

WHAT'S INSIDE?



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TIP NO. 59

to survive SOL

REASONS TO TAKE AN EXTRA SUPPLEMENT:

- a. To intimidate others. (lets compete!)
- b. To wipe your tears (may be)
- c. To actually write further (don't write crap)

YES, WE DID IT.



The Publications Committee, SOL.

Dear Readers,

"A wizard is never late, nor is he early. He arrives precisely when he means to."

Lord of The Rings, J.R.R. Tolkein

Therefore, our arrival couldn't be at a time more fortunate than the beginning of a New Year. Wait. It's March already?

It is with great joy and anticipation that the Publications Committee (finally!) brings to you the first issue of its much-awaited newsletter, SOLink – Your link and first-hand guide to School of Law. Published once every trimester, this newsletter will be your source to the dynamic and ever-fluctuating legal world as well as the sphere of

School of Law that we reside in. SOLink is also a platform for you to express your views on the current controversies in the world - from intolerance in India to the sentencing of the American student in North Korea. This is an avenue for you to exploit your freedom of speech and expression\*.

Moreover, we will give you the low-down on all the events that the enthusiastic student committees organize over the 3 months along with insider information on upcoming activities. Our goal is to cover each nook and corner of School of Law and provide you with the juicy details.

All winners and winning teams keep an eye for a shout out and possibly an exclusive interview highlighting your excellent performance. Everybody else watch out for the events calendar highlighting the national events you can participate in. We look forward to your contributions and reviews.

SOLink is for the students of SOL, by the students of SOL and of the students of SOL.



*This issue is a tribute to Kandarp Rajawat.  
You will forever be in our hearts!*

# GET INSP<sup>💡</sup>RED

MARCH 2016



## MR. SHAILESH GANDHI

Shailesh Gandhi, IIT Bombay alumnus and first generation entrepreneur, gave up his 2 decade old company to pursue his objective of achieving

"something socially relevant" went on to become a renowned RTI activist and later the central information commissioner holding a position of a rank of a Supreme Court judge. He was the first non-bureaucrat to hold a constitutional position and won the Nani Palkiwala Civil liability award in 2008, and Distinguished service and alumnus award by IITB. At present he conducts workshops, already having conducted more than 500, and teaches RTI to all sections of the society. Through RTI he has stopped giveaway of Public money of over Rs.1000 Crores. He still actively practices RTI with strong determination and never ending spirit to fight for cause that he believes in, and from the power of his bold and noble acts, we can only "get inspired".

**We are fortunate to have an interview with Mr. Gandhi:**

**Q. Please tell us about your aspirations and diverse experience as a student and how difficult was it for you to sell off your company to venture in the field of RTI?**

The truth was that when I was in school I never wanted to be an engineer. I was very keen to become a lawyer but I came from a family of doctors and engineers and their image of a lawyer was the black coat fellow outside the small causes court who goes around running. When a former professor asked me if I still nursed complaints about society, I told him that "sir when I was 20 I

was critical about society, it was implied that we'll do better. At 50, I am society and if I am society I am responsible." We have done better in terms of affluence, but over all in terms of a nation it's not a better nation. Thus, the thought started that who's going to do something about it? Each of us will have to individually take responsibility for it and I took a decision that I want to do something socially relevant and I could not think of doing that while running my business. So I decided to sell the business.

**Q. How were your initial days in the RTI as a novice and did you ever expect or plan on becoming the CIC?**

I had never heard of RTI before. After selling the business I was looking out for something to do. I heard at a meeting where someone informed me about the RTI act that Maharashtra has come up with. So I filed my first RTI asking for names of political leaders who had asked for police transfers. They rejected it. I realized down the line that this is potential to change the face and governance of India. To empower individual citizens which to me is extremely important. For me democracy is not about just majorities but the more important part is accepting the sovereignty of the individual citizen.

In 2004 I came in contact with people in the national movement to get an RTI act including Aruna Roy, Nikhil Dey and Arvind Kejriwal. In 2008, by a complete random occurrence, I became a commissioner.

**Q. In an interview with CNN IBN you said that RTI would be irrelevant in the next 5 years. Now here we are, 4 years later, have these views of yours changed?**

The 5 years that I mentioned, it was kind of a warning. But I still do believe in it, if we don't tighten the screws then the 5 years might become 10 years. In fact I was with the CIC

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yesterday for exactly this purpose. I tried to explain to him that if he doesn't deliver, he would do to the democracy a major dis-service and he'll be responsible. If I became a commissioner, I'm included in that responsibility; it's not someone else's responsibility. So I still retain my views on RTI becoming irrelevant, had I said nothing, even after 100 years no actions would be taken. So yes, even today I'm saying, however instead of five, it may be ten.

**Q. Your popular phrase "Mera Bharat Mahaan Nahi Hai, Par Yeh Dosh, Mera Hai" leaves an impact on every student who either hears or reads it. Can you please elaborate on the same.**

Overall, what I believe has happened is, most of us have this belief that if I form a group I'll be heard. I'm not saying groups are bad but it's also equally important to recognize the importance of every individual, which is not happening, though there are empowerment tools. Therefore I put across this simple analogy of saying "log shahi is logon ki shahanshahi". Meaning, if you don't believe that you are a baadshaah or begum, you'll not do anything. Because you'll think, "How is it my responsibility?" But the day you believe that you are the baadshaah or begum of this nation, then you'll feel responsible, and when you feel responsible then you'll do something. Therefore consciously to set an example I haven't formed or been a part of any organization. That is just to show to the people that you can do individually and be extremely effective. Will it be a switch, that it will change things in a flick? No it won't. It's a long process but we can bring that change about. If there are 10 lac people in this nation who say that we are going to bring the change, they can. Maybe by filing an RTI or by writing a letter to the Chief Justice, that change can be brought about. Similarly, you have around 5-10 thousand students on this campus, if 10% of those students say, "I can make that change", there maybe complications and conflict of opinion if they do it collectively, but individually

nothing will stop you. So first thing you can do is, believe in yourself.

**Q. What do you think; the young law students of this country can do to bring about that "sustainable change" in an effective manner?**

I would primarily say, question how would the judicial system deliver in time. Anybody who says, "justice hurried is justice buried", condemn him. We allow this absolutely infantile comment to be made, as if it makes any sense. I feel if this single agenda is taken up by the law students something will definitely happen. They must say "My nation has to have the Rule of Law, and this wont happen until there isn't a delay in all judicial pronouncement. There maybe some exceptions, but in reality everything is an exception. Just think how will we do it? Let me put it this way, if 50 of you were to decide to meet lawyers and judges and say that this has to happen and you start writing articles and hold public meetings about it, then imagine the impact on society. You need to start doing that. Hence, I'll say, that young students are at a much better position to do things than me.

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**"While transparency reduces corruption, good governance goes beyond transparency in achieving openness.**

**Openness means involving the stakeholders in decision making process. Transparency is the right to information while openness is the right to participation."**

**- Narendra Modi**

# !NSIGHTS

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## 'RIGHT' OF RELIGION OR 'FIGHT' FOR RELIGION?

-Arshia Saraf, 3rd Year B.B.A LL.B (Hons.)

Living in a country like India, it is day in and day out that we learn about its diversity and preach quotes like 'unity in diversity'. We pledge by the Indian Constitution, promising to be credulous citizens of this culturally rich nation. However, it seems that all of that is just a matter of pretension or obliviousness. The mayhem that the entire meat-ban period created in the country merely reflects the unwillingness of the citizens to accept the diversity that they live in and practice humanity before preaching any religion. Today, when the nation is progressing towards becoming a literate nation, acts like these reflect completely otherwise.

someone to practice it or even halt his own practices as a matter of respect.

Religion is a matter of faith and belief, if made to practice forcibly, it does not fulfill the purpose. For the country to progress and develop, we first need to be in harmony amongst ourselves. Episodes like these just bring us to a standstill and become a hurdle in our path to development.

## Freedom of Expression: A Fundamental Right?

-Rhea Ghanshani, 2nd Year B.B.A LL.B (Hons.)

I believe there are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations.

-James Madison.

Freedom of speech and expression is an inherent right in India, or so we assume. To express one's sentiments is a privilege that has been conferred upon all Indian citizens. However, lest we forget, this fundamental right comes with its own baggage – limitations. The above quote may seem perplexing, keeping in mind that section 66-A of the Information Technology Act of 2000 that was amended in 2008 to include this section, was struck down in its entirety by the Supreme Court earlier this year, citing it as being 'open-ended and constitutionally vague'. This judgment can be elucidated by summarizing the said section – It is applied to any person sending offensive messages by means of a computer resource or a communication device, and included any messages that were grossly offensive, which were sent with a view to cause annoyance, or to deceive another. Indeed this was a day for triumph of freedom of expression, but the question we need to ask ourselves is: Is that enough? Will struck-down legislation be a step towards this freedom, or will this new-found freedom find itself caught in

4



In India, every citizen is guaranteed a right to freedom, that freedom extends to various spheres, one of which is the freedom to profess, practice and propagate any religion. It is a matter of prudence to recognize that if such a freedom is granted to all the citizens, one cannot force it upon the others, as that would mean infringing their right to freedom of religion. If in its 68 years of freedom, the country faces this turmoil only when a different political party comes to power, in my opinion, the reason for the meat-ban seems more like a blindfolded political decision than a move towards protection of the religious sentiments of a few. If it is truly a matter of religion, it must not be imposed upon

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Image by: Newtown  
Graffiti

The shambles of virtuousness?

The Indian political scenario and social media posts have undoubtedly had their clashes in the past, with special emphasis laid on the above-mentioned section. Therefore, without this section in place, it can hardly be affirmatively stated that India has turned more tolerant over the years. Few may agree that it is the obligation of a citizen to express their opinions cautiously, and that it is in fact the duty of the government to control anti-social media posts. Nonetheless, that is yet another Pandora's Box waiting to be explored.

## 50 Shades of Grey

-Anushka Sachan, 2nd year B.B.A LL.b (Hons.)

Even though officially being the national hot topic for quite some time, this topic is yet sprinkled with so many double entendres that it feels like it is speaking in multiple languages. Little bit of kink in life is not a bad thing, ask our politicians viewing porn during assemblies. So what is the whole point of such bans?



<http://tech.firstpost.com>

Aren't adults of India not competent enough to judge what is right or wrong for them that the government has to do it? When the ban was further pushed by Mr. Modi himself, we all came up with various theories. Maybe the government was convinced by the conservative theory of the RSS, maybe it forgot about the ancient Indian guide to sexual behaviour and etiquette. But basically what came across as the general idea was the government was not being very learned while prying with the freedom and liberty of adult India. "Talibani form of government", much? Rather than devoting time and giving the critics easy money, the government should perhaps do something with the very flawed family laws or re-consider its views on "unnatural sex".



As far as the reasonable restriction on article 19(2) that of "morality and decency" is concerned there is a dire need of jury trial (if at all) to evaluate the obscenity standards, thanks to the vague and unclear grounds laid by the section 292 of Indian Penal Code. Mr. Modi's government needs to stop implementing bans that intrude ones liberty lest it wants to look unprofessional and against freedom. High time our government gets the meaning of statutory interpretation straight.

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## AADHAR CARD: INFRINGEMENT OF CITIZEN'S PRIVACY

- Nidhi Parekh 2nd Year B.A. LLB (Hons.)

The Aadhar Card Programme came out as an executive order for better management and greater efficiency in the working of government schemes. This was rejected by the Parliament in 2011, one year after it had already been implemented, but it still continues to exist. The Supreme Court has said that it is not mandatory, but in areas of the Public Distribution System such as the collection of LPG, it is necessary to have an Aadhar Card. The core issue lies in the fact that there is



no proper legislation to this scheme. There are no safety measures for the misuse of the biometric prints that are being collected. In countries such as the UK and France, the collection of biometric prints has been prohibited. Private parties collect the necessary data and there is no legal provision to assure the citizens that their information is secure. This leads to the main question of the right Indian citizens have to privacy. According to the very controversial statement made by the Attorney General, the right to privacy is not a fundamental right, though this is contradictory to the decision of the Supreme Court in the landmark case of *Menaka Gandhi vs. Union of India* which states that Article 21 includes the right to privacy.

One argument stating why Aadhar Card does not infringe the citizens' right of privacy is that people post personal information on their social media and therefore why would they have any problem with the government collecting data to increase efficiency in the country. The rudimentary problem with this argument is that a person chooses what they wish to post on social media. They have agreed to the terms of the site or application on which they provide their information. When they post personal information on social media, they have the choice to remove it. They even have the choice to not be on any social media platform. Comparing social media to the Aadhar Card would be wrong because not only is the Aadhar Card compulsory to have in certain areas but also that once the information is provided with, there is no way to take it back or ensure its security.

## NEED FOR A MORE REFORMED FORUM: A SHIFT FROM COLLEGIUM SYSTEM.

- Suyash Jain 3<sup>rd</sup> Year B.B.A LL.B (Hons.)

Indian Constitution, unlike the Constitutions of USA and Australia, does not have an express provision of separation of powers but its visibility is not unclear. While it is the Parliament's prerogative to amend the Constitution and make laws, the duty to decide whether the basic elements of the constitutional structure have been transgressed has been placed on the judiciary.

Based on the separation of powers, independence of the judiciary as a part of Constitution's basic structure is indisputable; however, the majority judgment in the NJAC case has wrongly interpreted judicial independence to mean primacy in appointments. When viewed thus, the majority judgment in this case is unsatisfactory. The verdict upholds the collegium system, created by the Supreme Court's own members to serve its own ends, instead of multidimensional NJAC system.

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many ways, the enactment of the NJAC Act was intended at redressing this imbalance of primacy of judiciary in appointments; it was Parliament's effort at restoring some of its lost space in our constitutional structure.

It was argued that NJAC's flawed composition included the Law Minister and two eminent persons and giving any two members the power to veto the decision of the other four. This directly affected the independence of judiciary in the judicial appointments process. Had the Parliament maintained the balance between the judiciary and the executive while providing for the entire scheme of working of the NJAC, the decision may have been different.

The executive must use this as an opportunity to help the Supreme Court in preparing a new design so that all appointments by the collegium meet the tests of fairness and transparency and all selections are made solely on merit with an encouragement provided to the diversity in the persons available for selection.



## #TRENDING

### 🔪 JNU Crisis:

The controversy originates from a gathering at Jawaharlal Nehru University in New Delhi on Feb. 9, which was called to commemorate the 2013 hanging of Afzal Guru, convicted for his role in an attack on India's Parliament in 2001. People shouted slogans which attracted India's controversial law on sedition.

### 🔪 BUDGET 2016

The Modi Government unveiled a 'come back' budget this year. Which could win back the support from major population – without borrowing more.

Finance Minister Arun Jaitley's 3<sup>rd</sup> Budget addresses major issues of the rural segment and the budget focuses on that. At the same time it also seeks to address the importance of corporates. "We have a shared responsibility to spend prudently and wisely for the people, especially for the poor and downtrodden," Arun Jaitley.

### 🔪 India and Armenia signed a protocol to amend Double Taxation Avoidance Convention.

It amends the article on exchange of Information for tax purposes to bring it in line with the updated provisions in the Organisation for Economic Co-operation and Development (OECD) Model.

### 🔪 Launching of Start-up Initiative:

As part of the initiative, a slew of financial, policy and regulatory measures were announced to give impetus to startup ecosystem in the country.

### 🔪 Supreme Court suggested Parliament to enact separate law for child rape.

The court suggested to award more severe punishment for those who commit child rape.



Amity Law Noida wins  
AIL Mohali's  
Checkmate Moot  
Court Competition,  
NMIMS clinch second



@SOL





## MCC ORIENTATION

MCC, the Moot Court Committee of School of Law organized an Orientation program for the students of the 1st and 2nd year in the last week of November 2015. The sessions were conducted by the members of the committee itself. These sessions saw great participation from the students, as many hesitated from trials for competitions due to lack of awareness about the drafting and argumentative procedures. The Orientation concentrated on helping students to perform complex legal research, draft persuasive briefs, and perform effective oral arguments. These sessions will soon be followed by intra-moot trials to train the students to moot practically. Thus, the moot court committee has successfully taken an essential step towards the improvement of mooting skills in the students.

## MUN ORIENTATION

SVKM'S school of law has come up with its own MUN committee named "SOL MUN SOC".



SOL MUN SOC held two orientations, the 1st orientation was held on 24th November 2015 for the first year students and the 2nd orientation was held on 27th November 2015 for second and third year students. Both the orientations were held at room no. 804 on 8th floor Mithibai building. The orientation was conducted by Karan and Ritika. Orientation was mainly done to make the students aware about what United Nations and MUN is and what are the rules and procedures are to be followed when

participating in a MUN. It was done in order to make the first timers aware about the basics of MUN and clear out the doubts of other Munnners who have been to MUNs before.

## Vigilance Awareness Week comes to NMIMS

On 29th of October, 2015, there was a visit of Shri T.M. Bhasin, Honorable Vigilance Commissioner, at Bhai - das Hall, Juhu to address the students of NMIMS University, Mumbai. Vigilance Commissioner T.M. Bhasin and Dena Bank Chairman and Managing



**Shri T.M. BHASIN**

Director Ashwani Kumar had lit the lamp on the occasion of a special event which was organized by Dena Bank. During the Vigilance Awareness Week 2015, the Honorable Vigilance Commissioner had an interactive session with the students of various schools/colleges of SVKM'S NMIMS and guided the students on the role of students in Ethics and Good Governance. He had stressed upon the thought that the youth of India is the real army to combat the menace of corruption and therefore the theme is to be carried forward for making people more and more aware through multiple programmes. He also talked about the treatment given to a n o n y m o u s and p s e u d o n y m o u s complaints and had explained the utility of Whistle Blower Policy. The vital and trending issues covered by him reflected the motive of such an interaction with the young students of NMIMS.

## SPORTS ACTIVITIES



**2ND PLACE, INTER-COLLEGE BASKETBALL EVENT, KSHITIJ'15-MITHIBAI**

The Sports Committee organized an intra-college table tennis, carom and chess competition in the month of December'15. The competition received participation from all the batches of SOL.

The winners:

### A) TABLE TENNIS (GIRLS)

- Abhilasha Pant
- Mahi Mehta
- Anushka Sachan

### B) TABLE TENNIS (BOYS)

- Suryakant Vyas
- Devesh Mohan
- Abhigya Verma

### C) CHESS

- Niket Jain
- Satvik Mathur

### D) CARROM

- Khushil Shah & Akshay Uppal
- Vedant Jalan & Devesh Mohan
- Abhishek Shukla & Harsh Tripathy

## FITTOOR : CULTURAL COMMITTEE

FITTOOR, the cultural committee of the School of Law organised an event named "No Offence" giving a platform for public speaking. The idea of the whole event was to satirically bring up the so called "unacceptable" issue. The speaker had to bring out humour and make the audience buy his idea, however unacceptable in real sense it maybe.

The Judgement was made by nobody but the audience by the way of notes given in the form of Yes's and No's after every respective speaker had spoken. On the basis of polls taken the winner was Devarsh Shah (First Year) who spoke on the topic "Child labourers should be made to work extra to meet the Diwali demand" on which he received great love from the audience. The runner-up was Samarth Jaidev (First Year) who spoke on "Mangalsutra should be made compulsory for Men".

This very first event by FITTOOR was a grand success because of its ever unique concept which saw great participation and even greater audience from all the three years.





# 'LAWYERED'

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## ACKNOWLEDGMENTS

- ✦ Shreya Mundra, Best Advocate, 4th Amity Noida International sports law Moot Court Competition '16
- ✦ Devarsh Shah, Best Advocate, 3rd International Law Moot Court Competition, Karnataka State Law University, Hubballi '16.
- ✦ NMIMS SOL, reaches Semi-Finals at G.D. Goenka Moot Court '16, team comprising of Isha Singh, Harshita Chaudary and Vyoma Mehta.
- ✦ Isha kakkad, 1st Position cash prize of Rs. 50,000 /-, Novartis Debate, Mumbai University '15.
- ✦ Keshav Maheshwari, High Recommendation Award, Cash prize Rs. 8000 /- , OP JINDAL LAW UNIVERSITY '15 and Special Mention, NMIMS Shirpur MUN
- ✦ Pratham Ajmera, Best Delegate, NMIMS SHIRPUR MUN '15.
- ✦ AMAN INANI, Special Mention, COEP MUN, PUNE '15
- ✦ Abhishek Bissa, 1st Position, 'BRB' Vaayu'15.
- ✦ Puneet Pathak, Special Mention, GLC MUN '16
- ✦ Dhaval Mehta, Best Delegate, COEP MUN. and High commendation, GLC MUN '16. and Best Delegate RCKC MUN '16. and High Commendation, NM MUN '15.
- ✦ Kathan Shukla and Samarth Jaidev, Suaysh Survankar and Abhishek Tripathy, Novice Finals, British Parliamentary Debate, SMC, Chennai '16.
- ✦ Teesta Sen, Praneeta Ragli and Moha Paranjpe, Novice Finalist, Asian Parliamentary Debate Tournament, IIT Kharagpur '16.
- ✦ Rishabh Iyer, Semi Finalist - Adjudicators Competition, GLC, Mumbai '16

Q. How can you tell when a Lawyer is Lying?

A. His lips are moving.

Q. How many Lawyer jokes are there?

A. Just two, all the rest are true.

### Top 10 Law Movies:

- ✦ Legally Blonde (2001)
- ✦ 12 Angry Men (1957)
- ✦ The Verdict (1982)
- ✦ To Kill a Mocking Bird (1962)
- ✦ Erin Brockovich (2000)
- ✦ Judgement @ Nuremberg (1961)
- ✦ My Cousin Vinny (1992)
- ✦ A Few Good Men (1992)
- ✦ Anatomy of a Murder (1959)
- ✦ Michael Clayton (2008)

*A lawyer defending a man accused of burglary tried this creative defense: "My client merely inserted his arm into the window and removed a few trifling articles. His arm is not himself, and I fail to see how you can punish the whole individual for an offence committed by his limb."*

*"Well put," the judge replied. "Using your logic, I sentence the defendant's arm to one year's imprisonment. He can accompany it or not, as he chooses." The defendant smiled. With his lawyer's assistance he detached his artificial limb, laid it on the bench, and walked out*

## Events Calendar

### April:

- Jamia Millia Islamia's Conclave on Corporate Law & Codification of Sexual Harassment [April 20]; Submit Abstracts by April 1
- NLUO British Parliamentary Debate 2016 [April 16-18, Cuttack]; Register by April 2
- Indian Peace Summit 2016, Model United Nation at Bargarh, Odisha on April 2 & 3, 2016. Registration Open for Summit
- Beveridge & Diamond Constitutional Environmental Law Writing Competition 2013-14; Submit by April 7
- The Second RMLNLU International Legal Essay Competition (RILEC), 2014; Submit by April 8
- 4th RMLNLU International Legal Essay Writing Competition 2016 [Lucknow]; Submit by April 10
- Loquitor '16 - 10th-12th April
- Meraki '16 - 18th-19th April
- NUALS Aequitas ECOSOC Model United Nations 2015 [April 18-19]; Register by March 30
- Call for Papers: NLUO Colloquium Opus Law Journal; Topic is FDI; Submit by April 20
- Intra MUN - 29th-30th April
  
- Call for Papers: NUJS International Journal of Law and Policy Review; Submit by April 30

### May:

- Call for Papers: NALSAR's Environmental Law and Practice Review, Vol 5 [ELPR]; Submit by May 15
- Call for Papers: MS Ramaiah Journal of Law [MSRJL, Bangalore]; Submit Abstracts by March 31

## Internship

### Experience

-Abhilipsa Panda

I did my internship at Khaitan and Co. LLP Kolkata in the month of February, 2016. I was assigned as an intern for the IPR department. My official work time was from 10AM to 6PM, however I stayed back till 9PM sometimes because the work environment and my seniors were great. I was given work like filing new trademark/patent applications, getting them registered online, attended meetings with German clients, drafted a lot of complaints w.r.t collective trademarks etc. The most enlightening part of the internship was the conference that the European Union had organized on Geographical Indications. I was invited because I was a part of the Khaitan IPR team. After interning there, I am very sure that I want to pursue my career in IPR. The work environment and seniors were absolutely worth the hard work.

**\*THIS ISSUE PERTAINS TO PREVIOUS TRIMESTER**

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