

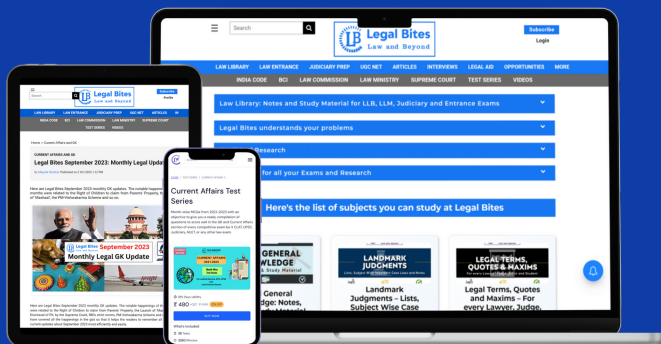
**JANUARY 2023**

# CURRENT AFFAIRS

Monthly Updates Edition

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## LEGAL CURRENT AFFAIRS 2023

### JANUARY 2023 EDITION

## Key Highlights: Legal Bites January 2023

[1. Demonetisation Judgment: Highlighting the Voice of Dissent](#)

[2. A Womb is her Right](#)

[3. Case Analysis: Shri Ram Shridhar Chimurkar v. Union of India, \(2023\) | No pension for a child adopted after the death of a government employee](#)

[4. Important Judgments on Article 21 of the Indian Constitution](#)

## 1. The launch of the electronic Supreme Court Reports (e-SCR) project

On 3rd January, the electronic Supreme Court Reports (e-SCR) initiative, which intends to give attorneys, law students, and the general public free access to over 34,000 judgements of the top court, was officially launched by the Chief Justice of India (CJI), D Y Chandrachudh. These rulings will be accessible via the Supreme Court's website, mobile app, and judgement portal on the National Judicial Data Grid. The e-SCR initiative, which is a component of the Indian judiciary's digitization efforts, intends to improve the justice system for all parties involved, including litigants, bar members, and judicial academies.

## 2. Supreme Court decision on the scope of Article 19

On 5th January, recent decisions by the Indian Supreme Court in cases regarding the freedom of speech are significant. A person may seek enforcement of this right not only against the government but also against other citizens, the court's Constitution Bench ruled in a 4-1 vote. This decision broadens the justifications for requesting the protection of certain rights.

### **3. India has delayed its annual census until September**

On 6th January the decennial census, a thorough survey carried out by the Indian government every ten years, has been postponed until at least September 30. The purpose of this exercise is to collect data on the size, distribution, and different aspects of the population of the nation, including socioeconomic and demographic information.

### **4. Draft guidelines from UGC to permit foreign university campuses in India**

On 6th January, the draft regulations for foreign universities or other higher education institutions setting up campuses in India have been published by the University Grants Commission (UGC). According to the UGC (Setting up and Operation of Campuses of Foreign Higher Educational Institutions in India) Draft Regulations 2023, foreign universities that desire to establish campuses in India must be ranked among the top 500 globally in their field of study. If institutions outside of the international rankings have a strong reputation in their native country, they may also be given consideration for opening a campus there.

### **5. Caste-Based Survey to be Conducted by Bihar Government**

On January 7, 2023, the Bihar state administration, headed by Chief Minister Nitish Kumar, plans to launch the first stage of a caste-based survey. The survey will be carried out in two phases and is scheduled to end on May 31, 2023.

### **6. Bill on Women's Reservation in Uttarakhand**

On 11th January, a measure granting domiciled women inhabitants of the state a 30% horizontal reservation in governmental services and positions has been accepted by Uttarakhand Governor Lt Gen (Retd) Gurmit Singh. The Uttarakhand assembly enacted the bill on November 30 during the winter session. It is known as the Uttarakhand Public Services (Horizontal Reservation for Women) Bill 2022. This action represents a substantial advancement in guaranteeing social justice and gender equality in state government employment.

## **7. What is Constitutional Basic Structure Doctrine?**

On 13th January, Vice President Jagdeep Dhankhar ignited a discussion on the division of powers between the executive and judicial branches. He attacked the Supreme Court for overturning the constitutional amendment that created the National Judicial Appointments Commission Act by applying the basic structure concept. Dhankhar described the NJAC Act's repeal as a "serious surrender" of parliamentary authority and a contempt for the "mandate of the people" in his first address in the Rajya Sabha. This article will look at the basic structural concept and how it affects the legislative branch's authority.

## **8. Supreme Court ruling on Sikkimese women's IT relief**

On 14th January, the Supreme Court of India declared that it is illegal and constitutes gender discrimination to exclude Sikkimese women who marry non-Sikkimese males after April 1, 2008, from exemptions under the Income Tax Act. According to the court's ruling, this gender-based discrimination is in violation of Articles 14, 15, and 21 of the Constitution because it is motivated by gender. This choice is a triumph for gender equality and women's rights.

## **9. Rajasthan is the first state to adopt a policy to combat blindness**

On 16th January, Rajasthan's programme for controlling blindness is to guarantee its residents' "right to sight." Rajasthan is now the first state in India to do so. The state government's Medical & Health Department published the policy statement over the weekend, outlining a significant initiative to lower the risk of blindness and improve the lives of more than 3 lakh people who have a visual impairment.

## **10. NRIs will be able to use UPI in India**

On 18th January, as long as their domestic bank accounts are connected to their international mobile numbers, the National Payments Corp. of India (NPCI) has taken a crucial move that enables Indians living abroad to utilise the quick payment network Unified Payments Interface (UPI). This action creates new opportunities for non-resident Indians and is a key step towards the adoption of domestic payments technology UPI on a larger scale (NRIs).

## 11. Project for an India-Bangladesh Friendship Pipeline

On 19th January, India-Bangladesh Friendship Pipeline Project, which was signed in 2018, will link Parbatipur in Bangladesh's Dinajpur district with Siliguri in India's West Bengal. Bangladesh will begin receiving diesel through the Friendship pipeline in June. The 131.5 km pipeline, of which 126.5 km is in Bangladesh and 5 km is in India, was built to import diesel from India. The IBFPL initiative intends to make it easier and less expensive for Bangladesh to transport imported fuel oil.

## 12. Rules of the Major Ports Adjudicatory Board, 2023

On 20th January, the Rules of the Major Ports Adjudicatory Board, 2023 were announced. The Major Port Authorities Act was passed into law by the Indian government in 2021. The act's Section 54 mandates the creation of an Adjudicatory Board to oversee the nation's principal ports. The act's Section 58 specifies the board's duties. The board's guidelines were recently announced by the Indian government.

## 13. India's Position Regarding Sri Lankan Application of 13A

On 22nd January, the statement by India's External Affairs Minister Jai Shankar that the implementation of 13A is "CRITICAL" India claims that 13A is necessary for the Sri Lankan government to reach out to the nation's Tamil population. A contract implementing Sri Lanka's 13th constitutional amendment was signed between India and Sri Lanka in 1987. The accord states that the Sri Lankan government will grant the nation's Tamil community authority.

## 14. Initiative of Assam against Child Marriage

On 24th January, Himanta Biswa, the chief minister of Assam convened a cabinet meeting. The State Government made the decision to undertake a significant campaign to end child marriage in the state during the meeting. As the officer in charge of preventing child marriage, the Gram Panchayat Secretary was chosen. The campaign would urge people to report crimes at the neighbourhood police stations. The POSCO and Prevention of Child Marriage Act forbid child marriage. However, out of fear, the general populace in Assam is apprehensive to report child weddings. The programme will help to get rid of this obstacle. The initiative will concentrate on

lowering the Maternal Mortality Rate and Infant Mortality Rates in Assam in addition to child marriage. Earlier, the state of Karnataka undertook a similar effort.

## **15. Launch of the Municipal Bond Information Database by SEBI**

On 24th January, SEBI unveiled a database and a repository for municipal bonds in an effort to enhance the bond markets. The Security and Exchange Board of India is known as SEBI. It is a regulatory organisation that was created in accordance with the SEBI Act of 1992. Municipalities in India are currently concentrating on growing their revenue-generating assets and green projects. The databases and repositories launched by SEBI will help the municipalities accomplish their goals. Additionally, it will help the towns overcome their main issues, including a lack of investors, a lack of legal frameworks, and slowly expanding marketplaces.

## **16. Supreme Court banned purse seine fishing**

On 25th January, Supreme Court banned purse seine fishing. The long and broad wall of the purse Seine is the net. Both India's western and eastern coasts employ the purse seine fishing method. On the Central Government's request, the Supreme Court outlawed purse seine fishing in 2022. because the use of the net greatly harms marine species that are endangered. The Supreme Court recently lifted the restriction. Tamil Nadu and other coastal states are greatly relieved by this. They insisted that the restriction be lifted because it impacted fishermen's livelihoods.

## **17. 11 crore tap water connections are made through the Jal Jeevan Mission**

On 25th January, the Jal Jeevan Mission recently received praise from Prime Minister Narendra Modi for connecting 11 crore people to tap water. The PM made the mission public in 2019. The mission's primary goal is to connect every Indian household to the public water system. And 2024 is the deadline for achieving the goal. GoI allotted Rs 3.5 trillion for this mission. The Jal Shakti Ministry is carrying it out.

## **18. If an ambulance has an accident and a patient is transferred for better care but eventually succumbs to his condition, the**

## **insurance company is responsible: High Court of Karnataka**

On 25th January, in the Karnataka High Court, if an accident occurs while an ambulance is transporting a patient to a hospital for better care and he passes away due to his ailments, the insurance company is responsible for compensating his family. The National Insurance Company Ltd's argument was rejected by a single-judge panel of Justice T.G. Shivashankare Gowda, who also affirmed the Motor Accident Claims Tribunal's decision to award compensation to the Ravi claimants.

## **19. Workmen's Compensation Act | Gauhati High Court: Commissioner Can Order Insurance Company To Pay Direct Compensation To Employee Injured In Motor Accident During Employment.**

On 25th January, the Gauhati High Court maintained a decision that found the insurance firm directly responsible for compensating a worker wounded in a car accident while on the job. According to the insurance company's arguments in the appeal, due to a specific clause in the Workmen's Compensation Act, 1923, it is only required to indemnify the owner of the implicated vehicle or insured and is not responsible for paying the award in the first instance.

## **20. The 2% TDS is deductible on common area maintenance fees**

On 25th January, the Delhi Bench of the Income Tax Appellate Tribunal (ITAT) stated that 2% TDS is deductible on common area maintenance fees. The common area maintenance costs were not included in the actual rent that the assessee company actually paid to the owner, according to the findings of the two-member bench composed of C.M. Garg (judicial member) and Pradip Kumar Khedia (accountant member). Rent and common area maintenance fees have been paid to separate entities or businesses. Hence the authorities below were wrong to create an obligation that the assessee company must pay.

## **21. Deaf athletes must be treated equally as para-athletes, according to the Delhi High Court**

On 25th January, the Delhi High Court, deaf and para-athletes must be treated equally, and neither group may be prejudiced against the other. Justice Four athletes who competed in and won gold at various international competitions filed petitions in 2020, and Prathiba M. Singh was hearing them. They have been determined to have a 100% hearing and speech handicap. Through the petitions, they demanded that deaf athletes have the same benefits as hearing athletes.

## **22. Report on the UN's World Economic Situation and Prospects 2023**

As per a report on 26th January, the Ukraine-Russian conflict is causing global financial problems, inflation, and energy concerns. The World Economic Situation and Prospects report, also known as the World Economy Report, was released by the UN Department of Economic and Social Affairs in the middle of severe circumstances and climate emergencies. According to the analysis, global economic development is sluggish. It will decrease from 3% in 2022 to 1.9% in 2023.

## **23. Competition (Amendment) Bill**

On 26th January, the Indian government put forth certain amendments and additions to the statute in 2022. The Competition Act seeks to encourage a competitive marketplace in India. The act's primary goal is to prevent monopolies. Consider Facebook as an example. According to some economists, Facebook demonstrates a monopoly. In other words, it aims to control the digital communications industry. Facebook acquired nearly every competitor that stood in its way in order to do this.

Through mergers and acquisitions, FB was able to do this. Facebook purchased Instagram and WhatsApp, two very strong rivals. Such mergers and acquisitions are forbidden by the competition act. In 2002, the measure was enacted into law. The Indian government put forth certain amendments and additions to the statute in 2022. The GoI recently made further adjustments in addition to those it had planned to make in 2022, and the amendment is currently pending.

## **24. APEDA will brand using river names**

According to news on 26th January, APEDA will brand using river names. The Indian government has been showing agricultural and processed food goods abroad in an



effort to improve its agricultural exports. APEDA was a trailblazer in bringing this goal to life. APEDA's active involvement helped boost agricultural exports to 25.6 billion USD in 2021–2022 dollars. This accounts for 51% of all agricultural exports from the nation. Moving forward, APEDA will brand Indian agricultural products using the major river names.

## **25. Even when a partnership dissolves, the arbitration clause is still in effect, according to the Delhi High Court**

On 26th January, a decision by the Delhi High Court, an arbitration clause in a contract signed with a partnership firm would remain in force even if the death of partner results in the dissolution of the partnership. The Justice Chandra Dhari Singh bench ruled that the Court had the authority to reconsider its order's procedural requirements.

## **26. Issuance of Tax-Paid Green Bonds**

On 27th January, the tax-paid bonds were recently recommended by the Power Ministry. To advance the nation's clean energy industry, the Indian government issued green bonds. The bonds serve as collateral for a loan. The bonds are often tax-free. To boost the number of green projects in the nation, taxes are waived.

## **27. Indemnity for Unemployment in Chhattisgarh**

According to the news on 27th January, the Chhattisgarh assembly elections will take place in November 2023, according to plans by the Indian Election Commission. Before the elections, the state's incumbent chief executive, Bhupesh Baghel, declared that his administration will give the people of Chhattisgarh jobless benefits for the fiscal year 2023–2024. During his speech on Republic Day, he announced it.

## **28. Group G-20 Startup Engagement**

The G-20 summit will be held in India in 2023. On 27th January, several engagement groups are being developed in order to make the summit successful. Members of the group are from non-governmental groups. Numerous participation groups exist, including SAI 20, Business 20, Labor 20, Civil 20, Parliament 20, Science 20, Think 20, Urban 20, Startup 20, and Think 20. Leading entrepreneurs from the G-20 nations are represented in the startup 20 Engagement group, as the name suggests.

## 29. Framework for Stressed Asset Securitization

On 27th January, the Reserve Bank of India introduced a Securitization Framework to speed up and simplify the sale of these distressed assets. Stressed Assets include non-performing assets, assets that have been written off, and restructured loans. In other words, these assets do not generate a profit. Stressed asset sales are extremely difficult.

## 30. The Madras High Court permits the brother to be appointed as a woman with a mental disability legal guardian

On 27th January, the Madurai Bench of the Madras High Court noted on Tuesday that "person suffering from multiple disabilities" in Section 2(j) of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 must be understood to mean "a person with benchmark disability" as defined in Section 2(r) of the 2016 Act. This was done in order to allow the brother of a schizophrenic patient to be appointed as her legal guardian.

## 31. According to the Punjab and Haryana High Court, non-domicile candidates are not eligible for appointments under the 33% reservation for Punjab women

On 27th January, a ruling by the Punjab and Haryana High Court came that non-domicile women cannot be eligible for appointment to the 33% of positions reserved for women from Punjab. The court had to decide whether the reservation just applied to women from the State of Punjab or if it also applied to all women from other states. Justice Anil Kshetarpal noted that nowhere in the guidelines does it state that non-domicile women of the State of Punjab shall also be entitled to the reservation while dismissing the petitions pertaining to the recruitment of Junior Engineers (Civil) in various ministries of the Punjab government.

## 32. Committees MEITY Grievance Appellate

On 28th January according to the IT Rules of 2021, social media companies like Facebook are required to appoint grievance officers. These police personnel ought to be Indian. They will be in charge of handling user concerns on social media. A committee is currently being formed by the Ministry of Electronics and Information Technology, to which these officers will answer. The committee will make decisions regarding "content moderation."

### **33. The first helmet made in India to comply with Europe's ECE 22.06 standard**

On 28th January, the first helmet was made in India to comply with Europe's ECE 22.06 standard. The ECE standards for helmets were established by the United Nations Economic Commission for Europe. The standard is applied in a number of nations. ECE 22.05 was in use for the previous 20 years. 2020 saw the introduction of ECE 22.06. A low-speed crash test, an impact resistance test and many more tests are included in ECE 22.06. The latest Ignite IGN - 7 helmets from Steelbird are the first in India to comply with ECE 22.06.

### **34. India delivers a notice of revision to the Indus Water Treaty (IWT)**

On 28th January, India delivers a notice of revision to the Indus Water Treaty. The governments of India and Pakistan formally ratified the Indus Water Treaty in 1960. It was negotiated by the World Bank. According to the agreement, Pakistan is in charge of the Indus, Jhelum, and Chenab rivers, while India is in charge of the Beas, Ravi, and Sutlej. The Indus Water system is made up of all these rivers. Pakistan has 80% access to the water system, compared to India's 20%. India claims that Pakistan has violated the treaty in some way. Referring to declining to accept the pact. India has notified Pakistan to change the treaty as a result.

### **35. Adani Group Hinderburg Research Report**

On 28th January, the third-richest man in the world and his corporation, the Adani Group, were the subject of a new study report from Hinderburg an organisation called The Hinderburg that does financial studies all across the world. The investigation claims that Adani engaged in stock manipulation and fraud activities. The report's actual phrase for stock manipulation is "BRAZEN." Brazen denotes a lack of shame.

### **36. National Electricity Policy Draft**

On 28th January, a new Electricity Policy was suggested by the Standing Committee established to address concerns related to electricity in India. The Ministry of Power established an expert team headed by Gireesh Pradhan to draught the policy based on the recommendations. In October 2021, the panel submitted the draught policy. The policy has now been approved by the ministry, and it is being distributed for feedback to the states and the CEA (Central Electricity Authority).

## **37. The Ministry of Corporate Affairs has an online adjudication facility**

On 28th January, to make ministry services more accessible, the Ministry of Corporate Affairs introduced MCA21. The government just updated MCA21 with a few important improvements. They are e-adjudication, e-consultation, and compliance management. A ruling on a dispute is referred to as adjudication. E-adjudication is a platform for online dispute resolution. As a result, fewer cases will be submitted to the NCLT (National Company Law Tribunal). Additionally, the E - Adjudication will make doing business easier.

## **38. Long-Term Alcohol Ban Infringes on Merchants' Right To A Living: Bombay High Court Limits Prohibition To MLC Election Day**

On 28th January, the Bombay High Court reduced the ban to just the voting day, stating that a longer ban would violate the merchants' right to a living under Article 21 of the Constitution. The Maharashtra Legislative Council graduate constituencies elections caused a four-day ban on the sale of alcohol in the Thane, Palghar, Raigad, and Nashik districts.

## **39. According to the Assam Services (Pension) Rules, all surviving widows of deceased employees are entitled to family pension: Gauhati High Court**

The second wife or additional wives are entitled to the benefits of family pension under Rule 143((1) of the Pension Rules of 1969, according to a recent ruling by a three-judge

Gauhati High Court on 28th January panel that included the then Chief Justice RM Chhaya, Justices Achintya Malla Bujor Barua, and Soumitra Saikia.

## **40. No need to keep priceless items in police custody until the end of the case: Repeated by Gujarat High Court**

On 28th January, the Gujarat High Court recently reaffirmed that neither the court nor the police must retain valuable items in custody for many years until the case is over. According to Justice Ilesh J. Vora, if the correct panchnama is created before transferring custody of an item, that can be used as evidence rather than having the item produced before the court during the trial.

## **41. To hear the case about the Palani Temple ritual dispute, the Madras High Court holds a special Saturday sitting**

On the 29th January, the Madras High Court scheduled a special session on Saturday to hear a case involving the disagreement over how rites should be performed at the Palani temple. The parties have reached a consensus, the acting chief justice's bench of T Raja and justice D Bharatha Chakravarthy noted.

## **42. Mention Of Victim's Caste Not An Offense Under SC/ST Act Unless Caste-Based Insult Intended, Says Karnataka High Court**

On 29th January, according to the Karnataka High Court, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act does not criminalise the simple act of flinging insults without any intent to offend or make casteist statements.

## **43. Minimum Mandatory Sentences**

Mandatory minimum sentences are a common notion in both American and Canadian law systems. The Canadian Supreme Court on 29th January, declared that it would no longer impose mandatory minimum penalties. Mandatory minimum penalties are verdicts in which the court is not given any discretion. implying that the penalty cannot be eased in the future.

## **44. Change in Google Policy in the direction of the CCI**

On 29th January, our cellphones already have pre-installed Google products like Gmail, Google Maps, and search engines. Even if we utilise these programmes, we cannot uninstall them. Some smartphones may come with third-party apps in addition to Google apps (supported by Google). Google pre-installs apps on smartphones through its sway over the industry and influence. Users are inconvenienced by this, and the market is less competitive as a result. In order to prevent this, the Competition Commission of India fined Alphabet, the company that owns Google, 161 million USD for abusing its market dominance to take advantage of Indian markets. Recently, the Supreme Court affirmed CCI's directive. Google altered their policy as a result.

## **45. SC/ST Act | Bail Order Passed Without Victim Notice Is Null And Void, Subject To Recall: HC Kerala**

On 29th January, ruling granting bail was returned by the Kerala High Court when it was noted that the victim had not been informed of the order's passage. The victim's motion to recall the bail order that was issued without his hearing was granted by the court. The Court noted that, in accordance with Section 15A(3) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, a victim notice is required, and if one is not given when approving a bail order, the order may be revoked.

## **46. Marriage is based on shared affection and love, not on terms and conditions said SC**

On 30th January, this remark was delivered by a bench of Justices MR Shah and CT Ravikumar during a hearing on a case involving a husband-and-wife couple and a marital disagreement. The attorneys for both parties stated during today's court that they were open to giving the marriage another go.

## **47. Follow Section 277 of the Criminal Procedure Code while recording witness**

## **testimony; the Supreme Court instructs trial courts**

On 30th January, SC ask the trial courts to follow Section 277 of the Criminal Procedure Code while recording witness testimony. When a witness testifies in a different language than English, trial judges frequently solely record the deposition in that language. This practice has been condemned by the Supreme Court. The witness' testimony must be written down in the court's official language or in the witness' native tongue, whichever is more practical, before being translated into the official language for inclusion in the record.

## **48. For the purposes of awarding compensation, amputation of both arms should be interpreted as a 100% disability. Gujarat High Court**

According to the guidelines for the evaluation of permanent physical impairment in amputees, the Gujarat High Court on 30th January 2023, increased the compensation awarded by the civil court to a claimant on the grounds that losing both arms "below elbow upto lower one-third of the forearm" shall be construed as 100% disability (the guidelines).

## **49. Gujarat High Court: A witness cannot be summoned back only because the opposing party neglected to ask some crucial questions during cross-examination**

On 30th January, Gujarat High Court's single-judge bench reaffirmed that section 311 of the CrPC does not permit the recall of prosecution witnesses for cross-examination on the grounds that some crucial issues were not raised during the cross-examination. Justice Umesh A. Trivedi dismissed the criminal revision petition after noting that the petitioner had not indicated what questions still needed to be asked of the named witnesses and had so failed to demonstrate that the court could not render its decision without calling the witnesses back.

## 50. Cutting down Hills Without Prior Approval From the Town and Country Planning Director is Banned by the Himachal Pradesh High Court

On 30th January, according to a recent Himachal Pradesh High Court order, the State government was given two months to develop a policy for the conservation, preservation, and cutting of hills in consultation with the Department of Environment, Science, and Technology and any other departments that may be required. When hearing a Public Interest Litigation in which the petitioner had highlighted the indiscriminate and haphazard constructions on either side of the road stretching an area of 6 Km between Village Kheel Jhalsi to Village Kainthari (including Village Koro) in District Solan, a bench made up of then Chief Justice A A Sayed and Justice Jyotsna Rewal Dua issued the directions to the State government to develop a policy for the conservation, preservation, and cutting of hills in consultation with the Department of Environment, Science, and Technology and any other departments that may be required.

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