



# The LexGaze Weekly

NEWSLETTER BROUGHT TO YOU BY LEXGAZE

INDIA IS NO COUNTRY FOR  
WOMEN

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THE WARRIOR - Seema  
Kushwaha

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An Effective Way to Reduce  
Normalisation of Rape: Death  
Penalty or Education?

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WHEN WILL THE INDIAN  
'BETI' BE SAFE ?  
IT'S ABOUT TIME.....

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Ms. Shriya Maini and  
Ms. Shobha Prabhakar

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## INDIA IS NO COUNTRY FOR WOMEN

Prakhar Srivastava, Managing Editor, LexGaze



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Managing Editor,  
LexGaze

Over the past few years, news related to rape or sexual violence has stopped eliciting any shock or anger among most Indians, and everyone seems to have learnt to accept a certain degree of cruelty as normal. However, every now and then, something so appalling happens that the average Indian cannot turn a blind eye to, something that shocks the collective conscience of the entire nation. The recent incident of five men gang raping a 19 year old woman in a Hathras village is one such incident, except it is not just the savagery the men inflicted but everything that ensued thereafter that has left the country totally aghast.

The gory details of the incident, no wonder, were bone-chilling. The alleged rapists and murderers of the 19 year old broke her spine and cut her tongue. What they couldn't break, however, was her spirit that made her live long enough to give a statement against the perpetrators. In her dying declaration, the victim inter alia revealed the names of the men who raped her. This testimony is sufficient evidence for the guilt of the perpetrators to be established. But Hathras had to be different.

It seems the rape and the killing of the woman were not awful enough that the State of Uttar Pradesh did everything in its power to deny the victim and her family the tiniest shred of dignity they were entitled to. Appalling as it came to everyone, the Hathras Police cremated the body of the victim in the dead of the night, even as the family beseeched the Police to see their daughter one last time. Prior thereto, the Police suggested that no rape happened at all, since no semen was found in the victim's body. Clearly, the Police did not know the 2013 amendment that has made clear that not only the male genitalia but any object so inserted in a woman's body amounts to rape. Read again, the Police did not know this, again, THE POLICE.

Among other things, the District Magistrate's threatening the family, the statement of a BJP MLA saying parents should teach good values to their daughters to stop rapes, the leaking of the survivor's video by BJP IT Cell Head Amit Malviya, the leaking of the telephonic conversation between an India Today reporter and the survivor's family, the absolute complacency toward protest by the families of the accused and others belonging to the upper caste stone throw away from the grieving family- all of it, every single one of these things ensued the death of the victim, and each of it was defended, either by words or by (in)action.



It is also a tragedy of our times that decades after some upper caste men raped Bhanwari Devi, a Dalit woman in Rajasthan whose battle gave us the Vishakha guidelines (in a case that stemmed from the original case), when another Dalit woman was raped, people echoed the exact same thing, “upper caste men would not even touch a Dalit, let alone raping her”. Despite such madness, there are questions as to why it is emphasised that the woman was a Dalit. The uncomfortable reality a lot of us have failed to acknowledge is that caste is a factor in sexual violence, especially in rural and semi-urban areas, for it is the hegemony of some castes that renders in them a sense of power and entitlement to do as they wish. Besides, on many occasions, the stories of women belonging to the lower castes often go unheard and unheeded.



This systemic collective denial of a woman her right to live with dignity, protection, safety and contrary support to the accused shifts India backwards by eons altogether- making India no country for women, and a very, very scary place to live.

Most of Bhanwari Devi's rapists are now dead. Nearly thirty years since she was raped horrendously, she is still fighting to prove that she was in fact raped. Given her age, Bhanwari Devi may die sometime soon too. She will be ashes, like this 19-year old Dalit woman from Hathras, and together they shall beg for our attention...for the eerie silence on the part of those responsible for our safety makes me a pessimist, wondering if anything will ever change...



## WHEN WILL THE INDIAN 'BETI' BE SAFE ? IT'S ABOUT TIME.....

Ms. Shriya Maini and Ms. Shobha Prabhakar

*Special Credits: The authors have been assisted by Ms. Ritika Manchanda, a law intern at the Chambers of Ms. Maini*

### ABOUT



Ms. Shriya Maini

Ms Shriya Maini is an Advocate on Record at the Hon'ble Supreme Court of India. An award-winning lawyer, Ms Maini practises at the Supreme Court of India, the Delhi High Court and District Courts/tribunals (NCLAT, NCLT and NCDRC). She specializes in dispute resolution (civil, criminal and matrimonial) and has been accredited with numerous publications. A gold medallist from Gujarat National Law University, Ms Maini post-graduated in-laws from the University of Oxford, U.K., and is also a Visiting Professor for Women and Child Laws and International Crimes at National Law University, Delhi, NLU Nagpur and Lloyd Law College, Noida

Ms. Shobha is an Advocate & Legal Consultant, and is currently practising at Rajasthan High Court, Jodhpur. She graduated from Gujarat National Law University, Gandhinagar and has vast experience of working for Retail and FMCG corporates. Ms. Shobha, along with interest in academics, was an active participant and member of the Theatre Club. During the course of her engagement with theatre and its allied activities, she realised that it is a powerful medium for interaction with common people and bring possible social change. Since her University days, she performs street & stage plays and is actively engaged in addressing socio-political issues through her writing and community involvement.



Ms. Shobha Prabhakar

*Hathras, Nirbhaya, Kathua, Damini, DeltaMeghwal* – What do they all have in common? Ask anyone from India, and they will hang their heads in shame, admitting to the horrors and humiliation of their country's malignant provisioning for women safety. Well, let us be clear – these and many more are the women and young girls who have been victims of the heinous crime of rape in India, and mind you, we are yet to count the widely publicized Unnao rape case, Ajmer Rape case and many more.

Launched with an initial funding of a 100 Crore Rupees, the flagship campaign of the Indian government, "*Beti Bachao, Beti Padhao*" was announced to break the shackles of patriarchy with the artilleries of literacy, aimed at ensuring survival and protection of the girl child in India, a country which was struggling with female infanticide; prostitution; dowry; bride burning; sex, bride and child trafficking, With aspirations to educate and empower the young girls of our country to be socially and financially self-reliant, the campaign today has been reduced to a scornful laugh, a mere juxtaposition of four words, coupled in reality to being "*an unattainable goal*". Statistics stand reprehensibly tall with disgrace. In 2019, India recorded an average of 87 rape cases a day whereas 4,05,861



cases of crimes against women were chronicled, a 7 % rise from 2018, as per the latest data released by the National Crime Records Bureau (NCRB). Abysmally surprised that the Indian Beti is perhaps, far from still being safe?

From the *Nirbhaya* Gang Rape to the *Kathua* Minor Rape, criminal laws in India have witnessed two major milestones of amendments, namely the *Criminal Law Amendment Act, 2013 and 2018*. Shouldn't the Hathras Rape of 2020 be another knee-jerk response, when the Indian society wakes up from its deep slumber, yet again. The incidence of dual rape and murder of a Dalit girl in Uttar Pradesh has shown how we have aborted miserably in providing a safe and secure environment for our daughters. Whatever may have been the reason, Hathras glares in our faces because we, as a society taught our daughters to be independent but forgot to teach our sons how to respect a woman's boundaries. Maybe the jumla should have read – *Beta Padhao, beti bachao!*

### "Beta Padhao, Beti Bachao"

Furthermore, media reports confirm that the police authorities used unjust measures to coercively suppress the incident. Be it burning the body of the victim overnight without permission and consent of the family; or stopping the electronic/print media from physically accessing the victim's house, all almost hinting at a deliberate manufacturing of investigative laches such as incoherent witness statements, an inconclusive Post Mortem or Forensic Report which could make or mar the case of the prosecution upon filing of the Charge sheet. The Courts have highlighted the high-handedness of the State authorities, questioning the District Magistrate of Uttar Pradesh – “What if it was a girl from a rich family? Would you have cremated her the same way?” Can a job offer and a few lakh rupees ever possibly compensate the victim's family? We want justice for our daughters, not money.



The law enforcement agencies, instead of maintaining law and order, have actually left no stone unturned to suffocate the Constitutional provisions they vowed to protect by openly engaging in acts of subservience to the 'so-called' Upper Class perpetrators, thereby abusing statutory powers. The police without fear of public and State have also used duress against media to prevent it from covering the tragic incident only to suppress voices of the victim and her family. A Constitutional Bench of the Supreme Court had in *Sahara India Real Estate Corpn. Ltd. V. SEBI, (2013) 1 SCC 1* ruled that Courts could temporarily ban media from reporting a case if it is of the opinion that reporting of proceedings could adversely impact the trial. Why was this not done in Hathras Case by the Apex Court?

The fetters of MeToo, name and shame have been broken by media trials today, yet we find ourselves dipped in the deep waters of patriarchy. In fact, even the pandemic has not been spared – 1,477 complaints of domestic violence alone have been preferred by women during the pandemic-related lockdown between March 25 and May 31, 2020. This 68-day period has recorded more complaints than those received between March and May in the previous 10 years. It is time to eradicate the rape culture in India which has erroneously precipitated and has been constantly tarnishing the magnificent image of India at the global forum. We must acknowledge and engrain within our children that women, men and the third gender are equal citizens and are entitled to live a basic dignified life with pride that they deserve. The foremost solution to prevent and curb such incidences of rape, assault, sexual violence, atrocities faced by women due to caste inequalities or otherwise is quality education only, but for our children alike. Empower the girl but also educate your boys, we say!

**Empower the girl but also educate your boys, we say!**





## BETI BACHAO OR THE FUTURE IS BACHA BADHAO?

Mr. Akshay Pathak, Editor -Social Policy and Jurisprudence, LexGaze

“The progress of a nation lies in equally treating the citizens, more specifically no gender-based presumptions of the society.” This strikes as the *prima facie* reason for the slogan “Beti Bachao Beti Padhao” campaign, launched in the year 2015 to further the protection of ‘woman’. From the beginning of its inception our Constitution has been protective for the rights of the females in the society to promote gender equality. The Parliament tried to enact various laws so as to empower the woman ability and to protect their rights. For example, providing maternity benefits, reservations in seats for the institutions etc. as per provisions of the Constitution, Article 15(3) of the Constitution specifically empowers the State to enact laws for the betterment of women and children. Following this, the Supreme Court has been constantly managing the balance between rights of women and the interest of society, as in *Air India Etc. v. Nargesh Meerza & Ors.* (AIR 1981 SC 1829) case, the Court declared the provision which violated the fundamental rights of the petitioner-women as unconstitutional.

Looking at the recent incidents in last few years the question arises how far has the aim of protection of rights and strengthening of ability of women been achieved? The slogan “Beti Bachao” has failed miserably. This is clear from the increase in criminal acts against the women. After the amendment of 2013 and 2018 the provisions of offences against women including harassment and rape as in Indian Penal Code, 1860 and other relevant laws, were made stringent but no result came to the level expected, the heinous acts similar to that of Nirbhaya case have regularly surfaced in the news, the recent was that in Hyderabad, and the latest in Hathras U.P. The level of protection has fallen to the extent that the police even forgot the amendment of 2013 where in the Rape definition was expanded.

The issue is not limited to crime as “Beti Bachao” has to be read with “Beti Padhao”, but the recent Annual Survey of Education Report (ASER) 2017 findings suggest, while on average the difference between enrolment levels of boys and girls at age 14 are declining, by 18, when the state does not enforce compulsory education through the RTE Act, 32% girls are not enrolled—compared to 28% boys. So, is it the failure of the State? In reference to DPSPs yes, it is the failure of the State as it failed to provide adequate living standard, economic stability and employment to the earning members of the family.



The slogan has been left merely to be cited and benefitted from, when the TRP of any channel has to be raised or for electoral gains, it has been able to achieve the aim limited to reserve seats in metros. The presence of stringent laws is unable to lessen the crimes against women, so the failure lies in the execution of the steps, for example in some rural areas the girl(victim) does not complain of any eve-teasing or harassment in the fear of reputation of the family, and in many cases the police does not give importance to the information given on the very first instance which lessens the fear of law and respect of women in the minds of the culprits. Similar situation goes in some urban areas. The aim of the slogan has been defeated, but following the principles of Justice Vivian Bose we need to find new ways in these laws and existing situations of the society, henceforth first, we need to raise the standard of education, economic status, employment ratio. We should also train our women to feel confident in the male dominated society by achieving the overall development of which the techniques of self-defense can be one of the ways to achieve the slogan “Bacha Badhao”. Here ‘Bacha’ includes male and female and non-binary child, ‘Badhao’ means the development of the child, which will ensure the growing of the child in society, including development of co-ed schools, conducting other activities to develop over-all personality of the child, this campaign will be common to both genders and there should be camps to spread awareness about gender equality.



## “THE WARRIOR - Seema Kushwaha”

Mr. Aishwary Jaiswal, Technical Editor, LexGaze



Ms. Seema Samridhi Kushwaha  
Advocate  
The Hon'ble Supreme Court of India

With Marie Curie being the only person to ever win a Nobel Prize in two different sciences, and Indira Gandhi taking on the world as first female prime minister of a present-day G20 country, and Ella Fitzgerald quashing the stereotypes to become the first woman to win multiple Grammy awards; women have time and again proved, in every possible field, that no gender, in particular, is superior to another in this competitive world of today.

However, on the one hand, where our country worships Goddesses and refers to the girl child as an inevitable form of the same; the steep dip in the Child Sex Ratio (CSR), on the other hand, tells an altogether different story.

The CSR, defined as the number of girls per 1000 of boys between 0-6 years of age, has only gotten worse over time. The latest (2011) census numbers show that there are 918 girls per 1000 boys which is significantly lower than 927 in 2001. “The decreasing sex ratio in this age group (0-6) has a cascading effect on the population over a period of time leading to diminishing sex ratio in the country,” explains the Census of India website. “The magnitude of the decline can be seen by the fact that 31 States / UTs have registered a decline in Child Sex Ratio during 2001. One thing is clear – the imbalance that has set in at this early age group is difficult to be removed and will remain to haunt the population for a long time to come.”

Keeping this alarming issue in mind, the Government of India –in 2015– launched Beti Bachao, Beti Padhao (Save the girl child, educate the girl child) Yojana. And with this campaign, the Government aims to improve the efficiency of welfare services intended for girls in India and to eradicate the evil of gender bias.

However, this does not mean that women at the micro level have not been acting as a catalyst for the same cause- women empowerment. Seema Kushwaha is one of many such modern-day women who have subdued the prejudices against women with their unparalleled actions and beautiful ethos.

Seema Kushwaha, brought up in a small village Ugrapuri in Etawah district of Uttar Pradesh, was born to Baladin Kushwaha and Ramkuanri Kushwaha. On completing her graduation in LL.B. from Kanpur University in 2005, Seema also received her Bachelor of Journalism degree in 2006 from Uttar Pradesh Rajarshi Tandon Open University. Being a dreamer and achiever since her young days, Seema did her M.A. in Political Science and started legal practice at the Supreme Court of India in 2014.



Seema is widely known for her immense contribution to the Singh family's fight against the culprits involved in the awful Nirbhaya gang-rape case as the victim's legal representative. In 2014, besides actively participating in numerous protests demanding justice, Seema (also) officially took the role of Nirbhaya's lawyer demanding capital punishment for all the convicts involved. In January of the same year, Seema also became a legal adviser of an institution –Nirbhaya Jyoti Trust– founded by Nirbhaya's parents to aid women who have experienced violence in any form.

Apart from her widely-known fight for justice for Nirbhaya, Seema has also been involved in other notable works. She is also a legal adviser of Mahatma Jyotiba Phule Foundation- a national organization working towards enhancing and strengthening educational fields. Also, according to reports, Seema will also be representing the family of the Hathras gang-rape victim (a 19-year-old Dalit woman). This move, on the part of the reliable legal representative, reassures the fact that justice will inevitably be served to the innocent girl falling victim to the nerve of some people!

It is women like Seema who force people prejudiced against women to crush their restricted thinking and give respect to women which they rightfully deserve. Also, with innumerable independent women –across the nation– just like Seema, our country is bound to become greater with absolutely no place for gender bias in its heart.

## LEXGAZE HOPE

### The long battle for equality - A step closer

Ms. Yamika Khanna, Associate Editor, LexGaze



The Supreme Court recently issued a notice in a plea seeking equal protection of laws to the transgender community from sexual crimes concerning the Indian Penal Code.

The plea states that there are no explicit provisions or sections in the IPC that protect the third gender from sexual assault and anti-discrimination laws are needed to safeguard the Transgender community. The same is considered to be violative of the basic tenants of the constitution, mainly violating Article 14, 15 and 21.

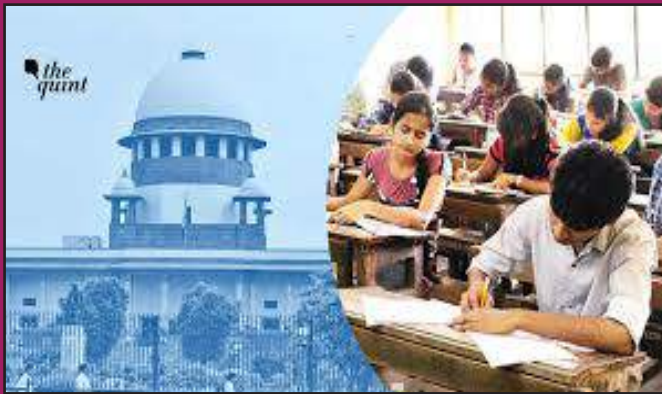
The plea highlighted that "greatest and most inclusive constitutional provision is Article 21, which states that no person shall be deprived of life or personal liberty except according to the procedure established by law commonly understood as "Right to life" includes "Right to live with dignity". In this context, it adds that "due to said sexual assault /hate crime, transgenders could not live their lives with respect and dignity".

Furthermore, the petitioner has stated that despite the progressive approach adopted by the Hon'ble Court of recognising Transgender as the third gender, close to no attempts have been made to protect them against crimes that are sexual in nature, failing to seek protection under the provisions of the Indian Penal Code. The petition further asserted that "Sexual assaults can be perpetrated by any individual; however, it is particularly startling when professionals who are in "helping" roles abuse their power and sexually assault individuals they are supposed to be serving. 15% of transgender individuals report being sexually assaulted while in police custody or jail. The main reason is that there is no security of transgenders and they put in jail with male convicts. There are no separate jails or wards or security to transgenders".

The petition has been applauded by the Hon'ble Court and the same has been compared to the petitions that paved the way for remarkable actions by the Court such as by issuing the Vishakha guidelines.







The Supreme Court allowed NEET tests to be conducted on October 14 for students who missed the exam on September 13 due to COVID-19 or due to being stuck in containment zones.



The Calcutta High Court on Tuesday slashed the fees charged by private schools in the State by 20%.



The Supreme Court has upheld the validity of the Tamil Nadu Government notification declaring an 'Elephant Corridor' in the Sigur Plateau of Nilgiris District.



A wife is also entitled to claim a right to residence in a shared household belonging to relatives of the husband, the Supreme Court has held on Thursday in an important judgment overruling the 2006 judgment in S.R. Batra vs Taruna Batra.



The Supreme Court has appointed a One Man Committee of Justice (Retd.) Madan B. Lokur to monitor and take steps to prevent stubble burning in the states of Punjab, Haryana & Uttar Pradesh.

**NO MEANS NO**

## An Effective Way to Reduce Normalisation of Rape: Death Penalty or Education?

Mr. Arijit Sanyal, Contributing Editor, LexGaze

One of the primary considerations for punishing an offender proportionately is deterrence which has been given an extended meaning of a tool to negate the wrongful act [Hampton 1992]. However, the above rationale has failed to deter rape, which is rather pervasive in our social environment. It is often seen that the perpetrator's blame is shifted on the victim's shoulders, simply because a social reform is not desired which has consequentially and sadly normalised rape culture.

Surprisingly the lawmakers and their electorate have been ignorant of the fact that certain tendencies, if examined from an early stage, have a greater potential than retribution when it comes to preventing sexual crimes against women and gender minorities in India.

Institutionalised death penalty in India has the sanction of the legislature as well as the judiciary which has maintained its use should be restricted to the "rarest of rare" cases [Bachan Singh v. the State of Punjab (1980) 2 SCC 684]. This, however, has failed to address a scenario when a crime warranting the death penalty is not rare anymore. Furthermore, the procedural latches prolong the suffering of the victim, thereby defeating the purpose of retribution.

To assess the efficacy of the death penalty for convicted rapists, it is essential to understand the underlying reasons for a sharp rise in instances of rape in recent times.

During the lockdown period alone, we have witnessed a large number of rape cases, with data suggesting that close to 50 instances occurred daily [NCRB]. Moreover, there was a 4% rise in crimes related to women in 2019 when compared to the preceding year, with a large chunk of victims being underage [NCRB]. The data when read with the analogous provision of the POCSO Act, awarding death penalty to convicted rapists of

underage children, suggests that death penalty though retributive in nature, might not be an effective way to deal with not just the convicts but the brewing rape culture at grassroots levels of our social structure. Instead of focussing on the safety and mental health of the victim and their kin, considerable elements from the society can be found hands in glove with the perpetrators as they initiate the saga of blame-shifting and victim-blaming, which nurtures rape culture and endorses such elements having a dormant tendency to get involved in such acts.



Thus, while the legislature decides what is best for the convicts, we need to introspect the ideas of patriarchy, masculinity, sexism, upbringing etc. which have a far greater role in reforming our social structure and consequently the criminal justice system.

To begin with, the stereotypes of males being the stronger and fairer sex and others being categorised as weaker, subdued, fit for a certain job, needs to be understood in light of such issues and parted ways with.

Similarly, we need to introspect as to what leads to victim-blaming and broaden our horizons, vis-à-vis dormant elements of rape culture [UN Women], which can be initiated at schools to teach children about the



underlying social problems of our society thereby making them aware of such elements and helping them to discard those elements if it had been indoctrinated in them. This, however, does not amount to discarding the anatomical differences between sexes and only extends to separating those differences from a self-perceived identity of gender-superiority.

Furthermore, broadening the horizons related to gender and sexual violence will pave the way for an intersectional approach, which would allow other gender minorities (LGBTQI+), to have legal recourse, which is insufficient as per the current legal standards.



Though this might not be a quick fix to the glaring issue which has cost multiple lives and pushed thousands of victims towards the brink of having severe mental health issues, this can be more effective than the current practice of death penalty which has an infamous history of recreating the horrific incident for the victim or their kin, before justice is finally delivered after half a decade.

Therefore, a robust framework of laws must be accompanied by a change in the social structure and the general attitude of public forming the same. This will not only allow us to reform the perceptions we hold regarding rape but will be an effective deterrent for people at large, as unlike before they will be in a position to evaluate the current narrow concepts of gender, masculinity, victim-blaming and patriarchy.

Though there is no harm in continuing death penalty or abolishing the right to presidential pardons, which has been a reason for the abuse of the legal process,

viewing rape solely from the legal prism will lead to nowhere.

Thus, inculcating such values from an early stage which allows individuals to introspect and understand the social problem from a broader perspective appears to be something doable for identifying the real problems leading to rape, instead of just punishing the perpetrators.





## ARBITRATION & CONCILIATION

[1] Application under Section 9 of the Arbitration and Conciliation Act can be filed where a part of the cause of action has arisen.

Cal. HC, **Srei Equipment Finance Ltd. v. Seirra Infraventure Private Limited**, A.P. 185 of 2020

## CIVIL LAW

[2] A wife is also entitled to claim a right to residence in a shared household belonging to relatives of the husband.

Supreme Court, **Satish Chander Ahuja v. Sneha Ahuja**, Civil Appeal No. 2483 of 2020

[3] Suit for specific performance filed within limitation cannot be dismissed on the sole ground of delay or laches.

Supreme Court, **Ferrodous Estates (Pvt.) Ltd. v. P. Gopirathnam (Dead)**, Civil Appeal No. 13516 of 2015

[4] Right to pre-emption a "very weak right" and capable of being defeated by all legitimate methods including the claim of superior or equal right.

Supreme Court, **Raghunath (D) v. Radha Mohan (D) Thr. Lrs.**, Civil Appeal No. 1442 of 2016

[5] Residence order not an embargo for initiating or continuing civil proceedings in relation to same subject matter.

Supreme Court, **Satish Chander**

**Ahuja v. Sneha Ahuja**, Civil Appeal No. 2483 of 2020

[6] Time granted up to end of January, 2021 for removal of minerals excavated/mined on or before 15.03.2018 subject to payment of royalties and other charges.

Supreme Court, **Chowgule and Company Pvt. Ltd. v. Goa Foundation**, M.A.No.1260 of 2020

[7] Rejection of candidature of a district judge aspirant who was later acquitted in criminal case u/s 498A IPC – upheld.

Supreme Court, **Anil Bhardwaj v. The Hon'ble HC of Madhya Pradesh**, Civil Appeal No. 3419 of 2020

[8] Credit Rating Agency cannot be characterized as "State" within the meaning of Article 12 of the Constitution of India and cannot be considered as discharging any public function.

Mad. HC, **Mahasemam Trust v. Union of India**, W.P.(MD)No.8037 of 2020

[9] Wife obtaining husband's consent for marriage without revealing her cardiac ailments is nothing short of fraud.

Ker. HC, **Ajitha & Ors. v. Harshan**, Mat. Appeal No. 734 of 2012

[10] An intentional self-injury cannot be inferred in a case where a person rides a high-end motorcycle without the necessary orientation.

NCDRC, **Mala Sahni Seth v. New**

**India Assurance Co. Ltd.**, Consumer Case No. 971 of 2018

## COMMERCIAL LAW

[11] SEBI – Press Release – Investors cautioned against unsolicited investment tips being circulated over different social media/messaging platforms – advised not to rely on such tips.

SEBI, **Press Release No. 53/2020**, [Click Here](#)

## CRIMINAL LAW

[12] Conviction can be based on the testimony of a single eye witness so long he is found to be wholly reliable.

Supreme Court, **Amar Singh v. State (NCR of Delhi)**, Criminal Appeal No. 335 of 2015

[13] All offences under the UAPA, whether investigated by the NIA or by the investigating agencies of the State Government – to be tried exclusively by Special Courts set up under the NIA Act.

Supreme Court, **Bikramjit Singh v. State of Punjab**, Criminal Appeal No. 667 of 2020

[14] While granting default bail/statutory bail under Section 167(2) of CrPC – condition of deposit of amount cannot be imposed.

Supreme Court, **Saravanan vs. State**, Criminal Appeal Nos. 681682 of 2020

[15] Testimony of the related witness, if found to be truthful –



can be the basis of conviction.

Supreme Court, **Karulal v. State of M.P.**, Criminal Appeal No. 316 of 2011

[16] Holding high office does not entitle an accused to anticipatory bail.

Supreme Court, **Anil Kumar Singh Alia Anil Sinha v. High Court of Judicature at Patna**, W.P. (Crl.) No. 293/2020

[17] Accused gets an indefeasible right to 'default bail' if he makes an application after the maximum period for investigation of an offence is over, and before the charge sheet is filed.

Supreme Court, **Bikramjit Singh v. State of Punjab**, Criminal Appeal No. 667 of 2020

[18] Police cannot register an FIR for the offence under Section 188 of the Indian Penal Code.

Chhattisgarh HC, **Dr. Apurva Ghiya v. State of Chhattisgarh & Ors.**, W.P. (Crl.) 310 of 2020

[19] Allegations in matrimonial case can lead to criminal defamation.

Kar. HC, **Smt. Sushma Rani v. Sri. H.N. Nagaraja Rao**, Crl. R.P. No. 152/2014

[20] Mere gold smuggling not a 'terrorist act' unless done with intent to threaten economic security of India.

NIA Court Kochi, **Mohamed Anwar T.M v. Union of India**, RC No.02/2020/NIA/KOC

## PUBLIC POLICY

[21] Matters of education must be left to educationists – M.Ed. held to be a Postgraduate degree.

Supreme Court, **Anand Yadav v. State of Uttar Pradesh**, Civil Appeal No. 2850 of 2020

[22] Validity of the Tamil Nadu Government notification declaring an 'Elephant Corridor' in the Sigur Plateau of Nilgiris District – upheld.

Supreme Court, **Hospitality Association of Mudumalai v. In Defence of Environment and Animals and Ors. Etc.**, C.A. No. 3438-3439 of 2020

[23] Renewal of passport cannot be refused because of criminal case pending against applicant.

Kar. HC, **Mr. Krishna Chiranjeevi Rao Palukuri Venkata v. The Union of India**, W.P. No. 9141/2020

[24] No bar on the step-parent to adopt the child or children of one of the biological parents.

Kar. HC, **Mr. Balakrishna Gottipati v. NIL**, W.P. No. 511 of 2020

[25] States have the power to provide quota for in-service candidates in PG-Super Speciality medical courses.

Ker. HC, **Dr. Bilu B.S. v. Union of India**, W.A. No. 1302 of 2020

[26] Foreign national does not automatically become an Indian citizen on marriage with a citizen.

Patna HC, **Kiran Gupta vs. State Election Commission**, Letters Patent Appeal No.139 of 2020

[27] Educational institution directed to change the name of a Transgender, and her gender as female under the recently notified The Transgender Persons (Protection of Rights) Rules, 2020.

Kar. HC, **Christina Lobo v. State of Karnataka & Ors.**, W.P. No. 8024 of 2020 (EDN-RES)

[28] Court warns of strict action against investigating officers/media if confessions are leaked/discussed during investigation.

Ker. HC, **Responsive industries Ltd. v. Banyan Tree Growth Capital LLC**, Special Leave to Appeal (C) Nos.11404-11405/2020

[29] Obvious that the schools have incurred less expenditure over a prolonged period of time – minimum 20% reduction in private school fees ordered.

Cal. HC, **Vineet Ruia v. Principal Secretary, Department of School Education, Govt. of WB**, WPA 5890 of 2020

[30] Ban of export in respect of KN95 Masks, PPE Kits and other products does not amount to violation of fundamental right guaranteed under Article 19(1)(g).

M.P. HC, **Mr. Akshay N. Patel v. Reserve Bank of India and Anr.**, W.P. No. 7902/2020

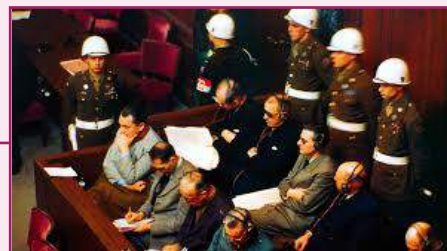




The Belgian government in exile is installed at St. Adressee.

1914

1946



The Nuremberg Trials conclude with the hanging of 10 nazi leaders including the likes of Wilhem Keitel and Joachim Von Ribbentrop.

1952



The UNGA meets for the first time at its New York headquarters.

1984



The Central Intelligence Agency (CIA) Act is passed .

2018



Canada legalises the sale of recreational cannabis, and is the second country to do so after Uruguay.

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