BLOGS

Legal Current Affairs Weekly Round-up for CLAT 2023: Nov 2- Nov 7

Ruchika Mohapatra · 07 Nov 2022

- Morbi Bridge collapse case

On Oct 30, 2022 the 141-year-old suspension bridge on Machchuu River in Morbi, Gujarat collapsed and 135 people lost their lives in the unfortunate incident. The collapse came after repairs and maintenance for the bridge had been undertaken by a private firm- Oreva Group and it was reopened to the public in time for Diwali and the Gujarati New Year. While the Gujarat High Court (taking suo moto cognizance) directed the State Human Rights Commission to file a report, it also sought a report from the State within 10 days with regards to the accident.

The police investigation into the collapse revealed that the private firm- Oreva had no experience in renovation of infrastructure and had therefore sub-contracted to another firm. This information fits with the findings of the Forensic Science Laboratory which has stated that there was no renovation in the structure except some nip and tuck.

- National anthem ‘Jana Gana Mana’ and the national song ‘Vande Mataram’ stand on equal footing: Govt. in Delhi HC

Lawyer Ashwini Kumar Upadhyay filed a PIL seeking that the National Song ought to get the same level of respect as the National anthem. The petitioner had submitted that in absence of any regulations surrounding the national song, it was being sung in an uncivilized manner and being used in films. Responding to this PIL, the Centre said that both the national song and the national anthem hold a unique place in people’s hearts and are equally respected.

While there are multiple laws penalizing insults made against the national anthem, currently, there are no such provisions regarding the national song. In an earlier matter with regards to protecting and respecting ‘Vande Mataram’, the SC stated that no mention of a national song has been made in the Indian Constitution and that the national song holds a “unique and special place in the emotions and psyche of the people of India” and therefore needs no codification.

- SC upheld EWS quota

The 103rd Amendment Act, 2019 grants 10% reservation to the Economically Weaker Section (EWS) amongst the forward castes in public and private educational institutions and public employment. A batch of petitions challenged the constitutional validity of the Act and alleged that it was discriminatory and violated the basic structure of the Constitution.

The Act was held constitutionally valid by a 3:2 majority. The judgement was passed keeping in mind three issues. The first issue was whether reservation based on economic parameters could be permitted under the Constitution and whether it would violate the basic structure of the Constitution. The second issue dealt with the question that whether it would violate the basic structure if the state were to make special provisions in relation to admission to private unaided institutions. The third issue dealt with if excluding SEBCs from EWS would be in violation of the basic structure of the Constitution.

Justice Dinesh Maheshwari stated that the Act, despite crossing the 50% ceiling on reservation, doesn't violate the Constitution or its basic structure as the ceiling itself is flexible.

- Karnataka HC on rethinking 'Age of Consent'

The current age for consent is 18 years and anyone who establishes sexual relations with a girl aged under 18 is liable for the offence of rape even if there was valid consent from the girl's side. Keeping in mind the ground realities, the Karnataka High Court has opined that it is imperative for the Law Commission to rethink the age of consent under the POCSO Act.

The High Court stated that though ignorance of law is not excusable, in this situation the students were truly unaware and therefore ended up committing offences. and stressed that students from 9th class onwards should be educated about POCSO Act, IPC and how they criminalize such acts. The students, as directed by the High Court, are to be educated and made aware of the consequences of violating the IPC and POCSO Act.

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