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NEWSLETTER

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NATIONAL NEWS

VODAFONE WINS CASE AGAINST INDIA AT THE INTERNATIONAL ARBITRATION TRIBUNAL



Image Source: Times of India

Telecom major Vodafone won the case against the government regarding the payment of Rs. 20,000 crores in taxes for the purchase of the telecom company Hutchinson. Vodafone was represented at the tribunal by DMD associates. The tribunal in its judgment stated that the taxes being levied by the government on Vodafone were in breach of bilateral treaties that India had signed with Netherlands and Britain respectively. Quashing the demand of the Indian government, the court also stated that the government should pay USD 5.47 million to Vodafone as legal costs.

The International Arbitration Tribunal is an independent non-governmental panel comprising of independent and impartial experts. It generally comprises of three members nominated by the Parties or appointed by the International Arbitration Institution, or by a National Court based on their legal expertise and knowledge. It is a Permanent Court of Arbitration established in 1899. It is headquartered in Hague, Netherlands. The organization is dedicated to resolve the dispute and facilitate arbitration between States.

DRDO BEGINS MASS PRODUCTION OF PINAKA MISSILES

The Defence Research and Development Organization (DRDO) has commenced the mass production of the indigenously developed Pinaka missiles. These missiles are multi barrel rocket launcher fired missiles with a range of 37.5 Kilometres. They are mostly used along the borders with Pakistan and China. An upgraded version with a 90 Kilometres range is also being tested. These missiles were first used in the Kargil War of 1999.

ADB APPROVES USD 300 MILLION LOAN TO DEVELOP RAJASTHAN'S TIER-II TOWNS



Image Source: Times of India

Asian Development Bank (ADB) has approved a INR 2,200 crore or approximately USD 300 million loan to enhance inclusive water supply, sanitation infrastructure and other services in the Tier-II towns of Rajasthan. These towns have population between 20,000 and 1 lakh residents.

Some salient features of this development scheme are:

1. Water supply systems in at least eight project towns will improve by 2027 with the implementation of the project.
2. One lakh households including the urban poor households will form 5 new or rehabilitated water treatment plants and 1,350 km of distribution networks.
3. Under the project, citywide sanitation systems will be developed which will be based on the most cost-effective solutions.

The project aims to strengthen institutional capacity of the local governments in providing basic facilities to the citizens. This project will also help generate employment opportunities for the locals with the primary preference being given to women and other marginalized communities.

HEALTH IN INDIA REPORT RELEASED



Image Source: Affairs Cloud

The Ministry of Statistics and Programme Implementation has released the “Health in India” report. The main objective of the report was to gather quantitative data on India’s health sector. Which specifies that around

7.5% of Indians suffered from ailments. 6.8% suffered from ailments in the rural areas while

in urban areas, the numbers were high at 9.1%.

Report states that, women were more susceptible to suffering than men. Around 6.1% of males were suffering from ailments in rural area while percentage of women in rural area was 7.6%. On the other hand, in urban areas, 8.2% of males and 10% of females were sick of ailments. Thus, number of females suffering from ailments was higher as compared to males in both the urban and rural areas.

It also states that, the Zoroastrians were the most susceptible to ailments. Around 31.1% of Zoroastrians suffered from ailments as of July 2020 as per a report. It highlights on the health of religious communities across country. The percentage of sick people from other communities are:

- a) Jains - 11.2%
- b) Sikhs - 11%
- c) Christians - 10.5%
- d) Muslims - 8.1%
- e) Buddhists - 8%
- f) Hindus - 7.2%

AMNESTY INTERNATIONAL TO SHUT DOWN INDIA OPERATIONS

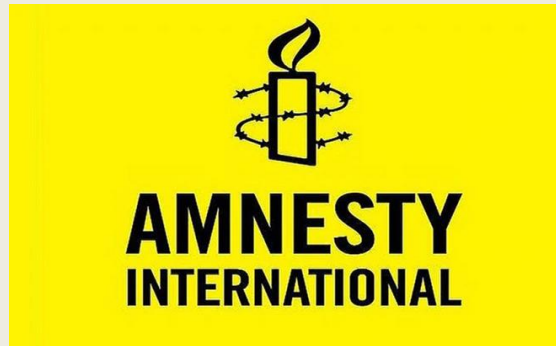


Image Source: Business Today

Rights group Amnesty International has halted its operations in India after alleging a “witch-hunt” by the government. The group said, it is being targeted over its adverse reports on alleged rights violations during the February Delhi riots and in Jammu and Kashmir after the abrogation of Article 370. The group also had to cut off its staff since its accounts were frozen as per the directions of the government. The government on the other hand alleged that the group was receiving funds illegally from foreign donors in contravention of the Foreign Contribution (Regulation) Act.

Amnesty International is a non-governmental organization. It was founded in 1961 mainly focused on human rights across the world and has been headquartered in the United Kingdom. It has more than eight million members and supporters across the world. The primary mission of the organization is to create a world where every person enjoy all the human rights that have been enshrined in the Universal Declaration of Human Rights and international human rights instruments. It draws attention to human rights abuses and campaigns for it. The organization has also been awarded the 1977 Nobel Peace Prize for its “defence of human dignity against torture” campaign.

NATIONAL INSTITUTE OF NUTRITION INCREASES IDEAL WEIGHT FOR MEN AND WOMEN

The National Institute of Nutrition (NIN) has increased the average body weight for Indians by 5kg in its recent report. Thus, the average weight for Indian men has been increased from the

60kg in 2010 to 65kg now. While for Indian women average weight has been increased from 50kg in 2010 to 55kg now. Along with the change in the average weight, the NIN has also revised the height. The average height for Indian men is 5.8 feet (177 cm) and for women, it is 5.3 feet (162 cm). Earlier, their average height were 5.6 feet (171cm) and 5 feet (152 cm) respectively.

These revised weight and height for both men and women will now be taken into consideration for the calculation of normal body mass index (BMI). The definition of a reference Indian adult with respect to age has also been changed to 19-39 years. Earlier it used to be 20-39 years.

INDIA TEST FIRES BRAHMOS MISSILE WITH INDIGENOUS BOOSTER

India successfully test fired the surface-to-surface supersonic cruise missile BrahMos having an indigenous booster and airframe section at Balasore, Odisha on Sept. 30, 2020. BrahMos is a ramjet supersonic cruise missile which can be launched from submarines, land, ships or fighter jets. It was jointly developed by India in collaboration with Russia. The range of this missile is 450-600 km.

MARKET FOR TRIBAL PRODUCTS LAUNCHED

Shri Arjun Munda, Union Minister for Tribal Affairs, will virtually launch India's largest handicraft and organic products marketplace, Tribes India E-Marketplace (market.tribesindia.com) on the occasion of Gandhi Jayanti on October 2, 2020. This e-marketplace in line with the vision of the Prime Minister of making India Aatmanirbhar and self-reliant. It is an initiative of The Tribal Cooperative Marketing Development Federation of India (TRIFED) under Ministry of Tribal Affairs. It will showcase the produce and handicrafts of tribal enterprises from across the country.

INTERNATIONAL NEWS

EU LAUNCHES LEGAL ACTION OVER U.K. INTERNAL MARKET BILL

The European Union has taken a legal action against Britain over its Internal Market Bill. They believe that the legislation would breach the legally binding withdrawal agreement that was signed by both the sides last year. Withdrawal agreement was concluded last year by both sides when UK announced its orderly withdrawal. The agreement consists of the withdrawal agreement including a protocol on Ireland and Northern Ireland and a declaration setting out the framework for the future relationship of the EU and The United Kingdom. EU and UK were trying to forge a rudimentary free trade agreement before the end of the year but the controversy has soured the relations. The EU leaders fear that the Bill could lead to the re-imposition of a hard land border between North Ireland and Ireland and destabilise the underpinned peace since the 1998 Good Friday accord.

SHEIKH NAWAF TAKES OATH AS KUWAIT'S EMIR

Sheikh Nawaf al-Ahmad al-Sabah took oath as new Kuwait's Emir after the death of former emir Sheikh Sabah died in U.S. He is expected not to deviate from the diplomatic path of Sheikh Sabah who was known for his diplomacy and peace-making. He took office as the new ruler of



Image Source: Business Today

Kuwait before the parliament addressing the challenges that have been faced by the country in the past. He also mentioned the risky circumstances and difficulties that are being faced by the country and said that it calls for unity. Kuwait's challenges are manifold. The parliament has blocked the passage of the public debt law which is needed to raise \$65 billion to mitigate the county's liquidity crisis.

BEIJING LAWS TO SHIELD MEDICAL WHISTLEBLOWERS

Beijing's city government has introduced new law under which the non-malicious medical whistleblowers will be protected. The law was passed after months after a Chinese doctor was reprimanded for alarming the authorities at the very beginning of the COVID 19 pandemic regarding this disease. There was a public outrage after the doctor died of the disease in Wuhan after the virus first emerged. The Government stated that under this law, anyone who tips-off are verified would be rewarded and will suffer no penalties.

TIKTOK GETS REPRIEVE IN U.S.

A U.S. federal judge halted a politically charged ban ordered by the Donald Trump administration on downloads of the popular video app Tik Tok. A temporary injunction was issued by the judge on the banning of the app but the request of suspension of ban was refused by the Judge. The ban was announced reasoning that it is a national security threat and alleged its Chinese parent firm is tied to the Beijing Government.

SRI LANKA BANS CATTLE SLAUGHTER

Sri Lanka has banned cattle slaughter after a proposal was made by Prime Minister Mahinda Rajapaska to ban the cattle slaughter. Sri Lanka is a Buddhist majority country with 70% of the population follow Buddhism. Buddhists consider cow sacred and have been demanding ban on cattle slaughter for a long time. The critics opposed the government's decision reasoning that Muslim community who make up 10% of the population and the Christians consume beef. They also mentioned that banning cattle slaughter would be targeting the island's Muslims who not only consume beef but also control a considerable part of meat trade.

The government reasoned the ban of cattle slaughter stating that there is a concern regarding the livestock resources as they are insufficient due to the rise of cattle slaughter and that it was an impediment on the local dairy industry.

LEGAL NEWS

MAJOR PORT AUTHORITIES BILL, 2020

This recently passed bill aims to regulate, plan and operate major ports in India by seeking to provide increased autonomy to the ports of India thereby replacing the Major Port Act, 1963. The bill shall be applicable to major ports of India such as the V.O. Chidambaranar, Vishakhapatnam, Paradip, Mumbai, Jawaharlal Nehru Port etc. Every port shall have a port authority under the management of the Port Authorities Board which shall replace the existing port trust. Comprising of a chairperson, members from states and defence, railway and custom ministries, the board shall also comprise of two to four independent members. The Board shall also be given the authority to use the funds towards corporate social responsibility including the health, environment and the skill development sector.

EPIDEMIC DISEASES (AMENDMENT) BILL APPROVED BY THE LOK SABHA

Introduced first in the Rajya Sabha, the Epidemic Diseases (Amendment) bill, has also been approved by the Lok Sabha and shall replace the Epidemic Diseases act, 1897. In order to protect the health care personnel fighting against pandemic and epidemic, the bill expands the power of the Central Government in preventing the spread of Pandemic



Image Source: Republic World

diseases. The bill defines Health care professionals “as a person who is at the risk of contracting the epidemic disease when he or she is carrying out his or her duties.” This definition shall include both public and healthcare providers and any person employed under the act to make prompt measures towards the prevention of outburst of diseases. It also defines violence as:

1. Acts that impact living or working conditions;
2. The acts that harm or create a danger to life;
3. Damage to property documents of Healthcare personnel;
4. Obstruction in discharge of duties.

Defining violence becomes necessary under the act since patients often tend to indulge into violent acts against the doctors and the nurses during the course of the treatment. Therefore, compensation shall be provided to such individuals who have been subject to such violence.

SUPREME COURT: TRANSFER OF CRIMINAL CASES CANNOT BE ORDERED
UNDER SECTION 406 OF THE CRPC

The Supreme Court observed that transfer of criminal cases cannot be ordered under Section 406 of the Code of Criminal Procedure on the ground of lack of territorial jurisdiction even before evidence is marshalled. The Bench observed that the issue of jurisdiction of the court to try a case of offence or offender as well as the jurisdiction involved depends upon the facts established through the evidence generated. The rules of Section 177 to 184 of the Code of Criminal Procedure are to apply if the issue is related to the territorial jurisdiction. The court observed that the main difference between the question of jurisdiction raised in civil and jurisdiction in criminal cases is that the question of territorial jurisdiction in civil cases involves mainly (1) cause of action (2) location of the subject matter of suit or (3) the residence of the defendant as the case may be however, that in criminal cases involves (1) place of commission of the offence or (2) place where the consequence of the act, both of which constitute an offence, ensues or (3) place where the accused or the victim is found. Therefore, the case cannot be transferred on the ground of lack of territorial jurisdiction without marshalling the evidence.

RIGHT TO LIFE OF THE WORKERS CANNOT BE LEFT AT THE MERCY OF THE STATE AND THE EMPLOYERS: SC ON GUJARAT GOVT. NOTIFICATION



Image Source: Sabrang India

Allowing the writ petition of the Gujarat Mazdoor Sabha, the Supreme Court observed that the right to life of the workers cannot be left contingent in the hands of the Government or the employers. The Three Judge bench went ahead to quash the notification issued under Section 5 of the Factories Act by the Gujarat Labour and employment department. The said section exempted all factories registered under the Act *"from various provisions relating to weekly hours, daily hours, intervals for rest etc. for adult workers"* under Sections 51, 54, 55 and 56. The Court observed that the notification was an affront to the right to life and the right against forced labour guaranteed under Article 21 and 23 of the Indian Constitution. The bench directed the employers to pay overtime wages to all eligible workers who have been under such employment since the issuance of the notification. Section 5 of the Act states that in cases of public emergency, the state government can exempt any factory or class or description of factories from any provision of the Act, except section 67. With the outburst of Covid-19, factories have suffered huge losses and are struggling with overheads. The Court after paying due attention to the financial exigencies of the factories caused due to lockdown and COVID, stated that financial loss cannot be offset on the weary shoulders of the labouring workers, who provide the backbone of the economy.

NATIONAL CRIME RECORD BUREAU RELEASES THE REPORT FOR 2019

“Crime in India” 2019 report released by the National Crime Record Bureau revealed that crime against women increased by 7.3% between 2018 and 2019. With Uttar Pradesh reporting the highest number of cases in both the categories of crimes against women and against schedule castes. Highest rate of crime against women were reported in Assam. Rajasthan reported the highest rate of crimes against schedule castes. Under crimes registered against women, 9% of the crimes reported were against cruelty by husband and relatives, 8% were registered under assault on women with intent to outrage her modesty, and 9% were kidnapping and abduction cases followed by 9% cases for rape. The crime rate in 2019 has increased by 3.6 since 2018. Crime rate is the number of crimes registered per lakh population. Uttar Pradesh has also reported the highest number of acid attack cases followed by West Bengal. UP has also topped with the highest number of dowry deaths followed by Bihar.

ADVOCATE ACTING PROFESSIONALLY ON THE INSTRUCTION OF THE CLIENT CANNOT BE HELD LIABLE UNDER A CASE OF DEFAMATION

The Madras High Court observed that an advocate who acted professionally on the instruction of the client cannot be held liable under a case of defamation under Section 500 unless the contrary is alleged and established by the defence. Under this case, a lawyer had filed an application on behalf of the committee of the creditors to remove the complainant and seek the appointment of another resolution professional under the Insolvency and Bankruptcy Code. Alleging that the statement made in the application is defamatory, a criminal case of defamation was filed against the lawyer and the committee of creditors. Relying on the precedent of *Ayesha Bi v. Peerkhan Sahib* AIR 1954 Mad 741, which observed that “*a lawyer is one who speaks for another.*” Beyond the limits of what the client says, the lawyer has no opportunity to test the truth or falsity of the story therefore, no lawyer should be prosecuted for defamation in regard to any instruction which he might have been given to him. The Court also relied on the case of *Arun Thakur v. State of Chhattisgarh* in which it was held that an advocate who acts professional as per the instructions of his/her client cannot be made criminally liable for the offence of defamation under Section 500 of the IPC.

MENS REA FOR SECTION 306 IPC CANNOT BE ASSUMED: SC



Image Source: Livelaw

The Supreme Court of India stated that the ingredient of mens rea for a charge under Section 306 IPC which is abetment of suicide cannot be assumed to be ostensibly present but has to be proved as visible and conspicuous. Referring to Section 107 of the Indian Penal Code, the bench noted that whenever a person instigates or intentionally aids by any act or illegal omission, the doing of a thing, a person can be said to have abetted in doing that thing. Mens rea is an essential ingredient of abetment as specified under Section 107 IPC, therefore, the state of mind to commit a particular crime must be made visible and established to determine culpability. The court also relied on the precedent of *SS Chheena v. Vijay Kumar Mahajan* which highlighted the ingredient of Section 306 IPC. The case stated that although the sord suicide does not have a definition in the Penal Code, it means an act of self-killing and abetment has been defined under Section 107 IPC. The presence of these two ingredients has to be explicitly brought before the court in the form of evidence without which mens rea cannot be proved. (*Gurcharan Singh v. State of Punjab* Crl. Appeal No. 40 of 2020).

DRAFT ELECTRICITY BILL 2020

The Ministry of power has released a draft electricity (Change in Law, Mus-run Status and other Matters) rules, 2020 to bring in quick compensation to power plants. The step was taken due to the financial distress faced by both the Gencos and Discoms. With an aim to reduce the litigation and help regulator commission to focus on the genuine disputes, it also aims to avoid long regulatory procedure for incontestable cases. The rules state that monthly tariff be adjusted so as to restore the economic position of the power plants. A recommendation to change to the approach of bilateral trade opportunity which shall bring higher prices for the renewable power who are currently selling their power through exchange mechanism. The draft was put forward with an aim to provide an expeditious solution to the current situation wherein the electricity demand has reduced needing prompt attention since the daily power demand of India declined by 25% during the lockdown.

COVID NEWS

COVID-19 VACCINE AWARENESS PORTAL LAUNCHED

Union Health Minister Dr. Harsh Vardhan inaugurated the vaccine portal for Covid-19 in order to create awareness among masses. It is a first of its kind web portal that has been developed to collect data which will be useful in the present complications created by COVID-19 pandemic. The Portal will share the vaccine related information and will also provide updates regarding the Indian efforts towards vaccine development against COVID-19. India has recorded nearly 64 lakh cases of COVID-19 since its outbreak in the country in March.

IMPORTANT DATES

SEPTEMBER 24: WORLD MARITIME DAY

The World Maritime Day was first celebrated in March 1978 to mark the International Maritime Organization (IMO) Convention. The International Conference held at Geneva in 1948 adopted the IMO Convention. This year's theme is "Sustainable Shipping for a Sustainable Planet".

SEPTEMBER 26: INTERNATIONAL DAY OF TOTAL ELIMINATION OF NUCLEAR WEAPONS

The first resolution adopted by the UN was to achieve Global Nuclear Disarmament and in order to achieve that, the Atomic Energy Commission was established to make proposals to eliminate atomic weapons and control nuclear energy. Therefore, every year International Day of Total Elimination of Nuclear Weapons is celebrated on September 26.

2ND OCTOBER: INTERNATIONAL DAY OF NON-VIOLENCE

Mahatma Gandhi was born on 2nd October, 1869 and taught the world the way of non-violence. As a way of paying respect to the Mahatma, the United Nations General Assembly in 2007 established the International Day of Non-Violence on 2nd October. Lal Bahadur Shastri, the second Prime Minister of India was also born on October 2nd. This year's theme is "Shaping Peace Together".

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