

MONTHLY
**Legal
Update**
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MADRAS CHAMBER OF COMMERCE & INDUSTRY

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OVERVIEW OF THE DRAFT 'DPDP RULES 2025'



India's **Draft Digital Personal Data Protection Rules (DPDP)**, released on January 3, 2025, outline a comprehensive framework for the governance of personal data under the Digital Personal Data Protection Act, 2023. The draft is currently open for public feedback until February 18, 2025, and comprises 22 provisions and seven schedules that detail the responsibilities of data fiduciaries and the rights of data principals.

KEY FEATURES OF THE RULES

Notice Requirements: Data fiduciaries must provide clear notices to individuals (data principals) about the personal data they collect. These notices should include a detailed list of the collected data, the purposes for processing it, and information about the services enabled by such processing. Additionally, they must outline how individuals can withdraw consent and file grievances, ensuring transparency and accessibility. This requirement aims to empower individuals to understand and exercise their data rights effectively.

Consent Managers: Third-party consent managers are tasked with helping users manage their consent for data processing. They must meet specific criteria, including being registered in India with a minimum net worth and providing an interoperable platform for consent management.

Accountability and Compliance: Data fiduciaries are required to process personal data lawfully, limit usage to necessary purposes, and retain data only as long as needed. They must also implement grievance redressal mechanisms on their platforms.

Data Retention Policies: Entities with large user bases (e.g., e-commerce platforms, gaming intermediary) must delete user data after three years unless users actively maintain their accounts. This aims to minimize unnecessary data retention.

Timeline for intimating data breaches: organizations are required to report any data breaches to the Data Protection Board (DPB) within 72 hours of becoming aware of the incident. This reporting must include a detailed description of the breach, the circumstances leading to it, and the measures taken to mitigate its effects

Data Protection Impact Assessments (DPIAs): Significant data fiduciaries must conduct annual DPIAs to assess risks associated with their data processing activities, ensuring that algorithmic systems do not infringe on individuals' rights.

Children related personal data: It focuses on the requirement for verifiable consent when processing the personal data of children and individuals with disabilities. This provision mandates that data fiduciaries must obtain explicit consent from parents or legal guardians before collecting or processing such data

International Data Transfers: The rules stipulate that any processing of personal data outside India must comply with requirements set by the central government, potentially leading to stricter data localization measures.

Grievance Redressal Mechanism: Data fiduciaries are mandated to establish procedures for addressing grievances related to data processing, ensuring timely resolution of complaints.

The Draft Digital Personal Data Protection Rules (DPDP) will significantly impact businesses, particularly small and medium enterprises, by requiring compliance measures such as robust consent management systems and enhanced data security protocols. Overall, the DPDP Rules mark a crucial advancement in personal data protection in India, balancing user privacy rights with business need

Recent Legal Development Insights

1. MADRAS HIGH COURT CONSTITUTES SPECIAL INVESTIGATION TEAM COMPRISING WOMEN OFFICERS ON ANNA UNIVERSITY RAPE CASE

The Madras High Court has taken significant steps regarding the alleged sexual assault case involving a student at Anna University. The court has ordered the Tamil Nadu government to pay ₹25 lakh as compensation to the victim for the trauma caused by both the assault and the leakage of her details. Additionally, Anna University has been directed to provide amenities such as free education, boarding, lodging, and counseling services to support her continued studies. Further, the court emphasized the need for measures to prevent future leaks of sensitive information related to FIRs in sexual offense cases, underscoring the importance of protecting victims' identities and rights.

Anna University Sexual Assault Case

2. SUPREME COURT DIRECTS DELHI-NCR GOVERNMENT TO DECIDE ON YEAR-ROUND FIRECRACKER BAN

The Supreme Court of India addressed the issue pertaining to the use of firecrackers and the pollution in the National Capital Region (NCR), particularly focusing on the enforcement of bans during the festive season. The Court stated that it would consider issuing necessary directions to the State Governments regarding the ban on the use of firecrackers. When referring to the ban, it will encompass not only the use of firecrackers but also the manufacture, storage, sale, and distribution of firecrackers. The Court, regarding the Graded Response Action Plan (GRAP) currently in place in Delhi, ordered that the directions issued earlier will remain in effect until further orders. The Court also directed the Commission for Air Quality Management (CQAM) to proceed with the implementation of modified measures aimed at improving air quality in Delhi.

Supreme Court Firecrackers Ban Case

3. SECTION 224(5) OF THE COMPANIES ACT 2013 DOES NOT CONFER POWERS UPON NCLT/TRIBUNAL TO APPOINT A NOMINEE DIRECTOR: NCLT PRINCIPAL BENCH

The NCLT Principal Bench clarified that Section 224(5) of the Companies Act, 2013 does not give this Tribunal the power to appoint a nominee director. It only speaks about passing appropriate orders about disgorgement of such asset, property, or cash, as the case may be, and also for holding such director, key managerial personnel, officer, or other person liable personally without any limitation of liability. It is also well settled that Sec 224(5) of the Companies Act does not whisper about appointing a Nominee Director. It is only under Sec 241 and 242 and under the statutory provisions i.e. Sec 161 of the Companies Act, under which the said appointment can be done. The NCLT has clarified in its rulings that while it can adjudicate matters related to corporate governance and directorship disputes, any authority to appoint directors including nominee directors must be clearly articulated in either the company's articles of association or through specific shareholder agreements.

Union of India Vs. Carnoustie Management I Pvt. Ltd. and Ors. CP 62/(PB)/2022

Recent Legal Development Insights

4. BAN ON BUFFALO AND BULBULI FIGHT: ASSAM HC

In a significant ruling, Assam High Court issued a landmark ruling banning buffalo and Bulbuli (songbird) fights in Assam. This decision came in response to petitions filed by People for the Ethical Treatment of Animals (PETA) India, which argued that these fights violated several laws, including the Prevention of Cruelty to Animals Act, 1960, and the Wildlife Protection Act, 1972. The court's ruling overturned a Standard Operating Procedure (SOP) issued by the Assam government in January 2024 that had allowed these traditional fights to take place during the Magh Bihu festival. PETA's investigation revealed that these regulations were not effectively enforced and that animals were often subjected to significant harm. The High Court found that the government's SOP contradicted existing legal frameworks and previous Supreme Court judgments, specifically referencing the 2014 ruling in *Animal Welfare Board of India vs. A. Nagaraja*, which outlawed the use of bulls as performing animals in similar contexts. The court emphasized that the Assam government had attempted to bypass these legal protections through executive orders rather than legislative amendments.

People for the Ethical Treatment v. State of Assam WP(c)/981/2024

5. NCDRC EXCEEDED JURISDICTION BY CAPPING INTEREST ON CREDIT CARD DUES: SUPREME COURT OF INDIA

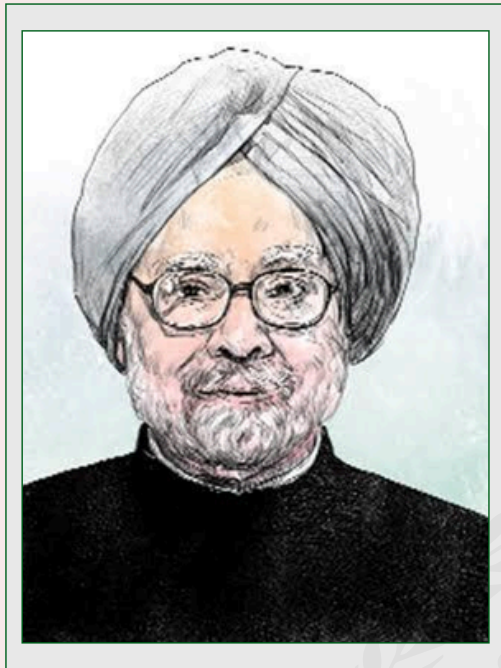
The Supreme Court ruled that the National Consumer Disputes Redressal Commission (NCDRC) lacks the jurisdiction to issue directives regarding interest rates charged by banks on credit card dues. This decision was made in response to a case involving the capping of interest rates, which the NCDRC had previously imposed, declaring any interest above 30% per annum as usurious. The Court further held that NCDRC's actions amounted to encroaching on the RBI's regulatory authority over banking operations, particularly concerning interest rates. The Court criticized the NCDRC for attempting to unilaterally alter the terms of contracts between banks and credit card holders, which it deemed legally impermissible. This judgment reinforces the RBI's exclusive authority in regulating banking practices and clarifies that consumer protection bodies cannot interfere with financial policies set by banks.

HSBC v. Awaz & Ors, 2024 LiveLaw (SC) 1034

6. STAMP DUTY NOT APPLICABLE ON WHOLLY-OWNED SUBSIDIARIES: DELHI HC

The Delhi High Court reaffirmed that no stamp duty is applicable on mergers or amalgamations between a holding company and its wholly owned subsidiary. This ruling is based on the 1937 circular issued by the Central Government for mergers involving wholly-owned subsidiaries, which provides exemptions for certain transactions involving companies limited by shares, specifically when at least 90% of the share capital is held by a common parent company. By extending the application of the exemption under the 1937 Notification to mergers and acquisitions, the judgment importantly clarifies that transactions without material external changes such as intra-group restructurings do not alter the parent's financial position and should not attract additional financial burden like stamp duty.

Ambuja Cements Ltd v. Collector of Stamps 2024 SCC OnLine Del 7710



Former Prime Minister Manmohan Singh passed away on December 26, 2024, at the age of 92. He was known for being a key architect of India's economic reform during his tenure as Prime Minister from 2004 to 2014. Manmohan Singh is often referred to as a "quiet reformer" whose vision and policies laid the foundation for India's contemporary economic landscape.

His calm demeanor and commitment to economic stability earned him respect across political lines, making him a significant figure in Indian politics. His economic policies contributed to lifting millions out of poverty and establishing India as one of the fastest-growing economies globally.

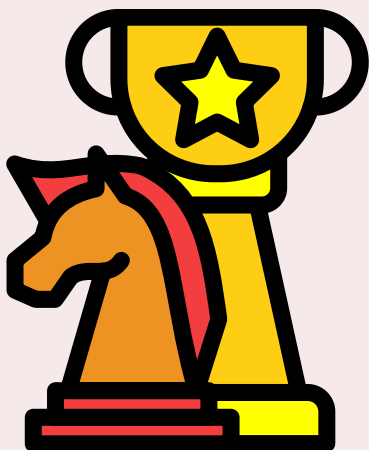
NOTABLE LAWS PASSED UNDER THE FORMER PM'S TENURE

- **Right to Information Act 2005:** the Right to Information Act was passed by the Singh-led government in 2005. This landmark legislation empowered citizens to request information from public authorities, promoting transparency and accountability in governance. It has been a crucial tool for combating corruption and enhancing citizen participation in the democratic process.
- **Mahatma Gandhi National Rural Employment Guarantee Act 2005:** It was passed in the year 2005, recognizing high unemployment and poverty in rural India. This Act provided a legal guarantee for at least 100 days of skilled wage employment in a financial year to every rural household, aiming to enhance livelihood security and improve rural infrastructure.
- **Right to Education Act 2009:** The RTE Act made education a fundamental right under Article 21-A for children aged between 6 to 14 years, ensuring free and compulsory education. This legislation by the Singh-led government aimed to improve literacy rates and access to quality education across the country.
- **The National Food Security Act 2013:** This act aimed to provide subsidized food grains to approximately two-thirds of India's 1.3 billion people, addressing and ensuring food security as a fundamental right.
- **National Rural Health Mission 2005:** It was launched to provide accessible and affordable healthcare, particularly to vulnerable populations in rural areas, NRHM aimed at strengthening rural healthcare infrastructure and improving health indicators.

HIGHLIGHTS OF TAMIL NADU

KALAINGAR KANAVU ILLAM SCHEME

In December 2024, Tamil Nadu Chief Minister M.K. Stalin announced an additional allocation of ₹400 crore for the Kalaignar Kanavu Illam Scheme, which aims to provide permanent housing for families currently living in huts. This funding is part of a broader initiative to construct 1 lakh concrete houses at a cost of ₹3.50 lakh each, with a total budget of ₹3,500 crore allocated for the project. The scheme is designed to eliminate hut dwellings in the state by 2030 and supports families who do not own land or housing. Beneficiaries will receive financial assistance for building materials and construction costs, ensuring they can build safe and durable homes. The government has already disbursed significant funds under this scheme, with a total of ₹1,451.34 crore allocated so far, directly benefiting those in need. The announcement reflects the government's commitment to improving living conditions for marginalized communities and is part of a larger effort to enhance social welfare in Tamil Nadu.



FOXCONN COMPLETES \$230 MILLION HOUSING PROJECT FOR WORKERS IN TAMIL NADU

Foxconn has successfully completed a \$230 million dormitory project in Tamil Nadu, aimed at improving living conditions for its workforce, predominantly consisting of women. This development is part of Foxconn's efforts to create a sustainable and worker-friendly environment while contributing to India's vision of becoming a global manufacturing hub.



TAMILNADU'S GUKESH BECOMES YOUNGEST WORLD CHESS CHAMPION

Tamil Nadu's Gukesh Dommaraju made history by becoming the youngest-ever undisputed World Chess Champion on December 12, 2024. Gukesh's victory not only marks a significant milestone in his career but also highlights India's prominence in the chess world, as he is the first Indian to win the title since Viswanathan Anand in 2012. His remarkable journey includes becoming a grandmaster at just 12 years old and winning the Candidates Tournament earlier in 2024. Gukesh's achievement has been celebrated widely, showcasing his talent and determination on the global stage.

The Trademark Dilemma: Navigating the Mediation Mandate

-By Subathra Mylsamy

Introduction

The focus on Alternative Dispute Resolution (ADR) mechanisms, particularly in commercial disputes, has increased in recent years within the legal landscape. Section 12A of the Commercial Courts Act, 2015, has introduced mandatory pre-institutional mediation for specific commercial disputes to promote amicable resolution and appease court backlogs. However, the potential application of this provision to trademark infringement cases raises significant questions. This article delves into the debate on whether such cases should be exempt from pre-institutional mediation under Section 12A, examining the rationale behind mediation, judicial perspectives, and the implications of mandatory mediation in trademark disputes.

Section 12A was incorporated to advocate mediation as the preferred method of resolving commercial disputes before proceeding with civil litigation in order to reach a settlement. The procedure and modality for mediation are stipulated by rules established by the Central Government. Furthermore, the Central Government may authorize entities constituted under the Legal Services Authorities Act, 1987, to conduct pre-institutional mediation in such commercial disputes. If a settlement is reached during mediation, it is documented and signed by the involved parties and the mediator. The settlement holds the same status and effect as an arbitral award based on agreed terms under the Arbitration and Conciliation Act of 1996.

The section serves a dual purpose, to alleviate the burden on courts and to expedite dispute resolution. By promoting mediation as a means for seeking resolution, the Act aims to cultivate a culture of settlement, thereby enhancing the efficiency of the legal system and mitigating adversarial confrontations.

Rulings of various courts and Analysis

In the case of *Kohinoor Seed Fields India Pvt. Ltd. v. Veda Seed Sciences Pvt. Ltd and Another civil revision petition No.2297 OF 2024*, the Telangana High Court underscored the urgency often involved in intellectual property (IP) infringement disputes. The Court reasoned that when a plaintiff accuses someone of misusing their trademark, it typically presents a situation warranting swift judicial intervention. This urgency could justify an exemption from the mandatory pre-institution mediation under Section 12A of the Commercial Courts Act. The court highlighted that the damage caused by IP infringement, unlike physical property disputes, is often intangible and difficult to quantify. The infringer capitalizes on the reputation of the plaintiff's brand, and even a single unauthorized use can significantly harm the business. This suggests that the immediacy of such cases demands faster legal retorts, justifying the exemption of the mediation requirement. Protecting both legal rights and public interest from deceptive practices took precedence in such cases, reaffirming that mediation should not delay the resolution of urgent IP matters.

OP.ED (CONT'D)

Conversely, in *Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd* 2022:DHC:4454, the Delhi High Court reaffirmed that pre-institution mediation is mandatory unless the plaintiff requires urgent relief. This further illustrates the Court's extreme act of opinion between procedural compliance and the need for swift judicial protection in pressing cases. In contrast, the Madras High Court in *Shahi Exports Pvt. Ltd. v. Gold Star Line Ltd* MANU/TN/6125/2021 adopted a more liberal interpretation of Section 12A, emphasizing that mediation is not a compulsory step. The Court asserted that access to justice is a constitutional right, and denying this right solely because a party did not engage in mediation is unjust. It highlighted that while alternative dispute resolution mechanisms are important, they should not be seen as barriers to judicial remedies.

However, the Supreme Court of India in *Patil Automation Private Limited & Ors. v. Rakheja Engineers Private Limited* SLP (C)No. 5737 of 2022 took a stricter stance, declaring that pre-institution mediation under Section 12A is a mandatory requirement that cannot be overlooked. The Court emphasized that Section 12A is not merely procedural but a fundamental part of the dispute resolution framework, intended to facilitate resolutions of commercial disputes. The Supreme Court clarified that exceptions to this rule are only applicable when urgent interim relief is sought, solidifying the importance of mediation in the legal landscape. This rationale was held by the Delhi High Court in *Retail Royalty Company v. Nirbhay Marg News Broadcast* CS(COMM) 396/2023 has set a precedent by granting an ex-parte injunction in a trademark infringement case, where the defendant had not responded to the plaintiff's amicable attempts at resolution. Therefore an interim injunction was granted in order to protect the rights of the infringed party. These varying judgments reflect an uncertainty between ensuring access to justice and promoting mediation as an effective alternative dispute resolution mechanism. The Madras High Court favors judicial access over mediation requirements, while the Supreme Court stresses the need for mediation in commercial disputes. The Delhi High Court strikes a middle ground, permitting exemptions from mediation in cases where immediate relief is necessary.

These rulings illustrate the changing role of mediation in India's legal system, particularly in commercial and intellectual property disputes. While pre-institution mediation is generally mandatory, exceptions exist for IPR cases involving urgent relief, especially those impacting public interest. Mediation should not be treated as a mere formality or delay tactic when swift judicial intervention is necessary. This ongoing dialogue reflects a legal framework in flux, balancing procedural mandates with the need for expedited justice in critical situations.

Conclusion:

The evolving jurisprudence on pre-institution mediation under Section 12A of the Commercial Courts Act, 2015, particularly regarding trademark infringement cases, highlights a critical balance between access to justice and alternative dispute resolution. While the Supreme Court mandates mediation, the Madras High Court adopts a more flexible approach, allowing for judicial recourse based on litigants' rights. The Delhi High Court recognizes urgent relief as an exception to this requirement. Given the time-sensitive nature of trademark disputes, exemptions from mandatory mediation may be warranted to protect significant business interests. A nuanced application of Section 12A that considers urgency and dispute specifics is essential for maintaining judicial integrity while promoting effective mediation in commercial disputes.

JUDGMENT ARTICLE

Liabilities of Landowners under Joint Venture Agreements with Builders

**IN SUPREME COURT OF INDIA, CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS. 3642-3646 OF 2018**

Akshay & Anr Appellants

v/s

Aditya & Ors Respondents

Recently, the Supreme Court pronounced a verdict which has far reaching consequences for landowners and property builders bound by Joint Venture Agreements. The verdict provides great relief for property buyers as they can now hold even the landowners liable for non-performance on the part of the builders.

A look at the highlights of the Judgment:

Facts & Background:

- Akshay (Appellant), a land-owner, entered into Joint Venture Agreement (JVA) with one of the Respondents Gladstone Mahaveer Infrastructure Pvt Ltd (GMIPL) for development of apartments. He also executed an Irrevocable Power-of-Attorney (IPA) in favour of the GMIPL, on 6th July 2013. Immediately thereafter, GMIPL entered into agreements for sale of property with buyers one of whom was Aditya (Respondent).
- On 12th August 2014, Akshay sent letter of revocation of IPA to GMIPL.
- GMIPL delayed/defaulted on completion and handing over of the properties to the buyers/Respondents.
- The buyers/Respondents complained to Maharashtra State Consumer Disputes Redressal Commission (State Commission) based on which State Commission held that the Akshay and GMIPL are jointly liable for completion of the property development and handing over the same to the buyers/Respondents. The State Commission also directed GMIPL to pay penalty to the buyers/Respondents for harassment.

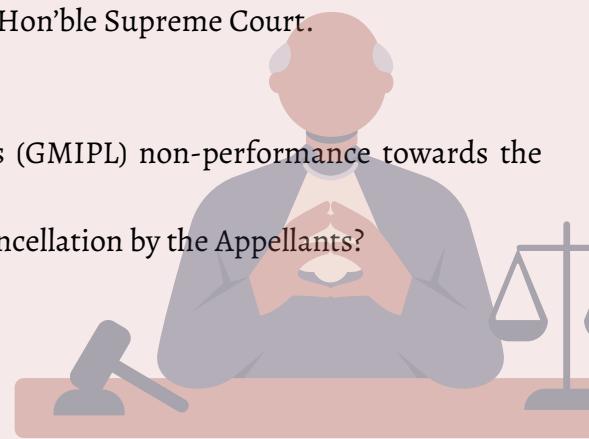
Aggrieved by the State Commission's orders, Akshay appealed to the National Consumer Disputes Redressal Council (NCDRC) for relief. NCDRC too dismissed the appeal upholding the order passed by the State Commission.

Aggrieved by the NCDRC order, Akshay submitted an appeal before the Hon'ble Supreme Court.

Issues in this case:

Whether the Landowners (Akshay) can be held liable for the Builder's (GMIPL) non-performance towards the Buyers (Aditya)?

Whether the JVA and IPA made with GMIPL are valid even after their cancellation by the Appellants?



JUDGMENT ARTICLE (CONT'D)

Analysis and Judgement

Issue 1:

State Commission in its order observed that the cancellation of JVA with GMIPL by the Landowners/Appellants was done only after GMIPL had concluded Sale Agreements with the Buyers/Respondents one whom was Aditya. This JVA was very much valid and operative at the time of conclusion of these Sale agreements. As such, the Landowners/Appellants are jointly responsible, along with GMIPL, for the execution of the SAs with the Buyers/Respondents.

If the Appellants' prayer for discharge from the JVA are accepted, then the interests of the Buyers/Respondents will be jeopardised for no fault of theirs, since they had invested in the property based on the JVA that was very much valid and operative at that time.

Issue 2:

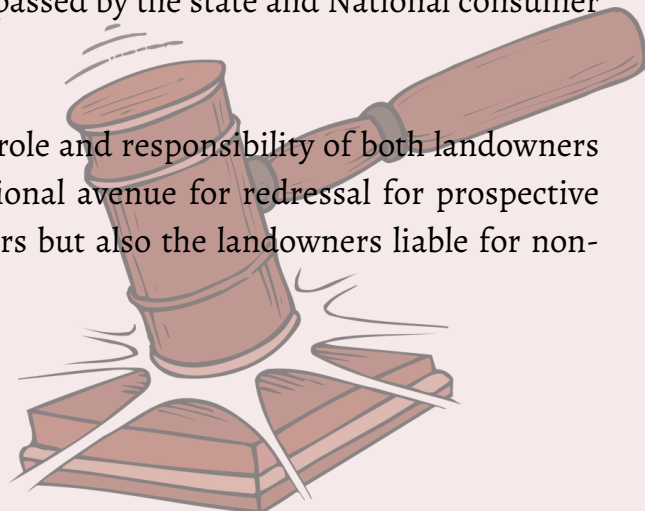
The Supreme Court observed that Akshay revoked the IPA vide letter dated 12th August 2014. In the letter, it was expressly stated that Akshay shall not be responsible for the actions of GMIPL "henceforth" (meaning after the said letter). This automatically implies that they shall be responsible for sale agreements with the Buyers/Respondents which GMIPL had entered into very much prior to their date of the letter of revocation.

The apex Court further observed that while Akshay revoked the IPA with GMIPL, he did not expressly revoke or withdraw from the JVA with GMIPL. The JVA, therefore, continued to be in force even after revocation of the IPA.

There was also no specific action taken by Akshay against GMIPL for alleged non-compliance of the terms and conditions under the JVA.

Both the State Commission and the NCDRC had dismissed the appeal of the Appellants based on the above analysis. The Supreme Court concurred with the orders passed by the state and National consumer commission and accordingly dismissed the appeal of Akshay.

This verdict by the Supreme Court has provided clarity on the role and responsibility of both landowners and builders in JVAs. The verdict has now provided an additional avenue for redressal for prospective property Buyers in that they can now hold not only the builders but also the landowners liable for non-performance.



IN THE COURT ROOM : LANDMARK JUDGMENTS OF THE SUPREME COURT OF INDIA

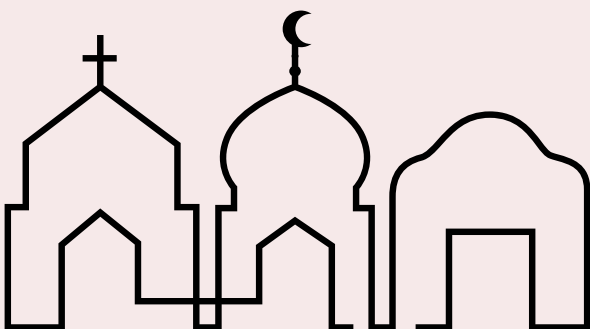


In the case of *Sukanya Shantha vs. Union of India* 2024 INSC 753, the SC declared that caste-based discrimination within prisons violates several fundamental rights enshrined in the Constitution, including Articles 14, 15, 17, and 21 of the Constitution. The Court emphasized that existing prison manuals and rules that allowed for such discrimination were unconstitutional and must be amended. The Court ordered the Union government and state authorities to revise their prison manuals within three months to eliminate provisions that perpetuate caste-based segregation and discrimination. This includes removing any references to caste in the records of undertrial and convicted prisoners. This judgment not only aims to eradicate caste-based discrimination in prisons but also reflects a broader commitment to uphold human dignity and equality within India's criminal justice system.

SUPREME COURT ADDRESSED CASTE- BASED DISCRIMINATION WITHIN PRISON AS UNCONSTITUTIONAL



SUPREME COURT ISSUES SIGNIFICANT INTERIM ORDER ON PLACES OF WORSHIP:



In *Ashwini Kumar Upadhaya v. Union of India Wrip Petition (C) No. 1404 of 2020* ordered that no new suits can be registered against places of worship across the country until further notice. This decision aims to prevent further legal disputes that could escalate tensions surrounding religious sites. In addition to halting new registrations, the Court directed that no effective interim or final orders should be passed in pending cases related to places of worship. This includes notable disputes such as those concerning the Gyanvapi mosque and the Mathura Shahi Idgah. The order was prompted by rising concerns over multiple petitions seeking surveys of mosques, which have led to violence and unrest in some areas, particularly following a survey order related to a mosque in Sambhal that resulted in fatalities. The interim order is part of ongoing challenges to the constitutionality of the Places of Worship (Special Provisions) Act, 1991, which aims to maintain the status quo of religious sites as they were on August 15, 1947. The Act prohibits conversion of places of worship and bars courts from altering their status.

IN THE PARLIAMENT



ONE NATION ONE ELECTION BILL

The Constitution (129th Amendment) Bill, 2024 was introduced in the Lok Sabha on December 17, 2024, as part of the government's initiative to implement the "One Nation, One Election" policy. This policy aims to synchronize elections for the Lok Sabha and all State Legislative Assemblies, thereby streamlining the electoral process in India. The Constitution (129th Amendment) Bill, 2024 represents a significant shift in India's electoral framework aimed at achieving simultaneous elections. While it has garnered support from certain quarters for its potential to streamline governance, it has also sparked considerable debate regarding its implications for federalism and state autonomy within India's democratic structure. The Bill has been sent to a Joint Parliamentary Committee for discussion.

UNION TERRITORIES AMENDMENT BILL 2024

The Union Territories Laws (Amendment) Bill, 2024, introduced on December 17, 2024, is a significant legislative measure aimed at aligning the governance of Union Territories (UTs) with the proposed framework for simultaneous elections across India. This bill was introduced alongside the Constitution (129th Amendment) Bill, both of which are part of the government's initiative to implement the "One Nation, One Election" policy. The primary goal of the Union Territories Laws (Amendment) Bill is to amend existing laws governing UTs to facilitate simultaneous elections for the Lok Sabha and state assemblies. This alignment is crucial as UTs operate under a distinct constitutional framework compared to states, necessitating specific amendments to ensure coherence in electoral processes. Following its passage in the Lok Sabha, the Union Territories Laws (Amendment) Bill will be sent to a Joint Parliamentary Committee for further scrutiny.

BHARATIYA VAYUYAN VIDHEYAK 2024

The Rajya Sabha on December 05 passed the Bharatiya Vayuyan Vidheyak 2024 which replaces the Aircraft Act 1934. The Lok Sabha had passed the bill on August 09 2024. The Bharatiya Vayuyan Vidheyak (BVV) retains most provisions of the Aircraft Act. BVV aims to regulate and control the design, manufacture, maintenance, possession, use, operation, sale, export and import of aircraft and incidental matters. The BVV adds new offences and penalties. Now, violating regulations of carriage in aircraft on any specified articles, flying aircraft in a dangerous manner and failing to comply with the Directorate General of Civil Aviation and Bureau of Civil Aviation Security, will be punishable with imprisonment up to 3 years or fine up to Rs. 1 crore. The BVV also adds a second appeal system. Under the Aircraft Act, the Central Government had the power to appoint an officer not below the rank of the Deputy Secretary to the Government of India to adjudicate on penalties. The decision of such an officer could be appealed before an Appellate Officer. Now, under the BVV the Appellate Officer's decision could be appealed before a Second Appellate Officer, who is higher than the rank of First Appellate Officer.



LEGAL NEWS



The Delhi High Court ordered the Consortium of National Law Universities (NLU) to revise the results of **CLAT 2025** due to errors in the answer key for two questions (14 and 100). On December 20, the court ruled that question 14's correct answer should be option C and declared question 100 to be invalid. This decision was upheld by a division bench on December 24, leading to a postponement of the first merit list originally set for December 26. The consortium plans to appeal the ruling in the Supreme Court.



Former Supreme Court Justice Sanjay Kishan Kaul, has been appointed as a member of the **Bahrain International Commercial Court (BICC)**. This appointment was made by King Hamad bin Isa Al Khalifa of Bahrain and was announced on December 23, 2024. The establishment of the BICC is part of Bahrain's efforts to enhance private sector investment and provide a world-class platform for resolving international disputes.



The **SEBI (Listing Obligations and Disclosure Requirements (Third Amendment) Regulations, 2024** effective December 31, 2024, enhance corporate governance for listed entities by requiring quarterly reporting on investor grievances, designating compliance officers as whole-time key managerial personnel, and establishing stricter timelines for promoter reclassification. Market capitalization will be calculated based on a six-month average, and enhanced disclosures about board members and company documents are now mandatory. The amendments also introduce civil penalties up to ₹1 crore for violations and mandate secretarial audits for certain companies.



On December 19 2024, **Former SC justice Madan Lokur** has been appointed as the **Chairperson of the United Nations Internal Justice Council (UNIJC)**, a significant role aimed at overseeing the administration of justice within the UN system. This appointment was made by UN Secretary-General António Guterres and is effective immediately, with a term set to conclude on November 12, 2028..



The **Union Ministry of Home Affairs** has recently informed the Delhi High Court that it has developed a portal called "**SAHYOG**" where authorized agencies of the Central Government, State and Union Territories as well as social media intermediaries will work together to create a safe cyberspace. The first phase portal's focus has been on taking down unlawful content and will be extended in the second phase to include lawful data requests and other similar submissions.



The Madras High Court while hearing a plea moved by computer manufacturer **Lenovo** for protection of its "**THINK**" Family of Marks, the Madras High Court directed the Registrar of Trademarks to cancel the registration given to a Hyderabad-based company for its "**THINBOOK**" mark finding it deceptive. The Court held that the petitioner, Lenovo, who had been using the THINK family of marks had obtained a distinctiveness in the field and was the exclusive proprietor of the mark.

LEGAL TRIVIA

Mr. Om Prakash Makhija owns a car spare parts manufacturing plant that currently employs 600 workmen. One day he gets news from his manufacturing plant that there was a small fire that damaged two assembly line belts. After having a conversation with the repair team of his plant, he was informed that the assembly belts would require a minimum of 2 months to fix. Each assembly line approximately engages 50 workmen whom he would now have to lay off.

The following day Mr. O.P. Makhija issued a notice on the plants notice board which informed 100 workers from the muster roll that they had been temporarily laid off. The representatives from the plants workers union approach Mr. O.P. Makhija and inform him that he cannot lay off workers at his own will and need permission from the requisite authorities for the same.

Mr. OP Makhija then writes an application to the requisite authority, seeking permission to lay off 100 workers for a temporary time period. In this application, he mentions that he is unable to provide employment to 100 workers at his facility but fails to mention why. Being so busy with the ongoing repairs at his facility he also decides to submit the application at a later date.

You are Mr. Om Prakash's legal attorney and often help him out with legal matters pertaining to his business. You come across the application that he has forgotten to submit to the authorities. You discover that today is the 28th day since your father laid off 100 workers at the plant. What would you Mr. Om Prakash to do? Would you advise certain changes to the application as well?

Provide your answer by referring to the statutory provisions of the IDA,1947 and any relevant case laws.



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