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Editorial Assistance:

- Dr. Prince Kumar
- Mr. Kumar Yash(2020-2025)
- Mr. Vishwajeet Tiwari(2020-2025)
- Ms. Ritika Anand(2020-2025)
- Ms. Akhouri Aashi(2022-2027)
- Ms. Angika Rajshree(2022-2027)

"The Law always limits every power it gives."

(David Hume)

Gender Equality in respect to Hindu Property Rights.

“Once a daughter, forever a daughter. A son is a son till he is married”. This was quoted by the Supreme Court in a landmark judgment on 11 August 2020 in the case of Vinita Sharma vs Rakesh Sharma. The Supreme Court's decision has given a new meaning to the property rights given to the daughter in the father's property. The Court held that daughters would have equal rights in Hindu Undivided (HUF) properties, even if they were born before the 2005 amendment to the Hindu Succession Act. It has taken a long time to reach this point and it all started in 1956. The Hindu Succession Act, 1956, which was based on the Hindu Mitakshara school, regulated succession and inheritance of property for Hindus, but it only gave these inheritance and succession rights to the male Hindu Undivided Family (HUF) as the legal heir. Under, coparcenary property is that which is inherited by a Hindu from his father or grandfather or great-grandfather. Prior to 2005, daughters were not part of the coparcenary, so they were not heirs to the property. The 1956 Act was amended in 2005, whereby section 6 was amended to make the daughter of a coparcener equal to the son by birth and to give her the same rights and liabilities as if she were a son. Can This law applies only to ancestral property and not to property passed through a will. Several questions had arisen after the 2005 amendment, including whether the rights of daughters depended on the father being alive at the time of inheritance of property. The Supreme Court gave different opinions in different cases. One of the cases which was talked about was Prakash v. Phoolwati (2015) which held that if the father (coparcenary) had passed away before 9 September 2005, the daughters had no right over the coparcenary property. The question raised for section 6 was rested in the case of Prakash v. Phoolwati. But it came back into picture by the Supreme Court in Danamma v. Amar (2018) where the Supreme Court held that although suit was filed in 2002, the preliminary decree was passed in 2007 and therefore the daughters were entitled to the property under the Amendment Act of 2005. This decision of the Supreme Court was contradicting to the decision in the case of Prakash v. Phulwati. In the landmark judgement of Vineeta Sharma v. Rakesh Sharma (2020) the court has ruled that a Hindu woman has a joint right of a legal heir in her ancestral or coparcenary property by birth and it not depends on whether the father is alive or not, which overrules the judgement of Prakash v. Phulwati. The Supreme Court also directed all the High Courts to dispose the cases which have been pending for years now within six months. The court also clarified some questions that if there is an unregistered oral partition without proper documents then it will not be recognized as statutory mode of partition and if a property was written already in the name of an heir before the Amendment Act then the woman will not be allowed to claim any right or share in the property. The judgement has made a strong statement in providing an achievement for gender equality but it also took almost 15 years from 2005 in achieving this. The court has followed the Article 14 of the Constitution of India by giving the daughters equal property rights and has removed the male supremacy and dominance over the ancestral property in Hindus. This decision is a boon for the women of those families who are lacking economic resources and are pushed aside by the male members of the family.

-from the Editor's Desk

Activities and Achievements

Activities:

- *The eighth Edition of 'The CANON' was released on 6th January, 2023 in the presence of members of editorial board and editorial assistance.*



- *Ranchi University Administration scheduled a Walk-in-Interview on 17th January 2023 at Institute Of Legal Studies, Ranchi University for PTI -cum- Sports coach.*

- *Flag unfurling on 26th January was done by the Coordinator Dr. Nitesh Raj in the presence of Teachers, non-teaching staffs and students at 8:30 A.M.*



Chotanagpur Law College has scheduled its LL.B End-Semester Examination, 2023 from 06th February, 2023 to 28th February, 2023 to be held at Institute Of Legal Studies, Ranchi University.

Achievements:

- *Prof. Dr. Bijay Singh (Director ILS R.U) was invited as a special guest in Mobile Cinematography and Filming Workshop organised by the Mass Communication branch of Ranchi University.*



- *Vishwajeet Kumar Tiwari (BBALLB 2020-2025) attended a series of 6 workshops held between 14th January 2023 to 29th January 2023 and organised jointly by Youth Empowerment in Climate Action Platform (YECAP), Asia Indigenous Youth Platform (AIYP) and Movers Group (Youth Co:Lab wing under UNDP) in the capacity of Associate Member of International Environment Forum. He was also the guest speaker in the workshops held on 15th January 2023 and 28th January 2023. The objectives of this workshop series was to raise awareness about climate change and engage youth for the climate, to discover existing solutions addressing SDG 13 & 14, Nature & Biodiversity and its global targets, to raise awareness about biodiversity, its linkages with all other SDGs and engage youth to connect and take action for biodiversity, to foster peer-to-peer knowledge exchange and to build a community dedicated to mainstreaming and build momentum around climate change among youth.*

Legal News

1. Judicial Appointment: Unhealthy debate on misplaced concern -The Union Law Minister's public comments about appointment of judges and the judicial pendency, though, raise genuine concerns about the system of administration of justice in India but probably through inappropriate forum and for sure a misplaced concern. The concern should be the qualitative and quantitative improvement of Judgeship in India. These issues undoubtedly warrant healthy discussions and concrete steps.

2. 1,71,402 Law Graduates appeared for AIBE-XVII - According to the BCI, the examination was successfully conducted by paper and pen mode across 53 cities and 261 centres with technology-enabled monitoring and confidentiality processes to ensure fair exam practice and that no impersonation takes place. 1,71,402 Advocates appeared for the examination, which is double the number of Advocates who appeared for the last AIBE.

3. "Friend of Court" wins Best Produced Show Award at the India Auto Summit And Award -Anil Divan Foundation's podcast series, Friend of the Court, has won an award for best produced show in the Podcast/Audio Streaming — Society and Culture category at the India Audio Summit and Awards. The awards, organised by Indiantelevision.com group's Radioandmusic.com were presented at a ceremony in Mumbai on 24th January. The awards are "an initiative to recognise and reward the finest practices in the realm of audio". Awards were given out in categories including podcasting, radio, audiobooks and technology.

4. State level Judicial Colloquium on Anti Human Trafficking- A grand State- level Judicial Colloquium was organised by Judicial Academy, Jharkhand on 'Anti- Human Trafficking' on 14th January, 2023. Justice Shree Chandrashekhar, Justice Ananda Sen, Justice Rajesh Kumar, Justice Ambuj Nath , Justice Navneet Kumar and Justice Pardeep Kumar Srivastava attended the colloquium. The Colloquium saw participation from Judicial Officers, Bureaucrats, Prosecutors, members of Jharkhand State Child Protection Society, Police, advocates and NGOs. The Colloquium comprised of four sessions focusing on the varying dimensions of human trafficking, the law and policies regarding it and the role of different stakeholders in preventing, handling and rehabilitating victims of human trafficking.

5. India's per capita Lawyers Ratio is high but Legal Aid is unavailable to many : Justice Sanjiv Khanna -Speech delivered by Justice Sanjiv Khanna at NALSA's First Regional Conference for the year 2023 titled 'Northern Regional Conference on Enhancing Access to Justice' organised by the Uttar Pradesh State Legal Services Authority at Varanasi on January 21, 2023.

6. Constitution is the Supreme, not the Parliament: Ex Judge, Justice MB Lokur opposes Vice President Comment - Opposing the view expressed by Vice President Jagdeep Dhankhar that the Parliament has supremacy over other organs of the State, former Supreme Court judge Justice Madan B Lokur said that it is the Constitution which is supreme. "It is the Constitution of India that

is supreme. The Judiciary is not supreme, the Executive is not Supreme, the Parliament is not Supreme. The Constitution of India is supreme", Justice Lokur said in an interview .

7. CJI and Supreme Court Judges visit Amrit Udyan on invitation by the President- *On a special invitation by President Droupadi Murmu, Chief Justice of India, Dr Justice D.Y. Chandrachud and judges of the Supreme Court visited the Amrit Udyan of Rashtrapati Bhavan.*

8. 'Any' Means 'All' : Supreme Court Says Centre Can Demonetise All Series Of Bank Notes Invoking Section 26(2) Of RBI Act- *26(2) of the Reserve Bank of India Act 1934 as "all", the Supreme Court by 4:1 majority held that the Central Government has the power to demonetise all series of currency notes of a particular denomination. A 5-judge bench comprising Justices S Abdul Nazeer, BR Gavai, AS Bopanna, V Ramasubramanian and BV Nagarathna was deciding a batch of petitions challenging the 2016 decision of the Union Government to entirely cancel the currency notes of Rs.500 and Rs.1000. One of the arguments raised by the petitioners to question the legality of the decision was that as per Section 26(2), the Central Government can only demonetise certain specified series of currency notes of a denomination and not the all series, as the provision uses the words "any series of bank notes".*

9. When COC Approves A Resolution Plan, It Is Presumed To Be Viable And Feasible: NCLAT Delhi- *The National Company Law Appellate Tribunal ("NCLAT"), Principal Bench, comprising of Justice Ashok Bhushan (Chairperson), Shri Kanthi Narahari (Judicial Member) and Shri Barun Mitra (Technical Member), while adjudicating an appeal filed in Rajesh Kumar & Ors. v Rabindra Kumar Mintri && Anr., has held that when the Committee of Creditors (CoC) approves a Resolution Plan in its commercial wisdom, it is presumed that the Resolution Plan in its commercial wisdom, it is presumed that the Resolution Plan is viable and feasible.*

10. Additional Restrictions Not Found In Article 19(2) Cannot Be Imposed On Right To Free Speech : Supreme Court- *The Supreme Court Constitution Bench comprising Justices S. Abdul Nazeer, B.R. Gavai, A.S. Bopanna, V. Ramasubramanian and B.V. Nagarathna has held that additional restrictions, not found in Article 19(2), cannot be imposed on the exercise of right to free speech under Article 19(1)(a) of Minister , MPs and MLAs. It held that the grounds mentioned in Article 19(2) for restricting free speech are exhaustive.*

11. Decision Of CG Not To Impose Anti-Dumping Duty, Quasi-Judicial In Nature; Principles Of NJ Must Be Followed: CESTAT- *The New Delhi bench of the Customs, Excise & Service Tax Appellate Tribunal (CESTAT) has reiterated that the decision taken by the Central Government to not impose anti-dumping duty under Section 9A of the Customs Tariff Act, 1975, is quasi-judicial in nature and not legislative, and thus, the requirement of a reasoned order must be complied with. The Tribunal ruled that the decision taken by the Central Government, vide its Office Memorandum dated 06.06.2022, to not impose anti-dumping duty on imports of Low Density Polyethylene from certain countries, including Qatar, Saudi Arabia and Singapore, despite a positive recommendation made by the designated authority, cannot be sustained since it did not contain any reasons.*

Supreme Court Judgments

- 1. Supreme Court issues notice to all states in plea to equalise salary of consumer forum members with District Judge** -The Supreme Court has issued notice to all states in a petition concerning salaries of State Consumer Dispute Redressal Commission members. The matter was heard by a bench comprising Chief Justice DY Chandrachud, Justice PS Narasimha, and Justice JB Pardiwala. The batch of pleas prays for the salary of State Consumer Dispute Redressal Commission members to be the same as District Judges.
- 2. Supreme Court issues notice on another petition filed by Tresta Setalvad's NGO CJP Challenging anti conversion laws of 5 more States** - In a separate petition filed before the Supreme Court of India, the Centre for Justice and Peace (CJP) has challenged five more religious conversion laws. In the earlier petition filed in 2021, the CJP had challenged religious conversion laws of Uttarakhand, Himachal Pradesh, Uttar Pradesh, and Madhya Pradesh. Initially, a three-judge Bench headed by Chief Justice S.A Bobde, Justice V Ramasubramanian, and Justice AS Bopanna had issued notice to the Uttarakhand and UP, and had later allowed CJP's amendment petition on February 17, 2021 seeking addition of the Madhya Pradesh Freedom of Religion Ordinance, 2020 and Himachal Pradesh Freedom of Religion Act, 2019 to also be challenged for their constitutional validity.
- 3. VRS employees cannot claim parity with others who retired on achieving the age superannuation : Supreme Court-** The Supreme Court has held that employees who retired under the Voluntary Retirement Scheme (VRS) cannot claim parity with others who retired upon achieving the age of superannuation for the purposes of pay revision.
- 4. Right to die: Supreme Court makes it is easier for person to opt for passive euthanasia simplifies 2018 guidelines on living will** - The Supreme Court has modified the slew of directions relating to advance medical directives, or living wills issued in a 2018 judgement that had recognised the right to die with dignity as an inextricable facet of the right to live with dignity under Article 21 of the Constitution, and had, accordingly, upheld the legal validity of passive euthanasia. The modification order was passed by a Constitution Bench comprising Justices K.M. Joseph, Ajay Rastogi, Aniruddha Bose, Hrishikesh Roy, and C.T. Ravikumar that was considering an application by the Indian Council for Critical Care Medicine. The order dictated by the bench on January 24 was uploaded recently.
- 5. Transfer of Property Act ,encroacher cannot claim benefit of section 51: Supreme Court** - The Supreme Court observed that an encroacher cannot be termed as a 'transferee' to seek benefit of Section 51 of the Transfer of Property Act. Where the owner of the land filed suit for recovery of possession of his land from the encroacher and once he establishes his title, merely because some structures are erected by the opposite party ignoring the objection, that too without any bona fide belief, denying the relief of recovery of possession would tantamount to allowing a trespasser/encroacher to purchase another man's property against that man's will, the bench of

Justices B R Gavai and C T Ravikumar said. The plaintiff filed suit for possession of land by demolition of the structure put up thereon and for permanent prohibitory injunction restraining the defendant from interfering on disputed land and other land appurtenant to it, owned by her. The suit was decreed holding the plaintiff as the owner of the encroached land. The defendant took up the matter in appeal. The first appellate court confirmed the findings on ownership and the question of encroachment were confirmed. It modified the judgment and decree holding that the plaintiff is not entitled to recovery possession after demolition of the structures put up thereon based on the principles of acquiescence. Consequently, she was found entitled to a decree of compensation at the market value prevalent at the time of filing of the suit in lieu of that relief and the compensation therefor was assessed at Rs.5500/-. The Plaintiff filed second appeal challenging this modification of the judgment and decree of the Trial Court. The High Court allowed the Second Appeal and set aside the judgment and decree of the First Appellate Court and restored the Trial Court decree and judgment. Thus, the defendant approached the Apex Court.

6. Adani Hindenberg issue: PIL in Supreme Court seeks to declare short selling as offence of fraud probe against Nathan Anderson - In the wake of the Adani group shares taking a beating in the stock market following the publication of a report by US-based short-selling firm Hindenburg Research, a PIL has been filed in the Supreme Court. The petition filed by serial litigant Advocate ML Sharma seeks to declare 'short-selling' as the offence of fraud. He seeks investigation against Nathan Anderson, the founder of Hindenburg, "for exploiting innocent Investors via short selling under the garb of artificial crashing". The petitioner further seeks that the turnover of short selling with penalty must be recovered from Anderson to compensate the investors.

7. Criminal Proceedings Inter-se Parties can be quashed if they have genuinely settled matrimonial disputes: Supreme Court - The Supreme Court observed that criminal proceedings inter-se parties in cases of offences relating to matrimonial disputes can be quashed if the Court is satisfied that the parties have genuinely settled the disputes amicably. In this case, the husband was charged under Sections 498A, 427, 504 and 506 of the Indian Penal Code pursuant to an FIR lodged by the wife. The couple entered into a settlement agreement and a decree of divorce by mutual consent was granted to them. The parties also agreed that FIR and the proceedings arising therefrom should be quashed. However, the Karnataka High Court rejected the prayer to quash the criminal proceedings against the husband. In appeal, the Apex Court noted that the appellant is an officer in the Border Security Force and as per the job requirement, he has to serve in different parts of the country, and thus would be put to harassment.

High Court Judgments

- 1. Can't Condone Delay If Applicant Fails To Show 'Sufficient Cause' For The Delay: Jharkhand High Court Reiterates** - The Jharkhand High Court has reiterated that the court should not allow an application for condonation of delay until and unless the applicant satisfies the court that he was prevented by any 'sufficient cause' from prosecuting the case.
- 2. Attempt To Murder Charge Cannot Be Quashed Merely On Settlement Between Parties If Prima Facie Possibility Of Conviction Is Strong: Kerala High Court-** The Kerala High Court recently refused to quash an FIR against a man accused of attempt to murder under Section 307 of the Indian Penal Code, 1860 despite the dispute being settled between the accused and the de facto complainant. Justice A. Badharudeen was hearing two petitions filed by a man accused of offences under Sections 324 and 307 of the IPC and under Sections 3(1) (s), 3(2) (va) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 2015. The first petition was for quashing the FIR filed against him and the second petition was to quash the order of the Special Court that refused to release the car involved in the above crime.
- 3. Employer Cannot "Lure" Employee By Provident Fund As It Is Statutory Deduction, Offence Of Cheating Not Attracted Upon Non-Remittance: Karnataka HC-** The Karnataka High Court has said that contribution towards provident fund by an employee is a statutory deduction and non remittance of it by the employer in the employee's account maintained with the Provident Fund Organisation, cannot attract the offence of cheating. A single judge bench of Justice M Nagaprasanna made this observation while allowing a petition filed by one CH K.S.Prasad and quashing the offences registered against him under sections 409 and 420 of the Indian Penal Code.
- 4. Employee's Length Of Service And Employer's Conduct Relevant Considerations While Granting Back-Wages: Madhya Pradesh High Court** - The Madhya Pradesh High Court at Jabalpur bench held that while granting back-wages, the length of service of an employee is required to be taken note of and at the same time, the conduct of the employer is also required to be seen. The bench of Justice Sanjay Dwivedi was hearing a petition filed under Article 226/227 of the Constitution challenging the award of Labour Court through which Jagdish Prasad Sahu (respondent no. 2) was reinstated in service with full back-wages.
- 5. Serious Allegations Maligning Entire Judiciary' : Kerala High Court Refuses To Stay FIR Against Advocate Saiby Jose In Bribery Case-** The Kerala High Court on Monday refused to stay the FIR registered against the Kerala High Court Advocates Association President, Advocate Saiby Jose Kidangoor, over allegations that he has collected money from clients under the pretext of bribing High Court judges. At the outset, the Court asked him why he has moved the Court in hurry within two days of registering the FIR. A bench of Justice Kauser Edappagath asked the Senior Advocate S. Sreekumar, appearing on behalf of the petitioner, why the petitioner was in a hurry and why he couldn't face investigation. "The allegations on the fact of it are very serious. It is something that is maligning the entire justice delivery system", it orally observed.

6. “Ordinarily Resides” U/S 9 Guardians & Wards Act Doesn't Concern Time Spent At A Particular Place But Intention To Reside: MP High Court - The Madhya Pradesh High Court, Indore Bench recently reiterated that the term “ordinarily resides” under Section 9 of the Guardians and Wards Act has to be determined based on the intent of the person concerned residing at a particular place upon reaching there. Section 9 of the Guardians and Wards Act (“the Act”) deals with the jurisdiction of Court with respect to certain applications. The bench comprising Justice Subodh Abhyankar further observed that the term “ordinarily resides” has nothing to do with the time spent at a particular place.

7. Departmental Enquiry Can't Be Dispensed Merely On Ground That Minor Penalty Is Imposed On Employee: Chhattisgarh High Court - The Chhattisgarh High Court on Friday, directed to restore the payment and annual increment of an official of SAIL on the ground that no departmental enquiry has been initiated against him. The petitioner was posted as Deputy General Manager (Inspection Deptt.) at Bhilai Steel Plant (BSP) and was entrusted with the job of organizing inspection of the refractory material at supplier's (vendor) premises and also in the stores situated in BSP.

8. 'Children Helping Parents In Selling Articles Not Child Labour' : Kerala High Court Orders Release Of Children From Shelter Home- To be poor is not a crime, the Court stated in the order. The Kerala High Court on Friday ordered the release of two children from Delhi who were sent to a shelter home alleging that they were being forced into child labour by selling articles on the streets to the custody of their parents. In November 2022, the two children were nabbed by the Police alleging that they were being forced into child labour by selling articles on the streets. The Children were thereafter produced before the Child Welfare Committee and sent to shelter home. The Writ Petition was filed for the parents of the children seeking direction to release the children to their custody. Justice V G Arun while passing order, observed that, “I am at a loss to understand as to how the activity of the children in helping their parents in selling pens and other small articles would amount to child labour. No doubt, the children ought to be educated, rather than being allowed to loiter on the streets along with their parents...I wonder as to how the children can be provided proper education while their parents are leading a nomadic life. Even then, the police or the CWC cannot take the children into custody and keep them away from their parents. To be poor being not a crime and to quote the father of our nation, poverty is the worst form of violence.”

Some Landmark Supreme Court and High Court Judgments of 2022

➤ *Supreme Court Judgments:*

1. *Janhit Abhiyan v. Union of India-* In this case, the 103rd Constitutional Amendment Act which provided 10% reservation to the Economic Weaker Section of the General Category was challenged in the Supreme Court on the basis that it violates the basic features of the Constitution and the Fundamental right to equality under Article 14 of the Constitution. The amendment was challenged on the grounds that reservations cannot be based solely on economic criteria, given the Supreme Court's judgment in *Indra Sawhney v. Union of India (1992)* and the amendment introduces reservations exceeds the 50% ceiling-limit on reservations, established by *Indra Sawhney* case. With a 3:2 ratio the Supreme Court held that the 103rd Amendment and EWS Reservations are constitutionally valid. Justices Maheshwari, Trivedi and Pardiwala wrote separate concurring opinions for the majority. Justice Bhat wrote a dissent on behalf of himself and Chief Justice U.U. Lalit.

2. *S.G. Vombatkere v. Union of India-* Section 124A of Indian Penal Code defines the offence and punishment of Sedition. The said provision was challenged that it curtails the freedom of speech and expression and also the country from which the law was borrowed i.e., United Kingdom, has itself repealed it. The court sent notice of the same to the Government on which the Government replied that it has decided to re-examine and re-consider the provision of section 124A of the Indian Penal Code. The Apex Court gave passed the following Order in the interest of justice-

➤ *State and Central Governments should refrain from registering any FIR under section 124A of IPC*

➤ *Investing agency should not continuing any investigation or taking any coercive measures by invoking Section 124A of IPC while the aforesaid provision of law is under consideration.*

➤ *If any fresh case is registered under Section 124A of IPC, the affected parties are at liberty to approach the concerned Courts for appropriate relief.*

➤ *All pending trials, appeals and proceedings with respect to the charge framed under Section 124A of IPC be kept in abeyance.*

3. *State of Jharkhand v. Shailendra Kumar Rai-* In this case a two-finger test was conducted on the victim to determine whether she was raped. The Supreme Court reiterated the case of *Lillu v. State of Haryana, 2013* and held that two finger test violates the Right to Privacy of a Women and hence it was restricted. However, the test was still conducted and hence, the Court in the present case held that if anyone conducts a two-finger test on a sexual assault victim it will be construed as the offence of misconduct and will be penalized accordingly. The Court noted that "The two-finger test must not be conducted....The test is based on an incorrect assumption that a sexually active woman cannot be raped. Nothing can be further from the truth, it

is patriarchal and sexist to suggest that a woman cannot be believed when she states that she was raped, merely for the reason that she is sexually active.”

4. X v. Principal Secretary, Health and Family Welfare, Govt of NCT Delhi- *In this case, 25-year-old unmarried women approached the High Court of Delhi to terminate a 23 weeks pregnancy out of a consensual relationship as she was unmarried. The Delhi High Court however did not allow her to terminate quoting that the Court cannot go beyond the Statute as Rule 3B of the MRTP Rules, 2003, excluded unmarried women. The women then approached the Supreme Court. The Supreme Court noted that the High Court took a narrow view in this case and failed to consider the Amendment of 2021 made to the Medical Termination of Pregnancy [MTP] Act. The Court said that the phrase ‘married woman’ was replaced by ‘any woman’ and the word ‘husband’ was replaced by ‘partner under Section 3 of the MTP Act’. But evidently, there is a gap in the law: while Section 3 travels beyond conventional relationships based on marriage, Rule 3B of the MTP Rules fails to consider a situation involving unmarried women, but recognizes other categories of women such as divorcees, widows, minors, disabled and mentally ill women and survivors of sexual assault or rape. The Court held that “all women are entitled to safe and legal Abortion and there is no rationale in excluding unmarried women from the ambit of Rule 3B of MTP Rules which mentions the categories of women who can seek abortion of pregnancy in the term 20-24 weeks.” The Court also ruled that rape includes ‘marital rape’ for the purpose of MTP Rules.*

5. Budhadev Karmaskar v. State of West Bengal- *In this case, the Supreme Court recognized sex work as a “profession” and held that consenting practitioners of sex work were entitled to dignity and equal protection under law. The Court also directed UIDAI to issue Adhar Cards to the Sex Workers based on a proforma certificate and using its inherent powers under Article 142 of the Constitution, issued a few directions for the rehabilitation measures in respect of sex workers like-*

- *if there is any raid on any brothel, the sex workers concerned should not be arrested or penalized or harassed or victimized.*
- *Police should treat all sex workers with dignity and should not abuse them, both verbally and physically, subject them to violence or coerce them into any sexual activity.*
- *The Press Council of India should issue appropriate guidelines so that identities of sex workers, during arrest, raid and rescue operations shall not to be published or telecasted.*
- *Both the Governments shall carry out workshops for educating the sex workers about their rights.*

➤ **High Court Judgments of 2022:**

1. Aditya Isha Prachi Tirkey v. The Jharkhand Public Service Commission & Ors.- In this case The aspirant had wrongly circled '6' instead of '8' while filling her roll-number, which led to the non-evaluation of paper 2 in the Jharkhand Combined Civil Services Competitive Examination. Justice S.N. Pathak observed: "If the contention is accepted regarding re-evaluation of the OMR sheet, it will amount to opening flood gate, and a blanket order has to be issued regarding entertaining of those candidates, who have made incorrect entry in violation of clause 4 of the terms and conditions as mentioned in the admit card".

2. Sanichar Kol v. The State of Jharkhand- The Jharkhand High Court directed the State's Director General of Police to take suitable steps to ensure that innocent persons, against whom there are no materials, are not harassed and their liberty is not infringed or curtailed at the whim of the investigating officers. This direction came from the Bench of Justice Ananda Sen while awarding a compensation of Rs. 50,000/- to a tribal man as it found that he was made an accused in an Abetment of suicide case and was kept in custody for no fault on his part.

3. Prabha Minz v. Martha Ekka and Ors.- The Jharkhand High Court upheld the right of a female on inheritance, despite being barred by customary law white, noting that each case has to be judged individually regarding the applicable custom. The Court noted that, ideally, it is high time that customary law of succession should be codified and be given a statutory shape. But in the meantime, each case has to be judged individually regarding the applicable custom.

4. Md. Sonu @ Sonu v. The State of Jharkhand & Ors.- The Jharkhand High Court has held that there is a presumption under Muslim law that people attain puberty at the age of '15 years' and upon attaining the same, they are at liberty to marry persons of their choice without any interference of their guardians.

5. Urmila Devi v. State of Jharkhand and another.- "Mob lynching or mob violence is one of the worst forms of crime committed by a group of people in a locality without any botheration of its consequence," the Jharkhand High Court observed as it transferred the probe into the 2022 mob lynching case of a minor boy named Rupesh Pandey to the Central Bureau of Investigation (CBI). The bench of Justice Sanjay Kumar Dwivedi prima facie observed that the State Police had been hiding something about the case and therefore, it found it appropriate to transfer the probe to the CBI.

6. Sana Rashid v. The State of Jharkhand and others.- The Jharkhand High Court granted relief to a 26-year-old woman who had moved the Court seeking adequate security against her family members and other co-religious persons claiming that her family members are forcing her to marry a 52-year-old Man. The bench of Justice Sanjay Kumar Dwivedi directed the Senior Superintendent of Police, Ranchi to pass appropriate order so that her dignity and life be protected.

Students Corner



Picture Credit: Kumar Raushan (2020-2025)



Durga Mata Mandir, Jail Park Ranchi

Picture Credit: Vishwajeet Kumar Tiwari (2020-2025)



Airport Ground, Hinoo

Picture Credit: Mayank Raj (2022-2027)



Parvat Vihar, Jamtara

Picture Credit: Angika Rajshree (2022-2027)

ना रूक मुसाफ़िर बस चलता जा

क्यू बैठे तू परिणाम विचारे, उठ पहले कुछ कर्म तो कर!
लोगों में हो तेरी बातें, आगे बढ़ चल कुछ धर्म भी कर।।

डरता है क्यू क्या होगा कल, भला कर्म भी कभी होता निष्फल?
यदि ना भी दिखे इच्छित प्रतिफल, तब भी तू बढ़ बस आगे चल।।

माना की जरा सी देर होगी, पर नहीं सदा अंधेर होगी!
समय की पहिया भी घूमेगी, दुनिया तेरे कदम भी चूमेगी।।

चाहे सम्मुख हो विशाल समर, या हो तुफान का कोई मंजर!
क्यू है तुझे उनसे हार का डर, उठ पहले दो - दो हाथ तो कर।।

काटों पर चल तू मार्ग बना, लोग अनुचर करें वो मिसाल बना!
खुद की ऐसी कोई कहानी बना, जो लोग पढ़ें और चाहें गुनना।।

मन में ढाढस से बांध बना, दिल को अपने चट्टान बना !
खुद को ऐसी तू धार बना, जंजीर भी काटे वो तलवार बना।।

तू अपने सफर को युद्ध बना, अद्भुत अद्वृत अंदाज दिखा!
ताकि जब कर्म फलित होगा, तुझे पा साहिल हर्षित होगा।।

पर ये न सफर का अंत मुसाफ़िर, ना होगा ये मंजर आखिर!
तू समय सा रह गतिमान सदा, उठ बढ़ बस आगे चलता जा।।

—अम्बेश चौबे

सत्र- 2021-2026

Upcoming Academic Events

- CFP: Conference on the Legal Aspects of Hemp Cultivation in Asian Countries by UPES School of Law [March 1; Virtual]: Submit by Feb 10
<https://www.lawctopus.com/cfp-conference-upes-school-of-law/>
- CFP: Conference on Criminal Law & Policy by NMIMS Hyderabad [March 3-4; Virtual]: Submit by Feb 10
<https://www.lawctopus.com/cfp-national-virtual-conference-nmims-hyderabad/>
- Important Opportunities with Deadlines for Law Students: Apply by Feb 15
<https://www.lawctopus.com/important-opportunities-with-deadlines-for-law-students/>
- CFP: International Conference on Law and Technology by NorthCap University: Submit by Feb 15
<https://www.lawctopus.com/cfp-international-conference-law-and-technology-northcap-university/>
- CFP: International Conference on Law, Human Rights and Cultural Studies by Techno Conferences [March 02-03 Bali, Indonesia]: Register by Feb 17
<https://www.lawctopus.com/international-conference-on-law-techno-conferences-3/>
- CFP: Conference on Criminal Justice Systems in South Asia by Shankarrao Chavan Law College [March 2-4; Offline]: Submit by Feb 19
<https://www.lawctopus.com/cfp-conference-shankarrao-chavan-law-college/>
- CFP: Seminar on Mass Torts and Industrial Disasters by DSNLU Visakhapatnam [March 4; Offline]: Submit by Feb 20
<https://www.lawctopus.com/cfp-seminar-mass-torts-and-industrial-disasters-dsnlu/>
- CFP: CMRU TRADECON- International Conference on Emerging Trends in International Trade Law by CMR University [Feb 25]: Submit Now!
<https://www.lawctopus.com/cmru-tradecon-international-conference-international-trade-law/>
- CFP: International Symposium on Remaking Criminology by DME Law School: Submit by Feb 27
<https://www.lawctopus.com/cfp-international-symposium-on-remaking-criminology-dme-law-school/>
- 2-Day Annual International Conference on Law & Contemporary Trends by Sharda School of Law [Hybrid Mode; March 31-April 1]: Submit by Feb 28
<https://www.lawctopus.com/annual-international-conference-on-law-contemporary-trends-by-sharda-school-of-law/>

- CFP: *NLUD-LDRN General Conference at National Law University, Delhi [Aug 19-21]: Submit by March 7*
<https://www.lawctopus.com/general-conference-national-law-university-delhi/>
- CFP: *International Conference on Law, Human Rights and Cultural Studies by Techno Conferences [March 29; Kanchipuram] Submit by Mar 10*
<https://www.lawctopus.com/international-conference-on-law-human-rights-techno-conferences/>
- CFP: *Conference on Corporate & Commercial Law by NMIMS Hyderabad [March 18, Virtual]: Register by Mar 13*
<https://www.lawctopus.com/conference-on-corporate-commercial-law-nmims-hyderabad/>

Internship Opportunities

- *Internship Opportunity at Environics India, Ranchi : Apply Now!*
<https://www.lawctopus.com/internship-opportunity-at-environics-india-apply-now/>
- *Internship Opportunity at the Centre for Policy Research (CPR), New Delhi: Rolling Submissions*
<https://www.lawctopus.com/internship-opportunity-at-the-centre-for-policy-research-new-delhi/>
- *Internship Opportunity at Singapore International Arbitration Centre (SIAC), Singapore [Online]: Apply Now*
<https://www.lawctopus.com/internship-opportunity-at-siac-singapore/>
- *Internship Opportunity at Qure.ai, Mumbai: Apply Now!*
<https://www.lawctopus.com/internship-quire-ai-mumbai/>
- *Internship Opportunity at National Commission for Women (NCW), Delhi [Paid & Unpaid]: Apply Now!*
<https://www.lawctopus.com/internship-opportunity-national-commission-for-women/>
- *Internship Opportunity at V.A. Law Offices [Navi Mumbai]: Apply Now!*
<https://www.lawctopus.com/internship-opportunity-v-a-law-offices/>
- *Paid Internship Opportunity at Writtly AI Pvt Ltd (1 Month) [Legal Research and Drafting]: Apply Now!*
<https://www.lawctopus.com/paid-internship-opportunity-at-writtly-ai-pvt-ltd-legal-drafting/>