

**SAMVIDHI**  
EXPRESSING FOR A BETTER TOMORROW



# **NEWSLETTER**

**Stay updated on socio-legal issues**

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## NATIONAL NEWS

### I GRATEFULLY ACCEPT SUPREME COURT VERDICT- PRASHANT BHUSHAN



Image Source: Republic World

A bench of three-judges, Justice Arun Mishra, Justice BR Gavai and Justice Krishna Murari imposed a fine of Re.1 on activist-lawyer Prashant Bhushan, who was charged for criminal contempt of court for his tweets against the functioning of Supreme Court and Chief Justice of India, Sharad Arvind Bobde. The fine is supposed to be deposited with the Supreme Court Registry by September 15, if he fails to do so, he will have to undergo simple imprisonment for three months and will be barred from practicing for three years. The court said that the tweets made by Prashant Bhushan were based on distorted facts and they have the effect of destabilizing the foundation of the judiciary.

This contempt case is a watershed moment for freedom of speech, says Senior lawyer Prashant Bhushan. Prashant Bhushan expressed his gratitude and refrained from filing any review against the conviction. He believes that his contempt case is an encouragement for the public to speak up and stand against the injustices in the society.

## GOVERNMENT OF INDIA BANS 118 MOBILE APPS



Image Source: India Narrative

The Ministry of Electronics and Information Technology, Government of India has decided to ban 118 apps by invoking Section 69 of the Information and Technology Act in the view of emergent nature of threats. These applications were banned after the tension between India and China in Eastern Ladakh. They were blocked with the concern citing that there was information

that these applications are prejudicial to sovereignty and integrity of India, defence of India, Security of state as well as public order. The Indian Government had earlier banned 59 popular Chinese applications as well. The Ministry of Electronics and Information Technology took this step, as they had received several complaints from various sources, including reports regarding misuse of certain mobile applications available on Google play store and IOS platforms. The complaints mentioned about stealing and surreptitiously transmission of the users' data in an unauthorized manner to servers which possibly had locations outside India. The ministry further added that the compilation of these data, its profiling and mining by the elements who are hostile to National Security and Defence of India, was a matter of deep and immediate concern. This step is expected to safeguard the interests of crores of Indian mobile and internet users and will also ensure safety, security and sovereignty of Indian cyberspace.

## **JAMMU AND KASHMIR OFFICIAL LANGUAGE BILL, 2020 HAS BEEN APPROVED**

The Union Cabinet headed by the Prime Minister approved the introduction of Jammu and Kashmir Official Languages Bill, 2020, in the monsoon session of the Parliament. The approval has been granted with the view of making Urdu, English, Hindi, Dogri and Kashmiri as the official languages of the Union Territory of Jammu and Kashmir. Article 351 of the Constitution provides for the spread of the Hindi language to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India. Only English and Urdu were the official language of Jammu and Kashmir, this bill will make Hindi an official language for the Union Territory. This bill is not only fulfilling a pending public demand but it also keeps up with the spirit of equality.

## **ELECTION COMMISSION WILL SET UP INDIA'S 1<sup>ST</sup> REGIONAL VOTER'S AWARENESS CENTRE IN JAIPUR**

The Election Commission of India will set up India's first regional voters' awareness centre in Jaipur, Rajasthan, which will be catering to four states namely Rajasthan, Haryana, Punjab and Madhya Pradesh. The centre has to carry out awareness activities under the Systematic Voters' Education and Electoral Participation (SVEEP) programme.

Election Commission emphasized the need for ensuring the maximum utilization of digital media to organize webinars, conferences and training sessions. The Election Commission will be bearing the total cost for construction of the centre. They have aimed to encourage the voters for online registration and the department to fit in with online procedure. The commission also drew attention towards the guidelines issued for the smooth conduct of polls in this crucial time of pandemic.

## INTERNATIONAL NEWS

### HUNGARY CONTINUES ATTACK ON ACADEMIC FREEDOM



Image Source: Human Rights Watch

The right of academic freedom and expression of the people has been violated as the Hungarian Government takes control over the University of Theatre and Film Arts in Budapest. Since 31<sup>st</sup> August, students have barricaded themselves inside the university and blocked the entrance, the entire school administration and teachers have resigned in protest. Hungarian Gazette No 201 of 2020 came into effect on 1<sup>st</sup>

September through which the ownership of the state run Theatre University is transferred to private foundations whose members have close links to the Orban Government.

A new 5 member's boards of Trustees have been by the Ministry of Technology and Innovation, dismissing individuals proposed by the university's senate. The administration guarantees the college will be more autonomous in private proprietorship. In any case, the legislature viably controlled all arrangements to the administrative board and the leading group of trustees, making that "autonomy" guarantee ring empty. Infact, the school's senate has been adequately denied of its dynamic forces on budgetary, authoritative, and personnel shortages.

Hungary is under scrutiny by the European Commission for repeated disappointments to conform to European Union law, including article 7 procedures – a mechanism that examines governments putting the EU's qualities in danger, and which could strip Hungary of its EU casting a ballot rights. The EU is likewise examining binds financing to regard for the standard of law. This latest example of disregard for freedom of expression and independent academia showcases the urgency with which EU institutions need to act to reverse the Orban government's rights-abusing trajectory.



## INTERNET DISRUPTION AND ONLINE CENSORSHIP HAS AFFECTED LIFE IN BELARUS

A protest broke down on 9<sup>th</sup> August, 2020 when the official result of presidential elections was announced prolonging Alexander Lukashenka's 25 year rule.

The police used physical forces, flash grenades and rubber bullets to control the situation which resulted in thousands of people detained and hundreds reporting torture and other ill treatment. The Belarusian government interfered with internet access and restricted the use of online content for the people in response to peaceful and countrywide protest. People in Belarus were kept disconnect from the information they have the right to get and this turned out to be the infringement of people's right to freedom of information and expression. Freedom of Information is an integral part of the fundamental right of freedom of expression, as recognized by Resolution 59 of the UN General Assembly adopted in 1946 as well as by Article 19 of Universal Declaration of Human Rights

1948. Belarus was signatory to these documents and hence the government has violated the freedom 'to seek, receive and impart information and ideas through any media'. Prohibition of internet disruptions by governments in relation to peaceful assemblies was reiterated by General Comment Number 37 on the right of peaceful assembly by the UN Human Rights Committee, which interprets the International Covenant on Civil and Political Rights.



Image Source: Human Rights Watch

## **KENYA VIOLATES RIGHT TO EDUCATION FOR PREGANANT TEENS AND YOUNG MOTHERS**

During the COVID pandemic, girls in Kenya had faced unimaginable sexual violence resulting in unwanted teenage pregnancies. Kenya government has been ignorant about the education of the pregnant teens and young mothers and has failed to protect them from all the brutalities and violence. Pregnant girls were not allowed to enter the school and instead of providing them the best



Image Source: Human Rights Watch

medical care they were compelled by the government to hide the identity of their child. The government has made commitments to tackle the issue of poor education, by providing all the children access to education by 2030 but the government's gradual approach to teenage pregnancies threatens its promises for girl's education. The girls have been denied their basic right to study and also were deprived of healthy and safe livelihood.

Kenya is signatory to Convention on the Rights of the Child, which is an international treaty adopted by the United Nations, establishing global standards to ensure the protection, survival and development of all children, without discrimination. Kenya has failed to protect the girls from sexual exploitation, violence and other forms of abuse.

## **US SANCTIONS INTERNATIONAL CRIMINAL COURT PROSECUTOR**

The United States of America takes a step back for the protection of victims of the world's worst crime. On June 11, President Donald Trump declared an uncertain national emergency and banned the entry of families of certain ICC officials. The US administration took an unprecedented step; the imposition of asset freezes on prosecutors at the International Criminal Court (ICC) shows a heinous dismissal for casualties of the world's most exceedingly awful violations. There has been continuous threat to thwart ICC investigations in Afghanistan and

Palestine into conduct by US and Israeli nationalist. On 2<sup>nd</sup> September, 2020 the administration announced that the US had designated the ICC Prosecutor, Fatou Bensouda and the Head of the Office of Prosecutor's, Jurisdiction Complementarity and Corporation Division, Phakiso Mochochoko, for sanctions. These authorizations truly influence those targeted, who not just lose admittance to their benefits in the US but at the same time are cut off from business and money related dealings with "US people," including banks and different organizations. US authorizes likewise chillingly affect non-US banks and different organizations outside of US jurisdiction who fear losing access themselves to the US banking framework on the off chance that they don't push the US to viably trade the sanction measures.

The US, which isn't a member state of the court's foundational Rome Statute, objects to ICC authority over nationals of non-part nations, except if an UN Security Council goal approves it. Afghanistan however is an ICC member country, which gives the court power to explore, investigate and prosecute crime committed by anyone, paying little heed to nationality on Afghan region or in any case associated with the contention.

## **LEGAL NEWS**

### **FIRST ONLINE LOK ADALAT ORGANIZED IN MANIPUR**

The Manipur State Legal Services Authority (MASLSA) under the aegis of National Legal Services Authority composed the state's first E-Lok Adalat on second September 2020 at the workplace of MASLSA, ADR building, Lamphelpat. Mr. Equity Khan Nobin Singh, Judge, High Court of Manipur and Executive Chairman, MASLSA introduced the said online Lok Adalat through virtual function. The online Lok Adalat expects to produce mindfulness among open with respect to this new way to deal with settle debates, utilizing on the web component and electronic methods. The origination of E-Lok Adalat has been required because of different limitations in the ordinary working of all different organizations because of the pandemic.





**PETITION FILED FOR UNDEMOCRATIC REMARK ON PUBLIC DIGITAL  
HEALTH MISSION**

The present petition was documented to challenge 'illegal', 'undemocratic', 'discriminatory' and 'inaccessible nature' of open meeting pondered by notice which was given by the Union of India for remarks on the 'Public Digital Health Mission: Health Data Management Policy'. The applicant contended that the arrangement doesn't guarantee any significant open cooperation as there was just a time span of 15 days in the pandemic circumstance. He likewise contended that the arrangement has viably barred a significant part of the general public as the interview strategy is just in English and remarks have been set to online mode as it were. Consequently, the division seat comprising of Chief J. DN Patel and Justice Prateek Jalan, guided the Center to manage the complaints brought up in agreement with the law and strategy. The Delhi High Court has guided the Central Government to consider as portrayal a supplication testing the cycle embraced by the concerned expert for pre-authoritative meeting measure for 'Public Digital Health Mission: Health Data Management Policy'.

**MADRAS HIGH COURT HAS RECOMMENDED BAR COUNCIL TO AMEND THE  
RULES FOR LEGAL EDUCATION**

The Madras High Court has directed the Bar Council of India to submit a general direction to its judgment and roll out vital improvements in Rule 5 of its Legal Education Rules to guarantee that the applicants who complete their Higher Secondary and UG through regular course alone are made qualified to participate for selection in 5 year or 3 year LLB courses. Without the equivalent, people who have not gone to the standard school or school will get into a law school



Image Source: Bar and Bench

without precedent for their life and that may not be a solid pattern to keep up the nature of training in Law, expressed Justice N. Anand Venkatesh, expressing that the Bar Council of India ought to genuinely mull over this proposal and roll out fundamental improvements to the Rule.

## **PROTEST ALL OVER THE COUNTRY TO PULL THE NEW NOTIFICATION CONCERNING EIA**



Image Source: The Hindu

500 academicians, scientist and researchers from various educational institutes across the country have urged the Environment Ministry to withdraw the controversial draft EIA notification and strengthen the existing EIA 2066 notification with new proposal. The notification has drawn severe criticism and protests from the students, citizens, activists and environmentalist across the country for fundamentally dismantling environmental safeguards to promote ease of doing business. It also expresses concern on the reclassification of many highly polluting industries and projects to exempt those from proper environmental appraisals altogether. The notification leaves the door open to projects that may severely impact the environment and yet have little real benefit for the people in need.

Environment Impact Assessment in an environmental decision and support tool which provides information on the likely impacts of development projects to those who take the decisions as to whether the projects should be authorized. EIA promotes sustainable development by ensuring that development proposals do not undermine critical resource and ecological functions and well-being.

**AYUSH DOCTORS ARE NOT ALLOWED TO PRESCRIBE TABLETS AND MIXTURES AS CURE OF COVID**



AYUSH doctors shall not prescribe tablets or mixtures as cure for COVID-19, but only as an immunity booster, observed Kerala High Court while disposing a PIL. A PIL was filed by a lawyer at the High Court of Kerala, where he stated that if homeopathic medicines would have been distributed to the people in highly affected areas or to those under observation or isolation, it could have prevented the current situation. The Government responded to the plea, they stated that the advice of Ministry of AYUSH is being followed and that the medicine is being distributed amongst people free of cost as immunity boosters. Also, they mentioned that under the medical protocol of the Government the practicing doctors are not allowed to prescribe the AYUSH medicines as cure to COVID-19 and should be given as immunity boosters.

Thus, the bench comprising of Chief Justice S. Manikumar and Justice Shaji P. Chaly said that any qualified doctor practicing AYUSH medicine cannot not advertise or prescribe the medicine as a cure to COVID-19. Only those tablets or mixtures specifically mentioned by the Ministry of AYUSH shall be used s immunity boosters and not cure. They also directed Medical or Police departments to monitor the action of AYUSH practitioners.

**SCHOOLS AND COLLEGES TO BE AIDED PROVISIONS IN THE FAVOUR OF PHYSICALLY CHALLENGED PEOPLE**

The High Court of Kerala has held that the provisions identifying with reservation in employment for physically challenged persons would apply to supported Schools and Colleges including minority establishments. Justice PV Asha considered the writ petitions recorded by NSS Colleges Central Committee and Consortium of Catholic School Managements in Kerala



testing a Kerala Government request expanding the arrangements of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and Right of Persons with Disability Act, 2016 to all supported instructive establishments getting Government help, for example, staff compensation and different remittances, upkeep award, and so forth and coordinated that the concerned authoritative divisions will educate all the selecting specialists of such supported foundations to guarantee 3% reservation on arrangements in supported schools and helped universities for the period from 7.2.1996 and to give 4% reservation on arrangements in such schools and universities for the period from 19.4.2017 for the differently abled.

**KARNATAKA TO IMPOSE TRANSGENDER PERSON (PROTECTION OF RIGHTS) ACT, 2019**

The Karnataka High Court has guided the State Government to make strides for usage of the pertinent arrangements of the Transgender Persons (Protection of Rights) Act, 2019 and furthermore stretch out a wide range of reservation to individuals from the network.

The appeal was recorded by Sangama, a general public that works for upliftment of sexual minorities, sex laborers and individuals with HIV. The supplication was recorded against a notice for documenting up opening of explicit hold constable power and Bandsmen which determines just 'men' and 'ladies'. The solicitors for this situation depended on the judgment of the summit court in National Legal Service Authority v. Association of India, where it was held that Transgender people are socially and instructively in reverse class residents and there ought



to be an augmentation in all sort of reservation. Subsequently, the seat including Chief J. Abhay Oka and Justice Ashok S. Kinagi guided the State government to make strides for the usage of the Transgender Persons (Protection of Rights) Act, 2019.

Image Source: Times of India

## COVID NEWS

### **COVID SPREADS IN INDONESIA'S OVERCROWDED PRISONS**

Indonesian government failed to protect the health and life of prisoners. Around 17 prisons in Indonesia have COVID cases, with 120 inmates and 18 officials have been affected with the virus. The Ministry of Law and Human Rights which oversee those prisons admitted that health facilities are inadequate to contain outbreak of COVID 19 and care for sick prisoners. Indonesian prisons and detention centers are notoriously crowded. In March 2020, the country had almost 270000 inmates, more than its total capacity of 133000. Infectious diseases like COVID - 19 can spread rapidly in overcrowded and close settings like prisons, especially if there is poor access to health care, water, sanitation and hygiene.

People in the prison are already restricted to only certain rights which affect their development physically and mentally, the carelessness of the government and the prison authorities have resulted lives in danger. The Ministry of Law and Human Rights should again consider alternatives to custody or early releases or parole for detainees near the end of their prison terms or who pose little security risk. The act of authorities was violative of the International Human Rights Standards for Prison Official which talks about care and protection of the prisoners and also to provide proper medical facilities.

### **ATHENS PROTECTS VULNERABLE COMMUNITIES DURING COVID – 19**

As COVID – 19 swept across Europe, Greece started implementing nationwide measures to contain the virus, including cancellation of major public gathering and lockdown measures. The city of Athens followed these measures while moving quickly to bring experts together from all the sectors to protect marginalized communities. The lockdown measures would heavily impact vulnerable groups who would face isolation, disruption to treatment and rehabilitation services and reduced access to social programmes. These were the most affected group at higher risk of being infected by COVID. Some projects prepared staff and volunteers in Athens to distribute

food, water, gloves, veils, germ-free fluid, and information about COVID-19 to those influenced by homelessness, people who inject drugs, sex workers and migrants. The educational flyers gave life-sparing general wellbeing counsel on the best way to shield them from COVID-19. The city likewise made impermanent lodging for in excess of 400 individuals influenced by vagrancy and a particular help place for individuals who inject drugs.

## **IMPORTANT DATES**

### **23<sup>RD</sup> AUGUST: INTERNATIONAL DAY FOR THE REMEMBRANCE OF THE SLAVE TRADE AND ITS ABOLITION**

The night of 22<sup>nd</sup> and 23<sup>rd</sup> August 1791, in Santo Domingo (present - Haiti and the Dominican Republic) saw the beginning of the uprising that would play a crucial role in the abolition of the transatlantic slave trade. The day intends to inscribe the tragedy of the slave trade in the memory of all peoples.

### **26<sup>TH</sup> AUGUST: WOMEN'S EQUALITY DAY**

Women's Equality Day commemorates 26<sup>th</sup> August, 1920, when votes to women officially became part of the US Constitution. This day marks turning point in the history of the struggle for equal treatment of women and women's right. After 72 years of campaigning by a huge civil rights movement for women.

### **29<sup>TH</sup> AUGUST: NATIONAL SPORTS DAY**

Every year, India celebrates National Sports Day on August 29 to commemorate the birth anniversary of the legendary hockey player Dhyan Chand. He was born on August 29, 1905. About Dhyan Chand Dhyan Chand was known as "The Wizard" and had scored more than 1000 goals during his international career.





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