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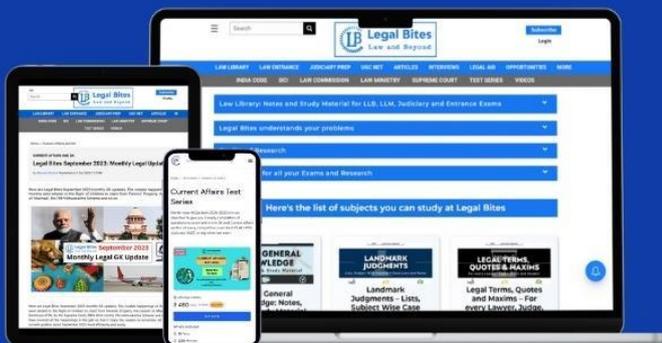
OCTOBER 2023

CURRENT AFFAIRS

Monthly Updates Edition

IDEAL FOR

- Law Entrances, NET
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LEGAL CURRENT AFFAIRS 2023

OCTOBER 2023 EDITION

Key Highlights: Legal Bites October 2023

1. Case Analysis: Dr. Nirmal Singh Panesar v. Mrs. Paramjit Kaur Panesar @ Ajinder Kaur Panesar, (2023)
2. How will the 28% GST on Online Gaming affect the Players?
3. 8 Common Misconceptions about Personal Injury Proceedings
4. 20 Landmark Cases on Human Rights

Legal Bites October 2023: Monthly Legal Updates

1. The Supreme Court dismissed the plea for recognition of 'Ram Setu' as a national monument

On 1st October, the apex court refused to entertain the plea that was filed for the purpose of giving the status of a 'national monument' to Ram Sethu. The other name for this bridge is 'Adam's bridge' and it has a religious relevance to the 'Hindus'. The petition was filed by the Hindu Personal Law Board. The request for recognition was being made under the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

2. Delhi High Court grants permanent injunction against 'DomiNick's Pizza'

On 3rd October, the Delhi High Court issued a permanent injunction to a pizza outlet situated in Ghaziabad, thereby barring it from using the name 'dominick pizza' due to its similarity with the famous pizza outlet chain 'Domino's'. Even the food items which were being sought to be registered by the outlet were infringing Domino's trademark such as 'Cheese Burst' and 'Pasta Italiano.'

3. SLP filed by Gyanvapi mosque body in the Supreme Court

On 4th October, the Gyanvapi mosque body filed an SLP in the Supreme Court against the transfer order for their plea passed by the Allahabad High Court. The Allahabad High Court had passed an order in August for transferring their plea to another bench. The plea was filed for "challenging the maintainability of the suit seeking restoration of a temple at the mosque site in Varanasi."

4. Order for surveying SYL (Sutlej-Yamuna Link) Canal passed by the apex court

On 4th October, the Supreme Court passed an order for conducting a survey of the SYL canal in order to assess the extent to which construction is completed. The canal is situated in Punjab. The construction of the canal is the result of the execution of a decree passed in this regard. The Punjab government was asked to assist in the survey.

5. The Supreme Court stated that non-cooperation with ED summons must not lead to automatic arrest

On 5th October, the apex court mentioned that just because there is non-cooperation any summon by the Enforcement Directorate, the same must not directly lead to an arrest. The same does not conform with the legal provisions laid down on this behalf. This was stated by the Supreme Court while ordering the release of Pankaj Bansal and Basant Bansal.

6. Summon was issued to Jharkhand Chief Secretary in 'sleeping over' case

On 5th October, the apex court issued a summon to the Jharkhand chief secretary to inquire as to why no standing counsel was appointed in the case relating to 'payment of back wages to employees dating back 20 years.' The court also asked the chief secretary to remain personally present for the entire duration of the hearing.

7. Decline in UPI growth in the month of September as recorded in October

On 6th October, data recorded by the National Payments Corporation of India (NPC) showed a steady decline in the growth of the UPI. 10.56 billion transactions were recorded in September which is less than the number of August.

8. Supreme Court's statement against arbitrary arrests under PMLA by ED

On 6th October, the Supreme Court stated that it is not valid for ED to act out of vindictiveness so as to avoid any arrests that are made without any legal grounding and reasoning. This was stated by the Supreme Court bench comprising A.S. Bopanna and Sanjay Kumar. For this, the apex court made reference to Rule 6 of the Prevention of Money Laundering Rules, 2005.

9. Apex court has asked for the Government's strategy for dealing with 'Muscular dystrophy'

On 7th October, the Supreme Court asked the government to draft and share its national policy/ scheme for treating 'muscular dystrophy' which is increasingly becoming common in children in India. As of now, approximately Rs. 15 lakh is spent on the treatment. The supreme court bench which was led by CJI Chandrachud, stated that there is a need for framing relevant policy in this regard as there do not exist medicines for this in India at present.

10. The Delhi High Court upheld custody of a Chinese national by ED

On 7th October, the Delhi High Court refrained from interfering with the Trial Court's order whereby it approved the ED's detention of a Chinese national. The case is related to PMLA involving a phone maker dealing with Vivo phones. The trial court sent a total of 3 people to ED's custody for a period of 3 days. The arrest was a result of ED's raid on the company's offices.

11. MoU signed between India, and Saudi Arabia on grid connection and green hydrogen

On 8th October, India signed an MoU with Saudi Arabia on grid connection and green hydrogen. This has been done in order to establish a general framework for cooperation between the two countries in the field of electrical interconnection.

12. Dismissal by Supreme Court of plea seeking law for banning screening for nursery admissions

On 8th October, the Supreme Court stated that it would not overturn the decision of the Delhi High Court whereby it has asked for expedition of Delhi School Education (Amendment) Bill, 2015. This act also mentions that there shall not be any screening process for admissions to nursery classes. The court stated that the objective behind the legislation is to protect and safeguard young kids from the competitive procedure of the screening or testing process.

13. Punjab and Haryana High Court's order to police to protect couples in live-in

On 8th October, there have been issued five commandments by the Punjab and Haryana High Court for the police to follow for the purpose of ascertaining and maintaining a balance between the legality of live-in relationships and the fundamental rights of the couples. These are to be followed by the state of Punjab, Haryana and UT of Chandigarh.

14. Denial of Chandrababu Naidu by the Apex Court in the Corruption Court

On 9th October, the Supreme Court stated that it shall not provide any interim bail to Chandrababu Naidu who was the former Andhra Pradesh chief minister. The reasons for which the interim bail was being sought include his age which is 73 and the period for which he has already been detained which is 40 days. The reason for his arrest was in a case relating to the misappropriation of funds from the Skill Development Corporation.

15. The difference between ‘common object’ and ‘common intention’ explained by the Supreme Court

On 9th October, the apex court in the case, **Chandra Pratap Singh v. State of MP**, Criminal Appeal No. 1209 of 2011 reiterated the much-debated topic of criminal law including the distinction between common object and common intention. The court said that common object and common intention mentioned in Section 34 and 149 respectively can be differentiated clearly on the basis of prior meeting of minds. Meaning to say, in common intention, there is a pre-decided plan among the parties to commit the criminal act, however in common object, there might not be any prior designing of a common plan but just that both parties in their own capacity want to the same result of the criminal act.

[\[Click here to read Official Judgment\]](#)

16. Issue of contempt notices to NCLAT members by Supreme Court in Finolex Cables Case

On 9th October, the apex court issued contempt notices to Rakesh Kumar who is a judicial member and Alok Shrivastava who is a technical member of the NCLAT. The notices have been issued in connection with the Finolex cables cases. The court while passing the said order of issuing notices stated that it was necessary to do so in order to maintain the sanctity of the Supreme Court.

17. Refusal by the apex court of the centre’s plea to defer hearing in PMLA case in ‘national interest’

On 9th October, the Supreme Court refused to accept the Centre's plea for deferring the hearing in the PMLA case whereby it had upheld the provisions of the said Act. It was stated by the Centre that since the FATF (Financial Action Task Force) evaluation was commencing on the 4th of November, it would not be appropriate to mid-way have objections to the letter and spirit of the legislation.

18. Apex Court orders for timely completion of trial due to approximately 5 crore pending cases in courts all over India

On 10th October, the Supreme Court issued guidelines for assisting in the timely disposal of cases in order to speed up the process of completion of trial in order to eliminate the backlog of pending cases. Courts at taluka and district levels have been directed to ensure that there is timely completion of processes such as issue and execution of summons, and warrants so as to fasten the process of trials in courts.

19. Supreme Court asks CBI to refrain from referring to itself as 'Republic of India' in pleas filed by them

On 10th October, the apex court stated that it is not permitted for the Central Investigation Bureau to use the term 'Republic of India' to refer to itself. The bench stated that it was not appropriate for the agency to file a plea by the name of 'Republic of India' since it is not representing it. It was asked to alter the cause title of the case in order to make the necessary changes.

20. Allegations of third-degree torture by accused in 'Delhi excise policy case'

On 10th October, the Delhi High Court asked ED to send a reply to the petition filed by the accused in the Delhi Excise Policy Case. The said accused is a Hyderabad businessman Arun Ramchandra Pillai and he has been detained in relation to a money laundering case relating to the Delhi excise policy case.

21. The Supreme Court adheres to the wish of an 82-year-old woman to not die a divorcee, thus refuses to grant the divorce

On 10th October, the Supreme Court posted about 20 years of legal battles for divorce by an 89-year-old IAF Officer, who adhered to the 'sentimental wish' of an 82-year-old woman by refusing to grant divorce as the lady did not want to leave the world as a divorcee. The divorce proceedings were filed by the husband in the year 1996 due to differences in the couple post which he decided to part ways with his wife. Moreover, the husband was not able to prove cruelty as a grounds for divorce against the wife.

[\[Click here to read Official Judgment\]](#)

22. The Supreme Court stated that only those persons who were responsible for the company's affairs during the dishonour of the cheque shall be considered liable for the Act

On 10th October, the Supreme Court in the case, **Siby Thomas v. Somany Ceramics Ltd.,(2023)** stated while referring to Section 141(a) of the Negotiable Instruments Act, 1881 that it is not viable to punish all those involved in the company while cheque dishonour, thereby it must be ascertained as to who all were responsible and/or involved in the decision making at the time when cheque dishonour occurred in order to punish all of them under the relevant provision.

[\[Click here to read Official Judgment\]](#)

23. The Supreme Court stated that 'mere registration of Will Not Enough to Assign It Validity'

On 11th October, the Supreme Court stated that it shall not be considered sufficient if the will is registered in order to accord its validity. This is in reference to Section 68 of the Indian Evidence Act, 1872 and Section 63 of the Indian Succession Act, 1925. The sanctity

of a document cannot be established merely by proving that the same is registered, there must be an irrebuttable presumption of genuineness.

24. Notice issued by Supreme Court in reference to Calcutta High Court's order in Kamduni Rape Case

On 11th October, the Supreme Court issued notice against the order passed by the Calcutta High Court as per which one of the accused in the Kamduni Rape Case was acquitted of the death sentence that was passed for him. There was also acquittal of 3 other convicts in the 2013 gang rape case. The notices were issued by the Supreme Court to all the convicts who have been released in view of leniency by the High Court. This was done on the plea of the Bengal government.

25. Extension of Nawab Malik's interim bail in money laundering case by the Supreme Court

On 12th October, the Supreme Court extended the interim bail of former Maharashtra Minister, Nawab Malik by a period of 3 months. The same has been done on grounds of health and medical reasons. This plea had earlier been rejected by the Bombay High Court in August. He had pleaded before the Bombay High Court that since he was suffering from a chronic kidney disease, he was seeking an interim bail extension.

26. Dismissal of plea Challenging Darwin's theory of evolution by the Supreme Court

On 13th October, the Supreme Court rejected a plea that had challenged the evolution theory ($E=MC^2$) by Charles Darwin. While doing so, the apex court also remarked that 'there is a need to re-educate yourself'. The court thereby refused to accept that there could be any claim under Article 32 of the Indian Constitution.

27. CJI states that even the speaker cannot defeat orders of the Supreme Court in Shiv Sena-UBT plea for disqualification

On 13th October, the Supreme Court inquired as to why there was so much delay in coming to a conclusion in the disqualification plea regarding Chief Minister Eknath Shinde and some other MLAs. The CJI remarked that it is essential for such decisions regarding disqualification to be made prior to the assembly elections or else they tend to lose their essence and the whole process of election shall become futile.

28. A fine of Rs. 5 lakhs was levied on a person who challenged the Chief Justice of Bombay HC's oath

On 13th October, the apex court imposed a fine of Rs. 5 lakhs on the person who challenged the plea of Bombay HC's Chief Justice by stating that the same was defective. The court also stated that the same was a stunt to gain publicity and that the same should not become a common practice. PIL jurisdictions must be encompassed carefully in order to grant public satisfaction and not to waste the time and resources of the judicial system.

29. Supreme Court asks agencies to quicken their probe in case relating to Manish Sisodia's arrest

On 14th October, the apex court remarked that there shouldn't be any trial or even investigation on the grounds of political rivalry. There must be a balance between both sides in order to promise fair procedures of investigation and/ or trial. The court stated that there is a requirement for an independent agency to intervene for the purpose of investigation as that would assist in fair procedures.

30. Hiring of district officers ordered by the Supreme Court for the implementation of the POSH Act

On 14th October, the apex court ordered that in order to detect and further eliminate the lacunae in the POSH (Prevention of Sexual Harassment) Act by various states, it is important to hire district officers for the said purpose. The appropriate government was asked in order to assist in the implementation of this order by appointing district officers in this regard. This would further help in smoothening the process of grievance redressal as well.

31. BJP MP and a Supreme Court advocate sued Mohua Moitra in the case accusing her of bribery

On 14th October, Mohua Moitra sent a legal notice to BJP MP- Nishikant Dubey along with Supreme Court advocate Jai Anant Dehadrai for defamation whereby they alleged that she took bribery. While there has been offered irrefutable evidence by Dubey whereby he can prove that bribes have been exchanged with her, she completely denied the allegations and in return accused him of defaming her.

32. Permission to handcuff the two persons accused of carjacking was given by the court

On 15th October, Delhi police were permitted by the court to handcuff the two accused carjacking persons as there are chance that they might escape during police custody. The two had while posing as passengers, stolen the phone of the driver and then pushed him out of the car which led to his death. Thereby citing the gruesome nature of their criminal act, the police had sought permission for handcuffing them while in custody which was subsequently granted to them.

33. Revision of KYC norms by RBI in order to strengthen the prevention of money laundering

On 16th October, RBI made a revision in its KYC framework (Know Your Customer) for regulating the entities and preventing money laundering by amending the rules governing the framework. The norms which now stand revised, have altered the standing of principal officers. Such officers shall be responsible for furnishing information as and when required.

34. New RBI director appointed: Muneesh Kapur

On 17th October, a new RBI governor appointed that is Muneesh Kapur. The new director shall be overseeing the Department of Economic and Policy Research. Prior to this, he was Adviser-in-Charge of the Monetary Policy Department.

35. Suspension of Bank of Baroda by RBI for adding new customers to their mobile app

On 20th October, RBI barred the Bank of Baroda in order to stop it from onboarding new customers into its mobile app (banking facility) which is also referred to as Bob World. For the lifting of this ban, the bank will have to fix all its defaults and deficiencies that have thereby been flagged by RBI in this regard.

36. Certificate registration of Ind Bank Housing cancelled by RBI

On 20th October, Chennai-based bank 'Ind Bank' faced cancellation of registration. The major shareholders in this bank are Indian Bank and HUDCO (Housing and Urban Development Corporation Ltd). The net loss of the bank spread to ₹55.78 lakh in FY23.

37. Important to disseminate the benefits of virtual hearing to all litigants and advocates: Supreme Court

On 21st October, the apex court said that there must not be any bar to the use of virtual hearing mode for any litigant or advocate as it is a facility which is supposed to ease the process of the judicial system by helping in conducting hearings regardless of the physical presence of the parties or their advocates. SC also said that there must be Standard Operating Procedures (SOPs) in High Courts in order to assist in shifting to virtual hearing mode more easily.

38. Pilot programme started in the call money market by RBI for wholesale digital rupee

On 22nd October, RBI initiated a pilot program for CBDC (central bank digital currency) in its interbank call money market. The settlements shall be made in the T+0 days, which implies that the trades are planned to be settled on the same day.

39. Two whole-time directors mandated by RBI in every private bank

On 22nd October, RBI took a step in the direction of strengthening governance in the private sector banks along with the wholly owned subsidiaries of foreign banks by introducing the mandate to maintain two full-time directors. This RBI circular is to be made applicable to small finance banks.

40. Boost to tourism promised by Rajasthan Government including improvement in infrastructure

On 22nd October, the Rajasthan government stated that it would give a boost to tourism in the State. For achieving the same it shall thereby improve the facilities and the infrastructure in the state. This includes improving road connectivity and providing last-mile connectivity.

41. The Supreme Court remarked that divorce on the ground of 'irretrievable breakdown' is not always desirable in the Indian set-up

On 23rd October, the apex court stated that in Indian society marriages are considered pious and if divorces are granted on the ground of 'irretrievable breakdown' every time the same is filed and asked for, it would dilute the sanctity of the relationship and concept of marriages in India. Thus, it is important to scrutinize at all levels whether the same is viable or not.

42. The Supreme Court stated that there is no right with the accused to produce material at the time of ‘framing of charge’

On 24th October, the Supreme Court in *State of Gujarat v. Dilipsingh Kishorsinh Rao* 2023 LiveLaw (SC) 874, stated that there is no right with the accused to produce any material at the time of framing of charges. The charges must be framed on the basis of the chargesheet material that is provided by the prosecution side.

43. SC directs state governments to provide counselling to child victims of sexual offences

On 25th October, the Supreme Court directed that it is important to focus on the education of victims of child sexual offences. The apex court stated that such children must be counselled and special focus should be laid and emphasis should be made on the education of such children. As per the court, this is supposed to help such children to come out of the trauma that they have faced in their life.

44. No mention of caste or religion is to be made in the judgements as ordered by the Supreme Court

On 27th October, the apex court stated that there mustn't be any mention of the caste or religion of the litigant should be there in the judgement. SC stated that this practice of the district and trial courts must be stopped. This was said by the court while deciding a criminal appeal relating to the abuse of a child sexual abuse victim in Rajasthan.

45. Family planning is necessary for avoiding unplanned pregnancies as per the Supreme Court

On 29th October, the apex court remarked that it is becoming more and more important for couples to do thorough family planning in order to avoid pregnancies that are

unwanted. It is crucial in light of the growing population of the country and also with regard to the fact that the rate of abortions can be decreased as a result of thorough planning.

46. Merger of Fintech unicorn Slice with North East Small Finance Bank

On 29th October, Slice which is a financial technology company announced that it shall be merging with North East Small Finance Bank (NESFB) after getting approval from the Reserve Bank of India (RBI). The reason behind the same is to assist the companies in realising their integrating cutting-edge technology offerings with grassroots financial inclusion efforts.

47. Not allowed to claim EWS Quota in UPSC Examinations if certificate not uploaded timely

On 30th October, the apex court while dismissing 3 writ petitions stated that it is imperative for any reserved category candidates to upload their relevant certificates timely in order to enjoy the benefit of the said category. The petitions were filed by 3 civil servant aspirants whereby they had challenged the decision of the UPSC as per which they were held to be a part of the 'general category'.

48. The Supreme Court holds that services provided to IIT and NIT are exempt from service tax

On 31st October, the Supreme Court said that it is mandatory to bring services provided to IIT and NIT out of the purview of service tax. As per the apex court, services to NITs and IITs are to come under the 'Mega Service Tax Exemption Notification issued by the Department of Revenue in 2012 (and amended and clarified by a subsequent notification issued in 2014).

49. High Courts must relegate the parties to alternate remedies in cases where there are serious factual disputes

On 31st October, the Supreme Court's division bench stated that High Courts in cases where they have compelling reasons, must send the parties for alternate remedies. This can and must be done especially in cases where there are serious issues/ disputes relating to facts and material/evidence.

50. A person's good reputation and education does not define his good character: Supreme Court

On 31 October, the apex court said that only because a person is well educated, or is God fearing, that does not imply that he has a good character. The court cannot and shall not form an opinion based on these factors in order to ascertain the goodness of the character of the person.

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