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MARCH 2022

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# ADHIGAM NEWSLETTER

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## **ABOUT VEDANAM**

CAN's Vedanam is an academic wing of the Confederation of Alumni for National Law Universities (CAN Foundation), aiming to provide a platform to increase research-oriented academic writing, for law students and professionals across the nation. To attain proficiency in any field and to continue learning, we believe that academic and legal discourse on contemporarily relevant topics is essential. The exposure provides individuals with an opportunity to develop critical thought and an analytical outlook towards contemporary legal discourse. One of the dear ideals of the CAN Foundation remains legal literacy and increasing access to the same and it has been working diligently towards realizing the same, since its inception. CAN's Vedanam, thus, not only supplements the legal literature on a range of contemporary issues and fields of Law but also promotes the Object and Vision of the Foundation. CAN's Vedanam is an inclusive space. We welcome submissions from not just Law Students and Legal Professionals, but also from people not directly affiliated with law but who seek to contribute to legal discourse.

Through this edition of the newsletter, Vedanam hopes to cover interesting legal updates and touch upon publications on our website this month. We hope you enjoy reading this edition!

## PUBLICATIONS AT A GLANCE

During this month, we, on our [website](#), featured two blog posts –on Dispute Resolution Mechanisms re Industrial Relations Code, 2020 and on the legal framework on Decentralised Autonomous organizations. Brief snippets of the articles are as follows:

### DISPUTE RESOLUTION MECHANISMS: INDUSTRIAL RELATIONS CODE, 2020: A GLUT OF IMPLICATIONS & PRACTICAL AMBIGUITY?



This article, authored by Mr. Rahul Kanna, a final year student from Jindal Global Law School delves into the dispute resolution mechanism under the new Industrial Relations Code, 2020 (IRC) whilst engaging in a comparative analysis with the previous regime of Industrial Disputes Act, 1947. Through this article, Mr. Kanna analyses the current regime and the path ahead for industrial dispute resolution structure in India. The full article can be accessed [here](#).

### ALGORITHMIC CORPORATE GOVERNANCE: DAOs FROM AN INDIAN LEGAL PERSPECTIVE

Blockchain governance has surpassed the mere structuring of monetary assets and has evolved to create new forms of organisations that function on a democratic framework. This article authored by Ms. Shivani Aggarwal, an associate at AZB & Partners and Mr. Samaksh Khanna, a final year student from Symbiosis Law School, Pune, argues for the grant of legal personality to decentralised autonomous organisations (DAOs), functioning entirely on the blockchain, within Indian commercial law. By differentiating DAOs from traditional corporations, this article suggests that the Government should create a new class of corporations, to allow DAOs to retain their innovative decentralised structure, and be legally compliant. The full article can be accessed [here](#).



## LEGAL WRAP UP - MARCH 2022

### CORPORATE AND SECURITIES LAW

#### 1. SEBI's stricter 'Related Party Transactions' norms to be applicable from 1<sup>st</sup> April, 2022

The Securities and Exchange Board of India ("SEBI") had first notified the [amendments to the regulatory regime governing 'Related Party Transactions' \("RPT"\)](#) on 9<sup>th</sup> November, 2021. These rules were to be made applicable from 1<sup>st</sup> April, 2022. However, the drastic changes sought in the law had made corporate India anxious. The Confederation of Indian Industry ("CII"), along with other similar organisations, had requested the SEBI to defer the implementation of the new norms by at least 6 months. In reply, a [circular issued by SEBI](#) clarified that all the norms notified would be applicable from 1<sup>st</sup> April, 2022.

The new RPT norms seek to overhaul the current system of disclosure and transparency. Following are the key changes that will be in action from 1<sup>st</sup> April, 2022:

- Expanding the meaning of Related Party: The definitions clause in Companies Act, 2013 does not include promoter or a person or entity related to the promoter to be a related party. However, the new norms include promoter/promoter group within the definition. This category would include any person or entity holding, directly or indirectly, 20% or more share in the listed company.

- Broader definition of RPT: Earlier, an RPT meant a transaction between the listed entity and its related party. However, the new norms have widened the scope to also include transactions between the listed entity's subsidiary and a related party of the listed entity.

- Materiality threshold: Previously, transactions exceeding 10% of the consolidated annual turnover of the listed entity were treated as material transactions. As per the Amendment Regulations, transactions exceeding INR 1,000 crore or 10% of total

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annual turnover, whichever is lower, will be considered as a material related party transaction. Owing to this change, we could see more RPTs requiring shareholder approval.

· Increased Role of the Audit Committee: From now on, approval of the Audit Committee of a listed entity would be required even for transactions between two or more subsidiaries if such transactions, individually or cumulatively in a financial year, exceed 10% of the annual consolidated turnover of the listed entity. This would mean that even transactions between two foreign subsidiaries of the listed entity, which cross the threshold, would require approval as per Indian law.

Owing to such strict standards of regulation, many companies sought to get their long-term RPTs approved before the new norms came into existence. However, the [SEBI Circular](#) also clarified that if an RPT is approved before 1<sup>st</sup> April, 2022 by the audit committee and continues beyond such date and becomes material as per the new norms, it would require shareholders approval in the first general meeting held in the new financial year.

More information about this can be found [here](#).

## **2. Limited Liability Partnership (Second Amendment) Rules, 2022 notified on 4<sup>th</sup> March, 2022**

The Ministry of Corporate Affairs has notified the [Limited Liability Partnership \(Second Amendment\) Rules, 2022](#) (“LLP Rules”) on 4<sup>th</sup> March, 2022. These rules come into force on 1<sup>st</sup> April, 2022. Following are the key amendments introduced in the LLP Rules.

· Increase in permissible Designated Partner Identification Number (“DPIN”): A maximum of five individuals, who are proposed to be appointed as designated partner in an LLP, are now allowed for making an application for DPIN. Earlier, a maximum of only two individuals were allowed.

· Allotment of PAN and TAN with the Certificate of Incorporation: Prior to the amendment, LLPs were required to apply for a Permanent Account Number and Tax Deduction and Collection Account number separately. They were not automatically granted to the LLP on issuance of certificate of incorporate like in the case of incorporation of a company. The amended provisions provide that now PAN and TAN would be allotted to LLPs along with the Certification of Incorporation itself. This puts the practice for LLPs in line with that for companies.

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· Changes in Business Operations of a Foreign LLP: The new Rules provide that any alteration in the place of business in India of a foreign LLP should be made through Form 28 instead of Form 29 to the Registrar within 30 days from the date of such alteration. Similarly, a notice for cessation of business in India by a foreign LLP should be made through Form 28 instead of Form 29 to the Registrar within 30 days from the date of such alteration.

· Signing of Statement of Accounts and Insolvency of LLPs: The amended provisions prescribe that Statement of Account and Solvency may be signed on behalf of the LLP by an Interim Resolution Professional or Resolution Professional, or Liquidator or LLP Administrator. Prior to the amendment, Rule 24(6) of the LLP Rules, 2009 prescribed that the Statement of Account and Solvency of the LLP to be signed by its designated partners. There were no provisions with regard to the signing of the Statement of Account and Solvency of the LLPs under insolvency.

All these amendments essentially aim at improving the procedural efficacy of filings by the LLPs and also bringing them at par with laws governing companies.

More information about this can be found [here](#).

### **3. Inox and PVR announce merger of the two cinema giants.**

Recently, a mega merger has been announced within an industry that has been plagued by the pandemic. Inox and PVR, the two giants in the cinema business, have agreed to combine their business activities to form the largest multiplex chain in India. The combined entity would enjoy [around 50% market share](#) in the cinema industry. From a competition perspective, the proposed deal raises concerns as it creates a sort of a monopoly in the market.

However, surprisingly, this merger would not require approval of the Competition Commission of India (“CCI”) even though it brings two of the largest chains in the industry together. This is because of the monetary threshold that needs to be crossed under [Section 5 of the Competition Act, 2002](#) to determine CCI’s jurisdiction. This is further provided in a [notification dated 4<sup>th</sup> March 2016](#) which provides that acquisitions where enterprises whose control, shares, voting rights or assets are being acquired, have assets of not more than Rs. 350 crores in India or turnover of not more than Rs. 1000 crore in India, are exempt from Section 5 of the Act.

Although CCI approval is not mandated for successfully completing the merger, the

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competition watchdog could still play an important role in a bid to protect competition. Under [Section 3 of the Competition Act, 2002](#), the CCI has the power to inquire into agreements, if such agreements are likely to cause an appreciable adverse effect on competition in India. Further, [under Section 4 of the Competition Act, 2002](#), the CCI can restrict the combined entity from abusing its dominant position in the multiplex market. All this can be done by the CCI, on its own or on the basis of a complaint.

More information can be found [here](#).

#### **4. SEBI directs Ruchi Soya to allow Follow-on Public Offer investors to withdraw their bids**

Ruchi Soya, the previously bankrupt company, was acquired by Baba Ramdev led Patanjali. The acquisition led to Patanjali owning 98% of the share in Ruchi Soya. However, owing to the minimum public shareholding requirements under [Section 19A of the Securities Contracts Regulation Rules, 1957](#), SEBI directed Patanjali to reduce its shareholding in the company over the course of three years.

To achieve the minimum public shareholding requirement, Ruchi Soya decided to issue a Follow-on Public Offer (“FPO”). The price per share under this FPO was significantly

below the price prevailing in the market so as to attract investors to the FPO. However, the company took additional measures to lure investors into investing in the FPO. A message that read “*Great news for all beloved members of Patanjali parivar. A good investment opportunity in Patanjali Group. Patanjali Group company- Ruchi Soya Industries Ltd has opened the Follow-On Public offer (FPO) for retail investors. The issue closes on 28 March 2022. This is available in the price band- Rs 615–650 rupees per share, i.e discount of about 30 per cent to market price. You can apply for shares through your bank/ broker/ ASBA/UPI in your Demat account*” started making circles. In fact, Baba Ramdev himself, in his yoga sessions, told the attendees that buying shares in the Ruchi Soya FPO would make them a “*crorepati*”.

With all this unjustified information available to the public, SEBI had to take cognizance of the matter. It declared the message an to be fraudulent/misleading and not in consonance with the [SEBI \(Issue of Capital and Disclosure Requirements\) Regulations, 2018](#) and mandated the company to open a two-day window to allow applicants an opportunity to withdraw their bids. Additionally, managers to the offer were also directed to publish a caution notice regarding the circulation of messages by the company.

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These steps taken by SEBI show the lengths to which the regulator is willing to go to prevent market manipulation as well as protect the interest of the public investors.

More information can be found [here](#).

## CONSTITUTIONAL LAW UPDATES

### 1. Supreme Court strikes down 10.5% reservation to Vanniyar caste in Tamil Nadu

The Tamil Nadu government had enacted a legislation *Tamil Nadu Special Reservation of seats in educational Institutions including Private Educational Institutions and appointments or posts in the services under the State within the Reservation for the Most Backward Classes and Denotified Communities Act, 2021* which provided an internal reservation of 10.5 percent for the Vanniyar community within the 20 per cent quota for all Most Backward Classes (MBCs) and Denotified Communities (DNCs) in educational institutions and government jobs.

The Supreme Court affirmed the Madras HC's judgement to invalidate it. [*Pattali Makkal Katchi v. A Mayilerumperumal And Ors*]

Justices L Nageswara Rao and BR Gavai observed that "*We are of the opinion that there is no basis to treat Vanniyar as a separate group compared to others. Thus, the 2021 Act is ultra vires to Articles 14 and 16 of the Constitution.*"

The Court further held, "*State cannot be restricted to implement internal reservation on the issue of Presidential assent. Caste can be the basis of internal reservation, but it cannot be the sole basis.*"

More information about this can be found [here](#).

### 2. Kerala High Court declines to interfere with temple ritual at the Sree Poornathrayeesa Temple

According to the Malayalam newspaper *Kerala Kaumudi*, pilgrims to the Sree Poornathrayeesa Temple were compelled to wash the feet of twelve brahmins as penance for their sins, prompting a Division Bench comprising Justice Anil K Narendran and Justice PG Ajithkumar to institute  suo motu proceedings.

After reviewing both parties' evidence and determining that the ceremony was conducted exclusively by temple tantris and other priests, the Court determined that devotees had been excluded from the ceremonies.

The Court determined that, in light of the Supreme Court's decision in *Sarika v. Shri Mahakaleshwar Mandir Committee*, the Court cannot interfere with rituals performed from time immemorial.

"For generations, the Sree Poornathrayeesa Temple in Thripunithura has performed 'Panhandu Namskaram' rites. The above-mentioned reality is obvious to discern in the 1999 research 'Ashtamangala Prasnam,' a portion of which was previously quoted in paragraph 17. By washing the feet of 12 priests, the temple's thanthri executes the aforementioned ceremony." The Court declared in its decision.

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Upon consideration of this judgment as well as the provisions of the Travancore–Cochin Hindu Religious Institutions Act, 1950, the Court deemed it fit to not interfere in the ritual of "Panthrandu Namaskaram".

More information about this can be found [here](#).

### **3. Article 14 has no application to dispositions under Will, holds Supreme Court**

The Supreme Court ruled that courts cannot evaluate whether a testator's distribution to his children was fair and equitable in cases involving the execution of a will [*Swarnlatha and ors v. Kalavathy and ors*].

The Bench consisting of Justices Hemant Gupta and V Ramasubramanian held that testators are not compelled to distribute their assets equally among all of their offspring under Article 14 of the Indian Constitution.

Held that, "The Court does not have the jurisdiction to evaluate whether the testator's distribution was fair and equitable to all of his children while considering the legality of a will's execution. In the case of bequests, the provisions of Article 14 do not apply."

There can be no foundation for establishing that suspicious circumstances exist if one of the natural heirs is not included in the gift.

More information about this can be found [here](#).

### **4. Delimitation exercise in Jammu & Kashmir challenged before Supreme Court**

A petition before the Supreme Court has challenged notifications for the delimitation of Assembly Constituencies for the Union Territory (UT) of Jammu and Kashmir (J&K) claiming that they are without jurisdiction [*Haji Abdul Gani Khan v Union of India*].

The petition filed by two Srinagar residents, Haji Abdul Gani Khan and Dr. Mohammad Ayub Mattoo has challenged the increase in the number of seats from 107 to 114 in the UT claiming that the same is ultra vires Articles 81, 82, 170, 330 and 332 of the Indian Constitution and section 63 of the Jammu & Kashmir Re-organisation Act, 2019.

It was submitted that according to a letter issued by the Delimitation Commission on July 5, 2004, the total number of existing seats in the Legislative Assemblies of all States and UTs would remain unaltered till the first census to be taken after the year 2026.

More information about this can be found [here](#).

### **5. High Courts have the duty to pass reasoned order when refusing relief: Supreme Court.**

The Supreme Court on Monday observed that when a number of issues/grounds are raised before the High Court in a plea under Article 226 of the Constitution of India, it is duty-bound to deal with

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the same and pass a reasoned order [*Vishal Ashwin Patel v. Assistant Commissioner of Income Tax Circle 25(3) and Others*].

The Court was hearing an appeal challenging an order of the Bombay High Court which had dismissed the petitions challenging the reopening of the assessment/reassessment proceedings.

A bench of Justices MR Shah and BV Nagarathna said that the High Court's order was 'cryptic', noting that the manner in which the High Court dealt with and disposed of the plea without passing any reasoned order cannot be appreciated.

"When the Constitution confers on the High Courts the power to give relief, it becomes the duty of the Courts to give such relief in appropriate cases and the Courts would be failing to perform their duty if relief is refused without adequate reasons," the Supreme Court said.

More information on this can be found [here](#).

#### **6. Delhi HC hold that High Courts have power of judicial review under Article 226 over judgments of Armed Forces Tribunal**

The Delhi High Court has held that High Courts have the power of judicial review over the orders and judgments of Armed Forces Tribunals [*Wing Commander Shyam Naithani v Union of India and Ors*].

A Division Bench of Justices Manmohan and Navin Chawla stated that the Armed Forces

Tribunal Act excludes administrative supervision of the High Courts under Article 227(4) of the Constitution, but not judicial superintendence and certainly not jurisdiction under Article 226.

"The argument that in view of Article 227(4) of the Constitution, the High Court has no power of judicial superintendence over the Armed Forces Tribunal is untenable as Article 227(4) only takes away the administrative superintendence of Courts over the Tribunal relating to armed forces. In, *L.Chandra Kumar v. Union of India* and *Rojer Mathew v. South Indian Bank Ltd.*, it has been categorically held by the Supreme Court that the power of judicial superintendence has not and can never be taken away. Consequently, the power of judicial review under Articles 226 and 227 of the Constitution vests with the High Court even with regard to judgments and orders passed by the Armed Forces Tribunal and this power is a part of the basic structure of the Constitution as has been held in *L. Chandra Kumar* and *Rojer Mathew*," the Court said.

The Court was dealing with a batch of petitions challenging the orders of the Armed Forces Tribunal.

More information on this can be found [here](#).

#### **7. States Can Grant Hindus Minority Status: Union Government Tells SC**

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The Central government has told the Supreme Court that Hindus, Jews, and Bahai followers who are minorities in certain States, can be declared so by the concerned State government [*Ashwini Kumar Upadhyay v. Union of India*].

It was submitted by the Central Government in their affidavit that the allegation that such communities cannot establish and administer educational institutions of their choice in places where they are in minority like in Ladakh, Mizoram, Lakshadweep, Kashmir, Nagaland, Meghalaya, Arunachal Pradesh and Manipur, is not correct. The affidavit read as:

“It is submitted that State governments can also declare a religious or linguistic community as 'minority community' within the said State....It is submitted that matters such as declaring that followers of Judaism, Bahaism and Hinduism, who are minorities in Ladakh, Mizoram, Lakshadweep, Kashmir, Nagaland, Meghalaya, Arunachal Pradesh, Punjab and Manipur can establish and administer educational institutions of their choice in the said State and laying down guidelines for identification of minority at State level may be considered by the concerned State Governments.”

More information on this can be found [here](#).

## INTERNATIONAL LAW

### 1. An appeal against the execution of a man with intellectual disabilities has been dismissed by Singapore Court of Appeal

Nagaenthran Dharmalingam, a Malaysian man convicted of unlawfully importing 42.72 kilos of diamorphine in 2009, had his appeal against his execution dismissed by the Singapore Court of Appeal on Tuesday.

The death sentence for Nagaenthran stems from the Misuse of Drugs Act (MDA), which mandates the death penalty in instances involving more than 15 grams of diamorphine. While his execution was postponed in November due to COVID-19 testing, his lawyer filed a civil appeal to examine the High Court's confirmation of his sentence and a criminal move in 2021 to have his intellectual handicap reviewed by a team of psychiatrists.

Both applications were dismissed by the court, which found that they were filed in bad faith and constituted a "blatant and egregious abuse" of process because they were filed to delay execution without cause, by adducing documents as late as possible and filing applications separately despite their content being substantially similar.

More information about this can be found [here](#).

### 2. The Honduran Supreme Court has approved the extradition of former President Manuel Zelaya to the United States

The Honduran Supreme Court accepted the extradition of former President Juan Orlando Hernández to the United States on Monday, where he faces drug trafficking and gun accusations.

Hernández attempted to overturn a Honduran judge's order to extradite him on March 16, but the Supreme Court upheld the judgment. On the drug trafficking accusation, the justices decided unanimously to extradite him, but on the guns charge, a majority of the justices voted to extradite him. He will be held in Honduran custody until the US and Honduran officials can work out a plan to extradite him.

Hernández has been a politician for a long period, serving as President of the National Congress from 2010 to 2014 and subsequently as President of the Republic from 2014 until January 2022. Federal prosecutors accused Hernández of assisting in the delivery of thousands of kilograms of cocaine into the United States in exchange for payments around the time he was stepping down. He was detained at his house a month later at the request of the US authorities.

More information about this can be found [here](#).

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**3. The Secretary-General of the United Nations has called for an urgent humanitarian ceasefire in Ukraine**

The UN Secretary-General Antonio Guterres Monday pleaded for an “immediate humanitarian ceasefire” in Ukraine “to allow for progress in serious political negotiations, aimed at reaching a peace agreement based on the principles of the United Nations Charter.”

Addressing the Ukrainian crisis Guterres said, “The war has led to the senseless loss of thousands of lives; the displacement of ten million people, mainly women and children; the systematic destruction of essential infrastructure; and skyrocketing food and energy prices worldwide. This must stop.”

According to Guterres, the UN and its many agencies have been working nonstop to assist victims of the ongoing conflict. A total of 1,000 UN troops are now stationed in Ukraine. UN humanitarian organizations have aided refugee-hosting nations by providing food, housing, medication, and bottled water to roughly 900,000 persons in eastern Ukraine.

Food and medical supplies are being sent to individuals in need in hard-hit areas. Since the invasion, the World Food Programme has fed 800,000 people and is increasing its ability to assist 1.2 million people by mid-April. More than half a million people have received emergency health,

trauma, and surgical kits from the World Health Organization.

More information about this can be found [here](#).

**4. Pakistan's president dissolves the National Assembly, citing concerns over the country's slide into authoritarianism**

Pakistani President Arif Alvi confirmed the dissolution of the country's National Assembly on Sunday, a move denounced by critics as constitutional subversion and an attack on democracy. The National Assembly had been scheduled to vote on a motion of no confidence against the country's prime minister, Imran Khan, earlier that day.

The National Assembly was set to hold a vote of no confidence in Khan, who suddenly shocked the country by dissolving the legislature and declaring new elections.

The Pakistan Federal Union of Journalists (PFUJ) and the Human Rights Commission of Pakistan (HRCP) published a joint statement denouncing the president's, prime minister's, and deputy speaker of the National Assembly Qasim Khan Suri's actions in helping to derail the no-confidence vote. "By not permitting voting on a motion of no confidence and subsequently ordering the dissolution of the assembly," the statement stated, their actions "amount to violating the constitution of Pakistan and an attack on democracy," adding,

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"This would lead the nation towards chaos and authoritarianism."

More information about this can be found [here](#).

**5. Experts from the United Nations have urged Saudi Arabia not to transfer two Uyghur detainees to China**

Fernand de Varennes and Ahmed Shaheed, two UN human rights experts, urged Saudi Arabia on Friday to follow international law's non-refoulement requirements and desist from extraditing two Chinese individuals from the Uyghur minority.

Nuermaimaiti Ruze and Waili Aimidoula are the two people detained in Saudi Arabia. They escaped to Turkey in 2016 from China's Xinjiang Autonomous Region, fearing arbitrary incarceration, torture, and ill-treatment. According to experts, these guys have been held indefinitely without adequate legal basis since November 2020, based on a Chinese extradition request.

The two inmates were brought to Riyadh on March 14 for probable extradition but are presently being kept incommunicado in Jeddah, according to the experts. There are fears that protracted imprisonment and questioning incommunicado would result in torture and inhumane treatment.

Despite the existence of a bilateral extradition arrangement with China, any deviation from the norm of non-refoulement by Saudi Arabia would be a grave breach of human rights and international

law. States are bound under the principle of non-refoulement not to deport refugees and asylum seekers who suffer significant human rights violations in their final destination state. This is especially true when a state has a history of violating human rights on a regular basis.

More information about this can be found [here](#).

**6. The US House of Representatives has passed a measure decriminalizing marijuana**

The United States House of Representatives approved a measure on Friday that would legalize marijuana by removing it from the Controlled Narcotics Act's list of scheduled substances. HR 3617 was approved by a vote of 220-204. The bill would change all references to marijuana in the law to cannabis.

In addition to decriminalization, the law creates a trust fund to provide programs and services for individuals and companies in drug-affected neighborhoods. Job training, reintegration services, literacy initiatives, and youth programs are examples of these. To finance the trust fund, the measure imposes an excise and occupational tax on products and manufacturing facilities. It also creates a procedure for expunging convictions and holding sentence review hearings for nonviolent federal cannabis crimes.

More information about this can be found [here](#).

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### **India and Australia sign a historic free trade agreement**

On Saturday, India and Australia signed the "India-Australia Economic Cooperation and Trade Agreement" (IndAus ECTA), which eliminates tariffs on over 85 percent of Australian goods sent to India.

India's Prime Minister Narendra Modi stated that this deal will contribute to the Indo-Pacific region's stability. The free trade pact is expected to support India's aspirations to improve ties with the raw-material-rich country as it seeks to develop into a manufacturing hub in order to resurrect the pandemic-ravaged economy. "The deal will provide tremendous trade diversification prospects for Australian manufacturers and service providers destined for India, valued at up to \$14.8 billion per year," Australian Prime Minister Scott Morrison said.

Over 6,000 Indian items will be duty-free in Australia as a result of the deal. Textiles, leather, furniture, jewelry, and machinery are all examples. In addition, India has agreed to reduce duties on Australian wine. India has identified key commodities as exclusions to protect essential industries, meaning no tariff rebates would be offered to Australian imports.

Raw materials and intermediates account for the majority of Australian exports. Many Indian businesses, including steel, aluminium, and fabric/garments, would profit from cheaper raw

materials as a result. It is envisaged that this will increase the industries' competitiveness.

Both nations attempted to identify alternate supply channels before reaching this arrangement. As the nations battle with China's trade restrictions on a variety of commodities exports, the pact would open access to a market of nearly 1.4 billion people. It also aims to improve people-to-people contacts between the two countries.

More information about this can be found [here](#).

### **7. In Venezuela, the International Criminal Court (ICC) will build an office and broaden its investigation**

The International Criminal Court's prosecutor's office said on Thursday that it will create an office in Venezuela to help with its probe into claims of crimes against humanity in the country.

The news comes after ICC prosecutor Karim A. A. Khan completed his second visit to the South American country. He was last in Venezuela in November of last year, when he initiated the initial examination into the country's predicament. The ICC and Venezuela signed a memorandum of understanding at the end of their November visit, supporting collaboration between the two bodies as they go forward. Venezuela objected at the time with the ICC's determination that preliminary evidence was sufficient to proceed with an inquiry.

Despite this, the nation pledged to work with the ICC. During the second visit, the country agreed to

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enable the International Criminal Court (ICC) to build an office in Caracas to help with the investigation and give technical support. Training and guidance to reinforce domestic law in the area of crimes against humanity will be provided, as well as aid in identifying new areas where domestic authorities may improve their ability to administer justice.

The probe was sparked by six other nations referring crimes against humanity in the region to the ICC in 2018, including murder, rape, torture, and forced disappearances. It was the first time the ICC had received a referral from a group of states parties to the Rome Statute about a situation on another state party's territory. Canada, Argentina, Chile, Colombia, Paraguay, and Peru were the countries mentioned.

Prosecutor Khan thanked the Venezuelan government for cooperating with his office, particularly President Nicolas Maduro Moros, with whom he had "straightforward and constructive meetings." In addition to constructing an office, the ICC and Venezuela will collaborate to organize international criminal justice gatherings and conferences in Caracas beginning in 2023.

More information about this can be found [here](#).

**8. The Latvian parliament has passed a law prohibiting the public exhibition of military emblems**

The Latvian parliament agreed on Thursday to prohibit the public exhibition of symbols of

military aggression and war crimes, such as the letters "Z" and "V" and the Saint George Ribbon, which are considered as emblems of Russia's invasion of Ukraine.

While the existing Law on the Safety of Public Entertainment and Festivity Events (the Law) prohibits the use of symbols associated with Nazism, fascism, or communism, such as flags and clothing symbols of former Soviet or Nazi regimes, the new amendments extend this prohibition to symbols "used in a style glorifying military aggression." The Latvian Cabinet must now develop legislation regarding the list of such emblems.

The law also outlaws birthday celebrations for anyone linked with Nazi or communist governments, as well as fights and occupations of free and sovereign regions. It empowers local governments to prohibit public activities held within 200 meters of any monument commemorating Soviet military triumphs. Violations of this legislation will also result in a higher penalty. However, the Law makes an exemption for the use of symbols or activities that are not intended to glorify such regimes or aggressions, such as exhibits, and instead serve educational or aesthetic reasons.

More information about this can be found [here](#).

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**9. The Kenyan Supreme Court has declared the constitutional amendment bill unconstitutional**

The Constitution of Kenya (Amendment) Bill, 2020, also known as the Building Bridges Initiative (BBI), was found illegal by the Supreme Court of Kenya (SCoK) on Wednesday. The ruling, which was made by the highest court in the nation, puts an end to a series of lawsuits that began before the high court last year.

The measure seeking executive authority expansion was first challenged in the high court, where a five-judge bench found it illegal and issued an injunction prohibiting the electoral commission from conducting any referendum on it. The court's major reasoning was based on the "basic structure theory," which it claimed applied under Kenya's constitutional framework, barring changes to the essential structure of the constitution. This prompted an appeal to the Court of Appeal (CoA), which handed down a similar decision, affirming the high court's decision.

While affirming the CoA's ruling, the SCoK disagreed significantly from it on the fundamental structure concept. According to the majority of the court, the Constitution's framework under Chapter 16 already offers a sufficient bulwark against arbitrary revisions, thus applying the theory to Kenya would be pointless. The SCoK also disagreed with the appellate court on the four sequential processes of constitutional amendment noted by it, stating that they could only be used in

the creation of a constitution and not in its alteration.

More information about this can be found [here](#).

**10. The Louisiana legislature has overturned the governor's veto of the congressional redistricting map**

Governor John Bel Edwards vetoed a congressional redistricting measure in 2021, and the Louisiana legislature voted Wednesday to overturn his veto. A lawsuit was launched in response by the NAACP Legal Defense and Educational Fund (LDF), the American Civil Liberties Union (ACLU), the ACLU of Louisiana, and the legal firm Paul, Weiss, Rifkind, Warton & Garrison.

The legislature refused to accept a gubernatorial veto of a law for the first time in 31 years. The measure passed the House by a vote of 72-31, which was more than the two-thirds majority needed to become law. By a vote of 27-11, state senators approved House Bill.

The map was included in two identical legislation delivered to Edwards, Senate Bill and House Bill, with the purpose of redrawing district borders to account for demographic changes in the 2020 census. Given that Louisiana's voting-age population is roughly one-third Black, Edwards rejected both legislation, claiming that the map did not include a second majority-Black district. Only one of the state's six congressional districts has a Black majority under the present configuration. Edwards acknowledged the imbalance in racial

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voter participation, admitting the map was "not fair to the people of Louisiana" and "does not fulfill the federal Voting Rights Act's criteria."

The newly-drawn districts, according to opponents of the plan, violate federal voting rights laws. "[The map] obviously violates the Voting Rights Act of 1965 by diluting the voices of Louisiana's one-third Black voting population," policy attorney Jared Evans said in a statement published by the NAACP Legal Defense Fund. The Legislature should never have enacted an illegitimate map, and we will not rest until a fair and representative map is implemented for Louisiana citizens."

Democrats presented the legislature with a total of 12 maps, underlining the fact that there are enough Black voters living in close proximity to establish a second black-majority district under the Voting Rights Act. Representative Royce Duplessis said that the legislature was acting entirely on political grounds, ignoring the state's changing demographics. Republicans said that the proposed plans unfairly divided communities with common interests, resulting in districts with insufficient Black voters.

More information about this can be found [here](#).

#### **11. The British Museum is facing legal action over a 3D-scanning controversy involving the Parthenon Marbles**

The Institute of Digital Archaeology (IDA) said on Tuesday that it intends to pursue an injunction

against the British Museum, requiring it to continue a 3D scanning project of the notorious Parthenon Marbles.

Phidas and his craftsmen built the Parthenon Marbles for the Greek Parthenon temple on the Acropolis in Athens around 447-438 BC as a devotion to the goddess Athena. The piece, which consisted of 21 statues, 15 panels, and 75 meters of marble, was stolen from Greece and sent to Malta, where it remained for a few years. Lord Elgin intended to use the marbles to adorn his home, but he eventually sold them to the British government. The legislation has been the source of contention between the UK and Greece.

IDA requested that the museum let them to utilize a 3D scanner and robot to reconstruct a piece of the marbles with "sub-millimeter" precision. In turn, the IDA believes that the 3D model will be able to replace the original statues in the British Museum, allowing the marbles to be returned to their proper homeland.

To scan the marbles, photographs of the buildings must be acquired in order to get precise scans. Members of the IDA entered the galleries and photographed the marbles, although many of them required a ladder and additional gear to access and scan. After their request was refused, museum officials accused IDA of violating visitor standards by conducting illegal scanning.

More information about this can be found [here](#).

## MISCELLANEOUS LEGAL UPDATES

### 1. CLAT 2022 postponed to June 19th

The Consortium of National Law Universities has postponed the dates for the Common Law Admission Test (CLAT) 2022.

Candidates can check the exam notice at the official website [consortiumofnlus.ac.in](http://consortiumofnlus.ac.in).

CLAT 2022 was scheduled to be held on May 8. However, as per the revised schedule, **CLAT-2022 will be held on June 19 (Sunday), between 2.00 to 4.00 PM for both UG and PG programmes.**

Moreover, the last date for submission of CLAT 2022 online applications has been extended to May 9. Interested candidates can submit applications at the official website.

More information about this can be found [here](#).

### 2. An all-women bench heard proceedings in Kerala HC for first time

*The full bench adjudicated upon a review petition filed by the state government seeking reconsideration of the previous order of another full bench quashing the contribution of the Guruvayur Devaswom Fund to the Government's Disaster Relief Fund.*

A full bench comprising only women judges heard a case in the Kerala High Court on 8<sup>th</sup> March 2022. This is the first time in the history of the Kerala High Court that a full bench comprising only women judges has been constituted. Incidentally, the day coincided with International Women's Day. The cause list showed Justices Anu Sivaraman, V Shircy and M R Anitha as members of the women's only full bench.

More information about this can be found [here](#).

### 3. SC permitted candidates under 32 years who qualified for Delhi Judicial Service Examinations (DJSE) for the past two years to appear for this year's exam

The Supreme Court on 14<sup>th</sup> March 2022 allowed candidates who were eligible to sit for the Delhi Judicial Service Examinations [DJSE] and the Delhi Higher Judicial Service Examination [DHJSE] in 2020 and 2021 by virtue of the upper age limit, that is, 32 and 45 respectively, to appear in the exams later this month. It, however, rejected the challenge to the minimum age of 35 years for appearing in the DHJSE.

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A special bench of Justices D.Y. Chandrachud, A.S. Bopanna and Hima Kohli passed the order to this effect after senior advocate A.D.N. Rao, on behalf of the Delhi High Court, suggested to the bench that the High Court would be willing to grant the concession only in terms of upper age limit. Rao informed the Court that the High Court could not hold the examinations in 2020 due to some procedural issues, while in 2021, the examinations could not be held due to the COVID-19 pandemic. Consequently, the bench also modified the last date of receipt of applications and the examination. It directed that the last date of receipt of the applications for DJSE be extended to April 3 and the exam be fixed for April 24. While for DHJSE, the bench directed that the last date for the receipt of applications be extended to March 26, while the exam be scheduled for April 3.

The bench was ruling on two appeals filed by the High Court of Delhi against its own division bench postponing DJSE and DHJE, which were scheduled to be held on March 27 and 20 respectively.

More information about this can be found [here](#).

#### **4. Delhi HC Chief Justice DN Patel next TDSAT Chairperson**

Days before his retirement, the Appointment Committee of Cabinet (ACC) on March 3 appointed Chief Justice of Delhi High Court D.N. Patel as the chairperson of the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) for a period of four years. The ACC comprises Prime Minister Narendra Modi and Home Minister Amit Shah as its members.

Justice Patel hails from Gujarat. He was appointed as Chief Justice of Delhi High Court on June 7, 2019. Prior to his appointment to Delhi High Court, he served as the Acting Chief Justice of the Jharkhand High Court. Before his elevation as the Gujarat High Court judge in 2004, he served as Additional Central Government Standing Counsel in 1999 and a senior Central Government Standing Counsel in 2001.

More information about this can be found [here](#).

## CALL FOR BLOGS – WORLD IP DAY 2022

*Vedanam, on the occasion of World IP Day, is inviting submissions that fall within the vast universe of intellectual property law, with a focus on the potential of young people to find new solutions that support the transition to a sustainable future.*

*The call as on our website can be accessed [here](#).*

### Call for Blogs

World Intellectual Property Day is observed on April 26 every year as a day to commemorate and learn about the significant role played by intellectual property (IP) rights in day to day lives, specifically encouraging innovation & creativity. This year the World Intellectual Property Organization (WIPO) has sought to recognize the huge potential and contribution of young people to find new and better solutions that support the transition to a sustainable future. The theme, as decided by WIPO, for the World Intellectual Property Day 2022 focuses on youth as an incredible and largely untapped source of ingenuity and creativity - “*IP and Youth: Innovating for a Better Future*”.

Fresh perspectives, energy, curiosity and “can do” attitude, not to mention hunger for a better future displayed by youth, all across the globe are already reshaping approaches and driving action for innovation and change. To take this further and to celebrate World Intellectual Day, *Vedanam* is inviting blogs on the broad theme suggested by WIPO, namely “*IP and Youth: Innovating for a Better Future*”. Blogs may cover new age concepts popularized by youth, case studies on recent innovations/innovators or how IP rights fit into a generation that prefers bite-sized information and short-form content.

### Eligibility & Deadline

Submissions from law students, legal professionals, academicians, Research Scholars as well as students and experts from other disciplines whose work is informative for law and initiates discourse on issues of contemporary relevance are welcome. Please ensure that the submissions reach us **on or before April 22, 2022**.

### Submission Guidelines

1. All works submitted must be original and unpublished. Any form

of **plagiarism will lead to disqualification** for publication on the Blog.

2. The word limit for the manuscript is **1200-2000 words**.
3. Co-authorship is permitted up to a **maximum of two authors**.
4. The body of the manuscript must have – Font style: Garamond; Font Size: 13; Line Spacing: 1.5; Alignment: Justified.
5. All the **relevant sources** must be duly acknowledged and **hyperlinked** in the text of the manuscript itself.
6. The decision about the acceptance or rejection of the manuscript shall be communicated to the authors within **10 days** from the receiving of the submission through E-Mail. The detailed guidelines that need to

be adhered to, for the submission, can be accessed [here](#).

### How to Contribute

1. All manuscripts must be sent to [vedanam@canfoundation.in](mailto:vedanam@canfoundation.in) with the subject ‘**Submission for Vedanam – World IP Day 2022**’.
2. Details of the author(s) should not be mentioned in the file containing the article.
3. Author(s) must include their full name, institution/organization, email address, photograph and a brief bio in a separate cover letter.
4. Authors(s) are also required to submit a declaration of originality. The declaration can be found uploaded on *Vedanam*'s website.

THIS NEWSLETTER HAS BEEN COMPILED BY

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