



# ***THE LEX KHRONIKA***

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# **FREEDOM CONVOY** **PROTEST**



“This is about keeping Canadians safe, protecting people’s jobs and restoring confidence in our institutions.” – Canadian Prime Minister Justin Trudeau in his speech to the nation while invoking the Emergencies Act for the first time in 5 decades to give the federal government powers to handle the ongoing trucker’s blockades and protests against the covid-19 pandemic restrictions. Emergency Act has been used for the first time since it replaced the War Measures Act in 1988, previous emergency was invoked by then Prime Minister Pierre Trudeau (Justin Trudeau’ father). He had invoked the War Measures Act in 1970 in response to the October crisis by Quebec separatists.

It all began when the cross-border truckers were mandated to be completely vaccinated. If they were not vaccinated, they were ordered to test for covid-19 and quarantine themselves. The government then realized that these rules and regulation will bring huge disruptions to the supply chain and therefore the US-Canada cross-border truckers were exempted from the rules priorly imposed on them. The exemption expired on January 15, 2022 and this time the government released a statement saying, unvaccinated or partially vaccinated national and foreign national truck drivers will either be asked to test and quarantine or will be sent back to the US. The announcement of the abovementioned rule led to the start of the so called “Truckers’ Protest”.

On January 29, 2022, the protesters marched into Canada’s capital, Ottawa. The protesters blocked all the central streets of the capital and started protesting. Slowly, other Canadian people frustrated with all kinds of covid-19 restriction started to join the protest and now there were around 10,000 to 15,000 people in the streets of Ottawa demanding to curb all the covid- 19 restrictions, so they could return to their everyday life.

The Emergency Act was invoked citing public order as its reason. The government had blocked the fund (around \$8 million) that the protesters were receiving through pages like go fund me. Through the Emergency Act government had stated its right to freeze the bank accounts of protesters as well as the people donating for the cause of such protests. The fact that the government can take such action against the people without the order of the court is quite astonishing.

In my opinion, certain meaningless rules regarding the covid-19 pandemic must be removed. When the Canadian government was asked to make direct correlation between the covid cases and the truck driver’s vaccination, the government could not answer. Then why to implement such rules for which there is no scientific or statistical data? For example, in India there is a mandatory rule to wear mask while driving a car, even when the person is alone. All countries must stick with the rules that are crucial and weed out any unnecessary rules that put unwanted burden on the people.

**DARSHAN A PARIKH**



## **PM MODI SAYS WE ARE FRAGILE, NOT THE PLANET**



PM Modi, in his inaugural address at The Energy and Resources Institute's (TERI) 21st World Sustainable Development Summit, said, "we have heard people call our planet fragile, but it is not the planet that is fragile, it is us, we are fragile. Our commitments to the planet, to the nature have also been fragile." Reminding the world that a lot has been said over the last 50 years and very little has been done since the 1972 Stockholm Conference, the Prime Minister stated that "in India, we have walked the talk."

Citing the success of the schemes such as the Ujjwala Yojana, which has provided more than 90 million households access to clean cooking fuel, and the PM-Kusum Scheme, which has taken renewable energy to the farmers, and with the Government encouraging farmers to set up solar panels to use them and sell the surplus power to the grid, the PM said that "equitable energy access to the poor has been a cornerstone of India's Environmental Policy."

PM Modi emphasized the potential of "Green Hydrogen," exciting technology to power our future. To this effect, the Government had already announced the setting up of the National Hydrogen Mission. The Prime Minister also encouraged academic and research institutes like TERI to develop sustainable solutions to realize the potential of green hydrogen.

Stressing on the importance of environmental sustainability, PM Modi firmly believes that climate justice is the only way to achieve environmental sustainability. He further reinforced the commitment of financing and transferring technology that the developed countries need to fulfill to achieve successful climate action.

LIFE (Lifestyle for environment), the newly added initiative to supplement the existing Coalition for Disaster Resilient Infrastructure (CDRI) and the Infrastructure For Resilient Island States initiatives, will be coalition of like-minded people across the world who will promote sustainable lifestyle is what the PM believes. "I call them 3 P's, Pro Planet People. This global movement of pro planet people is the coalition for life. These three global coalitions will form the trinity of our environment efforts for improving the global commons," he added.

The Prime Minister's address focused on preserving the ecology, moving towards sustainability, and requiring coordinated and integrated action of all to achieve sustainability for the global commons. In pursuance of this commitment, PM Modi has promised that India has and will continue to act for climate-resilient policies and practices.

**V. ANIRUDH**

## **IPL AND ITS IMMINENT IMPACT ON CRICKET**



The Indian Premier League 2022 auction provided a glimpse into the direction Indian cricket is heading in. It is no secret that franchise-based T20 versions around the world are far more popular than conventional and 50-over ODI formats. There are several reasons being cited, including a lack of time and the speed of life. T20, however, is popular because of its pulsating simplicity and aggression.

Cricket is played everywhere in India. The most common type of cricket is tennis-ball cricket. This is because it does not require the protective gear needed to play with a seasoned cricket ball. Observing cricket on the open grounds in India is interesting because the bowler tries to bowl his fastest, whereas the batsman swings at it as far as possible. Blocking the ball is rarely an option. A few do go into the art of spin bowling with variations via their subtle finger and wrist movement.

In the recently concluded IPL auction, these very qualities of Indian as well as international cricketers were highlighted. It was the mighty hitters, the pacers, and the unconventional spinners who were in demand at the time. Although it may seem like progress to some, the conventional style of the game is slowly eroding. Cricketers will rather master the art of hitting rather than focusing on technique-oriented batting in Test and First-Class cricket as a consequence.

The commercially lucrative and more glamorous IPL is drawing more and more Indian cricketers away from Test cricket and first-class cricket. The franchisees require 170 Indian players to compete with ten teams in the competition. Twenty lakhs is the minimum wage for two months of cricket. This is a long way from an Indian cricketer being selected for the Indian Test, ODI, or even T20 teams.

Even being a member of an IPL squad is worthwhile for a domestic cricketer who earns only 20 lakhs playing for his state side for the entire season. As a result, an Indian cricketer's personal success depends on his ability to bat or bowl with a T20 mindset. This provides him a higher chance of making it into an IPL squad, as well as a platform to jump right into the Indian national team. In Indian cricket, this has become the norm.

A cricketer's success in the Syed Mushtaq Ali T20 event is the only local tournament that has reference to a player entering the radar of IPL owners and talent hunters, or even Indian selectors.

The IPL auction proved that established and branded Test players had no place in the fast-paced form of the game. It's difficult to comprehend how some of the game's biggest names and most experienced batsmen and bowlers failed to attract a serious price, and some even went unsold.

This is a concerning situation, as the inability of these Test cricket legends to find a home could be a big factor in why future generations of players will avoid playing Test cricket.

The BCCI's decision to award annual retainer contracts to 28 of India's best players is a sensible one. Similar contracts should be offered to state players to encourage them to play first-class cricket, according to some.

The IPL's awards provide the BCCI with a fantastic opportunity to channel and organise the pay structure for Indian cricketers. They must also consider how to save and save a portion of the money received by their young and seasoned players for their future. There are several examples around the world of well-paid athletes in their prime falling into financial trouble later in life.

The IPL is a huge success story that many believe will continue to grow massively in the coming years. Indian cricket relies on it to grow and improve its foundations. It's the ideal platform for enhancing rather than detracting from Test cricket.

**VARUN ANAND**



## **BEIJING WINTER OLYMPICS - 2022**



The 2022 Winter Olympics is an international winter multi-sports event hosted by the People's Republic of China in its capital city Beijing and venues near Yanqing and Chongli between February 4, 2022 - February 22, 2022. The emblem for the 2022 Winter Olympics, "Winter Dream" was unveiled on 15 December 2017 at the Beijing National Aquatics Centre. Bing Dwen Dwen was the mascot of the 2022 Winter Olympics. 'Bing' in Chinese means 'Ice' which symbolises purity and strength, and 'Dwen Dwen' means to suggest robustness and youth. The slogan of the games "Together for a Shared Future" was announced on September 21, 2021. Beijing was selected as the host city in 2015 at 128th IOC at Kuala Lumpur, Malaysia. China became the first country in the world to host both the Summer and Winter Olympics. The opening ceremony was held on February 4, 2022. The competition began on February 2, 2022, with curling events. The last day of the competition and the closing ceremony was held on February 20, 2022. There were a total of 109 events in 7 different sports in 15 disciplines featured in Beijing 2022. New events included men's and women's big air freestyle skiing, women's mono bobs, mixed team competitions in freestyle skiing aerials, ski jumping, and snowboard cross, and the mixed relay in short track speed skating. Haiti and Saudi Arabia made their Winter Olympics debuts with 91 other National Olympic Committees. Russian Athletes participated in both Summer and Winter Olympics games under the ROC (Russian Olympic Committee) name and flag as a result of the ruling by the Court of Arbitration for Sport on the Russian doping scandal. Beijing hosted the games in spite of many controversies including the COVID - 19 virus and Uyghur Genocide. These controversies led to the call for the boycott of the games. Some nations did not participate in the games as a result of the COVID outbreak after the Summer Olympics game. India's team consisted of one male alpine skier, Arif Mohammed Khan from Jammu and Kashmir. The Ministry of External Affairs decided that Indian envoy will not attend the opening or closing ceremony of the Beijing Winter Olympics because of China making Galwan soldier torchbearer. Norway finished at the top of the medal table for the second successive Winter Olympics, winning a total of 37 medals, of which 16 were gold, setting a new record for the most number of gold medals won at a single Winter Olympics. The host nation China finished third with nine gold medals, marking their most successful performance in Winter Olympics history. The next Olympic Games will be held in Paris, France, from 26 July to 11 August 2024, and in Milan and Cortina d'Ampezzo, in Italy, in 2026.

**KAMESHWARAN.R**

# LEX PROFILES

"If a count were to be made of the ten topmost lawyers of the world, I have no doubt that Mr. Palkhivala's name would find a prominent place therein" – H.R.Khanna



The Legendary Lawyer Of India: Nani Palkhivala

Nanabhoy 'Nani' Ardeshir Palkhiwala was a renowned lawyer who fought some of the most crucial battles in Indian Constitutional history defending the fundamental rights of the people, among other things. A distinguished jurist, an economist, a defender of constitutional liberties, Nani Palkhivala was a man with multi-faceted personality. Palkhiwala's story is not just a journey of the legend who saved the Constitution but also an inspiring tale of an extraordinary man who overcame all odds.

Palkhiwala was born in Bombay and he completed his Master's degree in English literature from St. Xaviers College. And thereafter he did law from Government Law college. He wasn't born with a silver spoon in his mouth. Rather he was born and brought up in middle-class Parsi family.

Kesavananda Bharati v. State of Kerala (1973), also known as the Fundamental Rights case is considered as the zenith of Palkhiwala's fame and success. The main issue in this landmark judgment was whether the Constitution can be amended/alterd in such a way to take the Fundamental rights of the citizens. Palkhiwala arguing from the side of the petitioner persuaded the Apex court to accept the basic structure doctrine and this judgment was considered as landmark in defining the concept of Basic Structure Doctrine. He made another crucial role in the famous Bank Nationalization case where he made interesting legal arguments for the petitioner challenging the validity of Banking Companies Act, 1969. During the Emergency period, Palkhiwala and a group of lawyers fighting cases of civil liberties then went to the apex court in November 1975 and challenged its suspension of all fundamental rights. It was evident that Palkhivala wasn't afraid of taking on the government. Palkhiwala believed that 'Political Freedom and civil liberty are the keystones of the Indian Constitution. And he also said that our constitution is primarily shaped and molded for the common man. He was also known as the Keeper of the Conscience of the Nation. Also honored with Padma Vibhushan in 1998, Palkhiwala has unarguably made numerous contributions to the legal fraternity and development of the political system in India.

Dr. Menaka Guruswamy is a Senior Advocate at the Supreme Court of India.



Through her litigation practice, she has successfully sought reform of the bureaucracy in the country through fixed tenure, defended federal legislation that mandates that all private schools admit disadvantaged children, and most recently overturned section 377 the colonial-era law that criminalises consensual same-sex relations. Dr Guruswamy is amicus curiae appointed by the Supreme Court in a case concerning 1528 alleged extra-judicial killings by security personnel. In her private law practice she litigates in the areas of civil law, commercial law and white collar crime.

She was on Foreign Policy magazine's list 100 most influential Global Thinkers for 2019 and along with Arundhati Katju on Times Magazine's 2019 list of 100 most influential people. In 2017, her portrait was unveiled at Rhodes House in Oxford University.

Dr. Guruswamy has also advised the United Nations Development Fund, New York and United Nations Children's Fund (UNICEF), New York and UNICEF South Sudan on International Human Rights Law and has also supported the constitution-making process in Nepal.

Dr. Guruswamy's most recent publications include, a co-edited volume of essays on Founding Moments in Constitutionalism (Hart/Bloomsbury, 2019), an essay on Constitution-Making in South Asia, in the Handbook on Constitution-Making (Edward Elgar, 2019). She has written widely for publications including the New York Times, the Indian Express, Hindustan Times, Mint and Scroll.in.

Dr. Guruswamy was educated at Oxford University, Harvard Law School and the National Law School of India. She was a Rhodes Scholar at Oxford and a Gammon Fellow at Harvard. She has been visiting faculty at Yale Law School, New York University School of Law and University of Toronto Faculty of Law. She was the B.R Ambedkar Research Scholar and Lecturer in Law at Columbia Law School from 2017-2019, where she taught constitutional design in post conflict democracies.



## **1** **KNOW THIS**



1. As on April, 2022, the Indian Constitution has been amended 104 times since it was first enacted in 1950.

2. The Supreme Court of India has close to 75,000 pending matters as on April 4, 2022.

3. National Legal Service Authority of India was formed on November 9, 1995 under the authority of the Legal Services Authority Act, 1987 to provide free legal services to the eligible candidates and to organize Lok Adalats for speedy resolution of cases.



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