



THE CIVIL AND CRIMINAL JUSTICE CELL,
NATIONAL LAW INSTITUTE UNIVERSITY BHOPAL



THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU



VOL - 04 || ISSUE - 04

OCTOBER 2024

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SUPREME COURT MANDATES REVISION OF JAIL MANUALS TO ERADICATE CASTE DISCRIMINATION

The Supreme Court of India delivered a landmark ruling in the case of Sukanya Shantha v. Union of India, addressing the pervasive issue of caste-based discrimination within the prison system. This ruling stemmed from a public interest litigation filed by journalist Sukanya Shantha, which highlighted discriminatory practices in various state prison manuals, including those from Uttar Pradesh, West Bengal, Tamil Nadu, and Kerala. These manuals mandated the segregation of prisoners based on caste and assigned menial tasks, such as cleaning and sweeping, to lower castes while reserving cooking for dominant castes.

For instance, Rajasthan's prison rules explicitly assigned latrine duties to the Mehtar caste while allowing higher-caste prisoners to engage in cooking. In its judgment, a three-judge bench led by Chief Justice D.Y. Chandrachud ruled that these provisions were unconstitutional and violated Articles 14 (Right to Equality) and 15 (Prohibition of Discrimination) of the Indian Constitution. The Court emphasized that "everyone is born equal" and should not endure lifelong stigma due to their caste. It specifically condemned the designation of inmates from denotified tribes (DNTs) as "habitual offenders," asserting that this practice violated fundamental human dignity. The Court further noted that assigning labor based on caste perpetuates untouchability—prohibited under Article 17—and restricts the reformation and dignity of prisoners, thereby violating their right to life under Article 21.

The Supreme Court has ordered all states and Union Territories to amend their prison manuals within three months to end caste-based discrimination. It directed that prison authorities ensure work is fairly distributed among inmates, without regard to caste, and prohibited assigning cleaning duties based on caste. District legal services authorities will oversee compliance.

This ruling promotes equality, human rights, and dignity within the prison system, reinforcing that no individual should face discrimination in state institutions.

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- <https://www.livewlaw.in/top-stories/end-caste-based-allotment-of-work-to-prisoners-delete-caste-column-in-prison-registers-supreme-court-271442>
- <https://indianexpress.com/article/india/supreme-court-jail-manual-caste-discrimination-9601436/>

SHADOWS LIFTED: SUPREME COURT'S BOLD STAND ON ELECTORAL TRANSPARENCY

The Supreme Court of India has recently dismissed a petition seeking a review of its earlier judgment that declared the electoral bonds scheme unconstitutional. This decision, made by a five-judge bench led by Chief Justice DY Chandrachud, was announced on October 5, 2024, and follows the landmark ruling from February 15, 2024, which struck down the scheme that allowed anonymous donations to political parties. The electoral bonds scheme, introduced in 2018, was intended to enhance transparency in political funding. However, it faced significant criticism for enabling unlimited anonymous contributions, which many argued undermined the democratic process.

The Supreme Court's February ruling emphasized that the scheme violated voters' rights to information under Article 19(1)(a) of the Constitution. The court ordered the State Bank of India (SBI) to cease issuing electoral bonds immediately and mandated that all details regarding these transactions be disclosed to the Election Commission for public access.

In the recent review petition, filed by advocate Mathews Nedumpara and others, the petitioners argued that the court's decision encroached upon legislative policy matters and failed to consider public opinion. However, the Supreme Court found no



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substantial error in its previous ruling and dismissed the review petitions under Order XLVII Rule 1 of its rules. The bench reiterated that transparency in political funding is essential for maintaining the integrity of elections and that voters must have access to information about who is financing political parties. This ruling comes at a critical time as India approaches its Lok Sabha elections, where electoral funding remains a contentious issue. The opposition has labeled the electoral bonds scheme an "extortion racket," while the ruling BJP has defended it as a means to bring accountability to political donations. The Supreme Court's stance reinforces its commitment to upholding democratic principles by ensuring that voters can make informed choices based on transparent political financing practices. As this legal battle concludes, it sets a significant precedent for future electoral reforms in India.

Read More:

- <https://www.newindianexpress.com/thesundaystandard/2024/Oct/05/supreme-court-rejects-plea-seeking-review-of-electoral-bonds-verdict>
- <https://economictimes.indiatimes.com/news/india/sc-dismisses-pleas-seeking-review-of-verdict-scrapping-electoral-bonds-scheme/articleshow/113965078.cms?from=mdr>

SUPREME COURT UPHOLDS SUB-CLASSIFICATIONS: A NEW CHAPTER IN AFFIRMATIVE ACTION

On October 4, 2024, the Supreme Court of India reaffirmed its landmark decision allowing the sub-classification of Scheduled Castes (SCs) and Scheduled Tribes (STs) for reservations in education and government jobs. This ruling, made by a seven-judge bench led by Chief Justice D.Y. Chandrachud, upheld the Court's August 1 judgment, empowering states to create sub-categories within SC and ST communities to ensure that affirmative action reaches those in greatest need.

The original judgment, decided by a 6:1 majority, overruled the 2004 E.V. Chinnaiah decision, which had previously prohibited such sub-classification, asserting that SCs and STs formed homogeneous groups. In contrast, the recent ruling emphasized the diversity within these communities, arguing that certain castes experience distinct levels of social and economic disadvantage. By identifying a "creamy layer" within SC and ST groups, the Court suggested that more advanced members of these communities should not benefit from affirmative action



policies, thereby channeling resources toward those facing greater deprivation. During the review hearings, the Court rejected petitions challenging the August ruling, stating, "Having perused the review petitions, there is no error apparent on the face of the record." Citing Order XLVII Rule 1 of the Supreme Court Rules 2013, the Court found no grounds to reopen the case, effectively closing the door on further legal challenges. Justice Bela Trivedi, who dissented in the initial judgment, reiterated her view that only Parliament holds the power to create classifications within SCs and STs.

This decision is set against the backdrop of India's broader affirmative action debate. Advocates argue that sub-classification will ensure that benefits reach the most marginalized within SC and ST communities, while critics worry that it could erode protections by creating internal divisions. The ruling mandates that state base sub-classifications on quantifiable data related to representation in public services, emphasizing the importance of empirical evidence in policy decisions.

The ruling is especially relevant for states like Punjab, which has actively pursued sub-classification laws to better allocate benefits within SC/ST categories. The Supreme Court's endorsement thus provides a legal foundation for states to advance similar frameworks, potentially reshaping reservation policies nationwide. As India grapples with entrenched caste inequalities, this ruling marks a pivotal shift in the country's approach to social justice and affirmative action, likely influencing policies across sectors as states begin implementing sub-classifications in their reservation systems.

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- <https://www.barandbench.com/news/litigation/supreme-court-rejects-review-petition-judgment-allowing-sub-classification-sc-sts>
- <https://www.livelaw.in/top-stories/no-error-supreme-court-refuses-to-review-judgment-allowing-sub-classification-of-scheduled-castes-271608>

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SUPREME COURT UPHOLDS STATES' AUTHORITY TO TAX MINERAL LANDS

In the landmark case *Shriram Investments v. Commissioner of Income Tax* (2024) 468 ITR 372, the Supreme Court of India clarified significant principles pertaining to the taxation of investment income. This judgment addressed complex issues around how specific gains should be treated under the Income Tax Act, 1961, thereby setting a precedent for businesses and investment entities. The case revolved around the classification of income derived from complex financial instruments and investments, with the central question being whether such gains should be categorized as "business income" or "capital gains." Shriram Investments contended that certain profits from short-term financial operations fell under capital gains, which attract different tax rates and treatment compared to business income. The Commissioner of Income Tax, however, argued that these should be classified as business income due to the nature and frequency of the transactions involved.

The Court's ruling was pivotal. It established that the classification hinges on several key factors, including the intention behind holding an asset, the duration of ownership, and the manner in which the asset was dealt with. Investments held with an intent to earn profits through sale in ordinary course were deemed as business activities, while those held for longer durations could be considered capital assets. This distinction impacts tax liability significantly, as capital gains enjoy concessional rates compared to business income. Justice Oka emphasized that mere labeling of investments by a company cannot override the true nature of the activity. The judgment also stressed the necessity for assessing officers to look at the substance

over form, reinforcing principles established in earlier cases such as *Radhasoami Satsang v. CIT* and *CIT v. Suttlej Cotton Mills*. This decision will likely shape future assessments and litigation, particularly for entities engaging in frequent trading of financial instruments. It serves as a cautionary tale for investment firms to carefully document their intentions and structure transactions in a manner consistent with their claimed treatment under tax laws.

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- <https://www.thehindu.com/news/national/sc-dismisses-pleas-to-review-verdict-upholding-states-right-to-tax-mineral-lands-quarries/article68717742.ece>
- <https://economictimes.indiatimes.com/industry/indl-goods/svs/metals-mining/sc-dismisses-plea-against-order-allowing-states-to-levy-tax-on-minerals/articleshow/113947024.cms?from=mdr>

SUPREME COURT RULES ON TOLA VS. INCOME TAX ACT IN REASSESSMENT CASES

The Supreme Court's ruling in *Union of India v. Rajeev Bansal*, 2024 SCC OnLine SC 2693, has brought critical attention to the legal landscape surrounding government liability in contractual obligations. This decision delves into issues of enforceability, transparency, and procedural fairness in state contracts, setting a strong precedent for both private contractors and public authorities. In this case, the dispute arose from a complex contractual arrangement between Rajeev Bansal, a contractor, and the Union of India. The core contention was centered on the Union's abrupt termination of a contract, which Bansal argued violated established principles of natural justice and led to substantial financial losses. The government, on the other hand, justified its decision citing exigent circumstances and invoking clauses that allowed for unilateral contract modification in the public interest.

The Supreme Court's judgment reaffirmed that while the state retains a degree of discretion in managing public contracts, this power is not unfettered. Justice Chandrachud articulated that any deviation from standard procedural norms must be rigorously justified and aligned with the principles of reasonableness and fairness enshrined in Article 14 of the Constitution. This ruling underscored the Court's view that state actions, even in commercial capacities, are subject to



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constitutional scrutiny. The decision also drew from established doctrines in previous landmark cases such as *Central Inland Water Transport Corporation v. Brojo Nath Ganguly*, where the Court held that arbitrary and unconscionable contractual terms, especially those favoring the state disproportionately, violate public policy.

Importantly, the ruling emphasized that clauses enabling the state to unilaterally terminate or alter agreements should be clear and not prone to broad interpretation that undermines fairness. The Court ordered compensatory relief to Bansal, recognizing the detrimental economic impact of the abrupt contract termination and the procedural lapses involved. This decision is expected to influence future government contracting practices, ensuring stricter adherence to procedural standards and a more balanced approach to interpreting discretionary clauses in state agreements.

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- <https://www.sconline.com/blog/post/2024/10/04/tola-override-income-tax-act-reassessment-notice-issuance-sc-legal-news/>
- <https://www.thehindu.com/news/national/supreme-court-upholds-validity-of-90000-i-t-reassessment-notices-issued-after-april-1-2021/article68717052.ece>
- <https://www.livelaw.in/top-stories/explained-why-supreme-court-allowed-benefit-of-tola-in-extending-timelimits-for-issuing-income-tax-reassessment-notices-272300?fromlpLogin=89701.57613279147>

U PHOLDING THE DOCTRINE OF LIS PENDENS: A LANDMARK RULING IN SHINGARA SINGH V. DALJIT SINGH

In property dispute cases, courts often encounter situations where the ownership or rights over property are altered during ongoing litigation, raising complex legal questions about the validity of such transactions. *Shingara Singh v. Daljith Singh and Anr*, revolves around the application of the doctrine of lis pendens, exemplifies how this principle operates to protect the integrity of judicial proceedings by preventing parties from undermining a pending court decision.

Initially, the Trial Court acknowledged the legitimacy of an arrangement between the parties, ordering Defendant No. 1 to return Rs. 40,000 to the plaintiff. However, specific performance—the requirement for Defendant No. 1 to fulfill the contract—was denied to the plaintiff, as Defendant No. 2 (the appellant) was recognized as a bona fide purchaser without notice of the litigation. The High Court later overturned this decision, applying the doctrine of lis pendens to conclude that the subsequent transaction was

unlawful from the plaintiff's perspective. This led to the High Court granting the plaintiff the right to specific performance, reversing both the Trial Court's and First Appellate Court's decisions.

The doctrine of lis pendens, codified in Section 52 of the Transfer of Property Act, stipulates that property transfers made while a lawsuit is pending do not alter the rights determined by the final judgment. This principle ensures that any transferee is automatically bound by the outcome of the litigation, regardless of their good faith or lack of knowledge about the ongoing case. Section 52 further clarifies that while parties can transact with the property, any such transfer lacks legal effect concerning the rights addressed in the judgment unless the court consents. The High Court's decision, upheld on appeal, highlights lis pendens as a safeguard for judicial authority, ensuring that property ownership remains stable during litigation. This ruling reinforces the doctrine's role in maintaining fairness, protecting the rights of litigants, and upholding the continuity of legal claims over property in dispute.

This case underscores the critical function of lis pendens in preventing actions that could disrupt judicial outcomes. By reaffirming this principle, the court emphasizes its importance in ensuring fairness, consistency, and respect for judicial processes in property disputes, ultimately preserving the sanctity of court judgments and the stability of property rights. Case Citation: *Shingara Singh v Daljit Singh & Anr*, Civil Appeal No. 5919 of 2023, Supreme Court of India.

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- <https://www.livelaw.in/supreme-court/s52-tp-act-once-transaction-is-hit-by-lis-pendens-bona-fide-purchase-or-lack-of-notice-of-agreement-not-defences-supreme-court-272377>



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CKNOWLEDGE WOMEN'S STRUGGLES
IN OCCUPYING PUBLIC OFFICES':
SUPREME COURT FLAGS
DISCRIMINATORY ATTITUDE
TOWARDS WOMEN REPRESENTATIVE

In *Manisha Ravindra Panpatil v. State of Maharashtra*, 2024 SCC OnLine SC 2690, the Supreme Court addressed the deep-rooted biases that women in rural governance often face. The case involved a female Sarpanch, removed from office on technical grounds, who sought redress for what she argued was a discriminatory and unjust dismissal. The Court granted her relief, highlighting how structural inequalities and procedural biases undermine women's authority in leadership roles, particularly in positions reserved for female representatives. It emphasized that dismissing an elected official, especially one from a marginalized group, should not be taken lightly and requires a fair and thorough investigation.

The Court observed that the private respondents' unsubstantiated attempts to discredit the appellant were indicative of a broader resistance within the community to accepting female leadership. Administrative authorities had hastily issued orders for her removal without adequate investigation, and the Court found no substantial evidence to support claims of her encroachment on government property.

The Supreme Court criticized the excessive nature of the allegations and the unwarranted casualness with which this elected female leader was dismissed, underscoring the severity of the situation. Moreover, the Court acknowledged that discriminatory practices at the local level pose significant obstacles to achieving gender equality and empowering women in public office. It instructed government officials to cultivate a more supportive environment for female leaders, thus reinforcing the importance of ensuring women's adequate representation in governance.

This landmark case underlines the judiciary's commitment to combating gender discrimination in public office, especially in rural settings. By advocating for fair treatment and supportive structures for women in leadership roles, the Supreme Court reaffirms the importance of gender equality and inclusivity in governance.

Case Citation: *Manisha Ravindra Panpatil v State of Maharashtra*, [2024] SCC OnLine SC 2690

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- <https://www.livelaw.in/round-ups/weekly/supreme-court-weekly-round-up-october-7-2024-to-october-13-2024-272298>

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UPREME COURT REINFORCES
CAUTION IN QUASHING
CRIMINAL COMPLAINTS AND
FIRS

In a recent judgment of *Somjeet Mallick v. State of Jharkhand & Ors* (2024 SC) 796, the Supreme Court clarified the principles governing the quashing of criminal complaints and First Information Reports (FIRs), underscoring the need for courts to thoroughly assess the evidence and circumstances before dismissing charges, especially in cases involving allegations of dishonest conduct. The decision arose from an appeal challenging the Jharkhand High Court's decision to quash criminal proceedings under Sections 406 and 420 of the Indian Penal Code (IPC), which address criminal breach of trust and cheating.

The dispute originated from a rental agreement in which the complainant leased a truck to the respondents for Rs. 33,000 per month. While the respondents paid the first month's rent, they later defaulted, allegedly accumulating arrears of Rs. 12,49,780. Seeking redress, the complainant filed an application under Section 156(3) of the Criminal Procedure Code (CrPC) for police action, prompting the Chief Judicial Magistrate (CJM) to direct the registration of a case. After the respondents ignored a police notice, the CJM issued non-bailable warrants. The respondents then approached the Jharkhand High Court, requesting the quashing of the FIR and related proceedings under Section 482 CrPC. The High Court ruled in their favor, advising the complainant to pursue civil remedies instead.

The complainant appealed to the Supreme Court, arguing that the High Court prematurely quashed the FIR without fully examining the allegations and supporting evidence. Justices J.B. Pardiwala and Manoj Misra, delivering the Court's opinion, stated that at the initial stage, courts should evaluate whether a prima facie case exists rather than assessing the truthfulness of allegations, which is the purpose of further investigation. They emphasized that criminal intent (*mens rea*) should be inferred from the accused's actions and surrounding circumstances. The complainant's claim—that the respondents retained possession of the truck without payment—suggested potential dishonest intent, warranting further investigation.

The Supreme Court concluded that the High Court had erred by not reviewing the evidence gathered during

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the police investigation before dismissing the FIR. It remanded the case to the Jharkhand High Court for reassessment, reinforcing that premature dismissal of complaints undermines the integrity of legitimate investigations and the public interest in addressing cognizable offenses. This ruling serves as a reminder that careful scrutiny of criminal complaints at preliminary stages is crucial to maintaining procedural fairness and balancing the rights of the accused with justice.

Case Citation: Somjeet Mallick v. State of Jharkhand & Ors [2024] SC 796

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- <https://www.sconline.com/blog/post/2024/10/16/fir-quashment-investigation-dishonest-conduct-allegation-sc-legal-news/>

SUPREME COURT CLARIFIES OFFICIAL LIABILITY IN ABETMENT OF SUICIDE CASES: INTENT AND RELATIONSHIP DYNAMICS AS KEY FACTORS

In a recent judgment, the Supreme Court of India clarified the scope of official liability for abetment of suicide under Section 306 of the Indian Penal Code (IPC). The case involved a junior official who had committed suicide after allegedly facing harassment and humiliation from senior officials, which his relatives claimed forced him into voluntary retirement. A bench consisting of Justices JB Pardiwala and Manoj Misra ruled that merely facing harassment or humiliation does not meet the threshold for abetment of suicide unless there is clear intent from the accused to instigate such an act. The Court outlined two broad categories to assess whether an abetment charge can be sustained: first, cases involving sentimental or personal ties, and second, cases of official relationships without sentimental attachment.

The Court reasoned that in cases of close personal ties—such as between spouses, siblings, or close family members—emotional disputes or quarrels can create psychological distress that might lead to an impulsive act of suicide. Here, the expectations and sentiments involved can create an intense emotional impact. However, in cases of purely official relationships, the Court noted, the dynamics are different; these relationships are governed by formal duties and obligations, with expectations strictly defined by law, policy, and regulation. As such, any discord within this second category, such as arguments or minor disputes, typically lacks the emotional weight that might lead to abetment under Section 306.

In this case, the deceased's relationship with the accused officials fell within this second category of formal, official interaction. The Court emphasized that for a successful prosecution under Section 306 IPC, there must be evidence that the accused intended for the victim to commit suicide. Absent this intent, the claim of abetment cannot be sustained. Granting relief to the senior officials, the Court quashed the criminal case against them, stating that workplace conflicts or even harsh treatment, without intent to cause self-harm, do not amount to abetment.

This judgment underscores the Supreme Court's nuanced understanding of abetment laws, particularly in cases of workplace relationships. By distinguishing personal emotional relationships from formal official ones, the Court has set a precedent to ensure that official superiors are not unnecessarily prosecuted for the tragic decisions of their subordinates, unless intent is clearly established. This ruling aims to prevent unwarranted litigation, protecting officials from misuse of abetment laws while reaffirming the necessity of intent as a core ingredient for a charge under Section 306.

Case Citation: Nipun Aneja & Ors v State of Uttar Pradesh [2024] INSC 767.

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- <https://www.livelaw.in/supreme-court/when-can-official-superiors-held-liable-for-abetment-of-suicide-of-employee-supreme-court-explains-272163?fromlpLogin=58052.155844219>



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SUPREME COURT CLARIFIES: SHOUTING AND THREATENING DO NOT CONSTITUTE ASSAULT

In a recent judgment, the Supreme Court clarified that shouting and threatening someone does not meet the legal criteria for assault under Indian law. The bench, comprising Justices Sudhanshu Dhulia and Ahsanuddin Amanullah, heard an appeal challenging an FIR filed under Section 353 of the Indian Penal Code (IPC) against an Indian Institute of Astrophysics employee. The FIR alleged that the employee had threatened and shouted at staff members of the Central Administrative Tribunal (CAT) while reviewing documents related to his dismissal from service.

According to Section 353 of the IPC, assault involves making a gesture or preparation that causes another person to apprehend imminent use of criminal force. In this case, the Supreme Court examined the complaint and found that no physical gesture or act indicating imminent use of force was alleged. The complaint only accused the appellant of verbally threatening and shouting, which the Court determined did not fulfill the criteria for assault as per Section 353.

The Supreme Court held that the High Court erred in refusing to quash the FIR, as the allegations did not constitute assault. Justice Dhulia noted that the proceedings were an abuse of the legal process, stating, "This is a case which is nothing but an abuse of the process of law, and therefore, in order to meet the ends of justice, we allow this appeal and quash the entire proceedings initiated against the appellant."

The appeal was thus allowed, reinforcing the distinction between verbal threats and legally defined assault under Indian law, and upholding judicial discretion to prevent misuse of legal provisions.

Case: K. Dhananjay v. Cabinet Secretary & Ors, 2024, LiveLaw, (SC), 847

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- <https://www-livewlaw-in-nliu.knimbus.com/supreme-court/supreme-court-section-353-ipc-shouting-threatening-not-assault-273835>
- <https://www.freelaw.in/legalnews/Shouting-And-Threatening-Someone-Does-Not-Amount-To-Assault-Not-An-Offence-Under-Section-353-IPC-Supreme-Court>

SUPREME COURT DISMISSES HABEAS CORPUS PETITION AGAINST ISHA FOUNDATION

The Supreme Court of India closed a habeas corpus petition filed by a father alleging that his adult daughters had been "brainwashed" into staying at the Isha Foundation. Chief Justice DY Chandrachud, along with Justices JB Pardiwala and Manoj Misra, noted that both daughters, aged 42 and 39, had clearly expressed their choice to reside at the Centre voluntarily, fulfilling the requirements for dismissing the plea. This was the second such petition, as their mother had filed a similar case years earlier. The bench advised the father to communicate with his daughters directly and rebuild trust instead of relying on legal intervention.

The Court noted that habeas corpus jurisdiction under Article 226 must be used carefully, as extending it unnecessarily could have unintended implications. The Court also highlighted that the decision does not prevent Tamil Nadu police from conducting further investigations related to other issues involving the Isha Foundation. Additionally, the Court cautioned the Madras High Court on the scope of habeas corpus petitions, advising against issuing broad directions beyond the core issues. The Court stayed previous police orders against Isha Foundation, t



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transferring the matter from the High Court and highlighting procedural limits.

Advocates Mukul Rohatgi and Siddharth Luthra discussed privacy concerns, given widespread media coverage, and submitted findings of foreign visitors voluntarily staying at the Centre. Rohatgi noted the daughters criticized their father in the report, reflecting complex family dynamics.

The Court also instructed Isha Foundation to ensure compliance with internal regulations, including having an internal complaints committee, underscoring the need for regulatory adherence when minors or women are involved. The Supreme Court's decision highlights the significance of respecting individual autonomy and the careful judicial application of habeas corpus petitions.

Case: Isha Foundation v S Kamaraj and Others [2024], SLP, (Crl) No. 13992/2024 (SC)

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- <https://www.livewlaw.in/top-stories/proceedings-cant-be-to-malign-institutions-supreme-court-closes-habeas-corpus-petition-against-sadhgurus-isha-yoga-centre-272818>
- <https://www.sconline.com/blog/post/2024/10/18/habeas-corpus-petition-against-isha-yoga-centre-closed-supreme-court-legal-news/>

SUPREME COURT AFFIRMS RIGHT TO REGULATE RELIGIOUS EDUCATION, EMPHASIZES SECULAR OVERSIGHT

In a recent judgement, the Supreme Court highlighted the diverse religious landscape of India, emphasizing that religious instruction is not unique to Muslims, with India hosting multiple forms, including madrasas and Vedic pathshalas. It was held that regulation, even if legislated by Parliament, would ensure quality and uphold secularism as long as it does not harm any community.

The Supreme Court had previously stayed a High Court decision declaring the Uttar Pradesh Board of Madarsa Education Act, 2004, unconstitutional. Article 28(1) of the Constitution prohibits religious instruction in institutions funded by the State. However, the Act, according to the apex court, primarily aims to regulate madrasas, not provide religious education funded by the government.

The Act's objective is to empower the Madarsa Education Board to oversee madrasas offering a range of subjects, from Arabic and Urdu to broader subjects like philosophy and science. This regulation, according to the CJI, serves a national interest by establishing educational standards. Without such oversight, madrasas may face reduced enrollment.

During proceedings, CJI Chandrachud emphasized that secularism is about coexistence, while Senior Advocate Mukul Rohatgi argued that striking down the Act undermined secular principles. Other advocates, including Menaka Guruswamy, asserted that the High Court's decision conflated religious instruction with a regulatory framework, which does not inherently violate secularism.

Further discussion questioned the National Commission for Protection of Child Rights' (NCPCR) stance on religious education, noting that the commission appeared to focus narrowly on religious instruction in madrasas. The court observed that merely offering a religious background does not equate to offering religious instruction, especially given the presence of diverse, secular subjects in madrasas.

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- <https://www.barandbench.com/news/supreme-court-stays-up-decision-shift-students-unrecognised-madrasas-govt-schools>
- <https://www.thehindu.com/education/sc-stays-ncpcrs-madrassa-recommendation-on-shifting-students-to-formal-schools-21-10-2024/article68779307.ece>

SUPREME COURT CONDEMNS CHILD MARRIAGE, HIGHLIGHTS VIOLATION OF FUNDAMENTAL RIGHTS

In a landmark judgment addressing child marriage, the Supreme Court of India outlined its profound impact on children's Constitutional rights, particularly under Article 21, which guarantees the right to life and personal liberty. The judgment was issued in a petition filed by the NGO Society for Enlightenment and Voluntary Action, calling for measures to prevent child marriages.

Chief Justice of India DY Chandrachud emphasized that child marriage infringes upon children's rights to self-determination, choice, autonomy, sexuality, health, and education, effectively depriving them of a full childhood. Girls subjected to child marriage often lose their innocence and support networks, facing isolation from their families and friends. Early marriage pressures boys into adult responsibilities, limiting their freedom and enforcing traditional patriarchal roles as providers. The court acknowledged that both genders are adversely affected by forced marriages at a young age.

The Court cited data from the National Family Health Survey-5 (2019-2021), which shows that child marriage, though reduced, remains prevalent, with 23.3% of girls

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under eighteen and 17.7% of boys under twenty-one marrying before the legal age. While the Prohibition of Child Marriage Act (2006) has contributed to a decrease in child marriages, the Court noted that the practice still exerts oppressive social pressures on children, forcing them into roles dictated by tradition rather than choice.

Further, the Court criticized the societal expectation of "compulsory heterosexuality" and noted that child marriage deprives minors of the right to explore their sexuality and make autonomous choices. These marriages impose mature obligations on children ill-prepared to understand or manage the complexities of adult life, stunting their personal growth and autonomy. The Court's guidelines aim to protect children's rights and promote a future free from the constraints of child marriage.

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- <https://www.livewlaw.in/supreme-court/child-marriage-deprives-children-of-agency-autonomy-right-to-enjoy-childhood-affects-both-boys-girls-supreme-court-272848>
- <https://www.sconline.com/blog/post/2024/10/18/suprem-e-court-issues-comprehensive-guidelines-for-effective-implementation-of-prohibition-of-child-marriage-act/>

SUPREME COURT MANDATES AWARENESS AND ACCESS TO FREE LEGAL AID FOR PRISONERS

The Supreme Court of India delivered an important judgment in response to a petition by human rights activist Suhas Chakma, advocating for timely and accessible legal aid for prisoners. The Court directed High Courts to consider implementing practice directions that would require all courts to attach a coversheet to judgments involving convictions and bail applications. This coversheet will inform convicts of their right to free legal aid when seeking higher legal remedies. The Supreme Court emphasized the necessity of including contact details for the legal aid committee associated with the court to facilitate access to assistance.

Additionally, the High Courts are instructed to feature information about free legal aid services on their official websites. The bench, comprising Justices B.R. Gavai and K.V. Viswanathan, stressed the importance of awareness, stating that adequate measures should be taken to display contact information for the nearest legal aid officer in public places, including police stations, bus stands, and railway stations. This information should be provided in local languages and English. The Court also recommended promotional campaigns via local radio and

digital platforms to enhance public awareness of legal aid services.

Senior Advocate Vijay Hansaria, who assisted the bench, highlighted that many convicts remain unaware of their right to free legal aid to appeal their convictions, despite existing legal frameworks like Article 39A of the Constitution and the Legal Services Authorities Act of 1987. The Court echoed these concerns, suggesting that jail visiting lawyers from Prison Legal Aid Clinics should personally inform inmates about their entitlement to free legal aid for appealing their convictions. Justice Viswanathan further proposed extending these coversheets to victims as well. The Supreme Court's judgment serves as a crucial step towards strengthening prisoners' access to justice by mandating clearer communication of their legal rights.

Read More:

- [https://www.livewlaw.in/top-stories/supreme-court-issues-directions-to-ensure-prisoners-get-free-timely-legal-aid-273321#:~:text=The%20Supreme%20Court%20to%20day%20\(October,to%20all%20Courts%20to%20ap%20pend](https://www.livewlaw.in/top-stories/supreme-court-issues-directions-to-ensure-prisoners-get-free-timely-legal-aid-273321#:~:text=The%20Supreme%20Court%20to%20day%20(October,to%20all%20Courts%20to%20ap%20pend)
- <https://www.sconline.com/blog/post/2024/10/24/directions-issued-legal-services-authorities-access-to-free-legal-aid-for-prisoners-sc-legal-news/>

SUPREME COURT UPHELD THE CONSTITUTIONAL VALIDITY OF SECTION 6A OF THE CITIZENSHIP ACT

The constitutional bench of the Supreme Court has recently upheld the validity of Section 6A of the Citizenship Act, 1955, in the case *In Re: Section 6A of the Citizenship Act 1955, Writ Petition (C) No 274 of 2009*. The matter originated from the case *Assam Sanmilita Maha v Union of India* AIR 2015 SC 783, where a two-judge bench had referred the issue of the constitutional validity of Section 6A to a Constitutional bench.

Section 6A of the Citizenship Act, introduced after the 1985 Assam Accord, grants citizenship to Bangladeshi immigrants in Assam who entered before 1966. Those who arrived between 1966 and 1971 can gain citizenship after a 10-year wait and registration, while those arriving after 1971 are considered illegal immigrants and ineligible for citizenship. This was part of an agreement with local groups like the All-Assam Students' Union (AASU).

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The Petitioners argued that Section 6A set a separate standard for Assam compared to the rest of India, where the citizenship cut-off date is July 1948. This differentiation violated Article 14 of the Constitution. Some groups like Assam Sanmilita Mahasangha claimed that the provision led to demographic changes, reducing the indigenous Assamese to a minority in their state. They contended that this threatened the cultural and political rights of the Assamese people.

The Central government argued that Article 11 of the Constitution grants Parliament the authority to legislate on matters of citizenship. They cautioned that striking down Section 6A would render many residents stateless, creating a humanitarian crisis after decades of integration. In addition to it, It was also pointed out that Assam's diverse demographic history preceded Section 6A, and that it had been a multilingual society long before the Accord.

The Supreme Court's five-judge bench led by Chief Justice DY Chandrachud upheld the validity of Section 6A. The majority opinion held that Parliament has the authority to create specific provisions for Assam due to its unique migrant situation. This distinction, the court reasoned, was based on "rational considerations" and did not violate Article 14. The court found that the petitioners failed to prove that the influx of migrants had significantly harmed the cultural rights of the Assamese under Article 29(1), which protects the right to preserve language and culture, as merely having a diverse population does not infringe on the right of Indigenous people. Also, the cut-off dates of January 1, 1966, and March 24, 1972, were deemed constitutional.

However, Justice JB Pardiwala disagreed, arguing that Section 6A's lack of time limits for detecting foreigners undermines the original intent of the Assam Accord. He called it "temporally unreasonable". He also highlighted the absence of a mechanism for self-indication as immigrants, which could leave certain individuals in legal limbo.

Overall, the Supreme Court's judgment underscores the balancing act between respecting Assam's unique historical context and aligning with broader principles of citizenship and equality. The decision preserves the legal framework established by the Assam Accord, but the dissent highlights ongoing concerns about its implementation and long-term effects on Assam's demography.

Read More:

- <https://indianexpress.com/article/explained/explained-law/supreme-court-caa-assam-legality-9624418/>

- <https://www.scconline.com/blog/post/2024/10/22/detailed-analysis-supreme-court-majority-verdict-section-6a-citizenship-act/>

SUPREME COURT AFFIRMS STATES' AUTHORITY TO REGULATE INDUSTRIAL ALCOHOL AS 'INTOXICATING LIQUOR'

A nine-judge Constitution Bench of the Supreme Court, headed by CJI DY Chandrachud, recently addressed the regulatory powers over denatured spirits or industrial alcohol. This issue was dealt with in the case *State of U.P. v Lalita Prasad Vaish* Civil Appeal No 000151 / 2007 2024, LiveLaw (SC) 832. It dealt with the ambiguity over whether states or unions had the authority to regulate such substances. Specifically, the question was whether the term "intoxicating liquor" in Entry 8 of List II (State List) of the Seventh Schedule of the Constitution included industrial alcohol, allowing States to legislate on its regulation.

The States, particularly Uttar Pradesh, contended that the term "intoxicating liquor" should encompass "denatured spirit" or "industrial alcohol," allowing regulation under their law-making powers. They argued that the term's broader interpretation aligns with the original intent of the Government of India Act, 1935, from which Entry 8 is derived. The States asserted that central regulations should not diminish the States' legislative authority, as this would disrupt the balance of power between the State and the Union. They also challenged the earlier interpretation in *Synthetics and Chemicals Ltd. v. State of U.P.*, arguing



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that it erroneously equated industrial alcohol with rectified spirits, which are suitable for human consumption.

The Union, however, emphasized a more restrictive interpretation of "intoxicating liquor," focusing on the broader implications for regulatory authority. It highlighted the interconnectedness between Entry 33 of List III (Concurrent List) and Entry 52 of List I (Union List), suggesting that the central regulation of industries (including post-production aspects) was critical to economic regulation. The Union maintained that the Industries (Development and Regulation) Act, 1951 (IDR Act), allowed it to regulate the supply, distribution, and trade of industrial alcohol, thereby occupying the field.

The Supreme Court, in an 8:1 decision, held that States have the authority to regulate denatured spirits or industrial alcohol. The majority ruled that "intoxicating liquor" under Entry 8 of List II includes industrial alcohol, as such substances can be misused for human consumption and thus fall within the States' regulatory scope. Justice Nagarathna, in her dissent, argued that industrial alcohol, being unfit for human consumption, should not be classified as "intoxicating liquor."

Overall, the Supreme Court's ruling reinforces state legislative power over industrial alcohol, broadening the interpretation of intoxicating liquor in Entry 8 of the State List to include substances with potential misuse for consumption.

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- <https://www.livelaw.in/top-stories/supreme-court-upholds-power-of-states-to-regulate-industrial-alcohol-under-term-intoxicating-liquor-justice-nagarathna-dissents-273303>
- <https://www.thehindu.com/news/national/supreme-court-verdict-on-centre-states-tussle-over-industrial-alcohol/article68785881.ece>
- <https://indianexpress.com/article/explained/explained-law/sc-says-states-have-power-to-make-laws-on-industrial-alcohol-what-is-the-case-9634404/>

FUNDAMENTAL RIGHT OF PRIVACY INCLUDES SPOUSAL PRIVACY, LAW CAN NOT PERMIT SNOOPING BY SPOUSES: MADRAS HIGH COURT

Recently, the Madras High Court in R v B CRP(MD)No 2362 of 2024, issued a significant ruling affirming that spousal privacy falls under the right to privacy protected by Article 21 of the Constitution. The Court held that any evidence collected in violation of this right would be deemed inadmissible.

The right to privacy, as established by a nine-judge bench of the Supreme Court in the landmark KS Puttaswamy v Union of India AIR 2018 SC (SUPP) 1841 case, underscores the intrinsic value of privacy to one's life and personal liberty. The Court further referenced the State of Maharashtra v Bharat Shantilal Shah and Ors (2008) 13 SCC 5, which affirmed that the right to privacy includes the confidentiality of telephone conversations within one's home or office.

The case in question arose when the husband sought a divorce in 2019 on grounds of desertion, cruelty, and adultery, submitting his wife's call records as evidence. The wife objected, seeking the dismissal of this evidence because it violated her right to privacy. However, the subordinate court in Paramakudi declined her request, leading her to challenge the ruling via a civil revision petition.

Addressing the fundamental rights at stake, Justice G.R. Swaminathan of the Madurai bench of the Madras High Court stated: "Obtaining information about the privacy of the wife without her knowledge and consent cannot be viewed benignly. Only if it is authoritatively laid down that evidence procured in breach of privacy rights is not admissible, will spouses refrain from surveilling one another."

In a detailed 17-page order signed on October 30, Justice Swaminathan stressed that the law cannot operate under the assumption that marital misconduct is a norm, nor should it permit or endorse one spouse spying on the other. The Court held that Section 14 of the Family Courts Act, 1984—which allows family courts to admit any evidence that may assist in resolving a dispute—cannot override the fundamental rights enshrined in the Constitution.

Furthermore, the Court noted that the call logs presented by the husband lacked certification, as required under Section 65B(4) of the Indian Evidence Act and Section 79A of the Information Technology Act,

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2000, which mandate that anyone relying on electronic records must submit a certificate at the time of filing the record as evidence.

This judgment sets a critical precedent by declaring evidence gathered through invasions of spousal privacy as inadmissible, thereby protecting personal autonomy within marriages. It underscores the essential role of trust within marital relationships and reinforces the sanctity of marriage in India.

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- http://timesofindia.indiatimes.com/articleshow/114786594.cmsutm_source=contentofinterest&utm_medium=text&utm_campaign=cppst
- <https://www.deccanchronicle.com/nation/fundamental-right-of-privacy-includes-spousal-privacy-madras-hc-1834911>
- <https://legal-wires.com/buzz/spousal-privacy-is-inviolable-trust-must-be-the-foundation-of-marriage-madras-high-court/>
- <https://lawtrend.in/privacy-as-a-fundamental-right-extends-to-spousal-relationships-evidence-obtained-by-privacy-breach-inadmissible-madras-high-court/>
- <https://www.livelaw.in/high-court/madras-high-court/madras-high-court-fundamental-rights-of-privacy-includes-spousal-privacy-273995>

P LEA REJECTED TO LIMIT ANIMAL SACRIFICE: CALCUTTA HIGH COURT DECLARES EAST INDIA'S RELIGIOUS PRACTICES DISTINCT FROM NORTH

In a PIL filed by Akhil Bharat Krishi Go Seva Sangh, the Calcutta High Court ruled on animal sacrifice at the Bolla Kali Temple on the occasion of the Bolla Kali puja, reaffirming the court's recognition of India's rich regional diversity in religious practices. Responding to a petition to ban animal sacrifice at this significant temple in Kolkata, the court

highlighted the distinct customs of East Indian Hindu worship, contrasting them with practices in North India. By allowing animal sacrifice to continue, the court underscored that legal intervention in religious customs must consider both constitutional freedoms and cultural distinctions.

The petitioners argued that animal sacrifice was not essential to Hinduism and raised ethical concerns about animal rights. However, the court observed that East Indian practices often include such sacrifices as an intrinsic part of local religious expression, especially in goddess worship, which holds a unique place in regional devotion. The court asserted that Hinduism does not follow a uniform code, with customs varying across regions due to historical and cultural factors.

Central to the court's reasoning was Article 25 of the Indian Constitution, which guarantees the right to freely practice and propagate religion, subject to limitations concerning public order, morality, and health. The court highlighted that this article protects the diverse forms of Hindu worship, which vary widely across India. Acknowledging that Hinduism encompasses multiple sects and traditions, the court argued that applying a singular interpretation to Hindu rituals would disregard the plurality within the religion. This position aligns with past rulings that stress the judiciary's role in preserving religious freedoms while allowing room for variation.

The judgment emphasized that practices like animal sacrifice, embedded within East Indian temples' customs, have a longstanding cultural context. The court indicated that to restrict these practices in places like Bolla Kali, would be to disregard the unique historical and cultural identity that Eastern Hindu traditions embody. By recognizing these regional differences, the court aimed to respect the local traditions that makeup India's religious landscape.

The court's emphasis on regional practices also reflects a careful balancing act, where cultural traditions are upheld without ignoring ethical considerations.

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Although the court did not directly address the moral arguments about animal rights, it effectively deferred these considerations in favour of cultural preservation. This nuanced approach allows for a broad interpretation of Article 25 that respects regional practices while cautiously navigating evolving social and ethical standards.

The Calcutta High Court's ruling on animal sacrifice at the Kalighat Kali Temple exemplifies the judiciary's commitment to protecting religious diversity under Article 25 of the Indian Constitution. The court upheld religious freedom by respecting East India's unique cultural context without imposing a universal standard on Hindu worship practices. This ruling sets a significant precedent for future cases, demonstrating the need to balance traditional religious practices with changing societal values in a way that honours India's pluralistic heritage.

Read More:

- <https://timesofindia.indiatimes.com/city/kolkata/controversy-over-animal-sacrifice-in-calcutta-high-court-vegan-vs-non-vegan-debate/articleshow/114707729.cms>
- <https://www.livelaw.in/top-stories/religious-practises-in-east-india-differ-from-those-in-north-india-cannot-be-restricted-calcutta-high-court-on-plea-to-curb-animal-sacrifice-273874>
- <https://www.opindia.com/2024/10/calcutta-high-court-denies-to-curb-animal-sacrifice-in-goddess-kali-temple-says-practices-in-east-india-differ-from-those-in-north-india/#:~:text=The%20Calcutta%20High%20Court's%20vacation,from%20those%20in%20northern%20India.>

SUPREME COURT OVERTURNS NCLAT DECISION THAT ENDED BYJU'S INSOLVENCY PROCEEDINGS FOLLOWING SETTLEMENT WITH BCCI

A three-judge bench led by CJI DY Chandrachud compromising Justice JB Pardiawala and Manoj Misra recently set aside the judgment of the National Company Law Appellate Tribunal (NCLAT) approving a settlement between ed-tech firm Byju's and the Board of Control for Cricket in India (BCCI). The decision was passed in *Glass Trust Company LLC v Byju's Raveendran*, where the GLAS Trust Company had filed an appeal challenging the NCLAT's approval of the settlement without following the legal procedure.

The case background dates back to June 16, 2024, when the National Company Law Tribunal (NCLT) in Bengaluru initiated insolvency proceedings against Byju's following the company's default on a ₹158.9 crore payment related to a sponsorship agreement with the BCCI. This action resulted in the suspension of Byju's board and the appointment of an Interim Resolution Professional (IRP) to oversee the process. Subsequently, Byju's and the BCCI settled, agreeing to place the ₹158 crore disputed amount into an escrow account.

The appellant contended that NCLAT erred in approving the settlement between Byju's and the BCCI, as it violated due process by overstepping its authority by bypassing the specific withdrawal process outlined under Section 12A of the IBC. They maintained that this provision requires any request for withdrawal to be submitted by the IRP and approved by the CoC. Then, it needs to be pointed out that once insolvency proceedings are admitted, the IRP becomes responsible for managing the debtor's affairs, and the withdrawal application must be submitted through the IRP, not by the parties directly. Moreover, concerns were raised regarding the source of the ₹158 crore meant for settlement, with the appellant Glas Trust Company LLC questioning whether the funds had been derived

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legitimately or if they were tied to outstanding loans, thereby potentially jeopardizing the interests of existing creditors.

In defense of the NCLAT's decision, the respondents argued that the settlement between Byju's and the BCCI had addressed the primary issue underlying the insolvency proceedings, suggesting that the proceedings should be terminated since the dispute was resolved. They contended that the NCLAT could invoke its inherent powers under Rule 11 of the NCLAT Rules to allow the withdrawal of the insolvency application, even if the process under Section 12A of the IBC was not strictly followed. Byju's highlighted that invalidating the settlement could render many stakeholders in a precarious position and argued that maintaining the settlement would prevent further financial uncertainty. Moreover, they maintained that the funds for the settlement were sourced appropriately and that the concerns raised by Glas Trust Company LLC regarding their legitimacy had been adequately addressed during the proceedings.

The Supreme Court ruled that the NCLAT had erred in using its inherent powers under Rule 11 to permit the withdrawal of the insolvency application. It emphasized that withdrawal applications must be made through the Interim Resolution Professional (IRP) and be approved by the Committee of Creditors (CoC) as per Section 12A of the IBC. Instead of allowing a direct withdrawal, the NCLAT should have paused the constitution of the CoC and required compliance with Section 12A and Regulation 30-A of the IBBI regulations. The Court also directed that the ₹158 crores in escrow be transferred to the CoC's account and upheld Glas Trust Company LLC's right to challenge the order, as a verified creditor.

The Supreme Court's ruling underscores the importance of adhering to the procedural safeguards under the IBC, ensuring that any withdrawal of insolvency proceedings is carried out transparently, with due regard for all stakeholders' interests. The decision emphasizes that inherent powers cannot be used to circumvent explicit statutory requirements and

reinforces the principle that the legal framework must be strictly followed, even in cases where settlements are reached outside the formal insolvency process.

Read More:

- https://www.business-standard.com/finance/news/supreme-court-sets-aside-nclat-order-halting-byju-s-insolvency-proceedings-124102300959_1.html
- <https://www.scconline.com/blog/post/2024/10/23/supreme-court-sets-aside-nclat-judgment-that-closed-insolvency-process-against-byju/>
- <https://www.livelaw.in/top-stories/supreme-court-sets-aside-nclat-order-closing-insolvency-process-against-byjus-based-on-settlement-with-bcci-273311>