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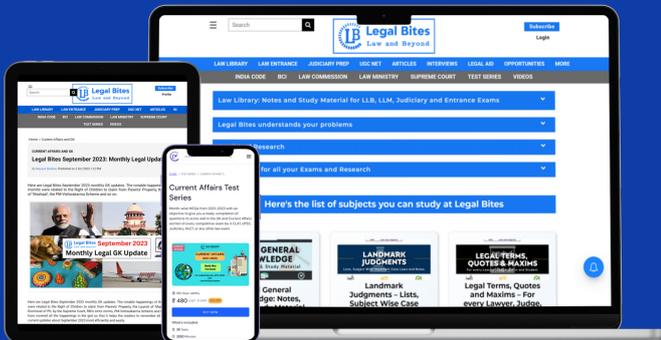
**NOVEMBER 2023**

# CURRENT AFFAIRS

Monthly Updates Edition

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## LEGAL CURRENT AFFAIRS 2023

### NOVEMBER 2023 EDITION

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## Key Highlights: Legal Bites November 2023

1. OTT: Emerging as a new source of entertainment
2. Common Types of Medical Malpractice Cases in Fort Lauderdale Hospitals
3. Can you use ChatGPT for Law School Assignments?
4. Case Analysis: Olga Tellis & Ors. v. Bombay Municipal Corporation & Ors., (1985)

### Legal Bites November 2023: Monthly Legal Updates

#### 1. Refusal of SC to admit Ponmudi's plea against HC order

On 1st November, the SC appreciated the revision order passed by HC whereby the apparent biased transfer of corruption charges against the education minister of Tamil Nadu was recalled. Through this transfer, the education minister was also subsequently acquitted which the apex court felt was improper and based on false adjudication.

#### 2. Anticipatory bail has been granted by SC to the accused in the 'skill development case'

On 1st November, the SC made the earlier 'interim order' permanent and absolute by granting anticipatory bail to one amongst the many who have been accused in the 'skill

development case'. Even Chandrababu Naidu was arrested in this case. However, his petition has not yet been decided and has been reserved for judgment.

### **3. SC stated that it would be improper to stop Telecom companies from reissuing deactivated numbers**

On 2nd November, the SC stated that the subscriber must delete all their data shared on WhatsApp or otherwise within the statutory period of 90 days as the telecom providers are free to reallocate or reissue the said phone numbers post the said period. The court stated that there cannot be any bar placed on them in this regard.

### **4. SC asked for a national plan regarding the 'provision of toilets' for female students**

On 2nd November, the SC asked that there must be a national plan aimed at providing toilets for female students and the number should be at par with the government schools to ensure that each school has one or a sufficient number of toilets. The apex court bench comprising Justices JB Pardiwala and Manoj Misra also emphasized the need for sanitary napkins provision for female students.

### **5. SC asked to approach HC in response to the rejection of PFI's plea against the ban imposed by Centre**

On 3rd November, the plea filed by Popular Front of India (PFI) was rejected by the SC against the Central Government's ban on the organisation. The reasoning for the ban given by the centre was that the organisation was illegal and unlawful. This was stated by the SC two-judge bench of Justices Aniruddha Bose and Bela M Trivedi.

### **6. UP government asked to consider school choice for victim in slapping case by SC**

On 4th November, the SC asked the Uttar Pradesh state government to consider the fact that whether the student who was the victim in the school slapping case could be given a choice in choosing his school. The same choice can be made by the student's parents. The same has been forwarded to the state education board as well.

## **7. For Diwali, SC banned firecrackers all over the country**

On 4th November, the SC imposed a country-wide ban on the bursting of firecrackers to prevent the degrading air quality, especially in metro cities including Delhi where AQI crossed 600 in the previous week. The apex court also strictly advised the centre and state governments to stop playing the blame game and take responsibility for stopping activities that lead to air pollution.

## **8. SC strongly directs Punjab to stop 'stubble burning' in lieu of worsening AQI**

On 4th November, Punjab, Rajasthan, Delhi, and UP have also been warned to stop stubble burning as the same is leading to catastrophic impacts in the cities. Especially Delhi where AQI crossed 600 and is making the union territory a 'gas chamber'.

## **9. SCs advise to public to delete their 'WhatsApp data' before changing phone**

On 5th November, the SC stated that to avoid data leakages, the respective users must delete their data linked to WhatsApp including chat media. The same has been prescribed by the apex court in cases where the users are either changing their phone model or phone number.

## **10. TRAI instructed to inform telecom providers about reissuing deactivated telephone numbers**

On 5th November, the SC in response to a petition filed by advocate Rajeshwari, while dismissing it stated that the Telecom Regulating Authority of India (TRAI) must inform the telecom service providers that they are under no obligations to refrain from issuing

numbers that have been deactivated by the users. This was stated by the bench led by Justices Sanjiv Khanna and SVN Bhatti.

## **11. CJI stated that the power of contempt does not inherently protect judges from fair criticism**

On 6th November, the CJI, DY Chandrachud stated that the power of contempt has been vested in the court to prevent interference of the public in the justice dispensation system where the same is not justified or is leading to interferences in attaining justice. This is not a medium for the judges to protect themselves from criticism that might be fair about their decision-making or knowledge-based analysis of the situation presented by the case at hand.

## **12. 5 weeks of protection granted in a 23-year-old case to Randeep Surjewala by SC**

On 6th November, the SC granted protection for a total period of 5 weeks to Congress party's Randeep Surjewala in a case which is 23 years old and the name of the case is Ashwini Kumar Upadhyay v. UOI W.P.(C) No. 699/2016. The accused has now been directed to approach the Trial Court for cancellation of NBW (non-bailable warrant) and this, protection has been granted by a stay of the said NBW for 5 weeks.

## **13. Signing of MoU between Inland Waterways Authority of India and Amazon**

On 6th November, the said MoU was signed between the Inland Waterways Authority of India and Amazon to promote cargo movement and transportation of customer shipments & products via inland waterways using the river Ganga.

## **14. Direction to monitor the progress of cases involving MPs and MLAs**

On 7th November, the SC directed emphasis to be laid on monitoring of cases that involve MPs and MLAs. This was stated by the SC bench comprising of Chief Justice of India DY Chandrachud, Justice JB Pardiwala, and Justice Manoj Misra. They also said that since it

is difficult to lay down uniform guidelines the HC must monitor the cases respectively with them.

## 15. Punjab Governor held to be ‘playing with fire’ by the SC

On 7th November, the AAP Government witnessed a big win and in the same instance the SC warned the Punjab governor that he has been ‘playing with fire’ by way of putting a ‘parliamentary form of government in peril’. The statement was made to highlight the improper delay in passing bills by withholding them by the governor. The court stated that the governor must judiciously use his powers and not abuse them as absolute power might corrupt absolutely.

## 16. Refusal to entertain plea for framing of guidelines for cryptocurrencies by SC

On 8th November, the SC refused to admit the plea whereby uniform guidelines are being asked to be framed for cryptocurrencies. The SC bench which was headed by the CJI DY Chandrachud stated this while dismissing the petition. The court while doing so also observed that while the petition has been filed under Article 32, the ulterior motive or object behind it is to provide bail to the accused who is currently detained and is in judicial custody as of now.

## 17. Not proper to call ‘extramarital affairs without divorce’ live-in relationships

On 8th November, the Punjab and Haryana High Court stated that it would not be proper to consider that if there is any lustful affair among two persons out of which one is married, to be called a live-in relationship if no divorce has been taken prior. This was stated by the judge while dismissing the petition filed by one such couple who was seeking protection for their live-in relationship. The Court directed that the married person should first get a divorce.

## 18. Quashing of FIR against dera chief in case against him for hurting religious sentiments

On 9th November, the Punjab and Haryana High Court post 8 months of filing, quashed the case against self-professed spiritual guru Gurmeet Ram Rahim Singh Insan. The case was filed under Section 295-A of IPC. The bench held that the statement or incident for which the FIR was filed cannot be termed to be 'blasphemous' to be under the purview of Section 295 of the IPC.

## 19. Shutting down of Afghanistan Embassy in India

On 10th November, the Afghanistan Embassy in India which is situated in the National Capital Territory of Delhi was shut down. The embassy has blamed Taliban rulers in Kabul and the Government of India as the reason for stopping the functions of the embassy.

## 20. HC remarks in a 6-year-old case expunged by SC

On 10th November, the SC expunged the remarks that were passed by the Guwahati High Court in a case that was 6 years old. The case was against its sitting judge's verdict that he had delivered as a special NIA court judge and the subject matter of the case was a terror case.

## 21. 'Insult' to be an offence under the SC/ST Act only if it is in a public view

On 10th November, the Punjab and Haryana High Court stated that if an offence of insult or intimidation has to be brought under the SC/ST Act then the same must be against a person belonging to the SC/ST community. Another important facet as stated in the judgement is that the same must constitute an 'insult' in the public view.

## 22. Compensation for dog bite toothmark cases to be Rs. 10,000

On 10th November, the Punjab and Haryana High Court stated that in cases of dogbite toothmark, there will be a compensation of Rs. 10,000 provided to the victim. Whereas in cases where the flesh is removed, the compensation can rise to Rs. 20,000. Determination

of compensation has also been directed by the HC and thus special committees will be formulated for this task.

## 23. Death sentence in Aluva rape and murder case by Kerala court

On 11th November, the Kerala court passed judgement in the Aluva rape and murder case and the convict has been sentenced to death. The case involved the rape and murder of a five-year-old girl from Bihar. The same would also require confirmation from the Kerala High Court. In addition to this, a fine of Rs. 6 lakhs has been also imposed on the convict.

## 24. Extension of Lal Singh's ED Custody in Money Laundering Case

On 11th November, the JK former minister Lal Singh's custody with ED has been extended by 5 more days. The case is about money laundering in which Mr. Lal who is chairman of DSSP (that is Dogra Swabhiman Sangathan Party) was arrested from his house. ED was investigating him in a case that was filed against an educational trust.

## 25. Stay order passed for Imran Khan in cipher case by Pakistan HC

On 12th November, Pakistan HC passed a stay order for Imran Khan who was the former Prime Minister while there was a special hearing in a high-security Rawalpindi prison. The stay order has been passed by a 2-judge bench comprising of Justice Miangul Hassan Aurangzeb and Justice Saman Rafat Imtiaz.

## 26. Cambridge dictionary word is "Hallucinate" for 2023

On 12th November, the Cambridge dictionary word of the year was 'hallucinate' which is a verb that means "seem to see, hear, feel, or smell" something that does not exist.

## 27. Responsibility for the worst economic crisis in Sri Lanka levied on the Rajapaksa brothers by the country

On 12th November, while passing of landmark judgement by Sri Lanka's top court, former president Gotabaya Rajapaksa, ex-prime minister Mahinda Rajapaksa, former finance minister Basil Rajapaksa and other senior officials were held responsible for causing violations in the law and order and thus leading to economic crisis in the country of Sri Lanka. This was held by a five-member bench of the Supreme Court in the petition which was filed by Transparency International, Sri Lanka and four other activists in 2022.

## 28. The airline was held liable for delay in the delivery of goods in a 1996 case by the SC

On 13th November, the SC held that the airlines are to be held liable and thus have to compensate the consumers for delayed delivery of goods. In this case, the agents had promised timely delivery of goods and had dispatched the same timely, if the delay was caused due to negligence or any other reasons at the airline's end then it will be the airline's onus to provide compensation to the consumers who have thereby claimed compensation from the agents.

## 29. London court hearing attended by Greta Thunberg in case filed against her for disrupting public order

On 13th November, the climate activist Greta Thunberg attended a court hearing whereby she was charged with the offence of disrupting public order by conducting a demonstration against a major oil and gas industry conference.

## 30. Setting of fast-track courts for hearing drug cases

On 14th November, it was decided that 4 more fast-track courts shall be set up in Gurugram, Rohtak, Faridabad and Yamunanagar for hearing drug cases. This decision

was taken by Chief Secretary Sanjeev Kaushal while he was presiding at the 6th state-level committee meeting of the NARCO Coordination Centre.

## **31. Launch of PM-PVTG Mission**

On 15th November, Prime Minister Narendra Modi launched the PM-PVTG Mission which is a scheme meant specifically for the overall development of vulnerable tribal groups. The same was done in lieu of the birth anniversary of freedom fighter Birsa Munda on November 15.

## **32. Rejection of UK government's Rwanda Migration Plan by UK Supreme Court**

On 15th November, the UK Supreme Court rejected the Rishi Sunak government's plan for combating rising immigration in the UK by signing a treaty with Rwanda in this regard. As per the UK Government, this is going to be a major battleground in the next 2024 general elections.

## **33. No transfer of ownership/ conferring of title by mere agreement to sell**

On 15th November, the SC stated that if an agreement has been made for selling, then this may not imply that the ownership rights or the title has been transferred. This was stated in a petition whereby the question was regarding the execution of an agreement to sell made by parties in the year 1990.

## **34. No relaxation in eligibility criteria unless the same has been advertised**

On 16th November, the SC stated that if there has to be any change or relaxation in the eligibility criteria then the same has to be adequately publicized via the advertisement either along with the vacancy advertisement or later otherwise. Without it, the change shall not be accepted as applicable for that round of vacancies.

## **35. Haryana might approach SC against HC order quashing their quota in private jobs**

On 16th November, it was witnessed that the Punjab and Haryana High Court quashed the quota introduced by the Haryana Government for Haryana domicile in private jobs. It is now expected that the Haryana government might approach the Supreme Court against this order.

## **36. Difficult to find adoptive parents for kids who are 6 years or more old**

On 17th November, the Supreme Court was apprised of the gloomy picture by CARA (Central Adoption Resource Authority) regarding the 3.5 crore children who are in line waiting for their adoption. It was submitted to the apex court that it is becoming difficult especially for children of age group beyond 6 years to find adoptive parents. 10.3% of people prefer 2-4-year-old children and 14.8% go for 4-6-year-old children.

## **37. Review petitions accepted to be heard by the SC on Same-sex marriage**

On 17th November, the SC agreed to hear petitions involving same-sex marriage issues. A bundle of petitions has been filed and the apex court has agreed to listen to the petitions. The tentative date assigned was November 28. The court has not yet decided upon their plea for an open court hearing.

## **38. The first women supreme court judge of India Justice Fathima Beevi passed away at the age of 96**

On 18th November, Justice Fathima Beevi who was the first ever appointed supreme court judge of India passed away at the age of 96. Very few women judges, a total of only 8 have been appointed to the Supreme Court since its inception in year 1950. She was the very first to be appointed in the year 1989.

## **39. SC stated that it is not right for Governors to sit on bills and their veto power**

On 18th November, the SC stated that it would be an abuse of power as incessant delay would be caused if governors refused to pass bills by either sitting on them or using their veto power. The ultimate object is to cause constant reforms by introducing relevant laws and making changes to the existing ones, so it is not appropriate for the governors to hinder this process unnecessarily.

## **40. Involvement of Police officials in drug cases only in Punjab**

On 19th November, the SC remarked to the Punjab government that it is the only state where it found that police officials who are supposed to take into consideration the law and order of the state are themselves involved in cases of NDPS. This was stated by the bench of justices BR Gavai and PK Mishra.

## **41. SC has asked for a special committee to sit and examine delimitation and the resulting increase in reservation of seats in Lok Sabha and state assemblies.**

On 19th November, SC directed the setting up of a special committee that shall discuss and decipher the issues relating to the need for increasing reserved seats for SC and ST in Lok Sabha and state assemblies. The same is a result of the addition of scores of communities to the list of SCs and STs post-2001 delimitation. The committee has to be set up under the Delimitation Act, 2002.

## **42. SC's direction to Centre and Delhi government for shortlisting of Chief Secretary of Delhi**

On 20th November, the apex court directed that both the Central government and the Delhi government have to sit together for shortlisting of candidates to appoint the Chief Secretary of the National Capital Territory of Delhi. A bench headed by CJI DY Chandrachud asked that both governments must forward and share their own selected and shortlisted names.

### **43. Regulation of entities facilitating cross-border payment transactions by RBI**

On 21st November, RBI stated that it shall be directly catering to the entities that form part of the cross-border payment transactions. These entities as per the circular so released, shall be referred to as Payment Aggregator-Cross Border (PA-CB).

### **44. Adherence to the new IT framework by Regulated Entities by April 2024**

On 22nd November, guidelines were issued by RBI stating that regulated entities (RE) have to follow the new IT framework from 2024 April. REs are under an obligation now to put up a robust IT Governance Framework. The areas henceforth covered shall be strategic alignment, risk and resource management performance, and Business Continuity/Disaster Recovery Management.

### **45. Addition of 19 unauthorised forex trading platforms to 'Alert List' by RBI**

On 24th November, RBI updated its 'Alert List' which contains all the unauthorised forex trading platforms thereby including 19 more entities to it. The list now comprises a total of 75 such entities. Some of the entities that have been recently added are FX SmartBull, Just Markets, and GoDo FX.

### **46. Unveiling of BR Ambedkar's statue in Supreme Court on Constitution Day by President Murmu**

On 26th November, which is celebrated as Constitution Day in India, the President of India that is Draupadi Murmu, unveiled the statue of BR Ambedkar in the premises of the

Supreme Court of India. Along with the said unveiling, saplings were also planted by her and CJI DY Chandrachud.

## 47. Release of tax devolution to states by Centre

On 26th November, the Finance Ministry approved tax devolution of a total amount of Rs. 72,961.21 crore for November 2023. The state henceforth receiving the highest devolution is Uttar Pradesh as it received a total of Rs 13,088.51 crore. Bihar was next in line as it received a total of 73,38.44 crore.

## 48. Launch of self-governing standards by MCA for fact-checking

On 28th November, The Misinformation Combat Alliance (MCA) which is a network of Indian groups/ community of fact-checkers released an independent FCN (fact-checking network) for the development of self-governing standards along with a set of best practices for organisations that are set up for fact-checking in India.

## 49. Signing of MoU between India and USA to enhance innovation ecosystems

On 29th November, there was a signing of MoU between India and USA with the objective of “Enhancing Innovation Ecosystems through an Innovation Handshake” and the same is under the framework of “India-USA Commercial Dialogue”, and the same was signed on 14th November 2023 in San Francisco.

## 50. Certificate initiative of IGBC called “Nest” for promoting eco-friendly housing

On 30th November, the Indian Green Building Council (IGBC) launched “Nest” as an initiative to promote eco-friendly housing which comprises of rating framework. Tamil Nadu state government is set to be the government partner for this initiative for subsequently achieving “Green Building Congress 2023”.

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