WRITTEN ANSWERS TO STARRED QUESTIONS

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

RAJYA SABHA

STARRED QUESTION NO. 121

TO BE ANSWERED ON THURSDAY, THE 28th JULY, 2022

Judicial review of laws passed by Parliament

121 # **Shri Javed Ali Khan:**

Will the Minister of ***Law and Justice*** be pleased to state:

(a) whether it is a fact that many Acts/Constitutional Amendment Acts passed by Parliament are pending for judicial review in the Supreme Court; and

(b) if so, the details of such pending cases from the year 2016, year-wise and Act/Constitutional Amendment Acts-wise?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJIJU)

(a) &(b): A statement is laid on the Table of the House.

Statement referred to in reply ofRajyaSabha Starred Question No. 121 # raised by Shri Javed Ali Khan, Hon'ble MP to be answered on 28.07.2022 regarding "Judicial review of laws passed by Parliament"

(a): Yes, Sir

(b):As per available records, the information about Constitutional Amendment Acts and other Central laws under challenge and pending is as under:

S. No.	Case No.	Cause Title	Ministry/ Department	Issue involved
1	WP (C) 235/2014	KELTECH LIMITED v. UNION OF INDIA &Ors.	Ministry of Corporate Affairs	Constitutional validity of Section 8, 9, 17, 22, 36, 53C, 53D, 55, 56 and 61 of the Competition Act, 2002, under challenge.
2	SLP(C) No. 32551/2015 to SLP(C) No. 31417/2017	UNION OF INDIA MINISTRY OF FINANCE THROUGH REVENUE SECRETARY AND ANR. VS NIKO RESOURCES LTD. AND ANR.	Ministry of Finance (Department of Revenue)	Validity of explanation inserted vide Finance Act (No.2) 2009 defining the term undertaking in respect of Section 80 1B
3	SLP(C) No. 4680/2016	PRASHANT BHUSHAN VS UOI	Ministry of External Affairs	Constitutional validity of Section 6(2)(f) of the Passports Act 1967
4	W.P.(C) No. 1168/2017	UMESH KUMAR SHARMA VS UOI	Ministry of Road Transport & Highways	The Petitioner approached the Supreme Court by way of present WP with prayer to issue a writ/order/direction, declaring Sections 166, 167 & 185(1) read with Entry 5th, 9th Schedule of the Finance Act 2017 as unconstitutional and in violation of fundamental rights and direct the Respondent to allow the Petitioner to continue as presiding officers of the National Highway Tribunal with salary allowance and all benefits.
5	W.P.(C) No. 1517/2018	KAMAL ANANT	Ministry of Education	Present WP is filed challenging the constitutional validity of Section 15

		KHOPKAR vs. UNION OF INDIA		of Hindu Succession Act, 1956 (General rules of succession in case a Hindu woman dies intestate leaving self-acquired property).
6	SLP(C) No. 10407/2018	THE STATE OF MADHYA PRADESH PRINCIPAL SECRETARY COMMERCIAL TAX DEPARTMENT GOVT. OF M.P. AND ORS. VS M/S BHARTI AIRTEL LTD.	Ministry of Finance {Department of Revenue (CBEC)}	Issue that arises for consideration in the present case pertains to the validity of Sections 2 (u) & 2 (v) of VAT Act so far as it relates to SIM replacement and lease line revenue.
7	W.P.(C) No. 903/2019	Y. SULOCHANA RANI VS UOI	Ministry of Education	WP raises question relating to the laws on custody and guardianship of children in India. Petitioner's prayer is to declare Sec 6(a) and Sec 7 of the Hindu Minorities and Guardianship Act, 1956 as unconstitutional.
8	WP(C) 472/2019	YASMEEN ZUBER AHMAD PEERZADE AND ANR. VS UOI	Ministry of Education	Petitioner's prayer is to declare the practices of prohibition of entry of Muslim Women in Mosque in India as illegal and unconstitutional for being violative of Articles 14, 15, 21, 25 and 29 of the Constitution and permitting the Muslim Women to offer their prayer/Namaj inside Mosque.
9	SLP (C) No. 10346/2019	Mahindra and Mahindra v. Competition Commission of India & other connected matters	Ministry of Corporate Affairs	Constitutional validity of certain provisions including Sections 8, 9, 15, 17, 22(3), 26, 27, 36, 53C, 53D, 55, 56 & 61 of the Competition Act, 2002 is under challenge.
10	WP (C) No. 1013/2019	ManoharLal Sharma v. UOI	Ministry of Home Affairs	A petition was filed under Article 32 challenging the constitutionality of the dilution of Article 370. The petitions have sought for declaring CO 272, CO 273 and the J&K ReorganisationAct 'unconstitutional, void and inoperative'.
11	Writ Petition (Civil) No. 55	JANHIT ABHIYAN	Ministry of Social Justice	Petitioners have challenged the constitutional validity of the

	of 2019 with other connected matters	VS. UNION OF INDIA & ORS.	& Empowerment	Constitution 103rd Amendment Act, 2019.By the said Amendment, Articles 15 and 16 of the Constitution of India were amended by inserting Clause (6) after Clause (5) in Article 15 and by inserting Clause (6) after Clause (5) in Article 16.
12	WP (C) 1470 of 2019	INDIAN UNION OF MUSLIM LEAGUE & ORS. Vs. UOI &Ors.	Ministry of Home Affairs	Petition filed challenging the Citizenship (Amendment) Act, (CAA) 2019 particularly Section 2(1)(b) of the CAA.
13	WP (C) 679/2019	S. G. VOMBATKERE & ORS. VS. UOI & ORS.	Ministry of Finance	The Aadhaar and Other Laws (Amendment) Bill, 2019 has been challenged on the ground that it violates the Supreme Court's 2018 decision, in WP (C) 494/2012, on the constitutionality of the Aadhar Act.
14	WP (C) 1076/2019	SAJAL AWASTHI vs. UNION OF INDIA	Ministry of Home Affairs	Challenged The Unlawful Activities (Prevention) Amendment Bill, 2019. The challenge pertains to Constitutional validity of the 2019 amendments to the Unlawful Activities (Prevention) Act, 1967 including Chapter VI of UAPA and Section 35 & 36.
15	W.P.(C) No. 896/2020	INDIAN HAJ UMRAH GROUP ASSOCIATION VS UNION OF INDIA AND ORS.	Ministry of Finance (Department of Revenue)	The Petitioner herein has approached the Hon'ble Supreme Court under Article 32 of the Constitution of India challenging the levy and collection of Service Tax/ GST from the pilgrims who perform hajj through the haj group organizers (HGOs) in Saudi Arabia, as *per se* unconstitutional, discriminatory and in violation of the fundamental rights under Articles 14, 25 and 26 of the Constitution of India.
16	CA No. 1224/2020 W.P.(C) No. 342/2020 + W.P.(C) No. 366/2020	ALL TAI AHOM STUDENTS UNION AND ANR. VS UNION OF INDIA AND	Ministry of External Affairs	Validity of The Adaptation of Laws (Amendment) Order, 2019 wherein State of Assam has been excluded from Inner line Area in light of the Citizenship (Amendment) Act, 2019.

		ORS.		
17	W.P.(C) No. 1397/2020 &W.P.(C) No. 891/2021	DR. RADHIKA THAPPETA AND ORS. VS UNION OF INDIA AND ORS.	Ministry of External Affairs	Validity of Section 7B(1) of Citizenship Act 1955
18	W.P C – 799/2020 T.P(C) - 100-105/2021	SKAND BAJPAI & ANR. VS. UOI & ORS. & CONNECTED MATTERS	Ministry of Electronics and Information Technology / Ministry of Human Resource Development	Involving challenge to Information Technology (Intermediary Guidelines & Digital Media Ethics Code) Rules, 2021 (I.T Rules)/ Cable Television Networks (Amendment) Rules, 2021 & Ancillary Rules. (Cable T.V. Rules)
19	W.P.(C) No. 732/2020	SNIDHA MEHRA VS UNION OF INDIA AND ORS	Ministry of Women and Child Development / Ministry of Law & Justice	Writ filed for seeking directions to declare Section 15[1][b] of Hindu Succession Act 1956 as unconstitutional, *ultra-vires*to the Constitution, as violative of Articles 14,15,21 of the Constitution.
20	Writ Petition (Civil) No. 1118/2020 & WP (C) No. 1152/2020	RAKESH VAISHNAV AND ORS VS. UNION OF INDIA AND ORS.	Ministry of Agriculture	The Petitioners have challenged and sought setting aside the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act 2020, Essential Commodities (Amendment) Act 2020 and Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020 as being unconstitutional being beyond the legislative competence of the Union of India and being violative of Articles 14, 19, 21, 23, 243G and 246 of the Constitution of India.
21	W.P.(C) No. 25/2020	JAIRAM RAMESH VS UNION OF INDIA AND ANR.	Department of Personnel & Training (DoPT)	It is a Writ Petition filed under Article 32 of the Constitution of India for issuance of appropriate writ to declare and set aside the right to information (RTI) Amendment Act, 2019 and Rules made thereunder as *ultra-vires* to the Constitution and against the aims and objects of RTI Act 2005.
22	MA 111/2021 in W.P.(C)	MADRAS BAR	Ministry of Law & Justice	It is a writ petition filed under Article 32 of the Constitution by the Madras

	No. 804/2020 to W.P.(C) No. 502/2021	ASSOCIATION VS UNION OF INDIA AND ANR.		Bar Association against the Union of India for declaration that Tribunal, Appellate and other authorities (Qualifications, experience and other conditions of service of members) Rules 2020 be declared as *ultra-vires* to the Constitution.
23	WP(C) 51/2020	SWATI BIDHAN BARUAH vs. UNION OF INDIA	Ministry of Social Justice & Empowerment	The Transgender Persons (Protection of Rights) Act, 2019 has been challenged, including Sections 4, 5, 6, 7, 12(3), 18(a) and 18(d) of the Act.
24	W.P.(C) No. 60/2020 PIL-W	SAMASTHA KERALA JAMIATHUL ULEMA V UNION OF INDIA	Ministry of Law & Justice	The Muslim Women (Protection of Rights on Marriage) Act, 2019. The pleas have alleged that the Act is unconstitutional, as it criminalizes the "mere pronouncement of triple talaq, which had already been declared unconstitutional and void" by the Supreme Court.
25	W.P. C – 760/2021 T.P. C – 997-1000/2021 T.P. C – 1147-1152/2021 T.P C – 1248-1252/2021 SLP C – 14506-07/2021 SLP C – 11163/2021 SLP C – 11566/2021 SLP C – 8670/2022	AMOL PALEKAR vs. UNION OF INDIA & 7 Connected Matter	Ministry of Electronics and Information Technology	Challenge to Information Technology (Intermediary Guidelines & Digital Media Code) Rules, 2021.
26	WP (C) 1018/2021	MADRAS BAR ASSOCIATION VS. UOI	Ministry of Law & Justice	The Tribunals Reforms (Rationalization and Conditions of Service) Ordinance, 2021 is under challenge.

27	WP (C) No. 1281 of 2021	DILIP B. JIWARJKA Vs. UOI	Ministry of Corporate Affairs	Challenging Section 95 (1), 96(1), 97(5), 99(1), 99(2), 99(4), 99(5), 99(6) and 100 of the Insolvency and Bankruptcy Code, 2016, pertaining to individual solvency.
28	WP (C) 1274/2021	MAHUA MOITRA VS. UOI	Ministry of Home Affairs	Challenged The Central Vigilance Commission (Amendment) Ordinance, 2021 and The Delhi Special Police Establishment (Amendment) Ordinance, 2021 andit violates the principle of fair investigation and trial and overrules the Court's previous decisions on the extension of the term of ED and CBI Directors tenure.
29	WP (C) 887/2021	GOVERNMENT OF NCT OF DELHI VS. UNION OF INDIA	Ministry of Home Affairs	The Government of National Capital Territory of Delhi (Amendment) Bill, 2021. The Amendment diminishes the powers and functions of the elected Legislative Assembly and establishes the LG as the default administrative authority over NCT Delhi on all matters.
30	WP (C) No. 307 of 2022	GURMEET SODHI vs. UOI	Ministry of Corporate Affairs	Challenging Section 95 (1), 96(1), 97(5), 99(1), 99(2), 99(4), 99(5), 99(6) and 100 of the Insolvency and Bankruptcy Code, 2016, pertaining to individual solvency.
31	Petition (s) for Arbitration (Civil) No.5/2022	OIL AND NATURAL GAS CORPORATION V AFCONS GUNANUSA JV	Ministry of Law & Justice	The Arbitration and Conciliation Act, 1996. Challenged Fourth Schedule, which decides the fees for arbitrators.
32	W.P C – 317/2022	VITHALBHAI RAVJIBHAI VANSIYA vs. UNION OF INDIA	Ministry of Environment Forest & Climate Change	Petition Challenging the vires of provision of limitation prescribed under Section 14, 15 & 16 of NGT Act, 2010.
33	T.P.(C) No. 1253-	UNION OF INDIA VS	Ministry of Commerce	Constitutionality of the Rule 29(4) of the Copy rights Rules 2013 and

	1254/2022	KAL RADIO LIMITED AND ORS.		section 31D of copyrights Act 1957 is under challenge.
34	WP (C) No. 395/2022	DHIRENDRA HANSRAJ SINGH vs. UOI	Ministry of Corporate Affairs	Challenging Sections 95, 96, 97, 98, 99, 100, 108, 114, 116, 118 of the Insolvency and Bankruptcy Code, 2016 pertaining to individual solvency.
35	WP (C) No. 388 of 2022	VIKRAM BHAWANISH ANKAR vs. UOI	Ministry of Corporate Affairs	Challenging the vires of Sections 95, 96(1), 97(5), 99(1) and 100 of the Insolvency and Bankruptcy Code, 2016 being violative of, inter alia, Article 14, 19(1)(g) and 21 of the Constitution.

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