C) No. 54-57 of 1981) referred the correctness of Azeez Basha to a Seven-Judge Bench. Parliament then enacted the Aligarh Muslim University (Amendment) Act, 1981 ("1981 Amendment"). This Amendment amended the AMU Act significantly and defined the "University" as an institution "established by the Muslims of India," originating as MAO College and later incorporated as AMU, aiming to further the educational and cultural advancement of Indian Muslims. In 2005, the Allahabad High Court declared AMU's fifty-percent reservation policy for Muslim students in its postgraduate medical program unconstitutional. In doing so, the High Court held that AMU was not a minority institution under Article 30(1) even after the 1981 Amendment. On 12 February 2019, a Three-Judge Bench of the Supreme Court, led by the Chief Justice Ranjan Gogoi, heard AMU's appeal and observed that the High Court's decision relied on Azeez Basha, the correctness of which had been questioned in Rahmaniya and not yet conclusively decided. Consequently, the Court referred the matter to a Seven-Judge Bench.
		Decision of the Supreme Court: The Supreme Court by a 4-3 majority overruled Azeez Basha. The majority held that merely because an institute is created by a statute does not strip it of minority status. The majority also held that Article 30(1) protects institutes established before the Constitution came into force in 1950. The Court laid down criteria to determine when an institution is a minority institution benefitting from Article 30(1) protection. The majority judgment was authored by Chief Justice Chandrachud. Justices Kant, Datta and Sharma authored separate (partly dissenting) opinions. Reasons for the Decision: The reference in Rahmaniya is not bad in law The majority upheld the decision of the Two-Judge Bench in Rahmaniya which questioned the correctness of Azeez Basha and requested that the matter be placed before the Chief Justice for consideration by a Seven-Judge Bench. The majority further clarified that the Chief Justice retains discretionary administrative authority to assign cases to any Bench of any strength irrespective of whether they are part of the bench referring the issue to a larger bench. Justices Kant, Datta, and Sharma in their dissenting opinions held that the manner of referral to a larger bench in Rahmaniya was legally flawed and breached established norms of judicial propriety. Justice Kant noted that the Division Bench (two judges) in Rahmaniya, being of lesser strength than the Constitution Bench (five judges) in Azeez Basha, lacked the authority to explicitly question the correctness of Azeez Basha or suggest the strength of the bench which should resolve the alleged conflict. He held that a direction specifying the strength of the bench

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Sr. N.	Subject	Judgment Summary
		to which a case should be referred to impaired the Chief Justice of India's authority as the master of the roster. Justice Datta observed that the issue should have first been placed before a Three-Judge Bench. He further held that <i>Rahmaniya was</i> concerned with the registration of a minority institution under the Societies Registration Act, while <i>Azeez Basha</i> addressed the incorporation of a university by statute. Thus, referring <i>Azeez Basha</i> to a seven-judge bench was unwarranted,
		even on merits. <u>Minority status is not lost merely because an institute is created by a statute</u> The majority held that the right to establish and administer educational institutions under Article 30(1) extends to institutions established both before and after the Constitution's adoption.
		The majority held that an educational institution does not lose its minority status merely because it is created by a statute. The majority clarified the distinction between "incorporation" and "establishment," noting that incorporation gives legal existence to an institution, while establishment refers to its founding. The majority emphasised that the status of a minority institution depends on the individuals or group behind its creation, not the legal process through which it was incorporated. The majority stressed that the examination of its founding should be based on the situation at the time of the Constitution's adoption, not before
		independence . Justice Kant in his separate opinion also held that if an institution possesses legal existence independent of the statute, then the statute merely recognises an existing institution and does not establish it and therefore it cannot take away the role of the minority community in bringing the institution into existence. However, the legislative intent behind the establishment of an institution plays a significant role in determining the character of that institution. Azeez Basha does not lay down the correct law
		The majority held that Azeez Basha incorrectly relied on The Durgah Committee, Ajmer v. Syed Hussain Ali ("Dargah Committee") (1961 INSC 101) to support the view that a minority's right to administer an institution could be forfeited under certain circumstances. It found that Durgah Committee was concerned with the the right of religious denominations to own and administer property under Article 26. The majority ruled that no parallel could be drawn between the rights under Article 26 and Article 30(1), as the scope and nature of the rights under these provisions are different.
		Justice Kant in his separate dissenting opinion held that <i>Azeez Basha</i> needed to be clarified because it holds that before 1956, university degrees did not need to be recognised by the government, while also holding that it was only the AMU Act which allowed AMU to confer degrees. This led it to conclude that AMU was brought into existence by an act of legislation. Justice Sharma in his separate dissenting opinion held that <i>Azeez Basha</i> does not categorically prohibit minorities from establishing universities through statutes because the case dealt with a unique situation where a university established by the British Legislative Council had claimed
		minority status. <u>Criteria for the 'establishment' of a minority educational institution</u> The majority held that an institution's minority status does not require it to exclusively serve the minority community. It must predominantly benefit the minority, and courts must examine the origin of the institution, such as who sought its establishment, the purpose for which it was founded, and the steps taken to implement its creation. This includes factors like funding, land acquisition, and construction, all of which should primarily involve the minority community. The majority held that it is not necessary to prove that the administration of the university vests
		with the minority community to prove that it is a minority educational institution. This is because the very purpose of Article 30(1) is to grant special additional rights regarding administration as a consequence of establishment. The majority ruled that while it is not necessary for minority members to manage the institution, the administration should still affirm the institution's minority purpose. It also ruled that the status of an institution as one of national importance does not negate its minority character, as the terms "national" and "minority" are not mutually exclusive.
		Justices Kant, Datta, and Sharma agreed with the criteria set out by the majority but made certain additional observations. According to Justices Kant and Sharma, legal and factual control over the university's administration must vest with the minority community to benefit from the protections under Article 30. Justice Sharma also observed that the minority community must prove that the institution was brought about due to the efforts of the minority. Click Here to buy Linking Publication

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Sr. N.	Subject	Judgment Summary
		In her dissenting opinion, Justice Nagarathna stated that under Section 26(2) of the RBI Act, only the Central Board of RBI could initiate a proposal for demonetisation but it cannot do so for "all" series or "all" denominations of bank notes as that would lead to granting excessive delegated powers to the RBI.
		<u>Proportionality and reasonableness</u>
		• The Petitioners argued that the drastic measure of demonetisation, which caused hardships to citizens, could have been avoided if the Government adopted alternative measures that caused less hardship, and so, the Demonetisation Notification was disproportionate to the aim it sought to achieve. The Supreme Court held that the policy of demonetisation fulfilled the test of proportionality as there was a direct and rationale nexus between the objectives sought to be achieved (curbing fake currency and financing of terrorism to ensure India's economic security) and the measures taken (the demonetisation of ?500 and ?1,000 notes).
		• The Petitioners had also argued that the time period provided to exchange the demonetised bank notes for new ones was unreasonable. The Supreme Court held that the fifty-two days (9 November 2016 to 30 December 2016) that had been provided for the exchange of notes was not unreasonable considering the case of Jayantilal Ratanchand Shah v. Reserve Bank of India [(1996) 9 SCC 650]. In that case, the Supreme Court had upheld the demonetisation of bank notes in 1978 where only three days were provided for exchanging the demonetised notes and noted that providing a longer period would undermine the object of demonetisation. On this basis, the Court held that the period of fifty-two days given in the 2016 Notification for exchange of demonetised notes was not unreasonable.
		 It was also submitted by the Petitioners that the RBI had independent powers under Section 4(2) of the Bank Notes Act to accept demonetised notes even after the period specified in the 2016 Notification, provided that the reasons for failure to deposit the notes were satisfactory. The Supreme Court, however, read Section 4(2) in the context of Sections 3 and 4(1) of the Bank Notes Act. Section 3 of the Act stated that the demonetised bank notes ceased to have the guarantee of the Union Government and were no longer liabilities of the RBI while Section 4(1) allowed for exchange of the demonetised bank notes by citizens of India as well as other classes of persons as per conditions specified by the Union Government. Thus, the Court held that the Bank Notes Act was an integrated scheme and any exchange of the demonetised bank notes must follow the conditions specified by the Union Government and that the RBI had no independent power to accept demonetised notes. View Judgment



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ऐतिहासिक निर्णय 2024

क्रम संख्या	विषय	निर्णय सारांश
1.	अल्पसंख्यक शैक्षणिक	अलीगढ़ मुस्लिम विश्वविद्यालय अपने रजिस्ट्रार फैजान मुस्तफा बनाम नरेश अग्रवाल 2024 आईएनसी 856
	संस्थान के निर्धारण के लिए मानदंड।	2024 आइएनसा 856 (8 नवंबर 2024)
	,,	सी.ए. संख्या 2286/2006 के माध्यम से
		न्यायाधीश:
		मुख्य न्यायाधीश (डॉ.) धनंजय वाई. चंद्रचूड़, न्यायमूर्ति संजीव खन्ना, न्यायमूर्ति सूर्यकांत, न्यायमूर्ति जमशेद बी. पारदीवाला, न्यायमूर्ति दीपांकर दत्ता, न्यायमूर्ति मनोज मिश्रा, न्यायमूर्ति सतीश सी. शर्मा
		प्रश्न:
		(i) कब कोई शैक्षणिक संस्थान संविधान के अनुच्छेद 30 के तहत संरक्षण पाने के लिए अल्पसंख्यक संस्थान के रूप में योग्य हो जाता है? (ii) क्या एस. अज़ीज़ बाशा बनाम भारत संघ (" अज़ीज़ बाशा ") (1967 आईएनएससी 238) में सुप्रीम कोर्ट का फैसला सही है, जिसमें कहा गया था कि अलीगढ़ मुस्लिम विश्वविद्यालय (एएमयू) अल्पसंख्यक संस्थान नहीं है।
		तथ्यात्मक पृष्ठभूमि:
		सर सैयद अहमद खान ने 8 जनवरी 1877 को अलीगढ़ में मोहम्मडन एंग्लो ओरिएंटल कॉलेज (MAO) की स्थापना की। 1920 में, ब्रिटिश इंपीरियल लेजिस्लेटिव काउंसिल ने अलीगढ़ मुस्लिम यूनिवर्सिटी एक्ट (" AMU एक्ट ") पारित किया, जिसमें AMU को एक विश्वविद्यालय के रूप में शामिल किया गया। 1950 में, संविधान के भाग के रूप में अनुच्छेद 30(1) लागू हुआ, जो अल्पसंख्यकों को शैक्षणिक संस्थानों की स्थापना और प्रशासन का अधिकार देता है। 1967 में, अज़ीज़ बाशा में सुप्रीम कोर्ट (पाँच न्यायाधीशों) की एक संविधान पीठ ने फैसला सुनाया कि AMU अल्पसंख्यक संस्थान नहीं है क्योंकि यह क़ानून द्वारा स्थापित किया गया था और इस प्रकार अनुच्छेद 30(1) के अनुसार अल्पसंख्यक समुदाय द्वारा "स्थापित" और "प्रशासित" नहीं किया गया था।
		26 नवंबर 1981 को अंजुमन-ए-रहमनिया बनाम जिला विद्यालय निरीक्षक (" रहमानिया ") (डब्ल्यूपी(सी) संख्या 54-57/1981) में सुप्रीम कोर्ट की दो जजों की बेंच ने अज़ीज़ बाशा की सत्यता को सात जजों की बेंच के पास भेजा। इसके बाद संसद ने अलीगढ़ मुस्लिम विश्वविद्यालय (संशोधन) अधिनियम, 1981 (" 1981 संशोधन ") पारित किया। इस संशोधन ने एएमयू अधिनियम में महत्वपूर्ण संशोधन किया और "विश्वविद्यालय" को "भारत के मुसलमानों द्वारा स्थापित" संस्थान के रूप में परिभाषित किया, जिसकी शुरुआत एमएओ कॉलेज से हुई और बाद में एएमयू के रूप में शामिल किया गया, जिसका उद्देश्य भारतीय मुसलमानों की शैक्षिक और सांस्कृतिक उन्नति को आगे बढ़ाना था।
		2005 में, इलाहाबाद उच्च न्यायालय ने एएमयू के स्नातकोत्तर चिकित्सा कार्यक्रम में मुस्लिम छात्रों के लिए पचास प्रतिशत आरक्षण नीति को असंवैधानिक घोषित कर दिया था। ऐसा करते हुए, उच्च न्यायालय ने माना कि 1981 के संशोधन के बाद भी एएमयू अनुच्छेद 30(1) के तहत अल्पसंख्यक संस्थान नहीं था। 12 फरवरी 2019 को, मुख्य न्यायाधीश रंजन गोगोई की अगुवाई में सुप्रीम कोर्ट की तीन-न्यायाधीशों की पीठ ने एएमयू की अपील पर सुनवाई की और पाया कि उच्च न्यायालय का निर्णय अज़ीज़ बाशा पर आधारित था, जिसकी सत्यता पर रहमानिया में सवाल उठाया गया था और अभी तक निर्णायक रूप से निर्णय नहीं लिया गया है। नतीजतन, न्यायालय ने मामले को सात न्यायाधीशों की पीठ को भेज दिया।
		सर्वोच्च न्यायालय का निर्णय:
		सर्वोच्च न्यायालय ने 4-3 बहुमत से अज़ीज़ बाशा के मामले को खारिज कर दिया। बहुमत ने माना कि सिर्फ़ इसलिए कि कोई संस्थान क़ानून द्वारा बनाया गया है, उसका अल्पसंख्यक दर्जा समाप्त नहीं हो जाता। बहुमत ने यह भी माना कि अनुच्छेद 30(1) 1950 में संविधान लागू होने से पहले स्थापित संस्थानों की रक्षा करता है। न्यायालय ने यह निर्धारित करने के लिए मानदंड निर्धारित किए कि कोई संस्थान अनुच्छेद 30(1) संरक्षण से लाभान्वित होने वाला अल्पसंख्यक संस्थान कब है। बहुमत का फ़ैसला मुख्य न्यायाधीश चंद्रचूड़ ने लिखा था। न्यायमूर्ति कांत, दत्ता और शर्मा ने अलग-अलग (आंशिक रूप से असहमत) राय लिखी।
		निर्णय के कारण:
		रहमानिया में दिया गया संदर्भ कानून के लिहाज से बुरा नहीं है
		बहुमत ने रहमानिया में दो जजों की बेंच के फैसले को बरकरार रखा, जिसमें अज़ीज़ बाशा की सत्यता पर सवाल उठाया गया था और अनुरोध किया गया था कि मामले को सात जजों की बेंच द्वारा विचार के लिए मुख्य न्यायाधीश के समक्ष रखा जाए। बहुमत ने आगे स्पष्ट किया कि मुख्य न्यायाधीश के पास किसी भी संख्या वाली बेंच को मामले सौंपने का विवेकाधीन प्रशासनिक अधिकार है, भले ही वे उस बेंच का हिस्सा हों या नहीं जो इस मुद्दे को बड़ी बेंच को संदर्भित करती है।
		न्यायमूर्ति कांत, दत्ता और शर्मा ने अपनी असहमतिपूर्ण राय में माना कि रहमानिया में एक बड़ी बेंच को रेफर करने का तरीका कानूनी रूप से त्रुटिपूर्ण था और न्यायिक औचित्य के स्थापित मानदंडों का उल्लंघन करता था। न्यायमूर्ति कांत ने उल्लेख किया कि रहमानिया में डिवीजन बेंच (दो न्यायाधीश) , अजीज बाशा में संविधान बेंच (पांच न्यायाधीशों) की तुलना में कम ताकतवर होने के कारण , अजीज बाशा की शुद्धता पर स्पष्ट रूप से सवाल उठाने या बेंच की ताकत का सुझाव देने का अधिकार नहीं रखती

ऐतिहासिक निर्णय 2024

क्रम संख्या	विषय	निर्णय सारांश
		थी, जिसे कथित संघर्ष को हल करना चाहिए। उन्होंने कहा कि जिस बेंच को मामला भेजा जाना चाहिए, उसकी ताकत को निर्दिष्ट करने वाला निर्देश रोस्टर के मास्टर के रूप में भारत के मुख्य न्यायाधीश के अधिकार को कम करता है।
		न्यायमूर्ति दत्ता ने कहा कि इस मुद्दे को पहले तीन न्यायाधीशों वाली पीठ के समक्ष रखा जाना चाहिए था। उन्होंने आगे कहा कि रहमानिया का मामला सोसायटी पंजीकरण अधिनियम के तहत अल्पसंख्यक संस्थान के पंजीकरण से संबंधित था, जबिक अज़ीज़ बाशा का मामला क़ानून द्वारा विश्वविद्यालय के निगमन से संबंधित था। इस प्रकार, अज़ीज़ बाशा को सात न्यायाधीशों वाली पीठ के समक्ष भेजना अनुचित था, यहाँ तक कि योग्यता के आधार पर भी।
		अल्पसंख्यक का दर्जा केवल इसलिए नहीं समाप्त हो जाता कि कोई संस्थान क़ानून द्वारा बनाया गया है
		बहुमत ने माना कि अनुच्छेद 30(1) के तहत शैक्षणिक संस्थानों की स्थापना और प्रशासन का अधिकार संविधान को अपनाने से पहले और बाद में स्थापित संस्थानों तक विस्तारित है ।
		बहुमत ने माना कि एक शैक्षणिक संस्थान अपनी अल्पसंख्यक स्थिति को केवल इसलिए नहीं खो देता है क्योंकि यह एक क़ानून द्वारा बनाया गया है । बहुमत ने "निगमन" और "स्थापना" के बीच के अंतर को स्पष्ट किया, यह देखते हुए कि निगमन एक संस्था को कानूनी अस्तित्व देता है, जबकि स्थापना इसकी स्थापना को संदर्भित करती है। बहुमत ने इस बात पर जोर दिया कि अल्पसंख्यक संस्था की स्थिति इसके निर्माण के पीछे व्यक्तियों या समूह पर निर्भर करती है, न कि उस कानूनी प्रक्रिया पर जिसके माध्यम से इसे शामिल किया गया था। बहुमत ने इस बात पर जोर दिया कि इसकी स्थापना की जांच संविधान को अपनाने के समय की स्थिति पर आधारित होनी चाहिए, न कि स्वतंत्रता से पहले। न्यायमूर्ति कांत ने अपनी अलग राय में यह भी कहा कि यदि किसी संस्था का विधिक अस्तित्व कानून से स्वतंत्र है, तो कानून केवल मौजूदा संस्था को मान्यता देता है, उसे स्थापित नहीं करता है और इसलिए वह संस्था को अस्तित्व में लाने में अल्पसंख्यक समुदाय की भूमिका को समाप्त नहीं कर सकता है। हालांकि, किसी संस्था की स्थापना के पीछे विधायी मंशा उस संस्था के चिरत्र को निर्धारित करने में महत्वपूर्ण भूमिका निभाती है।
		अज़ीज़ बाशा ने सही कानून नहीं बनाया
		बहुमत ने माना कि अज़ीज़ बाशा ने दरगाह सिमिति, अजमेर बनाम सैयद हुसैन अली (" दरगाह सिमिति ") (1961 आईएनएससी 101) पर गलत तरीके से भरोसा किया , ताकि यह विचार समर्थन में आ सके कि किसी संस्था को प्रशासित करने का अल्पसंख्यक का अधिकार कुछ परिस्थितियों में समाप्त हो सकता है। इसने पाया कि दरगाह सिमिति अनुच्छेद 26 के तहत धार्मिक संप्रदायों के संपत्ति के स्वामित्व और प्रशासन के अधिकार से चिंतित थी। बहुमत ने फैसला सुनाया कि अनुच्छेद 26 और अनुच्छेद 30(1) के
		तहत अधिकारों के बीच कोई समानता नहीं खींची जा सकती, क्योंकि इन प्रावधानों के तहत अधिकारों का दायरा और प्रकृति अलग- अलग हैं।
		न्यायमूर्ति कांत ने अपनी अलग असहमति वाली राय में कहा कि अज़ीज़ बाशा को स्पष्ट करने की आवश्यकता है क्योंकि यह मानता है कि 1956 से पहले, विश्वविद्यालय की डिग्री को सरकार द्वारा मान्यता प्राप्त करने की आवश्यकता नहीं थी, जबिक यह भी माना कि यह केवल एएमयू अधिनियम था जिसने एएमयू को डिग्री प्रदान करने की अनुमति दी थी। इससे यह निष्कर्ष निकला कि एएमयू को कानून के एक अधिनियम द्वारा अस्तित्व में लाया गया था।
		न्यायमूर्ति शर्मा ने अपनी अलग असहमति वाली राय में कहा कि अज़ीज़ बाशा ने क़ानून के माध्यम से अल्पसंख्यकों को विश्वविद्यालय स्थापित करने से स्पष्ट रूप से प्रतिबंधित नहीं किया है क्योंकि यह मामला एक अनोखी स्थिति से संबंधित था जहाँ ब्रिटिश विधान परिषद द्वारा स्थापित एक विश्वविद्यालय ने अल्पसंख्यक का दर्जा पाने का दावा किया था।
		अल्पसंख्यक शैक्षणिक संस्थान की 'स्थापना' के लिए मानदंड
		बहुमत ने माना कि किसी संस्था की अल्पसंख्यक स्थिति के लिए यह आवश्यक नहीं है कि वह केवल अल्पसंख्यक समुदाय की सेवा करे। इसे मुख्य रूप से अल्पसंख्यकों को लाभ पहुँचाना चाहिए, और न्यायालयों को संस्था की उत्पत्ति की जाँच करनी चाहिए, जैसे कि इसकी स्थापना किसने की, इसकी स्थापना किस उद्देश्य से की गई, और इसके निर्माण को लागू करने के लिए क्या कदम उठाए गए। इसमें वित्तपोषण, भूमि अधिग्रहण और निर्माण जैसे कारक शामिल हैं, जिनमें से सभी में मुख्य रूप से अल्पसंख्यक समुदाय शामिल होना चाहिए।
		बहुमत ने माना कि यह साबित करना आवश्यक नहीं है कि विश्वविद्यालय का प्रशासन अल्पसंख्यक समुदाय के पास है, यह साबित करने के लिए कि यह एक अल्पसंख्यक शैक्षणिक संस्थान है। ऐसा इसलिए है क्योंकि अनुच्छेद 30(1) का मूल उद्देश्य स्थापना के परिणामस्वरूप प्रशासन के संबंध में विशेष अतिरिक्त अधिकार प्रदान करना है। बहुमत ने फैसला सुनाया कि जबकि अल्पसंख्यक सदस्यों के लिए संस्थान का प्रबंधन करना आवश्यक नहीं है, प्रशासन को अभी भी संस्थान के अल्पसंख्यक उद्देश्य की पुष्टि करनी चाहिए। इसने यह भी फैसला सुनाया कि राष्ट्रीय महत्व के संस्थान के रूप में किसी संस्थान की स्थिति उसके अल्पसंख्यक चरित्र को नकारती नहीं है, क्योंकि "राष्ट्रीय" और "अल्पसंख्यक" शब्द परस्पर अनन्य नहीं हैं।
		न्यायमूर्ति कांत, दत्ता और शर्मा ने बहुमत द्वारा निर्धारित मानदंडों से सहमति जताई, लेकिन कुछ अतिरिक्त टिप्पणियां भी कीं। न्यायमूर्ति कांत और शर्मा के अनुसार, अनुच्छेद 30 के तहत सुरक्षा का लाभ उठाने के लिए विश्वविद्यालय के प्रशासन पर कानूनी और तथ्यात्मक नियंत्रण अल्पसंख्यक समुदाय के पास होना चाहिए। न्यायमूर्ति शर्मा ने यह भी कहा कि अल्पसंख्यक समुदाय को

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क्रम संख्या	विषय	निर्णय सारांश
		 याचिकाकर्ताओं ने तर्क दिया कि विमुद्रीकरण का कठोर उपाय, जिससे नागरिकों को किठनाई हुई, से बचा जा सकता था यदि सरकार ने वैकल्पिक उपाय अपनाए होते जो कम किठनाई पैदा करते, और इसलिए, विमुद्रीकरण अधिसूचना उस उद्देश्य के लिए असंगत थी जिसे वह प्राप्त करना चाहती थी। सर्वोच्च न्यायालय ने माना कि विमुद्रीकरण की नीति ने आनुपातिकता की कसौटी को पूरा किया क्योंकि प्राप्त किए जाने वाले उद्देश्यों (भारत की आर्थिक सुरक्षा सुनिश्चित करने के लिए नकली मुद्रा और आतंकवाद के वित्तपोषण पर अंकुश लगाना) और उठाए गए उपायों (500 और 1,000 रुपये के नोटों का विमुद्रीकरण) के बीच एक सीधा और तर्कसंगत संबंध था। याचिकाकर्ताओं ने यह भी तर्क दिया था कि पुराने नोटों को नए नोटों से बदलने के लिए प्रदान की गई समय अवधि अनुचित
		थी (धारा 282)। सुप्रीम कोर्ट ने माना कि नोटों के आदान-प्रदान के लिए प्रदान किए गए बावन दिन (9 नवंबर 2016 से 30 दिसंबर 2016) जयंतीलाल रतनचंद शाह बनाम भारतीय रिजर्व बैंक [(1996) 9 एससीसी 650] के मामले पर विचार करते हुए अनुचित नहीं थे। उस मामले में, सुप्रीम कोर्ट ने 1978 में बैंक नोटों के विमुद्रीकरण को बरकरार रखा था, जहां विमुद्रीकृत नोटों को बदलने के लिए केवल तीन दिन प्रदान किए गए थे (धारा 285) और कहा कि अधिक लंबी अवधि प्रदान करने से विमुद्रीकरण का उद्देश्य कमजोर होगा (धारा 286)। इस आधार पर, न्यायालय ने माना कि विमुद्रीकृत नोटों के आदान-प्रदान के लिए 2016 की अधिसूचना में दी गई बावन दिनों की अवधि अनुचित नहीं थी
		 2017 अधिनियम के तहत आरबीआई की स्वतंत्र शक्तियां याचिकाकर्ताओं ने यह भी कहा कि आरबीआई के पास बैंक नोट अधिनियम की धारा 4(2) के तहत 2016 की अधिसूचना में निर्दिष्ट अविध के बाद भी विमुद्रीकृत नोट स्वीकार करने की स्वतंत्र शक्तियां हैं, बशर्ते कि नोट जमा न करने के कारण संतोषजनक हों। हालांकि, सुप्रीम कोर्ट ने धारा 4(2) को बैंक नोट अधिनियम की धारा 3 और 4(1) के संदर्भ में पढ़ा। अधिनियम की धारा 3 में कहा गया है कि विमुद्रीकृत बैंक नोटों पर केंद्र सरकार की गारंटी नहीं रह गई है और वे अब आरबीआई की देनदारी नहीं हैं, जबिक धारा 4(1) भारत के नागरिकों के साथ-साथ अन्य वर्गों के लोगों को केंद्र सरकार द्वारा निर्दिष्ट शर्तों के अनुसार विमुद्रीकृत बैंक नोटों के आदान-प्रदान की अनुमित देती है। इस प्रकार, न्यायालय ने माना कि बैंक नोट अधिनियम एक एकीकृत योजना थी और विमुद्रीकृत बैंक नोटों के किसी भी विनिमय के लिए केंद्र सरकार द्वारा निर्दिष्ट शर्तों का पालन करना होगा और आरबीआई के पास विमुद्रीकृत नोटों को स्वीकार करने की कोई स्वतंत्र शक्ति नहीं थी।
		निर्णय देखें



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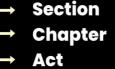
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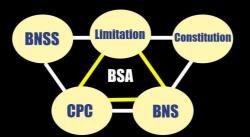
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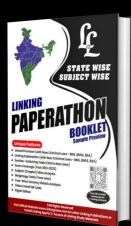
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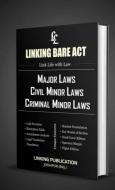
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