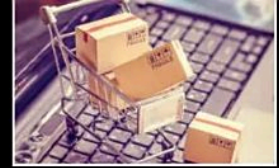




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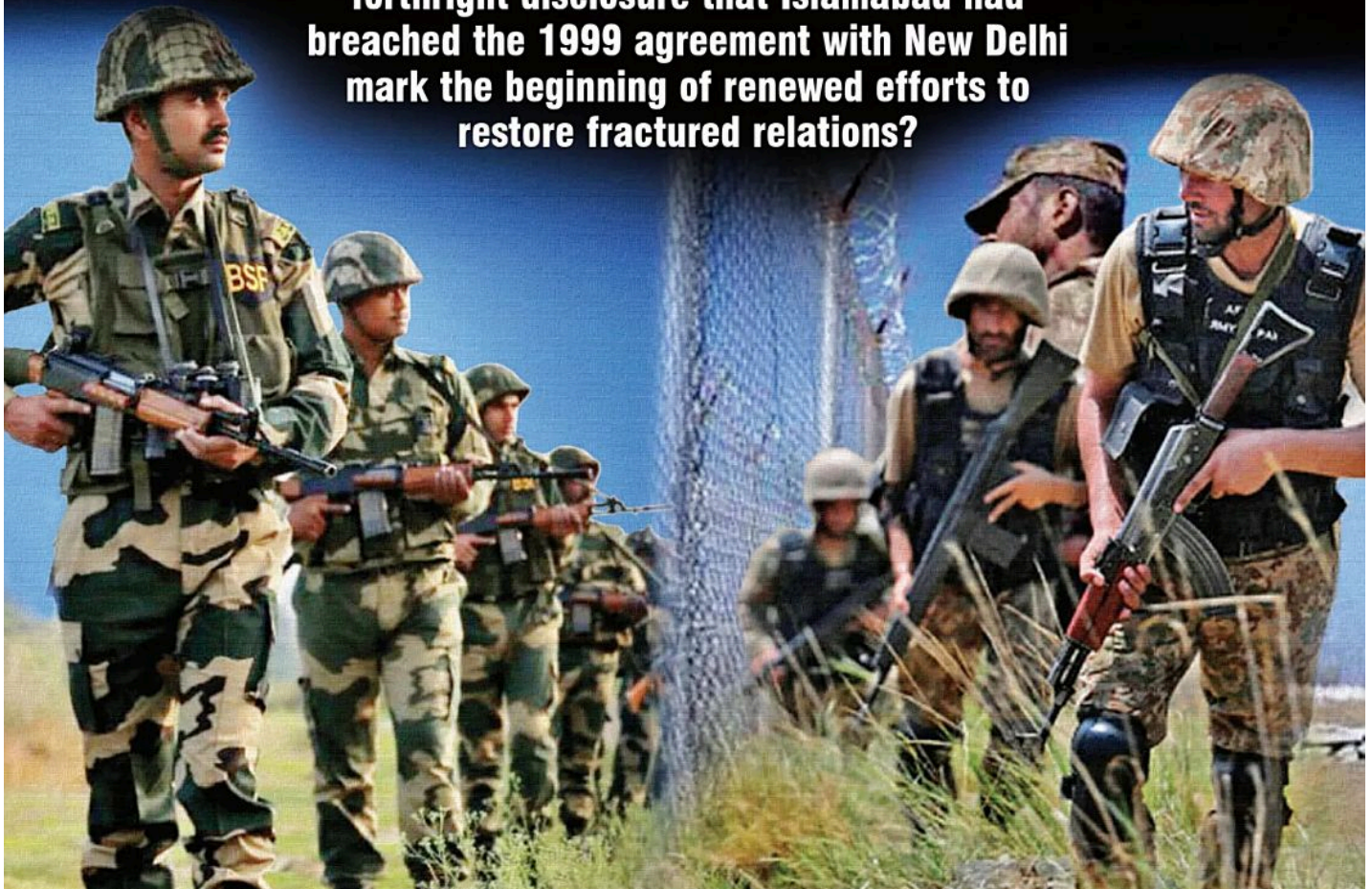
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BURYING THE PAST

With new governments taking charge in both countries, could former PM Nawaz Sharif's forthright disclosure that Islamabad had breached the 1999 agreement with New Delhi mark the beginning of renewed efforts to restore fractured relations?





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Election 2024

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TDP



WORTH REMEMBERING



"It is impossible to tell where the law stops and justice begins."

—Arthur Baer (January 9, 1886-May 17, 1969),
a journalist and humorist

"Justice delayed is justice denied."

—William E Gladstone (December 29, 1809-May 19 1898),
British statesman and liberal politician

"He is no lawyer who cannot take two sides."

—Charles Lamb (February 10, 1775-December 27, 1834), English essayist, poet and antiquarian

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Prajwal Revanna to stay in SIT custody till June 10, says Bengaluru court

A Bengaluru court extended the Special Investigation Team (SIT) custody of former Janata Dal (Secular) Member of Parliament Prajwal Revanna (right) till June 10 in a sexual harassment case. The order was passed by Special Magistrate KN Shivakumar. On May 31, the Court had remanded Revanna to seven-day SIT custody till June 6.

A first information report was registered against Prajwal and his father HD Revanna at the Holenarasipura Town Police Station in Hassan district on April 28 after 3,000 videos surfaced on social media, depicting the sexual assault of several women by Prajwal.

The father-son duo was booked under Sections 354A (sexual harassment), 354D (stalking), 506 (criminal intimidation) and 509 (insult to modesty of women) of the Indian Penal Code. The criminal case was



registered on a complaint filed by one of the victims. The charges are being probed by an SIT led by senior Indian Police Service officer BK Singh.

Prajwal fled to Germany soon after the April 26 Lok Sabha polls in Karnataka. He was arrested in the early hours of May 31 soon after his return.

Courts blamed for delays, even when lawyers fail to appear: Supreme Court

The Supreme Court lamented that courts are always squarely blamed for delays in case disposal, even though it was sometimes the lawyers and litigants who contributed to such delays. The observation came from the vacation bench of Justices PV Sanjay Kumar and B Varale after a young lawyer sought an adjournment of a civil appeal filed in 2017 as the arguing counsel was unwell.

Justice Kumar asked the lawyer why he was not arguing, and if he was not attached to the office. The advocate responded that he was



not aware of the facts of the case as he had not read the case brief. At that Justice Kumar said the matter came up for hearing after 2019, but the lawyers were yet not ready to argue. Consecutively, he lamented that courts are blamed for delay, but the bench is sitting in vacation, but nobody is there to argue.

The Court also urged young lawyers to seize opportunities to argue cases when their seniors are not available, more so during vacation hearings when senior lawyers may be on holiday abroad. He opined that youngsters must take advantage when their seniors are going on holiday abroad. The bench mentioned that such a practice should be adopted as the norm that juniors argue in the absence of senior lawyers, unless there are specific instructions to the contrary.

Delhi court denies interim bail to CM Arvind Kejriwal in liquor policy case

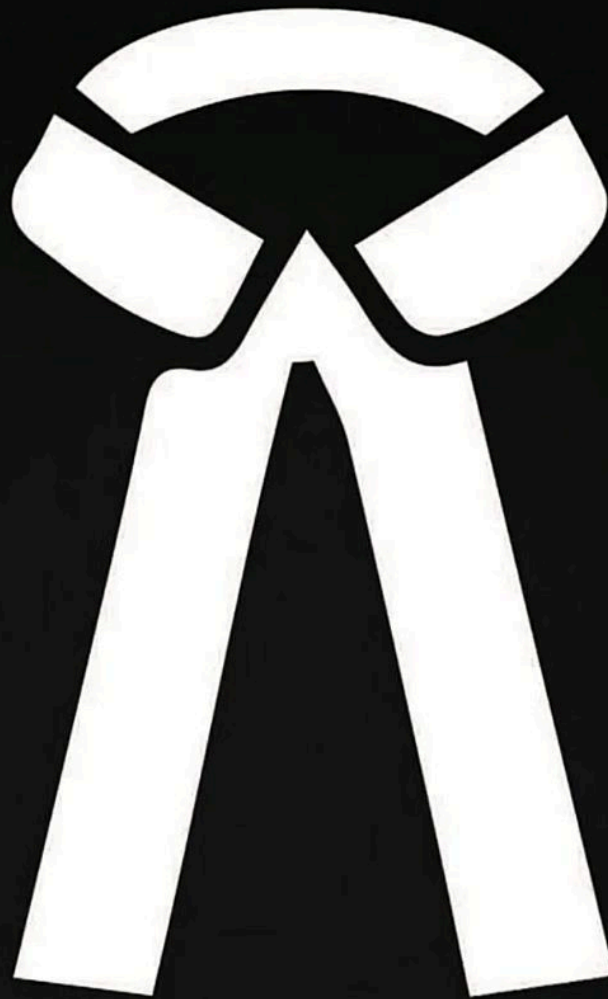
A Delhi court rejected the plea filed by Delhi Chief Minister Arvind Kejriwal (below) seeking interim bail for seven days in connection with the Delhi excise policy case. Special Judge Kaveri Baweja of the Rouse Avenue Courts passed the order. The Court also said that it has passed certain directions for medical tests of Kejriwal. Following the order, Kejriwal's lawyer Vivek Jain told the Court that there were concerns



regarding the chief minister's health.

The counsel contended that when Kejriwal surrendered on June 2, three different weighing scales were used in Tihar jail to measure his weight and they showed different readings. Nonetheless, the Court said that if there are any concerns, Kejriwal can move an application and the same will be considered.

Kejriwal was arrested by the Enforcement Directorate on March 21 on allegations that he was part of a conspiracy to intentionally leave loopholes in the now-scrapped Delhi Excise Policy for 2021-22 to benefit certain liquor sellers.



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CJI Chandrachud calls elections core of Indian democratic set-up, protected by judges reflecting constitutional values

Chief Justice of India (CJI) DY Chandrachud termed the elections as forming the core of the Indian constitutional democracy, while the judiciary played a vital role in this democratic set-up, reflecting a sense of constitutional values.

Addressing the University of Oxford institution on the topic "The humanising role adjudicators can play in a society", Justice Chandrachud said that the judiciary reflected a sense of tradition and the future of a good society.

Referring to a question related to the general elections in India, the CJI said that judges were not elected in the country and there was a reason behind this. They reflected a sense of continuity of conditions and constitutional values.

Highlighting the role of technology in injecting greater transparency into the judicial system, the CJI said that the judiciary was an instrument of justice that brought order and certainty, while combating the dehumanising effects in a society following a humanising approach towards adjudication. He said the technological intervention had humanised the process for the parties and the administrative staff of the courts.

The CJI, however, said that he was not a proponent of the complete automation of procedures, noting that the absence of a human mind would remove the human element from the process. He stressed on the importance of understanding the pros and cons of technological usage to ensure a humanised mechanism of justice. He said artificial Intelligence was replete with unique possibilities for the future.

It must, however, be ensured that guardrails were imposed to control the AI itself and not shift the process of commu-



nication from a judge to a robot, the CJI said.

Regarding the "unfair" criticism sometimes aimed at judges on social media, the CJI asserted that the overall impact of technology was to help the judiciary reach out to a wider section of society. The CJI, when asked whether he faced any political or societal pressure while handing down judgments, said that he never faced a sense of "political pressure" from the powers-that-be in his 24 years as a judge.

The CJI said the judges lived lives which were relatively isolated from the political arm of the government. However, they had to be conversant with the impact of their decisions on the polity at large. It was not a political pressure, but an understanding by the court of the likely impact of a decision, he added.

The audience, which included students from Oxford, asked him about the Special Marriage Act judgment delivered by the

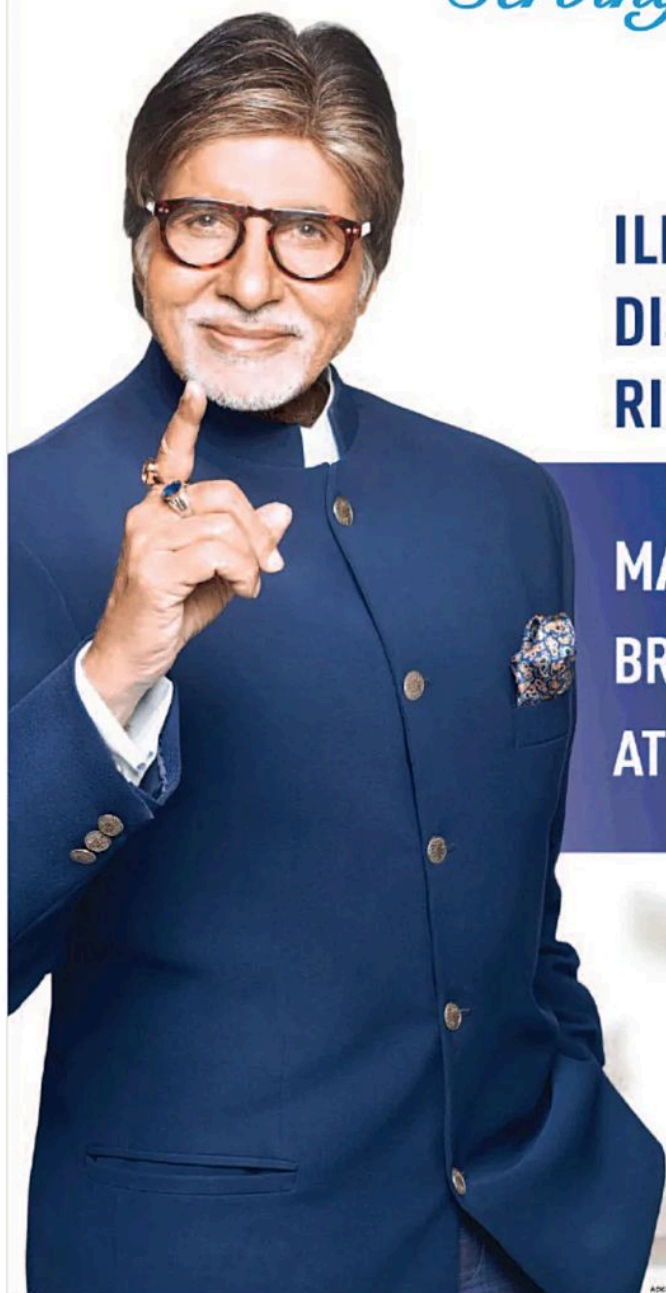
Supreme Court, which ruled against legalising same-sex marriage in India, last year. The CJI said he was not going to defend the judgment because as a judge, he believed that once a verdict was delivered, it became the property of not just the nation, but global humanity.

The Special Marriage Act was a law enacted by Parliament which contemplated a marriage in a heterosexual relationship, he said, adding that he was in the minority in that case in a certain specific aspect as he was in favour of recognising civil unions for same-sex couples "until such time" as Parliament stepped in.

The CJI said three of his colleagues did not agree with his opinion in the matter because they felt even the recognition of same-sex unions was beyond the purview of the Court. He said in modern democracies, what happened in courts should not really be looked at in terms of the substantive outcomes of the case.



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The "Lahore Declaration" was signed on February 21, 1999, by Nawaz Sharif (above left) and then Indian PM Atal Bihari Vajpayee. It was a bilateral agreement between India and Pakistan, following a historic conference in Lahore. The pact established a mutual understanding regarding the development of nuclear arsenals and aimed to prevent accidental or unauthorised use of nuclear weapons.

BURY THE PAST

Former prime minister Nawaz Sharif's disclosure that Islamabad had "violated" the Lahore pact may be the beginning of efforts to restore ties between both countries. This is crucial for economic stability and regional security

By Annunthra Rangan

AFTER staying tight-lipped for 25 years, Pakistan's former prime minister Nawaz Sharif revealed that Islamabad had breached the 1999 agreement with India. Sharif specifically referred to the "Lahore Declaration" signed on February 21, 1999, by him and then Indian Prime Minister Atal Bihari Vajpayee and highlighted that he proceeded with nuclear testing despite considerable pressure from the US.

His statement also serves as a warning to the Pakistan Army to avoid repeating past mistakes and obstructing any efforts towards normalising relations with India. This disclosure has attracted global attention, with nations speculating about its implications, potentially provoking reactions from both China and the US.

The Lahore Declaration was a bilateral agreement between India and Pakistan, following a historic conference in Lahore. The parliaments of both countries ratified the



Nawaz Sharif has a strong rapport with PM Narendra Modi, and it was during his tenure in 2015 that the two countries last engaged in substantive bilateral discussions. However, the comprehensive dialogue initiated to address various issues, including Jammu and Kashmir and terrorism, was swiftly derailed by the 2016 Pathankot terrorist attack.

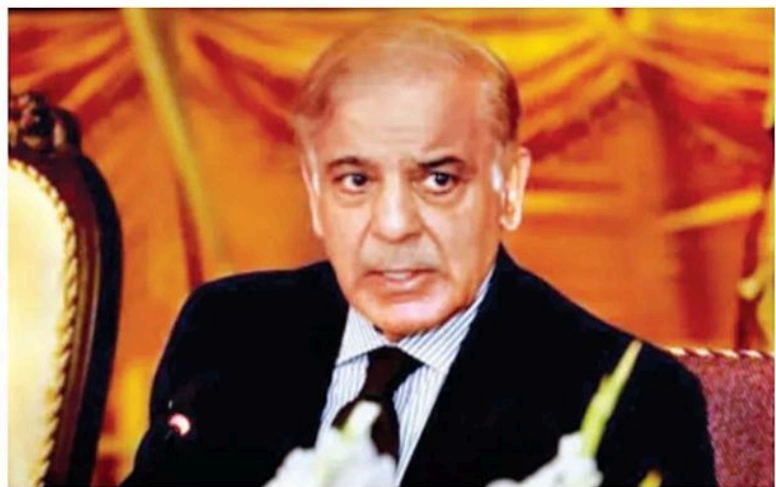
treaty within a year. The pact established a mutual understanding regarding the development of nuclear arsenals and aimed to prevent accidental or unauthorised use of nuclear weapons. During a widely televised press conference, Vajpayee and Sharif formally signed the Lahore Declaration. The primary objective of the agreement was to peacefully enhance their commitment to South Asian Association for Regional Cooperation (SAARC), improving their quality of life through rapid economic development, social progress and cultural advancement.

Shortly after signing the Lahore Declaration, Pakistani forces infiltrated Indian territory in what was termed “Operation Badr”. Disguised as Kashmiri militants, Pakistani soldiers occupied winter posts vacated by the Indian Army. Their objective was to isolate Indian forces on the Siachen Glacier by severing the link between Kashmir and Ladakh, thereby pressuring India to negotiate the Kashmir dispute. Upon learning of the incursion, India deployed its air force to reclaim the occupied positions.

This aggressive action blatantly violated the Lahore Declaration, which called for peaceful conflict resolution and non-violence. The ensuing Kargil War of 1999 presented logistical and tactical challenges for

the Indian Army and marked the only instance of conventional warfare between two nuclear-armed nations. The conflict concluded on July 26, 1999, after two months of intense fighting.

Cut to the present, Sharif has a strong rapport with Prime Minister Narendra Modi, and it was during his tenure in 2015 that the two countries last engaged in substantive bilateral discussions. However, the ►



The Sharif brothers, PM Shehbaz (above) and Nawaz, might aim to break the current stalemate in relations with India now that the BJP government is back to power, but the responsibility will remain with Islamabad to take the first step.

Nawaz Sharif's statement also serves as a warning to the Pakistan Army (right) to avoid repeating past mistakes and obstructing any efforts towards normalising relations with India. There have been indications of a decreased opposition from the army towards normalising ties with India, recognising the difficult circumstances.



comprehensive dialogue initiated to address various issues, including Jammu and Kashmir and terrorism, was swiftly derailed by the 2016 Pathankot terrorist attack. The Sharif brothers (Shehbaz, who is currently the prime minister of Pakistan and Nawaz Sharif, former prime minister) might aim to break the current stalemate in relations now that the BJP government is back to its seat.

Nevertheless, from India's perspective, the responsibility will remain with Islamabad to take the first step, as it was Pakistan that withdrew its high commissioner and suspended trade relations after India revoked Jammu and Kashmir's special status in 2019.

Pakistan's official stance maintains that dialogue with India can only commence upon the reversal of its actions in Kashmir. However, it is unlikely that any Indian government would agree to such a demand, save for efforts towards the restoration of statehood as mandated by the Supreme Court in a recent ruling, affirming the revocation of the region's special status. Pakistan asserts that statehood and elections cannot substitute Kashmiris' right to self-determination. Whether Pakistan can demonstrate flexibility on this matter, while refraining from resorting to cross-border terrorism, may influence the path forward.

The Sharif family has shown a keen interest in stabilising ties with India and is trying to maintain it. Increased trade between the two nations could result in economic benefits for both the Pakistan Army and the Sharif family, particularly from the regions west of the Radcliffe Line.

Sharif and his PML-N have consistently been finding ways to better Pakistan's relations with its neighbours. Sharif is well



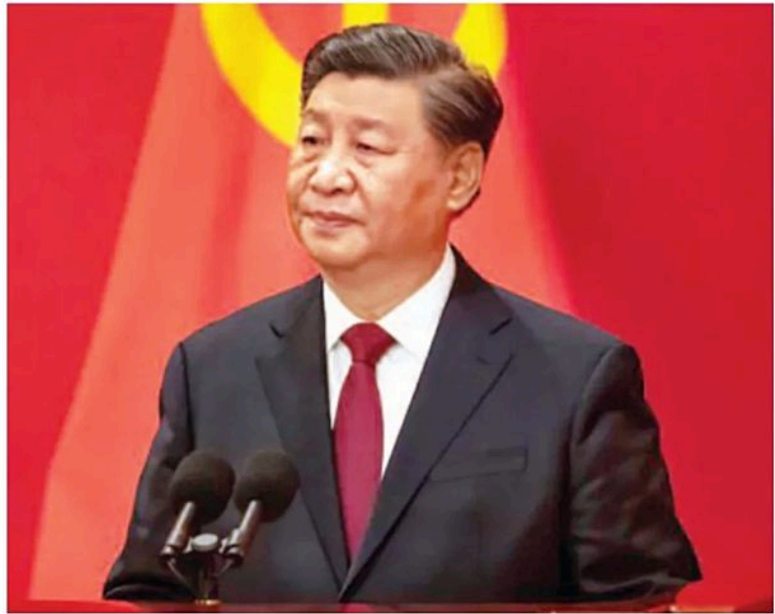
Pakistan's official stance maintains that dialogue with India can only commence upon the reversal of its actions in Kashmir (above). Pakistan asserts that statehood and elections cannot substitute Kashmiris' right to self-determination.

aware of the limited time and space he has to manoeuvre. Political stability and economic growth are critical for internal security. Successful economic integration with neighbouring economies, especially India, is essential for progress. It is evident that the leaders are striving to prevent Islamabad from further decline. Given the significant debt Pakistan owes to China, it is nearly impossible for the country to reject or engage in conflict with any of its neighbouring nations.

Pakistan is struggling financially, heavily relying on aid from Gulf countries and loans from the IMF under stringent conditions. China, on the other hand, is applying great pressure on Pakistan to repay old debts, increase its investment in the China-Pakistan Economic Corridor (CPEC) and ensure stringent security for Chinese workers involved in these projects. Additionally, Pakistan has been required to pay substantial compensation to the families of Chinese nationals killed by insurgent attacks. Recently, the Pakistani government allocated \$2.58 million to compensate the families of five Chinese workers killed in a suicide bombing at the Dasu Dam project in Khyber Pakhtunkhwa province.

Few leaders besides the Sharifs are stressing the importance of Pakistan improving its relations with India. There have been indications of a decreased opposition from the army towards normalising ties with India, recognising the difficult circumstances. During the Islamabad Security Dialogue in March 2021, the necessity for both India and Pakistan to “bury the past” and move forward was highlighted.

Pakistan’s Chief of Army Staff Asim Munir has not been as vocal. However, he is reportedly among the generals who contributed to the National Security Policy unveiled by then National Security Adviser Moeed Yusuf in March 2022. This policy echoed the usual critiques of India, but did not call for a reversal of its abrogation of Article 370. Unpublished parts of this policy are rumoured to advocate for a century of peace with India, though this remains speculative. Nonetheless, the General Staff’s endorsement of this policy suggests a desire



for normalising relations with India, recognising that Pakistan’s economic future and institutional survival depend on national well-being, which is significantly linked to trade with India.

In addition to promoting trade and investment, India can play a crucial role in helping Pakistan close its energy gap. Over time, a cooperative relationship with India could assist Sharif in balancing military and political power without causing abrupt disruptions to the existing order.

Sharif’s forthright disclosure may mark the beginning of renewed efforts to restore relations between Pakistan and India. By focusing on economic integration, trade, and energy cooperation, both nations stand to gain substantial benefits. As Pakistan faces various internal and external challenges, fostering a cooperative relationship with India could be crucial for its economic stability and regional security. Although the path forward is complex, it presents a unique opportunity for both countries to “bury the past” and pursue mutual prosperity and peace.

—The writer is a Research Officer at Chennai Centre for China Studies. Her research interests constitute China-WANA (West Asia and North Africa) relations and human rights

Pakistan is struggling financially, heavily relying on aid from Gulf countries and loans from the IMF under stringent conditions. China-led by Xi Jinping (above), on the other hand, is applying great pressure on Pakistan to repay old debts, increase its investment in the China-Pakistan Economic Corridor and ensure stringent security for Chinese workers involved in these projects.

JUSTICE FOR ALL

The apex court has come down heavily on the judgment of the Andhra Pradesh High Court that provided legal protection to a lawmaker who had, on camera, smashed an EVM and a VVPAT machine within the polling booth

By Sujit Bhar



BELITTLING THE SYSTEM
YSRCP leader and Andhra Pradesh MLA P Ramakrishna Reddy entered a polling booth in the Palnadu district and smashed an Electronic Voting Machine. His act was caught on camera

THE Supreme Court has generally stayed away from interfering in the election process, which is run in India by the constitutional body, the Election Commission of India (ECI). However, there have been instances within the election process in the country—and the ECI has remained a mute spectator in many of them—that has forced the top court of the country to come forward and censure a person or a party.

Such an incident happened in the just-concluded elections (general elections and concurrent assembly elections) in which YSRCP leader and Andhra Pradesh MLA P Ramakrishna Reddy entered a polling booth in the Palnadu district and smashed an Electronic Voting Machine (EVM). His act

was caught on camera.

The video of Reddy, with a few equally boisterous supporters, barging into the booth, grabbing an EVM and a VVPAT (voter verified paper trail) machine off the table and throwing it to the ground, became viral. This happened on May 13.

As if that act of violence was not enough, within days Reddy had been given protection—in this case as well as in associated cases—through Andhra Pradesh High Court Justice Venkata Jyothirmayi's interim orders. That order directed the police to not act against the MLA till 10 am on June 5, the day after the Lok Sabha election results had been declared.

When the top court heard the appeal against the order of the High Court judge, it was not happy at all. In fact, it was furious,



The SC bench of Justices Aravind Kumar and Sandeep Mehta (left) ran through the High Court verdict, calling it a "complete mockery of the system". As Justice Kumar saw the video of the incident, he exclaimed: "(How can the court give) interim protection in such cases... if we do not stay this order, it will amount to mockery of the system... Are we being made fun of? This is a sheer joke. How can so many enter a polling booth?"

calling this a "joke" and barred Ramakrishna Reddy from entering the vote-counting booth in his constituency. The apex court then went as far as to order that the politician in question was not to be in the vicinity of the counting booth.

The Supreme Court bench of Justices Aravind Kumar and Sandeep Mehta ran through the judgment of the High Court, calling it a "complete mockery of the system". The top court said that it had a good mind of also cancelling the interim protection given to the politician. That would have left Reddy vulnerable to any attempt to arrest.

As Justice Kumar saw the video of the incident of destruction of the EVM, he exclaimed: "(How can the court give) interim protection in such cases... if we do not stay this order, it will amount to mockery of the system... Are we being made fun of? This is a sheer joke. How can so many enter a polling booth?"

"It was a live web telecast... the complainant said both EVM and VVPAT were snatched and destroyed... eight people (were) inside the polling booth. Where is the question of bail?" the judge said.

Justice Mehta added: "This is not a doctored video... on the face of it..."

The Court also criticised the MLA for remaining hidden till the interim protection order, and also the police for their response to the shocking incident. "...he is belittling

the system. Sitting MLA goes to the polling station, destroys EVM and VVPAT, and a complaint is filed about an 'unknown person'?"

Thereafter, the top court also ordered the High Court to hear cases registered against Reddy, "without being influenced by the interim protection order".

Appearing for the lawmaker, Senior Advocate Vikas Singh stressed his client will comply with the top court's instructions, and urged the bench to allow the High Court to hear the plea as proposed.

The top court was hearing a plea filed by the opposition TDP's Namboodiri Seshagiri Rao.

Reddy, who is seeking a fifth consecutive term, was booked under sections of the Indian Penal Code, the Representation of the People Act, and Prevention of Damage to Public Property Act.

This is a good case of intervention by the top court. With many High Court benches often giving judgments and making comments that may not fall under the "fair" category, incidents that leave poor litigants at a complete loss, such precedents of the top court coming down heavily on the High Court judge should act as a fine precedent.

With the new, weaker dispensation at the centre, it is also time for the judiciary to pull up its socks and assert its power in the public domain, preserving the sanctity of our laws and of the Constitution of the country. ■

Interfaith marriages, particularly between Hindus and Muslims in India, have borne the brunt socially and have often faced legal challenges.

Traditional Indian society has always opposed interfaith marriages, especially Hindu-Muslim ones.

The Special Marriage Act, 1954, has been a boon for interfaith couples.



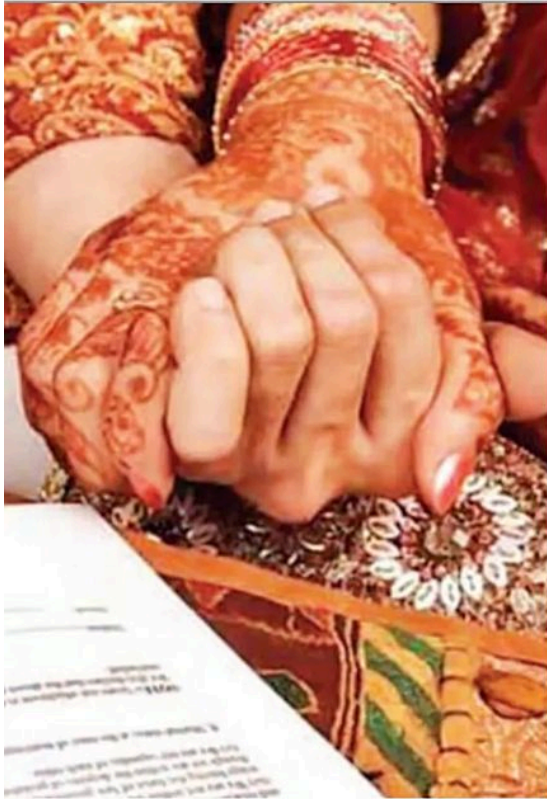
COURTING TROUBLE

Despite the Special Marriage Act, interfaith couples have often found that their marriages cannot be legalised. Recently, the Madhya Pradesh High Court cited personal laws and the need for the woman to convert

By Sanjay Raman Sinha

IN a significant ruling, the Madhya Pradesh High Court declared that a Muslim man and a Hindu woman cannot marry each other, neither according to Islamic laws nor under the Special Marriage Act. The High Court said that Islamic law does not permit the marriage of a Muslim man with a Hindu woman and such a marriage cannot be legalised even under the Special Marriage Act.

The couple said that they had earlier applied to the marriage officer for consummation of the marriage under the Special Marriage Act, but due to objections from both families, the marriage could not be registered. Both had asked the Court to provide security so that they could register their marriage. The interfaith couple had decided among themselves that after marriage neither of them would change their religion.



The verdict by Justice GS Ahluwalia said that under Muslim personal law, a marriage between a Muslim man and a Hindu woman would be invalid unless she converts to Islam. The provision under Section 4 of the Special Marriage Act provides that “if the parties are not within prohibited relationship then only marriage can be performed”.

The Court added: “As per Mahomedan law, the marriage of a Muslim boy with a girl who is an idolatress or a fire-worshipper, is not a valid marriage. Even if the marriage is registered under the Special Marriage Act, the marriage would be no more a valid marriage and it would be an irregular (*fasid*) marriage.”

Interfaith marriages, particularly between Hindus and Muslims in India, have borne the brunt socially and have often faced legal challenges. Traditional Indian society has always opposed interfaith marriages, especially Hindu-Muslim ones. The Special Marriage Act, 1954 (SMA), was enacted to provide a civil marriage choice for individuals who want to tie the nuptial knot outside the ambit of their respective person-



In a significant ruling, the Madhya Pradesh High Court (above) declared that a Muslim man and a Hindu woman cannot marry each other, neither according to Islamic laws nor under the Special Marriage Act.

al laws and has been a boon for interfaith couples. However, the Madhya Pradesh High Court's ruling has underlined the intricacies and challenges such couples face.

The SMA, passed in 1954, has a mandatory 30-day notice period. Any couple intending to get married under the SMA is required to give notice to the marriage officer of the district where at least one of the couple has lived for at least 30 days. During this period, any person can lodge an objection saying that the couple did not fulfill the conditions required to register the marriage. In such a situation, the marriage is not registered. This provision has potential to create roadblocks and can be misused to harass couples. Reducing or doing away with the notice period is one way to minimise harassment.

There has been an effort to standardise the Uniform Civil Code across the country. It is assumed that this would have a salutary impact on the SMA as well.

Notably, on May 2024, the Allahabad High Court bench of Justice Jyotsna Sharma gave an order on a petition of an interfaith couple seeking police protection to avoid interference by relatives and ordered that this protection be given to them. However, when eight inter-religious live-in couples in Uttar Pradesh approached the Court for protection, the Allahabad High Court did not provide it for them. The Court declared that their marriages were not in compliance ▶

There has been an effort to standardise the Uniform Civil Code across India. It is assumed that this would have a salutary impact on the Special Marriage Act as well. The Madhya Pradesh High Court's ruling has underlined the intricacies and challenges such couples face.



with the provisions of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act.

To put the matter in context, in 2005, the Supreme Court had directed that the police must ensure that inter-religious and inter-caste married couples are not harassed. It had also accepted that live-in relationships are not illegal. In the *Hadiya* case, Justice DY Chandrachud held that illegal detention of a couple by parents or relatives is patently unlawful.

Interfaith couples are often the target of social intolerance and torment by parents. At times personal liberty and safety are also threatened. Couples have knocked on the doors of courts for legal relief and security.

In the *Ummu Sabeena* case, the Supreme Court had ruled that the “principle of habeas corpus has been incorporated in our constitutional law and in a democratic republic

like India where judges function under a written Constitution and which has a chapter of fundamental rights to protect individual liberty, the judges owe a duty to safeguard the liberty not only of the citizens but also of all persons within the territory of India; and the same exercise of power can be done in the most effective manner by issuing a writ of habeas corpus. Thus, the pivotal purpose of the said writ is to see that no one is deprived of his/her liberty without sanction of law”.

The conflict between personal laws and the Special Marriage Act has been a constant theme in various verdicts of courts. Personal laws in India govern marriage, divorce and inheritance of specific religious communities. The SMA, however, provides a secular and uniform legal framework for marriage and aims at fostering cordial relationship between different communities during interfaith marriages. Much of it has been despoiled by the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act and similar acts brought by the BJP-ruled states which have put interfaith marriages under the scanner and view them with tainted social lenses. This leads to the liberty and dignity of a citizen being under attack.

With more and more interfaith couples approaching courts for legal relief from societal subversion of their dignity and freedom, courts need to take a very calibrated stand and balance the principles of individual liberty and religious sanctions of personal laws. Courts must adequately ensure that personal laws do not infringe on the constitutional rights of interfaith couples. ■



On May 2024, the Allahabad High Court (above) gave an order on a petition of an interfaith couple seeking police protection to avoid interference by relatives and ruled that this protection be given to them.

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The petitioner said that the import and export of electronic cigarettes (right) along with all forms of electronic nicotine delivery systems was prohibited, but were easily available in Punjab and Haryana and the Union Territory of Chandigarh.



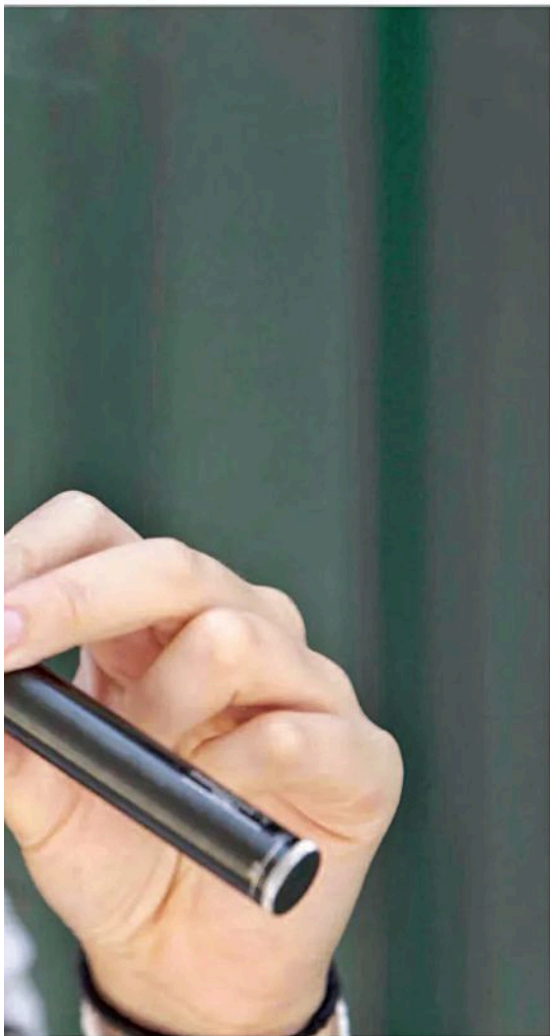
BELLING THE CAT

Flouting rules, online platforms sell all kinds of dangerous goods, including acid and e-cigarettes. The Punjab and Haryana High Court pulled up authorities for one such sale affecting minors

THE Punjab and Haryana High Court directed the state authorities to take appropriate steps to ensure that tobacco items are not readily available to minors in the online platform and to take steps to implement all statutory provisions.

Acting Chief Justice GS Sandhawalia and

Justice Lapita Banerji heard a PIL seeking direction to regulate the sale of tobacco products on online platforms to minors. The submission made on behalf of the 15-year-old petitioner said that as per notifications dated September 26, 2019, and September 30, 2019, import and export of electronic cigarettes along with all forms of electronic nicotine delivery systems was prohibited. In



spite of that, they were commonly available on various sale platforms. “Vape” and “E-cigarette” are the common names and were easily available in Punjab and Haryana and the Union Territory of Chandigarh. The petition said that authorities were not taking any redressal steps to ensure that the young generation was not hooked to it; they were consuming it in clubs, pubs, breweries, malls, restaurants and gardens.

The petitioner said he/she had ordered a pack of cigarettes from an App and the delivery was made outside a government school within the assured period of nine minutes.

The bench issued a notice to the authorities and listed the matter on July 24.

Besides e-cigarettes, there are other harmful substances easily available on online platforms, including acid (see box). In a hor-



Acting Chief Justice GS Sandhawalia and Justice Lapita Banerji of the Punjab and Haryana High Court directed the state authorities to implement all statutory provisions and issued a notice to the authorities and listed the matter on July 24.

rific incident on December 14, 2022, in Delhi, a 17-year-old girl was on her way to school with her younger sister when she was attacked with an acid-like substance by two men on a motorcycle near her home in Dwarka. While the accused were arrested, the victim suffered 8% burns and disfigurement on the face and neck. The accused during interrogation said that the acid used in the incident was bought from an e-commerce company.

Rule 4 of the Consumer Protection (E-Commerce) Rules, 2020, gives the duties of e-commerce entities. These include appointing a nodal person of contact or a senior designated functionary who is a resident in India to ensure compliance with the provisions of the Act or the rules made thereunder. Every e-commerce entity shall provide the following information in a clear and accessible manner on its platform, displayed prominently to its users, namely: legal name of the e-commerce entity; principal geographic address of its headquarters and all branches; name and details of its website and contact details like e-mail address, fax, landline and mobile numbers of customer care as well as of the ►



Rule 4 of the Consumer Protection (E-Commerce) Rules, 2020, says that no e-commerce entity shall adopt any unfair trade practice, whether in the course of business on its platform or otherwise.

grievance officer.

The Rule also says that no e-commerce entity shall adopt any unfair trade practice, whether in the course of business on its platform or otherwise. Every e-commerce entity

shall establish an adequate grievance redressal mechanism having regard to the number of grievances ordinarily received by such an entity from India, and shall appoint a grievance officer and display his name, contact details and designation on its platform. Every e-commerce entity shall ensure that the grievance officer acknowledges the receipt of any consumer complaint within 48 hours and redresses the complaint within one month from the date of receipt of it.

Where an e-commerce entity offers imported goods or services for sale, it shall mention the name and details of the importer from whom it has purchased such goods or services, or who may be a seller on its platform. Every e-commerce entity shall endeavour to become a partner in the convergence process of the National Consumer Helpline of the central government. No e-commerce entity shall impose cancellation charges on consumers cancelling after confirming purchase unless similar charges are also borne by it if it cancels the purchase order unilaterally for any reason.

Every e-commerce entity shall only record the consent of a consumer for the purchase of any good or service offered on its platform where such consent is expressed through an explicit and affirmative action, and no such entity shall record such consent automatically, including in the form of pre-ticked checkboxes. Every e-commerce entity shall effect all payments towards accepted refund requests of the consumers as prescribed by the Reserve Bank of India or any other competent authority within a reasonable period of time, or as prescribed under applicable laws.

No e-commerce entity shall manipulate the price of the goods or services offered on its platform in such a manner as to gain unreasonable profit.

Neither shall it discriminate between consumers of the same class or make any arbitrary classification of consumers affecting their rights under the Act. ■

*—By Shivam Sharma and
India Legal Bureau*

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- Weapons which include firearms, ammunition, knives, brass knuckles, gun parts.
- Psychotropic substances, narcotics, intoxicants of any description, medicines, palliative/curative substances.
- Tobacco and cigarettes which includes cigarettes, cigars, chewing tobacco and related products.
- Alcohol or alcoholic beverages such as beer, liquor, wine or champagne.
- Illegal drugs and drug accessories.
- Prescription drugs or herbal drugs or any kind of online pharmacies requiring a prescription by a licensed medical practitioner.
- Religious items, including books, artefacts, which are likely to affect the religious sentiments of any person.
- Adult goods and services and other sexually suggestive materials.
- Antiquities which are in violation of the provisions of the Antiquities and Art Treasures Act, 1972.
- Body parts.
- Child pornography.
- Copyrighted media and software.
- Counterfeit and unauthorised goods which include replicas or imitations of designer goods.
- Endangered species which includes plants, animals or other.
- Illegal goods.
- Offensive goods.
- Pyrotechnic devices, combustibles, corrosives and hazardous materials.
- Acid.
- Wholesale currency which includes discounted currencies or currency exchanges.
- Living, dead creatures the whole or any part of any animal which has been kept or preserved by any means whether artificial or natural including rugs, skins, specimens of animals, antlers, horns, hair, feathers, nails, teeth, musk, eggs, nests, other animal products of any description.

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The single-judge bench of the Madras High Court had ordered that a writ petition could not be entertained for appointment of a guardian especially when the Mental Healthcare Act, 2017, does not contain any provision for dealing with financial aspects. The judge had asked the petitioner to approach a civil court for such an appointment.

GUARDIANS OF THE WEAK

The Madras High Court has appointed a wife as the guardian of her husband who is in a vegetative state. The ruling overturned an earlier judgment by a single-judge bench. The Court took a humane view based on the financial situation of the petitioner

A Division Bench of Justices GR Swaminathan and PB Balaji of the Madras High Court reversed an order passed by a single-judge bench in the matter. The petitioner (wife) had approached the Court with a plea to appoint her as the guardian of her husband and consequently permit her to operate his bank accounts, and if necessary, to sell/mortgage the immovable property owned by him.

The single-judge bench had earlier dismissed the writ petition filed by S Sasikala of Chennai to appoint her as the guardian of her husband Thiru M Sivakumar. The sin-

gle-judge bench had ordered that a writ petition could not be entertained for appointment of a guardian especially when the Mental Healthcare Act, 2017, does not contain any provision for dealing with financial aspects. The judge had asked the petitioner to approach a civil court for such an appointment.

Sivakumar was in hospital from February 13, 2024, till April 4, 2024. It was stated in the Court that the hospital bills had run into several lakhs of rupees. The Court was told that Sivakumar was being kept at home and taken care of by Sasikala through critical care nurses and a caretaker. Sasikala sought for her appointment as the guardian so that



A Division Bench of Justices GR Swaminathan and PB Balaji (left) of the Madras High Court said: "After an interaction with the children of the appellant, we are more than satisfied that the family is without any means and that unless the petition mentioned property is allowed to be dealt with, great hardship will be caused to them."

the immovable property standing in the name of her husband could be disposed of.

The writ appeal was taken up for further hearing on May 22, 2024. Both the children born to Sasikala through her husband were present. Both are now majors. They categorically stated before the Court that they had no objection in allowing the appeal. In fact, Sasikala's daughter struggled to control her emotions in the Court and said that they were presently bereft of any financial means and unless their mother was allowed to deal with the property, the family will be in dire straits.

The Court took the humane view that the single-judge bench was not right in holding that the petition was not maintainable. The Court relied upon the Division Bench of the Kerala High Court in *Shobha Balakrishnan and another vs State of Kerala* which also involved an individual lying in a comatose state.

The Court observed that it was beyond dispute that Sivakumar, the husband of Sasikala, the appellant, is in a comatose condition. "After an interaction with the children of the appellant, we are more than satisfied that the family is without any means and that unless the petition mentioned property is allowed to be dealt with, great hardship will be caused to them. Taking care of a person lying in a comatose condition is not that easy. It requires funds.

Paramedical staff will have to be hired. The petition mentioned that the property belongs to Thiru Sivakumar. It has necessarily to be put to use for his benefit. The State is not taking care of Thiru Sivakumar. The appellant is shouldering the entire burden."

The Court further observed that in fact, when writ petitions raising similar grounds have been entertained and reliefs were granted, the judge was not right in holding ►



In 2023, the Allahabad High Court invoked the doctrine of *parens patriae* to appoint the petitioner-wife as the guardian of her husband who was in permanent vegetative state in order to meet the ends of justice.



In 2020, the Bombay High Court allowed a woman to act as her incapacitated husband's guardian. Taking note of the petitioner and her husband's 20-odd years of marriage and her care for him through his vegetative condition, the Court deemed it proper to declare her his guardian.

that the writ petition is not maintainable. While setting aside the order dated April 23, 2024, the following directions were issued by the Court:

(a) "The appellant herein is appointed as the guardian for the person as well as properties of Thiru M Sivakumar, husband of the appellant."

(b) "It is stated that the immovable property, Walltax Road, Chennai belongs to Thiru Sivakumar. The appellant is permitted to deal with the property on behalf of Thiru Sivakumar. We are not sure about the valuation of the property. We conservatively assume that it may fetch more than a crore of rupees. The appellant has to ensure that a sum of Rs 50 lakh is deposited in a nationalized bank in the name of Thiru M Sivakumar. The deposit amount will fetch interest and the accrued interest can be withdrawn by the appellant once in three months. Fixed deposit so created shall remain till the lifetime of Thiru Sivakumar. After his demise, it will go in three equal shares in favour of his legal heirs viz, wife S Sasikala, daughter S Durga Devi and son S Akash. We have incorporated such a condition only for the benefit of the family. Only if there is a fixed deposit, it will ensure that at least the survival needs are met."

(c) "The appellant is directed to file an affidavit before the Registry of this Court indicating the compliance of the direction to create fixed deposit in the name of Thiru Sivakumar to the tune of Rs 50 lakh (Rupees fifty lakhs only)."

In 2023, the Allahabad High Court

invoked the doctrine of *parens patriae* to appoint the petitioner-wife as the guardian of her husband who was in permanent vegetative state in order to meet the ends of justice. The Division Bench of Justices Mahesh Chandra Tripathi and Prashant Kumar had passed the order while hearing a petition filed by Pooja Sharma.

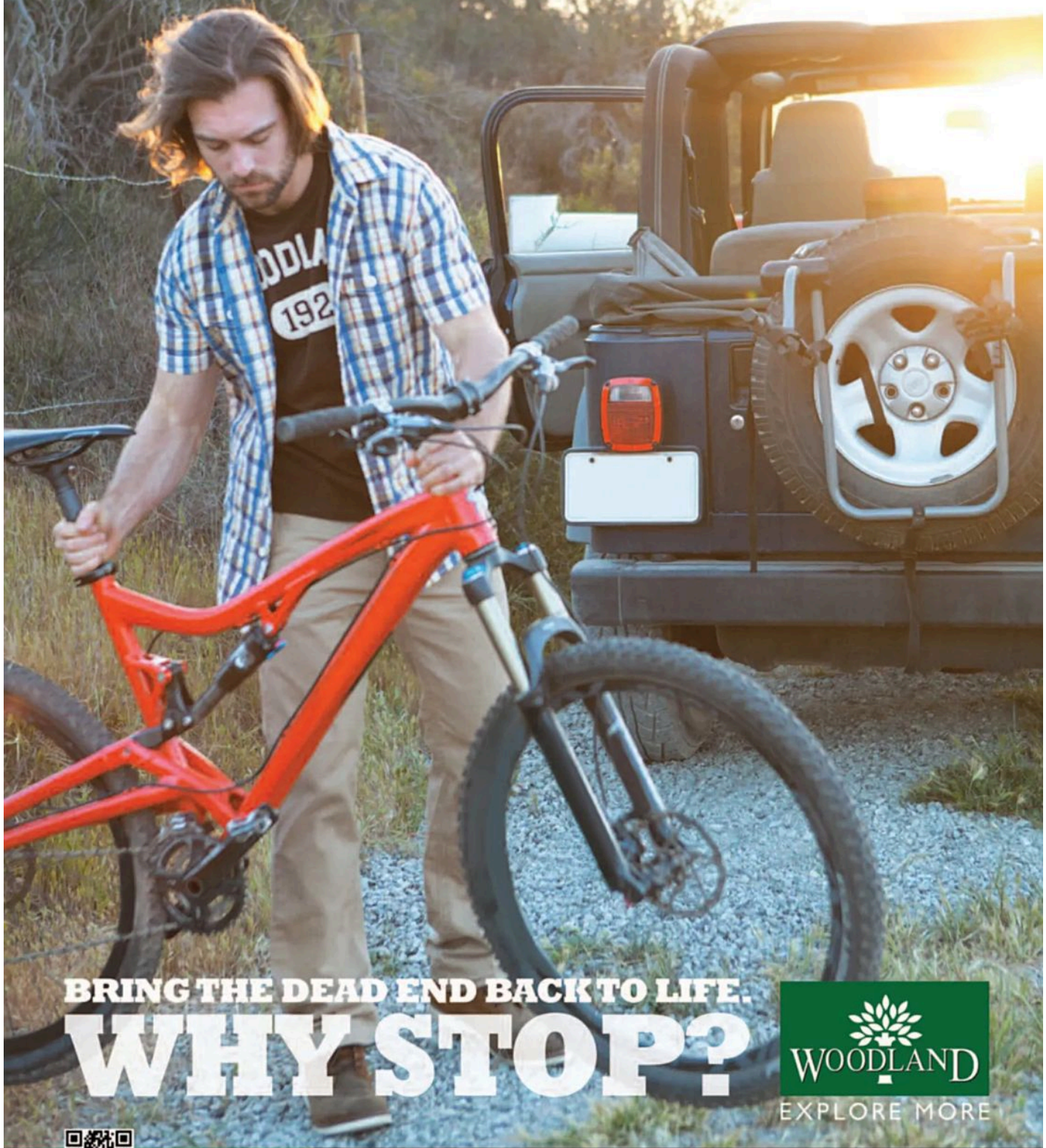
The doctrine of *parens patriae* originated in Britain as early as in the 13th Century. It means that the king is the father of the country and he was under the obligation to look after the interest of those who are unable to look after themselves. Even in India, the concept of doctrine of *parens patriae* was also recognized in the same way where the king was supposed to be the protector of the citizens as a parent.

In 2020, the Bombay High Court allowed a woman to act as her incapacitated husband's guardian. The Division Bench of Justices Ujjal Bhuyan and Milind Jadhav heard a petition filed by Rajni Hariom Sharma seeking guardianship of her husband who was in a vegetative state. The Court in its order noted that at present there is no legislation in India relating to appointment of guardians to patients lying in comatose or vegetative state. However, as per the Hindu vedic philosophy, marriage is a sacrament that contemplates the union of two souls, it said. Taking note of the petitioner and her husband's 20-odd years of marriage, and her care for him through his vegetative condition, the Court deemed it proper to declare her his guardian.

The courts also applied the doctrine of *parens patriae* in the Aruna Shanbaug decision and appointed her as her husband's guardian. The bench further noted that Article 226 of the Constitution afforded such powers to the Court to further the cause of justice. "In such circumstances, there can be no manner of doubt that conceptually the wife can be said to be best-suited to be the guardian of her husband who is under a state of incapacity or disability on account of being in a comatose condition or vegetative state," the High Court held. ■

—By Adarsh Kumar and
India Legal Bureau

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The Kolkata case in the Calcutta High Court involved the lease agreement between the parties which was entered into on February 23, 1991. The tenant had been in default on payment of rent since 2002 and in default on payment of his share of municipal tax since 1996. On account of the non-payment of rent, the lease was forfeited.

OCCUPATION HAZARDS

Kolkata's Dalhousie area, the city's commercial hub, is the focus of a legal dispute between the landlord and the tenant. It reflects the problem in many major cities where earlier agreements are not in tune with market valuations. In that sense, the dispute is, literally, a landmark case

THE Kolkata case in the Calcutta High Court involved the lease agreement between the parties which was entered into on February 23, 1991. The tenant had been in default on payment of rent since 2002 and in default on payment of his share of municipal tax since 1996. On account of the

non-payment of rent, the lease was forfeited/determined.

The single-judge bench of the High Court while deciding the issue as to whether the West Bengal Tenancy Act, 1997, or the Transfer of Property Act, 1882, was to be applied for framing of the issues in the landlord-tenant dispute, held that the Tenancy Act would govern the decision.



The single-judge bench of the Calcutta High Court (left) while deciding the issue as to whether the West Bengal Tenancy Act, 1997, or the Transfer of Property Act, 1882, was to be applied for framing of the issues in this landlord-tenant dispute, held that the Tenancy Act would govern the decision.

The case then moved to the Supreme Court which heard a batch of special leave petitions against the High Court judgment wherein the West Bengal Tenancy Act, 1997, was held to be applicable. The apex court observed that a tenant, who once entered the property in question lawfully and continues in possession after his right to do so stands extinguished, is liable to compensate the landlord for such time after the right of occupancy expires.

The Division Bench of Justices JK Maheshwari and Sanjay Karol noted that it is not in dispute that the suit governs four different tenancies. The Court noted that the disputed nature of the lease deed, in other words, its continuation or forfeiture on account of non-payment, is heavily contested and stemming therefrom, so is the nature of payment to be made. The Court also noted that the location of demised premises is in the heart of Kolkata and if the submissions of the petitioner are to be believed, they have been deprived of rent for a considerable period of time.

The apex court was of the view that the tenant had for the reasons yet undemonstrated, been delaying the payment of rent and/or other dues, payable to the petitioner-

applicant landlord. This denial of monetary benefits accruing from the property, when viewed in terms of the unchallenged market report forming part of the record is undoubtedly substantial, and as such, subject to just exceptions. The Court passed the order for deposit of the amount claimed by the peti- ▶



The SC observed that a tenant who once entered the property in question lawfully and continues in possession after his right to do so stands extinguished is liable to compensate the landlord for such time after the right of occupancy expires.

The SC also observed that the tenant must enhance the rent according to the terms of the agreement or at least by ten per cent after every three years and the enhanced rent should then be made payable to the landlord. Apart from the rental, property tax, water tax, maintenance charges, electricity charges for the actual consumption of the tenanted premises and for common area shall be payable by the tenant.



Representative picture

tioner to ensure complete justice *inter se* the parties. It said: "After all, we cannot lose sight of the fact that the very purpose for which a property is rented out, is to ensure that the landlord by way of the property is able to secure some income. If the income remains static over a long period of time or in certain cases, as in the present case, yields no income, then such a landlord would be within his rights, subject of course, to the agreement with their tenant, to be aggrieved by the same."

The apex court supported its conclusion by drawing observations and guidelines issued in *Mohammad Ahmed & Anr. vs Atma Ram Chauhan & Ors.* 21. The Court said: "According to our considered view majority of these cases are filed because the landlords do not get reasonable rent akin to market rent, then on one ground or the other litigation is initiated..."

The Court said that the tenant must enhance the rent according to the terms of the agreement or at least by ten per cent after every three years and the enhanced rent should then be made payable to the landlord. If the rent is too low (in comparison to market rent), having been fixed almost 20 to 25 years back, then the present market rate should be worked out either on the basis of a valuation report or reliable estimates of building rentals in the surrounding areas.

The Court further said that apart from the rental, property tax, water tax, maintenance charges, electricity charges for the actual consumption of the tenanted premises and for common area shall be payable by the tenant only so that the landlord gets the actual rent out of which nothing would be deductible. In case, there is enhancement in property tax, water tax or maintenance charges and electricity charges, the same shall also be borne by the tenant only.

The Court said that if the present and prevalent market rent assessed and fixed between the parties is paid by the tenant, the landlord shall not be entitled to bring any action for his eviction against such a tenant at least for a period of five years. Thus for a period of five years, the tenant shall enjoy immunity from being evicted from the premises.

The Court said that the parties shall be at liberty to get the rental fixed by the official valuer or by any other agency, having expertise in the matter.

The Court further made it clear that the rent so fixed should be just, proper and adequate, keeping in mind the location, type of construction, accessibility to the main road, parking space facilities available therein, etc. Care ought to be taken that it does not end up being a bonanza for the landlord.

The Court then directed the tenant to deposit Rs 5,15,05,512 with the registry within four weeks, acting on an interlocutory

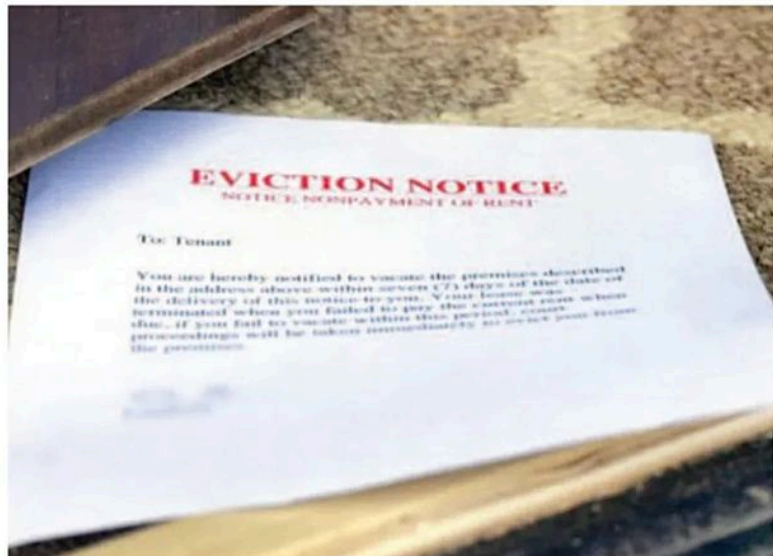
application filed by the landlord.

The Supreme Court in *Achal Misra vs Ram Shanker Singh & Ors.* held that tenants shall be liable to pay a rent equivalent to *mesne* profit from the date they are found not to be entitled to retain possession of the premises in question. “From the material available on record it does not appear that any rate of rent was appointed at which rent would be payable by the respondents to the landlord. The respondents also do not seem to have taken any steps for fixation of rent of the premises in their occupation. They have been happy to have got the premises in a prime locality, occupying and enjoying the same for no payment. We make it clear that the respondents shall be liable to pay the rent equivalent to *mesne* profits with effect from the date with which they are found to have ceased to be entitled to retain possession of the premises as tenant and for such period the landlord’s entitlement cannot be held pegged to the standard rent. Reference may be had to the law laid down by this Court in *Atma Ram Properties (P) Ltd. vs Federal Motors (P) Ltd.* [(2005) 1 SCC 705].”

In *GL Vijain vs K. Shankar*, the top court had ruled that the power to grant stay on the execution proceedings which would then result into an order for payment of *mesne* profit is what has been described as incidental or subject to the final outcome of the case. The Court had observed:

“It must be borne in mind that incidental power is to be exercised in aid to the final proceedings. In other words, an order passed in the incidental proceedings will have a direct bearing on the result of the suit. Such proceedings which are in aid of the final proceedings cannot, thus, be held to be on a par with supplemental proceedings which may not have anything to do with the ultimate result of the suit.”

“Such a supplemental proceeding is initiated with a view to prevent the ends of justice from being defeated. Supplemental proceedings may not be taken recourse to in a routine manner, but only when an exigency of situation arises therefore. The orders passed in the supplemental proceedings may sometimes cause hardships to the other side



and, thus, are required to be taken recourse to when it is necessary in the interest of justice and not otherwise. There are well-defined parameters laid down by the Court from time to time as regards the applicability of the supplemental proceedings.”

“Incidental proceedings are, however, taken recourse to in aid of the ultimate decision of the suit which would mean that any order passed in terms thereof, subject to the rules prescribed therefor, may have a bearing on the merit of the matter. Any order passed in aid of the suit is ancillary power.”

In the case of *Indian Oil Corporation Ltd. vs Sudera Realty Private Limited*, the apex court in para 64 observed: “A tenant continuing in possession after the expiry of the lease may be treated as a tenant at sufferance, which status is a shade higher than that of a mere trespasser, as in the case of a tenant continuing after the expiry of the lease, his original entry was lawful. But a tenant at sufferance is not a tenant by holding over. While a tenant at sufferance cannot be forcibly dispossessed, that does not detract from the possession of the erstwhile tenant turning unlawful on the expiry of the lease. Thus, the appellant while continuing in possession after the expiry of the lease became liable to pay *mesne* profits.” ■

—By Shivam Sharma and
India Legal Bureau

The top court also said that if the present and prevalent market rent assessed and fixed between the parties is paid by the tenant, the landlord shall not be entitled to bring any action for his eviction against such a tenant at least for a period of five years. Thus for a period of five years, the tenant shall enjoy immunity from being evicted from the premises.

Former India cricketer Yuvraj Singh (right) has issued two legal notices to two Delhi-based real estate firms. The notices that also invoke arbitration clauses have been dispatched in response to alleged infringements by the real estate firms, namely M/s Brilliant Etoile Private Limited and M/s Uppal Housing Private limited.



THE POWER OF A NAME

In a complicated real estate arrangement, former India star cricketer Yuvraj Singh has demanded compensation quoting the misuse of his privacy rights in a case where he claims illegal use of his name after he stopped endorsing the company.

Celebrities face such issues constantly

By Dr Swati Jindal Garg

FORMER India cricketer Yuvraj Singh has issued two legal notices to two Delhi-based real estate firms, citing breach of his privacy coupled with delayed possession of a property. The notices that also invoke arbitration clauses have been dispatched in response to alleged infringements by the real

estate firms, namely M/s Brilliant Etoile Private Limited and M/s Uppal Housing Private limited.

The notices address the delays in the completion and possession of a dwelling unit that Singh had booked in 2020 at New Delhi and demand “adequate damages in terms of delay caused in completion of the project and issuance of the letter of possession in the



absence of any reasonable cause or extension in timeline.

Additionally, while one of the notices seeks the delivery of an apartment that matches the promised quality and standard, as the cricketer claims to have been offered a significantly inferior unit than the one promised, the other notice issued solely to Brilliant Etoile Private Limited pertains to the alleged misuse of Singh's image and his privacy rights.

The problem seems to have started due to a Memorandum of Understanding that Singh signed with the said firm in 2020 wherein he agreed to promote and endorse their projects. Even though the memorandum expired in the year 2023, the cricketer claims that the company continued to use his photographs on billboards, project sites, social media posts and articles beyond the agreed period. This unauthorised use of Singh's face and name is a clear breach of his intellectual property rights and his right to publicity.

"That this dispute principally concerns the violation of Intellectual Property Rights with respect to the Personality Rights and misuse of Brand Value of the Celebrity i.e., My Client in contravention to the terms of the Memorandum of Understanding dated 24.11.2020, however, My Client reserves the right to add the detailed instances and elab-



orate in further specificity in the Statement of Claim," the second notice said.

This is not the first time when a celebrity's privacy rights have been infringed by the so-called opportunists who ride on the wave of hysteria that follows well-known faces wherever they go. A celebrity, technically, can be defined as "a famous person". In today's world, any author, actor, model, athlete, musician, politician, or anyone who captures the public eye is a celebrity. They are determined as celebrities by the audience or public, as perceived and viewed by the public. They have a huge following and they influence a lot of people through their profession and in other ways as well. Even though the term "celebrity rights" is not contained or mentioned in any separate law and hence not a statutory right *per se*, the celebrities themselves are entitled to different rights as individuals and as famous personalities.

Application and jurisdiction over these rights are enforced by the existing laws which contain a bundle of other rights like passing off which is a term for someone who intentionally or unintentionally represents somebody else's trademark or brand, by offering goods or services to the public. Other rights which are available to the celebrities also include personality rights, privacy rights, reproduction and distribution rights, character rights, rental rights, per-

The Trade Marks Act protects film titles as well as characters and names. Sometimes celebrities, either by themselves or by collaborating with a brand, come up with their own "lines" or brands. That brand might contain their names or the names celebrities assign to it, or even an artistic logo. For example, Sachin Tendulkar has registered his name as a trademark in India and Usain Bolt (left) has trademarked his famous "pose".



Sourav Ganguly was troubled to learn that Tata Tea Ltd had included postcards in their tea packets for an opportunity to congratulate him (when he had scored hundred in Lords), without his approval. The Calcutta High Court ruled in Ganguly's favour, stating that his reputation and popularity were a part of his intellectual property and could not be used without his consent.

formance rights, lending rights and so on. The right to publicity which has become a fundamental right in India, can also be found in statutes like the Trade Marks Act 1999, and the Copyright Act 1957.

The Trade Marks Act, for example, protects film titles as well as characters and names. All these aspects belonging to an individual celebrity signify a source and can thus be protected as trademarks wherein their commercial exploitation can be regulated/prohibited. Sometimes celebrities, either by themselves or by collaborating with a brand, come up with their own "lines" or brands. That brand might contain their names or the names celebrities assign to it, or even an artistic logo. For example, Sachin Tendulkar has registered his name as a trademark in India and Usain Bolt has trademarked his famous "pose".

Before Yuvraj Singh, cricketer Sourav Ganguly too in *Sourav Ganguly vs Tata Tea Limited* was troubled to learn that Tata Tea Ltd had included postcards in their tea packets for an opportunity to congratulate him via those postcards (when he had scored hundred in Lords) without his approval or consent. Even though the tea gained popularity, the Calcutta High Court ruled in Ganguly's favour,

stating that his reputation and popularity were a part of his intellectual property and hence could not be used without his express consent.

The right to privacy of a celebrity are also protected under the Copyrights Act. Copyright means that only the original creators of any literary, dramatic, or artistic work would be the original owners of the said work and will be exclusively authorised to use it and gain profit obtained from it. Celebrities can also demand to ask for compensation if a photographer makes use of their image or sells it to any third party without their consent. Even though the Indian Copyright Act doesn't contain any definition or concept of "celebrity", the definition of a "performer" is given in Section 2 (qq)(2) in the Act. These performers who could easily be considered as celebrities have some rights associated with them. The same law also protects any celebrity author's books even if it isn't original.

In the case of *Sonu Nigam vs Amrik Singh (alias Mika Singh) & Anr. [372/2013 (Bombay High Court)]*, both being popular singers of this era were obliged to attend a radio event and clicked for posters with their permission. Mika Singh went on to use these posters that weren't official, to promote himself wherein his images were much bigger than the other stars, including Sonu Nigam whose pictures were diminished in size. The Bombay High Court restrained Mika from using those posters/posters and ordered the parties to pay Rs 10 lakh as damages for charities. It was argued and ultimately concluded that the hoardings and posters gave the audience/public an unjustified perception of Mika Singh's popularity in comparison to other dignified and deserving artists.

Personality rights are certain other rights that accrue to a celebrity and include one's signature, image, likeness, voice, and other traits of one's own identity. These rights are the main component of any celebrity and are hence sometimes also called "celebrity rights" in layman language. They mostly apply to celebrities or well-known public figures so that their identity cannot be misused or misappropriated. Publicity rights, which is also an aspect of personality rights, are image rights which lay forth the commercial



Sonu Nigam and Mika Singh (left) attended an event and were clicked for posters. Singh later used the unofficial posters to promote himself wherein his images were much bigger than the other stars, including Nigam. The Bombay High Court restrained Mika from using the poster/posters and ordered the parties to pay Rs 10 lakh as damages for charities.

value of a photograph or any representation of the concerned celebrity. Any kind of unauthorised commercial exploitation of celebrities shall be in violation of their personality right, as the fame and reputation that they have gained are exclusive to them and have accrued to them through their own hard work. A case in point is that of *Mr Shivaji Rao Gaikwad vs M/S Varsha Productions* wherein the Madras High Court passed an injunction order against the release of a film titled *Main Hoon Rajinikanth*, stating that it violated the famous actor Rajinikanth's reputation through wrongful use of his name in the title and the movie.

The media being the fourth pillar of democracy considers that it is a fundamental right to capture and publish all the information about celebrities and demands exemption citing "freedom of press" under Article 19 of the Constitution. This exemption has been challenged by celebrities umpteen number of times on the grounds that it interferes with their personal lives and their right to privacy. Even though the media does enjoy certain freedom, the same is not unlimited and is subject to certain "reasonable restrictions" which must be followed as the right to control the commercial use of his/her own identity should vest exclusively with the person to whom it belongs, namely the celebrity himself.

It goes without saying that only newsworthy information which would interest the

public and is for the public good may be allowed to be reported. If a celebrity's right to privacy, right to publicity and personality rights are not duly protected, their creations, names and likeness would be taken away and misused against them. Celebrities too, in their defence and protection, should make sure that their rights are safeguarded in the following manner:

- Applying for trademark registrations for names, signatures, brands, nicknames, and brands.
- Obtaining copyright registrations for performances, literary works, images, videos, sound recordings, etc., to prevent unauthorised use and have control over its distribution, publication, public performance, etc.

These precautions if undertaken timely, would not only secure them against any undue financial benefits that infringers might gain from using such property, but also protect the privacy and image of the celebrity from any harm that may be caused by the profit driven infringers.

It might be time for our lawmakers to implement specific laws regarding celebrity rights that will introduce, illustrate and provide protection from misuse of a celebrity's rights and simultaneously provide privacy to them in the wake of the steady progression of such defaults in the recent years. ■

—The writer is an Advocate-on-Record practicing in the Supreme Court, Delhi High Court and all district courts and tribunals in Delhi

"I'm moving past Republican obstruction and using the executive authorities available to me as president to do what I can on my own to address the border. Frankly, I would have preferred to address this issue through bipartisan legislation, because that's the only way to actually get the kind of system we have now that's broken fixed..."

—Joe Biden, president, USA



BIDEN BITES THE BULLET

Finding legislative solutions impossible, President Joe Biden did what many US presidents have done—he issued an executive order to restrict immigration into America which had reached record levels. He also knows it will be a hot button issue in the November elections

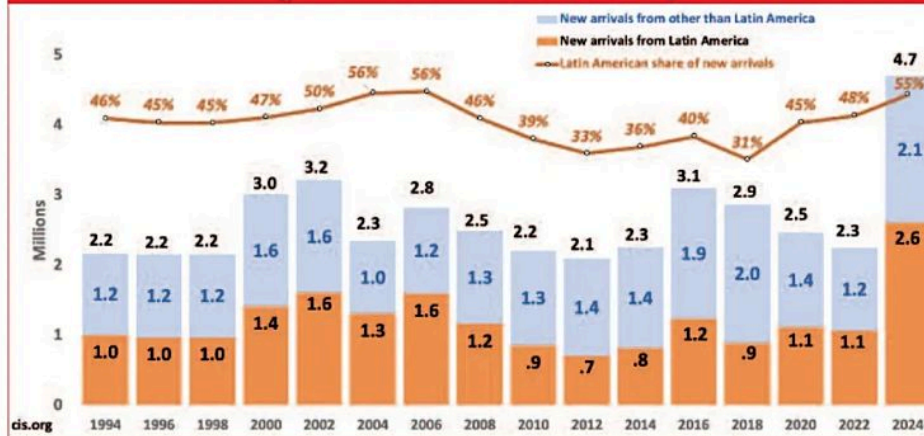
By Kenneth Tiven

ASYLUM seekers attempting to enter the United States legally at the long US-Mexico border that touches four states—California, Arizona, New Mexico and Texas—will be turned away when immigration officials determine that the border is “overwhelmed”. “I’m moving past Republican obstruction and using the executive authorities available to me as president to do what I can on my own to address the border,” Joe Biden said, pointedly noting that Republicans had rejected a bipartisan immigration deal. “Frankly, I would have preferred to address this issue through bipartisan legislation, because that’s the only way to actually get the

kind of system we have now that’s broken fixed—to hire more border patrol agents, more asylum officers, more judges,” he added.

The basic Donald Trump approach is to list all immigration and specially build a wall and tell everyone living south of the USA that it is closed for asylum seekers, which is not legally possible under current US law. With Trump’s felony conviction a matter of record, Biden has adjusted some priorities in his re-election effort. Regarding US polling, which has him close to Trump, he has to be aware of the stunning failure of polling in India with Narendra Modi not gaining a legislative majority. This offers some insight into polling practices and the difference between what people tell pollsters and what

US migrant crisis: the numbers say it all



they do when it matters in the voting booth. He is also aware that a number of progressive Democrats consider this executive order as too limiting. The disagreement threatens to fracture the party on an issue which is top of mind for voters in this election.

Trump's opposition to the legislative fix agreed upon drew Biden's strongest criticism. "He didn't want to fix the issue. He wanted to use it to attack me. It was an extremely cynical political move and a complete disservice to the American people who are looking for us... not to weaponize the border, but to fix it."

Immigration is an issue for voters. A Quinnipiac poll from May showed that 16 percent of poll participants named immigration as the most urgent issue facing the country, behind the economy (28 percent) and preserving American democracy (21 percent). In the poll, 52 percent said Trump would do a better job handling immigration compared with Biden (41 percent).

On Tuesday, Republicans in Congress asserted publicly that Biden was doing "too little, too late," to address the border security issue. But privately, House Republicans, including some very conservative lawmakers, have long worried about the political consequences if the president took action.

Democrats have long said they plan to use border security issues to their advantage this election cycle, building off recent wins where candidates made tackling the issue a campaign priority—such as Tom Suozzi's special election win replacing

the disgraced George Santos on Long Island earlier this year. Some Democrats have acknowledged that Biden is trying to appeal to independent voters with the move, but worry he may be alienating the base of voters who elected him.

"I am concerned that it doesn't matter what he ends up doing. Republicans will negate it and say that it is not enough," said Delia C Ramirez from Illinois. And so putting at risk our own values, and believing that people have the right to seek asylum in order to try to silence those that hate immigrants, I don't believe is the kind of strategy that is going to help us win the election in November."

Right-wing media in America have adopted the habit of reporting issues when they see them as a wedge against the president. While immigration is a big deal to their voters, they say, not much coverage was accorded to Biden's executive order. *Fox News* on television barely mentioned Biden's border order, preferring instead a story based solely on Republican politicians complaining that they believe Biden's mental capabilities have declined. *The Wall Street Journal*, a Murdoch-owned newspaper, has kept most of the right-wing vitriol in opinion stories, featured the cognitive story featuring non-medical Republican politicians as front-page news. ■

—The writer has worked in senior positions at The Washington Post, NBC, ABC and CNN and also consults for several Indian channels

Last December, South Africa submitted an application under Article 41 of the Statute of the International Court of Justice for interim measures against Israel for violation of the Convention on Prevention of Genocide at the International Court of Justice, the principal judicial organ of the United Nations.

It recognised Palestinian rights against genocide (right), as well as South Africa's rights to ensure that Israel complies with its obligations under the Genocide Convention as it was a member of that Convention.



WHY GENOCIDE GOES UNPUNISHED...

Even as the war rages on, the question that arises is whether the ICJ and ICC can punish Israel and Hamas for the untold misery inflicted. International legal framework remains flawed for effective enforcement

By Saju Jakob



THE Middle East experienced another episode of conflict in October 2023 when the Hamas and other militant groups attacked Israel. As expected, Israel retaliated and the conflict has been raging ever since, resulting in massive loss of life and property, especially in Palestine. What was the legality of these actions and how did international courts react?

Last December, South Africa submitted an application under Article 41 of the Statute of the International Court of Justice (ICJ) for interim measures against Israel for violation of the Convention on Prevention of Genocide at the International Court of Justice, the principal judicial organ of the United Nations. It recognised Palestinian



A series of rulings have been issued by the International Court of Justice (above) since the litigation involving Israel's act of genocide in Gaza. The Court has ordered Israel to take action to prevent acts of genocide against Palestinians.

rights against genocide, as well as South Africa's rights to ensure that Israel complies with its obligations under the Genocide Convention as it was a member of that Convention.

Accordingly, the ICJ ordered Israel to prevent any act of genocide without delving deeply into the merits of the case and based on preliminary evidence submitted by UN officials and South Africa on January 26. It modified its order on May 24 by a 13:2 majority, requiring Israel to cease its military offensive immediately and all other actions in the Rafah Governorate that might result in its physical destruction, in whole or in part. The two minority votes came from Uganda and Israel.

A series of rulings have been issued by the Court since the litigation began. Two months after the January order, it ordered Israel to take action to prevent acts of genocide against Palestinians. Furthermore, the ICJ ruled that Israel must ensure that basic food supplies are delivered to Palestinians in Gaza without delay. The ICJ ordered Israel to report back on its progress within a month.

Additionally, the ICJ stated that it was not convinced that Israel's evacuation efforts and related measures to enhance civilian security in Gaza, particularly those recently ►

The International Criminal Court (right), a permanent international court distinct from the International Court of Justice, also got into the picture. The ICC prosecutes individuals accused of genocide, war crimes, crimes against humanity and aggression. Its jurisdiction is conferred by the Rome Statute of 1998/2002.



displaced from Rafah Governorate, were adequate to alleviate the enormous risk to which the Palestinian population was subjected.

The ICJ's rulings are legally binding, as established in the LaGrand case in 2001. However, it is unable to enforce them.

Meanwhile, the International Criminal Court (ICC), a permanent international court distinct from the ICJ, also got into the picture. The ICC prosecutes individuals accused of genocide, war crimes, crimes against humanity

and aggression. Its jurisdiction is conferred by the Rome Statute of 1998/2002. Thus, the Court may examine crimes committed by a national of a State Party or those committed on its territory or those referred to the ICC prosecutor by the UNSC. An investigation may also be initiated by the prosecutor on his own initiative.

On May 20, ICC's prosecutor, "the very famous" Karim Khan requested arrest warrants against Israeli Prime Minister Benjamin Netanyahu and Hamas leaders for war crimes and crimes against humanity. In the meantime, the applications will be referred

On May 20, ICC's prosecutor, Karim Khan (right) requested arrest warrants against Israeli Prime Minister Benjamin Netanyahu and Hamas leaders for war crimes and crimes against humanity. Khan equated Hamas terrorists with Israel's democratically elected leader and ignored the legal principle of complementarity and immunity.





Hamas (left) is seen as a Non-State Actor, but is still subject to international law. As NSAs lack state-like international personality, they have traditionally been disregarded as subjects of international law due to their inability to have enforceable international rights and obligations. However, in contemporary times driven by functional theory, NSAs are considered subjects of international law.

to a pre-trial chamber that will decide whether there are reasonable grounds for the accusations and issue warrants accordingly. As soon as the arrest warrants are issued, all 124 signatory states will be obligated to hand over the concerned individuals if they enter their territories. In this regard, it is important to note that Israel is not a party to the Rome Treaty of the ICC. The ICC, however, can take jurisdiction over crimes committed on Palestine's territory since the state of Palestine (Observer Status) has been a party to the statute since 2015.

Further, by doing so, Khan equated Hamas terrorists with Israel's democratically elected leader and ignored the legal principle of complementarity and immunity. In accordance with this principle, a case is inadmissible before the ICC if it is currently under investigation by a state with jurisdiction over it. Therefore, states have priority over the ICC in cases within their jurisdiction. State heads enjoy immunity from legal action as a result of the principle of immunity.

However, Hamas is seen as a Non-State Actor (NSA), but is still subject to international law. NSAs include armed groups, terrorists, civil society organizations, religious organisations, and corporations that do not constitute states. As NSAs lack state-like international personality, they have traditionally been disregarded as subjects of international law due to

their inability to have enforceable international rights and obligations. However, in contemporary times driven by functional theory, NSAs are considered subjects of international law. This opens the avenue for enforcement.

International Humanitarian Law (IHL) or the laws of war conducted during armed conflicts and occupations are regulated in order to minimise the humanitarian effects. Non-state armed groups are also covered by IHL. As a result, Hamas and other militant groups may be held accountable under IHL. In addition, Hamas is Gaza's *de facto* ruler since 2007. Palestine is also a ratified party to the ICC Treaty and all the Geneva Conventions and their protocols.

The principle of universal jurisdiction allows states to investigate and prosecute nationals from any country alleged to have committed certain international crimes within their borders. Universal jurisdiction is defined differently across the globe, as well as how it is exercised. International crimes committed in other countries may be prosecuted by a national or international court depending on the domestic legal framework as well as the facts of the particular case.

Likewise, the ICC has jurisdiction over the most serious crimes, including genocide, which affect the international community as a whole. Recently, Russian President Vladimir Putin had to cancel a trip to South Africa in the light of arrest warrants issued ►

The ICC has jurisdiction over the most serious crimes, including genocide, which affect the international community as a whole. Recently, Russian President Vladimir Putin (right) had to cancel a trip to South Africa in the light of arrest warrants issued against him by the ICC in March 2023, despite the fact that Russia is not a signatory to the ICC Treaty. It is unlikely that Putin will travel to countries where he has a high probability of being arrested.



against him by the ICC in March 2023, despite the fact that Russia is not a signatory to the ICC Treaty. It is unlikely that Putin will travel to countries where he has a high probability of being arrested.

There is, however, a conflicting view regarding the ICC's jurisdiction and universal jurisdiction in the current discourse. There is no doubt that the ICC can acquire extensive jurisdiction over non-state parties with the consent of the concerned non-state party and referrals by

the UNSC; however, such a mechanism is inherently restrictive. As an example, if Putin were to commit crimes on Russian territory, the ICC may not be able to take jurisdiction, since the UNSC could veto any referral and the domestic laws have not incorporated the clause of Universal Jurisdiction, contrary to the case of Kenya, which incorporated the clause of Universal Jurisdiction and ICC into its domestic laws.

However, universal jurisdiction cases can be used to gain a better understanding of the manner in which states coordinate in order to arrest individuals who have committed international crimes.

There is the Pinochet case in which, following a Spanish court's arrest warrant in 1998, former Chilean President Augusto Pinochet was arrested in London on charges of human rights violations, including murder, torture and enforced disappearances while he was in power. According to his attorneys, he is immune from prosecution as a former head of state. However, the UK's House of Lords ruled that immunity does not apply to torture acts, allowing extradition proceedings to proceed to Spain where he could stand for trial.

The principle of universal jurisdiction was also invoked in February 2000 by a Senegalese court to convict Chad's exiled former president, Hissein Habré, for acts of tor-

There is the Pinochet case in which, following a Spanish court's arrest warrant in 1998, former Chilean President Augusto Pinochet (right) was arrested in London on charges of human rights violations, including murder, torture and enforced disappearances while he was in power. This case shows how states can coordinate to arrest a person convicted of the most heinous crimes against humanity.



ture committed during his rule from 1982 to 1990. The issuance of the warrant will be handled by the ICC, but cases such as Pinochet demonstrate how states can coordinate to arrest a person convicted of the most heinous crimes against humanity. There are many examples of universal jurisdictions if countries are ready to co-operate with each other. Among the cases where states invoked universal jurisdiction were Israel's prosecution of Otto Adolf Eichmann, a German-Austrian official of the Nazi Party, in 1961 and Spain's prosecution of South American dictators.

What is the UN Security Council's role in enforcement of judicial orders? It plays a pivotal role in the enforcement of judicial orders by the ICJ and ICC. Owing to the fact that the judicial bodies do not have an enforcement mechanism of their own, they rely on their state parties and UNSC for enforcement measures.

Article 94 of the UN Charter states that if a party fails to fulfil its obligations under ICJ's judgment, the other party may seek recourse through the UNSC. The Council may make recommendations regarding the enforcement of the judgment. However, these recommendations can be vetoed by any of the permanent members.

Likewise, the ICC relies on cooperation from other countries for the purposes of arrest. Article 87(7) of the statute enables the Court to refer matters of non-cooperation to the Assembly of States Parties and in cases of referrals by the UNSC to the Council itself. Further, the Security Council enjoys a lot of power pertaining to the ICC. For instance, according to Article 16 of the ICC Statute, the Security Council possesses the authority to halt all ICC proceedings in cases that fall under this Article. Thus, any enforcement measure is ultimately subjected to the political considerations of the five UNSC members; two of which, namely, France and the UK, are state parties to the ICC. China, the US and Russia are still non-signatories to ICC proceedings. India was very much involved in the deliberations that led up to the creation of the Rome Statute, despite the fact that it is not a signatory to ICC Treaty.



There is, however, little chance that the ICJ's order will be enforced due to the absence of an enforcement mechanism. Any such measure would have to pass through the UNSC, where Israel's ally, the US, holds veto power. Additionally, the arrest warrant applications submitted to the ICC will suffer from a lack of effective enforcement due to the disproportionate powers of UNSC members.

The ICC's broad jurisdiction and the absolute immunity enjoyed by heads of states in domestic jurisdictions are likely to clash in this case. As both the US and Israel have not accepted the Court's jurisdiction, Israeli leaders have very limited liability.

NSAs can also be prosecuted before the ICC for their actions, but the path to achieving it is tricky. Due to its absence from international forums, there is very limited scope to exert pressure on the militant group. Despite increasing international pressure on Hamas and Israel to end the war through a peace deal, the existing international legal framework remains flawed for effective enforcement. In addition to South Africa and the US, other countries such as Spain, Norway and Ireland have taken different diplomatic positions according to their political interests, while others, such as Canada, have remained neutral. ■

—The writer is an advocate practising before the Supreme Court

What is the UN Security Council's (above) role in enforcement of judicial orders? It plays a pivotal role in the enforcement of judicial orders by the ICJ and ICC. Owing to the fact that the judicial bodies do not have an enforcement mechanism of their own, they rely on their state parties and UNSC for enforcement measures.



Only a handful of soldiers who lived through D-Day are still alive. They gathered on the same beach on that same day, while military bands played and crowds cheered them. They were joined by heads of state from around the world to commemorate the approximately 1,60,000 Allied troops who, eight decades ago, carried out the largest seaborne invasion in human history

D-Day Revisited

This week marks the 80th anniversary of D-Day, the start of the end of World War II which took place on the beaches of Normandy in France, where allied troops launched their decisive assault. That moment has been captured in numerous films and documentaries, but this year is especially poignant. It may be the last time that surviving veterans will meet once again on that legendary beach where rows of headstones mark the graves of soldiers who died in order to bring an end to World War II.

D-Day began shortly after midnight on June 6, 1944, when paratroopers dropped into German-occupied France to lay the ground for the incoming invasion. Allied planes and warships began their bombard-

ment early that morning with troops loaded on assault craft landing on a stretch of coastline 50 miles long. The allied offensive was organized into five beaches code-named Gold, Juno, Omaha, Sword and Utah. The Americans were responsible for Omaha and Utah. The British-led the assault on Gold and Sword, while the Canadians landed on Juno. More than four thousand (4,414) Allied troops died that day, but it also marked the beginning of the end for Hitler and Nazi Germany.

Only a handful of soldiers who lived through D-Day are still alive. They gathered on the same beach on that same day, while military bands played and crowds cheered them. Most were in wheelchairs or supported by canes, almost all of them in their 90s, with one aged 104. They were joined by heads of state from around the

world to commemorate the approximately 1,60,000 Allied troops who, eight decades ago, carried out the largest seaborne invasion in human history.

Last week's commemoration was even more significant considering Russia's invasion of Ukraine has brought a large-scale ground war back to Europe for the first time since 1945. That explains why Vladimir Putin was noticeably absent from the list of heads of state and government in attendance, which included US President Joe Biden, British Prime Minister Rishi Sunak and Canadian Prime Minister Justin Trudeau. Ukrainian President Volodymyr Zelenskyy was also invited.

D-Day, however, belongs to the surviving veterans, although it is the leaders who will get to revel in this, the most momentous moment in modern history.

The Zuma Tsunami

Many psephologists and political analysts had predicted the outcome and it did come true. South Africa's ruling African National Congress (ANC), formed by the late Nelson Mandela and credited with bringing an end to apartheid, fell short of a majority. For incumbent President Cyril Ramaphosa, it is a serious setback.

The final election results confirmed the ANC's decline in support to just more than 40 per cent of the vote—far less than the absolute majority it had for the past 30 years in power. Voters were clearly angered over multiple failures: rising crime, increased poverty, joblessness, economic hardships, power blackouts and corruption.

The ANC will have 159 seats out of 400 in the new National Assembly, while the Democratic Alliance (DA) will have 87. The populist Mkhonto we Sizwe (MK) led by former president Jacob Zuma was the biggest winner with 58 seats and

could play a crucial role in the formation of a new government. MK which performed surprisingly strongly especially in Zuma's home province of KwaZulu-Natal, advocates land seizures and nationalisations, as well as scrapping the constitution and introducing a parliamentary chamber made up of traditional rulers.

Many have referred to the election as the Zuma Tsunami. The party is seen by many analysts as a vehicle for Zuma to

seek revenge on the ANC, his former party, after he was forced to quit as president in 2018 following a string of corruption scandals. He has since become a relentless foe of Ramaphosa. He has openly said that any talks of government formation will have to be without Ramaphosa as head of government.

Not just Zuma, but all opposition parties were unanimous in their denunciations of the ANC during the election period which could handicap any inter-party talks. The ANC, in addition to its national setbacks, also lost the majority in three provinces that it currently rules: KwaZulu-Natal, Gauteng and the Northern Cape. It suffered its worst blow in KwaZulu-Natal, where former Zuma's MK Party swept. The party, formed only in late 2023, contested elections for the first time and secured third place with 14.6 per cent of the vote.

The election verdict has exposed the deep political fissures among South Africa's parties which does not bode well for the nation in the days ahead.



For incumbent President Cyril Ramaphosa, it is a serious setback



The populist Mkhonto we Sizwe (MK) party led by former president Jacob Zuma was the biggest winner with 58 seats and could play a crucial role in the formation of a new government

Viva Mexico!

The chants were unusual only because the moment was so unusual: for the first time in the 200-year history of Mexico's republic, a woman will be president. Even as Claudia Sheinbaum took the stage at her victory party in Mexico City, the chants of "Presidenta! Presidenta! Presidenta!" rang out, delivering a powerful message: the rise of woman power in a land where society, and by extension its politics, has long been patriarchal. Women were not even granted the right to vote until the 1950s.

The historic nature of this election was not lost on the crowds that gathered, even past midnight. It was a landslide victory for Sheinbaum and her party, MORENA which the polls failed to predict.

Sheinbaum is also Jewish, which makes her victory all the more remarkable. She has a strong backstory: a former mayor of Mexico City with a PhD in engineering.



For the first time in the 200-year history of Mexico's republic, a woman, Claudia Sheinbaum, will be president. Sheinbaum will take office on October 1, a little less than four months before the next US president is sworn in

She does, however, face multiple challenges. Crime is rife with Mexico's drug cartels ruling their territories with violence and gang-related deaths. Organized

crime's vice grip on the country has only increased, with drug trafficking at record levels as is human trafficking across the US border.



Claudia Sheinbaum faces multiple challenges. Crime is rife with Mexico's drug cartels (above) ruling their territories with violence and gang-related deaths

Six of 10 voters in this election cited safety as their top concern, according to government statistics. More people have been murdered during the six-year term of the current administration than any other according to Mexican consulting firm Integralia. Then there is Mexico's relations with its powerful neighbour, America where all the drugs are headed.

To her advantage, Sheinbaum is a progressive with international exposure: she studied in the US, has family there, speaks English proficiently and was part of a Nobel prize-winning team nearly two decades ago for a report on climate change.

Sheinbaum will take office on October 1, a little less than four months before the next US president is sworn in. How she handles the relationship with Joe Biden or Donald Trump will define her place in history.

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The Tourist Trap

It's a tricky question: how many tourists are enough? And are they too much of a nuisance as opposed to boosting the local economy? Bhutan was the first to impose a tourist tax and now Venice, one the most popular tourist destinations, is to start charging tourists for entering the city and putting a limit on how many could swamp their legendary canals in a single day. Now, other hot tourist spots are following suit, including Ibiza and Mallorca.

It's not just numbers, it's also attitudes. Visitors to the Canary Islands are greeted with banners saying: "Tourist: respect my land!" As travel season peaks, so is the rising anti-tourist sentiment among locals in popular summer destinations.

The Canary Islands witnessed anti-tourist demonstrations last April while similar protests have been seen in Barcelona, Athens, Málaga and other cities in Europe where tourism footfalls are high. The message is clear. Many residents in over-touristed places increasingly want tourists who respect local culture and nature, not the kind who drink on the beaches and leave behind empty bottles and packets of crisps.

Leading the list of "bad tourists" are Britishers who behave badly and get into drunken spats with locals. In Spain's Balearic Islands, renowned for nightlife destinations such as Ibiza and Magaluf, for the first time there are restrictions on alcohol, thanks to boozy tourists who lit-



In Spain's Balearic Islands, renowned for nightlife destinations such as Ibiza and Magaluf (above), for the first time there are restrictions on alcohol, thanks to boozy tourists who litter their streets till the early hours



Venice, one the most popular tourist destinations, is to start charging tourists for entering the city and putting a limit on how many could swamp their legendary canals in a single day



Visitors to the Canary Islands are greeted with banners saying: "Tourist: respect my land!"

ter their streets till the early hours. Another popular destination, Bali recently announced a new tourism tax after a series of incidents involving visitors desecrating holy sites.

All this comes at a time when revenge travel post-pandemic has led to record numbers of tourists. What this means is that tourist havens will still welcome visitors, but only if they are the right kind of tourist. Tougher interventions include tourism taxes, a practice that Bhutan has had since 2019 which not only puts a limit on the number of tourists, but also discourages the low-budget traveller.

Last year, Amsterdam, another tourist hot spot, started a "Stay Away" campaign aimed at discouraging young men from treating the city like a rave or a party zone. That's a trend that seems to be on the rise.

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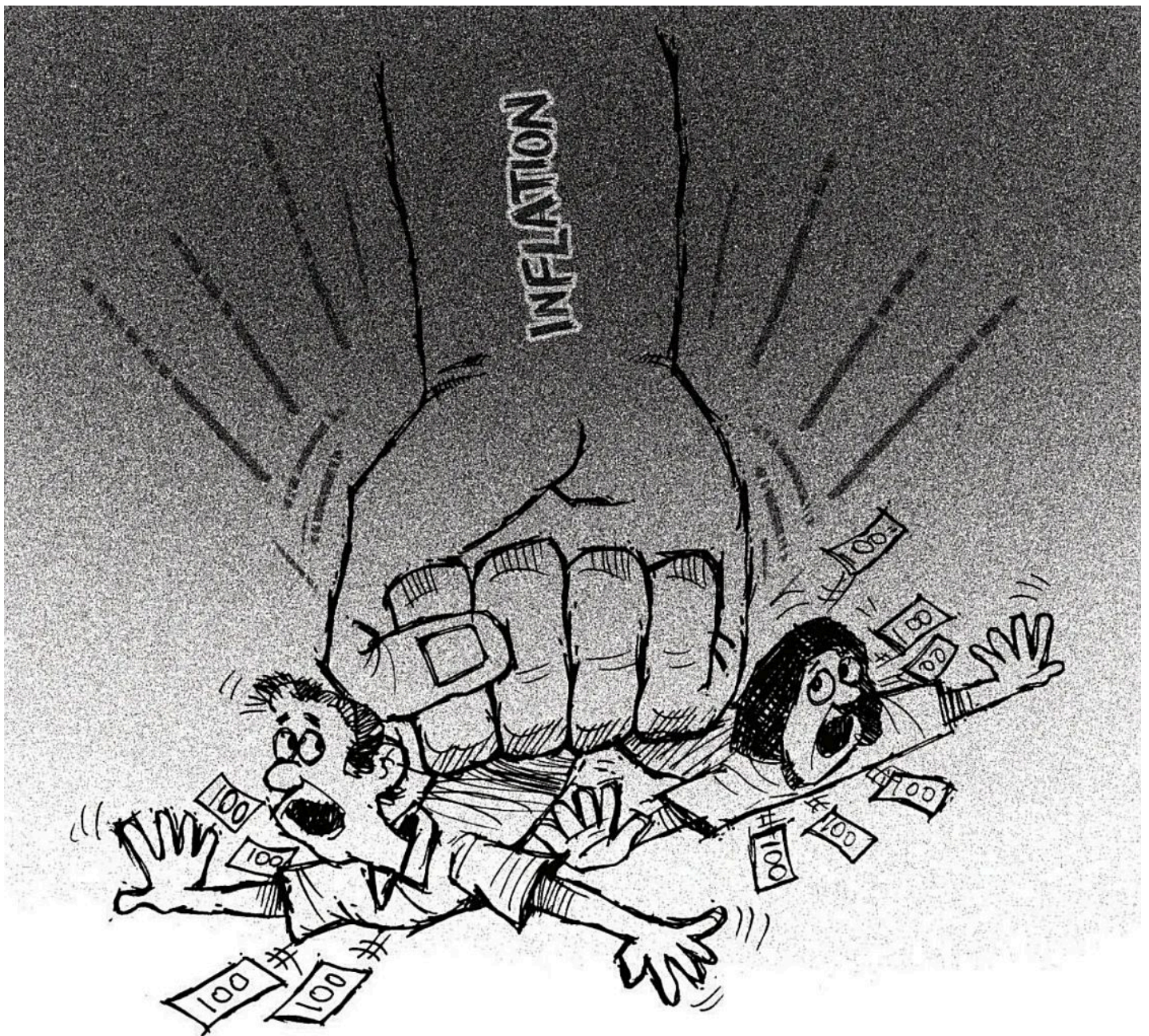
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