



Protection should be provided to all sections of society for their freedom of expression, and not just journalists.
- Mr. Shaji Vikraman

S  **Link**

Dissent is not political in nature nor the ideology but that dissent is because it's based on facts and other things which show whether the government was right or wrong.
- Shaji Vikraman

Law is a discipline where we all are students forever.
- Mr. Abhinav Pandey



Digitisation is getting its place everywhere...
- Adwait Sethna

Remember there are three C's – Conscience to whom you are answerable.
- Justice B.N. Srikrishna

Foreword by the Dean



Dear Students,

In the first semester of the academic year 2018-19, we had numerous memorable events which is a milestone achieved by KPMSOL.

It gives me immense pride to work with my team towards the growth of the institution in academic, co-curricular and extracurricular pursuits. The achievements of our students, faculty members and staff in different activities reflect their unfailing determination and versatility of talent.

With the SOLink newsletter documenting the eventful moments of the past semester and bringing varied views from experts in the industry through interesting interviews, I hope that this edition proves insightful.

The articulation of the students on socio-political issues is a sign of being aware, sensitive and well informed about the thought process. I am glad that the contributors have taken the efforts to write their articles and I urge you all to continue with your endeavour with words and ideas.

May you all have another eventful semester and continue perseveringly in your quest for excellence.

Best,

A handwritten signature in blue ink, appearing to read 'Alok Misra', with a long, sweeping flourish extending to the right.

Dr. Alok Misra

Foreword by the Mentor



Dear Students,

The dawn of a new year brings with it infinite hope and ambition that you, the new generation of lawyers, will continue to strive tirelessly for excellence. One such symbol of this pursuit is this college magazine, SOLink.

The ninth edition of SOLink is nothing short of a celebration of the incredible achievements of the student community at Kirit P. Mehta School of Law. A comprehensive compilation of all the elements that have built this college into the edifice it is today. The magazine very lucidly records all of KPMSOL's successful events, thought-provoking articles, and inspiring industry-oriented interviews. This will not only help us look back at all the successful endeavours undertaken but also inspire us to strive for more.

It is my pleasure to proudly say that the Kirit P. Mehta School of Law has not only reached new heights with an interdisciplinary approach towards law, pursuit of innovation and excellence but also with the overall development of a student through extracurricular and co-curricular activities. Such endeavours are what makes the law school an integral part of a student's college life. I most certainly believe that students with their young enthusiasm and creative ideas can do things which others can seldom even think about. I hope that we continue to see the enthusiasm and pace of such activities.

There are still new heights to be reached and I am positive that we at KPMSOL with the humongous potential will continue to strive for success at an unprecedented pace, especially with such enthusiastic and capable students.

I congratulate the Publication Committee for the commendable job of creating this magazine from scratch, and the diverse content covered in this edition are a testament to the mettle of our students.

Here's wishing everyone at KPMSOL the warmest wishes of the New Year. May this pursuit of excellence never cease!

Best,

Harshal Shah

Message from the Editorial Team

The New Year gives us an opportunity to reflect upon the happenings of the lapsed time - the good, the mistakes and the learnings. Starting its march towards excellence in the year 2013, KPMSOL, with its vision of providing students with quality education, has witnessed interesting additions on the journey since. This edition of the newsletter highlights the growth of various initiatives in the past six months.

We bring you snippets of the novel steps taken by new Committees including ADR Committee and Centre for Excellence, which has taken bold strides and initiative in their functioning. Alongside, Loquitur'18 and Meraki' 18 soared new heights with overwhelming and zealous participation from across India. Additionally, the 1st edition of SOL-MUN was yet another milestone.

The past year was marked by yet another vital event - the Convocation Ceremony of the first batch of Students. On this occasion, we were graced by the presence of Hon'ble Justice Srikrishna as the Chief Guest, who charmed us with his charisma, nuances and the truly inspiring interview with the SOLink team.

Furthermore, a plethora of enriching guest lectures were conducted which saw eminent persons including Ms. Audrey D'Mello, Mrs. Priyanka Khimani, and Prof. Sarah K, Harding enlightening us on relevant topics with their practical and personal experience.

Lastly, this edition of SOLink contains a variety of other interesting articles written by peers. As your contributions and feedback continue to help us grow, we will without a doubt do our best to bring your views to the forefront.

*Best,
Team SOLink*

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NMIMS KIRIT P. MEHTA SCHOOL OF LAW

Placement Report - Batch 2013-18



[Inset: College Placement Cell]

With great pleasure, the Placement Cell would like to announce that it has been a successful placement season for the first passing out batch of NMIMS Kirit P. Mehta School of Law. The interest of each student was mapped with his/her abilities and specialization and the placement opportunities were provided accordingly. The Placement Cell's unique robust corporate engagement model strengthened the confidence of the Law Firms & Corporate Houses in K.P.M. School of Law and that has resulted in achieving a successful placement for the academic year 2017-18.

Out of the batch of 59 students, 44 students participated in the Placement process. 25 students received Pre-Placement Offers from Tier 1 Law firms/Corporate houses and 15 students got Campus Placements from top companies and law firms. From the passing out batch, 7 students registered themselves for LL.M. with foreign universities and 8 students have started their Independent Practice in different parts of the country.

The Highest Package offered is Rs. 16 Lacs per annum and the Average Package offered is Rs. 6 Lacs per annum.

Highest Package

16 LPA

Average Package

6 LPA

Nearly 126 law firms and corporate companies provided Short Term & Long Term Internships to our students. The Placement Cell organised Guest Lectures, conducted Soft Skill Training, Mock Interview Sessions, Mentorship programmes, Workshops on personality development, interview tips and techniques which made the student's placement ready.

Interview with Hon. Justice B.N. Srikrishna



[Inset: Students of KPMSoL with Hon. Justice B.N Srikrishna]

Hon'ble Justice B. N. Srikrishna visited NMIMS Kirit P. Mehta School of Law on the occasion of the Convocation Ceremony of the first graduating batch of students from KPMSoL, in August 2018. Team SOLink had the privilege of interviewing Justice Srikrishna and taking a plunge into his wise words. We are glad to present our readers with his interview.

Interviewer: Sir, did you always wish to be a part of the judiciary when you decided to study law? If yes, then how did you know this was your calling?

As a matter of fact, I initially did not want to be a lawyer. I was aspiring for a career in science where I would pursue either quantum physics or nuclear physics. I finished my B.Sc. (Bachelors in Science) degree and applied for M.Sc. (Masters in Science). There was a two month period after which I had to pay for my M.Sc. My father was a lawyer but ironically, did not want me to be a lawyer. Instead, he wanted me to join the administrative services. While having a discussion with my father once, he told me that I could not be a good lawyer. But I replied saying that if he could be a good lawyer, then I could be a better one. My physics professor, who was very fond of me, kept calling me because I had not paid my fees for M.Sc and he had offered to pay my fees if there were any financial difficulties. I

informed him of my decision and he was not very pleased with the same. I graduated in law from Government Law College. I was doing well as a lawyer and had no intention of joining the judiciary.

One day, in February 1990, I had gone to the Supreme Court for some work. On returning, I found a chit on my table which said that the Chief Justice wanted to meet me. I was very nervous and was trying to understand if I had done something wrong. The same year there was a big crisis in the judiciary where 7 judges were accused of lack of integrity and were not allotted work. The Chief Justice said that they had to appoint good judges and that I should become a judge. I asked for a week's time during which I consulted my wife who gave an affirmative answer. Thereby I became a judge having sat on the bench for 16-17 years and retired from the Supreme Court in 2006.

Interviewer: Having extensively researched human rights and refugee laws, how do you view the transnational refugee crisis taking place in Central Asia and the Indian subcontinent? Do you think the UN should make countries accountable for violating the human rights of its citizens?

The UN General Assembly passed a Convention against violence. Also in India, we are all tall-talkers. We say that we should not be violent because this is a country of Buddha and Mahatma Gandhi. But what we do on the ground is quite contrary. Every day, people are raped, people are killed, children are killed and dissenters' voices are throttled every day. During 1992-93 riots, I toured the entire city of Bombay and found that maximum violence took place in the places named Buddhanagar, Shantinagar or Premnagar.

Interestingly, the Government of India is not a party to the Refugee Convention and neither do they want to be a party to it. They were not even a party to CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) until the Vishakha judgement was passed. Secondly, the UN is not a super-sovereign. This is a matter of international laws. The UN has this policy of enforcing its Conventions passed by the General Assembly by the way of economic sanctions or by peacekeeping forces. If UN refugee laws are applied strictly, there should be a rehabilitation of the forcibly evicted Kashmiri Pandits but no government official would talk about it or recognize it.

Interviewer: Sir your recent Data Protection and Privacy report suggests the creation of a Data Protection Authority. So in case of any data related conflicts, will it be addressed by the DPA or the courts? Who will have the jurisdiction over such issues?

We had recommended that every institution, whether it is a private company or a public authority should have a Data Protection Officer, who is like a Compliance officer responsible for dealing with Data Protection and there should be a regulatory office called the Data Protection Authority. This body will be charged with the duty of monitoring data protection, bringing about awareness of data protection and then evolving a code of conduct for different sectors such as the health or financial or any other sector about protection of the data. There will also be an Adjudicatory Wing which will have jurisdiction over issues arising out of such disputes. There will be an appellate authority and then finally an appeal to the Supreme Court. There is also a provision for trial of criminal offences which will be tried by the regular criminal courts.

Interviewer: What steps do you think common citizens should take to protect their data and improve privacy?

First, read the report in order to understand what constitutes data and other upcoming concepts related to protecting your data. Your data cannot be taken without your consent by a data fiduciary. It does not end there. Even consenting to give your data does not mean that the data fiduciary can reveal it to some other person. The data fiduciary will still be liable for revealing or misusing data. There is also the principle of minimization of data. For example, if there is a music app, the maximum data it should ask for is my email ID or phone number and credit card number in case of billing but asking about other personal data like sexual preferences, or boyfriend's data is totally unnecessary. Having obtained the data, it should not be used for anything other than the purpose for which the data was obtained in the first place. This is known as the purpose limitation. The basic underlying principle is consent, implied or expressed consent. A binary or unacceptable Hobson's choice type of answer should not be given because it can stop the person from using the service if he/she refuses to give the data that is unnecessarily asked for. The service should only ask for the data that is required. In case more data than necessary is sought for giving service, the service provider should be reported to the Adjudicatory wing which will decide the merits of the case.

Interviewer: What message would you like to give to our law students?

Be a good student. Study law and utilise whatever you have studied for the benefit of society. Seek money, but use the minimization principle there and ask not for too much and be not greedy. Be honest and try to help the client. Remember there are three C's- Court, Client and Conscience to whom you are answerable. When the practice of law was started in England, the Barrister's gown had a little pocket at the back of the gown. When a Barrister would defend a client, he would not ask for money. He would finish the case and walk out of the court. The grateful client would then follow the barrister and put a silver or gold coin in the pocket. This would also help avoid the embarrassment of asking for money. Now it is the other way around. No lawyer will open his mouth unless money is plonked down on the table. At that time three professions were recognised as liberal professions- Divinity, Medicine and Law; the Priest, the Doctors, and the Lawyers were to use their expertise for the benefit of the society without expecting anything in return.

Guest Lecture: Inculcating Excellence: DJS & RJS Topper's Journey, Challenges, Success and Life of a Judge – Shri Abhinav Pandey

A guest lecture was conducted by the Placement Cell on 'Inculcating Excellence: Delhi Judicial Services (DJS) & Rajasthan Judicial Services (RJS) Topper's Journey, Challenges, Success and Life of a Judge'. The lecture was conducted on 8th December 2018 at the Moot Court Hall for all the students of Kirit P Mehta School of Law.



[Inset: Dean, KPMSoL: Dr. Alok Misra welcoming Shri Abhinav Pandey (Hon. Civil Judge & Metropolitan Magistrate)]

The guest session began with an introductory address delivered by Asst. Prof. Rakesh Nambiar, who welcomed Mr. Abhinav Pandey and Dr. Alok Misra, Dean, Kirit P. Mehta School of Law. This was followed by a brief welcome address by the Dean Dr. Misra.

Mr. Abhinav Pandey ensured that the session was an interactive one as he encouraged students to clarify their doubts regarding preparation for judicial services exams and career building in the same. He graduated in 2015 and he cleared Rajasthan Judicial Services Examination and secured rank 7 in the first attempt in the same year. He also cleared Delhi Judicial Services Exams and served as a Judicial Magistrate of First Class in Alwar, Rajasthan. He is currently serving as a Civil Judge, North Delhi. He has been influential in reducing the pendency of cases and is an esteemed member of many committees including District Committee on Environmental issues.

The speaker started his lecture with a brief of his judicial journey and delved into the nitty-gritty of the examination criteria especially for RJS and DJS. The speaker also let the students in on his approach of balancing his college studies while prepping for the exams. He stressed on the importance of the students developing the habit of concept building and being able to identify and focus on their goals. He also discussed in brief how to prepare oneself for interviews. He is of the opinion that the interviewers 'never test your knowledge but your personality'.

Mr. Pandey also provided the students with useful tips on preparation for judicial services exams, which included the in-depth reading of statutes with the aid of commentaries and analysis of judgments. He also answered queries related to language barriers and language-related questions in the exams, study methodology for exams, reservation system, promotions, monitoring by the Supreme Court, pay package, variance across syllabus, whether there is a need to undertake coaching for the exams, etc. Mr. Pandey also clarified the queries of students regarding suitable internships and effective time management from one's student years in law school.

He presented a clear picture of the pros and cons of being able to serve in the judiciary. He stressed how important it is to be able to be neutral as a judge and it is better if students practise this in their college days. He encouraged the students to serve in this legal institution in a way in which it gives them happiness and at the same time, they are able to effectively serve the community and people at a large by being unbiased.

The lecture ended with a lot of clarity for the judicial service aspirants and helped the younger batches get an insight into different aspects of a career in the Judiciary.

Interview with Mr. Abhinav Pandey (Civil Judge & Metropolitan Magistrate, RJS & DJS Topper-2015)



[Inset: Shri Abhinav Pandey addressing the students of KPMSoL]

Interviewer: What motivated you to serve in the judiciary? Any significant instance or issue that pushed you in this direction?

There are many factors which a person looks into while choosing a profession for him and money is certainly one of them, but it was not the only factor for me to choose a profession. So, I chose judiciary because it would help me to serve the people and it is a job of great responsibility and respect. It gave me the statutory powers to do justice and I felt empowered. I used to visit the courts during my internship and used to see that this person who is sitting on an elevated dais is having lots of powers to punish the wrongdoers and to help the people who are in genuine difficulty. Maybe justice is delayed sometimes due to the sheer pendency and less number of judges, but ultimately you get to do justice and ample powers have been given to you for that. So, this was the main motivating factor for me to join judicial services.

Interviewer: Lawyers are often seen prolonging cases which create a burden on the litigants as well as clients. What steps can be taken to check such practices?

There are ample provisions which are there in the law to check these steps including the provisions as to costs, and the apex court has also issued directions in many cases to frame a time limit for disposal of cases. As far as cases more than 5 years old are concerned, we are specifically dealing with them on a no-adjudgment basis, at the same time being liberal to an extent that justice is not defeated. Adjudgments should not always be taken into the negative sense. There may be genuine difficulties sometimes and we have to give due consideration to them also. At the same time, we sincerely try not to allow anyone to take advantage of the system.

Interviewer: Will Electronic Filing System help improve information flow in Indian Courts with better data retrieval systems?

Electronic filing system has already been in existence in Hon'ble High court of Delhi and practice directions have

been issued to implement it in a phased manner. There are a huge number of files present in the record rooms, which themselves, are overflowing. The Requirement of physical space is also increasing. Sometimes, what happens is that you are not able to trace the file which is listed for today and then again, the case is listed for the other date and for the months you have not been able to trace the file, this is the problem being faced by the litigants. With the advancement of technology and its increased role in the daily life of people, it is possible now to think of implementing this policy. It will reduce adjournments, time spent in service of notices and documents, and end the requirement of scanning of documents. Considering the vastness of this task, steps are being taken by the Hon'ble Supreme Court and the High Courts to implement it in a phased manner, at the same time, protecting the interests of litigants. Case Information System 3.0 is one of the steps taken for data retrieval and analysis/management on the National Judicial Data Grid Portal.

Interviewer: What was the most challenging phase encountered by you in the course of your preparation for the judicial services exam? How did you overcome it?

The entire phase was challenging. You come across many challenges every day when you are in the legal profession, whether you are studying law, or practising law or administering law. I cannot tell about any specific challenges. Yes, there are challenges we have to do research on it and have to come to the correct conclusion. And to answer as to how I overcame it, I would say that one should have the spirit to overcome challenges, and a habit of coming to conclusions only after sufficient inquiry. In spite of Law being my passion, I would be lying if I say that I never encountered any problem. I have encountered many problems, I struggled a lot and had the will to overcome it. If I had a problem, I would not give up until I solved that problem. So, that should be the spirit. And that is the spirit required for the entire professional life as well. We, as the judges, encounter many problems every day and we take appropriate steps to solve it. Law is a discipline where we all are students forever.

Interviewer: What is your advice to students or young law students who aspire to become members of the bench? Any set of points that you would like to share for preparation for judicial service exams?

Those who are aspiring to become members of the bench. They must, first of all, make their mind. They must deliberate upon the factors that they may need in their life. And what things they are going to opt for and what things they are going to sacrifice and what are their priorities. They should be clear about it. Once they make such decisions, they should implement it and they should not give up because this is a competitive exam and the result does not depend on your merit only. It depends upon the merit of other people also, if they outperform you. In short, I would say, they should frame their mind for this and they should not give up.

Interview with Mr. Pratika Shankar

Mr. Pratika Shankar is an Associate at Talwar Thakore & Associates and also Guest Faculty at NMIMS, Mumbai. He is an alumnus of Rajiv Gandhi National Law University, Punjab. Mr. Pratika has a wide range of experience in Corporate Law and Investment Law practice.



The SOLink newsletter team got an opportunity to interact with Mr. Pratika during his guest lecture scheduled for the third-year students.

Interviewer: Sir, what are the emerging trends in Investments Laws in India? What are the opportunities available to students in this field?

Investment Laws in India have started evolving since the Liberalisation, Globalisation and Privatisation in 1991. But the landmark event that happened in the investment space was the 'Foreign Exchange Management Act, 1999' and 'Transfer or Issue of Security by a Person Resident Outside' India which is called 'FEMA 20'. It allowed foreign investors to come and invest in India and the securities issued by Indian entities. Correspondingly, FEMA also brought various other regimes like external commercial borrowing and trade credits and there were incentives provided for foreign investors, there were rules and regulations on purchasing of shares and divestments, so all of that kept evolving and it continued to evolve. There is a new set of FEMA 20 now and to add to this, the Foreign Direct Investment Policy of India is evolving; it is liberalising the various norms which were earlier not open, such as single brand retail, multiple brand retail, the manufacturing sector, pharma etc. All these spaces are gradually are opening up. We will see more and more of liberalisation as we progress ahead.

So, while all of this is mostly from a foreign investment perspective, if you take it in context generally the investment laws are moving ahead at a faster pace as the world globalises and like all other economies of the world are slowly and steadily becoming dependent on our economy and India is being seen as the huge market with a tremendous amount of potential. You see all the start-ups coming up, as soon as you think of a business idea now investors are already in the pipeline. So, that's how the investments market is progressing. In terms of the laws, its Companies Act, Contract Act, regular due diligence,

corporate drafting and documentation, looking at the regulation sector, regulatory government approvals etc, which again need a little bit of more liberalisation because they are very stringent right now.

Interviewer: When I was researching for my Company Law Project I read that the Companies Act of 2013 has laid down a stringent procedure for investment by foreign companies. Please Comment.

It has not really done that. What it has done is that it has made a lot of provisions which were earlier applicable only to the Public Companies now applicable to Private Companies. So, earlier if you wanted to set up a private company and you wanted to do whatever you want to there was a liberalised regime for you but now most of the compliances are also applicable to a Private company. Now, given that there was a little bit stringency in the law but as a knee-jerk reaction and a reactive measure, the government had recently issued the famous "5th June Notification"; there was a notification on 5th June 2015. There have been subsequent notifications and in 2017 the Companies Act was amended and a lot of those provisions which were hindering business for private companies have also been diluted, for example, the requirement of shareholders etc. has either been diluted or has been done away with. So laws are also reacting, the market is becoming bigger with tremendous potential.

So, I think there are tremendous opportunities in this field, whether you want to be on the in-house side where you want to advise these start-ups, whether you want to advise these investors on investing or whether you want to be on the borderline like law firm, and be an adviser to both start-ups and these companies including foreign investors in India.

Interviewer: Sir, what are your views in the recent increase on FDI as we have witnessed recently?

To give you a very good example like in the real estate space we have seen a lot of traction because there were a lots of stringent regulations in terms of minimum capitalization where you had to put in a minimum amount of five million dollars or there was a three year lock-in period if you wanted to invest in the construction-development sector as a foreign investor once you invest you had a minimum waiting period of three years so you could not exit before three years of your investing of the money of the first tranche. This is all under Foreign Direct Investment Policy, 2017. The FDI policy keeps changing every year. The FDI policy is issued by the Department of Industrial Policy & Promotion (DIPP), it works under the Ministry of Commerce.

Interviewer: Sir is there any risks associated with such an increase in FDI?

The only risk that I see in increasing FDI, as it has been heavily debated in terms of single-brand retail and multi-brand retail also, is the unfair competition to the small-time players like *kirana* shops. If we take an example of multi-brand or single-brand retail concept where your *kirana* shop on the street cannot compete with Big Bazar and the market. The margins are different and they operate on different economies of scale. So your *kirana* merchant cannot offer you for anything less than ten rupees because he only has a margin of 80-90 paise on it. But Big Bazars can cut their margin from 80 paise to 20 paise and offer it at 9.20 rupees because of their economies of scale and the volumes on which they operate and thus the margins accordingly get distorted.

Secondly, what you see in the e-commerce space, there is a lot of undercutting. Society needs to evolve with the market; the *kirana* shops need to evolve themselves in a manner where, if they cannot compete with the big players, they can integrate themselves with the big players in some form, like becoming a partner, become a supplier or something of that sort like a lot of these actual retail outlets are now becoming sellers on e-commerce portals. In a capitalist world that is how it works, your jobs or security of jobs is being generated not by the State but by the market forces of demand and supply so you create avenues.

But the real threat that I see is that there is a lot of money suddenly being pumped into e-commerce companies and start-up ventures. Classic examples are Amazon, Flipkart and similar entities which are undercutting the other players in the market to the extent that there have been

suits against them for predatory-pricing. Predatory pricing is like a predator your prey on the customer and you do pricing which kills everyone else. For a product that you have got for ten rupees, you are able to sell it for eight rupees. How are you able to sell this for eight rupees? The only reason you are able to sell this for eight rupees is that you have got tons and tons of cash which have been supplied to you by foreign investors with deep pockets. Amazon, for example, has one of the lowest margins I guess, for its retailers also and they have their own retailers so to say, officially not on the record but off the record, they have retailers like Clubtail, which are associated with Amazon, which has deep pockets, the money is coming in from abroad. They spend a lot of money on promotions, deep discounts, zero EMI, where the bank obviously is charging interest because banks have to charge interest, but you are paying back the interest component to the bank. So, that is one area where there is no chance of a fair competition because the pocket size is different. These are not totally unregulated but FDI is allowed in e-commerce and this is one of the Modi-bonanza points, FDI allowed in e-commerce on a marketplace model base.

So, one more threat that I see is because there is lack of clarity on what a marketplace is, now they are proposing to allow FDI in e-commerce and one draft policy is coming out which will even allow e-commerce in inventory based model where the e-commerce company itself owns the product there also you can do FDI. Till now you could do FDI only for those companies which don't own the product and they just allow other sellers to list products on their website.

Interviewer: Sir, is there a risk for the economy as a whole?

Not for the whole economy, it is just that if there is ambiguity in the law if there is unfair liberalization of the law. The domestic players should have a level playing field which is not going to happen if there is an unfair liberalization. So how do you create a domestic level playing field is to have laws which are tighter and which do not give a lot of scope for loopholes and ambiguity in interpretation. Before making any liberalization in the FDI spaces which are sensitive to the market, like construction-development, e-commerce, product retail etc., you should have extensive consultations, discussions, debates, consultation-papers and draft policies which they do, but I think this process needs to be a little more evolved so that we are proactive as regulators and not reactive.

Interviewer: Sir, what are your views on private equity investment in India?

I just gave you an example on Private Equity- all of this e-commerce space which is happening. So, we are in a situation where if you have an idea which may be as bizarre as manufacturing bottle caps, it is still an idea which deserves attention but today we are in a situation where most of the ideas are not brick and mortar. This requires brick and mortar manufacturing entities so that there is some asset you value. But ideas like running a yoga website or online groceries, the only way you can actually benefit out of this sort of business model is your future projection of cash flows and the fact that you will have a huge customer base and they will eventually pay out. But right now what is happening is that the key players are pumping money in.

One more risk is that a lot of the start-up entities are losing control of their own start-ups because in their ECE funding, seed funding or venture capital funding they had no say on the documentation. They kind of effectively gave up their control of their company, gave all the rights to the foreign investor just because they wanted the money to evolve the business. If you look at Flipkart, the founders are Binny Bansal and Sachin Bansal, both of them had a below five-per cent stake in the company. That is how private equity evolves.

Private equity has three stages, one stage in entering the business, the second stage is not controlling the management but having protection for yourself within the way the company is managed and then exit. So, I think India is still at the stage of getting money in, there are a lot of exits happening but I think there is more money coming in than going out. So, we have tremendous scope for Private Equity in India.

Interviewer: What tips would you like to give students who are keen on pursuing a career in corporate and investment laws?

I think the most important tip would be, be thorough with your academic understanding of basic concepts and basic statutes which govern the Corporate Law practice and are required on a day to day basis, two-three legislations I can name for you-the most important is Companies Act, 2013, then you should have a very good grip on the Indian Contract Act because all of the obligations that we put in contracts including private equity or anything like that are all derived from contracts so you need to have a very clear understanding on what contracts are and how they work. Now increasingly with Globalisation there is lot of cross-border trade happening, most of the trade in inbound, there is some amount of outbound trade outside India

where Indian entities are investing in foreign corporates, foreign entities investing in Indian corporates, so you need to be very well acquainted with the Foreign Exchange Management Act (FEMA), 1999 and the regulations framed under FEMA. These regulations will not be taught to you because they are very specific practice-based regulations like FEMA 20 that I previously mentioned, then there is FEMA 120 which is outbound for overseas direct investments.

You should have a good exposure at a decent corporate law firm or decent corporate law firms and try and understand how the work is done, whether you are cut out for that sort of work, whether suited to what kind of work is being done at a law firm. Once you have ticked both of these boxes, then you decide whether you want to do a law firm or you want to go in-house. If you want to go in-house, there the work profile is different because most of the companies now give mandates to law firms. So, you are not actually really doing the work like drafting contracts but you are essentially supervising the drafting of contracts and giving high-level comments. There it is more important for you to integrate with your business because you are the sole point of contact for the business between them and the law firm. The business will come with a lot of queries of their own which you have to answer even if you are at a minimum zero level. Obviously, you will have seniors but the team is not as big as a law firm.

So, I would suggest that unless you really want to go in-house from day-one, do not go to a big company and start off as a corporate lawyer in the company like a Legal Officer or an Assistant Manager. Start off at a law firm, at least get to know how basic corporate transactions work, how basic banking-finance works, if you have gained some amount of exposure for at least 3-4 years at a couple of law firms then you should make that switch. The real-time to make the switch is 10 years of law firm experience but you can do it in 3-4 years but at least you will know something. So then you can at least act as a good point of liaison also otherwise the law firm will not take you seriously if you do not know your concepts right. And also because there is no one to teach you at the firm because everyone expects answers from you, you don't have anyone to look up to other than two seniors at your vertical but at a law firm people work together and because everyone is advising clients you get a lot to learn. Then you identify the relevant firms you want to work at and try, apply, get through and see how it goes. All the Best!

Scroll Of Honour

Deshna Golechha [B.B.A., LL.B., Fifth Year] made a mark for herself and our institution by grabbing the Best Speaker award at the 8th ILNU National Moot Court Competition in association with CCI. She participated along with Keshav Maheshwari [B.B.A., LL.B., Fifth Year] and Samyak Surana [B.B.A., LL.B., Fourth Year] and the team qualified to the quarter-finals.



Students of Fifth Year BBA-LLB, Deshna Golechha and Sahishnoo Karandikar, won the 4th SPIL Judgment Deliberation Competition, 2018 which was based on extradition and related aspects of International law,



Scroll Of Honour

- *Aditya Jain from First Year BBA-LLB won High Commendation in the MUNsophical conducted by Sophia College.*
- *Kirti Khanolkar and Hrushit Divatia from Second Year BA-LLB won the Best Novice Team in the National level British Parliamentary Debate held in GNLU.*



Scroll Of Honour

Managing his perfect sportsman spirit in law school, **Yashwardhan Thakur Sonawane Ranked First in Show Jumping** and won a Gold Medal **Ceddar Equestrian Games 2018**.

Abhijit Nair (stage name: AbSpecter) [B.B.A.,LL.B., Third Year] showed us how versatile SOLites can be, as he won the **first place** at the **Rap Battle** organised at Calligo, Annual fest of B.A.F, Wilson College, Mumbai and the **second prize at an Inter- College Rap Battle organised** at Sathaye College.

Sara D'Sousa [B.A.,LL.B., Second Year] and **Nidhi Agrawal** [B.B.A.,LL.B., Third Year] were the proud **Novice finalist** at **NALSAR Intra – Varsity Debating Championship** which was held in Hyderabad.

Third Year BBA students **Shreya Chamaria, Tanuj Modi and Abhay Gaur** were **semi-finalists** at the **3rd Symbiosis Law School Hyderabad National Moot Court Competition**.

Jaidhara Shah, Devarsh Shah and Suyash Sarvankar from 4th Year BALLB made a name for KPM SOL as they were **quarterfinalists for the National Round of the Henry Durant Moot Court Competition**.

Ayush Jhingran and Nitin Jain [B.A., LL.B., Third Year], with **Nandini Thakwani** [B.B.A.,LL.B., Second Year] represented KPM SOL at the **4th Manipal Ranka National Moot Court Competiton**, which was held on the issue of Triple Talaq, and the team reached till the **quarterfinals**.

Riddhika Dumane [B.A.,LL.B., Second Year] from SY BA LLB co-authored a paper on '2018 Criminal Law Ordinance: A Makeshift Legislation?' along with **Assistant Professor Afrin Khan** for the 'Jus Dicere - **National Seminar on Access to Criminal Justice & Legal Reforms**' in India, New Delhi.

Scroll Of Honour

Mayank Tripathi from First Year BBA-LLB got his research paper on the topic “**Impact of leadership skills on job satisfaction**” published in the **Saraf College Peer Reviewed Journal** (Ajanta Publications).

First Year BBA-LLB student- **Aditee Dash** got her research paper titled “**A study on the impact of human resources policies on employee's job satisfaction**” published in the Multi-Disciplinary International conference on 'New horizons in banking and finance- A gateway of opportunities for Business Innovation'.

Sanjana Khatri, Hrushit Divatia and Mahek Shah from Second Year BA-LLB participated in the 7th NLIU INADR International Law School Mediation Tournament which was an inter-college mediation tournament in categories of both- Mediator and Advocate-Client pair. The three of them won the 6th best Client-Advocate Team and Hrushit Divatia along with Sanjana Khatri won the 7th best Client-Advocate pair.

Students of Second Year BA-LLB – **Astha Nahar, Saloni Khandelwal and Shirin Jaiswal** participated in the Amity International Moot Court Competition based on the International Humanitarian and Refugee laws.

Hrushit Divatia and Kirti Khanolkar, both students from Second Year BA-LLB, participated in the 4th National ADR Competition held in Christ College, Bangalore as the Negotiation Team.

Vaibhav Gupta and Prachi Trivedi [B.B.A., LL.B., Third Year] along with **Harshita Gupta** [B.A., LL.B., Third Year] participated in the national level **Moot Court Competition held at IIT Madras Shaashtra** based on the IPR (Data Protection).

Guest Lecture on Sexual Offences against Minors

A guest lecture was conducted for the second year B.A. LL.B batch on 16th August 2018 on 'Sexual Offences against Minors'. The guest speaker was **Ms. Audrey D'mello – Programme Director, Majlis**. The guest lecture was organised in pursuance of the same topic which was dealt with in the class under the Indian Penal Code, 1860.



The lecture started with Ms. D'mello describing the ground reality on what goes on in the trial of an adult female rape victim - the pain, the problems faced and how difficult it is for them to express and open up about the violence faced. Then she made a comparison between how the difficulty is a notch higher for the minors to admit to the violence faced and the problems faced by parents to get a FIR registered. She elaborated on how familial pressure and social stigma play an important role in keeping the child from speaking the truth. She took the students through the procedural aspects of the rape trial of a minor. She also drew a timeline for the students on how the laws evolved for the protection of such minors and where do the laws on the subject stand as of today. Ms. D'mello also described the effectiveness of the provisions of law dealing with the protection of the children against sexual abuse but the lack of proper implementation of the provisions.

She also gave instances of abuse of power by the authorities and how the child suffers through all of this and how the 'RAHAT Programme of Majlis' is helping such children and their parents fight their long – drawn battle and is aiding them in securing justice and rehabilitation of these children. She stressed how it is the need of the hour to bring about change from within and laws are merely subsidiary. The lecture was beneficial for the students as they got an insight on the on-ground reality of what goes on in the rape trial of a minor.

In the end, she left the students with the thought - though we blame the laws for being ineffective what have we done on our part to help implement them and making the lives of these minors and their parents easier?

Guest Lecture by Ms. Priyanka Khimani

A guest lecture was organized by the Placement Committee on the 15th of September, 2018. The guest speaker was **Ms. Priyanka Khimani, Co-Founder and Lead Partner, Anand and Anand & Khimani**. Ms. Priyanka Khimani is regarded as one of India's young and thought-provoking lawyers, who has risen to build one of the most coveted new-age firms in a short span of time and having a distinguished clientele which includes Lata Mangeshkar, Vidya Vox, Sanam, designer Sabyasachi Mukherjee and others.



[Inset: Ms. Priyanka Khimani with Mr. Ajay Singh, Placement Cell Coordinator]

The audience of the lecture on Intellectual Property mainly constituted of Second Year and Fourth Year students. The audience asked a range of questions on Copyright and Intellectual Property law, and Miss Khimani answered them diligently while also letting the audience in on some trade secrets as a practising lawyer. She spoke about the laws and regulations governing royalties for musicians, and emphasised on the need to spread awareness about existing copyright societies, and how much a musician can benefit from membership. A huge misconception regarding the standards governing royalties was addressed by her, wherein she differentiated between the industry standards of musicians in the West versus in India and highlighted the work of the Indian Performing Right Society (IPRS). The guest lecturer explained the functioning of YouTube, the cover versions uploaded on the platform and videos which infringe copyright. She enlightened the students about personality rights, for celebrities and common man with a particular personality. Although there is no clear and codified law in India, Article 21 of the Constitution has the ability to protect an individual's personality rights. Some other topics which were covered by her include copyright in design and fair dealings. The lecture ended on a personal note with Ms. Khimani reminiscing about her experiences in the legal industry and the work culture of law firms. Using her own journey as an example, she advised the students that hard work is crucial and so is following your heart.

Guest Lecture by Mr. Firdoshali Karachiwala



[Inset: Mr. Karachiwala being welcomed by Asst. Prof. Sohini Srivastava]



[Inset: Mr. Karachiwala conducting a role-play session on mediation]

The students of the Third year- B.A., LL.B. and B.B.A., LL.B. got an opportunity to delve deeper into their course on Alternative Dispute Resolution (ADR) as they attended a guest session on Mediation delivered by **India's First Master Trainer in A.D.R, Mr. Firdoshali Kassam Karachiwala**, on 15th September 2018. The session was organised by Ms. Jharna Sahijwani, Faculty-A.D.R. The session commenced at 9:00 a.m. in the classroom no. 912. Assistant Professor Sohini Shrivastav (Faculty-Law) welcomed the guest with a bouquet.

Mr. Karachiwala started the session by providing an insight into the historical origin of A.D.R in India. He then highlighted the 5 Ds formula which spells out the essential qualities of an A.D.R practitioner *viz* Desire, Discipline, Determination, 'Do what is required', and Dedication. He then explained the relevance of communication in

Mediation and provided the students with a brief list of handy tips to help enhance communication in Mediation.

Mr. Karachiwala explained the principles of Mediation and dealt with the strategies of Mediation which helped the students understand the practical application of the previously outlined skills and concepts. Further, Mr. Karachiwala explained the general process of Mediation and described the stages involved in mediation.

The theory session was followed by a demonstrative role play session, wherein, students played the role of mediators, mediating a hypothetical dispute. During the role play, the guest speaker guided the students at every step with regard to the process and conduct of mediation. In his closing statement, Mr. Karachiwala illustrated how one can take the image of ' Lord Ganpati' as an ideal mediator amidst the ongoing festive celebrations of the season.

The guest lecture thus provided students with a comprehensive balance of conceptual understanding and hands-on experience in Mediation.

Guest Lecture by Prof. Sarah K. Harding

A seminar on "Roles of Judges & Comparative Analysis of Civil Law & Common Law" was conducted by **Prof. Sarah K Harding, esteemed faculty of Illinois Institute of Technology** for first-year students of Kirit P.Mehta School of Law on the 27th October 2018 in the Mithibai Seminar Hall.



Inset: Ms. Sarah K Harding being welcomed by Dr. Alok Misra, Deam KPMSoL (above), Ms. Sarah K Harding addresses the student]

She pointed out how in most civil law countries, the judges start judging the moment they graduate judicial school as opposed to in the common law countries where judges have to crack exams or be a practising lawyer first. She then went on to talk about judges having a managerial role adopted by a Judge in a trial in Civil Law and the growth of Alternate Dispute Resolution by the Civil Law approach. The social and cultural institutions play a vital role in a proceeding. The speaker talked about precedents versus statutory provisions, a mixed jurisdiction of civil and common law as in the case of India and top-down treaties in the EU.

In toto, the seminar was very informative as the first year students were introduced to the basic differences between the civil and the common law and also helped solve many of their doubts.

ADR Committee Kickstarts its First Event – A Guest Lecture by Adv. Advait Sethna

The Alternative Dispute Resolution (ADR) Committee of Kirit P. Mehta School of Law conducted its very first event on 18th August 2018, a guest lecture by **Adv. Advait Sethna** (Advocate-Bombay High Court) on 'Overview of Arbitration & Mediation in India'. Mr. Sethna is a Senior Panel Counsel for the Government of India and has also represented the Government of India in International arbitrations. The lecture was organized for the first, second and third-year students in the Moot – Court Room.



[Inset: Mr. Advait Sethna address the students]

The lecture started with Mr. Sethna briefing the students about the origin and need for ADR by presenting a contrast between Litigation and ADR processes. He clarified why ADR does not seek to replace litigation and how both these areas play a separate but an important part in the justice system.

Emphasizing on the benefits of ADR, he spoke about the time and cost saving nature of ADR processes and explained how ADR helps maintain the confidentiality of information relating to the parties. Giving a few career tips, he advised students to always revert back to the Magna

Carta of all laws – the Constitution, while handling any dispute. He further went on to explain the legislative history of the ADR in India and outlined its emergence to Constitutional provisions as well as provisions of the C.P.C

On the key provisions of the Arbitration and Conciliation Act, 1996, Mr. Sethna spoke about the ADR processes which are excluded from the scope of the act, namely, mediation and negotiation. He then spoke about the enforceability of an award, appeal against the award of an arbitrator and the arbitral clause in agreements. He further discussed the provisions relating to the process of conciliation.

In the last part of his lecture, Adv. Sethna gave a brief description of the Arbitration and Conciliation Act Amendment Bill, 2018 which seeks to promote institutionalized arbitration over ad-hoc arbitration. The lecture ended with a question-answer session where Mr. Sethna addressed the queries of the students.

The students enjoyed the interactive session with Mr. Sethna, which was enhanced with infotainment video clips and a role-play. This session enlightened the students on the basics and of the scope of ADR and they also realized the importance of ADR in this fast-paced world.

The session ended with a vote of thanks and presentation of memento to Mr. Sethna by Ms. Ishnoor (Faculty – in – charge, ADR Committee).

Interview with Advocate Advait Sethna

Interviewer: How did you first become interested or involved in arbitration? How has your working evolved over the year?

Well, it's a good question. I became involved with arbitrations first as a student when I started learning what arbitration actually is, that is how my interest in arbitration was kindled and it started out from there. Professionally, I started getting opportunities and that is when I got convinced that this is a very enterprising and promising field. I started getting cases of individuals who wanted to arbitrate because of the advantages of arbitration. It really reached a climax when I got involved in arbitration which was between countries, like between the Government of India and the Government of South Africa in a dispute which involves the 'Pokharan' blasts. That arbitration was completely conducted by me against lawyers coming from South Africa and at that time I realised that this is something that is setting the order of the new day and it's going global.

Interviewer: What are the common challenges faced by parties in an arbitration process and what are the skills that are essential for the lawyers representing these parties to possess in order to overcome these challenges?

There are two parts to your question – parties who want to arbitrate are basically not very sure as to why their lawyers are suggesting an arbitration and not litigation because they feel that why it is instead not in a Courtroom but in a

meeting hall or other place. There is no real difference. So that is where the challenge lies, to tell them the difference. Differences like, that if there is a possibility of settlement, that possibility can be clearly explored by an arbitrator and there is a possibility of reflecting that settlement in the Arbitration Award, which will not happen or, which may not happen in a judgement by a Court of law. So, this is why people are advised to go in for arbitration, particularly when there is some scope of a settlement.

Interviewer: Ten years down the line, what do you think will be the changes in international commercial arbitration as compared to what it is today?

Changes are happening; as the days go by; I feel International Commercial Arbitrations, particularly, in the Indian scenario will be as important and as commonplace as domestic arbitrations. We already have the judgements wherein the same status is given to International commercial arbitrations as in the case of domestic arbitrations. I feel that the provisions of the Arbitration Act, which apply also to international commercial arbitrations will ensure that once the party decides to go for international commercial arbitration or resolve the dispute by international commercial arbitration, then the decision or the Award which is given is not flouted and is enforced in letter and spirit.

Interviewer: The online dispute resolution system will aid in speedier arbitration proceedings. However, looking at the digital literacy in India what is the scope for the implementation of this model?

This question is very crucial in today's time of digitisation. Our learned Prime Minister talks about Digitised India. Digitisation is getting its place everywhere. So, the question now is "why doesn't digitization happen in Courts" and why doesn't it happen in places where people are trying to resolve their disputes, particularly, in terms of digitizing records so that preservation systems can be better maintained. However, the literacy levels in terms of digitising records are not that great and up to the mark. The example is even in the highest Courts of the country- the Supreme Court and the High Courts, with utmost respect after having practised there, we know that there are Judges who have now said that even WhatsApp messages can be considered to be proof for service. But on whether the implementation of this is really possible, the answer is not 'No' but it could take time because here, digital literacy and digital awareness have to be more profound and have to reach more people in that sense.

Interviewer: What are the potential areas wherein the adoption of arbitration for dispute resolution is yet to be explored or advanced?

The Arbitration and Conciliation Act even as amended in 2018 Amendment bill does not talk about the subjects which can be referred to arbitration. However there are laws, for instance, a dispute between a landlord and tenant cannot be referred to arbitration because it has to be done exclusively before the courts which are competent to deal with those disputes. So, unless and until there is a prohibition in the law which governs a particular subject matter, for instance, contractual disputes there is nothing in the contract act to say that it is it would be outside the purview of arbitration so that is how all kinds of contractual disputes whether legal and/or commercial will

or can be referred to arbitration.

Interviewer: What is your advice to students or young lawyers who aspire to make a career in ADR?

My advice in whatever limited scope and sphere I can give is that all students today are extremely bright and they should become counsels. First, they should practice in court (absolutely an individual opinion) it is the courts where the law is practised, where the law is taught, where the law is moulded, and where the law is decided, so every person who is practising law should at least test the waters in court and then once he does that he has huge avenues open unlike the yesteryears where you had only litigation. Non-litigation and litigation itself today have spread its tentacles to a huge humungous number of areas. You have other fields connected to the litigation like arbitration and conciliation which are at present promising careers. So, I would advise people instead of sitting in the offices and doing certain kind of work which with due respect is extremely lucrative, but that the law will be better studied, better understood and better practised when you do litigation or a form of alternative dispute resolution.

Centre of Excellence Kickstarts its First Event-Research Workshop

An extensive 2-day research workshop was conducted by the 'Centre of Excellence' on the 1st and 2nd of September, 2018 in the moot court hall. The workshop was attended by the students of the first, second and third years. The guest speaker – **Ms. Gausia Shaikh** is a Consultant (Legal) with the Finance Research Group (FRG) at the Indira Gandhi Institute of Development Research (IGIDR), Mumbai. As part of her work with FRG, she has worked on laws and policy issues concerning financial markets, land rights, and the Indian insolvency reform and has also assisted in setting up India's first information utility. Her work involves research and analysis of laws and regulations, fieldwork as well as consultation with ministries and other government departments. Her work prior to FRG was focused on corporate and media laws and general litigation. She has also taught bankruptcy laws to the L.L.M. batch of 2017-18 at the NMIMS Kirit P. Mehta School of Law. She is registered with the Bar Council of Maharashtra and Goa and holds an L.L.B. degree from the University of London as well as the University of Mumbai.



[Inset: Ms. Gausia Shaikh (centre) with faculty and participating students]

Day – 1:

The event started with Ms. Shaikh, introducing herself and her nature of work. She enlightened the audience about the opportunities in the field of research with the purpose of building a strong foundation for aspiring researchers. She gave a brief account of her time in London where the education system unlike India, compels them to write more research papers. She was generous and expressive with her ideas and made sure that the session was interactive. Through her knowledge and life experiences Ms. Shaikh conveyed the importance of research in personal and professional space. Participants were also introduced to the format of writing and publishing a research paper. The first session was just a brief to the field of research and understanding the “what and why(s)” of research. The session ended in an amicable way answering all the queries of the students.



[Inset: Asst. Prof. Anu Mishra addressing the participating students]

Day – 2:

“Research can never be complete...it is only abandoned”

With this, Ms. Shaikh started the second session of the research workshop and covered the topic of 'Formulation of a Research Problem & Nuances of Research'.

The whole 'Research Process' was discussed in detail along with its elements like defining a problem; how to approach the problem and the formulation of research design. She detailed out the ingredients of each research design with explicit details regarding the collection of secondary data; framing a questionnaire and selection of a sample. Ms. Shaikh introduced the students to the citation formats and

their relevance and importance in research. She also helped the students with the nuances of the Bluebook method of citation. Ms. Shaikh started at the grass-root level and moved on to explaining the footnotes and endnotes and then explained the various abbreviations and symbols used while writing a research paper. She stressed on how citations would actually enhance the quality of any research paper and insisted on the fact that one should collect relevant and commendable citations. The discussion then proceeded towards handling the 'Literature Review' one of the most vital parts of the research. The types of research were introduced illustratively. The steps to be followed for developing the 'Review of Literature' in a structured fashion were discussed. She then dealt with the ethical issues faced by researchers including fabrication, falsification and plagiarism. This information was new to the participants as it had more relevance in producing an appreciable high-quality paper. She also dedicated some part of her time in answering even the basic questions of the students who were new to the field of research.



[Inset: Participant during the doubt-solving session]

Overall, the interactive 2 – day workshop was beneficial for the students and proved to be a stepping stone for the students to enter the ever-growing world of research.

Interview with Ms. Gausia Shaikh

Interviewer: What are the points that one should keep in mind selecting an appropriate area of research?

This is something I tell everybody that unless I like a topic I would not be able to put my best in it. You have to feel passionate about the topic that you are writing about. As lawyers, our whole life depends upon convincing people and you can only convince someone if you are completely convinced yourself, as you have to defend it. So, always pick a subject that you are keen to know more about as this would affect how much you research. I'd heard this somewhere in the context of poetry and like poetry, research can never end, *it is only abandoned*. But again, I understand your constraints on having to do a lot of research papers each semester but I think you are given some liberty in picking the topics, so choose well.



Interviewer: How can one present one's opinion in a research paper? How are opinions to be substantiated?

So, like the pattern I taught you, you are analysing the law, you are analysing what the policy behind it was, you are comparing it with other jurisdictions and most importantly you are trying to visualise the 'ideal world'. The moment you have visualised the 'ideal world' you are in a position to compare it to what is already existing, and that inference is your opinion. So, substantiating it is – your entire research paper! Your paper is supposed to substantiate your opinion. That is how you come up with an opinion itself. You may start off with a preconceived notion, it is just a notion at that stage – it's just a hypothesis. After you have done the entire research, you are in a position to form an opinion. So, at that point in time, you have an opinion which is substantiated by the preceding research. But do not just make claims. When you are into research you are not in the business of speculation. You are in the business of analysing and giving a logical explanation to why you have reached a certain inference or conclusion. So, there's logic and there is content and analysis. That's how you are supposed to form an opinion.

Interviewer: For publishing purposes what kind of journals do you think should the student get their articles published in?

You should always aim for the top fifty law review journals because only then will you find a place at least in the top hundred. Always target the top journals. There are rankings set for journals. You have to again research about the rankings and the criteria of the journals. You should always aim for the top journal which has the strictest criteria because if you meet their criteria then your research is on point. Then if you approach any journal of a lower ranking, you're in a better position as you have already complied with conditions of the best journals. So, I'd heard this in a TV show once, in your life, *always aim for the zenith so even if you fail to succeed, you will be among the stars*. Look up for the journals best in the field of your research paper. All journals have different requirements like different citation styles, word limits, the format of the paper or article, thus a lot of research needs to be done before choosing a journal.

Interviewer: Do you think there is much scope for students to explore methodology in the field of law while in law school?

So, it's actually very easy, as you have your set of resources like the bare acts, case laws and other sources like conferences or interviews, etc. Approach your professors because they can help you with where to look for information. Empirical research is very popular in other jurisdictions but we are quite behind in that space. Try to substantiate claims with statistics, trends and patterns. The internet will give you everything as long as you have the right questions or keywords. You can undertake field studies, or focus on group discussions and conduct perception surveys or general surveys by using simple tools like Google forms and questionnaires. For 'beyond the desk sources' approach your professors to guide you. See if you can do a field study and how to go about it. I am sure the faculty and Dean Sir will be happy to help you.

Interviewer: What are the Mantra's you use to overcome a writer's block?

Read! Read! Read! And read some more and listen, listen, listen and listen some more. There is no other option. Because at times when you face a writer's block you would want to know how other people are writing on similar topics right? With reading, not only do you get inspiration in terms of writing styles but you also get inspiration in terms of where your research is lacking. That is where, again, your literature review comes in. Because then you have more data and more complementing resource materials, and when you use all of that, you easily overcome your 'writer's block'. So yes, you can never stop reading. And if nothing, all that you should do is enlist point wise as to what you think you want to write, like a hypothetical table of contents and you've killed or tackled the block right there.

Intra – Moot 2018

The Moot Court Committee, 2018 conducted the intra-moot for the students of the 2nd, 3rd and 4th-year students on the 28th of July, 2018. This was the first time that the second years were able to experience a moot. The moot problem was based on the Indian Penal Code and Special Marriage Act which was known to the 2nd as well the 3rd years.



[Inset: Participant appearing before the bench]

The excitement for the moot was reflected amongst the students way before the actual date of the moot, the students could be seen preparing for the moot with much enthusiasm and dedication. The seniors also went ahead and helped the juniors in prepping for the moot. The faculty also provided as much help as they could.



[Inset: Judges at the Intra-Moot]

On the day of the event, students could be seen practising their speeches and helping each other. The judges for the intra-moot were well-known lawyers of firms such as Vox Law and Shardul Amarchand Mangaldas. The judges also trained the students by questioning them and making sure that the students learn from their first experience and be prepared for the future moots. The judges also went an inch ahead and provided personal feedback to the students.

Out and out this intra-moot was a learning experience for many and was an experience which would be ever-remembered by many first-timers.

Monsoon Edition of Solympics'18

Little sparks become raging fires; small gatherings become uncontrollable mobs; tiny trends acquire cult following; similar was the case with highly awaited SOLympics'18 - Monsoon Edition, held on the 15th of September, 2018 and organised by the Sports Squad at CNMS.

The event offered a platform for students of KPMSoL to showcase their sportsmanship, compete and have fun in a highly competitive ambience with well-equipped sports facilities. The event comprised of a plethora of sports ranging from Box Cricket, Football, Basketball to Relay and Tug of War.



[Inset: Participants enjoying different events at SOLympics]

The scorching sunshine and heat could not defeat the zeal and spirit of the players and spectators, who gathered at the venue by noon. The event started off with the Cricket match between 1st year B. A., LL.B. and 4th year B. A., LL.B. in which the 1st year B. A., LL.B., was defeated by 4th year B. A., LL.B. and the 3rd year B. A., LL.B. emerged as the runners-up. However, the 1st years B.B. A., LL.B., did not back out from a fight and won in the Tug of War with 4th year B. A., LL.B. as the runner-up. Second-year B. A., LL.B. also showed that they were no less by emerging as the runner-up in Football where 4th-year B.B.A., LL.B. was the winner. Second year BBA also proved their might by winning in relay where 5th year B. A., LL.B. was the runners-up. And lastly, the 3rd year B. A., LL.B. won in basketball with 5th year B.B.A., LL.B. as the runners-up.



The excitement of SOLympics had also grasped the faculty members of School of Law who not only cheered but also participate in the games.

This year SOLympics brought the exhilarating speed of athletes and mind-boggling shots of the batsmen, the pace of bowlers combined with the momentum of football, the grace of basketball, agility in relay coupled with the excitement of tug of war.

In this way, the Monsoon Edition of SOLympics' 18 came to an end with the promise to get bigger and better in the following years.

Sport	Best Player
Cricket	Ayush Jhingran & Divija Kothari
Football	Kathan Shukla
Basketball	Abhigya Verma & Sanjana Bhasin
Relay	Mihir Mehra & Vedika Bhadoria
Tug of War	Ojusvi Chauhan & Ritika Sharma

Debate Premier League

The debating fever of the Debate Premier League (DPL) gripped the students of Kirit P Mehta School of Law as the Debating Society conducted a DPL for the first, second, third and fourth-year students from September 7th -9th, 2018.



[Inset: Participants at DPL]

The teams participating were- Tempered Tantrums, Victorious Secret, Take De-bait, SOL MUN 2018, Better Call SOL and SOLely Debators.

The competition was organised as per the Asian Parliamentary format where each speech was 7 minutes long. The judges were debate enthusiasts from Government Law College, Mumbai.

The first day was tense and there was anxiety among the crowd as many of the students from the first and the second years had never participated in any debate competitions earlier. The judges gave a brief on adjudication as most of the participants were new to debating.

The motions on which the debates were conducted were based on current affairs like - Sabarimala with reference to the Indian Feminist Movement, Patriotism as a National Obligation, The Statue of Unity, Sexual Gratification, Reservations and various other currently relevant issues. The opinion-based motions were well exploited in a fiery exchange of arguments between the teams.

Intra-BPD

The DEBSOC organised an Intra-BPD form of debate for the students of Kirit P. Mehta School of Law on the 19th and 20th January 2019. This was the first ever British Parliamentary Form of debate conducted with an aim to help budding debaters get an insight into the BPD format.

The core adjudicator for the event was **Abhishek Gore from IIT-Bombay**. The event saw maximum participation from the first years and a few second years as well. There were a total of 14 teams which participated and 10 adjudicators.

The highlight of the first day was the briefing by the core adjudicator on the nitty gritty of the British Parliamentary format. Two rounds were conducted on the first day and three rounds on the second day. The motions included- Extra-Judicial Killings, Artificial Intelligence and Policy Making, Racial Discrimination and Government Support and Women's Development in Rural Areas.

The 2-day event ended with the students learning a new form of debate which will definitely help them in their future debate endeavours.



[Inset: Participants at Intra-BPD]



[Inset: Participants at Intra-BPD]

Anhad: Beyond Boundaries

Progress and greater achievement fuels human strife. The Anhad forum at KPM SOL stands by this as a live witness. In the first semester of the academic year of 2018 Anhad organised a number of informative and refreshing sessions. Some of the key highlights of the important sessions are here for you.

Discussion on Student Unions in University Campus

The topic of discussion in the tenth session of Anhad was 'Student Unions in University Campus'. One of the points of discussion was the need to balance the influence of political ideas in universities. While some agreed that the presence of political activities on campus helps students attain political maturity, the others disagreed with this argument and stated that the presence of political activities is of a negative influence as student unions work in a partisan manner. Another point raised was about freedom of speech and a student's standard reasonability. Yet another point of discussion was the presence of politics and student unions in private universities as opposed to public universities.

Session on Constitution and Constitutionalism

Held on 25th August 2018, session 12 of Anhad, was one of the most enriching sessions as it focused on the evergreen topic of **Constitution and Constitutionalism** with guest faculty and in-house Constitutional Law expert **Mr. Shrikant Aithal** (Practicing Advocate at Bombay High Court) as the keynote speaker. Through this session, Anhad provided a perfect platform for attendees to understand the present day political challenges in the context of the Constitutional principles.



[Inset: Participants of the 11th Session with Asst. Prof. Shrikant Aithal]

The lecture was initiated with a discussion on the historical background of Constitutionalism. Mr. Shrikanth Aithal spoke about the history of the Constitution from ancient civilisations to the modern period. The key principles of governance enunciated in Medieval India which became guiding principles for the drafting of the Indian Constitution were highlighted.

Coming to the contemporary sources of the Constitution, the significant influence of the Magna Carta, Bill of Rights, the writings of the French Revolution were outlined in an illustrative manner. Moving on to the topic of Constitutionalism, Mr. Aithal explained the concepts of separation of powers and sovereignty. This was followed by a brief description of the role of the judiciary in the functioning of State. Mr. Aithal then gave a list of 10 important cases in the development of Constitutional law and emphasised on the key principle recognised in each case.

In the last part of the session, Mr. Aithal took questions from the students on a range of current legal and political events and policies.

The session ended on an encouraging note as Mr. Aithal encouraged the initiative of the Anhad Team and expressed that discussions should continue in order to fuel man's strife for change.

Express Talk by Mr. Shaji Vikraman, National Policy Editor of Indian Express



[Inset: Mr. Shaji Vikramaman addressing the audience]

In one of its landmarks sessions, Anhad hosted an Express Talk in collaboration with The Indian Express where Mr. Shaji Vikraman, National Policy Editor of The Indian Express addressed a huge number of students on the topic 'Is Economy an Issue in the Election Year and Why?'. He discussed the parameters that influence the people's verdict and the state of the economy in the tenure of past governments. In the Q&A session, there were questions about the increase in MSP and its inherent inability to tackle agrarian distress. There was also discussion about the rise in oil prices. The discussion ended on a note that the economy is not the only factor in a Country like India where caste, religion etc. plays an important role, but a factor enough to consider.

Discussion on Understanding Urban Naxalism

In the 13th session of Anhad, the topic 'Understanding Urban Naxalism' was discussed. The discussion started off with defining Naxalism and how Urban Naxalism is different from the infamous Naxalism which is associated with remote parts of India. There were contentions on how in recent times, the state is branding activists as 'Urban Naxals'.

Participants talked about how there is a thin line between naxalism and activism and why it isn't justified to brand activists as naxalists. There was an agreement by all the participants that violent means of activism is wrong and also branding of innocent activists who resort to a constitutional way of activism shouldn't be branded as 'Urban Naxals'.



[Inset: Participants of the 13th Session]



[Inset: Performers and audience of Anhad's Artists' Session]

Session on Photography and Social Change by Abhishek Bissa

Abhishek Bissa, a student of 4th year B. A., LL.B. (Hons.) spoke at the 14th Session of Anhad on his tryst with photography. He spoke about his experience as a photographer and how he decide to pursue photography seriously. He also showcased a range of his pictures that he had clicked for various projects. While showing his art he explained to the participants the technical features of the camera and how he clicked the photos. The session ended with him sharing his story and encouraging the participants to follow their passion.



[Inset: Abhishek Bissa with the participants of Anhad]

Session on Mahatma Gandhi and his Values

Mahatma Gandhi, a soul that cherished the ideas of peace, freedom and equal rights for everyone. The idea seems to be disappearing today, the sapling of ahimsa needs some water to relive. These vanishing ideas of Gandhiji were relived by the audience of the 15th session of Anhad wherein Dr. Alok Misra, Dean NMIMS Kirit P. Mehta School of Law, spoke on the need to preserve the ideals of Mahatma Gandhi in the present world. Dr. Misra illustrated how Mahatma Gandhi practised human values in his life through his self-giving and humility. He further narrated various historical happenings in the life of Mahatma Gandhi where Mahatma Gandhi set an example and ideal by his caring and gentle acts which were the storehouses of will power and inner might.

The session was a motivation to all present to revisit the ideas of Mahatma Gandhi and recapture these in our day-to-day living.



[Inset: Dr. Alok Misra's address at Anhad]

An Afternoon of Art and Awe

Anhad reached another milestone with its session on 7th December 2018, which consisted of an amazing artistic display of talent by four very special artists. The event was held in Juhu Jagruti Hall. The event began with the address of Mr. Anunay Srivastava, Member of Anhad Team, who welcomed the performers and urged everyone to uphold the spirit of participation.

The event was started off with the beautiful and thought-provoking Hindi poetry by **Mr. Avishesh Jha** followed by the poetries of **Ms. Kaushiki Saraswat** which made the atmosphere more vibrant for the upcoming performances. As **Ms. Swarada Bodas** took over with her guitar in hand to showcase her very own musical compositions, the audience were thoroughly enjoying the session. The fourth performer was **Mr. Animesh Chaurasia**, a trained vocalist and one of the co-founders of Dylogg, who stole the show with his brilliant songs of varied genres. The soulful performances brought cheer to all present including students, faculty and staff members.

Discussion on 2019 Lok Sabha Elections; As a Consequence of recent Vidhan Sabha Elections

This discussion saw a variety of opinions with different perspectives being shared on the defeat of the present ruling government at the centre which saw a whopping defeat in the recently conducted state elections. The discussion saw how there was a revival of the lost lustre of having a strong opposition party, and also can Congress pose a challenge to the wave of B.J.P led N.D.A government. The tricks used by political parties to win elections such as promises of freebies to the voting population, the diversion from pressing issues and polarization of voters were also highlighted during the sessions. The session saw participants sharing in-depth views on the political state of affairs.

Some of the other discussions conducted by Anhad include:

- A tribute to Late Mr. Atal Bihari Vajpayee, followed by a discussion on Islamophobia in the Society
- Dank Meme Culture in Social Media and its Impact on Millennials

Interview with Mr. Shaji Vikraman, National Policy Edition The Indian Express

Esteemed National Policy Editor of the Indian Express, **Mr. Shaji Vikraman**, joined our students during an Anhad session to share his insights about the economy in the upcoming election year. Team SOLink had the chance to learn more about his career in journalism as well. Read on for the exclusive interview!

Interviewer: What are the challenges that have inspired you during your career? Are there any specific instances you could share with us?

I think the challenges facing journalism are multifold. About thirty years ago, before the speed and ease provided by the internet, we had to learn new languages if we were visiting new states. We preferred learning them instead of hiring translators because we found it to be the only way to connect with ordinary people and political parties. This was certainly one of the biggest challenges I faced. Another challenge would be the amount of travel required for the job.

Regularly shifting between Mumbai, Delhi, and Chennai was difficult. The whole functioning of the industry—being the first to get breakthrough stories, overshadowing your rivals, and presenting nuanced analyses; especially during the economic liberalisation—all of these were fairly challenging but certainly made me take pride in my job. But of course, the hardest part is having to ensure the fairness and integrity of your journalism at all times.

Interviewer: India's ranking in the World Press Freedom Index dropped from 136th to 138th. Does this mean that the freedom of journalists is being compromised and we are witnessing an attack on the 4th pillar of democracy?

Attacks on journalists, both in the literal and symbolic sense, have been taking place all over the country. Unfortunately, far more attention and coverage is paid to the bigger newspapers and media houses. The truth of the matter is that more severe attacks are targeted against smaller towns and smaller newspapers, while the bigger cities witness much less of the same. It is much harder for the former. This needs to be addressed by the state. Certain states already have legislation in place—Maharashtra, for example. I personally believe that protection should be provided to all sections of society for their freedom of expression, and not just journalists.

Interviewer: Sir, do you think it is time for a National Journalist Protection Act, and not a state legislation, to be put in place? What are your views on this subject?

Well, the laws at the state level are sufficient for journalists' protection. However, as the case always is—implementation by the state governments is severely lacking. Perhaps having a national legislation would increase the level of accountability, which is minimal now. Moreover, I think it is far more important to develop the sensitivity of the government towards the needs and rights of journalists. A model such as that of the US would be particularly beneficial. Governments can try to use the comments of journalists and the general public in a constructive way, which actually opens up so many aspects which help the process of democratic functioning. If implementing this takes place properly at the state level, I don't think there is a need for implementation at a national level.

Interviewer: There are many journalists who quit their career to join politics. Do you think such events affect the image of media with regard to its credibility?

I think when such things take place, journalists are especially asked questions about their particular affinity and whether their writings were guided by the ideology of these parties. It does tend to cast a doubt about whether their transition to politics at the time was a planned effort. We have had many cases of journalists moving into politics due to the close links of media and politics in a country like India, which you don't see in many other countries. They make a transition to electoral politics but that certainly is a concern but that is something which the journalists themselves have to ask questions. This is different from being nominated to Rajya Sabha after a long career, where because of your sheer contribution you go there as a nominated member and not representing a party. If you go through a political party, questions will be asked and credibility is concerned not just of the person but also of the profession and if it is being used as a stepping stone to politics.

Interviewer: In today's time, how can journalists become a mouthpiece of dissent in the wake of governments clamping down on it?

That is by writing more and doing that job not only fearlessly but also fairly which would mean then people will make the judgement. Dissent is not political in nature nor the ideology but that dissent is because it's based on facts and other things which show whether the government was right or wrong.

Interviewer: Criminal defamation charges have become an easy way to intimidate and silence journalists worldwide. What are your thoughts on this?

It is very worrying. I think increasingly you find a lot of individuals and companies trying to intimidate and put pressure on journalists by filing defamation suits, and not just in those cities but in multiple places. That's one form of putting pressure because not only the legal cost but multiple cases are against you. This needs to be addressed and that can be addressed only if the judiciary takes action on these and levies a cost on the other party filing such cases and preventing journalists who are objective and fair from doing this. Judiciary can play an important role not only by imposing high costs but also putting a deterrent where they find that this is being deliberately done to harass journalists or putting more conditions when applications come by, making it far more difficult to file such cases and also by speedily addressing it.

Debaters' Delight: Loquitur'18

Loquitur- the flagship event of the Debate Committee is an Annual National Asian Parliamentary Debate Competition conducted with an aim to promote the debating culture nationwide and to provide a platform for debtors-experienced and novice, to enhance their debating skills.

The second national edition of Loquitur was held from October 5th -7th, 2018. This edition had teams from all over India viz. NLUJ, NLUO, MNLU, IIT Bombay, Symbiosis School of Law, Symbiosis School of Economics, ILS, DSNLU, UMLA and many other institutes.



[Inset: Participants during the debate-rounds]



[Inset: Core-Adjudicators addressing the participants]

Day 1:

The first day started with a motivating speech by the core adjudicator **Ms. Achitha Jacob** who also informed the participants about the rules of the competition. Later the motions for the first round were released and the teams headed towards their debate rooms. Round 1 saw teams debate on interesting motions such as Prioritisation of Health Insurance over Investment in Public Healthcare

Infrastructure and Glorification of Depression in Pop Culture and Promotion of Indian Traditional System of Medicine. The round saw an interesting variety of arguments being made by both the sides of the house in all the debates.

Day 2:

The second day of the event opened with no less enthusiasm as the participants geared up for the next round of motions. This time touching over the sensitive issues of religion; the motions being – Narrative of a Benevolent God, Mandating Teaching Of Minority Religion(s) In Schools for Countries with Historically Oppressive Religious Minorities and Religious Bodies Should Actively Pursue Scientific Validation of their Doctrines.

The motions for Round 3 focused on the current global scenarios viz. The Rise of China in Europe, Lifting of Sanctions on Russia In Exchange for Russian Withdrawal from Syria and Supporting of a Kurdish State of Iraq and Syria by the West. Round 4 focused on the internal current affairs including the dissent of Hon'ble Justice Indu Malhotra on the Sabarimala decision.

Post Round 4, the breaks for Quarter Finals were announced and the motions were released. To celebrate the qualifying teams a dinner was hosted by the organising committee at the Executive Dining Hall during which the teams qualifying for the Semi-Finals were announced.

Day 2 of the event witnessed a greater enthusiasm by the participants who were awed by the motions and humbled by the hospitality of the organising committee.

Day 3:

This day saw the competing teams at loggerheads, arguing their way to the finals. The semi-final round saw the end of the journey for two teams and an even bigger battle to be fought by the remaining two. The finals were conducted in the Moot Court Hall.

After much deliberation, the adjudicators finally decided upon the team from IIT Bombay which won the prestigious Loquitur'18 trophy.

Loquitur'18 thus saw brimming enthusiasm and healthy competition amongst the participants as the participants took back wonderful memories and great debating experiences from the event.



[Inset: Winners of Loquitur'18]

School of Law National Model United Nations 2018

-With inputs from SOL-MUN O.C.

SOL-MUN, a two day conference based on the traditional Model United Nations format, was held with the ideal of fostering problem-solving skills. The conference required the many delegates to tap into all their reserves of general knowledge and all their extended arsenal of research. Delegates from cities across the nation assembled to facilitate peace-processes and thoughtful discussion on imperative aspects of international affairs.

The conference relied on discourse on issues that make a difference world-wide. Simulating six committees of the United Nations that spanned regional and international cooperation mechanisms, SOL-MUN was dedicated to promote the best debate possible. The committees saw a great deal of dissection, compelling each delegate to think from a point of view that they might not have identified with at the initial stage. Be it the Lok Sabha's bilingual committee which debated contemporary Indian issues to the flagship Security Council, the Model United Nations conference was a roaring success.

SOL-MUN believed in the free flowing of important debate. Resolutions were passed, and paperwork was submitted, but the most

important part of the MUN was the raucous and pertinent discourse. The delegates found themselves staunchly defending foreign policy of countries who weren't easy to agree with, and

learned to assimilate just a little bit more factual potency in their speeches.



[Inset- Participants at SOL-MUN 2018]



[Inset- Dr. Alok Misra, Dean KPMSoL, addressing the Participants at SOL MUN 2018]



[Inset- Mr. Dhaval Mehta, Secretary General addressing the Participants]

All debates was moderated and adjudicated by the stellar Executive Board. With a total

experience of over 1100 conferences across committees, the panel was set to judge all the committees staunchly and fairly. The committees were thus chaired by veteran MUNners from across India, who were trained professionals in their respective fields as well, to judge novice and experienced delegates alike. With their dedication and experience put in, the Executive Board of SOL MUN 2018 was unrivalled at any conference in Mumbai.

After 2 days of buzzing zeal, SOL-MUN conducted the closing ceremony with Hon'ble Justice Smt. Anuja Prabhudessai (Sitting Judge, Bombay High Court) as the Chief Guest.

Every individual involved in the conference left with a lot more than what they entered the conference with. First-time delegates found themselves on a path leading to broader learning and veterans found yet another chance to tackle a complex issue. SOL-MUN had triumphed in its first time, setting a standard for future editions and conferences, with a wealth of delegates and Executive Board from multiple cultural backgrounds.

Magical Moments of Meraki'18

- With inputs from Meraki'18 O.C.



[Inset- Meraki'18 Core O.C along with Dr. Alok Misra, Dean KPMSoL, faculty and staff.]

"More than just any ordinary festival, Meraki'18 was a phenomenon that breathed ethereality. The product of dynamic young minds constantly seeking respite from real life, the three days of the festival were an island of imagination amidst the mainland of monotony.

From incredible performances to ingenious events, talented freshers to renowned artists, and a refreshing, eclectic vibe, Meraki'18 truly had something for everyone.

The Meraki team worked tirelessly over eight months to create a cultural extravaganza that brought together hundreds of people from all across Maharashtra. With the participation of over 300 students and a total physical footfall of over 1500 people and a reach of over 10,000 students, Meraki's second edition was a resounding success. There were twenty-seven events in total, hosted by the Literary Arts, Fine Arts, Performing Arts, Gaming & Informals, and Management Events Departments, including events like slam poetry, policy drafting, fashion show, improve comedy, dance, nukkad natak, murder mysteries, business quizzes, and many more.

True to its concept, yet again Meraki introduced novel and out of the box events, which cannot be found at any other cultural festival in India. Some of these events were-Pool Football, Goalball, Policy Fallacy, Face Awards, Murder Inc., Art for the Sole, On a Loop and Go with the Flow.

The participants at the festival got a chance to showcase their talents and get personalized feedback from industry experts who judged their events. Some such industry experts were **Sukhmani Sadana (Actress in Netflix Series titled Sacred Games)**, **Nilanjan Sinha (Legal Head - India and South East Asia, ICICI Bank)** and **Mr. Samar Jagad (Founder and Managing Partner SJ Law Advocates and Solicitors)**, **Namrata Soni (IIFA Award Winner for Best Makeup and founder of Namarata School of Makeup and Hair)**, **Rabia Kapoor (Spoken Poetry A-Lister)**, **Rytasha Rathore (Theatre Artist and Television Actress)**, and many more.



[Inset- Rahul subramanian at Meraki 2018]



[Inset- Participants of Blotch It!]



[Inset- Participants of Blotch It!]



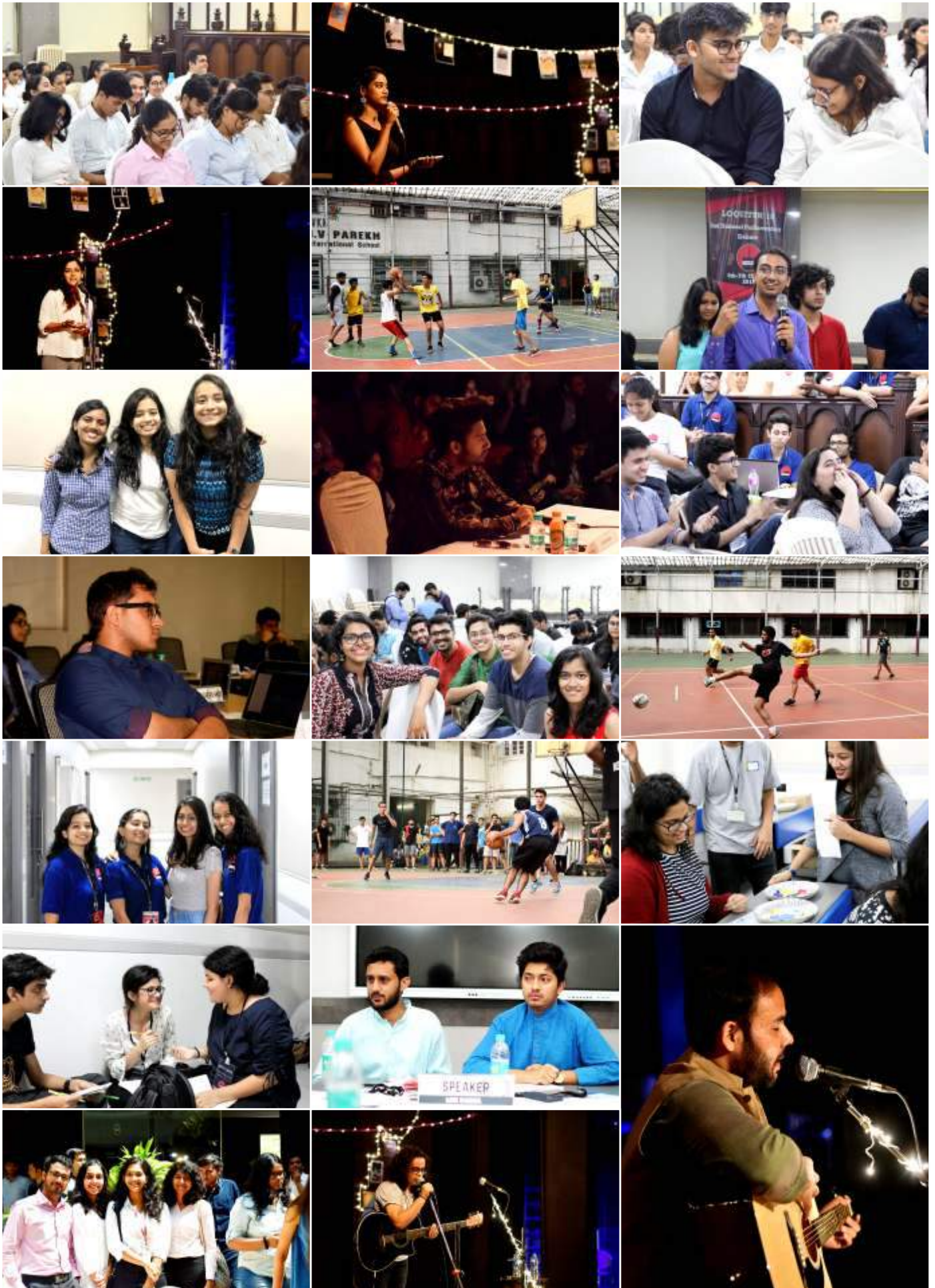
(Left), Students showcasing their talent in 'Kasauti beats Ki' at Meraki 2018 (Right)

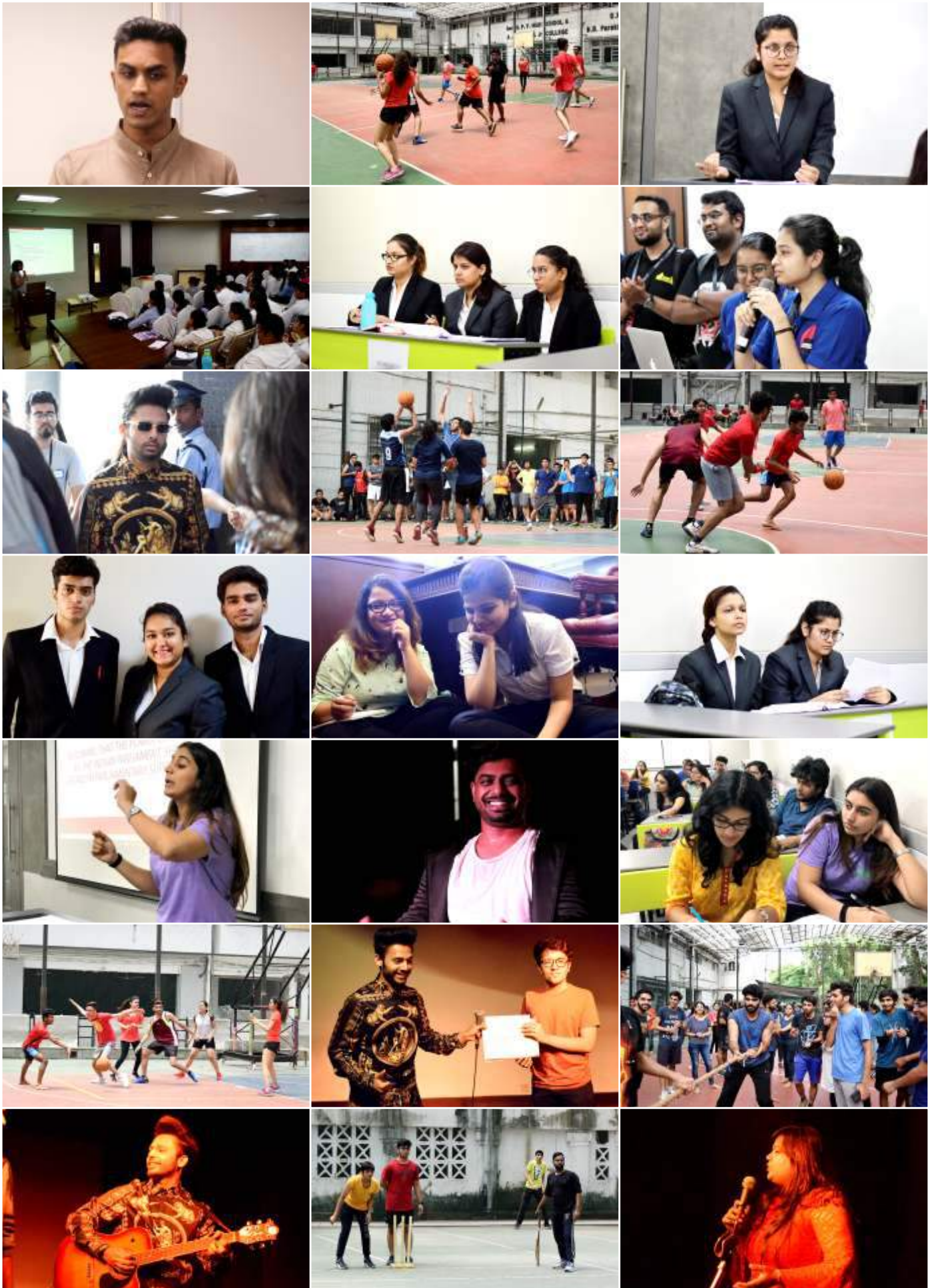
With prizes worth 3.5 Lakh Rupees, Meraki opened the gates to greater opportunities for its winners through curated free workshops, classes and platforms for specialisation and skill development of the winners in addition to some amazing gifts. **The Habitat, Terence Lewis Dance Academy, Kommune's Spoken Fest, Adagio, Kontour Space , Firstsource Solutions, Rhythm and Beats, Anaaya by Akruthi**, and more.

There was also an exciting workshop on wire sculpting conducted by Urban Kala called 'The Tree of Life', which was immensely enjoyed by all those who attended it!

One of the highlights of Meraki'18 was the performance of the stupendously funny stand-up comedian, Rahul Subramanian, held at the Mukesh Patel Auditorium with more than six hundred people in attendance.

We are immensely grateful to our faculty and administration at NMIMS KPMSoL for their unrelenting support and encouragement, without whom Meraki this year would never have been possible. Our sponsors' faith in us spurred us on to new heights, and coupled with the grit exhibited by Team Meraki, we can proudly say that Meraki'18 was a resounding success. A symphony of art, music, dance, literature, and more, this year Meraki was not just a festival- it was the experience of a lifetime."





The Depreciation of Indian Currency



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

At the time of independence, the exchange rates between Indian Rupee and the US Dollar was 1.3 as there was no outside borrowing or loans on the balance sheet of India. But when the British left India, Indian economy was in a paralyzed and begging state; thus under the resilient leadership of then

P.M. Nehru, the path of the overall development of India was chalked out. The formulation of the 'Five Year Plans' was executed to address poverty, foreign trade, etc., with the aim of bringing about the rejuvenation of the Indian economy and ushering its people onto the path of development.

From 1950 the Indian Government initiated a trend of continuous borrowing, which increased to the highest magnitude in the 1960s. Additionally, the Indian government was facing a budget deficit and it came to a stage where it could not borrow additional loans from other countries due to the negative rate of savings. This resulted in the devaluation of the Indian rupee. But this drift worsened in 1966 owing to two factors – firstly, two wars faced by India, i.e., with China in 1962 and with Pakistan in 1965 and secondly, major droughts faced by India between 1995-1996, resulted in a severe rise in prices and a drastic increase in inflation. Thus, it became necessary for the Indian government to devalue the Indian rupee drastically for the first time in 1966 to import weapons i.e., before the era of liberalization. And as a result of which Indian rupee was revalued to 1USD=7INR.

In 1966, under the leadership of the then P.M. of India, Indira Gandhi from the 1970s till 1980s, the US Dollar continued to grow stronger against Indian rupee due to many reasons. In 1991 when P.V.Narasimha Rao was elected as the P.M., the Indian economy was in a state of gross negative. Therefore, he initiated the process of reforms in the form of opening the Indian economy to accelerate the trend of economic growth, economic development and suppress poverty. Thus, again Indian

rupee was devalued in 1991 to 22.72 INR to eradicate the problem of fiscal deficit, to maintain the balance of payment, as well as to accelerate the process of liberalization. India has encountered two major economic crisis since independence, which resulted in the devaluation of the Indian rupee in 1966 and 1991. But this trend continued and the Indian rupee is losing its value.

Coming to the topic of the recent decline of Indian currency since the past two years i.e., the value of currency declined by 27 % since July 2017 and 12 % since January 2018. For the first time in Indian history, currency declined to 70s in 2018. Not only have the Indian currency, along with the Indian currency currencies of Turkey, Argentine, Brazil, South Africa also declined. Some of the reasons behind the decline of the Indian currency are as follows:

1. Increase in current account deficit
2. Increase in the price of crude oil and its demand
3. Lack of competitiveness
4. High-interest rates in the U.S
5. Loans from other countries
6. Inflation
7. Devaluation pressure

How Depreciation of Currency can be prevented:

1. Providing beneficiaries or subsidies to start-ups for their establishment so that burden on the Government to provide employment reduces, and exports increase when compared with imports.
2. The Reserve Bank of India (RBI) could ask all the exporters to convert some part of their foreign earnings into rupees so that it can bring temporary relief to the declined rupee rate.
3. To protect the Rupee, the government may possibly rework on the strategy that they used when overseas rates seemed attractive. The RBI could also persuade Indian banks and financial institutions to raise their funds in dollars and lend them locally.
4. Improving the climate for foreign investors by bringing more dollars into the system.
5. Making government bonds available to a wider investor base.

The Relevance of United Nations in the current global scenario



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

The United Nations (U.N.) is an inter-governmental organization, which promotes international cooperation and aims to create, as well as, maintain international order. The U.N replaced the League of Nations, which failed in its objective to prevent World War II. Thus the U.N. was established on 24 October 1945 after World War II with the aim of preventing such conflicts. At that time the U.N. had 51 member states and at present, it

has 193. The headquarters of the United Nations is in New York. The U.N. is the most powerful inter-governmental organization in the world. At present, the Secretary-General of U.N. is Antonio Guterres. There are a total of 5 permanent members and 10 non-permanent members in the U.N. The U.N has 6 official languages.

In my opinion, the U.N. should exist and it is still important for the whole world. The U.N. had been a champion of promoting human rights through various declarations and treaties, primary among these is the *Universal Declaration of Human Rights* (UDHR), which serves as a principal standard for many of the countries in the world in defining human rights. The U.N. also recognizes the rights of the LGBT community and passed a resolution recognizing the same in 2012. So, for many reasons alike, the U.N is as important today, as it ever was. There is always a scope for the improvement in any agency, but it is foolhardy to claim it is unnecessary in the modern world when we still have many issues plaguing us. The United Nations' role in world affairs is irreplaceable and it cannot be substituted by any other international or regional organizations. The United Nations has made many positive contributions in maintaining international peace and security, in promoting cooperation among states and in promoting international development. Today, people in many countries of the world still face two major issues - securing peace and achieving development. Only by means of international cooperation can mankind overcome global and regional challenges. The U.N. can play a pivotal and positive role in this regard. Strengthening the role of the U.N. in the 21st century and promoting the establishment of a just and reasonable international political and economic order is in the interest of all the nations.

The U.N. Peacekeeping Force plays a key role in attempting to end strife and conflict by deploying troops in strife-torn regions. They also endeavour to stop warring parties from resuming hostilities by playing the role of an intermediate entity to chalk out peace treaties and agreements. As of June 2013, the Peacekeeping forces consisted of more than 90,000 active uniformed personnel. The U.N. also plays an important role in nuclear disarmament, mainly through the Treaty on the Non-Proliferation of Nuclear Weapons. The Security Council of the U.N also takes important decisions related to matters of sanctions, active

interference in a conflict, resolving international disputes over territory etc.

The U.N. was also created to provide a forum for countries to engage in diplomatic dialogue. It helps countries mediate and work out on a compromise. The U.N headquarters in New York coordinates such talks, both official and informal. It gives a forum for countries to discuss global problems like climate change, fishing & marine conservation, cyber safety, outer-space regulation, nuclear, chemical and biological disarmament, disease epidemics, archaeological conservation and etc.

It gives a platform for even small countries to represent their point of view. The U.N. also plays a role in building international pressure and enable military action where the sovereignty of a nation-state, no matter how small, is challenged.

The working of the United Nations has been criticized by some nations on several grounds. But the fact cannot be denied that the world body has so far achieved its basic objective of preventing another major war. U.N has stopped many skirmishes and mediated peaceful dialogue. Organizations such as the International Monetary Fund and World Bank have provided required resources to help member countries to remove poverty and improve the conditions of the economically backward people to the mainstream. A lot of development projects have started with their help in many backward countries.

The health-related programs run by the World Health Organization (WHO) have been successful to a very great extent. The efforts of WHO have resulted in eradication of polio, smallpox, and many other diseases. The efforts of the Red Cross Society to provide relief aids to victims of war, refugees and victims of natural calamities have been very helpful in the times of need.

The UN Human Rights Council (UNHRC) has been working for promoting human rights in the world. It has seen some successes, such as LGBT rights, and also some failures. The pictures that come out from war-torn countries of the Middle East are horrendous. The UNHRC needs to take some big steps towards reaching its goals.

If you ask me what the U.N has achieved in the last 72 years, I would say, first, it prevented World War III. If you think back to the period during the Cold War, when that could very well have happened, I think the U.N helped to prevent World War III. Secondly, it helped usher hundreds of colonial territories to independence. And they are now all member states to the U.N. Thirdly, it created a culture of cooperation to help development, to strengthen human rights, and to do so many good things that the U.N system does, and for which it is not given credit. So I am a strong believer in the U.N. We can see from these things that the United Nations has been quite successful in its efforts to guard its founding principles. It requires some structural changes but its relevance cannot be denied.

Why there is a lack of creativity in India?



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

It would be tempting and egotistical to ignore Wozniak's remark about people from India being not creative. You could call it whimsical, but if it hurts, there is probably some truth to it.

If he had said all Indians are bandits, we wouldn't have read it a second time, we would have called it whimsical, even wild; it

would not have hurt. This one does, and so it merits examination. Sometimes it helps to look beyond initial feelings of outrage.

It is my hypothesis that in an over-populated and therefore insecure countries, the self-preservation will always dominate. Feelings of creativity, imagination, comradeship, of surrendering self to the wider cause can only arise in either a highly spiritual phase or where the person has ascended to a level of personal calm about his achievements.

When you are in a mob, and we are in a mob, self-preservation will always prevail; whether it is about catching a bus, getting out of a movie hall, or getting to a professional college.

So too, with Indian students, where unless you are a method person you can't make a mark. We have more than 200 colleges and universities and it is impossible for anyone to monitor individual students. At one level lower, it is even worse. **Young students learn very quickly that it is their score, and not the manner in which the marks are scored, that counts more than anything else.**

An eighteen-year-old is bound to feel tempted to stay with 90% than to try to score a good 85% with a fluency in a second language or any other skill which he wants to develop which won't look as impressive when the selectors compare marks. If there were fewer people to look at, a selector could make his own assessment but with the numbers in India, that is often impossible. That is why I would go so far as to say that unless you are a method person you have no chance of making it in the top Indian universities. And that's where the creativity lacks.

And it is not easy to change. **Actors from folk theatre will remain loud in serious cinema, batsmen growing up on a bouncy track will instinctively play the horizontal bat shots, people from gloomy lands will look unhappy even in bright sunshine. Students from our part of the world can't suddenly become creative when they have survived by protecting their percentage fiercely.**

When a nation is performing and therefore settled, and where the individuals are secure, they can rise above and do things differently. In other countries, they learn that early because there are fewer people; the difference between being in a top college and being not in it is not nearly pronounced as it is in India.

The way out is to widen the types of courses offered by the colleges. To include application-based topics in school courses. The quality of research and development should be improved and the government must monitor the level of universities and colleges regularly and the colleges performing below par should be sacked.

We can't suddenly expect young, insecure students to become a creative or unconventional when most of us are not; though there are many who are willing to go beyond. Now it needs to become addictive, it needs to spread among the students and youth.

This might be a right time to prove to Steve Wozniak that it can happen.

Reservations, Politics and Propaganda



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

If the decision in Keshavananda Bharati helped to preserve the unity and integrity of India, the decision of the SC in Indra Sawhney v. UOI popularly called the Mandal case- polarised Indian society by upholding reservations that are almost exclusively based on caste. In another way, this judgment legitimized caste-based Reservations in India.

After this Art. 15 (4) was added in the Constitution through the constitutional amendment which authorized the State to make special provisions for the advancement of 'socially and educationally backward classes' and the court also held that caste could not be the sole reason for determining backward classes. While the exact percentage may vary, it could not cross the 50% limit, said S.C.

Furthermore, all the reports starting with Kaka Kalelkar Commission to Mandal Commission were flawed. They were not well researched at all, as Indira Gandhi never implemented this report, although it was tabled in Parliament first in 1982. She fully knew its defects and disastrous long term consequences of pure caste-based reservation. Even Rajiv Gandhi too never implemented it. It was V.P. Singh, to save his personal political fortune, resurrected the report and, by announcing a 27% reservation for OBCs, altered the political landscape of the country forever.

Palkhivala famously once wrote after the Indra Sawhney judgment: 'I am sure V.P. Singh was sincere when he said that after the SC judgment in the Mandal case he could die in peace. But his policy has ensured that the nation will not live in peace...'

Present Scenario:

Firstly, this is a very bold step by PM Modi and most importantly he has reflected his political will by proposing this bill. This Bill will easily pass the judicial scrutiny and 50% reservation cap since this is an economic status based reservation which is done through a constitutional amendment by adding clause 6 in Art. 15 and 16. So Indra Sawhney judgment is irrelevant in this case. Also, this need not be ratified by the state assemblies unlike other constitutional amendments because it is mentioned in the Constitution that amendment of part 3 need not to be ratified by the states.

But I feel this is unconstitutional and undemocratic move, the reason being simply that proposal of the bill has come when only 5 odd months are left for the General Elections and there is a convention that any big announcements must not be done in the last session of Parliament when the Lok Sabha elections are about to occur. Therefore, it is the rule that government shall bring Interim Budget and not

the Union Budget in the last year of its tenure. This is the jurisprudence behind this convention so that the government does not polarize the people by virtue of its office in Parliament and the same applies here but that convention has been broken by this government after this act.

Furthermore, the intention of the government can't be questioned as many of us are saying that this is a mere jumla for taking votes because had their intention been to just use this bill as "jumla", they could have added this into the 9th schedule which the court would have overruled on the basis of Basic Structure Doctrine or could have given the notification as Congress did in 2014 with Jats reservation but they didn't do this rather they brought a constitutional amendment and offered a proposal which opposition could not deny which shows their seriousness on the issue.

Now, the political propaganda behind this is to regain those NOTA votes due to which they lost in Madhya Pradesh as upper castes were not happy with BJP after that SC/ST atrocities row.

Lastly, as some people are saying that since there are no jobs then what will this reservation do, 10% of 0 still remains 0 is another issue.

NEWS SNIPPETS

- **Marshall Islands creates its own virtual currency**

The Marshall Islands will launch the world's first legal tender crypto-currency to raise some hard cash to pay bills and boost the economy. The parliament has passed a law to create its own digital currency.

To issue the crypto-currency, the Marshall Islands nation has teamed up with a company Neema from Israel. The Neema will issue 24 million units of the Sovereign digital currency SOV. However, the numbers are capped to prevent inflation.

- **Myanmar's Aung San Suu Kyi stripped of human rights award**

Myanmar's de facto leader Aung San Suu Kyi was on March 7, 2018, stripped off her human rights award conferred by US Holocaust Memorial Museum. The Museum announced that it was withdrawing Suu Kyi's Elie Wiesel Award, which they had presented to her in 2012. The decision was taken following the ongoing violence against the Rohingya Muslim minority community in the Rakhine state of Myanmar.

- **Gita Gopinath becomes first woman Chief Economist at IMF**

India-born Gita Gopinath was appointed as the Chief Economist of the International Monetary Fund (IMF) on October 3, 2018, becoming the first woman to hold the position. She has also become the second Indian to hold the position, after former RBI Governor Raghuram Rajan.

Coming Across the Island of Fiscal Concept of Present And Past



By Anmol Singh Khanuja
[B.A., LL.B (Hons.),
First Year, School of Law,
Navi Mumbai]

Nowadays, there is a lot of puffery going throughout the country of India surpassing France to become the world's sixth great economy.

Obviously, it is a matter of appreciation that the present government has managed it to do so. But, does the "we" here means the so-called "jagruk" people of India, go back and do our research of

what we were before? Definitely, we would not, the reason for this is "we the people" are still living in a world full of misconceptions regarding the development done in the last seven decades. If we study the statistics of the previous governments' ability to manage the economy, we will observe that our country is going on a fiscal crisis even despite being the sixth greatest economy.

Despite all the advantages which the Centre is getting from the current world trade i.e., our current inflation rate and exchange of petrol rate is as low as compared to that of the previous UPA government, but still we face the problem of constant increase in prices of goods and petrol.

The Indian Economy once used to have a growth rate of 9 % per annum at an average even with high inflation rates. But at present the growth rate has now been pegged to an average of 6.5 % per annum though accompanied by a low inflation rate. Also, if we are today the Sixth Great Economy, we used to be The Third Great Economy in the World, in the period between 2010 to 2012.

Therefore it is a serious matter of concern for the present NDA government (backed by certain communal associations at the Centre) not to focus on how to target religious minorities, to have a good economic structure for the country. And focus on how to recover from big blunders like demonetization and ineffective implementation of the GST, instead of targeting the previous governments of what they did and what they did not.

First Published On: *The Author's very own Blog*
https://ask290999.blogspot.com/2018/08/coming-across-island-of-fiscal-concept_25.html

NEWS SNIPPETS

- **SC to direct states to implement draft witness protection scheme**

The Supreme Court of India on November 19, 2018 said that it would direct all the states to implement the draft witness protection scheme framed by the Centre in consultation with the National Legal Services Authority (NALSA).

- **Prioritise trial against MP/MLAs; Designate special courts: SC directs Kerala and Patna HCs**

The Supreme Court on December 4, 2018 directed the High Courts of Bihar and Kerala to prioritise trials of criminal cases against former and present Members of Parliament (MPs) and Members of Legislative Assemblies (MLAs) involving offences punishable with life imprisonment.

- **Delhi HC bans online sale of medicines across India**

The Delhi High Court on December 12, 2018 ordered a ban on the sale of online medicines by e-pharmacists across the country. The court directed both Central and state government to ensure immediate implementation of the order.

Online Market – A Need for Legislation



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

For the past 8-10 years, Online Shopping has been blooming in India and has now created a huge and strong consumer base for itself. The reasons for its growing popularity are simple – Deep Discounts, Huge variety of products, Free Delivery and 24 hours of opening as opposed to the traditional shops which have fixed timings of opening and closing. You can shop the products at 2 a.m. or mid-night while

munching on your favourite cookies.

Some popular e-shopping websites are – Amazon, Flipkart, SnapDeal, eBay, Bewakoof, Myntra etc. The turnover of these sites has gone up by about 80% in the last 2-3 years. But for the last 3-4 years, online markets have badly affected the local markets especially the small shopkeepers particularly engaging in the business of cloth, food items, electronics and kirana shops.

During festive seasons such as Diwali and Christmas the discounts thrown by e-commerce portals became more lucrative and thus the consumers are enticed to buy from these online platforms only. Here's an excerpt from an article, "**Diwali sales, analysts and companies indicate that the economy may be finally turning for the better**", "*Snapdeal's "Ultimate Monday Sale", which has been on for the past six Mondays and offered discounts between 30 per cent and 80 per cent, has been a big hit. The Okhla, New-Delhi-headquartered retailer says it managed to clock 18,000 orders an hour (as against 2,000 an hour a year ago), two-thirds of those coming from smaller cities.*"

It could be easily deduced from the article how online shopping sites manage to earn in crores within an hour by providing deep discounts. The article clearly mentions most of the sales are from smaller cities thus reducing the consumers of traditional markets.

Because of this deep discount policy, now retailers are also engaging in unfair trade practices. As reported in Times of India, Local retailers will order in bulk worth of crores with cash on delivery (COD) as their payment option and then reject the goods when arrived. Since, it is impossible to transfer the whole bulk back to the godowns, the goods are laid down on the roads and thus, leading to the block of that particular area from the list of online retailers. This decision has been taken collectively by the traders'

association of Bombay. So that they can use this for their own benefit as all the traders are suffering from the huge losses because of this policy. "The way online sales is growing is not only causing loss to crores of brick and mortar stores, but posing a threat to the jobs of their staff. The online companies, by giving discounts to customers, are also causing loss of revenue for the government as they pay less taxes.

NEWS SNIPPETS

- **Noted writer Amitav Ghosh honoured with Jnanpith Award 2018**

Noted English writer Amitav Ghosh was on December 14, 2018 honoured with 54th Jnanpith Award, a literary award given to an author for "outstanding contribution towards literature".

Ghosh is known for a series of novels such as Shadow Lines, The Glass Palace, The Hungry Tide, and the Ibis Trilogy -- Sea of Poppies, River of Smoke and Flood of Fire that chronicle the trade between India and China run by the then East India Company.

- **Qatar to withdraw from OPEC in January 2019**

Qatar decided to withdraw its membership from the Organization of the Petroleum Exporting Countries (OPEC) from January 2019. The announcement was made by Qatar's Energy Minister, Saad al-Kaabi at a press conference in Doha. OPEC was informed about the decision ahead of the announcement.

- **China to launch its own artificial moon by 2020**

The People's Republic of China is planning to launch its own 'artificial moon' by 2020 to replace streetlamps and lower electricity costs in its urban areas.

- **Irish Author Anna Burns won Man Booker Prize 2018 for her novel 'Milkman'**

Irish Author Anna Burns on October 16, 2018 won the Britain's renowned Man Booker Prize 2018 for her third novel 'Milkman'. Burns received the award from Prince Charles' wife Camilla, the Duchess of Cornwall, as well as 50000 pounds (USD 65900) as the prize money.

Rishi Kamria, a member of the All India Mobile Retailers' Association, said, "Due to schemes offered by the online store this festival season, the offline retailers are facing a huge loss. If the trend continues, many will have to close their shops due to losses."

If the deep discount policy further persists, it will give more rise to unfair trade practices so that local market retailers can get the consumers for their shops.

How Legislation can regulate the business activities of Online Markets?

The Government of India has recently prepared a draft to regulate the financial activities of online markets so that there is a fair competition between brick and mortar stores and online markets. One of the essential features of the draft is to regulate the pricing which is shown online by the introduction of the sunset clause (part of Contract Law which states when it will end, or the conditions under which it will end) which states the maximum duration of differential pricing employed by both online markets after which they would not be allowed to discount the goods. This will encourage the healthy competition between online and retail markets as after a specific period of time, online sites have to end their discount policy. Further, this will end the practice of deep discounts thus stopping the sites to make dirty money through such unfair trade practices. One of the reasons for the deep discount is the FDI received by these companies since there is no upper limit fixed on it. The maximum can be received is 100% but now in draft policy, the cap is introduced that is not more than 49% of FDI. Further, through the draft, the government has tried to encourage the 'Make in India' model as it has allowed the holding of Indian goods in their inventories but not of foreign goods (after a certain limit) through B2C model.

The draft proposed by Government of India will create a level playing field between online and retail markets thus giving them equal chances to prosper. Further, the draft will lead to the inflow of more Indian goods as compared to foreign goods in the markets, which will help the Indian manufacturers to prosper and thus making the success of 'Make in India' model and bringing in fair competition among the local manufacturers so that only their goods are brought by the people.

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Between Exploitation and Altruism



Clarissa D'Lima
[B.A., LL.B. (Hons.),
Third Year]

The word surrogacy comes from the word “*Surrogatus*” which means a substitute. The decision to undergo surrogacy may depend on a number of factors including cost, availability of technology, social acceptance and most importantly the governing laws. The recent emergence of this method of reproduction and its unchecked expansion in the developing countries

has generated multiple socio-legal problems, which are yet to be addressed and resolved in many of the developing countries. The increasing demand for surrogacy has brought to light the challenges encountered by different stakeholders especially the hardships faced by women who lend their womb for the process as a means of livelihood. The government is seen to have been making a continued effort in regulating the surrogacy industry that thrives in India, with the introduction of The Surrogacy (Regulation) Bill, 2016 as a major step in this direction.

One of the key debatable features of this bill is that it restricts surrogacy to altruistic surrogacy in which the surrogate mother agrees to carry out the procedure of surrogacy based on non-monetary factors. This type of surrogacy is known as “non-commercial surrogacy or emotional surrogacy”, as the motive of the surrogate mother is guided by relational ties or emotional bonds. Though the surrogate mother is not paid for her services in this type of surrogacy, she is, however, compensated for the medical expenses and allied costs.

Since the approval of the bill by the cabinet, questions have been raised on this concept of altruistic surrogacy. The concept of altruistic surrogacy despite setting the limits for who can become the surrogate mother continues to remain vague as it does not discuss about regulating a situation wherein any other woman, not being a relative of the commissioning parents, undertakes to become the surrogate mother. Further, the question of concern is does such a limitation indeed check the exploitation of surrogate mothers or does it in itself create avenues for greater exploitation?

One of the noteworthy recommendations of the Parliamentary Committee talks was about the need to rename altruistic surrogacy as “compensated surrogacy” to help check forced unpaid surrogacy. The Committee

report also suggests that compensation to be paid to the surrogate mothers should include the cost of the loss of income due to restriction on employment during the period of pregnancy.

The arguments analysed by the committee which were against a blanket ban on commercial surrogacy include the point of the possibility of emotional exploitation if surrogacy is to be forced on a near relative. The restriction of “near relative” may also lead to greater loss of time and lead to greater stress for the intending parents. While alternatives to a blanket ban hold attempts to explore the possibility of permitting commercial surrogacy with stricter supervision of agencies that facilitate such surrogacy services, maintenance of a register of surrogate mothers, and licensing of these agencies, inculcating

NEWS SNIPPETS

- **Political candidates cannot be disqualified on basis of criminal charges: Supreme Court**

The Supreme Court ruled that candidates cannot be disqualified from contesting elections merely because charges have been framed against them in a criminal case. The ruling was delivered by a five-judge constitution bench of the Supreme Court, which was chaired by Chief Justice Dipak Misra and comprised Justices R.F. Nariman, A.M. Khanwilkar, DY Chandrachud and Indu Malhotra.

- **Supreme Court allows live streaming of court proceedings**

The Supreme Court of India allowed live streaming and video recording of court proceedings across the country. The bench comprising Chief Justice Dipak Misra and Justices AM Khanwilkar and DY Chandrachud asked the government to frame rules in this regard under Article 145 of the Constitution.

- **India elected to UN Human Rights Council with highest votes**

India was, on October 12, 2018, elected to the United Nations' Human Rights Council for a period of three years beginning January 1, 2019. India secured 188 votes in the Asia-Pacific category, the highest number of votes among all candidates. Following the election, India's Permanent Representative to the UN Ambassador Syed Akbaruddin said that India's win with the highest number of votes reflects the country's standing in the international community.

(Sources: Jagran Josh & affairsccloud.com)

provision for a feedback system, which allows surrogate mothers who are commissioned by these agencies to voice their grievances, would help in curbing the exploitation of these women while ensuring to them an opportunity to support their financial state.

However, if the exploitation is found to be excessively rampant and it cannot be checked by these regulations then restricting the number of cycles a surrogate mother can undergo, can help curb exploitation. A mid-way approach of permitting surrogacy beyond a "close relative" to a willing surrogate, with sufficient check on the payment of monetary compensation and restriction on the number of cycles can help easier access to surrogacy facility in a healthier environment. It is vital that decisions related to such regulation should attempt to create a balance between the needs of the stakeholders and the related challenges, and not be directed by ideas of morality that appeal to a majority.

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ON TORTURE...



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

Increasingly more often, I've had the unenviable honour of listening to half-baked opinions justifying torture or condoning the same, even among the most well-informed corners of the majestic 9th-floor grey corridors that drive the agenda. I hope to engage, for reasons best summed up by Shri. Martin Luther King, Jr.- "Nothing in all the world is more dangerous than sincere ignorance and conscientious stupidity."

Mind you, these arguments on absolute prohibition of torture have been around for decades, written by scholars and fervent intellectuals who've out-read and out-researched me manifold. Thus, I lay no claim on anything in this space being novel or particularly fresh. In this limited space, I merely

hope to summarize the traditional arguments for future reference and sake of brevity. Be that as it may, the reasons follow hereafter.

Firstly, it's a waste of resources. Torture utilizes precious resources for the most unreliable ends-to-means outcomes. The thought experiment, now made famous by Shri. Jack Bauer of 24 fame, is, "Suppose that a person with knowledge of an imminent terrorist attack, that will kill many people, is in the hands of the authorities and that he will disclose the information needed to prevent the attack only if he is tortured. Should he be tortured?" Right off the bat, the premise is flawed. The terrorist will say anything that has the likelihood of stopping the torture, as opposed

to disclosing 'information needed to prevent the attack'. Thus, a terrorist can just as easily send law enforcement of futile pursuits and flying pig expeditions. These same law enforcement personnel are better off investigating the threats using their mental faculties to the fullest, rather than being coloured by unreliable leads obtained from a terrorist with specific agenda to, well, terrorize and cause mayhem.



Figure 1: A prisoner, Ali Shallal al-Qaisi, being tortured in Abu Ghraib Prison Complex, Iraq [Cover of The Economist on May 06, 2004]

Secondly, the rhetoric in favour of torture creates systemic dysfunction among law enforcement and intelligence communities. Case studies worldwide demonstrate that an opaque and minimally accountable regime of institutionalized torture (or condonation thereof) does nothing to enhance security, but does have insurmountable moral trade-offs. Such a system often has counterproductive effects: law enforcement officers that are not checked in any meaningful way will tend to go overboard with torture and, in the process, gather some sensational "confession" that actual vital information can

get lost in the noise. Thus, to have functional law enforcement, it is exceedingly important to assess the balance on the basis of humanitarianism, rather than blindly accepting the rhetoric of “national security”

Thirdly, the moral high ground. State loses moral legitimacy to criminalize and prosecute inhumane actions (such as torture), if it actively practices the same with impunity. Here, I'm not addressing the technicalities such as sovereign immunity or laws of war, rather the larger picture, being the faith of society in the criminal justice system, and in turn the State which administers it. Regimes that acquire a reputation of being brutal, opaque and unjust to its own citizens, tend to have heavy public disapproval and do not stay stable or effective for long without reforming the status quo, or an excellent public relations team.

Fourthly, there are better long term systemic changes that deter the short term problems that torture hopes to solve. Think about it, what does torture really hope to address? The obvious generalized answer is, bringing criminals to justice (by obtaining confessions et al) and preventing harm to society (such as terrorist attacks). The same ends, without its moral costs, can be achieved by creating effective deterrents such as effective intelligence gathering and investigation, swift prosecutions, and worthy punishments. That, of course, requires time, significant political will, and systemic reforms. However, the start is easy: getting our priorities rights.

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NOW-HERE



Astha Nahar

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

*This is a story of a girl who's just like you
She has a home, which is no longer hers,
Where persecution and politics is on the stir.
And a place where blood and bones are her only fleurs.*

*They hate the colour of her skin, the sound of her voice,
But all of this, it's not her choice.
Because fishes don't leave their homes, if it wasn't for the drought,
Dreams and screams, she cannot tell apart.*

*She's on a boat, because the land is no longer safe,
And it's better to be in a prison, than to have four men stare
at you with crave.
The war, it took everything,
Her family: Shot dead.
Her friends lay in pieces with their bodies on the ground.*

*The war, it's inside her,
The war, it'll never leave.
The war, it's turning towards her like sunflowers to sun,*

The war, it's confusing cameras with guns.

*The war, what will it do?
It will carry her to places that are skies apart,
There'll be suffering and pain and a bleeding heart.
Walking days and nights, through storms and strikes,
Displacements and fences, needles and cries.*

*What can we do?
Wait, till the government approves,
Wait, till it decides who are the right refugees,
and who are just on the move.
Wait, till they build fences and borders to protect their own
selves,
Wait, till death surrounds her, and she loses all the hope
that dwells.*

*Maybe next time, the girl is you,
Because the Bible says
What has been, will be again
What has been done, will be done again
The sun that is sinking, is rising somewhere else too
And so, the cycle continues.*

SHE**AstroBoy**

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

*She came in like the peace amidst this chaos,
Was like the rains that drew a smile across a farmer's face,
She was the colour I would happily spread on paper spaces,
Was the pill when swallowed made me forget all my phases.*

*When my pupils see her I don't see other faces,
My vices in the bin when she took control in my lane.
Sleep withers in a moment when I feel the voices of her soul,
Calling me back home to take the warmth in this cold.
She is bold she can mess a brother up,*

*She is the queen but her morals in check when the ladder she's climbing up
Sometimes I felt so lucky that she fell in my lap,
But the distance is like she's the moon I am looking at;
Different in a lot of ways, she learnt to tame a beast,
The beast wants distractions no more, his loyalty is at the peak,
Technology kept us glued; polaroids to cherish on.*

*A couple of fights so petty we laugh in the middle of,
I wish this ain't a dream if it is don't snap or pinch me
Never in my wildest dreams had I felt like I was set free,
Love came in many ways, this gripped my head straight.
Guess love arrived when I was a little dead... But it's never too late.*

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