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SUPREME COURT CALLS OUT FAILURE TO JUSTIFY JUVENILE BAIL DENIAL

The recent decision by the Supreme Court in *Juvenile in Conflict with Law V v. State of Rajasthan & Anr.* serves as a significant reminder of the robust legal protections that are provided to juveniles under the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act). One of the key provisions of this Act, Section 12(1), establishes a strong presumption in favor of granting bail to juveniles who conflict with the law. This presumption is foundational to the juvenile justice system, ensuring that minors are not unjustly detained and are treated with the care and consideration appropriate for their age and circumstances.

However, the Act also recognizes that there may be exceptional situations where the release of a juvenile on bail may not be appropriate. The proviso to Section 12(1) outlines these specific circumstances, which include instances where there are reasonable grounds to believe that releasing the juvenile could lead to further criminal associations, expose the juvenile to moral, physical, or psychological harm, or otherwise defeat the ends of justice. These exceptions are meant to protect the juvenile and society at large, but they must be applied with careful judicial scrutiny. In the case under review, the Supreme Court found that the lower courts, including the Juvenile Justice Board (JJB), the trial court, and the High Court, failed to properly evaluate and record whether the circumstances of the case warranted the application of the proviso to Section 12(1).



This oversight resulted in the unjust detention of a juvenile for over a year, despite the absence of any recorded findings that would justify denying bail under the proviso. Such a lapse underscores the critical need for the judiciary to meticulously apply legal standards, particularly in cases involving the rights of minors. The Court further ordered the immediate release of the juvenile on bail without requiring surety and instructed the JJB to direct the Probation Officer to supervise the juvenile and regularly submit reports on the juvenile's conduct to the JJB.

Read More:

1. <https://www.livelaw.in/top-stories/juvenile-cannot-be-denied-bail-without-recording-finding-that-proviso-to-s-121-juvenile-justice-act-is-applicable-supreme-court-266868>.
2. <https://www.barandbench.com/news/how-bail-denied-despite-juvenile-justice-act-supreme-court-frees-youth-independence-day-eve>.



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SUPREME COURT QUASHES PERJURY CASE, ESTABLISHES GUIDELINES FOR SECTION 193 IPC

The Supreme Court recently quashed a perjury proceeding against a litigant while laying down clear guidelines for initiating perjury proceedings under Section 193 of the Indian Penal Code (IPC), 1860. The case involved an appeal against a decision by the Uttarakhand High Court, which had directed the registration of a complaint against the appellant for filing a false affidavit during a bail cancellation hearing. The appellant was accused in a rape case and had been granted bail by the High Court. Subsequently, the complainant sought to cancel the bail, but the High Court rejected the plea. However, the court ordered an FIR to be registered for perjury, citing inconsistencies between the affidavits of the complainant and the appellant. The appellant then approached the Supreme Court, arguing that mere denial of allegations in pleadings does not amount to perjury and that a court is not obligated to file a complaint under Section 195(1)(b) of the Code of Criminal Procedure, 1973, unless it is deemed necessary in the interest of justice.

In its judgment, the Supreme Court, led by a bench comprising Justices B.R. Gavai, Sanjay Karol, and K.V. Viswanathan, outlined specific criteria that must be met before initiating perjury proceedings. Firstly, there must be Prima Facie Evidence indicating sufficient and reasonable grounds to proceed. The Court emphasized that perjury proceedings should only be initiated when it is in the Interest of Justice to punish the individual, rather than for minor or immaterial inaccuracies. Additionally, there must be a Deliberate Falsehood on a substantive matter, and the charge must be based on a solid Foundation for the Charge with distinct evidence, not just suspicion. The Court further noted that such proceedings should be reserved for Exceptional Circumstances, particularly when a party has committed perjury to obtain favorable court orders.

The Supreme Court concluded that in this case, the criteria for initiating perjury proceedings were not sufficiently met. The statements made by the appellant in his affidavit were seen as his version of events, with no deliberate falsehood or malafide intention evident. Consequently, the Court set aside the Uttarakhand High Court's directive to register a complaint against the appellant.

Read more:

1. <https://www.livelaw.in/supreme-court/s-193-ipc-when-can-perjury-proceedings-be-initiated-against-a-litigant-supreme-court-explains-266668>.
2. <https://www.drishtijudiciary.com/current-affairs/when-can-perjury-proceedings-be-initiated-against-a-litigant>.

BAIL CONDITIONS MUST RESPECT ARTICLE 21 WHEN THE ACCUSED STRUGGLES TO SECURE MULTIPLE SURETIES: SUPREME COURT.

The Supreme Court in *Girish Gandhi v. The State of Uttar Pradesh & Ors.* ruled that courts must balance the requirement of sureties with an accused's right to personal liberty under Article 21 of the Constitution when dealing with bail in multiple cases. The judgment was delivered in a case where the petitioner, despite securing bail in 13 separate cases across different states, struggled to find the necessary sureties, leading to continued incarceration.

The bench, comprising Justices B.R. Gavai and K.V. Vishwanathan, addressed a writ petition filed by Girish Gandhi under Article 32 of the Constitution. Gandhi sought an order that the personal bonds and sureties he executed in one case should be valid across other cases as well. The petitioner's difficulties in securing multiple sureties highlighted the challenges faced by individuals in similar situations.

The Court recognized the importance of sureties in ensuring an accused's presence after being released on bail. However, it also noted the need to balance this requirement with the fundamental rights guaranteed under Article 21. "Sureties are essential to ensure the presence of the accused, released on bail. At the same time, where the accused enlarged on bail is unable to find sureties, as ordered, in multiple cases, there is also a need to balance the requirement of furnishing the sureties with his or her fundamental rights," the Court observed.



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The states of Uttar Pradesh, Rajasthan, Punjab, and Uttarakhand, where FIRs were pending against the petitioner, argued that separate sureties were required for each case. However, the Court rejected these arguments, terming the requirement of furnishing multiple sureties as potentially excessive and oppressive. Citing the principle that excessive bail is effectively no bail, the Court emphasized that the conditions imposed on bail should not undermine the rights granted by the bail itself.

The Court ultimately ordered that for pending FIRs in each of the four states, the petitioner would need to furnish a personal bond of ₹50,000 and two sureties of ₹30,000 each. These bonds and sureties would be valid across all FIRs within the respective states. This ruling, the Court noted, was designed to protect the petitioner's rights while ensuring his presence in court.

Read more:

1. <https://www.barandbench.com/news/bail-with-excessive-conditions-is-no-bail-supreme-court>
2. <https://www.livelaw.in/supreme-court/if-accused-given-bail-in-multiple-cases-is-unable-to-find-sureties-condition-of-multiple-sureties-be-balanced-with-article-21-supreme-court-267410>

SUPREME COURT QUASHES CONVICTION UNDER SECTION 353, SAYS JOSTLING DURING ARREST ISN'T CRIMINAL FORCE

On August 12, the Supreme Court in Mahendra Kumar Sonker v The State of Madhya Pradesh overturned the conviction and sentence of an appellant under Section 353 of the Indian Penal Code, 1860, which deals with assault or criminal force to deter a public servant from discharging duties. The appellant's conviction, confirmed by the Madhya Pradesh High Court on October 14, 2009, had resulted in a sentence of six months simple imprisonment and a fine of Rs. 1,000.

The case originated from a complaint alleging corruption against the President of a committee responsible for constructing an Education Guarantee Building. The appellant was assigned to investigate claims that the complainant had falsely accused the President. Upon finding the allegations baseless, the appellant was accused of demanding a bribe of Rs. 500 from the complainant for a copy of the report.

Following this, the complainant filed an FIR against the appellant, leading to a police-organized trap to catch him red-handed. During the operation, the prosecution alleged that the appellant, along with his wife, attempted to obstruct the trap team, leading to charges under Section 353.

The Supreme Court, after reviewing Section 353, clarified that for a conviction under this provision, the prosecution must establish that there was intentional use of force against a public servant while performing their duties or to prevent them from doing so. However, the court found that the medical evidence, which indicated injuries sustained by police officers, did not conclusively prove the use of any hard or blunt object by the appellant.

The bench, comprising Justices B.R. Gavai, K.V. Vishwanathan, and N.K. Singh, observed that the evidence suggested only that the appellant attempted to extricate himself from arrest, resulting in some jostling and pushing. This did not amount to assault or use of criminal force as required under Section 353.

The court further noted that the appellant was not charged under Section 186 IPC, which pertains to obstructing a public servant, likely because the procedural requirements under Section 195(1)(a)(i) of the Code of Criminal Procedure, 1973, were not followed. Consequently, the Supreme Court set aside the appellant's conviction, citing insufficient evidence to support the charges under Section 353 IPC.

Read more:

1. <https://www.livelaw.in/supreme-court/jostling-pushing-to-wriggle-out-of-arrest-didnt-amount-to-criminal-use-of-force-supreme-court-sets-aside-conviction-us-353-ipc-266593>
2. <https://thelawgist.org/conviction-under-section-353-ipc-for-resisting-arrest-during-a-police-trap/>



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SECTION 50 OF THE NDPS ACT APPLIES ONLY TO PERSONAL SEARCHES AND NOT TO SEARCHES OF BAGS CARRIED BY THE PERSON

In the case titled *State of Kerala v. Prabhu* (Special Leave to Appeal (Crl.) No. 13937/2023), the Supreme Court of India overturned a Kerala High Court judgment that had acquitted the respondent, Prabhu, who was previously convicted in a narcotics case. The High Court had ruled in favour of the respondent, finding that the search and seizure of the contraband were illegal due to non-compliance with Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act). This provision mandates specific procedural safeguards during searches, including the right of the individual to be searched in the presence of a Gazetted Officer or Magistrate. The High Court's interpretation was that this procedural requirement had not been fulfilled, leading to the respondent's acquittal.

However, the Supreme Court, while relying on the legal precedent established in *Ranjan Kumar Chadha v. State of Himachal Pradesh* (2023 Live Law (SC) 856), clarified the scope of Section 50 of the NDPS Act. The Court emphasized that Section 50's requirements apply strictly to personal searches, meaning searches conducted directly on an individual's body. In contrast, the contraband in this case—2.050 kilograms of Ganja—was found in a bag carried by the respondent, not on his person.

Therefore, the Supreme Court concluded that the procedural safeguards under Section 50 were not applicable in this context, and the High Court's decision was contrary to established legal principles. The trial court had initially convicted the respondent under Section 20(b)(ii)(B) of the NDPS Act, which pertains to the possession of an intermediate quantity of cannabis, and sentenced him to five years of rigorous imprisonment along with a fine of Rs. 50,000. The trial court had determined that since the contraband was found in a bag and not directly on the respondent's person, Section 50 did not apply, thus upholding the legality of the search. Upon appeal, the Kerala High Court acquitted the respondent, leading the State of Kerala to challenge the acquittal in the Supreme Court.

In its ruling, the Supreme Court reinstated the trial court's conviction but took into account the fact that the respondent had already served four years, four months, and twenty-one days of his five-year sentence. Recognizing this significant period of imprisonment already served, the Supreme Court decided to confine the respondent's sentence to the time already served, rather than extending it to the full term of five years. However, the Court upheld the imposition of the Rs. 50,000 fine as ordered by the trial court.

Read more

1. <https://www.livelaw.in/top-stories/s-50-ndps-act-applies-only-to-personal-searches-and-not-to-searches-of-bags-carried-by-the-person-supreme-court-268277>
2. <https://www.sconline.com/blog/post/2023/09/21/to-search-or-not-to-search-the-unceasing-confusion-surrounding-section-50-of-ndps-act/>

SALE OF LOTTERY BY STATE NOT SERVICE; LOTTERY WHOLESALERS NOT LIABLE TO SERVICE TAX

The Delhi High Court has emphasized the application of Section 531 of the *Bhartiya Nagrik Sakshya Sanhita* (BNSS) while addressing a case of forgery and fabrication of documents in a trademark infringement dispute. This statute stipulates that any appeal, application, trial, inquiry, or investigation pending before the Sanhita came into force will be managed according to the Code of Criminal Procedure, 1973 (CrPC), as if the Sanhita had not been enacted.

Justice Prathiba M Singh noted that, in these proceedings, since the application was pending when the new statutes *Bharatiya Nyaya Sanhita*, 2023 (hereinafter, 'BNS') and *Bharatiya Nagarik Suraksha Sanhita*, 2023 (hereinafter, 'BNSS') were enacted, the matter would continue under the erstwhile Code itself.

KG Marketing, a manufacturer of electrical appliances, initiated a lawsuit against two individuals to stop them from using the 'SURYA' mark and its associated trade dress. KG Marketing claimed significant sales and advertised its products in various newspapers. An ex parte interim injunction was granted in their favor in January of the previous year based on their pleadings. However, the defendants, who used the mark "SURYA GOLD," alleged that KG Marketing had fabricated newspaper advertisements and invoices solely for the lawsuit.

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The injunction was vacated after the proprietor of KG Marketing instructed their counsel to withdraw the suit and agreed to the vacation of the ex parte order.

Meanwhile, the defendants filed another suit to prevent KG Marketing from infringing on their design rights and using the 'SURYA GOLD' mark. They presented original newspapers to prove that the documents KG Marketing relied on were fabricated. Subsequently, two affidavits were filed in which the proprietor of KG Marketing apologized for submitting the fabricated newspapers. The High Court emphasized the gravity of forgery and fabrication, noting that KG Marketing did not admit to these actions until the defendants presented the original newspapers. The Court observed that, with the offence of forgery and fabrication of newspapers having been admitted and the filing of a false affidavit having taken place while the proceedings were pending before this Court, a case is made out for the registration of a complaint under Section 340 CrPC.

This decision marks a crucial development in the understanding of service tax regulations, particularly in relation to state government activities and commercial transactions involving lottery tickets. By delineating the boundary between revenue generation and service provision, the Court has set an important precedent that will influence how similar cases are handled in the future.

Read more :

1. <https://www.livelaw.in/supreme-court/sale-of-lottery-by-state-not-service-lottery-wholesalers-not-liable-to-service-tax-supreme-court-268264#:~:text=Accepting%20the%20appellant's%20contention%2C%20the,sale%20of%20the%20lottery%20tickets.>
2. <https://newslaw.in/case-type/civil/service-tax-on-the-sale-of-lottery-tickets-supreme-courts-landmark-ruling/>



PHYSICAL/VIRTUAL PRESENCE OF INDIAN SPOUSE MANDATORY TO PROCESS FOREIGN NATIONAL'S OCI CARD APPLICATION BASED ON MARRIAGE

On August 29, 2024, the Supreme Court of India rendered a decisive judgment in the matter of Union of India v. Bahareh Bakshi, affirming that the physical or virtual presence of an Indian spouse is a mandatory prerequisite for processing an Overseas Citizen of India (OCI) card application. This ruling overturned the Delhi High Court's prior decision, which had dispensed with the requirement for the presence of Bahareh Bakshi's Indian husband in her OCI application process.

The dispute originated from Bakshi's argument that her estranged relationship with her Indian spouse justified an exemption from the standard procedural requirement mandating the spouse's presence. Both the single bench and the division bench of the Delhi High Court had accepted this plea, prompting the Union Government to appeal the decision to the Supreme Court.

The Supreme Court addressed the core issue of whether the OCI card application process could lawfully proceed without the physical or virtual presence of the Indian spouse. The Court examined Section 7-A(d) of the Citizenship Act, 1955, which stipulates that the registration of an OCI card for a foreign national spouse is contingent upon compliance with specific conditions, including the presence of the Indian spouse during the application process. The Court's bench, comprising Justices Hrishikesh Roy, Sudhanshu Dhuli, and SVN Bhatti, noted that this procedural requirement is integral to ensuring the authenticity of the marriage and preventing fraudulent claims.

Justice Roy emphasized that Para 21.25(vi) of the Visa Manual mandates the presence of the Indian spouse for an interview by the relevant authorities. This procedural safeguard is intended to validate the genuineness of the marital relationship and to prevent marriages of convenience aimed at circumventing immigration controls. The Court observed that if the presence requirement were to be waived, it would result in a deviation from the established procedures and shift the entire burden of verification onto the authorities, which was not the intent of the legislative provisions.

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The Supreme Court criticized the Delhi High Court's characterization of the presence requirement as "arbitrary," particularly given that there was no challenge to the applicable regulations. The Court clarified that the procedural requirement of the spouse's presence, whether physical or virtual, is not only a legal obligation but also a critical component of the verification process designed to uphold the integrity of the OCI application system. This judgment reinforces the procedural rigor necessary for OCI card applications, particularly those based on marital status. It underscores the necessity of adhering to legislative and regulatory requirements to ensure the legitimacy of applications and to mitigate the risk of procedural abuse.

Read more -

1. <https://www.deccanherald.com/india/presence-of-spouse-either-physically-or-virtually-mandatory-for-considering-oci-cards-sc-3172538>
2. <https://www.verdictum.in/court-updates/supreme-court/union-of-india-v-bahareh-bakshi-2024-insc-646-presence-of-her-estranged-spouse-mandatory-to-process-oci-card-application-1549884>

HIGH COURT CAN'T QUASH CHEQUE DISHONOUR COMPLAINT INVOKING SECTION 482 CRPC WHEN COMPLAINANT HASN'T CONSENTED FOR COMPOUNDING:

On August 28, 2024, the Supreme Court of India addressed a significant issue regarding the powers of High Courts under Section 482 of the Criminal Procedure Code (CrPC) and Section 147 of the Negotiable Instruments Act (N.I. Act) in the case of A.S. Pharma Pvt. Ltd. vs. Nayati Medical Pvt. Ltd. & Ors. The Court reiterated that a High Court cannot invoke Section 482 CrPC to compound a cheque dishonour complaint under Section 138 of the N.I. Act without the consent of the complainant.

The case arose from a complaint filed by A.S. Pharma Pvt. Ltd. under Section 138 of the N.I. Act, alleging dishonour of a cheque due to insufficient funds. The respondents sought to compound the offence, but the Trial Court dismissed their application. The Gujarat High Court, however, allowed the compounding of the offence by exercising its inherent power under Section 482 CrPC, despite the complainant's lack of consent. The High Court's decision was based on the belief that the complainant had been equitably compensated and that consent was not mandatory.

The Supreme Court, led by Justices CT Ravikumar and Sanjay Karol, scrutinized the High Court's reliance on its inherent powers. The bench observed that Section 482 CrPC, which allows High Courts to exercise inherent powers to prevent abuse of the process and secure justice, is distinct from the provisions under the N.I. Act that govern the compounding of offences. The Court emphasized that Section 147 of the N.I. Act specifically requires the consent of the complainant for compounding a Section 138 offence, and this requirement cannot be overridden by invoking Section 482 CrPC.

Citing precedents such as JIK Industries Ltd. & Ors v. Amarlal V. Jumani & Anr. and Raj Reddy Kallem v. The State of Haryana & Anr., the Supreme Court reiterated that the power to compound an offence under the N.I. Act is conditional upon the complainant's consent. The Court rejected the Gujarat High Court's interpretation that equitable compensation negates the need for consent, reinforcing that the complainant's agreement is a prerequisite for compounding.

However, acknowledging the peculiar circumstances of the case, where substantial compensation had already been provided by the respondents, the Supreme Court decided to exercise its power under Article 142 of the Constitution. The Court quashed the proceedings, emphasizing that while the High Court had erred in its application of Section 482 CrPC and Section 147 of the N.I. Act, the unique facts warranted a quashing of the proceedings to achieve complete justice. The Court concluded that, despite the absence of consent from the complainant, the case was suitable for resolution through its constitutional powers, thereby quashing Complaint Case No. 5564 of 2022 and all related proceedings.

This ruling underscores the distinction between the inherent powers of High Courts and the specific statutory requirements for compounding offences under the N.I. Act, reaffirming the necessity of complainant consent in such matters.

Read more

1. <https://www.lawpreptutorial.com/legal-update/27-august-2024>
2. https://www.livelaw.in/top-stories/hc-cant-quash-cheque-dishonour-complaint-invoking-s482-crpc-when-complainant-hasnt-consented-for-compounding-supreme-court-267668?infinite_scroll=1



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NCDRC AWARDED LESSER INTEREST THAN AGREED UPON IN AGREEMENT: SUPREME COURT GRANTS RELIEF TO HOMEBUYERS

In a landmark decision on July 29, 2024, the Supreme Court of India provided substantial relief to homebuyers by overturning a National Consumer Disputes Redressal Commission (NCDRC) ruling that had awarded an interest rate lower than stipulated in the original agreement between the parties. The case, *Vidya v. M/s Parsvnath Developers*, highlights the Court's commitment to upholding contractual obligations and ensuring fairness in consumer disputes.

The dispute arose when the NCDRC directed Parsvnath Developers to refund the total amount deposited by the complainants, the homebuyers, following substantial delays and issues with the property. However, the NCDRC's order included an annual interest rate that was significantly lower than the rate specified in the original agreement. This discrepancy led to the homebuyers challenging the NCDRC's decision, arguing that it did not honor the agreed-upon contractual terms.

The Supreme Court noted that the NCDRC's decision to award a lower interest rate was unjustified and contrary to the terms of the agreement. In its ruling, the Supreme Court critically examined the NCDRC's decision and found it to be inconsistent with the terms of the original agreement. The Court underscored the principle that contractual obligations must be adhered to, unless there are exceptional reasons to deviate from them. The judgment highlighted that the NCDRC's reduction of the interest rate was not justified and did not honor the agreed terms.

This ruling reaffirmed the importance of upholding contractual obligations in consumer disputes and provided much-needed relief to homebuyers who have faced delays and other issues in getting their rightful dues from developers. The decision has sent a message to developers and other parties involved in consumer agreements about the necessity of adhering to the agreed terms. This case has highlighted the role of the Supreme Court in ensuring that justice is served, particularly in cases where lower forums like the NCDRC may not have fully considered the terms of the contract.

Read More:

1. <https://legal.economictimes.indiatimes.com/news/litigation/sc-upholds-order-for-refund-of-amount-to-homebuyers-by-builder-for-delayed-possession-of-flat/112113797>
2. <https://www.verdictum.in/top-stories/weekly-overview-supreme-court-judgments-july-august-month-1546829>

SUPREME COURT HOLDS WITH 6:1 MAJORITY THAT SUB-CLASSIFICATION OF SC/ST CATEGORIES IS PERMISSIBLE

In a landmark judgment, a Seven-Judge Bench of the Supreme Court of India ruled with a 6:1 majority that the sub-classification of Scheduled Caste (SC) and Scheduled Tribe (ST) categories is permissible. The Supreme Court's judgment, delivered by a bench of seven judges, upheld the constitutionality of sub-classification within SC and ST categories. The Court's 6:1 majority opinion emphasized that such sub-classifications are not inherently discriminatory or unconstitutional. Instead, they are intended to ensure that the reservation benefits are equitably distributed among the diverse groups within the SC and ST categories.

This judgment, pronounced on August 1, 2024, in the case of *The State of Punjab and Ors. v. Davinder Singh and Ors.* has marked a significant shift in the interpretation of SC/ST categorization. The majority opinion, authored by Chief Justice DY Chandrachud for himself and Justice Manoj Misra, held that sub-classification within the SC/ST categories is constitutionally valid.

This opinion was supported by Justice B.R. Gavai, who authored a separate concurring judgment, as well as by Justices Vikram Nath, Pankaj Mithal, and S.C. Sharma, who aligned with the views of the CJI and Justice Gavai. The Court's majority overruled the previous decision in *E.V. Chinnaiah v. State of Andhra Pradesh (2005 SC)*, which had held that sub-classification within SC/ST categories was impermissible.

Justice Bela M. Trivedi dissented from the majority opinion, arguing that sub-classification could potentially undermine the unity of the SC/ST categories and lead to divisions within these groups. Her dissent has highlighted ongoing concerns about the potential consequences of allowing sub-classification.

The Central Government, represented by Solicitor General Tushar Mehta, supported the idea of sub-classification during the hearings, arguing that it would allow for more equitable distribution of benefits among different sub-groups within the SC/ST categories. Senior Advocate Kapil Sibal and other prominent legal representatives were also present during the pronouncement of the judgment.

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This ruling is expected to have far-reaching implications for affirmative action policies in India, particularly in how benefits are distributed among various sub-groups within the SC/ST categories.

Read More:

- [1. https://www.livelaw.in/articles/sub-classification-scheduled-castes-reservation-creamy-layer-debate-comment-state-punjab-davinder-singh-7-judge-bench-judgment-266418?fromIpLogin=10235.641721766786](https://www.livelaw.in/articles/sub-classification-scheduled-castes-reservation-creamy-layer-debate-comment-state-punjab-davinder-singh-7-judge-bench-judgment-266418?fromIpLogin=10235.641721766786)
- [2. https://www.verdictum.in/top-stories/weekly-overview-supreme-court-judgments-july-august-month-1546829](https://www.verdictum.in/top-stories/weekly-overview-supreme-court-judgments-july-august-month-1546829)
- [3. https://www.scobserver.in/cases/punjab-davinder-singh-validity-of-sub-classification-within-reserved-categories-case-background/](https://www.scobserver.in/cases/punjab-davinder-singh-validity-of-sub-classification-within-reserved-categories-case-background/)

DELAY HAS TO BE CONDONED IRRESPECTIVE OF LENGTH IF THERE IS 'SUFFICIENT CAUSE': SUPREME COURT

In a recent judgment, the Supreme Court of India emphasized that any delay in legal proceedings must be condoned if there is a "sufficient cause," regardless of the delay's duration. The ruling was delivered on August 5, 2024, in the case *Mool Chandra v. Union of India*.

The case revolved around an appeal challenging the Delhi High Court's order, which had dismissed both the Writ Petition and the subsequent Review Petition filed by the appellant. The High Court had upheld the Central Administrative Tribunal's (CAT) order that dismissed the appellant's application for condonation of a 425-day delay in challenging an order that imposed a penalty of stopping one increment with cumulative effect. The High Court had ruled that the penalty was justified given the nature of the charge against the appellant.

The Supreme Court Bench, comprising Justice Aravind Kumar and Justice Sandeep Mehta, observed that the concept of "sufficient cause" should not be interpreted narrowly. The Court emphasized that if the reason for the delay falls within the ambit of "sufficient cause," it must be condoned, even if the delay is extensive. The ruling highlighted the principle that justice should not be denied solely due to procedural delays, especially when there are valid reasons for such delays.

This judgment is expected to have significant implications for future cases where parties seek condonation of delays in filing appeals or petitions. It underscores the Court's commitment to ensuring that substantial justice is not sacrificed at the altar of procedural technicalities.

Read More:

- [1. https://indiankanoon.org/doc/16991983/](https://indiankanoon.org/doc/16991983/)
- [2. https://www.lawweb.in/2024/08/supreme-court-cause-not-length-of-delay.html](https://www.lawweb.in/2024/08/supreme-court-cause-not-length-of-delay.html)
- [3. https://www.bharatlaw.ai/post/litigants-should-not-suffer-for-the-errors-of-their-counsel-supreme-court-judgment-analysis-in-mool](https://www.bharatlaw.ai/post/litigants-should-not-suffer-for-the-errors-of-their-counsel-supreme-court-judgment-analysis-in-mool)

MANNER IN WHICH NTA ORGANISED NEET-UG 2024 GIVES RISE TO 'SERIOUS CONCERNS': SUPREME COURT"

In a recent judgment, the Supreme Court of India expressed serious concerns regarding the manner in which the National Testing Agency (NTA) organised the National Entrance-cum-Eligibility Test-Under Graduate Exam, 2024.

The Supreme Court's Bench, consisting of Chief Justice DY Chandrachud, Justice JB Pardiwala, and Justice Manoj Misra, acknowledged the serious concerns raised regarding the exam's administration. The petitions had highlighted reports of paper leaks specifically in Patna and Hazaribagh.

The judgment, delivered on August 2, 2024, addressed petitions alleging paper leaks during the NEET-UG, 2024 examination. The case was titled *Vanshika Yadav v. Union of India & Ors*. The Bench, comprising Chief Justice DY Chandrachud, Justice JB Pardiwala, and Justice Manoj Misra, also noted that while the manner of conducting the exam raised "serious concerns," there was no evidence of a systemic breach of the exam's integrity.

The Court observed that the leak was confined to specific locations, namely Patna and Hazaribagh, and did not affect the overall sanctity of the examination process. Despite these concerns, the Supreme Court refused to cancel the NEET-UG, 2024 exam, stating that such a drastic measure would not be justified.

The Court emphasized that the localized nature of the leak did not warrant the cancellation of the exam on a national scale, as it would unfairly impact a large number of candidates who appeared for the exam in good faith. While the Court chose not to annul the exam, it emphasized the need for stricter measures to prevent similar incidents in future examinations. The ruling called for enhanced vigilance and reform in the examination process to safeguard its integrity. The judgment emphasizes the need for stringent measures to prevent similar incidents in the future and stresses the importance of maintaining the integrity of national-level entrance examinations, such as NEET-UG. It provides clarity on the issue and calls for enhanced vigilance in the organization of these exams.

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Read More:

1. <https://www.hindustantimes.com/india-news/supreme-court-issues-notice-on-plea-demanding-cancellation-of-neet-ug-2024-101718086064586.html>
2. <https://www.thehindu.com/news/national/sc-expands-remit-of-centre-appointed-panel-to-review-ntas-functioning-and-recommend-exam-reforms/article68476310.ece>
3. <https://timesofindia.indiatimes.com/education/neet-ug-2024-supreme-court-hearing-live-updates-pleas-related-to-irregularities-in-exam-nta-neet-paper-leak-controversy-updates/liveblog/111566911.cms>

R ELATIONSHIP BETWEEN UNION OF INDIA & NCT OF DELHI: SUPREME COURT EXPLAINS IN ITS JUDGMENT ON LG'S POWER TO NOMINATE ALDERMEN TO MCD.

On August 5, 2024, the Supreme Court of India delivered a landmark judgment in the case Government of NCT of Delhi v. Office of Lieutenant Governor of Delhi, providing clarity on the powers of the Lieutenant Governor of Delhi concerning the nomination of aldermen to the Municipal Corporation of Delhi. The ruling, issued by Chief Justice DY Chandrachud, Justice PS Narasimha, and Justice JB Pardiwala, has significant implications for the governance structure of Delhi.

The Supreme Court's judgment established that the Lieutenant Governor of Delhi holds the authority to nominate aldermen to the MCD without requiring the aid and advice of the elected government of the National Capital Territory (NCT) of Delhi. This decision confirms the LG's role in this particular aspect of municipal governance, delineating the powers and responsibilities of Delhi's administrative framework. The Court held that the LG has the authority to nominate aldermen without the aid and advice of the elected government of the National Capital Territory of Delhi. This ruling came in the case Government of NCT of Delhi v. Office of Lieutenant Governor of Delhi. The judgment was delivered by a Bench comprising Chief Justice DY Chandrachud, Justice PS Narasimha, and Justice JB Pardiwala. The Court not only addressed the specific issue of alderman nominations but also took the opportunity to restate the complex relationship between the Union of India and the NCT of Delhi.

By affirming the LG's authority, the Supreme Court clarifies the governance dynamics in Delhi, distinguishing between the powers of the central government and the Delhi government. This decision impacts how municipal functions are managed and how power is distributed between the Union and Delhi's local authorities.

The ruling may influence future interactions between Delhi's elected government and the LG, potentially affecting decisions related to municipal appointments and administrative functions. It is likely to have implications for the functioning of the MCD and the broader political landscape in Delhi.

The decision delineates the balance of power between the Union Government and the Delhi government, confirming that certain executive powers are vested in the Lieutenant Governor. It specifies the extent of the LG's authority and reinforces the Union Territory's distinct relationship with the central government, thereby influencing the governance framework of Delhi.

Read More:

1. <https://theleaflet.in/explained-sc-judgment-on-delhi-lgs-power-to-nominate-persons-to-the-dmc/>
2. <https://indianexpress.com/article/explained/explain-ed-law/supreme-court-mcd-delhi-lg-aldermen-9495832/>
3. <https://www.livelaw.in/top-stories/supreme-court-ruling-gnctd-lg-power-different-from-state-governor-265886?fromIplLogin=6853.695967288753>



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SUPREME COURT'S LANDMARK JUDGEMENT IN THE DELHI EXCISE POLICY CASE ON WOMEN'S RIGHTS IN PMLA CASES

In a significant ruling on August 27, 2024, the Supreme Court of India granted bail to Bharat Rashtra Samithi leader K Kavitha in the Delhi liquor policy scam case. This decision has far-reaching implications for women's rights under the Prevention of Money Laundering Act (PMLA).

The Supreme Court bench, comprising Justices BR Gavai and KV Viswanathan, criticized the Delhi High Court's earlier stance that denied Kavitha bail on the grounds of her being well-educated and politically accomplished. The bench emphasized that the first proviso to Section 45 of the PMLA, which allows for bail to women, should not be negated based on their education or political status.

Fairness in Prosecution: The Supreme Court questioned the fairness of the Central Bureau of Investigation (CBI) and the Enforcement Directorate (ED) in their selective approach towards the accused. The bench underscored that prosecution must be impartial and just.

Women's Rights Under PMLA: The ruling reinforced that the benefit of the first proviso to Section 45 of the PMLA should be uniformly applied to all women, irrespective of their social or educational background. This sets a precedent for future cases, ensuring that women's rights are upheld in legal proceedings.

Critique of Lower Courts: The Supreme Court's decision also serves as a critique of lower courts that may overlook the specific provisions designed to protect women. By granting bail to Kavitha, the apex court has highlighted the need for a more nuanced understanding of the law.

This landmark judgment on women's rights under the PMLA emphasizes the judiciary's commitment to fairness and equality, ensuring legal protections are applied without bias. The ruling is expected to influence future interpretations of the PMLA, ensuring that the law is applied justly and without bias. It underscores the need for non-discriminatory interpretation of the law and is expected to set a guiding precedent. The ruling reinforces the judiciary's role in safeguarding women's rights in India.

Read more:

1. [K Kavitha's bail: What is PMLA's bail concession for women? - The Hindu](#)

2. <https://indianexpress.com/article/india/pmla-bail-supreme-court-follows-rulings-to-rein-in-ed-powers-9538686/>

LANDMARK SUPREME COURT JUDGMENT ON THE WRIT PETITION RE. RIGHT TO PRIVACY OF ADOLESCENTS

In a significant ruling on August 20, 2024, the Supreme Court of India delivered a landmark judgment affirming the right to privacy of adolescents. This decision has far-reaching implications for the protection of minors' personal information and their autonomy in the digital age.

The case, titled *In Re: Right to Privacy of Adolescents*, was brought before the Supreme Court following a series of incidents where minors' personal data was mishandled by various entities, including educational institutions and social media platforms. The petitioners argued that the lack of stringent data protection measures exposed adolescents to risks such as identity theft, cyberbullying, and unauthorized data usage.

The petitioners included a coalition of child rights activists, parents, and legal experts who highlighted numerous instances where minors' data was collected without proper consent and subsequently misused. They contended that the existing legal framework was inadequate to address the unique vulnerabilities of adolescents in the digital realm.

The Supreme Court, in its judgment, emphasized that the right to privacy is a fundamental right under Article 21 of the Indian Constitution. The Court highlighted that adolescents, being a vulnerable group, require special protection to ensure their personal data is not exploited. The judgment mandates that all entities handling minors' data must implement robust data protection protocols and obtain explicit consent from guardians before processing such information.

Justice A.K. Mishra, delivering the judgment, stated, "The digital age presents unique challenges to the privacy of adolescents. It is imperative that we safeguard their personal information to protect their dignity and autonomy."

The Court also directed the government to establish a dedicated regulatory body to oversee the implementation of these guidelines and ensure compliance. This body will be responsible for conducting regular audits and imposing penalties on entities that fail to adhere to the prescribed standards.

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This ruling is expected to significantly impact sectors like education, healthcare, and social media, requiring institutions to revise data handling policies and enhance privacy protections, particularly for minors. Educational institutions and healthcare providers must implement stringent measures to safeguard sensitive information, while social media platforms will need to obtain parental consent for young users. The judgment sets a precedent for protecting the digital identities of minors, paving the way for stronger data protection laws in India that align with global standards. Legal experts see this as a crucial step toward comprehensive privacy rights.

Read More:

1. <https://www.hindustantimes.com/analysis/legally-speaking-a-look-at-the-supreme-courts-judgment-on-the-right-to-privacy-of-adolescents-101724417087723.html>
2. <https://www.livelaw.in/top-stories/supreme-court-sets-aside-calcutta-high-court-judgment-containing-controversial-remarks-about-adolescent-sexual-behaviour-267087>

SUPREME COURT'S ACQUITS IN THE CASE OF PRAKASH SINGH V. THE STATE OF HIMACHAL PRADESH, CITING CONTRADICTIONS IN POLICE LOGBOOK ENTRIES

In a significant ruling, the Supreme Court of India recently overturned a conviction under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, due to inconsistencies in police logbook entries that contradicted the prosecution's account of the seizure. The appellants, initially convicted by the Trial Court for possessing 1.25 kg of 'charas' and sentenced to ten years of rigorous imprisonment, challenged the conviction on the grounds of these discrepancies.

The Supreme Court bench, comprising Justices M.M. Sundresh and Aravind Kumar, scrutinized the police logbook, which revealed that the police vehicle was at a different location at the time of the alleged seizure. This evidence was further supported by the testimonies of the police officer and the driver of the official vehicle, casting serious doubts on the prosecution's timeline.

The prosecution's case was primarily based on the statements of two police witnesses, as no independent witnesses were present during the seizure. The Supreme Court highlighted the importance of independent corroboration in criminal trials, especially in cases involving severe charges under the NDPS Act. The absence of independent witnesses and the reliance solely on police testimonies weakened the prosecution's case significantly. Previously, the High Court had upheld the Trial Court's judgment, dismissing the logbook discrepancies as minor.

However, the Supreme Court disagreed, emphasizing that these inconsistencies were substantial enough to undermine the prosecution's version of events. The Court held that the prosecution failed to prove the appellants' guilt beyond a reasonable doubt, leading to their acquittal.

This judgment highlights the judiciary's commitment to fairness in criminal trials under the NDPS Act, emphasizing the need for reliable evidence and thorough verification. By overturning the conviction, the Supreme Court reinforces the protection of individuals against wrongful convictions, ensuring that justice is grounded in solid, corroborated evidence.

Read More:

1. <https://www.livelaw.in/supreme-court/supreme-court-sets-aside-conviction-under-ndps-act-as-police-logbook-entries-contradicted-prosecution-version-on-seizure-267922#:~:text=The%20Supreme%20Court%20recently%20set,Act%2C%201985%2C%20because%20no%20independent>
2. <https://www.sconline.com/blog/post/2024/03/07/supreme-court-set-aside-conviction-under-ndps-act-legal-news/>