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LATEST IN LEGAL ARENA

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Regulation issued by the Insolvency and Bankruptcy Board of India

The Insolvency and Bankruptcy Board of India has notified the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016. The Regulations have come into effect on 01.12.2016. These Regulations are part of the rules notified to implement the bankruptcy code and in the process to improve the ease of doing business. The regulations enumerating the insolvency resolution process suggests a resolution plan prepared with the consent of a committee of creditors and the resolution professional which will be presented to the deciding authority for approval.

Liberalization, simplification and rationalization of Visa regime in India approved

The Union Cabinet has given its approval for liberalization, simplification and rationalization of the existing visa regime in India, and incremental changes in the visa policy decided by the Ministry of Home Affairs in consultation with various stakeholders and with approval of the Home Minister. The approval aims at facilitating entry of foreigners for tourism, business and medical purposes. This is expected to stimulate economic growth, increase earnings from export of services like tourism, medical value travel and travel on account of business and to make 'Skill India', 'Digital India', 'Make in India' and other such flagship initiatives of the Government successful. This is likely to ease the travel of foreigners to India for the above-mentioned legitimate purposes.

Internal Complaints Committee not to presume guilt of Sexual Harassment accused, until proved guilty: Delhi High Court

The Delhi High Court in a recent order has said that the task of Internal Complaints Committee (ICC) is not to assume guilt of a person accused of harassment but to go by the evidence. Internal complaints panel is mandatory in every organisation following the Supreme Court's guidelines in Vishakha case on combating sexual harassment. Quashing an order of ICC where it concluded that an officer of the company was guilty of sexual harassment, the High Court observed that "The dignity of neither party can be trifled with in an inquiry proceeding," after it found that inquiry report had not found the officer guilty, yet inferred that he indulged in behaviour that was "more

Acquittal in a criminal case not an impediment to initiate departmental proceedings

The Madras High Court in a recent Judgment has ruled that a person's acquittal of criminal charges by a trial court does not provide them with immunity from departmental action for their delinquency. The Court made this observation while hearing an appeal moved by the Director General of Police (DGP), Chennai, assailing an order of a single judge setting aside the dismissal order against a constable for his alleged involvement in criminal activities. The Court said "*It is pertinent to note that it was because of the prosecution's failure to prove its case beyond all reasonable doubt that the trial court had acquitted the constable. Moreover, it is settled law that an acquittal in a criminal case would not be an impediment to initiate departmental proceedings against the delinquent.*"

Notification of Sections of the Insolvency and Bankruptcy Code, 2016

The Central Government in exercise of the powers conferred by sub-section (3) of section 1 of the Insolvency and Bankruptcy Code, 2016, has notified sections 2(a) to 2(d) (except with regard to voluntary liquidation or Bankruptcy), section 4 to section 32 (both inclusive), section 60 to section 77 (both inclusive), section 198, section 231, sections 236 to 238 (both inclusive) and section 239(2)(a) to 239(2)(f). These sections have come into force on 01.12.2016.

For any clarification or delineation, feel free to contact us.



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