

AILET

Last Minute Revision for CLAT PG: Important Judgements for the Month of July- Part II

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Preparing for CLAT 2025 and looking for comprehensive resources? Read this post to go through Part II of the important judgments of July.

The Himachal Pradesh High Court Affirms the Non-continuous Practice Requirement for Appointment as an Additional District Judge

- Case: Sandeep Sharma v. Hon'ble High Court of Himachal Pradesh and Ors
- Background: The petitioner, Sandeep Sharma, challenged the appointment of Advocate Parveen Garg as an Additional District and Sessions Judge, arguing that Garg did not meet the eligibility criteria for seven years of continuous legal practice.
- The Himachal Pradesh High Court clarified that Rule 5(c) of the Himachal Pradesh Judicial Service Rules requires only seven years of cumulative practice by the last date of application. It does not demand that this experience be continuous. The Court emphasized that the intent behind Rule 5(c) is to assess the advocate's overall legal experience rather than mandate consecutive years of practice.
- Decision: The Court found Advocate Garg's cumulative experience sufficient to meet the eligibility criteria under Rule 5(c) and dismissed the petitioner's challenge. This ruling reinforced that cumulative practice, rather than continuous practice, is adequate for judicial appointments under the specified rule.

Punjab and Haryana High Court Validates Enforcement of New Criminal Laws Following CrPC Repeal

- **Background:** The Bharatiya Nagarik Suraksha Sanhita (BNSS), which replaced the Code of Criminal Procedure (CrPC), was the subject of a petition challenging an FIR, arguing that the FIR was invalid under the repealed CrPC.
- The Punjab and Haryana High Court observed that the BNSS replaced colonial remnants within the legal system to modernise and streamline criminal procedures. The court emphasized that the BNSS aims to balance the rights and responsibilities of the state, victims, and the accused.
- **Decision:** The Court dismissed the plea, affirming that any case initiated after July 1, 2024, must proceed under the new BNSS framework rather than the CrPC. The Court upheld the validity of the FIR under BNSS, marking a transition to new criminal procedural laws.

The Supreme Court Affirms CIC's Authority to Form Committees and Manage RTI Operations Independently

- **Case:** Central Information Commission vs. DDA
- **Background:** The Central Information Commission (CIC) appealed a Delhi High Court decision limiting its powers to form committees and assign responsibilities under Section 12(4) of the RTI Act. The CIC argued that restricting its ability to organize its workload hindered its operational efficiency.
- The Supreme Court highlighted the importance of the CIC's autonomy, as RTI implementation demands a robust framework for transparency. The Court found that enabling the CIC to organize committees and issue procedural orders was crucial for managing its high caseload and maintaining effective oversight of RTI practices.
- The court ruled in favor of the CIC, reaffirming its authority to form benches, set up committees, and issue orders independently to streamline operations under the RTI Act. This decision protects the CIC's institutional autonomy, which is necessary for transparency and accountability.

The Jammu and Kashmir and Ladakh High Court Clarifies that Talaq Pronouncement Requires Procedural Justice in Muslim Marriage

- **Background:** In a case concerning the pronouncement of Talaq, the husband asserted that the divorce was effective based on his unilateral declaration. The wife disputed this, seeking maintenance, contending that the Talaq was not procedurally valid.
- The Court underscored that a legally valid Talaq in Islam requires procedural fairness, including the presence of witnesses and an effort at reconciliation prior to divorce. It stated that an arbitrary pronouncement, without following these steps, lacks legal standing.
- The Court rejected the husband's argument, ruling that procedural requirements were unmet and ordering him to continue providing maintenance to his wife. The judgement clarified that mere pronouncement does not suffice for a valid Talaq under Islamic law.

Supreme Court Rules Day-Long Imprisonment for Bigamy Offence as Insufficient Punishment

- The case involves an appeal against the Madras High Court's decision on the sentence for bigamy.
- The Supreme Court reviewed an appeal challenging the Madras High Court's reduced sentencing in a bigamy case. The Madras High Court had reduced the punishment from a year to a period of detention "until the rising of the court."
- The Supreme Court emphasized that sentencing for bigamy should reflect the social implications of the offence. It stated that such offences undermine marital sanctity and should carry a sentence proportional to the harm caused.
- The Supreme Court enhanced the sentence to six months' simple imprisonment, balancing the interests of society with the family circumstances of the accused. The Court's ruling underscores that punishment in cases of bigamy should carry enough weight to deter similar offenses.

Madras High Court Rules Against Disciplinary Action for Muslim Constable's Beard, Emphasizes Religious Freedom

- **Case:** G Abdul Khadar Ibrahim v. The Commissioner of Police and Anr
- A police constable faced disciplinary action for maintaining a beard, which his superiors claimed violated departmental grooming standards. The constable argued that growing a

beard was an expression of his religious beliefs as a Muslim.

- The Madras High Court noted that grooming policies in the police force should respect India's diverse cultural and religious practices. The Court emphasized that Muslims generally maintain a beard as part of their faith, and the workplace should respect this right within reasonable limits.
- Supporting the constable's right to religious expression, the Court ruled that disciplinary action based on his beard was unwarranted. The decision upholds the principle that professional regulations should not unduly restrict personal religious customs.