

CURRENT UPDATES

- Justice Ranjan Gogoi has sworn in as 46th Chief Justice of India on 3rd October 2018.
- Justice Geeta Mittal is appointed as first women Chief Justice of J&K High Court.
- Justice Indu Malhotra is the first woman Supreme Court Judge to be elevated directly from the Bar.
- Vikramjit Banerjee, Aman Lekhi and Sandeep Sethi are appointed as Additional Solicitor Generals for the Supreme Court of India.
- Justice R K Agarwal is appointed as Chairman of National Consumer Disputes Redressal Commission
- Supreme Court held that section 377 of Indian Penal Code, 1860 insofar as it applied to consensual sex in private as unconstitutional.
- Supreme Court struck down as unconstitutional the 158-year-old section 497 of Indian Penal Code, 1860 that punished a married man for adultery if he had sexual relations with a married woman “without the consent or connivance of her husband” but said adultery could continue to be a ground for divorce.
- Justice Dalveer Bhandari, India nominee, was re-elected for a second term on 20 November 2017 after UK’s nominee Christopher Greenwood withdrew his nomination.
- A five-judge bench of the Supreme Court on September 28, 2018 lifted the ban on the entry of women aged 10-50 inside the 800-year-old Sabarimala temple in Kerala.
- In March 2018, a five-judge Constitution Bench, headed by Chief Justice Dipak Mishra gave legal sanction to passive euthanasia, permitting ‘living will’ by patients on withdrawing medical support if they slip into irreversible coma. The SC held that the right to die with dignity is a fundamental right.
- A nine-judge constitutional bench declared that the Right to Privacy is a fundamental right, that it is intrinsic to life and liberty and is protected under Article 21 of the Constitution. While it hasn’t as yet dissuaded the entire

AADHAAR debacle from taking over our lives, it was most definitely a step in the right direction and a signal of hope.

- The Constitution (102nd Amendment) Act, 2018 received the assent of the President and was notified on 11 August 2018. The Constitutional Amendment gives “Constitutional Status” to the National Commission on Backward Classes. The National Commission for Backward Classes (Repeal) Act, 2018 which repeals the existing National Commission for Backward Classes (NCBC) Act, 1993 has also been notified.
- Parliament has passed the Prevention of Corruption (Amendment) Act, 2018. The Amendment Act which received the Presidential assent on 26 July 2018 aims at enhancing transparency and accountability in the government and provides for stringent punishment.
- Additional Solicitor General Tushar Mehta was appointed as the new Solicitor General of India on 10 October 2018.
- The Supreme Court has agreed to live streaming of court proceedings to bring in transparency and serve the public interest. The streaming will begin with cases of Constitutional and National Importance.
- Parliament has enacted the Criminal Law (Amendment) Act, 2018. The Amendment Act provides stringent punishment for perpetrators of rape particularly of girls below 12 years of age. Gangrape of a girl under 12 years of age will be punishable with a jail term for the rest of life or death. The Amendment Act replaces the Ordinance promulgated by the President in April 2018, in the wake of public outcry over Kathua rape case. The States of Madhya Pradesh, Rajasthan and Haryana had already passed State Amendments to have provision of capital punishment for such sexual offenders.
- Parliament has enacted the Insolvency and Bankruptcy Code (2nd Amendment) Act, 2018. The Amendment Act replaces an earlier ordinance and recognises home buyers as financial creditors thus allowing them to participate in the decision-making process when developers are declared bankrupt under the Insolvency and Bankruptcy Code, 2016.
- Justice C K Prasad, a former Supreme Court judge, has been appointed the Chairman of Press Council of India for a second term.
- Sunil Arora has been appointed as the New Chief Election Commissioner.
- **The Constitutional (103rd Amendment) Act.**—It got the assent of President of India on 13th January 2018. The bill was passed in Lok Sabha by 323 members voting in favor and 3 members voting against the bill. It was subsequently passed by Rajya Sabha with 165 members in the favor and only 7 members against the

bill. It provides reservation of jobs in central government jobs as well as government educational institutions. It is also applicable on admissions to private higher educational institutions. It also applies to citizens belonging to the economically weaker sections from the upper castes.

- Chief Justice of Telangana High Court is Justice T B Radhakrishnan.
- The Supreme Court has agreed to live streaming of court proceedings to bring in transparency and serve the public interest. The streaming will begin with cases of constitutional and national importance.
- Supreme Court has held that foreign law firms cannot set up practice in India. The foreign lawyers can give advice to Indian clients in “fly in and fly out” basis.
- The Union Government notified the Negotiable Instruments (Amendment) Act, 2018 on 2 August 2018. The Amendment Act aims to provide further protection to complainants in cheque bounce cases and provides that in appropriate cases the court trying an offence under section 138 may order the drawer of the cheque to pay interim compensation (not exceeding twenty percent of the cheque amount) to the complainant.
- Parliament has enacted the Specific Relief (Amendment) Act, 2018 which aims at removing difficulties in the enforcement of contracts and improving India’s global ranking on the ease of doing business in the country. The Amendment Act received the Presidential assent on 1 August 2018 and the Act comes into force with effect from 1 October 2018. The Amendment Act provides for granting specific performance of a contract as a rule rather than a limited discretionary right. The Amendment Act minimizes the *discretion* of the courts in cases seeking specific performance of contracts and grants a right to an aggrieved party to seek specific performance of a contract in certain cases, subject to the other provisions of the Act. The Amendment Act also grants an additional right to have the option of substituted performance through a third party, and recover the expenses and other costs incurred, spent or suffered by such aggrieved party, from the party committing the breach of the contract.
- Justice Indira Banerjee, Justice Vineet Saran and Justice K M Joseph were sworn in as judges of the Supreme Court in August 2018. Before their elevation to the Supreme Court, Justice Indira Banerjee, Justice Vineet Saran and Justice K M Joseph served as the Chief Justices in Madras High Court, Orissa High Court and Uttarakhand High Court respectively.
- Lok Sabha passed the Arbitration and Conciliation Bill (Amendment) Bill, 2018 on 10 August 2018. The Bill seeks to establish an independent body called the Arbitration Council of India (ACI) to promote Arbitration, Mediation, Conciliation and other Alternative Dispute Redressal Mechanisms.

- In *Public Interest Foundation v Union of India* (decided on 25 September 2018), a five judge Constitution bench of the Supreme Court comprising Chief Justice Dipak Misra, Justice R F Nariman, Justice A M Khanwilkar, Justice D Y Chandrachud and Justice Indu Malhotra held that candidates contesting election cannot be disqualified merely because charges have been framed against them in a criminal case. While expressing concerns at the increasing criminalization of politics, the Supreme Court refused to put a ban on candidates with criminal antecedents and left the matter to be addressed by the Parliament by enacting a strong law in this regard.
 - In *Government of NCT of Delhi v Union of India* (decided on 4 July 2018), a Five Judge Constitution Bench of the Supreme Court comprising Chief Justice Dipak Misra, Justice A K Sikri, Justice A M Khanwilkar, Justice D Y Chandrachud and Justice Ashok Bhushan unanimously ruled that the NCT of Delhi is not a State and occupies a special status under the Constitution. The Supreme Court laid down broad parameters for the governance of National Capital Territory of Delhi to ensure smooth administration.
 - In *Shyam Narayan Chouksey v Union of India* (decided on 9 January 2018), a three judge bench of the Supreme Court comprising Chief Justice Dipak Misra, Justice A M Khanwilkar and Justice D Y Chandrachud modified its 30 November 2016 interim order which had made it mandatory for the cinema halls to play national anthem and held that from now onwards it will not be mandatory for cinema halls to play the National Anthem. The Supreme Court now leaves it to the discretion of each cinema house.
 - Arif Alvi appointed as the 13th President of Pakistan.
 - Draupadi Murmu is the first Tribal Woman to become Governor of Jharkhand. She is currently serving as the Ninth Governor of the State.
 - Manjula Chellur is appointed as the Chairperson of Appellate Tribunal for Electricity (ATE) and also is a former Chief Justice of Bombay High Court.
 - S Ramesh has been appointed as the chairman of Central Board of Indirect Taxes and Customs (CBIC).
 - Shekhar Mande has been appointed as the Director-General of Council of Scientific and Industrial Research (CSIR).
 - Vijay Gokhale is the new Foreign Secretary of India.
-