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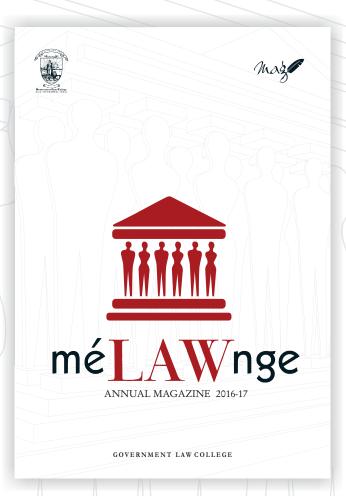


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Justice is of two kinds. The first is the idea of heavenly justice, the ideal upon which the Rule of Law is based, the touchstone from which all codes of conduct emanate. The second is manmade justice. This is the reality of justice which emerges from the laws created by society. Man-made justice stems from man-made laws, which in turn stem from ever evolving social norms and constructs. These norms are created by human beings. We decide our own governing rules, and the cover of meLAWnge is a representation of precisely this belief - that humans form the pillars of justice.

Human beings are regarded as the noblest of creatures because we have evolved into a civilisation ruled by laws - without rules, without laws, order, and justice, we are at our worst. It is our duty to uphold the structures that enable us to live within organised societies. It is our duty to renew the systems which protect our rights and freedoms. Human beings are the pillars of justice because the reality of justice depends upon our progress. Each step forward is an attempt to reconcile its two kinds. Human beings are pillars of justice, each pillar strong, towering on its own, and together, upholding a tremendous institution - one on which the survival of our species depends.

Principal Dr. Ajay Nathani

Assistant Student Editor Sanaya Patel **Executive Head** Shruti Shirke Treasurer

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Editor-in-Chief Prof. Dr. R. S. Ratho

Faculty Advisors Prof. H. D. Pithawalla Prof. D. A. Shinde Prof. Dr. U. S. Aswar Prof. P. B. Daphal

Chief Student Editor Krisha Jethani

Student Co-ordinator Nitika Bagaria

Marketing Heads Anisha Bakre Kunal Pradhan

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- vii Chief Minister of Maharashtra
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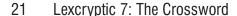
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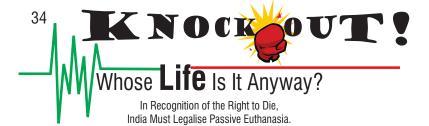


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राष्ट्रपति सचिवालय, राष्ट्रपति भवन, नई दिल्ली - ११०००४ President Secretariat, Rashtrapati Bhavan, New Delhi- 110004.



MESSAGE

The President of India, Shri Pranab Mukherjee, is happy to know that the Government Law College, Mumbai, is bringing out its Annual Magazine, "méLAWnge".

The President extends his warm greetings and felicitations to the Principal, faculty, staff and the students of the College and sends his best wishes for their future endeavours.

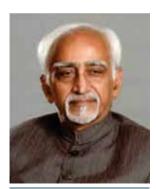


(Deputy Press Secretary to the President)





उप-राष्ट्रपति सचिवालय Vice-President Secretariat, नई दिल्ली/ New Delhi - 110011.



Shri Mohammad Hamid Ansari Vice President of India

MESSAGE

The Hon'ble Vice President of India is happy to learn that the Magazine Committee, Government Law College, Mumbai, is publishing its annual college magazine, méLAWnge 2016-17.

The Vice President extends his greetings and congratulations to the students, teachers and the members of the Magazine Committee of the College and wishes the event all success.

(Anshuman Gaur)





मंत्री कानून एवं न्याय, भारत सरकार Minister Law & Justice, Electronics & IT Government of India.



Shri Ravi Shankar Prasad Minister of Law & Justice, Electronics & IT

MESSAGE

I am happy to know that Government Law College, Mumbai is bringing out its Annual College Magazine méLAWnge 2016-17.

Education is all about creating an environment of academic freedom, where bright minds meet, discover and learn. Government Law College provides quality education by equipping the students with skills, confidence and positive approach. Besides maintaining academic excellence, the college is striving hard for an all-round development of the students by encouraging them to participate in various co-curricular and extra-curricular activities.

The college magazine is one such endeavour of the students. The college magazine, which I hope will be a perfect blend of legalese and fiction, provides a great platform for the students to express and expose themselves. I am sure the magazine will showcase the rich academic and cultural heritage of the college far and wide.

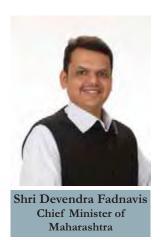
I take this opportunity to extend my best wishes to the management, faculty and students for all success in their aspirations.

(Shri Ravi Shankar Prasad)





मुख्यमंत्री महाराष्ट्र Chief Minister of Maharashtra



MESSAGE

I am happy to learn that the Magazine Committee of Government Law College is bringing out its Annual College Magazine 'méLAWnge'.

It is heartening to know that this magazine is a creative endeavor of students with a blend of legal and non - legal, of fact and fiction and of theory and creativity.

I wish all the best for the magazine and future activities of the students of Government Law College.

(Devendra Fadnavis)



Justice Manjula Chellur Chief Justice High Court of Bombay



Hon'ble Smt. Justice Manjula Chellur Chief Justice, High Court of Bombay

MESSAGE

I am delighted to know that the Government Law College, Mumbai, established in 1930, has been publishing méLAWnge, the Annual College Magazine, giving platform to the academic works, cultural activities, efforts and endeavour of students.

I take this opportunity to extend my best wishes to the Principal, Professors, students and the staff for the publication of the Magazine.

> (Dr. Manjula Chellur) Chief Justice





From the Principal's Desk



"Educationists should build the capabilities of the spirit of enquiry, creativity, entrepreneurial and moral leadership among students," said Dr. A. P. J. Abdul Kalam. Students of Government Law College are blessed to find the opportunity to be educated at a prime institution which builds all the above capacities of its students. The College has the honour of being the Alma Mater of a host of people who made undeniable contributions to the evolution of the nation. The long list includes Dr. B. R. Ambedkar, the Father of the Constitution, Hon'ble Justice H. J. Kania, the first Chief Justice of India, Hon'ble Justice M. C. Chagla, the first Chief Justice of the Bombay High Court.

In the academic year 2016-17, the College is surging ahead to achieve new heights under the able guidance of Hon'ble Justice V. M. Kanade, Chairman of the Governing Council.

A perfect college, in my opinion, is one where the students have a variety of passions, obstacles and energies. We, the teachers, ensure that their energy is channelised in the right way, to achieve positive results. It is our responsibility to figure out which strategy will work for which student, because everyone has a different personality. We work to make a difference in the lives of every student we meet. The life lessons learnt by the students of Government Law College will be useful to transform them not only into successful professionals but also responsible citizens of India.

The rich contents of the magazine will serve as food for thought for its readers. I, on behalf of myself and all the teachers, extend my best wishes.

Dr. Ajay Nathani Principal





Editor-in-Chief's Message



As the academic year 2016-17 comes to an end, I am filled with immeasurable pride and delight to pen down a message for the 87th edition of *méLAW nge*, the Annual Magazine of Government Law College. The magazine is the representative of every element and detail that builds this college. It records all the curricular, co-curricular and extra-curricular activities of this great institution and mirrors all the activities that take place during the course of the academic year. Following its grand launch, the 86th edition of *méLAW nge* was wholeheartedly cherished by countless readers.

Government Law College has always provided a platform for young budding lawyers to articulate their views and shape their ideas through various activities. *méLAW nge* brings but a few of them, through its publication, before the readers.

Knock-Out!, the Annual Debate was on the topic – "Whose Life is it Anyway? In Recognition of the Right to Die, India Must Legalise Passive Euthanasia". The debate was moderated by renowned Senior Counsel, Mr. Iqbal Chagla. The proposition team consisted of Mr. Akshay Aurora, and ex-student Advocate Ms. Ayushi Anandpara, and the Opposition team consisted of Ms. Oindree Bandyopadhyay and ex-student Advocate Mr. Malhar Zatakia. The Proposition team won the majority vote of the House.

The Committee organized the 16th Vyas National Legal Essay Writing Competition and the J.E. Dastur Memorial Belles-Lettres Short Fiction Essay Writing Competition on a national level, and the intra-college Mulla Legal Essay Writing Competition sponsored by Mulla & Craigie Blunt & Caroe.

My heartfelt gratitude is extended to Hon'ble Justice Shri S. J. Kathawalla and Hon'ble Justice Shri M. S. Sonak, for judging the final entries of the Vyas Competition. We are honoured and privileged to have had Mrs. Meher Marfatia judging the final entries of the Belles-Lettres Competition.

I am thankful to Mr. Dinesh Vyas, Mr. Soli Dastur and Mr. Shardul Thacker for their continuous support to the Committee and for being a guiding force at every step.

I am grateful to our Principal, Judge Dr. Ajay Nathani, for his constant guidance and support throughout the year in all our endeavours.

Prof. Mr. H. D. Pithawalla and Prof. Mr. D. A. Shinde have performed invaluable service to the Committee, by constantly encouraging and motivating the students.

A heartfelt thank you to all our patrons and sponsors, without whose support, we would not be able to function.

I thank all the full-time, part-time, C.H.B. faculties and the non-teaching staff for their suggestions and constant encouragement.

Lastly, I take this opportunity to thank Chief Student Editor Krisha Jethani, Assistant Student Editor, Sanaya Patel, Treasurer, Anmol Kaur, Marketing Heads, Kunal Pradhan and Anisha Bakre, and Student Co-ordinator, Nitika Bagaria.

I would also like to thank every member of the Magazine Committee for their constant and untiring efforts to make this edition of meLAW nge a booming success.

Finally, as this editorial draws to an end, I wish meLAW nge all the best for its future aspirations.





General Secretary's Message



I would like to take this opportunity to congratulate the Magazine Committee for the successful publication of its 87th edition of *méLAW nge*. The Magazine Committee has undoubtedly met the standards which it has set for itself over the years. *méLAW nge* is an excellent platform for the students of this prestigious institution to showcase their writing, as well as for the legal industry to know about the college which has played an extremely important role in evolving it.

meLAW nge deals with a number of contemporary issues and reflects the understanding and independent opinions of the students. It also celebrates the diverse feats accomplished by the students, and thus encourages them to aim higher.

Government Law College (GLC) is the oldest law school in Asia, and an important role is played by the Magazine Committee every year to highlight the uniqueness of this institution. As the college strives to improve with each passing year, so does the Annual Magazine – each edition allows students to be better – write better, design better, and surpass old boundaries.

Due to the commendable work done by the Committee during the past two years, GLC now has an official blog, housed in the Committee's website, which invites any form of writing, be it a poem, an extract or a critical piece, whether or not it is related to law. Consequently, this has provided a platform to students to showcase their writing skills and share their views, ideas and opinion. In recognition of the linguistic diversity in GLC, mel_AW nge features a new section this year, Terra Lingua, which features articles and poems in any language a student is fluent in.

"Freedom is nothing but a chance to be better." - Albert Camus

This is what GLC has given to its students – a chance to grow, to develop – not only as good lawyers but also as a good human beings, and most importantly, as responsible citizens of this country. The various committees of this college contribute tremendously to make GLC what it is, today. Our students truly represent initiative, imagination, individuality, and independence. Personal independence has helped to boost the confidence of the students, who are well equipped to go out into the world and leave their mark, in the legal field and otherwise.

It is not just a privilege but also an honour to serve this prestigious institution as the General Secretary. I would like to thank the Principal, the faculty, the alumni, and the students who have contributed to the progress of this college, which is why it stands as one of the most prestigious institutions today. I wish that the flag of Government Law College, Mumbai, keeps flying high.

Kajol Punjabi General Secretary, Government Law College





MAGAZINE COMMITTEE



Krisha Jethani, Prof. Mr. D. A. Shinde, Prof. Dr. R. S. Ratho, Principal Judge Dr. A. Nathani, Prof. Mr. H. D. Pithawalla, Prof. Mr. P. B. Daphal, Sanaya Patel, Shruti Shirke Sitting (L-R):

Standing 1st Row (L-R): Kunal Pradhan, Nitika Bagaria, Anmol Kaur, Anisha Bakre

Kanika Kulkarni, Ayesha Qazi, Sheona Shenoy, Shruthi Hariharan, Misha Matlani, Shreya Gokhale, Hina Tolani, Pragnya Senapati, Anjali Karunakaran, Aastha Rupwate, Arushi Dua, Priyanshi Vakharia Standing 2nd Row (L-R):

Standing 3rd Row (L-R): Naman Lodba, Sanket Garud, Sachin Kandloor, Vinit Kamdar, Gaurang Mangsinghkha, Nikhil Thokal, Sagar Jaikumar





Editorial



Sanaya Patel & Krisha Jethani

One's life is a collection of significant events and milestones. Experiences that mould our lives in some way or the other, remain as our strongest memories. Our time as Editors of *meLAWnge* has been one such juncture in our lives - one which has unequivocally been imprinted on our minds.

That publishing meLAWnge would be an onerous job was known to us, but it has been much more than just that – it has been a gamut of creativity, decisions, trial and error, challenges, skill, cooperation, compromise, along with a tidal wave of emotions. It has been an experience unmatched by any other, truly an irreplacable one.

2016 has been a year of change. The world has witnessed the collapse of conventional political institutions, the revelation of the brutalities of human nature, and the restructuring of human relationships, in society and across the globe. Humanity has never been so dangerous, but has also never been so innovative. At a time when it is important for us to redefine what it means to be the most advanced living beings on the planet, we feel the need to go back to our roots, to the most basic tenets of humanity - compassion, interdependence, and intelligence. The 87th edition of meLAW nge is our attempt to bring people together through words, art, and language. Our theme section, Terra Lingua, is testimony to our commitment to equality. We received numerous articles from students of the college, written in any language they are proficient in. Our magazine is a reflection of our belief that language should not be a barrier, but a bridge which connects us. Words can be destructive, but words can also unite - people, countries, worlds.

The Committee commenced the year with yet another brilliant edition of our flagship event, *Knock-Out!*. Two teams battled it out on the topic, "Whose Life is it Anyway: In Recognition of the Right to Die, India must Legalise Passive Euthanasia". The debate was deftly moderated by renowned Senior Counsel, Mr. Iqbal Chagla, whose deep insights and questions brought a whole new dimension to the discussion.

This year, we decided to go beyond the conventional in every aspect of the magazine.

Stalwarts Speak features articles written by three international lawyers, on their niche areas of law – Dr. James Kraska on Maritime Law, Dr. Müslüm Yilmaz on International Trade Law at the World Trade Organisation, and Prof. Juan de Dios Crespo Pérez on International Sports Arbitration. This year, we were privileged to interview three diverse and stellar personalities – Mr. Sriram Panchu, Senior Advocate and the pioneer of mediation practice in India, Mr. Ranjit Hoskote, poet, cultural theorist and curator, and one of contemporary India's brightest legal minds, Ms. Karuna Nundy, Advocate of the Supreme Court of India.

The Committee organised three essay writing competitions - the 16th Vyas Government Law College National Legal Essay Writing Competition, the Belles-Lettres: J. E. Dastur Memorial Short Fiction Essay Writing Competition, and the Sir Dinshah Mulla Legal Essay Writing Competition – which witnessed an overwhelming response from students all over the nation. We are ever so grateful to the sponsors of the three competitions - Mr. Dinesh Vyas, Mr. Soli Dastur, and Mr. Shardul Thacker for their generous contribution and support in encouraging the literary skills of the students.

We are immeasurably grateful to Hon'ble Shri Justice S. J. Kathawalla and Hon'ble Shri Justice M. S. Sonak for their kindness and time, in judging the final round of the 16th Vyas Government Law College National Legal Essay Writing Competition. It is nothing short of an honour for the Committee to be associated with legal luminaries of their standing.





We extend our heartfelt gratitude to Mrs. Meher Marfatia, renowned author and columnist, for judging the final round of the Belles-Lettres: J. E. Dastur Memorial Short Fiction Essay Writing Competition. We are thankful to her for encouraging the development of literary skills among the youth.

We would like to thank our Principal, Judge Dr. Ajay Nathani, for his guidance and readiness to support all our endeavours. Words fall short to describe the encouragement received from our Professor-in-Charge, Dr. Rachita Ratho, who supported us in the face of each success and guided through each challenge. Our faculty advisors, Professor H. D. Pithawalla, Professor D. A. Shinde, Professor U. S. Aswar and Professor P. B. Daphal deserve a special thank you for their support. I would like to express my gratitude to Professor K. Daswani for his valuable feedback, inputs and suggestions and for contributing yet another brilliant edition of LexCryptic to meLAWnge 2016-17.

We owe the smooth functioning of all our undertakings to the backbone of Government Law College – the administrative staff, without whom our ideas would not translate into actions. We would also like to thank each and every member of the faculty for their support.

The Magazine Committee is a true representation of what our College stands for – free expression, unbridled talent, and commitment to excellence. The publication of the 87th edition of this magazine would have been a hollow dream, were it not for those integral to its creation. We are blessed and grateful to have a team of the most passionate, independent, trustworthy, and genuine individuals. The core committee translated each vision into reality, and has truly elevated this magazine to great heights – we would like to thank Shruti Shirke, Anmol Kaur, Anisha Bakre, Kunal Pradhan, and Nitika Bagaria for inspiring us, and undertaking this memorable journey with us. We would like to thank all the members of the Magazine Committee for the dedication and sincerity that they have shown throughout the year.

For clarifications, last minute details, administrative procedures, and unending support, we would like to thank Suchita Uppal, Chief Student Editor of *méLAWnge* 2015-16, Aashna Zaveri, Assistant Student Editor of *méLAWnge* 2015-16, and Maithili Parikh, Chief Student Editor of *méLAWnge* 2014-15, for always being just a call away.

At the beginning of the year, we realised that the publication of our Annual College Magazine would be an uphill battle. In retrospect, the past few months have resulted in a tremendous amount of growth for the entire team. As editors, organisers, designers, as orators, as students in the legal field, and most importantly as human beings – meLAW nge has taught us to give our best to every task we undertake.

Finally, as this editorial draws to an end, we are proud to present to you meLAW nge 2016-17!

Krisha Jethani Chief Student Editor

Sanaya Patel
Assistant Student Editor





Celebrating a Master Spirit: 125th Birth Anniversary of Dr. B. D. Ambedkar

by Akshay Bramhane, V-IV

Bharat Ratna Dr. Bhimrao Ramji Ambedkar, fondly known as Dr. Babasaheb Ambedkar, remains an inspiration for Indians and proponents of equality and social justice across the globe. Ambedkar Jayanti is celebrated annually to commemorate Dr. Babasaheb Ambedkar's birthday and his contribution towards the people of India.

It was a historical moment when Babasaheb's 125th Birth Anniversary was celebrated at the UN Headquarters, New York, on April 13, 2016, for the first time. As a tribute to the Father of our Constitution, and the Principal of our college, Government Law College, Mumbai celebrated Babasaheb's Birth Anniversary at the Convocation Hall, University of Mumbai on February 24, 2016. A panel discussion was organised on the topic, "Has Indian Democracy delivered the Great Vision of Dr. B. R. Ambedkar for India?" The Panellists were Prof. Dr. Madhava Menon, Dr. Narendra Jadhav, Late Mr. Dileep Padgaonkar, and Mr. Kumar Ketkar, and the discussion was moderated by Prof. Kishu Daswani. The event was a brilliant exposition of Babasaheb's journey as a lawyer, economist, and as a champion of social justice and human rights. Babasaheb is one of the greatest minds the world has ever known, not only because of his vast interdisciplinary knowledge, but because of his ability to explain simply and identify solutions for the issues that plague the different strata of society. Today, more than ever, we believe that it is imperative for nations of the world to address their own internal inequalities to achieve sustainable development.

Dr. Ambedkar worked to eliminate untouchability and gender discrimination through education. *Mook Nayak*, *Bahishkrit Bharat*, *Equality Janta* and *The Annihilation of Caste* were but a few of Dr. Ambedkar's publications in which he educated his readers about oppression and the rights of Dalits. Babasaheb was the first Law Minister of Independent India. He was then appointed as the Drafting Chairman for the Constitution of India. Babasaheb played an integral role in establishing the Reserve Bank of India in 1934. In 1945, he established the People's Education Society to provide free legal education to students. Dr. Babasaheb Ambedkar framed laws for women, for labourers, for the welfare of children, for the physically disabled, for medical care and insurance, and for the functioning of factories and coal mines – to name a few. As an economist, Babasaheb had a clear vision for the economic growth of our nation. He established the Finance Commission of India.

On the occasion of his 125th Birth Anniversary, through several activities by the students and staff of Government Law College, Mumbai, a fitting tribute was paid to the Master Spirit himself, Dr. Babasaheb Ambedkar.





The Counselling Cell, Government Law College

Prof. Ms. Sunita Masani (M.A. Clinical Psychology) is an experienced counsellor, appointed by the College to constitute the Counselling Cell, and has been rendering this service to the students and staff of Government Law College, Mumbai, since August 2016. Her services have been widely appreciated and are being constantly sought by students in relation to their diverse emotional and academic issues as well as to relieve stress and anxiety. Ms. Masani is also consulted for her insights into academic and professional arenas, having practised at the Bombay High Court for over 20 years. GLC has allocated a counselling room exclusively for this purpose so that students may have the necessary privacy and comfort during their session. All are required to note that the counselling process is strictly confidential, unless there is an element of self-harm that may be detected; in which event confidentiality may be breached at the discretion of the counsellor.

Briefly elaborated are a few of the areas in which Ms. Masani functions:

Academic Success: Helping the students to realise their highest potential and to remove obstacles to academic success, if any.

Resolving Psychosocial Problems: Stress, loneliness, bullying, ragging, peer adjustments, parental and teacher pressure are some of the psychosocial problems faced by students which have been effectively resolved.

Counselling for the Professors and Staff: The professors and staff on a need basis, seek counselling to deal effectively with the huge number of students coming from diverse backgrounds and holding unique individualities.

Prof. Mrs. Shalini Chuganee (M.A. Political Management), Consulting Guidance and Academic Counsellor, and Prof. Ms. Masani also provide the following services:

Career and Vocational Guidance: Help is provided by giving information on the various super-specialisations possible in the legal career and a trained advocate counsellor is ideal to elaborate the options available to law students.

Personal and Social Development: The counsellors help to identify talents of the students and nurture these talents. The counsellors help in improving the communication and interpersonal skills of the students.

Those interested are welcome to connect with Ms. Masani on +91 9969941936 by sending her an SMS, a day in advance to seek her appointment.



Divided States of America

by Maithili Parikh, V-V

On November 9, 2016, the United States of America woke up as two nations.

A country, which, eight years ago on a historic election night, was united with hope and brimming with promise on having elected its first African American President, now, did not seem to reflect even an iota of such spirit. The mood on the election night was not one of celebration but of discord. One nation was triumphant, heartened and positive. The other, hopeless, fearful, and appalled.

Yet, despite all odds, Donald J. Trump will assume the highest office of the United States of America in only few days as I write this article. Although I could lament endlessly about how he is manifestly unqualified and temperamentally unfit for the post, I will not. What I will do instead, in fact, is attempt to make sense of the reality that the most progressive country in the world has just elected a candidate whose entire campaign was based on racist and misogynistic propaganda.

Trump's victory — best described as anti-incumbency and anti-establishment — was a result of the voters' determination to send a strong message to the politicians in Washington of the struggles that citizens face in their daily lives. His victory is to serve as a rude wake-up call to the Washington elite to pay keener attention within the boundaries of the country rather than outside it. In essence, it is a statement by the American voters demanding that their many grievances about taxes, employment and family life be urgently redressed. And there was no one else who carried this message as clearly and compellingly as Donald Trump — an outsider who paid no heed to the general rules of modern politics, and an incumbent who attacked every possible institution in the country.

Many have oversimplified this election by placing paramount importance on the factor of race, which in my opinion, it hardly deserves. A factor that is often overlooked but one that has been of crucial influence in this election is the current economic state of the United States and the persisting rise in unemployment. While it would be difficult to evaluate which of these two factors played a more instrumental role in tilting the elections in favour of Trump,

it would be safe to say that the confluence of the two is what definitely unleashed the disaster that is Donald Trump.

The purchasing power of Americans is in a sordid state, and most of America is far from living the "American dream" as it is known. Globalisation has led to major unemployment in the blue and white-collar job sector. Yet, the top few percent of the economic strata have only become richer. This increasing income disparity aggravates the disaffection of those who are struggling to stay even semi-afloat. Gradually, this discontentment, primarily amongst the white working class, grew into immigrant blaming. There was a seething anger towards the Hispanics, Asians and other immigrants who they believed had robbed them of their American Dream. Trump managed to capture this anger and translate it into votes. He condemned the government for not coming down stronger on companies that moved their operation overseas and, therefore, took away employment that should have been for the Americans. Trump's obvious disdain toward the Mexicans and his threats to build a wall were outrageous, but the white working class thrived in its outrageousness. Trump voiced so unapologetically, what they had felt for as long as they could remember but were too afraid to say, in an America which prided itself on its ethnic diversity. And this is where he inched ahead of Hillary, who, to them, represented the institution that had only ignored their interests and done them harm.

These election results have made it abundantly clear that there are two Americas — the country we think it to be and the country it actually is — and both are almost irreconcilable. The first one is a country that is tolerant, liberal and one that greatly cherishes its democratic values. The latter is a country where great majorities of the white population living in rural areas harbour hate towards those having different racial and religious roots and where patriarchy still stands strong. It is worrisome, and sickeningly so, that these people, who have for so long been hiding in the dark corners, now have a coherent voice for their hatred.

Trump was not elected President despite his racist and misogynistic propaganda; he was elected because of it. And that is petrifying in every sense of the word.





Define what it means to you to win your career.

Ms. Karuna Nundy

Advocate, Supreme Court of India



Expert in Constitutional, Commercial, and International Law, Ms. Karuna Nundy is a practising Advocate of the Supreme Court of India. A brilliant mind who has helped to shape the country's anti-rape and free speech laws, she gives us an insight into her work as a lawyer, as a woman, and as a champion of human rights and feminism.

Your experience in legislation includes your contribution towards Nepal's Interim Constitution. From the perspective of a lawyer, what did you find most intriguing about drafting the law? Please comment on your thoughts behind the process.

What I found most interesting was realising that the ideal process is usually quite far from what plays out on the ground. What comes out in the end is similar in some ways and different in some ways to what one recommends. What we must recognise is that in the process of drafting a Constitution, it is not only the various political factions that have gained power in the process that lead to the new drafting, that must be taken into consideration, but everybody must be considered. Further, to translate a variety of political, social, cultural impulses into a law is a process that, for instance, South Africa did in a very interesting way. Initially I sent very detailed briefs on how other countries had carried this process out, particularly on the aspect that I was advising on - which was basic rights.

As a Constitutional lawyer, taking into account the Nepali context, I put forth the various processes and scenarios from various developing countries. These were being detailed not because they were the best practices, but just as interesting examples to look at. I then presented the process that could actually be carried out. It was only pursuant to this that I was asked to send a draft.

You have made a mark for yourself as a successful first generation lawyer. How did you do it?

Yes, I am a first generation lawyer. I come from a family of doctors. My father is a surgeon, my grandfather is a surgeon, and my brother is a doctor. While I did not inherit a practice,





or networks, or people in the family to guide me in law, I inherited from my family the need to find a vocation. As it happened, Law took pride of place.

The caste system is strong in our country. It translates into the caste of professions, quite directly. I overheard one of our most eminent Senior Counsels tell an industrialist, "My son is your son. Who else will argue your matters?" Not only is it easier for children of senior lawyers and judges to get briefs, but there is also so much lobbying and nepotism, and it is extremely active. The reason that lies behind this is the very nature of litigation i.e. everyone is self-employed.

As a first generation lawyer, the primary key is to leverage what is working for you and limit what is not. So, family inheritance may not be working for you, but something else may. For instance, I feel like I came into litigation with a lot of education. I had been to the best law schools in the world -Cambridge and Columbia - and I received intellectual training. I knew that I was not going to starve, but at the same time it was quite clear from the beginning that I needed to support myself and a family. I had worked for the United Nations (UN) in New York, after that I came back and worked for an Advocate-on-Record to learn the business. I had done UN consultancies on legal issues that, initially, were boring but progressively became more and more compelling and important work. In terms of my constitutional, pro bono work - which is important to me at the time of the disastrous Bhopal Gas Tragedy criminal judgment, I started to feel that I had a primary duty to bring lectures at the Jindal Global Law School. Furthermore, I have judged moot court competitions at NLU Delhi and given a bunch of lectures at different universities. Not having completed a full law degree here, it is harder to do a deep critique of the system.

What I loved about Cambridge is that my brain truly came alive there while studying Law. I was pushed by global experts in Criminal, Commercial, and Administrative Law to give them my own original view. The only way to say what you think, in any reasonable way, is to know the landscape. Without knowledge of the substance of the Law and without a critical perspective, you cannot really have your own opinion on a subject. This process was truly exhilarating.

Women are often criticised for being expressive and thus less rational as opposed to their male counterparts. Have you ever been a victim of this attitude in your career as a lawyer? How would you advise a young lawyer to tackle such a situation?

I have never been subjected to such attitude in the courtroom. It is important for me to say this, for all of you women who are going to come into this field, that I have never heard an explicit statement of sexism against me in the courtroom. However, what is interesting is that it happens more often in the corridors of court. It happens with your fellow lawyers and particularly when they are feeling threatened. For instance, they say, "oh but it's very hard to succeed as a woman." To this my reaction is, "then let me show you." On the other hand, it is very different when someone says, "it's hard to

"As a first generation lawyer, the primary key is to leverage what is working for you and limit what is not."

up the difficulties a poster child of rights violation faces in the justice system. I realised that Law is a part of the larger political improvement process and that it is not completely divorced from it. And so, I found that all of these issues are important to speak about and important to engage with publicly.

What is your opinion on the efficacy of Law degrees in India to equip students to be good lawyers?

In India, I have limited experience in legal education. I went to Law Faculty evening classes for a year. I attended whenever I could get away from work. I have also delivered succeed as a woman, and it's not acceptable. We must end this." This is because if one simply makes the former statement, one is reinforcing the precedent and causing a chilling effect on the person the statement is being directed to.

One incident where I faced such an attitude is when I had won a big commercial case. My colleagues and I had gone for coffee to celebrate, and one of them made a sexual remark about me. At that point I was so upset. I felt like the joy of victory was taken away. And that was precisely the reason he said it – he was male.

I shut him down, but there is no need for this extra work to be





created for women. Litigation creates enough work as it is!

You regard patriarchy as a "public health concern". What is your opinion on how customary law and religion intertwine to work towards perpetuating this evil?

I once did an interview with one of the best-known global television channels. I was talking about governments and their responsibility to take down patriarchy. However, the host tried to speak only of India, though we had already spoken about the particular case. And I said, "Well, this is something that is deeply pervasive around the world." There is always this idea that rape is somewhere else, patriarchy is somewhere else, and that it is worse somewhere else because we do not want to deal with the misogyny in our homes and backyards because it makes us uncomfortable. A woman producer on the show, also of Western origin, actually sent me a message later to thank me for my comment.

A reading of the Sexual Harassment Act will make it clear that if you call somebody a "babe" or "baby" repeatedly, it would amount to sexual harassment. However, if you yell at a woman ten times and say that she is useless by the virtue of

The way I see the Law and the Constitution is that cultures and government policies are irrelevant when it comes to an individual's rights. The State cannot criminalise being gay, lesbian, bisexual. They cannot incriminate someone who identifies with queerness or anyone having fluid sexuality. According to me, the judgment in *Naz Foundation* is an egregious violation of those principles. The reason behind the non-constitution of a five-judge Bench in *Naz Foundation* may be the tussle between the current government and India's progress – the Supreme Court just does not have all the judges it should right now. There have been attempts to undermine the judiciary.

Of course our courts are not monoliths and personal morality can creep in. There is a wide variety of political, economic, legal perspectives in courts, and there are judges that are extremely progressive and there are judges that are less progressive.

Do you believe that right to legal representation is sufficiently secured by the work of legal aid cells and pro bono lawyers?

Legal aid in India is absolutely insufficient. One idea that I

"We do not want to deal with the misogyny in our homes and backyards because it makes us uncomfortable."

her being a woman, there would be no formal structure at the workplace to redress this in house.

I have been working with some of the most progressive companies, who genuinely come to me to minimise sexual harassment at workplace, and not just to comply with the law. They also realise that civil and criminal liability is much more likely in cases a violation of the Sexual Harassment Act. Plus there is a business case for equality – quite apart from a worker's rights. Such companies have started making Equality and Workplace Behaviour policies, which deal not only with sexual harassment but other kinds of discrimination as well.

As in the case of the Uniform Civil Code and Section 377, we have observed that the judiciary is often hesitant due to the societal and cultural dogmas. Should law emanate from society or should society evolve with law?

had thought of was to have a system of coupons, where the litigant has coupons and may choose a lawyer of their choice. This way, one would not be dependent on the few lawyers legal aid provides. More importantly, the power to choose lawyers would shift from the legal aid committee to clients – even if they are poor. However, such an idea would require a pilot, to see how it would play out.

Please shed some light upon a case which you have worked on, that is memorable and close to your heart.

This varies – but two cases come to my mind. One was when we got safe water for the people who were continuing to drink the sludge from the toxic waste of the Union Carbide factory. A lot of these people had inherited diseases because of the *Bhopal Gas Tragedy* and were continuing to drink water with neurotoxins, cyclohexanes etc. When they started getting safe water, I think, for me that was really reassuring and relieving. When I started working on these cases, it really revealed the worst of the worst possible treatment that





"The key is to vary from being reasonable sometimes, assertive or aggressive sometimes and gentle when required – you are dealing with a human decision-maker, and your job is to win."

systems and people have perpetrated on humans.

There was another case where I was arguing about shrimp feed for a corporate client. It was a *Consumer Protection Act* case. I was appearing on the National Commission level and I had made it my business to know everything there was about shrimp feed. You get extremely involved and interested in such cases. When we won it, the client was able to save a few crores of rupees and that was quite exhilarating.

Given your background and experience in policy, what are your thoughts on a career in politics for yourself?

Down the line, I think I might be interested in a Rajya Sabha role, should that be a good fit with the party in question. But I do not think full-time politics would be suitable, because though I have deep respect for those who engage in politics, I love the intellectualism of the Law and that is quite important for me in terms of a day-to-day profession.

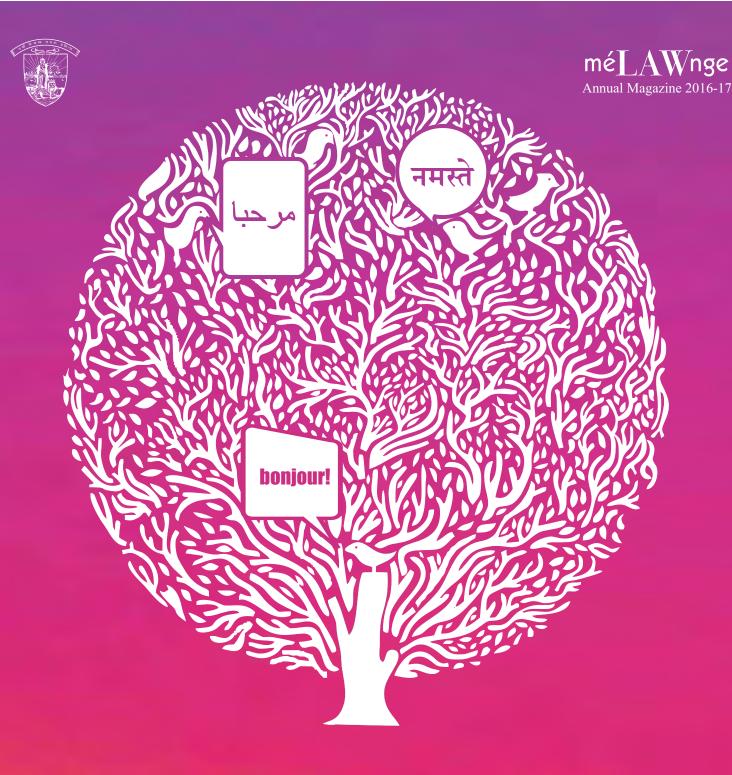
What advice would you give to future litigators?

I would advise all future litigators to keep three things in mind. One is persistence. Two is, take every single opportunity you have to argue. Never shy away from arguing – this is particularly for women. A lot of women are raised not to be assertive. The key is to vary from being reasonable sometimes, assertive or aggressive sometimes and gentle when required – you are dealing with a human decision-maker, and your job is to win. In the courtroom, your ability to communicate efficaciously, to hit the bull's eye, and to shut the other side down when necessary, is gauged. Third, is to figure out a business model for your practice.

Also, there are things that are out of your control, but there are things that are under your control. You have to line up your skittles and you have to do your work. Define what it means to you to win in your career.

Always keep your eye on that win.





language of the land

The beauty of each language lies in its unique charm and essence, in its ability to express in an inimitable manner. Translating to "language of the land", this section truly captures the spirit of diversity. It embraces the variety of languages that have emerged from Mother Earth with a view to liberate the thoughts and perspectives of its earthlings.

Terra Lingua, the theme section for the 87th edition of méLAWnge, features articles and poems that have been written by students in regional and foreign languages. It encourages students to write in any language they are proficient in. Language should not be a bar, but a bridge which connects us.



नमतु सूर्यम्

आदित्य खरे, *V-III*

सूर्य गुरुवर्य नमे तुम्हा, हा शिष्य **।**

जन-अन्-मनाचे हास्य एकची ध्यास पूर्तीची कास शर्थीची आस श्वास श्वासात, सूर्य गुरुवर्य ।

सूर्य गुरुवर्य नमे तुम्हा, हा शिष्य ।।१।।

मुखी गुरुचे नाम व्यर्थ आराम कर्म हा धर्म वाणी ही नरम ध्यास ध्यासात, सूर्य गुरुवर्य **।**

सूर्य गुरुवर्य नमे तुम्हा, हा शिष्य ।।२।। जाणे उपकार वाटे ना भार मातीशी इमान सद्गुणी खाण पेशी पेशात, सूर्य गुरुवर्य ।

सूर्य गुरुवर्य नमे तुम्हा, हा शिष्य ॥३॥

> त्याग रक्तात, त्याग भक्तात त्यागतो खंत त्यागसी जात

एकची सत्य आणि ते सौर्य रक्त रक्तात, सूर्य गुरुवर्य।

सूर्य गुरुवर्य नमे तुम्हा, हा शिष्य।।४।।





समान नागरी संहिता - स्वप्न आणि वास्तव

कल्याणी देशमुख, V-III

समान नागरी संहितेला "नागरी संहिता" किंवा युनिफॉर्म 'सिव्हिल कोड' म्हणत असले तरी सगळे 'सिव्हिल' म्हणजे 'दिवाणी' कायदे ह्यात अभिप्रेत नाहीत, तर फक्त विवाह, घटस्फोट, वारसाहक्क, आणि दत्तक विधान ह्या विषयांचा त्यात समावेश होतो. अशा विषयांचर एकसमान कायदा करण्याचा प्रयत्न निश्चितच प्रशंसनीय आहे. पण ज्या देशांत वर्षानुवर्षे एकाच पद्धतीचे कायदे तयार झाले, बाह्य आक्रमणे झाली नाहीत, सांस्कृतिक उलाढाल झाली नाही, सामाजिक सरिमसळ झालेली नाही, परकीय सत्ता आलेली नाही, अशाच देशांमध्ये हा प्रयत्न योग्य, किंबहुना आदर्श ठरतो.

आता आपल्या देशाच्या बाबतीत नेमके काय होते ते पाह्.

आपल्या देशाच्या वेगवेगळ्या भागात शेकडो ग्रामीण, आदिवासी, ह्यांच्या कित्येक जमाती आहेत, वैयक्तिक विषयांवर त्यांचे हजारो वेगवेगळे नियम, रूढी, रीतिरिवाज, प्रथा आहेत, आणि ते आहेत, कारण सांप्रत संरचनेत त्यांना ते जतन करणे शक्य आहे. समान नागरी संहिता लागू करणे दूर, नुसती तयार करायचा विचार केला तरी आपण ह्या सगळ्या समुदायांच्या परंपरागत नियमांना त्यात न्याय्य स्थान देऊ शकणार आहोत का? आणि मग, फक्त काही मोजक्या समुदायांची, केवळ ते संख्येने अधिक आणि प्रस्थापित आहेत म्हणून, फक्त त्यांचीच दखल घेणारा हा कायदा "प्रस्थापितांच्या वर्चस्वाचा" (Establishment centered hegemony) नमुना ठरणार नाही का? ही गोष्ट नैतिकदृष्टयाच नव्हे तर संवैधानिक दृष्टया ही चुकीचीच ठरेल, कारण संविधानाने स्वतःच नागालँड, मिझोराम आणि मेघालय इथल्या स्थानिक रूढींना विशेष तरतृदींद्वारे संरक्षण दिले आहे.

शिवाय संविधानाने वैयक्तिक कायदे तयार करण्याचे अधिकार केंद्राप्रमाणे राज्य शासनांनाही दिले. आणि समान नागरी संहिता मूलभूत हक्कांत समाविष्ट ना करता तिची तरतूद मार्गदर्शक तत्त्वांमध्ये केली. भारताचा भौगोलिक विस्तार आणि सांस्कृतिक विविधता पाहता संविधानकारांनी स्वप्नवत आदर्श आणि वास्तव ह्यांच्या मध्ये ओढलेली ही रेघ यथार्थ वाटते.

इंग्रजांच्या आक्रमणापूर्वीच्या, स्वातंत्र्यापूर्वीच्या, आणि स्वातंत्र्य मिळाल्यानंतरच्या काळात सुद्धा कोणत्याही राजसत्तेने वैयक्तिक कायद्यांमध्ये ढवळाढवळ केलेली किंवा एकच कायदा सरसकट लागू केलेला आढळत नाही. अर्थात ह्याचा अर्थ ह्या राज्यकर्त्यांनी परंपरागत चालत आलेल्या अनिष्ट रुढींकडे कानाडोळा केला असा नाही. परंपरेने चालत आलेल्या रूढींमध्ये काळाच्या ओघात व्हायला हवे ते बदल झालेच! काही बदल साहजिकपणे घडून आले तर काहींसाठी संहितीकृत कायद्यांची मदत घ्यावी लागली.

१६ व्या शतकात होऊन गेलेल्या सम्राट अकबराने त्याच्या विस्तीर्ण आणि वैविध्यपूर्ण साम्राज्यातल्या वेगवेगळ्या धर्म-पंथांतील सगळ्या कालसुसंगत रूढी आणि नियम एकत्र करून "दीन-ए-ईलाही" हा नवा पंथ सुरु केला होता. पण त्या पंथाचे अनुयायित्व कुणावरही लादण्यात आलेले नव्हते. ती केवळ एक पर्यायी तरतूद होती आणि संपूर्णतः स्वेच्छेने स्वीकारण्याची बाब होती.

पुढे आधुनिक काळात सुद्धा ह्या वैयक्तिक विषयांतल्या कितीतरी अनिष्ट रूढींचं उच्चाटन आपण केलं. राजा राममोहन रॉय ह्यांच्या प्रयत्नांनी सतीची प्रथा बंद झाली. ईश्वरचंद्र विद्यासागर ह्यांच्या अथक परिश्रमांनी विधवा पुनर्विवाहाची वाट खुली झाली. डॉ. बाबासाहेब आंबेडकरांनी हिंदू कोड बिल तयार करून हिंदू वैयक्तिक विषयातल्या अनेक अन्याय्य प्रथांना बाहेरचा रस्ता दाखवला. त्यानंतरही हुंडा, जादूटोणा, देवदासी प्रथा, घरगुती हिंसा, स्त्रीभ्रूणहत्या अशा प्रथांचं उच्चाटन करण्यासाठी कायदे आले. एवढंच नव्हे तर ज्यांना स्वच्छेने धर्माधिष्ठित प्रथांनुसार विवाहादि सोपस्कार करायचे नसतील, त्यांच्यासाठी 'स्पेशल मॅरेज ऍक्ट' म्हणजे 'विशेष विवाह कायदा' जन्माला आला.

समान नागरी संहिता लागू करणारे एकमेव राज्य म्हणून गोव्याचा उल्लेख केला जातो.तथापि त्याबाबतची वस्तुस्थिती जाणून घेणे उद्घोधक ठरेल. मुळात गोव्यात लागू असलेली नागरी संहिता ही पोर्तुगीजांच्या राजकीय कारिकर्दीत गोव्यावर लादली गेली होती. लोकशाही राज्यात ती निर्माण झालेली नाही. तसेच, ह्या तथाकथित समान नागरी संहितेत सुद्धा रोमन कॅथिलक समाजासाठी काही वेगळ्या/विशेष तरतुदी आहेत. आणि हे साहजिकच आहे, कारण मुळात वैयक्तिक कायदा हा विषयच समाजपरत्वे बदलणारा आहे. वैयक्तिक कायदांमधले विषय हे माणसाच्या जीवनशैलीशी निगडित आहेत. आणि वेगवेगळ्या जीवनशैलींचा स्वीकार केलेल्या माणसांवर एकाच कायदा लागू करणे, किंबहुना लादणे हे न्याय्य आहे का? गोव्याचे दुर्वैव हे, की हुकूमशाही राजवटीत त्यांच्यावर लादला गेलेला हा कायदा आजही बाकी संपूर्ण भारतातील सुधारित वैयक्तिक कायद्यांपासून त्यांना वंचित ठेवतो.

तात्पर्य: अस्तित्वात असलेल्या कायद्यातल्या त्रुटी काढून टाकणे हाच अनिष्ट प्रथांवरचा खरा उपाय आहे. एक उपरा कायदा लादणं हा नव्हे! वर्षानुवर्ष, शतकानुशतकं, भारतीय समाजाला भौगोलिक आणि पर्यायाने सांस्कृतिक विविधता लाभलेली आहे, आणि काळाच्या ओघाबरोबर हा समाज उत्क्रांत होतो आहे. आणि कुठलाही कायदा हा त्या सामाजिक उत्क्रांतीचा एक भाग आहे. कायद्याकरवी समाज बदलत नसतो, तर समाजातल्या उत्क्रांत होत जाणाऱ्या संकल्पना आणि स्थितींमुळे कायद्याचं स्वरूप बदलत असतं हे आपण लक्षात घ्यायला हवं. आपल्या समाजातील हे वैविध्य कायद्याच्या लाठीने धोपटून नाहीसे करण्याऐवजी त्याच बांबूत छिद्र निर्माण करून त्यातृन निर्माण होणाऱ्या विविध स्वरांचा स्वरमेळ परिपक्वतेने घडवणे अधिक हिताचे ठरेल.





एकविसाव्या शतकातील स्त्रीला पत्र

ज्ञानेश्वरी श्यामसुंदर सोन्नर, V-III

प्रिय आजची स्त्री, स.न.न.वि.वि.

अगदीच औपचारिक सुरवात करण्यापेक्षा मुद्दताचच बोलते.

यह नारी नहीं चिंगारी है हर क्षेत्र में भारी हैं!

अस आज तुझ्याबद्दल अगदी अभिमानाने बोलल जातय. मुलगी,पत्नी,आई,सून म्हणून तू तुझ्या जबाबदा-या समर्थपणे पार पाडत आहेस. पण यासगळ्यांच्या आधी तु आहेस 'एक स्त्री-एकविसाव्या शतकातील एक समेथ महिला'. जीच्या पंखांना बळ मिळाल आहे आत्मविश्वासाच,ध्येयाच आणि जी झेप घेत आहे तिच्या अस्तित्वाच्या आकाशात. सावित्रीबाई फुले, अहिल्याबाई होळकर, झाशीची राणि या पूर्वीच्या बोटावर मोजण्याइतक्या स्त्रीया इतिहासात होत्या. पण आज तु स्वतःच्या कर्तृत्वाच्या जोरावर हा इतिहास बदलत आहेस.

"झटकून टाक जीवा दुबळेपणा मनाचा"

ही उक्ती तु ख-या अर्थाने जगत आहेस.कितीतरी कोटी देशाची लोकसंख्या असलेल्या या देशाला ऑलाम्पिक मेडल मिळवून देणा-या दोधिही तुम्ही महिलाच.आज खेळापासून नेव्ही दलापर्यंत प्रत्येक क्षेत्रात तुझी कारकीर्द पाहायला मिळत आहे. घर, संसार, मुल सांभाळत या स्पध्येच्या युगात तु तुझ्या स्नीत्वा बरोबर स्वतःच अस्तित्व टिकवून ठेवल आहेस.पण अजूनही तु कुठेतरी मागे आहेस. प्रगतिच्या दिशेने तु पावल पुढे टाकत आहेस पण परंपरेने मात्र अजून तु शतकाने मागेच आहेस. अजुनही तु अभिमान वाटावा अस काम केल्यावर तुझे आईविडल तुला तु त्यांची मुलगी नाही मुलगा आहेस असच म्हणतात पण मला माहीती आहे तु वाट बघत आहेस अश्या दिवसाची ज्यावेळी तुझे आईविडल म्हणतील, "माझ्या मुलीने अस काम केल आहे की ज्याची तुलनाही कश्याबरोबर होवू शकत नाही."अजुनही लग्नाच्या वेळी तु 'मी माझ नाव सोडेल, मी माझ गाव सोडेल, मी माझे आईवडील सोडेल आणि सगळ्या तुझ्या गोष्टींना माझ म्हणून स्विकारेल' अशीच शपथ घेतेस.आणि अजून किती दिवस तु अशीच शपथ घेणार आहेस आज तु सांग त्याला 'माझी सगळी नाती जपत मी तुझ्या गोष्टींना, तुझ्या नात्यांना माझ म्हणून स्विकारते.'अजूनही मंदिरात जाताना तुला अडवल जात आहे तु प्रश्न विचार या समाजाला, "मी आज चंद्रावर जाऊन आले आहे आणि मला मंदिरात जाण्यापासून अडवणारे तुम्ही कोण?"

शेवटी जाता जाता एवढंच सांगते तु प्रगतीच्या दिशेने पुढे चालली आहेस तशीच विचारांनीही पुढे जा. तुझी लढाई पुरूषांच्या खांद्याला खांदा लावून उभ राहण्यासाठी नाही तर तुझी लढाई आहे या समाजात स्वतःच हक्काच स्थान निर्माण करण्याची. चल आता थांबते.तु विचार करत असशील माझ्याशी संवाद साधणारी तु कोण? मी ही तुझ्यासारखीच समाजात स्वतःच स्थान निर्माण करण्यासाठी पावल टाकणारी, ध्येयाच्या दिशेने आकाशात झेप घेवू पाहणारी एक स्त्री.चल आता रजा घेते.पुन्हा पत्र लिहीनच तोपर्यंत नमस्कार!

तुझी विश्वास्, तुझ्यासारखीच एक स्त्री



नारी हूँ मैं

दिशा शर्मा, V-IV

संसार चलाती हुँ मैं वंश बढ़ाकर, दुनिया सम्भालती हूँ पराए घर को अपनाकर, पिता के लडली प्यारी हूँ मैं, सुन लो मेरी फ़रियाद, नारी हूँ मैं।

पीड़ा उठाकर पैदा करती हूँ मैं संतान, कलयुग की दौर में करती हूँ सबको हैरान, स्वयं की ही इच्छा दबानेवाली हारी हूँ मैं, सुन लो मेरी फ़रियाद, नारी हूँ मैं।

सरस्वती भी हूँ तो कभी दुर्गा भी, गहराई मैं जाओगे तो समझोगे उतना ही, ईश्वर की अनोखी सी कलाकारी हूँ मैं सुन लो मेरी फ़रियाद, नारी हूँ मैं।

मुझमें ना तो अहंकार दिखता है, ना मुझमें ईश का गुण चालकता है, एक ग़रीब परिवार की लाचारी हूँ मैं, सुन लो मेरी फ़रियाद, नारी हूँ मैं। इंदिरा बन मैंने देश चलाया, तो बेदी बन गुनहगारों को जेल भिजवाया, पापियों की मानो तो, अत्याचारी हूँ मैं, सुन लो मेरी फ़रियाद, नारी हूँ मैं।

जो मुझको देख रहा है उनकी किताब हूँ, जो मुझे ख़रीद रहा है, उनका हिसाब हूँ, इस जीवन के दुष्कर्मों मैं भी हितकारी हूँ मैं, सुन लो मेरी फ़रियाद, नारी हूँ मैं।

रावण जिसे उठा ले गया, वह मैं थी, दामिनी की लाज उड़ा ले गया, वह मैं थी, अनेको बलात्कार व सितम की पिटारी हूँ मैं, सुन लो मेरी फ़रियाद, नारी हूँ मैं॥





مسکرانے کی بات کرتے ہو Muskurane ki baat karte ho

Muskurane ki baat karte ho
Dil lagaane ki baat karte ho,
Gham ki dhaara khol kar mujh par
Meetha kehne ki baat karte ho,
Tum ko meri khabar bhi hai kuch
Ya dil ko jalaane ki baat karte ho,
Waqt katta nahi kaate se abhi
Din guzaarne ki baat karte ho,
In ankhon mein intezaar hai baaki
Kyunki tum lot aane ki baat karte ho.

Atega Parveen , III-II

مسکرانے کی بات کرتے ہو
دل لگانے کی بات کرتے ہو
غم کی دھارا کھول کر مجھ پر
میٹھا کہنے کی بات کرتے ہو
تم کو میر می خبر بھی ہے پچھ
یادل جلانے کی بات کرتے ہو
وقت کٹ تا نہیں کائے سے ابھی
دن گزرنے کی بات کرتے ہو
ان آ تکھول میں انتظار ہے باقی
کیونکہ تم لوٹ آنے کی بات کرتے ہو

عتيقه پروين





ভাষার ক্ষমতা ও রাজনীতি

Avirup Mandal, V-II

মানুষের মৌখিক ভাষার প্রচলনের ইতিহাস আজ থেকে প্রায় ৬০,০০০ বছর পুরোনো। ভাষা মানুষকে তার দুঃখ, বেদনা, ভয়, হাসি, ইত্যাদি অনুভূতির পরিচয় দিয়ে এসেছে। মানুষের ভাবনার আদান-প্রদানের প্রধান মাধ্যম হয়ে উঠেছে এই ভাষা, কিন্তু এই একই ভাষা গোটা পৃথিবী ব্যাপী ভেদাভেদ সৃষ্টি করেছে।

এক ভাষায় কথোপকথন করা মানুষ ভিন্নভাষী মানুষদের বিরুদ্ধে বিদ্বেষ প্রকাশ করে বরাবর তাদের বিরোধিতা করে এসেছে। পরবর্তী সময়ে ভূমির পরিচয় হয় এই ভাষারই মাধ্যমে। আজ সভ্য, স্বাধীন দেশের রাজনীতির একটি বড় অংশ এই ভাষাকে ভিত্তি করেই। বাংলায় বাঙালীর, অসমে অসমীয়াদের, কেরলে মালায়ালীদের, আর উত্তর ভারতের বিস্তীর্ণ এলাকায় হিন্দি-ভাষী মানুষদের দাপট অনুভব করা যায়।

এই রাজনীতির হাত ধরেই আমরা ভুলে যাই যে ভাষা প্রধানত আমাদের মনের ভাব সম্প্রসারণের ক্ষেত্রে ব্যবহৃত হয়ে থাকে। ভাষ্য বৈষম্যের গুরুতর প্রভাবের কারণেই আমরা নিজেরাই নিজেদের একতা ছিন্ন করে থাকি, যার অন্যতম প্রধান কারণ হল ক্ষমতা এবং এই ক্ষমতার জোরে রাড় শাসন স্থাপন করে অন্যের উপর আধিপত্য জমিয়ে রাখবার প্রবল ইচ্ছা।

১৯০ বছরের ব্রিটিশ শাসনকালীন আমাদের দেশের প্রচুর ভাষা আমাদের নিজেদের অজান্তেই বিলুপ্তির পথে গমন করেছে, যার কারণেই হয়ত স্বাধীন ভারত না পেরেছে অতিব উত্তম কোনও এক জাতি হয়ে উঠতে, না পেরেছে নিজের অনন্য পরিচয় অক্ষুণ্ণ রাখতে। সদ্য ঘটে যাওয়া মুদ্রারহিতকরণ (demonetisation)-এর মাধ্যমে আরও একবার সামনে এসে পড়ে সেই চিরাচরিত সমালোচনা - নোটের উপর ইংরাজি ভাষা ব্যাবহার করে নোটের মূল্য লেখার যে মধ্যস্থতায় আমাদের Constituent Assembly পৌঁছোয়, সেই ঐতিহাসিক মুন্সী - আয়েঙার চুক্তি উলঙ্ঘন করে সমসাময়িক সরকার তার হিন্দি ভাষার আধিপত্যের ক্রমাগত অনধিকার প্রবেশ ঘটিয়ে অ-হিন্দিভাষীদের মনকে দুশ্চিন্তাও দুর্ভাবনায় আকীর্ণ করে তুলেছে।

১৯৫২ সালের ভাষা আন্দোলনের শহীদদের উদ্যোশ্যকে বিশ্লেষণ করলে আমরা এই সিদ্ধান্তে উত্তীর্ণ হব যে তারা মূলত কোনও ভাষার বিরুদ্ধে লড়াই করেনি, করেছে ভাষার পিছনে থাকা ক্ষমতার বিরুদ্ধে। পরবর্তী সময়ে ১৯৭১'এ দেশভাগের মধ্যে দিয়ে আমরা এক স্বাধীন বাংলাদেশ কে জন্ম নিতে দেখেছি। স্বাধীন উন্মুক্ত চিন্তাধারার প্রশারের সাক্ষী এই দেশেই আবার একের পর এক হত্যা হয়েছে ভাষাশিল্পী ও ব্লগার। মাতৃভাষার অধিকার স্থাপন করবার এই লড়াইকে স্বীকার করাই ছিল ভাষা আন্দোলনের প্রধান উদ্দেশ্য।

আমাদের মাতৃভাষাও কিন্তু এই আধিপত্য শাসনের রাজনীতিতে অনুপ্রবেশ করেছে। ভারতবর্ষের কয়েক হাজার ভাষার মধ্যে মাত্র ২২টি আমাদের সংবিধানে স্বীকৃত। আসলে ইংরেজি যেমন ভারতীয় ভাষাগুলোর ওপর দখল চালিয়ে গেছে, ঠিক তেমনই স্বাধীনতার মধ্যে দিয়ে হিন্দি বাকি ভাষাগুলোর উপর শাসন চালায়। এটা বলা উচিত যে এই ২২টি স্বীকৃত ভাষাও কিন্তু ভারতের আরও অনেক মানুষের মুখের বোলের উপর ক্রমাগত শাসন চালিয়ে যায়। আদিবাসীদের ভাষার উপর আমাদের বাংলা ভাষা যেমন অধিকার ফলায় ঠিক তেমনই ভারতের অন্যান্য রাজ্যে অন্যান্য ভাষাগুলি ক্রমাগত একে অপরের বিরুদ্ধে শাসন করবার চেষ্টা চালিয়ে যায়।

২১শে ফেব্রুয়ারি রাষ্ট্রপুঞ্জ দ্বারা ঘোষিত আন্তর্জাতিক মাতৃভাষা দিবসে তাই আমাদের আশা থাকবে ভাষ্য রাজনীতির আধিপত্য থেকে মুক্তি এবং পূর্ণ স্বাধীনতা।





Meine Sprachreise in Deutschland

Avani Ranade, V-II

Die Idee, einen besonderen Teil unserer College-Zeitschrift für Schriftstücke auf Fremdsprachen zu lassen finde ich echt toll! In diesem Teil würde ich gern über meine Sprachreise nach Deutschland berichten.

Im November-Dezember 2016 bin ich nach Deutschland geflogen, um einen vier-wochigen Sprachkurs am Goethe Institut in Göttingen zu machen. Das Wetter im November im Europa ist trist, kalt, und unberechenbar. Da ich aus einem tropischen Ort wie Mumbai stamme, fand ich das Wetter schwer zu leisten! Aber die Veränderungen in dem Wetter sprangen leicht ins Auge. Die Bäume, die am Beginn des Monats bunte Blätter hatten, waren allmählich blätterlos geworden. Die Singvögel hatten mit ihrem Singen aufgehören. Trotzdem habe ich die verändernde Natur, die Technologie Deutschlands, das europaische Reichtum und am wichtigsten, die deutschen Autos und Autobahnen bezaubernd gefunden.

In 5 Wochen habe ich 3 Länder und ungefähr 15 Städten, Bremen, Weimar, Berlin, Wien, Prag, München und Nürnberg unter anderem besucht. Mit den Einheimischen habe ich über Themen wie das deutsche Schulsystem, die Migrationskrise und damit verbundene Probleme wie Integration, Rassismus und Diskriminierung, das Steuersystem Deutschlands und der deutsche Alltag unterhalten.

So habe ich neue Freundschaften geschlossen, neue Erlebnisse gesammelt, Vieles über die deutsche Kultur und Sprache gelernt und mit einem schweren Herz zurück nach Indien gekommen bin.





Une Limite D'âge Pour Étudier Le Droit?

Archana Padmanabhan, V-III

Il y a un dicton, "qu'il n'y a pas d'âge fixe pour étudier". Une personne âgée peut même avoir la détermination d'étudier quelquechose de nouvelle dans son zone d'intérêt. Vraiment, il y a beaucoup de choses à faire, mais très peu de temps dans la vie.

Un moyen de stimuler la pensée et être au courant du monde, c'est étudier. Ce n'est pas possible de términer les études, même si on a 80 ans car il y a tant de choses à apprendre dans le monde. Malheureusement, beaucoup de parcours différents ne permettent pas aux gens de s'inscrire après un âge particulier.

Néanmoins, si on parle du domaine de droit, c'est une polémique. En 2008, le Bar Council de l'Inde (BCI) a introduit une régle qui a imposée une limite d'âge pour étudier le droit qui était, 20 ans pour le cours de 5 ans et 30 ans pour le cours de 3 ans.

Ensuite, il y avait beaucoup de pétitions dans les tribunaux différents de ce pays pour annuler cette régle. En 2013, le BCI a promulgé une notification, qui a finalement annulé la régle de la limite d'âge. Mais malheureusement, la controverse a rallongé.

Encore une pétition a été fait par B Ashok, un avocat, en prétendant que la notification de BCI n'a pas été faite selon la procéssus de la loi et alors, çela doit être annulé. Le résultat de tous ces débats était que le tribunal suprême d'Inde a ordonné le BCI de suivre la procédure de la loi.

D'un côté, on peut dire que les jeunes doivent avoir l'opportunité de travailler, faire le stage, etc, que les personnes agées ont déjà fait dans leurs autres carrières. Ils vont augmenter la concurrence qui est déjà en haute. De plus, s'il n'y a pas des régulations d'âge, çela pourrait être néfast pour cette profession.

D'ailleurs, le but d'apprendre le droit, c'est servir la société. Il n'y a que des côtés positifs d'augmenter le nombre de gens qui sont cultivés et intéressés par cette profession.

Donc, la question importante, c'est que, est-ce que l'annulment de la limite d'âge qui a été préscrite, sera implementé? C'est une polémique qui continue même aujourd'hui.

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Note from the Author:

This is the seventh straight year that the LexCryptic is being published by the magazine. As the name suggests, it is a cryptic crossword of words connected with or used in law. Except for LexCryptic 3, which was a Business Law edition, and LexCryptic 5, which had an International Law theme, the others have been based on general words of law. Queries and suggestions about clues and answers are welcome.

RYPTIC 7 by Prof. K. Daswani



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CLUES:

ACROSS

- 1. Team between a trick portion, there ain't no contracting without it. (13)
- 6. Pop rave shaken to endorse. (7)
- 7. Deny 'it' twice around to know who you are. (8)
- 8. Feel Di flung around to desecrate. (6)
- Authorised, controlled businesses when French is as confusing. (10)
- 11. For movement to get a rise. (9)
- 12. The Italian rope table turns around for those standard protection clauses in an agreement. (11)
- 16. Shall not, will not, discretionary for a month. (3)
- 19. To rip apart for a fee. (4)
- 20. Takes back what one may have told a priest. (8)
- 21. Rule, law, act. (11)

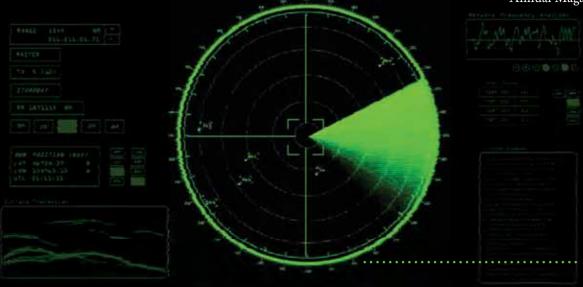
DOWN

- 1. Politeness of Nations. (6)
- This view may be of a crime. (5)
- Investigation due before an acquisition. (9)
- Poe's prison trampled to possibly subjugate a minority. (10)
- Loved returning before in out around to transfer rights. (10)
- Nothing local about these aliens. (10)
- 10. Round berry twirled for a violent takeaway. (7)
- 13. Another attempt to convict. (7)
- 14. Putting it up for trading. (7)
- 15. Net up with workers for possibly protected occupants. (7)
- 17. The first to follow a donkey will help. (6)
- 18. One can put or call it at the exchange. (6)









And Suffered the Little Victims of War: The Syrian Crisis that Eradicated Generations

by Shivani Chimnani, V-III

"War may sometimes be a necessary evil. But no matter how necessary, it is always an evil, never a good. We will not learn to live together in peace by killing each other's children."

- Jimmy Carter

War is almost a daily routine for Syria's young souls. In the preceding half-decade, the Syrian situation has been wrecked beyond repair. The world has seen a multitude of images and videos of children being covered in dust, lifeless bodies of babies being carried around, children being washed ashore the Mediterranean and that one glorious moment of hope when a baby is excavated from deep in the rubble after a massive bombing, but without any sympathy to avail.

The Syrian Status Quo

According to a UNICEF report, an estimated 3.7 million Syrian children - one in three of all Syrian children - have been born since the conflict began five years ago, their lives shaped by violence, fear and displacement. As the war continues, children are simultaneously fighting an adult war, they are continuing to drop out of school, and many are forced into labour, while girls are marrying early. In total, UNICEF estimates that some 8.4 million children - more than 80 percent of Syria's child population - are now affected by the conflict, either inside the country or as refugees in

neighbouring countries.

The inception of this problem dates back to 2011. Owing to the Arab Spring, the totalitarian regimes in several parts of the Arab region were challenged and attempts were made in different regions of the Middle East and Northern Africa to topple such a regime. The al-Assad family in Syria refused to step down. A series of protests broke out across the entire country. The Syrian civilian population was trapped amidst ceaseless violent feuds between the government, the rebel groups and religious extremists.

In 2012, the rebel groups began their assault on the city of Aleppo where children were first attacked. Children being caught in the cross-fire, children being killed by stray bullets, children being attacked by snipers and rockets, children being victims of sarin gas attacks as rebels and government forces continued to fight endlessly. The additional repercussions included children being groomed to be child soldiers, killers, suicide bombers having barrel bombs dropped on their childhood.

The conflict in Syria has continued for five years in a civil war surrounding the legitimacy of Bashar al-Assad's rule. For much of that time, attacks have taken place on humanitarian convoys, medical facilities, and other forms of critical civilian

méLAWnge Annual Magazine 2016-17



aid.

Syria today represents bloodied toddlers wailing on hospital beds and rescuers pulling a baby from rubble, unsure whether the child will survive. The violence in Syria has only multiplied, as diplomacy seems to have failed once again. Air raids are worse than the time before the ceasefire went into effect. Hospitals and schools are constantly attacked by the air raids, once again targeting children.

Children are the centre of the Syrian war. CHILDREN, are paying the price every day for this armed conflict. Their joys of childhood have been snatched away even before they were old enough to relish them. They do not dream of new toys or new clothes or not having homework for school, all that they dream of is not waking up at night to the dreadful sound of the neighbouring drone and finding themselves amidst rubble with everything desecrated and no desire to live.

The "International Peace" Debacle

The very first objective of the UN Charter reads, "To save the

succeeding generations from the scourge of war". In Syria today, this very text of the Charter is quite evidently buried beneath the roar of bombs and the whimpers of children trapped under rubble, their faces caked with blood and dust.

The international community has severely failed Syria. The United Nations Security Council being dominated by the permanent five, two of which have conducted incessant air raids on Syrian civilians without any legitimate sanction, has also failed. The extent of the American and Russian interventions reflects the countries' global ambitions. The two countries have committed large-scale violence in the name of *counter-terrorism*. Syria is the embodiment of the blatant misuse of the concept of *counter-terrorism* to serve the vested interests of the major powers of the world.

As the violence continues unabated across Syria, the cries of the helpless Syrians constantly go unheard, reflecting an increasingly gloomy situation. However, the international community seems far from understanding the scale and scope of the crisis, despite its inflammatory nature, which is causing regional spillover effects.

The Way Forward

The world has made a giant mess. The world has destroyed cities and burned them to the ground. The world has killed children. The world which needed to form a united front to the aid of Syrian refugees ended up being more divisive. Before there can be peace in Syria, there will almost certainly be more war. We cannot fix Syria, but what we can do is acknowledge that this catastrophe is alarming and there is a desperate need for the international community to overhaul the way it responds to atrocities. An equally essential step includes holding perpetrators to account - to send an unequivocal message that war crimes have consequences. We can flood social media with sympathy tweets and irate articles but unless these war crimes are brought to book, the cries of "never again" will again ring hollow. The world needs to keep its prejudices aside and begin to accept refugees. If there is one way the world can salvage itself from the horrors of Syria, it is by giving a home and hearth to those who survived. Lastly, as individuals, what we can do is fight for the rights of Syrians, voice our opinions to raise awareness about the Syrian situation, keep contributing to organisations engaged in the aid of Syria, keep writing to world leaders to change their ways and keep fighting this terror.



pstcard

This picture was taken in Bangalore on August 26, 2013. Although my four years as captain of the college football team had many memorable moments, none stands out greater than this - the first

no reward, we went on from here to win every major national tournament time we won a national trophy. After we participated in. My boys continue to make me proud even today and years of struggle, toil and sacrifice with ensure that what we started together will never end. The team remains a part of my life and the memories of those triumphs and the camaraderie through times good and bad will stay with me forever.

Arjun Savant (Class of 2015)

This photograph was taken at the launch of méLAWnge, sometime in 2007. As members of the Magazine Committee, we were involved in the finalising of méLAWnge as well as organising its annual launch. In a decision that involved much excitement, we decided to do things differently and invite Gregory David Roberts, more famously known as Shantaram, to speak at the launch. The gruelling late nights, hours of following up and editing finally paid off and this Wonderful (albeit blurry) photograph of Kanika Sharma (Class of 2011) Shantaram with some members of the Magazine Committee is a testament to just that!

rom the

Government Law College was renowned not only for its academic excellence, but also for its participation in inter-collegiate competitions and sports. We participated in the inter-collegiate drama competition – a one act play, and won it very often. The drama competition those days was considered very big event by all colleges. Our college also used to have its own drama competition, known as the Inter Language Drama Competition. It used to be in Marathi, Hindi, Gujarati and English, one play in each language. I participated in the

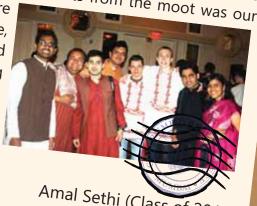
inter-collegiate and inter-language competitions. At the inter-collegiate level many of our actors won prizes for acting. Our inter-language play, the Marathi one act play - Shahane Gadhav, won the first prize.



Kishor Pradhan (Class of 1963)

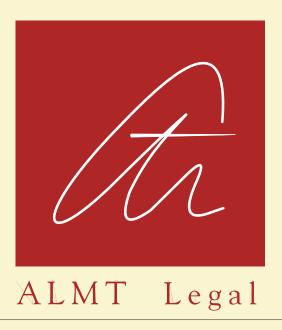
This photo was taken at the Jessup Moot Court Competition's National Dress Ball in April 2013, when GLC qualified for the World Rounds after over a decade of unsuccessful attempts. This, for me, was one of my high points at GLC. As cliché as it sounds, I picked up numerous tips on teamwork and research, and met some of the smartest people in the world. One of the most memorable moments from the moot was our ironical first round wherein we were

up against a team from Palestine, tasked with defending the "contested statehood of a country lacking universal recognition". Today, as I am working towards my Doctorate, very often I feel incredibly grateful for this amazing experience which bestowed upon me some very essential skills.



Amal Sethi (Class of 2015)

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AFTERC

After GLC is a section that documents the professional journeys of two students. Our college has produced some of the brightest minds in the legal arena, names that have shaped the laws of our land. While several students excel in the legal field, whether in litigation or corporate law, there are always some who choose to travel the road not taken. These students branch out and pursue their passion in a completely unrelated field – a courageous decision, and one that provides a great sense of fulfillment. The alumni of our institution continue to motivate students through their experiences and relentless pursuit of excellence, regardless of their chosen career path.

The 87th edition of *méLAWnge* features Shanelle Irani, a lawyer by profession, and Devangee Ganatra, an entrepreneur and jewellery designer.

Shanelle Irani pens down her journey right from the source of her inspiration to study Law, to how she landed a job at New York, the concrete jungle where dreams are made. Currently at Kelley Drye & Warren LLP as a member of their Litigation department and India practice group, she fondly reminisces about her time at her Alma Mater and how it has shaped her career.

Devangee Ganatra, through her piece, takes us back to the time when she made the most important decision in her professional life – to abandon legal practice and to pursue her dream job as a jewellery designer. As the founder of *Vivat*, the jewellery brand, she enlightens us about each aspect of starting an organisation from scratch, and how a legal education gives her an edge as a businesswoman.





E Pluribus Unum

Out of many, one.

Shanelle Irani

As a young girl, I decided that law was the career path I wanted to follow in life. The reason for this decision was simple, and in hindsight, extremely naïve: I was good at debates! Winning the Western India Round of the British Council debate and participating in the National Rounds of the same, convinced me that I was going to be the next Bobby Donnell of the legal profession (protagonist of *The Practice*; Harvey Specter, unfortunately did not exist at the time).

Going into Government Law College (GLC), I did not know much about the legal profession. However, GLC teaches one as much about life as it does about the law. GLC, being an extremely congenial environment for someone who is passionate about practising the law, gives you the opportunity - as a member of its several committees - to interact with members of the legal profession. I was extremely fortunate to be a part of the Moot Court Association (MCA) in various capacities. The MCA gave me the opportunity to interact with budding attorneys, partners of various law firms and judges, and the irreplaceable opportunity to build lasting relationships from day one, for which I shall always be grateful.

GLC also gives one the latitude to work full time while studying. Given that law is a profession best learnt on-the-job, this was a unique privilege. I was fortunate to do a Clerkship with Hon'ble Justice Mr. A. S. Oka, upon the conclusion of my second year and later, a year-long internship at Hariani & Co. - my first experience at a law

firm. I remember that the first time I left work at 7p.m., I thought I had conquered the world, blissfully oblivious to the fact that the legal profession entailed much harder work than days that ended at 7p.m.

Thereafter, I signed my Articles at Wadia Ghandy & Co., a year later than the norm, unsure of what I wanted to do. I distinctly remember thinking I was too late, that I was losing a race against my peers, little realising at the time that one competes only with oneself! Signing my articles in my final year allowed me to do two years of my Articleship post qualification. Having graduated allowed me to appear before various fora, including the Bombay High Court. The rush that one experiences, putting on that band and gown, is an unparalleled feeling (even though it turns out that the courts are nothing like the movies and that Sunny Deol's characters are extremely misleading).

I then worked with Mr. Maninder Singh, Additional Solicitor General (ASG) of India. I was extremely reluctant to make the move to New Delhi - a whole different world than what I was used to, but as I look back, this turned out to be one of the best decisions I have made in the recent past.

In Delhi, I had the opportunity to work on some landmark cases that had a wide impact on society and the law. I was fortunate enough to work on the constitutional challenge to Section 66A of the *Information Technology Act*, right from conceptualising the arguments to the final written submissions tendered. Working for the ASG introduced me





to laws that I did not know existed, allowed me the opportunity to appear before fora like the Armed Forces Tribunal and the Medical Council of India, and offered to me occasions to interact with extremely diverse groups of people - an experience of a lifetime. I also had the opportunity to assist the ASG on important amicus briefs submitted to the Supreme Court of India, including one on the validity of the proposed amendment to the *Juvenile Justice Act*, which would result in trying persons between the ages of 16 and 18 who have committed heinous crimes, as adults.

Then, with the goal of broadening my horizons, I decided to apply for my Masters. Conscious of my passion for litigation, I focused on universities with renowned dispute resolution and international arbitration programs and eventually chose Georgetown University Law Center. Georgetown Law afforded me the chance to interact with not only attorneys but also lobbyists and members of government. Attracting some of the most renowned speakers in the world, Georgetown gave me the opportunity to learn a lot more than mere black letter law, or what is written in treatises and treaties. Sitting in the same room as Vice President Joe Biden and Late Justice Scalia is a memory I shall cherish forever. Moreover, living alone and away from home taught me to value the small things in life, like how



Georgetown Law - Panel for incoming students

easy it is to get a copy made at the Xerox-walla! Georgetown also gave me the opportunity to undertake an externship with Foley Hoag LLP and work with the team representing the Republic of India before the Permanent Court of Arbitration. It is indeed a proud honour to be part of a team that represents your country (even if it is not the one being led by Virat Kohli). I currently work at Kelley Drye & Warren in New York City as a member of their Litigation and India practice groups.

The reasons why I document my professional life in this article are many, but primarily it is to encourage and exhort students to make choices that are best suited for themselves. Do not do what everyone else is doing just because it seems

glamorous or even worse, because it seems easy. Do not do a Clerkship because it is the norm, or sign your Articles only because it provides job security. Undertake counsel practice, even if it is difficult. After all, what is the worst that can happen? As they say, one needs to experience defeat in order to enjoy those victories. I am glad for this opportunity,



At the Supreme Court of the United States

because it affords the privilege of telling you the story of a profession I love. If I can convince even one reader to pursue the law and to enjoy all its grandeur – I would not have written in vain. Lastly, help your peers and most importantly your juniors, read those SOPs (Statements of Purpose), talk to those wanting to make a move to the firm you work at or the stream you work in, write those recommendation letters or affidavits of good moral character – do your bit as much as possible and more for others and it will come back to you manifold.

The journey after GLC has been full of ups and downs, heartbreaks and jubilation, but more than anything, one of learning! In the past four years, having lived in four cities and worked with some of the brightest minds in the legal profession worldwide, I can safely say that I have received help and guidance at every stage from a member of the oldest law school in Asia, which I have the great privilege of calling my Alma Mater. In conclusion, I do wish to say to the students reading this today – do not hesitate to push boundaries, to take risks and make mistakes, to move cities and even countries. Go forth and evolve as individuals and as lawyers, and take advantage of the large ready-made and everwelcoming network you have, of the alumni of GLC.

Ne Vile Fano.





From Drafting to Designing

Devangee Ganatra

I graduated from Government Law College, Mumbai (GLC) in the year 2008. I went on to pursue my L.L.M. in International Business Laws at the National University of Singapore (NUS). Writing this article makes me realise how time has flown!

Whilst at GLC, I interned with Aditya Birla's Corporate Legal Cell for a brief period. After returning from Singapore, I joined the litigation team at Trilegal and then at Clasis Law. I learnt my first lesson in legal practice when I was asked to join the litigation department at Trilegal – never say no to a new opportunity. I decided to give litigation a shot and was amazed at how much I enjoyed it. The work was high quality and I really liked the team I was working with. The practical experience that litigation offers is unparalleled and goes a long way in understanding the Indian judicial system.

However, through the long hours I spent in the office, I was acutely aware of a sense of unfulfillment. The lack of control I had over my own time was one of the factors which tilted the scales. I began to search for different work opportunities. The turning point in my life took place in mid 2012. I was travelling with a friend (who is now my business partner) for a wedding, and we took some time off to explore the city. I was surrounded by my passion – precious stones and jewellery. During that trip, I was on call 24/7 for work. I realised that such a lifestyle was not for me. I realised that life was too short. What followed was a multitude of discussions about alternative career paths. I had always enjoyed drama and photography but could not imagine either of them as a

career. I knew I wanted to do something that I felt passionate about. That passion came from jewellery.

Within a month, we had thought of potential names and finally set up a company called *Vivat*. My business partner and I spent the next couple of months traveling the length and breadth of the country, learning and researching the jewellery industry, e-commerce, jewellery designers, the jewellery markets, different techniques and the strength of each region with regard to the art of jewellery-making. I have always loved jewellery and our baby, *Vivat*, filled the gap in the market, for affordable, high-quality jewellery that catered to women with disposable income but no time outside of work to spend it. A major portion of our recent orders are from men making use of the fact that we are very accessible and hands-on with gifting suggestions and gift-wrapping services for their better halves!

I resigned from my job at a law firm in August 2012. I thought about working at a smaller firm but realised that if I was going to continue in the legal field, I wanted to do it at the best place, and so I quit. What has also struck me over the years is that some people are "law firm" people. It takes a certain kind of determination, ambition, sacrifice and ruthlessness to survive and make it big in reputed law firms. We all have these qualities, but if a certain profession is not your passion, you will not put in the kind of time and work that is needed to get to the top. And so I quit the legal minefield!

Work at a law firm was chaotic, yet structured. It was a





daunting transition from working within a rigid framework, to creating my own timetable. As our plans for *Vivat* took off, we travelled and worked with artisans at the grassroot level with the aim of giving their skills and traditional Indian designs, a more contemporary look. Today I can confidently say that I love running the business and being my own boss. Every day is a challenge, and although it can get frustrating



Brand logo of Vivat at times, one must learn to plough through.

It is most rewarding when people purchase our designs. My hours are long but it is a completely different way of working. Through the process of incorporating *Vivat* as an LLP, I realised just how useful it is to have a basic understanding of law. My legal training has given me an edge, and I now draft all of *Vivat's* agreements and MoUs (Memorandums of Understanding).

Setting up one's own business is not rocket science. You just need an idea and determination to see it through, which is only possible when you are a hundred percent invested in your vision. Unfortunately, there is no instruction manual for running a successful jewellery business, so I take each day as it comes. I learn by networking and I learn from my mistakes. Of course I encountered people who questioned whether Vivat would work. Previously, meetings were tenhour sessions in an air-conditioned room with tea or coffee. Now, my life revolves around attending events, working with talented people and creating unique designs. Our artisans are brilliant, and it is humbling to see the work they produce. Of course, I miss the camaraderie and support of having colleagues working towards the same goal. I miss the steady income which a job at a law firm provided. When asked if I miss working in a firm, I am always reminded that I chose my own path, and no matter how challenging, it is the right choice for me.

My advice for anyone planning a transition from one line of work to another is simple - plan well and be aware that these things always take longer than expected. Know that the road ahead is far from easy and there may be more misses than hits in the beginning. However, if you are passionate, it will give you the strength to keep moving forward. Never skip your research and have a good support network that you can

bounce ideas off of. Be responsible for every aspect of your business. The best way to learn is to own up to your mistakes and hire the right kind of people to work with. Nothing builds brand value more than a shared vision. I worry about quality and branding everyday because (let us face it) branding a business in a good economy is challenging, and branding a business in a bad economy is worse! Stick to your own standards. Pay heed to advice from others, but the ultimate decision should be your own.

The field of law provided a strong background to basic legalities which are an important part of any business. My training in the Litigation department and the corporate field has helped me ensure that while I take risks as a business owner, they are calculated risks. I would not trade my years at GLC and NUS for anything in the world – my college days have shaped and moulded me into the person I am today and for that I am grateful.

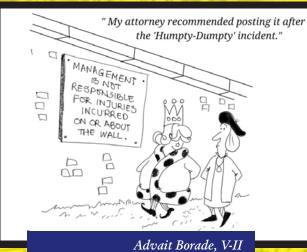


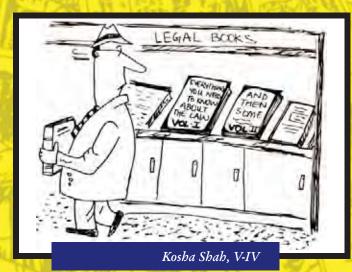
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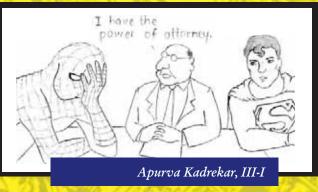
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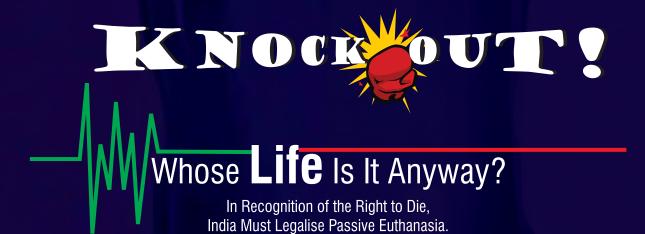
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PROPOSITION

Advocate Ms. Ayushi Anandpara & Mr. Akshay Aurora

MODERATOR

Senior Counsel Mr. Iqbal Chagla

OPPOSITION

Advocate Mr. Malhar Zatakia & Ms. Oindree Bandyopadhyay

FORMAT

Make Your Point:

Each panelist is given 7 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

Vote of the House:

The moderator expresses his/her own views on the topic and puts it to the vote of the House

Knock-Out!, the flagship event of the Magazine Committee, is an annual debate in which two teams consisting of two speakers each, participate in an engaging discussion and convincingly put forth their views to win the vote of the House. Each team consists of a current student and an ex-student of GLC who is a practising advocate. The winner of the verbal battle is ultimately decided by the audience with the help of the moderator of the debate, who in this year's debate was Senior Counsel, Mr. Iqbal Chagla. He was instrumental in making Knock-Out! a stimulating debate and an overwhelming success.

The topic for this year's edition of the debate was "Whose Life is it Anyway? In Recognition to the Right to Die, India Must Legalise Passive Euthanasia". Battling it out this year for the Proposition were ex-student, Advocate Ms. Ayushi Anandpara and final year student, Mr. Akshay Aurora while ex-student, Advocate Mr. Malhar Zatakia and final year student, Ms. Oindree Bandyopadhyay fought on the side of the Opposition.

The much talked about question of whether or not to legalise euthanasia has been a serious issue plaguing the nations of the world, time and again. The Union Health Ministry's move to release a Draft Bill on passive euthanasia stirred up a debate regarding the ethics, morality, and feasibility of enacting such a law in India. Supporting the Bill, the Proposition argued that the right to life also encompassed within it, the right to die. They opined that where there was no course of recovery, passive euthanasia must be legalised. The Opposition countered the argument with their views on the subjectivity of dignity, the concept of a Living Will, and the imminent abuse of such legislation.

The controversial topic has time and again been brought up and argued, owing to the diverse opinions on the subject. Lucid arguments were advanced from both sides, and the nuances brought out through the thought-provoking questions from members of the audience. The legalisation of passive euthanasia is a complex legal debate in which there are deep moral issues to be tackled. As rightly enunciated by the learned moderator, Mr. Chagla, the sanctity of human life is fundamental but not absolute, and that it may take second place to human dignity.





Ayushi Anandpara (Ayushi): Take a situation where a person is being kept alive by being made to breathe through a ventilator. He is being fed through a Ryles tube. He is not able to talk, he is not able to express himself - he is not able to do anything other than just lay there. In such a situation, should there not be a right that should be given to him to refuse treatment and to go ahead and refuse any artificial treatment that is keeping him alive beyond the natural course of his life? That is the topic before us today, "Whose life is it anyway? In recognition of the right to die, India must legalise passive euthanasia". Euthanasia is coined from the Greek words, "Eu" and "Thanatos" which literally mean "Good Death". Earlier the word used to be associated with and was analogous with "mercy killing", but through the years it has evolved. Now there exists a real and definite difference between active euthanasia and



The question before us today is ... whether it is in the best interests of the patient to prolong his/her life beyond its natural course by artificial means of life support. In such a situation, should there not be a right to die a natural death?

Ayushi Anandpara

passive euthanasia. Active euthanasia, in its sense, means injecting someone with a lethal injection, and doing something positively towards their death. Passive euthanasia solely entails withholding the medical treatment for the continuance of life. For example, if a person is on a heart-lung machine, to discontinue such a machine would amount to active euthanasia. The topic before us today is restricted only to passive euthanasia. A distinction is now made even in passive euthanasia: voluntary and non-voluntary euthanasia. Voluntary euthanasia is a situation where the patient himself is in a position to give consent to the refusal of further treatment, whereas nonvoluntary euthanasia is when a person who is in a state of coma, or is brain dead, or being in a permanently vegetative state, is not in a position to be able to give his consent, but is already in a state where nothing further can be done to him towards continuance of his life, so to say.

In terms of the topic before us, passive euthanasia and the concept of passive euthanasia, is used only when the patient is terminally ill. The key word to be noted is that they have to be "terminally ill" for the concept of passive euthanasia to come in. When in terms of the medical treatment currently available, there are no further steps that can be taken for recovery from a stage that they have already reached, that is where the concept of passive euthanasia comes in; that the pain and suffering that a person goes through must come to an end. In terms of the ethics that a medical practitioner must keep in mind, the concept on the basis of which passive euthanasia has evolved, is the concept of beneficence and that the best interests of

the patient must be kept in mind. Therefore, the question before us today is not that whether it is of the best interest of the patient to die, but whether it is in the best interests of the patient to prolong his/her life beyond its natural course by artificial means of life support. In such a situation, should there not be a right to die a natural death? This is the proposition that we are in favour of. This proposition has been substantially considered by the

Supreme Court of India in the landmark judgment in the case of Aruna Ramchandra Shanbaug v. Union of India. In this case, the Supreme Court was dealing with a case of a woman who was lying in a permanent vegetative state for 42 years! She was being tended to and taken care of by the staff of KEM Hospital themselves. In the landmark judgment given by Lord Justice Markandey Katju, legal sanction was given to the concept of passive euthanasia and it was stated that the legalisation and a legislation for passive euthanasia is the need of the hour, and until such legislation comes into place, there is a need for guidelines to be set down so that the concept of passive euthanasia can be put into action. That is when, in furtherance to the judgment of Aruna Shanbaug, the Law Commission of India published its report i.e., the 241st Report of the Law Commission of India, and drafted a Draft Bill,





called the Medical Treatment of Terminally III Patients (The Protection of Patients and Medical Practitioners) Bill, 2016. To that respect, considering that there is a Bill already in the offing, the concept of passive euthanasia has already been legalised and has already been given sanction to, to that extent.

The Bill itself makes a clear distinction between a competent patient and an incompetent patient and recognises the rights of both sorts of patients to avail of the remedy of passive euthanasia. Not only that, in the case of incompetent patient, to make sure that such rights are not misused, in the background of it being an Indian society and all of such arguments that the Opposition is going to put up, the various safeguards that are provided are that once it is found that the health of the patient has reached a stage at which, even

Suicide comes as an effect where it is to put an unnatural end to a life, while what we are talking about by way of legalising passive euthanasia, is a situation where a terminally ill patient is being kept alive by artificial treatment and we are merely saying withhold or remove that artificial treatment and let them naturally die.

Ayushi Anandpara

any further medical treatment is not going to be able to recover the patient from the state that they are in, a panel of medical experts is to be set up. Such a panel is to consist of doctors from all the fields, be it a general physician, a surgeon and all such specialties, so as to properly analyse the situation of the patient and make an informed decision that such patient is in a condition where there is no further thing to be done for their recovery. It is only in such a situation, that a report to that extent will be submitted to the hospital in which the patient is admitted and a further course can be taken. In respect of a competent patient, where the patient is conscious and is in a position to make a decision being terminally ill, he himself has the power to refuse further treatment, if he feels that it is only an artificial means of prolonging his life that can come to its natural end. In respect of an incompetent patient, a right has been given to a surrogate, in the sense of a loved one, a relative or even the medical practitioner himself in the absence of any other loved ones, like in

the case of Aruna Shanbaug. To provide a further safeguard, a petition to that respect, in the form of a declaratory relief is to be filed before the appropriate High Court. The High Court itself will analyse all of the situations before it, will make an informed study of the case at hand and then take a decision as to whether euthanasia should be allowed or not. The concept of bringing in the High Court is in recognition of a legal maxim called parens patriae, which means that the High Court is recognized as the father of the state, as the ultimate father, and that in such a situation the High Court is the only one who can give a relief in the best interests of the patient. In such a situation the medical practitioner has been given exemption from being liable for any criminal action, in case of the exercise of passive euthanasia. The principle as has been held up is

that the sanctity of human life yields to the best interests of the patient. The only thing that is to be kept in mind in situations where the patient has reached a stage, when it is only the artificial treatment that is keeping the patient alive, is the best interest of the patient and thereafter euthanasia is to

be allowed. According to me, and my view is, that considering that the Draft Bill has already been drafted and has now been tabled before the Rajya Sabha too, a discussion on this in the legislature itself is inevitable and is going to happen at some point. The wheels are already rolling. Everyone is in favour of legalising passive euthanasia and is in agreement that the suffering of a person must be ended. When there is no further course of recovery, passive euthanasia must be legalised. Thank you.

Oindree Bandyopadhyay (Oindree): A plethora of groundbreaking explorations, twelve honorary degrees, multiple prestigious posts of fellowship and certain accolades are just some things that you associate with this man. There is just one other detail, which forms an intrinsic part of his life, that is 53 years of suffering. I am talking about none other than the English theoretical physicist and cosmologist, Stephen Hawking who has a slow progressive form of motor





neuron disease that has paralysed him for the better part of decades, in spite of which he continues to be a source of inspiration for one and all. How can we call his life undignified? Do we have the right to make that call anyway? Good morning, respected Chairperson, Mr. Iqbal Chagla, my worthy opponents and everyone else present here. The motion before the house reads as - "In recognition of the right to die, India must legalise passive euthanasia". The Proposition has elucidated on the following - difference between active and passive euthanasia, the types of euthanasia and the Bill. However, to put it in very simple words, euthanasia is the intentional killing of a person whose life is considered to be no longer worth living. It can be voluntary i.e. when a person is asking to be euthanised, and it can be non-voluntary i.e. when a person is incapable of asking. Something which the Proposition has not pointed out, is that it can be involuntary i.e. when a person is capable, but is not asked. Now moving on to the right to life, right to live with dignity and right to die - certain phrases that were thrown at you by the Proposition. I believe that the Proposition is trying to set some kind of yardstick for dignity, but how can we possibly set a threshold for something that is as subjective as dignity? The push to terminate one's life comes from a perception that the person's current state of being is not what others believe a life should be like. Therefore, just because a person is not living the life considered desirable, is he not worth fighting for? Medical practitioners should ensure that constant effort should be made to ensure that a patient has dignity while living and it should not be suggested that dignity can only be achieved through death. Furthermore, the right to die is not included under Article 21 of the Constitution, which

talks about the right to life. I quote, "Article 21 is a provision guaranteeing protection of life and personal liberty and by no stretch of imagination can extinction of life be read to be included in the protection of life". This was held in the very famous case of Gian Kaur v. State of Punjab.

Now moving on to the "inherent

right" that the Proposition was talking about. Now my question to you is, can that right be separated from the abuse of that right? And that is something that all of us present here should think about today. For one moment, even if we assume that the inherent right to die is given to a terminally ill patient as phrased by the Proposition, can we make it independent from the abuse of that right? To give a few examples, if this is legalised, elderly people who suffer and who have been terminally suffering will consider themselves to be a burden on their family and to relieve their families of the burden will just exercise their right to die. Greedy relatives and next best friends, where inheritances are involved, will just take advantage of the situation and exercise the right on behalf of an incompetent patient. Also, under the garb of passive euthanasia, assisted suicide, which is an offence under the Indian Penal Code, can also take place.

Now moving on to the medical issues in relation, which is a technical aspect of this debate. There are various deliberations regarding euthanasia which revolve mainly around the following: first, relief to chronic pain, second, relief to chronic suffering and third, administering to irreversible damage. Now moving on to something as simple as chronic pain. Firstly, chronic pain cannot be quantified. There are people who suffer from chronic pain since birth. Therefore, what are the criteria to determine that after a certain point, a person who is terminally suffering from chronic pain does not deserve to live anymore? This is a very pressing issue and even medical practitioners have not been able to come up with a full-fledged solution for this.

The push to terminate one's life comes from a perception that the person's current state of being is not what others believe a life should be like. Therefore, just because a person is not living the life considered desirable, is he not worth fighting for?

Oindree Bandyopadhyay







Now the Proposition brought up that only if a patient is terminally ill, could that patient be euthanised. Now let me read out the definition of "terminally ill" to you. "Terminally ill" reads and I quote, "The status of a person expected to die within 6 months from a

specific condition." Now I am sure all of you are aware of the situation which a famous formula driver was in. Anyone knows? Michael Schumacher, right! So, he was terminally ill for six months and then he was revived. So, this definition of

terminally ill is also a grey area that is being explored and a lot of discoveries are still taking place. Also, what was considered an illness decades ago is probably not considered to be a terminal illness right now. So therefore, if we have a blanket legislation, this will not only be a deterrent to further medical discovery and advancement of medical science this will also undermine medical science in a particular way. Also, the Proposition spoke about the phrase "permanent vegetative state". Now the World Medical Association's statement on persistent vegetative state reads as, "some persons less than 35 years old with coma after head trauma as well as an occasional patient with coma may recover very slowly. That is what appears to be a PVS or permanent vegetative state. At one to three months after an event causing coma may evolve into a lesser degree of impairment, by six months." Therefore, what might appear to be a terminally ill patient or a patient in a permanent vegetative state now, might just not be the same case in a few months down the line.

Also, there have been major groundbreaking discoveries in the field of medical sciences in India. To name a few there have been discoveries relating to cyber knife radio surgery, deep-brain stimulation, Parkinson's surgery and we have revived patients. So therefore, will it be right to take into account the current situation and judge terminally ill patients on the basis of the current medical sciences and the current thresholds that we have? This brings me to a very important pledge, which I am sure all of you are aware of, "I will give no deadly medicine to anyone if asked nor suggest such counsel." This is the famous Hippocratic Oath which is taken by doctors and what the Proposition is suggesting today goes against the very

nature of this oath. Therefore, in conclusion we should all remember that a standard is set not when we are merciless to some but when we are merciful to all. Let us look to set that standard. Thank you very much.

I quote, "Article 21 is a provision guaranteeing protection of life and personal liberty and by no stretch of imagination can extinction of life be read to be included in the protection of life". This was held in the very famous case of 'Gian Kaur v. State of Punjab'.

Oindree Bandyopadhyay

Akshay Aurora (Akshay): Good morning to one and all present here. I must commend the Opposition for bringing before you an extremely convenience based and unilateral view of what euthanasia is and an utterly misguided view of the passive euthanasia that we seek to legalise in this country. Firstly, the opposition very vehemently quoted the Gian Kaur judgment and stated that Article 21 does not include within itself the right to die. If I may quote from paragraphs 24 and 25 of the same judgment, they go on to discuss patients who are dying, who are terminally ill, and patients who are in a permanently vegetative state. Such situations, the Lord said, would not be included within the mere right to die but would be included within the right to die with dignity. And that is what we are arguing for today, is that if we have a right to life with dignity, we must also have a right to die with dignity and the same cannot be separated. In the limited scope of passive euthanasia, it is a fictional argument that the right to die and the right to die with dignity are separate and this was very well recognised and therefore the Opposition's reliance on Gian Kaur is completely misplaced. What Gian Kaur prohibited was the unnatural extinction in the form of suicide. They did in fact, and because of the need at the hour, go on to make an observation, that in cases of passive euthanasia, in cases of a terminally ill PVS or dying person, this same standard of right to die would not be applicable. We therefore cannot state that Article 21 prohibits passive euthanasia.

The Opposition has brought out the concept of how passive euthanasia is killing - how they might possibly





argue that it constitutes murder. These arguments do not stand in the present case by sole reason of the fact that the Bill is drafted in such a sense that it only applies to those who are terminally ill. An extremely misplaced and wrong definition was cited to you by the Opposition. If one reads the Bill, the definition of a person suffering from a terminal illness is "a person in extreme pain and suffering, who will inevitably die, which will inevitably cause the untimely death of the patient, or who has been in a persistent and irreversible vegetative state." Please take note of the word "irreversible". This brings me to another argument that they brought up. That there may be medical advancements in the future and there may possibly be a time when we are able to cure this issue. One, by reason of the fact that we are only covering those who are irreversibly in PVS or coma, such an argument does not stand. In any event, the Opposition is in favour of leaving a person hanging indefinitely until such time that a medical treatment is found, until it is researched, until it is tested, until it is rolled out to patients. They are willing to keep this person in vegetative existence, which is exactly an anathema of Article 21. It is a very famous quote and I am sure that every law student here is aware, that the right to life includes more than mere animal existence and keeping a person in chronic pain and suffering, merely denying him the right because the State believes it has the right to monopolise life and death, is an incorrect proposition. The principle of passive euthanasia stems from a culmination of rights already recognised under Article 21 such as the right to selfdetermination, the right to autonomy, the right to ones choice and the right to live a life of dignity. In view, thereof does it actually make any sense to deny a

Euthanasia is a concept that applies to humanity as a whole that deals with the autonomy, self-determination, dignity and respect of the sanctity of life. It is irrelevant whether it is in India, whether it is in the United States, whether it is in Samoa or whether it is in any other country in Africa.

Akshay Aurora

person a right, which he believes to be true, which he believes is in his best interests and through a number of safeguards and procedural checks as have been enumerated by my partner here? There cannot be in any way an argument in the sense that the right to life must ensure that a person ultimately results in an animalistic state, ultimately results in becoming a vegetable, and that was the kind of life that was envisaged in Article 21 for the citizens of India.

This brings me to another argument that the Opposition raised - the argument on abuse: an extremely common and redundant argument in the case of passive euthanasia. Let us take for example, that the Opposition wants to prohibit the right to die with dignity, because they believe, and on the conjecture that it may be abused. Firstly, the amount of safeguards placed under the Bill ensure just the opposite of that. There are a number of checks - the fact that the High Court and not any other lower court has been taken into consideration, and such decision being taken on the basis of a panel of doctors, all from varying fields, ensures that these doctors will ensure that this is the right decision taken for this person. The State and the High Court have no interest in the killing of people. The High Court, as stated by my learned friend, ensures that it is the parens patriae, it is the father of the state. Let us take for example, the right to driving. Everyone drives. Nonetheless, the right is repeatedly abused - drunk driving, driving without a license, and flagrant violation of the rules. Now this right is constantly abused on a daily basis, often resulting in the deaths of perfectly healthy people. Nonetheless, not one person sitting here will raise a call for prohibiting the right to drive. In this

sense, stretching that analogy a little, why must we then prohibit the right to die with dignity, on the mere conjecture that it will be abused when there are innocuous rights that are constantly being abused on a daily basis? It therefore seems a fallacious argument to make the clear assumption that the right will be abused.







What is such a natural life, when hooked onto ventilators, when feeding through ryles tubes? In the case of Aruna Shanbaug who could not even move - if she moved the slightest amount she would get fractured. That is not a dignified life.

Akshay Aurora

Another argument that the Opposition will raise is that euthanasia is not suited for the Indian society. Now this argument again seems extremely redundant in view of the fact that euthanasia is a concept that deals with human beings. Euthanasia is a concept that applies to humanity as a whole that deals with the autonomy, self-determination, dignity and respect of the sanctity of life. It is irrelevant whether it is in India, whether it is in the United States, whether it is in Samoa or whether it is in any other country in Africa. In view thereof, it would be ridiculous to argue that in a country such as India where persons are, in the end, human, where our humans are suffering such chronic pain, suffering and going through such terrible distress, that they must be prohibited from seeking the benevolence of passive euthanasia merely because they believe it will be abused, merely because they have wrongly read the law as stated in Gian Kaur and merely because they believe that Article 21 is such a blanket right to life that the life must be of any kind, but it must be the right to life. Thank you.

Malhar Zatakia (Malhar): Good morning everyone. To begin with, why is it that we are debating this topic here? While my worthy opponents have thrown the Bill at you, let us just take a step back. Let us take a slightly more holistic view of this topic. We live in a world with over 180 countries. Of those 180 countries, there are only 9 countries today that have legalised euthanasia. Of those, 8 of them have only legalised passive euthanasia. Let us focus not on the 170 odd countries which, my friends, include the United States of America and India as of today, that have not legalised passive euthanasia, but let us focus on the 8 that have to counter what is this abuse that my worthy opponents talk of that they expected and predicted that we would bring about. Two countries that have been known for generations to be the most forward

thinking: Belgium and the Netherlands. The Netherlands was one of the first countries to legalise passive euthanasia. In fact, in Belgium on an average, 5 people per day are killed by passive euthanasia. Just to throw that into context, that would

mean about 500 people a day in India, taking a ratio of the populations. Five hundred people a day is about 17,000 odd people a year, being killed by passive euthanasia. We talk of safeguards that the Bill may introduce, but does anyone in this House readily believe that a Bill of this nature or in fact any legislation in India will be effective in safeguarding and regulating something as important as the right to life?

Ladies and gentlemen, before we move on to the Bill, and before I am allowed an opportunity to point out the inherent flaws in the way the Bill that has been drafted, let us understand something called the Slippery Slope Theory. This theory comes from Belgium and Netherlands. First, both these countries exercised their right to euthanasia in a very restricted form, something akin to the Aruna Shanbaug case. Today, fast-forward 15 years, passive euthanasia and in fact euthanasia is being permitted for mental disabilities including depression. We live in a country where forgive me, but our healthcare is far from developed. We live in a nation where, barring a few metropolitan cities, basic medical care cannot be granted to the majority of the population. Therefore, it would be extremely incorrect for my worthy opponents to emphatically state that there are safeguards in place that will protect people who are terminally ill. Furthermore, just to give the audience, an idea as to what the definition of terminally ill is - I am aware that my learned friends as well as my worthy opponents have touched upon this - I want to include something that has been missed out in the Bill itself. The Bill states that cardiovascular resuscitation will also be akin to this, to treatment of this form. This is something so basic, that I am sure everyone in this room knows at least someone who has suffered either a heart attack or heart disease and has been resuscitated because of medical developments. Fifty years ago we





had people passing away with heart attacks and hundred years ago we had people passing away due to small pox - both diseases were thought never to be cured. Today small pox does not exist and heart attacks, if minor, can be easily cured and people can go on to live a normal life. Coming to the context of India, and the Bill that is being proposed to be implemented; at the outset, the Bill has one major inherent flaw. This is something that every law student and every citizen of India is well aware of - the overburdened judiciary. We are placing in the hands of the judiciary, another burden, another right and another power to take someone's life. I agree that the Bill has in fact said that the judge will not make his own decision - it will be dependent on medical practitioners who will apply their mind. I agree with that. But who is going to watch these medical practitioners? Is there anyone who can state that in the smaller towns, in the more remote parts of India, these medical practitioners, the medical councils will conduct themselves in an honourable and respectful manner? We are all aware of the abuse of our system as of today. It would be highly incorrect and unconstitutional to grant the right to take away someone's life to medical practitioners, or even judges for that matter.



Today, when we decide whether or not euthanasia is permissible, remember this is not an ethical debate on whether euthanasia should be allowed or not allowed. The question is whether it should be legalized in the context of India.

Malhar Zatakia

Moving forward to a quote by Els Borst, who was the Minister of Health in Belgium from 1994 to 2002. This happens to be the period within which passive euthanasia was actually legalised. She admitted, herself, that this was one of the biggest mistakes. She herself admits that what they were trying to do was in fact reduce the burden on hospitals which has not happened pursuant to this. Then what is it that we

want to achieve by legalising passive euthanasia? While my worthy friend stated, that it is the right of a person to die with dignity. They state that if a person is in a permanent vegetative state they should not be put through more pain and suffering. What they fail to mention to you is that the Bill itself has a specific clause that says that any advanced Living Wills will be void which basically translates to: if today, me in a sound and lucid mind, I inform my near best friend, that in the event that I have an accident and I am in coma, I would like to be killed, this will not be considered, including the converse of the same. This means that, if I tell my friend that no matter what, please ensure that you will fight for my life, this too will not be considered.

Moving forward, really quickly, to the implementation of this Bill in India. What is the foundation of this Bill? While we talk of pain and suffering, pain and suffering cannot overtake the will of a patient. The will of the patient has to be sacrosanct to everything else in this scenario. If you do not take into account the will of the patient, your Bill fails to achieve what my worthy opponents claim it does. Moving forward to once again a more holistic view, the United Nations itself, which is today one of the foremost bodies in advancements, has stated that they

too are against passive euthanasia; not only because of its unethicalness and because of the fact that it cannot be regulated but because implementation of passive euthanasia in the nine countries that I have mentioned has been so slippery that it has been an abused right. If I may just wrap up by letting you all know of a short story of what goes on in Belgium. In Belgium, you can walk into a store and purchase something called a euthanasia kit. The

euthanasia kit is only for babies. Only for babies who and I quote "may be permanently blind or terminally ill". This is the scenario in a developed, modern and educated nation like Belgium. Are we in India going to permit people to kill people, to kill babies and mind you, there is no one in this room who can read the Bill and say that babies will not fall under the definition of a patient, because terminal illness ranges from babies to





the oldest people. In India, we have a huge issue with something as basic as women's rights and girl children all over are being killed. Let us not give another weapon in the hands of those backward thinking, orthodox people against whom Raja Ram Mohan Roy fought over 150 years ago. Let us not take away

There will always be cases where medical conditions have been reversed, diagnoses have been incorrect, prognoses have been incorrect, and it is for those shadows of doubt, it is for those rare cases, that today the Opposition states that euthanasia should not be legalized in India because we are simply not ready for it.

Malhar Zatakia

something as basic as the right to life from someone who may want to live just because we believe that they may be suffering. The key phrases in all of this are "may be suffering", "may die within six months" and "may not survive". Thank you.

Mr. Chagla: I have to begin by saying that this has been a most stimulating and informative discussion. I must confess I have been educated greatly today, particularly, the case in Belgium, where you can buy this kit to kill little babies. Now I do not think the proponents of the resolution are really in favour of killing babies.

I think, really, the whole point between the two disputants here is that one is really speaking of the right to life and the other is speaking of the right to die with dignity and I think that is really what the entire issue is all about. With respect to Stephen Hawking, well, I do not think he is terminally ill. What he is really suffering from is something that normally kills you in two years and he has gone on to live for three decades. However, he is a competent person and he

does not want to die. He wants very much to live even despite his physical impairment. The other is Michael Schumacher. I do not think anybody suggested that he should be killed or should be put out of his misery. He was really incompetent. But that is beside the point. Now, what I want to

ask my friends here is that do you approve of the Bill and do you think that the Bill really meets with everything that you believe ought to be? The legislation is necessary, yes, but is the Bill everything? For instance, look at Clause 3 of the Bill. It says that the patient's will is binding, but also that the doctor must consult the members of the family in making the decision. Now where is the question of consulting anybody if this is going to be binding? I think that is something that ought to be addressed by the legislature because otherwise it makes no sense at all. That is a dilemma for the doctor. Equally, I think the main thrust of the argument here has been, the possibility of abuse, which is a very real concern. The question is whether the legislation can really meet with those difficulties or with those apprehensions. For one, a





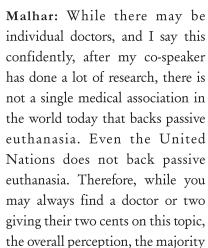


competent person wanting to withdraw all treatment is fine; there is no question about it, there cannot be an abuse of that; the other is the incompetent person, where it is a panel of doctors, experts, and ultimately the High Court, which really will give us the sanction. Of course, my friend here says that the courts are already overloaded with work, why put something more at their door, which is a very real concern so far as the areas of litigation are concerned, but certainly not from the point of view of the person who really has a right to die with dignity. Lord Goff said that the sanctity of human life is fundamental but not absolute, and it may take second place to human dignity. I think this is what all of you will be

considering in the rival addresses made by the two sides. The other thing that all of you did not address is a Living Will. According to you, ought there to be a Living Will, and if yes, then what is its sanctity? And thirdly, should it be permitted by the legislature? Another question to consider is whether this is desirable, and I believe it is desirable because it really takes care of a situation where one becomes incompetent later. While one is still competent, one can take an

informed decision and say, "When I do become incompetent, please put me out of my misery". On the other side, are there not sufficient safe guards in the Bill to address the question of abuse? I think, two things really arise, is it at all desirable or not? Given the worst of situations, the Aruna Shanbaug case being the classic case, as for instance a case where the patient dying of cancer. In such a case, should the patient not have the right to tell the doctors to end his life? You know the classic quotation from the 18th-19th century poet, Arthur Hugh Clough, "Thou shalt not kill, but thou needs not keep strive officiously to keep alive". That, I think, really sums up what euthanasia is all about, that the commandment is that you will not kill (active euthanasia), but you shall not strive to keep officiously alive (passive euthanasia). Are there not sufficient safeguards in the Bill, and if not, what would you suggest as being the possible safeguards? So, I think that these are some of the questions.

Preeti Sahai (Audience): My question is to the Opposition. Recently there have been certain books that have gained a lot of publicity, especially one called *Being Mortal* by Dr. Atul Gawande, who is a very celebrated physician. In his book, he touches upon the issues of human fragility and mortality, and how while modern medical intervention might have improved the time span of humans, it really has not contributed much to improve the quality of life. If there are voices amongst the medical fraternity who argue in favour of euthanasia, why is there so much resistance amongst us for the same?



view, which is what matters in such a scenario, is that passive euthanasia should not be legalised.

Oindree: Just adding on to what my co-speaker said, last week I was watching an interview by this medical practitioner who happens to be a professor at a coveted university in Calcutta. He said that we have observed cases where a terminally ill patient has first exercised his right to die, but later has gone back on his word and said that he does not want to die anymore. The doctor went on to say that we are not expert enough to tell reversible cases from the irreversible, and therefore, he said that he did not support passive euthanasia because patients change their minds.

Professor Lam (Audience): Well friends, I have come a little after your interesting meeting has progressed





KROCK









The wheels are already rolling. Everyone is in favour of legalising passive euthanasia and is in agreement that the suffering of a person must be ended. When there is no further course of recovery, passive euthanasia must be legalised.

-Ayushi



In the limited scope of passive euthanasia, it is a fictional argument that the right to die and the right to die with dignity are separate, and this was very well recognised, and therefore the Opposition's reliance on *Gian Kaur* is completely misplaced.

-Akshay

You know the classic quotation from the 18th-19th century poet, Arthur Hugh Clough, "*Thou shalt not kill, but thou needs not keep strive officiously to keep alive*". That, I think, really sums up what euthanasia is all about, that the commandment is that you will not kill (active euthanasia), but you shall not strive to keep officiously alive (passive euthanasia).

-Mr. Chagla



DUTT







We are all aware of the abuse of our system as of today. It would be highly incorrect and unconstitutional to grant the right to take away someone's life to medical practitioners, or even judges for that matter.

-Malhar



I believe that the Proposition is trying to set some kind of yardstick for dignity, but how can we possibly set a threshold for something that is as subjective as dignity?

-Oindree







for a while. I do not know if the panel has referred to the higher facts of life such as God or higher powers. Do we have any right as human beings to order when we should leave the world? Or is that within the jurisdiction of the higher powers if at all we believe in God, and I certainly do. So that is one point. Of course, the good Lord does not intend that anybody should suffer in any way. Secondly, in a country where the Hindu philosophy emphasises karma, some people may think that a person will live in that immobile condition till such time that he pays off his karma. Is the panel or the law taking into account that we do not live in a one-life situation and we should consider the multiplicity of lives? Is there nothing more than

hospitals and courts, lawyers and doctors? Why do we come onto this earth and what is our relationship with our Creator? What is the law if not the law of God? That is one point. Then *karma*. And finally, by taking a ventilator away, why do we think that we are in any case relieving the person of his life? It could be that he may live several more years on purely natural means, alternative medicine, prayers, meditation or nothing whatsoever may keep him going.

means of living. In fact, in that sense, passive euthanasia is doing God's will because it is letting this person live naturally without machines hooked up to him, without artificial feeding, and in a way, allowing life to take its course.

Mr. Chagla: I have an objection, I think we are moving into a theological debate. There is no room for that here.

Shivani Chimnani (Audience): My question is for the Proposition. I want to know how viable the medical panel will be because if we are talking about people in a vegetative state, such people can be found in the

remotest of villages and you said that a medical panel will be in every state. So are we expecting them to visit such remote villages? Some people are not even in advanced medical facilities as many of them are at simple nursing homes. So how will this be implemented and how viable is this?

Akshay: I shall address this question in two parts. Firstly, our point of discussion today is

whether or not we should have the right to die in view of passive euthanasia. On that front, I think it is fairly settled that our arguments point to the fact that yes, the right to die with dignity is included within the right to life and we must have the right to passive euthanasia.

Now coming to the logistics of actually implementing this, that is where the medical panel comes into play. I do agree that it may be logistically difficult to have this medical panel visit. Then again, if we did have a medical panel in every village or every rural area, the Opposition will raise objections that these people will be easily influenced and they will not be competent enough. The point that I am trying to address is that you cannot have it all ways. There is a medical panel constituted with the state-level panel and this panel consists of the best of the best in their fields. The entire



Akshay: Sir, the argument that God has brought us to earth and God will take us away is often used by antieuthanasia proponents. Firstly, Sir, we are arguing here a secular law, that is purely on the basis of the legal right to die as included within Article 21 of the Indian Constitution. We, therefore, do not believe the concept of God would come into play. Secondly, answering your question nonetheless, what passive euthanasia does, is accommodate this question of "God brings us and God takes us away". Passive euthanasia, unlike active euthanasia, is only administered in situations where the person has already begun on his path to die. It, therefore, is a person who is terminally ill and is about to die. It seeks for the removal of artificially implanted devices and those who are orthodox believers of God would think that those are artificial





point of doing that, however logistically difficult it may be, is to ensure a completely watertight methodology to actually having this report be prepared. And like we have argued before, we are not arguing for the Bill, we are merely stating that the Bill has brought to the forefront a discussion that needs to be had. The Bill is before the legislature and the legislature is not imprudent. We do trust that they will bring improvisations to the Bill. Let us not assume that the Bill as it stands today, will be the stance of euthanasia in India.

Chaitali Rajput (Audience): My question is to the Proposition. Do you not think that passive euthanasia amounts to suicide and by supposedly legalising euthanasia that would make us strike off Section 309



of the *Indian*Penal Code?

Ayushi: First of all, to point out Section 309 of the IPC which makes an attempt to suicide a criminal

offence has already been held not to be an offence by the *Mental Healthcare Bill* that has been passed by the Rajya Sabha last week where Section 115 of the Bill addresses the point that when a person attempts to commit suicide not withstanding Section 309 of the IPC, such person will not have been held to have committed a crime. So, steps have been taken to strike down Section 309 so that an attempt to commit suicide is not a crime.

Secondly, suicide comes as an effect where it is to put an unnatural end to a life, while what we are talking about by way of legalising passive euthanasia, is a situation where a terminally ill patient is being kept alive by artificial treatment and we are merely saying withhold or remove that artificial treatment and let them naturally die. We are not saying that let them commit suicide so as to extinguish their life. We are talking about their life already having been on the course to its natural end, and we are merely bringing that end by withholding artificial treatment that is keeping them alive.

Akshay: To add to my partner, this is the exact misconception that was addressed in *Gian Kaur*, where they stated that the right to die will not be included in the right to life when it is an unnatural extinction, and that is exactly what suicide is. In any event in a twenty-first century democracy, punishing an attempt to commit suicide is anachronistic, to say the least and this has been recognised and therefore steps are being taken towards it. Nonetheless, passive euthanasia and an unnatural extinction of life are completely separate terms and should not be confused with each other.

Mr. Chagla: To add to that, I think that it is a blot on our Penal Code that Section 309 exists at all. That is absurd, I mean to say that taking my own life is a criminal offence or that people aid and abet that.

Sonali Singh (Audience): My question is to the Proposition with regard to the recent kidney racquet cases. To what extent can we trust our medical expert team in the case of euthanasia, when in an organ transplantation case the entire medical community backed out and took a stand that we are not going to perform any more transplants if any action is taken against us. With respect to the Bill, what about the doctors in the expert panel?

Ayushi: First of all, the Opposition referred to the Hippocratic Oath that every doctor has to take in order to take every step towards the betterment of the patient and in the best interests of the patients. Secondly, in such a case, the Bill itself provides a protection to medical practitioners and states that no step will be taken so as to hold them under any criminal liability for an act that they do in respect of passive euthanasia.

Mr. Chagla: I would like to add to that. I do not think





you can cite the misuse by the medical profession and therefore assume that in this case also there will be misuse. The kidney racquet case was one where the transplants were being done for a commercial gain. I do not think that this question should arise in this present case. Not that I am saying that it never will, but there is the High Court which is again a safeguard that you have. I would like to invite both the sides to put forth their closing remarks.

Ayushi: To conclude, what I would only like to state is that the Opposition has tried to bring about a very cruel picture of how everything functions and how everything that we could possibly do will be abused, which is why what we are proposing is that the very concept of euthanasia by itself be implemented in a manner as has been proposed by the Bill and not exactly like in the Bill because that will obviously undergo changes through the legislature and further through the judiciary.

What we are proposing is that a person who is allowed to live a life of dignity which is recognised under Article 21 be given a right to die with dignity, which only involves that any artificial treatment that is given to a person to keep him alive be withheld, be removed, and he be put on his natural course of his life and he die naturally, that is what the concept of passive euthanasia is. We do not propose to do anything that the Opposition suggested. Our proposition is restricted to terminally ill patients making an informed decision after knowing the circumstances of their illness, being confirmed by a panel of medical

experts, being further confirmed by the High Court which is our judiciary, which is what we believe in, which is what we trust in throughout. That is all that we propagate and we believe that passive euthanasia must be legalised.

Oindree: I believe the Proposition is trying to set a threshold for dignity. I do not believe there can be a yardstick set for something as subjective as dignity. Therefore, the push to terminate one's life comes when we believe that a person is not living according to what others perceive an ideal life should be. Just because a person is not living a life which is considered desirable, is it fair to say that he is not worth fighting for? Also, moving on to the point of terminally ill patients and what my learned Proposition said, that you are to leave a person hanging and not end his life in a dignified manner. In fact, that is what we are suggesting - to not leave his life hanging, we will administer medicines to him, we will give him treatment and we will ensure that he lives his natural course of life and we will look to save him and not withdraw his treatment so that he dies and so that his life ends in a natural manner. Therefore, I would just like to end by saying that are we really ready in the social milieu and in the current scenario that we have in India to make this kind of law, to pass this kind of a law and make passive euthanasia legal. Thank you.

Akshay: As you end this discussion today, when you will finally be voting for or against the topic, I want all of you to have one question in mind, and that question is – If you were in this position, would it be in your best

interest to die? Or for anyone you knew, would it be in the interest of the patient to die, or would it be in their best interest to be hooked onto machines, artificially fed, and given extraordinary means of life-prolonging medicine just because there is a right to life which does







not include the right to die? That is the question I want to leave with you today. My Opposition has argued that we want them to lead their natural life. What is such a natural life, when hooked onto ventilators, when feeding through Ryles tubes? In the case of *Aruna Shanbaug* who could not even move-if she moved the slightest amount she would get fractured. That is not a dignified life.



We do not seek to quantify dignity here. What we seek to do is merely, one, give the choice to a competent person to decide whether or not he has the ability to do so, and two, in the case of an incompetent person, to prevent this person from consistently being in this state and to put a good end to their life. As the Opposition argued, the life that anti- euthanasia proponents want for the patients is not a natural course of life. When this medicine does not exist, it results in the death of a person and the reason is that this person is naturally dying, but we have an issue with this person dying, we want to prevent this person from dying, and we have selfish motives to ensure that this person lives by hooking him onto ventilators and other such machines. The question I want to leave with you, the thought that I want to leave with you, is the present law may not be watertight or sacrosanct. But merely because the Bill is before the Parliament today, merely because that may in the future maybe subject to abuse, may not be as sacrosanct as it is supposed to be, should we take away the inherent dignity that man has, should we take away the sanctity that life has? And that is the thought that I would like to leave with you today. Thank you.

Malhar: For the closing arguments, all I want to point out is that once again to remind this House, that this is not a microscopic debate. We are not looking at extreme circumstances. Yes, terminally ill may be considered to be a small part of the population, but it is a fairly large part of it. And today, when we decide whether or not euthanasia is permissible, remember this is not an ethical debate on whether euthanasia should be allowed or not allowed. The question is whether it should be legalised in the context of India.

In the context of India, as we stand today, what the Proposition has so emphatically stated is that the medical panel will contain the best of the best doctors. I am unsure from where the Proposition has got this statement from because I have read the Bill and there is no such statement made either by the courts or by the state governments.

And to leave you with just one small thought – the concept of naturally dying, of taking or withdrawing medication in terms of a ventilator. Who are we to decide or to gauge when the person dies? There is absolutely no scientific evidence or proven method which can ascertain without a shadow of doubt that such a person is likely to die in six months. There will always be cases where medical conditions have been reversed, diagnoses have been incorrect, prognoses have been incorrect, and it is for those shadows of doubt, it is for those rare cases, that today the Opposition states that euthanasia should not be legalised in India because we are simply not ready for it.

Mr. Chagla: Thank you. Now I think I should put it to





the vote, is that right? Those in favour of the Proposition? And those against?

I think carried by show of hands, the Proposition wins. Congratulations, and may I just add one or two things. My friends opposing the resolution had a tremendously uphill task. I think all of us do believe, and feel that and I am sure they do themselves. But like good lawyers, they had to argue a difficult case, a bad case. And they have done a great job. Congratulations.

If I may just end with a couple of personal anecdotes. It is a very personal matter and when it comes home to you, you begin to realise how serious it can be. I have always had an ongoing debate with a very close friend of ours, who is one of the most eminent doctors in India, perhaps Asia. And on this question of euthanasia, he is totally opposed to it. I am completely in favour of it. And we have had long arguments which go on and on and on.

But the personal anecdote was in the case of my own father, when he always did everything which the doctors told him not to do. The doctors would tell him to take rest, and he would never take rest. He was in the midst of heart failure on the eve of my marriage and the doctors said he should be in the hospital. He said, "Nothing of the sort".

Now, we lived together and I once had a chat with him,

and I said, "Look, you are doing all of this, but really, you are violating every rule that the doctors have prescribed for you". He said, "I am glad you brought up the subject. I want to ask you a question now. Your mother is not alive. All the children are well settled. In my position, would you lead your life any differently than what I am doing?" And I said I would not. "Is that the end of the discussion then? You won't raise this again?" He asked.

I said, "Yes, I will not. But only one thing, I hope, for your sake, that when the end comes, it comes suddenly and dramatically. And that you don't have a stroke which paralyses you and it becomes a living death".

And he said, "I am glad you brought up that subject as well. I hope if that does happen, that you will put me out". And I said, "No father has a right to ask that question of a son. And no son is required to tell".

"Are you telling me that you won't do it?" He asked. I replied, "Of course I am not going to do it?". I said that it is not something which you do when you are perfectly alright. And that being terminally ill is one thing but when I mentioned to him that for him, it will be a living death, it would have been. And I am very happy to say that when the end came, it came suddenly and dramatically. He played Bridge at the Willingdon Club, made a slam, went to the dressing room and collapsed and died there. And that was a perfect end, for him. Of course for all of us it is a different matter. But may I thank all of you – it has been a wonderful experience. Thank you. Thank you, all.



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The Rise & Rise of Animal Abuse

by Shivam Jain Kakadia, V-IV

Mahatma Gandhi once said, 'The greatness of a nation and its moral progress can be judged by the way its animals are treated." However, the increasing instances of animal abuse coupled with a toothless law to prevent the same do not portray a great picture of our country. Rash reports of cruel attacks on animals have surfaced in 2016: a monkey was tied, beaten, and killed by some students of Christian Medical College, Vellore¹, a leopard was brutally beaten to death by the villagers in Sohna village near Gurgaon², a police horse died at a rally in Dehradun due to beatings suffered from an MLA³, dogs have been burnt alive, stabbed, thrown out from heights and smashed to death against boulders. 4, 5 Yet, all the perpetrators walk scot-free, perhaps within a few hours of indictment. If all an offender has to do if he kills a stray dog is pay Rs. 50, the question remains, how much do we value lives that are not human?

The main law pertaining to animal abuse in India is the *Prevention of Cruelty to Animals Act, 1960* (PCA Act), which has not been amended even once since its inception to keep up with the times. The most glaring anomaly is that punishment for killing any stray animal is a paltry fine of Rs. 50 and no jail term, which is in sharp contrast to the laws in the West. For instance, in the US, animal cruelty is on FBI's list of "Class A" felonies, alongside homicide and arson. In Australia, the maximum penalty for crimes against animals is jail upto five years and a fine of AUS \$50,000 for an

individual and AUS \$250,000 for corporations.⁸ In Netherlands, the *Animals Act* sets out the duty of care of Dutch citizens for animals, based on the Five Freedoms principle.⁹ This is a strong legislative base to ensure that those responsible for animals do not cause suffering by neglect or failure to act.

Animals are also subjected to abuse in the industrial sector, most notably, in the pet shop industry. India has a pet trade estimated to have an annual turnover of several thousand crore rupees. However, the business remains largely unregulated because the rules in this regard have not been issued under the PCA Act. As a result, while thousands of breeders and pet shops exist in the Indian market, there are no regulations protecting the animals they breed or sell. The beaks of birds are cut off with hot knives, the claws of cats are ripped off with pliers and the wings of birds are clipped off, among other instances of unchecked abuse. 10 It is pertinent to note that even human beings are at risk due to such activities, as for instance, when dead animals are thrown in garbage bins or when the solid waste from these pet shops is allowed to mix with regular municipal waste, thus polluting groundwater.

To regulate these practices, the Animal Welfare Board of India (a statutory body constituted under the PCA Act to protect animal rights) placed a set of three rules before the





Ministry of Environment, Forest and Climate Change (MoEF) in 2010: Pet Shop Rules, 2010, Dog Breeding, Marketing and Sale Rules, 2010 and the Aquarium Fish Breeding and Marketing Rules, 2010. The Law Commission in its 261st Report (2015), under the Chairpersonship of Justice A. P. Shah, took cognisance of this issue and recommended the Central Government to notify and implement the said rules at the earliest. However, the MoEF has not notified these rules till date. Although the Law Commission is not a binding body, its recommendations, in light of the gravity of the instances of animal abuse that play out everyday in the pet shop industry, cannot just be brushed aside by the MoEF.

It does not behove the world's largest democracy, with a rich history of non-violence against human beings and animals, to not have legal protection for the voiceless. Even the Supreme Court in its famous Jallikattu judgment, *Animal Welfare Board of India vs. A. Nagaraja*, ¹² exhorted Parliament to amend the

PCA Act. Given the extent of cruelty perpetrated against animals, it has become the need of the hour for Parliament to make proper amendments to the PCA Act to provide an effective deterrent in order to achieve the object and purpose of the Act. Adequate penalties and punishments, including rigorous imprisonment, should be imposed for the violation of Section 11. An expression of full governmental support for the Universal Declaration on Animal Welfare (UDAW) would also be an important step towards integrating animal protection considerations into different discussion forums. Although UDAW is a proposed formal international acknowledgment of a set of principles giving due recognition to animal welfare, it can act as a soft law source for decision makers interested in improving animal protection in the country. Our constitutional duty to have compassion for all living beings, and not just humans, enjoins us to act immediately.13

END NOTES

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Launch of méLAWns











The 5th of March, 2016 witnessed the grand launch of *méLAWnge* 2015-16, at the Indian Merchants Chamber. The 86th edition of the magazine was inaugurated by Attorney General for India, Mr. Mukul Rohatgi, and Additional Solicitor General of India, Ms. Pinky Anand. The occasion was also graced by Mr. Shardul Thacker, Senior Partner of Mulla & Mulla & Craigie Blunt & Caroe.







Soul Rider

by Arjun Parmar, V-IV

"You ride a bike? So does my broker!"

"Do you take people 'tripling'?"

"How many times have you almost died?"

"You rode to Lonavala? On the Old Highway? You must be mad!"

I took a long, measured sip from my glass of Coca-Cola, doing my best to evade an argument I was never going to win. These were just some of the ignorant statements I had to endure over dinner with a friend and his new roommate. Being a biker in India is something that is often frowned upon for a multitude of reasons. Our orthodox families consider it not only unsafe, but far too un-ladylike and far too much danger to put the proud son of the house in. From a matrimonial point of view, it is found undesirable. After all, the boy in question should have not only a three-floor bungalow at Bandstand, but also a gigantic car to match. A bike is considered to be, at best, a hardworking, working class man's form of commute, and nothing more. Bikers are infamous for cutting across other drivers while trying to evade traffic, defying red lights, and generally being an uncouth bunch.

Contrary to popular belief, however, there are some of us who do not ride bikes just to get from home to office and back, or to complete the lecherous circuit around Lokhandwala Back Road while whistling at unsuspecting couples, or even to have pictures clicked by our "DSLR waala friend" so that we can seem like alpha-males on social media. We ride for the experience it brings us, the freedom it entails, and the joy that courses through our bodies as we negotiate a particularly winding road somewhere in the hills. Biking caters to introverts as well as extroverts - you have large groups of riders coming together for road-trips into the Himalayas, and at the same time you can see a single biker making his way through the winding roads and barren moonscapes, all by himself with not a care in the world.

This train of thought is nothing other than a travesty, but the truth is that only someone who has actually saddled up on a trusty steed and set off on a solitary ride, can understand the true freedom and nature of being one of the biking fraternity. The truth is, nothing can really match up to taking a long road trip on your bike, even if such a journey is made alone, and it is definitely something I would advise doing at least once in a lifetime. You learn a lot about yourself as a person during a road-trip on a bike – definitely more than you would in an alcohol-fueled weekend in

Alibaug. The thirst for money has made us all slaves to a monotonous regime which begins and ends with our monthly pay-cheque. Biking is the best way to get away from the hustle and bustle of a busy city and everyday life.

First and foremost, a bike gives you a sense of freedom and independence. The sense of being able to go wherever you want, whenever you want, is something that cannot be matched. Secondly, it makes sure that you stay grounded. It is always a humbling experience, particularly if it rains, hails, or snows. Having the elements pitted against you like this does nothing but remind the enthusiastic young blood-pumping inside the boy or girl who has taken up the challenge of completing such a journey, never to underestimate both Mother Nature, as well as the challenge that they have taken up. The skills acquired and confidence gained from such an experience provide a great sense of satisfaction to an individual, far more than beating your friend in a game of FIFA or beer pong ever could. The person returning from such a ride is seldom the same one who embarked on it a few days prior. It teaches one their limitations, how to calculate the risks involved and plan accordingly, and at the end of the day when it all comes together, it is accompanied by a sense of real pride and achievement.

The greatest thing about being a biker, in my eyes, however, is the general sense of fraternity and brotherhood amongst bikers all around the world. Bikers are known to move about in crews and sometimes even gangs, particularly abroad. But if your bike has broken down even in the most remote place on earth and a fellow biker happens to cross your path, I can bet my bottom dollar he or she will stop and try to help you out, regardless of what language you speak, what nationality you are, what God you believe in, and what animal or plant you have consumed for dinner. There is just a certain feeling of community between us and I think that this is particularly special, even more so in this day and age.

I am not going to end this piece by making a plea to everyone reading to stop hating bikes or bikers. Most prejudice towards the two are so unfounded, yet at the same time deep-rooted, that it would not make a difference either way. We have the most beautiful roads and landscapes in the world if you look far enough, and the fact is, you are the one missing out. Biking is not just a mode of transporting oneself from point A to B, it is just so much more than that. As it has been said, and rightly so, "Four wheels move the body. Two wheels move the soul."

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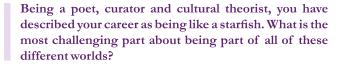




Whenever cases involving the contravention of artistic freedoms have gone to the courts, there has always been a liberal and progressive judgement.

Mr. Ranjit Hoskote

Poet, Curator, and Cultural Theorist



The challenge, when you have a hybrid practice like mine, is that you have to constantly switch your perspective and the optic you are using to look at things. There are strong connections among these various practices for me. But there are also marked differences of emphasis. When you work as a poet or an artist, the tendency is to synthesise, to put dissimilar things together. Being a critic is a more analytical activity, which involves taking objects and processes apart conceptually. However, each of these practices informs the other. I like the image of a starfish because it suggests that there is a common centre from which impulses and articulations shoot out in different directions.

What does it mean to be a cultural theorist?

From the 1950s onwards, people across disciplines realised that they could not hold on to the prior, classical conventions of mapping a subject area. There might have been a time when you could talk about the specific emphasis in anthropology or economics or politics – traditionally, these disciplines have had their normative frameworks, their particular research methodologies, and their techniques of interpreting social realities. But the problems and crises we encounter today are far more complex today than they ever were before, we can no longer hope to use a single discipline to probe and understand them. We are moving towards interdisciplinary techniques. Looking at a problem in public health, for instance, you realise that one part of that problem lies in the customary law that guides people's behaviour,



A poet, cultural theorist, curator and an inherent philosopher is not enough to describe Mr. Ranjit Hoskote. An interdisciplinarian by profession and passion, this interview portrays the way language and culture intertwine to assist the rule and role of law in society.





while another part lies in infrastructure, and yet another lies in development policy. You need to be able to work with these different variables.

Cultural theory is one of the outcomes of such a situation. It embodies a desire to combine the depth of philosophical reflection, the range of criticism, and the rich curiosity and descriptive-analytical energy of anthropology, in order to reconceive both the research objects and indeed the shifting, many-dimensional subject of what we call the humanities. Clifford Geertz, the celebrated cultural anthropologist, used to say that looking at culture is looking at "webs of significance". Why do people act the way they do in different cultural situations? What holds them together, what pulls them apart? Cultural theory is a way to develop an account of human behavior, individual and collective, the intersections among them, and how we make things of significance, together.

There are two ways of looking at this question. A certain kind of law emanates from the history of a region, but we could view its workings in two ways. The first is under the sign of continuity; the second is under the sign of rupture. Take, for example, post-colonial Indian law, most of which continues to have provisions laid down in the period following the Great Uprising of 1857. These are colonial-era rules and they were made to control a subject population, to define it, indeed, as a subject population framed within a basically punitive and extractive apparatus of power, knowledge and revenue-gathering. And unfortunately, if you did not have forms of critique and renewal, then you would be stuck with some pretty regressive legislation. On the other hand, there are traditional strictures that protect sacred groves, pasturelands, wetlands and commons. Many of these, which could have prevented ecological catastrophe, have been ignored or overridden by the machine of government. So we must be attentive to the gesture we bring to laws that

"The questions to be asked are: Does this law, and its contextual history, remain relevant? Can it assist justice, and the common good?"

Both poetry and the law uphold the sanctity of words. Are there other similarities between the two disciplines?

Both draw on something that I would call the "archive". The archive is not literally just a collection of documents. It is also a kind of experiential state; it is a set of resources. If you want to write poetry, you must have a deep acquaintance and familiarity with the resources of your art - which means generations and generations of work that have gone before you, formal techniques, devices, and a sense of what different kinds of poets in different cultural situations have done, or how different languages in their historical contexts have developed. Just as, I am assuming, in law, if you have case law, this depends on having mastery over a long sequence of cases and precedents. It is not just about how you write. It is also about the conditions that enable you to write in the first place. If you want to study Roman law, for instance, ideally you should study Latin, and if you cannot, then at least you should have a working vocabulary in the language.

Law and history are inevitably intertwined. Law emanates from the history of a region. As an independent curator, could you tell us about how you have witnessed an interaction between law and history?

are linked to history. The questions to be asked are: Does this law, and its contextual history, remain relevant? Can it assist justice, and the common good? Must we offer it a reasoned continuity, or should we greet it with critical rupture?

And yes, as a curator, I do encounter the presence of legal debates and pivotal histories of legislation. Goa, during the latter phase of Portuguese rule, received a wonderfully progressive legislation called the Pombaline reform. The Marquis of Pombal introduced what we now recognise as a Uniform Civil Code which codifies inheritance rules for women, among other things. This was far in advance of legislation in British India. This history was very much in my mind when I was curating a show in Goa last year, called Terra Cognita?, because its initial horizon is 1556, which is when the Western printing press comes to Goa, and indeed to Asia, for the first time. Its advent produces a whole culture of what I think of as print modernity. There are documents, pamphlets, musical scores, legal discussions, novels, poetry, newspapers. From this follow two outcomes. First, there is a certain spread of literacy and education, and second, you have a culture of the Enlightenment and the birth of a public sphere where debate can take place, which is the essential





premise of democracy. These things happened in colonialera Portuguese Goa before they happened in colonial-era British India. So my exhibition is inspired by a turning point in the law and in technology – from events in the history of legal reform and technological advancements in legal history, which have ripple effects in sociocultural history.

Literature is an important medium of expression. Have there been instances where the law may suppress such expression? And have you been a victim of such restrictions on poetry and literature?

I have not personally been a victim of this. I have been active in such matters, as one among many people fighting for the protection of the freedom of expression. And invariably, the experience in India is that the law guarantees such freedom and courts stand up for it. The pressure on artistic freedoms usually comes, not from the judiciary or the executive and legislature, but from pressure groups, lobbyists, or interest groups. There may just be five people, but they have a way of appearing in the public sphere, and through the media, in a way that magnifies their presence. Politicians are unwilling to take chances, so they usually take the path of least resistance. Whether it was the attack on the Bhandarkar Oriental Research Institute in Pune some years ago, or the more recent attack on Sanjay Leela Bhansali in Jaipur, we see

egalitarian electoral mechanism is often distorted by the divisive claims of a populist identitarian politics, claims that emanate from readings of culture parsed as tradition, custom, ritual, dogma. If we had accorded primacy to a critically unexamined view of culture, we would not have had a Constitution, and we would probably still have had sati and untouchability and caste. If we accepted the idea that culture is inviolable, primordial and static we would not have had a whole lot of progressive legislation, and our inherited social asymmetries of caste, gender, ethnicity and sexual preference would all have been far more egregiously present with no hope of redress against them. Culture is not inviolable, primordial or static. It is not something that is simply received from previous generations, to be handed over intact to succeeding generations, which is the widespread view. Culture is something that you produce together with others, often working your way through dissensus rather than consensus, so that culture is a ground hospitable to divergent viewpoints - and that understanding is completely forgotten in many of our present-day discussions.

We must reject the idea that in any battle between cultural norms and progressive legislation, cultural norms should win. Cultural norms cannot be accorded infallibility. They must be placed under the scrutiny of progressive legislation.

"We must reject the idea that in any battle between cultural norms and progressive legislation, cultural norms should win."

miniscule pressure groups at work. But they get magnified, especially in the age of mediatic reality. Whenever cases involving the contravention of artistic freedoms have gone to the courts, there has always been a liberal and progressive judgement.

A country's culture must be taken into account when drafting the law. To what extent do cultural theories play a role in legislation?

One of India's most fundamental problems is that our polity is structured around a paradox. We have the vital and important mechanism of electoral democracy, which represents the public will, but it is mapped onto a society that has not been restructured and redeemed from its entrenched asymmetries of power, influence, opportunity and entitlement. This means that the inclusive and

Please comment on the idea of language as an indication of location or home. What is the process of translating works from one language to another?

Language is a home. The reason we translate is often because we are bearing witness to the journeys that texts make. It is not about trying to recreate a homeland or a region or a regional experience. A text has its own reality in its own language. But at the same time, all utterances are open to interpretation and can travel further. The magic of a text, while it is organically linked to the language it is written in, is not reducible to that language. And so we craft that magic, or something like it, in another language. Texts haunt us. We make them our own and then we want to share them with other people who do not have access to the original. But when you are translating, you are always producing a new





"Young lawyers should not lose sight of the activist dimension of their work."

experience, because there are many things that you simply cannot carry over from the original language. Of course things are lost in translation, but it is much more interesting to look at what you gain in translation, and you often do gain -if the translation is good.

The political tension between India and Pakistan has heightened considerably during the past year. Beyond politics, our nations are connected through shared history and culture. Do you think that cross-border initiatives hold the key to normalising deep-rooted prejudices?

I think it is absolutely important to keep the transmission lines among the countries of South Asia open here. But we also need to recognize that, while there is a shared past, there is not a shared present. We keep saying "we're the same people", but we are not the same people. We have had separate histories since 1947, with a further major rupture in 1971. India and Pakistan are premised on very different ideas of nationhood, very different and fundamental assumptions about religion, the public sphere, and political structures. Pakistan has had more years of military rule than democratic rule; India has had no military rule at all, so far. The public sphere in Pakistan grapples with different urgencies than the Indian public sphere does. Even as we hope for dialogue, we must remain mindful of these differences.

The absence of realism dooms many cultural initiatives that try to bridge the gap, reducing some of them to token gestures or mere sentimentalism. There is an overriding strategic reality that we cannot wish away. The strategic relations between India and Pakistan are never going to improve. Pakistan's strategic wisdom is based on the fixed idea that it has to seriously weaken, if not annihilate India. And India, alas, has had no consistent strategic position and remains trapped in a reactive mode; worse, India has allowed itself to be forced into a fixation with Pakistan, which precludes other kinds of transregional engagements, as with East Africa, Central Asia or South-east Asia, which may prove to be far more productive. The challenge confronting us here in the subcontinent is whether we can assert a common ground of human and cultural interaction, despite the tragic geopolitical reality.

What is your idea of justice?

There will always be a contestation between the individual's desires and aspirations, and what the structure of authority wants, in terms of sanction and possibility and opportunity and entitlement. There is going to be a ceaseless push-pull between these. Justice takes its place in that domain. You have to be able to argue that there is a greater common good, but in a way that does not produce forms of oppression. Can you always guarantee justice to the individual? Of course you cannot. And in India, this is complicated by the fact that the individual and the structure of authority are embedded in a culture of what I think of as "group goods". Our society is an aggregate of groups, communities that construct and reproduce a sense of identity for their members, and each group has its own specific good - how do we, or can we, align and reconcile these "group goods" with a more universal idea of the "common good"? You can tell what law is, because it is codified, by and large. It is archivally present as doxa, but justice as praxis must necessarily be performed in changing contexts, and its definition is subject to change, both reasoned and inexplicable.

What is your advice to young lawyers?

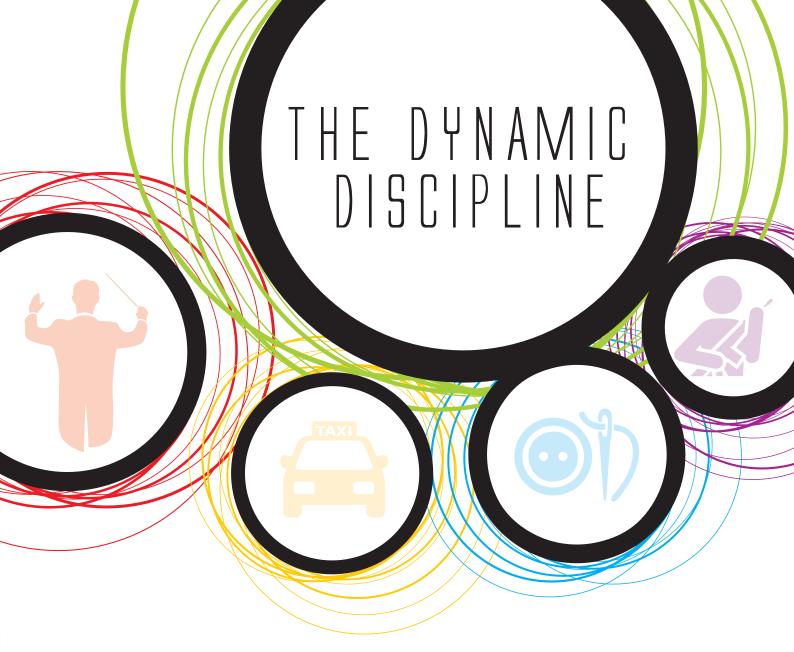
Young lawyers should not lose sight of the activist dimension of their work. These tendencies seem to move in cycles. There are generations in which lawyers go out and involve themselves very fully in activism, and then there is a reaction and a turning away, where you feel you have literally exceeded your brief, or that you are doing things that are best left to other kinds of practitioners. The existential paradox of law is that it affects everybody but it is also highly specialised. It operates in plain sight of all citizens, but the details of its workings can be dense or opaque, and understood only by those trained in it. In a way, law is part of an expert subculture that citizens at large would benefit from, but they do not have access to this. Lawyers ought to be more vocal and active and present in the public sphere, as they were during the anti-colonial struggle or the struggle for women's rights during the 1970s and 1980s, and perhaps they could play a more pedagogic role in reducing the gulf of bafflement that separates the average citizen from the law.

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Law as a dynamic discipline brings to mind the observation of the Greek philosopher Heraclitus, "No man ever steps in the same river twice, for it's not the same river and he's not the same man." His comment highlights that law, like the ever-flowing waters of a river, is characterised by constant evolution to meet the needs of the present and the future. The Dynamic Discipline accentuates this very nature of law.

With the passage of time, running water carves deep paths into the earth. The law has embedded itself, sometimes quietly, and at other times, authoritatively, into the functioning of our lives. From time immemorial, laws have influenced politics, economics, history, art, business, science.

With the passage of time, running water branches out into new tributaries, new paths are created due to shifts in the earth and air. With the evolution of society, disciplines, and professions, comes the evolution of law. The intertwining of law and society leaves an indelible mark on both – both are transformed. Through this section, we explore this ever mutating relationship between the law and the people bound by it.

In this year's edition, Brigadier VP Singh, a serving officer in the Indian Army, shares with us a military perspective of law. Mr. Zane Dalal, Associate Music Director of the Symphony Orchestra of India, writes a riveting piece about the presence of the law in music. Ms. Revathi Roy explains the way social entrepreneurship and the field of law are intertwined. Lastly, designers for the nationally acclaimed fashion label, *Jade*, tell us how the world of fashion and law cross paths.







Brigadier VP Singh was commissioned to join the Indian Army in 1987, after training at the National Defence Academy. His experience spans across both combat and works related assignments. He was an instructor of the Indian Military training team in Bhutan, the Commander Works Engineer-Naval Works, and Chief Engineer, Bathinda Zone. He is currently stationed at Delhi as the Deputy Managing Director (Tech), Army Welfare Housing Organisation.

BRIG VP SINGH

- As you go along you realise that opposites are a way of life. This is what makes the endeavour of existence interesting, as the interminable act of maintaining balance eternally keeps us on our toes. The field of Law too is concerned with adjudicating on several nuances of a circumstance and thereby rendering the great service of maintaining balance. No wonder the enduring symbol of justice depicts scales held by a blindfolded woman.
- One of the paradoxes of our lives is the fact that the Defence Forces of a nation, the bastion that guarantees the sovereignty of its citizens, discharge their endeavour upon the sacrifice of personal freedom of the soldier. The glory of martyrdom is achieved by few fortunate ones but a little known fact is that all soldiers submit to strictures of law quite different from their fellow countrymen. This law, the bedrock upon which the military structure stands is simply called Military Law.
- Since there are no "runners up" in war, the complete edifice of the Armed Forces is composed of special parts that allow the organisation to be extremely responsive to any command. The forces have their own logistic echelons that distribute rations, repair vehicles and even engage in construction. There is a special branch that deals with matters of law and is called the JAG or Judge Advocate General Branch. JAG was a very popular American TV

serial, dealing with military law issues of the US Navy.

- The directives that form the framework for military functioning are called Defence Service Regulations. The Rules and Acts that govern Army jurisprudence are enshrined in three volumes, collectively called the Manual of Military Law.
- Of particular interest to a layperson would be an answer to the question as to what is the difference between the practice of Military Law in comparison to the law as applicable to all other citizens. The key differentiator is speed. It is well known that justice delayed is justice denied. In order to ensure prompt response to acts of omission or commission, the Army Act confers certain special powers to unit commanders called "Summary Powers". These permit a Commanding Officer to order a Court of Inquiry and on establishment of guilt, award a punishment. This punishment could be in the form of a censure, a financial penalty by way of a pay-fine and in certain cases rigorous imprisonment.
- The entire process from the reporting of misconduct to incarceration, if required, can be completed in a couple of days. Each unit has a Quarter Guard where an errant soldier can be held in custody. The complete procedure of dealing with routine matters related to administering



justice, in case of soldiers, is carried out within the premises of a unit itself. The idea that misdemeanours will be dealt with swiftly is imprinted into the military mind very early. Even during training a cadet can be awarded Extra Drills/Route Marches for mistakes such as improper dress or lack of punctuality.

- There is a lot about the military that every nation's citizen is proud of. The smart dresses with polished brass, physically fit soldiers, neat and well kept cantonments, and clockwork precision in drill during parades endear the soldier to all. These visible symbols are based on an underlying culture of rigorous discipline built on the bedrock of this special variety of jurisprudence called Military Law.
- It is often said that the Armed Forces are not a profession but a way of life. The simple acceptance of the idea that orders given are to be complied with regardless of circumstance is deeply ingrained into a soldier's mind. This stays with him even when he hangs his uniform. So used to is he to discipline and a life of honour that adjustment to life outside the cantonments can be very tough.
- As we seek our rightful place of honour in the international community, the claim can only be emphasized by a confident citizenry. Confidence stems from knowledge that ability that is fairly recognized, acknowledged and appreciated. Fair rules and their just imposition set the framework for talent to seek avenues of growth and propel the individual, organisation and country ahead. We need law in the military and possibly a military promptness in law to make our cherished dreams a reality.

(Note: This article has been written in bullet points, reflecting the structure and discipline which permeates through every aspect of military life.)









The fashion label, JADE, was launched in October 2008 by designers, Monica and Karishma. Both designers have a unique sensibility and fiery creative spirit, which merge to form timeless, vibrant creations. JADE collections represent traditional Indian craft in a new avatar. With more than a decade's worth of experience in international fashion, Monica and Karishma talk to the Magazine Committee about the connection between fashion and law.

INTERVIEW WITH JABLE MONICA & KARISHMA

MAGAZINE COMMITTEE: Over the years, you have carved a niche for yourselves in the fashion industry. From your experience in the industry, how do you think fashion interacts with the field of law?

MONICA & KARISHMA: Because fashion is about innovation and ideas, most of our legal work is related to intellectual property rights. These laws protect artistic work, and therefore protect the work of designers in the fashion industry. Besides the laws related to intellectual property, there are not many direct interactions between law and fashion. We deal with several stakeholders in the industry, every day – labourers, employees, media, models, consumers, and even real estate in the premise of production. All of these interactions are guided and guarded by terms of agreement and laws.

MAGAZINE COMMITTEE: What are the implications of intellectual property law, trademarks and copyrights on your day-to-day business operations? What are the legal steps to be taken before displaying your work to the public?

MONICA & KARISHMA: Intellectual property law, trademarks, and copyright law are the safeguards we have for our brand and those we have to respect for other material we use as references for various purposes like social media campaigns and inspiration for our creations.

All our work that the consumers can view is through authorised channels only, and we are always on the lookout for anyone who might merely lift our material and misrepresent it. If the same is brought to our notice, we take the necessary steps to have the content revoked. Depending on the degree of severity of the situation, we may or may not take legal action.

MAGAZINE COMMITTEE: The concept of "fashion licensing" is becoming increasingly prevalent in the fashion industry. Please shed some light upon this concept and on its consequences on legal relations and legal impacts.

MONICA & KARISHMA: Licensing is a powerful way for a brand to grow into new geographic markets and other categories they may not be equipped to cater to. It helps commercialisation and expansion to be brought about more effectively and with greater ease than on its own. It is a great idea on many levels as long as both parties stay true to the terms of agreement and benefit. The equation is simple – we are allowing another company to deal with our intellectual property without actually transferring or selling the rights under certain terms and conditions.

MAGAZINE COMMITTEE: There has been a soaring demand for your products, internationally. What are the cross-jurisdictional issues involved in the process of

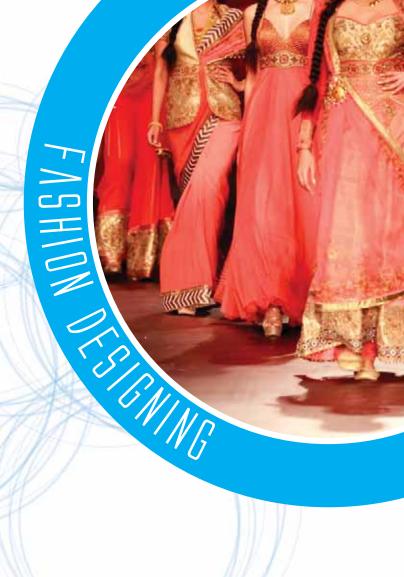


exporting your products, or otherwise, in international business?

MONICA & KARISHMA: We do not have special processes applicable to international business, and we have never encountered legal issues in dealing with international sales. We always adhere to the specifications of the client and the courier company. We also ensure that the courier company used is a reputed one, well versed with the protocol of both the countries.

MAGAZINE COMMITTEE: Laws are known to both assist and hinder certain practices. Can you elaborate on some aspects of the Law that inhibit your work?

MONICA & KARISHMA: As long as one works within the rules and ensures that ethical business practices are followed, we do not think there is much that hinders our work, in terms of law.



MONICA & KARISHMA







Revathi Roy, a social entrepreneur, is the founder of Asia's first all-woman taxi service. She converted her passion for driving into a great business opportunity. An avid rally driver, Roy has been driving cars for the last three decades. Her commitment towards uplifting the status of urban poor women in India lead to the establishment of previously untapped industries in the transport sector—taxi services and two-wheeler delivery services which only employ women.

REVATHIROY SOCIAL ENTREPRENEUR

From driving one cab, to creating an industry which only employs women – that is my journey. Once I realised that it is possible to make a living out of driving, I knew this was going to grow into a movement. I was going to create a storm (a pleasant and positive one at that) by establishing an entirely new profession for women as cab drivers, under a single platform, which was never done anywhere in the world.

Rally driving, which was my passion, turned out to be my saviour when I needed a sustainable income for myself. Two brands were created – FORSHE and VIIRA. These were exclusive taxi services for women, and by women. This industry opened up avenues for uneducated women. Those who did not have the good fortune of being formally educated, now had an entirely new profession – not only are women able to learn to drive, but they also own a four-wheeler.

Women cab drivers are a reality, and Indian families are getting accustomed to viewing women as the earning members of the household. These ventures would also successfully negate the stereotype that women are poor drivers.

We pioneered Asia's first taxi service for women, FORSHE, in 2007. There were some legal obstacles in acquiring the

licenses for our taxis. The license required to drive a yellow number plate vehicle is the commercial license, for which the waiting period is 12 months from the time one holds a permanent license (non-transport).

We made a representation to the Government to reduce the waiting period, as this was a special case to set up an industry for women. The Government considered our company as a women's empowerment project, and therefore granted us the requisite license in one month.

The exponential growth of e-commerce lead to the birth of *Hey Didi*, an instant delivery service. With this project, we built a business of two-wheeler riders. *Hey Didi* is India's largest fleet of women riders, which employs women from below-poverty-line families. This not only elevates their status above the poverty line, but also helps them to access public space and learn and acquire a skill that was previously confined to the male domain.

So, here we are – 1600 women are registered with us, and all under different stages of training. More than fifty of these women are already delivering items for Amazon, Subway, Pizza Hut, EGK, Ziptown, and of course, B to C (business to consumer).

There are no legalities specific to the establishment of a

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company which exclusively employs women. To train women to become drivers, we had to start a motor training school, which involved adhering to regulations of the Regional Transport Office. The viability of establishing a two-wheeler transport service in any city in India depends upon two aspects – the infrastructure of the city, and the acceptance of this mode of transport. There are many two-wheeler cities in India – Pune, Bangalore, Nagpur, Nasik, where a major section of people use scooters and motorbikes as transport. Mumbai's roads are comparatively less two-wheeler friendly, and the transport system thrives more on the railway and bus system.

India has a large and untapped source of manpower – its urban poor women. The object of setting up each of these ventures was to alleviate the position of women in Indian society, and transform them into financially independent citizens. Women are strong. However, most of them are not aware of their legal rights.

When we employ our girls, they develop sense of pride in earning their own income. Some of them are part-time workers who go to college and pay for their own education instead of depending on their parents for support.

My current vision is to train 10,000 women in the next three years by providing them with employment in the two-wheeler rider platform and taxi driving industry. My girls are my pride.











Zane Dalal serves as Associate Music Director of the Symphony Orchestra of India (SOI). He has conducted the Orchestra in several performances at home and on tour. A keen musicologist, Dalal regularly delivers lectures, pre-concert talks, and pens articles and programme notes for the SOI. He also maintains an active blog on his website, covering a wide range of topics, and is committed to educational initiatives which bring classical music to new audience.

ZANE DALAL ASSOCIATE MUSIC DIRECTOR, SYMPHONY ORCHESTRA OF INDIA

Finding the real convergence between Law and Music, at first glance, might prove to be almost impossible. However, if one removes the law from a static, reactive posture and reviews the law as a creative, interpretative force, then some extraordinary parallels become apparent.

On a superficial level, the presence of law, lawyers and judges in music, might be just confined to operatic plots, in which lawyers generally get a raw deal. They show up as notaries, or legal representatives at public occasions. More often than not, they are associated with prisons, judgements of execution and tribunals which, of course, make for the best kind of drama. From Tosca, Fidelio, Don Carlos, Aida, Chenier, Billy Budd and countless other plots, there are people sentenced to die, and invariably members of some legal system or the other, presiding over their demise. However, this doesn't really speak to the law itself – which is also available to opera lovers within certain plots.

Der Ring des Nibelungen, the epic tetralogy by Richard Wagner, is built on a series of legal principles, which are not always front and center. The theft of the Rheingold by the dwarf Alberich, doesn't just happen in a vacuum. There is criminal intent, prejudicial bias and a certain degree of entrapment. The entire plot of the first opera hinges on a breach of contract. Wotan does not pay the giants in full for building Valhalla, reneging on the deal, eventually giving up

The Ring to save the goddess Freia, who was promised to the giants in the first place. It is an almost primitive lesson in the great legal maxim *pacta sunt servanda*. Whether punished for disobedience in Walküre, or being part of a potion inspired love triangle gone wrong in Götterdämmerung, Brunnhilde, goes through her own set of 'legal' problems.

A more jovial link to the law is present in the Gilbert and Sullivan operetta, *Pirates of Penzance*. Frederic, the hero is indentured in servitude until his 21st birthday, to a band of pirates. On reaching his 21st birthday, he is informed that he was born on the 29th February, and therefore must serve at least a further 63 years before he can be released from his legal bond. Considering that his "hard of hearing" nanny was supposed to leave him in the care of "pilots" and not "pirates", should the sound judgement be originalist, textualist or driven by intent and purpose of justice. The opera draws to a close, with all the pirates becoming peers of the realm, and a grand salute to Queen Victoria. However, these moments in opera only have an incidental relevance.

The real connection between Law and Music is in our approach to the two disciplines. If one sees the law and jurisprudence as a mathematical code book where equations provide solutions which must be balanced to be integral, then music will provide an identical mirror image. The precepts of mathematical precision govern the principles of music



making on a basic level. Those same precepts might govern the law on a basic level. But to examine these two in the framework of right and wrong - black and white - would be to miss the boat completely. The Law and Music both demand large swaths of gray if they are to be experienced in their beautiful and nuanced complexity.

Therefore, both disciplines allow for a human, creative process - and this is where things become truly interesting. The Law is a series of codices, handed down over time, in several promulgations, amended, corrected and finalised. This finalised text is the initial point of reference and the last point of reference. However, in deliberation, a judge especially one charged with Constitutional matters - might take a circuitous journey. He/She might see the relevance of the law springing from the context of the current case. He might review and remember the law in the context of his own understanding, and recognise that his own understanding may have changed over time. He might take his life's experience into the mix, to judge to what extent he will be cognizant of the multiple amicus curiae briefs set before him. He might discuss the matter with close professional friends whom he respects. In the case of judges sitting en banc, the time spent at conference can be a crucial one, where each is allowed to gently sway the other by persuasive and creative first drafts. It is said that the most important number in a 9 judge panel is the number 5. Though it is always gratifying to be part of a unanimous decision, one only need have 5 to win the case. Careful persuasion of even one incalcitrant justice, might sway the decision. Then, after all considerations, the judge must return to his initial point of reference - the letter of the law.

Similarly, a well-crafted dissent may be suddenly found years later, by a law clerk who is trying to make a point, and this old dissent now bears the majority consensus because times and societies are changed. These dissents, above all, must be



gloriously and powerfully written, to express their point across the generations, with compelling eloquence. A dissenting judge must never consider his work secondary or meaningless in the face of a contrary decision adopted by the court. He is in fact expressing the scope of the law, whereas the prevailing decision might be deliberately tightly construed to pass muster.

It might surprise people to know that a conductor's processes are almost identical. It could be because I personally have thought of things in this way, but the reasoning is unassailable. A conductor, exactly like the judge, starts with the law, the codices of language which cannot be changed and are handed down to him by the composer, after corrections, amendments and finalisation. The score is a reliquary of a special kind of language which is beauteous and nuanced if it is explored in layers of gray. The score is also the initial point of reference and the last point of reference.

Just as the judge pores over the law for its intent, its meaning and its current relevance – the conductor must find the intent and meaning of a piece, in preparation for a performance. His journey must be as circuitous as the judicial one. He must remember his own connections to the piece and find current relevance. He must be cognizant of the fact that his opinions of various passages of music might have changed since he first contemplated the work. He must be open to the professional input of the great musicians in front of him during rehearsal, so that the piece finds its strength because the players before





him have found their strength in an organic way. Similarly, a judge relies on the strength of his judgement because great lawyers have led him to that strength.

Music, just like the law, must be written in a convincing way to make its mark. A work might suffer in obscurity, like the lost dissent. But it would remain lost if the language doesn't jump off the page when it is rediscovered. A conductor is as linguistically adept as a judge must be. He must find the meaning of the language and provide the intent of the phrase, with the surety of law. The parallels are stunningly similar. Amicus curiae moments are less obvious for conductors, but all musicians hear their peers perform. Every time a performance is realised anew, it can be considered a brief from "a friend of the conductor". Our amicus briefs reach out in the performances of other musicians as if to say "did you consider this?"

More importantly however, our modern functions have given some concrete examples of where music making requires a legal framework. By far the most complicated is the area of copyright and intellectual property. This field has grown exponentially in the modern era, especially as it pertains to recording, instant electronic dissemination on the internet, and use and reuse of what may be falsely considered public property, but is in fact privately held intellectual property. For example, if a person takes a "selfie" with the Taj Mahal in the background, that is fair game. The iconic landmark is a world heritage site, the "selfie" belongs to the person who took the picture. Now, if someone goes to a concert and records a portion or all of the performance, that music does not belong to the person who did the recording. It belongs as intellectual property, first to the musicians who create it, and then to the arts organisation to whom the musicians by contract have legally assigned additional exclusive rights. The complication compounds when the phone recording is then posted on the internet, making the pirated recording available to millions without the permission of those who own it. In this and many other areas regarding the internet, the law in most countries is still being written. It will be a fascinating legal area and perhaps the most problematic in the next twenty years.



The Symphony Orchestra of India on tour in 2016

"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 from

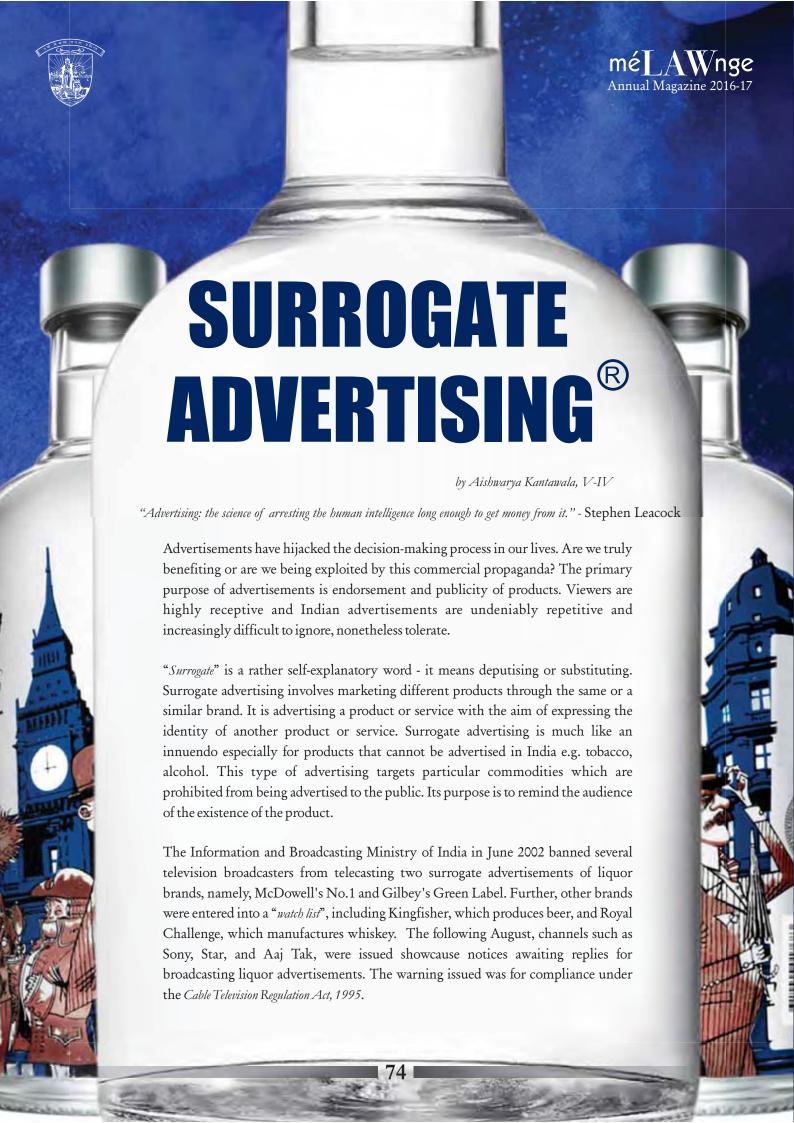
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Surrogate Advertising was born due to Rule 7 (2) (viii) of the Cable Television Networks Rules. Firstly, the product that is the "surrogate" is advertised and there is no direct or indirect reference to the prohibited products. Secondly, it must be noted that such "reference" is subjective in nature, depending solely on the co-relation capabilities of viewers and their exposure to advertisements. For example, the "oo la la la le o" tune of Kingfisher's video advertisement with the tagline "king of good times", would directly remind one of the Kingfisher Beer, Calendar or Airlines. Finally, this brings us to the third point of "nuances or phrases" which could be associated, as the tagline to the product when used in an advertisement would directly identify the "king of good times" to Kingfisher Beer.

Rule 7 (2) (viii) continues with a proviso which is apt to curb any superfluous promotion of products, conducted for the purpose of publicity of prohibited products. The purpose of the prerequites for the proposed advertisement is to verify whether such products are actually for sale or merely proxies for the prohibited product. However, due to ample crooked bureaucracy, it is difficult to judge how transparent such a procedure is.

Section 3.6 of The Advertising Standards Council of India (ASCI) Codes (1985) directly attacks the notion of surrogate advertising. One cannot infer or imply recognition or "circumvent such restrictions" of the brand through another product. The wordings of the code contain the exact definition of an innuendo - "purporting to be advertisements for other products the advertising of which is not prohibited or restricted by law." Clearly, surrogate advertising is in itself prohibited. Section 3.6 (b) mentions the words "direct or indirect clues or cues" which leads to the most important premise, that of innuendos. Questions to be asked are whether such alternate products are marketed to insinuate a restricted product, or whether the advertised product is a hint towards the dominant prohibited product (one that cannot be advertised).

There are multiple manufacturers of alcohol that also produce other products, for example McDowell's produces water and soda, Smirnoff and Bacardi deal in music, Bagpiper sells water, soda, and music, and Kingfisher promotes its calendars as well as drinking water. Music is also seen as an encouraging accompaniment to alcohol, often used in settings that serve alcohol. Bacardi and Smirnoff are vocal in their advertisements to promote their music. Seagram's Imperial Blue has its own collection of music. There is a strong similarity between alcohol and commodities such as water, soda, and music. It is safe to presume that water and soda are complementary with alcohol. Often, individuals consume alcohol with water and soda as solvents. This could be a strong reason to simply promote net sales as accompaniments of alcohol. The alternate products sell more due to the brand origin. It is pertinent to note that these products are cheaper to produce, store, and retail with a recurrent demand. Further, these companies try to sustain momentum through the media, so as to not be forgotten by its consumers.

In my opinion, such surrogate advertising is not only clever but also within the boundaries of safe advertising. A direct correlation to consumption of alcohol cannot be inferred because it would depend on the preference of the individual. As this brings subjective thoughts in one's mind about the brand and not a comprehensive one relating to the alcohol, it cannot be illegal.

Consumption depends solely upon the choice of an individual. This choice can be for recreational purposes or to satisfy habitual needs. Alcohol manufacturing industries should not suffer, and the constant censorship will invariably lead to black markets selling such items which would fold the curtains to investigate the functioning of such a hidden economy. These advertisements do not directly promote consumption of alcohol; rather they remind the viewer of the existence of it. However, when alcohol brands promote award ceremonies and facilitate important functions, it would lead to heavy marketing of the product. This cannot be prevented keeping in mind Article 19 (1) (g) of the Indian Constitution. If only more attention is forwarded to awareness of the consequences of such products rather than preventing advertising, it would be more fruitful.







18TH D. M. HARISH MEMORIAL GOVERNMENT LAW COLLEGE MOOT COURT COMPETITION, 2017

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, conceptualised the idea of having a moot court competition in memory of his late grandfather, Mr. D. M. Harish.

The moot has acquired the distinct stature of being the most coveted international moot court competition in the country. This was amply reflected by the participation in the 18th edition of the competition that was held from 9th February to 12th February 2017, which included the likes of University of Queensland, TC Beirne School of Law, Sri Lanka Law College Colombo, Howard University School of Law and Queen Mary University of London, tallying up to a mix of international teams and 16 of India's best law colleges.

Many wonder what goes into organising a competition of this nature. It takes an immense amount of man-power, effort and meticulous time management. It began with the DMH Compromis, which revolves around contemporary legal issues in International Law, drafted by experts in the field. The Compromis of the 18th DMH was centered on International Humanitarian Law and Public International Law.

After framing the Compromis, we proceeded with the dispatch of invitation booklets to universities around the globe. As the month of October approached, our marketing and public relations team as well as the venue co-ordination, accommodation and catering teams were in full swing. The memorial team, which handled the coding, verification and coordination of submitted memorials, along with the scoring team, which handled the tallying, cross-checking and printing of the score sheets were our lifeline during the days of the moot.

The participants who took part in DMH were the ones that set the caliber 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 the much heard of "DMH Experience". The organiser-participant interaction began from the time of registration of the teams, early in November and has lasted for years together. Moreover, we have always tried our best to ensure a smooth and enjoyable mooting experience at every step, as we ensured

that two members of the Committee provided every team with a pick-up either from the airport or station, at practically any time.

The "DMH Pride" includes our brilliant judges that graciously consent to judge the rounds of the Competition. One could easily notice that the entire legal fraternity of Mumbai was represented at the Competition. The preliminary rounds of arguments at the 18th DMH saw judges that came from different legal backgrounds. This included associates, senior associates and advocates who shortlisted 16 teams, to make it through to the octofinal round. The policy of "higher the level, tougher the fight" was followed to the word at DMH. The "octos" saw partners of law firms and counsels of the Bombay High Court grill teams, and if the presence of founding partners and senior partners was not enough to intimidate teams at the quarterfinal level, arguing in front of the luminaries of the legal fraternity such as Anil Harish, Fredun De Vitre, Pradeep Sancheti, Haresh Jagtiani, Vikram Nankani and Janak Dwarkadas definitely blew away the semifinalists.

The DMH Panel Discussion on "World War Against Black Money" was moderated by Mr. Haresh Jagtiani and attended by an illustrious panel of Mr. Niranjan Hiranandani, Mr. Janmejaya Sinha, Mrs. Shaina NC, Mr. Porus Kaka and Mr. Shailesh Haribhakti, living up to the standard displayed year after year.

Only the two most capable and deserving teams reach the final round of arguments after the rigorous seeding process that we put all the teams through. On February 12, 2017 it all boiled down to witnessing brilliant advocacy and ultimately, the adjudication of the best team. This was done by Hon'ble Justice Mr. R. M. Savant, Hon'ble Justice Mr. R. D. Dhanuka, Hon'ble Justice Mr. N. M. Jamdar, Hon'ble Justice Mr. K. R. Shriram and Hon'ble Justice Smt. S. P. Joshi.

One of the key reasons that DMH received the euphoria that it did was because of the sincerity with which each and every member of the Moot Court Association worked in order to make the event possible. The members were dedicated all year round, with work hours that rapidly increased as the day arrived. The MCA will always dedicate itself to the cause of raising the benchmark for India's most acclaimed event on International Law.

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Comedy of (T)errors by Priyanshi Vakharia, V-I

Despite the fact that 2016 was by common assent, a year of horrifying tumult, or perhaps because of it, comedy in India has taken an unprecedented vault forward. With fresh talent regrouping, women stepping up to take on their belly-aching, side-splitting avatars and comedy nights surviving Kapil Sharma's assault well enough to actually be considered cool, the pool of Indian satire was widened; so much so that more than half my Facebook friends' list has already liked Vir Das' first "potcast" of 2017.

It is great really, if the country that gasps at an errant bra strap or quivers angrily at defaulters not singing the national anthem or flings out the ultimate denigration ("Go to Pakistan") at the slightest political rebuff, has finally also learned to laugh at itself. Until, of course, you realise that much of our comedy comes from the political hoo-ha in the country. Perhaps it is no wonder that the rostrum for comedy has widened; having determined it is not as seditious a task to undertake, so much of the raw matter for comedy India possesses in its political reserves already. Politics in India is primeval enough that "Game of Yadavs" (read as: UP Elections) could very well be a successful Indian soap. Which is well enough when you are looking for an EIC (East India Comedy) video to guffaw over but slightly frightening if you actually stay in Bihar and are supposed to vote. As is the fact that poor Amma's funeral procession received more media coverage than her state policies throughout all her terms. Unfortunately, our newfound ability to laugh at the political mess we have dragged ourselves into, is not because of some exemplary character development of the average Indian, it is only because of the escapades of our political Pierrots. And that is just sad. Comedy or Politics? Because I can no

longer tell the difference.

More Than Human by Aastha Rupwate, V-III

A little more than a century ago, it was considered practically impossible to fly from one part of the earth to another. Today, catching a flight is as common as catching a cold! Our species has evolved to a point of creating a bird-like machine to help carry us around the globe and even beyond, but has not quite developed skills of patience and understanding, compassion and care, or humility and kindness.

We are not just witnesses to the great achievements of the scientific revolution, but consumers of it – we push this movement forward with our ever increasing greed. Having a mobile phone for the purpose of connectivity was not enough - we needed it to house dozens of applications, whether it was for being social through Facebook, being aware of global events through news apps, getting lost in the black hole of YouTube, or simply spending hours trying to cross level 5 in a game! My aim is not to denigrate technology, I am an avid user. But what I do wish to highlight is how ready, rather, how impatiently eager we are for the next new "update" technology has to offer. We are so eager to update our phones, our clothes, our cars, our jobs and even the bottles we drink from, that in the process I am afraid we forgot to update our humanity. The Holocaust killed 6 million Jews and was a hate crime based on race. Hitler existed at a time where there were no computers, Twitter, GPS, or DNA fingerprinting. Yet, racial discrimination has survived evolution, and its effects are not just something we see while referencing the past. Human atrocities live on, in 2017. We have clearly advanced since Hitler's time, but only in terms of science, not as humans.

Although it is argued that humans are naturally bound by their natural tendencies of hate, jealousy and power, we often forget that compassion and acceptance, too, exist. Why haven't our minds evolved to understand these simpler truths, especially when they are the basic revelations that could eradicate more than half of today's problems? Compared to how fast our technology is advancing, in the case of driver-less cars, the possibility of living on Mars, and genetic engineering which allows you to "design" your own baby, it seems increasingly difficult to balance the rate of our mental evolution with our scientific one. In the process of trying to become more than human, we somehow forgot to master the "humanity" part.

REVIE

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In the year 2013, India launched the world's cheapest Mars Mission, the price of which was estimated to have been around Rs. 500 crores. The Prime Minister, Narendra Modi, was delighted to remark that this mission cost less than the Hollywood movie *Gravity*, whose production cost about Rs. 681 crores. However in the year 2016, India seemed to be aspiring for another, sharply contrasting world record i.e., the record for the "*Most Expensive Statue Ever Built*". The way that we plan to achieve this is straightforward: simply dish out Rs. 3,600 crores to build a statue. The conception of the *Shiv Smarak* project involved the memorialisation of Chhatrapati Shivaji Maharaj. In this case however, Mr. Modi seems to be having some difficulty in digging out a movie whose production cost was north of Rs. 3,600 crores.

We, as common citizens, cannot even begin to fathom the worth of Rs. 3,600 crores. The cost of building the iconic Bandra-Worli sea link, together with the additional interests costs amounting to Rs. 1,600 crores does not even form a paltry half of the *Smarak*. The capital's annual budget for 2016-17, as given by the New Delhi Municipal Council, is Rs. 3,600 crore. Our *Shiv Smarak* outvalues both, the Statue of Liberty and the Eiffel Tower, even after accounting for inflation. It is hilariously remorseful that the only thing that can numerically exceed the colossal budget of the *Smarak* is the list of places at which such a vast sum of money could be better utilised.

"The greatest legacy one can pass on to one's children and grandchildren is not money or other material things accumulated in one's life, but rather a legacy of character and faith." Unfortunately, the legacy we seem to want to leave behind is that the statue in our state, Maharashtra, is taller than the Statue of Unity currently being built in Gujarat. Chhatrapati Shivaji Maharaj was indeed a great man, but there surely have been numerous other, better opportunities to honour his name since 1980. The budget of the Shiv Smarak has risen exponentially (35 times) since 1980 and with every such rise, our hearts inexorably sink.

A Monumental Miscalculation by Kunal Pradhan, V-II

F r o mSumerian logographs and Phoenician alphabets to the emojis and textese of today, the history of reading and writing has come a long way. Reading was a skill possessed by a select few. With Gutenberg's invention of the printing press and the industrial revolution, dissemination of information increased manifold and ideas began to transcend borders, leaving a more literate, learned and liberal humanity in its wake. The seeds of leisure reading were thus sown and it slowly bloomed into our lives. But this habit is slowly disappearing and dying in an era that is plagued by the menace of instant gratification. In a world bound by 140 character limits and 10 second Snapchat stories, to garner - let alone sustaining - the attention of the "YOLO" generation all throughout a book, seems like quite an uphill task. We are the generation that does not read newspapers. We do not even reach the end of an article, online. We have got an app which allows us to read the news "in short", but we only have time to read the headlines. However, dear reader, all is not lost. We have moved on from paper (and the environment will thank us for it, one day). Kindle and audiobooks have transformed the process of reading. There is a whole other universe on the internet where book-lovers congregate and share their passion for words. Live discussions, reviews, and fun You Tube tags keep us updated with the latest pieces of literary art, and also to find those lesser known, hidden gems. Most of these "Booktubers", as they like to be referred to, have a Goodreads account (a book-cataloguing website), to track their reading habits (like a Fitbit for bookworms!). In a world that is subject to constant change, fusion of the old and new is inevitable. The world of books and reading could not escape unscathed either, and that is not necessarily a bad thing.

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STALWARTS SPEAK

In India, and all over the world, jurisprudence has undergone a massive change over the past few decades. The law has evolved to become more intricate and intertwined. The horizons of jurisprudence have widened and crept across borders. Such a complex legal system requires connoisseurs of law to decode it. Such is a stalwart in the legal field. Such a system cannot exist without its experts. In this section, we hear these experts "speak".

This year we see *Stalwarts Speak* going international. This section introduces to us legal luminaries across the globe and the fields they excel in. These handpicked experts give us an insight into legal arenas less explored.

Prof. Juan de Dios Crespo Pérez, an expert in the field of Arbitration in Sports Disputes gives us an insight into the working of the Court of Arbitration for Sports, the rules of which are followed by the FIFA World Cup, the Commonwealth Games, and so on. He holds multiple diplomas in International Law, Community Law and Sports Law, and regularly writes articles on Sports Law in various languages such as English, Spanish, French, and Italian. His piece truly is an inspirational masterpiece.

Dr. Müslüm Yilmaz, Counsellor at the Legal Affairs Division of World Trade Organisation, describes his journey and professional experiences as a lawyer at the WTO. His article not only depicts the tumultuous ride to becoming a Legal Counsellor at the WTO, but also gives us insight into the procedures and working of the WTO. This article is especially fascinating for law students, as it serves as a guideline for acquiring their dream job.

Dr. James Kraska, an expert in the field of Maritime Law, talks about the budding field in India and the rest of the world. He has dedicated his entire career to this reputed field, and has emerged a true stalwart. His publications include numerous scholarly articles and books, including Maritime Power and Law of the Sea (Oxford) and he is a co-author of the treatise, International Maritime Security Law (Brill). His extraordinary experiences and depth of knowledge make his article a must read for all.





Arbitration and Sport Disputes: A very brief perspective of my journey

Prof. Juan de Dios Crespo Pérez

International Sports Lawyer at Ruiz-Huerta & Crespo Sports Lawyers

When I was first introduced to Sports Law, I did not even know that the field existed. I was a futsal player and was studying law at the University of Valencia (Spain). When the regional Futsal Federation of Valencia asked me to help manage their disciplinary issues, I thought that it was a nice idea and felt that mixing sports and the law (my two passions then and now) would be wonderful.

When they asked me join the Board of Directors of the Federation, I became involved in administrative and political matters that exist in sports but I found that they did not really interest me. Meanwhile, I finished my studies and started out as a lawyer.

Those years from 1981 to 1990 were really hectic as Sports Law was not really a field for which a student could have prepared himself. But by the end of the 1980s, I had already decided that this could be a market and I tried to

expand myself in this direction. It was extremely difficult as clubs, agents, and sportsmen were not very keen on dealing with lawyers, and it was only in 1993 when I became the external lawyer of Valencia CF that I realised just how much more difficult it was going to be.

Lawyers were treated as a "necessary evil" and I had to demonstrate my skills in order to make it clear that stakeholders in sports were indeed subject to the law and that sports lawyers were indeed needed. Of course, there were regulations but they were dealt with directly by the stakeholders and the lawyers willing to introduce themselves were regarded as outsiders.

In Valencia, I had to take care of the disciplinary cases

(mostly regarding yellow and red cards at the national and international level) and had to often deal with people who were not from a legal background. In the first season I won 9 out of 10 appeals and my success was largely due to the gaps in the regulations. I had the chance to make several changes to the disciplinary regulations of the Spanish Football Association as the latter slowly began to realise the shortcomings of its rules.



Even at the international level, the Union of European Football Associations (UEFA), now the universally recognised owner of the Champions League, realised that its regulations were not adequate to permit the smooth administration of football in Europe. For example, the use of video footage as proof to help the defence of a case was forbidden and it took me a long time to convince UEFA of the legality of video footage as well as its direct relation to the critical analysis of a sporting incident. Three years after my

first request, the use of video footage was finally accepted. I received a kind letter from the then President of the Disciplinary Body of UEFA, also a Spaniard, giving me the credit for such a change.

Valencia's goalkeeper, Andoni Zubizarreta (formerly of Athletic Bilbao and FC Barcelona) was given a red card for touching the ball with his hand outside his own penalty area. The video that I produced clearly showed that the player had not touched the ball with his hand but rather with his chest. As a result of the red card, he was suspended for one match. As fate would have it, after returning from suspension, the player was sent off a second time, again unfairly. However, once again the video evidence was rejected. Three years later, UEFA accepted the video evidence and I got that personal

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letter thanking me for my valuable legal position on the matter that helped UEFA modify its disciplinary regulations.

Such incidents also brought to the attention of the sport's governing bodies, the need for timely dispute resolution within sports, as often the needs of the competition do not allow a lot of time for the decision rendering process. For example, the Ad hoc Panel of the Court of Arbitration for Sport during the 2016 Olympics in Rio de Janeiro dealt with appeals and rendered decisions within 24 hours. While cases like this were difficult, the most difficult thing for me at the time was to convince the stakeholders of sport that us lawyers were of use to them.

I remember going to FIFA when there were no lawyers working there and in my first visit I was greeted by an important officer who made me sign in the book of visitors, when I was there to start a claim against FIFA! I also remember that FIFA sent me a fax stating that they were not communicating directly with lawyers but only through the Federations or Associations of its members. It was only when I sued FIFA before the Zurich Court of Justice that I got some recognition and then, of course, FIFA began communicating with me directly.

Just when things were starting to look up, I was subject to criticism by the Spanish football authorities as they were afraid that my legal advice to clubs against FIFA could undermine the position of Spanish football. As the reader can see, those were not days of wine and roses but of a constant uphill battle.

I was the lawyer for Andrew Webster, the player who used Article 17 of the FIFA Regulations on the Status and Transfer of Players (which is like the Bible for sports lawyers and researchers) to terminate his contract before its natural end. Such an early termination is accepted by Article 17 but the parameters and criteria to determine the amount of compensation to be paid by a footballer in breach of his contract without just cause are explicitly mentioned. Webster walked with the payment of his remaining year of contract, a decision lauded by the International Footballers Association (FIFPro) and dismissed by the former FIFA President Mr. Sepp Blatter as "the end of football".

Only a year after, I had another case of Article 17. But

instead of being with the footballer, I was hired by the club that lost the player, the Ukrainian club Shakhtar Donetsk. The Brazilian player did the same as Webster and left the Ukrainian club at a very important time of the club's season. The decision by the Court of Arbitration for Sport (CAS) was quite different from that in the case of Webster and, not bizarrely, FIFPro and FIFA exchanged their position and comments in favour and against.

In another case of Article 17 in which I represented the club that the player joined after the breach of contract, the Spanish club Sevilla FC, when an Italian goalkeeper, Morgan De Sanctis left his then club Udinese Calcio in Italy. Once again, CAS showed its independence with another different decision, due to which neither FIFPro nor FIFA was happy. These different cases in the first decade of the new millennium really announced to the world that the field of Sports Law had come into being. As time progressed, the volume of cases before FIFA and the CAS increased exponentially.

The success of arbitration in sports has even reached Asia, where the Sports Arbitration Tribunal of Asia (SATA), based in Seoul, was recognised by the Asian Olympic Council and aims to deal with all sporting disputes coming from Asian Games or of any national or international competition that takes place in Asia. SATA was established just a few years ago, and time will tell if it will reach the same success as the CAS in Switzerland, which it was modelled after.

My aim in writing this short article on sports disputes was to give the readers, students or practitioners, an overview of how Sports Law has dramatically evolved during the last 30 years. From the nearly "outlaw" lawyers to the much needed ones in every competition and proceedings with specialists not only in Sports Law but on specific issues in that field, such as doping, CAS issues, disciplinary issues, financial fair play, and of different sports, Sports Law has become a more than interesting market for those who love sports and the law.

I encourage and welcome you all to try to join this field as there is still a lot of room for young lawyers in federations (regional, national or international) that need legal help as well as for sportsmen who do not know whom they can talk to when litigation comes to them. As the days go by, plenty of issues come up in this ever evolving sector of law which is still fairly young in India.



Professional Experiences of a WTO Lawyer

Dr. Müslüm Yilmaz

Counsellor, World Trade Organisation, Legal Affairs Division

It was a cold winter day in Ankara, and I was studying for the comprehensive exam in my PhD program at Ankara University, when I was called by an official of the WTO's Human Resources Division and told that I was shortlisted for the Implementation Officer position in the Rules Division. This was one of the few moments of great pride in my life. Although time was limited in preparation for the interviews, I studied the text of the trade remedies agreements (anti-dumping, subsidies and countervailing

measures, and safeguards) many times. I also read the relevant WTO case law, as much as I could.

The written test had three tough questions on trade remedies. I concentrated well and probably spent 3000 calories trying to come up with logical and coherent answers. There were also quite a few technical questions on trade remedies in the oral part, but it was more fun because there was human interaction. I came out of the interview room with a positive feeling. Then it happened:

they called me to say I was selected for the post, and I started working at the WTO on November 1, 2001.

Although I was initially hired as Implementation Officer to help the Rules Division mainly with the technical assistance work, because of the heavy workload on dispute settlement cases, they also assigned me as secretary to an on-going panel. This was an amazing experience. Until then, I had treated Panel and Appellate Body reports as works of art, and I was now part of a team that would assist a panel in drafting one of those reports. After 13 years of service in the Rules Division, I moved next door to the Legal Affairs Division around three years ago, in order to work on cases involving issues other

than anti-dumping. I am currently working on a Technical Barriers to Trade dispute. In both Divisions, I have carried out administrative tasks in addition to my heavy dispute settlement work.

In the WTO, lawyers work in all Divisions. An important distinction has to be made between lawyers working in the three dispute settlement Divisions, and those working in other Divisions. The lawyers working outside the dispute

> settlement Divisions carry out a wide working on that dispute.

> range of tasks, including committee work, technical assistance, and trade policy review. Where needed, these lawyers may also participate in panel work as liaison officers assisting the lawyers of the Legal Affairs Division

> The three dispute settlement Divisions are the Rules Division, the Legal Affairs Division, and the Appellate Body Secretariat. Panels are assisted by the lawyers in the Rules or the Legal Affairs Division, whereas the Appellate Body is

assisted by the Appellate Body Secretariat. The distinction between the Rules and the Legal Affairs Divisions is related to the substance of the dispute. Disputes involving trade remedies are handled by the Rules Divisions while the rest of the disputes are handled by the Legal Affairs Division.

Let me give you a general description of a dispute settlement lawyer's regular tasks. When a WTO panel is established and composed, a team of lawyers gets assigned to the panel. Typically, that team is composed of one senior and one or two junior lawyers, depending on the complexity of the case. The job of this team is to assist the panel in its work throughout the proceedings. The legal team prepares reports



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for the panel in advance of the panel's meetings with the parties, and assists the panel with the drafting of its report. All disputes raise issues of law, which require interpretation of the WTO Agreement. This is an exciting part of the work. Some cases are also fact intensive and require an assessment of dozens, if not hundreds, of exhibits presented by the parties. Analysing these facts is a daunting task but it is an essential aspect of the work because the case cannot be resolved without understanding the facts. A typical dispute lasts one year. This period can be shorter or longer depending on the number and nature of the claims raised in the dispute. Panel reports may be appealed by the parties to the dispute. Appeals are handled by the Appellate Body which has its own secretariat within the WTO building.

In the Rules and Legal Affairs Divisions, important non-dispute settlement work is also done by lawyers. In addition to its dispute settlement work, the Rules Division services three important WTO Committees, namely, the Anti-Dumping Committee, the Committee on Subsidies and Countervailing Measures, and the Safeguards Committee. The Rules Division also provides technical assistance to the anti-dumping investigating authorities of developing countries, to which some of its lawyers also contribute. Similarly, the Legal Affairs Division carries out important non-dispute settlement work. This includes treaty work, the preparation of the WTO's analytical index, as well as technical assistance. The Division also responds to any requests from the administration for advice on various legal issues.

What did I learn from my experience as legal officer in the WTO secretariat? Would I recommend it to others? Is it like working above the clouds, with no problems whatsoever, or are there also disadvantages that one should be aware of?

If I were asked to identify the most important skills I have gained or developed in my job at the WTO, I would refer to two things: drafting skills and public speech/presentation skills. Drafting is the single most important skill a WTO lawyer needs. Assisting WTO panels as legal officer requires strong analytical skills, as well as the ability to convey, orally and in writing, the ideas that those analytical skills produce. I have benefited greatly from the assistance and oversight of some senior colleagues in developing my drafting skills over the years. Although I have developed these drafting skills in

the context of WTO disputes, in my view, those skills can easily be used in other legal systems.

In addition to dispute settlement, another part of my job is to provide technical assistance to developing country Members of the WTO. I do this in the English and French languages. Teaching something is different from knowing it. The WTO provides training courses to develop its staff's presentation skills. I have also benefited from several of those courses. WTO's technical assistance activities can sometimes be very challenging because of the level of knowledge and interest of the participants benefiting from the activity. In my experience, technical assistance missions in certain countries, including India, have been more demanding because of the level of attention and quality of participation of the participants. Another benefit of these missions is that they let you see different countries and cultures and establish your own network of trade officials from those countries.

For these two reasons alone, I would strongly recommend working for the WTO to those interested in trade law.

In my view, however, this does not mean that working at the WTO has no downsides. The first and most important difficulty is the nature of the work that dispute settlement lawyers are required to do. This has two aspects. First, work has to be delivered in a timely fashion. Dispute settlement lawyers do not have the luxury of not meeting the deadlines agreed to by the parties to a dispute. Thus, there is constant time pressure. The second aspect is related to the quality of the work. The level of the quality of the legal work done at the WTO is very high, and all lawyers working in this system are expected to meet this standard. Although this is a daunting task, once achieved, it becomes highly satisfying. The pleasure gets multiplied when you see the panel report that you drafted being discussed in academia or cited in future WTO dispute settlement reports.

The second difficulty has to do with the fact that working for the WTO means moving to Geneva. It is a lovely town in many regards, including security, high quality infrastructure, beautiful nature, and an international environment. It is, however, not Mumbai or Ankara. There is no food in restaurants throughout the day; you have to be there when you are supposed to be there. Further, when there is food, it costs a lot. Actually, everything costs a lot in Geneva. You



cannot make noise in your apartment after a certain hour at night because that would bother your neighbour downstairs (I have finally found a solution to this problem by moving into an apartment on the ground floor of a building). This is because the Swiss work hard, and therefore go to bed relatively early.

And, of course, life goes on; it does not wait for you to finish your service at the WTO and come back to your home country to continue your life there from where you had left it off. The sun will rise and set in India every single day that you will spend in Geneva. This town is full of people who would tell you they initially came here for six months or a year, but ended up spending their entire life here. I call this the "Geneva virus". It gets into your body at some point and gradually takes over your soul, without making you realise it. One day you become a "Genevois" and find it difficult to integrate into life back at home. So, one has to be prepared for this. This aspect is probably slightly easier for single people because they can make such decisions relatively easily based on their personal aspirations and career plans. For married people, however, it is more complicated because somebody else's views also have to be taken into account. If you have kids, that adds an additional layer of difficulty.

If you are interested in Trade Law, I would highly recommend that you consider applying for legal jobs at the WTO. In terms of how to prepare for a career in the WTO, I can recommend two options. The first option would be for you to work for a governmental agency that deals with trade issues. That would give you technical expertise on certain WTO issues, which would then be helpful in your job application and the actual interviews if you are shortlisted for a position. This is what I also did, although I did not do it for the purpose of enhancing my chances of being hired by the WTO. It just happened to be that way. The second option would be to work for a law firm or consulting firm that does trade-related work, such as trade remedies. Such an experience would also equip you with important substantive knowledge on WTO issues and would therefore enhance your chances of finding a job at the WTO.

Keep in mind, however, that legal jobs at the WTO are very limited and the application process is extremely competitive. Therefore, you should not be disappointed if you are not shortlisted for the positions that you apply for, or if you are not selected for the ones that you have been interviewed for. It is simply because of the huge number of applications and the level of competition involved.







International Maritime Law

Dr. James Kraska

Howard S. Levie Professor, Stockton Center for the Study of International Law, U.S. Naval War College

International Maritime Law is a burgeoning area of practice in India and abroad. This vast body of law is particularly interesting because it is a hybrid area of practice, straddling both public national and international law, and transactional commercial and corporate law. Forty percent of the world's population lives within 100 km of the coastline. The sea is an integral part of Indian culture and civilization from the classical period to the present, and its namesake, the Indian Ocean, is the third largest in the world, covering some

twenty percent of the surface of the earth.

India has a vast coastline of over 7,500 km long. The Indian merchant fleet is tied with the United States and The Netherlands in terms of size and tonnage, and India's drive to fashion a "Blue Economy" throughout the Indian Ocean region is opening new opportunities in fisheries and aquaculture, ocean energy, seaports and shipping, tourism, seabed mining, and marine environmental protection, and marine

biotechnology. Likewise, the Indian Navy is one of the top four or five largest and most powerful maritime forces in the world, routinely patrolling for pirates in the Arabian Sea and Somali Basin and protecting Indian interests in offshore oil and gas development in the South China Sea. Each of these transnational sectors both public and private requires lawyers for appropriate regulation, management, and dispute resolution – legal practice that is dynamic, interesting and rewarding.

As Mumbai is one of the world's greatest coastal cities and largest container shipping ports, students at Government Law College are well positioned to appreciate and explore the possibilities of maritime law practice. Mumbai also has more submarine cable landing stations than the rest of India combined. Since nearly all internet data traffic travels by submarine cable, Mumbai is the key communications node for the entire country. As the strength of the Indian economy grows and as Indian maritime interests expand globally, there will be a greater need for motivated legal practitioners who are drawn to the sea.



My practice in maritime law and policy evolved from a similar view from my home in the United States. The United States, like, India, is in many ways an "island nation." The United States is connected to Asia and Europe through the Pacific Ocean and Atlantic Ocean, much as India is connected to the Middle East and Europe via the Arabian Sea, and East Asia through the Bay of Bengal and Strait of Malacca. Because of their similar geostrategic locations astride major ocean avenues, India and the United States share a common maritime destiny. The two great nations share legal

systems governed by the rule of law and democratic institutions, so development and practice of maritime law is an important for both countries.

There are two broad areas of practice – Public International Law of the Sea and Private International Maritime Law – and both offer tremendous growth in the coming years. Most international maritime lawyers pursue private practice, and the admiralty bar is among the most rewarding and lucrative areas. More than ninety percent of international trade, and ninety-five percent of Indian trade, is carried at sea, and the global economy is entirely dependent on the orchestration of shipping as well as private companies and insurance agents





that keep the wheels of commerce rolling. The myriad shipping contracts for vessel hull insurance, protection and indemnity insurance, and cargo insurance are essential to efficiency. In an era of "just in time" manufacturing, when cargo must be reliably delivered, lawyers help to facilitate transactions and resolve disputes. Admiralty or private maritime law covers interactions between ships and ports, and between ships, including torts, injuries, and offenses that occur on navigable waters of the oceans, rivers and lakes.

India's development plan is focused on building depth and resilience in the maritime sector, including shipping, shipbuilding, ship repair, ship recycling, inland water transport, dredging and multi-modal logistics. Financing these efforts requires banking law expertise and, industrial legal counsel for national investment and foreign direct investment. Consequently, the private practice of international maritime law is poised for growth and business in India is booming. Starting out today, I can think of no area more promising and lucrative than private international maritime law to facilitate India's growth machine. Although there is considerable overlap between private and public international maritime law, my career is focused mainly on the public side, which involves public international law and diplomacy and working with government and international organizations more than private companies and industry groups.

The international law of the sea, which is reflected in the United Nations Convention on the Law of the Sea (UNCLOS) and more than 50 other treaties, constitutes the public international law dimension of oceans law and policy. This body of law binds states, and apportions rights and duties among flag states, port states, and coastal states. As a branch of public international law, the international law of the sea involves all aspects of naval affairs, fishing, seabed mining, marine resource conservation, marine environmental protection, and international shipping regulation. This is the domain of diplomacy and involves managing the great issues and conflicts of the day, typically within government service. These issues are addressed by legal advisers of the Government in Ministry of External Affairs, National Security Council, and Ministry of Defence, among many others, working in bilateral negotiations with their counterparts, or through international forums, such as the

International Maritime Organization (IMO) in London.

Like the Indian Navy, the United States Navy has a cadre of naval officers who are also lawyers that serve as general counsel for the admirals in command. Before becoming a professor of international law, I served for two decades as a U.S. Navy officer and Judge Advocate, rendering advice to commanders on U.S. warships, such as aircraft carriers in the Western Pacific, or senior civilian leaders in the Pentagon. This work took me to some 60 nations around the world, I lived in Japan for five years, and I served in four Pentagon senior staff assignments. I provided legal advice, for example, in support of the emergence of East Timor as an independent state. Indian Navy judge advocates follow similarly exciting career paths, addressing human rights and international criminal law of maritime piracy and the use of force at sea.

For example, I served as a defense counsel and criminal prosecutor in criminal matters involving U.S. military members, as well as a number of legal adviser (essentially as corporate counsel) positions to admirals and generals in Asia and the Pentagon. I was the legal adviser for a joint, interagency task force to interdict multi-ton loads of illegal drugs entering the United States by sea. This position involved dispensing legal advice on tracking and boarding ships from numerous nations. I also was legal adviser for a large expeditionary task force that included thousands of U.S. Marines and Navy SEALs. The task force was prepared to conduct "forced entry" in a range of crises in the Pacific Ocean and Indian Ocean, and I provided legal advice on use of force in international law, the law of the sea, and human rights law.

India is a major presence in international law of the sea. This type of work is diplomacy in action, where lawyers negotiate global rules through the process of give-and-take, and the mixture of national economic, strategic, and environmental interests as the backdrop for reaching agreement. As maritime piracy began to affect shipping throughout the Arabian Sea, I worked in the Pentagon as Director of International Negotiations for the Chairman of the Joint Chiefs of Staff to develop rules for the interdiction and suppression of crime at sea.

No country has been more affected by maritime piracy than India, and developing rules for the interception of pirated

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ships and for the use of force for private security guards at sea involved engagement with India and dozens of other states. As climate change imposes a greater effect on South Asian coastal communities and small islands and developing states, we can expect that India and its neighbours will become a greater voice in the international law of the sea. After serving in the Navy, I taught the law of the sea at Duke University, focusing on the areas of marine environmental protection, marine mammal protection, and seabed mining. As a greater number of people place more demands on ocean resources, we may expect that these issues will also become more important. Once people have basic needs met, they tend to value environmental services more, including clean

water and a verdant seascape.

Today I have the honour of serving as a professor of oceans law and policy at the U.S. Naval War College, where we have students from some 50 nations, including the Indian Navy. My research explores the importance of the law of the sea in the Indian Ocean, the Western Pacific, including the South China Sea, and issues of maritime security, including counter-piracy and counter-terrorism at sea. My engagement with Government Law College, Mumbai is among the most memorable part of this work in order to help develop the next generation of experts in international maritime law.





Cultural Ramifications of Severing Indo-Pak Ties

India-Pakistan ties have been fraught with heightened diplomatic and military tensions. Emerging Chinese domination in Asia and the proposed China-Pakistan Economic Corridor pose a threat to Indian power in this region. The severing of India Pakistan ties will reduce the ability of Indian soft power to hold any dominance in Pakistani culture, leaving it more exposed to the vulnerabilities of rising Chinese soft power. Moreover, the ties between India and Pakistan are born in their shared history, culture and people. Severing of these ties would create a situation that is more tense and poised for violence between both nations, leading to more incidents of military attacks by each country on the other – affecting lives and livelihoods. Cultural ties help create art and music across borders, fostering a sense of friendship and oneness. Severing this relationship would greatly reduce the quality of the cultural cross border exchange and restrict any further development in the rich Indian-Pakistani shared cultural fabric.

Vandita Morarka, III-II

The legacy of a violent Partition that witnessed inter-communal strife and the inability of various elected governments in Pakistan to fully control domestic and foreign policy have made the India-Pakistan relationship adversarial in nature. Partition of India not only divided territory, but also families who found themselves on different sides of the newly established border. Partition could not, however, immediately remove or reduce cultural commonalities such as language, gastronomic tastes, and social norms. In fact, bilateral trade and cultural ties between the two have remained in place despite political conflict. For instance, the Indian film industry has a huge following in Pakistan and Pakistani actors are a part of the Indian film and television industry. Cricket is yet another common factor, closely followed in both countries. Given the frequency of violent attacks on each other's territory, we often forget that India and Pakistan share these commonalities which could be used to mitigate adversarial frameworks. It behoves them both to pay more attention to formulating strategies to facilitate better trade and people relations, rather than playing a blame game which is unlikely to end in the near future.

Shivam Jain Kakadia, V-IV

A saddening repercussion of the never-ending war between India and Pakistan is that the germs of hostility have now permeated the layer of culture which had, for so long, stayed intact, bonding people in a dimension void of state-sponsored hatred, cross-border violence, and military tactics. The hoi polloi of both countries shares a common taste in music, arts, and movies since time immemorial. In the backdrop of Uri attacks, the Maharashtra Navnirman Sena threatened all Pakistani artists to leave the country within 24 hours, which consequently elicited a similar ban on Indian movies from the Pakistani Government. Such a move of abandonment has been continually dubbed as a "show of respect" towards the Indian martyrs. Whilst politicians bask in the unwarranted glory of misleading jingoism, what they fail to realise is the fact that banning artists is not the solution, but a strategic blunder. The ultimate demand is that of peace which can be achieved by collaboration rather than a cold-shouldered approach. That artists are innocuous promoters of art and not ventriloquists of terrorism, is something we should understand.

Kaumudi Srivastava, V-II







Demonetisation and its 'Modi'fications

The Prime Minister justified the demonetisation decision as a significant step to crack down on black money along with a slew of other reforms which he intended to introduce. The social media uproar which followed was hilarious as well as terrifying. Frustration, amusement, anger and patriotism were pervasive. While on one hand, demonetisation had every Indian have his "meme game" strong, the bbakts decided to play the "minor sacrifice for your country" card, dissing every person who opposed the move as unpatriotic or treacherous or anti-national or corrupt or plain crazy. I suppose the plummeting of the GDP by 2%, a few hundred people dying in queues, the unavailability of necessaries, hospitals refusing to admit those unable to pay in new currency are just minor inconveniences we can endure to excavate black money and make the country star-spangled awesome. Notwithstanding the colossal logistical failure, demonetisation has crippled the economy and severely affected all sectors. The move is replete with legal violations and subject to unending, chancy alterations. What matters is the end result of achieving the goals which the PM dubs as national and indispensable, and the result has been nothing but immense public expenditure, non-stoppage of cross-border terrorist activities, large-scale prevalence of counterfeited new notes, and the imminent re-emergence of "black" money. The idea of curbing corruption is highly noble and requires full support, however this debacle called demonetisation has helped achieve nada.

Shivani Chimnani, V-III

The constant change of narrative in the demonetisation debacle has captured the world's attention. In his November 8 speech, PM Modi attributed this move to the fight against black money and terrorism. Later, the goalpost was shifted to turning India into a cashless economy. Several hardships could have been avoided, if not for the lackadaisical approach to implementation. The leaked pictures of the new two thousand rupee note, recalibration of ATMs across the country, inability to replace old currency with new – all clearly added to the haphazardness of the move. 50 days after the announcement, it is apparent that although bold decisions are definitely required, dissent, deliberation, and discussion should never be undermined in a democracy.

Meezan Patel, V-III

The shortfalls of demonetisation are several. The sudden declaration brought about chaos, to not only those holding unaccounted money, but every common man earning a daily wage for his sustenance. The notice period was too short to fathom the implications, which could have, and did, lead to violence in some parts of the nation. The scarcity of new currency increased the inconvenience caused to citizens. The continuous change in policies led to unease even in the minds of supporters of the move. However, considering that India has been a cash-centric economy and corruption is rampant, the move seems like an effective step to eradicate the black money infestation. Maybe a positive effect on the GDP will be seen after a couple of quarters, once the narcissists digest that this was a bitter pill which had to be swallowed. A leader who is ready to commit political suicide and ruin his chances of re-election by such a drastic move surely must have conviction and vision, and a solid plan in mind. Is this move a boon, a bane, or simply a blunder? Only time will tell.

Nitika Bagaria, V-II







Follow your own special path.

Mr. Sriram Panchu Senior Advocate and Mediator

In 1976 you acquired a law degree from Government Law College, Mumbai. What would you describe as your fondest memory at your Alma Mater?

This takes me back in time. The most enduring memory I have is of the events we organised during the Emergency. We hosted eminent speakers such as Mr. Palkhivala, Mr. Sorabjee and Mr. Ram Jethmalani who were sharply critical of the government. On one occasion we invited the then Attorney General for India (AG), Mr. Niren De, to defend the government. I chaired the meetings as the Chairman of the Students' Council. After his speech, there was a volley of questions from the floor, each one taking strong exception with the AG's submissions. No doubt, there were police informants in the hall, but the students were not bothered. One professor tried to censor the questions but the AG, to his credit, and no doubt out of respect for the institution, overruled him and answered each one as best as he could. This reflects the spirit of GLC - standing up for freedom of speech and expression, the quality of debate and public speaking, the questioning of authority, and the regard in which the college was held.

I must confess though that my fondest memory is of time spent in the canteen where the talk was not of life, law and other things, but just other things. Those days our priorities were clear, as I am sure it is now. To maximise time in the canteen, we perfected the art of the proxy in some classrooms. This was our introduction to the Benami Transactions Act.

How did your time at Government Law College shape you as a lawyer?

I had brilliant teachers who taught us the fundamentals. If you get your fundamentals right then you can tackle statutes



Mr. Sriram Panchu is a pioneer in the field of mediation in India. A Senior Advocate of the Madras High Court and an alumnus of Government Law College, Mumbai, this interview is a brief insight into his deep understanding and expertise in alternative dispute resolution mechanisms.





without much difficulty. They were role models for knowledge, thoroughness of preparation and exposition. The moot courts taught one to prepare, to present and to rebut. Also, you watched proceedings in court and the performance of well-known lawyers. One could see how theoretical learning played out in real life. This gave us an insight into the profession, but more than that it gave us a love for the law.

It has been a decade since you first laid the foundation for mediation in our country by establishing India's first court-annexed mediation centre in the Madras High Court. How have you witnessed its evolution, ever since?

It has grown tremendously. The Madras centre was founded in 2005, and then we helped the Delhi and Allahabad High Courts to set up their centres. In the following years, almost all the High Courts established mediation centres. The movement has taken root and is now an integral and growing part of the legal system. The most notable thing is that today, the Judge does not say "Why mediation?" He says "Why not mediation?" However, the progress has been largely confined to the court-annexed mediation centres. That is hardly adequate. Private mediation is required to handle a range of commercial conflicts as well as personal disputes. People should be able to access qualified and experienced mediators without going to court. Mediation should become an avenue of professional practice; only then will it be sustainable. It should be used in addressing community clashes and peer conflict.

When you first launched the mediation movement in India, did you have any apprehensions as to how it would be received by the Indian population and legal system?

selections. There are several reasons why the lawyers have become mediators; I like to think that it touches a chord in them to be seen using their skills to serve society.

Although there is a positive response, there are also concerns that it will reduce the income for lawyers. But they find that their clients appreciate them for settlements, which avoid years of litigation. They also realise that mediation is a professional service for which they can charge their fees. The litigants love it. It saves them a huge amount of cost and time and allows them to participate fully in the process. They can see that they are getting a viable solution to end the dispute.

Where does your passion for mediation stem from? Was it an arena you stumbled upon or did you make a calculated decision to dedicate your professional career to it?

It came from a realisation 15 years into law practice. I found that although I was doing the best for my clients, their lives were not improving even when they won. Verdicts did not provide solutions and the conflict worsened. This disturbed me. In 1991, I attended the Salzburg Seminar. We were introduced to mediation as a way to harmonise two competing claims. I realised that mediation was a powerful way of handling a whole range of disputes, especially personal and commercial ones. By using a principle of appropriateness we can choose which method is suitable for which dispute. This was my Eureka moment.

I came back to India, started speaking and writing about it and started using it in cases. I set up a Trust to propagate its use. But the turning point was in 2005 when Chief Justice Katju of the Madras High Court asked me to start India's first court – annexed mediation centre in the Madras High Court. We did not look back after that. I am fortunate to have

"This reflects the spirit of GLC – standing up for freedom of speech and expression, the quality of debate and public speaking, the questioning of authority..."

I thought there would be huge resistance from lawyers. I was wrong. There was initial skepticism, then curiosity, and then willingness to try it from the more open-minded ones. After the mediation centre was founded, we had to persuade lawyers to train to be mediators. Every time we held a fresh training session, the number of applications outstripped the seats several times over. I used to joke about it saying that my popularity would drop by three-fourth every time I made the

handled a large number of mediations, many being complex disputes involving large stakes.

What has been the most fascinating dispute that you have encountered in your career as a mediator?

In 2005, I settled, within three months, a dispute between the labour unions and the banks who were fighting for 14 years over the sale proceeds of a company that had been wound up.





What was most important was that the families of 1296 workers benefited. It was a very moving sight when the workers, and children of deceased workers came forward to receive the cheques from the Chief Justice.

Another case that will stay with me is the border dispute between Assam and Nagaland, which the Supreme Court asked me to mediate in 2009. That mediation went on for several years and we worked with the senior officers and civil society including tribal heads. As a result of the mediation, there was better understanding, cooperation and communication between the people of the two States especially in the border areas. Border Peace Committees were set up. There was better communication between officers. Although the demarcation of the model did not take place, these measures and other measures greatly reduced the tensions on the border, and the number of violent incidents came down sharply.

The third case, also referred by the Supreme Court, was a dispute between members of the Parsi community regarding a ban on certain priests from conducting ceremonies at the Doongerwadi in Bombay. The mediation enabled a solution that was accepted by both sides.

Is there anything about human nature that makes itself extremely prevalent in the course of mediation proceedings? What must one keep in mind about general psychological characteristics and behavioural traits while conducting mediation?

In mediation you get to see a gamut of human emotions - anger, disappointment, envy, insecurity. As the mediation progresses satisfactorily you get to see another side of human emotions - understanding, acceptance, hope, relief and humaneness. The more you mediate, the more you realise

More - The Why, How and When of Mediation and Mediation: Practice and Law. What did you learn through the process of documenting two decades worth of knowledge and experience in this field?

I learnt that it is easy to do the first draft, and then more difficult to do the second, and then even more difficult to do the third and so on. When it is done, you want to keep revising it, and my publisher had to yank it from me; he said that my book did not have biblical importance and could suffer from imperfections. I learnt that it is best to put forth your thoughts in simple and clear language, and to avoid complex sentences and verbose language. Basically if you have something worth saying, and this comes from your experience, then that is the most important thing. The rest of it is putting your head down and sacrificing vacation time.

I followed the approach of thinking my way through from the basics. I began with the adversarial system and looked at its problems. Then I tried to see what would be the ingredients of a good alternative. That introduced mediation and I looked at its basic structure and principles. I took several cases and looked at how it would pan out in the law courts and also in mediation. I went into negotiation and the communication skills needed for mediation. A detailed study of the mediation process followed. Then a discussion of the principle of appropriateness to choose between dispute resolution methods. Then ethics. And then case law. I wound it up with looking at the structural changes required to bring mediation firmly in the legal system.

The political tension between India and Pakistan has heightened considerably during the past couple of months. Please comment on the efficacy of mediation as a tool to settle disputes such as these.

"If you get your fundamentals right then you can tackle statutes without much difficulty."

that ego is the root of so much conflict. Conversely, if you can deal with that well, a settlement becomes more likely. Body language is also important – it is said that the spoken word conveys less than body language. You get to see so many behavioural patterns - bullying, meekness, bluffing, blustering, "my way or the highway", "walk all over me". You have to watch out for these and motivate them to achieve the kind of balance needed to get good and fair results.

You have authored two publications, namely Settle for

I think the flashpoint is Kashmir. Kashmir is part of our troubled history, a conflict that began when the State acceded at the time of Independence. We need to see that the solution can come only from a dialogue between India and Pakistan, and the Kashmiris themselves. There can be multiple options evolved through such dialogue. For example, the Line of Control can become the demarcated border. There can be limited autonomy to the Kashmiris. India can assume the function of defence, communication and external affairs and provide a protective cover for Kashmir. This is only one





"In mediation, you get to see a gamut of human emotions - anger, disappointment, envy, insecurity. As the mediation progresses satisfactorily you get to see another side of human emotions - understanding, acceptance, hope, relief and humaneness."

option, others will be generated when there is dialogue. When dialogue begins, the tension on the ground lessens and people begin to hope rather than be grounded in despair.

What is the role and efficacy of mediation in settlement of disputes related to personal laws?

It works very well in matrimonial disputes. A large number of mediation cases arise from divorce matters. It makes eminent sense for husband and wife to either continue the marriage on better terms, or to part as amicably as possible. Where there is to be a separation, mediation can result in agreements on divorce and financial settlements. Provisions for children must ensure their maintenance and welfare and ensure proper custody and visiting rights, and can be tailored for flexibility and adaptation. Statistics show that agreements reached in mediation have very high compliance rates. Compare this with court orders which are disobeyed or appealed against, often both.

The other area in which mediation helps in personal matters is inheritance, where family members fight over succession to property. It must not be forgotten that many commercial entities are family business holdings. Disputes here are not just a matter of company law provisions. They often spring from personal disputes within the family - they can stem from insecurity, domination, jealousy, ageing irrelevance and youthful impatience. When personal conflict in the house spreads to conflict in the boardroom, or vice versa, the dispute is magnified two fold.

What are your views on the Government's efforts towards promoting India as a global hub for arbitration? What are the challenges that may arise in doing so?

This involves several difficulties. India's experience in arbitration has not been pleasant. It is plagued with high cost and long delay. So much so that parties sometimes wonder whether they were better off with the court system. Arbitrators charge very high fees and do not conduct cases expeditiously. We do not have adequate institutional arbitration that can lessen these problems. Another problem is that Indian courts interfere with arbitral awards all too

easily, and so virtually every significant award is challenged. Although the grounds for challenge in the Arbitration Act are limited, the courts use a rather expansive view of the expression 'public policy' in order to have the jurisdiction and capability to overrule arbitral awards. The third is that we do not seem to have efficient systems and processes to handle arbitration. There is no need for arbitrators to hold expensive sittings for the filing of pleadings and compilation of documents. Arbitrators must assemble only when the case is ready to be heard, and then expeditiously hear the case, and then deliver the award as soon as possible. This process can be smooth and efficient, and can be the desired alternative to the delays of the court system. But we are a far cry from that. The fourth problem is that lawyers are not able to function without generous adjournments. This is the bane of litigation and it has become the bane of arbitration. It will change if arbitrators impose heavy costs, or better yet, make it clear that they will hear the case on the dates given without adjournment. We need only to look at Singapore to see how an efficient arbitration system can be run and become the hub of global dispute resolution in the Asia Pacific region.

What is the way forward for mediation in India? Please shed light upon any one change to the process that is essential for the advancement of this mode of dispute settlement in India.

Mediation has just begun in India. The only inroad it has made is in the court-annexed system. I think it is essential that both practitioners and users look at mediation as a professional activity which generates reasonable income and demands professional standards. If this happens, then mediation will be sustainable and will go forward.

How would you describe mediation in one word?

If I may join two words, then it will be "endispute".

Lastly, what would be your advice to the young lawyers and students of Law in the country?

Find the kind of law that you like to practice, work hard and enjoy your work; enjoy other parts of your life too. Follow your own special path.

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WHY THE DARK KNIGHT CONTINUES TO RISE

by Areeb Yunus Amanullah, V-IV

Every child comes to admire a favourite cartoon character or a superhero in their formative years. Long before children develop an independent understanding to find someone worthy of emulation in real life, a hero worth following can be found in the pages of a comic book. For me, it was Batman. Looking back, it is hard to pinpoint what exactly made me an avid fan of the Dark Knight. Was it just a matter of pure chance that it just happened to be the first cartoon to leave an imprint on the firmaments of an impressionable young mind? Was it his resolve, his strength? Or was it because he had loads of money and flashy cars?

A mixture of the aforementioned contributed in unique measure for him to emerge as the protector of Gotham City, and was what made him so dear to millions of his fans across the globe. Plunged into grief and loneliness at an early age when he lost his parents one fateful night in an alley, as portrayed so masterfully by Christopher Nolan in "Batman Begins", he may have been born with a silver spoon in his mouth, but life was no bed of roses for him. What makes him an enigma is the fact that he is devoid of any amazing supernatural powers, a rare breed of superhero. He is as human as we are. But armed with advanced technology, military-grade weaponry, and a strong will to eliminate crime and perpetuate justice, Batman, with the help of his trusted butler, Alfred, and Lieutenant (later Commissioner) Jim Gordon, becomes a legendary crime-fighter. When asked by Alfred as to why he chose bats as a symbol, he recounts his childhood fear of bats and says, "It's time my enemies shared my dread."

He left an Ivy League education, embarked on a tour of the world's poorest and harshest regions, encountering inhospitable terrains only to get to know what it means to be poor, to be condemned, to be denied a rightful voice. Batman's greatest achievement was standing up for the poor of Gotham, giving a voice to those previously condemned as unheard. That Bruce Wayne was a highly misunderstood

individual is brought out by the woman he loves so dearly, Assistant District Attorney Rachel Dawes' statement – "It's not who you are underneath, but what you do, that defines you."

He pushed his limits, fighting all those standing in the way of truth and justice. He rose above the "misplaced sense of self-righteousness" to emerge as a beacon of hope for the lost souls of Gotham. The Dark Knight channelled the unwarranted guilt and rage he felt for the death of his parents to ensure that the same tragedy as his would befall none. He placed the ideal of justice above his personal quest for retribution and redemption. His humility comes to the fore when Gordon remarks, "I never thanked you for saving my life." to which Batman says, "Andyou'll never have to."

Batman believed in the inherent goodness of every human. That is precisely why he saw that there was hope yet for humanity. Although he formally retires in *The Dark Knight Rises*, saving Gotham from insurmountable odds and leaving its citizens in debt which generations to come would owe, he passed on the baton to Robin, who, according to the comicbook progression chain, later dons the mantle of Nightwing, even becoming Batman himself, albeit briefly. This is Batman, coming to terms with teamwork as opposed to a solitary crusade, which is imperative to achieve the greater good.

Even now when I flip through his comics or watch reruns on TV, I vividly remember the innumerable times I visualised myself as Batman. As we face turbulent times and confounding challenges in an era of institutionalised uncertainty, I realise that the world will be a much better place if I adopt Batman's beliefs in true letter and spirit.

Indeed, the man was always Batman, Bruce Wayne being the mask. His life, fictional as it is, continues to inspire the old and young alike, and will continue to do so. The flame will always burn, it cannot be extinguished. The legacy's beacon shines bright.



In this section, we scour our archives for an article written by a legal luminary who once walked the halls of GLC as a student.

Mr. Nanabhoy "Nani" Ardeshir Palkhivala was one of the finest jurists our country has ever seen. At the ripe age of 30, along with his mentor, Sir Jamshedji Behramji Kanga, he co-authored *The Law and Practice of Income Tax*, which continues to be the foremost authority on taxation law. Barely 10 years after his admission to the Bar, he was arguing before the Supreme Court. His legal prowess was unmatched, even in his early years. Between 1965 and 1995, he argued landmark cases before the Supreme Court of India: *Golak Nath, Bank Nationalisation, Kesavananda Bharati, Minerva Mills Ltd., Mandal Commission* and the *Election Commission* matter. Mr. Palkhivala's career reflects his deep reverence for the Constitution. He was appointed as Indian Ambassador to the United States in 1977. He also represented India in several major international disputes, and held the position of tax law advisor to the International Monetary Fund. Mr. Palkhivala was a legendary master of constitutional, commercial, and tax law. His highly analytical Annual Budget speeches attracted thousands of listeners across India. He enjoyed solving the most complex legal issues the way ordinary people enjoy solving crossword puzzles. Humility was embedded in his psyche, and courtesy came naturally to him. Rightly described as "a colossus who strode across the Indian legal arena", Mr. Palkhivala's work has shaped the contours of Indian law and public policy. He was a lawyer, economist, author, and beloved teacher.

The following article is titled, "The Romance of the Law", and was published in méLAWnge, 1946.

The Romance of the Law

by N. A. Palkhivala

There are many aspects of the law which are instinct with romance, but none of its aspects is more saturated and dripping with fascinating interest than its historical revolution. The sources of English Law, said Chief Justice Hale, are as undiscoverable as the sources of the Nile. But it is not necessary to go as far back as the sources in order to discover the romance of law's historical evolution.

Even as late as the last century there were in existence the Court of Chancery, the Doctors Commons and the Debtors Gaol. All the three institutions have been gibbeted to eternity by Dickens: the Court of Chancery in "Bleak House", the Doctors Commons in "David Copperfield", the Debtors Gaol in "Little Dorrit". It is hardly credible that less than a hundred years ago, ten percent of all the debtors brought before the court were condemned to languish for the rest of their lives in gaol.

All that time the law of evidence was so unreasonable as to barb with truth the sneer that the law is an ass. No interested person could be called as a witness. As a wit once put it, "If a farmer in his gig ran over a foot-passenger in the road, the two persons whom the law singled out to prohibit from becoming witnesses were the farmer and the foot passenger." Now the law has been wisely changed and the people





who know most about the facts of a case are called to tell the court what they know.

Again, a century ago there were no limited companies. The company with limited lability is one of the greatest milestones by the wayside of legal process. But it cannot be denied that the institution of the limited company has afforded very generous scope to the ingenuity of balance sheet manipulators in parliamentary language, the swindlers, in plain English Wordsworth has assured us that:

One impulse from the vernal wood May teach you more of man, Of moral evil and of good Than all the sages can.

But it has been sorrowfully confessed that as a student of moral evil you can learn more from section 235 of the Indian Companies Act, which deals with defaults and delinquencies of directors, than from all the woods and forests in the world.

Even an apparently plain crime like bigamy has had an interesting historical evolution. In a statute, de Bigamis, of Edward the First, we read that the felony of bigamy then extended to marrying two virgins successively one after another, or marrying a widow; but this is of course no longer law. The offense of bigamy is now limited to going through a second marriage by one who has a former spouse still living. The curious definition expressed in the Plantagenet Statute is derived from the Canon law.

As late as 1818 a man was challenged in the court to ordeal by battle, and the court was compelled to hold that such a right still existed in a challenger. In the ancient days the plaintiff had the option of proving his case in the court or proving the justice of his cause by defeating the defendant in battle. By the end of the Middle Ages this had become a dead letter, but by a strange over-sight the law had not been repealed. Therefore Lord Ellenborough, who decided the case of *Ashford v. Thornton* in 1818, was compelled to acknowledge the plaintiff's right to challenge the defendant in battle. In the words of the Lord Chancellor, "The original law of the land is in favour of wager by battle, and it is our duty to pronounce the law as it is and not as we may wish it to be. Whatever prejudices, therefore, may justly exist against this mode of trial, still, as it is the law of the land, the court must pronounce judgment for it."

The offense of contempt of court has also a story of absorbing interest behind it. In old days persons who were guilty of contempt in the presence of court had their right hands cut off. An Act of Parliament of Henry the Eighth provides for the execution of this barbarous sentence but also (it must be admitted) for the kindly after-treatment of the offender minus the right hand. The Act in its infinite kindness provides that the victim shall have a surgeon at hand to sear the stump of the right arm, a sergeant of the poultry with a cock ready for the surgeon to wrap about the stump, a sergeant of the pantry with bread to eat, and a sergeant of the cellar with a cup of red wine to drink. The law may be an ass, but it has now become a gentleman and no longer provides for barbarous sentences.

The most famous case of contempt of court occurred in 1772 when one Johns was committed to the Fleet for contempt. It appeared that he had compelled a poor wretch who sought to serve him with a witness summons to devour both the parchment and the wax seal of the court, and had then, after kicking him so savagely as to make him insensible, ordered his body to be cast into the river. Evidently, volcanic rage was the favourite indoor sport of the historic Johns. Of course it is no contempt merely to tear up the writ of summons in the presence of the officer of the court, because, once the service is lawfully effected, the court is indifferent to the treatment of its stationery. The case of Johns is only one of the innumerable cases in the Law Reports which are so curiously instinct with the eternal Human Comedy.

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No one knows this better than Senior Advocate Mr. Dinesh Vyas. For the last 16 years he has been helping the Magazine Committee organise the Vyas Government Law College National Legal Essay Competition, with unwavering enthusiasm. This competition is awaited by law students from all over the country as it allows them to exhibit their writing abilities.



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Arbitration and Conciliation (Amendment) Act, 2015: Arbitrability of Fraud

by Ayushi Singhal, WBNUJS, Kolkata

I. Introduction

This essay discusses the shortcomings of the *Arbitration and Conciliation (Amendment) Act, 2015* ('the amendment act') in relation to the issue of arbitrability of fraud, and the impact thereof on International Commercial Arbitration ('ICA').

Based on the recommendations of the 246th Law Commission Report, the 2015 amendment to the *Arbitration and Conciliation Act, 1996* ('the Act') introduced substantial changes to the Act.¹ A recommendation which could have been symbolic of the increasing acceptance of arbitration as a trusted dispute resolution mechanism in India, but which was not finally included in the Amending Act, pertained to the arbitrability of *inter alia* disputes involving fraud.²

Subject-matter of a dispute is arbitrable when it is not reserved for the exclusive jurisdiction of public fora. There is no statutory guidance in the Act as to what disputes are arbitrable. In principle, all disputes, whether contractual or non-contractual, which can be decided upon by courts, are capable of being arbitrated upon, unless excluded expressly or impliedly. As laid down in *Booz Allen Hamilton v. SBI Home Finance* ('Booz Allen'), it is generally agreed that actions in personam (rights available against specific individuals or rights *inter se* parties), but not actions in rem (rights available against the world at large), are arbitrable. However this is not a rigid rule.

The importance of making fraud arbitrable lies in its

potential to set arbitration proceedings at naught, in particular, because of the difficulty associated with the bifurcation of a subject-matter into arbitrable and inarbitrable.⁷ The 246th Report suggested amending Section 16 of the Act (enshrining the principles of kompetenzkompetenz, and severability)8, to explicitly provide for arbitrability of fraud 10. The stated purpose of the amendment was to reverse the position of law declared by the Supreme Court in N. Radhakrishan v. Maestro Engineers¹¹ ('Maestro'). 12 Since the holding in *Maestro*, the Indian position on the issue had oscillated from one extreme to another. This oscillation has arguably been put to rest with the decision in A. Ayyasamy v A. Paramasivam¹³ ('Ayyasamy'). 14 The focus of this essay will be on tracking and analysing this change,15 influenced by cases including World Sport Group Ltd. v. MSM Satellite¹⁶ ('World Sport'), and Swiss Timing Ltd. v. Organising Committee¹⁷ ('Swiss Timing'). The legal position as a result of these precedents has created an artificial distinction concerning arbitrability of fraud between foreign-seated and India-seated arbitrations, leading to more judicial interference on this issue for arbitrations seated in India. Since ICAs can be seated both in India and in other countries, more judicial interference for India-seated arbitrations might discourage international looking for seats respecting party autonomy from choosing India as a seat.

II. Judicial Precedents

A. Maestro

Maestro arose out of an application requesting reference of the







dispute, involving allegations of misappropriations of funds and serious malpractices during the performance of a partnership agreement, to arbitration as under Section 8 of the Act. The request was declined by the court for it believed that a) courts are more competent and have the means to decide complicated issues requiring examination of detailed evidence, which means are absent with the arbitrator, and b) a party against whom serious allegations of fraud are made, has a right to be tried in open court.¹⁸

This disregarded the decision in *Hindustan Petroleum v. Pinkcity* ('Pinkcity'). Admittedly, the question in the said decision was not framed as that of arbitrability, but the court in effect, invoking the peremptory nature of the power of the court under Section 8 to make a reference to arbitration upon the proof of a valid AA, held that matters concerning "short-delivery of motor spirit and HSD or the tampering with the weights and measurement seals'²⁰ can be arbitrated upon. Similarly, in Sunder Kukreja v. Mohan Lal Kukreja²¹ ('Sunder Kukreja'), the issue concerning forgery of an agreement which was alleged to have substituted the original agreement containing the arbitration clause was referred to arbitration. In both these cases allegations of fraud were made against the party resisting reference to arbitration.

B. World Sport

While Maestro concerned arbitrations seated in India, World Sport was a request for reference to a foreign-seated arbitration under Section 45, involving allegations of fraud and misrepresentation allegedly vitiating the formation of the contract (underlying the AA). Whether the matter could be referred to arbitration depended upon whether allegations of fraud qualified the AA as "null and void, inoperative or incapable of being performed" as under Section 45, to which the court answered in the negative without providing any reasoning. This lack of reasoning also infested court's holding that Maestro was restricted to domestic arbitrations only. Thus, this decision, for no apparent reason, led to a dichotomy between arbitrability of fraud for domestic and foreign seated arbitrations.

C. Swiss Timing

This was a request for appointment of arbitrator under Section 11 of the Act, in a dispute involving allegations of fraud in the formation of the contract. The court declared *Maestro* as *per incuriam* as it went against the earlier decisions in *Pinkcity* and *P. Anand Gajapathi Raju v. PVG Raju*²² and the principle of *kompetenz-kompetenz* as enshrined in Section 16 of the Act. The court contrasted the peremptory language of Section 8, with that of the qualified language of Section 45, in that only the latter allowed for rejection of request for

reference when the AA is "null and void, inoperative or incapable of being performed." After doing so it held that it is only when there is a "reasonable chance" of the contract being void, as opposed to it being voidable, that the matter should not be referred to arbitration, and the existence of parallel criminal proceedings generally did not have a bearing on this issue. Certain scholars have reasoned that this might mean Indiaseated arbitrations "enjoy[ing] a wider ambit of judicial non-interference compared to foreign-seated arbitrations", with no standard of reasonableness for foreign-seated arbitrations. 4

D. Ayyasamy

The apprehension that as a result of the ruling in the Swiss Timing case foreign-seated arbitrations might face more interference than India-seated arbitrations, was appeased in Ayyasamy. This case relying on State of West Bengal v. Associated Contractors held that Swiss Timing did not have any precedential value, for it was rendered in the exercise of powers conferred on the Chief Justice of India/High Court or their delegates under Section 11, implying that stricto sensu it was not a judgment of the court.

This was yet another dispute involving allegations of fraud in the performance of a partnership agreement. The Court here drew a distinction between "serious allegations of fraud", and "mere allegations of fraud", and held that only the former were inarbitrable, reinstating the mistrust in the competence of the tribunal, which Maestro was characteristic of.

This conclusion was reached by the Court despite Chandrachud J. remarking in his concurring opinion, "If an allegation of fraud can be adjudicated upon in the course of a trial before an ordinary civil court, there is no reason or justification to exclude such disputes from the ambit and purview of a claim in arbitration. [...] Parties in choosing arbitration place priority upon the speed, flexibility and expertise inherent in arbitral adjudication."

If the concern was the possibility that the parties might just want to wriggle out of the AA by making allegations of fraud²⁷, the court ignores the reasoning used in prior decisions (which is also not entirely faithful to development of arbitration) that only the party against whom fraud has been charged has the privilege of requesting that the matter be heard in open court.²⁸

"Serious allegations of fraud" as per Sikri J.'s main opinion, are allegations which are serious ("in normal course these may even constitute criminal offence") and/or complex in nature ("decision on these issues demand extensive evidence for which civil court should appear to be more appropriate forum than the Arbitral Tribunal"). It is not clear whether these are conjunctive requirements, the court alternating between the two at various places.²⁹ A





clarification in this regard becomes important in light of the prior cases which have held that criminal and civil proceedings with respect to the same subject-matter can run in parallel, incidentally also mentioned in the subsequent concurring opinion of Chandrachud J.

The court purports to conclude this difference between arbitrability of serious fraud and mere allegations concerning fraud from the analysis in Law Commission's 246th Report, which *inter alia* observed that such distinctions were being made by certain High Courts. However, this conclusion fails to appreciate the final recommendation of the Commission and various Supreme Court cases also cited in the 246th Report, which proposed that serious issues of fraud must be arbitrable. Further, instances of complex issues of fraud as per the court include "serious allegations of forgery/fabrication of documents", etc., though identical fact circumstances having been held arbitrable in the case of Sunder Kukreja.

This case is also illustrative of the practice of Indian court(s) of frequently using loosely worded language despite an awareness of the common law traditions of literal interpretation and blind reliance on precedents. In Ayyasamy alone apart from the divergence illustrated above between the judgments of Chandrachud J. and Sikri J., the court also hops between the terms "serious allegations of fraud" and "allegations of serious fraud" frequently, ignoring the difference in their meaning.

III. Analysis and Conclusion

While reasons for not referring disputes involving fraud to arbitration can include the right of public to know about fraudulent conduct, impact of fraud on third parties, etc.³¹ These concerns need to be balanced with the commercial considerations involved in the usage of arbitration over court, and the principle of party autonomy, i.e. the agreement of the parties to refer disputes to arbitration should be respected.³²

Yet, neither the aforementioned plausible reasons nor the test laid down in *Booz Allen* has been considered by courts, rather their entire focus has been on the incompetence of the arbitral tribunal to declare fraud inarbitrable. This reasoning juxtaposes with one of the very objectives of commercial parties while entering into an AA – technical expertise of arbitrators in adjudication of complex disputes. This undercurrent of mistrust also does not align well with the pro-arbitration trends in most other jurisdictions of the world, then even nation-states have resorted to arbitration, more so in the Indian context, where more often than not retired judges are appointed as arbitrators.

As a result of the above precedents, an artificial difference concerning arbitrability of fraud between foreign-seated and India-seated arbitrations has been created.³⁶ While all disputes involving fraud are arbitrable for foreign-seated arbitrations, allegations of serious fraud (assuming this is the correct of the two phrases used) are inarbitrable for domestic arbitrations. There appears to be no legal basis for this differentiation, which might be responsible for discouraging international parties from choosing India as a seat (ICAs as per the 1996 Act, can take place both in India and in other countries).

Indian case law, as well as jurisprudence in other countries have indeed differentiated between domestic and international public policy, the latter often construed more narrowly than the former for considerations of international trade and commerce.³⁷ However courts have not used public policy as the reason for having different standards for arbitrability of fraud for domestic and international arbitrations, which would have also required making a differentiation between ICAs seated in India, and pure domestic arbitrations seated in India.³⁸

The reasoning of courts rather, is rooted in the competence of the arbitral tribunal; though there exists no evidence to the effect that tribunals appointed in foreign-seated arbitrations are more competent than those appointed for arbitrations seated in India, nor do these form two separate groups – the same arbitrator can be appointed for both foreign and India seated arbitrations. The argument that it is more legitimate to interfere in domestic awards than in foreign awards might be plausible, ³⁹ but has not been fleshed by the court either.

The difference in the language of Sections 8 and 45, where the latter allows for more interference than the former, can be argued as a source of this differentiation similar to the rationale in the case of Swiss Timing.⁴⁰ However there is a difference between the issues of court interference in the determination of arbitrability and determination of whether a particular dispute is arbitrable. The former is a procedural enquiry, while the latter is substantive. The difference in the language of the aforementioned sections can at best be a source of the procedural enquiry, i.e. for the argument that courts can decide arbitrability of the dispute before making a reference under Section 45, as against under Section 8; but not for the substantive enquiry.41 If anything, the difference in language demanded explanation from the bench in World Sport, when it expanded the ambit of arbitrability under Section 45 in comparison with Section 8. This is because even assuming that the difference in language can be a source of the substantive enquiry as well, language of Section 45 is more permissible than that of Section 8 (allowing for greater interference in foreign-seated arbitrations), leading to a





reverse conclusion from the present position of law.

Chandrachud J. in his concurring opinion in Ayyasamy indeed misses the opportunity to notice this flaw. In the course of his opinion, he draws attention to the difference in the language of Section 8 of the Act, and the corresponding provision in the UNCITRAL Model Law, the latter also allowing the courts to decline reference to arbitration when the AA is "null and void, inoperative and incapable of being performed". This leads the court to conclude that Section 8, as against the provision in UNCITRAL Model Law, is mandatory in nature (though the conclusion reached by the court in Ayyasamy does not seem to be in accordance with this peremptory language). Section 45 mirrors the language of UNCITRAL Model Law, yet ironically, the court concludes that the ambit of arbitrability while making a reference under Section 8 is narrower than Section 45 (while the court does not state so explicitly, though the legal position after the pronouncement of Ayyasamy is exactly this).

At another level, it is suspect if Indian law should at all govern the question of arbitrability in all foreign arbitrations, unless Indian courts also have exclusive natural jurisdiction over the dispute. ⁴² If such jurisdiction does not exist, the issue should be decided in accordance with the law of the seat or the law of the place of enforcement. ⁴³ Hence, application of Indian law to the question of arbitrability in

foreign-seated arbitrations is in itself problematic. Indian courts, as against elsewhere in the world, 44 have applied the substantive law of contract to the question of arbitrability. 45 Yet, in the context of arbitrability of fraud, without making the analysis of the applicable law, courts have used Indian law for making the determination. For instance in World Sport, the substantive law of contract was that of England and Wales, where fraud, irrespective of its seriousness, is arbitrable, 46 yet this did not find traction in the judgment of the court.

Lastly, the position as it stands right now goes against the precedent in National Insurance Co. Ltd. v Boghara Polyfab Pvt. Ltd. 47, which had explicitly denied the court the power to rule upon the question of arbitrability at the stage of reference, ruling this to be the mandate of the arbitral tribunal under Section 16 of the Act. 48 As suggested previously, the language of neither Section 45, nor Sections 8 and 11, warrant the court to answer the question of arbitrability. Indeed both Swiss Timing and World Sport are decisions based on this reasoning, rather than arbitrability of fraud. Ayyasamy on the other hand, licenses the court to determine the question of arbitrability and analyse the merits of the dispute to the extent required in determining whether allegations of serious fraud are involved. The tribunal might in fact feel obligated by such determination by the court, even when it might think otherwise.

END NOTES

¹ The Arbitration and Conciliation (Amendment) Act, 2015.

² Law Commission of India, Report No. 246, Amendments to the Arbitration and Conciliation Act 1996, 48 (August, 2014).

Booz Allen Hamilton v. SBI Home Finance, ¶35 (2011) 5 SCC 532.

⁴ Id

⁵ Id.

⁶ Id.

⁷ See, Sukanya Holdings Pvt. Ltd. v. Jayesh H. Pandya (2003) 5 SCC 531.

^{8 16(1)} presently reads,

⁽¹⁾ The arbitral tribunal may rule on its own jurisdiction, including ruling on any objections with respect to the existence or validity of the arbitration agreement, and for that purpose, (a) an arbitration clause which forms part of a contract shall be treated as an agreement independent of the other terms of the contract; and

⁽b) a decision by the arbitral tribunal that the contract is null and void shall not entail ipso jure the invalidity of the arbitration clause.

Arbitrability simply means whether a subject matter is capable of being adjudicated upon by

The determination of arbitrability can be two-fold: subjective — arbitrability rationae personae, i.e. by reason of the status of one of the parties, it being a state, or a public body, or objective — arbitrability rationae materiae, i.e. by reason of the subject-matter of the dispute, the exclusive jurisdiction for which has been restricted to the judicial bodies created by the state as per the applicable national law; see generally, Bernard Hanotiau, The law

applicable to the issue of arbitrability, 7 International Business Law Journal 755-779 (1998). As evident from the title of the essay, we are here only concerned with objective arbitrability of the disputes which have fraud as their subject-matter.

Indian courts in Booz Allen have further construed three aspects to it:

⁽¹⁾ whether the disputes are capable of adjudication and settlement by arbitration?

⁽²⁾ whether the disputes are covered by the arbitration agreement?

⁽³⁾ whether the parties have referred the disputes to arbitration?

We will be concerned only with the first aspect of arbitrability.

Lastly, the issue of arbitrability can be raised at various stages in an arbitration — before the arbitral tribunal, before the state courts before the arbitration proceedings have initiated (when the party believing that the dispute is inarbitrable takes the matter to the court, or files for an anti-arbitration injunction, or the party which is of the belief that the matter is arbitrable requests the state courts to appoint arbitrator upon the failure of the counter party, and the counter party raises the issue of arbitrability of the dispute, etc.), at the stage of setting aside proceedings, and at the stage of recognition and enforcement of the award.

See also, Janhavi Sindhu, Fraud, Corruption And Bribery – Dissecting The Jurisdictional Tussle Between Indian Courts And Arbitral Tribunals, 3(2) Indian Journal of Arbitration Law 23 (2014).

Law Commission of India, Report No. 246, Amendments to the Arbitration and Conciliation Act 1996, 27-28, 48 (August, 2014).
(2010) 1 SCC 72.

¹² Law Commission of India, Report No. 246, Amendments to the Arbitration and Conciliation Act 1996, 48 (August, 2014).

^{13 (2016) 10} SCC 386.



- 14 While it can be argued that the debate, so far as foreign-seated arbitrations were concerned was already put to rest in World Sport Group v. MSM Satellite, (2014) 11 SCC 639, it needs to be noticed that for arbitration agreements entered into prior to September 6, 2012 (the date of the decision in Bharat Aluminium v. Kaiser Technical Services, (2012) 9 SCC 552), Part I of the 1996 Act (i.e. the part concerning domestic arbitrations with respect to which Ayyasamy finally settled the controversy) continued to be applicable for foreign-seated arbitrations as well, unless excluded impliedly or explicitly. While the test for whether the application of Part I was excluded by the parties was developed in a way whereby more often than not, the applicability of Part I was excluded (see for instance, Videocon Industries Ltd. v. Union of India, (2011) 6 SCC 161), the ghost of Maestro was always looming in the backdrop for foreign-seated arbitrations as well.
- ¹⁵ For an analysis of the jurisprudence in India before Maestro, see, Janhavi Sindhu, Fraud, Corruption And Bribery - Dissecting The Jurisdictional Tussle Between Indian Courts And Arbitral Tribunals, 3(2) Indian Journal of Arbitration Law, 23, 31 (2014).
- (2014) 11 SCC 639.
- (2014) 6 SCC 677.
- ¹⁸ Another criticism of the judgment concerns its misplaced reliance on judgments including Abdul Qadir v. Madhav Prabhakar, AIR 1962 SC 406, the ratio of which case was limited to the proposition that when an allegation of fraud has been made against a party in a public forum, the said party has a right to defend herself in the said public forum. There already exists considerable legal literature analysing this erroneous reliance (see, Badrinath Srinivasan, Arbitration and the Supreme Court: A Tale of Discordance between the Text and Judicial Determination 4(4) NUJS Law Review 639 (2011)), and the present essay does not seek to reiterate the arguments here.
- (2003) 6 SCC 503.
- ²⁰ Id., ¶10.
- ²¹ (2009) 4 SCC 585.
- (2000) 4 SCC 539 (holding that upon the proof of existence of a valid AA, disputes should be mandatorily referred to arbitration).
- The court reasoned,

In an eventuality where ultimately an award is rendered by arbitral tribunal, and the criminal proceedings result in conviction rendering the underlying contract void, necessary plea can be taken on the basis of the conviction to resist the execution/enforcement of the award. Conversely, if the matter is not referred to arbitration and the criminal proceedings result in an acquittal and thus leaving little or no ground for claiming that the underlying contract is void or voidable, it would have the wholly undesirable result of delaying the arbitration. ²⁴ Sherina Petit et al., Fraud in Indian arbitrations: Supreme changes, 17(5), N40-N42 International Arbitration Law Review 2014. The authors also reason,

The positive construction of Nijjar J.'s statement [in Swiss Timing] contrasts sharply with the ambiguous language in World Sport which focused on what s.45 (in Pt II) of the Act did not entail-that courts "[would] not refer the parties to arbitration if the allegations of fraud have to be inquired into" (emphasis)—and what it did entail was that courts cannot bar parties from arbitration solely due to allegations of fraud on the contract.

- It should be noted however that the determination of arbitrability of fraud for the purposes of foreign-seated arbitrations continued to be governed by World Sport. Thus, it was not that the foreign-seated arbitrations were brought at par with the India-seated arbitrations, but that the standard for India-seated arbitrations as elucidated in Swiss Timing was discarded. ²⁶ (2015) 1 SCC 32.
- 27 Maestro, ¶20.
- ²⁸ See also, Suvidhaa Info Serve Pvt. Ltd. v. Dakshin Haryana Bijli Vitran Nigam Limited, Arbitration Petition No. 224 of 2014 (O&M) (Punjab and Haryana High Court, October 16, 2015), the court here noted the controversy surrounding Swiss Timing but declined to comment on it. Instead, the court noted that Maestro and similar authorities sought to allow a person accused of fraud to clear her name in public courts,

- whereas in the case before it, the party accused of fraud wished to arbitrate. It therefore
- granted that party's petition to appoint an arbitrator.

 While at $\P13$, it is stated that both requirements have to be satisfied, at $\P20$, satisfaction
- of one requirement is said to suffice.

 Maestro, ¶18; see for e.g. Ivory Properties and Hotels (P) Ltd. v. Nusli Neville Wadia, (2011) 2 Arb LR 479 (Bom); C.S Ravishankar v. Dr. C.K Ravishankar, (2011) 6 Kar LJ 417); Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24.
- Badrinath Srinivasan, Arbitration and the Supreme Court: A Tale of Discordance between the Text and Judicial Determination 4(4) NUJS Law Review 639 (2011). ³² Id.
- 33 It is another question whether the technical expertise in all cases also includes expertise in deciding issues involving fraud, but that is best left to party autonomy, considering that arbitrators might not always be named in the AA, and even if so named, the AA can always be amended
- See e.g., Fili Shipping v. Premium Nafta Products, [2007] UKHL 40.
- 35 See e.g., Swiss Timing.
- Kartikey Mahajan, The arbitrability of fraud in India, 81(1) Arbitration 48-56 (2015).
- ³⁷ Andrew I. Okekeifere, Public policy and arbitrability under the UNCITRAL Model Law, 2(2) International Arbitration Law Review 70-77 (1999).
- See generally, Sherina Petit et al., Fraud in Indian arbitrations: Supreme changes, 17(5), N40-N42 International Arbitration Law Review 2014 ("This distinction led to an interpretative duality within the same Act, with parties embroiled in foreign seated arbitrations having greater deference paid to their contractually agreed dispute resolution mechanisms than domestic-seated arbitrations, which continued to be subject to uncertainty and prolongations due to parties alleging fraud. It seemed inconceivable that the Supreme Court would allow this to persist for long.")
- ³⁹ Law Commission of India, Report No. 246, Amendments to the Arbitration and Conciliation Act 1996, 21 (August, 2014).
- Swiss Timing, ¶28.
- ⁴¹ However the difference in the substantive enquiry resulting from the difference in the languages of §§ 8 and 45 has been undertaken in previous cases as well; See Shin-Etsu Chemicals Co. v. Aksh Optifibre Ltd., (2005) 7 SCC 234; Kalpana Kothari v. Sudha Yadav, (2002) 1 SCC 203; Chloro Controls India (P) Ltd. v. Severn Trent Water Purification Inc., (2013) 1 SCC 641; India Household & Healthcare Ltd. v. LG Household & Healthcare Ltd., (2010) 1 SCC 72; Sundaram Brake Linings v. Kotak Mahindra Ltd., (2010) 4 Comp. L.J. 345 (Mad).
- ⁴² Stavros L. Brekoulakis, Law Applicable to Arbitrability: Revisiting the Revisited Lex Fori in Arbitrability: International And Comparative Perspectives 103-4 (Loukas A. Mistelis and Stavros L. Brekoulakis eds., 2009).
- 43 Id.
- 44 Id., 111-112.
- ⁴⁵ Reliance Industries Ltd. v. Union of India, 2014 SCC Online SC 411, ¶76 (Note that this judgment was passed after World Sport).
- 46 Fili Shipping v. Premium Nafta Products, [2007] UKHL 40.
- (2009) 1 SCC 267.
- 48 See also, Meguin GmBH v. Nandan Petrochem Ltd. (2007) 5 RAJ 239 (SC) (appointed arbitrator in accordance with §11, despite involvement of issues of fraud in the dispute); SBP & Co. v. Patel Engineering Ltd., (2005) 8 SCC 618; Arasmeta Captive Power Co. (P) Ltd. v. Lafarge India (P) Ltd., (2013) 15 SCC 414.
- Incidentally, §7 as well was sought to be amended by the 246th Report, making it clear that the subject matter of the arbitration had to be capable of settlement by arbitration for it to be a valid AA, however this suggestion was not introduced in the final amendment act.

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BELLES-LETTRES

J. E. Dastur Memorial Government Law College Short Fiction Essay Writing Competition 2016-17

The Magazine Committee chose creativity as its mascot as it first heralded Belles-Lettres J. E. Dastur Memorial Government Law College Short Fiction Essay Writing Competition. 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. This year's edition was given its own special touch, by the creativity and ingenuity of the four topics, which comprised a variety of different characters, situations and objects. With such an array of appealing topics to write on, it is no surprise that students from across the country participated enthusiastically in this year's Competition. The topics were as follows:

Incorporate the following sentence in your story:
"It was a grotesque sight, yet still a thing of great beauty."

(OR)

Build your story around the following characters in the given situation:

Galileo Galilei, Joan of Arc & Narendra Modi trapped inside a submarine

(OR)

Incorporate the following objects in your story:
Gloves | Piano | Mirror

(OR)

Build a story revolving around the following image:



1st Prize ₹ 8,000/-

Suchismito Khatua St. Xavier's College, Kolkata 2nd Prize ₹ 6,000/-

Kritika Nahate
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3rd Prize ₹ 4,000/-

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The preliminary rounds of the competition were judged by Mrs. Lata Munjal and Mr. Sidin Vadukut. The final round of the competition was judged by well-known Mumbai columnist, freelance writer and independent publisher, Mrs. Meher Marfatia.



mag



THE LAST BEGUM: A REFLECTION

by Suchismito Khatua, St. Xavier's College, Kolkata

The ovoid mirror stood in a corner, bound by a silver frame, showing tongue shaped and heart shaped leaves and buds, unfurling their way up to the white and red stones at the crest. The gems sparkled in the light from the ceiling-lantern and glistened against every other piece of furniture that shone, casting red, blue and yellow spots of colour back on the mirror glass. As the monsoon breeze blew in through the French window, swaying the lantern, stirring the light, the flecks of colour moved, as though flitting and dancing to the lilt of Mr. Chester's piano. However, the mirror stood dim and still, and in its stillness, one could see the grey and silent form of the Begum, sitting on her rosewood chair, emerging gradually amid the shadows.

As one sat before the Begum (palms sweating — heart uneasy — the sound of one's breath a little too loud), one could almost touch the stillness that flowed like dust specks in the air. Nothing moved in that room, except the fluttering colour and the piano sound from Mr. Chester's cottage that poured in with the night, gushing in freely through the window. The night and the music silted all over the room — filling the puckers of her face, the folds of her silk, and the hollows of her eyes — as the last Begum of Mahlur sat in front of the ovoid mirror, on the hot September evening of that fateful year.

(...That year, when everything changed, when people killed and died, people crossed borders, and we got our freedom. Though in Mahlur, nobody stirred, nobody cared much, the Begum kept to her *haveli*, the people stayed in their homes — nonetheless a fateful year it was — who dare say not?

Now that the *riyasat* was to be given up?

...the wire from the Governor said, "This is to inform Her Highness Begum Farida of the State of Mahlur that the Instrument of Accession...."

It was now a matter of time. The Begum knew. And so did the mirror, the music, the night, the stillness...)

Thus, on the hot evening, as one sat before her silent form (breath too loud, heart uneasy, palms sweating), wondering if one heard her speak or one thought she spoke, one realised (almost jerked awake from a trance) the old, flowing voice of the Begum gradually coming close to oneself like the sound of the mail train in darkness.

She is asking a question, "You like this bilayti music, don't you?"

(Of course, that was not a real question). One nodded mildly.

"The Sahib has a good voice, but he never sings. He only plays on that piano," she murmured, and then moved a little.

Suddenly, a white thing sprung from her lap, and, making a groaning sound, ran about the room. The silk rustled, the shadows moved, the stillness rippled, and the sediments of the night, shaken loose from the Begum's kameez, flowed this way and that, fluttering with the crotchets and quavers, and settling finally again in the folds of her dress.

The white thing darted and made a sharp cry.



(Hbb! One breathed again.) It was Afsāna — the Begum's molly-cat.

"Afsāna's tired. She delivered two kittens yesterday," she softly said. "Get along dear, get along..."

The cat ran thrice, calling and groaning, in circles around the room — as though chasing the colours — like she thought they were her kittens! — searching for something, her movement breaking the stillness, her whiteness out of place in the dark — before going out into the garden at last, with a final, sharp cry.

The Begum began once more, "Can't believe the sahibs are going, and yet one thought they'd stay forever! Mighty people them—fighting so many wars, ruling so many people.....Are they leaving even Rangoon?"

Outside, the piano screeched wildly. (And one thought perhaps Mr. Chester was a little drunk that night).

One's eyes turned towards the portrait on the dark side of the wall. The prince in his uniform. Shahazāda Farooq Ali, Prince of Mahlur. July 12, 1913 — September 23, 1938. 'Allāhum-maghfir lahu Allāhumma thabbithu'. The mildewed painting in the shiny frame. The colours dancing over the prince's face, his feather cap. Yet, something missing about his smile, an emptiness in his eyes. He had gone to fight for the sahibs with his regiment in Rangoon. Back they sent him — crippled, blind and rotting. He died after three weeks.

That was nine years ago.

(...And yet one remembered his pink face, the smoothness, the frown. He hated the *surma* that his mother forced him to wear. He hated his silk *achkans*, he dressed like a sahib. Oh, there was not much of him left when they returned him from the war. The gas had taken his eyes, the shell his right leg, and the shock his memory. His sores stunk, he groaned like goat. One could hear him grating in pain from as far as

Mr. Chester's.

The Begum nursed him herself. She held him in a little room on the far side of the garden. And, when after three weeks he died, she decreed that they bury him in that room itself.

The Begum had mourned alright. Though she never visited the grave, she wore black for one whole year. She donned the *hijab*, put on her gloves, prayed five times, fasted at Ramadan, doled out at Eid. And after one year, as she changed back to her half-sleeve tunics and jewellery, she never let go of the boy's memory: she re-named the local school after him, she got his bronze bust built in the garden. She hired a *firangi* painter from Bombay to paint that portrait which now hung on the dark side of the wall.

...And yet the talkative ones talked. As one passed by the shrine of the Gazi Pir at evenings, one came by a bunch of old men sitting round the fire, spinning stories — Oh, herself did it I say Nah of course one can see why Such pain rotting reeking in that room Stop that Stop that Of course she killed him Why make suffering he wouldn't live anyway Anyway he wouldn't live All that pain rotting reeking awful Ya Allah Why make suffering more Tok! Tok! Right thing alright she did Poison I think how can I tell Her own hands she did it how can I tell Stop that Stop that Ya Allah! — one did not believe; and yet those whisperings, like cricket-cry around the fire, stayed in one's head, slipped into one's thoughts, and haunted one's sleep...)

However, on the hot September evening, the Begum of Mahlur sat before oneself, dripping with night and stillness, in front of the ovoid



mirror, crude and unabsorbed, and yet arranged and made part of the picture within the silver frame. The glass reflected her exquisite dress and her flashy jewellery with such accuracy and so fixedly that they seemed held there in their reality unescapably. The Begum was thinking, and perhaps her thoughts wavered a little as Mr. Chester's semiquavers ran in in breathless gasps of doubles and trebles.

However, suddenly, "So? Tell me...", said the Begum, lifting her eyebrows.

One strained to hear her sound, as her voice struggled its way, floating over the stillness, clashing with the hovering particles of colour and music.

A command: *tell me!* (So now one was supposed to speak.)

"They want an answer now," one said, softly.

(The words seemed to be spoken by one's own voice, almost outside one's self, saying quite easily and naturally what had been in the mind the whole evening.)—

"Sāhibā, they want an answer now. What shall I write to them?"

The Begum did not move, she did not turn her gaze, only her hands that had been till then under her *chaddar* emerged into light. Her slender fingers hesitated for a moment, flickered undecidedly, and

then eventually rested beneath her chin. They were, all of them, covered by a pair of rich and intense lanate gloves.

(So there they were – her slender fingers. Secure and safely concealed within those gloves. How they gracefully rested beneath her chin! They seemed not merely of human hand but a sort of divinity invested with eternal truth. One fancied that the creases inside those palms must be cut deep and scored thick with meaning, the folds of those fingers mossed with stories of her youth and life. Her hands and her fingers must have borne so much – so many traces of agitations, marks of upbraidings, mutilations of power, long, intimate scars of love and affection, violent blemishes of jealousy and reproach, and terrible, final kisses of parting – now, they held all of these fast together – in their little fisted gesture under the chin, in their determination to conceal what they did not wish to be known.)

But did she hear the question? One felt an urge to repeat oneself: "Begum Sāhibā, the Governor asks for an answer. What is your decision?"

Now finally she turned, looking directly. Perhaps the breeze stirred more briskly overhead, and one could see the colours clumsily spill from the mirror into the air (almost making a noise) and flash into the eyes of the Begum on her chair. She stirred, and her head began to rock.

"I agree. Hindoostan. So be it. You prepare the papers."

The spots of colour sparkled on her like rubies and diamonds. They slid; they fell; like tears, collecting powder in the ruts and wrinkles of her face. There she sat. Still. In control. Unknowable. What was she thinking? Oh, her mind was like her room, where thoughts, like colours, fluttered, and fancies, like music, advanced and retreated—but all somehow lay enmeshed in clouds of stillness. Her figure on the chair impressed the mind: it



seemed that her whole being was suffused, like the room again, with a cloud of some profound knowledge, some unspoken secret, and then she was full of blinds and covers, concealing stories, like her lanate gloves.

The thought broke off with a shrill cryAfsāna was standing at the door.

Her eyes too green, her fur too white.

There! She tore the silence again with a loud screech.

The colours stopped moving, the music shook a little. The cat stared fixedly at the Begum, her eyes green and scary in the dark. And then, with alert, little steps she began walking towards the rosewood chair, suddenly filling the room with an intense sighing and ceasing sound.

On her chair the Begum sat still. The colours, now motionless, stayed on her face. The music, suddenly so dense, stifled the room. And all the other objects – the rugs, the little stone pieces, the sunken book shelves, the red and gold lacquer cabinets – were all, as though, roused from their deep, dank sleep. The room seemed suddenly alive, with its own passions, rages, envies and sorrows coming over it and clouding it, like a human being.

The cat still walked. She was almost there.

Now the Begum slowly moved, her breath distinct, her head tilted on one side. And then she sighed, filling the room, filling the air, with the aroma, the prestige, the arrogance, the pomp, the pride of all the Rajahs and Begums swollen in one wave. And as a wave breaks, she broke, as she sighed again, opening her heart, her private heart, gaping wide. And she held out her hand which came through the slit of her green gloves. Her palm and her fingers (now naked) carried scars – pink and fresh – like ones made when scored by an animal.

The cat had reached her feet. Her eyes now met the Begum's. *And again!* She cried out one last time, as if with tremendous

passion, piercing the night, louder than the music.

The Begum wavered for a moment; and then, cried out in a soft, muted whisper, "Get along. Get along, my dear..."

And one looked in the mirror again - at the Begum within the silver frame. There she sat, her hands sticking out at the cat. Where are the kittens? She killed them! Stop that Stop that. At once the mirror began to pour over her a light that seemed to fix her; that seemed like some acid to bite off the unessential and superficial and leave only the truth. Where are the little ones? What scars are those? Everything dropped from her - the colour, the silk, the jewellery - here was the hard wall beneath. They are dead! Her own hands she did it how can I tell. Here was the woman herself, naked in that pitiless light. And there was nothing. Oh, herself did it I say Her hands are scratched. The Begum was perfectly empty. Ah! Killed! Killed! The little tiny kittens! Look, how she sat there, old and angular, veined and lined, with her wounded hands and her wrinkled neck. Stop that Stop that Ya Allah.

And then one felt frightened, as though one had seen a slaughter. And a tremendous desire to come out of the room, into the open, leaving the colours, the mirror, the Begum, drove one, without taking leave, to rush oneself to the door, and then, looking upon the garden, the grave, the bust, the fiery-bluish cottage, where Mr. Chester played on, and something shivering in the distance, the stars of course, and the darkness pouring, "Oh!", one cried, as if in pain.

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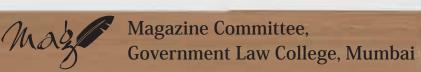
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TOPICS

- In light of the recent 'Udta Punjab' controversy, discuss the key issues in relation to freedom of expression and censorship by the State.
- With reference to the 2016 update of WhatsApp's privacy policy, elucidate the need for laws on data privacy in India.
- Examine the concept of Criminal Defamation with regard to the Supreme Court's verdict in 'Subramaniam Swamy v. Union of India'.
- Analyse the scope of the 'Social Boycott (Prevention, Prohibition and Redressal) Act, 2016' as a legislative measure to tackle social ostracism.

The following pages contain the essay that was awarded first prize.





Prakriti Bhatt, III-I 1st Prize: ₹ 15,000/-

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Soham Banerjee, V-III 3rd Prize: ₹ 7,500/-







By Prakriti Bhatt, III-I

The classic image of the Censor that comes to mind, is an Orwellian bureaucrat, whose sensibilities are often easily offended, and who is blind to the transcendent flight of the imagination we call Art, slashing and pruning the art with sadistic pleasure sans explanation, or indulging in "selfrighteous" moral policing. Though this might be true of the dogmatic censorship practised in countries under an authoritarian regime, it often operates more subtly under the garb of "moral necessity" and "regulation" in democratic countries, which take pride in the principle of free speech and expression.

Often, in a democracy, three major motives for censorship are evident: The moral argument stands for personal behaviour and connotes righteousness. The psychological intention emphasises the mental and emotional well-being of the people. The sociological motive for censorship arises from the urge to advance or protect the concerns of one segment of society over the concerns or prejudices or other segments. Charges of sexism, racism, and communalism fall into the sociological category.

The six freedoms enumerated in Article 19(1) of the Constitution of India are recognised as natural rights inherent in the status of a citizen. The right in question, which the policy of censorship is said to curtail for the sake of imposing reasonable restrictions, is Article 19(1)(a). The fundamental right to freedom of speech and expression means the right to express one's convictions and opinions freely by word of mouth, writing, printing, pictures or any other mode. A democratic government attaches great importance to this freedom because without freedom of speech, the appeal to reason, which is the basis of democracy, cannot be made.

However, the right under Article 19(1)(a) of the Constitution is not absolute, unfettered and unguided, for it is liable to be curtailed by laws made or to be made by the State to the extent mentioned in clauses (2) to (6) of Article 19, which recognise the right of the State to make laws putting reasonable restrictions curtailing such freedom when there is threat -

to the sovereignty and integrity of India; to the security of India; to the friendly relations with foreign countries of India; to public order, decency or morality; in relation to contempt of court; while committing defamation; and by inciting offence.

The policy of reasonable restriction on the fundamental right of freedom of speech and expression manifests itself in statutory and self-regulatory censorship laws and regulations, among them being The Cinematograph Act, 1952, All India Radio Code During Elections, Code for Self-Regulation in Advertising, Young Persons (Harmful Publications) Act, 1956, and, Section 153A and 153B of the Indian Penal Code, 1860 (IPC) etc.

Creative Freedom Versus Reasonable Restrictions

To highlight the complexities of the debate between artistic liberties and censorship, it would help to examine in detail one facet of the realm of artistic creativity: cinematography and the laws governing it. However, while most of the observations in this essay relate to cinematographic work, they apply mutatis mutandis to all literary and artistic works, whether films, books or paintings.

The policy behind the enactment of The Cinematograph Act, 1952, is to impose reasonable restrictions on the freedom of speech and expression consonant with Article 19(2) of the Constitution of India. The Act provides for the certification of films for public exhibition only after the prior sanction of the Board of Film Certification. The Board comprises of a Chairman, and has not less than 12 and not more than 25 other members appointed by the Central Government. Films are granted either a 'U', 'U/A', 'A' or 'S' certificate







after following the procedure prescribed in Section 4 read with Section 5A and the guidelines laid down in Section 5B of the said Act.

The Board possesses powers to the effect that even when it sanctions the film for public exhibition restricted to adults, it can make cuts as are required therein. Article 19(2), finding complete reference in Section 5B (1), guides the competent authorities to ensure that the film or any part thereof, does not run contrary to the aforesaid reasonable restrictions. If such limitations can be placed on this freedom in terms of the Constitution, it is futile suggesting that creative rights are unrestrained.

In this context, reference may be made to the recent controversy of a Hindi film *Udta Punjab*, wherein the challenge laid by the producers of the film to the 94 cuts recommended by the Central Board of Film Certification (CBFC), predominantly aimed at the cuss words used by the fictional characters in the movie, was sustained by a Division Bench of the Bombay High Court¹, and the ratio of which was approved by the Punjab and Haryana High Court².

The Bombay High Court observed that the use of crude language and cuss words was not to corrupt the viewers' minds, but only to present a realistic account of rampant drug abuse among the youth in the State of Punjab. The Court felt that stray sentences picked up from a few scenes, particularly dialogues, could not be deemed to create a negative impact by encouraging, justifying or glamorising the issue involved. It was also emphasised that the use of abusive and vulgar words by certain characters was aimed at generating a feeling of dislike for them, and such characters were created to impress upon the audience the ultimate, socially relevant message of abstaining from drugs. It was thus observed that the total impact of the work ought to be assessed and judged, bearing in mind the underlying theme of the film.

The Court also upbraided the CBFC for overstepping its bounds as a certification body and acting as a censoring agency; and condemned the numerous cuts it had asked for as a condition for granting an 'A' certificate, observing-

"... Certifying films may require censoring them, but the former is the power and the latter is a permissible act which may have to be performed while exercising the same. Every such power is coupled with a duty to uphold and not suppress the Constitutional freedom of speech and expression."³

The Court was of the view that a blanket direction by the CBFC suggesting various cuts relating to the use of abusive words without reference to the theme of the film was an infringement upon the artistic freedom of the film-maker.

A similar view was taken by the Madras High Court in a case⁴ which dealt with the extra-judicial censorship of the critically acclaimed novel *Madhorubagan* by celebrated author Perumal Murugan, which highlighted the travails of a childless couple in an orthodox Indian community -

"... A book is not a single expression. It weaves a theme. While judging a book on any parameter not necessarily restricted to obscenity, it has to be read, digested and examined as a whole.... Sentences cannot be picked up here and there to give a conclusion." 5

This judgment also provides a balancing, contrary view, upholding reasonable restrictions, while making reference to *Dr. Subramaniam Swamy vs. Union of India & Ors.*⁶, wherein the Supreme Court expanded the jurisprudence on fundamental duties as constituting the core principles of our Constitution, whereby the sense of respect and dignity that is to be offered to another and his views, his beliefs and his practices, are termed as a constitutional norm; thus assuring the dignity of the individual and the collective unity of the nation. The Madras High Court echoed-

"...Whenever free speech and expression is sought to be given wings and let loose against the backdrop of one's creativity, it must carry on its flight within the domain of constitutional morals, forever remembering that while individual opinions and forms of expression are critical to advancement and multifaceted national development, equally important is the safeguarding of the dignity and respectability of another and his cherished beliefs, for the latter must never be compromised on account of the freedom guaranteed under 19(1)(a), as the victim in such circumstances will be no less than the constitutional heartbeat of fraternity—The national brotherhood."

Reasonable restrictions find patronage in another decision of the Supreme Court wherein it considered the legality and validity of Section 292 of the IPC (Ranjit D. Udeshi vs. The State of Maharashtra⁸). The Court observed that while censorship of films, their age appropriate classification and suitability for unrestricted exhibition, with or without excisions, is regarded as a valid exercise of power in the interests of public morality, it is not to be construed as necessarily offending the freedom of speech and expression, for the simple reason that social interest of the people override the individual freedom. The Court elucidated that while the State is regarded as the parens patrie or as guardian and promoter of general welfare, it must be acknowledged that these restraints on liberty may be justified by their absolute necessity and clear purpose. Since social interests consider the interests of not only the community, but also of individuals, a balance must be struck between the rival claims by reconciling them.

Thus, with this preliminary discussion it can be said that censorship and pre-censorship in India has full justification, and the reasonable restrictions listed in Article 19(2) to (6) of the Constitution and their manifestation in statutory and





self-regulatory censorship laws are not necessarily to be regarded as anathema.

Striking a Balance: Judicial Activism

As clear are the words in the laws relating to the reasonable restrictions on free speech and expression, equally obscure has been the rationale behind their implementation. The annals of history of independent India are replete with examples of unprincipled censorship. However, most of such censorships, which were petitioned against, ultimately got quashed by the judiciary in favour of free speech and expression, as in the case of *Udta Punjab*. Courts have not only safeguarded this fundamental right and reminded the State its duty to protect the same, but also, in some cases, devised tests to establish whether a work is obscene or not.

A. Freedom of Expression and Duty of State to Protect Rights Versus Threat to Security and Public Order

The right to dissent is the hallmark of democracy, and must not be scuttled as unpalatable criticism. Emphasis has been consistently laid on the fact that discordant expressions must be treated with objectivity and such expression of views, being necessary for growth of democracy, are to be fervently protected by the State.

In M. F. Hussain vs. Rajkumar Pandey, the Delhi High Court held that there can be no freedom of speech if there is no freedom after that-

"... In real democracy, the dissenter must feel at home and ought not to be nervously looking over his shoulder fearing captivity or bodily harm or economic and social sanctions for his unconventional or critical views. There should be freedom for the thought we hate. Freedom of speech has no meaning if there is no freedom after speech."

Other notable cases in the same vein include:

1. Prakash Jha Productions vs. Union of India, (2011) 8 SCC 372

The State of Uttar Pradesh suspended screening of the Hindi film *Aarakshan* after the Censor Certificate was issued, on grounds that it would cause a "*law and order*" issue. The Supreme Court held that the film had to be screened, and that the State cannot plead its inability to handle the problem of hostile audience. It is its obligatory duty to protect the freedom of expression, and that law and order maintenance is the duty of the State. The Court reiterated-

"... In a democracy, it is not necessary that everyone should sing the same song. Freedom of expression is the rule and it is generally taken for granted."

2. Lyca Productions Pvt. Ltd. vs. The Government of Tamil Nadu, 2014 Supreme (Mad) 4261

In this case, the producers of the popular Tamil commercial feature film *Kathi* were Sri Lankans and the film was objected to, owing to the nationality of its producers. They were forced to sign an agreement to remove their names from the movie hoardings, which the police attempted to enforce against them. The Court held the agreement invalid and unenforceable. It observed that the letter of undertaking cannot be relied upon by the police, which cannot grant a seal of approval to such letters of undertaking, as the same tantamount to the creation of a super-censor Board. Further, it observed that the police should not permit such attempts to succeed, failing which, it would inevitably lead to extortion and the surrender of power of governance and the rule of law to a few intolerant people.

B. Freedom of Expression Versus Morality, Obscenity and Defamation

Public decency and morality is outside the purview of the protection of freedom of speech and expression, and thus a balance should be maintained between the two but the latter must never come in the way of the former and should not substantially transgress the former.

As was held in the case of *Udta Punjab*, several judgments have been unanimous that where the theme is of social relevance, it must be allowed to prevail, since such a theme does not offend human sensibilities nor deprave the mind. The Madras High Court, too, in the *Madhorubagan*¹¹ case, observed that although there are boundaries *qua* use of an abusive language, realities are harsh and thus, at times, to send the message across they must be portrayed in a manner to shock the viewer. Therefore, an artistic or literary work which illustrates the consequences of a social evil must necessarily show that social evil as it is, as was observed in the *Phoolan Devi* ¹² case.

Another crucial aspect to be kept in mind is the opinion of literary or artistic experts and whether the material and writings have an artistic touch with the social purpose of profit. In this context, the following observations in *M. F. Hussain vs. Rajkumar Pandey*¹³ are relevant-

"... The work of art must have an aesthetic or artistic touch and should not seem to have been taken with the sole purpose of attracting viewers who may have a prurient mind. In other words, where obscenity and art are mixed, art must be so preponderating as to throw obscenity into shadow or render the obscenity so trivial and insignificant that it can have no effect and can be overlooked." 14

Bans of fictional works are also sought on the grounds of defamation despite there being a disclaimer that the story has





no connection with any real-life incident or personality. Such accusations have been shot down in the past by both, the Bombay High Court ¹⁵ and the Madras High Court ¹⁶, in the previously cited *Udta Punjab* and *Madhorubagan* cases respectively, where it was contended in both cases, that the work in question was defamatory to the people of the respective places mentioned – the State of Punjab and Tiruchengode Town of Tamil Nadu. The Supreme Court, too, in *Dr. Subramaniam Swamy vs. Union of India & Ors.*¹⁷, while distinguishing it with the concept of freedom of expression in the fictional realm observed thus-

"The right of freedom of expression in a poem, play or a novel pertaining to fictional characters stands on a different footing than defamation. A person in reality is defamed contrary to a fictional character being spoken of by another character or through any other mode of narrative."

Noteworthy cases in the same vein include:

1. K. A. Abbas vs. Union of India, (1970) 2 SCC 780

The case related to a documentary which was not given 'U' Certificate, against which the writ petition was filed. It was held that standards of obscenity must not be at the level of the most depraved to determine what is morally healthy for a normal person. It is not the elements of rape, leprosy and other social problems that should be censored, it is the manner in which such themes are handled. The Court upheld that the documentary viewed in its entirety carries a message of peace and co-existence and there is no fear of the people being carried away by the scenes of violence or fanaticism.

2. Maqbool Fida Hussain vs. Rajkumar Pandey, 2008 Cr. L.J. 4107

This case, related to private complaints filed against the noted painter M. F. Hussain for allegedly vilifying Hindu Gods and Goddesses through his art work. It was observed that for the purposes of judging obscenity, the judge must first place himself in the shoes of the author in order to appreciate what the author really wishes to convey, and thereafter, he must place himself in that position of the viewer of every age group in whose hands the work may fall and then arrive at a dispassionate conclusion. The complaints were thus quashed.

C. Tests used by the Judiciary

The acceptable level of obscenity in films, photographs, paintings, and books, as well as what constitutes as being offensive or not, is not yet settled in India. However, with landmark judgments ranging from striking down Section 66A of the *Information and Technology Act* in favour of free

speech and expression¹⁹, to evolving the Contemporary Community Standards Test for determining obscenity²⁰, judicial activism has unswervingly attempted to overcome the lacunae in the laws with regards to where the line between creativity and artistic freedom, and obscenity and offensiveness needs to be drawn.

The very first prototype of a test of obscenity is the Hicklin's Test laid down in Regina vs. Benjamin Hicklin²¹, where it was held that all material tending "to deprave and corrupt those whose minds are open to such immoral influences" was obscene, regardless of its artistic or literary merit. Thus, a publication could be judged for obscenity based on isolated passages considered out of context, as well as by its apparent influence on most susceptible readers, such as children or weak-minded adults.

However, in terms of Section 292 of the IPC, any matter is obscene if taken as a whole, it is lascivious or appeals to the prurient interest and tends to deprave and corrupt persons who read, see or hear the matter contained or embodied in it. Thus, the Hicklin Test is in contravention of the IPC as the former requires the passages to be seen in isolation.

Thus, this test was discarded, and subsequent tests have evolved over the years, such as, Roth Test (developed in *Roth vs. United States*²²), Prurient Interest Test (developed in *Marvin Miller vs. State of California*²³), Average Person Test (favoured in the *Tasleema Nasreen*²⁴ case), Primary Audience Test, Significant Proportion Test, and finally, all these tests have culminated in the Contemporary Community Standards Test, which determines if a work is obscene as whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest. Therefore, unlike its predecessor, the Contemporary Community Standards Test is more adaptive to any changing society.

This test was enunciated and chosen over the Hicklin Test in the Aveek Sarkar vs. State of West Bengal ²⁵ and subsequently discussed in the M. F. Hussain vs. Rajkumar Pandey²⁶. This test also finds favour in Bobby Art International vs. Om Pal Singh Hoon²⁷, Ranjit D. Udeshi vs. The State of Maharashtra²⁸, among others, leading the Supreme Court in Devidas Ramachandra Tuljapurkar vs. State of Maharashtra²⁹ to observe that from the development of law in India, it is clear that the prevalent test is the Contemporary Community Standards Test.

A scrutiny and analysis of the aforementioned judgments shows that, undoubtedly, the Supreme Court has not only accepted this test as the sole parameter, but has also observed that it would stand the test of time, for perception, views, ideas and ideals can never remain static.

Conclusion and Recommendations





Unscrupulous censorship not only infringes upon the fundamental rights of the author or creator, but also of the reader or listener or receiver of the information. With dynamic changes in technology and the impact of internet and social networks on human behaviour, the manner in which censorship is carried out has to evolve. Some general recommendations include:

- A. To recommend refinements to existing laws and regulations to reflect societal and technological changes, a study needs to be undertaken on an ongoing basis to evaluate whether there is a need to introduce additional content standards and guidelines that would be relevant to the emergence of changing mindsets, new technologies and new media platforms. This is required because times change and what was not acceptable earlier may become acceptable later. Lady Chatterley's Lover is a classic example of it. Statutory expressions should not be petrified by time but must be updated by changing ethos, since even popular ethics are not fixed but evolve as community consciousness enlivens and escalates.
- B. To recommend that an expert body must be constituted to deal with situations arising from such conflicts of views, and must consist of qualified persons in the branch of creative literature and art so that an independent opinion is forthcoming, keeping in mind the law evolved by the judiciary. In such matters of art and culture, the issue cannot be left to the police authorities or the local administration alone, especially when there is a spurt in such conflicts.
- C. To recommend avenues to increase the level of awareness among the public if the censorship is implemented for the public good (e.g. pornography). It is a burden on the

- authorities to show that the restrictions are reasonable and permissible in law. This will also lead to a diminishing demand for the censored materials and counter the black markets and piracies that exist today.
- D. To recommend implementation of strict measures for curbing extra-legal censorship. The State's responsibility to maintain law and order should not permit any compulsion on the artistes concerned to withdraw from their stand and extra-legal forces cannot be allowed to determine what is permissible and what is not. The real and effective exercise of freedom of expression does not depend merely on the State's duty to refrain from interference, but also requires positive measures of protection against damage even from private persons.
- E. To recommend the institutionalisation of the freedom of the press through laws that protect witnesses, whistleblowers and journalists, strengthening independent media regulatory bodies, journalists' associations and media monitoring bodies.

The Constitution intends to uphold for all its citizens the fundamental values of liberty of thought, expression, belief, faith and worship, while simultaneously securing justice, equality of status and opportunity, and assuring the dignity of the individual and the unity and integrity of the Nation. True democracy does not mean a licence to dictate and foist one's views and ideas on others. Likewise, it gives no carte blanche to unjustified prurient vulgarity, indecency and immorality.

To conclude with the words of Voltaire:

"I may not agree with what you say, but will defend to the death, your right to say it."

END NOTES

Phantom Films Pvt. Ltd. vs. CBFC, AIR 2016 Supreme (Mah) 761

² Wattan Sharma vs. Union of India, 2016 Supreme (P & H) 1085

³Phantom Films Pvt. Ltd. vs. CBFC, AIR 2016 Supreme (Mah) 761 ⁴ S. Tamilselvan vs. The Government of Tamil Nadu, 2016 Supreme (Mad) 1886

^{6 (2016) 7} SCC 221

⁷ S. Tamilselvan vs. The Government of Tamil Nadu, 2016 Supreme (Mad) 1886

⁸ AIR 1965 SC 881

^{° 2008} Cr.L.J. 4107

¹⁰ Ibid.

S. Tamilselvan vs. The Government of Tamil Nadu, 2016 Supreme (Mad) 1886

¹² Bobby Art International vs. Om Pal Singh Hoon, (1996) 4 SCC 1

¹³ 2008 Cr. L.J. 4107

¹⁴ Ibid.

¹⁵ Phantom Films Pvt. Ltd. vs. CBFC, AIR 2016 Supreme (Mah) 761

¹⁶ S. Tamilselvan vs. The Government of Tamil Nadu, 2016 Supreme (Mad) 1886

¹⁷ (2016) 7 SCC 221

¹⁸ *Ibid*.

¹⁹ Shreya Singhal vs. Union of India, (2015) 5 SCC 1

²⁰ Devidas Ramachandra Tuljapurkar vs. State of Maharashtra, (2015) 6 SCC 1

²¹ (1868) L.R. 3 QB 360

²² 354 US 476 (1957)

^{23 413} US 15 (1973)

²⁴ Sujato Bhadra vs. State of WB, 2006 Cr.L.J. 368 (Cal)

²⁵ (2014) 4 SCC 257

^{26 2008} Cr. L.J. 4107

²⁷ (1996) 4 SCC 1

²⁸ AIR 1965 SC 881

²⁹ (2015) 6 SCC 1





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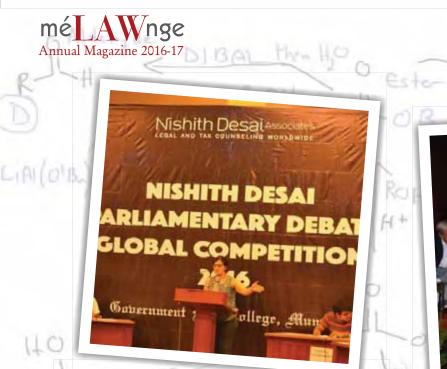
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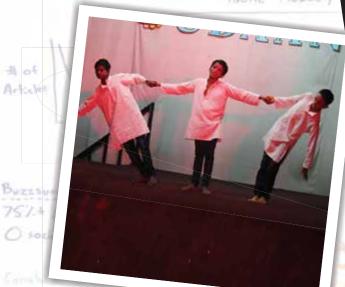


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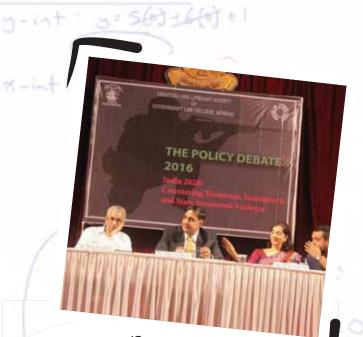
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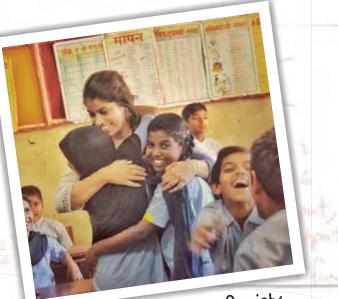
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/Inaugural Session - ADR Cell October 20, 2016



NSS – Cleanliness Drive October 2016



GLC Teach For India Society
October 2016





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PROFESSORS



Sitting (L-R) : Prof. Mr. P. B. Daphal, Prof. Mr. M. A. Zyangoji, Prof. Mr. Tiwari, Prof. Dr. A. N. Kalse, Prof. Ms. S. H. Chuganee, Principal Judge Dr. A. Nathani,

Prof. Mr. H. D. Pithawala, Prof. Dr. R. S. Ratho, Prof. Mr. D. A. Shinde, Prof. Ms. M. Sakphal, Prof. Ms. K. Hedaoo,

Standing First Row (L-R): Prof. Ms. R. Chhabria, Prof. Ms. A. Desale, Prof. Ms. N. Shaikh, Prof. Mr. V. Shinde, Prof. Mr. A. Shastri, Prof. Mr. V. Shetty,

Prof. Mr. S. Rane, Prof. Mr. J. Ruparel, Prof. Mr. V. Shroff, Prof. Mr. H. Shah, Prof. Ms. G. Patil, Prof. Ms. M. Devendra, Prof. Ms. S. Puri,

Prof. Dr. U. S. Aswar, Prof. Dr. Sarkar

Inset : Prof. Mr. A. Hariani

PERMANENT PROFESSORS



Sitting (L-R) : Prof. Ms. A. Desale, Prof. Dr. U. S. Aswar, Prof. Dr. R. S. Ratho, Principal Judge Dr. A. Nathani, Prof. Mr. P. B. Daphal, Prof. Ms. K. Hedaoo, Prof. Ms. N. Shaikh





WOMEN'S CELL



Sitting (L-R)

: Prof. Ms. S. Masani, Prof. Ms. S. H. Chuganee, Principal Judge Dr. A. Nathani, Prof. Dr. R. S. Ratho, Prof. Dr. U. S. Aswar

NON-TEACHING STAFF



Sitting (L-R)

: Ms. P. Nikam, Ms. T. Khair, Ms. P. More, Ms. A. Khair, Ms. S. Gole, Principal Judge Dr. A. Nathani, Mr. S. Prajapati, Mr. D. Bhabal, Ms. M. Padaya, Mr. S. Singh

Standing (L-R)

: Mr. S. Bhosle, Mr. G. Marathe, Mr. A. Kumbalwar, Mr. D. Patil, Mr. P. Kunbi, Mr. P. Jadhav, Mr. D. Karan, Mr. S. Pawar, Mr. M. Shigwan, Mr. D. Ghumre, Mr. A. Khair

ANNUAL COMMITTEE REPORTS 2015-17

Alumni Association bazm - E - Urdu Debating And Literary

bating And Literary Society Gujarati Mandal Law Review

Hindi Parishad Legal Aid Marathi Mandal

Moot Court Association Model United Nations Society

Sultural Committee Placement Committee Sports Con

National Service Scheme Social Service League

Students For The Promotion Of International Law

Students Council Teach For India Society

Alternative Dispute Resolution Cell Leo Club

Moot Court Association Model United Nations Society

Cultural Committee Placement Committee Sports Con

National Service Scheme Social Service League





ALTERNATIVE DISPUTE RESOLUTION (ADR) CELL



Sitting (L-R) Standing (L-R) Inset (L-R)

- : Soham Banerjee, Prof. Mr. K. L. Daswani, Principal Judge Dr. A. Nathani, Prof. Ms. S. Masani, Pooja Natarajan, Manasi Bhushan
- : Janak Panicker, Alabh Anant Lal, Anjali Karunakaran, Wazim Babu, Sagar Jaikumar
- : Agastya Sreenivasan, Khubi Agrawal, Shvabh Chakarwarti, Vedang Tarare, Vedant Churi, Daanish Naithani, Jayati Arora, Keerthi Kamath

Under the guidance of our esteemed Principal, Dr. Ajay Nathani, the ADR Cell was set up on October 3, 2016. Our faculty advisors are Prof. Sunita Masani and Prof. Kishu Daswani

The ADR Cell was born out of a vision to promote the understanding of non-adversarial forms of dispute resolution. It aims at introducing to the students the background and intricacies of alternative dispute resolution. It further aims at aiding them in developing practical skills required in effective resolution of disputes. It also focuses on encouraging and assisting students to participate in national and international ADR competitions.

The ADR Cell proposes to create an Advisory Board comprising of working professionals, primed to help students in their endeavours. Complimentary to the field of dispute resolution, is the broader field of conflict resolution. The ADR Cell also strives to disseminate information on methods and ingrain skills for effective, peaceful and amicable resolution of conflicts.

The activities of the ADR Cell are divided into the following categories:

 Conducting Workshops and Sessions: Through virtually interactive sessions and guest lectures, the initial phase of our program will be targeted at making students understand what comprises and regulates ADR, what are its legal effects and how far one can employ such practices to get their fair share of the deal.

- 2. Conducting Trial ADR Sessions: Practical training will be imparted to the students by professionals who specialize in the field of ADR practices. Active collaborations with different ADR Cells in colleges across the country would be implemented for mock sessions and friendly practices. This would also help students prepare for various ADR competitions.
- 3. Conducting Certified Courses: With the object of promoting the ADR culture, the ADR Cell proposes to conduct certified courses on various methods of ADR for an advanced understanding of these concepts. The Cell shall also circulate information relating to several courses/programs/workshops/conferences encompassing ADR for maximum benefit of the students.

The ADR Cell having received a tremendous response from the students, successfully organised its edifying inaugural session on 'Introduction to Alternate Dispute Resolution & Judicial Intervention'. Prof. Anirudh Hariani, who specializes in Dispute Resolution, gave a bird's eye view of the concept while being fairly detailed. He also talked about the extent to which courts continue to govern, supervise and "intervene" in various ADR procedures. The highly interactive session was positively received by the students.

We hope that the coming years will help strengthen the ADR culture amongst students and help them develop an aptitude towards conflict resolution which will be beneficial not only in their profession, but also in everyday life.

Alternative Dispute Resolution (ADR) Cell





ALUMNI ASSOCIATION PARENT BODY



Sitting (L-R)

: Prof. Ms. S. Masani, Prof. Mr. D. A. Shinde (Treasurer), Principal Judge Dr. A. Nathani (Vice President), Sr. Counsel Mr. Rafique Dada (President), Mr. A. Gupta (Hon'ble General Secretary)

Standing (L to R)

: Advocate Mr. A. Shingare, Advocate Mr. D. K. Shetty, Advocate Ms. R. Panjwani, Advocate Mr. S. Ingle

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Email: info@lawquestinternational.com **Website:** www.lawquestinternational.com





ALUMNI ASSOCIATION (STUDENTS' WING)



Sitting (L-R) Standing (L-R)

- : Anwesha Maitra, Prof. Ms. S. Masani, Principal Judge Dr. A. Nathani, Avinka Kedar
- : Manisha Singh, Rasika Gothankar, Veena Hari, Rutuja Patil, Shivani Bajpai, Shubhi Maheshwari, Gautami Bada, Keerthi Kamath, Niyati Sontakke, Kinzang Choden, Pranita Mantha

The Alumni Association (Students' Wing) of Government Law College, comprising of students and a Professor-incharge, plays the critical role of being a link between the college Alumni and the students and faculty. The Alumni Association (Students' Wing) plans and conducts events that enable the Alumni to interact closely with the college and its students.

The 4th Nivedita Nathany Memorial Award ceremony was held on October 01, 2016. This award is presented to a student with excellent academics and leadership qualities. It was instituted by Ms. Nivedita's father, on August 16, 2012 in the loving memory of his late daughter. Ms. Nivedita, an optimistic, cheerful and active student in the college met with a tragic fatal accident on the very day of being appointed as the General Secretary of this Association. The Trophy this year was awarded to Ms. Riddhima Kedia and Mr. Shivam Jain Kakadia, jointly, along with a cash prize of Rs. 25,000 shared equally by both.

The Alumni Association Students' Wing has successfully completed the selection procedure for the meritorious group of 26 students who may be aptly described as the 'Cream of our College', to visit Delhi for the Delhi Study Tour 2017, which has been organised annually over the past 12 years.

The students were selected through a rigorous, but transparent and fair procedure involving an essay round, followed by an interview. The Delegation will meet the dignitaries in Delhi in March, 2017. The Annual General Meeting was held on September 30, 2016. Advocate D.K Shetty, Advocate Rita Panjwani, Advocate Ashok Shingare and Advocate Shrikant

Ingle form the new Managing Committee of the Alumni Association.

The Alumni Association (Students' Wing) organised a *Social Mixer* in the month of February, 2017. This event witnessed a unique blend of our graduates and students. It was an evening of fun and frolic that helped our current students to interact with graduates, and for the graduates it was a nostalgic visit to their alma mater and provided an opportunity to relive their college days.

We would like to thank our Principal, Dr. A. Nathani, without whom our success would not have been possible. He has actively been involved in all our programs and also made time to attend all our events in spite of his gruelling schedule. Our Prof-incharge, Prof. Sunita Masani has been our guiding light through all our events and without her support none of our events would have been possible. The Students' Wing members are Anwesha Maitra (General Secretary), Swapnil Dhage (Assistant General Secretary), Avinka Kedar, Aruna, Bhavya, Gautami, Hridika, Keerthi, Kinzang, Manisha, Natasha, Niyati, Pankaj, Poushali, Pranitha, Prem, Priya, Rakshita, Rasika, Rutuja, Samriddhi, Sanskriti, Sharu, Shivani, Shubi, Sukriti, Tanwangi, Tapasya, Veena and Nikhil.

By the Alumni Association
Students' Wing Team





BAZM-E-URDU



Sitting (L-R)

: Omkar Sarmane, Akshay Bramhane, Shaikh Oneza Abdul Aziz, Abdul Mannan P. Ansari, Principal Judge Dr. A. Nathani, Prof. Ms. N. Shaikh, Sunil Budhwant, Mosmi Awaghad, Momin Ayesha,

Standing (L-R)

: Rehan Momin, Chetan Gaikawad, Sanket Walde, Vishal Paul, Vasundhara Shinde, Jaguriti Bhise, Runali Bhowad, Pragiti Shelar, Sidhhi Vadke, Deepak Shelar, Deepak Gaikawad

Inset (L-R)

: Aastha Sharma

"Urdu jise kehte hain, Tehzeeb ka chashma hai... Wo Shakhs Muhazzib hai, Jisko ye Zubaan aai."

It is widely known that Urdu is celebrated for its sweetness. Urdu is the 4th largest language in the world spoken, by over 600 million people across five continents. Urdu is also one of the officially recognised languages in India and official language of few states in India.

Bazm-e-Urdu was set up as a committee in Government Law College in 1995, to provide a platform for the culture that was thus created on the basis of this language. With an aim to expand the horizons of Urdu as a language and increase its recognition, the committee recognises the tenet of secularism as enshrined in the Constitution of India.

The Inaugural function of Bazm-e-Urdu was held on 3rd February, 2016, in the presence of Chief Guest Mr. Quaiser Khalid (I.P.S) - Additional Commissioner of Police, Arms & Ammunition, Mumbai, and Guest of Honour, Mr.Sarfaraz Arzu - Chief Editor Hindustan Urdu Daily, under the Presidency of Prof. Prakash K.Mokal, Chairperson Prof. Nuzhat Shaikh & General Secretary, Abdul Mannan P. Ansari.

Bazm-e-Urdu took the initiative of conducting Lecture Series to teach Basic Urdu to Students, teaching and non-teaching staff, and to all those interested. This series was not only attended by the students but also by the non-teaching staff and professors of the college who were keen to learn Urdu. Due to an overwhelming response, Urdu lectures will continue in college in order to accomplish the aim of promoting, developing and propagating Urdu. Bazm-e- Urdu also encouraged students of the college to write articles on topics of their interest in Urdu with the English translation for the Bazm-e- Urdu Notice Board of the College.

On behalf of Bazm-e-Urdu, I express my deepest gratitude to our Principal Dr. Ajay Nathani, Chairperson Prof. Nuzhat A. Shaikh, Prof. Nusrat Shah, Prof. Neelam Oza, Prof. A. A. Kazi, Prof. Dr. Umesh Aswar, and would also like to thank all the teaching, non-teaching staff, and members for their constant support and hard work in achieving the objectives of the Committee. With the efforts of our members and support and guidance of our Authorities, I hope the committee will flourish and reach its zenith in the years to come.

"Saliqe se Hava'on me Jo Khushboo ghol sakte hain...Abhi log baqi hain jo Urdu bol sakte hain."

عالمباب

Ansari Abdul Mannan Parvez Akhtar

General Secretary



CULTURAL COMMITTEE



Sitting (L-R)

: Neha Mane, Renuka Sabale, Sunil Budhwant, Prof. Dr. R. S. Ratho, Principal Judge Dr. A. Nathani, Nitin Mane, Eshita Kaskar, Purnima Vashisth, Chaitali Kamble.

Standing 1st Row (L-R)

Sneha Makaria, Srishti Dugar, Ambreen Khatri, Vaishnavi Kamble, Shraddha Kanade, Aboli Mandalik, Tapsya Marathe, Priyansh Vakharia,

Standing 2nd Row (L-R)

: Ashi Wankhede, Poushali Roy Chaudhary, Mitali Gopani, Naseem Ansari, Shraddha Sakpal, Surbhi Shinde, Varsha Vasabe, Ashwini Khedekar, Mansi Shinde, Mansi Pawaskar, Kajal Bhandekar, Nidhi Ashiwal, Gautami Bada, Prapti Prajapati, Priyanka Chumbale, Jahnvi Pawar, Geetika Chavan

Standing 3rd Row (L-R)

: Rangan Majumdar, Aditya Lele, Shruthi Harihar, Samriddhi Mehra, Vaishnavi Ranjane, Reema Kharat, Hridika Ahire, Riktanjali Pradhan, Manisha Singh, Ankit Verma, Pratik Lavankar, Aniket Pardeshi

Inset

: Aastha Sharma

Due to an absence of a cultural body in our college, difficulties arose while gathering students and sending them to participate in various cultural festivals across the country. On August 28, 2016, Principal Judge Dr. Ajay Nathani, after consultation with the professors and administrative staff, agreed to constitute a Cultural Committee. Our First meeting was held on September 29, 2016 and post holders were elected through a democratic vote. It was on that very day that the cultural committee commenced its activities.

The first program was conducted on October 5, 2016. It was a collective celebration of the Birth Anniversaries of Mahatma Gandhi, Lal Bahadur Shastri and Bhagat Singh. Dr. Manoj Kumar Sharma, IPS and PhD in Gandhian philosophy was the Chief Guest for this program. The chief speaker for the program was Mr. Abhijeet Bhalerao, Editor and Translator of The Jail Diary of Shaheed Bhagat Singh. The Birth Anniversary of Dr. A.P.J. Abdul Kalam was observed as Maharashtra Reading Day on October 15, 2016. The Birth Anniversary of Sardar Vallabhbhai Patel as National Unity Day and the Death Anniversary of former Prime Minister Mrs. Indira Gandhi as National Pledge Day on on October 31, 2016. We celebrated the Birth Anniversary of Savitribai Phule, on January 3, 2017. Dr. Manjiri Kamat, Head of Department of History, University of Mumbai was the Chief Guest.

Ever since formation, we have been participating in almost every inter-collegiate cultural festival. The greatest achievement was acquiring the 3rd position in an inter-collegiate cultural festival held by H. R. College in January 2017. Our focus is on Independence Day, Republic Day, Birth Anniversary celebrations of dignitaries, intra-college and inter-collegiate cultural fests, university cultural fest and our annual gathering. An intra-college cultural festival will be held during the 2nd week of March 2017. I am privileged to lead the Cultural Committee as its first General Secretary. I am immensely thankful to our Principal, Dr. Ajay Nathani for establishing this committee and guiding us. I want to express my heartfelt gratitude to Chairperson, Prof. Dr. Rachita Ratho for her active co-operation to form the Committee. I am thankful to Chief Advisor, Mr. Nitin Mane, for his support towards forming the committee. I would also thank all the professors and administrative staff for maintaining a positive environment for cultural activities in our college.

I specifically want to appreciate and extend my gratitude to the core members of Cultural Committee for their efforts. I am also thankful to all the members of the committee for their enthusiastic interest in committee affairs. At last I would like to thank everyone who contributed and helped us directly and indirectly in the progress of the committee.

> **Sunil Budhwant** General Secretary





DEBATING AND LITERARY SOCIETY



Kneeling (L-R)

: Aastha Rupwate, Kunal Kulshrestha, Nitika Bagaria, Vidhi Dedhia, Masira Shaikh, Tanya Chib, Vedika Shah, Ashana Shah, Varnalee Mishra, Satinder Pannu

Sitting (L-R)

: Raghav Ginodia, Ansh Karnawat, Prof. Ms. S. Masani, Principal Judge Dr. A. Nathani, Prof. Dr. R. S. Ratho, Sansriti Sen, Aparna Menon, Soham Banerjee

Standing 1st Row (L-R)

: Priyanshi Vakharia, Arushi Dua, Samridhi Mehra, Arshi Siddiqui, Sheona Shenoy, Pranita Mantha, Kavita Mohanty, Priyanka Rathore, Pranvi Jain, Shravani Sakpal, Khubi Agrawal, Rasika Gothankar, Anjali Karunakaran, Abhilasha Agrawal, Kanchi Malhotra, Manisha Singh, Janhavi Patankar, Kanika Kulkarni

Standing 2nd Row (L-R)

: Poushali Roychoudhury, Misha Matlani, Gautami Bada, Somya Pathak, Keerthi Kamath, Hina Tolani, Shreya Mundra, Shubhi Maheshwari, Jayati Arora, Shraddha Sakpal, Rutuja Patil, Rucha Prabhu, Shreya Gokhale, Nehal Gaikwad, Veena Hari, Priyanka Chumbale, Shruthi Hariharan, Drishti Vanvari.

Standing 3rd Row (L-R)

Rangan Majumdar, Ashwin Jain, Rajshekhar Rao, Sanket Garud, Aditya Lele, Jenson Francis, Ankit Verma, Rahul Apte, Nilesh Bajpai, Gaurav Gharat, Andre Charan, Shantanu Ray, Sagar Jaikumar, Abhijit Bhandarkar, Altamash Kadir

Inset (L-R)

: Bhavna Srinivasan, Annapoorani Ramu

The Debating and Literary Society of Government Law College provides a platform to budding lawyers to improve their skills of oral advocacy and public speaking so as to mature into socially aware and responsible citizens of the country. The Society encourages students to develop inquisitiveness and explore hitherto unknown aspects of subjects of regional, national and international importance. By training students to formulate and exercise opinions after careful analysis, the Society prepares them for oral championing, thereby giving them a distinct advantage over others.

The first edition of the Nishith Desai Parliamentary Debate Global Competition, held from 26th to 28th of February, 2016, witnessed spectacular participation and engaging debates. The society hosted around 40 teams including premier institutions such as National Law School of India University, Bangalore, IIT Bombay, and others from all over the country. The Debate witnessed great speakers infused with the love for parliamentary debating that raised the standards of the competition in itself. We were lucky to have three of the best parliamentary debaters in the country as Core Adjudicators for our competition, Mr. Vipul Nanda, Mr. Vibhor Mathur and Mr. Aashay Sahay.

In October, The Policy Debate, the Annual Panel Discussion, was hosted and the theme was 'India 2020: Countering Terrorism, Insurgency and State Sponsored Violence'. Our Panelists were Mrs. Meera Sanyal, Mr. Praveen Dixit, Mr. Sanket Kulkarni, Mr. Vismay P. Shroff and Prof. Awanish Kumar. The discussion was moderated by Prof. Kishu Daswani.

The Freshers' Debate was also organised in October, which aimed to give the freshmen an insight into debating and thus helping them eliminate nervousness and the fear of public speaking. It witnessed enthusiastic participation of over 100 students of the college. The winners of the competition were given the opportunity to participate in national-level debates competitions.

The year 2016-2017 also noticed the commencement of an incredible endeavour by the Debating and Literary Society. The students of the society in collaboration with Bombay Progressive Fellowship Society started an initiative known as "Debate for a Cause", which sought to promote debates and discussions at the grassroot level wherein volunteers from the





Society conducted workshops for students from municipal schools on a weekly basis, attempting to hone their debating and oratory skills.

In addition to the aforementioned, the Society also regularly conducts Debating Trials which allow the Society to determine which teams shall represent the college in debate competitions across the country.

Throughout the year, the Society maintained a strong online presence. Periodic mails were sent out to members covering a wide array of topics ranging from political philosophy readings to informal content on pop culture - reading material useful for not only debating but also life in law school.

The highlight of the year was an augmented increase in the impressive performances by the members of the Debating and Literary Society. The team comprising Bhanu Chopra, Soumee Saha and Ansh Karnawat were declared the Novice Winners of the 8th CNLU Parliamentary Debate while the team comprising Pranav Kagalkar, Arushi Dua won the Endeavour Debate 2016 with Parth Indalkar also bagging the best speaker award, among many others. Even in adjudication, Khushboo Jhunjhunwala bagged the best adjudicator prize at NMIMS School of Law

Debate while Aparna Menon and Prashansa Agrawal bagged best novice adjudicator and third best adjudicator (mains) at the 8th CNLU PD.

The Book Club, which reflects the literary aspect of the Society saw an increased participation of over 100 members. Several pieces of literature such as *Animal Farm* by George Orwell, *The Tell Tale Heart* by Edgar Allan Poe and *Walking With the Comrades* by Arundhati Roy were circulated and discussions were held on the same in the course of the year.

The Society could not have carried on its activities and achieved such success without the guidance of our Professor-in-Charge, Prof. Dr. Rachita Ratho. For her unconditional support and constant encouragement, we extend our heartfelt gratitude. The Society is indebted to its senior members for their active participation and unconditional support.

Sansriti Sen Singh General Secretary

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EXTENSION COMMITTEE



Sitting (L-R)

Shivam Jain Kakadia, Saurav Sinha, Prof. Mr. P. B. Daphal, Prof. Dr. U. S. Aswar, Principal Judge Dr. A. Nathani, Prof. Ms. N. Shaikh, Abhinav Bhatkar, Navankur Pathak

Standing (L-R)

: Ashana Shah, Anwesha Maitra, Sneha Meshram, Darpakshi Shah, Simar Bindra, Vandana Chamle, Vidhi Dedhia, Mrunmayi Vatkare

: Aastha Sharma

To facilitate the sensitisation of students to socio-cultural realities, the Department of Lifelong Learning & Extension (DLLE), University of Mumbai, offers extension work projects to the students that encompass various social issues. Government Law College has been affiliated with DLLE since 2014. Students enrolled for the Extension Work Activities have been involved in various career oriented and community-based activities, such as Industry Oriented Program, skits and street plays on social issues, poster making, etc.

In the academic year 2016-17, around 300 students registered themselves for the Extension Work Activities. The Professors-in-Charge and the Student Managers attended the first and the second term training session organized by DLLE. The college then organised the first and second term training sessions for the students registered with DLLE, wherein the Student Managers subsequently trained the students undertaking the SWS (Status of Women in Society) and IOP (Industry Oriented Project).

On the occasion of the Birth Anniversary of Mahatma Gandhi and Lal Bahadur Shastri, DLLE organized a Bhajan Sandhya Programme. The committee then organized a Poster Making Competition on "Gender Related Issues". All the students' submissions were exhibited on October 4, 2016. The exhibition was followed by a guest lecture by Prof. Dr. Mrinal S. Raste, Dean & Director of Amity Law School, Amity University, Mumbai. He delivered a lecture on "Legal Education in India & the Need of Skill Development in the Art of Advocacy".

On January 31, 2017, DLLE organized its Annual Extension Festival "Udaan - the Flight of Extension". This involved the organisation of a Street Play Competition and a Poster Making Competition. The committee also organized a Guest Lecture on "Combatting Sexual Harrasment at Workplace" delivered by renowned divorce lawyer, Mrunalini Deshmukh. The students submitted the project report to their respective Student Managers on February 15, 2017, which were then forwarded to and approved by DLLE.

It goes without saying that several persons have made this committee a success. In particular, our Principal, Dr. Ajay Naithani, has been actively involved in all our activities in the midst of his various commitments. The committee could not have carried on its activities and achieved such success without the guidance, support and constant encouragement of our Professors-in-Charge, Prof. Nuzhat Shaikh, Prof. P. B. Daphal and Prof. Dr. Umesh Aswar. Lastly, the objectives of the committee could not have been fulfilled without the hard work and dedication of Student Managers – Anwesha Maitra, Aastha Sharma, Mrunmayi Vatkare, Ateqa Qureshi, Navankur, Saurav Sinha, Abhinav Bhatkar, Vandana Chamle, Ashana Shah, Simar Bindra, Shreay Saini, Vidhi Dedhia, Ankush, Darpakshi Shah, Sneha Meshram and Shivam Jain Kakadia.

The Extension Committee





GUJARATI MANDAL



Sitting (L-R)

- : Abdul Mannan P. Ansari, Akshay Bramhane, Omkar Sarmane, Prof. Dr. R. S. Ratho, Principal Judge Dr. A. Nathani, Prof. Dr. U. S. Aswar, Anand Fadewar, Vasundhara Shinde, Jagruti Bhise,
- Standing (L-R) : Rehan Momin, Shiraj Thakare, Shaikh Oneza Abdul Aziz, Vishal Paul, Pragati Shelar, Shweta Patil, Shrunali Bhowad, Siddhi Wadke, Deepak Shelar, Chetan Gaikwad.

The Gujarati Mandal is constituted to stimulate and foster friendship and understanding among its members, to develop common loyalties and mutual interests through literary, social, educational and cultural activities, and to sustain and perpetuate the Gujarati heritage.

It is satisfying to see the progress made by the Gujarati Mandal in the last few years from its modest and simple beginnings, to its current activities. The Gujarati Mandal has adopted its own Constitution and henceforth will also be organising co-curricular and extra-curricular activities for the students. The academic year of Gujarati Mandal commenced with the customary *Garba Raas*, which was organised in October 2016 in the college auditorium. This year the Gujarati Mandal also celebrated *Makar Sankranti*, one of the most important festivals of the state of Gujarat, on 17th January 2017, by distributing *Tilgul* to the Principal, professors, college staff and students.

With a view to promote and assist with activities and projects, the Gujarati Mandal will be organising an elocution and presentation competition on social-legal issues. In addition to this, the Gujarati community is also actively organising various cultural events in collaboration with other committees like Marathi Mandal and Hindi Parishad.

We express our sincere and heartfelt gratitude to our Principal, Dr. Nathani, and to our professor-in-charge, Dr. Umesh Aswar, for their unconditional support throughout the year. Lastly, we would like to thank the core committee and all the active members for their wholehearted dedication and perseverance towards the successful working of the Gujarati Mandal.

Mansi Makwana *General Secretary*





HINDI PARISHAD



Sitting (L-R)

- : Rehan Momin, Hemangi Khade, Vishal Paul, Prof. Mr. P. B. Dhaphal, Principal Judge Dr. A. Nathani, Prof. Ms. A. Desale, Anand Fadewar, Sanket Walde
- Standing (L-R)
- : Deepak Shelar, Akshay Bramhane, Dyaneshwar Kale, Siddhi Vadke, Nikita Pawar, Shweta Patil, Mrunal Jagadale, Jagruti Bhise, Shrunali Bhovad, Pratik Lawankar, Ajinkya Gosave

The Hindi Parishad of Government Law College was formed while keeping in mind the aim of promoting the language and culture it brings along with it. The committee has been actively promoting Hindi and providing a platform for students of a vernacular background to develop and promote their culture.

This year, the Hindi Parishad celebrated Republic Day in collaboration with the Students' Council, with an aim to inspire students of Government Law College, and to commemorate our martyrs and the great personalities of India who worked for the social, economic, and political development of India. On Hindi Divas, 14th September 2016, we organized a program that included poetry, art, and dance, with Chief Guest Hon'ble District Judge and Principal Dr. Ajay Nathani and Professor-in-Charge, Shri. Pandurang Daphal, and Prof. Dr. R. S. Ratho who provided valuable guidance. There are several upcoming events for this year, as it is the celebration of the Birth Anniversary of

Chhatrapati Shivaji Maharaj. The events include *Powada*, *Hindi Kavi Sammelan*, *Ghazal*, *Hindi Anatakashari*, and Traditional Folk Dance.

I would like to thank our Principal, Dr. Ajay Nathani for his unconditional support, and our Professor-in-Charge Shri. Pandurang Daphal, who helped the Committee work efficiently and achieve its goals. Lastly, I am extremely thankful for, and would like to congratulate every member of the Hindi Parishad for their hard work and sincerity, which made this year successful for the Committee.

Vishal Ashok Paul General Secretary





LAW REVIEW COMMITTEE



Sitting (L-R) Standing (L-R) : Joshua Patnigere, Camille Framrose, Principal Judge A. Nathani, Prof. Mr. K. L. Daswani, Amal Sethi, Anvita Mishra

: Shreyas Narla, Harshit Jaiswal, Sindhura Polepalli, Vidhi Shah, Shivani Chimnani, Riddhima Kedia, Indraja Saroha, Vatsala Pant, Jeneeta

Pinto, Sanjana Rao

Inset

: Sakshi Bhalla

The Law Review of Government Law College (GLC Law Review), now in its 9th edition, gives students the opportunity to explore the arena of legal research and writing, and seeks to instil in them, the ability to critique. Best known for its ability to inculcate academic discipline and the rigour for attaining legal erudition, the Law Review Committee continues to strive to render top quality publications in several areas of distinct legal sciences.

This year, the fifteen member committee under the aegis of their faculty advisor Prof. Kishu Daswani carried out the publication of the 9th edition of the Law Review, which was published in February, 2017. Having received an overwhelming response to the Committee's call for abstracts for Volume 9, seven articles were ultimately chosen for publication on basis of their content, relevance and coherence in the style of writing. The Committee members provided each of the student authors with the necessary inputs and direction, guiding them in their efforts to build legally sound, well researched and thought provoking articles from the bare abstracts submitted by them. Apart from the student editors, the Committee ensured that every article was also edited by experts in the area of law dealt with by the article. Each of these articles was edited by the Editorial Board of the GLC Law Review, comprising of Mr. Janak Dwarkadas, Mr. Darius Khambatta, Mr. Shyam Diwan, Mr. Mihir Desai, Prof. James Kraska, Ms. Nisha Kaur Oberoi and Mr. Kranti Mohan. The Committee is heavily indebted to the Editorial Board for sparing their valuable time in helping

shape the writings of the young student authors into fine, legal literary works.

We are honoured and are always grateful to have Hon'ble Justice Dr. D. Y. Chandrachud of the Supreme Court of India, as our Editor-in-Chief, for his unrelenting support, ideas, guidance, counsel and cooperation. The Committee is equally grateful to its several well-wishers, sponsors and patrons in the legal fraternity, as well as the administrative staff and faculty of Government Law College, Mumbai, whose constant contribution and support have helped the GLC Law Review reach greater heights time and again.

Volume 9 of the GLC Law Review contains a wide variety of highly unique articles providing an insight into the various intricacies of this complex legal world. These articles range from scholarly snippets of secondary research contentions including those, questioning state liability in cases of separationist regimes, contending the arbitrability of issues of corruption, exploring the concepts of Air Defence Identification Zones (ADIZ), analysing the anomaly of reverse patent settlements, talking data protection and the Right to be Forgotten, reviewing the emergent Real Estate Investment Trust Regulations, 2014, to even comprising a primary piece of research bringing to light the manner in which an archetypal lower court delivers "justice" in cases of sexual atrocity.

The Law Review Committee





LEGAL AID COMMITTEE



Kneeling (L-R) Sitting (L-R) Standing 1st Row (L-R)

: Ankit Verma, Sarthak Sharma, Alister Sequeria, Gaurav Gharat, Shantanu Raj, Mitansh Shah

: Siddhi Jadhav, Siddharaj Thale, Prof. Ms. Ŝ. H. Chuganee, Principal Judge Dr. Å. Nathani, Utkarsha Nikam, Archana Nair, Pragya Pugalia

: Abhijit Bhandarkar, Anshul Anjarlekar, Sanket Garud, Pranvi Jain, Keerthi Kamath, Shruthi Hariharan, Farhan Ali, Shambhavi Shekokar, Pooja Agarwal, Sanika Thakre, Rishabh Jain, Bhavya Banerjee, Veena Hari, Rucha Prabhu, Altamesh Kadil, Yash Dave, Rangan Majumdar

Standing 2nd Row (L-R)

: Priyanshi Vakharia, Shruti Shekatkar, Bhagyashree Dalvi, Harshada Barthuniya, Gautami Bada, Sanskriti Nair, Rakshita Rastogi, Nehal Gaikwad, Hina Tolani, Ashwini Jadhav, Shivani Bajpai, Maitreyi Kulkarni, Jagruti Patil, Disha Sharma, Krupa Thakkar, Kinzang Choden, Abhilasha Agarwal, Kanchi Malhotra

Standing 3rd Row (L-R)

: Siddhart Doshi, Nishant Tamgadge, Tapasya Marathe, Poushali Roychoudhari, Misha Matlani, Muhina Sofia, Sakshi Jain, Rasika Gothankar, Samridhi Mehra, Shubhangi Satre, Trisha Kadu, Aniket Pardeshi, Aish Lohiya

We, at Legal Aid Committee, believe in "Law for All". With vocational training for juveniles, bail applications for those under trials, pro bono legal advice to the impoverished and awareness campaigns for the incognizant, we look towards making a difference in society through the year.

Annual Intra-Committee Presentation Competition

This was the first step on the ladder towards the action-packed year. Socio-legal issues were presented by the new members through presentations, skits, videos, which not only helped them develop an outlook towards the socio-legal aspects of our society but also helped them interact among themselves, thus fulfilling our objective of legal cognizance.

Dongri Juvenile Observation Home Visit Project

The essence of the Juvenile Justice Act is restorative justice, and we endeavored to achieve this through our Dongri Juvenile Observation Home Visit Project. Dynamic educational workshops and sessions for juvenile delinquents on moral values, health and hygiene at the observation home were conducted. A Certified Vocational Training session was undertaken where mehendi and beautician training courses, as well as mobile repairing courses were conducted with the help of an NGO, Yuva Parivartan. I would like to thank Ms.

Sanika Thakare and Ms. Shambhavi Shekokar, our Dongri Juvenile Observation Home Coordinators, for their constant support and enthusiasm. I am grateful to Dr. Mamatha of *Ved Foundation* and the teachers of the Observation Home, for their undying support.

Jail Visit Project

Through our Jail Visit Project, we conducted visits to the two major prisons in Mumbai, namely, Arthur Road Central Prison and Byculla Prison. The final year students underwent a practical training session where they visited the prison, met the prison inmates, analysed Judicial Department Records and Drafted a Bail Application for each inmate. Prior to the jail visits, we conducted a Bail Application Workshop, which was addressed by Advocate Priyal Sarda. Furthermore, Mr. Snehil Dhall, a qualified criminologist, delivered a lecture on Organized Crimes, which covered some hidden legal aspects and practical knowledge regarding criminal investigation. For this, I am extremely grateful to Mr. Siddharaj Thale and Ms. Siddhi Jadhav, our Jail Visits Coordinators, for the perseverance, patience and hard work they put in while coordinating with the jail authorities, students and advocates.





"Muft main kanooni salah" is what the Legal Aid Cell's poster states, and aims to serve the people deprived of justice in our society. This year we dealt with 9 cases, majority of which were related to the dishonour of cheques, child custody, rent issue, and recovery of debts. We continued our collaboration with the Legal Aid Clinics of law schools like NLSIU Bangalore, Christ University under the Indian Legal Awareness & Aid Network. The Legal Aid Cell extended its collaborations to Human Resources Law Network along with Resource Cell for Juvenile Justice, FAP of Tata Institute of Social Sciences, to provide internship opportunities to the students. A Lokadalat Session was attended by the committee members in the High Court of Bombay.

All this would not have been possible without the dedication, commitment and hard work of our Legal Aid Cell's Coordinator, Mr. Farhan Ali.

Legal Awareness Cell

A workshop on Human Trafficking, Protection of Children from Sexual Offences Act, 2012 and Juvenile Justice Act, 2015 was conducted in collaboration with International Justice Mission. Members of the committee attended a Panel Discussion on "The Status of Human Rights in India" conducted by Majlis. The members also got an opportunity to attend a workshop on "Countering Substance Abuse" that was conducted by Public Concern for Governance Trust. We continued with our initiative of Saturday School Programme in collaboration with Smile Foundation in the slums of Dharavi. With the help of an NGO, Free a Billion, a workshop on "Democracy – for the people, of the people, by the people" was conducted. In a bid to encourage students to "think before they trash", a few workshops were

conducted in schools by the students. The same issue was also addressed through a street play in collaboration with CRY. We conducted a consumer awareness and Consumer Protection workshop with the Consumer Guidance Society of India (CGSI) and held a Workshop on *Right to Information* in collaboration with Public Concern for Governance Trust (PCGT). We also conducted a Village Visit in collaboration with Each One Teach One. I would like to wholeheartedly thank Ms. Pooja Agarwal and Mr. Rishab Jain, Legal Awareness Cell Coordinators, for the constant hard work and commitment.

The Annual Legal Aid Quiz, was the final Intra-College event of the committee. Prof. Daswani was the Quiz Master and the quiz was judged by Prof. Mrs. Chuganee.

I express my gratefulness to the Principal of our College, Dr.Ajay Nathani for the guidance and constant support in the activities that were undertaken this year. All of our projects wouldn't have been successful without the guidance of our Committee's Professor-in-Charge, Prof. Mrs. Sabita Chuganee and Assistant Professor-in-Charge, Prof. Aswar. Lastly, I express my gratitude to Ms. Archana Nair, *Joint General Secretary* and Ms. Pragya Pugalia, *Assistant General Secretary*, for their immense support and invaluable contribution in the success of the committee. I also thank the members for their enthusiasm and contribution towards the committee.

Utkarsha Nikam
General Secretary





LEO CLUB



Sitting (L-R)
Standing (L-R)

- : Pragya Parikh, Aman Agiwal, Principal Judge Dr. A. Nathani, Prof. Ms. R. Chhabria, Anushri Pundir
- : Yash Singh, Alister Sequeria, Hridika Ahire, Rakshita Rastogi, Kashish Garg, Manisha Singh, Aniket Jadhav, Pratik Lawankar, Omkar Sarmane

Inset : Aastha Sharma

Leo Club is the youth organisation of Lions Club International. The word LEO stands for:

Leadership – Developing skills as a project organiser, time manager and team leader.

Experience – Learning how to work in a team as well as cooperation and collaboration, which can bring about exciting changes to your community and the world at large.

Opportunity - Making friends and experience the rewards of community service.

The Leo Club's objective is to promote service activities among the youth of the community to help develop the individual qualities of Leadership, Experience, Opportunity. To unite its members in friendship, fellowship and mutual understanding, to provide the youth with an opportunity for development and contribution, individually and collectively as responsible members of the local, national and international community.

This year, we organised various events, October Service Week being the most prominent one. A Free Eye and Dental Check-up Camp was organised in college in association with the Doctors of *Apollo Clinic*, Colaba, Mumbai. The other chief event was *Chronicle'* 16 – an event based on the fusion of psychology and law. It was an intellectual event where the participants connected psychology and law through the means of two competitions i.e., The Picturesque and The Situation Room. A Seminar on Competition Law by Ms. Ami Parikh,

Partner at Khaitan Legal Associates, Mumbai, an Interactive Session with a Clinical Psychologist on "How to fight against Depression" to help people fight this pessimistic feeling, and an Old Age Home Visit to spend some quality time with aged people, was organised. These events provided a great opportunity to all the students to come together and feel the joy of giving.

The Club also focused on spreading all-round awareness and value education to the children. This initiative was achieved by showing short films based on moral values to the young ones. The Leo Club also received awards at the Convention held in Udaipur for Best Service Activity, Best Innovation to further Leoism, Most Involved Leo among others. All activities have taken place under the guidance and support of our Professor-in-Charge Ms. Rooprekha Chhabria, Leo Club Advisor, Lion Ms. Gauri Chhabria and Parent Club President Lion Mr. Ashish Singh. Without their support and supervision, the committee could not have functioned successfully.

Leoism has taught all of us one important thing - "What we do for ourselves dies with us but what we do for others remains immortal."

Anushri Pundir
General Secretary





MARATHI MANDAL



Sitting (L-R)

: Deepak Shelar, Vishal Paul, Hemangi Khade, Prof. Ms. A. Desale, Principal Judge Dr. A. Nathani, Prof. Mr. P. B. Daphal, Anand Fadewar, Sanket Walde.

Standing (L-R)

: Rehan Momin, Akshay Bramhane, Ajinkya Gosave, Siddhi Vadke, Nikita Pawar, Shweta Patil, Mrunal Jagadale, Jagruti Bhise, Shrunali Bhowad, Dyaneshwar Kale, Omkar Sarmane

Marathi Mandal is one of the oldest and longest surviving committees of Government Law College, with its existence dating way back to 1995. It was established with the motto of promoting Marathi art and literature, and to cherish the distinctive cultural heritage of Maharashtra. Our objective is to preserve Marathi values and traditions by organizing musical concerts, dramas, dance performances and by encouraging the youth to participate in various socio-cultural activities.

The opening ceremony to welcome the incoming batch of students was organised by the Marathi Mandal. It marked the beginning of the academic year, where the students were enlightened about the various functions to be held by the committee. On 17th January, 2017, the Marathi Mandal celebrated *Makar Sankranti* for the first time with the support of both the teaching and non-teaching staff. The committee also organised the Youth Festival from 9th-11th February 2017, to mark the occasion of Swami Vivekananda's Birth Anniversary which is celebrated as National Youth Day.

Members of the committee work hard to organise various cultural activities in college, and those who guide us deserve our utmost appreciation. We would like to thank our Professor-in-Charge, Ms. Anita Desale, for her immense support, faith and guidance to the members throughout the year. We would also like to extend our deepest gratitude to all those who have guided us in achieving our goals. This report would be incomplete without thanking the committee members who not only have worked hard but also coordinated well as a team. Their valuable suggestions and sheer dedication have served as a constant source of inspiration to strive for excellence.

Hemangi Khade General Secretary





MODEL UNITED NATIONS SOCIETY



Sitting (L-R)
Standing 1st Row (L-R)

- : Ria Sharma, Khushboo Jhunjhunwala, Prof. Dr. U. S. Aswar, Principal Dr. A. Nathani, Prof. Dr. R. S. Ratho, Akshay Hariharan
- : Vasudeva Kashyap, Prakhar Agrawal, Daksha Khanna, Aditi Chopra, Simar Bindra, Samridhi Poddar, Apoorva Malhotra, Mahima Goel, Raiat Malu

Standing 2nd Row (L-R)

: Tanwangi Shukla, Poushali Roychoudhari, Shruthi Hariharan, Keerthi Kamath, Somya Pathak, Gautami Bada, Sanskriti Nair, Nehal Gaikwad, Hina Tolani, Avni Singh, Paridhi Khulbe, Pranvi Jain, Bhavya Bannerjee, Abhilasha Agarwal, Puja Kumar, Manisha Singh.

Standing 3rd Row (L-R) Inset (L-R) : Rangan Majumdar, Abhijeet Bhandarkar, Aditya Suhas Lele, Sarthak Sharma, Jenson Francis, Apurva Singha, Sagar Jaikumar.

: Anjani Raipat, Sejal Harneja

Government Law College Model United Nations Society began its Academic Year 2016-17 with the selection of the Core Committee members and the appointment of the Secretary General, Ms. Khushboo Jhunjhunwala and the Deputy Secretary General, Mr. Akshay Hariharan for the current year.

The committee organised "The MUN Training Workshop" focusing on the Rules of Procedure followed by the basics of an MUN Conference. The MUN Society also organised the Intra Model United Nations Conference, 2016 which saw a record participation of more than 80 students from all batches of the college and was successful in giving all first time MUNners a practical experience of diplomacy and debate.

The committee conducted various workshops and group discussions that aimed at introducing, teaching and educating the students about the art of negotiation, peacekeeping, and debating in the capacity of International diplomats; for in their belief, it is essential to bring together the youth of today in spirited debate and discussion, to facilitate a better understanding for tackling the global issues faced by the world today.

Delegations were sent to MUN conferences all across the nation as well as abroad. A delegation of ten students was chosen through a rigorous two-step process, that involved an Essay on "The Reforms in UN Security Council" and an Interview

by the Secretary General, for participation at the prestigious World Model United Nations Conference held in Montreal, Canada. A two member delegation was also chosen for MUN France to be held in Tours, France.

After meticulous preparation throughout the duration of the Academic year, the Society organised their flagship event, India's most sought after MUN conference, THE GLCMUN 2017!

The Chief Guest and Keynote Speaker for the conference last year was Hon'ble Member of Parliament, Author, Motivator and Asia's most loved Quiz Master, Derek O'Brien and the event witnessed International Participation along with a highly competent Executive Board. They collaborated with the UN initiative "HeForShe" that promotes gender equality and women empowerment in all walks of life.

Over the years, the society has followed a strict environmental policy by eliminating all use of plastic, segregating wastes, using recycled paper and reducing paper wastes thus, shouldering their social and moral responsibilities with utmost efficiency.

Thushboo Thunghundala
Khushboo Jhunjhunwala

General Secretary





MOOT COURT ASSOCIATION



Sitting (L-R)

: Nidhi Choksi, Yuvraj Bhardwaj, Prof. Mr. D. A. Shinde, Principal Judge Dr. A. Nathani, Prof. Dr. U. S. Aswar, Aarika Raina, Shivangi Adani

Standing 1st Row (L-R) Standing 2nd Row (L-R)

- : Abhishek Doshi, Shivali Srivastava, Anushka Merchant, Paavani Chadha, Muskan Mehra, Snighdoneel Roy Chowdhary,
- : Naman Lodha, Priyanshi Vakharia, Mahathi Talupuru, Arushi Dua, Tapasya Marathe, Bhavya Bannerjee, Nehal Gaikwad, Nupur Gupte, Maithri Kulkarni, Hina Tolani, Pragnya Senapati, Shreya Shivkumar, Anjali Karunakaran, Kinzang Choden, Pranvi Jain, Kamini Toprani, Poushali Roychoudhary, Kanika Kulkarni, Yash Shiralkar,

Standing 3rd Row (L-R)

: Neel Mehta, Sagar Jaikumar, Wazim Babu, Aadil Parasrampuria, Samridhi Mehra, Kanchi Malhotra, Shruthi Hariharan, Soumya Pathak, Mitansh Shah, Akilesh Menezes, Altamash Kadir, Sanket Padwekar, Ashwen Jain

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. Year on year it hosts 4 of arguably India's best moot court competitions as well as coordinates several workshops and activities within GLC, not only to enable students to excel in the numerous moot court competitions that GLC participates in, but also to train the first year entrants in the skill of mooting.

The following is a brief account of the activities and events, both intra and inter-college, conducted by the MCA through the academic year 2016-2017.

INTRA - COLLEGE ACTIVITIES

Demonstration Moot, Mock Freshers' Moot & Mooting Workshops

The MCA organised several mooting workshops touching upon different aspects of moot courts starting with a general understanding of a moot court and going onto the aspect of research for a moot court competition to acquaint the incoming batch. This is followed by a Demonstration Moot, where senior seasoned mooters argue before a bench of ex-students, to familiarise the first year students with the style, etiquette, and manner of mooting. This year final year students Ms. Oindree Bandyopadhyay and Ms. Sakshi Bhalla argued before immediate graduates, Ms. Ayushi Anandpara and Ms. Madhavi

Doshi. The mock freshers' moot was conducted as a practice session for the first year students before finally approaching the Freshers' Moot Court Competition, 2016-2017.

Freshers' Moot Court Competition 2016-17

The Freshers' Moot Court Competition was held in January, 2017. It is the first step that first year law students take into the arena of mooting. The competition received an overwhelming response, with over 190 students of the first year of the five year course participating in the event. The case study for the same was based on the Law of Torts and Constitution. The Finals were judged by our Principal, Dr. Ajay Naithani and Prof. Sonali Mathur.

IL Grand Moot Court Competition, 2016

Following the tradition that began in 2010, the International Law Grand Moot Court Competition was organized in the second week of July. Since international law has grown as a separate and distinct discipline, this competition serves as a suitable elimination round for selecting students for the most prestigious moot court competitions based exclusively on international law, in the country and abroad. Mr. Sharan Jagtiani, Mr. Siddharth Mehta and Ms. Sonali Mathur judged the Ranking Round of the competition.





IA Grand Moot Court Competition, 2016

The International Arbitration Grand Moot Court Competition was held for the first time ever, in August 2016. This competition serves as a suitable elimination round for selecting students for the most prestigious moot court competition based exclusively on international arbitration law, in the country and abroad. Mr.Rajiv Naik, Mr. Kingshuk Banerjee and Mr. Akash Rebello judged the Ranking Round of the competition.

Grand Moot Court Competition, 2016

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. Students from the three-year and five-year course were divided into two groups and were to argue on two different set of problems with the top ranks from each group qualifying for the final Ranking Round that was judged by an impressive bench comprising Mr. Kapil Moye and Mr. Sujay Kantawala.

Common Eliminations

GLC has a very distinct and unique procedure for selecting students to represent college in the numerous moot court competitions that it participates in. Unlike other law schools, elimination rounds are conducted at frequent intervals around the year, for several city, state, national and international moot court competitions. This ensures that students get ample opportunities to participate in close to 80 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 has had the distinction of being the oldest moot court competition in India. Having been a city-level Competition since its inception, the competition has been made an intra-college competition since 2013.

Moot Mentorship Programme

Under the Moot Mentorship Programme, the Moot Court Association appoints a Moot Mentor to the teams representing Government Law College, Mumbai who are participating for National and International moots. The Mentors are practising lawyers who excel in that particular field of law.

INTER-COLLEGE MOOTS HOSTED BY MCA, GLC

23^{rd} M.C. Chagla Memorial Government Law College National Moot Court Competition, 2016 (24^{th} – 25^{th} September, 2016)

The Chief Justice M. C. Chagla Memorial Government Law College National Moot Court Competition was instituted in the memory of the late Mr. M. C. Chagla, the renowned Indian jurist

who had served as the Chief Justice of the Bombay High Court. He also served as a diplomat and a Cabinet Minister. The Moot Court Association of Government Law College in association with the M. C. Chagla Memorial Trust has been hosting this Competition for several years now. Eminent professors and practicing lawyers of the Bombay High Court judge the rounds of the competition with the Final Round of Arguments being judged by sitting judges of the Bombay High Court. The case study of the competition is based on Constitutional Law. The 23rd edition of this competition was held on 24th and 25th September, 2016. Eminent Senior Counsels of the Bombay High Court namely Mr. Janak Dwarkadas, Mr. Pradeep Sancheti, Mr. Haresh Jagtiani, Mr. Vineet Naik, Mr. Gaurav Joshi and Mr. Vijay Singh Thorat judged the Semi Final Rounds. The final round of arguments was held on 25th September, 2016 in 20 Downtown. The following Sitting Judges of the Bombay High Court judged the final round: Hon'ble Justice Shri N. H. Patil, Hon'ble Smt. Justice S. S. Jadhav, and Hon'ble Justice Shri K. R. Shriram.

$18^{\rm th}$ D. M. Harish Memorial Government Law College International Moot Court Competition, 2017, $9^{\rm th}$ – $12^{\rm th}$ February, 2017

The year 2017 marks the eighteenth edition of DMH, and was held from 9th - 12th February, 2017. 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, the eighteenth edition of the competition witnessed participation of numerous International Law Schools and Universities which included National University of Singapore and Singapore National University from Singapore, New York University School of Law and Valparaiso University from USA, and Queen Mary University of London from UK, amongst many others.

The four-day mooting extravaganza witnessed 7 extremely challenging mooting rounds that were judged by the sharpest legal minds of the country which included Mr. Iqbal Chagla, Mr. Rohit Kapadia, Mr. Haresh Jagtiani, Mr. Janak Dwarkadas, Senior Counsels, Bombay High Court. The Preliminary, Octofinal, and Quarterfinal rounds all culminated in the Final Round of Arguments that was judged by a bench of five sitting judges of the Bombay High Court at the Sahyadari State Guest House. The Competition also comprised of a thought-provoking Panel Discussion, which was held at the Mumbai University Convocation Hall. The topic of the Panel Discussion revolved around the hotly debated issue of "World's War Against Black Money."

The success of the MCA 2016 - 2017 is attributed to the consistent efforts and support of a number of persons. I thank Prof. Dilip Shinde, Chairman of the Association, Prof.





Umesh Aswar, Prof. Sonali Mathur, Prof. Nuzhat Shaikh – the Vice-Chairpersons of the Association for their unconditional support that has been there at every stage ensuring the success of 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, Nidhi Chokshi, Shanay Bafna, Harshit Jaiswal, Shivangi Adani, Shivali Srivastava, Snigdhoneel Roy Chaudhry, Paavani Chadha, Muskan Mehra, Anushka Merchant, and Abhishek Doshi. I also thank the Advisory

Board of the Association –Mr. Rubin Vakil and Ms. Ayushi Anandpara. I thank the Former General Secretary of the Moot Court Association, Mr. Feroze Patel, for always being there for the Association. The camaraderie, perseverance, and devotion of this team is instrumental to the success of every endeavour of the Association.

Aarika Raina General Secretary

With Best Compliments from

PRAVIN MEHTA AND MITHI & CO.

Advocates, Solicitors & Notary

7, Hind Rajasthan Chamber, 4th Floor, Oak Lane, Fort, Mumbai- 400023.

Phone: 022 22674545





NATIONAL SERVICE SCHEME



Sitting (L-R) Standing 1st Row (L-R) : Mohit Anand, Ayush Gupta, Prof. Ms. K. Hedaoo, Principal Judge Dr. A. Nathani, Prof. Ms. A. Desale, Karthik Aruva, Sangram Jadhav,

: Manisha Singh, Neha Mane, Megha Singh, Maitreyi Kukarni, Jagruti Bhise, Naseem Ansari, Ayushi Tambi, Siddhi Jadhav, Shrunali Bhowad,

Umera Qadri, Rashmika Singh, Kashish Garg, Purmina Vashishtha, Shwetambri Chavan, Standing 2nd Row (L-R)

: Alister Sequeria, Tejas Mane, Sanket Walde, Nishant Tamgadge, Vihang Patil, Dnyaneshwar Kale, Aniket Pardesi, Omkar Sarmane

The GLC NSS Unit was established in 2010 with the support and guidance of Prof. P.B. Daphal, Prof. Anita Desale, Prof. Kavita Hedaoo, who unwaveringly helped the Unit to prosper. In accordance with the motto of NSS, "Not Me, But You", the GLC NSS Unit has carried out many community service activities, as well as personality development programs. It strives to inculcate the feeling of community service among its members and society.

This year, true to its motto, the Unit carried out various activities like the College Cleanliness Drive on the lines of Swachh Bharat Abhiyan and conducted an essay writing competition on "Cleanliness: A Right or a Duty" under the Swachh Pakhwada initiative of the University of Mumbai. The Unit has also conducted, in collaboration with Global Green Renaissance foundation (GGRF), a workshop on waste management and its future prospects. The work of the Unit also includes morning Yoga sessions to maintain the well-being of students. The Unit also participated in an Organ Donation Drive conducted by the University of Mumbai. The volunteers have actively helped Mumbai Police personnel during the festival of Anant Chaturthi at Girgaon Chaupati, in managing and coordinating the humongous crowd.

The Area Adoption Project is another endeavor of the GLC NSS Unit. We adopted slums such as Azadnagari and Sundarnagari in Colaba, where we carried out programs related to Swachh Bharat Abhiyan, proper disposal of garbage, awareness about vector-borne diseases such as dengue and malaria. In addition to this, the Unit has actively participated in street plays and anti-addiction rallies, increasing awareness about Government schemes (including Jan Dhan Yojana, UDAAN scheme, Atal Pension Yojana, Indradhanush scheme). The Unit, with the assistance of Colaba Police personnel, also conducted a session on Law and Order in the adopted area.

The NSS Camp is a seven day winter residential camp which, this year, was held in Karegaon, a village of the Mokhada Taluka, Palghar district, Mumbai. Here, unity, cooperation and team spirit amongst the members of the Unit was witnessed. This year the theme for the camp was "Awareness through Education". The Unit also conducted a session on "Gender Sensitization" with aid and assistance of an NGO - MAVA (Men Against Violence and Abuse). Our special guest Hon'ble Justice Shri A. H. Joshi graced the camp by conducting a workshop on "Improvement of Soft Skills of the students of Aashram Shala".

> Karthik Aruva General Secretary





PLACEMENT COMMITTEE



Sitting (L-R)

: Shreyansh Jain, Rohan Gupta, Simran Kaur, Yashika Joshi, Principal Judge Dr. A. Nathani, Prof. Mr. H. D. Pithawalla, Saad Khan, Rooppreet Dhamija, Disha Khandelwal.

Standing 1st Row (L-R)

Alabh Anant Lal, Paridhi Khulbe, Pranvi Jain, Shruthi Hariharan, Somya Pathak, Simran Nanda, Naseem Ansari, Shreya Gokhale, Shubhi Maheshwari, Rutuja Patil, Jagruti Patil, Poushali Roychoudhary, Shruti Shekatkar, Khubi Agarwal, Akanksha Singh Chauhan, Darshan Rampuria.

Standing 2nd Row (L-R)

· Vartika Bhatnagar, Ruktanjali Pradhan, Pranita Mantha, Samridhi Mehra, Janhavi Patankar, Arushi Dua, Priyanshi Vakharia, Sukriti Sinha, Manisha Singh, Kanchi Malhotra, Abhilasha Agarwal.

Standing 3rd Row (L-R)

: Naman Lodha, Nikhil Thokal, Himanshu Thakur, Abhijit Bhandarkar, Nikhil Vivek, Anshul Anjarlekar, Ashwin Jain, Abhinav Rai.

The Recruitment Coordination Committee, or more popularly referred to as the Placement Committee in GLC acts as a bridge between the students of the college on one hand and legal institutions, firms, corporate houses and counsels on the other.

The Biannual Recruitment Programme 2016-17 organised by the committee witnessed an overwhelming participation from leading law firms, some of which include Shardul Amarchand Mangaldas, AZB & Partners, Talwar Thakore & Associates, Wadia Ghandy & Co. and Economic Laws Practices. It also saw the participation of corporate houses like HDFC Bank, L&T Financial Services, Phoenix Marketcity, KPMG to name few, as well as counsels. Inter alia, the committee has, throughout the year, successfully provided students of various batches with internship opportunities in leading law firms, corporate houses, and chambers of counsels.

Keeping up with the glorious performances of the previous academic years, the Committee has, in this year as well, successfully managed to place numerous students not just in the final year but also in the penultimate year and in Zero Day Recruitments as well.

Having listed some of our many achievements, I would like to take this opportunity to extend my gratitude to our ever so supportive Professor-in-Charge, Prof. H. D. Pithawalla. I would also like to thank the former General Secretary, Asst. General Secretary and current Asst. General Secretary, Saad Khan as well as the senior co-ordinators of the committee.

Yashika Joshi General Secretary





SMT. VINATADEVI TOPE SOCIAL SERVICE LEAGUE



Sitting (L-R) : Namrata Sonawane, Dipika Chavarkar, Shivam Jain Kakadia, Prof. Dr. U. S. Aswar, Principal Judge Dr. A. Nathani, Prof. Dr. R.

S. Ratho, Shamal Kamble, Dipti Karadkar,

Standing 1st Row (L-R) : Chitrakshi Dubey, Rashmika Singh Tanwar, Ayushi Tambi, Kirti Bhardwaj, Prarthna Nanda, Kashish Garg,

Standing 2nd Row (L-R) : Kudur Rashmi, Bhavika Solanki, Mansi Pilankar, Hetal Parmar, Poorva Panchal,

Standing 3rd Row (L-R) : Yash Dave, Karthik Aruva, Pooja Kumari, Megha Singh, Rutuja Patil, Umera Qadri, Pranvi Jain, Meera Rathore, Manisha Singh,

Alister Sequeria, Altamash Kadir

Smt. Vinatadevi Tope Social Service League (SSL), one of the oldest and most prestigious student committees of Government Law College, was established by late Principal Dr. Trimbak Krishna Tope in the year 1966. The league works to pursue its motto "in pursuit of social justice", by collaborating with different government and non-governmental organizations (NGOs).

In the academic year 2016-17, SSL organised and executed various projects aimed at benefiting the community at large, including:

- Shikhar 2017 (10th Annual Exhibition cum Charity Sale)

 Shikhar aims at providing a platform to non-profit organizations to showcase their creativity and to ensure their economic sustainability. Every year various NGOs from across Mumbai are benefited by this exhibition cum charity sale.
- Udaan 2016 (4th Annual Inter NGO fest for Children)

 Udaan aims at providing the underprivileged children with a platform to showcase their talent. This year 10 NGOs across Mumbai participated in Udaan. The event was graced by Actress Ms. Mrunal Kulkarni.

- 3. Vivechan 2016 (National Socio-Legal Essay Writing Competition) SSL, in collaboration with Child Rights and You (CRY), organized the 3rd National Socio-Legal Essay Competition on the topic "*Recent Amendments in Child Labour Act*". Entries from various law schools across India were judged by an eminent panel of Child Rights' activists from CRY.
- Saturday Schooling Programme SSL in collaboration with Dharam Bharti Mission (DBM) undertook a schooling programme, wherein students who volunteered for the project taught English and moral values to the children at Spring Hill School.
- 5. RTI course The league took an initiative to conduct a *Right to Information* (RTI) certificate course, in collaboration with the Public Concern for Governance Trust (PCGT), where Mr. Ranga Rao, an RTI activist at PCGT guided the students.
- 6. Greenesha The league in collaboration with United Way Mumbai, undertook this project, which aimed at reducing pollution that takes place during the festival Ganesh Chaturthi. Also, a cleanliness drive was conducted by the league post Ganesh Visarjan.



- MESCO (Joy of giving week) The league collaborated with MESCO, which is a non-profit organisation that helps various NGOs, to celebrate the joy of giving week, wherein students from our college donated various things for the needy.
- Drishti an initiative by SSL which was integrated with Sheshpath (National Scribes & Readers Project of Retina India) which aims at providing scribes to visually challenged students of college.
- NGO and Orphanage Visits The league organised NGO visits throughout the year, starting with Dharam Bharti Mission.

The success of each and every project of the league is attributed to a number of persons. I would like to thank Principal Dr. Ajay

Nathani for his valuable support and guidance throughout the year. Our chairperson, Prof. Dr. Rachita Ratho has constantly guided us to ensure the success of all our endeavours. I would like to thank all the members of the league for their dedication. I must particularly thank all the office bearers of the league namely, Dipti Karadkar, Kanika Tyagi, Ayushi Tambi, Kirti Bharadwaj, Kashish Garg, Chitrakshi Dubey, Rashmika Singh Tanwar, Abeera Dubey and Prarthna Nanda, for their commitment, perseverance and dedication towards the league.

Shamal Kamble General Secretary

With Best Compliments from

Mr. Rajesh Vaidya





SPORTS COMMITTEE



Sitting (L-R)

: Pragya Parakh, Siddhesh Pawar, Prof. Dr. R. S. Ratho, Principal Judge Dr. A. Nathani, Prof. Dr. U. S. Aswar, Aayush Grover, Ankush Chahal

Standing (L-R)

: Saad Khan, Kunal Khond, Priyanka Chumbale, Varnalee Mishra, Vinit Kamdar, Samarvir Singh

"All work and no play makes Jack a dull boy."

This is the guiding principle of the Sports Committee. Needless to say, the benefits of sports in the overall development of an individual are unparalleled. Therefore, the committee nurtures a passion for sports and provides an opportunity to all such students to represent the college. Given the number of talented sportspersons at our disposal, an active Sports Committee is integral for allowing the same to continue their passion, as well as to give them an opportunity to proudly represent the college in various sporting events.

2016 was a momentous year for the committee in terms of its achievements. The accolades flew in and the success of our teams and athletes has been remarkable. The Football team emerged victorious at Invicta '16 (WBNUJS, Calcutta). They were also runners-up at Spiritus '16 (NLSIU, Bangalore). The Men's Table Tennis team won the Gold medal at Invicta '16. We congratulate our Athletics team for having won 2 Gold and 6 Silver medals during the course of the year. Our Carrom boys' team secured a Silver and a Bronze medal at Invicta '16 and Magnus'16 (JGU, Sonepat). Our Cricket team emerged victorious at the Inter-Government Hostel League. The swimmers were a revelation, bagging 2 Bronze medals in

Spiritus '16. Our Basketball and Badminton teams performed well but were knocked out in the early stages and the quarter finals of their respective tournaments.

We would like to take this opportunity to thank everyone who has assisted us off the field which enabled us to achieve what we have today. The Chairperson and Vice-Chairperson of the committee, Prof. Dr. Rachita Ratho and Prof. Dr. Umesh Aswar have been enthusiastic as always and we couldn't be more appreciative. We are grateful to our former Principal, Mr Pramod D. Ambekar, and our current Principal, Judge Dr. Ajay Nathani. The level of support which they have provided us has enabled us to grow as a committee. Finally, I would like to express my immense gratitude to all faculty members and the office staff for their unrelenting encouragement and support, without which the logistics and execution of many of our tournaments would not have been possible.

Ayush Grover General Secretary



STUDENTS' COUNCIL



Sitting (L-R) Standing (L-R)

- : Sakshi Bhalla, Prof. Dr. R. S. Ratho, Principal Judge Dr. A. Nathani, Prof. Mr. S. A. Dalvi, Kajol Punjabi
- : Samarvir Singh, Ayush Gupta, Mitali Gopani, Renuka Sable, Sonu Bhasi, Manasi Bhushan, Neha Mane, Parth Indalkar, Shakya Dev Chandra

The Students' Council, a constitutional body under the Mumbai University Act, is the apex body to address grievances of students of the College and work towards their welfare. It seeks to enhance cooperative interaction among faculty, administrative staff and students and consequently, ensure the smooth functioning of activities in the College. The academic year 2016-17 was an extremely successful year for the Students' Council.

This year, the Council hosted a number of guest lectures on varied topics, with the objective of providing students with an opportunity to interact with scholars in the field of law and understand their perspective on a certain issue or concept. In pursuance of the same, the Council hosted the following lectures:

- i) Rule of Law by Hon'ble Justice Shri V. M. Kanade of the Bombay High Court
- ii) Avenues Open to a Fresh Law Graduate by Hon'ble Justice Shri Abhay S. Oka of the Bombay High Court
- iii) Law of Evidence by Hon'ble Justice Shri A. R. Joshi of the Bombay High Court
- iv) Aadhar and the advent of Totalitarianism by Mr. Shyam Divan, Senior Counsel, Supreme Court of India
- v) Corporate Law and Governance by Rhodes Scholar and Dean of Deakin Law School, Prof. Mr. Sandeep Gopalan
- vi) IPR Law and UN Sustainable Development Goals in relation to International Economic Law by Dr. Pierson and Prof. Huck of Ostalfia University, Germany.

The Students' Council commemorated the 125th Birth Anniversary of Dr. B.R. Ambedkar, former Principal of Government Law College, Mumbai by holding a panel discussion at the Convocation Hall, University of Mumbai. The panelists were: Prof. Mr. Madhava Menon, Dr. Narendra Jadhav, Late Mr. Dileep Padgaonkar and Mr. Kumar Ketkar. The discussion was moderated by Prof. Mr. Kishu Daswani. The subject of the discussion was: *Has the Indian Democracy delivered the great vision of Dr. Ambedkar for India?*

During the course of the academic year, the Council kept students abreast of several opportunities available through its Facebook page, such as contributing to legal journals, attending discussions and seminars and pursuing weekly courses online. The Council assisted the college administration with the admission process and aided the freshers with guidance regarding accommodation. It also hosted the orientation ceremony for the freshers.

At present, the Council is endeavoring to make audio recordings of the course syllabus available for the benefit of visually impaired students enrolled either in our college or any other college across the country.

The Students' Council is grateful to the Principal, professors, administrative staff and students of Government Law College, Mumbai for their unstinting support and encouragement which made this year successful and productive for all.

Kajol Punjabi *General Secretary*





STUDENTS FOR THE PROMOTION OF INTERNATIONAL LAW



Sitting (L-R)

: Khyati Goel, Vedant Churi, Prof. Ms. S. Masani, Principal Judge Dr. A. Nathani, Prof. Dr. R. S. Ratho, Saloni Tyagi, Heer Bataviya, Varnalee

Standing 1st Row (L-R)

: Avirup Mandal, Dikshita Baruah, Avni Ranade, Safalta Kevlani, Mahima Goel, Aman Agiwal,

Standing 2nd Row (L-R) : Parth Patani, Ashwin Jain, Kanchi Malhotra, Khubi Agarwal, Shruthi Hariharan, Jayati Arora, Pranvi Jain, Priyanka Rathore, Kavita Mohanty,

Jenson Francis, Anshul Anjarlekar

Inset : Prof Mr. A. Hariani

Students for the Promotion of International Law (SPIL) Mumbai, was born in furtherance of a desire to understand the tumultuous nature of International Relations and to promote a greater awareness and appreciation of International Law. This year began with a comprehensive lecture on *Cyber-Attacks - Law, Policy and Possibilities* by Mr. Amal Sethi, an alumnus of GLC and an International Law enthusiast. He drove the students through some of the basic concepts of cyber law and gave an extensive overview of several popular instances of cyber-attacks and their impact on International Relations between the countries.

Further, SPIL Mumbai organized a Seminar on *Ease of doing business - Recent Trends in Corporate Affairs in India and the World* by Dr. Vijay Kumar Singh, Head, School of Corporate Law, Indian Institute of Corporate Affairs (IICA). He enlightened the students on the basic concepts and parameters on which the World Bank decides the ease of doing business and why and how these particular parameters are selected and applied.

Thereafter, SPIL, Mumbai organized a Group Discussion on the Topic: *FDI in Retail- Boon or a Bane for India?* out of which the best participants were selected to represent GLC in the Second Mumbai Judgment Deliberation Competition, 2016, allowing them to impersonate the judges of the European Court of Justice, and deliberate on a judgment dealing with laws in relation to the Treaty on Functioning of European Union (TFEU). As is customary, 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 Law Summit, supported by the World Trade Organization (WTO), Geneva, themed on *International Competition Law and Policy*. The Summit was an eclectic mix of competitions, workshops, a panel discussion, and a call for papers, attracting participants from across the globe, International Law professionals, academicians, knowledge leaders, and policy makers.

We explored the seemingly endless territory of International Competition Law and Policy with a keynote address, guest lectures and seminars conducted by legal stalwarts, academicians and research scholars focusing on the trends and nuances of the same. The inaugural day of the Summit witnessed a Webinar by Ms. Anna Mueller, Legal Affairs Officer, Intellectual Property, Government Procurement and Competition Policy Division, World Trade Organization (WTO), Geneva, Mr. Edward G. Baldwin, Partner, Baker & McKenzie, Washington D.C., U.S.A. and Mr. Kabir Duggal, Senior Associate, Baker & McKenzie, New York, U.S.A. A prominent feature of the Summit was the Panel Discussion on a subject of great relevance – "Abuse of Dominance in Emerging Economies", exploring the convergences and divergences in regional laws relating to competition law and policy.





The Summit, in addition to the Keynote address, lectures, and the Call for Papers, comprised of two novel competitions - the Judgment Deliberation Competition and the Treaty Appreciation Competition, which were both conceptualised by SPIL, Mumbai. The Judgment Deliberation Competition brings a fresh approach to problem analysis and judgment formulation, 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. The forum for the Competition was the Competition Markets Authority (CMA). The Treaty Appreciation Competition is 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 agreement under consideration was the Treaty on the Functioning of

European Union (TFEU) specifically focusing on Article 102 – Article 110 dealing with Competition law in the European Union.

In the eighth year since its inception, the competitions received overwhelming interest from participants and delegates from colleges across the world, thus rendering the Summit, 2017, a truly international character!

Having concluded this academic year with resounding success of the Summit, I hope and trust that the year 2017-18 will continue to celebrate the joyous exploration of the many nuances of International Law.

Saloni Tyagi President

With Best Compliments from



Desai Desai Carrimjee & Mulla

Advocates & Solicitors

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TEACH FOR INDIA SOCIETY



Sitting (L-R) Standing (L-R) : Nikita Shaw, Rohil Bandekar, Shivam Jain Kakadia, Principal Judge Dr. A. Nathani, Prof. Dr. R. S. Ratho, Maithili Parikh, Sonali Shelar : Mohit Khanna, Rajat Malu, Kritika Babbar, Freya Irani, Tulsi Bhatia, Sanskriti Nair, Bhavya Sharma, Sridhi Menon, Sagarika Unnikrishnan, Aparna Menon, Annapoorani Ramu, Bhanu Chopra, Mitansh Shah

The Government Law College Teach For India Society was founded in late 2015 with the aim of creating a generation of lawyers sensitised to the education inequity plaguing India. A first of its kind nationally, and third internationally behind only Harvard and Stanford, the Society is a college extension of the much celebrated and eminent Teach For India movement. The Teach for India movement envisions an India where all children have equal access to quality education. In order to achieve this laudable aim, Teach For India recruits the brightest and most promising college graduates and places them in under-resourced and low-income classrooms as part of a two year long fellowship program.

The society works in close tandem with these classrooms; its principal activity, year round, has been classroom visits to inculcate awareness on legal topics of relevance, as well as general topics. Although it has only been a year since it has been founded, the Society has taken strong strides towards achieving its goal in this one year.

The academic year of 2016-17 began on an inspiring note as the Society provided the students of Government Law College the much sought after opportunity to intern with Teach For India. Soon after, the Society commenced its classroom visits in a multitude of schools across Mumbai, teaching a wide age group of children ranging from grades 1 to 10. The general sessions covered by the Society were on topics such as environmental awareness, personal hygiene, civic responsibilities, and the

Olympics. The legal sessions conducted were on palatable topics such as Democracy, Fundamental Rights, Fundamental Duties, the Constitution, Sovereignty, the judiciary system in India, and human rights and ethics. In particular, the children found the sessions on sexual abuse, domestic violence and child labour most edifying. The primary goal of these sessions was to encourage the children to discuss these sensitive issue and make them aware of the general and legal recourse available to them to tackle these issues. Gauging by the response of the children, particularly the number of questions they asked, the Society, it appears, succeeded in its objective.

In October, the Society helped multiple Teach For India classrooms in Jogeshwari by invigilating and correcting examination papers. Our members had the opportunity to witness, first hand, the challenges under-resourced schools face in conducting examinations and to help them overcome the challenges. In November, the Society provided two such classrooms the support they required to train their students for the city level debate competition *Halla Bol*. Our members first conducted a demonstration debate followed by a short briefing on the rules of debating and key points to keep in mind while debating. This was followed by multiple power packed debate practices in which the children took zealous efforts to prepare and debate.

The Society conducted a MUN Workshop for the primary school students at the D.N. Nagar BMC School in February.





The workshop covered a brief outline of the concept of Model United Nations, its rules of procedure, the mandate of various United Nations agencies, and the relevance of International Law. Forty students from this school were selected to participate in the 9th Government Law College Model United Nations Conference, where they discussed the riveting topic of Climate Change with particular emphasis on carbon foot printing, and thereafter prepared a resolution.

I would like to thank Principal Judge Dr. Ajay Nathani and our Professor-in-Charge, Prof. Dr. Rachita S. Ratho, for their unyielding support and guidance throughout the year. Our endeavours would have been far from successful without the invaluable support of Ms. Shaheen Mistri, CEO of Teach For India, Ms. Ashbira Singh, College Relations Lead, and all the fellows of Teach For India who welcomed us into their classrooms during the course of the year. The members of our society have played a monumental role in making this year a successful one, and our annual report would be far from complete without thanking them for their enthusiasm, industry and passion.

Maithili Parikh
President

With Best Compliments from

Nanu Hormasjee & Co. [Regd.]

Advocates & Solicitors

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E-mail: nanuhormasjee@vsnl.com

With Best Compliments from

Mr. Rafique Dada







ACHEVERS

EXAMINATION RANK HOLDERS FOR THE **ACADEMIC YEAR 2015-16**

FIVE YEAR LAW COURSE

Neetika Sharma First Kajol Punjabi First Dikshita Baruah Second Anwesha Maitra Third

V-II

Vanya Utkarsh First Krisha Jethani Second Divyashri Puri Third

V-III

Kosha Shah First Riddhima Kedia Second Manasi Bhushan Third

V-IV

Sakshee Kumar First Aparajita Bhattacharya Second Sakshi Bhalla Third

V-V

First Khushbu Dedhia Tushnika Dayal Second Ojas Patil Third Himalee Divekar Third

THREE YEAR LAW COURSE III-I

Sonu Bhasi First Nilufer Tata Second Parizad Irani Third Shivali Tiwari Third Prerna Peshori Third

III-II

Parshva Bhankharia First Mokhsangi Shah Second Asmita Patil Third

III-III

Afshan Menon First Vidhi Mehta Second Neha Lakshman Third

MOOT COURT ACHIEVEMENTS

17th D. M. Harish Memorial Government Law College International Moot Court Competition, 2016

Speaker 1: Raghav Ginodia

Speaker 2: Zaid Sufi Wahidi Researcher: Vidhi Shah

43rd Jamshedji Kanga Memorial Government Law College Intra College Moot Court Competition, 2016

Speaker 1: Shinjan Alok

Speaker 2: Prashansa Agrawal Researcher: Nitika Bagaria

Surana & Surana National Trial Advocacy Moot Court Competition, 2016 (Pune)

Speaker 1: Gayatri Gokhale Spirit of Surana Award Speaker 2: Harsh Moorjani 2ndBest Memorial

Researcher 1: Shivam Jain Kakadia Researcher 2: Deeksha Tripathi

13th Yashwantrao Chavan Memorial National Moot Court Competition, 2017 (Pune)

Speaker 1: Avirup Mandal Semifinalists

Speaker 2: Shivam Jain Kakadia Researcher: Sakshi Sanghvi

2nd Smt. Kashibai Navale Moot Court Competition, 2016

Speaker 1: Shivam Jain Kakadia

Speaker 2: Aman Arora

1st Symbiosis International Criminal Trial Advocacy Competition, 2016

Best Team Speaker 1: Janak Panicker

Speaker 2: Masira Shaikh Speaker 3: Ashana Shah

15th Raj Anand IPR Moot, 2016

Speaker 1: Shruti Shah Best Written Pleadings

Speaker 2: Raina Kanungo Researcher: Ashana Shah





6th ILNU International Moot Court Competition, 2016

Speaker 1: Mohit Khanna Runners Up

Speaker 2: Sindhura Natesha Polepalli

Researcher: Janak Panicker

2nd GNLU Moot on Securities and Investment Law, 2016

Speaker 1: Janak Panicker

Best Speaker (Prelims)

Speaker 2: Vidhi Shah Researcher: Vanya Utkarsh

10th K. C. College of Law National Moot Court Competition, 2016

Speaker 1: Akshay Aurora

Winners

Speaker 2: Raghav Ginodia Researcher: Mohit Khanna

23rd M. C. Chagla National Moot Court Competition, 2016

Speaker 1: Aishwarya Wagle

Best Team

Speaker 2: Sakshi Bhalla

Best Memorial

Researcher: Aayushi Bindal

1st L. J. Law School National Moot Court Competition, 2017

Speaker 1: Siddharth Bagga Speaker 2: Chitrangada Singh Researcher 1: Alabh Anant Lal

6th Paras Diwan International Energy Law Moot Court Competition, 2016

Speaker 1: Soham Banerjee 2nd Best Speaker

Speaker 2: Soumee Saha

Researcher: Shivashish Dwivedi

NEHU National Moot Court Competition, Shillong

Speaker 1: Annapoorani Ramu

Semifinalists

Speaker 2: Simar Bindra Researcher: Akanksha Singh

4th MPM International Moot Court Competition 2016,

Speaker 1: Avirup Mandal

Semifinalists

Speaker 2: Raina Kanungo Researcher: Ritika Khare

Hasuji Advani Memorial Moot Court Competition, 2016

Speaker 1: Srishti Dugar

Best Memorial Award

Speaker 2: Aakansha Sharma Researcher: Kajol Punjabi

IMS Law College National Moot Court Competition, 2016

Speaker 1: Aditi Sharma

Speaker 2: Sansriti Sen Researcher: Jash Shah

Semifinalists

8th RLC Saquib Rizvi Memorial National Moot Court Competition

Speaker 1: Aparna Menon Semifinalists

Speaker 2: Bhavna Srinivasan Researcher1: Masira Shaikh

(This list has been provided by the Moot Court Association)

SPORTS ACHIEVEMENTS

Invicta 2016 (WBNUJS, Kolkata)

Football	Gold
Men's Table Tennis	Gold
Men's 400m	Gold
Men's 200m	Silver
Men's Long Jump	Silver
Men's 100m	Bronze
Women's Long Jump	Gold
Women's 100m	Silver
Carrom	Silver

Magnus 2016 (JGU, Sonipat)

Men's Long Jump Silver Women's Long Jump Silver Carrom Bronze

Spiritus 2016 (NLSIU, Bangalore)

Men's Football Silver Men's 200m Silver

Women's Swimming:

50m Breast Stroke Bronze 50m Freestyle Bronze

Inter-Government Hostel Cricket League (Mumbai)

Gold

(This list has been provided by the Sports Committee)

DEBATING ACHIEVEMENTS

The XIV NLS Debate Inter Varsity Tournament, 2016

Bhavna Srinivasan Runners Up (Novice) Sanaya Patel

Vedika Shah

Loquitur, 2016

Masira Shaikh Semifinalists

Nitika Bagaria

Dhawal Chopda

Khushboo Jhunjhunwala Best Adjudicator Aparna Menon Third Best Adjudicator Prashansa Agrawal Finals Adjudicator Ansh Karnawat Semifinals Adjudicator





8th CNLU National Parliamentary Debate, 2016

Bhanu Chopra Winners

Soumee Saha

Ansh Karnawat

Aparna Menon

Best Adjudicator

(Novice)

Prashansa Agarwal Third Best Adjudicator

IIT Bombay Parliamentary Debate, 2016

Pranav Kagalkar Finalists (Novice)

Mahesh Dube

Bhavna Srinivasan Semifinalists (Novice)

Soham Banerjee

Rajashekar Rao Semifinalists (Novice)

Sheona Shenoy

Aparna Menon Semifinalists *

Adjudicator

Endeavour Debate, 2016

Pranav Kagalkar Winners

Arushi Dua

Parth Indalkar Best Speaker

Vigilance Awareness Week Debate Competition, 2016

Hina Tolani Second Position

Pranav Karwa

Rotofest Debate, 2016

Agastya Sreenivasan Winners

Kavita Mohanty

Bhavya Banerjee

Justice Tarkunde National Parliamentary Debate, 2017

Shvabh Chakarwati Semifinalists (Novice)

Rajashekhar Rao

Sagar Jaikumar

Sheona Shenoy Semifinalists (Novice)

Mahesh Dube

Priyanshi Vakharia

Hina Tolani Final Adjudicator

(Novice)

(This list has been provided by the Debating and Literary Society)

MODEL UNITED NATIONS ACHIEVEMENTS

Gujarat MUN

Shivam Jain Kakadia

Knights Grand Cross in the British House of Commons

IIT Bombay Techfest MUN

Brihad Ralhan High Commendation,

CEW

Dhriti Chabbra High Commendation,

UNEP

Rotaract MUN

Ujiwal Batra Best Debater Tanwangi Shukla Runners Up

IIMUN Ahmedabad

Kavita Mohanty Best Delegate, Security

Council

Podar College Model United Nations

Ujjwal Batra Best Delegate, Crisis

Committee

Shivam Jain Kakadia Best Delegate, UNHRC Sheona Shenoy Best Delegate, DISEC Siddharth Singh Rajput High Commendation,

DISEC

Pranav Kagalkar High Commendation,

UNHRC

MUNFrance, France

Prakhar Agrawal Chairperson - UNGA

DISEC

Akshay Hariharan Chairperson - UNHRC

(This list has been provided by the MUN Society)

SPECIAL MENTION

Nivedita Nathany Memorial Award for Leadership

Qualities and Academic Excellence, 2016

Shivam Jain Kakadia Riddhima Kedia

Gary B. Born National Essay Writing Competition, 2016

Anushka Shah

Second Prize





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ABOUT THE MEMBERS



SANAYA PATEL: She is the calm in a storm. Save impolitic, there is nothing in the world that can push her buttons. Unapologetic about her quirks, her spirit is unfettered and brave. So brave is her spirit that convention begins to feel trivial and norms seem hollow. Sanaya seeks to find meaning in everything and subscribes to her own philosophy on life. Her ability to see through emotions and circumstances is what makes her *mantras* so viable. A fifteen minute chat with Sanaya, and you will know that she gravitates towards anything that speaks music and intellect. Her 'Ooohs!' and 'Aaahs!' are accurate indicators of her mood and thoughts. Her dance moves and snapchats are nothing short of happy, almost mirroring her happy outlook on life. She comes with a 100% guarantee to light up your life. And so she did deliver during the course of publishing the 87" edition of *méLAWnge*, a task which would be impossible without her.







KRISHA JETHANI: She is not an average human being. She is an institution. Just as an institution is built upon a strong foundation, Krisha's life is centred around unshakeable core values. Each of her actions is precise, and each word uttered contains a measured amount of authority or warmth (as the situation demands). The mastery of bullet journalling has turned her diary into an extension of her being. Her organisational skills are trumped only by her ability to effortlessly switch between sassy and serious. Just as an institution is an amalgam of different units, Krisha ensures that she brings her A game in every part of her life -- and she knows it. She wants to explore (world, people, passion, food) as much as she can in her lifetime (which she claims will be short because of her unhealthy lifestyle), and it is this ambition which drives her to be her best and to give her best -- to méLAWnge, to academics, and to her friends. Krisha is not an average human being because she is an institution -- she always leaves us enriched, brighter, and thoroughly entertained.



SHRUTI SHIRKE: Undoubtedly one of the most affable and responsible people I have ever met, Shruti is always up to help you, even if it may be with the smallest of things. With her ever-so-cute smile, light eyes and comforting hugs, you can always count on her for her neverending support. But do not get fooled by her naive looks because she gets all her work done no matter what. Her commitment to work even when she is unwell, coupled with her cheerful demeanour and enthusiastic spirit make her a force to be reckoned.



ANISHA BAKRE: Do not be fooled by her appearence - behind Anisha's seemingly curt exterior lies an immeasurably soft and emphatic personality. Quick-witted and strong-willed, this girl is unbelievably helpful. She has impeccable taste in art and design, but stays loyal to her favourite colour - pink in any situation. She makes sure that any event she is involved with goes off without a hitch (albeit she may be a bit late for the event itself).



NITIKA BAGARIA: This Bombay girl is undoubtedly the Little Miss Sunshine of the committee. With her bubbly personality, her ever present sparkling smile and animated conversations, she is sure to brighten up your day in a matter of seconds. Intelligent and outspoken, she indisputably possesses the gift of the gab, now if only she could speak a bit slower! The only thing that can possibly please her more than getting work done is her collection of stationery (Muji Pens!). One of the most affable and affectionate people to have around, she's definitely the one you can count on.





KUNAL PRADHAN: He is an efficient and diligent worker, to say the least. While he is often used for his physical strength and help with lifting heavy objects, he is also someone who comes up with fresh and innovative ideas as well as designs and names that not many people can easily think of. An affable, chivalrous and helpful (especially with holding the camera still and making sure we get some great pictures!) person. Kunal is someone who can always humour you with his banter on various different topics.







ABHIJEET KAMATH: He is a horrendous mixture of inappropriate jokes, witty humour and immaturity. He manages to find humour in the most serious of situations. While his age might fool the bouncers at a club, it will not fool any of his unfortunate friends.

AGASTYA SREENIVASAN: One of the most sincere and hardworking students, you will always find him reading away in a corner of the college library. Do not be fooled by his serious exterior, this guy is super fun once you are well acquainted with him. Undoubtedly one of the best and sweetest people you will ever come across, Agastya is someone who will be ready to go out of his way to help you. On breaking through his shy exterior, you will find a fun and interesting friend in him. Such a pleasure working with him.





He is the prime example of a silent worker who can find a silver lining in every cloud. He portrays himself as a shy and a composed person but as soon as you break that barrier there are layers of madness. Besides being an avid sports fan and a *chocoholic*, he has a keen interest in poetry and quizzing. He is one of the most hardworking people and his determination truly makes him an asset for any team.



ANJALI KARUNAKARAN: She has a penchant for being well armed for every situation. Whether it be her ability to find the most hilarious memes, or to follow every fandom known to mankind or to juggle college, committee work and innumerable other co-curricular activities, nobody is actually quite sure how she manages it all. Perhaps she is a wizard? All in all, Anjali is one of the most dependable, hardworking and capable people I know.

APURVA KADREKAR: This spunky girl is extremely witty and sarcastic, and can become friends with you in minutes. Apurva has a very curious nature and belongs to the rare category of people who are into creative writing as well as poetry. Along with all of that, she also takes out time to read and is a voracious reader. Sincerity and dedication are her *mantras* in life and this little lady is sure to go places!



3

ARUSHI DUA: With her composure and her perfectly-in-place eyeliner, Arushi is the quintessential stoic worker. But scratch below the surface and there emerges the flamboyant debater, the massive foodie and the fiercely loyal friend. Known for her quirky sense of humour, and her dynamic personality, Arushi is one of those colourful people who can liven up your day in an instant!

AYESHA QAZI: If only one could do justice to give a description of Ayesha... As awesome as she makes college, and your life with her presence, Ayesha is the sassy girl of your dreams! With her red hair, and whatever-will-happen-will-happen attitude, she deals with every situation with her own charm. Even if she is in neck deep trouble, she will deal with the bull by grabbing its horns, and with that winsome smile of hers. In the process, she will teach you as to how life is more than just completing things, and a race, she teaches you that it is about living in the moment, having fun while you are doing something, and making every moment count. When it comes to work ethics, and dedication, oh boy! Do not let that alluring, and noble face of hers fool you, for she will make sure that she gets her work done - for whatever it takes to get it done!



HINA TOLANI: She is also known as Her Tininess.Do not underestimate this smart, driven machine based on her adorable little packaging. All this and she somehow still manages to not let her laurels get to her head. A single conversation with her is enough to identify her as a genuine and kind human being, which is the highest praise in this existence.



BRIHAD RALHAN: He is the perfect combination of maturity and navieté. Talking to him can make your day, but his anger can break it too. He will be there for you always, be it 3am or 3pm. He appears to be an introvert but is not one. You can rely on him without even thinking once. Apart from all this he has an amazing sense of humour and he can make you laugh on your worst days. He will always support you when you are right but will not hesitate once to tell you that you are not. He is everything that an ideal friend should be.





SAGAR JAIKUMAR: Tall, dark and not so handsome but oh so slender. These are the exact words that come to my mind to describe Sagar Jaikumar. Apart from being an extremely talented whip, Sagar loves to listen to mildly insane music. Inherently very hardworking, all he needs is a little push and there is no stopping. He is extremely outgoing, and once he knows you, he will have your back no matter what. You can always count on him to make you smile when you absolutely are in no mood to, with his lame jokes and not-so-poker faced smile.





SHEONA SHENOY: And when you no longer feel like being a part of the world, you create your own. This is the basic underlined ideology that Sheona Shenoy follows and how beautifully! Filled with an outlandish taste in music, eccentric choice of books and extremely unprecedented conversations, she never fails to surprise people. She might come off as a stern person at first, but she is one of the most loveable creatures I have ever met who will go out of her way to help someone. Her mildly crazy plus really hardworking and determined nature makes it the best combo, be it for debating or even searching for good eating places around.

SHREYA GOKHALE: From having the prettiest smile to being the most approachable person, she has everything one could possibly want in a friend. She is a bundle of joy and happiness and can lighten your mood up within minutes. Being hard-working and determined, she makes sure she gets the job done. Her creativity and work ethic make her the perfect work companion. All in all, she is the most optimistic person you will probably ever meet and every minute you spend with her is worth it.





SHRUTHI HARIHARAN: She, an ambivert in the truest essence of the word, is the one always ready for a snack break. Loaded with skills which she modestly portrays, she perfectly seems to gel into any conversation. Her happy face and bubbly nature are always a delight for one and all. Her enthusiastic personality and willingness to help is something everyone is sure to look forward to.

SHVABH CHAKARWARTI: Quirky, confident and outspoken are the three words that perfectly describe Shvabh. He always has something to say and possesses the ability to speak his mind. Both of these qualities are worth admiring. He is determined to get work done but does not forget to have his fair share of fun. He is one of the few people who is immune to what the world thinks of him. Shvabh's kind personality draws one to converse with him, and he can always engage you with exciting stories and events.



inherent drive is what fuels her love for exploring new places. Though an introvert, she can hold anyone's attention with her great oratory and conversational skills. Being a foodie, she is the go-to person for tips on great restaurants. Her love for reading and writing stories is paralleled only by her passion for football.

RICHA SINGH: She is a

tenacious go getter and an

efficient worker, who does

everything with zest. Her



SIDDHARTH SINGH RAJPUT: Ever the charmer, he is a guy who can befriend anyone by his sweetness and charisma. Always eager for work, he makes sure to complete every task allotted to him. Forever joking, he's always fun to be around. MUNing, debating - there is not anything he does not excel at. His biggest strength is his communication skills. He is probably the most happy-go-lucky guy you will ever meet. An outgoing guy, he can lighten the mood in the most serious situations.

VINIT KAMDAR: Staying true to his Gujarati heritage, Vinit is a mixture of good wit as well as lame jokes, that he somehow manages to combine. He will have you laughing as well as wondering why you are laughing. His humour is what endears his friends to him, and his loyalty is his best quality. He is always active, be it in academics or sports. Vinit is someone that will always aspire to give his best.











KANIKA KULKARNI: A fellow literary soul, and a passionate feminist, Kanika is liberal in every sense of the word. Her relaxed personality gives a much-needed brake to the regular hustle-bustle at college. Kanika has the blessed ability of knowing her mind and speaking it too. Her level-headedness coupled with her endearing ability to take a joke (especially if it is on her!) makes her one gem of a person. Her calm and composed attitude makes her extremely easy to get along with.

MISHA MATLANI: Armed with her levels of pragmatism, responsibility, and efficiency, which often leaves the best of us floundering, Misha has that beautifully rare ability of getting the job done with minimum fuss. With her sunny smile and effervescent personality, Misha is our go-to girl for a reason. She is a constant bedrock for her friends. Her cheerful demeanour and dedication to work is extremely awe-inspiring. Could not have asked for a better person to work with.



3



NAMAN LODHA: He is a very talented young man. His intellectual and personal qualities are indeed very impressive. He is a music and football aficionado. It is a pleasure to have him around owing to his gentle, warm personality and kindness to others. You can bank on him for anything.

SACHIN KANDLOOR:
He is one of the most calm and composed person you will meet at GLC. Known for his great sense of humor, he wishes to live his life to the fullest. Apart from his academic success, he is an adventure freak and a meme explorer. When it comes to completing a task, Sachin is sure to get it done in time.

NIRJHAR BHATTACHARYA: He is that guy who can be anyone's friend. He is always up to help people when needed. Absolutely laid-back and an emitter of all the positive vibes one can need. The only time he gets tense is when he is hungry. He loves music and spends most of his time in music production and he is super proud of it.





PRIYANSHI VAKHARIA: Priyanshi with her unmatched ability of being the best at everything (unless it is football) would give Beyoncé a run for her money. Blessed with a few doses of humour, intellect and more than a fair share of drama, Priyanshi makes working on the most menial task a fun experience. She provides the much needed daily dose of entertainment in the bleak world of law school.

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SANKET GARUD: He is one of the most amiable persons you will meet at GLC. He is observant, with a conscientially. His great personality makes him easy to work with. Being open to new ideas, he is not only a good public speaker, but also a patient listener. He forms an essential part of the Magazine Committee.

PRAGNYA SENAPATI: She is a self-confessed *Biryani* lover who is passionate about everything under the sun. She finds comfort in the abstract, and is at ease in almost every situation. She is an engaging conversationalist, and possibly the best thing about her is that you can never get bored in her company. She is receptive to other people's experiences and carries around a rainbow of her own. She shows a lot of interest in expressions of art, and is an avid reader. In short, Pragnya is a gem of a human being.







We express our heartfelt gratitude to the following people who have, in their own way, assisted the Magazine Committee in all its endeavours:

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