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*News, Views and Updates*

### **LATEST IN LEGAL ARENA**

**December 10, 2016**

#### **Center must provide adequate safeguards to the Whistleblowers: CIC**

In a recent case, the Central Information Commission (CIC) has held that any individual or a public servant who has made any disclosures under the Whistle Blowers Protection Act, 2014, cannot be victimized by way of initiating proceedings against them or by any other means merely for the reason that such individual or public servant had made a disclosure against or rendered assistance in an inquiry against the accused. It was held that the purpose of the Act is to protect the persons making disclosures in terms of section 11(1) and (2) and thus it becomes the prerogative of the Central Government to ensure the safety of individuals making such disclosures.

#### **Transfer of pending proceedings to the NCLT**

The Ministry of Corporate Affairs vide notification dated 7.12.2016 has notified the Companies (Transfer of Pending Proceedings) Rules, 2016. The Rules will come into force with effect from the 15th December, 2016, except rule 4 dealing with pending proceeding relating to voluntary winding up, which shall come into force from 1st April, 2017. The Rules provide for the treatment of the pending proceedings under the Act relating to arbitration, compromise, arrangements, reconstruction and winding up.

#### **A Hindu allowed to re-marry 90 days post the pronouncement of Divorce Decree**

A full bench of the Bombay High Court, in a recent case, has held that a Hindu can re-marry 90 days after dissolution of their marriage provided no appeal is pending against the decree. The primary question in issue was whether an appeal u/s 19(1) of the Family Courts Act, 1984 will be governed by the period of limitation u/s 19(3) of the same Act or section 28(4) of the Hindu Marriage Act, 1955. The court held that the section 19(3) of the Act of 1984 is an old provision while section 28(4) of the Hindu Marriage Act came into force only in the year 2003 and therefore, the provisions must be read and interpreted harmoniously in order to construe the meaning that most suits the case.

#### **Center's Order banning 344 FDCs quashed by the Delhi High Court**

being a necessary move for the betterment of society, and quashing the March 10 notification, court agreed with the petitioners on the lack of mandatory consultations with the Drug Testing Advisory Board and the Drug Consultative Committee, statutory requirements under section 26A of the Drugs and Cosmetics Act, 1940.

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



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