AJMANI & LAW PARTNERS

NEWSLETTER - 2021 (ISSUE - I)

Dear Readers, Greetings!

We are pleased to present this quarterly dispatch from the office of Ajmani & Law Partners. As economic activities and corporate transactions adapt to ongoing transitions, key legislative updates and precedent-setting judicial pronouncements have transformed practice across civil, commercial, matrimonial, and criminal spheres.

This edition encapsulates critical legal developments from the first quarter of 2021, providing clear statutory breakdowns and court analyses for practitioners, businesses, and individual litigants.

We sincerely hope this dispatch serves as an informative and practical resource for navigating today's legal environment.

Warm regards,

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Glimpse:-

- Civil & Commercial Law
- Matrimonial Law
- Defamation Law
- Miscellaneous & Crypto
- Disclaimer

CIVIL & COMMERCIAL UPDATES

ARBITRATION & CONCILIATION (AMENDMENT) BILL, 2021 INTRODUCED IN LOK SABHA

Lok Sabha Legislative Enactment (Passed Feb 12, 2021)

Recently, the Arbitration & Conciliation (Amendment) Bill, 2021 was introduced in Lok Sabha on February 4, 2021 by Law Minister Ravi Shankar Prasad. The Bill sought to bring certain provisions including ensuring that all stakeholder parties are given an opportunity to seek unconditional stay of enforcement of arbitral awards. On February 12, 2021, the Lok Sabha passed the Bill.

SC UPHOLDS SECTIONS 3, 4 & 10 OF IBC AMENDMENT ACT, 2020

Manish Kumar vs. Union of India (Supreme Court, 19 Jan 2021)

In a landmark verdict delivered on the 19th of January, 2021, the Supreme Court of India has upheld the validity of Sections 3, 4 & 10 of the Insolvency and Bankruptcy Code (Amendment) Act, 2020 in the case of Manish Kumar vs. UOI.

FOOD SAFETY AND STANDARDS (PROHIBITION AND RESTRICTIONS ON SALES) REGULATIONS, 2021

FSSAI Second Amendment Regulations

The Food Safety and Standards (Prohibition and Restrictions on Sales) Second Amendment Regulations, 2021, were published on the 2nd of February, 2021 with provisions such as limiting trans-fatty acids to 2 per cent in food products with effect from January 2022. The Regulations place India in the league of those countries that have the best practice policies to ensure elimination of trans-fat from food products.

DECRIMINALISATION OF LIMITED LIABILITY PARTNERSHIP (LLP) ACT, 2008

Ministry of Corporate Affairs Report

A report has been made by the Ministry of Corporate Affairs and it has been proposed that the Limited Liability Partnership (LLP) Act, 2008 be decriminalised and suggests amendments in the act to aid small companies.

COMPANIES (COMPROMISES, ARRANGEMENTS AND AMALGAMATIONS) AMENDMENT RULES, 2021

Section 233 Fast-Track Scheme for Start-ups

The amendment allows for fast-track mergers of small companies and start-up companies and is developed as a scheme under S.233 of the Companies Act.

CIVIL & COMMERCIAL UPDATES

COMPANIES ACT, 2013: SPECIFICATION OF DEFINITIONS DETAILS AMENDMENT RULES, 2021

Small Companies Capital & Turnover Threshold Expansion

Proposals have been advanced to change the definition of Small companies in order to increase their paid-up capital and threshold capacity from earlier INR 50 Lakhs to INR 2 crore and from INR 2 crores to INR 20 crores respectively. The amendment rules are aimed at easing compliances.

COMPANIES (CORPORATE SOCIAL RESPONSIBILITY POLICY) AMENDMENT RULES, 2021

CSR Pandemic Provisions & Vaccine R&D

These rules were brought into effect to deal with the pandemic situation and state an exception wherein a company in the business of R&D of vaccines, medicines etc may undertake any activity in their normal course of business as CSR. It has further highlighted that donation to political parties or any activity in lieu of statutory obligations will not qualify as CSR for companies.

SEBI (MUTUAL FUNDS) (AMENDMENT) REGULATIONS, 2021

Sponsor Net Worth Threshold Relaxation

This amendment provides relaxation to Mutual Fund Sponsors and allows them to set up a new Asset management company or acquire an already existing one if it has a min net worth of 1 billion INR and the same should be maintained for 5 financial years consecutively.

MATRIMONIAL LAW UPDATES

THE LAW ON MAINTENANCE: COMPREHENSIVE GUIDELINES LAID DOWN

Rajnesh v. Neha & Anr (Supreme Court of India)

Through this case the Apex Court has laid down guidelines for ascertaining payment of maintenance and set out a format according to which affidavits of disclosure have to be filed. The guidelines cover interim maintenance, quantum of maintenance, the awarding of maintenance and the enforcement of orders of maintenance to streamline the whole process.

SECTION 4 OF THE HINDU MARRIAGE ACT, 1955: PANCHAYATI DIVORCE NOT VALID

Nishan Singh V State of Punjab (Punjab & Haryana High Court)

In the case of Nishan Singh V State of Punjab, the High Court of Punjab and Haryana held that with effect of the Section 4 of the HMA, panchayati divorce is not valid and legal in the eyes of the law.

LOCUS STANDI OF A DAUGHTER IN THE CASE OF SECOND MARRIAGE OF FATHER

Nayana V Fizzah (Bombay High Court)

In this case of Nayana V Fizzah, the Bombay HC ascertained the fact that a Daughter has the right to challenge the validity of Father's second marriage and that her case will have Locus Standi.

VESTED RIGHT TO CLAIM CUSTODY OF CHILD?: WELFARE OF MINOR IS PARAMOUNT

Ranjit Kaur V State of Punjab (Punjab & Haryana High Court)

In this case the Punjab and Haryana HC highlighted that in cases of child custody, the welfare of the child is paramount and in this instant case or similar cases where a minor is married, neither the husband nor his relatives have any vested right to claim her custody. She can be sent into child protection and welfare home.

MATRIMONIAL LAW UPDATES

EDUCATION QUALIFICATION & MAINTENANCE

R. D Rajeev V Smt. Roopa (Karnataka High Court)

In this case of R. D Rajeev V Smt. Roopa the Karnataka HC has held that the mere possession of an educational qualification will not disqualify the wife from claiming maintenance and cannot lead to the assumption that she is capable of maintaining herself.

SOCIETY MUST LEARN TO ACCEPT INTER-CASTE, INTER-FAITH MARRIAGES, SAYS SUPREME COURT

Supreme Court of India Ruling

Inter-caste and inter-faith marriages have always been somewhat of a taboo in the eyes of Indian society. Recognizing an adult's right to choose a life partner of their own choice without the pressure of caste or religion, the Supreme Court observed that the society must learn to accept inter-caste and inter-faith marriages.

DELHI HIGH COURT SEEKS RESPONSE ON PLEA TO DECLARE CHILD MARRIAGES VOID AB INITIO

Delhi High Court Public Interest Notice (January 2021)

The practice of child marriage has plagued our country since time immemorial. It is imperative that an appropriate legal position should be given to child marriages to curb this practice. In furtherance of this issue, the Delhi High Court, in January 2021, sought response of the AAP government on a plea to declare all child marriages performed in the national capital as void ab initio.

DEFAMATION LAW UPDATES

DEFAMATORY REMARKS IN COUNTER AFFIDAVIT: QUALIFIED PRIVILEGE

Joy Anto v. State of Kerala (Kerala High Court)

The Kerala HC in the case of Joy Anto held that Section 499 of the IPC does not grant an absolute privilege to all the statements which are made in the court of Law when a proceeding ensues against. It stated that freedom of speech is always subjected to reasonable restrictions and even in this case no absolute immunity to statements can be granted, the privileges are rather qualified.

ADANI POWER DEFAMATION CASE

Adani Power v. Paranjoy Guha Thakurta (EPW Article)

This criminal defamation case was filed by Adani Power for an article titled 'Modi Government's Rs 500-crore Bonanza to the Adani Group' in the Economic & Political Weekly. Currently the then Editor of the EPW, Thakurta, has pleaded the transfer of case from Mundra to Ahmedabad court on the grounds of ill health and issue in commuting.

DEFAMATION CASE AGAINST MOVIE GANGUBAI KATHIAWADI

Babuji Rawji Shah v. Sanjay Leela Bhansali & Alia Bhatt

This case of defamation has been filed by Babuji Rawji Shah (74) years, who claims to be the son of Gangubai Kathiawadi and has filed the case on the grounds that his mother has been shown as a prostitute in this movie, which is disrespectful and defamatory to the deceased and her family. The Director Sanjay Bhansali and Actress Alia Bhatt have been summoned for the same.

JAVED AKHTAR DEFAMATION CASE

Javed Akhtar v. Kangana Ranaut (Andheri Court)

This case was filed on the basis of an interview given by Kangana Ranaut wherein she linked Javed Akhtar with the case of Sushant Singh Rajput and was booked under section 499 and 500 of the Indian Penal Code. The Andheri Court granted Kangana bail on this matter.

MISCELLANEOUS LAWS & DISCLAIMER

BAN OF CRYPTOCURRENCY: PROPOSED DIGITAL CURRENCY BILL

Cryptocurrency and Regulation of Official Digital Currency Bill, 2021

The Central Government, by means of the new Cryptocurrency and Regulation of Official Digital Currency Bill, 2021, proposed to ban private cryptocurrencies like Bitcoin in India. India's Finance Minister revealed that this ban was proposed by an inter-ministerial committee (IMC), recommending the introduction of an official digital currency regulated by RBI.

WHATSAPP AND THE ANTI-TRUST PROBE

Competition Commission of India Investigation

The new policy update of Whatsapp seeking to share some of the data of its users with Facebook is now facing a major backlash in India. The Competition Commission of India has said that Whatsapp has violated the competition laws by engaging in exclusionary and exploitative measures.

DISCLOSURE OF CRYPTOCURRENCY DEALINGS

Schedule III Companies Act, 2013 Disclosure Mandate

This regulation has come in through Schedule III of the Companies Act, 2013 which now requires companies to comply with increased disclosure requirements, including details about their dealings in cryptocurrency if any.

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