

ALL INDIA LEGAL FORUM

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IN THE ISSUE

ECONOMIC NEWS

GLOBAL ECONOMIC OUTLOOK TO CONTRACT 9.4% IN THE CURRENT FINANCIAL YEAR 2020-21

07.12.2020

Between 2012 and 2020, India saw 8.6% rise in the percentage of women on boards, with them holding 17% of board positions in

2020; also, 20% of female directors hold more than one board seat compared to 8% of men. These, among others, are the findings from advisory firm EgonZehnder's 2020 Global Board Diversity Tracker, released last week.

The report analysed data from 1,685 companies across 44 countries with a combined market capitalisation of more than \$48 trillion. The report added that while there is progress in gender diversity globally, the rate of change is insignificant. For example, while women now make up 27.3% of all board leaders globally, up from 25.5% in 2018, they comprise just 2.1% of all board chairs, up from 1.5% in 2018.

"Globally, new board appointments made up 13.5% of all board positions in 2020, up from 11.4% in 2018. Of these, 30% were women, up from 27% in 2018. This means only 4% of all directors are women new to the board, only a 0.9% increase from 2018," the report noted. "Positive change requires that women and other underrepresented candidates serve as leaders, not merely participants, on boards," the report added.

PWC PARTNERED WITH UNICEF AND TUWAAH TO UPSKILL 300 MILLION

08.12.2020

The government has released the seventh tranche of Rs 6,000 crore as goods and services tax (GST) compensation payment to states this week. The amount was borrowed at an interest rate of 5.13% and disbursed to the states as back-to-back loans, the government said. Of this amount, Rs 5,516.6 crore was allocated to 23 states while the remaining was given to the three Union Territories with legislative assembly (Delhi, Jammu & Kashmir and Puducherry) which are members of the GST Council, the government said. It added that the remaining five states namely Arunachal Pradesh,

Manipur, Mizoram, Nagaland and Sikkim do not have a gap in the revenue on account of GST implementation.

"So far, an amount of Rs 42,000 crore has been borrowed by the central government through the special borrowing window at an average interest rate of 4.77%," the government said.

The central government has to disburse Rs 1.1 lakh crore this fiscal which is estimated to state' GST shortfall from the amount guaranteed to them under the law. Though the total shortfall is likely to be Rs 1.8 lakh crore in the current fiscal, the central government has agreed to reimburse only the gap arising out of GST implementation issue through market borrowing under a special window.

In addition to providing funds through the special borrowing window to meet the shortfall in revenue on account of GST implementation, the central government has also granted additional borrowing permission equivalent to 0.5% of Gross States Domestic Product (GSDP) to the states choosing option-1 to meet GST compensation shortfall.

"All the States have been given their preference for Option-I. Permission for borrowing the entire additional amount of `1,06,830 crore (0.5 % of GSDP) has been granted to 28 states under this provision," it said.

ADB ESTIMATED INDIAN ECONOMY CONTRACT BY 8 PERCENT IN 2020

08.12.2020

The Asian Development Bank (ADB) will lend India \$1 billion for supporting the country's economic recovery from the Covid-19 pandemic through expenditure on rural infrastructure related to natural resource management, the finance ministry said on Wednesday. The funds will also be utilised for employment generation under the Mahatma Gandhi National Rural Employment Guarantee Scheme. The loan has a repayment tenor of 30 years, including a five-year grace period.

The loan is aimed at supporting the government to ensure an economic rebound in rural areas through natural resource management works that will facilitate economic activity and employment generation and stimulate rural demand.

"The country-wide restriction on movement of people, coupled with additional stringent restrictions imposed by state governments and intermittent localised lockdowns to contain the spread of Covid-19 affected domestic supply and

demand, resulting in slowed-down economic activity. This resulted in loss of employment and income of workers especially those employed in the informal sector, including rural areas,” the ministry said in a statement.

The NDB, often referred to as BRICS Bank, was set up based on the inter-governmental agreement among the BRICS nations (Brazil, Russia, India, China and South Africa) in July 2014. The purpose of this bank is to mobilise resources for infrastructure and sustainable development projects in BRICS and other emerging market economies and developing countries.

Up to May, the bank had approved 55 projects of member countries for funding, with a total amount of \$16.6 billion.

PNB ROLLS OUT LOAN MANAGEMENT TECH SOLUTION CALLED LENS

12.12.2020

The country’s foreign exchange reserves declined by USD 778 million to USD 578.568 billion in the week to December 11, RBI

data showed on Friday. In the previous week, the reserves had touched a lifetime high of USD 579.346 billion after increasing by USD 4.525 billion. In the reporting week, the reserves declined due to a fall in foreign currency assets (FCAs), a major component of the overall reserves.

FCAs dropped by USD 1.042 billion to USD 536.344 billion, as per the weekly data by the Reserve Bank of India (RBI).

Expressed in dollar terms, the foreign currency assets include the effect of appreciation or depreciation of non-US units like the euro, pound and yen held in the forex reserves. The gold reserves increased by USD 284 million in the reporting week to USD 36.012 billion, the data showed.

The special drawing rights (SDRs) with the International Monetary Fund (IMF) dipped by USD 3 million to USD 1.503 billion.

The country’s reserve position with the IMF also fell by USD 16 million to USD 4.70 billion.

NEW CORONAVIRUS STRAIN HITS BRITISH POUND, EURO AS INVESTORS SEEK DOLLARS

13.12.2020

T

he British pound and the euro fell on Monday as investors sought refuge in the dollar, after a fast-spreading new coronavirus strain shut down

much of the United Kingdom and disrupted international freight amid Brexit talks uncertainties.



Sterling fell close to 2% against the dollar in morning trading before Prime Minister Boris Johnson chairs an emergency response meeting to discuss international travel and the flow of freight in and out of Britain.

Much of Europe has cut off transport with the UK sowing chaos for families and companies just days before Britain exits the European Union.

“The British horror stories of a shortage of goods after a hard Brexit are taking on a whole new drive – for a completely different reason,” said Commerzbank strategist Ulrich Leuchtmann.

Adding to the transport crisis caused by the virus were fears the UK will crash out of the EU without a trade deal on Jan. 1. Britain insisted on Sunday that the EU should shift position to open the way to a post-Brexit trade deal, but there was so far no sign a breakthrough. At 0756 GMT, the pound was down 1.85% at \$1.3277.

The euro also sustained losses against the dollar, down 0.74% at \$1.2169, but rose 1.26% at 0.9170 pence against the pound. The pandemic stress in Europe overshadowed a weekend deal among U.S. congressional leaders for a \$900 billion coronavirus aid package.

The dollar climbed against major peers on Monday with investors seeking its relative safety as many countries tightened COVID-19 lockdowns.

The dollar’s rebound comes after it sank to two-and-a-half-year lows last week, driven by optimism that vaccines would help revive global growth.

The dollar index gained 0.38% to 90.625, after touching 89.723 on Thursday for the first time since April 2018.

The riskier Antipodean currencies weakened at the start of the holiday-shortened trading week as investors rushed for haven assets.

The Aussie dollar dropped 1.24% to 75.295 U.S. cents. The U.S. dollar gained 0.32% to 103.62 yen, another safe haven.

NATIONAL NEWS

GOVERNMENT INTRODUCES NEW DIGITAL PLATFORM CALLED CO-WIN FOR VACCINE DELIVERY

07.12.2020

In what comes as a recent development, online classes of schools affiliated with an association in Maharashtra have been suspended for

three days beginning today. This decision came following the non-receipt of fees from a section of students.

Federation of Schools Association in Maharashtra (FSAM) office-bearers cited "severe financial stress" faced due to non-payment of school fees from parents as the reason for their decision, which comes in the backdrop of the COVID-19 outbreak that forced a shift to online classes.

Study by Chinese claiming COVID-19 originated in India withdrawn

"Around 1,400 English medium unaided schools in Pune and Pimpri-Chinchwad areas are our members.

Our member-schools extended support to parents during the COVID-19 pandemic by not charging for services which were not utilised such as food, annual gatherings, sports activity, transport," said Rajendra Singh, president, FSAM.

"School-members even offered monthly/quarterly installment facility to parents to pay their fees," Singh said.

Coronavirus cases: India records 22,065 new COVID-19 cases; nationwide tally reaches 99,06,165

He further said that the federation directed its members not to increase fees but despite that concession, several parents did not pay their dues, making it difficult for the schools to run their affairs.

"Despite all this help and cooperation from the schools, as much as 50 per cent of the parents are not paying fees at all and taking undue advantage of our concessions," Singh said.

"They are incapable of sustaining any further and that is why the schools are undertaking a three-day closure of teaching activities from Tuesday," he added.

MINISTRY OF AYUSH TO SETUP DEPT OF INTEGRATIVE MEDICINE AT AIIMS

09.12.2020

In the wake of West Bengal Chief Minister Mamata Banerjee's refusal to send three IPS officers on central deputation, similar refusal

from Tamil Nadu has echoed when Chief Minister J Jayalalithaa refused to send IPS officers to Centre in 2001.

Presently, the Centre has asked for the three IPS officers to be sent on deputation with the Government of India following an attack on BJP president JP Nadda's motorcade outside Kolkata. These officers were in charge of security. In its refusal, the West Bengal government has cited a shortage of IPS officers.

On May 13, 2001, Jayalalithaa took oath as the State Chief Minister. On the night of June 29-30, the State police's CB-CID raided former Chief Minister M Karunanidhi's home and arrested him along with his DMK colleagues Murasoli Maran and T R Baalu, then ministers in the NDA government of A B Vajpayee.

It resulted in the removal of Governor Fathima Beevi, as the Centre was not happy with her report. Arun Jaitley, the then Law minister, said the report did "not reflect the true situation in Tamil Nadu today" and that the Governor had "failed to discharge her constitutional obligations".

Three IPS officers, then Chennai Police Commissioner K Muthukaruppan, Joint Commissioner Sebastian George, and Deputy Commissioner Christopher Nelson, were identified as involved in the raid. Considered close to Jayalalithaa, all of them have since retired.

Centre vs Bengal: MHA has final word on deputation of IPS officers

After retirement, Nelson was appointed as Member of the State Planning Commission, and later as the state Information Commissioner.

In West Bengal, the officers the Centre has sought on central deputation are Rajeev Mishra (Additional Director General, South Bengal), Praveen Tripathi (Deputy Inspector General, Presidency Range) and Bholanath Pandey (SP, Diamond Harbour).

As is happening now, the Home Ministry, then under LK Advani, had asked the Tamil Nadu government to relieve the three officers for central deputation. Jaitley had said the Centre had "overriding powers" in the transfer of IPS officers. Jayalalithaa then refused to spare those officers. She wrote to other Chief Ministers for their support to protect the rights of the states. She wrote about the "disturbing trend" in the management of the state cadres of All India Services and Centre-State relations.

KARNATAKA BITCOIN RANSOM CASE: DAKSHINA KANNADA POLICE RESCUE 8 YEAR OLD KIDNAPPED BOY:

09.12.2020

The Dakshina Kannada police have cracked the kidnapping case of a eight-year old boy whose abductors sought ransom in bitcoins, the police said. The boy was traced in Kurnahosahalli hamlet in Maluru of Kolar district, which is 54 kms from tech hub Bengaluru and he was reunited with his family in Belthangady, said the police.

The case gained lot of public attention due to the abductors demanding ransom in bitcoins, a kind of digital cryptocurrency.

The police said that at around 5 am on Saturday morning, after ensuring that the kidnappers and inmates in the house were fast asleep, the joint police team of Kolar and Dakshin Kannada districts raided the house and rescued the boy from the clutches of his kidnappers.



The kidnappers had demanded ransom of 100 bitcoins, valued around Rs 17 crore initially and later the gang kept revising their demand downward from Rs 17 crore to Rs 10 Crore and finally "agreed" for Rs 25 lakhs. The police have arrested six persons in connection with this case, two from Bengaluru and four from Maluru, who were with the boy. All six are highly tech-savvy, the police added.

Deputy Superintendent of Police, Bantwala Subdivision, Valentine D'souza who led the four teams comprising of 20 policemen to track this case told IANS that after the boy was kidnapped at around 6:30 pm on Thursday from near his house, the police took this up as a challenge since this is the first time in the state any kidnapper had demanded ransom in a virtual currency. He added that the Bantwala police first tracked down who and how they got a whiff about the child, whose father had been dealing in bitcoins since 2016.

"This gang had kept track of the movement of the family for quite some time and they cultivated a few friends in the process here. One of them happened to reveal that this gang had inquired a lot about the father and his dealings, which co-related with our investigations too," the Dy. SP said. Another police officer told Express that the gang had developed contact with a local autorickshaw driver, and through him they collected all the information. He not only helped the police get their original number but also tracked them through CCTV footage.

The police added that the panicked gang took NH-73, that connects Belthangady, Mangaluru and Tumkuru, the police followed them here and they took shelter in Kurnahosahalli, which is hamlet of just about 150 houses and a population of less than 1000 people. "This village is strategically located where one can easily slip to Chennai or towards Andhra Pradesh," the police said. The Dakshin Kannada police is yet to secure the kidnappers as they were produced before the Kolar district court.

LONDON COULD BE UNDER LOCKDOWN FOR MONTHS, 'VERY DIFFICULT' TO CONTROL NEW CORONAVIRUS STRAIN: UK HEALTH SECRETARY

11.12.2020

UK Health Secretary Matt Hancock has warned that London could be under a lockdown for months, as it will be "very difficult" to keep a highly infectious mutant strain of the novel coronavirus under control until vaccinations are rolled out.

His remarks on Sunday came just hours after the new Tier Four restrictions came into force in the British capital and parts of southeast England, reports Xinhua news agency.



The new tighter restrictions will be reviewed on December 30.

Hancock however indicated that it was unlikely they would be relaxed at that point.

"It is going to be very difficult to keep it under control until we have the vaccine rolled out," he told Sky News.

"We know with this new variant you can catch it more easily from a small amount of the virus being present.

"All of the different measures we have in place, we need more of them to control the spread of the new variant than we did to control the spread of the old variant.

"That is the fundamental problem," the Health Secretary added. Hancock also criticized people who fled London before the new Tier Four lockdown came into force as "totally irresponsible".

"I think those scenes were totally irresponsible," Hancock said while speaking to the BBC later in the day. "We have all got a responsibility. We in the government of course have a responsibility, but so does every single person." The plea that I have is that people will play their part because it is only by acting -- all of us -- that we can get this under control," he added.

On December 19, Prime Minister Boris Johnson effectively cancelled Christmas for more than 16 million people in London, south-eastern and eastern England as the region went into a new two-week lockdown on Sunday midnight.

Addressing a virtual briefing, Johnson said that the previous plan to allow up to three households to meet during five days around Christmas will have to be scrapped due to the discovery of the mutant strain.

An estimated 16.4 million people living in the new Tier Four areas, which include London and much of the surrounding region, will have to stay at home for a fortnight.

They will be barred from socialising with more than one person even outdoors, meaning no Christmas gatherings of entire families, while shops, leisure facilities, gyms, and hairdressers will be closed.

England was previously under a three-tier system.

London and parts of Essex and Hertfordshire had just moved into Tier Three on December 16 while some other areas in east and southeast of England entered Tier Three from December 19 following a rapid rise in infections in the area.

The UK has so far reported a total of 2,046,161 coronavirus cases since the onset of the pandemic earlier this year, while the death toll stood at 67,503.

DELHI RIOTS: COURT GRANTS BAIL TO FAISAL FAROOQ, SAYS 'NO INVESTIGATION DONE'

A Delhi Court has granted bail to Faisal Farooq, the owner of Rajdhani Public School, arrested in connection to a northeast Delhi riots case in the

Dayalpur area.

The statements of witnesses were hurriedly recorded whose veracity will be tested at the time of the trial.

Farooq, however, will continue to stay in jail in connection to another matter in which the Delhi high court had dismissed his bail plea.

Additional sessions judge Vinod Yadav granted bail to Farooq for a bail bond of ₹20,000 saying that though Farooq had been in jail for a considerable period, the police had hardly brought on record any material against him for criminal conspiracy.



Farooq was arrested in one case for his alleged involvement in burning and damaging the property of adjacent DRP Convent School during the riots. He was granted bail in that case in June, after which

he was arrested in another case, the bail hearing of which was held December 11.

“It is, however, evident that till June 20, 2020, virtually no investigation had been done in the present matter and after the applicant (Farooq) was admitted to bail in the (first) case, that the statements were hurriedly recorded, the veracity whereof to be tested at the time of trial,” the court said in its order dated December 11.

The Judge also said that “prima facie, Section 307 (attempt to murder), Section 153A (promoting enmity on the grounds of religion, caste, language etc) and Section 155 (liability of person for whose benefit riot is committed) [IPC \(Indian Penal Code\)](#) are not made out against the accused”.

During the hearing, Farooq’s counsel argued that he was falsely implicated in the matter. The lawyer said that Farooq had been in judicial custody since March 9 and he was arrested in the present case in June, but till July, Sections 307, 153-A were not invoked in the matter by the police.

The sections were invoked in the charge sheet by the police, his counsel said, adding that nobody was injured in the case and prior to arresting him in the matter, his alleged involvement was never communicated court said that until June, virtually no investigation was done in the matter and after the accused was granted bail in another case, to the court.

The court also noted that the prosecution has admitted that the accused was not seen in any CCTV camera footage and several cases of riots have been solved on account of the CCTV cameras installed at the school of the accused. It further said that with regard to the delay in recording the statements of witnesses and the veracity thereof, the public prosecutor had no answer.

“I refrain from commenting upon the manner in which the case diaries in the matter have been maintained, lest it may prejudice the case of the prosecution,” the judge said in his order.

Meanwhile, a city court has granted bail to a man in two separate cases related to the northeast Delhi riots, saying it did not appeal to the senses that the accused, being a Muslim, would rub shoulders in such a surcharged atmosphere with members of an “unlawful assembly”, which mainly consisted of

persons from the Hindu community and would beat a Muslim boy to death.

Yadav granted bail to Aarif on the furnishing of a bail bond of ₹20,000 with one surety of like amount each in two cases related to the death of persons during the riots in Dayalpur area.

The court said admittedly the majority of the accused persons which formed the “unlawful assembly” in the matter were Hindus, whereas Aarif was a Muslim.

“It is very obfuscatory that a Muslim boy would become part of an ‘unlawful assembly’ which mostly consisted of members of the Hindu community, the common object whereof was to cause maximum damage to the property, life and limb(s) of the other community. So, prima facie, the applicant (Aarif) cannot be said to be part of ‘unlawful assembly’ or share ‘common object’ with them on the date of the incident.

“The case of applicant is totally on a different pedestal as compared with other co-accused Jitender whose bail application has already been dismissed by this court... because it does not appeal to senses that applicant being a Muslim would rub shoulders in such a surcharged atmosphere with the members of ‘unlawful assembly’, which mainly consisted of the persons of Hindu community and would beat a Muslim boy to death,” the court said in its order passed on December 11.

It also said that the eyewitnesses have not specifically spelt out the role of the accused in the matter and their statements prima facie appeared to be “general”.

SC SAID CLOSURE REPORT CANNOT BE FILED MERELY BECAUSE INFORMANT DID NOT SUPPLY ADEQUATE MATERIALS TO INVESTIGATE

An the case titled: Amar NathChaubey v. Union of India [SLP (CRL.) NO. 6951 of 2018], Supreme Court Bench expounded that a closure report cannot be filed merely on the ground that the investigation was not possible as the informant had not supplied adequate materials to investigate.

Three Judge Bench of Apex Court headed by Justice R.F Nariman and also comprising of Justice

Navin Sinha and Justice Krishna Murari while setting aside closure reports against some accused in a murder case remarked that, "A fair investigation is a necessary concomitant of Articles 14 and 21 of the Constitution of India."

Apex Court observed that it is the statutory as well as constitutional duty of the police to investigate on receiving report of the commission of a cognizable offence.

While stating the facts Bench added that, "One Shri Ram Bihari Chaubey, the father of the petitioner, was shot dead at his residence in Village Shrikanthpur, Chaubepur, Varanasi in the State of Uttar Pradesh, on 04.12.2015 at around 7.15 AM. An F.I.R. No. 378/2015 under Sections 302, 147, 148 and 149, I.P.C. was registered the same day at Chobepur Police Station at 11.15 AM. Four unknown assailants were stated to have come on a motor cycle. Two of them entered the residence and shot the deceased, while the two others waited outside, after which they all escaped."

To put things in perspective, the Bench then observed in para 2 that, "The petitioner, son of the deceased, approached the Allahabad High Court complaining of the lackadaisical manner in which the police was investigating because some powerful personalities were also involved. The investigating officers were also being changed with regularity seeking a mandamus for a proper inquiry into the murder of his father including by the C.B.I. The High Court called for a progress report and also required the Chief Secretary to file his affidavit in the matter. The petitioner is aggrieved by the impugned order of the High Court dated 17.05.2018 disposing the writ petition, accepting the contention of the police that the investigation would be concluded expeditiously and report will be submitted before the competent court within a period of eight weeks."

Bench observed in para 6 that, "We have considered the matter. F.I.R. was registered on 04.12.2015. Eight investigating officers have been changed. Respondent no.5 suo motu sought impleadment in the writ petition filed in the High Court. An investigation which had been kept pending since 04.12.2015 was promptly closed on 30.01.2019 after this Court had issued notice on 07.09.2018.

The affidavit of the Director General of Police, U.P. not being satisfactory, on 26.10.2020 this Court required the respondents to file copy of the closure report stated to have been filed before the court concerned. The affidavit filed by the Circle Officer, Pindara, Varanasi dated 31.10.2020, pursuant to our order dated 26.10.2020 encloses the closure report dated 02.09.2018, the supervision note of the Superintendent of Police, Rural dated 17.12.2018 and the closure report dated 30.01.2019 submitted in court. We have gone through the same. It simply states that there was no concrete evidence of conspiracy against respondent no.5 and that the informant had not placed any materials before the police direct or indirect with regard to the conspiracy. As and when materials will be found against respondent no.5 in future, action would be taken as per law. No credible evidence was found against Manish Singh and Dabloo Singh."

Bench enunciated that, "We are constrained to record that the investigation and the closure report are extremely casual and perfunctory in nature. The investigation and closure report do not contain any material with regard to the nature of investigation against the other accused including respondent no.5 for conspiracy to arrive at the conclusion for insufficiency of evidence against them. The closure report is based on the ipse dixit of the Investigating Officer. The supervision note of the Senior Superintendent of Police (Rural), in the circumstances leaves much to be desired. The investigation appears to be a sham, designed to conceal more than to investigate. The police has the primary duty to investigate on receiving report of the commission of a cognizable offence. This is a statutory duty under the Code of Criminal Procedure apart from being a constitutional obligation to ensure that peace is maintained in the society and the rule of law is upheld and applied. To say that further investigation was not possible as the informant had not supplied adequate materials to investigate, to our mind, is a preposterous statement, coming from the police."

Apex Court Bench further expounded that, "The police has a statutory duty to investigate into any crime in accordance with law as provided in the Code of Criminal Procedure. Investigation is the

exclusive privilege and prerogative of the police which cannot be interfered with. But if the police does not perform its statutory duty in accordance with law or is remiss in the performance of its duty, the court cannot abdicate its duties on the precocious plea that investigation is the exclusive prerogative of the police. Once the conscience of the court is satisfied, from the materials on record, that the police has not investigated properly or apparently is remiss in the investigation, the court has a bounden constitutional obligation to ensure that the investigation is conducted in accordance with law. If the court gives any directions for that purpose within the contours of the law, it cannot amount to interference with investigation. A fair investigation is, but a necessary concomitant of Articles 14 and 21 of the Constitution of India and this Court has the bounden obligation to ensure adherence by the police.”

Bench concluded by stating that, “The trial is stated to have commenced against the charge sheeted accused, and the informant summoned to give evidence. In the facts of the case, we direct that further trial shall remain stayed. The closure reports dated 02.09.2018, 17.12.2018 culminating in the report dated 30.01.2019 are partly set aside insofar as the non-charge sheeted accused are concerned only. Those already charge sheeted, calls for no interference.”

“We hereby appoint Shri SatyarthAnirudh Pankaj, I.P.S. as the senior officer, State of Uttar Pradesh to carry out further investigation in the matter through a team of competent officers to be selected by him of his own choice. The State shall ensure the availability of such officers. The investigation must be concluded within a period of two months from the date of receipt of a copy of this order, unless extension is required, and the final report be placed before this Court. The Director General of Police, Uttar Pradesh shall do the needful.” The last para 12 then stipulates that, “List immediately after two months for further orders”, Bench added.

ALLAHABAD HIGH COURT EXPRESSES CONCERN OVER OPENING OF SCHOOL AMID PANDEMIC

The Allahabad High Court has expressed concern over the opening of schools in Uttar Pradesh amid the pandemic, fearing that young children may catch infection owing to their inability to follow precautions.

However, falling short of ordering the closure of schools, a bench of Justices Siddhartha Varma and Ajit Kumar asked the state government to consistently keep an eye over all schools and ensure that all teachers and students follow Anti-Covid guidelines.

“It has been informed that schools and colleges in the state of UP have been opened since December 7. It is a matter of concern whether the teachers and students would follow the Covid-19 guidelines. There is always a possibility that young children might violate the guidelines,” the bench observed.

The court directed district administration of all districts to regularly inspect all the private and government schools and see that Covid-19 guidelines vis-a-vis sanitization and wearing of masks are followed in schools.



The bench gave the directions on Friday while hearing a public interest lawsuit seeking the court's intervention to check the spread of the infection.

The bench also asked the state government to apprise it of various safeguards, during the upcoming "MaghMela" next year amid the pandemic and sought details of arrangements at bathing ghats at various riverbanks during the annual fair.

During the hearing, top cops of Lucknow, Gautambudh Nagar, Ghaziabad and Meerut testified in affidavits to the court that policemen have been deployed at every stretch of 2 kms of

roads in their districts to ensure cent per cent compliance on face-masking provisions.

On this, the court directed the top cops to file another affidavit detailing police personnel deployed for this purpose. They were asked to file affidavits the next date of hearing on December 17.

IN UP MAN CHARGED UNDER 'LOVE JIHAD' LAW CAN'T BE ARRESTED YET: HIGH COURT

A 32-year-old Muslim man, one of the first to be charged under Uttar Pradesh's controversial anti-conversion law, cannot be arrested yet,

the Allahabad High Court has ruled, stepping into the spiralling debate over "Love Jihad".

Nadeem and his brother Salman were named in the complaint filed last month in western Uttar Pradesh's Muzaffarnagar by Akshay Kumar Tyagi, who works in a prominent pharmaceutical company as a labour contractor.



Akshay said Nadeem, a labourer, used to frequent his house in Muzaffarnagar and had "trapped" his wife Parul in a "net of love" with the aim of converting her. To seduce her, Nadeem gifted her smartphone and promised to marry her, Akshay alleged.

Taking up a petition by Nadeem to scrap the First Information or FIR, the Allahabad High Court said that the police cannot take any coercive action against him yet, granting him protection from arrest till the next date of hearing.

The court said there was no evidence placed before it yet "that any force or coercive process is being adopted" by Nadeem.

"Victim is admittedly an adult who understands her well-being. She as well as the petitioner has a fundamental right to privacy and being grown-up adults who are aware of the consequences of their alleged relationship," the court said in an important statement that could affect similar cases.

Uttar Pradesh adopted an anti-conversion ordinance late last month in the state amid heightened sensitivity about "Love Jihad", the right-wing conspiracy theory that Muslim men try to seduce Hindu women to have them convert their religion.

The term "love jihad is not defined by law", the Union Home Ministry had told parliament in February, adding that no such case had been reported by the central agencies. However, since last month, several BJP-ruled states have moved towards making a law against it.

Uttar Pradesh, which has a chunk of Muslim population, has been first off the block with an ordinance or executive order, which says religious conversions that use falsehood, force or an incentive, or take place solely for marriage will be declared a crime.

The law has been severely criticized by civil society activists as yet another move by the state's BJP government to target Muslims with prominent jurists like former judge AP Shah calling for it to be struck down immediately.

HEATED ARGUMENTS IN HIGH COURT OVER 'THREAT' TO SITTING JUDGE

On Wednesday, the High Court of Andhra Pradesh witnessed heated exchanges between Justice Rakesh Kumar & State Govt. counsels during hearing on a few habeas corpus petitions with the Judge commenting that he was "threatened" at the last sitting & the latter strongly objecting to the same.

The hearing resumed in the backdrop of the Govt.'s affidavit wherein it has requested that the senior Judge recues himself, perceiving in his observations strong bias against it.

The Govt request came after the division bench comprising Justice Rakesh Kumar & Justice Uma Devi had earlier declared that it would examine if

there was a constitutional breakdown in the State as part of the hearings on the habeas corpus petitions.

The bench had also rejected Govt. objections to its decision & refused to defer hearing - as sought by the Govt. to give it time to file a plea in the Apex Court. Thursday's hearing resumed against this background.

When Justice Rakesh Kumar said he was "threatened" during the last hearing, the Govt's special Advocate Satyanarayana Prasad & Lawyer YS Vivekananda questioned how a request to defer the hearing could be construed as a threat. To this, the Judge clarified that he didn't mean it.

However, Satyanarayana Prasad, while strongly objecting, submitted that Advocate General S. Sriram was not even given an opportunity last Monday to present his arguments or cite relevant judgments and, mincing no words, said that the Advocate General wasn't given the respect due to him.

He further argued that judges cannot make off the cuff remarks or issue oral orders. "It is not legally acceptable & the same was clarified by the Supreme Court several times," he said & added that the Govt. must be given the opportunity to file a counter in the case & present its arguments.

He informed the bench that the Govt. would move the Apex Court against the HC decision to examine the question of constitutional breakdown in the State & requested that hearing be deferred to enable the government file an appeal in the Supreme Court. However, the bench rejected the request, & pointed out that there was no stay order from the Top Court till now & hence, the hearing would be continued.

Prasad argued that the HC was taking up issues, which are not raised in the pleas, suomotu. As Prasad had to appear for another hearing in the High Court of Telangana, the bench deferred the hearing for the time he was away.

Government advocate obstructing court proceedings'

Taking a serious view of Prasad's repeated requests for deferring the hearing, the bench recorded in its official records that he was obstructing the court proceedings. Later, the hearing was deferred to Thursday