



# The LexGaze Weekly

NEWSLETTER BROUGHT TO YOU BY LEXGAZE

History owes an apology to the LGBT+ community; let's ensure the future does not have to

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Smashing the myths: Menaka Guruswamy

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India's Tryst with Same-Sex Marriages: Taking the Thai same-sex companionship law forward in a conservative Asia

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Marriage equality: Why it matters?!

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Milu Sini Lal

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# History owes an apology to the LGBT+ community; let's ensure the future does not have to

Mr Prakhar Srivastava, Managing Editor, LexGaze



Prakhar Srivastava  
Managing Editor,  
LexGaze

About a month and a half ago, on September 06, 2020, India celebrated the second anniversary of the historic decriminalisation of consensual gay sex in the country. By way of recall, two years ago when arguments were underway in the PIL that led to such decriminalisation, the Union of India said that it was willing to leave the matter to the “wisdom of the court” and opted to neither favour nor oppose the verdict. Many including me were satisfied that at least the Government did not create another roadblock in the realisation of the human rights of a historically oppressed community. However, little attention was paid to a request of the Union at the time which said that the court must decide questions related only to the decriminalisation of consensual same-sex, and refrain from entering into domains such as marriage, succession etc. Two years later, we learn why.

The Delhi High Court, which was also the first forum that decriminalised consensual homosexual sex in 2009 in the Naz Foundation case, is now hearing two petitions seeking recognition of same-sex marriages in India. Tushar Mehta, the Government's lawyer and India's Solicitor General opposed the petitions and argued that same sex marriages are not a part of our culture. This regressive approach from the highest ranks of the Government pushes us back by decades altogether, but makes one thing clear- the present government is not an ally of the LGBTQ+ community in India, in fact, it is anything but.

Not only India, but countries around the world that are governed by conservative forces have witnessed promotion of anti-LGTBQ+ activities lately. Sample this; last year in June- the month popularly known as “pride month” commemorating the Stonewall riots, Boston witnessed a “Straight Pride”. As ludicrous as it sounds, actual processions were carried out making the call, “don't hate the straight, it's great to be straight”. Obviously, the very idea of the movement was irrational. Those who were a part of the same failed to realise that “Gay Pride was not born of a need to celebrate being gay, but their right to exist without persecution.” So, as someone said at the time “instead of wondering why there isn't a Straight Pride movement, they should be thankful they don't need one”.



Likewise, Poland recently saw the Government declaring some areas as “LGBT-free”, implying there was no population of the community left in such areas. Appalling at every level, such demarcation was received with a major pushback from human rights activists around the world. Most recently, the nomination of Judge Amy Coney Barrett in the place of the inimitable Ruth Bader Ginsburg to the US Supreme Court (pending final vote) has become another cause of worry for liberals and supporters of free speech around the world. The Judge has, in the past, made controversial statements about the LGBTQ+ community, such as using the term, “sexual preference” in lieu of “sexual orientation”, implying as if one’s sexual orientation is a matter of choice, not so much a natural instinct.



In more, the Singapore High Court, about seven months ago, upheld a 377-like law, Section 377A of their Penal Code that criminalises consensual gay sex.

It is among such global suffocation that a community that has historically been at the receiving end of all forms of discrimination and oppression is mustering the strength to stick its neck out in India and rightfully so, arguing with vehemence that it deserves the same rights as its heterosexual counterparts. The present edition of The LexGaze Weekly is our way of showing support to the community in this fight for respect and equality. It is our drop in the ocean, a drop nonetheless, that promises unwavering support to the LGBTQ+ community through the course of this battle, a battle that should not be one in the first place, for no one should have to ask the State to honour their love, to recognise their union.

My parting words to the reader as you would begin reading this quintessential issue will be what Indu Malhotra J. said, “History owes an apology to the LGBTQ+ community”; might I be daring enough to add though, let’s work together to ensure that the future does not have to owe this apology too, while we still can.

Happy Reading!



# Marriage equality: Why it matters?!

Ms Milu Sini Lal

It has been two years since the draconian law that penalised homosexual sex was struck down by the Supreme Court of India. In September 2018, the highest court, the Supreme Court of India struck down Section 377 of the Indian Penal Code that outlawed same-sex relationships (Navtej Singh Johar v. Union of India). Although the judgment was historic, some questions such as marriage equality have been left unanswered, which forms the core of the movement.

There are contrasting perspectives about the desirability of marriage both outside and within the LGBTQ+ community. Either through government arrangements or one's personal life that uses marriage as a condition for a wide scope of advantages – social, economic, and legal, such as availing a loan, joint bank accounts, adoption, maintenance, succession, and pension. One of the significant reasons that homosexuality is as yet not acknowledged as normal is because it comes up short on an embossment of marriage.

Not long ago, a Public Interest Litigation was filed in the High Court of Delhi under the Hindu Marriage Act, 1955 seeking pronouncement of the marriage privileges of the LGBTQ+ community. The petitioner asserts that the Hindu Marriage Act, 1955 permits relationships between two Hindus with no segregation among homosexual and heterosexual couples. Section 5 of the Hindu Marriage Act, 1955 does not mention that a marriage must be solemnised between a man and a woman, instead the Act clearly states, "two Hindus". Yet, same-sex couples cannot register or get married under the Act. Since the members of the LGBTQ+ community are seen as people and not as couples, same-sex couples have to stifle their sentiments of getting married to the partners of their choice.

Marriage is considered sacrosanct in the Indian society. Denying the LGBTQ+ community the right to get married unlike any heterosexual couple exclusively based on gender identity and sexual orientation is prejudicial and against the substance of the Constitution of India and what it holds. It further deprives the same-sex couple from legal, social, and economic benefits which a heterosexual couple enjoys such as adoption, maintenance, succession, and pension.

## ABOUT



Ms Milu Sini Lal

Milu Sini Lal is a lawyer and an LGBTQ+ rights activist. She is also an entrepreneur, marketer, photographer, and poet, who is making significant contributions in varied organizations across the globe that offers an opportunity to progress thereby leaving a signature of belonging. She is a mentor at myGwork, a business community for LGBTQ+ professionals, graduates, inclusive employers, and advocates for workplace equality. She is also a member and an active listener at 7 Cups of Tea providing online counselling, support, and private consultations related to LGBTQ+ issues, work-related stress, bullying, harassment, panic attacks, parenting, and managing emotions from diverse groups (age, gender, nationality). A partner at Ocean Roofs and Tubes, an inclusive organization contributing to environmental and social wellbeing, Milu is also the Advisor and the Legal Executive at Africa in Science, a Think Tank based in London under the ownership of Scientist, Aymen Idris. She is also a Volunteer at the United Nations, and currently is heading the PR activities of Nathan EBanks Foundation in a collaboration with UNICEF Jamaica.



The Netherlands became the first country in the world to legalise same-sex marriage, followed by Taiwan, the first country in Asia to legalise same-sex marriage in 2019. The legal recognition of same-sex couples in the Netherlands paved way for other countries to recognise and accept the same.



Several acts cover the marital laws in India, such as the Special Marriage Act, 1955, Hindu Marriage Act, 1954, Indian Christian Marriage Act, 1872, Muslim Personal Law (Shariat) Application Act, 1937. Although these acts have heteronormative underpinnings, yet none of these acts prohibit same-sex unions, neither do they define marriage as between a man and a woman explicitly.

Instead of being progressive, the Indian society is moving backward with conservative and orthodox practices. Homosexuality is not new to India and it can be traced back to ancient history as outlined in the Rig Veda which dates back to 1500 BC. The Hindu scriptures define marriage as the union of two souls, and further that souls have no gender. Since religion enjoys more prominence in the Indian culture, denying a person their right to marry a partner of their choice is unjust and is against the spirit of the Constitution of India.

The right to marry is a universal right as recognised under Article 16 of the Universal Declaration of Human Rights. The right to love is what makes us

human, and denying a person the right to marry the person they love is taking away their basic fundamental right. An alternative to the recognition of same-sex marriage is through civil union or partnerships.

However, excluding same-sex marriage and providing the option of partnership or civil union is discriminatory, and it takes away the social and legal status that marriage provides unless the Acts are amended and include same-sex relationships.

Since the Special Marriage Act can be constitutionally challenged due to discrimination based on sexual orientation, the most viable option is the amendment of the Special Marriage Act to include same-sex marriage. Having lived in countries that recognise same-sex marriages, partnerships, and civil unions, I can say that India has a long way to go and the battle for the recognition of same-sex marriage is not an easy one. The Indian society needs to accept the fact that same-sex couples are no different than any heterosexual couple, and only by becoming an ally, the goal can be achieved together which would pave the way for future generations to live in peace.

COUNTRIES THAT ALLOW GAY MARRIAGE			
2000	(The Netherlands)	2012	(Denmark)
2003	(Belgium)	2013	(Brazil, England / Wales, France, New Zealand, Uruguay)
2005	(Spain, Canada)	2014	(Luxembourg, Scotland)
2006	(South Africa)	2015	(Ireland, Greenland, United States)
2008	(Norway)	2016	(Colombia)
2009	(Sweden, Mexico)	2017	(Germany, Finland, Malta, Australia)
2010	(Iceland, Portugal)		



LOVE IS LOVE





# Marriage equality for same-sex couples - The fight for solemnisation of individual freedom and choice

Ms Yamika Khanna, Associate Editor, LexGaze

The *Navtej Singh Johar* judgement emerged as a ray of hope in the lives of homosexual couples by recognising as well as legitimising their rights and choices. While the Supreme Court asserted the importance of individual freedom and equality for the LGBTQ+ community, a lack of incentive by the legislature has been witnessed.

Family matters, including marriage, are governed by the personal laws of various religions, and there is no uniformity between them, except under the Special Marriage Act. While religious groups and fundamentalists at large have had a conservative and orthodox approach towards marriage, gender and homosexuality, it seems rather difficult to get marital recognition under these religious personal laws due to their heavy reliance on customs and holy scriptures. Amidst the adverse view of religious leaders and organisations, the Special Marriage Act emerges as a ray of hope. The Act recognises inter-faith, inter-caste marriages and is uniform in nature.



But recently, registration and solemnisation of same-sex marriages under the Special Marriage Act was denied to some couples. This was challenged in the Delhi High Court where the petitioners argued that "the act amounts to disrobing the same-sex couples of their inherent dignity". The petitioner pointed out that the judgement in *Puttaswamy* had categorically denoted that privacy and sexual orientation are prohibited grounds of discrimination, and in *Navtej Singh Johar*, the LGBTQI+ people were held entitled to protection under Articles 14, 15, 19 and 21 of the Constitution of India.

Moreover, it was argued that 'The right to choose a marital partner is a positive obligation of the State to be fulfilled through its existing marriage laws. Excluding same-sex marriage from legislation governing civil marriage outside personal law renders the Special Marriage Act violative of constitutional guarantees of dignity, liberty, and equality'.

The hopes of the nation are tied up, awaiting the decision of the Hon'ble Court in this particular matter. The recognition of the marital rights of same-sex couples would mark the emergence of an era free from the shackles of conservatism and pave the way for greater recognition of individual freedom and choice. However, the solemnisation of same-sex marriages would be a victory in a series of battles. The Special Marriage Act requires all couples marrying under the Act to make their personal information public. This could prove to be an area of concern for same-sex couples marrying under the act as it might not be in their best interest to make their details known, considering the reservations and adverse attitude of a segment of public towards homosexuality at large.



# Smashing the myths: Menaka Guruswamy

Mr Hardik Vyas, Special Contributor- Issue 19

*“Consensual Choices cannot be denied”*

*-Supreme Court of India*



Ms Menaka Guruswamy  
Senior Advocate  
The Hon'ble Supreme Court of India

The concept of marriage equality at its conceptual and pragmatic levels cherishes the importance of freedom, equality and autonomy between the interacting partners, irrespective of their genders and sexual orientation. Such values exist mainly in a democratic societal setup. In India, homosexuality is still considered a taboo by civil society. The oppression faced by the LGBTQ+ community is no less tragic. They become aware of their sexual orientation in a highly homophobic society. The resultant confusion, fear and guilt haunt them through their youth. Some Indian parents force heterosexual marriages on their homosexual sons or daughters, believing after the marriage their son or daughter will become “normal”. This result is disastrous not just for the individual but also for the person they are married to.

Though various campaigns and news articles continue addressing this issue to raise awareness, not enough recognition is given to the LGBTQ+ community. Indian society has overlooked the existence of the LGBTQ+ community for a very long period. However, the Hon'ble court located the right to dignity & privacy within the Right to Life & Personal liberty guaranteed by Article 21 of the constitution and held that criminalisation of consensual gay sex violates these rights. Further, the court held that it offends the guarantee of equality enshrined in Article 14 of the constitution because it creates an unreasonable classification and targets homosexuals as a class. The verdict of the Hon'ble Supreme Court decriminalises homosexuality; a significant step for our country towards social progress.

That idea of equality expanded substantially when the Supreme Court struck down Section 377 of the Indian Penal Code last year, effectively decriminalizing homosexuality in India. Menaka Guruswamy was one of the lawyers who represented various students, graduates and alumni from the LGBTQ+ community in court.

Menaka Guruswamy is the daughter of Mohan Guruswamy, a former advisor to the Ministry of Finance, Government of India. She holds advanced degrees in law from the University of Oxford, Harvard Law School and the National Law School of India University. She completed her primary education from the Hyderabad Public School. She is a B.R. Ambedkar Research Scholar and Lecturer at Columbia Law School, New York. Guruswamy has been a visiting faculty at Yale Law School, New York University School of Law and University of Toronto Faculty of Law. She is known for having played a significant role in numerous landmark cases before the Supreme Court, including the Section 377 case.



Additionally, she has written various scholarly articles and given talks relating to constitutional law. She says, “How or why a constitution works (or doesn’t) tells you a lot about the people of the country”. She has argued for constitutional rights in path-breaking litigations such as the Right to Education for children of disadvantaged sections in private schools and freeing the bureaucracy from political influence.

She was among the 37 lawyers who were designated as senior advocates by the Supreme Court. For her eloquent interventions in the courtroom, she — along with lawyer Arundhati Katju was recently named among the 100 most influential people of 2019 by Time magazine.

It is a personality like Guruswamy, who not only plays a crucial role in uplifting society through her vigour but also possesses distinct abilities to lead society towards the right direction. Such perseverance, compassion and commitment shatters myths and takes a step onward to promote the freedom to love in the society.

## LEXGAZE HOPE

### Justice Lokur’s move on stubble burning: SC shrugs off its ego?

Mr Aishwary Jaiswal, Technical Editor, LexGaze



Justice Madan Bhimarao Lokur  
Former Judge of Supreme Court of India

In an interview to Karan Thapar for the Wire, Justice Madan B. Lokur –a former judge of the Supreme Court– said he is “disappointed” in the court and by how it has handled the COVID-19 lockdown crisis. Justice Lokur also remarked that although the Supreme Court is very much capable of doing a good job; under the wing of CJI Bobde, it has taken a back seat and has left the wheel to the direction and judgement of the Government. (Pretty ironic on SC’s part.)

Coming to the infamous stubble burning problem in Northwest India, hundreds of thousands of farmers typically burn abundant crop residues on their fields, to nurture the same for subsequent scattering

And this practice, according to a Harvard John A. Paulson School of Engineering and Applied Sciences (SEAS) study, doubles Delhi pollution and shoots pollution levels up to 20 times higher than safe limits during the peak burning season!

Clutching at straws, a petitioner moved the Supreme Court seeking remedy. Keeping in mind the recent verdict of the Court in Prashant Bhushan contempt of court case, although it seemed highly unlikely, the court readily agreed to the petitioner’s suggestion to appoint the retired judge and seasoned environmental litigator as head of a panel to curb stubble burning in the states of Punjab, Haryana, and west Uttar Pradesh. The Court seems to have taken the high road in the matter even after the retired judge’s critique of the court’s way of functioning.

This move on the part of the Supreme Court, although very contrasting to the one earlier, (just a few months back) reassures confidence and independence to its critics.







Gauhati High Court agrees to hear PIL on appointment to the National Council for Transgender Persons.



Mumbai Magistrate acquits 20 foreign Tablighi Jamaat attendees on the ground of no evidence portraying contravention of order.



Calcutta HC directs the state to raise awareness about social distancing, safety norms, etc. to **reduce overcrowding** in public places during Durga Puja.



In an SLP filed against Orissa HC's judgement in January, SC stays the HC's ban on bird/animal sacrifice during 'Chatar Yatra'.



# India's Tryst with Same-Sex Marriages: Taking the Thai same-sex companionship law forward in a conservative Asia

Mr Arijit Sanyal, Associate Editor, LexGaze

A heterosexual marriage itself is not an independent institution in India. Guided by social customs it has often made it difficult for couples to marry out of their choice. These social customs tend to jeopardise the civil-rights movement concerning LGBTQ+ since same-sex marriages or companionships are a farfetched idea in a society which frowns at relationships outside the institution of marriage. Though the Supreme Court struck down a law, which was more an epitome of colonial legacy [*Navtej Singh Johar v. Union of India*], progressive judgements dealing with the novel concept of equality and ensuring protection to gender minorities have received a cold response from the government. One might argue that the genesis of this ambiguity lies in the apex court's judgement, wherein it failed to cover issues such as same-sex companionship/marriage, joint-property rights, adoption and social security rights, amongst others. It is primarily the government's job to take note of judgements dealing with constitutional rights and amend the existing laws from time to time which might have a nexus with the said cause. Having failed considerably to meet the expectations of trans+ people in the new legislation, the government seems to have put a wet blanket on allied rights of same-sex couples and needs a reminder that judgements do not accord rights, but legislations do.

Recently, while hearing a PIL filed before it, the Delhi High Court was informed by the government's counsel that the apex court judgement had merely decriminalised what was considered "unnatural" by the then lawmakers and had nothing to do with civil rights. Furthermore, the learned counsel added that Indian values did not recognise same-sex marriages or companionship and how the same has never been recorded in the history of Indic culture. However, these claims have not gone down well with the historian's account that states homo-sexuality and same-sex relationships were more than just "socially tolerated"

institutions [Nilanjana S. Roy]. The right to lead a married life is internationally recognised [Article 16, UDHR] and the least the government of India can do is take the concept of civil-companionship for same-sex couples forward in India, placing homo-sexual couples on par with heterosexual couples in terms of rights enjoyed by them. Speaking of which, this brings us to the Thai same-sex companionship law which was recently passed by the conservative Thai cabinet. This law aims to legalise same-sex civil companionship, which would allow couples the right to inherit joint property, adopt children and other social benefits enjoyed by heterosexual couples.



Though the similarities in Thai and Indic culture are few, a strong element of conservatism is something shared by both these societies, and if their law succeeds, India should be the one taking note. The Thai companionship bill lays down a comprehensive set of rules for prospective same-sex couples, including rules for registration of their companionship and age-related requirements to have a valid civil companionship. Furthermore, the bill provides for specific rules for separation, should the couples reach a juncture at which cohabitating is either not possible or sustainable for either one of them or both. However, the bill restricts free



movement and requires at least one of the couples to be a Thai citizen, thereby preventing foreign couples domiciled in Thailand from getting the benefit of recognition. Nevertheless, it is considered a milestone in a conservative Asia and far more liberal in comparison to the Taiwanese same-sex marriage bill [Reuters]. Activists see this bill as an obstacle which restricts a prospective law from legalising same-sex marriage between consenting partners [NY Times].



make sufficient inroads for a prospective legislation. By relaxing some norms for the concerned couples, the government's "one step at a time" approach is clearly defined while dealing with this allegedly sensitive issue.



The stance of the legislature that bringing in such a law would take due consideration and time might not be completely accurate as the Hindu Marriage Act, 1955 while providing for conditions of a valid Hindu marriage, does not consider gender as an aspect. In as much, there's no mention that marriage solemnised between couples belonging to the said faith must occur between "a man and a woman" of age and bases itself on the phrase, "any two Hindus" [Sec. 5]. Moreover, the Special Marriage Act, 1954 while dealing with degrees of prohibited relationship makes no mention of "homosexual couples". This signifies the intent of the legislature to leave such matters to successive governments as and when developments related to gender minorities take place. However, in the succeeding sections of the said Act, age-related requirements have been mentioned with respect to "a man and a woman", which might be a serious hurdle for the government in a society which is largely conservative and sensitive to some extent, as marriages are governed by religious laws of diverse groups living in India. However, the government cannot get away with basing its arguments solely on conservatism and take a note of the Thai Bill. Even though it does not give same-sex partners the "Married Couples" title, it does





## CIVIL LAW

[1] Proposer who seeks to obtain a policy of life insurance is duty bound to disclose pre-existing medical condition to the insurer.

Supreme Court, **Branch Manager, Bajaj Allianz Life Insurance Company Ltd. v. Dalbir Kaur**, C.A. No. 3397/2020

[2] Breach of the audi alteram partem rule cannot by itself lead to the conclusion that prejudice is thereby caused – the "prejudice" exception must be more than a mere apprehension.

Supreme Court, **State of U.P. v. Sudhir Kumar Singh**, C.A. No. 3498 of 2020

[3] Long standing or established status quo brought about by judgments interpreting local or state laws, should not be lightly departed from.

Supreme Court, **Navin Chandra Dhoundiyal v. State of Uttarakhand & Ors.**, Civil Appeal No. 3493/2020

[4] Statements recorded before a Judicial Officer cannot be said to have lesser sanctity than an instrument of Compromise drawn outside the Court attested by some Oath Commissioner/Notary Public.

P&H HC, **Lachhman Dass v. Amarjit Singh Sahni & Anr.**, CR-6310-2019 (O & M)

[5] Act of urging the Court to enter their appearance in a case, with the intention to represent a party – amounts to "soliciting briefs" – may invite strict action.



Pat. HC, **Chhotan Singh v. The State of Bihar**, CR. MISC. No.4627 of 2020

## COMMERCIAL LAW

[6] Notification – SEBI – SEBI (Alternative Investment Funds) (Amendment) Regulations, 2020 issued- prescribes qualifications for key investment team of Manager of AIF and constitution of investment committee.

Notification  
**No. SEBI/LAD-NRO/GN/2020/37.**,  
[Click Here](#)

[7] Gen. Circular – MCA - special relief measures regarding the minimum residency requirements for companies and LLPs issued – residency requirement of 182 days for Director relaxed.

General Circular **No. 36/2020**,  
[Click Here](#)

[8] Circular – SEBI - framework for processing of applications for registrations of Alternative Investment Funds (AIFs) issued.

Circular **No. SEBI/HO/IMD/DF6/CIR/P/2020/209**,  
[Click Here](#)

[9] Regulation – IRDAI – exposure draft on further regulation of insurance advertisements issued – suggestions and comments invited latest by November 10, 2020.

No **F. No. IRDAI/Reg/xx/2020**,  
[Click Here](#)

[10] Notification – SEBI – SEBI (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) (Second Amendment) Regulations, 2020 issued – clarification on prohibition

of manipulative, fraudulent and unfair trade practices while dealing in securities provided.

Notification  
**No. SEBI/LAD-NRO/GN/2020/36**,  
[Click Here](#)

## CRIMINAL LAW

[11] Court hearing First Appeal in criminal matters required to form its opinion on the basis of the evidence on record and the opinion of the Trial Court.

Supreme Court, **Chandrabhan Singh v. State of Rajasthan**, S.L.P.(Criminal) No.4525 of 2020

[12] Genuine assessment of state of affairs of administration not defamation – criminal defamation case against "Rediff" quashed.

Mad. HC, **R. Ramasubramania & Ors. v. City Public Prosecutor**, CrI.O.P.Nos.23318

[13] In cases of Gang Rape, medical corroboration is not an absolute necessity.

M.P. HC, **Harishchandra v. The State of Madhya Pradesh**, CRA-3608-2020

[14] Prisoner not entitled to get phone facility in jail.

All. HC, **Mohan Singh v. State of U.P.**, Misc. Bench No. 14848 of 2020

[15] Where complaint pending before lokayukta, institution of FIR on self-same issue will create double jeopardy.

Ori. HC, **Niranjan Kumar Nayak v. State of Odisha**, W.P.(C) No.27012

of 2020

2020-KA-0323

[16] Right to cross examination of accused could not be closed on account of absence of his counsel – duty of court to provide legal aid counsel.

H.P. HC, **Lovely v. State of Himachal Pradesh**, Cr. MP (M) No. 1395 of 2020

[17] Necessary for courts to scrutinize allegations – nowadays there is a tendency to make vague allegations against members of husband's family u/s 498A.

Bom. HC, **Shabnam Sheikh & Ors. v. State of Maharashtra**, Criminal Application (APL) No. 114 of 2014

[18] No further extension of interim orders passed in civil cases and interim bails granted to undertrials in heinous crimes.

Del. HC, **Court on its own motion v. State**, W.P.(C) 3037/2020

[19] Rape a crime against entire humanity – Court recommends amendment to Section 376D IPC to provide capital punishment for the offence of gangrape.

Kar. HC, **Ramu & Ors. v. State**, Criminal Appeal No. 246/2014

## INTERNATIONAL

[20] 'Sex Offender' ID card requirement unconstitutional – statutory requirement of making persons convicted of sex offenses carry an ID card branded with the words "SEX OFFENDER" struck down.

Louisiana Supreme Court, **State of Louisiana v. Tazin Ardell Hill**, No.

## PUBLIC POLICY

[21] Notification – Min. of Agri. – Farmers' Agreement on Price Assurance and Farm Services (Dispute Resolution) Rules, 2020 issued.

Notification **G.S.R. 655(E)**, [Click Here](#)

[22] Advisory – NHRC – Human rights advisory for protection of LGBTQI+ rights amid COVID-19 pandemic issued.

National Human Rights Commission, [Click Here](#)

[23] All stay orders on civil/criminal proceedings passed by courts, including HCs – to automatically expire within 6 months – unless extended for good reason.

Supreme Court, **Asian Resurfacing of Road Agency Pvt. Ltd. v. Central Bureau of Investigation**, M.A. No. 1577 of 2020

[24] Orissa High Court judgment banning animal/bird sacrifice during 'Chatar Yatra' festival – stayed.

Supreme Court, **Bhawani Shankar Nial v. Jayanti Devi & Ors.**, S.L.P. (Civil) No. 21329/2020

[25] Co-operative banks directed to disburse loans to farmers without insisting on payment of interest – interest already collected to be refunded.

Bom. HC, **Kishore Ashokrao Tangade v. The State of Maharashtra**, P.I.L. No. 27 of 2020

[26] Pricing and procurement of food-grains for the public distribution

system a policy decision – cannot be interfered with by the Court, unless such policy is arbitrary or violative of Article 14/21.

Pat. HC, **Mahendra Yadav v. The State of Bihar**, Civil Writ Jurisdiction Case No.6901 of 2020

[27] Equal pay for equal work has assumed the status of fundamental right in service jurisprudence – orders of Tribunal can only be interfered if there is gross illegality.

Jha. HC, **Employer in relation to Management of Food Corporation of India v. Employer in relation to Management of Food Corporation of India**, W.P. (L) No. 3745 of 2009

[28] Government cannot effect the merger of the feeding cadre to the higher cadre if not envisaged under the Service Rules.

All. HC, **Vijay Kishore Anand & Ors. v. State of U.P.**, Service Single No. 12438 of 2019

[29] Minor girl's stay at remand home pursuant to judicial order cannot be called unlawful confinement/detention – habeas corpus petition not maintainable.

Pat. HC, **Anuradha Kumari v. The State of Bihar & Ors.**, CR. WJC No.373 of 2020

[30] Enquiry by lokayukta into corruption not prejudicial even where one facing criminal charges.

Ori. HC, **M/S Ram Kumar Agrawal Engineers Pvt. Ltd. v. Odisha Lokayukta**, WP(C)/22884/2020





During the Reign of Terror, Queen Marie Antoinette is beheaded, following the French Revolution.

1793

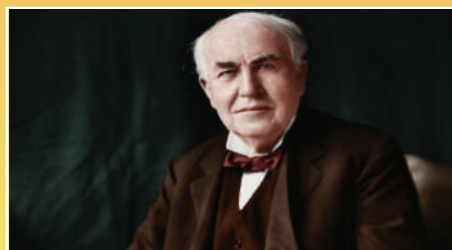


1815



Napoleon Bonaparte arrives on the Island of St. Helena beginning a British-imposed exile following his defeat at the Battle of Waterloo.

1879



Thomas Edison successfully tests an electric incandescent lamp with a carbonized filament at his laboratory in Menlo Park, New Jersey, keeping it lit for over 13 hours.

1945



The Nuremberg War Crimes Trial begin with indictments against 24 former Nazi leaders including Hermann Göring and Albert Speer.

1987



"Black Monday" occurs on Wall Street as stocks plunged a record 508 points or 22.6 per cent, the largest one-day drop in stock market history.

Ms Yamika Khanna  
Associate Editor, LexGaze

## The LexGaze Weekly

**EDITOR-IN-CHIEF**  
Dr. Priyanka Patwardhan

**CONTRIBUTING EDITOR**  
Prakhar Srivastava

**EDITORIAL ASSISTANCE**  
Aishwary Jaiswal  
Arijit Sanyal  
Hardik Vyas  
Saksham Grover  
Yamika Khanna

**SUPERVISING DIRECTOR**  
Prakhar Srivastava  
Ashi Jain  
Kritagya Agarwal

**PRINCIPAL REVIEWER**  
Sophia Suri

**DESIGNER**  
Aastha Sharma

**WEBSITE**  
[www.lexgaze.com](http://www.lexgaze.com)

**CONTACT**  
+91-8806599256  
[lexgazeweekly@gmail.com](mailto:lexgazeweekly@gmail.com)

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