BLOGS

Last Minute Revision for CLAT PG: Important Judgements for the Month of November- Part I

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Preparing for CLAT 2025 and looking for comprehensive resources? Read this post to go through Part I of the important judgements of November.

Employer's Harsh Decisions Not Always Responsible for Employee's Suicide: Delhi High Court

- Case: Dr. G.K. Arora vs. State & Anr
- Background: The petitioner, Dr. G.K. Arora, challenged a trial court's summons related to a case of alleged abetment of suicide. The case involved a former employee who self-immolated in 2013, claiming in her suicide note that her termination, overwork, and lack of support from senior management pushed her to the extreme act. The petitioner argued that there was no proximate cause or direct connection between his actions and the victim's suicide.
- Court's Observation: The Delhi High Court noted that the alleged termination had occurred over a year before the incident, and there was no evidence of interaction or harassment by the petitioner during this time. The Court stated that managerial decisions, even if perceived as harsh, do not constitute abetment unless there is a clear intention to incite or provoke the act of suicide. The judgment further emphasized that the law requires a direct and proximate relationship between the accused's actions and his suicide.
- Decision: The High Court quashed the trial court's summons, ruling that the petitioner's actions did not meet the legal threshold for abetment of suicide under Section 306 IPC.

Children Born from Invalid Marriages Cannot Be Denied Birth Registration: Himachal Pradesh High Court

- Background: A mother filed a petition on behalf of her three minor children, who had their birth registration denied by local authorities due to their parents' unregistered and legally

invalid marriage. The petitioner contended that such denial violated the children's fundamental rights and caused unnecessary hardship in accessing education and other state benefits.

- Court's Observation: The Himachal Pradesh High Court underscored the distinction between the legal status of a marriage and the rights of children born out of it. The Court emphasized that Section 16(3) of the Hindu Marriage Act deems children legitimate, regardless of the validity of their parents' marriage. The Court also noted that birth registration is a fundamental right under Article 21 of the Constitution, and denial of the same solely on account of the parents' marital status is arbitrary and discriminatory.
- Decision: Regardless of the legal status of the marriage, the Court ordered local authorities to register the children's births and issue the required certificates.

Trial Courts Convict Innocent Persons to Save Face: Allahabad High Court

- Case: Upendra@Balweer v. State of Uttar Pradesh
- Background: A trial court convicted the appellant, Upendra, for the alleged murder of his wife in 2010. He challenged the conviction, asserting that the trial court had relied on circumstantial evidence and ignored crucial gaps in the prosecution's case. The defense argued that the conviction was based on societal and institutional pressure to convict someone in a dowry death case.
- Court's Observation: The Allahabad High Court expressed concern over trial courts convicting individuals in sensitive cases without sufficient evidence to avoid criticism or scrutiny from higher courts. It pointed out the systemic issue of wrongful convictions arising from fear of judicial censure. The Court highlighted recommendations from the 277th Law Commission report, advocating for measures to address wrongful prosecutions and provide compensation to the falsely accused.
- Decision: The High Court overturned the conviction, citing a lack of credible evidence and procedural lapses. It highlighted the importance of ensuring a fair trial and warned against prioritizing public or institutional pressures over the principles of justice.

Remarriage Without Divorce Is Cruelty: Madras High Court

- Case: Unspecified Domestic Violence Case
- Background: A woman filed a domestic violence complaint against her husband, alleging emotional and financial abuse. The husband defended his actions by presenting a Shariat Council-issued divorce certificate, claiming it had dissolved their marriage. The woman countered that the certificate lacked legal validity due to its lack of issuance by a competent judicial authority.
- Court's Observation: The Madras High Court ruled that the Shariat Council certificate could not serve as a legally binding divorce document. It emphasized that remarriage without obtaining a judicial divorce is not only invalid but also constitutes cruelty under the Domestic Violence Act, as it subjected the complainant to emotional distress and humiliation. The judgement reaffirmed the necessity of following legal procedures for divorce to protect the rights of both parties.
- Decision: The Court upheld the compensation and maintenance granted to the complainant, stating that the husband's actions violated her rights and inflicted emotional harm.

Rape Cases Cannot Be Settled Without Survivor's Informed Consent: Supreme Court

- Case: XYZ v. State of Gujarat and Anr
- Background: The Gujarat High Court had accepted a settlement affidavit in a rape case involving a tribal survivor, allegedly without verifying whether she understood or consented to the agreement. The survivor, who was illiterate and unfamiliar with the language of the affidavit, later claimed that the accused's family had coerced her into signing the document.
- The Supreme Court harshly criticized the High Court for accepting the settlement without verifying the informed and voluntary consent of the survivor. It emphasized that settlements in sexual assault cases require a survivor's clear understanding and agreement, especially in cases involving vulnerable individuals. The judgement reiterated the judiciary's responsibility to safeguard the survivor's rights and prevent coercion or manipulation in such settlements.
- Decision: The Supreme Court invalidated the settlement and remanded the case to the High Court for a fresh hearing. The Supreme Court instructed the High Court to personally confirm the survivor's position and guarantee the preservation of her rights.