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Issue 6 | 2021

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Cite this newsletter in the following style

Name of the author of the article, the title of the article within inverted commas, issue number, Name of the newsletter & page number (month & year).

Published by:

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Editor's Note



If people have moral courage to stand up to the smallest injustice-their own and other's -its kind of like practice for when the big ones come around

-Colleen Kelly

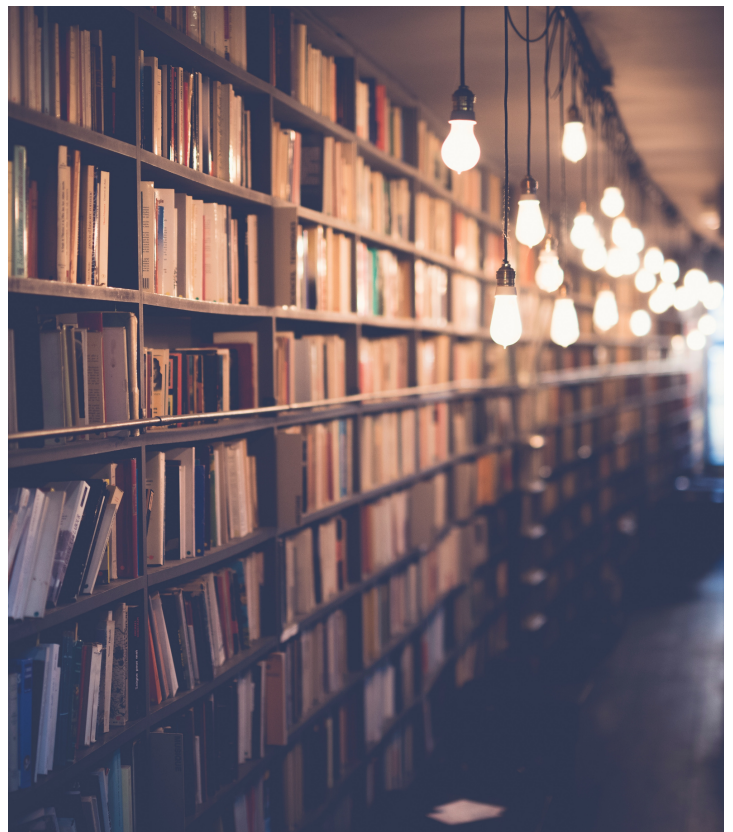
We are very happy to present before you the Sixth Issue of ISLR'S newsletter- The Sovereign. We at ISLR wanted to provide our readers with a monthly compilation of the current legal issues and relevant news of both national and International importance. Each Section of this newsletter is thoughtfully designed to cater to the needs of the Law Students ,Faculties and professionals. This newsletter also contains the list of upcoming events so our readers do not miss any upcoming opportunities. There is a survey form at the end of this newsletter which will not only build our understanding with our readers but also will help us to serve you better reading content in future.

Happy Reading!!

About ISLR

Indian Society for Legal Research (ISLR) is a rapidly growing community of niche academicians, thinkers, activists, lawyers, professors, legal volunteers, paralegals and legal entrepreneurs who stand apart from the rest of the community with their zeal for deep thinking, leadership skills, and dedication for bringing innovation to the legal field.

Previously, ISLR has conducted First Global Ambassadors Programme (2019-20) and an empirical survey of the judgments of the ICJ and the PCIJ. ISLR has also offered one month online certificate course for UG & PG students on International Courts & Tribunals, International Humanitarian Law and Merger & Acquisition. ISLR published first blog series titled "Mapping the Constitutions". In this blog series the authors have analysed the various aspects of almost 179 constitutions. ISLR has successfully conducted First Virtual Summer School on International Legal System in the Age of Pandemic, 2020.



WHY IS FEBRUARY SPECIAL ?!!

FEMALE GENITAL MUTILATION & INDIAN LEGISLATIONS

According to World Health Organization (WHO), Female genital mutilation (FGM) comprises of all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons. It is also known as "female circumcision" or "cutting", and by other terms such as sunna, gudniin, halalays, tahur, megrez and khatna, among others. According to WHO, FGM can be categorised into four types according to the extent of the injury: type I includes removal of the Clitoral hood, type II, includes removal of the Clitoris and inner labia, type III is removal of all or part of the inner and outer labia and usually the clitoris and fusion of the wound leaving a small hole for the passage of urine and menstrual blood. The fused wound is opened for intercourse and childbirth. Sexual behaviour is a result of interaction of biology and psychology and sexual excitement of the female can be triggered by stimulation of erotogenic areas; part of which is the clitoris. Hence, female circumcision is done to minimize sexual desire and to preserve virginity of the female in the society. The victims of this practice complaint of many health complications such as severe bleeding, tetanus, infections and some cases of frigidity. The other health hazards include severe pain and shock, complications in pregnancy and childbirth, sexual dysfunction, difficulties in menstruation and psychological damages among many consequences. In addition to these there are considerable psychosexual, psychological and social consequences of FGM.

Legal Framework against FGM

The practice of FGM violates the right to equality and non-discrimination as well as the right to bodily integrity and dignity of the women and girls on whom it is performed. Laws against the practice exist in at least 12 countries with

immigrant populations from countries that practice FGM. Very recently, the United States passed a federal law making it illegal for girls to be taken out of the United States for the purpose of performing FGM. Funding for efforts to end FGM has also increased--from less than one percent of UNICEF's budget in 1993, when Equality Now started a campaign calling on UN agencies to address this serious violation of human rights--to millions of dollars today.

Far reaching commitments to women rights are encapsulated in core International Human Rights instruments including the UN Convention on The Elimination of all forms of Discrimination Against Women (CEDAW) as well as Beijing Declaration also in Millennium Development Goal, UN Security council Resolutions 1325, 1820, 1888 and 1889. Female genital mutilation (FGM) is recognized internationally as a violation of the human rights of girls and women. February 6th is International Day of Zero Tolerance for Female Genital Mutilation. Ending FGM by 2030 is one of the UN Global Goals.

In December 2012, the UN General Assembly adopted a resolution on the elimination of Female Genital Mutilation. The resolution was passed unanimously and India was part of this unanimous decision. Several countries in the world have banned the practice of FGM. Nigeria is the latest country which recently passed a law banning FGM, taking the total of countries banning this Practice to 23 in Africa alone.

However, India does not have any specific law prohibiting the practice of FGM in India. The government has failed to take any action to prevent FGM or raise awareness about the practice and its consequences.

It has also not taken any steps to prosecute acts of FGM under existing criminal laws of hurt (Sections 319 - 326 of the Indian Penal Code) and child protection (the Protection of Children from Sexual Offences Act, 2012).

There have been initiatives taken by the government and an openness on the topic. Some of the developments includes:

1. According to the former Director of the Central Bureau of Investigation (CBI), R.K. Raghavan, though FGM is not explicitly an offence under the IPC, on a complaint, the police would be obligated to register a case under Section 326 IPC. This statement has given hope to many to come forward and fight against this practice.

2. The National Commission for Women had said that it supports the demand for a law to end the practice of Female Genital Mutilation (FGM) in India. On the International Day of Zero Tolerance to Female Genital Mutilation (FGM), the women's panel chairperson received two petitions initiated on Change.org- by "Speak Out on FGM" and a collective of 33 global organisations which includes 'Sahiyo'.

3. The Supreme Court on 8th May, 2017 had issued notice to Centre and 4 states namely Gujarat, Rajasthan, Maharashtra and Delhi on a Public interest litigation (PIL) filed by an advocate seeking a complete ban on the practice of female genital mutilation and making it a punishable offence. A bench of Chief Justice of India JS Khehar, Justice DY Chandrachud and Justice Sanjay Kishan Kaul heard the petitioner and issued notice to the Centre. "This issue is extremely sensitive and important," noted the CJI.

Conclusion

Female genital mutilation of any type has been recognized as a harmful practice and a violation of the human rights of girls and women. Human rights—civil, cultural, economic, political and social—are codified in several international and regional treaties. As it interferes with healthy genital tissue in the absence of medical necessity and can lead to severe consequences for a

woman's physical and mental health, female genital mutilation is a violation of a person's right to the highest attainable standard of health. In contrast to female genital mutilation, male circumcision has significant health benefits that outweigh the very low risk of complications when performed by adequately-equipped and well trained providers in hygienic settings.

The conventional nature of the practice requires a significant number of families within a community to make a collective, coordinated choice to abandon the practice so that no single girl or family is disadvantaged by the decision (UNICEF, 2005b). The decision to abandon must be collective and explicit so that each family will have the confidence that others are also abandoning the practice. The decision must be widespread within the practising community in order to be sustained. In effect, it will bring into place a new social norm that ensures the marriageability of daughters and the social status of families that do not cut their girls; a social norm that does not harm girls or violate their rights.

Educational activities must be sensitive to local cultural and religious concerns or run the risk that the information provided will be regarded as morally offensive and result in negative reactions in communities. Information provided should be based on evidence, but at the same time build on local perceptions and knowledge. Community based educational activities can also build on and expand their work with the mass media such as drama, video and local radio. 'Champions' against female genital mutilation, such as public personalities, can also be used to relay information and messages about female genital mutilation.

To reach the collective, coordinated choice necessary for sustained abandonment of female genital mutilation, communities must have the opportunity to discuss and reflect on new knowledge in public. Such public dialogue provides opportunities to increase awareness and understanding by the community as a whole on women's human rights and on national and international legal instruments on female genital mutilation.

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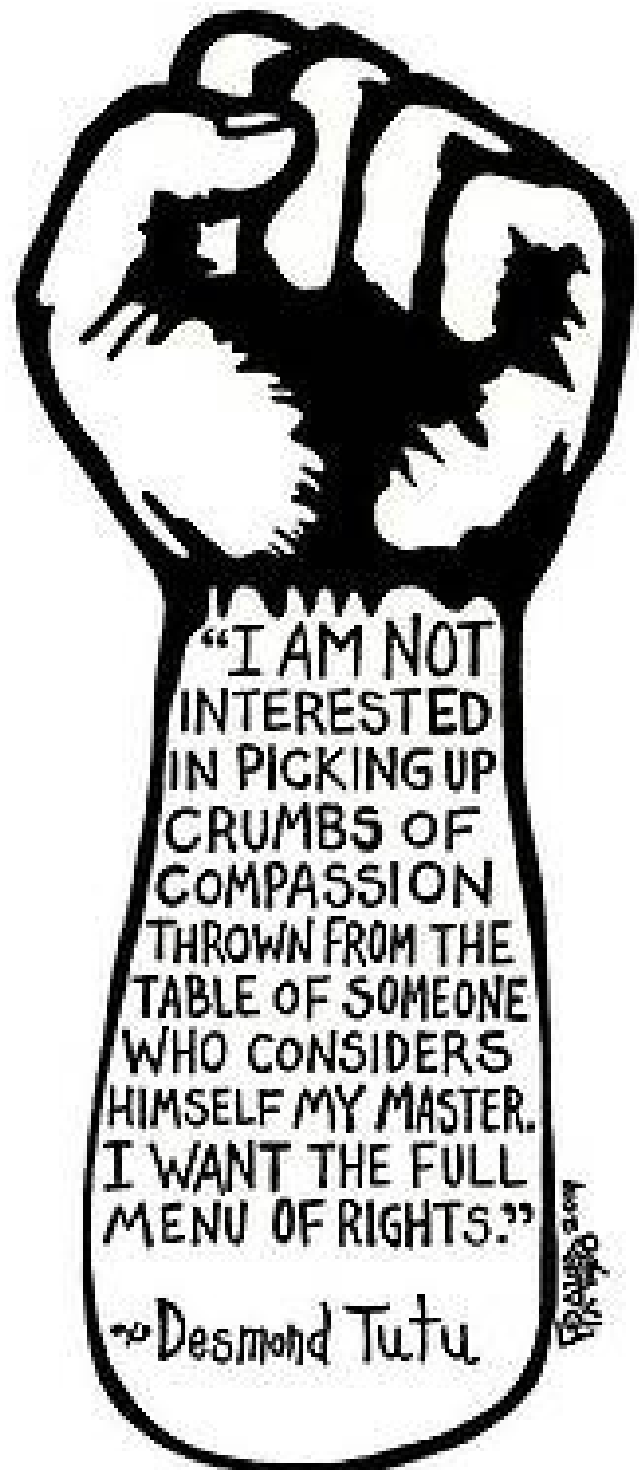
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EXISTENCE OF PATRIARCHY IN NEPAL GOVERNMENT'S PLAN TO LIMIT WOMEN'S TRAVEL

Before talking about the decision of Nepal Government regarding the plan to restrict the travel of women under the age of 40, let's first talk about what really is the position of women in society in general even in the modern times. It is really an unfortunate reality that women around the world are still subjected to a patriarchal society and they are being denied their rights, treated unequally and unfairly. Women empowerment means “the right of women to have and to decide their choices and women’s sense of self-worth; the right to have greater opportunities and to have access to available resources; their right to have control their own lives both inside and outside of the homes and the ability to affect the direction of social change to create a very just social and economic order at both national and international level”.

All over the globe, employment and political activities are referred and linked to sex and gender, where men are responsible and are assigned the superior positions while women are not supposed to have the same. The nature and strength of women empowerment differ from country to country due to alternation in economic and socio-cultural setup. The condition of living standard of women throughout the world is very poor. In this regard, the condition in the third world countries is more catastrophic as women are considered to be secondary and nor they have authority in any affairs of the society. Patriarchy support rigid division of labor and it restricted women’s freedom of movement and freedom of expression.

The status of women is linked to her family and her role is limited to that of bearing and rearing children and caring for her family. Discrimination still exists in the sectors of education, employment, access to health services, job opportunities and decision making. Even in the 21st century, the status of women in the family and in the society is not considered to be satisfactory and they are discriminated in all spheres of life.

In the International Law, efforts were laid down to secure and preserve the rights of women. The Charter of United Nations sets out in one of its goals “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, [and] in the equal rights of men and women”. UN Charter’s Article 1 talks about fundamental freedoms and human rights “without distinction as to race, sex, language or religion”. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly on 18 December 1979. It brings the focus on human rights concerns for females. Its goal is to reaffirm faith in dignity, human rights, worth of the human being and in the equal rights of men and women. It gives the idea about the meaning of equality and how that can be achieved. The agenda of the convention is not to establish only international bill of rights for women, but it also focuses on guaranteeing the enjoyment of those rights.

In today’s era we believe that women’s rights are getting importance and we are reaching to the level equality, but such hopes get shattered by certain actions, decisions taken by the governing authority. Government’s role is to preserve and promote the equal rights for men and women without any discrimination, but when such authorities take decisions which derogates the position of the women in the society then our society moves backwards.

The Nepalese government, proposed a law that requires women under the age of 40 to get permission from their male guardian before leaving the country and travelling alone to the Gulf States and Africa for the very first time and it proposed as a means of protecting them from being exploited abroad as forced labor. But this rule is a regressive one as it oppresses the freedom to travel and freedom to choose of women. Such decisions contradict the provision of the constitution that guarantees fair and equal treatment of all citizens and focuses on ending the gender based discrimination. Instead of fulfilling the duty of protecting its citizens, the government has been trying to impose regressive and restrictive rules in the name of protecting the citizens. Such thoughtless decisions can be turned harmful and they are insulting to women's dignity and pride. Such rules are discriminatory, unlawful and based on age and gender, which takes away the freedom to choose from women.

Under CEDAW's Article 15(4), it is stated that the countries shall accord to men and women that same and equal rights in reference to law relating to the freedom to choose their residence & domicile and movement of persons. Nepal being the party to the convention is under the legal obligation to protect, respect and fulfill rights to women to enjoyment of equality and non-discrimination. The decision to execute the plan of imposing restrictions on travel of women is not only socially wrong but also against the International Law. It is the duty of the government to include women in decision making and stop treating them like second class citizens.

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-Priyanka Dadhich
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ALLOCATION OF FUNDS & EXPENDITURE ON EDUCATION: BUDGET 2021 COULD IT MEET THE EXPECTATION

The new outlook and approach in the budget-2021 outlook for Education sector is opening-up floodgates to reinvigorate people capital on a very serious note. The outlays drawn is paving the way for the lead of India on the world map via initiatives and measures like Rashtriya Shiksha Mission, extended support continues for primary education and for tribal areas as well as underprivileged additionally encompassing focus on higher education inclusive of skill development that falls in tune with NEP 2020. This is the most-awaited budgets from the economic point of few after the Covid-19 pandemic started. In the Union Budget 2021, a total expenditure estimate of Rs 93,224 crore was announced for the education area. With a futuristic approach minister of finance Nirmala Sitharaman particularizing numerous programmes and initiatives for the education sector. From drawing up the legislation for a higher education commission of India to setting up a Central University in Leh for accessible higher education in India, allocation of Rs 3000 for the training of graduates and diploma holders in engineering and making Sainik schools as a part of the National Education Policy (NEP 2020) implementation arrange to the government's projected amendments to the apprenticeship Act. However, mentioning nothing about the informal education sector led by EdTech companies disappointed so many.

The budget carries a positive message, the replacement of the '10+2' structure with the 5+3+3+4 model has a very strong potential to upgrade the Indian education system to that of other developed countries. We are optimistic that the new model will be good for upcoming students. Further the budget also focuses on the need of foster international collaboration in R&D as critical tool for skill enhancement.

Decision to double MSME allocation provide

relief to micro, small and medium scale entrepreneurs who suffer badly during the lockdown. National Digital Education Architecture (NDEA) which will strengthen the education provide a diverse ecosystem for the development of digital infrastructure, educational planning, governance and administrative activities. The complete shift using assessment to not only judge the cognitive bars of the learning student but also to identify the unique strengths & potential in a learner.

The budget allocation to Navodaya Vidyalayas has been raised by Rs 500 crore. The mid-day meal scheme got a rise of Rs 500 crore so raised to Rs 11,500 crore from Rs 11,000 in 2020-21. A new allocation of Rs 10 crore has been put aside for a segment called 'Indian knowledge Systems'. This section will check up on parts of knowledge from ancient India and its contributions to fashionable India and its successes and challenges. a part of NEP 2020, the expenditure budget aforesaid that this ancient India knowledge will be incorporated in a correct and scientific manner throughout the school program wherever relevant.

Major takeaways in the budget 2020

- National Language translation mission to translate policy-related information which will be accessible on the internet in regional languages. This has been exhausted accordance with the National Education Policy (NEP) 2020, that emphasises making content and delivery of content in regional languages.
- Supplementary nutrition programme and also the Poshan Abhiyaan incorporate to launch Mission Poshan 2.0 to strengthen nutritionally content, delivery, outreach, and outcome.

- Setting up regional national institutes for medical specialty
- Special Rs 50,000 crore over 5 years to strengthen research and development in the national priority trust area. Innovation and R&D is one among the six pillars of Budget 2021 along side, health and well-being, physical and monetary capital and infrastructure, comprehensive development for aspirational India, reinvigorating human capital, and minimum government and maximum governance.
- Government proposes a portal to gather information on gig-workers, building and construction employees, among others.
- Over 15,000 schools to implement NEP 2020 and act as a model for the rest of schools.
- 100 new Sainik schools are going to be created in partnership with Non-Government Organisations (NGOs), private schools and states.
- A central University in Leh for accessible higher education in India. From the establishment of a brand new Central University in Leh, to form higher education accessible in Ladakh to a position for graduates and certificate holders, the Union Budget 2021 has focussed on skilling students.
- 750 Eklavya Model residential schools in tribal areas are going to be set-up. Increase cost for every school from Rs 20 crore to Rs 38 crore.
- Post-matric theme revamped. Central assistance has been enhanced for the theme. Rs 35219 crore are going to be disbursed over the period of six years.

ticket announcements (GST cuts, etc.), "adequate" fund allocation in education therefore on fast-track the rollout of NEP, and alternative incentives crucial to boost a pandemic-hit economy. However, I expect that a lot more could have been done to make India's education sector as per the goals set out by NEP 2020.

The move to remove scholarship was certainly daunting by UGC when underspending was reported by CMIE. More scholarships need to be provided to students coming from economically weaker sections for equitable online education programmes.

As a part of NEP, academic collaborations with foreign higher academic institutions to manage and allow dual degrees, joint degrees, and different such mechanisms are also being incorporated. This is often a remarkable move. It additionally aligns with upGrad's vision wherever we tend to aim to modify offline establishments to supply on-line degrees, investment our digital capabilities. The move to affix forces with the UAE to benchmark ability qualification and introduction of cooperative coaching programmes with the Japanese men also are steps within the right direction.

However, it might be encouraging if the govt. had introduced a discount on GST for on-line education services, with learners and academics alike taking to on-line skilling programmes visible of the stress of the 'new normal'.

Concluding and Analysis Remark

~ Ravi Shandilkar

Where as it was a "washout year 2020" for several students. It can say budget 2021 uncomprehensible the opportunity to form big-

THE TRIPARTITE DISPUTE: AMAZON INC. VS FUTURE RETAIL VS RELIANCE INDUSTRIES

Introduction

Our news sources have been packed with reports about the fast downfall of Future Group and the huge profits it might be for Amazon owned by Jeff Bezos or for Reliance Group owned by Indian businessman, Mukesh Ambani. Although the controversy has culminated in a popular debate in regards to the implementation of temporary international arbitral awards, this essay aims to briefly examine the actual source of this Tripartite Dispute that has occurred between the Future Coupons Pvt. Ltd. ("Future Coupon") and Future Retail Ltd. ("Future Retail") collectively called the "Future Group"; Amazon Inc. ("Amazon"); and Reliance Industries Ltd. ("Reliance").

Significance of the Dispute

In addition to nationalist calls of the US corporations for entering the Indian Markets to the accusations of market manipulation, violation of contracts, insider trading and contraventions represent the high-stakes battle which has spirals out of control from what originated off as a dispute involving Amazon and Future Retail. If Amazon succeeds, the ambitions of Reliance to bolster its e-commerce and offline physical operations would slow down. With losses of Amazon, the company's dreams of expanding its investments in India's second-largest distributor and its main food supply chain will be destroyed.

History of Dispute

Amazon is seeking to block the \$3.4 billion acquisition of the retail holdings of Future Group by Reliance. The U.S. corporation, which obtained an arbitrator's order in attempt to stop the Reliance-Future contract,

alleges its client of violating certain pre-existing deals, manipulating the market and insider trading. The claims are refuted by Future. Throughout the following four years, India's retail demand will rise by 46 percent to an annual of \$1.3 trillion according to Forrester Research. By 2024, the major struggle is for groceries, estimated to be priced about \$740 billion per year. In recent years, the potential of the retailing of the world was altered due to COVID-19 and this struck the organisations so heavily in 2020 that Biyani, owner of the Future Retail was pressured to pursue a buyer. All around India, approximately there are 1,300 of Future's stores that are supermarket outlets out of 1,700 stores which offer groceries in 400 locations. Its discount outlets appeal to middle-class customers, while its upscale stores sell items such as imported cheese and fresh guacamole, which are comparatively uncommon in the retailing industry of India. For both Reliance Pvt. Ltd. and Amazon, the Future Retail an invaluable opportunity.

Amazon purchased in 2019 a 49% stake in one of the non-listed companies of the future group, after long talks with the Kishore Biyani, which headed the Future Group in Future Coupons ('Agreement'). Amazon arranged as part of the contract for itself a 'call option' to enabling it to purchase a partial or full share of the promoters in retail outlets for a term from the conclusion of the contract between 3 to 10 years. Future Coupons is the promoter of Future Retail and has a 7.3 percent interest, so Amazon has an indirect 3.6 percent position of Future Retail from this sale.

Though the conditions of agreements established under the Arrangement are not accessible, Amazons makes allegations that a non-compete provision is present, as a

consequence of which the Future Group cannot make transactions with any individual rival parties without consulting Amazon, are known by publicly accessible sources. Kishore Biyani, the establisher of Future Group, reportedly interacted for first time after his retail properties were being sold to Reliance. In view of increased debt and income loss induced by disease outbreak and shutdown, he said that he had only an opportunity to quit the industry. During the initial three to four months of the global pandemic, his businesses lose Rs 7,000 crore in sales. Amazon, concurrently, further approached The Securities and Exchange Board of India (SEBI) regarding Future Retail's insider dealing, where the provisional order of the Singapore International Arbitration Centre (SIAC) presented for the settlement over the conflict between the firm was leaked to and Reliance Industries Limited (RIL).

It seems that Amazon is subtly trying to outwit the Ambani. Amazon's legal shot fired at a Future Group suggests it is going to combat Reliance Retail almost as fiercely. It may be a struggle for the Indian retail market between the two of them, another rivalry, and a struggle between the wealthiest guy on earth, Jeff Bezos having a net worth of \$204.6 billion and India's richest individual, Mukesh Ambani with a net worth \$ 88.4 billion.

The Narration of the Legal Aspects of the Dispute

Facts of the Dispute:

Arbitral hearings also begun in Singapore concerning Amazon and Future Retail. V.K. Raja conducted and closed the an dispute resolution process on Friday, 16 October, and issued a verdict on Monday, 26 October, as the reports stated. In hearing of Amazon vs Future Group the former Singaporean Attorney General, Rajah was the only arbitrator. An immediate arbitration hearing

was conducted on Friday in Singapore. Harish Salve represented for Reliance Retail whereas Davinder Singh, a Singapore-based advocate, appears on account of Future Coupons Pvt. Ltd. (FCPL). Amazon's legal representative was Gopal Subramaniam, India's retired solicitor general. It was confirmed that the trial took 5 hours.

As mentioned previously, in October, the urgent arbitral wars granted by Singapore which directed the Future Party to stop sells to Reliance in Amazon-Future Retail. Amazon listed a collaboration contract with the Future Group corporation for the development of consumer loyalty which constrained the organisation from the sale of assets of the corporation to the Reliance Retail and permitted arbitral proceedings to adjudicate problems in Singapore. Future Retail claimed in tribunal that the deal with some other corporation is valid and also that the Emergency Arbitration Order of Singapore wasn't really binding in India. This caused Amazon to seek enforcement from the Delhi High Court. The single bench judge of the high court prevented the agreement and expressed in it's opinion that the ruling from the arbitration tribunal in Singapore is correct and can be implemented in India. A two-judge bench gave a green light to the sale of assets agreement in the appeal made by Future, arguing that Future Retail was not a party to the Amazon-Future Coupe Pvt arrangement. Ltd.

Amazon approached the Apex Court of India to challenge the Delhi High Court decision which rejected the enforcement, in relation to the future-reliance agreement, of the current established route adopted by the High Court's sole judge in Amazon.com NV Investment Holdings LLC vs Future Retail. An judgement favoured the Future Retail (FRL) against the current established order passed by the single judge was given by a division bench of the High Court in the appeal. In addition to being without authority, Amazon claimed that the decision of

Division Bench is unlawful and discriminatory.

Amazon argued, in her Special Leave Petition, that a letters of patent appeal could not have considered from a judgement issued as directed in section 17(2) of the Arbitrations Act by the High Court Division Bench. It also claimed that even without checking for the thorough instruction of the judge and with lack of any appreciation for the "Group of companies" principle, the division bench enforced the questionable order prematurely. It is claimed that the Hon'ble High Court, whilst also delivering the Unconstitutional Interim Order, was unable to recognise the Order passed by the Single Judge for the restricted goal of safeguarding the interests of the individuals till the proclamation of the final verdict and after heading to the realisation that the Respondents have infringed the instructions embedded in the Emergency Order which include on the grounds of the Respondents' self made unambiguous submission which would not retain established order. Furthermore, Amazon submitted that FRL behaved with utter infringement of the rule of law and of the law-specific mechanism and that an appeal against the Emergency Reward cannot be authorised. In the plea for implementation of the Emergency Grant, which was accepted in compliance with the Arbitration & Conciliation Act under section 17(2), the judge passed the current established decree.

Analysis of the Decision:

The Single-Judge had asked the Future Retail Ltd to halt a status quo as regards its contract with Reliance, maintaining its order in Amazon's interim petition to stop Future Group firms and offices from depending on permissions granted by the other regulatory agencies for the transaction. The Bench Division has shared the opinion that Amazon isn't really participant to the shareholder agreement for future retail and that Future Retail is not member of the shareholder agreement for future coupons.

The shareholder arrangement for Future Coupons notes explicitly that Amazon's contribution is for the purposes of Future Coupons and there is still no agreement in support of the possession of or having influence over Future Retail's shares or voting privileges. In addition, the Future Coupons and Amazon have not behaved in any way which would indicate such an agreement. It also claimed that as FRL had not been party to an arbitration contract with Amazon and one cannot primarily assert the "Group of Companies" doctrine. In addition, the Division Bench claimed that the statute authorities such as SEBI and CCI could not be limited to 'proceeding in line with legislation' because there were no grounds for a Single Judge Bench to give such an order.

Moreover, Future Retail acted 'without prejudice' in their claim that their settlement clause in shareholding agreement did not affect them, because they were not parties to the arrangement. Future Retail engaged in the Singapore proceedings had questioned Singapore International Arbitration Centre (SIAC) exercising authority. Thus, in this sense, the decision of the arbitration tribunal is not definitive. Clause 25.1 of the Future Coupons agreement specifies that the contract shall be regulated and interpreted in compliance with applicable rules of India (i.e., the Arbitration Act). Early arbitration hearings and instructions are not acceptable keeping the Indian Arbitration Act in mind. The arbitration shall only be carried out in accordance with the SIAC Laws as mentioned in Clause 25.2.1. It goes without saying that, only when SIAC orders are in accordance with the Arbitration Act, SIAC guidelines would only then be valid.

If Amazon's wording is accurate, therefore Amazon's material rights over the administration and affairs of Future Retail have been granted in the future relationship

arrangement to Amazon Coupons and practise them by Amazon. Amazon also decides if the whole proponent shareholding can be placed to the vote of the future retail shareholder arrangement in compliance with section 13.1.1 of the Future Coupons shareholder deal.

Therefore, a person's voting privileges i.e. every and all protected matters concerning future retail are subject to appropriate approval of Amazon,. This means that Amazon takes power of Future Retail's administration and affairs. This contravenes SEBI substantive acquisition of shares and take-overs regulations which specify that, unless the buyer makes official comments of an upfront payment to acquire shares of such specified business, no buyer is to obtain ownership of the acquiring company explicitly or implicitly.

After reviewing the evidence, the correspondence amongst Amazon and Future Group indicates that Amazon was informed, as soon as May and June 2020, of the negotiations of the Future Group and Reliance. Amazon, too, was conscious of the uncertain financial state of Future Retail but did nothing whatsoever of this before the arbitration notice was released in October 2020. Reliance also told Amazon of its negotiations with the Future Group and Amazon was all concerned with the security of future retail company arrangements. As it will include approval by the Government of India subject to up to 51 percent ownership stakes and subject to different similar conditions, Amazon cannot participate directly in Future Retail. The shift in position of Amazon aims at the derailment of the Future Retail plan in the preventing it's collapse for the whole Future Group.

Conclusion

One must understand, although it is a legal dispute with three parties involved and Indian Retail Market at stake, it is Future Group that is hanging by the thread. 'Future retail and the

entire group, because it relies on the verdict for its sustainability. In August of 2020, the company defaulted on its bonds and skipped its dollar bond interest payout in January. Over the four consecutive years, Future Retail has shed 76 percent of its shares in the last year. Since it had already obtained regulatory permits in order to comply with Reliance, the corporation declined to discuss an outsider arrangement with Amazon. In the case that the arrangement collapses, Salve claimed at arbitration, the Indian merchant will bankrupt. Amazon would not want to see Dependency accumulate properties of Future, but it means "sink the ship" of its actions, he added. Amazon declined to claim why it is going to rescue the Indian dealer. Thus, one must not only look at this case from a national perspective but should also look at the loss that one of the largest retail store of India would incur.

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THE IDEA OF SOCIAL SOLIDARITY AND ITS PRESENT DAY RELEVANCE

Leon Duguit a celebrated French Scholar born on 4th February in Libourne, France is remembered for his sociological approach to Jurisprudence. He was the professor of Constitutional Law at the university of Bordeaux in France. His theory mostly revolves around the idea that the Laws should be flexible according to the changing needs of the society. Duguit's most prominent contribution to the sociological school of Jurisprudence was the idea of 'Social solidarity' which means that man in the society is interdependent on one another to fulfill his needs. The mutual cooperation of man and social institutions forms the foundation of the society. His theory is more of an observation of the functioning of the society rather than emphasizing on the legal basis of the existence of the law in the society. His work was largely influenced by Emile Durkheim the father of Sociology who had a similar idea that all the elements in the society are interconnected and also pointed that there is a distinction between individual behaviour and the societal behaviour.

Duguit also believed in the similar idea like that of Durkheim and he tried to conceptualize this very idea of societal validation as the basis of Law. To him man's codependence formed the basis of societal functioning and he discarded the idea of state and sovereignty and emphasized that man's need of interdependence created the social institution and he has the might in deciding its purpose. He observed "All institutions are to be judged according how they contribute towards social solidarity". The state according to Duguit was no special entity but an "Organization of men" so the sovereignty is not empowered alone to rule over man. He believed that state has the duty to promote social solidarity among the people and in case it does otherwise then the people in that society are duty bound to revolt against it. It is very much

prominent that he solely believed that will of the society is the only threshold to test the validity and effectiveness of the law and not the sovereign. To the him the power of the sovereign was non-existent to such a level that he did not distinguish between the public and private law because the latter suggests the superiority of the state over the subjects.

Social solidarity: present day relevance

'The only right which any man can possess is the right to always do his duty' this statement of Duguit seems like it has been tested in time and is more valid than any other argument in made in favor of the idea of society being the center of laws enacted with the objective of its welfare. It might seem a little contradictory that Duguit who roots for the will of society over the will of the state makes an argument of such a submissive nature in favor of man that his only right is to perform the duty assigned to him. But if we scrutinize carefully, he puts forth that society is a self-sustaining entity which does not need a jolt from the outside forces and to be specific he clarifies that there is no outer force like the state or sovereign because they are also nothing greater than a group of people assigned specific duties. Hence the idea that duty is the only right of the man is self-explanatory and relevant in the sense that if every individual performs his duty towards the society as if that is his only right the wheels of the social pyramid will balance itself and the real power in the society will be the mass's will and not the state

- Avantika Banerjee
LLM pondicherry University

Test Your Knowledge!!!



1. Which is the largest written Constitution in the world?

- (a) The Constitution of Ireland
- (b) The Constitution of India
- (c) The Constitution of South Africa
- (d) The Constitution of UK

Ans: (b)

2. Who is considered the father of Analytical School of Law?

- (a) John Austin
- (b) William Blackstone
- (c) Jeremy Bentham
- Oliver Wendell Holmes

Ans: (a)

3. Who propounded the Pigeon Hole theory in Torts?

- (a) Winfield
- (b) Salmond
- (c) None of these
- (d) Both a and b

Ans: (b)

4. Which section of the Indian Penal Code defines the offence of Defamation?

- (a) Section 137
- (b) Section 326
- (c) Section 500
- (d) Section 499

Ans: (d)

5. What does the maxim "Actus non facit reum nisi mens sit rea" mean?

- (a) He who acts through another does the act himself
- (b) The act itself is not a crime unless accompanied by a guilty mind
- (c) Let the master be liable for the act of the servant
- (d) None of the above

Ans: (b)



6. A minor's contract is

- (a) Valid
- (b) Void
- (c) Void ab initio
- (d) None of these

Ans: (c)

7. What does the part IV A of the Constitution of India contain?

- (a) Fundamental Duties
- (b) Fundamental Rights
- (c) Emergency Provisions
- (d) None of these

Ans: (a)

8. Which article of the Constitution of India deals with Financial Emergency?

- (a) Article 356
- (b) Article 360
- (c) Article 372
- (d) None of these

Ans: (b)

9. Where can you find the Short Title of the Constitution of India?

- (a) The Preamble
- (b) Article 1
- (c) Article 5
- (d) Article 393

Ans: (d)

10. What does the notion of "Privity of Contract" mean?

- (a) Only the Parties to the contract can sue.
- (b) Third Party to the Contract can sue
- (c) Both a and b
- (d) None of these

Ans: (a)



11. Which among the following is/are writ/s issued under Article 32 of the Constitution of India?

- (a) Habeus Corpus
- (b) Certiorari
- (c) Quo warranto
- (d) Mandamus
- (e) All of these

Ans: (e)

12. Which amendment abolished the Right to Property as a Fundamental Right?

- (a) The 42nd Amendment Act of 1976.
- (b) The 44th amendment Act of 1978.
- (c) The 40th Amendment Act of 1976.
- (d) The 36th Amendment Act of 1975.

Ans: (b)

13. In which famous English case was “the Rule of Strict Liability” applied for the first time.

- (a) Donoghue V. Stevenson
- (b) Nichols V. Marshland
- (c) Brown V. Kendall
- (d) Ryland V. Fletcher

Ans: (d)

14. Which among the following is an exception to the rule of “Absolute Liability”?

- (a) Act of God
- (b) Consent of the Plaintiff
- (c) None of these
- (d) Both a and b

Ans: (c)

15. Which of the following is a vitiating element to the notion of “Free Consent” under the Indian Contract Act of 1872?

- (a) Mistake
- (b) Fraud
- (c) Misrepresentation
- (d) All of these

Ans: (d)

16. What does the maxim “Ignorantia Juris non excusat”?

- (a) Ignorance of Law is an excuse
- (b) Ignorance of Law is not an excuse
- (c) Ignorance of fact is not an excuse
- (d) None of these

Ans: (b)

17. Which of the following is a means of discharge of contract?

- (a) Operation of law
- (b) Consent
- (c) Lapse of time
- (d) All of these

Ans: (d)

18. Gloucester Grammar school case is a classic example of....

- (a) injuria sine damnum
- (b) Damnum sine injuria
- (c) Strict liability
- (d) None of these

Ans: (b)

19. Rule of Law was propounded by...

- (a) A V Dicey
- (b) John Austin
- (c) Salmond
- (d) None of these

Ans: (a)

20. Which among the following is the most important source of the Constitution of India?

- (a) The Constitution of UK
- (b) The Constitution of Ireland
- (c) The Government of India Act, 1935
- (d) The Constitution of USA

Ans: (c)



21. Sections 96 to 106 of the Indian Penal Code deals with..

- (a) Private defense
- (b) Abetment
- (c) Offences relating to Property
- (d) None of these

Ans: (a)

22. Which amendment is called the “Mini Constitution”?

- (a) The 44th Amendment Act of 1978
- (b) The 42nd Amendment Act of 1976
- (c) Both a and b
- (d) None of these

Ans: (b)

23. The Rule of Absolute Liability was formulated in

- (a) Ashby V. White
- (b) Bachan Singh V. State
- (c) M C Mehta V. Union of India
- (d) None of these

Ans: (c)

24. Which section of the Indian Penal Code defines the offence “Rape”?

- (a) Section 15
- (b) Section 372
- (c) Section 374
- (d) Section 375

Ans: (d)

25. Which schedule of the Constitution of India deals with Languages?

- (a) Seventh schedule
- (b) Eighth schedule
- (c) Ninth schedule
- (d) Tenth schedule

Ans: (b)

26. Sections 120A and 120B of the Indian Penal Code deals with..

- (a) Criminal Conspiracy
- (b) Waging war against the country
- (c) Sedition
- (d) Treason

Ans: (a)

27. Who was the chairman of the Drafting Committee of the Constitution of India?

- (a) M N Roy
- (b) Dr B R Ambedkar
- (c) Jawaharlal Nehru
- (d) None of these

Ans: (b)

28. What does the maxim “Respondeat Superior” mean?

- (a) Let the buyer beware
- (b) Let the seller beware
- (c) Let the master be liable for the tort committed by his agent
- (d) None of these

Ans: (c)

29. Which part of the Indian Constitution dealt with the temporary, transitional and special provisions accorded to some states and union territories?

- (a) Part XXI
- (b) Part XX
- (c) Part XXII
- (d) None of these

Ans: (a)

30. Who among the following jurists defined law as the “command of the sovereign”?

- (a) Bentham
- (b) Austin
- (c) Holland
- (d) Salmond



31. Who among the following is the chief exponent of the Historical school of Jurisprudence?

- (a) Holland
- (b) Austin
- (c) Haegal
- (d) Savigny

Ans: (d)

32. P & O Steam Navigation Co. V. Secretary of State is a classic case relating to....

- (a) Strict Liability
- (b) Absolute Liability
- (c) Vicarious Liability of State
- (d) None of these

Ans: (c)

33. Who propounded “The Theory of Utility” in law?

- (a) Jeremy Bentham
- (b) John Austin
- (c) Henry Maine
- (d) None of these

Ans: (a)

34. The concept of Fundamental Duties in the Indian Constitution was borrowed from the Constitution of....

- (a) USSR
- (b) Germany
- (c) Ireland
- (d) South Africa

Ans: (a)

35. Wilkinson V. Downtown is a classic case with respect to...

- (a) Contributory Negligence
- (b) Trespass
- (c) Vicarious Liability
- (d) Nervous Shock

Ans: (d)

36. Which among the following is not included under “General Exceptions” as enunciated in the Indian Penal Code?

- (a) Medical Insanity
- (b) Legal Insanity
- (c) Trifles
- (d) Good faith

Ans: (a)

37. Mohiri Bibi V. Dharmadas Ghosh is a case relating to..

- (a) Discharge of contract
- (b) Minor’s Contract
- (c) Vicarious Liability
- (d) Voidable Agreements

Ans: (b)

38. Attempt to commit to suicide is..

- (a) An offence
- (b) Not an offence
- (c) An offence punishable under Section 309 of the Indian Penal Code
- (d) None of these

Ans: (c)

39. All the contracts made in exercise of the executive power of the Union or of a State shall be expressed to be made by the

- (a) Prime Minister or Chief Minister
- (b) President or Governor
- (c) Either a or b
- (d) Neither a nor b

Ans: (b)

40. What does the maxim “Ex nudo pacto non oritor actio” mean?

- (a) No action arises out of an agreement without consideration
- (b) An agreement without consideration is actionable
- (c) Consideration must be furnished by the Promisee alone.
- (d) None of these.

Ans: (a)



41. Right to property is a ...

- (a) Fundamental Right
- (b) Constitutional Right
- (c) Neither a nor b
- (d) Both a and b

Ans: (b)

42. Section 84 of the Indian Penal Code deals with the general exceptions provided under..

- (a) Infancy
- (b) Insanity
- (c) Compulsion
- (d) None of these

Ans: (b)

43. Which Article of the Constitution of India deals with the power of the Parliament to amend the Constitution?

- (a) Article 350
- (b) Article 360
- (c) Article 368
- (d) Article 370

Ans: (b)

44. The “Rarest of Rare” doctrine was formulated in..

- (a) K M Nanavathi V. State of Maharashtra
- (b) Jagpal Singh V. State of Punjab
- (c) Ramesh Kumar V. State of State of Bihar
- (d) Bachan Singh V. State of Punjab

Ans: (d)

45. Which article of the Constitution of India deals with Attorney General of India?

- (a) Article 66
- (b) Article 76
- (c) Article 86
- (d) Article 99

Ans: (b)

46. The Constitution of India borrowed the idea of emergency provisions from which among the following Constitutions.

- (a) The Constitution of Ireland
- (b) The Constitution of Germany
- (c) The Constitution of USA
- (d) The Constitution of South Africa

Ans: (b)

47. What does the phrase “Res ipsa Loquitor mean?”

- (a) The accident speaks for itself
- (b) Let the master be liable for the tort of the servant
- Let the buyer beware
- None of these

Ans: (a)

48. Which amendment added the term “secular” to the preamble to the Constitution of India?

- (a) The 44th Amendment Act of 1978
- (b) The 40th Amendment Act of 1976
- (c) The 1st Amendment Act of 1951
- (d) The 42nd Amendment Act of 1976

Ans: (d)

49. Who propounded “the Pure Theory of Law”?

- (a) Roscoe Pound
- (b) Savigny
- (c) Hans Kelsen
- (d) Salmond

Ans: (c)

50. Which part of the Constitution of India deals with citizenship?

- (a) Part I
- (b) Part II
- (c) Part III
- (d) Part X

Ans: (b)



Legal News

1st February 2021: SC sends notice to Centre on plea seeking law to regulate social media to curb fake news, hate speech.

The Supreme Court responses from the Centre and others on a plea seeking framing of law to regulate social media platforms like Facebook and Twitter and make them responsible for allegedly spreading fake news and hate speeches. A bench comprising Chief Justice S A Bobde and Justices A S Bopanna and V Ramasubramanian issued notices to the Centre and others on the plea and tagged it with a pending petition which has sought setting up of a media tribunal to adjudicate on complaints against the media, channels and networks.

2nd February 2021: SC refuses to stay arrest warrant against AAP MP Sanjay Singh in 'hate speech' cases.

The Supreme Court refused to stay the non-bailable warrant (NBW) issued against Aam Aadmi Party (AAP) Rajya Sabha MP Sanjay Singh in connection with hate speech cases. Singh had approached the top court seeking quashing of multiple FIRs lodged against him in various districts of Uttar Pradesh following his press conference last year in August, where he claimed that people of the state feel a specific caste is running the government. Singh has also challenged the January 21 order of the Allahabad High Court that refused to quash the FIR in Lucknow.

3rd February 2021: Republic Day violence: Shashi Tharoor, Rajdeep Sardesai move SC against FIRs.

Congress MP Shashi Tharoor and senior journalist Rajdeep Sardesai have moved the Supreme Court against multiple FIRs registered against them over their alleged "misleading" tweets on the violence during the farmers' tractor rally here on Republic Day. Journalists Mrinal Pande, Zafar Agha, Paresh Nath and Anant Nath also approached the top court on Tuesday evening against the FIRs. On January 30, Delhi Police had filed a case against Tharoor, Sardesai, The Caravan and others. Earlier, Tharoor and six journalists were booked by the Noida Police for sedition, among other charges, over the violence during the farmers

4th February 2021: Government issues notice to Twitter on farmer genocide hashtags; warns of penal action.

Government has directed Twitter to comply with its order to remove contents/accounts related to farmer genocide hashtags, and warned that the microblogging platform may face "penal action" for non-compliance of its order, according to sources. Government sources said that Twitter had unilaterally unblocked accounts and tweets despite specific order for blocking. Twitter is an 'intermediary' and is obliged to obey direction of government, sources said, adding that the platform may face penal action for not complying with government orders.

12th February: Farmers' stir: SC panel holds consultations with 12 ryots' unions from eight states including Bengal

The Supreme Court-appointed committee held consultations with 12 farmer unions and peasants from eight states, including West Bengal, on the controversial farm laws enacted by the Centre recently. This is the seventh meeting held by the panel so far. The three-member committee is holding consultations with stakeholders, both online and in person. In a statement, the committee said it held its interactions through video conference with farmers, farmer unions and farmer producer organisations (FPOs). Twelve farm unions and farmers from Andhra Pradesh, Bihar, Jammu and Kashmir, Madhya Pradesh, Rajasthan, Telangana, Uttar Pradesh and West Bengal participated in the detailed deliberations with the committee members, it said.

13th February 2021: Inter-caste marriages will possibly reduce caste and community tensions: Supreme Court

Inter-caste marriages will possibly reduce caste and community tensions, the Supreme Court has said while noting that the educated younger boys and girls are now a days choosing their life partners which is a departure from earlier societal norms. The top court said that youngsters face threats from the elders and the courts have been coming to the aid of these youngsters. It said the way forward to the police authorities is to counsel the Investigating Officers (IO) and lay down some guidelines and training programmes on how to handle such socially sensitive cases.

16th February 2021: SC upholds life imprisonment to man for killing minor children

The Supreme Court upheld life imprisonment to a man for brutally killing two minors by administering them cephos, a pest control fumigant. A bench of Justices Indu Malhotra and Ajay Rastogi noted that the accused was in a relationship with the mother of the two kids and had taken away the life of innocent children at the very threshold of their life. "It is true that the punishment of remainder of natural life could not have been imposed by the learned trial Judge but after looking into the entire case, we consider it appropriate to confirm the sentence of imprisonment for life to mean the remainder of natural life while upholding the conviction under Section 302 IPC," the bench said.

17th February 2021: SC allows Himachal, Madhya Pradesh to be made parties to plea against laws on conversion due to interfaith marriage

The Supreme Court permitted an NGO to make Himachal Pradesh and Madhya Pradesh as parties to a pending petition challenging the controversial state laws regulating conversions due to inter-faith marriages. A bench headed by Chief Justice S A Bobde also allowed Muslim body Jamiat Ulama-I-Hind to become a party to the petition on the ground that a large number of Muslims are being harassed under these laws across the country. The apex court on January 6 had agreed to examine controversial new laws of Uttar Pradesh and Uttarakhand regulating religious conversions due to interfaith marriages.

19th February 2021: Husband cannot abdicate responsibility to pay maintenance to estranged wife: Supreme Court.

The Supreme Court Friday said a husband cannot abdicate the responsibility of paying maintenance to his estranged wife and gave a last opportunity to a man to clear entire outstanding of Rs 2.60 crore along with monthly payout of Rs 1.75 lakh to his wife, failing which he would be imprisoned. The man, who claimed to have been working on a project of national security in the telecom sector, said that he had no money and sought two years to pay the money.

20th February 2021: Toolkit case: Supreme Court urged to revisit sedition law validity over arrest of Disha Ravi

The Delhi High Court Women Lawyers Forum has written to the Supreme Court, urging it to revisit the Constitutional validity of Section 124A (Sedition) of the IPC, in light of alleged illegal arrest and detention of climate activist Disha Ravi in connection with the Greta Thunberg 'toolkit' case. "The recent events where a young environmental activist Disha Ravi has been arrested by Delhi Police in Bengaluru and brought to Delhi on February 14 without following any prescribed legal procedures and without there being any apparent reason for arrest, are appalling," the letter stated while stressing that Disha has no criminal antecedent and she was willing to cooperate with the investigation and there is no evidence to suggest that she was working with any banned organisations.

22nd February 2021: Illegal coal mining in Bengal: SC seeks CBI's reply on plea challenging its jurisdiction to probe.

The Supreme Court on Monday agreed to hear a plea challenging the Calcutta High Court order which allowed the CBI to investigate a case of alleged illegal mining and transportation of coal in West Bengal without the State's consent. The top court also refused to grant protection to Anup Majee, the director of a company engaged in purchase and sale of the dry fuel, who is accused in a case of alleged illegal coal trading in the Asansol-Raniganj belt of West Bengal.

24th February 2021: Yogi government cannot invoke Article 32 to seek custody of Mukhtar Ansari: Punjab to SC

Only a 'citizen' can move Supreme Court under Article 32 to claim fundamental rights and a state cannot invoke this provision, the Punjab government has told the Supreme Court while seeking dismissal of plea filed by Uttar Pradesh government seeking custody of gangster Mukhtar Ansari. Article 32 deals with the 'Right to Constitutional Remedies', and gives the right to move the top court for the enforcement of the rights conferred in the Constitution. Amarinder Singh government told the apex court that sole object of Article 32 is enforcement of fundamental rights guaranteed under part III of Constitution and no question other than that related to fundamental rights can even be determined under this provision.

Palghar lynching case: Supreme Court asks Maharashtra Police to place fresh charge sheet on record

The Supreme Court on Wednesday asked Maharashtra Police to place on record the second supplementary charge sheet filed in the case related to alleged lynching of three people, including two seers, in Palghar district in April last year. A bench of Justices Ashok Bhushan and R S Reddy was informed by the counsel for the Maharashtra government that a second supplementary charge sheet has been filed in the case. The bench said the fresh charge sheet shall be placed before it on record in two weeks and posted the matter for further hearing thereafter.

25th February 2021: Heirs of father of woman can inherit property under Hindu Succession Act: Supreme Court

The Supreme Court has said heirs of the father of a woman can inherit property under the Hindu Succession Act and they cannot be held as "strangers". A bench of Justices Ashok Bhushan and R Subhash Reddy referred to Section 15(1)(d) of the Hindu Succession Act and said the heirs of the parental side of a Hindu woman are covered under persons entitled to succession of property."A perusal of Section 15(1)(d) indicates that heirs of the father are covered in the heirs who could succeed. When heirs of the father of a female are included as person who can possibly succeed, it cannot be held that they are strangers and not the members of the family qua the female," the bench said.

27th February 2021: SC not to use WhatsApp groups to share video conference links for hearings

The Supreme Court will no longer use WhatsApp groups to share video conference links for court hearings, the apex court registry said. In a circular, the registry said that instead of WhatsApp, the links for virtual court hearings in the apex court will be shared on registered email ids and registered mobile numbers of the concerned advocates-on-record and party-in-person. The step was taken in the wake of the newly notified Information Technology (Guidelines for intermediaries and Digital Media Ethics Code) Rules, 2021 (IT Rules, 2021).



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