

What is a split verdict ?

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In news– The Supreme Court has recently delivered a split verdict in the Karnataka hijab ban case with one of the two judges on the Bench upholding the March 15 order of the Karnataka High Court validating the government's ban, and the other set aside the High Court ruling.

About split verdict-

- A **split verdict is passed when the Bench cannot decide one way or the other in a case**, either by a unanimous decision or by a majority verdict.
- Split verdicts **can only happen when the Bench has an even number of judges**. This is why judges usually sit in **Benches of odd numbers** (three, five, seven, etc.) for important cases, even though **two-judge Benches known as Division Benches** are not uncommon.
- **In case of a split verdict, the case is heard by a larger Bench.**
- The **larger Bench** to which a split verdict goes can be a **three-judge Bench** of the High Court, or an appeal can be preferred before the Supreme Court.
- In the case of the hijab verdict, the **CJI, who is the 'master of the roster'**, will constitute a new, larger Bench to hear the matter.

Earlier cases with a split verdict-

- In May 2022, a two-judge Bench of the Delhi High Court delivered a split verdict in a batch of petitions challenging the exception provided to marital rape in the Indian Penal Code (IPC).
- Justice Rajiv Shukhder held that the exception under Section 375 (which deals with rape) of the IPC is unconstitutional, while Justice C Hari Shankar held that

the provision is valid.

- Among other cases in which courts have delivered split verdicts is the Madras High Court Division Bench order on the challenge to the disqualification of AIADMK MLAs owing allegiance to TTV Dinakaran (2018).

Bijoe Emmanuel verdict-

- During the split verdict in the Karnataka hijab case, Justice Dhulia referred to the Bijoe Emmanuel case, saying it “squarely covers the issue”.
- **In August 1986**, a Supreme Court bench of Justices O Chinnappa Reddy and M M Dutt had, in **Bijoe Emmanuel & Ors vs State Of Kerala & Ors**, **granted protection to three children of the Jehovah’s Witness sect, who didn’t join in the singing of the national anthem at their school.**
- The court held that forcing the children to sing the anthem violated their fundamental right to religion.
- The children’s father, VJ Emmanuel, had pleaded that for Jehovah’s Witnesses, only Jehovah should be worshipped. Since the national anthem was a prayer, his children would stand up in respect when it was playing, but their faith did not allow them to sing it.
- The court had also said that while the Kerala High Court in the matter had examined whether or not the national anthem contained any “word or thought... which could offend anyone’s religious susceptibilities”, it had “misdirected itself”, because “that is not the question at all”.
- In 1985, in Kidangoor in Kottayam district, siblings Bijoe Emmanuel, aged 15 and studying in Class X, Binu and Bindu, 14 and 10, studying in Class IX and V respectively, were suspended from their school after a complaint that they didn’t sing the national anthem.
- The three were students of NSS High School, run by the Hindu organisation Nair Service Society. The school had

11 students from the Jehovah's Witnesses religious sect
at the time.