

**MARCH 2017**

## What's Inside

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**Tip for life:**  
**The answer should never be “No, you can't!”**

**Try “Yes, let's figure out how you can.”**

## Student Council Reform: New Visions

The winds of change that have blown through School of Law in the last trimester have saddled some new responsibilities on the new office bearers of the Student Council, and have provided an opportunity to set forth new goals that seek to increase the vigour in event organization and student participation in different activities as well as academic progress of School of Law. The Student Council reform is not only a major happening of a single trimester, but it has laid down a new roadmap to bring about dynamic developments in the upcoming trimesters. In wake of this change, SoLink is here to bring out the views of the new student council before all you SoLites.



*Members of the Council (from right to left) - Drishti Barar (President), Teesta Sen (Vice President), Rohan Verma (Head Sports Committee), Rishabh Iyer (Head Deb-SOC), Sharodiya Chowdhury (Head Cultural Committee), Zenab Ali (Head MUN-SOC), Samyak Surana (Head MCC)*

Drishti Barar, President of the Council, has expressed that the council will focus on organizing SoL's first, inter-city and inter-college competitions on priority basis. “There will be efforts made to provide a great hospitable environment to the participants as well as to give them a great platform to showcase their talent in various fields”, states Drishti. Apart from this, the council also wishes to help students of SoL polish their skills by conducting intras across all the committees as well as organizing training programmes for interested students. Vice President Teesta Sen feels that the key areas of focus would be to build a uniform platform for students, transparency and equal opportunities for all students. She also shares the Council's plan to come up with an Annual Calendar laying out all the National and intra-SOL events across committees in the following academic year, which the Council would circulate soon. This has been done to avoid the confusions and miscommunications that often arose when messages circulated through the CR's group was the main channel for communicating the schedule of various events organized by different committees. The annual calendar to be floated by the Council thus seeks to boost student participation by helping them better plan out their academics and co-circulars.

The heads of different individual committees have expressed their desires to train students in the respective area handled by the

committee. All the committee heads are holding hopes that the training given by the committees would be instrumental in encouraging greater participation of students in cultural events, MUNs, Moots, and sports. The debate committee emphasizes on the need for students to preserve their interest and participation along with their academic advancement.

Commenting on the whether School of Law needs to follow the NLU model for its activities, the members unanimously agree that there is no harm in drawing ideas from the initiatives taken up by students in NLUs, if they are adapted to suit the resources and limitations of School of Law and can be simultaneously used to blend in the individuality of School of Law.

The Council now has set its eyes on playing a more operative role in addressing the grievances of the students on both collective as well as personal levels and become a more effective link between the students, faculty and administration. The Council has also voiced out that it is always open to address the problems faced by students and that the students ought to feel free to approach the council members with their grievances, without any hesitation, so that the council is able to better accommodate the variety of ideas and suggestions that students wish to put across.

# EXPRESS POINT

Q Do you think that SoL should look up to top NLUs for ideas and guidance in terms of the nature of the initiatives taken up by students? What are the other alternate models you propose?

- Yes, I do believe SOL should look to NLUs for ideas and guidance in terms of the nature of the initiatives taken up by students. However, completely relying upon ideas already implemented in various colleges would not really be beneficial for students. Hence it's imperative on our part to devise new plans / ideas and strategies by taking into consideration the needs and capabilities of the entire student body.

– *Zenab Ali*  
(Head MUN-SOC)

- Obviously NLU's do have a lot of experience and there is a lot to learn from them. But instead of copying them blindly, we can also use our innovative minds and introduce new things in the college, which can set a benchmark for our college.

– *Samyak Surana*  
(Head MCC)

Q What are the issues that you as a member of the Student Council would like to focus on as a priority (in the context of your respective committee)?

- Engagement of students in SOL towards cultural activities. If I can get every batch to wait back for an event when they have their submission tomorrow, I'll have good sleep that night.

– *Sharodiya Chowdhury*  
(Head Cultural Committee)

- Debating is easy, yet difficult. It's formal and yet, to a certain extent, informal. Students don't give it the importance they should. Debating encourages broadening one's mind and opening a person's mind to the various aspects of the role and interaction of an individual and an institution in a society. Debating has a lot to offer than people think it does. So the issue I'm prioritizing is to ensure that the students, as they move from one year to the next, do not lose interest in it.

– *Rishabh Iyer*  
(Head Deb-SOC)

- As a member of Student Council, I wish to conduct more of outdoor sports at intra level, so that we can form teams and send those teams to participate in inter college events. It is also observed that, the participation of female students and

of faculty in our college sports is less, so I wish to conduct more such events that encourage more female participant.

– *Rohan Verma*  
(Head Sports Committee)

Q What is your message to your fellow SoLites with regard to their openness to approach the Student Council?

- As a member of the Student Council for the second time, I have learnt from my previous experience and observations as a member of the debate society and as Vice President, I've tried to solve the problems that arose in the functioning of the previous Council. We've tried our level best to be approachable, we are open to suggestions of improvement, recommendations regarding any event we should organise etc. Our committees have a more active social media presence with their own Facebook pages which are regularly updated and our events even have Instagram pages. We try to connect with students on all possible platforms and Drishti and I are both available in person and over the phone if any student having issues with the council cannot reach us via email. We try to get to know all students across batches personally whenever we are approached and encourage them to explore the multiple avenues that the Student Council opens up for them.

– *Teesta Sen*  
(Vice President)

Q What role do you see the student council playing in addressing the problems of students in the academic year ahead?

- The council is very sensitive to student problems. Therefore we have created an email ID studentcouncilsol@gmail.com to which students can communicate their individual or collective problems and we will purely act as a medium between the students and the administration, communicating the said problems. It is our endeavour to resolve these problems expeditiously. We also encourage students to speak to us one on one in case of any problem beyond the administration. Sometimes students simply want perspective and encouragement from seniors who have been there and done that. We are eager to help so please feel free.

– *Drishti Barar*  
(President)

***“You cannot change what goes on around you until you start changing what is with you”***

– *Anonymous*

# GET INSP<sup>💡</sup> RED

## Interview with Justice Roshan Dalvi



Justice Roshan Shamim Dalvi has been a part of the legal fraternity since 1976. She practised in the Bombay High Court for about 13 years in Civil and Company matters. Her specialization pertains to the field of civil trial matters. She was appointed Judge, Bombay City Civil and Sessions Court in 1989. She was deputed to be the Principal Judge in Family

Court, Mumbai in 2004. She was elevated as an Additional Judge of the Bombay High Court on June 22, 2005, and appointed as a permanent Judge on June 12, 2007.

Justice Dalvi has championed the cause of gender equality all through her career.

**Question 1.** Ma'am, most of the law students find interning with a legal personality as the best way of grooming themselves and a popular trend of late is to intern under judges. So, what are the attributes that you look for in a fresh graduate or interns who are pursuing litigation?

**Justice Roshan Dalvi:** I always had interns as a judge when I was in the High Court. I must have had about 40-45 interns in my career. What I wanted from my interns essentially, was the research that they would do because I believe that without research you don't become a complete lawyer. So, most of my work involved thinking, debating with them or arguing with them in the evening time and then to tell them to find out more about whatever is the proposition that we may have decided as the correct proposition that I want to propound in a judgment and they have to research my work.

**Question 2.** In a world where law as a career is growing exponentially, do you think there is a requirement of quality assurance?

**Justice Roshan Dalvi:** - The quality assurance comes out of management. What we are all very good and on par with any in the world is our substantive laws but in our procedure, we lack tremendously and we have a very bad image, perhaps rightly so in the international arena. So that would be the area that requires polishing. That would necessitate scientific case management which is following management principles in the legal field and in the judiciary, by lawyers and judges.

**Question 3.** Could you share with us one experience that inspired you in your career or any judges like Justice Krishna Iyer or any other foreign judge or any other judgement that has

inspired you in your career?

**Justice Roshan Dalvi:** - There are many judgements which have inspired me; there are not many judgements on the procedure side that have inspired me at all, but on the substantive side there are many. There are too many such good personalities; to name Justice Earl Warren' judgments and Justice Denning's judgements, which if you read are very inspiring.

**Question 4.** Any landmark case that you dealt with or any judgement that you gave that has greatly inspired you?

**Justice Dalvi:** Some of the judgements which I have given I think have a lot of sentipathy, a portmanteau of sensitivity and empathy, which I consider very essential in judging. For example, Justice Khehar's judgement in the case of Subrata Roy where he has passed strictures against Subrata Roy and his advocates and how they bully the courts I felt was tremendous and I said "wow, this is a judgement which I would like".

**Question 5.** Law as a career has evolved during the years. Earlier women were not allowed to join litigation and judicial services but now this trend has changed, so what is your message to young women?

**Justice Dalvi** - Well I wouldn't give a message only to young women. I would give it to young children, men and women together, they are both alike, they are both equal, they are both equally qualified, they should be both equally treated. All the best to them both equally.

**Question 6.** These days students are more inclined towards corporate law rather than joining litigation and judicial services, so what is your message to them so that they can be motivated towards joining litigation and judicial services?

**Justice Dalvi** - We have many lawyers already. We require quality and not quantity in everything. We have got many corporations also because our economy also has to all the time grow and that growth is in the corporate sector. But for those who come into the legal profession and who would like litigation as a career, then they must follow the norms of etiquette, integrity and the actual share of research and hard work which is required and in that sector maybe more than in the corporate sector.

**Question 7.** Last question ma'am, you are an inspiration to many lawyers present and so what is your last piece of advice you can give so that even they can follow your path and be as successful as you are?

**Justice Dalvi:** - So far as Lawyers are concerned you are in the profession to make money as well as give to the society something that you know about, your talents. You can always make money by doing good. You don't have to make money by doing some unscrupulous acts. Go ahead make money but do good.



## TRIPLE TALAQ: A DEMEANING PRACTISE

By: **Garima Agrawal** (B.B.A., L.L.B, First year)

**Only three words were scrawled on the letter from her husband and posted to her parents' home in central India, but they were enough, enough to shatter a wife's, a mothers whole life.**

**Yes! Welcome yourselves to a world where words have the power to change someone's life, in a way that is scary!!**

In 2016, ShayaraBano and Afreen Rahman, unilaterally divorced by their husbands, approached the Supreme Court of India, demanding an end to triple talaq, seeking justice from the courts to nullify a practice which is not only unconstitutional, but also "un-Quranic". Both cases have opened a Pandora's box, and now, the question of whether it is the right time to abolish the practice in India is being debated by all quarters of the media and civil society.

But before going ahead let's understand a little more about this term. What is triple talaq? In the shortest and the most simplistic way, triple talaq is basically a practice wherein a Muslim men can divorce his wife by simply stating their intention three times verbally according to sharia ; Islamic law. The wife need not be present. She need not even be aware. Now as absurd as it sounds, there are people - precisely the All-India Muslim Personal Law Board - who back this absurdity And trust me, the reasons given, tell us how profoundly the roots of these patriarchal mentalities have spread in our society. Some of the justifications provided by this faction include reasons like:



### 1. Women get killed when men don't have easy divorce:

Proclaiming triple talaq as a saviour of a woman's life, the people backing this dangerous method of divorce firstly need to understand the stand of their opponents. The opponents are not against divorce, divorce is acceptable, but there needs to be a proper way for it, a way that is rational enough.

### 2. Male is stronger and female is the weaker sex - The affidavit submitted by the AIMPLB in addition to the above point also states this point of women being dependent on men for their defence. "Shariah gives husband the right to divorce as men have greater power of decision-making and are more likely to control emotions".

### 3. Obtaining divorce from courts scandalizes women's character:

How far does this reasoning hold true in a society that wishes to move ahead on the paths of advancement? Considering the era and time in which we live, we need to adopt a more progressive mentality, and try to broaden our streamlined mentality. Holding on to such archaic notions is not only a hindrance to the growth of such a society, but may also have a reinforcing effect on those who are not exposed to the benefits of advancement.

### 4. TripleTalaq is sin, but 'valid and effective' form of divorce

"It is submitted that though pronouncement of Triple talaq is considered to be a sin it is still a valid and effective form of divorce. InIslamic jurisprudence many a times an irregular or improper nature of an act does not affect the legal consequences of the Act. For instance, it is not lawful to appoint a sinner as a judge. However, if the state appoints a sinner as a judge and he passes a judgment, that judgment will be effective, provided it is within the limits of Sharia."

These are just a few among the many reasons given by people with a narrow mentality as theirs. The board says that this practice is meant to

ensure justice to women. This reasoning seems laughable to me. The reasons given by this board are clearly contradictory to the reality. You know what, if they cared so much about women and their upliftment, they would have rather dedicated their efforts to curb this practice, if they cared about women; there would not have been so much discussion and debate going on in our country about this issue.

The Muslim Personal Law board argues of representing all of its population, whereas their board does not even include a single women. Women's dignity lies beyond the realms of politics and representation of few central male members of personal law board. There are so many unanswered questions that are yet to be answered in a rational and explicable manner by the All-India Muslim Personal Law Board.

Triple Talaq creates a power dynamic in a marriage which is greatly in favour of the man and oppressive to the women. Supreme Court of India is currently hearing a petition filed by women's rights activists who want the judiciary to declare triple talaq – as unconstitutional.

This voice for banning triple talaq is something that is coming from the Muslim women themselves. Triple Talaq is unilateral, arbitrary and contravenes both the constitution and the principles of gender justice in Islam. In a secular and democratic country like India, religious laws cannot overwrite the constitutional right to equality.

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# !NSIGHTS

## THE INDIAN LEGAL SYSTEM:

### A Study on the Pendency of Cases in India with Respect to Delay in Justice

The legal framework is the foundation of India's just nation. The Judicial system of India is said to be one of the most seasoned legitimate frameworks on the planet that reigns from hundreds of years of colonial tenet in India. The spirit of law, the article, and objective of any lawful framework in a socialized society, is the fulfilment of freedom and fairness<sup>1</sup>. The system has been laid down on the basis of the Indian Constitution, wherein the powers of the system have been derived from. The Judicial system being the oldest system has evolved tremendously over the years, religious prescription to the current constitutional and legal system we have today, traversing through secular legal systems and the common law.

The whole judicial system has been well constructed, keeping the constitution as the base for the effective functioning of the system. Invoking the principles of justice, equity, and good conscience, decisions of the court became almost indistinguishable from private legislation<sup>2</sup>.

The Indian legal system has evolved as an essential ingredient of the world's largest democracy and a crucial front in the battle to secure constitutional rights for every citizen<sup>3</sup>. India's legal framework takes after a "Common Law System" alongside the administrative law and the statutory law. Another critical element of our legitimate framework is that it depends on the ill-disposed framework, in which two sides of the story are introduced for each situation to an impartial judge, who might then give a judgment in light of the contentions and proof of the case.

There are millions of cases pending today in the courts of India and the stack is increasing day by day. The time taken by courts of all levels to deliver their judgments is a source of worry and agony for all. As a matter of fact, the state (constituting central and state governments and departments, authorities under them) is the largest litigant in India and thus the major sufferer of this plight<sup>4</sup>. Though the Judicial system has been constructed beautifully, it has not been updated since the time it has been put to practice, thus creating numerous loopholes and an easy escape for the guilty and delay in granting justice. There are various reasons due to which there is a backlog today and it is turning to be a serious concern. The common man is losing faith in the judicial system and soon there must be a change in the approach to litigation and amongst that, the various ways by which the issue of pendency can be curbed, and speedy justice shall be provided to the people.

There are millions of cases pending till day and no prompt methods have been undertaken in order to reduce the margin between the newly registered cases and the pending cases in the bracket of 2 years, 5 years and 10 years. Though over the years there have been certain measures taken to reduce the ratio of the pendency, but the various efforts taken are still futile.

From a recent study, it is understood that the pendency of cases and the backlog has risen to an approximate figure of 3.2 crore cases. The backlog is a black mark on the Indian judiciary as the very purpose of the judicial system i.e. granting justice itself is delayed, which is quoted as '*Justice delayed is justice denied.*'

There are various factors that are affecting and causing the delay, also we can understand and conclude that the system itself has certain inbuilt deficiencies. One of the important factor causing delay is the; *Delay by the judges in delivering judgments within the time limit and not passing orders quickly.*

These issues must be dealt with and corrected immediately to reduce the huge backlog burden of pending cases on the judge. Time has come when the entire judicial set-up will have to be overhauled and refurbished in order to make the goal of speedy justice a pulsating reality<sup>5</sup>. There is also a need for rebuilding the Indian Legal System and for eliminating, and discovering solutions for the issues of access to equity, high expenses of a case and the obliviousness of the masses in admiration of their legitimate rights.

– By **Anupama Nair**  
(L.L.M, Kirit P. Mehta School of Law)

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# !NSIGHTS

## Unemployment and MGNREGA

Unemployment in India is one of the biggest obstructions to the speedy development of the country. According to the Employment-Unemployment survey conducted by the Ministry of Labour and Employment, the unemployment rate is estimated to be 4.9 percent at the all India level (2013-14). Unemployment is not a grave problem just because it creates additional liability on the economy of the nation. Rather it is a serious predicament because of the wastage of the country's human resource. The large population and lack of proper availability of social security in India make unemployment a more dreadful situation in India. In order to mitigate the problem of unemployment, various governments that have come to power have tried to frame and implement policies that provide opportunities for skill development as well as employment to the weaker sections of society. One such radical measure which was taken to ensure better use of the potential labour force was the enactment of the National Rural Employment Guarantee Act, 2005 (NREGA) which was later renamed as the "Mahatma Gandhi National Rural Employment Guarantee Act" (MGNREGA). Around 182 million beneficiaries (15 of India's population) are provided social security under MGNREGA.



The main provision of this scheme is that it promises hundred days of assured employment, especially for rural unskilled labour. This act also provides for unemployment allowance in case the state government fails to provide gainful employment. The implementation of this scheme at the local level is the responsibility of the gram panchayat. As per this scheme, job cards are to be issued by the gram panchayat to confirm the enrolment of the candidate under the scheme. This scheme as a matter of policy rightly guarantees individuals access to their right to work. Various other provision of the scheme such as fixed minimum wages determined by the state government, supervision of the implementation of the program at local level, inclusion of a variety of constructive activities, provisions for women and setting up grievance redressal mechanism have helped in expanding the scope of this scheme to the benefit of a larger number. The implementation of these provisions has given a new hope to many rural families which were once plagued by poverty and insufficiencies.



However, the full-fledged implementation of this scheme is yet to materialize. With experts doubting the ability of MGNREGA to provide even fifty days of employment on an average at the national level, the defects of the scheme need to be reviewed and fixed from time to time. The execution of the scheme by the local authorities needs utmost attention. Problems at the local level include the lack of awareness among the people about the provisions of this scheme and their entitlements under this scheme as a result of which they may not be given their dues by concerned authorities. The job cards of workers are often not delivered on time and are also not updated regularly in many backward areas. Lack of equipment and on field experts also hamper the initiation or completion of projects which would provide employment to those in need. The mismanagement of funds at all levels are frequently shielded by the excuse of delay in reception of funds and the labourers are then left to plead for their hard earned money. Such improprieties in execution are equivalent to denying the workers their rights as it prevents them from investing their labour at the right time which would enable them to generate returns. Efforts are also being made to create more linkages between MGNREGA and agricultural work as this will allow the participation of a larger workforce and will also put into use the existing traditional knowledge of the people. Moreover, it will also promote the development of agriculture which can then create more stable employment opportunities for those who are underemployed.

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– By Clarissa  
(B.A.,L.L.B., First year)



# #TRENDING

## NEWS SNIPPETS

### January

- **Supreme Court Grants Permission to 24-Week Pregnant Woman for Abortion**

The Supreme Court, on January 16, 2017, allowed a Mumbai-based 22 year old pregnant lady with 24 weeks of Pregnancy to abort her baby as continuation of pregnancy posed a risk to her life.

The two judge bench of Justice S.A. Bobde and Justice L. Nageswara Rao gave the verdict after a panel of seven doctors from KEM Hospital, Mumbai declared that the skull and brain tissue development of the fetus were absent and there was no chance of the fetus surviving outside the uterus.

Abortion is legal in India only up to 20 weeks of pregnancy under the Medical Termination of Pregnancy Act, 1971

- **Supreme Courts Directs Kerala Government to Compensate Victims of Endosulfan Poisoning**

The Supreme Court has directed the state government of Kerala to pay Rs.500 crore as compensation to 5,000 victims suffering various types of deformities, health issues and other complication arising due to the use of Endosulfan pesticides in the state.

The apex court also instructed the state to set up treatment centers that can provide long term treatment to those suffering from health complications due to the poisoning. The victims mostly include newborns and their families

- **Divorce Granted through Church Court Cannot be Held Legal: SC**

The Supreme Court, on January 19 2017, said that divorce granted by any ecclesiastical tribunals or 'Church Courts' under Christian personal law, will not be taken as valid. It said that Church Courts cannot veto the statutory law of divorce.

A bench comprising Chief Justice J S Khehar and Justice D Y Chandrachud dismissed the plea filed by Clarence Pais, a former president of a Karnataka Catholic association that sought legal sanction to such separations granted by the Church Court.

Apex Court said that the divorce granted through Canon Law may have significance for Christian community but after the Divorce Act came into force, a dissolution granted under such personal law cannot have any legal impact as statute has provided a different procedure and a different code for

divorce or annulment

- **Pakistan finally approved the Hindu marriage bill**

Pakistan's Senate Functional Committee on Human Rights chaired by NasreenJalil approved the much awaited Hindu Marriages Bill on January 2, 2017 which the National Assembly passed in September 2016. Hindu Marriages Bill will enable the Hindu community members to get their marriages registered, and to appeal in courts of law in cases of separation.

- **Ukraine Gets its First Baby Girl Born Using New 'Three - Person' IVF Technique**

A baby girl was born in Ukraine on January 5, 2017 using the new technique of three-person IVF called 'pronuclear transfer'. The infant is being considered as the world's second baby to be developed using three-person IVF technique. The world's first baby was born Mexico in September 2016. Three-person IVF was legalized in the UK in 2015. The objective of three-person IVF is to create a child free of mitochondrial disease in cases where parents suffered from such disease.

- **Trump Signs Order to Withdraws US from Trans-Pacific Partnership Deal**

The new US president, Donald Trump signed a formal executive order on January 23, 2017 to withdraw the country from the Trans-Pacific Partnership (TPP) trade deal, thus keeping his promise made during his presidential campaign.

- **Trump orders 2,000-mile wall to be built on Mexico border**

United States President Donald Trump signed an executive order to enable construction of a 2,000-mile wall along the southern US border with Mexico. The wall construction is aimed at stemming the flow of drugs, illegal immigration into the US

- **La La Land Wins Record 7 Awards at Golden Globes**

La La Land, an American romantic musical comedy-drama film, broke the record at the 74th Golden Globe Awards on January 8, 2017 by winning in every category of award it was nominated. The movie won all seven awards it was nominated in including best musical or comedy film, best director, screenplay, score and song along with the actors of the film.

- **Cristiano Ronaldo Named FIFA Best Player of the Year 2016**

Portugal's Cristiano Ronaldo was named the world's best

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player at the inaugural Best FIFA Football Awards 2016 on January 9, 2017 in Zurich, Switzerland. The Real Madrid player beat great rival Barcelona's Lionel Messi and Atlético Madrid's Antoine Griezmann to win the top award of FIFA.

2013 and 2014.

Lionel Messi took the honor for a fifth time last year. Atletico Madrid's French forward Antoine Griezmann finished third in the vote

## December

- **Triple Talaq is unconstitutional and no personal law board is above the Constitution: Allahabad High Court**

The Allahabad High Court on December 7, 2016, passed an order, over the Islamic practice of Divorcing a woman by saying the word “talaq” three successive times, that it is completely “Unconstitutional” and violates the rights of Muslim Women. The High Court Judge, Justice Suneeet Kumar gave the judgment while hearing a petition filed by a woman who claimed that her husband divorced her without mutual consent.

- **Supreme Court Bans Liquor Shops on National & State Highways**

The Supreme Court on December 15, 2016, passed an order to ban all liquor shops on national as well as state highways across the country as a measure to control the road mishaps that takes place every year.

A three-judge bench headed by Chief Justice T. S. Thakur and comprising of Justices D.Y.Chandrachud and L. Nageswara Rao directed that the licenses of existing liquor shops across the highways will not be renewed after March 31, 2017

- **World's longest Rail Tunnel Starts Operating in Switzerland**

The world's longest rail tunnel, Gotthard Base Tunnel (GBT), began operating on regular basis in Switzerland, on December 11, 2016, to provide service to the passengers. The 57 km GBT took 17 years to build at a cost of over 12 billion Swiss francs (\$11.8 billion)

- **India crosses \$300 billion FDI, becomes safe investment destination**

India has achieved the status of being a safe and dynamic investment destination in the world after it crossed the \$ 300 billion Foreign Direct Investment (FDI) between April 2000 and September 2016 33% of the FDI came through the Mauritius route, because the investors wanted to take advantage of India's double taxation avoidance treaty with the island nation.

- **Cristiano Ronaldo defeats Lionel Messi to win Ballon d'Or 2016**

Cristiano Ronaldo of Real Madrid, beat rival Lionel Messi to win the prestigious Ballon d'Or award for a fourth time. Ronaldo, 31, previously won the award in 2008 as well as in

- **Periodic Table Expands With 4 Elements Named After Japan, Moscow, Tennessee**

On November 30, 2016, the periodic table got larger after four new elements were officially named and added to the chart, including 'Nihonium' which is the first ever element to be discovered by Japanese scientists.

Newly included elements are: Nihonium, Moscovium, Tennessine and Oganesson.

The new name for element 113, Nihonium, symbol Nh, a highly radioactive element with an extremely short half-life, comes from Japan's name in Japanese 'Nihon', literally 'the land of the rising sun'.

- **www.girlsgottaknow.in Website Launched to Educate Indian Women on Their Legal Rights.**

Tasmania-based Women's Legal Service in collaboration with TRS Law Offices, India has launched a website, www.Girlsgottaknow.in, for women in India to educate them about their legal rights. This project has received the support of the Australian Government.

The website has different heads such as Relationship, Employment, Partying and Trouble, Housing and Renting, Employment, Money and other

- **PM Narendra Modi launches UPI-based mobile payment app called “BHIM”**

Prime Minister Narendra Modi launched UPI based mobile payment application called BHIM (Bharat Interface for Money) at the Digi DhanMela event in Talkatora stadium, New Delhi. BHIM is a rebranded version of UPI (Unified Payment Interface) and USSD (Unstructured Supplementary Service Data).

## November

- **Hindu widow's adopted child can claim only in her assets: SC**

The Supreme Court on November 17, 2016, ruled that a child who is adopted by a Hindu

Widow would not have any rights on the property of the woman's expired husband and could only lay claim over the property inherited by his mother.

A bench of Justices A. R Dave and L Nageswara Rao, held



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that with the adoption of a child, the rights and interests of other members of the family would not be harmed.

- **Son irrespective of his marital status has no legal right in parents' house, can stay at their mercy: Delhi high Court**

The Delhi High Court, on November 29, 2016, directed that a son, irrespective of his marital status, does not have any legal right to live in his parents' house.

Justice Pratibha Rani directed, where the house is self-acquired by the parents, son could reside in his parents' house only at their "mercy" up to the time the parents allow, as they have cordial relations and not because they have to bear his "burden".

- **Russia Withdraws from International Criminal Court**

Russia's President Vladimir Putin, has signed an executive order announcing Russia's withdrawal from the International Criminal Court (ICC) in The Hague. The executive order was signed by Russia just after ICC released a report calling Russia's illegal capture over Crimea just as an 'Occupation' led to an international conflict between Russia and Ukraine.

- **"Post-Truth" International Word of the Year-'Oxford Dictionaries'**

Oxford Dictionaries has named "post-truth" as its 2016 international word of the year.

The adjective, post-truth, is defined as "relations to circumstances in which facts are judged to be less important than emotion and public opinion".

- **Rs. 500 and Rs. 1000 Currency no longer Legal Tender**

Prime Minister Shri Narendra Modi while addressing the nation on November 8 2016, made a historic announcement that the Rs. 500 and Rs. 1000 currency notes currently in use will no longer be legal tender from midnight 8th November 2016 that is these notes will not be accepted for any kind of transactions from midnight onwards.

The aim behind such move is to curb corruption, black money, money laundering, terrorism creating an environment of panic.

However one hundred, fifty, twenty, ten, five, two and one rupee note will remain legal tender and will not be affected by the decision. On recommendation of RBI, government of India has decided to issue Rs.2000 notes and new notes of five hundred for circulation.

- **Young Indian lawyer gets elected into UN's top body of legal experts**

Marking another milestone in the progress of India, a young

Indian lawyer **Aniruddha Rajput** has won a seat in the hotlycontested United Nations (UN) General Assembly elections for membership its top body of legal experts, garnering the highest number of votes in the Asia-Pacific group. Aniruddha Rajput (33) is among the 34 individuals elected by the General Assembly as members of the International Law Commission, the UN organ tasked with the progressive development of international law and its codification.

- **First Brain Implantation conducted In Netherland**

Doctors of Netherlands have performed the first-ever brain implant on a 58-year-old woman paralyzed by disease named Lou Gehrig's. The implantation has enabled her to communicate in day-to-day life with the help of a speech computer.

(Sources: E-newspapers and News Websites)

## Current Landmark SC Judgments

### I. **Nirbhaya Case to be reopened owing to overlooking of procedure**

The four men convicted in the 2012 Nirbhaya gang-rape case, who were due for a death sentence recently got a new lease of life from the Supreme Court. Two senior advocates, Raju Ramachandran and Sanjay Hegde who had been appointed as amicus curiae in the case contended that several principals had not been followed while conveying the sentence to the accused.

The Delhi High Court in 2013 had found the four accused: Mukesh (24), Pawan (20), Vinay (22) and Akshay (29) guilty of rape and murder of a 23-year-old women in a bus in Delhi. Seeing the case as rarest of the rare, they had been sentenced to death, which was challenged by the defendants. Following this, the two senior advocates were appointed as amicus curiae by the Court to help decide on the matter.

Both the advocates argued that several principles of the Code of Criminal Procedure (CrPC) had been overlooked while passing the sentence. Ramachandran mentions in his written submissions that there were six fundamental errors committed by the trial court while awarding death sentences, including not taking the mitigating circumstances of the accused persons into consideration and not hearing them in person on their punishment. He also argued that the nature of the crime was such that the charges levied against each of them were separate and all of them should have been heard separately before being sentenced.

Adv. Hegde argued that as there was a lack of conspiracy on part of the accused, it rules out the presence of social

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predisposition or hardened criminality, factors which can be established only if there is evidence of planning prior to the crime.

Considering the above arguments, the bench headed by Justice Dipak Misra and comprising of Justice R. Bhanumati and Justice Ashok Bhushan has decided to hear the appeal against the Delhi High Court judgement. The date of the hearing has been set as 6<sup>th</sup> February 2017.

## II. Criminal Defamation law not unconstitutional

(Subramanian Swamy v. Union of India)

In the case of Subramanian Swamy v. Union of India, where the appellant had filed a petition challenging the validity of the criminal defamation law (sections 499 to 502 of the Indian Penal Code) in relation to the constitution, the Supreme Court has upheld its validity in this context. The Bench comprising of Justices Dipak Misra and P.C. Pant held that the right to Life under Article 21 includes right to reputation. The bench also dismissed petitions from Delhi Chief Minister Arvind Kejriwal and Congress VicePresident Rahul Gandhi on the same lines.

## III. Multiple Life sentences will run concurrently, remission of one will not affect the other

(Muthuramalingam v. State Rep. y Insp. of Police)

The Constitution Bench of the Supreme Court held in the case of Muthuramalingam v. State Rep. y Insp. of Police that while it is possible to award multiple life sentences for multiple murders or other offences amounting to such punishment, these sentences cannot be directed to run consecutively but will run in a concurrent manner. As a clarification, the Bench stated that such sentences would, however, be superimposed over each other so that any remission or commutation granted by the competent authority in one does not *ipso facto* result in remission of the sentence awarded to the prisoner for the other. The Bench also corrected the wrong interpretation given to Section 31(2) of Code of Criminal Procedure Code, by holding that the cap of 14 years Rule on aggregate punishment is not applicable to Sessions Court.

## IV. SC can transfer cases from Jammu & Kashmir Courts to courts outside it and vice-versa

(Anita Kushwaha vs. Pushpa Sudan)

The Constitution Bench of the Supreme Court has held that Supreme Court can, by invoking Article 32, 136 and 142 of the Constitution is empowered to transfer a case from a Court in the State of Jammu and Kashmir to a Court outside the State or vice versa. The five Judges Bench comprising of Chief Justice of India Dr. T.S. Thakur, Justices Fakkir Mohamed Ibrahim Kalifulla, A.K. Sikri, S.A. Bobde, and R. Banumathi further made an important observation that Access to Justice is guaranteed to citizens by Article 14 and Article 21 of the Constitution of India. The Constitution

Bench was answering reference to it, which arose from Transfer Petitions, eleven seeking transfer of civil cases from or to the State of Jammu and Kashmir while the remaining two seek transfer of criminal cases from the State to Courts outside that State.

The Court held: “there is no prohibition against use of power under Article 142 to direct transfer of cases from a Court in the State of Jammu and Kashmir to a Court outside the State or vice versa. All that can be said is that there is no enabling provision because of the reasons which we have indicated earlier. The absence of an enabling provision, however, cannot be construed as a prohibition against transfer of cases to or from the State of Jammu and Kashmir. At any rate a prohibition simpliciter is not enough. What is equally important is to see whether there is any fundamental principle of public policy underlying any such prohibition. No such prohibition or any public policy can be seen in the cases at hand much less a public policy based on any fundamental principle. The extraordinary power available to this Court under Article 142 of the Constitution can, therefore, be usefully invoked in a situation where the Court is satisfied that denial of an order of transfer from or to the Court in the State of Jammu and Kashmir will deny the citizen his/her right of access to justice. The provisions of Articles 32, 136 and 142 are, therefore, wide enough to empower this Court to direct such transfer in appropriate situations, no matter Central Code of Civil and Criminal Procedures do not extend to the State nor do the State Codes of Civil and Criminal Procedure contain any provision that empowers this court to transfer cases.

## V. Forcing Husband To Get Separated From His Parents, Amounts To 'Cruelty'

(Narendra vs. K.Meena)

The Supreme Court of India in Narendra vs. K.Meena has held that persistent effort of the wife to constrain her husband to be separated from the family constitutes an act of 'cruelty' to grant divorce. The Bench comprising Justice Anil R. Dave and Justice L. Nageswara Rao also held that leveling of absolutely false allegations with regard to extra-marital life and repeated threats to commit suicide would also amount to 'mental cruelty'. The Supreme Court set aside a High Court judgment which had reversed the Trial court order granting divorce to the husband on ground of cruelty. Normally, no husband would tolerate this and no son would like to be separated from his old parents and other family members, who are also dependent upon his income, the Bench said.

## VI. National anthem must in Theatres

(Shyam Narayan Chouski vs. Union of India)

The Supreme Court today made it mandatory for all cinema theatres to play the national anthem before a movie begins during which the national flag is to be shown on the screen. A

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bench of Justice Dipak Misra and Justice Amitava Roy also said that everyone present in cinema hall should rise up and pay respect to the anthem when it is played. “Time has come for people to realise that the national anthem is a symbol of constitutional patriotism...people must feel they live in a nation and this individually perceived notion of freedom must go...people must feel this is my country, my motherland.” Justice Misra said.

Though on 14th February the Supreme Court clarified that one need not or no one can be compelled to stand up in attention position if the national anthem is played in a movie or a documentary. “When national anthem is played during film or documentary nobody is compelled to stand. On my question the Attorney General himself said the interim order does not deal with such a situation”, Justice Dipak Misra said during the hearing of the PIL on the issue.

There have been instances of people beaten up for not standing up for the anthem and complaints have been lodged in several states across the country. Last October, award-winning writer Salil Chaturvedi – who suffers from spinal injury – was allegedly beaten up at a Panaji multiplex for not standing up while the national anthem was being played.

(Sources: [www.livelaw.in](http://www.livelaw.in), [www.pathlegal.in](http://www.pathlegal.in), [www.timesofindia.indiantimes.com](http://www.timesofindia.indiantimes.com))

## Faculty Corner

### Do Lawyers Need Economics?

*“For the rational study of the law the black-letter man may be the man of the present, but the man of the future is the man of statistics and the master of economics... We learn that for everything we have to give up something else, and we are taught to set the advantage we gain against the other advantage we lose, and to know what we are doing when we elect”.*

– Oliver Wendell Holmes.

With this self-evident quote on the relevance of Economics to the understanding of the Legal Theory and Systems, this article is an attempt to bring out the origins and evolution of this interdisciplinary area of study and develop an understanding of 'Economic Analysis of Law'.

#### Origins of the Branch

Law and Economics began its synthesis as a discipline through the theories of the Chicago School and further built upon by pioneers like Guido Calabresi and Nobel Prize winners Ronald Coase, Gary Becker, Douglas North and James Buchanan. It would be worthwhile to discuss some of their major contributions here.

Guido Calabresi is a senior judge on the United States Court of Appeals for the Second Circuit and Sterling Professor of Emeritus at Yale Law School. He has been one of the founders and most influential advocates of Law and Economics movement. He divides the subject into two separate areas which he identifies with Jeremy Bentham (English Philosopher and Political Radical) and John Stuart Mill (Political Economist). The first, Benthamite strain, 'Economic Analysis of Law' examines the legal system in the light of economic theory and shows how economics might render law more effective. The second strain 'Law and Economics', gives equal status to Law and explores how the more realistic, less theoretical discipline of Law can lead to improvements in the economic theory. It is the latter approach that Judge Calabresi advocates more in his Essays on 'Law and Economics'.

Ronald H. Coase is best known for two articles in particular: 'The Nature of the Firm' (1937), which introduces the concept of Transaction Costs to explain the nature and limits of the firms and 'The Problem of Social Costs' (1960) which suggests that well-defined property rights can overcome the problems of externalities (social costs). He received Nobel Prize in 1991 for the latter which went on to become one of the foundational ground for the branch of Law and Economics.

Gary Stanley Becker has been known for his work on 'Human Capital' and 'Human Behaviour' (which encompassed areas like racial discrimination, crime, family organization and drug addiction) and for which he received Nobel Prize in 1992. He was known for arguing that many different types of human behavior can be seen as rational and utility maximizing including 'altruistic' behavior. In his writings on Crime, Becker argued that though many people in the common parlance operate under a high moral and ethical constraint, criminals rationally see that the 'benefits' of their crime outweigh the 'costs' of indulging into a crime such as the probability of apprehension, conviction and punishment and their current set of opportunities. Also, one of the main differences which is being noted between Becker's Theory and Jeremy Bentham's Rational Choice Theory (which has been abandoned in criminology), is that Bentham considered it possible to annihilate crime completely while Becker acknowledged that a society cannot eradicate crime beneath a certain level. Becker's work has also been cited as one of the most influential in shaping the advancement of the branch of Law and Economics.

James M. Buchanan received Nobel Prize in 1986 for developing 'Public Choice Theory' which revolutioned the process of economic and political decision-making which went on to aid the Law-Making process in a normative manner. Buchanan and Gordon Tullock jointly coauthored 'The Calculus of Consent: Logical Foundations of Constitutional Democracy' (1962) is being considered one of the landmarks in the area of Public



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Choice which further builds upon the works of Knut Wicksell, Duncan Black and Kenneth J. Arrow. This work focuses on the positive-economic analysis as to the development of constitutional democracy but in an ethical context of consent. One of the basic tenets which differentiates between the 'Public Choice Theory' and 'Institutionalist Theory' is the 'governing factor' behind the 'choices' made by the people. While the former is based on 'self-interest and rational behaviour', the latter ascribes this to the 'culturally influential value system'.

As evident from the above contributions, Professor Bruce Ackerman of the Yale Law School described the Economic Approach to Law as *“the most important development in Legal Scholarship of the twentieth century.”*

Richard Posner's book *'Economic Analysis of Law'* (1975) became one of the classics of the discipline. He clearly demarcates between the strand of approaches adopted by 'Old' and 'New' Law and Economics Scholarship, with the onset of 1960s and onwards.

Until the 1960s, by the 'Old' approach, Law confined the use of economics to anti-trust laws, regulated industries, taxation, and some special topics like determining monetary damages. In these areas, Law needed Economics to answer such questions as 'What is the defendant's share of the market?', 'Will price controls on automobile insurance reduce its availability?' and 'Who really bears the burden of the capital gains tax?'.

Beginning in the early 1960s, this limited interaction changed dramatically when the economic analysis of law expanded into the more traditional areas of the law, such as property, contracts, torts, criminal law and procedure, and constitutional law. This 'New' use of economics in the law asked questions such as, 'Will private ownership of the electromagnetic spectrum encourage its efficient use?', 'What remedy for breach of contract will cause efficient reliance on promises?', 'Do businesses take too much or too little precaution when the law holds them strictly liable for injuries to consumers?' and “Will harsher punishments deter violent crime?”. Clearly, the approach changed from being investigated in terms of 'who' (gross estimation) to 'how much' (a more refiner and precise estimation).

## Economic Analysis of Law

Economics provides a behavioral theory to predict how people respond to laws. This theory surpasses intuition just as science surpasses common sense. The response of people is always relevant to making, revising, repealing, and interpreting laws. A famous essay in law and economics describes the law as a *'Cathedral'*—a large, ancient, complex, beautiful, mysterious, and sacred building. Behavioral science resembles the mortar between the cathedral's stones, which support the structure everywhere.

The 'Positive' Economic analysis seeks to explain the behavior of legislators, prosecutors, judges and burueacrats. The model of 'Rational Choice' which underlies much of modern economics, proved to be very useful for explaining and predicting how people 'act' under various legal constraints. The participants in the legal process indeed behave as if they were rational maximizers: criminals, contracting parties, automobile drivers, prosecutors, and others subject to legal constraints or involved in legal proceedings act in their relation to the legal system as intelligent (not omniscient) maximizers of their satisfactions. Like ordinary consumers, they economize by buying less of a good or commodity when its price rises and more when it falls.

This positive analysis informs the 'Normative' branch of the discipline about possible outcomes. The legal system itself, its doctrines, procedures, and institutions, has been strongly influenced by a concern (more often implicit than explicit) with promoting 'economic efficiency'. The rules assigning property rights and determining liability, the procedures for resolving legal disputes, the constraints imposed on law enforcers, methods of computing damages and determining the availability of injunctive relief, these and other important elements of the legal system can best be understood as attempts, though rarely acknowledged as such, to promote an efficient allocation of resources. If the effects of divergent legal rules and institutions are known, the normative analyst will be able to discern efficient rules from those that are inefficient and formulate reform proposals to increase the 'Efficiency' of the Law and strengthen the quality of the Legal System as a whole.

To conclude, right from the point of Individual and Collective 'Decision-Making' to their 'Interaction' among themselves, Economics provides a way of understanding the established notions of Legality, their execution and implementation and advances towards their reformatory measures. Thus, this area of study has become inevitable in the modern times to be included in the course curriculum of Legal Education to strengthen it in its totality.

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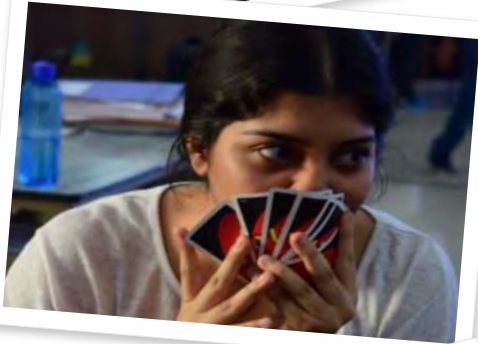
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– By Mitali Gupta (Ph. D.)

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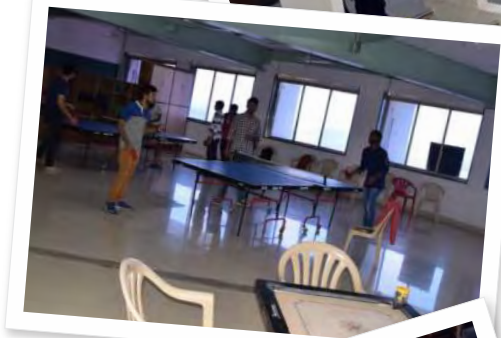
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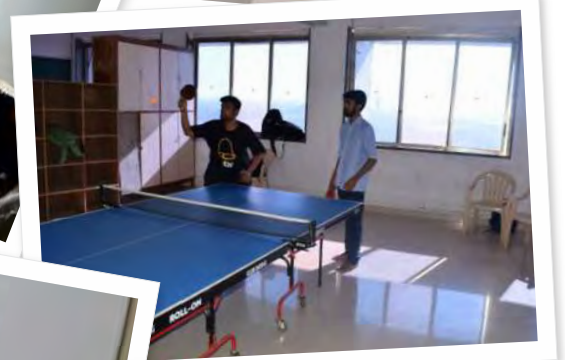
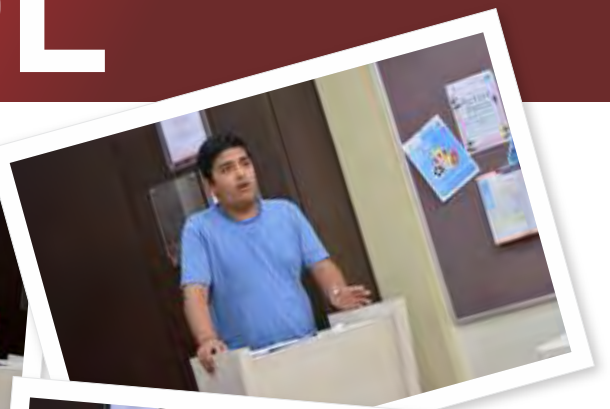
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## One for the Ones

This is for the ones who never got to know  
The calming warmth of a mother's embrace  
A father to love and get a hold of  
The tears that roll down their face

This is for the ones who never got to know  
This world of mesmerising sights  
Plunged into strife and misery by  
The harsher realities of life

This is for the ones who never got to know  
A childhood of blissful ignorance  
Of boats in puddles and happy meals  
And of fancies and innocent whims

This is for the ones who never got to know  
To not have a care in this world of pain  
Who never had the simplest joy  
Of some football in the rain

This is for the ones who find themselves  
Fighting the demons they woke up to every morn'  
Battered by the folly of their hearts  
O'er and again raging against the sweeping tide  
Alas! Those are the ones who never got to know  
The child inside.

- The child who forgot to grow up

— By  
*Debashish Dumbre*

## A Walk with Death

Eyes open and I slept for hours. Consumed in the darkness within me, which now is the only comfort I look for..

A soft knock on my heart threw me back to reality. I saw a person darker than the dark smiling at me. The smile wasn't empathetic, but rather a sign of victory.

“So, you desired to meet me? Finally.” he sighed. His voice echoed inside my body.

“What are you doing inside my head?” I heard myself thinking.

He laughed. It was comforting. I felt like I had an option, an option which was him... an option away from life, but still alive.

“I am death.” His voice vibrated inside my body.

I wanted to get scared but I smiled to myself. “You are a part of me. I know.” I replied.

I could not hear anything else, he did not react. At that moment, I was afraid of losing him but I knew he wouldn't leave. I knew he was a part of me and we would meet one of the many dragging nights to come. I slept again, eyes open.

“Want to go for a walk?” He asked.

This time I woke up frightened when I heard him again.

“Is it a walk towards death?” I asked calmly.

“I AM death. You walk with me, not towards me. Are you ready?”

I nodded.

I felt something warm lying down beside me. The warmth was so comforting that I wanted to touch it but afraid at the same time that it might vanish. It was hard to believe that something so soothing was a part of me.

“Have you ever stood under a dozen of fairy lights?” He asked with a tone of longing.

Memories flashed inside my mind. I thought of the evening lights in my house veranda. I used to love looking at them when I was four years old. The faded red glow was my favourite.

I nodded again.

He sighed. “I don't know how that feels like. I am afraid of lights.”

I could not imagine how horrible a feeling it must be to not be able to love lights... not be able to see reflections.

“So, if you go to a lighted place, you die?” I asked curiously.

“Haha. I do not die. I lose my being in the light. I lose the consciousness of my existence.” He answered.

“What do you think is the reason for that?” I was surprised.

“Lights give hope. They are a reason to live. They give you memories that can fight the dark. I am lifeless and dark. I do not possess the power to fight memories but they can invade me. I do not exist in that world.”

Now his voice did not sound unfamiliar. I felt he was stuck in a space which he did not decide. Throughout our conversation, the only similarity I found between both of us was, 'suffocation' and 'the desire to breathe' but from different vacuums.

He did not say anything for a few minutes, like he was giving me time to think.

“Are you gone?” I asked; Even though I could feel the comfort he was radiating.

“Depends. If you want me around, I will stay. If you don't, I can go.” He replied.

I knew I wanted him around. I always longed for the comfort he had brought with him but I wasn't sure if darkness was my ease. All the good memories I had were filled with lights and happiness. I wasn't sure if I was looking for happiness anymore.

My mind was amidst a battle. I did not know if I should live with the obscurity inside me or wait for the happiness I craved for all



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these years. All I knew was that I did not want to decide. I presently wanted to lie down beside him.

“Why did you summon me?” He asked. His voice sounded drained.

“What? I never called for you. What made you feel so?” I was confused.

“Haha. You are naive. I am death, I don't pay visits to have conversations with people. Why do you think I am walking with you? Because you wanted me to come.” He said happily.

“I did not.” I was annoyed but firm.

“You did. You wanted to die. You thought it was fascinating and your only way to escape.” He stated.

I got petrified. I never thought of dying. I do not even remember thinking of death.

“That is not true.” I replied.

“Well, you are partially correct. You never thought of death but you do remember not wanting to live right?” He asked.

I felt paralysed. Yes! I do remember that. I remember not wanting to deal with my life anymore but I never considered death. It was funny how negativity invades into my thinking.

“What are you thinking?” He asked again.

“I think... I do not want to live, but I am not sure if I want to die. Is that weird? Is that possible?”

“Most definitely. Do you know why you are confused?” His voice was grim.

“No. Do you know?” I asked mockingly.

“I do. You like being sad. You have accepted to live without living. You love the suffering people bring to you. I must say, that is very brave of you.” He ignored my mocking tone.

“That is rubbish” I snapped.

Deep inside his words were taunting me. I knew he was right. I was so consumed in my sadness that I had started liking it. I knew I did not wish to be happy again. Happiness according to me was very farfetched and out of bounds for someone like me.

“I know what situation you are in. I have read your thoughts.” He said.

I was surprised with how he got to know that I had stopped thinking and was waiting for him to speak.

“I don't expect you to bring any positive change to my situation. So, please do not talk to me about it.”

I was afraid to accept in front of him that there is something

wrong with me. But I knew I trusted him, probably more than myself. I started thinking about a sound sleep... which I haven't had for months... years...

“I want you to go now.” I said.

“Are you sure? I think you summoned me here for a purpose. I want to help you with that. I don't think you have the strength left to survive through one more day and one more sleepless night. You look defeated.” He sounded concerned.

I felt like it was me talking to myself. Things that I was afraid to tell myself were not scary when he reminded me of them. He was a person who understood me in a very different way, a way that I was very familiar with. However, the familiarity was very unusual.

I closed my eyes tightly and let the thought pass.

“I want to be happy.” I muttered.

I could not believe that I finally admitted that but I felt relieved.

“I know.” He replied.

I was not surprised. He obviously knew about it and I was not tired of pretending in front of him.

“But I am exhausted of trying to be happy. I have put in all efforts, I made sure I look happy but it never came naturally. Now, I do not want to cut my soul and show it to people just to be happy.” I blurted out.

“What makes you happy Abhilipsa?” He asked.

When he referred to me by my name, I got scared. I questioned the fact that I had bared my being in front of a person I cannot even touch or feel. I wasn't even sure if he was a person or a shadow but I wanted to be with him... walk with him till the end of time.

“I am not sure. People I guess? People who connect emotionally with me and try to understand the bond that I wish to share with them.” I answered.

“But why would people do that? Why would they want to understand you and care for what you wish?” He asked surprised.

That was so rude. How could he not understand what I was trying to say. I should have not said anything in the first place.

“You won't understand.” I was highly disappointed now.

“Yes. Just like the other people. This world doesn't work that way. People are not here to connect emotionally, there has to be the desire to exploit someone or else the world won't be balanced. Sadly, you do not have the capability to exploit.”

“I have decided. I want you to go.” I was sure.

“Okay.” He said calmly.



“But I want to come along.”

Some decisions are difficult but easy at the same time. This wasn't a very tough choice for me even if it sounded wrong. I had figured out long back that I cannot create a space for myself in this world but I thought I didn't have a choice but live with what I have. Now that I had an option, I didn't want to let it go.

I stretched my hand towards the only option I had.

- Abhilipsa Panda

## Hold Onto Her. There is something about her.

Something that weaves magic into the lifeless, dull saplings and makes them grow into magnificent tall, strong trees. Something that makes her even more beautiful. That one wouldn't want to stop looking for. Because that quest makes it more evident and delights our inner calm with sparkles of glitter that we fail to see with our normal eyes in the most unlikely places ever imagined.

She holds the undesired pieces so close until they make themselves the most desired pieces of all time. Is it that belief that makes her so alluring? Her belief in the good, the good that she sees in the most unnoticed, unlikely places, which are ignored by all.

Or is it her fearless soul, that gets up again, even after falling countless times.

I'm not sure about what is most intriguing about her, but there is something in her that flies with my demons and lands them into another ocean, which is deeper than the void in my heart.

Does she remind you of someone? Does she ever cross your path? Because she has crossed mine, a several times, as she is my Resilience. She reminds you of yourself, doesn't she? She reminds you of all the battles you've fought victoriously and gives you the constant courage for arduous toil. She is within us all. She is our inner strength that doesn't want us to quit.

She isn't fancy at all, she doesn't want your fancy gifts of the present day, but, all she wants is your faith in her that she does in you.

- By Pankhuri Gour,  
(B.A., L.L.B., Second year)

## Sexual Harassment at Workplace - PUCL Workshop

The Interdisciplinary Research Centre on Law and Humanities organized a workshop on “**Sexual Harassment at Workplace – Heard and Unheard, 22 years Later**” on 6<sup>th</sup> January, 2017. The speakers for the event were Ms. Kavita Srivastava, Secretary, People's Union of Civil Liberties (PUCL), Jaipur and Ms. Bhori, Social Worker and the key note speaker was Justice Roshan. S. Dalvi, Bombay High Court (Retd.). The workshop aimed to address the issues faced after the Vishaka Guidelines were introduced and how the Petitioner of the case, Ms. Bhori, still awaits her justice.



The students of the First Year Batch of NMIMS-SOL attended the event held at Mithibai Seminar Hall. The workshop began with the address by our Dean, Dr. Rhishikesh Dave, who warmly introduced our speakers. Then, the keynote speaker, Justice Dalvi delivered her address on the current scenario of Sexual harassment at Workplace for Women in India. She had circulated a fact sheet containing statistics on complaints and incidents of sexual harassment at workplace as reported by men and women in varied workplaces and talked about the socio-legal solutions to be undertaken to root out this evil. She also provided examples of recent cases where the provisions meant for the protection of women have been effective in protecting the dignity of women. She also presented a picture of the abuse of these provisions by women who file false rape and assault cases with malicious intent.



Ms. Srivastava then came up to the dais and gave a brief outline about the work of her organization in the states like Rajasthan where, in her opinion, the female gender still requires to be uplifted. She spoke about the hardships faced by Bhori in her process of registering a FIR after the incident and how everyone in the village including police, CBI and other authorities involved made attempts to put an end to the case and suppress the matter. She also spoke about the Vishaka guidelines which were given in 1997. She thereby highlighted the battle that Bhori has been fighting for the past many years to this day.

Ms. Bhori, a social worker and the petitioner of the Vishaka case, drew the attention of the students through her journey right from the crime that happened to the achievements she has been able to accomplish, not only in her village but also other neighboring villages. She emphasized on the importance of educating young children



and told everyone about the trouble she had to go through to educate girls in her village. She spoke against female foeticide and gave instances where she prevented her fellow villagers from doing harm to infant girl children. She encouraged the students to take up socio-legal issues and work positively towards creating a much Gender-unbiased India.

The students were enraptured in attention to all the speeches of the Guests. The outcome of the workshop left a more sensitized and an aware population of students.

- BY IRCL & H

## Arbitration Workshop



NMIMS-School of Law organised a two day workshop on Arbitration in collaboration with Chartered Institute of Arbitrators on 16th and 17th December, 2016. The two day workshop focused on the practical aspects of Arbitration. On the first day of the workshop there was a discussion on the Arbitration and Conciliation Act, 1996 and the amendments which took place in 2015. The anticipated results of the 2015 amendments were deliberated upon. The second day of the workshop was dedicated to mock arbitration. The activities were divided in two phases wherein each group had to arbitrate upon two problems. The students were divided into four groups. Each group was given a problem to arbitrate upon. The students participated as arbitrators, clients, witnesses etc. Alternative Dispute Resolution being a clinical subject, the students got a first-hand experience of conducting an Arbitration through this workshop and it proved to be very useful and beneficial for the students.

## Mediation Workshop

A two day workshop on mediation was organised for the third year students on 17.11.2016. The guest speaker was Adv Karachiwala who explained that the process of mediation is not only expeditious, but also cost friendly, relaxed and leads to an amicable agreement or settlement between the parties and that alternative dispute settlement methods, mediation in specific, are the need of the hour and the method to keep up with the times, with an 80% success rate in the same.



During the workshop great emphasis was laid on several valuable tricks of the trade such as - "communication is key" and that "an arbitrator is a good option generator" and shall be a good listener as well, who can think outside the box, making neither party compromise too much or too little. One key point which makes mediation an attractive method of dispute settlement is the confidentiality that is maintained throughout the process, with the mediator controlling the process and the parties control the outcome. These principles of mediation were explained in great detail by the speaker.

The second day of the workshop was marked by activities such as fish bowl exercise and role plays. The students were divided into 15 groups with six students each in every group. The students were assigned the roles of Mediator, Co-mediator, Plaintiff, Plaintiff's Advocate, Defendant and Defendant's Advocate. Each group was given a problem to mediate upon. The role plays were followed by presentations by every group.

The two day mediation workshop proved to be a very enriching experience for the students.

## Faculty Development Programme on Effective Pedagogical Tools in Legal Education

NMIMS School of Law organised a seven-day Faculty Development Programme on Effective Pedagogical Tools in Legal Education from 11th February to 17th February 2017. The programme was inaugurated by Dr. Bhavani Prasad Panda (Vice Chancellor - Maharashtra National Law University). It was presided by Dr. Rajan Saxena (Vice Chancellor, NMIMS), Shri. Shalin Divatia (Honorary Jt Secretary, SVKM), Dr. Rhishikesh Dave (Dean, NMIMS School of Law) and Prof Dr. Mahendrakumar Bhandari (Director - Law, NMIMS) during the inaugural session.





Various pedagogical tools which would enhance teaching skill were explored during the programme. The seven-day programme covered different pedagogical methodologies by renowned resource persons: Dr. Pritam Baruah (Dean, Jindal Law School) engaged the session on Socratic Method of teaching in legal and non-legal education; Experimental learning and Clinical Method in legal education was handled by Dr. Marian Pinheiro (Principal Director, Vivekananda Institute of Professional studies); Application of IT and ITES as an enhancement to pedagogy session was by Dr. M.K. Bhandari; Outcome based learning and approaches and process of mapping outcomes was conducted by Dr. Purvi Pokhariyal (Director, Nirma law School ) and relevance of Case law and Case Study methodology was handled by Dr. Sairam Bhat (Associate Professor, NLU, Bangalore).

LLM students also participated in the FDP. The Faculty Development programme was extremely beneficial to all the participants in learning the various pedagogical tools and enhancing their teaching skills.

## Faculty Development Programme

### *Law and Policy of Taxation with Reference to Goods and Services Tax (GST)*

The SVKM's NMIMS – School of Law organised a Two Day Faculty Development Programme on **Law and Policy of Taxation with Reference to Goods and Services Tax (GST)** on 4<sup>th</sup> and 5<sup>th</sup> Nov 2016. The Venue of the programme was Room No-901, 9<sup>th</sup> Floor, New Building NMIMS. The programme was organised with twin objectives: (1) Promoting an enhanced understanding of various issues and perspectives associated with GST and (2) Searching for ways to incorporate GST into the existing course curriculum following a multidisciplinary approach.

The Inaugural session on 4<sup>th</sup> November, 2016 was presided over by Dr. Rajan Saxena, Honourable Vice Chancellor SVKM's NMIMS Deemed-to-be University. The programme was attended by distinguished dignitaries- Prof. M. K. Bhandari, Director- Law NMIMS, Dr. Rhishikesh Dave, Dean – School of Law, Shri Shalin S. Divatia, Honorary Joint Secretary, SVKM, Dr. Debashis Sanyal, I/c Pro-Vice Chancellor, Vice Provost (Management Education) and Dean (School of Business Management) and Dr. Paritosh C. Basu, Senior Professor – NMIMS, School of Business Management, who expressed their valuable comments on different aspects of GST and Teaching Pedagogy.

The programme was divided into four sessions, three of which were devoted to understanding of theoretical underpinnings of GST within the existing regime of Indirect Taxation Structure in India. The last and fourth session was a Brainstorming session devoted to the development of a course curriculum and teaching pedagogy for GST by engaging the participants to complete various assignments related to it.



The esteemed speaker for Session-I was Prof. M. K. Bhandari, Director – Law, SVKM's NMIMS who spoke on Various Facets of Law and Philosophy of Taxation;

For Session-II the speaker was Mr. Vikram Nankani, Senior Advocate Bombay High Court who contextualised the rationale of coming up with GST within the existing taxation regime; For Session-III the speaker was Mr. Santosh Dalvi, Partner and Head, West India, KPMG who discussed about the pros and cons of GST regime.

The Brainstorming Session was chaired and moderated by Dr. Rhishikesh Dave, Dean – School of Law.

The programme ended with a valedictory session on 5<sup>th</sup> November, 2016 and was considered to be a leap forward in enhancing the understanding of GST in a multidisciplinary perspective theoretically and empirically by both the participants as well as the dignitaries. The participants also requested for more such FDPs to be conducted in NMIMS with their positive feedback and suggestions.



## The Best Practices in Patents & Awarding the IP Excellence of INDIA



*Ms. Munshi received award of IP Excellence*

A Trophy and Certificate was awarded from **Mr. Gilles Cruanes** Director Questel on November 28<sup>th</sup>, 2016, at Hotel ITC Maratha during the Event “**THE BEST PRACTICES IN PATENTS & AWARDING THE IP EXCELLENCE OF INDIA**”.

## The Best Practices in Patents

'IIPS' ranked among the top 50 most voted organization for IP Excellence in INDIA award, we conducted an online, INDIA wide polling with nearly 2000 votes received during this poll that ran from November 9<sup>th</sup> to November 24<sup>th</sup> 6 PM.

## Guest Sessions @SOL

### 1) Session on Listing Obligation and Disclosure requirement of SEBI

A session was conducted on Listing Obligation and Disclosure Requirements of SEBI by Chetan Gandhi, a practicing Company Secretary on the 24<sup>th</sup> of November, 2016 which gave students an insight into the changes brought about in the Companies Act of 2013, specially with reference to Corporate Governance.

The session which was attended by the LLM students as well as the Fourth Year LLB students helped them to understand and appreciate the changes brought about by the new Companies Act of 2013.

### 2) Practical aspects of Consumer Protection Act, 1986

School of Law organized a seminar by Consumer activist Jehangir Gai for the First Year BA and BBA students on the 5<sup>th</sup> of December 2016 which dealt with the various rights of the Consumer and the precautions to be followed by the consumer for filing a Consumer Petition. He also laid emphasis on the role played by the Consumer Protection Councils and also dealt in detail with the three tier redressal mechanism of the Consumer Courts.

The lecture which was delivered in a simple manner with real life examples made the students aware and more conscious about their rights as a consumer and they could now understand in a better way the practical and procedural aspects of the substantive Act namely The Consumer Protection Act, 1986.

### 3) Guest Lecture on Class Action Suits

A Guest Lecture was conducted on Class Action Suits by Mr. Amit Kumar, Manager –Legal at Essel Finance Advisors and Managers LLP on the 8<sup>th</sup> of December, 2016 which gave insights to students about the origin of Class Action Suits and how the Satyam Scam indirectly led to the origin of the concept. He also explained to the students about representative suits in CPC and also the winding up procedures and also filing of cases with regard to Oppression and Mismanagement.

The session which was attended by the LLM students helped them to understand the scope of Class Action Suits and the procedural aspects of filing a Class Action Suit under the Companies Act, 2013.

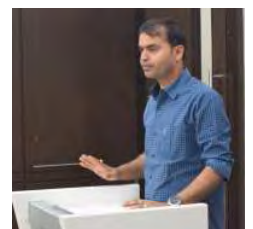
### 4) Seminar on Right to Information Act

A seminar was organized by School of Law by RTI activist Mr. Shailesh Gandhi for the Third Year BA and BBA students on the 12<sup>th</sup> of December 2016 which was also attended by some of the LLM students. The Seminar started with a detailed overview of the Right to Information Act and also dealt with what information could be obtained and what constituted exempted class of information under the Act. The session gave practical examples of RTI applications made and helped the students to finalise their RTI petitions.

The seminar not only made students vigilant about their right of seeking information but also conveyed the message that “common man is the king” and has the right to keep a check on the administrative bodies and their actions.

### 5) Guest Lecture - Moot Memorial Drafting by Adv. Amit Kumar

A lecture was conducted on drafting a moot court memorial by Adv. Amit Kumar on Saturday, 19<sup>th</sup> November for the first year and third year students. The aim of this session was to help students understand the different aspects about drafting a moot memorial.



In the first half of the lecture, the students were familiarised with the basic components of a moot court memorial right from the cover page to the prayers. In the next half of the lecture, a brief explanation of each component was given to the students. The speaker advised the student to not limit themselves to the issues that were explicit in the moot proposition.

The importance of good research skills was highlighted and certain tips to accrue good arguments were shared by the esteemed lecturer. The importance of referring to judgements related to the moot problem especially the more recent judgements was also stressed on. Students were also warned by the speaker to ensure that the judgement referred to are not overruled by a higher court.

The session opened up a window before the students to understand the process of mooting.

#### 6) Guest Lecture-Law of Torts

On 19th November, 2016 a guest lecture was organized on the subject of Law of Torts for the students of First Year B.A. LL.B. and B.B.A. LL.B. The lecture was guided by Adv. Puneet Chaturvedi, a practicing advocate at High Court and Supreme Court of India. He has a specialization in Corporate and Commercial Law and is an eminent speaker.

The lecture was conducted on the applicability of Torts in the Motor Vehicles Act, 1988. After discussing the basic principles of liability under the act, a comparison was given between the Principles of Negligence practiced in U.S.A. and the concept of Comparative Contributory Negligence, practiced in India. Apart from the academics, the speaker shared his personal experiences and gave valuable Guru mantras to the students to keep themselves updated and the importance of reading and practical knowledge.

#### 7) Guest Lecture by Dr. R. K. Pattnaik

A Guest lecture was organized on the topic '**Monetary and Currency Management by the RBI**' on 19<sup>th</sup> November, 2016 in Juhu Jagrati Hall, Mithibai College Campus by School of Law. The speaker for the session was Dr. Ranjit Kumar Pattnaik, Professor (Economics), S. P. Jain Institute of Management and Research, Mumbai.



The speaker laid the background of the discussion by covering various basic and extremely important concepts revolving around money and money flows into a system. He discussed basic functions of RBI and the role of RBI in structuring Monetary Policy of India.

Next he went to discuss the issues revolving around the 'Demonetisation Move' as this move embraced within its fold not only economic but also legal, social and political dimensions which are necessary to understand the long-term impact of this measure in its totality. Some of the relevant issues which were discussed by him were the impact of this move on Black Economy, inflationary issues, impact on terrorism and counterfeit currency and legality of the move along with clarifying various misconceptions relating to it.

The whole discussion became very insightful with the support of relevant statistics which were shown by the speaker in relation to the above aspects discussed. Overall, the lecture was highly interactive, enlightening and informative for the students.

#### 8) Guest Lecture by Dr. Rahul Suresh Sapkal

A Guest lecture was organized on the Topic- '**How Law and Law Enforcement Affect Labour Markets in Developing Countries?**' on 12 November, 2016 in Juhu Jagrati Hall, Mithibai College Campus by School of Law. The speaker for the session was Dr. Rahul Suresh Sapkal, Assistant Professor (Economics), Maharashtra National Law University, Mumbai.

The speaker began the lecture by throwing light on the basic interrelationship between law and economics. He set the base for the lecture by defining "law" and stating how the laws of economics are relevant to the study of legal jurisprudence. He supported this by providing the example of the Contract theory given by Professor Oliver Hart for which he has been awarded the Nobel Prize in 2016.

The speaker further explained the operation of labour laws in the Indian economy. He emphasised on the Industrial Disputes Resolution Act, 1947 to explain how the operation of labour laws in India have worked against the interest and development of workers and have acted as a barrier to economic growth. The speaker also explained the growing importance of temporary contract workers in the economy and the significance of a mandatory conciliatory process in faster disposal of industrial disputes. He also dealt with the causes of fall in the workforce participation of women after the amendments made to the Hindu Succession Act, 1956, in 2005 which gave women the equal right to inherit property.

In his conclusive part of the deliberation, he went into the details of how the law regulates people's behaviour by imposing conditions that operate on economic principles and thus these economic principles can be used to improve the deterrent effect of law. The speaker concluded the lecture by clarifying the doubts put forward by the students. The lecture was overall a

good learning experience for the students and helped them understand the importance of economics in the domain of legal studies.

#### 9) Guest Lecture by Adv. Swati Shanker

The fourth year students of NMIMS School of Law attended a guest lecture by Adv. Swati Shanker, an NLIU Bhopal Alumnus and currently working with Cyril Amarchand Mangaldas & Co., Mumbai.

The lecture which was attended by the fourth year students was concerning the basic concepts of the Indian Succession Act, 1925. The Guest gave the students a heads up into the provisions of the said Act and explained the concepts with certain relevant practical connotations.

The lecture was insightful and provided the students the much needed grasp of the subject of Succession.

#### 10) Guest Lecture for Basics of Mooting and Memorial Drafting by Mr. Raghav Pandey

Mr. Raghav Pandey is a Research Associate with the Indian Institute of Technology, Mumbai. He is also a Senior Research Fellow with the India Foundation, which is a leading think tank in the field of international relations, foreign policy and legal policy. He has keen interest in contemporary legal research and pedagogy and is also the Assistant Editor of India Law Journal. While in Mumbai he is a guest faculty and trainer for moot courts at the Maharashtra National Law University, Mumbai.

He addressed the First year & Third year students of B.A. and B.B.A. LLB on the Basics of Mooting and Memorial Drafting and gave an overview of the manner in which moot courts are conducted and provided valuable tips which should be kept in mind while drafting a memorial. He talked about the importance of dedicated and exhaustive research by all the team members for winning a moot. He highlighted that moots are won in libraries and not during the oral rounds. Specific stress was laid down on the use of legal databases for research and also on uniform citation method. Guest talk delivered by Mr. Raghav Pandey was extremely insightful and educative for the students as it emphasised on the importance of Moots, Memorial Drafting and Research in Law Schools.

#### 11) Moot Court Evaluative Exercise

Moot Court Evaluative Exercise was conducted on 07.01.17 to assess the First year & Third year students of B.A. and B.B.A. LLB (Hons.) on their oral skills. This was the maiden mooting experience of the first years. Students were evaluative on various components such as Knowledge and Use of Facts; Knowledge of the Law; Structure of Argument; Quality of Argument; Overall Presentation (Articulation, Time Management).

Mr. Shantanu Kanade, Ms. Deepika Bohra, Mr. Vineet Vnnikrishnan, Mr. Arvind Giriraj, Ms. Balashri Jalgar, Mr. Param Pandya, Mr. Akshat Kundalia, Ms. Geenisha Khuthia, Mr. Manish K. Kanth, Mr. Namit Gehlot, Mr. Vijay Purohit, Mr. Abhishek Chaturvedi, Mr. Praveen Kejriwal, Mr. Mario Sequera, Mr. Gaurav Gadodi, Mr. Anirudh Bhatt & Mr. Abhinav Kumar were invited to adjudge the exercise and evaluate our students. Post every round they provided their valuable feedback also to students which would help them groom themselves for various national and international moots.

Students were seen preparing their moot memorials with full enthusiasm after college reopened in January post winter-break. The R.M. Desai Library of SoL was filled with students researching to bring the best possible arguments on their respective moot propositions.

This exercise has helped students understand the process of mooting and has motivated them to participate in mooting competitions.

#### 12) Guest lecture by Dr. Balaji. N. Kendre – “Social Exclusion & Inclusion”

The students of first year B.A., L.L.B had an opportunity to learn about social exclusion from Dr. Balaji N. Kendre, guest lecturer from Mumbai University who delivered a lecture on 5/1/2017.

Dr. Balaji started his lecture by explaining the terms of social exclusion and inclusion. He cited and explained specific examples of social exclusion from his research experience including examples of exclusion on the basis of caste in Maharashtra and also in the context of the sugarcane cultivation workers. He highlighted the significance of social exclusion on the basis of caste in a country like India. He explained in detail various dimensions of social exclusion and inclusion. He also explained the adverse effect of social exclusion. The most striking example given by Professor Kendre in this regard was that of the malnourished children in Palghar District of Maharashtra.

After helping the students in understanding the concept of social exclusion, Professor Kendre stressed on the legal aspects related to the concept by discussing the role of social legislations in social inclusion in detail.

The session was beneficial for the students in understanding the concept of social exclusion and inclusion. It also helped the students realize the practical operation of the process of social exclusion and its impact on the society.

#### 13) Political Science-III (International Relations)

##### 1) Guest Lecture-I: Lecture on International Relations in Globalized World- Changes and Challenges.





Professor Aruna Pendse (Retired), an eminent scholar on International Politics and Relations, University of Mumbai, Mumbai delivered a guest lecture on International Relations in Globalized World- Changes and Challenges. This lecture was delivered on January 13, 2017 at Room No. 803 (classroom) to the B.A., LL.B. (Hons.) / Trimester-V / Political Science-III students. Much before the lecture students were oriented about the topic and the academic profile of the speaker.

Prof. Aruna Pendse touched upon the nuanced changes and challenges that globalization has brought about to the stream of International Relations. During the lecture she analysed and critiqued the various changes that are taking place in the 'changed' political economy' of IR. Her analysis of globalization was holistic, comprehending the positives and the negatives of this 'so-called' neutral process. She also discussed with students the importance of Marxism in International Relations, in keeping a check over 'against-the-common-good' tendencies of liberalism.

After the lecture, students asked many questions to madam and shared their own observations with her. Ms. Jaidhara, Class Representative gave a vote of thanks in the end of the lecture and shared a collective wish that many more such lecture are organized.

## 2) Guest Lecture-II: The Politics of Climate Change and South Asia / India and Feminist Perspective on Climate Change.



**Dr. Mary Jo Hartman**, Associate Professor & **Dr. Sonali Sapra**, Assistant Professor, St. Martin's University, Washington, USA delivered the second Guest Lecture in the B.A., LL.B. (Hons.) / Trimester-V / Political Science-III students on January 16, 2017, at Room no. 803, classroom. The Topics of the Guest Lectures were- **The Politics of Climate Change and South Asia/ India and Feminist Perspective on Climate Change.**

Dr. Mary Jo Hartman discussed the facts and the technical and scientific side of the 'climate change' and evolved a factual framework of climate change paradigm globally. She also referred to India's position on climate change regime and its role in influencing the recently held Paris Conference on Climate Change.

Dr. Sonali Sapra, a social scientist by training, evaluated the feminist side of the climate change. Her analysis bring to the fore the fact how women have been found more 'friendly' in their roles to sustainability. She also emphasized the role of UNEP and UNDP in creating the conditions that mitigate the possibilities of discrimination against women and environment both. In the last part of her lecture she pointed out that the 'West' still has its prejudices and that hampers the process of the creation of global consensus on the issues related to climate change.

Overall, the guest lecture was well received and appreciated by the participating students. After lecture, students shared their queries with the speakers and had a dialogue. The guest speakers also appreciated the inquisitiveness, participation and level of understanding of the students.

## 14) Session on Judicial Remedies – Public Interest Litigation and Injunction

A session was conducted on Judicial Remedies against Misuse of Administrative Discretion in the form of PIL's and Injunction by Adv. Rajadhyax, a practicing advocate on the 14 January, 2017. This session gave the third year students insights on how Public Interest Litigation has been a successful tool in preventing abuse of discretionary powers by the Administrative bodies and how the Judiciary has been a watchdog of the fundamental rights of its citizens. The guest speaker also dealt with how PIL has been used in various cases to bring about changes and transparency in the Administrative system of the country and has thereby helped in ensuring greater accountability and transparency in the system.

He also briefed the students on the objectives of Injunctions and the application of Injunctions. He also told how the courts with the help of this very powerful tool ensured that the Administrative authorities are restrained from taking actions which involve abuse or misuse of the power vested in them.

**15) Guest Lecture on Copyrights**

Guest lecture was delivered by Adv. Sheetal Talwar, DGM-Legal (Tata Chemicals) on the topic Copyrights (Artistic Work) and Enforcement on January 14, 2017 to the students of IIPS, LL.M (IPR) batch and BA/BBA.LL.B IVth year Batch. The Guest lecture covered the meaning of Copyright, Kinds of Infringement, Anton Piller Orders, John Doe order Trademark infringement, Passing off Action etc. The Guest lecture concluded with question answer session. The lecture was very beneficial for the students

**16) Guest Lecture on Media, Politics and Law**

A guest session on Media, Politics and Law was held by Mr. Promod Chunchuwar (Mumbai Bureau Chief, Dainik Bhaskar & Dainik Divya Marathi) conducted on 15th December 2016 for S.Y.B.A. LL.B. students. The lecture was held in Classroom No. 803 and the speaker shared with the students the interesting anecdotes on his journalistic career.



The speaker elucidated candidly the techniques employed by journalists to collect information from sources. The enthralled audience was in splits when he joked on the sources of corruption scandals of prominent politicians. This he substantiated was the beauty of Indian democracy and the concept of checks and balance. The role of media today is of making government machinery accountable with the help of laws and provisions laid down in the Constitution.

The session proceeded with discussions and questions between the speaker and the participants on the intervention of media into the public life of politicians. He also captivated the attention of students and quizzed them on their knowledge of Constitution. In this midst he revealed his experience of covering Assembly and Parliamentary debate speeches. The lecture concluded with a vote of thanks to the honourable speaker.

**17) Guest Lecture on Literature and Law by Prof. Bharucha on 22nd December 2016**

Dr. Nilufer Bharucha, Adjunct Professor, ex-Head, Department of English, University of Mumbai delivered a guest lecture on 22nd December 2016 to F.Y.B.A. LL.B. and F.Y.B.B.A. LL.B. on the topic of Literature and Law. The lecture was held in Mithibai Seminar Hall and revolved around the importance of literature for law students.

The importance of speech and written aspects in a legal professional's life was stressed by Prof. Bharucha. She addressed the question why should a law student learn literature by historicizing the writings of lawyers in building the nation. Then



laid emphasis on common place utterances in formal and informal settings. The relationship between people defines the nature and quality of speech was substantiated by Prof. Bharucha with lucid examples. She then moved on to various literatures around the world that defined the legal problems exposed by the writers. The session ended with an appreciation to the speaker.

This session gave the students a better understanding of the relation between law and literature. It also gave them a better idea of the nature of language register used in the legal profession.



## Placement Training Workshop for LL.M. students

NMIMS School of Law conducted a Placement Training Workshop for LL.M. students on 27th and 28th of February 2017 in Room No. 801 (Mithibai Building). The workshop aimed to prepare the LL.M. students to be acquainted with the skill sets and approach to get placements. Ms. Shabnum Kajiji, Partner of Wadia Ghandy & Co. was the chief resource person for the workshop who gave a lucid overview of the selection process & interviewer's perspective from a corporate angle. She interacted with the participants on the expectations of the firms from candidates and that of the candidate with the firm.



*(In picture: Ms. Shabnum Kajiji, Partner of Wadia Ghandy & Co. (Centre), Ms. Shruti Singh (Right) long with the participants)*

Next, Ms. Shruti Singh (Soft Skills Trainer, NMIMS) oriented the students towards placements and successfully undertook the task of simulating the participants with mock interview sessions and gave brief grooming tips for self-presentation. Assist. Prof. Mr. Rakesh Nambiar (English) handled the etiquettes needed in professional written communication ranging from email correspondence and meetings. The techniques to smartly build resumes were also touched upon by Mr. Nambiar. Overall, the session achieved its objective and the interaction with the participants was fruitful.

## Placement Cell

The placement cell of NMIMS SOL under the guidance of Ms. Chetana Lal and our Dean Dr. Rhishikesh Dave is a team of highly committed students constantly thriving towards getting internship opportunities to their fellow mates.

The placement cell currently operates in two-tier system, one being the senior placement committee comprising of students from the top most batch of the college and second being the Junior Placement committee having students from all other batches. The two tiers work hand in hand and in coordination

with one another.

The placement cell has seen an overwhelming achievement in the recent past by getting internships to the senior students in Top Notch law firms like Khaitan & Co, Nishith Desai and Associates, Wadhia Gandhi to name a few.

While the priority has been internships and final placements of the foremost batch of School of law which is about to enter the legal fraternity in 2018, the placement cell aims to provide career guidance to all the batches of the college.

– By Placement Cell

## Aliza

SoL's first human rights day celebration; Aliza, was an attempt to help the youth engage in the understanding of human rights. The events were organised with the view to provide a platform, bring out people's views, share their experiences and educate themselves on human rights.

The week-long celebration began with a donation drive; Karn. The proceeds of the drive were given to the supporting NGOs which ensured that their collection reaches the appropriate beneficiaries.

The programs scheduled for December 10th, International Human Rights Day, commenced with the simultaneous screening of four short films under the name "Garam Chai". The movies screened included Skin, Born into Brothels, Conviction and I Am a Slave. Each movie screened had a unique take on the protection of different rights and portrayed the spirit of the characters to fight all odds and uphold their rights. Each film sought to provide the warmth of motivation to the frequent coldness in attitude shown to the rights of self and others.

Following this event were the creative combination of "Eskikipedia", impromptu quiz and "Elephtheria", open-mic that witnessed the participation of talented and enthusiastic students who made the best use of the event to express themselves and convey their take on human rights, needless to mention the right to free speech. From songs and rap and acting to flip-the-bottle, there was variety in the talent displayed by the students of SoL. Faculty members Mr. Rakesh Nambiar and Mr. Sunil George also came to witness the display of talent and motivated the participants with their presence. Devarsh Shah with his hosting transformed the event into a fun-filled afternoon for the students.



After this, there was a flash mob organised in Mithibai campus. The power packed dance of the participating dancers won many cheers and loud applauds. The flash mob was the most exciting event of the day.

With the support of NGOs; Cancer Concern India and Trishul, Aliza was a successful and enlivening attempt by the students to express themselves on the subject of human rights.



## Centre for Criminal Justice

In the past two Trimesters of the academic year 2016-2017, the Centre for Criminal Justice, NMIMS School of Law conducted various events for encouraging maximum participation of students in co-circular activities, reduce stress from the hectic schedule and make them familiar with various criminal laws.

These are the events conducted and those which are planned for the future.

1) A logo making competition was conducted on the 15th of September 2016. The students were given a platform to be creative and to think out of the box.

The Centre called in entries for creative designs, logos and ideas keeping in mind the theme of the Centre that would best represent the committee.

The Centre received many entries out of which Anshee Bhatia F.Y.B.A., LL.B (Hons.) secured the first position.



The logo made by the winning student Anshee Bhatia

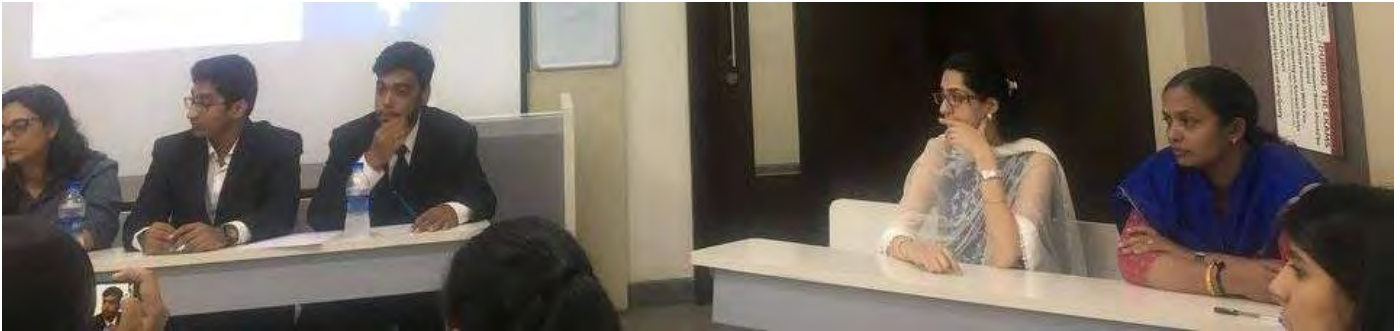
Most of the CCJ events are carried out under the banner of Criminal Minds that started in November.

2) The Centre for Criminal Justice held its first session of Criminal Minds on the 25th of November, 2016. There was a discussion on the case of Ashaben v. State of Gujarat and Ors., where a rural woman was gang-raped by 7 people for 9-10 months and later denied abortion by Gujarat High Court during the second trimester of her pregnancy arising out of the torturous rape.

The members of the committee and the students got an opportunity to interact with college professors on different aspects of the case, such as the criminal, social and constitutional. Every speaker getting an opportunity to put his/her views and the audience also participated by raising relevant questions in the discussion. The students benefited greatly by interacting with the faculty members. The event turned out to be a success with every member taking home knowledge on the subject as a result of the healthy discussion.

In the upcoming trimester as well, the Centre for Criminal Justice will work to bring forward events that will attract the attention of the students and their participation. Events will be conducted with the aim of a break from the regular curriculum

and release stress from studies along with helping students acquire deeper knowledge of legal concepts related to criminal law, as well as enhance their already existing knowledge.



Centre will be calling for research papers from across the country (topics and theme yet to be decided), following which the papers will be presented on the event date (tentatively in April). Along with the presentations of the researchers, the Centre will arrange for speakers from the legal fraternity to come and enlighten the students with their knowledge and experience.

- By Centre for Criminal Justice

## Debate Society

The Debate Society has been one of the most active societies in School of Law and it continues to strive towards improving the debating culture in SOL. In December 2016, we were reformed and a new set of members along with a new head has been appointed. But from its inception till date, the objective of the committee to encourage an analytical approach among students through debating has not changed. What has improved is our drive and efforts towards the same. A comprehensive and unique approach which is both formal and informal, towards debating, has been adapted by us. We aim to reach not only active students but also those who have been reluctant and participating. The strategy to do this is through our upcoming events:-

With this view in mind, CCJ is working to bring forward the following events in the months of March and April:

### 1. 12 Angry Men:

Jury system in India may no longer be in practice, but fans of American law shows will always picture a courtroom with a set of 12 people sitting in a jury box. 12 Angry Men will provide students with an opportunity to participate as a member of a jury during an intriguing trial. Participants will be given a scenario to contemplate together as members of the jury and will be judged on their reasoning ability.

### 2. Essay writing:

Just as the name suggests, participants will be asked to write an essay on one of the two topics that will be provided by the organising committee. The maximum limit for words and plagiarism will be 2,500 and 15 % respectively. The best entries will be awarded prizes, certificates and their work will be published by CCJ with due credit. Further rules, guidelines, and criteria will be announced in due time. The topics will be announced soon in the month of March.

### 3. National seminar:

In the month of April, the Centre for Criminal Justice will hold its most high profile event, the National Seminar. The

1) Loquitur - National Parliamentary Debate from 10-12 march 2017. Cored by top debaters from across the nation, Loquitur is our first national debate where teams from all over the country shall be engaging each other in an ultimate debate showdown.

2) Trials - A new system is in place. This time, trials shall be annual. In one trial, all applicants shall be allotted debates coming up throughout the year.

3) Orientation and training sessions - The committee shall organize introductory, practice and training sessions for students.

4) Intra tournaments - Debating would be no fun if there aren't



MARCH 2017

# @SOL

any informal intra-college competitions to test your mettle. Hence, the debating society has planned a set of tournaments experience.

– By Debate Society

students for various MUNs, we are devoting ourselves to get the best for you all.

Last year the society organized a session by Mr. Abhinav Anand on MUN skills and an orientation for first and second year students. There was also a session by Mr. Jaideep Sood and Mr. Tarun Topani on improving MUN skills.

We have a lot in store for you this year:

As we started off with brushing up of general knowledge with a generic quiz in January, wherein we received an overwhelming response from students.

## MUN SOCIETY

The MUN Society of School of law aims at developing a deep-dyed MUNing culture in an institute where inquisitive budding lawyers thrive for knowledge. We are here to boosterish the MUNer in the students of law. From organizing workshops to sending



### MUN SOCIETY 2016-17



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Yashita Chandrashekhar



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Dhaval Mehta



PR AND MARKETING  
Aditya Mudgal



Pankhuri Gour



VICE CHAIRPERSON  
Pratham Ajmera



FINANCE  
Parth Bhuta



Nandini Chawhan



We further plan to organize a workshop for students to get them acquainted with the ABC of MUNing and get them geared up for the upcoming MUNs in this year. That's not all, to give your MUNing preparations a level up, we shall be organizing a Mock MUN for students. After the prepping up sessions we shall be organizing an Intra MUN for students after which MUNs shall be allotted to them according to their scores. We care for the newbies as much as we care for y'all, we do not want them to miss the chance of waking the MUNner inside them, we are thus planning to organize, just for them, a workshop for their prep up chance.

After all these prep up and Intra MUN sessions here is the big deal, we will be hosting SoL's National MUN competition for which we rely on you all to supply us with your steady support and efforts to make this a successful event.

– By MUN Society

## Solympics

In the previous trimester the Sports Committee of School of Law, organized 'Solympics', the sports event of SoL. The event was held at the Mithibai Gymkhana, 6th Floor, on 11th January 2017 and was an indoor game event. When the event kicked off at 1:00 PM the room was buzzing with enthusiastic participants as well as audience. All the members of the Sports Committee were present and prepared for the event. Members of the various school societies, uniformed bodies, and centers also took part in the events.



As per the plan, the following games were organized:

- UNO
- Tug of War
- Carrom

- Arm Wrestling
- Table Tennis

Each game was allotted to a committee member and each of them conducted the game in an organised manner.

The highest number of participation was in UNO. Students played it in the groups of 4, 5 and 6. Everyone enjoyed it thoroughly. Carrom also had a large number of participants. Due to overwhelming participation, some students had to wait for their turn to play. Table tennis was played in doubles and singles. As Tug of War and Arm Wrestling were conducted first time in School of Law, these two were the games for which the students were most excited.



The large participation of students made these matches worth seeing. The supporters brought along by the Participants, exhausted their energy in cheering and their echoing voices doubled the enthusiasm at the venue.



The faculty too made the best of this event by participating in a few games. Aarti Tolia Ma'am, Mitali Gupta Ma'am, Ishnoor Ma'am, Isha Khurana Ma'am, Nadisha Ma'am, Vrinda Mohan Ma'am, and Sunil Sir, graced students with their presence. Aarti Ma'am and Ishnoor Ma'am also participated in an arm wrestling match in which the former won.

Overall, it was an exciting day for everyone in the School of Law.

The event was diligently executed. There was a soul to it, a soul that was vibrant and exuberant.

It is noteworthy that despite the pressure of presentations, vivas and exams, students managed to spare time for their favourite indoor sport. The event turned out to be much greater than expected.

– By Sports Committee Head  
Rohan Verma

## Interdisciplinary Research Centre for Law and Humanities-Extempore Competition

The Interdisciplinary Research Centre for Law and Humanities organized its pilot event on 6th December 2016. The event was an extempore competition and saw participation from all the batches of the School.



The participants had to pick a chit and speak on the topic for 3 minutes. The topics ranged from current burning issues to certain controversial ones. The topics were designed to test the person's current affairs and the ability to make opinions in the most controversial and silent topics of discussion. A total of 20 participants participated. The Judges of the Competition were Mr. Rakesh Nambiar, Ms. IshaKhurana and Ms. Ishnoor Arora, faculties who are associated closely with the Research Centre.

The event was a success and the students shared their unique perspective on the issues presented before them. It was a delight to listen to all the silver-tongued speakers. The 1st position was bagged by PrathamAjmera from 3rd Year B.B.A, LLB (Hons.). The 2nd position was shared by Shivani Prasad and Dhaval Mehta, both from 2nd Year B.B.A, LLB (Hons.). The 3rd position was shared by Puneet Pathak (3rd Year) Ishanvi Mishra (1st Year) and Devarsh Shah (2nd Year).

– By IRCL&H

## 'Best Counsel' and 'Best Lady Advocate' award to student of NMIMS SOL

The students from NMIMS School of Law participated in the 6th Amity International Moot Court Competition, held at Amity Law School, Noida, from 3rd to 5th November, 2016. The proposition of the Moot Court Competition was based on International Humanitarian Law and was set before the pre-trial Chamber of the ICC. The team representing NMIMS consisted of Ms. Drishti Barar (Speaker 1), Ms. Teesta Sen (Speaker 2) and Ms. Lakshmi Srinivasan (Researcher). School of Law Moot Court Team broke into the semi-finals and Ms. Drishti Barar was declared as the “Best Counsel” and the “Best Lady Advocate” of the Competition.





# EVENTS CALENDER

## List of Events

### MOOTS AND MOCKS:

1. PRE-INVITE: 2nd NUSRL National Trial Advocacy Competition [May 5-7, Ranchi] : Register by April 17.
2. The 2nd Alliance National Level Moot Court Competition 2017 [April 18-20, Bangalore]: Register by April 5.

### DEBATES & MUNS:

1. 3rd Subharti & Unmukt Bharat National Debate Competition 2017 [April 22, Meerut]
2. ADUJ 17, National Law University and Judicial Academy, Cultural and Literary Extravaganza, Guwahati, 21-23rd April 2017.
3. CMR Law School's Parliamentary Debate Competition 2017 [April 12-13, Bangalore]
4. NLU Assam's Poorvottar Samvad Parliamentary Debate 2017 in ADUJ Fest

### ESSAY COMPETITION:

1. RGNUL Exagium 2017: Essays on Classics International Essay Writing Competition: Submit by April 14.
2. Sree Narayana Law College's 3rd Legal Essay Competition 2017: Submit by April 7.
3. Call for Articles for Second Justice V R Krishna Iyer Memorial National Literary Award. Submit by 31st May 2017.

### CALL FOR PAPERS:

1. NLSIU International Journal on Consumer Law and Practice [IJCLP, Volume 5]: Submit by May 31.
2. Jamia Millia Islamia's Seminar on Governance, Human Rights and Regional Cooperation in South Asia [April 19-20, Delhi]: Submit Abstracts by April 5.
3. The World Journal on Juristic Polity, Volume 03 Number 01: Submit by April 15.
4. MNLU Mumbai Law Review: Submit by 30 April 2017.

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\*THIS ISSUE PERTAINS TO PREVIOUS TRIMESTER.