



Ayana Legal

THE BUZZ

Special Edition - ROUND UP OF THE YEAR

One Year with 'The Buzz'

"No time like the present.." A year ago Ayana Legal published the first issue of our monthly newsletter "The Buzz" and now with the coming of the new year we celebrate one year of this journey.

Along with the newsletters, "The Buzz" has branched out into news "capsules" to keep our readers abreast with the latest developments in the legal world.

Team Ayana Legal thanks you for your continued support with us on this journey! Please continue to look forward to our further editions of "The Buzz"!

With the year coming to an end, let's take a step back and pause to re-look at the year we have had. 2021 was a year that brought about with it whirlwinds of change. In this special year-end edition of The Buzz we take a look at some of the most notable judgements that defined the year 2021.

A year that addressed existing societal prejudices. Setting aside the order of the Madhya Pradesh High Court where the victim of sexual assault was made to tie rakhi to the accused, the Supreme Court in the case of *Aparna Bhat & Ors v. State of MP* went onto issue several guidelines on bail conditions and gender stereotypes. It gives us immense pleasure to share that our Managing Partner, Dr. Rama Iyer was one of the petitioners in this landmark case.

For the first time, albeit in a motor vehicle case, in the case of *Kirti v. Oriental Insurance* the judiciary recognized the economic value of household work.

In *Attorney General v. Satish*, in an action initiated by the Attorney General for India, the Supreme Court set aside the judgement of the Nagpur bench of Bombay High Court in which it was held that it would not amount to an offence of sexual assault under POCSO if there had been no skin to skin contact.

The judiciary took a strong stance for the protection of the

505 -506, 5th Floor, Brigade Towers, 135, Brigade Road, Bangalore - 560025

Email - contact@ayanalegal.com

Tel - +918029548996.

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The Year That Was

While being stuck in a time loop may not be the best way to describe 2021, the continued lingering essence of 2020 definitely made it seem so.

With things seemingly inching back towards normalcy; what we define as 'normal' has undergone a complete transmutation.

Social etiquette in a virtual environment is a question that people are still grappling with that has left many with doubts and laughter as seen from the wide range of instances trending all over social media.

2021 has been monumental in the changes it brought about, highlighting with little glimmers of hope the importance of action and co-operation.

rights of the citizens. In a suo-moto action by the Supreme Court in *re: PROBLEMS AND MISERIES OF MIGRANT LABOURERS*, the court stated that all states were to provide dry rations to migrant workers and directed the Centre for the setting up of a common national database for the registration of unorganized workers.

With the allegations of violation of right to privacy through the pegasus spyware in *Manoharlal Sharma v. UoI* the Supreme Court constituted a committee to enquire into these allegations of the use of such spyware on citizens.

Comedian Munawar Faruqui who was in custody for more than a month for a joke which he had apparently made was granted bail by the Supreme Court stating that the procedure of giving notice before arrest was not followed.

With the increasing fear surrounding the pandemic the court took steps to safeguard the people. In *UoI v. Rakesh Malhotra*, a National Task Force was to come up with oxygen allocation methodologies and suggest measures to ensure availability of drugs and medicines.

In *ECI v. Vijaybhaskar* The Supreme Court while noting that the remarks were excessive, refused to expunge the remarks made by the Madras High Court to charge the election commission with murder for aggravating the situation of the pandemic.

2021 was a year of drastic legal changes which led to a clarification of various provisions of the law and issuing of guidelines. In *UoI v. Rajendra Shah* the 97th Amendment relating to Union control of cooperatives was partly struck down.

Thank You

While we cannot predict the upcoming year, we hope that those little glimmers of hope shine brighter and that 2022 will be a safe one for you and your families. In these unpredictable times, we hope that you are taking care of yourself. Team Ayana Legal thanks you for the trust. As the sun sets on 2021 and the new sun rises in 2022, we hope we leave behind all the negativities and that 2022 is a year filled with positivities and possibilities.

Ayana Legal wishes all a very happy 2022!

Disclaimer

This newsletter is solely for the purpose of providing information and the content provided is not and should not be construed as legal advice.

The Supreme Court had initially in the beginning of the year also stayed the implementation of the three farm laws, which have been subsequently revoked.

IN RE: TO ISSUE CERTAIN GUIDELINES REGARDING INADEQUACIES AND DEFICIENCIES IN CRIMINAL TRIALS the Supreme court issued guidelines to increase efficiency, management and progress of criminal trials.

In Re: EXPEDITIOUS TRIAL OF CASES UNDER SECTION 138 OF N.I. ACT The Supreme Court suo motu issued some guidelines for the large number of cheque bounce cases pending before courts.

In the case of *Municipal Corporation of Greater Mumbai v. Ankita Sinha*, The Supreme Court held that the National Green Tribunal should be seen as a sui generis institution vested with suo motu powers.

Clarifying certain aspects of the Real Estate (Regulation and Development) Act, 2016 the Supreme Court held in the case of *M/S. Newtech Promoters and Developers Pvt. Ltd. v. State of UP & Ors* that the language of the statute is retroactive in operation and that it applies not only to projects that are yet to commence after the Act became operational but also to ongoing projects.

Stating that the right to make objections would include the right to have adequate information Justice Sanjiv Khanna in his dissenting opinion in the case of *Rajiv Suri v. DDA* on the Central Vista project gave directions for the publicizing of public hearings to be conducted for such projects.

In the dispute between Amazon and Future group, the Supreme Court ruled that Emergency Arbitration Awards are enforceable under Indian law.