



Current Affairs

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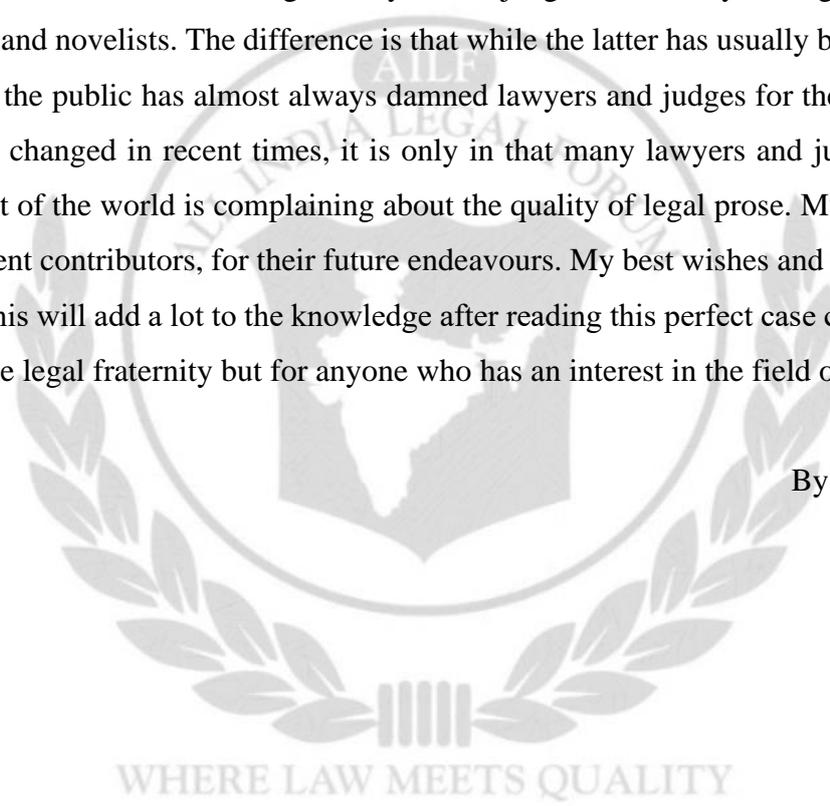
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FOREWORD

More has been said about the writing of lawyers and judges than of any other group, except, of course, poets and novelists. The difference is that while the latter has usually been admired for their writing, the public has almost always damned lawyers and judges for theirs. If this state of affairs has changed in recent times, it is only in that many lawyers and judges have now joined the rest of the world in complaining about the quality of legal prose. My best wishes to all these student contributors, for their future endeavours. My best wishes and assurance to the readers that this will add a lot to the knowledge after reading this perfect case compilation. It's not just for the legal fraternity but for anyone who has an interest in the field of law.

By Vrinda Khanna



WHERE LAW MEETS QUALITY

PREFACE

May there be Peace in Heaven, may there be Peace in the Sky, May there be Peace in the Earth,
3 May there be Peace in the Water, May there be Peace in the Plants, May there be Peace in
the Trees, May there be Peace in the Gods in the various Worlds, May there be Peace in all the
human beings, May there be Peace in All,

PEACE, PEACE, PEACE. Our age-old culture prays for peace and happiness for one and all.
Family is the first and oldest social group. It has played an important role in the stability and
prosperity of the civilization. Almost everything of lasting value in humanity has its roots in
the family. Peace and harmony in the family are important for the all-around development of
children. This Compilation of Judgments of the Supreme Court of India and the High Court of
India by All India Legal Forum is aimed at bringing about desired sensitivity in all duty holders.
We're glad to be a part of the All-India Forum. Here's an introduction to my team:

Patron- in-Chief: Aayush Akar

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I. International Sports

1. Thisara Perera become First Sri Lanka to hit six sixes in an over

- Sri Lanka all-rounder batsman, **Thisara Perera** has become the **first cricketer from the island nation to hit 6 sixes from one over**
- He Achieves the feat during a domestic match in Colombo while playing for the army Sports Cricket Club in List A match against Bloomfield Cricket and Athletic Club.
- He scored an unbeaten **52 runs from 13 balls** and thus smashing the second-fastest half-century in List A cricket.

2. India ranks 7th in ICC men's Cricket World Cup Super League standings

- India has been ranked **7th in International Cricket Council's (ICC) Men's cricket World Cup Super League standing** after a 7-run win over England in the 3rd ODI
- Despite this loss, England remain at 40 points
- India has scored **29 points**
- Super League started on July 30, 2020, including 12 full members of ICC along with the Netherlands
- Teams that finish within the top 8 will gain automatic qualification for the **2023 world cup** which is scheduled to be held in India.

3. India tops the medals tally in ISSF Shooting World Cup

- India contingent emerged successful in ISSF World Cup in the trap events with **30 medals in total (15 gold, 9 silver and 6 bronze)**
- India trio of **Shreyasi Singh, Manisha Keer and Rajeshwari kumari** won the gold medal in the woman's trap team event.
- India outgunned the Kazakhstan trio 6-0 in the final.
- Men's trap team event: **Tynan Chennai, Prithviraj Tondaiman and Lakshay** beat the Slovakian team in the gold medal match to make it 30 medals for India in the shooting world Cup.

4. Tokyo 2020 Olympic Torch Relay kicked off in Fukushima, Japan

- **Tokyo 2020 Olympic Torch Relay** kicked off in **Fukushima, Japan.**
- The torch relay will travel through all the **47 districts of Japan** over the next **121 days.**
- It will arrive in Tokyo for the Olympic Games opening ceremony that will be held on July 23.
- Japanese football **Iwashimizu Azusa** is the first receiver of this Olympic torch relay.

- Torchbearers will run an average of 200 meters before passing the torch onto the next runner using a torch kiss pose.

5. 'Girl Gang' announced official song of ICC women's world Cup 2022

- **Girl Gang** has been announced as the official song of the **2022 ICC women's world Cup**.
- The **International Cricket Council (ICC)** announced in an event at **Mt Maunganui Beach** with **Wigmore skydiving** to the beach with the World Cup trophy in her hands.
- The song is presented by **New Zealand Singer Gin Wigmore**.
- The tournament is set to be hosted in New Zealand from **March 4 to April 3, 2022**.

6. India finish 3rd in 2021 para shooting World Cup with 7th Medals

- **India** bagged 3rd position at the end of **2021 world shooting Para sport competition** with seven medals, held at Al Ain in UAE from 15 to 25 March 2021.
- India won two gold medals, one silver and four bronze medals at the event
- **Ukraine** topped the medal tally with 11 medals (five gold, five silver and one bronze) followed by the host Nation UAE which wins five medals (three gold and two silver).
- **Manish Narwal** and **singhraj** were the gold medal winners for India.

7. Virat Kohli moves to 4th spot in MRF tyres ICC Men's T20I Player Ranking

- India Cricket Captain **Virat Kohli** and vice-captain **Rohit Sharma** have been ranked as 4th and 14 in **MRF tyres ICC man's T20I player's Rankings**
- Virat Kohli is now the highest-ranked from India ahead of KL Rahul.
- **Shreyas Iyer** has moved up five places to a career-best 26th position while **Suryakumar Yadav** and wicketkeeper-batsman **Rishabh Pant** also made rapid progress.
- Bowler Bhuvaneshwar Kumar has moved up 21 places to 24th while Hardik has advanced 47 places to 78th

WHERE LAW MEETS QUALITY

II. International Politics

1. China approves contentious proposal to overhaul Hong Kong's electoral system

China on March 30, 2021, gave its approval to the proposal for the most controversial and sweeping overhaul of Hong Kong's electoral system. The passed proposal will slash the number of directly elected seats in the city's legislature from **half to about one-fifth** and will tighten Beijing's control in the Special Administrative Region- SAR. Changes in Hong Kong's electoral system: With the passing of the new proposal by the Chinese Government:

- The geographical constituencies of the Hong Kong Legislative Council will be reduced from 35 to 20 seats, which will dramatically **diminish the element of direct voting**.
- The National Security Police Unit will help in scrutinizing the candidates and will submit a report to **the newly formed vetting committee**.
- The new committee will have an odd number of people and the Chairman will act as a tiebreaker. Furthermore, **no judicial review** or any form of appeal of the body's decision will be allowed for the candidates.

2. China-Iran Strategic Cooperation Pact

China and Iran have signed a **25-year "strategic cooperation pact"** which includes "political-economic and strategic components". The agreement **comes amid a major push from China to back Iran to deal with the continuing weight of sanctions reinstated by the US** after its withdrawal from the Iranian nuclear deal.

About the Pact:

- It will deepen relations between Iran and China and would establish a blueprint for "reciprocal investments in the fields of transport, ports, energy, industry and services."
- It forms **a part of China's trillion-dollar Belt and Road Initiative (BRI)**, a plan to fund infrastructure projects and increase its influence overseas.

China's Growing Role in the Middle East:

- Iran relies on China as its largest trading partner.

- Chinese foreign minister, in his recent visit to West Asian nations, proposed a **five-point initiative** for achieving security and stability in the Middle East, advocating "mutual respect, upholding equity and justice, achieving non-proliferation, jointly fostering collective security, and accelerating development cooperation."

3.2021 Suez Canal obstruction

Recently, the Suez Canal, one of the world's most critical transit routes, got blocked due to a large container vessel, the MV Ever Given. This has caused enormous disruption to global shipping.

This temporary closure has been very expensive for global trade, as it is estimated that the loss per hour is almost \$400 million. The negative impact on the intricate and delicately balanced global supply chain and oil prices will impose additional costs on the customer globally. Suez Canal closure leads to a cascading downstream disruption of trade and economic consequences. This aspect points to the fragility of global trade and needs to strengthen them.

Significance of the Suez Canal:

- **Enabler for Colonization:** The construction of the Suez Canal was a tectonic development for global maritime connectivity and definitively impacted colonial history.
- **Life-line of Global Trade:** The canal continues to be the lifeline for all trade between the West and East as 10% of the global trade passes through it every year. The value of goods shipped through the canal is estimated to be \$9.5 billion daily and the canal generates a major share of the revenue for the Egyptian government.
- **One of Global Choke Points:** The Suez along, with the Panama Canal (that links the Pacific and Atlantic oceans), are the two most critical canals in the global maritime domain along with the Volga-Don and the Grand Canal (China).

4.Military Coup in Myanmar

Recently, the Myanmar military has grabbed power in a coup - the third time in the nation's history since its independence from British rule in 1948. A one-year state of emergency has been imposed and democratically elected leader Aung San Suu Kyi has been detained. 'Coups' are generally described as a sudden, violent, and illegal seizure of power from a government.

About the Military Coup:

- In the **November 2020 parliamentary election**, Suu Kyi's party **National League for Democracy (NLD)** secured the majority of the seats.
- When the newly elected Myanmar lawmakers were to **hold the first session of Parliament in 2021**, the **military imposed a state of emergency** for one year **citing massive voting fraud** in the parliamentary elections.

Global Reaction:

- **China:** 'All parties in Myanmar will properly handle their differences under the constitution and legal framework to maintain political and social stability.'
- **USA:** The USA President **threatened to reimpose sanctions on Myanmar** following a coup by the country's military leaders and called for a **concerted international response** to press them to relinquish power.
- **ASEAN Countries:** ASEAN's current chair, Brunei, called for 'dialogue among parties, reconciliation and the return to normalcy.'
- Singapore, Malaysia and Indonesia expressed concern, while Thailand, Cambodia, and the Philippines noted that this was Myanmar's 'internal affair'.

5. The Return of German Politics

After **16 years of Angela Merkel's chancellorship**, it has become difficult for Germans to imagine a government led by anyone else. But two defeats for Merkel's Christian Democratic Union raise the prospect of a new era in German politics when high-stakes decisions will finally have to be taken.

The Merkel era largely coincided with the **heyday of globalization** – that is, with the opening of China's massive export market. Domestically, however, it was characterized by resistance to reform and will be remembered more as a time of talk than of political dynamism.

Numerous working groups, stacked with the usual commendable experts, were established to discuss topics like digitization. But nothing ever really came of it all.

German electoral politics have finally started to heat up. The first two state elections of what will be a super election year pointed to the possibility that the federal election on September 26 could produce a new government coalition without Merkel's Christian Democratic Union and its Bavarian sister party, the Christian Social Union.

6.UK's Hard Brexit Choices

Since the United Kingdom left the European Union, relations with its continental neighbours have gone from bad to worse. On both sides, a toxic blend of distrust and nationalism increasingly infuses almost every contentious issue.

On the **EU side**, both the European Commission and several member states have woefully **mishandled the rollout of the bloc's COVID-19** vaccination program. The EU has directed its threats of vaccine protectionism principally at the UK, whose vaccination campaign has so far gone well, while individual European governments have damagingly criticized the efficacy of the Oxford-AstraZeneca vaccine.

The UK government, for its part, has again deliberately breached the **Withdrawal Agreement with the EU that Prime Minister Boris Johnson** signed early last year. The UK has chosen to be outside the EU's customs union and single market, while the **Republic of Ireland** (an EU member state) remains in both.

So, the only way to avoid re-establishing a border between the Republic and Northern Ireland (which would undermine **the 1998 Good Friday Agreement** that brought peace to the UK province) is for Northern Ireland to remain in the customs union with a border of some sort between it and the British mainland.

III.National Sports

1.MS Dhoni helps players improve their game

- Chhuti Mistry | Haldia | 31 March 2021
- Chennai Super Kings all-rounder Moeen Ali, on 24/03/2021, vouched for Mahendra Singh Dhoni's captaincy and said most cricketers look forward to playing under him as he helps them improve their game. Dhoni is gearing up to lead the CSK franchise in the upcoming edition of the IPL starting April 9, 2021.
- "I've spoken to players who have played under MS and they tell me how he improves their game. I believe a great captain does that," the England all-rounder was quoted as saying by the CSK website.
- "I think it's something on every player's wish list to play under MS. I think it's the confidence and the clarity he gives people. It's exciting," he added.

2.ICC CEO Manu Sawhney sent on “leave”; may resign before term ends

- Chhuti Mistry | Haldia | 31 March 2021
- The International Cricket Council's Chief Executive Manu Sawhney has been sent on "leave" after his conduct came under the scanner during an internal investigation by audit firm PricewaterhouseCoopers and may resign before his term ends.
- It is understood that Sawhney, who replaced Dave Richardson after the ICC World Cup in 2019 for a tenure till 2022, hasn't also been on the best of terms with some of the influential cricket boards with regards to various policy decisions.
- He has come under scrutiny for his allegedly "abrasive behaviour" with colleagues.
- "There have been testimonies from multiple ICC staff about his 'abrasive behaviour' which hasn't been great for the morale of a very efficient group of employees," a senior official close to the ICC Board told PTI on conditions of anonymity.
- The 56-year-old hasn't been attending the office for some time and was asked to go on leave on 30/03/2021.

3.Junior women's hockey nationals postponed due to surge in COVID-19 cases

- Chhuti Mistry | Haldia | 31 March 2021
- The upcoming 11th junior women's hockey nationals have been postponed until further notice due to a surge in COVID-19 cases, the sport's governing body said on Wednesday.

- The tournament was scheduled to be held from 3 to 12 April in Simdega, Jharkhand.
- Following instructions and protocols from the district commissioner, Simdega and state authorities, the decision to postpone the championship was taken by Hockey India.
- "Hockey Jharkhand received tremendous support from the state government to host the recently concluded 11th Hockey India Sub Junior Women National Championship 2021..."
- "However, with new protocols and guidelines in the state to combat the rapid rise of cases, it was in the best interest of the players that this decision was taken. For Hockey India, player safety is paramount."
- The tournament, in which the host team was vying to win a hattrick of titles, attracted entries from 26 teams from across India.

4. 'No-one cares about us': India's forgotten African tribe seeks sporting glory

- Chhuti Mistry | Haldia | 31 March 2021
- India is now home to around 250,000 Siddis, who trace their roots back to Africa, with most living in Gujarat and Karnataka.
- Rohit Majgul has weathered racism and rejection in India as part of a marginalised community tracing its roots back to Africa — but he still dreams of bringing sporting glory to his country.
- The 16-year-old is part of a group of teens practising martial arts in an overgrown and sun-baked field near the remote hamlet where his family ekes out a precarious living on manual labour.
- Growing up around open drains and swarms of flies in Jambur village, he and other members of the local Siddi community were abused for their distinctive dark features and curly hair.
- Magpul, a school dropout, sees his judo training as the only way to escape a life riddled with gruelling poverty and discrimination.
- "No-one believes me when I say I am Indian," he told AFP. "They think I am African; they call me by different abusive names, they tease me."
- "I have also been thrown off the bus because of my colour, but I quietly endure everything because I want to do well in sports and carve my own identity."
- Two years ago, Majgul won silver in judo at the Asia-Pacific Youth Games.

- His determination to represent India on the international stage was boosted by a government push to identify athletes in the Siddi community, which is believed to have descended from the Bantu peoples of sub-Saharan Africa.
- Some are believed to have been brought over during the Islamic conquest of the subcontinent as early as the eighth century.
- Many others were likely brought by the Portuguese to India between three and five centuries ago, researchers say.
- A non-profit group in Karnataka is also mentoring 50 aspiring athletes from the community.
- "We felt that this particular group has high potential but has been highly neglected," said Nitish Chiniwar, founder of the Bridges of Sports Foundation.
- Shahnaz Lobi, an aspiring shot-putter from Jambur, jumped at the chance to pursue a sporting career after watching her labourer father struggle to feed his family.
- "I used to curse my fate. But one day I got to know about the sports trials and I took part in them," she said.
- Lobi told AFP that she dreamt of competing in the 2024 Olympics.
- "I was selected and sent to the state sports academy. I have no friends there but it doesn't bother me. I just want to win an Olympic medal and let the world know I am Indian."

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IV.National Politics

1.If BJP makes the drinking age 25 years in other states, we will make it 30 years in Delhi:
AAP

Aam Aadmi Party spokesperson Saurabh Bhardwaj on Tuesday said that if the BJP made the minimum age of buying liquor 25 years in party-ruled states, then the AAP would increase it to 30 years in Delhi. He said that the legal age of drinking alcohol in BJP-ruled states like Uttar Pradesh, Uttarakhand, Madhya Pradesh, Arunachal Pradesh was 21 years, while in BJP-ruled Goa it was 18 years.



Bhardwaj said that the BJP was speaking against the decision to lower the drinking age to protect black markets and financial misappropriation. This is BJP's attempt to steal revenue and protect black marketing, he alleged. The Delhi Cabinet on Monday approved a new excise policy lowering the minimum age for consumption of liquor to 21 years from 25 years, Deputy Chief Minister Manish Sisodia announced.

2.Money no constraint in West Bengal's electoral battle

Meet Manas Sardar, Bahujan Samaj Party (BSP) candidate for Purulia assembly constituency, who has borrowed Rs 30,000 from his friends to contest the election as he believes his constituency has been neglected for too long and needs an MLA who can deliver. Sardar's assets according to the affidavit submitted to the Election Commission shows the 30-year-old has an unbelievable "zero" value in moveable and immovable assets.



I have nothing. I am a devoted party activist and a social worker. My sole aim is to develop our area. I am fighting the election for the first time and I have borrowed Rs 30,000 from my friends. I will return the money in instalments,” Sardar told when contacted.

Stating that he had to convince seniors in the party to give him a ticket to fight the election in the Purulia assembly constituency, Sardar said he was confident of winning despite “feeling the pinch in the pocket.”

Purulia has been neglected by all political parties and there has been no development. Drinking water, proper sanitation have long been a problem here. I will work for overall development ... I am getting a good response from the people,” he said. His party colleague Anadi Tudu, who also has reported “zero assets”, is contesting the election from Balarampur also in Purulia district

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3. Deputy Speaker's election in Bihar to witness NDA-Grand Alliance contest



The ruling NDA and the opposition Grand Alliance in Bihar are poised for yet another test of strength on the floor of the state legislative assembly on Wednesday with their respective candidates filing nominations for election to the post of the Deputy Speaker.

Senior JD(U) leader and former minister Maheshwar Hazari on Tuesday filed his nomination papers as the NDAs nominee, in presence of Chief Minister Nitish Kumar among others.

Nomination papers were also filed on behalf of RJD MLA Bhudeo Chaudhary by his proposers Bhai Virendra and Alok Mehta (RJD), Ajeet Sharma (Congress), Ram Ratan Singh (CPI), Ajay Singh (CPI-M) and Mehboob Alam (CPI-ML).

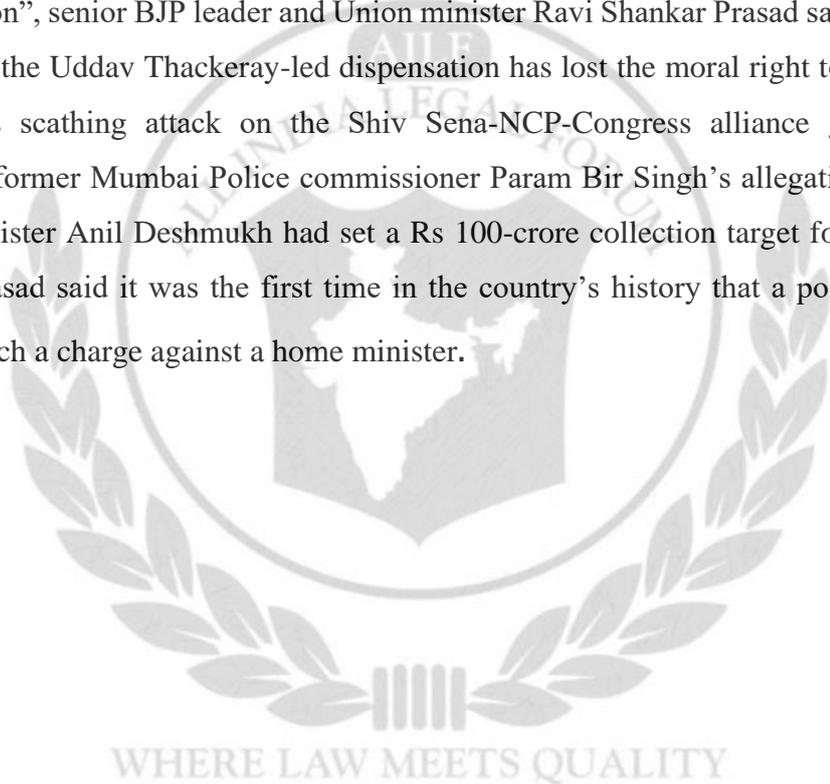
The odds appear stacked in favour of the candidate of the NDA which has 125 members in the 243-strong House besides having recently won over the sole legislator of Mayawati's BSP and an Independent both of whom have been accommodated in the state cabinet. RJD MLA Lalit Yadav said "the opposition had been in favour of both Speaker and Deputy Speaker being elected unanimously. There has been a convention in the state assembly that the Speaker is

from the ruling coalition while his deputy is from the opposition".

"The proposal to the effect by our leader Tejashwi Yadav, when the Speaker was elected in November last year, was turned down by the ruling coalition. As a result, we fielded our candidate then and are doing so again now", he added.

4. Maharashtra govt is of extortion, by extortion and for extortion: Ravi Shankar Prasad

The three-party alliance government in Maharashtra is "of extortion (vasuli), by extortion and for extortion", senior BJP leader and Union minister Ravi Shankar Prasad said on Tuesday and added that the Uddav Thackeray-led dispensation has lost the moral right to govern the state. The BJP's scathing attack on the Shiv Sena-NCP-Congress alliance government came following former Mumbai Police commissioner Param Bir Singh's allegation that the state's Home Minister Anil Deshmukh had set a Rs 100-crore collection target for the police every month. Prasad said it was the first time in the country's history that a police commissioner levelled such a charge against a home minister.



WHERE LAW MEETS QUALITY

MISCELLANEOUS LEGAL NEWS

1.To invest or not to invest? Vodafone, Cairn and the future of foreign investments in India

Cases such as Cairn and Vodafone were opportunities for the government to show the global investor community that India is the most attractive destination for investment. The Indian government has recently lost two big tax battles against Vodafone and Cairn Energy. However, it is not ready to accept the losses. Despite these two setbacks, India wants to retain its position on retrospective taxation. Despite the Supreme Court put an end to the controversy and holding that no tax was to be paid by Vodafone on the deal, the erstwhile government had brought an amendment to the Finance Act which gave power to the taxing authorities to retrospectively tax such deals. In other words, the government circumvented the judgment passed by the Supreme Court and as a result, the tax liability on Vodafone was restored.

The retrospective tax demand was globally criticized and even the present government criticized the erstwhile government for imposing retrospective taxation on the companies. Interestingly, the current government had promised a non-adversarial tax regime however, the \$4.3 billion final assessment order for Cairn Energy came in the year 2016 i.e when the current government had been in control for two years.

Recently, Vodafone won the tax battle against the Indian government in a unanimous award passed by the Permanent Court of Arbitration. After Vodafone, Cairn Energy Plc won an award of \$1.2 billion against the Indian government. The retrospective tax battle between the Indian government and these investors is far from over. India has already filed an appeal against the award passed by the Tribunal in the Vodafone case and plans to do the same in Cairn Energy PLC. Undoubtedly, this will send a negative message to prospective investors who were waiting to see whether the Indian government will stick to its promises and honour awards. India has failed to please huge global investors and appealing the decisions in Vodafone and Cairns will now take India away from its dream of becoming the most attractive destination

for investments.

The Delhi High Court recently upheld the Emergency Award passed against the Future-Reliance deal. The single judge had earlier taken the prima facie view that an Emergency Arbitrator is an Arbitrator and the order passed by the Emergency Arbitrator in Singapore is

enforceable as an order of the court under section 17(2) of the Arbitration and Conciliation Act, 1996. An appeal against this order is likely to eventually make its way to the Supreme Court. The Arbitration Act was enacted to dissuade the parties from taking advantage of the judiciary and delaying the execution of contractual obligations. But these cases make it evident that a mockery is being made out of the process for speedier resolution.

Why India should challenge the Vodafone-India BIT award

India may have reached from Rank 142 in 2014 to 63 in 2020 in the World Bank's Ease of Doing Business index, but the future does not look very bright. The Indian Bilateral Investment Treaty (BIT) Model 2016 has been severely criticized as India has moved away from an investor-friendly approach to a protective approach. Between 2016-2019, India terminated around 60 BITs, sending a negative message to investors. Since 2016, only 4 BITs have signed by India, none of which are in force yet.

The government has ignored the fact that the BITs have been a major reason for Foreign Direct Investment (FDI) in India as they provide commitment and protection to foreign investors. Therefore, the Indian approach to investment arbitration has been very regressive and must be revisited. It is often questioned why the Singapore International Arbitration Centre (SIAC) or the London Arbitration Centre are preferred over the Mumbai Centre for International Arbitration. This will happen only when parties follow the verdicts given by arbitration centres.

The Indian government has been trying to attract investment and has been claiming to provide a stable business environment to foreign investors. However, the actions of the government have shown a reverse trend. Investors are seeing India as an unstable and unpredictable market. India must understand that the idea is to encourage investments and to gain the confidence of investors by honouring arbitral awards. Cases such as Cairn and Vodafone were opportunities for the government to show the global investor community that India is the most attractive destination for investment.

When the government resists arbitral awards which are well reasoned, the investors are confused as to whether they should invest in India or not and whether India is an arbitration-friendly jurisdiction or not. Hence, to make India a hub of arbitration, the tradition of the government to challenge every award must be done away with. Another thing to keep in mind is that before taking any measures, the government and the relevant ministries must not forget their obligations under various BITs.

Also, before introducing any new law, the government must see how it can impact prospective investors. For instance, by unilaterally suspending the insolvency proceedings, the government ignored the interests of foreign investors as they were not able to recover their debts from wilful defaulters. Needless to say, a contracting state is duty-bound to provide benefits to investors that existed during the time of investing.

The efforts of the government and the judiciary cannot be ignored. However, we need to make improvements to the arbitration mechanism and make it more robust to attract more investments. The judiciary will also play a very important role in making India a hub of arbitration. Judgments like Vedanta pronounced by the Supreme Court will have far-reaching consequences as it gives a positive message and encourages foreign investments. A pro-enforcement approach is a must and it is to be kept in mind that one regressive judgment may take us ten years back and can discourage a lot of potential investors from investing in our country.

2. Gig Workers and Platform Workers: The Code on Social Security 2020

The new Code on Social Security, 2020 (“Code”). The Code will replace nine legislations that provided social security to the employees like Maternity Benefit Act, Employees’ Provident Fund Act, Employees’ Pension Scheme, and Employees’ Compensation Act, among others. The Code aims to provide uniformity in providing social security benefits to the employees who were earlier segregated under different acts and had different applicability and coverage.

The Code also aims to provide social security to a wider group of employees as the code has recognized and covered workers working in the unorganized sector. Several new concepts such as gig workers, platform workers, fixed-term employee etc. have been coined which were previously not recognized under any labour legislation. The Government has also published draft rules framed under the Code. Through this article, we would like to discuss the new concepts and the benefits provided to them under the Code.

Gig Workers

The term gig worker is a newly introduced concept in India. In general, the term gig worker means someone who takes on hourly or part-time jobs in everything from catering events to software development. The work is usually temporary and completed during a specified time under a nonstandard work arrangement. The Code defines the term gig worker as, “a person who performs work or participates in a work arrangement and earns from such

activities outside of traditional employer-employee relationships”. The formal recognition of gig worker was the need of the hour as the definition provides an umbrella to a large group of temporary workers. One can even be a part-time professor and fit into the gig economy. Some common names include contingent workers, freelancers and independent contractors etc.

The gig economy concept is very prominent in the west amongst the youth. The concept allows students to take up jobs at an early age and get exposure in their respective fields. The benefits associated with such jobs will encourage people in India to engage themselves in such jobs and avail benefits arising out of it.

Platform Workers

The term platform worker in general means a worker working for an organization that provides specific services using an online platform directly to individuals or organizations. For example Uber, Ola, Zomato etc. As per the Code, a platform worker means “a person engaged in or undertaking platform work”. To understand it better the definition of platform worker has to be read with the definition of platform work which states that platform work means “a work arrangement outside of a traditional employer-employee relationship in which organizations or individuals use an online platform to access other organizations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the Central Government, in exchange for payment.

Mandatory Registration

The Code also mandates for compulsory registration of both gig workers as well as platform workers on an online portal to avail benefits under the Code which shall be specified by the Central Government. However, this registration is subject to fulfilment of certain conditions, namely:

- He has completed sixteen years of age, but has not attained the age of sixty years;
- The worker has worked for not less than ninety days during the preceding twelve years;
- He has submitted a self-declaration electronically or otherwise in such form and in such manner containing such information as may be prescribed by the Central Government;
- Every eligible unorganised worker, gig worker or platform worker shall make an application for registration in such form along with such documents including Aadhaar number.

Social Security Benefits

Earlier, the labour laws did not provide for any social security benefits to the workers working in the unorganized sectors but the Code confers power upon the Central Government to frame welfare schemes for the workers in the unorganized sector on the matters related to:

- Life and disability cover;
- Accidental insurance;
- Health and maternity benefits;
- Old age protection;
- Creche; and
- Any other benefit as may be determined by the Central Government.

These schemes may be wholly funded by the Central Government or partly by the Central Government and partly by the State Government or wholly funded by the contributions of the aggregators or partly by the Central Government and partly by the State Government and partly funded by the beneficiaries of the scheme or the aggregators or wholly funded by the contributions of the aggregators or funded from corporate social responsibility fund within the meaning of Companies Act, 2013 or through any other source.

Way Forward

The introduction of these concepts would lead to providing better work opportunities to students and would promote them to take up non-regular jobs in the market. At the same time, it would be a lesser burden over the employer to not engage in traditional long-term employment commitments with the employees. The new concepts would help in generating several small jobs which will be duly regulated by the labour codes and also provide social security to the employees. Further, it would be evident to see how these sectors are practically regulated and what all schemes does the Government come up with to provide benefits to the employees working in the gig and platform-based economy before making any concrete statements.

3. Pakistan Supreme Court: Recording Sexual History Of Rape Victim By Carrying Out ‘Two-finger Test’ Or ‘Virginity Test’ Unconstitutional.

The Supreme Court of Pakistan while deciding a Criminal Appeal in its observation expounds that the two-finger test must not be conducted for establishing rape-sexual violence, and the size of the vaginal introitus has no bearing on a case of sexual violence and Dragging sexual history of the rape survivor into the case by making observations about her body

including observations like “the vagina admits two fingers easily” or “old ruptured hymen” is an affront to the reputation and honour of the rape survivor.

Factual Background of the case

A 20-year-old complainant while travelling to Rawalpindi from Kotli Sattian with one Hameed Abbasi (PW-2), was intercepted on the roadway by the appellants and others, taken off-road and raped. After the gruesome act, the complainant, straight from the place of the alleged occurrence, went to the police station and reported the matter. Her statement under Section 164 of the Code of Criminal Procedure, 1898 (“Cr. P.C”) was also recorded by a learned Magistrate on 29.08.2012, wherein she reiterated her version of having been raped by the aforesaid five persons.

Trial Court

Appellants were sent up for the trial and found guilty of having committed rape on the complainant. They were convicted under Section 376(2) of the Pakistan Penal Code, 1860 (“PPC”) and sentenced to death with the direction to pay Rs.500,000/- as compensation to the complainant or in default thereof to undergo simple imprisonment for six months by the trial court. The trial court also sent the Capital Sentence Reference (CSR) to the High Court for confirmation of the death sentence or otherwise.

High Court

The appellants challenged their conviction and sentence in appeal before the High Court, and the trial court also sent the Capital Sentence Reference (CSR) to the High Court for confirmation of the death sentence or otherwise. The appeal and the CSR were heard together by the High Court. Vide the impugned judgment, the High Court maintained the conviction of the appellants, however, reduced their sentence to imprisonment for life and extended the benefit of Section 382-B, Cr. P.C. also.

Question for Consideration

- Whether recording the sexual history of the victim by carrying out a “two-finger test” (TFT) or the
- “virginity test” has any scientific justification or evidentiary relevance to determine the commission of the sexual assault of rape?
- Whether the myth that “unchaste”, “impure” or “immoral” women are more likely to consent to sexual intercourse and are not worthy of reliance have any legal basis?

- Whether “sexual history”, “sexual character” or the very “sexuality” of a rape survivor can be used to paint her as sexually active and unchaste and use this to discredit her credibility?
- Whether her promiscuous background can be made basis to assume that she must have consented to the act. These important questions require to be examined in the light of our Constitution, the law and modern forensic science as it stands today.

Pakistan Supreme Court- Findings and Observations

The Pakistan Supreme Court considering the issues stated that,
 “Modern forensic science thus shows that the two-finger test must not be conducted for establishing rape-sexual violence, and the size of the vaginal introitus has no bearing on a case of sexual violence. The status of the hymen is also irrelevant because hymen can be torn due to several reasons such as cycling, riding among other things. An intact hymen does not rule out

sexual violence and a torn hymen does not prove previous sexual intercourse. Hymen must therefore be treated like any other part of the genitals while documenting examination findings in cases of sexual violence. Only those findings that are relevant to the episode of sexual assault, i.e., findings such as fresh tears, bleeding, oedema, etc., are to be documented.”

“The World Health Organization (WHO), the Office of the High Commissioner of the United Nations and the United Nations Entity for Gender Equality and the Empowerment of Women in “Eliminating Virginity Testing: An Interagency Statement” proclaim, “the practice is a violation of the victim’s human rights and is associated with both immediate and long term consequences that are detrimental to her physical, psychological and social well-being.” Because of this firm and reliable Interagency Statement, examination of a rape victim by the medical practitioners

and use of the medical evidence collected in such examination by the courts should be made only to determine the question whether or not the alleged victim was subjected to rape, and not to determine her virginity or chastity.”

“Dragging sexual history of the rape survivor into the case by making observations about her body including observations like “the vagina admits two fingers easily” or “old ruptured hymen” is an affront to the reputation and honour of the rape survivor and violates Article 4(2)(a) of the Constitution, which mandates that no action detrimental to the body and reputation of a person shall be taken except following law.” If the victim had lost her virginity earlier, it does not give anyone the right to rape her.¹⁴ In a criminal trial relating to rape, it is

the accused who is on trial and not the victim. Lastly, the Supreme Court of Pakistan Dismissed the Criminal Appeal.

4. Lok Sabha clears bill to extend powers of Delhi LG, AAP calls it ‘unconstitutional’

- On Monday, the Lok Sabha passed the contentious Government of National Capital Territory of Delhi (Amendment) Bill, 2021, with the Centre stating that it was not a political move. The bill has brought to end ambiguity in running the affairs of the national capital, the Centre said.
- The GNCTD Bill, 2021 was passed by the lower house amidst strong opposition from the Congress and the Aam Aadmi Party (AAP) which said that the legislation is unconstitutional
- Delhi chief minister Arvind Kejriwal termed the passage of the bill in Lok Sabha seeking to make it clear that the “government” in Delhi means the “Lieutenant Governor” an “insult” to the people of the national capital.
- Earlier, Union minister of state for home G Kishan Reddy, who initiated the debate on the bill in the Lok Sabha, said it has become necessary as there has been ambiguity in certain issues related to the functioning of the Delhi government and several cases were also filed in courts.
- “Please do not say that it is a political bill. It is being brought to end ambiguity in certain issues as Delhi is a Union Territory. It will end certain confusion or technicality and enhance the efficiency of the administration,” he said.
- The bill was introduced in Lok Sabha on March 15 following which Delhi Ministers and the ruling Aam Aadmi Party (AAP) MPs, MLAs and councillors staged a protest at Jantar Mantar here against it, saying it gives overarching power to the lieutenant governor (LG).
- AAP in Delhi has opposed the GNCTD Bill. Kejriwal said the bill effectively takes away power from those who were voted by people and gives powers to run Delhi to those who were defeated.
- “The passage of the GNCTD (Amendment) Bill in Lok Sabha today is an insult to the people of Delhi. The Bill effectively takes away powers from those who were voted by people and gives powers to run Delhi to those who were defeated. BJP has cheated the people, Kejriwal tweeted.
- Earlier, Kejriwal had even urged the Centre to take back the bill and said the AAP dispensation was “ready to fall at the (Narendra) Modi government’s feet” for its withdrawal.

- In the Lok Sabha, Reddy said there has been cordial relations between the central and Delhi governments since 1996 and all differences were resolved through discussions.
- However, since 2015, some issues have come up and cases were filed before the Delhi high court, which also gave certain rulings.
- Reddy said the court had also ruled that the LG should be informed on executive issues of the city government.
- According to the statement of objects and reasons of the bill, the original bill was enacted to supplement the provisions of the Constitution relating to the legislative assembly and a council of ministers for Delhi and matters connected therewith.
- The bill also makes it mandatory for the Delhi government to take the opinion of the LG before any executive action.
- Section 44 of the Act deals with the conduct of business and there is no structural mechanism provided in the Act for effective time-bound implementation of said section. Further, there is no clarity as to what proposal or matters are required to be submitted to the L-G before issuing order thereon, it said.
- It said that to give effect to the interpretation made by the Supreme Court which had ruled that the city government need not obtain the lieutenant governor's "concurrence" of every issue of day-to-day governance, the bill has been brought.
- The central government said it wanted to clarify the expression "Government", which in the context of legislation to be passed by the Delhi assembly, shall mean the "LG of Delhi", consistent with the status of Delhi as a Union Territory to address the ambiguities in the interpretation of the legislative provisions.
- It further seeks to ensure that the LG is necessarily granted an opportunity to exercise the power entrusted to him under proviso to clause (4) of Article 239AA of the Constitution, in a select category of cases and also to make rules in matters which incidentally encroach upon matters falling outside the preview of the assembly.

5. Lok Sabha passes amendment to Juvenile Justice Act

- The Lok Sabha passed a Bill to amend the Juvenile Justice Act to strengthen the provisions on the protection & adoption of children.
- Women & Child Development Minister Smriti Irani said the Juvenile Justice (Care & Protection of Children) Act, 2021 addresses several concerns that were flagged by

the National Commission for Protection of Child Rights (NCPCR) while examining the earlier version of the Bill that was passed in 2015.

- Ms Irani said the amended law made the District Magistrate (DM) a “synergizing officer” for issues related to the protection of children by empowering DMs & Additional DMs with greater decision making powers on issues concerning childcare & adoption.
- While several Opposition members welcomed the bill, some members like Congress’s Preneet Kaur, National Conference’s Dr Hasnain Masoodi & the Indian Union Muslim League’s E.T. Mohammed Basheer expressed concerns that DMs were already overburdened with various executive functions.
- Responding to such apprehensions, Ms Irani said there was a presumption that DMs were already overburdened & would not be able to focus on the issue of child protection. She said DMs were already empowered to review issues related to child protection, & once the Bill became a law & DMs were legally ordained, they would make child rights & protection a priority area.
- On adoption procedures, the Minister said that though there was a fixed timeline, it often took longer than usual. The new bill would streamline the procedure, she said.
- She informed the Lok Sabha that over 7,000 child care institutions & homes were audited & several shortcomings were found in their functioning. She said it had been found that several childcare institutions in the country did not have basic facilities like beds, drinking water & toilets. Many of the homes were functioning only to secure Govt funds, the Minister said.
- The Bill also categorised offences wherein the maximum sentence was more than seven years’ imprisonment but no minimum sentence or a minimum sentence of fewer than seven years had been provided as “serious offences” under the Juvenile Justice Act. Serious offences include offences for which the punishment under the Indian Penal Code is imprisonment between three & seven years.
- The Bill also sets the minimum qualification to be a member of the child welfare committee. No person shall be appointed as a member unless he or she had been actively involved in health, education or welfare activities about children for seven years or was a practising professional with a degree in child psychology, psychiatry, law, social work, sociology or human development.

6. Law Student Sexual Harassment Case: Former BJP MP Chinmayanand acquitted

- On Friday, a Special Court here acquitted Ex-Union Minister Chinmayanand in connection with a case of sexual harassment of a law student.
- In a separate case, the Court acquitted the law student & 5 others accused of blackmailing Chinmayanand & trying to extort Rs 5 crore from him. All the accused, including the law student & the minister, are out on bail & were present in court as the orders were issued. Lucknow District Government Counsel Manoj Tripathi said that “Special Judge Pawan Kumar Rai acquitted Chinmayanand from all charges against him. In another case, the Court acquitted the law student & five others. The accused of both cases have been acquitted for want of evidence”.
- The Court examined more than twenty prosecution witnesses in each of the 2 cases. During the trial, the prosecution declared the student hostile after she disowned her statement to the court. She alleged to have levelled allegations against the former union minister “under pressure by miscreants”. However, she did not identify the miscreants.
- In the case against Chinmayanand, no defence witness was examined. However, one defence witness was examined in the case against the woman, said Govt counsel Abhay Tripathi.
- The woman studied in a law college in Shahjahanpur run by a Trust set up by Chinmayanand.

According to the prosecution, in Aug 2019 the 23-year-old woman went missing after uploading a video on Facebook in which she blamed an “influential sant-politician” for harassing & destroying the lives of many girls in her college. She did not name anyone, but her father alleged that she was referring to Chinmayanand, who is also president of the college’s management committee.

- The same month, Chinmayanand’s advocate lodged an FIR in Shahjahanpur stating that the former BJP MP had received a threat message on his cellphone. According to the lawyer, the caller demanded Rs 5 crore & threatened to malign Chinmayanand’s image if the demand was not fulfilled. The sender also claimed to possess a video that he warned would go viral.

- The UP Govt. then formed a Special Investigation Team (SIT) to investigate the two cases. On Aug 30, 2019, the police found the girl in Rajasthan along with the youth. The following month, the SIT arrested Chinmayanand from his ashram based on the allegation that he sexually assaulted the law student.
- On Sept 25, the SIT arrested the woman from her home for allegedly trying to extort the money from the Ex-Minister. They also arrested her associates, who were allegedly found involved in the blackmail incident.
- On Nov 6, 2019, the SIT filed charge-sheets in the 2 cases in a local court in Shahjahanpur. Except for two men, Dharmendra Pratap Singh Rathore & Ajeet Singh, all other accused were arrested & sent to jail.

7. Lok Sabha clears Healthcare Professionals Bill, Minister says will give due dignity to allied Health Workers

- On Wednesday, the Lok Sabha passed the National Commission for Allied & Healthcare Professionals Bill.
- The Bill has passed by Rajya Sabha last week.
- Replying to the discussion on the Bill, Health Minister Dr Harsh Vardhan said, “The biggest backbone of our healthcare delivery system is our allied workers. The question of giving the allied worker dignity has now been addressed through the Bill & it has been long overdue. During Covid times, they had a huge contribution, but while people spoke of the work done by doctors & nurses, sanitation workers & security personnel – not many spoke of the allied workers.”
- “Whether it testing or CT Scans, respiratory assessments, neuroscience technologists, social workers or palliative care workers – this Bill brings a paradigm shift & change in health care delivery system with the registration of all these workers,” he said.
- Vardhan pointed out that with the registration, & standardization of professions, the Bill would ensure the generation of more employment.
- He said that “There is some concern that India’s doctor-patient ratio does not meet WHO standards. But the ratio is one doctor for every 854 patients, which I think is very good”.
- The Health Minister told the House that inclusion of professionals such as dieticians, Physiotherapist etc makes the healthcare system multi-disciplinary, “which is how it should be”. “This standardisation will also improve the distribution of professionals across the country, especially in rural & peripheral areas,” he said.

- The minister said state representatives had been included in the Commission & that provisions have been made for setting up state councils. “After deliberations, we felt it was better to have a common regulatory system for the 50 allied healthcare professionals instead of separate one,” he added.
- The minister said that clause 4(1) of the Bill provides for a two-year tenure for chairperson & vice-chairperson of the Commission, but there is a provision of recommendation of two more terms for the posts so that the acting chairperson & vice-chairperson can effectively have a tenure of 6 years.
- Earlier, participating in the discussion, BJD member Bhartruhari Mahtab said this Bill classifies 15 major professional categories including 53 professions in allied & healthcare streams.
- Supporting the Bill, he said that “There is a need for a statutory mechanism for enumeration, standardization, & regularization of these professions as has been expressed by several experts.
- Describing the Bill in the right direction, YSRCP’s Beesetti Venkata Satyavathi said, “The Bill is a path-breaking initiative that has the potential to change the future of healthcare service delivery for the people of this country.”
- TRS member BB Patil said that the Bill, by setting up of Allied & Healthcare Council of India & corresponding State Allied & Healthcare Councils, will enable setting of better standards & facilitate the medical profession.

8. Additional District Judge seeks voluntary retirement after attack by Lawyers

- A day after he was allegedly attacked by a group of Advocates in his courtroom on Thursday, an Additional District Judge (Unnao) Prahlad Tandon on Friday sought voluntary retirement from judicial service on personal grounds. Tandon is also a special Judge (Pocso Act court).
- In a letter addressed to Governor Anandiben Patel, he requested voluntary retirement from service.
- A copy of the letter has also been sent to the registrar general, Allahabad HC & the District Judge, Unnao.
- After the incident, Tandon had handed over a complaint letter to the Unnao kotwal Police Station, naming fifteen lawyers & around 150 unidentified lawyers for the attack.
- Lawyers across the state have condemned the attack on a senior Judicial officer.

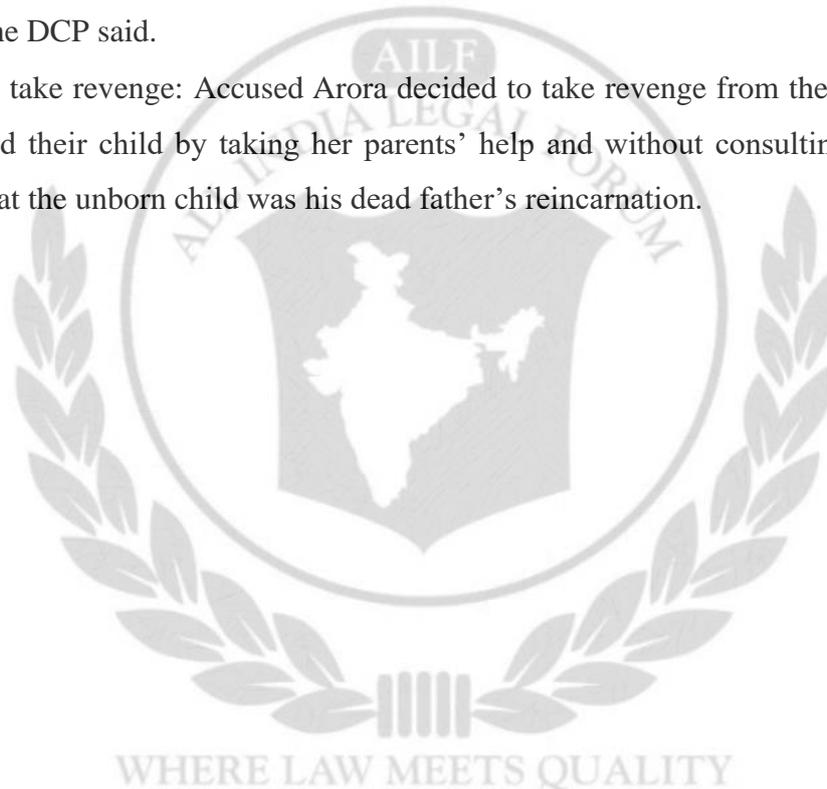
- Even in Unnao District Court, there is resentment against lawyers who attacked the Additional District Judge.
- Justice DP Singh, former judge of the Lucknow bench of the Allahabad high court, has condemned the incident & demanded stern action against lawyers involved in it.
- Justice DP Singh said that “The high court must take a serious note of the incident. Stern action must be taken against the lawyers involved in the attack on the additional district judge of Unnao in the courtroom”.
- Justice Singh has also requested the HC not to accept the resignation of the Additional District Judge.
- Gyan Singh Chauhan, a senior advocate of the Lucknow bench of the High Court of Allahabad, too, has condemned the Unnao incident & demanded action against those responsible for it.

9. Man inspired by Saddam Hussein Murders Wife, in-laws

- A Delhi-based builder has been arrested for allegedly poisoning his wife and other family members by mixing a toxin called thallium in their food, Police said on Thursday.
A Police officer said accused Varun Arora was inspired by articles related to the toxin and its use by former Iraqi president Saddam Hussein and used it to kill his mother-in-law and his sister-in-law. His wife, who was also poisoned, is on ventilator support at a hospital, Police said. Arora mixed the toxin in their food to take revenge on his wife and her family members for helping her abort their child without his consent, police said. On Monday, police received information that a woman named Anita Devi Sharma of Inder Puri had been declared dead at Sir Ganga Ram Hospital.
- The doctors had opined that the death was caused due to poisoning by thallium which had been detected in her blood and urine, police said. On enquiry, it was found that Sharma’s daughter Divya was also admitted to the ICU of Sir Ganga Ram Hospital and she too was undergoing treatment for thallium poisoning. She was on ventilator support, the officer said.
- Sometime later, it was also revealed that Priyanka, Sharma’s younger daughter had died during treatment at B L Kapoor Hospital on February 15 and doctors had detected symptoms of thallium poisoning in her, police said. Sharma’s husband Devendra Mohan was also found to have symptoms of thallium poisoning while the maid, who was working

at their house, also had undergone treatment at RML Hospital for similar symptoms, the officer said.

- Investigations revealed that the deceased woman's son-in-law Arora had visited them in Jan and brought cooked fish for them. "After we registered the case, Arora was interrogated in which he admitted to having procured thallium and also administering it to his mother-in-law Anita, wife Divya, father-in-law Devender Mohan and sister-in-law Priyanka to take revenge," DCP (west) Urvija Goel said. Thallium was recovered from his house at Greater Kailash, the DCP said.
- Wanted to take revenge: Accused Arora decided to take revenge from their wife because she aborted their child by taking her parents' help and without consulting him. He had thought that the unborn child was his dead father's reincarnation.



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