MONTHLY NEWSLETTER

The Law Desk

June 2022 / TLD-15

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1 RETIREMENT AGE OF JUDGES - AN ISSUE OF MIND OVER MATTER

- SHUBHAM SONI

ABSTRACT

It has been a debatable issue for half a century regarding the retirement age of judges. By the time judges get acquainted with the surroundings of the High Court or the Supreme Court, when they are in a better position to contribute to the system of justice, and when they are at the peak of their field from which they can deliver the best of what they have acquired and learned throughout their lifelong experience, they retire. It is clearly a minimum utilisation of intellectual minds whereas they have efficiency and experience to perform best in their field, but the maximum is unreached. The reason is "Mandatory Retirement".

CONSTITUTIONAL POSITION

The issue was raised/discussed for the first time in the Constituent Assembly proceedings dated 24.05.1949 and it was recommended to consider High Court and Supreme Court Judges' retirement ages as 65 and 68 years respectively.. Some members want to lower the age of retirement so that it will make room for others, while others want to make it a life-time service subject to health and good behaviour. It was decided to fix the retirement age as 65 years without any reasonable explanation. In the constitution of India, Article 124 states that a judge of the Supreme Court shall hold office till he/she attains the age of sixty-five years and that a judge of the High Court shall hold office till he/she attains the age of 62 years, which was amended by the 15th constitutional amendment. One question that can immediately come to mind is whether a person's age can be an adequate measure to determine his tenure.

CHALLENGES

Mr. K.K. Venugopal had raised this issue in farewell to the Hon'ble Supreme Court Judge Subhash Reddy. He asked why judges must retire at 65 when lawyers can comfortably argue even at the age of 70-75. The Hon'ble CJI N.V. Ramana marked his words over this matter, "*I think 65 years is too early an age for someone to retire*."

The possible answers for increasing the retirement age of judges are:

- Huge backlog of cases in the High Court and Supreme Court.
- In a given year, the ratio of newly appointed judges to retiring judges is equal.
- Experienced lawyers lose interest when appointments having fixed retirement age are made.
- Judicial vacancies remained vacant.
- Increase in Life Expectancy Rate.
- An increase in the retirement age by 3-5 years would abridge the pendency of cases.

The best precedent in front of the judicial system is the Hon'ble Supreme Court, retired Judge Dalveer Bhandari. He was appointed to the International Court of Justice for a second nine-year term beginning on June 6, 2018. As a result, he continued being a judge at the age of 79. In most western democracies, the retirement age of judges is 70 years. India is one of those few democratic countries where the retirement age is early. In the Supreme Courts of the USA, Austria, and Greece, judges are appointed for life. In countries like Norway, Australia, Denmark, Belgium, the Netherlands, and Ireland, judges of Constitutional Courts get retired at the age of 70. Germany and Canada have 68 and 75 years, respectively. It shows that a person's age cannot be an adequate measure to determine the tenure. Superannuation should be based on physical and mental fitness and academic and professional accomplishments.

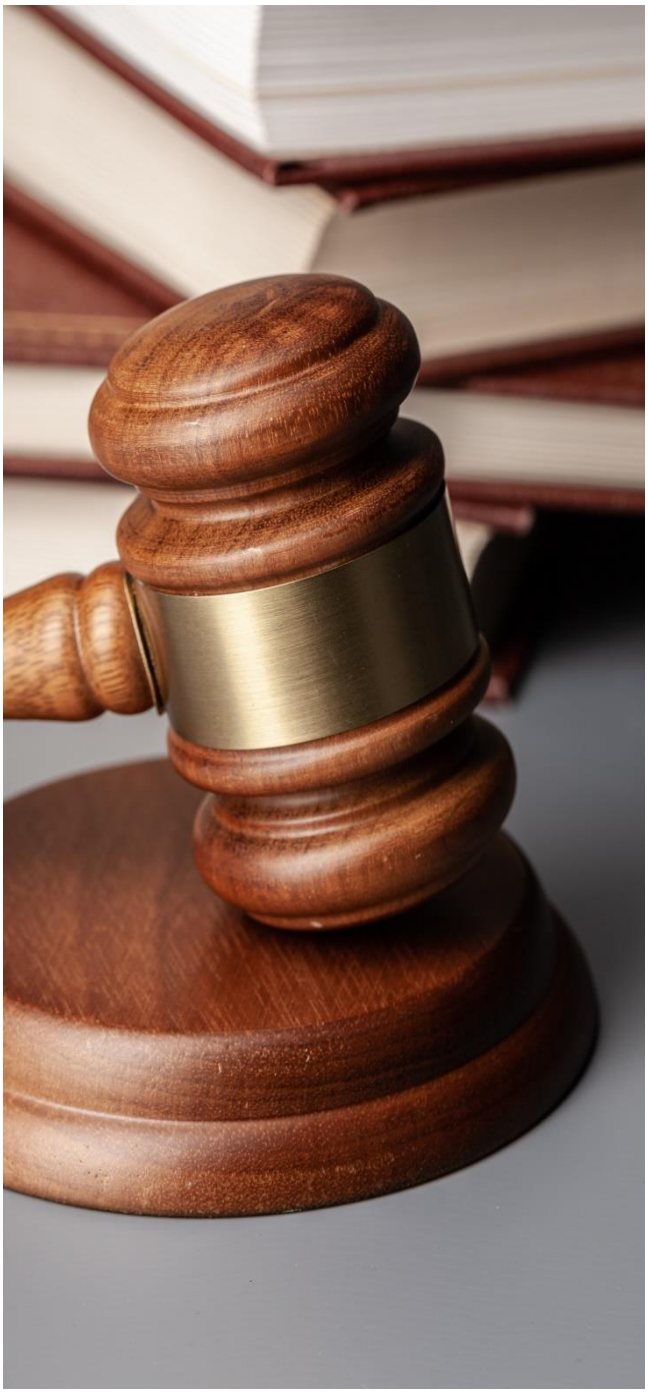
YOUNG LAWYERS AS JUDGES

The Indian judiciary is in dire need of young judges. As the judiciary is tilting towards those who are in their late 50s for the Supreme Court and early 50s for the High Court, there's a e need to recognise those justices who are appointed at a relatively young age and had a significant impact on the Indian Judiciary. Taking cues from the past, we had Justice M. Hidayatullah, who was the youngest appointed Supreme Court judge of his time (52), who spent 12 years in the Supreme Court as a judge, and who also got an opportunity to serve as the

Chief Justice of India. Similarly, Justice Y.V. Chandrachud, the longest-serving Chief Justice of India, he was appointed as a judge at a young age (40) and authored several landmark decisions during his tenure. Mr. Justice D.Y. Chandrachud was appointed as a Judge at a young age of (41) and presently serving as a Supreme Court judge. Even now, there are high courts where young judges are appointed, but they are very few in number, like Mrs. Justice K S Hemalekha, (46), Karnataka High Court; then Mr. Justice Niral R. Mehta, (45), Gujarat High Court; and after that, Hon'ble Shri Justice Vishal Mishra, (44y,11m), Madhya Pradesh High Court; Mr. Justice Purushendra Kaurav(45), Mr. Justice Saurabh Banerjee(46), Delhi High Court ; Mrs. Justice Sindhu Sharma(46), Jammu & Kashmir and Ladakh High Court and Ms. Justice Nisha M. Thakore, (45), Gujarat High Court. It is therefore obvious that the Indian Judiciary has appointed young justices, and the same has greatly benefited Indian society. However, because there are so few young judges, we need to appoint more young judges so that they can serve the country and judiciry for a longer period of time. The average tenure of a CJI in India is 1.5 years because they get appointed very late and till the time, they become CJI they are left with very less time and for that reason the Judiciary fails to take advantage of the competent judges as they retire by the time they are at their peak.

CONCLUSION

In the age range of early 60s, people struggle to balance their personal and professional life. At retirement age, they are capable enough to maintain that balance. It is an opportunity that has been taken away from them to work with more efficiency and devote more time to that period of their lives. When a judge spends sufficient time in court and understands the procedures, types of cases, and their complexities, they are prepared to give to the judiciary and become involved in important subject matters. However, due to the current appointment system, by the time they reach their peak, they retire and are unable to use their experience and exposure for the benefit of society and the judiciary. Their retirement at 62 or 65 years of age ceases their efficiency. High court judges are more at a loss because they work hard, give their lives to the judiciary to get their opportunity to become a Supreme Court judge and be a part of the larger picture and do justice at the higher-level lapses due to compulsory retirement at the age of 62. While Supreme Court judges in their late 50s or early 60s rarely get a proper tenure and do something for the judiciary and society. There is no such provision which forbids the appointment of judges below the age of 45 but still there's an invisible ceiling preventing the same. So, with all these points, we can say that there is a dire need to change this way of appointment of judges and their retirement age so that they can be properly utilised as judges.



2 US SUPREME COURT OVERTURNED THE CONSTITUTIONAL RIGHT TO ABORTION

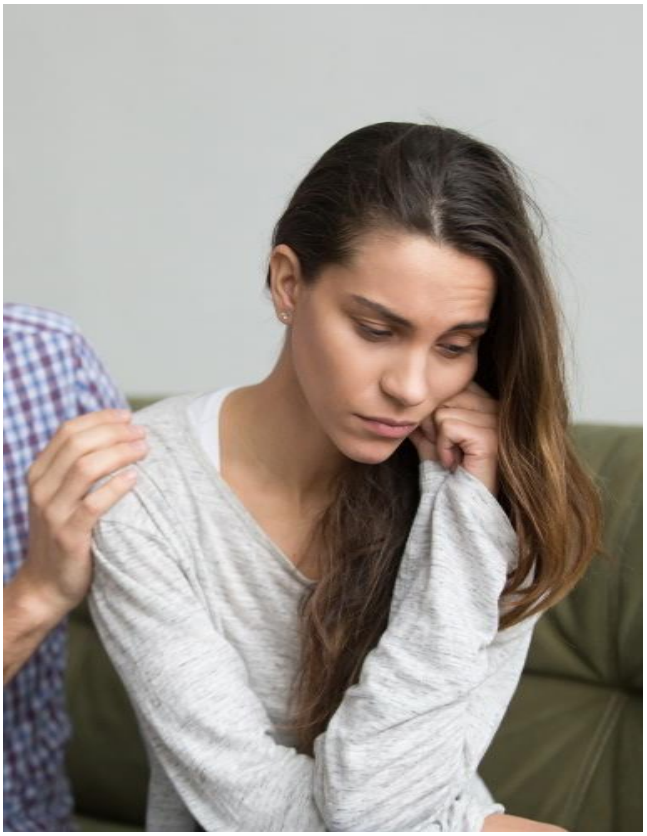
- VARNALI PUROHIT

"For what is a man, what has he got? If not himself, then he has naught..."

The stanza from Frank Sinatra's song emphasized on the need to protect Bodily Autonomy long before it became a public discourse. The recent ruling by the United States' Supreme Court brings back the focus on women's right pertaining to/concerning with making decisions about her Body, Reproductive Health and Sexual Life. The Hon'ble Court in the case of Dobbs, State Health Officer of the Mississippi Department of Health, et al. Vs Jackson Women's Health Organization et al.1has overturned its own ruling of Roe vs Wade (1973) 2wherein the Right to Abortion was declared as a Constitutional Right.

FACTS

In 2018, the State of Mississippi passed "Gestational Age Act", prohibit abortion after 15 weeks of pregnancy, except in the event of pregnancy endangering prospective mother's life. Jackson Women's Health Organization, the only licensed abortion facility in Mississippi along with one of its doctors filed a suit in Federal District Court, challenging the constitutionality of the law. The Plaintiffs were successful in getting the temporary restraint Order on the operation of the law. The District Court held that States cannot ban abortions prior to foetal viability and 15 weeks period being prior to foetal viability is impermissible. Foetal viability is the ability of the human Foetus to survive outside the womb which generally begins after the 24thweek of gestation.



[1] 597 U.S. 2022 WL 2276808
[2] Citation?

In 2019, a three-judge panel of the U.S. Court of Appeals for the Fifth Circuit upheld the District Court's ruling which was assailed before the Supreme Court. The Supreme Court agreed to review the case riveting around the single issue constitutionality of pre-viability abortions.

ISSUE INVOLVED

Whether Right to Abortion is protected by the US Constitution?

JUDGMENT

The Supreme Court of the United States by a 6-3 majority has held that the US Constitution does not confer the Right to Abortion and the authority to regulate the same should be vested in the people and their elected representatives. It was further held that the Constitution makes no Reference to protecting the Abortion Rights of an individual and even the Due Process Clause under the 14th Amendment deals with the Right to Marry, Right to Contraception et al does not safeguard/provide protection to the Right to Abortion.

The consequence of the said ruling will be that although there is no ban on Abortion, however, the legality of the same will be decided by the State(s) wherein each State will have the power to regulate abortion provided there has to be a rational basis for doing so.

ABORTION LAWS IN INDIA- JUXTAPOSED WITH THE US LAWS

In India, the Medical Termination of Pregnancy Act, 1971(Act of 1971), allows for legal abortions under specific conditions. According to the Ministry of Health and Family Welfare, an abortion in India is legal if it is terminated within the span of 20 weeks after taking prior approval of a doctor and the same has to be performed by a medical professional at a recognised medical institution.

Further, the Act of 1971 also provides that a pregnancy up to 12 weeks may be terminated on the basis of the opinion of one doctor. However, if the pregnancy is between 12 and to 20 weeks, then opinion of two doctors are required. The Act of 1971 has been amended vide Medical Termination of Pregnancy (Amendment) Act, 2021which has increased the upper limit for termination of pregnancy from 20 to 24 weeks in cases of foetal abnormalities or pregnancies caused by rape. The amended Act also includes termination of pregnancy under the failure of the contraceptive for unmarried women clause for access to safe abortions based on a woman's choice irrespective of their marital status whereas existing clause was applicable only for married women.

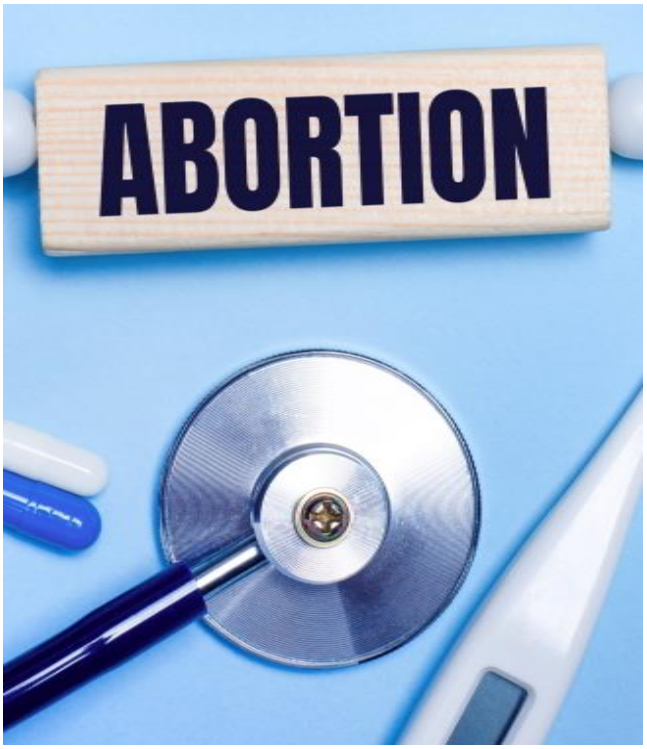
In India, voluntarily terminating a pregnancy is considered a criminal offence under the Indian Penal Code, 1860 (IPC), however, in order to safeguard women's right in certain cases, an exception in form of The Medical Termination of Pregnancy Act, 1971 was enacted which overrides the IPC in certain cases

ANALYSIS OF THE US SUPREME COURT JUDGMENT

The overturning of the landmark Roe vs. Wade which granted protection to the Abortion Rights of the women is a major setback for Reproductive Choices and Reproductive Rights of the Women.Being able to make informed decisions/choices about one's health and body is a basic human right and an individual whether men, women or any other gender must be able to exercise the same without any fear, violence or discrimination.

The said Judgment of the US Supreme Court will mostly affect the women from marginalized sections/groups who already struggle in getting access to healthcare. If access to abortion is restricted then the same will lead to more unsafe abortions around the world which is the third leading cause of medical deaths.

Further, the Judgment excludes women with unwanted/unplanned pregnancies and women getting pregnant due to rape or incest in which case they will be left with no option but to seek medical assistance in other states or be charged under law for their choices.



3 MERE INACTION/FAILURE TO ACT IN ABSENCE OF AN AGREEMENT DOES NOT AMOUNT TO CRIMINAL CONSPIRACY
- AYUSHI RAGHUWANSHI

INTRODUCTION

India being a land of people who belong to diverse cultures, communities, religion, caste, ethnicity and race has also witnessed riots and clashes time and again due to these differences and one such major riot that convulsed the people of India, in particular were the Gujarat riots of 2002. Massive destruction of property and lives was caused.

The incumbent Prime Minister of India, Narendra Modi who was the then Chief Minister of Gujarat along with other high state functionaries was accused for incitingriots. The Honorable Supreme Court in *Zakia Ahsan Jafri v. State of Gujarat*[3]upheld the closure report of the SIT with regards to the investigation on the matter and exonerated the State functionaries.

FACTS OF THE CASE

Zakia Ehsan Jafri was one of the victims of the riots who lost her husband after he was brutally slain in the riots. She filed a complaint against the state functionaries along with the then Chief Minister of the state for conspiracy and inaction on their part, the state police paid no heed which made her approach the Hon'ble High Court which directed her to file a private complaint, this was challenged before the Supreme Court. The Hon'ble Supreme Court had directed the constitution of a Special Investigation Team (SIT) to investigate the cases of 2002 riots and on hearing Zakia's appeal the Apex Court directed SIT to investigate with respect to Zakia's complaint. SIT found nothing that could validate the accusations made against the accused in the instant case. Zakia then filed a Protest Petition before the Hon'ble Supreme Court which was dismissed and the report of the SIT accepted.

SUPREME COURT'S OBSERVATION

The foremost legal contention was whether failure in the administration or inaction on part of the state functionaries indicates a Criminal Conspiracy. The Supreme Court held that-

- The investigation by SIT did not reveal any material which would implicate the state functionaries in the conspiracy as there was no meeting of minds between the State functionaries.

[3] Zakia Ahsan Jafri v. State of Gujarat, criminal appeal Decided on 24 June 2022

- Mere failure of the State functionaries to act cannot suggest the formulation of a conspiracy as the same requires an agreement to do an an illegal act or offence and there has be an act in furtherance of the same. For the conviction under Criminal Conspiracy the existence of the agreement between the accused is indispensable, without proving agreement the offence of Criminal Conspiracy cannot be proved.

- "Inaction or failure of some officials of one section of the State administration cannot be the basis to infer a pre-planned Criminal Conspiracy by the authorities of the State Government or to term it as a State sponsored crime (violence) against the minority community".

RELEVANT CASES

In the case of *Praveen v. State of Haryana*[4] the Court held that "it is not safe to hold a person guilty for offences under Section 120B I.P.C. in absence of any evidence to show meeting of minds between the conspirators for the intended object of committing an illegal act."

In *Kehar Singh and others v. State*[5] the Court held that "the most important ingredient of the offence of conspiracy is an agreement between two or more persons to do an illegal act."

Major E. G. Barsay v. The State of Bombay [6] the Court held that "An agreement to break the law constitutes the gist of the offence of Criminal Conspiracy under Section 120A IPC."

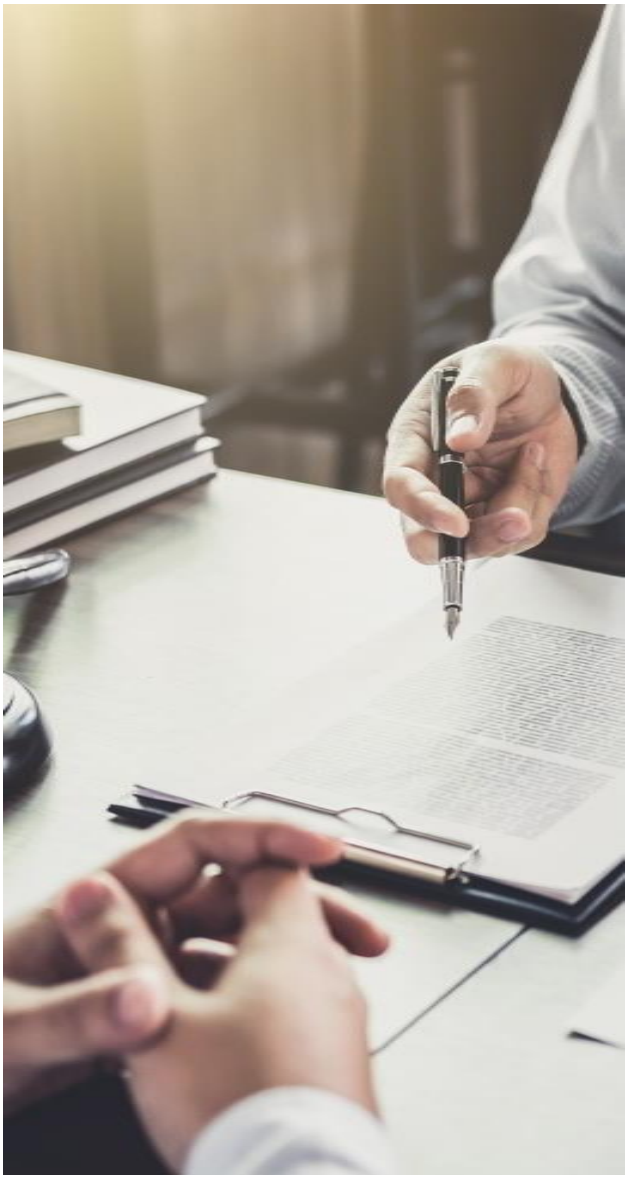
[4] *Praveen @* Sonu *vs*. The *State of Haryana*– (Criminal Appeal No. 1571 of *2021)*

[5] Kehar Singh and others v. State 1989 AIR 653

[6] *Major E. G. Barsay vs The State Of Bombay* 1961 AIR 1762

ANALYSIS

The verdict of the Court in this matter holds immense significance as it reinforces the principles laid down regarding Criminal Conspiracy. It is provided expressly in the India Penal Code and also upheld by the Apex Court through various judgments that there needs to be an agreement to commit an offence or an agreement to do an illegal act coupled with some act in pursuance of that to constitute the offence of Criminal Conspiracy. It is also crucial as it finally settles the accountability of the Gujarat riots which remained unsettled for more than two decades. The accusations levelled against the high State functionaries were grave in nature and the victims of the riots wanted to hold them accountable for inaction or inefficiency, accusing them of conspiracy.



The Supreme Court rightly upheld the findings of the SIT as conspiracy cannot be construed in the absence of ingredients which are expressly provided in the statute.

4 **COURTS HAVE NEVER ATTEMPTED TO RENDER THE DEATH PENALTY OUTMODED OR NON-EXISTENT HELDS SUPREME COURT**
- NIKITA AUDICH

The Hon'ble Supreme Court in the case of *Manoj Pratap Singh v. The State of Rajasthan*[7] upheld a man's death sentence for the rape and murder of a seven-and-a-half-year-old mentally and physically challenged girl and held that it has never been Court's intention to render the Death Penalty redundant and obsolete for all practical purposes.

It was observed that the quest for justice in such cases, with the death sentence being awarded and maintained only in extreme cases, does not mean that the matter would be approached and examined in the manner that the death sentence has been avoided, even if the matter indeed calls for such a punishment. The judicial process, in our view, would be compromising on its objectivity if the approach is to nullify the statutory provision carrying the death sentence as an alternative punishment for significant to offenses.

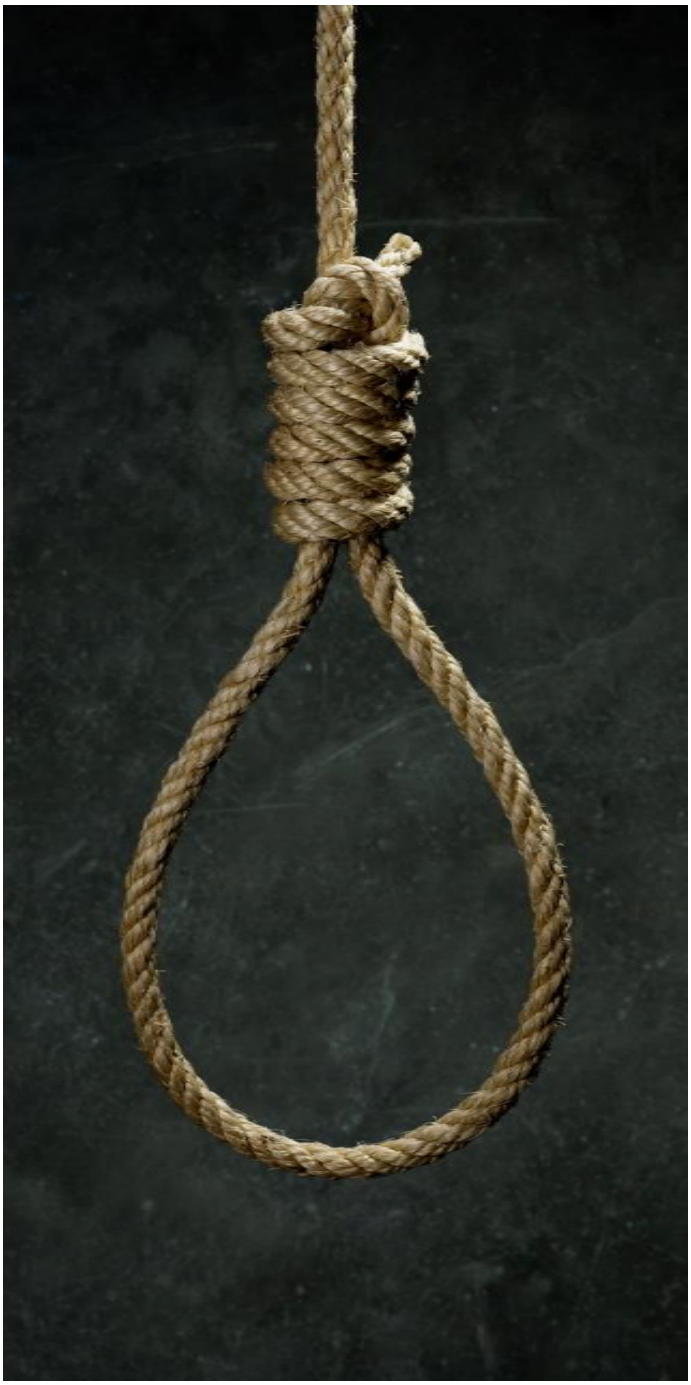
[7]Special Leave Petition (CRL.) NOS. 7899-7900 of 2015

FACTUAL MATRIX

Succinctly stated facts are that the convict had kidnapped the victim on a stolen motorcycle by misusing the trust gained by offering her candy. The victim was physically and mentally challenged. The accused then brutally raped her and smashed her head, resulting in multiple injuries, including a fracture of her frontal bone. There were horrific injuries on the private parts of the victim (deceased). "In the opinion of the Medical Board, the cause of death is head injury. Ante mortem rape done."

The Trial Court held that matter was a circumstantial case though the prosecution had been successful in establishing the chain of the circumstances linking the Appellant with the crime in such a manner that no other conclusion except that of his guilt was possible. It was also observed that forcible, brutal, and heinous rape was committed with 8-year-old innocent girl whosoever committed rape on her, had behaved in an extremely brutal and heinous manner. The vagina of the deceased has been found in torn condition. Hence, the Appellant was charged u/s 363, 365, 376(2) (f), 302 I.P.C., and under Section 6 Protection of Children from Sexual Offences Act, 2012, beyond a reasonable doubt. The Hon'ble High

Court of Rajasthan at Jodhpur also confirmed the sentence awarded by the Trial Court.



RIVAL SUBMISSIONS

The Contentions raised by the Appellant are that the factors and the nature of evidence adduced individually and cumulatively lead to the position that the present case be a weak chain of circumstances and the conviction of the Appellant remains unsustainable, moreover, it was also contended that in any case and at any rate, residual doubt remains about the involvement of the Appellant in the commission of the crime and he is entitled to the benefit thereof.

COURT'S OBSERVATION

- While dismissing the appeal, the bench stated that the crime in question was of "extreme depravity," particularly in light of the victim's vulnerable state and the manner in which the crime was committed. The following observations were made by the Court:

The judicial process, in our opinion, would compromise its objectivity if the approach is to nullify the statutory provision carrying the death penalty as an alternative punishment for major crimes (such as Section 302 IPC), even after it has passed the muster of judicial scrutiny and has been found not unconstitutional. The pursuit of mitigating circumstances could not be obtained with any

notion or idea that somehow, some factor could be found; or if not found, could be deduced in any way so that the death sentence could be overturned. Such an approach would be unrealistic, unjustified, and contrary to the rule of law.

- The Court also rejected the suggestion made by the Appellant that his Psychological report may be called.

- The Appellant is found to be indulging incessantly in criminal activities before the crime in question and has carried out gruesome deeds of the present crime, has further been involved in questionable jail conduct, including quarrelling with a fellow inmate and earning 7 day's punishment; and then, to cap it all, has been involved in an offence of no less degree than the murder of another jail inmate, calling for any further report of the likelihood of reformation and rehabilitation of the Appellant could be proposed only if the judicial process is determined to annul the death sentence altogether. Therefore calling "*any so-called psychological evaluation report could only be termed as impractical and unrealistic and could only be rejected.*"

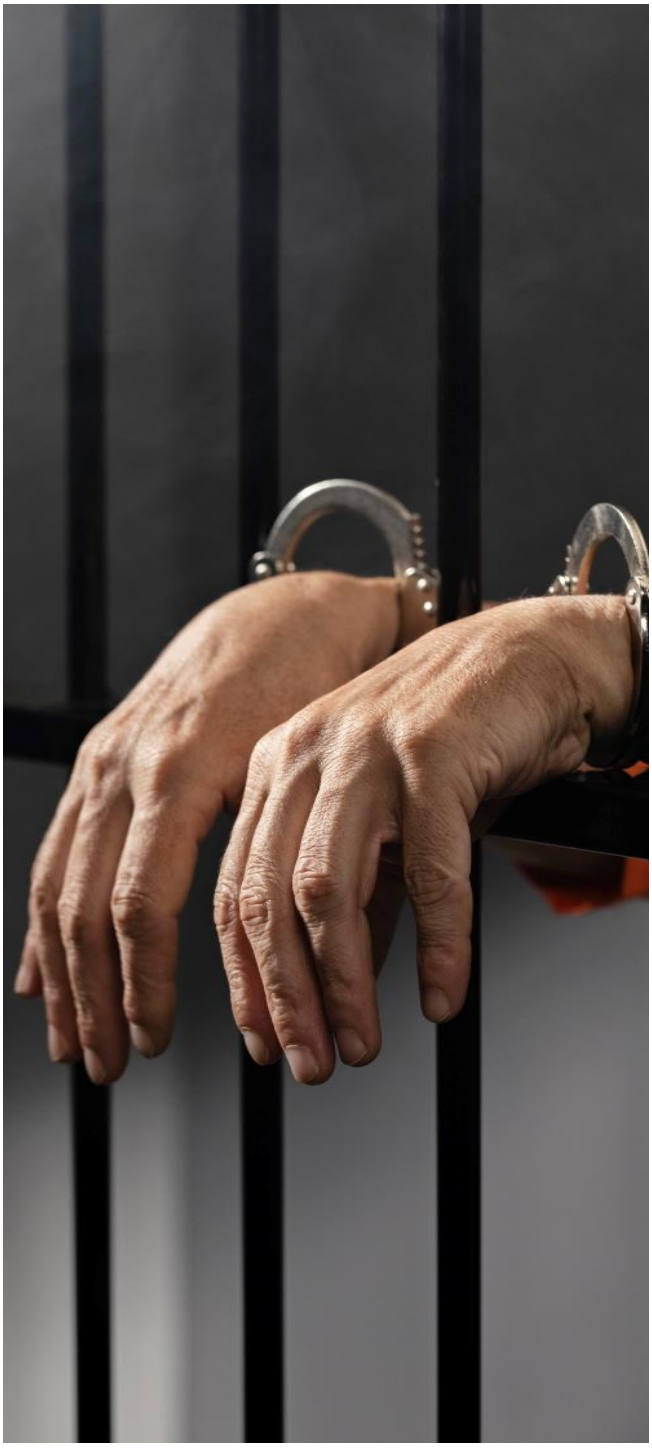
- *Theory of Residual Doubt-*

The Hon'ble Supreme Court declined to proceed on the basis of the theory of residual doubt. It stated that the issue of a sentence must be resolved in accordance with the sentencing principles enunciated by the Constitution Bench in *Bachan Singh v. State of Punjab*: (1980) 2 SCC 684, as well as the principles/norms further evolved by this Court in the other decisions. In terms of the theory, the bench observed:

In a case based on circumstantial evidence, the conclusion of guilt is recorded only after the circumstances are discovered to form an unbreakable chain, so consistent as to rule out any other hypothesis other than the accused's guilt. These being stringent norms, and the requirement of proof of the case beyond a reasonable doubt, there is theoretically no scope for any residual doubt operating even in cases of circumstantial evidence. The cases to which the theory of residual doubt was ever applied stood on their own facts, where an alternative to the death penalty was deemed appropriate. However, when it comes to sentencing, it is not expected to reopen the chain of circumstantial evidence in order to find any weak links that may fall under the category of residual doubt. Needless to say, if any such doubt exists, the very foundation of conviction would be called into question.To put it in other words, after the final conclusion on the guilt and after pronouncing conviction, no concept of residual doubt as such is available for the purpose of sentencing.

ANALYSIS

The ruling of the Apex Court is a significant one such an approach would be counter-productive to the entire system of maintaining order in the society and should only be allowed if we are inclined to believe that whatever the society's cry for justice, the statutory provision of the death penalty should be given its interment or burial.



5 WELFARE OF THE CHILD SHOULD BE OF PARAMOUNT CONSIDERATION IN MATTERS PERTAINING TO CHILD CUSTODY HELD SUPREME COURT

- MEGHA JOSHI

The Supreme Court in the case of Swaminathan Kunchu Acharya versus State of Gujarat [8]noted that factors like family size, income, and age alone cannot tip the scales in child custody disputes. The bench comprising Justices MR Shah and Aniruddha Bose made the said observations while granting custody of a five year boy who lost his parents due to covid to his paternal grandfather.

Brief Facts:

During the second wave of Covid-19, the child's parents who were living and working in Ahmedabad both passed away. In this instance, the boy's paternal grandfather filed a writ petition (habeas corpus) with the High Court, claiming that the boy's maternal aunt had refusing to let them into the home of his son and daughter-in-law and that he was not even allowed to meet the boy. The High Court granted the maternal aunt custody after deciding the petition. Aggrieved by this, the grandfather approached the High Court .....

[8] CrA 898 of 2022, 9th June, 2022

The learned counsel for the Appellants said that there was no evidence presented by the High Court to support the claim that the paternal grandfather would be unable to care of his grandchild. They are not ineligible or incapable merely because of their old age or they falling into the Senior Citizen category. It cannot be implied that the maternal aunt, who is unmarried, has a stable job, is younger than the paternal grandparents, and has a larger family, will provide greater care than they do. In modern society, the paternal grandparents still look out for their grandchild better. The belief goes that grandparents prefer the interest than the principle. The grandparents will always take better care of their grandchild emotionally. Grandparents form stronger emotional bonds with their grandkids.

While setting aside the High Court order, the bench observed that the present order shall be subject to the final outcome of the proceedings under Section 7 of the Guardians and Wards Act, 1980 (Hereinafter referred to as The Act, 1980) pending before the competent Court.

"Section 7 of The Act, 1980 provides the power of the Court to pass an order for guardianship. The said provision states that the Court can appoint a guardian for the welfare of minors and on appointment by the Court, the Guardian is empowered to take care of the minor and his property. The Court also has the power to

remove any guardian. The Court also has the power to remove the guardian when appointed by the Court."

Court requested that the minor's paternal grandparents and maternal aunt and her family (on the maternal side) should behave cooperatively, cordially, and maintain cordial connections. Court requested the parties involved in the matter to set aside their grudges and the past, in order to focus on the present and future of the young child, who tragically lost both of his parents when he was just five years old. The Court concluded the current proceedings in the spirit of hope and faith

Court considering the fact that for the Petitioner and his wife, having seen their children dying in front of them, Minor is their only ray of hope in life. The Court re-iterated that since the wellbeing of the child is of paramount consideration, the views expressed by both sides may not serve as the only deciding criteria. Conclusion- The Honorable Apex Court declared that the High Court's order was invalid and must be overturned. The Appellant's paternal grandparents will to continue to have the custody of the minor. Visitation rights were granted to the maternal aunt.

Analysis:

In modern society, the paternal grandparents still look out for their grandchild better. The paternal grandparents' capability and/or ability to care for their grandchild should not be questioned. The belief goes that grandparents prefer the interest than the principle. The grandparents will always take better care of their grandchild emotionally. Grandparents form stronger emotional bonds with their grandkids.

6 LEGAL NEWS AND UPDATES

1. Supreme Court has allowed Project 39A of NLU Delhi to conduct psychological evaluation of a death row convict to bring out mitigating circumstances.

2. The Central Government has notifies the Assisted Reproductive Technology (Regulation) Rules, 2022 in order to regulate the functioning of Assisted Reproductive Technology (ART) clinics and banks.

3. Tribunals like National Green Tribunal are subordinate to High Courts observes Supreme Court.

4. Karnataka High Court helds that the Magistrate Bound to Dispose Applications U/S 12 of Domestic Violence Act within 60 Days from the date of first hearing.

5. Neither Income nor Age nor bigger family be a sole criteria to tilt balance in child-custody cases observes Apex Court.

6. Mere failure or inaction of state administration no basis to infer conspiracy, observes the Supreme Court in the *Zakia Ahsan Jafri vs State of Gujarat* while dismissing the plea challenging the clean chit given by the Special Investigation Team to Prime Minister Narendra Modi in relation to the 2002 Gujarat riots.

7. In Re: Showtime and Big Tree Entertainment Pvt Ltd - The Competition Commission of India (CCI) has called for an investigation against online ticket platform Book My Show, noting that its exclusive agreements with cinemas and multiplexes can potentially reduce competition in the relevant market.

8. Punjab and Haryana High Court grants protection to a 16 year old Muslim Girl who married a 21 year old Muslim boy while observing that each of them is of Marriageable Age under Muslim Personal Law.

9. Reference to Arbitration can be declined by the Court if the dispute is non-existent or if it has become deadwood: Bombay High Court.

10. The Kerala High Court held that Section 438 of the CrPC does not restricts a person outside India from filing an application seeking Anticipatory Bail; but he/she must be in India at the time of final hearing.

11. In a significant ruling, the Madras High Court has held that assessment

proceedings under the Income Tax Act should be completed within a reasonable period of time, which should not cross three years.

12. Supreme Court has held that Old Age Home inmates can't get away with causing disruption of peace of other inmates. The administration of the old age home is at liberty to terminate the license and ask the inmate to vacate the room allotted to them.

13. No criminal action against advocate if legal advice goes wrong, only Liable for professional Misconduct if the same is established by cogent a Evidence: Rajasthan High Court

14. Delhi High Court takes *suo moto* cognizance of the issue of lack of rainwater harvesting efforts taken by the departments.

15. Arbitral Proceedings cannot be imposed on a Debenture Trustee under a Scheme of Compromise & Arrangement in the absence of an Arbitration Agreement: Bombay High Court.

16. Orders Passed U/S 148 Negotiable Instruments Act Are Interlocutory in Nature, and are outside the purview of revisional jurisdiction of High Court: Madras High Court.

17. The Supreme Court has directs Centre to make public the decision of CJI-led Committee on NCLT Members' Tenure on Affidavit.

18. A NCLAT bench recently held that the NCLT has the power to recall its order of closing the right to file reply as there is a difference between recalling an order and review if an order.

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