

# **CAREERS 360**

## **PREPARATION** **Series**

# **CLAT 2025**

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# **Legal Currents Affairs** **(October 2024)**



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Monthly Digest of Legal Current Affairs for CLAT Aspirants PDF  
March, April, May, June, July, August & September 2024

# About This eBook

## Dear CLAT Aspirants,

Welcome to our monthly eBook focusing on current legal affairs! This eBook is designed to help you stay updated with the latest developments in the legal world, which will not only enhance your general knowledge but also sharpen your legal reasoning skills.

Each month, we will bring you a curated collection of significant legal events, landmark judgments, legislative changes, and other relevant updates crucial for your CLAT preparation. By staying informed about the ongoing legal landscape, you will be better equipped to tackle the GK and Legal Reasoning sections of the exam and secure good marks.

We believe that a strong understanding of current legal affairs is essential for aspiring lawyers and legal professionals. With this eBook, we aim to provide you with a valuable resource that complements your study efforts and contributes to your success in the CLAT exam.

**Wishing you all the best in your preparation journey!**

# Importance of Studying Monthly Legal Current Affairs

## 01. Up-to-Date Knowledge

- **Recent Case Laws:** Legal exams often include questions on recent landmark judgments. By staying updated monthly, you can familiarize yourself with key rulings and their implications.
- **Legislative Amendments:** Laws are frequently amended. Keeping track of these changes ensures that your knowledge is current and reflects the latest legal framework.

## 02. Exam Relevance

- **Direct Questions:** Exams often have questions specifically about recent developments. For instance, if a new law or amendment has been passed, you might be asked about its provisions and impact.
- **MCQs and Short Answers:** Multiple-choice questions and short answer sections often test factual knowledge about recent events. Being up-to-date can help you score better in these areas.

## 03. Contextual Understanding

- **Application of Theory:** Knowing recent legal developments helps you apply theoretical concepts to real-world situations. For example, understanding how a new judgment interprets a particular law can deepen your understanding of that law.
- **Case Studies:** Some exams may include case study questions where you need to analyze a situation using current legal principles and developments.

## 04. Essay and Descriptive Questions

- **Citing Recent Developments:** Essays and long-answer questions benefit from references to recent cases, statutes, and legal trends. This shows examiners that you are engaged with the subject beyond textbook knowledge.
- **Critical Analysis:** Discussing recent developments can help you provide a critical analysis, showcasing your ability to think deeply about legal issues.

## 05. Interviews and Viva

- **Current Affairs Discussion:** Interviews and viva voce often include discussions on recent legal developments. Demonstrating knowledge in this area can impress the interviewers and highlight your preparedness.
- **Opinion-Based Questions:** Being aware of current legal trends allows you to form and articulate well-informed opinions during interviews.

## 06. Analytical Skills

- **Critical Thinking:** Regular engagement with current affairs sharpens your ability to critically analyze new information. This is crucial for both objective and subjective parts of the exam.
- **Debate and Discussion:** Engaging in debates and discussions on recent developments enhances your analytical abilities and helps you view issues from multiple perspectives.

## 07. Time Management

- **Systematic Study:** Breaking down current affairs into monthly segments makes the study process more manageable. This prevents last-minute cramming and helps you retain information better.
- **Regular Revision:** A monthly review schedule allows for regular revision, reinforcing your memory and understanding.

## 08. Retention and Recall

- **Regular Review:** Information that is reviewed regularly is easier to recall during exams. Monthly updates ensure that you are revisiting important information periodically.
- **Active Learning:** Summarizing and discussing recent developments helps reinforce your learning, making it easier to remember key points.

# How to Integrate Monthly Legal Current Affairs into Your Study Routine

## Create a Study Plan:

Allocate specific times each week or month to review legal current affairs. Stick to this schedule consistently.

## Use Diverse Sources:

- **Newspapers:** Read legal sections in reputed newspapers like The Hindu, The Indian Express, or specialized legal news platforms.
- **Legal Journals:** Subscribe to legal journals and magazines that provide in-depth analysis of recent developments.
- **Online Resources:** Websites like LiveLaw, Bar & Bench, and government portals for official updates.

## Make Notes:

- **Summarize:** Write summaries of key judgments, amendments, and legal debates in your own words.
- **Organize:** Keep your notes organized by topic and date for easy reference.

## Discuss with Peers:

- **Study Groups:** Form study groups to discuss and debate recent developments. This helps in gaining different perspectives.
- **Mock Interviews:** Conduct mock interviews or viva sessions with peers to practice discussing the current affair

## Practice Questions:

- **Past Papers:** Practice past exam papers that include questions on recent legal developments.
- **Mock Tests:** Take mock tests focusing on current affairs to assess your knowledge and preparation level.

# Top 10 Legal Current Affairs of October Month

## 1 Supreme Court Stays on Fact Check Unit Notified by the Union Government

### Introduction

The Supreme Court in the case of ' Court Observation of Editors Guild of India v. Union of India & Ors. 'has temporarily stopped the government from using its new "fact-checking" power for social media content. This decision came after comedians, journalists, and media groups challenged a rule that would let the government label information about its work as "fake news," forcing social media platforms to either remove such content or risk losing legal protections.

### Background of the Case

1. The case concerns Rule 3(1)(b)(v) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2022, which was notified on 6th April 2023.
2. The Rule stipulates that intermediaries must make reasonable efforts to prevent users from hosting, displaying, or sharing information that "in respect of any business of the Central Government is identified as fake or false or misleading by such Fact Check Unit of the Central government as the Ministry may by notification publish in the Official Gazette specify."
3. Multiple petitions challenging the constitutional validity of this Rule were filed before the Bombay High Court, including by the Editors Guild of India and comedian Kunal Kamra.
4. During the pendency of these petitions, the Union Government had given assurances that the Fact Check Unit (FCU) would not be notified until final judgment was delivered.
5. A Division Bench of the Bombay High Court delivered a split verdict on 31st January 2024:
  - i. Justice GS Patel held the Rule unconstitutional in its entirety
  - ii. Justice Neela Gokhale upheld the Rule subject to certain safeguards
6. The matter was referred to a third judge, Justice AS Chandurkar, who on 11th March, 2024, rejected the application for interim relief.
7. The Supreme Court acknowledged that the challenge pending before the Bombay High Court "implicates core values impinging on the freedom of speech which is protected by Article 19(1)(a) of the Constitution."
8. The Court found that there exist "serious constitutional questions" regarding the validity of Rule 3(1)(b)(v).
9. The Court observed that "the impact of Rule 3(1)(b)(v) on the fundamental right to the freedom of speech and expression would fall for analysis by the High Court."
10. The Court set aside:
  - i. The opinion of the third judge dated 11th March 2024, declining interim relief
  - ii. The consequential orders passed by the Division Bench on 13th March 2024

11. The Court directed that pending the disposal of the proceedings before the High Court, the notification of the Union Government dated 20th March, 2024, shall remain stayed in which the Union Government notified the Press information Bureau as the Fact Check Unit.

### Conclusion

The Court's decision puts this controversial rule on hold until the Bombay High Court can fully examine whether it violates free speech rights. This temporary pause is significant because it comes just before national elections when public debate about government performance is crucial. The case highlights the ongoing tension between government control of information and freedom of expression in the digital age.

## 2 Supreme Court recently stayed the direction given by UP and Uttarakhand Government regarding displaying the owners' and staff names.

### Introduction

Recent controversy over government directives requiring food establishments to display owners' and staff names. These directives, issued in Uttar Pradesh and Uttarakhand, have raised concerns about religious discrimination and privacy violations. The Supreme Court has intervened, keeping these orders while allowing the display of food types. This situation has brought attention to the existing regulations for food businesses in India and the authority of state governments to impose additional requirements.

### Background of the Situation and the court's observations

1. On 17th July 2024 the Senior Superintendent of Police, Muzaffarnagar, issued a directive requiring all eateries along the Kanwar Yatra route to display owners' names.
2. This directive was extended statewide in Uttar Pradesh on 19th July 2024 and was being enforced across districts in both UP and Uttarakhand.
3. Three petitions were filed challenging these directives:
  - By NGO-Association for Protection of Civil Rights (APCR)
  - By TMC MP
  - By political commentator
4. The court took the matter to itself in the case of Association for Protection of Civil Rights (Apcr) v. The State of Uttar Pradesh and Ors. And passed an interim order prohibiting the enforcement of the directives. The court also stated that while food sellers may be required to display the kind of food they're selling to Kanwariyas, they cannot be forced to display the names/identities of owners and employees.
5. The Court also noted that while competent authorities under the Food Safety and Standards Act, 2006 may issue certain orders, legal powers cannot be usurped by the Police without legal foundation.

## 3 Reimagining the Statue of Justice Lady in Supreme Court of India

### Introduction

The Supreme Court of India has unveiled a new version of the Lady Justice statue that breaks from tradition. Previously Justice lady worn a blindfold and holds a sword, this new statue shows Lady Justice with open eyes and holds the Constitution instead of a sword. This change was ordered by Chief Justice DY Chandrachud to show that justice in India is not blind but sees everyone equally.

### What are the origins and symbolism of Lady Justice in Legal Systems?

1. Justice Lady was first introduced by Roman Emperor Augustus, who considered justice one of the important virtues to uphold
2. Goddess figure evolved into an allegory (symbolic representation) of justice in legal systems.
3. Traditionally different items depicted different meanings. Blindfold shows the impartiality of the justice system. Scales represent weighing evidence from both parties in disputes. Toga means philosophical attitude of the Greco-Roman world, and Sword symbolises authority and power.
4. Purpose of Making Changes in the Lady Justice Statue
  - a. It signifies moving away from the colonial legacy and breaking free from British-era symbols and traditions.
  - b. It emphasizing that “law is not blind” but “sees everyone equally”.
  - c. It aligning with contemporary interpretations of justice and reflects the evolution of India’s legal framework.
  - d. Replacing the sword with Constitution depicts the focus on constitutional principles over punishment and importance of legal framework in delivering justice.

## 4 The Supreme Court recently clarified the relationship between State Governments and the Electricity Regulation Commission.

### Introduction

The Supreme Court has delivered a landmark judgment clarifying the relationship between state governments and electricity regulatory commissions. The ruling establishes that state electricity regulatory commissions (SERCs) are not bound by directives issued under Section 108 of the Electricity Act, 2003. This decision reinforces the independence of regulatory bodies and limits governmental influence on their quasi-judicial functions.

### Court Observations in the case of Kerala State Electricity Board Ltd. v. Jhabua Power Limited & Ors.

1. In the judgement, the court held that Section 108 of the Electricity Act,2003 does not bind state regulatory commissions to government directions, but rather requires them to be “guided by” such directions.
2. The Court distinguished the language in Section 108 from other provisions of the Act, such as Section 11, which uses mandatory language for directing generating companies in extraordinary circumstances.

3. The Court emphasized that Section 108 does not seek to control the exercise of quasi-judicial power by state commissions based on government directions.

### Some Basic Information

1. The Electricity Act, 2003 is a comprehensive piece of legislation that governs the electricity sector in India. It replaced three previous laws: the Indian Electricity Act, 1910, the Electricity (Supply) Act, 1948, and the Electricity Regulatory Commissions Act, 1998.
2. The Act aims to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity. It provides for the establishment of regulatory commissions at both the central and state levels to oversee the electricity sector.
3. Section 108 of the act deals with "Regulatory Commissions." Subsection 180(1) states that the State Commission shall be guided by directions from the State Government in matters of policy involving public interest.

### Conclusion

This Supreme Court judgment significantly impacts the dynamics between state governments and regulatory commissions in the electricity sector. By clarifying that SERCs are not bound by government directives under Section 108, the court has safeguarded the independence of these quasi-judicial bodies. This ruling is likely to have far-reaching implications for energy policy implementation and regulatory decision-making across India.

## 5 Supreme Court Nullifies a Discriminatory Prison Rules

### Introduction

Recently the Supreme Court in the case of Sukanya Shantha v. Union of India has removed rules from prison manuals that were unfair to people from lower castes. These old rules made prisoners do different jobs based on their caste, like making people from certain communities clean toilets while others got to cook food. The Court held that cleaning and sweeping to the marginalized castes and assigning cooking to higher-caste prisoners is nothing but direct caste discrimination and a violation of Article 15.

### Background of the case the court's observation

1. On October 2024, the Supreme Court of India struck down several rules in state prison manuals that reinforced caste differences and targeted marginalized communities.
2. The case originated from a plea filed by the journalist who pleaded discriminatory provisions in prison manuals of various states.
3. The affected states included Uttar Pradesh, West Bengal, Andhra Pradesh, Madhya Pradesh, Odisha, Kerala, Tamil Nadu, Maharashtra, Karnataka, Rajasthan, and Himachal Pradesh.
4. The rules in question dealt with the classification of prisoners and assignment of work based on these classifications.

5. Chief Justice D Y Chandrachud authored the 148-page decision, which found that these manuals perpetuated caste-based labor divisions and reinforced social hierarchies.
6. Specific examples of discrimination included:
  - i. The Madhya Pradesh Jail Manual, 1987, assigning latrine cleaning work to prisoners from the 'Mehtar' caste (a Scheduled Caste community).
  - ii. The West Bengal Jail Code Rules, 1967, dividing work explicitly based on caste, such as food preparation and distribution.
7. The Supreme Court declared all the discriminatory provisions and rules unconstitutional.
8. The Court directed states and union territories to revise their prison manuals within three months.
9. The Centre was also directed to make necessary changes to address caste discrimination in the Model Prison Manual 2016 and the draft Model Prisons and Correctional Services Act, 2023 within the same period.
10. The Court's decision aimed to protect the fundamental rights of prisoners and eliminate caste-based discrimination in the prison system.
11. The Court declared the impugned provisions in various state prison manuals unconstitutional, finding them violative of Articles 14, 15, 17, 21, and 23 of the Constitution of India.
12. The Court held that assigning cleaning and sweeping work to marginalized castes while allowing higher castes to do cooking constitutes direct discrimination under Article 15(1) of the Constitution.
13. The Court observed that provisions allowing for caste-based segregation in prisons reinforce caste differences and hinder rehabilitation, violating fundamental constitutional rights.
14. The Court ruled that the notion of certain occupations being "degrading or menial" and assigning them based on caste is an aspect of the caste system and untouchability, which is unconstitutional.
15. The Court found that the prison manuals perpetuate stereotypes against marginalized castes, which demean and stigmatize these communities while reinforcing harmful societal hierarchies.
16. The Court emphasized that no social group is born as a "scavenger class" and that forcing certain groups to undertake jobs considered 'menial' based on notions of birth-based purity and pollution is unconstitutional.
17. The Court directed the deletion of caste columns in prison registers, recognizing that such categorization perpetuates discrimination and violates prisoners' fundamental rights.

### Conclusion

The Court has given states three months to update their prison manuals and remove these discriminatory rules. This decision is important because it protects prisoners' rights to equality, dignity, and freedom from caste-based discrimination, helping to break down old caste barriers in Indian prisons.

## 6 Supreme Court upholds the validity of Assam Citizenship Act

### Introduction

The Supreme Court of India upheld the constitutional validity of Section 6A of the Citizenship Act,

of 1955. This ruling was delivered by a Constitution Bench with a 4:1 majority. Justice Surya Kant authored the majority opinion, while Justice Pardiwala dissented. The decision is for Assam's citizenship framework.

### **Section 6A of Assam Citizenship Act**

- a. Section 6A originates from the "Assam Accord", a political settlement signed on August 15, 1985, between the Rajiv Gandhi-led Congress government and Assam's student groups, following a six-year-long agitation against the influx of undocumented migrants from Bangladesh into Assam.
- b. It established a framework for granting or denying Indian citizenship to migrants in Assam based on a cut-off date – March 25, 1971. The date marked the onset of the genocide in East Pakistan, leading to the Bangladesh Liberation War and the eventual creation of Bangladesh.
- c. Accordingly, all those who entered the State after March 25, 1971, would be treated as foreigners and deported in accordance with law.
- d. The provision also conferred Indian citizenship upon migrants of "Indian origin" who entered Assam before January 1, 1966, and had been "ordinarily resident" in the State since then. Meanwhile, those who arrived between January 1, 1966, and March 24, 1971, were granted the full rights of Indian citizens, except for voting rights, which were withheld for a decade.

### **What were the reasons for the challenge of Section 6A**

- a. The ruling was challenged by various petitioners, including NGOs. They argued that Section 6A discriminates against migrants and violates Article 14, which guarantees equality. Concerns were raised about its inconsistency with Articles 6 and 7, which govern citizenship for Partition-era migrations.
- b. Petitioners claimed that Section 6A alters Assam's demographic balance, infringing on the cultural rights of indigenous Assamese people as protected under Article 29. They argued this situation constitutes both external aggression and internal disturbance under Article 355, obligating the Union government to protect Assam.

### **The majority ruling of the Supreme Court**

- a. The majority opinion, delivered by Justices Kant and Chief Justice Chandrachud, upheld Section 6A. They brought into light Assam's unique historical context, justifying the differentiated treatment of its migrants. Justice Pardiwala gave a dissenting ruling in this.
- b. The judges asserted that the provision does not breach Article 14, as it balances humanitarian concerns with the state's cultural and economic pressures. They clarified that Section 6A complements Articles 6 and 7, targeting individuals not covered by these provisions.
- c. The Chief Justice noted that Article 11 grants Parliament the power to create citizenship laws, allowing for specific conditions. The judges interpreted Article 29 as supporting cultural coexistence rather than exclusion. Justice Kant urged for better implementation of Section 6A, particularly regarding the identification and deportation of illegal immigrants.

## 7 Report by United States Commission on International Religious Freedom (USCIRF)

### Introduction

The United States Commission on International Religious Freedom (USCIRF) is a government agency that watches over religious freedom around the world. Recently, they released a report about India, saying that religious freedom there is getting worse.

### About USCIRF

1. The USCIRF was created by the International Religious Freedom Act (IRFA) of 1998. This act establishes the commission's legal basis, mandate, and authority.
2. It is an independent, bipartisan federal government commission. It operates autonomously from other government branches and includes members from different political parties to ensure balanced perspectives.
3. While the USCIRF makes recommendations, it does not have the power to implement policies or impose sanctions. Its role is advisory, with the State Department and other government bodies responsible for acting on its recommendations.
4. It produces annual reports and recommendations, including designations for Countries of Particular Concern (CPC) and the Special Watch List (SWL). It focuses on international religious freedom issues outside the United States.

### USCIRF' Country Update on India and its Indications

- a. USCIRF reports that religious freedom in India in 2024 is on a "deteriorating and concerning trajectory." The update alleges that the Indian government has taken actions that repress and restrict religious minorities.
- b. The report claims that Indian officials have used "hateful and derogatory rhetoric and misinformation" to: Perpetuate false narratives about religious minorities, Incite widespread violence, Encourage lynchings, and contributed to the demolition of places of worship.
  1. In its 2024 annual report, USCIRF designated India as a "Country of Particular Concern" (CPC) for religious freedom violations.
  2. India's Official Statement: The Indian government officially stated that they "reject this malicious report" and urged USCIRF to "desist from such agenda-driven efforts."

## 8 BCI Recommends a Minimum Monthly Stipend

### Introduction

The Bar Council of India (BCI) has taken a significant step to support junior lawyers by issuing new stipend guidelines in October 2024. This comes following a Delhi High Court directive on a plea by advocate Simran Kumari. The guidelines recommend a minimum monthly stipend of Rs 20,000 for junior advocates in urban areas and Rs 15,000 in rural areas. While these amounts have been set as

benchmarks, the BCI has made implementation flexible considering varying financial capabilities of senior advocates and law firms.

### What is Bar Council of India (BCI)

- a. BCI is established under Section 4 of the Advocates Act 1961 as a national-level statutory body. It consists of elected members from State Bar Councils plus the Attorney General and Solicitor General of India as ex-officio members.
- b. Under Section 5, BCI is established as a corporate body with perpetual succession and a common seal. Its members serve 5-year terms, with Chairman and Vice-Chairman elected for 2-year terms.
- c. It is currently chaired by Senior Advocate Manan Kumar Mishra.

### Details of the Guidelines Issued by BCI

1. It specified a stipend quantum and geographic differentiation. For Urban Areas: Minimum stipend of Rs.20,000/- per month. For Rural Areas: Minimum stipend of Rs.15,000/- per month. The stipend shall be provided for a minimum period of three years from the date of engagement.
2. It stipulated the payment and documentation requirements. Like the stipend must be paid via bank transfer or other documented and verifiable methods. Senior advocates/firms must issue formal engagement letters outlining terms, duration, and scope of work. There must be mandatory maintenance of accurate records of stipend payments and engagement terms.
3. There also needs to be a compliance and flexibility framework.
4. A grievance redressal mechanism must be in place and there must be a monitoring and reviewing system to see the implementation of the system.

### Conclusion

While this initiative marks a positive step toward supporting junior advocates, reactions have been mixed. Many junior lawyers feel the amount is insufficient given high living costs, especially in metropolitan cities. Senior lawyers and bar associations, while supporting the intent, have raised concerns about implementation challenges. The success of these guidelines will largely depend on how well they balance the financial constraints of senior advocates with the needs of juniors entering the profession.

## 9 In a recent case the Supreme Court has held that claim of juvenility can arise anytime

### Introduction

In the recent landmark decision 'Madhya Pradesh v. Ramji Lal Sharma & anr.', the Supreme Court overturned its own conviction of a man for murder after discovering he was a juvenile at the time of the offense. Despite the claim being raised two decades after the crime and after final conviction, the Court noted that juvenility claims can be made at any stage of legal proceedings, establishing a significant precedent in juvenile justice.

## Relevant Case Laws relating to the same issue

### 1. Ashok v. State of Madhya Pradesh (2020)

- a. In the present case, a person was convicted of murder in 1999 (for a 1997 incident) and sentenced to life imprisonment claimed juvenility for the first time in the Supreme Court, stating he was only 16 years old at the time of the offense, despite his appeal being previously dismissed by the High Court in 2017.
- b. While acknowledging that juvenility claims can be made at any stage of legal proceedings, the Supreme Court noted discrepancies in the documentation of the petitioner's birth date between school and Gram Panchayat certificates.
- c. Based on the Trial Court's initial recording of the petitioner's age as 16 years and his custody exceeding the maximum juvenile sentence of three years, the Supreme Court granted interim bail and ordered a fresh examination of the juvenility claim by the Sessions Court.

### 2. Abuzar Hussain v. State of West Bengal (2012)

- a. This case came before the Supreme Court of India to resolve conflicting judgments on when claims of juvenility could be raised and what evidence could be considered.
- b. The Supreme Court held that a claim of juvenility can indeed be raised at any stage of criminal proceedings, even after final conviction.
- c. The Court emphasized that the essence of juvenile justice laws is to protect children, and therefore, technical objections should not prevent the consideration of such claims.
- d. The Court also noted that while documentary evidence is preferred, oral evidence and medical examinations can be considered in the absence of conclusive documents.

### 3. Rahul Kumar v. The State of Bihar (2024)

- a. A case reached the Supreme Court where the High Court had rejected a plea of juvenility without proper inquiry, despite the accused raising the claim at the earliest opportunity.
- b. The Supreme Court found both the Trial Court and High Court had erred by not adequately addressing the appellant's claim of being a juvenile at the time of the offense.
- c. The Supreme Court emphasized that the Juvenile Justice Act, 2015 provides a comprehensive mechanism to consider juvenility claims, which can be raised at any stage of legal proceedings, even after final case disposal.
- d. The Supreme Court directed the Additional Sessions Judge, Darbhanga to conduct a thorough inquiry into the appellant's age/date of birth following the procedures outlined in the Juvenile Justice Act, 2015 and its associated rules.

## 10 Request for Special Status for Ladakh.

### Introduction

Recently a climate activist was detained while leading protesters to petition the Central government. The main demand is for Ladakh's inclusion in the Sixth Schedule of the Indian Constitution. This schedule provides for the administration of tribal areas in four northeastern states: Assam, Meghalaya,

Tripura, and Mizoram. The Fifth and Sixth Schedules of the Indian Constitution provide special protections for tribal areas. These were created to respect the unique cultures and needs of tribal populations, giving them more control over their land and customs.

### About the Fifth and Sixth Schedules

1. The Fifth and Sixth Schedules of the Indian Constitution provide special provisions for the administration and protection of Scheduled Tribes in designated areas.
2. These schedules establish a framework for autonomy and self-governance in tribal-dominated regions, recognizing their unique cultural and administrative needs.
3. While the Fifth Schedule applies to “scheduled areas” in 10 states, the Sixth Schedule pertains to “tribal areas” in 4 northeastern states, offering varying degrees of autonomy.
4. The Fifth Schedule establishes Tribes Advisory Councils in scheduled areas, empowering governors to make regulations for land allotment, money-lending, and application of laws in these areas.
5. The Sixth Schedule creates Autonomous District Councils in tribal areas, granting them powers to make laws on land use, social customs, and local governance, as well as establish courts for dispute resolution.
6. Both schedules aim to protect indigenous cultures and interests, with the Sixth Schedule offering greater autonomy through more extensive executive, legislative, judicial, and financial powers compared to the Fifth Schedule.
7. The Fifth Schedule applies to “scheduled areas” declared by the President based on tribal population, compactness, and economic backwardness, while the Sixth Schedule covers specific “tribal areas” in Assam, Meghalaya, Mizoram, and Tripura.
8. Under Article 244 (2) of the Indian Constitution, it makes special arrangements for the administration of Tribal Areas in the States of Assam, Meghalaya, Mizoram and Tripura.
9. Under Part XXI of the Indian Constitution, Article 371A, B, C, F, G, H grants special status to the few northeastern states of India.

### What are the challenges in granting autonomy and rights in fifth and sixth schedule areas.

1. The autonomy granted to Fifth and Sixth Schedule areas is limited in practice due to:
  - Regulations in ‘scheduled areas’ requiring Central government approval
  - Laws made by Autonomous District Councils (ADCs) requiring Governor’s approval
  - Political differences between parties at Centre, State and ADC levels affecting implementation
2. Constitutional rights and protections are being denied to many Scheduled Tribe (ST) habitations that are not officially notified as ‘scheduled areas’, despite being located within the 10 States under the Fifth Schedule and in other states.
3. The 125th Constitutional Amendment Bill (2019), which aims to enhance financial, executive and administrative powers of the 10 ADCs, remains pending in the Rajya Sabha, with a committee headed by the Minister of State for Home Affairs established to resolve implementation issues.
4. There are pending demands for inclusion under the Sixth Schedule from:
  - Arunachal Pradesh Assembly
  - Manipur Hill Area Committee for ‘Hill areas’
  - Union Territory of Ladakh
5. The Forest Rights Act, 2006 needs to be fully implemented to ensure recognition and vesting of forest rights to tribals across the country, including in both Fifth and Sixth Schedule areas.

# Other Useful Resources

## Monthly Legal Current Affairs eBook series

In our commitment to providing comprehensive resources for legal enthusiasts and aspirants, we proudly present the “Monthly Legal Current Affairs PDF for CLAT Aspirants.”

This monthly eBook is an essential resource for students studying for the CLAT’s General Knowledge and Legal Reasoning tests. Each volume collects the most recent legal current events, ranging from constitutional changes to historic decisions. By exploring these resources, you can enhance your understanding, sharpen your legal reasoning skills, and boost your success in CLAT preparation.

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