

***Weekly Legal Updates
for Law Exams
29th June - 05th July***



WEEKLY LEGAL UPDATES for LAW EXAMS: June 29-July 05

1. India cannot exercise jurisdiction to try Italian marines, entitled to compensation from Italy: Permanent Court of Arbitration

- In a setback to India, **the Permanent Court of Arbitration (PCA) at The Hague has decided that in a dispute between India and Italy**, the former is precluded from exercising its jurisdiction to try two Italian marines.
- The decision pertains to an incident of February 2012 when two Italian marines Massimiliano Latorre and Salvatore Girone fired shots while on-board an Italian vessel, Enrica Lexie.
- These shots killed two Indian fishermen who were on board an Indian vessel, St. Anthony.
- **Upholding its jurisdiction to hear and decide the dispute between the countries, the PCA went on to rule that Italy would have jurisdiction to decide on the question of immunity for the marines.**
- **The PCA also ruled that while India's conduct has not been in breach of the United Nations Convention on the Law of the Sea (UNCLOS), Italy breached provisions of the Convention by intercepting the navigation of India's vessel "St. Anthony", on which two Indian fishermen were shot dead by the accused marines.**

Note:

- **The Permanent Court of Arbitration (PCA) is an intergovernmental organization located in The Hague, Netherlands.**
- **It is not a court in the traditional sense, but provides services of arbitral tribunal to resolve disputes that arise out of international agreements between member states, international organizations or private parties.**
- **The cases span a range of legal issues involving territorial and maritime boundaries, sovereignty, human rights, international investment, and international and regional trade.**
- **The PCA is constituted through two separate multilateral conventions with a combined membership of 122 states.**
- **The organization is not a United Nations agency,[6] but the PCA is an official United Nations Observer.**

2. Prima-facie, CLAT should be conducted in vernacular languages too: BCI constitutes committee to study the issue

- **The Council being the regulator of Legal Education and Legal Profession, prima-facie is of the view that no deserving candidate should be deprived from giving the CLAT on account of his/her inability to be proficient in English. India is a vast country having numerous regional languages.**
- **The Committee constituted to study the issue will consist of former and sitting Vice Chancellors of National Law Universities, academicians and two members of the BCI. It will be headed by a former High Court Chief Justice.**
- **It is informed that the Committee will also consider whether the CLAT for this year may be rescheduled only for those candidates who wish to write the exam in vernacular languages, if such a conduct of the exam is found feasible.**

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- Moreover, it is noted that the way ahead that is charted out by the Committee on this issue would be presented before the Supreme Court in an appropriate application. A case concerning the conduct of CLAT is presently pending before the top Court. It was moved in the wake of technical glitches marring the conduct of the law entrance exam in 2018.

3. Educate youths about POCSO provisions: Gujarat high court.

- **The Gujarat high court has called for a need to educate that "young boys who themselves are not major, many a times without realizing the consequences of their act, or "many a times actuated by frenzy of youth", "eventually label themselves as offenders in the matters of POCSO".**
- The bench said that it has been noticed in several Habeas Corpus petitions that "young boys who themselves are not major", owing to their "careless approach towards stringent laws", are rounded up to "face serious consequences of rigorous punishment prescribed under the law".
- Accordingly, the bench directed the concerned Superintendent of Police, to take up this issue with the Anti-Human Trafficking cell and the District Legal Services Authority for creating awareness among the youngsters.

Note:

- The Gujarat High Court is the High Court of the state of Gujarat.
- **It was established on 1 May 1960 under the Bombay Re-organisation Act, 1960 after the state of Gujarat split from Bombay State.**
- The seat of the court is Ahmedabad.
- Current Chief Justice: **Justice Vikram Nath.**

4. State of California sues Cisco and two Indian origin employees for caste discrimination in the USA.

- The Department of Fair Employment and Housing (DFEH) has filed a lawsuit in the Federal District Court of Northern District of California alleging caste discrimination on the part of Cisco and two of its Indian origin employees.
- The lawsuit filed by the DFEH says,

"Cisco engaged in unlawful employment practices on the bases of religion, ancestry, national origin/ethnicity, and race/color against Complainant John Doe, and after Doe opposed such unlawful practices, Cisco retaliated against him. Cisco also failed to take all reasonable steps to prevent such unlawful practices in its workplace".

- DFEH goes on to claim that in February 2018, Kompella became the Interim Head of Engineering for Cisco's team after Iyer stepped down. In his new role, Kompella supervised Doe and continued to discriminate, harass, and retaliate against Doe by, for example, giving him assignments that were impossible to complete under the circumstances.
- **The complaint also refers to a study by Equality Labs, which found that 67% of Dalits were reported as being treated unfairly at their American workplaces because of their caste and related characteristics.**

5. New bride's conduct of being in her room or not showing initiative in doing household work not cruelty:

Delhi HC

- A new bride's conduct of being in her room or not showing initiative in doing household work can by no stretch of the imagination be described as cruel behavior towards the husband, the Delhi High Court recently held.
- The divorce petition was finally dismissed on the ground that the Appellant failed to prove the allegations of unchastely leveled against the Respondent and also could not establish that the Respondent treated him with cruelty.
- The High Court considered the case before it and observed that the most serious allegation made by the Appellant was with regard to the Respondent leading an adulterous life.
- The Court, however, noted that while the Appellant failed to file any proof regarding the allegation of adultery post-marriage, the fact that the Respondent had an affair before the marriage was completely meaningless.
- **A new bride would be hesitant in her new surroundings in the matrimonial home. It is always for the husband's family to make the new bride feel at home and accepted as a family member. Therefore, such conduct of the respondent No.1/wife of being interested in remaining in her room or not showing initiative in doing household work can by no stretch of imagination be described as cruel behavior and that too upon the appellant/husband: Delhi High Court.**

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.**

6. The decision to bring sanitary napkins under "essential commodities" should be taken after due consultation: Centre tells Bombay High Court.

- The Centre has told the Bombay High Court that a decision to bring sanitary napkins under the ambit of essential commodities can be taken only after a due and consultative procedure.
- **The Ministry of Health and Family Welfare (MoHFW) expressed its willingness to include sanitary napkins under essential commodities. However, it added that the same can only be done after following due procedure, which includes an assessment of the market scenario, quality, and costing of the product, as well as preferences of the purchasers.**
- However, the scheme for procurement of sanitary products has been largely decentralized since 2015-16, Centre adds. It points out that a competitive bidding process is undertaken by the States and Union Territories to ensure the procurement of products with good quality standards. The National Health Mission provides technical and financial support to States based on their proposals.

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. Are Family Courts empowered to receive evidence that is collected in breach of privacy of a party? Delhi HC answers

- The Delhi High Court has held that even if the evidence is collected in breach of privacy of a party, Section 14 of the Family Court Act empowers the Family Court to receive the same for the purpose of a case before it.
- *"In a contest between the right to privacy and the right to a fair trial, both of which arise under the expansive Article 21, the right to privacy may have to yield to the right to a fair trial."*, **the Court stated.**
- Stating that the law in India in relation to 'admissibility' of evidence was "crisp, clear and consistent", the Court recorded that unless there was an express or necessarily implied prohibition in the Constitution or other law, evidence obtained through illegal means was not liable to be shut out.
- *"Family Courts have been established to deal with what are essentially sensitive, personal disputes, matters, by the very nature of the relationship from which they arise, involve issues that are private, personal and involve intimacies. It is easily foreseeable therefore, that in most cases that come before the Family Court, the evidence sought to be marshalled would relate to the private affairs of the litigating parties" the court stated.*

8. Delhi HC Issues Notice On Plea To Ensure Display Of Country Of Origin On E-Commerce Site Products.

- The Delhi High Court on Wednesday issued notice to the Central government and others on a PIL seeking directions to mandate displaying the name of the manufacturing country on the products at e-commerce websites.
- It also sought directions to the Union of India through the Ministry of Consumer Affairs to ensure that the e-commerce entities display the products manufactured in India first, followed by products manufactured by other countries when searched by consumers.
- Earlier this month, **the Government e-Marketplace (GeM), a special purpose vehicle under the Ministry of Commerce and Industry, had made it mandatory for sellers to enter the country of origin while registering all new products on GeM, with an aim to promote 'Make in India' and 'Aatmanirbhar Bharat'.**
- Moreover, sellers who had already uploaded their products are being reminded to update the country of origin, failing which their products will be removed from the GeM.
- The GeM has also enabled a provision for indicating the percentage of local content in the listed products and has also enabled the 'Make in India' feature on its portal.

9. Courts ought to give reports filed by jail or police in bail matters to accused: HC

- The Delhi High Court has made it clear that whenever courts call for any report from jail authorities or the police in a bail application, its copy should be given to the accused for properly understanding the reasons given in it as “this is a basic need for access to justice and for rendering justice to the public at large”.
- A bench of Chief Justice D N Patel and Justice Prateek Jalan said as far as possible, the report of the Investigating Officer (IO) of a case as well as of the Jail Superintendent should be given to the court in advance.
- Similarly, copies of these reports should also be given to the accused in advance so that they can also defend their case effectively and efficiently in the court of law, the bench said.
- **“This is a basic need for access to justice and for rendering justice to the public at large,” it said.**
- **“Ordinarily, as a general rule, it ought to be kept in mind by the courts that whenever any report is called for from the Jail Superintendent and is given to the court either directly or through the prosecutor, copy thereof should be given to the applicant of the bail application.**

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- Chief Justice - **Dhirubhai Naranbhai Patel.**

10. CLAT 2020 to be held on August 22; a Computer-based online exam to be held at centers across the country

- **The Consortium of National Law Universities has decided in a meeting held yesterday that this year's Common Law Admission Test (CLAT 2020) will be held on August 22.**
- **The NLU Consortium has also taken a call to extend the last date of applications to July 10.**
- **This year's exam will be a computer-based online test held at exam centers across the country. In the notification issued today, the Executive Committee of the NLU Consortium has stated.**
- **All candidates who register a temperature of more than 99.14 F will have to take the examination in the isolation lab. Candidates will be allowed to bring masks, gloves, and hand sanitizer.**
- **The full list of examination centers will be notified by July 1.**
- Candidates who have previously registered for CLAT 2020 may also withdraw their applications. The application fee shall be refunded after deducting Rs. 400 for SC/ST candidates and Rs. 500 for all other candidates. Refunds will be made by July 18.

11. All schools entitled to collect tuition fees, regardless of whether they offered online classes or not during COVID Lockdown: P&H HC

- The Punjab and Haryana High Court today held that all schools are entitled to collect the tuition fee, irrespective of whether they had offered online classes during the COVID-19 lockdown period or not.

- Justice **Nirmaljit Kaur**, however, added that schools should "*continue to endeavor and impart online/distance learning so that education is not adversely impacted due to the present or future lockdowns imposed due to COVID-19.*"
- The **school management of each school shall work out their actual expenditure incurred under the annual charges** for the period the school remained closed. **Schools shall recover only such genuine expenditure incurred by them**, including actual transport charges and actual building charges, **but shall not recover any charge for this period for any activity or facility towards which no expenditure was incurred.**
- The **schools shall restrain themselves from increasing the fee for the year 2020-21 and adopt the same fee structure as of 2019- 20.**
- **Any parent not able to pay the school fee** may file their application with proof about their financial status to be looked into by the school- authority.

Note:

- **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.
- The court building is known as the **Palace of Justice**. Designed by Le Corbusier, and several of his other works were inscribed as UNESCO World Heritage Sites in July 2016.
- Current Chief Justice: **Justice Ravi Shankar Jha.**

12. Present law not capable of rendering speedy/fair justice: BCD urges Home Minister to involve Bar Councils in framing Criminal Law Reforms

- The Bar Council of Delhi (the Council), in a letter, addressed to the Union Home Minister **Amit Shah**, has sought the inclusion of Bar Council of India and State Bar Councils representatives in the *Central Committee for Reforms in Criminal Law*.
- "*the legal community in India has many well-experienced experts in criminal law and by virtue of their dealing with criminal cases extensively, they can help the government for bringing a better system and suggest suitable amendments.*"
- Stating that the extensive recommendations made by the **Malimath Commission Report** have not been implemented, the Council calls for a *drastic revamp* of the system, with "*extensive brainstorming*" exercises to ensure that the interests of the public are reflected in legislation.
- The letter points out that the prevailing system of criminal justice has failed to protect the weakest and most vulnerable. The concern is raised that the laws in place "*fail to prevent such crimes or convict such offenders.*"
- **Public discontent with existent systems is evident from agitations and protests**, it is noted. The letter states that the "*inefficiency and lackadaisical attitude of police*" is also responsible for the *erosion of public confidence in the criminal justice system.*

13. All prisons will have a video conferencing facility for a legal interview with advocates of choice: Prison authority informs Delhi HC

- A Delhi prison authority has informed the Delhi High Court that it **has initiated a video conferencing facility for the purpose of the legal interview with private counsel** in Jail No. 6 of Tihar Jail and the facility will be extended to the remaining prisons.

- The statement was made by a Delhi jail authority in a status report submitted by it to the Court in a petition challenging an order suspending legal interview/legal consultation of the inmates with the advocates of their choice on account of COVID-19.
- This facility will also be extended to remaining prisons within a period of 10 to 15 days, the Court was informed.
- **As per the status report, the facility to telephonically contact one's private counsel was already provided to jail inmates.**

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- Chief Justice - **Dhirubhai Naranbhai Patel.**

14. Tushar Mehta re-appointed as Solicitor General for India, six new ASGs for Supreme Court-appointed

- The Appointments Committee of the Union Cabinet has approved the re-appointment of Senior Advocate **Tushar Mehta** as Solicitor General for India, for a period of three years.
- **Vikramjit Banerjee, Aman Lekhi, Madhavi Divan, KM Nataraj, and Sanjay Jain** have been re-appointed as Additional Solicitors General.

15. Telangana High Court inaugurates Mobile Video Conference Facility to aid lawyers from remote areas address the virtual court

- With a view to aid lawyers who face difficulties in participating in the video conference hearings before Court amid the COVID-19 pandemic, the Telangana High Court today inaugurated a **Mobile Video Conference Facility**.
- The mobile van will go to the remote places in the State so that advocates residing in that vicinity can make use of the mobile video conference facility and address the virtual court.
- The High Court rolled out the initiative in view of concerns by certain lawyers that it was difficult to attend the virtual court proceedings due to inadequate facilities and the court's remote functioning amid the COVID-19 pandemic in Telangana.
- A mobile van with the required infrastructure for the "Mobile Video Conference Facility" was provided by the District Collector.

Note:

- The **High Court of Telangana** is the High Court of the Indian state of Telangana.
- **Founded by the 7th Nizam Mir Osman Ali Khan**, initially, it was set up as High Court of Hyderabad for the then Princely State of Hyderabad Deccan and later renamed High Court of Andhra Pradesh, as it was set up on 5 November 1956 under the States Reorganisation Act, 1956.
- The Andhra Pradesh High Court was renamed as **High court of Judicature at Hyderabad** in view of bifurcation of Andhra Pradesh state.
- Current Chief Justice: **Justice Raghvendra Singh Chauhan.**

16. Show Sensitivity In Blatant Detention Matters: P & H High Court Tells Sessions Courts

- The Punjab and Haryana High Court was recently prompted to urge lower courts to *be more sensitive* to the accused in cases of "blatant detention".
- ***The Court has failed to take into consideration that the petitioner has been detained as such on a disclosure statement which may not stand the scrutiny in the Court of law. Apparently prima facie the investigating officer has overstepped his jurisdiction in his keenness to solve the crime as such which was not appreciated by the Additional Sessions Judge.***
- Therefore, the High Court proceeded to allow the bail plea, while clarifying that it has not made any observations on the merits of the case for the purpose of the trial.
- The bail petitioner, though unnamed in the FIR, was arrested on the basis of *disclosure statements* recorded by the investigating police officer. He had remained in police custody since December 12, last year.

Note:

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- Current Chief Justice: **Justice Ravi Shankar Jha**.

17. NITI Aayog decides to work with key stakeholders on the Online Dispute Resolution framework

- As India fights COVID crisis, NITI Aayog, in a first, has decided to work with the key stakeholders to develop **Online Dispute Resolution as a viable and sustainable form of dispute avoidance and dispute resolution**.
- **It has also synergized the legal acumen of Supreme Court Judges and experience of industry experts to reduce the burden of courts, by making dispute resolution cheaper, quicker and credible as conventional methods of dispute resolution**
- *It is highly likely there will be a deluge of disputes in the courts - most notably in **lending, credit, property, commerce, and retail** - in the coming months that will require expedient resolution. So while we digitize courts. We will still need a collaborative mechanism of resolution that does not require parties to approach courts,* he said.

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Surajit Shantanu, Navin, Savitri, Ankit, Pranav

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