BLOGS

9 Important Judgments for CLAT PG 2024

ANNA PRIYA · 07 Jan 2023

Here's a post comprising 9 important judgments of 2021-2022 to help you prepare well for CLAT 2024!

1. State of Jharkhand v. Shailendra Kumar Rai @ Pandav Rai, CrA 1441 of 2022, decided on 31 October 2022

Bench: Justices DY Chandrachud and Hima Kohli

The Court banned the use of the two-finger test in cases of rape and sexual assault, reiterating that it is re-traumatizing for the woman. The test works on an assumption that sexually active women cannot be raped which is, in fact, untrue and extremely patriarchal. It also has no scientific basis, and the use of the test would be considered misconduct.

You can find the judgement here: https://indiankanoon.org/doc/196199017/

2. X v. The Principal Secretary, Health and Family Welfare Department, Govt. of NCT of Delhi & Anr.

Bench: Justice DY Chandrachud, Justice A. S. Bopanna, Justice J.B. Pardiwala

The right to terminate a pregnancy medically extends to unmarried women as well. It would be unconstitutional to exclude women from this right, the Court held. The Apex Court interpreted Rule 3B of the Medical Termination of Pregnancy Rules, 2003 in a purposive manner to come to this conclusion, so that the Court furthers the Constitutional mandate.

You can find the judgement here: https://indiankanoon.org/doc/134729746/

3. Deepika Singh v. Central Administrative Tribunal and Others

Bench: DY Chandrachud, Justice A.S. Bopanna

In this case, the Court recognized unconventional familial relationships, including unmarried couples and queer couples. In adding queer relationships to this list of recognition, the Court afforded the social benefits to queer couples and their families as well. The Court held that these families "are equally deserving not only of protection under law but also of the benefits available

under social welfare legislation".

You can find the judgement here: https://indiankanoon.org/doc/26134676/

4. Aishat Shifa v. State of Karnataka & Ors., Civil Appeal No. 7095 of 2022

Bench: Justice Hemant Gupta, Justice Sudhanshu Dhulia

In this matter, the Court gave a split verdict on the Hijab ban case that arose of out the decision of the Karnataka High Court. The High Court upheld the right of educational institutions to ban hijab to maintain uniformity in the prescribed college uniform.

Hearing an appeal to this along with miscellaneous petitions, Justice Gupta held:

"…secularism is applicable to all citizens, therefore, permitting one religious community to wear their religious symbols would be antithesis to secularism. Thus, the Government Order cannot be said to be against the ethic of secularism or to the objective of the Karnataka Education Act, 1983."—effectively upholding the Government's order and allowing the institutions to disallow hijab.

Justice Dhulia on the other hand, held that there shall be no restriction on the wearing of hijab anywhere in schools and colleges in Karnataka.

You can find the judgement here: https://indiankanoon.org/doc/8682191/

5. Janhit Abhiyan v. Union of India, Writ Petition (Civil) No. 55 of 2019

Bench: CJI (then) UU Lalit, Justice S. Ravindra Bhat, Justice Bela Trivedi, Justice Dinesh Maheshwari, Justice J.B.Pardiwala.

The Supreme Court has recently upheld the 103rd Constitutional Amendment Act that had introduced 10% reservation for Economically Weaker Sections (EWS) in education and public employment. The judgment was delivered in 3:2 majority.

Justices Maheshwari, Trivedi and Pardiwala upheld the amendment. They held that this new Amendment was valid and did not violate the basic structure of the Constitution. They penned separate judgments, and each of which had its own line of reasoning.

Justices Bhat and Lalit dissented with the majority, and the former penned the minority opinion on behalf of both. They maintained that the State was not allowed to create a new criteria for affirmative action.

You can find the judgement here: https://indiankanoon.org/doc/133604763/

6. Jaishri Laxmanrao Patil v. Chief Minister, Maharashtra, SLP (C) 15737/2019

Bench: Justice Ashok Bhushan, Justice Abdul Nazeer, Justice Nageswara Rao, Justice Hemant Gupta and Justice S. Ravindra Bhat.

In this case, the Supreme Court struck down Maharashtra's Socially and Educationally Backward Classes Act, 2018. This Act was aimed at granting reservations to the Maratha community. The Court condemned the law for violating the 50% limit on reservations. The Bench unanimously held that the 50% limit on reservations cannot be violated.

Interestingly, Justices Bhushan and Nazeer held that the 102nd Amendment Act, 2018 did not take away States' power to identify socially and educationally backward classes—which differed from the rest of the Bench.

You can find the judgment here: https://indiankanoon.org/doc/189806642/

7. Manohar Lal Sharma v. Union of India, WP (Crl) 314/2021

Bench: NV Ramana, CJI (then), Justice Surya Kant, Justice Hima Kohli.

Amid concerns of the use of Pegasus spyware, the Court constituted a Technical Committee to look into the allegations regarding and around the use of the same. The Committee comprised 3 members and the functioning of the committee was decided to be overseen by Justice RV Raveendran, a retired Supreme Court Judge, assisted by Mr. Alok Joshi [former IPS officer (1976 batch)] and Dr. Sundeep Oberoi [Chairman, ISO/IEC JTC1 SC7][i].

It was notable that the Central Government took an ambiguous stand in this case.

You can find the judgement here: https://indiankanoon.org/doc/39021018/

8. Lt. Col. Nitisha v. Union of India

Bench: Justice DY Chandrachud, Justice M.R. Shah.

In this case, the Court recognized indirect discrimination in the manner of granting women officers Permanent Commission in the army. The Court mentioned that it may not be an overt form of discrimination, but it is necessary to detect it nonetheless. In doing so, the Court struck down the discriminatory policy of the armed forces in granting promotion, which were in effect detrimental to women.

You can find the judgement here: https://indiankanoon.org/doc/190567716/

9. Indian Ex Servicemen Movement & Ors. v. UoI & Ors.

Bench: Justices D.Y. Chandrachud, Justice Surya Kant, Justice Vikram Nath

On March 16th, 2022 a Bench comprising Justices D.Y. Chandrachud, S. Kant and V. Nath upheld the OROP policy as proposed by the Union Government in November 2015. The policy states that servicemen who retired after January 1st 2014 would be entitled to pension based on their last drawn pay. Servicemen who retired before this date would be entitled to pension on the basis of the average of the maximum and minimum salary drawn for their rank in 2013. This pension is revised periodically every five years.

You can find the judgement here: https://indiankanoon.org/doc/160389977/