

THE IJLPP NEWSLETTER

The latest news and updates from legal and policy world

IN THIS ISSUE

AMU MINORITY STATUS REFERRED TO 7 JUDGE BENCH

One of the much-debated issue of minority status of AMU has been referred to 7 judges' bench. Earlier in **Azeez Basha v. Union of India** (1967), 5 judges' bench of the SC held that '*AMU is not a minority institution.*' It will be interesting to observe as to how the apex court prioritize the issue when it has over 50 other matters been referred to constitution bench.

Read the order at:

https://www.sci.gov.in/supremecourt/2006/9287/9287_2006_Order_12-Feb-2019.pdf

COLLEGIUM MAKES RECOMMENDATIONS; INCOME CRITERIA FOR ADVOCATES RELAXED

The collegium comprising of CJI Gogoi, Justice A. K. Sikri and Justice S. A. Bobde met on February 12, 2019 and made certain recommendations regarding appointment of judges to the High Courts. It was interesting to note that collegium relaxed income criteria for advocates belonging to SC/ST/OBC categories or Standing/Panel Counsel of government for promotion as judges.

Further read at -

<https://www.sci.gov.in/pdf/collegium/15-02-2019/1.%202019.02.12-%2016%20Advocates->

[Allahabad.pdf](#)

<https://www.sci.gov.in/pdf/collegium/15-02-2019/2.%202019.02.12-4%20Adv.-Kerala.pdf>.

PRISONER RIGHTS CONSOLIDATED

In a step towards safeguarding prisoner rights, Madras HC has held that "Rule 481 of the Tamil Nadu Prison Rules, 1983 is unconstitutional to the extent it provided for deduction of 50% of the wages from the prisoners". The Supreme court has at various previous instances upheld the rights of prisoners and has passed guidelines with respect to the wages they are entitled to receive.

KULBHUSHAN JADHAV HEARINGS COMPLETE

One of the most awaited hearing on merits in the case of *The Republic of India v. The Islamic Republic of Pakistan at the International Court of Justice* started in second week of February, 2019. The matter relates to release of Kulbhushan Jadhav. Both the sides have completed their oral arguments on February 22nd, 2019. This hearing is important as it will have impact on the diplomatic relation between India and Pakistan which has deteriorated further after the recent Pulwama attack.

DELHI GOVERNMENT V. CENTRE

After much of the dust was cleared by the court in last July regarding the power tussle between Centre and State government of Delhi, another contentious issue as to who has the power over services has been sent to larger bench of the Supreme Court. The division bench of Justice A.K.Sikri and Justice Ashok Bhushan gave individual judgment where there was split decision on the service matter and as a result of the same, it has been referred to a larger bench. Other issues raised in the case were answered unanimously.

RIGHT TO INFORMATION AND GOVERNOR

The Supreme Court has transferred a petition to itself from the Bombay High Court where the question was if the Governor office comes under RTI, 2005. This matter was raised due to an RTI application filed to Secretary of Governor of Goa. Apart from this, there is also a petition pending in the court which asks another important question as to whether the Supreme Court falls under the ambit of RTI.

SHELTER HOMES IN BIHAR

The Supreme Court has come down heavily on the State of Bihar over mismanagement of shelter homes. It has observed that if the state does not provide full information regarding the status of shelter homes, the court will summon the Chief Secretary of State.

CONSTITUTIONAL VALIDITY OF CUT-OFF DATE

The Supreme Court has upheld the validity of Rule 12 of the UPHJS, 1975 which lays down cut-off date for the age criteria of appearing in the exam. Also, the court specified that power to fix a cut-off date or age- limit is to be regulated by the nodal authority for appointment.

THE CBI DRAMA

After controversial events in Kolkata regarding the questioning of the then Police Commissioner Rajeev Kumar, the Supreme court has ordered Mr. Rajeev to appear before the CBI in Shillong and further that the CBI will not arrest the officer in any situation.

CONTEMPT PETITION AGAINST M. NAGESWAR RAO

The Supreme Court in one of the petitions regarding contempt of court has convicted M. Nageswar Rao who while holding post of CBI Director passed an order regarding the transfer of Investigation Officer in the investigation of Muzaffarpur shelter home case in violation of the orders of court. Along with him, S Bhasu Ram, in-charge Director of prosecution, CBI was also held guilty of contempt.

[Read the order at](https://www.sci.gov.in/supremecourt/2018/33090/33090_2018_Order_12-Feb-2019.pdf)

https://www.sci.gov.in/supremecourt/2018/33090/33090_2018_Order_12-Feb-2019.pdf

BHIMA KOREGAON CASE

The Supreme Court has allowed the appeal of Maharashtra Government seeking additional time of 90 days for filing charge sheet in Bhima Koregaon case. The court has also observed that accused will be having the right to approach the court for regular bail.

16TH LOK SABHA

During the 16th Lok Sabha, 133 Bills were passed and 45 ordinances were promulgated. The house worked for 1615 hours which is 40% lower than the average of full-term house. Many of the controversial bills lapsed as they were

not passed by the Rajya Sabha.

CHIEF INFORMATION COMMISSIONER STATUS

A number of directions were issued by the Supreme Court in a petition filed by RTI activist Anjali Bharadwaj which prayed for 'expeditious filing up of vacancies in information commissions'. The Supreme Court held that Chief Information Commissioner should have the status of Chief Election Commissioner. Further, only bureaucrats should not be chosen for post information commissioners and vacancies should be filled with time keeping in priority.

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