

LAW TIMES MONTHLY MAGAZINE MARCH 2024

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LANDMARK JUDGEMENTS, CASE LAWS & LEGAL NEWS

MP's/MLA's claim on immunity from prosecution for taking bribes

Judgment Name: Sita Soren vs. Union of India

Bench: Chief Justice of India DY Chandrachud, Justice A.S. Bopanna, Justice M.M. Sundresh, Justice Pamidighantam Sri Narasimha, Justice J.B. Pardiwala, Justice Sanjay Kumar, and Justice Manoj Misra

Articles and Acts Involved: {Constitution of India, 1950- Articles 105 and 194}

Supreme Court Decision: In this case, the question addressed by the Supreme Court bench was “Whether by virtue of Articles 105 and 194 of the Constitution a Member of Parliament (MP) or the Legislative Assembly (MLA), as the case may be, can claim immunity from prosecution on a charge of bribery in a criminal court?” On March 04, 2024, the seven-judge bench of the SC held that the MPs and MLPs cannot claim immunity under Articles 105(2) and 194(2) of the Constitution for receiving bribes in contemplation of a vote or speech in the legislature. To answer the addressed question, the SC bench analyzed the minority and majority views and reasonings in the PV Narasimha Rao case. While disposing of the criminal appeals, the bench observed, “It does not matter whether the vote is cast in the agreed direction or if the vote is cast at all. The offence of bribery is complete at the point in time when the legislator accepts the bribe.”

✚ **Welfare of the Child' is of paramount consideration in the case of Child Custody**

Judgment Name: Shazia Aman Khan and another vs. The State of Orissa and others (March 04, 2024)

Bench: Justice C.T. Ravikumar and Justice Rajesh Bindal

Articles and Acts Involved: {Indian Penal code, 1860- Sections 363, 346, and 120-B}

Supreme Court Decision: While hearing a case of child's custody, the Supreme Court granted custody of a minor child to her aunt other than the child's biological father considering the welfare of a child and not personal law and statute. In this case, the child has been living with her aunt since she was 3 to 4 months after her biological father requested her aunt do the same. While granting custody to the aunt, the SC on March 04, 2024, observed, "the controlling consideration governing the custody of children is the welfare of children and not the right of their parents." Also, the SC considered the child's aspect that she was happy with the family where she was brought up. Lastly, the SC set aside the High Court's order granting custody to the biological father and granted the child's custody to her aunt.

✚ **Guidelines to deal with habeas corpus petitions or petitions seeking police protection involving the LGBTQ+ community**

Judgment Name: Devu G Nair vs. The State of Kerala & Ors.

Bench: Chief Justice of India DY Chandrachud, Justice J.B. Pardiwala, and Justice Manoj Misra

Articles and Acts Involved: {Constitution of India, 1950}

Supreme Court Decision: In this case, the Supreme Court of India listed guidelines for High Courts to follow while dealing with habeas corpus petitions or petitions seeking police protection filed by couples. After listing the guidelines, the bench said, "The...guidelines must be followed in letter and spirit as a mandatory minimum measure to secure the fundamental rights and dignity of intimate partners, and members of the LGBTQ+ communities in illegal detention. The court must advert to these guidelines and their precise adherence in the judgment dealing with habeas corpus petitions or petitions for police protection by intimate partners." On March 11, the SC heard a petition filed by a woman against Kerala HC's order directing her alleged lesbian partner to undergo counseling.

Moreover, the SC also said that no stigma or moral judgment should be imposed when dealing with cases involving parties from the LGBTQ+ community.

Adani Power and Jaipur Vidyut Nigam Limited

Judgment Name: Jaipur Vidyut Vitran Nigam Limited vs. Adani Power Rajasthan Ltd. (March 18, 2024)

Bench: Justice Aniruddha Bose and Justice Sanjay Kumar

Articles and Acts Involved: {Constitution of India, 1950- Article 145}, {Electricity Act, 2003}, and {Supreme Court Rules, 2013- Order XII Rule 3, and Rule 6 of Order LV}

Supreme Court Decision: The SC dismissed the miscellaneous application filed by Adani Power seeking over Rs. 1,300 crore as Late Payment Surcharge from the Jaipur Vidyut Nigam Limited and further imposed a cost of Rs. 50,000 on Adani for listing the same application several times before the top court.

'Vulgarity and Profanities do not per se amount to Obscenity'

Judgment Name: Apoorva Arora vs. State (Govt. of NCT of Delhi)

Bench: Justice A.S. Bopanna and Justice Pamidighantam Sri Narasimha

Articles and Acts Involved: {Constitution of India, 1950- Article 19(1)(a)}, {Indian Penal Code, 1860- Sections 292, 294 and 509}, {Information Technology Act, 2000- Sections 67 and 67A}, {Code of Criminal Procedure, 1973- Section 200, 156(3), and 482}, and {Indecent Representation of Women (Prohibition) Act, 1986- Sections 2(c) and 3}

Supreme Court Decision: The question addressed by the SC, in this case, was “Whether the use of expletives and profane language in the titles and content of the episodes of the web-series ‘College Romance’ constitutes an offence of publication and transmission of obscene and sexually explicit content under Sections 67 and 67A of the IT Act?”

The bench held that “The facts of the present case certainly do not attract Section 67A as the complainant’s grievance is about excessive usage of vulgar expletives, swear words and profanities. There is no allegation of any ‘sexually explicit act or conduct’ in the complaint and as such, Section 67A does not get attracted.”

Termination of Army Havaldar on wrongful diagnosis of HIV +ve

Judgment Name: Satyanand Singh vs. Union of India & Ors. (March 20, 2024)

Bench: Justice Sanjiv Khanna and Justice Dipankar Datta

Articles and Acts Involved: {Constitution of India, 1950- Article 136}, {Army Rules, 1954- Rule 13, and 13(3), Item III}, {Regulations for the Army, 1987, Para 355(f)2}, and {Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017}

Supreme Court Decision: The SC directed the Indian Army to award ex-army havaldar a compensation of Rs. 50,00,000 towards compensation on account of wrongful termination of service, leave encashment dues, non-reimbursement of medical expenses, and the social stigma faced by him. It further ordered to pay the amount within 8 weeks from March 20, 2024, (date of the judgment) without fail.

Supreme Court Allows Corporate Entities to File Consumer Complaints Under Consumer Protection Act 1986

The Supreme Court held that under the Consumer Protection Act of 1986, a corporate entity can be treated as a ‘person’ for filing a consumer complaint claiming insurance amount. The court observed that while the Act does not specifically include corporate entities in the definition of ‘person’, the definition is inclusive and covers corporate entities as well.

The judgment set aside the National Consumer Disputes Redressal Commission’s order invalidating a fire insurance claim of Rs. 3.31 crores by an insurance company. The court clarified that the definition of ‘person’ in the Act is inclusive and not exhaustive, and should be interpreted liberally.

✚ Delhi Government Notifies Delhi High Court E-Filing Rules, 2021

The Delhi government has notified the E-Filing Rules of the High Court of Delhi 2021, which will come into effect on April 1, 2024. These rules apply to all cases of Civil Jurisdiction (including Family Court cases) and all Criminal Complaint cases in all District Courts in Delhi.

The rules cover online e-filing, e-filing through designated counters, and e-filing via e-Sewa Kendras. They aim to amend and consolidate existing rules and practice directions, providing a comprehensive framework for electronic filing processes

✚ Suit cannot be decreed merely on defendant's failure to file written statement if plaintiff's case not proved: Supreme Court

Case Title: Asma Latif and Another v. Shabbir Ahmed and Others

In this case, a three-judge bench of Justices BR Gavai, Dipankar Datta and Aravind Kumar held that a Court cannot pronounce judgment in a suit merely on the default of the defendant to file a written statement if the plaintiff does not prove his case.

The Court observed that the failure on the part of the defendant to file the written statement within the time permitted by the court would not be enough to pronounce the judgment against the defendant when it is incumbent upon the plaintiff to prove the case by adducing evidence.

It explained that Order 8 Rule 10 of the Code of Civil Procedure, 1908 provided two alternatives - either to pronounce judgment against the defendant defaulting to file the written statement or to pass such other order as deemed fit. The first alternative (passing judgment) is not always mandatory.

ONE LINERS – GENERAL KNOWLEDGE POINTS

- ❖ **Father of computer science**
Charles Babbage
- ❖ **Recently, Election Commission of India started the ‘Mera Pehla Vote Desh Ke Liye’ campaign with which ministry?**
Ministry of education
- ❖ **Who is new CEO of the World Gold Council for India?**
Sachin Jain
- ❖ **What ‘Regulatory Sandbox’, recently seen in the news ?-**
Live testing of new low-cost financial products
- ❖ **What is - Melanochlamys Droupadi, recently seen in the news, belongs to which one of the following species?**
Sea Slug
- ❖ **Which ministry recently launched the ‘Alliance for Global Good-Gender Equity and Equality?**
Ministry of women, child and development
- ❖ **What is correct about “jacaranda tree” ?**
Deciduous hard tree that grows well in tropical climatic region
- ❖ **India’s first indigenously developed hydrogen fuel cell ferry was deployed for service at which place of Uttar Pradesh?**
Varanasi
- ❖ **Third battle of Panipat**
1761

- ❖ **‘ADITI scheme’, recently seen in the news, is associated with which sector?**
Defense sector
- ❖ **where was the ‘Agriculture Integrated Command and Control Centre’ inaugurated?**
New Delhi
- ❖ **Recently, NPCI has collaborated with which country’s Fonepay Payment Service Ltd to facilitate cross-border UPI transactions?**
Nepal
- ❖ **Who won the second battle of Panipat?**
Akbar
- ❖ **India’s first ayurvedic café -**
New delhi
- ❖ **Global Jain Peace Ambassador 2024**
Acharya Lokesh Muni
- ❖ **What is the first talkie film produced in India -**
Raja Harishchandra
- ❖ **Pay-U Chairperson and independent director?**
Renu Sud Karnad
- ❖ **Governor – Reserve Bank of India?**
Shaktikant Das
- ❖ **Who won the title “Femina Miss India 2024”?**
Nandini Gupta

- ❖ **Primary objective of the Dilli Gramodaya Abhiyan, recently launched by Union Home Minister and Minister of Cooperation?**
Developing infrastructure in urbanized villages and new urban areas of Delhi
- ❖ **Theme of ‘International Day of Action for Rivers 2024’**
Water for all
- ❖ **Recently, which ministry collaborated with IIT Roorkee in automotive and EV sector?**
Ministry of heavy industries
- ❖ **Pandavula Gutta, recently seen in the news, is officially recognized as the sole Geo-heritage site of which state?**
Telangana
- ❖ **Who became the first Black leader of a government in the UK?**
Vaughan Gething

Rajasthan Judicial Services Application Form 2024

The application form for the RJS 2024 exam for the position of Civil Judge is now available on the official website of the RHC. Eligible candidates who aspire to pursue a career in the judiciary can access the application form from April 9 to May 8, 2024. At the time of applying make sure to provide all details correctly, otherwise it will be rejected.

Rajasthan Judiciary Vacancy 2024

There are a total number of 222 vacancies for the Civil Judge, out of total 83, 57 and 82 for 2022, 2023 and 2024, respectively.

Rajasthan Civil Judge Eligibility Criteria 2024

Eligibility criteria for the Civil Judge posts to participate in the Rajasthan Judiciary 2024 Exam, one must meet the certain eligibility criteria in terms of educational qualification and age limit mentioned below.

- **Educational Qualification:** One must hold a Bachelor of Laws (LLB) degree from a recognized university or institution accredited under the Advocates Act of 1961.
- **Age Limit:** A candidate must be aged between 21 years and 40 years, and there will be upper age relaxation for 3 and 5 years, respectively.

Before applying for the Rajasthan Judicial Services 2024 exam to be appointed as Civil Judge, it is highly recommended to aspirants to check the notification brochure to verify the eligibility criteria details thoroughly.

MARCH TOPPERS OF JUDICIARY BATCH

KEEP EXCELLING!

