

CAREERS 360

PREPARATION **Series**

CLAT 2025

Legal Currents Affairs

(August 2024)

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

1 Waqf (Amendment) Bill, 2024 introduced by the government: What is the bill all about?

Introduction

The Union government introduced a Bill in the Lok Sabha to amend the Waqf Act of 1995. The proposed legislation is titled 'Unified Waqf Management, Empowerment, Efficiency, and Development Act, 2024'. It seeks to substantially reform the existing act governing waqf properties in India i.e. Waqf Act, 1995. The Bill aims to enhance the Centre's regulatory authority over waqf properties and, in a landmark provision, proposes the inclusion of non-Muslim members in Waqf Boards.

What is Waqf?

Waqf is any permanent dedication by any person, of any movable or immovable property for any purpose recognized by the Muslim law as pious, religious or charitable. A Waqf is a personal property given by Muslims for religious, charitable, or private purposes. Ownership of Waqf property is implied to be with God. A Waqf can be formed through a deed, instrument, orally, or by long-term use for religious/charitable purposes. Once declared as Waqf, a property's character changes permanently, it becomes non-transferable and is detained perpetually.

Key features of Waqf (Amendment) Bill, 2024

1. Formation of Waqf: The new act allows the waqf to be formed by: (i) declaration, (ii) recognition based on long-term use (waqf by user), or (iii) endowment when the line of succession ends (waqf-alal-aulad). The Bill states that only a person practising Islam for at least five years may declare a waqf. It clarifies that the person must own the property being declared. It removes waqf by a user, meaning that no property can be declared as the property of the waqf just by the use of it.
2. Ceasing government property as waqf: The Bill states that any government property identified as waqf will cease to be so. The Collector of the area will determine ownership in case of uncertainty, and submit a report to the state government. If deemed a government property, he will update the revenue records.
3. Power to determine if a property is waqf: The Act empowers the Waqf Board to inquire and determine if a property is waqf. The Bill removes this provision.
4. Central Waqf Council (entry of non-muslim members): The Act constitutes the Central Waqf Council to advise the central and state governments and Waqf Boards. The Union Minister in charge of Waqf is the ex-officio chairperson of the Council. The Act requires that all Council members be Muslims, and at least two must be women. The Bill instead provides that two members must be non-Muslims. MPs, former judges, and eminent persons appointed to the Council as per the Act need not be

Muslims. The following members must be Muslims: (i) representatives of Muslim organisations, (ii) scholars in Islamic law, and (iii) chairpersons of Waqf Boards. Of the Muslim members, two must be women.

5. **Composition of Tribunals:** The Act requires states to constitute Tribunals to address disputes over waqf. The Chairman of these Tribunals must be a Judge of the rank equivalent to a Class-1, District, Sessions, or Civil Judge. Other members include (i) a state officer equal to an Additional District Magistrate, and (ii) a person knowledgeable in Muslim law and jurisprudence. The Bill removes the latter from the Tribunal. It instead provides the following as members: (i) a current or former District Court judge as its chairman, and (ii) a current or former officer of the rank of joint secretary to the state government.
6. **Powers of the central government:** The Bill empowers the central government to make rules regarding: (i) registration, (ii) publication of accounts of waqf, and (iii) publication of proceedings of waqf Boards. Under the Act, the state government may get the accounts of waqfs audited at any point. The Bill empowers the central government to get these audited by the CAG or a designated officer.
7. **Waqf Boards for Bohra and Agakhani:** The Act allows establishing separate Waqf Boards for Sunni and Shia sects if Shia waqf constitutes more than 15% of all waqf properties or waqf income in the state. The Bill also allows separate waqf boards for Aghakhani and Bohra sects.

2 Debate surrounding Creamy Layer Reservation System

Introduction

Recently the allotment to the IAS under OBC Non-Creamy Layer candidate with multiple disabilities has sparked debate about the creamy layer concept in OBC reservations. The controversy centres on whether individuals from relatively privileged backgrounds within OBCs should benefit from reservations, especially when they have additional qualifying factors like disabilities. This case has reignited discussions about the effectiveness and fairness of the current reservation system, particularly the creamy layer exclusion criteria for OBCs.

What is the creamy layer concept and how it is applied in India?

1. The creamy layer concept sets a threshold within which OBC reservation benefits are applicable. It aims to exclude relatively well-off individuals from the OBC category from availing reservation benefits. The concept was introduced by the Supreme Court in the Indra Sawhney case (1992) to ensure that reservation benefits reach the truly disadvantaged.
2. The current income threshold for the creamy layer is Rs 8 lakh per year. This limit applies to income from sources other than salary and agricultural income. The income threshold is supposed to be revised every three years but was last updated in 2017.
3. For children of government employees, the creamy layer is determined by their parents' rank rather than income. Children of parents in constitutional posts directly recruited Group-A officers, or both parents in Group-B services fall under the creamy layer. Children of high-ranking military officers (Colonel and above or equivalent) are also considered part of the creamy layer.

Judicial view regarding the reservation

1. State of Madras v. Smt. Champakam Dorairajan (1951): This is the first case in which the SC discussed the issue of Reservation. The case led to the First Amendment in the Constitution. The Supreme Court pointed out that while in the case of employment under the State, Article 16(4) provides for reservations in favour of the backward class of citizens, no such provision was made in Article 15. According to the Supreme Court's order in the case, Parliament amended Article 15 by inserting Clause (4).
2. Indra Sawhney vs. Union of India: In this case, the SC examined the scope and extent of Article 16(4). The court has said that the creamy layer of OBCs should be excluded from the list of beneficiaries of reservation, there should not be reservation in promotions, and the total reserved quota should not exceed 50%.
3. M. Nagaraj v. Union of India (2006): In this case the SC while upholding the constitutional validity of Art 16(4A) held that any such reservation policy to be constitutionally valid shall satisfy the following three constitutional requirements:
 - The SC and ST communities should be socially and educationally backwards.
 - The SC and ST communities are not adequately represented in public employment.
 - Such a reservation policy shall not affect the overall efficiency of the administration.
4. Jarnail Singh v. Lachmi Narain Gupta case (2018): The SC in this case held that reservation in promotions does not require the State to collect quantifiable data on the backwardness of the Scheduled Castes and the Scheduled Tribes. The Court also held that creamy layer exclusion extends to SC/STs and, hence the State cannot grant reservations in the promotion to SC/ST individuals who belong to the creamy layer of their community.
5. Janhit Abhiyan v. Union of India (2022): In the case, the constitutional validity of 103rd Constitutional Amendment Act, 2019 was challenged. The Supreme Court upheld the validity of the 103rd Constitutional Amendment. The Court introduced a 10% EWS reservation under the 103rd Constitution (Amendment) Act, 2019 by amending Articles 15 and 16. It inserted Article 15 (6) and Article 16 (6).

3 SCOTUS decision on "Absolute Immunity to US President"

Introduction

The Supreme Court of the United States (SCOTUS) recently delivered a significant ruling granting Presidents "absolute immunity" from criminal prosecution related to their core constitutional powers and official acts. This decision provides substantial legal relief to former President Donald Trump amid a criminal case alleging his involvement in efforts to undermine the 2020 presidential election results. The 6-3 conservative-liberal split in favour of Trump's immunity appeals to the contentious nature of the ruling, as Trump prepares for potential candidacy in the upcoming November presidential election.

What is the absolute immunity of the President?

1. Presidential absolute immunity protects sitting presidents from civil lawsuits related to their official duties.

2. This idea comes from the need to let presidents do their jobs without constant fear of being sued.
3. The Supreme Court has said that while this immunity is broad, it's not unlimited. Presidents can't just do anything they want without consequences.
4. In 1867, the case set the stage for balancing presidential power with accountability. It showed that courts can still look at some things presidents do.
5. In a landmark case Nixon v. Fitzgerald of the US court, the Court made it clear that presidents can't be sued for civil damages for their official actions.
 - This helps protect the president's ability to make decisions without worrying about lawsuits.
6. However, this immunity only applies to civil cases.
 - It doesn't protect presidents from criminal charges or investigations.
 - Presidents have to follow certain court orders and can be involved in criminal proceedings.

What is the cross-over to the President's Immunity?

1. The Supreme Court has tried to draw a clear line between what a president can and can't be held legally responsible for while in office.
2. In the case of Clinton v. Jones, explain the difference.
 - It showed that presidents aren't completely protected from all legal action.
3. The main idea is:
 - Presidents can't be sued for things they do as part of their official job.
 - But they can be held responsible for personal actions, even if these happen while they're president.
 - To decide if something is part of the president's official duties, courts look at whether it's closely related to what the Constitution says a president should do.
4. Examples of what's protected:
 - Decisions about national security
 - Foreign policy choices
 - Carrying out laws
5. Examples of what's not protected:
 - Personal behaviour that has nothing to do with being president
 - Actions taken as a private citizen, not as president
 - The goal is to let presidents do their job without fear of lawsuits but also to make sure they're not above the law for their actions.

Moral Grounds- Should the presidents be subject to the same legal standards as other citizens?

1. Fundamental principle challenged- The dissenting judge in the present ruling argues that the majority's decision undermines a core tenet of American democracy - that no one is above the law. She asserts that this ruling effectively places the President beyond the reach of criminal law for actions taken while in office, even if those actions are corrupt or illegal.
2. Criticism of the majority's reasoning: The dissent also characterized the majority opinion as creating immunity through "brute force" rather than basing it on solid constitutional grounds.
3. Distinction between civil and criminal cases: A key argument in the dissent is that the majority incorrectly equates civil and criminal immunity. It points out that criminal cases involve a greater public interest and have built-in safeguards that make them less likely to interfere with executive functions. These include the high standards for bringing charges and the "beyond a reasonable doubt" burden of proof required for conviction.

4 Military Coup in Bangladesh: A Protest Against Job Quotas

Introduction

Recently, Bangladesh has experienced a major political upheaval. Prime Minister Sheikh Hasina has reportedly resigned and left the country amid widespread protests and unrest. The Bangladesh Army, led by General Waker-uz-Zaman, has announced the formation of an interim government with the support of political parties. This development marks a significant shift in Bangladesh's political landscape, ending Hasina's 20-year tenure as Prime Minister and raising questions about the nation's future stability and governance.

What is the Quota System in Bangladesh?

1. It's a system of reservations in government jobs and higher education for certain groups.
2. The quota system reserves 56% of government jobs for various categories, leaving 44% for general candidates.
 - Major beneficiaries include freedom fighters and their descendants, who are allocated 30% of government jobs.
 - Women are allocated 10% of government jobs under this system.
 - Ethnic minorities and people with disabilities also have quotas.
3. The system was introduced to promote equal opportunities and representation for disadvantaged groups.
4. It has faced criticism and protests, particularly from students and job seekers who feel it's unfair to general candidates.
5. In 2018, following large-scale protests, the government announced reforms to the quota system, reducing quotas in most government jobs.
6. The freedom fighter quota remains a particularly contentious issue.
7. Recently, the Bangladesh Supreme Court ordered that 93% of government jobs in the country be allocated to merit-based systems allocated on a merit-based system.
 - Under the revised system, 5% of civil service positions will still be reserved for children of war veterans who fought for Bangladesh's independence in 1971.
 - An additional 2% will be allocated to other designated categories.

Who is Protesting Against Job Quotas in Bangladesh?

1. In Bangladesh, job quotas are currently being protested by a diverse group of individuals, including students, job seekers, and activists.
2. These protests are primarily against the government's quota system in public sector jobs, which some argue unfairly benefits certain groups and affects merit-based recruitment.
3. The demonstrators seek to reform or abolish the existing quota system to ensure fairer opportunities based on merit rather than reserved quotas.

5 Supreme Court ruling distinguishing the Power of Lieutenant Governor

Introduction

The Supreme Court of India recently made a significant ruling in the case of “NCT of Delhi vs. Office of Lieutenant Governor of Delhi” distinguishing the powers of a Lieutenant Governor (LG) from those of a State Governor. The bench comprising CJI DY Chandrachud, Justice PS Narashima and JB Pardiwala held that the Delhi LG can nominate members to the municipal corporation without requiring the aid and advice of the Delhi Government.

Background of the case

1. The case concerned Section 3(3)(b)(i) of the Delhi Municipal Corporation Act, which allows the Lieutenant Governor (LG) to nominate 10 persons with special knowledge to the Delhi Municipal Corporation (DMC).
2. The Government of the National Capital Territory (NCT) of Delhi filed a petition challenging LG’s power to make these nominations without the aid and advice of the Council of Ministers.
3. The case involved interpreting Article 239AA of the Constitution, which deals with the special provisions for Delhi.

Observations of the court

1. The Supreme Court held that the LG can nominate members to the municipal corporation without the aid and advice of the Delhi Government.
2. The court distinguished between the powers of the LG of Delhi and Governors of states:
 - State Governors under Article 163, must act on aid and advice except when the Constitution requires discretion.
 - For Delhi LG under Article 239AA (4), discretion is allowed when required by any law.
3. The court found that Section 3(3)(b)(i) of the DMC Act specifically empowers LG to make nominations, satisfying the exception in Article 239AA (4).
4. The court viewed this nomination power as a statutory duty of the LG, not an executive power of the Delhi government.
5. The judgment stated this power was intentionally given to LG through the 1993 amendment to incorporate constitutional changes, not a vestige of past administrator powers.
6. The court ruled that when Parliament makes a law on subjects in State or Concurrent Lists, it limits the executive power of the Delhi government.

Lieutenant Governor of Delhi

1. The current Lieutenant Governor of Delhi is Vinai Kumar Saxena, who was appointed in 2022.
2. His immediate predecessor was Anil Baijal, who served from December 2016 to May 2022.
3. Before Anil Baijal, Najeeb Jung held the position from July 2013 to December 2016

Conclusion

The Supreme Court’s recent ruling has clarified the constitutional relationship between Articles 239 and 239AA, highlighting the complex balance of powers in Delhi’s governance. The Court confirmed that while the Delhi government manages day-to-day affairs, the Lieutenant Governor has specific statutory powers, such as nominating members to the Municipal Corporation, independent of the Council of Ministers.

6 South Africa's new law on climate change

Introduction

Recently, the president of South Africa, Mr. Cyril Ramaphosa enacted a landmark Climate Change Act, marking a crucial advancement in South Africa's efforts to combat climate change. This landmark legislation mandates emission reductions for major fossil fuel-intensive industries and requires climate adaptation plans from local governments. The Act aligns South Africa's policies with its commitments under the Paris Agreement, paving the way for a transition to a low-carbon, climate-resilient economy and society.

Legislative Framework and Constitutional Imperatives of the Act

1. The enactment of South Africa's Climate Change Act marks a significant milestone in the nation's environmental jurisprudence.
2. This comprehensive legislation, signed into law by President Cyril Ramaphosa, represents a paradigm shift in the country's approach to climate change mitigation and adaptation.
3. The Act draws its legitimacy from the constitutional right to a clean environment, as enshrined in Section 24 of the South African Constitution, which mandates that the state protect the environment for the benefit of present and future generations.
4. The Climate Change Act serves as an overarching legal framework, harmonizing various sectoral policies and providing a cohesive national strategy to address the multifaceted challenges posed by climate change.
5. It establishes a clear legislative mandate for climate action, elevating the issue from policy directives to enforceable law.
6. This transition from soft law to hard law is crucial in ensuring compliance and accountability across all sectors of society.
7. The Act's alignment with international obligations, particularly the Paris Agreement, demonstrates South Africa's commitment to global climate governance.
8. By codifying its Nationally Determined Contributions (NDCs) into domestic law, South Africa has created a legally binding mechanism to fulfil its international commitments.
9. This legislative approach enhances the country's credibility on the global stage and provides a stable regulatory environment for both domestic and international stakeholders.

What are India's climate change legislation and commitments?

1. India currently lacks comprehensive climate change legislation.
2. A Private Member's Bill proposing a Climate Change Council was introduced in 2022 but has not progressed significantly.
3. Climate change is addressed in various existing laws, including environmental protection, forest conservation, and pollution control acts.
4. The Supreme Court ruled in April that citizens have a "right against the adverse effects of climate change."
5. The Court noted the absence of omnibus climate change legislation in India.
6. The Supreme Court emphasized the need to explicitly link climate change impacts to constitutional rights of liberty, life, and equality.

7. India reported a 33% reduction in energy emissions intensity from 2005-2019, achieving this target 11 years ahead of schedule.
8. India has committed to reducing its emissions intensity by 45% by 2030 in its updated Nationally Determined Contribution (NDC).
9. Emission intensity is defined as the total amount of greenhouse gases emitted per unit increase of GDP, distinct from absolute emissions.
10. India has pledged to source 50% of its electricity from non-fossil fuel resources by 2030.

7 Supreme Court Grants Bail to Minish Sisodia in the Delhi Liquor Police Case

Introduction

Recently, the Supreme Court of India decided to grant bail to the former Delhi Deputy Chief Minister in the case of Manish Sisodia vs. Central Bureau of Investigation, after a prolonged period of incarceration, underscores its role as a guardian of individual freedoms. By emphasizing the principles of constitutionalism and the rule of law, the Court reinforced that personal liberty remains a fundamental right. The judgment reiterated the longstanding principle that bail should be the norm, not imprisonment, and affirmed that the convict's right to a fair and speedy trial, integral to Article 21 of the Constitution, had been violated.

Background of the case

1. Former Delhi Deputy Chief Minister filed petitions seeking bail in the liquor policy case.
2. He was arrested by the Central Bureau of Investigation (CBI) on 26th February 2023, and by the Enforcement Directorate (ED) on 9th March 2023, under the Prevention of Corruption Act, 1988 (PCA) and the Prevention of Money Laundering Act, 2002 (PMLA) respectively.
3. The Delhi High Court rejected his second bail plea on 21st May 2023, citing grave misuse of power and breach of trust.
4. On 4th June 2023, the Supreme Court disposed of his earlier bail plea after receiving an assurance that the chargesheet would be filed by 3rd July 2024.
5. He was granted liberty to revive his bail prayers after the final complaint/chargesheet was filed.
6. On 16th July 2023, a Supreme Court bench issued notice on Sisodia's new pleas.

Court Observations:

1. Justice K.V. Viswanathan observed that while the ED claimed the trial could have commenced if not for his alleged delays, it also sought time until 3rd July 2024, to file the final chargesheet.
2. The Court questioned the realistic timeline for the conclusion of the trial, considering the 493 witnesses involved.
3. The bench asked about the distinction between "policy" and "criminality" in the case's context.
4. The Court noted that the period of 6-8 months fixed for completion of the trial, as per the order passed on 30th October 2022, had already elapsed.
5. The bench observed that Sisodia had been in custody for 16 months, and the trial remained at the same stage as in October 2023.

6. The Court questioned the ED's claim that Sisodia's applications were causing delays, noting that most of these applications were allowed by the trial court.
7. The bench sought clarification on how the trial could proceed on a day-to-day basis without the completion of preliminary procedures under Section 207 of the Code of Criminal Procedure, 1973 (CrPC) and framing of charges for 40 accused.

Conclusion

The Supreme Court's decision to grant bail to Deputy CM of Delhi is a big deal for personal freedom in India. It shows that the Court is serious about protecting people's rights, even when facing pressure from powerful government agencies. By letting him out of jail, while his case continues, the judges are saying that keeping someone locked up for a long time without a trial is not fair.

8 Antitrust Law: Google Case and its decision in USA- Having Ripple Effect in India Google Case

Introduction

The recent landmark verdict by Judge Amit Mehta of the US District Court for the District of Columbia, finding Google in violation of antitrust laws, has sent ripples through the global tech. The ruling, which held that Google unlawfully maintained monopolies in "general search services" and "general search text ads," may have far-reaching implications beyond US borders. Of particular interest is its potential impact on ongoing litigation against Google in India, where the tech giant faces similar allegations of anti-competitive practices.

How did the U.S. Antitrust Verdict on Google Compare to Regulatory Actions in India?

1. The primary antitrust statutes in the United States include the Sherman Act, the Clayton Act, and the Federal Trade Commission Act, which collectively prohibit unreasonable restraints of trade, monopolization, and unfair methods of competition.
2. In the Google case, the central issue revolves around Section 2 of the Sherman Act, which prohibits monopolization, attempted monopolization, and conspiracy to monopolize.
3. The legal standard for monopolization under U.S. antitrust law
 - monopoly power in the relevant market and
 - the willful acquisition or maintenance of that power through exclusionary conduct.
4. Judge Mehta's ruling focused on Google's alleged monopolization of the "general search services" and "general search text ads" markets, finding that Google's practices met the legal criteria for anti-trust violations.
5. The court's ruling stems from a lawsuit filed by the U.S. Department of Justice and several states, alleging that Google illegally cemented its market dominance through annual payments to device manufacturers and web browser providers.
6. Judge Mehta identified Google's position as the "default" search engine as a critical factor in its monopolistic practices, terming it a "major, largely unseen advantage over its rivals."

7. The court emphasized the significance of “default distribution” in the search engine market, noting that users’ tendency to adhere to preset search options grants Google billions of daily queries through these access points.
8. The geographic scope of the judgment is limited to the United States market, which may differentiate it from market conditions in other jurisdictions, such as India.
9. In India, Google faces similar allegations of anti-competitive practices, with the Alliance of Digital India Foundation (ADIF) recently filing a complaint regarding Google’s conduct in the online advertising market.
10. The Competition Commission of India (CCI) has previously imposed a substantial monetary penalty on Google for abuse of its dominant position in the Android mobile device market.
11. Judge Mehta’s ruling highlights the significant barriers to entry for potential competitors in the search engine market, including high capital costs, access to distribution channels, and brand recognition.
12. The court observed that for a new entrant to compete effectively with Google, it would need to develop a comparable quality search engine, build a competitive ad platform, and offset potential revenue shortfalls, requiring billions of dollars in investment.
13. In response to such market dynamics, the Indian Ministry of Corporate Affairs has proposed the Draft Competition Bill, 2024, which aims to regulate Systemically Significant Digital Enterprises (SSDEs) and prevent anti-competitive practices in the digital sphere.
14. The proposed Indian legislation imposes restrictions on SSDEs, including prohibitions on self-preferring and unauthorized use of user data, which has met with objections from major technology companies citing potential impediments to innovation and research.

9 Supreme Court in the recent case of “Harish Rana vs UOI” refuses to entertain the euthanasia plea of a man in a vegetative state.

Introduction

The Supreme Court on August 20 expressed disinclination to entertain the plea of a man for euthanasia, observing that it was not a case of “passive euthanasia” as he was not completely dependent on life-support machines.

Background of the case

1. The petitioner, who is 30 years old, suffered head injuries after falling from the fourth floor of his paying guest house and has been confined to his bed since 2013 due to diffuse axonal injury with a Permanent Vegetative state, Quadriplegia with 100% disability.
2. The petitioner submitted that his parents are aged and are unable to take care of him due to a lack of resources and their age-related obstructions.
3. The bench led by CJI DY Chandrachud comprising Justices JB Pardiwala and Manoj Misra at the outset noted that the present case doesn’t fall under passive euthanasia but active euthanasia which is not permitted in India.

4. The CJI noted that it was not the case of the petitioner that he was on complete life support or mechanically kept alive.
5. However, considering the extraordinary situation at hand where the aged parents are no longer able to support the petitioner, the Court issued notice in the matter. It observed the possibilities of providing better treatment or care facilities to the petitioner.

10 Debate on the Inclusion of Section 377 in the Bhartiya Nyaya Sanhita

Introduction

The Delhi High Court recently questioned the Central government's stance regarding the exclusion of provisions dealing with non-consensual same-sex offences from the newly enacted Bhartiya Nyaya Sanhita (BNS). This query arises from the concern that the absence of such provisions might lead to legal gaps, particularly affecting the LGBTQ community. The court's inquiry reflects a broader debate on how laws evolve with societal norms and the necessity to safeguard all citizens against sexual offences.

Judicial Inquiry and Government's Position

Acting Chief Justice Manmohan and Justice Tushar Gedela of the Delhi High Court highlighted the potential legal vacuum if non-consensual acts are not explicitly criminalised in the new legislation. The government's counsel argued that legislative changes are beyond the scope of judicial interference. However, the bench responded by emphasizing the importance of having clear legal provisions to address all forms of sexual violence, thereby underscoring the judiciary's role in interpreting the law in the context of evolving social and ethical standards.

Petitioner's Concerns and Court's Response

The petitioner pressed for the need to either reinstate the earlier provisions from the repealed Section 377 of the Indian Penal Code or to ensure that rape laws are interpreted in a gender-neutral manner. The court's deliberation brought to light the complexity of aligning legal frameworks with the principles of equality and non-discrimination. Justice Gedela's remarks pointed out the absurdity of excluding specific acts from the scope of criminal offences simply because they are not mentioned in the statute.

Implications for the LGBTQ Community

This legal discussion is important for the LGBTQ community, as it directly impacts their protection under the law against sexual offences. The absence of explicit provisions for non-consensual same-sex acts could lead to a denial of justice for victims. The court's proactive approach in seeking clarification and detailed instructions from the government is a crucial step towards ensuring that the legal system remains inclusive and comprehensive.

Other Useful Resources

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