



### ESSAYS/OPPORTUNITIES

**1st IJLMH International Essay Writing Competition [Prizes Worth Rs. 15K]: Register by January 15 [Extended]**

Students can write on any of following themes \* India's International Relations \* #MeToo in Global Perspective. \* Refugee Crisis \* Gender Equality. Registration amount Rs. 250/- ; Co-authorship: maximum of 2 authors. <https://www.lawctopus.com/international-journal-law-management-humanities-essay-competition/>

**Peace and Conflict Research @ Pax et Bellum, Uppsala University, Sweden: Submit by Jan 18**

Pax et Bellum is looking for academic papers written in English, produced either on a bachelor's or master's level. We will publish approximately four papers between 3,000 and 5,000 words, and one paper between 8,000 and 10,000 words

<https://www.noticeboard.com/cfp-peace-and-conflict-research-pax-et-bellum-uppsala-university-sweden/>

**Research Paper Competition on Income Tax Act by TNDALU, Chennai: Submit by Feb 5**

Topic: "Comprehensive Analysis of S.56(2)(x) & S.50CA of the Income Tax Act 1961"

<https://www.lawctopus.com/tndalu-research-paper-competition-income-tax-law-2019/>

**National Essay Competition by Asha Akanksha Foundation: Register by March 15**

Themes: 1. Sexual and Gender-Based Violence 2. General Women, Peace and security 3. Justice, Rule of Law and Reforms for women 4. Women and Child Rights 5. Progress of women legislation and laws in India 6. Judicial activism: Analysis of developments made by the Supreme Court

<https://www.lawctopus.com/asha-akanksha-foundation-essay-competition/>

**f GLCE Students Union 2018-19**

**f NAYAM 2019**

**f Arts Club Activities & Announcements**

**f EXCELLENCY CLUB**

**Instagram NAYAM 2019**

**Instagram EXCELLENCY CLUB**

**My Lawcoz YouTube Channel**

**EXCELLENCY CLUB Study Videos**

**EXCELLENCY CLUB LAW NOTES WIKI**

**LLB3.WIKIDOT.COM**

**LLB5.WIKIDOT.COM**

### No Vehicle Can Be Altered So As To Change Original Specification Made By Manufacturer: SC

**You can't paint or modify your bike, car! It's against the law...**

The Supreme Court has held that a vehicle cannot be so altered that the particulars contained in the certificate of registration are at variance with those "originally specified by the manufacturer". The court said: "*The alteration under the Rules is permissible except as prohibited by section 52. The specification of the rules would hold good with respect to the matters as not specifically covered under section 52(1) and not specified therein by manufacturer.*" Remaining particulars in a certificate of registration can be modified and changed and can be noted in the certificate of registration as provided in section 52(2), (3) and (5) and the Rules. <https://www.livelaw.in/top-stories/vehicles-cannot-be-altered-to-change-manufacturer-specifications-141981>

### Monsanto's Claim For GM Cotton Seeds Should Be Decided Based On Evidence; SC Sets Aside HC Order

The Supreme Court bench of Justices Rohinton Nariman and Navin Sinha on Tuesday ruled that US Company Monsanto can claim patents on its genetically modified cotton seeds. The Bench has set aside a decision of a [Division Bench of the Delhi High Court](https://www.livelaw.in/top-stories/monsanto-can-claim-patents-on-gm-cotton-seeds-rules-sc-read-judgment-141961) by which Monsanto Technologies' patent in respect of its BT cotton seeds was held to be inapplicable in India. <https://www.livelaw.in/top-stories/monsanto-can-claim-patents-on-gm-cotton-seeds-rules-sc-read-judgment-141961>

### Assam in flux: why the Citizenship (Amendment) Bill is so contentious

The bill seeking to amend the Citizenship Act of 1955 was introduced in the Lok Sabha in 2016, and sought granting citizenship to minority Hindus, Sikhs, Buddhists, Jains, Parsis and Christians who came to India on or before December 31, 2014 due to religious persecution in Afghanistan, Bangladesh, and Pakistan. The Bill requires such immigrants to spend at least six years to be eligible for citizenship, instead of 12 years as is currently applicable....The Assamese and other indigenous communities in Assam say that the Bill is against the spirit of the Assam Accord as well as the National Register of Citizens being updated. The Assam Accord, signed in August 1985, prescribed March 24, 1971 as the cut-off date for detecting and deporting illegal migrants irrespective of religion. The same date applies for NRC inclusion. <https://www.thehindu.com/opinion/op-ed/assam-in-flux/article25952818.ece>

### Legal Heir liable to VAT Arrears to the extent he succeeded to Deceased Person's Estate: Kerala High Court

The Kerala High Court has recently held that the legal heir of a deceased person is liable to pay VAT arrears only to the extent he succeeded to the deceased person's estate....the Revenue dept continued recovery proceedings against the legal heirs. The petitioner challenged the recovery proceedings before the High Court contending that he has inherited no property from his father and therefore, he cannot be subjected to the recovery proceedings. <http://www.taxscan.in/legal-heir-vat-arrears-deceased-estate-kerala-high-court/31703/>

### All You Need to Know About The Fugitive Economic Offenders Act

On 5 January, a special anti-corruption court declared debt-ridden liquor baron Vijay Mallya a 'fugitive economic offender' under the provisions of a new law, which sought to bring to book big-ticket tycoons and businessmen who have left the country to escape indictment. Seen as the first major win for the Fugitive Economic Offenders (FEO) Act – that was passed last August – Mallya will now be subject to the provisions of the law, which means that his property and assets will be confiscated and brought under the control of the Union government. <https://www.thequint.com/explainers/what-is-the-fugitive-economic-offenders-act-2018-all-about>

### Judges Can Be Facebook Friends with Lawyers, Florida SC Rules

In an interesting case having relevance in the Indian situation as well, the Supreme Court of Florida, USA, has ruled by 4:3 majority that Facebook friendship between a judge and an attorney appearing before him in a matter is not a sufficient ground for disqualifying him from considering that matter on the ground of likelihood of bias.

<https://www.livelaw.in/judges-can-be-facebook-friends-with-lawyers-florida-sc-rules-by-43-majority-read-judgment/>

## ACTIVISM ACROSS THE WORLD

### Amika George's #FreePeriods Legal Campaign Working To End Period Poverty

In 2017, British teen Amika George started the #FreePeriods campaign to raise awareness of the effects of not being able to afford tampons, pads, and other sanitary products. Now, she has set up a legal campaign to end period poverty once and for all.... A 2017 survey carried out by Plan International found that one in 10 girls in the UK were unable to afford sanitary products and one in seven girls struggled to afford them. 12% of girls had no choice but to improvise with their sanitary wear. (These improvisations include toilet paper, scraps of clothing, and even newspaper.) Some girls were missing school for up to a week each month due to their periods.... Despite these figures and a protest led by George in December 2017, the government has done little to help. Yes, they may have used tampon tax funds to give £1.5 million to the Brook charity to address the issue but nothing has been put into law in England.... Scotland and Wales, however, are attempting to make a change. In August, Scotland became the first country in the world to provide free menstrual products to all students in schools, colleges, and universities. Wales has also given £1 million to directly tackle period poverty.... George's new campaign is in conjunction with The Pink Protest and The Red Box Project have been working with a law firm specialising in human rights to form a legal case on the issue of period poverty.

<https://www.bustle.com/p/amika-georges-freeperiods-is-the-legal-campaign-working-to-end-period-poverty-it-needs-your-help-15727079>

## INTERESTING CASE

### Carlos Ghosn vs. Japan's Legal System

For months, Carlos Ghosn, the deposed chairman of Nissan Motor Co., has been caught up in the peculiarities of Japan's criminal justice system. A suspect can be held for questioning for up to 20 days without charge after the initial arrest -- far longer than in most other developed countries. The suspect is allowed to seek bail only after being indicted, and even then, the person can be immediately re-arrested for questioning on suspicion of new charges. That restarts the 20-day clock, in what is a very common practice. A judge has to approve every extension, but almost always does, and the cycle can go on indefinitely. Legal experts say this is all a strategy to secure a confession and make a trial easier. In 2017, less than 1% of cases in Japan's district and county courts resulted in an acquittal or the defendant's release. Critics question whether the system has sufficient safeguards to protect human rights. Initially, Ghosn was arrested on suspicion of falsifying his salary from Nissan by tens of millions of dollars in company filings to regulators. He was later **indicted** on that charge for the five fiscal years through March 2015. A subsequent indictment covered the three subsequent years, bringing the total allegedly unreported to \$80 million. Ghosn is now being investigated on a potentially more serious charge of **aggravated breach of trust** for allegedly trying to transfer millions of dollars in personal trading losses to Nissan from 2008-2012. Nissan also has accused Ghosn of misusing company funds, including over the purchase of homes from Brazil to Lebanon and hiring his sister on an advisory contract.

<https://www.bloombergquint.com/quicktakes/carlos-ghosn-vs-japan-s-legal-system-quicktake#gs.MYQDZINY>

## LEGAL CONCEPT

### Demurrer

The word *demur* means "to object". In legal parlance, "Demurrer" is a written response to a complaint filed in a lawsuit, pleading for the dismissal on the point that even if the facts alleged in the complaint were true, there is no legal basis for a lawsuit. ...Some demurrers may contend that the complaint is unclear or omits an essential element of fact. If the judge finds these errors, he/she will usually sustain the demurrer, but may do so "with leave to amend" in order to allow changes to make the original complaint good.... An amendment to the complaint cannot always overcome a demurrer, as in a case filed after the time allowed by law to bring a suit. If after amendment the complaint is still not legally good, a demurrer will be granted sustained. Demurrer was widespread both in English common law and US federal courts, as the "no evidence rule." However, of late many jurisdictions, including English civil courts and US Federal Courts, have discontinued this practice.

## KNOW YOUR RIGHTS

### Is "Goods once Sold Shall Not be Taken Back or Exchanged" Legally valid?

The department of consumer affairs, on December 22, 1999, has prohibiting printing the condition that "goods once sold will not be taken back" on receipts. Sold goods can always be returned by the consumer. A non-return policy from part of shopkeepers and traders amounts to unfair trade practice. Aggrieved consumers may approach the consumer disputes redressed forum if traders refuse to take back unused goods sold by them within a reasonable period. <https://timesofindia.indiatimes.com/city/mumbai/Sold-goods-can-always-be-returned-rules-consumer-forum-in-Mumbai/articleshow/39566859.cms>

In the USA federal law provides a "**Cooling-Off Rule**" giving buyers three days to cancel purchases of \$25 or more. Different states have their own laws as well. In the UK, the Consumer Contracts Regulations gives customers a cancellation period up to 14 days from the day they receive your goods. A 2015 law also gives anyone who buys faulty goods entitled to a full refund for up to 30 days after the purchase.

## CALL FOR PAPERS

### Journal of Banking and Insurance Law Volume 1 Issue 2: No Publication Fee; Submit by Jan 20

Journal of Banking and Insurance Law invites submission of unpublished original research articles (3000-5000 words), review articles (6000 words) or case law and project report for its Volume 1, Issue 2. <https://www.lawctopus.com/journal-of-banking-and-insurance-law-volume-1-issue-2/>

### Journal of Corporate Governance and Transparency by Symbiosis Law School, Hyderabad: Submit Jan 27

Authors may submit articles (5000-8000 words) or case Comments & Notes (3000-5000 words) on any of the listed sub themes. <https://www.lawctopus.com/journal-of-corporate-governance-and-transparency-symbiosis-hyderabad/>

### CLD NUALS Securities Law e-Newsletter Vol 6: Submit by Jan 28

The CLD NUALS Securities Law e-Newsletter is now open for contributions for its Sixth Volume to be published in February 2018. Contributions to the e-Newsletter are welcome from all academicians, professionals and law students. The contributions must deal with a contemporary issue of securities law and must provide the author's novel take on the issue. <https://www.lawctopus.com/cld-nuals-securities-law-e-newsletter-volume-6/>

### RMLNLU Constitutional Law and Public Policy Blog: Submit by Jan 25

Articles (1000-2000 words) are invited on contemporary constitutional law and public policy issues from the student community, academicians and practitioners. <https://www.lawctopus.com/rmlnlu-constitutional-law-public-policy-blog/>

### NLIU Journal of Business Laws: Submit by Feb 17

The Journal is accepting submissions under the broad theme of "Business and Commercial Laws" – and includes company law, securities law, capital markets regulation, banking and finance, taxation, foreign investment, competition law, commercial dispute resolution, contract and commercial law, and employment law inter alia. The submission must be of contemporary relevance. <https://www.lawctopus.com/nliu-journal-of-business-laws/>

### Bennett Journal of Legal Studies: Submit by Jan 30 [Extended]

BJLS is inviting scholarly contributions for its first Volume. The Theme of the Bennett Journal of Legal Studies – Volume – I is "Changing Dynamics in Constitutional Interpretation." <https://www.lawctopus.com/bennett-journal-legal-studies-call-for-papers/>



The Parliament passed the Constitution (124th Amendment) Bill that seeks to provide 10% quota in jobs and educational institutions, including private-run higher educational institutions, to economically weaker sections from the general category.... **The Bill seeks to amend Articles 15 and 16 of the Constitution... It seeks to add clause (6) in Article 15 to enable the State to provide reservations for economically weaker sections, other than the SCs, STs and OBCs.**

## Theatre of the Absurd

The income criterion to determine eligibility for the new 10% quota is to be fixed at a household income of Rs 8 lakh per annum from all sources. As on date, any Indian who earns over Rs 2.5 lakh a year is liable to pay income tax. One would assume from this that the Union of India regards this level of income as sufficiently high to make one eligible to pay tax on it....And yet, the new decision suggests that a family with a single earner who draws a salary three times this amount, that is Rs 7.5 lakh, is economically backward and hence deserves a quota in education and jobs. Indeed, in a double-income family where husband and wife each earn just under Rs 4 lakh, both would pay tax and their family would still be entitled to the quota. At just under Rs 8 lakh per annum, not only would you be liable to pay tax, you would have to pay it at the second slab of 20%. So what are people at this level of income in the eyes of the Indian state? Are they 'poor' and hence in need of support from it, or are they so well-off that they need to be taxed at higher than entry level? Apparently, they are both... Given such a logical absurdity, it is no surprise that the income criterion would actually make over 95% of Indians eligible for the new quota.... Welcome to the land of the economically backward, which is somehow at the same time also an economic powerhouse.

<https://timesofindia.indiatimes.com/blogs/Crossword/theatre-of-the-absurd-government-plan-for-quota-for-economically-backward-is-riddled-with-inconsistencies/>

**"Ultimately this is a muddled thinking. But the muddled thinking may have serious political and economic effects which are seriously questionable." - Nobel laureate economist Amartya Sen on the 10% reservation for economically backward people in the general category.**

## Bill for 10% reservation for poor in general category challenged in SC

The petition, filed by Youth for Equality organisation and Kaushal Kant Mishra, sought the quashing of the bill saying that the economic criterion cannot be the sole basis for reservation.... The plea said the bill violates basic feature of the Constitution as reservation on economic grounds cannot be limited to the general categories and the 50 per cent ceiling limit cannot be breached.

## Is Economic Reservation Justified?

In theory there is no argument to keep the benefits away from the disadvantaged sections of the otherwise socially influential castes and communities. **A person born in a less well-off family of the upper /dominant caste also faces familiar handicaps as any other disadvantaged group.** The difference is only of the degree, as within the poor category, the poor among the Dalits and the economically backward classes (EBCs) face far more serious repercussions of economic deprivation due to the accompanying social discrimination, and lack of social and cultural capital. While this is a valid argument against putting the poor in the upper/dominant castes, Dalits, EBCs or OBCs at the same pedestal, it cannot be an argument for denying affirmative action to the poor of "upper" castes. The question still exists whether this move is compatible with **the existing constitutional provisions** and the principle of the reservations itself. The basis of giving reservations is to compensate for the historic disabilities, counter the present day active and/or passive discrimination against the members of the community and ensure adequate representation to the castes and communities in government jobs and educational institutions. On these parameters it is not possible to justify the provision of the reservations for the "upper" castes.... But what we see here is the change in the very rationale of the reservations system itself. Here the economic disability of the individual, as measured by her family income and property holding, has been made the basis of providing reservations. The proposed Bill doesn't mention that this 10% reservation is for the upper castes or any caste for that matter. It rather seeks reservations for the economically weaker sections of the "general category." It is by making the provision of reservations caste-neutral that it attempts to include the upper/dominant caste members too into the ambit of reservations.

Source: <https://www.moneycontrol.com/news/politics/opinion-after-quota-bill-govt-must-fill-large-number-of-job-vacancies-3370231.html>

## CPM amendment to quota bill rejected

The CPM moved an amendment to the Constitution (124th Amendment) Bill, 2019, demanding the bill include in its purview "economically weaker" scheduled castes, tribes and OBCs while providing reservations to economically weaker sections in private educational institutions. The amendment was rejected during the vote on the bill.... The left party also highlighted that constitutional amendments had never before been moved without first being discussed and listed in the Business Advisory Committee.... CPM also argued that while they have supported reservation for economically backward classes since Mandal Commission, but the proposed amendment to the Constitution has several incongruities, including reference to who qualifies as "economically weaker".

<https://timesofindia.indiatimes.com/india/cpm-amendment-to-quota-bill-rejected/articleshow/67464021.cms>

## Modi govt's quota making India reservation-dependent: lawyer who blocked similar Rao move

Veteran lawyer Indra Sawhney, whose challenge to the then Prime Minister Narasimha Rao's forward quota move in 1992 led to the 50 per cent cap on reservation, says she is shocked by the Modi government's push for a 10 per cent quota to 'economically weaker' sections in the general category. A day after a constitutional amendment to this effect was passed by the Rajya Sabha, Sawhney, 67, remarked **"the move sets the dangerous precedent of making India a reservation-dependent society. The bill violates the basic principles of the Constitution"**. "When reservation was brought, it was for 10 years, but now reservation has become a culture... We are moving towards a 100 per cent reservation-dependent society, it seems." It was in the landmark **Indra Sawhney vs Union of India case**, that a nine-judge bench of the Supreme Court decided to put a 50 per cent cap on reservations in the country, limiting quota for Backward Classes (27 per cent), Scheduled Castes (15 per cent), and Scheduled Tribes (8 per cent). "At the time, I was a young lawyer, and one day I got very perturbed looking at children, college and school students protesting in (Delhi's) Jhandewalan," she said. "I was very moved, and therefore I decided to go to court." Sawhney, who has otherwise fought cases for the central government, Life Insurance Corporation (LIC), Food Corporation of India (FCI), among others, says the Mandal case was a "one-off case" <https://theprint.in/governance/modi-govts-quota-making-india-reservation-dependent-lawyer-who-blocked-similar-rao-move/176003/>

## Revisiting the Kaka Kalekar Report

The history of the debate on economic reservation can be traced to the Kaka Kalekar Commission, the first Backward Class commission set up in January 1953 to investigate conditions of socially and educationally backward classes and make recommendations to improve their condition.... The commission submitted its report in March 1955, listing out 2,399 castes as socially and educationally backward on the basis of criteria evolved by it. ... As per the Kalekar Commission, relevant factors to consider while classifying backward classes would be their traditional occupation and profession; percentage of literacy or general educational advancement made by them; estimated population of the community; and distribution of various communities throughout a state, or their concentration in certain areas... The Kalekar panel also stated that the social position of a community in the caste hierarchy, as also its representation in government service or industrial sphere, would also have to be considered. The government did not accept the report.