



SOLink

A K.P.M Sol NEWSLETTER

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SVKM'S
NMIMS
Deemed to be UNIVERSITY

KIRIT P. MEHTA
SCHOOL OF LAW

Message from the Editorial Team

A utopian world or a dystopian world leads to a singularity in opinions but comparing the present status quo with different paradigms is what leads to true ingenuity and hope. This edition seeks to embrace the divergence of ideation stemming from the same issues. The team truly believes in the ideology that one may be competent to form their own opinion if there is a conducive environment to harness higher thinking and being accepting to others views. In furtherance of this vision, the team has experimented with introducing a new column dedicated to include contradictory opinions of our readers called 'VoiceBox'.

We are in a new era where the fight for choosing individual liberties and privacy threaten those who are holding on to institutionalism with all the might they can summon. With this undercurrent, the basis of our theme of 'Pride Month' aims to umbrella the issues such as women empowerment, class equality, homosexuality to name a few. The debate of institutionalism versus individualism also transpires in being a debate of the mandate of State purpose and Governmental accountability viz-a-viz actual implication and effects of the same.

The college newsletter is only as good as the reader base we garner to. We hope to get your feedback on the current edition and more ideas about the upcoming editions!

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Interview with Prof. Paul James Cardwell

Prof. Paul James Cardwell is a Professor of Law at Strathclyde University, having previously worked at the University of Sheffield as Deputy Head of School and Director of Internationalisation.

His research interests cover the European Union and the law and policy of its external relations, with a particular focus on migration and democracy promotion. He has published widely in these areas, including two books and articles in leading journals. He is also investigating the consequences of the UK's departure from the European Union, particularly with regard to the European Union's external relations and migration.

He is a Principal Fellow of the Higher Education Academy (HEA) and is recognised for his expertise in internationalisation across learning, teaching and the student experience. He has researched and written on this topic, with a particular emphasis on the positive impact of studying abroad.

In an interaction with Team SOLink, on the 25th of May 2018, Prof. Cardwell answered the questions related to Brexit and the Indian education system.



Inset from left: Riddhika Dumané (Reporting Editor) with Prof. James Cardwell.

Interviewer: Brexit is generally recognised as a decision to safeguard the political sovereignty of the UK over the economic integration and development of Europe. Does this not challenge the idea of European Union and globalization that promotes 'economic integration' over 'political nationalism'? What are your views on it?

Thank you. It's nice to be able to talk to you. So, certainly the 'Brexit Vote' has been interpreted in a number of ways, it was definitely a shock in the United Kingdom. The result was not as expected, it was perhaps expected to be close, and it was close, but more on the 'remain side' than 'leave' and it was also a shock across the European Union as well, so now we are left in this process of "what to do?" Now of course, with this referendum the question was 'remain' or

'leave' the European Union. You don't get any more details out of that so now there is a process of working out why people voted one way or the other. There is a sense that people voted against the integration of the UK in the EU but that integration is not only economic but political as well. So, you can separate out people who say, "Well, I liked the possibilities of trade within Europe, but I don't like the some of the other aspects of integration in other areas" from others. But of course, in its context the UK was already only 'part' of various aspects of European integration. For example, the UK was not part of and has never been part of the single currency 'Euro' as France, Germany and most other EU states. European integration will continue without the UK and might even be enhanced without the UK not being there to say "No", that's a question we will have to see. Certainly, within the UK the questions that we are still dealing with relates to what leaving the EU means. Does it mean that leaving the EU also means leaving the single market and leaving the customs union? And how will that work is very much a practical question as well as a theoretical question.

So, in the European Union, we don't have borders, in the sense that the trucks going from one country to another need not be checked for what's in them, goods can flow freely and so on. Once the UK leaves we don't really know whether that will continue. At the moment much depends around the kind of 'exit deal' that the EU and the UK conclude, which is still some way off. Certainly, what I have heard from outside the European Union is that the decision is a strange one because all the countries around the world have these regional schemes whether it's in Africa or Asia. Asia, of course, has its own problems, but is nevertheless trying to do some of the similar things as EU. So to withdraw from that seems like a very strange decision. But as always with referendums, people come and make the decision to vote one way or another based on lots of different reasons.

Interviewer: Across Europe, many populist right-wing nationalist parties are giving tough competition to mainstream parties. Many agendas, including economic protectionism, European migration crisis, etc. are hotly contested? How do you view the changing political paradigms of Europe in the 21st century?

You are right and all of these factors have contributed to the changing political dimension across Europe, and it's not just Europe, we also see it in the United States, and perhaps I can see aspects of it in the Indian politics as well. I think the 'consensus' or maybe not even the consensus but the dominance in the last 50 years of the system in that most democratic countries has been a right-wing party or a left-wing party or coalition based around those alternating in power. We have seen the move towards the more extreme and populist parties that have capitalised on these feelings of insecurity, whether it is an economic insecurity or whether it is feelings of insecurity caused by migration and so on. Some of the mainstream parties either have tried to chase those votes by becoming more extreme or have remained the same and therefore people do not feel they have answers to many of these questions. So, suddenly we see this imbalance coming into the political scene, challenging the consensus that we have experienced over the last 50 years. So, the latest example is Italy which in

just last few days has appointed a prime minister who is from outside politics but because there is a coalition or an agreement between two parties which are very new and not drawn from the mainstream left or right. In the UK it is slightly different because it is still the Conservative Party versus the Labour Party, it's more of a two-party system but even there we see a big shift, particularly, on things like Europe. So, the conservative party and its dominant thought today is quite different from what it was regarding Europe than at the time of, say Margaret Thatcher in the 1980s. So, we have seen a shift and this is very difficult to know how to respond and how mainstream (or what we usually call mainstream) parties should react. Whether they will try and adopt more of this position I'm not sure. Or if they will experience a kind of resurgence in due course is a bit of a mystery. It is difficult to know where all of the voters have gone and why some of the parties, particularly liberal parties in the centre, who, you will think might be picking up votes as a kind of halfway house have lost out...we've seen it in Germany, in the UK, in France, (though France is a perhaps a bit of an exception because of the new president – Macron, who is from this tradition). So, I think there is a search for new ideas and how to confront these challenges, but across Europe there has been a financial crisis and then the migration crisis - which isn't really a 'crisis' in terms of numbers of people coming but people perceive it to be. Many see that the society is changing by people coming in and society becoming more multicultural and that's a big change for some people. But we also see, and this is an important distinction, differences in how people living in cities versus people who live outside cities view migration. So usually the tensions and fears about migration tends to be concentrated in places where there are not very many migrants, whereas big cities like London, Paris, Berlin – these are places where people are more comfortable with changing demographics and migration. So, we see some similar patterns rising across the continent and of course, it is not limited to Europe.

Interviewer: In hindsight, does Britain feel the Brexit referendum should not have happened? Or do you think the ground realities made it inevitable?

I think there is not so much evidence of regret yet. If you look at the opinion polls of what people think about the Brexit now, there has been a shift, a slight shift to people thinking it will be better to remain but not a huge shift. And we always have to be a bit sceptical about the opinion polls because even before the vote most of the polls said that there the result will be for remain, so there is still a margin of error, I think what helps to explain this is that we live in an age of social media, this is where we get much of our news rather than from the BBC or so on or the new or the traditional newspapers. I think what's happening is you tend to, whether you want it or not, be surrounded by the people who think in a similar way, so, if you voted 'remain' in the referendum, on your Twitter or Facebook feeds you are likely to have people who also voted for remain and you sort of convince yourself that the things have changed and now more people are convinced that it is a bad idea. But likewise if you voted leave you have a similar tendency. So even for people who argue there should be another referendum are often convinced equally that they would win and win more strongly. Having another referendum is a difficult question: so, there is a move to have another

referendum to give people another chance but there is of course move against that because then if you have another referendum do you have another one after that if the result is also very close? In this case, when do you stop calling referendums because you could end up in a cycle of asking same questions over and over again. I think, my problem is that what would be the question that we would ask because it isn't very good democratic practice to ask the same question as was asked two years before. What happens if we have a result which maybe this time 52% remain and 48 % leave, the people who voted leave last time would feel aggrieved. This would do nothing to help heal divisions in society over the issue. If as it seems at the moment, there is another referendum, it would probably be whether to accept the terms of leaving the European Union, in other words on the agreement between the UK and the EU before the UK leaves. If there is no agreement then the UK leaves: it's automatic because it is two years after what is called the article 50 notifications, so next March the UK leaves. If you have a referendum on whether to accept the agreement then, what happens if people vote not to accept it? Does that mean you remain in the EU or does that mean you automatically leave with no agreement? In which case, do you ask the referendum with three questions; to accept the agreement, to reject the agreement and remain in the EU, or reject the agreement and leave the EU? The problem you ask then is in terms of maths, what happens if you get a three-way result of 36%, 34%, 30%: you might have a winner but it would be one third of the population and as a democratic process that means that the most people will not be happy so, I think it's a very very difficult question to ask. I am not very sure that there will be another referendum and I think we have to watch very closely over the next few weeks and next few months to see whether there is an agreement between the EU and the UK. I think that there will be but there is going to be a lot of work to clear up some of the very very difficult issues that have still not been fully worked out.

Interviewer: Will Scotland side with United Kingdom's decision to leave the European Union? And will Scotland have another referendum?

The Scottish Referendum which was held two years before the EU referendum was another referendum where the result was quite surprising, because when the campaign started, it was I think expected to be about 25% for independence, but in the end, the result was 45%-55%, so that's also much closer. At one point the opinion polls suggested that Scotland would vote for independence and in some of the cities and towns, people did vote for independence. I wasn't in Scotland at that time, but what I do know from talking to many Scottish people is that it was quite a painful experience. It was something that lots of people talked about. There was a very high turnout for votes as well. And with such ambiguousness on social media related to 'for' or 'against' independence there were a lot of problems between families, between parents and children, between colleagues and so on. Whether there would be another Scottish referendum was ignited also by the EU referendum, because Scotland voted to remain in the EU by a large margin (62%). But, the problems of the last Scottish referendum were that even if there was a vote for independence, there were still lots of questions to be resolved, such as the currency which would be used in Scotland? There was a suggestion to continue to use the

pound but the government in London was resistant to this idea. The question of EU membership was important too: the EU institutions couldn't say whether Scotland would continue to be a member or not. My opinion was that the European Union is a body constituted under International Law and it is between inter-nations i.e. the States, and the signatory is the United Kingdom. So, if Scotland left the United Kingdom then it would leave the EU. In my opinion, it would be able to get back in quickly, but it would have to apply as a new member and that's contingent on a process of the other member states agreeing - and they also wouldn't comment on such a sensitive subject. And you also wouldn't expect them to say. So, for many people who were Pro-EU, there was a danger of losing their EU citizenship via independence. That's important because the people who could vote in the Scottish referendum included all who were residents of Scotland or had British citizenship at that time. But for the first-time young people aged 16-17 could also vote, so that was also quite interesting. Like all elections in the UK, if you are a Commonwealth citizen and resident you can vote. So, if you were an Indian living in Scotland you could vote, similarly people from South Africa, Canada, Jamaica etc. could vote. Also, citizens from other EU countries like France, Germany, Poland etc. living in Scotland could vote in the Scottish referendum. But the EU citizens could not vote in the EU referendum, though Commonwealth citizens could, if there is to be another referendum on independence, the process is that it goes through Parliament at Westminster, after agreement with the UK government. There is no interest in really having just a unilateral referendum because the risk is that it wouldn't be respected. Politically, it is a difficult question too, because the government in Scotland which is from the Scottish National Party, are aware that there are only so many times that you can ask for a vote and they have to be sure that they might be able to win it this time, and again we don't really know how people would vote. There are some other things that have changed as well; so, for example, the price of oil has come down, a lot, and so the viability of the Scottish economy has been called into question. And because Scotland hasn't been an independent for a long time there are so many things that have been called into question especially now that the UK is leaving the EU, such as if Scotland will have to have a physical border if it re-joins the EU? Which is the similar to the questions which we are asking about Northern Ireland and Brexit at the moment. So, the question is still there and of course, there are some people who think that another referendum would bring different results. I am not so sure yet but maybe if Brexit happens and if it doesn't go well that might reignite the debate about Scottish independence and the result might be different. But again, it is one of those uncertain things. Much also depends on the power of the Scottish National Party: they are in power in the government of Scotland and in 2015 when we had the general election so they sent candidates for Westminster and won almost all of the Scottish seats in the Westminster Parliament and edged out many of the Labour and Liberal parties. Whether they will continue to have quite as much support, I'm not sure, as they've been in government in Scotland for quite some time now. In Scotland, my view is that people are quite fatigued with 2 referendums plus 2 general elections plus all of the local elections, so people have voted quite a lot and particularly

the Scottish referendum was quite painful. I think there is a certain level of fatigue which means that there is no huge desire to have another referendum for most people. So, it's a very interesting time but you can certainly see in Scotland that things do work differently for most cases in many ways because of the power the Scottish government has, so far in things like education, healthcare, etc. In many ways it's a self-government, so many people see it as 'their government', and really it is because of the powers it has which extend to most things except foreign affairs and defence.

Interviewer: What are your views on the Indian education system and Indian students who come for higher education to Britain?

I regard the Indian education system very highly. So much of it has similar characteristics as in the UK and of course, we also have a common language which makes the system for me much, much easier to understand. Of course, India is a democracy so skills that law students have, particularly critical analysis is quite well developed, and people in India are very good at being critical whether it is of public powers or whether it is of private actors and so on. Those are the skills that I think really help law students to succeed whether it is here or in the UK. So, I always have had a high regard for the Indian education system and particularly in many places like this university where there is an emphasis on other skills as well, whether it is business skills or whether it is interpersonal skills and so on. And of course, the Indian education system in law brings out things like the importance of internships so it is very very varied rather than dogmatic on just specific subjects. So, I think the education quality is very, very high. For the students who come to the UK, in my experience, Indian students succeed very well because there is this historical link between the two countries so even if you haven't been to the UK before there is a familiarity of culture and history. Obviously, there are changes; the climate is probably one of them and maybe also the food but I also think because many people have family links in the UK, that helps with integration and getting to grips with student life. I have never really seen students from India in the UK having any problem with integration. Of course, whenever you go to study abroad there are always challenges. I studied abroad twice in my own studies, once in France and once in Japan, so I know what it is like to go somewhere else with a completely different system but I think for students from India the UK is a great destination because of this common tradition in language, the legal systems, common law and parliamentary democracy. and so on. Many Indian students come to the UK to do their Masters in commercial law and study alongside students from all over the world: so along with a UK experience, you also get a truly international experience too.

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

My advice to law students is to do and to specialise in what most interests you. Law students have the opportunity to specialise in various electives. And students whether its India or the UK often ask me, 'what should I do'? My answer is always to do what interests you the most because that's what you will do best in. You'll spend many years doing subjects across law some of which you will find interesting

and some of which you will find less interesting. Nobody likes everything, and nobody excels in everything in the same way. So, I will say, work on what you are really interested in. In terms of legal practice, there are many different career options as well, so the key thing is to find what you really want to do and a law degree will equip you with the skills for life. But don't forget to develop all of the soft skills –the things like intercultural communication, the importance of volunteering work, contributing to the community and so on as well as the commercial skill and so on are really important. My advice is to go for it.

Interviewer: Thank you, Sir, for your time. You've answered for more than we had asked for.

Thank you. It was an absolute pleasure to talk with you. Good luck with your studies and enjoy them, it is certainly an interesting time to be a law student.

-Interviewed by:
Riddhika Dumane,
Reporting Editor, Team SOLink

Interview with Mr. Harshul Shah

Mr Harshul Shah is a qualified B.Com, CS, LLB, Solicitor and Insolvency Professional. He has over thirteen years of experience in Corporate Legal practice and handles non-litigation matters. He is the first insolvency professional in India who is also a qualified CS and a Solicitor. He is a commerce graduate from Mithibai College, Mumbai and a law graduate from GLC, Mumbai. He is highly skilled in the corporate law, corporate governance, joint ventures and is acclaimed and appreciated by the legal fraternity for his work in these fields. He has written various articles on legal assistance, inheritance planning and is also involved in corporate awareness programs. He believes that humanity and ethics are above everything and serving the nation is equally important.

Team SOLink got an opportunity to interact with Mr Harshul Shah, during his visit to Kirit P. Mehta School of Law to deliver a lecture. Here are the valuable insights he shared with our team:

Interviewer: Is it always good to rely on the legal precedents or at times starting from the very scratch does help while drafting agreements?

You can take legal cases and precedents as a base and read it once, but then, you should always start it from the very scratch. Before drafting you should know the facts and the law very well. This is because every clause in the contract is emerging from some or the other law, for example, the clause on indemnity is coming from Section 125 of the Contract Act. So, you should know the principles of law very well and then you can work on that clause and start the drafting from the scratch.

Interviewer: Should we be categorizing drafting as corporate and legal drafting? If yes, then do we need separate skills for them?

You require different skills for both. For example, when you are drafting a particular clause for a corporate contract or a

commercial contract you require the skills of proper drafting, the understanding of the facts, understanding of the law and principles of the law need to be very strong when you draft any particular clause. When you draft on the legal side, for example, when you are drafting a legal opinion, you rely on certain case laws. For this,, you require basics of drafting and the understanding of the law. So, that is where the skills would differ.

In corporate drafting you require thorough skill, there should not be any ambiguity, there should not be any grammatical errors. When you go for a legal opinion, of course, you have to take care of all these things but you need clarity of opinion, not necessarily that there can't be any grammatical error, possibly it may be, there may be flaws even in the judgments also at times.

Interviewer: The recent Insolvency Bankruptcy Code is constantly being amended. Does it solve the problems or create new ones since it is regarded as inadequately worded?

It is actually an emerging law and it will evolve soon. The Lawyers and Insolvency professionals have to work on how better we can utilize it. It is a new law and new law definitely has some flaws which will be corrected in a period of time. So far as the intent is concerned, it has come with a positive intent. Definitely, it has a huge impact in every economy wherever it is implemented. It is a bold move I must say, with a positive intent. Its success though would depend on how it is implemented.

Interviewer: According to you, when should undergraduate law students start looking for internships in the corporate sector?

Instead of internships in corporate sector, in my view, the best thing for the students would be to undergo the Solicitor's course with Bombay Incorporated Law Society. It is one of the best courses available in India. If you really want to practice in the legal field and want to grow in legal field then the solicitor's course would be the best thing, in which you have to go for three years of articleship so instead of doing six months of internship in corporate sectors. I do not think corporate training will yield much, rather than that do articleship and then pass the exam of Solicitor and make your career in the legal field. Because for example if you are doing an internship for 6 months by the time you start understanding the actual issues your internship is over. So no one gives you the actual productive work or knowledgeable work because you are there for a too short period of time. So no one will give you a work on which they are working from 3 to 4 years because they know that you are here for just 1, 2 or 3 months. Whereas when you do articleship under the solicitor with whom you have signed the articleship, they know that you are attached to them for 3 years, so they will give you the quality work. And that will give you better understanding then what you get in your Internship. In this way, you understand the entire matter instead of getting a feel for it.

While doing an internship you should not look at the consideration, stipend etc., but the consideration should be the knowledge that you are getting, the partner with whom you are working and the right of area of interest, that should be your priority. At this age, students are confused and they do not know their area of interest to choose; so,

during articleship of 3 years, you will get different types of cases, property matters, corporate matters, litigations and non-litigations, testamentary matters, sometimes matrimonial matters, criminal matters, tax matters and in 3 years of articleship you can explore so many matters and identify your area of interest. It is a very good course. You can enroll in this course after the third year of your five-year course.

Interviewer: What would be your message to those students who aim to build a successful legal career in the corporate sector in India?

Do Solicitors. It is one of the best course in the legal field. I have already mentioned how you all should prepare for exams in my lecture. Apply those things in your life and you will succeed in every field.

-Interviewed by:

Harshita Gupta & Pragya Mishra,
Members, Team SOLink

National Moot Court Competition

-Team SOLink

NMIMS's Kirit P Mehta School of Law had the privilege to host the 2nd National Moot Court Competition from 16th – 18th March, 2018. It was a three-day event wherein schools from all over India participated in the national moot competition. The competition saw a total of 30 teams participating. Here are some of the snippets of how the grand event unfolded throughout the three days.

Day 1:

The most awaited 3-day event of the year kick-started on the 16th of March 2018. The event was officially inaugurated in an opening ceremony held for all the participating teams at the Juhu Jagruti Hall.

The event commenced with the invocation of the blessing of Goddess Saraswati and lighting of the lamp, and further graced by the presence of Dr. Rajan Saxena and Dr. Paritosh Basu, who encouraged all the participants to give their best and make this event a big success and also asked the students to leave no stone unturned and make this edition a bigger success than the previous National Moot Competition. The faculty in-charge of NMCC, Ms. Sohini Srivastav and the Event Chairperson, Mr. Treyamb Pathak, then officially declared the competition open.

The students were honoured to have Mr. G.P. Garg from NISM as the chief-guest of the event. He shared his life experiences with the students and talked about the importance of participation over victory. The students were briefed about the rules to be followed during the competition. The Vice Chairperson, Mr. Pratyush Nemani, concluded the inauguration ceremony with a warm vote of thanks. The participants then headed for the gala dinner hosted by the college before concluding the first day of the National Moot Court Competition.



Inset: Chief- Guest Mr. G.P. Garg lights the lamp.

Day 2:

After a grand opening ceremony, the participants geared up for the competition to test their moot skills. The rounds started at 9 in the morning with 18 prominent legal professionals judging the teams.

All the teams proved to be tough competitors for one another. Every speaker had about 6-8 minutes to present their arguments. When asked about their opinions on the performance of the participants, the judges were impressed with the moot proposition and the arguments that the participating teams had presented. They were also impressed to know that most of the participants were first years. The judges gave detailed feedbacks to the teams on their performances in order to help them do better in the further rounds.

After the preliminary rounds, the results of the teams entering the quarterfinals were declared. Out of the thirty teams, eight teams qualified for the quarterfinals. These eight teams entered the next round of the Competition, held in the evening, before a new panel of judges, and the top four teams qualified for the semi-finals.

Day 3:

The last day of the competition began with the semi-final round conducted in the Moot court hall and the Mithibai Seminar Hall. These rounds were heavily based on strong arguments which were well presented. The panel of judges in the Moot court hall were Mr. Biju S., Mr. Jai Kishan Lakhwani and Ms. Padmaja Dholakia while the panel of judges at the Mithibai Seminar hall included Mr. Nitin Tike, Ms. Bhargavi Zaveri and Mr. Ashish Bhakta. Teams T01 and T18 were declared qualified for the final round of NMCC'18.

The venue for the final round of NMCC'18 was Santokba Hall. The judges for the final round were, Mr. Soummo Biswas, Mr. Soumitra Majumdar, Mr. Mustafa Motiwala, Sr. Advocate Gaurav Joshi and Mr. Sujit Prasad.



Inset from left: The proceedings of the final round at Santokba Hall; **Right** – The judges, Mr. Soumitra Majumdar, Mr. Gaurav Joshi, Mr. Sujit Prasad, Mr. Mustafa Motiwala and Mr. Soummo Biswas (from left to right) in action.

After a lot of questioning, arguing, answering and effectively proving their stance, the finalists delivered a praiseworthy performance. After the final rounds, the Judges addressed the participants and congratulated them for their distinctive efforts.

The final round was followed by a valedictory ceremony. The valedictory ceremony was graced by the presence of Mr. Kirit P. Mehta, Mr. Shalin Divatia, Dr. Meena Chintamaneni, Mr. Harshal Shah, Mr. Sandip Ghose and Ms. Sohini Shrivastav. The event was also graced by faculties of KPM SOL. WBNUJS was declared as the winner of the 2nd National Moot Court Competition and DES Pune emerged as the runner-up. Niyati Shah from DES Pune won the title of Best Speaker and NUSRL Ranchi won the Best Memorial Prize.



WISE WORDS

NMIMS's Kirit P Mehta School of Law had the privilege to host the 2nd edition of the National Moot Court Competition, 2018. The panel of Judges for the final round of NMCC'18 on 18th March 2018 were Mr. Soummo Biswas, Mr. Soumitra Majumdar, Mr. Mustafa Motiwala, Sr. Advocate Gaurav Joshi and Mr. Sujit Prasad. The event ended with the judges and the dignitaries sharing their views about the event and the importance of mooting.

Mr. Soummo Biswas, partner Shardul Amarchand Mangaldas and Co., in his address to the audience spoke about his personal experience in mooting and said that even though mooting is not something which everybody does, it does help in drafting so that we are able to convey the point of law in an effective manner. He was all praise for the efforts taken up by our college in organizing this event and giving the students a chance to enhance their mooting skills. Before the final round started Mr. Biswas congratulated both the sides and wished them the best of luck. Mr. Soumitra Majumdar, Partner J. Sagar Associates, emphasized on the importance of Insolvency and Bankruptcy Code as a piece of legislation and said that it will indeed be the most litigated and practised piece of legislation in the times to come.

Mr. Motiwala expressed his gratitude and appreciated the case and the points of law that were dealt with. He congratulated the finalists, participants, the Organizing Committee and School of law for organizing this event. Sr. Advocate Gaurav Joshi congratulated the participants and said that, "A true test of a counsel or a litigator is when you stand up to the court and answer the questions that are asked." He talked about how the Supreme Court will decide the judgment on the basis of equitable principles and that the government may consider amending the act.

Mr. Sujit Prasad, Executive Director of SEBI, inspired the audience by telling a story on how India can be a developed country, a country which will be able to host the Olympics in the next 20 Years. He talked about how the youth of the country will have to be responsible to bring India to that level.

Mr. Kirit P. Mehta, Trustee, NMIMS expressed his happiness and addressed the dignitaries, judges and the mentors for being a part of such an excellent moot court competition. He then talked about the complexities in the corporate world and hoped that this moot court competition could achieve such proficiencies. He further congratulated the Organizing Committee and the participants and wished them best of luck.



Inset from left: The winners along with Mr. Sandip Ghose and Mr. Shalin Divatia; **Right-** Niyati Shah being awarded the Best Speaker by Mr. Sandip Ghose and Mr. Shalin Divatia.

NMCC'18: In Conversation with the Judges

TIPS ON DRAFTING

Interviewer: How can law students add elements of persuasion and coherence to their moot memorials so that they leave an impact while putting forth their arguments?

Mr. Akshay Dixit: Firstly, the team needs to have complete clarity regarding the moot problem, issues, and jurisdiction of the Court. Students primarily face problems while framing issues in their memorials. They should consult seniors or a practising advocate to obtain advice for the same. Contentions should be made clear to the Judges. The speaker in a team should involve himself or herself in research as well. While framing contentions, the team should also consider what sort of questions can come up from the opposition.

(Mr. Akshay Dixit is an Associate at Singhania & Co.,)

Mr. Raghav Pandey: Cultivating a spirit of debate is necessary because it is something which can be done even while one is not in law school. It is something that comes naturally to Indians. After all, they do call us the 'Argumentative Indians.' When you do it in law school, you do it a little more rationally. You back your arguments with not just logic, but also with authority. Therefore debating, as such, one can start even in the first year. I think the Bar Council is also trying to introduce a course on pleading and drafting. The development of these skills must be taken seriously.

WISE WORDS

Mr. Harshal Shah, Mentor, KPMSOL, inspired the audience by telling them to find something they were passionate about and emphasized on not being a 'Job Seeker' but a 'Job Creator' and to make one's chosen careers more than just a job. He congratulated everyone for the excellent organization of the competition and appreciated that the topic was very contemporary and suggested that such innovative topics can be chosen for the future moots as well.

Mr. Shalin Divatia, Board of Directors, NMIMS University spoke about how the focus of SVKM as an educational institution is to ensure to give what the society needs. He expressed his happiness on how KPMSOL is one of the best schools of NMIMS. He also appreciated the theme of NMCC'18 and said that it was well-chosen and very relevant. Dr. Meena Chintamaneni, Registrar, NMIMS, in her address to the audience, expressed her delight on the large participation from students all over the country. She talked about the importance of outcome-based education systems which requires a departure from the traditional classroom teaching alone.

The Chief Guest for the Day, Mr. Sandip Ghose, Director NISM, in his address to the audience talked about how important it is to be a 'Job Creator' and how everyone today prefers corporate practice over actual courtroom practice. He appreciated both the finalist teams and congratulated them. Lastly, he gave his valuable thought about how life is a roller coaster and is full of learning, unlearning and relearning things. He advised on enjoying life as there is no policy of refund on unused life.

Assistant Prof. Sohini Shrivasta congratulated the teams and lauded their dedicated participation. She thanked the Organizing Committee and the volunteers for making this event a grand success. The session ended with a vote of thanks by Mr. Treyamb Pathak, Chairperson, NMCC'18.

(Mr. Raghav Pandey is a visiting faculty at Maharashtra National Law University & Research Fellow at the Indian Institute of Technology Bombay (IIT), Mumbai.)

Ms. Urvashi Mehta: Mooting is, in my opinion, extremely important, and not just because it helps build your CV. It also helps you with respect to dispute resolution and litigation which teaches you how to understand and analyse a problem, how to read the law, how to apply that law to a set of

facts, and therefore your knowledge base increases. With respect to persuasion in moots and moot memorials, it really depends on what the proposition is. For example, if it is Constitution, then an argumentative style is favoured. But if it's something more technical like IPC and RERA, then you need to know your law very well. Here, your argumentative skills are not as important as your knowledge of the law. It all depends upon the type of field your moot is in. Apart from this, one thing is for sure: a lot of reading goes into preparing for a moot. Before you even start drafting your memorial, you need to be very well read so that you understand what needs to go into it. This obviously helps with cross-questioning by judges, as they are only trying to gauge how well you know your topic.

(Ms. Urvashi Mehta is an Associate at Khaitan & Co.)

Mr. Anirudh Sudarsan; I just went through about four memorials, of course, I think one or two of them stood out, not only because they were well formatted, but also because they had all points in the law which were needed to be covered. But I think there should be more preparation from some of the students because they are given enough time to prepare for this. So, very small things like formatting should also be looked at. I think conceptually most of them were fine but maybe they should have delved into what are the other laws that they could actually look at while they are answering problems.

(Mr. Anirudh Sudarsan is an Associate at Cyril Amarchand Mangaldas)

Interviewer: How can one add the element of persuasion and coherence while drafting a legal argument in moot court competitions?

Mr. Anirudh Sudarsan: I think persuasion comes more when you're arguing in court. Persuasion merely from a memorial is not substantial as arguing in a court of law would be. Persuasion is something which is largely dependent on how convincing the speaker is. Despite the best efforts of a researcher to include all the points in a memorial, what I think would be more effective is that when a speaker comes to the dias and tries to convince us that what he is arguing is, in fact, correct and beneficial to their clients. That is what we are looking for.

MOOTING TIPS FROM THE JUDGES

Interviewer: What are the tips you would like to give the students to prepare well for Moot Courts?

Judge 1: One of the biggest trends that we see during mooting is that we and especially the freshers have not seen advocates argue in the courts. They are overly aggressive, their idea is to put across their ideas so firmly to the court and being so right about their stand, it comes across as absolutely arrogant sometimes. Wherein if you actually go to a court and you see how counsels practice, you see how it is and when they are making submissions to the court, they are not that aggressive. So, you have to remember that you are making submissions. When you are making a point, you will tell the court, because, in the end, it is the court that will adjudicate on the issue. So that aggression has to go out first of all, which is very common in most mooters. Second is that there is a little amount of drama we attach to it, not that everybody does it, but too much of hand movement or trying to explain things so much that your entire body language is shouting out loud is not what happens in real court. Now I don't want to take away the fun of it but if you really want to use the mooting platform to understand how you are going to appear in court, I would suggest that you actually take trips to court and see how people are arguing. There is hardly an argument, in 50 % of the cases, you are making submissions absolutely normally talking to the judge. And that is something the freshers generally don't attach to the moot. So the idea becomes that if I'm going to shout it out, if I'm going to explain it to the judge absolutely firmly, he will understand how sure I'm about it. The Judge knows what the lawyers are trying to say, so if you will put it more humbly it might pass through, but if you put it more aggressively you might miss the point, that is one important thing

Judge 2: I would say that the argument should be very crisp, when you appear in court, generally, a person would not have the attention of more than 20 minutes. So, keep it very crisp. If one is appearing on behalf of petitioner or respondent, then one should put forth their points and then harp on those points and keep it very crisp because you have to save the time of the court. Also, experience the court, see how the arguments are actually structured, how it has to have a proper head, body and a conclusion. What I feel is lawyers

in court even today fail to give the conclusion. They give a header, a body and then the conclusion becomes irrelevant, which, I suppose is the main thing. Everything has to be structured in fashion, and if that is there, I don't think so there will be any problem when you go and practice.

Judge 3: All law student have the advantage of attending the Courts after college, it is the best way to have the basic idea of to how the arguments are made. What we observe is that generally people have this tendency to read the submissions that they have been given to them or just discuss the issue. In the court, you don't discuss an issue or read what you have prepared or drafted. You have to somehow at a certain level convey your thoughts and try to persuade the judge to hold your view. So, you need to have some concrete solution to it. I think the approach should be to get some relief, you should be clear in your mind about what you want. As a plaintiff, you want to recover some money, as a defendant you want to save that, so you have to be clear in your thoughts about how to put that across in a moot court. You can get that quality when you see others argue and for that, you have to go to court and see others argue

JUDGE'S FEEDBACK

Interviewer: How do you see the 2nd edition of national moot court conducted by our institute?

Mr. Anirudh Sudarsan: I think the organization of the moot was fantastic. Right from the reception to coordinating in advance, I was contacted by one of the ushers and she was assisting me in all sorts of work and assistance that I needed. After I came here, we were seated and the morning refreshments were provided. I think you guys and the college administration are doing a great job. Thank You.

Interviewer: What are the major mistakes that you have observed in the argument rounds?

Mr. Anirudh Sudarsan: I think there is some amount of under preparation, there are several factors which contribute to this, one of them being that they are not that inclined towards this particular aspect of law. Also, since most of them are 1st or 2nd year law students, wherein it is

actually very difficult to understand heavy legislations. So I think a little more preparation would have helped them a long way for some of the participants. Most people won't deviate from a question on fact but when it comes to a question on law then there you need to have a grasp on what the law is. What happened was that when we questioned on law, some of them were not even aware of the many essentials. If you are going to plead ignorance then that doesn't look good

MOOTING THE IBC ACT

Interviewer: Are small investors (operational creditors) in India adequately protected against the Company's bankruptcy losses? And what are the loopholes that endanger these investments of small entities?

Mr. Raman Misra: There is a very relevant case of Swiber which happened in the High Court in which almost 50% of the court was appearing because there were so many operational creditors and that was the first time that everybody was looking into it. There were so many operational creditors of this company that were supposed to provide infrastructure to ONGC, there were supposed to be underwater and underground pipes for conveying oil and there was a man who only supplied cigarettes to the employees of Swiber. His dues were about 50 lakhs and he got nothing out of it. Why I am quoting this? It is because forget infrastructure and forget providing things, today we are not even able to provide, in our laws immediately, to people who are providing cigarettes to a company. So, there were so many dues and a waterfall mechanism, there were a lot of things that had to happen before the money could reach him. But as far as your question is concerned, we are definitely not providing adequately to operational creditors. They are doing things in the faith of God, and not in the faith of the law. So if the company goes bankrupt, I don't know how they are going to save themselves.

(Mr. Raman Misra is an Associate at Nasikwala Law Office.)

Interviewer: It has been observed that there is one very crucial and practical problem with the bankruptcy laws in India viz that a fair proportion of NPAs are simply unrecoverable. So, in your opinion, what steps can be taken to generate revenue out of these NPAs and how can we tackle this problem pertaining to the bankruptcy issue?

Mr. Anirudh Sudarsan: Yes, so I think the IBC is the primary step towards recovery because until now what we have seen in the Indian scenario is that there is always an obligation to attach and cease the properties of the defaulters and thereby

repaying the creditors and that is how they have proceeded. You take instances of SARFAESI, the DRT and all of that. For the first time in my opinion, when the IBC was enacted, the primary objective shifted from recovery to rehabilitation, so what they are looking for right now is the revival of the companies and they want to make sure that there is a resolution plan and whether the creditor committee and the others are approving of such a plan. I also believe that this is the first step towards a shift in a paradigm of the whole scenario.

Interviewer: So, can we say that the IBC has proven out to be an effective law?

Mr. Anirudh Sudarsan: Actually, I think we will have to see over a course of the next 2-3 years to judge the effectiveness. But I think it's the right step or we can say that the first step is in the right direction.

MOOTING THE IBC ACT

Interviewer: Recently, a very pragmatic problem with the bankruptcy laws of the country has been observed: Non-Performing Assets have become unrecoverable. What can be done to generate revenue out of them?

Mr. Akshay Dixit: The Insolvency and Bankruptcy Code (IBC) 2016 is a reformatory law that serves to fix loopholes in previous laws, and gives the upper hand to the creditors. However, it must be noted that the IBC is still a new Code, and many of its provisions are yet to be interpreted by the Supreme Court.

MOOTING RERA

Interviewer: With reference to the moot problem, do you think that post the enactment of RERA there has been better regulation of real estate bodies in India?

Mr. Akshay Dixit: Under certain provisions of the Act, even pending projects now have to be registered. By this, protection is being given to home-buyers, who are treated as secured debtors. By proposing a time-bound resolution, home-buyers need not be involved in civil litigation for 4-5 years and can directly approach tribunals under the Act for their claims.

Interviewer: Regarding the recent JP Infrastructure case, the Supreme Court has pierced the corporate veil to prevent relatives of JP Holdings from alienating their property in light of the insolvency proceedings of its subsidiary, so is this act of piercing the veil an

example of an act of judicial activism or judicial overreach?

Mr. Raman Misra: It is neither. I mean it is a settled law, when you realize that something is being done in the name of the company, which if I would have been doing in my own name would have amounted to fraud or cheating, then the law is clear that I will pierce the veil. So neither is there an overreach by the judiciary and nor is this an act of activism. It is a simple law that, if today JP was doing that, if in the facts of the case the Supreme Court realizes that they were going to commit fraud, it can always do. So I think it is a very settled law and what the SC did was a very normal thing to do. So there was no overreach on the behalf of the judiciary for sure.

Interviewer: Recently, RERA has been brought into force, so do you think after the enactment of RERA the real estate sector has been regulated or is it just a mere step taken which might prove out to be inefficient?

Mr. Anirudh Sudarsan: My understanding is that there has been regulation, because if you look at what one of the stipulations is, it is that 70% of the funds should be put in an escrow account and the proceeds of that would be taken and that is how they are functioning now, so I think there is some amount of accountability which is imposed on the builders who are promising things to the home buyers and I think that it's a step in the right direction but we will have to wait and see whether it is effective or not.

INDUSTRY INSIGHTS

Interviewer: There has been a recent ruling of the Supreme Court that bars foreign litigants and law firms from practicing law in India. What are your views on it?

Mr. Akshay Dixit: Previously, the Advocates Act (1961) had no such provision. Foreign litigants were allowed to advise clients. But since Indians are not allowed to practice law in foreign courts due to compliance issues, the judgment is based on a reciprocity principle and also to create opportunities for local practising lawyers. Such litigants and firms are, however, allowed to deal in arbitration.

Interviewer: The recent Supreme Court ruling bars foreign lawyers from carrying out litigation and non-litigation work in India. How do you think this will affect corporate legal service in India?

Mr. Raghav Pandey: There's a monopoly of a few law firms and they don't want to be disturbed by international big players. This is exactly the reason why foreign litigants should be allowed,

especially when there are so many good law firms producing so many good lawyers. We can be a very good human resource at an international level if this grows exponentially. A similar thing has happened in history where Chartered Accountancy firms were not allowed previously but after PwC and E&Y, these players entered the scene. So the quality of auditing also increased in India and Indians could secure employment at an international level. And as a result of that, Indian CA firms also increased their quality of service. If you ask any Multinational Company having a business in India, they will tell you what sort of problems they face regarding hiring an Indian law firm, paying them more than what is an international average, and not getting the quality of the service which they get outside India. So this is something which needs to go at any cost. If we want our country to grow, our economy to grow for investments, this is a major roadblock.

Interviewer: Could we say that this new judgement is a result of us, as Indians, in the legal circle being afraid of the competition that could arise?

Mr. Raman Misra: Definitely, we are afraid but I don't think the Supreme Court is afraid. Supreme court has its own reasons but you should be afraid (when I say you I mean all of us) because the quality of service that we provide is highly restricted to a very small percentage of law firms or lawyers or counsels and today we cannot just bank on every lawyer to give us a good opinion or fight out a matter better. Of course, these law firms are not going to seep into every stratum of our legal society but it is a good reminder that we need to be doing a better job than what we actually do. Because half the time we all are banking on one or two counsels to convey an idea across, we cannot bank on every one of us because we don't take our job that seriously unlike them.

institution, as the first batch of KPMSoL. He encouraged them to remain connected with the institution and bear its goodwill in all the future endeavours of their careers. The address of the Chief Guest was followed by the valedictory ceremony and yearbook distribution, both of which marked the accomplishments of the students.



Inset: Chief Guest Mr. Harshal Shah speaks at the event.

The host for the evening, Puneet Pathak, ensured that his wit and humour kept away the tears of parting ways. Further, the students enjoyed some enthralling performances put up by the junior batches, including solo song performances by Rudra Prasad and by Puneet Pathak, solo-dance performances by Karishma Singh and

And the Award Goes to...

Ms. Popular: **Drishti Barar** [B.A., LL.B (Hons.), Fifth year]

Mr. Popular: **Raghav Bhatia** [B.B.A., LL.B (Hons.), Fifth year]

Ms. Best Dressed: **Vedika Agarwal** [B.A., LL.B (Hons.), Fifth year]

Mr. Best Dressed: **Sagar Srivastava** [B.B.A., LL.B (Hons.), Fifth year]

Jessica Parker: **Arshia Saraf** [B.B.A., LL.B (Hons.), Fifth year]

Farewell 2018

- **Team SOLink**

With five eventful years of undergraduate training drawing to an end, the fifth year students of KPMSoL enjoyed the celebration of the completion of their eventful journeys on 28th April 2018, with a splendid farewell event organized by the Student Council. The venue, Juhu Jagruti Hall, was filled with flutter and flurry as the students exchanged warm greetings and joyful smiles. The attendees were all dressed up in beautiful gowns and sharp suits for the theme 'Evening Ball'.

The program began at 1:30 p.m. with the opening address by the Chief Guest, Mr. Harshal Shah (Mentor of KPMSoL). Mr. Shah, acknowledged the earnest hard work, as well as, the pioneering contributions of the students to the



Inset below: participants at the ramp walk for the farewell.

Sonal Amberkar, singing performance by Ashutosh Mishra and Apoorva Chaudhary, 'Life in Law School' group dance and stand-up by Pratham Ajmera. The Student Council also organized a ramp-walk for the fifth years which was followed by an energetic dance face-off between the two fifth-year classes, as both the classes took over the stage to show the best of their dance moves. With seamlessly coordinated performances, the Cultural Committee helped make the evening an expressive, enjoyable and entertaining one for all those present.

Soon after the performances, the fifth years were felicitated with different titles and they were addressed by faculty members in heartening words. The event came to a close with an emotional session of open-mic followed by cake-cutting and high tea. Farewell'2018 thus added another beautiful day to the indelible memories of the first graduating KPMSoL batch- 2013-2018.

NMIMS Kirit P Mehta School of Law Celebrates International Yoga Day

Yoga, one of the ancient forms of Indian cultural heritage received from Sankya Yoga Maharishi Patanjali has been accepted internationally by United Nations to be celebrated as International Yoga Day on 21st June every year. SVKM's NMIMS Kirit P Mehta School of Law, conducted a workshop to celebrate International Yoga Day and raise awareness about health and happiness through Yoga. In this regard, the Law School invited Shri Ganesh Nayak, an experienced Yoga Instructor from Yogacara Institute to come to the campus and conduct a health workshop. Shri Nayak holds a Diploma in Yoga Philosophy from University of Mumbai. The participants for the session included the Dean – Dr. Alok Misra, all teaching faculty members and non-teaching staff. As students had gone for long leave they were unable participate in the workshop.



(Inset from left: Shri Ganesh Nayak (Yogacara) conducting his workshop; right – Shri Nayak introducing the philosophy behind Sankya Yoga)

Shri Nayak, introduced the philosophy of Yoga as a practice for life and the importance of breathing for maintaining health and happiness. He elucidated that the Yoga philosophy began as Hata Yoga which went on to be great influence for Hinduism and Buddhism schools of meditation. He then, took expectations from participants and brilliantly incorporated it in the workshop. He deftly moved to the part of teaching the participants the basics of Asanas and meditation. For almost an hour, Shri Nayak slowly twisted and relaxed every muscle of the participants. The exercises gradually led some participants to sweat and ache but at the end, they thoroughly enjoyed the session.



(Inset from left: Shri Ganesh Nayak (Yogacara) conducting the asanas and stretching practice)

By noon, when the session reached an end, Shri Nayak took questions from participants related to health and fitness. The participants interacted with him to know about basic tips on meditation and health. The instructor rounded off the event by taking feedback from the participants in the one and half hour session. The participants thanked Mr. Nayak for conducting such a

wonderful session and meeting their expectations. The workshop concluded with a vote of thanks proposed by KPMSoL Dean Dr. Alok Misra. Shri Nayak stressed that regular scheduling of such workshops actually helps to see concrete change in participants. The purpose of International Yoga Day was served as all participants resolved to schedule some asanas daily.

INTRA – MUN 2018

The MUN society of KPMSoL hosted a 2-day event, the 'Intra – MUN' on the 12th and 13th April, 2018. The committees of DISEC, UNHRC and AIPPM were simulated by the MUNSOC.

The first day kick-started with great enthusiasm by the delegates. The most interesting fact in this event was the participation of first timers. The committee of UNHRC was chaired by **Jaideep Sood** & co-chaired by **Digvijay Ghotane**. The agenda of the committee was the 'Human Rights Violations in Burundi'. On the first day the chairs introduced the delegates to the nitty-gritties of 'MUNing'. After the brief introduction, the agenda was addressed. The western powers consisting of the USA, UK, Germany, France and Slovenia were seated together and were in favour of the UN intervention in Burundi while Burundi defended itself on its stance against it. The African countries of Uganda, Tanzania, Democratic Republic of Congo were seated on the other side of the room. The countries like India and Russia acted in a neutral manner while the Peoples Republic of China supported Burundi against UN intervention by forming a voting bloc.



***Inset:** Jaideep Sood and Digvijay Ghotane as President and Vice-President of UNHRC respectively.*

The second day saw the delegates of UNHRC defending their stand in a more ardent manner. The delegates of the western powers brought in statistics and the other unattended problems faced by the Burundian people to help their position. The delegate of Burundi however defended the allegations by bringing their own facts which were supported by the delegate of PRC. The delegates of the African countries also agreed to some of the arguments made by the western powers keeping their interests in mind.

While the situation in UNHRC was heating up, the delegates in DISEC left no stone unturned to address the

agenda of 'Reconciling the Use of Unmanned Aerial Vehicles for International Security with International Law'. This committee was chaired by **Aman Johri & Apurva Singha**. The delegates recognized the fact that the right to life was a part of international custom and general principles of law. Delegate of the USA, representing the country's stance, supported the usage of drones, and stated that it is not wrong on humanitarian grounds which was rebutted by the delegate of China, who quotes USA's attack in Pakistan. The delegate of Iran recognized the need of special regulations for the drone strikes, while the delegate of Japan stated that they are against the use of Unmanned Aerial Vehicles (UAVs). The delegates of Palestine and Pakistan stated the problems, pain and sufferings their citizens had to go through. The delegate of France raised the issue of transparency of the government and the increase in concentration of military organizations within urban areas of various parts of the country, while the delegate of UK termed it as a virtual war where painful choices have to be made in order to fulfill the objective. The session concluded successfully and it turned out to be a very enlightening day.



***Inset:** Participants of the AIPPM pose after the discussion.*

The AIPPM on the other hand saw maximum participation over all the committees. This committee was chaired by **Prakhar Agarwal & Abhijit Bhandarkar**. The agenda of the committee was 'Review of Union Government and the road forward to the election year'. The session started by Narendra Modi asking all delegates to ask questions openly and address allegations, if anyone had any. Arun Jaitley, in his speech added that 'Achhe din aa gaye' and how there's less corruption and more tax collection since the inception of BJP at the centre. Yogi Adityanath pointed out the various government introduced programs like 'Sabka Saath Sabka Vikas', 'Ek Bhaarat Shresth Bharat', the paid maternity leave, and 'The Ujwala Scheme' which ensures that the benefits can reach each and every citizen, and also without any discrimination. Edapaddi K Palaniswami pointed out the situation in Tamil Nadu, about not getting adequate water supply and funds from the centre which was rebutted by Mr Modi that he had accepted in a previous meet that the central government, in fact, does give a good amount of funds. "15 lakh kidhar hai?", which became the highlight of the meet, was taken up by Mr Amrinder Singh pointing out the fact that even though the ruling party had ensured employment, it had failed in its objective. Rajnath Singh stated that the demonetization was successful in removing corruption, the government did try and will keep on trying. It was beautifully rebutted

by Mr Owaisi stating that people get to see what the government has actually done, and not what has been tried to be done. Mr. Shashi Tharoor took a historical example and pointed out that leaders did resign previously to take responsibilities for their accidents and he thought the current government should give an apology for the blunder they have committed. All the delegates in the committee recognized that there was a healthy discussion that took place with relevant statistics after which the session was adjourned.

Various moderated and unmoderated caucuses were held and at the end the delegates in the committee came out with one successful conference.

The two delegates of International Press also actively worked for the two days under the Head of International Press – **Jash Dalal**.

The best delegates were felicitated at the closing ceremony and the chairs also took time to give personal feedback to the participants. Though the 2- day event came to an end, the delegates, mostly the first years, took back with them memories of their respective committees that they will never forget.

-With inputs from:
Intra MUN IP Report.

SOLYMPICS '18

-Team SOLink

On 14th April, the CNMS ground at Vile Parle witnessed one of the most energetic event till date, the summer edition of SOLYMPICS '18. The students participated in sports such as football, basketball, box cricket and relay, with 'Tug of War' being a new addition this year.



Inset: Top– SOLites in action; **bottom**- participants pose after a tiring day.

The venue looked colourful with the participants wearing colour coded t-shirts representing their respective classes - 1st years in blue, 2nd years in yellow, 3rd years in red, 4th years in white and 5th years in black. Along with the participants, the venue was filled with the students cheering for their teams.

The event was graced by the enthusiastic teachers as well. The students participated with great enthusiasm. The 5th years, this being their last event in law school, also participated in large numbers.

Prizes were given for individual sports events, and for the categories of runner-up and best player as well. The 4th years won the first prize in two events and one runner-up prize. The 2nd years left no stone unturned in going toe to toe with the fourth years and also won first prize in two events and a runner-up prize. The first years also proved their might by winning three runner-up prizes. The 3rd years also proved their competence by winning the newly introduced event in Solympics 'Tug of War'.

The 5th years were most enthusiastic and excited about the event as it was their last event in law school, and this was clearly visible on the field. As it is rightly said, "Winning is only half of it, having fun is the other half". The fifth years, though not claiming any prize in the event, had surely won a token of memorable and joyous memories to take with them.

This summer edition of SOLYMPICS was much bigger and better as compared to the previous edition and bound all the SOLites into a bond that they can cherish forever.

Build your Start-Up: E-Cell

- Team SOLink

The Entrepreneurship Cell, fondly known as the 'E-Cell' of Kirit P. Mehta School of Law, after its inception, organised their first event "Build your Start-up" on the 10th of April.



Inset: Asst. Prof. Ravi Saxena awarding the winners.

The young minds of KPMSOL participated enthusiastically in this event. The event saw participation from the students of 1st year, 2nd year and 3rd year as well. There were a total of 10 teams, consisting of 3 members each, which participated in the event. Each team had to fill in 5 positions for their start-up, that too within an allotted budget. There were two major twists in the event which worked as a catalyst for the teams to make and implement their strategy in a correct manner. The first major twist which also proved to be a game changer was a GK question, in which the right answer would increase the team's budget and the wrong answer led to a reduction in the budget.

The second round allowed the teams to re-auction their chosen personnel upon the price fixed by them. The winners of the event were all first-year students who were felicitated by Asst. Prof. Ravi Saxena.

This event helped in boosting the entrepreneurial minds of KPMSOL by creating the environment of a real auction which stimulated the teams to work to the best of their abilities.

World IP Day Street Play

- **Team SOLink**

To celebrate World IP Day, NMIMS Kirti P. Mehta School of Law in collaboration with Unilever and CIPAM took up the call to spread awareness on counterfeit products and the significance of IP. The students of Kirit P. Mehta School of Law organised a *nukkad natak* (street play) titled **Asli-Naqli** on 24th April 2018, to convey a strong message to the society in an effective manner and to urge people to shun the use of counterfeit products. The street play was performed twice in a span of six hours. The first performance was outside Mithibai Campus, Vile Parle, in the morning hours and the second one was in the evening at Juhu Chowpatty, Vile Parle.



Inset: Participants of the *nukkad natak*.

The play, performed by the students, revolved around the unpleasant experience of a couple, who suffered from harmful effects of using fake cosmetic products. The characters of the play, much like many of us, sought to experiment with the combination of "cheap" yet "branded" goods. In a prudent person's mind, red lights would flicker on when the words "branded" and "cheap" are used together, but the couple depicted in the play, risked their health to save a few pennies. By the end of the fifteen

minutes play, the audience was left nodding their heads in agreement to the closing rhetoric, agreeing to a promise to never again patronize such goods.

This play not only helped students themselves understand how to become wise consumers, but also provided them with an opportunity to engage with their neighbourhood community on a pertinent issue of IP and consumer well-being. The talent of the students was instrumental in creating awareness on this challenge of the day faced by all of us alike.

Anhad: Beyond Bounds

- **Team SOLink**

'Anhad' is a voluntary discussion forum started by the Second-Year students of NMIMS's Kirit P. Mehta School of Law, under the guidance of Asst. Prof. Ravi Saxena. Anhad serves as a platform for discussion and deliberation on contemporary issues. This discussion forum creates a conducive and comfortable environment, allowing students to put forth their opinions without any boundaries. It is aimed at developing presentation skills, analytical and argumentative skills as well as general awareness and stimulate discussion.

Anhad Session 4

Having completed three successful sessions, the fourth session of Anhad was conducted on the 10th of March 2018. The topic of the discussion was '**Because, you are a Woman**'. This session saw the largest number of participants so far. The topic was selected keeping in mind the recent women oriented movements on the social media like '#Me Too' and the 'Time's Up' which opened the dialogue regarding sexual harassment and sexism.

The session kick-started with one of the most debatable topics of 'consent' and 'acts that constitute sexual harassment'. To identify whether any kind of sexual assault has taken place it needs to be proved that the woman did not 'consent' to the act of the wrongdoer. The act may be verbal, physical or even gestural which makes a woman uncomfortable. Various perspectives about 'consent' were discussed. It was pointed out that 'consent' can be conveyed by a woman through her body language based upon the degree of relationship she has with the concerned person. This also brought into question whether a wife's consent holds as much importance and whether its absence constitutes marital rape? During the discussion, need was felt for a separate legislation or provision for marital rape.

The participants also discussed the Supreme Court's inability to identify implicit dissent. Two cases which were cited were the Mohammed Farooqi case and the Mathura rape case where it was established that a feeble 'no' amounts to a 'yes'. This revealed the confusion that the system has with respect to the concept of consent. Problems of child sexual abuse were also discussed,



Inset Picture: Participants of Anhad Session 4 pose for the camera.

wherein, the children do not open up about what they had been through because often it was a family member who turns out to be the offender. The importance of imparting sex education came up as one of the ways to tackle this problem. Participants also shared their personal experience where they witnessed women being harassed on the city streets. This brought up the question of the safety of the people who live on the streets and the procedural difficulty they face in filing an FIR or showing evidence in the court to prove rape.

The participants then moved on to discussing the patriarchal nature of our society that led to an increase in the number of crimes against women. One of the things that patriarchy has established is the concept of gender roles where the women are seen only as a commodity to satisfy the superior gender. Patriarchy is so deep-rooted in the society that we cannot differentiate sexist statements. The ineffectiveness of the 'One Stop Crisis Centre' and other government measures to respond and tackle the problems faced by women was also drawn into the discussion.

This session threw light on the importance of voicing problems which women face and the need for separate and clear-cut unambiguous legislation. The session ended with the participants gaining a whole new perspective relating to the need for creating awareness about crimes being committed against women and also being sensitized to the notion of gender biases and roles.

Anhad Session 5

The 5th session of Anhad was slightly different from the previous sessions. A movie screening was organised. The movie 'Stanford Prison Experiment' was shown followed by a discussion on the aspects highlighted by the movie. The movie is inspired by true events and is based on a psychological study conducted at Stanford University by Philip Zimbardo which aimed at studying the impact of roles on human behaviour. The shock could be gauged by the expressions on the faces of the students as the movie progressed.



Inset: Participants of Anhad session 5 post the screening.

The discussion which followed was based on the instances noticed by participants and their knowledge about psychology. The discussion was mainly about what power does to an individual and how we as humans succumb to the roles given to us as well as the power that comes with it. The participants corroborated their conclusions via the scenes in the movie. The discussion also revolved around an individual's identity and how peer pressure and other influences impact one's identity. One of the participants pointed out that humans as such have no core identity and how we are made up of the roles assigned to us. The session saw participation in huge numbers not only from the students but also the teachers.

The session ended with the students gaining new perspectives into the world of human psychology and realised the power that power has to alter one's personality, behaviour and identity.

Anhad Session 6

Anhad in its endeavour to promote open discussions has constantly strived to achieve its goal. The 6th session was no different but this time it was a reading of 'Premchand ke Phate Joote' – written by the famous Hindi author, Harishankar Parsai. In his essay, the author describes a photograph of another famous Hindi author Munshi Premchand and how his torn shoes in the photograph depict his carefree nature about what the society thinks about him.

The discussion which followed was based on how society expects and in a way dictates our being and controls our behaviour by teaching us not to show our actual feelings and how we are thus conscious and constantly worried about the way people perceive us to be. Then the discussion proceeded to 'principles' and how some people sacrifice their principles in order to 'fit in', and this is done because the person feels that he/she has no other choice. The discussion then progressed to 'English Elitism' and how the excessive usage of English has had a negative impact on the usage of Hindi as a language of communication. To this one participant pointed out that it is dependent on a person's choice on which language to speak in and succumbing to speaking in English is not bad and not against one's principle as one has to be flexible in order to progress. A lot was debated on the topic of principles and how much importance do they hold in one's life which ended with a conclusion that each individual had their own personal opinion about it.



Inset: Asst. Prof. Ravi Saxena along with the participants.

This session was also attended by the faculty who gave their insights on the topics that were being discussed.

Anhad Session 7

This session of Anhad went a step ahead in their endeavour by bringing in, the stage performer, Samar Mehdi. He is an upcoming artist from Bhopal, Madhya Pradesh, known for his melodious voice. He has also made a documentary on the Bhopal Gas tragedy named “**Bhopal Shed-Unsaid**”, highlighting the aftermath of the tragedy and how people did not receive the compensation that was promised by the Government.

The students were given a chance to directly interact with him on questions related to the documentary and get insights into the reality and problems faced by the survivors. He also encouraged the young audience to do their bit to solve issues in the society and raise our voices against injustice.



Inset: Samar Mehdi with the attendees of Anhad session 7

On the students' demand, he performed his famous songs and betrothed the audience with his commendable skills. Thus ending the melody filled 7th session of Anhad.

Guest Sessions at KPMSoL

Guest Lecture by Mr. Mario Sequeira

A guest lecture was organised by Ms. Anu Mishra for the first year students. The lecture was conducted by Mr. Mario Sequeira on the 14th of April. Mr. Sequeira is a Senior Manager – Legal at Reliance. He covered the topic of Special Relief Act.

Mr. Mario started the lecture by covering the basic concepts of Contracts. He started the topic by giving the students a situational question. The students were split into teams of 2 and had to defend their own side. The students understood the importance of quantifying the damages and also understood how difficult it is to do so practically. This is how he introduced the students to the provisions of Special Relief Act.

The lecture was very interactive and the students found it easy to understand the concepts.

Guest Lecture – Right of Self Defence

A guest lecture was organised by Ms. Afrin Khan and Ms. Nazima Munshi for the first year students in Juhu Jagruti Hall on the 24th of March, 2018. The guest speaker was Ms. Yasmin Katpitia, Assistant Public Prosecutor. The topic for the session was 'Right of Self Defence'.

The lecture started with Ms. Katpitia explaining to the students all relevant sections of private defence in the Indian Penal Code. She dealt with each section separately. Along with explaining the sections she also included examples from her experience as a public prosecutor. These examples made the topic easy for the students to understand. Ms. Katpitia also asked situational questions to the students to make the concept clearer.

The session ended with Asst. Prof. Afrin Khan presenting a bouquet and a token of appreciation to Ms. Yasmin.

Overall the guest lecture was an interactive session with the students learning not only about the laws but also about the practical aspects of private defence.

Guest Lecture on Global Supply Chains by C. Veeramani

A guest lecture was organised for the students of second-year B.A., LL.B. (Hons.) by asst. Prof. Mitali Gupta on the 31st March, 2018. The guest speaker C. Veeramani, Professor, Indira Gandhi Institute of Development Research (IGIDR), Mumbai, who spoke on the topic of "Global Supply Chains".

The guest speaker firstly, helped students understand the importance of studying Economics for a law student. He explained how the economic progress and development of countries rely on sound laws and policies which are framed by those closely working with the law. He provided various interesting examples of how different policies like stringent labour laws, land acquisition policies, industrial licensing policies, and international policies on aids and tariffs, inter alia, affect the economic progress of a country.

The speaker then proceeded to the topic of global supply chains. As the speaker moved on to the details of this topic, he informed the students how economic data is misrepresented during election campaigns and political propaganda to mislead the people. He then explained how economic estimates are computed in determining the global trade of a country. He distinguished between the computation of trade data based on gross value of the exported products and the computation based on value added to the exported products and further highlighted how data figures tend to get inflated using the gross computation method. He illustrated the case study of Apple iPods to facilitate the better understanding of the students.

The speaker also spoke about immigration and trade in the labour market. He explained the concept of marginal productivity of workers and the application of the concept to wage rate determination.

This enriching lecture was followed by an interactive session where Prof. Veeramani answered the queries raised by students and also acquainted them with some online tools which can help the students advance their interest in international trade. The students were left better informed about the dynamics of international trade after this lecture.

Guest Lecture on Game Theory by Dr. Suresh Sapkal

Dr. Rahul S. Sapkal, Assistant Professor (Economics), MNLU Mumbai delivered a two-day guest lecture on 'Game Theory and Its Application to Laws' on 9th and 11th April 2018, for students of second-year B.A., LL.B. (Hons.). Dr. Sapkal introduced the basic concepts of game theory to the students and explained how Game Theory can be

employed to solve legal disputes. He trained the students to solve sums based on Game Theory by playing multiple games in his lectures. The students thoroughly enjoyed the sessions as they explored the technicalities of this theory and linked it to their quest for innovative solutions to legal problems.

Guest Lecture on Sexual Offences against Women by Adv. Usha A.

A guest lecture was organized for the students of Second Year on the 14th April 2018. The guest speaker Adv. Usha A. who is a practicing advocate at the Bombay High court spoke on the topic of Sexual offences which covered an integral part of the syllabus.

The lecturer covered various sexual offences against women and explained the essential ingredients by discussing various case laws. While explaining the offences the lecturer also explained the amendments that took place and the reasoning behind the words that were added and elaborated through those amendments. She engaged the students by asking them questions and discussing landmark judgments. The lecturer also mentioned her practical experience which added to the student's understanding greatly.

The lecture concluded with the students gaining vast knowledge about the laws as well as the practicality of these laws.

Guest Lecture on Culpable Homicide and Murder by Mr. Shrikant Aithal

Adv. Shrikant Aithal, who is a practicing advocate, took a guest lecture on the 7th of April 2018 for the second-years and covered the topics of Culpable Homicide and Murder. While explaining the essential ingredients that both the offences constitute the lecturer also highlighted the difference between the two offences. The lecturer gave examples and the cases he encountered while practicing. He conducted the lecture in such a way that all the students had fun as well as gained a lot from his experiences. The lecturer's immense amount of knowledge and experience benefitted the students.

The session ended with Prof. Afrin Khan's vote of thanks while the students cheered for Shrikant sir.

Guest Lecture by Harshul Shah on Structure of Agreements & Commercial Contracts

A guest lecture was organized for the Second Year on 21st March, 2018 by Prof. Mehek Kapoor. The guest speaker Adv. Harshul Shah, Advocate, Solicitor & Insolvency Professional at Corporate Legal Practice delivered a lecture on Structure of Agreements and Commercial Contracts. Using a Non-Disclosure Agreement as an example he explained various clauses that form a contract. He explained the meaning of each term which was new to the students and tried his level best to make each term familiar to them. At the end of the guest lecture, the lecturer also gave important tips to the students about how to study and how much to study. He shared his own experience and method that he used while preparing for an exam as a student. The lecturer made the session interactive and ensured that each student gained something from it.

Workshop on Corporate Drafting and Conveyancing

The Workshop on Corporate Drafting and Conveyancing was conducted on 21st April, 2018 at Mithibai Seminar Hall. The workshop was conducted in two sessions focussing on Corporate Drafting and Conveyancing.

The workshop had been conducted as a clinical aspect of the course of Drafting, Pleading and Conveyancing for the Third year students. In the first session, which was taken up by Mr. Pratika Shankar, Associate, Talwar Thakore and Associates, focused on structuring investments. It further highlighted various documents related to corporate authorisations and processes required for investments. It highlighted defining agreements such as Pre, Post and Hybrid agreements.

The second session was taken up by Ms. Rupal Shah, Senior Executive, Clear Trip Pvt. Limited. The session highlighted various aspects of conveyancing including an in-depth analysis of LLP, Partnership Deed and Leave and License Agreements.



Guest Lecture by Mr. Shrikant Aithal

A guest lecture was organized by Asst. Prof. Afrin Khan and Asst. Prof. Munshi on the 31st of March for the first year students. The lecture was conducted by Mr. Shrikant Aithal, who is also a practicing advocate. He spoke on the topic of culpable homicide and murder which forms an important part of the Indian Penal Code.

Prof. Aithal started the lecture by explaining the thin line of difference between the two concepts by giving various examples and situation and he then moved on to explaining its applicability in the courts. The session was interactive and situational based, which helped the students understand this important grey area of the Indian Penal Code. Prof. Aithal also brought in his personal experience to help the students understand the concept more effectively.

The session ended with the students understanding the difference between the two concepts.

Guest Lecture on 'Intercity Organ Transplantation Process' by Mr. Sanjay Dubey

A guest lecture was held for the students of Kirit P. Mehta School of Law at the Mukesh Patel Auditorium, NMIMS on the 12th of March, 2018, on "Intercity Organ Transplantation Process". The Keynote speaker was Mr. Sanjay Dubey, IAS officer, 1993 batch, presently serving as Commissioner – Indore Division, who is the founder of 'Indore Society for Organ Donation'. An alumnus of IIT Delhi, Mr. Dubey is also the recipient of The Prime Minister's Excellence Award and The President's Award for his services towards the mentally challenged children.

The 'Indore Society for Organ Donation' is a society founded for the sole purpose of facilitating organ donations to the persons suffering from organ failure and are in need of organ transplant. Mr. Dubey began the lecture by sharing clippings of success stories of organ transplants. He went on to explain, in detail, the challenges faced, right from the time the organ is available from the donor who has succumbed to Brain Stem Death (BSD) to the time it reaches the recipient. He elucidated how the intervening problems are resolved and lives are saved every day.

He spoke about the situation in India, wherein every 17 minutes someone dies waiting for a transplant and every 13 minutes someone is added to the waiting list. He expressed his concern over the lack of organs for transplant, wherein only 5000 organs are available against a demand of 2,00,000. It has been observed that most of

the organ donations are from the western and southern parts of India.

Mr. Dubey then explained the process of donation of organs and how we too can contribute to saving lives. The organs can be donated after a person's death or even when he/she is alive. The most commonly donated organs are the kidneys, heart, lungs, liver, pancreas, eyes and the skin. Although, after the death of a person it is only under specific conditions like cardiac arrest, or brain death that the organs can be donated.

The members of the organization also deliver lectures in various institutions to create awareness about organ donation. Provision of a web-link makes it easier for the family members to register as donors, obtain death certificates and complete the legal procedure. These efforts have resulted in an increase in the number of donations per annum. With simplifications of the legal procedures, formalities related to the organ donations have been eased to a great extent.

The lecture ended with a question-answer session. Mr. Sanjay Dubey was very enthusiastic in answering the questions posed by the students and faculty. Overall it was an informative session that not only brought about awareness of the procedures involved in organ transplant but also sensitized the students about the legal issues involved in organ transplants.



Inset: Mr. Sanjay Dubey interacting with members of Team SOLink

In Conversation with Mr. Sanjay Dubey

Interviewer: What would be your message to IAS aspirants, especially to the many law students who want to join the civil services?

This is the only service in the whole world which gives you an opportunity to serve the people and at the same time gives an opportunity to do whatever you like best. You have liberty, you are doing multiple jobs at a time and you can always specialize in one particular field but you can always continue to work in various fields. I am a post graduate engineer, but I have been able to do something in organ donation which is not directly related to engineering. This is a service whereby you are making a positive impact into the life of an individual on a day to day basis. Once in a while, in other jobs you will probably get an opportunity of doing that, but as an IAS officer, the day you assume office till the day you retire, you are actually making a difference in the lives of the people. So, according to me this is the best job that one can ever aspire for.

Interviewer: As prospective lawyers, what role can students play in providing assistance to your administrative work?

Law and legal help is getting costlier day by day. You need to make sure that one day you will be in a position to help someone who is not able to afford a lawyer. Appearance fees of a lawyer in a senior court are beyond the reach of common man. The law is only assisting those who have the power and money. Can you do something whereby you will be able to guide somebody who is not having the resources but is fighting for a just cause? So, if you have some mechanism created within you as a body or a community, where you support such persons, give them legal advice, fight for a cause and create a platform whereby their voice is heard, you will be able to serve the society in a good way.

- Interviewed by

Akanksha Akella & Mohak Vinay Asrani
Members, Team SOLink

Placement Committee Report

The Placement Committee of Kirit P. Mehta School of Law under the guidance of the placement coordinators, Ms. Chetna Lal and Mr. Ajay Singh arranged two sessions of Mock Interviews for 4th Year LL.B. students on 24th March 2018 & 7th April 2018 and for 3rd Year LL.B. students on 31st March 2018 & 14th April 2018.

The students were interviewed by Panelist from renowned Law Firms and Companies. The mock-interviews helped the students get a foretaste of the 'soon to arrive' future

challenges and helped them assess themselves in the light of their performance at the Mock interviews. The interview panelist provided the students with personalized feedback which was beneficial to the students to enable them work on their individual presentation skills and profile.

These interview sessions also helped students to utilize and advance their networking skills to build contacts.

The session wise list of Panelist are as follows:

Panelist for the 4th year students

Name	Designation & Company/ Firm
Ms. Priti Sinha	HR – Manager, Saint Gobain
Mr. Vaibhav Ganjiwale	Legal, Cyril Amarchand Mangaldas & Co.
Mr. Harsimran Singh	Soft Skill Trainer & HR Consultant
Mr. Vikram Kamath	Legal, Kochhar & Co.
Ms. Annette Anthony	HR – Manager, Standard Chartered Bank
Mr. Dwij Mahimtura	Legal, Edelwiess Finance
Mr. Ranjeet Dharmadhikari	Practicing Lawyer.
Mr. Zeeshan Khan	Legal Expert, DSK Legal
Ms. Rinky Deb	Legal Expert, India Law
Mr. Pritish Sahoo	Legal Expert, Shemaroo Entertainment Ltd.
Ms. Mariam Zaidi	HR-Manager & Legal Expert, VoxLaw

Panelist for the 3rd year students

Name	Designation & Company/ Firm
Mr. Nagendra Dronamraju	Ernst & Young
Ms. Madhavi Rai	Godrej & Boyce
Ms. Geetika Gupta	Soft Skill Trainer & HR Consultant
Mr. Rohith Valasapalli	HR, Abbott Healthcare Pvt. Ltd.
Ms. Riddhi Shah	HR, Indiabulls
Mr. Siva Vutukuri	HR, Reliance Jio

In addition to the mock interview the Placement cell also conducted Guest Lectures in the month of March 2018, which provided the students of KPM SOL with wide exposure to the current developments and trends in the legal field.

Guest Speakers

Name	Designation & Company/Firm
Mr. Jay Gandhi	Senior Partner, Shardul Amarchand Mangaldas & Co.
Mr. Amber Gupta	Legal Head & C.S., Aditya Birla Sun Life Insurance
Ms. Sharmil Bhushan	Head of Legal & Compliance, Essel Group
Ms. Kruti Desai	Senior Partner, ALMT Legal

Placement Committee: Interview with Panelists

- Interviewed by:
Team SOLink

Interviewer: How different is the work in a legal department of a company as compared to a law firm?

Mr. Jay Gandhi: The role and purpose of the legal department of a company and that of a law firm are distinct and differ in certain fundamental aspects. The legal department of the company, being an internal department, operates within the overall parameters of the business needs of the company and the advice provided by the legal department is more specific, keeping in mind the particular impact on various internal and external stakeholders. A law firm is, at the end of the day, an external consultant to the company. Companies and their legal departments approach law firms for expert advice on various aspects of law, particularly where the interpretation of law is nuanced, or for the prevailing market practice. While law firms do tailor their advice based on the facts presented by the company, such advice would relatively still be the theoretical response on the point, and it is the internal legal team that will implement and interpret the same on differing factual patterns.

Ms. Priti Sinha: See, if you talk about a Corporate or a Law Firm, in a Law Firm you may end up getting into litigation. Whereas, in a corporate firm, of course, you may have to handle litigation, but the quantum may vary from one company to another. So, I feel it depends on the interest of the individual or the student, as to where he/she wants to work. In Corporate Firms, I have seen that the legal department is pulled into other departments also, like drafting contracts, apart from litigation. In a corporate, the working hours are restricted as you have other working departments as well. So, whatever policies govern the other departments, same apply to the legal department. In a law firm, the fabric of the policy may be a little different. Also, the size of the entity plays an important role in the policies applied. That, according to me, is the difference I see between a Law firm and a Corporate.

Ms. Mariam Zaidi: working in a corporate law firm, the interns are exposed to a lot of journals on corporate law. In a law firm you go to meetings, you meet the clients and you get more exposure to that kind of work, whereas, when you work in a company you are focused on the legal work of the in-house departments, company's business, and all in-house issues. So, I would suggest, when you go for placements one should opt for this in the beginning because you need to learn. You should go for a corporate law firm because the experience and exposure there is more.

Ms. Sharmil Bhushan: The main difference is the 'mind

set'. In a law firm, a person working in legal team works for revenue-generation i.e. business, whereas person working in a legal department of a company is for support purpose. Basically, the work for both is same. In a company, there are certain functions which are not core in nature but are present for support like HR, accounts, legal etc. They all are support systems and are present only to support. In a law firm, the business is only law. It's a core asset in one and support asset in other. That's the main difference. Work in a law firm is very challenging; they make you work for 12-13 hours. Expect you to be well updated with all regulations and be able to communicate with clients because you are doing business. In legal departments, you are supporting the business, you ensure that the business runs well without any flaws.

Interviewer: What are the skills that law firms/corporates look for while selecting interns?

Ms. Priti Sinha: As such, there is no difference in the skills required in a law firm or in a corporate. Basically, for an intern, the attitude plays an important role. Attitude, plus how much is the hunger to learn and get your fundamentals right, that becomes more important. One may get an exposure in both the entities, but it all depends on how much the person is wanting to go into the depth of any assignment/project that is given to them. What typically happens with any entity when an opportunity comes is maybe the work is not ready for a person, so the person should have patience and go deep into it and learn from it. So, what I think is, internship should be a base for learning, to help get into a Law Firm or a Corporate. The attitude of the interns, their flexibility and willingness to delve into the work assignments that are given to them are the skills that every intern should possess.

Ms. Mariam Zaidi: So, basically it is the motivation that we look at. When you are interning, it is obvious that you are not that refined or not aware of the acts or the rules or the regulations, you are just assigned work and expected to do it on time. The work assigned to an intern is majorly researching. So, it all narrows down to the willingness to learn, the dedication and motivation with which you work. Not working whole-heartedly or just for the sake of an internship certificate will take you nowhere.

Ms. Sharmil Bhushan: As a strategic profile and what is the environment with the legal profile is that one needs to have a very good command of the subject matter. Though personality aspects are important, wherever you work it is very important what is your understanding of the subject matter; also interpretation of the law, what the law says.

For an internship, if any organisation wants to hire any intern, he/she will definitely have ample opportunity to learn new things, but going into the depth and having a correct interpretation about what the law says, why the decision was taken, what were the grounds considered to understand particular section, what were previous legal decisions taken by the Supreme Court are important. So, as an intern, you should have a complete understanding of your subject matter. Plus, your passion, your research is very important. Research, study, keeping yourself up to date, up to mark with market regulations is again what we look for. Even when you'll go for an interview when later you will study criminal law and civil law everything gets covered, but one should keep himself updated with all the latest judgments. This will help to know the practical aspect as well, rather than all bookish knowledge.

Interviewer: India has long shed its title of "License Raj" but how difficult is it to fructify a Joint Venture? Especially when dealing with compliance set for a foreign country?

Ms. Mariam Zaidi: When a foreign entity enters, FEMA comes into the picture. FEMA will be applicable here, this act specifies a lot of rules and regulations which come into play. So, when you see it from a legal perspective, every company, whether it is a domestic or a foreign-based company, entering India would have to adhere to FEMA and SEBI requirements would also have to be compiled to, in addition to these are the Companies Act and many such requirements.

Ms. Sharmil Bhushan: See, the joint ventures is not hard, it is a true family integration, it is two cultures coming in and if there is the same motive, that is the integration of thought processes. Licenses are regulations to protect the interest of both domestic and foreign company but primarily, for a good joint venture, what we need is likeminded people, same objective and flexibility to integrate because our Indian set up works little differently as compared to foreign setup, so policies and ethics are need to be integrated. I would not say it is tough but it depends on how difficult it is for the entities to integrate.

Interviewer: The concept of 'two-tier arbitration', in case of dissatisfaction with the first one has clearly been a bone of contention. What are your views on the SC's latest decision of allowing the same?

Ms. Mariam: See, the Supreme Court is the binding authority. Arbitration is gradually being taken over by IBC. Having a banking background, many cases related to IBC have come to our doorstep and arbitration is now fading away. So eventually, it is going to die off. The arbitration clauses nowadays, are present in every agreement eventually leading to IBC. So If the SC says so then we must abide by it.

Career Check: Interview with Mr. Jay Gandhi

Interviewer: What kind of CV will you give preference to for an intern?

As an intern, while having work experience on your CV is an added benefit, the thrust of the review of the CV is not on your work experience but your overall academic performance. However, in addition to academics, an attractive CV should also include involvement in extra-curricular and co-curricular activities, which reflect a well-rounded personality.

Interviewer: A student with a CS degree along with law degree and a student with just a law degree. What is the advantage that a CS student will get? Is there any advantage?

Yes. The advantage of taking any of the professional courses, not just CS, but ICWA and CA as well, is that, due to their rigorous syllabus, they generally provide you with an edge with respect to your understanding of the Companies Act, Accounts, Finance and Tax. Further, the grind of passing the examinations to obtain the degree, which is to my mind, far more than that in case of a law degree, reflects on the personality. It makes you more hardworking, focused and improves your ability to concentrate for extended periods of time. However, these traits are not such that they cannot be achieved by others and most associates who join law firms from colleges generally do not have these degrees. Therefore, while these degrees are good to have and compliment the law degree, not having them will not put the associate at a considerable disadvantage in the long run. At the end of the day, it is the ability to interpret the law and apply it to different factual situations that distinguishes one practising lawyer from another, and after a few years your background ceases to matter.


– Mr. Jay Gandhi is a Senior Partner at Shardul
Amarchand Mangaldas & Co.



SCROLL OF HONOUR



Sharodiya Chowdhury [B.A.,LL.B (Hons.), 3rd Year] and Rhea Ghansani [B.B.A.,LL.B (Hons.), 4th Year] as the speakers, and Aakanksha Shanghavi [B.B.A.,LL.B (Hons.), 4th Year] as the researcher bagged the title of the winning team at Lex Fortissimus, the 5th National Moot Court Competition hosted by Bangalore Institute of Legal Studies, which was held from 23rd March to 25th March 2018. The team stood first amongst the 30 teams that participated from all over the country. The moot problem was on the subject 'Making Polygamy unconstitutional under Muslim Personal Law with reference to Fundamental Rights under the Constitution of India'.





SCROLL OF HONOUR



Deshna Goleccha [B.B.A., LL.B (Hons.), 4th Year] and Arlyn George [B.B.A., LL.B (Hons.), 4th Year] secured the second position in the 7th PGCL Legislative Drafting Competition 2018, in which the participants were required to draft a bill on 'Regulating Legal Profession'.






SCROLL OF HONOUR



Samyak Surana [B.B.A.,LL.B (Hons.), 4th Year] and Deshna Golechha [B.B.A.,LL.B (Hons.), 4th Year] took part in the 3rd SPIL Judgement Deliberation Competition 2017, in which the participants were asked to deliver a judgement, as the Supreme Court of India, in relation to the Rohingya crisis. The pair drew positive attention from the judges with their performance as they qualified for the semi-finals. A proud moment indeed!





SCROLL OF HONOUR

At the Moot Court Competition organised by the Al Ameen College of Law in Bangalore, SOLites Rutvi Doshi [B.B.A.,LL.B (Hons.), 2nd Year], Pankhuri Gour [B.A.,LL.B (Hons.), 3rd Year] and Shivani Mishra [B.A.,LL.B (Hons.), 3rd Year] represented our college and made a mark by qualifying for the quarterfinals.



SCROLL OF HONOUR



Pankhuri Gour [B.A.,LL.B (Hons.), 3rd Year] participated in the Nagpur MUN 2017 as a delegate of China on the agenda related to the South China Sea dispute in ECOSOC and earned herself a 'Special Mention'.





SCROLL OF HONOUR



**Asst. Prof. Deepika Chhangani and Riddhika Dumane
[B.A.,LL.B (Hons.), 1st Year] presented a paper at the PGCL
Entertainment Law Conference held on April 12, 2018.**





SCROLL OF HONOUR



Deshna Golechha, Nandini Chawhan and, Aditya Jain of 4th Year B.B.A.LL.B participated in the 3rd NJ Yasaswy Constitutional Law Moot Court Competition and tested their mootng skills where the moot problem was related to the recent alcohol ban in Bihar.





SCROLL OF HONOUR



Shristi Agarwal, Aman Lohia and Nipoon Jain of 3rd Year B.B.A.LL.B too taxed themselves with their enthusiastic participation in the 45th Sir Jamshedji Kanga and Dr. Y. P. Trivedi National Tax Moot Court Competition organised by Government Law College, Mumbai.





SCROLL OF HONOUR



Kirit P. Mehta School of Law, NMIMS was represented in full force at the 6th Justice Tarkunde Debate. First Year students Bhumica Veera, Sumana Roychowdhury and Teja Vardhan Bikkasani participated in the debate, which was organised by ILS Pune.





SCROLL OF HONOUR

Bhumica Veera [B.A.,LL.B (Hons.), 1st Year] and Vaishnavi Vyas[B.A.,LL.B (Hons.), 2nd Year] represented KPMSOL at the GLC British Parliamentary Debate 2018. Ishanvi Mishra [B.A.,LL.B (Hons.), 2nd Year] and Bhoomi Shah [B.A.,LL.B (Hons.), 2nd Year] were the proud quarterfinalists of KPMSOL at this debate.





A Monsoon Verdict of the Supreme Court on the Delhi Power Struggle!



– **Sunil George**
[Assistant Professor (Law),
NMIMS Kirit P Mehta
School of Law]

Delhiites were blessed with unbelievable two strokes of luck on Wednesday, the 04th of July 2018. The first one came in the form of some wet spell of south west monsoon which brought temporary respite from the otherwise scorching heat by easing the temperature. However, the second, more permanent one, came in the form of the verdict of the five judge constitution bench of the Supreme Court in the uphill battle for one-upmanship between the elected Chief Minister and the President-appointed Lieutenant Governor which not only helped in soothing the political temperature of the national capital but also blew some cool rational wind on both of their otherwise sweating faces.

In a major boost to the people of Delhi, the Supreme Court cleared all the dark clouds that loomed over the administration of Delhi and at the end of the rainbow emerged with clarity on the scope of the powers of each of these constitutional posts. Some parts of the judgment like that of the Lieutenant Governor of Delhi not having independent decision-making powers and being bound to act on the aid and advice of the Council of Ministers as well as the clarification that he cannot play the role of an obstructionist were music to the ears of the incumbent Chief Minister and were received with speed of a lightning. However, the Chief Minister seemed to turn a deaf ear to the roar of the thunder which followed when the 535 page judgment among other things also laid emphasis on the need for a harmonious relation between the Lieutenant Governor and the Chief Minister and the candid observation that “there is no room for absolutism and anarchism”- a veiled reference to the activist Chief Minister's style of functioning.

According to the Chief Minister, full statehood was the only solution to resolve problems of Delhi and he contends, “If Delhi is granted full statehood, we can guarantee a house to every resident and jobs to at least 80 per cent of them”. His argument that Indian Constitution envisages a federal structure and proclaims India to be a union of states is far stretched because in the year 1991 what Delhi was granted was partial statehood and not full statehood. On the flip side, what the Chief Minister often forgets is that Delhi is the capital of India and belongs to the whole of India in as much as it belongs to Delhiites. Apart from having its

unique security and administrative problems, what makes Delhi different is the presence of all important constitutional power centres right from the office of the President, the Parliament, the Supreme Court of India, the office of the Prime Minister and the Leader of opposition, cabinet ministers, important national leaders in addition to the foreign embassies, consulates and diplomats of various countries of the world. He also has to be reasonable and cannot turn a blind eye to the fact that any local decision taken by the incumbent government could have far reaching national ramifications.

I am sure that Delhiites can now hope the sun to shine brightly with the apex court without mincing words in its judgment aborting the tussle and clearly laying down the scope of jurisdiction of both the Delhi government and that of the Lieutenant Governor. Though the performance of the incumbent government in improving the education system is remarkable and which indeed has set a new benchmark for other governments in India to replicate, the stinking fact is that it has done precious little on other fronts in the past 3.5 years. The unanswered question remains as to whether the Chief Minister's big ticket schemes of proving good roads, two lakh public toilets, ten thousand DTC buses, mohalla clinics, free Wi-Fi throughout the length and breadth of Delhi and controlling the menace of pollution have really evaporated in the heat created in the avoidable tussle with the Lieutenant Governor. And therefore the Chief Minister will really have no fig leaf to hide behind to cover up for his inability, inexperience and for the undelivered promises made to the people of Delhi. The biggest irony however is that the Chief Minister for whom crying the 'victim card' has become a habit would be able to neither appreciate the warmth of the sun nor the petrichor which the monsoon verdict brought with it.

Understanding a Teacher-Student Love Relationship



– **Rakesh Nambiar**
[Assistant Professor (English),
NMIMS Kirit P Mehta
School of Law]

A student-teacher relationship is as old as civilization, and is strictly based on hierarchy, i.e. of the learner and the learned. In modern times, this relationship has received much academic attention. The element of love in a teacher-student relationship can be characterised as paternal or platonic; and at times this relationship can be casual and friendly, which is the flavour of teaching in today's times.

This piece is a response to the case in Patna where a Hindi Professor- Mr. MatukNath Chaudhury of B.N. College

started a relationship with a student. Intriguingly, some argued on “privacy” principle to excuse the Professor's relationship with the girl-student. The general issues may involve whether the girl was his Patna University student, and whether they shared intimate sexual relationship with each other. Let us assume as a hypothetical assumption, that the answer to the above is affirmative, then, should it be considered illegal or immoral or both? Let me elaborate on three reasons that are generally prevalent in society opposing such relationships:

First, the unequal hierarchy derived out of **moral and intellectual superiority**. In most cultures, a teacher assumes or is accorded a superior pedestal against a student, for teaching the right values, apart from the training the student is expected to receive. This relationship is of two types: monetary and non-monetary. The monetary relationship is fiduciary in nature and therefore as a beneficiary, the student expects quality service in exchange for money. While non-monetary is complex, it used to be practiced in ancient India, where the student is under intense moral debt or servitude of the guru. Interestingly, in both the relationships, there are traces of moral debt in variable quantities and therefore, a teacher wields more power over the student. Sagacity demands that a wielder of power should assume responsibility for the outcome of the power being wielded. A teacher is expected to thwart any thought from the self or the student by defining in clear terms the nature of the relationship.

Second, the nature of **power relations** between them. Power is manifested visibly and invisibly in a hierarchy which creates a superior-inferior relationship. A superior can easily compel the subordinate or inferior to surrender a strong part of the individuality, i.e. the mental or emotional state or capacity, and overpower the young mind for imparting knowledge. This subjugation (of the subordinate by the superior) is permitted even today by all societies because it involves a wise teacher who understands the moral limits of power. The subordinate or inferior is very vulnerable during the teaching period as a surrendered mind is easily moved to persuasion. This mental colonisation creates an attraction towards the teacher, as it overpowers the cognitive rational process of the student. Hence, a teacher should understand that involving in a sexual relationship with the student means exploiting the student's vulnerability, while on the other hand, a student's sexual attraction towards the teacher is a misidentification of admiration with libidinal cathexis.

Third, the **holy nature** of a teacher-student relationship. When we attribute an individual as a guru (in India), we accord a holy position which automatically assumes the role of an opinion leader and wields power disproportionately, akin to a parental relationship. Hence a teacher, by virtue of the moral or intellectual quality, assumes the capacity to govern and condition the life of a student. If one violates this relationship, then it is akin to

incest. We all are aware of Chanakya's famous argumentation with Chandragupta's mother; being a guru, he argued that the child taken in his mental womb (Hiranyagarbha) is far superior to her biological one. A guru comes just one stage below God and much above parents, which automatically implies that the nobility of this profession has a divine sanction. Violating or even thinking to violate this relationship is not only forbidden but sinful.

Strangely, it is also noted that when a teacher is a woman and a student is a boy, society fails to strongly condemn it, as opposed to the clamour of sexual harassment when it is between a male teacher and a girl-student. While society brings biological competency, i.e. a boy is less vulnerable than a girl, it is actually the vulnerability that needs to receive the central focus and not their biological competency. They both may be affected by varying degrees of vulnerability, however, the punishment for exploiting someone's vulnerability should be exemplary.

What if it is based on consent?

We generally assume a relationship consensual when both parties reasonably display maturity, through independence of thought, devoid of any coercion or vulnerability. This logic is equally applicable for minors who are considered incapable of fully exercising choices or giving consent to something or someone, till they reach a certain age or experience. A student's choice to enter into such a relationship, therefore, is not based on informed consent.

What if the student is from another institution?

Generally, a teacher is considered to be an individual responsible for shouldering the integrity of service which is not confined to his institution. Professionals like doctors, lawyers, psychiatrists, etc. to name a few, shoulder similar responsibilities that extend beyond the institution or company they serve. Additionally, in society, they enjoy a respectable standing, based on their profession, and also based on people's expectation of probity in their life. Hence, these professionals must continue to maintain their professional distance with their service beneficiaries.

Conclusion

All the above points imply that a teacher is the ambassador of a value-based profession and must not involve into any relationship which exploits the vulnerability of the student. Prof. Chaudhury seems to have conveniently walked over his professional responsibility to publicly admit his love for the student, which as per our hypothetical assumption is immoral. Though the law took its course and reinstated his service, the profession took a dent. In short, a noble profession is not noble because it is ordained of nobility since ancient times, but due to those who consistently stood the test of acute sagacity and probity in life and profession. Once a teacher takes a student in the Hiranyagarbha, then the relationship is for life.

Farmers, Economy and Democratic Framework in India



– **Ravi Saxena**
[Assistant Professor
(Political Science),
NMIMS Kirit P Mehta
School of Law]

In India, farmers contribute 17-18 percent of the Gross Development Product (GDP), as per latest Economic Survey 2018. Farmers and agricultural labourers form almost 60 percent of the population, and out of that 80 percent are rural farmers. Between 1950 and 2015 we could see a 7.5 percentage rise in agricultural output. The rise in agricultural workforce could see a 2.5 percentage rise during 1950-2015. As per the National Crime Records Bureau of India, total cases of farmers' suicide were 3,095 and 1,163 in 2015 and 2014 respectively. NCBU India does not have records for 2016 and 2017. An English daily reports 430 cases of farmers' suicide in Punjab. On May 18, 2017, total 852 cases of farmers' suicide were reported in Maharashtra in four months, during April-June, 2017. As per the NSSO's latest survey, an average farm household in India earns Rs. 6,426 per month. This income also accommodates the agricultural investments like fertilizers, agricultural labour, seeds, irrigation cost, etc. In the recent development in UP last year, government waived off loans of small and marginal farmers worth Rs.7, 371 Crores. Maharashtra followed the process and waived off loans worth 4,000 Crores. Subsequently the governments in Punjab, Orissa and Tamil Nadu, apart from other states also expressed the inclination to waive off farmers' loans in a similar way. It is repeated in India more or less every year in many states, if not all. Is it the right thing to do to pull out farmers from the situation of 'agricultural deficits'? Or do we need to think of investing in agriculture sector like we do in other sectors of our economy? Subsidy should not be a permanent panacea.

With the facts given above, one can easily draw the situation of farmers in India. Still, agriculture is one of the major contributors to India's national income. A majority of Indian population, especially rural population, is

involved in agriculture. Indian democracy cannot dismiss the strength of the rural development. There are certain pertinent questions that we need to ask before jumping to the conclusions over the issue. On what basis the villages and farmers in India are ignored since long? The Pathetic condition of the small and marginal farmers since 1950 indicate largely towards a lack of political will. Gandhi's idea of '*village-swaraj*' is a miss in post-reform Indian economy. Agriculture remained a focus area of public policy during the short reign of Shri Lal Bahadur Shastri (Green Revolution). But it was for a very short period of time. The development of cities is good but it must not result into the exclusion and marginalisation of rural development. Our villages have substantial sources to contribute immensely, provided, that we realise and invest in the idea empirically. The government and not the farmers, fixes the price of crops in India. It is called *Minimum Support Price* (MSP). Surprisingly, a majority of farmers do not get this MSP which entails only minimum profit to live dignified life for a farmer in India. This is the pathetic situation of agriculture that employs the largest share of population. Agricultural cartels prevent farmers from getting their due from the market, and hence, hampers the process of village-swaraj. If considered still as a great source of economic development pragmatically, the same agriculture sector can be a boon to Indian economy. Along with this, the government needs to apply a strong political will to bring changes in agricultural output while helping small and marginal farmers with loans, and technological and governmental aid. Mere creation of institutions will not serve the purpose. There should be an 'impact-analysis' of the policies related to agricultural sector. Until the government persistently does the impact analysis of its policies, there hardly remains a hope for the small and medium landholding farmers to live a dignified life. No idea of inclusive government can be achieved until the government helps farmers to sustain agriculture, rather than waiving off their loans. Without investing in agriculture, we cannot think of ameliorating the living conditions of a majority of farmers in India, and hence, surely would miss to provide the 'conditions' to a majority of Indian populace to live a dignified life, a promise made by Indian democratic and constitutional ethos. If more than one third of Indian population is held up to live a life of destitution, can we justify the working of our economic model? It is time we discuss 'agriculture', unlearn many traditional ways and innovate thinking to make Indian economy 'agriculture-inclusive' and Indian democracy delivering to the lowest common denominator.

VOICE BOX

Failures that have Failed Our Safety



Moksha Kothari

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

India was voted the most unsafe country according to a recent opinion poll conducted by Thomson Reuters. This does not come as a surprise at a time when gruesome rape cases which shake the conscience of the nation have become a common occurrence. The latest of these being the Kathua rape case where an eight-year-old girl was gang-raped for four days.

In this case, an eight-year-old girl belonging to the Bakarwal community of Jammu and Kashmir was held captive by a group of men, who raped her several times before finally killing her on the fourth day. Investigators later found out that the crime was committed in order to keep the minority Muslim community in fear. The case became a highly politicised matter as the group of alleged perpetrators included three policemen and the motive behind committing the crime was religious. This was the reason it was kept under wraps for a very long time but created an outrage once it came out in the public domain. This pattern is followed in every kind of violence against women. Surprisingly, the outrage is created, not only for the victim but also the accused. In this case as well, a group of lawyers protested against the arrest of the accused. The barbarity of the crime shook the country and nation-wide protests were held demanding justice for the young child. The question we need to ask ourselves here is where is an end to this. And what is the result of the outrage? Do we need another set of laws akin to those laws which are unsuccessful in putting those responsible for the atrocities behind bars?

After the Nirbhaya Case in 2012, the government in 2013 introduced the Nirbhaya Fund, out of which the One- Stop Rape Centres were created regarding the treatment of rape victims. These centres were supposed to help the victims get access to medical, legal as well as psychological help at one centre itself. Various investigations have shown that these centres have failed miserably. Similarly, after the Asifa rape case, the Law Commission came up with amendments to the child rape laws. How accessible are these laws going to be? Will they be able to curb further crimes of such barbarity? These are only questions we can pose constantly to a stony wall of silence, with no justice to the victims.

VOICE BOX

No More Nirbhaya



Saloni Khandelwal

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

Lately, there have been several things written about the Asifa Rape Case, from all around the country about an eight-year old getting brutally raped and murdered by men of legal learning and perhaps of religious "enlightenment". This time however, I shared none of these posts, I joined none of these protests, I refrained from using any of these hashtags anymore. Why? Because I have learnt from my mistake. Not many years ago, we had another "daughter of our country" brutally raped and murdered- named by the media as "Nirbhaya". From our human existence till Nirbhaya and from Nirbhaya to Asifa, there have been hundreds of thousands of women being subjected to this brutality. I fail to understand how once in a few years, the country wakes up to this alarm of "humanity" and "justice". It is horrifying to see how every time that we hope for a change, the alarm goes off and people put it on snooze again; resuming their routine life. The question is not why we snooze it, but why do we even need an alarm? Has our consciousness submerged so deep inside that we need reminders to be human sometimes?

We're blaming the government for not speaking up against the rape and taking action against the accused. It is not the law enforcement agencies or the government that has failed. We have failed- as a society, as a country and as humans. We have normalized rapes- we've successfully made women the reason for their own rapes by allowing a woman to be judged by the length of her clothes to the depth of her character. We've provided these monsters with a justification every time. It's either revenge, vengeance, hatred, politics or "provocation" by the victim herself.

This makes me question whether the Indian society was so better previously than it is now. If the new laws haven't made any difference, are the solutions of being confined to our homes more efficient? At least we were safe then. By being told to not show our faces to other men, at least our honour was intact. By being covered top to bottom, we were at least not provoking the desire of the uncontrolled men of our society. By marrying out of obligation, at least there was just one man raping us every day till we got used to it and not several men raping and killing.

She was the daughter of our nation. I don't know how many such daughters India would sacrifice to be finally able to protect her. She was named Nirbhaya- she who fears none. Ironically, I, being the not-so-proud daughter of India, am not Nirbhaya. I am scared for my honour, I am scared for my life.

Let us not wait for any more alarms only to snooze them. Let us make ourselves humans again.

#WakeupIndia #NoMoreNirbhaya

VOICE BOX

Being Apolitical In An Increasingly Political India



Vivek Jain

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

Nowadays, it seems every incident taking place in this godforsaken country seems to have a political angle. What's even more mind boggling is that every Tom, Dick and Harry seems to have his/her opinion on politics (Thank you Zuckerberg!). Most ignorant uncles in their mid-40's can be found on your roadside tea stalls dissing everyone who doesn't seem to believe in their ideas. "Modiji has flushed out black money from this country" they

say. They also make it a point to forward Rahul Gandhi (read "Pappu") jokes on every Whatsapp group. (Thank you Jio!) There was a point when I thought of myself as a right winger and I had a teeny man crush on Modiji. I got involved into fiery debates with strangers on policy issues I didn't know two cents about just to prove the other person's ideology wrong.

Nothing has changed since then. My liberal friends hated me then and they hate me even more now. In recent months, I have increasingly become apolitical and do not seem to have an opinion on the current state of politics in our country or broader policy issues. Nowadays, I just feel numb when people talk about politics. I cannot explain this general lack of emotion towards politics except the fact that I have come to a realization that most politicians have an agenda and they have not entered politics because they genuinely want to make a difference. Also, recent sting operation by Cobrapost wherein they exposed major media outlets and their practice of accepting money in return of circulating their clientele's propaganda. All news peddled by these news outlets seems to have a tinge of political propaganda associated with them. Social media has become a new hunting ground of politics and trolls will go to any extent in pushing their propaganda. Misogynist comments by right wing and left wing trolls elucidate the practice of major political parties and their IT cells of targeting who seems to have a different take on things.

People in this country get outraged on anything and everything. Be it a movie (Padmaavat) or a book (Spy Chronicles) or a silly Snapchat video (Tanmay Bhat's mimicking Sachin Tendulkar and Lata Mangeshkar). These surely don't seem to be the bearings of a healthy democracy where criticism is welcomed and there can be a civilized, articulate discussions on vital policy issues. All the politically inclined, be it liberals, right wingers and centrists are to be blamed for this intellectual brain drain that has crippled this country. People have lost the ability to think rationally and build their own informed opinion after reading up on wider policy issues rather than fall prey to more convenient sources of news these days aka Whatsapp forwards. Maybe there's a reason why the concept of Utopia doesn't exist after all.

Recalling the Promise of Security amidst Doubts on Integrity



Clarissa D'Lima

[Editor in-Chief, Team SOLink,
B.A., LL.B (Hons.), Second year]

Justice, described as a tool to ensure the well-being of the citizens, is commonly attributed to be a function of the Judiciary. However, dissecting the various processes through which justice is sought and secured, reveals the intertwined working of a number of institutions that are involved in the process of ensuring justice. The intelligence and investigation agencies which work towards securing the safety of the people play a vital role in the pursuit of justice. For one cannot experience justice when overshadowed by the clouds of insecurity and uncertainty. The independence of an organization plays an important role in determining whether the organization is able to take the decisions for which it has been constituted, in an assertive manner. The ability of an organization to execute its function in an unbiased and expeditious manner is often seen as a reflection of the independence enjoyed by the organisation.

The intelligence and investigation agencies in India are two highly significant agencies that work round the clock to curb and control activities which are detrimental to the sense of security of the people, by diffusing latent threats and preventing ruinous harm to life and property. Intelligence agencies in India are responsible for monitoring and stalling terror activities and other security threats. Investigation agencies, on the other hand, aid in the process of rendering justice by ensuring that no criminal act goes unaccounted for. It is important that the information gathered by intelligence agencies be appropriately coordinated and carefully communicated to prevent the possibility of any kind of instability in the security conditions. External interference in the handling of such sensitive task can lead to a heavy compromise in the preventive actions taken on the basis of the information obtained. Similarly, the efficiency of investigation agencies is pivotal to securing the conviction of offenders and a higher rate of conviction can strengthen the deterrence effect of various laws.

Recalling the Promise

The current party at the center, in its manifesto of 2014, raised concerns regarding the functioning of intelligence and investigation agencies. The manifesto, under the sub-head "*Zero tolerance for Terrorism, Extremism and Crime*" proposed to secure the country's citizens by strengthening internal security through a battery of measures, one of which was to "*insulate intelligence agencies from political intervention and interference*". With regard to its mandate on policing, the party promised to strengthen the process of investigations by making investigations "*swift, transparent, fair, clear and decisive*". These promises were

much awaited after the Supreme Court, through its observation in 2013, while dealing with the Coalgate scam stressed the need for the independent functioning of the CBI. The remarks of the Supreme Court while dealing with major scams of that period, transformed into a presage indicating the doom that a subservient investigation body could bring. The time then was thus apt for a party contemplating nation-wide control to make a promise of providing a "swift" investigation process and independent intelligence bodies.

Promise and Rebound

While not much can be speculated about the confidential working of the intelligence agencies, apart from the accusations levied by regional party leaders on the misuse of intelligence agencies by the Center against its opponents, the reported activities of the CBI can certainly be discussed in light of the above promise. The agency, which was previously forced to eat humble pie on the allegations of downgrading its investigation during the UPA rule while investigating major scams, has recently faced the flack for being used as a political tool to cause trouble to members of the opposition by launching "swift" action against some of the prominent leaders. The credibility of the CBI does not seem to have improved with a change of government and the promise of improvement. The trust of the people on these agencies cannot be linked to the number of seats won by the party coming to power but it can be reinforced by providing a more accountable framework to the conduct and functioning of these agencies. It can well be expected of a party with a sound majority to take a stronger stance on the issue of securing the independent and "decisive" functioning of these agencies, especially when the issue has been duly highlighted as a matter of importance in its election manifesto. Building a consensus to overcome the political disinterest and vested interests that prevent the legislature from enacting safeguards to limit political interference in the functioning of such agencies would be less demanding for a party that has the numbers in its favour.

Performance over Promise

The dip in the rate of conviction in CBI cases has been contrasted with the number of CBI cases against opposition leaders which adds to the people's distrust of the CBI. Perhaps, the credibility of the investigation and intelligence agencies is a matter of lesser concern for political players than the utility of these agencies is to them. Clean chits issued in CBI investigations do not come out any cleaner when these come in favour of any of the political party leaders or their near ones, rather these come out as black spots on the image of the CBI in every case. The pendency of a matter due to the slow pace of investigation is another undesirable characteristic which causes the public confidence in these agencies to waver. The need for investigation agencies to expedite their functioning and carry out timely investigation and prosecution was strongly pointed out by the Supreme Court in the case of *Vineet Narain v. Union of India*(1997), where the Court, in its recommendations emphasized on the need for the CBI to strictly adhere to set time limits to initiate prosecution.

A number of other complex issues surround the integrity of the intelligence and investigation agencies which are time and again brought to public notice by re-appearing controversies. The uncertainties arising out of such controversies can be warded off by insulating these agencies from political interference. In some case, like in that of the CBI, this may require a more exclusive statutory framework to govern the functioning of the organization. Some other organizations, like the intelligence agencies, may require its high officials to constrain themselves to focus on the larger issues of national importance to prevent the organization from becoming a tool in the hands of political powers. Timely assessment of the performance and administration of these agencies by statutory vigilance bodies may also be explored as an option to minimize the scope of meddling by political forces in the working of these organizations. Working out solutions to these issues calls for stronger political will, a will to insulate these agencies and defend the people over the will to be insulated by these agencies and defeat the people.

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Populism At Its Best Or Protection At Last?



Jaidhara Shah

[Senior Editor, Team SOLink, B.A., LL.B (Hons.), Third year]

The Annual Budget is known to cause waves, some which lapse through the months to come while some are soon forgotten. This year, the announcement of the National Health Protection Mission labelled as Ayushman Bharat Yojna is arguably India's largest attempt at providing government-funded, universal health care. With elections around the corner, promises and measures like this one

NEWS SNIPPETS

- **Judges have no discretion to award lesser punishment to murder convict: Supreme Court**

The Supreme Court ruled that as per Section 302 of Indian Penal code, the punishment for murder is death or life imprisonment and any punishment less than life imprisonment is illegal and without the authority of law.

The judgment was delivered by a Bench of Justices RK Agarwal and Abhay Manohar Sapre, who directed that once a murder accused is convicted, trial court judges have no "discretion" to award lesser punishment than the life imprisonment.

- **SC rules interference by Khap Panchayat in marriages as 'absolutely illegal'**

The Supreme Court termed the interference by illegal assemblies like 'khap panchayat' in marriages of two consenting adults as 'absolutely illegal' and laid down guidelines to prevent such intrusions.

The judgement was passed by a three-judge bench comprising Chief Justice Dipak Misra and Justices A M Khanwilkar and D Y Chandrachud. The bench laid down certain punitive and remedial measures to be followed until a suitable legislation is put in place by the Parliament.

have been called 'populist gimmickery'. However, this initiative, with its mission statement has the potential to drastically affect the health care sector.

The scheme has two components attached to it. The first component is the National Health Protection Mission itself wherein the poor are promised a health or medical cover of up to Rs 5 lakh as a family floater plan, with no restrictions on age, number of members, ailments. This is said to cover over 10 crore poor and vulnerable families. This translates into 50 crore beneficiaries for secondary and tertiary care hospitalisation. The premium payable is entirely shouldered by the Government with the Centre to State ratio of payment at 60:40. States would need to have State Health Agency (SHA) to implement the scheme. States will have the option to use an existing Trust / Society / Not for Profit Company/ State Nodal Agency or set up a new Trust / Society / Not for Profit Company/ State Health Agency to implement the scheme and act as SHA.

The second feature of Ayushman Bharat Yojna is creation of 1,50,000 wellness centres across the country aimed at free diagnostic facilities and free essential medication. Sub-centres are the first line of contact of citizens to the public health system in India. Strong primary care is fundamental to keeping overall access to healthcare

equitable and affordable in the country. All the BPL families whose name appears in the Socio-Economic and Caste Census (SECC-2011) data can avail benefits.

A 2011 study conducted at the Indian Institute for Social and Economic Change showed that 21% of the annual income was lost due to ailment, especially among the poor and those with poor amenities, both in urban and rural areas. Thus, ailments which can be cured cause loss of business and earning potential for the poor because of lack of facilities. This is especially true for India where nearly two-thirds of the population is younger than 40, comprising of the present and future work force. It is time we encash this 'demographic dividend' and consider spending on health as investment rather than expenditure, making use of the said economic 'burden' into prosperity.

The move by the Government seems to head in the right direction however, this is not the first attempt to provide cashless, free medical care to a section of the population. The predecessor to the ABY-NHP Mission is the RashtriyaSwasthyaBimaYojna. The beneficiaries under RSBY are entitled to hospitalization coverage up to Rs. 30,000/- per annum on family floater basis, for most of the diseases that require hospitalization. The benefit will be available under the defined diseases in the package list.

The coverage extended to maximum five members of the family which includes the head of household, spouse and up to three dependents while with AB-NHPM, the coverage does not cap the number of beneficiaries. The beneficiaries need to pay only Rs. 30/- as registration fee for a year while Central and State Government pays the premium as per their sharing ratio to the insurer selected by the State Government on the basis of a competitive bidding. RSBY being a centrally sponsored scheme, sharing pattern of the funding between Central Government & State Government is 75:25 respectively. However, the State enforcement mechanism proved to be scattered with the data of only 15 States namely Assam, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Karnataka, Kerala, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Tripura, Uttarakhand and West Bengal is available to show its implementation of empanelment of hospitals.

While AB-NHPS is set to subsume the RSBY, the project undertaken is on a much wider scale, with the budget allocation standing at Rs. 1200 crores. Other than the vast resources needed to make cashless coverage up to the tune of Rs. 5,00,000 per family, the Government envisages a 'package rate', to control costs. The package rates will include all the costs associated with treatment.

To err on the side of caution, there are a few red flags with the scheme aside from the likelihood of ineffectual implementation. Firstly, Government hospitals are overburdened with patients as is and the quality of care is below average at best. With automatic empanelment for public hospitals, measures to ensure quality should be

taken not only by the infrastructure available at the hospital but also by actual patient outcomes achieved. Furthermore, the package rate linked incentive could lead to falsification of diagnosis to increase the threshold of coverage. To combat this, the NHPS should institute prior authorization for expensive medical procedures and surgeries. NHPS doctors should review the medical records of NHPS beneficiaries to make sure that the surgery is medically warranted and meets evidence-based guidelines.

The initiatives taken by the present NDA Government has been to transform India to a technologically and digitally driven India. However, the multitude of problems faced with implementation for such a huge population are great even without the extensive promises for 'Ache Din'. As witnessed in the past, whether it may be MNREGA, AADHAR linkages, KisanBimaYojna, Demonetization, the beneficiaries have seldom got any relief or help even though the money bleeds from the exchequer's account. The plan has the potential to improve quality of life of a neglected portion of the country as well as curtail the inflation of prices of procedures with the Government constantly regulating the costs chargeable. Finally, the success is also contingent on the fear of losing the upcoming elections by those disillusioned of Modinomics and the desire to change that perception. It's truly a waiting game to see if this scheme, will at last, be a nail in the coffin of the effectiveness of this Government or hit the nail on the head in its vision.

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FDI in India: A Worthwhile Risk?



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We have been hearing about the term 'Liberalization of India's FDI' for the past few years. Liberalization of many sectors either through automatic route or a government route is a bold move on the part of the party in power and is synchronous to their economic policies. But exactly how liberal and how advantageous is this liberalization?

Since the elections of 2014, we've seen a pro-business and reform-minded government which opposed the same liberalization policy during its predecessor's rule. However, now the question that arises is why this decision seems so well planned i.e. just a year before the 2019 elections. The government seems to have taken a risk at this juncture as we have two possibilities; the first being the increased visibility of India as a 'top prospective destination for FDI after USA and China' and the second being the reality that not many decisions have translated into physical investments yet. If this continues due to the uncertainties then the government might face the consequences in the upcoming elections. Whatever the case maybe it is important that the decision of liberalising the FDI brings the expected results in the long run even if the targets of the investors are short-term.

The FDI regime began during the previous government's rule and was at the peak at one point of time but was affected by a stutter in the economy. The current government which opposed the liberalization policies of the UPA continued to follow its footsteps and since then we've seen a steady rise in the FDI inflows since the current government took over. The FDI inflow was \$55.6 billion in 2015-16 which increased to \$60.08 billion in 2016-17 which is a whopping \$5 billion rise, which further rose to \$61.96 billion in 2017-18. So, what has changed? The answer lies in the increased visibility of India as the 'topmost attractive destination for foreign investments' and the easement of government procedures.

Within the past few years, the government has taken a more liberal approach towards the FDI inflows. The government has allowed a 100% FDI and that too through an automatic route in most of the sectors. An automatic route is when the investor can invest directly without the prior approval of RBI or the government. These include agriculture, mining, pharmaceuticals, broadcasting, construction, and insurance. However, the biggest shock came when the 100% FDI was announced for single-brand retails which was opposed during the UPA. This, however,

has come at the right time, as the people are willing to experiment with new products and will now get more options to choose from under a single roof. This would also help bring in more employment to the skilled and semi-skilled workforce. The government has also surprised us with the approval of 49% and a cap of 100% FDI in the conventional sectors subject to government approvals in railways, airlines, defence, print media, food products retail, satellites, banking, etc. This decision of the government would go a long way in promoting free trade with other economies. This will help deepen the relationship with the global supply chains and foster a relationship which will help make more allies internationally.

However, this liberalization does have a downside to it. Till now the government had direct stakes in many state-owned companies, coming out of which would require more systematic and regulatory approach and the willingness to accept the capitalistic approach of the investors. The states would also have to create a conducive atmosphere and ease out on the procedures. With the 100% FDI of single-brand retail the domestic manufacturers will have to compete with companies that have deep pockets and an international backing if they want to remain in the competition. This can have two outcomes: the first being encouraging a healthy competition and upgradation of the services on a global level or the second outcome would be the downfall of the indigenous industries. To avoid the latter the government encouraged 'Make in India' so that the native made products get a boost and the investors are also happy with the discounted investment outlays. The investors' country used to engage in Bilateral Investment Promotion and Protection Agreements (BIPA) with the host country for promoting the trade and protection of investments. Now, there were instances where under BIPA the investors would avoid paying taxes by challenging the liabilities at international arbitration panels, which enabled them to benefit indirectly. Apart from the benefit of incoming technology, what is overlooked is the outflow of the dividends and payments for the technology in addition to the reduced reinvestments and taxes. This is because whatever is earned goes back into the investing.

In conclusion, the decision of liberalization of FDI seems to gel with the current outwardly approach of the existing government. Even though the country is losing out on the reinvestments, the increased FDI has brought in jobs not only for the skilled but also for the semi-skilled and unskilled workforce. The entry of FDI in the conventional sectors has also given a boost to the quality of services and increased the revenue. The amendments to the BIPA should also help increase the tax revenues.

At the end, it still remains an important question whether the liberalisation would benefit the country in long run as it has its foundation on the short-term goals of the investors? The coming times would only be able to tell us whether the decision was in the right direction.

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Here, Queer, and Eliminating Fear: Decriminalising S. 377



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An individual's sexual orientation is not a choice.

The decision to accept a person for this part of their identity is.

The Supreme Court of India seems to be inches away from making this historic choice: allowing a person the freedom to love without restriction.

In the aftermath of the landmark *Puttaswamy* judgement reaffirming the Right to Privacy as a fundamental right, a five-judge bench of the Apex Court has taken up a series of petitions challenging the constitutionality of the archaic Section 377. It is almost as if the whole of India has awoken: evidently, it is time to address the big, gay elephant in the room.

Section 377 of the Indian Penal Code is a colonial-era law that punishes 'carnal intercourse' that is 'against the order of nature'. The drafting of the law leads one to wonder what exactly Lord Macaulay had in mind: specifically with reference to the phrase 'order of nature'. How does one discern what the order of nature is, and who gets to decide when that order changes? For those of us who recognise that nature is a continually evolving dynamic force, it is difficult to conceive of a static definition of what is natural.

For the religious amongst us, this presents a dilemma of sorts. On one hand, we are told that we are made in the

NEWS SNIPPETS

- **Investigation necessary before arresting public servant under SC/ST law: Supreme Court**

The Supreme Court of India on March 20, 2018 issued major directions to prevent misuse of the SC/ST (Prevention of Atrocities) Act, 1989 in opposition to the officers who deal with the complaints under the Act in their official capacity.

The court took note of the rampant misuse of the stringent Scheduled Castes and the Scheduled Tribes Act against government servants and held that there shall be no immediate arrest on any complaint filed under the law. The ruling was made by a two-judge bench comprising Justice AK Goel and Justice U Lalit.

- **Consent to marriage is inherent in Hindu Marriage Act: Supreme Court**

The Supreme Court ruled that the consent to marriage is inherent under the Hindu Marriage Act, 1955. A bench of Chief Justice Dipak Misra and Justices AM Khanwilkar and DY Chandrachud directed the Central Government to give protection to the Karnataka woman who alleged that she has been married without her consent.

- **Women can file domestic violence complaint even after divorce: SC**

The Supreme Court of India has held that a woman can lodge a complaint under the domestic violence law against the cruel acts committed by her ex-husband even after the dissolution of marriage. The court ruled that the absence of a prevailing domestic relationship in no manner prevents a court from granting relief to an aggrieved woman.

- **Russia launches world's first floating nuclear power plant**

Russia launched 'Akademik Lomonosov', the world's first floating nuclear power plant at the St Petersburg shipyard.

The plant is currently towed to a port town called Murmansk in northwest Russia, where it will be loaded up with fuel. The plant would be then taken to a town in the Arctic Circle called Pevek, where it will begin generating power in mid-2019.

likeness of God and, therefore, nothing we are born with can be an aberration... But on the other hand, the order of nature appears to only be the nature of the majority.

As Justice Indu Malhotra noted in the ongoing Supreme Court hearings, "There are hundreds of species in the animal world which indulge in same-sex intercourse. 'Prakriti' (nature) and 'vikriti' (deviations) exist together."

Moving on to a more scientific analysis of human sexuality, it has been well established amongst the more erudite and rational thinking people of the world that one's orientation is a matter of genetics and not choice. More importantly, as noted by the official statement of the Indian Psychiatric Society: there is no evidence to substantiate the belief that homosexuality is a disease or mental illness.

After all, why would anybody wilfully go against the current of society, and suffer through the consequences of defying the norm?

The complex spectrum of human sexuality cannot be simply divided into 'man' and 'woman', or 'heterosexual' and 'homosexual'. Sexuality is, in itself, a construct of a conservative society that seeks to abide by its patriarchal roots. In the medieval ages, it was often argued that to have a woman behave docile and serve her husband was, in fact, the order of nature. Back then, it was inconceivable that this order could be changed; or even that equality between the sexes was a plausible option. The *Suresh Kumar Koushal*'s of the world would not dare use this argument of 'order of nature' in today's feminist discourse- simply because this perception of nature has irretrievably changed. Likewise, this analogy should apply to arguments in opposition of Section 377. The rights of the minority cannot be decided by the morals of the majority.

Recognising the fluidity of morality is integral to deciding the contours of what is right and what is wrong. More so, it necessitates the question: what right does the State have to intervene in the matters of what goes on in the bedrooms of consenting adults?

The Privacy judgement has answered this question: the State has no right. Building on this answer, the Court has viewed Section 377 in light of whether it can be construed as a violation of Article 14, 15, and 21 of the Constitution of India.

It is pertinent to note that despite the existence of 377, no prosecutions have ever actually been conducted under it. In fact, the section by its tricky and ambiguous wording itself does not directly reference the LGBT+ community. But the way it is structured creates an atmosphere of ignominy, depicting homosexuality as an act of 'sexual perversion'. By issuing this label around an entire community of people, no matter how miniscule in size, the very identity and existence of an alternate sexual orientation is deemed shameful and not worthy of validation.

The law has acted almost as a sword hanging over the necks of LGBT+ people. Used to harass and discriminate between absolutely capable individuals (in workplaces, educational institutions, and more), the result of this law is a clear violation of the right to equality under the Constitution.

The Centre has taken on a progressive stance by leaving the decision entirely to the wisdom of the Supreme Court. By neither supporting nor opposing the cause of the LGBT+ community, it still retains the essence of its political ideology and also might just manage to garner the support of the rational beings in the country who believe the issue to be a violation of the fundamental rights of the community. A worthy cause, considering that the General Elections are in the near future.

But the issue of LGBT+ freedom is not just social, it is economic too. A resource guide produced by IBM, Google, Goldman Sachs, and Community Business, titled "Creating Inclusive Workspaces for LGBT Employees in India" noted that this group makes up 5-10 percent of the workforce in India Inc. Not only does this mean that India loses out on 0.1-1.7 percent of its GDP because of denial of equal work opportunities to LGBT+ people, it also means that there is a lower output and productivity due to the depression caused by such discrimination.

The facts are all there: decriminalising Section 377 can only be good for the future of the country. The power of India lies in its diversity and inclusivity... Tolerance is the strongest fabric of our civilisation.

The key word here is 'Tolerance'. Reading down Section 377 to exclude consenting adults is not enough. Simply declaring a human being to not be a criminal because of his identity does not legitimise his existence. The need of the hour is not just tolerance, but acceptance.

The discrimination and phobia will not stop just because the sword of 377 has been lifted off the necks of the LGBT+ community. The decision of the Supreme Court will undoubtedly be consigned to the record books of history... But it will still not grant this sexual minority the fundamental rights of marriage and inheritance that they deserve. The pending 377 judgement is, if nothing else, the first step in a long journey filled with the perils of religion, morality, culture, and normativity.

Suresh Kumar Koushal, petitioner in the 2013 appeal to the *Naz Foundation* case, was once quoted as saying: "Allowing anal intercourse is against the order of nature... It is like reversing the motion of the earth on its axis."

This year, the Supreme Court has made the bold choice to accept the Queer community for human beings and not social deviants. Unsurprisingly, the world continues to rotate on its axis. Nature continues to take its course, and the road to acceptance of nature has been paved by the Honourable Supreme Court of India.

But acceptance can only be said to have truly taken place when the term 'Queer' no more carries connotations of the strange and unknown... An India where heterosexuality is not the rule, and homosexuality is not the exception: a land where one does not exist at the behest of the other, but both are able to coexist peacefully.

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Constitutional Tension over Right to Property: Indian and Chinese Socialism



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In 1991, when India adopted the New Economic Policy (NEP) of privatisation, liberalisation, disinvestment and deregulation, some scholars discussed whether the NEP was constitutional, because the government did not amend any provision of the Constitution. The reason could be because in one case, the Supreme Court interpreted 'socialism' as 'democratic socialism' the aim of which was to end poverty, ignorance, diseases and inequality opportunity. In another case, the Supreme Court held 'Socialism... ought to be practised in every sphere of life and be treated by the law courts as a constitutional mandate since the law courts exist for the society'.

This idea of socialism is different from the Marxian model in China. The country has attempted to localise the ideology of Marx and Lenin by using phrases such as 'socialism with Chinese characteristics' or the 'Chinese-style socialism'. Despite attempts to explain what these phrases might mean, Gabriel argues that it "actually seems to mean 'capitalism with Chinese characteristics'", allowing Chinese leadership to give enough justification for deviations from the strict Marxist-Leninist or socialist ideology. How could one otherwise justify recognition-cum-protection of both private sector and private property in a socialist constitution rooted in the Marxist-Leninist traditions?

During the drafting of the Indian Constitution, there was a debate over the issue whether any adjective such as 'just', 'fair', 'adequate', or 'equitable' be added before compensation that must be given by the state if it acquires personal property for public purposes. While the founding fathers were clearly wary of giving the courts the power to adjudicate on the sufficiency of compensation, some members of Assembly did not want to confer on the government an absolute right to acquire private property. It was this battle for supremacy between the Judiciary and the Executive-cum-Legislature on the issue of implementation of socialist policies and protection of the right to property that induced the Indian Parliament to take the extreme measure of deleting the right to property from Part III of the Constitution. The right now stands as a Constitutional Right and reads as follows:

Article 300: No person shall be deprived of his property save by authority of law.

While in India, the constitutional status of the right to property has been degraded from a fundamental right to a constitutional right, the right to property in China has gradually received a higher recognition through the four constitutional amendments of 1988, 1993, 1999 and 2004, with the clearest recognition to the right being provided by the lattermost amendment as the revised Article 13:

"Citizens' lawful private property is inviolable...The State may,... make compensation for the private property expropriated or requisitioned."

The same amendment also inserted Article 33 to the Constitution which reads:

"The State respects and preserves human rights."

Further, to operationalise the right to private property, the National People's Congress enacted the Property Rights Law in March 2007. However, the fact that this law was enacted after several drafts and years of debate is reflective of a different, yet similar type of tension faced by India that could arise in China.

So, what lessons can China learn from the Indian experience? To put it up-front, China may, as such need not learn from the Indian experience because of the fundamental differences between the constitutional schemes and ethos of these two countries. In India, the government sought to acquire private land with an objective of redistribution to commons in order to pursue the socialist policies of establishing an egalitarian society. On the other hand, considering that all the land in China is owned by the state or peasants

collectively, the Chinese government might have to achieve a transition from collective ownership to private ownership in due course of time. In fact, the first step in this direction has already been initiated by allowing farmers to transfer their land-use rights on a voluntary basis.

However, if China gives any real meaning to the right to private property and does not abandon socialist ideology, some kind of constitutional tension would be unavoidable^{vii}.

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NEWS SNIPPETS

• UAE becomes 1st Arab Country to Have Nuclear Power

United Arab Emirates (UAE) celebrated the completion of its first-ever Nuclear Power Plant not only in the country but in the whole Arab Gulf Region. The \$20 billion Barakah Plant west of Abu Dhabi has been constructed by a consortium led by Korea Electric Power Corp in 9 years. It's one of the 4 nuclear reactors being constructed with South Korea's cooperation.

• New organ found in Human Body

Scientists have identified a new organ "interstitium" in the human body, which could help in understanding the spread of cancer within the body. "Interstitium" is a series of fluid-filled compartments, found beneath the

skin, as well as on the lining of gut, lungs, blood vessels and muscles. These compartments join to form a network supported by a mesh of strong, flexible proteins.

• Ivory Became Oldest Person to Win an Oscar

James Ivory became the oldest person to win an Oscar with his award win for best adapted screenplay for the film 'Call Me by Your Name' at the 90th Academy Awards. The 89-year-old director and screenwriter had previously been nominated thrice in the best director category for 'A Room with a View', 'Howards End' and 'The Remains of the Day'.

Psychoanalytic Feminism



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Psychoanalytic feminists explain the cause of oppression of women as rooted within psychic structures and reinforced by the continual repetition or reiteration of relational dynamics formed in infancy and childhood. Because of these deeply ingrained patterns, psychoanalytic feminists wanted to alter the experiences of early childhood and family relations, as well as linguistic patterns, which produce and reinforce masculinity and femininity. Critical of Freudian and Neo-Freudian notions of women as biologically, psychically, and morally inferior to men, psychoanalytic feminists addressed political and social factors affecting the development of male and female subjects. Like radical feminists, they saw as key issues sexual difference and women otherness in relation to men. Psychoanalysis does not try to describe what a woman is, that would be a task it could scarcely perform, but sets about enquiring how she comes into being, how a woman develops out of a child with a bisexual disposition. This theory develops the unconscious link between sexuality and subjectivity ineluctably together. In doing so, it discloses the ways in which our sense of self, and our political loyalties and attachments, are influenced by

unconscious drives and ordered by symbolic structures that are beyond the purview of individual agency.

The two major schools of psychoanalytic feminism are Freudian and Lacanian. Freudian feminists, mostly Anglo-American, are more concerned with the production of male dominance and the development of gendered subjects in societies where women are responsible for mothering, whereas Lacanian feminists, mostly French, analyze links between gendered identity and language.

Early feminist appropriations of Freud emphasized the uniqueness of each human being over rigidly gendered developmental tracks and explained women psychic pathologies as generated and sustained by their inferior social status within patriarchy, rather than biologically determined lack. The reinterpretations of the theory showed some women neuroses as creative attempts to address ongoing social subordination. Later feminist appropriations of Freud critique the traditional family structure in which women primarily mother and assume other care-taking responsibilities. These relational dynamics that emphasize autonomy and separation for boys, render men emotionally stunted and less capable of intimate personal relationships, but better prepared for public life and the world of work. Girls, who in contrast develop as subjects in close relation with their mother, have more fluid psychic boundaries that facilitate a greater capacity for intimacy but leave them less prepared to negotiate the public sphere. Theorists advocated dual parenting as one way to eliminate the characterological imbalances generated by gendered extremes. This would help children to view both parents as individuals-in-relation, experienced men and women as both self- and other-oriented, and view both sexes as inhabiting private and public domains. Putting into practice Chodorow's theoretical restructuring of the family would, of course, require considering some substantial changes in current policies and practices: reasonable parental leave, adequate compensation for part-time work, quality childcare staffed with both male and female caretakers, and early/elementary education with both male and female teachers.

Psychoanalytic feminists in the Lacanian mode privileged the analysis of self-construction through discourse over the biological and psychosocial implications of parenting, arguing that, in order to alter gender relations, we need to change the language. In Lacanian psychoanalysis, the phallus is symbolic of the child's entry into language and culture. Lacanian feminists wanted to interrogate and

resist oppressive constructions of gender and sexuality encoded in language. They argued that women needed to forego neutral, scientific masculine language and embrace a rebellious creativity based on the subjective experience of the body and the feminine. In this, they attempted to realize a female/feminine sex/subject outside of patriarchal definitions of 'a woman'.

The heart of the matter is the question of what makes women psychologically different from men. In original view, it is the difference in the ways boys and girls pass through the conflicts of the oedipal phase (ages 3–5), the way they are being brought up with the values taught to them by their elders according to their gender. The attachments children create with their mother and father differs which ultimately leads to the psychological difference between men and women. The oedipal theory is the idea of castration anxiety for boys and the absence of a penis for girls. This recognition affects males and females differently; boys renounce their oedipal wish for the mother while girls recognise their lack of a penis and reject their mother and identify with the father, who symbolically represents their desire to obtain the phallus. The girl recognises this is impossible and attempts to fulfil her 'lack' with a baby.

“Feminism isn't about making women stronger. Women are already strong. It's about changing the way the world perceives their strength.”

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Sexual Harassment and #Metoo: Why It Is Time for India to Say Me Too



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In the recent years, issues related to gender discrimination and sexual harassment have come to the forefront. The world, particularly the West, has started to take notice of the situation of people subjected to sexual harassment, the majority of whom are women. In October last year, the #MeToo movement became viral and women from different walks of life opened up about them being sexually harassed – be it at workplaces or public places. According to the website of the Me Too movement, 17,700,000 women have reported sexual assault since 1998. There are also many cases of sexual harassment which go unreported, and adding up the numbers would give us a staggering result. Activist Tarana Burke founded the 'me too' movement in 2006 to help survivors of sexual violence, particularly young women of colour from low-income communities, to find pathways to healing. On 7 October 2017, Italian – American actress Rose McGowan publicly accused producer Harvey Weinstein of sexual harassment, assault and rape. She also said, “Ladies of Hollywood, your silence is deafening.” Ever since then, approximately hundred women have accused the producer of sexual harassment. It was a brave act since they put their careers to risk, and Harvey Weinstein was one of the most influential men in Hollywood. As the Harvey Weinstein episode unfolded, women across the globe realised that they were not alone, and that sexual harassment at workplace was a very common phenomenon. Actress and activist Alyssa Milano put out a tweet on social media, saying: “Suggested by a friend. If all the women who have been sexually harassed or assaulted wrote 'me too' as a status, we might give people a sense of the magnitude of the problem.” That is how the #MeToo movement went viral, and the focus was back on the victims and survivors. An Equal Employment Opportunity Commission, which was set up in 2015 to investigate alleged gender-based discrimination and casting couch practices in Hollywood, had also wrapped up its investigation around the same time. The film industry also launched the 'Times Up' movement on January 1 2018, as a response aimed towards sexual predators like Harvey Weinstein. Sexual harassment in the workplace is wrong, and nobody should

NEWS SNIPPETS

- **SC allows reservation in promotion to SC/ST employees**

The Supreme Court on June 5, 2018 allowed the Union government to go ahead with reservation in promotion for employees belonging to the SC and ST category in accordance with law. The vacation bench comprising Justices Adarsh Kumar Goel and Ashok Bhushan took into account the Centre's submissions that entire process of promotion has come to a standstill due to the orders passed by various high courts and the apex court had also ordered for status quo in a similar matter in 2015.

- **Give social service duties to those sentenced to 6 months or 1-year imprisonment: SC**

The Supreme Court advised the government to allocate social service duties to criminals sentenced to imprisonment for six months or a year, rather than putting them in already overflowing prisons.

The suggestion came from Justice Deepak Gupta, who is part of a bench led by Justice Madan B. Lokur, after the court's amicus curiae Gaurav Agrawal submitted that 240 jails across the country are housing 150 percent more inmates than their normal capacity.

- **High Courts to have 'Justice Clocks'**

The Centre will soon install 'Justice Clocks' — LED message display boards — in all of the 24 High Courts. The clocks will display the daily rate of disposal of cases, the number of pending cases and the individual rank of each of these courts. A model of this 'clock' was first installed in the Delhi office of the Justice Department.

- **World's 1st Hand-Painted Film**

'Loving Vincent' is the world's 1st animated feature film entirely painted by hand. The film is based on a probe into Van Gogh's untimely death. With 65,000 frames to be exact, all paintings are in the distinct style of Dutch Post-Impressionist painter Vincent Van Gogh. Shot with a shoestring budget of 5.5 million dollars, Loving Vincent was made with the help of 125 artists.

have to tolerate it in silence.

As the West is momentarily exposing and punishing the culprits of sexual harassment, the South Asian entertainment industry should also start taking notes. As a matter of fact, sexual harassment is prevalent in all fields of employment, and not just the entertainment industry. For a very long time, India has not treated sexual harassment with the seriousness that the issue requires, and it has a lot to do with the inherent victim-shaming and victim-blaming in our society whenever someone opens up about their experience. This goes for both men, and women. Often, women are blamed in such cases because 'the waistline of their jeans was too low' or 'they didn't cover up enough' and 'boys will be boys'. When a male alleges of sexual harassment, he is bullied and laughed at by other men. Sexual harassment at the workplace is a very serious issue, which should not be taken lightly, irrespective of gender. Until 1997, we did not have any explicit laws against workplace sexual harassment. Sensing this lacuna, the Supreme Court of India framed the Vishakha Guidelines, which was a result of the landmark case 'Vishakha v. State of Rajasthan' and dealt with sexual harassment at workplace. These guidelines were widely flouted, and the Parliament passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act in 2013. This law was also widely ignored, and serious flaws were pointed out regarding the implementation of this law. The reason as to why everyone is looking forward to the impending movement against sexual harassment and casting couch, is primarily because of the status and magnitude of the influence that the film industry has on the population. When Deepika Padukone opened up about her struggle with depression, it was as if a sudden realisation dawned the Indians on the subject of mental health. Similarly, if Bollywood decides to say 'me too', it could have far-reaching implications which might lead to a widespread movement in the country and ultimately result in proper laws in for sexual harassment at the workplace.

Casting couch and sexual harassment of job seekers and employees of the entertainment industry is one of the worst-kept secrets of Bollywood. Actress Richa Chadha had said in an interview, "If you give me pension for life, take care of my safety, my family, ensure I'll continue to get work in films and TV or whatever I want to do, my career will grow unabated as it is right now after I name and shame somebody, sure I will." Considering how we have our own set of influential Weinsteins in the industry, her statement is of no surprise and it also brings out the worries of the victims of sexual harassment who are afraid of speaking out. Tollywood actress Sri Reddy's protest against casting couch yielded results when the Telugu film industry took cognizance of the prevailing practices of casting couch and sexual harassment and announced various preventive measures and detailed guidelines to create a safe working place for women. Similarly, Congress

Member and Member of Parliament Renuka Chowdhury revealed that such practices were not just limited to the film industry. "This happens everywhere in workspaces," she said. "Don't imagine that Parliament is immune or any other workspace is immune. It's time India also stands up and says #MeToo." She needs to be applauded for breaking the code and speaking about sexual harassment in politics, and so should every other person who speaks out. It is high time we all say 'Me Too' and ensure that workplace sexual harassment is taken care of, with stringent measures and punishments. The society needs to act, and act fast if it wants to shape the law.

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Does India Need Reservation?



– **Shirin Jaiswal**
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Why was Babasaheb Ambedkar in favour of reservation for the Scheduled Castes and the Scheduled Tribes?

If we look at the Preamble of our Constitution, it clearly guarantees EQUALITY of status and opportunity. If it is so, then would providing reservations to Dalits go against the foundation of our Constitution? Why did Baba Ambedkar support the reservation policy for the Dalits and other oppressed sections of the society? His answer to this can be summarised as follows: firstly, he said providing reservation will work in favour of their upliftment because without providing reservation, the upper caste people would continue to be in a dominating position and would

not allow the Dalits and oppressed classes to make their own place. The Scheduled Castes and the Scheduled Tribes (SC and ST) would be in a state of constant fear which would not let them live progressively. Secondly, without reservation, the upper class would not be able to stand the lower-class persons working with them shoulder to shoulder.

But, we should note that Baba Ambedkar was also not in favour of providing for prolonged reservation. He proposed reservation for ten years. When Muniswami Pillai and Mr. Monomohan Das proposed to extend the ten-year period, as they felt that ten years would not be a sufficient period, Baba Saheb replied negatively, and said that if at the end of ten years the position of the Scheduled Caste has not been improved, then the reservation period can be extended, though he reluctantly agreed to extend the period for the Schedules Tribes.

Is there a need for reservation today as opposed to Baba Ambedkar's proposal of ten-year reservation period?

Yes, even today there is a need for the reservation, but not only on the basis of caste but also on the basis of economic conditions. A report published in 2015 in the Times of India, titled, "Economic Gap between Upper Castes and Dalits Persists", based on a comparison of household expenditures, monthly incomes, and the number of graduates amongst the upper castes and the Dalits, showed that the gap between these two classes is fast reducing.

Reservation sometimes snatches the seats of deserving candidates. For example, in the CLAT result of 2017, Scheduled Caste candidates whose ranks were near 4000 secured admissions in an NLU even though their economic condition was on par with that of the upper caste candidates. Similarly, Scheduled Tribe candidates got seats in NLUs with a rank near to 7000. To reduce the disparity, what should ideally be done is reservation up to a specific rank should be allowed, i.e., if a candidate of the general category with a rank of 400 gets selected, then the selection criteria for the SC candidate should be within the rank range of 700 -800 but not more than the set range. Similarly, for ST it can be up to a rank of 1000 or 1500. This will bring fairness in the selection process.

Now comes the question of selection of an upper caste candidate with a weak economic background. Reservation should be provided to these candidates also because it might be difficult for them to afford higher education.

NEWS SNIPPETS

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

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

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

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

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

Sources: Jagran Josh & affairsccloud.com

We cannot scrap the system of Caste-based reservation because the Preamble of our Constitution mentions about equality of opportunity. Realising this ideal becomes difficult because many people today are not in a position to afford higher education, as education has become a corporate-driven industry where dreams are sold in exchange of money, to the disadvantage of many deserving candidates. Thus, reservation should be based on socio-economic conditions and solely on caste-based consideration.

Dowry: The Cancer of Society

“SEVERAL LIVES SACRIFICED FOR DOWRY, STOP THIS SACRILEGE”



– **Bhavya Bhasin**
[B.A., LL.B (Hons.),
First Year]

Since time immemorial, harassment and violence against young Indian brides have revolved around the demand for dowry. This has often culminated in the death of the bride.

Many questions can be raised about the recent increase in killing and burning of young brides due to non-fulfilment of dowry demands or due to insufficient offer of dowry. The young married women are not only victimised by means of inflicting burns but also by strangulation, poisoning, infliction of injury by heavyweight weapons and by being compelled to commit suicide and so on. Although Indian laws (Dowry Prohibition Act, 1961) against dowry have been prevalent for decades, they have been largely criticized for being ineffective. The practice of dowry deaths and murders keeps occurring, unchecked, in numerous parts of India.

Dowry is illegal only in the Judiciary and on paper, but the ground reality is the complete opposite. An analogy can be used to illustrate this reality: the daughter-in-law is often regarded as a golden goose providing golden eggs. But once they stop laying these eggs, they are tortured mentally and physically.

Victims of such violence are driven out of the house to the streets or are left on the verge of committing suicide.

Initially, exchange of dowry was a voluntary practice. However, social pressure to uphold the practice gradually mounted to the point where very few could escape its clutches.

There are many reasons why dowry system exists in Indian society. First is the 'greed factor' which causes people to see marriage as an opportunity to extort money from the bride's family.

Second is illiteracy and lack of awareness among women. Many women are deliberately kept away from schooling, either due to certain superstitions or they believe that educating a girl child will reduce their eligibility as good wives. It is very clear that the status of a woman in Indian society is not equivalent to that of a man. The dowry system is the brainchild of such a patriarchal outlook and is the primary reason behind the plight of women in the country.

Lastly, dowry is often used to flaunt one's status and wealth in our society. One's worth in society is often

estimated by the amount one spends on the daughter's wedding or how much gold one gives to the groom's family. This viewpoint causes people to aggressively justify the dowry demands. The boy's family, in turn, raises its social standing in view of the measure of dowry their new bride brings in, which is an indicator of how alluring their boy was in marriage grandstand.

This curse of the dowry system should be eradicated at any cost. Undoubtedly, the dowry system has become a status symbol among the general public and it is very unfortunate that even educated people feel proud when taking dowry. We have witnessed several deaths and assaults on women for dowry but no justice is delivered to the victims. I strongly feel that the dowry system is being increasingly practised and the educated people should create awareness about the evils of the dowry system. Another act should be introduced by the government, and both parties involved in the exchange of dowry should be equally punished. It is only then that we will witness a decrease in dowry cases. We need to put ourselves in the shoes of the person who is being tormented and imagine: if our own daughter or sister was to marry someone whose family tortures her for monetary benefits or for property... how would we feel? Men should not view dowry as 'the easiest way to get rich or get property'. If men decide not to take dowry then it will be a major contribution towards eradicating the malaise of dowry.

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Boi, bi: The Recognition of Bisexual Erasure



– **Akanksha Panicker**
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From being a sexual orientation characterised by an attraction to both sexes, the defining characteristic of bisexuality has turned out to be invisible.

The main reason for this is the use of “gay” to mean “LGBTQ+”. When bisexuals or even asexuals are forced to huddle under the umbrella term of gay, the communities are camouflaged. Literature, role models and positive reinforcement merely get lost in the puddle of gay media. Even coming out bi and being publicly “out” merely means

one is counted as just another gay individual. Visibility in the bisexual community is a huge problem.

There is a huge flak from both the heterosexual and the homosexual communities regarding bisexuality. Bisexuals are often derogatorily told to “pick a side.” Rather than their orientation being considered in the same way as traditionally gay or lesbian individuals who make it abundantly clear that their sexuality is a characteristic trait that cannot be compromised on, coming out bisexual means a lot of accusations about being “greedy” or “are you sure you're not just gay/straight?”

It's a vicious cycle. Gay and lesbian organisations putting out a press release about LGBT rights issue means that the issue gets characterised under the cloud of gay and lesbian development. This is then put forth through various media outlets and by politicians who merely use these labels as ways to further their supposedly “progressive” standing. So where's the representation that bisexuals deserve?

I mean, it is no secret that LGBT representation is on the rise. We've come a lot further than when *Ellen* sent shockwaves throughout the globe for daring to portray an openly lesbian character. However, it seems as though representation does not necessarily include using fully-fleshed out characters with lives as vivid as their heterosexual counterparts, instead relying on the lone gay male best friend trope or the unfulfilled lesbian stereotype or even at a stretch the woman who “experimented” in college as their token share of representation, likening the entire community to be no more than affirmative action. Anyone familiar with the LGBT community's rich sexual, racial and political diversity will recognise the skewed balance portrayed in the media.

Even in this paltry narrative, we see bisexuals getting actively shunned. Hosts like Larry King and columnists like Dear Prudence shame bi people for their sexual habits and discourage them from living openly.

Media representation of minority groups is important. Fiction or not, media portrayals of minority groups help the general public to acknowledge, relate and humanize with a group they might not interact with in their day-to-day lives.

Hollywood has almost monopolised the LGBT narrative to mean that almost exclusively of white, gay and affluent men. Shows like *Queer as Folk* and *Will and Grace* shine a bright beacon on white gay males living their best life. Shows like *Girls* and *The L Word* bring white lesbians to the forefront.

But there lies a strong bi-erasure.

The only bisexuals actively seen on television are overly sexualised women portrayed to appease the male gaze.

Additionally, there is a phobia against referring to bisexuals as bisexuals, instead opting to *insinuate* their sexuality. For example: On hit television show *Orange is the New Black*, main character Piper is revealed to be bisexual when her husband refers to her as a “lesbian” and her ex-girlfriend Alex refers to her as a “straight girl,” effectively causing there to be a binary between homosexuality and heterosexuality, rather than seeing sexuality as a spectrum so touted on its rainbow flag.

Let's go back to the example of *Orange is the new Black*. Piper never describes herself as bisexual. The word does not make a single appearance in all of season one. Instead, she says, “I like hot boys. I like hot girls. I'm shallow,” which is a disservice to the bisexual community, who are often highly berated for appearing to “want it all” when it comes to sexual partners.

Besides the fact that Piper never uses the word herself, her bisexuality is frequently erased in more overt ways by other characters on the show. She's referred to as a “former lesbian,” a “straight girl,” a “dyke.” A scene when Piper's husband is extremely popular on the internet. When he starts obsessing over Piper's orientation, he asks her brother Cal, “What is she, exactly?” And Cal replies, “I'm gonna go ahead and guess that one of the issues here is your need to say that a person is exactly anything.”

While this does bring to the forefront sexual fluidity and uncertainty, both of which are valid, it still is a disconcerting walkaround dancing around the fact that Piper has been shown to be exactly something. She's exactly *bisexual*.

So why on earth won't *Orange is the new Black* call Piper bi?

Mainstream media is strongly biphobic, perpetuating the notion that bisexuality is either a frivolous and voluntary act that the character can indulge in as “experimentation” or it's a myth. Misrepresenting and twisting and oversimplifying bisexual characters turn them to plot points or just fan service to keep wanton young viewers lascivious and interested.

Bisexual, pansexual and asexual erasure highlights how certain forms of queerness is shunted under the rug and shunned, and how others are increasingly forced to devolve into depressing caricatures of themselves that fit the media narrative.

The B in the LGBT community is permanent. It's not a summer fling by two conventionally attractive women and neither is it a greedy grab for romance.

It's time we say bi to bisexual erasure.

Expensive Justice- Should the Supreme Court have Benches in Each State?



– **Shaarang Iyer**
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The Supreme Court is burdened with cases.
There is a huge backlog.
Matters get delayed.
The Court is far.
Frequent travel to the Court for years is difficult for poor clients.
Justice is slow.
Justice is expensive.
Justice is denied.

Clichés. Statements like these float around so much, that it becomes part of common parlance. Unfortunately, that's all they have been reduced to.

The Supreme Court continues to be miles away from both, the place of origin of an issue, and from providing a long-standing solution for the same. With about 60,000 matters pending to be resolved (minus the fresh matters that are filed daily), the Court's task does not seem to be getting any easier.

One question that comes to mind is- **Should the Supreme Court of India have multiple benches?**

The PIL titled *AM Krishna v. Union of India (2015)* argued for the establishment of additional benches of the Supreme Court in the western, north-eastern and southern parts of the country. The prayer was turned down.

Ideally, every state ought to have its own bench of the Supreme Court. It would automatically solve most of the problems that petitioners face while seeking justice. Additional benches mean more workforce to dispense justice, lesser backlog and greater proximity between the Court(s) and the people.

There is no legal provision against having multiple Supreme Court benches. Article 130 of the Constitution of India states: *The Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time, appoint.*

It is clear for even a layperson to understand that the criteria for establishing another bench of the Apex Court are two-fold:

- i. Discretion of the Chief Justice of India;
- ii. Approval of the President of India.

However, the Court and its Chief Justices have not shown any positive intent in this regard. Justice K.G. Balakrishnan in 2010 stated that having multiple benches could lead to an unhealthy sense of hierarchy between judges. He also stated that it would dilute the integrity of the Supreme Court. The 2015 PIL mentioned above was dismissed owing to a lack of inclination on the Court's part to go into the matter in its judicial side.

The alternative solution proposed is to establish National Court of Appeal in every state. The idea was first brought up in a 1986 case titled *Bihar Legal Services v. The Chief Justice India*. The idea of an additional Court of Appeal between the High Courts and the Supreme Court found favour with the judges at the Apex Court. The Central Government in 2005 was asked to decide on the establishment of such a Court of Appeal, but the idea did not materialise.

This lack of initiative and interest on the parts of the judiciary and the government is disturbing. Additional Supreme Court benches would serve as a boon to many who get discouraged from approaching the Court in this country, owing to the high travel (and other litigation) costs to be incurred.

The lowest available train fare to Delhi from Ernakulam (Kerala) is around Rs. 900 per ticket. Spending such an amount only on a quest to claim justice is not an appealing prospect to a person of meagre means. On an average, they would have to travel back and forth multiple times in a year for at least a few years.

In situations like these, arguments like potential conflicts between judges do not stand. The primary objective of the judiciary is to provide justice. Therefore, the Court must aim to reach people, rather than the other way around. This top-down approach of the Court must be reviewed if there is need for a change to be brought about in the pace of dispute resolution. Only then can the judiciary successfully achieve its true objective of inexpensive justice being made available to all.

Thus, the concept of having a bench of the Supreme Court in every State must be collectively pushed for. The State of Karnataka had suggested the same to the then Chief Justice of India, H.L. Dattu in 2014, but to no avail. Perhaps if all States collectively push for the same, this goal may be realised sooner rather than later.

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Living In Monochrome



– **Sumana Roychowdhury**
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In 1978, when the world lived in monochrome and there was widespread persecution of the entire queer community around the world, gay rights activist Gilbert Baker created the rainbow-themed pride flag. There were eight colours initially – every colour together signified life, spirit, magic, nature and serenity. Historically, colours had often been used to denote gay people. According to Baker, the way to make a coherent symbol was to take the various colours used around the world to identify the queer community, and turn it into a rainbow; a way for the gay community to reclaim those colours. Since then, the rainbow became the symbol of the LGBTQ+ Pride.

Forty years later, India still lives in monochrome.

In 2013, when the Supreme Court overturned the 2009 Delhi High Court judgement by re-installing Section 377 of the Indian Penal Code, penalizing any form of non-procreative sexual intercourse, it seemed as if the Apex Court had given some sort of legitimacy to the prevalent violence and discrimination against the queer community in India. Decades-long struggles of the LGBTQ+ community for justice and equality seemed to have reached its nadir.

To think about the Supreme Court's decision, and to think about India – a country guided by its cultural norms, a question arises as to whether India and her people are ready. Ready for the rainbow revolution, ready to accept people of different sexual orientations, people who do not identify with the gender binary, people who the 'Indian culture' considers unconventional. To answer the question, it is important to look into audience. Distribution of free condoms in gay communities to prevent HIV-AIDS is a futile step taken, as it only encourages a rise in the "menace of homosexuality."

Seems like it really is the 'Indian culture', which makes the people of this country so unready to accept people of the LGBTQ+ community. Even with the explicit sculptures of queer people, dating back to the 6th century, lined on the walls of the temples in Puri and Tanjore. With the Koovgam festival that originated in the 3rd century, celebrating the story of Krishna taking up the form of a woman to marry a man, the largest festival of the transgender community of the country. Even with the Vedas recognizing transsexuality as "tritiya prakriti" or "the third nature." Seems as if almost three million people of the country are going through prolonged "phases" of various forms of sexuality and gender-queerness. Bisexuality and pansexuality really are trends the internet has blessed us

with, even if Indian author Shakuntala Devi published "The World of Homosexuals" in 1977, much before the internet came to India.

India's understanding of sexual identities and preferences.

India has always had a simple understanding of gender and sexuality; two genders: man and woman; man for woman and woman for man. The only time a school teacher says the word "gay" out loud is when "Daffodils" by William Wordsworth is being taught. Even then the giggling children are reminded, multiple times, that "gay" means happy. Bisexuality and gender-queerness are "trends of the internet," phases of teenage life that will pass. Transsexuality is a disorder, nothing that cannot be cured. Interestingly, while transsexuality is a disease that needs to be cured, transgender women and men are denied access to basic healthcare facilities in most government and private hospitals. A gay man is not one who prefers other men as sexual partners, but one who has effeminate traits. "Lesbianism" is not against 'Indian culture,' as long as it pleases the male.

Or is it the ignorance of the people of India? Is it the lack of sex education and the lack of awareness on sexuality and gender? Maybe it's the lack of open discussions around sexual orientation and transsexuality. Maybe it's the lack of inclusiveness and misrepresentation of the LGBTQ+ community in the Indian entertainment industry. And maybe it's the extremely conservative views of the hate mongering political leaders and influential figures in Indian media, who have forgotten the "Indian culture" of diversity, pluralism and equality.

In 2018, the Supreme Court has reopened the file on Section 377, and another influential politician has stated that "India as a country is not ready" for the decriminalization of homosexuality. It is time that the rest of the people of the country stand together with the LGBTQ+ community, and let the world know that they are ready. They are ready because in a democracy like that of India, no one gets to deny fundamental rights to three million people of the country. They are ready because India's history and culture have always been inclusive of the queer community. They are ready because the very principles of India's democracy are equality, justice, and a fair life for everyone, regardless of their sexuality and identity. They are ready to embrace the colours of Pride and paint their monochrome lenses with the rainbow.

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Plight of a Prostitute's Child



– **Bhumika Verma**
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We live in a so-called modern society where prostitutes are still labelled as outcasts and disgraceful humans. These prostitutes face many problems in the Indian society. Despite the awareness created among them about 'use of protection', these women due to their poverty and illiteracy, end up becoming mothers. Parenting a child becomes hard for these single mothers. These children face constant stigmatization and discrimination due to their mothers' profession.

According to a 2008 National Human Rights Commission report: In India, there are approximately 5.4 million children of prostitutes and most of them live with their mothers in red light areas. These children are vulnerable to many morbid and disgraceful surroundings. They are born with the stigma of illegitimacy.

The children are isolated from the society and are deprived of basic opportunities for their physical and psychological development. They are often exposed to problems such as social non-acceptance, lack of identity of fathers to provide security, abuse, lack of facilities to fulfill basic necessities of life, malnutrition, ill health and exposure to the world of prostitution since early childhood. They live in an environment that is frequented by gambling, addiction, physical and sexual harassment by customers, and verbal abuse.

In a study conducted by Jayaprakash Institute of Social Change on Kolkata brothels, it was found that the children of prostitutes are deprived of complementary feeding practices. They see their mothers being ill-treated by brothel keepers. These children are vulnerable: girls to prostitution and boys to pimping and other anti-social activities. They are forced to spend nights on the street. Infants, who cannot be kept out at night, sleep below the bed on which the mother has to undergo her profession.

According to many NGO workers, most of the children are slow learners because of the environment of the brothels, the children have easy access to cash in the brothels by defraying sundry jobs like buying food and liquor for the customers and the sex workers, doing part-time work in roadside stalls etc. This easy path of earning quick bucks lures many children away from studies. Another problem is lack of space in the brothels to study. The main problem in education is that there is no proper financial support for them. Mothers are unable to give proper guidance to their children because of the mother herself is illiterate or semi-literate.

In the workshops conducted by Apne Aap Women Worldwide, when they were asked to draw pictures, most of the children came up with the graphic images of women being raped and beaten, of men being knifed or clubbed, and of policemen with batons. In the age of making cartoon, scenery, fruits etc. they are making such pictures which gives a terrible reality check.

In the case of *Gaurav Jain v. Union of India*, the issue that came up before the Supreme Court was the rehabilitation of the children of the prostitutes. The Honourable Court directed that these children should be separated from their mothers and should be allowed to mingle with others and become a part of the society. The Court further contemplated that the children of prostitutes should, however, not be permitted to live in the inferno and other undesirable surroundings of prostitute homes.

Quite a few NGOs like Sanlaap, DISHA, CINI-ASHA, New Light, Jabala, and DMSC have been working for education, vocational training, and rehabilitation of the children of prostitutes in Kolkata. Basically, these people don't have any identity at all. The government should start issuing ration cards in the name of mother and children and also, these women should be given a voter identification card. They don't have voting cards just because they do not have ration cards. They do not have ration cards due to no proof of address. Ration card, voting card, all these can really help as they can use ration cards to get cheap groceries, and voting cards to help them to vote in elections. Ration cards are issued to the brothel keeper or those people who own the brothel. In red light areas, most organizations work with HIV/AIDS, condom promotion, self-help groups, health aspects, but not many are doing anything for their psychosocial support. NGOs should work on this. The children should be provided with night shelters when their mothers are busy with the customers.

In my opinion, they should be provided with full care and attention because it's not their fault that they are there in the prostitutes' womb. Thus, these children are victims without a voice who need to be treated as normal children and be provided with adequate opportunities so that they can join mainstream society.

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The Indian Political League: Karnataka Elections, 2018



– **Shaurya Ranjan**
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Elections are generally supposed to voice the collective opinions of the people that are governed by a democracy.

Unfortunately, the Karnataka Elections 2018 diminished this process into a mere auction. Recently, we all viewed the IPL, i.e. 'Indian Premier League', wherein various cricket teams representing various glorious states/cities contest each other.

In the same manner, the entire country also witnessed another IPL: 'The Indian Political League'. Similar to the aforementioned IPL, the Indian Political League also held an auction to recruit players (MLAs) for its two major teams, namely: the national parties, Bharatiya Janata Party (BJP) and the Indian National Congress (INC). To attain a majority in the state of Karnataka, a party is required to secure a minimum of 112 seats through elections. The unusual problem that occurred this time was that none of the parties was able to secure the minimum number of seats required to prove their majority in the house.

Both the parties, the BJP and the INC, were the 'big players' in this game. They secured 104 and 78 seats respectively, both falling short of the 113 mark. From this situation, arose the Janata Dal (Secular) (JDS). This regional party which secured 37 seats, was automatically exalted to the position of kingmaker, for now, it was up to the JDS to choose which party to form a coalition with, the INC or the BJP. Whichever they chose, would form the government in the state. The JDS, despite being at loggerheads with the INC in pre-election, surprisingly chose to form a post-electoral coalition with it, thereby, securing a total of 115 seats as a result of the coalition.

Constitutionally, the Governor of the state under Art. 154 is obligated to invite the leader of the majority party or group of parties to form the government. The Governor may refer to the recommendations of the Sarkaria Commission. The Sarkaria Commission specifically dealt with the situation in which no party was able to establish a majority in the house. It provided the order of preference, the Governor should follow in the selection of a Chief Minister, the order being:

- (1) An alliance of parties formed pre-elections.
- (2) The single largest party staking a claim to form the government with the support of others, including independents.

- (3) A post-electoral coalition of parties, with all the partners in the coalition joining the government.
- (4) A post-electoral alliance of parties, with some of the parties forming a government and the remaining supporting it from the outside. However, these are just recommendations and are subject to the Governor's discretion, and his decision is final.

The Governor, who was also appointed by the BJP government, invited the BJP candidate, Mr. B.S. Yeddyurappa on a sudden notice one night, to take his oath as the Chief Minister of Karnataka. He gave him 15 days' time to prove his majority on the floor of the house. BJP, which had earlier secured an inadequate number of seats, could not have gained a majority when the floor test was to be conducted, unless, the match was fixed i.e. the players were auctioned and poached. Later, a series of revelations was unearthed: alleged call recordings of BJP's Chief Minister candidate Mr. Yeddyurappa himself making calls to the ministers of the INC and the JDS trying to sway them over to BJP's side by offering them money and power.

As per Art. 163(2) of the Constitution, and as mentioned in the guidelines set by the Sarkaria Commission, the governor has the protection of his discretion in matters such as the aforementioned, as long as they fall within the domain of his discretionary powers. In this case, they did.

The MM Punchhi Commission, 2007, while referring to the Sarkaria Commission report, laid down guidelines on what could be done in the event of a hung assembly, and explicitly stated that "if specific guidelines regarding post-poll alliances are not laid out, it would result in ambiguity and the Governor would invite the single largest party to form the government".

Hence, in my opinion, the action of the Governor in this case was legally justified except to the extent of granting a 15-day window to the BJP leader for proving his majority. The Hon'ble Supreme Court rightfully reduced this 15-day window to 24 hours to prevent any chance of horse trading by the BJP.

Before the floor test could be conducted on the 19th of May, 2018, Mr. Yeddyurappa resigned, for reasons best suited to be guessed in one's mind.

Finally, the BJP failed to garner the required majority and the INC-led coalition with JDS formed the government with Mr. HD Kumaraswamy being appointed as the Chief Minister of Karnataka.

This entire political showdown puts me to shame regarding the status of politics in our country. Sir Winston Churchill, popularly known for his military exploits is also known for many other things, one of them being his hate for India and Indians. I hate to agree with one statement he had made at the time of independence, and I quote, "Power will go to the hands of rascals, rogues, freebooters: all Indian leaders will be of low calibre and men of straw. They will have sweet tongues and silly hearts. They will fight amongst themselves for power and India will be lost in political squabbles."

One, on reading this might wonder, are we really a nation lost in a political squabble?

'Padmaavat': Glorification of Sati?



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

Rani Padmavati looks hauntingly beautiful as she storms down the stairs to a crackling flame and certain death... but the spark of her soul burns much brighter than any *jauhar* pit ever could.

There's honour in this death. There's a sense of glory, duty, and morality in inciting women to kill themselves for a fallen husband.

Or at least, that's what Sanjay Leela Bhansali wants you to think.

But to a rational, socially aware individual, the message sent out is a little different.

Many walked out of theatres feeling disoriented: why was there glory in mass self-immolation? Where is the happiness in this death? Why was death the only alternative back then? Does her husband's life come before her own? Is death still the only alternative for a woman?

With these questions in mind, here is a slightly amended ending to the epic that was 'Padmaavat':

"Shed the smile on the face of the five-year old girl who follows her mother to her death.

Shed the laughter that decorates the pregnant lady who carries her unborn child into a pit of fire.

Shed the euphoric, thumping soundtrack to which these women commit suicide.

Shed the mindless glorification of Sati."

This level of partial artistic censorship is proposed for a number of reasons. Primarily, they can be narrowed down to two: first, that the film is one that glorifies banned practices of *sati* and *jauhar*; second, that Mr. Bhansali and the actors of the film acquire a sense of social responsibility by virtue of the position they hold in the film industry and the omnipresent nature of film.

The visually stunning portrayal of *jauhar* is highly problematic. To the tune of an evocative soundtrack, 'Padmaavat' shows hundreds of women joyously rushing towards a funeral pyre. The implications of the act are hard to ignore even for the most ignorant- that *jauhar* was, and remains to be (given the film's release in the 21st century), the 'right, moral and noble' path to take when a woman's husband dies. We watch Rani Padmavati utilise her position of power to influence vulnerable women and children to give up their own rights to life and liberty...

rights that are sacred and should never be taken away.

The 'Commission of Sati Prevention Act, 1988' is especially relevant for a scene such as this. Section 5 of Part II enumerates a stringent punishment for the glorification of *sati*. Furthermore, in a country that is largely illiterate and uneducated, a film is the most pervasive means of communicating a message to the masses. The implication of Padmavati's *jauhar* is that a woman is the property of her husband, and could become the property of a person who has sexual relations with her; thereby commodifying the life of a woman. To watch and idolise a superstar such as Deepika Padukone, and witness her use her immensely privileged position as Queen Padmavati simply reinforces the idea that "if Queen Padmavati committed *jauhar*, then certainly it is the right thing to do upon my husband's death."

Many have argued that Mr. Bhansali retains his right to freedom of expression. This is a point that is not in contention; there is no denying that as an Indian citizen he is a party to such fundamental rights. However, it is equally essential to note that this right to freedom is not free from responsibility. A revered filmmaker such as Mr. Bhansali holds a position of power that is uncontested in the film industry. Considering this, it becomes morally necessary to exercise accountability and culpability. It seems almost as though Bhansali has suffered social amnesia as he has clearly forgotten the context of the film in the 21st century.

Inspired by the open letter penned by Swara Bhasker to Bhansali, here is an analogy to better effect this stand: The Holocaust embodied an unseen level of moral depravity. It was terrifying, starkly sensational, and dramatic; and has given rise to several films on the same. But despite the rich cinematic ground that this event in history provides, does this mean that the film is made without any perspective on genocide? Or without a single comment on the horrific nature of these crimes and the mindsets perpetrating them? Recovering from the Holocaust has been a long and difficult struggle, and an integral part of the process of recovery is recognising its role in history and attempt to make amends for it.

And just so: 'Padmavat' contains strong elements of glorification of heinous acts such as *jauhar* and *sati*, which have been the downfall of female empowerment for centuries. The film offers absolutely no criticism of the act, and instead defends it as the pinnacle of individual freedom- conveniently ignoring the fact that Padmavati seeks the permission of her husband to commit *jauhar*- all the while continuing to eulogise these actions.

Arguments in favour of Padmavati's release in its original form said that the film needed to be viewed in the context of the thirteenth century. However, the characters in the film bring to life themes that are relevant even today; and therefore, simply the time frame of the film does not render it obsolete. These themes include those of rivalry between Hindus and Muslims, the sanctity of marriage, implicit homosexual relations, and the lack of female emancipation. Watching Bollywood's biggest names act out these personas gives them an almost larger-than-life quality, which makes it extremely easy for the uneducated common individual to relate and even idolise these characters.

For the film to actually have been fit for release, disclaimers should have been included *throughout* the movie and not just in the beginning, with special emphasis on the final *jauhar* sequence. One cannot overestimate the reasoning capacity of the average individual when it comes to socially relevant matters such as this which have previously been the bane of the existence of the female gender.

Social progress is, after all, not easily attained. While the extent of tolerance that a film such as '*Padmavati*' requires, may exist within the tenets of Indian mindsets, one cannot allow such films to be made with zero repercussions. The film may be set in a historical time frame, but the amount of open-mindedness that is required to tackle the regressive nature of the plotline lies just out of India's reach.

Is India ready for "Swiss Challenge"?



Rahul Sinha
[Final Year MBA(Law)
student at NMIMS,
Mumbai]

The ongoing resolution of Binani Cements under the Insolvency and Bankruptcy Code, 2016 and bids by Ultratech Cements and Dalmia Bharat, have led the Ministry of Corporate Affairs to propose inclusion of the 'Swiss Challenge Method' in the new code. Various stakeholders also demand the same with resolutions under the Code not giving the desired results.

Under the 'Swiss Challenge' method, the highest (H1) bid in the first round of bidding becomes the base price for bidders, including the H1 bidder, to place counter-bids in the second round of bidding.

The stressed asset goes to the highest bidder in the second round. If no other bidder is able to better the H1 bid, the top bidder in the first round is declared the successful bidder.

There was a lot of expectation from IBC that it will resolve the Indian financial sector that was bogged down with a lot of NPAs, but instead, it was brought down with a string of litigations by the parties involved in the bidding process in proving others' inability and the ever-flowing of counter offers. The Swiss challenge would ensure that the bankers and creditors are able to take the maximum value from the stressed assets.

The Swiss Challenge method is not entirely new to the Indian scenario. The Government of India resorted to it when they had to redevelop 400 stations and various state governments such as Karnataka, Andhra Pradesh, Bihar, Rajasthan among others have been awarding a contract

under the method. The Supreme Court of India gave its stamp of approval to the Method in the matter of *Ravi Development Vs. Shree Krishna Prathisthan and Ors* (AIR 2009 SC 2519), and held that, "*the said method is beneficial to the government inasmuch as the government does not lose any revenue as it is still getting the highest possible value.*"

In the recent past, some banks have resorted to the Swiss Challenge method to offload their stressed assets under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002.

For example, in March 2018, Jammu & Kashmir Bank had invited counter-bids for the sale of its exposure to Essar Steel India Ltd and Odisha Slurry Pipeline Infrastructure Ltd under this method on a 100 percent cash basis.

The method will only be of merit if an amendment is carried out in the Code and a provision requiring the same is carried out, so that unnecessary litigation can be curbed.

Though this method will come with its own set of challenges, but it will surely lower the haircut taken by the operational creditor as they are the last in the arrangement and have no say in the committee of creditors.

This along with a reduction in the percentage required for passing of the resolution plan, should deal with the NPA woes of the financial market. Under the current provision, it is possible for only 26% of the creditors to take the company into liquidation, which should be revised. A 14-member IBC Committee formed by the government has submitted the same to the government for consideration.

RBI Bans Bitcoin in India



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

There has been a lot of excitement around bitcoins recently with the new age digital currency progressively gaining recognition across the planet. Bitcoin will change the way we transact on the web and mobiles today, especially with regard to micropayments. The Bitcoin system has been pensively designed for the internet age. The Indian Government is apparently in the process of framing laws regulating such exchange. Until recently in its first policy statement of the fiscal year 2018-19, the Reserve Bank of India had made it clear to ban bitcoins.

The technology

It is one of the first attempts to create a decentralized

currency with no Governments, no Central banks, and no rules. Bitcoins have no central monetary authority; they work on peer-to-peer basis. Bitcoins are created through the process known as mining. It is a process where difficult number-crunching tasks and mathematical calculations are done by miners in order to confirm transactions and increase security. Once bitcoin miners confirm the transactions, they can collect reward in the form of transaction fees or newly created bitcoins. These transactions are recorded publicly in the blockchain ledger in a chronological order and are shared between all the users in order to prevent double spending. Bitcoins can be bought and sold in return for fiat currency on several exchanges and can also be directly transferred from one user to another using appropriate platforms like Zebpay and Unocoin in India.

Bitcoins space in India

Recently there has been a lot of buzz around bitcoins in India too. According to *quint.com*, India accounts for roughly 10% of the global Bitcoin trade. Having said that, there are many criminal cases of money laundering and violations of Prize Chits and Money Circulation Schemes (Banning) Act, 1978, against people who are floating the cryptocurrency in the Indian market, but as there is no law which directly provides for punishment for dealing in bitcoins, these people are out making easy money. Mainstream bitcoin users in India are speculators and investors and as such, those who wish to trade in bitcoins should be vigilant and only invest money that they can afford to lose. Regulators in India do not seem to be bitcoin savvy as recently in the first policy statement of the fiscal year 2018-19, the Reserve Bank of India notified the banks should stop dealing with entities that deal in virtual currencies like bitcoins. It has given the entities, three months to wind up their business relationships relating to the virtual currency.

Earlier the Reserve Bank of India, through two press releases dated 24th December 2013 and 1st February 2017, has warned users, traders and holders of bitcoin or any other virtual currencies about the potential risks involved in dealing with them as the creation, trading or usage of VCs including bitcoins, as a medium for payment are not authorized by any central bank or monetary authority, the further use of any such currency will be considered as breach of anti-money laundering provisions. Investors who deal with bitcoin, the central bank added, would be doing so at their own risk.

Entire ban is the solution

As discussed in the aforesaid paragraphs, blockchain is the technology used in cryptocurrencies such as bitcoins, hence making it impossible to map out the authentic use of funds and to manage the flow of currency to a number of unidentified entities across the globe. Also, if the trades in such currencies are not regulated, it poses a substantial threat to the fiat currency or the local currency of the country because, firstly, it works on a parallel exchange mechanism and secondly, that the exchange mechanism is not backed by any Government authority. Cryptocurrency is posing pressing regulatory questions, surpassing multiple financial laws around currency regulations,

exchange laws, security transactions, public issues and the need for a central regulator itself, because multiple bitcoins can be created to hide the affiliation between the source and the target of such transactions, which may be considered as an easier route for anyone to carry out unidentified transactions in order to launder money or fund terrorism. Also, virtual currency wallets are independent of traditional banking systems, there are no regulations and the real basis of the profit/gain is unfamiliar and mostly unregulated, the income in such wallets cannot be taxed.

As the recent paradigm shift of demonetisation of Indian currency by the BJP-led Government, the Indian generation has agreed on digital assets being the future of investment. The industry is witnessing unpredictable milestones and it is not safe to assume that bitcoins have the potential to be the next 'virtual gold' which we can look up to because currently in India, cyberspace is not as strongly protected as in developed countries, where one can rely on such virtual currencies. We are prone to anti-social and criminal activities like terror funding, tax evasion and money laundering, if left unregulated. Investing in cryptocurrencies involves immense risk, as prices are extremely volatile. Also, bitcoin as an investment primarily cannot be relied upon, as there is nothing for the investors to analyze. People are investing with imperfect information and joining the pack of speculators. Since these cryptocurrency prices are not synchronized and more people are entering the market, enticed by the high prices, the prices scale even higher, leading to the creation of a bubble that will eventually burst and will cause widespread losses. This could be solved in case of a regulator supervising the prices of the cryptocurrency and preventing the bubble to burst.

Moreover, there is ambiguity about it being a currency or a commodity. It is an additional huge issue related to bitcoin because it is 'mined' using complex mathematical formulae and is not regulated by any government, hence it can be very unsafe for businesses, industry and people to trade or invest in bitcoins as it is just a formula, not backed by any tangible asset, but by sheer demand and acceptability amongst the investors. What will happen once that acceptability is gone? The value of money invested in it will be zero.

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Fall. Pills. Rise



The author (B.B.A., LL.B (Hons.) student,) an apparition stuck between good jobs and suits.

Every time I took a fall, these noises came back like a sequel,
Those mocks could break me no further, even pain felt so trivial,
I walked on in the rainstorm dried hopes like a bowl of cereal,
The milk of desire never poured on, life always threw subliminal.
My vices were educational displayed my city as dark,
Understood enterprises aim to fool your minds by winning your hearts, and
Justice is blind never on time, fight till your wounds are scars,
Was once a star now praying with knees grounded to show you the world ain't ours,

Every time I took a pill
I realised the conscience looks for cheap thrills,
No matter how rich you are, low you going to stoop,
Irrelevant of the weak feels you still going to use
Popped a couple myself never realised the trouble, Rolled up my bliss to witness an abyss with the devil.
Felt like a criminal imbibing the values of the ghettos,
Till I saw a kid in a vegetative state at the place where the guy peddles,
Discovered circumstances sometimes made who we are

To judge between right and wrong was out of question when he wasn't treated fair by the higher power
Or is it karma? That's more complex, I ponder.
That the fact we forget our past never plays here as a factor.
I got to work with these demons on this, stage, I am an actor... These lights go on

AND

EVERYTIME I RISE
I see for morals above my pride.

But these cravings in my mind;
Overdose me relapse on my shine

Now I own the red carpet, got these eyes on me, you're reading what I quote, you sue me when I slander thee.

You're my close friend my enemy you treat me god like when my purse is filled with dollar leaves

But I am sure your back never turns up at my door when I am shot dead by a reckless thief cause,

Lying in a casket if fell again, waiting for another life popping pills till then, Rising in womb or slaughtered in there, the circle of life never stops I guess.

Ear for You



– **Shristi Agarwal**
[B.B.A., LL.B (Hons.), Third Year]

The first time I saw you break down in my arms
I couldn't help but be alarmed
You were the girl whose enthusiasm outshone the sun,
Running around, laughing and making everything fun.

There was so much that my eyes had missed;
Those tiny cuts, the scars on your wrist
Covering yourself up in baggy clothes and long sleeves
How you always managed to smile and deceive

The dark circles and puffy red eyes
with layers of make-up, you would disguise
With earphones plugged in, all the while
Those big beautiful eyes would never reflect your smile

Hours of blankly staring at the screen
slowly and gradually drowning yourself in caffeine.
Those quite sobs the hidden sighs
Those untold secrets the little lies.

Days when you hugged me a little too tight
As if you would never see me again if I went out of your sight.
Of all the times that you questioned your self-worth
and felt that you just weren't good enough.

When you said you wanted to be alone just to clear your head
But even hours later I would look at you tossing and turning in bed
Conversations where we discussed our future and tomorrow
How your head would droop and your eyes would be filled with sorrow

How could I not know?
How could I not see the signs?
How did I miss all this?
How did I miss reading between the lines?

The day when you told me you wanted to end your life
I felt as if it was my throat at the edge of that knife

No words of mine can cure the ache in your heart
So I am just gonna let my actions do that part
So I am not gonna tell you how you should feel or how to make it better
I am going to put my feelings into words and tell you that "YOU" are all that matters

*Even though right now you feel that you're in the darkest
places of your soul
You're the light at the end of the tunnel, you're what makes
me, whole
You don't like to complain or share your pain or vent
Darling, you're not broken, just bent*

*Be it 3 o'clock in the afternoon or the night
You will always find me by your side
Whatever you're feeling, I am in this with you
Together, there's nothing that you and I can't get through.*

Convocating Batch of 2013-2018



B.B.A., LL.B (Hons.)



B.A., LL.B (Hons.)

*Education is the most powerful weapon which you can use to change the world.
-Nelson Mandela*

Alternative Dispute Resolution Committee

The Alternative Dispute Resolution (ADR) Committee is concerned with developments and optimum use of all forms of alternative dispute resolution within and beyond Kirit P. Mehta School of Law (KPMSOL), including arbitration, mediation, conciliation, as well as effective settlement and negotiation techniques. These skills are a necessary accessory for law students, to be able to leave their mark in the legal world, particularly for trial lawyers. Alternative dispute resolution is considered both within the formal litigation process and pre-suit. The committee will be organising numerous programs to enhance the advocate's skills in all dispute resolution procedures.

We have an ambitious plan for the year ahead and hope that you will be a part of it. This being the birth year of the ADR committee in KPMSOL, we encourage you to join and be involved in all the events organised by us so that we can leave our very own mark in furthering your knowledge and skill base as a part of your law school experience and to keep this committee ever growing in the coming years.



*SoLink**8th Edition*

An Interview with the members of the Student Council 2018-19

With the new Student Council on board, their hands have been full since they took over. The members are determined to bring changes to the ways the activities happen in KPMSoL. This new council has charmed everyone with its resolute members and their passionate approach since their inception in January. The Publication Committee thus interviewed the members regarding their goals and the issues that they would tackle as a Student Council member. Here are the interesting views the members shared with us:

Moha

(Secretary - Student Council)



1. What message would you like to give to the fellow SOLites with regards to their participation in different activities and events?

For reasons both good and bad, we at KPMSOL have an attendance-oriented approach. One way to look at this positively is that this gives us, as students, abundant opportunities to participate in and work for various activities and events that happen all year round, not only in our college but also in the ones around. Making the most of this will surely benefit us in the long run. Along with sharpening your resume, co-curricular and extra-curricular engagements are very instrumental in honing our overall personalities and skill sets. What's more, this is the best way to network and make friends!

1. What are the issues that you would like to address, as a Student Council member, on a priority basis in context of your respective committee?

We would like to increase the school's visibility and that's where our concern lies, because a faltering online presence does not aid the institution.

If the recent PR activities are any indication, you would know how we have decided to go big on videos as they are currently the most impactful method of visibility.

Shreya Chamaria
(Co-Head - PR)



chaitanya Suri **(Co-Head - PR)**



1. What message would you like to give to the fellow SOLites with regards to their participation in different activities and events?

It's amazing to witness how the participation has increased over the course of time. With events finally becoming consistent and infact growing every year, the committee head's along with the Student Council really requires every individual to contribute in whatever way possible.

1. What are the goals set by your committee? How do you plan to achieve it?

As the Treasurer of the Council, my only goal is to make sure that the wallets of the Council never run dry and we can put together bigger and better events in the days to come.

2. What message would you like to give to the fellow SOLites with regards to their participation in different activities and events?

These are the days of your lives, so just make them count. Project and presentations are going to come and leave, but make sure that you do participate in events, whatever appeals to you. Do make an effort in the same and you shall be awarded with amazing experiences and a truckload of memories.

Shrishti Agarwal **(Treasurer)**



Praneeta Ragji (Head – Debate Society)



1. What are the issues that you would like to address, as a Student Council member, on a priority basis in context of your respective committee?

- a. Easy access to permissions for classrooms and other amenities
- b. Management of attendance for students who participate in extra-curricular activities
Working around the different schedules set for different batches in order to facilitate maximum senior – junior interaction.

2. What are the goals set by your committee? How do you plan to achieve it?

- a. Encouraging a culture of debating in our college
- b. Providing students with adequate amenities for practice
- c. Fostering strong senior-junior interaction
- d. Promoting interaction with other colleges to improvise overall debating skills

3. What message would you like to give to the fellow SOLites with regards to their participation in different activities and events?

The territory outside your comfort zone will make you see a part of yourself that you didn't know existed. Personal experience has taught me that college is more than making a CV or guarding your GPA. It's about making a connection with your peers, with yourself and in the process – growing up.

1. What are the goals set by your committee? How do you plan to achieve it?

The Publication Committee aims to create an environment of free expression and foster thought provoking discussion within KPMSoL and between KPMSoL and other institutions. Written and recorded expressions in all creative forms are our tools in this endeavour. We strive to provide space for dedicated columns, opinion-based notes, poems and comics besides regular articles and reports in the college newsletter for students to express their ideas pertaining to their area of interest. We also

Clarissa D' Lima (Head – Publication Committee)



look forward to providing students with a window to watch out for the recent trends in the legal profession by means of guest interviews and interactions with the eminent professionals who visit the college.

2. What message would you like to give to the fellow SOLites with regards to their participation in different activities and events?

Every little bit of effort you take in your co-circulars and extra-circulars certainly adds to your skills which will come handy at some point in life. Make the best of the events planned for students in college and try re-use the learning you gain from one event by applying it to your participation in or organisation of other events. Also, do not shy away from sharing your learnings. It will help transform the learning into a more wholesome experience.

Dhananjai Shekhawat
(Head – Sports Committee)



- 1. What are the issues that you would like to address, as a Student Council member, on a priority basis in context of your respective committee?**
 - a. Communication & coordination among the student Council members.
 - b. As a committee the Sports Squad needs to be given more importance and should not be recognised as something less important than other committees.
 - c. Considering the nature of participation, weather conditions, etc. Sports Committee should be given more autonomy in selecting the feasible dates and events

2. What are the goals set by your committee? How do you plan to achieve it?

- a. To spread the culture and spirit of sports in KPMSoL and beyond.
- b. To build a network connecting individuals who are passionate about sports, as it mutually benefits everyone.
- c. To facilitate access to sports ground and equipment for students.
- d. Give the students opportunities to play/practise more regularly.
- e. To make our college sports teams practise so they can represent the college in sports events.

Kathan Shukla (Head – ADR Committee)

1. What are the goals set by your committee? How do you plan to achieve it?

- Spread awareness about ADR as a primary career option.
- Organise events and workshops not just to promote but also to develop necessary skills.
- Most of all, get interaction with people who are working in ADR to have a first-hand experience of what it is and network.

2. What message would you like to give to the fellow SOLites with regards to their participation in different activities and events?

Increase participation as much as you can. No event is successful without participation and enthusiasm of fellow SOLites. College is a great platform to explore and experience various things to figure out one's calling.



Neel Narsinghani (Head – Centre for Career Guidance and Placement Cell)



1. What are the goals set by your committee? How do you plan to achieve it?

Keeping in mind the long-term objective every Placement Committee has a single obvious objective of finding the finest avenues for the students. For the short term, we have a mix of a few robust and dynamic strategies. The legal industry is such that most of the hiring is done through long-term or consecutive internships; we have aligned our strategies keeping the working of the industry in mind.

2. What message would you like to give to the fellow SOLites with regards to their participation in different activities and events?

I think it's imperative for students to draft a neat, specific and brief Resume. The placement cell, in the coming year, has planned several Guest lectures and interactive sessions to be conducted by the experts of the Legal Industry. An active participation here will not only help the students get more opportunities but will also open more gates for our college.

Vaishnavi Vyas

**1. What are the goals set by your committee? (Head – Centre for Excellence)
How do you plan to achieve it?**

Centre for Excellence aims to inculcate research & training culture among the SOL students. We aspire to do so by conducting workshops, panel discussions and conferences.



2. What message would you like to give to the fellow SOLites with regards to their participation in different activities and events?

With respect to the activities and events, I believe students are too enthusiastic towards all academic and cultural activities. I hope through Centre for excellence, we also get students inclined towards conducting researches, policy analysis, etc. and various other things that we plan to do.

Abhilasha Pant
(Head – NMCC)



1. What are the goals set by your committee? How do you plan to achieve it?

We plan to conduct Intra and Inter judgement writing competitions. We also plan to organise orientation sessions for junior batches along with some workshops for which we would like to call a guest lecturer.

Soon after the Intra events of the committee, the groundwork for NMCC (which we hope to make international) will begin.

2. What message would you like to give to the fellow SOLites with regards to their participation in different activities and events?

Hoot for Moot! Let's bring around a moot culture in college which at this point seems to be missing! Let's all work together to improve ourselves and help others along with it!

Aditya Jain
(Co-Head - Law Review)



1. What are the issues that you would like to address, as a Student Council member, on a priority basis in context of your respective committee?

- a. Promoting Research and publication
- b. Organising workshops for students specially for first year students.

2. What are the goals set by your committee? How do you plan to achieve it?

- a. Launching the 1st Edition of NMIMS Law Review
- b. Organising workshops regarding publication of papers

3. What message would you like to give to the fellow SOLites with regards to their participation in different activities and events?

It's important to try everything out. Do something of everything. Focus on research, teach and help yourself.

1. What are the issues that you would like to address, as a Student Council member, on a priority basis in context of your respective committee?

To make people aware of the Entrepreneurship Committee and to make them realise that entrepreneurship is not only about start-ups but also about skilled decision making.

2. What are the goals set by your committee?
How do you plan to achieve it?

We plan to host small scale events/workshops to develop an independent mindset within the students, who should be able to think dynamically by assessing all options that lay in front of them. We aim to cultivate a spirit of entrepreneurship by making students aware of what it actually entails against what it has become today.

3. What message would you like to give to the fellow SOLites with regards to their participation in different activities and events?

They should not hold back from participating in events as each event will develop a new skill set.

Chaitanya Bhatia (Co-Head - E-Cell)



Dhaval Mehta (Head - MUN Society)



1. What are the issues that you would like to address, as a Student Council member, on a priority basis in context of your respective committee?

The issue in SOL is that of involvement & active participation in the events, I would like the MUN Society to be a facilitator for any student wishing to attend MUNs and Youth Parliaments, ensuring that they receive the best training and assistance from our side.

2. What are the goals set by your committee? How do you plan to achieve it?

We have decided to conduct at least one Intra MUN in each semester and send students to different MUNs across the country. Also, our National level MUN – SOLMUN, which is the flagship event of the MUN Society shall be happening from 21-23 September, 2018, so we want to achieve maximum participation from schools and colleges across India and make it a big success.

3. What message would you like to give to the fellow SOLites with regards to their participation in different activities and events?

My message would be, especially for the juniors, to pick up any one activity, it could be MUNs, Parliamentary debates or Moots, but pick it up and keep doing it actively.

1. What are the issues that you would like to address, as a Student Council member, on a priority basis in context of your respective committee?

Issue 1: We need to nurture creativity. At times we face hindrance in promoting creativity among the students and we really need to give people the platform to experiment and just become more comfortable with themselves.

Issue 2: We need to promote art and culture amongst the students. We need to get together and talk about what makes us tick and really discover the amazing world of 'Art'.

Issue 3: Optimism. We often become cynical and feel defeated. We really need to help people look around and feel better about the world, feel how awesome our existence is and help them work towards building a better tomorrow.

Nidhi Agrawal
(Head – Cultural Committee)



2. What are the goals set by your committee? How do you plan to achieve it?

We have 3 goals. They are Stop Stress, Express & Progress.

a. Stop Stress: I honestly think a lot of us have borderline anxiety issues and sometimes art and culture can help you really switch off and feel like you fit in.

b. Express: It's extremely important to find a medium where you can be what you want to be and say what you want to say. Our goal is having everyone express. Paint, draw, dance, rap, mime, write, sing, do a handstand and then recite songs from Hera Pheri. Do what brings out your inner crazy and then channel it.

c. Progress: After all this we really hope people progress, learn a little about themselves and work on it. We really hope people nurture their skills and that doesn't mean if you're a singer then go and win Indian Idol. It just means take baby steps to becoming better. Because from our perspective those aren't baby steps, those are giant leaps.

We plan to do this through organizing open mics, organizing a bigger Meraki, having art appreciation days. Telling people about plays and movies and forming book clubs and drama clubs. Basically, by creating an atmosphere that nurtures our students.

3. What message would you like to give to the fellow SOLites with regards to their participation in different activities and events?

Do it. Participate in whatever you want. Don't worry about not being good enough, try different things. You might be confused and not know what you like, but the only way that I think helps is to keep doing something. Shine with all the light you've got. All of you'll be capable of amazing things. Don't be afraid! Take the leap, I promise it'll make you happy.

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