

***Weekly Legal Updates
for LAW EXAMS
JUNE 22-26.***



WEEKLY LEGAL UPDATES for LAW EXAMS: JUNE 22-26

1. Secrecy of ballot is the cornerstone of free and fair elections, says Supreme Court

- The secrecy of the ballot is the cornerstone of free and fair elections. The choice of a voter should be free and the secret ballot system in a democracy ensures it, the Supreme Court has held in judgment.
- "It is the policy of the law to protect the right of voters to the secrecy of the ballot. Even a remote or distinct possibility that a voter can be forced to disclose for whom she has voted would act as a positive constraint and a check on the freedom to exercise of the franchise," a three-judge Bench of Justices N.V. Ramana, Sanjeev Khanna, and Krishna Murari observed.
- The High Court found that some of the panchayat members had violated the rule of secrecy of the ballot. It relied on CCTV footage to conclude that they had either displayed the ballot papers or by their conduct revealed the manner in which they had voted.

2. Centre moves SC, seeks nod for Puri Rath Yatra without public participation

- The Centre on Monday told the Supreme Court that Lord Jagannath's Rath Yatra in Puri can be allowed to be held this year without public participation in view of the coronavirus pandemic, saying the "tradition of centuries may not be stopped".
- The Odisha government also supported the Centre's stand in the apex court, which is likely to hear the plea seeking modification of its June 18 order staying this year's Puri Rath Yatra due to the Covid-19 pandemic.
- Three heavily-built wooden chariots of Lord Jagannath, Lord Balabhadra and Devi Subhadra are traditionally pulled by thousands of devotees over a distance of three kilometers twice during the nine-day festival of the Trinity at Puri.
- The application filed by 'Jagannath Sanskruti Jana Jagarana Manch' has sought modification of the June 18 order, saying the festival is deeply associated with the religious beliefs of millions of devotees of Lord Jagannath and it is "not impossible and impracticable" for the state and district administration to conduct the yatra by maintaining social distancing and following the Centre's guidelines.

3. Conduct CLAT in local languages: Delhi HC directs BCI to consider a petition as a representation

- The Delhi High Court has directed the Bar Council of India (BCI) to consider as a representation a petition seeking the conduction of the Common Law Admission Test (CLAT), including the one which is yet to take place for 2020, in local languages. (*Pratham Kaushik & Anr vs UOI & Ors*)
- Considering that the forms for CLAT 2020 are to be deposited by June 30, a Single Judge Bench of Justice **Najmi Waziri** said that it would be preferable that a decision is taken by the BCI prior to that.
- The petition was preferred by a CLAT aspirant and an unregistered forum of parents and students who want the CLAT Exam to be conducted in the Hindi language.
- It is the Petitioners' concern that the absence of provisions to write the exam in local languages, and not English, was hindering several eligible candidates from participating in the examination.
- Stating that all students had the equal right to participate in a competitive exam and receive education from the national law universities, the Petitioners contended,
- "giving primacy to English is not only unjust, unfair, improper but it is also in the teeth of Article 343 of the Constitution of India which says that Hindi is the National Language of India."

4. Setback for Bank of Baroda: Supreme Court allows RBI regulatory action.

- What comes as a setback for Bank of Baroda (BoB), the Supreme Court allowed the Reserve Bank of India (RBI) to take “necessary” action against the Bank for failing to meet its commitments, on the invocation of a bank guarantee. The Supreme Court dismissed the plea by BoB, directing for regulatory action.
- SC was hearing a plea by BoB, challenging a Calcutta High Court order. On Feb 10, the Calcutta HC had directed for RBI to consider “appropriate steps” against BoB, “including revoking its license” for refusing to honor the bank guarantee.
- After the Calcutta HC had dismissed the BoB plea, the Bank moved the SC. However, the SC held that it saw no reason to interfere with the Calcutta HC order, directing regulatory action. The SC order directed that it shall be open for the RBI to take action as per the facts and circumstances of this case.
- The RBI Master Circular of July 2013 clearly directs Banks to release payment when Bank Guarantees are invoked, without “delay or demur”.

5. Air Force civilian cooks can't be allowed to go home after duty, likely to bring back COVID-19, says HC

- Air Force civilian cooks, who have to stay away from their families 28 days in a month including 14-day quarantine, cannot be permitted to return home after duty hours every day as they are likely to bring COVID-19 infection on reporting back for duty which will endanger the Air Force personnel, the Delhi High Court has said.
- A bench of Justices Rajiv Sahai Endlaw and Asha Menon, conducting hearing through video conferencing, said the cooks cannot seek enforcement of employment terms as in the normal times when the entire country is going through the abnormal situation.
- The counsel for the Central government said he has no instructions but will convey this order to the authorities to consider, in consultation with the cooks at each Station, whether any better arrangement as per exigencies can be worked out.
- “We do not find any merit in the petition. We dispose of the same requesting the respondents to, either centrally or regionally or at each station, hold consultations with the representatives of the members of the petitioner and to explore if any other arrangement, satisfactory to the members of the petitioner, can be worked out. However merely because this direction has been issued, would not confer any right in the petitioner or its members,” the bench said.

6. Midnight Hearing: Gujarat High Court declines to grant permission for Jagannath Rath Yatra in Ahmedabad (again).

- The State of Gujarat moved the High Court late at night urging the High Court to review its stay order passed last Saturday on the Yatra and to allow the same to happen in Ahmedabad.
- In its application, the State had emphasized that it appreciates the present pandemic situation in Ahmedabad.
- However, keeping in mind the 142-year old tradition involved in the regular conduct of the Rath Yatra every year in the city, and given the religious sentiments attached to the event, the High Court was urged to modify its order halting its conduct this year.
- On similar lines, the High Court was urged to allow the Yatra's conduct in Ahmedabad while unconditionally undertaking to strictly abide by various safety measures. Permission was given subject to complying with certain conditions imposed by the top Court for the safe conduct of the Yatra amid the pandemic.

- Telangana HC notices to Centre, State over objectionable content on Twitter
- Telangana High Court on Monday issued notices to Central and State governments in a PIL petition seeking direction to them to ensure social media giant Twitter stopped trending of posts linking religion to coronavirus pandemic.
- The petitioner requested the court to instruct the governments to ensure along with Twitter all other online and social media platforms do not circulate any content connecting religion with coronavirus pandemic. He also pleaded that criminal cases be registered against all persons posting such content online.

7. Work out a plan for financial help to indigent lawyers during COVID: HC to BCD, advocates trust

- **The Delhi High Court on Wednesday asked the Bar Council of Delhi (BCD) and the Advocates Welfare Trust to work out a plan to provide some economic relief to their members who have been financially hit by the COVID-19 pandemic.**
- The suggestion by the high court came while hearing a plea seeking ex-gratia payment of Rs 25,000 to each member of the trust who is suffering financially in the wake of coronavirus.
- *"These are your own members. Explore the possibility of what can be done. Look at setting criteria for providing ex-gratia," the high court said and added, "consider the requirements of medical facilities as well as livelihood".*
- The bench asked both the trust and BCD to file a report highlighting what they have done till now and what they intend to do in the coming future and listed the matter on July 7 for further hearing.

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.**

8. Rehabilitate, give compensation to migrants whose shanties were burned down: Karnataka HC

- In an order passed today, the Karnataka High Court directed the state government to rehabilitate and provide compensation to migrants in Bangalore whose huts had been burned down by miscreants earlier this year.
- While doing so, the Court opined that the burning down of 90 unoccupied huts in March was a "very high-handed action", which violated the rights of the hut-dwellers.
- This observation came in a *suo motu* plea dealing with the burning of temporary shanties that had housed migrant workers in the city.

"Prima facie, it appears to us that this is an instance of a very high-handed action on the part of the interest persons of destroying the huts thereby violating the constitutional rights under Art 21 of the Constitution of India of the hut-dwellers."

- The Court was further informed by the state government that the miscreants - who included both arrested as well as absconding persons - were found to have political backgrounds.

Note:

- The Karnataka High Court officially known as Karnataka Uccha Nyayalaya is the High Court of the Indian state of Karnataka.
- It is located in Bangalore, the capital city of Karnataka. It was previously called the High Court of Mysore.
- The High Court functions out of a red brick building known as Attara Kacheri.
- Current Chief Justice: Justice **Abhay Shreeniwas Oka**.

9. **"Unbecoming of an Indian woman" to sleep after being ravished, not how our women react: Karnataka HC while granting bail to rape accused**

- While granting anticipatory bail to a rape accused, the Karnataka High Court on Monday strangely observed in the order that it was **"unbecoming" of an alleged rape victim to have fallen asleep after being "ravished"**.
- The rape accused in the instant case was employed by the complainant for the past two years. It was alleged that the accused had developed sexual relations with the complainant on the false pretext of marriage. On the night of the incident, the accused got into the complainant's car and went to her office, where he allegedly raped her.
- Subsequently, the accused was charged under Sections **376** (sexual assault), **420** (Cheating) and **506** (criminal intimidation) of the *Indian Penal Code* (IPC) as well as Section **66-B** of the *Information Technology Act, 2000* (IT Act).

"The version of the complainant that she was subjected to rape on the false promise of marriage in the given circumstances of the case, is a bit difficult to believe at this stage; there is a letter allegedly written by the complainant to the effect that she was ready to withdraw the complaint if a compromise is brought about...nothing is stated by the complainant as to why she did not approach the Court at the earliest point of time when the petitioner was allegedly forcing her for sexual favors.": Karnataka High Court.

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10. **Vizag Gas Leak: AP HC Permits South Korean Employees Of LG Polymers' Parent Company To Leave India**

- The Andhra Pradesh High Court on Wednesday **permitted seven South Korean employees of LG Chem Ltd., the parent company of LG Polymers India Ltd - which was the source of the leak of styrene gas near Vishakhapatnam to leave India.**
- The permission was granted by the same bench which is hearing the suo moto case registered against LG Polymers while stating that the South Korean employees do not have any liability vis-à-vis the untoward incident. A bench comprising Chief Justice JK Maheshwari and Justice Lalitha Kanneganti said,

"Petitioners came to India as a part of the Expert Team being employees of the parent company, primarily they may not have any liability of the incident, more so, when they are not the employees of the LGPI and are the employees of the parent Company LGC and came to India from South Korea to assist or to find out the cause for the incident. In such a situation, we deem it appropriate to direct the authorities to permit the petitioners to travel from India to South Korea."

- The court however observed that the Petitioners did not appear to have any liability of the incident, more so when they are not the employees of the LGC.

Note:

- The **Andhra Pradesh High Court** is the High Court of Indian State of Andhra Pradesh.
- The seat of the High Court is at Amaravati, the capital of Andhra Pradesh.
- The court complex currently used for High court was named as "*Judicial complex*" and will be used for "*City civil court*" after the inauguration of Permanent High court building.
- Current Chief Justice: **Justice Jitendra Kumar Maheshwari**

11. Supreme Court okays scheme proposed by CBSE for Class X, XII exams

- The Supreme Court has agreed to a scheme proposed by the Central Board of Secondary Education (CBSE) to assess the final performance of students in their classes X and XII exams.
- The CBSE and ICSE had canceled the remaining exams scheduled between July 1 and 15 to protect the students from the COVID-19 pandemic.
- According to the notified scheme, the marks of Classes X and XII students who have completed their exams would be based on their performance. In the case of those who have completed exams in more than three subjects, the average marks in their best three performing subjects would be taken for assessing the scores for the canceled July exams.
- If students have appeared for only three exams so far, the average of the best two subjects would be taken for assessing the exams missed out in July. In a few cases like in Delhi, if students have appeared in one or two subjects, the average of these marks plus their internal and practical scores would be used for the assessment.
- However, Class XII students can choose to appear for "optional examinations" to be held in the future for the subjects for which the exams were canceled.

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.**

12. HC queries Centre, RBI on different treatment to PMC Bank depositors vis-a-vis Yes Bank

- The Delhi High Court has directed the RBI and the Centre to explain as to how the **depositors of scam-hit Punjab and Maharashtra Cooperative (PMC) Bank are "differently circumstanced" in comparison to Yes Bank**, which was revived after infusion of funds by investors including state-owned SBI.
- The court noted that as per a March notification issued by the Centre, **the RBI, as well as the central government, had a crucial role to play in the decision taken to permit, firstly, the Yes Bank Limited Reconstruction Scheme 2020 being brought into play and, secondly, to have it funded.**
- *"In these circumstances, the RBI will file an affidavit as to what propelled it to take action in the 'public interest' to secure the interest of the depositors of Yes Bank and the reason why the Union of India accorded sanction to the reconstruction scheme,"* the high court said in the order
- *"Given the dire state in which the depositors of PMC Bank are placed today, the Administrator, to my mind, should approach the concerned Court and make an endeavor to hasten the process. The circumstances created by the coronavirus pandemic affects even the depositors of the PMC Bank,"* the judge said and asked the administrator to revert on this aspect by filing an additional affidavit in three weeks.
- The court was hearing a plea seeking direction to the Reserve Bank of India (RBI) to issue a statement on timelines and safety of deposits with the PMC Bank and to ensure that payments are made to depositors in full along with interest.
- In these circumstances, **the RBI will file an affidavit as to what propelled it to take action in the public interest' to secure the interest of the depositors of Yes Bank and the reason why the Union of India accorded sanction to the reconstruction scheme**, the high court said in the order which was passed on Thursday and made available on Friday.

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