BLOGS

Important Supreme Court Cases & Decisions: September 2021 (Part 2/2)

ANNA PRIYA · 30 Dec 2021

As a law school aspirant preparing for CLAT or any other law exam, you are required to stay on top all legal developments that take place in the country. At CLATalogue, we have compiled a list of all important Supreme Court cases and decisions delivered in September 2021. These are important from, both, an examination point of view and for your general knowledge.

1. Union of India Md. Nawaz Khan [i]

Bench: DY Chandrachud and BV Nagarathna, JJ.

The Supreme Court observed that a mere finding of the absence of possession of the contraband on the person of the accused doesn't guarantee or solely warrant the grant of bail under the Narcotic Drugs and Psychotropic Substances Act, 1985. There is a certain level of scrutiny required under *Section 37(1)(b)(ii)* of the Act that still needs to be fulfilled by the Court granting bail.

1. In Re: Cognizance for Extension of Limitation [ii]

Bench: NV Ramana, CJI; Nageswara Rao and Surya Kant, JJ.

The Supreme Court had earlier, in light of the unprecedented COVID-19 pandemic, extended the period of limitation. The Court has now withdrawn its earlier order dated April 27, 2021[iii], which had extended the limitation period for filing of cases in view of the second wave of the pandemic. The extension in limitation period is ordered to be withdrawn "with effect from October 2, 2021":

"In computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 till 02.10.2021 shall stand excluded. Consequently, the balance period of limitation remaining as on 15.03.2021, if any, shall become available with effect from 03.10.2021."

1. Gaurav Kumar Bansal Union of India [iv]

Bench: MR Shah and Anuradha Bose, JJ.

On *June 30* [v], the Supreme Court has issued certain directions to the Centre regarding framing of guidelines (*via* National Disaster Management Authority) to simplify the process for issuance of death certificates with for the COVID-19 deceased persons and recommend guidelines for payment of ex-gratia assistance to the dependents of those who died due to COVID-19.

On request of additional time by the Centre for the simplification of issuance of death certificates, the Court expressed certain concerns. The Court was, however, satisfied with the decision regarding *ex gratia* compensation.

In the main judgment, the Court emphasized the "mandatory statutory duty cast upon the National Authority to recommend guidelines for the minimum standards of relief", under Section 12 of the Disaster Management Act, 2005. The Court read the term "shall" in the provision as casting a mandatory duty on the authority, in light of the object and purpose of the Act.

1. Chitra v. District Collector and Chairman State Level Vigilance Committee [vi]

Bench: L. Nageswara Rao and Aniruddha Bose, JJ.

In this case, the Court talked about the purpose of verification of caste certificates, which is to avoid false and bogus claims. The Court made an important observation in this case:

"Repeated inquiries for verification of caste certificates would be detrimental to the members of Scheduled Castes and Scheduled Tribes. Reopening of inquiry into caste certificates can be only in case they are vitiated by fraud or when they were issued without proper inquiry." ***[vii]***

While pronouncing the judgment, the Court reiterated the observations of a previous relevant landmark judgement, *Kumari Madhuri Patil & Anr*. v. *Addl. Commissioner, Tribal Development & Ors*.[viii], which dealt with issues arising out of caste certificates.

To read Part-I of this article, click here.

[i] Criminal Appeal No. 1043 of 2021, decided on 22 September 2021

[ii] Miscellaneous Application No. 665 of 2021 (in SMW(C) No. 3 of 2020), order dated 23 September 2021

[iii] Miscellaneous Application No.665 of 2021, seeking restoration of the order dated 23.03.2020

[iv] Miscellaneous Application No. 1120 of 2021 in W.P.(C) No. 539 of 2021, order dated 3 September, 2021; *Also See* order dated 23 September, 2021

[v] Reepak Kansal v. Union of India & Ors. (*with* Gaurav Kumar Bansal v. Union of India), WRIT PETITION (CIVIL) NO. 554 OF 2021, decided on 30 June, 2021

[vi] Criminal Appeal No. 875 of 2021, decided on 24 August, 2021

[vii] *Id.*, p. 13-14

[viii] (1994) 6 SCC 241