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LANDMARK JUDGMENTS

2022

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Constitution of India

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CAT



Union Of India vs Alapan Bandyopadhyay

Civil Appeal No.197 of 2022 6th January 2022

323A
323B

Provision

323A,323B

Concept involved

High court Jurisdiction as to Appeal ag. Tribunal Order/ अधिकरण के आदेश के खिलाफ उच्च न्यायालय का अपीलीय क्षेत्राधिकार



HC
JURISDICTION



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Aurelio Nunes vs Union Of India

Citation- Crim. Appeal No. 37 of 2022 Date- 20 January, 2022

Provision

A. 15(4) , 15(5)

Concept involved

OBC Reservation in NEET
AIQ/ NEET AIQ में OBC
आरक्षण



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Suraj Kumar vs The State Of Bihar

22 April, 2022. citation- Civil Writ Jurisdiction Case No.1841 of 2022

*Colombian
Legislation*

Provision

Article 107

Concept involved

Saving clause cannot make unconstitutional thing constitutional / व्यावृत्ति खंड असंवैधानिक चीज को संवैधानिक नहीं बना सकता है।



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* * *

Jarnail Singh vs State Of Punjab

12 July, 2022 Civil Appeal No. 629 of 2022

Concept involved

Directions as to SC/ST Reservation in promotion /पदोन्नति में अनुसूचित जाति/ अनुसूचित जनजाति को आरक्षण के संबंध में दिशा-निर्देश।

Reservation for SC - ST in Promotion



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Hotel Priya, A Proprietorship V/s. State Of Maharashtra & Ors.

February 18, 2022, Citation - 2022 Live Law (Sc) 186

Provision

Article 15

Concept involved

No Gender Discrimination: women performing in orchestra bars in Maharashtra / कोई लिंग भेदभाव नहीं: महाराष्ट्र में आर्केस्ट्रा बार में प्रदर्शन करती महिलाएं।



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Gambhirdan K Gadhvi vs The State Of Gujarat

3 March, 2022, citation Writ Petition (Civil) No.1525 OF 2019

P25M

Concept involved



VC Appointment in university [State Legislation can't override UGC Regulations]./विश्वविद्यालय में वाइस-चान्सेलर की नियुक्ति [राज्य विधानमंडल UGC नियमों की अवहेलना नहीं कर सकता]।



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High Court of Delhi vs Devina Sharma

14 March, 2022, Civil Appeal No.- 2016 of 2022

Provision

Article 233

Concept involved

ADJ Exam : 35 years as minimum age is VALID.
/एडीजे परीक्षा: न्यूनतम आयु के रूप में 35 वर्ष वैध है।



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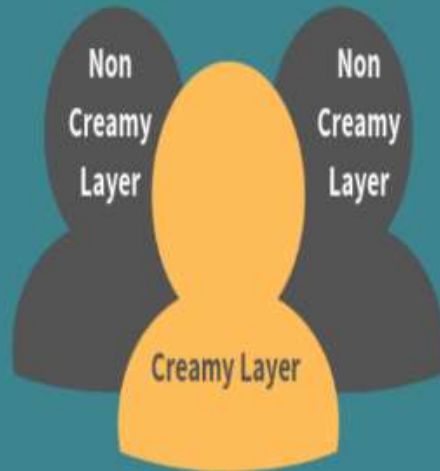
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Pattali Makkal Katchi vs A. Mayilerumperumal

31 March, 2022, Civil Appeal No.- 2600 of 2022

Concept involved

Internal Reservation in
OBC Quota :
unconstitutional/ ओबीसी
कोटा में आंतरिक आरक्षण:
असंवैधानिक।



OBC Reservation

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Ranbir Singh vs S.K. Roy, Chairman, LIC

27 April, 2022

Lic Agent

Provision

Article 14 , 16

Concept involved

LIC Agent : No back door entry as Regular employee/एलआईसी अभिकर्ता: नियमित कर्मचारी के रूप में बैक डोर एंट्री नहीं।



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Jacob Puliyeel vs Union of India

2 May, 2022, Writ Petition(Civil) No.607 of 2021

Provision

Concept involved

Article 21



VACCINATION

*Bodily
Integrity
inc
Refuse
vaccination*

Vaccination : Not
Mandatory /
टीकाकरण: अनिवार्य नहीं।

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A.G. Perarivalan v. State

Through Superintendent of Police CBI/SIT/MMDA, Chennai, Tamil Nadu
18 May, 2022

*Life
Imprisonment*

Provision

Article 142

Concept involved

Rajiv Gandhi
Assassination: Life Convict
Accused Released.
/राजीव गांधी हत्याकांड : आजीवन
कारावास का आरोपी रिहा।



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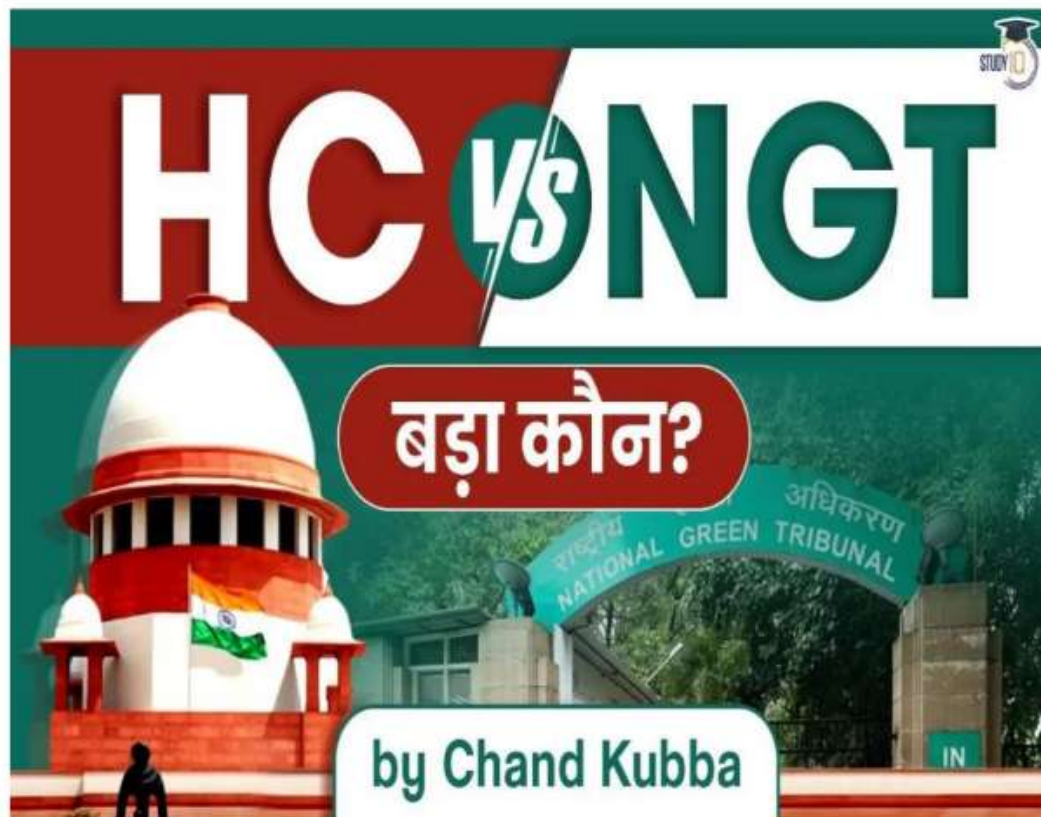


Madhya Pradesh High Court Advocates Bar Association vs Union of India

18 May, 2022

226

Concept involved



HC Jurisdiction to hear Appeal against NGT order./एनजीटी के आदेश के खिलाफ अपील पर सुनवाई करने का हाईकोर्ट का क्षेत्राधिकार।

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Union of India and Anr vs M/s Mohit Minerals

Through Director 19 May, 2022

Concept involved

GST Council Decision : Not binding on Legislature.
/GST परिषद का निर्णय: विधानमंडल पर बाध्यकारी नहीं।



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In Re : TN Godavarman Thirumalpad vs Union of India

3 June, 2022

2 km

ESZ = Eco Sensitive Zone

No Permanent Structure

Concept involved



No Mining in wild life Sanctuaries & National Parks./वन्य जीवन अभयारण्यों और राष्ट्रीय उद्यानों में कोई खनन (माइनिंग) नहीं।

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Satender Kumar Antil vs CBI

Date- 11 July, 2022

Provision

Article 21

A 22

Concept involved

Guideline to prevent unnecessary Arrest & Remand./अनावश्यक गिरफ्तारी एवं रिमांड को रोकने के लिए दिशा-निर्देश।



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Bhola Kumar vs State of Chhattisgarh

Citation- Crim. Appeal No. 937 of 2022 Date- 13 July, 2022

Provision

Article 21

Concept involved

Detention beyond Release date violates Art 21/छोड़ने की तिथि के बाद हिरासत में रखना अनुच्छेद 21 का उल्लंघन करता है।



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X vs The Principal Secretary, Health and Family Welfare Department, Govt of NCT of Delhi

7.32.22

Date- 21 July, 2022

MTP Act
"Rope"
in.
Mental Rape

Provision

Article 21

Concept involved

Safe & Legal Abortion is right of all women (married or unmarried). / सुरक्षित और कानूनी गर्भपात सभी महिलाओं (विवाहित या अविवाहित) का अधिकार है।



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Mohammed Zubair vs State of NCT of Delhi and others

20 July, 2022

Provision

Concept involved

Preventive

Article 22

Arrest must not be as Punitive tool./गिरफ्तारी दंडात्मक उपकरण के रूप में नहीं होनी चाहिए।

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Mohammad Latief Magrey vs The Union Territory Of Jammu And Kashmir

12 September, 2022

Provision

Article 21

Concept involved

Once buried , A body should not be Disturbed.
/एक बार दफन हो जाने के बाद, शरीर को परेशान नहीं किया जाना चाहिए।



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M/S TRIMURTHI FRAGRANCES (P) LTD. THROUGH ITS DIRECTOR SHRI PRADEEP KUMAR AGRAWAL versus GOVERNMENT OF N.C.T. OF DELHI THROUGH ITS PRINCIPAL SECRETARY (FINANCE) & ORS.

SEPTEMBER 19, 2022

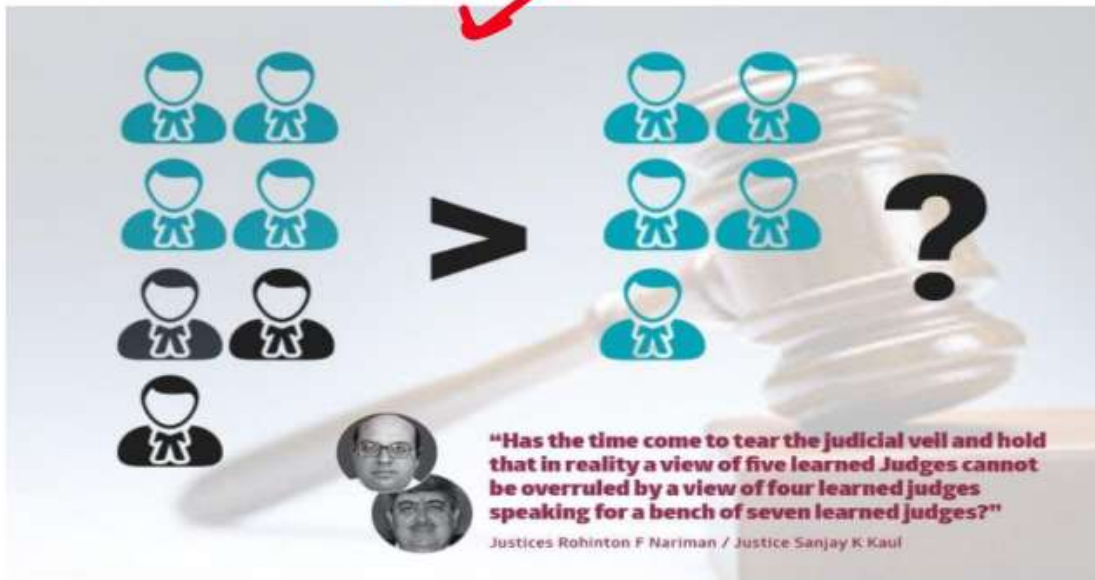
2012
3:1
3:4
2020
7:4

Provision

Concept involved

Article 141

Larger Bench Judgment will prevail regardless of Number of Judges in majority. / बहुमत में न्यायाधीशों की संख्या की परवाह किए बिना बड़ी बेंच का निर्णय प्रबल होगा।



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Janhit Abhiyan vs Union Of India

7 November, 2022, WP (CIVIL) NO.- 55 of 2019

Constitutional Bench

Concept involved



3.2
Minority & CJI U U Laha
Bhatt
103rd Constitutional Amendment (EWS Quota) is Constitutional.
/103वां संविधान संशोधन (ईडब्ल्यूएस कोटा) संवैधानिक है।

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Advocates Association Bengaluru vs Barun Mitra

11 November, 2022, CONMT.PET.(C) No. 867 of 2021

Anjali Bhandari

Provision

Article 124

Concept involved

Collegium Recommendation :
Centre withholding named
reiterated, not acceptable.

/कॉलेजियम की सिफारिश: केंद्र द्वारा
रोके नामों को दोहराया गया, स्वीकार्य नहीं
है।

SC TO CENTRE
COLLEGIUM SYSTEM
IS LAW OF LAND,
MUST BE FOLLOWED



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Criminal Procedure Code

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Smruti Tukaram Badade vs The State Of Maharashtra

11 January, 2022 (SC) 80

Civil
Family

Concept involved

WHO ARE 'VULNERABLE WITNESSES'?
SUPREME COURT
ISSUES COMPREHENSIVE
GUIDELINES

THE Neutral

Vulnerable Witness includes mentally ill witness, PwD etc / अतिसंवेदनशील गवाहों में मानसिक रूप से बीमार गवाह, पीडब्ल्यूडी आदि शामिल हैं।



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Waheed-Ur-Rehman Parra vs UT of J & K

February 25, 2022, Crim. Appeal No.- 237 of 2022

Provision

Sec.207

Concept involved

Right of Accused to get copy of statement of protected witness/संरक्षित साक्षी के बयान की प्रति प्राप्त करने का अभियुक्त का अधिकार।



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Radheshyam Bhagwandas Shah @ Lala Vakil vs State of Gujarat

13 May, 2022

Provision

Sec. 432

Concept involved

Remission by State where offence committed./राज्य द्वारा परिहार जहां अपराध किया गया है।



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SP Velumani vs Arappor Iyakkam & Ors

20 May, 2022

Provision

Sec.207

Concept involved

stop sealed cover process
as to preliminary inquiry
report./प्रारंभिक जांच रिपोर्ट के
सम्बन्ध में सील बंद प्रक्रिया रोकें ।

303
211-214 CHARGE



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Manoj & Others vs State of Madhya Pradesh

20 May, 2022

Cruel/Inhuman

S.28 → PK

Provision

Concept involved

Sec.235

Death Sentence. Trial court must consider mitigating factors./मृत्यु दण्ड: ट्रायल कोर्ट को अल्पीकृत करने वाले कारणों पर विचार करना चाहिए।



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Abu Salem v Maharashtra

(DOJ : 11th July 2022)

Provision

Sec.432/433

Concept involved

Bombay Serial Blast
:Extradition
Treaty/commitment with
other nation must be
followed./बॉम्बे सीरियल
ब्लास्ट: अन्य राष्ट्र के साथ प्रत्यर्पण
संधि/प्रतिबद्धता का पालन किया
जाना चाहिए।



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XYZ vs State of Madhya Pradesh

5 August, 2022

Provision

Sec. 327

Concept involved

Camera Trial in all Sexual Harassment Cases in addition to Rape cases./बलात्संग के मामलों के अलावा सभी यौन उत्पीड़न मामलों में कैमरा ट्रायल।

Open Place
Room

Hold In-Camera Trial In All Sexual Harassment Cases



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Rashidul Jafar @ Chota versus State of Uttar Pradesh & Anr

September 06, 2022

322

Provision

Sec. 322

7
432

Concept involved

Remission to be considered by Govt ,without Application. /आवेदन के बिना, सरकार द्वारा परिहार पर विचार किया जाएगा।

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Sonadhar V/s. the State of Chhattisgarh

September 15, 2022

Provision

Section 439

Concept involved

Bail Should be Granted to convict completing 10 years of sentence and whose Appeal will not be heard soon. / 10 साल की सजा पूरी करने वाले दोषी को जमानत दी जानी चाहिए और जिसकी अपील पर जल्द सुनवाई नहीं होगी।



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In Re: Policy Strategy for Grant of Bail,

14 September 2022, Suo Moto WP (CR.) No.- 4 of 2021

Provision

C.21A ,S.320 , S.360

Plea Bargain-
Compounding
Probation

Concept involved

Guideline as to Plea Bargaining , Compounding of offence & Probation of offender act./सौदा अभिवाक्, अपराधों का शमन और अपराधी परीक्षा अधिनियम के सम्बन्ध में दिशानिर्देश।

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Shakeel Ahmad vs Union of India

4 November, 2022, WP (Civil) No.182 of 2001

Provision

Sec. 357, Art 21

Concept involved

Bombay Serial Blast :
State Failed to maintain
law & Order ,
Compensation to victim.
/बॉम्बे सीरियल ब्लास्ट: राज्य
कानून व्यवस्था बनाए रखने में
विफल, पीड़ित को प्रतिकर ।



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Sukhpal Singh Khaira vs State of Punjab

5 Dec. 2022, Crim. Appeal No.- 885 of 2019

Provision

Sec.319

Concept involved

Sec.319 CrPC to be exercised before pronouncing sentence.

/सजा सुनाने से पहले धारा 319 सीआरपीसी का प्रयोग किया जाना चाहिए।



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H Yadav vs State Of Uttar Pradesh

Citation- Crim. Appeal No. 339-340 of 2014 Date- 4 February, 2022

Provision

Sec.138

गैर

Concept involved

Priority to examination of Private witness/प्राइवेट साक्षी के परीक्षण को प्राथमिकता।

Official witness

EXAMINATION OF WITNESS



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Acquittal
382
MURDER
Cruelty
498A

Surendran vs State of Kerala

13 May, 2022

Provision

Sec.32 (1)

Concept involved

Dying Declaration of wife to prove cruelty though acquittal in death./मृत्यु में दोषमुक्ति के बावजूद क्रूरता साबित करने के लिए पत्नी का मृत्युकालीन कथन ।



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Makhan Singh vs The State Of Haryana

16 August, 2022

Provision

Sec. 32

DD₁ DD₂
... Fit Chance ✓

Concept involved

Contradictory Dying
Declarations , which one
to accept./विरोधाभासी
मृत्युकालीन कथन, किसे स्वीकार
करें।

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Indian Penal Code

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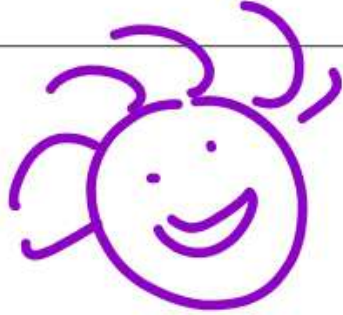


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Babuji Rawji Shah vs S. Hussain Zaidi.

February 24, 2022, SLP (Civil) No.- 15711 of 2021



Provision

Sec. 499

Concept involved

Defamation not included mere hurting of sensibilities / मानहानि में केवल संवेदनाओं को ठेस पहुँचाना शामिल नहीं है।

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S.G. Vombatkere V/s. Union of India

Date : MAY 11, 2022

Provision

Sec.124A

Concept involved

Suspension of Sedition Provision./राजद्रोह प्रावधान का निलंबन।



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S.G. Vombatkere V/s. Union of India

Date : May 11, 2022

Shabeen Abdulla v. UOI

PROVISION

Concept involved

153A , 295A ,

Direction to Govt for taking sue moto action against **Hate Speech** crimes./हेट स्पीच अपराधा के खिलाफ स्वतः कार्रवाई करने के लिए सरकार को निर्देश।



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State of Jharkhand vs Shailendra Kumar Rai @ Pandav Rai

31 October, 2022, Citation- Crim. Appeal No. 1441 of 2022

Provision

Sec. 375

Concept involved

BAN OF TWO-FINGER TEST



Two Finger Test : BAN./टू
फिंगर टेस्ट: प्रतिबंधित।

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The Oriental Insurance Company Limited Versus Sanjesh & Anr., 2022

11-03-2022

Provision

Sec.28

Concept involved

Condition A to.
Insurance claim after
specified time period is
VOID./निर्दिष्ट समय अवधि के
बाद बीमा दावा शून्य है।

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Arunachala Gounder (D) vs Ponnusamy

Citation- Civil Appeal No. 6659 of 2011 Date- 20 January, 2022 "

Provision

Concept involved

FISA

Sec. 15

Hindu Daughters Right in Succession as to property
संपत्ति की उत्तराधिकारी में हिंदू बेटियों का अधिकार

No Issue Intestate

Prop - Self Acq. Coparcenary Prop

Stick figure

WHO CAN CLAIM SHARE IN THE INHERITED PROPERTY OF A FEMALE HINDU DYING ISSUELESS AND INTESTATE?



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Amar Nath vs Gian Chand

28 January, 2022, citation - 2022 (SC) 98

Concept involved

No inquiry as to Validity of Power of attorney by **Registration Authority** in certain cases/ कुछ मामलों में रजिस्ट्रीकरण प्राधिकारी द्वारा मुख्तारनामा की वैधता के रूप में कोई जांच नहीं।



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Ms **X**/s Registrar General, high court of M.P. And another

February 10, 2022 writ petition (civil) no. 1137 of 2018

Concept involved



Sexual harassment case :
Woman District Judge
Restoration/यौन उत्पीड़न
मामला : महिला जिला जज बहाल।

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State of rajasthan v/s tejmal choudhary

December 16, 2021

Provision

Section 17A

Concept involved

No Retrospective effect to Amendment under PC Act 1988/पी सी अधिनियम 1988 के तहत संशोधन के लिए कोई भूतलक्षी प्रभाव नहीं।



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So-1

Union Bank Of India V/s. Rajasthan Real Estate Regulatory Authority & Ors. Etc.

Petition for special leave to appeal (c) nos.1861-1871/2022; date : 14-02-2022

RERA Consumer

Concept involved

Right of Home Buyer against Bank Recovery Action (RERE prevails over SARFAESI)/बैंक रिकवरी एक्शन के खिलाफ होमबॉयर्स का अधिकार (सरफेसी पर RERA प्रबल)।



RERA PREVAILS OVER SARFAESI – RERA CAN ENTERTAIN COMPLAINTS BY HOME BUYERS AGAINST BANK- SC



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Maniben Maganbhai Bhariya vs District Development Officer

25 April, 2022. CIVIL APPEAL NO(S). 3153 OF 2022

0-6

Concept involved



Right of **Gratuity** to Anganwadi workers & Helpers/आंगनबाड़ी कार्यकर्ताओं व सहायकों को ग्रेच्युटी का अधिकार।

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Bar Council Of India vs Twinkle Rahul Mangaonkar, 21 April, 2022, Civil Appeal No.- 816-817 of 2022

Concept involved

Provisional Enrollment as an Advocate & resign existing job within 6 months after clearing AIBE./एक अधिवक्ता के रूप में अनंतिम (प्रोविजनल) नामांकन और एआईबीई क्लियर करने के बाद 6 महीने के भीतर मौजूदा नौकरी से इस्तीफा।



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Indira Jaisingh vs Supreme Court of India, 4 May, 2022

Concept involved



Senior Advocate Designation Process Guideline. /वरिष्ठ अधिवक्ता पदनाम की प्रक्रिया सम्बन्धी दिशानिर्देश।

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Prabha Tyagi vs Kamlesh Devi,

12 May, 2022, Citation- Crim. Appeal No.511 of 2022

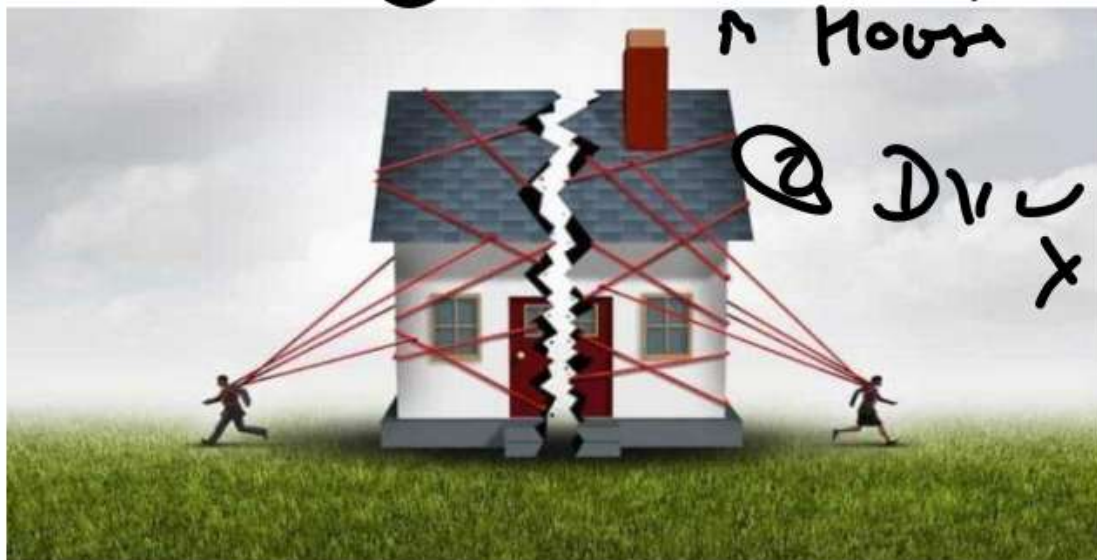
Provision

Concept involved

Sec.17

① either live or not
in House

② DV ✓
X



Right to reside of
Domestic Violence/ घरेलू
हिंसा में निवास का अधिकार।

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Rashtreeya Sikshana Samithi Trust vs Committee For Fixation of Fee Structure Of Private Professional Colleges

19 May, 2022

Concept involved

No Cash Receipt by Private medical college.
/प्राइवेट मेडिकल कॉलेज द्वारा कोई नकद रसीद नहीं।

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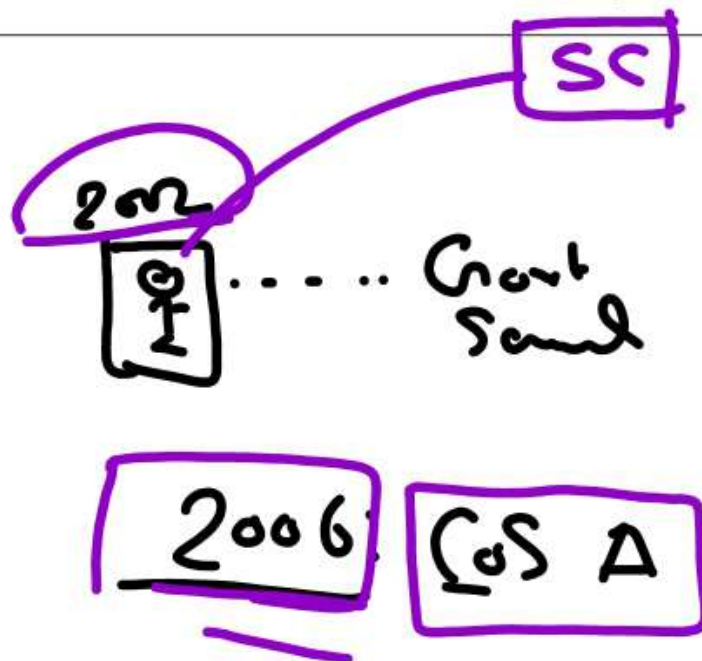


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State of Himachal Pradesh vs Raj Kumar

20 May, 2022



Concept involved

Vacancy are to be governed by Existing rules. /रिक्ति को मौजूदा नियमों द्वारा शासित किया जाना है।

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In Re Expeditious Trial Of Cases ... vs Unknown

19 May, 2022

Concept involved



Pilot courts for 138 Cases./138 मामलों के लिए पायलट कोर्ट।

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Malaya Nanda Sethy v. State of Orissa And Ors

20 May, 2022

Concept involved



**APPOINTMENT ON
COMPASSIONATE GROUNDS**

Compassionate
Appointment : Disposal
within **6 months** / अनुकंपा
नियुक्ति : 6 माह के भीतर
निस्तारण।

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Budhadev Karmaskar v. State of West Bengal And Ors

19 May, 2022

35MC

Concept involved



Sex Workers Harassment Prevention Direction./यौनकर्मियों के उत्पीड़न के रोकथाम के लिए दिशानिर्देश।

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Akella Lalitha vs Konda Hanumantha Rao

Citation- Civil Appeal No. 6325-6326 of 2015 Date- 28 July, 2022

Concept involved



Surname of 2nd Husband to child after death of biological father is valid./जैविक पिता की मृत्यु के बाद बच्चे के लिए दूसरे पति का उपनाम मान्य है।

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M/S. Patil Automation Private Limited And Ors. Versus Rakheja Engineers Private Limited

August 17, 2022

Mistake

Provision

Sec.12A

Concept involved

Pre-Institution Mediation is mandatory (Commercial Dispute).
/पूर्व-संस्था मध्यस्थता अनिवार्य है (वाणिज्यिक विवाद)।



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SBI vs Ajay Kumar Sood

Citation- Civil Appeal No. 5305 of 2022 Date- 16 August, 2022

Concept involved

'Don't Confuse Or Confound Readers" :
Supreme Court Issues
Guidelines On
Writing Simple & Lucid
Judgments



Guideline as to Simple & Lucid **Judgment** by Court./न्यायालय द्वारा सरल और स्पष्ट निर्णय के रूप में दिशानिर्देश।

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Deepika Singh v. Central Administrative Tribunal

29 January 2021

Concept involved

Child Care Leave for Children of 2nd marriage is permissible, even it was availed for earlier marriage children. Definition of FAMILY includes unmarried partnership or queer relationship. /दूसरी शादी से हुए बच्चों के लिए चाइल्ड केयर लीव अनुमेय है, भले ही यह पहली शादी से होने वाले बच्चों के लिए भी ली गई थी। परिवार की परिभाषा में अविवाहित साझेदारी या समलैंगिक संबंध शामिल हैं।



Child care leave

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Oil And Natural Gas Corporation ... vs Afcons Gunanusa Jv

30 August, 2022.

Concept involved



Arbitrator cannot unilaterally fix his fees : it violate party autonomy.
/मध्यस्थ अपनी फीस एकतरफा तय नहीं कर सकता: यह पार्टी की स्वायत्तता का उल्लंघन करता है।

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The State Of Telangana vs B. Subba Rayudu

14 September, 2022

Concept involved

Domicile Certificate



No Separate domicile for States./राज्यों के लिए कोई अलग मूल निवास नहीं।

Intestate

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Dashrathbhai Trikambhai Patel vs Hitesh Mahendrabhai Patel

11 October, 2022

Concept involved



Cheque Dishonour offence will not be there if Cheque is presented for Full amount without **Endorsing** part payment made by Borrower./चेक अनादर अपराध नहीं होगा यदि उधारकर्ता द्वारा किए गए आंशिक भुगतान का समर्थन किए बिना पूरी राशि के लिए चेक प्रस्तुत किया जाता है।

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Aishat Shifa vs The State Of Karnataka,

13 October, 2022, Citation- Civil Appeal No. 7095 of 2022

Concept involved



Ans:-

Hemant
Gupta

S. Dhruv
Fr.

Split Verdict in Hijab case./हिजाब मामले में खंडित फैसला।

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People S Union For Civil Liberties vs Union Of India, 15 November, 2022, WP (Crim.) No.- 118 of 2018

Provision

Sec.66A

IT Act

Concept involved

↓
Direction to enforce
Shreya Singhal Judgment.

/श्रेया सिंगल जजमेंट को लागू करने का निर्देश।



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Narayana Medical College vs State of Andhra Pradesh, 7 November, 2022, SLP (Civil) No.- 2969-2970 of 2021

Concept involved

Education is not Business
(Private medical college
fee increase 7
times)./शिक्षा व्यवसाय नहीं है
(प्राइवेट मेडिकल कॉलेज की फीस
में 7 गुना वृद्धि)।



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Maharashtra State Board of Waqfs vs Shaikh Yusuf Bhai Chawla, 20 Oct. 2022, CA 7812-7814 of 2022



Concept involved

All muslim trusts not waqf. / सभी मुस्लिम ट्रस्ट वक्फ नहीं है।

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Neeraj Dutta v. State (GNCTD),

15 Dec.2022, Crim. Appeal No.- 1669 of 2009

Concept involved

RED Handw: No *Neeraj*



Direct Evidence of Demand or Acceptance of Bribe is not necessary.
/रिश्वत की मांग या स्वीकृति का प्रत्यक्ष साक्ष्य आवश्यक नहीं है।

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Kamla Neti (D) vs Special Land Acquisition Officer, 9 Dec. 2022, Civil Appeal No.- 6901 of 2022

Concept involved



ST woman not entitled to any Right of survivorship under Hindu Law./एसटी महिला हिंदू कानून के तहत उत्तरजीवी रहने के किसी भी अधिकार की हकदार नहीं है।

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Anjali Bhardwaj vs CPIO, Supreme Court of India, (RTI Cell), 30 March 2022, W.P.(C) 4129 of 2022 & CM APPL. 12346 of 2022

Concept involved



S. 8
Example
Ink.

Collegium Discussion is not in Public Domain under RTI act./आरटीआई अधिनियम के तहत कॉलेजियम चर्चा सार्वजनिक डोमेन में नहीं है।

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Feminist Judgment

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Banning of Two-Finger Test. Supreme Court Says It's Based On Patriarchal Mindset That Sexually Active Women Can't Be Raped / टू-फिंगर टेस्ट पर प्रतिबंध: सुप्रीम कोर्ट का कहना है कि यह पितृसत्तात्मक मानसिकता पर आधारित है कि यौन रूप से सक्रिय महिलाओं का बलात्कार नहीं किया जा सकता (2 Judges /CJI)

State of Jharkhand vs Shailendra Kumar Rai @ Pandav Rai | 2022

- The ban on "Two-Finger Test" in rape cases and warned that persons conducting such tests will be held guilty of misconduct.
- The test is based on an incorrect assumption that a sexually active woman cannot be raped. Nothing can be further from the truth", the bench observed while pronouncing the judgment.

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Supreme Court Cautions Indian Army To Have SSB For Promotion Of Women Army Officers/ सुप्रीम कोर्ट ने भारतीय सेना को महिला सेना अधिकारियों की पदोन्नति के लिए एसएसबी बनाने की चेतावनी दी (2 Judges/CJI)

Nitisha v. Union of India MA 1913/2022 in W.P.(C) No. 1109/2020

- The Supreme Court, cautioned the Army authorities (Defence Ministry) that it would pass peremptory order to ensure promotion of women army officers. The court also expressed concern that the authorities were not treating the women officers fairly.
- The petitioners had expressed anguish that after the order in The Secretary, Ministry of Defence v. Babita Puniya, 1200 officers (male) junior to the petitioners had been promoted, while the promotions for the petitioners who were women had been withheld.
- Women Short Service Commission Officers were not able to reap the benefits of the Supreme Court judgments which opened the avenues for them to seek Permanent Commission, as the selection boards for promotion had been held only for male officers.

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Equal Abortion Rights For All (Reproductive Autonomy of Women Affirms): Supreme Court / सभी के लिए समान गर्भपात अधिकार (महिलाओं की प्रजनन स्वायत्तता पुष्टि): सुप्रीम कोर्ट(3 Judges/CJI)

X vs Principal Secretary, Health and Family Welfare Department, Govt of NCT Of Delhi | 2022

- The Supreme Court held that unmarried women were entitled to seek abortion of pregnancy in the term of 20-24 weeks arising out of a consensual relationship.
- The judgement also held that the meaning of rape must be held to include "marital rape" for the purpose of the Medical Termination of Pregnancy Act and Rules and doctors need not disclose the identity of any minor girl seeking abortion in the information given to police.
- The judgement, while affirming the right to reproductive choice as being firmly rooted in a person's bodily autonomy, along with being an essential facet of Article 21 of the Constitution of India, highlighted the positive obligations of the State with regards to this right.

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Maternity Leave Under CCS Rules Can't Be Denied Because Woman's Husband Has Two Children From His Previous Marriage: Supreme Court/ सीसीएस नियमों के तहत मातृत्व अवकाश से इनकार नहीं किया जा सकता क्योंकि महिला के पति की पिछली शादी से दो बच्चे हैं: सुप्रीम कोर्ट (2 Judges/CJI)

Deepika Singh versus Central Administrative Tribunal | 2022 (SC) 718

- A woman cannot be declined maternity leave under the Central Services (Leave Rules) 1972 with respect to her biological child on the ground that her spouse has two children from his earlier marriage.
- Rule 43 of the Central Civil Services (Leave Rules) 1972 has to be given a purposive interpretation in terms of the Maternity Benefit Act and Article 15 of the Constitution of India, under which the State is to adopt beneficial provisions for protecting the interest of women.

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Police Should Not Abuse Sex Workers, Media Should Not Publish Their Pictures During Raid & Rescue Operations: Supreme Court/ सेक्स वर्कर्स के साथ दुर्व्यवहार न करे पुलिस, छापेमारी और बचाव अभियान के दौरान मीडिया उनकी तस्वीरें न करे प्रकाशित: सुप्रीम कोर्ट (3 Judges)

Budhadev Karmaskar v. State of West Bengal And Ors. | Criminal Appeal No. 135/2010

SEX
WORKER

- Police should treat sex workers with dignity and should not abuse them, verbally or physically.
- Media should not publish their pictures or reveal their identity while reporting rescue operations and stated that the offence of voyeurism under Section 354C of the Indian Penal Code should be enforced if media publishes the pictures of sex workers with their clients.
- The Press Council of India has been directed to issue appropriate guidelines in this regard.

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Every Woman In A Domestic Relationship Can Enforce Right To Reside In 'Shared Household' Even In Absence Of Any Domestic Violence: Supreme Court/घरेलू हिंसा की अनुपस्थिति में भी घरेलू रिश्ते में हर महिला 'साझा घर' में रहने के अधिकार को लागू कर सकती है: सुप्रीम कोर्ट

Prabha Tyagi vs Kamlesh Devi | 2022

- Coram: Justice M R Shah and Justices B V Nagarathna
- every woman in a domestic relationship has a right to reside in the shared household even in the absence of any act of domestic violence.
- She cannot be evicted, excluded or thrown out from such a household even in the absence of there being any form of domestic violence, the bench observed.
- The Court added that such a right can be enforced under Section 17(1) of the Protection of Women from Domestic Violence Act, 2005, irrespective of whether she is an aggrieved person or not.

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'Limits Women's Choice Of Avocation Under The Guise Of Protection': Supreme Court Quashes Gender Cap In Orchestra Bars: Supreme Court/ 'संरक्षण की आड़ में महिलाओं के व्यवसाय की पसंद को सीमित करता है': सुप्रीम कोर्ट ने आर्केस्ट्रा बार में लिंग सीमा को खत्म किया: सुप्रीम कोर्ट (2 Judges)

Hotel Priya A Proprietorship v. State Of Maharashtra | 2022

the condition imposing a gender cap as to the number of women or men, who can perform in orchestras and bands, in licenced bars, is unconstitutional.

While the overall limit of performers in any given performance cannot exceed eight, the composition (i.e., all female, majority female or male, or vice versa) can be of any combination, the Court clarified, while allowing the appeal filed by a hotel challenging the restrictions imposed by Mumbai Police.

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Daughter's Right To Inherit Self-Acquired Property Of Father Dying Intestate Recognized Under Customary Hindu Law: Supreme Court/ प्रथागत हिंदू कानून के तहत मान्यता प्राप्त मरने वाले पिता की स्व-अर्जित संपत्ति में बेटी का अधिकार: सुप्रीम कोर्ट (2 Judges)
Arunachala Gounder (Dead) Vs Ponnusamy | 2022

A daughter is capable of inheriting the self-acquired property or share received in the partition of a coparcenary property of her Hindu father dying intestate.

The right of a widow or daughter to inherit the self-acquired property or share received in the partition of a coparcenary property of a Hindu male dying intestate is well recognized not only under the old customary Hindu Law but also various judicial pronouncements.

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Limitation Period under Section 468 CrPC not applicable for offences under Section 12 Domestic Violence Act: Supreme Court/ धारा 468 सीआरपीसी के तहत सीमा अवधि धारा 12 घरेलू हिंसा अधिनियम के तहत अपराधों के लिए लागू नहीं: सुप्रीम कोर्ट (2 Judges /CJI)

Kamatchi v. Lakshmi Narayanan | 2022

The limitation period prescribed u/s 468 of the Code of Criminal Procedure is not applicable for the filing of an application by an aggrieved woman under Section 12 of the Protection of Women from Domestic Violence Act, 2005. It Overrule Madras HC judgment.

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**ST Female should be entitled equal share in the property of the father:
Supreme Court/ST महिला को पिता की संपत्ति में मिले बराबर का हक: सुप्रीम कोर्ट
Kamla Neti (D) vs Special Land Acquisition Officer | 2022 (2 Judges)**

- While the court found that a female member of the scheduled tribe was not entitled to any right of survivorship under the provisions of Hindu Succession Act, it asked the Central Government to consider bringing a suitable amendment to Hindu Succession Act in this regard.
- The court stated that when a daughter belonging to a non-tribal community is entitled to the equal share in the property of the father, there is no reason to deny such right to the daughter of a Tribal community. It noted–

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Woman Additional District and Sessions Judge reinstated on directions of Supreme Court after she was constrained to resign post raising allegations of sexual harassment against a sitting HC judge/महिला अतिरिक्त जिला एवं सत्र न्यायाधीश को सुप्रीम कोर्ट के निर्देश पर बहाल किया गया, जब उसे एचसी जज के खिलाफ यौन उत्पीड़न के आरोप लगाने के बाद इस्तीफा देने के लिए विवश किया गया था।

Ms. X vs Registrar General, High Court of Madhya Pradesh | 2022 (2 Judges)

- The Supreme Court reinstated a woman Additional District and Sessions Judge ("AD&SJ"), who was constrained to resign, after she raised allegations of sexual harassment against a then sitting Judge of the Madhya Pradesh High Court.
- Acknowledging the petitioner's resignation was not voluntary, the Bench quashed the order passed by Govt. of MP , Law and Legislative Affairs Department, accepting the resignation of the petitioner and directed her reinstatement with continuity in service.

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In a Rape Case, once the Court believes survivor's version, failure of police to send seized clothes to forensic laboratory is insignificant: Supreme Court/ बलात्कार के मामले में, एक बार जब अदालत पीड़िता के बयान पर विश्वास कर लेती है, पुलिस द्वारा ज़ब्त कपड़ों को फॉरेंसिक प्रयोगशाला में भेजने में विफलता नगण्य है: सुप्रीम कोर्ट (2 Judges)

Somai v. State of Madhya Pradesh (Now Chhattisgarh) | 2022

- Once the court believes the statement of a survivor of sexual assault, it is sufficient to establish an offence punishable under Section 376 of the Indian Penal Code, 1860.
- The failure of the police to send seized articles to the forensic science laboratory would not affect the outcome in such a case.

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Supreme Court Lifts Stay On 30% Quota For Women Domiciled In Uttarakhand In State Services/सुप्रीम कोर्ट ने राज्य सेवाओं में उत्तराखंड में अधिवासित महिलाओं के लिए 30% कोटा पर रोक लगा दी है

State of Uttarakhand vs Pavitra Chauhan and Ors | SLP (C) No. 18143/2022 (2 Judges)

- The Supreme Court, through this case, lifted the stay which the Uttarakhand High Court had imposed on the Government Order which provided 30% reservation to the women domiciled in State of Uttarakhand in State Services.
- The High Court had stayed the GO on the prima facie view that the government order was contrary to the mandate of Article 16(2) of the Constitution of India.
- It is pertinent to note that this direction was passed as an interim order.

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Rape Victim's Statement Under Section 164 CrPC Must Not Be Disclosed To Any Person Including Accused Till Charge-Sheet Is Filed: Supreme Court/ चार्जशीट दाखिल होने तक सीआरपीसी की धारा 164 के तहत बलात्कार पीड़िता के बयान को अभियुक्त सहित किसी भी व्यक्ति के सामने प्रकट नहीं किया जाना चाहिए: सुप्रीम कोर्ट (2 Judges / CJI)
X vs M Mahender Reddy | 2022

- A rape victim's statement made under Section 164 CrPC should not be disclosed to any person including the accused till charge-sheet/final report is filed.
- The bench also suggested the High Courts to make appropriate modifications/amendments to the Criminal Practice/Trial Rules incorporating provisions consistent with the directions in these decisions.

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Mother who Remarries After the Death of the Biological Father Can Decide Surname of the Child: Supreme Court/ जैविक पिता की मृत्यु के बाद पुनर्विवाह करने वाली मां तय कर सकती है बच्चे का उपनाम: सुप्रीम कोर्ट (2 Judges)
Akella Lalita vs Sri Konda Hanumantha Rao | 2022

- A mother who remarries after the death of the biological father can decide the surname of the child and include it in her new family.
- The bench set aside an Andhra Pradesh High Court judgment which directed a mother to change the surname of her child and also to show the name of her new husband in records only as 'step father'.
- Supreme court said that such a direction is almost "cruel and mindless of how it would impact the mental health and self-esteem of the child".

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