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NEWSLETTER

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NATIONAL NEWS

DESPITE ALL THE DISPLEASURES AND CHALLENGES, NLAT CONCLUDES



Source: Bar and Bench

A notification was issued on 3rd September by National Law School of India University (NLSIU), announcing to conduct their own entrance exam for UG and PG students - National Law Aptitude Test (NLAT) because of the continuous delay in the CLAT 2020 due to the pandemic. The former Vice-Chancellor of NLSIU, approached the Supreme Court challenging NLAT stating that the decision taken by the Executive Council of NLSIU to conduct NLAT is illegal and the decision to conduct a separate exam is violative of the Memorandum of Understanding signed by the NLUs as well as by the laws of the Consortium and the act of NLSIU can lead to the collapse of the Consortium respectively.

NLSIU responded by stating that if the admission process gets delayed beyond September, then their trimester calendar will collapse. It will result in a loss of Rs. 16 crore and will also lead to 'zero-year' with no admissions. In order to prevent that, the college decided to conduct a separate test which is only for this year.

The 3 judge bench headed by Justice Ashok Bhushan, in the Supreme Court on Friday allowed NLSIU to conduct the NLAT exam after the Jharkhand High Court dismissed the petition

challenging NLAT. However, the court has directed not to declare the result of NLAT or conduct admissions, since the university is supposed to file its response and post the case for further hearing on 16th September. As directed by the apex court, NLAT was held on 12th September but faced some major issues minutes within the commencement of the test.

Students across the entire country couldn't login using the credential they had got. In many cases the verification took more than 45 minutes and students didn't get any extra time for the same. Further in some cases, verification did not complete at all and thus students couldn't write the paper. Some students got constant reminders of 'face not detected' when after they were sitting right in front of the web cam and some students got multiple reminders that their microphone is turned off when the students were sure it wasn't. A few students reported that the slot message they received the night before and the one they got on the day of exam was different from each other and some students reported that when they opened the portal, it showed that they have already completed the test. Amidst all issues, students tried calling the helpline number. Mostly, it wasn't picked up and in some cases, the advice wasn't useful. In the eyes of the students, NLAT seems to be a complete failure as the university was ignorant about some major points that needed to be addressed before conducting the exam.

CENTRAL CONSUMER PROTECTION AUTHORITY ISSUES GUIDELINES FOR ADS

A comprehensive draft guideline has been released for advertisement by the Central Consumer Protection Authority (CCPA). The guidelines prescribe for disclaimers to be made in small fonts and which are not factual thereby meaning that they are misleading advertisements. The guidelines hold service providers, advertisement agencies and manufacturers liable for fake advertisements aiming to curb unfair trade practices. The central provisions state that the disclaimer should be easily visible and lucid for a normal viewer to understand. The language and the font of disclaimers should be exactly replicating to the claim made by the advertiser. Further, material information should not be hidden under the shadow of the disclaimers such as



‘claims’ since their absence will lead to deceptive advertising. In case of voiceovers, the disclaimers should be in sync with the displayed claims on the screen. Through these guidelines, the Central Consumer Protection Authority is moving a step forward towards ensuring that false claims are not made in the public domain so as to fool them. It thus specifies the duties of the advertiser towards the viewers.

RAFALE JETS FORMALLY INDUCTED INTO THE AIR BASE IN AMBALA BY THE INDIAN AIR FORCE.



Image Source: Economic Times

The Indian Air force has in September 2020 formally inducted Rafale aircrafts at the Airforce station of Ambala which will be a part of the 17 squadron named golden arrows. With the first five aircrafts having arrived from France on July 27 2020, the Inter-governmental agreement between India and France for the purchase of 36 Rafael fighter jets is now being executed. Rafale is a French multirole fighter aircraft with twin engines. Having a 70 km range it can be used against bunker-type hardened targets. Designed by Dassault Aviation, it has a wide range of weapons that will enhance the military strength of the Indian Air Force.

KESAVANANDA BHARATI PASSES AWAY

The head of the Edneer Mutt at Kasaragod in Kerala, Mr. Kesavananda Bharati who moved the Supreme Court on 21 March 1970 against the state of Kerala under the case of Kesavananda Bharati Sripadagalvaru and Ors. Vs. State of Kerala and others (1973) challenged the government of Kerala's act of taking over the land owned by the mutt under the Land Reform Act 1969, passed away on September 6 2020 at an age of 79. It is due to this case that the Supreme Court laid that the basic structure of the Constitution is inviolable thereby cannot be amended by the Parliament. The petitioner contended for the enforcement of the rights guaranteed under Article 25 of the Indian Constitution (Right to practice and promulgate religion), Article 14 (Right to equality), Article 31 (compulsory acquisition of property) along with Article 26 (Right to manage religious

affairs) and Article 19(1)(f) (Freedom to acquire property) of the Indian Constitution before the apex court. The petition was heard for 68 working days by a 13 judge bench which was the largest ever bench thereby making history.

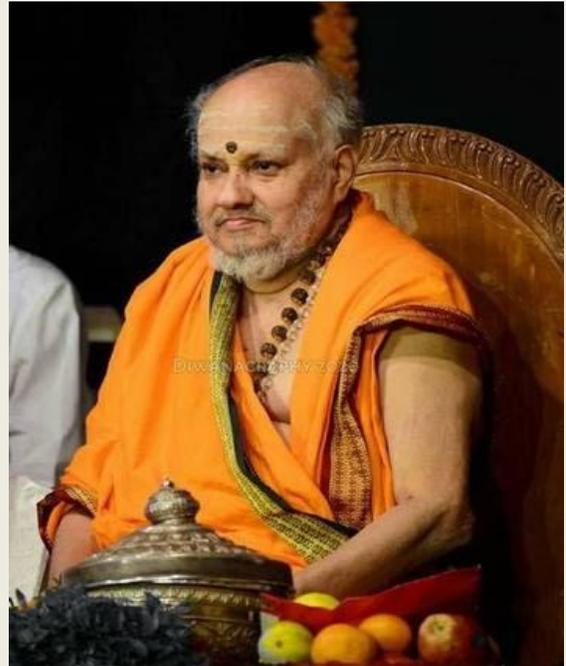


Image Source: The Hindu

INTERNATIONAL NEWS

KHASHOGGI TRIAL FELL SHORT ON TRANSPARENCY, ACCOUNTABILITY



Image Source: Reuters

Geneva: On 8th September, 2020, the United Nations Human Rights office said that the Saudi trial into the killing of the journalist Jamal Khashoggi lacked transparency and has fallen short on assigning accountability for the crime.

Four months after his family forgave his killers and enabled death sentences to be set aside, A Saudi Arabian court on 7th September, 2020, jailed eight people for between 7 to 20 years for the 2018 murder of Saudi journalist Jamal Khashoggi. The U.N. opposes the death penalty. U.N. spokesman Rupert Colville told a Geneva briefing: “This is case where there has not been proper transparency in the justice process, those responsible should be prosecuted and given sentences commensurate with the crime. There is a whole issue of transparency and accountability in the case”.

THE LARGEST MIGRANT CAMP IN EUROPE WAS SET ABLAZE



Image Source: Business Insider and Reuters

The Moria Refugee Camp lies in Lesbos, Greece. It was built in 2015 to accommodate 3,000 people, but was over capacity with about 20,000 people living there. To accommodate everyone living there, makeshift camps were built. According to the United Nations Refugee Agency, over 4,000 children, including 407 who are unaccompanied, resided at the refugee camp. The European Union has tried to settle these migrants among its member states but till now the respective governments have rejected various proposals and migrants have waited in unpleasant conditions.

The blaze started on 8th September in the campgrounds, on the island of Lesbos and quickly spread. The authorities are still not sure the cause of the fire which began in different parts of the camp, but Greek Migration Minister Notis Mitarachi said the "incidents in Moria began with the asylum seekers because of the quarantine imposed". Around 35 people were tested positive for COVID 19 but some of them had refused to move into isolation.

Athens issued a state of emergency. The firefighters trying to extinguish the fire were met with a pushback from refugees. Constantine Theophilopoulos, a fire chief, said, "Migrants threw stones at firefighters trying to put out the fires. The cause is under investigation". Many refugees slept in fields and roads as they were blocked by the authorities from going to nearby towns for shelter.

FOREIGN MINISTERS OF RUSSIA, INDIA, AND CHINA MEET IN MOSCOW



Image Source: Economic Times

The Foreign Ministers of Russia, India, and China (RIC) met in Moscow on 10th September with a hope to ease tensions along the Line of Actual Control. Russia which holds the current Presidency of RIC and was the host of this meet. It was a Confidence Building Measure and provided an opportunity for face to face channel of communication before bilateral meet between S. Jaishankar and Wang Yi (Foreign Ministers of India and China respectively).

Russia has been playing a quiet but an important role through backchannels to defuse Sino-Indian tensions so as to reach a mutually acceptable solution between the two nations and wants to preserve the sanctity of RIC-SCO-BRICS amid the ongoing turmoil. The foreign ministers of the three countries meet periodically to discuss various issues of their interest. The last RIC meet was held virtually on June 23.

Earlier, it was said by the top government sources that the standoff “can take any trajectory”, indicating that the possibility of a conflict cannot be ruled out but there was still a room for dialogue and engagement at diplomatic and military levels. India emphasizes on a peaceful resolution for the ongoing tensions with China in eastern Ladakh.

EU WARNS UK OF LEGAL ACTION OVER PLAN TO BREAK BREXIT DEAL

Britain is a member of the EU in everything but name until the end of the year when a transition agreement expires although it signed the treaty and formally left the EU in January. The EU and Britain argued over a planned British law that according to the EU would violate the Brexit deal. The bloc suggested Britain to withdraw the planned law dealing with Northern Ireland trade or to face a legal battle, but UK Prime Minister Boris Johnson's government refused and pressed ahead with a draft law.



Image Source: The Street Journal

European Commission vice-president Maros Sefcovic warned UK to change its decision by September end saying that “If the bill were to be adopted, it would constitute a serious violation of the Withdrawal Agreement and of international law. The Withdrawal Agreement contains legal remedies, which the EU will not be shy in using.”

The EU said that Britain's proposal has seriously damaged trust which London must now take steps to re-establish. Europe's leaders have been handed an ultimatum to either accept the treaty breach or prepare for a messy divorce that could create chaos through supply chains across Europe and unnerve global financial markets.

LEGAL NEWS

AMENDMENT TO THREE LABOUR CODES APPROVED BY THE CABINET

Union cabinet has on Sept 8, 2020 approved amendments to three labour codes including industrial relations, social security and health out of those proposed under the Industrial Relations Code 2019 Bill. The bill seeks to provide medical benefits to gig workers along with pensions. The aim of this bill is to replace former labour laws namely Industrial Employment (standing Orders) Act, 1946; Trade Union Act, 1926 and Industrial Dispute Act, 1947. The bill also states for the constitution of industrial tribunals for the adjudication of industrial disputes the composition of an Industrial tribunal shall be of an administrative member and a judicial member. It also mandates a prior notice of 14 days by the employees to the institution before restoring it to a strike. The bill shall also recognise trade unions. A definite area for fixed term employment shall be defined under the code. However, one of the major concerns is that the government shall be allowed to modify or reject an award by industrial tribunal and national industrial tribunals thereby violating the principle of separation of power between the tribunal and the government.

RAPE IS VIOLATION OF VICTIM'S FUNDAMENTAL RIGHT UNDER ARTICLE 21



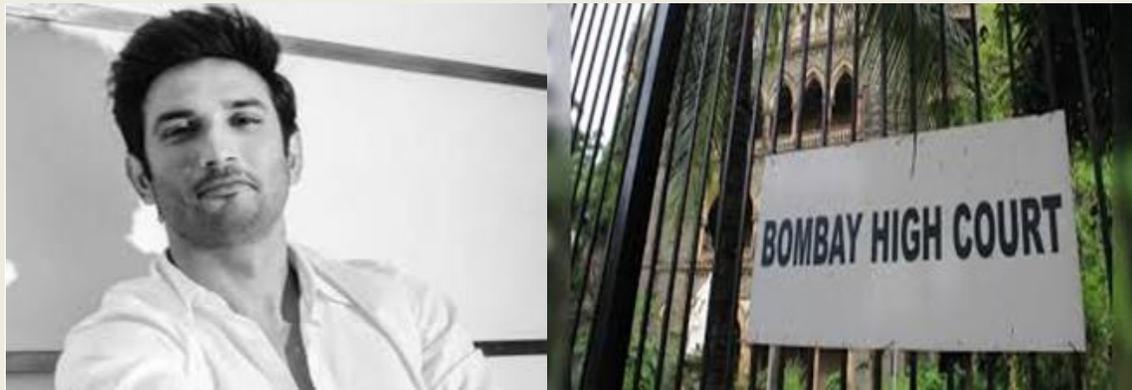
Image Source: Legal India

Guwahati High Court observed in the case of Nasir Uddin Ali v State of Assam, while dismissing the appeal filed by a rape convict that rape is a violation of the fundamental right of the victim under Article 21. Justice Rumi Kumari Phukan stated that rape tantamount to a serious blow to the supreme honour of a woman and is a crime against the entire society as well. “In a civilized society, respect or reputation

is a basic right, and no member of society can afford to conceive the idea that he can create a

hollow in the honour of a woman. Hence, the courts are sensitised that rape is a violation of victim's fundamental right under Article 21 of the Constitution and rape victim is placed on a higher pedestal than an injured witness", observed Justice Rumi.

“COURT EXPECTS MEDIA TO SHOW RESTRAINT IN REPORTING & NOT HAMPER INVESTIGATION IN SUSHANT SINGH RAJPUT’S DEATH CASE”, ORDERS BOMBAY HIGH COURT



Source: Deccan Herald & Times Now

On 3rd September, a bench of Justices SP Tavde and AA Sayed of Bombay HC in the case of Nilesh Navlakha & Anr v Ministry of Information and Broadcasting ordered that it urges and expects the media to show restraint while reporting the developments in the case relating to the death of actor Sushant Singh Rajput and should not report in a manner which hampers the ongoing investigation in the matter. Filmmaker Nilesh Navlakha is the petitioner in the present case. Further, Bombay High Court has issued notice to the Centre to enforce its program code against the TV channels to stop the “media trial” in the case.

The bench also considered another PIL filed by ex-IPS officers against the media contending that the media was carrying out a “malicious campaign against the Mumbai police”. Senior Advocate Milind Sathe submitted that media has virtually taken over the investigation and is doing parallel investigation and parallel trial which has exposed material witnesses and crucial materials

seriously prejudicing the investigation and thus violating the right to fair trial and fair investigation enshrined under Article 14 & 21 of the Constitution. “Mumbai police is being called a co-conspirator and there is a malicious vilification campaign which is against the journalistic ethics”, says Sathe. The petitioners sought directions to the Press Council of India, Union of India, and News Broadcasting Standards Authority to issue guidelines to restrain media from publishing any content that may jeopardize Mumbai police’s reputation.

The Press Council of India has expressed disapproval over the manner in which media is reporting SSR’s case and it violates the norms for self-regulation formulated by the News Broadcasters Association. Even, the Law Commission of India, commented that publications on the character of the accused, comments reflecting on the case’s merits, pictures of crime scene, police investigation, etc., directly impinge upon the administration of justice.

NSA CHARGES AGAINST DR. KAFEEL KHAN DROPPED



Source: Republic World

The Division Bench of Allahabad High Court comprising of Chief Justice Govind Mathur and Justice Saumitra Dayal Singh, while giving its decision in habeas corpus petition in the case of Nuzhat Perween v. State of Uttar Pradesh & Anr, dropped NSA charges against Dr. Kafeel Khan and ordered for his immediate release. Dr. Kafeel was in custody for more than six months under the stringent provisions of National Securities Act, 1980 for his allegedly provocative speech. Court observed that his speech at Aligarh Muslim University amid anti CAA protests did not

instigate hatred against any community or promoted violence. Court declared his detention illegal and set aside the order of detention passed by the District Magistrate of Aligarh under the NSA Act. “By very nature, the order of preventive detention could have been issued to prevent an occurrence but not punitively or merely by way of a consequence of the occurrences that were two months old”, observed HC.

COVID NEWS

INDIA’S FIRST INTEGRATED AIR AMBULANCE LAUNCHED BY KARNATAKA



Image Source: Maps of India

Karnataka is the first state in India to launch an integrated air ambulance with capacity to provide long distance emergency medical services. Being equipped with German Isolation Pods, the air ambulances has a helicopter and a land ambulance service which provides for last mile connectivity as well. This is resultant of a joint collaboration between International Critical Air Transfer Team (ICATT) and Kyathi. The ambulance is set to provide 27*7 medical facilities along with facilities for the timely treatment of Covid-19 patients as well. Since surveys have reflected that more than 80% of Indian population is deprived of access to beneficial medical facilities so as to get timely treatment, this ambulance shall aim to bridge the gap since it cuts travel time as patients can be airlifted if needed in cases of floods and other emergencies.

IMPORTANT DATES

5TH SEPTEMBER: NATIONAL'S TEACHERS DAY

National Teachers Day is celebrated on 5th September to commemorate the birth anniversary of a great teacher, scholar and former President of India, Dr Sarvepalli Radhakrishnan. When his students once approached him and requested to allow them to celebrate his birthday, he advised them to instead celebrate his birthday as Teachers Day to pay homage to other great teachers.

5TH SEPTEMBER: INTERNATIONAL DAY OF CHARITY

International Day of Charity is celebrated by United Nations to celebrate the death anniversary of Nobel Peace Prize winner Mother Teresa, who dedicated her life for work undertaken in struggle to overcome poverty and distress, which also constitute threat to peace. The day is celebrated in order to recognize the role of charity in alleviating humanitarian crisis and human suffering within and among nations, as well as efforts of charitable organizations and individuals.

8TH SEPTEMBER: INTERNATIONAL LITERACY DAY

This day is celebrated, every year since 1966, by UNESCO to remind the public of the importance of literacy as a matter of dignity and human rights, and to advance the literacy agenda towards a more literate and sensible society. This year's theme is "Literacy teaching and learning in the Covid-19 crisis and beyond with a focus on the role of educators and changing pedagogies" to highlight literacy learning in a lifelong learning.

10TH SEPTEMBER: WORLD SUICIDE PREVENTION DAY

The day is celebrated by the International Association for Suicide Prevention every year to raise awareness that suicide is preventable. This year's theme is "Working Together to Prevent Suicide". This year's theme highlights the most important ingredient of suicide prevention which is collaboration. We all have a role to play and together we can collectively address the challenges presented by suicidal behavior in society today, especially in the times of this pandemic which has affected mental health majorly.

REFERENCES:

- www.barandbench.com
- www.livelaw.in
- www.bbc.com
- www.gktoday.in
- www.thehindu.com
- www.reuters.com
- www.timesofindia.indiatimes.com
- www.economictimes.indiatimes.com