

## **DIGEST- APRIL 2022**

- In the case of Union of India, MCA vs Delhi Gymkhana Club, the National Company Law Tribunal (NCLT) has permitted the Central Government's plea to take over the matters of the Delhi Gymkhana Club, appointing a 15-member committee to manage its affairs.
- Activist Medha Patkar has filed a Public Interest Litigation (PIL) petition before the Bombay High Court seeking directions to the Maharashtra government to urgently fill up the vacancies in the State Police Complaints Authority (SPCA) and to provide proper and timely release of funds and necessary facilities including a website for SPCA.
- In the case of State vs Surender Soni & Ors., the court observed that it would be sheer wastage of judicial time if charges were to be framed against three accused in a Delhi Riots case while discharging them.
- The Bombay High Court finally agreed to hear a petition seeking a declaration that the collection of fines from citizens for not wearing masks by 'clean-up marshals' during COVID-19 lockdowns in Mumbai was illegal.
- In the case of Ramachandran Chandran vs the State of Kerala, the Kerala High Court recently held that sex on a promise to marry will amount to rape only if it violates the decisional autonomy of the victim. Moreover, lack of consent in a rape case cannot be presumed merely because a man entered into marriage with another woman after engaging in a sexual act with the victim.
- In the case of Aman Vachar vs Union of India, an order of the central government which mandated judges of the Supreme Court and High Courts to seek political clearance for their private visits abroad was struck down by the Delhi High Court.
- The Delhi High Court granted interim protection from arrest and coercive action to Spicejet promoter Ajay Singh in a case of alleged fraud in the transfer of shares of the airlines to certain individuals.
- In the case of Ramesh Razdan vs the State of Haryana, the Punjab and Haryana High Court requested the Haryana government to look into the plight of Kashmiri Pandits who lost their homes at the hands of terrorists in Jammu & Kashmir in the year 1990-91.

- In the case of Anil Deshmukh vs Enforcement Directorate & Ors., the Bombay High Court on Friday remarked that it would be unfair to hear new cases when cases of prisoners languished in jails for years together are pending before it.
- In the case of Noel Harper vs Union of India, the Supreme Court on Friday upheld the constitutional validity of the Foreign Contribution (Regulation) Amendment Act, 2020 (FRCA Amendment Act), which imposed restrictions on the way foreign contributions are handled by organizations based in India.
- In Ashwini Kumar Upadhyay vs Union of India and Another, the Election Commission of India (ECI) has told the Supreme Court that it has no power to de-register political parties that promise and distribute freebies to voters before and after elections.
- While a Bench led by the CJI was hearing a batch of petitions seeking the lifting of the ban on mining and export of iron ore in Karnataka, the Chief Justice of India (CJI) NV Ramana remarked that official replies should be filed and submitted before the court first before it is sent to media houses and journalists.
- In the case of Lasya Kahli vs Union of India, the Passport Rules of 1980 requiring a transgender person to produce certificates of gender reassignment surgery for issuance of a passport with declared sex is prima facie violative of Article 21, the Delhi High Court remarked.
- In the case of Noor Paul vs Union of India, the Punjab & Haryana High Court recently held that not supplying a copy of a Look Out Circular (LOC) to the concerned person at the airport is violative of Article 21 of the Constitution.
- In the case of Kamatchi vs Lakshmi Narayanan, the Supreme Court on Wednesday held that an application under section 12 of the Protection of Women from Domestic Violence Act of 2005 need not be filed within one year of the alleged acts of domestic violence.
- While hearing the case of Madan Lal vs New Delhi Municipal Council and Another, the Supreme Court recently observed that hawkers cannot claim the right to keep their goods and wares overnight at the place where they are hawking.
- While ordering a woman to grant access to her children to her estranged husband for four days, the Bombay High Court observed that the children have the right to love and affection of both parents as well as grandparents.

- A public interest litigation (PIL) petition has been filed before the Supreme Court seeking a probe by the National Investigation Agency (NIA) into the recent communal violence at Delhi's Jahangirpuri and in seven other states during Ram Navami.
- In the case of the Child Marriage Prohibition Committee and Ors. vs the State of Maharashtra & Ors, Bombay High Court, on observing that there were hardly any first information reports (FIRs) registered against prevailing child marriages, asked the Maharashtra government to explain the steps it has taken to prohibit the practice.
- The issue of pendency of cases came up for discussion during the hearing of a case relating to the ban on the manufacture and use of firecrackers across India. While answering the issue, Justice Shah stated, "One of the reasons for pendency is the letter for adjournments. Every day, 5 to 6 matters in criminal matters adjournments letters are given, where the personal difficulty is cited".
- In the case of Rohit Madan vs Union of India and Ors, the Delhi High Court has sought a status report from the central government on the steps it has taken to meet its international obligations and commitments on the issue of climate change.
- In the case of Rinky Rani vs Daljit Kumar, the Punjab & Haryana High Court recently refused to entertain a transfer petition filed by the wife in a matrimonial dispute, stating that the plea was nothing but sweet revenge by her to prevent the husband from seeking his rights.
- In the case of Britannia Industries Private Limited vs Parle Biscuits Pvt Ltd and Anr, the Delhi High Court has directed Parle Biscuits to modify two of its advertisements by blurring the image of the cookies used in the ads since they resemble Britannia's Good Day biscuits.
- The Supreme Court initiated a suo motu case to examine and institutionalize the process involved in the collection of data and information to decide the award of a sentence in death penalty cases. A three-judge bench of Justices UU Lalit, S Ravindra Bhat, and PS Narasimha suggested that the top court would lay down guidelines to be followed by courts across India while considering cases involving the award of the death penalty.
- In the case of Madras Bar Association vs Union of India, Chief Justice of India (CJI) NV Ramana said that he is considering setting up a special bench to hear cases relating to tribunals, their functioning, and appointments.

- In the case of Saurabh Bharadwaj vs Delhi Police, Through Its Commissioner and Anr, the Delhi High Court has pulled up the Delhi Police for its failure to prevent the vandalism by Bharatiya Janata Yuva Morcha (BJYM) workers outside the residence of Delhi Chief Minister Arvind Kejriwal.
- The Supreme Court took exception to the stand of the Uttarakhand government that it cannot stop Dharam Sansad events and cannot anticipate that hate speech might be delivered at such gatherings.
- In the case of Nasima vs the State of UP, the Supreme Court has transferred the investigation into the Unnao custodial death case to Lucknow Police after it noted that the probe conducted by Unnao (Uttar Pradesh) police prima facie seemed unfair.
- In the case of Kanishka Pandey vs Union of India, the Supreme Court directed the Central and State governments to respond to the suggestions made by the Amicus Curiae for declaring the right to physical activity and literacy as a fundamental right.
- In the case of Janaki Yadav vs Gorakhnath Yadav, the Chhattisgarh High Court, while denying maintenance to a wife and daughter, held that the law presumes in favour of marriage and is against concubinage.
- The Bombay High Court in the case of Nitin Gopinath Bhailume and Anr. vs the State of Maharashtra recently allowed two prisoners sentenced to death in 2017 for raping and murdering a young girl, to continue their education through open universities during incarceration.