BLOGS

Important Supreme Court Cases & Decisions: October 2021 (Part 3/3)

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CLAT-PG and many other law examinations across the country require the applicants to stay updated with the latest legal developments, especially the important Supreme Court cases.

This post is a part of a series by CLATalogue, where we enlist and briefly explain the important parts of a case law judgment and/or order. To read the list of cases for other months, click here.

1. Re: Inaction of the Governments in appointing President and Members/Staff of Districts and State Consumer Disputes Redressal Commission and Inadequate Infrastructure across India [i]

Bench: Sanjay Kishan Kaul & M.M Sundresh, JJ.

The Supreme Court was perturbed by the imminent vacancies in the consumer commissions across the country, and in that connection expressed its disapproval in the following words:

"If the government feels it doesn't want them then abolish the Act. But if you put the Act in place, you must man the tribunals."

2. Municipal Corporation of Greater Mumbai v. Ankita Sinha & Ors. [ii]

Bench: A.M. Khanwilkar, Hrishikesh Roy & C.T. Ravikumar, JJ.

In this case, one issue was whether the National Green Tribunal has *suo motu* jurisdiction, and in that regard, it was held that the Tribunal is, in fact, vested with *suo motu* power in discharge of its functions under the NGT Act. The Court referred to the play 'Waiting for Godot' and observed that:

"The National Green Tribunal must act, if the exigencies so demand, ***without indefinitely waiting for the metaphorical Godot to knock on its portal.***"

3. Gaurav Kumar Bansal v. Union of India [iii]

Bench: M.R. Shah, J.

In light of the previous detailed judgment of the Supreme Court in which it was required to establish COVID-19 as the cause of death in order to receive *ex gratia* compensation (to victims' families), the Court directed all hospitals which were involved in attending to COVID patients "to provide all necessary documents of treatment etc. to the family members of those who succumbed to the pandemic, as and when demanded".

Moreover, in case the cause of death is wrongly attributed on the death certificate, the family of the deceased is permitted to move the appropriate authority and produce evidence to the contrary.

4. National Federation of Societies for Faster Justice & Ors. v. High Court of Uttarakhand & Ors. [iv]

Bench: L. Nageshwara Rao & B.R.Gavai, JJ.

Certain important oral remarks were made by the judges in this case hearing. The Court was in favor of "returning to normalcy" and allowing physical Courts to function. The petitioners were pushing for allowing/continuing hybrid modes of hearing.

The Court said that online hearings can't be a norm, and that it cannot be so held to be a matter of right. Judges also highlighted the major feasibility issues that they had to face during online hearings. Justice Rao was quoted saying:

*"These distinguished citizens should be told about the fundamental principles of open courts and open justice. We want courts to be open to the public and justice to be open."**[v]***

5. Mahendra KC v. State of Karnataka [vi]

Bench: DY Chandrachud & BV Nagarathna, JJ.

The Supreme Court took an impressive stance on mental health in this case. The Karnataka High Court had called a person who committed suicide a "weakling". The Court said that mental health varies from person to person and doesn't fit all in a box, in the following words:

"…how an individual copes up with a threat- both physical and emotional, expressing (or refraining to express) love, loss, sorrow and happiness, varies greatly in view of the multi-faceted nature of the human mind and emotions."

To read other important Supreme Court cases and decisions, click here.

[i] Suo Moto Writ Petition (Civil) No. 2/2021, order dated 22.12.2021

[ii] Civil Appeal Nos. 12122-12123 OF 2018, decided on 07.12.2021

[iii] Miscellaneous Application No. 1120/2021 in W.P.(C) No. 539/2021, order dated 04.10.2021

[iv] Writ Petition (Civil) No. 1051/2021, order dated 08.10.2021

[v] Conversational excerpts taken from LiveLaw: available at https://www.livelaw.in/top-stories/virtual-hearing-no-norm-open-court-supreme-court-live-streaming-183407 (last seen 01.01.2022)

[vi] 2021 SCC OnLine SC 1021, decided on 29.10.2021