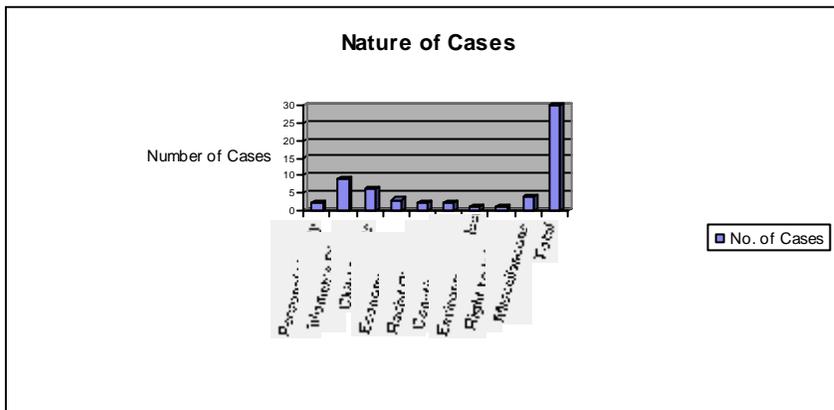


## Summary, Review of Selected Supreme Court Decisions 2005

The independence of the judiciary is very much reflected in the decisions the court gives. From the cases that are reviewed in this study give a picture of the judiciary. Among the cases that the Supreme Court decided in the year of 2005, thirty cases were selected for the review. Although the cases were randomly selected the diversity of the issues were kept into consideration.

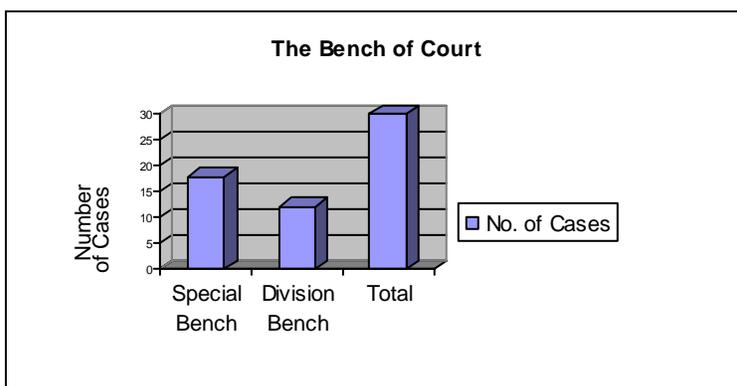
Among these 30 cases 9 cases are related to Women's right, 6 are related to child rights, 3 are of economic and trade issues, 2 are related to personal liberty (illegal detention), 2 are related to racial discrimination and 8 cases are of other issues. Among these 8 cases two cases deal with constitutional issues (in fact almost all cases that go to the Supreme Court have constitutional element. In this study, however, two cases are put into this category for convenience for the study), one case is of environmental issue and one is related to right to information. Some of the cases are of cross cutting issues. For example the case of *Sanjiv Parajuli on behalf of Rajiv Parajuli* deals with a major constitutional issue of the status of Royal Commission for Corruption Control (RCCC). But this case also involves the issue of personal liberty because the petitioner has not only sought a writ to declare the RCCC void but also sought a writ of Habeas Corpus to release Mr. Rajiv Parajuli from the detention that was ordered by RCCC.

**Chart: I**



Among these 30 cases 17 cases were decided by a special bench comprising 3 judges and 12 cases were decided by a division bench comprising 2 judges. One case (Rajib Parajuli) was decided by a special bench comprising 5 judges.

**Chart: II**



Among 30 cases that were reviewed in this study, the largest number of cases was related to women's right. In all together 9 cases related to women's rights writ were issued in 3 cases, directive orders were issued in 5 cases and a writ was dismissed.

**Chart: III**



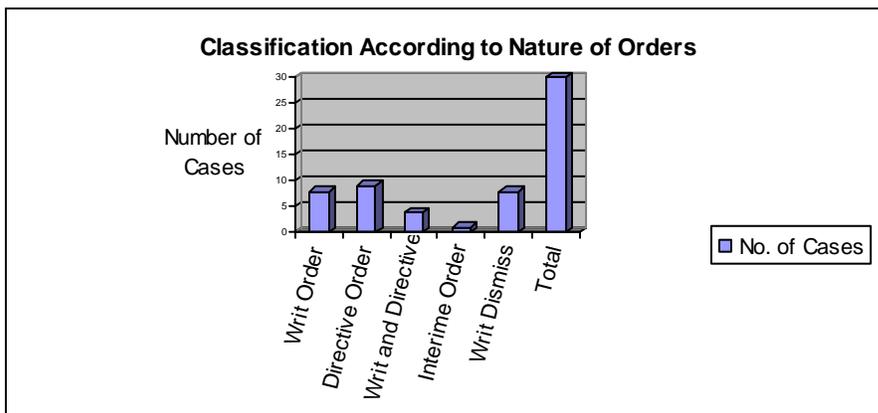
In the six cases that were related to child rights, writs were issued in 3 cases, directive order was issued in 1 case and two writs were dismissed.

**Chart IV**



All together the court issued 12 writ orders among which in four cases the writs also accompanied directive orders as well. In 9 cases directive orders were issued and 8 writs were quashed. In one case that was related to right to information the Court issued an interim Order.

**Chart: V**



The Court issued habeas corpus writs to release petitioners from detentions in two cases. In two cases related to women's right the legal provisions that discriminated women from men were challenged on the ground of inconsistency and they were declared void by the Court. In another case related to child rights a part of a legal provision was declared void on the ground of inconsistency with the Constitution and related international treaties and conventions. In another case related to child rights two Rules that had the provisions of recruiting children in Army and Police force were declared void. In another case that was related to women's right the court declared a cabinet decision that discriminated women void. In a case related to economic and trade issue the court issued an order in the favor of foreign investor. Among the cases reviewed in this study the major order the Court issued was to declare the formation of the Royal Commission for Corruption Control void.