

1. Hague Service Convention invoked by U.S. Securities and Exchange Commission (SEC) in Adani's case

Introduction



The U.S. Securities and Exchange Commission (SEC) informed a New York court recently that it has sought assistance from the Indian government under the Hague Service Convention — formally known as the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters,

1965 — to serve summons on billionaire Gautam Adani and his nephew Sagar Adani in a securities and wire fraud case.

What did the SEC say?

The SEC informed the court that it had invoked Article 5(a) of the Convention to request India's Ministry of Law and Justice to facilitate the service of summons on the defendants.

How does the Hague Service Convention operate?

With the rise in cross-border litigation, the need for an effective and reliable mechanism to serve judicial and extrajudicial documents on parties residing in foreign jurisdictions became imperative. As a result, countries adopted the Convention at the Hague Conference on Private International Law in 1965.

Eighty-four states, including India and the U.S., are parties to the Convention. Its procedures apply only when both the sending and receiving countries are signatories. Each member state must also designate a central authority to process requests and facilitate the service of documents from other signatory states.

Signatory states can select the modes of transmission that apply within their jurisdiction. Under the Convention, the primary mode of service is through designated central authorities. However, alternative channels are also available, including postal service, diplomatic and consular channels, direct communication between judicial officers in both states, direct contact between an interested party and judicial authorities in the receiving state, and direct communication between government authorities.

How is service effectuated on defendants in India?

India acceded to the Convention on November 23, 2006, with certain reservations, expressly opposing all alternative service methods under Article 10. It prohibits the service of judicial documents through diplomatic or consular channels, except when the recipient is a national of the requesting country. For instance, a U.S. court cannot serve documents in India through U.S. diplomatic or consular channels, unless the recipient is a U.S. national residing in India. Additionally, all service requests must be in English or accompanied by an English translation.

As a result, valid service can only be executed through the Ministry of Law and Justice, India's designated central authority. The Ministry is permitted to reject a service request, but must specify the reasons for such refusal.

What happens if a foreign refuses to cooperate?

A default judgment may be issued under the Convention if a foreign government refuses to cooperate in serving summons on a defendant residing within its jurisdiction.

Relevance: GS Prelims; International Organisations

Source: The Hindu

2. Law Ministry withdraws Advocates Amendment Bill: The key objections from lawyers, Bar Council

Introduction



The Union Ministry of Law and Justice withdrew the draft Advocates (Amendment) Bill, 2025 following strikes by lawyers and objections from the Bar Council of India (BCI).

The draft Bill proposed sweeping changes, with provisions allowing the Centre to influence the functioning of the BCI, govern the entry of foreign lawyers, and restrict lawyers' right to protest. The major concerns of the Lawyers are as follows:

Concerns over independence of Bar Council of India

Section 4 of the Advocates Act, 1961, established the "Bar Council of India", which has been granted wide authority over matters related to the legal profession. This includes the admission of lawyers, deciding cases of misconduct against lawyers, and many other matters.

Section 4 also dictates who will become a BCI member. The draft Bill proposed amending this provision to allow the Centre to nominate up to three members to the BCI. Several lawyers said this would hamper the BCI and practising lawyers' autonomy. Bar Council has always been a democratically elected body representing the 27 lakh advocates of the country.

Further, the proposed Section 49B said the Central government can direct the BCI "as may appear... to be necessary for carrying into execution any of the provisions of this Act..." Effectively, it would give the Centre the final say on any matter that falls under the Advocates Act and the purview of the BCI. The BCI claimed that this provision would seriously undermine its independence.

Opposition to provisions on foreign law firms

The entry of foreign law firms into India remains a murky issue, even following the Supreme Court's 2018 decision in Bar Council of India v. A K Balaji. The apex court held that foreign law

firms and lawyers can be engaged to provide legal advice on a "casual" basis, but cannot "practice" law in the same manner as an advocate registered with the BCI.

In 2023, the BCI notified rules to allow foreign lawyers and firms to practice in certain areas, such as international arbitration, but they remained barred from practising litigation matters before courts. The draft Bill allowed the Centre to create rules governing "the entry of foreign law firms or foreign lawyers in India" under Section 49A. Currently, this power lies with the BCI, which objected to these changes.

Lawyer's protest as a ground for 'misconduct'

One of the most contentious new provisions was Section 35 A, which read: "No association of advocates or any member of the association or any advocate, either individually or collectively, shall give a call for boycott or abstinence from courts' work or boycott or abstain from courts' work or cause obstruction in any form in courts' functioning or in court premises."

A limited exception was provided, allowing participation in a strike "only when it does not impede the administration of justice such as strikes intended to bring attention to legitimate concerns about professional conduct, working conditions, or administrative matters..."

Any violation would be considered misconduct, punishable under Section 35. In response, a senior advocate said "A right to protest is well established and to bring it within the meaning of misconduct is rather atrocious."

Additional grounds for 'misconduct'

Section 45 B on "Liability for misconduct in certain cases" read: "If any person suffers loss either caused deliberately or by the misconduct of the advocate, then, such person may make a complaint of misconduct against the advocate under appropriate regulations as may be prescribed by the Bar Council of India for deciding the liability of the advocate." This would allow clients to make a complaint against a lawyer if they suffered a "loss".

Lawyers raised concerns about potential misuse. "If any client suffers loss in his case, he can make a complaint of misconduct against the advocate. How can an advocate be held responsible if he loses the case for his client? This has serious legal implications for all advocates practising in the country."

The draft Bill also suggested monetary punishments for "misconduct". Along with the possibility of suspension or removal of the advocate's name from the state roll, the Bill proposed a fine of up to Rs 3 lakhs. On the other hand, a fine of Rs 50,000 will be imposed on the complainant if his case is found to be frivolous.

Relevance: GS Prelims & Mains Paper II; Governance

Source: Indian Express

3. Who are PKK, the Kurdish armed group fighting against Turkey?

Introduction

For more than four decades, Turkey has been fighting an armed insurgency by the Kurdistan Workers' Party, or PKK, a militant group that says it seeks greater rights for the country's Kurdish minority.

Now, PKK's founder, Abdullah Ocalan, has called on Kurdish fighters to lay down their arms.



However, it remains unclear how effective his plea will be and what, if anything, the Turkish government is offering the group in exchange for ending the fighting.

Who are the PKK?

The group launched an armed insurgency against the Turkish state in the early 1980s, originally seeking independence for the Kurds, who are believed to make up about 15% or more of Turkey's population.

Who are the Kurds?

The Kurds are an ethnic group of roughly 40 million people — there are widely varying estimates — concentrated in Iran, Iraq, Syria,

and Turkey.

They speak multiple dialects of Kurdish, a language not directly related to Turkish or Arabic. Most are Sunni Muslims.

The Kurds were promised a nation of their own by world powers after World War I, but that was never granted. The Kurds have been demanding nationhood and autonomy.

Relevance: GS Prelims; International Issues

Source: Indian Express

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