



Monthly Legal Updates for Law Exams

October 2019

Monthly Legal Updates: October 2019 for CLAT & Other Law Entrance Exams

Dear readers,

This compendium comprises of the Legal developments that occurred in the month of October 2019.

Monthly Legal Updates

1. Jammu & Kashmir and Ladakh officially become two Union Territories

- On 31st October Jammu and Kashmir transitioned from a state into two union territories (UTs).
- This is for the first time that a state is being converted into two UTs. The total number of states in the country is now **28**, while the total UTs has gone up to **nine**.
- The move is in accordance with the government's August 5 announcement withdrawing the state's special status under **Article 370** and bifurcating the state into union territories.
- With this move, the Constitution of Jammu and Kashmir and the Ranbir Penal Code has ceased to exist.
- The two new Union Territories have come into existence on the **144th birth anniversary of Sardar Vallabhbhai Patel**, who is credited for the merger of over 560 princely states into the Union of India. Today, October 31, is also celebrated as National Unity Day.

2. First Lieutenant Governor of the Union Territory of Jammu and Kashmir - Girish Chandra Murmu takes over as the first Lieutenant Governor of the Union Territory of Jammu and Kashmir.

3. First Lieutenant Governor of the Union Territory of Ladakh - Radha Krishna Mathur takes over as the first Lieutenant Governor of the Union Territory of Ladakh.

- Both Lieutenant Governor GC Murmu and RK Mathur were sworn-in by **Chief Justice of the Jammu and Kashmir High Court Gita Mittal**.

4. Supreme Court accepts Centre's revised land Offer for the reconstruction of Ravidas Temple

- The Supreme Court has accepted the proposal of the Central government for the **construction of a shrine dedicated to Guru Ravidas** in South Delhi after it was demolished under orders of the Supreme Court.
- The temple was demolished by the Delhi Development Authority (DDA) on August 10 following the court's direction as it was built on encroached forest land.

5. Muslim body moves SC challenging law on triple talaq

- All India Muslim Personal Law Board have moved the Supreme Court challenging the **Muslim Women (Protection of Rights on Marriage) Act, 2019** which criminalises triple talaq.
- In August 2017, in **Shayara Bano Vs. Union of India and Ors**, a Constitution Bench of the Supreme Court had declared the **practice of Talaq-e-Biddat being ultra vires the Constitution of India**.

6. Delhi High Court grants bail to Congress leader DK Shivakumar

- Delhi High Court grants bail to Congress leader **DK Shivakumar** in connection with the money laundering case under the Prevention of Money Laundering Act (PMLA). The Court has directed **DK Shivakumar** to cooperate with the investigation, not influence the witness and not leave the country with the Court's permission.

7. Whistle Blowing Protection Should Be Extended To Judges: UK Supreme Court

- **Supreme Court of the United Kingdom** in **Gilham vs. Ministry of Justice** has held that the **whistle-blower's protection should be extended to the holders of judicial office**.
- The court held that **Judges** appointed by Her Majesty on the recommendation of the Lord Chancellor under the Constitutional Reform Act 2005, are **entitled to the safeguards granted to whistle-blowers in the public interest**.

8. Justice Ruth Bader Ginsburg awarded the Berggruen Prize for philosophy and culture

- **Justice Ruth Bader Ginsburg** of the **S. Supreme Court** has been awarded the **Berggruen Prize for philosophy and culture**, which is given annually to a *"thinker whose ideas are shaping human self-understanding to advance humankind"*.

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9. J&K High Court decriminalised beggary in the State

- The **Jammu and Kashmir High Court** in a significant judgment has declared that **criminalization of beggary to be unconstitutional** and struck down the provisions of the Jammu & Kashmir Prevention of Beggary Act, 1960.

10. Justice SA Bobde appointed next CJI

- The President of India, Ramnath Kovind, has issued warrant appointing **Justice SA Bobde** as the **next Chief Justice of India**. Justice SA Bobde will be the **47th Chief Justice of India**.

11. UN Panel Expresses Concern over Kashmir Situation

- The **United Nations High Commissioner for Human Rights** issued a statement expressing concerns at the continuation of restrictions in Kashmir. Hundreds of political and civil society leaders, including three former Chief Ministers of Jammu and Kashmir, have been detained under preventive detention.
- The statement issued by the United Nations High Commissioner for Human Rights is also critical about the manner in which the Supreme Court of India is dealing with the matter.
- The statement reads **“The Supreme Court of India has been slow to deal with petitions concerning habeas corpus, freedom of movement and media restrictions.”**

12. Former judge of Supreme Court Justice N Venkatachala passes away

- Former judge of the Supreme Court Justice N Venkatachala passes away at 89 years. Justice Venkatachala has also **served as Lokayukta for State of Karnataka**.

13. Chief Justice of High Courts - Appointment

- **Justice Amreshwar Pratap Sahi** has been appointed as the Chief Justice of the **Madras High Court**.
- **Justice AK Mittal** has been appointed the Chief Justice of the **Madhya Pradesh High Court**.
- **Justice Sanjay Karol** has been appointed the Chief Justice of the **Patna High Court**.

14. Ayodhya case came to an end after 40 days

- The hearing of the Ayodhya case came to an end after 40 days which lasted over a span of more than two months.
- This is the second-longest hearing in the history of Supreme Court after the landmark hearing in Keshavananda Bharati case which lasted 68 days.
- The Ayodhya case is being heard by a **Constitution Bench of Chief Justice of India Ranjan Gogoi and Justices SA Bobde, DY Chandrachud, Ashok Bhushan and Abdul Nazeer**.
- Earlier this year, the Ayodhya dispute was referred to a mediation panel comprising former Supreme Court judge Justice FMI Kalifulla, Sri Sri Ravi Shankar, and Senior Advocate Sriram Panchu.

15. Orissa High Court had initiated suo-motu contempt proceedings against bar associations in the state for boycotting court

- A Full Bench of the Orissa High Court headed by **Chief Justice KS Jhaveri** initiated the proceedings after reports submitted by district judges and the High Court Registry regarding boycott of courts by lawyers.
- Lawyers in the state went on strike in April this year against certain recommendations made by the High Court Collegium for elevation to the High Court.

16. Chief Justice Ranjan Gogoi recommends Justice SA Bobde as next CJI

- The current Chief Justice Ranjan Gogoi has recommended the Central Government to make Justice Sharad Arvind Bobde the next Chief Justice of India (CJI).
- On 18th October, Chief Justice of India Ranjan Gogoi wrote a letter to the ministry of law and justice recommending Justice Bobde to be the next chief justice.
- Justice Bobde will likely take oath as 47th CJI on November 18, 2019.

Note:

- Chief Justice of India Ranjan Gogoi will demit the office on November 17, 2019.
- He was sworn in as the **46th Chief Justice of India** on October 3, 2018.

About Chief Justice Ranjan Gogoi

- Justice Ranjan Gogoi became the **first person from the Northeast** to be appointed as the Chief Justice of India.
- His father **Keshab Chandra Gogoi** is a former chief minister of Assam.
- He was appointed as a Judge of the Supreme Court of India on 23rd April 2012.
- He was born on 18th November 1954 in Assam.

About Justice Sharad Arvind Bobde

- Justice Sharad Arvind Bobde was born on 24 April 1956 in Nagpur, Maharashtra.
- He joined the Maharashtra Bar Council in 1978.
- He practised law in Bombay High Court Nagpur Bench.

- He became Additional Judge in the Bombay High Court in the year 2000. Then appointed as Chief Justice in Madhya Pradesh High Court.
- In 2013, Justice Bobde was appointed a judge in the Supreme Court.
- He will retire on 23 April 2021.

Source: India Today & Times of India

17. District Judge AK Mendiratta appointed as new Union Law Secretary

- For the first time, a serving District and Sessions Judge was appointed as Union Law Secretary. **Anoop Kumar Mendiratta** has been appointed as the new Law Secretary (Secretary, Legal Affairs) in the Union Law Ministry.
- Anoop Kumar Mendiratta is currently serving as District and Sessions Judge at North-East District, Karkardooma Courts in New Delhi.
- Judge Anoop Kumar Mendiratta, who hear the JNU sedition case, is currently serving as District and Sessions Judge, North-Eastern District in Delhi's Karkardooma court.
- According to the sources, Anoop Kumar Mendiratta has been appointed on this post on contractual basis till March 30, 2023.

18. SC extends Navlakha relief

- **Gautam Navlakha** who had approached the Supreme Court seeking quashing of the FIR implicating him under the Unlawful Activities (Prevention) Act in the Bhima Koregaon case, was granted protection from arrest by four weeks.
- Further, the Supreme Court has granted liberty to Gautam Navlakha to approach the Trial Court to seek regular bail in the matter.

19. J&K HC Orders Govt to provide free Legal aid to detainees under PSA

- In a petition alleging that no access to legal aid was made available to poor and financially unstable detenus who were detained under the recent orders of detention in the State, the Jammu and Kashmir High Court has directed the government to ensure that legal assistance be made available to all the detenus under the **Jammu and Kashmir Public Safety Act, 1978**.

Note:

- In July this year, the **J&K Reorganization Act, 2019** was passed by the Parliament to bifurcate the State of Jammu and Kashmir into two successor Union Territories – UT of Jammu and Kashmir, and UT of Ladakh.

20. Supreme Court sets up a Constitution Bench headed by Justice Arun Mishra, to decide cases include the case relating to the interpretation of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Land Acquisition Act, 2013). The Bench will also comprise of Justices Indira Banerjee, Vineet Saran, MR Shah, and Ravindra Bhat.

21. The Delhi Police has launched a web and mobile application to lodge online reports of missing persons including children. This has come pursuant to orders passed by the **Delhi High Court** in a case pertaining to a missing person.

22. The Bombay High Court held that duty-free shops (DFS) at the Chhatrapati Shivaji International Airport in Mumbai cannot charge Goods and Services Tax (GST) on goods sold to outbound passengers.

23. The Delhi High Court has granted the Central Bureau of Investigation (CBI) two more months to conclude the probe into the bribery case against its former Special Director Rakesh Asthana and DSP Devendra Kumar.

24. The Central Government announced the issuance of electoral bonds

- The Central Government announced the issuance of **electoral bonds** from October 1 to 10 through **branches of State Bank of India** which can be used by individuals and companies to make anonymous donations to political parties.

About Electoral Bonds

- The central government had on **January 29, 2018**, notified the electoral bond scheme.
- An Indian citizen or body incorporated in India will be eligible to purchase the bond.
- Electoral bonds can be used for making a donation only to the political parties registered under section 29A of the Representation of the People Act, 1951 (43 of 1951) and which secured not less than one per cent of the votes polled in the last general election to the House of the People or a Legislative Assembly.
- These bonds will not carry the name of the payee.
- **Authorised centre** - It can be purchased only from specified branches of **State Bank of India**.
- **Denomination** - Electoral bonds can be bought for any value, in multiples of **Rs 1,000, Rs 10,000, Rs 1 lakh, Rs 10 lakh or Rs 1 crore**.
- **Validity** - Electoral bonds will be **valid for 15 days from** the date of purchase.

- The face value of the bonds shall be counted as income by way of voluntary contributions received by an eligible political party, for the purpose of exemption from Income-tax under Section 13A of the Income Tax Act, 1961.

25. Scottish Parliament passed Children (Equal Protection from Assault) (Scotland), Bill

- The Scottish Parliament has passed a law **Children (Equal Protection from Assault) (Scotland)** Bill which aims at criminalizing physical punishment to children.

26. Seven High Courts get New Chief Justices

- The President of India Ram Nath Kovind appointed Chief Justices to seven high courts.

List of new Chief Justice of 7 High Court is as follows -

- New Chief Justice of Himachal Pradesh High Court - **Lingappa Narayana Swamy**
- New Chief Justice of Punjab and Haryana High Court - **Ravi Shankar Jha**
- New Chief Justice of Rajasthan High Court - **Indrajit Mohanty**
- New Chief Justice of Andhra Pradesh High Court - **K. Maheshwari**
- New Chief Justice of Kerala High Court - **S. Manikumar**
- New Chief Justice of Sikkim High Court - **Arup K. Goswami**
- New Chief Justice of Gauhati High Court - **Ajai Lamba**

Note:

- In accordance with **Article 217**, the Chief Justice of the High Court is appointed by the **President** of India in consultation with the Chief Justice of India and the Governor of the State to which the High Court has jurisdiction over.
- **Article 214 of the Indian constitution** - According to Article 214 of the Indian constitution, each state of India shall have a High Court.

27. Mumbai's Aarey: SC has ordered the government to stop cutting down trees in Aarey

- The controversy over cutting trees for the metro project in Mumbai's Aarey colony has stopped as of now.
- On 07th October, the Supreme Court has ordered the Maharashtra government to stop the cutting of over 2,500 trees in the Aarey colony for the proposed car shed for Mumbai Metro 3 project.
- Rishav Ranjan, a student of law, had sent a letter to the Supreme Court demanding a ban on tree felling and release of protesters. Taking suo moto cognizance, the apex court directed the government to stop axing trees until October 21.
- According to the sources, Aarey forest is located adjacent to the **Sanjay Gandhi National Park** and has five lakh trees.

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