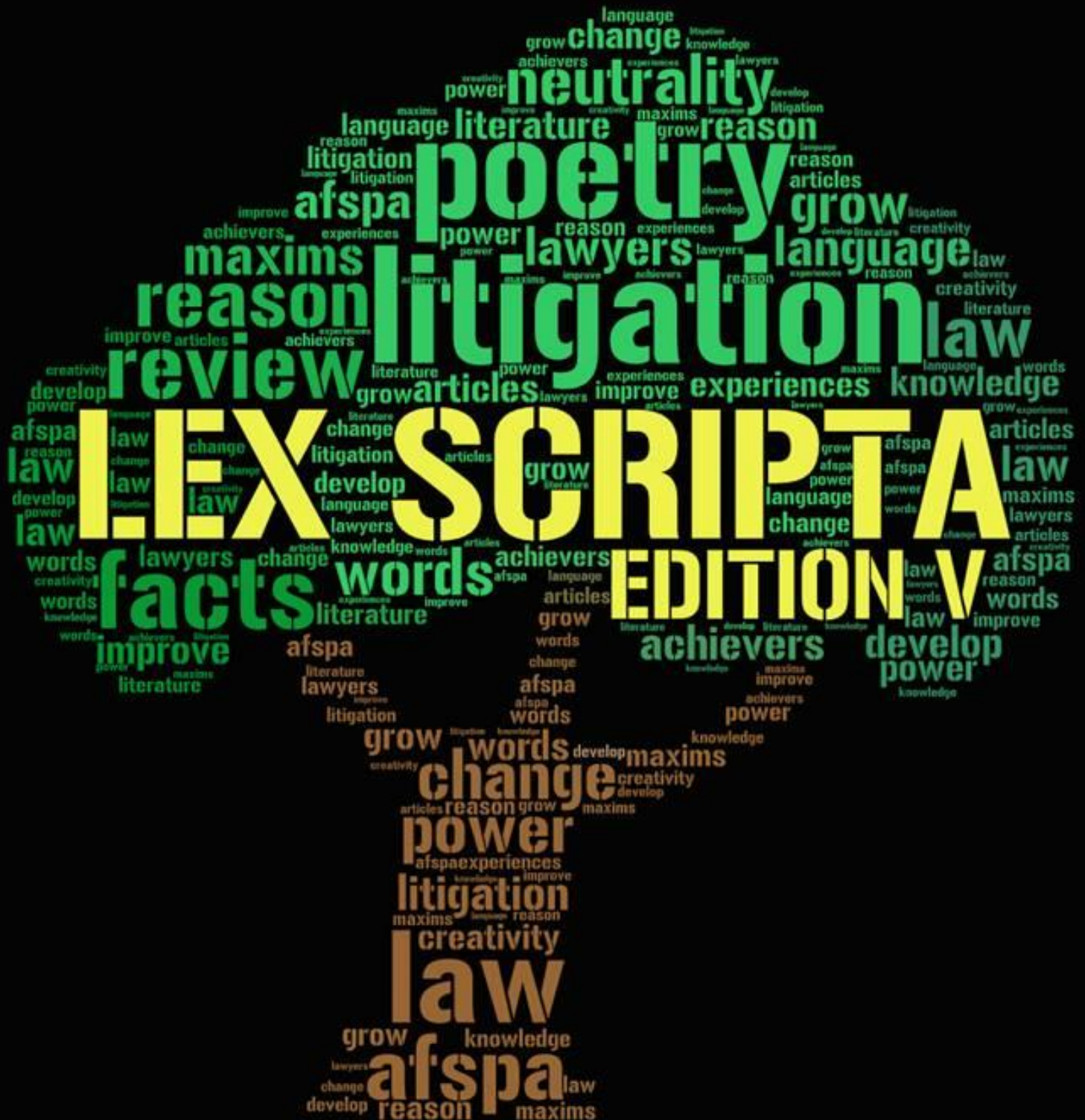


# SCHOOL OF LAW



**CHRIST**  
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An initiative by students of SLCU

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**IN LOVING MEMORY OF**



**ANAND MATHEW**  
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# Credits

Mohana Bhargava & Dhananjay Suri

Conveners

Editors in Chief

Conceptualisation of the Magazine

Head Designers

Nandita Balasubramanian

&

Pranay Goenka

Head of Publicity

Vidit D Kumat



# Editors

Roshni Menon

Sarda Mahesh

Anusha C

Aishwarya Todalbagi

Aditi Mohan

Arindam Baruah

Himanshi Thakur

Anmol Singh

# Designers

Krutika Khare

Parumita Pal

Rachit Francis

Manikanta



# **WE EXTEND OUR SINCERE GRATITUDE TO**

**Fr. Benny Thomas,  
Director, SLCU**

**Dr. Somu CS  
Associate Dean and  
Head of Department, SLCU**

**Dr. Sandeep Desai,  
Teacher Coordinator, SLCU**

**Ms. Ambily P  
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**Dr. Sunita Abhay Jain  
Teacher Coordinator, SLCU**

**Dr. Venugopal Menon  
Teacher Coordinator, SLCU**

**Mr. Anto Sebastian  
Faculty-in-charge**

**Ms. Sawmya Suresh  
Faculty-in-charge**

**Ms. Anupama Nayar  
Centre for Concept Design**

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*Mr. George K. Jose*

*Ms. Ann Thanía Alex*

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# Contents

1. Director's note Fr. Benny Thomas	8
2. Associate Dean and Head of Department Dr. Somu C.S.	8
3. Psalm of life, by H.W Longfellow	9
4. Our two bits	11
5. Law! Camera! Action!	28
6. Take a Stand	35
7. Creative Writing	45
8. Experience	52
9. Verses Versus Verses	59
10. Across The Border	71
11. From the Mentor's pen	79
12. Alumni Speak	84
13. India V. 69	87
14. Rock walls , by A.P.J. Abdul Kalam	101





**Fr. Benny Thomas, Director, SLCU**

The past editions of *Lex Scripta* have proven to be a worthwhile initiative by the students of School of Law. The magazine has presented itself on a pedestal, providing a good platform for students to hone their writing skills. Words, either spoken or written are a lawyer's greatest tool for communication. To succeed in this profession, a lawyer must be aware of the challenges that trouble society and penning one's views and stand on the same, is essential. This fifth edition includes topics that are presently making headlines and is in need of deliberation and thought. I am certain that this edition too will receive a great response. I hope that *Lex Scripta* grows with a souring spirit, fervor and zeal. I wish you all the very best.



**Dr. Somu C.S, Associate Dean & Head of Department, SLCU**

The vigour and conviction with which the students have produced the fifth edition of *Lex Scripta* must be applauded. This School of Law initiative, could not have been achieved without the valuable contribution of the faculty and students. I thank the teachers for their care and guidance and the students for their perseverance towards the publication.

Written articulation is an essential skill in the field of law. It is the embodiment of the profession in many ways. The magazine has proved to be an ideal platform for nurturing this. It also encourages students to discuss current issues and challenges in the legal and social sphere, and to present their perspectives on the same. I urge the students to make the best of this opportunity and help the magazine reach new heights.



# A PSALM OF LIFE

- HENRY WADSWORTH LONGFELLOW

*What The Heart Of The Young Man Said To The Psalmist.*

Tell me not, in mournful numbers,  
Life is but an empty dream!  
For the soul is dead that slumbers,  
And things are not what they seem.

Life is real! Life is earnest!  
And the grave is not its goal;  
Dust thou art, to dust returnest,  
Was not spoken of the soul.

Not enjoyment, and not sorrow,  
Is our destined end or way;  
But to act, that each to-morrow  
Find us farther than to-day.

Art is long, and Time is fleeting,  
And our hearts, though stout and brave,  
Still, like muffled drums, are beating  
Funeral marches to the grave.



In the world's broad field of battle,  
In the bivouac of Life,  
Be not like dumb, driven cattle!  
Be a hero in the strife!

Trust no Future, howe'er pleasant!  
Let the dead Past bury its dead!  
Act,— act in the living Present!  
Heart within, and God o'erhead!

Lives of great men all remind us  
We can make our lives sublime,  
And, departing, leave behind us  
Footprints on the sands of time;

Footprints, that perhaps another,  
Sailing o'er life's solemn main,  
A forlorn and shipwrecked brother,  
Seeing, shall take heart again.

Let us, then, be up and doing,  
With a heart for any fate;  
Still achieving, still pursuing,  
Learn to labor and to wait.



Our two bits





# UNIFORM CIVIL CODE; REALISTIC OR UNREALISTIC

-Aishani Bidani

## **INTRODUCTION**

Uniform Civil Code is definitely regarded as a question that is extremely relevant and realistic in today's world. Understanding how it all began is very important. It was the secular Congress leaders such as Nehru and Ambedkar along with many Women Rights centric organizations who were initially trying to push the idea of the Uniform Civil Code in India. Back then, the Hindu parties were not ready to accept the idea of the Uniform Civil Code but now that the Hindu Parties are ready to accept it, the same set of secularists and minorities are not ready, claiming it to be unrealistic and backward.

In **Article 44** of the Constitution of India, our founding fathers inked their dream of bringing the whole of India under a common civil code and putting an end to the complicated set of religious laws. The question for a Uniform Civil Code arose in the highly controversial case of *Mohd Ahmed Khan v. Shah Bano Begum*, where there was a lack of effective and efficient civil laws for Muslim women who were always treated as the lower strata of the society.

## **BACKGROUND**

When the British came to India, they faced a highly fragmented society that was in a state of flux and with time they came to realize that religious beliefs of the Natives should not be mended with. Thus, the British allowed different personal laws for different communities. Also, it must be noted that at that time, laws related to women across the world time were highly regressive and restrictive.

## **REFORMING HINDU LAWS IN 1956**

At the time of writing our Constitution, we were faced with a variety of unrealistic laws that were based on the religious interpretation and controversial ideas and theories of the 19<sup>th</sup> century. In a group of 4 landmark decisions in 1956, Pandit Jawaharlal Nehru enabled the modernization of Hindu Laws that allowed divorce, alimony, adoption and equal rights of inheritance to sons and daughters.



Nehru didn't want to push too many changes in all the communities at the same time as that would lead to mismanagement amongst various communities.

### **WHY UNIFORM CIVIL CODE IS NEEDED NOW**

The process that started in the year 1956 is still incomplete. For instance, on one hand Hindu Laws have codified personal laws in relation to marriage but on the other hand, other religious communities are brought under the ambit of the Special Marriages Act. Whether we want to implement the Uniform Civil Code now or not, we must set one basic goal which ensures that all laws must treat women and men as equals and no religious law should be able to override this fundamental principle irrespective of the Uniform Civil Code being implemented. Thus in other words, all religious laws relating to polygamy, unfair divorce etc. must be declared as unconstitutional.

Some common myths regarding uniform civil code are:

- ❖ Uniform Civil Code means imposition of Hindu Law.
- ❖ Uniform Civil Code will take away the freedom of religion.
- ❖ India is working well without a Uniform Civil Code and hence does not need one in the future either.

These are not true. Implementing a Uniform Civil Code does not mean the imposition of a Hindu law or taking away the right to preach or propagate one's own religion, rather it means creating a common code which will govern all sections of society and no personal law will be considered as to be above this code.

India should implement the Uniform Civil Code for the following reasons:

- ❖ Secularity

In order to be completely secular, laws should have nothing to do with religion. The true meaning of secularism will be reflected in the implementation of the Uniform Civil Code.

- ❖ Reducing the burden on the legal system

Different personal laws for different communities unnecessarily burden the legal system and as a result the judiciary cannot or fails to focus on more important matters like the civil procedures. It would also help in simplifying a lot of technicalities which are present in different personal laws.



❖ Better condition of Muslim women

Monogamy should be mandated on all Indians. This will happen through Uniform Civil Code. It is also a major step towards gender justice. Muslim women for instance lack sufficient rights in relation to maintenance and inheritance. Providing a strong Uniform Civil Code will help better the situation of Muslim women which will in turn help the society progress. Also, certain provisions of Christian Law and Hindu Law need amendment. That too will happen with the Uniform Civil Code.

### **CONCLUSION**

Uniform Civil Code is necessary for development of our nation as a whole. The best and the most strong reason to get this up and running is the fact that it will help us get rid of gender discriminating laws and serve as a blow to the patriarchal nature of the society. All of this can be possible only if the Uniform Civil Code comes into force since Constitution of India itself demands it.

### **Uniform Civil Code- Realistic or Idealistic**

**-Debajyoti Saha**

### **Introduction**

“Uniform Civil Code” is not a new term to Indians. Every third citizen is asking for uniform laws. India consists of diverse religions. Every religion has its own rules and regulations. The Preamble of the Constitution it states that we, the people of India, are a secular country. We cannot differentiate between religions on the grounds of their personal laws. The Constituent Assembly of India was already aware of the situation during the time of drafting of our Constitution. That’s why they imposed a responsibility on the state to make “Uniform Civil Code”.

Since the time of Independence, Hindus and Muslims have always been in conflict with each other. The personal laws of both the religions are used by the people as per their own whims and prejudices. This can be seen by the following cases. In the Constituent Assembly, Pandit Jawaharlal Nehru had stated in his speech that India was not ready to accept uniform laws for all the religions. But now the situation is different. This can be seen in the following cases.



### Legal Scenario

Art.44 of the Constitution of India states that:

The State shall endeavor to secure for the citizens a uniform civil code throughout the territory of India.

In *Shah Bano* case, the Honorable Supreme Court of India held that a Muslim woman is entitled to monthly maintenance by her husband. There was a lot of hue and cry shown by the Muslim community. In order to save its majority in parliament, the Congress government passed an amendment after the judgment known as the Muslim Women (Protection of Rights on Divorce) Act, 1986. The amendment stated that a divorced Muslim woman is entitled to maintenance till the iddat period ends. This shows how religious values can be used to influence the entire vote bank of the country. This judgment tried to change the perspective of personal laws. It took into consideration the dynamic nature of law. Whatever our ancestors have followed may not be applicable now.

What would happen to the divorced lady who is unable to maintain herself after the marriage? Section 125 of the Code of Criminal Procedure is a secular provision. It enables every incapable woman, who is living separately from her husband on account of divorce, to claim maintenance from her husband. Personal laws cannot override this provision. It will result in the violation of the Art.14 as the Muslim personal law is giving undue advantage to the male spouse. Although marriage is considered as a contract under the Shariat law, divorce should not serve as a way for the male spouse to escape responsibility towards his other half. The Court felt the need of deciding the case in a secular manner and gave the judgment in favor of the wife.

### Current Scenario

Everyone has the same query; when is the appropriate time to implement the “Uniform Civil Code” in India? If we are waiting for that moment, then it will never come in this century. The political parties will not take such steps to make laws as they will not take a chance of losing their seats in the legislature. Recently, a campaign was launched called “Ghar Wapsi” where the people, who were forcibly converted from Hindu to other religions were asked to reconvert to Hinduism. If we balance both these rights, then every individual in the territory of India can adopt any religion. Few years back there were cases of forceful conversion of people from Hinduism to Christianity in the Malkangiri district of Odisha. This is a blatant violation of the Right to freedom of religion.

## Uniform Civil Code and Constitution of India

Article 25 of the Constitution provides the people of India the right to practice profess and propagate any religion. But exercise of this fundamental right should not be arbitrary. Article 19 of our Constitution provides for the freedom of speech and expression. All the Fundamental rights cannot be exercised by damaging others rights. After the *Shah Bano* case, many people were protesting against the gender injustice towards women. The personal laws were in violation of the right to equality given by our Constitution. But then again, we cannot ignore the personal laws, they have their own significance. That is why “Uniform Civil Code” is important.

Religion has its own significance. Their origins differ. The people should imbibe the positive aspects of their own religion. What people have done around a century ago might not be applicable today. Our objective is to unite India and for which the state can make laws restraining the freedom of Speech and Expression to implement uniform laws.

The seed of the “Uniform Civil Code” has to be planted in the curriculum of school textbooks. The children have to know the importance of “Unity in Diversity”. The making of “Uniform Civil Code” will not happen in one day. It has to be done through small steps, one at a time. We can take the example of the state of Goa which is the only Indian state having “Uniform Civil Code”. An appropriate time will never come if we sit idle. We have to take the risk and face the consequences as it is high time for us to realize the importance of “Uniform Civil Code”.

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## **NET NEUTRALITY: A LEVEL PLAYING FIELD ON THE INTERNET**

**-Saurav Das**

Let's thank the telecom operators for what they have done for us in the past years. India would not have been the 10<sup>th</sup> largest country in world economy (GDP) if a good communication system wouldn't have been there and we would still be struggling for a prosperous and law abiding nation. India is still a developing country; this is due to certain factors like communication and internet which have played a major role. Till date, internet is a need for this growing nation. Today, internet is democratized and is equally available to all, at an equal speed.



India has a total of 1.26 billion internet users which is a huge mass, contributing to the economy and the growth. Here, internet is an institution in itself where people express themselves and put their thoughts and ideas across the forum. Now, the main question here is what is Internet neutrality?

Internet Neutrality is a principle which defines that all the Internet Service Providers (ISP) must charge and provide internet at an equal rate and at an equal speed to all its users, and not discriminate the top telecom services in India, like Airtel and Vodafone have come up with a new idea of internet prioritization, where everyone will have to pay for using a specific website. The above recommendation of the service providers can be explained using an example. Supposing, A is a buyer and has options to buy from two sellers, Flipkart and Ebay, from where he can buy his pen. There can be a situation where Flipkart will enter into a deal with the ISP of A, say Airtel, where Airtel will provide high speed internet access to A only for using Flipkart, but for a slightly higher charge, which will be borne by A for using the Flipkart service. This will consequently mean that if Airtel has a deal with Flipkart to provide high speed internet access to his customers like A for using Flipkart only, then A or any other prospective buyer like A, will be able to access Ebay but at very slow speed and a slow internet is equivalent to no internet. Herein, people who want to shop online will be forced to resort to Flipkart at an extra charge, which they will have to be pay to the ISPs, as other websites will take infinite seconds to open on a busy traffic day.

The problem started from the day when Airtel introduced the Airtel Zero that talked about the regulation of the internet traffic prioritization in India. After which Telecom Regulatory Authority of India (TRAI) came out with a consultation paper, where all the major service providers like the Airtel and Vodafone demanded traffic prioritization for Over the Top Services (Example: Facebook, WhatsApp etc).

Isn't this concept creating havoc on the face of democracy and defeating the purpose of internet? Since the beginning, is used as a source of inspiration, knowledge and unity. People rely on the internet to get information from any corner of the world and use it as a medium to spread knowledge. Today, life without internet is like a body without its soul. India is still a developing nation and Mr. Modi has a lot of hope from the youth and the upcoming generation. In a nation where 58% of the pupils do not complete primary education due to poverty and social issues, is it feasible for them to afford internet after it is prioritized, when users will have to shell out extra money from their pocket? No, it's not.

The major crux of the matter is related to the rights of the people, and about the basic human and fundamental rights of a potential customer that will be violated by having no network neutrality.

It is very true that the government and the ISPs on the instruction of the government can make and regulate certain laws on pornography and child pornography, which are against the morals of the society and further spreads immorality. But, on the other hand, there are rights like the freedom of speech and expression and also the right to equality in the laws, which the ISPs are not supposed to regulate. The Part III of the Constitution of India specifically talks of the Fundamental Rights, where person can file a writ against the state only if there is a violation of rights by the state. Blogs and articles are instruments to voice out oneself. By bringing in internet prioritization, there may be instances of a person being denied his right to express on a blog as the site would not be accessible by him. This amounts to gross violation of fundamental rights. Here, the telecom providers are a private entity where government does not have a deep and pervasive control as is the case in the matters of Airtel and Vodafone. But, these two companies being the major companies in India, with respect to the services provided and the people served can be considered a state. In *Unnikrishnan vs. The State of Andhra Pradesh*, where the issue was on the capitation fee and the student was declined the right to equality by the management, Justice Mohan observed that if the institution is performing a public function, then it will be considered a State as per Article 12 of the Indian Constitution as the operators are performing something more than a public function. Moreover, in India the telecom regulations and functions of telecommunications are controlled by TRAI, which is very much an instrument of the state. Hence, if TRAI passes orders favoring traffic prioritization, it will result in violation of the Fundamental Rights of the users.

There is no specific legislation governing traffic prioritization. Not even from the economics point of view, traffic prioritization is a safe proposition for start-ups and other businesses. Giant firms that have money power will crush the small firms through e-commerce over the internet, as the smaller firms will be unable to pay for providing fast internet access to its buyers compared to firms like Flipkart etc., and thereby lose customers to sellers like Flipkart. It will be a blow to the economy and won't be accepted by people, especially if a start-up is not given a fair chance to rise.

Internet is one of the most basic need nowadays and should be made neutral for all. Countries like USA, Argentina, Chile and others, have already adopted Internet Neutrality and if we want to progress in those lines of development, then we will have to adopt internet neutrality in India as well, after all, internet is a need and not a luxury in this nation.



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## NET NEUTRALITY: A LEVEL PLAYING FIELD ON THE INTERNET

-Nishanth Chakkere

Net Neutrality, the 21<sup>st</sup> century's romance with the idea of a free internet is comparable to that of democratization in the 20<sup>th</sup> century. Even though the former has its origin in the principles of the latter, the idea of democratic virtues has been largely extended to the playing field of the 21<sup>st</sup> century- the internet.

American radio talk-show host Rush Limbaugh has categorically stated that “net neutrality would require that every search engine produces an equal number of results that satisfy every disagreement about (an) issue. Just think of it as the Fairness Doctrine of the Internet...” These words encompass what net neutrality is, or more candidly, what it seeks to be. The entire question of whether net neutrality can achieve the goals it seeks to achieve is a different question altogether. The real question is whether the differences of opinions between the content providers and the telecom operators or regulators hinder the establishment of that level playing field.

In most cases, what you see on the internet is what your telecom/broadband operators want to show you. It is not a secret that most of these operators tie-up with partner websites or application creators to prioritize the latter's webpages or applications in search engines. Such tie-ups, though governed by the best ethics of business, skew the playing field on the internet and marginalize websites or applications which have refrained from having such tie-ups with big telecom corporations.

It is all nice and fair until the monetary aspects of such disproportionate tie-ups comes into the picture. For instance, the Canadian Radio-Television and Telecommunications Commission, in the year 2011 accepted that a consumer could be billed on priority usage of the internet. This obviously benefits the web application developers who have tied up with the broadband corporations as both make a fortune when their competitors are sidelined. It is gross ignorance to assume that such web application developers have the most credible information or content on their websites because it is the highest bidder who gets the deal and not the 'best content developer'. Therefore, it is not the quality that seals the deal but the money-power. The poor consumer bears the brunt, along with the failed application developers, as he has no option but to see what he is shown. Our belief in freedom of speech must extend to the internet as it does to any other forms of communication or interaction. It is surprisingly easy to curb voices on the internet by disguising selective participation as a business association by the telecom corporations. This makes it all the more important to enact laws to protect the basic right of all the participants to be heard, especially on a worldwide forum like the internet.

Chile became the first country in the world to bring about a legislation protecting network neutrality (shortened to net neutrality) in 2010. The law prohibits internet service providers from selectively barring websites or other contents online from being searched and also penalizes any effort curb a user's right to use resources, send messages, view articles etc. Considering that Chile took the onus of safeguarding the rights of its citizens even before countries in Scandinavia, North America or Australia is highly commendable. Netherlands followed Chile in 2012, by enacting a law, which encompasses all aspects of internet usage from security, to freedom to choose and also ending the vicious practice of billing users just by considering what applications they use the most. India, at present has no law that deals with net neutrality. India's case is complicated because of the involvement of many factors in regulating and overseeing the constantly growing number of internet applications and service providers.

But there is no dearth of contention between the government and Internet Service Providers. The Internet service providers argue that it is the government that must first take steps to make the network free, rather than expecting big corporations that make billions like Bharti Airtel, Vodafone etc. to take up "philanthropic projects".

It is therefore truly essential for a country like ours to respect freedom of expression even on the internet. As increasing number of Indians get access to the internet every day, it is imperative for the government to regulate the free access to the internet and not internet itself. Creating a level playing field on the internet brings in numerous opportunities even for the marginalized and less-enabled to voice their valuable opinions, because those are being increasingly unheard.



In the future there are all possibilities that most discussions, if not all, will happen on the internet and Article 19's purpose will be truly served. Freedom of the internet also brings in creative ideas in front of a large platform that can one day revolutionize the way we think of things or even the way we live. The benefits of net neutrality far outweigh the disadvantages of it. If the government is trying to regulate what we see and read, the very root of democratic principles are being struck down and it serves no purpose if such regulation cannot bring in any positive change in society. In my opinion free flow of thought brings in more positive change than a guided way of discussion, especially in a country of India's size.

Milton Friedman said "A society that puts equality before freedom will get neither. A society that puts freedom before equality will get a high degree of both". In fact this is exactly what applies to net neutrality; freedom of expression ensures the equality of those expressing it and that is what we should all work towards.

## Rights of the Third Gender in India: A long walk to Equality

-Ishita

'Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance.'

-Kofi Annan

India through its Constitution establishes equality before the law or the equal protection of the laws and clearly prohibits discrimination on any grounds. Yet what we see today is a blatant violation of the Constitution and the very spirit behind it. Despite being one of the largest democracies in the world, India has successfully managed to deprive various sections of society certain basic civil rights. The 'Third Gender' commonly known as Transgender, is not even considered to be 'persons' and is deprived of either fundamental rights or civil rights. Under Article 14, discrimination is prohibited on the grounds of 'sex' and unfortunately only male or female genders are recognised. Transgenders due to lack of recognition are unable to claim any benefits of rights granted to those of male and female genders.

Historically, the third gender has had a prominent role in society and this can be seen from the fact that Lord Rama had authorized them to confer blessings on auspicious occasions. Unfortunately there was a complete role reversal with the enactment of the Criminal Tribes Act, 1871 during the British Era. Through this legislation, eunuchs were considered to be criminals since birth and through its 1897 amendment, 'An act for the Registration of Criminal Tribes and Eunuchs', any eunuch so registered could be arrested without warrant and punished with imprisonment of up to two years or with a fine or both. Finally in August 1949, the Act got repealed but the discrimination continues to exist even today.

Numerous civil and human right violations are inflicted upon people who do not conform either to the traditionally allocated male or female gender. Due to the issue of their gender recognition, they face problems relating to change of sex, same sex marriages, child adoption and inheritance and, also face discrimination in the fields of health, education, employment or social acceptability which is a clear violation of Article 14, Article 15 and Article 16 of the Indian Constitution is violated when these transgenders are not allowed to freely express their personality. Also, they are subjected to torture and violence as forms of harassment.

Sexual abuse and violence, apart from being the most systematic tool for dehumanizing an individual, can be understood as a punishment for not conforming to the gender roles laid down by society, thus clearly depriving the individual of his basic right to life and dignity under Article 21.

In *Jayalakshmi v. State of Tamil Nadu*, a transgender was arrested by the police on charges of theft. He was sexually abused in the police station which ultimately led him to immolate himself in the premises of the police station.

India under Article 253 and Article 51 of the Constitution must make conscious efforts to abide by the International Treaties and Conventions signed by it.

The Universal Declaration of Human Rights, 1948 and the International Covenant on Civil and Political Rights, 1966 (ICCPR) recognize that every human being has an inherent right to live and this right shall be protected by law and that no one shall be arbitrarily denied of that right. Everyone shall have a right to recognition, everywhere as a person before the law.

The ICCPR also states that no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation and that everyone has the right to protection of law against such interference or attacks. Thus apart from its own Constitutional provisions, even principles under International Conventions are being violated.



Transgenders were not granted voting rights until the year 1994 and still in many official forms, only the conventional two genders are recognised, preventing them from availing benefits of schemes provided to other citizens. However there have been certain developments in this area. India's Election Commission in 2009 gave transgenders an independent identity by letting them state their gender as 'other' on ballot forms which shows that our country is taking a step forward in accepting plurality of genders. Judicial pronouncements are further paving a way towards development in the sphere of the rights of the third gender. The Delhi High Court in the *Naaz Foundation* case relied on the words of Jawaharlal Nehru:

*'If there is one constitutional tenet that can be said to be underlying theme of the Indian Constitution, it is that of 'inclusiveness'. The Court went on to say that 'Those perceived by the majority as "deviants" or "different" are not on that score excluded or ostracized.'*

The recent 2014 Judgement in the case of *National Legal Services Authority (NLSA) v. Union of India* has been a landmark decision in recognizing the rights of a transgender. The case goes on to recognize Eunuchs as the third gender and directed the Centre and the State Governments to take steps to treat them as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments. Furthermore directions were given to address the problems faced by this community seriously and make provisions for health care and social welfare.

The 2014 judgment also acknowledged the efforts of the State of Tamil Nadu which has taken a lot of welfare measures to safeguard the rights of transgenders. However, the government showed apprehension in clubbing transgender into the category of other backward classes as they felt such an inclusion has to be mandated by the National Commission for Backward Classes. The government contended that such an inclusion would pose practical and political problems.

It is definitely a long walk towards attaining complete gender equality amongst not only male and female genders but the marginalized third gender. The need of the hour is to primarily ensure that awareness is spread amongst the society about the third gender and how they are just like any other human being. Sensitization on how people are born as transgender, and do not choose to be one is a must. Students must be educated since the start on the plurality of genders and not just the conventional two which would help transgenders being accepted into society in the generations to come.

Further both the State and Central Government must work towards implementing the directions given in the NLSA case to ensure a safe environment for this neglected community which has every right to be treated equally in our society.

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## SEXUAL ORIENTATION: CHOICE OR COMPULSION

-VAISHNAVI

The hoi polloi believes, “Love conquers all”. I hesitate to use this phrase all the time. Love has lost its chasteness and has now become a qualified term which people use randomly without sticking to its true meaning. Whenever I use the term “Love” the first things which come to my mind are, affection, attraction, care and respect. All the relations which possess these emotions definitely have love present in them. Nowadays, love has become conditional. The society has started putting conditions according to which one needs to operate in order to fit under the definition of love. A person’s sexual orientation has an important role to play in determining his/her character as well as personality. The society has set certain boundaries for its people to operate in. These limits or boundaries as they say, have forced individuals to be a person which they do not want to be. The sexual orientation of a person is being controlled from all sides of the society which results in altering of the confidence and the interest of a particular person. It has become more of a compulsion in today’s world. A person is not allowed to love as per his/her choice. Instead, the society comes into play in order to “guide” them to a proper path. Many individuals in our society have different sexual orientations which can be divided into various sections. In today’s world only some relationships are considered to be acceptable while the others are looked down upon. People who have different choices are ridiculed every time the topic of sexual orientation comes into the picture. Homosexuality is considered to be an alien concept and the people who come under that category are regarded as despicable and disgusting. People consider it to be an unnatural concept which needs to be washed out of our society so that only the relationships which are considered to be normal by the society remain in existence. People and more importantly the youth consider this concept of forcing one’s views on others as completely unjust. According to me, this outlook needs to be changed in order to bring in a revolution in the society. The change which we intend to bring in is not an easy job because this mindset has been established over the years and it will take time to change the way people think about a person’s sexual orientation.

The government's equal cooperation is needed in this case so that when people know that the government is supportive of such a cause. They even step forward to bring in a change that a large community is awaiting. I hope to see the dawn of such a day where people with different choices and opinions are accepted by the society with open arms. The day this change happens will be the day when we can call our society open minded and accepting in the true sense. That will be the day when love will be all around and no one will hesitate in saying that "Love conquers all".





# Legends in law

## Barnes Peacock

Sir Barnes Peacock has the unique distinction of being the first Chief Justice of any High Court in India. He was an unflinching advocate of freedom of press and a firm believer that such freedom is one of the main bulwarks of the rights of the people.





*Law! Camera! Action!*





You call it crazy. I call it winning.

## A review of 'How to Get Away with Murder'

-Rakshith Pai

The recent decade has produced some intrinsic law shows through Networks like Fox and USA Network, depicting the cruelty in the corporate world with hints of how a lawyer can deviate towards pro bono and criminal cases. On the other hand, ABC took a sensational decision to portray the role of an attorney in the world malefactors. How To Get Away With Murder, the show that was released in 2014 has indeed changed the way people think about lawyers and has compelled some to make their career choices in this particular profession. Seen as the successor of Grey's Anatomy in terms of ABC's Success, How To Get Away With Murder is a one season wonder that was too good to be left as that. A star studded show featuring Viola Davis (Annalise Keating) as an apex criminal attorney and prominent professor in Middleton University, Alfred Enoch(Wes Gibbons) as a confused eleventh hour student of law and Charlie Weber (Frank Delfino) as a precarious assistant.

The show revolves around how 5 students, Wes Gibbons, Connor Walsh, Michaela Pratt, Asher Millstone, and Laurel Castillo join Annalise Keating's Law Firm and start to succor her in the felonious cases she receives. In the process, they meddle around with their own personal lives and values, resulting in an unexpected delinquent act. The story line keeps transmuting from their pre criminal life to their post criminal scenario. This show is clearly a didactical piece of art for those who wish to take up litigation in the criminal world for, it not only involves one's life in the court but also outside it. In a feminist point of view, one can elucidate this show as a master piece in symbolizing the difficulties a female lawyer undergoes in a society and also how 'her' power compels her to move straight on to achieve her goals. How To Get Away with Murder is also a must watch for the newly budding law students and also those who wish to keep law as their so called back up for it warns them about harsh reality of the world outside the suit and tie. A show with a no irrational approach and also a cliff hanging experience in almost every episode proves that it can offer the best of both worlds. Another salient feature of the show is the atrocious set up it has been displayed in. If one doesn't expect a couple of first years solving a real life case with their professor, well, they better raise their expectations to watch this one. A rating of 8.3 in IMDB and 8 in TV.com, the show proves to be a critic's favorite and also makes sure no bogus is put forward as the so called law. In terms of personal experience, the show influenced me in a modest manner to change from the Science stream. The philosophy and the ideals that a lawyer must possess to sustain in this world being clearly shown in this series have probably impacted my career choice from an Aerospace Engineer to an aspiring Law Student. A show worth a watch, I hope everyone finds the time to watch this charismatic Legal Drama which spans over a mere 15 episode and a series awaiting its second season this fall.

The one film that changed my life  
(A review of the movie 'To kill a mockingbird')

-Sukeshi Singh

I have been asked quite a few times about the reason that influenced and drove me to choose law; the answer has remained the same "Atticus Finch".

I watched the movie "To kill a mockingbird" a couple of years ago and it inspired me to the extent that it became unimaginable for me to study anything other than law or be anything except an advocate, like the protagonist in this movie , Atticus Finch.

I wouldn't be overstating if I said that this movie is one of the greatest movies ever made. Based on a novel written by Pulitzer Prize winner Harper Lee, this masterpiece revolves around the 1930s. It describes the demeaned status and miserable predicament of the African-American faction of the Southern American society: An atrocious society where an African-American man, Tom Robinson was subjected to racial discrimination after being fabricated for raping a white woman. A society where an innocent man was tried and convicted even after his lawyer, Atticus, successfully established that his client was incapable of committing the said crime. The blindness of the jury is revealed, who failed pathetically when it came to relinquishing their biased thoughts and delivery of an honest judgment.

One of the most-loved scenes in this film was the 'Courtroom scene', where, even though Atticus was outraged by the false testimonies of the witnesses, he maintained a calm posture and polite demeanor. He is a skilled lawyer, who without making outright harsh accusations, effectively proves that Bob Ewell, father of the accuser, is lying. His character is exemplary. For him, being a lawyer is not a job; it's a personal commitment to convey justice. The act of pursuing the case of an Afro-American, acknowledging the fact that no matter how hard he tried, the case would always be a lost cause, reveals his consistency to stand up for what is right .

The whole town was against him. He was threatened at times, but he never let that waive his beliefs or deter him from defending a guiltless colored man. He was not ready to forfeit his morality under any circumstances. When the entire town opposed his decision, he said "Before I can live with other folks I've got to live with myself. The one thing that doesn't abide by majority rule is a person's conscience."



His remarkable personality is beautified by the air of confidence and virtue that surrounded him. He was not poor .He led an inadequate but respectful life, he was content. His generosity shone when he permitted Mr. Cunningham, a poor farmer, to compensate his fees by paying him with hickory.

Another crucial lesson that this movie is set out to teach the audience is that people are not always the way they seem to be and therefore, one should not judge others solely on appearances. This is with respect to the character of Arthur or BooRadley, a mysterious neighbor who was feared by Scout, the daughter and Jem, the son of Atticus. He was presumed to be dangerous but later turned out be a courageous man who saved the children from physical harm. Atticus says that to really understand a person's situation one should try walking in his shoes.

“You never really understand a person until you consider things from his point of view, until you climb into his skin and walk around in it.”

Lastly, I would like to call attention to the significance of the title of this movie “To kill a mockingbird”. Mockingbirds are songbirds which do nothing but give pleasure to people. A mockingbird's death thus symbolizing the loss of innocence. This ties in to how Atticus mentions, in the beginning of the movie that it is in fact “a sin to kill a mockingbird”.

The mockingbirds, in this setting is the accused ,Tom Robinson, the innocent man who was shot and killed at the end of the story while attempting to escape from the prison guards . They also represent Scout and Jem, whose innocence was shattered after learning the bitter truth of the unfair society and Boo or Arthur Radley, a harmless person who was kept in isolation and portrayed as someone who could be dangerous.

This noteworthy piece of fiction is sure to leave an impact on the viewers' minds. This is not just a story. It's that part of the history that revolutionized our present. The character of Atticus Finch is so enlightening and substantial that it will stay with me throughout my life and career.

To kill a mockingbird is a classic book which has been turned into a movie and as someone said,

“There is a risk that comes with a book becoming famous; it becomes de rigueur (an obligation) to read.”

## A CLOCKWORK ORANGE: THE REFORMATION MIRAGE

-Nikhil

*“.....a queerness or madness so extreme as to subvert nature, since could any notion be more bizarre than that of a clockwork orange?” – Anthony Burgess*

Stanley Kubrick's (Director, Screen writer) 'A Clockwork Orange' is based on a novel of the same name by Anthony Burgess. The film was released in late 1971 and opened to a controversial response in Britain where its disparagers demanded for banning the film as it promoted violence and criminal behaviour. One year after the film's release, a group of four hoodlums raped a girl in Britain, reproducing one of the scenes of crime in the film as they sang 'singing in the rain.' This clearly demonstrated the impact of the film, both positive and negative on the audience. On the positive side, it showed how the reformatory theory of punishment failed to deliver the purpose of its conception. It was merely a deadly tool in the hands of the State, which it could use in any way it wanted to, to gain political advantage. On the other side, the charisma with which the characters in the film committed the violent offences motivated other criminal minds to imitate the same. There are several interlinked concepts to the film but at the heart of the film is its critique of reformatory theory of punishment.

Alex (Malcolm McDowell), and his 'Droogs' get high at a bar (Korova Milkbar) after which they embark on a trip full of violence, that is, frightening a writer and raping his wife (who then dies). Later, Alex is imprisoned for bashing a lady to death. He agrees to undergo an experimental treatment aimed at reforming criminals at Ludovico Treatment. Their target was to instil in Alex an anti-violent streak. As an effect of the treatment, any act of violence makes him sick. Growing frustrated over his inability to resort to his previous ways of life, he attempts to commit suicide. And at the end Alex is nothing more than a carnivore without his canines.

The film is known for its understanding of the intricacies of the criminal mind. Direction is certainly the pillar of this film and the way in which Kubrick has portrayed all the characters in the film makes for an engrossing watch. Screenplay is unusual and not mainstream which leaves one wondering for its meaning as it's written in a slang mixture of Slavic, Cockney, and Russian but at the same time it's soothing to the ears. The photography is enigmatic as it portrays Alex's triumphant smirks as grins aimed at the audience, which is secretly biased towards him.



The sets are painted with bright colors providing a dark satire to the violent acts, which the film portrays. The costume of Droogs, the painting on their eyes and especially Alex's fake eyelashes attract all the limelight to make them look menacing. But the most commendable part of the film is its music. The use of classical music as a stimulus for the criminal mind and the importance attached to it is incredible.

A Clockwork Orange has far deeper meaning and philosophy attached to it other than just the grotesque portrayal of violence. The primary question, which the film asks its audience, is, 'can a man be made good by injecting the serum of goodness?' The film answers this question in the negative. It holds the view that 'goodness comes from within' and cannot be simply injected in one's body. It further highlights the plight of those victims who were the first guinea pigs of scientific experimentation for the implementation of the reformatory theory. It further questions the humanitarian aspect of reformatory theory of punishment. Here, one is of the belief that no matter how impressive the end of reformatory theory may seem, the means to achieve that end are inhuman and cruel.

The film depicts that the reformatory theory of punishment concentrates on body and not mind. It is equivalent to disconnecting the criminal's mind and body, and in this way the moral right of the criminal to make his choice is put to sudden death. It is not an easy film to get through with its appalling depiction of violence but it is a must watch as it highlights the behavior of a section of society (the criminals), and it is the government which has the burden of steering this section of the society into a peaceful existence, 'Oh my brothers.'-Alex, A Clockwork Orange.

# Legends in law

T. Muthuswamy Iyer

One of the great legal personalities that comes to one's mind from South India is T. Muthuswamy Iyer. His approach in deciding questions of law were reflected in his mode of hearing cases. He would probe into the matter questioning council as to the reasons behind the law and the advisability of adopting one or the other possible view.







**TAKE A STAND**

## Challenging the ‘Necessity of AFSPA’ myth

-Aadrita Das

The AFSPA has been in force for the past 44 years. This is in spite of the violent protests, public outrage and a woman's 15 year fast unto death. The very concepts of democracy, rule of law and civil rights have come under severe scrutiny by the mere fact that a draconian law like AFSPA has been allowed to survive and flourish at the cost of lives and security of citizens. It has been argued that AFSPA is essential for maintaining peace in areas which the government has deemed fit to be declared ‘disturbed’. Tackling the insurgencies and violence in North East India and Jammu and Kashmir would be a task done with ‘one hand tied’ without the AFSPA. But the gruesome stories of murder, rape and displacement at gunpoint is a history which India knows little about and has cared even less for. The immunity of the army from all legal proceedings for any act done during the course of duty has given them a huge leeway to commit atrocities which are outside the scope of their duty. In a democratic country, such a law has no place. A law which denies to its people the right to a dignified life and the right to demand redressal of his fundamental rights in case of their violation reflects remnants of the colonial era and has no justification to exist. It is a pure transgression of human rights, civil rights and basic rule of law.

Tracing back the roots of this Act, it was first imposed in Nagaland in 1958, post the Naga rebellion and then subsequently spread to the rest of the North East. In 1990, Jammu and Kashmir was also brought within its ambit. In the 57 years of its existence, not a single officer or soldiers has been prosecuted for murder, rape or destruction of villages. This has led to a growing resentment among the inhabitants towards the armed forces. It has also been a major reason for the attacks on the army by the locals, especially in the North Eastern part, which is already isolated from the rest of India.

However, Nagaland is peaceful today, as is the rest of North eastern part of the country. Though it is not free of ethnic clashes, factional killings and extortion, not a single soldier has fallen in combat until the recent ambush in Manipur. Though civilian acts of violence are equally reproachable and cannot be justified, these attacks can be linked to the deep rooted apprehension and dislike towards the presence of the armed forces rather than acts of mere insurgency. But despite the prevailing calm in the region, the government and the army have been reluctant to withdraw the Act from the area, let alone repeal it.

The government and the army are busy playing blame games where the government has openly come out with a statement that AFSPA cannot be repealed because the army will not allow for it. The army is stuck in a thankless task and the government which deployed them is unable to bring them back. This vicious cycle has stalled any attempts at diluting the provisions of the Act. However, in a democracy, the army cannot be allowed to wield power over the civilian government. The needs of the people are of utmost importance and any struggle for power and power politics should not deny people their basic rights under the facade of their greater good. Necessary as it might be to keep certain areas under tight security, the AFSPA can certainly be humanized. The complete autonomy of the armed forces to do as they like and their unaccountability may prove to be more counter-productive than anything else. It will only accentuate the ill will that the armies in those parts have already been garnered by their irresponsible and often cold hearted acts. Recent events as well as the ones in the past have proven that this animosity has most often been the cause of clashes between the Forces and the local communities. A more responsible and responsive Act will better serve the purpose of maintaining lasting peace in the 'disturbed' areas. Most importantly, the voice of the people must not go unnoticed or unheard. It is the ultimate requirement of democracy and the prime duty of the government. It must ensure that this barbaric Act does not create more Irom Sharmilas.

Source: Sanjoy Hazarika, "*An Abomination called AFSPA*", The Hindu, February 12, 2013, <http://www.thehindu.com/opinion/lead/an-abomination-called-afspa/article4404804.ece>



## **Other Side of the Coin- A perspective on the operational importance of AFSPA**

**-Saubhagya Raj**

The Armed Forces (Special Powers) Act, 1958 has often come under fire for Human Rights violations and had its credibility questioned right from its inception. It was first applied in the North East after the demand for a separate Naga nation came about in the year 1958, after which AFSPA 1983 was enacted in Punjab during the height of Khalistani Movement but later withdrawn in 1997 after the terrorist movement came to an end. The last application of this law was in 1990 in the state of Jammu and Kashmir due to the rise of militancy.

The Act has been termed draconian and rightly so because it provides immunities to security forces that wouldn't be available in a normal, peaceful situation, which unfortunately doesn't exist currently in the state of Jammu & Kashmir and North East. Whether the Human Rights activists like it or not, we are fighting a proxy war in Kashmir. Also, the situation in the North East is not as rosy as the people like to paint it to be. While one must in no way advocate unjustified acts of Armed Forces such as rape or killing of innocents with a malicious intent or fake encounters, Armed Forces must be allowed to do the job for which they were brought in. The Army is primarily meant for fighting a war against a foreign country to prevent external aggression. They are trained to use maximum force to destroy the enemy. Deploying army for the purpose of internal security is not desirable. However, to ensure the stability of the country they have been asked to step in on certain occasions when there has been no other alternative and hence have been asked to perform internal security duties in these areas. Due to this typical nature of Army and their operational methods and requirements, there is a need to provide certain immunity to them which enables them to complete their task without any roadblocks. This is provided to them by AFSPA, without which, they would be like any other Police or Paramilitary forces which were unable to control the situation in the first place.

While looking at this aspect, one must take into consideration the kind of functions the armed forces are expected to perform. While conducting operations, they are expected to take decisions at the moment as their rationale guides them and don't have time to wait around for arrest warrants. They often need to act quickly since the terrorists in these regions also have a wide network and any sort of delay in action

could possibly ward them off. Even partial revocation as suggested by the previous Chief Minister of Jammu & Kashmir Omar Abdullah, won't be a prudent step since this could cause the terrorists operating in other areas to move their bases into those districts where the act has been revoked.

There are various ground realities that one needs to look into before calling for the revocation of AFSPA. One needs to look at the law in light of the reasons as to why it was implemented and keep in mind the fact that the two regions are neighboring the countries of Pakistan and China, both of which have in the past made attempts to encroach into Indian territory and if certain statistical surveys are to be believed, it is in these countries that the separatist groups find logistical support in the form of arms and ammunition, clothing, ideological backing etc.

One must also remember that AFSPA applies to only those acts committed by soldiers in the line of duty; therefore, it is not a complete immunity for those deployed there. This Act exists purely for operational purposes and doesn't protect a soldier when he is acting outside the scope of his duty. Also, one must not overlook section 6 of the 1958 Act which says that action may be initiated depending upon the facts of the case upon the instruction of the Centre. There is therefore, no blanket immunity under the act as everyone falsely believes.

The Armed forces are brought in as a last resort, only when the question of protecting the National Integrity comes up and the State has the power under Article 355 of the Indian Constitution to protect every state not just from external aggression but from internal disturbances as well. However, one must not forget that the AFSPA and deployment of the Army should be the last resort and this step should be taken only when there is failure of constitutional machinery and police, and paramilitary forces have failed to contain the situation. So as the situation stands today, with the proxy war being fought in Jammu & Kashmir and the various secessionist movements in the North East, it would be a folly to withdraw the AFSPA as it would act as a hindrance for the forces during their operations. Therefore, attempts should be made to amend the law and make personnel more liable for the acts committed outside their scope of duty and in the absence of good faith even while acting within it, restore the faith that has been lost in the forces by making sure that the guilty are punished for acting arbitrarily. But a complete withdrawal of this Act would be a folly, resulting in giving the terrorists a free pass to loot and plunder the civilian population in the affected areas.

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## Decriminalizing attempt to commit suicide – license to kill

-Priyanka

Suicide attempt can be defined as a non-fatal self-directed potentially injurious behavior with intent to die. Statistics show that, more than one lakh persons (1,35,445) in India have lost their lives by committing suicide in the year 2012 alone. Attempted suicide is at least 20 times more common than the completed suicide. The death rate due to suicide is enormously high. When such is the prevalent situation, is it a good step for a progressive nation to decriminalize the attempt to commit suicide and make it more viable or less burdening for the person who thinks of killing himself?

Section 309 of the Indian Penal Code is found in the chapter that deals with bodily injury or any harm towards one's body as a crime. The intention of the law makers was to protect a human's life. Is that an act of humanity? Or is decriminalizing the attempt to commit suicide an act of humanity? Why murder is then considered a crime? For obvious reasons, that no one has a right to take away anyone else's life, with intent or without intention. Analogically, attempt to commit suicide is taking away one's own life. So if murder is a crime then, suicide should also be regarded as crime.

Further, going to the origin of society as propounded by social contract theorists, few rights are surrendered to the sovereign in return for security. This is a social contract between an individual and the state. Supreme Court has opined that Right to life does not include right to die and when such is the scenario, decriminalizing attempt to commit suicide is against the Supreme Court's judgment as well as a blatant breach of social contract. The basic conception of a state is then vitiated.

The rationale that every right gives rise to a corresponding duty is based on the premise that freedom without acceptance of responsibility can destroy the freedom itself, whereas when rights and responsibilities are balanced, freedom is enhanced. Therefore, every individual has a responsibility to protect one's life either his or others. Without recognizing such a responsibility, the freedom to live is destroyed as there is no duty to protect a life.

It has been voiced by many that a person who is a victim of circumstance or a negative thought would resort to commit suicide. As that person is not able to go through the hitch, punishing such would add up to their woes.

According to the deterrent theory of punishment, a punishment is rendered to an act so that it sets out an example to society about the consequence of committing such a crime, thereby curtailing such act of crime. The responsibility of a welfare state is to protect a life and hence enforcing a deterrent mechanism would indeed be in furtherance of it. Therefore, decriminalizing attempt to commit suicide is the means to a state of anarchy and not a step towards humanity.

## **IS CRIMINALISING ATTEMPT TO SUICIDE AN EFFECTIVE DETERRENCE?**

**-Venuka**

### Introduction:

Mahatma Gandhi once said, “Death is our friend, the trust of friends. He delivers us from agony. I do not want to die of a creeping paralysis of my faculties – a defeated man”. Suicide, when literally defined, is an intentional act to kill one self. Statistics show that India witnesses the highest number of suicides in the world in any given year. Data for the year 2012, compiled by the World Health Organization (WHO), showed that India topped the world in number of suicides committed. During this period, a total number of 258,075 people committed suicide in 2012, with 99,977 women and 158,098 men taking their own lives. The suicide rate of India stood at 21.1% per 100,000 persons.

Sec 309 of the Indian Penal Code states – *“Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year or with fine, or with both.”*

The major problem faced by society, when it debates about such an issue, is how it defines the act. In this case, the act being that of suicide, can be defined as an act caused by a mental health issue coupled with a personality disorder, where the victim was filled with feelings of hopelessness and helplessness. After exhausting all the possibilities of rectifying his/her problems and believing that there is no way out, the person decides to end his/her own life. Thus, he/she is clearly in need of psychiatric help. Criminalizing an act like this does not help the victim to combat such feelings; rather it leaves a person feeling worse.

The same can be considered as a criminal activity when a person is making a conscious choice. This brings me to question, as to what amounts to an act of commission of suicide? Would acts like, smoking tobacco or heavy alcohol consumption be considered as suicide? As in such a case, the person is aware of the consequences, yet he decides to go ahead with his act. Moreover, the object behind punishing the wrongdoer, for any activity being deterrence, is not being solved by criminalizing the act of suicide, as it only leaves a person feeling more worthless, which in turn increases the chance of him/her committing the act all over again.

## CONSTITUTIONALITY AND MORALITY

Consider an example of a married woman, who undergoes marital rape by her husband and fails to get justice. In India, marital rape is still not widely recognised and many such women may be driven to commit suicide. How would Law and The Constitution deal with the failure of the State to provide justice to a citizen (a victim of marital rape) and, how moral and just is it to punish such a person for a crime – committing suicide and failing to take one's life? Now who is the real "wrong-doer in this case, the woman or the State"? In my view, Section 309 of Indian Penal Code goes against the Fundamental Right bestowed upon us by Article 14 and Article 21 of the Constitution.

Article 14 stipulates equality before law. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India and would not discriminate any person on the grounds of religion, race, caste, sex or place of birth. Article 14 would not be supportive of Section 309 of Indian Penal Code as quantifying and equalizing the tragedies faced by one citizen with those faced by another, which is morally wrong as well. The State cannot equate failing in examination (as a cause for suicide) with unemployment (as a cause for suicide) and put them on the same pedestal.

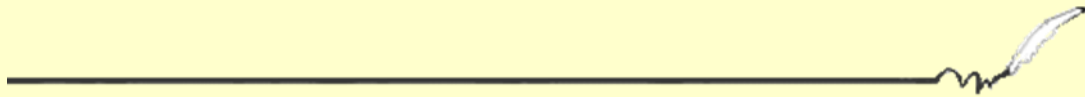
Article 21, stipulating protection of life and personal liberty read in conjunction with Sec 309 gives rise to a two-fold argument that is highly incongruous. Protection of life and personal liberty guaranteed by the Constitution puts the onus of protecting the life of a citizen on the State. The State also has the responsibility to provide a healthy environment to its citizens. The State should look into the causes which are driving its citizens to commit suicide and combat those with unemployment and poverty being the top reasons. Instead of combatting these issues, or giving the victims necessary psychiatric help, the State decides to put the victims behind the bars, when they try to commit suicide and fail. Such persons then mingle with criminals and get influenced in the wrong direction. After a long debate within the society over criminalization of suicide, the Union Government has attempted to decriminalize the act of committing suicide by announcing its intent to erase Section 309 of Indian Penal Code from the statute books.

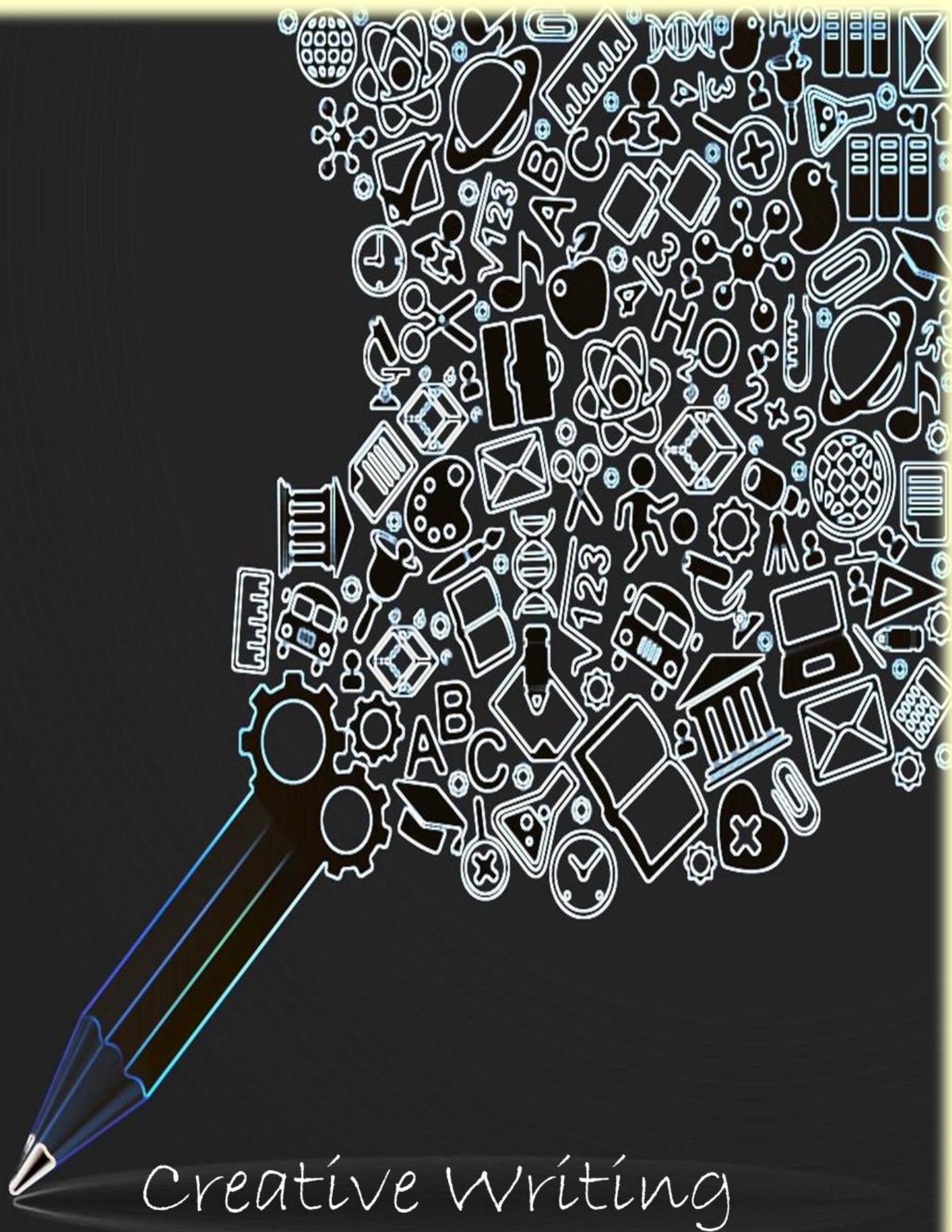


Last year in December, the Union Government in Parliament stated that it had decided to strike down Sec 309 from the Statute books. But the Parliamentary procedure to do away with this penal provision is yet to be carried out.

## CONCLUSION

It would be in the fitness of things for a civil society to give a decent and ritualistic burial to Section 309 of the IPC, drafted in 1860, and take a step towards a more humane law. We must all support the Union Government's intention to do away with this archaic and problematic penal provision and hope that the Government manages to push the relevant bills through Parliament and delete it permanently through an Act.





Creative Writing

“You can count on me like 1, 2, 3. I will be there”

- Keerthanaa

Indian judiciary is one of the oldest judicial systems in the world and we inherited it from our colonial masters. The Apex Court of the country is said to be ‘The Guardian of the Constitution’. The Guardians of the Constitution emphasize on the fact that the courts are responsible for upholding the fundamental rights of each and every person within the territory of India. But are they efficient enough? Can ‘WE, THE PEOPLE OF INDIA’ count on our legal system?

Our forefathers have kept ‘JUSTICE’ at the highest pedestal, higher than other features like ‘LIBERTY’, ‘EQUALITY’ and ‘FRATERNITY’. Denial of justice is the biggest irony in regard to the formation of courts. Delay in deliverance of justice kills the very essence of the foundation of the justice system. As per an article written by Press Trust of India on 5 April, 2015, there are nearly three crore cases pending in the Indian Courts. The proverb- “Justice delayed is Justice denied” very well describes this situation in the Indian judiciary. There are additional case examples which tell us the story as to how long the judiciary can hold the nerve of its citizens.

The very first example is of Rudal Shah, wherein the person who was acquitted had to undergo imprisonment for a period of 14 years, which is equivalent to life imprisonment (Sec. 55 of IPC) before he could finally be set off from the prison. Why did it take 14 years for the Indian Judiciary to realize? The Courts being the guardian of our rights have themselves violated the rights. What an irony!

The world’s worst industrial disaster which left 25,000 dead and over 120,000 chronically ill – the infamous Bhopal Gas Tragedy. The event took place in 1984, was settled when the deal for payment of \$470 million compensation was struck in return for non-filing of further cases against the Union Carbide Ltd. The ‘compensation’ amount was fixed by the Government arbitrarily. After a huge hue and cry from the public, the Court convicted the Indians who were negligent in performing their duty, in the year 2010. The Court took 26 years to deliver justice, though not completely because the convicts got away with a punishment of 2 years imprisonment only, for the proportion of damage and injury caused.



In the Safdar Hashmi murder case, the theatre activist Safdar Hashmi was brutally attacked during the performance of the street play – *Halla Bol* in the year 1989. The trial of the accused dragged on for a period of 14 years. The verdict was pronounced in the year 2003 where the accused were convicted, although by then, two of the accused were already dead.

In the 1993 Bombay blast case, Sanjay Dutt, the very famous Bollywood actor was finally sentenced to imprisonment in 2013. A delay of 20 years to pronounce a judgement!

The 1993 Bombay blast which was the first- ever co-ordinated terror attack left 257 dead, 713 injured and millions worth properties damaged. One of the prime accused Yakub Memon was given death sentence which was to be executed on 30 July, 2015. The recent controversy is that the Maharashtra government has been showing ‘undue haste’ to execute him. Aren’t these 22 years enough for our judiciary to take a concrete stand though it was finally decided to execute him in the end?

In Naina Sahani case, also known as the Tandoor case the police recovered the burnt body of Naina, wife of Sushil Sharma in the year 1995. The trial court in the year 2003 awarded death penalty to Sharma. On appeal to the Delhi High Court, the decision of the trial court was upheld in the year 2007. The deliverance of ‘justice’ took a period of 12 years.

In the case *DK Basu v. State of West Bengal* the Supreme Court took a period of 11 years to decide the directives to be followed during and after arrest and also in mentioning the directives aimed to prevent custodial torture.

The famously known “Nobody Killed Jessica Lal” campaign was started to solve the case of Jessica Lal, who was shot dead in the year 1999 by Siddarth Vaishisth, son of an influential Congressman from Haryana in a Cafe. The parents of Jessica fought a long battle. The accused was subjected to life imprisonment in the year 2006. Later on, the accused appealed to the Delhi High court and the case finally rested in 2013 after the final appeal to Supreme Court. Do the Courts require such a long period to close a case?

In the most recent case going on in the Court – the Salman Khan case, it has almost been 13 years and yet the judgement has not been pronounced. All these just prove the very fact that the Indian Courts aren’t efficient enough to handle the cases in both qualitative and quantitative aspect.

Though the Judges have been trying to close the cases faster, red-tapeism has hindered the process. The Lower courts are courts of facts and hence the period of argument and the time frame to come to a conclusion in such courts is longer. Then the parties have an option of appeal to higher courts, either the Supreme Court under articles 132,133 and 134 or the High Court under Articles 227 and 228. These Courts not only have to hear matters which come on appeal but also cases under its original jurisdiction. An additional drawback is that the ratio of judges to cases is very low, keeping in mind the size of our population and the amount of crimes and civil wrongs happening in our society.

It can be concluded that some of the reasons for failure of our judiciary – one being the lack of confidence of people, especially the victims, to fall back on the Indian legal system is because of the lethargic behavior of our judiciary which is unable to cater to the needs of the public. This lethargic behavior reduces the efficiency of the judges as the judges are not under any obligation to wrap up the case.

In India, the judges do not have a statutory time limit unlike the Philippines which has a statutory limitation at least in cases of criminal offences in the Speedy Trial Act, 1998, Republic Act number 8493. The statutory limitation as many have contended will bring a sense of pressure in the minds of the judges but some statute should be present to remove the lethargic behavior of the judiciary. There should be a mechanism or a body to which people can complain about the delay in the hearing of the cases and the body should be provided with enough powers to ensure that justice is delivered.

The judiciary should be like a friend on whom we, the citizens can fall back but unfortunately our judiciary isn't well equipped to become 'our friends'. All the citizens do not and will not fall back on our judiciary until the lethargic behavior is eradicated and the number of judges in the judiciary is increased.

Satyameva Jayate!!

Sources:

*Rudal Shah v State of Bihar*  
*Sanjay Dutt v State of Maharashtra*  
*DK Basu v. State of West Bengal*

## THANK YOU BRITAIN.

-Susanna

What would have happened if 15<sup>th</sup> August 1947 never happened? Absolutely nothing. Another uneventful day would have passed by for the rest of the World. But as far as we Indians are concerned, it's a day our identity had a hope of existence. The day we finally convinced our oppressors that our spirit shall not rest until we succeed. But what if the independence we celebrate was not a reality?

In order to answer this question we must analyze what exactly happened on 15<sup>th</sup> August of 1947. The so called rule of the British Crown came to an end and the rule was passed on to the natives. Can this mere shift in personnel be termed Independence? At the end of the day a set of people who resembled us closer than the Whites were given the control over the mass. And the concept of Indian Independence is in itself a hoax. India did not exist during 1947. The nation, India is the result of years of drafting and unification. To be precise Goa was unified with India only after annexing it from the Portuguese on 1961. Therefore the question what would have happened to India had 1947 not happened, is irrelevant for the very fact that India did not even exist to be affected. Now the question is who would have been actually affected had this not happened? A multitude that had no identity or aspirations of their own would have continued living their daily life of scrutiny. In fact if a Gandhi had not risen, they would not have even thought about having an identity of their own. Years of slavery and colonization has configured them to adapt to the system. The actual effect would have been on the leaders who fought against the system. If you take into consideration the lives of leaders such as Mahatma Gandhi or Jawaharlal Nehru, the fact that they had experienced independence before (during their university education abroad) led to their desire to set free the nation. They fought for the independence they enjoyed abroad to be made available in their motherland. That's what they fought for. And this was their trump card to influence the mass. The people actually didn't care much about who would be the head but were attracted to the idea of freedom. And when the leaders convinced them this is attainable only when the British leave, that's when they decided to revolt. But what if it actually would have made a difference? Then what would we be missing out on? Retrospection is indeed the need of the hour. The world may claim that India would be much more modernized and industrialized like Australia that attained independence from the British much later. But at what cost? Though Australia masks in its glory, the effects of years of colonization are very evident



The inhabitants are whites or descendants of the former colonial masters. Not that it's affected them economically, but the cultural change is palpable. Another argument is that Indians would be much more open-minded and would blend-in with the global cultural quite easily. But since when do we accept the western culture as the "global culture"? That very thought makes me realize why we needed independence. Hands down, we would've been associated with the fame the first world countries enjoy. But what good would it have done to a bunch of oppressed people? Men may argue that "oppression" isn't possible in this age of Amnesty International or United Nations. But that's what we thought about the League of Nations. A bullet is all that took to bring the big-shot nations to a standstill. Be it American invasion into the Middle East to restore "peace", oppressed people will remain oppressed until they are set free.

And that is exactly what Independence gave us. We may not be called the "Land of Glory" or "State of Splendor". But that's okay, because at the end of the day we have us, "We, the People of India", and to be called a Nation with such extravaganza our own, that's remarkable.

Today's political fiasco makes us ponder what if we let a sensible set of 'firangis' to rule us. After all the contribution they made to our nation in terms of transportation and education (though in personal interest) cannot be overlooked. But to know that these movements arise out of clash in opinion ensures us that we Indians actually can have an opinion. Things are great. But there is always hope. And that is the silver lining. Whether the 'acchhe din' is finally here is debatable. But the 'Reign of Terror' is far away. The British could've given us all the comfort in the world, but they could not have given us India. And that's why we take pride in celebrating Independence Day. Whether the freedom has reached all is a query, but the message that we are free has gone across the sphere. Yes we have not attained bliss, but at least we can consider reaching nirvana.

All I can say is Thank You Britain! If you hadn't oppressed us, stricken us, tortured us, mauled us and battered us, we wouldn't ever thought about coming together as a nation to fight against capricious states who exploit mankind in the name of development. The world would've known us for the spices we grow rather than the finest leaders India gave to the world. India is a reality only and only because of you. And as an Indian, I'm eternally grateful to you for giving me an identity. Sometimes I'm disgusted with how my country works, but at the same time I'm glad it works. And this year when we celebrate our 69th Independence Day, take a moment to appreciate the struggle that our ancestors have undergone to free us. Take a moment to appreciate our soldiers who guard us every day. Take a moment to rejoice in this glory. Take a moment to breathe in 'India'. Because at the end of the day, from the walls of Jallianwalla Bagh, to the Batra-point, to the north-eastern corridor every voice sings, Jaya Jaya Jaya He!

# Legends in law

K. N. KATJU

It is given to very few to distinguish themselves in various endeavor and leave their indelible impress contemporary life and times. Dr. Kailash Nath Katju is one such rare pilgrim. He would be remembered as one whom providence has chosen for molding the destinies of institutions.







# Experience



**‘THE ROAD TO HELL IS PAVED WITH GOOD  
INTENTIONS: The clandestine of MUN!’**

**-Anurag Singh**

MUN, (Model United Nations) was relatively a very new and captivating concept to me and the opportunity to explore this concept emanated in the form of MUNSOPHICAL 2014, held in Sophia College for women in Mumbai. If I had to describe my experience in one word, it would be “irreplaceable”. MUN has given me the most amazing thing in life- a passion and a love that cannot be shaken. From walking into the committee to walking out, it was a real game-changer for me. The opening ceremony saw the introduction of the Executive Board of the UNSC (United Nations Security Council) UNHRC (United Nations Human Rights Council) and the UNEP (United Nations Environment Program). Each committee had its own respective agenda that they needed to tackle by the end of the three days.

The journey to Mumbai began with a group of 11 students from my college, each one of them as clueless as me. During the first hour of the three daylong conference, people started sending notes and gathering outside to talk. The delegates began writing down ideas in working papers. It was a chance for all of us to act as representatives of a country and represent its stance on international issues. Needless to say, it was one of the best learning experiences. After gaining knowledge pertaining to the procedure and motion in the house, I sat the entire night trying to figure out my country’s stance and the research proved to be beneficial on the second day. The clock was ticking and with each passing minute, my anxiety grew. Towards the end of the second day, it became clearer as to who the major blocks were and primary contenders in the race to win the MUN. I tried my best to learn as much as possible from my fellow delegates and the effort of interaction bore huge benefits. Soon, we reached the final day of the conference. The MUN had a lot more to offer than I expected. Not even in the farthest scope of my imagination, did I dream of winning the MUN and the special mention in the valedictory function came as a shock to me more than a surprise. Ultimately, the hard work and constant dedication was reflected in the results. My participation in this conference, made me realize of the critical role played by the UN (United Nations). I was never really interested in politics, nor was I very passionate about being in the spotlight which is why I am quite surprised to find myself inclined towards MUN.

At first, I was a little hesitant, but today, I am not only comfortable speaking at conferences, but also possess enough confidence in my individual identity to stride through the path of life undaunted of being judged. I would conclude with a “Point of information”: If you haven’t been to MUN, you haven’t had the time of your life!”

## **“MOOTIVATION” – My first mootng experience.**

**-Kush Agarwal**

‘How do you relate Articles 14 and 21 to the facts counsel?’ was the first question shot to me in my first moot. I tried to maintain a solid eye contact following the advice of my mentor, “Maintain eye contact with the judge, be his guide, do not look intimidated and instead of throwing your arms everywhere and making mincemeat of your body language, flinch your toe so that it is not visible.” I was so tossed as if ISIS was about to behead me on camera. “Do you want me to repeat myself counsel?” he asked his hapless novice mooter. “Sir, the facts of the case indicate that it was a blatant violation of right to life and ...”, “I am not satisfied with your reply- don’t mind answering my question and please proceed with your arguments.” he intervened. Now my confidence was at an all-time low. I do not know if I was able to do justice to the rest of my arguments. After I signed off to invite my co-counsellor to proceed with his arguments, I felt as if I was one of those boxers who was rocked by Mohammad Ali’s right hook and did not remember anything except for the fact that he had lost.

My co-counselor, Ashish, my roommate, to be more specific, was at the top of his game. He reminded me of one of the best quotes of Bruce Lee, “Be like water, my friend” and he was indeed flowing. He answered every question thrown at him by the judge like ‘pots and pans’ with inexplicable ease. After he prayed to the bench Ashish came and sat next to me with a smirk on his face. It was his way of saying, “I nailed it”.

The court clerk, one of my classmates, asked me and my team members to wait outside the courtroom as the judge computed our scores. Once our scores were out, I never bothered to look at them as I was desperate for the feedback and judge’s number, of course, in case I needed an internship. The judge advised me to work on my ability to answer question and think on my feet. He complimented me on my speaking and communication skills and the best part, we won! And the celebratory dance followed in my head, of course. It was an ex-parte decision. Not too dull for amateurs, I guess.

We ended up learning a lot and got the judge really appreciated our efforts!

## **Centre For Law And Policy Research - An Experience Not To Be Missed!**

**-Atisha Sisodia**

The idea of working in a research organization allures almost all the budding lawyers in law schools. I feel lucky to have gotten the opportunity to intern at The Centre for Law and Policy Research (CLPR) Bangalore, which is a legal research and litigation centre that is involved in cutting-edge legal and policy work. Its areas of research include constitutional law, social rights and welfare, disability law, intellectual property rights and legal education. CLPR is also involved in certain litigation work in the High Court of Karnataka, Supreme Court and the sub-ordinate courts. As a part of its litigation work, the Centre has taken up matters, mainly by way of public interest, in the areas of disability law, environment, public health and urban infrastructure development law. CLPR has a sister law firm called Ashira Law, and both share the same office. While CLPR concentrates mainly on policy research and public interest litigation, Ashira Law deals with litigation in other areas like property law and family law. The Office is spread over two floors and it is well furnished and decorated.

One of the first things I worked on was in the area of disability law. I assisted the team in drafting a public interest petition regarding equal employment opportunities for visually impaired persons that was filed in Karnataka High Court. During the course of my work, I assisted the team in research and reviewing case laws on the constitutional provisions regarding the conduct of municipality elections and legislative provisions on local governance and the devolution of powers at the local level. I also assisted the team in drafting a public interest petition on behalf of the Cancer Patients Aid Association regarding conflicts of interest resulting from the government's links with the tobacco industry. At the conclusion of my internship, I was asked to make a presentation on something I have worked on, in the course of the internship. I made a presentation on the topic “Local governance and the conduct of municipality elections.”

The people of CLPR are very friendly, humble, energetic and approachable. Prof. Sudhir Krishnaswamy, who is a pre-eminent Constitutional law scholar, is an excellent mentor. He would personally interact with the interns on a daily basis, solve their queries and review their work. Currently, I am assisting him in a project – *Constitutional and Civic Citizenship* which aims to foster greater public awareness of India's constitutional history and an understanding of how this history has shaped and formed the most challenging legal governance and public policy issues that we encounter today.



There is nothing that I wanted more from an internship than massive amounts of critical thinking and developing research skills. Moreover, gaining the necessary knowledge about court proceedings and attaining outstanding work experience at one of the major research organization, surely contributed in making this internship a once in a lifetime experience. Although many more internships at different places await, but the one at Centre for Law and Policy Research will always be endearing to me for the work and knowledge that I gained. It is an experience not to be missed!

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**Revelations & Reflections: 8<sup>th</sup> Amity National Moot Court Competition 2015.**

**-Devesh Saxena**

*Once you are pushed towards the wall and you are left with nowhere to go, I say, you have two options: get crushed or bounce back.*

These were my first words to my team mates when we formed our team to take part in the Internal moot ranking rounds 2014 which secured us to participate in 8<sup>th</sup> Amity National Moot Court Competition which was to be held in Lucknow from 27 February 2015 to 1 March 2015.

My passion for mootng grew since first year of my law school but heading a team with a second year (Sheetal Murthy) and a third year (Aroop Das) pushes its own set of responsibilities as a senior in the team. The problem was on challenging the Constitutional Validity of N.J.A.C Act 2015 which attracted my keen interest in particular. The team began its work with utmost enthusiasm and hard work for the moot but above all, they shared their utmost confidence and trusted me to lead the team. My belief was always strengthened by constant support of Pawan Reley who assisted my morale and hard work to keep striving for ‘an out of the box argument.’ We had our hard times which made the journey more memorable. All this while, there was only one point where I questioned myself- my brother researcher Aroop Das saw me going off track and said:

*The senior counsel would be just a counsel if the metal of argument is not established during the moot.*

His doubts and feebleness sparked my spirit and ignited me to work and stay focused. Our memorial submission was in time thanks to our Researcher Aroop Das and his drafting skills. Soon we found our self in Lucknow at the place where we were to battle out 42 teams. The preliminary qualification rounds were fierce-full battles against KIIT Law School and B. R. Ambedkar Law College leading the team to the quarter finals. The quarter finalists and semifinalists were Nirma University Ahmedabad and N.L.I.U Bhopal respectively. The finals was a different experience altogether, not just because of the team that we faced but more so because of the bench. A Constitutional Bench was ready to arrow our arguments down while the stage was getting set. Before I could even begin my submission, the question came from the Bench:

*Why are you approaching this Hon'ble Court? Yet another question shot up- Who are you Counsel?*

I set my breath to a free fall and started to answer the questions one by one, shielding our arguments while marching forward amidst the questions being posed. It was a walk on the edge of a thin line between conviction of an argument and condensation of an argument which I had to walk in order to have the judgment in our favor. Midway through Sheetal took control of our side and smartly produced our case with an affirmative conviction and a pretty smile controlling the scenario like a Peace talks taking place between two nations which made her win the title of Best Speaker. Chills came racing down my spine by the time result echoed the auditorium declaring School of Law, Christ University as winners. But before we lifted the trophy high in sky, my doubts on myself were erased by this sentiment spoken by my team to me:

*It's the armor which protects a warrior from weapon strikes and it's the leader who marches an army to its victory, Senior Counsel.*

More than the victory the sentiment still echoes as I pen down and reflect back my experience.

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# Legends in law

## Rashbehary Ghose

Sir Rashbehary Ghose is considered to be a doyen amongst lawyers who rose to be a leader in the profession. He said that no branch of learning is useless in the life of a true lawyer who should cultivate a spirit of detachment, develop the vision of a philosopher and who should try to be a good teacher of law.





A sepia-toned photograph featuring a glass inkwell filled with dark ink, a quill pen with a dark feather, and a single feather resting on a piece of paper. The inkwell is on the left, the quill is in the center, and the feather is on the right. The background is a wooden surface.

*Verses versus Verses*

## A tender conflict

-Aisha Nida Nawab

Why be ashamed when we haven't sinned?  
The duo believed they'd convince their kin.  
A few years after their first encounter,  
The lovers confessed they'd just grown fonder.  
He held his hands, lost in his eyes.  
Not a single stammer in either's voice.  
Many ideologies had taken offence,  
Numerous pundits mandated the love affair's end.  
Sections were enforced, authorities being cited,  
A criminal offence, indeed it is inconvenience uninvited.  
And then the honorable high court decided,  
Love is unconditional, not abided.  
Homosexuality is just as pure,  
No rational would look for a cure.  
The much-anticipated outrage arose,  
Varying ideologies and different prose.  
The honorable Supreme Court abided,  
This love is better when confided.  
Section 377, indeed a plague,  
Amend or repeal, the parliament was vague.  
The beaus withstood the social stigma,  
The two overlooked the growing enigma.  
Their battle is long but they still hope,  
This law will change, an undoubted scope.

## A LIFE SOLD AT NINE.

-Anushree Khanna

Whom do I call mine?  
When my own parents sold me at the age of nine.

Sitting in a square room, amidst the deafening silence and flickering yellow light  
I keep staring at the empty wall or the gloomy grey sky,  
For the silence outside  
Hides the turmoil going inside my mind.

The world chants of chastity or the big "V" word  
I lost it when my understanding about everything was blur.  
My wings were cut, before they could have grown  
I had no one to hold or call my own.

With that incessant stare, I question my existence.  
Yes, I question my very own existence.

Days pass in obeying and serving 'them'  
but nights, nights are cruel.  
They make me weak, they make my weep  
They make me collide with the darkest truths and bitter lies.

I wonder what in this world is mine.  
My body taken, my thoughts corrupt.  
All I've been doing is,



I look for ways to save my soul,  
for the soul cannot be sold.

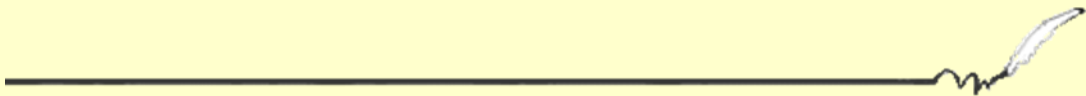
He was my father's age  
but he was not my father.

He was a beast,  
to my pain, who paid no heed.

He entered my body,  
I felt nothing but extremely pained  
As if I've been caught  
In millions of heavy chains.

I lost myself in parts and whole  
To this beast, who, as they say, was here to purify my soul.

I longed for a hand to hold,  
A hand to guide me home  
A hand that wouldn't hurt  
A hand that would touch without lust.



## **“A Decree - Without a Face”**

**-Karan Sabberwal**

A Lawyer Called This Morning

Whose knowledge of law is so Alright

Dressed up all in black and white

Put every case in the bag upright and tight

And carried it along

The ticking off the clock

The drumming of the hammer

The scrapping noise it makes

The squeaking of the benches

The swishing of the victim

The creaking of the accused

The blustering and shouting at the jury



The public is trilled, as the court room starts to fill

The truth revolves in the lies

The body will confess

The knee will bow down

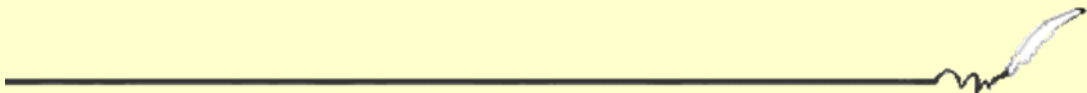
And the lips will spell the truth of lies



The anger of god in thunder  
Will stand in the name of judge  
The way of our life

The hustling and rustling of the parties  
Ready to start the fight  
Spouts language all over the place  
With a mind boggling consideration  
The focus on a side

A lawyer called this morning  
Whose knowledge of law is so Alright  
He didn't leave his name  
Left us only with a decree  
Life will never be the same





## SAVE THE WORLD

-Sandeep

Woe betide the man who destroys them,  
Endlessly we kill, awaiting judgment in rem,  
Beautiful they are, this act they condemn,  
Tormented belief in law, there's time to equilibrium,  
Corporations seize ecosystems, to them its development, that's their way;  
In their heart greed lays, buys them happiness, that's what they say,  
Their Quest has brought us this day, shall they not pay,  
In this world of climate crisis, we don't live to see dooms day.

An army in itself, there he was, committed to the task,  
From holy Ganges to magnificent Taj, his vision was beyond mirage,  
Using the weapon of law, justice he brought-to remove the blot;  
Deep within, there is a thought, stand up for those who fought.

For 'man' shall imbibe 'nature' and prevent apprehend,  
Or next, darkness comes, and men must bend.  
Into a foolish trumpet we fall, it's time we amend,  
Our destinies are entwined; we must preserve what was penned.

Take appallingly bad decisions; see nature's transition and regret,

We owe a great deal of debt, it's time we realize the threat,

They carry a message we address, to reset all the mess;

One must not fret, for the truth will never suppress.

For we have gone too far, it's time to turn the clock back,

With all the "costs and benefits", let's turn to the clean track,

Come all, stand tall; we must bust this Political hack,

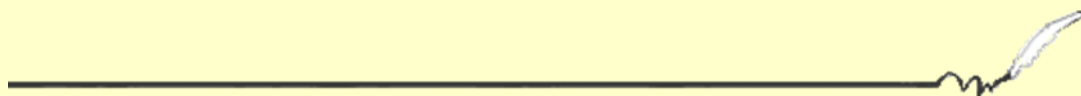
With all the laws at our disposal, we must unpack.

Take a breath, Stop the unnecessary, and believe in the divine,

For the day is not far, when we pour laws from the wisdom of wine,

Then must be stillness, we will witness, how things fall in line,

I must be off now, for the seeds we sow, shall decide tomorrow's sunshine.



## LET ME LOVE

-Shaloma Thakur

Love is bliss; it is the essence of life

But in my country, love is a crime.

They say my love is wrong

It's dirty, my heart sings a forbidden song.

They think I am diseased, say I am gross

I am shunned from the society, mom cries in front of the holy cross.

Why can't I fall in love? Why am I denied happiness?

Constitution says we are all equal, then why only am I treated less?

They take me to psychiatrists, thinking I am mentally incoherent,

How do I tell them it's not a choice but a virtue inherent?

People try to help me, they protest for the sake of my right,

But when the law itself denies it, then who has the might

The whole world progresses, they accept us and our ways

But my country still refuses to embrace the rainbow days.

My family forces me to marry a girl, thinking that will make everything alright,

My heart won't accept this conjecture; I will forever be waiting for the much-awaited light.

My life will be ruined, so will my would-be-wife's

We will be forever unhappy, emotionally killed in an attempt to start of a new life.



I thought I could ignore it, force myself into the accepted

But it kills me inside to be so double-faceted.

I try to curb myself, try to be like everyone else,

Nothing helps out, I make a noose with my belts.

It's illegal to be myself, it's a crime to be me

Then let the society be as it is, let it be the hell it may be.

I am sure the place I go to now will be better than this,

There's nothing here that I love or will miss.

I suffered enough, and I know there is no hope,

Just like a criminal I am going to get the rope.

Today I end this ordeal,

Where I have no freedom or right

Today I give myself freedom from life

And put an end to this futile fight.

People like me will come and go

Hating their own mind and body

Hoping someday a judgement would come

Where we will be accepted by everybody.

## Justice: Put on Ice

-Shivani Jain

It wasn't fear that made me numb,  
Nor the broken bones or the aiming gun,  
It was the icy soul behind those cold eyes,  
Stand in his created bloodbath with the audacity to smile.

He killed hundreds, orphaned thousands  
Today stands manacled but without any remorse  
Guarded by my sworn protectors  
He who defiled The Taj makes mockery of our conscious.

The heinous act that brought so much despair  
The life and integrity lost, don't you care?  
That monster protected by law, why do you torture me so?  
Delayed, denied does it even matter anymore.

My life extinguished, my integrity bludgeoned  
Battered and bruised even my soul can't be summoned  
My hopes and dreams crushed to a point of no return  
My virtue clawed out without any concern.

The savage act that throttled the nation  
The gripping fear that lead a revolution  
Why is one culprit still scot free?  
And the other unabashedly still blaming me!

The heinous act that brought so much despair  
The life and integrity lost, don't you care?  
That monster protected by law, why do you torture me so?  
Delayed, denied does it even matter anymore.

# Legends in law

M. K. Nambyar

M.K. Nambyar belongs to that rare breed of men- original, creative and illustrious and whose contribution to the making and development of the law was truly outstanding. Nambyar's original thinking, creative genius and distinguished contribution are clearly defined in the cases he conducted.







## **Access to Education by the Lower Castes and Classes in India and the United States**

**- Rachel Smith**

Although the caste system of India was abolished on paper through its Constitution written in the year 1950, it remains an integral part of everyday life. More often than not, citizens continue to treat each other based on their caste standing, even institutions have been shown to discriminate based on caste. From an American perspective, this idea of social division based on family origin should have ended long ago; however, with the study of the system itself and the realization that it is not an 'easy fix,' one begins to look at other systems differently as well. This social division that we believe should be long gone is also, to some extent, alive and well in The States through the growing gaps in socioeconomic classes and chronic poverty. The governments of both nations are taking action, but, because of economic interest, these movements are not necessarily in the direction of ideal equality. Both a brief explanation of the Indian culture and a look at the prevalence of American socioeconomic classes will help to provide a lens through which one can understand how the caste system is still in place and acting as a barrier to all round development of the nation

Throughout India, discrimination still exists towards those who are from lower castes. Within modern day India, there are still acts being perpetrated against the lower groups. In general, it is much harder for Dalits (lower caste group) to gain an education and their employment options are limited. These groups tend to be segregated in various areas of town and are often plagued by poverty.

A study looking at the amount of schooling completed by different social groups over time showed that those from the higher castes and other groups had lower percentages of students who did not complete primary school and higher percentages of students who finished at least secondary school if not an undergraduate degree. From 1999-2000, 25.26% of men from the higher castes and other groups failed to complete primary school, whereas 47.96% of Dalits, 55.46% of Adivasis, and 44.49% of Muslims did not complete primary school. Although these statistics are old, more recent stories and news reports suggest that, starting as early as primary school; the lower groups are often disadvantaged and discriminated against. Seventy five percent of the children who are not in school are from lower castes and, although the Right to Education Act was enforced in 2010, as of 2013 there were still six million reported children who were out of school.

Not only were six million out of school, but also two out of five children dropped out before completing primary school, a majority of these students were from disadvantaged groups. While students may have access, the forms of discrimination and abuse that Dalit children face in schools are often stigmatizing to the extent that they are forced to drop out. This inability to receive an education further perpetuates the caste oppression as the people are often stuck in lower paying jobs completing menial tasks. In a research entitled *Understanding Untouchability*, it was found that 98% of the 1,600 villages studied, still practice untouchability. Even with the laws prohibiting discrimination, it exists nonetheless.

From a Western perspective, it is hard to understand how these practices and this prejudice remains in place when the country is growing so rapidly in other aspects. But these practices seem to have become a part of the fabric of Indian culture. It is an underlying issue that is hard to recognize from an outsider's perspective. I have seen remnants of it in jobs that people hold and can make assumptions based on other examples. I have seen the individuals working to sweep and clean the streets, using a broom made of straw or, more often, two pieces of cardboard to collect and move the trash to their baskets or carts. I have also seen individuals walking along the railways picking up waste from the tracks. With the knowledge that the Indian Railways is the biggest employer of individuals from the manual scavengers group, one can assume that those individuals are employed based on caste. While both of these are examples of caste affecting jobs, does that not correlate to education? For individuals with these professions, their children have a disadvantage in education and, as reports state, might be discriminated against because of their family's background.

As Westerners, we are confused and surprised when we look upon this prejudice and the acceptance of the system that perpetuates it. While awareness of the Hindu religion and its impact on Indian social systems can help Americans better comprehend the existence of the caste system, immersion in the Indian culture invites another observation: we are challenged to see our own system differently. While we Americans pride ourselves on equality, there are many people in our society who are stuck in a cycle of poverty and are unable to get out. In India, the people are unable to escape their caste; in the States, people are unable to break out of the cycle of poverty.

A recent study stated that as socioeconomic class is determined by a combination of education, occupation, and income, "Inequities in wealth distribution, resource distribution and quality of life is increasing in the United States and globally". These levels of poor education and high dropout rates continue to contribute to this cycle of poverty. While it is not impossible to improve one's socioeconomic status in The States, this situation is nevertheless difficult to break out of. Compared to the poverty and caste system in India to that of the United States is less profound since the struggle is rarely as basic as having enough food to simply survive.



In The States we see the differences when looking at schools and when talking with individuals who are homeless or from lower socioeconomic classes. We can see that many a times, students in lower level courses are from lower socioeconomic backgrounds, and the high schools that are in poorer areas have higher dropout rates. Students who do not attend college tend to be from these lower groups, maybe because they do not have the funds, but many times because they were behind in school and did not have the same opportunities as the higher class of students. The way individuals are stuck in specific jobs due to their caste or are unable to complete their education, American citizens from lower socioeconomic groups are oftentimes less likely to finish schooling and, thus, stuck in lower paying jobs.

While both nations have ongoing inequality through these social caste and socioeconomic class differences, the ability of the respective governments to directly change the systems is limited. Whether or not we choose to recognize it, inequality as well as injustice is present in most nations. Within India, the caste system and its justification in religion profoundly influences the lives of many people who are considered of lower ranks. Similarly, those in the lower socioeconomic classes in The States can find themselves stuck in the cycle of poverty. While to starkly different degrees, the lesser groups in both nations have fewer opportunities in education – be it because of the lack of opportunities offered or the ability to take advantage of those opportunities, these groups are discriminated against.

With the well-educated and upper caste groups in charge of the government in India, and with those from higher socioeconomic classes and more education, in control in The States, the poorer people are often overlooked. The disparities in India are extreme in nature; however, there are substantial inequalities in the United States as well. Until the people take a strong stand and the governments address the root of the issues in caste discrimination and chronic poverty, citizens of both nations will continue to pay the price for the same.

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## **The Common Thread: From American Slavery to the Caste System**

**- Kiefer Kofman**

In 1790, in the United States, over a thousand tons of cotton were produced every year in the South. By 1860, the height of slavery before the Civil War, this ballooned to over a million tons. Stemming from this profitable period, the United States would become immutably mired in racial tension between the formerly oppressed African-Americans and Whites. Similarly in the caste system of India, the country has become mired in its prejudicial intent, and static economic misfortune for those at the bottom. Yet, there is something eerily similar in foundations of the caste system in India and historical slavery in the United States. Racial tension, as well as the caste system, was a profitable and adamant tool. In addition to this core similarity, religion played a crucial role in the control and regulation of this hatred among the populace of both India and the United States. While the caste system was (and still is to an extent) sanctioned by Hinduism, slavery was largely justified under the guise of Christianity.

As the British Empire pillaged their might throughout the less developed areas of the world (Africa, Middle East, and India), they imposed a cultural hegemony that would guarantee them stability; which, in turn, produced a stable flow of wealth for those at the top. The caste system, even before the British, was the primary glue that held together Indian society. The British understood the immorality of the caste system, but were reluctant to change what secured them a stable flow of economic success. The caste system in India guaranteed two things: societal order/control and the ability for the elite of society to benefit off this control. It is one issue for the caste system or American slavery to be created, preserve a semblance of stability, and exist for a number of years. What is the core issue, however, is why both systems were able to persist for centuries at the cost of the lower and middle classes. While American slavery ended after two and a half centuries, segregation played an immensely oppressive role for another century. The caste system, similarly, still exists sub-rosa within Indian society to play an oppressive role.



The core similarities are evident: both systems could only persist if the elite in society were profiting. If there remained a lack of profit in slavery (e.g. if slavery was a cause of stronger societal instability), then another system of profit would have been created. This is not to say that the caste system or slavery have not created a cultural disposition of hatred through these systems (much more in the caste system due to religion), but that this hatred is more of a by-product of a system perpetuated by those in higher classes. Today, one sees what occurs when slavery and the caste system become less profitable and politically correct.

As society in the United States is far past the days of slavery and segregation, the economic elite sought new outlets to create a monopoly of wealth. As globalization and free trade agreements began propping up after WWII (with the creation of the World Bank and IMF), multi-national corporations have feasted at the opportunity of taking their businesses outside the more democratic United States and into the more undemocratic, cheap, and deregulated nations to garnish much higher profits. Free trade is the ultimate mask for modern slavery. In the western world, one sees all the benefits: cheap goods, surplus of products, and a higher quality of life.

So, the common threads remain the same during the systems of slavery and the caste system as they do today: Systems that benefit the elite and economically oppress the lower classes will continuously find ways to preserve itself. Perhaps, as India and the United States are relatively young countries, they will both continue to evolve past this stage as they have with the more reprehensible systems of slavery and the blatant use of the caste system.

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The image features two dark silhouettes of men standing against a bright, glowing circular light source in the background. The man on the left is gesturing with his right hand towards the man on the right. The overall mood is contemplative and professional.

*From  
The  
mentor's  
pen*



## TEACHING: THEN AND NOW

-Mr. Ruben V

Having benefited from being born to a language school teacher, I started my journey to school right from the day I was formed in my mother's womb (Late: Dr. Victoria Vincent). In the late 1980's despite the low income earned in the profession, teaching was the most wanted and relaxed job looked upon, with all the "bandhs" and blessings of state & national holidays as well as close to two months of summer vacation being the best part. And the best part of the teacher was that the student and the teacher were connected in person since the digital age had not been invented. The teacher was always available in person to share not only his academic resources but also to share and care the student from a parent's role as well.

As technology entered the corridors of teaching it started to create a divide in the physical world and the personal connectivity. Today even though the teacher is connected with the student 24/7, it has indeed brought the distance in the human relations aspect of personal touch. The reverence which student had for the teacher is lost as it is now replaced by a dry formality or a requirement and not from the heart.

I voice my views based on my 15years of teaching experience in four different institutions at Bangalore. The kind of respect and regard the students gave before google stepped in the arena was totally different. Earlier the teacher was looked upon as the walking search engines. As the option of availing information and knowledge shifted to newer sources, the trust of the teacher's resources did twinkle down. And now the teacher needs to spend more time on the online domain up-dating since the changes in the environment happen in leaps and bounds. Thus owing to this aspect of digital search for the teacher it gives less room for interaction with the student. This adds to the distance created between the teacher and the student as the physical connect is missing. Now the teacher has to update on a minute by minute basis, if not, the teacher would be outdated. Thus what used to be "Pleasure in Teaching" is now "Pressure in Teaching".

The coming days are indeed going to be a big challenge for a teacher as his to his physical presence is no more required. Our era is shifting to the MOOC where students go online and do courses. Changes have already taken place where teachers take classes through Skype, sitting in their cabins or their recorded videos played in the class to facilitate the delivery aspect with questions from the students send by email and wait for the answers from their teacher. Thus the physical divide would be growing between the teacher and the taught. Attendance slips in paper have become digital, black boards have changed to smart boards and attendance registers have become a bio metric reader. Written examinations has already be done away and replaced with online examinations. Cursive hand writing book could be done away in kinder garden class and writing itself could become outmoded. Having accepted the various types of simulation of delivery in the absence of the physical presence of a teacher, it is now up to that generation of teachers from the bygone days to update themselves with the latest advancements in delivery and take them to the class rooms.

Would a teacher be completely replaced from a physical format to a digital format or would there be teachers specifically turned in like Robots to do only a defined set of activities? What is going to become of teaching as a profession in the near future is going to be really tough speculation.

And as Robert Frost wrote “And miles to go before I sleep”, I will continue to teach my students in the manner demanded by the times I live in.

## **To Be A Teacher**

**-Ms. Vasundhra Kamath**

To realize the importance of academic pursuits

Yet, to strive for quests greater

To realize the importance of literature for dialogue

Yet, to remain unconstrained by the written letter

To realize the importance of order

Yet, to disturb the established order when required

To realize the importance of authority

Yet, to test the reasonableness of authority

To realize the importance of confidence

Yet, to distinguish it from arrogance

To realize the importance of a social set-up

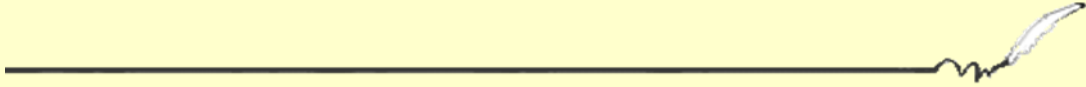
Yet, to passionately preserve one's individuality

To realize the importance of truth

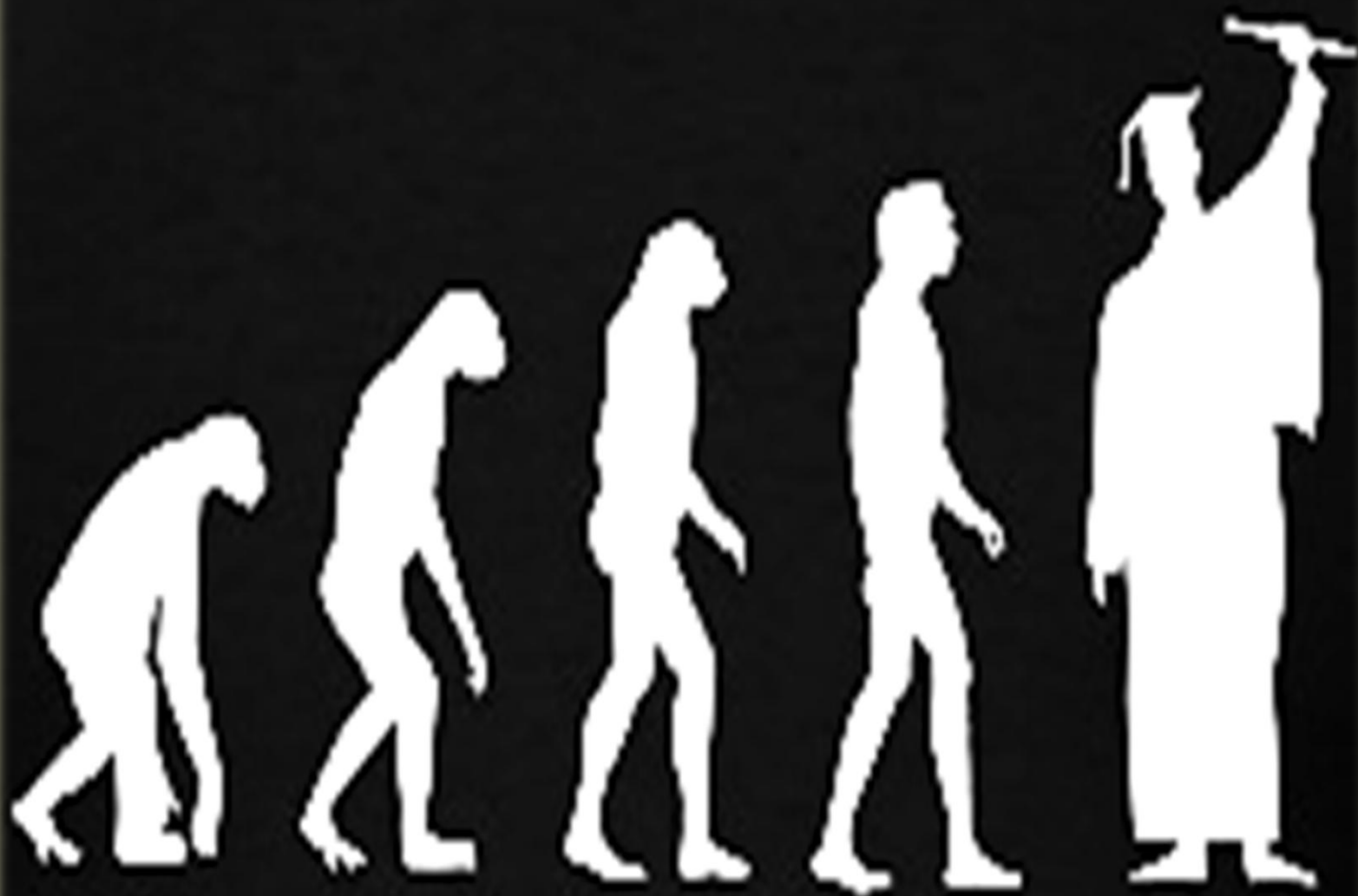
Yet, to know that there may be more than one version of the truth



To be a teacher is to realize the importance of all this  
Yet to allow the student to arrive at such realizations by herself!



# Alumni speak



## **Believe In Yourself!**

**-Ms. Shambhavi R**

When I was asked to write something for my juniors I was at a loss on just how much to say. I do not profess to know it all, but in my limited experience I have found that having good seniors to talk to really helps clarify whatever crazy ideas you have in your mind. I hope that I can do what some of my seniors in law school – amongst whom I have some very close friends now – did for me for some of you.

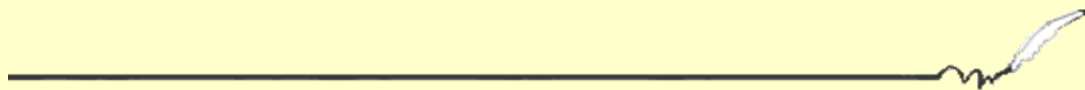
One of the biggest problems I see in a law school like ours is that there are so many students with so much potential in them, who just don't see what they really are. They see themselves as the world around them sees them. This only leads to inefficiency and emotional unrest. I believe that each one of us has the potential to be a success story in our own right. Everyone has a place under the stars, if only they have the courage to believe it and claim. You have to fight to rise above social stigma and bigotry and keep your head high in the stars, with your feet rooted firmly to the ground. Be grateful for whatever blessings you have and focus only on working towards your goals.

When I was given the Felix Scholarship, I understood why they say luck is preparation meeting opportunity. If you believe, and work hard enough towards your goals, and stay open to possibilities of good things happening, you are sure to succeed. The positivity must come from within. The will to be happy and sure of good things coming to you, has to flow from inside you. You are your best motivator.

My only philosophy is courage and hard work. I truly believe there is no substitute for hard work. There are different ways to live out your destiny, but after all is said and done only real skill will prevail. If I can give any advice to my juniors it would be to remember not to take people's opinions into account and to do only what makes you happy. Turn your weaknesses into your strengths. Use them as your compass to help you steer towards better opportunities for yourself. If you believe you can, then that belief is all you need to carry you through.



My only advice would be: Believe in yourself. Everyone has a sense of self-worth. Do not let your self-worth be in the hands of the world around. Find your voice and your areas of strength. Keep the courage of your convictions strong and believe in yourselves, because without self-belief we are nothing. Without hope we are nothing.





India: V. 69

## ***IT POLICY ADOPTED BY THE MAHARASHTRA GOVERNMENT***

*-Vidit Divya Kumat*

The Maharashtra government in July 2015, earlier this year unveiled its new information technology (IT) policy that aims to attract an investment worth Rs. 50,000 crore and generate employment for 10 lakh people in the state. The state is also focusing on giving more FSI and other incentives to companies that set up units in Navi Mumbai and a few other cities where land cost is cheaper than in Mumbai. This stimulus could not come at a better time, since the satellite city currently has an unsold residential stock of around 1.25 crore sq ft (around 24,500 units). Residential demand in Navi Mumbai is heavily influenced by commercial market movements in Mumbai and Thane. This may be a reflection of the market being an investor-driven one, in which case, it becomes all the more important that end-users come in at some point of time. However, this can happen only when commercial space absorption goes up like it did in Hinjewadi in Pune and Whitefield in Bengaluru.

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## ***ANDRA PRADESH-INNOVATION AND START-UP POLICY***

*-Nandita B*

The Constitution of India has laid down ten fundamental duties of which two are: To develop the scientific temper, humanism and the spirit of inquiry and reform and to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement. A state needs world class scientific and technical ecosystems that would empower and enable its youth to carry out this fundamental duty to our nation. For the development of Innovation, entrepreneurship and start-up culture in the State, Andhra Pradesh proposes to set up an Innovation & Capacity Building. Through the Innovation and Start-up Policy, the government intends to create an ecosystem that produces an entrepreneur in every family. Though the IT policy of the state would be the basic policy for the start-ups in the sector, a specific policy on innovation would top up the efforts of the IT policy. Inculcating the habit and embedding the idea of innovation among all the citizens in every aspect of economic activity is essential for promoting the culture of innovation in the people.



The Government will work with universities, educational institutions and the industry to provide pre-trained manpower in emerging technologies and to foster a culture of entrepreneurship. Universities will be advised to change the course curriculum to be in tune with the emerging technologies and align to the requirements of the Industry, and to introduce courses in entrepreneurship development through incubators. Industry Experts may be leveraged to teach courses at incubators and students who are interested may elect these courses. This policy would be updated every year in-order to strengthen the software products culture and ecosystem, crafting better policies and enabling creating market catalysts for the state of Andhra Pradesh.

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### ***MADHYA PRADESH: WORLD'S SOLAR POWER HOUSE***

*-Pranay Goenka*

*"We need to bring sustainable energy to every corner of the globe with technologies like solar energy mini-grids, solar powered lights, and wind turbines."*

*-Ban Ki-Moon*

We all understand the importance of sustainable energy and its urgent requirement to ensure proper utilization of resources. The Secretary General of the United Nations in the above quote has expressed the same concern which has taken a positive effect on India's centre most state. The state of Madhya Pradesh has taken great initiatives to shift from conventional sources of energy to more environmental friendly and sustainable sources of energy. It already houses Asia's largest solar power project at Neemuch district known as Welspun's solar power plant built at the cost of around Rs. 1,100 crore on 305 hectares of land. The project was inaugurated in February last year by the then Prime Ministerial candidate Mr. Narendra Modi. It produces 151 Megawatt (MW) at the cost of 8.05 rupees per Kilowatt hour (kW h).

Adding another feather to its cap, Madhya Pradesh will now house world's largest solar power station in Rewa district. The project will be a joint venture between Solar Energy Corporation of India and MP Urja Vikas Nigam where in both parties have 50 per cent stake. The new project is proposed to be built on 1500 hectares of land at Bandwar region in Gundh tehsil of Rewa. The project plans to start generating solar energy by March 2017. The cost of generating one MW solar energy project will come around Rs.7.6 crore with a massive total capacity of 750 MW.

To put things into perspective, world's largest solar power project - Ivanpah Solar Power Facility of 392 MW - is at Mojave deserts in California, United States. This is a great achievement for a state which is a growing industrial region and houses enough potential to tap its resources. The new project will not only help the state to solve electricity crises but also act as the benchmark for the whole world to involve in such eco-friendly and high yielding initiative.

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### ***TAMIL NADU'S TRANSGENDER WELFARE POLICY***

*-Aditi Mohan*

The state law making bodies play a crucial role as they are the sole authority that can cater to the needs of the people in that particular state and formulate laws. The state of Tamil Nadu is one such state that has made a provision for a particular class that no other state in the country has made. Tamil Nadu was the first state to recognize the needs of the third gender – transgender community and adopt a welfare policy. This policy by the state of Tamil Nadu allows the formation of a transgender welfare board with representatives from the transgendered community. This welfare policy helps in their recognition as a third gender by granting them certain benefits and rights:

1. Voting rights
2. Employment rights
3. The right to access free sex reassignment surgeries
4. The right to form self-help groups
5. Avail citizenship and the necessary documents required.

They are also given various other benefits apart from the ones that have been listed above. This initiative of Tamil Nadu Government, to establish a welfare board in the year 2008 was the first of its kind. This initiative was to create a sense of inclusiveness of the third gender into the society. This particular group or class of people have also been victims of oppression, discrimination and social exclusion and the welfare board for this class seeks to neutralize this effect by the way of this policy. This policy is being successfully applied and used till date.

## ***KARNATAKA'S SERVICES TO CITIZENS ARE NOW TIME BOUND.***

*-Aishwarya Todalbagi*

The Karnataka Sakala Services Act, 2011, more specifically - Karnataka Guarantee of Services to Citizens Act, 2011 - is a bill passed by the Karnataka State Legislature in 2011 to provide guarantee of services to citizens in the State of Karnataka within the stipulated time limit for citizen related services as mentioned in the schedule. The stipulated time begins from the date when the required application for scheduled service is submitted to the designated officer and is duly acknowledged. The Act provides for every citizen having applied for any citizen related services to be provided with an application number by the concerned Public or local authority, as the case may be. It further entitles the citizen to obtain and monitor his status of application online. Every public and or local authority, as per the Act is to maintain status of all applications governing citizen related services online and is duty bound to update the same.

The Act is a great boon for the citizens of Karnataka as it makes it convenient for them to learn and understand the progress of such public services better. Moreover, it makes the entire process a lot simpler and faster as the authorities are liable under the Act to provide the service or an explanation as to why they are failing to do so. It is the first of its kind to be passed in India and has also won several awards such as the National E – Governance Certificate, Google award, ISO Certification, Mission Vision Certificate as well as the Commonwealth Association and Public Administration Management Certificate. It is a great step towards implementing accountability and efficiency of services to citizens and a well set example to the other states.

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## ***PUNJAB: "MAI BHAGO ISTRI SHAKTI SCHEME"***

*-Anmol Singh*

Mai Bhago was a Sikh woman who led 40 Sikh soldiers against the Mughals in 1705. Her contribution to the history of Punjab is inspiring and motivating. This scheme named after such an iconic figure aims at empowering women particularly in the rural areas both in individual capacity as well as in groups. The objectives of the scheme are: strengthening the activities of women through training at convenient places, providing hassle-free credit and assistance. The scheme aims at



providing raw material to women entrepreneurs with the help of apex/ state level organizations, for which it envisages the creation of backward & forward linkages through a supply chain. Under this scheme different activities such as Phulkari work, tailoring, stitching and embroidery, hosiery and knitting, vermin compost fertilizers, mushroom growing, bee keeping, etc. are undertaken by women depending upon their aptitude and skills. Women under this scheme are classified into two groups: One who provides consumer items which can be sold through informal markets or PACS network e.g. spices, soap, pickles, bakery etc. The other group includes women who produce such products which have to be marketed with the help of State/Apex organizations. They also require training, finance, equipment and backward & forward linkages. Issues of female feticide, dowry related violence, sexual harassment and discrimination etc are also dealt with by providing education to the women under this scheme for promoting 'gender justice'.

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### ***HARYANA: THE LEAP OF TECHNOLOGY***

*-Anusha C.*

With the view of spreading digital literacy and awareness, the Department of Information and Technology, Government of Haryana has gone an extra mile and entered into a MoU (Memorandum of Understanding) with Google. Being a part of the Operation Digitize Haryana, the digital literacy helps in providing practical skill and knowledge about the various devices through which information can be accessed.

The digital literacy drive is to take place in government schools in order to educate the children about Internet Safety. The same drive would be conducted for the government officials as well. Internet Safety is cyber safety which one should observe while using the internet. It involves practices and precautions that one employs to protect the safety of the computer and personal information.

Google is also said to contribute towards development of websites of various government websites for mobile platforms. Along with it, workshops would be held on development of these websites for the officials of the state. This initiative is to bring out wide spread awareness about Internet use and its consequences among the citizens as well as the officials of the state.

## ***ASSAM: THE LAND OF RED RIVER AND BLUE HILLS***

*-Arindam Baruah*

Assam, a state in the North-Eastern region of India is of abundance when it comes to mesmerizing beauty- of culture, history, landscape, flora and fauna. The state is famous for nestling two World Heritage Sites – Kaziranga National Park and Manas National Park, both being famous for the one-horned rhinoceros. But when it comes to having a unique practice, I would rather bring out the historic Joon Beel Mela which is the living example of the modern day barter system, which is almost extinct all over India. This Mela is a three-day community fair held during the weekend of Magh Bihu at a historic place known as Dayang Belguri at Joonbeel. It is 5 km from Jagiroad in Marigaon district of Assam and 32 km from Guwahati. The Joonbeel (*Joon* and *Beel* are Assamese terms for the Moon and a wetland respectively) is so called because a large, natural water body is shaped like a crescent moon. The Mela is said to have begun not later than 15th century AD. It was first organized hundreds of years ago by the Ahom kings to discuss the prevailing political situations. During the occasion a huge bazaar is held. A few days before the mela starts, communities and tribes like Karbi, Khasi, Tiwa, and Jaintia of the northeast come down from the hills with products and interchange their merchandise with the local people in a barter system. It is said to be a hi-tech age barter system, perhaps the only fair in India, where barter system is still alive. Before the mela takes place, an *Agni Puja* (fire worship) is performed for the well-being of the mankind. The mela starts with community fishing in the Joonbeel wetland. The theme of the mela is harmony and brotherhood among the tribes and communities scattered in the Northeast India. The Gobha King along with his courtiers visits the mela and collects taxes from his subjects. People perform their traditional dance and music, making the atmosphere one of joy and fun.

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## ***THE DELHI SHOPS AND ESTABLISHMENT ACT, 1954***

*-Krutika Khare*

This is an Act to amend and consolidate the law relating to the regulation of hours of work, payment of wages, leave, holidays, terms of service and other conditions of work of persons employed in shops, commercial establishments, establishments for public entertainment or amusement and other establishments and to provide for certain matters connected therewith. This Act applies to shops and establishments located in Delhi only and not outside Delhi.

The objective of Delhi Shops and Establishments Act, 1954, is to give some minimum benefits and relief to the employees of unorganized sector, employed in Shops and Establishments. Industrial Dispute Act, 1947 and Delhi Shops & Establishments Act, 1954 are supplementary to each other. The Act is enforced through the Chief Inspector of Shops (CIS) and various inspectors under the Act, who are posted in nine districts of the capital. They function under the supervision and control of Dy. / Asstt. Labor Commissioners of the concerned district. Chief Inspector functions under the supervision of Dy. Labor Commissioners (CIS) who in turn functions under the supervision of Labor Commissioners. Thus, the Act specifically focuses on the rights of the shopkeepers.

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### ***KOLKATA: STORY OF THE CAPITAL CITY***

*-Parumita Pal*

Kolkata, formerly known as Calcutta, is the capital of the Indian state of West Bengal. Located on the east bank of the Hooghly River, it is the principal commercial, cultural, and educational centre of east India. It is a beautiful city having a rich culture and is home for many heritage buildings like Victoria Memorial and the High Court of Calcutta. But there are certain issues which are spoiling the beauty of Kolkata.

Pollution is one of the major concerns in Kolkata. As of 2008, sulphur dioxide and nitrogen dioxide annual concentration were within the national ambient air quality standards of India, but respirable suspended particulate matter levels were high, and on an increasing trend for five consecutive years, causing smog and haze. Severe air pollution in the city has caused a rise in pollution-related respiratory ailments, such as lung cancer. So, it was indeed a high time for the government of West Bengal to take necessary steps to fight with this menace.

Kolkata is administered by several government agencies. The Kolkata Municipal Corporation, or KMC, oversees and manages the civic infrastructure of the city's 15 boroughs, which together encompass 141 wards. As of 2015, the All India Trinamool Congress controls the KMC; and the present mayor of KMC is Sovan Chatterjee.

The functions of the KMC include water supply, drainage and sewerage, sanitation, solid waste management, street lighting, building regulation and most importantly to handle environment related issues.



In order to protect the increasing pollution which has become a threat to the public of Kolkata, the Konnagar Municipality of West Bengal under the policy passed by the government of West Bengal recently issued "identity cards" to 28 species of trees in the city to create awareness among people. The ID cards, first of their kind in Asia, contain pictures of the trees along with the species name, location and amount of carbon dioxide absorbed by them. This step is indeed a great step taken by the government to create awareness among the people of West Bengal and to fight the growing menace of pollution in the city.

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### ***THE BIHAR MIRACLE: UNCOVERED***

*-Himanshi Thakur*

A common saying goes, "People in Bihar do not cast their vote, but they vote their caste". The 2010 election marked a much unexpected change in the trend when Nitish Kumar took over after Lalu Prasad Yadav's 15 year rule. While GDP growth saw a miracle, numbers being just below Gujarat, agriculture saw a boost up ranking second only to Madhya Pradesh, second highest reduction in poverty among major states in India, reduction in infant mortality rate at a faster pace than the national average. Lalu Yadav's promise of roads as smooth as Hema Malini's cheeks seems to have come true under Kumar's rule ironically, where more than 6,800 km of roads have been relayed and 1,600 bridges have been constructed in the last four years. An insight into the situation depicts a major change from frequent kidnappings to the declaredly much safer environment, with most popular gunmen and gangsters behind bars. Deserted government schools have been converted into fully functioning Anganbadi centers providing employment to a number of female graduates in the rural areas.

The bicycle project introduced by the Chief Minister provided every girl student a bicycle to commute to school. This led to a greater girl child enrolment and decline in dropout ratio dramatically. As much a miracle as it may seem Kumar has proved to be the face of change for one of the poorest states in India. With the bleak past that lies behind, the common Bihari is still waiting for the growth to be translated to a better way of life.

## *PORTUGAL INFLUENCE IN GOA*

*-Rachit Francis*

Goa might be lionized as the Indian Sin City; it might be known for its wildlife sanctuaries; the splendid beaches; the fenny and low alcohol rates; the celebration; the architecture that it has produced; The Bom Jesus Cathedral Church; the Casinos and so on. However in the charming lights of such affairs, one tends to overlook the amazing work that the Government of Goa is doing.

One of the most important legislations that might be mentioned would be with respect to its personal laws. It is pertinent to note that Goa continues to have Portuguese personal law relating to marriage, divorce and succession. Personal laws of different religious communities prevailing in rest of India namely for Hindus, Muslims, Christians etc like Hindu Marriage Act, Hindu Succession Act etc is not extended to the State of Goa. In Goa, one common Portuguese family law relating to Marriage, Divorce, Succession; applies to the people uniformly irrespective of their religion. The concept of Uniform Civil Code under Article 44 of the Constitution of India is purely reflected here. The very concept of Uniform Civil Code is the need of the hour in India where the diversity sometimes becomes a playing ground for various violent activities.

The concept of gender equality is also reflected in the marriage laws in Goa; for instance both the spouses have equal share in the assets held by them before and after marriage, by default, unless a contract called ante-nuptial contract is executed prior to marriage, to not have the said communion. The spouses are termed as co-sharers and not co-owners.

With respect to succession; the execution of documents relating to Deed of Succession, Deed of Renunciation and Wills continue to be governed by Portuguese Law and such documents are recorded by an Officer called **Notario?** (Sub-Registrar) in his Books and maintained as public records and certified copies issued. A distinguishing feature of the will is that it does not require probate as is the norm in many parts of India, and the document by itself can be used as substantive title document.

The Goa Lokayukta Act, 2011 is another achievement by the government and it provides for the establishment of their Institution of Lokayukta to inquire into grievances and allegations against public functionaries in the State of Goa and to make provisions for the appointment of the Lokayukta and Upa-Lokayukta.

The Goa Human Resource Development Act, 2012 makes special provisions for developing human resource in the State of Goa by imparting required training to the unemployed persons and to the workforce in the State of Goa.

The Goa Welfare Scheme for Seafarers provides for financial assistance in the form of Gross Pension to retired Seafarers on their dependant widows. Quite a number of Goans have been employed as Seamen on Cruise Liners, Containers, Tankers, and Cargo Vessels from time immemorial. Not all of them earn enough to sustain themselves in old age and undergo various other hardships. Against this background the State Government has launched the abovementioned scheme. It provides financial assistance in the form of gross pension of Rs. 2,500/- per month to retired Goan Seamen on completion of 60 years of age provided that the annual income from all sources does not exceed Rs. 1.20 lakhs.

There are many such initiatives undertaken by the Government of Goa amongst which the abovementioned ones are worth noting. The Government of Goa has done substantive amount of work with respect to achieving the concepts of equality and welfare. India is a nation with diverse population and the idea of equality and welfare both are much needed and the Government of Goa has already started its initiatives on the same. By ways of making the workforce more effective and efficient the Government tends to work upon the idea of welfare and is indeed doing well over the same. In the coming years Goa might set a benchmark for the other states. It will be looked upon for its governance and its welfare schemes.

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### ***THE KARNATAKA PREVENTION OF SUPERSTITIOUS PRACTICES BILL, 2013***

*-Sarda Mahesh*

When we read books like Harry Potter and watched Disney movies like Hocus Pocus, little did we imagine that there would be people who took these magic acts a little too literally, forcing the State to step into the shoes of a parent in order to protect the citizens.

In fact, a lot of killings are done in the name of superstition. It is the duty of the State to draw the line between harmless acts of belief and acts that harm the society (and hence must be stopped immediately). A major rationalist of his time, Narendar Dhabolkar (from Pune), is a prime example of an individual who lost his life in the process of challenging these superstitious acts.



The Karnataka Prevention of Superstitious Practices Bill, 2013, a brainchild of the Centre for the Study of Social Exclusion and Inclusive Policy at the National Law School, Bangalore, aimed to do just that. Protected under the umbrella guidance of the right to live with dignity under Article 21, this Bill highlights several practices of the people which are done in the name of superstition, but ultimately end up harming the society.

The Bill basically defines the various acts that come under the concept of ‘superstitious’, and includes within its ambit acts done by both, individuals as well as companies. It also sets up a separate State authority as well as a Vigilance Committee to make sure that the Bill is functioning in its entirety.

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### ***KERALA'S YOUTH-CENTRIC ECOSYSTEM***

*-Roshni Menon*

The brightest minds of Kerala are leaving the State in pursuit of better career options, becoming successful entrepreneurs outside. This loss is irreparable in a Knowledge Economy where people and ideas are more important than land or capital. This policy aims to create a world-class scientific and technology ecosystem that would empower and enable its youth to pursue their dreams within the State. The Government of Kerala aims to provide a youth-centric ecosystem by smoothly integrating the technological and creative skills of the youth to solve contemporary problems. The State aspires to kick-start an entrepreneurial culture, which contributes to increased knowledge, wealth and employment.

For the next 40 years, the country would have a youthful, dynamic and productive workforce when the rest of the world is aging. In fact, in 20 years the labor force in the industrialized world will decline by 4% while in India it will increase by 32%. The demographic dividend in Kerala will end sooner due to its aging population and lower population growth and now is the time to act decisively to reap the dividend.

1 million jobs per month are needed for all of India's youth to be employed for the next 20 years. And this can be done only through entrepreneurship and start-ups.

Technopark TBI which was formed in 2006 as a pilot experiment to seed an entrepreneurial culture, now has 150 start ups in a span of just 6 years. This growth is unique in India hence the Department of Science and Technology, initiated a Public - Private partnership for boosting the start-up ecosystem thereby resulting in the formation of ITIH-TBI (Startup Village) which is promoted by Technopark.

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### ***CHENNAI: RIGHT TO HOUSING***

*-Manikanta Prabhu G.*

A small cause's court in Chennai had ruled that landlords can take one month's advance from tenants as security deposit. The Court passed an order while hearing an eviction petition filed by a landlord. The court cited a 1996 Supreme Court verdict in *K.Narasimha Rao vs T.S. Nasimuddin Ahmed* [1996 AIR 1214, 1996 SCC (3) 45] held that the landlord is entitled to receive only one month advance. The tenant is often a stranger whose certainty is unclear. Is the Law equal for tenants and house owners are the question which emerges.

India is a country where majority of the population are below poverty line and it is highly difficult for a below middle class individual to own a land/building. However, the Housing is at the centre of an ensemble of life issues. Although housing remains as fundamental as food and security, the issue has not yet received the top priority it deserves.

In India, the right to housing has at best found recognition, through judicial interpretation, under Article 21 of the Constitution that guarantees protection of life and personal liberty. That however has not been consistent. In contrast, in countries such as South Africa where the right to housing is enshrined in the Constitution, the state has been mandated to meet its public housing obligations. Also population is a great bane in India and price of a land/building keeps rising while the money in the economy is diminishing at an increasing rate. Therefore collecting less rental advance can help the Tenant to circulate the money or investing it on another sources which yields enough income to raise their status or acquire a property through the incomes gained from such investments and can also contribute for his/her own social development.

What is required is increase in and direct participation by the state in regulating and providing public housing. It can also intervene in the market through “equitable land use policies, rent regulation and enforcement measures” and by focusing on affordable housing, as the court did. As Aristotle says, you have to satisfy your need and not greed. India has a gigantic task in its hands. The challenge before it is to make the right to adequate housing realizable in law and in fact by all its citizens.

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# Rock Walls



**Some build rock walls all  
their lives,  
When they die miles of walls  
divide them.**

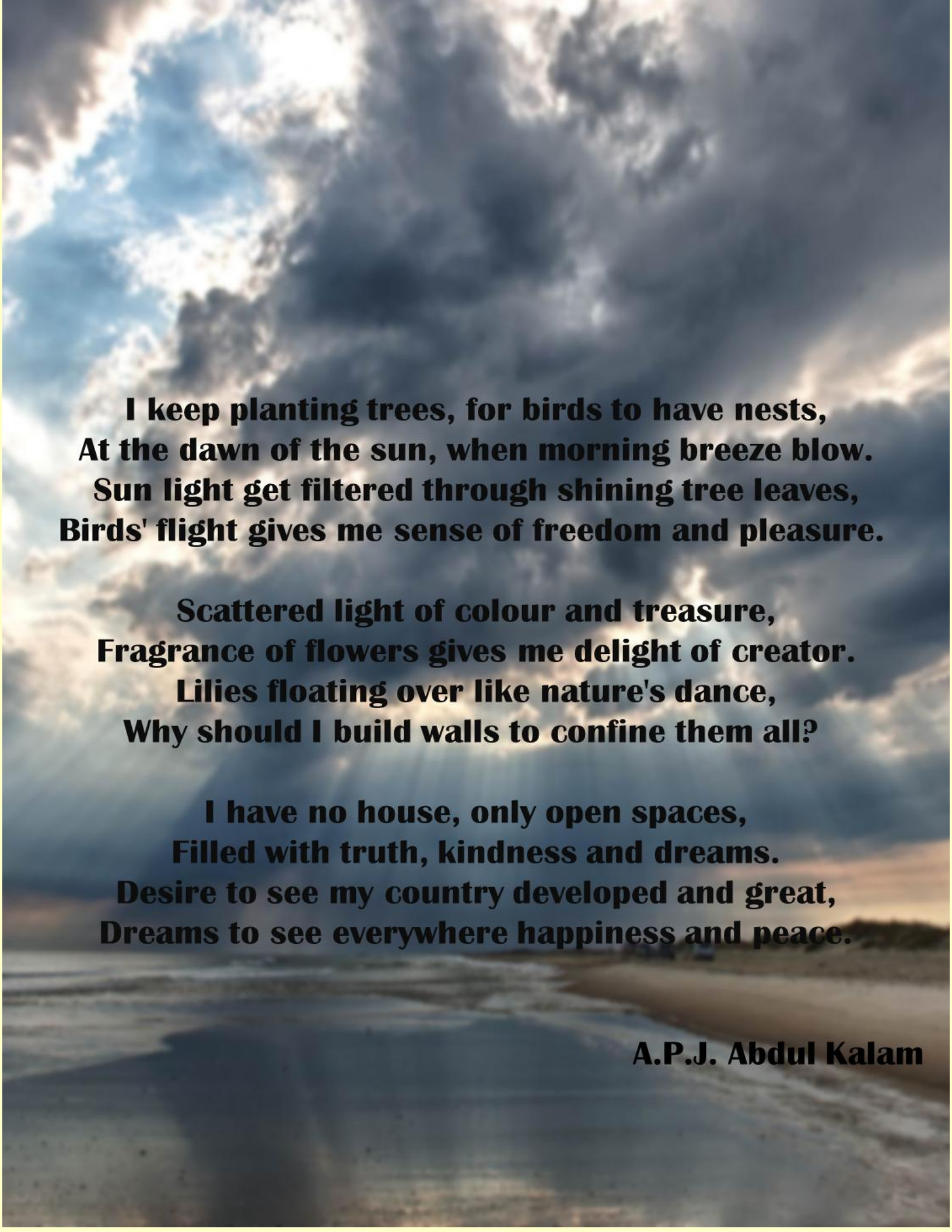
**Others build rock walls, one  
rock on another,  
And: then build a terrace,  
where they pray for love.**

**Yet others build walls to  
enclose orchards,  
Endeavouring to find ways to  
fulfil hunger.**

**A few others build rock walls  
- to make a home,  
It is their mission to serve  
humanity and nature.**

**I build no walls, to confirm  
to joy or sorrow;  
To sacrifice or achieve, or to  
gain or lose,  
I just grow flowers on all  
open spaces,  
And float lilies on ponds and  
rivers.**





**I keep planting trees, for birds to have nests,  
At the dawn of the sun, when morning breeze blow.  
Sun light get filtered through shining tree leaves,  
Birds' flight gives me sense of freedom and pleasure.**

**Scattered light of colour and treasure,  
Fragrance of flowers gives me delight of creator.  
Lilies floating over like nature's dance,  
Why should I build walls to confine them all?**

**I have no house, only open spaces,  
Filled with truth, kindness and dreams.  
Desire to see my country developed and great,  
Dreams to see everywhere happiness and peace.**

**A.P.J. Abdul Kalam**

