



THE BUZZ

ROUND UP OF THE YEAR - 2023

Changes all around

Following through with the theme of undoing the past and making way for the future, 2023 saw a complete overhaul of the criminal law system in India. Three new Acts have been introduced replacing the colonial era laws.

- The Indian Penal Code, 1860 has been replaced with the Bharatiya Nyaya Sanhita Act, 2023
- The Code of Criminal Procedure, 1973 has been replaced with the Bharatiya Nagarik Suraksha Sanhita, 2023
- The Indian Evidence Act, 1872 has been replaced with the Bharatiya Sakshya Adhinyam, 2023

Further, the Telecommunications Act, 2023 was enacted repealing the Indian Telegraph Act, 1885

THE YEAR THAT WAS

A year that was seemingly filled with musings of the past, 2023 had us collectively looking back over our shoulders and taking stock of the old, while paving the way for the future. The year began with the Apex Court upholding the government's move of demonetization in the year 2016 (*Vivek Narayan Sharma v. Union Of India*)

Similarly, a curative petition filed by the Union of India seeking additional compensation for the victims of the Bhopal Gas tragedy was dismissed by the Supreme Court. (*UOI And Ors. v. M/s. Union Carbide Corporation And Ors.*)

Looking back at its 2018 judgement holding the right to die with dignity as a fundamental right and allowing for passive euthanasia, the Supreme Court modified the directions it had issued highlighting the complexity of the procedures that had been previously prescribed, hence, easing the process. (*Common Cause v. Union of India*)

A Constitution Bench of the Supreme Court upheld the validity of the Union Government's 2019 decision to repeal the special status of Jammu and Kashmir provided for under Article 370 of the Constitution. It was held that Article 370 was a temporary provision. (*In Re Article 370 of the Constitution of India*)

3 Years with “The Buzz”

“The Buzz” began as a monthly newsletter with the objective of ensuring easy access to legal knowledge. Pushing forward with our goal, “The Buzz” has since grown and expanded into news “Capsules”, legal maxims and “IPBuzz” - focusing on Intellectual Property Laws. We at Ayana Legal thank you for your continued support and patronage. We look forward to being back with our next edition soon.

As the curtains draw upon 2023, and the new year awaits the spotlight, we hope that the lights dim with fond memories of prosperity and abundance.

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.

2023 also marked the 10th anniversary of the enactment of the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) and the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

In a significant move, the Supreme Court issued directions to ensure that the provisions of the Act such as setting up ICs are mandatorily complied with under the POSH Act. (Aureliano Fernandes Versus State Of Goa And Others)

The Supreme court has also issued guidelines, directing the Union and the States to completely eradicate the practice of manual scavenging, ensuring strict implementation of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. (Dr.Balram Singh vs Union of India)

Filled with milestones of various sorts, 2023 was an enigmatic year with numerous landmark judgements setting the pace for the upcoming year. For the first time, the Supreme Court recognized irretrievable breakdown of marriage as a ground of to dissolve a marriage which can be invoked by the Court under Article 142 of the Constitution of India. (Shilpa Sailesh v. Varun Sreenivasan)

The question of legality of queer marriages was finally settled with the Supreme Court refusing to recognize such marriages, stating that it was for the legislature to decide. It was further clarified that the queer couples have a right to cohabit and have no right to adopt children. Transgender couples in heterosexual marriages are allowed. (Supriyo v. Union of India)

Taking note of the increasing pending litigations directions were issued for speedy disposal of cases to ensure that litigants do not become disillusioned. (Yashpal Jain v. Sushila Devi)