

***Weekly Legal Updates
for Law Exams.
June 15-21.***



WEEKLY LEGAL UPDATES for LAW EXAMS: JUNE 15-21

1. SC refuses to entertain plea on improving India's rank on rule of law index.

- The Supreme Court on 18th June refused to entertain a plea seeking a direction to the Centre, states and UTs to set up expert committees to improve India's **"pathetic" 69th global ranking on the Rule of Law Index (RLI)**.
- **The index, which covers 128 countries**, is based on a **nations' performance on factors such as government openness, fundamental rights, civil and criminal justice and containing corruption**.
- A bench headed by **Chief Justice S A Bobde** took note of the submissions of senior advocate Vikas Singh, appearing for BJP leader and petitioner Ashwini Upadhyay, and said that this was not an "appropriate case" for the court and representation to this effect can be made to the government for taking action.
- In the proceedings conducted through video-conferencing, the bench, also comprising Justices Dinesh Maheshwari and A S Bopanna, said the government can take a decision on setting up of the panel to improve India's RLI ranking within six months from today.
- Besides all states and the Union Territories (UTs), Upadhyay, in his PIL, had made as parties the Law Commission of India and Ministries of Home Affairs and Law and Justice.
- The plea had sought constitution of expert panels "comprising at least one renowned jurist, people representative, public servant, economist, educationist, social activist and journalist," to suggest steps to improve **India's pathetic 69th international ranking in Rule of Law Index**".
- "In the alternative, direct the Law Commission of India to examine the best practices of the countries, ranked among top 20 in the Rule of Law Index - 2020, and accordingly suggest steps to improve the International Ranking of India," it said.
- The plea said: **"Injury caused to the public is large because India ranked 69 in the Rule of Law Index.**
- It confirms poor performance across eight factors: constraints on government powers, absence of corruption, open government, fundamental rights, public order and security, regulatory enforcement, civil justice and criminal justice.
- **"Poor Rule of Law has devastating effects on the right to life and liberty also offends rights guaranteed under Articles 14 and 21"**.

2. Centre tells SC: Will withdraw 96% of Rs 4 lakh cr AGR related dues raised against PSUs.

- The Centre informed the Supreme Court on Thursday that the Department of Telecommunications (DoT) has decided to withdraw 96 percent of the Rs 4 lakh crores demands for AGR (Adjusted Gross Revenue) related dues rose against non-telecom PSUs like GAIL.
- DoT sought time from the bench, hearing the matter through video-conferencing, to respond to the affidavits filed by private telecom companies, including Bharti Airtel and Vodafone Idea Ltd, on payment of their dues.
- The apex court had also asked telecom firms to file an affidavit explaining the time needed by them to clear the remaining statutory dues that arose from the court's verdict, which included non-telecom revenues in the definition of AGR for calculating the amount due to the government.
- The bench had also asked the government about the guarantees that can be sought to ensure telecom companies abide by a time frame and payment schedule.

3. Covid-19: Supreme Court stays Rath Yatra in Puri 'in the interest of public safety'.

- The Supreme Court on Thursday stayed the annual Rath Yatra and associated activities at the Jagannath Temple in Odisha's Puri in the wake of the coronavirus pandemic. The yatra was scheduled to be held on June 23.
- The order was passed in a plea by an NGO Odisha Vikas Parishad which had pointed out the public health risk involved if the annual event is allowed to take place.
- The yatra involves pulling the chariot of Lord Jagannath as he comes out of his temple in this annual event. The pulling of chariot involves close contact between the people, which violates the social distancing norms.
- "In the interest of public health and safety of citizens, we restrain the state from holding the Rath Yatra and associated activities. We direct that there shall be no Rath Yatra and associated activities this year", the bench headed by Chief Justice of India (CJI) Sharad Arvind Bobde ordered.

4. Can't Award Death Penalty Retrospectively: Supreme Court On Telangana's Plea.

- The Supreme Court has refused to award death penalty to a convict, who committed rape and murder of a nine-year-old child last year in Telangana, nearly two months prior to the amendment of POCSO Act by parliament prescribing extreme sentence for the heinous crime, saying that retrospective effect to the law cannot be granted.
- A bench of Justices Sanjay Kishan Kaul and KM Joseph said that it is unable to persuade itself with the argument of the state government on the aspect of retrospective punishment of extreme sentence on the ground that a signal goes to the society by the imposition of the death sentence.
- "Firstly, we fail to see how retrospective effect can be granted when the punishment is to operate prospectively and logically so. Even otherwise, the punishment of not being released till his last breath is punitive enough to send a signal to the society and it cannot be that only the death sentence can send a right signal," the bench said.

5. Following SC directions, the Ministry of Health orders States and UTs to ensure timely release of salaries to doctors and healthcare workers.

- Pursuant to the Supreme Court's directions passed yesterday, the Union Ministry of Health and Family Welfare (MHFW) has issued an order under the *Disaster Management Act, 2005* (DMA) directing all states and union territories to ensure that salaries of doctors and healthcare workers are released on time.
- The MHFW has also directed all Chief Secretaries of States/UTs to comply with this order, and that violation of the same will be treated as an offense under the DMA and the Indian Penal Code.
- Further, the Supreme Court had directed the Central government to pass directions regarding the quarantine of healthcare workers who come in contact with COVID-19 patients and their salaries.

6. Very sorry state of affairs' notes Bombay HC on conducting Covid-19 tests in Maharashtra prisons.

- The PUCL, the largest and the oldest human rights organization in the country, has drawn the court's attention that the number of Covid-19 tests carried on inmates of the correctional homes and jails across Maharashtra was abysmally low, which prompted the HC to order the state government to make amends at the earliest.

- PUCL had moved the court, alleging there was a lack of transparency regarding the health condition of the prisoners amid the pandemic, which has triggered panic and concern among the community, family members of the inmates, and also their lawyers.
- The court has ordered the state government to direct district collectors to identify suitable space to quarantine prisoners, who have tested Covid-19 positive.

Note:

- The Bombay High Court is one of the oldest High Courts of India.
- It is located in Mumbai, Maharashtra.
- Its jurisdiction covers the states of Maharashtra and Goa and the Union Territory of Dadra and Nagar Haveli and Daman and Diu.
- The High Court has regional branches at Nagpur and Aurangabad in Maharashtra and Panaji, the capital of Goa.
- Current Chief Justice: **Justice Bhushan P Dharmadhikari**

7. SC seeks Centre's response on a plea seeking transfer of funds from PM CARES to NDRF.

- The Supreme Court on 17th June sought the central government's response to a petition asking for all contributions made to the PM CARES Fund to be directly transferred to the National Disaster Response Fund (NDRF).
- The PM CARES Fund was launched by Prime Minister Narendra Modi on 28 March in the face of the Covid-19 pandemic, and by the end of May, the total donations received reportedly stood at Rs 10,000 crores.
- No information regarding its functioning or collection of funds can be sought as it also falls outside the purview of the Right to Information Act.

8. "Crores have defaulted on NPA accounts but you have to charge interest", SC asks Centre and RBI to review interest on loan moratorium.

- In view of the COVID-19 pandemic, the RBI had issued a circular on March 27 allowing banks to grant a moratorium to borrowers on payment of instalments for a period of three months, which was later extended to six months. The RBI also made it clear that interest accruing on these loans for this period would be payable.
- On the issue of the interest component, the RBI made its position clear and placed an affidavit before the Court stating that it would not be appropriate to go for forced waiver of interest keeping in view the financial health of banks as well as the interest of the depositors.
- After hearing the arguments, the Court fixed the next date for hearing in the case for the first week of August.

9. Can't Do Charity At Cost Of Others; Delhi HC Dismisses Plea To Prohibit Tenants' Eviction Over Rent.

- A PIL had sought appropriate orders declaring that tenants who have not been able to pay the rent for the months of April, May, and June shall not be asked or coerced in any manner to pay the outstanding rent for that period and the net outstanding rent amount shall be waived off forthwith.

- It ought to be kept in mind that the court cannot do charity at the cost of others. Charity beyond the law is an injustice to others. If the landlord is entitled to receive the rent/ consideration in accordance with law as per the contractual agreement entered between the parties concerned, then, the court cannot, by a general order of the nature sought by the petitioner, waive such amount," the order added.
- The court noted that the general prayer for waiver of rent cannot be granted by it while exercising powers under Article 226 of the Constitution of India and added that the payment of rent depends on a contractual arrangement between the tenant and the landlord.

Note:

- The High Court of Delhi was established on 31 October 1966.
- The High Court of Delhi was established with four judges. They were Chief Justice K. S. Hegde, Justice I. D. Dua, Justice H. R. Khanna and Justice S. K. Kapur. Presently, the High Court has a sanctioned strength of 45 permanent judges and 15 additional judges.
- Chief Justice - Dhirubhai Naranbhai Patel.

10. 'Don't shoot the messenger': Supreme Court pulls up Delhi government over harassment of doctors.

- The Supreme Court on Wednesday pulled up the Delhi government **over the suspension of healthcare workers for** exposing facts related to the condition in hospitals while saying that doctors and nurses were "corona warriors" and needed to be protected.
- "Stop harassing doctors and registering FIRs. You can't suppress the truth. Why did you suspend a doctor who made a video of the pathetic conditions of one of your hospitals?" the Supreme Court said and asked the Delhi government to file an affidavit in the case.

11. Supreme Court issues notice in plea alleging bias by IRDA in directing Insurance coverage for persons with mental illness.

- The Supreme Court today issued a notice in a plea seeking directions from the Central government and the Insurance Regulatory and Development Authority (IRDA) to all insurance companies to extend medical insurance for the treatment of mental illness.
- It is further stated that the Parliament of India had mandated that mental illness be treated at par with other kinds of illness for the purposes of insurance coverage.
- The petition contended that despite Sec 21 (4) of the Mental Health Act stating it, followed by the August 2018 IRDA order, the insurance companies are not complying, and there is no provision yet to extend medical insurance for the treatment of mental illness.

Note:

- The Supreme Court of India is the highest judicial court under the Constitution of India, the highest constitutional court, with the power of judicial review.
- Consisting of the Chief Justice of India and a maximum of 34 judges, it has extensive powers in the form of original, appellate, and advisory jurisdictions.
- Current Chief Justice of India - **Justice Sharad Arvind Bobde, and is the 47th CJI.**
- **First Chief Justice of India is - H. J. Kania.**

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12. Virtual courts are citizen-centric, says Supreme Court judge D Y Chandrachud.

- Supreme Court judge, Justice D Y Chandrachud, Monday termed the virtual courts as “citizen-centric” and said it is an attempt from the judiciary to tell the citizens that “we value your time”. Justice Chandrachud was speaking at the virtual inauguration ceremony for E-projects of the Kerala High Court. He said that virtual courts are being used for traffic or petty offences, and they can be expanded to cover summary trials of various kinds of offenses.
- He further added, Use of AI to translate all judgments of High Courts into regional languages. Let us make the language of the courts available at the doorstep of the litigant by using information technology.

13. Sale, registration of BS-IV vehicles: SC pulls up automobile dealers for ‘violation’.

- The Supreme Court on Monday pulled up automobile dealers saying they had flouted relaxations granted in view of the lockdown for sale and registration of vehicles made to Bharat Stage IV (BS-IV) pollution standards and said it will not permit registration of vehicles beyond what had already been permitted in its earlier order.
- The Bench said it had directed that vehicles sold till March 31 can be registered till April 30 in the “special circumstances”.

14. HC Rebukes Punjab Police for Using Derogatory Term for African National.

- The Punjab and Haryana high court has pulled up the Punjab police for using a racist slur while referring to an African national in police documents, noting that the incident brought shame to India.
- The court observed that it was terrible thinking on the part of police to have assumed that every black person is a drug peddler and that visitors from the continent must be treated with dignity and respect.
- It directed that police personnel should be sensitized and warned on the issue by ensuring that no person should be looked down upon on the basis of the colour of his/her skin.

About Punjab and Haryana High Court

- Punjab and Haryana High Court is the common High Court for the Indian states of Punjab and Haryana and the Union Territory of Chandigarh based in Chandigarh, India.
- As of 28 November 2019, there are 56 Judges in the High Court, comprising 39 Permanent and 17 Additional Judges.
- **Chief Justice of Punjab High Court: Ravi Shankar Jha**

15. SC refuses to stay the Centre's April 4 notification suspending implementation of PCPNDT rules.

Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex-Selection Rules), 1996 (PCPNDT).

- The Supreme Court on 15th June refused to stay the Centre’s April 4 notification by which the implementation of certain rules of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex-Selection Rules), 1996 (PCPNDT), was suspended till June 30, 2020, due to the COVID-19 induced lockdown.

- It said that despite the requirement for maintenance of records being a standard feature of laws regulating medical practices, in the present instance, the PCPNDT Rules have been arbitrarily selected and 'suspended, under the guise of the lockdown.
- The supreme court stated, The action of the Central Government in suspending certain Rules under the PCPNDT Act, 1994, despite not having the power to do so, violates Article 14 and 21 of the Constitution, as (in addition to being without jurisdiction) the Central Government has arbitrarily and selectively weakened legislation aimed at curbing the pernicious activity of sex-selection and sex-determination.

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- Current Chief Justice of India - **Justice Sharad Arvind Bobde, and is the 47th CJI.**
- **First Chief Justice of India is - H. J. Kania (1950-1951)**

16. A clear method for data collection must, says BN Srikrishna: Retired SC Judge.

- India's legal framework on personal data protection should ensure that the purpose for which data is collected is clearly explained and it should lay down a clear methodology for procuring data.
- When data is collected without the consent of the individual, like in the current circumstances where a lot of data is being collected in connection with the Covid-19 pandemic, the law should ensure data anonymization.
- **Srikrishna, who headed the committee which, in 2018, proposed the draft of the Personal Data Protection Bill** said that the line between the right to privacy of an individual and the right of the state to access data is a fine one and the data protection law should guarantee that data collected is only to the extent to which it is required.
- The Supreme Court's seminal 2017 judgment in the case of **Justice KS Puttaswamy v. Union of India** in which the court had held the right to privacy as a facet of the fundamental right to life was instrumental in initiating the debate on the absence of data protection laws in India.

17. Ensure migrant workers reach home within stipulated time: Supreme Court.

- The Supreme Court on Friday (June 19) told the Centre and States to ensure all stranded migrants reach their native places without having to pay any charges. The top court asked the Union as well as the state governments to comply with the 15 days time-limit given on June 9 for the purpose.
- Taking up the Suo Motu matter registered last month with regard to problems and miseries faced by the migrant workers, the bench said that no migrant has to pay anything to go back to home. The court, once again, reiterated its order that the adequate publicity would be given to its order to facilitate the safe return of the migrant workers, who faced the most harrowing times on clamping of nationwide lockdown on March 25, due to COVID-19.

18. Girl from Nilgiri leads petition to 'protect' Western Ghats, Centre, states served notice.

- The petition has cited the “massive environmental disasters” that struck several parts of Kerala and Karnataka during the 2018 monsoon, and in 2019, killing 483 people in Kerala, 16 in Kodagu, Karnataka besides forcing 4.50 lakh people into relief camps as houses were destroyed, roads were washed out and buildings collapsed.
- However, owing to opposition from states, the MoEF set up another committee called the High-Level Working Group headed by former ISRO Chief Dr. K Kasturirangan who further reduced the area to be notified as ecologically sensitive. However, this report too was rejected by many states.
- The ministry had apprised the tribunal of states’ demand for more and more exclusions citing the need for development. It was said that the need for development sometimes runs into conflict with the need for environmental protection and that both aspects need to be balanced.
- In August 2018, the NGT, while frowning upon yet another delay in finalization of the eco-sensitive zones in the Western Ghats, had barred the linked states from making any changes to the ecologically sensitive areas as it “may seriously affect the environment”, especially in the view of the floods in Kerala.

19. Delhi HC Seeks Centre, Delhi Govt's Response On Plea Seeking Details Of Scheme For Orphans.

- Delhi High Court on Friday issued notice to Centre and Aam Aadmi Party (AAP) government on Public interest litigation (PIL) seeking direction to submit a detailed scheme provision for the education, living, and other prospects of life for orphans.
- A division bench of Chief Justice DN Patel and Justice Prateek Jalan asked Centre, Delhi government and others to file a reply on the plea and listed the matter for hearing on July 2.
- The PIL moved in Delhi High Court by petitioner Harpal Singh Rana, a social activist had sought a direction to apply EWS Quota for admission in schools for orphan kids. It also sought a provision for financial assistance to be given to the persons looking after the orphans.

20. SC refuses to stay in Delhi's central vista project.

- The Supreme Court on Friday refused to stay the central government’s central vista project, which envisages among other construction of a new Parliament building for thousands of crores, on the ground that it cannot stop anything carried out as per the law even as the government refused to give any commitment to the court that it would not press on with the project.
- The project involves turning the existing Parliament building into a library and building a new one to house Parliament. A High Court single judge had initially stayed the project. A division bench led by the High Court Chief Justice later stayed the single judge order without hearing the parties.

21. Individuals of same-sex, living together are not competent to enter the wedlock, still, they have the right to live together outside the wedlock; Live-in relationship recognized by the legislature.

- Consensual cohabitation between two adults of the same sex cannot be illegal, far or less crime because it’s a fundamental right which is being guaranteed to the person under Article 21 of the Constitution of India.
- Even if parties who are living together belonging to the same gender are not competent to enter the wedlock, still they have the right to live together even outside the wedlock.

- Adding to the above-stated position the live-in relationship has now being recognized by the legislature itself, which has found its place under the provisions of protection of women from Domestic Violence Act.

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