

## INSIDE

MERAKI'17

PARAKRAM'17

FACULTY NOTE AND  
STUDENT NOTE

EDITORIAL



# SOLink

A NEWSLETTER

7th EDITION, MARCH 2018

# NMCC 2018



Taking inspiration from the success of the National Moot Court Competition 2017, this year, we, at Kirit P. Mehta School of Law, are proud to proceed with the second edition of NMCC. This year NMIMS Kirit P. Mehta School of Law will be organizing a Moot on Securities and Corporate laws.

The whole process of insolvency requires a governance mechanism, without a proper functioning system of insolvency law businesses get affected because borrowing becomes difficult, lending institutions are not legally sure about the return of the credit and investments in a country can also be impacted.

Trending in the days, Securities and Corporate Law is a field about which we read every day in the Newspaper. A topic that grabs everybody's attention is what we plan on taking forward with this year's moot and to help us with that, National Institute of Security Markets (NISM) and KPM School of Law are coming together for this edition of National Moot Court Competition.

The object of this edition of National Moot Court Competition is to promote proficiency in the field of insolvency and bankruptcy. The aim of this competition is to enable students to research and build legal acumen on the contemporary issues in this field.

A further objective is to hone the academic excellence in the student community concerning insolvency and bankruptcy, and to develop their advocacy and research skills in an environment of friendly competition. The competition also aims to provide a platform for law students to exhibit their argumentation skills which are the core part of advocacy.

Eminent Judges of High Court, as well as Supreme Court, have been invited to judge the competition. Senior lawyers from various law firms also have been invited to adjudicate the competition.

## HIGHLIGHTS OF National Moot Court Competition 2017(NMCC 2017)

Last year, NMIMS Kirit P. Mehta School of Law became one amongst the few colleges in India to organize a Moot on International Taxation. The core objective of the previous edition of the Moot Court Competition was to promote proficiency in the field of International Taxation Law. International Taxation Law has emerged as a significant field of law considering increased globalization of trade and investment, and complex bilateral tax regimes.

The moot problem for NMCC 2017 was an array of contemporary international tax issues. The compromise explored issues that penetrate into basic tenets of taxation law such as International Business Restructuring, Double Taxation Avoidance Agreement and General Anti Avoidance Rules.

NMCC 2017 was a three-day event which flagged off with registration and briefing of participants, and cake cutting ceremony followed by a gala dinner, organized to celebrate the very first National level Moot Court Competition hosted by NMIMS Kirit P. Mehta School of Law. The second day and third day were for the moot rounds, where the participants got a good opportunity to engage in some salubrious interactions with the opponent teams as well as the other participating teams.

The participants of the event came from 30 colleges across India and were judged by renowned luminaries from a judge of Supreme Court, Senior Advocates from Supreme Court and High Court, Partners and Associates from firms like Khaitan & Co, Nishith Desai Associates, Economic Law Practices, ALMT Legal, Lakshmikumaran & Sridharan etc.

## AWARDS 2017.

Winner Team - Hidayatullah National Law University, Raipur

Runner-up team- Indian Law Society, Pune.

Best Memorial Award- Symbiosis Law School, Hyderabad.

Best Speaker Award- Ms.Shreya Mohapatra, Indian Law Society, Pune.

## Message from the Student Council



*I want to start off by thanking my predecessor Drishti and her council for all the efforts put in by them in the previous year. As we head into 2018 and beyond, I look forward to taking ahead the legacy of all the events be it Meraki, Parakram, National Moot Court or Loquitor, all of which were very well organised by the previous council.*

*This year at KPM School of Law, holds added importance as first batch of our college steps out into the world as lawyers. It marks a beginning and this council wants them to take with them some great memories from their alma mater.*

*The coming year also heralds a Negotiation and Mediation Competition to be organised by the council, which shall be the first of its kind in Mumbai.*

*I am also optimistic about increasing participation amongst fellow mates and promoting the idea of them representing our college in events outside.*

*I am also hopeful to make this council approachable to all my fellow mates for them to channelize their grievances / suggestions or any other inputs with ease and help them to the best of my capabilities.*

*Having said that, I wish all of you good health and success in 2018.*

**- Vidhi Agarwal**  
(President, Student Council 2018)



*I want to start off by thanking my predecessor Teesta Sen for all the efforts put in by the Council in the previous year. As we move into 2018, I will focus taking the legacy left behind by events such as Meraki, Parakram, National Moot Court Competition or Loquitor, to a higher level.*

*In other aspects as well, we would like to improve ourselves. This year we assure everyone better redressal of the issues faced by the students by improving our accessibility and accountability.*

*2018 holds added importance in the history of this college, as the first batch of our college steps out into the real competitive world as lawyers. It marks a beginning of a new era and we want them to take with them some great memories from their alma mater.*

*The coming year, we also plan on organising a pathbreaking Negotiation and Mediation Competition, which has never been held in Mumbai before.*

*We are also looking forward to increase participation of students in intra-college as well as inter-college events. This will enhance a sense of belongingness among the students for the college.*

*As mentioned earlier, we assure our fellow companions to improved accessibility and approachability of this Council to give them a way to raise their issues or grievances or any other suggestions they have in mind and can improve our college as a whole.*

*Looking forward to serve you all.*

**- Ketan Saraf**  
(Vice President, Student Council 2018)



## Capturing the Midway Memories

Every journey has its unique experiences, which solidify as a part of our recollections through some splendid and some modest instances of the journey. In the mid-quarter of the current academic year, Kirit P. Mehta School of Law (KPM SOL) opened its doors to a number of such splendid occasions, which have aptly reflected the vivacious tenacity and the unquenching zeal of its students. As Meraki, the cultural fest of KPM SOL stepped up to establish itself as an inter-collegiate cultural fest with Meraki'17, and as the first inter-college sports event, Parakram'17 successfully set up a propitious pitch for sporting enthusiasts, KPM SOL attained new heights in its progress and development. Added to these new notches of success, were the inauguration of the Legal Aid Clinic of KPM SOL and a bunch of enriching guest lectures and academic exercises that left the students intrigued, as well as, informed. A gist of these endowing experiences has been deftly presented before you in this newsletter.

Alongside, our contributors have presented their insights on some of the mid-way decisions that are reshaping our societal living. From discussing the implications of the “right to privacy” judgement, debating novel solutions, to

fueling the realization of collective responsibility of humanity to protect the oppressed in the context of refugees, these thoughtful works fathom that, we certainly have some crucial issues to ponder on. Recent technological advancements and legal disputes, which have caused a flux in the legal arena, have been explained by our contributors in their astute articulations.

However, we know that critical discussions take a good part of your day and so we have brought in some light humour for your refreshment. **So, do not miss out the visualized wit of the winners and contributors of the first Law Comics Competition.**

With this 7<sup>th</sup> Edition of SOLink before you, Publications Committee 2017, bids you adieu, hoping that you continue your contribution to enhance SOLink. All the time that, we, as members of the Editorial team have invested, amidst the jumbles of law school, from rushing for interviews to cleaning our glasses to spot errors, has been rather delighting as we explored new horizons through your words.

- SOLink Editorial Team



*Inset: SOLink Student Editorial Team 2017. (Photo Courtesy: Chaitanya Suri)*





After a long wait, and intensive preparations, KPM SOL hosted its first inter-collegiate cultural fest, Meraki'17, from 9th-11<sup>th</sup> October 2017. The fiery spirit of the Organising Committee magically combined with the fervent participation helped build an invigorating environment that not only made the events a fun deal but also offered the participants entrancing takeaways, be it in the form of riveting prizes or the exciting experiences.

Meraki Day One flagged off with the O.C human train honking out the start of the Fest. The highlights of the journey are as follow:

#### Day 1:

Amidst the clicking of cameras and Meraki Cheers everywhere, the day passed by with beautifully crafted and heavily enjoyed events such as 'Steps and Stains', 'Motion Picture', 'Fifa', 'Poetry Slam', 'Do you even Karaoke', and 'Tale in a Tweet' to name a few.

Fine Art's event, **Steps and Stains**, with its splash of colours transformed itself into a perfect rainbow backdrop for Meraki'17. All thanks to the heavy steps of our participants.



Participant in Snap-arting event.

In a bubbling mixture of innovation and social media love, the event **Snap-arting** saw some crazy and cute snap-chat filters getting created that could just as well become the next youthful fad. At **Glassy** participants created masterpieces with nothing but cones and glass bottles that had our eyes glassy with the pure marvel of creation.

Judged by two of the finest poets of the country, **Anupam Siddhant and Kaushiki Saraswat**, **Poetry Slam** saw budding poets hold the audience ransom with their wonderfully weaved word webs, matched with the perfect rhymes that penetrated even the festive frenzy to nudge our emotions. The winners enjoyed a beautiful weekend at **Spoken Fest** where they witnessed the best in the field of

spoken poetry perform and got a chance to interact and develop their talent further through the platform provided by Team Meraki.



Astha Atray as the judge of Tale in a Tweet.

Under the guidance of India's second Mills and Boon writer, **Astha Atray Banan**, the participants enjoyed a workshop cum competition on micro fiction and flash poetry at **Tale in a Tweet**- because less is more! The literary enthusiasts were in for a lot more with the brain-racking event of **Doomsday**.

What's life without music and drama? Events **Do you even Karaoke** and **Motion Picture** kept the audience enlivened with its foot tapping performances and rich theatre experience that was far from the usual college drama. The performances of the young artist held the audience spellbound. Moreover, the performance of the esteemed Judge, **Mr. Chandan K Anand**, forced the audience to plunge into the illusion of theatrics as they watched his gripping performance live.

Be it riding into battle with heavy ammunition and well thought out strategies at **Mini Militia**, or football enthusiasts making their dream teams at **Fifa'17**, the virtual world at Meraki created by the gaming department was crowd pulling stop.

#### Day 2:

Starting the day with a power packed **Zumba Training Session** with **Ms. Shamili Nair**, Day two was as vibrant as the previous and everyone was immersed in the festive mood. The participants enjoyed a fun-filled dance workout that had them cheering while working out- a rare combination indeed!



Zumba Training Session with Miss Shamili Nair.

Day two was lined with innovative events which displayed that creativity can turn just about anything to novelty!

A unique combination of indoor and outdoor sport, **Pool Football** was novelty turned fun! Further, the participants battled in the Black Opps mission of **Call of Duty** where sound of cheers drowned the sound of virtual firing.

The writers relay at event **Drishtikone**, was buzzing as the participants scrambled for both words and time, while collaborating with their team mates to be the ones to win the test of skill, language and adaptability of writers.



*India's Best Jam Master at Meraki '17.*

With the country's best jam-master, **Mr. Hormuz Regina** conducting the event, **Bas Ek Minute** (JAM) was a treat for every last person sitting in the auditorium. A series of tricky conditions imposed by the jam-master, coupled with his wicked sense of humour kept the participants on the edge and the audience entertained.

A poster making competition, **Posternovation** which challenged the participating artists' product modelling skills and at the same time their ability transforms the same into an eye-catching sale point. **Doodle de Chocolate** had strict security as participants crafted the chocolate into beautiful designs making them even more scrumptious and tempting. This Fine Arts event was a combination of creativity and self-restraint, where participants exhibited their sweet art.

The day came to an end with Meraki's flagship event **Tone Deaf**. Judged by the multi-talented **Tushar Lal** himself this genre change event was nothing short of musical magnificence.

### Day 3:

Contradicting oneself could have never been more fun. **Block and Tackle** made its participants speak from both the sides of a given topic, in the process making it an intellectual as well as a humorous event. If you are a comic book fan or obsessed with sit-com characters, **Fan-Doomed** was the place to be during Day 3 of Meraki 2017. Conducted by the Literary Arts team, the event involved an auction where participants purchased their choice of characters from comic books and television shows. The participants' imagination knew no bounds when it came to the interactions between the characters they got. Some of

the crazy combinations were Joker and Walter White, Loki and Gloria Pritchett, etc.

Fashion designing and ramp-walk event, **Glitter with Litter** witnessed some of the ingenious designers transforming our students to appealing models, their hands certainly replaced their magic wands.



*Kaavya Bector with the winners of Show me the Funny*

Stand-up comedy is not everyone's cup of tea, and the participants of **Show me the Funny** event successfully proved this with their hysteric humour and hilarious performances.



*Winner of Offbeat with the judges Simi Talsania and Tushar Shetty*

Power packed performances at **Offbeat**, created the perfect mood for the closing of the fest. A starry end to a wonderful fest, heart throbs **Simi Talsania** and **Tushar Shetty** graced the event. Their words of wisdom to the participants and whistle-worthy performances stole the heart of everyone present.

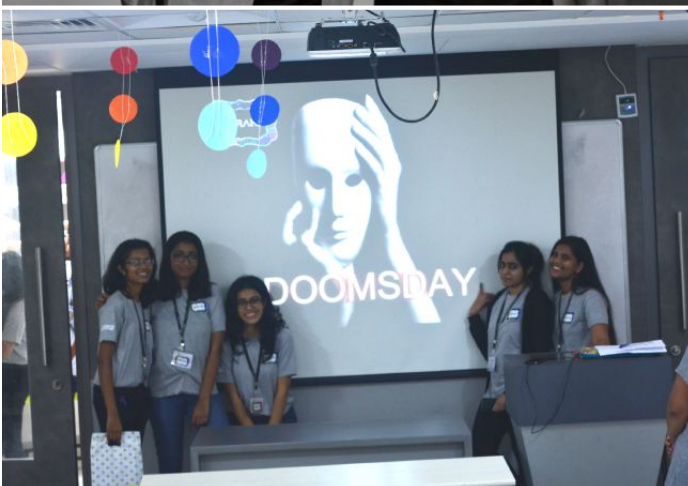
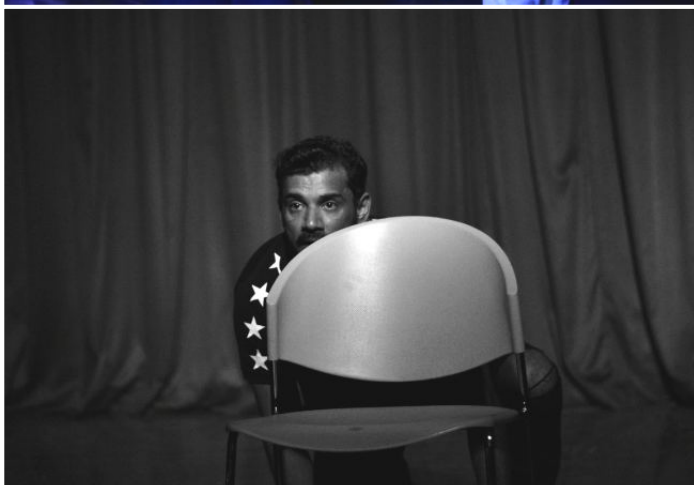
The winners of the first edition of Meraki, Contingent trophy was bagged by Anil Surendra Modi School of Commerce with the NMIMS School of Liberal Arts at a close second! The fest was signed off at an emotional note followed by a celebratory evening for the Organizing Committee.



*Organising Committee of Meraki '17*

After a great first show, Merki'17 has set the ball rolling for the Cultural fest of KPM SOL to take over Mumbai soon.













## Parakram' 17

If you spotted the Team Parakram'17 members working and running around last year then you have surely understood what the word "Parakram" means, and just what their efforts reflect viz, bravery and hard work. The synonym for perseverance and a continuous struggle for success - Parakram as a concept seeks to build the spirit of teamwork and sportsmanship, and depict the application of these core principles of success in the real life.



Parakram as a reality, is a warm winter morning where the air simmers over with tense excitement and frenzy. As a reality, it is a massive event curated by a small yet strong team-spread over three locations and handling six sports and nine events. It is the latest sporting festival in town that endeavours to challenge your ability and to drives you to achieve the best while inspiring you to fight your opponent with courage in the true sporting spirit.



*The Organising Committee of Parakram'17*

Held on the 16th and 17th of December, 2017 at the sprawling campus of CNMS, the manicured turf at Astro Park, and KPM SOL's own classrooms, Parakram comprised of several sporting events which were tailored to hone one's skills and determination. The various events included Basketball (Men and Women), Volleyball, Table Tennis (Men, Women and Doubles), and Chess. The flagship events, held at Astro Park, included the thrilling Box Cricket and Cage Football. The range of events ensured that Parakram does not miss out the popular sports.

Football followed a league format of matches wherein each of the thirteen participating teams had three opportunities to qualify for the knockout stages from where the teams then proceed to the much awaited and speculated finals which was held on Day 2. Cricket, on the other hand, was a direct knockout event where teams that lost one match could not go any further. A total of 13 teams took part in this event.

- The tally of teams for the other sports include:
- Basketball (8 teams -men, 3 teams- women)
- Volleyball (5 teams)
- Table Tennis (16 male participants, 5 female participants, 2 mixed doubles)
- Chess (15 participants)

One of the highlights of the event was the Functional Training Workshop conducted by the title sponsor, the esteemed Alpha 7 Seas Gym. On the afternoon of Day 1, nearly forty participants and students gathered for an exciting and exhaustive session on fitness and conditioning. After conducting a grueling workout, the trainers selected few of the fittest members of the heat. The qualifying participants were required to attend a second heat session on the second day and the winner of this session walked out with a free three-month membership at the luxury gym. Suffice to say, this prize was enough motivation for the participants to truly bring out their competitive spirit and fight their way to fitness.











## Kirit P. Mehta School of Law Legal Aid Centre Inauguration Ceremony

### SOLink Team

Kirit P. Mehta School of Law welcomed yet another vital development with the inauguration of its very own 'Legal Aid Centre', which was held on the 27th January 2018 at Mithibai College Building. The inauguration function was graced with the presence of the Chief Guest, Ms. Flavia Agnes, Co-founder of 'Majilis' and a prominent women's rights lawyer. The Guests of Honour included Mr. Kirit P. Mehta, Patron, School of Law, Dr. Sharad Mhaikar, Pro-Vice Chancellor NMIMS Deemed-to-be University, Mr. Shalin Divatia, Managing Committee Member NMIMS University, Mr. Harshal Shah, Mentor School of Law and Dr. Paritosh Basu, In-Charge Dean School of Law. The function was attended by the faculty and the first year students of KPM SOL.



*Inset: Lighting of the Lamp by the Chief Guest, Ms. Flavia Agnes.*



*Inset: Lighting of the Lamp by Mr. Kirit P. Mehta, Patron of School of Law.*



*Inset: Lighting of the Lamp by Mr. Sharad Mhaikar, Pro-Vice Chancellor, NMIMS.*

The event commenced with the invocation of the blessings of the Almighty with the Saraswati Vandana and NMIMS anthem, followed by the felicitation of the Chief Guest by Asst. Prof. Deepika Chhangani, Faculty-In-Charge of Legal Aid Centre. Dr. Mhaikar then shared his views on the importance of having a 'Legal Aid Centre' and expressed how the centre could be a beneficial link between the underprivileged section of society and the students of the college. Mr. Kirit P. Mehta expressed his happiness and satisfaction on the rapid progress made by KPM SOL in a span of a few years. Mr. Divatia emphasized that along with the inauguration of the Legal Aid Centre comes responsibility and reputation of the institute, which needs to be taken care of by every member of KPM SOL. Mr. Harshal Shah provided motivation to the student by deliberating on the need and scope to increase access to the legal system which is essential to ensure justice in society.

In his address to the audience, Dr. Paritosh Basu, spoke about how the inauguration of the Legal Aid Center is a reflection of the strides made by KPM SOL in its endeavour to achieve excellence. He also shed light on the upcoming events which will be conducted by the college in the near future.

Later, Ms. Flavia Agnes shared a few thoughts on the problems which other similar centres' have faced. She asked the faculty to encourage the students to contribute to the growth of the new centre so as to help serve the very purpose of instituting the centre.

The session ended with a vote of thanks by Assistant Prof. Sohini Shrivasta.

## GLEE India Book Talk by Professor David B. Wilkins

### SOLink Team

NMIMS Kirit P. Mehta School of Law had the privilege to host Professor David B. Wilkins, Lester Kissel Professor of Law, and Faculty Director of the Center on the Legal Profession at Harvard Law School, as he delivered the GLEE India Book Talk, on 11 December 2017. The talk was conducted in Room number 501 of the NMIMS main building, from 11 a.m. to 1 p.m. Professor Wilkins spoke about his book, "The Indian Legal Profession in the Age of Globalization", which is an outcome of his project named "Globalization, Lawyers and Emerging Economies", undertaken by the Centre on the Legal Profession (CLP), Harvard Law School. The event was also graced by Bryon Fong, a member of the GLEE Executive Committee. The event began with Assistant Professor Rakesh Nambiar delivering the opening address and an introductory speech about the guest and his book on the legal profession. Mr. Harshal Shah – Mentor, Kirit P. Mehta School Of Law, spoke about Professor Wilkins and shared a few engaging anecdotes describing his experience as a student of Professor Wilkins while in Harvard Law School.

Professor Wilkins spoke extensively about the increasing growth of the Indian Legal Sector, especially after the liberalisation of the Indian economy in the 1990s. He emphasised on the growth and importance of the legal sector and profession in the emerging economies, which include Brazil, India, and China (BICs) to a very attentive audience.

After Professor Wilkins completed his speech, the floor was opened to questions. Professor Wilkins elaborately dealt with the various questions that were asked by the enthusiastic students. The questions covered a wide range of topics, from the comparison between the Indian and Chinese legal sector, distinguishing between in-house legal departments and law firm jobs as career choices, to understanding the expanding presence of foreign law firms in India. While answering these questions, some noteworthy observations were made by Professor Wilkins.



Whilst mentioning that the Chinese legal sector is facing some problems, Professor Wilkins said that the Indian legal sector can learn a lot from its Chinese counterpart. He also guided the audience regarding the nature of work as an in-house legal department advocate and a corporate law firm advocate. He also expressed his positive views on the growth of in-house legal departments in India and stated that there was no reason for Indian firms to worry about foreign law firms coming to India. The session ended with a vote of thanks proposed by Asst. Prof. Shrikant Aithal.

This session thus provided a wonderful opportunity for the students to widen their perception of corporate legal practice in India and gain valuable insights from the expertise of Professor Wilkins.

## Get Inspired: Interview with Professor David. B. Wilkins

**Interviewer: Sir, today, industry-academia linkages are the benchmarks of institutional quality, but the Bar Council of India has prohibited law professors from arguing in the court or acquire any practical training. Do you think that such a policy should continue?**

**A.** So, this is a complicated question and let me tell you why I think Bar Council probably has this rule and then let me say a little bit about what I think are its limitations. So, there are countries around the world, Italy is an example where all of the law professors have their own law practice. And the problem is most of them spend 90 percent of the

time on their law practice and 10 percent of the time teaching students, and this has really had a negative effect on the quality of legal education in many law schools. There are some wonderful law professors in Italy, but many people would agree that it's a problem. And so, some countries like India have tried to have a separation between the practice of law and the teaching of law. The problem with that is twofold. One is, that the professors sometimes can be very out of touch with what the realities are of legal practice and that's increasingly a problem as legal practice has changed considerably around the world, particularly in places like India. So, as you say what you really want is a collaboration or an integration of theory and practice, which is hard to get if professors don't have any exposure or connections to the world of practice or the real world. The second problem is that the academic salaries in public institution are not high enough to attract high-quality faculty who can devote their full-time energy to these institutions. Now for a great private university which runs from a wonderful trust like this one, you don't have that problem as much as they do in a public university. So, my own view is that while I understand the reason why the Bar Council might be worried about this issue, I think that the way it is set up now is not producing what we really need which is law faculty who really understand legal practice so that they can help students to understand the changing realities of legal practices. Nor is the current policy attracting enough high-quality people, particularly in public universities that aren't the most prestigious ones say like the national law schools.

**Interviewer: In what ways do the changes in the legal profession, particularly those changes ushered in by technological advancements, influenced the development of ethics that guide the profession.**

**A.** That is an excellent question!

Technology is changing our whole world. One of the things that I mentioned in the talk that I just gave to your wonderful batchmates is that, it has only been 10 years since there were any smartphones. The iPhone came 10 years ago. If we think back, we can't imagine our life without smart phones. Now, think to yourself, what are going to be the technological advancements in the next 10 years which we cannot even imagine today. Those things are transforming everything about our world. Of course, they are also going to transform law and lawyering and legal institutions. The problem is that we don't have a very good way of thinking about the interaction between technology and law because people who are trained in law are typically not trained in technology, and people who are trained in technology are not trained in law. It is only recently, that we have tried to develop a curriculum, or even a way of thinking about these changes, that put technology and law together. But we better start doing it quickly because things like artificial intelligence, big data, and block chains are going to radically transform the practice of law. It won't turn us all into robots - don't worry, there will still need to be human beings! But what those human beings need to know is that the way in which they help their clients and the public at large is changing very dramatically because of technology.

**Interviewer: What knowledge or training should law students have, to be relevant as per the changing scenario, should they acquire a second degree, should**



**they do other extra courses, what do you advise, sir?**

**A.** So, this is a big question and one that every law student should be thinking about, but also your professors and the people who run law schools should be thinking about. I think here, you are all very lucky because this law school is a very new law school and there has been a lot of attention on trying to create opportunities for interdisciplinary learning. One thing we know for sure about the future is that in order to be able to help clients solve legal problems you need to know much more than just the law. As I said in my talk here, clients don't actually have legal problems, they have problem problems. Lawyers will need to be able to integrate what is legal about those problems, with things like technology, or things like economics or things like business or strategy or culture or human resources and psychology. Now, no one can be an expert in all those things. So even if you took a lot of courses and stayed in school forever you would never learn everything. But you need to have enough introduction to the major areas that connect with the law so you know how to ask the right questions and seek other help, and be open to working collaboratively, with people who are experts in those other areas, and not just thinking that as a lawyer you're the one that has all the answers. So, that does mean maybe taking certain other kinds of courses. For some fields it might be getting either another degree, or participating in something like the program you have here in law and business, where after you qualify you can take a separate one or two year course where you are really working on the integration of law and business. Or to take another example, people who are really interested in Intellectual Property Law will need to have at least some serious background in new technologies, engineering, and digital practices. Even lawyers who want to be litigating lawyers in courts or lawyers who want to do basic kinds of commercial or corporate transactional matters, they are going to have to be at least fluent enough to understand the basics of things like strategy, finance, and psychology to be able to know what are the right questions to ask and who are the right people to work with.

**Interviewer: Sir, how do you handle the work-life balance?**

**A.** (Laughs) Poorly, is probably the best answer to that. Listen, I actually tell my students that I never call it "work-life balance" because anybody who does these jobs or has children knows it is never in balance. It is never even, it is always one thing or the other thing. I think the key is, first of all, to be clear about your own priorities and what is important. And, my work is very important to me and it's very fulfilling to me, but it is not the only, or even the most fulfilling thing. I have a wife and a 17-year-old son, not much younger than you. And, it is really important for me to be an important part of his life as he grows up because he is going to be gone very soon, off to university as you are. These years are precious and I try to make sure that I have the time for him, for my wife, and for my mother who is 89 years young. But that means that I have to make choices about what I do. I am in India for the next ten days, and that's an awfully long time to be away from home. I will fly back on Monday morning at 2 AM from Delhi so that I can be there on Monday afternoon for something that my son is doing. I make those kinds of issues a priority. And when I spend time not just with my family, but also my friends, I put those little crackberries (referring to smartphones)

away. I don't answer emails when I'm with other people, and that includes when I'm meeting terrific students like you. I don't allow my students to have computers in my classrooms or their phones because I tell them that the single hardest thing, particularly for your generation, is to learn how to be present, actually present in a moment. There are so many distractions and you are so used to multitasking that we fool ourselves into thinking that when we are multitasking that we can do everything equally well. In fact, all research says that people do not multitask, they just concentrate on one thing or another serially and that their attention is fractured by constantly being interrupted. Especially for your generation, you have to teach yourselves how to put the phone away; how to turn off email notifications while you are working on something else on your laptop. I'll say one other thing : take care of your body. So, I was picked up at 9am today to come here. I got up at 7 AM so I could go to the gym first... I try to go to the gym at least five days a week. I do it because I know that I have to take care of myself before I can take care of anybody else, and also because I enjoy it. So, do things that you enjoy, whether it is reading the newspaper on Sunday, listening to music, or going out to a great restaurant – by the way, we ate at Bombay Canteen last night which was fantastic! But take time to do things for yourself. Otherwise you won't be there for anyone else.

**Interviewer: Any message you would want to give to our students?**

**A** The main message I want to give to you is that I think this is the most exciting time in the world to be a lawyer, to have a legal education, I should say because some of you will graduate from here and won't practice law. You'll be entrepreneurs or business people, or who knows you may become an artist. But the kind of training and knowledge and experience that you get as part of a legal education is never been more valuable or important. But it is also true that it is now more up to you to learn what you need to learn and to get out of this education what you can get out of it than ever before. And it is critical to remember that education doesn't just stop when you finish your 5 years and you get your degree, or even when you take the bar exam and you qualify. You have to be a lifelong learner. Because as much as the world has changed over the last 10 years since we developed the iPhone, just imagine the changes that will be coming in the next 20 or 30 years. I understand that this maybe a little scary. But it should also be really exciting because there are so many possibilities that are open now. If you would ask me when I was your age, whether I would ever be sitting in a beautiful law school, in Mumbai, India, talking to brilliant law students about the future and they actually care about what I had to say, I would have said you were crazy. So, the world is amazing. Go grab it!

## Anhad: Beyond Bounds

Anhad is a voluntary discussion forum started by the Second-Year students of NMIMS KPM School of Law, under the guidance of Dr. Ravi Saxena (Assistant Professor, Political Science). Anhad serves as a platform for the discussion and deliberation on contemporary issues. This discussion forum creates a conducive and comfortable environment, allowing students to put forth their opinions freely.

A remarkable aspect about Anhad is that it is a completely voluntary forum and students attend these sessions based on their interest levels. Everyone also gets a say on the topics to be discussed for the next session. It is aimed at developing presentation skills, analytical and argumentative skills as well as general awareness.

Anhad is organised by the students of the second year, under the mentorship of Dr. Ravi Saxena. The initiative has been lauded by the Dean, Dr. Paritosh Basu himself, who attended the recent session and participated in the same.

### **Session 1**

The very first session of Anhad was held on 13<sup>th</sup> October, 2017 on the issue of the “Rohingya Crisis”. The discussion focused on the very nature of the crisis, war crimes by the Myanmar military forces and the role of Myanmar leader Aung San Suu Kyi. Primarily, it involved deliberation on India's role in the crisis, the possibility of India permitting the refugees to reside within its territories and its past history in doing the same.

Points were raised regarding the potential hazards of housing refugees in India, and the tussle with China for supremacy over ASEAN (Association of South East Asian Nations, Myanmar being one of them. If India openly welcomes Rohingyas', it might push Myanmar closer to China) countries and India not being a signatory to the 1951 Refugee Convention.

The prevailing issues in countries (such as Australia) which have already housed fleeing Rohingya population such as radicalization by Islamic groups (such as ISIS) and other violent disturbing incidents, such as the Bodh Gaya attack in the state of Bihar.

The general conclusion that was arrived on was that India should not deport or close its doors to Rohingyas from its neighbouring territory, unless, there are cases of threat to security. The Chinese (anti-Rohingya) stance was condemned. It was largely considered that as a champion of peace and democracy, Aung Sang Suu Kyi must play a more decisive and democratic role in this matter.

### **Session 2**

On 4<sup>th</sup> December 2017, the students of NMIMS KPM School of Law got together once again to dissect, discuss and debate one of the burning issues in International Relations, “The Growing Chinese Supremacy in Asia and the world”, in the second session of Anhad.



*Inset - The participants in the second session of Anhad*

The discussion commenced with the opening talk on China's potential as a superpower. This was followed by a wide-ranging discussion on China's international strategies and its increasing dominance in international organizations as well as in the world economy. The various projects undertaken by China including the China-Pakistan Economic Corridor (CPEC) plan and the implications of this project on global trade, were discussed considering the technical details of the projects.

The increasing involvement and interest of China in the developing industry of clean energy production was critically reviewed by the participants. The political orientations of China with regard to its relationship with countries in the Asian sub-continent were discussed with the help of humorous videos which made the discussion more vibrant. A few thoughts on U.S-China ties were an inevitable part of the discussion.

The participants brought the discussion to a close with a general session of questions which were collectively answered with inputs from different participants. This edition helped the participants develop a broader perspective on China's emerging position and better understand the long-term repercussions of China's controversial moves.

### **Session 3**

The third session was held on 11<sup>th</sup> January 2018, on the topic “Growth of Journalism in India and Abroad”. The discussion began with the Dean himself sharing his views on the topic. He stressed on the lack of media coverage in rural areas, the need for inclusive journalism and how it will aid in the development of 'Bharat' (using it as a term for the rural sector of India). He highlighted the points of difference between Indian and American journalistic methods and principles.

The Dean also commended the initiative of the students in organising and promoting a platform like Anhad and recognized it as an integral part of School of Law.

The discussion resumed with the spotlight on the negative aspects of journalism. Sensationalism of news, media trials of cases like the Aarushi Talvar murder and Sheena Bora murder, and the importance given to the increasing viewership by media houses were some aspects covered. Points were also raised as to the need for viewers themselves to evolve beyond such news, be responsible viewers by scrutinizing the content shown and help direct the nature and quality of news.

It was agreed that corporate influence and ownership of media groups, as well political affiliations and relationships were crucial factors that promoted sensationalism of news. This, it was considered promotes aggressive and biased reporting.

The issue of curtailing journalistic freedom was also a key point of discussion.

Points were also raised as to the difference in the quality of content in international news houses such as BBC and Fox News and the local channels broadcasting in vernacular languages. A comparison of the difference in the nature of



the viewership that these channels catered to was also made during the discussion.

The third session witnessed the largest turnout in Anhad's brief history. The topic at hand and concept of Anhad itself garnered a lot of interest and received large, positive feedback.



*Inset - The participants in the third session of Anhad along with Dr. Ravi Saxena and the organising team.*

## Conflicts in North-East India

### SOLink Team

A guest lecture was held for the students of first year B.A. LL.B and B.B.A LLB. in the Juhu Jagruti Hall on 19 December 2017, on the topic "Conflicts in North-East India". This lecture was organised in collaboration with Public Concern for Governance Trust (PCGT). The students got a fine opportunity to meet and interact with the speakers Padma Shri Chaman Lal, retired IPS officer & Ex-DGP of Punjab and an active human rights activist and Padma Bhushan Julio Ribeiro's, celebrated Ex-DGP of Mumbai and Punjab popularly known as the 'Super Cop'.

Padma Bhushan Julio Ribeiro spoke about the two social evils - corruption and communalism and captivated the students with the account of his experiences. He spoke at length about the initiatives taken by him as the Chairman of PCGT. He also talked about his experiences during his tenure as DGP in Punjab.

Padma Shri Chaman Lal initially gave the students first, briefed the students on the current state of affairs in the North-Eastern region and then proceeded to discuss the major concerns faced by the people there. Having served as the DGP in Nagaland he was able to discuss in detail about the 'Nagas' and their issues.

Describing the North-East as a picturesque location with a high literacy rate, low population density and loving and hospitable people, he explained the historical background and shed light on the ethnic conflict and political scramble in the North-East. Given below are some noteworthy insights provided by the speakers.



*Inset: Students with Padma Bhushan Julio Ribeiro and Padma Shri Chaman Lal.*

### On the historical background of the North- East...

The North- East was originally a utopian society governed by the elderly people commonly known as the 'Gao Budhaa' and it was practically the purest form of democracy. But the imposition of Westminster model of governance, increase in the power at the hands of Assamese, the ineffectiveness of the North-eastern Council, increasing political aspirations and decreasing job opportunities and health conditions led to instability in the region. This led to frustration among the young who found escape in drugs and retaliation in the form of insurgency. These people feel neglected by mainstream India.



*Inset: Address by Padma Shri Chaman Lal.*

### Potential Solutions...

Mr. Lal opined that the root causes have not yet been addressed. The solution lies in combining economy and technology to maintain stability in the region. The government should work in unison with the age-old 'Gao Budhaa' approach and not over administer in the region as suggested by Pandit Nehru. It is important that the government gain back the trust of the people which it lost during the insurgency period, by understanding and adapting the political system of the locals to work in harmony with the plans and policies of the Center.

### Changing times...

During the insurgency period, the Nagas claimed to be different in terms of ethnicity and identity. The military was used to aid civil power instead of protecting the people. There was a shift from Gorilla to military warfare. The people silently retaliated against the increasing military power but never spoke up. But in 1997, under Suspension Secession of Violence the Nagas united, came forward and decided to speak up. Though this did not help bring back the importance of traditional social institutions, it changed the outlook of the people towards the concept of sovereignty and the youth started moving out of Nagaland for better opportunities.

### On Causes of Political instability...

The government seems to have failed to understand the problems of the people and instead of initiating talks resorted to the use of the military to curb the insurgency in the region. The governments in power viewed the practical form of democracy, practised by the Nagas, as a threat to their political stability. The establishment of North-East Council was a failure and was a victim of chronic neglect. This body has often been criticised as a set up created to exploit the natural resources.

The seven sisters of the North East have all been accorded the special category status wherein the Normal Central Assistance (NCA) is split into 90% grants and 10% loans. The high capital outflow, low reinvestment and susceptibility to corruption at the hands of people in power have contributed to the low-key economy of the region. The Church had an equally important role to play in influencing the political attitude of the people.

Towards the end of the session, both the speakers enthusiastically answered the questions raised by the audience. The session ended with the students being left with food for thought on the difficulties faced by some of the most neglected areas of our country.



## Negotiation and Mediation Bootcamp

### SOLink Team

A two-day boot camp was conducted for the students of Kirit P. Mehta School of Law, on the 7<sup>th</sup> and 8<sup>th</sup> of January, 2018. The sessions were jointly conducted by Mr. Charlie LaFond from Into Results and Mr. Jonathan Rodrigues from PACT.

The session started with a brief introduction of the speakers, Mr. Charlie LaFond and Mr. Jonathan Rodrigues, given by Asst. Prof. Rakesh Nambiar. Mr. LaFond is an MBA from Vienna and has been training 40,000 students over three continents in the field of negotiation skills. Mr. Jonathan is the Co-founder of 'Peacekeeping and Conflict-Resolution Team' and is a certified mediator. He is currently posted as the World Mediation Organisation's Continental Advisor for Asia.



*Inset: Students being trained by Mr. LaFond and Mr. Rodrigues.*

The session started with Mr. LaFond asking the students about the causes and types of conflicts in real life, which the students later correlated to during a bidding simulation, based on the well-known game-theory experiment 'Prisoners Dilemma'. This simulation helped the students realise that one can overcome conflicts by trusting and helping their counterparts in a mutually beneficial manner. Later, he explained about Paul Watzlawick's 'Axioms of Communication' and the importance of separating the person from the problem. Through an interactive session the students were told about the common errors made while communicating and negotiating. The students were then taught about the





*Inset: Students being mentored by Mr. LaFond at the bootcamp.*

basics of negotiation and the nitty-gritties involved. The students were divided into groups and were given role-plays and made to negotiate with each other to find and negotiate their way to get the best deal in the given situation.



*Inset: Students being mentored by Mr. LaFond at the bootcamp..*

On the second day of the boot camp, the students participated in an exercise on "Negotiation". The students were taught about the various stages of negotiation in detail. A second negotiation role-play was conducted for the students. This time most of the students struck with deal in their counterparts, and discovered that this was only because they disclosed some of their confidential information to the opposite party which helped the parties trust each other which mutually benefitted them. It thus made the students realise the importance of trust-building and sharing of information.

Mr. Rodrigues then explained the difference between 'Mediation and Conciliation'. He emphasized on the advantages of mediation and the errors to be avoided when mediating. The students were given a chance to take part in a role play wherein some students had to mediate between two parties and help them resolve their disputes. This exercise ended up with students learning the basics of mediation and its scope in the real world.

All the participating students gained a wealth of knowledge on Negotiation & Mediation Skills through the boot camp.

## Get Inspired: Interview with Mr. Charlie LaFond

- Interviewer:** Sir, do tell us something about yourself and the number of students you've interacted with?

**Mr. Charlie LaFond:** When you say students, I've trained students of all ages: 40, 50 and 60 years old as well as students of your age. I have probably trained about 40,000 students. I have been a professor for about 35 years. Most of the students are of a younger age. I have trained students in almost every country in Europe. During my lecturing I help them discover their own interests, give them guiding principles and let them experiment and experience themselves, and that makes a big difference. That is what good trainers do.
- Interviewer: What are the career options that one can explore in the field of conflict resolution in the international arena?**

**Mr. Charlie LaFond:** Well, I will say that every single career is going to be somehow involved in conflict resolution. Because whether you're going to be involved as a manager, business person, sportsman, in the area of publicity, or finance, whatever area it might be, you are going to run into conflicts because you are going to be working with other human beings. Being able to deal with conflict effectively is probably one of the most important tools that you are going to have, as an employee or as a manager. So, anyone moving up in the leadership area, any kind of leadership, is going to be faced with conflicts. And being able to deal with conflicts is one of the most important tools you need to have.
- Interviewer: What would be your advice to students who wish to pursue a career in conflict resolution? How can they focus on building the key skills?**

**Mr. Charlie LaFond:** I think anyone interested in getting involved in conflict resolution needs to understand communication skills. So basic communication skills: better listening, better speaking, better thinking, I think are very, very important areas. Soft skills need to be built upon, need to be practised, need to be perfected, such as the whole of the area of presentation skills or negotiation skills. So learning how to be able to present and negotiate more effectively, learning how to develop your thoughts, and put them across in a very effective manner is very important.
- Interviewer: So it is essential for students to start building their soft skills right from the graduation level?**

**Mr. Charlie LaFond:** They should build it from the first year as freshmen. As freshers starting out right at the bottom, even earlier if possible, because these are skills that are behavioural. And modifying behaviour skills, changing behaviour skills later in life is very difficult. Learn it right from the beginning!
- Interviewer: So, once a person decides to work in the area of conflict resolution, the immediate focus shifts to building the key skills?**

**Mr. Charlie LaFond:** Yeah, early on. Even later on, you can still learn to proceed with communication skills. And I think anyone who wants to go into conflict resolution needs to know negotiating skills very well. Now that you have recognized that as well, you know it really is a pre-requisite to understand the basics of negotiation and that requires the basics of communication, and both the verbal and non-verbal aspects. And I think to understand, as I pointed out, that 85-90% of your message is on the relationship level, and only 10-15% is on the content level. We focus so much on the content and forget about the relationship level and building rapport. Building rapport is very important in any kind of situation where we are working with other people. And that's where conflict resolution comes in, because people are not working together well. So, anyone who is interested in conflict resolution, in developing their skills in that area, in pursuing that kind of a career, needs to really focus on communication. Visit presentation classes, practice impromptu situations in class, at university. If you are asked to stand up and give a presentation, volunteer. Do it. Don't say "Let someone else do it." Because these are the skills that you are going to need when you are a lawyer, when you are standing in a court as well. All these skills are very, very important skills.

- **Interviewer:** And right now we (as students) can afford to make mistakes. Afterwards, we cannot.

**Mr. Charlie LaFond:** As a matter of fact, not only can you afford to make mistakes, you *have* to make mistakes. Because as long as you remain in your comfort zone, you are not learning. You can only learn when you are outside of your comfort zone. And this is what I do in my workshops: push you out of your comfort zone. If there's one thing here, it's the opportunity. This is what I call safe rooms. At university, you're in a safe room. And what do I mean by a safe room?

- **Interviewer:** There are people to correct you.

**Mr. Charlie LaFond:** Yeah, and you can afford to make mistakes here. As a matter of fact, make mistakes. Do something wrong and learn from that. And that's going to be a real learning area for you. Because once you are out in the real world, those mistakes are going to become very costly. And here it's just your reputation. And you don't have a reputation yet. So, go ahead, and make a fool of yourself! Once a day. That will be a good rule to make. Make a fool of yourself once a day. And really stretch your own limitations. Push your horizons out more.

- **Interviewer:** Do you think we can adopt any of the 'conflict resolution strategies' to overcome the conflicts that come up in maintaining a healthy work-life balance? Any personal mantras you would like to share?

**Mr. Charlie LaFond:** This 'work-life balance' is an area, I think has become a façade. I think if you have got a good job that you really enjoy doing, then it becomes your calling rather than just a job. You become passionate about it. Passion, I think, is really a very important emotion and most people who don't have this

emotion are the people who have a problem with their work-life balance. If you find your passion then you'll find the right type of people and they'll involve with you in the direction you're going. And those who have a problem maintaining their work-life balance are the people who are going the wrong direction, they are not very passionate. They don't know what they are doing.

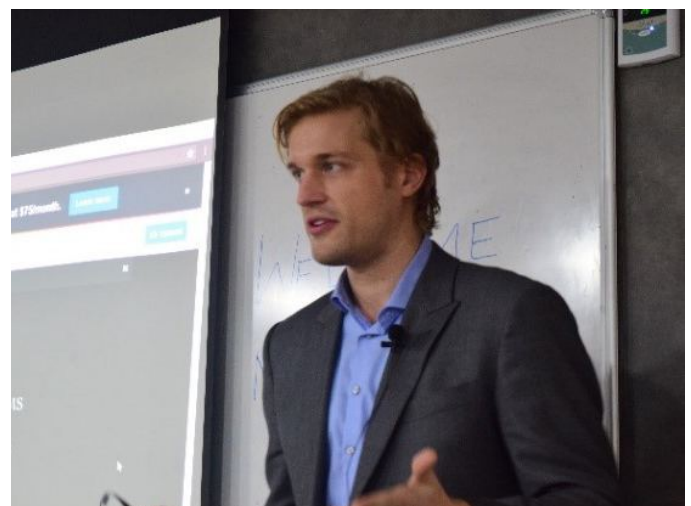
We've got so many wishes: to have that car, a new house, showing off to our friends, trying to be better. Then we start getting into that circle. That's when we complain about having 80 hours a week and our private life has disappeared in order to make money to show off. There is no mental satisfaction and no more passion involved. There's a big difference between passion and greed. Greed is a vice and passion an energy, so harness that energy. Then you will not have to look for a work-life balance.

- **Interviewer:** What message would you like to give to the students with whom you interacted today at KPM SOL?

**Mr. Charlie LaFond:** You all are open to new ideas and are willing to step out of your comfort zones and that is true for almost everyone I met here. You're willing to try new things and willing to learn and tap into that energy called passion. I think you students are really doing a good job at that. The energy that I feel in this room is at a really very high level. I really enjoyed working with you. You're an excellent group of people. You've got lots of potential. Keep going in that direction. Step out of your comfort zone.

## Guest lecture on Legal Personhood of Animals by Mr. Kevin Schneider

In a guest lecture conducted under the subject area of Constitution – III, Mr. Kevin Schneider (Executive Director, Nonhuman Rights Project) visited Kirit P Mehta School of Law - NMIMS for a session with students of second-year BA LL.B. (Hons.) & BBA LL.B. (Hons.) students. The lecture was conducted in classroom No. 911, from 11:00 am to 1:00 pm on 30th November 2017.







*Inset: Mr. Kevin Schneider beginning his introductory speech.*

### About the Nonhuman Rights Project

*Founded in 1996 by attorney Steven M. Wise, the Nonhuman Rights Project (NHRP) is the only civil rights organisation working to achieve actual legal rights for members of species other than our own. Mr. Kevin has been a passionate campaigner for NHRP. In addition to his interest in nonhuman rights and personhood, Kevin is an advocate for reforming the food system with a focus on plant-based foods.*



*Inset: Documentary screening; Mr. Schneider addressing the students.*

Mr. Schneider initially screened a small 90-minute film on the Non-human Rights campaign that covered the intent of Prof. Steven M. Wise towards securing legal personhood status to Chimpanzees. The documentary broadcasted the hardships and the legal battles on one side and the humiliation of narrow-minded people on the other side. The students applauded the attempts by Nonhuman Rights Project in campaigning around the world for animals. Post the session, Mr. Schneider gave his comments and opened for Q & A with the students. When asked why NhRP didn't take the legislative route, Schneider commented that it is a tedious process as many vested groups will lobby against it and generally it is considered as a low priority affair for any ruling dispensation. Schneider took many questions thereafter. He ended his session with a relief that this project has raised hopes and the legal ambit of Habeas Corpus for animals while they eagerly await the court's verdict in support towards their petition. Mr. Schneider acknowledged the warmth exhibited by the students of KPMSoL to him and the campaign. The session assumes more relevance as India is going through an emerging jurisprudential concept of non-humans as legal entities being debated in the judiciary. This session may have sparked a new possibility for a better tomorrow.

## Get Inspired: Interview with Mr. Kevin Schneider

**Interviewer: You have been working on this program for a while now, what are your future plans with regards to your mission of providing legal rights to non-human animals? Tell us something about your campaigns and some cases which you have come across that have motivated you to take this struggle ahead?**

**A.** We (Nonhuman Rights Project), filed our first lawsuits in December, 2013, and as of November 2017 we expanded into our second US state and we just filed our first lawsuit on behalf of elephants, specifically three elephants who are today travelling for circus in the North-eastern part of the country. We think this case could be a breakthrough for us, because we are dealing with different judges (in Connecticut, our first cases are still ongoing in New York) and we also think there is a lot of sympathy for elephants, even more so than for chimpanzees. It seems that, in the US, people generally seem to have this deep appreciation for elephants, no matter what their political opinions or affiliations might be.

As far as, what motivated me to do this work; I grew up liking animals, like a lot of Americans, we had pets, but I didn't really think too deeply about how we treat them, I ate meat like everyone else in my family. Then, I happened to see a slaughterhouse video online about 10 years ago, and becoming aware of industrial agriculture and other large-scale abuses of animals, it really inspired me to change my own lifestyle and stop consuming animals. I also began thinking about animal protection as a career because it seemed like such a big problem and to me and the most important thing that I could be spending my time doing. I think the tendency is you want to rush into those places where the problem is the worst and the biggest (like factory farming), because that feels like the most urgent and immediate issue. But I recognize that the fundamental problem facing animals—their status as “things”—is so big and so old, thousands of years, and our entire history as a species is built upon commodifying or owning the planet or the other inhabitants of it, and so it became clear to me that this problem required a very radical approach. That's why I was drawn about 8 years to the Nonhuman Rights Project, which takes this problem head-on by pursuing legal personhood for nonhuman animals. I started volunteering at the time I started law school and that was my really my inspiration to study law.

**Interviewer: A blood sport usually involves that of an animal, the animal may or may not be eaten later what are your views on such sports and adventures that involve cruel treatment of animals?**

**A.** It is terrible. But it is changing, and it can continue to change. It all stems from the fact that they are treated by the law as “things” and that we don't yet fully recognize and appreciate who and what they are. Our own human history is full of examples of arbitrarily oppressing different groups, whether it is women or children or by race or religion, for no real good reason, treating one group worse than the other. We are now realizing that this just holds back our collective development. The project of expanding rights to nonhuman animals is not about wanting to control every aspect of human interaction with animals and the planet. It is not my inspiration to stop people from doing what they like to do, even if they like to shoot innocent defenceless animals, because I recognize that

this is a system, it is deeper than any individual person. Nobody invented it, we all inherited this really wrong and unjust system and so when I see an image of somebody hunting an animal it makes me sick but I also recognize that these things change very slowly and that I'm not the type that will jump up in somebody's face, necessarily. I know people who do that kind of activism, and I think it can be effective, the in-your-face kind of activism, but I was just drawn to this legal, much deeper approach, out of the belief that it will ultimately, lead to much bigger things. Because I don't think you can just tell people, don't do this, don't do that, don't consume this, you have to provide them with some positive basis to operate on because prohibitions don't generally seem to work on people. Like with meat, there are a lot of important efforts ongoing to replace animals in the food system and in other sectors, sort of like how the automobile replaced horse-drawn carriages.

A story illustrates our split-thinking about animals: The week before my visit to India, it was ironic because we just filed this elephant lawsuit and President Trump's administration comes out and there is this whole thing about reversing a ban and allowing people to import dead elephants that they hunted in Africa. It just seemed like such odd timing that here we are trying to create rights and you have done the exact opposite, literally treating them as things and importing them as furniture, decorations if you can imagine, stick an elephant's head on their wall and that to me is sick, but rather than getting bogged down with individuals I try to focus on the bigger picture what makes this possible to begin with. And in the case of the elephant trophy ban, even conservatives were so furious that Trump had to come out and say that the ban will remain in effect—for now.

**Interviewer: In Indian mythology, animals have often been portrayed as Gods and Goddesses. Animals like Elephants, monkeys, cows and the Bengal tiger are worshipped in this manner. What are your views on such means of recognizing animal's rights?**

**A.** It's funny because a part of me says I don't care how it happens as long as it happens but, I also think that it can be troubling when you are dictating to other people who may not have the same beliefs. You want them to agree with you that these are persons but you also want that recognition to run deeper than any one religion or worldview, to make it the universal law. I still think it's important to include reference to philosophy and worldview, even in our court cases, wherever we can. The reference we make to the river in New Zealand, the Whanganui River as a legal person, that's also in part a religious consideration.

I definitely think that you can't ignore faith and philosophy, I think it's powerful and it should be used. I hope to see it getting used in a way that it does not discriminate against others who do not hold that belief or to whom it does not make sense. It should be phrased in a broad way. Things like autonomy and liberty, we think, are pretty universal values. We are building connections with people of different faiths and hoping to create ambassadors who can talk to their people, in church or temple, wherever people will listen, who can voice it and make sense with respect to their particular religious context. That can be very valuable for this cause.

**Interviewer: Keeping pets involves dampening the animal spirit and curbing animal instincts to a certain level. Pets might also be subject to abuse and cruel treatment. Do you think keeping pets violates the rights of animals? What kind of protection can we expect for pets on the grant of legal personhood to Animals?**

**A.** I think it gets very complicated when you deal with domesticated animals; dogs, for instance, they have been with us for so long, or cattle or cats, we've have changed them to the point that they probably can't really survive on their own at least not in a way that they were used to or that might not be a very nice way. They have become members of our human community in so many ways, and we have a duty to protect them. It might not be right for those domesticated animals to be so intertwined with us, but I think there are ways to embrace that shared history without using them as property. I personally don't think that there should be a concept of buying an animal, but the idea of people living respectfully with animals is I think very good one. Without animals, we would not be ourselves.

**Interviewer: How is the grant of legal personhood to animals going to affect the commercial use of animals for scientific and medical experiments? Do you think that the commercial lobby involved in these practices will be adversely affected by such litigation?**

**A.** In the long term, yes but in the short term, not really. Chimpanzees and all the species we have identified, for now, are not really being used for research. It's still technically legal to experiment on any nonhuman animal within certain limited legal parameters, but the government agency that funds most of this research, the National Institutes of Health, has said that it will no longer fund chimpanzee research because of ethical concern.

When we are talking about primates, there's something like hundreds of species of different kinds of monkeys. A lot of them are still used gruesomely for experiments. It reminds me of the food situation. We can't seriously pursue the personhood of the food animals until the day when they are not really consumed by most people. And the same is true in the scientific context. You see a lot of interesting innovation now that are removing animals from the process altogether, things like cell-cultured skin, the replica of human skin that you can directly test substances on or supercomputers and microchips that simulate human organs. The Food and Drug Administration, the US agency that oversees drug testing and safety, supports the move to animal-free alternatives. Seen in this light, this idea of, you know, drugging and testing on animals is really antiquated. Not only is it cruel, it's stupid. It doesn't get reliable results. It really, I think, holds us back. But somehow it feels right and necessary to use animals this way, an unfortunate sacrifice, but a necessary one for the good of human beings.

I think that's the wrong way to look at it. It's like if you're trying to do a painting and there's like no borders around it then you just splatter over the place, so you're not really doing anything. I think that giving rights to animals, and thereby limiting ourselves in being able to use them, can actually force us to be better, to be more creative. But the big pharma companies don't see it the same way right now; it is a gigantic industry that's been out for a very long time and it takes a very long time to shift the direction of something like that. But I am encouraged to see more and



more institutions coming out and endorsing animal-free alternatives in every sector. And I think, when they see what the Nonhuman Rights Project is doing it may not directly impact them today but, it might be in the back of their head and help give them a framework to say, yes, this is the just and smart thing to do for the future, to respect the rights of nonhuman animals.

**Interviewer: In Indian society, where human rights as a concept is yet to bear fruit among the less aware individuals, how would you demarcate the line between animal welfare and animal rights for common man?**

**A.** I think that it's useful to come back to the idea of them being "things." That is how the legal system sees all nonhuman animals. So, when it comes down to a chimpanzee and this chair, they have the same status in the eyes of the law. And even if someone doesn't get all the legal nuances, I think they can agree that that doesn't feel right. That they are obviously not humans, they are not the same as us, they don't have the same rights as us, but they certainly shouldn't just be things that can be used and killed for trivial interests.

**Interviewer: It is a well-established principle that every right corresponds to a duty, how is this norm differently applicable in case of animal rights?**

**A.** Coming from a US law background, we actually have a different take on that because, as we describe in our briefs, there are different kinds of rights. Not every right has a duty attached to it. There is what's called a claim right, that does have a duty attached to it, which means if I have a claim to something, then say, you have a correlative duty to do that. This comes up with things like government benefits, where citizens make a claim to a right that the government has a duty to fulfil. But if you are looking at something like what's called immunity right, that does not create a duty in the same way. For example, in the US Constitution, slavery is made illegal by the Thirteenth Amendment, except in punishment for a crime, which means that persons are immune from being enslaved, they have a right not to be enslaved, but that doesn't create a correlative duty not to enslave the way a claim right would. Suffice to say, it gets very complicated very quickly. But, as we always argue, duties are irrelevant to the question of rights and personhood.

A recent story illustrates this: for the last few years, most of the courts ruling against us have cited Black's Law Dictionary for its definition of "person." Black's is one of the most cited legal dictionaries and it's seen as authoritative by US judges and lawyers. And you can look it up now, Black's definition of person has all this stuff, and towards the end, it says "*a person is a subject of rights and duties*", so kind of like you're saying it's very much, I think, the common conception of how you understand rights. It's almost like a bargain, you give up something to get something. But the reality is, that's not really what it ever was designed to be. I think in certain application it is that way, but the bigger picture is not. We contacted the editors of Black's law dictionary, earlier this year, because we had found all this research essentially when it turned that they had a typo. They had been citing all these old sources, for this premise that you have to have rights *and* duties. We found out that this is not correct and the sources they are citing are wrong. The sources have always spoke of persons being the subject of rights OR duties, with either being sufficient for personhood. We wrote this letter and

they agreed that their definition of persons is wrong, and they are going to change it. So, we already have now, the most authoritative legal dictionary that has been relied on, to agree with us that it's not rights *and* duties, it's right *or* duties. That, of course, makes sense because it allows for a situation, like, a child or mentally incapacitated adults who is never going to be able to take on a duty in a serious way. And yet, they still have rights. The "duties" argument is one of the most frequent things we deal with. We always solicit legal briefs from prominent legal scholars and others, and we now have a group of 17 philosophers writing a brief that lays out why it's a bad idea to require duties in order to recognize rights, that it's not backed up by political philosophy, and it's just not a good idea to require reciprocal duties to recognize rights.

**Interviewer: Once animals are given due consideration and their rights are given due recognition, what steps do you propose that civil society needs to take in order to ensure that these animal rights are upheld, as animals themselves cannot fight or litigate for their rights?**

**A.** In the US, we are making these very deep but also narrow arguments that have these big implications, and we have the luxury of litigating cases involving captive animals. So, it kind of simplifies things. So it's one captive situation and we are asking that they go to a sanctuary. With species like chimpanzees and elephants that are not native to the US, you won't ever really be in a situation where they are trespassing on someone's land or there is some kind of human-wildlife conflict that comes up. But my hope and expectation is that as we begin to win these captive cases that we have out there, you know, then the legislators and others will have to take it in a serious way and then ultimately it gets to the physical world, the "wild," I think having to change in terms of our own development. For example, there are efforts for animals in Africa to have a right to use specific wildlife corridors to migrate because otherwise there are situations like two national parks in a plow-off where other animals would normally have been able to go back and forth, and they have issues of inbreeding that happen because they simply don't have adequate room to move around and meet others of their species. We see the same thing at times with efforts to protect vulnerable human groups, this really interesting problem of substituting judgment, because like you said elephants and chimpanzees and other nonhuman animals can't file their own case. But I also think that the idea that they can't object or let their feelings be known is also not true, because there are some very obvious and powerful examples of it, for example on YouTube in a video of a chimpanzee behind glass in cage in a zoo using sign language to tell people to open the door. She's literally asking to be let out. So, I'd argue that in some circumstances that we have not taken the time to understand what they are thinking and even saying. And I think I'm kind of the mind that they are much more aware of us than we are of them. And I think that's more evident in our latest case of elephants. There's scientific evidence that they know which humans want to hurt them and which humans don't want to hurt them and they act accordingly.

For example, there's a tribe in parts of Africa that have a rite of passage where the young men will go out and kill elephants. This tribe wears red clothing primarily. So the elephants in that area, if they see a red garment, they will run. If they hear the specific dialect of the hunter tribe, they run. If they smell them, they will run. So I think that

animals do have their ways of telling us what their wishes are. It's just a matter of us taking the time to actually be able to sit there and understand it.

**Interviewer: What are a few areas that you think young law students like us can work on in promoting animal rights?**

**A.** We are always looking for collaborators, especially those interested in taking up these issues in their home countries. The Nonhuman Rights Project works with groups in over a dozen countries outside the US, including in India, providing whatever assistance we can to lawyers and activists interested in changing the legal status of at least some species in their countries and—for the first time—winning fundamental rights for them.

Complementing the rights approach is the business side of replacing animals in commerce, and I really think there's a need for good lawyers in that area, here in India as well. It's a very different approach but I think this is a part of the same project because like in the case with meats, if we can replace it technologically, then we can really cut down the number of domesticated animals that have been forced to exist solely for our ends. And that, in turn, allows the planet to breathe and eases stress on wildlife. Particularly in the U.S., we have gobbled up so much land in order to provide more land to the animals that we want to kill and eat. And so, as we slowly move away from that we begin to think of returning that land, to restoring more of a natural balance. I think our treatment of animals and neglecting their rights is a big part of larger environmental and social problems that impact humans. And it creates a lot of opportunities for law students and advocates to lead positive changes.

## Theatre Workshop for First Year Students

The first-year students of B.A. LL.B. (Hons.) and B.B.A. LL.B. (Hons.) enjoyed a theatre workshop organized for them as a part of their curriculum for the subject of General English, from 23rd November to 25th November 2017. The workshop was conducted by the Ms. Sharmishta Saha (Artistic Director, Quissa Kothi, who is also a postdoctoral fellow in Theatre and Drama and is also an Assistant Professor in IIT Bombay) at Juhu Jagruti Hall.

The purpose and idea behind the workshop was to enable the students to overcome their shyness and enhance their body language while expressing themselves in general and particularly in English. The workshop also helped the students learn the basics of theatre and arts. The students were divided into batches of 30 for enhancing the efficiency and delivery of the workshop.

The session began simple warm-up exercise where the students were asked to introduce each other. Post a warm-up exercise, Ms. Saha directed the students to focus on two things in theatre, viz. the mover and the perceiver. She brought references from Peter Brook to illustrate the students' understanding of body movements

and stage play. This was then enacted on stage by participants as they moved and made others deliberately perceive their movements.



*Inset: Ms. Sharmishta Saha and the students after the fun workshop*

The workshop was buzzing with the students' excitement as the activities rolled by. Throughout the session the stage was occupied by the students as they shed their inhibitions and soared in self-expression whilst refining their body language.



*Inset: Ms. Sharmishta Saha interacting with students of KPMSol*

The session concluded with a feedback session and extension of gratitude towards Ms. Sharmishta for conducting the workshop and the faculty-in-charge of General English: Mr Rakesh Nambiar for facilitating the same. The students were infused with enthusiasm as learning turned fun and requested the General English faculty member for a session of similar nature in the forthcoming semesters.



## The Right to Information as a tool for the protection and promotion of human rights in india.

A guest lecture was delivered by Mr. Shailesh Gandhi on the topic of the 'Right to Information as a tool for the Protection and Promotion of Human Rights in India' for the fourth-year students on 2<sup>nd</sup> December 2017.

Mr. Shailesh Gandhi, a civil engineer from IIT Bombay is a first-generation entrepreneur in plastic packaging and was CMD of Clear Plastics Ltd.. Mr. Gandhi was the convener of the National Campaign for the National RTI Movement. He was also an Information Commissioner with the Central Information Commission, New Delhi. Apart from being a Nani Palkhiwala Civil Liberties awardee, he is also the recipient of the Mr. Pai award. He is the only RTI activist till date to be chosen as a Central Information Commissioner and has disposed of a record of over 20000 cases in 3 years and 9 months. Apart from organizing the first digital paperless office in the Commission, he is passionately pursuing the cause of evolving ways for a time-bound justice delivery system, and improving governance system.



In his session, he discussed Article 19 of the Indian Constitution with specific reference to Right to Knowledge and primarily how respect of an individual is in close proximity with governance and the information on how the government is being conducted.

## Interactive Q and a Session with Siddharth Acharya.

A guest lecture was organised on 30 November, 2017 for the second year B.A and B.B.A. LL. B students on the topic "Special Status of Jammu & Kashmir". The speaker, Mr. Siddharth Acharya, is a practising lawyer in the Supreme Court of India, Delhi High Court and National Company Law Tribunal.

The lecture started off with Assistant Prof. Shruti introducing the guest to the students. An abridged version of his film 'The Abandoned Cranes' was premiered for the students.

Mr. Acharya spoke about the history and the ongoing issues of the State of Jammu & Kashmir. He also threw

light upon the politics and religious aspects that are equally important to the overall conditions in the State. There was an active participation from the students and the questions raised were answered enthusiastically. He made the students aware of the Articles of the Indian Constitution and the loopholes therein. He also discussed the success of the Atal Bihari Vajpayee government in reaching out to the localities and why his policies showed substantial response. He also drew a comparison between the situation in Kashmir and the current crisis in Baluchistan.

The lecture concluded with the students gaining an entirely different perspective on the issues and the legal complications in the State of Jammu & Kashmir.

## Drafting Talent Agreements & Film Business.

A guest lecture was conducted by Ms. Persis Hodiwalla, an expert from Media & Entertainment Legal sector, on 'Specialization in the field of Intellectual Property Rights'. The speaker conducted a week-long session from 20 November to 25 November, 2017 for the fifth year B.A. LL. B and B.B.A. LL.B students. She gave the students an in-depth insight into drafting talent agreement & film business.



She taught the students the stages of drafting talent agreements, she told the students about the importance of being clear with their concepts and being thoroughly prepared on the subject. She also gave an insight into the nitty gritty of trademark and its advantages.

Thus, the session concluded with the students gaining vast knowledge in the field of Intellectual Property Rights.

## Political Science-I (Indian Political System)

A lecture on the issue of 'Role and Functioning of Bureaucracy in India' was conducted for the second year B.A LL.B students for the subject of Political Science on the 19th December, 2017. The guest speaker – Shri Rajiv

Agrawal, (IAS- 1975 Batch, Maharashtra Cadre) is the Director-General, All India Institute of Local Self Government (AIILSG).

Mr. Agarwal discussed with the students his experience with the local self-governance system in Maharashtra. He provided the students with a link between the role of the bureaucracy during the British Raj and the contemporary times. Mr. Agarwal discussed a wide range of sub-topics with the students, including the Constitutional design of governance and particularly of bureaucracy in India its role and utility, training of the bureaucrats, role of president as a law-maker, cadre-based posts, Shri Vallabh Bhai Patel and his insistence of having All India Services, coal scam and case of Harish C. Gupta, Growing Challenges to Bureaucracy in India and Article 312 of the Indian Constitution. He had an interactive session with the students and solved many of their doubts.

The session ended with the students gaining an entirely new perspective on the working of the system.

## Bracing the Emerging Paradigm

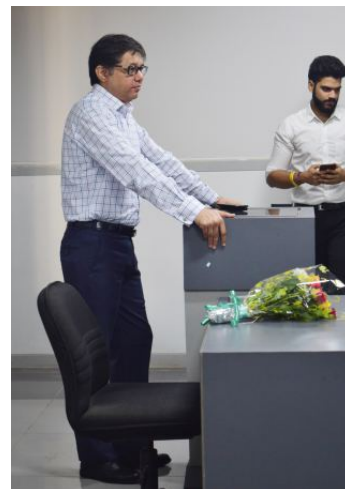
A guest lecture was conducted on the topic of 'Value and Relevance of Strategy for a Law Firm', by Mr. Gautam Chemburkar on the 25th of November, 2017 for the fourth year B.A. LL.B and B.B.A. LL.B students. The presentation dealt with insights on the economic and business landscape, impact of 'Demonetisation', need for regulatory change, client response, changing client needs and the expected role of lawyers. He also stressed on the need of coping up with the growing competition, the importance of bringing in new ideas, need for the local firms to "shape up – reinvent themselves".

Mr. Chemburkar also spoke about the bankruptcy & insolvency, Indian real estate sector, taxation, Data Privacy & White-Collar Crimes, Environment Laws, Corporate & Commercial Advisory Competition Laws, Intellectual Property, PE, SWF & Pension Funds, Labour & Employment, Dispute Resolution, Fund Raising & Capital Markets, etc.



## Guest Lecture by Mr. Mustafa Motiwala.

The students of second-year B.A., LL.B and B.B.A., LL.B had an opportunity to interact with Mr. Mustafa Motiwala, Senior Partner at Classis Law. The session gave an opportunity to the students to interact with and consult Mr. Motiwala on the career prospects in various fields of law. Some of the points covered were the state of international law and the role of law firms in public and private cases, the growth and significance of ADR and mediation worldwide and the essential components of entertainment law.



Mr. Motiwala welcomed questions and readily answered queries relating to internships and further academic courses. He guided the students as to how to go about internships and highlighted the importance of research and clerical work. With anecdotes of his personal experience, Mr. Motiwala provided the students with a comprehensive view of the scope of career options in the law profession.

The students were thus enlightened about the emerging fields of law and the gradually expanding terms of employment.

## Guest Lecture on Fraudulent & Unfair Trade Practices Act by Mr. Anil Choudhary.

A guest lecture was conducted on the topic of 'Fraudulent and Unfair Trade Practices Regulations' by Mr. Anil Choudhary on the 21st December, 2017 for the LL.M students. The lecture started with understanding the need for Securities Law. The primary aim of the Securities Law and the Fraudulent and Unfair Trade Practices Act is to protect the investors from Fraud. He explained the difference between the Securities Law in the US and India. In the US, the law relating to fraudulent practices, insider trading, takeover etc., is covered under one code, unlike Indian Securities Laws.

The focus of this lecture was on enforcement and practical aspects of law relating to fraudulent and unfair trade practices. He gave a practical overview of how parallel proceedings for the same cause of action under sections 11 and 15 of the SEBI Act take place and the difficulties related to enforcement. He gave an elaborate explanation of



preventive and remedial nature of provisions under section 11(4) and curative nature of provisions under section 15 of the said act. He briefly explained the concepts of front-running and block trade with the help of a few case laws.

He concluded the lecture by addressing queries relating to the topic of lecture and career in the field of Securities.



## Guest Lecture on Insider Trading & Futp.

On the 14th December, 2017, and 16th December, 2017 Mr. Abishek Venkataraman, Junior Counsel with Mr. Somasekhar Sundaresan delivered a guest lecture at Kirit P. Mehta School of Law on the Insider Trading Regulations and FUTP (Fraudulent and Unfair Trade Practice) Regulations, for the 1st year LL.M. students (Corporate Law). Mr. Abishek Venkataraman began the lecture on Insider Trading by highlighting the need for prohibition of insider trading and in doing so elucidated existence of information asymmetry in the securities markets. He then proceeded with a discussion on the test for reasonable classification under Article 14 and explained how the existence of information asymmetry created a wall between the one's holding unpublished price sensitive information and one's who had no access to such information. He further highlighted the jurisprudence behind the provisions and explained the role that Insider Trading Regulations play in enabling the investors to make informed decisions.

Mr. Abishek, later discussed the various aspects of the Insider Trading Regulations in detail. While explaining the scheme of the Insider Trading Regulations in India he compared the same to the extant regulations in the US and highlighted that the Indian counterpart is more stringent when compared to the regulations in the U.S and prohibits even communication of the unpublished price sensitive information.

The guest lecture ended with the discussion on the requirement of 'application of mind' under the Insider Trading Regulations and a comparative analysis between the regulations of the U.S & India. The students also had an opportunity to interact with Mr. Abishek and were able to gain an in-depth understanding of the Insider Trading Regulations.

The guest lecture ended with the Q&A on the various aspects of FUTP Regulations. It was an informative and enriching experience for the students and they participated actively in it. The students then presented Mr. Abhishek with a vote of thanks marking the conclusion of the guest lecture on securities law.

## Guest Lecture on Indian Constitutional History Workshop.

A workshop was organised for the first year B.A and B.B.A. LL.B students of KPM-SOL by Mr. Vineeth P. and Mr. Satya Prasoon, Bangalore from Centre for Law and Policy Research in collaboration with Praja Foundation. The lecture was conducted on two days i.e. the 24th and 25th of January, 2018.



The Indian Constitutional History workshop engaged with students for 3 hours in a pedagogically nuanced and active manner to secure the following outcomes:

- Introduce students to the CADs and Indian constitutional history.
- Help them identify relevant debates and materials on contemporary issues.
- Develop a critical perspective on the constitution-making process.
- Emphasize the relevance of these historical materials for civic citizenship in India today.

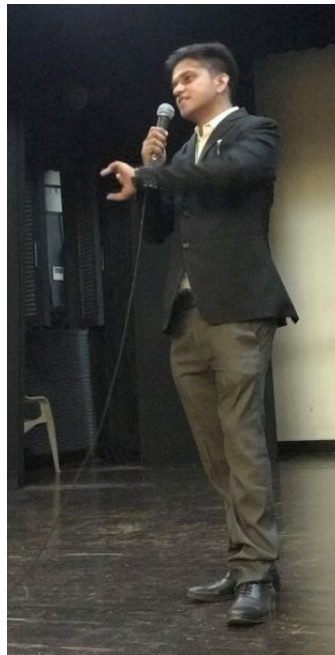






## Interview with Mr. Siddharth Acharya

Mr. Siddharth Acharya is a practicing advocate in the Supreme Court of India, Delhi High Court and National Company Law Tribunal. Apart from being a Lawyer, he is also a renowned documentary film-maker and a passionate Human Rights Activist.



Intrigued by the Kashmir crises, Mr. Acharya made his first documentary film, **“The Abandon Cranes”** that portrays the struggle of the Kashmiri Pandits in the valley of Kashmir, in his final year of law school, while studying in GLC Law College, Mumbai. His film received worldwide acclaim and was screened at the House of Commons in London on 19<sup>th</sup> January, 2015. He also created a six-minute short inspirational documentary named **“Czar of the Bar”** which is based on the life of the legend of Indian Bar, Mr. Ram Jethmalani and the problems faced by him. Another documentary of Mr. Siddharth Acharya named **“I am the Change”** was made to create awareness about voting during the 2014 elections.

The SOLink Team had the privilege to interview Mr. Acharya during his visit to KPM SOL to deliver a guest lecture in the month of November 2017. Here are the interesting views he shared with us:

**Interviewer: What difficulties did you face in the process of filming your Documentary in Kashmir?**

**A.** Abandoned Cranes' was a very good experience. I was very young at that point in time, and since I am not a filmmaker, so there were a lot of hurdles and adversities. Nobody wanted to invest in finances because I was new and fresh. But I was passionate about the issue, so my producer had agreed to help me and the film with a meagre budget of few lakh rupees. I supported the film with my stipend. But the people who have worked on this film were very motivated. Everyone understood that the film was an honest and genuine attempt. Also, when I went to Kashmir, I got to meet Sayed

Gilani, Mirwaiz Umar Farooq, and it was a risk because the political circumstances in 2013 (the year in which the film was made) were very turbulent and volatile. When I went to Jammu, that's when I actually met the Kashmiri Pandits living in slums in the outskirts of the city. I actually stayed with them for a few days to understand how and what kind of life they live. These people are 100% literate which helped them stand up

and succeed. Their main focus is on educating their children and start mentoring them as they become 3-4-year-olds. They could also have gone and have taken up guns and arms. But they did not do it because they understood that the choice that they have to make is about the education which will really pave the way for them in the future rather than indulging in all these things. So, I had a number of strange encounters during this film, and it was quite an experience.

**Interviewer: What is the legal background for the inclusion of Article 35?**

**A.** In 1952, the Delhi agreement was signed between Sheikh Abdullah and Jawaharlal Nehru in which Sheikh Abdullah proposed the political aspirations of the common Kashmiri people in his memorandum. Article 35-A was seen as Nehru's attempt to appease the majority Kashmiri people. The reason was that Nehru always wanted that Kashmir should be controlled by one of his loyalists. Sheikh Abdullah was his loyalist then. After that history was different as Sheikh Abdullah was also imprisoned. Article 35-A, I would say is a product of 1927 notification of the Maharaja in which, for the first time the local people of Jammu and Kashmir had informed the ruler about the financial and economic problems faced due to the market being captured by the non-Kashmiri traders. The Maharaja as the ruler saw this as a potential threat to his people and came up with the concept of permanent residence certificate to avoid interference of outside business clusters in State. Thus, Article 35-A basically comes from this particular notification. It was a clear-cut segregation of an outsider and an insider.

**Interviewer: Do you think that the continuance of AFSPA in the state of J&K is essential to sustain stability and peace in the valley?**

**A.** Absolutely! No doubt about that! To crush the militancy this is the most instrumental and important tool that we have. Until and unless we didn't have AFSPA we have seen what happened in early 90's; when the army did not have control over J&K the whole state machinery had collapsed and the militants who were backed by the Pakistani government and Pakistani intelligence was literally about to gain control over Srinagar. So, there might be an argument about what the army has done over there but nobody can deny the importance of the army's presence over there.

**Interviewer: Do you think the phrase "except in the state of Jammu and Kashmir" present in all our laws has had a psychological effect which leads to Indians ignoring the Kashmir issue?**

**A.** I have a very contrary opinion. I personally believe that Indians are not very educated about the state of affairs in Jammu and Kashmir. The State still needs a lot of academic research and understanding, people very easily fall prey to what is circulating in the news and media and every Indian I believe should personally visit J&K to understand what is actually happening over there. They should not just travel to Srinagar or areas like Pehalgam. They should travel to every nook and corner, it is then that they will understand the contemporary issues of the state. In fact, I went there last week. I was in Leh a few days back and that was the

first time I saw the Indian army's presence in Kargil. I went to Dras, where the temperature goes as low as minus 20 degrees Celsius and I had read that army stays there. When I actually got out from the car I found the cold unbearable and immediately went back to the car and had to switch on the heater. And the army is guarding the country's borders in those conditions. That is really something amazing and we Indians are not able to value and appreciate this because it is something we do not understand because we have not experienced such hostile conditions. There are various laws which are very similar to Indian laws. It just like you have IPC in criminal (law) and they have RPC. When you actually analyze their laws and their sections, you see that it is a literal copy paste. So why this farce, when your entire state machinery is dependent on India, when your entire funding is coming from the central government. Fine we understand that you had certain political aspirations in 1947, which I personally believe have been taken care of. Then after that, the state has seen a lot of failures and fiascos on various fronts, so I don't think those aspirations and demands are relevant in today's time.

**Interviewer: Do you think there is a solution out of the dead letter article, egocentric politicians, and separatist forces, for the common Kashmiri?**

**A.** I personally believe that Article 370 is a dead letter and gives a lot of food to those politicians who don't want to be relieved. I mean the whole political existence of Kashmiri leaders is dependent on Article 370. If Article 370 is repealed and India formally takes control of Kashmir, the Centre would become a very big player in the state and then their politics will go for a toss. So, they don't want Article 370 to be repealed. Kashmiri commoners should understand who their real representatives are. So far, they have experimented with all these Hurriyat leaders, other people who have been instigating this whole plot in Kashmir, have already given a chance to Pakistan and the Hurriyat leaders. I think they should also make a sincere effort to psychologically integrate with India. We have committed mistakes in the past, I completely agree, but here is the new government who wants to make things better, who wants to improve things, who is trying to make a sincere attempt to make sure that the Kashmiris get their dues. They want to address all their (Kashmiris) aspirations and challenges and Kashmiris should try and find a way to be in sync with them. If they also gave a sincere chance to this government, I personally believe that things might change for the better.

**Interviewer: Sir, is there anything that Indians or the Government can do to rectify or mend the situation in which the Kashmiri Pundits exist as of now?**

**A.** The government wants to send them back to the valley with the satellite townships and issue apartments for the people. But, the problem is that now after the exodus, the community has flown all across the world from Johannesburg to Jammu, 3-4-year-olds, and they are a small community. The problem that they are facing is that they are not a vote bank, so they don't give political fodder to all these politicians. No politician will

make a sincere attempt to help if he does not find a vote bank there. These people have already lost a lot, so we need to understand that we can really improve the things by making them feel secure. They've lost their property, they've lost their kids and tomorrow if they plan to come back they want social security. Till date, none of the Governments has been able to instill that confidence in them. The current government is making a sincere attempt but again like I said that Kashmir Pundits also need to understand that the state can't do everything. They also need to come back because like the way Jews say that Next year in Jerusalem. Kashmir Pundits also need to follow Israeli Jews.

**Interviewer: You went to Kashmiri Pundit's camps and stayed with them for a week. What's the condition there?**

**A.** They don't have representation in government jobs and they have been denied that because obviously there is a majority section who doesn't want them. In 2008 when Dr. Manmohan Singh was the Prime Minister, 1400 Kashmiri Pundits got jobs in Srinagar but they used to be attacked by the local people and they faced security issues. I agree that the government is trying its best, but, this whole idea of Jihadism and Wahhabi Islam, is imbibed in the people now and they don't want them to come back. The Kashmiri Pundits are welcomed as a tourist and are expected not to settle there again. They are asked "*Aap wapas kab jaaoge*" because they don't want them back.

**Interviewer: What is the issue that the locals are against the Kashmiri Pundits?**

**A.** It is again the whole Proletariat versus Bourgeoisie thing. It is basically the Kashmiri Pundits are an affluent community. What happened was that all these Kashmiri pundits were in top bureaucratic and academic positions in the state like Pandit Nehru and Indira Gandhi. So, there is obviously a conflict between the 'have's' and the 'have-nots'. Kashmiri Pundits were the 'haves' in 1980's when Indira Gandhi was the Prime Minister, Kashmiri Muslims were the 'have-nots'. So, the 'have-nots' are always the majority in the head counts. Once they start targeting the 'haves' you get this whole bourgeois and proletariat angle which when mixed with religion becomes a very deadly cocktail.

**Interviewer: When Maharaja Hari Singh came with the plea for help from the Indian Army, why weren't the Indian politicians able to negotiate out of this special status for Jammu and Kashmir because technically Hari Singh did not have any leverage or negotiating power over the Indian Politicians?**

**A.** In J&K there was a lot of struggle for power from the British, Pakistan, & India. One needs to understand the state first. The state is basically a buffer zone between the Soviet Union and rest of India. The Britishers ruled India to control the incursions of the Soviets in the Indian Territory. This was because the Soviet Union used to be a landlocked country and didn't have access to the sea, so when in the war they could only send their shipments through India. The Britishers never wanted J&K to be a part of India because most people were Muslims and Pakistan being a Muslim state, the UK thought that it would be a good



bet if Kashmir stays with Pakistan (especially the Northern areas of Gilgit and Baltistan). There was a lot of lobbying that happened at that point in time. Hari Singh had a bargaining power in that sense because Vallabhbhai Patel had understood the geographical importance of the State which might be helpful in the future. A lot of states like Nagaland, Junagadh, Hyderabad were given free purses and Sardar Vallabhbhai's diplomatic efforts helped bring them

under the control of India. So, Article 370 at that time was just a negotiating tool used as Nehru saw it as a means to earn the confidence of the Kashmiris but unfortunately, the political circumstances turned out to be different in the future and resulted in conflicts. Hari Singh's power and India's desperation to get control of the state got him a lot of infantries and armed forces and all of that which impacted the result.

## Internship Experience at NGOs

**Organisation:** Pratham Council for Vulnerable Children-Child Helpline, Surat.

**Period of internship:** 24th October 2017 to 17th November 2017

Since I started my first year, the only advice anyone would give was "interning is very important for law students" so, naturally, I got very anxious on choosing the right internship for my first internship break. Also, I was homesick and so I was adamant about interning in my hometown, Surat. Accordingly, I started searching for internships in Surat. I came across an article on Pratham Council for Vulnerable Children (PCVC), through an online search. I then contacted Mr. Chandrasekhar Deshmukh, the Director of the Surat chapter of PCVC and soon got a confirmation mail. I was asked to get a Letter of Recommendation from the college and there was no other hassle.

### First day and work experience

On my first day, I was introduced to everyone at the office and what the NGO does as a child helpline. My timings were from 10 a.m. to 4 p.m., but it was flexible in certain circumstances. I was given a few cases to read. From the next day, there were a variety of tasks given to me like writing case briefs, going for outreach, and attending to the helpline calls. The staff was really very welcoming and friendly.

### Why I would recommend it

On my request, my coordinator, Ms. Seeta ben, took me to visit Child Welfare Committee (CWC) and the Juvenile Justice Board (JJB) which meets once a week. Apart from witnessing cases of child adoption, I also got to learn about the kind of questions that the board ask child victims of rape, child abuse, child labour, and various other crimes.

### The takeaways from the internship

I really got to know how the legal system works when it comes to child protection. I would recommend this internship to anyone with no past experience working with an NGO. It will be a great eye-opener and a distinct learning experience.

- Jahnvi Shah

[B.B.A. LL.B (Hons.), First Year]

**Organisation:** Human Rights Law Network

**Period of internship:** 24th October 2017 to 17th November 2017

"Internship in the first year itself is very important for any law student", was the advice I followed when I decided to intern with an NGO. I was recommended the NGO HRLN by my faculty, and thus I applied there and was lucky enough to get selected. Interning with HRLN I got to learn about court-related work such as drafting and filing of PIL. I got a chance to see the working of High Court, District Courts and Family Courts. During my internship, I came across a case of acid attack and I assisted the organization in filing a PIL for compensation for the victim. The field work and the miscellaneous office works helped me understand the difference between theoretical and practical learning.

### First day and work experience

On my first day, I along with my co-interns attended High Court case proceedings, and read case files on which we were asked to make important observations regarding the points that need to be argued in court. My internship timings were normally from 10 a.m. to 5 p.m.,

### Why I would recommend it

I would recommend this NGO because of the valuable and patient guidance of the staff and the variety of work from which an intern can learn.

-Sameeksha Sharma

[B.B.A. LL.B (Hons.), First Year]

## Scaling New Heights and Surpassing Boundaries

***‘The worth of your potential is measured by the length of the rope you choose’***

– Anonymous

The students of KPMSOL seem to have taken inspiration from the above quote. This trimester, the students have tested their potential and grit at national and international forums in various competitions

### Scroll of Honour

*Representing India at the international forum, 5<sup>th</sup> year student Mohak Rana pursuing BBA.,LL.B (Hons.), participated in the 2017 Advanced International Certificate Course (AICC) by WIPO-KIPA-KIPO-KAIST held at Seoul, South Korea from 7<sup>th</sup> November to 10<sup>th</sup> November, 2017.*

*With the aim to discuss the advancement and upcoming issues in the field of Intellectual Property, with specific focus on IP Management and building a set of IP experts, AICC was a conference cum seminar for IP experts over a period of 4 days where 25 participants from 18 countries across 5 continents were selected by WIPO to represent their countries.*





## Scroll of Honour



*Second year student Vaishnavi Vyas brought in a proud moment for herself, as well as the institution, by presenting her paper titled Criminality of Terrorism: A Short Analysis, at Amity Law School, Noida's International Conference on Law and Justice-2018. Her paper was further published in a book titled " Good Governance and Human Rights in India".*



## Scroll of Honour



Participating in the **10th GNLU International Moot Court Competition**, second year students **Nidhi Agrawal, Bhoomi Shah and Samkit Jain** delved into the nitty-gritties of international trade law to deal with a moot problem the essence of which, was the contemporary issues of **International Trade Law**, primarily **food security concerns of** developing nations. Over a period of 5 days (from **7<sup>th</sup>-11<sup>th</sup> February 2018**), the students not only engaged and witnessed various law points and technicalities of International Trade Law being argued, but they also benefited from the **educational and cultural exchange** resulting from the teams from various countries such as **USA, South Korea, Mauritius, Afghanistan, etc.**



## Scroll of Honour

Moreover, the students of KPMSOL proved their metal at the national level as well.



Bagging the **First place** at the **Government Law College Policy Review, National Call for Essays and Articles Competition**, second year student **Sharang Iyer** made the college proud. The competition was a call for essays and articles on *'The Conflict between Citizens' Right to Privacy and National Interest.'*

Adding to his scholarly credentials, **Mohak Rana** also participated in the **TISS Seminar on Access to Criminal, Correctional Justice for Marginalized** where he presented his paper before a panel consisting of **Senior Academicians, IPS officers and Lawyers**, along with **70 other participants** from all across India. The seminar was held on **28th January** at the campus of TISS.

Second year B.A., LL.B (Hons.) students, **Sampurna Kanungo, Sanjana Bhasin, and Moksha Kothari** participated in the **Second Jagran Lakecity University Moot Court Competition** which was based on Constitutional Law with a special focus on the recent debate of the Certification laws in India.



## Scroll of Honour

In scripting the college's name in gold, the MUN enthusiasts were not left far behind!

Not one but two students of KPMSOL received **High Commendation** at the **MUNSophical 2017**. Students **Dhaval Mehta**, studying in the third year of BBA.,LL.B (Hons.), as well as first year student of BA.,LL.B (Hons.), **Chinmaya Mohan** were the proud recipients of the same. Moreover, **Sharang Iyer**, student of second year BA.,LL.B (Hons.), was a part of the team that received **Best Delegation** in the same MUN.

Scaling the peak, **Dhaval Mehta** also won the **Best Delegate Award at Bombay Diplomacy Summit 2017** and was given **High Commendation at SPITMUN 2018**.

His list of credits extends to emerging as the **Runner-up** in the **NMIMS Institute of International Studies' Debate Competition** and as the **Second Runner-up** in the **Vayu Fest** debate event, **Corporate Conundrum**.

**Dhaval** also **Judged Xavier's Institute of Engineering's Oxford National Level Debate**. He also **directed MUNs** including **KIITMUN 2017** as the **SPECPOL Vice-Chair**, **TECHFESTMUN 2017** as the **IMO CO-Chair**, and **NM College Intra-MUN 2018** as the **Lok Sabha Speaker**.



## Scroll of Honour

The first year students are not far behind in accumulating accolades or testing their skills at competitions.

Students **Bhumica Veera** [B.A., LL.B (Hons.), First year] and **Teja Vardhan Bikkasani** [B.B.A., LL.B (Hons.), First year] **qualified as the reserved team for the semi-finals in the Dr. MS Ramaiah Memorial Parliamentary Debate in the novice category.**

Also, debating enthusiasts **Bhoomi Shah, Sampurna Kanungo, Sanjan Bhasin, Bhumica Veera, Sumana Roychowdhury, Teja Vardhan Bikkasani** participated in the **6th Justice Tarkunde Asian Parliamentary debate, held at Indian Law Society, Pune.**

Also, **Jahnvi Shah** [B.B.A., LL.B (Hons.), First year] was a proud participant of the **Model United Nations**, held by **Maharaja Sayaji Rao University, Baroda.**

We applaud the efforts of all our achievers and look forward to many more accolades.

# Gujarat Assembly Elections 2017: Three Rhetorics

Ravi Saxena\*

The recent streaming of Gujarat and Himachal Pradesh Elections' news created warmth in winterish drawing rooms in the last two months of last year. Once the elections fever is near, the voters are made to feel that they are important. Surprisingly, the speakers and debaters seldom portray the characteristics of a voter. Many of us, in India, are born as "party persons", not as voters. There are party families, party communities and even party villages all around. In principle, one can say that a voter is open to political choices available to her or him. Ideally, a voter is expected to decide to vote as a rationalist, escaping the fixation with one political party. But, here in India, a majority are 'fixed vote banks' and who seldom search for *reasons* in a party's mandate and manifesto. Though, the swing leads to the victory of different parties in different elections, yet 'fixed voter banks' constitute a larger chunk of 'voting percentage or share' of a political party in India.

What are the benefits of not being 'fixed' as a voter? There are many benefits to this and in a larger context, this may lead to 'meaningful and paradigm' changes in electoral process, voting behaviour and electoral issues to be raised by the political parties. Take it one by one. If the political choices are weighed on the basis of contextual relevance, it would give an advantage to the voters. Irrespective of the glorified past of a political party, voters would give more importance to the issues raised by a political party in the election at hand. Voters would guide the selection of issues by a political party in a particular election. Take the case of recent campaigning in Gujarat. BJP is contesting elections in the backdrop of three major rhetoric's. First is **anti-incumbency rhetoric**, second is **Anti-caste and Anti-Modi rhetoric** and the third is **national rhetoric**.

**Anti-incumbency** remains a persistent issue in all major elections where a political party remains for more than one term. But, its influence can be subsided by another rhetoric. In Gujarat Assembly elections, the Anti-caste and Anti-Modi rhetoric seemed to dominate the first rhetoric of anti-incumbency. Anti-incumbency issue presupposes that the voters have two 'relatively' equal political options available to them. In Gujarat, this has not been a condition since the downfall of Congress in the 1990s. This has resulted in a situation where, despite having 'grudges' on the governance front, people keep on voting the same political party. The Bhartiya Janata Party (BJP) has reaped the benefits of this for more than twenty decades in Gujarat. Though it is not a good sign for a plural and representative democracy, yet it remains a 'fact' in Indian politics, be it Congress that dominated the political front for long or BJP in present times. So, Anti-Incumbency was a non-issue in recent elections in Gujarat. Anti-caste and Anti-Modi, yes, is a major issue that would mobilize the voters.

What is this **Anti-caste and Anti-Modi rhetoric**? Gujarat is primarily a Hindu religion dominated state. In the

political history of Gujarat, religion influenced politics perpetually. Be it Mahatma Gandhi, Vallabhbhai Patel or Narendra Modi. Though religion has never been an 'echoed' issue in the elections of Gujarat, in pre-Godhra times, yet it remains intimately attached to the very life of the state. Succinctly it remains the most important 'influencer' or 'decider' in elections. Second to religion, though not 'unrelated' to religion, is the 'Gujarati' factor. Narendra Modi, once appointed Chief Minister of Gujarat, replacing veteran leader Keshubhai Patel, was able to re-instil a sense of Gujarati pride among Gujarati people. Recent developments, based on the political mobilization in last one year, majorly spearheaded by *Anamat* Movement of youngster Hardik Patel. Hardik and his aides were successful in getting the benefits of the shift of Narendra Modi from Gandhinagar to New Delhi. But that factor had its limitations, Congress' allegation that CM Rupani is just a remote control in the hands of BJP Head Amit Shah. This would, in a way, benefit the cause of BJP as voters who go for BJP would love it. They wanted that Mr. Modi should take special care of Gujarat and CM of Gujarat should be personally guided by Mr. Modi. Another factor that might have influenced the election in Gujarat, could be that Congress and other allies, including Hardik Patel) could not declare their CM candidate. In the case of BJP, Rupani or any nomination that comes from Mr. Modi would be acceptable to Modi-voters. This way, Congress and allies hold one issue i.e. to attack Modi. This may not suffice to bring party in power. Common *vyapari* (businessman) in Gujarat is a Modi-supporter, though they have their grudges against GST and Demonetization. These grudges and inconveniences do not translate into a vote-swing. This ought to be understood categorically about Gujarat in present times. BJP attracted defeat in rural South Gujarat, but not in Urban Gujarat. And this did not help Congress and Hardik to form the government.

Coming to the last major rhetoric, i.e. **national rhetoric**. With the influence of social media and its impact on political debates, it is a considerable truth that technology and social media do influence the political behaviour. But it has its territory and gravity. People do not vote by being influenced by social media that majorly create or reflect on 'national rhetoric' of politics. It is seen that the Congress and its allied forces in Gujarat are raising the issues that are majorly national, like Bogusness of development model of Mr. Modi, GST, Demonetisation, and some regional issues that are not related to Gujarat. One may wonder as to what extent these issues can mobilize the 'development' oriented Gujarati voters in the present Assembly elections in Gujarat. Problems of agricultural labourers, lack of water to reach to the fields in Saurashtra, lack of political representation and political discrimination of Patels of Gujarat remain key 'local issues'. But majorly, Congress could not mobilize the local issues in this election. More than Congress, it is the local and national media that could unearth those issues. In the absence of prioritization of local issues, one hardly saw 'winning prospects' for Congress in this Assembly elections in Gujarat, except a dent in the BJP vote bank. Nevertheless, Saurashtra and South Gujarat proved a blow to the ruling BJP in this election due to two reasons, i.e., political mobilization and voting swing and the high number of independent candidates that harmed the winning prospects of ruling party this election in Gujarat. No doubt, the BJP and the



PM escaped defeat as Gujarat's voter pressed the right Not-to-be-taken-for-granted buttons to decide what is in the best of their interest. Let's hope a strong opposition is what Gujarati voters were looking for.

**\* Ravi Saxena teaches Political Science at Kirit P. Mehta School of Law, NMIMS (Deemed-to-be-University), Mumbai.**

## Participation of Women in Indian Politics - A Reflection

*The author traces the evolving role of women in Indian politics and highlights why India needs a greater number of women representatives in the field of political decision making.*

### Introduction

Political participation of Indian women, though in a midget form, started with the freedom movement. Political participation may be defined as discretionary participation in political affairs through membership, voting, and partaking in the pursuit of the memorandum of the political parties, legislative bodies and/or political initiatives. During the freedom movement, there were many challenges women had to face before entering into the field of politics, as they were forced to constrain themselves to the four walls of their homes. Yet we have had women who gathered courage post-independence, to fight for their rights and for the sake of the society, these legendary figures include Vijaya Laxmi Pandit, Annie Besant, Sarojini Naidu, and Indira Gandhi, to name a few.

Political participation is a composite phenomenon. Though the Constitutional provisions provide for women to leave the correlative calm of the domestic sphere and enter the male-dominated political sphere, the involvement of women in public affairs continues to be low key. Better participation can be accomplished not simply by expanding the numbers but instead by guaranteeing women a say in policy decisions and in formulating resolutions, to overcome the discrimination of women.

### Need for Women in Politics

Sushma Swaraj quoted:

*"It is very difficult for a woman to make up her mind to enter politics. Once she makes up her own mind, then she has to prepare her husband, and her children, and her family. Once she has overcome all these obstacles and applies for a ticket, then the male aspirants against whom she is applying make up all sorts of stories about her."*

This statement of Sushma Swaraj, Minister of External Affairs, fairly helps in revealing what Indian women go through while deciding to enter into politics. Some of the reasons to increase women's political participation include:

- First, the more closely the government represents the configuration of the society, the stronger its policies are

likely to be. This means that it is not just necessary to include women, but also to fortify their broad representation.

- Second, a mixed-gender cabinet, all other things being equal, tends to focus better on those concerns that are exclusive to women, as both men and women will work together to understand the demands of public more distinctly.
- The statistics and data show that female pioneers typically have more compassion and empathy, with a more open and comprehensive transaction-negotiation style. This is not, obviously, fundamentally valid for all women – there is a wide range of leadership styles. So, modern ideas of transformative leadership are more in line with qualities women generally share: empathy, inclusiveness and an open negotiation style.

### Challenges Faced by Women:

As per the recent report published, India ranks 98th out of 148 countries in the world in terms of women's representation in the political system of a country. We, as a country, have only 11% representation of women folk in Indian politics, whereas the women of Sweden make up 43% of the political representation. This is where we lag behind. India has a limited success in amending this imbalance, with women currently holding only 8% of Parliamentary seats.

In spite of the fact that India was one of the first democratic nations to grant women the right to vote, women are neither represented in the legislative spaces nor are they contributing towards the formulation of national laws. The level and forms of women's participation are chiefly shaped by cultural and societal blockades including violence, gender discrimination, and illiteracy. A critical obstruction to women's participation in politics is the threat of violence by the senior male members in politics.

In a sustainable society, violence, and the threat of violence influences the opportunities available to women to participate actively in social and political relationships, to speak in broad daylight, and to be recognized as dignified beings whose worth is equivalent to that of others. India has one of the largest proportion of illiterate population. Literacy plays a key role in ensuring the dignity and independence of the women in politics by giving them ingress to communicate, through means such as memos, newspapers, internet etc. which keep them constantly informed about political issues.

### Conclusion

Thus, it can be concluded that, women are an important part not only of the society but also of the political machinery of the country. For the successful functioning of democracy, the maximum participation of women in the system through the dynamics of mixed gender politics i.e., both female and male representatives, which can accommodate the ideas from both males and females in policy framing, is essential. This will also help better voice the concerns and needs of the different sections of the society.

Moreover, women's participation at the grassroots level of the political functioning needs to be encouraged. It is the need of the hour in a country like India, to ensure equal

participation of women in conventional political activities and to have a say in decision making. After facing several challenges, Indian women are finally stepping forward to enter into the world of politics. It is time we support their actions and motivate them so as to take our nation towards the door of prosperity.

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- Ikmeet Kaur Gandhi  
[B.A. LL.B (Hons.), First Year]

## Smart Contracts and Its Potential Applications

*This article attempts to explain the important terms needed to understand the concept of Smart Contracts and will go on to discuss its potential applications and the problems associated with this technology.*

### Introduction

Smart Contracts have revolutionised the traditional idea of a valid contract. It is a complex concept involving both technical and legal knowledge. Smart Contracts help you exchange money, property, shares, or anything of value, in a transparent, conflict-free manner while avoiding the services of a middleman. The term, smart contract, refers to any contract capable of automatically enforcing itself, without any third-party interference. The term has only recently gained popularity due to the development of cryptocurrency and blockchain, the technology that underpins Smart Contracts.

### Smart Contract and Other Important Terms

To understand the concept of Smart Contracts it is first pertinent to understand two crucial terms associated with it: Bitcoins and Blockchain.

**Bitcoin:** Bitcoin is a form of digital currency, created and held electronically. No one controls it. They aren't printed, like rupees – they're produced by people, and businesses, running computers all around the world, using a software that solves mathematical problems. Bitcoin is created digitally, by a community of people that has open membership. Bitcoins are 'mined', using computing power in a distributed network.

**Blockchain:** A blockchain is a digital ledger that records all of the transactions chronologically and publicly within a distributed network. The record of a given transaction is assembled into a data block and added in a long strand of recorded transactions. In other words, the blockchain is the long-recorded chain of transactions. A Smart Contract is the code that sets out terms and ensures the performance of an agreement or transaction.

**Ethereum:** Ethereum is a software running on a network of computers that ensures that data and small computer programs called Smart Contracts are replicated and processed on all the computers on the network, without a central coordinator. The vision is to create an unstoppable censorship-resistant self-sustaining decentralised world computer.

After understanding these two terms it will be easier to understand what Smart Contracts are.

“Smart Contract” here refers to a specific use case of smart contract code – a way of using blockchain technology to complement or replace the existing legal contracts. The term Smart Contract was created by Nick Szabo, who was a cryptographer and the creator of Bit-Gold, a precursor to Bitcoin. Szabo in his paper on Smart Contracts makes an analogy between Smart Contract and a vending machine stating that it is like dropping a Bitcoin into a vending machine and thus entering a binding contract thereby. The term Smart Contract is used to describe a code embedded within a block chain that states and verifies the performance of terms for a given transaction.

### Potential Applications of Smart Contract

Smart Contracts have gained such attention and popularity due to its ability to increase the efficiency of transactions by cutting off middlemen. The software makes transactions more efficient by cutting out the need for various intermediaries that are necessary to a successful transaction. Escrow agents, bank accounts, postage, and other entities are no longer required to complete an agreement. There is no need for any legal services to make contracts either as it is done by the software. The blockchain can hold property and dispense it as and when terms of the agreement are met. Hence, it is an overall efficient system and removes any scope for human error. It has various applications such as the follows:

**Multiple verification platform:** Smart Contract provides a platform for multiple verification. It allows multiple parties to enter into a contract. For instance, when a party enters into a contract with multiple parties and the contract lays out that payment is to be made when the shipment is done then the blockchain will release the payment from the account of the purchaser to the seller when the seller does the shipment.



**Predictability of contracts:** Once parties enter into a contract, the terms of the contract cannot be changed. No alteration in the contract terms post-contract formation ensures stability in the contract. Hence, there is little possibility of a breach or a misunderstanding between parties of a contract. These features create contracts with predictable results that do not lead to litigation.

**Prediction markets:** These offer a way for people to place bets on outcomes of a diverse range of events, from sports to elections and corporate financial results. Prediction markets are also favored by economists as a way to efficiently aggregate information on a particular topic, such as the success of a project, from multiple sources. Smart Contracts and blockchain technology can create a booming market for such bets.

**Efficient management:** Financial institutions are starting to realize that Smart Contracts could cut costs of transactions and create more efficient consumer contracts. Santander Bank conducted a study showing that their bank could save twenty-two billion USD by 2022 via the utilization of blockchain technology run on smart contracts. Hence it increases accuracy, speed and reduces cost thereby increasing overall efficiency. It can be used even in real estate transactions where blockchain technology could be used as an escrow agent thereby removing human institutions.

All in all, the benefits of Smart Contracts are numerous, however, significant strides in smart contract software development are required before these applications are implemented into the practical aspects of industry. We would no longer need the government or the legal system on the subject of contract law.

### Limitations of Smart Contracts

There are two major limitations of smart contracts, which are - practical problem and legal doctrinal problem.

**Practical issues:** Smart Contracts are limited in their potential due to the difficulty in reducing complex terminology/terms into codes. Any mishaps in a code can lead to a major problem of financial loss and thereby negatively impact businesses. Moreover, the legal expertise will come to little use, unless, they adapt and learn the technical side of the functioning of this technology.

Another practical issue is that re-negotiation is not possible. Both parties might have a mutual interest in altering certain terms of the contract but Smart Contracts do not allow that. The Smart Contract is not smart enough to do that, unless the parties build into the Smart Contract code at the beginning then there is a possibility for that modification

Smart Contracts could also be used for illegal purposes. It is possible that a blockchain could be set up whereby one party agrees to pay for fraudulent information or other criminal activities in exchange for a value. The process of paying for illegal services could be streamlined through smart contracts. No court would enforce such an illegal contract. This results in a lot of confusion and chaos.

These are the limitations of this technology which we need

to overcome in order to reap most benefits possible from its potential.

### Conclusion

To conclude, Smart Contracts is changing the face of contract law. It is, no doubt, a more efficient system with great potential for easement of overall contractual agreements. Although it will require some integral changes such as the expansion of lawyers' knowledge on contract law and a layman's thought process for creating acceptance towards online contracts, the author believes that it is a leap forward in the area of both technology and law.

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- **Krithika Kataria**

[B.A, LL.B. (Hons.), Fourth Year]

## McDonald's Dispute India: Case Study

*In the past few months, the McDonalds dispute has hit the headlines and has raised essential questions regarding franchises in India. Through this article, the author aims to study the history of this fast food giant in India and analyse the cause of the dispute between McDonalds and CRPL.*

McDonald's fast food chain is one of the biggest franchise in the United States and around the world. The aim of McDonald's was to 'hamburgerise' the world. But while expanding its franchise, it proved that it was ready for a little give and take on its original goal to 'hamburgerise' the world. It brought the culture American food and burgers to India and adapted itself according to the taste buds of Indians by indianising its products. Experts felt that the company had been experimental and innovative in its marketing strategies and that this had given the brand an enormous mass appeal and recognition in the country. In this article the author aims to study the history of the company in India and analyse the cause of the dispute. But before we move to that it is essential for one to understand the concept of a franchise.

**Franchise:**

There is no particular definition or law governing franchise in India. But through the help of general understanding, a franchise is a license provided by the owner of a trademark or trade name permitting another to sell a product or service under that name or mark. In a normal franchise agreement, there are at least two parties involved:

- (a) the franchisor, who lends his trademark or trade name (or other intellectual property rights) and the business system; and
- (b) the franchisee, who pays a royalty and often an initial fee for the right to do business under the franchisor's name and business system.

There are various laws that govern a franchise agreement in India like The Indian Contract Act, 1872, The Competition Act, 2002, Income Tax Act, 1961, Consumer Protection Act, 1986, Arbitration and Conciliation Act, 1996, The Foreign Exchange Management Act, 1999, The Trademarks Act, 1999, Patent Act, 1970, Design Act, 2000, Copyright Act 1957 etc. The dispute in question is a breach of the franchise agreement made between both the parties.

**About McDonald's India:**

McDonald's entered the Indian market in 1996 as a joint venture (JV) between Oak Brook III. and 2 local partners – Hard castle Restaurants Private Ltd. in Western India, and Connaught Plaza Restaurants Private Ltd. in Northern India. The Hard Castle Restaurants was managed by Mr. Amit Jatia and they were given the operations of managing the western and southern India. The Connaught Plaza Restaurants Private Ltd. was managed by Mr. Vikram Bakshi and they were given the operations to manage the northern and eastern India. The staff was given extensive job training in Indonesia. In order to put a foot hold in India a place where majority of the population was vegetarian, McDonalds had to make it clear to the authorities that their products in India neither contained beef nor pork in it. They had to suit their burgers to the Indian taste and Indian market which was a hyper price-sensitive market. They conceptualized their menu by introducing breakfast combos and budget meals that made market penetration possible. They introduced new spices and innovated burgers by adding McAloo Tikki and McVeggie to the menu, which were made to suit the Indian Palate. It, thus with time had made a name in every household by catering to everyone's needs.

**The Dispute:**

In 1995, Mr. Vikram Bakshi entered into a Joint Venture Agreement with McDonald's India Private Limited and McDonald's Corporation (Delaware) and Connaught Plaza Restaurants Limited ['JVC'] was formed. In this JVC, Mr Vikram Bakshi and Bakshi Holdings Pvt. Ltd. and McDonald's India Private Limited were equal shareholders.

The long-drawn dispute between McDonalds USA and its Indian Partner Connaught Plaza Restaurants Private Ltd. (CPRL) can be traced back to 2013, where the former had accused the latter of committing financial irregularities and removed Mr. Bakshi as the managing director of CPRL in August 2013.

According to the terms of the JV Agreement, Mr. Bakshi was made the Managing Director ('MD') of the JVC for two years. The agreement provided for his re-election as managing director, subject to him continuing to perform certain obligations made under the agreement.

One of the obligation was that he should spend substantially all of his business time in execution of the obligations given under the JV Agreement, and the Operating License Agreements executed there under. It was his duty that responsibilities of management of JVC were discharged in a competent and faithful manner.

McDonald's had an option to purchase the 50 percent shares held by Mr. Vikram Bakshi and Bakshi Holdings Pvt. Ltd., only in case Mr. Vikram Bakshi failed to reside in New Delhi and/or failed to devote substantial time and effort to the JVC, or upon termination of the JVA, in accordance with the terms of the agreement, and in accordance with the formula provided in the agreement.

In August 2013, McDonald's refused to re-appoint Mr Vikram Bakshi as the MD, and issued a notice electing to exercise their option to purchase his shares. McDonald's allegations against Mr. Vikram Bakshi pertained to spending substantially his business time in performance of his obligations under the JV agreement, discharge of his duties as MD and thereby, violating conditions postulated in the JV Agreement. In November 2013, McDonald's issued a second call notice and sought to terminate the JVC.

In September 2013, Mr. Vikram Bakshi moved to the Company Law Board challenging this decision and accusing McDonald's of mismanagement and oppression. He approached the Company Law Board under the Companies Act, 1956, alleging oppression and mismanagement against McDonald's.

McDonald's USA in response to this approached the International Court of Arbitration, London in October 2013 as the JV Agreement contained an arbitration clause. In the arbitration proceedings, McDonald's claimed relief in relation to the termination of the JV Agreement and the purchase of the shares of Mr. Vikram Bakshi and Bakshi Holdings Pvt. Ltd. by McDonald's.

In July 2016, the Delhi High Court allowed McDonald's to settle the dispute in the International Court of Arbitration, London. Mr. Vikram Bakshi in response to this approached the Supreme Court challenging this verdict. He argued that the subject of the arbitration was already being heard by India's National Company Law Tribunal and more proceedings would be duplicative. It was prayed before the court to reverse the Delhi High court decision that allowed McDonald's to press ahead with arbitration in England over its right to buy out his half of Connaught Plaza Restaurants Pvt. Ltd.

The Hon'ble SC rejected the argument and upheld the decision of the Delhi High Court which diverted the dispute to the London Court of International Arbitration. The award of the arbitration proceedings is still pending.

The dispute came into the light recently as in June 2017,



43 outlets of the 55 outlets in Delhi were shut down because their eating house license was not renewed. Soon after that in August 2017, McDonalds terminated their franchise agreement with Connaught Plaza Restaurants Pvt. Ltd. This decision would lead to shutting down of 169 outlets of McDonalds over the North and East India within 15 days of the notice and would lead to a 6500-employee work force being unemployed. The reason given by McDonald's was that "CPRL has materially breached the terms of the respective franchise agreements relating to the affected restaurants and has failed to remedy the breaches despite being provided with an opportunity to do so in accordance with the agreements".

In the light of the above action by McDonald's, the principal bench of the National Company Law tribunal passed an order reinstating Mr. Bakshi as the Managing Director. It ruled that the termination of Mr. Bakshi was "illegal, unlawful, unjust and malicious."

McDonald's India appealed against the order passed in July by the National Company Law Tribunal to the National Company Law Appellate Tribunal. The NCLAT requested both the parties to try and reach an amicable settlement before August 30<sup>th</sup>.

NCLAT chairperson S.J. Mukhopadhyaya said that "Before going to the merit (of the case), we allow the parties to examine if there is a chance of amicable settlement on certain terms and conditions" He also asked both parties not to pursue any criminal proceedings against each other till the case is settled.

*"This litigation is not of my creation. My stand for a fair settlement remains unchanged. I am a businessman who has always been amenable to a fair settlement...but a settlement as per the laws of this sovereign, democratic republic of India, which prescribes a fair market value as per the RBI (Reserve Bank of India) guidelines" is what Mr. Bakshi is of the opinion of.*

Mr Bakshi was open to the option to try and reach an amicable settlement.

Meanwhile, McDonald's informed the NCLAT to proceed with the appeal as it did not wish to do an out of court settlement amicably. Thus, at present the NCLAT will hear two set of appeals.

One which is filed by McDonald's India against the July order of NCLT which reinstated Mr. Bakshi as the MD for CRPL and the second appeal filed by Mr. Bakshi requesting a fair valuation of the burger chain's outlets in northern and eastern India.

Thus, presently there are two litigations pending before NCLAT and one arbitration proceeding pending in the London Court of International Arbitration which would decide the fate of 6500 employees and 169 outlets in India.

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- Nivedita Dalal

[B.A.LL.B. (Hons.), Third Year]

## Application of Right to Privacy Verdict to the Aadhar Case

*After the Puttaswamy judgment, the law of the land is that the right to privacy of the Indian citizens is a fundamental right and it can no longer be compromised, except according to the procedure established by law. This article deals with how the Supreme Court is likely to apply the standards laid down in this case as a yardstick in determining the Aadhar case.*

With recent developments taking place in the Aadhar case as the Supreme Court returns to decide upon the pleas challenging the constitutional validity of the Aadhar scheme, it is important to understand to what extent the Supreme Court's verdict in *Puttaswamy v. Union of India* will have an impact on the Aadhar case.

#### Essence of Privacy

The viewpoints expressed by the judges, throughout the judgment, indicating the essence of the concept of privacy significant to the context of the Aadhar case can be summarized as follows:

#### Justice D.Y Chandrachud -

"Privacy has both positive and negative content. The negative content restrains the state from committing an intrusion upon the life and personal liberty of a citizen. Its positive content imposes an obligation on the state to take all necessary measures to protect the privacy of the individual".

**Justice Chelameswar -**

Three main ingredients of privacy are “repose, sanctuary and intimate decision. Repose refers to freedom from unwarranted stimuli, sanctuary to protection against intrusive observation, and intimate decision to autonomy with respect to the most personal life choices”.

**Justice R.F. Nariman -**

"Privacy covers both physical (right to move freely) and mental (right to be protected against dissemination of personal information and right to make free personal choices) facets."

**Justice S.A Bobde -**

"Privacy is the necessary and unavoidable logical entailment of rights guaranteed in the text of the constitution".

**Justice Sanjay Kishan Kaul -**

"It is undesirable to ignore a person's wishes unless there is compelling reason to do so."

**Right to Privacy not an Unqualified Right.**

Justice Chandrachud noted that *"a law which encroaches upon privacy will have to withstand the touchstone of permissible restrictions on fundamental rights."* Therefore, it is clear that right to privacy **is not an unqualified right and its enjoyment is subject to the imposition of restrictions**. Violation of right to privacy would have to stand the **stringent test to check the constitutionality of such violations**.

The object of the Aadhar Act is "to provide for, as good governance, efficient, transparent, and targeted delivery of subsidies, benefits and services". The onus is on the State to indicate that the following tests have been fulfilled:

- a) Just, Fair and Reasonable test  
The State will have to show that the procedure of collecting and utilising demographic and biometric data of citizens is limited to its objects and within permissible limits in terms of the extent to which the State can restrict the right to privacy of citizens.
- b) Compelling state interest' test  
It was first resorted to and expressed by Justice Mathew in the case of *Gobind v. State of Madhya Pradesh*. The interest of the State by introducing Aadhar should be greater than interests of individuals. 'Compelling state interest' needs to be proved in order to justify a restriction on right to privacy.
- c) Proportionality test  
According to Justice Chandrachud, an invasion of life or personal liberty must satisfy the three-fold requirement of:
  - (i) legality, which postulates the existence of law;
  - (ii) need, defined in terms of a legitimate state aim; and
  - (iii) Proportionality which ensures a rational nexus between the objects and the means adopted to achieve them.

According to Justice Sanjay Kishan Kaul:

- (i) The state action which interferes with the citizen's

- right to privacy must be sanctioned by law;
- (ii) The proposed action must be necessary in a democratic society for a legitimate aim;
- (iii) The extent of such interference must be proportionate to the need for such interference;
- (iv) There must be procedural guarantees against abuse of such interference".

The burden lies on the State to prove that:

- i) There is a rational nexus between the objective of the Aadhar Act and the means to achieve the objectives.
- ii) The objectives cannot be achieved without infringing citizen's privacy and,
- iii) There are no alternative means available to achieve the same objectives.

It is going to be interesting to know how the Apex Court will go about the actual application of its own findings and principles.

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- Divya Dhage  
[LL.M Batch]

## A Home within Humanity

*To truly understand the plight of a refugee, we must first accept that a person never seeks refuge by choice: and this piece, based off the quote "Recognise yourself in he and she who are not like you and me", attempts to illustrate just that.*

Just like George and Susan, who live in Texas; Aamir, Farah, and their young son live in Syria.

Similar to George, Aamir is an engineer, and all the bridges he has built to connect Syria, are now being used for purposes that Aamir is ashamed of. They are being used as means of destruction, as a way to wage war.

Quite like Susan, Farah is a nurse. Only, the hospital she worked at was recently bombed by another force ready to fight for some cause unknown to her.

Still, Aamir and Farah love their country. They want to raise their child in the country that gave them life and love, hoping that it will do the same for him.

But when their son's school is the victim of mass destruction, they realise that Syria or not, this is no place to raise a family.

Not where the probability of their son returning home to them in a body bag was greater than him coming home alive.

So Aamir, Farah, and their young son flee.

Unlike George and Susan, they run from their settled, successful lives- and they look for asylum in places where



the way of life is intrinsically different from what they are used to.

They run because the carnal need for self-preservation kicks in. And as they run, they attain the status of what is now commonly known as 'Refugee.'

They are lucky. The people they have turned to have recognised themselves in Aamir's family.

They have realised that Aamir and Farah could be Amos and Faye.

Aamir and Farah could be Raj and Simran.

Aamir and Farah could be Raphael and Camille.  
Or, Aamir and Farah could be George and Susan.

And they have realised that regardless of their name, religion, and ethnicity, they are good people- because what happened to Aamir and Farah could happen to anyone, in any country. It is simply a product of circumstance and human versatility which dictates your survival as a refugee. Aamir and Farah could be you and me.

In the words of Carlos Fuentes, "Recognise yourself in he and she who are not like you and me."

But, in a world like today, which is plagued by hatred so strong that it kills people and by poverty so extreme that it cripples people, it is imperative that we remind ourselves: In a world like today, He and She, and You and Me, are also called We and Us.

**First Published on:** A copy of the same piece can be found on Sara's blog- the *opensecret.wordpress.com* and the Weebly webpage of the EUMIND project based on Human Rights for Jamnabai Narsee School.

- **Sara D'Sousa.**  
[B.A. LL.B (Hons.), First Year]

## Elphinstone Tragedy: An Awaited Disaster

*A recall of the Elphinstone disaster and of the unusual move of the government to deal with the long-ignored crises.*

On 29th of September, 2017 a tragic stampede took place on the Elphinstone Road bridge which resulted in the loss of 22 lives including 13 males, 8 females and 1 boy while 32 people were seriously injured. Those injured were rushed to the nearby K.E.M hospital in Mumbai. The incident took place at around 10:30 a.m. which is considered as a peak rush hour. According to railway officials, the crowd gathered as four trains approached the station from different lines.

The bridge on which this fateful accident took place was built in 1972 and since then it has been taking the load of lakhs of people who come from all over Mumbai, and since then no new changes were made.

Following this incident, in an unprecedented move, the government announced that the Army will construct a new foot overbridge (FOB) at Elphinstone Road railway station, within the next three months. This comes as a huge respite to commuters, as the Railways would have taken at least one year to construct the bridge due to procedural formalities and the required permissions. The Army's deadline for building the bridge was January 31, 2018, while the Railways is concurrently building another FOB at the station, which will be ready in a year.

Tossing light on why the Army was roped in, sources say that it would have been time-consuming for Railways to assemble a similar FOB without anyone else's input, and it did not have the capability of the Army, Border Roads Organization (BRO) and General Reserve Engineer Force (GREF) which have solid operational mastery in street and scaffold development. Railways, in a statement, said the help provided by the Army during the Mumbai-Goa highway bridge collapse in August 2016 was commendable, and that the Army had jumped into action to restore and repair roads damaged in over 1,000 places when the 2014 Jammu & Kashmir flash floods took place. Until now, the Army has only worked upon railway stations in the North, South and the Northeast, due to the difficult terrain of certain areas.

It usually takes Railways two years on an average to build a FOB under normal circumstances, but an exception was made for the new Parel-Elphinstone Bridge after the stampede. The exception so made is certain to be of benefit to the masses who rely on the bridge for their daily commute. The speedy completion of the task is highly desirable in the fast-moving city of Mumbai to ensure that the disruption is of minimum inconvenience.

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- **Vishnu Vasudevan**  
[B.A. LL.B (Hons.), First Year]

## The School That Isn't Meant To Be

*"Incremental change comes through technology. Breakthrough change comes from the people." – Jesper Lowgren.*

India is known to have created the finest of institutions, educational and otherwise, across myriad fields ranging from Management to Information Technology to Medical Sciences. India, also being the largest democracy in the world, thus gives immense importance to politics and politics is believed to play a large part in India's future. Politics brings me to the subject of politicians. Politicians for ages have had their way into the Houses of the

Parliament and local Assemblies either through power, nepotism or money in the face of fair elections. Seldom have we seen a politician coming up the ranks of a political party through a proper system, with proper qualification and knowledge to respect the position of power. Statistics show that 7 of the current Cabinet ministers aren't even qualified graduates.<sup>1</sup> Are we living in a situation that bad that we can't have basic qualified politicians make laws for us? Are we too helpless to do anything but choose legislators on the basis of their field work, and nothing on the educational front at all? I certainly believe not. The onus is on us, the people – the citizens of this great nation.

#### **What if we had a school for politicians, or people doing the jobs of politicians?**

As obnoxious and idealistic as it sounds, there can be two types of entries to the school – one for individuals currently engaged in political activities or those young minds who are interested in joining politics but are fearful due to the system at large. Even as the former makes more sense at this point in time, the latter is the one the school aims to better in the long run.

#### **Why this idea, you ask?**

Those who are too smart to engage into politics are punished by being governed by those who are dumber. – Plato

When I started to discuss this idea of governance schools for future politicians with many learned people around me, I faced a lot of flak for wasting time on such an impractical thought. Most made complete sense albeit I personally wanted myself to believe that this is something that only this country has the capability to do, even though it seems too far-fetched. My senior advised me that political science can be taught, but not politics. With the support of my law school, I would like to initiate such a committee as well so that students aren't afraid to embrace politics, so that everyone realises it is their duty to take part in politics and not otherwise.

#### **What can be taught in these governance schools?**

The idea of developing these schools comes from the fact that a more practical aspect of politics needs to be spread and educated about rather than theoretical. It would be sensible to propose 70-75% of practical exposure which could possibly include interning at judicial, executive and legislative bodies of the States and the remaining 25-30% for theoretical knowledge relating to political sciences and basic legal know how. For instance, MP Milind Deora

undertakes Parliamentary internships for up and coming students interesting in learning about the legislative field. Our students could be enrolled there for a short period to intern, along with other vital in class activities. Political case studies from all around the world can be taught, teaching the students what not to do in politics.

#### **Who can be the target audience/ What is the scope?**

In a population of over 125 crores, there have been millions who have been affected by the 'system' and want to bring about change. The "rural India" wants to bring about this upheaval and I believe this is the defining moment and idea. People need to know that although politics is played, it isn't gambling. If we are somehow able to educate this rising sect of politicians that there are certain moves and actions that cannot be avoided whatsoever, and that how to minimise the damage without any kind of bias toward religion, caste, colour, etc., this idea can be revolutionary.

#### **What kind of politicians are we looking for?**

As Mahatma Gandhi said "Be the change you want to see in the world", the school will be looking for reformers who truly believe in change. Since India's demography and political, economic and social scenarios are so diverse, the school shall aim to provide guidance and knowledge as to how fraternity and peace can be maintained, how religious issues can be resolved peacefully and how defence of the nation should be our main priority, how women must be treated no different from men and how the country with the youngest population demography can proceed with sustainable employment.

It is very hard to ask young graduates to ask to leave their lucrative jobs and do something in return for peanuts. People, at the end of the day, do realise it's a thankless and underpaid job in most cases and therefore do not participate in social causes believing it's none of their business. If we can get the right people with the right energies around, this colossal population of over 125 crores can become our real formidable strength. We need these young energies to make people realise it is all of their business to make equally sure that no one's superseding the law. It could be as small as someone skipping the red signal, or as big as bribing a government official to get their tender passed. It is our collective responsibility and duty to realise the governments are supposed to be run by us in face of our representatives, and not the other way around.

**- Prakshit Baid**

[B.B.A. LL.B (Hons.), First Year]



## LawL: Law Comics

SOLink now has a new section to it, LawL, which will showcase the comics and humorous depictions created by students. This section is named as per the winning entry for the best name, coined by Mohak Asrani [B.A., LL.B (Hons.), First year].

The winning entries for the best comics are:



Best Comic Winner: Nipoon Jain  
[B.B.A., LL.B., (Hons.), Third Year]



Runner up: Treyamb Pathak  
[B.A., LL.B., (Hons.), Fourth Year]

## Human Rights... A Long Way to go in Case of Rohingya Crisis

*This article discusses the ongoing Rohingya crisis with emphasis on their problems and the hesitation displayed by the neighbouring countries in accepting them wholeheartedly as their own.*

**As** the world observes the Human Rights Day on the 10th day of December every year since 1948, there is a need to contemplate, whether we are collectively moving together in our march of converting this planet of ours a better place to live in as compared to what it has been till now, especially, when groups of people, like the Rohingyas, still need to fight for their recognition as an ethnic group. When we talk about the world coming closer and becoming one global village, why is it that the Rohingyas need to flee from their motherland and find refuge in the neighbouring countries?

The issues of deprivation of human rights, refugee crisis, illegal immigration and forced migration of persons continue to remain in much focus nowadays. The protection of the rights of refugees, who are deprived of national protection and the prevention of discord between the countries of origin of the refugees and the asylum countries are matters of national and international concern. One such problem is being faced by the Rohingya Muslims of Myanmar, who have been fighting for recognition as a distinct ethnic group since World War II.

The Rohingya are a minority community in the Rakhine

### News Snippets

- Playing National Anthem in cinema halls not mandatory: Supreme Court The Supreme Court on 9 January 2017 ruled that playing the national anthem before screening movies in cinema halls is not mandatory. The ruling modified the November 2016 order of Supreme Court that made the playing of the national anthem in cinemas mandatory.
- UN General Assembly rejected US recognition of Jerusalem as Israel's capital

The United Nations General Assembly resolution, declaring US recognition of Jerusalem as Israel's capital as 'null and void', was passed with an overwhelming majority on 21 December 2017. Overall, 128 nations including India voted in favour of the resolution, 9 voted against and 35 abstained from voting. The symbolic vote by the General Assembly is however not binding.

state of Myanmar. The Myanmar government has refused to accept this community as one of their own and thus, they are not provided with any legal protection, and face discrimination and persecution at the hands of the Myanmar government. Due to their immigration history during the British period, the Myanmar government does not consider the Rohingyas as their citizens and thus refuses to provide citizenship and other basic rights to them. Some call it ethnic cleansing.

The Rohingyas are thus forced to flee Myanmar and take refuge in neighbouring countries like Thailand, Philippines, Indonesia, Malaysia, India and Bangladesh. These South-Asian countries are neither a party to the UN Convention relating to the status of Refugees 1951, nor to its protocol of 1967. These countries are unwilling to grant citizenship to the refugees as they are seen as an added burden on the country's scarce resources. However, most countries have acceded to a number of international human rights treaties, whose provisions indirectly promote the rights of refugees.

There are instances where the Rohingyas are charged with causing disturbance to the local people and at times labelled as a threat to national security. Such instances have made it difficult for the Rohingyas to be granted citizenship and thus their legal recognition still remains a major concern. These countries find themselves in a fix between, trying to fulfil the national interests of the country, and uphold human security issues of Rohingyas. The fact that countries, including their own, have denied them shelter and basic amenities poses a big question on whether the rights of the Rohingya people are really being secured.

These Rohingya Muslims have walked through jungles and mountains, have braved rough seas and feared death almost all their lives. They are now placed in over-crowded camps set up in the asylum countries where they are still battling the unspoken trauma that they endured in their home country. These refugees are deprived of homes, food, clothing, sanitation facilities and are vulnerable to water and airborne diseases. They need expeditious international protection and humanitarian assistance to get back to living their normal lives and this cannot be possible unless we as humans understand our responsibilities towards our fellow beings and make them a part of the mainstream of our human society.

In return, the Rohingyas need to own responsibility to see to it that no harm is caused to the life and property of the country where they are seeking refuge and also come up with ways in which they will be able to contribute in a positive way. Unless, the other governments do not get that confidence, it is difficult for any administration to help them and no number of laws can help the refugees get their 'due' rights.

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- **Riddhika Dumane**  
Member, SOLink Team  
[B.A.LL.B. (Hons.), First year]

## Compromising Citizens' Privacy for National Interest-A Fair Trade-Off?

*The following is an extract from the writer's essay of the same title, which was adjudged the Best Essay in the competition "The Policy Review", organised by Government Law College, Mumbai.*

**"Right to Privacy is no Right."** According to our Government.

"I do not think that anybody in this country would like to have the officers of the State intruding into their homes or private property at will or soldiers quartered in their houses without their consent. I do not think that anybody would like to be told by the State as to what they should eat or how they should dress or whom they should be associated with either in their personal, social or political life."

This the opening statement of Justice Chelameshwar's portion of the recent judgement that made Privacy a fundamental right under Article 21 of the Constitution of India.

**Privacy** is one of the most important rights of an individual, irrespective of the country of residence and its government's ideology. Of course, it is not necessarily recognised to the same degree everywhere, either due to social norms or legal provisions to the contrary. Countries in the East like China and Japan give more emphasis to groupism than to individualism as seen in the West and affects their understandings of the term "privacy" as well.

That doesn't outright deny the existence of the right itself, but limits its scope based on the state's ideologies. Even in liberal Western countries, privacy – also taking into consideration (very importantly) online privacy regarding social media – is compromised from time to time for the "greater good of the masses", generally termed as "**national interest**". The usage of the term is often laden with ambiguity as to how a certain situation fits into its purview, and whether state action taken in this scope is truly justified.

Privacy is a globally recognised **fundamental right**, and even India has finally acknowledged its importance. Like any fundamental right, privacy is also subject to reasonable restrictions which are necessary for the proper functioning of the country and its society. However, the degree of encroachment upon this right is vast and hard to control. While the more overt forms such as laws regulating



personal freedoms are easily visible and subject to opposition, more covert forms are comparatively difficult to obtain a remedy against. This includes collection and sharing of personal data by governments in the name of development & social progress and leaking of such information to private corporations. In developing countries like India, citizens are relatively less informed about the potential risk of sharing personal information and vulnerable to the potential misuse of private data.

Let us look at the U.S.A. The country revered as the “leader of the free world” has been known to collect and utilise personal data of not only her citizens, but also of her allies. We know this due to the efforts of people like Edward Snowden and Julian Assange, who have exposed such practices of the U.S.A and have been targeted by the country ever since.

These are recent examples. But such practices have been going on since the era of FBI Director J. Edgar Hoover, who is known to have tapped the phones of opposition leaders, Communist Party members in the country and even individuals like Martin Luther King, Jr. Such leaders have been threatened with disclosure of acts like extra-marital affairs in order to contain their activities.

With incidents like these happening in a developed country, a developing one like India must take sufficient precaution to protect citizen privacy. Currently, the procedure to access the personal (as per the Aadhar Act) is simply that it requires the direction of an officer not below the rank of Joint Secretary. The same goes for surveillance data from agencies like the National Intelligence Grid. The procedure is this simple to access something so precious. Data leaks are a major concern also because many of the information collected for Aadhar was through private overseas companies

Often to safeguard national security, the restrictions on the right to privacy do seem reasonable. However, the issue is not with mere COLLECTION of data, but its VIEWERSHIP is what truly infringes upon the citizens' rights. There are no regulations as to who and why can view the personal information about any individual. The American scenario describes the potential for harm that can be done, with the discretion of a bureaucrat being the only requirement for access to any data on any individual from all records available.

The debate between the dominance of national interest/security over privacy and vice versa falls in a grey area- neither can be pushed above the other, for we may see the rise of autocratic or anarchic systems if done so. As such, the debate may itself be flawed; so is the idea of a necessary trade between citizens' privacy for national interest purposes. Safeguarding privacy does not mean that national interest is hampered either. The solution to the conflicting interests is a strict set of guidelines and qualifications for peeking into an individual's extensive and detailed personal information.

This could include a proper legislation for the protection of citizens' privacy, an independent tribunal (perhaps of retired judges and eminent jurists) for sanctioning access to personal information and a strict definition of the term

“national interest” – codifying it so that it does not depend on bureaucratic discretion. As such, requisite data becomes accessible only to officials with a warrant and is not made arbitrarily available to any official at a whim, irrespective of rank. Also, periodic checks by an independent team of specialists appointed by the tribunal to evaluate the information accessed, by which department and in what manner it was used could further limit the scope of arbitrary usage.

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- Shaarang Iyer

Co-editor, SOLink Team

[B.A.LL.B. (Hons.), Second year]

## Does the Present Legal System Accede to the Bhagwad Geeta?

*The mirage of justice at times derives its persistent yet transient subsistence from allegories of the past.*

Dating back to the time, when Arjun's mind remained bewildered in the battlefield of Mahabharata, Lord Krishna was the only divine and rectitude figure who could have ironed out the dilemma between righteousness and deference to the kith and kin as adversaries, the present legal system often faces the same state of affairs, at times constitutional and judicial procedures obstruct the path for rendition of justice.

The Bhagwad Geeta has been interpreted in a plethora of ways, no matter how much divinity they tend to avow, the principles of righteousness have made and found their places in the present legal domain. Sabotaging unconditional obedience to national security stands as the main ground for the Mahabharata's ruckus to take place as Arjun was hesitant to go ahead and fight with his own blood, it was Lord Krishna who gave him an insight into 'karma', the sole basis for which one gets rewarded and punished during his/her life span. “It's not you who will be responsible for their demise, but their own karma”, were the serene verses of Lord Krishna. The principles of welfare state enshrined in the Directive Principles of State Policy which talks about the national interest and welfare of the people, also accentuate the same, it's not possible to reach the utopia, yet every possible attempt can be made to come closer to it because the image of idealism changes with time as once aspirations are accomplished, they get replaced by another.

## News Snippets

- **World's highest motorable road constructed in Ladakh**

Border Roads Organisation (BRO) under Union Ministry of Defense has constructed the world's highest motorable road (at 19300 feet) in Ladakh region of Jammu and Kashmir.

- **Golden Temple awarded 'most visited place of the world' –WBR**

On 24th November 2017, the Golden Temple has been awarded the 'most visited place of the world' by 'World Book of Records' (WBR), a London-based organisation that catalogues and verifies world records.

- **Tokyo's AI 'boy' first bot to gain a residency**

An Artificial intelligence character named, Shibuya Mirai, was made an official resident of a central Tokyo district in Japan in November 2017. Developed by Microsoft, as a joint developer, Shibuya, caters as a chat- bot on the Line messaging app.

The probity

which one seeks to establish

is mere perception still dubious of its subsistence and veracity.

In the recent privacy judgement on Aadhaar card, justice Kaul raised the question on 'dharma' and 'adharma'. He writes: 'It is wrong to consider that the concept of the supervening spirit of justice manifesting in different forms to cure the evils of a new age is unknown to Indian history.' He recalled the Sanskrit verse of Chapter 4 of the Bhagavad Geeta to underline that 'the meaning of this profound statement, when viewed after a thousand generations is this: That each age and each generation brings with it the challenges and tribulations of the times.'

'But that supreme spirit of justice manifests itself in different eras, in different continents and in different social situations, as different values to ensure that there always exists the protection and preservation of certain eternally cherished rights and ideals.'

'It is a reflection of this divine 'brooding spirit of the law', 'the collective conscience', 'the intelligence of a future day' that has found mention in the ideals enshrined in inter alia, Article 14 and 21, which together serve as the heart stones of the Constitution.'

The previous legislation on suicide, which classified an attempt to suicide as a punitive offence under section 309 of IPC, perceived by Lord Krishna as 'killing oneself is tantamount to killing another as the transient body and the eternal soul are all a depiction of Lord's creativity, what you can kill is the mortal body and not the immortal soul, making an attempt to suicide is intruding with the process of natural demise. One has the right to live life to the fullest however does not have the right to deviate from the natural process of death as per Article 21 of the Indian

Constitution, which itself has been gleaned from the Bhagwad Geeta. This assertion holds true as its lucidity is still debatable as right to die does not come within the ambit of Article 21 of the Indian Constitution as it enshrines a right to live a life of dignity and right to die derails the whole quintessential motive of Article 21, however, the other group of people hold the view that when you have the right to live a life, you may as well destroy the same as the ultimate decision making power vests in your hands, how can one be legally chastised for this?

Does vengeance stand as the sole basis for seeking justice? Is it necessary to inflict the same amount of pain on the other who has inflicted the same on you? The sole purpose of justice is to eradicate the evil of 'adharma' from society, which has a number of connotations in different religions, individual worldly situation (Hinduism), the ontological principle of inactivity and lethargy (Jainism) and in the present scenario, the offences defined in various codes and statutes in nations. Thence the current legal layout does accede to the principles of Bhagwad Geeta, yet the same is not in toto. When the ultimate aim is to achieve a noble cause of justice, how can the manner be unjustified? Everybody knows the way Karna got killed without being defeated, does it become justified at times to not abide by the rules and norms for administration of justice. Is it applicable in the present legal system of a country like India, where authorities can't act beyond the constitutional periphery?

**- Akanksha Badika**

Member, SOLink Team

[B.B.A.LL.B. (Hons.), Second year]

## Witch Hunting – An Analysis

*In this article, the author has briefly analysed the social evil of witch-hunting in India and the laws that have been enacted to prevent the practice. Highlighting the lacunae in the present laws, this article provides suggestive provisions that could be included in any upcoming law on prevention and abolition of witch hunting in India.*

### Introduction:

Superstition in India is a widespread social problem. Superstition refers to any belief or practise which is explained by supernatural causalities and is in contradiction to modern science. It is usually attributed with the lack of education. But in India it is generally seen that, even the educated follow these superstitious beliefs. Some of the examples include using lemon-and-chilli totems in order to prevent the evil's eye at a general level to witch hunting and killing at an extreme level.

"Witch-Hunting" refers to the custom of naming and labelling an individual a witch (who is believed to possess supernatural power of an evil causing harm to the society) and causing harm to the so tagged person. It is the practice of accusing or defaming a woman by calling her 'Dayan' or 'Dahani' or causing harm to the woman either physically or mentally or damaging her property by framing her to be a witch. Physical violence, rape, theft, dispossession and



destruction of property, humiliation, brutalisation, murder, etc. are often considered to be the end result of witch hunting.

The process of witch hunting consists of five steps. Firstly, the people create a perception about the victim of witch hunting, that the victim possesses some supernatural powers. Secondly, blaming the victim for the occurrence of an uncertain event, bad harvest, or a misfortune in the house of any member of the community. Thirdly, accusing the victim and branding him/her as a witch. Fourthly, the members of the community calls *ojha* or *tantrik* for identifying the witch present and curing the person. Lastly, the community members follow the instructions of *ojha* or *tantric* and finally execute acts that lead to witch hunting.

#### **Intricacies of the Existing Laws:**

Since there is no particular and specific national level legislation that punishes

Witchcraft Practices, the provisions of the Indian Penal Code 1860 are utilized for the protection of the victim. The different sections that get invoked in such cases include Sec.302 (charge for murder), Sec 307 9 (attempt to murder), Sec 323 (grievous hurt), Sec 376 (punishment for rape) and Sec. 354 which deals with outraging the woman's modesty.

Apart from the provisions specified under Indian Penal Code 1860 different states have come up with special laws in order to curb the problem of "witchcraft" and other "witch" related offences. Bihar was the first state to have enacted. The Prevention of Witch (Daain) Practices Act 1999 and subsequently adopted by Jharkhand as the Prevention of Witch-Hunting (Dayan Pratha) Act 2001 and by Chhattisgarh as Tonahi Pratadna Nivaran Act 2005. In Odisha, pursuant to a writ petition based on news report on witch hunting, the High Court directed the state to take action, which ultimately resulted in the enactment of the legislation named Odisha Prevention of Witch Hunting Act, 2013. Subsequently, Maharashtra enacted the Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil, Aghori Practices and Black Magic Act, 2013 with the aim to promote scientific medicines and eradication of the practices of witch doctors. In 2015, Rajasthan enacted a law relating to prohibition of witch hunting practices as Rajasthan Prevention of Witch Hunting Act 2015.

Despite having special legislation on practices related to witchcraft in the state of Bihar, Jharkhand, Chhattisgarh, Odisha, Maharashtra, and Rajasthan, the laws are not sufficient and comprehensive to tackle the problem. Every state legislation in connection with the practise of witchcraft except that of Chhattisgarh is gender-specific. Most of these laws focus on the protection of female victims and neglects the male victims. According to the report of Partners for Law in Development eighty-six percent of victims in the state of Bihar, Jharkhand and Chhattisgarh are females, but it may also involve male member either of the same family or related to the female victims. According to them, male victims generally suffer collateral violence.

Further, there exists no uniformity in the punishment of the legislation. The punishment and fines provided in crimes related to witch hunting are very nominal. In

addition, these legislations focus on preventive actions and address damages caused either mental or physical and does not talk about compensation, rehabilitation and protection. In addition, there is no provision present in any of the laws to prevent the promotional activities of witch doctors.

The Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil, Aghori Practices and Black Magic Act, 2013 specifically focuses on the promotion of scientific medicines and temper. There is no clause present in the said legislation that talks about the prevention of witch hunting. In addition, none of the legislation makes it mandatory for the state authorities to collect the crime-specific statistics. The only signs of such violence in the National Crime Records Bureau (NCRB) are murder as "motivated by witchcraft," which include what is broadly referred to as witch hunting. Newspaper reports from the area where the practice related to witch hunting is prevalent also suggest that there are many more crimes than that mentioned by NCRB.

#### **Conclusion:**

In the current scenario, witch-hunting as a superstitious practice has proved to be a serious threat to the society. On one hand, the nation guarantees its citizen the Fundamental Right to Life with dignity, without any exploitation, in the Constitution and Declaration of Human Rights. While, on the other hand, more than 2500 people (both males and females) have become the victims of witch-hunting from the year 2000 to 2016.

#### **News Snippets**

- **NGT bans plastic items in towns located along banks of Ganga**

On 15th December 2017, the National Green Tribunal (NGT) imposed a complete ban on plastic items like carry bags, plates and cutlery in towns located on the banks of the River Ganga like Haridwar and Rishikesh. A bench headed by NGT chairperson Justice Swatanter Kumar also banned the sale, manufacture and storage of such items till Uttarkashi. The Green Tribunal also imposed Rs. 5,000 fine on those violating the order and said action will be taken against erring officials too.

- **Retired Basketball Legend Michael Jordan becomes the Highest-Paid Athlete of All Time – Forbes**

In the latest list of Highest-Paid Athlete of All Time, released by Forbes, retired Basketball Legend Michael Jordan has been named as the highest-paid athlete of all time.

Michael Jordan who is 54 years old has \$1.7 billion in the bank. Former world number one golfer Tiger Woods has secured the second spot.

In order to bring the uniformity in punishment and curb this problem it is imperative to bring central legislation in the nation. Though several acts related to witch hunting

get covered under Indian Penal Code 1860 there still exists a pressing need to bring the provisions for parading, tonsuring and blackening the face, so that such acts should not be considered as "simple hurt". In order to curb this practice, it is imperative to make obligation on National Crime Record Bureau to gather all the crime-specific statistics on witch hunting.

Further, awareness, educational and health campaigns should be organized in order to remove the superstitious thoughts that exist in the mind of people and to promote scientific temper among the people living the rural areas so that people are encouraged to think in a more humane manner and contemplate on their acts. This should ultimately result in the depletion of this callous practice.

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- Aman Sethiya

Member, SOLink Team

[B.B.A.LL.B. (Hons.), Second year]

## Accepting the Reality

*The regressive mindset reflected in the statements made by our leaders, compels us to introspect the question: Who is responsible for our safety? Can we really trust a "progressive society"?*

Member of Parliament from Chandigarh, Mrs. Kirron Kher, on 29th November 2017 made a controversial remark with regard to the alleged gang-rape of a 22-year-old girl. The facts being that, the girl had boarded a shared auto-rickshaw, which was already occupied by two other men, to reach her home in Mohali near Chandigarh. The auto-rickshaw driver and other two men allegedly raped the woman inside the vehicle in Chandigarh's Sector 37 on November 17. And after this shameful incident, the M.P came forward, as a responsible politician only to make this statement: "I want to tell this girl and all other girls that if you already see three men sitting in the auto, then you should not board it. I am saying this to protect girls". Yes, a pretty regressive statement from a fierce woman like her.

But, it would be better appreciated if she could provide a similar piece of advice to the men who undertake such gruesome acts. An even better action could have been the one where she utilises the immense power entrusted to her in a righteous manner and ensuring the regular conduct of police inspections and vigilance, especially during night time. Had she, instead of making this statement, promised

the girl the delivery of justice, had she made sure that the perpetrators repay for their horrendous act, had she made sure to send a strong message of zero tolerance towards rape across the society, the society that doesn't hold men responsible at the first instance, had she said and done anything and everything possible from her end to comfort this girl and all other girls by supporting them and telling them to fight back, she would have truly won our hearts.

But, I believe Mrs. Kher was only doing what the society has time and again reinforced "blaming the victim". Haven't we got used to all this by now? This statement, just like the other insensitive and absurd remarks made by politicians surely ignited people and invited a lot of backlashes. From being condemned to being called insensitive, to trending on twitter, her remark made her the new reason for people to resort to the same old routine of criticizing with their "Vishesh Tippdi".

Not to forget the importance of opposition in a democratic country, there were several competing politicians who also took to the stage to render utmost sadness and grief over her statement, but all with a motive to catch hold of the limelight. These politicians have always raised questions when some injustice has been done in the society, but sadly not the correct questions!! "Did Nirbhaya really have to go watch a movie at 11 in the night with her friend? Why did the [survivor] go to such an isolated spot at 9 p.m.? Why did she have to board an auto preoccupied by three men?"

Well, the answer is simple, because in a truly progressive society and a country that believes in women empowerment and gender equality, it is expected from our leaders that they ensure safety for women, in all circumstances, from all kinds of harassment that may hinder their freedom to live and move about in their surroundings on their own accord without the fear.

It is high time that we, as citizens, overcome our urge to be upset with politicians and understand that expecting them to make it safer for women to travel in the night, is too much to ask for. It's time we accept the reality that, India will take time to progress because the very people who have been chosen to govern us are flawed in their mentality. The fight is not merely about making stringent laws or about their proper implementation, the fight is about the change in mentality and perception. Changing the way people think and react is not a cake walk. And I believe all women have somewhere or the other accepted this fact by now. Until and unless this is changed, until men stop viewing women as baits, until men understand the necessity for a change in their attitude, this will keep on continuing. No matter how much we criticise Mrs. Kirron Kher or other politicians for their remarks, the ground reality and the truth remains the same, the safety of a woman is much more than just good legal provisions.

It's time we start living in reality and start accepting the truth. It's time we accept that we have to take care of our own selves, we have to be worried about our own safety because the process of reforming people and their mentality will take time. So, what do we do until then?

**Until then, don't believe that India has progressed because progression is much more than agreeing to live-in relations. Don't believe that wearing shorts won't invite teasing. Don't believe politicians will not question your character after you get raped. Don't**



believe that you will walk home safely

wearing a "sexy black dress", don't believe there won't be men trying to touch you in crowded places, don't believe equality will prevail so easily in our country, and don't you dare believe that taking a cab pre-occupied with other men would be safe in the night. Don't believe this fight to be an easy one for all of us. Don't believe people to change so quickly. Please don't!! Because

that girl paid a hefty price for believing that, it is okay for a girl to board an auto late in the night, she did the mistake of believing those three people, she did the mistake of undermining the wickedness of people. She believed India had changed. She believed we had progressed. Little did she know, sitting with three other men was still considered as inviting trouble!

### News Snippets

- **Shubhangi Swaroop becomes first female pilot in Indian Navy**

On 22 November 2017, Indian Navy inducted its first-ever woman pilot, Shubhangi Swaroop. The first batch of female officers passed out from the Indian Naval Academy at Ezhimala on 22nd November 2017.

- **Centre offers Rs 2.5 lakh for every inter-caste marriage with a Dalit**

Central Government has removed income limit for the incentive under 'Dr Ambedkar scheme for social Integration through inter-caste marriage'. As per rules of this scheme, such couples whose total annual income does not exceed Rs 5 lakh were eligible to get a one-time incentive of Rs 2.5 lakh from the Central Government.

- **Centre to set up 12 special courts to deal with cases against tainted lawmakers**

Central Government has decided to set up special courts to deal exclusively with criminal cases against 1581 Members of Parliament (MPs) and Members of Legislative Assembly (MLAs). Out of the 12 special courts, 2 special courts will handle cases against 228 MPs.

Sources:  
reuters.com  
jagranjosh.com

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- **Garima Agrawal**  
Member, SOLink Team  
[B.B.A.LL.B. (Hons.), Second year]

## Phoenix from Ashes

*I had dreams knitted and woven like a sweater,  
But it wasn't feasible due to the weather.  
It was all sunny outside and I was cold inside;  
The darkness turned bright no place to run and hide,  
No shoulder to rest, on no soul to confide.*

*Like a phoenix I was waiting form these ashes to rise.  
Crushed all my pride and turned it to dust,  
But you keep it intact like an inherited trust.  
I was cynical working day and night, expecting no miracles,  
Respecting my art which will elevate me to the pinnacle.  
But situations critical, because I wear this pain on my sleeve.  
And I'm waiting to be in a casket after the drop of the last leaf.*

*Misery caused it all, but never faded off my smile.  
I kept it real, was never fake all the damn time  
But the higher power was testing and I was never out of his sight,  
He heard when he wanted, gave me the tools to strike the mine,  
Where I found the coal then the diamond, then I struck deeper and I found the soul that glistened more than the stone I had found previous;  
Wait! Did I find nirvana? I questioned, but my intellect was just messing  
Boy it's a long way don't even get to stressing.*

*The search kept going and I never stopped,*

*I even tried to reveal myself using some paper rolled pot,  
But then only I could see it because it wasn't visible to your naked eye,  
Because you never had the real eyes to realise.  
The journey kept on going and I grew a little wise,  
As I discerned that no phoenix would ever appear until left in its ashes to mourn,*

*To rise with might again it would have to gather together it's past, scarred and torn.  
I rose to elevate my spirit from its fear and failure,  
And, as I started uphill again,  
My mistakes came one by one, and reminded me those lessons that I had lost in vain.  
As the rocks beneath gave way to the hard plain,  
The gentle sun ushered me step by step out of my darkness mundane,  
And revealed to me the wounds that the glistening soul would from showing refrain.*

*As the self-became clearer,  
I learnt that true love never saw size or price,  
That its acceptance abhorred no one so ever vice.  
And friends never stayed loyal; at one point they snitch,  
Your enemies may hug you from the front, but at the back they have readied for you the ditch.  
When your wallet gets fat they crowd you in a circle.  
But when it gets empty nobody even bothers to trouble.*

*I learnt that gentle concern was the limit of caring,  
Lest your concern cause you to take all the selfish bearing.  
Your way to your dreams is not going to be strewed with praises*

*It will entail the strangers' insults, the blows that continue long before it ceases.*

*The journey is aided, yet alone to be plodded,  
Idols shrink like shadows by dusk, the struggle is then to face alone the darkness dreaded.*

*Thus I touched that every wound on the uphill ground, I drew from each some strength,  
And stored it all in for the struggles and storms that will hence lash*

*I then, put on a new smile with a new firmness of heart, no sorrows to vent.*

*Certain to myself that this phoenix will never be lost in the ashes again.*

**- Abhijit Nair**

[B.B.A. LL.B (Hons.), Second Year]

&

**- Clarissa D'Lima**

[B.A. LL.B (Hons.), Second Year]

## "Parents"

If I could imagine life without you;  
It would have been a sure zero.  
As every time that I would have fallen,  
There would have been;  
Nobody to pick me up,  
Nobody to believe in me,  
Nobody to motivate me;  
To start from the scratch.

If I could imagine life without you;  
It would have been so difficult.  
As every time I would have needed strength,  
There would have been;  
Nobody to hold me tight,  
Nobody pushing me to go beyond limits,  
Nobody standing beside me;  
To correct whenever I am wrong.

If I could imagine life without you;  
And if I am given an option to change you,  
I would keep it the same,  
Even if I had to give up something;  
As the best of "Parents" belong to me.

**- Komal Singh,**

[B.A. LL.B (Hons.), Second Year]



Fitoor, The cultural committee of NMIMS's Kirit P. Mehta School of Law, is a forum providing a platform for various cultural activities. We are a bunch of motivated individuals who believe that college is a lot more than case studies and that it should have its equal share of fun and enjoyment. The committee intends to create an atmosphere for students to showcase their inner musicians, dancers, actors, writers, photographers and dreamers.

With another year at law school, fun should never end. Hence there are Christmas celebrations, graffiti and doodles, open mics and stand-up comedy performances in the cards. From celebrating festivals to organising amusing games and activities, we'll make sure that the event lasts in your memory forever. Our main goal is to help students go beyond the barriers and prove their worth to the world.

Introducing to you the members of **Fitoor**:

**Sharodiya Chowdhury** - Cultural Committee Head

If we were to name the power house of talent, we would probably name it Sharodiya Chowdhury. There isn't a single person in SOL who doesn't know her. Normal people have one hobby or two, she has a hobby of having hobbies. She is a theatre artist, director, book lover, and we could go on. You can find her running around the campus during the break, eating and managing things we can only think of. But probably, the best thing about her is the ability to lead and make everyone a part of the process.

**Gargi Chatterjee** - Performing Arts Head

Gargi is someone who loves dancing, takes her aesthetics very seriously and will not leave any chance to boast about her culture. Fun fact: Gargi invented facial expressions. Angry face? Sad face? Shocked face? She invented all of that. Don't believe me? Just watch her dance and you'll see every possible facial expression manifest on her face as she gracefully dances to the beat. There couldn't be a better fit for the Performing Arts head.

**Sumana Roychowdhury** - Performing Arts Head

You can always find her ranting about how Harry Potter movies were an injustice to the books. Like every Bengali in the world, she has to be a part of any one form of the Performing Arts and she happens to be a part of Theatre. Her debut role was that of a tree in Little Red Riding Hood when she was 5 years old. Ever since then, her love for fictional characters has escalated from just reading about them to portraying them on the stage.



**Chaitanya Suri** - Tech head

Meet Suri. SOL's in-house Gadget Guru. A good conversation starter with Suri would be, "This is not working, can you fix it?" (In reference to gadgets of course). Almost everyone in SOL knows Suri, but if you still don't, he is the one messing around with people's Laptops and Phones. So when it comes to questions about tech, count on Chaitanya Suri (No one calls him that) to speak your language.

**Ritika Rupani** - Literary Arts Head

If there's one thing you need to know about Ritika, it's about how well she writes. From her write-ups to her speech she'll leave you mesmerized. From being a total chubby to quite a gossip girl, you could bond with her in a minute or, probably never. You'll see her saying "I know everything, I'm Donna" every time she talks to someone. And though she admits that she looks mean all the time, she is a person who wears her heart on her sleeve.

**Astha Nahar** - Literary Arts Head

Astha is not-a-Gujarati from Gujarat, who's favourite food isn't Dhokla. Say those two magical words and she'll appear out of nowhere and say "Did someone say Harry Potter?". She's extremely shy and extremely quiet, but that is until you challenge her with Harry Potter trivia. We wouldn't be surprised if she has the Sorting Hat song memorized by now. She's a vociferous reader and uses books as a step-up imperative for success. You'll find Astha having Pasta (such poetry) and talking about Harry Potter like Hermione Granger talks about Rights of House Elves.

**Neha Mehta** - Fine Arts Head

Neha proves that lawyers don't have to be loud and aggressive. Her calmness and soft-spoken nature attracts people towards her. She won't open up when you first approach her but once the conversation strikes, you'll realize she is a treasure of jugaads and soul conversations. She is the artist who brags less than her sketch and artworks are actually worthy.

**Akanksha Panicker** - Fine Arts Head

Ever met a person who is sweet, beautiful, smart and tall? Someone who can make a stroke of paint look like a masterpiece? Someone who is also an ardent reader and writes too well? Someone who can play the guitar AND a trumpet? No? Well, you haven't met our Fine Arts head then. From sitting in the class and actively participating in class discussions to randomly doodling in her notebook and creating masterpieces, she is a perfect example of an aesthete.

**John Koshy** - Photography & Videography Head

Contrary to popular belief, John isn't a 'Dilliwalla' (Yes, we've done our research). One day he picked up one of those Kodak cameras that you'd get for some 600 bucks and started clicking pictures. He hasn't stopped since then. If there's one thing John does better than defending Delhi, it's clicking pictures. You'll find our head of photography capturing the best moments and probably thousands of potential display pictures (while whining about the lack of winters in Mumbai).

**Kirti Khanolkar** - Communication Head

The first thing that comes to your mind when you think about Kirti is how thin she is. The second thing that comes to your mind is how sweet she is. You will always find her dancing around the campus, surrounded by tall humans, and getting crushed in hugs by people who are too strong for her. Her capacity to handle work even in the most messed up situations, her cute voice and calm nature can make anyone agree to her, which is why she is a perfect fit as our Communications Head at Fitoor.

**Prakshit Baid** - Social Media Head

When you see Prakshit you don't see a tall boy who runs through hallways stealing people's food and giving them toothy smiles, you see an actual living and breathing teddy bear who gives the best hugs and will whisper political conspiracy theories in your ear while he's at it. Completely smitten by his four-legged fur ball of a kid, the head of social media for Fitoor is known to take offence on social media accounts that don't feature any pet pictures. If the social media department is half as amazing as his social life, you are in for a ride of a lifetime.



## CALL FOR PAPERS, SEMINARS AND CONFERENCES

- Call for Papers: Conference on Clean and Green Energy @ NorthCap University, Gurugram [April 27]: Register by April 14
- CfP: 3rd Chandigarh University's Seminar on Cooperative Federalism [March 31, Mohali]: Submit by March 10
- CFP: TNNLS Int'l Conference on Affirmative Action and the SDG of Gender Equality [Sep 22-23, Trichy]: Submit by March 10
- 3rd GNLU Annual Legal Services Forum 2018 [April 13-14, Gandhinagar]: Register by March 31
- WIPO-WTO Colloquium for Teachers of Intellectual Property [June 18-19, Geneva]: Apply by March 11
- Call for Papers: Journal of National Law University Delhi Volume 5: Submit by April 15
- Call for Papers: Legal Messenger Online Journal: Pay Rs. 1500 for Publication; Submit by March 7
- Call for Papers: International Journal of Enviro Legal Research [Vol. 4]: Pay Rs. 1500 for Publication; Submit by March 31

## ESSAY WRITING COMPETITION

- Surana & Surana – UILS Panjab University International Essay Competition 2018 [Prizes Worth Rs. 65K]: Submit by April 25
- BIMACC National Essay Competition [Prizes Worth Rs. 22.5K]: Submit by March 9

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