



SOLink

A NEWSLETTER

6th EDITION, OCTOBER 2017

Write Here!

SOLink is a Law school newsletter that gives voice to creative authors and talented reporters in our community.

If you fit this description, send us your interest to pub.solnmims@gmail.com

Right to Privacy

A blow on the unbridled encroachment

Get Inspired

Interview with Ms. Dakshi Baxi,
Executive Director, Khaitan & Co.

Gorakhpur Tragedy

A major flaw which took away the lives of
innocent

Editor's Desk

The SOLink Team is happy to present you with the 6th Edition of the newsletter. This edition is your chance to revisit the major events of last trimester including the first convocation of the LL.M. batches of KPM School of Law. From giving words to the sportsman spirit of SOLites to consolidating the articulate observations of our students on the recent landmark judicial rulings that have stirred up the minds of all, we bring you an extensive and enthralling read-through. Also, do attempt to spot yourself in the collage section.

We are also glad to provide space to your opposing views on the contents of this edition. Your views and feedback matter to us, and your contributions are the essence of this publication.

Wish you a happy and prosperous Diwali from the SOLink Team.

Clarissa D'Lima
Editor-in-chief

KPMSoL launches Law Cartoon Competition

If you have a flair for drawing novel caricatures (in class or elsewhere) then KPMSoL is looking for your pencil strokes. For spreading legal awareness (& much more), we're coming up with a cartoon segment and if you fit the above description, then read on below.

SOLink invites you to submit your comic strips, sketches, or simple comic dialogues that are creative and have a legal perspectives attached. They might be based on opinions relating to your law school life, the ever questioned legal maxims and doctrines, landmark cases, dissenting legal views, an informative bit on any legal provision, or a critic of any legislation. We welcome them all.

The competition has two categorical entries for the cartoon segment:

Phase 1: Best name for the new segment

Phase 2: Best comic/s and sketch/es (of or on law)

And yes, there are exciting incentives awaiting the remarkable entries for both the categories. The best entries will feature in SOLink, while the others will also be publicized on NMIMS twitter and Facebook webpages.

So KPM SOLites get ready to grab on the opportunity and show 'em all. If you have any queries, you know where to write.

SOLink invites you to submit your original comic strips:
pub.solnmims@gmail.com

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Meraki, the cultural fest of KPM SOL is here. This fest is an initiative by the students of KPM SOL to provide a platform to showcase the bubbling talent of the SVKM student community. The events of the fest are hosted under five departments including Performing Arts, Literary Arts, Fine Arts and Gaming,

Take a look at the innovative and fun events of Meraki:

Monday-9th October 2017		
Time	Event Name	Venue
10:00a.m. - 11:00a.m.	Step and Stains	907 & 908
10:00a.m.- 11:00a.m.	Doomsday	914
10:00a.m. - 2:00p.m.	FIFA	915
11:00a.m. -12:00p.m.	Tale in a Tweet	913
11:30 a.m.-2:00 p.m.	Do you even Karaoke?	Juhu Jagriti Hall
12:00p.m. - 1:00p.m.	Snap-art-ting	909 & 910
2:00p.m. - 3:00p.m.	Poetry Slam	Juhu Jagrati Hall
2:00p.m. - 3:00p.m.	Glassy	910
2:30p.m.- 4:30p.m.	Mini-Militia	915
3:30p.m.-6:30p.m.	Motion Picture	Juhu Jagriti Hall

Tuesday-10th October 2017		
Time	Event	Venue
10:30a.m. - 11:30a.m.	Zumba Workshop Session 1	913
12:00p.m. - 1:00p.m.	Zumba Workshop Session 2	913
11:00a.m. - 12:00p.m.	Posternovation	909
10.30a.m- 12.00p.m	Drishtikone	907 & 908
12:00p.m. - 4:00p.m.	Pool Football	910
12:00p.m. - 3:00p.m.	Call of Duty	915
1:00p.m. - 2:00p.m.	Doodle De Chocolate	914
12.30p.m. - 2.30p.m.	Bas ek Minute	Juhu Jagriti Hall
3:00p.m-6:00p.m.	Tone Deaf	Juhu Jagriti Hall

Wednesday-11th October 2017		
Time	Event	Venue
11:00a.m. - 1:30p.m.	Block and Tackle	910
11:00a.m.- 3:00p.m.	Glitter with Litter	908 & 909
1:30p.m. - 4:00p.m.	Fan-doomed	909
11:00a.m.- 1:30p.m.	Show me the Funny	Juhu Jagriti Hall
3:30p.m.-6:30p.m.	Offbeat	Santokba Hall

SOLympics 2.0

19th August 2017 marked a new start for the Sports Squad of K.P.M SoL as they conducted the first sports event of the academic year 2017-18, under the banner of SOLympics 2.0. It was a memorable event for the participants and spectators alike. The venue for the sports was Chatrabhuj Narsee Memorial School. The heavy rains could not defeat the spirit of the sports enthusiasts of K.P.M SoL, who gathered at the venue by 1 p.m. The four sports tournaments held were cricket, football, basketball and relay race.

The event started off with the cricket matches. Eight teams participated in this event. The B.B.A batches shined in the semi-finals with first year, second year and fourth year B.B.A teams qualifying to the semi-finals, along with third year B.A. In the finals, 2nd year B.B.A clashed with 4th year B.B.A, where 4th year B.B.A emerged as the victors. Anushka Sachan (4th year, B.B.A.LL.B) and Chintan Gandhi (2nd year, B.B.A., LL.B) were declared as the Best players in cricket.



Football was the most exuberant event of the day. The first qualifying round was played between 1st year B.A and 2nd year B.A, 3rd year B.A and 3rd year B.B.A and 1st year B.B.A and 2nd year B.B.A. The winners of the first round were 1st year B.A, 3rd year B.A and 2nd year B.B.A. In the semi-final round, the match ups were 1st year B.A vs 3rd year B.A and 2nd year B.B.A vs 4th year B.B.A with 1st year B.A and 4th year B.B.A going through for the finals. 4th year B.B.A clinched the title for football in SOLympics 2.0 with Adarsh Himatsinghka (4th year B.B.A) named as the best player.



The relay race was the quickest and shortest event, in which two teams from each class were required to participate. The quarterfinal heats were conducted in groups of four. The teams that qualified for the semis had to face a tougher competition to make it to the finals. The final round was an absorbing battle between four teams, in which team one from B.A 1st year bagged the first place, followed by team two from 3rd year B.A as the 1st runner up, and team one from 4th year BBA as the 2nd runner up.



Basketball too witnessed zealous participation. Out of the eight participating teams that played in the qualifying rounds, 2nd year B.A., 4th year B.B.A., 1st year B.A. and 3rd year B.A. made to the semi-finals. In the semis 2nd year B.A. and 4th year B.B.A. won against 3rd year B.A. and 1st year B.A. respectively. The final game was a close match, which ended in the victory of 4th year B.B.A. Abhigya Verma (4th year B.B.A.) and Sagar Pathak (2nd year B.A.) were named Best Players of the game.



With their meticulous and well-coordinated organisation, the Sports Squad effectively managed all the matches and made the event a fun-filled one for the students. From wiping off the rain water to ensuring that spectators get the right view, the Squad managed it all. Also, the positive response and cordial cooperation they received from the students made it all worthwhile. Overall, the event was a success with a good amount of participation by the students.



LL.M. Convocation 2017

10th August 2017
SOLink Team

With a regular and routine start of the new academic year 2016-17, Kirit P.Mehta (K.P.M) School of Law marked its first major academic event, the first convocation in K.P.M. School of Law. The L.L.M batches of 2015-2016 and 2016-2017, celebrated their Convocation ceremony on 10th August 2017 along with Sunanda Divatia School of Science (SDSOS), and Sarla Anil Modi School of Economics (SAMSOE). The joyous occasion was graced with the presence of Professor (Dr.) Madhavan Menon, Padmashree, Honorary Prof. and IBA Chair on continuing legal education.

The Convocation ceremony commenced at 11:35 a.m. with the entry of the Academic Procession led by Mr. Ashish Apte, Controller of Examination, NMIMS University. The ceremony started with the lighting of the lamp and the NMIMS anthem, following which the Nominee of Honourable Chancellor, Shri Shalin Divatia (Hon. Jt. Secretary, SVKM) declared the Convocation Ceremony 2017 open. The honourable Vice-Chancellor, Mr. Rajan Saxena, addressed the students, appreciated their hard work and advocated that the reputation of NMIMS depends on the achievements that they accomplish in their further careers. This was followed by a brief presentation of the review reports of the three schools for the year 2016-17, by the Dean of each of the three schools. Dr. Paritosh Basu, In Charge Dean, K.P.M School of Law, presented the Review Report for K.P.M School of Law and highlighted the achievements of the faculty in the area of research and the achievements of students in different extra-curricular activities. He also requested the students of other schools to participate in the activities conducted by K.P.M School of Law.



Convocation Address by Dr. Madhavan Menon

This was followed by the awarding of degrees to the students. Students of LL.M program, of batches 2015-16 and 2016-17, were conferred with their degree. While the students received their degree, the elated parents, relatives and batch-mates applauded the recipients joyfully. The awarding of degrees was followed by the oath administered by the honourable Vice- Chancellor. The following students of K.P.M School of Law were felicitated by the Chief Guest for their exceptional achievements:

Mehuk Kapoor- 1st Rank (LL.M, Corporate Law, 2015-16)



Exceptional Archivers: Ms. Mehek Kapoor



Exceptional Archivers: Ms. Shruti Ramamoorthy



Exceptional Archivers: Ms. Bargir Sadiya

Shruti Ramamoorthy-1st Rank (LL.M, Corporate Law, 2016-17)

Bargir Sadiya-1st Rank (LL.M, Intellectual Property Law, 2016-7)

The Chief Guest Dr. Madhavan Menon presented a thought-provoking Convocation address. He congratulated all the graduating students and highlighted the significance of the convocation for the institution and faculty. In his address Dr. Menon put forth the challenges that inhibit the growth of higher education in India. He discussed the ideas floated by different governmental committees to transform the organisation of higher education in India. He also spoke about the potential of India to emerge of a super-power if the youth of the country is educated in the best possible manner.

Emphasising on the need to develop a holistic system of higher education, the chief guest reiterated the words of the Vice-Chancellor stressing on promotion of “ideas and innovation”. With his inspiring words, Dr. Menon's address marked the pre-closing of the ceremony in a memorable manner, and also helped edify the way to success for the new awardees.

“I wish that this institution with the resources it commands, the prestige it enjoys, it should break the paths of conventional education. You have to take the risk, without risk there is no reform.”

– Padmashree Dr. Madhavan Menon

Express Point

The SOLink Team spoke to a few graduating students to know about their experience while pursuing LL.M at K.P.M School of Law. We bring to you a slice of it

Ishita Merchant, LL.M (2015-16)

1. What inspired you to take up this course at NMIMS?

Ms. Ishita: I always wanted to take up a Master's after Bachelor's course, because bachelor's has no value in this era so a master's was always on my priority list. NMIMS offered me a Masters in Corporate Laws exactly what I was looking for and so I took it up.

2. Do you advice the future batches for doing the LLM from NMIMS School of law?

Ms. Ishita: Yes, sure. I was a part of the first-batch, the course was at very initial stage, and we had to face some challenges and struggles. But nevertheless, the course went very well and we finally graduated in 2015. It is a fact that that the course has to be given some time to let it develop and grow, pursuant to which it is surely going to be par at with the ones as offered by The National Law Schools.

3. How was your dissertation experience here?

Ms. Ishita: Dissertation was really fine. I took up my dissertation on the topic of banking frauds. I am currently working with my mentor and guide for the dissertation. So, indirectly my dissertation placed me in this field.

Bhagya Hegde, LL.M (2016-17)

1. How did you come to know about this course and what inspired you to take up this course at NMIMS?

Ms. Bhagya: I had seen it on the website, I had to do an online registration, after which I got the details. We had to give an entrance test and an interview. I wanted to study and do my master's. I have always really enjoyed education, education is an inspiration for me in itself, I really like studying that's why I did my LL.M.

2. What are your future plans?

Ms. Bhagya: I am working for a company now, and I will be here for at least one more year. I definitely want to study more, so at some point, I want to do my M.Phil. and my Ph.D., but for now, I am working.

3. Would you advise an LL.M course to the future batches here?

Ms. Bhagya: Yes, sure. Everybody should do an LL.M because you get to learn so much you don't even know exists. Some of our professors were exceptional, and one person everybody will say is a star is Shrikant Sir, nobody can say anything about that, he is a real star and I really owe him a big thank you for the way he taught us, and for the content that he actually taught. Definitely, I would suggest that people should do LL.M from here.

Mehek Kapoor LL.M (2015-16)

1. Why did you choose LLM course and what was your inspiration behind it?

Ms. Mehek: Basically the LL.M course was something that I thought was more of a requirement, considering that in our five year under-graduate law course we are taught the law but we are not taught how to incorporate it, or how we could use those skills in real life scenarios. When you enter the corporate world after a five year course, you realise that you just learnt what you had to know and you have not learnt how to put it into use, there are lot of skills that I learnt during my LLM which helped me polish my career.

2. How your experience in NMIMS School of Law was and what would you advice to future batches?

Ms. Mehek: I would definitely advice to the future batches, batches that are looking forward to take corporate law as a career or IPR as a career, it deepens

your knowledge it enriches your skill set, it enables you to be more confident when you go ahead with your jobs. Also, the idea that we all have a dissertation to carry forward, those dissertations help us deepen our knowledge about a particular topic, which again becomes one of your specializations tomorrow in your job.

3. What are your future plans, you are going to get this degree in your hand?

Ms. Mehek: I am looking to set up my own business, and it's already in the process, I know for sure that although I have done corporate law LL.M and not MBA, this corporate law skill set is going to help me way more in terms of being able to handle the corporate governance of the company. I will not have to outsource the legal work and I will not have to depend on any other legal person for the basics of company regulations.

Orientation 2017

8th July 2017
SOLink Team

Kirit P. Mehta School of Law welcomed its new batch 2017-2022, for the B.A., LL.B (Hons.) and B.B.A., LL.B. (Hons) course, with an orientation program for the new entrants, organised on 8th July, 2017. The orientation gave the new students a glimpse of what all they could expect to learn from and work with at K.P.M School of Law.

The Orientation program was graced with the presence of Dr. Rhishikesh Dave, Former-Dean, K.P.M School of Law, Dr. Sharad Y. Mhaiskar, Pro-Vice Chancellor, NMIMS, Harshal Shah, Mentor, School of Law, and the chief guest, Ms. Daksha Baxi, Executive Director, Khaitan and Co.

The pro-vice Chancellor Dr. Sharad Mhaishakar congratulated the students for their smart choice of taking up law as a career option and wished them for their future endeavours. In his following address, Mr. Harshal Shah spoke about the need for students to explore potential opportunities and discover their interest. He also challenged them to find the answer to the question “*Why you want to do, what you want to do.*” His address was a booster for all the students.



Bench of the Orientation Panel: (left to Right) Dr. Sharad Y. Mhaiskar (Pro-Vice Chancellor, NMIMS University), Ms. Daksha Baxi (Executive Director, Khaitan & Co.), Mr. Harshal Shah (Mentor, KPM School of Law), Dr. Rhishikesh Dave (Former Dean, KPM School of Law)



Address by Mr. Harshal Shah, Mentor, School of Law

The Chief Guest of the day, Ms Daksha Baxi, Executive Director, Khaitan & co., took this challenging advice of the mentor forward by encouraging students to probe the “Why” in the question. She explained the factors that make the practice of law a noble profession and provided her valuable guidance to the students by giving them some hints on the possible avenues they could explore as a career option in Law, to further nurture the interest they have shown by opting for the course. The first session ended with a vote of thanks by Mr. Shrikant Aithal (Assistant Professor)

In the second session, the students were given a briefing on the rules and regulations of the college. They were also given a brief introduction of the many co-circular and extra-circular activities they could involve themselves in, at School of Law. The Orientation program was brought to a close with a vote of thanks by Mr. Rakesh Nambiar (Assistant Professor).

Interview with Ms. Daksha Baxi

Kirit .P. Mehta School of Law once again had the privilege to host Ms. Daksha Baxi, Executive Director, Khaitan & Co., this time to inspire young minds at the orientation program for the First Year students. Ms. Daksha Baxi, the Chief Guest of the program, motivated the new entrants with her wise words. She guided the students to open up to opportunities of learning and explore with perseverance. After the program, the SO Link Team interacted with Ms. Daksha Baxi to find out what was her life hacks to make the best of student life and to develop one's career choice. Ms. Daksha Baxi, is an International Taxation expert who joined one of the country's leading law firms, Khaitan and Co. in 2007. She has worked with an NGO based in Switzerland for ten years. She has helped clients in various jurisdictions on cross-border taxation matters. She is acclaimed to be one of the leading female tax practitioners in India by International Tax Review's 'Women in Tax Leaders Guide,' has also been recognized as a leading tax advisor by different international league tables including Legal 500, Chambers & Partners, Who's Who Legal, PLC, et al.

We bring to you excerpts of her answers to some questions that the team put before her.



Q1. What are the skills that a first-year law student or law students in the initial years need to work on?

First and foremost is the requirement of an open mind is essential. As a first-year law student, you hardly know what is in store for you. Keeping an open mind allows you to absorb fully what the faculty is offering. You must be open to being introduced to the various elements and aspects that the faculty introduces you to. Pay attention to what the curriculum has to offer, and keep on exploring. In the first year, it is important not to find excuses to skip classes. While you should enjoy your newfound freedom and have fun, be responsible. Learn to balance. As you grow and become more experienced, then you would develop discretion and learn to make choices, and even debate out of the box issues with the faculty. Learning is always a two-way process. Just as, you learn from the

faculty, the faculty gains from your out of the box thinking. Debates and discussions and brain storming are necessary, giving due respect to peers, seniors, and faculty.

Q2. What are the few literary works that law students can read for motivation, a must read from your side?

"Experiments With Truth" of Mahatma Gandhi. It is essential to read something like that. Some works of Swami Vivekananda. There are about ten or twelve volumes of Swami Vivekananda's work. The way he questioned and reasoned everything is absolutely mind-boggling. He was a person who, without any fear, without any of the support that we have today, was able to talk about something so abstract as Indian philosophy and spirituality before a whole congregation where the topic was completely unknown and people just did not stop clapping. Currently, there is a lot of Ted Talk, Harris Talk and such other thought-provoking books.

Q3. What are the few factors that students must keep in mind while looking out for an internship?

You should spread the internship across. You should try for an internship with a counsel, a judge, an NGO, a family lawyer, a civil lawyer, a criminal lawyer and law firms. When you select a law firm you can decide to go to a very large law firm or a medium-sized, depending on what is the special aspect of the law that you have become interested in. For example, not many law firms would have international taxation. So if you are looking for international taxation or even taxation for experience then there are a limited number of law firms you can go to. I believe, over the ten semesters, you could do ten internships. This gives you a very wide choice and opportunity. Mostly, law firms like ours take interns after the fourth year, so by that time you could do all the other internships that I just mentioned and you would have literally got a well-rounded experience and exposure to how the law is practiced, so then you are ready to delve into the colossal world of law.

Q4. What are the key points that law firms look for while hiring young lawyers and how we can work towards developing those attributes?

When law firms are hiring admittedly, they do consider the marks. If you are a good performer as regards scoring marks, that is one of known measure of your abilities. Then they do consider the other activities that you have done, such as moot court, writing research papers, debates or other legal skills that you can demonstrate. There would be group discussions where you would be able to show the skills of a lawyer that you have acquired by the time you are ready to be hired by a law firm. You should have a presence of mind, an ability to recall, present your argument and view points articulated clearly, cogently and logically, remaining calm. When you have these skills the marks are not necessarily the determinant factor because you are seen as someone who is an explorer, pragmatic, who wants to create something new and that is something that law firms like to have in their lawyers.

Q5. Since the GST is in place now, what are your tips for those students who want to undertake some research or want to know more on the GST?

First of all, they must read all the GST laws. The Central

GST laws, the State GST laws, and understand their interaction. I am not an indirect tax expert so I probably would not be able to give you all the things that they should be doing. They should read all the notifications, circulars, etc. and should attend the master classes that the government is conducting. They may be available on YouTube. The third-fourth year students could actually go and talk to the street vendors and explain to them how GST is not as difficult as the media is making it out to be. By doing this, they will also have a satisfaction of doing some the community service. They can interact with the Chartered Accounts to understand the nitty-gritty about how those things work because it is not just pure law, it is also compliance, number crunching etc.

Q6. What is your advice to students to maintain a healthy work-life balance in law school?

There is no such thing as healthy work-life balance! The balance that you are referring to, comes from your own passion about your profession. Even after so many years in

the profession, my passion for what I do makes me spend a lot of hours in my work: study the law, dissect it and its implications, look for larger implications, write research papers, make recommendations and representations to the policy makers and so on. All of this requires spending time outside the office hours. But that is the joy of doing something you love!

My point here is that the work-life balance must be decided by your own passion about what you want to do. At the same time, give time to yourself. Time to unwind, entertain, socialize, exercise, party and so on. Giving time to yourself is very important. And always set aside some time to talk to yourself! You are your best friend, if you don't give time to talk to yourself, you won't develop. Because no one knows you better than yourself. You may talk to a lot of friends, hold discussions, etc., they spark some thought processes which is valuable, if you have also given time to talk to yourself.

Intern Diaries

Internship Experience at HRLN

At law School one gradually develops different skills like, how to research, how to frame an argument, how to analyse different situations and so on, but even after all this, there will be a void one may come across as these are received as mere theory. A person cannot be well acquainted with the technicalities of these until the acquired knowledge is put into application, and what better opportunity to apply these, than through an internship. So for the first timers, it's easy to find an internship, a quick web search or browsing through specific sites meant for law students in India may prove to be really helpful. But while short listing internship options the applicant must have a sense of clarity on the objectives of the internship, the duration for which they wish to intern and what they want to learn from the internship and accordingly apply to an organization or firm, as different organisations have different focus areas.

When I applied for my internship with NGOs, the common question I was asked by was my area of interest, and in which field of work I would like to work in viz ground work, office work, or drafting. Irrespective of these choices, I had a chance to try my hand in all of these activities by the end of my two previous internships. The key learnings of my internship experiences pertain mainly to field work and drafting.

During my internship I realized that challenges are those magical doors which open up to new opportunities of learning. I interned at HRLN (Human Rights Law Network), Indore, in the month of October 2016, for a duration of one month. During my internship at HRLN, Indore I made reports on *Swacch Bharat Mission*, which was not a "simple task", as I was

expected to make formal reports. In order to understand the source of funding for the Swacch Bharat Mission in Madhya Pradesh, I had to deal with filing of RTIs.

One of my unusual experiences during my internship was my brief encounter with a few RSS members while collecting data for the reports. They first tried to stop me from taking the views of Muslims residing in *Kohinoor Mohalla*. When I refused to follow their instructions their leader came and asked me to leave the place. At this point, I struck a conversation with the leader and then he started telling me about the RSS ideology. After getting a clear view of my intention to collect data, and after ensuring that I understood what they wished to convey, he permitted me to carry on with my task. Through this incident I learnt how to tackle an unexpected situation rather than running away from it or giving in.

Reflecting over my experience I can say that when I started applying the theories that I had learnt to the work I was assigned during my internship in a practical manner, it helped me shape my personality, and adopt professional ethics.

These internships are vital as they help student become familiar with different factors that influence laws. Considering the professional approach adopted by HRLN and the friendly behavior of the staff-members towards every intern, I would surely recommend one to apply for an internship with HRLN.

By
-Shubham Mandil
[B.A.LLB (Hons.), Second Year]

Internship Experience at Frames Production

How I got to know about it and how I got through the application process:

Truth be told, I was rejected by the HR of Viacom18 for being too young and apparently they could not trust a second year LL.B student.

But I was adamant to gain some experience in the Media Law sphere, so one day the boss at Viacom18 under whom I wanted to work, shared another lawyer's post on LinkedIn who was looking for interns. Then what? I sent my details, got grilled at the interview and got the internship at Frames Production Company as Legal Department Intern.

Type of task allotted:

Nobody is given a choice to work in an internship really, you have to do everything you have been instructed to do and you can barely refuse work. There have been days where all I have done is printed 22 contracts in a day and stapled papers but there is no scope to complain and crib.

As a production house intern I drafted contracts, attended negotiations between Channels, worked on Trademarks registrations and Copyright societies.

Key Learnings:

First of all this internship helped me understand the need to be more active on LinkedIn than Facebook, especially if you want to work in the corporate world.

To narrow down the field you want to work in and you need to follow all the people who currently are in the place you wish to see yourself in, read what they share, and keep building a good LinkedIn profile.

Work environment:

I cannot put in words, how grateful I was for my office space. It had quirky walls, the office staff would provide unlimited Coffee/Chai and the best part was I didn't have to wear formals. I was allowed to wear casuals to work.

My working hours was 11.30am - 8:00pm.

The people who work at Frames were so supportive, as a media house they're constantly running around and they would keep inviting me on set to watch the shoot if I fangirled over anybody who was shooting that day. So yes, that's a perk, you can just walk in on the set.

My takeaway:

What I took away was, there is a different approach to work with every person. Being observant is a necessity according to me.

Would I recommend such an internship to others?

I would recommend this internship to First year, Second year, and Third year students only, as it gives an understanding of the Media law in the Television industry, but doesn't churn the juices of the legal mind per se.

By

- Sharodiya Choudhary

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

Internship Experience at ASA Legal

I did my Internship at ASA Legal Delhi in the month of June, 2017. Interns here have liberty to choose between Litigation and Corporate departments in the firm. Considering my interest in Litigation, my recruiters assigned me to the Litigation Department of the Firm. Since the courts were closed for vacation in June I did not get a chance to visit the courts. Instead I had the opportunity to work with almost all the associates and partners of the firm.

The work given to me was drafting legal opinion and drafting notices. I was also allotted the task of research on various criminal topics. The staff and the seniors of ASA Legal were friendly and hardworking, and I learned a lot from their expertise, which was certainly much more than the learning I gained from my previous internship at the District court. I was introduced to new skills including drafting and giving legal opinions. The latter was completely new for me as I had not done it earlier.

The best part of interning with ASA Legal was that the interns got to interact with the partners frequently. Sometimes the partners directly assign work to the interns and they also keep a check that no intern is sitting idle. Receiving the certificate after a month, helps realise how much you have learnt through your constant engagement.

The process to apply for an Internship at ASA Legal is simple. You just have to mail your CV on the email address given on the website of the firm. Their office timings normally are 10 a.m. to 7 p.m.

This internship at ASA legal helped me affirm that litigation is what I would want to pursue my career in.

By

- Rishabh Tiwari

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

Nerves of Steel and Souls of Platinum

Proving their metal, the students of K.P.M School of Law have indeed raised the college banner high.

Shubham Mandil from S.Y.B.A., LLB not only managed to participate in **International Journal For Advanced Research In Law And Social Science Competition (ISSN 2455-491X)**, but his article got selected to be published on the site- **knowlaw.in**.

The call for papers competition invited papers on 'Contemporary Legal and Social Issues'. He wrote on the topic, 'Changing Traditions in the Indian Society with respect to Education.' His article was adjudged by a panel of esteemed judges including the **Additional Solicitor General of India, Ms. Pinky Anand** among others.

Participating in the **GNLU Debate Competition 2017**, S.Y.B.A., LLB students of NMIMS K.P.M. School of Law, **Ritu Jagwani, Radkiha Goenka, Nikita Gupta, Sampurna Kanungo, Sanjana Bhasin and Vaishnavi Vyas** tested their articulation and debating skills alongside teams from all over India.

Gandhi and His Idea of Trusteeship: Some Reflections

No matter how much money we have earned, we should regard ourselves as trustees holding these money for the welfare of all our neighbours".

Gandhi, *Young India*: October 6, 1927.

Gandhi also wanted to bring internal reforms in Indian society as well, while fighting against the British colonialism. This he considered necessary to perpetuate the principles of self-rule or Swaraj and egalitarianism in the Indian social system. He wanted to transform the system of capitalism and put an end to its vicious effects on the social order. Trusteeship promises to ensure such means to establish an egalitarian and self-reliant society. This society, Gandhi envisions, based on the idea of trusteeship, is unlikely to be colonized. This would be a self-reliant and self-ruling society with higher levels of civil-society consciousness. Gandhi's idea got developed when he reflected about the reasons of colonisation or imperialism, vis-à-vis the Indian Social System. He found that the society which is *divided in terms of castes, classes, and religion* is more akin to be colonised. To rule out the

possibility, the formulae he developed is known as Trusteeship. In a trusteeship social order, there would not be any concept of private property (seems similar to Marxist Classless society! But there are formative differences) except in that much capacity that would be allowed by the society or community for its own use of individuals. So, here the private ownership would not be an individual right, as we see today in republican democracies, but it would be recognized and sanctioned by the society (not by the state). It would not have legislative regulations regarding private ownership. In the Trusteeship, Gandhi proposes to have a minimum standard of living, a dignified human living standard, a minimum living wage, and a limit to be fixed for the minimum income that would be allowed to each member of the society. The difference between the maximum and minimum income should be *reasonable*. The nature of the production would be determined by the necessity in such a society and not by the personal whims and greed (as Gandhi famously says that there is enough in this world for everybody's needs, but not for the greed). He envisages the idea of a democratic state in which an individual will enjoy certain specific *Fundamental Rights*. He claimed that everyone should have a Right to;

- a) Balanced Diet,
- b) Decent House,
- c) Facilities for Education, and
- d) Medical facilities.

Any possession, beyond it, according to Gandhi, would be a 'surplus' and 'superfluous'. He added that everything belongs to God (bringing Metaphysics to his socio-political discourse). On the question of who should become a Trustee, Gandhi says-when an individual has more than his appropriate or proportionate share, he or she should become a Trustee for God's people. Gandhi aimed at class-collaborations and class-coordination. He saw it as the manifestation of a step towards a democracy without class-conflict. He envisioned here a democracy where everyone will perform some form of productive physical labor and there will be no exploitation and corruption.

Reflecting on the nature of the present world, the propelling power of political economy, the downfall of character in body politic, for many it seems unclear to judge if Gandhian philosophy could bring about some changes in the modern world or not. But when we recognize such democratic developments, like growing importance of civil society in the democratic-developmental process, the mechanisms and processes through which the world comes together (barring few) to solve the borderless issues like challenges to sustainable development and problems emanating from climate change, growing importance of Arne Ness's Deep Ecology project, Michael Sandel's emphasis on communitarianism etc., are some of the major 'confirmations' towards the contemporary acceptance of the 'timeless' threads of Gandhian socio-political and environmental thought system. The beauty of Gandhian thought is that his ideas on politics do not confront his ideas on environment and society. If reflected 'non-ideologically', one can find relevance in Gandhian thoughts to solve the problems of the contemporary world. The need is to 'consider' and 'contextualize' Gandhi in modern perspective. Gandhi

emphasized the menace that would be created out of 'industrialization' and 'mechanization' way back in his book- *Hind Swaraj or Indian Home Rule* (Ahmedabad: Navjivan, 1909, first published in Gujarati in 1908) that came to be true in the late twentieth and early twenty-first century. Yes, it is tough to appropriate Gandhi in a socio-political setting where everyone is for 'what is it for me?'. Gandhi's socio-political discourse simplifies the complex knots of human relations and sets a 'duty-bound' socio-political environment where no one fears poverty and hunger, no one is discriminated through corruption and favouritism. Undoubtedly His ideas seem 'utopian' to many of us who live in a political system that is 'rights-based'. Gandhi surely appeals for 'duties' to be taken more seriously than 'rights'. This goes against the modern liberal democratic political process. But, if we analyse carefully, we find that the modern liberalism is not 'struggling' with this kind of 'individualistic' political paradigm, and paving a way towards 'group-rights'. This can be read as the recognition of the possibility of the inclusion of Gandhian principles in the future liberalism. His philosophy of Trusteeship suggests a way out to achieve 'an egalitarian society', the goal of modern liberalism as well. Notwithstanding, Gandhi is a human being with all the possibilities of error. Need is to appropriate him rationally where he can be, to resolve the modern conflict of human existence. I would love to read Gandhi's words before I sum it up. I quote Gandhi;

"God, who is all powerful, has no need to store. He creates from day-to-day; hence men also shall in theory, live from day-to-day and not stock things. If this truth is imbibed by the people generally, it will become legalised and trusteeship will become a legalised institution. I wish it becomes a gift from India to the world." (Harijan: February 23, 1947).

– By Mr. Ravi Saxena

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Demonetisation: Where Would India Go From Here Onwards?

The historic announcement made on November 8, 2016, by the Prime Minister of India which ceased the legitimacy of high denomination 500 and 1000 rupee notes has remained one of the much-debated issues among the intelligentsia, on the nature of 'impact', it has had on the Indian Economy over the last year and for which concluding remarks to be given are still under question.

The execution of this particular exercise, basically portrayed as a Revolutionary and Reform Based measure to make India a 'Cleaner' Space in terms of Financial Transactions occurring for various motives, has been well acclaimed by the International Community as a 'Strong'

Step taken by the BJP government to bring about more pronounced structural reforms speedily and efficiently so as to hasten the process of growth of the country. Various government reports such as earlier released Economic Survey (2016-17) and the recently released RBI's Annual Report (2016-17) have more or less attempted to portray a substantially moderate impact of Demonetisation on the Economy

This somehow could attempt to restore faith amongst the people in the 'Objectives' laid down by the government to undertake this exercise, amidst widespread sentiments of anguish, desperation and discomfort over having access to one's own hard earned money whether deposited in the bank accounts or held with the individual.

After the series of changing announcements relating to everyday transactions which subsided early this year, for which the credit to contain the 'after-effects' of the same goes to the continual and tireless efforts of Reserve Bank of India to remonetise the economy, the process of growth of the economy seems to be back on the track. However, certain questions remain which require 'pondering over' by the intelligentsia across the board. These are discussed as follows:

(1) If we recall the objectives of 'Demonetisation', the first and the foremost was to curtail all those transactions which promoted 'Terror Financing' in the country. Do we need to analyse how far we have succeeded to achieve this objective? Did this exercise serve as a guarantee that no such illicit transactions will be occurring in the country in the future? Also, as of now, there are no estimates available on this dimension.

(2) The second objective was to curtail financial transactions relating to the promotion of Black Economy which includes within its ambit activities like corruption, red tapism, bribery etc. Without any doubt, we do admit that to a substantial degree a minuscule portion of the 'Black Money' which was held in cash with the holders of 'Unreported Income' came to the forefront as it eventually got destroyed instead of returning back to the system. But this was just a 'miniscule' fraction of the total magnitude of the Black Economy which has thrived in parallel to the Mainstream Economy for many decades and not forms in the form of cash but other forms of money. So the position relating to the curbing of Black Money more or less still seems to be the same as it was before Demonetisation. On a positive footing towards this direction, the 'Identification' of 'Shell Companies' seems to be a 'Future Step' which would substantially depend upon the course of action taken against such companies by the current and upcoming governments as it would definitely help in curtailing the accumulation of Black Money over the already existing magnitude of it and increasing the Tax-Base of the government.

(3) Now, while coming to the third major objective i.e. 'Digitisation' and 'Formalisation' of the Economy, we need to think whether this is a short-term or long-term process? Our general logic and understanding tells us that an economy wherein at a point of time, 86% of the currency in circulation is held in the form of cash and a large chunk of the bottom quintile of the Indian population does not use

bank accounts even after having 99% of coverage of the same across the country (November 2016 estimates), Digitisation and Formalisation appear to be a distant 'Dream' and a 'Herculean' task to be achieved by the government in a short span of time. Thus, the question which needs to be answered here is to achieve this objective whether this 'Fatal Blow, which was poorly designed as well, was required, or 'Strengthening' and 'Introspection' of the existing and newly implemented Schemes of Financial Inclusion such as that of Jan Dhan Yojana would have sufficed the purpose?

While concluding, it can be opined that the success of any action or policy implemented in an economy is measured by its intent, execution and impact on the overall growth of the economy. While the act of 'Demonetisation' was noble in its 'intent', inefficiencies on the execution part lowered down the GDP growth of the country by 1% point from 7.1 to 6.1 for the year 2016-17 (estimates from various official sources) on the one hand and deeply constrained the efforts of curtailing illicit transactions to go beyond the level of 'Identification' on the other hand. On the optimistic note, it did help to expose myriad forms of structural inefficiencies in the existing system of Financial Transactions which have now come under the radar but the success of the government would depend upon consolidating and building upon these gains.

- By Ms. Mitali Gupta

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Patriotism - My Choice or My Obligation?

As a member of the Indian legal fraternity, it is profoundly disheartening to be barraged with unvarying antagonistic opinions of the populace about the judicial mechanism of our nation. In a system where 2.8 crore cases are pending in district courts alone, corruption is so boisterous that it is almost palpable and decisions passed on erroneous principles make headlines almost daily; the dwindling faith of the masses in the competence and integrity of the Judiciary seems justified. Even in limited instances where the verdict in a particular case manages to impress the optimists, the courts almost immediately find a way to remind people of their perennially notorious nature. Keeping this legacy alive, in its July 2017 order, the Madras High Court has ordered the mandatory singing of 'Vande Mataram' in educational institutions, government offices, and industries in Tamil Nadu.

The verdict sparked uniform national outrage amongst the media, students and even Parliament houses, with most of the people opining that the order was "bizarre" and was devoid of both logical and legal reasoning. The rule of law in this order was besmirched on manifold grounds, the most significant one being of judicial overreach. This was

another addition to the infamous list of cases where notwithstanding the doctrine of separation of powers, the judges transgressed their role of legal interpretation and trespassed into the lawmaking arena. The Constitution, on the contrary, safeguards the right of an Indian citizen to follow the religious protocol of his choice, something which this order has not taken into consideration. While the Bench has said that the requirement of the abidance of the order may be exempted in certain circumstances, there seems to be no standard for the determination of these exceptions. This provides room for more rules, more ambiguity and more harassment by authorities and/or mobs; which is the last thing which is required in an over-legislated country where a plethora of unenforceable laws which do not reflect the ground realities are already in existence.

The Court in this case seemed to be driven by the irrational intention of enforcing the feeling of patriotism rather than promoting it. However, the hitch with such mandatory directions is that instead of propagandizing nationalism, they eventually end up being an oppressive botheration to the community. If patriotism is coerced and ritualistic rather than coming out of inner volition, then it can be counter-productive.

India has often had to face the wrath of an unbecoming judicial attitude where significant issues are turned a blind eye to and ancillary aspects are discussed at great length. In the present instance, the primary case before the High Court pertained to one K Veeramani failing the test for the post of BT assistant as he had answered that Vande Mataram was written in Bengali and not Sanskrit (which is, in fact, correct). Thus, one may infer that not only was the order passed on frivolous grounds, but it was also tangential to the plea under consideration. This pseudo-proficient objective adopted by many judges paints a landscape of the future of social welfare in India that is far from pleasant. The fact that promoting patriotism is on the top of the priority list in a nation where rapists roam around freely, the punishment for killing a cow is more severe than that for killing a man and individuals are able to bamboozle banks for millions and yet walk scot-free; speaks volumes about the regressive mentality of this nation.

The importance of nationalism is not in dispute at all; however, it must be intrinsically nurtured by each citizen. The Government calling for its forceful adherence depicts an acute lack of confidence in the feelings of the proud statesmanship of its people. Why should one's patriotism be there for the world to see? Why should anyone except me get to define the parameters of my feelings? The "mai baap sarkaar" mindset has for years and years dictated the choices of citizens by telling them what to eat, what to sing and how to dress. Given the promises of the current Indian Government aims to take India to the zenith of social well-being, it is about time that authorities are stripped of their supreme powers and made to follow the policy of "live and let live".

References:

Judicial overreach: Madras High Court's Vande Mataram order will complicate other people's lives. <http://blogs.timesofindia.indiatimes.com/toi-editorials/>

judicial-overreach-madras-high-courts-vande-mataram-order-will-complicate-peoples-lives/

- By

Sushant Ramakrishnan

[B.B.A.LLB (Hons.), Fifth Year]

Right to Privacy: A Re-Embarkment of the Scope of Civil Liberties in India

24TH AUGUST 2017, this day would be engraved in history books as one of the most important days in the development of the Constitutional law in India. On this day, the highest court of the country, through a nine judge bench, delivered a judgement which will play a pivotal role in governing the civil liberties of the individuals in the future. The apex Court held that Right to privacy is a fundamental right and it is as intrinsic as Right to life and personal liberty.

Everyone from activists to the government has welcomed this judgement of the apex court in the matter of *Justice K Puttaswami Vs. The Union of India*. But the pertinent question is that what will be the consequences of this judgement? Will the Aadhar scheme be scrapped? Will homosexuality be legalised? Was this judgement a setback for the central government? These are some of the common questions which might have arisen in people's mind after knowing about this judgement.

Dealing with the case of the Aadhar scheme first, many people believe that the Aadhar scheme will be scrapped after this judgement as the aforementioned nine judge bench was constituted while hearing the challenge to the constitutionality of the Aadhar scheme on the grounds of privacy. While it is true that right to privacy is now a fundamental right but it would be nothing short of a mistake to construe that this judgement would eventually lead to the scrapping of the Aadhar scheme especially if the following wordings of the apex court in this judgment are considered.

"Like other rights which form part of the fundamental freedoms protected by Part III, including the right to life and personal liberty under Article 21, privacy is not an absolute right. A law which encroaches upon privacy will have to withstand the touchstone of permissible restrictions on fundamental rights. In the context of Article 21 an invasion of privacy must be justified on the basis of a law which stipulates a procedure which is fair, just and reasonable."

"We commend to the Union Government the need to examine and put into place a robust regime for data protection. The creation of such a regime requires a careful and sensitive balance between individual interests and legitimate concerns of the state. The legitimate aims of the state would include for instance protecting national security, preventing and investigating crime, encouraging innovation and the spread of knowledge, and preventing the dissipation of social welfare benefits."

A careful reading of the above two excerpts of the judgement authored by Hon'ble Justice Chandrachud would imply that the Right to privacy is not an absolute right, and just like many other fundamental rights, it can be encroached upon by a law which is fair, just and reasonable. In the second excerpt, it is also suggested that the aforesaid right can be encroached upon for the legitimate concerns of the state which cater to the interest of the nation. So if the government is able to defend the Aadhar scheme on the grounds that the scheme seeks to achieve the mentioned legitimate concerns of the state then the Aadhar scheme may not be scrapped at all.

This judgement also touched upon the subject of homosexuality and may open the gates for its legalisation in the near future. The apex court while including sexual orientation as a part of privacy, also disagreed with the *Suresh Kumar Kaushal* judgement which upheld the constitutional validity of section 377 of the Indian Penal code. The challenge to section 377 of IPC is pending in the Supreme Court and it may become successful in the light of this judgement.

This judgement may also have implications on matters like the beef ban, data protection, and various other issues which involve an individual's privacy but these will all be decided on a case to case basis, on their own merits, making this judgement as the base.

The last pertinent question which remains unanswered is that whether this judgement is a setback for the central government? In my opinion, the answer would be no, the central government can still defend the Aadhar scheme as discussed above and the apex court may uphold the constitutional validity of the scheme as its aims and objectives are in consonance with the legitimate concerns of the state as enumerated by Justice Chandrachud in this judgement.

References:

1. K.S. Puttaswamy (Retd.) & Another Vs. Union of India & Others, available at http://supremecourtindia.nic.in/supremecourt/2012/35071/35071_2012_Judgement_24-Aug-2017.pdf

- By

Yash Chaturvedi

[B.A.LLB (Hons.), 4th year]

What 70 Years of Freedom Means to Our Children

It's been 7 decades of Independence, and many of us were puzzled by this fact when the shocking news came from Gorakhpur, where sixty children who were suffering from Japanese encephalitis virus (JEV) which is a flavivirus related to dengue, yellow fever, and West Nile viruses, commonly spread by mosquitoes, died in the state run Baba Raghav Das Medical College, between 7th August and 11th August **due to cut in the supply of oxygen**. Out of those sixty, twenty-three were infants who had barely seen the world, they were forced to the bed of death when the supply of piped oxygen was disrupted, putting an end to the lives of those children.

The directive principle of state policy provides that it is the duty of the State to raise the level of nutrition and **the standard of living and to improve public health as among its primary duties** (Article 47 of the Constitution of India).

But unfortunately this time the government was not able to do its duty. It was found that the hospital had not paid around Rs. 63 lakhs to the oxygen supply company, after which, the company sent a notice to the hospital on 8th August warning them of a cut in the supply of oxygen if the dues were not paid. This was a grave mismanagement and negligence on the part of both, the hospital administration and the government.

This is not the first time, as India has faced similar tragedies in the past as a regular phenomenon. In 2016, 102 children died of Japanese encephalitis in Odisha. In 2014, 11 women died after faulty sterilization surgeries in Chhattisgarh. In 2013, 37 children died in a span of a week due to a severe staff shortage in West Bengal. In 2011, 10 infants died in 48 hours in Andhra Pradesh. Not only in the past, but even after such a shameful tragedy in Gorakhpur, again on 21st August 2017, three more infants died in Raipur in "government run hospital" after the drunk hospital staffer switched off the oxygen supply.

According to the economic survey of India, India's public spending on health care is much below the global average, such low spending weakens the State's capacity in delivering essential services such as health and education.

It was rightly said by Nobel Laureate Kailash Satyarthi, what happened in Gorakhpur was not a tragedy, but "A Massacre". All these instances show the poor health care system is India's biggest public failing, and certainly, India is yet to recover from the dungeons of apathy. The government should take strict action against the people who are responsible and "correct the decade of corrupt medical system". It is the need of the hour to fix this problem as soon as possible until this is done the word "Happy" in "Happy Independence Day" will never be justified.

References:

- WHO Media centre, Japanese encephalitis Fact sheet No 386, December 2015, <http://www.who.int/>

mediacentre/factsheets/fs386/en/

- Krunali Shah, Overhauling India's public health care system: Need of the hour, 21 Aug 2017, <https://www.newsbytesapp.com/timeline/India/10027/55294/necessity-of-overhauling-india-s-public-healthcare-system>
- CNN-News18, 3 Infants Die in Raipur Hospital After Drunk Staff Cuts off Oxygen Supply August 21, 2017, <http://www.news18.com/news/india/3-infants-die-in-raipur-govt-hospital-after-drunk-staff-cuts-off-oxygen-supply-1497331.html>
- Times of India, Economic Survey says India's public spending on health well below global average, Jan 31, 2017, <http://timesofindia.indiatimes.com/business/economic-survey/economic-survey-says-indias-public-spending-on-health-well-below-global-average/articleshow/56897993.cms>

-By

Mohak Koolwal

[B.A.LL.B (Hons.), 4th year]

To Live or Not To Live?

Law is today arguably one of the most universally advanced branches of modern academia. Ushered by the principles of natural justice, legislators and adjudicators across the globe have been expeditious in their attempt to answer the multitude of unanswered legal perplexities in the form of books, statutes, conventions and celebrated precedents. Notwithstanding, every once in a while the human fraternity is confronted with a question which surpasses the ambit of law and finds itself in an ambiguous grey area. One of the most significant constituents of this non-exhaustive list is regarding the highly sensitive issue of mercy killing.

Mercy killing, medically termed as Euthanasia, is an act of intentionally putting an end to one's life in order to relieve them from prolonged pain and suffering. Nations that have addressed this pertinent issue in the form of an enactment are exiguous in number, leading to a rather sad state of affairs and there exists no clarity till date on the legitimacy of euthanasia, a deliberation that originated as early as 1870. Eleven month old infant, Charlie Gard, of London was one of the most recent victims of this appalling situation of indecisiveness. In this gut-wrenching case which garnered worldwide attention and polarised opinions, the parents of terminally ill Charlie eventually ended up on the losing side of a long fought legal battle in their desperate endeavour to keep their son alive.

The UK Courts and the European Court of Human Rights remained unfettered by the pleas of Charlie's parents, human rights activists, experimental doctors and the world community at large; when they refused on the 27th July 2017 to accede to his parents' wish of wanting to prolong his life. The Hon'ble Bench ordered that all artificial life support must be withdrawn and thereby put an abrupt end to the ill-fated kid's agonising fight with life. Charlie's demise caused immediate public furore, transgressing territorial confines and resumed the

perpetually inconsequential debate on the human rights issue of euthanasia.

I believe that the verdict in this judgement was in absolutely poor taste, and was a complete mockery of the status of parents. While the medical staff is in a more informed position about the likely outcome of the treatment; it is nevertheless inconceivable for the court to disregard the contentions of the parents merely on the presumption that their pleas involve more of sentiment and less of practicality. The Government and the Courts ought to act with constraints in such sensitive cases; their role should solely be limited to either permit or disallow euthanasia in a case where such a request has been made, either by the family of the patient or in absence of a family; any other pro-bono representative. However, it is inexcusable for the Court to forcibly command the death of a toddler and defend its barbarities under the shield of "human rights". The best interests of the patient should have been left to the sole discretion of the parents, and any interference in their discretion ought to have been thwarted down, especially owing to the fact that the parents strongly expressed their desire to get their son discharged and fly him to New York where doctors had suggested the possibility of trying an experimental treatment on him.

Even if one were to proceed under the assumption that there was absolutely no chance of Charlie's recovery thereby making the case fit for euthanasia as suggested by doctors at the Great Ormond Street Hospital, eleven months was a period too short in comparison to other similar cases of mercy killing to be declared as a "prolonged terminal illness". A prudent period should have been accorded to the parents for trying to recover their child's life, even if it seemed a miraculous task. Who is to say, in the rare possibility that the experimental treatment would have indeed proved successful, it would have saved not only Charlie but countless other lives in the forthcoming days.

The judicial reasoning behind the verdict in this uncomfortable case leaves me with certain burning questions which time will hopefully provide answers to:-

- 1) Would the Court have given an order on similar footing had it been a child of the Royal Family?
- 2) Are we so arrogantly bent upon preserving "right to live with dignity" that we let it overpower "right to live" itself?
- 3) Every sufferer has the "right to die", but would that amount to bestowing upon the Government the "right to forcibly kill"?

It is indeed despairing to be a part of a system which assigns to itself the divine task of dictating against the natural fate of a human being. The legacy of this little angel which shook the conscience of the entire world will hopefully help bring some perspective to the definition and limitations of "human rights", and pave the way for better decisions in the future.

References:

- Ross Douhat (2017, July 22). Charlie Gard and the Experts. The New York Times. Retrieved from <https://www.nytimes.com/2017/07/22/opinion/sunday/charlie-gard-and-the-experts.html?mcubz=3>
- UK Supreme Court (2017, June 8). In the Matter of Charlie Gard - Determination of Permission to Appeal Application. Retrieved from <https://www.youtube.com/watch?v=P6rPmvG1NhA>

- By

Sushant Ramakrishnan
[B.B.A.LLB (Hons.), Fifth Year]

News Snippets

• **Kolkata to get India's first underwater Metro**

Kolkata will launch an underwater Metro which will pass through tunnels several feet under the Hooghly. The first underwater transportation tunnel of India is ready with the second one nearing completion. The tunnel has been constructed 30 meters below the riverbed. It will be connecting two main terminals: Howrah and Sealdah - each of which has a footfall of about 10-12 lakh passengers per day.

• **UN General Assembly elects five non-Permanent UNSC Members**

The UN General Assembly has elected Cote D'Ivoire, Equatorial Guinea, Kuwait, Poland and Peru as the non-permanent members of the Security Council for a two-year term. It will begin from 1st of January 2018.

• **Israel's David Grossman wins Man Booker Prize for 'A Horse Walks Into a Bar'**

Israeli author David Grossman has won the Man Booker International Prize for his novel "A Horse Walks Into a Bar." The award was announced on 14th of June in London. The prize was previously a career honour but changed last year to recognise a single book in a bid to increase the profile of international fiction in English-speaking countries.

Gorakhpur Tragedy: An Eye-Opener

Outrage and sympathy are natural reactions to death night in Gorakhpur. But it is futile until and unless care is taken to see to it that a similar tragedy does not strike again. Sixty innocent children lost their lives due to the combined effect of the failures of public health system, and injuries in the socio-economic conditions of the poor.

These children died a painful death at the state government run, BRD Hospital, in Gorakhpur on 11th August 2017. This tragedy took place just days before the Independence Day. It's already 70 years since our independence, and how many more years will we take to be sensitive and empathetic to such tragic incidents.

Children suffering from encephalitis were admitted in excess to the hospital's capacity as its medical facilities were rated better than most of the hospitals in the 100 km radius. Encephalitis is caused due to the increase in a number of disease transmitting mosquitoes, which breed near the farmlands & dam construction sites. In the recent years, patients complaining about the disease have increased. Efforts were taken to set up medical aid but fell short of the requirements. Gorakhpur has faced many such health issues in the past. The efforts taken by the Centre and the State for improving the health is not enough to meet the increasing complaints of deteriorating health rate. The known fact of delayed payments made by the government hospitals also adds to deteriorating quality of medical aid provided.

This was also one of the reasons for the unjustified death of the faultless 60. The reason cited for the cause of the tragedy which took place was that the hospital lacked stock of oxygen cylinders which are required for encephalitis treatment and stoppage of electricity owing to the non-payment of dues by the hospital. But are these the reasons which they will be writing on the 'Death Certificate'? Or are these the reasons with which they'll buy the grief stricken parents?

What happened on August 11 was only a manifestation of the problems faced by our health system. This tragedy was not a result only of cut in essential supplies, but it also manifests the underlying diseases that are slowly affecting the vulnerable people. Early marriage, malnutrition, sanitation problems, breeding of mosquitoes, lack of proper disposal of sewage, open defecation are some of the primary causes of these deaths which are now shrouded in the conflicting blame game.

Strengthening the disease surveillance system, creating awareness amongst the people, deployment of more doctors in the rural areas, providing cost-effective and advanced medical care along with frequent follow ups, frequent audits as per required standards, etc. are some of the ways in which deteriorating health rate of Eastern U.P can be curbed.

Only if we are sensitive and learn from the past incidences, our actions will be proactive and prudent. This will save the lives of our fellow Indians in years to come.

References

- Amarnath Tewary, Where: In U.P.'s Gorakhpur, tragedy and after, The Hindu, <http://www.thehindu.com/news/national/other-states/in-ups-gorakhpur-tragedy-and-after/article19525374.ece>
- K Shrinath Reddy, Beyond the Lament, IndianExpress, <http://indianexpress.com/article/opinion/columns/gorakhpur-hospital-tragedy-health-of-children-in-india-beyond-the-lament-4799968/>

- By

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News Snippets

• Colombia declares FARC war over as last guns roll away

President Juan Manuel Santos of Colombia put an end to Colombia's 50-year conflict with FARC guerrillas as the last truckloads of decommissioned weapons rolled away to be melted down finally over on August 15 2017 at Bogota.

• Alibaba Founder Jack Ma becomes Asia's richest person

Chinese e-commerce giant Alibaba's Founder Jack Ma has become Asia's richest person with net worth of \$38.3 billion. Jack Ma is currently ranked as the world's 18th richest man.

• Lionel Messi becomes the first player to score 350 La Liga goals

Barcelona and Argentina star Lionel Messi became the first player to pass 350 goals in La Liga history announced on 27th of Aug 2017. Leo went on to score one more goal in Barcelona's 2-0 win over Alaves, bringing his all-time league tally up to 351.

• Indian astronomers discover supercluster of galaxies, name it 'Saraswati' 1

A team of Indian astronomers have discovered a large supercluster of galaxies which has been named as Saraswati. It is as big as 20 million billion suns, as reported by a Pune-based Inter University Centre for Astronomy and Astrophysics (IUCAA) on 13th of July 2017.

Recognising the Right to Privacy of Sexual Minorities

"Although we think socially, we must still think of individual interests, and of that greatest of all claims which a human being may make, the claim to assert his individuality, to exercise freely the will and the reason which God has given him."

- Roscoe Pound
(Address at Darmouth College, 1921)

We, as a nation, have hailed and embraced the verdict of the Apex Court on privacy in the K.S. Puttaswamy case, wherein the right to privacy has been recognised as a fundamental right under Article 21. The historic judgement defines right to privacy as the right to be left alone, and it seeks to protect citizens from the "overreaching presence of the state". The interpretation given to Article 21 of the Constitution has expanded from the understanding of privacy as a right against "arbitrary intrusion" into one's personal space, as expressed in the minority Judgement in *Kharak Singh v. State of U.P.*, to the unanimous opinion in the present case wherein privacy takes into its fold the freedom of an individual "to make autonomous life choices". This judgement holds the potential to assure citizens their right to make choices for their personal selves without undue interference of the State, but yet more distinctly it has played the alarm clock for the Indian society, particularly for each individual of the society, who was probably lost in an apathetic slumber while the need was to take heed of the social minorities, or was engrossed in the common man's struggles for socio-economic advancements, which can perhaps push one into a whirl of discord with society.

The privacy judgement is speculated to have a heavy bearing on the recognition of the rights of the LGBT individuals in our country, as it lays the plinth to bring about a judicial ruling which can counter the ruling of *Suresh Kumar Koushal v. Naz foundation* (2013). In its submission before the Delhi High Court (decided in 2009), Naz Foundation appealed that section 377 of IPC was violative of Articles 14, 15 and 21, and that "sexual relations" or "sexual preferences" of an individual are related to the personality of an individual and essentially fall under the "private space" of an individual. The use of section 377 by the State machinery against the sexual minorities as an instrument of persecution needs to be checked in light of the privacy judgement. The recognition of right to privacy of sexual minorities is set to become the barometer of such a check.

However, the extent to which this barometer functions cannot be determined solely on the basis of a judicial decision, and it requires its upkeep to be done by the prevailing social consciousness. The role of social consciousness here is important because it is the underlying force that makes and breaks legislations and determines popular political support. If the use of section 377 continues to be accepted by sections of society as a law against "immoral activities" then the call now is to clarify to

News Snippets

- **Matunga becomes India's first railway station run by women**

In a bid to empower women, Central Railway has appointed all women staff at suburban Matunga railway station, thereby making it India's first railway station run by women. A formal event to mark all women railway station will be held soon.

- **India 96th in FIFA World ranking, its best in 21 years**

India has moved four places up to the 96th position in the FIFA World ranking released on 6th of July 2017. This is the country's second best ranking and its previous best was the 94th position in February 1996.

- **114-year-old Taj Palace becomes first Indian building to get trademark**

114-year old Taj Palace (also referred to as Taj Mahal Palace) in Mumbai has become first Indian building to get itself trademarked, thereby joining the elite and small club of trademarked properties in the world which includes the Empire State Building in New York, the Eiffel Tower in Paris and Sydney Opera House

what extent does society have the right to enforce its idea of morality. Does this right transcend the boundaries of one's personal arena?

While this judgement has raised a question on the power of the state to discriminate against LGBT individuals and criminalise even consensual activities which are of their private concern, it, more importantly, rings a bell for the society to recognise the exclusivity of sexual preferences of an individual as a personal choice, and then proceed to collectively give the above clarification. The ability to provide an objective response to this will be activated only when, citizens make conscious efforts to overcome the long perpetuated prejudices against LGBT individuals, wake up from the slumber of apathy, and affirm that they cannot discriminate against any person on such choices that an individual alone can rightfully opt for one's own self. Roscoe Pound while discussing individual interest from a social perspective, in his theory of social interest, upholds the freedom of individuals on matters that do not transgress the security of another in a civilised society. Doing away with the discrimination of sexual minorities needs a similar recognition of such freedom.

The very fight that sexual minorities are forced to fight despite being equal citizens goes beyond all the slogans that resound in the rallies and campaigns held for demanding recognition, it is about the dignity one loses when one's personal space, even when there is no misdeed on one's part, is not given the most minute ounce of respect. It is a similar loss when one is required to face intrusive questions by other citizens, silence to which, again leads to remarks that one may possibly not be able to

link with anything else but one's private concerns.

Had it been for a more inclusive social order, then the struggles of the LGBT individuals could more appropriately be called the struggle for establishing an identity, however, the block that we are yet to overcome to reach this stage is the block of accepting the demarcations between social and private actions. The moment when, the society stops questioning the personal choices of sexual minorities as well as other social minorities, will be the moment which is representative the light, they seek towards the end of the tunnel.

References:

- i AIR 1963 SC 1295
- ii *K.S. Puttaswamy (Retd.) & Another Vs. Union of India & Others*, available at http://supremecourtindia.nic.in/supremecourt/2012/35071/35071_2012_Judgement_24-Aug-2017.pdf
- iii *Naz Foundation vs. Government of NCT and Ors.*, 2010 CriLJ 94
- iv Henry McGee, *Roscoe Pound's Legacy: Engineering Liberty and Order*, 16 HOW. L.J.19 (1970), available at <http://digitalcommons.law.seattleu.edu/faculty/703>

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Important Clauses in a Confidentiality Agreement

The term confidentiality means “non-disclosure” of a particular information which has been conveyed to one party by another party. The concept of confidentiality is based on the fundamental principle of 'trust'. Trust is the basic and the foremost requirement to retain confidentiality of anything. There are many instances in which certain information cannot be disclosed to a third party, which gives rise to confidentiality or non-disclosure agreements.

A confidentiality or a non-disclosure agreement is a type of contract which is legally binding upon the parties and whereby the parties involved are expected to keep the secrecy of the contract as agreed between them while entering into the agreement. Thus the parties have to maintain the privacy of the agreement.

A confidentiality agreement can help the parties entering into the agreement safeguard and limit access to the benefits incurred from sensitive information. Thus this enables the parties to gain more profits than the others in the market, in some way or the other, by keeping their sensitive matters.

1. Important Clauses in a Confidentiality Agreement

1.1 Definition of Confidential Information

This clause clearly specifies what the contracting parties mean by the term confidential with respect to the agreement they are signing so that the parties involved have a clear idea of what are they agreeing to, in order to avoid any confusion or conflict in future.

1.2 Determining the persons having authority to access the information

This is another important clause wherein it has to be clearly mentioned to whom all the information can be communicated. For instance, some information may have to be delivered to accountants, attorneys or any other persons for the official and legal purpose. Therefore, this clause enables the parties to make it clear that what kind of information can be disclosed to such recipients.

1.3 Duration of The Agreement

This clause specifies that for how long the recipient party is under an obligation to keep the confidentiality of the agreement. Some agreements can be so crucial that they need to be kept confidential for years, while some require secrecy to be maintained for a smaller period like a year or two.

1.4 Purpose of Sharing the Information with the Recipient Party

This clause specifies the reason for sharing the information with the receiving party. This clause tells the intention of the disclosing party behind giving the information, to enable the recipient party understand to what extent and for which actions they are accountable towards the disclosing party.

1.5 Legal Obligation to Disclose

There are instances whereby it becomes necessary for the recipient party to disclose the information to a third party. This happens because they are compelled to reveal the information to some government or administrative authority or through courts.

This clause ensures that the recipient party does not have to unnecessarily suffer and thus it specifies that it is not a breach of the agreement if the recipient party is under a legal obligation to disclose the confidentiality agreement. However, in order to ensure that everything works properly, the disclosing party can always include a clause stating what all confidential information can be disclosed in a situation. They may also require the receiving party to inform them whenever such a situation occurs, thereby ensuring that only the utmost important information is disclosed.

1.6 Sending Back of the Information

When the duration of the confidentiality agreement

comes to an end, it becomes the duty of the recipient to give the information back to the disclosing party or to destruct it, so that it no longer exists with the receiving party. Thus, this clause is required to mention the time and the manner in which such information has to be destroyed, if required as per the nature of the agreement.

The requirement of this clause becomes more important with the increasing use of technology that enables storage of large amount of data. Thus it reduces the chances of the misuse of the information given by the disclosing party, as a part of the agreement.

1.7 Remedies

This clause comes into picture when there is a violation of the confidentiality agreement and the disclosing party suffers loss. In such a situation, the disclosing party may demand compensation as relief. Through this clause the parties ensure it in advance what sum will be paid by the recipient party to the disclosing party in case there is a breach of the confidentiality agreement.

1.8 Non-binding

It becomes important for the parties involved to include non-binding clause which enables them to put the agreement persisting between them to an end. However, the party terminating the relationship has to follow the law and other required conditions of the contract while terminating it.

A confidentiality agreement helps the contracting parties retain privacy, and structure their business in a manner that is profitable and gives them an edge in commercial competition. Thus, it becomes necessary that the confidentiality agreement is well written, and includes all the required terms, so that everything is clearly specified to both the parties and to ensure that there is no scope for conflict between the parties due to any ambiguity in the clauses of the confidentiality agreement.

References:

- i Gene Quinn, What is a confidentiality agreement, (25th August, 2017, 06:00 PM), <http://www.ipwatchdog.com/2008/01/03/what-is-confidentiality-agreement/id=31/>
- ii Mike Kappel, Why are confidentiality agreements important, (25th August, 2017, 07:00 PM)
- iii Ten key clauses to have in non-confidential agreement, (26th August, 2017, 10:30 PM) <https://everynda.com/blog/10-clauses-have-non-disclosure/>
- iv Seven considerations while drafting a non-confidential agreement, (26th August, 2017, 11:00 PM), <http://www.techlaw.attorney/7-considerations-while-drafting-a-non-disclosure-agreement-nda/>
- v Rebecca K. Myers, Vandenberg & Feliu, Confidentiality, Non-disclosure and Secrecy Agreements, (26th August, 2017, 11:30 PM) [https://www.lexisnexis.com/lexis-](https://www.lexisnexis.com/lexis-practice-advisor/the-journal/b/lpa/archive/2015/11/30/confidentiality-nondisclosure-and-secrecy-agreements.aspx)

[practice-advisor/the-journal/b/lpa/archive/2015/11/30/confidentiality-nondisclosure-and-secrecy-agreements.aspx](https://www.lexis-practice-advisor/the-journal/b/lpa/archive/2015/11/30/confidentiality-nondisclosure-and-secrecy-agreements.aspx)

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Does retweeting a defamatory tweet amount to defamation?

Twitter has become a common social media platform for people to express their views and opinions, but remember to think before you tweet, because you can be sued for libellous tweets.

THE LEGAL ASPECT:

The essentials for defamation in torts include: the nature of the statement to be defamatory, must refer to the plaintiff, and must be published. Since all of these aspects are covered when someone tweets defamatory statements, it is considered as defamation.

In India, defamation is both a civil and a criminal offence. According to section 499 of IPC, Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter expected, to defame that person.

Now the question is, whether retweeting a libellous tweet can amount to defamation or not?

AAP Leader Raghav Chadha had submitted a plea in the Supreme Court alleging that he has been made to face a criminal defamation suit only for retweeting Arvind Kejriwal's tweet against Arun Jaitley. Kejriwal and other AAP leaders - Raghav Chadha, Kumar Vishwas, Ashutosh, Sanjay Singh and Deepak Bajpai - are confronting a criminal defamation suit after they asserted that Jaitley was professedly engaged in degenerate practices when he was the leader of the Delhi and Region Cricket Affiliation (DDCA), a post he had held from 2000 to 2013.

Jaitley, who has denied the allegations levelled by the AAP leaders in December 2015, additionally recorded a civil defamation suit seeking Rs.10 crore damages from Kejriwal and others, asserting they had made "false and defamatory" articulations for the situation including DDCA, in this manner hurting his reputation.

Let us examine how pressing the "retweet" button could bring defamation notices to your doorstep.

When someone retweets a tweet without adding any comments (quote-tweet), or replying to it with an opposing view, they are endorsing that tweet. When a tweet is endorsed, the nature of the tweet is also naturally endorsed, so if person 'A' posts a defamatory tweet and person 'B' retweets it with the same view, it shows that B agrees to the nature of the statements made. Does retweeting amount to publication? Of course it does, because when you retweet something, your followers can read it. Unless you quote-tweet and disagree with the statement made, or tweet a reply disagreeing with it, it is implied that you intend to endorse a libel, thereby becoming a party to the defamation committed. In a differing viewpoint, a retweet may not always amount to defamation, and there are many such scenarios supporting the arguments. Beware of what you retweet the next the time you are scrolling your twitter timeline, unless you want to invite defamation suits.

References

PTI, Re-tweet does not cause defamation: Raghav Chadha to HC,
The Times of India, <https://timesofindia.indiatimes.com/city/delhi/re-tweet-does-not-cause-defamation-raghav-chadha-to-hc/articleshow/60754297.cms>

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Landmark Judgments

In the month of August, the Indian Judiciary pronounced its decisions on a few controversial cases and gave the law books new landmark judgments to record. We bring you a compilation of the key takeaways of three major judgments.

The Ram Rahim Judgment

Bringing an end to the 15-year-long wait, the special CBI judge handed down twenty years jail term to self-proclaimed 'messenger of God' and Dera Sacha Sauda chief Gurmeet Ram Rahim Singh for rape, on 28th of August, 2017.

Special CBI judge Jagdeep Singh, who was flown to the Rohtak Jail, Sunaria, delivered the judgement at the court. Awarding 20 years of rigorous imprisonment, the special CBI Judge, in a sharply worded order, lambasted Dera Sacha Sauda chief Gurmeet Ram Rahim Singh. The court was of the view, as quoted in the order, that when the convict did not spare even his own pious disciples and had acted like a "wild beast", he was not deserving of any kind of mercy.

- The order read that the court did not hold any leniency for a man who has no concern for humanity nor has any mercy in his nature.
- Finding little force in Ram Rahim Singh's plea seeking mercy, the CBI court ruled that it is of the view that if acts of the convict in sexually exploiting his own female

disciples and intimidating them of dire consequences is taken note of, then such kind of person does not deserve any sympathy of the court.

- Citing a Supreme Court ruling, Judge Jagdeep Singh ruled that rape is not merely physical assault, it is destructive of the whole personality of the victim.
- It has further ruled "both the victims put the convict on the pedestal of God and revered him in the similar way. However, the convict committed a breach of gravest nature by sexually assaulting such gullible and blind followers. Such criminal acts of a particular convict who is stated to be heading a religious organisation are bound to shatter images of pious and sacred spiritual, social, cultural and religious institutions existing in this country since times immemorial, which in turn reflects irreparable damages caused by the acts of the convict to the heritage of this ancient land".
- The court, before reaching the amount of compensation to be paid to the rape victims, also factored in the properties belonging to Dera Sacha Sauda and the huge following of Gurmeet Ram Rahim Singh.
- The court has made it clear in its order that the two 10-year sentences for raping the two victims will run "consecutively", not concurrently.

Triple Talaq Judgement

On August 22, 2017, the Supreme Court officially declared talaq-e-biddat-notoriously known as "triple talaq" — a provision in Islamic Law permitting the husband to divorce his wife by uttering "talaq" thrice in quick succession as unconstitutional. The practice has long been criticised, along with other provisions of Muslim Personal Law, but owing to the sensitive surrounding religious issues in India no effective steps have been taken to rectify the situation. The current judgement, however, has opened the scope for improvements that can be made in Muslim Laws in India.

Following are the important things to note from and about the judgement:

- The judgement was decided by the ratio of 3:2, with Chief Justice Khehar and Justice Abdul Nazeer dissenting with the majority judgement of Justices Kurian Joseph, R.F. Nariman and U.U. Lalit.
- Justice Nariman ruled that triple talaq is arbitrary, and since according to the Quran divorce must be for a reasonable cause preceded by attempts at reconciliation, the concept of instant divorce does not have any provision in the holy text. He further ruled that triple talaq is not protected by Article 25 of the Constitution (religious freedom) and that the Muslim Personal Law (Shariat) Application Act, 1937 that recognises triple talaq is unconstitutional and is consequently struck down as per article 13(1) (laws in force).
- He stressed on how unilateral divorce violates article 14 (Right to Equality).
- Justice Khehar in his judgement directed the Parliament to frame a new law for Muslims in six months. He, however, held that triple talaq "being a constituent personal law has a stature equal to other fundamental rights".
- Justice Kurian Joseph agreed to a great extent with the decision of Justice Nariman. He additionally gave emphasis to the judgement of Shamim Ara v. State of U.P & Another, where the Supreme Court had held that

triple talaq lacked legal sanctity.

The Right to Privacy Judgment

A nine-judge bench of the Supreme Court has ruled that Indians shall enjoy and reserve the fundamental right to privacy that it is intrinsic to life and liberty and thus comes under Article 21 of the Indian constitution. On 24th of August, the bench, led by Chief Justice J.S. Khehar, pronounced an unanimous judgement even if the judges had slightly different arguments, as to how privacy is intrinsic to right to life and liberty.

The bench comprised Chief Justice Khehar and Justices J. Chelameswar, S.A. Bobde, R.K. Agrawal, Rohinton Nariman, A.M. Sapre, D.Y. Chandrachud, Sanjay Kishan Kaul and S. Abdul Nazeer. Here are a few takeaways from the landmark judgment.

- The judgment includes within it, six separate judgments from different judges, though the conclusion is unanimous. The judgment also included a two-page final order, which states that previous orders of MP Sharma and Kharak Singh are overruled, and declared the right to privacy as a fundamental right.
- Life and personal liberty are rights which are inseparable from a dignified human existence and dignity of the individual, equality between human beings and the quest for liberty are the foundational pillars of the Indian Constitution.
- Privacy is a constitutionally protected right which emerges primarily from the guarantee of life and personal liberty under Article 21 of the Constitution. Elements of privacy also arise in varying contexts from the other facets of freedom and dignity recognised and guaranteed by the fundamental rights contained in Part III.
- Privacy is the constitutional core of human dignity. Privacy has both a normative and descriptive function. At a normative level privacy sub-serves those eternal values upon which the guarantees of life, liberty and freedom are founded. At a descriptive level, privacy postulates a bundle of entitlements and interests which lie at the foundation of ordered liberty.
- Privacy was clearly defined to include preservation of personal intimacies, the sanctity of family life, marriage, procreation, the home and sexual orientation.
- It was observed in the lead judgement authored by Justice D.Y. Chandrachud that the Constitution must evolve with the felt necessities of time to meet the challenges thrown up in a democratic order governed by the rule of law. The meaning of the Constitution cannot be frozen on the perspectives present when it was adopted.
- Informational privacy was recognised as a facet of the right to privacy and dangers to privacy in an age of information can originate not only from the state but from non-state actors as well. The Union Government was ordered to examine and put into place a robust regime for data protection.

*Sources – LiveLaw, The Wire, The Times Of India, The Quint.

I.T. Influence of Political Parties

Today, the internet plays a major role in governance, activism, and campaigns, as well as in debates over how social and digital media are restyling politics. Ongoing research works are introducing topics related to how the internet is being used to increase political polarization – the tendency that causes like-minded individuals to cluster even closer in their habits and viewpoints on political issues. These developments have led to an increasing skepticism over IT cells spreading their propaganda using fake news.

IT cells of political parties are used for marketing, advertising, glorifying the achievements of the party and to criticize other opposition parties with the help of different social media platforms. But what is special about the IT cells of political parties is that they mostly share tailored or selectively modified news. The fruits of their hard work include photoshopped images, fabricated videos and inaccurate information that sweep the web. In order to defame opposing parties they use doctored videos, paid twitter trends and paid news reports as their weapons.

Let's look at paid twitter trends for instance– For each tweet, people tweeting it are paid money. *Ab initio* it is made to appear that these are party supporters and volunteers who are paid for this but that's not the case. Political parties pay money to PR (Public Relation) companies to run these paid campaigns. These companies have their professional teams who work as influencers. Through an exchange of emails, each influencer is instructed about the time and hash tag of twitter posts to be put out to initiate a trend. Influencers are paid Rs.50-70 each to post emailed posts and comments on twitter. This model and these agencies are similar to the ones used by corporate companies, and some Bollywood stars. The identifying factor in these tweets is that these tweets are usually on some trending hash tags and are shared within a set time limit, on a variety of topics.

Another task often overdone by these IT cells is **the use of photoshop**. They share childish photo shopped images to make political leaders look larger than life. As unbelievable as it may sound, it is not an alien reality that we do have people who believe in these photoshopped images, even to the extent of finding faces of leaders in waterfalls. Misrepresenting quotes of famous personalities, as one's own is another clichéd trick used to enhance the rhetoric of leaders, sometimes to earn praise for themselves and sometimes to malign the opposition. The same tricks are used in the production of promotional videos too, professionals mix audio and video of two different clips to show what they want to show as a part of their propaganda. Messages related to nationalism and Hinduism, being forwarded on social apps are also products of such tactics. From flooding social media pages to bribing and confusing mainstream media, all these tricks are directed towards the spread of party propaganda of political parties.

Considering the wide spread nature of such unverified information, being alert is indispensable to develop

ourselves as responsible citizens. It is always better to verify any information that comes your way with reputed agencies. There is a difference between sold out media channels and reputable ones, in case of unconfirmed news a reputable media channel will state that the news is not verified. So, let us first analyse and verify before we choose to believe.

Save yourself from this propaganda!

Reference:

Bhavna Vij Aurora http://economictimes.indiatimes.com/articleshow/46294834.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst, BJP IT cell founder Prodyut Bora quits party; attacks PM Modi, Amit Shah's style, Economic Times. Available at http://economictimes.indiatimes.com/articleshow/46294834.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

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“Right to Privacy” A Myth or a Real Right

August 2017 became one of the most remarkable months in regard the Indian Judiciary's pronouncements because in this month Triple Talaq became unconstitutional and a few days later, on the 24th August, 2017 one of the awaited judgement was pronounced by Supreme Court, the judgement on “Right to Privacy”. The Supreme Court ruled that privacy is a fundamental right because it is intrinsic to right to life.

But the question is, what exactly is meant by privacy? To answer this we do not have any full-fledged written definition of privacy, but we do have the writings of authorities on the topic, many of whom explain that privacy is a human right enjoyed by every human being by virtue of his or her existence. It depends on no instrument or charter. Privacy can likewise include various perspectives, including those that aim to safeguard “bodily integrity, individual independence, informational self-determination, security from state surveillance, and dignity,” to name a few. At the international level, Article 12 of the Universal Declaration of Human Rights, 1948 and Article 17 of the International Covenant on Civil and Political Rights (ICCPR), 1966, are legal enactments that recognise the right of people against “arbitrary interference”. India signed and ratified the ICCPR on April 10, 1979, without reservation.

In 2012, this privacy related debate was triggered once again when the government launched the Aadhar scheme, in which all personal details and biometric details were taken as a record of each citizen of the country. As a result of this reform, many writ petitions were filed contesting that the Aadhar scheme is a breach of privacy. There was an apprehension among the people that Aadhar could be a

medium of leakage of personal data and that many can misuse it. The Supreme Court too expressed similar views with regard to the passing of data into the hands of unauthorised people and service providers. This apprehension is best expressed in the words of Justice Chandrachud on the nine-judge Bench:

“I don't want the state to pass on my personal information to some 2,000 service providers who will send me WhatsApp messages offering cosmetics and air conditioners... That is our area of concern. Personal details turn into vital commercial information for private service providers.”

Both the government and private service providers can access such personal data. This adds to the danger of data leakage. This decision is especially timely given the rapid roll-out of Aadhaar for various social security schemes. The government was repeatedly asked by the Supreme Court whether it plans to set up a “robust or absolute data protection mechanism.” The court pointed to the fact that a large chunk of personal information is already in the public domain.



But as a law student, the questions that briefly come to my mind are whether declaring that the right to privacy falls under the ambit of fundamental rights and ordering the government to make robust arrangement for the protection of Aadhar details, sufficient to ensure privacy? What about the data which is easily accessible from different social-media account such as WhatsApp, Facebook, Instagram, etc? If people can get data from Aadhar service centres then

the data from these accounts are way too easy to collect. Is this the privacy, for which we demand? Another worrying issue is safeguarding the data which has already leaked from Aadhar centres to other sources, how is the government going to provide security to that data. When the government will overcome these questions and successfully resolve these issues, only then can the Right of Privacy come under the ambit of fundamental rights, otherwise it remains just a myth under the mask of rights.

References :

- a) Dhananjay Mahapatra and Amit Anand Choudhary, Right to Privacy is a fundamental right, it is intrinsic to right to life, <http://timesofindia.indiatimes.com/india/right-to-privacy-is-a-fundamental-right-supreme-court/articleshow/60203394.cms>
- b) Jyoti Panday, India's Supreme Court Upholds Right to Privacy as a Fundamental Right—and It's About Time, <https://www.eff.org/deeplinks/2017/08/indias-supreme-court-upholds-right-privacy-fundamental-right-and-its-about-time>
- c) Krishnadas Rajagopal, The lowdown on the right to privacy, <http://www.thehindu.com/news/national/the-lowdown-on-the-right-to-privacy/article19386366.ece>

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29th August 2017

*The day when everybody had questions.
But no-one had an answer to them.*

This day reminded many of us of the incident that took place 12 years ago on 26th July, 2005. On that day the whole of Mumbai city was submerged because of a cloudburst. Twelve years later the city is going through a similar situation minus the cloudburst. Waterlogging everywhere, cars are stuck in traffic, people are unable to commute and everyone is rushing to the nearest safe place.

The questions that arise in this situation are, what learnings have we taken from the incident that happened 12 years ago? What are the changes made since then, so that it does not recur? Who is responsible for this havoc? Is it the BMC or anybody else?

Twelve years ago nature had given us a reality check, subsequently, there was a ban on plastic bags which lasted for a month. Mumbai, on 29th August, 2017, received one-third of the rain it had received 12 years ago and the city ended up in a similar situation. If we look at the larger picture, the conditions of the city have worsened.

After being stuck in traffic for hours we are criticising the BMC for not doing their job. Every year a budget is allotted to the corporation for repairs and maintenance of the city. This year the budget allotted to them was around 450 crores. Its use is nowhere to be seen today. Everyone wants to know how was such a big amount, the hard earned

money of the taxpayers, spent? We know one thing, that the BMC is accountable for all this and they have to own it up.

A coin has two sides to it, so does this situation. We are blaming the BMC, but we also need to discipline ourselves. It is not the sole responsibility of the corporation to prevent such a mess, it was ours too. We just sit sat in front of our television sets and enjoyed our holiday. Neither did we take responsibility twelve years ago, nor are we ready to take it now. The major reason that caused flooding both the times was the blockage of drains. These drains are blocked by the waste which we throw carelessly on the road and near a drain. All of this waste gets accumulated and then blocks the drains. At that time plastic bags were banned, but everybody followed it just for a month then everything was back to normal.

Here, the BMC has a part to play. Their implementation worked just for a month because it was not strict and they did not maintain the city well. They have to do something so that the people do not repeat the same mistake. We do not have strict laws which can deter people from committing the offence. As reported in the Guardian, for the same problem Kenya has created a law according to which using a plastic bag will land you in a jail for 4 years.

After all these years, we're still making the same mistakes and we are busy blaming the BMC. If we wanted, we could have taken the matter into our hands and we could have solved this issue. We could have been kind to nature, we could have been alert enough to stop global warming, but instead, we delegated that task to the BMC. We circumspect all the time, which has led to the recurrence of such devastation. It was our laziness that we had made no changes in 12 years despite repeated warnings. It has been wisely said, "If you will change nothing, nothing will change". If we don't take the matter seriously soon, it might be too late to stop such a thing from happening in the future.

First Published on:

<https://letsfaceitagain.wordpress.com/2017/09/05/29th-august-2017/>

Reference:

Kenya brings in world's toughest plastic bag ban: four years jail or \$40,000 fine, The Guardian, <https://www.theguardian.com/environment/2017/aug/28/kenya-brings-in-worlds-toughest-plastic-bag-ban-four-years-jail-or-40000-fine>

-By

Mohak Vinay Asrani

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

Legal Validity of Bitcoin and Countries in Support of It

Bitcoin is one of the forms of digital currency that enables a new payment system, using P2P (peer-to-peer) network having no central authority or middlemen, and it is used as cash for internet based transactions. From the point of view of a user, Bitcoin can be described as a mobile app having a personal Bitcoin wallet allowing the operator to send and receive Bitcoins. In 2009, Bitcoin became the first decentralized cryptocurrency. Since then, numerous cryptocurrencies have been created, Bitcoin is on the top of the list.

Growing Interest in Cryptocurrencies and Countries in Support of it:

Legal status of crypto-currencies differs in every country and still remains undefined. While, some countries which are in favour of it, have taken steps to legalize it, others have restricted or banned it.

Japan:

On April 1, 2017, Japan officially recognised Bitcoin and digital currencies as money, which can be used as a legal payment method. There are more than 11 Bitcoin exchanges working in Japan namely Coinmama, LocalBitcoins, bitFlyers, Coincheck etc., which allows a customer in any country to buy Bitcoin with Credit or Debit Card. Not only does the legal recognition signify a welcome move, but some of the cities of Japan have taken this as an opportunity to attract international tourists and to finance local projects.

United States:

The US is home to most of the world's largest Bitcoin companies, so it is no surprise that Bitcoins can be bought easily in the United States using any payment method. Currently, there are more than 20 exchanges as of now, working in the US and more than a thousand ATM's/tellers have been opened. Coinbase can be traced down to be the world's largest Bitcoin broker, accessible in the United States, where customers can buy Bitcoin with a connected bank account, credit/debit card and such other payment methods depending on location. Bitcoin payments are regularized in the same way same way as the transactions in financial institutions or any other banks, which are subject to the anti-money laundering regulations.

Australia:

The new beginning of cryptocurrency took place recently on July 1, 2017, and it will be exempted, from goods and services tax (GST). "Bitcoin is to be treated as money in Australia". The rule states that the purchasing and selling of Bitcoin by the Bitcoin traders and investors will not be taxed through regulated exchanges and trading platforms. Also, the Australian government wrote-"The Government will make it easier for new innovative digital currency businesses to operate in Australia. From the said date, it has allowed digital currencies to be treated just like money for GST purposes." One can now expect a flow of Bitcoin usage in Australia.

Africa:

The state, which is one the emerging markets with lots of opportunities, has rightly been described as "ripe for Bitcoin". With the growing scope for the use of Bitcoins and other cryptocurrencies, there are already more than 1000 merchants accepting Bitcoin in South Africa. The Reserve Bank of South Africa in 2014 issued a position paper on Virtual Currencies whereby it declared that virtual currency had no legal status or specific regulatory framework, but legal authorities came up with dissimilar viewpoints by the end of 2016. Still, Africa has lots to offer to Bitcoin and other cryptos, simply because Africa needs an alternative to the weak and not so always available fiat money.

Russia:

Though the Russian government was initially against the idea of digital currency, today, the nation is framing regulations and working on bills in support of digital currencies. The nation plans to raise \$100 billion dollars worth of cryptocurrency and initiate Bitcoin mining operation, to compete with China. The country, which has previously banned the use of Bitcoin, has now given a scope to another major market open.

China:

Rules and Regulations in China prohibit financial firms like banks to hold and trade Bitcoin, while private parties are entitled to use, operate and trade the same. China has about 20 bitcoin companies of extraordinary size with about 800,000 total operators and constituting about 70% of global Bitcoin trading volume. According to the one the advisors of People's Bank of China, Bitcoin being a virtual one, can be used as an asset but not as a currency. As Chinese have now allowed the exchange of cryptocurrency again, expect an upwelling of Bitcoin usage in China.

References:

Kay Van-Peterson of Saxo Bank, the man who predicted that BTC would reach \$2,000 per coin, assumes that in ten years cryptocurrencies will account for 10 percent of the average daily volumes (ADV) of fiat currency trading in next few years.

Bitcoin makes it possible to send and receive any amount of money instantly anywhere in the world at any time. No bank holidays. No limitations. No imposed restrictions.

- By

Avadh Arora

[BA.LL.B (Hons.), 4th year]

- x Buy Bitcoin in the United States. (n.d.). Retrieved August 16, 2017, from <https://www.buybitcoinworldwide.com/united-states> Mittal, Sonal. "Is Bitcoin Money? Bitcoin and Alternate Theories of Money." SSRN Electronic Journal, 2012, doi:10.2139/ssrn.2434194.
- xi Gupta, R., & Uwilingiye, J. (2010). Dynamic Time Inconsistency And The South African Reserve Bank. South African Journal of Economics, 78(1), 76-88. doi:10.1111/j.1813-6982.2010.01234.x
- xii "Bitcoin in China: An Insider's View." CoinDesk, 24 Aug. 2015, www.coindesk.com/bitcoin-in-china-an-insiders-view/. Accessed 9 Sept. 2017.

The Blood in Our Veins

*Reality is a myth, a sinking ship
That is drowning in this burning hell and in the pots we sit,
I see no relief to these extreme adversities,
I see no end of melting bergs in this scorching heat,
I see kids with begging bowls drawing squares to make a meal,
And crime Lords kidnapping them and expanding their business stream*

*The dance with the devil, syringes filled with poison,
Injecting in the blood and the plot moistens,
And thickens and sickens till you puke red,
And the dreams you set is on fire when you dead
Or buried in the grave, like your religion permits
That's your identity, but during cricket you disperse it.*

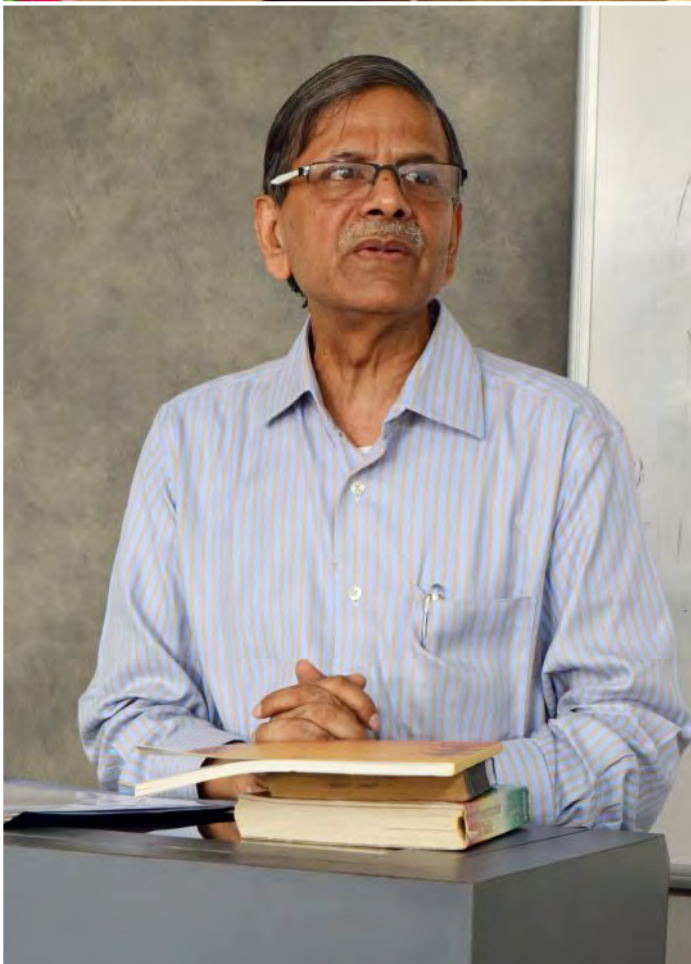
*How did we turn so mean and so selfish?
Focused on the greed feeding on the helpless,
Yelping on the mic to get a bunch of votes
No concern for humanity, politicians counting stack of notes*

*The path that you chose changes the place where you grow,
The youth is the future but our vices make us slow
To reach to our goals the change i want to see
Trying to be that change in a country assumed to be free,
Join in everybody let's build this army together
Like revolt of the commies let's mould the earth to a more- better place to stay
Race and Caste separates our way
But the fraternity is glued by the blood in our veins*

- By
Abhijit Nair
[B.B.A.LL.B (Hons.), 2nd year]









Guest Lecture on Professional Ethics and Misconduct of Lawyers

Adv. Pankaj Bafna, a practicing advocate in Mumbai courts, delivered an expert lecture on 'Professional Ethics and Misconduct of Lawyers' in KPM SoL on 17th July 2017, for the third students of B.B.A LL.B. (Hons.) and B.A LL.B. (Hons.). Sharing his daily experience related to the topic by highlighting his personal views and the real scenario of advocates with respect to the Advocates strike. He also explained the various aspects of professional ethics which encompass the personal, organizational and corporate standards of behaviour expected of law professionals. It was an interactive session with the students who enjoyed Adv. Bafna's rich court experience and lecture on ethical behaviour. Adv. Bafna's session will certainly enrich the students for their conduct and competence in court practice.

Guest Lecture on Maharashtra Rent Control Act, 1999

Adv. Bharat Joshi, Advocate High Court, (Notary Public) who is a Practicing Lawyer in Civil Laws since last 37 years delivered an expert guest lecture on 22nd July, 2017 on Maharashtra Rent Control Act, 1999 for the fourth year students.

He not only touched on the core issues between the landlord and tenant but also shared his practical experience with the students. The session was an interactive one and the student got to know about the various important aspects which are vested in the act.

The students truly enjoyed the lecture and appreciated Adv. Joshi's opinions on the various nuances of landlord-tenant issues in practicality.

Guest Lecture on Mergers and Acquisition

The lecture was delivered by Ms. Kruti Desai, Senior Partner, ALMT Legal on 29th July, 2017. Ms. Kruti has over 11 years of experience in advising Indian and international clients on corporate and employment laws. She specializes primarily in private equity investments, joint ventures, mergers and acquisitions. Besides this, Ms. Kruti advises on exchange control laws, labour laws, data privacy, winding up and restructuring matters.

Ms. Kruti discussed mergers and acquisitions with the 5th year students, particularly on the cross border M&A and Private Equity transactions. She had an interactive session for two hours with students and explained the important components of these processes including, providing structuring advice, preparing term sheets, conducting legal due diligence on the target company, negotiating, finalising definitive agreements, closing and post-closing actions. She also discussed the exchange control laws relating to inbound and outbound investments in the form of private equity investments in Indian Companies. The lecture ended with a vote of thanks given by Assistant Prof. Dr. Rahul Nikam.

Guest Lecture on Land Laws

A guest lecture was delivered by Adv Sheela Natrajan on 29th July 2017, to the fourth year students on Land Acquisition Act and other land laws in Maharashtra. Ms. Sheela turned the expert lecture into a discussions that enabled students to grasp the core concepts and

technicalities of the topic.

Ms. Sheela possesses a unique expertise and knowledge on land laws which was reflected when she disseminated it to students. She also presented case laws pertaining to the topic, and put forth a multiple choice question to let the students discuss it and vote on the answer. This session was very useful as it helped the students understand the applications of land laws.

Guest Lecture on Interpretation of Statutes and Juvenile Justice and Probation of Offenders

On 8th August, 2017, Retired Justice Roshan Dalvi of the Bombay High Court delivered a lecture on the importance of interpretation by judges on provisions relating to POCSO Act, 2012, Manodhairya Schemes (of the Maharashtra Government, in 2013 and 2017) and the Juvenile Justice Act, 2015.

She gave the students an interesting perspective on the ground realities of the procedures when it comes to victims of sexual violence, in the context of different cases she dealt with during her tenure as a judge. The *Manodhairya Schemes* 2013 and 2017 were circulated in class as part of an activity which encouraged students to conduct a comparative analysis of the two schemes.

Guest Lecture on Intellectual Property Rights: Basic Principles of Exhaustion and Fair Use in Trade Mark and Copyright

A guest lecture was conducted by Ms. Pooja Kapadia, Associate, Nishith Desai associates on the topic "*Intellectual Property Rights: Basic Principles Of Exhaustion And Fair Use In Trade Mark And Copyright*" for the fifth year batch of Intellectual Property Rights Specialization on 11th August, 2017. The lecture began with brief recapitulation of the concept of Copyright and Trademarks. The lecture covered the basic concepts of Exhaustion and its different forms like International, National and Regional Exhaustion. Exhaustion and Fair dealing in Trademarks was dealt in detail along with copyright. The students benefitted from the practical experience of the Guest lecturer. It surely was a learning experience for the students.

Guest Lecture for Constitutional Law on Forced Effects of Immigration

On 12th August, 2017 a guest lecture was organised for Constitutional Law (specialization) batch, on the topic "Forced Effects of Immigration", delivered by Mrs. Rupal Shah. It was for the course Citizenship and Immigration Laws taught by Assistant Professor Shruti Rajgarhia, for the final year students.

The lecture focused on with the present Refugee Crisis. It was a very interactive session wherein, students were in detail, explained about essential concepts like refugees, the effects of their mobility, and the international conventions that govern refugees.

Further, students were shown very interesting videos of the conditions in which refugees live, their life stories and what we can do, to help them.

The session, in particular was very enriching as it helped

students get a better understanding of the prevailing crisis, a brief overview of how the United Nations High Commissioner for Refugees (UNHCR) was addressing this and what the practical difficulties were being faced by nations, who are trying to provide aid in this refugee crises.

Guest Lecture on Plebiscite and Referendum

On August 23, 2017 the fifth year students (Constitutional Law Specialisation) attended an enlightening session by Dr. Mahesh Bhagvat on the topic "Referendum, Plebiscite, and Popular Initiative as tools of Modern Democracy". Dr. Mahesh Bhagvat is an Associate Professor and Heads the Department of Politics at Mitibhai College of Arts.



In the two hours session, Dr. Bhagvat gave a detailed insight into the concepts of Referendum, Plebiscite and popular initiative as modern devices of direct democracy. He introduced the students to various modern devices of direct democracy particularly referendum, plebiscite, recall and initiative. After tracing the evolution of these concepts in different parts of the world, he clarified the pros and cons of these techniques. Along with explaining the theoretical aspects of these direct democracy devices, Dr. Bhagvat provided the students with practical examples where such devices have been used. Overall, it was a very informative and enlightening lecture for the students and contributed to their study of the subject of Comparative Constitutional Law.

Guest Lecture on Law of Infrastructure Development

Mr. Akshay Garg, Legal Manager, India Cast Media Distribution Pvt. Ltd. delivered a guest lecture on 'Airports as Infrastructure Sector'. The guest lecture was in pursuance of 'Law of Infrastructure Development' offered as a subject to the fifth year business law specialization students. The guest lecture was conducted on 26th August, 2017. Mr. Garg openly debated and discussed vital issues related to various models of Private Public Partnerships. He further discussed Section 12 – A of the Airports Act, 1994 which forms an integral part of licensing agreements by Airport Authority of India (AAI). He further stressed on the legislative competence of Centre and State in respect to matters related to Airport. Since, Mr. Garg is practically exposed to such agreements and transactions, it helped in value enrichment of knowledge domain of the entire class.

Guest Lecture on How to Get an Internship and be Taken Seriously as a Fresher?

Mr. Antony Alex, CEO, Rainmaker, visited the KPM SoL campus on 26th August 2017 to interact with the first year students of B.B.A LL.B. (Hons.) and B.A LL.B. (Hons.). The guest session was planned for the subject of General English to orient the students on the various opportunity of internships in their legal education.



Mr. Alex touched upon the expectations of the society from law professionals and the increasing competitive atmosphere in India. He conveyed that the focus of each law student should be to pursue internships in areas where the student will most passionately contribute. He also oriented the students with the many internship options available for law students.

The interaction proceeded with the various selection procedures for internships that involve submission of C.V and a cover letter. Mr. Alex highlighted the importance of professional etiquette of hygiene and grooming that counts during the selection process. He was kind enough to share his experience during his days in NLSIU and how the legal scenario has changed today. Overall, the session was fruitful as students were eager to know the possibility of working with reputed law firms like Rainmaker for an internship.



Guest Lecture on Making Decisions Using Critical Thinking in Everyday Life

Mr. Lalit Saraswat (Research Scholar from IIT, Bombay) visited the KPMSoL campus on 9th September 2017 to interact with the first year students of BBA LL.B. (Hons.) and BA LL.B. (Hons.). The guest session was planned in Mithibai Seminar Hall for the subject of Critical Thinking to make students adept at handling decision making skills in everyday life. Mr. Saraswat touched upon the ancient schools of Indian and Western decision makers and historicised the importance of a legacy of the ancients. The legal reasoning and *Pramana* system was touched upon to draw parallels with the western counterparts.

He reiterated the importance of thinking critically in life, understanding the interplay between belief and knowledge, inductive – deductive as well as fallacious arguments, framing and analysing the problems and learning to take decisions for finding solutions. The guest



lecture helped students understand the importance of not only thinking rationally but clearly as well in their life. The guest speaker stressed upon the need of engaging in reflective and independent thinking. The highly interactive session was well received by the students

Guest Lecture for Law and Justice in Globalized World on Terrorism in the Globalizing World

NMIMS KPMSOL arranged a guest lecture by Adv. Siddharth Acharya, Advocate Supreme Court, for the LL.M students on 9th September, 2017. It was for the course Law and Justice in the Globalized World taught by Assistant Professor Shruti Rajgarhia. Adv. Acharya is a lawyer by profession and a filmmaker by passion, made a documentary on Kashmir which was screened at the House of Commons. The film refrains from leaning towards any ideology, but covers both sides of the narrative on the J&K issue. The film depicts the multi-layered problems of the valley, which resulted in the ethnic cleansing of the Pundits by the militants. The idea of the lecture was to focus on Terrorism in the Globalizing World.

After screening an edited 15-minute version of the film, he explained how the Kashmir problem started way back during the times of the rule by the Dogra community. He stated that the insertion of Article 35A (missing in the Bare Act)—a provision that empowers the J&K legislature to define “permanent residents” of the state—in the Constitution through a presidential order of 1954 with the then J&K government's concurrence was unconstitutional.

The speaker discussed how Article 370 guarantees special status to J&K, restricting Union's legislative powers over three areas: defence, foreign affairs and communications. The idea was to ensure psychological integration between India and J&K. He also spoke about the Indian Independence Act and the provisions that applied to the princely states.

The idea of the lecture was to focus on how terrorism is playing out in the globalizing world, with a special focus on the J&K matter in India.

Guest Lecture for Constitutional Law on Basic Structure Doctrine

On 9th September, 2017 there was a guest lecture conducted for Constitutional Law (specialisation) batch,

on the Basic structure doctrine of the Constitution of India by Mrs. Rupal Shah. It was for the course Citizenship and Immigration Laws taught by Assistant Professor Shruti Rajgarhia, for the final year students.

Ms. Rupal during the lecture traced the entire history of cases starting from the landmark case of *Shankari Prasad* up to the case of *Keshavananda Bharti*, giving the legal reasoning and principles along the way. She elaborated on the development of the basic structure, its meaning and analysis and how the courts in India have interpreted the Indian Constitution to further formulate this doctrine which is considered as an inviolable part.

The lecture was particularly enlightening for the students and helped clear their fundamental concepts and understanding, in order to improve their comprehension of the subject.

Guest Lecture: Political Science – IV (International Relations)

The second year students of B.A LL.B (Hons.) course had the privileged to listen and learn about the practical aspects of International Relations on 12th Spetmeber 2017, while attending a guest lecture delivered by Mr. Christopher Grossman, Counsul for Political and Economic Affairs, U.S Consulate and Mr. James Fenneell, Cultural Affairs Officer, U.S Consulate, on the topic “Indo-US Relations in Contemporary Times”. This lecture was organized by Assistant Prof. Ravi Saxena, faculty, Political Science.



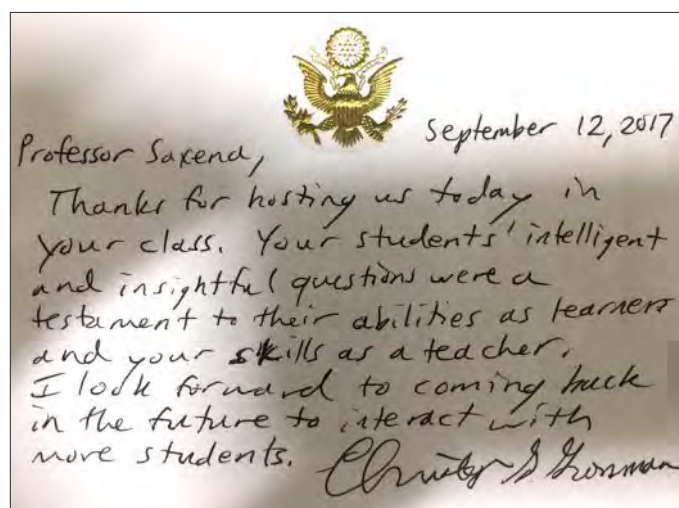
The lecture given by the esteemed dignitaries focused mainly on the present Indo-U.S relations and also elucidated the potential of strong and fruitful future ties between the two nations.

Mr. Christopher G. Grossman gave a brief introduction on the location and the reach of the U.S Consulate which is in Mumbai. He then talked about the importance of India as an emerging power and gave special emphasis to the trade relations between the two countries. Mr. Grossman talked about the intermingling of American and Indian culture with each other, against the background of common democratic values that the both countries share. He also spoke about the Global Entrepreneurship summit and related cooperation between American entrepreneurs and investors with international counterparts to form lasting relationships and the goal to bring together ideas and exchange technologies. After delivering a lecture of about an hour, Mr. Grossman addressed queries of the students on the current role of U.S in the international arena and gave answers to a variety of questions including the international ties of U.S with other countries and the future of the Climate change agreement.

Mr. James Fenneell interacted with the student with regard to the improving cultural ties between U.S and India, and he also spoke about the enhancement of educational ties between the two countries. He encouraged students to take forward their interest in pursuing higher studies in the U.S and suggested how students could seek further guidance in this matter by visiting the *Dosti House* at Churchgate. The lecture helped the students better understand the different facets of Indo-U.S relations.

Testimony from the Embassy

After an interactive session with the second year B.A LL.B students here is what the Guest speaker, Mr. Christopher Grossman, Counsul for Political and Economic Affairs, U.S Consulate had to say-



Guest Lecture on Property Law

Mr. Pratika Shankar, Associate, Talwar Thakore and Associates conducted a guest lecture on 'Mortgage – Practical Relevance'. The guest lecture was in pursuance of 'Property Law', offered as a subject in the third year. The guest lecture was conducted on 16th September. Mr. Shankar discussed vital issues related to various kinds of mortgage such as English Mortgage and Mortgage by Title

deeds. He further discussed the utility of Stamp duties in this regard. He further stressed on practical exercise and usage of words while creating a mortgage deed. This lecture helped the students gain deeper insight into the topic.

Lecture on “Jammu & Kashmir – Past, Present, and Future” by Mr. Siddharth Acharya

A guest lecture was organised for the first year students of B.B.A LL.B. (Hons.) and B.A LL.B. (Hons.) on September 23, 2017, in the subject of “Legal Methods”. The speaker was Mr. Siddharth Acharya, Advocate Supreme Court. The event started off with Assistant Professor Shruti Rajgarhia introducing the guest to the students. An abridged version of his film 'The Abandoned Cranes' was premiered for the students.

Mr. Acharya spoke about the history and the ongoing issues of the State of Jammu & Kashmir. He also threw light upon the politics and religious aspects that are equally important to the overall conditions in the State. There was an active participation from the students and the questions raised were answered enthusiastically. He made the students aware of the Articles of the Indian Constitution and the loopholes therein.

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

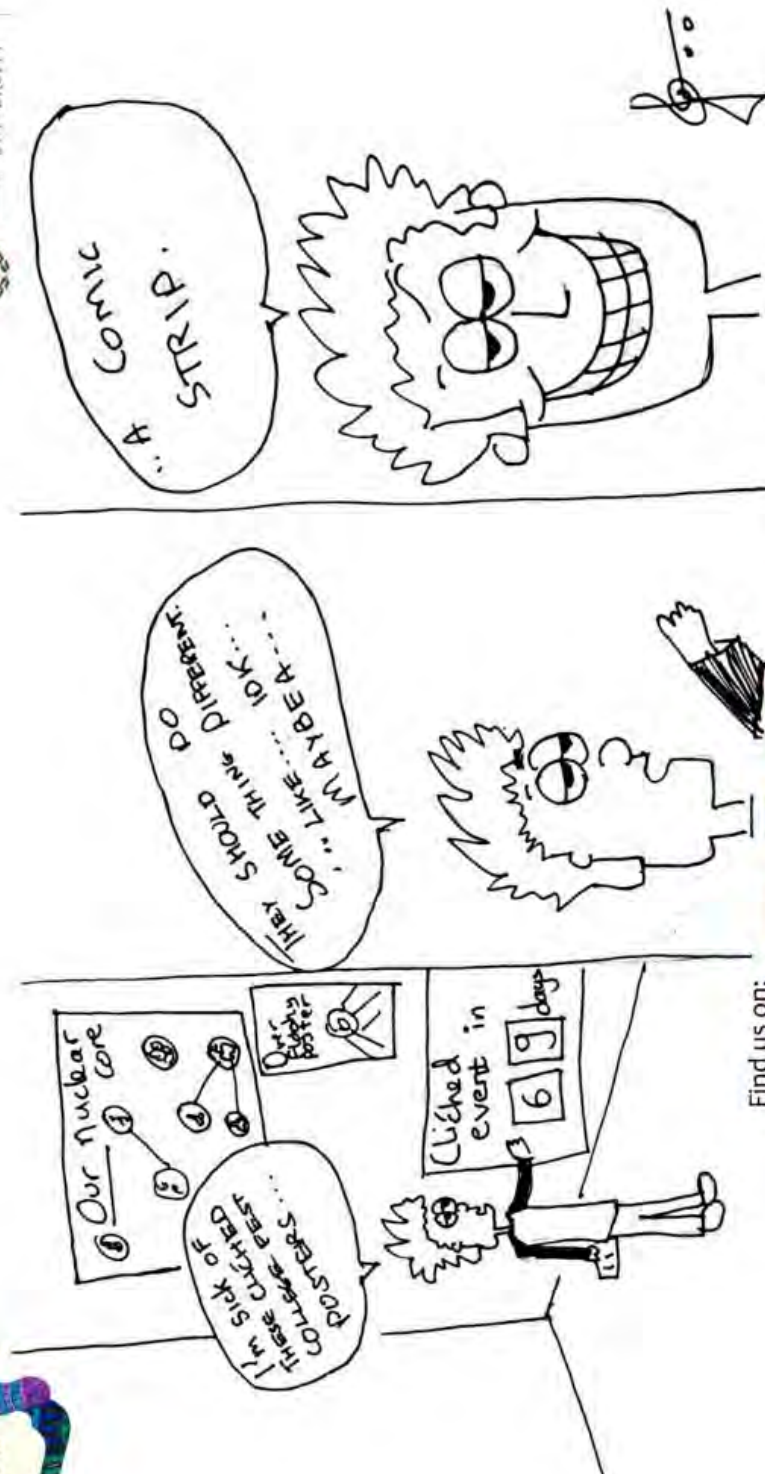
Guest Lecture on “Medical Negligence” by Mrs. Shreya Madali

A guest lecture on “Medical Negligence” in the subject of “Law of Torts”, was organised for the first year students of B.B.A LL.B. (Hons.) and B.A LL.B. (Hons.) on September 23, 2017. The speaker was Mrs. Shreya Madali who is a Law Graduate and is currently the General Manager - Corporate and Legal Affairs, Fortis Group of Hospitals.

Mrs. Shreya Madali spoke about the practical aspects of medical negligence cases. She also shared the procedures to be followed in handling such cases with interesting examples, the role which hospitals have to play and the importance for the hospitals to provide first aid services to whomsoever is in need. Mrs. Madali very enthusiastically clarified the students' doubts. The lecture concluded with the students becoming more aware of medical negligence cases and the role played by lawyers in handling such cases.



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UPCOMING MOOT COURT COMPETITIONS

- Surana and Surana IIT Madras IP Moot: Shaastra 2018 [Jan 5 - 7, Chennai]: Prizes Worth Rs. 1 Lakh; Register by Nov. 20
- 3rd G.D Goenka Moot [Nov 24 - 26, Gurugram]: Prizes Worth Rs. 2 Lakhs; Register by Nov 17.
- 6th RMLNLU SCC Online International Media law Moot 2018 [March 2 - 4, Lucknow]: Register by Nov 10.
- 22nd Stetson International Environmental Moot: Surana&Surana India National Rounds [Nov 24-26, Tamil Nadu]: Register by Nov 6.
- 10th GNLU International Moot Court Competition 2018 [Feb 7-11, Gandhinagar]: First Prize Rs 50K, Register by Oct 10
- LJSL 2nd National Moot Court Competition 2017 [Dec 15-17, Ahmedabad]: Prizes WorthRs. 2 Lakh; Register by Oct 15

UPCOMING DEBATE COMPETITIONS

- Global Energy Parliament 2017 on Science for Happiness and Freedom [Nov 6-7, Thiruvananthapuram]: Register by Oct 15.
- 9th CNLU Parliamentary Debate [Oct 13 - 15, Patna, Prizes Worth Rs.1.85 Lakhs]: Registration Open.
- Ulgulan National Parliamentary Debate (UNPD) [Nov 2 - 5, 2017, Ranchi]: Register by Oct 10.

UPCOMING CALL FOR PAPERS

- Call for Papers: HPNLU Conference on Paradigmatic Shifts in Law and Justice [Dec 8 - 10, Shimla]: Submit by Oct 31
- Call for Papers: DME Journal of Legal Studies [DMEJLS]: Submit by Nov 20
- Call for Papers: NILS Law Review (Vol. 2): Submit by October 16
- Call for Papers: Christ University Law Journal [Volume 7 Issue 2]: Submit by Nov 30.
- Call for Papers: NLIU Law Review [Volume 7]: Submit by Oct 15
- Call for Papers: NUJS Journal of Indian Law and Society [Volume 7]: Submit by Nov 30, 2017.
- Call for Papers: NLUA Journal for Disability Studies & Policy Review: Submit by Oct 19

COURSES AND WORKSHOPS

- TDU Workshop on Transdisciplinary Approaches to Biodiversity Governance [Nov 4 - 5, Bangalore]: Register by Oct 15
- NUJS GIAN Course on International Human Rights [40 Seats, Kolkata]: Register by Nov 30.
- NLU Delhi CIIPC's 2nd Asia-Pacific Workshop on Innovation, IP & Competition

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