



Mag 

méLAWnge

ANNUAL MAGAZINE 2011-2012



GOVERNMENT LAW COLLEGE

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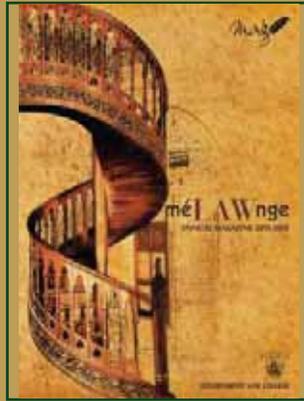
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Mag

2011-12 saw the High Courts of Bombay, Calcutta and Madras celebrate a hundred and fifty years of existence; a hundred and fifty years of litigants and judges; a hundred and fifty years of petitions, appeals, orders and judgements; a hundred and fifty years of judicial history in India. The Magazine Committee has endeavoured to pay its own small tribute to these beacons of justice in their sesquicentennial year, by devoting its theme section to them. The cover page of méLAWnge 2011-12 is a reflection of this theme.

The small example of the breathtaking architecture of these High Courts, on the cover, is also symbolic of the continuing journey of the Magazine Committee and indeed, GLC, towards greater success and achievement - ever forward.

méLAWnge

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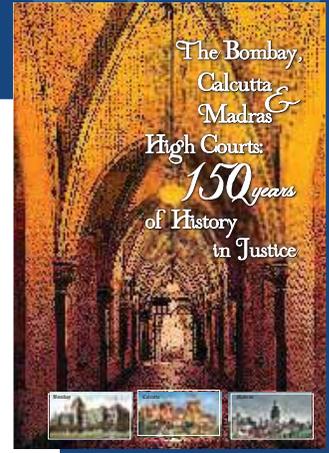
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In the light of the recent public demonstration of anger against corruption, do we require basic structural changes to nudge our democracy towards greater deliberation?



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Smt. Pratibha Devisingh Patil
President of India



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राष्ट्रपति भवन,
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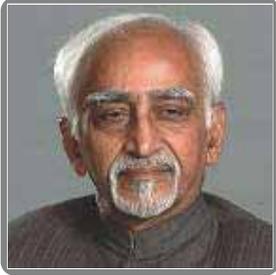
President's Secretariat,
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MESSAGE

The President of India, Smt. Pratibha Devisingh Patil, is happy to know that the Government Law College, Mumbai is bringing out its Annual College Magazine, 'méLAWnge 2011-12'.

The President extends her warm greetings and felicitations to the Principal, staff and the students of the College and congratulates the College on the launch of the Magazine.

Officer on Special Duty (PR)



Shri Mohammad Hamid Ansari
Vice-President of India



उप-राष्ट्रपति सचिवालय
VICE-PRESIDENT'S SECRETARIAT
नई दिल्ली / NEW DELHI-110011

MESSAGE

Hon'ble Vice President of India is glad to know that Government Law College, Mumbai is publishing its Annual College Magazine 'méLAWnge 2011-12'.

The Vice President of India extends his good wishes to the students, teachers and the staff and wishes the publication all the success.

(Ashok Dewan)



Shri Salman Khurshid
Minister of Law and Justice
Government of India



मंत्री
विधी एवं न्याय
भारत सरकार
सलमान खुरशीद, संसद
Minister of Law and Justice
Government of India

MESSAGE

I am happy to learn that the Government Law College, Mumbai is publishing its Annual College Magazine. It is a matter of great satisfaction that the College has maintained highest standards of legal education during its remarkable 156 years of existence.

Law is a dynamic instrument for bringing about development of human society. Times keep changing but the fundamentals of law remain constant. Law students have to be prepared for facing complex legal issues which may arise due to globalization and advancement of science and industry.

My best wishes for the management, faculty and students of the College.

(Shri Salman Khurshid)



Shri Prithviraj Chavan
Chief Minister of Maharashtra



MESSAGE

I am happy to know that Government Law College is publishing the Annual Magazine méLAWnge- a mélange of creativity and legalese.

Government Law College, Mumbai is the first college of legal education and has 156 years of history.

The magazine will able the students to showcase their literary talent. On this occasion, I extend my greetings and best wishes to the magazine.

(Shri Prithviraj Chavan)



Shri Mohit S. Shah
Chief Justice, High Court, Bombay



Chief Justice House
14, Narayan Dabholkar Road,
Malabar Hill,
Mumbai - 400 006

MESSAGE

I am very happy to know that Government Law College, Mumbai is publishing its Annual College Magazine 'méLAWnge' every year since 1930.

The magazine provides an excellent opportunity to the young student and the teachers to express their creativity on important issues through various genres of writing.

I wish the college magazine all success.

(Mohit S. Shah)



From The Principal's Desk

Government Law College (GLC) adds one more year to its yeomen service record and GLC has a heritage to boast about, a reputation to rave about and protect and a future to look forward to. Teaching in and of law has to be so fashioned as to continue the great past traditions but at the same time to respond to and adapt to the current legal, commercial and scientific demands aimed at increasing efficiency and competence of the students, nationally and internationally. These multifaceted goals can be achieved by varied and multi pronged curricular and extracurricular activities. It is a matter of satisfaction that efforts were made to improve academic training in the form of lectures by the esteemed teaching staff dedicated to the College. However, the College in no way lacked behind in the activities allied to teaching. Moot court competitions are somewhat new institutions. They provide the young students exposure to the practical side of law and courts. The College leaves no stone unturned when it comes to providing students with opportunities to shine, in every field, may that be debates, moot courts, essay competitions, workshops, guest lectures, sports and music.

As another year comes to an end, one can draw a list to infinity counting the events organized by the students and professors of GLC during the year. All of which, needless to say, were a soaring success.

The Placement Cell of College organized a Placement Week which saw 60 law firms, LP0s, corporates and lawyers visit our College for on and off campus recruitment.

The Students Promotion for International Law organized several lectures during the year and also the SPIL International Law Summit in February 2012, saw speakers like Ms. Zia Mody and Mr. Nishith Desai talking to the audience.

The Magazine Committee had the first formal launch of the Annual College Publication, 'méLAWnge'. The Chief Guests for the event were Senior Advocate Mr. Rafique Dada and Mr. Shardul Thacker. The Committee also organized its flagship event, 'Knock-Out!', the annual debate, with practicing lawyers and students of our College participating. This year saw unprecedented participation in the 11th Vyas Government Law College National Legal Essay Competition and the Belles-Lettres: J.E. Dastur Memorial GLC Short Fiction Essay Writing Competition, which are at a national level, and the Sir Dinshah Mulla Legal Essay Writing Competition which is for the students of GLC.

The Moot Court Association of College organized the 13th D.M. Harish Memorial Government Law College International Moot Court Competition, with participation of 31 teams of which 15 were international. The 18th edition of the M. C. Chagla Memorial GLC Moot Court Competition was held this year, and the 1st edition of it as a National Moot Court Competition.

The Rotaract Club of Government Law College organized their Annual Charity Sale raising ₹ 1,74,000 and saw a participation of 30 NG0s.

The MUN Committee organized the annual Model United Nations which went international this year, with invitations being sent to SAARC countries as well.

The Legal Aid Committee launched a Legal Aid Cell in College, this year, with the Human Rights Law Network.

The Teach For India Society was set up this year.

Like every year the students and staff of College have upped the standard they set for themselves last year, and shall hopefully continue to do so. This issue of méLAWnge showcases the talent, enthusiasm and zeal of the students, staff and professors. To see a cumulative result of the effort put in by several such enthusiasts is truly rewarding.

In conclusion, it's imperative to acknowledge the guidance, hardwork and assistance of the teaching and non-teaching staff of GLC without whom the College would fail to function as smoothly as it does currently.

A handwritten signature in blue ink, appearing to read 'R. B. Malik', written over a horizontal line.

Judge Mr. R. B. Malik
Principal



Faculty Advisor Pens...

It is with great pleasure -and a justified sense of pride- that we launch the 82nd edition of our popular college magazine aptly christened méLAWnge.

The Magazine Committee began the year on a fabulous note, with the 2010-11 edition of méLAWnge winning the award for 'Best In-house Publication Silver' at the ICE Awards 2011 (In-house Communication Excellence), organized by the Shailaja Nair Foundation. méLAWnge won against competitors such as the Reserve Bank of India, NABARD, Air India, the UB Group, IITs, National School of Design and many more.

This is a special edition of méLAWnge, as it has for its theme, the sesquicentennial year of the Bombay, Calcutta, and Madras High Courts with thought provoking articles by the Attorney General of India, Mr. Goolam Vahanvati, Mr. Fali Nariman, and Mr. Iqbal Chagla, among others.

The three essay competitions organized by the Magazine Committee- the Vyas GLC National Legal Essay Writing Competition, the Belles-Lettres J. E. Dastur Memorial GLC Short Fiction Essay Writing Competition, and the Sir Dinshah Mulla Legal Essay Writing Competition, received unprecedented participation this year. The response to the two national competitions was staggering, with participants from all across India. We gratefully acknowledge the support and contribution afforded to us by Mr. Dinesh Vyas, sponsor of the Vyas GLC National Legal Essay Writing Competition, Mr. Soli Dastur, sponsor of the Belles-Lettres J. E. Dastur Memorial GLC Short Fiction Essay Writing Competition and Mr. Shardul Thacker, sponsor of the Sir Dinshah Mulla Legal Essay Writing Competition.

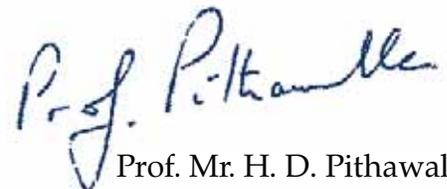
'Knock-Out!', The annual panel discussion organised by the Magazine Committee, was a roaring success. This year, the topic was 'Greater Participative and Deliberative Democracy is the Need of the Hour in India. In the light of recent events in the country, do we need certain basic, structural changes to nudge our democracy towards greater deliberation?' Two teams, each consisting of one practising lawyer and one student, battled it out, with Advocate Mr. Gautam Patel as Moderator.

We acknowledge the constant cooperation and encouragement of our new Principal, Judge Mr. R. B. Malik, who, though being new to the working of our College, has so graciously and deftly slipped into the shoes of Principal, and whose doors are always open to all students of College. We also acknowledge the immense support and encouragement of our former Editor-in-Chief, Prof. Mrs. R. Ratho, to whom we are deeply indebted.

We thank Prof. Daphal our faculty advisor, and all the office staff for extending a helping hand whenever we needed it. A big thank you to our patrons and sponsors, without whose support we would not be able to function.

Gurbani Walia our invaluable Editor, has worked tirelessly towards the publication of the Magazine and we thank her for her efforts.

We trust that this edition of méLAWnge will live up to its expectations- as it has always in the past.



Prof. Mr. H. D. Pithawalla
Faculty Advisor



General Secretary's Message

Government Law College is a powerful institution, a veritable pioneer in the field of law, producing stalwarts of the legal profession. The people who have passed out of these hallowed halls have gone on to become the very pillars of our nation.

It is the moulding ability of our College that sets it above and apart from any other such college, the power to shape stellar advocates and experts in law. I am truly proud to have been elected to the Students' Council of this incredible institution. It is both my greatest pleasure and my greatest responsibility, to have become the General Secretary of this esteemed institution and preserve the glory of this 150 year old legacy.

Government Law College offers myriad opportunities to the students to showcase their talents and hone their skills. As someone rightly said, "GLC is like a buffet which serves you the best of dishes, the choice rests upon us to select the right one." GLC believes in all round development of the students, in imparting the values that help them in their life as lawyers and professionals. It gives them the opportunity to learn to make choices, make decisions and teaches them not only what they are but also when tomorrow comes, what they can be.

The academic year commenced with the annual National Tax Moot organized in the memory of late Mr. Nani Palkhivala. The year progressed with the annual debate competition- 'Knock-Out!' where the speakers displayed immaculate reasoning and oratory skills. The annual Charity Sale, which is organized over a period of three days in College, helped our students make a difference in someone's life and add a smile to someone's face. The GLCMUN which was a part of the International Relations and Diplomacy Conclave making it the 2nd international event hosted by GLC. The placements this year saw two rounds of recruitment, providing a great platform to the students. The College also hosted the Blood Donation Camp. The month of February saw a great array of events such as the International Law Summit which included key note addresses, lectures by renowned speakers and experts on the subject, workshops and call for papers. Following that GLC hosted the D. M. Harish International Moot with participants from across the globe. The Sports Committee organised "Showdown" the annual sport festival of GLC. The Gujarati Mandal, Marathi Mandal, Hindi Parishad and Dramatics Committee have tried to keep up the spirit of the College by giving the students the platform to discover and exhibit their creativity. The Magazine Committee which brings together all the events of GLC every year through méLAWnge adds another chapter to the glorious years of this college.

As every year, the highlight of the year at the end of February was the M. C. Chagla Memorial Lecture Series which was organised in the fond memory of Chief Justice Mr. M. C. Chagla and saw renowned legal luminaries address the students on contemporary legal issues.

I would like to express my deepest gratitude to the entire staff and student body of Government Law College. I am humbled by the faith and trust which has been bestowed upon me by the Principal Judge R.B. Malik, the Professor-in-Charge of the Students' Council, Mr. Panjwani. I would also like to thank Prof. Umesh S. Aswar for being our pillar of strength and support for all the Council endeavours. In particular, I am indebted to the entire Students' Council members and the Ad-hoc Members who have supported me in all activities of the college and making them successful.

The students of GLC have, directly and indirectly in their own way, played a pivotal role in making this year a memorable one and I wish everyone in GLC all the very best and would like to end by saying, "Perseverance, dedication and hard work can make even the most impossible act possible."

A handwritten signature in blue ink that reads "Arzin Ansari".

Ms. Arzin Ansari
General Secretary

Magazine Committee



Sitting (L-R): Jay Shah (Student Co-ordinator), Shivanee Srivastava (Marketing Head), Vidhi Shah (Treasurer), Aparna Bagree (Creative Head), Gurbani Walia (Chief Student Editor), Prof. Mr. H. D. Pithawalla, Principal Judge R. B. Malik, Prof. Mr. D. A. Shinde, Prof. Mr. P. B. Daphal, Sherna Doongaji (Assistant Editor), Suhani Dhanki (Creative Head), Subir Sarkar (Assistant Treasurer), Surekha Srinivasan (Student Co-ordinator).
Standing 1st Row (L-R): Paridhi Shroff, Mallika Mallapalli, Amrita Vyas, Sharmin Baldawalla, Nitish Chaudhary, Shreya Gupta, Abhinav Anand, Revati Desai, Ursula Misquita, Srihari Saranathan, Dhara Anjaria, Uttara Srinivasan, Anjali Goklami, Nivedita Nathany, Ambica Shukla, Aashna Kothari, Harshini Parikh, Raina Singh, Anjana Telang.
Standing 2nd Row (L-R): Siddharth Bhise, Aishwarya Singh, Harsheen Madan, Malvika Tiwari, Charvi Rajput, Geet Sawhney, Aayush Tandon, Sarah Thanawala, Shraddha Bhawe, Ekta Jhaveri, Preksha Kanungo.



Editorial

That day has finally dawned; the day when I sit and write the editorial; the editorial of méLAWnge. Ever since I joined the Magazine Committee, in my first year, I always wondered what it would be like to be the “Chief Student Editor” of this Magazine, what it would feel like to represent the scholars of law who are in the making, to be a part of the process which culminates into méLAWnge. Actually heading the entire process this year has been a truly rewarding experience. With editions such as what we have had in the past, it has been a herculean task to match up to the standards set by my predecessors. However, I’m convinced that this edition has not only met those standards, but as I like saying, ‘cranked it up a notch’.

When I took up the responsibility, I could not have imagined the work that went into creating this magazine and this after having been a part of the Magazine Committee for two years! This year has taught me lessons I will value, implement and cherish for life: how to tackle moments of stress, deal with people of a different mind set, motivate people when you yourself as a leader feel like you’ve just hit rock bottom, deal with failure, and most importantly how to accept that a mistake made, is a mistake made and nothing, often, can be done to reverse it.

As I started this year, I had no doubt that this was exactly how I wanted to spend this year. As my peers interned, worked and mooted, not once have I felt the need to replace what I was doing with anything else. Every moment spent working on this edition of méLAWnge, I will embrace for life.

The year started with the brain-wracking job of organizing the 3 Essay Competitions: the 11th edition of the Vyas National Legal Essay Competition, the Belles-Lettres J. E. Dastur Memorial Short Fiction Essay Writing Competition and the Sir Dinshah Mulla Legal Essay Writing Competition. Shortlisting topics, designing posters and brochures, ensuring the competitions were released on time and inviting over 150 law and non-law colleges to participate, was the first leg of the journey. This year we have received an unprecedented number of participants from all across India.

Following this, the flagship event of the Magazine Committee, ‘Knock-Out!’ was held. ‘Knock-Out!’ is an annual panel discussion organized by the Committee. The format was changed this year to add a little twist and the discussion saw an advocate of the Bombay High Court paired with a student of GLC, engaging in a healthy debate with another advocate-student pair. The discussion was moderated by Mr. Gautam Patel, whose witty and well-timed remarks made for an interesting hearing.

It was a matter of great pride when Mr. Soli Sorabjee, Senior Counsel to the Hon’ble Supreme Court of India and the former Attorney General of India consented to be interviewed by us. And this pride only doubled when Dr. Shashi Tharoor, Member of Parliament took time from his busy schedule to let us interview him during his short visit to Mumbai.

2011 saw the Chartered High Courts of India -the High Courts of Bombay, Calcutta and Madras- complete their sesquicentennial years of establishment. As students of a law college, it only seemed fit to dedicate the Theme Section of this edition of the Magazine to this. Our Theme Section would not have seen the light of day if not for those legal luminaries all over India who took time out of their extremely busy schedules to pen a few words for méLAWnge to describe these High Courts from where they started their journey in the field of law. To have Mr. Goolam E. Vahanvati consent to write for us was truly the highlight in the construction of this Section.

The cover page of méLAWnge, 2011-12 too tries to honour these structures, that embody the magnificence of the law that is upheld there. The cover depicts the majestic architecture of the Bombay High Court and at the same time is also symbolic of the journey of méLAWnge over the years and us, as law students, reaching new heights.

While we like adding new sections or changing the format of others, since this Magazine is essentially yours, we have tried to bring back what you have liked in the past. For instance, we have continued the largely appreciated 'Courtroom Humor' section, reintroduced Lexcryptic- a legal crossword made by Prof. Mr. K. L. Daswani; and brought back something from the past- articles written by professors of GLC. I have no doubt that 'Winds of Change' by Prof. Mr. H.D. Pithawalla will be a delightful read for everyone associated with GLC.

Keeping up with the precedent set last year, this edition of méLAWnge is scheduled to be officially launched on March 3rd, 2012. None of this would have been possible if not for the encouragement and support shown to us by our patrons and sponsors in the legal fraternity. To them, we are truly indebted.

I cannot end this Editorial without giving every such person associated with this edition their rightful due. Principal Judge R. B. Malik whose endless patience and presence has made this year, that tad bit easier. Prof. Mrs. Rachita Ratho, who was the Editor-in-Chief for the better part of the year- her guidance, support and faith in us has helped us see that faint silver lining even when there was none. Prof. Mr. H. D. Pithawalla (Faculty Advisor) and Prof. Daphal- for their constant support and encouragement.

Sherna Doongaji, the Assistant Editor, has been a constant source of support and for that, I am truly thankful. The same actually applies to the Core Committee of this year- the dedication, willingness to work, ideas, opinions and suggestions are reflected in every page of this edition. I believe, Aparna Bagree and Vidhi Shah, post holders of the Committee, deserve a special mention for not only fulfilling their duties as post holders but for also being there every step of the way, as friends.

As clichéd as 'last but not the least' may sound, I must use it to thank Kanupriya Kejriwal (Chief Student Editor, 2010-11) and Kamakshi Ayyar (Asst. Editor, 2010-11) for the faith they have shown in me and for being a phone call away whenever I have needed them.

By the time you read this, méLAWnge 2011-12 will have been launched and I might technically be late in saying this- I however say it: as the year comes to an end, I am extremely proud to present to you, méLAWnge 2011-12. I hope all of you enjoy reading this edition as much as we enjoyed compiling it.



Ms. Gurbani Walia
Chief Student Editor

Winds of Change

by Prof. Mr. H. D. Pithawalla



When a bunch of enthusiastic students from the Magazine Committee came to request me for an article on how things have changed in College in the last forty five years, that is, from the time I studied at GLC, initially I politely declined, but when I saw that they would not give up so easily (future lawyers, after all), I ultimately decided to acquiesce.

A wise man once remarked that where there is no change, there is no growth, and where there is no growth, there is no life. Where, therefore, can we see “the winds of change” which have blown through our College in four decades and a half?

A good starting point could be the topic of attendance in classes, something controversial, but nevertheless important. Forty five years ago, classes began at 6:50 in the morning, and disciplined as the students were in those days, we were anxious to make sure that we did not “bunk” a single lecture— not even those which began at that unearthly hour. Frankly, students in our days fell within one of two categories: the “early risers” and the “not-so-early risers”. As far as the early risers were concerned, if they had to reach on time, they had to skip either their breakfast or their bath to make sure they reached College by 6:49. As far as the second category was concerned, they had to skip both to make it to the College in good time. In short, all of us made it a point to be there in time, even for the first lecture.

Lest the reader gets a wrong impression of student life in those days, let me add that, unfortunately, our sublime sacrifice of getting up so early would almost always turn out to be a dampener. Our professor would arrive half an hour (or more) late, or better still, not turn up at all! Not daunted by minor disappointments, we would give him another chance on the next day, and the day after, and so on— but with the same result. Totally disappointed, we would then stop attending his classes, and that would be the precise point of time when he would turn up on time! Unfortunately, it is a vicious circle. In other words, when we were on time, the professors were not, and when they came on time, we did not!

My students tell me that this predicament continues even today. So, I would be a hypocrite if I said that “winds of change” have blown in the last forty five years— at least in this direction.

The next aspect one could look at is the College faculty. Forty five years ago, we the students of GLC had come to a reasoned conclusion that this College, the oldest temple of legal learning in the country, had professors falling under one of two distinct categories: those who taught well and those who thought they taught well. Believe it or not, in my days, it gave us great pleasure to attend both such classes— to pick up valuable legal knowledge in the first and to catch up on lost sleep in the second. Now, has that changed? One random look at random classrooms on any random day will give you the answer. Whereas a few classrooms are packed to capacity, the others will remind you of a Bollywood movie that never made it big at the box-office.

Yet another favourite—but touchy— topic is a popular series of law books used today by most law students. Soon after classes began, I remember that we were warned—by several professors— not to go within even a reading distance of these books. Sensitive and obedient as we were, we followed this dikkat—until we found out— much to the embarrassment of those professors— that some of them who had “banned” these books were preparing their own lectures from the same source! Even the College library had banned these books and it still does. I sometimes wonder if the only consolation is that, by doing all this, the late author of these popular books has been unwittingly elevated to a status no less than that of Salman Rushdie.

The College library is something I am very proud of. It boasts of a collection of rare law books which even the High Court would be envious of. But, thanks to its ancient architectural configuration, no wind seems to have blown here too. Good students continue to use the library, whereas the better ones continue to study at home— just as it happened in my student days. Even today, it continues to be a focal meeting point where seeds of life-long friendships between students are sown. In other words, a long period of forty five years does not seem to have meant much to this temple of legal learning.



And what about the College canteen? Well, it has seen a change in its location at least three times in all these years, but its spirit continues to be the same. Years ago, it was the best possible alternative to a boring lecture. Forty five years later, it still is. In my days, it was the only place that beckoned the student who had skipped his morning breakfast. Today, it still is. And why not? Winds of change don't really go too well with idlis and dosas.

Yet another part of GLC that has not changed much is that funny box that takes you up and down the college at breathtaking speeds—what is familiarly referred to as the College lift. I do remember it breaking down often in those days, and it still does. It really makes me wonder whether it is the sheer weight of legal learning –or something else– that weighs it down. That, of course, is anybody's guess. Well, the earlier box has made way for a new one– but its speed and other qualities remain the same. I have frankly come to a firm conclusion that taking the staircase seems to be a better – and safer– option even today, as it was then. Sorry, no winds of change here either!

Last but not the least, what about the backbone of the College? What about our students? Have they changed in all these years? Well, when I was a student, we had a tremendous amount of respect for our professors– including those who belonged to the second category earlier referred to. I am happy to see that today also, the same degree of respect continues to exist. GLC students revere their teachers, and are quick to forgive their shortcomings– be it a degree of non-familiarity with the law or a total indifference to the finer nuances of the English language. Years ago, our students made the College proud with its toppers, not only at University examinations but also in different extra-curricular activities. Any “winds of change” here? No. Our students continue to rank well above the rest and they continue to bag trophies and prizes at all possible national and international events. Sorry, it's not windy at all here also!

In conclusion, all I can say is that those sages who have remarked that “change is eternal” or that “change is inevitable” or that “change is the only constant thing in the world” were obviously not students of GLC! ■

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JUDICIAL REFORMS

NEED OF THE HOUR

by Haabil Vahanvaty, V-III

"The administration of justice is the firmest pillar of government." This statement, written by George Washington, the first President of USA, to the Attorney General in 1789, still holds true today. Reforms in the judiciary have become imperative due to the present conditions.

The two areas in which reforms are required are removal of pendency of cases and those relating to judges themselves.

The reasons for the backlog of cases are many. The first is the number of judges. Fewer judges means more work

cases is Fast Track Courts dealing with specific cases only, e.g. courts to deal only with Section 138 of the Negotiable Instruments Act cases. There are other suggestions that will help in reducing the number of pending cases. One, raise the retirement age of existing judges, so that pressure to constantly appoint new judges is reduced. A higher retirement age also encourages deserving candidates to take up judicial appointments as they are assured of a longer professional life as judges. Two, add to the number of High Court and Supreme Court judges and constitute new Benches of the High Courts across the State. This will not only augment a higher rate of dispensing of

-
- **The Supreme Court, with over 50,000 cases pending before it, will soon be working at less than 75% of its sanctioned strength, with 7 judges retiring on 15th October. This is the highest number of retirements in a single year, since Independence.**
 - **Of the total 895 posts of judges sanctioned in the 21 High Courts in the country, only 610 are currently filled—a shortfall of 285.**
 - **The biggest Court in India, the Allahabad High Court, has been functioning with just 62 of its total approved strength of 160 judges.**
 - **The Gujarat High Court, with a sanctioned strength of 42, has 18 vacancies, while the Punjab and Haryana High Court has just 43 judges, against a sanctioned strength of 68.**
 - **There is only ONE court working at full strength—the Himachal Pradesh High Court.**
 - **In the lower judiciary, out of the sanctioned strength of 17,151 posts in the states and Union Territories, 3,170 were vacant, with Bihar (389 vacancies), Gujarat (361), Uttar Pradesh (294) and Maharashtra (234) leading the list.**
-

for existing judges and they are unable to cope with this efficiently. Secondly, the Government is the biggest litigant in India! This means that if the Government were to cut down on its litigious attitude, it could drastically decrease the pendency of a plethora of cases in courts across India today.

The most important measure to clear the backlog of

justice, but also decentralise courts and give people geographically wider access to them. Thirdly, the number of working days of the courts can be increased, so that matters are disposed off sooner. Even if all judges are not amenable to this plan, a small number of judges on rotation basis can work on days that would otherwise have been court holidays. Fourthly, some evening courts can be set up, as they have been in

Gujarat and Delhi. This reduces pressure on not only the advocates, but also on litigants, giving them more time in the day with the court. Fifthly, awareness among advocates and counsels that the time of the judiciary is precious is highly required. Regularly asking for amendments and extensions, irrelevant arguments and wastage of court time should be discouraged.

With regard to judges, a common problem faced is that of 'Uncle Judges'. Persons working for 20–25 years as advocates in High Courts, when elevated to the Bench, tend to favour people they know, or familiar advocates. A simple solution to resolve this issue is to appoint persons as judges in High Courts other than the ones they were previously practising in. Judges patronising their high office is another problem. Many times benefits are granted to kith and kin of judges to curry favours from them. Judges should be made aware that

of justice and develop appropriate solutions for overcoming these obstacles.

A substantial and significant step towards judicial reform is 'The Judicial Standards and Accountability Bill, 2010'. This Bill tries to lay down enforceable standards of conduct for judges. It also requires judges to declare details of theirs and their family members' assets and liabilities. It also creates mechanisms to allow any person to complain against judges on grounds of misbehaviour or incapacity. The Bill establishes the National Judicial Oversight Committee, the Complaints Scrutiny Panel and an Investigation Committee. A motion for removal of a judge on grounds of misbehaviour can also be moved in Parliament. Such a motion is referred for further inquiry to the Oversight Committee. The Oversight Committee may issue advisories or warnings to judges, and also recommend



this is looked down upon and misuse of powers evaporates respect for the judiciary.

On the other hand, it is important to raise salaries and perquisites of members of the judiciary, so as to make it a viable and rewarding profession. Ensuring that judges are not bogged down by bureaucracy and red tape, by providing strong support and staff is important. Not only will this help to attract bright minds to the judiciary, but also retain them.

The National Judicial Academy (NJA) near Bhopal and State Judicial Academies are playing a leading role in continuous education of judges. These institutes are extremely dynamic in their approach. The NJA views continuing education as a process of creating solutions, and judicial education as a process of creating solutions for strengthening the administration of justice. Judicial education at NJA brings together judges from across the country, to provide them with a forum to jointly identify the major obstacles facing the administration

their removal to the President. Frivolous complainants are penalised.

The key debate here is whether the independence of the judiciary will be affected and whether the power of non-judicial members in the Oversight Committee to impose minor measures is constitutionally valid.

To conclude, the one unequivocal sentiment is that judicial reforms are the need of the hour. The very purpose of the judiciary is to mete out justice. Citizens should not be apprehensive of the judiciary as that would be contrary to its very spirit. Lok Adalats, Nyaya Panchayats and Legal Services Authorities help the poor immensely, bringing justice closer to the people. Alternative Dispute Resolution like arbitration and conciliation are integral to judicial reforms as well. New technologies like database, ERP tools, and court management practices will help in increasing the productivity of courts. ■

Staring Out Of My Hotel Window

by Charvi Rajput, III-I

**Staring out of my hotel window,
I see the Kanchenjunga; alluring, captivating
and majestic!**

**The white capped mountain, erect with like
ones,**

**With the waters gushing down its bias,
Petrifies me; and makes me wonder,
Ay! Are the Himalayas, Alps and Andes alike?
Magnificent, lordly, elegant and august!**

**Often I heard 'Saare Jahan', and 'Old McDonald'
chanted,**

**And lent ears to 'La Marseillaise', and 'Nkosi
Sikelel iAfrica' recited,**

**I noticed the herald and proud it conceited,
Dedicated and jingoistic;
Perhaps ready to die for 'IT';**

**Even Nile, Mississippi, Ganges, and Murray I saw
deluge,**

**Generous, gallant, gorgeous and guide, all akin.
Empiricisms imbibed make me ponder,
And cachinnate over the hollowness of
"Sovereignty".**

All men are born same, all men must live same.

AN INTERVIEW WITH SENIOR COUNSEL MR. SOLI SORABJEE

Senior Counsel of the Supreme Court, Mr. Soli Sorabjee is perhaps one of the foremost living legal luminaries of our time, having showcased his legal acumen and astuteness in a number of roles, including that of Attorney General of India. The following is an account of his interview to the Magazine Committee, of which he was a part in his student days at GLC. Mr. Sorabjee shares his thoughts on freedom of expression, law as a profession, minority rights and the Lokpal Bill, inter alia, in a brief but cogent exchange.

Magazine Committee: What inspired you to pursue law? Was there any specific reason which influenced you to take up this specified field?

Mr. Soli Sorabjee: Temperamentally I was averse to taking up any employment. The ways of trade and business did not appeal to me. Law ensured independence. Besides, I had an aptitude for words and language. Therefore law was the best option.

Magazine Committee: Sir, you have appeared in one of the most landmark judgments the Supreme Court has proclaimed, till date—Kesavananda Bharati v. Union of India. Could you share with us what it was like to appear in that historic case, along with the likes of the great Nani Palkhivala?

Mr. Soli Sorabjee: It was a unique experience especially having early morning conferences alone with Nani Palkhivala in pyjamas. We both stayed at the Oberoi Hotel and our rooms were in close proximity. The conferences were brief and sharply focused on the basic issues involved in the case.

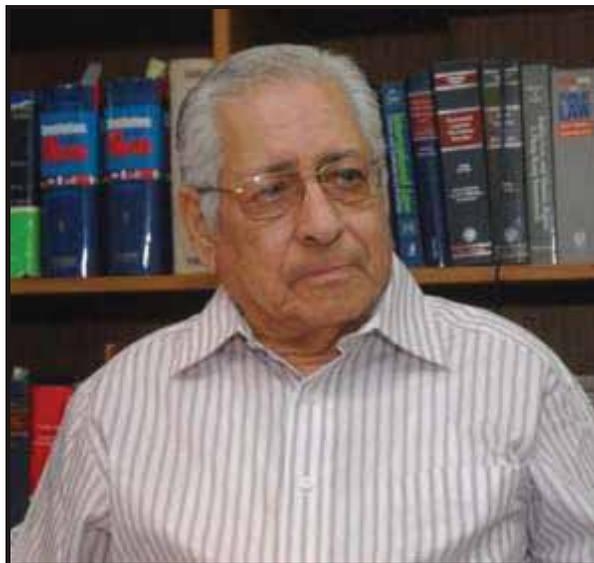
Magazine Committee: Can you give us a little insight into what it was like in the times of

the Emergency, the state of constitutional and fundamental freedoms, and your experiences at the time?

Mr. Soli Sorabjee: During the Emergency there was an atmosphere of fear. People were afraid to openly criticise the Government because of fear of detention under the Maintenance of Internal Security Act (MISA) which was extensively misused. Fortunately there were some courageous people who took on the Government and challenged illegal orders of detention and censorship in the High Court. It was an enriching experience to appear in Court for detenus and victims of censorship which I did free of charge. Many so-called “champions of freedom” developed cold feet. The press chose to crawl when they were asked to bend as Advaniji aptly observed. The Emergency truly was a testing time.

Magazine Committee: You were appointed as the Solicitor General of India in 1977 and later served as the Attorney General of India from 1998 to 2004. How would you describe the experience of serving in the two highest legal posts in the country?

Mr. Soli Sorabjee: It was a stimulating and at times harrowing experience. It was



“A law officer is not bound to defend the indefensible nor support a patently unjust and unconstitutional order. He has a duty to the court and to uphold the constitutional values.”

1971

Mr. S. Sorabjee was designated Senior Advocate of the Supreme Court of India, New Delhi.

1977-1980

Served as the Solicitor-General of India.

1997

Appointed as a Special Rapporteur to the United Nations Human Rights Commission.

1998

Appointed as a member of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities.

also exhausting. As Attorney General I had to appear for the Government in the Supreme Court and at times also in High Courts. Much time was taken up in giving written opinions to the Union Government some of which involved complex and intricate legal issues.

Magazine Committee: Does it not get difficult to defend the Government of the day in certain situations, such as we see today?

Mr. Soli Sorabjee: A law officer is not bound to defend the indefensible nor support a patently unjust and unconstitutional order. He has a duty to the court and to uphold the constitutional values.

Magazine Committee: As a member of the Citizen's Justice Committee (CJC) what role did you play in helping the victims of the 1984 anti-Sikh riots?

Mr. Soli Sorabjee: We helped them in filing cases against those who were guilty of serious crimes and also helped in filing appeals in cases of acquittal.

Magazine Committee: You were the Special Rapporteur to the United Nations Human Rights Commission since 1997 and a member of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities since 1998. What do you think is the situation of minorities in India at the present juncture?

Mr. Soli Sorabjee: I was appointed Special Rapporteur for reporting on the Human Rights situation in Nigeria. The Constitution makes adequate provision for the protection of minority rights especially in the field of education. The judiciary has given generous support to the rights of the minorities. However in practice and at the ground level, discrimination against the minorities persists.

your heart. In one of your columns for the Indian Express you have written 'there is a basic distinction between media activism and trial by media'. Could you please explain?

Mr. Soli Sorabjee: Media can point out that certain cases especially criminal cases are just not moving and there is inordinate delay in their disposal which has an adverse effect on rights of aggrieved parties. The media can act as a catalyst in such situations to ensure a speedy trial. However once trial has commenced it is not for the media to comment on the strength or weakness of a party's case, to opine about the testimony of

“Constitution makes adequate provision for the protection of minority rights especially in the field of education. The judiciary has given generous support to the rights of the minorities. However in practice and at the ground level discrimination against the minorities persists.”

witnesses. That is the function of the courts and media cannot usurp that function by conducting a parallel media trial.

Magazine Committee: The most talked-about issue in the country in recent months has been the movement against corruption by so-called 'Civil Society'. You have yourself, in your columns in a leading newspaper, expressed bewilderment at the methods and obstinacy of Team Anna. What is your opinion on these very methods employed by Anna Hazare and his team, which some would call unconstitutional and sheer blackmail?

Mr. Soli Sorabjee: Anna Hazare galvanised the entire nation in the battle against corruption. That was fine. But insistence that the Jan Lokpal Bill should be accepted and if not the threat of indefinite hunger strike betrayed intolerance and smacked of pressure tactics.

“The media can act as a catalyst in such situations to ensure a speedy trial. However once trial has commenced it is not for the media to comment on the strength or weakness of a party's case, to opine about the testimony of witnesses. That is the function of the courts and media cannot usurp that function by conducting a parallel media trial.”

Magazine Committee: Sir, it is apparent from your extensive writings on the subject, and your crusade against press censorship during the Emergency, that the fundamental freedoms and media law are very close to

Magazine Committee: In your opinion was Team Anna Hazare's demand for bringing the Prime Minister and the higher judiciary within the ambit of the Lokpal, unconstitutional?

1998-2004

Appointed as the Attorney General of India.

2000-2006

Served as a member of the Permanent Court of Arbitration at The Hague.

2002

Mr. Sorabjee was awarded the Padma Vibhushan for his defense of the freedom of expression and the protection of Human Rights.

2006

Appointed as an Honorary Member of the Order of Australia (AM), "for service to Australia-India bilateral legal relations."

Mr. Soli Sorabjee: There can be two opinions about whether politically inclusion of the Prime Minister is wise. However including higher judiciary would be inconsistent with the existing constitutional scheme.

Magazine Committee: Sir, do you feel the imminent need for legal reforms in the judicial system in India, in the light of allegations of corruption, nepotism, favouritism and inefficiency, against the higher judiciary?

Mr. Soli Sorabjee: There is certainly need for both legal and judicial reforms.

Magazine Committee: In September last, Senior Advocate Mr. Prashant Bhushan faced contempt charges, when he made the controversial allegation in an interview to a magazine that eight of the last sixteen Chief Justices of India were corrupt. Pursuant to this his father, Mr. Shanti Bhushan, filed an application, seeking contempt proceedings against himself as well. This move was described by you as 'nothing but filial loyalty, the irresistible itch for martyrdom and the ravages of old-age', which stirred up quite a debate. What is your take on the allegations made by the father-son duo?

Mr. Soli Sorabjee: The contempt petition is pending in the Supreme Court and so no comment can be made at this stage.

Magazine Committee: Sir, what would you say about your relations with Mr. Fali Nariman, which came into the spotlight after he alleged that you became Attorney General of the Vajpayee Government after he declined the post, and you disclosed that he had accepted the Union Carbide brief after you had declined to take it?



“I have known Mr. Fali Nariman since 1952 and our relations were warm and genial. They have not undergone a change after Mr. Fali Nariman's statements and his recollections about which I cannot vouch.”

Mr. Soli Sorabjee: I have known Mr. Fali Nariman since 1952 and our relations were warm and genial. They have not undergone a change after Mr. Fali Nariman's statements and his recollections about which I cannot vouch.

Magazine Committee: From a budding lawyer to the former Attorney General of India, Sir, you have come a long way. As a young graduate, did you envisage yourself as being one of the foremost legal luminaries of the nation, one day? Have you achieved all that you set out to?

Mr. Soli Sorabjee: I had no doubt that I would be a successful lawyer. I have achieved a bit but could have achieved more.

Magazine Committee: As a lawyer straight out of college, how was your experience when you argued before a judge in a packed courtroom for the first time?

Mr. Soli Sorabjee: Slight nervousness; that soon disappeared later on.

Magazine Committee: Lastly Sir, is there a message that you would like to convey to the students reading this interview, who look up to you as a source of inspiration, as they begin their

respective journeys in the legal field, hoping to leave a mark on the history of the judicial system in India, just as you have?

Mr. Soli Sorabjee: Law is a profession which requires hard work and dedication. Always remember that it is a service oriented profession. It is not a gateway to making quick mini-fortunes in short time. The values of truth and decency should never be compromised in the practice of this noble profession. ■

LANDMARK CASES ARGUED BY MR. S. SORABJEE

Kesavananda Bharati v. The State of Kerala and Others - 1973

Maneka Gandhi v. Union of India - 1979

S. R. Bommai v. Union of India - 1994

I. R. Coelho v. The State of Tamil Nadu & Others - 2007

Sethusamudram Case (Rama Gopalan v. Union of India) - 2008

B. P. Singhal v. Union of India & Anr.- 2010

Epuru Sudhakar & Anr. v. Government of Andhra Pradesh & Ors.
- Mr. Soli Sorabjee as Amicus Curiae

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LAW & Romance

by Mayan Prasad, V-V

Five years of law school taught me that law and romance are very closely related and both can be used ejusdem generis for interpretation. Even Lord Macaulay realised the similarity while drafting the Indian Contract Act. Like every agreement, every love affair starts with an invitation to offer, which is mostly resorted to by the fairer sex, who exercises all sorts of undue influence on its male counterpart, to make the proposal. But what the male party really fails to take note of while making the offer, is consideration; especially the future consideration(s). The term consideration, inter alia, means that when at the desire of the promisor, the promisee promises to do or to abstain from doing something, such an act or abstinence is called consideration. If we realise the importance of future consideration, a lot of innocent males will be saved from binding themselves in false covenants.

It is often noticed that fulfilling the considerations of the contract leads to making compromises with one's rights and changing one's own nature. Some males can opt not to compromise with their rights and can make a firm declaration, like in the Golaknath Case, that no rights can be taken away. But taking a hostile approach often rebounds with more serious consequences. So it is better to adopt a more harmonious approach of which an analogy can be drawn from the Kesavananda Bharati Case. According to the principle in this case, the rights can be taken away, but the basic structure of one's constitution cannot be taken away. This judgment, if followed by every man, can help him please his partner and at the same time be happy.

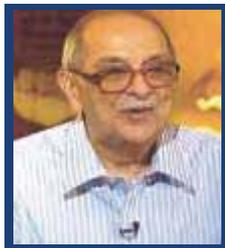
Even the principles of Corporate Law are being inspired by love affairs. When your friend falls in love, he stops being an individual and along with his mate, takes the form of a new entity and all notices and invitations given to him, are given to the new romantic personality that he has entered into. On lifting the corporate (read romantic) veil, it is seen that all his actions are not his, but of the other member of the romantic entity. The acts of the male party are always ultra vires the implied Memorandum of Association and the acts of the other party always fall within the implied authority. This form of association also possesses characteristics of a partnership because the male partner is always liable for the acts of his female partner.

And when it comes to dispute resolution, all the principles of procedural laws can be applied to love affairs, with certain modifications. This can be understood with the help of an example: Party F (female) v. Party M (male). Party M is made the defendant because it is presumed that Party M is always wrong and relief can always be claimed against him. This view is also supported by two 'bhukhtbhogi' judges of the Supreme Court. While deciding a divorce petition, the Court advised the husband, "You should always agree with her. When you agree to what she says, you will always remain happy. If she tells you to look this way, do that. And if she tells you the next moment to look the other way, again do that."*

Coming to the procedural aspects, the right to be heard is only available to Party F, and only Party M can never be a judge in his own cause. Party M can never invoke the principles of res judicata, as a matter once arisen between the parties, is never settled and can be used as a set-off or a counter-claim in any proceeding he initiates. The Principle of Estoppel is heavily used against party M. And when it comes to double jeopardy, Article 20 of the Constitution becomes a myth and Party M can be punished an infinite number of times for the same offence. The plea of limitation is only available to Party F. If Party M puts forward the contention of de minimis non curat lex, he is counter attacked with an accusation of treating the issue as de minimis.

Thus all the laws of romance are against the males and fail to satisfy the Test of Reasonable Classification under Article 14 of the Constitution. The freedoms mentioned in Article 19 are available only till he remains single. After entering into a commitment, there is a permanent injunction on freedom of speech and expression and freedom to move freely. No profession can be practised and no occupation can be carried out without the interference of the female partner. Freedom to assemble with friends requires a prior approval of the female partner. Article 21 is applicable with the modification that he has the right to live, but without any personal liberty. It is thus evident that a different law to protect the rights of the exploited males is the need of the hour, as all the present laws of romance fail to protect them. ■

*http://articles.timesofindia.indiatimes.com/2009-05-20/india/28154939_1_divorce-plea-justice-katju-bench



Mr. Fali S. Nariman

Senior Advocate

Most of the counsel in my time- those who often appeared in commercial causes- were terse and to the point. You just could not say too much in a commercial cause. Even the evidence was limited, and cross-examination permitted only on relevant points. Of course, there were a few senior lawyers, very able but also very long-winded. One of them was late Vicaji Taraporewalla. Once in a commercial case argued by Taraporewalla, the opening of the case went on for two whole days (somewhat of a record at the time). It was before Justice J. B.

Blagden. The appeal from Justice Blagden's judgment was heard by a division bench of the Bombay High Court- presided over by Chief Justice M. C. Chagla. There was some controversy as to whether a particular point had or had not been argued by Counsel Taraporewalla in the trial court. Chief Justice Chagla said, 'Let us send for the judge's notes.' And promptly, the judge's notes (Justice Blagden's notes of the hearing before him) were produced. They contained only the following entries written in a fine hand:

(Date) 11:00 a.m. - Mr. Taraporewalla begins.
02:45 p.m. - Mr. Taraporewalla continues.
(Next date) 11:00 a.m. - Mr. Taraporewalla goes on - Oh God.
04:00 p.m. - Mr. Taraporewalla concludes - Thank God.

The above is an excerpt from Mr. Nariman's Autobiography, '*Before Memory Fades*', published with the consent of Mr. Nariman and his publisher Hay House India.

Mr. Saumil Rege

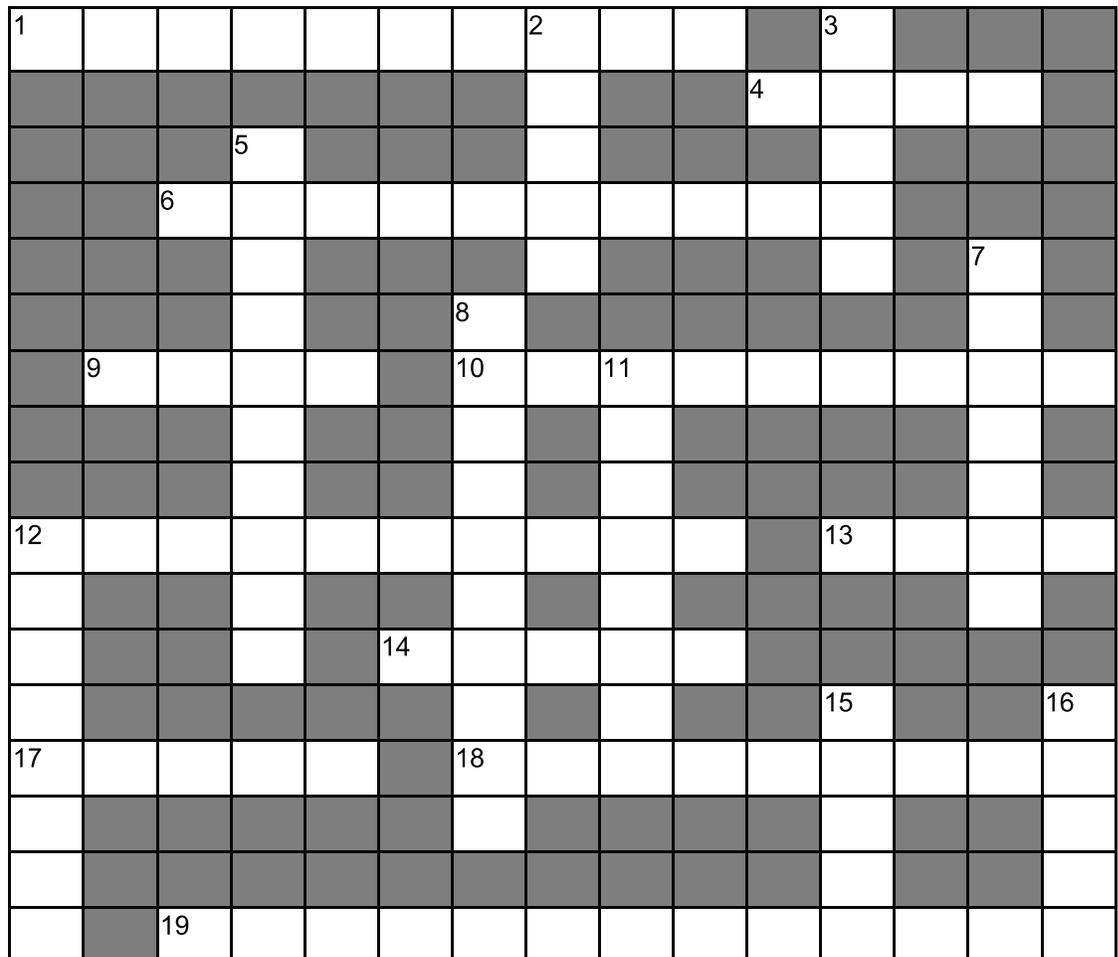
Partner, Crawford Bayley & Co.

At the time when I started my career at the Bombay High Court, there was a certain Judge who was known to be a little irritable. He used to be disturbed by the slightest of sounds. One day a crow entered Court, flew up and perched itself on his table. It kept cawing. This disturbed the Judge a great deal. Every time it was shoed off, it would return and resume cawing. By the end of the day, the poor Judge was so frustrated that he flung a glass of water, kept at his table, at the crow. Instead the crow ducked and the glass of water hit the advocate appearing at that moment!

With Best Wishes from
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THE LE~~X~~CRYPTIC WORD

– by Prof. Mr. K. L. Daswani



CLUES:

ACROSS

1. Not out at a railway intersection getting to stay (10)
4. It costs nothing to liberate (4)
6. To duplicate is not wrong, they might even be your property (10)
9. One leaves an alibi around for getting out of jail (4)
10. Disturbed Rene concealing French nobility for the police 'story' (9)
12. Tear gamist around for one who presides (10)
13. This obligation sounds like a beauty (4)
14. Put one's foot on it before registration (5)
17. Unrefined negligence (5)
18. To handover when one is spare before a difficult diet (9)
19. Possibly a political privilege (13)

DOWN

2. Disrupted aid in State (5)
3. A freedom to push down (5)
5. Inquiry for money due to an agent (10)
7. To do contractually or die judicially (7)
8. Cute Sire is confused for shares, debentures, bonds etc.(10)
11. To trick and allure may be going against the order (8)
12. Crazy time around a crooked gait will help reduce loss (8)
15. Take one into the family concealed by a bad option (5)
16. Petition by one at the end of the road (5)

KNOCK OUT!



"GREATER PARTICIPATIVE AND DELIBERATIVE DEMOCRACY IN INDIA IS THE NEED OF THE HOUR."

In the light of the recent public demonstration of anger against corruption, do we require basic structural changes to nudge our democracy towards greater deliberation?

'Knock-Out!', the flagship event of the Magazine Committee, is an annually organised panel discussion, which consists of two teams of two speakers each, and a moderator, each panelist fighting his way to knock out the other. The topic this year was whether India needs a greater participative and deliberative democracy and after much participation and (less?) deliberation we can easily say that the event was an out and out success.

This year the moderator was Mr. Gautam Patel, a very well known advocate, who works extensively in the field of environmental and planning law and writes columns in several newspapers of the city. It was due to his expert guidance and witty remarks that the panelists managed to discuss the important nuances of the topic and 'Knock-Out!' was a huge success.

To make the panel discussion more challenging and interesting, this year we had two teams, each comprising a lawyer and a current student, battling it out against each other. The speakers for the Proposition this year were Advocate Mr. Rohaan Cama and Mr. Raunak Kapoor. The speakers for the Opposition were Advocate Mr. Vishal Kanade and Ms. Shreya Ramesh. Shreya and Raunak are currently in their 4th year in GLC.

India is the largest democracy in the world with a population of 1.2 billion people. Keeping in mind the recent events related to the passing of the Lokpal Bill and the sudden outburst of the masses, the question that arises is whether the format of democracy that is being followed is good enough for the country. A participative and deliberative democracy is one where political decisions are made directly by regular people. It stands in contrast to the far more prevalent representative democracy, where political decisions are made not by the people themselves, but by elected representatives.

The Government in India is a representative government where people vote for and elect their representatives. Each and every citizen has the right to vote and decide who leads their country. The Constitution clearly vests the executive and legislature with their powers. But what happens when the Government does not act in the best interests of the country and its people and is blinded only by the need to be re-elected and come into power year after year? Is this a time for citizens to take things into their own hands? It is often said that if you need to get your work done, you need to do it yourself. A greater participative democracy does not necessarily mean interference at every step of the legislative or executive process. It just means finding a way to improve the current setup, with a few changes. There is more scope to involve the public in decision-making, through referendums, for example.

An important issue that was discussed in 'Knock-Out!' was whether greater participation of the public by means of nudging the Government to draft a particular legislation, is legally permissible or not. Citizens can, in a constitutional way, ask for reforms, but cannot blackmail the Government to give in to their needs, because this would undermine the Constitution and the entire basis of our democracy.

As pointed out by Mr. Gautam Patel, "If the present Government has lost its moral, ethical and constitutional compass, the draftsmen of the Jan Lokpal Bill seem to have forgotten the grammar of liberty." A reliance on civil society alone will not fix India's governance problems, urban or rural. Corruption cannot be fixed by slapping politicians or hurling stones at them. A change is definitely needed but what the nature of this change should be, was discussed by the speakers in this panel discussion.



THERE ARE 3 ROUNDS

**MAKE YOUR POINT :
EACH PANELIST IS
GIVEN 15 MINUTES
TO INTRODUCE
HIS/HER POINTS.**

**FIGHT IT OUT :
IN THIS ROUND, THE
DISCUSSION IS OPEN
TO EVERYONE-THE
MODERATOR, THE
PANELISTS AND THE
MEMBERS OF THE
AUDIENCE.**

**SUM IT UP :
AT THE END EACH
PANELIST IS GIVEN
5 MINUTES TO
SUMMARIZE HIS/HER
VIEWS AND DELIVER
THE 'KNOCK-OUT!'
PUNCH.**

FORMAT



Rohaan Cama (Rohaan): Respected Moderator and all of you who have come out here on this early Saturday morning, today my colleague and I are going to speak for the proposition of "Participative and Deliberative Democracy". Let

me clarify at the very outset, it is not our submission that there must be public involvement at every stage of the legislative process. I must confess that I was not a fan of the Anna Hazare Movement. I had this notion that when you have a setup in a country, when you have a constitutional mechanism that provides that so-and-so will be your elected representatives and those elected representatives will act for you, it isn't fair to hold the government to ransom. But over time my views have changed, because one question which someone asked me in the middle of this whole Anna brouhaha was, "What happens, what does one do when the people we elect to be our representatives don't act in our best interests?" And that's something that's fundamental to our submission today, and I want all of you to think about this as well. Let me again emphasize, I am not

"Alright, we take cognizance of this." How they do it, is something perhaps Raunak will try to address. When they do it, is again a question we will deal with in the course of our submissions. But no one can dispute the point that there must be some forum for the public to redress their grievances. Otherwise we are a puppet democracy. And that could not have been the intention of the framers of our Constitution when they framed it. They did not intend for India to be a quasi dictatorship. Now, I will just basically touch upon a few illustrations of when public participation has had a salutary impact. All of you will remember the Jessica Lal murder Case. I, for one, was a huge supporter of the media outcry when Manu Sharma was acquitted by the trial court. He was acquitted and it was not because of Rani Mukherjee of course, but because of the public outcry in the media and the outpouring of support for the cause, that Jessica Lal's killer was put in jail. I want to end by reading this one quote from Aristotle. He says, "In a democracy, the poor will have more power because there are more of them and the will of the majority is supreme." Ask yourselves, if you truly believe that in India right now, the will of the majority is supreme. If the answer is no, then there must be scope for change. Thank you.

I don't necessarily think that there must be a fast for every single issue. But what I do think is that there is room for improvement. How we do it may not be by way of saying, "I'm not going to eat for ten days" and "I'm going to have nine film stars around me to create this scene at Ramlila Maidan". But there has to be a mechanism where, when there is a public outpouring of this magnitude, the Government must sit up and say, "Alright, we take cognizance of this."

No one can dispute the point that there must be some forum for the public to redress their grievances. Otherwise we are a puppet democracy. And that could not have been the intention of the framers of our Constitution when they framed it. They did not intend for India to be a quasi dictatorship.

- Rohaan

saying that in every law that is passed, there must be a public referendum.

The reason I do feel we need public involvement is for starters, corruption, that is right now the flavour of the season, as it were. Every single thing that happens in India is tainted with corruption. Whether it is A. Raja or the Commonwealth Games, whatever it is, do we have any power as a nation or as citizens of this country, to hold the people in charge accountable? We don't. Then what stops your A. Rajas from doing what they want to do without any intervention by the public? What stops your Parliament, your Legislature, from passing laws which serve only their purpose?

I don't necessarily think that there must be a fast for every single issue. But what I do think is that there is room for improvement. How we do it may not be by way of saying, "I'm not going to eat for ten days" and "I'm going to have nine film stars around me to create this scene at Ramlila Maidan". But there has to be a mechanism where, when there is a public outpouring of this magnitude, the Government must sit up and say,



Vishal Kanade (Vishal): Respected Moderator, my learned friends Mr. Cama and Mr. Kapoor, ladies and gentlemen, before I begin with my submissions, so to speak, I would like to first deal with the subject itself.

The way I look at it is this: implicit in the subject itself, i.e., a greater participative and deliberative process, there is recognition of the fact that there is already within the system and within the Constitution, a platform for deliberation and participation. The issue really is greater public participation and greater deliberation and therefore when I first went through the subject I could not help but think about it in the background of the recent Anna Hazare Movement. The salient features of the Movement which really struck me apart from everything else were: first, civil society, as they call themselves, wanted a bill with provisions

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which, according to them, would serve the purpose of an anti corruption crusade; secondly, they wanted the bill to be passed on a particular date, and they were candid enough to say that some persons, some politicians, who they perceived as corrupt, should not be part of the process. We already have within our Constitution, a process by which the public, the citizens, are involved in various levels of decision making. There are very simple provisions or provisions in very basic statutes, such as the Coastal Regulation Zone (CRZ). Before the new CRZ was introduced on 6th January 2011, the Government did call for the opinions and objections of the citizens. So it is not as if there is no scope for deliberation within the system, as of today. The crux is whether greater participation is needed on the lines of what we have seen in the Anna Hazare Movement; that is, citizens asking the Government to

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The crux is whether greater participation is needed on the lines of what we have seen in the Anna Hazare Movement; that is, citizens asking the Government to legislate on certain terms which they see as fit and appropriate to deal with issues of corruption. It is important for us to look at this subject from a legalistic perspective.”
-Vishal

legislate on certain terms which they see as fit and appropriate to deal with issues of corruption. It is important for us as students of law, or for the three of us who practice law, to look at this subject from a legalistic perspective.

Today, I invite you to discuss on the anvil of our Constitution, whether there is place within our system to see such a movement or such an agitation. If there is not, then it will have to be said that as far as greater participation is concerned, it has to stop at the point where you force the Government to legislate or you force the legislature to legislate on terms which according to the group agitating are the right terms. My learned co-panelist will deal with specific examples of how, within our system and within our Constitution itself, there are various means and methods by which people can participate.

We have had a robust democracy for the past 60 years; there have been 'n' number of agitations; there have been agitations that have been successful enough to force the Government to change its policies, to force the Government to introduce laws. The reason why the Anna Hazare Movement was so critical and stands out from all other previous movements is that for the first time you had a group of people who said that, "Parliament must legislate in this fashion and this fashion alone; these are the provisions which have to go in the Bill, and if they do not, then we will agitate and we will sit on dharna." As students of law you must understand that if you ratify or if you say that a

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If we accept that you can coerce the Government to act in a particular manner which suits your interest, you'll have a situation where movements will hijack the legislative process and that is never in favour of our democracy.”

-Vishal

particular kind of movement is fine, then all other movements will have to be judged by the same yardstick. And I'll give you the examples of the Telangana Movement, of recent auto strikes and other such instances; even Raj Thackeray. If we accept that you can coerce the Government to act in a particular manner which suits your interest, you'll have a situation where movements will hijack the legislative process and that is never in favour of our democracy. I'll rest here and give the floor again to the Moderator. Thank you.



Raunak Kapoor (Raunak):

Mr. Patel, Vishal, Shreya, Rohaan and everyone present here this morning, before getting into our suggestive measures and I put 'suggestive' in capital letters throughout, we'd like to reiterate that nowhere are we questioning the existing

system as far as its existence, its constitutionality, is concerned. What we are doing is providing suggestions to state that the existing system in place is proving to be inadequate in the time that we see today. We are not trying to say that the people are supreme and the Government is an idiot. There are other people saying that today. What we are trying to say is, in our country people need a little push as well. We are a bunch of lazy, lethargic people who go to Aamby Valley on Election Day. So the point lies in doing something that will get this ignorant, lethargic, lazy bunch of 1.2 billion people involved in governance nonetheless. Surely that is the prerogative of the Government, irrespective of how we undertake our duties. The system that is in place, with all due respect, has proved to be inadequate for 64 years. It took 40 years for the Lokpal, and it needed a complete outcry of an Anna Hazare Movement. Then we got down to the streets, borrowed the flags from the World Cup victory and started saying, "Yes! This is what we

want!" The point still remains, why does it always need to take that much trouble? So let's be honest, we need systems in place that go down to the lowest level, touch upon what the people at that level want and in some way at least, regulate that opinion.

So let's put forward what is happening in the world today and see whether we can do something about it in India. Let's speak of referendums. Referendums here happen at the whims and fancies of any member of civil society, but referendums in other countries, including the United Kingdom, are given far more importance; they are given far more value; they are given far more relevance. Everyone might not be clear with what a referendum is. It's just a direct vote in which an entire electorate needs to vote upon whether they accept or reject a particular proposal. I understand the scope for abuse if they had to be bound by public affidavits, but a referendum, surely, which gauges the consensus of the people, the will of the people at the lowest level, on a simply put issue, should have some effect on the Government, should have some binding power on the system, which it doesn't have. The Shrikrishna Commission on the Telangana Report was applauded by many political scholars for the way it was conducted and the depth with which it went to various districts of

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the entire province and took in opinions and affidavits and collected results and evaluations, and then came to a consensus and a conclusion. It went down to the people and it went through a commission. It took a little time but at the end of it, I think we are all going to eventually get what the people of Telangana want. So taking side from there, surely there needs to be some measure in place, where the Government reacts to what is the blatant will of the people. Scores and scores of people took to the streets and roads for the Anna Hazare campaign, scores of them were forced to, for Baba Ramdev it seems. But let's be honest, Anna Hazare has been on a fast before; we have not always stopped living life like the way we have, and gone on the roads and

“ Surely there needs to be some measure in place, where the Government reacts to what is the blatant will of the people. Scores and scores of people took to the streets and roads for the Anna Hazare campaign, scores of them were forced to, for Baba Ramdev it seems. Why couldn't the Government act without such a hue and cry, why couldn't they gauge this public popular opinion and do something about it?
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If we were to hire somebody in our firm, in our company, where we pay our money for his salary, and he underperforms or he doesn't perform to the expectation that we had when we appointed him, we have the right to throw him out, maybe the next day. But he gets the immunity if he happens to be a Member of Assembly or Parliament. Why is that so?
-Raunak

started screaming slogans. The fact that it happened now, surely means this is something we really believe in. Why couldn't the Government act without such a hue and cry, why couldn't they gauge this public popular opinion and do something about it? Moving on, there are more than just referendums to this. We also believe that there is certainly need for legislative provision that at least allows for some scope to amend policy. We all know that the institution in place is that of amending, of providing opinions on standing committees on bills, but if it is policy that we are talking about, then we really don't have any forum to really express any scope for argument. So today if we are to amend, say, something to do with policy in the Telecom Ministry saying, "I don't believe spectrum should be allocated on first-come-first-serve basis; it's wrong," I can do nothing about it, because it is policy. We need something on that level that will allow the person to amend policy. Whether it means institutionalising some kind of legislative reform, that's for the experts to decide. Fact is that right now we don't have it, and we're struggling.

I have 20 seconds and I will make it very quick to sum up.

There is something called the Right to Recall, it's something that Anna Hazare has put up and it's something that happens in the United States and a few other countries. In lay terms, we all know that we vote and our elected representative has his share of five years. But let's put it this way: whether he does what he promised to do, what he gave us the free brochure in the newspaper for, he enjoys security for five years. If we were to hire somebody in our firm, in our company, where we pay our money for his salary, and he underperforms or he doesn't perform to the expectation that we had when we appointed him, we have the right to throw him out, maybe the next day. But he gets the immunity if he happens to be a Member of Assembly or Parliament. Why is that so? It happens in the US, it happens in Venezuela as well, that you recall a candidate that you have elected after the due process which is prescribed by law. There has to be a petition which majority voters have signed, etc. But if that Constituency is of the opinion that their member has failed to represent the ideology of the Constitution, which often happens in a coalition government, then they have the right to call him back and demand that another candidate be put forward or fresh elections be

held. It sounds a little preposterous -the only thing that we'll talk about as a slight overhaul to the system- but consider it; the Right to Recall. Thank you.



Shreya Ramesh (Shreya):

Good morning to the panelists and everybody present here. Raunak spoke about how the system today doesn't really get down to the grass roots. In what comprises 70% of India's population, there exists a very well functioning system

that allows everybody over the age of 18 to actually participate in actual governance and in grievance redressal. I'm talking about the Gram Sabha and the Panchayat systems that exist today. Such systems allow each person to actually choose the extent to which he would want to participate, in both everything that affects him, and in grievance redressal. With respect to some of the things that have been said on this panel, I would like to bring to the notice of the audience today, that the Government has already taken cognizance of the fact that perhaps grievance redressal isn't as functional as it should be. Today there are Grievance Redressal Cells at every ward, at every Municipal Corporation that exists, and the Government has taken it one step ahead. Mr. Jairam Ramesh and Mr. Salman Khurshid are actually working on a bill called the Grievance Redressal Bill which permits citizens to actually file complaints, seek grievances, by sending a simple text or an email. Now, if that is not participation, I fail to understand what is. I find it quite ironical that the makers of the Movement that are questioning the system are empowered by the system itself. When Raunak mentioned referendums, what struck me first was Switzerland. They are a population of 9 million people. To put things in perspective, the Mumbai locals ply 9 million people every day. In a country like ours with 1.2 billion people, it's impossible to conduct referendums even as often as once, twice or thrice a year. It's impossible logistically and economically because our economy just cannot sustain that kind of involvement of the people. That takes me to the policy point that Raunak brought up. Policy is not something that everybody can have a say in. Policy is something that corresponds to the General Will Theory. The General Will Theory dates back as far as Rousseau himself. What he said was, as we elect people to be our representatives, they, much like Mr. Patel as Moderator today, take into

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account different views, neutralise opposing opinions and actually think of the greater good. That's what we elect people for and that's why they're called representatives. Are we willing to let rogue elements walk well-meaning rights into an unwieldy state of chaos? Is that what we are talking about today? The Thackeray's -Raj and Uddhav together- have taken participation to the absolute next level. They've invaded every form of life that exists today. Education - they think it is their right to participate, to change the syllabus and take people like Mr. Rohinton Mistry off the syllabus just because it is politically offensive to them. What happened to tolerance? Tolerance be damned, we must participate. Having said all of that, I want to move on to something that is more concerned with deliberation. I know they have already qualified what they have said by saying they don't want the people of this country to participate in legislation, but the fact is that this Government has allowed for that. Today, bills that actually affect the population are generally put out in the public domain; opinions are welcomed. The most recent example is the Direct Tax Code. Can we think of anything that will affect the

entire population of the country in the fashion that the Direct Tax Code would? In fact with respect to the Direct Tax Code, even when the draft legislation was prepared, even before it was tabled, it was actually put out

in the public domain and opinions were welcomed. If we are having that kind of a say in the Government, why are we trying to mess with this system that doesn't need to be fixed?

Having said that, I want to sort of bring to the notice of everyone here that we are talking about empowering a citizenry of this country that does not think it is their duty to vote. An appalling 58% of this country is all that went out to vote for the last Lok Sabha elections. Now, if you are going to empower these people to participate, do you actually think,

- a) They are going to participate?
- b) That we as people are ready to shoulder the responsibility that comes with greater participation?

A massive 42% of our population has actually squandered away the opportunity to control the Government, to control the people that actually rule them. Now, what type of participation are we talking about? And as for the overwhelming support for the Anna Hazare Movement, 15 lakh people turned up. This country has a population of 1.2 billion. We need to put things in perspective before we use that 15 lakh to sort of delude ourselves about the popularity this Movement has got. And in conclusion, it strikes me as

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very relevant, whether the Telangana Movement that they have spoken about, is actually what the people want. The people of this country are all human beings; we tend to spar; we have got diverse opinions; we disagree. But does that mean that we allow us in our state of disagreement, to rip this country apart on a linguistic, communal basis? Is that what we actually want? We have an elected representative system of democracy. We have people who are actually empowered, who are actually charged with the duty of thinking about the greater



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good of the people of this country. Why not let them do their jobs? When there exists enough opportunity to participate, there exists enough opportunity to

If there are systems in place, there are bound to be situations where sometimes they will not work. That does not mean that the entire system is in itself faulty. Because it did not happen in my lane - and that is what Vishal is saying - doesn't mean that the system is wrong and needs to be appended.” - **Mr. Patel**

deliberate, let us make use of what we have, rather than without exploring a system that already exists, discard it. That's all I have to say today.

Haabil Vahanvaty (Audience): You spoke about grievance redressal. Now, there are hawkers in my lane, so I have complained to the BMC. They have an online complaint system. They also have a telephonic system, where you call up and you complain. I even made a written complaint. If they aren't listening to written complaints, emails and telephone calls, how do you think they are going to respond to an SMS? Unless we do something radical they are not going to listen. So, what do you have to say about that?

Vishal: There are two aspects to this question. First is, within the systems that we have, if we agitate our grievances and nothing happens, then what is the logical step? As such, the system contemplates that you have three independent wings, right? If, for any reason, the executive doesn't act in accordance with law, you have the alternative remedy of approaching the Courts



and directing the Corporation to take steps in accordance with the law. That is the inbuilt system, right? The issue is, whether you can force the Corporation by sitting on a dharna and by saying, "You must draft a code which says that, as soon as you get my complaint, you must come and

demolish all the structures that are there." Can you force the Corporation in the manner in which the Anna Hazare Movement did, is the issue which I think is relevant to the subject we have today.

The second part is ultimately it is the duty of the citizen to be aware of what his rights are. If the Corporation does not take action, then there are other avenues that you have to go to, to get your grievances redressed. The fact that one authority does not take action is only one part of the larger chain. There is an alternate body that you have to go to.

Mr. Gautam Patel: Just one minute. To supplement this, your question was about an individualised case. I don't think they're talking about individualised cases, so much as systems being in place. If there are systems in place, there are bound to be situations where sometimes they will not work. That does not mean that the entire system is in itself faulty. Because it did not happen in my lane - and that is what Vishal is saying - doesn't mean that the system is wrong and needs to be appended.

Mr. Gautam Patel: Let's take the next question. Yes, at the back.

Revati Desai (Audience): I just wanted to ask that, with respect to the RTI use that is happening, with respect to the 2G scam case, we can actually see that there is a misuse of the system that is in place. You are suggesting referendums, but referendums can be easily rigged. So, why not try making the present system really immune to such misuse, instead of adding another different mechanism to it?

Raunak: Well, I'll start off with the point on referendums and how they could be more counterproductive. Now, let's be clear here. We are not advocating referendums for everything. Something like 'reservation' clearly has a section of society's interest attached to it. That is not something we need to put to national consensus. That doesn't need to be gauged by

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I am not saying every single time you need to go to 1.2 billion people to ask them if they want something or not. Regarding the economics of it, the cost of the referendum is far lesser than 2G plus CWG. Referendums can also be rigged, so can elections, so can everything.” - **Raunak**

national consensus; but say something at the local level. I am not saying every single time you need to go to 1.2 billion people to ask them if they want something or not. Regarding the economics of it, the cost of the referendum is far lesser than 2G plus CWG. Referendums can also be rigged, so can elections, so can

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everything. Let's try and think constructively as to what good it can really do.

Rohaan: I just want to add one line to what Raunak said. Every system is capable of corruption. Every mechanism is capable of corruption. That is not a reason to not have a mechanism at all.

Mr. Gautam Patel: Yes, I tend to agree that the argument that referendums should not be used because they are dangerous is a very problematic issue. You could say the same thing about elections. We'll come to that. Just one request - could we please leave the Thackerays out of this? It tends to get extremely volatile. Okay, next question, at the back.

Ashish Sodhani (Audience): My question is to Shreya. Shreya, you spoke about 42% of people not voting in the country. After 64 years of independence, don't you think that the Government needs to have some mechanism in place whereby all these people vote and all their opinions are taken into account while legislating?

Mr. Gautam Patel: Now, hold on one moment. Just one request to both Raunak and Shreya - please, slowly! You are much too fast. I can't make notes fast enough. Slow down. There is no train to catch.

Shreya: Okay. There is a right to vote. Everybody is aware of that. 42% of the population of this country does not want to vote. There is nothing anyone can do about it. With the right to vote comes the right not to vote. You can't really force people to participate and there is no guarantee that a referendum would succeed on this count, because if people don't vote, what is the guarantee that they will actually participate in a referendum? And to answer more specifically what you just asked me, I don't see a way in which you can force a population to actually participate in the running of this country.

Mr. Gautam Patel: Next question. Go ahead. I'd like one for this side (Opposition) but we don't have one.

Mallika Mallampalli (Audience): My question is, we have people who ban books, who ban movies, who ban the titles of movies, who ban lyrics of songs from movies, all in the name of participation. When do you decide and who decides, when this is participation for the good of the country and when it's just lunacy?

Mr. Gautam Patel: Ouch! All yours!

Rohaan: Let me just clarify one thing. I appreciate your question, but we're not debating cases where dissidents burn books, etc. Today, we're at a more general level, where we're talking about policy framing and whether the public should participate in policy framing. Today, we're not concerned with whether Raj Thakeray goes -

sorry, I should get minus five for that - whether "someone" goes out on the road and burns books. That can't be confused with what we're saying on participation. But I am fully in agreement with you, that it is lunacy, so there's no question of us defending that or anything of that sort.

Mr. Gautam Patel: Moving on. At the back; the lady; yes. What is it with all these questions from the back? You guys in the front must participate!

Komal Modi (Audience): When you say there should be greater participation in framing policies, do you think the people in India are qualified enough to participate in this policy making process? And when you talk about providing information to the people and asking them to properly vote on a topic, do they understand the implications of say, bringing the Prime Minister under the Lokpal Bill? Do you think the people are capable of understanding the implications and voting accordingly or correctly?

Raunak: Yes, definitely. Like I said from the outset, we're a highly ignorant lot in the country and a number of us are uneducated as well. But what we're trying to put forward here is, there needs to be a mechanism in place for somebody to give an opinion on an issue, even if he is qualified or not to do so. Let me tell you how referendums work in Australia and other nations. They put down the question to the public and a five point objective agenda on either side, which will allow for the person to understand it. I am not saying that everyone in India is literate enough to read it, but surely that's one step closer. Even if there's a fair amount of us that aren't qualified enough to draft policy, we can surely give our opinion on a select matter that concerns us or that concerns the people. More so, let's talk of the people that are educated enough to follow it. What's the remedy for them to exercise their opinion, apart from the standing committees - a random selection or rejection of affidavits. So we're speaking of not only looking at those who aren't capable of providing valid inputs, however we're looking at a forum that will allow for the other lot as well, for all of you tomorrow. At the same time, we're looking at educating en route, which a referendum does but an election doesn't. An election lets you choose between candidates, a referendum makes you decide on a particular matter or a question.

Mr. Gautam Patel: Alright, we need a couple more questions for this side (Opposition).

Mayan Prasad (Audience): My question is to Mr. Kanade. Shreya mentioned various constitutional means we have, of participation. Now, do you imply that the whole Anna Hazare Movement was



unconstitutional? Secondly...

Mr. Gautam Patel: No, no. One question at a time. The first one is super loaded.

Mayan Prasad: They are all related.

Mr. Gautam Patel: Okay. We'll do it one by one. Let's do the first one first.

Vishal: One by one? In my opinion, the Movement, where it went to the stage...

Raunak: Take a referendum!

Mr. Gautam Patel: How many people think so?

Vishal: As I said, since my opinion was asked, I'll give my opinion. According to me, the Movement lost its way, when the group -the core group- started demanding that by the 30th of that month, the law must be passed, it must have certain provisions, and a particular person -Mr. Sharad Pawar- because he is corrupt, should not be party to the deliberation. That is where I think it was blackmailing the Government, and it was incorrect. It was absolutely unconstitutional.

Mayan Prasad: Now, if it was unconstitutional, then why wasn't the Jessica Lal Movement considered unconstitutional?

Vishal: In my view, the Jessica Lal Movement, in a sense, or certain facets of the Movement, were an abuse of the process of law. And I'll tell you why. You have a situation today, where even before an FIR is filed, you have public anger and the giving of a judgement on how the person is guilty. In our Constitution, you are supposed to be innocent till you are proven guilty. In the Jessica Lal case, you are assuming that the decision of the judge went in favour of a particular party because of the public outcry. That is completely incorrect. Ultimately, a judgement will be passed on the basis of evidence on record. I can understand that because of the outcry, maybe things were expedited. But I don't think so. In the normal course of events, probably the same judgement would have been passed, because a judge

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-Vishal

will not base his judgement on people agitating outside the court. He'll pass his judgement on the basis of facts which are before him. So, let us not confuse the outcry and the judicial proceedings. So, participation is one thing, but to say that a person is guilty on the basis of what you've seen, is equally incorrect. And the last question is...?



Mr. Gautam Patel: One minute. You know, just as a general comment, please don't let Arnab Goswami be your determinate factor, because you know what happens on Times Now every night, where every single person is judged guilty, or whatever it is. This happens all the time.

Vishal: I did not take the name because of the caveat which...

Mr. Gautam Patel: No, but I did. I'm allowed. The question on the Jessica Lal murder Case is a little more complex. The issue is that the matter was probably taken up by a higher court because of public pressure but that's very different from saying that the decision of the appeal court or the higher court was influenced by public pressure. It's not easy to make this distinction if you're on a news channel and shouting at each other. But in a law college, and when you're all lawyers, or potential lawyers, this is a distinction that you must make.

Vishal: Just to add on to that. Somehow the entire message of the Anna Hazare Movement was that the moment you have the Lokpal, corruption is going to end. Now, as long as the investigation is going to be carried out by a local inspector of the crime branch or police station, unless his investigation techniques improve, even if you have Lokpal, nothing will really happen. Unless there is a qualitative change or improvement in the process of investigation, he'll ultimately only investigate and refer the matter for cognizance to a criminal court. So whatever may be the form of the Bill, according to me, police reform is a much more important issue that has to be tackled now, because the police system is the system that has spread to the grass roots, it is the system where a person will first go to redress his grievance, whether it is theft or anything else and unless that system improves you will not have a situation where corruption automatically ends. I'll give you an example. Drunken driving was something which people did not bother about much, till the Bombay police cracked the whip and arrested people and sent them to jail for drunken driving and then you had a situation where people stopped driving if they had their drinks in the evening- an example of how a little bit of implementation by an agency can lead to fantastic results. So what we need is essentially an improvement in our investigation techniques.

Mr. Gautam Patel: Okay Mayan you are exhausting your quota so we need somebody else. So we'll have the last couple of questions and then move on.

Madhavi Doshi (Audience): My question is to the Proposition. What would be your specific suggestion for non-performing individuals, as in, representatives, when you talk about recalling? Are these alternative forums feasible?

KNOCK-OUT!



KNOCK OUT!

Rohaan Cama: Tell me, how many of you would have not wanted to, during this monsoon period, take some action against the guys who made our roads.



Mr. Gautam Patel: It wasn't actually how many of us wanted to take action, but how many of us were driven to acts of unspeakable violence, seeing those roads!

MR. GAUTAM PATEL: ON THE TOPIC -THREE KEY WORDS - 'GREATER', 'PARTICIPATIVE' AND 'DELIBERATIVE'. 'GREATER' THAN WHAT? 'PARTICIPATIVE'- HOW? 'DELIBERATIVE'- HOW? AND WHO ARE THESE PEOPLE WHO ARE SUPPOSED TO BE PARTICIPATING?



There are people who think it is their right to participate to change the syllabus and take people like Mr. Rohinton Mistry off the syllabus just because it is politically offensive to them. What happened to tolerance? Tolerance be damned, we must participate.

Shreya Ramesh





Just as a general comment – please don't let Arnab Goswami be your determinate factor - because you know what happens on Times Now every night, where every single person is judged guilty.

Mr. Gautam Patel

Let's not confuse Anna Hazare with Gandhi. For Anna Hazare to say therefore, that this is the second independence movement, means that the current Government which is elected every five years, is akin to an external colonial ruler.

Mr. Gautam Patel



People in Bombay look at things from the perspective of what they see in Bombay. Bombay is not India.

Vishal Kanade



Raunak: Well, it's proven to be feasible in the United States for the last hundred years or so. Now, when we are speaking of the ill effects, because everyone seems to be first wondering about the counterproductive effects of what we are suggesting, let's understand that there could be a case wherein it's misused, but there is a proper procedural establishment in place that ensures that the Right to Recall is almost as drastic, as severe, as significant a measure, as a No Confidence Motion, where it is practiced by the complete majority of the constituency, when it comes to recalling a candidate. We're looking at this as a means of taking care of what takes place at the lowest level. It need not merely be

Mr. Gautam Patel: No they are not!

Rubin Vakil: 15 lakh people came out and probably they are aware of it...

Mr. Gautam Patel: No they are not. Let me assure you, they are not.

Rubin Vakil: Of all those people who are aware of it, how many of us are going to use the existing mechanism? The scope of improvement comes when we've optimally utilized the systems that are in place. But are we in a position, before having tried what we have in our plates, to ask for something which is more than what we already have?

Raunak: In the 64th year of Independence we are still

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Is it fair to tell a government, “I want a bill, I want it in this form, it must have these provisions, it must be by this date, I will participate in the making but your representative will not, and if you don't do as I say, dot dot dot.” Now, that's a huge question mark.”

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Let's not confuse Anna Hazare with Gandhi. For Anna Hazare to say therefore, that this is the second independence movement means that the current Government which is elected every five years is akin to an external colonial ruler.”

- Mr. Patel

Assembly and Parliament; it could be a corporation. We don't have the time or energy to sit and recall everyone every time. It is feasible once there is a consensus in the entire constituency that there is a failure.

Rohaan: Tell me, how many of you would have not wanted to, during this monsoon period, take some action against the guys who made our roads. This is rank corruption! When I stepped out of the High Court and I used to drive back towards Tardeo, it was like driving on a rollercoaster. The roads were made by eight contractors. How many of us wanted to take some action against the guys who thereafter have given the contract back to those same eight Johnnies? Now, that is something that we need to have some power in. We've appointed them, they are elected for five years, so for five years we have to endure bad roads, only till the next election, when the next Mayor or the next corporator does the exact same thing and they cannot be held accountable unless we stand for municipal elections. The answer cannot be that unless you stand for municipal elections, you can't hold your representatives liable.

Mr. Gautam Patel: It wasn't actually how many of us wanted to take action, but how many of us were driven to acts of unspeakable violence, seeing those roads! Alright, last question. Let's have it; hopefully it's for Vishal. No it's not. Man!

Rubin Vakil (Audience): The point is, even after awareness, how many of us today... We know for a fact, almost everybody is educated about what the Jan Lokpal Bill is...



saying, "Wait for them to optimally use the existing forum, then we'll talk about more." So after 64 years if we've come up with a question, it clearly means we are not using it. So what do you do then? Do you say, "Okay, they don't deserve a better form of governance because they are not utilizing the resources available."? No, that's not it. I went on to say that we might be lethargic, we may not be as aware as you are, to go onto parliamentary websites and write to the Chairman of the Standing Committee. Definitely not. But surely that doesn't mean that the cost of not being as vigilant and aware as you are, would be to face the consequence of having a government not even represent your ideology. This therefore brings us to the demand of having a forum in place, which reaches out to those who don't go on to the Parliament website and write to the Chairman of the Standing committee.

Mr. Gautam Patel: Alright, just before you start to reply to the next round, I'd like to make a couple of general observations to both sides; they might want to think about this or find some answers or



responses to it in their replies. On the topic- three key words- 'greater', 'participative' and 'deliberative'. 'Greater' than what? 'Participative' - how? 'Deliberative' - how? And who are these people who are supposed to be participating? These are questions that are not easy to answer. There have been questions about a referendum. Vishal said that a referendum tends to be skewed towards populism. So are many policies. So just to say that referendums are populist and therefore should not be resorted to, is not a great argument. The point about oil prices is an example that's worth considering because we know what's happened with the petrol hike in Bombay, in India. You look at the fuel, kerosene, LPG prices in this country as compared to our surrounding countries and ask yourselves, "Why are our rates so high? What is the policy behind this and why has the common man not been heard?" On this issue how should he be heard? Should he be heard? Or should this be left to somebody who supposedly knows better? One more thing- how do you force change? This Anna Hazare thing skewed things quite a lot. Opinions are polarised. Is it fair to tell a government, "I want a bill, I want it in this form, it must have these provisions, it must be by this date, I will participate in the making but your representative will not, and if you don't do as I say, dot dot dot." Now, that's a huge question mark. Please understand this whole thing about fasting. Let's not confuse Anna Hazare with Gandhi. There's a big difference here, including in the political set up, because who was Gandhi fighting against? He was leading a movement against an outside, third party, oppressor, not a system that was democratic, by the people. For Anna Hazare to say therefore, that this is the second independence movement, means that the current Government which is elected every five years, is akin to an external colonial ruler. I don't know where he gets this from. Mr. Hazare has the option of standing for elections every five years. He doesn't want to do this. Therefore, is this a permissible method of participating or deliberating in a democracy? I don't think this side is even suggesting that it is. I'm not hearing them say that. But if this is not permissible, then what is the form that that participation and deliberation should take? Alright, let's go!

Raunak: Yes, I think it's been put as well as it possibly could have been put, by Mr. Patel, that we're not speaking of the recent movements and the mechanisms that were adopted back then as the justification or the right form of participative democracy. That's not what we want to say. That is counterproductive. That is as unconstitutional as you'll ever see. Let's not even get into comparing Gandhi with Anna. But let's put down the measures that we're looking at. Let's forget referendums binding on committees and on the system. What is wrong in gauging the public opinion on any

matter whatsoever? On matters which have no significance to caste or populism, surely there can be public opinion gauged in a simple and direct manner, at the grass- root level, which doesn't exist today, which is what we're propagating. There's also something called the Citizen's Jury, which exists in a number of countries like UK. It is very similar to appointing commissions; only, it needs to be appointed a lot more regularly, to gauge public opinion. Its from the public. It's a bunch of people put together, with certain qualifications, whatever they might be -they might be pre-requisites or they might be listed down in procedure- to appoint them and gauge the opinion and the verdict on any particular issue from a particular area. So we're looking at alternatives to try and empower the common man to at least put forward his opinion on a matter. When we come to that conflicting notion of the elected representative failing to represent the ideology of the person he was supposed to represent in the first place, we speak of the Right to Recall, which again has great procedures put in. It's not that tomorrow, we feel it doesn't work so we call him back. There's a procedure to it. We're looking at measures that will not be abused necessarily, but act as a watchdog to keep your local corporator or Parliamentarian or MLA in check, which I think can do no wrong to the system, to be quite honest. So we're looking at systems that can certainly add to the present system because nowhere are we suggesting a complete overhaul. Like we've all said, the reason that we are here today, is because somewhere, something has gone wrong.

Vishal: I would like to begin with the aspect of a referendum itself and I must give the context in which I said what I said. If you recollect that since by and large everyone looked at this issue when they saw it for the first time, in the background of the Anna Hazare Movement, there was a demand by Prashant Bhushan, that the Jan Lokpal Bill be put to a referendum at a

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Unless you exercise those rights and see what the system is, I see no reason why you should introduce a new system. Greater deliberation implies that the existing system is inadequate or is not working. But unless you exercise your rights, how do you come to the conclusion that you need greater participation?”
-Vishal

national level; and that is where I was coming from. At a national level, if you keep on holding referendums, there are chances of counter- productivity. I'm surprised that my learned friends did not give the example of a referendum that was held in Maharashtra, in the Raigad district. There was a Special Economic Zone (SEZ) which was proposed for Raigad. There was a referendum held by the Collector of the district. The majority of the people who participated, said they didn't

KNOCK-OUT!

want an SEZ in Raigad and the Government dropped the idea. This referendum was within our system itself, it was within the Constitution; it has been practiced and it gave the results that we wanted. Now, the issue really is, what do we mean by greater participation? According to me, unless we demand, we do not deserve. Half of the audience here is not aware of things which take place in our State, of the avenues that they have, of the fact that they can still go to their elected representative or their Corporator and tell him what they want. Unless you exercise those rights and see what the system is, I see no reason why you should introduce a new system. Greater deliberation implies that the existing system is inadequate or is not working. But unless you exercise your rights, how do you come to the conclusion that you need greater participation? The other aspect, which I would like to touch upon, is the Right to Recall. It might sound like an attractive option, but it is equally important that a person who is given his job has a certain level of permanency or a certain fixed tenure, so that he can implement his policy decisions. Otherwise, you would have a situation where a person is recalled the moment he takes an unpopular step, for example, rise in oil prices. And the last thing is—ultimately what is the essence of a law maker, a legislator, a person whom you elect? It is not simply to represent your ideology or the ideology of his constituency or his electorate. His duty is to balance the competing interests of various sections of society and come out with a draft or a bill which is in the greater good of the nation. If we keep that in mind and if we keep in mind whatever the avenues are, which are open today and are not being exercised, I think we'll find that the common ground that we can reach is that what is the need of the hour is greater quality of participation within the system that we already have. Thank you.

Rohaan: At the outset, let me take Vishal's point on the words 'greater participative and deliberative democracy'. Greater participative and deliberative democracy doesn't mean new participative and deliberative democracy. It means greater use of the

Shreya was heard to argue that it was only fifteen lakh people. I'm sorry, fifteen lakh people is in my opinion, a sufficient diaspora of the general public. It's enough to say, "This is the public sentiment." It shows that the public was not happy with what was happening. They needed to vent and hence we need more forums for them to vent, so that they don't have to protest at Ramlila Maidan. That is the crux of our argument today." - Rohaan

existing systems and if those systems are not working, then perhaps thinking of new avenues. Raunak has already suggested referendums. He has suggested Citizen Juries. These are all just ideas, because the current system doesn't work. Now, as far as a couple of points that my friends have raised, one, I am not saying that you should recall a person because he doesn't do your bidding or your say, or that of three hundred

thousand people in your little constituency. I am not saying he has to act as an agent for that constituency and only promote the interests of that constituency. But if a person makes certain commitments to a body of people, even if it's only three hundred thousand out of 1.2 billion, and if he fails miserably in carrying forward the interests of that body as a whole, surely that body as a whole has the right to say, "Look, I'm sorry, you have not done what we wanted, you have not done what is good for us. Hence we recall you." Another thing that perhaps wasn't touched upon too much— I am not saying that this is going to happen in every single case, alright? As Raunak pointed out in his opening, Anna Hazare has gone on fast before and let me not for a moment be heard to say that I support what he did this time. But it's only this time that the public got behind his Movement.



I am not supporting the way he did it. All I'm saying is that there was so much public sentiment because the public truly felt this. And Shreya was heard to argue that it was only fifteen lakh people. I'm sorry, fifteen lakh people is in my opinion, a sufficient diaspora of the general public. It's enough to say, "This is the public sentiment." It shows that the public was not happy with what was happening. They needed to vent and hence we need more forums for them to vent, so that they don't have to protest at Ramlila Maidan. That is the crux of our argument today. The last thing I want to also stress on is, again I heard Shreya say that we need representatives to do what is best for the country. The

question we ask ourselves is, what if they don't? And that's the fundamental basis of my argument today. What happens when those same elected representatives don't do what you elected them for? Then, is there not a case made out for change? And basically the last thing I want to say in conclusion is, again we are not asking for an overhaul of the system. He rightly said the Government gave up the SEZ

because that was the will of the people and that is a democracy. Let the public will be put forth to the Government and let them act on the public will. That's all we are saying.

Shreya: In response to what Mr. Patel had said, of course the common man should be heard, but in an attempt to accommodate the lethargy of a population, let us not compromise on the inherent good that exists in the existing system. Let us instead try to make the existing system more available. Let us try to ensure that people are more aware of the benefits that they are offered by the existing system. Once you understand a system, you fully comprehend what it actually means and implies, that is when you can stand and say that it is not the right system for this country and that is when you can actually consider that as a

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Of course the common man should be heard, but in an attempt to accommodate the lethargy of a population, let us not compromise on the inherent good that exists in the existing system.”

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You may argue that this Government is for the people and by the people; but you must also remember that a majority decision is not what's always what's correct and that's something we need to remember because that's why we have a government; that's why we are not ruling ourselves and that is why anarchy doesn't exist in this country in the way that it would if we allowed people to have what they want, when they want it.”

-Shreya

constructive criticism. Until then, it is just dissatisfied, populous sentiment. Now, it may actually prove counterproductive to seek a referendum, to seek the opinion of the entire population of this country with regard to something like prices. There are political implications; there are economical considerations to why these decisions are taken. But the fact is that sometimes it's beyond the control of the Government, what they have to do and sometimes you have to do these things to take a correct policy measure. That apart, it is my opinion that a government should have the security to bring to a logical conclusion, any policy decision, any policy matters that they actually take up. You have the right to vote for them every five years, vote for a policy, vote for an ideology that appeals to you and then give them time; give them five years to deliver on what they promised you. If they do not, then vote them out. The Right to Recall is something that you have in small measure; every five years you have a Right to Recall. Until then, the Right to Recall is something that's very dangerous. And you may argue that this Government is for the people and by the people; but you must also remember that a majority decision is not always what's

correct and that's something we need to remember because that's why we have a government; that's why we are not ruling ourselves and that is why anarchy doesn't exist in this country in the way that it would if we allowed people to have what they want, when they want it. And in conclusion, as I see it, the referendum and all of the suggestions that have been made today, are possible within the existing system. The debate today is about greater participation. The existing system allows for what we are talking about as greater participation. It already exists. So what are we trying to fix?

Mr. Gautam Patel: Alright, vote.

Rohan: I'll give you 500 rupees each!

Mr. Gautam Patel: Alright, let's see. How many in favour of the proposition? Somebody do a count.



Rohan: I think it's very clear.

Mr. Gautam Patel: Wait, wait, wait, they're getting out of their lethargy!

Suhani Dhanki: 22.

Mr. Gautam Patel: How many against the proposition? Right. So they (Opposition) have actually won. Thank you.

Mr. Gautam Patel: And listen, be very careful of this girl (Shreya). She's somewhere to the right of Attila the Hun, politically!

Suhani Dhanki: On behalf of the Magazine Committee, I would like to thank Advocate Mr. Gautam Patel for taking time out and coming here today. I request Aparna, a member of our committee, to please present him with a letter and a token of our appreciation. I would also like to thank Mr. Rohaan Cama and Mr. Raunak Kapoor. I request Aparna to hand them a token of our appreciation. And finally, thank you Mr. Vishal Kanade & Shreya Ramesh. Aparna will hand them a token of our appreciation. Lastly, a big thank you to all the audience members for waking up early and coming here on a Saturday morning. Thank you for making 'Knock-Out!' a success.

KNOCK-OUT!

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COPYRIGHTS IN TATTOOS

by Rajni Singh, III-III

Gone are the days when artists like Leonardo Da Vinci had absolutely no legal protection for their legendary works such as, 'The Mona Lisa', which anyone could copy or mutilate in any form, without the artist's prior permission. Today, with the advent of laws like Copyrights, Trademarks, Design, Patents etc., the global legal story in relation to art, graphics, design, literature, technology, music and other creations has changed significantly. Today, an author does not only claim his rights in his artwork but also regulates its distribution, charges a royalty and gets compensated for every breach of his rights. It is common to have a copyright on a musical composition, a painting or a book, but personalities like David Beckham and Mike Tyson (the Hangover II case) brought the world's attention to a fresh and complex legal condition- copyrights in tattoos- where their respective tattoo artists claimed their copyrights in the tattoos of the said personalities.

The fundamental confusion with regard to tattoos is, whom does the copyright belong to? There are three ways in which this can be determined, which are: 'works made for hire', 'joint works' or 'transfer of copyright'. The 'work made for hire', treats the hiring party (the customer) as the owner; 'joint work' is the case where the customer and the tattoo artist together design a tattoo- however minor the contribution of one party may be, the nature of ownership is joint; 'transfer of copyright' can be in whole or in part and the time of transfer could be before creation or after completion.

In cases when the copyrights are reserved with the artist, it is only natural that a person who has a tattoo should be able to do day-to-day things, displaying his tattoo without any kind of legal limitations. This introduces the concept of 'implied license', which is also illustrated in the case of Mike Tyson (the Hangover II case), wherein courts would assume that there is an 'implied license' between Tyson

and Whitmill (the tattoo artist) that Tyson will appear on camera now and again, and so would the tattoo, and for these ordinary day-to-day things, Tyson or any customer in fact, does not need the permission of the artist.

The act of creation itself makes the creator the copyright owner, but it needs to be registered for it to be legally enforceable. In the case of registration of a tattoo copyright, the application would include documentation of the original artwork used to create the stencil, along with photographs of the tattoo in situ on the client's skin. In the case of 'previous tattoo' wherein the tattoo is too old to recollect the name of the artist and is unregistered, the person holding the tattoo can have it registered in his name. Although copyright is largely a gray area in the tattoo industry, there is one area in which copyrights are very clear, and that is in the case of tattoo flashes. Tattoo flashes are printed designs, which can be turned into stencils for rapid tattooing, and the people who create them, own them.

A copyright on a tattoo in any aforementioned manner could be obtained as a precautionary measure before inking, especially if the individual has a global standing and is bound to be photographed. These tattoos become a part of their personality and a tool of identification.

'Parody' is more or less a derivative use, but in certain circumstances it can be established as 'fair use'. The Supreme Court of the United States stated that parody "is the use of some elements of a prior author's composition to create a new one that, at least in part, comments on that author's works." In the much discussed Hangover II case, the Judge ruled on the contention of the defending party - use of tattoo for parody is not valid and the copyrights are reserved with the Plaintiff.

Can flesh be copyrighted, remains to be a very popular query, the statute states that for a valid copyright, the embodiment in a material object should be "sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration." Human skin is a permanent, material medium even if it undergoes a number of changes over time. The embodiment over it in the form of tattoo remains attached to the skin for a period which is visibly more than merely transitory. Thus, even though 'tattoo copyright' is a very novel global issue and there are no mentionable legal precedents under the Copyrights Act which one could refer to, it can be credibly established that there exists a bright possibility of copyright in tattoos. ■



THE PAST REVISITED

In the following section, we dust the cobwebs and look back into our archives to republish articles written by legal stalwarts of today, who were aspiring law students of Government Law College back then.

For an individual to become a great lawyer, the prerequisites would include a good reading of the law, an understanding of the law and a command over the language. Mr Noshirvan H. Jhabvala, a student and an alumnus of Government Law College, Mumbai, embodied each of these prerequisites and showcased ample evidence of this, as the author of several texts on varied subjects of law. Practising on the Original Side of the Bombay High Court, Mr Jhabvala was a brilliant advocate and an excellent jurist. He is popularly known for his books written on subjects as complex and vast as *The Constitution of India*, *The Code of Civil Procedure* and *The Law of Contracts*.



THE WAY FOR A COUNSEL TO FOLLOW

— NOSHIRVAN H. JHABVALA

O I never shall slumber
When briefs will come in number;
But take them two by two
And this is what I mean to do.

The 'OBSERVATIONS!'— O fie,
Let the attorney scribble them;
It's no business of a Counsel
To read or to heed them.
For, 'Observations' they say are for "MAKING COSTS"
And I do never get them.

The PLAINT I'll read,
But the PRAYERS— O never;
His LORDSHIP seldom 'GRANTS THEM' ever.

And the WRITTEN STATEMENT—
It's nothing but a sham;
For ought you to know
It "MULTIPLIES PLEADINGS"
By so and so.

It seems a silly notion
To think of arguing a NOTICE OF MOTION;
It can be 'won'
So soon it's read and done;
Even for a fun
Aye— while you run.

The thing I love most
I say without brag or boast
Is a SUMMONS IN CHAMBER.
You have nothing to do
But say "Poof! Poof!"

To the opposite "Member"
The prisoner in the dock,
His face black and dim,
Who with a shock and a knock
Did break the Complainant's lock
Shall ill afford to mock
When I will defend him.

My CHARGE TO THE JURY shall always be brief,
As brief as my 'BRIEF' so shall I be;
For, as the 'FEE' so shall I be
Long or brief.

"GENTLEMEN OF THE JURY
God knows what Fury
Did possess MY CLIENT
When he broke the said lock
EXHIBIT 'A' IN THE CASE.

But look at this face
Pale, and white as THE MACE
The fact it does unfold
He is sixty years old.

Father of children six
He's now in a fix
As to what they will do
And his three wives too.

Gentlemen, I see no meaning
In the PROSECUTION winning;
Thus sending him to prison
For what the Law has termed a 'Treason';
I think the better plan will be
To give my client his liberty.

Metthink Mr. Willy
COUNSEL FOR THE CROWN,
Looks, ever so silly
In making such a frown.

He says his case is sound;
But he has been paid his Pound
For saying so.

Alas,—great is the woe
Of the 'PRISONER AT THE BAR';
Of the Police a great foe.
With his mouth all ajar
He expects you to say,
As well your FOREMAN may,—
'Find him guilty? O, no, O no.'

This is the way
(If ever it does pay)
For a Counsel to follow.
But oft I heard my 'JUNIORS' say
"Hullo, Mr. So and So
We have BEATEN you hollow."



Mr. Rishabh Shah
Advocate

A matter going on before the Hon'ble High Court, which had seen several adjournments, was again listed for hearing. Once again the Appellant's lawyer requested for an adjournment.

Besides, facing heavy opposition at the hands of the Respondents Advocate, even the Bench refused to adjourn the matter.

The Appellant's lawyer cited "personal difficulty" as a ground for adjournment. Not buying that ground for adjournment, the Bench insisted on knowing the same.

Very shyly, the Advocate muttered... "My Lords, I am getting married in two days..."

On hearing this, the Bench remarked that marriage is certainly a personal difficulty! The matter was adjourned.

SOLUTIONS TO THE CROSSWORD

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Crossword found on Page 15

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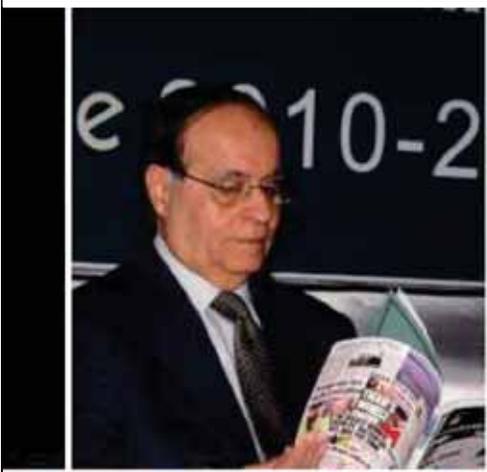
Launch of méLAWnge

2010-11





February 26, 2011, saw 'mELAWnge' 2010-11, the 81st edition of Government Law College, Mumbai's, Annual College Magazine, being officially launched, at an immensely successful and well attended function. The event, which took place in the College's own auditorium, was a first for GLC's annual publication, there having never been such a launch for any previous edition of the Magazine, as far back as one can remember.



It is a source of great pride for the Magazine Committee of 2010-11 that an event which had so far only been notionally conceived by previous year's Committees, was not only brought to fruition during their term, but materialized as such a thumping success.

The Chief Guests for the morning were Senior Counsel of the Bombay High Court, Mr. Rafique Dada and Senior Partner, Mulla & Mulla & Craigie Blunt & Caroe, Mr. Shardul Thakker. Senior Counsel of the Bombay High Court, Mr. Soli Dastur also graced the occasion with his presence. The function was also attended by the Principal-in-Charge, Professor Mrs. Rachita Ratho, the Magazine Committee's Editor-in-Chief, Professor Mrs. Sushma Bansal, and a large number of the College's faculty and student body.

Supreme Court, Mr. Harish Salve and Mr. Satish Maneshinde, a widely known name in the field of criminal law. Both personalities were candid, insightful and revealing in their interviews, making for a wonderful read.

As the name 'méLAWnge' suggests, the Magazine is a perfect blend of fiction and non-fiction, and its contents extend to subjects beyond the scope of legalese as well. méLAWnge 2010-11 therefore also showcased the fictional flights of fancy of its students, an example of which was read out by Ms. Manali Gogate, in the form of her poem, 'An Ode to Cannabis'.

Other articles that were narrated by their authors included a debate on the contentious Commonwealth Games, between Ms. Gurbani Walia and Mr. Vipul Joshi,



First on the agenda, was the official launch of the Magazine, with a symbolic ribbon-cutting ceremony by the Chief Guests. As the shutterbugs went into a tizzy, capturing one of the most significant moments in the Magazine's history, méLAWnge 2010-11 was met with applause and appreciation, as it saw the light of day for the very first time.

Next, the Chief Student Editor of the Committee of 2010-11, Kanupriya Kejriwal, took the audience on a journey through the pages of the Magazine, exploring its various aspects and sections. She explained the theme of the Magazine to be 'Awareness', as méLAWnge 2010-11 revisited the headlines of the year gone by, dwelling in its articles on issues such as the Wiki leaks, India's seat in the UN Security Council, and the new Coastal Regulation Zone, 2011, to name a few.

Also embedded within last year's Magazine, are interviews with eminent constitutional lawyer of the

look at the Allahabad High Court's judgement on the Ayodhya conflict, by Mr. Rubin Vakil, and a humorous piece on the annoying habits of Mumbai's taxi and rickshaw drivers, by Ms. Sherna Doongaji.

Kanupriya also spoke about 'Knock-Out!', the annual panel discussion hosted by the Magazine Committee which enjoyed great attendance by students of all years of the College. The event was transcribed in the Magazine for people who missed it to read what the participating students and ex students had to say. The topic for last year was "Breaking News: The Supreme Court Slams Sensationalist Media. Is Fiction Eclipsing Fact In Order To Ensure An Exclusive?" Keeping in mind the overall theme of the Magazine, the debate was even more relevant in the light of recent cases where the media had received flak for influencing the tenor of judgements such as in the case of Aarushi Talwar where the Supreme Court condemned sensationalist media.

The “Past Revisited” section of our Magazine allows students to take pride in their rich legacy and rest on the laurels of their hallowed past. This section features an article written by a current legal luminary, in his or her days at GLC. In the past, articles by the likes of M. C. Chagla, Goolam Vahanvati, and Nani Palkhivala, have been included in this section. The Committee of 2010-11 selected an article written by Senior Advocate Mr. Rafique Dada, Chief Guest at the function, during his stint as Sub-Editor of the Magazine Committee in 1962. Mr. Dada was invited to address the gathering, read out parts of his article and reminisce about his days in GLC and the Magazine Committee.

The official website of the Magazine Committee, ‘www.glcmag.com’, was also launched on this

gathering of students and professors, and last, but not the least, the members of the Magazine Committee, without whom méLAWnge 2010-11 wouldn’t have come into existence.

The celebrations did not end here, as the launch was followed by lunch. The winners of the competitions and the student members got to directly interact with the Chief Guests in an informal setting, over lunch.

It was indeed a joyous moment for the students of the Magazine Committee, to watch copies of méLAWnge 2010-11 being distributed amongst members of the gathering. As faculty and students looked through its pages, remarking at its various facets, we felt much like parents at a parent-teacher meeting— swelling with pride at praise, while flinching



day. It includes all the information related to the events and all the competitions organised by the Committee.

The Magazine Committee organises three essay writing Competitions each year: the Vyas Government Law College National Legal Essay Competition, the Belles-Lettres J. E. Dastur Memorial GLC National Fiction Essay Writing Competition and the Sir Dinshah Mulla Legal Essay Writing Competition. Each year the participation and prestige of these competitions increase by leaps and bounds. The winners of these competitions, who were invited to the function, were felicitated by the Principal-in-Charge, Prof. Mrs. Rachita Ratho, the sponsor of the Sir Dinshah Mulla Legal Essay Writing Competition, Mr. Shardul Thacker and the Committee’s Professor-in-Charge, Prof. Mrs. Sushma Bansal.

Kanupriya proposed a vote of thanks to the Chief Guests who presided over the function, the august

at the slightest criticism.

Over the years, the Magazine Committee has strived to live up to its reputation of exceeding all expectations and bettering itself and its publication each year. Each new Committee, at the beginning of every year, finds itself nervous and excited at the prospect of churning out an even greater edition of GLC’s annual College Magazine. This year was no different. The Committee of 2010-11 tried its level best to produce a Magazine that would live up to past traditions and excellence as well as give it its own special touches.

After an entire year of nothing less than hard work and consistent labouring, the Magazine Committee had added another milestone to its illustrious record. It had succeeded in documenting another year at GLC. méLAWnge 2010-11 would be an addition to the decades of its precursors, carving a niche for itself in the history of this prestigious institution. ■

AN INTERVIEW WITH MEMBER OF PARLIAMENT DR. SHASHI THAROOR



In an interview to the Magazine Committee, Dr. Tharoor, with inimitable eloquence and candour, discusses matters ranging from the current political state of affairs, civil society and popular movements in the country, to India's position in the international arena. He also shares his experiences, both at the United Nations, and of his foray into Indian politics, and explains his love for the written word.

MAGAZINE COMMITTEE: Sir, you began your illustrious, 29 year career at the United Nations in 1978 and since then have been posted in various places, on different posts, with different charges. Can you take us through some of the highlights of your United Nations career, culminating in the campaign for the post of Secretary General in 2007?

DR. SHASHI THAROOR: That would take an hour (laughs). The truth is that the United Nations (UN) is an extraordinarily interesting career and I was fortunate to have very interesting assignments throughout my time at the UN. I began with the United Nations High Commissioner for Refugees (UNHCR), which happened at a time when the world was suddenly facing a whole series of major refugee problems- the Vietnamese boat people crisis, the Afghan refugees flocking into Pakistan and Iran, the refugees in the Horn of Africa fleeing Ethiopia, the refugees in Central America fleeing the Nicaragua dictatorship- you could name it and it was all happening. And so I happened to come into the UNHCR when it was a very small organisation. Everyone knew each other by their first names, practically, and then literally within months, all of these things started exploding and we were mentioned in practically four of the top five stories in the BBC World Service news. It was an amazing transformation and I still remember vividly the experience of heading the UNHCR office in Singapore that dealt with the refugees rescued at sea and brought into the port there. Amazing stories; and it tested a lot of one's skill and ingenuity, both to get them to disembark, get permissions and clearances, to look after them in a camp in Singapore, a country that didn't particularly want

But the privilege of being able to, as I said once, to put one's smudgy thumbprints on the foot notes of the pages of history, to be associated even in a marginal way, with some of the great human events of our time, that is a privilege that anybody interested in world affairs would be lucky to have.

them there, and at the same time, working for an organisation that didn't want us to be operational, actually running camps by ourselves -it was the only way I could manage it- and then arranging their resettlement in other countries. And some of the stories were quite amazing and one that I've never forgotten was of a young couple that left Vietnam, fleeing Communist rule, in a tiny boat with a cannibalised tractor engine and the tractor engine inevitably conked out and it started drifting aimlessly at the sunshine in the sea. They ran out of food, they ran out of water and they were living on rainwater and hope. But these two parents had two small children with them- a baby and an infant about a year and a half or two years old; they couldn't live on rainwater. So what the parents did was they slit their own fingers and made the babies suck their blood to get some nutrients into their system. You can imagine when they were rescued, they were so weak, the parents could barely stand, the kids of course were close to death's door, and we busted every rule in the book to rush them off the ship into the hospital intensive care. And then to see the same family a few months later, healthy, well fed, well dressed and heading off for new lives in the US, as it happens- few jobs offer that kind of satisfaction. So in any case, to cut a long story short, a lot of that kind of experience in refugee work, very different

from my subsequent 7 years in peace keeping where you could work 18 hours a day and the blood would still continue to flow like in the Yugoslav

crisis which I was particularly responsible for. But the privilege of being able to, as I said once, put one's smudgy thumbprints on the foot notes of the pages of history, to be associated even in a marginal way, with

some of the great human events of our time, that is a privilege that anybody interested in world affairs would be lucky to have and when I worked after all of that in Kofi Annan's office when he was Secretary-General, I saw an awful lot of world leaders and, got a great sense of how the world works at various levels. And I ended my 29 year career at the UN feeling a tremendous degree of excitement about the existence of this organisation, its usefulness and work and of the astonishing privilege of having been a part of such momentous events.

MAGAZINE COMMITTEE: You've come a long way from your days as an international civil servant at the United Nations to a Member of Parliament from your home state of Kerala. What was the transition like? How has the journey been so far?

DR. SHASHI THAROOR: Well it's been interesting in the sense that you know, in life it's rare for people to have a chance to lead more than one life at a time. I was leading two already as both a UN official and a writer and now, I guess, this is a third life that I've been privileged enough to have a chance to go for. It's very different from anything I've ever done before—extremely different. And it takes some adjusting; it takes a certain amount of effort and a certain amount of learning and re-discovery to be able to do these things. I have to say that if you look back at the rest of my life, I've always been interested in public policy issues, except there it was on the international plane and here it is on the domestic, but the bottom line is still the same sets of concerns and even my international interests have been sharpened by my grass roots politicking because I articulate very strongly, a vision of foreign policy I first expressed more than 30 years ago in my first book, "Reasons of State",

There have been difficult moments but I try not to look back and I think that one makes the choices one is meant to make and I think that it is a rare privilege to be able to do this and to participate in the political life of our country.

which was my PhD thesis rehashed, that foreign policy can only justify itself by what it does to promote the security and well-being of the people in whose name it's conducted and therefore one must judge foreign policy by what it does for people like the voters in my constituency; what does it do to not just enhance their physical security and freedom from terror, but also from the daily terror of poverty and ill-health and disease. Are we using our foreign policy to bring in more investment to grow our economy? Are we using our foreign policy to bring in more resources—energy resources, food resources, water resources, all of that? How are we helping India grow through our posture in the world? And that in fact is going to be the

theme of the book that I'm struggling to find the time to write.

MAGAZINE COMMITTEE: Have you ever regretted your decision to return to India and play an active role in politics?

DR. SHASHI THAROOR: Well, there have been difficult moments but I try not to look back and I think that one makes the choices one is meant to make and I think that it is a rare privilege to be able to do this and to participate in the political life of our country and so I'm just determined to do my very best to recover from some of the slings and arrows that have been showered at me.

MAGAZINE COMMITTEE: You are the acclaimed and award-winning author of 12 books, and are in the process of writing another one. Your first published work appeared in a magazine just before your eleventh birthday. Known to be a voracious reader, you once said in an interview that you had the "inconvenient habit" of finishing library books in the car, on your way home from the library.

DR. SHASHI THAROOR: As a kid; as a kid.

MAGAZINE COMMITTEE: Can you tell us a little about your fascination and attachment to the written word, and your indomitable love for writing?

DR. SHASHI THAROOR: Well, I can't explain it except that it was there all along. My mother jokes some times that she used to read so badly that I couldn't wait to be old enough to snatch the book from her hand and read it myself. So I began reading precociously young and kept reading voraciously. And it didn't help that I had asthma, or rather it did help that I had asthma, because my childhood illness meant that I couldn't play as often with friends outside. I was often confined to bed. And in those days there was no TV, no computer games, no computers period, available at home. And so, books were the only escape, the only recreation. So I guess that probably explains it a lot. But I am very, very, very attached to the written word and I enjoy writing it and I enjoy reading it.

MAGAZINE COMMITTEE: In an article written by you for the Deccan Chronicle, about Anna Hazare and his followers, in which you said that some of Team Anna's demands might well have led to the creation of an "omnipotent, unaccountable supra institution" and that parliamentarians should not "accept an all-or-nothing approach to the Lokpal Bill". What are your views on the methods used and demands made by Anna Hazare and his team, in their movement against corruption?

DR. SHASHI THAROOR: Well look, the methods I can't entirely object to, because they have a time honoured place in our country. We have been able to use the politics of protest, non-violent agitations, fasting and so on since the days of Mahatma Gandhi. So that has a

certain respectability but what I don't like is when those methods are used to insist that a particular version of a law be passed by those who have been elected to exercise their own judgement, because that would suggest that essentially it becomes a form of blackmail. If Anna Hazare used those methods to persuade the Government that this had to be done and had to be done urgently and certain kinds of elements had to be in a law, that's one thing; but to say that, "You can't exercise your own judgment, it must be this law, the way I and my team have written it", well, if that's what they want, they'll have to get elected to Parliament themselves and get a majority and pass their own law. Otherwise they've got to accept, that the purpose of electing representatives to a parliamentary body is to legitimize them for the purpose of making laws to regulate the society which has elected them. And the only time honoured solution in any democracy if you don't like these people or don't feel they represent your thinking anymore, is to vote for new people who do. So, until then I'm afraid the system cannot allow that kind of dictation. I'm also concerned that whereas the people who are supporting Anna Hazare fully understand what they are against -they are against corruption and so are we all- they don't seem to fully understand what he is for. And if you actually look at the fine print of the Bill, it would create the most powerful institution in the land, more powerful than the PM or even the judiciary because it would in their version not even be accountable to the judiciary. And my worry with all of this is that even if we concede for purposes of argument that Anna Hazare and his immediate supporters are saints, what happens if this institution falls in the

society" and sought to analyse its role in the law-making process and in the functioning of our parliamentary democracy. In the light of the recent public demonstration of anger against corruption, do you believe that we require basic, structural changes to nudge our democracy towards greater deliberation?

DR. SHASHI THAROOR: But it is a norm. I mean, if you look at the rules of the Standing Committees, as I mentioned in my last column, anybody can go and submit their views. Besides, Mr. Hazare was actually invited to come, and even if you were not invited and you have a view, you can write to the Committee. Because of the huge visibility of this Bill, thousands of people have written to the Committee and it may not be practical for them to all be seen, but at least enough people will be seen that you get lots of different points of view. So it is part of our system that the Committees can entertain views from the general public, and particularly from parties with an interest or an expertise. So I don't think we're deficient in that respect. But I would agree that I don't accept the argument that elections alone are enough. The elected bodies and the elected government must be accountable between elections, to the people. But there's one thing about being accountable and quite another of having mass rallies, or for that matter, commentators in TV studios, telling the government and parliament what laws to write; there is an important decision there.

MAGAZINE COMMITTEE: Sir, you have written and spoken extensively about Global India and her place in the international sphere. What do you think winning a non-permanent seat in the United Nations Security

I'm also concerned that whereas the people who are supporting Anna Hazare fully understand what they are against - they are against corruption and so are we all - they don't seem to fully understand what he is for.

My worry with all of this is that even if we concede for purposes of argument that Anna Hazare and his immediate supporters are saints, what happens if this institution falls in the hands of somebody who is less saintly or who may have malign motives?

hands of somebody who is less saintly or who may have malign motives? I mean the famous example in history is that of the Spanish Inquisition which was founded by the Catholic Church in a spirit of trying to uphold the rights of moral virtues and ended up becoming an instrument of torture and oppression of people and so it was disbanded by the church itself, after Torquemada's and some of the other's successes.

So we don't want to create another inquisition feeding to them the lessons of history.

MAGAZINE COMMITTEE: Sir, in another of your articles, you have explored the definition of "civil

Council means for 21st Century India, and her role and impact on the world?

DR. SHASHI THAROOR: Well if you mean a non-permanent seat that we have now, we are exercising that quite well and I believe that we have shown that we have a logical place in some of the major decisions that a body like the Security Council makes because we have the experience and we have the world standing to apply our mind and think independently on these issues and I do believe that India has acquitted itself pretty well on the Security Council in the non-permanent seat. Our aspiration is for a permanent seat, so that we have a normal seat on the high table and the major issues that are being discussed. The permanent seats were given in

1945 to those countries, whose membership was indispensable to the viability and success of the Security Council and of the UN itself, but those were the big powers of the day and if they had refused to participate in the UN, the UN would have lost all credibility. Increasingly the worry is, that a UN Security Council without countries like India, Brazil, perhaps South Africa, Japan, Germany and a handful of countries that everyone can identify, that a Security Council without such countries participating will not have the same credibility as a Security Council with them and therefore in the interests of the UN and in the interests of the UN's own legitimacy and representativeness, the Security Council ought to be reformed.

Increasingly the worry is, that a UN Security Council without countries like India, Brazil, perhaps South Africa, Japan, Germany and a handful of countries that everyone can identify, that a Security Council without such countries participating will not have the same credibility as a Security Council with them and therefore in the interests of the UN and in the interests of the UN's own legitimacy and representativeness, the Security Council ought to be reformed.

MAGAZINE COMMITTEE: The Government of the day seems plagued by one controversy after the next, a multitude of corruption scandals, and civil unrest over a number of issues such as rising prices, among other things. With the Opposition predicting midterm elections, and the apparent paralysis of most Government institutions, most people seem to think that the Government's days are numbered. What do you have to say about the country's internal state of affairs and the way forward for the Government?

DR. SHASHI THAROOR: Well, I don't know that the government's days are numbered other than the fact we all know that the number is two years from now, that the term will run out, because you know, though we may not have an overwhelming majority, we don't think that those who would like to bring us down have one either. And in the parliamentary system, the government only falls if the other side can win a vote of No Confidence and I don't think at this stage that the numbers stack up in their favour, though it's not for me to say and it all depends on what happens in the next couple of sessions of parliament. But having said all of that, you know in many ways, it's somewhat ironic that this Government which has done more than any previous Government to both expose and prosecute wrongdoing, should be somehow tarnished with the brush of corruption. Sadly, all parties or members of all parties, have been implicated in corruption in the past and yet somehow it's been hung on this government as if this government is more corrupt than the rest, which I think is a bit unfair. We'll have to see of course, in the end how all of this plays out, but I think that the government ought to be applauded for the fact there are a couple of ex-scam ministers in the jail and the

daughter of a powerful ex-Chief Minister of a major state. And so a lot of this suggests that the law is no respecter of persons, that it is actually being applied as the law, which

is the way it is supposed to be, whereas throughout we've had a belief in our country that some people enjoy a certain level of impunity because of who they are. Well, that's not happening anymore, and even my own departure was a reflection of this not that I had done anything

wrong. I have demanded an investigation and that is proceeding and I want to see what the investigation comes up because I've demanded it not only because of the stain on my own name from all these false and unsubstantiated charges in the media, but because I genuinely believe in the highest standards of probity in public life and I said to the government, "Some people think that you resign and you can brush the problem under the carpet; I don't want that; I resigned to give you all peace at this point because of all these charges, but I insist on the investigation, I insist on the inquiry, because I want my name to be cleared because I know I've not done anything wrong." So, there is a difference between just resigning and actually investigating. Similarly, with these people, there seems to be a reason to put them in jail now, but the whole process of law must play itself out, they must be found either innocent or guilty and that's the way the system has to work and we do this often enough and the incentives to be corrupt will have to be very much higher for people to take that kind of risk anymore.

MAGAZINE COMMITTEE: Sir, you once said that your parents were interested in you taking medicine and that they further told you to pick economics because you weren't interested in medicine and yet you chose to do History and Law and Diplomacy. So, what attracted you to the field?

DR. SHASHI THAROOR: And by the way, I gave my children exactly the same freedom I had. I at no point dictated to them what they should follow in terms of their interests. I was very good in the sciences. I kept coming first in science throughout, from class III to class VIII, so my parents assumed that I'd be a doctor or an engineer and when the option came to stream and I chose Humanities, my teachers were horrified, and my parents were horrified. So I just said, "Look, I hate the subject", but they said, "You keep coming first in it", and I said, "Yeah because I'm damn good at taking exams". I had a good short term memory, but the day after the exam was over, I forgot everything I'd learnt, I didn't care

about it at all. So I wanted to do something I cared about and what moved me and interested me was the way the world worked, the history in particular and politics by extension, though in school, you never studied Politics. So, as a result I went into the Humanities. And what was the thrust of your question? I'm sorry I was reacting...

MAGAZINE COMMITTEE: Sir my question was what attracted you towards diplomacy and International Relations?

DR. SHASHI THAROOR: Well you know I just found that this is a question of temperament, it is very difficult, each individual has their own thing. I was never one of those kids who wanted to take apart motor cars or plan rocket trips to outer space. But I was fascinated by reading accounts of previous emperors and kings and human currents. It's just the way people are wired, I guess. I just found that what interested me really was the way the world worked. Our Indian newspapers in those days were sometimes just six-eight pages and yet I would devour them for news of you know, world affairs. I would know the names of Presidents and Prime Ministers of countries that nobody had heard of, around me. So, the thing with that is, it was a lifelong interest. I mean as a child, I had that interest, when I got to college I sustained that interest I did my Honours degree in History, I kept reading widely and beyond the course and then when I got to the Fletcher School of Law and Diplomacy, it kind of all concretized and then I eventually ended up working in that field itself.

But, I think one should allow children to develop their own intellectual interests. It may or may not be what you want them to do, and they themselves may later regret. I mean, there are children who say to their parents, "Why didn't you force me to do this? Look at the dead end job I'm in because I only studied English Honours or whatever". Ultimately, people have to make something of their own lives and we're all responsible for who we are and what sort of choices and inclinations we allowed to develop within ourselves.



I said to the government, "Some people think that you resign and you can brush the problem under the carpet; I don't want that; I resigned to give you all peace at this point because of all these charges, but I insist on the investigation, I insist on the inquiry, because I want my name to be cleared because I know I've not done anything wrong."

MAGAZINE COMMITTEE: Lastly, is there a message that you would like to convey to the students reading this interview, who look up to you as a source of inspiration, as they begin their respective journeys in the fields of their calling, hoping to leave their "smudgy fingerprints on the footnotes of the pages of history", as you once called it?

DR. SHASHI THAROOR: Well, I think the important thing is to realize that I think we all are on this planet for some purpose, not sure that any of us has really figured out what the purpose is, but one obvious purpose seems to be to make some difference for being here. If our coming and going leave no impact on anybody on the earth, then one will have to ask oneself, "Why does one bother?" And I'm not suggesting everybody can change the currents of the world but even if you can make a difference to family, to friends, to immediate people, if you can, by your own life, your own talents, your own spark, your own enthusiasm, your own efforts, change something for the better in the world around you and in the people around you, that's in and of itself, a worthwhile accomplishment. Secondly, the thing that I think young people have to tell themselves is the need to always give of themselves; give their best. Not everybody

has equal talents, equal abilities. Everyone has different skills. Simply, we are made differently. But each of us has the capacity to bring the best out of ourselves. My best may be different from your best and your best may be totally in a different league, but the fact is that at least you should know that whatever you have accomplished and not accomplished, you tried your best. The thing that I think is most unpardonable is people not making an effort either because things have come too easily to them (family, prosperity or whatever may often induce that) or because they don't believe enough in themselves and my answer is that

everyone should have some self-belief because there's not one human being on this planet who doesn't have some special talent or ability which, if they are willing to make the effort, will take them far. So my advice to young people is: give of yourselves, give your best; while you're still young, take a few risks; don't be afraid of failure. I've been there and done that and I think that we can always benefit from setbacks in life, God knows I've been through a few in the last few years and I'm convinced that there's something to be said for the American cliché

that you know, "the harder they fall, the higher they bounce". You really have to try and bounce back and make something of yourself. So, I guess those are three tips for what they are worth.

MAGAZINE COMMITTEE: Thank you, Sir. ■



Ms. Rajani Iyer Senior Advocate



A young lawyer on the first day in office, after being handed over some papers was instructed by the senior to attend the Chamber Court and seek an adjournment on behalf of the plaintiff. Accordingly, the young lawyer did apply for time.

The pleadings in the matter were found to be complete by the Chamber Judge. The matter was a summary suit. Very encouragingly, the Learned Judge ascertained whether the lawyer applying for time had read the papers. On learning that the lawyer had no idea of the case or the facts, the Judge started reading the plaint with the lawyer. Finding that in the exhibits annexed to the plaint, as also in the reply filed by the defendants, there was an admission of liability and no possible defense, the Judge enquired of the defendant's advocate, whether it was not a fit case for a decree on admission. On the defendant's lawyer fairly conceding that on merits there was nothing other than what was stated in the reply, the Learned Judge was pleased to pass a decree on admission, in favour of the plaintiff and not grant any adjournment!

The Judge then asked the young lawyer how long she had been in the profession. She answered with diffidence and joy, that it was her first day in the profession.

The Learned Judge is a sitting Judge of the Bombay High Court and the young lawyer today with pride can say that on her first day in the profession, she got a decree in favour of her clients, even while building on the confidence gained by her on account of the encouraging approach of the Learned Judge of the Bombay High Court.

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THE CAP THAT DOESN'T FIT

by Rubin Vakil, V-IV

Revolutions are inevitable in a geography as wide as India's, from Kashmir to Kanyakumari and Shillong to Mumbai. Raja Ram Mohun Roy and his contemporaries led the social revolution, Mahatma Gandhi led the political revolution, and Pandit Nehru led the constitutional revolution in modern India. Today, a man seeks to add his name among one of them.

Anna Hazare has come a long way from being a silent social worker to becoming a self-appointed revolutionary, taking upon himself the onus of transforming India. He dons headgear- the pure white Gandhian topi, a symbol of Gandhian faith and principles to fool people into believing that he is the true inheritor of that sacred legacy. Alas! He may have succeeded in fooling 5 lakh people, but not India, because India is not 5 lakh people but 121 crore Indians. The entire façade of the anti-corruption movement that has made headlines in the recent past, presents two aspects that need deeper and incisive analysis to bring out the true character of the man and the movement. The first one is "the Gandhian Irony" and the second one, "ill-legitimacy".

Hazare claims to put the academic philosophy of Gandhism into contemporary practice. The media hails him as the new Gandhi. His movement is described as the second Independence struggle. These are strong statements with severe consequences. It is therefore not out of place to pause for a moment and reflect. Hazare declares that he is against corruption and there is an urgent need to rid our society of this cancer. No person with a sane mind will disagree. Hazare further declares that the only way to shake the system out of its slumber is to turn to the Gandhian method of "Satyagraha".

Satyagraha means the insistence of truth. The philosophy as propounded by the Mahatma, views the ends and the means as inseparable. Therefore, anyone who propounds the use of Satyagraha, must adhere to this basic tenet. It is ironic that in the quest for freedom from corruption, Hazare lost sight of the means. The means used by Hazare's movement led to some disastrous consequences and have set precedents that will haunt the nation in the days ahead. The Constitution has been violated at will. The basic tenets of governance have been flouted. Never before in the history of independent India, have members of "civil society" (i.e. non-elected) been a part of the direct process of legislative drafting. Never has the Indian Parliament been subjected to and threatened with deadlines to perform its sovereign function-law-making. Never has someone said, "Pass this Bill or I will fast unto death." Hazare invokes the Mahatma by drawing links between his fast against the British Government and his own fast against a democratically elected Government of India. Where he fails is in the bare understanding of the simple fact that the former was against a foreign entity that was ruling over the masses against their will, whereas the latter is the ultimate representation of the sovereign will of the same people Hazare claims to represent.

"Ahimsa paramo-dharma". Non-violence is the ultimate religion. This is Gandhi. Mahatma Gandhi. Contrast it with Hazare, who when a politician was slapped by an individual at a function in Delhi, inquired tongue-in-cheek as to "Why the leader was slapped only once". Hazare has publicly declared that in his fiefdom of Ralegan Siddhi, he has established a practice of flogging those who consume alcohol. "Flogging" and



“Non-violence” are not quite compatible, are they? There is a fine line that separates Satyagraha from Duragraha. That line in this case has been blurred.

The second aspect that needs consideration is of “legitimacy” or rather, “ill-legitimacy”. Who is Anna Hazare? Who is Team Anna? One is a former Indian Police Service officer who has claimed fake reimbursements and claims that these monies are used to fund social activities. Another one, a former Indian Revenue Service officer, took leave to 'study' and never went back to the Services, and avoided payment of claims and taxes worth ₹ 9 lakh, till it was exposed in the media. Another man is notorious for his volley of Public Interest Litigations in the Supreme Court and for having alleged, without evidence, that more than half of the Chief Justices of India have been corrupt. Yet another one was a disastrous Minister of Law and Justice under the farce of the Janata Government. Of the 5 “non-executive” people who sat on the Joint Drafting Committee to draft the Lokpal Bill, none of them have ever contested an election. Who gives them the right to represent us, the people of this country? Why were

Aruna Roy or a host of other “civil society” activists not taken on board? There have been various groups working tirelessly, trying to draft and design a mechanism for eradication of corruption. Why were they left out of the process?

In a democracy, the true test of acceptability and legitimacy is an election. Scores of people attending rallies or filling the grounds, does not mean anything. Scores of people attend hundreds of political rallies. Does that make any politician acceptable unless elected through the ballot? No, it does not and it cannot. To determine the interests of this nation is a power that has been vested in the people of this country. The Preamble to the Constitution begins with the words, “WE, THE PEOPLE.” We exercise our collective will through our representatives in Parliament. If these representatives do not carry out their duties, we have the remedies. We do not need self-appointed representatives to dictate our collective will.

We, The People are the authors of our destiny. And that is the sacred law. ■

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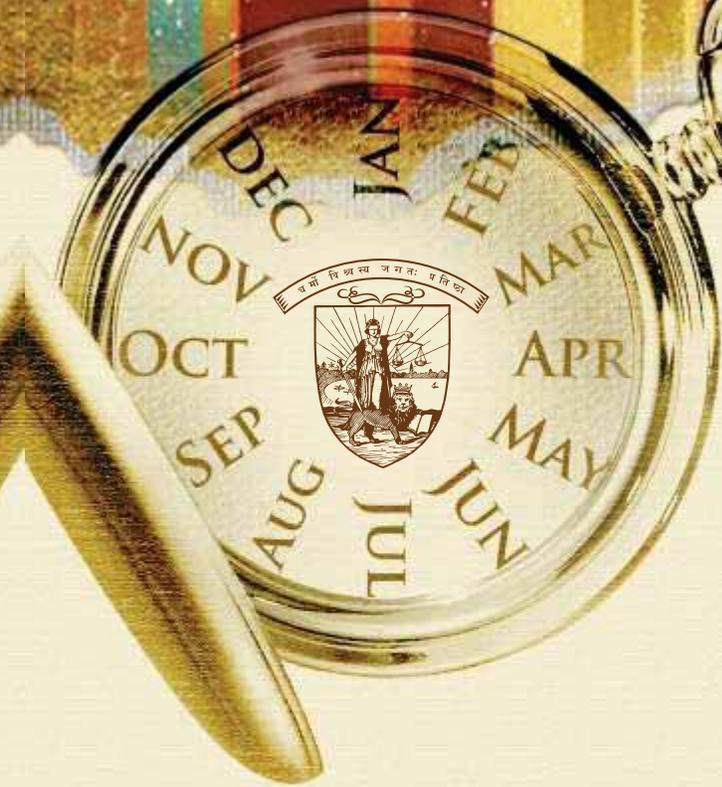
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A YEAR



MARCH 01, 2011



LEGAL AID

LEGAL AID QUIZ 2011

(L-R): Raunak Shah, Rubin Vakil, Raunak Kapoor, Prof. Ms. S. H. Chuganee, Prof. Mr. K. Daswani.

AUGUST 29 & 30, 2011



MOOT COURT ASSOCIATION

FRESHERS' MOOT COURT COMPETITION

(L-R): Harsheen Madan, Utkarsh Shrivastav, Gaurav Das Gupta.

SEPTEMBER 22, 2011



PLACEMENT COMMITTEE

PRE-PLACEMENT TALK

Mr. Cyril Shroff, Managing Partner, Amarchand & Mangaldas & Suresh & Shroff & Co.

SEPTEMBER 23, 2011



ALUMNI ASSOCIATION

GUEST LECTURE

(L-R): Hon'ble Mr. Justice A. S. Oka, Garema Srivastav.

SEPTEMBER 24, 2011



MARATHI MANDAL

INAUGURATION OF THE MARATHI MANDAL

(L-R): Mr. Sachin Patil, Prof. Mr. Panchbhai, Mrs. M. Molawane, Mr. Nandgaonkar.

IN GLC

SEPTEMBER 26-30, 2011

ROTRACT CLUB



THE CHARITY SALE

OCTOBER 13-15, 2011

MOOT COURT ASSOCIATION



8TH NANI PALKHIVALA MEMORIAL GLC NATIONAL TAX MOOT COURT COMPETITION

(L-R): Hon'ble Mr. Justice D. Y. Chandruchud, Hon'ble Mr. Justice Mohit S. Shah (Chief Justice, Bombay High Court), Hon'ble Mr. Justice R. M. Sawant.

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TEACH FOR INDIA



JANUARY 14-15, 2012

MOOT COURT ASSOCIATION



M. C. CHAGLA MEMORIAL GLC NATIONAL MOOT COURT COMPETITION

(L-R): Hon'ble Mr. Justice J. H. Bhatia, Hon'ble Mr. Justice R. C. Chavan.

NOVEMBER 19, 2011



FELICITATION CEREMONY

Aditi Sinha receiving felicitation certificate for securing 1st Rank in Fifth Year LLB Examinations held in April 2011 from Dr. Ranjan M. Welukar, Hon'ble Vice-Chancellor, University of Mumbai.

-An encroachment on personal liberty or a guarantee of personal liberty?

by Shivane Srivastava, V-II

The Armed Forces Special Powers Act, 1958 (AFSPA) is inarguably one of the most controversial laws in force in our country. Condemned by many, nationally and internationally, the AFSPA is also seen as an archaic and draconian law, violating human rights. But the polarized debate on revoking the Act would be incomplete without seeing the issue in a broader perspective.

A swamp of violence has engulfed Kashmir for decades, especially in the context of its foreign boundaries. Militant activity, fuelled by arms and training from Pakistan, has plagued the Valley since the 1980s. Great outbursts of violence, communal killings and militant activities rendered the civil administration helpless, and the AFSPA was extended to Jammu and Kashmir in 1990, when it came to be declared as a "disturbed area" under Section 2 of the Act.

The AFSPA draws flak as it grants the Army the unconditional power to shoot or even kill persons on mere suspicion. No arrest or search warrant is required by the Army to carry out its duty.

At first glance, the AFSPA seems inhuman, undemocratic and tyrannical, granting a "license to kill" to the men in uniform. It can be seen in contradiction to the Fundamental Rights guaranteed by the Constitution, and various international norms.

However, the fact remains that the Act is the reason Kashmir is steadily moving towards stability. Kashmir extends far beyond Srinagar, to isolated villages and desolate valleys. It is highly myopic to expect the Army to approach a magistrate every time it requires a search warrant or an arrest warrant. Even the slightest delay leads to an impending loss of lives of both citizens and soldiers.

The AFSPA will soon embark on its 22nd year in Jammu and Kashmir, with a much lesser rate of violence than before. However, it is as plain as the nose on one's face that this is only due to the diligent efforts of the Army and certainly not because of a change in Pakistan's ideology towards its proxy war with India. Militant training camps continue to be well funded and well organized. To quell disturbances,

the army requires a free reign. It is also self evident that if the Kashmir crisis could have been dealt with under regular laws, the Army would not have been called in at all. The AFSPA gives soldiers the much-needed operational flexibility they require.

If the Armed Forces were made liable for their official actions under prevailing civil laws and civil courts, there could be a flood of false charges and frivolous complaints against them. However, if any officer misuses his powers, proceedings can be initiated against him in military courts. To brand the entire Army Force deployed in Kashmir on the basis of individualistic crimes, would indeed be a great disservice to them.



Mr. Omar Abdullah may claim that normalcy has been restored in certain areas of Kashmir, but one outwardly tranquil summer does not guarantee the return of peace to the Valley. If intelligence inputs and internal assessment by various agencies are to be believed, 34 out of 43 training camps are still active; there are approximately 2000-2500 terrorists in these camps, out of which 700-800 of them are poised to infiltrate. There have been 35 attempts by 230 terrorists to infiltrate, out of which 54 terrorists were successful. Under

these stressful circumstances, it would be a premature action to repeal the Act.

The whole controversy of the AFSPA lies in the argument of non-negotiability of a person's right to life and liberty. But I believe that expecting the soldiers to defend the State without these safeguards is akin to sending them into battle with their hands tied. Enormous responsibility must be complemented with expansive powers. It is incredulous that we expect the Army to handle militants on the defense and the offense, while offering them hardly any protection for the actions done in their line of duty. I ask myself, does the life of a soldier come so cheap? Critics of the Act are quick to direct fire at Army officials, accusing them of garnering power. This appears to me as an absurd charge, as it is highly improbable that the Army has an ulterior motive behind staying the Act. Neither the Indian Government nor the Armed Forces have any interest in perpetuating the AFSPA. It is in the interest of



democratic India that the region becomes peaceful and all anti-national elements get obliterated. The over-stretched Armed Forces are acting in national interest and certainly want peace and normalcy to return to Jammu and Kashmir. Therefore, the perception that it is the Armed Forces that push the Government to continue with the Act is fallacious. Those who argue against the military's unbridled use of power need to appreciate that the Indian Armed Forces work under a democratic set-up—they are in the region only to fulfill the establishment's mandate. The Indian military does not have any vested interests in the region; they have no fiefdom to protect. However, if the Armed Forces advise the Government on the feasibility of extending the AFSPA, it is purely on professional grounds. If some special powers are required to meet the challenges in the region, it is purely based on military necessity and not on the Indian military leadership's penchant to retain control. Working at the ground level, it is incontestable that they have a better insight into infiltration in Kashmir. They are bound by the defense protocol, and such sensitive information, naturally, cannot be relayed for public scrutiny.

Under Article 355 of the Constitution, the AFSPA enables the Government to protect its states from "external aggression and internal disturbances". The Delhi High Court has reiterated the constitutional validity of AFSPA in *Indrajit Barua v State of Assam* and has stated, "If to save hundred lives one life is put in peril or if a law ensures and protects the greater social interest then such law will be a wholesome and beneficial law although it may infringe the liberty of some individuals." Specifically in *Masooda Parveen v Union of India*, the Supreme Court rejected the petitioner's argument, which was that the AFSPA was unconstitutional because it transferred full power to the armed forces to maintain public order in a disturbed area.

The proposition by Mr. Omar Abdullah to repeal the AFSPA in certain "safe" areas of Kashmir is so full of gaping holes, that indeed, to pass such an ordinance would be a naïve decision. An impression is being created that human rights violations will cease to exist once the AFSPA is revoked. Human rights violations in Kashmir haven't been a result of any law, they happened because no laws were followed. The Imphal disaster is proof of this and is a

situation powerful enough to silence even the hardest critics of the Act. The law and order situation in Manipur deteriorated to astonishing levels after the Act was repealed. It is therefore a matter of no surprise that these "safe" areas will be prone to turn into "safe" havens for militants. Is

it wise to keep repeating the same mistake, and expect a different result?

In a recent Unified Headquarters meeting, the Indian Army's top commander in Kashmir has reportedly said that India "could be compelled to grant the state independence by 2016 if the Government plans to lift the controversial Armed Forces Special Powers Act from some areas". It is foolhardy to assume that India would compromise on the issue of secession of its States. Kashmir, as well as the northeastern states, are crucial to India, and it is the basic structure of our Preamble to promote the unity and integrity of the country.

Our border situation is so delicate, that even the slightest negligence can put past efforts to ruin. Terrorists are being trained to wreak havoc in Kashmir as this article is being read. Mr. Omar Abdullah has refused to take no for an answer, but is he the authority to revoke the Act? The revocation would require a nod from the Governor, Central Government, Council of Ministers, Parliament and would have to be in chorus with the views of the security command. Sovereign issues of a nation are paramount and cannot be made a topic for partisan politics. Mr. Omar Abdullah has also indicated that AFSPA could always be re-imposed if the security situation deteriorated. This shows the injudicious perspective of the situation. Not only does it undervalue the sacrifice and contribution of the Army, it also trivialises loss of lives with its experimental attitude. If the Act was repealed, the situation in Kashmir would be bound to worsen. If then the Army was recalled to reinstate peace, restoration would be at a prohibitively high cost and manpower intensive.

At the risk of sounding clichéd, some actions are indeed for the greater good. The AFSPA is one of them. It has unfortunately become a necessary evil for the stability of Kashmir.

The AFSPA will one day fade away and it is of immense importance that it dies a natural death. An abrupt halt to the law will not only lead to further peace and security issues in conflicted areas but it will also undo the brilliant and selfless efforts taken by our Army over the past two decades. ■



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AFTER GLC...

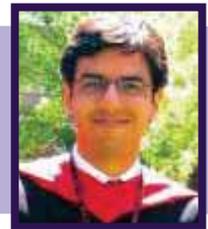
After GLC is a section which sees ex-students of Government Law College, who have managed to carve a niche for themselves in the ultimate field of their choice, be it law or otherwise, writing briefly about their experiences in the world outside of GLC and their journey after graduation from GLC to their current positions.

The section often proves to be an inspiration for students of the institution who aspire to the same level of achievement and a source of pride for the faculty and administration of the college. This year's section explores the journeys of

two ex-students, Abhinav Chandrachud and Scherezade Shroff, one of whom pursued an LL.M degree at Harvard Law School and is currently a research fellow at Stanford Law School while the other branched out into the field of modelling. They relate their course to where they are today and explain how GLC formed the cornerstone of their success.

Discard The Metaphor

by Abhinav Chandrachud



"Success is the ability to move from one failure to the next without losing your enthusiasm"- Winston Churchill

After graduating from Harvard Law School's LL.M program in June 2009, I flew back home that summer for a break. Just as our car was leaving the bustling airport's parking lot, a police officer stopped us, and asked whose car we were in. I inquired what the matter was.

"Your headlights are illegal," the officer said, with a frown on his face. "It is not complying with specification..."

After spending close to a day in uncomfortable airline seats, and several sleep-deprived hours at Heathrow, all I wanted to do was go home.

"The headlights can't be illegal, sir," I replied, in Marathi, "I'm a lawyer, and I'm familiar with the law here."

The officer was unimpressed. He glanced at my plump suitcases in the backseat, and replied, "You may be lawyer in America, but you don't know laws here."

"But sir," I quickly responded, "I'm an advocate in India- in fact, I studied at the Government Law College right here, in Mumbai..."

The officer stared at me for a second, asked me what kind of law I practiced, glanced at the headlights, and said, "Okay, you can go".

Incredibly, despite having studied at the formidable Harvard Law School (turning down an offer at Oxford University and the Commonwealth Scholarship in the

bargain), it was my very own GLC that came to my rescue and saved me a lot of unnecessary trouble that evening. That night, I couldn't help but think that my experience with the police officer was the quintessential GLC experience- I owed my college a debt of gratitude not merely for some of its professors who encouraged us to think critically, or for the friendships that have endured all this while, but unwittingly, for the hurdles the college threw before us that taught us how to circumnavigate seemingly immovable obstacles.

In my first week of class at GLC, one of our prominent seniors came to our classroom and told us that our five years in law college would be like a "buffet lunch" - that it was up to us to decide what we wanted to pursue. Implicit in this analogy was the idea that we all have limited appetites: our stomachs can digest only so much food, and so we have to choose our dishes and proportions wisely. "Butter or guns?" translated in the "buffet lunch" argument to "Moot courts or research papers?". But my experience as a student at GLC uncovered a flaw in the metaphor: the "buffet lunch" argument assumes that food at the buffet is readily available for you to drop into your plate, but the GLC experience was not always so: adopting the language of the metaphor, the kitchen may not prepare the dishes you want, or worse, you may not have enough money to enter the restaurant. The five years at GLC were often not about seizing opportunities like food in a buffet, but rather about seeking them out. As GLC students we

tend to encounter setbacks at times, often unfairly - whether it is the resources we lack, the apathy we face, or the secondary status we are relegated to for belonging to a dying breed of law colleges and not to one of the premier national law schools of India. Success is about overcoming the obstacles, standing up after having fallen down, dusting ourselves off, and moving from one failure to the next without loss of enthusiasm.

Failure came quickly at GLC, but you had to learn to own failure in order to overcome it. In the second semester of my first year, I scored an unusually low percentage in Economics- despite having topped the subject a year ago in high school. This almost cost me my first class honors that year. The thought that a "second class" in Economics would permanently fester in my grade transcript was depressing. But in the coming years, I worked hard at the art of navigating a Mumbai University exam: this meant weathering uncertainties like not getting the question paper on time, sending papers for reevaluation to address poor corrections, and looking through students at the exam hall who tried to get your attention to cheat off your exam paper. A good academic score was considered by some of my classmates to be pointless- "What difference does it make how many marks you get?" they would ask, "so long as you know how to draft a writ". Well, it doesn't make a difference, unless, that is, you want to get a scholarship for a

college, or a job, abroad. If any of these is your goal, then bad marks at GLC could cost you between \$72,000 for an LL.M, and \$160,000 as your starting salary.

We lacked resources at GLC, but we learned how to get by without them, and if we were called "street smart" it was because we tried to achieve outcomes against the odds. I won the best speaker award at the D. M. Harish (back then, national) moot court competition in my first year in law college. Then, thanks to my enterprising seniors, I participated in an international arbitration moot in my second year. We did not have the money to go abroad (to use the "buffet lunch" metaphor- the money to enter the restaurant), and during the contest we survived only on théplas and goolpolis from home. We were perhaps the first GLC team to participate in that contest in several years, but we lacked resources. Jstor, Heinonline, Westlaw and Lexis were unheard of. Niche foreign law reports were unthinkable. An ancient version of Russell on Arbitration lay locked in the library -it had last been checked out in 1978, and was perhaps very valuable for historical research, but not the best tool for a contemporary arbitration contest. An associate at a law firm gave us access to his firm's foreign law reports- but when we tried to get some cases photocopied for our compilation, a partner at the firm yelled at us as though we were petty thieves, in the firm's lobby. We did not feel hurt or humiliated- instead, we considered this valuable training for later on- being a junior lawyer in India, you have to get accustomed to being yelled at, or so our seniors would tell us. We took ownership of our resource problem at GLC and persevered in getting photocopies of those cases from another law firm.

In my second year at GLC, I spent the entire summer vacation in the dusty annex library using a primitive research technique: physically going through the indices of every single copy of the Harvard Law Review and other international journals to see if I could find any materials on privacy law, without the luxury of a functional ceiling fan. Although we lacked access to sophisticated electronic search engines like Jstor, this empirical method of seeking out law review articles proved immensely helpful: I found articles that I would never have even thought to look for in an electronic search. The paper I finally wrote that year was published in SCC's journal section. A few months later, I received a letter from a retired Supreme Court judge by email, congratulating me for writing the article - an indication that perhaps even ordinary resources can yield extraordinary results.

My interest in constitutional law made me gravitate towards trying to clerk with a judge of the Supreme Court of India. However, this was problematic, because



Abhinav mooting at GLC

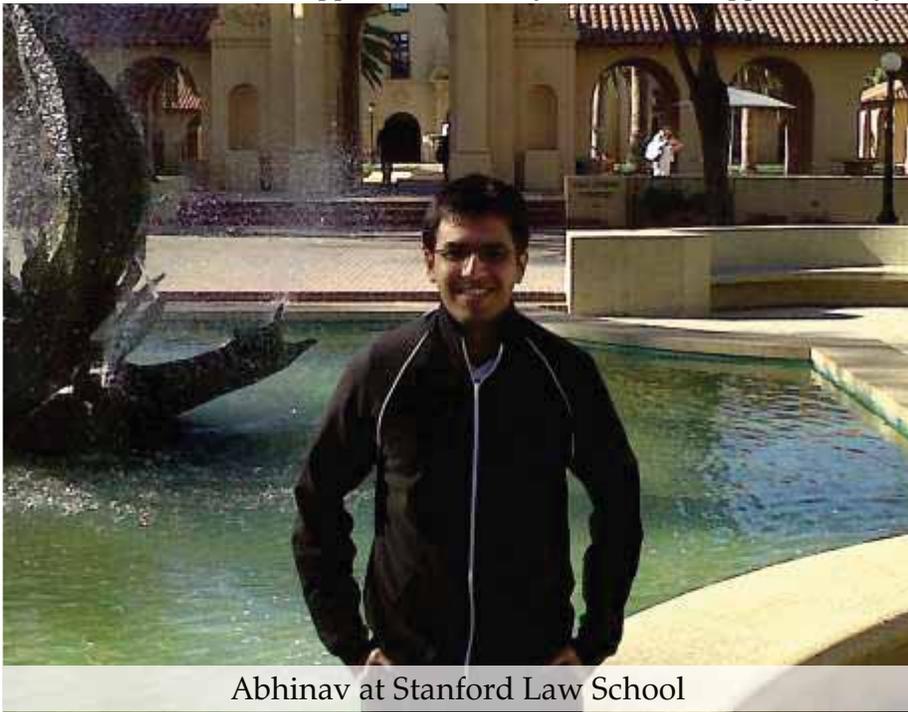
GLC was not recognized by the court at the time. I wrote to the court's registry requesting a position as a trainee law clerk with the Chief Justice of India in my third year. My application was rejected. I tried again the next year, perhaps coming across as a fool who didn't know when to give up. It worked. I secured a position for two months with the Chief Justice. At the time, a clerkship at the Supreme Court was not a part of the "buffet lunch": success was about being persistent with the kitchen.

In July 2007, I lost my mother to a decade-long battle with cancer, an experience in life that cannot be set out in a personal statement or a scholarship interview. At the time, the application deadline for Harvard was only a few months away. To my mind, not a single student of GLC's five year law program had been admitted to Harvard Law School since its inception. During my five years at GLC, not a single senior of mine had got into Harvard—there was nobody to consult. It's time we discarded that old metaphor—life in GLC was no breezy buffet lunch—it was a tail-ender's slog at the death of an innings.

The following year, in the second week of March, I received an email from a certain Sarine der Kaloustian at Harvard Law School. They had admitted me to their LL.M program. At Harvard, I divided my credits between Corporate Law (Fall) and Comparative Constitutional Law (Spring), writing a long paper on comparative substantive due process. One of my professors there, Sandile Ngcobo, went on to become Chief Justice of the Constitutional Court of South Africa, and talking to him about socio-economic rights was immensely satisfying. The classes were profoundly interesting, although the "Socratic method" (where professors randomly called on you in class) was challenging. You were expected to read hundreds of pages before each class in advance, and to dedicate yourself to the question of not what

the law is or what the readings say, but what the law should be, or why the readings are flawed. I felt that the LL.M supplemented my doctrinal training at GLC well. Harvard has accepted at least one GLC student every year starting with my year, so far.

After graduating Harvard, I passed the New York State Bar Examination, and went to work for an international law firm in Los Angeles, where, as an associate attorney in the firm's corporate department, I worked on cross-border M&A transactions, spending close to ten months in the firm's Singapore office. In your law firm applications, your grades were the



Abhinav at Stanford Law School

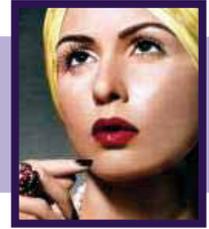
single most important criterion used to measure your suitability, and during an interview the most important question you were asked was: "what questions do you have about our firm"—something we are not culturally accustomed to in India (where, to ask a law firm partner a question during an interview, or to acknowledge that you're

interviewing elsewhere, is uncommon).

Today, I am a research fellow in Stanford Law School's program in international legal studies, five hours further away from Mumbai than I was at Harvard. My research here entails an empirical investigation of the composition of the Supreme Court of India, using quantitative and qualitative social science research techniques as a supplement to doctrinal and theoretical analyses. However, no matter how far away I am from home, at Harvard Square or Tressider Union, I can never quite forget that old unusual shade of pink in Churchgate where my fascination with the law first began: my college, which not merely trained me for Harvard and Stanford, but more importantly—gave me the opportunity to spend precious time with my mother during her last five years; and where, one sunny day in September, somewhere

AFTER GLC...

by Scherezade Shroff

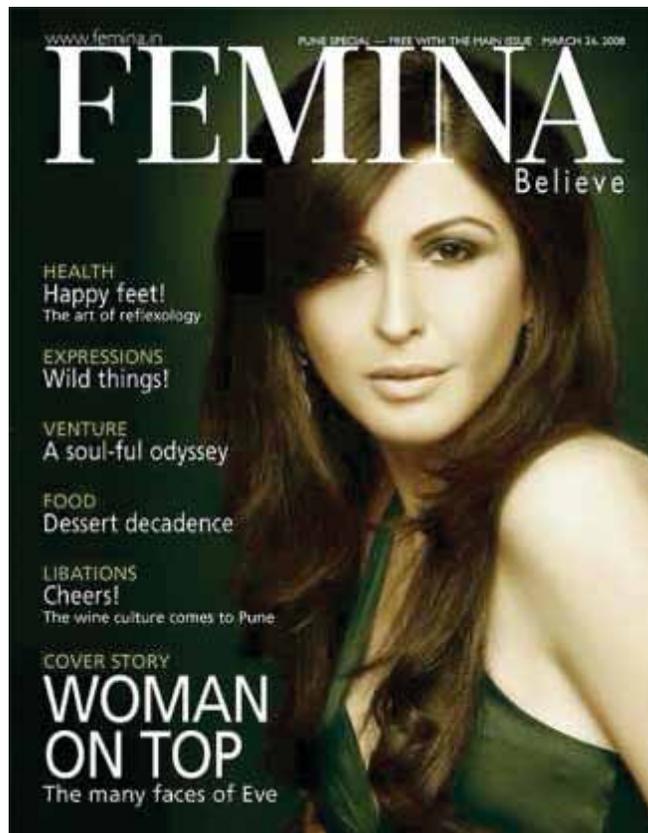


Looking back at my life in GLC evokes many nostalgic memories. It has been five years since I entered the institute, two years since I passed out and a year since I gave my Bar exam, all of this, without interning or working in a law firm. After finishing my law, I decided not to use my degree at a professional level, and instead I chose to chase my dream of becoming a well-established model. Today, after 10 years of modeling, I am now living my cherished dream.

My decision to study law after completing a B.A. in Political Science raised several questions, primarily because I had no legal background, but I did have a keen interest and desire to learn law. My decision to spend three years at GLC and to not stop at a plain Arts degree required a lot of patience, and I am exceedingly glad that I saw it through. What had initially started off as a whim and back-up plan has now culminated into the knowledge that I can always fall back on the option of working as a lawyer.

In the beginning of my first year, I was afraid I would have to give up modeling because GLC seemed very intense, but life seemed to sort itself out. I got myself involved in various college committees and soon realized that with a bit of multi-tasking, GLC was no different than my prior college life at Jai Hind.

As I mentioned before, modeling has always been my first love; and I started working towards my dream from the age of 17. As soon as my braces came off, I shot a portfolio, signed up with an agency and started my journey towards a brilliant career as a model. Earlier, during college, I used to keep myself very busy, with hardly any free time. Now, with modeling I find plenty of leisure time, travel on paid holidays and balance my schedule as my work extends to only about five days a month.



One thing I love about the path I have chosen is that I've had the opportunity to try my hand at almost everything, and I love doing something different everyday. For instance, on one day you would find me doing a show and on the next day, probably a shoot for a magazine cover, or a commercial! Some of the diverse projects that I have taken up include featuring in the video of the song 'Right Here Right Now' that was shot for the movie 'Bluffmaster'. I have been the brand ambassador of

Casino watches in India, walked for several fashion shows for 'Fashion Week', and I have also featured on the cover of magazines like 'Vogue', and print work for Westside, Nokia and Dabur, to name a few.

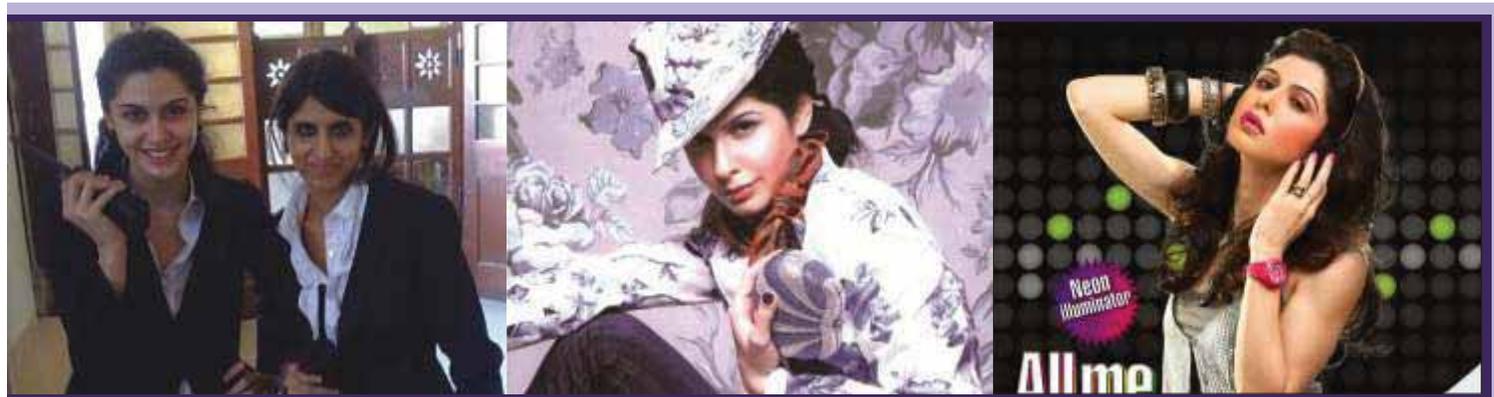
In my opinion, fashion shows are the best bet as they last for a brief 15-30 minutes, for which I need to rehearse just once or twice, although it does require the talent of changing more than one outfit at breakneck speed! On stage, the whole show looks controlled, prim and proper, but there is certainly a lot more that goes into it. There's constant backstage drama involving models running in every direction, with people pulling their clothes off and helping them change. In the midst of all that, we try going through our cue sheet and memorising the choreography! After exploring an array of genres, I've grown to prefer print work over shows and commercials because I find it tremendously exciting to shoot a cover page. I still feel ecstatic when I walk into a bookstore and find myself on the cover of a magazine. Money does indeed play an important role and hence I'm always willing and happy to find new work. I believe I'm very versatile, so I wouldn't want to restrict myself to one particular medium. Instead, I believe in trying out new things to keep up with the pace and monotony of my line of work.

experience. For me, self-confidence is the key to surviving in this field, and I find the world of modeling far more competitive than any other, law included!

Law and modeling are, as a matter of fact, poles apart. The latter is absolutely unlike what I do all day long. There never really is any common ground between them except that I read my own contracts, and help others proofread theirs. In fact, my family loves to approach me with various documents, that I help them to check.

The contrast between my career and my education has given me a different outlook on life and has helped me sustain and enjoy my modeling career. There were times when I would be working during my law exams but I learnt to manage and balance it all. I always avoided telling my peers at GLC about my career, as I felt it would garner unnecessary attention. In that sense, my previous college, Jai Hind was a different ball game altogether. Even now, I enjoy going back to help the young students organize their fashion shows, and sometimes even judge their competitions.

GLC has always been divided into two groups. While some enthusiastically begin their internships from the very start, the rest take it easy and participate in college activities. I was part of the latter group, and truly believe



I am usually faced with questions about the darker side to modeling, and I do agree that the field in itself has a lot of pressure as it entirely depends on how one looks - particularly being thin! I am very fortunate to have started out really young, with the protection and support of my parents and plenty of guidance from my elder sister, who is also a model. It is not unheard of to be rejected for a job because they don't like your nose or teeth, and in my case, my height! But I prefer to take such comments with a pinch of salt, move on and not get bothered or discouraged by things that I cannot change. I can safely say that despite the cut-throat competition in my profession, I've never had a shattering

that one's college life is to be treasured. I still fondly remember my religious involvement in the Moot Court Association, Ad-hoc Students' Council, the Alumni Association and the Delhi Study Tour (DST), all of which benefitted me immensely. We often had great legal luminaries come to college and guide us on different aspects of law.

Fun, exciting and challenging, GLC prepares you for any kind of job, be it organizing, oration, drafting, marketing, research, leadership and a lot more! All in all, my experience at GLC was an extremely enriching and unforgettable one. ■

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The Bombay,
Calcutta &
Madras

High Courts:

150 years

of History

in Justice

Bombay



Calcutta



Madras





History of the High Courts

Principles of justice in its most basic form have existed since time immemorial. In India, the system of executing law has evolved over the centuries, from the Vedic and Muslim period, to the prevailing system of constitutional law.

The foundation of our present-day law undoubtedly lies in the strong bedrock of English jurisprudence. The British came to India in the 15th century, but their formal hold over the country was proclaimed only in 1858, under the Government of India Act.

During this time, India loosened herself from the shackles of Mughal rule, and in the course of time, English law was given preference over Muslim and Hindu law, by the British rulers.

The evolution of the Courts of Justice into the High Courts of today was a long-drawn-out process spanning centuries of reorganization, rearrangement and reworking.

Many regard the setting up of the Mayor's Courts under the Crown's Charter in 1726, as one of the most significant steps in attempting to introduce reforms in the judicial administration. However an imbroglio existed between the Company's Court and Mayor's Courts, and the Supreme Court of Calcutta was established in 1774. Despite the many initiatives taken to control the chaos between the Company and the Crown's Courts, the dual judicial system could not arrive at a settlement regarding the jurisdiction, procedure and law to be used.

It was against this disorderly backdrop, that the British Parliament passed the Indian High Courts Act, 1861. The elemental end of this Act was to abolish the Supreme Court and Sadar Adalats, and pave the way for a more unified and methodical judicial system. In their place, the Act authorised the British Crown to establish High Courts in all three Presidency towns of Madras, Bombay and Calcutta. It sought to create a single, superior tribunal to exercise both Original and Appellate Jurisdiction over the persons inhabiting the Presidency towns, and Appellate Jurisdiction over persons inhabiting the Mofussil areas under the Presidency towns.

The Madras High Court was initiated by Letters Patent granted by Her Majesty Queen Victoria, bearing the date 26th June, 1862 and was inaugurated on 15th August, 1862. It is now the highest Court of Appeal in the State of Tamil Nadu.

Under the same Act, the Bombay High Court was established by Her Majesty's Letters Patent. The Charter of the High Court of Bombay was issued on 26th June, 1862 and was inaugurated on August 14th of the same year.

The High Court at Calcutta, formerly known as the High Court of Judicature at Fort William, was brought into existence by the Letters Patent dated 14th May, 1862, issued under the High Courts Act, 1861, which provided that the jurisdiction and powers of the High Court were to be defined by Letters Patent. The High Court of Judicature at Fort William was formally opened on 1st July, 1862.

The buildings of the Bombay, Calcutta and Madras High Courts itself evoke considerable admiration. But even more importantly, it is the institution, which was first under the ascendancy of the British and now enjoys independent judicial power, having traversed through the 19th and 20th centuries and into the 21st century, which has earned an enviable reputation in India for justice meted out impartially to petitioners. The credit for this is largely due to the eminent caliber of those who have served the cause of justice, from judges, lawyers, and solicitors, to the Officers of the Courts. Over the years, the three oldest High Courts have produced many Chief Justices of India, innumerable judges of the Supreme Court, Attorney Generals and Solicitor Generals and men of public life, as well as scholars and legal legends of national and also international renown—reason enough for the buildings to celebrate their 150th anniversary in a grand manner.

"To none shall we deny justice

To none shall we delay justice

To none shall we sell justice"

The 'Magna Carta', in which these words are found, was repealed by an official Act of Parliament. However, in the words of Justice K. Chandru of the Madras High Court, "It must reverberate in our zeal for justice and must not be forgotten in the year-long festivities to celebrate the High Court's 150th year."

Letters Patent

Victoria by the Grace of God

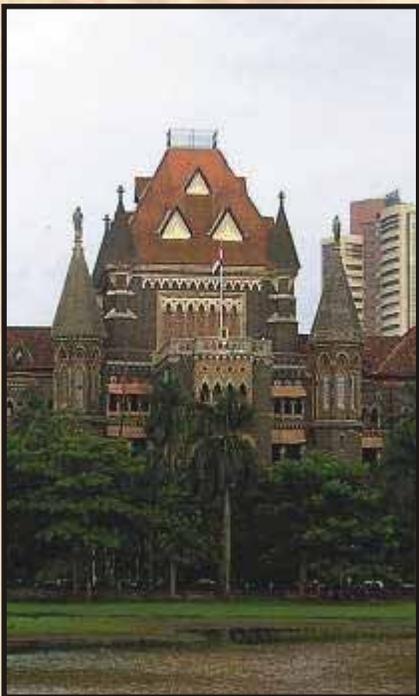
Architecture

The **Bombay High Court** building is located in the Fort area of Mumbai and is part of the crucial ensemble of the neo-Gothic buildings lining the Oval Maidan. It is listed as a Grade II-A heritage building by the Government of Maharashtra. The work on the present building of the High Court was commenced in April 1871 and completed in November 1878. The building was designed by Lieutenant-Colonel John A. Fuller. The massive central tower (178.5 feet in height), the turrets and the Blue Basalt used in the facing, give the structure an appearance of a medieval palace.

Round towers flank the extreme ends of the building, punctuated by arches and columns which support the verandahs and corridors that run the complete length of each floor. These were so constructed so as to provide ample ventilation. The mullioned windows with diamond-paved casements reflect and glitter in the sunlight, making the structure look striking. The main entrance has two life size statues, one of the blindfolded Goddess of Justice and the other of the Goddess of Mercy. In the entire building, except for the statues of mercy and justice, there are only two other women depicted in stone. These are in the form of bas-relief busts, wearing saris and jewellery, facing each other on the second floor.

The judges have two private staircases on the western side of the building in the Octagon tower on either side of the porch. The main staircase and entrance for the general public are on the east. The spiral staircase in the turrets at the corners of the gable roof connect the main courtroom to the central file store to allow for the movement of important files between the two without being exposed to the public circulation system.

Some unobserved architectural features of the present building consist of certain sculptures in odd nooks and corners of the walls and ceiling on the western corridor, which display sundry heads of wolves and foxes with counsels' bands round their necks. An outstanding performance of a sculptor is on the first and second floor, depicting a monkey-judge (presumably suggested by Aesop's fable of the judicial monkey and the two litigious cats) with one eye bandaged and holding unevenly the scales of justice.

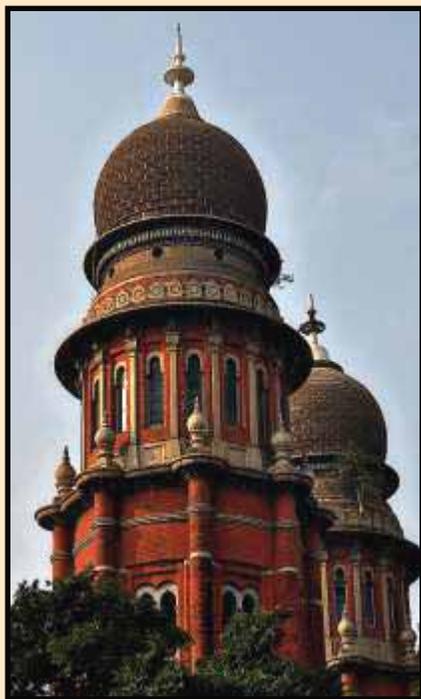
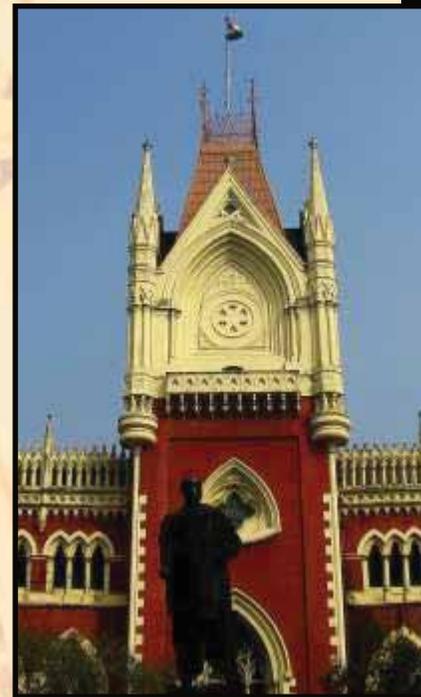


Amidst the busy and crowded streets of Kolkata, the huge building of the **Calcutta High Court** stands tall with its over imposing structure. Although the 180-foot-tall central tower of the Calcutta High Court is 15 feet higher than the Ochterlony Monument or Shahid Minar in the Maidan, it does not look lofty because of the massive bulk of the building. The High Court building occupies the side of the old Supreme Court House, in addition to the sides of the three other Houses of Longueville Clerk, William Macpherson and Sir William Colville. The foundation stone of the building of the Calcutta High Court was laid in 1864 and completed in May 1872.

The High Court building was designed by Mr. Walter Granville, Government Architect, on the model of the 'Stadt-Haus' or Cloth Hall at Ypres in Belgium. History has it that the architectural drawings and blue prints of the Calcutta High Court Building had to be consulted when Stadt Haus had to be rebuilt after it was burnt down after World War II. Built in the neo-Gothic style it has a magnificent row of columns facing the Maidan. Its capitals are exquisitely carved from Caen stone in a manner evocative of medieval churches in Europe. Beautifully cultured, each one of these columns is of a different design. The lower story of the south front has a grand colonnade.

The centenary building of the High Court was inaugurated on 2nd April, 1977. The High Court buildings and the Metropolitan Buildings are considered to be the heritage buildings of the city.

The Court has two other buildings apart from the one set up in 1872, with the latest yet to be unveiled soon. Renovation of the Calcutta High Court building will start soon, with the Centre releasing ₹19.70 crore for the project. The overhaul will coincide with preparations for the 150th anniversary celebrations of the High Court, to be held in 2012. Further to this, the Union Government has, under the Centrally Sponsored Scheme, released a sum of ₹ 425.26 lakh to the West Bengal Government for developing infrastructural facilities for the judiciary.



The **Madras High Court** was formed by merging together the Supreme Court of Judicature at Madras, and the Sadar Diwani Adalat. The building of the Madras High Court, an exquisite example of Indo-Saracenic style of architecture, was established on June 26, 1892 with the design prepared by J.W. Brassington, under the guidance of the famed architect Henry Irwin. The building took 4 years to construct and finish. The original estimate of the cost was ₹ 9,45,000 and the final cost was ₹ 12,98,163. The Madras High Court building was acknowledged in all aspects as the finest High Court building in the whole of India. The compound of the High Court housed a light house which was being used to warn and guide the ships, but is not in use anymore.

There are several matters of architectural interest in the High Court. Red sand stone construction, ornamental decorations on the walls, stained glass windows and minarets add beauty to this building. The compound has a pyramid-shaped tomb, which belongs to the only son of Elihu Yale (the President of Madras), who died in infancy. A fine example is Courtroom No. 13, which has stained glass, fretted wood work, carved furniture, silvered panels and a painted ceiling. The complex houses the largest number of courts in Asia, which include the High Court, the Small Cause's Court and the City Civil Court.

The High Court building was damaged in the shelling of Madras by S.M.S. Emden on 22nd September 1914, at the beginning of the First World War. It remains one of the very few Indian buildings to have been damaged by a German attack. It is of interest to note that the very first case reported in the Madras High Court Reports Vol.1 was argued by a great personality, John D. Mayne, whose book on Hindu Law is still an authority on the subject.

Undoubtedly, the Madras High Court is a first in many respects. In addition to the above, it is the first High Court whose judges have declared their assets and put it up on the official website. The judges have also adopted the "statement of values" evolved by the Supreme Court (1997).

THE STAMPS COMMEMORATING 100 YEARS OF THE BOMBAY, CALCUTTA AND MADRAS HIGH COURTS:



Reminiscences...

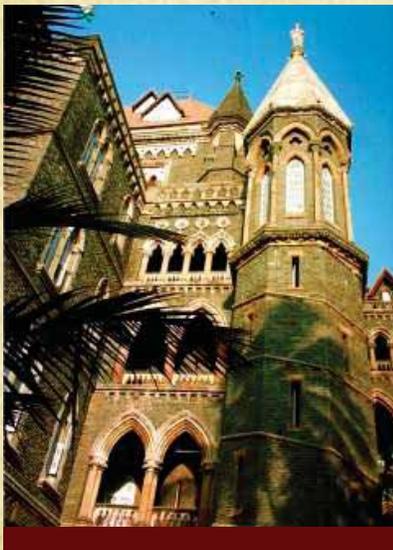


MEMORIES OF EARLY DAYS

by Mr. Goolam E. Vahanvati,
Attorney General for India

When the new High Court Building was inaugurated in November 1878 there was space all around. There was no Annexe Building. The huge buildings which presently house three leading banks were not there. There was expanse, openness and space. The nearest building was what was called the Bombay Club, where English Barristers used to go for lunch. Life moved at a leisurely pace. There was a grand entrance with a beautiful lawn laid out and litigants and members of the legal profession came to the Court in splendid horse carriages and even dog drawn carriages. We are told that some English solicitors were carried from Meadows Street to the Court in palanquins!

Things had already started changing when I joined the Bar in July 1972. The pressures of space had begun. The problem of parking had started raising its head. Nevertheless, cars could be parked in the High Court. There was a certain amount of discipline with regard to the manner in which cars were parked. You needed a permit. At that time, the first person to reach the High Court and park his car in the High Court compound was Mr Jashwant Thacker, Senior Partner of Mulla & Mulla. He used to park his vintage Studebaker at a particular place outside what is now Court Room No.6. What a lovely car it was! He would come promptly at 9:10. You could set your watch to his timing. He said he enjoyed spending the next hour in the solitude of his chamber, catching up on his reading, including the newspapers. I normally followed five minutes later at 9:15 and took the place next to him. This went on for several years. We used to be the last to leave.



I had no chamber to go to. In fact, after the sudden death of my father in May 1975, I had no Senior. Most advocates, particularly the struggling ones, used to operate out of the High Court Library. I had worked out an informal understanding with the Court Keeper who lived on the top floor above the Bar Association. I would collect the keys to the library from him, open the doors myself and start work, sitting all alone. The various peons, most of whom were raw youngsters (they are still there but have greyed) used to be extremely cooperative. The cleaning of the library would start at 9:45 but I did not mind the dust and the dirt. The extra hour was invaluable. One could read briefs and correct drafts in complete peace. I used to be the last to leave, a little after closing time!

The library was a vastly different place. On the first day that I joined, my father took me around to meet all the redoubtable seniors. The library used to be full of both junior and senior advocates. Several advocates were already legends in their own right. My father introduced me to each and every one personally. Then we walked across to the Advocates Association of Western India where he introduced me to his close personal friends, Ramrao Adik, M. A. Rane, C. R. Dalvi and Nari Gurshahani, amongst others. My father was on excellent terms with all persons, both on the Original and Appellate Sides. I was truly fortunate to have inherited this tradition.

In the library there was set seating for people. The positions and chairs had been acquired by prescription. Rather like an easement. I remember being shown the famous chair on the left hand side of the front table in the main room where Dinshah Madon (who had since been elevated) used to sit. I marvelled at the description of the huge stack of drafting papers that he used to keep and stories of how solicitors stood in queues every evening to hold conferences with him.

As a briefless lawyer one had a lot of time. I stumbled across an old cupboard in the other room which was stacked with priceless biographies and autobiographies of the great English lawyers like Marshall Hall, Edward Carson, Rufus Isaacs and the legendary F. E. Smith. I used to read them over and over again. I have been fascinated by the lives of great lawyers as I find them hugely inspirational. For years I took personal care of all the books. I used to motivate the library staff to clean those books periodically. Sadly, several of the books have now disappeared or probably just crumbled away.

And then you had the Bombay Bar Association rooms on the third floor. When I joined the Bar, the legendary Mr. Gracias was very much around. He was a kindly man for whom the happy hours extended all through the day. He used to give credit on a grand scale but I am not sure whether he ever recorded or even recovered all the money he was owed. He used to employ a series of young Goan boys, who were energetic and helpful and on their way to join the Merchant Navy. In the seventies, most counsels would move up to the third floor at about 4:00 or 4:30 in the afternoon and order tea, pastries and patties from Morosa or Morena, both of which are now sadly only fond memories.

In those days counsels fell into two categories. Those who had "Chambers" and those who did not. The entire first floor of the PWD Building was occupied largely by counsels practicing on the Original Side. There was a great scramble to get chambers or to become part of them. It was rather like protected tenancies. Those who were not part of chambers had to operate out of the Library or from their private chambers. In any case, we frequently went across for conferences in the evening. I remember Nani Palkhivala's chamber, with his solitary name over the door, distinctly. However, it was always closed since he had moved over to Bombay House but nobody moved to take it away. There was, I must say, quite a lot of resentment over the matter of the allocation of the chambers which, over the years, ultimately resulted in the premises being taken over completely, which to my mind was not the correct way of solving the problem. No court can really function effectively without giving adequate infrastructural facilities to the advocates practicing therein. This remains one of the prime needs even today.

The greatest education was sitting in the courts of the top judges and listening to the manner in which they disposed of cases. One judge on the Original Side did all the miscellaneous work which included just about everything (on set days) from chamber summons, to summons for judgment, notices of motion, misfeasance summons, company applications, company petitions and even writ petitions, etc. etc. Ad interim applications used to be at 2:45 p.m. and it did not take more than 15 to 20 minutes to dispose of them all. Counsel placed a point, the judge quickly picked it up and passed the order. Incidentally, at that time, an order refusing an injunction was not appealable but later the Supreme Court rectified the position. Those were the days when trials actually went on in the Bombay High Court. One could, as a junior, sit and follow trials, which was more educative than a class room.

Things have changed now. Jurisdictions have been whittled away. The library is deserted. However the romance of the Bombay High Court will endure. In the final analysis, nothing can equal the thrill of appearing in the Bombay High Court. It cannot be readily expressed in terms. Imagine a raw junior appearing in the court of a judge whose very name inspired awe and utmost terror. The knees felt weak. Words did not come out for some time, and when they did, there was no control over what you said. And then, if he was fortunate, the judge smiles and encourages him along. And he was on the top of the world.



by Mr. Iqbal Chagla,
Senior Counsel,
High Court at Bombay.

The neo-Gothic building (building may not be the right word- "medieval castle" is perhaps more appropriate!) that houses the Bombay High Court was constructed in the 19th century. The construction commenced in 1871 and was completed in 1878, at a cost, incredibly less than the estimate as sanctioned. There is a marble tablet on the landing of the central staircase that proudly proclaims this information, along with other details.

The 150 year history of the Court building is one largely of integrity, independence and courage, with an occasional fall from grace. If only the stones of which the building is constructed could speak, what stories they would recount!

I joined the chambers of K. H. Bhabha- affectionately referred to by seniors and juniors as Khursedji. My father had asked me to meet the doyen of the Bar, Sir Jamshedji Kanga, who suggested I request Bhabha to give me a place, which he kindly did. After five years in England, practice in the Bombay High Court was something of a culture shock. The chambers accommodated in one room some seven counsels. They included Fali Nariman, Soli Sorabjee and Jangoo Khambata. Only Nariman, the first of Bhabha's

juniors, had the distinction of having a table and chair— the rest of us had little cubicles, where even conferences were held! An American lawyer with whom I held a conference could not help exclaiming, "It is amazing how you can function in such organised confusion!"

The Bar Library was, for me, another shock. Having been used to the disciplined silence of British libraries, where even if your shoes creaked, heads would turn, the Bar Library was a curious mix of members combining different avocations, some researching and preparing for a case, others recounting in stentorian tones, what happened in Court or what the latest political crisis was and supplying the solution, and others indulging in just plain gossip. It took a while, but I soon began assimilating the art of shutting out all unwanted sounds when concentrating on the work at hand.

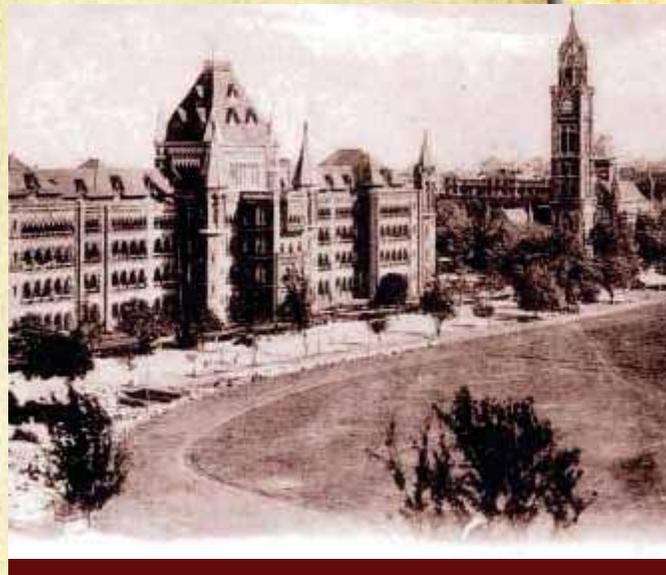
Both the judges and the lawyers of the Bombay High Court have earned, justly, a reputation, not only for a work ethic but also for independence and courage. A judge who came to Bombay from two other High Courts said to me, "In the first Court, the work ethic was negligible, while in the second it was non-existent. I then came to this High Court and found that matters would be taken up and argued from 11:00 a.m. to 4:45 p.m." "It was," he said, "a learning experience."

For independence and courage, there is the sterling example of Sir Peter Grant, a British judge, taking on the British administration in the shape of the East India Company. A writ of Habeas Corpus issued by the Supreme Court was ignored by the Governor of Bombay— the Governor went further and ordered the Company's servants not to enforce the writ issued by the Court. Declaring that, "within these walls, we know no equal and no superior but God and the King", Grant protested by taking the unprecedented step of locking up the Court for a period of five months! Grant may have drawn the ire of the authorities, but he won the hearts of the Bombay public. It is said that on his departure from Bombay, "the natives drew his carriage".

That same independence and courage was emulated in great measure at the time of the Emergency— the Bombay High Court rejected the Government's argument that the writ of Habeas Corpus was, during the Emergency, suspended. And when the Police Commissioner refused permission for a meeting to be addressed by M. C. Chagla and J. C. Shah, there resulted some of the finest arguments I was privileged to be a part of, leading to one of the great judgements delivered by the Court. N. A. Palkhivala led a team of more than 150 lawyers— apart from those assisting him, the others were lawyers brave enough to sign a list of appearances (and courage was required in those days to even appear against the Government). In those dark and gloomy days, it was a breath of fresh air to hear the stirring arguments of Palkhivala. Mr. Justice Tulzapurkar in his concurring judgement striking down the order, had this to say: "I feel constrained to observe that the Commissioner of Police has, in the instant case, subjected the citizenry of this great Metropolis, to the humiliation and indignity of being required to apply for permission for following their innocent occupations and innocuous activities, and this suggests to me that he has displayed an attitude of being more loyal to the King than the King himself."

The High Court originally exercised Original Criminal Jurisdiction; trials were conducted in the Sessions Court (the magnificent Central Court). It was in this Court that Lokmanya Tilak was tried and convicted for sedition. Outside the Central Court, there is a commemorative plaque engraved with his words when he was sentenced: "In spite of the verdict of the jury, I maintain that I am innocent. There are higher powers that rule the destiny of men and nations and it may be the will of providence that the cause which I represent may prosper more by my suffering than by my remaining free."

When I joined the Bar, the Court no longer exercised Criminal Jurisdiction but civil trials were being conducted regularly. It is in a trial action that it can truly be said that a lawyer experiences the heat and dust of battle— alas, evidence today is very rarely recorded in Court but is referred to a commissioner. One of the memorable



trials was in the defamation suit filed by Khrishnaraj Thakersey against R. K. Karanjia, editor of Blitz. The plaintiff was awarded damages in a sum of ₹ 3 lakh – insignificant today, you might think, but a king's ransom in those days. In reducing the award of damages to ₹ 1 ½ lakh, the Court observed, "... we should think a claim of ₹ 3 lakh is much too high. We have only to bear in mind that a sum of three lakhs is no mean sum by Indian standards. There are few persons in India who would save, after payment of taxes, that much sum in a life-time of honest toil. Looked at that way, one may complain that this is almost a bounty." And to think that a Poona Court has recently awarded damages for defamation in a sum of ₹ 100 crore (the appeal has been admitted by the High Court and is pending disposal)!

The High Court building that was built for 7 judges, has now to serve some five times that many judges. Not unnaturally, the building is bursting at the seams and there has been a lot of ad hoc work without regard to the heritage of the building. Fortunately, there has been of late an awareness of conservation and corrective steps are being employed. There is every hope that the building will retain its majestic bearing – but more importantly, the majesty of the law it represents remains unquestionably undiminished.



BEFORE MEMORY FADES

by Mr. Fali S. Nariman
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Supreme Court of India,
New Delhi

The high court building – a magnificent structure built between the years 1871 and 1878 at a cost of only ₹ 16,44,000 which was less than the budgeted estimate – a fact proudly recorded in the marble plaque near the entrance on the ground floor. The architect and designer of the Bombay High Court building not only had an acute sense of perception, but a sense of humour as well. One has to be an astute observer to discover this. At the base of the tower depicting justice, is carved the face and front paws of a monkey! The monkey looks in the direction of the high-ceilinged central criminal court room located on the second floor of the high court building. The monkey wears an expression of wide eyed horror, as if to convey feelings about the terrible things being perpetrated in the court room upstairs in the name of justice! Below the tower depicting the figure of Mercy is carved a ravenous wolf ready to tear up the unfortunate accused who is being tried in the central criminal court. What imagination!



I learnt quite early that when you join the Bar you must enter the law, as you do in the sanctum sanctorum of the magnificent Taj Mahal at Agra, with your head bowed because you know so little! And even when you grow up, even when you are at the top of the profession, you are always learning. In the first month of my practice as a junior of R. J. Kolah, I was simply amazed at my colossal ignorance. When I was asked by my senior one evening to go and find out the position in court of one of his matters for the next day – on the kutchha (or rough) board put up in the high court premises the previous evening, as the board was printed the next morning – I was crestfallen; I came back and told my senior that I could not find it! This was not because it wasn't there – it was – but because I could not find it! As Sherlock Holmes would have said, 'You see my dear Watson, but you do not observe.'

In my early days at the Bar, I and others like me would sit in courts to follow what was going on. But it was very difficult at the beginning on one's legal career to follow anything at all in court. There was a lot of legal mumbo-jumbo unfamiliar to the lay person – even to a young lawyer. So, some of us, when we had no work elsewhere (which was often), used to sit in the matrimonial court where no great depth of legal knowledge was required to follow the proceedings. It was easy to comprehend what was going on and it was spicy and interesting as well.

The above is an excerpt from Mr. Nariman's Autobiography, '**Before Memory Fades**', published with the consent of Mr. Nariman and his publisher **Hay House India**.

Reminiscences...



THE HON'BLE HIGH COURT AT CALCUTTA: A HUMAN FACE

by Mr. Protik Prokash Banerji,
Junior Standing Counsel,
State of West Bengal
Advocate,
High Court at Calcutta.

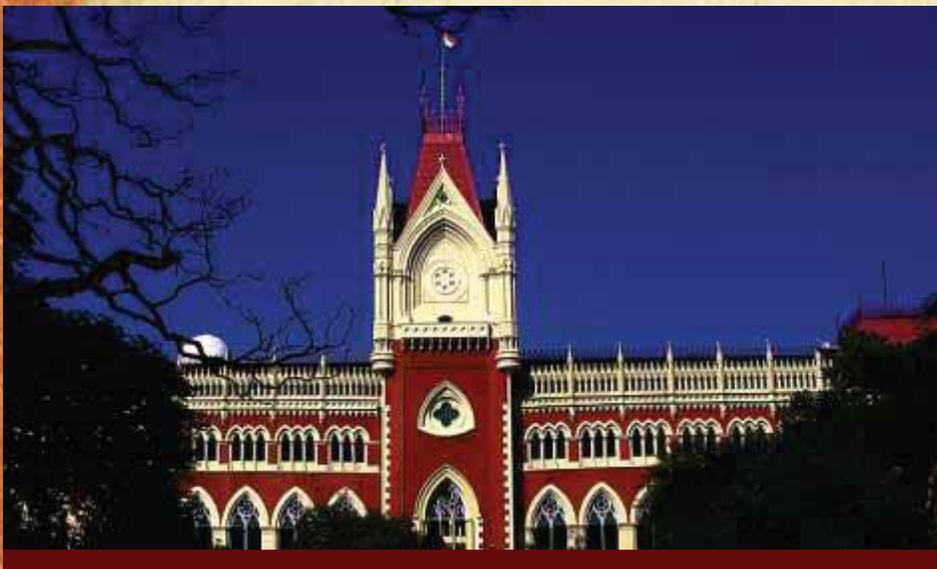
Not being tremendously important or particularly wise, I would rather write about those things I have seen in our Hon'ble High Court that humanize the normally impersonal and awesome majesty of the process by which justice is administered there, than the history of our High Court or my frankly, forgettable experiences as a lawyer.

The oldest Chartered High Court in India, my association with our High Court begins from my birth. My parents were both advocates practicing there, fell in love there and got married—not there. I used to visit the Court on special occasions with my father, and articled with my father for a year before enrolment in 1995. In the process, I have also had a ring-side view of the mercy and humanity of the Hon'ble Judges.

There used to be an unspoken rule when I joined the Bar that unless one had practiced for at least two years, devilling in a Senior's Chambers, he would not move any motion in Court in the Single Bench, and would not address the Hon'ble Appellate Court on merits unless he had practiced at least 10 years. Yet as luck would have it, I had to appear in an Appeal arising out of a Trust matter, on the twenty fifth day of my practice. The Hon'ble Appellate Court was being presided over by the senior most Hon'ble Judge in the Original Side. He was known to be very serious and dignified and reputed to be a terror for Junior Members of the Bar. As I stood there, watching one counsel after another being demolished with terse and biting asides, my matter was called on in the First Call. I responded, and then waited with bated breath for the 2nd Call. My knees trembling, I heard the inevitable roll call come ever closer, and suddenly, my courage failed me. Without even waiting to bow to the Court or inform my solicitor, I simply bolted. I heard later on, that the Hon'ble Presiding Judge had been good enough to pass the matter over for the day, with a clearly audible aside "Must have been his first time in this Court".

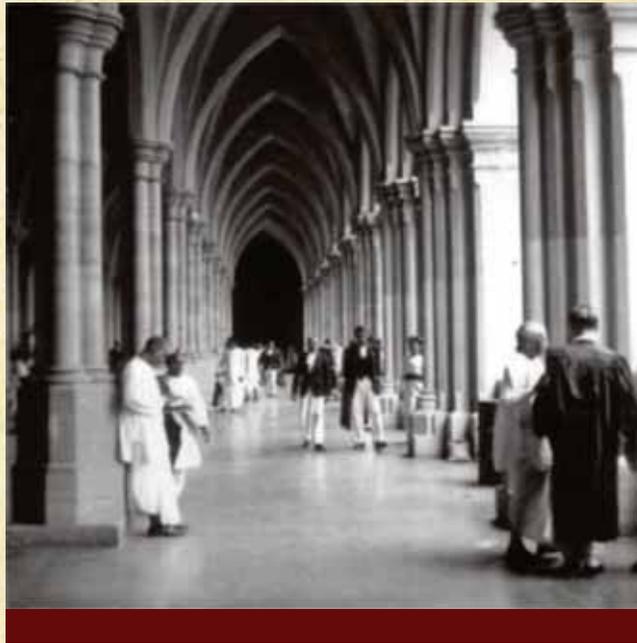
In those days, Hon'ble Judges, when they found that the appearing counsel was a greenhorn, went

out of their way to make him (or her) feel comfortable and in fact helped counsel to state their case despite their inexperience. I remember having once seen a young lady, fresh out of law school, address an Hon'ble Judge in a contempt matter. She very obviously neither knew how to draft a contempt petition nor what were the ingredients of contempt of court, except that an order had been passed which had been deliberately violated by the respondent. It showed both in her drafting and her submissions. For some time, the Hon'ble Judge, remaining strictly within the limits of courtesy and impartiality, tried to gently nudge the counsel into the proper channel which would allow her to make the correct



submission, and seek amendment of the petition or at least to supplement it, as would allow him to issue a Rule, provided that the counsel had read enough to understand the rather broad hints. However, the counsel was clearly not getting it. Suddenly, the Hon'ble Judge took off his glasses, pushed the brief away and kindly, rather like a father to his daughter, addressed the counsel, "Young lady, you are young enough to be my daughter. Why don't you approach the bench?" When the learned (or not so learned) Counsel approached the Bench, in a voice that was audible from the first row at the Bar, the Hon'ble Judge asked her to take out her note pad and pen, and dictated to her a contempt petition from the cause title to the prayers, taking about 45 minutes. Then, in the best traditions of the Bench he released the matter for personal reasons, so that it could be assigned to some other Hon'ble Judge.

Sometimes we tend to forget that judges, even of the Hon'ble High Court, are human beings with families, hopes, fears and yes, sickness and ill health. They also have spouses and they also have anxieties. In our Hon'ble High Court, we were fortunate to have a married couple, tremendously erudite, dignified, and famous, where the lady was a Judge having been elevated from the Bar and the gentleman was an eminent counsel of national repute and an authority on at least two subjects. After My Lady had been elevated to the Bench, the gentleman shifted his chambers to another premises so that no breath of impropriety could attend their relationship. The lady was impeccably dressed though she had a frazzled halo of salt and pepper hair which often made her look more intimidating than she was. However, in Court they maintained such a proper demeanour and rectitude that you would not have believed that they knew of each other except as judge and counsel and naturally he did not appear in her Court.



He broke the rule once.

It was a lazy winter afternoon, and the air conditioning was off as were the fans. A lonely case was winding down with the day, when suddenly, Her Ladyship attempted to say something, choked and in an effort to rise, though the orderlies had not yet come to pull the high chair back, suddenly fell backwards and collapsed with the chair and all. He had been conducting a case in the Centenary Building, and I do not know how he did it, but suddenly, this balding, elegant gentleman was there, in the Court room, where he would never appear before the presiding Judge, and in one bound was beside her, supporting her and gently pulling her to the corridor. That was one day, when we found tradition and the cold correctness of the legal system that we have inherited give way to a husband and a wife. In the Blood of Eden, I see a woman and a man.

Reminiscences...



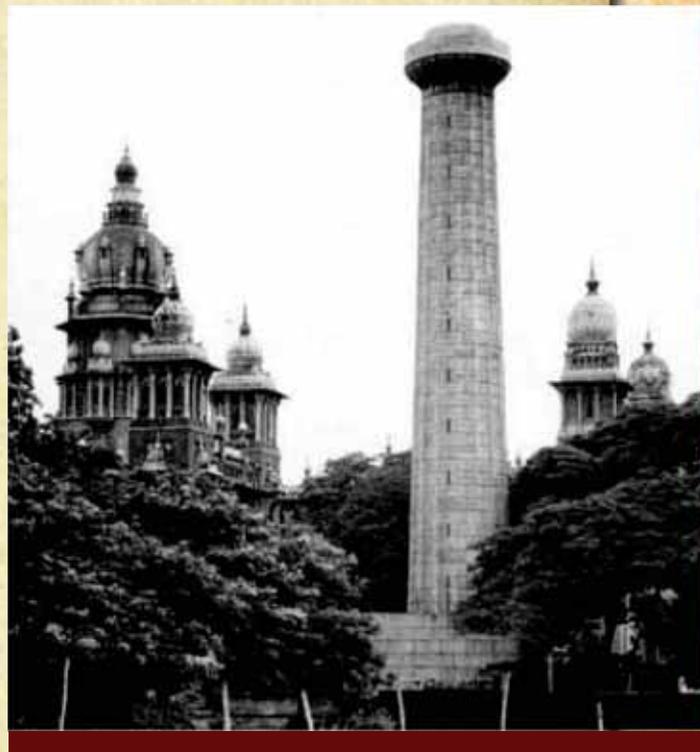
by Mr. Sriram Panchu
General Secretary,
Govt. Law College, Mumbai,
Students' Council (1975-76)
Senior Advocate and
Mediator,
High Court at Madras

The High Court at Madras, one of the three Chartered High Courts, was inaugurated on 15 August 1862, a significant date, for India achieved independence exactly 85 years later. In 1892 the Court moved to its present, stately, stone and red brick Hindu-Saracenic building which was constructed at a cost of Rs 12 lakhs by Henry Irwin. Originally the Light House was within the High Court building; now only its edifice remains since the city has a new one on the Marina beach; but the inhabitants of the High Court like to believe that it is still the beacon of justice. It is, next to the Courts of London, the largest court complex in the world, housing the City Civil and Small Causes Courts along with the High Court. It has incredibly beautiful courtrooms with stained glass decorations and motifs and polished mahogany and rosewood furniture, adding lustre to awe. Among its firsts are Sir Muthuswami Iyer, the first Indian to be appointed a Judge of the High Court in 1878- he always removed his footwear before ascending to the dais. V Bhashyam Iyengar was the first Indian to be appointed Advocate-General in 1897. And in modern times and close to my heart is that this Court set up India's first court-annexed mediation centre in 2005.

I enrolled at the Bar here in 1976. I had passed out from GLC and always thought I would practice in Bombay. A chance meeting with the legendary lawyer Govind Swaminadhan changed all that. I shifted, or rather radically changed, my navigational path and came to Madras to join his chambers. It was a conservative city where people lived much simpler lives. It took me several years to get

acclimatised to Madras. For me, the one sustaining force was my Senior, a great lawyer and an even greater human being, who became the most important elder in my life. As for practice, we didn't have the distinction between solicitor and counsel; that gave one freedom to do both, but I think that the specialisation helped in major cases. I remember that the pleadings in cases here were much shorter than the Bombay ones, brevity being preferred to complexity. In Court, too, arguments didn't spin out as much; writ admission judges were known to finish a century before lunch, actively competing with a person from Bombay by the name of Sunil Gavaskar. Fees charged here were less than in Bombay, but the cost of living was less too.

I think that the one great benefit for me in coming here was that I was able to combine a full-fledged traditional law practice and also do other work, then considered to be at the frontiers of the law. In the eighties, that was public interest lawyering; from the mid nineties it was mediation and it is gratifying, and humbling, to be regarded as a pioneering spirit in both. Madras was and is an accommodating city where you can pursue your interests, and that holds good for the Court as well. My one regret is that I don't have with me here my friends from GLC; but as a recompense we all get together whenever I come to Bombay.





A CENTURY AND A HALF COMPLETED

by Hon'ble Mr. Justice
R. S. Ramanathan,
High Court at Madras

At the threshold of the Majestic Madras High Court celebrating its sesquicentennial, I am reminded of the succinct statement of one of our greatest Chief Justices, Dr. P. V. Rajamannar, who, while looking back at a century of this Hon'ble Court, said, "What is this High Court? What are its special traditions? Legal erudition and acumen of a very high order, remarkable intellectual subtlety, extensive and exhaustive knowledge of case law--".

Justice V. Ratnam, one of our greatest Judges used to ask in his deep, sonorous voice, after hearing the vociferous and able arguments of counsel, "anything more useful to add?" and stump the most versatile of able counsel. I do not think that I have anything more useful to add than what was recorded by great men at the turn of the sesquicentenary, and can therefore, only record the history. Sri. V. C. Gopalaratnam in his compilation 'A Century Completed', has categorised men of learning under those who "sat and judged" and those who "stood and argued". A work of that nature demands extensive research and accurate reporting of men and matters. We are at another threshold of an important stage in our High Court and it seems relevant now to reiterate and remember how this High Court came into being and what has happened all these years.

The British Government administered justice through various Charters issued by the British Crown and under the Charter of Charles II dated 3.4.1661, the Agent or Governor and Council were authorised to decide both civil and criminal matters according to the Laws of England and to execute the judgment.

By the Charter of King Charles II dated 9.8.1683, the Councils of the Chief Indian Settlements were permitted to constitute Courts of Admiralty to deal with Interpolers and this Charter empowered the East India Company to erect Courts of Judicature consisting of a person learned in Civil Laws and two Merchants and a Judge-Advocate from England for the hearing and determination of all suits and causes with the assistance of two merchants.

10.7.1686 saw the establishment of the Court of Admiralty. Under the authority of the Second Charter issued by King Charles II, Martial Law was proclaimed on 17.11.1687 and under the Charters issued by King Charles II in 1661 and 1683 and King James II in 1686, a Mayor's Court was established in 1688. The Mayor's Court was empowered to try all cases, civil or criminal and authorised to deal with offenses by fine, imprisonment or corporeal punishment. All powers of the Mayor's Court were limited and in 1690, the Government resolved to erect a Court of Judicature consisting of a Judge-Advocate and four judges. By the Charter of King George I dated 24.9.1726, a Court of Record was constituted with a Mayor and 9 Aldermen to try civil suits.

The difficulties expressed in administering justice in civil cases between natives prompted Lord Hobart to propose the erection of a Cutchery Court under the powers conferred by the Act of 1793 and it is interesting to note that in Mylapore, a street is named as Cutchery Street where eminent lawyers of yester years resided.

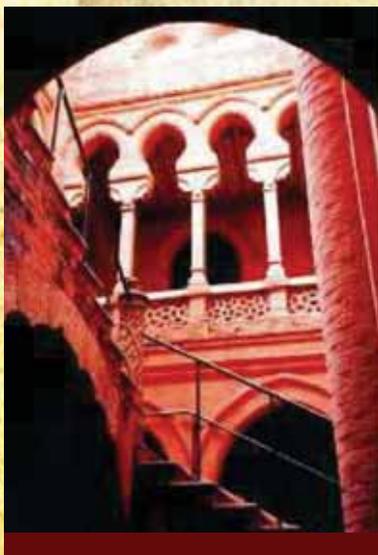
Under the Letters Patent dated 26.12.1800 issued by King George III, the Supreme Court of Judicature of Madras was established on 4.9.1801 and the functions of the Court of Record came to be merged with this Court. Sir Thomas Strange was the Chief Justice and Justice Henry Gwilliam and Benjamin Sullivan were Puisne Judges.

On 6th August, 1861, the British Parliament enacted the Indian High Courts Act by which the Supreme Court and Sudder Courts were amalgamated to establish the High Court of Judicature at Madras and it was established in a building in First Line Beach with the Chief Justice and four Puisne Judges. Sir Colley Harman Scotland was the first Chief Justice of the Madras High Court and the four other Puisne Judges who took office along with him were Sir Adam Bittleston, Kt., Thomas William Lumisden Strange, Henry Dominic Phillips, Hatley Frere. This year saw the beginning of Statute Law in India.

The present High Court was formally declared opened on Friday 15th August, 1862, in the premises on first Line Beach which later housed the Collectorate, and seems now to have been the omen for our independence.

The High Court later shifted to the present building on 12th July, 1892 and the Hon'ble Chief Justice, Justice Arthur Collins, while accepting the key of the High Court Building from the Governor of Madras replied as follows:-

"On behalf of the Judges of the High Court of Judicature, I accept the charge that Your Excellency, as representing the Queen-Empress, has been pleased to entrust to me. I do assure Your Excellency that Her Majesty's Judges will, to the utmost of their ability, endeavour to do their duty in the fear of God and without fear of man. My Lord, in India the Judges of the High Court have many and difficult duties to



perform. In the great majority of cases, the decision of the High Court is final, and there is no tribunal in this country outside the High Court that can reverse a conviction or set aside a decree of the High Court. The Judges of the High Court are thus entrusted with great powers, and we humbly hope that we perform our duty to the satisfaction of those who advise Her Majesty, with fidelity to the Crown and with due regard to the interest of justice. My Lord, so long as this High Court is an Independent Court, with Judges who fear no man, and who Administer Law, according to the rule of law, equity and good conscience, with the Jurisdiction it has exercised for so many years in tact, I believe it will continue to have and to deserve the confidence of the public. In conclusion, I fervently hope that long after you and I, Your Excellency, have passed away to that undiscovered country of which we know little, there may always continue to be found, men of ability and courage, who will administer law in these courts without distinction of class, creed or race. My Lord, in the name of the Judges of the High Court, I have to thank Your Excellency for presiding here to-day."

Under the High Courts Act, 1861, the strength of the Judges of the High Court including the Chief Justice was 15 and by the passing of the High Courts Act, 1911, the strength was increased to 20. By the Government of India Act, 1915, it was provided that the High Court shall consist of Chief Justice and as many other judges as his Majesty may think fit to appoint and Additional Judges of the High Court may be appointed not exceeding two years.

The first Indian to be appointed as High Court Judge was Sir T. Muthusamy Iyer and the first Indian Vakil to be appointed as High Court Judge was Justice Sir S. Subramania Iyer on 23.11.1891. The first Indian Chief Justice of the Madras High Court was Mr. Justice P. V. Rajamannar.

Eminent legal luminaries of the Madras Bar adorned the Bench and to name a few, Sir S. Subramania Iyer, Sir C. Sankaran Nair, Dr. P. V. Rajamannar, N. Pathanjali Shastri, T. L. Venkatarama Iyer, P. Rajagopala Iyengar, K. Subbarao, A. V. Viswanatha Shastri, and later his illustrious son V. Ratnam, K. S. Ramamurthi, K. Veerasamy, Sathiadev, Krishnasamy Reddiar, M. Srinivasan, to name a few.

The Madras Bar has also produced legal luminaries such as Alladi Krishnaswamy Iyer, K. Raja Iyer, Dr. C. P. Ramasamy Iyer, V. K. T. Chari, Doraisami Iyer, P. S. Sivasamy Iyer, P. R. Sundaram Iyer, Kesava Iyengar, Govind Swaminathan, Eardley Norton, V. L. Ethiraj, R. Sadagopachariar, V. C. Desigachariar, V. Srinivasa Iyengar, S. Srinivasa Iyengar, T. R. Venkatarama Shastri, T. R. Ramachandra Iyer, K. Bashyam Iyengar, K. K. Venugopal, V. P. Raman, M. R. Narayanaswamy, S. Gopalsamy Iyengar, K. N. Balasubramanian, K. Parasaran. The Madras High Court also contributed to the evolution of the Constitution and the very first case for decision arose from this Hon'ble Court in that of A. K. Gopalan v State of Madras (AIR 1950 SC 27). Similarly, in Champakam Dorairajan Case (1950 (2) MLJ 404) Article 15 was challenged. The concept of Arbitrariness was first articulated in Royappa. E. v State of Madras (AIR 1974 SC 555) and approved and confirmed in Menaka Gandhi's Case (AIR 1978 SC 597).

Various judges of the Madras High Court adorned the Bench of the Hon'ble Supreme Court- Mr. Justice Pathanjali Shastri, Mr. T. L. Venkatarama Iyer, Mr. Justice P. S. Kailasam, Mr. Justice S. Mohan, Mr. Justice V. Ramaswamy, Mr. Justice Ratnavel Pandian, Mr. Justice A. Varadarajan, Mr. Justice S. Natarajan, Mr. Justice Doraisamy Raju, Mr. Justice A. R. Lakshmanan, Mr. Justice P. Sadasivam, to name a few- and the Madras High Court will have the privilege of having another of its Judge as the Chief Justice of India from the year 2013 when Mr. Justice P. Sadasivam will adorn that position.

The commemorative volume 'A Century Completed' by V. C. Gopalaratnam prepared in 10 weeks, is a testimony to the humor and an acknowledgment of the "felicity of expression", and sheer commitment to the upholding of the motto of this Hon'ble Court in rendering of justice according to Justice, Equity and Good Conscience" with the genial collaboration of the Bench and the Bar. A remark in an article by Mr. K. Chandrasekaran titled "The Soul of Judicial Style", "For it is better to allow oneself to doubt before writing than to expose to the misery of being doubted by posterity", reveals the standards set for judgment writing.

It is with pride that we can say that today we have a sanctioned strength of 60 of whom 12 judges sit in the Permanent Bench at Madurai which was constituted on 24.7.2004. The gnawing anxiety about the writ jurisdiction at the turn of the century has proved to be true and today writs constitute most of the cases being filed and heard. The light house situated within the premises of this Court near the Judge's entrance stands testimony to the fact that the building and its men have been the beacon of light for mariners and the men on land in all issues and will continue to be so. ■

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EUTHANASIA - THE FINAL VERDICT

by Mayan Prasad, V-V

Time and again the Supreme Court has, through judicial activism, laid down laws to fill the lacunae on various subjects. Be it the law on sexual harassment at the work place in the Vishakha Case, or the law relating to custodial deaths in the D. K. Basu Case. In May, 2011 the Supreme Court laid to rest the age old debate on the topic of euthanasia. While reading it, I realised that the judgment delivered by Hon'ble Mr. Justice Markandey Katju and Hon'ble Mr. Justice Gyan Sudha Misra was not only important because of the law it laid down, but also because of the way it laid down that law and the principles considered in the course of arriving at the final judgment.

Facts: A Writ Petition was filed by Ms. Pinki Virani, claiming to be the 'next friend' of Aruna Ramachandra Shanbaug (Petitioner). The Petitioner was a nurse, working in the King Edward Memorial (KEM) Hospital in Mumbai. In November, 1973 she was attacked by a sweeper in the hospital, who wrapped a dog chain around her neck and tried to rape her, but finding that she was menstruating, sodomised her. To immobilize her during this act, he twisted the chain around her neck, due to which the supply of oxygen to the brain was stopped and the brain, including the cortex, got damaged. 36 years after the incident, the Petitioner was about 60 years of age. She was featherweight, and her brittle bones could break if her hands or legs were to be awkwardly caught, even accidentally, under her lighter body. Her teeth had decayed, causing her immense pain. She was only given mashed food, on which she survived. It was alleged that she was in a Persistent Vegetative State (P.V.S.) and was virtually a dead person and had no state of awareness, and her brain was virtually dead. She could not be said to be a living person and it was only on account of mashed food which was put into her mouth, that there was a façade of life, which was totally devoid of any human element. It was alleged that there was not the slightest possibility of any improvement in her condition. The prayer of Ms. Virani was that the hospital be directed to stop feeding Aruna, and let her die peacefully.

Jurisdiction: One of the important features of the judgment was that this Writ Petition could have been dismissed on the ground that under Article 32, the petitioner has to prove violation of a Fundamental Right, and it has been previously held that the Right to Life, guaranteed by Article 21 of the Constitution, does not include the Right to Die. Hence there was no violation of Fundamental Rights, but in view of the importance of the issues involved, the Court admitted the Petition and finally laid down the law on the subject.

Principles of Medical Ethics: The Court, in order to examine the Petitioner and to submit a report on her physical and mental conditions, appointed a team of three distinguished doctors from Mumbai. Giving their opinion on the basis of medical facts, the doctors relied upon the principles of medical ethics of patient autonomy and beneficence. Autonomy means the right to self-determination, where the informed patient has a right to choose the manner of his treatment. To be autonomous, the patient should be competent to make decisions and choices. In the event that he is incompetent to make choices, his wishes expressed in advance in the form of a living Will, or the wishes of surrogates acting on his behalf, are to be respected. Beneficence is acting in what is or is judged to be in the patient's best interest. Acting in the patient's best interest means following a course of action that is best for the patient, and that is not influenced by personal convictions, motives or other considerations. In some cases, the doctor's expanded goals may include, allowing the natural dying process (neither hastening nor delaying death, but 'letting nature take its course'), thus avoiding or reducing the suffering of the patient and his family, and providing emotional support.

Next Friend: On the basis of the above principles, the doctors recommended that if those treating Aruna Shanbaug, and the Dean of the KEM Hospital, together acting in the best interest of the patient, felt that withholding or withdrawing life-sustaining treatments was the appropriate course of action, they should be allowed to do so, and their actions should not be considered unlawful.

In his affidavit, the Dean of the KEM Hospital mentioned the bond that the staff of the hospital had developed with Aruna and denied the stoppage of her treatment. The staff of the Hospital also issued statements that they wanted her to live. One retired nurse even offered to take care of her without any salary. Considering the close emotional bond between Aruna and the Hospital staff, the Court treated the Hospital staff to be the real family and 'next friend' of Aruna. The Court refused to treat Pinki Virani, who had written a book on Aruna's life and visited her a few times, as the 'next friend'.

Screening: The Court, following the precedent set in the Nuremburg trials, in which a screening was held in the courtroom, of some of the Nazi atrocities during the Second World War, saw the screening of the CD submitted by the team of doctors, along with their report. This was done so that all present in the Court could see the condition of Aruna Shanbaug.

Principle of Self Determination: The Court, while determining the case, upheld the principle of self-determination, according to which the patient has the right to refuse treatment and to discontinue the life support system. If the doctor acts on such consent, there is no question of the patient committing suicide or of the doctor having aided or abetted him in doing so. The patient is entitled to refuse to consent to treatment which might or would have the effect of prolonging his life and the doctor acts in accordance with his duties, by complying with the patient's wishes.

Right to Die: While it has been held that there is no Right to Die under Article 21 of the Constitution and an attempt to commit suicide is a crime, vide Section 309 of the Indian Penal Code (IPC), the Court held that the Right to Life includes the right to live with human dignity, and in the case of a dying person who is terminally ill or in a P.V.S., he may be permitted to terminate it by the premature extinction of his life.

Voluntary and Non-voluntary Euthanasia: Voluntary euthanasia is when consent is taken from the patient, whereas non-voluntary euthanasia is when consent is

unavailable, for example, when the patient is in a coma, or is otherwise unable to give consent. Non-voluntary, passive euthanasia implies that the person is not in a position to decide for himself, for example, when he is in a coma or a P.V.S.

Active and Passive Euthanasia: The Court classified euthanasia into active and passive euthanasia. Active euthanasia entails the use of lethal substances or forces to kill a person, for example, a lethal injection given to a person with terminal cancer, who is in terrible agony. Passive euthanasia entails withholding of medical treatment for continuance of life, for example, withholding of antibiotics, in the absence of which, a patient is likely to die, or removing the heart lung machine, of a patient in a coma. The difference between active and passive euthanasia is that in active euthanasia, something is done to end the patient's life while in passive euthanasia, something is not done that would have preserved the patient's life.

Principle of Classification: The principle of this distinction is that in passive euthanasia the doctors are not actively killing anyone; they are simply not saving him. While we usually applaud someone who saves another person's life, we do not normally condemn someone for failing to do so. No one can be punished for failing to save a life, thus

passive euthanasia cannot be considered illegal.

Active euthanasia is a crime all over the world except where permitted by legislation. In India, active euthanasia is illegal and a crime under Section 302, or at least Section 304 of the IPC. Physician-assisted suicide is a crime under Section 306 of the IPC (abetment to suicide).

The Court relied upon the decision of the House of Lords in the Airedale Case, in which Lord Keith, inter alia, held that it was unlawful to administer treatment to an adult who is conscious and of sound mind, without his consent. Such a person is completely at liberty to decline treatment, even if the result of his doing so would be that he would die. He also held that a medical practitioner is under no duty to continue to treat such a



patient, whereas a large body of informed and responsible medical opinion is to the effect that no benefit at all would be conferred by the continuance of treatment. Existence in a vegetative state with no prospect of recovery is by that opinion regarded as not being beneficial to the patient.

Euthanasia and Suicide: In the Airedale Case, Lord Goff of Chievely observed that in cases of passive euthanasia, there is no question of the patient having committed suicide, nor therefore of the doctor having aided or abetted him in doing so. It is simply that the patient declines to consent to treatment which might or would have the effect of prolonging his life, and the doctor has, in accordance with his duty, complied with his patient's wishes. He also held that the discontinuing of life support systems by a doctor is an omission to struggle and that omission is not a breach of duty by the doctor.

Section 309: Section 309 of the Indian Penal Code deals with punishment for attempt to commit suicide. The Court held that although this provision has been earlier held to be constitutional, the time has come to delete it from the code. "A person attempts suicide in a depression, and hence he needs help, rather than punishment. We therefore recommend to Parliament to consider the feasibility of deleting Section 309 from the Indian Penal Code."

When Can a Person be Said to be Dead: One of the arguments of Ms. Virani was that Aruna Shanbaug was already dead. Thus the Court thought it appropriate to determine when a person is to be considered to be dead. The Court held that a person's most important organ is his/her brain. This organ cannot be replaced. Other body parts can be replaced. The entire mind, including one's personality, cognition, memory, capacity to receive signals from the five senses and capacity to give commands to the other parts of the body, etc., are parts of the brain. Hence one is one's brain. It follows that one is dead when one's brain is dead. 'Brain death' is defined as the irreversible cessation of all functions of the entire brain, including the brain stem. It is important to understand that this definition goes beyond acknowledging consciousness. A person who is incapable of ever regaining consciousness, will not be considered to be brain dead, as long as parts of the brain, for example, the brain stem that regulates involuntary activity (such as response to light, respiration, heartbeat etc.) still continue to function. Likewise, if consciousness, albeit severely limited consciousness is present, then a person will be considered to be alive, even if he has suffered brain stem death, wherein breathing and heartbeat can no longer

be regulated and must be mechanically determined. On the basis of the above understanding, the Court held that Aruna was not dead, as she did possess a little consciousness- responding to the food she liked and to good music. She also got uncomfortable whenever more people were present in her room.

Procedure: Thus the Court, allowing passive euthanasia, laid down the law on the subject and laid down the procedure to be followed in granting permissions:

- ? A decision has to be taken to discontinue life support, either by the parents or the spouse or other close relatives, or in the absence of any of them, by the 'next friend'. It can also be taken by the doctors attending to the patient. However, the decision should be taken bona fide, in the best interest of the patient.
- ? The Court also considered the low ethical standards in our country and apprehended that there could be a possibility of mischief being done by the relatives, in order to inherit the property of the patient. Hence, even if a decision was taken by the relatives, to withdraw the life support system, such a decision would require the approval of the High Court concerned. This is in consonance with the Doctrine of *Parens patria*.
- ? The jurisdiction of the High Court to issue directions to withdraw the life support system will be under Article 226 of the Constitution.
- ? When such an application is filed, the Chief Justice of the High Court should forthwith constitute a Bench of at least two judges, who should decide whether to grant approval or not.
- ? Before doing so the Bench should seek the opinion of a committee of three reputed doctors, to be nominated by the Bench after consulting such medical authorities/medical practitioners as it may deem fit.
- ? The committee of three doctors nominated by the Bench, should carefully examine the patient and also consult the records of the patient, as well as take into account, the views of the hospital staff and thereafter submit its report to the High Court Bench.

Word of Gratification

Lastly, the Hon'ble Court expressed its appreciation to Ms. Pinki Virani who filed this petition. As a public spirited person who filed the petition for a cause, she was bona fide regarded as correct and ethical. The Court also commended the entire staff of KEM Hospital, Mumbai (including the retired staff) for their noble spirit and outstanding, exemplary and unprecedented dedication in taking care of Aruna for so many long years. Every Indian is proud of them. ■

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25

by Aparna Bagree, V-III



No, this isn't about a sequel to the TV show 24. This isn't about some famous celebrity couple's silver anniversary either. This is about 25 being the new 21. The Maharashtra Government last year decided that its men and women weren't competent enough to hold their alcohol until they attained the age of 25. Well, that is very logical and I, for one, resolutely agree. Why a sensible man like Imran Khan, one of today's youth icons, doesn't, I fail to understand.

Of course we're capable enough to choose our Government when we're 18, but we aren't capable of being sober enough to vote till we're 25. Of course we're responsible enough to get married and start a family when we're 21 (18 for women because, well, we're just smarter) but we're not capable enough to consume good Scotch at a party till we're 25.

Now, if the divorce rates rise because of newlywed, frustrated spouses not being able to drown their sorrows in alcohol, you really can't blame the Legislature. A point to be noted is that wine is exempted from this rule because apparently it contains a "very small" quantity of alcohol. Fair enough, eh?

The Government believes that between 21 and 25 we develop a sudden maturity and astuteness that stops us from doing stupid things when drunk. Maybe the age of 25 makes you immune to alcohol. I hope they're aware that once you have 25 shots you become immune to just about everything. Another fact to be proud about is that 25 is the highest age bar for alcohol in the world. Woohool Let's celebrate. Without alcohol, naturally.

M A G

Harry Potter & The Pseudo Saga

by Vidhi Shah, V-III

"Harry Potter is about confronting fears, finding inner strength and doing what is right in the face of adversity. Twilight is about how important it is to have a boyfriend."

Said by Mr. Stephen King, while criticising Stephanie Meyer's writing abilities in an interview, this pretty much sums up the crux of the comparison between the Harry Potter & Twilight series.

To sum up the plot of Twilight: a self-absorbed teenage girl falls in love with a vampire who is a decade older than her. The heart-warming love story progresses at snail's speed, until he leaves her, under the pretext of protecting her and she inflicts pain upon herself in order to see visions of him. As if dealing with a vampire-human love story wasn't enough, she befriends a werewolf, who in turn falls in love with her. This only makes you wonder about the vibes given out by a fairly reasonable-looking teenage girl, who seems to attract only non-human affections. Towards the end of the series, she is impregnated by her vampire husband and gives birth to a cross-breed vampire-human, after which her werewolf best friend transfers his affections onto the child of his unrequited love.

All in all, an average attempt at a story, consisting entirely of fictional characters (Bella cannot pass off as human, with her dire lack of humane reactions to situations). An abundance of luck led to Stephanie Meyer achieving star status in the eyes of her readership.

J. K. Rowling, on the other hand, is what one thinks of as God's child. An unheard of before story and a fantastic flair for writing was her claim to fame. She was the reason for children getting hooked onto books in an era of video gaming.

The plot of Harry Potter in a nutshell: a young orphan boy, ill-treated by his aunt and uncle, discovers he is a wizard and enrolls in a school, to learn the craft. The books span his life in the school and his adventures with the dark wizard who murdered his parents and now wants to kill him as well. The beauty of the books lies in the simplicity of the story, but the multi-faceted treatment of the same. Read at any age, it offers a new insight, and that is why it is enjoyable to many generations.

Whilst the antagonist of one is a powerful, perseverant, versatile wizard, hungry for revenge and immortality, those of the other are a bunch of sparkly vampires who, to add spice to their boringly perfect lives, wage war against the other "peace loving" vampires, thereby assisting their creator in successfully making a series when she could have simply stopped after the first book.

"TOWNIES" VS "BURBIES"

by Harsheen Madan, V-I & Paridhi Shroff, III-II

I have a friend who lives in Powai. She thinks she lives in town. It's times like these that I fear for the sanctity of South Bombay. This is what happens when you build a bridge over troubled waters; mixing the old with the new and all that jazz.

Since I've been in Mumbai for as long as I can remember, and furthermore in "town", "Burbies and Townies", "who is the real Mumbaikar?" and all other discussed issues that generally follow, were not really a debatable topic. "Town" was Mumbai, we were South Bombay-ites-popularly known as Sobo-ites-and our own little world, "town" (which I generally replace with the word Bombay), was life. We were more or less ignorant to what I fondly call, "the other side."

This debate sprang up much later, when I reached College and interacted with the "burbies". Taking a moment to describe them, I would say that they are nice, friendly people, who suffer from a few misconceptions- that they live in Mumbai and that the people who actually do ("townies"), have attitude. I beg to differ.

Technically, North Bombay is NOT town. Here's how. North Bombay (herein and after referred to as the "Burbs"), is anything north of Mahim. And its residents are "Burbies". South Bombay (herein and after referred to as "Town"), is anything south of Mahim. "Town" is and includes everything. And by that I mean EVERYTHING.

Anyone living in "town" (no, we aren't going to refer to them as "townies" - that's a "burb" word), can live within a 10km radius of the best food, the hottest people, the nicest theatres, the ocean, Worli and Marine Drive, Ayub's, Bade Miya's, and of course, the High Court! You needn't venture far for anything. The only exception is the airport. The "burbs", well, as the "burbies" say, "Wanna be but never gonna be!"

For years the battle was fought. The "burbs" have been trying to steal the limelight but have failed miserably. A few years ago, a truce was called; a truce that in my opinion threatened to make town as we know it, a thing of the past. The Sea Link has gone a long way in mending bridges that were long thought to be burnt, and may help in allowing the "burbies" to see what they have been missing for so long! Now that this war is a thing of the past, I guess all the BBM forwards should be dedicated to the next big war- Bombay vs. Delhi!

REVIEW

DELICIOUS DECEMBER

by Subir Sarkar, V-II

If Parliament constitutes a mini India, that would make us Indians a bunch of quarrelling kittens, who can neither have their milk nor share it. This past December, our Parliament had a greater entertainment quotient than the Bollywood films released during the same period. The fits of laughter we enjoyed thanks to our politicians provided adequate warmth against the harsh, freezing winter.

Our observant Prime Minister refused to speak, whereas the Finance Minister spoke on everyone's behalf. The Home Minister was asked to stay at home and the HRD Minister made the microphone his own. Our Government tried to avoid facing the music, when the variety of sounds made by the Opposition was enough to put an orchestra to shame. From Team Anna protesting like soldiers during the day, to our ministers masquerading like warriors at midnight. The meetings held at 10 Janpath and 7 RCR were directly proportional to the sessions disrupted in Lok Sabha. From a certain TV anchor asking all the "direct questions", to the ministers losing the country's confidence, like our cricket team in Australia. Where the Lokpal became an ever popular "Jokepal" and FDI stood for Fabulous Disruption Instrument.

Here's my salute to the Winter Session of Parliament where one slap brought about unity and intelligent conversation brought destruction.



THE EUNUCH RACKET

By Ayaan Patel, V-II

It is a little known fact that while the eunuchs* of today are frowned upon, there was a time when being a person of the third sex was a matter of prestige and social security. Given high posts in the Kings' Courts and the responsibility of guarding female royalty, the 'Hijra' or more respectfully, the 'Khwaja Saraa' was renowned for his singing and oratory skills, sheer strength and more importantly, the self-control over his libido. Because of the economic benefits, many poor families would even have one of their sons converted into a eunuch. Since eunuchs could not procreate, their loyalties never shifted for self-centered reasons. Although this made them trustworthy, they were rendered mere tools for others. It would not be an exaggeration therefore, to say that the whole eunuch cult was established on a foundation of lies and greed.

Originally a religious process, castration was the method by which a male was deprived of his genitalia and subsequently became a eunuch. While this itself caused great agony, history ensured that the eunuch was not spared just yet. Prisoners of war, rebels and ordinary criminals were castrated to bolster the slave labor force of the kingdom. Not much importance was given to human rights and so the whims and fancies of rulers had to be adhered to. The British Period saw the labeling of the eunuch of India as a criminal tribe and consequently they were predisposed to great atrocities. While post-independence legislation did not maintain this, the act of castration was still deemed illegal as per Indian statutes. In spite of being formally acknowledged, such legislation has not been effective in changing the medieval attitude towards protection of human rights.

In the present scenario, eunuchs live on the borderline of society. They face severe discrimination in housing, immigration, law and by the bureaucracy. Jail authorities often face a dilemma as to whether they should place eunuchs in a male or female cell. Putting them with men may lead to their physical abuse while women on the other hand feel uncomfortable due to their presence. Complications have also arisen when terminally ill eunuchs were made to wait, as hospital authorities could not decide which ward to admit them to. The debate on the eunuch community is indeed multi-faceted. While we blame them for vulgarity and inappropriate behavior, at one level it is the lack of understanding and acceptance by the general public that has cornered them into the situation that they are in.

While many people despise eunuchs, there are quite a few who live in fear of them. There is an age-old belief that the eunuch has extraordinary latent powers acquired by abstinence and so he may confer blessings or even lay a curse on other people. It is because of this orthodox notion that

childbirths and public places and do not leave without being paid a fee. There are many cases of young boys being kidnapped and castrated by eunuchs so that they may be forced to beg or be subjected to human trafficking. When such incidences do occur, parents in rural areas do not file complaints as the veil of religion clouds their thinking. More often than not, the police are to be blamed for failure to check this heinous crime.

Eunuch communities flourish in metropolitan cities such as Mumbai. With its highly urban society that enables freedom of expression, Mumbai serves as a hotspot of sorts for eunuchs from around the country to migrate to. Although the functioning of eunuch communities largely remains a mystery, there does seem to be a system of hierarchy, with each group of eunuchs having a guru that they look up to. Young boys who run away from home or homosexuals who feel that they are women trapped inside a man's body become the easiest targets for the propagation of the community. The questions that arise now are: do the older eunuchs perform conversions to ensure that their kind does not become extinct? Or is it because they need someone whom they can depend on for their livelihood? More importantly, can any one of the above be a remotely justifiable reason?



In India, the Government has taken steps to make jobs available to eunuchs. In a controversial move, eunuchs in Patna were employed to collect taxes from villages and cities. While this policy blatantly implies that eunuchs should be feared, it has ironically been the most successful method of collecting taxes, till date. Recently there have been many instances of "celebrity" eunuchs making appearances on television shows. Although this has led to a certain degree of awareness amongst the people, the media has in many cases glorified perversion as well. While NGO lobbyists are constantly trying to uplift the status of eunuchs, no drastic changes can be expected in the near future.

It is inappropriate to form a stereotype about the eunuch community as a whole. While there are some who try their best to honestly earn a day's wage, there are others who have far from subtle methods of doing the same. The most important aspect is to break this vicious cycle by preventing younger generations from being converted. So on being encountered by a eunuch the next time while on a local train, you can choose to either support the eunuch racket or do the greater good and look the other way.

*Refers strictly to males castrated post birth (both voluntarily and involuntarily) and no reference to people with innate genitalia defects has been made. ■



13th D. M. Harish Memorial Government Law College International Moot Court Competition, 2012

In the year 2000, the then General Secretary of the Moot Court Association (MCA), Mr. Sharan Jagtiani, with the support of the D. M. Harish Foundation, conceptualized the idea of having a moot court competition in memory of his late grandfather, Mr. D. M. Harish, one of the most accomplished individuals in the legal fraternity. The 13th edition of the Competition held from 9th to 12th February 2012, saw an unprecedented participation of 15 international Universities, along with 16 of the best Indian Universities.

Many wonder where all the man-power and time goes in organizing DMH. It begins with the DMH Compromis which revolves around legal contemporary issues in International Law, drafted by experts in the field. The Compromis of the 13th DMH centred around two fictitious countries set amidst a tense political scenario following the establishment of a banking institution with characteristics similar to that of a tax haven. The moot point ultimately being, what can be done legally, when in an interconnected world, the policies of one country adversely affects a host of countries and has a far reaching impact on the economic mood of the world.

Upon framing of the Compromis, we proceeded with the dispatch of invitation letters to Universities around the globe. As the month of November approached, our Marketing and Public Relations team was in full swing along with the Venue Co-ordination, Accommodation and the Catering Team to get all the arrangements in place. The 'Memorial Team' which handles the coding, verification and coordination of submitted memorials; and the 'Scoring Team' which handles the tallying, cross checking and printing of score sheets are our lifelines during the days of the Moot. The signature MCA 'Guard of Honour' involves smartly dressed members welcoming judges, participants and guests at the entrance of every venue, whether under the sun or in the late evening, but always with a smile. Ultimately such intricate aspects of the Moot, contribute to make DMH a grand success that it has been every year.

DMH participants are the ones that set the calibre of the competition. There is no doubt that every Indian law school reserves its most talented mooter to shine at DMH, and every International University awaits for the much heard of 'DMH Experience'. The organizer-participant interaction begins from the time of registration of teams in early November and lasts for years together. We try our best to ensure a smooth and enjoyable mooting experience at every step; that may include talking to officials at the Home Ministry or even assisting in the visa process of a Nigerian team, whose country is in a state of rebellion.

The 'DMH Pride' includes, apart from our participants, our brilliant judges that graciously consent to judge the rounds of the competition. After all, the soul of any moot court competition is undoubtedly and quite rightly, the mooting!

And therefore the policy of 'higher the level, tougher the fight', is followed to the word at DMH. The second round, the Octo-Finals, saw partners of law firms and Counsels of the Bombay High Court grill teams, to enlist eight that made it to the Quarter-Final Round. If the presence of founding partners and senior partners was not enough to intimidate teams at the Quarter-Final Level, arguing in front of the biggies of the legal fraternity, the likes of which included Mr. Bahram N. Vakil, Mr. Janak Dwarkadas and Mr. Cyril Shroff, definitely blew away the Semi-Finalists.

This year the DMH Panel Discussion took place at the Sahyadri State Guest House, with Mr. B. N. Srikrishna (Former Supreme Court Judge) as the Chief Guest for the occasion. The Panel Discussion topic was 'Whether tax havens, Double Taxation Avoidance Agreements and Voluntary Disclosure Schemes are a boon to the global economy?' which was tacitly moderated by Senior Counsel, Mr. Hareesh Jagtiani. Apart from the intense mooting rounds, the D. M. Harish Foundation hosted the DMH Banquet, an exquisite dinner at the Sahyadri State Guest House, which served as an informal interactive session between the participants and the hosts. This was followed by an open air bus tour of South Mumbai for all participants, to showcase the architecture and grandeur of the city by night.



Final Rounds, 2011

One can be rest assured that only the two most capable and deserving teams reach the Final Round of Arguments after the rigorous seeding process that we put all teams through. On 12th February it all boiled down to witnessing brilliant advocacy and ultimately the adjudication of Best Team. This was done by none other than five sitting judges of the glorious Bombay High Court at the Mumbai University Convocation Hall, which, with its majestic Victorian set-up was truly a fitting way to culminate yet another edition of the competition.

One of the key reasons to DMH being received with the euphoria that it is, is the sincerity with which each and every member of the Moot Court Association dedicates itself to the competition. The members work fervently all year round, with 'work-hours' rapidly increasing as 'The Day' arrives. The MCA will always dedicate itself to the cause of raising the benchmark for India's most acclaimed event on International Law, continuing now with the next edition of the competition scheduled from 8th - 10th February, 2013. ■

A 63 year old man spends approximately 3 months and ₹ 10,000 to get his pension fund- the pension that he deserves and is rightfully his. So why does he have to pay a Government official money to get what he is due? Is this a bribe? Should the man be charged and penalized for bribery?

According to the Oxford dictionary, to bribe someone is to "dishonestly persuade (someone) to act in one's favour by a gift of money or other inducement." This definition explains bribery in its broadest sense. In India, what is more common is the common man having to pay a bribe to get what is rightfully his. So according to the dictionary meaning, this cannot be called bribery. The bribe-giver is giving money, not to get someone to act in his favour, but to get what he is entitled to. However, the distinction between one who pays money to make the public servant act in his favour and one who is forced to pay money just to get what is rightfully his, is blurred and both are treated as bribe-givers.

In India, the bribe-giver as well as the bribe-taker is punishable for engaging in bribery. This is provided by Section 12 of the Prevention of Corruption Act, 1988, which deals with abetment of an offence. As per this law, the bribe-giver is considered to be abetting the act of bribery and hence, he too is punishable.

But the question that must be addressed is, should the bribe-giver, who was forced to give a bribe, be punished too? Isn't he a victim of the circumstances and shouldn't the law protect him?

Section 24 of the Prevention of Corruption Act states that a person who unwillingly gives a bribe, will not be made liable for the offence of bribery, simply by virtue of his statement in a court of law against the bribe-taker. This has a few drawbacks. Firstly, this section is not known to the common man and hence he would not even think of using it as a defence. Secondly, the term "unwilling" is ambiguous and extremely hard to prove in a court of law. Hence Section 24 is difficult to use in a court of law and more clear-cut laws governing the legality of bribe-giving are required.

Recently, Mr. Kaushik Basu, the Chief Economic Advisor to the Ministry of Finance called such bribes "Harassment Bribes" and has come up with an idea, which will not only protect the victim, but also hopefully reduce bribery and corruption in the country.

The current system in India, as mentioned above, penalizes both the bribe-giver and the bribe-taker. This results in a double whammy to the victim:

- a) He does not get his pension (or at least it is delayed much further).
- b) He does not get back the bribe money till the relative case is decided in a court of law.

Do those condemning Mr. Basu's proposal on grounds of "morality" think it moral to punish the primary victim of bribery –the common man– on a daily basis, for trying to obtain what he is rightfully entitled to in the first place?

As per present laws, Mr. Basu feels that there could be a disincentive to the bribe-giver from approaching or complaining to the law-enforcers. This is because once the bribe is given, he will also be prosecuted along with the bribe-taker. It is in the joint interest of both the bribe-giver and the bribe-taker to keep this fact hidden from the authorities.

Mr. Basu says that the laws must be changed and the bribe-giver should not be punished for the act or the abetment of the act of bribery. This system has multiple benefits:

- a) The bribe-giver now has the incentive to complain against the bribe-taker. This is because he is no longer punished for the crime and he also gets back the bribe money. He would also have the incentive to collect evidence to prove the act of bribery, which he would not have had before.
- b) The bribe-taker will also be more careful and responsible because the probability of the bribe-giver complaining after the deed is done is very high and the bribe-taker is also doubly fined.

These methods will hopefully reduce bribery and corruption which is rampant in our country. It must be understood and made clear that this system proposed by Mr. Basu is limited only to harassment bribes.

In cases of non-harassment bribes, immunity should not be given to the bribe-giver or for that matter, to either party. Both the giver and the taker of the bribe must be prosecuted. The bribe taker should attract a more stringent punishment since the act of bribery is complete only when he accepts the bribe. This would weaken the bond between the bribe-giver and the bribe-taker and would give one of them the incentive to complain against the other.

A major drawback of this system is that Government officials could be subject to blackmail or could be falsely accused of bribery. To prevent this situation from arising, laws regarding blackmailing should be added to the anti-bribery rules and also made more severe.

While no law can be 100% foolproof, this proposal is a definite improvement on the existing system. This change may not result in the complete eradication of corruption and bribery, since after all it is the acceptance of law and individual integrity and morality which will put an end to such acts. However it will certainly go a long way in reducing it.

Legalising harassment bribes: the cloaking of immorality

by Surekha Srinivasan, V-II

“Whoever fights monsters should see to it that in the process he does not become a monster”

- Friedrich

Nietzsche

As a multitude of corruption scandals captured television screens, and “civil society” with Anna Hazare at its helm, attempted to conjure up a revolution to create change, it was evident that corruption was foremost in the collective psyche of the masses. What caught my eye during the ongoing movement was a working paper by Mr. Kaushik Basu, Chief Economic Advisor to the Ministry of Finance, which put forward the proposition that ‘For a class of bribes, the act of giving a bribe should be treated as legal’.

The working paper puts forth the suggestion that for a certain class of bribes, the bribe-giver should be given legal immunity. In such a scenario he would then fearlessly expose the bribe taker.

Under the existing Prevention of Corruption Act, 1988, both the bribe-taker and the bribe-giver are considered equally guilty, thus assuming the presence of a bond between them. Mr. Basu’s proposal aims to break this bond and empower the bribe-giver with legal immunity, as the author believes that the bribe-giver is a victim of what he calls “harassment bribes”. He defines harassment bribes as, “bribes which people give to get what they are legally entitled to get”. An example of such a scenario, given in the paper, is an instance where a person’s income tax refund is held back till he pays a certain amount as a bribe. According to the proposal, if the individual gathers some proof against the harassing officer and reports his act, not only does he get legal immunity but also gets the bribe amount back. Though highly innovative, the proposal has some fundamental defects.

One of its major defects is its assumption that the bribe-giver will report the act of corruption and not misuse his immunity.

The proposal also gives examples of evidence which can be collected in order to take the bribe-taker to task, such as taking secret photos or jotting down the numbers on the currency notes handed over, so that immediately after the bribery, he or she can turn informer and report the bribe-taker. However such collection of evidence is only possible in urban India, where people have access to technology such as secret cameras or mobile phones, and not in rural India, where even the basic necessities of life aren’t available.

The bribe-giver who is aware that an individual is illiterate and unaware of any such legislation, will only try to mislead the person into believing that bribe-giving has been made legal, which might act as a catalyst to increasing corruption. As 70% of India’s population lives in rural areas, any legislation that threatens to impair the interests and development of more than half of the population is

uncalled for.

Further, even in urban areas where corruption in sectors like education and infrastructure is rampant, such a legislation will only encourage the bribe-givers, as they are not only in a safe position to give bribes, but might also take advantage of the law and cry harassment as soon as their purpose is solved.

Also, if the present proposition is given effect to and no reports or complaints are filed, it may lead to a situation of complacency. And lack of complaints can be effectively used by opportunists to claim eradication of corruption.

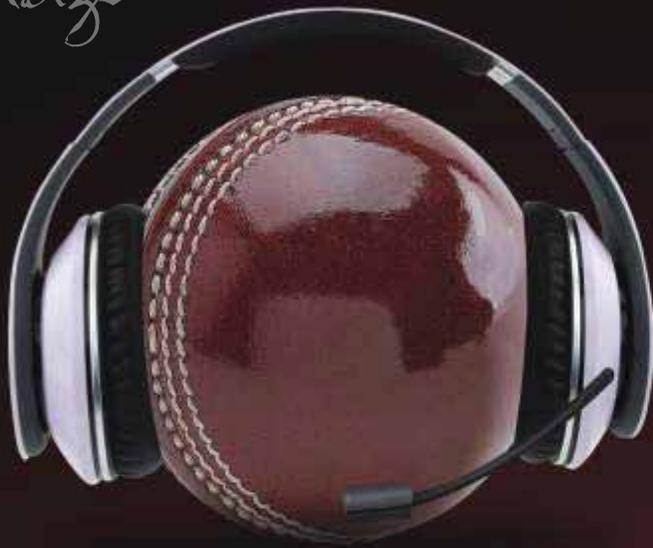
There is an exception to our bribe-giving or abetment law, in the form of Section 24 of the Prevention of Corruption Act, 1988. The Section lays down that if a bribe is given unwillingly, any statement made by the bribe-giver in a court of law, indicting the bribe-taker, would not make him liable for his act. This exemption would therefore apply only if the bribe-giver can establish that the bribe was given “unwillingly” and in order to trap the public servant. Thus the existing law itself provides for a solution, in a different manner.

This legislation will not help us curb institutional corruption, which takes place on a larger scale, in the case of scams like the 2G scam, etc. Thus this proposal is aimed only at a part of the problem, while ignoring other types of corruption.

We should also take into consideration a scenario wherein the bribe-giver instigates corruption by coercing the bribe-taker to invade the due process of law, to speed up the bureaucratic process. As the author himself says, ‘Once it is completely clear that a bribe-giver has immunity from our bribery law, it is true that many more people will be willing to give bribes’. This can lead to personal dominance of politicians and bureaucrats by charging high rates as bribes, thus making way for inequality in distribution of national income, making the poor poorer. Another obstacle which might arise from this is that a section of honest officials will be left exposed and they may fall prey to the evils of blackmail and undue coercion.

The idea of legitimising bribery in a country plagued by systemic corruption is preposterous; it would be helping the already well entrenched ethos of venality to spread its roots even further. In a bid to provide a quick fix solution to the evil of graft, Mr. Basu is reinforcing the very mentality that the nation is grappling with.

It would be apt to conclude with one of the “caveats” provided in Mr. Basu’s own working paper, which concedes that for the extinguishing of corruption, one would have to rely solely on “individual values and character traits”. Man’s innate tendency to find his way around almost any rule or legislation, brings home the necessity to strengthen society’s basic values and moral



TEAM INDIA— THE HOMECOMING!

by Rohan Singh, V-V

There remains a popular perception, that not many things unite India quite like movies/cinema and cricket do. Some would continue calling it a perception, others are quite sure it's a fact. Having said that, there are so many things that divide this country, be it religion, caste, language, political choices, one's position in society, one's family's bank account, amongst so many others.

On April 30, 2006, the International Cricket Council ("ICC") announced its decision to hand the 2011 edition of the Cricket World Cup to the four Asian countries, i.e. India, Sri Lanka, Bangladesh and Pakistan. Subsequently, owing to the terrorist threat in Pakistan, they were removed from the list of hosts for the World Cup and the 3 remaining countries took over the responsibility. This article covers the journey of a country that finally redeemed itself by winning the much coveted World Cup trophy for the first time, since its first time in 1983.

India's first match of the World Cup was played against Bangladesh in Dhaka. Many considered it to be an opportunity to make a statement, to tell the world that we were ready to win this and win it in style. Revenge was a word thrown into the mix every now and then for the role this very country had played in knocking India out of the 2007 edition of the World Cup. And whilst the English language would have you believe that revenge is a dish best served cold, on a hot sunny afternoon in Dhaka, Team India handed out a real hammering, thereby making a statement of intent to the other big fish in the World Cup pond. Virender Sehwag hammered the bowlers with such contempt, he'd have been charged for assault were this not a cricket match!

Team India's next challenge came in Bangalore against a formidable looking England team and what followed was widely acknowledged as THE match of the World

Cup, as the two teams served up an absolute classic. India batted first and started aggressively before the little master Sachin Tendulkar got himself a record 5th World Cup century and India ended up with a mighty 338 to defend. The English started well and were taking the Indian bowling to the cleaners before Zaheer Khan's spell in the batting power-play changed the game. It had looked as though the English would achieve the Indian target with relative ease and overs to spare, however, that too was not to be, as India fought back and ultimately a tie ensured a contest that would've had a lot of people chewing on their nails for most of the night.

The next couple of tests came in Bangalore and New Delhi, against cricketing-minnows Ireland and Netherlands, respectively. The Irish and the Dutch, both put up a worthy fight and even came close to embarrassing the cricketing giants in this clash. In both matches, it took a telling performance by Yuvraj to tilt the game towards India, as he struck effectively, with bat and ball to make a strong contribution for Team India.

The next game took place in Nagpur and was the "biggie" for most people in and around India. Amongst the many faces present in the crowd at Nagpur, was mine, cheering in my Team India jersey with childish excitement, the type that only Team India can bring about. I wrote earlier of how it united us - this wonderful game of cricket - but forgot to mention how it brought out pure, unadulterated emotion and emotion we didn't know existed inside us. India batted first and we were delightful to watch. I hardly spent any time on my seat, as the Sehwag and Tendulkar show was on in full flow. A four here, a six there, a cover drive here, to the much-famed "upar cut" there, India were in cruise control. I'd expected to see a good Indian performance as I stepped onto the flight from Mumbai to Nagpur, but this was beyond my expectations. I was at the stadium

with a fellow GLC student Harsh Lal, who, as it turned out, was a South Africa supporter, with his green jersey et al, and he couldn't bare to watch the annihilation out on the pitch. I'd have said 375 looked realistic for most of the innings, but as Navjot Singh Sidhu once said, the Indian batting collapsed like a cycle-stand in Punjab-one goes, the rest follow. From being 267 for 1 in the 40th over, India were miraculously bowled out for 296. The South African team were told that slow and steady wins the race, as they batted themselves in and whilst looking comfortable to push on at one stage, started losing wickets and the famous "choker" word was being spoken off again. My friend Harsh went through more

see us lose and it definitely wasn't a game Harsh and his fellow South African fans expected to see us lose. I left the stadium, depressed almost, at the events that had transpired moments back.

India's last match in the group stages came against the West Indies as the two teams clashed in Chennai. India batted first and set a formidable target of 268, inspired by a Yuvraj century and the Windies started superbly. They took on the Indian bowling with relative ease and seemed in complete control of the proceedings, with a score of 146-2 after 27 overs and it seemed like they would achieve the target with sufficient time to spare.



"THE WAIT HAS ENDED AND A NEW LEGEND HAS BEEN BORN," THE TIMES SAID, PUTTING DHONI'S SQUAD ON THE SAME PEDESTAL AS THE LAST INDIAN TEAM TO WIN THE WORLD CUP BACK IN 1983.

emotions than a young woman does through labour. Finally, with one over to spare, South Africa needed 13 to win and Ashish Nehra bowled probably the most forgettable over of his life. As the Proteas, as they're popularly called, pulled off a stunning victory over the Indians, I couldn't believe what had just happened in front of my eyes. Whilst Harsh celebrated wildly, I sat down and just looked on in disbelief at how this game was lost. It wasn't a game I expected to see us lose, it wasn't a game anyone else in the stadium expected to

But much like the Indians had in Nagpur, the Windies collapsed. They were bowled out for 188 and lost their last 8 wickets for 34 runs. With this, India progressed from their Group in the World Cup's first stage and qualified 2nd from Group B.

Next up for India in the quarter final of the World Cup, were the mighty Aussies. A team that had, for over a decade, dominated the game in all formats and done so with a ruthlessness most Indians envied from a distance.

For the world at large, this was a final in itself. It was the final at the 2003 edition of the World Cup, a game India went into, largely being hailed as favourites, but walked out much humbled and to put it mildly, thrashed! The city of Ahmedabad played host and the world looked on as one of the tournament's heavy weights was certain to make an exit. The Aussies batted first and posted a competitive total of 260 on a slow wicket with Captain Ricky Ponting scoring a superb century to help them get there. India started alright with the target well within their grasp but a few wickets fell in quick succession and the song book came out with classics like Vande Mataram and Chak de India, inspiring not only the batsmen, but the crowd too. Everyone present could sense the Aussies were there for the taking and despite losing all those wickets, Yuvraj and Suresh Raina guided India home with the duo remaining unbeaten and the former even taking the Man of the Match accolade for his half-century and 2 wickets. The country rejoiced and whilst Gujarat is regarded and even acknowledged as a dry state, there are serious doubts in my mind about whether on that particular night, anyone really cared. The city, state and country partied in celebration and anticipation of the next game, that against arch-rivals and noisy neighbours, Pakistan.

The city of Chandigarh was prepared, and by prepared I mean prepared to a different degree. There was a military presence in the city along with the already present Police and special Commando Forces to provide security for a match that was for the two countries concerned, their biggest game of the tournament. India and Pakistan met in Mohali, and every ex-cricketer around had become an analyst and expert before the match by giving his views on the strengths/weaknesses of both teams and giving a prediction too. There was media frenzy before the match and it was bound to be no different during or after the match. Hotels, resorts, guest houses and all other accommodations were all sold out for days before the match. I am originally from Chandigarh and had at least 6 different groups of people contact me to stay at my house, whilst there for the match, some of whom I hardly knew! I said at the beginning, didn't I? Cricket really does something to India, that nothing else can. A friend of mine who had travelled for the game was so tired of looking for accommodation, he decided to stay in Delhi and drive down to Chandigarh in the wee hours of the morning. A drive that usually takes 4 hours, took him 7-8. Cricket, I tell you! The match began with the leaders of both countries meeting the two teams out on the pitch and wishing both teams luck. No prizes for guessing who wanted whom to win. India won the toss, batted first and got off to an explosive start with Sehwag showing the sort of form he did in Dhaka and Nagpur before losing his wicket. Soon, wickets started falling regularly.

Young Pakistani pacer Wahab Riaz bowled with a vigour the commentators said they'd never seen in him before, as he took 5 wickets on the day and restricted India to 260, still a competitive total, it must be said. Pakistan started decently well, not gung-ho but not slow either. They were batting sensibly but soon, just like Team India, started losing wickets at regular intervals. Late in their innings, when the game was finely balanced, I decided to relieve myself off some pressure (of a different kind albeit) and take a quick trip to the bathroom. Whilst in the bathroom, I heard some yelling, which could almost be classified as a celebration. It was loud, I'll tell you that! I celebrated to myself, knowing that it was certain that a Pakistani wicket had fallen. As I found out eventually, it was the danger man, Shahid Afridi, who'd gone, leaving them at 184-7. Whilst celebrating at that moment, I reflected on the yelling/celebrating I'd heard a while ago. It was amazing. I told my Dad seated next to me at the time, "Dad, we don't need to watch the game, let's just sit next to the window here and you'll hear everything you need to!" We didn't actually end up doing that but it was a great feeling that, just like eventually winning the match was and knowing we'd made the World Cup final, which as it turns out would be played in Mumbai. After the match, I got a call from a friend, telling me to come and party with him. I asked him where. "Marine Drive!" came the answer. I lived close by so chose to walk and was left stunned at what I saw there. There was a party - there's no other word to describe it. People were screaming from their cars, waving Indian flags all over the place, celebrating, singing and dancing. A win over Pakistan meant the world to everyone in the country. In my head, I wondered what it would be like if we won the cup! I'd find out soon enough!

The day of the final was approaching and the opponents were our southern neighbours, Sri Lanka. Widely regarded as the team that was playing the best cricket in the tournament so far, it wasn't going to be an easy game - that was certain. With it being announced before the game, that it would be Murlidaran's last match, it was bound to get the Lankans revved up, if they weren't so already, that is! On the other hand, India is certain that this is no more than it is due. It has already celebrated what many in the country regard as the real final, victory over its most reviled opponent, the notoriously unpredictable - unless you happen to be a friendly bookmaker - Pakistan team. And India was desperate for this victory. The humiliation of the Commonwealth Games corruption scandal was still fresh. The country's recent diplomatic successes, not least towards a permanent seat on the UN Security Council, had been overshadowed by fresh concerns about its aspiration to be regarded as a first world nation. This was a nation demanding international approval, buoyed by the news

that projections now showed it would overtake China as the world's most populous nation by 2030. There was a sense that its time had finally come.

As Saturday, the 2nd of April dawned, prayers were said and pujas were carried out. Anything to give the Indian team an edge. Across the country, people painted themselves in the blue of the national team strip or in the orange, white and green of the flag, and prepared to party. Bars, restaurants and hotels hiked prices and charged admission to the more rarefied environments. In many places, TV screens were set up and even when the big screen was not an option, the nation gathered anywhere that a television was on, peering over each other's shoulders to catch a glimpse of the match. I sat at home with my friends whilst my parents were at the Wankhede Stadium to see history being made. Sri Lanka won the toss and chose to bat. For many it was the only thing they were allowed to win on the day. Despite a slow and sluggish start, creditable mainly to some good bowling and outstanding fielding by Team India, the Lankans caught on and managed a tough total of 274 in their 50 overs. "Fine", I thought, "we'll just have to earn the trophy now and not just win it." As India came out to bat, there was excitement all over the place. I had a peep outside my window to see the roads empty; not a bus or even a taxi in sight. "A great time to test drive a car!" I thought. As the noise and excitement hit fever pitch before the first ball of the Indian innings, there was stunned silence after the second ball of the innings, as Sehwag was dismissed and the Lankans had an early break, which they celebrated lavishly. There was so much expectation of Tendulkar to score his 100th 100 in front of his adoring home-crowd at the Wankhede, in a World Cup final. Some had even forgotten to take into consideration that it might not happen, and that soon became a reality as the little master was dismissed early and India were left at 31-2. The party atmosphere in the city and country took a step back in disbelief at the way events were unfurling at the pitch. You hear this wonderful English proverb, 'Cometh the hour, cometh the man', and in India's hour of need, Gautam Gambhir stepped up to the plate and displayed maturity well beyond his years, as he, first with Kohli and then with Captain MS Dhoni, guided India efficiently on the route to victory. As important as the game was, some felt a sense of anti-climax after the Pakistan game. Maybe the Indian openers did too but the middle order stepped up when most needed and guided India home with what ultimately was a comfortable win. MS Dhoni scored the winning runs with a mighty six straight down the ground and twirled his bat around right after, a video that has been played so



many times all over the country, that it's become synonymous with the World Cup triumph. The celebration that followed in the country, city, stadium and my house was unrivalled. It's one of those moments I'll be looking back at, 30-40 years from the day and thinking that it was one of those days when one was not just alive, but when one actually lived! Me and my friends at home celebrated and jumped around in delight. I even had tears in my eyes at having finally seen India achieve global domination in a sport. I looked on, smiling like a little girl in love. As the Indian team paraded around the stadium, I laughed as the youngsters of the team picked up Tendulkar whilst taking their victory lap and I shed a few more tears as I saw Yuvraj crying whilst celebrating the victory. The moment the trophy was handed out and after all that was done, we all left my house in a hurry and hurried to the party that was building up at Marine Drive. I'd wondered, if you remember, what the party would be like if we won the final. Well, it was more than I'd expected! Traffic had come to a standstill -intentionally, it must be added- as the city celebrated yards away from the Wankhede stadium and celebrated in style. I was dancing with the crowds to a nearby band, with a loud dhol being played in full flow, and the dancing crowds increasing. I met/saw friends, acquaintances and celebrities, everyone just enjoying themselves and being part of the occasion. You never know when days like these come about again, so you might as well!

I'm told every now and then that cricket is just a sport, how there are things far more important, or how my love for cricket and sport is not going to get me anywhere in life.

Maybe you know; maybe. but, nothing gets me going like an Indian victory does in cricket. Nothing ever can. I've done well in an exam and never screamed in delight to celebrate that, but every time I see an Indian bowler get a wicket, I celebrate it as if I were that bowler. I've got good reviews from my bosses at work and never jumped in joy to celebrate the success, but when India wins a closely finished game, I jump and celebrate with a zest and passion that I know many others do as well. I've never prayed to God for myself in terms of my academics and professional life, as much as I have to Him for Team India or the other love of my life, Manchester United. That's what sport can do. So the next time someone questions the role sport plays in your life, remember this article and how nostalgic it got you about India's World Cup triumph and your own triumph for that matter. For life's not about how many breaths you take, it's about the moments that take your breath away. ■

PATRON

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DOG & THE BONE

by Tanaya Shah, V-III

Animals, particularly domestic animals, mainly dogs, who are unfortunate enough to have to encounter the human world on a day to day basis, need to have their rights recognised and protected. Sounds inconvenient, doesn't it? A place where dogs have freedom of speech- impliedly barking-without being muzzled or complained about as a nuisance; a place where running over a dog with your car or pelting stones at a dog amounts to murder or battery and you would be convicted for such a grave offence by the law; a place which extends the fundamental 'Right to Life' to these speechless creatures and moreover a community which cohabits with these dogs as equals and shares space in moiety, does not go very well with the urban setup that we live in today. Some events that all of us saw in broad daylight and condoned, might force us to think beyond our mundane routines.



Unnaturally natural, January 2011:

In that part of the day when the sun is high in the sky, everyone is rushing through their daily schedules and the city markets are at its peak, I was passing by a chaotic market in a rickshaw. I glanced outside and was taken aback by what I saw. There was a dog lying down with its back to the ground, wagging its tail, between the legs of a man who held a sharp knife in his hand at the neck of the dog. The whole setting struck me and I glared at that man. He stared back at me and probably understood my anguish and doubt about his action. He shouted, "Janwar hai Madam, janwar", to make himself audible to me in the hustle of the market, as if to justify his actions.

"Janwar hai Madam, janwar", itself said the unsaid. It blatantly showed our attitude toward other living beings. Concepts and ideas about living in harmony with nature seem to be lost in oblivion in the rush of "city life." Bringing the four legged within the ambit of "living things", not only seems "human" but is also a natural line of thought that all of us seem to have moved away from.

Just by the way, March 2011:

Recently, a group of people from one of the housing societies teamed up to discuss the issue of street dogs, whose barking disturbs their sleep in the nights. Barking, as I understand, is the voice of a dog in his own language, which is equivalent to the language we speak. Just as we speak to represent ourselves, to protect ourselves from all the things around and sometimes just to feel good, dogs also bark for the same reasons and often when they sense danger in the surroundings. I

wonder how people do not find the propaganda speeches of the leaders of our country or the inaudibly loud speakers used during nights at various occasions disturbing. Anyway, the Committee reached a consensus that the dogs should be eliminated; eliminated anyhow. So, they put poison in the dump yard, which is the feeding place of all the dogs in the area. Thirty four dogs died. Their bodies were taken away the next day. I am sure the society dwellers would have rejoiced at seeing dead bodies. Just to put it in perspective, they were bodies of living beings on which living beings rejoiced.

Policy decision, July 2011:

The Ahmedabad Municipal Corporation is on a sealing drive now days. They are sealing all shops in the basements of buildings. In one of their sealing programmes, a pregnant bitch got stuck in one of the sealed shops in the basement. She cried hysterically to be removed from the darkness. People around heard her voice and requested the Corporation to open the seal so that she could come out, free. The Corporation denied their request, apparently after putting a lot of thought to their policy decision. Out of no choice, people threw food to her from a gap. She refused to eat. She wanted to get out of the suffocating darkness. Ultimately, she died of suffocation in her own unheard cries. The carcass started emitting a foul smell; still nothing could move the very thoughtful Corporation.

The flip side, August 2011:

There was a litter of adorable puppies in the street to my house. They were six siblings. One of them died of a disease and two of them were run over by vehicles. Do those car drivers realise that dogs are also living things? I suppose that they are least concerned or too self absorbed to slow down their cars or stop talking on their cell phones while driving. They must believe that whatever comes under those gigantic wheels is inconsequential.

One day, the remaining puppies were picked up by the Municipal Corporation Dog Squad. The reason was a complaint from one of the residents of my society. The ground for the complaint was their barking in the night. I rang up at the Dog Squad. What I gathered from their hesitant answers was that they had caught seventeen such dogs that day and left them at the sewage farm, which is their usual stray dog dumping place. Out of concern I drove down to the sewage farm. Like most of us, I did not have the faintest idea of what the place would be like, except from the name which suggested that it would be a place where the trash of the whole city was dumped. I was welcomed by huge, black mountains of plastic, rubber, stale food, broken shoes, corroded iron and the daily excreta of the city. The place had undergone what we may call a "sewage fire", which is exactly like a forest fire, and resembled a black desert. It was a place with which the presence of any life would be incongruous. Gathering courage, I walked for a while, shouting out for those puppies. A human voice invited similar puppies whose stomachs were stuck to their ribs. I saw hundreds of grown dogs with bones jutting out and blood dripping from wounds at various places. Witnessing all this, I lost hope for those whom I had come for. Are we being fair to the same dogs who

often comfort us as our own pets or guard our own properties?

With the same incident happening over and over again with other stray dogs of my locality, something had to be done. The first step was to find out what the law has to say about this. Under the Prevention of Cruelty to Animals Act, 1960, Animal Birth Control (Dogs) Rules, 2001 were enforced. These rules classify dogs into two categories, street dogs and pet dogs. While the owners are entirely responsible for their pet dogs, the responsibility of street dogs is with the local authorities and Animal Welfare Organisations (AWOs). Rule 7 lays down the procedure of capturing, sterilisation and immunisation of street dogs.

Accordingly, the Dog Squad is responsible for receiving complaints from the citizens. The grounds for the complaints may be as frivolous as nuisance caused by the barking of a dog. The dog is then to be captured and put in a dog van in a humane manner, taken to a dog pound/kennel maintained by an AWO, where under veterinary care, they are to be immunised, sterilised and taken care of. The next mandatory step is to return them to the place from where they were captured, the whole procedure being recorded in registers.

In the present case, there was something surely missing. There was the displacement that was evident, neither was there immunisation and sterilisation, nor were they returned to their homes as required. Instead, they were dumped in the city's dump yard, the complainant entirely unaware of what they had gotten the dog into by their complaint on frivolous grounds. The next step was to file a Right to Information application, to expose the farce and see what the authorities involved had to say on this. Not to my surprise, all answers to my questions were absurd. Where the question asked was for records of the dogs picked up, what was done to them thereafter and the records of their release, the reply stated that the process of picking up dogs was operational but no records were being maintained. Oh! So they were doing us a favour by at least doing a part of what they were supposed to! To all my questions regarding sterilisation, considering that the next step was sterilisation, they proudly stated, "the sterilisation programme has been discontinued since 2010". There was the farce that I was looking for. Keep yourself in the good books of the citizens by resolving their complaint, redirect the funds allocated for immunisation and sterilisation and leave the mute animals to die. This has been happening all over the country, for years.



"A dog cannot be exterminated because it barks. It is inhuman to kill street dogs. They too have a right to live and there are other animals on the street. The ability to procreate can be humanely targeted but killing is strictly prohibited" said Fali S Nariman. The whole moral debate of whether we have the right to sterilise dogs does ring bells, but keeping in mind what society has decided for stray dogs, it can only be a coffee table discussion and not a pragmatic approach. Sterilisation is and has proved to be the most suitable solution.



Under Article 48 and Article 51 of the Constitution of India, the State and the citizens have a Fundamental Duty to show compassion towards all living creatures, protect and safeguard forest and wildlife. Sections 428/429 of the Indian Penal Code make it a cognisable offence to maim or cause injury to any animal above the value of ₹ 10. This makes it illegal to throw acid on cows and also for people to injure or kill dogs, cats or cows on the street, with their cars. Offenders can be reported to the police station and a case filed under this section. Punishment is a fine of Indian ₹ 2000 and/or imprisonment upto 5 years.

According to the Prevention of Cruelty to Animals Act 1960, if any person treats animals with cruelty, he shall be punished for the first offence with a fine up to fifty rupees, and for the second or subsequent offence committed within three years of the previous offence, with fine up to one thousand rupees or with imprisonment up to three months, or with both. So there are these laws here and there to look after animals. Now how debauched is it to put a price tag on an animal, considering they are living beings? How effective these nominal fines for cruelty to animals are and to what extent we are fooling ourselves by calling these laws "Animal Welfare Laws" is a debate for another day. There are also a handful of comparatively more stringent laws to protect wildlife. But what needs to be highlighted is the void of actual welfare laws for domestic animals who come in contact with the bestiality of human society on a daily basis.

Dancing dog, August 2011:

I was driving down the road carelessly when I saw a crowd gathered on one side of the road. I rolled down the glass to see what was going on. On approaching, it looked like a circus where a joker was performing an act and entertaining the people encircling him. It was a puppy that had been made a joker here. He

was dancing to the beats of the trumpet that his master sitting beside him played, trying to balance himself with his two legs on a ball that rolled continuously. He seemed to have been trained to perfection. This seemed to be the means of livelihood of the master who sat beside him, with his gaunt face and torn clothes, controlling the act. The joker in this circus was also lean and pale. All this was for a morsel of bread that both the joker and his master would get at the end of the day.

I ask myself, "What were they clapping at? Were they mocking their own failures and inabilities? Were they clapping at their own oppression, or satisfying their egoistic inner self on seeing someone dance to their monetary commands? Were they happy to feel superior in that situation? Or were they just ignorant about everything behind the scenes of that circus?"

These are day to day events that we overlook. It is also just the tip of the iceberg beneath which there is heartrending cruelty. With the numerous stories of ostensibly man eating tigers being hunted down, being reported daily, migratory birds dying on drinking polluted water, fishes being choked because of oil spills and donkeys grievously injured due to over work, it is time we question our attitude towards these "four-legged citizens". Where is all this leading to? Where are we leading ourselves to? Have we moved towards becoming civilised and modern or have we moved away from the basics of human life, our place in the ecological circle, humanity and moreover, our own conscience? ■

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11th VYAS

GOVERNMENT LAW COLLEGE NATIONAL LEGAL ESSAY COMPETITION 2011-12

A good lawyer has to have a way with words, making it one of the main weapons in his arsenal. The right words can be the difference between life and death, in some cases. And it isn't just the spoken word that matters, being able to succinctly put one's thoughts down on paper also counts.

No one knows this better than Senior Advocate Mr. Dinesh Vyas. For the last 10 years he has been helping the Magazine Committee organize the Vyas Government Law College National Legal Essay Competition, with unwavering enthusiasm. This competition is awaited for by law students from all over the country as it allows them to exhibit their writing skills.

We have done our best to frame topics around current legal matters of concern, they are:

- 1) International Tax Treaties- Examples of globalised corporate governance or infringements of national sovereignty?
- 2) Is the proposed legislation on Public Interest Disclosure sufficient to protect India's whistleblowers?
- 3) Jaitapur Nuclear Power Project- Is the promise of the largest nuclear power generating station in the world, overshadowing public safety and environmental concerns?
- 4) Land Acquisition and Resettlement and Rehabilitation Bill, 2011- A boon or a bane?
- 5) Sedition laws in India and the National Security Act 1980- A necessity or a deprivation of constitutional and statutory rights?

We would like to thank our judges for the preliminary rounds- Ms. Amanda Rebello, Mr. Jeet Shroff, Ms. Mallika Taly, Ms. Shaishavi Kadakia and Mr. Tanuj Hazari.

We are extremely honoured to have the final rounds of this year competition judged by Hon'ble Shri Justice J. P. Devadhar, Hon'ble Shri Justice R. Y. Ganoo, Hon'ble Shri Justice A. H. Joshi, Hon'ble Shri Justice S. J. Kathawalla, Hon'ble Shri Justice A. S. Oka, Hon'ble Shri Justice A. A. Sayed and Hon'ble Shri Justice K. K. Tated.

The winners this year are:

1. Priyanka Sohoni, Indian Law Society Law College, Pune.
First Prize: ₹ 12,000/-
2. **Pushkar Vivekanand Ghare, Indian Law Society Law College, Pune.**
Second Prize: ₹ 9,000/-
3. **Sanjana Devi .B, School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University, Chennai.**
Third Prize: ₹ 7,000/-

We congratulate the winners. The following pages contain the essays that were awarded the first and second place respectively.

Sedition laws and the National Security Act – necessity or violation of constitutional and statutory rights?

Priyanka Sohoni, Indian Law Society Law College, Pune.
(This essay was awarded the 1st prize)

“Safety from external danger is the most powerful director of national conduct. Even the ardent love of liberty will, after a time, give way to its dictates...To be more safe, they at length become willing to run the risk of being less free”.

-Alexander Hamilton, The Federalist Papers (1787)

INTRODUCTION

The core value of a constitutional democracy is its respect for individual liberty and dignity. India, the world's largest democracy, enshrines the right to life and right to free speech and expression in the Constitution as Fundamental Rights. India's jurists and lawmakers however face the problem of reconciling individual freedoms with the enduring need for security and law and order. They are not alone, for democracies in Asia and the West alike are confronted by the need to restrict or redefine individual rights in order to tackle hate speech, extremism and terrorism.

India's sedition law and the preventive detention regime under the National Security Act deserve sustained analysis. They represent, respectively, the limits to free speech and personal liberty, and are interesting test cases for understanding how freedom and security can be balanced in a democracy. The two laws are similar in many ways. They are offshoots of colonial-era laws, which have nonetheless survived into the 21st century. They have strong subjective elements. Their supporters cite strategic and political problems to justify their use. They both punish individuals not for positive actions, but for speech and opinion, or upon the threat of an unlawful action being committed. But they have nonetheless survived into the 21st century, because they have been subjected to constitutional limits by the courts in India, and because the rationale for their existence has strengthened, not weakened.

This essay argues that the sedition law and the National Security Act (NSA), in their current form, are a necessity. The essay will first uncover the present-day meaning and application of the terms “sedition” and “preventive detention”, as defined by the courts in India. Next, it will focus on the need for and relevance of such laws in India and abroad, given the current social and political context. Third, the essay will discuss the constitutional and procedural safeguards applicable to sedition and preventive detention in India. Fourth, the relative advantages and disadvantages of discarding

these laws will be examined. The essay ends with recommendations on how these laws may be modified to improve their fairness and effectiveness.

FROM THE RAJ TO THE REPUBLIC: CHANGING DEFINITIONS

The British Raj-era definition of sedition is very different from the offences as they exist today. It is imperative to understand that s. 124A¹ of the Indian Penal Code may be unchanged in its language, but is vastly different in its meaning. Similarly, the provisions of the NSA have been altered by the Supreme Court's judgments in the cases of AK Roy² and Maneka Gandhi³, to name just a few.

During the British Raj, “sedition” was applicable to any form of criticism of the Government, no matter how mild. Though the Explanation to s. 124A protected “disapprobation” which criticized only the policies or actions of the Government, in practice the British used sedition to jail patriots like Lokmanya Tilak and Mahatma Gandhi. This definition was challenged even in the colonial-era courts. The Federal Court ruled that “the acts or words complained of must either incite to disorder or must be such as to satisfy reasonable men that that is their intention or tendency.”⁴ The Privy Council adopted a narrow reading of S. 124A, and considered speech which “tended to excite certain bad feelings towards the Government and not in exciting or attempting to excite mutiny or rebellion, or any sort of actual disturbance, great or small.”⁵ The Privy Council struck down the Federal Court's view, and thus many freedom fighters were jailed for “seditious” speech, which today would be considered unremarkable.

Such a definition could not survive after the promulgation of the Constitution and the creation of a democracy. In Kedar Nath Singh v State of Bihar⁶, the Constitution Bench of the Supreme Court held that sedition would comprise only of those “words which incite violence or have the tendency to create public disorder”. The Court has to determine in each case “whether the words in question have the 'pernicious tendency', and the speaker has the 'intention of creating public disorder or disturbance of law and order'”.⁷ This was a reasonable restriction on Art 19 (1) a for the purposes of protecting security of the state and public order, among others. The Court thus laid down a strict test for sedition – there had to be incitement of violence,



as well as the mens rea to do so.

Preventive detention in general means the “detention of a person by executive order with a view to preventing him from endangering the security of the state, disturbing public order or essential supplies and services or adversely affecting other specified objects of public interest”⁸. The term was coined by Lord Wrenly in *R v Halliday*, in relation to the Defence of India Rules⁹. Article 22 of the Constitution laid down a regime of preventive detention, which could be exercised by the Central Government for the purposes of security of the state and public order, among other grounds. The National Security Act of 1980 was thus enacted to serve as a preventive detention regime for security of the state. In *AK Gopalan v State of Madras*¹⁰, the Supreme Court ruled that the court could not look into the fairness or reasonableness of the detention, as long as it met the letter of the law. But *Maneka Gandhi v Union of India*¹¹ transformed this, as it made Articles 14, 19, and 21 relevant to assessing any law affecting liberty. *AK Roy's*¹² case also had the Supreme Court modifying the effect of various provisions in the National Security Act in order to ensure a fair procedure and outcome. It is also important to consider the effect of the 44th Constitutional Amendment of 1978, which removed Article 22(7)a, and made it mandatory for each detention order to be reviewed by an Advisory Board. According to PS Jassal, this “removed from the Constitution the greatest blot on preventive detention in India. That provision, which was a part of the Fundamental Rights, denied to a citizen of India a right in times of peace, which a subject of England, or even an enemy alien, was not denied – namely, a right of a detained person to have his case reviewed by an Independent Board”¹³. This has led to a real shift in the way preventive detention under the NSA is imposed by the executive and reviewed by the Advisory Board and judiciary.

SEDITION AND PREVENTIVE DETENTION: NEED AND RELEVANCE

The rationale for a sedition law, and a law of preventive detention, has two parts – first, a legal-philosophical basis, and second, an empirical-factual basis.

First, it is understood that India is a vibrant democracy, with a strong belief in free speech and civil liberties. In our country, “each person is entitled to the widest zone of freedom compatible with the like exercise of freedom by other members of the society and with the shared need to sustain a community, a political culture, and a state able to protect individual freedom and to foster some base-line equality of life chances”¹⁴. This is clear from the freedom of the press and the ability of ordinary people to discuss and criticize the government, particularly on issues relating to defence and security. Criticism is welcome – but incitement to violence is not. The law “cannot admit speech which subverts

democracy”¹⁵. In a democratic country, a wide range of rhetoric and polemic is acceptable and even encouraged. However, it is understood that preaching and inciting violence against any individual, group, caste, community or religion is unacceptable, and so is violence against the “state” It is apposite to remember the words of Mahatma Gandhi, that “if one has no affection for a person or thing, one should be free to give the fullest expression to his disaffection, as long as he does not contemplate, promote or incite violence”¹⁶. Violent incitement transgresses the rules of civil discourse. It breaches the norms of shared political and civil society. It prevents a reasoned discussion of alternatives. Left unchecked, it can result in the destruction of democracy itself. As the Law Commission has noted, the sedition law is a means of “provid(ing) permissible norms of political behavior, violation of which must be punishable”¹⁷. Criminalizing speech which urges violence thus sends a strong message that such words are condemned by the polity.

Preventive detention, meanwhile, may restrain individuals from committing those acts which would result in society and the community from being harmed. As Patanjali Sastry J observed in *AK Gopalan*, it was “doubtless designed to prevent the abuse of freedom by anti-social and subversive elements which might imperil the national welfare of the infant republic”¹⁸. According to Andrew Ashworth, penalizing “inchoate crimes” such as incitement, or preparation for another crime, “reduces harm by authorizing law enforcement officers and the courts to step in before any harm has been done, so long as the danger of harm being caused is clear”¹⁹.

Second, this diverse country faces threats from violent separatist and subversive groups and ideologies. Grievances are abused in order to provoke and divide people. There is a real possibility of religious or ethnic polarization if they are not controlled, as well as ensuing violence, disorder. The growth of the Internet and telecommunications has increased the scope for dangerous misinformation to proliferate²⁰.

We should not, therefore, tolerate speech or behaviour which deliberately provokes violence and disorder, or avoid controlling activities which can strengthen those who wish to cause chaos or disruption within the country. Violence against the “state”, or harm to the security of the state, whether the bombing of a court or post-office, or the destruction of a train or bus harms ordinary people, ultimately affects the ordinary citizen. India is not unique in criminalizing violent incitement and adopting preventive detention.

It is noteworthy that Article 19 of the International Convention on Civil and Political Rights (ICCPR) allows restrictions on speech and opinion through law, if

necessary “...for the protection of national security or of public order”. The lawfulness of restricting speech which disturbs public order is echoed in Art 10 of the European Charter of Human Rights, as well as Article 13 of the American Charter of Human Rights. The International Commission of Jurists has commented that “where remarks incite to violence against public officials or other individuals or sectors of the population, in particular where there is a threat of terrorism or separatist conflict, states may impose constraints, including criminal sanctions”²¹.

Many European countries have repealed their sedition laws, but have replaced them with legislation that punishes violent incitement against the state or government machinery. The word “sedition” may have been removed, but the substantive offence has not been erased from the statute books. This is part of a complete regime which outlaws incitement to violence, whether against the state, individuals, or racial and religious minorities. The Netherlands makes “glorification” of serious crimes an offence, where this could affect public order²².

In the United Kingdom, the Prevention of Terrorism Act, 2005 criminalizes “incitement to terrorist offences”; the definition of “terrorist offence” includes acts which violently attempt to destroy government property or harm the security of the state²³. Sedition by an alien is still an offence²⁴. In the United States, sedition falls under the Sedition Act of 1798. Incitement of violence towards the government, or the armed forces, is illegal under various anti-terror legislations. Australia too has retained sedition and in fact broadened its scope as an offence, penalizing incitement of violence against the state²⁵. Its sedition law is broader than that of India, as it includes state governments as the targets of seditious speech²⁶.

Preventive detention is today a common feature of the penal system of most countries in the world. Liberal democracies such as Britain, the United States, and Australia use various forms of preventive detention, for several purposes, including national security, immigration violations, and to prevent witnesses in criminal cases from fleeing²⁷. Preventive detention is often preferred over criminal prosecution because it enables the authorities to restrain the actual performance of an offence, and avoid compromising information sources²⁸. This is particularly important in case of offences with a severe impact on security and public order, such as terrorism.

The preventive detention regime in these countries often lacks the judicial review and procedural protections which have grown over the years in India. Many democracies which previously lacked preventive

detention regimes have created them in the aftermath of 9/11 and other terrorist attacks. In the US, the National Defense Authorization Act of 2011 lays down a deeply restrictive detention regime, whereby aliens and certain US citizens could potentially be detained without trial by the military²⁹. Britain, for instance, made “control orders” a key part of its Act of 2005, with the police given powers to detain a person without charge for up to 28 days³⁰.

CONSTITUTIONAL AND LEGAL SAFEGUARDS ON SEDITION AND PREVENTIVE DETENTION

As previously discussed, the sedition law as it currently exists is a constitutional and reasonable restriction on Art 19(1) a. Article 19 (2) allows restrictions for the purposes of security of the state and public order, among others. There must be a “reasonable and rational relation” between the prohibited act and public order³¹. If a law prevented speech which had no possible effect on public order, it would fall afoul of Art 19(1)a and would be unconstitutional.

The test for sedition is content-based rather than effects-based. This has been criticized by some activists. An analysis of content enables the particular factual context of each case to be fully considered. It is simpler to analyze content than it is to link speech to action. It is easier to determine the intent with which words were spoken if content is examined.

The sedition law has not prevented expressions of criticism against the government on terrorism and security issues³². Requesting information on the educational background and possible criminal antecedents of political candidates is protected, as it is relevant and important to the public³³.

The strongest constitutional guarantee against wrongful detention is a writ for habeas corpus under Article 32. Additionally, the courts have read into Article 22 numerous safeguards. For instance, the rules of natural justice are applicable to preventive detention, and Article 22 must be read along with Arts. 14, 19 and 21³⁴. Following the Supreme Court’s decision in *Francis Coralie v Administrator*³⁵, detenus must be segregated from convicts, allowed interviews with family at least twice a week, to wear their own clothes, eat meals brought from home, and given reading and writing material as appropriate. On the point of access to a lawyer, the Supreme Court read Art 22(3) (b) with Art 22(1) and ruled that if the state was represented by a legal practitioner, then the detenu had to be given legal counsel as well.

It should be noted that even the US, a democracy with the rule of law, did not offer detainees at Guantanamo



habeas rights and judicial review till the Supreme Court of the United States ruled as much in *Boumediene v Bush*³⁶. The lack of a preventive detention statute forced the US Government to declare that arrested terror suspects were “combatants”, who did not qualify for constitutional protections, nor even as prisoners of war who were covered by the law of armed conflict³⁷.

With respect to the “subjective satisfaction” of the executive upon which a detention order is based, the Indian judiciary has used American due process constitutional interpretation, along with English administrative law doctrines³⁸. The courts have cancelled detention orders on the basis of non-application of mind³⁹, non-consideration of material facts⁴⁰ and mala fides of the official⁴¹. A lack of nexus between previous crimes and current grounds, and irrelevant grounds⁴² also result in the order being vacated⁴³. A colourable exercise of power, including undue delay between making of order and arrest of person⁴⁴ is frowned upon by the Court.

Judicial interpretation has also modified the working of the National Security Act. The Court construes narrowly the grounds for preventive detention.⁴⁵ In *AK Roy*, the Supreme Court disapproved of the broad phrasing of “essential supplies and services” whose disruption rendered a person liable for detention and ordered that the Government issue a periodic notice listing such “essential supplies and services”⁴⁶. The Central Government is mandatorily required to consider the report of the State Government⁴⁷. There are statutory limits on which officers can detain a person⁴⁸, the circumstances in which the State government must notify that detention is possible, the amount of time that a person can be detained⁴⁹. It is compulsory to refer detenus to the Advisory Board⁵⁰. The Supreme Court has also insisted on accountability by ensuring that the official who passed detention order files a counter-affidavit in a habeas corpus case⁵¹. Fresh detention orders cannot be made unless new facts arise⁵², ensuring that the executive does not abuse the provisions of the NSA in order to keep a person detained.

NECESSITY OR VIOLATION OF RIGHTS?

Sedition and preventive detention have been criticized by many activists, on the grounds that they have been misused to oppress the poor, that they are colonial relics, and that they inhibit free expression. Repeal is presented as a progressive step which would bring India up to par with other common-law and democratic countries.

But as the above analysis has revealed, the colonial-era definition of sedition, and the pre-*AK Roy* application

of preventive detention does not prevail any more. The misuse of a law for selfish or political ends is sadly, not restrained by repealing one enactment, as there dozens of others which may be so abused. The entire Indian legal system requires reform if the rights of the weak are to be protected. And many foreign countries have removed the word “sedition” from their statute books, but replaced it with “violent incitement”, and are hurrying to strengthen and update their powers of preventive detention.

The cost of repealing sedition and preventive detention, is that we remove any potential deterrent towards violent incitement against the state and prevention of crimes. We lose the benefit of decades’ worth of case-law imposing constitutional limits on such laws. We pave the way for multiplication of offences which are currently covered by the two laws. The gains are uncertain but the disadvantages are manifest.

RECOMMENDATIONS FOR IMPROVING THE FAIRNESS AND EFFECTIVENESS OF THE TWO LAWS

There is currently a disconnect between the language of s. 124A of the Indian Penal Code and its judicial interpretation. For greater clarity, the language of the provision can be modified suitably. This was advised by the Law Commission in its 156th Report as well. Eminent jurist Soli Sorabjee has noted, while it may not be possible to discard the law of sedition in “today’s atmosphere of insurgency and terrorist violence”, it may be advisable to substitute in the IPC a provision which accurately captures the Supreme Court’s interpretation of sedition⁵³. In addition, law enforcement officials should be briefed about the contemporary meaning of sedition. Ensuring that the police and public fully appreciate the implication of this offence would curb its inadvertent misuse.

With respect to the NSA, the Parliament could amend Art 22 to assure legal representation to detenus. It should also follow Art 22(7) and prescribe a maximum period of detention⁵⁴. It would also serve justice if the delays recurrent in the court system could be reduced.

CONCLUSION

This essay aimed to show that sedition and preventive detention are an unfortunate necessity in today’s world. The meanings of the two offences have been transformed over time by Supreme Court decisions. The philosophical and practical rationale for the existence of these laws continues into the 21st century. It cannot be easy to balance liberty and security in a democracy, and the two laws are but examples of the necessary restriction.

End Notes:

1. S. 124A – Sedition. – Whoever by words, either spoken or written, or by signs, or by visible representations or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law in India, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.
Explanation 1 – The expression ‘disaffection’ includes disloyalty and all feeling of enmity.
Explanation 2 – Comments expressing disapprobation of the measures of the government with a view to obtain by lawful means, without exciting or attempting excite hatred, contempt or disaffection, do not constitute an offence under the section.
Explanation 3 – Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under the section.
2. 1982 AIR 710
3. 1978 AIR 597
4. Niharendu Dutt Majumdar v Emperor, 1942 FC 22
5. Emperor v Sadashiv Narayan 1947 LR 74 IA 89
6. 1962 AIR 955
7. MP Jain, INDIAN CONSTITUTIONAL LAW, 6th ed. (2010)
8. Paramjit Singh Jassal, “India – Judicial Review”, PREVENTIVE DETENTION AND SECURITY LAW – A COMPARATIVE SURVEY, ed. Andrew Harding, John Hatchard (1992). Preventive detention may be distinguished in two main respects from ordinary arrest or imprisonment. First, preventive detention takes place upon a possibility that a person may commit a crime in the future, while arrest takes place upon suspicion or knowledge that a crime has already been committed. Second, preventive detention is usually through executive authority, while imprisonment involves judicial sanction. See Stella Burch Elias, Rethinking “Preventive Detention From A Comparative Perspective: Three Frameworks For Detaining Terrorist Suspects”, COLUMBIA HUMAN RIGHTS LAW REVIEW [41:99 2009] p.111
9. AK Gopalan v State of Madras AIR 1950 SC 27
10. Ibid.
11. 1978 AIR 597
12. 1982 AIR 710
13. Jassal 80
14. Tom Farer, Liberalism, Human Rights, Terrorism and Neo-Conservatism, THE COLLECTED COURSES OF THE ACADEMY OF EUROPEAN LAW : CONFRONTING GLOBAL TERRORISM, Oxford 2011
15. Kihoto Hollohan v Zachilhu AIR 1993 SC 412
16. AG Noorani, INDIAN POLITICAL TRIALS: 1775-1947 (2009), p. 235.
17. 156TH REPORT OF THE LAW COMMISSION OF INDIA, p 106
18. AIR 1950 SC 75-76
19. Andrew Ashworth, PRINCIPLES OF CRIMINAL LAW (2006) p. 445
20. The Australian Federal Attorney-General cited this as one of the justifications for the updating of the sedition law in Australia. See Gareth Griffith, “Sedition, Incitement and Vilification: Issues in the Current Debate”, NSW Parliamentary Library Research Service, Briefing Paper No 1/06
21. International Commission of Jurists, “Response to the European Commission Consultation on Inciting, Aiding and Abetting Terrorist Offences”
22. Ibid. 17
23. Prevention of Terrorism Act 2005; see SEDITION LAWS AND THE DEATH OF FREE SPEECH IN INDIA, NLSIU Centre for the Study of Social Exclusion and Alternative Law Forum, 2011, p 40-46
24. SEDITION LAWS AND THE DEATH OF FREE SPEECH IN INDIA, NLSIU Centre for the Study of Social Exclusion and Alternative Law Forum, 2011, p 40
25. Gareth Griffith, “Sedition, Incitement and Vilification: Issues in the Current Debate”, NSW Parliamentary Library Research Service, Briefing Paper No 1/06; SEDITION LAWS, p 46
26. Griffith, p. 6-13
27. David Cole, “Out of the Shadows: Preventive Detention, Suspected Terrorists, and War”, 97 CALIFORNIA LAW REVIEW 693 (2009), p. 695
28. Cole p. 748
29. Marty Lederman and Steve Vladeck, “The NDAA: The Good, the Bad, and the Laws of War–Part I”, Lawfare Blog, www.lawfareblog.com December 31, 2011
30. Alexander Horne and Gavin Berman, “Control orders and the Prevention of Terrorism Act 2005”, House of Commons Library Service, 2011
31. RM Lohia v State of Bihar AIR 1966 SC 740 : (1966) 1 SCR 709
32. Anand Patwardhan v Union of India AIR 1997 Bom 25; C. Gopal Krishnan v Union of India, AIR 1996 Ker 333
33. Dinesh Trivedi & Ors. V Union of India (1997) 4 SCC 306: (1997) 1 SCJ 697 See also Union of India v Association for Democratic Reforms, JT 2002 (4) SC 501
34. Javed Ahmed Pawla v State of Maharashtra AIR 1985 SC 231 at 234,
35. AIR 1981 SC 746
36. 128 S. Ct. 2229, 2269-70 (2008)
37. Stephanie Cooper Blum, “Preventive Detention in the War on Terror: A Comparison of How the United States, Britain, and Israel Detain and Incapacitate Terrorist Suspects”, HOMELAND SECURITY AFFAIRS, Volume IV, No. 3 (October 2008)
38. Jassal 92, R Dhavan: THE SUPREME COURT OF INDIA: A CRITIQUE OF ITS SOCIO-JURISTIC TECHNIQUES, (1977) p 22
39. N Devaki v TN, (1990) 2 SCC 456
40. Asha Devi v K. Shivraj, AIR 1979 SC 447: (1979) 1 SCC 222
41. G. Sadanandan v State of Kerala AIR 1966 SC 1925
42. Pushpa v Union of India, AIR 1979 SC 1953
43. Yuman Somendro v State of Manipur, Criminal Appeal 26 of 2012
44. Suresh Mahato v State of West Bengal AIR 1975 SC 728
45. AK Roy at 737
46. AK Roy at 638
47. Union of India v Diljeet Singh, AIR 1999 SC 1052: (1999) 2 SCC 672
48. S. 3(4) of the National Security Act, 1980
49. S. 3(4) and s. 13
50. SMD Kiran Pasha v Govt of AP (1990) 1 SCC 328
51. Gazi Khan v State of Rajasthan, AIR 1990 SC 1364
52. Pradip Kumar v State of West Bengal AIR 1974 SC 2151
53. Soli Sorabjee, “Sedition: Repeal or Substitution?” The Indian Express, 24 Apr 2011
54. Fagu Shaw v West Bengal, AIR 1974 SC 613.

Is the proposed legislation on the Public Interest Disclosure sufficient to protect India's Whistleblower?

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(This essay was awarded the 2nd prize)

INTRODUCTION

"You cannot make me the confidant of a crime or a fraud, and be entitled to close up my lips upon any secret which you have the audacity to disclose to me relating to any fraudulent intention on your part."¹

The term "Whistleblowing" is a relatively recent addition to our lexicon.² A whistle blower is usually an employee who refuses to engage in and/or reports illegal or wrongful activities of his employer or fellow employees.³ The revealed misconduct may be classified in many ways; for example, a violation of a law, rule, regulation and/or a direct threat to public interest, such as fraud, health/safety violations and corruption.⁴

In one of the most controversial incidents of whistleblowing, Satyendra Dubey, an official of the National Highway Authority of India, was murdered for exposing the financial scam in the Golden Quadrilateral Project despite having directly appealed to the Prime Minister.⁵ It is pertinent to note that when little or no protection is provided to high-level officials, there is hardly any assurance that can be given to thousands of ordinary whistleblowers who cannot make it to the headlines. In this time of crisis, it is necessary and relevant to bring in a decisive and effective 'Whistleblower Bill' to ensure that such citizens do not become prey to the clutches of corrupt officials.

RELEVANCE OF THE BILL

The Corruption Perception Index 2011 released by the Transparency International places India on the 95th rank by only 3.1 points on a 10 point scale.⁶ On the other hand, India's stellar performance in the rankings on growth indicators have often been compromised by the absence of integrity, enhanced transparency and bureaucratic corruption, public funds embezzlement and other fraudulent procurement practices.⁷ Section 39 of the Code of Criminal Procedure, 1973 makes it mandatory for any person to report a magistrate or officer of the law any alleged corrupt offence by a public servant failing which he shall be liable for prosecution. However, this provision has remained a dead letter as no mechanisms are available for protection of informants.⁸ Thus, the existing statutory provisions do not suffice the need of protecting the whistleblowers.

This Bill is important because the informers are vulnerable to vengeance by the authorities. Moreover, these disclosures lead to healthy functioning of the Government and help in maintaining the economic

strength of the country. In absence of this Bill, the Right to Information Act (RTI), 2005 seems to be incapacitated as it discourages RTI activists from fearlessly disclosing fraudulent activities and bringing in transparency within the system. It demoralises these activists from filing petitions to unearth scandals which thereby defeat the very object of the RTI Act. In one of its meetings, the Commission underlined the need to undertake urgent steps by the respective Governments for the safety and protection of the RTI users.⁹

If the right to freedom of expression¹⁰ is not held in congruence with the right to life and liberty¹¹ then the right to freely express oneself will be of no avail. Moreover, it is the duty of the State to make provisions for securing just and humane working conditions.¹² Whistleblower legislation has to be put in place to protect informants against retribution.¹³

HISTORY

Whistleblowing can be traced back to the post-Watergate era in the USA when Daniel Ellsberg faced reprisal and retribution for his 'Pentagon Papers'.¹⁴ The concept of Whistleblower Bill was first introduced in India by Shri. Vittal, the ex-Central Vigilance Commissioner (CVC) wherein he requested the Law Commission to draft a report on Whistleblowing.¹⁵ Subsequently, the Law Commission of India prepared the 179th Report on protection of whistleblowers. It recommended the need of statutory protection to the whistleblower and also drafted a Bill on that behalf. The supplementary object of this report was also to seek a permanent measure for protecting honest officials against fake disclosures. The murder of activists like Satyendra Dubey, Manjunath Shanmugan and Amit Jethwa who had exposed the loss of public exchequer and various other specious activities in the Government entities resulted in a great hue and cry in society. The Hon'ble Supreme Court while hearing a Writ Petition regarding the murder of Satyendra Dubey desired a machinery to look into the disclosures and for protecting the whistleblowers. In pursuance to this, the Government of India authorised the Central Vigilance Commission as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption and misuse of power and recommend appropriate action.¹⁶ Still on many counts this action is not a perfect remedy to this issue as the CVC is authorised merely to look into the matters relating to corruption while a major chunk of complaints regarding abuse of official position is left out.¹⁷ In course

of time there was no substantial development and the authorities showed lax attitude in this regard. A sudden turn of events of recurring killings of the RTI activists prompted the Government to draft a 'The Whistleblowers (Protection in Public Interest Disclosure) Bill, 2006'. However, this move did not yield any fruit.

In this latest instance the Government has drafted a new Bill called as 'The Public Interest Disclosure and Protection to Persons making the Disclosures Bill, 2010'. The Hon'ble Chairman of the Rajya Sabha referred the Bill to the Standing Committee on Personnel, Public Grievances Law and Justice for examination and report¹⁸. The Bill was then passed by the Lok-Sabha with a few amendments. However, it has not yet been introduced in the Rajya-Sabha.

It has taken a whole decade for this Bill to get passed by the House and it still has to face many successive hurdles before being officially enacted.

OBJECT OF THE BILL

Whistleblowing was conventionally restricted only within the circles of the organisation. In the pre-RTI period, only employees had access to the official documents. The promulgation of the Right to Information Act, 2005 that empowers every citizen the right to access information has helped in divulging specious activities by leaps and bounds. Today the ambit of the category of the informants has been widened by the involvement of the common man as has the chances of unfortunate incidences of reprisal. So the foremost object of this legislation is to facilitate safeguards to that common man. This purpose of the Bill can be further demarcated into dual aspects-

- a) To design a mechanism for the informers to reveal the occurrence of an unlawful activity.
- b) The mechanism must provide efficient provisions for protecting whistleblowers from any victimisation.

Here, an unlawful activity constitutes any act of corruption, illicit gratification and mal-administration. The Preamble to the Bill sets out the object as to establish a mechanism to receive complaints relating to disclosure on any allegation of corruption or wilful misuse of power or wilful misuse of discretion against any public servant and to inquire or cause an inquiry into such disclosure and to provide adequate safeguards against victimization of the person making such complaint and for matters connected therewith and incidental thereto. The object of the Bill as introduced in the Lok-Sabha 'ideologically' equips in setting up a strong and effective Statutory Body to protect the persons making the disclosures from being oppressed and exploited.

The Preamble of the Bill drafted by the Law Commission of India takes a step forward by stating the Bill 'to

encourage' persons in making authentic and true disclosures.¹⁹ The Law Commission manifests a more positive note by paving a way for people to come forward unhesitatingly to file complaints. Taking this in account, the present punitive anti-corruption legislative interventions should be replaced with more holistic preventive and participatory approach.²⁰ This advocates the need of legislation where people will be free and encouraged to lodge complaints which shall then lead to an enhanced participatory approach which must be coupled with a sense of protection to the informers. The need of the hour is to bring such a citizen-friendly organisation.

HIGHLIGHTS OF THE BILL

By virtue of Section 2(I) the scope of the Bill pertains only to employees and organisations under the Central and State Governments barring the Private sector and the Defence. The proposed Bill also defines disclosures as regard to any offence under Anti-Corruption Act or any other criminal offence by the public servant or misuse of power and discretion. The Bill makes it mandatory for the whistleblower to file a complaint in writing along with supporting evidence if any and a personal declaration so as to authenticate it. Anonymous or pseudonymous disclosures are also barred from being investigated. The CVC has been assigned as a 'Competent Authority' to receive these complaints. The Competent Authority is to make a discreet inquiry and then seek explanation from the Head of the Department in that regard.

Chapter V of this Bill deals with the issue of protecting the informers or persons rendering assistance in the proceedings. The CVC is also empowered to direct the concerned authorities for safeguarding the informer from victimisation. Moreover, these authorities are bound by the directions of the CVC.

By virtue of Chapter VI of the Bill, the Commission shall impose penalty on the officials for certain offences like providing misleading explanations or for revealing the identity of the complainant.

I. Legal Issues Pertaining to the Statute

Article 19(1)(a) of the Constitution guarantees to every citizen the right to freedom of speech and expression. On the other hand, as per Article²¹ every person has the right to life. It will be improper if right to freedom of speech and expression is held not to be in consonance with the right to life. The freedom of expression sans the right to lead a healthy and peaceful life is of no use. Article 19(1)(a) must be construed in harmony with right to life which would then enhance the basic objective of right to freedom of speech and expression. The Parliament may pass any such law with reasonable restrictions as to protect the integrity and sovereignty of

the State. In accordance with the aforesaid contention, the State is also to provide just and humane conditions of work²¹, which a whistleblower is denied on account of his retribution.

One may also contend that freedom of expression is always subject to the Official Secrets Act, 1923. The RTI Act, 2005 clearly states that information can be disclosed if the public interest in disclosure outweighs the harm to the protected interests.²² The Bill must demarcate between the freedom to express oneself and to restrict secret from being revealed.

II. Statutory Provisions in Other Countries and other Conventions

Appropriate whistleblowing legislation and the means to enforce it are necessary to support a culture of compliance and integrity.

Numerous international conventions recognise whistleblowing as an effective tool for fighting corruption, fraud and mismanagement and commit the signatory countries to implement appropriate legislation.²³ The UN Convention Against Corruption (UNCAC)²⁴, Council of Europe (CoE) Civil Law Convention on Corruption²⁵, CoE Criminal Law Convention on Corruption²⁶, Inter-American Convention against Corruption²⁷ and African Union Convention on Combating Corruption²⁸ provide for protection to whistleblowers against retaliation and intimidation. Though India is not a signatory to any of the Conventions except the UNCAC, it must involve such Whistleblower protection mechanism in its domestic law. Whistleblowers laws do exist in countries like the UK, the USA, Australia, Uganda, Canada, Ghana, South Africa, Norway, Romania and New Zealand mandating protection of Whistleblowers. All these laws generally provide for preserving the anonymity of the whistleblower and safeguarding him against victimisation.²⁹

ASSESSMENT OF THE BILL

Transparency activists led by former Chief Justice of India R.C. Lahoti, former Chief Election Commissioner, J.M. Lyngdoh and former Comptroller and Auditor General V. K. Shunglu have termed the proposed law to protect whistleblowers as a “formality.”³⁰ The present draft of the Bill makes it a ‘paper tiger’! This Bill is nothing but the Bill drafted by the Law Commission of India sans stringent rules as to protection of informers. A more comprehensive and foolproof Bill is required to encompass an impression of being secured.

Though the Whistleblower’s Bill was recently passed with major amendments; it is vital to assess the Bill in its earlier version as the amended draft has not yet been passed by the Rajya-Sabha.

I. Scope of the Public Interest Disclosure:

One may wonder as to how the scope and ambit of the disclosure will harm the Whistleblower. The answer lies in the fact that if any complaint does not qualify to the definition it will be prejudicial to the said complainant for his ‘daring feat’.

i. Definition of Public Interest Disclosure

The definition of the term ‘disclosure’ is limited to a very narrow extent and can be manipulated. The Parliamentary Standing Committee has recommended to consider the suggestions made by the CVC to amend clause 2(d)(ii) of the Bill so as to include wrongful gain accrued to any third party also.³¹ This amendment is necessary as any wrongful gain may be for the unjust benefit of kith and kin of the public servant. The Bill must also substitute the ‘wilful misuse of power and discretion’ with ‘maladministration’. The term ‘maladministration’ is more exhaustive than the present ones. If the definition under The Public Interest Disclosure (Protection of Informers) Bill, 2002³² is adopted then it will leave very little scope for interpretation.

There is a peculiar difference between the foreign whistleblower laws and the Indian Bill. The foreign statutes define disclosure in regards to each and every aspect of administration; while on the other hand, the Indian Bill defines disclosure as any complaint against any offence of maladministration as a whole.

Section 7 of the Bill exempts some disclosure from being probed by the CVC if certified so by the Secretary of Government of India or the concerned State. These exemptions though necessary to a certain extent are unjust as exemption on the mere certificate of the Secretary can prove to be a drawback to the essence of the Bill. There has to be some thorough clarifications provided to constitute for exemptions. Else the Competent Authority must be granted the power to analyse and determine if the disclosure really qualify the exemptions.

II. Ambit of the Public Interest Disclosure:

The provisions in the Bill to administer complaints are restricted within the Government agencies and are on the same lines as that of the Government Order.

i. Inclusion of the Private Sector

A plethora of PILs were filed in the Delhi High Court with many being admitted for further proceedings. These law-suits alleged the corporate bigwigs for flouting the law of the land to gain unfair advantage, thus causing huge losses to the state exchequer.³³ This loss is an unwarranted burden on the economy. However, the proposed law does not deal with corporate whistleblowers i.e. the Bill does not allow disclosures against a corporate body.

It was recommended by the Second Administrative Reforms Commission³⁴ and the CVC³⁵ to enlarge the scope of the proposed law to deal with corporate whistleblowers. The present legislation must include companies in the Public-Private Undertakings as contained in the Law Commission Bill.³⁶ The Securities and Exchange Board of India (SEBI) is considering a proposal to make it mandatory for companies to have a whistleblower mechanism, according to a member of one of the committees constituted by the regulator.³⁷

ii. Inclusion of the Defence Sector

The Armed Forces are responsible for securing the integrity of India. The members of these Forces are allowed to cause any revolt amongst them owing to any resentment experience. However, disclosures pertaining to the administrative branch of the Armed Forces must be allowed as they do not cause any threat to the security of the State.

iii. Inclusion of the Politicians

A host of ministers are languishing behind bars on charges of mal-administration. After all, they have a say above all their ministry officials. Thus, it is sufficient to say that all ministers are no good-men and that the people must have the right to file complain against them to the Competent Authority. The ministers deserve to be booked for the offences where they have a direct involvement.

The question of involving the Prime-Minister within the ambit of such Body has already found its place in the ongoing Lokpal Bill debates. Much has been discussed about it by the Government, the media and the public as well. The Prime-Minister must be brought within the ambit but with cautious restraints.

III. Definition of Victimisation:

i. Definition of Victimisation

The most startling point here is that the Bill does not provide a thorough definition of victimisation. The Law Commission, however, gives a somewhat clear definition³⁸, but does not explicitly includes the offences prohibited under the Indian Penal Code. In the absence of this provision, the offenders will gain a wide ground as many minor incidences of reprisal will be left out of its scope. Article 33 of the United Nations Convention against Corruption (UNCAC) describes victimisation as any unjustified treatment being subjected to an informer. This being an extensive concept defines victimisation as any action by which the complainant is unduly dealt with. Victimisation must include dismissal, job sanctions, punitive transfers, harassment, loss of status and benefits and the like.³⁹

ii. To the prejudice of any person

In addition to the aforementioned points, victimisation must be to the prejudice of any person whatever and not necessarily the complainant. The Whistleblower Bill drafted by the Law Commission has equivalent provisions.⁴⁰ This clause is relevant because victimisation may be directed towards the near and dear of the complainant. Such kind of intimidation is also imminent and should be redressed.

IV. Identity of Complainant:

i. Anonymous or Pseudonymous Complaints

Anonymous or Pseudonymous Disclosures are not a viable option in the Indian context. Such disclosures will amount to unfair harassment of public servants.

ii. Revealing the identity of the complainant

The Hon'ble Supreme Court has observed, "There is some reason to believe that people are more likely to take action with respect to unacceptable behaviour, within an organisation, if there are complaint systems that offer not just options dictated by the planning and controlling organisation, but a choice of options for individuals, including an option that offers near absolute confidentiality."⁴¹

Though, this provision in the Indian Bill is appropriate, it is desirable that effective restraints be imposed on the Competent Authority from revealing the identity of the Whistleblower. Failing to this, the people are bound to lose faith in this mechanism. Ultimately, it will become futile.

V. Use of Incentives to Encourage Reporting:

Providing incentives and rewards for reporting wrongdoings in the public sector is not a fundamental measure in providing protection to whistleblowers; nevertheless these mechanisms are increasingly included in the regimes to protect whistleblowers.⁴² The U.S. False Claims Act provides reward of 30% of the amount retrieved by the Government for the 'qui tam' actions.

This provision may give rise to frivolous disclosures in India. However, this may not be so as sufficient penalties are stipulated for such frivolous disclosures.

VI. Transparency and Accountability of the Competent Authority:

i. Well-set procedure

In many of the Government's initiatives, it has been noted that people face a lot of procedural hassles. There must be a well-set procedure which must also be easily accessible to the public. Section 24-26 grants power to the Central & State Government and Competent Authority to make rules for the purpose of carrying out the



provisions under this Bill. Thereafter, the proviso to Section 29 curtails the power of the Central Government to remove any difficulty arising after a period of three years. The Bill must at least provide guidelines for setting a due procedure in this regard.

ii. Time-bound response

Here it can be aptly stated that- action delayed is justice denied! A prolonged time taken to act on any allegation may lead to serious consequences on the whistleblower. Building a time-bound machinery is an important factor in making an able and precise procedure. This is an intrinsic requirement to enhance the efficiency of the Bill. Under the RTI Act, the authority has to dispose off the request within a period of thirty days on receipt of the request failing to which penalties shall be imposed.⁴³ The Bill must adopt such measures on similar lines.

Section 4(3) grants discretion to the Competent Authority to stipulate time-limit while seeking explanation from the Head of the Department. If protracted time-limit is granted it will impede the proceedings and will defeat the very purpose of the Bill. Every action by any of the authorities must be within a stipulated time-frame. The Bill drafted by the Law Commission of India stipulates the Competent Authority to dispose of the case within six months of receipt of complaint or not beyond two years if not genuinely possible.⁴⁴

iii. Accountability of the Competent Authority

Accountability is the basis for proper functioning of any mechanism meant for the welfare of the common man. Section 4(6) provides for closure of complaint if no substance is found in it. But it does not provide to inform the Whistleblower about the action taken on his complaint. The Parliamentary Standing Committee also felt that Whistleblower must be given an opportunity to adduce his claims if not satisfied with the decision of the Competent Authority⁴⁵.

VII. Undue Burden on Whistleblower and Penalties:

i. Burden of Proof on Whistleblower

The Parliamentary Standing Committee strongly felt that undue burden must not be placed on the Whistleblower to substantiate his case⁴⁶. The Bill also does not provide any kind assistance to the Whistleblower in collecting evidence, thereby making him equivalent to an investigating agency with no resources available at his disposal.

ii. Sufficiency of the Penalties Imposed

The Bill fails to provide any penalty for non-adherence of its orders under Section 4(7) of the Bill. The Ministry in its reply stated that envisaging such penalties will give over-riding effect power to the Competent Authority over the entire executive. This contention by

the Ministry is deplorable as the Competent Authority has all powers of a Civil Court by virtue of Section 6(2) of the Bill.

VIII. Retrospective Operation of the Bill:

i. Removal of time-limit

Section 5(3) stipulates that a disclosure cannot be entertained if it pertains to any action alleged to have taken place before five years of its complaint. The Ministry replied that it was not possible retrieve any record older than the said period. This is not at all in consonance with the General Financial Rules, 2005 which events some records and files from being destroyed at any instance⁴⁷. So, it is vital to exempt the disclosures containing aforementioned records from Section 5(3).

IX. Whether CVC is really a Competent Authority:

This is the last and perhaps the most conflicting topic of the Bill. If suggestions by the Standing Committee and Law Commission of India are adhered to, then this conflict comes to the fore. The Preamble and Section 8(1)(d) of the CVC Act, 2003 prevents from causing an inquiry into complaints other than corruption. The CVC is authorised to investigate only the Public officials thus debarring the private bodies from its ambit. This legalese makes the Commission incompetent to investigate into offences of mal-administration, wilful misuse of power and discretion.

Thus, it is ultra vires of the CVC to investigate such matters. There seems to be no other option than to consider any other appropriate agency.

CONCLUSION

After deliberating on the aforementioned points, it will be useful to evaluate the Bill by comparing it with the internationally accepted standards on Whistleblowing legislation. The Government must examine the international standards for whistleblowing. The best standards will alone give strong teeth to the present Bill. "Satyamçva jayate" which translates as "truth alone triumphs". For truth to triumph avenues that permit falsehood and corruption to prevail must be foreclosed. Enabling whistleblowers to make disclosures of wrong doing and protecting them are the stated purposes of the present PIDPPMD Bill. However, in its present form, the Bill neither has unequivocal provisions for receiving and investigating disclosures of wrong doing, nor does it chart out a clear path for corrective actions to follow, or assures with any certainty the protection of the whistleblower from victimisation⁴⁸.

"Satyamçva jayate" ■

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BELLES-LETTRES

J. E. Dastur Memorial Government Law College Short Fiction Essay Writing Competition 2011-12

The Magazine Committee had chosen creativity as its mascot as it first heralded Belles-Lettres, J. E. Dastur Memorial Government Law College Short Fiction Essay Writing Competition. And with every passing year we have been devoted to our muse, creativity, with increased vigour. The specialty of this competition is that it aims at providing a platform for students from all faculties, both legal and non-legal, to let their creative juices flow. Short fiction is a genre which lets one's imagination run unbridled and for once, we students, are not bound by rules and laws while penning down our thoughts.

In keeping with previous years, the latest edition of the competition boasts of extremely creative and unique topics, sure to attract the attention of fiction lovers across the board. Participants this year were provided 4 topics, with an additional topic,

**Incorporate The Following Sentence Anywhere In Your Story
"No one knows where the ladder goes".**

(OR)

**Build Your Story Around The Following Situation And Characters Having Distinct Personalities:
Albert Einstein, Robin Hood, and Charlie Chaplin find themselves on a ship.**

(OR)

**Incorporate The Following Objects Into Your Story, Giving Each An Equal Place Of Importance In
The Story: Brooch | Flashlight | Rubik's Cube.**

(OR)

A Story Revolving Around The Following Image:



The preliminary rounds of the competition were judged by **Mr. Mihir Balantrapu** and **Mr. Sriram Mohan**. Mr. Balantrapu is the Sub-Editor for The Hindu, one of the most reputed newspapers in India. Mr. Mohan, on the other hand, is the Associate Editor of Yourstory.in, which is a leading comprehensive online platform for entrepreneurs.

The judge for the final rounds of the competition was **Mr. Ashwin Sanghi**, an author and an entrepreneur. He shot to fame with his very first novel The Rozabal Line which explores the lost years of Jesus and theorizes that Jesus survived the crucifixion and travelled to India. His second novel Chanakya's Chant is a fictional retelling of the life of Chanakya, the great political strategist of ancient India. Mr. Sanghi attended St. Xavier's College, Mumbai and then pursued an MBA from the Yale School of Management. Following this, he joined his family business enterprise while continuing to pursue fiction writing.

- 1) Anchit Tripathi**, Dr. Ram Manohar Lohiya National Law University, Lucknow and **Charumathy Murali**, National Institute of Fashion Technology, Mumbai.
- 2) Shikhar Mani Tripathi**, Amity Law School, New Delhi and **Vikrant Shetty**, Government Law College, Mumbai.
- 3) Anju Anna John**, National University of Advanced Legal Studies (NUALS), Ernakulam.

1st Prize: ₹8,000

2nd Prize: ₹6,000

3rd Prize: ₹4,000

The following are the stories of the winners tied for the first place...

WINNERS:



A TALE OF GENIUSES

Anchit Tripathi, Dr. Ram Manohar Lohiya National Law University, Lucknow.
(This story was awarded the 1st prize)

"Good evening Sir. How are you?" said Police Chief Harbrook as he entered the brightly lit study of Albert Einstein. The words fell on deaf ears as Albert continued chalking down numbers on a blackboard.

A bit annoyed, Harbrook closed the door and seated himself in an old dusty armchair. He had his doubts, coming here. He looked to his right and observed the side-table. It was occupied by bizarre equipments that buzzed and clicked at random intervals. The floor was hardly visible, as bundles and bundles of wire spread throughout the room, coiling atop one another in the most complex ways possible. Heaps of paper robbed the desk of any empty space.

His eyes wandered towards a glass cabinet, where a number of books - all related to science - were (surprisingly) stacked in an orderly fashion. Little notes and comments adorned the walls; even geometrical figures were pinned up in a way people hang paintings. "More of a lab than a study," thought Harbrook. He immediately regretted his decision of coming here. Thinking a man like this - a lunatic - can help him catch a criminal! How ridiculous. But it wasn't entirely his fault; after all, word was that this man possessed an extraordinary mind. He created laws. He researched till he could no longer keep his eyes open; he just had to have a solution for every problem. The chalk screeched against the blackboard as Einstein finished solving an equation. This was the final straw. Harbrook lost his patience. "Mr. Einstein! This is an important matter and I demand your undivided attention." he shouted.

Einstein's unkempt hair danced as he turned. "Relax, I'm more than willing to board St. Monica in

order to retrieve the Queen's stolen necklace," he declared, facing the Chief. He was in his mid twenties, not very tall, with a wide and long face, and a great mane of crispy, frizzled and dark brown hair, rising high from a lofty brow. A small cropped moustache sat between his prominent nose and small mouth.

"How... how did you know my visit concerned the stolen necklace?" gasped Harbrook.

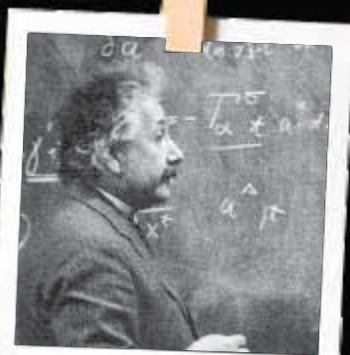
Albert smiled, "Why Sir, the necklace is all over the news. And quite frankly, I'd be offended if you were here for anything less."

"But St. Monica? How can you possibly know that?"

"Common sense dictates that the thief will be looking to leave the country as soon as possible. Considering that St. Monica is the only international ship travelling this week, it doesn't take a genius to figure out that the thief will also be on board. You want the necklace; it will be on the ship and hence you want me to be on the ship as well."

Harbrook was amazed, "Yes Sir, and although we have gone through the passenger's list and checked all the papers, the thief could not be identified. He, along with his group of fellow outlaws, known as 'Merry Men', has become a threat to our national security. They rob the rich and the noble. Our agencies haven't got a clue as to how and where they spend it. No one even knows his real name or what he looks like."

"Of course not! A criminal of his calibre knows better than to travel using suspicious identities," Albert rolled his eyes in mock derision, "and please don't bother



telling me that the necklace was also not recovered on searching the luggage. He must have taken every precautionary measure possible to remain undetected." Albert picked up a chalk and started moving towards the blackboard.

Catching the glimpse of apprehension in Harbrook's eyes, he chuckled, "Yes Chief, I'm still on it. But please don't rest all your hopes in me. There is no such thing as genius in the real world; there's always someone better than you," and once again started jotting down equations on the blackboard.

Harbrook smiled. He had made the correct decision after all.

Robin strolled through the market as if nothing had happened. The young man had fearless bright eyes, a head of dirty brown hair, and a face etched in compassion. Yet he blended in well with the crowd. He was dressed in green, with a capote that reached his knees, along with a tattered full sleeve shirt and dusty old pants. No one could look at him and say that this was the famous thief the whole country was after. No one could also tell that a precious necklace sparkled inside the sole of his boot. By the looks of him, he could've been more of a beggar than a national nuisance. Robin knew perfectly well that hiding in plain sight was the most effective way to conceal oneself.

Seeing a poor old man sitting near the pavement, Robin carefully dropped his small pouch of money. Ignoring the man's repeated blessings, he strolled along. His top priority was to leave the country as soon as possible. But how? The police will be looking for him in every nook and cranny. There was no doubt. He could not do this alone. Suddenly, the idea struck him like a thunder bolt. He knew a man who could help him! He broke out of the crooked pace in which he had been walking and started running towards the end

of the street. Up ahead, the flame of a streetlight hung in the midst of the fog like some kind of giant spirit. He hated the lights at night; they were too much like eyes watching him.

He stopped in front of what seemed like an old theatre. Shooting a glance around the street, he proceeded to knock the door. Two boarding passes were visible in his rear pocket. They read – SS St. Monica.

Albert stared blankly through his cabin's open window into the bottomless ocean. He was comforted by the sounds of the ocean; the rhythmic pounding of the waves helped him think. "I'd make an excellent sailor in another life," he always said.

"Will we even be able to capture the thief, Sir? We have only one day before the ship reaches foreign land." Chief Harbrook could no longer remain patient. The ship had been sailing for the past ten days and Albert had shown no signs of being anywhere near catching the thief.

"Don't think of the future, Chief. It comes soon enough." Albert stated.

There was a knock on the door and a young sailor entered the cabin. "Good evening gentlemen. I'm Private Charles and I'm here to extend an invitation for attending the farewell party organised by the crew tonight," he grinned.

Albert's eyes lit up. "Sorry, we are pre-occupied for the night. But surely Charles, we are the only ones not attending, right?" questioned Albert, his inquisitive eyes piercing Charles.

"Well there's also the gentleman from Suite No.164 but worry not, we understand and respect your 'alibis' Sir," Charles chuckled loudly and left the cabin.



Harbrook turned to Albert. "Mr. Einstein, if you don't mind, can I ask you something?" he was afraid that too many questions may annoy Albert (they won't).

"Yes of course. The important thing is not to stop questioning. Curiosity has its own reason for existing."

"If I'm right, you asked that particular question for a reason. May I know what it is?"

"Isn't it obvious that our thief will be skipping this party too? This is the last day of the cruise, so I doubt he will risk getting caught by attending some fancy farewell party."

"Then that means...", Harbrook jumped off his chair. "Yes Chief. Suite No. 164 it is," Albert declared with a hint of triumph in his voice.

"But sir, we still need some evidence to prove it. What would that be?"

"What would be better than the necklace itself, Chief? Come with me, I have a plan." Albert rose from his chair and headed out.

Suite No. 164 was located at the start of the corridor. Inside it, sat a young man looking at the ceiling. He hated the luxurious suite, with all its fancy decorations and expensive furniture. The saddest thing he could imagine was to get used to luxury. He started twiddling his thumbs as he was getting restless. He was expecting an important guest. He was waiting for him to make the evening a bit more eventful. He knew this was a gamble; he knew of the risks involved, but he was confident of his performance. He believed that one of the ironies of life was doing the wrong thing at the right moment. His train of thought was interrupted by the sound of the door bell. This was the moment. This was his moment.

Albert stood in front of the suite. He rang the door bell. A young man answered the bell. He was dressed in a black gown and held a walking stick in his hand. "Yes?" he enquired.

"Dear Sir, can I please come in? I'm getting sea sick and doubt I'll be able to make it to my room," Albert said, swinging around drowsily.

"Sure. Come in and make yourself comfortable," said the man and rushed Albert inside the suite.

"Oh how noble of you sir," said Albert and dropped himself on the sofa. With his half-closed eyes, he began studying his host with utmost interest.

Dark black hair? Dyed.

Toothbrush moustache? Fake.

"This list could go on and on," he thought. There was no doubt. Going through so much care to conceal his true physical appearance? This was the thief that stole Queen's stolen necklace.

"Hello, people call me Robin. Are you feeling alright now?" enquired the man. Albert's response got extinguished in the loud noise of the fire alarm and the accompanied cry of "Fire!"

Police Chief Harbrook concealed himself behind a pillar and watched as Albert motioned like a man who was in need of air, in front of Suite No. 164. A young man opened the door and rushed him inside. The clock had started ticking. Harbrook had strict instructions to ring the fire alarm in exactly five minutes. The moment the sixth minute arrived, he rang the fire alarm, crying out "Fire!" He heard sudden footsteps of rushing figures from inside the suite and a few moments later, Albert came out from within, assuring the officers on board that it was a false alarm.

They both walked silently till they reached their cabin. "Well done, Chief," Albert remarked. "Nothing could have been better."

"You have the necklace?"

"I know where it is."

"And how did you find out?"

"The man himself showed me."

"I don't understand."

"I don't intend to keep you in the dark any longer," said

Albert, laughing. "The stage was perfectly set for the performance. I pretended to be sea sick and rang his door bell."

"That I know."

"He was bound to have me in. And then you did your part."

"How did that help you?"

"A man will seek his most valuable possession in case of potential fire. It is a perfectly overpowering impulse. It

was clear to me that our man had nothing in his suite more precious to him than the necklace. He would rush to secure it. The alarm of fire was admirably done. He responded beautifully. The necklace is in a small case behind a sliding panel left of a large portrait. He was there in an instant, and I caught a glimpse of it as he half drew it out. But he was clever enough to know in time that it was a false alarm, so he replaced it as quickly as he had withdrawn it. Then I rose, and making my excuses, escaped from the suite."

"Why didn't you inform me at once? I could've had him under arrest that very moment." Harbrook asked.

"My job is practically finished but most importantly, I have a certain mathematical problem to attend to. Have him under arrest before reaching the harbour and I believe you have a promotion in line."

"You really did it!" he cried, grasping Albert by both shoulders and looking eagerly into his face. Albert smiled satisfactorily. After all, he was a genius.

The man yelled and cried when the police handcuffed and took him into custody. He resisted fiercely when he was being put into the van. Albert watched as the van disappeared along the corner of the street. St. Monica had reached the harbour. Chief Harbrook had gone to the local police station to complete some legal paperwork.

Albert was about to head towards his hotel, when suddenly he was interrupted by a young man. "Remember me? Charles? Private Charles? The one who handed you the invitation onboard," he declared enthusiastically.

"Ah yes. What's the matter, Charles?" Albert looked inquisitively into his bright fearless eyes.

"Well nothing, just a note of appreciation from us for playing along," Charles said, handing over a folded piece of paper to Albert.

"There's no need for...wait. Did you say 'for playing along'? What do you mean?" His questions went unanswered for the sailor had already disappeared into the night. Albert opened the letter and started reading.

"Mr. Einstein, I heartily thank you for letting the real thief escape. That is me, by the way. The one you arrested is an innocent man, as is evident from the fake copy of the necklace you acquired from his possession. Sooner or later, he will be released. Please don't ask how this happened. Just

know that you helped a noble cause. I steal from the rich and give to the poor. Sleep tonight knowing that a thousand blessings will be bestowed upon you by the needy and the underprivileged.

Yours truly,
Robin Hood"

There is no such thing as genius in real world; there's always someone better than you.

2 days earlier:

Shooting a glance around the street, he proceeded to knock the door. Two boarding passes were visible in his rear pocket. They read - SS St. Monica. The door opened and he was greeted by a short man. He had dark black hair, black eyes and wore a toothbrush moustache. He was dressed in black formal coat and baggy pants with a hat on top.

"Look at yourself, Charles. You look like a tramp," remarked Robin.

"It's part of my look! And please, do call me Charlie," he retorted.

"Old friend," the thief smiled, "I need your help. I'm in a bit of a trouble."

"When are you not? Well, how can I be of any help?"

"I need you to be Robin, while I assume the role of Charles."

"What? No way! As if being recruited in your 'Merry Men' wasn't bad enough, now I have to trade places with you?" Charlie stomped the floor.

"Think of it as a role. Adapting a character in real life; fooling people with a performance so great they won't know the difference between truth and a lie." Robin was sure he saw Charlie's eyes sparkle for a moment.

"Wow really? Now you put it that way, I cannot wait to do it." Robin knew well to take advantage of Charlie's innocence. It was for a good cause after all, he thought.

"That's my boy! Listen, all you have to do is pretend to be me and fool whosoever comes to visit your room. There's also a necklace involved..."

"You mean Queen's stolen necklace?" Charlie was shocked.

"Yes. But you don't have to worry. I have the perfect plan." quipped the genius.



LIFE: THE OFFICIAL TRAILER

Charumathy Murali, National Institute of Fashion Technology, Mumbai.

(This story was awarded the 1st prize)

Day 1, Midnight

I squeezed through the tiny space that was the attic, and looked heavenwards. There was a huge, black, gaping hole in the roof, a tunnel to a different universe. Every day was the same. The same routine followed a fixed pattern, like the seconds of the clock going tick-tock-tick-tock. I often had a strange feeling, as if I was holding my breath, waiting for something to happen- waiting for the bomb to explode.

I decided to go downstairs and make myself a strong cup of coffee. The chilly weather tonight did nothing to lift my spirits. "After all," I said to myself, "what's the point, really?" I will not say that I am old, oh no, that would be lying. No, I have merely aged in the mind, benumbed, so that happiness and sorrow were like the torn cover page of a badly written paperback novel. The humdrum of existence had lost its meaning a long time ago and the silent screams of the lonely heart had become oppressive.

Have you ever wondered how it would be to be truly lonely? To not speak or hear a word in, say, twenty years. Nothing that could even remotely keep you entertained; no books, no television, no radio, not even a newspaper. Completely cut off from the outside world- just you and the four grey walls.

I have wondered, yes, very often. I'd like to imagine that you start seeing colors and insects. I would not call it a hallucination. It's a trick and the brain is the master. I do not speak as a person of medicine. I am merely stating my experiences and thoughts, and to a great extent, my imagination.

My kitchen was a lot warmer but one could not breathe in there, a perennial smell hung in the air. It evoked images of grey sludge and charred rubber in my mind, and I held my breath and cringed. It was a daily occurrence and I had no energy left in me to deal with it. I was tired and all the activities of life ceased to have a meaning.

Ah yes, Life-life is like a train. Schedules and timetables keep it running. Its low rhythmic movement rocking one to sleep as towns, you shall never visit, flash by. There was a certain comfort in that- a regularity- Life in a constant motion- heading towards a destination.

But my existence was like the train that was stalled, parked, abandoned; a wreck that had stopped working a long time ago. Like a bubble that was never going to burst. Hours felt like minutes and days merged until they

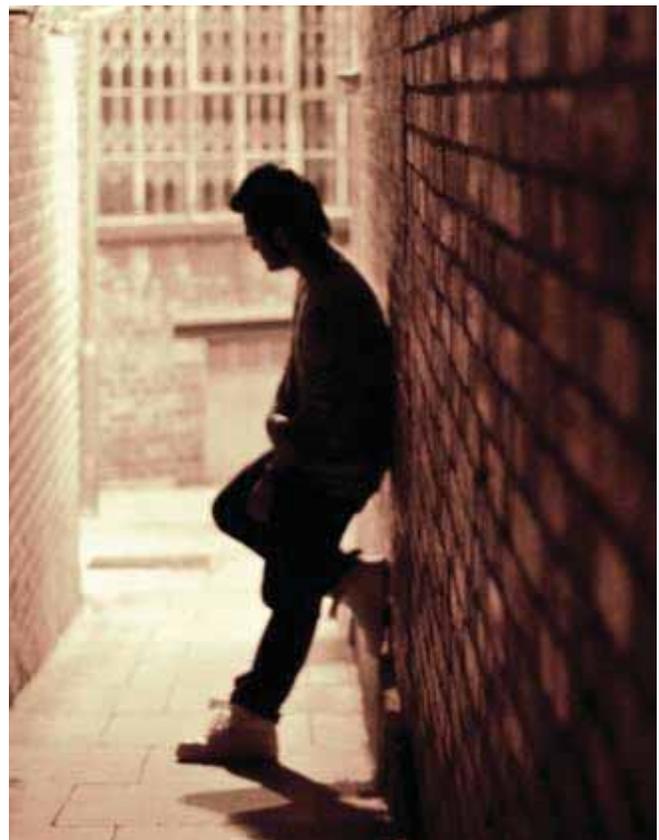
seemed like one long, hazy dream from which there was no waking up. I did not want to meet fellow humans; I hated socializing, but I hated the repeated sounds of silence even more.

I entered the kitchen, carefully avoiding the broken glass pieces at the door. The place was in a mess. The garbage bin was overflowing with half cooked rotten food, and insects of all sorts were crawling around. It was a depressing sight. I knew I had to get away from all this. I could not continue living in such a state. It was unnatural, unhealthy. "What's the point, really?"

Day 1, Early hours of dawn

The speakers were blaring and the shouting and laughter was so loud that I was surprised the police was not here already. I grinned stupidly around. I was happy. Maybe it was not happiness in the exact sense of the word; just glad to be surrounded by so many people, to be a part of something. They were creating a huge racket. Actually, everyone seemed so happy, like life was a king size bed of roses. Maybe it was. Who knows?

I stumbled to the nearest sofa and slumped down.



Day 2, Afternoon

The sun was too bright and the world was too cheerful. Vehicles were everywhere, honking loudly until I felt like the noise was in my head. A huge mass of humanity surrounded me, people with a destination, a purpose. They were of all types- big, small, fair, dark- just like the vehicles. It was extremely crowded. It was extremely hot.

My shirt clung to my back as I tried to maneuver through the maze. The air was filled with dust that stuck to the body because of the sweat. I sighted a bench on the other side of the road and walked straight towards it. Couple of cars whizzed by, honking angrily. I narrowly avoided certain death. Don't know why I did that. Self-preservation, I suppose. It's like attempting to drown oneself. At the final second, you inevitably burst to the surface, gasping and gulping.

The bench was blistering hot. But it was better than being shoved and elbowed by busy people on the sidewalk, too preoccupied to look back and apologize. I understood, though. They still had a purpose in life, an unfinished business to look after. They had a final destination. Time still mattered to them. Oh yes, I understood.

I spread my handkerchief on the bench and sat down. It was extremely hot and I could feel the sweat trickle down my forehead. My skin burned and I was thirsty. And, yet, I sat there. My eyes followed the crowd, first left, then right, again left, and then right, like the spectators in a tennis match. It was strangely hypnotic. It fascinated me how one could be sitting right in the middle of a whirlpool of humanity and yet felt like he was floating in the shallow end, with no one for miles around. My mind did not register my surroundings, so I cannot describe it accurately. But it was extremely hot and humid.

Day 2, Evening

I don't know for how long I sat there, I must have fallen asleep. I woke up with a start and realized that it was already the gloaming hour. The sky was filled with a soft glowing light that was neither harsh nor unfriendly. It was cool and the street was almost empty. For a few seconds, I felt peaceful.

But the loneliness soon returned, like a wave, washing away my thoughts until it filled my mind with a dense mist, leaving it completely isolated. The dream like haze returned.

Day 2, Night

The alley was uninhabited and absolutely filthy. There were one or two garbage bins that were upturned and had emptied their contents on the road. It was a depressing sight. I hated this place and I hated my apartment. It was reflection of all that was wrong and messed up in my life.

The alley led directly to the lake and that's where I was headed. My footsteps echoed so loudly that I was surprised that nobody shouted at me from their windows. Then again, the place was probably unpopulated, abandoned. Each minute seemed like an hour and I slowly made my way to the lake. I was peculiarly reminded of the pulp fiction novels, of lonely men in dark alleys. The thought made me grin, and I had a strange desire to laugh.

I suddenly felt conscious and looked around to see if anybody was watching me. Of course not. I was alone, wasn't I?

The open space was a welcome relief after the stale air of the alley and the lake looked enticing. I edged towards the corner closest to the water and stood against the direction of the wind. The lake was a black restless surface and it was too dark to see anything.

"What's the point, really?"

I lit a cigarette and waited...

Day 2, Midnight

He looked angry. His face was flushed and his nose flared. Like a dragon, I thought to myself. But it was his eyes that disturbed me the most. They were not of the same size. One was just a slit and the other stared at me, hardly blinking. The skin around it was discolored, like it was eaten away by acid. His entire face was bruised and scarred, like he had been in bar fights all his life.

In fact, it was an excellent disguise. His real features were not discernable. Then again, he was also not easily forgettable, was he?

He was a large, hideous man and he looked angry.

Was I dreaming? Was this another one of those hallucinations? Perhaps it was. Then again this might be real. I could not remember how I got into a conversation with this repulsive looking fellow, all I knew was that I did not want to continue it. If it indeed was just a dream, I could turn and walk away, right?

"Hey, where do you think you're going, huh? You think you can just walk out of here without paying me, eh?"

I looked at him strangely. Did I know him? What was he talking about?

“I am sorry, pay you for what?!”

For some strange reason, he looked livid. Maybe, he was a mugger. Muggers could be dangerous if they were armed. But I had a feeling that this guy did not require a knife or a gun. He could squash me to pulp with his bare hands, if he wanted to. I really did not want to get involved.

“Look, I really don’t have a lot of money, okay. Why don’t I give you my watch, and we say this is settled?” He glared at me with those red, satanic eyes and spat on the ground.

Next thing I knew, I was shoved on the ground and he was bashing my face. I faded out.

Day 2, Midnight

It was pure blind rage, like a blast of blood flooding my brain. I did not understand what I was doing, or even why. All I wanted to do was continue thrashing until my body goes numb. All the stress, all the anger, all the suppressed emotions had at last found expression and they gushed out in vengeance.

Day 3, Afternoon

The train rocked sideways gently and the rhythmic beats vibrated through my body, relaxing it. I wanted to go back sleep. I felt tired still and my head hurt. The seat was extremely comfortable, better than the bed in my apartment. If I had any complaint, it was that the sun was shining too brightly. Like the afternoon I spent on the roadside bench.

I sat up straight and looked around. The compartment had two other men, and one was either dead or just dead drunk. I looked outside. I could not recognize the country side. In fact I could not remember how I got here in the first place. Not that it mattered, really. I was used to waking up in random places having no memory of how I came to be there. It was like a censored memory, with sentences blacked out. That strangely did not bother me. Perhaps the days were so monotonous and similar that they just amalgamated to form one long hazy dream.

Once again I looked at my fellow companions. The drunkard had not budged. In fact he was so heavy that even the movement of the train had no effect on him. He just slouched there looking deader than ever. The other man was hidden behind the newspaper. The train rocked him back and forth and back and forth, that for all you know he might be asleep too.

I looked outside. Towns flew past us hardly leaving a mark in my mind. Life continued as usual in these parts.

Families sitting down to have their midday meal, lovers in the balcony daydreaming about their special someone, students dozing over thick and extremely comfortable history textbooks- a sort of a regularity in life. The man behind the newspaper stirred and coughed. I looked at him for some time. Slowly my eyes focused on the front page of the newspaper. It had a blown up picture of the ugliest man I had ever seen in my life. His facial features were not discernable because it was covered with bruises and scars. But it was his eyes that disturbed me. They were not of the same size. One was just a slit and the skin around it was discolored, like it was eaten away by acid. They were red, satanic eyes and they were staring right at me from the newspaper.

The headline above it read, ‘Drug lord found dead’ and below that, ‘Most violent crime in 50 years, result of a drug deal gone wrong’. It was the mugger from the other night. I looked at his face once again. A strange fear gripped me as bile rose to my throat. I tried reading the article from where I sat. It was not easy but I did not want to draw attention to myself.

‘Last night the police found the decayed dead body of the local drug lord in a garbage bin at Lake Street,’ The article then gave his life history and the many atrocities that he was alleged to have committed. I skipped most of this. They did not interest me. The third column then gave a detailed description of the dead body to enthrall the more enthusiastic readers. I hated violence. The article unsettled me.

‘The police have drawn up a list of suspects, but are not very hopeful. “The victim had a number of enemies who wouldn’t think twice before putting a bullet through his head”, said an officer who does not wish to be identified, “Nevertheless, we suspect the crime was drug related. We intend to question the alleged drug dealers and the drug users in this area, but as I said before, we are not very hopeful.’

I looked outside. Towns and cities flashed by, suspended in time. The same routine followed a fixed pattern, like the seconds of the clock going tick-tock-tick-tock- Regularity in Life.

Life, Ah yes - Life is like a very tall ladder propped against a large wall, like a stairway to the unopened room. No one knows where the ladder goes. We only know that it ends somewhere. And so we continue to climb looking heavenwards, through the tunnel to a different universe. But once in a while, we turn back and look down. What we see often leaves our heads spinning. We realize that the ladder is not standing on a solid ground at all and if we lose our grip, we might fall into a bottomless pit of regret and sorrow- The blacked out sentences of a censored novel. ■

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Sir Dinshah Mulla Legal Essay Writing Competition 2011-12

The Sir Dinshah Mulla Legal Essay Writing Competition is an intra-college legal essay competition, and one of the oldest annual events in Government Law College. The Mulla and Mulla Trust, our sponsor for this event, wishes to encourage through this competition, maximum participation from the students of GLC, allowing them to express their views on contemporary legal issues and providing them with a fine learning experience. The competition gives a tremendous boost to young talent and increases their knowledge about legal topics and issues. This year saw a record number of entries for this competition, proving that there is no dearth of talent in GLC.

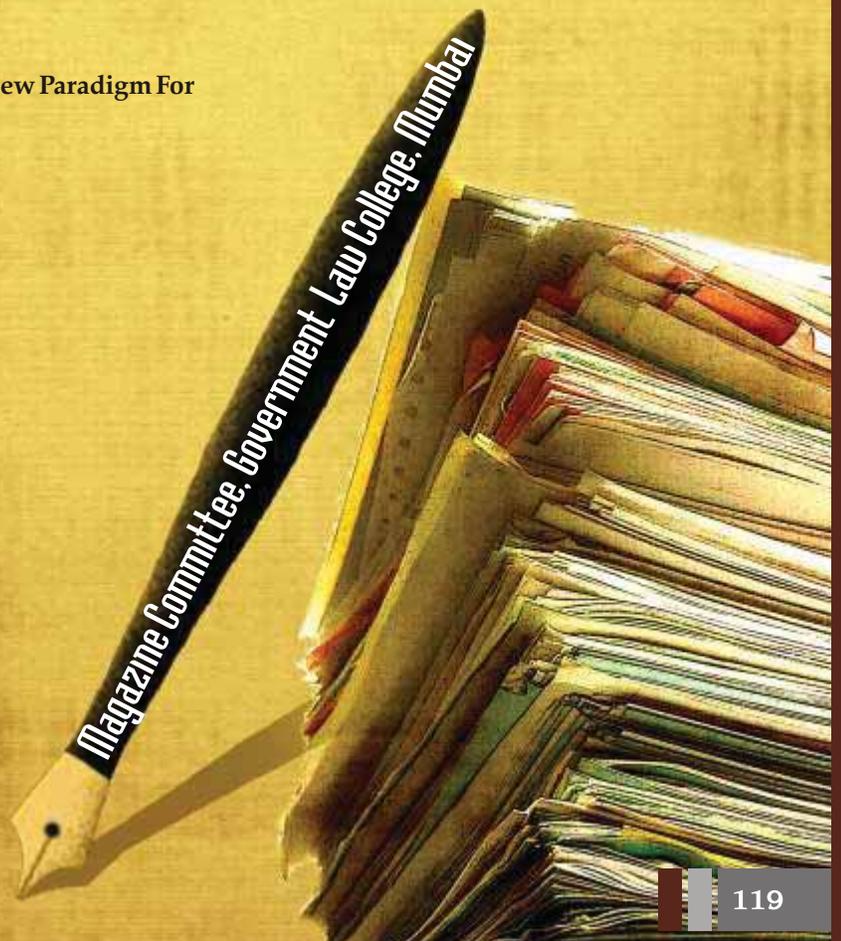
The entries were judged by Mr. Shardul Thacker, Senior Partner and Mr. H. S. R. Vakil, Partner, M/s. Mulla & Mulla & Craigie Blunt & Caroe, to whom we extend our sincerest gratitude.

The topics this year were:

- 1) Vertical Agreements in Competition Law: Striking The Right Balance Between Regulation And Competition.
- 2) Are Indian Labour Laws Too Restrictive?
- 3) Technology Mediated Dispute Resolution- A New Paradigm For Alternate Dispute Resolution
- 4) The Evolution of Indian Cyber Law from the IT Act 2000 to its Amendment Act in 2008.
- 5) Intellectual Property Laws Vs. Anti Trust Laws

Winners:

- 1) **Vikrant Shetty, V-II**
First Prize: ₹ 10,000
- 2) **Surabhi Shekhawat, V-III**
Second Prize: ₹ 7,000
- 3) **Prigal Thaker, V-IV**
Third Prize: ₹ 5,000



Intellectual Property Laws v. Anti Trust Laws

Vikrant Shetty, V-II

“The aim and objectives of patent and antitrust law may seem, at first glance, wholly at odds. However, the two bodies of law are actually complementary, as both are aimed at encouraging innovation, industry and competition.”

Introduction

In today's economy, companies must innovate if they wish to succeed and endure. The emerging scenario in India appears to be one of domination of industries such as information technology, communication and other knowledge based industries. Companies generate capital and employment by producing new ideas and incorporate them into products to give rise advanced products which the consumers have not only not seen but not even imagined. Consumers, in turn, benefit enormously from these innovations. Hence, it is of the utmost importance that our economic laws, including Anti Trust and Intellectual Property Laws, create a legal environment that fosters and does not suppress innovation.

Historical Views

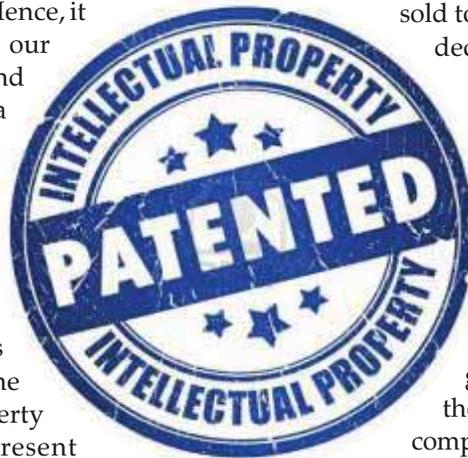
Earlier it was believed that increasing the incentive for innovation through strengthening of IPR demotes competitiveness.² In other words, the competition and intellectual property laws once were thought to represent opposing policies. This view was widely spread during the early 20th century due to a co-incidental depression in the market along with the enforcement of IPR in various countries.³ The creation of this dichotomy is due to IPR holders being granted statutory rights to in essence control right to use the intellectual property and charging monopoly rents for the use of their patents - something which seems to clash with the competition regime, which attempts to restrain such market power.⁴

This prima facie “inherent tension” was promoted by the antitrust assumption that a patent conferred exclusive rights to one product or process, which also guaranteed unwarranted power in the market, despite of the other existing substitutes to it.⁵

Prize/Reward Theory

The old interpretation of the relation between IP law and competition law led to the ‘prize theory’/ ‘reward

theory’ which was suggested by many scholars.⁶ According to this theory an IP holder should receive a prize instead of patent, provided by the government or non-profit organization, rather than directly selling to the market. This would solve the problem of ‘monopoly power’ and would allow the society to access technologies, techniques, etc which would otherwise have remained unknown.⁷ However innovators would only accept the prize when it would be at least as much as how much they would earn had they directly sold to the market, which was impossible to decide.



When IP law focused on such a traditional relationship between the inventor and the general public, the conflict between IP and competition is much easier to explain. Here IP has no commonality with competition policy and the two pursue divergent goals. IP seeks to protect and reward the innovator by granting exclusivity and competition law seeks to protect the market by enhancing access, which necessarily goes against the exclusivity granted by IP.

Modern View

Competition laws never aimed to protect the interests of invidious competitors. The genuine goal of competition law is to increase efficiency through the safeguard of the competitive process itself, rather than the safeguard of any particular competitor's interests. Simply put, anti-trust law seeks to protect primarily competition and secondarily competitors.⁸ It is not the act of making the invention public that is being sought to be rewarded, but the necessity to promote innovation and creativity through the formation of incentives.⁹ Continued advances in technology are crucial to the continued development of the economy.

Merging intellectual property and antitrust policy involves identifying that IP law is a form of antitrust

policy. With this change in approach, IP law becomes less individual-centric. The result is a balance between individual interests of the right-holders and the general interests of society in encouraging further innovation.¹⁰ Anti-trust should never question or interfere with the most important function of IP rights, i.e. protection of creative accomplishments and/or firms' distinctiveness and status, which encourages innovation. Modern day economists hold that there are exceptions to this rule as well and that legislations which are not properly drafted may in some cases lead to giving monopoly power to the IP holder. Although even competition law recognizes that an IP holder's monopoly power can be essential to attain better gains for consumers.¹¹ Therefore, the modern view is that it is possible to use IPR to promote competition but IP laws may not always be pro-competitive. The origin of this view is not known but its traces can be found in the 17th century English statutes regarding monopolies.

TRIPS Agreements

Even the TRIPS Agreements are based on the Modern View. Articles 6, 7¹², 8.2¹³, 31 and 40¹⁴ of TRIPS deal with treatment of anti-competitive practices. The Agreement recognizes that some licensing practices or conditions pertaining to intellectual property rights which restrain competition may have adverse effects on trade and may impede the transfer and dissemination of technology.¹⁵ Despite the evident restriction of Article 40 to licensing, the term "practices or conditions" seems to suggest that Article 40.1 applies not only to clauses in a contract but to the circumstances surrounding the conclusion or not of a licensing agreement, including situations of refusal and discriminatory conduct by IPR holders.¹⁶

Anti-competitive Conditions

Anti-competitive conditions may include but are not limited to- patent pooling¹⁷, limiting the maximum amount of use of the invention, coercing licensee to take licenses in IP even if it is against his/her will, territorial and customer restriction, tie-in arrangements¹⁸, restricting sale of product to those other, fixing prices for the licensee to sell royalty payment after expiry of patent, prohibit licensee to use rival technology, prohibit licensee from challenging validity of IPR.

Antitrust and IP Laws in India

Before the year 2002, the Monopolies and Restrictive Trade Practices Act ("MRTP") was in force since 1969. The MRTP Act was influenced by US, UK and Canadian legislations¹⁹, Section 15 of the MRTP Act excluded patents from its application. MRTP commission in

*Vallal Peruman and Dileep Singh Bhuria v. Godfrey Phillips (India) Ltd*²⁰ and *Manju Bhardwaj v. Zee Telefilms Ltd*²¹ ruled that manipulation, distortion, contrivances and embellishments etc by way of misuse of trade mark invite the application of the MRTP act. Section 39 of MRTP Act declared resale price maintenance to be void, does not affect the validity of a license granted by the proprietor of a patent or trade-mark, so far as it regulates the price at which articles produced by the licensee may be sold by him.²² The MRTP Commission, under the MRTP Act, had jurisdiction to hear IPR related complaints.²³

An Expert Group, in its report to the Ministry of Commerce sent in January 1999, recommended a new competition policy. In October 1999, the government appointed a High Level Committee on Competition Policy and Competition Law to draft the new competition legislation, which was submitted in November 2000.²⁴ In December 2002, the Competition Act was enacted and it replaced the Monopolies and Restrictive Trade Practices Act. Due to global developments such as TRIPS provisions and also due to the amendments made to the IP laws in India, India had to ensure the ability of the competition laws in India to be able to deal with market power created by IP. Although special mention of IPRs have been made in only two provisions, the Competition Act's several provisions are related to it.

Section 3 and 5 of the competition Act mention exclusion from its scope, of rights conferred by the Copyright Act of 1957, the Patents Act of 1970, the Trade and Merchandise Marks Act of 1958 or the Trade Marks Act of 1999, the Geographical Indications of Goods (Registration and Protection) Act of 1999, the Designs Act of 2000, the Semi-conductor Integrated Circuits Layout-Design Act of 2000.²⁵ It is believed that merging entities may have to divest some of their if the combined IP wealth is likely to undermine the market.²⁶

Such exceptions have not been made to Section 4, which prohibits abuse of dominant position by any enterprise, for mainly three reasons. Firstly, as mentioned earlier, the legal monopoly created by IPRs may not necessarily lead to an economic monopoly and it is only with economic monopoly that the competition law is concerned with. Secondly, mere existence of market power is not prohibited under Section 4; even if the IPR grants dominant position, it needs to amount to an abuse of dominant position. Section 4 does not make exceptions for rights conferred for IPR so that competition law can interfere when such abuse of dominance takes

place.

Section 3 of the Act is in accordance to Article 81 of the European Commission (EC) Treaty which also prohibits anti-competitive agreement²⁷ whereas Sec 4 of the Act is in accordance with Article 82 of EC Treaty which prohibits the abuse of a dominant position.²⁸ The resemblances between the provisions of antitrust laws of the Europeans and Indians is no coincidence; India has depended a lot on European Antitrust laws because they known to have the most well drafted antitrust laws in the world. For this reason, it is essential that we study the stand of European countries in the balance of IPR and Antitrust laws.

Landmark Cases

In the process of formulation of Modern Competition Policy, the precedent Judgments that were contrary to the old view were taken in to account and studied. In a way these judgments paved way for the acceptance of the convergent view by legal experts.

- 1) *Consten and Grundig v Commission*²⁹: In this case the ECJ drew a distinction between the existence of intellectual property rights, which could not be challenged, and their improper exercise.
- 2) *Parke Davis v Probel & Centrafarm*³⁰: The ECJ held that the existence of intellectual property rights did not in itself mean that a firm was dominant, although it was relevant to any assessment of dominance; the ECJ also held that a dominant firm with intellectual property rights might be guilty of abusing its dominant position, for example by charging excessive prices.
- 3) *SCM Corp. v. Xerox Corp.*³¹: The court held that the conflict between the antitrust and IPR laws arises in the methods they embrace that were designed to achieve reciprocal goals. While the antitrust laws prescribe unreasonably restraints of competition, the IPR laws reward the inventor with a temporary monopoly that insulates him from competitive exploitation of his/her protected art.

Conclusions and Recommendations

Although it is clear IPR and Antitrust Law are not opposing policies, it must be kept in mind that many times conflict of goals may occur between them. Poor IP law quality may have anticompetitive effects such as monopoly of market power and excessive increases in costs.

The Indian Competition Act as well as all the statues related to IPs rightly give the individual or firm the freedom and incentive to innovate and prevent abuse of their IP related rights. However, it is not the law that seems to be a problem in comparison to its execution. The IP authorities and competition authorities must keep in mind that the former deals with only legal monopoly and the latter economic monopolies. Due to the abstractness of what amounts as an abuse, IPR is many a times given preference over antitrust, in India. In such cases, reliance should not be put completely on precedents but the changing economic atmosphere must also be taken into consideration. Finding the balance between IPR and Antitrust is a continuous effort as it completely depends on the market status.

Competition agencies should consider publishing a set of guidelines describing how they will analyze licensing agreements and other IP related conduct.

In light of all the aforementioned reasons it is highly recommended that the following set of rules should guide competition commission's policy towards intellectual property:

- R1: The misconception that an intellectual property right always creates market power should be removed.
- R2: Antitrust laws should acknowledge the basic rights granted under intellectual property law.
- R3: A restriction to licensing should be permitted if it is not anticompetitive relative to the outcome that would result if that license was allowed.³² ■

End Notes:

¹Judgement given in Atari Games Corp. v. Nintendo of America, 897 F.2d 1572, 1576 Fed. Cir.1990.

²Antitrust Enforcement And Intellectual Property Rights: Promoting Innovation And Competition (Report), U.S.

³Jacqueline Farrell, The Great Depression, Lucent Books (1996).

⁴Angie Ng, Ding Liang and Peter Waters, Intersect Between Intellectual Property Law And Competition Law, (March 7, 2010).

⁵Continental Paper Bag Co. v. Eastern Paper Bag Co., 210 U.S. 405 (1908).

⁶Paul Torremans, Holyoak & Torremans, Intellectual Property Law, Oxford Press, (2008).

⁷Meir Perez Pugatch, Introduction: Debating IPRs, in The Intellectual Property Debate: Perspectives From Law, Economics and Political Economy, 4 (Meir Perez Pugatch ed., 2006).

⁸Allen Kazsbom and Alan Goldman, No Short Cut to Antitrust Analysis: The Twisted Journey of the Essential Facilities Doctrine', Columbus. Law Review, (1996).

⁹Gupta, Anurag and Mazumdar, Satyajeet (2011) 'Competition Law and Intellectual Property Rights: Whether Conflicting or Complementing Each Other to Serve a Common Purpose?', Asian Journal of Law and Economics: Vol. 2: Iss. 2.

¹⁰Gustavo Ghidini, Intellectual Property And Competition Law: The Innovation Nexus, Edward Elgar Publishing Inc. (2006).

¹¹University of California, Berkeley School of Law, Berkeley Technology Law Journal , University of California Press (2004).

¹²TRIPS Agreements, Article 7: The protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations."

¹³TRIPS Agreements, Article 8.2: Appropriate measures, provided they are consistent with the provisions of the Agreement, may be needed to prevent the abuse of intellectual property rights by right holders or the resort to practices which unreasonably restrain trade or adversely affect the international transfer of technology."

¹⁴1. Members agree that some licensing practices or conditions pertaining to intellectual property rights which restrain competition may have adverse effects on trade and may impede the transfer and dissemination of technology.

2. Nothing in this Agreement shall prevent Members from specifying in their legislation licensing practices or conditions that may in particular cases constitute an abuse of intellectual property rights having an adverse effect on competition in the relevant market. As provided above, a Member may adopt, consistently with the other provisions of this Agreement, appropriate measures to prevent or control such practices, which may include for example exclusive grant-back conditions, conditions preventing challenges to validity and coercive package licensing, in the light of the relevant laws and regulations of that Member.

3. Each Member shall enter, upon request, into consultations with any other Member which has cause to believe that an intellectual property right owner that is a national or domiciliary of the Member to which the request for consultations has been addressed is undertaking practices in violation of the requesting Member's laws and regulations on the subject matter of this Section, and which wishes to secure compliance with such legislation, without prejudice to any action under the law and to the full freedom of an ultimate decision of either Member. The Member addressed shall accord full and sympathetic consideration to, and shall afford adequate opportunity for, consultations with the requesting Member, and shall cooperate through supply of publicly available non-confidential information of relevance to the matter in question and of other information available to the Member, subject to domestic law and to the

conclusion of mutually satisfactory agreements concerning the safeguarding of its confidentiality by the requesting Member.

4. A Member whose nationals or domiciliaries are subject to proceedings in another Member concerning alleged violation of that other Member's laws and regulations on the subject matter of this Section shall, upon request, be granted an opportunity for consultations by the other Member under the same conditions as those foreseen in paragraph 3."

¹⁵Article 50 para (1), TRIPS Agreement.

¹⁶C.M. Correa, 'Trade Related Aspects Of Intellectual Property Rights: A Commentary On The Trips Agreement' (2007), at 399.

¹⁷When at least two companies agreeing to cross-license patents relating to a particular technology.

¹⁸Acquire particular goods solely from patentee.

¹⁹Sherman Act, Clayton Act, the US Federal Trade Commission Act, 1914 (as amended in 1938) in the US, the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948, the Resale Prices Act, 1964 and Restrictive Trade Practices Act, 1964 of the UK and the Combined Investigation Act, 1910 of Canada.

²⁰Vallal Peruman And Dileep Singh Bhuria Vs. Godfrey Phillips (India) Ltd- Ia 91/92 In Utpe 180/92 –MRTP Commission, New Delhi, 24 May 1994; or (1995) 16 CLA 201.

²¹Manju Bhardwaj Vs. Zee Telefilms Ltd. And Others- Utpe 148/95, Mrtp Commission, New Delhi Dated 2 Jan. 1996; or 20 CLA 229.

²²MRTP Act, Sec 39: Special conditions for avoiding conditions for maintaining resale prices:-

(1) Without prejudice to the provisions of this Act with respect to registration and to any of the powers of the Commission or of the Central Government under this Act, any term or condition of a contract for the sale of goods by a person to a wholesaler or retailer or any agreement between a person and a wholesaler or retailer relating to such sale shall be void insofar as it purports to establish or provide for the establishment of minimum prices to be charged on the resale of goods in India.

(2) After the commencement of this Act, no supplier of goods whether directly or through any person or association of persons acting on his behalf shall notify to dealers or otherwise publish on or in relation to any goods, a price stated or calculated to be understood as the minimum price which may be charged on the resale of the goods in India.

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GLC ACHIEVERS

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Shyamalene Siqueira
Gaurav Bhutiani
Mohit Patwardhan

First
Second
Third

III-II

Rimjhim Pandey
Shruti Joshi
Jharana Sheth

First
Second
Third

III-III

Pranav Jain
Prutha Parulekar
Priyanka Choksi

First
Second
Third

EXAMINATION RANK HOLDERS

for the Academic Year 2011-12

FIVE YEAR COURSE:

V-I

Shraddha Jha
Priya Awashti
Bhriugu Sharma

First
Second
Third

V-II

Gayatri Chadha
Tanaya Shah
Vijaya Katkar

First
Second
Third

V-III

Shaily Gupta
Raunak Shah
Riva Shah

First
Second
Third

V-IV

Richa Pathak
Ruhi Patil
Kamakshi Ayyar & Mayan Prasad

First
Second
Third

V-V

Aditi Sinha
Vrushali Gadgi
Asma Siddiqui

First
Second
Third

SPORTS ACHIEVEMENTS

"Spiritus" The annual sports fest organized by the National Law School, Bangalore

Football Team

Semi
Finalists

Volleyball Team (Girls)

Semi
Finalists

Mumbai University, representing GLC on state and National Level in Boxing

Samrat Ingle

Cricket Tournament organized by the Rotract Club of HR Mumbai Cricket Teams

Semi
Finalists

(This List is been provided by the Sports Committee)

INTER-COLLEGIATE EVENTS

Gandharva 12 College- VPM's Joshi Bedekar College of Arts and Commerce, Thane

Singing
Naresh Chintalwaar

Consolation

Amar Jain

2nd
Consolation

(This List is been provided by the Students' Council)

LIST OF MOOT COURT ACHIEVEMENTS

12th Annual Raj Anand IPR Moot Court Competition

Speaker 1 : Manali Sangoi
Speaker 2 : Shivi Sanyam
Researcher : Rishabh Jogani

Runners
Up

4th International Infrastructure & Construction Law Arbitration Moot

Speaker 1 : Raunak Shah
Speaker 2 : Gathi Prakash
Researcher : Komal Modi

Best
Memorial

Surana & Surana National Trial Advocacy Competition India - South Rounds

Speaker 1 : Madhavi Doshi
Speaker 2 : Yuvraj Choksy
(Best Student Advocate & Best Final Oralist)
Researcher : Toyesh Tewari
Researcher : Aparna Bagree

Best
Team

RTMNU's Dr. Babasaheb Ambedkar College of Law- 5th State Level Moot Court Competition

Speaker 1 : Zaiba Thingna
Speaker 2 : Aditya Deolekar
Researcher : Dhvani Shah

Best
Team

1st Annual Amity International Law Moot Court Competition

Speaker 1 : Aayush Tandon
(Best Mooter, Best Mooter [Male] & Best Advocacy)
Speaker 2 : Utkarsh Srivastava
Researcher : Raghav Dev Garg

4th B. R. Krishna Memorial Intellectual Property Rights Moot Court Competition

Speaker 1 : Shyamalene Siqueira
(Best Speaker [Female])
Speaker 2 : Tushad Kakalia

Researcher : Dhvani Shah

53rd Phillip C. Jessup International Moot Court Competition (India- South Rounds)

Memorial

Speaker 1 : Aditya Deolekar
Speaker 2 : Navneeta Dash
Researcher : Sonal Lalwani
Add. Researcher : Mantul Bajpai
Add. Researcher : Hasrat Khan

3rd Best

School of Law, Christ University Anti Trust Moot Court Competition

Speaker 1 : Chinmayee Pendse
Speaker 2 : Prakruti Joshi
(Best Speaker)
Researcher : Neha Pugalina

1st NALSAR - Gurcharan Singh Tulsi Memorial Criminal Law Moot Court Competition

Speaker 1 : Manali Sangoi
Speaker 2 : Uttara Mehta
(Best Speaker)

Researcher : Zaibaa Thingna
(This List is been provided by the Moot Court Association)

2nd Best
Team
2nd Best
Memorial

SPECIAL MENTION

"Late Advocate S.A. Keluskar Prize" for securing the highest marks at the Fifth Year Degree Examination.

Aditi
Sinha

Hon'ble Mr. Justice D. P. Madon Prize in Constitutional Law for securing the highest marks in Constitutional Law at the Third Year Degree Examination.

Raunak
Shah

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Professors



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Standing 1st Row (L-R): Prof. Ms. N. Rajani, Prof. Mr. A. Rabbani, Prof. Mr. A. Z. Mohad, Prof. Ms. D. Makwana, Prof. Mr. J.V. Ruparel, Prof. Mr. S. A. Panchbhai, Prof. Ms. R. Chabbria, Prof. Ms. G. N. Chhabria, Prof. Mr. U. S. Aswar, Prof. Mr. S. K. Gafoor, Prof. Mr. K. L. Daswani, Prof. Mr. N.G. Kale, Prof. Ms. K. N. Hedao, Prof. Ms. A. Desale.
Standing 2nd Row (L-R): Prof. Mr. V. Yadav, Prof. Mr. P. B. Daphal, Prof. Mr. N. A. Ghatte, Prof. Ms. D. Khare, Prof. Mr. A. Shastri, Prof. Ms. S. Masani.

Permanent Professors with Principal Judge R. B. Malik



Sitting (L-R): Prof. Mr. P. B. Daphal, Prof. Mr. U. S. Aswar, Prof. Mr. P. K. Mokal, Prof. Mr. S. A. Panchbhai, Principal Judge R. B. Malik, Prof. Ms. K. N. Hedao, Prof. Ms. A. Desale, Prof. Mr. A. Rabbani.

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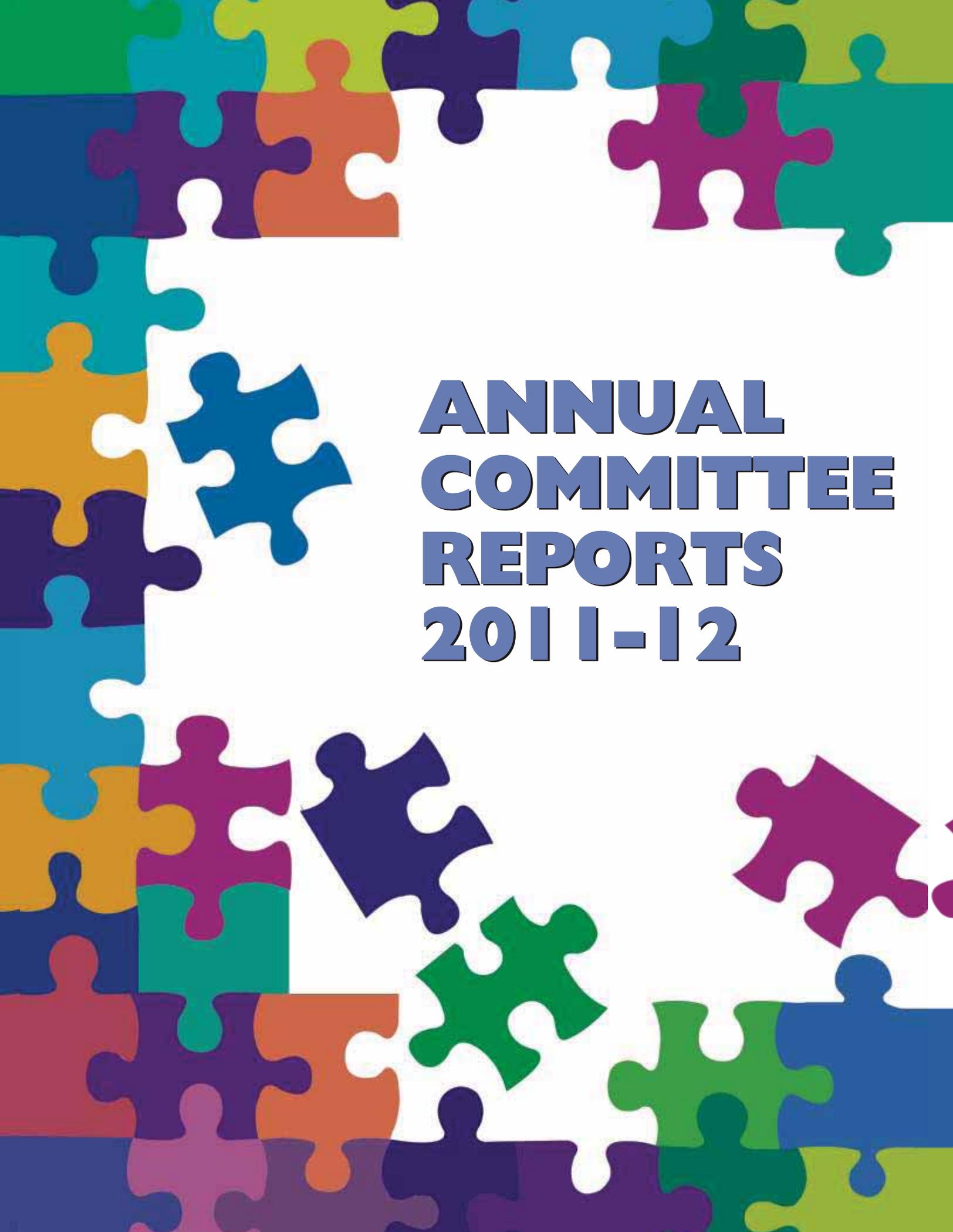


Sitting (L-R): Prof. Mr. U. S. Aswar, Prof. Mr. S. A. Panchbhai, Prof. Ms. P. R. Raut, Principal Judge R.B. Malik, Prof. Ms. K. N. Hedao, Prof. Ms. A. Desale, Prof. Mr. P.B. Daphal.

Non-Teaching Staff



Sitting (L-R): Mrs. S. S. Parab, Mrs. S. B. Pai, Principal Judge R. B. Malik, Mr. B. P. Patil, Mrs. S. S. Gavankar
 Standing 1st (L-R): Mr. S. Singh, Mrs. S. Sawant, Mrs. A. S. Sawant, Mrs. A. A. Khair, Ms. P. More, Mrs. Nandabai Jadhav.
 Standing 2nd Row (L-R): Mr. P. Nathe, Mr. Pathak, Mr. Ghumare, Mr. Barve, Mr. Bhabal.



**ANNUAL
COMMITTEE
REPORTS
2011-12**

Alumni Association



Sitting (L-R): Prof. Mr. D. A. Shinde, Principal Judge R. B. Malik, Sr. Counsel Mr. R. Dada, Sr. Counsel Mr. T. N. Daruwalla, Prof. Ms. S. Masani.

Delhi Study Tour 2011-12



Sitting (L-R): Prof. Mr. D. A. Shinde, Principal Judge R. B. Malik, Prof. Ms. S. Bharwani.
 Standing 1st Row (L-R): Aditi Halan, Manasa Venkataraman, Haabil Vahanvaty, Arzin Ansari, Satyam Sancheti, Tushar Dubey, Anuja Ponshe, Manjunath, Anita Jain, Anjali Goklani, Pooja Nandapurkar.
 Standing 2nd Row (L-R): Varun Satiya, Ratul Das, Hema Naik, Abhijeet Sadikale, Garema Srivastav, Amal Sethi, Priyanka Rathore, Nikita Dadlani, Vidushi Agnihotri.
 Left Inset: Prof. Mr. K. L. Daswani.

Alumni Association (Students' Wing)



Sitting (L-R): Nivedita Nathany, Shreya Sharma, Aarohee Gursale, Prof. Mr. D. A. Shinde, Principal Judge R. B. Malik, Garema Srivastav, Priyanka Rathore, Rupal Shah, Darshana Mayekar.

Standing 1st Row (L-R): Riya Seth, Monalisha Harsh, Surbhi Sharan, Sanskruti Rathod, Akansha Agarwal, Neha Bhatt, Aditi Gupta, Pooja Nair, Surekha Srinivasan, Hema Naik, Mallika Mallampalli, Meesha Varshney, Alisha Atre, Akshata Limaye, Kratika Chaturvedi, Niyati Vakil, Sharaddha Jha, Vaishali Mohanty.

Standing 2nd Row (L-R): Mudrika Chowdhary, Manika Jain, Geet Sawhney, V.V.S. Chandramouli, Chitvan Singhal, Arsh Misra, Pranay Khemka, Digant Sonakia, Shikhar Rastogi, Abhijeet Sadikale, Sanket Palshikar, Himalee Divekar, Prakriti Bhushan, Nikhita Pais, Shruti Tandon, Ankita Mishra.

Left Inset: Aditya Deolekar.

The Alumni Association (Students' Wing) acts as a link between the college and the ex-students of the college. The Alumni Association through its parent body aims to strive for the betterment of the college. The committee, keeping this view in mind began the academic year 2011-2012 with renewed zeal and vigor.

The committee continued the tradition this year too by organizing guest lectures that would help empower the students with better grasping and understanding of the subject. Hon'ble Justice A.S Oka inaugurated the lecture series by delivering a lecture on the topic "Bombay High Court, Appellate side- Practice and Procedure" and Adv. Vineet Naik took a lecture on the topic Media and Entertainment Law both in the month of September. The series of lectures were continued in the month of January and February 2012.

The Effective Communication Skills Workshop is carried out every year by the committee. The workshop not only helped students to add to their communication skills but also provided them with a platform where they could enhance their personality and develop confidence. The workshop was carried out by Adv. Rajeev Chavan who is a prominent member of the association. It comprised of four sessions that were carried out in the month of September & October 2011.

The Delhi Study Tour organized by the Alumni Association in the month of February is the most awaited tour of the college. The delegation was headed by Prof. Daswani and Prof. Mrs. Bharwani. The delegation visited the Rashtrapati Bhavan, the Supreme Court and the Parliament. They also got a chance to meet and

interact with various ministers, eminent dignitaries and legal luminaries of our country.

The Pune study tour is an overnight trip to Pune featuring a visit to the historical Yerwada Jail followed by an exhilarating trek to Singhad Fort. The students also get a chance to visit the National Defence Academy. The trip was conducted in February, 2012.

The Association organises a friendly cricket match between the professors of GLC and students of the college at the Oval Maidan. The match will be organized in the month of March.

The Annual General Meeting is scheduled to be conducted in the month of March wherein, a new parent body of the Alumni Association will be elected and the old members will be felicitated for their invaluable support. The new endeavors of the committee for the coming year will be decided.

The report would be incomplete without mentioning the active support, involvement and co operation of our Principal Judge R. B. Malik, the President of the Alumni association, Mr. Rafique Dada, Treasurer, Prof. Dilip Shinde and Mr. Pradeep Mandhyan, Mr. Rajesh Vardhan, Ms. Rajni Iyer, Sr. Counsel Mr. T.N Daruwalla and Mr. Chirag Balsara who have been a constant source of inspiration. The association would also like to thank all its members for their hard work and dedication throughout the year.

Garema

Garema Srivastav
General Secretary

Bazm-E-Urdu



Sitting (L-R): Jayesh Patil, Prof. Mr. P. K. Mokal, Prof. Mr. N. A. Ghatte, Principal Judge R. B. Malik, Prof. Mr. K. S. Gaffoor, Prof. Ms. D. Makwana, Sachin Patil.
Standing (L-R): Sahim Papdikar, Dipika Raut, Devyani Deshmukh, Rupali Rajput, Ravi Jadhav.

Urdu (originally Turkish) means camp, or the royal camp. It also stood for the city of Delhi which was the seat of the Mughals for centuries. Language was formulated by the interaction of foreign army, merchants and immigrants to India. Urdu which is a blend of culture, tradition and heritage has immensely contributed in the field of poetic literature. Bazm-e-Urdu is one of the active committees in college since 1995. Though it couldn't have a mass base but after much effort there are about twenty five students who are the members of this Committee, while many others have registered to learn the language, Urdu. Bazm-e-Urdu endeavours to organise 'Mushairaa and Kawali' event in this academic year. Bazm-e-Urdu has also collaborated with

Hindi Parishad and Gujarati Mandal for the annual fest, 'Shrishti' 2012. I sincerely express my gratitude to our Principal Judge R. B. Malik, the Chairperson Prof. Ghatte for his co-operation and members for their support. This is a humble attempt to revive and make students aware about the sanctity of the language and we hope the committee will flourish and reach the zenith in the year to come.


Sachin Patil
General Secretary

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Debating Society



Sitting (L-R): Shreya Ramesh, Ashish Sodhani, Principal Judge R. B. Malik, Prof. Ms. R. Chabbria, Manali Sangoi, Amal Sethi.
Standing 1st Row (L-R): Krutika Chitre, Shivaneer Shrivastava, Vinamra Mathur, H. Manjunath, Uttara Srinivasan, Mehendi Singhi, Anjali Gokhlani, Devina Choubad, Shraddha Jha.
Standing 2nd Row (L-R): Ratul Das, Srihari Saranthan, Siddharth Bhise, Anjana Telang, Kshitija Vaidya, Harsheen Madan, Meherzeen Avasia, Yashvi Singh.
Left Inset: Rubin Vakil.

“I never learned from a man who agreed with me.” These words of Robert A. Heinlein best describe the passion that we share at the Debating Society of Government Law College, Mumbai. The Deb Soc, as it is fondly referred to, is an organization that seeks to provide the apt platform that facilitates an interaction between diametrically opposite opinions and diverse schools of thought.

The Debating Society offers students an opportunity to improve their oral advocacy and public speaking skills and provides an academic avenue for the budding lawyers to widen their spectrum of knowledge and expose them to a wide range of opinions and views that broadens their understanding of the subject. It helps promote social awareness of issues ranging from current affairs to legal updates to international relations and thus preparing students for advanced mootings, oral advocacy, interviews and giving them a competitive advantage over the others. The Debating Society endeavors to break down the barriers between years and sections.

Over the last year, the Society has held debates, for its members, on issues that have resonated throughout the social and cultural milieu. We pride ourselves for having discovered budding debaters with immense potential. The Society helps to nurture talent by providing the right mix of opportunities and guidance to its members.

The Society has also been responsible for conducting eliminations for various elocution and literary competitions. The Society organized an internal elimination for various prestigious elocution competitions including the 47th A. D. Shroff Memorial Elocution Competition, Nani Palhivala Memorial Elocution Competition and K. R. Cama Oriental Elocution Competition.

The Society has throughout been guided and mentored by our Professor In-charge Mrs. Rooprekha Chhabria. We take this opportunity to express our sincere gratitude to her, for her constant inspiration and guidance.

I take this opportunity to place on record my gratitude to my colleagues in the Executive Council of the Society, Mr. Chinmaya Gajaria, Ms. Shreya Ramesh, Mr. Rubin Vakil, Ms. Manali Sangoi and the Secretary, Mr. Amal Sethi for their perseverance and dedication.

We shall strive to continue to carry forward the rich legacy of our Society and endeavor to scale greater heights of success in the future.

Ashish Sodhani

Ashish Sodhani
Member, Executive Council



Sitting (L-R): Avadhut Biday, Samrat Ingle, Prof. Ms. G. Chhabria, Prof. Ms. K. N. Hedaoo, Principal Judge R. B. Malik, Prof. Ms. A. Desle, Sayali Bhaidkar, Prajakta Kale, Varsha Nagare, Shweta Dali.
 Standing (L-R): Denzil D'Souza, Athar Pavaskar, Prakhar Karpe, Meesha Varshney, Gauri Mehendale, Pooja Gohil, Mitali Sanap, Shalaka Waghmare, Tanvi Chile, Kashmira Khedekar, Pratima Pawar, Niharika Gaonkar.

The Dramatics Committee is one of the oldest committees in GLC . It has been nurturing young talents in college. The Dramatics committee provides a huge platform for the students to develop their skills in various branches of theatre such as acting, lights, sound and direction.

The Dramatics Committee has earned great respect for GLC in several competitions. GLC is considered a strong contender in Inter-collegiate competitions like the Indian National Theatre (INT), Mrughjhal, Alpha Maharashtra and Savai.

The Dramatics Committee had organized a workshop in October where several forms of theatre were explained to the students under the guidance of prominent people from the Film industry. Mr. Atmaram Dharne {upcoming director from the Marathi film industry} was the Chief Guest

for the workshop. Ex-students such as Adv. Hemant Ingle and Adv. Vaibhav Ingle shared their precious experience with the budding talents of GLC. The Dramatics Committee in collaboration with the Leo Club is organising a Inter-collegiate Cultural Festival 'Panatheanaea' scheduled in February, 2012 . This fest will invite more than 150 colleges from all over Mumbai.

We thank our College for its kind support and wish all the students a prosperous 2012.


 Samrat S. Ingle
 General Secretary

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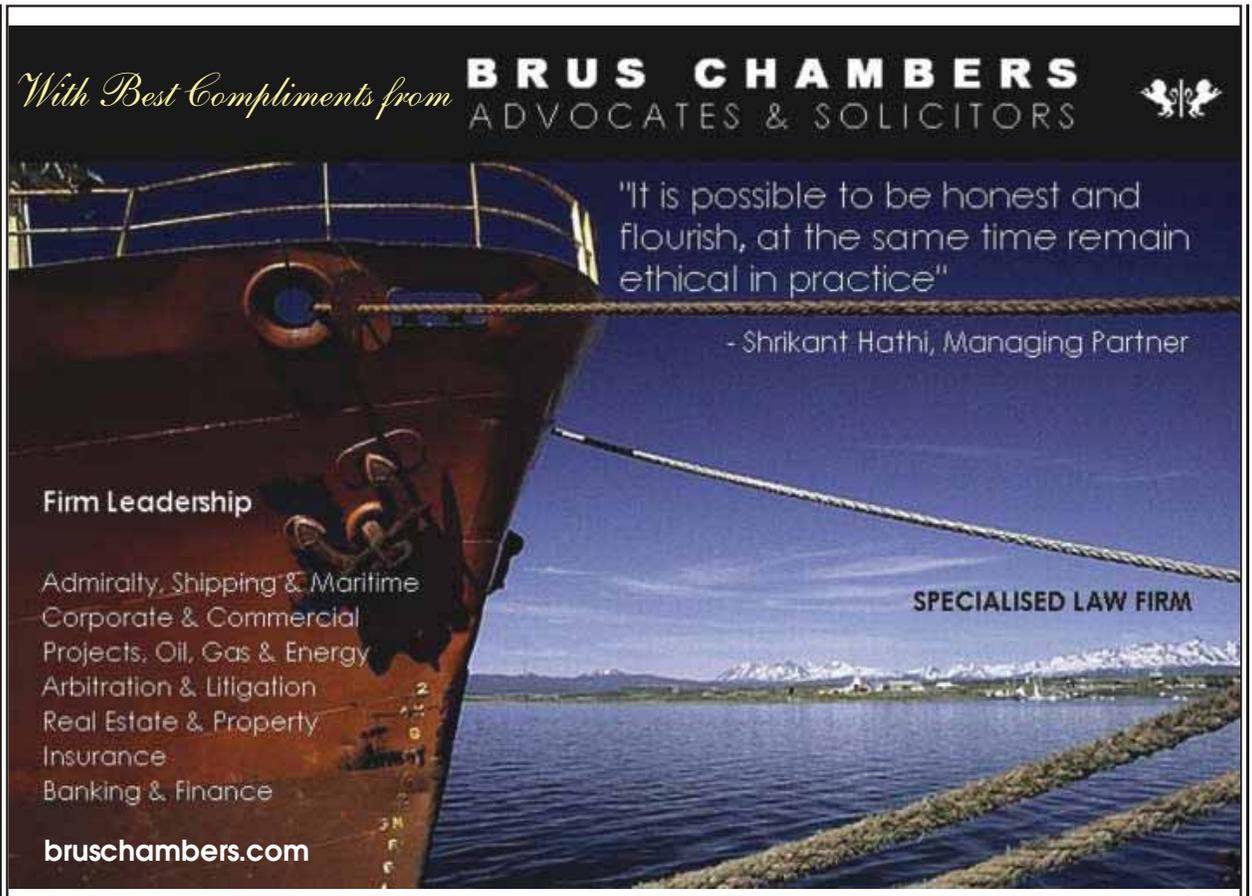
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Sitting (L-R): Sachin Patil, Prof. Mr. R. S. Jadhav, Prof. Ms. K. N. Hedao, Principal Judge R. B. Malik, Prof. Ms. A. Desale, Prof. Ms. D. Makwana, Jayesh Patil.
Standing (L-R): Sahim Papdikar, Dipika Raut, Devyani Deshmukh, Sagar Kelaskar, Vinayak Kumbhar.

Gujarati is a modern Indo-Aryan language evolved from Sanskrit. It is one of the twenty-two official languages and fourteen regional languages of India. With a vision to enhance and promote Gujarati culture and literature in our college, an idea to form a group came up and the Gujarati Mandal was formed by a few Gujarati speaking students and staff. This year too, the mandal celebrated Makar Sankranti, by flying kites (patang mohatsav) and by distributing tilgud and sankranti cards among college staff and students.

The academic year also endeavours to organise 'Ras Dandiya' for our students and staff, which is tentatively scheduled to be in the month of February. Last year the Mandal successfully hosted 'Shrishti' a cultural fest, in a collaboration with the Hindi Parishad. This year as well with a same concept and idea, 'Bazm-e-Urdu' will be joining 'Shrishti' fest, which will lead

to a mega event of these three committees in GLC.

I sincerely express my gratitude to our Principal Judge R.B. Malik and Chairperson Mrs. Kavita Hedao for her co-operation throughout the year.

I thank my predecessor, 'Radhika Rane' (General Secretary, 2011). Last but not the least the Gujarati Mandal would like to thank the post holders for their leadership and all its members for their sincere and whole hearted dedication towards the committee.

Sachin Patil
General Secretary

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Sitting (L-R): Prof. Mr. R. S. Jadhav, Prof. Mr. A. N. Kalse, Principal Judge R. B. Malik, Prof. Mr. S. A. Panchbhai, Prof. Mr. N. A. Ghatte, Prof. Mr. V. Yadav, Sachin Patil.
Standing (L-R): Jayesh Patil, Ravi Jadhav, Vinayak Kumbhar, Rupali Rajput, Devyani Deshmukh, Sagar Kelaskar.

हिन्दी परिषद हमारे शासकीय विधी महाविद्यालय कि सांस्कृतिक एवं हिन्दी भाषा के विकास के लिए काम करने वाली एक महत्वपूर्ण समिती है। हिन्दी परिषद एक ऐसी समिती है जो हिन्दी भाषा के संबधित मुंबई शहर में अलग अलग महाविद्यालय में आयोजित किये गये सभी प्रकारो के स्पर्धाओ में हमेशा सहभागी होती है। हिन्दी परिषद के सभी सदस्य विविध स्पर्धाओ में सहभागी होते है।

साल 2011 में हिन्दी परिषद एवं बल्लम-ई-उर्दु इन दोनो समिती ओने मिलकर शृष्टी के सांस्कृतिक कार्यक्रम का आयोजन किया था। इस साल भी हिन्दी परिषद शृष्टी कार्यक्रम में सहभाग हुई थी। इस कार्यक्रम में रोझ डे, गायन स्पर्धा, नृत्य स्पर्धा, फैशन शो, जैसे अलग अलग स्पर्धाओंका आयोजन किया गया था।

शृष्टी कार्यक्रम दि. 15 फरवरी 2012 को महाविद्यालय के सभागृह में संपन्न हुआ।

हमारे महाविद्यालय के प्राचार्या आर वी मलिक, प्रा. ए.एन कळसे, प्रा. श्री अ. पंचभाई इनके सहयोग और मार्गदर्शन से ही इस कार्यक्रम का आयोजन किया गया।



Sachin Patil
General Secretary

*“What counts is not necessarily the size of the dog in the fight,
it’s the size of the fight in the dog.”*

- Dwight D. Eisenhower, American President, 1958.
(A great General and a perfect gentleman.)

With Best Wishes to our Alma Mater

**Jehangir Gulabbhai & Bilimoria &
Daruwalla**

ADVOCATES & SOLICITORS,
PATENT & TRADE MARKS AGENTS.

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Legal Aid



Sitting: M. V. Balagopal, Varsha Gaikwad, Pooja Nair, Prof. Mr. A. Kotangale, Principal Judge R. B. Malik, Prof. Ms. S. Chuganee, Prof. Ms. G. Chhabria, Surabhi Shekhawat, Amal Sethi.

Standing 1st Row (L-R): Rupal Shah, Akanksha Tiwary, Shivane Shrivastava, Nirali Shah, Sameer Bindra, Utkarsh Srivastav, Vinamra Mathur, Manjunath, Meesha Varshney, Arpita Maheswari, Suleka Agarwal, Ursula Misquitta, Anagha Lokhande, Kinjal Shah, Aditi Gupta, Chandni Tanna, Vikrant Shetty, Kailash Tandel, Shraddha Bhav.

Standing 2nd Row (L-R): Namrata Shah, Monalisha Harsh, Mallika Mallampalli, Hema Naik, Krutika Chitre, Surabhi Sharan, Sukriti Sarwan, Tanvi Gupta, Aniesh Jadhav, Siddharth Bhise, Harsheen Madan, Dhara Anjaria, Shyamlene Sequira, Nikhita Pais, Prakriti Bhushan, Shruti Tandon, Preksha Kanungo, Riti Kakker.

Standing 3rd Row (L-R): Shrihari Saranathan, Vijay Joshi, Aryamaan Rajkumar, Budhaditya Bhattacharya, Aayush Tandon, Raghav Dev Garg, Chinmay Sethia, Shamika Joglekar, Uttara Srinivasan, Mehndi Singhi, Akshada Amar Pasi.

Left Inset: Chinmayee Pendse, Prakruti Joshi.

The Legal Aid Committee, as the name suggests, strives to provide free legal assistance to those who cannot afford it. A larger number of projects have been undertaken this year to achieve this aim.

1. Jail Visits – Arthur Road and Byculla Prison

To start with, visits to the Arthur Road and Byculla Prison were conducted on a weekly basis. Students, in batches of 15, were sent to write bail applications for the under trials, convicted of petty offences. Due to inaction on the part of the concerned authorities, we introduced the system of 'bail follow-ups' this year. A team of two Committee members was assigned to attend the hearings of the inmates and follow up on the progress of the bail applications.

2. Legal Aid Cell

This year marked the establishment of the Legal Aid Cell by the Legal Aid Committee in association with the Human Rights Law Network (HRLN). The project has two parts to it- the 'Cell Desk' in our College and the 'Outreach Programme'.

The 'Cell Desk' is a desk set up at College, each Saturday, where the grievances of people who approach us were addressed and an appropriate course of action was undertaken. The desk comprised of Committee

members and lawyers from HRLN. Some of the issues dealt this year were:

Domestic violence- A team of our members worked on the case of a victim of domestic violence who sought divorce and who made a claim for her property taken away by her husband through coercive measures.

Disabled Hawker's Association's issue- Three of the Committee members worked on issues dealing with the harassment faced by the aforementioned Association due to the police.

3. Right To Information (RTI)

The Committee, along with the Public Concern for Governance Trust (PCGT), conducted numerous workshops across colleges and NGOs on Right to Information. These workshops emphasized on the use and procedure involved in filing an RTI application. This was followed by a small skit performed by the Committee members on RTI, a presentation, a mock RTI filing and question-answer session.

Two RTIs had been filed by us on the following issues:

- Potholes in Chembur
- The delay in the completion of the Mumbai Monorail Project.

4. Village visits- Legal awareness workshops

A new addition to the existing list of projects was, conducting visits to Dhamote, a village two hours from Mumbai, in association with the NGO, Each One Teach One. The purpose of these visits was to enlighten the villagers about various laws. Some of the workshops were based on:

Various government schemes applicable to these villagers, the benefits of these schemes and the procedure to avail these benefits, their fundamental rights as Indian citizens. law pertaining to marriages, succession, property, etc., the importance of an RTI and how they can file one.

5. Dongri Juvenile Remand Home

The Legal Aid Committee has been organizing visits to the Dongri Juvenile Home since the last two years. These visits took place thrice a week during which our members interacted with the juvenile delinquents. We, try our level best in making a difference to the lives of these children by teaching them productive activities which will help them in their future.

6. Annual GLC Legal Quiz

The Legal Aid quiz was one of the final events of the Committee conducted in the month of March. The quiz

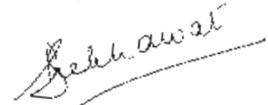
comprised of three rounds, the first and second rounds were the elimination rounds which were open to the entire college. The final rounds included buzzer rounds, audio visual round, etc. Prof. Mr. Dasvani was the quiz master and Prof. Mrs. Chuganee was the judge.

This quiz is not only a great learning experience but also thoroughly enjoyable one.

7. Lecture on Public Interest Litigation

A lecture by Adv. Gayatri Singh was organized by the Committee for the students on Public Interest Litigation. The importance, procedure, etc of a PIL were discussed in great details.

The performance of the Legal Aid Committee (2011-12) is attributed to the consistent dedication of each of its members. The abovementioned projects would not have been possible without the support of Mrs. Sabita Chuganee (Faculty-in-charge), Chinamyee Pendse (Joint General Secretary), Amal Sethi, Balagopal Menon, Prakruti Joshi, Pooja Nair and Varsha Gaikwad.



Surabhi Shekhawat
General Secretary

With Best Compliments From

**Nanu Hormasjee
& Co. [Regd.]**

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Leo Club



Sitting (L-R): Dakshata Pusalkar, Prakhar Karpe, Pooja Gohil, Satyanshu Mohan, Principal Judge R. B. Malik, Prof. Ms. G. Chhabria, Niharika Gaonkar, Srishti Rani, Gauri Mehendale.
Standing 1st Row (L-R): Prasad Jadhavar, Shweta Dali, Varsha Nagre, Prajakta Kale, Surabhi Sharan, Lakshmi Veliath, Meesha Varshney, Hetal Pancholi, Ishita Jain, Riti Kakker, Tanvi Chile, Shraddha Jha, Denzil D'Souza, Samrat Ingle.
Standing 2nd Row (L-R): Avdhoot Biday, Suraj Savardekar, Athar Pawaskar, Shalaka Waghmare, Mitali Sanap, Sayli Bhaidkar, Sharan Bhagat, Pooja Ahire, Anu Kaladharar, Kashmira Khedekar, Bhoomika Palsania, Sakshi Bangar, Pratima Pawar, Saloni More.
Left Inset: Nehal Wagle, Mahipal Aher.

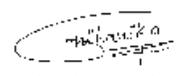
Now in its dynamic 4th year the Leo Club of GLC has gone far in its achievements with successful arrangements in various programmes. This year the Motto for the Club is "Do the Impossible". My team and I got duly installed on 30th July 2011 at Ramee Guestline Hotel, where Lions dignitaries and Professors were present.

Our first project for the year was Anti-tobacco Campaign on 11th August in the GLC campus. Many Lion dignitaries were present along with our college professors who signed and wrote messages on a 5ft tall cigarette to protest against smoking. More than 200 people joined this campaign. On 12th August, we celebrated Independence Day in Women's Graduate Union, Colaba. Leos sang patriotic songs and performed classical dance. The International Justice Mission (IJM) conducted a seminar on 23rd August in the college auditorium. The guest speakers for the program were Miss. Otillia D'souza and Ryan O'Calghan. It was a Seminar on "Sex trafficking" and "Child abduction". The speakers provided information on the above & showed a wonderful PPT on the same. Leos visited the Arthur road jail on 25th August. Prof. Gauri Chhabria and Prof. Chatterjee were also present along with Dr. Ganguly from Tata Cancer Hospital, with 13 Leo members. An anti-tobacco Campaign was organised and around 110 prisoners sign the cigarette prepared by the Leos. The doctor also gave a lecture on side effects of tobacco. On 5th September we celebrate Teachers' Day as "Sanman of Gurus" in the college. The honours were done by past GLC Principal, Mrs. Manjusha Molwane, the Chief Guest, Kaushik More. The program was live telecasted by 'Incable Networks'. Teachers, principals and professors from reputed college and institutions were selected and awarded. The Blood Donation Drive was organized by us on 7th September in collaboration with Nair Hospital. Reputed doctors and nurses of the hospital were present to provide assistance to the donors.

The Leos were successful in collecting 106 blood units each of 350ml.

We organised an October Service Week from 3rd October to 8th October, 2011. Donation Camp was organised on 3rd October where Orphans from 'Pratham' (an orphanage in Panvel) were donated note books, food and clothes. Dr. Shashank Nagwekar also conducted a free medical check of the orphan's kids. We organised a Free Health Care Camp on 4th October with the help of VLCC total of 169 college student, college staff and Professor did their check up. They gave information on height-weight ratio, fat-content, and Nutrition levels in the body. A Free Dental check camp was organised on 5th October in GLC. Leo Dr. Raunak Khokhani along with his friend Dr. Bhavisha Majithia carried out the camp. Around 56 student and staff did their check up. On the evening of 5th October Leo Club of Government Law College started their 'Dandiya Raas' with Durga Pujan in the college. The Bank of India had their account opening stall in Government Law College on 7th and 8th October. The bank brought up a scheme of opening an account at ₹ 500 with facilities like passbook, cheque book, ATM cum debit card, 1 year free accidentals insurance and bingo card facilities. The October service week ended with lots of satisfaction, pride and motivated the Leos. We are coming up with an inter-collegiate fest 'Panathenaea' for the first time in GLC on 17th and 18th February, 2012.

I express my sincere gratitude to Prof. Gauri Chhabria for always being there to support us.


Niharika Gaonkar
President

Marathi Mandal



Sitting (L-R): Sachin Patil, Prof. Mr. A. Rabbani, Prof. Mr. A. Z. Mohad, Prof. Mr. R. S. Jadhav, Prof. Ms. G. Chhabria, Principal Judge R. B. Malik, Prof. Mr. A. N. Kalse, Prof. Mr. S. A. Panchbhai, Prof. Ms. D. Makwana, Prof. Ms. A. Desle, Prof. Mr. U. S. Aswar
Standing 1st Row (L-R): Prasad Jadwar, Sagar Kelaskar, Jayesh Patil, Ravindra Rathod, Digvijay Sarangdhar, Harsha Pol, Devyani Deshmukh, Snehal Kundalkar, Reshma Mahadik, Dipika Raut, Swati Sarak, Amrita Phopekar.
Standing 2nd Row (L-R): Suraj Savdekar, Manish Bhoir, Prashant Padvale, Samrat Chaudhary, Mayuresh Jagtap, Samyak Jhakday, Jitendra Chinchambekar, M. Shoaib Shaikh, Yogesh Dixit, Prarit Jain, Kausthub Khedkar.

मराठी लाघवी । गोड ज्ञानेश्वरी
हसे चक्रधर । शब्दखळी
महदब्बा माय । मराठी जोजरे
शब्दांना पान्हा । अर्थपान्हा
मराठीत बोला । मराठीने चाला
मराठीचा गजर चोहीकडे

- श्री. चक्रधर स्वामी

श्री. चक्रधर स्वामी यांच्या पंक्ती ऐकल्यानंतर मराठीची थोरवी, तिच्या बदलचा असणारा अभिमान याहून सुंदर शब्दात व्यक्त होणे अशक्यच आहे. याच न्यायाने मराठी तितुका मेळवावा । महाराष्ट्र धर्म वाढवावा ।। याच जाज्वल्य मराठी अस्मितेने दरवर्षीप्रमाणेच 2011-12 या शैक्षणिक वर्षात आपल्या शासकीय विधी महाविद्यालयाच्या मराठी मंडळाची धुरा यशस्वीपणे वाहिली. याचा धावता आढावा आपल्यासमोर मांडणे हे माझे आपणाप्रती परम कर्तव्यच मानतो.

मराठी मंडळाचा यावर्षीचा उद्घाटन समारंभ सोहळा 24 सप्टेंबर 2011 रोजी महाविद्यालयाचे तत्कालीन प्राचार्या डॉ. मंजुषा मोळवणे यांच्या अध्यक्षतेखाली आणि प्रमुख अतिथी महाराष्ट्र विधानसभेचे सदस्य आमदार बाळा नांदगावकर यांच्या शुभहस्ते दिपप्रज्वलन करून महाविद्यालयाच्या साभागृहात संपन्न झाला.

सदर कार्यक्रमास मराठी मंडळाचे अध्यक्ष प्रा. श्री. अं. पंचभाई, मी स्वतः, मराठी मंडळाचे सचिव सचिन पाटील, सहसचिव उद्धव वाघमारे व्यासपिठावर उपस्थित होतो. तसेच व्यासपिठावरील मान्यवरांनी सर्व विद्यार्थ्यांना अतिशय समर्पकपणे मोघम शब्दात उद्बोदीत केले, त्याप्रमाणे या वर्षाची अतिशय कौतुकास्पद बाब म्हणजेच मराठी मंडळाचा सदस्य योगेश नवघरे या विद्यार्थ्यांच्या उद्बोधनमुख कल्पनेतुन साकार झालेले, बोधचिन्ह मराठी मंडळास दिले त्याचे उद्घाटनही मान्यवरांच्या उपस्थितीत झाले.

सालाबादप्रमाणे यंदाही ऋतुपूर्व या वार्षिक सांस्कृतिक कार्यक्रमाचे आयोजन 23, 24 आणि 25 जानेवारी 2012 रोजी केले होते. सदर कार्यक्रमांमध्ये कला, नृत्य, गायन, नाट्य, क्रीडा आणि मनोरंजन इ. कार्यक्रमांचा व स्पर्धांचा समावेश होता. या

स्पर्धांचा पारितोषिक समारंभ दि. 25 जानेवारी रोजी सळसळत्या उत्साहात संपन्न झाला. या कार्यक्रमास प्रमुख पाहुणे म्हणून मराठी कलाकार ऋषिकेश मिरजकर तर कार्यक्रमाच्या अध्यक्षस्थानी महाविद्यालयाचे प्राचार्य आर. बी. मलिक होते.

प्राचार्य आर. बी. मलिक, मराठी मंडळाचे अध्यक्ष, प्रा. श्री. अं. पंचभाई सर महाविद्यालयातील इतर प्राध्यापक वर्ग, शिक्षकेतर कर्मचारी आणि विशेषतः सर्व विद्यार्थी यांचे सहकार्य आणि मार्गदर्शनाशिवाय हा सोहळा होणे अशक्य आहे.

अशाच सळसळत्या सदाबहार तारुण्याचे हे पर्व असेच दरवर्षी फुलत व बहरत राहील. महाविद्यालयाच्या अभ्यासाव्यतिरिक्त ही विद्यार्थ्यांच्या आयुष्यात वेगळे स्थान निर्माण करेल.

शेवटी फक्त एवढेच म्हणावेसे वाटते.

लाभले भाग्य आम्हास बोलतो मराठी
झाले खरेच धन्य ऐकतो मराठी ।
धर्म, पंथ, जात एक जाणतो मराठी
एवढ्या जगात माय मानतो मराठी ।।

- कविवर्य सुरेश भट



Sachin Patil
General Secretary

Model United Nations Society



Sitting (L-R): Aaheree Mukerjee, Amrita Vyas, Mudit Singhvi, Prof. Mr. S. A. Panchbhai, Principal Judge R. B. Malik, Prof. Mr. U. S. Aswar, Arzin Ansari, Bhriugu Sharma, Anusha Sundaresan.

Standing 1st Row: Geet Swahney, Shivani Mehta, Sneh Nainan, Shivaneer Srivasatav, Mallika Mallampalli, Devika Khurana, Shatakshi Komal, Sulekha Agarwal, Anuja Ponshe, Aashna Kothari, Tushnika Dayal, Saloni Mehta, Ritika Patel, Yashaswi Singh.

Standing 2nd Row (L-R): Ratul Das, Aayushi Anandpara, Rima Desai, Madhvi Doshi, Surabhi Sharan, Mansi Sinha, Dhrumi Gada, Anagha Lokande, Amrita Dubey, Saumya Ramakrishnan, Anindita Ganguly, Sameer Bindra, Vivek Dwivedi, Harsh Sharma.

Standing 3rd Row (L-R): Gaurav Das Gupta, Budhaditya Bhattacharya, Veer Deshmukh, Aditya Deolekar, Mohit Nad, Digant Sonakia, Abhinav Anand, Chitvan Singh, Pranjal Krishna, Shreyas Agarwal, Siddharth Bhise, Sarvpriya Mishra, Shantanu Garg, Siddharth Acharya.

The Government Law College Model United Nations Society which is in its 4th year is a melting pot of ambitious, enthusiastic, spirited students who have a thirst to combine research and quick wit to resolve international issues. The Society, in the academic year 2011-2012 functioned to educate students about the advantages of MUNning, assisted them and facilitated greater participation of the students of Government Law College at various State, National and International level Model United Nations Conferences.

The activities of the Committee involve young people in the study and discussion of global issues, and encourage the development of skills useful throughout their lives, such as research, writing, public speaking, problem solving, consensus building, conflict resolution along with compromise and co-operation. The society worked at creating a platform for students to discover their hidden talents in research and public speaking skills apart from an overall development of personality.

The Society organised the Annual GLC-INTRA MUN on 19th September, 2011 which witnessed a participation of more than 60 delegates representing various nations in the simulated Security Council. The delegates debated over the issues related to Jasmine Revolution.

The society also organised a Procedural and Substantive training session for the newly inducted members to get them acquainted with the concept of MUNning. The sessions were taken by Mr. Rudraneel Chattopadhyay and Mr. Anansh Prasad, from Pune and Mumbai.

The Society as in the past has sent many students to represent the college in various city, state, national and international level competitions including the 58th Session of the Harvard National Model United Nations 2012.

Members of the society represented college in more than 16 MUN conferences across India and abroad and won laurels for the college. While a lot of members won Best Delegate and Diplomacy Awards, few of them chaired and were involved in the Secretariat of other MUN Conferences.

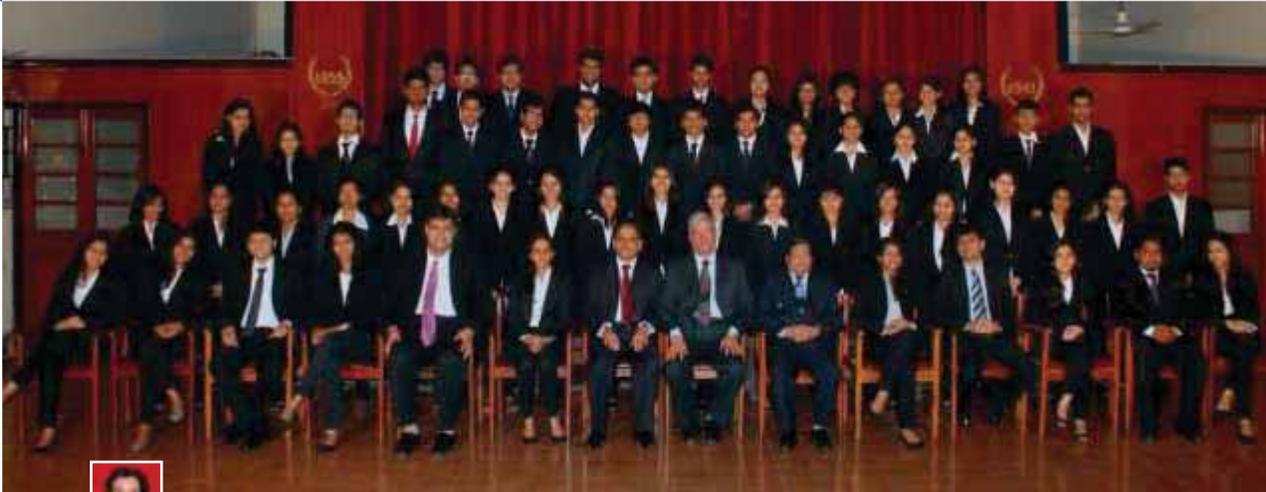
The Government Law College Model United Nations 2011-2012, which went International this year, was held over 3 days from 27th -29th January, 2012 which witnessed the participation of a record number of around 250 delegates from more than 70 universities and college across India and SAARC nations. The Conference encompassed 5 distinct committees, the Futuristic Security Council which discussed the TAPI Pipeline issue, Human Rights Council which discussed the need for the Establishment of International Court for Human rights. The Economic and Social Council dealt with Foreign Aid for Developmental Assistance whereas United Nations Environmental Programme debated about Marine Pollution and Administration of Areas of Common Biodiversity. The GLCMUN also witnessed the simulation of a futuristic SAARC Summit 2014 which discussed the Inclusion of China and other allied issues of cooperation.

The conference ended with path breaking resolutions from various committees which were also sent to the United Nations Information Center for India and Bhutan. The GLCMUN 2012 was undoubtedly one of the biggest Model UN Conferences in the country.

The success of the activities of the MUN Society would not have been possible without the active support of and encouragement of our Principal Mr. R.B. Malik, Prof. Rachita Ratho and Professor-in Charge, Prof. Umesh Aswar and. We would also like to thank all the staff members of the College for their steadfast support to all the endeavours of the Society. Last but not the least nothing would have been possible without the active participation and enthusiasm showcased by the Members of the MUN Society.

Mudit Singhvi
General Secretary

Moot Court Association



Sitting (L-R): Madhavi Doshi, Rima Desai, Ayaan Patel, Tanaya Shah, Ashish Sodhani, Komal Modi, Prof. Mr. S. V. Kadam, Principal Judge R. B. Malik, Prof. Mr. A. Kotangale, Juhi Mathur, Yuvraj Choksy, Ayushi Anandpara, Ratul Das, Bhagyashree Madhekar.
 Standing 1st Row (L-R): Shrinidhi Mukund, Sneh Nainan, Mallika Malampalli, Brenda Natasha Barnes, Riya Seth, Surabhi Sharan, Shamika Joglekar, Radhika Warekar, Vedika Lakhotia, Amrita Vyas, Shivaneer Srivastava, Amrita Dubey, Dhrumi Gada, Tushnika Dayal, Aashna Kothari, Saloni Mehta, Niyati Vakil, Niyati Mahimtura.
 Standing 2nd Row (L-R): Apoorva Nadkarni, Divya Kothari, Aayush Tandon, Veerdhawal Deshmukh, Satyam Sancheti, Abhinav Anand, Shanay Shah, Shrey Sancheti, Siddharth Bhise, Shreyes Aggarwal, Ritika Patel, Nikhita Pais, Himalee Divekar, Kratika Chaturvedi, Jay Shah, Geet Sawhney, Dhruv Joshi, Gaurav Dasgupta, Abhishek Tanna, Raghav Dev Garg, Utkarsh Srivastava, Pranjal Krishna, Sulekha Agarwal, Aishwarya Singh, Anjana Telang, Ankita Misra, Akshata Limaye.
 Left Inset: Devvrat Periwat.

The Moot Court Association (MCA) is a vibrant body of 65 members with 12 core members who work throughout the year to promote and encourage mooting as a co-curricular activity, especially amongst the first year entrants. Year on year it hosts, arguably, 5 of India's best moot court competitions as well as coordinates several workshops and activities within GLC to enable students to excel in the numerous moot court competitions that GLC participates in. The following is a brief account of the activities and events, both intra and inter-college, conducted by the MCA through the academic year 2011-2012.

INTRA-COLLEGE ACTIVITIES

Demonstration Moot, Mock Freshers' Moot & Mooting Workshops
 The MCA organized several mooting workshops touching upon different aspects of moot courts, to acquaint the incoming batch. The mock freshers' moot was conducted as a practice session for the first year students before finally approaching the Freshers' Moot Court Competition, 2011. The Demonstration Moot is a demo mooting session, where senior seasoned mooters argue before a bench of ex-students, to familiarize the first year students with the style, etiquette and manner of mooting. This year final year students Mr. Pranay Agarwal and Ms. Gathi Prakash argued before immediate pass-outs Ms. Persis Sidhva, Mr. Chintan Chandrachud and Mr. Ishan Handa.

Freshers' Moot Court Competition 2011

The workshops and demonstration moot were followed by the Freshers' Moot Court Competition, which was held in the August of 2011. The Freshers' Moot Court Competition is the first step that first year law students take into the arena of mooting. The competition received an overwhelming response, with over 180 students of the first year of the five year course participating in the event. The case study for the same was based on constitutional law, and involved interpretation of Articles 14, 19 and 21.

Intro-Moot Court Competition for the Three Year Course

Owing to the late admissions of the three year course students, we conducted workshops that was followed by an introductory moot for the students of the three year course, in a manner similar to the Freshers' Moot Court Competition for the 3 year law course students. The competition received a commendable participation of over 70 students.

Grand Moot Court Competition, 2011

Since 1956, the Grand Moot Court Competition has been the most prestigious intra-college moot court competition at GLC serving as a selection round for some of the most prestigious national and international moot court competitions. This year, the format of the Competition underwent a minor modification. Students from the three-year and five-year course were divided into two groups with the top 10 ranks from each group qualifying to the final Ranking Round that was judged by an impressive bench comprising Prof. Kishu Daswani, Mr. Burzin Somandy and Mr. Naushad Engineer.

IL Grand Moot Court Competition, 2011

Following the tradition that began in 2012, the International Law Grand Moot Court Competition was organized in the first week of August. Since international law is a separate and distinct discipline, this competition serves as a suitable elimination round for selecting students for moot court competition based exclusively on international law in the country and abroad.

Common Eliminations

GLC has a very distinct and unique procedure for selecting students to represent college in the numerous moot court competitions that we participate in. Unlike other law schools, elimination rounds are

conducted at frequent intervals around the year, for several city, state, national and international moot court competition. This ensures that students get ample opportunities to participate in close to 70 moot court competitions around the country. It also provides exposure to students to different styles of mooting thus enabling them to develop a distinct technique of their own.

Sir Jamshedji Kanga Memorial Government Law College Moot Court Competition

Instituted in the memory of the Late Sir Jamshedji Kanga, this competition had been a city-level Competition since its inception. This year, the competition has been made an intra-college competition with the Winning Team and the Best Speaker being awarded an internship with the reputed law firm ALMT Legal. The Competition is scheduled to be held on 9th & 10th, March, 2012.

INTER-COLLEGE MOOTS HOSTED BY MCA, GLC

13th D. M. Harish Memorial Government Law College International Moot Court Competition, 2011, 9th – 12th February, 2012

The year 2012 marks the thirteenth edition of DMH, and will be held from 9th -12th February, 2012. The competition has the distinction of being the ONLY Indian Moot Court Competition to be included in 'Tier 2' of the Mooting Premier League (Legally India) amongst some of the most prestigious International Moots the likes of which include Stetsons World Round, ICC Trial, Red Cross, and Oxford Media Moot.

In keeping with the trend of widespread and varied international participation, this edition of the Competition will witness an unprecedented participation of 15 International Law Schools and Universities which include National University of Singapore from Singapore, New York University School of Law and Valparaiso University from USA, University of Southampton and University of Sussex from UK, Bond University from Australia, Moscow State Law Academy from Russia, L'ecole for Advanced Studies from Pakistan amongst many others.

The four-day mooting extravaganza will witness 7 extremely challenging mooting rounds that would be judged by the sharpest legal minds of the country which include Mr. Janak Dwarkadas, Mr. Haresh Jagtiani, Mr. Percy Pardiwalla, Senior Counsels, Bombay High Court; Mr. Cyril Shroff, Managing Partner, Amarchand & Mangaldas; Mr. Behram Vakil, Managing Partner, AZB & Partners; Mr. Sanjay Asher, Equity Partner, Crawford Bayley; Mr. Murali Neelakantan, Partner, Khaitan & Co amongst several others. The Preliminary, Octo – Final and Quarter - Final rounds will all culminate in the Final Round of Arguments to be judged by a bench of five sitting judges of the Bombay High Court at the opulent Mumbai University Convocation Hall.

The Competition also comprises a thought-provoking Panel Discussion which is held at the Mumbai University Convocation Hall. The topic of the Panel Discussion revolves around the contentious issue of tax havens, voluntary disclosure schemes and DTAA's where panelists like Hon'ble Mr. Justice B. N. Sri Krishna, Former Judge, Supreme Court of India and Mr. Nishith Desai, Managing Partner, Nishith Desai and Associates will engage in a heated exchange of opinions on the issue at hand. This year, the DMH website was revamped in light of the growing stature of the moot.

8th Nani Palkhivala Memorial National Tax Moot Court Competition, 2011 (13th – 15th October, 2011)

This competition which is the first and has long been the only competition to be based solely on taxation laws was organized by the MCA in association with the All India Federation of Tax Practitioners and the Income Tax Appellate Tribunal Bar Association from 13th – 15th October, 2011. The competition is unique in as much as it is the only moot in the country where law students are provided with the opportunity to argue in the courtrooms of the Income Tax Appellate

Tribunal (ITAT) itself. These rounds of argument are judged by the Hon'ble Members of the ITAT as well as professional advocates & chartered accountants from the field of tax culminating with the Final Rounds of Argument. This year, the competition witnessed the participation of 26 of the finest Law Institutions from across India. The Inaugural Function of the Competition which was held on 13th October, 2011, was presided over by the Chief Guest, Hon'ble Mr. R. V. Easwar, President, Income Tax Appellate Tribunal.

Further this edition of the Competition was dedicated to 150 years of the Bombay High Court and had the final round of arguments being presided over by Hon'ble Mr. Justice Mohit Shah, Chief Justice, Bombay High Court; Hon'ble Dr. Justice D. Y. Chandrachud, Judge, Bombay High Court and Hon'ble Mr. Justice R. M. Savant, Judge, Bombay High Court. NLSIU, Bangalore and RMNLU Lucknow were the finalists with NLSIU, Bangalore emerging as the ultimate winners. The competition is also accompanied by the Nani Palkhivala Research Paper Competition. This year marked the 7th edition of the Competition and witnessed an un-paralled 63 entries from law universities and colleges across the country. The paper submitted by Mr. Vipul Agrawal and Mr. Adhitya Srinivasan from National Law Institute University, Bhopal was adjudged the winning research paper while the paper submitted by Ms. Niral Sanghavi and Ms. Arunima from the Gujarat National Law University, Gandhinagar got the runners-up award.

18th M.C. Chagla Memorial Government Law College National Moot Court Competition, 2012 (14th – 15th January, 2012)

The Moot Court Association of Government Law College has been hosting the M. C. Chagla Memorial City-Level Moot Court Competition for several years which was made into a state level competition three years ago. Owing to the overwhelming response that the competition has been receiving year on year, the eighteenth edition of the Competition was made a national affair with 16 of India's Best Law Schools participating in this Constitutional Law Moot Court Competition. The challenging format of the Competition makes it interesting as teams are made to argue on 2 Moot Propositions through the Preliminary, Quarter-Final, Semi-Final and Final Rounds of the Competition.

The Final Rounds of the Competition were held at the Indian Merchants' Chamber and was presided over by a bench comprising Hon'ble Mr. Justice J. H. Bhatia & Hon'ble Mr. Justice R. C. Chavan, Judges, Bombay High Court. ILS Law College, Pune emerged as the winning team with RGNUL, Patiala coming a close second.

N.B. Naik Memorial Government Law College State Marathi Moot Court Competition

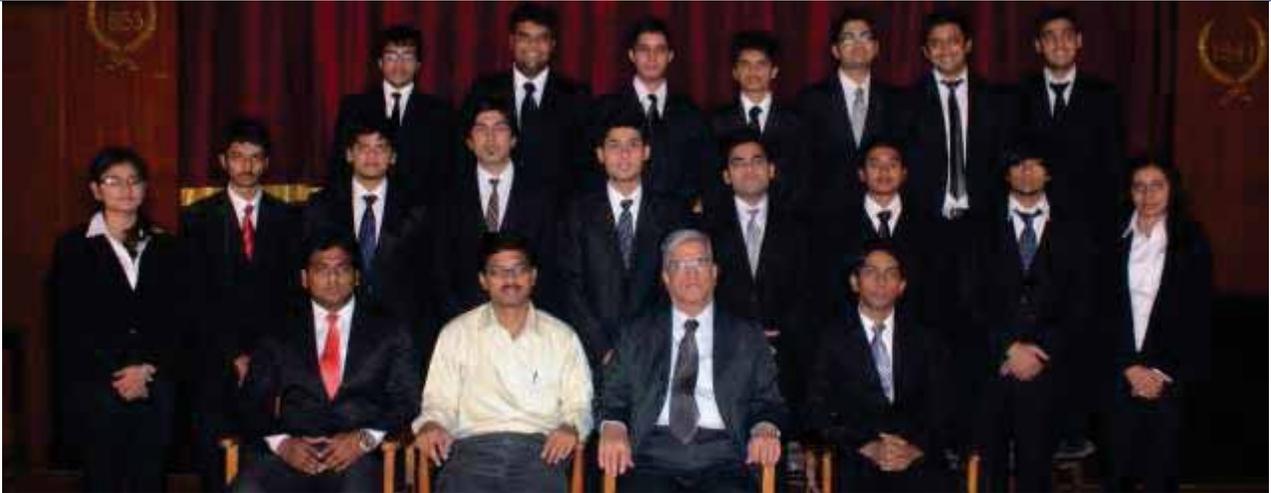
This competition is the first and only moot in India that is conducted in a regional language - Marathi. This competition is open to law colleges across the state, and is now in its thirteenth year. This year's edition is scheduled to be held on 24th & 25th February, 2012.

The success of the MCA 2011-2012 is attributed to the consistent efforts and support of a number of persons. I thank Prof. Sanjay V. Kadam, the Chairman of the association, for his unconditional support and Ms. Juhi Mathur, the Assistant General Secretary who has been there at every stage ensuring the success of all our efforts. None of our events would have been possible without the dedication and commitment of each and every member of the association. I must particularly thank the office bearers of the association – Ashish Sodhani, Devvrat Periwal, Yuvraj Choksy, Tanaya Shah, Ayushi Anandpara, Ayaan Patel, Ratul Das, Rima Desai and Bhagyashree Madhekar. Their camaraderie, perseverance and devotion to the association were instrumental to the success of every endeavour of the association.

Komal Modi

Komal Modi
General Secretary

Music Circle



Sitting (L-R): Pratik Kardak, Prof. Mr. P.B. Daphal, Principal Judge R. B. Malik, Bhriгу Sharma.

Standing 1st Row (L-R): Monalisha Harsh, Pranjal Krishna, Prakhar Karpe, Prasad Jadhwar, Tushar Mittal, Utkarsh Shrivastav, Vivek Dwivedi, Sameer Bindra, Anushree Aditi.

Standing 2nd Row (L-R): Aditya Deolekar, Raghav Dev Garg, Harsh Sharma, Siddharth Bhise, Chitwan Singhal, Sarvapriya Mishra, Yati Sharma.

The Music Circle is an integral organ of Government Law College, Mumbai and is concerned with upbringing the musical talent in lawyers-in-the-making and encouraging their interest and passion in music. To keep alive the aura of entertainment and fun in GLC is the aim of the committee; the Music Circle not only appreciates the musical talent of the students but also gives opportunities to interested students who wish to manage the events being held by the Committee.

The Committee seeks to organise the Battle of Bands, an intercollegiate event which has been a witness to tough and enthusiastic competition between well known musical bands of different colleges. This event is counted among the most happening college events. The Lyrics Writing Competition is an innovative and interested lyricists in college are called for, to showcase their talent in lyrics writing, and the winners are awarded by lucrative prizes. The Music Circle, in the last Lyrics Writing Competition received an overwhelming response. In the past few years that the Competition has been organized, it has always received over 45 entries and cash prizes are awarded to the best 3 entries. Guitar and other musical instrument lessons have been provided to interested students by well-known and professional teachers.

This year GLC was represented in a number of inter college competitions. It also participated in the various Intra College events held by other committees of GLC. Members of the Music Circle enthusiastically conducted guitar classes, imparting skills and sharing their talent with their fellow students. The Music Circle has organised many educational visits and tours for introducing the students in GLC to different Cultures and Folk Music present in various parts of India. These tours and visits have been a special opportunity for cultural interaction and knowledge for the students of the College.

The Music Circle endeavours to unite those who are enthusiastic about music. Also, it provides support to those who have the urge to learn and gain more knowledge about music. The Music Circle aims to introduce more activities and events for the benefit of all the students.

Bhriгу Sharma

Bhriгу Sharma
General Secretary

National Social Service



Sitting (L-R): Sachin Patil, Sanhyogita Zadkar, Prof. Mr. P. B. Daphal, Principal Judge R. B. Malik, Prof. Ms. K. N. Hedao, Mrs. S. S. Parab, Rupali Rajput, Jayesh Patil.

Standing 1st Row: Prasad Jhadwar, Naresh Chintalwar, Ravindra Rathod, Harsha Pol, Shilpa Sonawane, Devyani Deshmukh, Hansa Bhargav, Dipika Raut.

Standing 2nd Row (L-R): Kumbhar, Kranti More, Prashant Padwale, Varsha Gaikwad, Samrat Choudhari, Mahesh Pawade, Durgesh Suryavanshi, Mayuresh Jagtap, Samyak Jhakday, Shoib Shaikh, Roshan Yadav.

Standing 3rd Row (L-R): Prarit Jain, Sagar Kelaskar, Mukul Lather, Trilok Bawa, Vaibhav Patil, Siraj Manjarekar.

Left Inset: Mr. S. Singh.

National Service Scheme (NSS) was started by the Government of India, Ministry of Education and Culture, in collaboration with State Government in the year 1969 in selected Universities. Our University has been participating in the scheme right from its inception. The NSS cell has always been taking various initiatives to streamline the NSS activities in the College NSS Units. All these activities were aimed at improving the overall personality dimension of our student community.

In the year 2010 NSS Unit was established in our College. I am very fortunate to be the founding member and first Secretary of the GLC NSS Unit, with the support and guidance of Prof. Mr. P. Daphal and Prof. Mrs. Kavita Hedao.

The educational goal of the NSS implies that besides gaining and understanding concepts like community, social structure and power conflict occurring in the real life of an individual, students should also work and gain, knowledge in finding practical solutions to individual and community problems, acquire leadership qualities and capacity to meet emergencies and natural disaster. As well as, to acquire competence in the field of programme planning, shouldering responsibilities, participation in cooperative task and promotional work in community. Its purpose is to help the community to recognise its needs and assist in the mobilisation of resources to meet these needs.

In accordance with the motto of NSS, the NSS Unit of Government Law College has carried out many Community Service activities as well as Personality Development programmes in very short span of time. I am happy to inform you that NSS Unit of GLC has adopted a Municipal School in Antophill, Mumbai, where our NSS volunteers carry out programs related to Personality Development, English Speaking, Effective Communication Skills, Career Development, and Skill Development Programme, etc. Although major area of Antophill is covered by slums, we have carried out programs such as health awareness and educative and informative programmes in this locality. We had conducted a lecture on Tobacco Free World in our College for students. My Unit has successfully carried out a 7 days residential

program from 9th January to 15th January 2012, at 'Wadvan' Village of 'Dahanu' Taluka of Thane District. In this residential camp, 24 volunteers and 2 faculty members spread the messages of cleanliness, social issues and conservation of our natural resources through their activities. A Cleanliness Drive was carried on the streets, community center, temple and wells of the Wadvan Village, where the Sarpanch of the village and villagers actively participated with volunteers.

As the village is located next to the sea-shore, we have carried out beach cleaning activity for almost two days and covered major part of sea-shore of the said village like- leveling of Zilla Parishad school playground, where volunteers were accommodated for camp, erecting poles to fence the Zilla Parshad School of Wadvan etc.

Dr. Anant Kalse (Secretary of Maharashtra State Assembly & faculty of GLC) inaugurated the plantation drive with Prof. P. Mokal, Prof. Panchbai and Prof. Aswar by planting a sapling in Zilla Parishad School.

As entertainment with a social message, our NSS volunteers presented skits on female foeticide and agricultural education. Whereas traditional folk dance, kawali and solo singing and dance performances were presented by volunteers as well as villagers.

As a Secretary of NSS Unit of our college, I am thankful to our Chairperson of Advisory Committee Principal Jugde R. B. Malik, Program Officer Prof. Mrs. Kavita Hedao and Prof. Mr. Pandurang Daphal, Mrs. Parab and Mr. Singh for their support and cooperation.

At last, I should be thankful to all my NSS and Non-NSS volunteers and friends who trusted and supported me in all the activities and administration of our Unit, without them this would be an impossible for us to achieve.


Sachin Patil
General Secretary

Placement Committee



Sitting (L-R): Satyanshu Mishra, Kritika Mathur, Shruti Rajgarhia, Prof. Mr. H. D. Pithawalla, Principal Judge R. B. Malik, Pooja Hiray, Siddhi Parekh, Varun Kumar.

Standing 1st Row: Sukriti Sarwaan, Dhara Anjaria, Sarah Thanawalla, Raj Nalini, Kshitija Vaidya, Hansa Bhargav, Pratha Raj, Ketki Raj, Anvita Mishra, Yashvi Panchal, Archana Mehta.

Standing 2nd Row: Pranav Khemka, Aditya Deolekar, Utkarsh Shrivastav, Shikhar Rastogi, Suraj Sawardekar, Vivek Dwivedi, Aayush Tandon, Harsh Sharma.

Standing 3rd Row (L-R): Shantanu Garg, Dhruv Joshi, V. V. S. Chandramouli, Apurva Purohit, Digvijay Sarangdhara.

The Placement Committee was started in the academic year 1998-99. The Government Law College "On Campus Recruitment Programme" is the first recruitment programme organised by a law college in Mumbai. The Committee aims at exhausting all possible opportunities of recruitment with law firms, counsels, LPOs and corporate houses. It serves as a link between the recruiters and the students, thereby fulfilling the needs of both, and enabling the students to get Placement on campus. The members of the Placement Committee toil hard to ensure that maximum students from the college get placements, thus providing them with an opportunity to showcase their skills.

This year, the Placement Committee organised, for the first time, two Placement Weeks, one in the month of September, 2011 and the other being the Annual On Campus Recruitment Programme 2011-12 (in February, 2012). Both were a grand success, as the Placement Committee, true to its motto, succeeded in having as many as 60 top law firms and corporate houses recruit our students.

The Committee has facilitated an easier Placement process by hosting a website and uploading the Brochure of the Committee as well as the profiles of various firms on this site. This has helped students access the firm profiles at their convenience and has enabled the Placement Committee to maintain its efficiency.

The Placement Committee has been undertaking the recruitment process throughout the year and is functioning as an annual Committee. This aspect of the Committee has widely benefitted both students and potential recruiters. The On Campus Recruitment Programme 2011-12 turned out to be a bigger success than the Committee had anticipated. There was an overwhelming response from both law firms and corporate houses.

This year, the Committee is a 40 member body. The response from the fresher's batch has been heartening and hence, there are a lot of young and unique minds at work. We believe that no goal is as big and as satisfactory as the path on which our seniors walk and begin their careers in the professional field. The exhilarating feeling that arises out of this service is the incentive for each one of us and empowers us to contribute to the best of our abilities.

On this note, we look forward to a very successful and positive year, for both our students and our highly esteemed recruiters.



Shruti Rajgarhia
General Secretary

Rotaract Club



Sitting (L-R): Mohil Puri, Gayatri Chadha, Akanksha Agrawal, Principal Judge R. B. Malik, Prof. Ms. S. H. Chuganee, Siddhi Parikh, Priya Makhijani, Nivedita Nathany.
 Standing 1st Row (L-R): Amitabh Tewari, Dhrumi Gada, Vedika Lakhota, Riddhi Jangam, Pratiksha Kabre, Bhargavi Gadre, Deepa Mistry, Manika Pandey, Krupa Bhramabatt, Bhrigu Sharma, Pratik Kardak, Kailash Tadel, Utkarsh Srinivasan, Shrey Sancheti, Sarthak Gupta.
 Standing 2nd Row (L-R): Pranjal Krishna, Shreyas Agarwal, Shikar Nath, Akansha Agarwal, Aarushi Khandelwal, Sonal Lalwani, Sukriti Sarwan, Tanvi Gupta, Uttara Srinivasan, Krutika Cheulkar, Rutuja Gurve, Neelam Yadav, Ankita Mishra, Preksha Kanungo, Soumya Poojari, Riya Seth, Shruti Tandon, Shagun Jain, Swatantri Waghmare, Mehnaz Hussain, Nooreen Mirza, Sameer Bindra.
 Standing 3rd Row (L-R): Tushar Mittal, Siddharth Bhise, Abhinav Anand, Mohit Nad, Nikita Palharkar, Anushree Aditi, Mansi Shah, Amrita Dubey, Ekta Jhaveri, Vaishali Mohanty, Nivrutti Agarwal, Radhika Warekar, Jenisha Shah, Geet Sawhney, Raghav Dev Garg.
 Standing 4th Row (L-R): Yati Sharma, Veer Deshmukh, Shantanu Garg, Sarvapriya Mishra, Satyam Sancheti, Yashassvi Singh.
 Left Inset: Devvrat Periwal.

Rotaract Club of Government Law College began its year by conducting its annual Installation ceremony, and members of the Rotary and several other Rotaract Clubs, as well as our professors graced the occasion with their presence. The board of directors for the new year were formally inducted into the club, and members that performed outstandingly in the previous year were honoured and received a token of our appreciation.

Once the interviews and selection process for new members was completed, we felt it our duty to make sure that they felt at home and settled well into college life, since most of them were freshers at college. Hence, a workshop on the essentials of a good resume was conducted by Chintan Chandrachud; an ex student at GLC who is currently pursuing his masters at Oxford University. Further, writing being an integral part of any law student's life, a lecture on legal writing and research papers was conducted by Manendra Singh, an associate at the firm Khaitan & Co.

The glorious Bombay rains are like no other, and to truly enjoy them, we had a Monsoon Marathon, and added our own twist to it by including obstacles in the midst of it such as a three legged race and a marble and spoon race. The winners were treated to a sumptuous breakfast!

Next was the very innovative 'Photoquest' which was a photography presentation contest, centered around the theme "If I could change the world...". Members were divided into teams and had one hour to capture photographs with a strong storyline.

Another one of our regular events, a drawing competition for the underprivileged students at the Pavement School, CST, was organised by the Community Service avenue in September. Students from ages 7 to 20 participated, and the top three were rewarded with art kits.

In order to lighten the mood, the Club Service avenue organised a J.A.M. (Just-A-Minute) session, where members were divided into teams and asked to speak on completely random topics for 60 seconds, subject to a number of rules like no hesitation, repetition, stuttering and so on. Members let loose and thoroughly enjoyed themselves.

Our flagship event, the Charity Sale, was held in the last week of September wherein over 30 NGOs displayed their products across five days. Our title sponsor was Union Bank, and the event was also supported by DNA newspaper, 92.7 BIG FM and Spykar. The event received widespread coverage in leading newspapers such as HT Cafe, Mumbai Mirror, DNA and also Time Out

Magazine. A large audience came in to support the noble cause that it stood for, and we raised ₹ 1,57,471 overall.

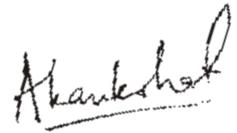
After the immense hardwork that had been put into making the Charity Sale such a success, the Club took off for a day trip to Green Hills Resort near the outskirts of Mumbai to de-stress and have a great time! It had all the makings of a memorable day - a rain dance, good food, a game of cricket, lots of laughter and fun conversations.

To sum up the eventful first semester that it was, the editorial avenue took the initiative to come up with an online newsletter, that was circulated in the Rotaract District, and was well appreciated and received good feedback.

Christmas being such a joyous occasion, RCGLC always endeavors to celebrate it with the less fortunate. This year, we organised a lunch and an interactive session with the inmates of Shepherds' Widows Home. In order

to make it festive, there were Christmas decorations, a traditional Christmas cake and a whole lot of carol singing! It was truly a fulfilling experience.

At the start of 2012, the Club conducted its elections for President for the coming year. This semester shall be filled with plenty of varied events such as an inter- NGO sports day, a treasure hunt, interesting workshops and seminars and so on. We look forward to a busy semester with lots to do and lots to learn.



Rtr. Akanksha Agarwal
President

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Social Service League



Sitting (L-R): Rupal Shah, Pranav Arora, Sudhir Verma, Saumya Choubey, Prof. Mr. P. K. Mokal, Principal Judge R. B. Malik, Prof. Mr. V. Yadav, Ankit Aggarwal, Sweta Ananthanarayanan, Devyani Deshmukh.
Standing 1st Row (L-R): Anant Panshin, Sakshi Bangar, Anu Kaladharan, Monica Mehta, Malvika Singh, Devina Choubal, Aryaman Rajkumar, Tushar Upadhayay, Digant Sonakia.
Standing 2nd Row (L-R): Prakhar Karpe, Pratik Kardak, Manisha Patwari, Reshma Kudalkar, Harsh Sharma, Prarit Jain.

“Respecting and upholding the spirit of humanity precedes all forms, functions and letters that define the laws of the land”
Team SSL.

The SSL is one of the oldest and most prestigious organizations of Government Law College. Rooted in the pursuit of social justice, the SSL strategies are oriented towards making lives better. This is primarily achieved by tie ups and associations with various institutions, apart from several initiatives taken up by the League itself.

In the academic year 2011-12, SSL has been committed towards its objectives.

The first event of SSL started with Clothes Donation Drive. Clothes were collected by active participation of members. Clothes were collected from college students as well as from various hostels. These collected clothes were then donated to various NGOs throughout Mumbai.

SSL aims are to strategies and execute projects for the well being of the economically and physically/ mentally challenged. This aim was taken into consideration and a new initiative was taken up. Atmavishwas, NGO in Bandra runs a school for mentally challenged kids. Some kids were autistics while some suffered with multiple disorders. For about a month, members of SSL took initiative to teach these kids. Teaching included educational activities like learning maps, playing with numbers and social awareness by teaching them National Anthem. Basic cooking like making a sandwich, lemon juice was also taught as well as artistic and creative stuffs like flower making, greeting cards and book mark interested and kept the kids involved. Fun activities like

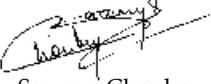
Dance, Music, Storytelling was most of the time followed.

Clean-up drive was followed after Ganpati Visarjan at Chowpatty by the initiative of the members. Blood Donation Drive was also organized by the members with the help of Think Foundation.

In an attempt to illuminate others lives, and in order to make their own lives worthwhile, the members of SSL have worked with various organizations including Anand Kendra, a home for destitute orphaned boys situated at Worli, Asha Daan, a home for abandoned, handicapped children and the persons affected by AIDS.

Pratham is an organization working for the repatriation and rehabilitation of working children, eradication of child labour, etc. Members of SSL organized various competitions like drawing, singing, dancing, etc for such kids which are according to their age group. Gifts were awarded to appreciate their performance and a day’s meal was also provided to them.

The Social Service League would like to extend its heartfelt gratitude to our Principal and Professor Mokal who has been a great source of support for us and without whom the events would have been very difficult to accomplish. Professor Anupam Surve also has helped us a lot in organizing the events and the staff has been a great support to us.


Saumya Choubey
General Secretary

Sports Committee



Sitting (L-R): Pratik Kardak, Anuja Kulkarni, Prof. Mr. S. A. Panchbhai, Prof. Mr. D. A. Shinde, Principal Judge R. B. Malik, Mrs. S. S. Parab, Peppino Bahl.

Standing 1st Row (L-R): Prakhar Karpe, Pramod Kumbhar, Ojas Patil, Prasad Jhadwar, Lokesh Dixit, Sameer Bindra, Avilya Sharma, Vivek Jain, Anant Penshim, Harsh Sharma, Satyam Sancheti.

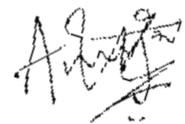
Standing 2nd Row (L-R): Deepa Mistry, Bhargavi Gadre, Siddhi Parikh, Mansi Sinha, Surabhi Sharan, Rashmi Sapkal, Aditi Mane, Dhrumi Gada, Riya Seth, Sanket Palshikar Rupesh, Prashant Padwale, Sarang Gosavi, Jitendra Kohli.

Standing 3rd Row (L-R): Nivedita Nathany, Shantanu Garg, Tushar Upadhyay, Mehul Jain, Mohit Nad, Prarit Jain, Anagha Lokande, Amrita Dubey, Shikar Rastogi, Arjun Sawant, Yati Sharma.

Sports Committee of the Government Law College has a heritage of bringing victories to the college. Sports Committee aims at indoctrinating pride and sportsmanship in the students of the college. It aims at filling the hearts of students with the doctrine of 'Playing Hard' on the field through various sports, organising tournaments and organising brainstorming sessions on the policy of sports in the country. Under the guidance of Prof. Shinde, Akarshan Sahay and the eminent and always encouraging leadership of Pratik Kardak the committee has reached new heights and has entered into a new age of evolution.

We won the silver medal at the Pune football tournament and reached the semi-finals at 'Incivta' and 'Spiritus', the National level Spots tournaments. The throwball team(women) reached semi-finals at 'Spiritus'. Also the cricket team is getting prepared to play and win upcoming tournaments. Government Law College is doing very good in individual sports.

Samrat Ingale won gold at university level for boxing. I am proud to declare that because of efforts, positive vision, encouraging orientation of Pratik Kardak (Asst. G. Sec.) and all members of the Committee, on 1st and 2nd of March Mumbai is about to witness 'Showdown', the grand Sports Tournament of Government Law College and the finest event organised by Sports Committee. With success of 'Showdown' and success in the upcoming tournaments Sports Committee intends to close for this year with pride and sportsmanship residing at the bottom of our hearts and with lots of enthusiasm for next year.



Anuja Kulkarni
General Secretary

Students' Council



Sitting (L-R): Arzin Ansari, Prof. Mr. S. A. Panchbhai, Principal Judge R. B. Malik, Prof. Mr. U. S. Aswar, Prof. Mr. N. Shaha.
Standing 1st Row (L-R): Samrat Ingle, Mayan Prasad, Madhavi Doshi, Sulekha Agarwal, Sanyogita Zadkar, Rupal Shah, Rishika Harish, Shyamlene Sequeira, Raunak Shah, Sachin Patil.

The Students' Council for the academic year 2011-2012 was constituted in January 2012, with the objective of promoting the welfare of students of the college, and in order to organize several flagship events for the benefit of the realm of organising events.

Like the start of each new academic year, the Students' Council and the Ad-Hoc Students' Council, had its work cut out for them. The combination of hard work and perseverance ensured that they accomplished all their goals and came out with flying colours.

The academic year will commence on a bright note with the M. C. Chagla Memorial Lecture Series which is organised in fond memory of Chief Justice Mr. M. C. Chagla which will see renowned legal luminaries addressing the students on contemporary legal issues. The lecture series will commence from 25th February, 2012 with the Inaugural Ceremony followed by the first lecture. Dignitaries from the Supreme Court of India and the Bombay High Court and luminaries who have left a distinct signature in the Indian Legal system will be invited for this Lecture Series, to impart their invaluable knowledge, to discuss and share their view points on some of the most contemporary legal issues faced by India. The Council will take this opportunity to express its gratitude to the trustees of the Late Chief Justice M. C. Chagla Memorial Trust for assisting it in its endeavours.

The Annual Day another key event which the Students' Council organises serves as a platform to honour the academic and extra-curricular achievers and encourages them to strive forward. The Council also hosts a Farewell Function for all the final year students graduating this year and wishes them good luck for the new journey which they will embark upon. The Council will also be organising a seminar on "Internships during Law Schools" to give insights of how interning alongside studying in a law school helps the development of the students.

The Council being the liaison between the students' body and the administrative staff strives to resolve various issues. This year the Council is pleased to inform the students that the issue of Internet Facility in college has been resolved and it is pleased to have achieved one of the various priority goals set out which includes setting up a Sports Room, Electronically cataloguing the Library data, having various reforms for Library etc. This achievement being one step towards the development of its students and in a way adding essence to this 150 years old Legacy of Government Law College.

Arzin Ansari
General Secretary

Students For The Promotion Of International Law



Sitting (L-R): Anjali Goklani, Vishesh Kalra, Tushar Mittal, Shreya Ramesh, Prof. Mr. N. Shaha, Principal Judge R. B. Malik, Prof. Ms. S. Masani, Akanksha Tiwary, Manasa Venkataraman, Hema Naik, Krutika Chitre, Shivi Sanyam.
 Standing 1st Row (L-R): Mallika Mallampalli, Pooja Nair, Devika Khurana, Srinidhi Mukund, Sneha Nainan, Akshata Limaye, Aayush Tandon, Anjana Telang, Kratika Chaturvedi, Divya Kothari, Shamika Joglekar, Aashna Kothari, Saloni Mehta, Harshini Parekh.
 Standing 2nd Row (L-R): Shrey Sancheti, Geet Swahney, Riddhi Jangam, Gaurav Dasgupta, Shanay Shah, Tanvi Gupta, Sukriti Sarwan, Ketaki Shah, Dr. Dhara Anjaria, Kavita Shetty, Kaveri Rajgopalchari, Niyati Mahimtura, Niyati Vakil, Tushnika Dayal.
 Standing 3rd Row (L-R): Shantanu Garg, V. V. S. Chandrmouli, Arsh Mishra, Bhudhaditya Bhattacharya, Mehul Jain, Shikhar Rastogi, Anagha Lokande, Dhrumi Gada, Chinmay Sethia, Chitwan Singhal.
 Left Inset: Gathi Prakash, Amal Sethi, Raghav Dev Garg, Utkarsh Srivastava.

2011-12 has been a milestone year for Students for the Promotion of International Law (SPIL), Mumbai. The year began with lectures on International Law, conducted by professors and experts for the benefit of newly enrolled students. Members of SPIL were presented with opportunities to enrich their understanding of international law through lectures, workshops and idea exchange programmes on a weekly basis. We focused on implementing interactive methods such as debates and paper presentations to educate students on varied subjects in International Law.

This year witnessed the introduction of our Mentorship Programme, which enables freshmen to receive guidance and assistance from seniors and professors. As a part of this initiative, every Study Group was allocated a niche area in International Law, which, under the guidance of its mentor, conducted and presented comprehensive research to the entire committee. As is custom, this year too, SPIL has maintained an unwavering focus on the dissemination of knowledge and promotion of International Law.

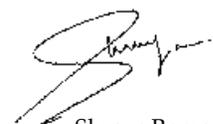
The year culminated in our annual flagship event, the Government Law College International Summit. The theme for the 2012 Summit was International Trade Law and Economic Policy. The 3rd edition of the Summit sought to understand the workings of the WTO as well as the principles and rules applicable to international trade, with key note addresses by Mr. Nishith Desai and Ms. Zia Mody, and seminars conducted by legal stalwarts such as Mr. Shardul Thacker, Mr. Abhijit Joshi, Mr. Amit Manubarwala and Mr. Anshuman Sharma on International Taxation, Corporate

law and Competition law in the World Economy.

The Summit, aside from the key note addresses, lectures, workshops and call for papers, comprised of two novel competitions which were conceived within our institution.

The only of their kind, the International Judgment Deliberation and the Treaty Appreciation Competition offered students across the world a unique learning opportunity. The Treaty Appreciation Competition was modeled along the procedures of various International bodies entrusted with the task of evaluating and appraising the legality and rationality of treaties, codifications and other legislative documents. The Judgment Deliberation Competition, brought a fresh approach to problem analysis and judgment making, requiring participants to, upon analysis of facts presented and arguments advanced, arrive at a unique judgment that is infallible in law, rational in thought, and innovative in its essence. Only in the second year since its inception, the competitions received overwhelming interest and participation from colleges across Asia, thus rendering it truly international!

Having concluded this academic year with the resounding success of the Summit, I hope and trust that the year 2012-13 will continue to celebrate the joyous exploration of the many nuances of International Law.



Shreya Ramesh
President

Teach For India



Sitting (L-R): Arzin Ansari, Principal Judge R. B. Malik, Prof. Ms. K. N. Hedao, Rupal Shah.

Standing 1st Row (L-R): Monalisha Harsh, Kanan Dubal, Srishti Rane, Hansa Bhargav, Mudit Singhvi, Vishesh Kalra, Akanksha Tiwary, Pranjal Krishna.

Teach For India is a nationwide movement of promising college graduates and young professionals who have committed two-years to teach full-time in under resourced and low-income schools to bridge the education gap in the country. Teach For India strongly believes that all children are born equal, and if their backgrounds and circumstances were equal, there would have been no education inequity. It is this factor of uneven background that Teach For India is trying to replace with excellent teachers who strive to create opportunities that all children deserve.

The Government Law College Teach For India Society founded in 2011 endeavours to promote these ideals of equity and excellence in education. The Society started its first event by getting the student's of the college pledge to stand against "Education Inequity". The Society has conducted a

presentation on the mission and goals of Teach For India and its evolution from Teach For America. The Society has also organised "The Class-Room Hour" sessions to give the students a chance to interact with the under-privileged. The Society also aims to create awareness about the current Educational Policies and will soon be hosting its 1st Essay Writing Competition, "Write" to Education'. For the future years the Society aims to generate a class of lawyers who would be sensitive towards the grave problem of Education Inequity and take necessary measures to curb this issue.


Arzin Ansari
President

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Sitting (L-R): Vidhi Shah (Treasurer), Aparna Bagree (Creative Head), Gurbani Walia (Chief Student Editor), Sherna Doongaji (Assistant Editor), Suhani Dhanki (Creative Head).
Standing (L-R): Jay Shah (Student Co-ordinator), Shivanees Srivastava (Marketing Head), Subir Sarkar (Assistant Treasurer), Surekha Srinivasan (Student Co-ordinator).



There isn't much one can say about GURBANI that one wouldn't observe on first meeting her. That's exactly the kind of person she is – what you see, is what you get. A Punjabi from Tamil Nadu, her speech is often a "mélange" of Punjabi, Tamil and English, making it hard for you to predict how you will next be addressed! With a sense of humour that is sarcastic, slapstick and intelligent in equal measure, she can have you in splits, at will. She is truly a delight to watch at the Printers', designing page after page of the Magazine with masterful ease. Her degree of love and passion for the Magazine and her level of dedication towards it would put most to shame. Intuitive, smart, able and gifted, the Magazine Committee has been truly privileged to have her as its Chief Student Editor this year.



With an ability to make anything sound intellectual in print, SHERNA aptly fits the role of Assistant Editor. So much so that reading what she has written for me makes it tough for me to write for her, only because I know what I write won't sound even half as good as what she has written. To work with her, is to accept that she WILL start, end, and use in between sentences, the word 'dude' and she

WILL burst into fits of laughter over something said to her a year ago. Removing excessive commas and inserting extra (incorrect) spaces before and after hyphens is what she lives for. Despite all this, we are lucky to have had you as Asst. Ed this year, dudel!



APARNA is the best partner ever! If you ever decide to visit the printers with her, you know her opinion is definitely worth considering! Her minute-to-minute status updates are a perfect source of entertainment, not to forget her undying love for her blackberry "x_x". She's cool otherwise, but when she has to make a point, she definitely does make one in a high-pitched tone!

Also, if you love London then you know she's your buddy! Aparna has positively been one of the most hard working posties this year!



SUHANI or Su is the dancing queen of our committee (not like we need one but isn't it awesome we have one?). Aptly designated the Creative Head everyone knows that when she goes to the printers wonders will happen. Brilliant with art this girl creates stunners (she herself is one too!). Dancing is her first love and she's so much into it that she doesn't care about her dropping vitamin levels. If not with her guru you can definitely find her at the doctor's.



VIDHI is without a doubt, the Committee's most entertaining and hilarious (often unintentionally) member. The smallness of her size and stature, coupled with her cheerful disposition, fill one with a warm and fuzzy feeling. Don't let her keen interest in Hollywood and her tendency to roll her 'R's fool you – her heart still lies firmly at home. Never one to refuse any work assigned to her, once you give Vidhi a task, you can rest assured it will be done perfectly, making her one of our most invaluable members.



If the video of Lady Gaga's 'Pokerface' were to be reshot, it would definitely feature SUBIR! He takes on all storms with an enviable calmness. Obsessed with Sherlock Holmes and his 'Ralph Lauren' threads, Subir is not quite the 'Angry Young Man' he'd like us to believe he is. Obligated to work and be energetic, he likes to party and loves to be lazy. One thing he adores other than his friends, are his long locks. One of the few people, who will work against his will and still not whine. Subir has an answer to every question and a solution to every problem.



SHIVANEES is full of energy, enthusiasm and vitality. One can always count on her to make sure things get done. Her candid and extremely honest opinion makes her a person you can trust almost unconditionally. She befriends people easily and sticks with them no matter what. As the Marketing Head she made sure that the committee got the best deals. Besides Shivanees's pleasing personality, our committee's 'khabri' is best known to have all the gossip about everyone in college. Some call her beauty with brains; others stop at "Oh, Dear God"!!



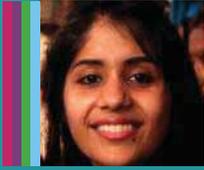
JAY is our very own Gujarati boy. He always has 'unique' shayaris (often borrowed from cheesy hindi movies) and innovative rap songs for all occasions. Forever confused and flustered, he believes in making his voice heard after every meeting is over. It is practically impossible to ignore him, for his taste in music and girls leave all of us speechless. He will always keep you in splits with his jokes and a guju sense of humour.



You will hardly ever find a girl more industrious and diligent than SUREKHA. Whether it's coming for short meetings all the way from Kalyan or frantically calling other committees for photos, she always finds time to entertain all her friends. A very genuine person and an awesome friend, Surekha is your classic girl next door. She's sweet, friendly, lively and completely down to earth. She can down more than 10 cups of coffee a day and is still fast asleep by 10 every night! Surekha has the rare talent of getting through all her work with a genuine smile which makes her a delight to be around.



JENISHA, the sweet little thing is an explosive pack. Don't make her angry, she'll hit you with her noodle thin arms until they become red and you end up being the assailant. It is immensely easy to make her angry; do anything she doesn't want you to do which is a very long list. A sweet, helpful, vain girl, she is a typical kid that loves to enjoy, have fun and frolic and go out with friends. She'll lie with intense conviction, and the best part is that she'll twist the facts to justify that the lie was not a lie at all; a lawyeress in making. All in all, a very nice and caring girl with average level of vanity and tantrums.



MALVIKA, aka Molly, a person of pros and cons, is a totally non-fussy child. On the contrary, she's extremely sensitive about people around her and would go out of her way to ensure that her loved ones are content. Being a family person to the absolute, she would choose to attend a family reunion, back in her home-town Bhopal, over a date with Brad Pitt.



CHARVI, a Rajput who loves to call herself a 'Gujju' for the love of her hometown, is my one, super-duper hyper friend, who hogs for wheels and "shoppingggggg centers" on street 24X7, who after buying an awesome outfit drives you mad, asking, "It's good na?" Our never-ending Bollywood discussions often leave people around us exasperated. But her one trait of determination enthalls everybody. Smart, panicky, loveable, crazy Charvi.



AMBIKA is blessed, and you know this when you pick a dress randomly while shopping and it seems to be custom made for her. Quick at catching words, she would not miss it if you made a slip-up - happy symptoms of a lawyer in making! Firm as her eyes will tell you, this Lucknow lassie is surely going to make it big in life.



Hari, short for SRIHARI, short for (if you have some time he'll recite his full name for you), is someone who has a heart as big as his name. In the midst of college, internship and moots, he is always stopping to talk to everyone, imparting his valuable, free advice!



SHARMEN seems like the kind of person who has contacts in all the right places. Do not be deceived by her impeccable attire, she is equally capable of holding your attention in intellectual conversation. Whether it's a shopping date or a sticky situation to pull you out of, you can be assured that she'll be there for her friends.



A boy famous for his love for books and Thumbs Up, NITISH is known to be there for everyone at any time. Don't let his limited facial expressions fool you, for he can come up with some of the best one-liners and quotes you'll ever get to her. Count on Nitish to get all the work done perfectly and well before time. With a lot already achieved and a lot more in store, this guy is as good as one gets!



PRAKRUTI is the weirdest girl that I have ever met. She listens to strangers on the road tell her their life story and then gives them advice on what to do next. She thinks that she is fictional and that she doesn't really exist and frequently refers to herself as a "faux-pas" or "hopeless". But it is all these quirks that make her that most entertaining and the best friend that one could get.



EKTA is a gal of sweet looks. But don't let that bewitch you, you don't want to get on the wrong side of this girl. She could give you a piece of her mind, make it sound like a prophecy and you would have no option but to believe this chick! Having known her and having had a piece of her yummy cupcakes, you're good to go!



In just a few words, PARIDHI is vivacious, funny, intelligent, friendly, smart and witty. She's hardworking, but at the same time great fun to be around. She is great at multitasking (running from W6rli to GLC and back to W6rli, never complaining about the traffic). Nevertheless, she's a great friend and wonderful person.



Hidden between swarms of students in the classroom, you will find GEET, huddled up with his books and diligently paying attention to every word uttered by the Professor. One may think that it's pretty unusual, considering the fact that mass bunking is our College's forte, but there is a lot more fun side to our Geet. An avid MUN-er, he loves mixing with different people. A true Delhite, he makes an effort to learn Marathi by listening to the train announcements. An extremely hard working person, he will be there to help you whenever and wherever you want.



SHREYA is the cutest KID! She's the craziest person you will ever meet and the best friend one can ever have! Though she is our age, she still lives in her childhood. She still thinks of all drinks as non-alcoholic. Bless her liver!



ANJALI is someone who would easily pass off as a History professor, out on a "quest for knowledge." She is someone with whom one can have an intelligent conversation and yet have a great time discussing the various kinds of specimens that we come across. She is rather a polite version of Karan Thapar. Her honest, "I-don't-care-about-what-people-think" kind of comments is entertainment redefined. Words like 'dieting' do not find a place in this die hard foodie's dictionary. A specimen in herself, that is Anjali for you.



AASHNA is a fun-loving, cheerful girl. Though she's a part of several committees, she'll never compromise on her work for any committee. She's a dance freak, a complete shopaholic and will use any opportunity she gets, to click as many pictures as she can to capture the moment. All in all she's a perfect package deal.



A great person, PULKIT, reserved but when he opens up to you. You will not stop laughing. His jokes are superb. Very intelligent and NEVER PUNCTUAL! You can always depend upon him for anything.



UTTARA or Srinivasan as she likes being called (for it better suits her intellectual standards), perhaps belongs to the lineage of some Southern Socrates. And to add to this is her interesting wardrobe and amazing playlist. Argumentative to the limit and candid in her opinions, you can hope to see her as a fixture on talk-shows (God, please next to Suhel Seth) very soon.



ANVITA is an enthusiastic learner who seems to enjoy working in committees. She also regularly volunteers to assist in committee activities. She accepts recommendations of peers and acts on them very appropriately. She does what she is asked to do and therefore sets an example of excellence in behaviour and co-operation.



I first met ANJANA at a MUN meeting, where she was the first person to raise her hand and ask a question. This continued at every meeting. Mumbai girl Anjana is one of the smartest (not to forget, cutest) young women I have ever met. She's just in the first year, but this is one girl who's going to play a big role at GLC in the years to come; not just GLC, but the legal fraternity as a whole.



Always ready for work, punctual and prompt, is what SWATI is. Her loud laugh and non stop jabbering, makes it tough to have MagCom meetings with her around. Her dedication and willingness to work, makes her a treasured member of the Committee.



PREKSHA- Shopaholic, crazy, mischievous, talkative and Chinese are all synonyms for 'Preks'. If she is sad, just take her shopping and she'll be dancing! She is obsessed with her heels and sponge bob quilt. The funniest thing is, whenever a Chinese or a Japanese or a Korean sees her, he smiles at her, thinking she is one of them.



VIPUL is your typical earnest and keen student, eager to experience all that there is to offer at GLC. A passionate musician, Vipul can often be found reminiscing about the food and people of his beloved hometown Chandigarh, to which he escapes at the slightest opportunity. Not to forget, that's what he's been doing whilst the MagCom struggles to meet its deadlines.



RAINA is a sweet, fun-natured girl. She works for many committees and is very hard working. Every time she comes to College, she's half asleep, no matter how late in the day it is. She has an amazing taste in food and is an extremely friendly person.



DEESHA is versatile, thoughtful and fun! You can talk to her about absolutely anything! Her quiet demeanor can be misleading- she's lively, cheerful and sharp!



CHAAHAT is bubbly, fun and a good friend. She doesn't like morning sunshine but loves her college (occasionally), Mexican food and "spicy conversation". Her enthusiasm is infectious and like her name she is liked by all!



HARSHEEN - Never talk to her when she looks sleepy (she can get very cranky). She is a Punjabi with South Indian taste buds (loves rice). When everyone around you is freaking out, you can rest assured that she will be calm and you can count on her.



Competitive yet endearing, confident yet well grounded and smart yet innocent. That's how I would describe Ursula. I will always remember her as my companion in a crazy spree to the fashion street searching for formals for our very first committee meeting! And boy, can she bargain! She is an inspiration to all those who want to take life by its horns and turn it their way! Cheers to you gall! And hope to see you haggling with the lawyers at the Supreme Court!



AISHWARYA aka Pagal is one of the craziest persons ever known. She just randomly jumps out of trains for reasons that only she knows. She gets excited at little things, gets angry at the smallest things and loves shouting at people but is always there for her friends. A very simple person and a kid at heart.



NATASHA is a girl still under the illusion that she comes for a beauty pageant daily. One cannot forget to mention that she excels at drama. She is the craziest and the sweetest creature one can ever come across!



SID is an intriguing chap with a quick sense of humor. His well-timed jokes will make you burst into fits of laughter. He is really straightforward and honest, which at times is not really appropriate!



SHRADDHA is an absolute perfectionist who hates to wait. She is always on the look out to run away from College, to meet God knows whom (we know it too though)!



When "lean is in" was in, **MOHIT** took it too seriously and now when it's out, Mohit is still so lean! This lean and tall guy is extremely fun loving, class-bunking and falling around in places! You see him with cuts and bandages roaming about everywhere but the college.



She lives up to her name and is a real princess when it comes to shopping. **SARAH** is always among the quietest persons in the classroom but once she's outside, one can hear her laughter throughout the entire corridor. It is indeed hard to find as humble a person as her. Sarah loves spending her spare time with her favourite books and listening to old songs. Sarah's most ridiculous habit? Examining each and every ingredient of the canteen's Veg Clear Soup!



REVATI is smart and has her unique wit. She is always upto date with current affairs and is well read.



HARSHINI is filled with enthusiasm and joie de vivre. She has the ability to talk for hours on end, almost to a point where you wish she wouldn't. Whilst she is a very zesty and entertaining girl and great fun to be around, Harshini also has a passion for writing and is an extremely hard worker.



Like many intelligent people, **AMRITA** too has her own quirks. From pulling all-nighters to work for all the different committees that she's part of, to getting high on just a glass of Tang, Amrita's an absolute delight to be with.



NIVEDITA aka Nathany aka Nivi is a bubbly, cheerful, hyperactive girl. With her finger in too many pies, she gets to have all her share of goodies. Super talkative and super fun, this girl is a great friend to have.



AAYUSH is one of the most popular people around and a diligent, hard working guy. His love for horses and music is profound. This size-zero guy is really fun to hang out with.



One look at **DHARA** and you feel that she is a topnotch, corporate litigant, always suited in formals and blazer. Typical boy-cut hairstyle, she is always scurrying around, country to country. Yes, I mean country to country. She has done her PhD in History from the University of London, her graduation from Melbourne, and now Law from GLC Phew! That's a long list of degrees. Anyway, she is an extremely humble person, always ready to help, pretty much busy all the time, but if you just ping her, she will always fly down for you!



The biggest mysteries in **MALLIKA'S** life include why "anyone would want to name their son Tipu(Sultan)" or why "no one understands a 'Frankfurter' is the name for a hot dog and not a person from Frankfurt". Humor and sarcasm are Mallika's constant companions and she spares no one, not even a baffled History teacher with her 'unprecedented' questions and reasoning. Staying in her good books is the best, since the perks include free car rides to V.T station and sweetly being serenaded with "Tum Dil Ki Dharkan Mein..." if she feels you've been offended because of her sarcasm.

With Best Compliments from

MR. RAFIQUE DADA

President- Alumni Association
Government Law College



Assistant Editor's Message

As I begin penning this editorial, I am filled with a sense of great fulfillment and happiness, and yet a certain amount of disbelief. Happiness and fulfillment for the amount the Magazine Committee has been able to achieve in this year's edition of 'méLAWnge', and disbelief that by the time I see this in print, the Committee will have completed yet another eventful and memorable year.

The annual College Magazine is one of the most important parts of any institution. It is responsible for representing and giving a voice to the sentiments, opinions and emotions of the students, as well as reporting and documenting the happenings within an institution in any given year. The Magazine Committee is therefore entrusted with the all-important task of doing all of the above, whilst giving each edition its own special touch. I am of the firm belief that this 82nd edition of 'méLAWnge' has succeeded in achieving all these objectives.

The three flagship essay competitions organised by the Magazine Committee –the Vyas National Legal Essay Writing Competition, the Belles-Lettres National Short Fiction Essay Writing Competition and the Sir Dinshah Mulla Legal Essay writing Competition– received unprecedented participation, greatly adding to their renown and prestige.

'Knock-Out!', the annual debate organised by the Committee was a roaring success. The opposing teams battled it out against each other, on a topic that has assumed much relevance in recent times –that of greater participative and deliberative democracy– in front of an audience of a few hundred passionate students of the College.

méLAWnge 2011-12 is truly a special edition. The Committee is particularly proud of the Magazine's theme section, which highlights the 150th year of three of the foremost High Courts of the country– the Bombay, Calcutta and Madras High Courts. It is a source of great satisfaction for us that legal luminaries such as the Attorney General of India, Mr. Goolam Vahanvati, Senior Counsel of the Supreme Court, Mr. Fali Nariman and Senior Counsel of the Bombay High Court, Mr. Iqbal Chagla, among others, contributed to this section.

This year the Committee had the good fortune to be able to interview Senior Counsel of the Supreme Court, Mr. Soli Sorabjee and Member of Parliament, Dr. Shashi Tharoor– both eminent personalities who have managed to make a name for themselves in their respective fields.

The mix of articles contained within 'méLAWnge' this year is, as always, a true "mélange", with students having written on a wide variety of subjects, such as the recent movement by civil society, copyright law, the Armed Forces Special Powers Act and judicial reform, inter alia.

Thanks are due to a number of individuals, without whom this edition wouldn't have been even half as impressive. We are most grateful to the sponsors of our three essay competitions, Senior Counsel Mr. Dinesh Vyas, Senior Counsel Mr. Soli Dastur and Senior Partner, Mulla & Mulla & Craigie Blunt & Caroe, Mr. Shardul Thacker, who lent us their unstinting support and encouragement, with inimitable generosity and graciousness.

Our Principal, Judge R. B. Malik, has been a pillar of strength for us throughout the year. We cannot thank him enough for his cooperation at all stages of the publication of this Magazine. Our Senior Faculty Advisor, Prof. H. D. Pithawalla, has tirelessly contributed to the Magazine Committee. He is indeed one of GLC's greatest strengths and assets. It would be unfair to forget the tremendous guidance, contribution and good wishes of our beloved Prof. Rachita Ratho, the Professor-in-Charge of the Magazine Committee for the better half of the year, who unfortunately could not be with us to witness the launch of this edition of 'méLAWnge'. We are deeply indebted to Prof. Kishu Daswani for his invaluable advice and direction, and for kindly consenting to prepare another version of his challenging Crossword, especially for the Magazine. I also thank Prof. Daphal for his support through the year. In addition, we would like to extend our heartfelt gratitude to the entire faculty and non-teaching staff of GLC, for their help at various times during the year.

A big thank you to Kanupriya Kejriwal and Kamakshi Ayyar, last year's Chief Student Editor and Assistant Editor, for setting the bar so high, and for so graciously proffering their advice whenever it was need.

Our Chief Student Editor, Gurbani Walia, has steered this Committee towards success and brilliance through the year, ensuring that the final product that you see today, is nothing short of remarkable. It has been a pleasure working with her on a publication which is so close to both our hearts.

Last but not the least, the Core Committee and all our members deserve to be congratulated for their hard work and diligence through the year.

The publication of this Magazine has been a truly enriching experience for my colleagues in the Committee and myself. I can say with confidence that I have grown as a person with every page of méLAWnge 2011-12. It is a privilege to have been able to contribute to the illustrious line of publications that have documented life in GLC for decades. I hope this edition lingers in the hearts and mind of GLC's population for a long time to come.

Ms. Sherna Doongaji
Assistant Editor

ACKNOWLEDGEMENTS

We express our heartfelt gratitude to the following people who have, in their own way, assisted the Magazine Committee in all its endeavours:

- Senior Counsel to the Supreme Court of India and former Attorney General of India, Mr. Soli Sorabjee & Member of Parliament, Mr. Shashi Tharoor for taking time out of their busy schedules to give an interview.
- The Judges of the Bombay High Court for consenting to judge the 11th Vyas Government Law College National Legal Essay Writing Competition.
- Ms. Amanda Rebello, Mr. Jeet Shroff, Ms. Mallika Taly, Ms. Shaishavi Kadakia and Mr. Tanuj Hazari for judging the preliminary rounds of the 11th Vyas Government Law College National Legal Essay Writing Competition.
- Mr. Soli Dastur, Mr. Dinesh Vyas and the Mulla and Mulla Trust for their sustained support in helping us organise our flagship events.
- Mr. Ashwin Sanghi, for judging the Belles-Lettres, J. E. Dastur Memorial Short Fiction Writing Competition.
- Mr. Mihir Balantrapu and Mr. Sriram Mohan for judging the preliminary rounds of the Belles-Lettres, J. E. Dastur Memorial Short Fiction Writing Competition.
- Mr. Shardul Thacker and Mr. H. S. R. Vakil for judging The Sir Dinshah Mulla Government Law College Legal Essay Writing Competition.
- Mr. Goolam E. Vahanvati, Mr. Fali S. Nariman, Mr. Iqbal Chagla, Mr. Protik Prokash Banerji, Mr. Sriram Panchu and Hon'ble Mr. Justice R. S. Ramanathan for taking time out to write for the Theme Section of this edition of mēLAWnge. We also thank, for references in our theme section, the authors, publishers and photographer of 'The Bombay High Court; The Story of the Building(1978-2003)'.
- Mr. Fali S. Nariman, Ms. Rajani Iyer, Mr. Rishabh Shah and Mr. Saamil Rege for taking time out to narrate humorous courtroom experiences from their illustrious careers.
- Mr. Gautam Patel, Mr. Rohaan Cama and Mr. Vishal Kanade for sparing time for Knock-Out! and making it a success.
- Prof. Mr. H. D. Pithawalla for agreeing to contribute to our Magazine and for his support and guidance throughout the year.
- Ex-faculty member, Prof. Mrs. Rachita Ratho for her support and encouragement as Professor-in-Charge for the better part of the year.
- Prof. Mr. K. L. Daswani for taking time out of his busy schedule to make Lexcryptic -a legal crossword- for the Magazine and for his unstinting contribution to various other activities of the Committee.
- Haabil Vahanvati, Harish Ramaswamy, Shloka Narayanan, Tanuj Kalia and Varun Satiya for helping us at various stages.
- Mr. Rajesh Bhagat, Mr. Arputham Pillai, Mrs. Kruti Mehta, Ms. Mona Mehta and Mr. Pravin Tembe of Finesse Graphics & Prints Pvt. Ltd.
- Mr. Shabbar Lakdawala for having made the committee photographs a success.
- Mrs. S. S. Parab, Mrs. S. S. Gole, Mr. S. Singh, Mr. A. A. Khair and all other non-teaching staff for bearing with our constant demands.
- Finally, we would like to thank our patrons and benefactors.

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All opinions expressed in this Magazine are the authors own and in no way reflect the views of the Editors or of the establishment. Articles on legal issues should not be construed as legal advice.

Form IV (Rule 8)

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| 1. | Place Of Publication | : Government Law College, Churchgate, Mumbai- 400 020. |
| 2. | Periodicity of Publication | : Yearly |
| 3. | Printer's Name Nationality Address | : Finesse Graphics Pvt. Ltd. : Indian. : 2496 1605/85 |
| 4. | Publishers Name Nationality Address | : Mr. P. B. Daphal. : Indian. : Government Law College, Churchgate, Mumbai- 400 020. |
| 5. | Editor's Name Nationality Address | : Mr. P. B. Daphal. : Indian. : Government Law College, Churchgate, Mumbai- 400 020. |
| 6. | Name and address of individuals who own the newspaper and partners or shareholders holding more than 1% of the total paid-up capital | : Government Law College, Churchgate, Mumbai- 400 020. |

I, Mr. P. B. Daphal, hereby declare that the particulars given above are true to the best of my knowledge and belief.

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Mr. P. B. Daphal.
Publishers

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– Martin Luther King, Jr.

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