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NEWSLETTER

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NATIONAL NEWS

INDIAN NAVY LAUNCHES FIFTH SCORPENE SUBMARINE “VAGIR”.



Image Source: Current Affairs

The Indian Navy launched the fifth Scorpene submarine “Vagir” at Mazagon Dock of south Mumbai. The submarine is capable of taking missions such as anti-submarine warfare, anti-surface warfare, mine laying, intelligence gathering and area surveillance. Vagir is a part of six Kalvari class submarines that are being built in India. These submarines were designed by French Navy and an energy company DCNS. The six submarines are being built under Project-75 of Indian Navy.

The Project 75 aims to build six Scorpene Class attack submarines. The submarines were built through transfer of technology from a French Company DCNS at Mazagon Dock Limited. Under the project, the first Scorpene submarine Kalvari was commissioned in 2017. The second Scorpene Class Submarine that was commissioned under the project was Scorpene Khanderi. The third Scorpene class submarine was INS Karanj. INS Vela was the fourth Scorpene submarine. The fifth Scorpene submarine being inducted is INS Vagir. The INS Vagsheer is yet to be commissioned and is still under construction.

INDIAN METEOROLOGICAL DEPARTMENT TO PROVIDE MALARIA FORECAST FROM NEXT MONSOON.

The Indian Meteorological Department (IMD) announced that it will start providing Malaria outbreak forecast from next monsoon. Also, it announced that India is to ramp up its high performance computing facility. Under this the existing capacity of 10 petaflops is to be increased to 40 petaflops. The Indian Meteorological Department recently studied the phenomenon of occurrence of malaria and its relation with rainfall. The department conducted its first study in the city of Nagpur. This is to be applied to other cities as well. According to the world Malaria report India accounts to 85% of global Malaria burden. Also, the National Health portal reports that the majority of malarial cases are from the central and Eastern part of the countries. This is mainly because these States have dense forests, tribal areas and hilly regions. The states include Chhattisgarh, Odisha, Jharkhand, Maharashtra, Madhya Pradesh and the North Eastern states such as Meghalaya, Tripura and Mizoram.

15TH FINANCE COMMISSION REPORT TO BE SUBMITTED TO THE PRESIDENT.

The Fifteenth Finance Commission headed by N K Singh is to submit its report the President of India. The key recommendations of this report are:

- The Commission has recommended that the states shall get 41% of central tax revenues. Earlier, the fourteenth Finance Commission had recommended 42%.
- Rupees 4.3 lakh crore be set aside for the local governments.
- Rupees 1 lakh crore to be set aside for health care and allied sectors.
- Rupees 2.9 lakh crore of revenue deficit grants be given to 17 states.
- The commission has also recommended the states to keep aside at least 8% of their budget for building health care capacities.
- The Finance Commission has also recommended the setting up Modernisation of Defence and Internal Security Fund. The fund is to be called Rashtriya Suraksha Naivedya Kosh. The fund is to add up to Rs 2.4 lakh crores by 2021-26.

BIHAR ELECTION RESULTS ANNOUNCED.



BIHAR ASSEMBLY ELECTIONS 2020

	PHASE 1	PHASE 2	PHASE 3
DATE OF POLLING	OCT 28	NOV 3	NOV 7
RESULTS	NOV 10	NOV 10	NOV 10

Image Source: The Indian Express

According to the results declared by the Election Commission, the National Democratic Alliance (NDA) obtained a clear majority by winning 125 seats in the 243 member assembly. According to the Election commission of India, BJP won 72 seats, the JDU won 42 and the RJD had won 75 seats. Congress contested in 70 constituencies and won in 19. The LJP party of Chirag Paswan won just one seat. Chirag Paswan is the son of Ram Vilas Paswan, Ram Vilas Paswan was the former minister of Consumer Affairs, Food and Public Distribution. He recently passed away due to health issues. The BJP and JDU are to form the Government. RJD being the single largest party is to play the role of opposition. For a party to get recognised as opposition, it should have won at least 10% of the total strength of the house.

RIGHT TO RECALL PANCHAYAT MEMBER BILL PASSED IN HARYANA.

The Haryana Government passed a bill on November 6 which provides a right to recall an elected member of Panchayati Raj Institutions if they fail to perform their duties well. The state government also provided 50% reservation to women in these bodies. The Haryana Panchayati Raj (Second Amendment) Bill, 2020 was tabled by Deputy Chief Minister Dushyant Chautala in the house on the last day of Vidhan Sabha Session. The bill allows recalling Village Sarpanches

and members of district-level Zila Parishads and block-level panchayat Samitis if they fail to perform their duties.

Thus, with this bill, members of Panchayati Raj Institutions can be removed even before the end of their tenure. In order to recall any member, 50% members of a Gram Sabha or a ward will have to provide in writing that they want to initiate recall proceedings for the member. This will be done followed by a secret ballot in which there should 2/3rd of the total member votes against the member to be recalled. If 2/3rd votes are casted against the member; he/she will be removed.

The bill also proposed to provide a reservation of 8% to the “more disadvantaged” among the Backward Classes. The bill also aimed to increase the women participation in the Panchayati Raj Institutions thereby provided 50% reservation to women in gram panchayats, Zila Parishads and Panchayat Samitis. This bill will help in increasing the accountability of Panchayat members to the voters as now they can be removed from their posts if they do not perform well. It is a significant bill passed by the state government and can prove to be very effective in development in rural areas.

MINISTRY OF TEXTILES LAUNCHES LOCAL4DIWALI CAMPAIGN.



Image Source: Swarajyamag

The Union Ministry of Textiles has launched a campaign for Diwali- “Local4Diwali”. The campaign has been launched to promote the Indian handicraft which is the cultural heritage of the country and also a source of livelihood for many. As per the available data, the handicrafts sector is a major

sector of women empowerment as almost 55% of the workers and artisans are women. The main aim of the #Local4Diwali campaign is to urge people to buy and gift Indian handicraft products on this Diwali. The basic aim of the campaign is to give a boost to Indian handicrafts and artisans. Prime Minister Narendra Modi has

urged the people to use Indian handicrafts and also promote it. The Textiles Ministry has asked the people to come together and show support for local textile and handicraft business. Gift Diyas, home décor or furnishings like curtains, bed sheets or other handcrafted goods to your dear ones on this Diwali. Every purchase counts!

To encourage the sale of local handicrafts, share posts on platforms like Facebook, Twitter, Instagram, etc. with hashtag #Local4Diwali. Take a picture of your favorite handicraft product and post the picture tagging others. This campaign will help the handicraft artisans and workers in increasing their sales and promoting their business. After the promotion of idea of “Vocal for Local” by PM Modi, every sector is working towards promoting local businesses and strengthening Atmanirbhar Bharat Abhiyan.

INTERNATIONAL NEWS

UAE TO WIDEN THE ELIGIBILITY CRITERIA OF ‘GOLDEN’ VISA.

The golden visa issued by UAE Government grants residency for 10 years to the holders and their families. UAE has recently approved certain changes in the card. Under these changes, apart from the professionals, the person with specialised degrees in artificial intelligence and epidemiology are also eligible to hold the visa card. Also the top ranker student in the country can also hold the golden visa.

Earlier UAE only offered the renewable visas to the foreigners that are tied to their employment. It also provide five-year and ten-year renewable visas. But now this scheme has been extended to the experts and top performers. The changes were made by UAE due to the setback that is being faced by UAE during the pandemic. Thus, the country has introduced the changes in order to keep the talented minds in the nation for nation building.

FIFTEEN ASIAN ECONOMIES SIGNED RCEP.



Image Source: BBC

China and 14 Asian economies signed the largest China led trade pact under RCEP of ASEAN grouping. This agreement will lower the tariffs and is less comprehensive than the Trans-Pacific Trade deal. It is a first time bilateral tariff reduction arrangement between Japan and China.

In 2019 India walked out of the agreement. The demand of India was rejected by the pact. India demanded that the countries with which it had border disputes should be excluded. The issue that arose was that this pact will pave a path for China to import at a very cheap cost. Also, under this pact India will have to open 74% of its market to the ASEAN countries whereas the richer economy like Indonesia will open only 50% market to India. The decision made by India can impact the network between Australia, India and Japan in the Indo-Pacific.

UNITED NATIONS LAUNCHES 'TEAM HALO'.

The United Nations Launched "Team Halo" along with the Vaccine Confidence Project. It has been launched to tackle misinformation on the safety and effectiveness of the COVID-19 vaccine. Under this, the scientists are supposed to make social-media friendly videos about the COVID-19 vaccine based on their experiences. It also acts as a communication platform for the

scientists who are working on the vaccine. The United Nations has also launched several other initiatives to help the world fight against the pandemic such as food coalition, resolution, COVID-19 law labs etc.

BRICS COUNTRIES ADOPTED COUNTER TERRORISM STRATEGY.

The BRICS member nations, during the 12th BRICS summit, adopted the counter terrorism strategy. The adopted strategy respects sovereignty of the participating nations including India. It commits to the International Laws and has recognized the coordinating role of the United Nations. It also considers the member nations' priorities and national interests. Also, according to the adopted strategy there should be adoption of comprehensive approach to combat terrorism. It aims to implement the UN Security Council resolutions, to broaden the counter terrorism operations with G20, counter the global threats based on the UN charter and to increase the sharing of information about terrorist organisations as listed by the UNSC. During the 11th BRICS summit, the member nations had adopted the Brasilia Declaration, which condemned terrorism and stated that the two main pillars of terrorism are ideology and finances.

LEGAL NEWS

SC: THE CONSENT OF STATES IS MUST TO EXTEND THE JURISDICTION OF CBI.

On 19 November 2020, the Supreme Court stated that it is mandatory for the Central Bureau of Investigation (CBI) to have the consent of the states in order to extend its jurisdiction in the respective states. The verdict has come after the eight non-BJP states (Jharkhand, Kerala, West Bengal, Mizoram, Maharashtra, Rajasthan, Punjab and Chhattisgarh) withdrew their consent for CBI to probe fresh cases in the jurisdiction of the state. The Central Bureau of Investigation usually investigates three types of cases in a state 1. Murder, Crimes related to internal security are handled by the Special Crimes Division 2. Cases of Corruption against public servants are handled by Anti-Corruption Division 3. Bank Frauds, Black Money operations, black money

operations are handled by Economic Offences Division. The Delhi Special Police Establishment (DPSE) Act overlooks the functioning of the CBI. Under Section 5 and 6 of the said Act, the central Government is empowered to extend its powers to the states. However, as per Section 6, the permission of the states is necessary for such extension.

THE CONDITION OF JAIL HAS TO BE IMPROVED; PRISONERS TOO HAVE HUMAN RIGHTS: ALL HC TO UP GOVT.



Image Source: Inextlive

The Allahabad High Court in response to the report filed by Secretary, District legal service Authority related to the inspection of Basti, the District jail asked the government to improve the conditions of the prison. The court observed that the jails in UP were overcrowded along with other existing deficiencies like lack of hygiene, cleanliness, medical facility, infrastructural issues and the issues relating to vocational training were identified through the report. Further the court observed that the request for parole made by the prisoners were also taking more than needed slowing down the whole functioning of the prison. Recreational facilities like library, executive literacy and educational programmes were absent in the prison to improve the mental condition of the prisoners. As per the averments contained in the report, the prisoners suffering from corona virus infection are kept in a separate building, but no coronavirus protocol is adhered to within the Jail premises. The Court stated that, ‘Suffice to state that in globally accepted criminal jurisprudence, the doctrine of deterrent punishment is leaving space for reformatory theory. In our country, we have accepted a mixed formula, i.e., of deterrent

punishment and reformation of criminal in prisons which are nowadays known as reformatories, it is also well settled that the prisoners too are having human-rights and whatever requirements noticed in the report are nothing, but essential ingredients to ensure application of the rights aforesaid'. Therefore, the UP government was directed to improve the health and sanitization facilities in the jail.

**MINISTRY OF FINANCE LAUNCHES ATMA NIRBHAR BHARAT ROZGAR
SCHEME TO BOOST EMPLOYMENT AMIDST COVID-19.**



Image Source: OpIndia

The Finance minister of India Smt. Nirmala Sitharaman has launched the Atma Nirbhar Bharat Rozgar Yojna with an aim to stabilise the economy that suffered a huge setback due to covid-19. The scheme was launched on 12 November 2020 as a part of the economic stimulus package. The aim of this scheme is to boost the creation of employment opportunities in the country during the Covid recovery phase of the economy so as to ensure that India is back on track once the virus is gone. Employees registered in EPFO establishments receiving a monthly salary of

less than Rs. 15000 shall be the main beneficiaries of this scheme. The employees of such establishment who has lost their jobs between March 1, 2020 and September 30, 2020 shall be eligible to utilize this scheme. The scheme aims to provide a subsidy of two years with the government providing employees contribution i.e. 12% and employers' contribution as well to the organisations employing up to 10000 employees. The EPS or employment provident scheme is run under the employee's provident fund organisation covering all organisations having more than 20 employees. Contributions under this scheme are made by both the employees and the employer in an equal manner with the lump sum amount being reimbursed at the time of retirement of the employee. Here, in the Atma Nirbhar Bharat Abhiyan, the GOI had announced that it will pay both employee and the employer contributions.

**AN INVESTING AGENCY HAS NO RIGHTS TO RETAIN THE INFORMATION
REGARDING THE SOCIAL MEDIA ACCOUNTS OF AN ACCUSED: KARNATAKA
HIGH COURT**

According to the Karnataka High Court, the investigating agency does not have rights to retain the user name and password of an accused after the investigation is over and must download and store the information received from the social media platform thereby giving back the changed log in details to the accused. Details of the accused's social media platforms like Facebook and YouTube should not be kept with the agent after the completion of the investigation. It must be changed and given back to the accused once the purpose of the investigation has been achieved said Justice Suraj Govindraj. The decision can in response to the writ petition filed by the Managing Director and news editor of Power TV, Mr. Rakesh Shetty. The writ petition was filed after the High Court quashed the FIR registered against him for the publication of reports of corruption allegation against the family of the Chief Minister of Karnataka Mr. B S Yeddyurappa. The City Crime Branch had asked for the log in credentials of the person to carry on investigations related to the case after which they changed the credential and denied him access of the platforms.

Agreeing with the contention made by him that access to social media is an integral part of one's day-to day exercise being a journalist, the court opined that, "*For the purpose of investigation*

only the integrity of the data is required to be preserved and that can be so done by downloading the relevant content from the Facebook and Youtube account of the Petitioner in the presence of the Petitioner after conducting a proper mahazar with help of qualified technical persons. On such downloading, the data downloaded can be kept in safe custody for the purpose of investigation.” Therefore, the CCB was order to hand back the details of the log in of the accused’s account within 7 days. The court also allowed liberty to file an application under Section 451 CrPC before the lower court for the return of the electronic equipment’s under the possession of the investigating personnel. Rakesh Shetty v. State of Karnataka and others [W.P.No.11169 of 2020].

**NORTH EASTERN AND HIMALAYAN STATES RECEIVE SUBSIDY UNDER
OPERATION GREEN SCHEME.**



Image Source: Affairs Cloud

The Ministry of Food Processing Industry on 11 November 2020 announces a legal scheme of providing 50 % transport subsidy to 41 notified fruit and vegetables from Himalaya and North East region of India. These vegetables were previously being provided a railway subsidy through the Kisan Rail scheme. With the launch of operation Green in the country in 2018, the prices of farmers produce were fixed so as to make sure that they are provided with the right price for their efforts and produce along with an aim to promote Farmer producer organisations and processing

facilities with professional management of produce. Through short term stabilization and long-term integrated value chain development projects the scheme aims to achieve the realisation of top farmers by strengthening FPO and reducing the post- harvest losses with marketing intelligence networks.

**CONSTITUTIONALITY OF SECTION 29&30 OF POCSO ACT UPHELD BY THE
KERALA HIGH COURT.**

The Constitutional validity of Section 29 and 30 of the Protection of Children from Sexual offences Act (POCSO) was upheld by the Kerala High Court. Justice Sunil Thomas, rejecting the argument that these provisions are violative of Article 14, 20, and 21 of the Indian Constitution noted that statutes that impose a limited burden on the accused to establish certain facts which are within the knowledge are not rare in the Indian Criminal law faculty. The Court went further to observe that such provisions cannot be held unconstitutional due to the fact that they reverse the burden of proof from the prosecution to the accused if they are "justifiable on the ground of predominant public interest". It is justified for the parliament to place burden of proof for certain aspects on the accused where exclusive knowledge is available and specifically so in the case of sexual offences where eye witnesses are not always available. The burden of proof under these sections is partial and justified in the larger public interest.

The prosecution is not absolved from establishing the foundation facts leading to the creation of burden of proof under these Sections. The accused has all rights to rebut the presumption based on preponderance of probabilities. The foundation facts for POCSO Act shall be the proof that victim was a child and that the offences has been committed. Further the presence of any physical injury can also be established before the court as a foundation evidence. The petitioner contended that since the reverse burden of proof is not laid in cases of sexual offences committed by adults, the presence of such a burden in the cases of sexual offences committed by children is discriminatory. The court replied that under Article 15 (3) the said provision of the POCSO Act was specially created to cover offences committed by children. Further the Court also rejected that the presence of mens rea is material for such offence. Having relied on the judgement of State of Bombay v. Kathi Kalu Oghadu where the High Court held that Article 20 (3) shall

operate only when the accused is put under duress to give evidence against himself therefore, the contention that the said act violates the Right to Silence under Article 20 (3) of the Constitution shall also not stand before the Court.

ORDER FOR THE STAY OF RESERVATION OF 80% BEDS OF ICU FOR COVID PATIENTS ACROSS 33 PRIVATE HOSPITALS VACATED BY THE DELHI HIGH COURT.



Image Source: Republic World

Justice Hima Kohli and Subramaniam Prasad vacated the stay on the order of Delhi's AAP Government which had reserved 80% of ICU beds in 33 private hospitals in the capital for Covid-19 patients. The Delhi Government was also asked to file an affidavit with 3 days along with posting the matter to be heard on merit on 26.11.2020. Senior Advocate Singh who represented the Association of healthcare providers argued that the reservation policy was putting a risk on the life of the lives of non-covid patients who come for emergency treatment thereby requiring ICU beds would not be able to avail the required treatment since due to the reservation requirement even vacant ICU beds could not be provided to the non-Covid patients. He claimed that deaths had happened due to such non-availability. Secondly, that despite the availability of the beds, the problem of segregation makes it difficult for the non-COVID-19 patients to have a tension free treatment. He summarized his argument stating that snatching the

facility of an ICU bed from a similarly situated non-Covid patient and handing it over to the Covid patient was in violation of Article 21 of the Constitution, and that "snatching from one category to give to another could not be called augmentation." It was also brought to the notice of the court that even in the absence of such an order of reservation of 80% beds for covid patients, around 60% beds have already been reserved for covid patients in every private hospital. The bench then went further to ask Adv. Singh to put forward the number of deaths that have happened due to non-covid cases during the corona virus period to which the latter replied that there was always a possibility of happening of the same. The court then stated that general remarks will not suffice the argument put forward and it therefore decided that the stay on reservation should be vacated.

**LEADING A NON- VIOLENT AND PEACEFUL PROCESSION IS A FUNDAMENTAL
RIGHT GUARANTEED TO ALL CITIZENS: KERALA HIGH COURT.**

Under Article 19 (1) (a) and 19 (1)(b) of the Indian Constitution, leading a peaceful and non-violent procession was observed by the Kerala High Court that quashed the criminal proceeding against the former MLA Dominic Presentation. The facts of the case are that a criminal proceeding was registered under Section 143, 283, 147 r/w 149 of the Indian Penal Code, 1860 against the former legislator in the year 2018 for obstructing the general public and vehicle from conducting a procession in allegiance to the human rights who were protesting against the arrest of two Dalit girls in Thalssery. The Ex- MLA contended by filing a petition under Section 482 CrPC that holding peaceful and orderly demonstration by way of protest is an exercise of fundamental rights guaranteed under Article 19(1)(a) and 19(1)(b) of the Constitution of India. The Court noted that neither the FIR nor the final report indicated the use of criminal force and restraint on the exercise of any law along with use of criminal force. Justice Anitha therefore observed that, *'Fourth clause of S.141 though states about deprivation of the enjoyment of right of way, it should also be by means of criminal force. In other words, exercise of some criminal force or illegal act is a condition precedent to attract the ingredients of unlawful assembly.'* The Court also observed that due to the absence of any clear evidence that shows that obstruction was caused to any person in the public by way of the alleged procession, therefore Section 283 IPC shall not be applicable in the given case.

IMPORTANT DATES

11TH NOVEMBER: NATIONAL EDUCATION DAY

National Education Day is celebrated every year on 11th November since 2008 to mark the birth anniversary of Maulana Abul Kalam Azad, the first Education Minister of India. It was declared by Ministry of Human Resource Development which has recently been renamed as Ministry of Education.

16TH NOVEMBER: NATIONAL PRESS DAY

National Press Day is celebrated on 16th November because the Press Council of India was established on this date in 1966. The Press Council of India acts as a moral Watchdog for media. Also, the Press Council of India makes sure that the freedom of press is not controlled by the threats or influence of other extraneous factors. Article 19 of the Constitution of India provides the right to freedom of speech and expression. However, the freedom of press is not specifically included in the article.

16TH NOVEMBER: INTERNATIONAL DAY FOR TOLERANCE

The International Day for Tolerance is celebrated on 6th November by the UNESCO and several other international organizations to increase awareness about importance of tolerance in the society. It also aims to increase awareness among people about the negative effects of intolerance. The United Nations General Assembly adopted the resolution to observe the International Day for tolerance in 1996.

19TH NOVEMBER: WORLD TOILET DAY

The official convener of the World Toilet Day is the UN-Water. This year's theme is, "Sustainable Sanitation and Climate Change".

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