

Rafale Review - Pre-Judgment Matrix

Issue I: Are there sufficient grounds for review?

| Option | Decision | Reason | Probability |
|--------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| A | Yes | <ul style="list-style-type: none"> Judgment fails to consider plea of petitioner 3 Judgment relies on factual errors Significant new evidence emerged | Highly likely |
| B | No | <ul style="list-style-type: none"> Judgment clubs plea of petitioner 3 with other pleas Factual errors do <i>not</i> necessitate review New evidence not admissible | Highly unlikely |

If there are sufficient grounds for review, then

Issue II: Should the 2018 judgment be reversed?

| Option | Decision | Reason | Probability |
|--------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| A | Yes | <ul style="list-style-type: none"> Public interest => broad powers of judicial review Deal suffers from irregular decision making process &/ pricing Need for court monitored investigation & filing of an FIR | Unlikely |
| B | No | <ul style="list-style-type: none"> National security => limited powers of judicial review <i>Bona fide</i> agreement | Likely |

The Supreme Court will decide whether to modify its 2018 judgment, wherein it declined to order a court monitored investigation of the Rafale deal. On 10 May 2019, it reserved judgment on the review petition.

The Supreme Court Observer outlines the possible outcomes of the judgment and assigns each a likelihood. The Pre-Judgment Matrix is divided into two parts.

The first part focuses on whether there are grounds for review. Technically, the court has already determined that there are grounds for review, as it has admitted the review petition. However, it is possible that the court may reverse its decision.

The second part focuses on whether the court will reverse its 2018 judgment. If it the court finds a ground for review, it will decide whether it needs to either modify or reverse the earlier judgment.