

### Sukanya Shantha v. Union of India

- ❖ **TOPIC** : End Caste-Based Allotment Of Work To Prisoners, Delete Caste Column In Prison Registers
- ❖ **BENCH** : Chief Justice of India DY Chandrachud and Justices JB Pardiwala, Manoj Misra



- ❖ **FORUM**: Supreme Court
- ❖ **MAIN ISSUE**
  - Regarding Caste-Based Allotment Of Work To Prisoners
- ❖ **OBSERVATIONS**
  - The Supreme Court laid down crucial guidelines for the prevention of segregation and division of labour solely on the basis of the caste of the prisoners in Prisons.
  - The Court struck down the provisions of the Prison Manuals of several States as per which jobs were assigned to prisons based on their castes. The Court held that assigning cleaning and sweeping to the marginalized castes and assigning cooking to higher-caste prisoners is nothing but a direct caste discrimination and a violation of Article 15.
  - "On a reading of the impugned provisions, it is clear that the provisions discriminate against marginalized castes and act to the advantage of certain castes. By assigning cleaning and sweeping work to the marginalized castes, while allowing the high castes to do cooking, the Manuals directly discriminate. This is an instance of direct discrimination under Article 15(1). Provisions allowing for caste-based segregation violate Articles 14, 15, 17, 21 and 23 of the Constitution. Such division of labour is an aspect of untouchability", the Court ruled.
  - "Segregating prisoners on the basis of caste would reinforce caste differences or animosity that ought to be prevented in the first place. Segregation would not lead to rehabilitation " CJI DY Chandrachud said reading out the judgment.

- The Court took objection to the provisions of the UP Prison Manual which provided that a convict sentenced to simple imprisonment, shall not be called upon to perform duties of a "degrading or menial character" unless he belongs to a "class or community accustomed to perform such duties."
- The West Bengal manual said that sweepers should be chosen from the Methur or Hari caste, also from the Chandal or other caste.
- "Any prisoner in a jail who is of so high a caste that he cannot eat food cooked by the existing cooks shall be appointed a cook and be made to cook for the full complement of men," the WB manual provided.
- The Court also flagged the provisions of the Rajasthan prison manual which referred to denotified tribes. Reference was made to the provisions in the Prison Manuals of West Bengal, Kerala, Andhra Pradesh, Kerala etc which defined habitual offenders.
- Similar provisions were there in Himachal Pradesh and Madhya Pradesh.
- The Court directed all States and Union Territories to revise their prison manuals to end caste-based allotment of work.
- The Court also directed the Union Government to make necessary changes in its Model Prison Rules to address caste-based segregation. The Court further directed that the reference to habitual offenders in the prison manuals should be in accordance with the legislative definitions.
- Importantly, the Court also directed that the caste columns in prison registers must be deleted.
- "The 'caste' column and any references to caste in undertrial and/or convicts/prisoners' registers inside the prisons shall be deleted."
- The Court also registered a suo motu case titled "In Re: Discrimination Inside Prisons in India" taking suo motu cognizance of the discrimination in the prisons and directed the listing of the matter after three weeks to seek compliance reports from the Union/States.

### XXX v. XXX

- ❖ **TOPIC**: Able-Bodied Wife Can't Sit Idle To Misuse Maintenance Provision U/S 125 CrPC While Husband Is Looking After All Needs
- ❖ **BENCH** : Justice Nidhi Gupta
- ❖ **FORUM**: Punjab and Haryana High Court

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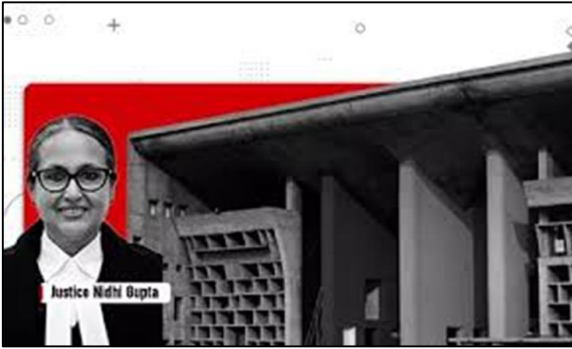
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### ❖ MAIN ISSUE

- Whether the provision of Maintenance under Section 125 CrPC, can be allowed to be used by the able-bodied wives to sit idly at home.

### ❖ OBSERVATIONS

- The Punjab & Haryana High Court has made it clear that the provision of Maintenance under Section 125 CrPC, cannot be allowed to be misused by the able bodied wives to sit idly at home.
- Justice Nidhi Gupta said, "The purpose of Section 125 Cr.P.C. is to protect abandoned wives who are unable to maintain themselves from vagrancy and destitution. The said provision cannot be permitted to be misused to allow able bodied wives to sit idly at home while the husband works, earns, looks after the day to day, emotional, financial, and physical requirements, and maintains the minor children as also his other dependent family members."
- These observations were made while hearing the plea against the order of the Family Court whereby the petition filed by the wife under Section 125 Cr.P.C. was dismissed holding she is not entitled to final or interim maintenance.
- Counsel for the wife submitted that she is a mere villager and the husband is working as a mason in a factory and earning Rs.12,000 per month.
- It was submitted that during the marriage life of the petitioner, she was beaten mercilessly by the husband and his family.
- An FIR under Sections 498-A, 406, 323 and 506 IPC in 2015 was also registered and pending.
- It was submitted that the plea for maintenance was rejected by the family court on the ground the petitioner was unable to give the particulars i.e. the date, time and birthplace of her first child in the petition under Section 125 Cr.P.C and erroneous finding of the court that the wife is earning Rs. 6-7 thousands per month.
- After hearing the submissions and perusing the order passed by the Family Court, the Court noted that, the Family Court on the basis of evidence

arrived at the conclusion that it is the wife who had deserted the matrimonial home without sufficient cause since 2014.

- Perusing the record, the Court found that two children were born out of their wedlock who are admittedly in the care and custody of the husband.
- Furthermore, the judge highlighted that the wife has not filed any application seeking custody of her minor children.
- "It has also come on record that the minor children were aged between 1-3 years of age when the petitioner left the matrimonial home. Clearly, therefore, under the above Section 125(4) Cr.P.C., the petitioner is not entitled to maintenance," it added.
- Justice Gupta pointed that, "It is the categorical finding of the learned Family Court that the respondent is doing private job in a factory and is earning only Rs. 6-7 thousand per month. Besides that, the respondent is also maintaining the minor children along with his old, aged mother."
- On the other hand, the wife has no such responsibility and living separately at her parental home, added the judge.
- The Court observed that, "it is first and foremost duty of the petitioner to maintain herself. Especially keeping in mind the fact that she is able-bodied."
- The purpose of Section 125 Cr.P.C. is to protect abandoned wives who are unable to maintain themselves from vagrancy and destitution."
- Opining that the wife cannot be permitted to misuse the provision under Section 125 CrPC, the Court said, "no ground is made out that calls for interference in the impugned order" passed by the Family Court.
- Consequently, the plea was dismissed.

### **M/s Pama Pharmaceuticals V. The Ranchi Municipal Corporation**

- ❖ **TOPIC :** Principles Of Natural Justice Not Mere Formality, Jharkhand High Court Quashes Blacklisting Order For Non-Compliance With Procedure
- ❖ **BENCH :** Chief Justice Sujit Narayan Prasad and Justice Arun Kumar Rai
- ❖ **FORUM:** Jharkhand High Court
- ❖ **MAIN ISSUE**
  - Whether principles of natural justice can be treated as mere formalities or not.
- ❖ **BACKGROUND**
  - As per the factual matrix of the case, a tender notice was issued for the supply of specific medicines, in which M/s Pama Pharmaceuticals - the Petitioner

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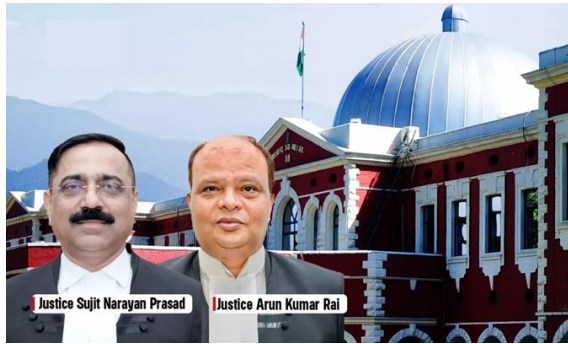


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participated and was declared successful.



- Thereafter the Petitioner was directed to supply the list of required medicines. Post the delivery, a few of the medicines were considered non-compliant with the specifications and were found to be spoiled, after which the Respondent requested for clarifications and replacements.
  - The Petitioner, thereafter took immediate steps and replaced the medicines which were found to be spoiled.
  - However, the petitioner informed the respondent-authority that the role of the petitioner was only to supply medicines procured from renowned manufacturers, who are neither blacklisted nor rejected by the respondent. But a subsequent notice was issued to the petitioner alleging that some of the supplied medicines were of below standard.
  - Even though the Petitioner responded to the show cause notice, the Respondent was blacklisted/debarred for a period of one year. As a result of which the Petitioner filed a petition under Article 226 of the Constitution of India.
  - The Petitioner argued that the show cause notice failed to mention any punishment to be imposed and that the impugned order was passed in violation of the principles of natural justice due to the lack of such information.
  - Furthermore, the Petitioner contended that the respondent authority, without taking into consideration the reply submitted by the petitioner passed the impugned order.
  - Alternatively, the Respondent, contended that the Petitioner was given ample opportunity to respond. It was also asserted that the show cause notice had been issued, and the Petitioner had duly replied to it.
- ❖ **OBSERVATIONS**
- The Jharkhand High Court has ruled that the principles of natural justice cannot be treated as mere formalities. The Court emphasized that when an adverse decision is being made, the concerned authority must inform the affected party about the

- proposed action to be taken against them.
- Failure to follow this procedure would amount to non-compliance with the principles of natural justice.
- The division bench comprising Acting Chief Justice Sujit Narayan Prasad and Justice Arun Kumar Rai observed, “This Court, on appreciation of the rival submissions advanced on behalf of parties, is of the view that what is being contented on behalf of petitioner is having substance reason being that the principles of natural justice cannot be said to be mere formality and when an adverse decision is being taken then it is incumbent upon the authority concerned to apprise the party concerned who is to suffer from the adverse decision i.e., regarding the proposed action which is to be taken against that party. If such a parameter has not been followed then it will be said that there is non-compliance of principles of natural justice.”
- Advertising to the factual aspect of the case, the Court noted that although a show cause notice had been issued, it did not pertain to the order of blacklisting. Instead, the notice only referred to potential action against the petitioner for non-compliance with the agreement's terms and conditions.
- The Court observed, “It is evident from the said show cause notice that there is no reference as to why the petitioner be not black-listed or debarred from supplying the medicines. However, the response was submitted by the petitioner, wherein the ground has been taken of committing no irregularity.”
- Therefore, the Court was of the view that “merely due to the reason that show cause notice has been issued the principles of natural justice cannot be said to be followed, as in the facts and circumstances of the present case, the requirement as per the law is that before debarring the writ petitioner specific show cause notice was required to be issued as to why he be not debarred due to commission of irregularity as has been found to be committed.”
- Consequently, the Court held that the absence of such specifics in the show cause notice rendered the order of debarment for one year invalid, leading to its quashing.
- The order issued by the Deputy Administrator of the Ranchi Municipal Corporation, debarring the petitioner for one year, was set aside.

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- The Court directed the Administrator to issue a fresh show cause notice within one week, including specific allegations. The petitioner committed to submitting a response within two weeks.
- The Court further instructed the Administrator to make a final decision within two weeks of receiving the petitioner's reply, clarifying that the final outcome concerning the supply of medicine would depend on this decision.
- The writ petition was accordingly disposed of.

### Vishwanath Koraga Shetty v. State of Karnataka

- ❖ **TOPIC :** Karnataka HC Quashes Murder Case Against Accused To Save Judicial Time After Witnesses Turned Hostile In Separate Trial Against Co-Accused
- ❖ **BENCH :** Justice M Nagaprasanna



- ❖ **FORUM:** Karnataka High Court
- ❖ **MAIN ISSUE**
  - Whether a murder case against an accused can be quashed or not after the co-accused in the case who were tried while the accused was absconding, came to be acquitted by the trial court
- ❖ **OBSERVATIONS**
  - The Karnataka High Court has quashed a murder case against an accused after the co-accused in the case who were tried while the accused was absconding, came to be acquitted by the trial court.
  - A single judge bench of Justice M Nagaprasanna allowed the petition filed by Vishwanath Koraga Shetty and quashed the proceedings pending against him for the offences punishable under Sections 143, 147, 148, 504, 120B, 302, 201 r/w Section 149 of IPC and Sections 3 and 25 of the Indian Arms Act.
  - The petitioner is accused No. 10 in the crime. All the other accused were tried before the Court of Sessions and came to be acquitted on the score that the witnesses had turned hostile and the prosecution had failed to prove the guilt beyond all reasonable doubt.
  - At the relevant point in time, the petitioner was

unavailable for trial. Therefore, the concerned Court drew up a split-up charge sheet against him.

- On going through the records the bench said, “The reasons so rendered by the concerned Court would undoubtedly ensure to the benefit of the petitioner as well, since all the witnesses have turned hostile. If all the witnesses have turned hostile qua other accused, it cannot be said that if trial against the petitioner is continued, they would depose in favour of the prosecution. In that light, permitting further trial against the petitioner, for eventuality of acquittal would be a waste of precious judicial time.”
- Accordingly, it allowed the petition.

### Sanjana Raghunath v. Karnataka Examination Authority & Others

- ❖ **TOPIC :** Pay ₹10 Lakh To MBBS Student Who Was Denied Sports Quota Seat Despite Representing India Abroad In Chess Tournament
- ❖ **BENCH :** Chief Justice N V Anjaria and Justice K V Aravind



- ❖ **FORUM:** Karnataka High Court
- ❖ **MAIN ISSUE**
  - Regarding compensation to an MBBS student.
- ❖ **BACKGROUND**
  - The court passed the order while hearing Raghunath's plea who had appeared in the National Eligibility-cum-Entrance Test (UG Examination of 2022- 2023). She then filed an application seeking admission to Government seats in Medical Colleges against the quota reserved for sports.
  - She sought for her application to be considered as a preference P-I or P-III candidate, however, she was given P-V and placed at Serial No.9 in the provisional eligibility list by the state government.
  - She said that she represented India in the Asian Youth Chess Championship 2018 through the All India Chess Federation and had won a Medal, adding that players participating in the competition

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were through sponsorship by the Federation. Her prayer was to consider her case for a sports quota reserved seat.

- The government opposed the plea contending that the list of eligible candidates is prepared as per Rule 9(1)(B) of the Karnataka Selection of Candidates for Admission to Government Seats in Professional Educational Institution Rules, 2006.
- As per the Circular of June 23, 2023 participation and winning medals would be considered between June 1, 2018 and March 31, 2023; any achievement thereafter is not considered.
- It contended that participation in the Asian Youth Chess Championship 2018 in Thailand is on invitation and does not represent the country, thus the same cannot be considered while evaluating eligibility and preference.
- Opposing this the petitioner contended that the All India Chess Federation regulates chess activities in India and is recognized by the Government. Participation in international events as authorized by the All India Chess Federation is to be considered as representing the country, she added.

#### ❖ **OBSERVATIONS**

- The Karnataka High Court has directed the state government to pay Rs 10 lakhs as compensation to an MBBS student and chess player, who was wrongly denied a seat under sports quota even though she had represented India abroad in Chess Competitions, compelling her to take admission in a private college on a private seat.
- A division bench of Chief Justice N V Anjaria and Justice K V Aravind while disposing of a petition by one Sanjana Raghunath in its order said, "The participation of the petitioner in Asian Youth Chess Championship 2018 is while representing India.
- Further, the winning in Asian Youth Chess Championship 2018 is in a Super-A game under Schedule-II to Rule 2006. The petitioner is therefore declared to be eligible to be categorized as P-I, and the categorization of the petitioner as P-V was wrong in view of the Rules and the same is unsustainable."
- The court noted that the Chess Federation of India is a member of the Federation Internationale des Echecs (FIDE).
- The court took note of a document stating that it indicates that the Thailand Chess Association, along with the Asian Chess Federation and FIDE, had invited the Chess Federations to participate in the Asian Youth Chess Championship, 2018.
- A document released by the Thailand Chess

Association is the list of candidates who participated was also on record, which included the petitioner as well.

- Considering the bylaws of AICF, which is set up with the object of promoting the chess game and that AICF—the apex body to organize national and international championships, can also select teams to represent India and maintain a National rank list of players.
- The State Chess Associations are affiliated members and any chess competition is through AICF, the court said.
- Stating that the additional financial burden on the petitioner to spend a higher amount for her MBBS Course is a result of the action of the authorities being arbitrary and in breach of the rules and regulations, which affected the rights of the petitioner and her further prospects.
- It thereafter directed the government to pay compensation to the petitioner; it however said that relief of admission cannot be granted noting that if a direction is given to consider the petitioner under sports quota as P-I category, the admissions already concluded would be disturbed.
- The court also rejected the contention of the government in regards to the requirement of achievements for the years 8th to 12th standard based on a circular issued in 2023.
- It held "The requirement of achievements for the year 8th to 12th standard is mandated under Rule 9 of Rules 2006. Any exception can be as provided under the relevant Rules or any other statutory provisions. The communication dated 23.06.2023 is without any source of power to issue the same."

#### **Urvashi Bishnoi & Ors. v State of Rajasthan and other connected petition**

- ❖ **TOPIC :** Family Ties Are Paramount, Courts Can't Perpetuate Discord, Rajasthan High Court While Quashing Cross FIRs Over Family Altercation
- ❖ **BENCH :** Justice Arun Monga



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❖ **FORUM:** Rajasthan High Court

❖ **MAIN ISSUE**

➤ Regarding the quash of FIR.

❖ **OBSERVATIONS**

- While quashing cross FIRs registered by family members against one another, Rajasthan High Court ruled that the court's primary objective must be to strengthen family bonds and not to perpetuate discord among family members.
- The bench of Justice Arun Monga was hearing a quashing petition in relation to cross-FIRs for criminal assault and causing hurt, filed by members of the same family owing to an altercation.
- It was the case of counsel from both the sides that if the other side discontinues pressing charges, they would also surrender the FIRs.

- Pursuant to this proposed resolution and the consensus reached between the parties, the Court held that “in the interest of restoring societal peace and family harmony”, there was no justifiable reason for the FIRs to remain.
- It was further opined that continuing the FIRs, would only escalate the family tensions and family ties were paramount, hence priority must be given to maintaining unity within families.
- “Continuing the two FIRs would only exacerbate family tensions and deepen the rift among relatives. The allegations stem from a family scuffle rather than any criminal intent or grievous wrongdoing.”
- Accordingly, the Court quashed the FIRs in both the cases and disposed of the petitions.



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