



Mag



méLAWnge
Annual Magazine 2013-14

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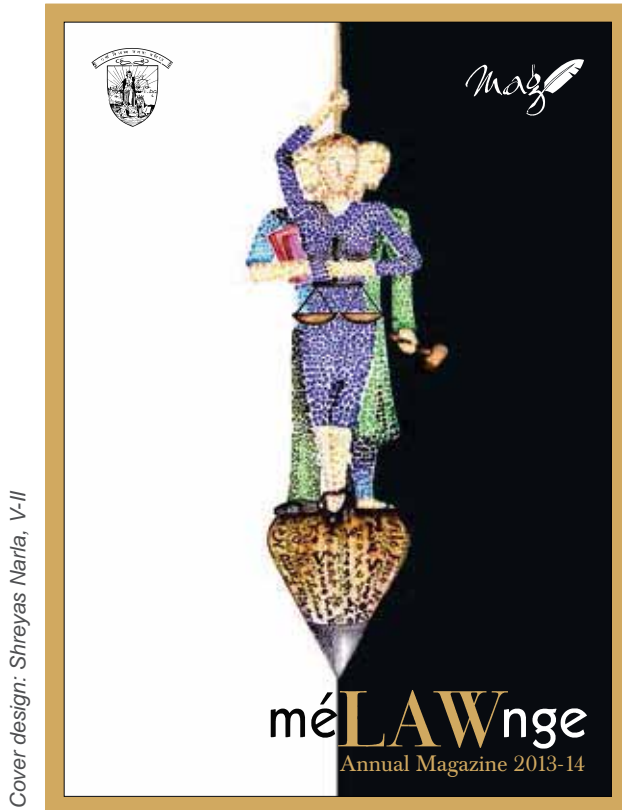
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The pillars of our democracy stand crumbled and dilapidated in these desperate times and the nation is heading to a blind alley. However, amid all the chaos, there lies hope in the flickering spirit of the young who seem to be driving for change. The cover design of méLAWnge 2013-14 stands in testimony to this spirit. The plumb line, forming the crux in the painting, is an architectural tool, whose weight pulls the attached string under tension and is used to test accurate perpendicularity. It signifies strength and uprightness.

With this symbolic representation, the cover page of méLAWnge 2013-14 wishes to encourage the young law students of our College, to brace themselves with the finest legal knowledge. In today's time when the judiciary and the legal education system are under scanner, it becomes essential that they strive to emulate the plumb line, using their sound judgment and knowledge to attain a level of intellectual precision, to strike down the failed systems and reorganise the framework of our nation on the lines of uprightness and morality.

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"REMAINING ALIVE TO THE EVER CHANGING SOCIAL ENVIRONMENT, SHOULD THE LEGAL SYSTEM CHARGE THE JUVENILE DELINQUENT IN ACCORDANCE TO THE CRIME COMMITTED?"

CONTEMPORARIES
2013-14





Shri Pranab Mukherjee
President of India



राष्ट्रपति सचिवालय,
राष्ट्रपति भवन,
नई दिल्ली - 110004

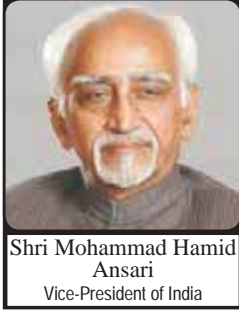
President's Secretariat,
Rashtrapati Bhavan,
New Delhi - 110004

MESSAGE

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

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

(Press Secretary to the President)



Shri Mohammad Hamid
Ansari
Vice-President of India



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

MESSAGE

Hon'ble Vice President of India is happy to know that the Magazine Committee, Government Law College, Mumbai is publishing its Annual College Magazine, *méLAWnge* 2013-14.

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

(Nagesh Singh)



Shri Kapil Sibal
Minister of Communication and
IT & Law and Justice



मंत्री
संचार एवं सूचना प्रौद्योगिकी
एवं
कानून एवं न्याय,
भारत सरकार
MINISTER
COMMUNICATIONS AND IT
&
LAW AND JUSTICE,
GOVERNMENT OF INDIA

MESSAGE

It gives me great pleasure to note that Government Law College, Mumbai is bringing out its Annual Magazine, *méLAWnge*, for the 84th year in a row.

The Magazine, being a perfect blend of legalese and fiction, provides a great platform for students to express themselves. It is commendable that every edition of '*méLAWnge*' lives up to the reputation of this prestigious institution, with its unparalleled list of alumni and great jurisprudential approach.

I convey my best wishes and felicitations to the Principal, staff and students of the College and wish the publication a grand success.

Kapil Sibal

(Kapil Sibal)



Shri Prithviraj Chavan
Chief Minister of Maharashtra



मुख्यमंत्री, महाराष्ट्र
Chief Minister of Maharashtra

MESSAGE

I am happy to know that Government Law College is bringing out its Annual Magazine, *méLAWnge*.

The topics incorporated in the Annual Magazine, *méLAWnge* would help spread awareness among the youth of the country who in their own way can bring a revolution in the society. I therefore congratulate them for their efforts and hope that this magazine will enlighten and empower each and every citizen to raise his voice against atrocities.

I again wish you on this occasion.

(Shri Prithviraj Chavan)



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



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

MESSAGE

I am glad to know that Government Law College, Mumbai is publishing the Annual Magazine 'méLAWnge 2013-14'.

Government Law College provides quality education by equipping their students with skills, confidence and a positive approach with an all round development. The college is striving to perceive and maintain academic excellence and at the same time encourages the students to participate in various co-curricular and extra-curricular activities. The college magazine *méLAWnge* 2013-14 is one such endeavour of the students of Government Law College in encouraging the students.

I extend my best wishes to the Principal, teachers, students and staff on the occasion of publication of the Magazine.

(Mohit S. Shah)

They say time flies, but what remains unsaid is that it still leaves its impact on the sands of time for posterity. The current academic year, notwithstanding difficulties like staff crunch and the fallout of the ongoing renovation of the college, the college has maintained the high standards that it has set for itself over a period. We are extremely happy to note that the newly constituted Governing Council under the Hon'ble Chief Justice of the Bombay High Court and the delegates of His Lordship Hon'ble Justice Dr. D. Y. Chandrachud and Hon'ble Justice V. M. Kanade and other distinguished dignitaries drawn from different streams have guided the destiny of this college. Continued guidance and help from the Council will help the college maintain its standard and further excel in all departments.



It gives me great pleasure to summarise the various events that took place in college this year. The Placement committee organised two Placement Weeks, for the positions of associates, interns, articled-clerkships and other final jobs. They saw 150 and more firms, Legal Practitioners Offices, Counsels, Corporates recruit students from college.

The Magazine Committee organised the Launch of the Annual College Magazine, *méLAWnge* 2012-13. The Chief Guests were former Supreme Court Judge, Justice Mrs. Sujata Manohar and renowned civil rights activist, Ms. Teesta Setalvad. It also held its flagship event, 'Knock-Out!' the annual debate, with the participation of practicing lawyers and students of the college and moderated by Senior Counsel Mr. Aspi Chinoy. Further, it organised the various annual essay writing competitions, the 13th Vyas Government Law College National Legal Essay Writing Competition, the Belles-Lettres: J. E. Dastur Memorial Government Law College Short Fiction Essay Writing Competition and the Sir Dinshah Mulla Legal Essay Writing Competition.

The Moot Court Association organised the 10th Nani Palkhivala Memorial National Tax Moot Court Competition, the 20th M. C. Chagla Memorial Government Law College National Moot Court Competition and the 15th D. M. Harish Harish Memorial Government Law College International Moot Court Competition.

The Students for the Promotion of International Law Committee organised the Intra-Judgment Deliberation Competition, 2013, and the Government Law College International Summit, which included a keynote address by Hon'ble Justice Mr. Radhakrishnan and seminars conducted by several legal stalwarts.

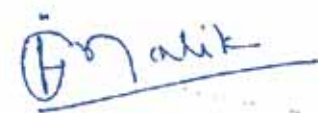
The Rotaract Club organised the 5th Annual Charity Sale as a part of which 24 NGOs sold works made by children from difficult circumstances, raising donations which amounted to Rs. 70,000 and the 2nd edition of the Model Indian Parliamentary Session, 2014 in Collaboration with the NKP Salve Foundation.

The MUN Committee organised its annual Model United Nations with international participation.

The Alumni Association organised the Delhi Study Tour in the month of December, 2013. The delegation visited the Supreme Court where they met the Hon'ble Chief Justice of India. The students were lucky to witness the passing of the most debatable bill of the year, the Lokpal Bill, on the floor of the Lok Sabha.

The Social Service League organised Shikhar 2013, an exhibition cum sale to raise funds by involving 13 NGOs and selling the works made by them. The event 'Udaan', an intra-NGO Competition, brought together children of 6 NGOs to compete and showcase their talent. It also raised funds as part of its Uttarkhand Relief Fund initiative.

It was an academic year of great satisfaction and I am certain that the future is brighter and will provide greater satisfaction to those that will be at the helm of the affairs of this college. My best wishes to all concerned with this college.


Judge R. B. Malik

Principal

From the Principal's Desk



"In dreams begin the responsibilities"- W. B. Yeats.

It gives me immense pleasure, satisfaction and honour to chalk down the editorial of the 84th edition of *méLAWnge*, the Annual Government Law College Magazine. As the academic year 2013-14 is ending, the magazine illustrates the activities and achievements of the College and its students. We take pride in being able to continue to uphold the rich tradition set by its predecessors.

The 83rd Edition of *méLAWnge*, 2012-13, was heartily appreciated by one and all and won the following awards at the In-house Communication Excellence Awards 2013, an initiative of the Shailaja Nair Foundation: 1st Runners Up for 'The Most Creative Name', 2nd Runners Up for 'The Most Imperative Content' and 1st Runners Up for 'The Best Magazine Among Educational Institutions'.

Government Law College has always provided a platform for the young budding lawyers to articulate their views and shape their ideas through classroom studies, co-curricular and extra-curricular activities. The Magazine Committee has always strived hard to bring out the analytical and creative skill of students through its various activities.

'*Knock- Out!*', the annual Panel Discussion was on the topic "Remaining alive to ever changing social environment, should the legal system charge the Juvenile Delinquent in accordance to the crime committed?" The debate was moderated by Senior Counsel, Mr. Aspi Chinoy and had the current students teamed with ex-students battling it out against the opposite team. The event was well attended and enthralled those present.

The committee organised the 13th Vyas National Legal Essay Writing Competition and the J. E. Dastur Belles Lettres Short Fiction Essay Writing Competition on a national level and the intra-college Mulla Legal Essay Writing Competition, under the aegis of Mulla and Mulla and Craigie Blunt and Caroe. The competitions were a huge success with participants pouring in from across the country. Heartfelt gratitude is extended to the legal practitioners and the members of the Bombay High Court Bench for judging the entries of the Vyas Competition. We are honoured and privileged to have had Mr. Jeffrey Archer on board, who judged the Belles Lettres Competition.

I am thankful to Mr. Dinesh Vyas, Mr. Soli Dastur and Mr. Shardul Thacker, for continually supporting the committee and being a guiding force at every step.

I am grateful to our Principal Judge R. B. Malik for his constant support and guidance, throughout the year in all our endeavours.

Prof. H. D. Pithawalla and Prof. D. A. Shinde were not only the faculty advisors but have also performed the immeasurable service to the Committee by constantly encouraging and motivating the students, every step of the way.

A hearty thanks to all our patrons and sponsors without whose support we would not be able to function.

I thank all the full-time, part-time faculty and non-teaching staff for their suggestions and constant encouragement.

Last but not the least, I would like to take this opportunity to thank Aishwarya Singh, Chief Student Editor, and every member of Magazine Committee for their constant and untiring efforts to make the launch of the *méLAWnge* a booming success.

Finally, as this editorial draws to an end, I would like to wish *méLAWnge*, all the best for its future aspirations.

Prof. Mr. P. B. Daphal

Editor in Chief

Government Law College is an institution that has seen generations and has been associated in some or the other way in bringing major changes and achievements in the legal field. The alumni of this college have been involved in great revolutions like the ones for our independence.

Each year at GLC is an endeavour to take the institution to greater heights. Various student bodies, the staff and administration have been equally important when it comes to providing endless opportunities to the students. The atmosphere and freedom to achieve their goals has created a culture of making good leaders and great lawyers and judges. The office of the Chief Justice of India has so far seen six alumni of GLC.



This year began with the fresher's party welcoming the new batch. The Fresher's Moot gave the newcomers a first time experience of mooting. Various national level moot court competitions organised by the Moot Court Association give opportunities to the students to enhance their mooting potential. Students have been actively involved in contributing towards a better life for the underprivileged through charity sales like 'Shikhar' organised by the Social Service League. There was an International Law Summit organised by SPIL and 'Showdown' organised by the Sports Committee and jail visits and various workshops on RTI, PILs and etc. organised by the Legal Aid Committee. The Placement Committee organised two placement weeks and provided internships and article-ships to majority of the students that applied. The Alumni Association successfully organised the Delhi Study Tour and the Rotaract Club of Government Law College organised MIPS. The year saw the first World Quiz organised by the Students Council of Government Law College which attracted students from all parts of India. GLC MUN organised their annual MUN and the Dramatics Committee, Gujarati Mandal, Hindi Parishad, Marathi Mandal and Leo Club successfully kept the Indian culture alive by organising cultural fests. Essay competitions were organised by various committees. The Debating Society helped to sharpen the debating skills of students.

I would like to thank our Principal and professors for supporting and guiding the students. Every year is believed to be complete when the Magazine Committee launches the annual college magazine, *MéLAWnge*. I congratulate the Magazine Committee for successfully publishing the 84th Edition of *MéLAWnge*.

A handwritten signature in black ink, appearing to read 'L. Dixit'.

Lokesh Kumar Dixit
General Secretary

MAGAZINE COMMITTEE



Sitting (L-R): Maithili Parikh (Student Co-ordinator), Malvika Amin (Marketing Head), Shreyas Narla (Treasurer), Malvika Tiwari (Creative Head), Aishwarya Singh (Chief Student Editor), Prof. Mr. P. B. Daphal, Principal Judge R. B. Malik, Prof. Mr. H. D. Pithawalla, Prof. Mr. D. A. Shinde, Harsheen Madan (Assistant Editor), Harshini Parikh (Creative Head), Sanjana Rao (Assistant Treasurer), Gopal Machiraju (Student Co-ordinator).

Standing 1st Row (L-R): Kunal Katariya, Joshua Patnigere, Hiral Chheda, Shreeja Kumar, Akanksha Prakash, Stuti Khosla, Indrajea Saroha, Preeti Sahay, Mansi Sheth, Ragini Shah, Anvita Mishra, Salona Mittal.

Standing 2nd Row (L-R): Rohil Bandekar, Rohan Garg, Kosha Shah, Aashna Sheth, Aashna Zaveri, Remya Raj, Aameer Kale.

Writing this editorial marks the end of yet another edition of *méLAWnge*. As nostalgia seeps in, I am reminded of my three years in the Committee that have given me memories and friends for a lifetime. As each of these years passed, responsibilities increased, the zeal to work doubled, my affection for the magazine brimmed and I grew as a person each day. The lessons I've learnt, and the experience and memories that I take back with me will always be the best of what I've achieved at GLC.



Beginning this year with being as optimistic as I had ever been, I had no idea of the numerous problems that lay ahead. Being Editor involved all tasks from dealing with law firms for marketing to long days at printers, from having accounts kept up to date to editing each article, from coming up with innovative ideas for the new edition to dealing with juniors and college staff on a regular basis, but most importantly the responsibility of doing everything right! This year taught me patience, determination and perseverance better than ever before.

The year began with releasing the topics of the three essay competitions organised by the Magazine Committee—the 13th 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. This year, we received entries double in number as compared to the previous years. Students from all over the country participated with great enthusiasm thereby, making the competitions a huge success.

I thank the sponsors of the three essay competitions—Mr. Dinesh Vyas, Mr. Soli Dastur and Mr. Shardul Thacker—for the support and encouragement they give each year to the committee to promote and recognise the writing skills and capabilities of students from all round the country.

The Judges of the Bombay High Court have each year obliged us by judging the final round of the Vyas Government Law College National Legal Essay Writing Competition. I would like to thank Hon'ble Justice R. M. Savant, Hon'ble Justice A. A. Sayed, Hon'ble Justice K. K. Tated and Hon'ble Justice S. J. Kathawala for judging the final rounds this year.

We have been extremely fortunate to have renowned author, Mr. Jeffrey Archer judge the final round of the Belles-Lettres: J. E. Dastur Memorial Short Fiction Essay Writing Competition. It has been a matter of great pride to be associated with such a celebrated author and we are extremely grateful to him for sparing time for us.

The Committee organised its annual flagship event, '*Knock Out!*' with two teams, each consisting of a current student and an ex student, battle it out against each other on the topic of "Remaining alive to ever changing social environment, should the legal system charge the Juvenile Delinquent in accordance to the crime committed?" Mr. Aspi Chinoy, Senior Counsel at the Bombay High Court moderated the debate and discussed the topic with the panelists at great length.

We have been extremely fortunate to have had three lawyers of extreme eminence and respect in the legal fraternity who agreed to be interviewed by us. Being lawyers but holding very different offices, we had the opportunity to interview former Attorney General of India and Senior Advocate at the Supreme Court, Mr. Ashok Desai, Leader of Opposition of the Rajya Sabha, Mr. Arun Jaitley, and Solicitor General of India, Mr. Mohan Parasaran.

méLAWnge 2013-14, living up to its name, contains several articles on diverse topics, fictional and non-fictional, all of which are very informative, creative and make for a great read.



Following its tradition of always coming up with something new to interest its readers, this edition of *méLAWnge* introduces two new sections. The first being, 'Postcards from the Past' which are contributions from ex students of College which take them back to times they spent in GLC and give us an insight to what and how our College used to be back then. Our second new section, 'Stalwarts Speak' is an initiative on the part of the Committee to give the students an understanding of the various practice areas developed in the legal sector. The legal field has diversified into various specialisations giving the students innumerable options to choose from. I cannot thank Mr. Cyril Shroff, Managing Partner of Amarchand Mangaldas & Suresh A Shroff & Co., and Mr. Chander Uday Singh, Senior Advocate of the Supreme Court enough for writing an article on their experiences and reasons as to why they chose the field they specialise in.

This edition of *méLAWnge* would not have seen the light of the day if it were not for the constant support and patronage of its sponsors, who year after year have utmost belief in us and have never fallen short of supporting us in any way.

I cannot thank our Principal Judge R. B. Malik enough for being supportive and bearing with us throughout the year. I would also like to thank Prof. P. B. Daphal, our Chairman and Prof. H. D. Pithawalla, our faculty advisor, for their untiring and constant support and encouragement. Prof. Kishu Daswani deserves special thanks for his valuable inputs and suggestions as well as for contributing yet another edition of the Lexcryptic Crossword for *méLAWnge*.

The College faculty and administration has been very helpful and cooperative throughout the year with our never ending demands. I thank each and every member of the staff and the administration for their support.

Harsheen Madan, the Assistant Editor, has been a pillar of support throughout the year. If it were not for her calming me down in the most critical situations, the execution of the magazine would have been a far-fetched dream. The same goes to the members of the core committee—Malvika Amin, Shreyas Narla, Sanjana Rao, Gopal Machiraju and Maithili Parikh—who have put in their best efforts in making *méLAWnge* what it is today. Senior members of the committee, Malvika Tiwari, Harshini Parikh and Anvita Mishra deserve a special mention for always being ready to help at every stage in the making of the Magazine.

I would also like to thank all the members of the Committee for their hard work and dedication to the work throughout the year.

I sincerely thank Sherna Doongaji, Chief Student Editor of *méLAWnge*, 2012-13 and Vidhi Shah, Assistant Editor of *méLAWnge* 2012-13, for the faith and trust they have shown in me. For being present every time I needed them and for inculcating in me the belief that everything will go fine, I cannot thank them enough.

méLAWnge 2013-14 is the result of the best efforts put in by the Committee to match the standards set by its predecessors and we cherish every moment spent in the making of it. As I end my Editorial, I experience a blend of emotions; nostalgic about my journey in the Committee that draws to a close, ecstatic about the experience I take along with me and proud to present to you what we created and assembled from zilch, *méLAWnge* 2013-14.

Aishwarya Singh
Chief Student Editor

2014 ELECTIONS

A DEFINING MOMENT FOR INDIA

by Kunal Katariya, V-IV and Yash Srivastava, III-III

Asia has often been a place of mystical enigma to the outside world. India and China together, during much part of human history and especially in the 17th Century, were true world powers contributing to more than half of the world's GDP. With a distinct culture and uniqueness which are totally different from the Western world, they remained abounding and rich in wealth, culture and identity, leading to this sense of awe and envy of the world. These two great nations saw serious decline in 18th and 19th centuries with India being a victim of western imperialism and China facing great revolutions and a miscued socialist system driven by communist ideology. Both were driven to the nadir in terms of socio-political existence, economic depravity and scientific and industrial non-existence.

Strangely their destinies seem enjoined and in that they both got back into their own identities since the middle of the last century, and seem to be in a hurry to get back to their position of dominance and glory. From decades of impoverishment, famines and acute poverty in the intervening years, they are awakening to reclaim the glory they were once stripped off.

In this new beginning, China and India happen to also be the two most populous nations of the world. Both are expected to be the two largest economies of the world by 2050. But the similarities end here. Both have taken extremely different paths to the pinnacle. While China took the path of the socialist system driven by communism, India chose the democratic path. India has oftentimes been described as an Asian Elephant—a gigantic power that ambles in a particular direction, sometimes slowly, sometimes with urgency.

In this great second journey, India is today poised at one of the most crucial and intriguing moments of its modern history. The 2014 elections mark that defining threshold. While India chose the path of democracy, adopting and learning the intricacies, it also grew in strength and stature—economically and industrially. But the systems also lost their way in some aspects and as a result, we seem nowhere near our goal even after over six decades of independence.

The body polity, the systems, the very core value system and fabric of society seems shaken. India's policies have been churned out by a gerontocracy who panders to the most active voter base comprising the economically and socially disenfranchised. The elite and middle class have maintained an arm's length distance from politics. But, it's a logical fallacy to assume that the stench in your street will not announce its presence sooner or later at your doorstep. And this is what has happened. We suffer





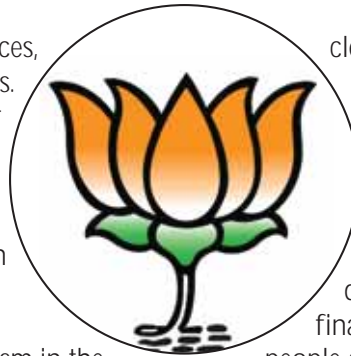
bad infrastructure, archaic public services, and unaccountable government officials. We suffer from quotas that do less for affirmative action (which is a fantastic tool to achieve social equality if done appropriately) and do more to create vote banks and divide society in unnecessary fragments.

So, this stench has resulted in civil activism in the last few years—from drives against corruption to gender inequality. But, the real reason behind these demonstrations was an underlying frustration at not being able to enjoy one's rights in a democracy which we should have. People want policy which is directed towards outcomes, tangibles and deliverables; not towards plans which are incomplete and lacking in vision. And it's not just civil activism, it's institutional activism too! The judiciary has been trying to act proactively, the CAG has been making noises and the committees set up for advisory purposes are communicating directly with the people. So in these noises, it's clear that participatory democracy is not too far and the course of democratic participation and how it interacts with us has changed.

How has politics responded to this? On the pessimistic side, it has created bucket-loads of slander and misrepresentation which has left voters confused, ill-informed and agitated. On the positive side, the politicians have started talking about development and empowerment a little more frequently. The largest number of young voters have joined the electorate in the 16th Lok Sabha elections this year—and it's certain a large number of them will vote.

The actual India seems to have woken up and is demanding its right. It is clearly an indication that our democracy has come of age and the Indian voter has understood the meaning of democracy. It is time for the political parties to finally take the now discerning voter seriously.

The recent outcomes of various surveys and studies conducted by expert teams and organisations



clearly demonstrate this positive change and the highly dynamic media makes enough noise to reach out to every nook and corner of the nation. More people seem to ask and want to be aware of issues, more feedback seems coming back and surely things are different, change is definite and future seems destined to be finally the chosen script of the people, by the people and for the people.

In this unprecedented situation, agendas are being driven by people's demands, non-governmental and social activism and media decibels and activism by government autonomous institutions like judiciary and CAG. Political parties have been woken up from their self serving complacent arrogance and forced to put their ear to the earth. It gives a new hope, implies a new change and surely a great beginning for a new India.



What are the issues that have fuelled this change, which will steer the outcome of the elections and which will hopefully lead the way forward in the coming decades?

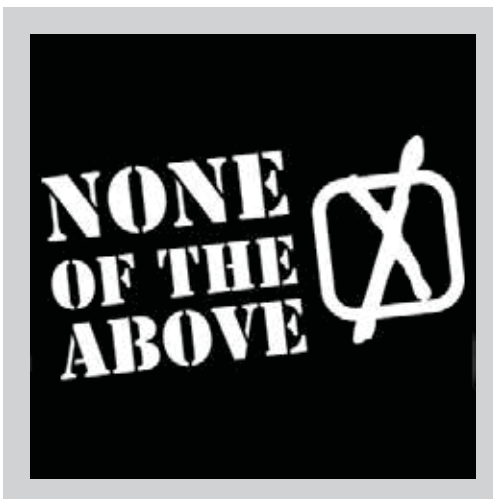
Development is the issue that has emerged as the leading need of the nation in a larger sense. India, characterised by a bundle of dichotomous contradictions—it has the second highest number of educated people and also the largest number of illiterates, the second highest number of professionals with the highest number of unskilled labourers, greatest wealth of natural resources yet economic exploitation at highest cost, is a crucible of unlimited human and economic resources and a great recipe for growth has missed something critical all the while.

This has led to glaring divisions creating inequality, which allows discourse, which is antithetical to each other and lead to unclear directions of policy. We need market-driven capitalism to be balanced by public spending and welfare systems that can ease out inequality. We need better delivery of public services as that can lead to empowerment of the most disenfranchised. Economic socialism and market capitalism in tandem is our future if we aspire for economic growth and development.



Even if corruption sounds counter-intuitive, the scales and levels that have reared their head in recent times have been part of Indian polity for far too long. The problems within Indian politics stem from the fact that politics has been driven on muscle power and criminalisation, money and enticement with freebies and alcohol. Election funding is so opaque that it is a \$6 billion monster that forms part of the black economy. Corruption has crept into each and every aspect of normal day-to-day life of common citizens thus giving it the unassailable stature and omnipresence. The media explosion and public knowledge of innumerable scams and increasing visibility of various government happenings is slowly building clear and transparent perceptions of this monstrous malady. The enormous upheaval of masses against this call is a result of this anger and frustration. The electorate now wants a visible and tangible change and they want it today.

Governance and Accountability is something which is perceived as totally missing and the electorate has expressed enough ire to send shivers down the aspiring politicians and parties. Universal access to certain public services like education and healthcare funded on taxpayers' rupees are based on the premise that they will facilitate empowerment and as a consequence, upward mobility. Mobility is crucial to ensure that anyone and everyone can aspire to a quality life, irrespective of the means they are born in. But most public services are dysfunctional, leading to the poor unable to tangibly benefit from them and the middle class abandoning them. A more accessible and participatory democracy which responds to citizens' needs will improve these services and engage citizens to demand accountability. Things like RTI help but we need to go further with mechanisms like the Right to Recall, Ombudsman mechanisms and processes that ensure efficient and timely governance and disbursement of administrative services.



It is a very famous saying that if a democracy is to succeed, politics must become boring and governance must become interesting. Unfortunately in India, it has been the exact opposite. We have made politics more interesting in the previous years and have hardly focused on governance.

Every once in a while a period of reckoning comes which upends the *status quo*. There is a lot that is wrong about Indian polity, but the fact that a lot of us are cognizant about it means we can ensure we take it to its grave and bury it. The direction we take over the next few years will be a large determinant of whether we can claim the benefits of our demographic dividend and the spoils that such riches ensure. Elections to the 16th Lok Sabha offer that new but real opportunity to usher the change, a change that the voters and the citizens and the people of this nation, themselves can effect, and must! Such a driven change is bound to shake the politicians out of the arrogant and unbashed rough shod they have been subjecting this nation and its people to for decades. This will be the power of voting which will force them to take the path driven by the power of vote in the true sense of democracy.

Any new government that comes into power will have to set new rules of the game. It is no mean task nor is the change going to show just around the week after elections. It will be a long, labourious, but determined and perseverant struggle for any government to bring back the state of affairs from the dungeons of decline that they have been relegated to during the preceding decades. We need to digest the fact that we didn't get here in a month and we will definitely take longer than that to come out. But the momentum of dissent, the effect of the people's revolution must be undiluted, must remain strong and sustain itself, lest the new government take us back two steps.



Remembering Mr. T. N. Daruwalla

by Raju Z. Moray, Advocate



When I enrolled in GLC as a student in 1982, Professor Tehemtan Nasserwanji Daruwalla was already famous as one of the best teachers in GLC whose classes were always packed to capacity. To my misfortune, in my three years in college, I was never in a class in which he taught, but I did get to sit in a few of his enormously interesting lectures on Drafting, Pleading and Conveyancing.

I soon became active in the Students' Union and the Moot Court Association. A few of my classmates got together and we thought that we should start an "English Literary Association" in GLC. As I had graduated in English Literature, I took an active part in its formation. We could not think of anyone else except Professor T. N. Daruwalla to be our Chairman. He not only whole-heartedly supported our idea but also got us the requisite permission from the then principal Shri. B. D. Taskar. I assumed charge as the Hon. Secretary of the ELA and Shahrukh Kathawalla (now a judge for the Bombay High Court) became the Treasurer. We organised many cultural programmes including book exhibitions and lectures and the ELA became a hit with students. Those were memorable times and ELA members interacted a lot with Prof. Daruwalla. He felt that felicity in the use of the English Language was a great asset in written and oral advocacy and reading good literature in English was the best way of cultivating it.

After I joined the Bar in 1985, I was cooling my heels in libraries, having no contacts to enter any firm or Chambers. Prof. Daruwalla came to my rescue and fixed me up with Adv. M. F. Saldanha, a litigator with a varied practice who was looking out for a junior. Prof. Daruwalla was always extremely supportive of my career as he was of the careers of all his students and he was always very generous in praise for every little success or recognition that we got. Thanks to the GLC Alumni Association, I got to meet him quite often in the last few years and it was always such a pleasure. That we, his admirers, will not be able to have that pleasure again would have been a depressing thought had we also not had the conviction that he must now be regaling the Almighty with his witticisms.

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On the bus of this mundane and senseless life,
covered in red with BEST* carved on it,
lost in the thoughts of the sea and the sky,
I looked out.
I looked out through the window of my life.

That moment my sight was captivated by her,
and there she sat, scarlet wrapped,
at the thresholds of the age-old institution,
where they fail to recall equality.

Yes, there she was, drenched in her burning thoughts,
silently weeping, streaks of blood streaming down her sweet face,
as if an artist had gone wrong with his masterpiece.
She wept as the world passed her by,
surrounded by shadows of sorrow,
Though the sea of peace was across, it seemed miles away.

I listen to her mighty heart shatter,
despair ran through our minds,
not a soul to comfort, nor a word of kind,
all of us—selfish beings ignored her tears.

Though the French call her liberty and art beauty,
She's still zilch in our world.
Forced into life, burden to her family,
beaten by her love, trembled by truth,
deprived of happiness, neglected by her child.
Men drunk on their chauvinism, spot her as an entity of lust.
She's battered and bruised, oblivious of her crimes,
she helplessly cries, in her mesmerizing shivers.

I stared and stared at her truth,
observing her misery,
eyeing her invisibility,
and like Walt Whitman, I just sat there and looked out.
For this, the venomous guilt shall sting me for eternity.

On Guilt

by Daniyal Khan, V-II

* This is a reference to the local buses in Bombay which are usually red in colour and are operated by an undertaking of the Bombay Municipal Corporation called Brihanmumbai Electric Supply and Transport (or B.E.S.T).



Former Solicitor General and Attorney General of India, Senior Advocate of the Supreme Court, Padma Bhushan Award winner and one of the greatest legal luminaries of the fraternity, Ashok Desai shares his memories of college and later as a lawyer.

Magazine Committee: You have been a part of GLC and are one of the most prominent and respected alumni. Can you tell us a little about your time and experiences at Government Law College and any memories you would like to share ?

Mr. Ashok Desai: I joined the Government Law College in the summer of 1950 after studying at the Fergusson College, Pune. The morning classes had a distinct advantage. Several bright young lawyers who were making their mark in law used to lecture to us. My period in Law College lasted from 1950 to 1952. I had amongst my colleagues as fellows and as seniors, four of who have made their mark on law and whose warm friendship I continue to enjoy. In order of seniority, these include Fali Nariman, Anil Divan, Murlidhar Bhandare and Soli Sorabjee. One cannot read the seeds of time but after sixty years all the five of us find ourselves practicing in Delhi and not doing too badly!

The college had an earnest mock-Parliament, the members of which behaved very decorously under

the speakership of Nariman and later Divan and where we had Sorabjee as the Prime Minister and I for a while as the Leader of Opposition. I recall taking part in the trial scene of Merchant of Venice. I played the role of Antonio who had a few lines but had to stand virtually like Exhibit-A waiting to yield the pound of flesh (which I could ill spare in those days). I was saved by the eloquence of Freny Parekh who

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has made a moving appeal for mercy, a speech which she often used when she became a leading lawyer of the High Court.

Magazine Committee: Mr. Palkhivala was your teacher at one point of time. How do you recall that side of this great lawyer ?

Mr. Ashok Desai: Several bright young lawyers who were making their mark in law used to lecture us.

JOURNEY THROUGH THE YEARS



1952 | Graduated with a law degree



1956 | Graduated from the London School of Economics with a Bachelors in Economics

We were fortunate that the young lions included Nani Palkhivala and Chandrachud. Nani was already very busy but was keen to share his enthusiasm for law with students. He was blessed with photographic memory. For instance, he knew the text of the Evidence Act by heart. He introduced us to great minds like Burke and Macaulay. Thus, we had the opportunity to learn the letter and spirit of law from one of the greatest lawyers that our profession has produced. Prof. Chandrachud also shared his interest for literature and would narrate stories from a range of authors from Shakespeare to O’Henry. It may perhaps be an encouraging lesson to juniors that he sometimes confided in us that one never knew how successful one would be at the Bar.

Thankfully, his diffidence was wholly unjustified and his legal career took him to the very pinnacle of the judiciary as the Chief Justice of India.

Magazine Committee: Could you relate to us your most memorable case in your several years of practice?

Mr. Ashok Desai: The case of Sakharam Binder is particularly memorable for me. I was still a junior making his way at the Bar when I was approached by Kusumben Mehta on behalf of Vijay Tendulkar. His play “Sakharam Binder” was being censored by the Police on the ground of obscenity. The delicate question of censoring plays in Maharashtra was curiously governed by the Bombay Police Act. The Police took the view that the tender morality of the Bombay audience could not withstand a play about illicit sexual relations. Justice Kania (later on the Chief Justice of India) saw the play at a special audition and found it difficult to understand how the theme or a few words could be proscribed and that too, by the Police. He set aside the decision of the Police and in the process also struck down the relevant provisions of the Act as unguided and unconstitutional. After passing through the legal fire

the play suddenly caught on and had the unique distinction of being performed in four languages, namely, Marathi, Gujarati, Hindi and English at the same time in the same city. The play became a

“*It may perhaps be an encouraging lesson to juniors that he sometimes confided in us that one never knew how successful one would be at the Bar. Thankfully, his diffidence was wholly unjustified and his legal career took him to the very pinnacle of the judiciary as the Chief Justice of India.*”

popular paperbook and also led to a Marathi book by Sarang Kamlakar called “*Binderche Divas*” which interestingly shows the apprehensions of litigants who are not familiar with the court process. About two years ago, it again found a place on the stage as a part of the theme of a Marathi play “Sex, Morality and Sakharam Binder”. I was quite surprised to find two actors on the stage with small roles, one acting as Justice Kania and the other acting as Advocate Ashok Desai. I supposed this is an example of a lawyer getting transitory immorality apart from law reports!

Magazine Committee: You have appeared in several landmark cases, such as cases of Sakharam Binder, the case of Piloo Modi, the case of Antulay, Ramanna Shetty, Narasimha Rao, Vineet Narain and the Narmada Dam case, which one of these do you feel was your greatest contribution and how do you think these cases have had an impact on the law of the country?

Mr. Ashok Desai: You have mentioned a constellation of cases, each of which has laid down some new aspects of the law. The case of Piloo Modi was argued during the Emergency when Piloo Modi along with Mrinal Gore had challenged the allotment of scarce land in the Backbay area at an undervaluation. The case was heard before Justice Gandhi who firmly rejected the stand of the State that as the owner it could sell the land at any price it thought proper. But he came out with a practical solution by holding that if the purchasers paid about



1956 | Called to the Bar at Lincoln’s Inn, London



1967 | Part of the Harvard International Seminar



33% more they could retain the land. The case advanced the proposition that land belonging to the State must be treated as land being held in public trust. Ironically, Mr. Pilloo Modi and Mrinal Gore were both taken into detention during the Emergency. The builders were happy to pay the extra amount to retain the land and the Chief Minister who had sold the land had a statue put up in his honour.

The case of *Antulay* was more dramatic in setting. As the Chief Minister of Maharashtra, he had collected money for Indira Gandhi Pritishthan as against allotment of bags of cement. Although he denied any *quid pro quo*, Justice Lentin accepted the submission that the amount of donation was an exact multiple of the bags of cement allotted to each builder. The Court insisted that the administration was accountable even when it was in the guise of donations to a public trust. The fall out of the decision was the displacement of the Chief Minister. The other three cases mentioned by you were decided by the Supreme Court. The case of *Ramanna Shetty* dealt with the tender for a food stall in the Bombay Airport where despite the conditions of eligibility a non-eligible person was given the allotment. Justice Bhagwati's judgment is an example of judicial craftsmanship which he sometimes adopted in changing the law. He extended Article 14 as dealing not only with equality as such but also arbitrariness on the ground that arbitrariness was anathema to equality. The judgment laid down a salutary principle, although in the conclusion he held that the petitioner was not entitled to any relief because he did not seem to be *bona fide*. He was perhaps conscious that the formal petitioner was one *Ramanna Shetty* and I was instructed in court by an enthusiastic Irani client through his solicitor!

The case of *Narasimha Rao* involved the important issue of critical parliamentary votes on a motion of 'no confidence' which were being obtained by payment of money. The Supreme Court accepted the

submission that a Member of Parliament would be a public servant and be subjected to the Prevention of Corruption Act. But to our disappointment the Court by narrow majority held that a Member of Parliament had immunity as to why he cast a particular vote and therefore, a court could not go into whether he received any bribe to induce him to vote in a given manner. It was a strange result where an MP giving a bribe for obtaining the vote of a colleague could be prosecuted but the MP who received the bribe was given immunity. Unfortunately, the Supreme Court did not interpret the Article by adopting the approach both in England and in the USA where it has been held that taking money for a vote is not a part of parliamentary function and could not attract immunity.

The *Vineet Narain* case arose from the Jain Hawala Diary. I had to take it over when I was appointed as the Attorney General before a Bench firmly presided over by Chief Justice Verma. The diary had explosive entries referring to MPs of many parties. The Government was advised that however sensitive the information it was in public interest that there should be transparency in the process relating to investigation and prosecution. But we also submitted that the changes in the machinery should be suggested by a committee of experienced administrators rather than by the court since these related to a very intricate administrative field. The Court accepted the bulk of the report of the Committee and strengthened the structure of the independent CVC. One distinct contribution of the Bench was to evolve the concept of "continuing mandamus" so that the Court could oversee whether its orders were being carried out.

The *Narmada Dam* case was one of those cases where there were two distinct issues, viz. whether the dam should be built at all and whether there should be relief and rehabilitation of displaced persons. For the Government I had clearly stated that those who were affected were citizens of India entitled to the full



1986-88 | Chairman of the Committee on Administrative Law of International Bar Association



1990 | Consultant to the Commonwealth Workshop on Administrative Law at Lusaka, Zambia

measure of the rehabilitation provided in the report. But the Dam itself was in national interest. Sometimes we do not realize the remarkable reality that Rajasthan which is a not riparian State and would not even be a party in a normal water dispute now gets sorely needed water from two distinct areas viz. Himalayan water from the Bhakra Nangal Dam and water from Narmada on its Southern borders. In any event, the Union itself was directed to keep an eye on the construction of the Dam which would be commensurate at each stage with relief and rehabilitation.

All such cases had an impact on accountability, transparency and environment protection. But the case most often cited of this lot is Ramanna Shetty where good law was laid down but we lost on facts!

“ [I]f a law officer has a reputation that he takes independent views he gains much greater freedom as he is not approached for any convenient advice. I was also fortunate in having a well-integrated team. The Government’s decision as to the appointments of the other law officers should be guided by the Attorney General. ”

Magazine Committee: You have served as Solicitor General of India from December, 1989 to December, 1990 and as Attorney General of India from July, 1996 to 1998. Can you relate your experience holding two of the most prestigious offices in the legal field?

Mr. Ashok Desai: The Bombay Bar has been fortunate to contribute a succession of law officers who have maintained the tradition of the Bar which include integrity and independence. A great deal of the work of the Attorney General is not in the public eyes but can involve very delicate issues affecting the Government and the fate of citizens. The person occupying the seat of the Attorney General is appointed as the Attorney General ‘for’ India under Article 76 of the Constitution. Some of the critical cases for me included two matters where the President sought advice on capital punishment

awarded in a Court Martial and by the High Court. These were literally matters of life and death and I isolated myself for several days to go through the whole evidence. Fortunately, I could find some grounds to suggest that life imprisonment would be the proper punishment. The President was happy to accept the advice. Sometimes one had to take a position contrary to the Government stand. I had the unique experience in 1999 when the Governor of Uttar Pradesh, Sh. Romesh Bhandari advised that the Chief Minister of Uttar Pradesh, Sh. Kalyan Singh should be dismissed and the Assembly dissolved. The Cabinet accepted his report and forwarded the draft proclamation to the President. I recall meeting the President very late at night when the President expressed his reservations in the matter. I was of the view that such dissolution of the Assembly was not constitutionally permissible and that even the Cabinet was of that view the President should ask the Cabinet to reconsider the matter. This was a very unusual situation where the Attorney General had to take a stand against the Government. Ultimately the Cabinet reversed their decision—perhaps the only time that an Attorney General had to give advice on dissolution of a State Government contrary to the wishes of the Central Government.

To my mind the two lessons I learnt were that if a law officer has a reputation that he takes independent views he gains much greater freedom as he is not approached for any convenient advice. I was also fortunate in having a well-integrated team. The Government’s decision as to the appointments of the other law officers should be guided by the Attorney General. This fosters a team spirit which is of particular importance because law officers deal with increasingly sensitive matters and the team should speak with one voice.

Magazine Committee: The Government plans to abolish the Collegium system of selecting



1997 | Presented India’s Report to the United Nations Committee on Human Rights in Geneva



1998 | Led the Indian delegation to the United Nations Preparatory Committee on Money Laundering Bill in Vienna.



judges and have a distinct panel for the purpose of electing judges. What is your view on the same?

Mr. Ashok Desai: This is an issue of great importance and requires much deeper consideration than has been given so far. Over the last few years the judiciary has assumed increasing role in governance. It has tried to enlarge the contents of Fundamental Rights and has made the government increasingly accountable. The appointment of Judges becomes critical for any government which has to face the scrutiny of the judiciary. Any change in the methodology of appointment has to learn from the past history.



During the Emergency many Judges were perceived to be unduly deferential to the executive. There was a well-grounded suspicion that the Law Ministers were trying to pack the court. This period teaches us not to leave appointments solely to the executive.



In the early period after 1950, the executive enjoyed dominance in the appointment of Judges. Even before the Emergency, the Government was looking for appointing what it termed as “forward looking Judges”. During the Emergency many Judges were perceived to be unduly deferential to the executive. There was a well-grounded suspicion that the Law Ministers were trying to pack the court. This period teaches us not to leave appointments solely to the executive.

Later, under the law laid down in the Judges cases of 1993 and 1998, the Collegium system of five senior Judges took over the responsibility of initiating and

appointing Judges to the higher judiciary. The collegium system has not worked satisfactorily because it is not backed by an independent secretariat. The result is that differences are resolved by accommodating all views and merit is often submerged by seniority. For instance, the normal tenure of recent Supreme Court Judges is not more than four years.

Any changes made now must involve a participatory process where all the stakeholders, namely, the judiciary, the Government and the Bar and even the civil society are involved. Further, the process should be transparent and accountable. This can be promoted by having an independent secretariat which keeps track of all the aspirants including Judges and leading members of the Bar. And above all, merit and integrity should be the decisive factors in appointment.

Magazine Committee: What are your views on the current state of legal education in India?

Mr. Ashok Desai: Perhaps, it would be appropriate to share some thoughts on what I regard as the changes that have taken place in our profession. First, let me start with the students. I have observed that the students who emerge after five year courses in law colleges are far more ready for the profession than we were. There is certainly a problem of many of the students wanting to move from advocacy to working in legal firms. But this does not diminish the skill available to society. But I must caution that legal skill is only one part of our work for society. Ultimately we are a profession which renders service



Ultimately we are a profession which renders service and we owe duty to render the best service possible. Today there are greater opportunities because courts have enlarged access to justice by innovations in Public Interest Litigation and by not insisting on very technical rules of pleadings and of standing. What concerns me is that lawyers tend to overlook that they are a profession not a trade. A lawyer owes a duty not only to himself and his clients but above all to the court. The thrust of his work must not to succeed at any cost but to succeed within the law.



1989-90 | Solicitor General of India



1996-98 | Attorney General of India



2001 | Padma Bhushan Award and the Law Luminary Award

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Magazine Committee: From being a Senior Advocate to Solicitor General to Attorney General, you have held the highest law officer position in the country. You left behind a star in the legal profession and went as far as being awarded the Padma Bhushan. What is your message to aspiring law students who endeavor to reach such heights?

Mr. Ashok Desai: When we started we had role models about whom we had heard like Kanga and Setalvad. In actual practice, I had the good fortune to work with seniors like Gupte

and Seervai. These lawyers were not the lawyers who commanded the highest fees.

But they were men of great integrity and responsibility and would meticulously prepare the brief and turn up in court. It was not possible to think of abandoning a case and not doing it for competitive reasons. This means that court would rely on you implicitly. This takes me to what I regard as the highest quality for a lawyer. To my mind this is not the largest practice. It is credibility. If a lawyer makes a statement his credibility should be such that it would be accepted by the court because the court could trust the lawyer to know his brief and his law and make only the correct statement.

I may add that law is a very absorbing profession. But it should only be a part of life even of a successful lawyer since life is far more interesting than battles in the law courts. One should be warned by the maxim of a very successful lawyer that the life at law is not a bed of roses. In the beginning it is all bed and no roses and later on it is all roses and no bed. Perhaps, a judicious combination of roses and bed is not possible!

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With Best Compliments from
A Well-Wisher



THE ESSENCE OF

MUMBAI LOCALS

by SUCHITA UPPAL, V-I

Every single day, advancing towards the Bandra Station, the multitudes of people, the curses, the stares, the pushes and the accidents are stark, bitter reminders of everything that I find wrong with this country and its citizens. They often say you haven't witnessed the true essence of Mumbai until you have endured a train ride in the Mumbai Locals. Well, whoever 'they' are, I couldn't agree with them more. A train journey is what one would call the perfect amalgamation of diverse individuals, from diverse fields, living diverse lives, but somehow seated in the same compartment.

Travelling by train is a more insightful experience than you would imagine, certainly more insightful than I imagined when I was still a stranger to what is often deemed, the lifeline of Bombay, and rightly so.

Climbing up the steps of the station, with an occasional push and an occasional glare from a rather hurried citizen, for walking at a slow pace, I look around to see the same beggars that I have been seeing for the past 6 months; but somehow my eyes cannot get used to the sight. The blind couple by the side selling plastic items, or rather attempting to, and the now familiar man with no legs, wheeling himself around with an outstretched arm. I curse the poverty. Eagerly awaiting the train, I watch as two men bare-facedly tease two teenage girls, who helplessly defend themselves, with watery eyes and

understandable burning rage, while those around rush to their rescue. I curse the insensitivity.

The train arrives, and I see the overflowing masses of people, some hanging dangerously half out of the train. Almost miraculously, I fight my way through the crowd to enter the already packed train compartment, struggling to breathe. I curse the population.

The lack of place, the odour, the filthy train, the people's scowls and the stress all slowly weigh heavily on me and when I finally get a place to sit, all I can do is break down or curse the country. I choose the latter. But much like a movie scene, the atmosphere of the train journey turns on the philosophical side of me and I begin to look back at how my day has been so far.

I think of the beggars, the blind couple and the handicapped man. I think of their struggle and wonder how they have the will to survive. Inspired and rather moved, I don't curse the poverty; I applaud the richness of spirit.

I look back at the two men teasing the girls, but this time the overpowering aspect is the willingness of the people to readily jump to their rescue, without a second thought. I don't curse the insensitivity of the men, I applaud the sensitivity of the crowd.

I look around at the overcrowded train and observe the various people I see—the corporate dressed in black and white, the little boy selling second hand books, the fisherwoman with her catch to sell, the old grandmother fast asleep. I look at those who seemingly have it easier, and the many whose lives seem terribly hard. I look at the torn clothes of some, and the diamonds of another. One wearing a cross, and another a burkha. I don't curse the population, I applaud the diversity.

I look around at the girl who gives up her seat for the pregnant woman, those who smile at strangers, the polite nods, the helpful advice, the ladies sharing food and the school girls sharing a laugh. I look around and I do not curse this country, I truly and wholeheartedly applaud it.

The train closes in on Churchgate Station and I get down, feeling rather blessed and optimistic, seeking inspiration from all those who hold their own in the face of diversity. At the end of the day, we can focus on all that's there to complain about, or look a little deeper and we'll always find that there is so much more to smile about.

I witness the essence of Mumbai in 45 minutes every morning, and each time I seem to appreciate it even more.

Mr. Nihal Kovvali

Advocate, High Court of Andhra Pradesh

**COURTROOM
HUM  UR**

As the 'item numbers' passed by I asked, "Ma'am, do you think earning an MBA and law degree, like Bruce Wasserstein, Lloyd Blankfein and Mitt Romney will hold me in good stead?". She retorted, "Nihal, the difference between a law degree and an MBA is just Microsoft Excel; so learn functions fast. Think in boxes and express in horizontal lines, like Mr. Salve and Hon'ble Sri Justice Ramesh Ranganathan, both of whom were Chartered Accountants before they became lawyers. Then, court-craft will become courtship."



Launch of





méLAWnge 2012-13

The second of March last year was a memorable day—the curtains rolled back and the ribbons were cut; amidst much cheer and anticipation, the 83rd edition of méLAWnge was officially launched. The Chief Guests for the function were former Judge of the Supreme Court of India, Justice Sujata Manohar and popular civil rights activist, Ms. Teesta Setalvad, who among others, were instrumental in making the launch of méLAWnge 2012-13 a success.



With Best Compliments from



“Heights by great men reached & kept were not attained by sudden flight, but they, by their companions slept, were toiling upward in the night.”

- Henry Longfellow

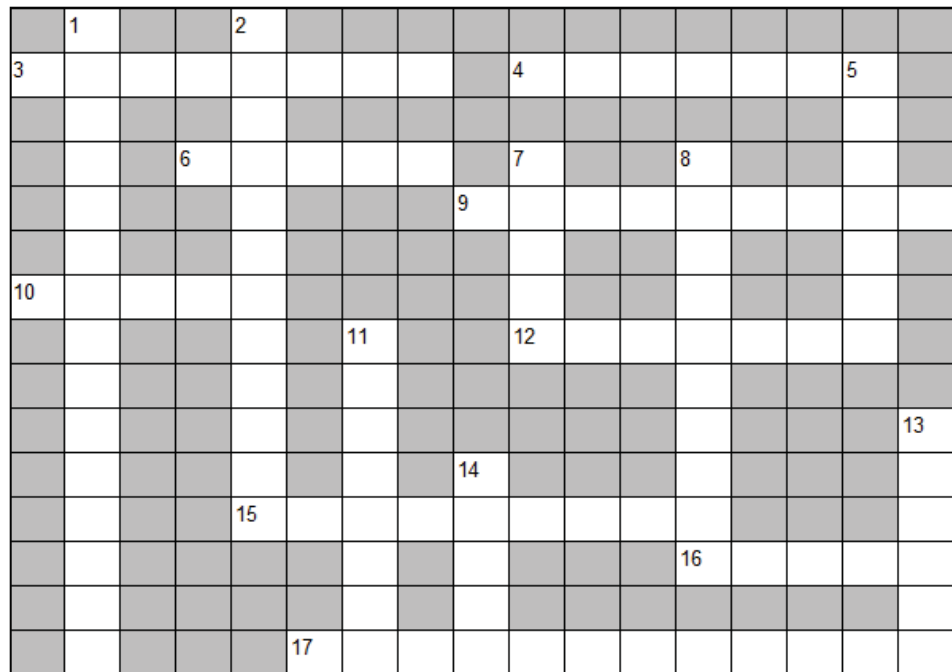
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THE LE~~X~~CRYPTIC WORD 4

by Prof. Mr. K. L. Daswani



CLUES

ACROSS

3. Forbear from prosecuting for consideration in an enclosure. (7)
4. A talking parliamentarian. Really!! (7)
6. A worker's right sounds like a stinger before the burden. (5)
9. Receive protection by buying and selling former European currency. (9)
10. Confused tales about surreptitious taking. (5)
12. The first of Charles in footwear offends moral sensibility. (7)
15. Police tricks at a dining place. (9)
16. Not the centre of Federalism. (5)
17. Refer tin plea about possible shares. (12)

DOWN

1. The vires of a law is tested on this. (15)
2. Shaky ILS optic follows a non-stereo mode to acquire position of control. (12)
5. Once again before tailor or magistrate. (7)
7. Treaty considered by a 'non intellectual' to be out of town vacations. (5)
8. Be surrounded by false teeth for a possible listing entity. (10)
11. Torn vein squashed for one who seeks protection. (8)
13. State of India before laughter to seek further justice. (6)
14. Employees holding the flag. (5)

For the solutions, turn to page 114.

KNOCK OUT!



MATURE MINOR CONUNDRUM

REMAINING ALIVE TO THE EVER CHANGING SOCIAL ENVIRONMENT, SHOULD THE LEGAL SYSTEM CHARGE THE JUVENILE DELINQUENT IN ACCORDANCE TO THE CRIME COMMITTED?"

'Knock Out!', the flagship event of the Magazine Committee is an annually organised debate in which the two participating teams, consisting of two speakers each, get a fair chance to put their views across in an engaging debate involving the members of the audience, who ultimately decide which team has won with the help of a moderator, in this case Mr. Aspi Chinoy, who was instrumental in making this year's 'Knock Out!' a success.

The topic of this year's edition of the debate was the 'Mature Minor Conundrum—Remaining alive to the ever changing social environment, should the legal system charge the juvenile delinquent in accordance to the crime committed?' Battling it out this year for the proposition were ex-student, Advocate Ranjeev Carvalho and fourth year student Prakruti Joshi, while ex-student Advocate, Vikram Nair and fifth year student, Keya Doshi were the opposition team.

The topic of whether juveniles should be charged, tried and punished in accordance with their crime is very relevant to our present state of affairs. While we can all agree that there needs to be a certain degree of

FORMAT

There Are 3 Rounds

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 panelist and the members of the audience.

VOTE OF THE HOUSE:
The moderator expresses his own views on the topic and puts it to the vote of the house.

difference in the punishment awarded to minors, the question arises as to what is to be done when a person who is 17 years and 10 months shy of 18 gets a much lighter sentence than someone who is even a day over the age of 18 for an equally serious and heinous crime.

However, as argued by the opposition, the purpose of drawing this line is to create a separate class—children, who are to be treated differently and given lesser punishments for the

purpose of reformation, as there is a greater chance of being reformed at a younger age and also to protect them from being condemned for life for a crime committed due to societal pressures.

As pointed out by Mr. Aspi Chinoy, "The problem might be in drawing lines. It is always a problem in law. When you draw a line, either side of the line, it looks very odd. Suddenly, you're liable and suddenly, you're not. So the answer might be in blurring that line depending on other circumstances. Not drawing it anywhere firmly."

The topic being of much relevance with regard to circumstances in the recent past that the country has faced, might be debated for a while and as Mr. Chinoy said might be answered by the Parliament, if it comes to in the near future.

Prakruti Joshi (Prakruti): Good Morning, everyone. Today, one of the biggest quandaries our criminal justice system is facing is: Should juveniles be charged, tried and punished in accordance with their crime? The Juvenile Justice Act (hereinafter referred to as "the Act") was enacted in 2000, to align the Criminal Justice system in India with the principles laid down by the UN Convention and the Beijing rules that followed thereafter. The objectives of having a separate system for Juvenile Justice are: One, that juveniles are not capable of forming the necessary criminal intention, implying that they are not mature enough to understand the nature and consequences of a criminal activity. Secondly, that children being young, still have scope for re-socialisation. Lastly, passing them through a juvenile justice system would ensure some kind of reformation, and therefore, preventing criminal involvement by them again at later stages.

circumstances of the crime, the criminal justice system of the particular signatory nation and thirdly, the social circumstances of the particular jurisdiction in question.

One of the most indispensable components of crime is 'criminal intention', and in this regard, juveniles are excluded from being tried as adults, as they are deemed not to have the requisite maturity to judge the nature and consequences of the crime. However, the Act presumes that being on the right or wrong side of 18 is the only component in determining criminal intention. That is a serious discrepancy in itself. Secondly, as regards rehabilitation, the Act has a mechanism in place, but it is common knowledge that Juvenile Justice homes and remand homes are grossly mismanaged and in fact, are fertile breeding grounds for criminals because the reformation process is full of loop holes and is so impractical that recidivism is now a common occurrence. Thirdly, we talk about



One of the most indispensable components of crime is 'criminal intention', and in this regard, juveniles are excluded from being tried as adults, as they are deemed not to have the requisite maturity to judge the nature and consequences of the crime.

deterrence. The deterrence value of the Act is almost nil. Records of the National Crime Bureau stand testimony to this! The criminal activity, especially in serious crimes of rape and murder, by juveniles have seen almost a two fold increase since the year 2000, which is the year when the Act was enacted. So, this clearly shows that punishing the juveniles only in accordance with their age, as prescribed under the Act, serves

The Act, firstly, fixes the age of a juvenile at 18 years. This approach is extremely straitjacketed as opposed to the very essence of the Beijing Rules which provide that the Juvenile Justice System must rest on two objectives: the first being, fulfilling the needs of the juvenile and the second being, giving penalty or meting out punishment in proportion with the circumstances of the offence and the offender. The Convention and the Beijing Rules prescribe giving punishment proportionate to the circumstances of the criminal as well as the offence. Therefore, we can conclude that the Juvenile Convention and the Beijing Rules are flexible as regards the definition of who a juvenile is. Now through Rule 2.2 in defining who a juvenile is, the UN Convention has left open this definition and said that any person who will not be tried as an adult for the commission of an offence would be a juvenile, and while fixing the age and punishment, what should be kept in mind, are the

as a very poor deterrent. There is a definite need for a mechanism that punishes a juvenile in accordance with the crime and criminal intention, and to deter and prevent such crime.

Keya Doshi (Keya): Good Morning. Let us start with why criminals are punished, irrespective of whether they are juveniles or not. Two reasons: Justice for the victim, and ensuring that it does not happen again. Considering the first aspect, would it be justice in the true sense if a person, after serving a sentence, comes out and resorts to the same act again?

Here we are referring to minor as well as major crimes, theft as well as murder. If we consider the situation of a juvenile being tried in a similar manner as an adult—a 10 year old boy who commits theft is tried as an adult and sent to a normal prison, say, for three years, he is ensconced amidst hard-core



criminals. His chances of reformation and rehabilitation in such an environment are remote and instead he may come out a more hardened and motivated criminal. On the contrary, if he is sent to a juvenile home, there is a chance for his reformation where he will be counselled, made to understand that what he did was wrong and may come back a clean person.

eroding the probability of his reformation besides coming out branded as a criminal with no possibility of a career.

Mr. Aspi Chinoy: That is an impassioned point of view, but I think a good opportunity to respond to that.

Ranjeev Carvalho (Ranjeev): At the outset, let me clarify that this is not a kneejerk reaction instigated in the heat and fervour of the moment. We are faced with a rather vexed question here which confronts us simply because the statutory framework that we have in place suffers from glaring lacunae and requires reconsideration. A perusal of the various acts applicable reveals a grey area and much confusion in the basic definitions of a 'child' or a 'juvenile'.



In India, if a juvenile has to be tried as an adult he has to stay with hardened criminals thus eroding the probability of his reformation besides coming out branded as a criminal with no possibility of a career.

The societal outlook, too, needs to be changed which tends to brand a person as a criminal for life even if he is indicted once and sent to reformatory or prison. Juvenile justice is actually about a chance for reformation and society must collaborate to make this happen. It does not imply disrespect to the interest of the victim, which is mostly much hype created by the hyper active media and so called custodians of civil society.

Under the Child Labour Regulations, a 'child' is a person under the age of fourteen. Section 5 of the Act goes ahead to say that a child above the age of fourteen can, in fact, pay the fine from his own earnings. Thereafter, the UN convention on the rights of a child grants individual countries the discretion to determine by law, the exact age at which the childhood or juvenility ceases to exist based on socio-cultural situations. So it could be 12, 14 or 16 or whatever other age is deemed appropriate. For the purpose of criminal responsibility, the Indian Penal Code itself fixes the age limit at 7 and 12 years. For the purpose of protection against kidnapping, there is another anomaly, in which for abduction and related offences; the age fixed is sixteen for boys and eighteen

Canada, which has similar laws as India on this subject, has incorporated a few societal or extra judicial measures. The resultant statistics are appalling! The number of court cases for juveniles reduced from 70,000 in 2003 to 55,000 in 2009-10, and the custody sentences from 13,000 in 2003 to 4,500 in 2010. Canada predominantly focuses on extra judicial methods, like warnings, police cautions, crown cautions and referral, something that we do not have in place. In fact, they also have a system for a conference or a pre-detention trial as well as custody restrictions. Adult sentences are rare only under particular circumstances where it is established that the minor has no moral culpability; in the rarest of the rare cases, of which there has been no incident in Canada! To be tried as an adult, the person has to be kept in a youth prison whereas in India, if a juvenile has to be tried as an adult he has to stay with hardened criminals thus,

The need of the hour is a bill or legislation akin to the violent crime and control and law enforcement, as enforced in the USA and enacted in 1994, which provides for juveniles being treated as adults for serious and violent crimes such as rape, robbery, attempted murder and murder.



for girls. And now in the Act it is enshrined as 18. We will see that despite the enactment of the Act in 2000 and the rules in 2007, and thereafter, from 2007-2011, there has been a 29.4% increase in the number of murders reported, another 35.8% increase in the

rapes reported. There has been a 48.6% increase in the offences of robbery reported and of course, in minor offences such as counterfeiting and death caused due to negligence, there has been a 132.4% and 61.3% increase respectively perpetrated by these juvenile delinquents. These figures are demonstrative of a thickening rank of juvenile delinquents who are radically impulsive and brutally remorseless simply because there is clearly no deterrence in place.

The provisions of the Juvenile Justice System, as it stands today, are ex-facie inadequate as it fails to address

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-Ranjeev

the three core issues of criminal jurisprudence being rehabilitation, punishment and deterrence. The only plausible mechanism to curb juvenile delinquency will be to beef up the Act, obviously in accordance with law and in accordance with the constitutional mandate and the UN convention. When we consider the core issue of this debate we realise that the seriousness of a crime does not deal with the crime itself committed or with the criminal; the seriousness of the crime, as it has been held by the apex court time and again depends upon the gravity and the manner in which the crime is committed. It is at this stage that the trial court looks into the depravity and the brutality involved in the commission of the crime. The manner in which the crime is committed is the litmus test indicative of the *mens rea* or the maturity of the person committing the crime. Hence, as my co-speaker has rightly put, to have a straitjacket formula where you keep a cut-off age to determine the maturity or mental capability of a person to understand the consequences of his act is sadly a misnomer.

In a society like ours, where the rule of law is paramount, a serious crime cannot be rendered benign and treated as if of no consequence solely on the basis that the offender might not have completed eighteen years of age. The need of the hour is a bill or legislation akin to the violent crime and control and law enforcement, as enforced in the USA and enacted in 1994, which provides for juveniles being treated as adults for serious and violent crimes such as rape, robbery, attempted murder and murder. This entire

doctrine of legislative exclusion was read along with another exclusion that was brought in, in the case of *Kent vs. The United States*, wherein the Supreme Court held that there are eight determinative factors in the doctrine of Juvenile waiver. While considering whether a juvenile should be put forth to a trial in adult court, the factors to be considered were the following: The seriousness of the offence and the danger to the community, the degree of aggressiveness, violence and premeditation involved,

whether the offence was against a person or a lesser offence against a property, the likelihood of conviction at trial, whether the juvenile's

associates in the alleged offence were adults, likely to be charged in an adult court, the juvenile's level of maturity and sophistication, the juvenile's record of conflict of law which can be read with section 2(l) of the Act, and the likelihood of reformation. Recent research has conclusively shown that the juvenile waiver has been potent in lowering crime rates and the threat of recidivism. Although many experts have begun to argue that preventive measures are the real key to curbing juvenile crime, the transfer of juveniles to the adult system is a proven deterrent. There are cold hard facts that sadly even the Supreme Court has failed to consider in the recent judgment, which the Chief Justice passed just before retirement. Deterrent punishment seems to make the youth respond to it and seems to cause a paradigm shift in decreasing the crime committed by juvenile delinquents. With all due respect to the Honourable Supreme Court, the judgment in the Salil Bali case has been passed without consideration to the circumstances and the facts which have already arisen. The entire judgment proceeds on the basis that the data provided at the time of hearing was not sufficient for them to tinker with the age limit. The stage has already come for us to reconsider the Act because it's not only retribution and punishment that's not being taken care of, but also reformation is not adequately provided for by the Act as it stands today.

Vikram Naik (Vikram): The object, of course, is that we as a system will punish any person who is a criminal. Now within this entity of 'person', we form a class, which is children, who will be treated



differently; that comes from Article 15 and then proceeds further. This class will always be treated differently while dealing with crimes committed by them or children in conflict with the law as the Act calls them, and even crimes against them, including the punishment meted out to them, because of the way the class is formed which is not unreasonable. There is an object to it and since you quoted the UN charter, I would also like to mention the Riyadh Guidelines, which clarify that it is the responsibility of society to reduce juvenile delinquency and blames societal irresponsibility for existence of the same.

So let's not call them 'rogue elements' in society as they are within and part of us. Today you are saying a particular class of children is committing heinous crimes where the class starts and ends at 18—before 2000 it was 16—if you want to reduce this limit to 7, 6, 3 or 14 that is a different issue of debate. That would be on whether the information, research, policy objectives support reducing or extending that classifying line. I want to make a distinction between maturity and majority here. The reason why the Act treats children differently is not because they don't have the understanding or the maturity to understand or that they are of unsound mind about why and what they have done. No one would want to be called immature because he's under 18. The point is you draw the line and call it majority—if you want to reduce it you must have a reasonable basis to do this.

Presently under the Act, the reasonable basis for the current provision is to give everyone in this class a second chance and to believe them to have some reformatory qualities and provide them the attention which was perhaps lacking. That being the objective of the Act, it is not a form of deterrence. Deterrence has not worked in society till date, otherwise there would have never been another murder. Whether the object of punishment is retributive, is a separate thing. Whether you want to weigh retribution versus reformation is a decision that a responsible society needs to make. Section 16 of the Act clearly provides that if a person who has attained the age of 16 has committed an offence and the board is satisfied that the offence committed was so serious in nature or that his conduct has been such that it would not be in his interest or in the interest of other juveniles in a juvenile home, to send him to a special home, then

they have to make a report and a state government will decide and can take appropriate action, but he cannot be sentenced for imprisonment or detention

The reason why the Act treats children differently is not because they don't have the understanding or the maturity to understand or that they are of unsound mind about why and what they have done. No one would want to be called immature because he's under 18. The point is you draw the line and call it majority – if you want to reduce it you must have a reasonable basis to do this.



beyond the maximum term. Therefore, the assumption that the Act lacks teeth is wrong. Perhaps the juvenile justice board is not dealing with them in a manner strong enough. If these homes are bad, as our friends suggests, sending the delinquent to that home may in itself be his punishment! The Act, does not always send such a child to shelter home but can also send him under the tutelage of a responsible person. But such persons are far and few as we as a society do not support this thinking and have not taken the responsibility to ensure reformation. The Act itself sounds Utopian as you're talking about giving a second chance if you remain below a certain age. If you commit a crime at 18, under whatever circumstances, or 16, you'll be out in 7 or 8 years but will carry the tag and stigma of being a criminal which will anyway deny you another chance. Though Section 19 says that all your records will be deleted after the delinquent completes the term, the fact remains that he has been tried as a criminal. He is only sentenced differently.

Does society want him to be treated like any other adult so you can see him rotting in jail or being hanged? If that be fair, then if a 6 year old commits murder with the full intent of committing a murder, do we expect the society to hang him! Do we want to be open to that analogy? That's the bigger question we pose to ourselves here. In the case of *Roper v. Simmons* in the USA it was actually held that you cannot have death penalty for minors. The idea is that you punish them differently.

Mr. Aspi Chinoy: Well, before I ask a few questions, I think it's necessary to place the matter in a clear perspective. Infancy as a defense to criminal justice is

in India, broadly till the age of 7 under Sections 82 and 83 of the Indian Penal Code (IPC). No one suggests altering that. The issue is, how do you treat criminal offences between the ages of 7 to 18? How do we respond to very serious or heinous crimes committed by juveniles? For example, you know, there is a societal interest in criminal retribution, in deterrence. Conceive a situation, where a juvenile commits rape or murder, at the age of 17 years and 10 months. Under the law today, he would get two months in a reform home and he would be out. Now there are societal consequences if we do not address this issue, but the pendulum must not be allowed to swing too far either. In other words, there has to be a sense of justice, in terms a retributive sense, at the same time it must take into account, the juvenile being inherently different from a non-juvenile. Maybe the answer lies in not lowering the bar totally, but in treating certain types of offences differently, to ensure a societal consequence. Our systems are not reformative, certainly not our penal systems, anyone who has been to lock-ups and jails can tell you about that. So, there is a real factor, a danger that, on his penalisation or condemnation, you really condemn him for life, he is then a criminal. At the same time can you treat lightly and by the juvenile brush, very serious, heinous offences committed maybe at 14, 15, and 16? So the question which I would like the panel to address is not the absolutes on either side. It's quite clear that neither of them are valid, but isn't there scope for re-visiting this area, because don't forget, criminal liability is established post 7. It's how you address criminal liability and would we not treat misdemeanours and other offences differently from heinous and serious offences? Maybe, a class needs to be carved out of that and a degree of flexibility be available. Isn't that the area? Clearly we don't want an abolition of the Act and we can't treat juvenile as criminal simpliciter. At the same time, is there not a case for carving out sections where societal interests are to be counter balanced with the juvenile's rights and interests? We don't want to abolish the Act, we don't want absolute criminal liability, but is there an

area which needs to be addressed within that.

Vikram: The peculiarity that the Honourable Moderator pointed out, was about the age of 17 and 10 as an example. In case of a juvenile over 17 years but less than 18 years of age, any order directing the juvenile to be sent to a special home for a period of not less than 2 years can be made. Then there are some provisions in this Act which are dealing with him differently if he is at 16. For example, the proviso to 16 starts off by saying that if the crime is of such a serious nature or mere reformation is not going to be sufficient, then there will be an enquiry by the Board which will submit a report to the State Government will finally decide what to do with this kind of a juvenile, whether he has to be detained in a separate place.

Mr. Aspi Chinoy: At the end of the day, under Section 16, you still cannot do anything beyond the age of 18.

Vikram: Yes, true. There is no punishment beyond the age of 18.

Mr. Aspi Chinoy: I can imagine that if there was a discretion to take into account circumstances and if you could extend the punishment, but 16 is a very limited palliative because it ends at 18 years. It would virtually mean that you can take special care of him, detain him separately, *et al*, but you would not be able to extend that beyond 18.

Vikram: The prohibition is that you cannot be committed to life, and you cannot be sentenced to death, that is absolute prohibition.

Ranjeev: One plausible mechanism that could be worked out is to rework the Constitution of the Juvenile Justice Board. Sections 4 and 5 provide for a Metropolitan Magistrate and a Social Worker who only need to have training in child psychology or training in dealing with children with some sort of experience. What it doesn't mandate is something along the lines of Section 84 of the IPC, which states that when you're dealing with someone of unsound mind, it is incumbent upon the police officer to first direct him to be put under the observation of a psychiatrist.

Therefore, an amendment to rework the Juvenile Justice Board and the mechanism of punishment to provide for their reformation of a longer term in child remand homes could itself be an answer.

- Ranjeev



Since we are here dealing with juveniles who are deemed to be of mental incapacity or have no capacity to know the consequences of their actions, it may be prudent to enlarge the Juvenile Justice Board for certain serious crimes to

include a child psychologist, who can assess a juvenile offender between the age of 7 and 18 to determine if the person committing the offence requires a certain amount of reformation, and whether this offender had the maturity to bear the full weight of a reformatory process. You can still go ahead and delete his record, you need not have people put into adult jails, and one can facilitate serving even a 10-year sentence at a reform home itself, though grossly inadequate in form and numbers, and avoid sentencing them to adult jails. Therefore, an amendment to rework the Juvenile Justice Board and the mechanism of punishment to provide for their reformation of a longer term in child remand homes could itself be an answer. We are not asking for the rarest of rare doctrine of death penalty to be imposed but just asking for these offenders be punished so that they are properly reformed and do not walk out into public having chances of recidivism. We need a concerted approach to give the Act a serious reconsideration.

Mr. Aspi Chinoy: What about the period between say 12 to 17, where the area of focus lies? What do we do with serious or heinous offences committed by those persons?

Ranjeev: In the USA, France and Canada, between 12 to 14 years, there is no liability for crimes falling under sexual crimes, for economic offences or pick-pocketing. But criminal liability extends to delinquents from the age of 7 onwards till 18 in offences of murder and death caused on account of negligence.

Mr. Aspi Chinoy: No, it's not criminal liability; it's the consequence of criminal liability. So, the criminal liability here is that they are post 7. Could you all think on this, respond on this period between 12 and 17?

Keya: Firstly, I may inform that IPC caters for inclusion child psychologists in such grievous cases where the offenders they are dealing with, may not be of sound mind and may not understand the consequences of their actions. But when you come to a

child, it is not a case of a person of an unsound mind as you presume he knows what he has done. You are just giving him lighter punishment. Appointing a psychologist to determine the mental capacity even if on a case-to-case basis raises the risk of arbitrariness to creep in. That is the reason the judge and social member are supposed to be trained in child psychology. In awarding longer terms one may risk denying a full span of career life, for example a 15 year old getting a 10 years sentence will miss his entire career building age.

Mr. Aspi Chinoy: There is some doubt on that.

Keya: Yes sir, but the idea is that he would not have that long a sentence, so that he is given a second chance at reformation. In a 10 year imprisonment, there is no second chance and he will carry home a tag on him of a criminal forever. Our society is not that reformed to allow him to build a second life, thus defeating the purpose of having a juvenile home.

Mr. Aspi Chinoy: No, but there is a certain degree of anomaly about a situation, where a parent of a victim of a juvenile assault, 2 years later, sees the criminal free on the streets. There is a societal problem. My concern is that if we don't provide intra-judicial recourse, you will have people thinking whether the judicial system or the penal system provides recourse.

Prakruti: There is no reason why a longer sentence, in proportion to the crime cannot include a component of rehabilitation. What we are suggesting is give the punishment in accordance with the seriousness of the crime and do not draw a boundary of 18 years of age in deciding the maturity or the seriousness of the crime. The Act right now assumes that as soon as a person hits the age of 18, he loses all hopes of reforming, which is not true. A person above 18 years may be reformed as well and therefore,

The Act right now assumes that as soon as a person hits the age of 18, he loses all hopes of reforming, which is not true. A person above 18 years may be reformed as well and therefore, suggesting a component of rehabilitation in the longer sentences.

- Prakruti

suggesting a component of rehabilitation in the longer sentences.

Mr. Aspi Chinoy: No, you're right. So there are various facets to it. One is liability. Then is the process of fixing liability and the consequences of liability. Merely treating a juvenile, even in serious offences and condemning him to prison, might condemn him totally. But there might be a via media situation, where you have longer sentences, commensurate with the nature of an offence, but not in a prison.

Vikram: A different form of punishment should exist for offenders between 7 and 17 which is reformatory and provides some form of retribution, but not imprisonment and not treating them at par with adult criminals. The idea of having a psychologist on board or a judicial member is flawed. On what basis can the officer who is in charge of deciding his conduct do so? How do you establish good conduct?

Mr. Aspi Chinoy: Well, I think let's bounce the issues off from anyone in the house who would like to ask any questions.

Gausia Sheik (audience): My question to Ranjeev is about the US system of waiver, and the way they try certain offences of the juveniles in adult courts. Do you think that juveniles have the capacity to defend themselves in legal proceedings the way adults would and is it advisable to conduct proceedings in an adult court, especially in our context?

Ranjeev: Considering that our legal aid system today is pretty toothless, the juvenile may move the motion of mitigating circumstances that would require him to be transferred back to the juvenile court. Since they also have a right to counsel and ironically in case he is not able to engage a counsel himself, it may turn out that a junior from the District Attorney's side itself, is appearing on behalf of the juvenile delinquent. Now I'm not sure about its efficacy, but the mechanism is in place.

Considering that our legal aid system today is pretty toothless, the juvenile may move the motion of mitigating circumstances that would require him to be transferred back to the juvenile court. Since, they also have a right to counsel and ironically in case he is not able to engage a counsel himself, it may turn out that a junior from the district attorney's side itself, is appearing on behalf of the juvenile delinquent. Now I'm not sure about its efficacy, but the mechanism is in place.

- Ranjeev

Gausia: Thank you, if I may have the opportunity to ask a question on the other side, as well?

Mr. Aspi Chinoy: Equal treatment.

Gausia: Keya spoke about the victim's family not wanting such an incident happening again. Wouldn't that mean the need for a deterrent punishment so that you deter others from doing this? Don't they imply wanting a deterrent form of punishment and not a reformatory form?

Keya: You imply, if I may put it in crude words is, revenge. We want to see them suffer because they

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- Mr. Aspi Chinoy

m a d e someone suffer. But that is not what a healthy

society is. We cannot be narrow-sighted; we have to have the vision of ensuring prevention. What we want is punishment for a particular person. But, living with guilt and facing the society with it is a bigger punishment.

Mr. Aspi Chinoy: But wouldn't that be the same for an adult, say, a 19 year old? When we talk of circumstances, like a child robbing something just for his sister, doesn't an adult too act under similar circumstances? Then do we stop punishments altogether?

Keya: No, we do not stop punishments summarily. The point here is, he is a child and needs to be given a second chance. If you brand a child a "robber", he may never seek to reform. But practically speaking

KNOCK



There is a societal interest in criminal retribution, in deterrence. Conceive a situation, where a juvenile commits rape or murder, at the age of 17 years and 10 months. Under the law today, he would get two months in a reform home and he would be out. Now there are societal consequences, if we do not address this issue, but the pendulum must not be allowed to swing too far either.

– Mr. Chinoy



The Juvenile Justice Act fails to address the three core issues of criminal jurisprudence being rehabilitation, punishment and deterrence through punishment and prevention of crime through deterrence. The only plausible mechanism to curb juvenile delinquency will be to beef up the Juvenile Justice Act, obviously in accordance with law and in accordance with the constitutional mandate and the UN convention. – Ranjeev

The concept I think is that you create a different class. You're treating the class differently, there is a rational nexus in creating this class and how people are treated. So I think it will stand the test of [Article] 14, there is no unreasonable classification or arbitrariness. – Vikram

[I]n India, if you talk about trying a juvenile as an adult, the concept of a reform home goes away. He stays with hardened criminals and there is no probability of his reformation. He will come out with no possibility of a career, labeled a criminal, detesting the society which did not give him a fair chance. – Keya

OUT!



The seriousness of a crime does not deal with the crime itself committed or with the criminal; the seriousness of the crime, as it has been held by the apex court time and again depends upon the gravity and the manner in which the crime is committed. – **Ranjeev**

The Juvenile Justice Act that we have in place punishing the juvenile, only in accordance with their age serves as a very poor deterrent. So, is there a need for a mechanism that punishes a juvenile in accordance with the crime, in accordance with criminal intention, and to deter and prevent such crime? The answer is definitely, yes! – **Prakruti**



you need to draw a line at some point after which an offender is not going to get a second chance. 90% of kids in USA according to a survey done, admitted to having committed a crime before 18, be it serious or simple in nature. Just because they were given a second chance does not mean they are going to remain criminals. When a person crosses a particular age, he does have the mental understanding of what he is doing. I'm not saying that the child does not know the exact nature of the crime or its consequences, but there are cases, like a 12 year old involved in a gang rape, where he does not understand the consequences of the act on the victim. The day he turns mature, having gone through reformatory process, he will understand. There is a difference between a 12 year old and a 24 year old. They are not on the same level. They are separate and need to be treated separately.

Mr. Aspi Chinoy: The problem might be in drawing lines. It is always a problem in law. When you draw a line, either side of the line, it looks very odd. Suddenly, you're liable and suddenly, you're not. So the answer might be in blurring that line depending on other circumstances. Not drawing it anywhere firmly.

Surekha Srinivasan (audience): My question is for the Proposition. When we compare various legal systems like India and the USA, what we also have to consider is that the USA has several other systems like foster homes or 'the child of the state', that maybe, a child in India does not have. Maybe, sending a child to a reform home is not the only solution to this problem.

Prakruti: The 2007 Juvenile Justice Rules do provide for foster homes and if you look at the title of the Act, it is "The Juvenile Justice Care and Protection of Children Act", so upon a perusal of the 2007 Rules which follow the 2000 Act, you will find that there are, indeed, provisions for foster homes and for re-integration with families, for keeping in constant touch with the juvenile families. That is not lacking at all. And as for the question of circumstances that drive criminals into committing crimes, I would like to cite a Supreme Court judgment. It's a 1996 judgment, *Rajeev v. State of Rajasthan*. The Supreme Court has categorically held that in specific cases, nature and gravity of the crime, not the criminal, is of paramount consideration in punishment. The conclusion we reach, therefore, is that punishment must be in proportion to the crime.

Mr. Aspi Chinoy: Are these foster homes and things actually set up? Or is there the usual lacuna between legislation and action?

Prakruti: There is a lacuna, but that is what we're trying to suggest. The Act as Vikram also put it, is utopia. It's an impractical legislation. And what is the use of having an impractical legislation in place?

Mr. Aspi Chinoy: Any further questions, for them?

Vatsala Pant (audience): Ranjeev cited examples of the USA. We do acknowledge that half the laws are similar but we fail to understand that the society of the USA and that of India are poles apart in terms of maturity and mental ability of a child to grow and decide what is wrong and what is not.



Ranjeev: While appreciating your point, I reiterate that the Juvenile Justice Board needs to have a child psychologist. My entire argument has been not to reduce the age and once again create a differentiation line, but to consider on a situation basis, the gravity and the manner in which the crime is committed because that is indicative of the maturity of the mind, of whether there is any place or room for reformation. The entire juvenile justice system works on the basis that a juvenile's character is not fully formed till the age of 18, hence there is still room for reformation. A child psychologist studying this will make much difference. Let the Juvenile Justice Board consisting of a child psychologist or any other doctor with that sort of expertise consider the subject and take it forward. Again it will be open for the juvenile to argue mitigating circumstances that require him to either be taken away from the adult system and put before the board or put before the adult court system. The onus will either be on the State or on the juvenile.

Vikram: Not meaning to rebut, but I'm just going to read: 'the Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class as the case may be and two social workers of whom at least one shall be a woman, forming a bench and every such bench on... no Magistrate shall be appointed as a member of the board unless he has special knowledge or training in child psychology or child welfare.' Isn't that sufficient?

Ranjeev: That wouldn't be sufficient!

Vikram: When you say special training, this is the same judicial personality that you require with special knowledge of child psychology and training in child psychology. The same person who has this knowledge will be given the discretion to decide what a heinous crime is depending on or what the state prosecutes to be a heinous crime. So if you're blurring the line at that, there should be a policy in place before this, because the entire Act comes about because of the policy. I admit that for a better implementation of the Act, you can have a more solid mechanism in place, you can definitely put in place a policy, draft

guidelines, a set of rules, use technology—I think in the USA they apply those devices to your foot where you can't go beyond your house, if you're under juvenile detention. You can use these methods. The point is when you blur the lines, you give scope to a lot more judicial discretion and not all the members on the board are judicial personalities.

Pranjal Krishna (audience): Keya stated that one of the two reasons why punishment is given is to bring justice for the victim. Why do you assume that all victims will accept that if the perpetrator is punished and reformed, it is justice given? Can we

The Supreme Court has categorically held that in specific cases, nature and gravity of the crime, not the criminal, is of paramount consideration in punishment. The conclusion we reach, therefore, is that punishment must be in proportion to the crime.

- Prakruti

reform him because he is a juvenile? I want justice for the crime he has done, justice for what I have suffered. A lot has been talked about reformation in juvenile homes whereas a lot of things happen there apart from reformation. So whose responsibility is it to actually overlook whether any reformation is taking place or not?

Keya: Your question that if someone kills someone's kin, you would want justice to be done. What would your concept of justice be? He killed your brother so you want to kill him? That is plain revenge.

Pranjal: It doesn't imply that but he should be tried and put to justice.

Keya: Absolutely, he should be tried, I completely agree with you. We cannot say the child who perpetuated the crime is not tried. When he is before the Juvenile Justice Board, if it is proved he has committed the crime, he is guilty of murder and convicted but the only difference here is between the sentencing that's given to an adult and the sentencing given to a child.

Pranjal: So do we assume that after he is released from the remand home and all the records are destroyed, if he commits another crime, then will that be his first offence for the second time?

Vikram: When he gets out, he's not a juvenile anymore and he is tried as an adult and while justice is



When you say special training, this is the same judicial personality that you require- special knowledge of child psychology and training in child psychology. The same person who has this knowledge will be given the discretion to decide what a heinous crime is depending on what the state prosecutes to be a heinous crime. So if you're blurring the line at that, there should be a policy in place before this, because the entire Act comes about because of the policy.

- Vikram

meted out his past record and the circumstances in which he committed it are considered. You can actually then hang him if the gravity is so.

Sonal Lalwani (audience): My question is to the Opposition. The Indian Penal Code is based on a basic framework that says that the punishment is based on the nature of crime. So it is different for kidnapping, murder, pick-pocketing or such—so why not even for juveniles we make the sentence based on the nature of crime rather than on the basis of mere age, be the line 18 or 16?

Prakruti: As pointed out rightly that the offences that are graded, also have graded punishment. Even in murder, the components, ingredients and the intention are to be looked at. Culpable homicide is punished differently and death due to negligence is punished differently. So what we're looking at here is really the intent, the criminal intent which causes the graded punishment.

Mallika Mallampalli (audience): I wish to clarify from either party through a scenario where two friends, a year apart, one is 17 and the other 18 commit the same offence together, being a first offence for both. So on conviction one gets away with a stint in a remand home and the other is punished with imprisonment. So where is the equality in this?

Vikram: The concept I think is that you create a different class. You're treating the class differently, there is a rational nexus in creating this class and how people are

Making a black and white differentiation between a juvenile and an adult is rather reeking of arbitrariness, simply because someone, like Mr. Chinoy rightly put it, would be seventeen years and two months, short of completing eighteen and get a lesser sentence while someone who is eighteen years and one day old, would probably get a higher sentence. So now, the scope for judicial discretion also elongating the entire process is not something we need to be concerned with because any enactment at the end of the day is only as effective as its execution.

- Ranjeev

treated. So I think it will stand the test of Article 14, there is no unreasonable classification or arbitrariness.

Mr. Aspi Chinoy: But there is an inherent problem in drawing lines. If you draw rigid lines, on either side of the line an element of arbitrariness inherently creeps in. So the question is whether we should draw a line or whether we should have a degree of flexibility here to take the nature of the offence into account.

Mantul Bajpai (audience): My question is to Ranjeev and Prakruti. Don't you think we are failing as a society when a child commits such a crime? A child is getting benefits from various government schemes, for example Right to Education. So don't you think we fail as a society?

Prakruti: I think we are definitely failing as a society if something like this happens. But then we are still failing as a society even when an adult commits a crime as it is for the same reasons he is doing it. But this does not mean that the punishment given or the rest of the society should suffer or be put to injustice or one part should be antagonised for something that society has done together. If we adopt a socialist theory of punishment, then all criminals must be left free because what they are doing is because of a reflection of society, which is absurd. That is not the objective of criminal justice.

Kunal Katariya (audience): My question is to the Proposition. Considering the status of the judiciary and the judicial reforms that are required in the country, most of our

legislations prefer that there should be no arbitrariness or no discretion that is given to a particular individual in order to ensure the uniformity across all the legislations that occur. So for the first place there is always a sword hanging around on the head of the accused, as to what punishment he is going to be given. In addition to that you are hanging another sword to his head trying to decide if he has to be tried as a juvenile or adult. Considering the age at which the crime has been committed is below eighteen, is it not unfair for that particular child, as most of these crimes are committed because of the societal pressure that exists around us? The second

Act provides for four months to finish the inquiry. So instead of living with or probably wanting to live with something like this for four years, this is not a bad provision. Secondly, I think the aspect that you said about unreasonableness and arbitrariness about someone who is born earlier or has done something earlier, I think the proviso under 16 (2) would cover this case. It would fairly apply and probably, the sentencing would be such that though they are tried under different acts, the sentencing or the punishment aspect that you are looking at would be fairly similar.

But there is an inherent problem in drawing lines. If you draw rigid lines on either side of the line an element of arbitrariness inherently creeps in. So the question is whether we should draw a line or whether we should have a degree of flexibility here to take the nature of the offence into account.

- Mr. Aspi Chinoy



aspect, if he does not have the means to hire a lawyer of the particular quality he may end up being treated as an adult while a person with means can get away being treated as juvenile? Does this discretionary power and arbitrariness not create another flaw in our much flawed judicial system?

Ranjeev: It does definitely create a flaw. But justice need not only be done, but seem to be done. So, if it takes four years to figure out if he is a juvenile or not, that's something that we have to live with, because the date and the cut off will be of the commission of the offence, whether he was a juvenile or not. Now on the second part of your question, making a black and white differentiation between a juvenile and an adult is rather reeking of arbitrariness, simply because someone, like Mr. Chinoy rightly put it, would be only two months, short of completing eighteen and get a lesser sentence while someone who is eighteen years and one day old, would probably get a higher sentence. So now, the scope for judicial discretion also elongating the entire process is not something we need to be concerned with because any enactment at the end of the day is only as effective as its execution. But we need to have the Act in place for it to be properly executed, in the first place.

Vikram: Adding to what he said, firstly the present

Mr. Aspi Chinoy: The problem is again as you go down the line, what happens is that two months before eighteen and two months after. That is the inherent problem of drawing lines. Life doesn't necessarily draw lines, law does. I think we'll start with our closing speeches now.

Prakruti: Drawing a line or adopting a straitjacket approach is definitely not the way to proceed, when it comes to punishing or even reforming a juvenile. What we need today is a mechanism that addresses the special needs of a juvenile as well as the needs of the society. We need a system that gives justice to society, not antagonise the society but yet works as an effective deterrent. We are not proposing this change only in the light of certain events. These are statistics that have spanned over twenty years and that have shown that the mechanism in place is highly ineffective. That is what warrants the change. And I think approaching it with more maturity, with more safeguards, as increasing the investigation period or putting in more experts on the panel is the solution to the problem.

Keya: I think the main problem here is drawing the line. If I may just add this and ask you to consider this in a different perspective; consider voting. A person who is 17 years and 364 days does not get to vote



We don't want to abolish the Juvenile Justice Act, we don't want absolute criminal liability, but is there an area which needs to be addressed within that.

- Mr. Aspi Chinoy

and a person who is eighteen years and one day old gets to vote. Think about it in that perspective. It exists in every walk of life. There is no way around it. Also if we are considering statistics for twenty years, I'm sorry, the Act has been in place for barely thirteen.

Ranjeev: There has been a Juvenile Justice Act since 1986. It's been repealed by 2000 and then the 2007 Rules, and those are the statistics along which my very resourceful co-speaker had researched into and that was the conclusion she arrived at. To my mind, we are very sure that there needs to be a blurring of the lines, and the blurring of the lines needs to be along a determinant of factors, which would decide the manner in which the crime is committed, the kind of maturity that the person possesses, and more importantly whether the maturity possessed by the person warrants a longer sentence for reformation or punishment or deterrence through prevention. Let us make no bones about the fact that in our criminal justice system, whether juvenile or adult, the basic aim is to reform, to punish and to prevent through deterrence.

Vikram: My submission is that when we draw a line, we create a class of children; the line is to see where the class ends. And this is only in regard to the Act, because the idea is to treat them or punish them differently, apply a different theory which is primarily reformation. I do not think there is no deterrence at

all. The degree of deterrence is different and is inherent in this form of punishment. The principle of reformation or the privilege of reformation is much higher. The concept again is majority, which will encompass maturity or not is a different question. The idea is that once you have the class and you allow someone to blur the line, you are allowing that much more discretion to creep in to the system and opening up yourself to much more creativity from either side to ensure that they do not take undue advantage or skip the advantage of the juvenile justice. As a society we owe it, to treat them differently and to reconstitute them into society as better persons. This might be utopian, but if you don't try it, it will never succeed.

Mr. Aspi Chinoy: So we've had this rather stimulating debate and it's a debate which will go on for quite some time, here and elsewhere, and it's a debate which is propelled by circumstances which happen around us. But, that's how everyone changes their points of view, and thoughts on topics. Clearly not an easy answer on either side, but I'm told there is a tradition here, of voting on propositions. I think it's your time to decide where the line gets drawn. Well, I think the proposition has it for the moment. My congratulations on a debate; well researched, well-argued and well presented. A question which will go on for some time and which I think parliament might answer, if it comes to in the near future. Thank you very much.

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The desi Picassos

by Preeti Sahai, V-I

In this wide wonderful world of ours, there are artists who paint with their hands and there are artists who paint with their feet. But there exists a rare breed of artists, unique to India, who far surpass the rest in terms of methodology and talent—they create their masterpieces without using their hands or feet and that too, with unerring accuracy! Entirely self-taught, these artists improve their skills by trial and error. Over time, the skill becomes a habit, second nature—not a day passes without the creation of an artwork. In fact, accomplished practitioners are known to create at least 4-6 artworks in just one sitting! Their's is a single-minded determination to create masterpiece after masterpiece, complemented with zeal, dedication, perseverance. Neither public appreciation, nor remuneration, is of any interest to them. Their art is their 'sadhana'—it is a way of life, and perhaps, a deeply gratifying spiritual experience.

A close study of these desi Picassos and their manner of working reveals several nuggets of precious, mind-boggling information. What is most awe-inspiring is their expansive vision. They have a burning desire to beautify the whole of India—fences, boundary walls, pavements, bus-stops, railway platforms, heritage monuments, roads and even walls of rooms, offices and buildings—any and every empty space is their canvas. The landscape of India is dotted with their exquisite creations. Definitely not your average pointillism, cubism or impressionism! The tools of their craft are another marvel. Sourced extensively from Lucknow, Benaras and Calcutta, they are infused with several herbs and condiments and stored in metallic cases for better and long-lasting colour. Speed, strength and accuracy are pivotal factors. But one must

ensure that nothing is overdone or else, the creation will have no lustre, appeal or recall-value. The trick here is to do your little and leave the rest to the forces of nature. Almost all practitioners rely on gravity to enhance their creations—it draws the reds (varying in intensity, from deep maroons to brighter hues) downwards, providing a spell-binding cascading effect. And the best part is that these artworks don't need to be protected in glass cages or wooden frames! They are durable, termite and scratch resistant and only become better with every addition/subtraction that the passage of time causes. Viewers are free to touch, photograph (with flash!) and even scientifically examine them!

Alas! Due to the very sadistic Indian habit of criticising all things good, this talented lot hasn't received its due. The media has been particularly unkind to them. While their contemporaries are feted and celebrated as national icons, these supremely gifted artists are reduced to ignominy. Unfavourable reviews, harsh criticism and public naming and shaming are *de rigueur*. Perhaps this is because this art is actually an acquired taste. After all, creating abstract patterns on the wall opposite your seat, by spitting out the paan that you just enjoyed, isn't everyone's cup of tea, is it?





SHIKHAR: 28th - 31st January, 2013



JAN

SPIL Summit: 1st - 3rd February, 2013



FEB

Delhi Study Tour:
24th Feb-
6th March,
2013



FEB

A YEAR

GLC MUN: 12th-14th March, 2013



MAR

Freshers Moot: 7th - 8th August, 2013



AUG

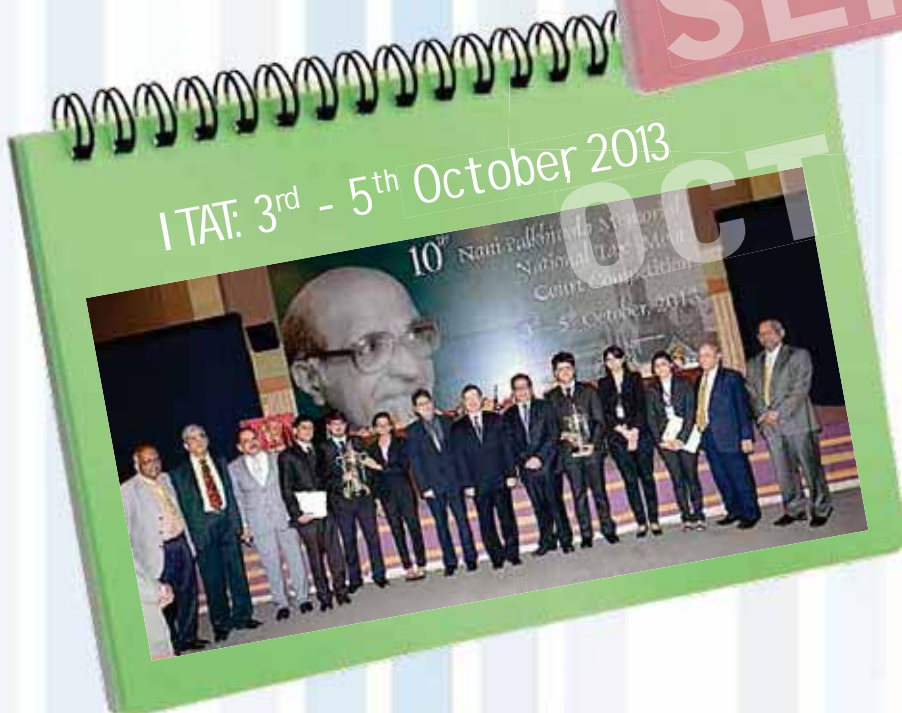
Charity Sale-Incredible India:
20th- 21st September 2013



SEP



IN GLC





Leo Club Donation Visit:
5th October 2013



OCT

World Quiz: 12th - 13th October 2013



OCT

MIPS: 13th - 15th January, 2014



JAN



FDI IN CIVIL

A Foreign Direct Investment (FDI) is an investment made by a company or an entity in another company or entity established in any other country. The entities which make direct investments typically have a considerable degree of influence and control over the company in which they make such investment. Overseas investment can be made in a number of ways—for instance, by setting up a subsidiary or associate company in the foreign country, by acquiring shares of an overseas company, or through a merger or joint venture. The Government of India has been steadily liberalising the FDI regime over the time. Recently, the Department of Industrial Policy & Promotion (DIPP) has revised the FDI norms in the civil aviation sector on the recommendation of the Arvind Mayaram Committee. Undermining the previous guidelines which forbade foreign airlines to have any sort of investment in this sector, the DIPP has now allowed the investment by foreign airlines to be made up to 49 percent on the automatic routes which do not require prior government approval.

The latest modifications in the FDI policies in the aviation sector are presumed to be an outcome of the losses suffered by most of the Indian carriers due to high taxes on jet fuel, rising airport fees, costlier loans, poor infrastructure and cut-throat competition.

Recently, Jet Airways and Etihad Airlines entered into an investment deal where the latter proposed to invest USD 379 million for 24% stake in Jet Airways. It is supposed that this strategic investment deal between Jet Airways and Etihad will deliver a sweeping revenue growth and cost synergy opportunities for both the airlines. This ongoing deal is said to have influenced the Government of India to bring about changes in the FDI policy for civil aviation in order to benefit the investment deal. This deal will be governed by the Indian Aircraft Rules, 1937 and is said to enhance the bilateral flying rights which will enable Etihad to fly more frequently to India. Also, if the hub is established in India, this deal could make a positive impact on the employment opportunities in India. Perhaps, the opening of this avenue to foreign airlines will profit the consumers by more competitive fares, better services and strong international connectivity.

The second highlighting arrangement is between Malaysian airlines AirAsia, Tata Group and an investment firm, Telestra Tradeplace where their respective stakes in the Indian Joint Venture, AirAsia India are stipulated as 48.95%, 30% and 21%. AirAsia's mantra 'now everyone can fly' is believed to be well-established for the highly-competitive yet highly-potential domestic Indian aviation market, which seeks to expand its dominance beyond the Association of South East Asian Nations (ASEAN) region. Tony Fernandes, CEO of Malaysian budget carrier Air Asia has improvised the travelling in the Southeast Asia with his low-cost business model.

Though this deal may have many positive factors, some of the raised issues have kept this ongoing deal in abeyance. In a plea filed by a former Member of Parliament, some major controversies have blown up pertaining to this Joint Venture. The first allegation made under the plea is on the legality of the clearance granted by the Foreign Investment Promotion Board to AirAsia India Private Limited. According to the FDI policy of 2013, clearance can only be granted to the existing Indian companies. However, in the present case clearance was granted to AirAsia India even before it came into existence!

The second issue about the 'effective control' has also been raised in respect of this deal. It has been predetermined under the AirAsia-Tata deal that the effective control would lie with AirAsia. Also, the arrangement of the agreement entered into between the three parties of the said Joint Venture does not allow Tata Sons and Telestra to take up effective control. However, according to the current FDI Policy of 2013, in case of an investment made by a foreign airline into an Indian airline company, the effective control must compulsorily be vested in the Indian nationals. Now that the Indian Civil Aviation Ministry has granted a No Objection Certificate to AirAsia India to commence its operations, it has crystallised the fact that the government has conveniently skipped some of the conditions stipulated in the FDI policy. AirAsia India has headed up to apply to the Directorate General of Civil Aviation for its Scheduled Operator's Permit which is the last step before it could start its services.

AVIATION

by Vinit Patwari, V-IV and Rupal Shah, V-IV

The Indian Government has also committed to advance Rs. 30,000 crore for the revitalisation of Air India and a sum of Rs. 5,000 crore has already been provided under the budget 2013-14. With this swift liberalisation of market in the civil aviation sector, this entire sum of Rs. 30,000 crore which is pooled from the taxes paid by Indian taxpayers will sink without a trace.

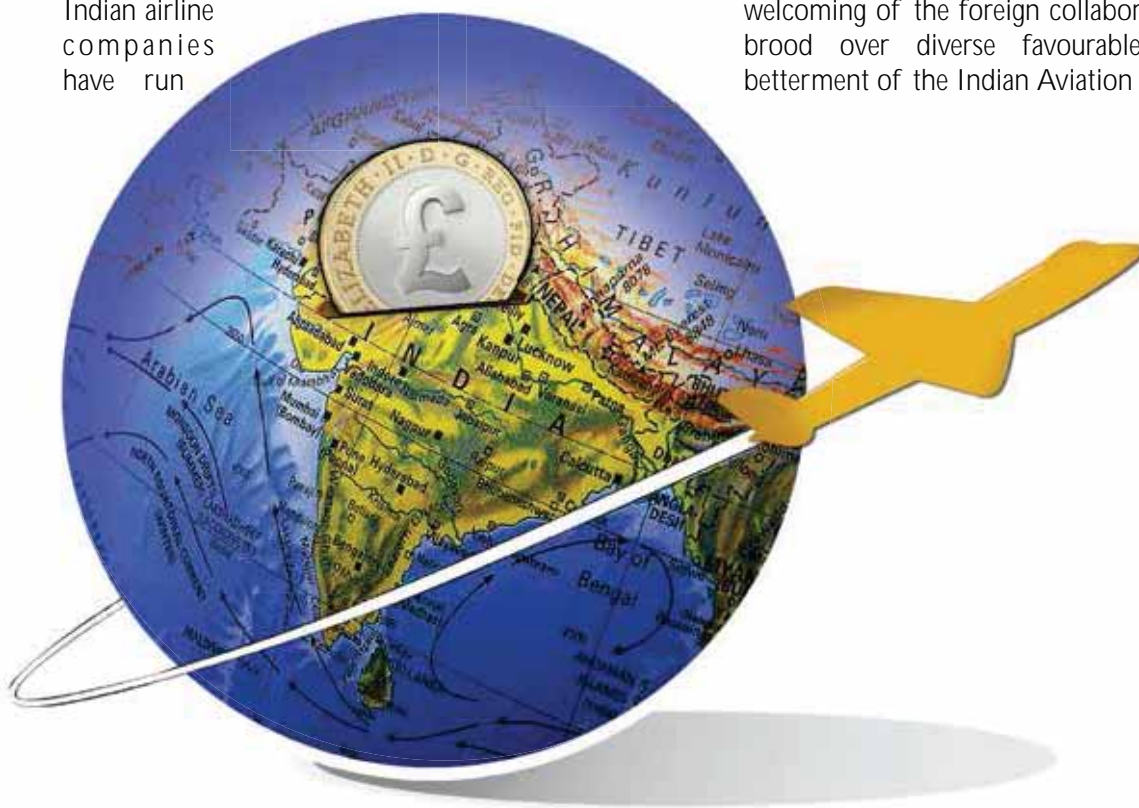
The plan of Indian government on finalising the FDI decision was to encourage the penetration of foreign capital into the heavily indebted incumbent airlines, which will ultimately support the recovery and expansion of the airline. But the inclusion of AirAsia would in fact intensify competition in an already highly-competitive marketplace.

Moreover, if these aforementioned deals go off well, then more than the promotion of foreign collaborations with Indian companies, it would leave a presumption that the Indian entrepreneurs cannot run airlines with their own capabilities and funding. The costs of operations have gone up and the dollar appreciation has hit India very badly and it seems that Indian airline companies have run

out of money and are in desperate need of cash to keep up their respective airlines. While handing out a red carpet treatment to foreign investors, the Government should not forget their obligation of contemplating the rules and regulations.

Though it is certain that these revisions in the civil aviation rules will provide reassurance to the foreign investors, there are several other points which the Government has expediently missed. This atypical decision of allowing foreign domination over Indian airline companies may pose a severe threat to India's national security as no other nation allows foreign interference especially in the sector of civil aviation.

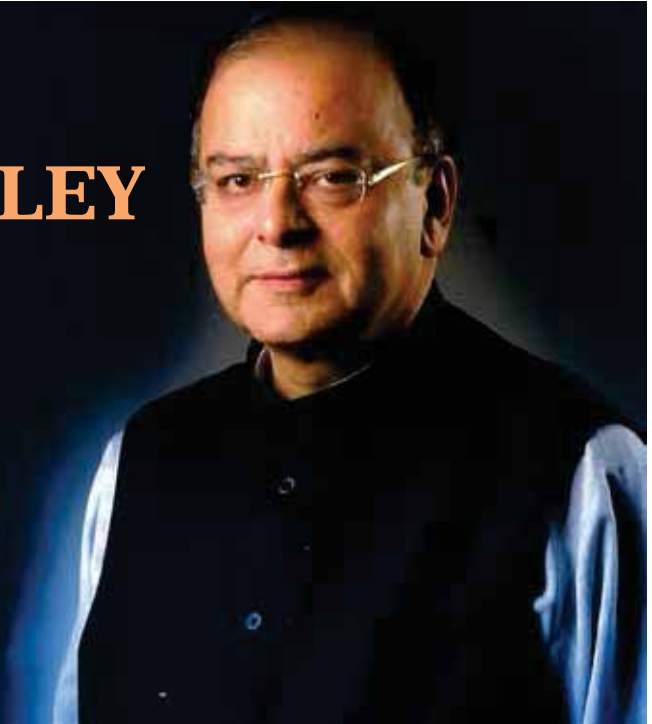
The Indian Aviation Industry has been going through a patchy phase over a long duration of time. Its smooth operation has been hindered due to manifold reasons such as high debt burden, liquidity constraints, high fuel prices, etc. but this does not mean that the Government should take hasty decisions just to get over with the crisis. The Government is not only obliged to foresee the implications which may arise in the future from this welcoming of the foreign collaborations, but also to brood over diverse favourable steps for the betterment of the Indian Aviation Industry.





AN INTERVIEW WITH **MR. ARUN JAITLEY**

Leader of Opposition in Rajya Sabha and an indispensable part of BJP, Mr. Arun Jaitley gives us a glimpse into his his life and experiences as a lawyer and his views on the upcoming elections.



MAGAZINE COMMITTEE

You pursued your education at some of the finest institutions in the country. Please give us an insight to your yester years and your life as a student in Delhi. What factors inclined your interest towards being a part of the political system of India?

MR. ARUN JAITLEY

I was always a moderately good student in academics. In school, I was always interested in sports. In college, I took to debating in Hindi and English in a big way. I also contested elections of the Students Union under the guidance of ABVP. That was the starting point of my association with politics.

MAGAZINE COMMITTEE

You have had a dream career ranging over several landmark cases with dream clients being some of the biggest names in the country and now you are an established top notch politician. Personally what do you think you enjoy more? Practicing law in the Supreme Court or the rush of elections and rallies?

MR. ARUN JAITLEY

Law trained my mind. It inculcated in me the art of being articulate and precise. It also gave me adequate financial resources. Later when I joined politics, it brought me in touch with people and gave me a better understanding of issues, both national and international. I enjoy Parliament as also articulating my party's position orally and in writing.

MAGAZINE COMMITTEE

During the Internal Emergency, which is referred to the darkest period in India's history, you were under preventive detention? Could you tell us about what impact that phase had on your life?

MR. ARUN JAITLEY

Emergency was a period when Mrs. Indira Gandhi decided to become a dictator. She suspended human rights. The right to equality, life and liberty and fundamental freedoms were suspended. Lakhs of people were arrested without trial. There was censorship on the media. Political activity was suspended. I was the first person who offered *Satyagraha* against Emergency on June 26, 1975. My commitment to freedom and fairness was strengthened by my experience during the Emergency.

"I was the first person who offered Satyagraha against Emergency on June 26, 1975. My commitment to freedom and fairness was strengthened by my experience during the Emergency."

MAGAZINE COMMITTEE

Do you think the Bofors scandal did anything to change laws in our country to discourage fraud? The immense government pressure made reporting

difficult. Please tell us more about the press reporting and your investigation of the scandal?

MR. ARUN JAITLEY

Bofors investigation was one of the first cases where secrecy of the Swiss Banking laws was cracked. Switzerland provided to India details of the accounts in which kick backs had been paid on the sale of 155M Bofors Guns. The law was amended to provide for co-operation being sought from foreign countries.

MAGAZINE COMMITTEE

Having been a student vehemently involved in political activities, Sir what do you perceive of today's youth? Do you think much more needs to be done in order to improve their participation in the realm of politics?

MR. ARUN JAITLEY

When I was a student, activities in the university were very political. There were very few career opportunities at that time. Today, political participation in campuses has declined. The students today, are far more involved in academics. Their career guides them a lot more. The present system is more inspirational and better than what it used to be back then.

MAGAZINE COMMITTEE

Could you recount any memorable incidents from your illustrious legal career?

MR. ARUN JAITLEY

My last case that I argued about five years ago was one of the most satisfying ones. It was in relation to the exclusivity which the patent grants to a holder and I was arguing on behalf of Cipla. The judgment read that patents can only be granted if the inventive value in relation to the medicine is of substantial nature and not merely marginal improvement over existing formulation. This balancing act between invention and public health was restored through this case.

MAGAZINE COMMITTEE

Sir, you were a delegate on behalf of the Government of India to the UN General Assembly in 1998 where the Declaration on Law relating to Drugs and Money Laundering was approved. With your participation in several global conferences, how do you think India's image in the eyes of other nations has developed over the years? Could you please tell us a little about your experience in such conferences?

MR. ARUN JAITLEY

Both in 1998 and 2013, I had experience of speaking at the UN General Assembly. It gives an opportunity to read a lot about the subjects on which the conferences are held. A lot of advance material is provided to us by the Permanent mission of India at the UN which helps us in our preparation. Similarly, in relation to other global conferences in which I have participated, relating to Law, my most memorable conference has been the Ministerial Conference at the WTO.

“Similarly, in relation to other global conferences in which I have participated, relating to Law, my most memorable conference has been the Ministerial Conference at the WTO.”

MAGAZINE COMMITTEE

Having been on a case of marketing with its effect on the environment, what do you think of the scope of environmental law in India is? The environmental practice flourishes abroad, do you think it has as exemplary a scope in India too? Would you encourage young lawyers to take it up?

MR. ARUN JAITLEY

Environmental laws are an important aspect in the evolution of law. As the economy grows the balance between economy and ecology has to be maintained. This balance will continue to evolve laws in future. This is a branch of law which will develop in the upcoming years and needs to be followed by students.

MAGAZINE COMMITTEE

You're known to be the most strategic election planner in the Bharitya Janta Party. You have managed 8 assembly elections as general secretary of the BJP. You are considered to be the mind behind the victory of most BJP state governments in the country. The General Elections are just a few months away from now. What is going to be your role in the upcoming elections?

MR. ARUN JAITLEY

Managing elections is a science. It is all about studying the popular mood of the people and then analysing as to why your party or its leader will be acceptable to the people. Anti-incumbency elections are easy to manage. The 2014 General Elections would be an anti-incumbency election against the UPA.



MAGAZINE COMMITTEE

You were Additional Solicitor General of India and were appointed to look into the Bofors scandal. These scandals are continuing and in a much bigger form. What do you think is the situation of black money stashed in foreign countries and how do you think we can get rid of corruption in our country?

MR. ARUN JAITLEY

There are two kinds of black money which are stashed abroad. One is money arising out of tax evasion and the other is crime money. Today, it is possible to crack the foreign banking accounts. It is easier to crack this money arising out of corruption and crime.

MAGAZINE COMMITTEE

You are a great orator with exceptional advocacy skills, Sir, what is your message for the readers of this magazine who will in a very short period of time, step into the professional world hoping to make a career as glorious as yours?

MR. ARUN JAITLEY

Public speaking is an art. It helps you in political articulation. It helps you in advocacy. It is an art of saying the maximum in a few words. Brevity, relevance, sarcasms, vocabulary are all necessary to help a person to develop this art.

PORTFOLIOS HELD

Senior Advocate, 1990
Additional Solicitor General, 1989
BJP Spokesperson, 1998
Minister of State Information and Broadcasting, 1999
Minster of State, Disinvestment, 1999
Vice President of BCCI, 1999
Member of Rajya Sabha, 2000
Minister of State, Law and Justice, 2000
Minster of Shipping, 2001
General Secretary, BJP, 2002
Leader of Opposition Rajya Sabha, 2009

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after GLC

After GLC is a section of the magazine which sees ex-students of Government Law College, who have managed to carve a niche for themselves in the ultimate field of their choice, be it law or otherwise, writing briefly about their experiences in the world outside of GLC and their journey after graduating from GLC to their current positions. This section often proves to be a source of inspiration for the students of the institution who aspire to the same level of achievement and a source of pride for the faculty and administration of the College.

This year, the Section documents the journeys of two members of GLC's alumni, each of whom graduated from the College, but then proceeded to pursue careers in completely different fields. Karishma Parekh was an undergraduate student at the London School of Economics and did her law in GLC after graduation. Her journey after law made its way back to London, where, not only did she pass her Bar exam with flourishing colours but was also awarded pupillage in one England's magic set of chambers, the Fountain Court. Karishma then went on to secure a permanent place at a leading set of barrister's chambers called 4-5 Gray's Inn Square. Karishma relates her experiences in all these prestigious offices in India and abroad. Raunak Kapoor passed out GLC and then went on to pursue a career in a completely different field. After hosting shows for the All India Radio, he now presents cricket for ESPNcricinfo.com, following and talking to the biggest cricket maestros. An active part of the Moot Court Association of GLC, Raunak regards the College to be instrumental in his success. In a matter of just two years, Raunak with his incredible talent has reached places one only dreams of. With his usual zest, he explains to readers the bitter-sweet experiences of college life. In this Section, Karishma and Raunak relate their courses to where they are today and explain how GLC formed the cornerstone of their success.



Find Purpose, The Means Will Follow



Karishma Parekh

There is no better way to tell a story other than starting at the beginning and ending at the end. So here is my 'Life after GLC', as I have been flatteringly asked to narrate by the Magazine Committee this year. In 2001, while reading a degree in Management Sciences at the London School of Economics (LSE), I had my first stint in law when I took a class in Commercial Law taught by Professor Hugh Collins (now the Vinerian Professor of English Law at Oxford). I fell in love—with the class, the professor and the law! Nearing my LSE graduation, I applied to Cambridge University for a second degree in law, to find out just in time that it would not be recognised in India as my first degree was not an Indian degree. As I was certain that I wanted to practice in India (little

did I realise that destiny would bring me back to London), I gave Cambridge up and risked arriving in Mumbai, two months after the law colleges had started. Upon landing, I went straight to GLC and spent the next week attempting to convince the administrative body that despite all the odds (my final marks had not been released, I did not have a migration certificate and classes had started two months prior), I was a good student to take a chance on. I am so glad they did and sincerely hope they feel the same!

When I had walked towards GLC to attend my first lecture, I recall looking up at the building and wondering what a contrasting difference in infrastructure it was going to be. Just the library block at LSE was larger than the entire GLC campus! However, that was the first and last time a negative thought crossed my mind. GLC had so much to offer: its prestigious name, some fabulous teachers who were respected practitioners, the mootng culture, famous alumni, intellectually stimulating peers, the opportunity to polish one's advocacy skills and lastly, its proximity to the legal district in Mumbai. Nothing beats experience; and the academic schedule from 7-10 am, attended or otherwise, gives GLC students the opportunity to work simultaneously while pursuing our degree—an unmatched advantage!

It was this and the GLC internship programme that got me into Senior Counsel Mr. Janak Dwarkadas' chambers. On my first day, I was completely overwhelmed by the profile of the team introduced to me, who were alumni of Oxford, Cambridge and



Georgetown Universities and I had a delightful feeling that after all, my decision to return home wasn't bad at all!

This followed with an articleship at Wadia Ghandy & Co. where I learned a very crucial lesson of never saying no. The clerks soon realised that I would go to court at the drop of a hat and my seniors encouraged me to appear at all forums—big and small. By the time I had completed my articles, besides having graduated from GLC, I had appeared before the High Court, the Division Bench, the Debt Recovery Tribunal, the Prothonotary and the Court Receiver. I prepared for my appearances before the Court Receiver just as I did before the High Court. Entering this world was a high and I felt like flying when I had stood my ground before the judge and the other side. I knew that I was prepared to take on the world with this wealth of advocacy experience.

I then joined Mr. Zal Andhyarujina's chambers as his first junior and there was no better place where I would have rather been. I got excited at every brief, big or small, and could see my whole life pass by in that happy chamber. Life, on the other hand, had something else in store. I got married and then relocated to London. My husband and I had a pact that I would return to my practice at the Bombay High Court within a year. Four and a half years have passed since and we are still in London.

London was amid bad state. It was at the peak of the recession and I had to start from scratch just as I had done in Mumbai. I had to distinguish reputed lawyers from not so good ones, learn the etiquette, understand how a litigation CV should be presented, find out how to re-qualify as a barrister and most importantly, break into the Commercial Bar, my ultimate dream, which, according to popular perception, was unachievable.



With my then partner at Wadia Ghandy, Djena Sunavala, and our team - 2005

It took me over a year just to find out how to re-qualify as a barrister, and another or so to take the Bar exams which included oral advocacy exams, where professional actors were presented as witnesses whom we had to cross examine in a mock trial. Incisive questions rode us through mental roller coasters, one of which asked in the Professional Ethics paper was—'Which of the two would be more likely to be disbarred: a barrister who had committed murder or one who had travelled without a ticket on a local train.' The answer, astonishingly, was the latter, as a barrister of England and Wales must not be dishonest.

The thrill of passing the exams and invitation for the formal certificate presentation ceremony was short-lived when we were told that it was necessary to complete pupillage (an excruciating 12 month training under a practicing barrister) and obtain a Pupillage Certificate before we could actually practice. To add

insult to the injury, the Under Treasurer at the Ceremony in his speech while congratulating us successful graduates also warned us to keep an open mind as a majority of us would have to think of other careers as we wouldn't ever be able to get pupillage.



On a trip to Prague with the LSE International Relations Society



Disheartening, to say the least! I kept trying, nevertheless and was successful (and very lucky, indeed) at being awarded pupillage by Fountain Court, one of England's magic circle sets of chambers. Here, I learned that a major source of commercial work in England included two areas of practice that did not much exist at the Bombay High Court—professional negligence and insurance. I was fascinated to learn how a commercial law barrister could have an entirely black letter law practice, i.e. draft pleadings and provide opinions rather than appear in Court. A successful commercial law barrister could go to Court once in perhaps 2-3 months.

I say this not as a criticism of the English or Indian system, but to explain the vast difference between them. Although the application of the law is similar in both the jurisdictions, the procedure and the time one has to prepare for each matter is greatly dissimilar. In India, the system is inclusive which is quite advantageous. Anyone who has completed their LLB (and now passed the Bar exams) can become a counsel and if he or she is good, no matter what their background, they would get repeat briefs from satisfied attorneys. There is enough work to go around and the last minute nature of the system in India makes counsels think faster on their feet than their English counterparts. Indeed, I quite miss the drama of the typical Indian courtroom.

Having jumped through all the hoops, I finally gained 'tenancy' at a leading set of chambers called 4-5 Gray's Inn Square. I was fortunate to be at this fabulous set where one of my Head of Chambers won the 'Chambers and Partners Silk of the Year' award not so long ago and the other, Mr. Robert Griffiths QC, is a committee member of the Marylebone Cricket Club, at Lord's.

With very few advocacy opportunities in a purely commercial practice, I was advised to take up a six month immigration law project to polish my cross examination skills. Although I had tremendous advocacy experience from India, it was primarily interim application of experience. To convince me to

take up immigration work, my clerks, through whom we get work in England, assured me that I would be able work on my commercial practice simultaneously and that we would not need to chase fees as it was work from the government.

For the project, I had to appear on behalf of the British Government at First Tier Tribunals and oppose appeals from visa rejections. They could be family visit visas, work permit visas, European Union spousal applications or even asylum applications.

A few months earlier, I was so focussed on my Commercial practice that I would not have touched immigration law with a barge pole. (Although I must admit I have thoroughly enjoyed the cross examination experience). Similarly, if someone would have told me when I left LSE for Mumbai in 2003 that I would return to London in 2009, I would not have paid much heed to their prediction. When I was a junior

counsel at the Bombay High Court, if someone would have indicated that I would become a barrister in London, teach Commercial Law at the LSE and get elected to the Gray's Inn Barristers' Committee, I would have laughed. I had not dreamt about holding my ground at the Bombay High Court or the Royal Courts of Justice as a child. But this is all that happened to me and I now love what I do. I guess life is what happens when one is busy planning something else and one must learn to embrace it anyway.

I pursued my passion for advocacy and persevered in my goal, regardless of what others said. I kept at it until I broke into the Commercial Bar in Mumbai and in London. Both were difficult but I have come to believe that everything is possible if the story begins at GLC. For me, it all began when I was successful in gaining an internship in Mr. Dwarkadas' chambers. One thing then led to another and I did not say no to what came my way.

If you enjoy what you do, you will find purpose. The means will follow.



At 4-5 Gray's Inn Square

Give and Take...



Raunak Kapoor

Here is the thing about GLC, it's got everything, but we will never really feel it. In the rains of 2008, I stepped foot in (what I was told was) one of India's finest legal institutions. The aura is one that humbles instantly, and the humbling effect is universal, irrespective of where you hail from.

If you've lived even a part of your life in what can be considered in the most meager sense, as a life of comfort, GLC will balance that out. And as frustrating as that seems initially, it's probably the most invaluable gift this place unintentionally bestows upon its subjects.

There are several types of first year law students. First, there are those who know exactly why they're here, because an outstanding lineage of lawyers, CAs or bureaucrats back home have sketched down a five year-plan that even Montek would be proud of. Then there are those who saw themselves living the N-school dream seconds after LST's orientation, but in spite of the exorbitant fee to Career Launcher, CLAT wasn't cracked and the dream of NLS, NUJS & NALSAR, was shattered. So they had to make do with GLC. And lastly, there are those who have no idea what they want to do, but figure with time running out, that law as an education will keep their options open, even those options that they themselves are clueless about. I consider myself as the third kind. After all, when your aim from an early age is to do something or anything connected to the entertainment industry; so much is left to chance and factors beyond your control. I knew back then that I had opted for the field of law, but not necessarily the

profession. The evolution of our legal and corporate system allows for the two to be mutually exclusive in today's times.

One of my favourite TV shows, even before I had figured I was doing law, was Boston Legal. I'm reminded of the first episode of the series, when Alan asks Denny "What's the point?" after some innocuous remarks by the latter. Denny's reply (subbed), everything doesn't always make sense, but we still do it, so you don't ask, that's the point. This holds true in GLC as well. On one hand, you have the Moot Court Association with ITAT & DMH, GLCMUN, SPIL's International Law Summit, méLAWnge, the Placement Week, RCGLC's mock-parliament, mootings & MUN-ning in general, internships, the Delhi Study Tour, jail-visits, the Legal Aid quiz, Noshirvan H. Jhabvala and the greatest Professor of Contracts the world has seen. But then again you've also got Preliminary examinations, something called Hungama, something else called Rutuparva, half a dozen committees that don't exist, a dozen professors who you thought never existed, Political Science three times over, the worst paper pattern imaginable, Economics in semester one, CPC & CrPC in one semester and 60-pages of mindless data repetition known as Practical Training. Here you wonder, what's the point! And I'm reminded of Denny's answer, you don't ask, you just go on with it, when you do that, you've got that much less to complain about.

Life at GLC, as I said, was frustrating initially. The ambience, the administration, the personnel and the entire system—all seem inept but what that



unintentionally did was make you go much further to do something yourself.

I've always believed there are two distinct opinions about GLC. One from the inside and the other from the outside. The outside focuses, perhaps for far too long, on its distinct odour on entry, the shambolic state of an unventilated auditorium, benches on which Nani, Soli, Fali and the likes sat but haven't been cleaned ever since, a library with no order, an E.R.R. perpetually out of order, lectures that students don't take seriously and prelims that lecturers don't take seriously.

Now you can look at all this and curse yourself for the inevitable doom that the forthcoming five years shall bring, and many tragically do, but then all of a sudden like a Mika number the college starts growing on you.

See for yourselves, they (the big boys of the profession) still continue to have a thing for he-or-she-who-hails-from-G-L-C! As baffling as it sounds, perhaps the reasons once fully understood aren't as bemusing. Once you begin to understand, you will notice that the ambience, infrastructure and odour do not find their way onto mark sheets, degrees or certificates. You'll realise that the fact that not just Nani, Soli & Fali, but most Judges and Counsels from

the most coveted Bar of the land and almost every Partner and Associate in the most envied practice in the country also hail from the same institute that has become everyone's favourite punching bag in the legal education circuit. This is a college that still admits (at least in part) on an insanely inflated cut-off. You'd think then, it would comprise of presumably intelligent students, who will one way or another, find a way.

GLC takes away the conventionality of college lectures, but in return, it provides you with time. The time to explore an entire fraternity, by allowing for the richness that comes by interning with a judge, by enabling to develop a feeling for the art of the profession by mooting, by working alongside the best that the business offers and, this one's my favourite, by submitting yourself to the ultimate tour guide that only committee work tends to provide, not to mention all complimented with memories that will last far beyond your time at college. It's all there, in the same building that the outside world can't stop laughing at. Little do they know that GLC is as unfazed to external reputation as Arnab Goswami is to reality.

Now that might be a bit flattering, as I have tried to establish, this college is more about what the



In conversation with cricketer, Rahul Dravid

individual makes of it than the other way around. The burden of proof, so to speak, lies on the student. He or she must ensure that the most is made of in the time spent here. After all, there's only one loser if that doesn't happen, and it's not the college.

Moving on to my life after GLC, which is of course the primary reason I'm writing this. A number of people believe I have got the job that people would amputate themselves for. I currently present the cricket for ESPNcricinfo.com. I'm paid to watch, follow and talk about cricket and I talk to those who have played the game at the highest level. There is no specific path that I took to be where I am. The basics were ticked, I was passionate and took great interest in it and therefore, I was good at it. But like I said, so much in the line that I'm in has to do with good fortune.

Where GLC played its part, again, totally unaware, was the time it gave me. Had the sword of attendance been hanging over my head like so many other colleges, I wouldn't have had the time to host the shows that I did for All India Radio first, and Cricinfo eventually.

While time is the most significant factor, it isn't the only one. This college, without the noble intent of actually wanting to, teaches you so much more. It makes you realise things are not always going to go your way, it enables you to adapt, it forces you to be patient and most importantly it teaches you how to face adversity, because as good as you are, you can't always win. Even if you can conquer all in college itself, there is still Mumbai University, and no one can beat them!

But the ride, though filled with strife, is an enduring one. You will notice with time how it's not as bad as you thought, but that isn't something to do with things getting better, but you just getting better at dealing with them. Perhaps that is a GLC-ite's most valuable asset. Perhaps that is what the law firms and

everyone else sees in him or her. We know how to deal with any situation, and more often than not, we will get the best out of it.

There is no cause I advocate more strongly than that of pursuing what you're truly and genuinely passionate about. In a cut-throat work environment that's only producing more competition and where the burn-out rate of young professionals is on the rise, what greater reminder can there be that it's about time that we do what we thoroughly enjoy, which shockingly will coincide with us excelling at it.

This isn't a world of just doctors, lawyers and engineers anymore. Career options have diversified extraordinarily over the past decade, and I assure you, there is money to be made in all of them, with only one pre-requisite; you've got to be good at it. Like

Lincoln said, 'whatever you are, be a good one.'

Government Law College does not have the flair of college life, the ambience of the N-school, the glamour of the neighbouring Jai Hind or the aesthetic grandeur

of St. Xavier's, but it does give you the space and time, perhaps too much of it, to pursue whatever you want. Often colleges are responsible for hammering the final nail in the coffin to the alternate and ultimate ambition that resides in almost all of us. This college does a lot of things, but it doesn't do that; and for that alone, I shall always remain grateful to it.

Having it and giving it are two totally different things. GLC has it all and it doesn't necessarily give, but it also doesn't stop you from taking. So take what you can from it, because there's so much it has to offer. Make sure you keep digging, keep persisting and keep going.

After all, this college has, is and will always be about what its students make and take out of it. It's got everything necessary to take you forward; it's just that because we will always take more than it readily gives, we will never really feel it.



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Since the dawn of evident human existence, the legal field has always remained dynamic and ever evolving through the different ages and times of human evolution always keeping pace with changing times, socio-economic evolution, geo-political alignments, industrial and technological development and modern society. It has imbibed a position of pre-eminence as the primary tool for restoring order and method to human existence not only in individual perspective but also in the collective perspective and in matters related to the smallest unit of society, the family, to as big and the whole as the comity of nation states.

Thus, the legal science has been propelled into a commensurate growth not only in its content but also

The history of the present legal framework in India can be traced back to the establishment of the First British Court in Bombay in 1672 by Governor Aungier. The Supreme Court of Judicature was established by a Royal Charter in 1774 in Calcutta and with this, the first barristers appeared in India. As barristers began to come into the Courts on work as advocates, the attorneys gave up pleading and worked as solicitors. The two grades of legal practice gradually became distinct and separate as they were in England. Thus, the establishment of the Supreme Court brought recognition, wealth and prestige to the practitioners of legal profession. The Charter of the Court governed and regulated the profession.

STALWARTS SPEAK

in terms of the depth, the size and spread covering the highly specialised intricacies of the entire spectrum of human and socio-politico-economic and technical dimensions.

In its 75,000 years of historically evident existence, India has played host to myriad dynasties, cultures, customs, scriptures, and races. Through the ages, the Indian civilisation was influenced by transformational dynamics from being a Hindu-Aryan, soaking and absorbing from the influence of Medieval Islamic Rule and later from the European and primarily British influence to emerge as the world's largest pluralist democracy. As much as these phases contributed to the diverse cultural, socio-political milieu, they were also responsible for the development of a divergent yet dynamic field of law and jurisprudence.

In 1862, the Crown established High Courts at Calcutta, Bombay and Madras combining Supreme Court and Sudder Court traditions in order to unite the legal learning and judicial experience of the English barristers with the intimate experience of civil servants in matters of Indian customs, usages and laws possessed by the civil servants. It greatly extended the practice and prestige of the Indian lawyers by giving them opportunities and privileges equal to those enjoyed for years by only English lawyers.

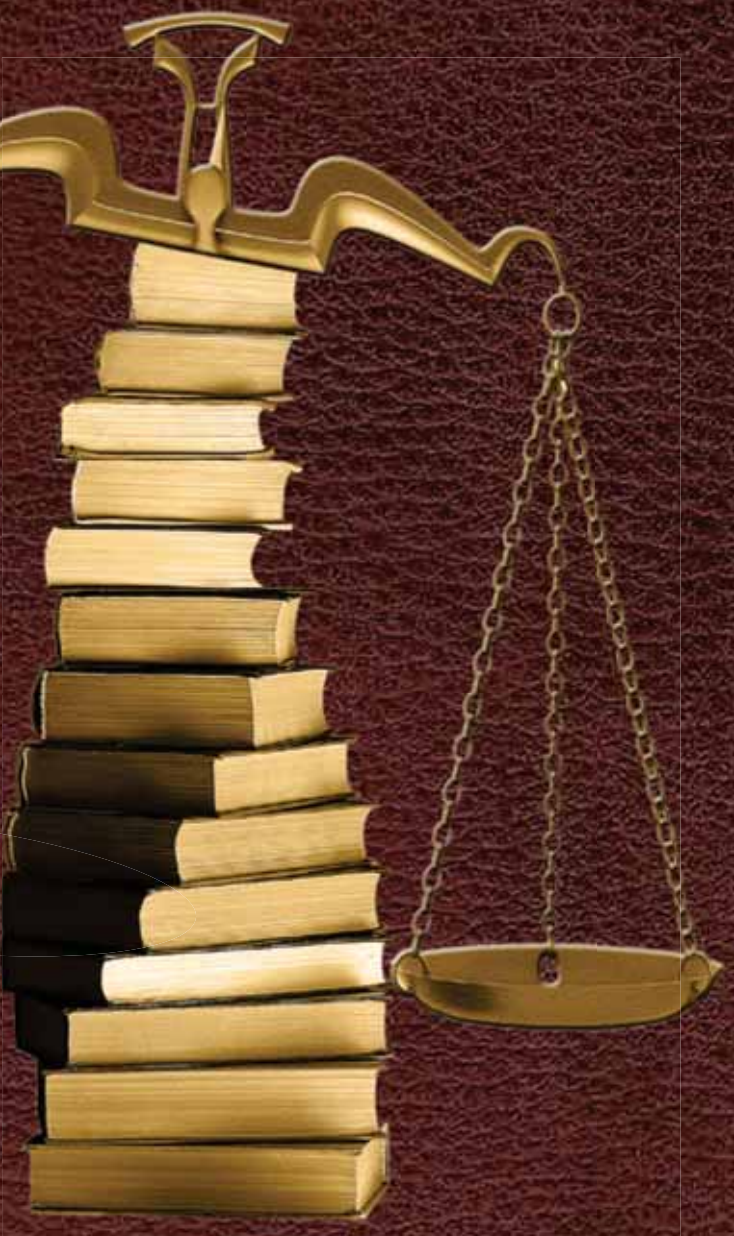
Post Independence, the Constitution of India became the sole governing source of law and order in the country. While charters and orders brought change in the governance of the legal profession, the varied customs as well as codified laws opened up several arenas for the legal practitioners to explore and work



on. The establishment of Law Commissions led to codification of laws and enactments of Indian Penal Code, Civil Procedure Code, Criminal Procedure Code, Indian Contract Act, Evidence Act, Negotiable Instruments Act and many more which provided for an assortment of matters that could be practiced by the legal practitioners. However, the domain was restricted to court practice/litigation work.

Litigation still continues to be the traditional career path for fresh law graduates, either in the form of independent practice or involvement with a litigation law firm. It provides a wide range of employment options in both private and public spheres. One may specialise in a particular field of law such as Taxation, Constitution, Family, etc as well as choose to focus on appellate work, trial-level practice, civil litigation or criminal cases. With the advent of technology, Civil law has diversified with the enactment of Copyrights Act, Patents Act, Trademark Act and Designs Act thus opening up the field of Intellectual Property Rights which is gaining popularity. Family law, today, not only deals with the legal nuances pertaining to marriage and divorce, but also includes litigation and advisory work for cases of dowry and child adoption in India. Cases related to wills and related property disputes also fall under its purview. The field of Taxation and its administration, statutory liabilities and related legal activity is by far the most rapidly changing field. The onset of international transactions and cross-border dealings and tariffs regimes this subject has gained further prominence in recent times.

Globalisation brought about the unification of the world and contracting it into a small unit by vigorously advancing means of transport and communication. Law has kept pace with these developments, throwing up opportunities in the administration of immigration and naturalisation



laws, human trafficking laws, etc.

Those driven by socio-legal issues can avail wider opportunities today by working with Non-Governmental Organisations (NGOs) and Civil Society Organisations and carry out work on issues based on human rights, environmental protection, gender concerns, caste discrimination, employment, working conditions, marginalisation of various sections of the society, etc. With the increasing use of Military not only in external security but also internal security and disaster management, military law has begun to assume greater visibility and extent. Cyber law, a fairly new area, is a dynamic techno-legal field

requiring sound and intricate knowledge of the infinite and ethereal dimension of cyberspace and its complexity throws up various roles ranging from that of a cyber-consultant in an IT firm to that of advisors in the Ministry of Information and Technology or in Corporate Houses.

The enormity of legal cases propelled by a more educated and emancipated population seeking legal recourse has made it incumbent on the government to increase the strength and size of courts and judicial officials thus, opening up greater opportunities. Such an over-burdened court system has given way to the development of the area of Alternate Dispute Resolutions which is a quicker and more cost-efficient alternative to settle a dispute in court involving mediation, negotiation and arbitration.

With globalisation and expansion of the economy, legal practice has assumed newer forms. The corporate law relates to affairs of the companies, commercial and business transactions, regulation and statutory obligations of the companies or businesses has emerged as one of the most active and prospective fields. The enormity and complexity of transactions and business operations and government role to regulate these led to the enacting of a host of legislations like SEBI Act, Companies Act, LLP Act, FEMA etc. It is not that corporate law advice was never available before, the trial lawyers did it anyways. However, after the complexity of transactions increased, the need was felt to have full time corporate lawyers who specialise in various branches and cater to the specific needs. This led to enhanced quality of services and reduced the number of disputes that went to the court making it one of the more attractive fields of law especially as a full time specialisation as against being just an auxiliary service.

Today, a law graduate has an option to be an in-house or General counsel for private corporate entities such MNCs, private banks and firms and carry out functions like vetting and negotiating contracts; ensuring and monitoring compliance with rules and laws; and handling legal disputes. In-house counsel opportunities are also available in Government Agencies, state owned banks, firms and organisations etc.

Closely related to industry and economic activity are

the laws and regulations related to labour and their rights which in India is primarily known under the broad category of Industrial law. Industrial law has developed tremendously due to the increased awakening of the workers of their rights, and has enormous value today. Labour laws in particular offer dual protection to both employers and employees and also reflect the dominant views of society and body polity of the nation making them crucial to a healthy economy. The history of labour legislation in India is interwoven with the history of British colonialism which was enacted primarily to protect the interests of the British employers. This changed with India becoming a sovereign independent democracy and the earliest Indian statute to regulate the relationship between employer and his workmen was the Trade Dispute Act, 1929. A series of other acts like the Apprentices Act, 1961, Factories Act, 1948, Industrial Disputes Act, 1947 and the Maternity Benefit Act, 1961 have been passed over the years thus helping a balanced and just growth of the industry and its employees. With over 50 national laws and many more state level laws and a growing need for protection of an educated and emancipated workforce there is a definite need for a large pool of qualified specialists and legal experts to ensure such sustained growth and development.

Thus, today we have a legal framework which is expansive and ever growing. If not well informed and exposed to the right perspective, our young legal aspirants will be confused and end up choosing an inappropriate line thus, leading to professional dissatisfaction and frustration. With this section we wish and hope to bridge that knowledge gap and help them make informed choices. This overview aims to infuse the curiosity amongst the fraternity to seek more information and carry out deeper research and obtain clarity on each subject and avenue while making their choices.

For this edition, Mr. Cyril Shroff, Managing Partner, Amarchand Mangaldas & Suresh A. Shroff & Co. has elucidated the various facets of Corporate Law while Mr. Chander Uday Singh, Senior Advocate, Supreme Court will give us the insider's take on the state of Labour Law in the country and, thereby unravel about the opportunities a legal aspirant can avail in these fields of law.



PERSPECTIVE

by Cyril Shroff, Managing Partner, Amarchand & Mangaldas & Suresh A. Shroff & Co.

Despite the economic slowdown, the Indian legal profession is passing through a golden phase. It still has a long journey ahead in terms of its evolution. India's economic growth in the last two decades has provided the ideal setting for its further evolution. Ironically, the manner in which legal services will be sourced and delivered in the next two decades will be vastly different from the story so far.

Lawyering as well as building and leading India's largest law firm during this period has been a fascinating experience. I am hoping to share some perspectives that may help young and budding lawyers. The opportunities ahead of us are manifold and largely untapped.

Roughly speaking, my career hitherto has progressed over three stages—(a) lawyering (b) lawyering and managing and (c) lawyering, managing and leading. The foundation stone for any young lawyer is academic excellence, thoroughness, diligence and willingness to spend long hours, and a positive work attitude. These days too much emphasis seems to revolve around the “work-life balance” paradigm. I know of no short cuts, especially in the foundation years (first 10 years of one's career). The complexity of policy and regulation as also the significantly increased risk of litigation and international consequences requires an even greater breadth of knowledge and training and also a move towards specialisation. When I look back at my career, my time spent in the first 7 to 8 years in our litigation department, frequently visiting courts and sharpening the understanding of the dispute resolution system, was time well spent. Even for transaction lawyer, a good baseline knowledge of litigation is a *sine qua non*.

I attribute significant parts of my reputation as a corporate transactional lawyer to my litigation grounding.

Managing teams, working with peers and colleagues is another important skill set in today's complex world. There are very few matters or situations which can be handled solo. Contributions from variety of departments and specialisations such as tax, competition law, financial regulation, securities laws, to name a few impinge upon almost every transaction. All these disciplines are specialisations. Managing a team and collaborating with others is a core skill for every lawyer. For this purpose, it is necessary to first start with being a good follower and then eventually learning how to lead teams is a skill that is learnt on the job. Colleges and universities offer limited opportunities for this. I believe that management skills sooner or later will become a core part of what every successful lawyer will require, whether working on the transactional side or the dispute side. Even solo counsels or litigators do require to work in team environments. This is the main lesson from the second phase of my career and I would emphasise this as a key learning for the young lawyers of today.

Building a large firm (Amarchand Mangaldas) of over 600 lawyers as we are today (and growing) additionally required leadership skills. Amongst the key characteristics necessary for the job are vision and ambition, humility and the ability to make people believe in the vision and support. Whilst this is true of any organisation, it is especially true of professional service organisation and even more so for law firms. Law firms are different from any other firm or professional organisation including consulting

or accounting firms. They are less amenable to a “command and control” structure or processes. “Herding cats” is the analogy for managing a law firm. Hence, to future managing partners or founders of law firms, I request you to focus on this aspect for the future. To earn the respect of your colleagues you will firstly need to be an excellent lawyer. Managerial skills will by themselves be insufficient. Professional credibility is the foundation stone for future managerial and leadership initiatives. Leadership skills are the core lesson that I learnt from the third decade in my career so far.

I have tried my hand at various practice areas in my career so far; starting with litigation, taxation, real estate and of course, corporate M&A. I try to nurture a new practice area every year, learning new things and meeting new people. The private client practice (trusts & estates), white collar crime, competition law are recent examples of such diversification not only for the firm but also in my own skill set. Adding both depth and breadth (a balanced “T”) is essential for creating a well-rounded wholesome lawyer. The lawyer of tomorrow is only in part a technical consultant. As a Harvard professor said, “Tomorrow’s lawyers will need to be men of affairs” with a broad world view of politics, economics, sociology and a reasonable knowledge of multiple legal subjects. Pure technical experts on one or two legal disciplines only will have a limited market, except where they are the top two/three practitioners in a discipline. Clients themselves are complex organisations and have both national as well as international complexities to deal with. They look for both general and specialised advice. A ‘family doctor’ type generic approach combined also with a specialist approach as a better recipe. Young lawyers and firms will need to be able to provide both types of services, packaged in a sophisticated form at a reasonable price.

The legal subjects and opportunities are diversifying rapidly. In addition to newer branches of law, industry specialisation is also becoming a reality. Technology lawyers, healthcare specialists, aviation experts, financial service regulatory specialists, energy law specialists are some examples of future trends. Such lawyers not only need wide variety of legal skill sets (transactional and contentious) but will also need deep industry knowledge in their chosen field. Complex legal work will gravitate towards industry specialists who can combine lawyering with industry insight. This opens up several opportunities for industry specialisation and focus which will also align with global trends.

Policy and regulation is also evolving rapidly and so is technology. A lot of legal developments are also being embedded within technology, for example in the financial services industry, several regulations are technology based (eg. algorithmic trading). Young lawyers of tomorrow will, in addition to legal and regulatory knowledge, require a baseline of technology awareness and knowledge of how technology and law will overlap. This is not merely about the use of technology as an office tool but is core to the legal subject matter itself. Several disciplines will have an increasing component of technology embedded in the subjects especially as the manner in which business will get done. E-commerce and electronic trading are all realities and will impact upon how the legal systems for the virtual world will develop.

To sum up, I believe that great change is upon us. The framework within which our profession currently exists is on the verge of significant change. I believe that India’s framework will leapfrog several steps and go directly to a new normal. Currently, embedded in traditions and regulations which may seem antiquated, I believe they will move into a very modern format as we look ahead for the next two decades. There are tremendous opportunities for those who focus on the fundamentals of sound academic foundation, a positive work ethic and a modern global attitude towards the profession of legal services. I have in my over three decades of career (which is not over yet) seen tremendous change. What is exciting is the thought that this is only the beginning.





EMPLOYMENT LAW - AN EXPERT'S TAKE

by Chander Uday Singh, Senior Advocate, Supreme Court

In an age which offers students of law an array of career choices ranging from litigation to corporate practice, from back-office LPOs to fast expanding fields like competition law and the internet, and from intellectual property to international treaty law, I would imagine them being spoilt for choice. And this makes me wonder: if I were starting out today, would I choose the field that embraced me in its clutches 30 years ago?

The answer I arrive at, though not without considerable soul-searching and even some misgivings, is yes.

Employment law, consisting in equal parts of industrial and labour law on one hand and the law relating to public servants on the other, ensnared me almost exactly three decades ago, and somehow I think that if I were to plunge into legal practice afresh in 2014, I might just enter the same practice area, though not necessarily following the same route. Indeed, I could never replicate the route I took, considering that it was so much a product of the peculiarities of my situation.

That brings me to how I came to enter the arena of labour and service law in the first place. Being a late bloomer, I only joined GLC after getting married at age 24 (I'd spent the intervening years between graduation and law school learning the ropes of

agriculture, dairying, and the milk supply business in Punjab and Haryana), so I was working my way through college as a journalist with India Today. Those were the heady days of trade union dominance in Maharashtra, and particularly in Bombay and the neighbouring Thane-Belapur belt, and I was inevitably thrown into contact with rambunctious union leaders like the late Dr. Datta Samant, the late R.J. Mehta, S.R. Kulkarni and others. Between reporting on the 21-month Bombay Dyeing agitation and the disastrous Textile Mills strike which brought 62 cotton textile factories to their knees (and almost permanently destroyed three lakh jobs), and spending long hours with both industrialists and workers from fields as diverse as print media, shipping, ports, chemicals and textiles, and getting an occasional glance at the still-civilised litigations these volatile street agitations gave way to, I slowly grew enamoured of this field. When it came time to put away my portable Olivetti typewriter and replace it with bands and gown, I guess there was just no contest in my mind about the area of law that I wanted to be part of.

I was, of course, exceedingly lucky in the friends I'd made as a journalist. As a first-generation lawyer who had no easy avenues to follow, and already 28 and soon-to-be a father by the time I finally took the plunge and chucked up my comfortable job in India Today to pursue the law, it might have been difficult

without these well-wishers. R. J. Mehta, the trade union leader who before Datta Samant's advent had ruled workers in the engineering, chemicals, woolen mills and newspaper industry with an iron fist, took a particular interest in me: he practically arm-twisted the brightest young labour lawyer in the field, Jamshed Cama, into taking me on as a junior; he gave me my first brief, ensuring that it was a matter listed on the very first day that I was enrolled as an advocate; and he encouraged me to fight his union's cases even though I was just a rookie, actually going so far as to put it in writing that what he wanted was effort and not results. They don't make them like RJ anymore, and it is easy to see why I said that it might be impossible to replicate the precise route that I took.

Why then would I still choose employment law as an area of specialisation?

The most important reason, for me, is its dynamism, the constant evolution and reinvention that takes place in this branch. From a broadly pro-market but paternalistic approach to labour litigation in the 1950s and 1960s, the Supreme Court by the mid-1970s had developed a strong pro-labour stance, which a decade later had become almost unashamedly anti-employer. The era of Justices Krishna Iyer, Chinnappa Reddy, D. A. Desai and M. P. Thakkar witnessed some path-breaking judgments, accompanied invariably by some which bordered on the absurd. This trend was not confined to labour and industrial law, but straddled the field of public service law too.

Violent and abusive employees were reinstated in employment, employees who abandoned work and absented themselves for years got the sympathy of the highest court; lay-offs, retrenchments and closures became all but impossible, and dismissing a public sector employee or government servant for misconduct became almost as difficult as securing a criminal conviction. For the lawyer representing employers in the 1980s and for much of the 1990s, planning and helping clients execute any action against employees became a game of wit worthy of a chess-player.

By the mid-1990s though, the balance of power in labour litigation began to shift. Perhaps realising that its judgments had created a nation of shirkers, the Supreme Court in the next 15 years cracked down on misconduct in the workplace, reversed its approach towards contract labour, temporaries and casuals, and in many other respects backtracked on the left-liberal trends of the two previous decades. Hallowed principles like "equal pay for equal work" were quietly jettisoned, compassionate employment for heirs of government servants who died in harness became increasingly difficult to enforce in courts, and other instances abounded to demonstrate the hardened stance of the Supreme Court.

The period post 2009 has been showing signs of yet another reversal, though it is unlikely that the pendulum will swing as far left this time around as it did between 1975 and 1990.

The green shoots of left-liberalism are once again attempting to assert themselves, as has been evident in several recent judgments of the Supreme Court.

But what makes the practice of employment law exciting is not just the broader swings, but also the lesser sub-texts and variations in trends, which can show an interesting divergence. To cite just one example, during the very period when the top court was moving strongly into a market-oriented, right-wing, pro-employer regime, it was also developing a new jurisprudence to deal with sexual harassment in the workplace. The seminal judgment in *Vishaka vs. State of Rajasthan* was followed by *A. K. Chopra vs. Apparel Export Promotion Corporation*, both of which came in a period which was largely pro-employer. Instances of other deviations from the broader trend also exist.

What is important, to my mind, is that these swings and changes, some in one direction and some in another, make for a constantly evolving and ever-exciting branch of law.

Taken all in all, it's probably clear by now why I would opt for employment law once again.



COURTROOM HUMOUR



Mr. Pradeep Sancheti

Senior Counsel

A junior was briefed with a senior to assist him in a matter in the High Court. The Judge told politely and strongly that he would not grant adjournment for convenience of counsel. The request by the junior for granting time due to unavailability of his senior was courteously received by the Judge. Taking advantage of the nature of the Judge, the junior repeated the request on more than one occasions trying to persuade the Judge and the Judge replied, "I'm not your girlfriend, stop trying that."

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Two Roads

by Anisha Mandhanla, V-V

What comes, has to leave one day,
nothing is forever, come what may.
However hard you try to hold it close,
nature will take its course, leaving behind no unturned rose.

The rose will vanish somewhere into the air,
that's how the usual things are, must you beware!
For rosy it might seem, enticing you into its initial bloom,
what you must decide, is the path which it'll take for you to groom.

Thorny it shall be, piercing and poking at times,
though hazy it shall result into a hundred and more dimes.
The fork in the road, as tough as can be,
it shall reap in the end, in time so you shall see.
The worth of today's time, as it goes in front of your eyes,
the pain, the wordless itch how it lays, looking at the deep blue skies.
Helpless, nothing you do is going to bring it back,
every minute making you wonder 'is this the right track?'

Torn between need and want,
saturated, the ears are deaf to the endless taunts.
Worthless are the sympathies, the assurances,
as if time has stopped, making one turn to watch nature's dances.

What He's planned for you, the obstacles you're required to fight,
the strength is always there, so is the might.
The only question that remains in the head,
'Is this the path, the road on which you're destined to tread?'
Weigh the pros and cons of each, so you're told,
the time shall decide what your future shall hold.
For is that the right thing to do, to leave it to destiny, you wonder,
The clouds of doubt, the urge to leave it all to fate, should I surrender?

Out of the two, opt for the one where your passion truly lies,
what to do when it's in both, the heart torn slowly cries,
with the time going away, it passes by,
what am I to do? Neither can I hold on to it, nor do I try.
For that's the course of nature as shall be,
all you can do is have a little calm, think of your reverie.
A little optimism, a little letting go of the pain,
out will be the sun, after the gloomy rain.

Shredding away the fears, the negative vibes,
rosy it shall be again, spring being the nature's bribe.
The smile will come back, the belief being constant,
it's His plan, you shall be good, so He meant.
Everything will be okay, written in the sands clear and bold,
faith and hope forever behold.



TINKERING WITH

The epitome of the state of values in a democracy can be depicted through the manner in which judicial appointments are made. India, the world's largest democracy, is the only country where judicial appointments are made by the judiciary through a collegium system.

The working of the collegium system of appointment of Judges to the Supreme Court and the High Courts thus far has been shrouded in opacity. The genesis of the collegium system as it exists today is through an act of Judicial 'Legislation' consequent to what, *en bloc*, is popularly recognised as the 'Three Judges Cases'.

In the First Judges Case¹, the Court took the view that the opinion of the Chief Justice of India is merely consultative and the final decision in the matter of appointment of judges is vested in the hands of the executive. Thus, the executive had primacy over the judiciary. In the Second Judges Case², the Court took the view that the opinion of the Chief Justice of India must have the greatest weightage. The executive had the power to merely act as a check on the exercise of power by the Chief Justice of India. Hence, by superseding its previous judgment, the judiciary succeeded in restricting the executive element in the appointment process to its least. One of the most profound Constitutional jurists, H. M. Seervai described the judgment as constitutionally 'null and void'. Distinguished Senior Advocates such as Fali Nariman and Ram Jethmalani who succeeded in advocating for the primacy of the judiciary in the aforesaid case now hold severe reservations against the collegium system³. In the Third Judges Case⁴, a nine judge bench of the Supreme Court presided over by the then Chief Justice, Hon'ble Justice S. P. Barucha took the opportunity to clarify the Second Judges Case. The bench held that the opinion of the Chief Justice of India has to be formed on the basis of consultation with the collegium, comprising of him and the four senior-most judges of the Supreme Court. The plurality in the number of judges for the formation of the opinion of the Chief Justice of India was to

emphasise a check against the likelihood of arbitrariness or discrimination. This was a commendable effort by the judiciary, but it overlooked the fact that it was divest of any Constitutional machinery for the purpose of enquiry into the potential of a suggested candidate. The presence of a consistent form of enquiry purports to have a significant role in the maintenance of transparency.

The judiciary, through its successive judgments, had arbitrarily rewritten the provisions of the Constitution by making the executive completely subservient to the primacy of the opinion of the judiciary which was not in accordance with the original text of the Constitution⁵. Even if the executive has substantial material to show that a certain judicial appointment maybe counter-productive, the present collegium is not in a position to consider it.

Unsatisfactory performances by the consecutive collegiums, lack of democratic accountability and transparency in the manner in which judicial appointments are made have triggered for changes in the existing system. Non-elevation of judges such as Justice A. P. Shah, former Chief Justice of the Delhi High Court and Justice U. L. Bhat, former Chief Justice of Madhya Pradesh High Court to the apex Court are the finest examples of the discrepancies plaguing the present system. Another recent example is where the collegium presided over by the then Chief Justice of India, Justice Altamas Kabir rejected the elevation of Chief Justices of Bombay, Gujarat and Uttarakhand High Courts to the Supreme Court. The paradox is that a person who is considered fit to serve office as a Chief Justice of a High Court, which is an office of substantial responsibility, is not considered suitable to be elevated as a puisne judge of the Supreme Court.

The self-perpetuating change in the composition of the collegium is another major drawback as it does not facilitate for consistency.

¹ *S. P. Gupta v. Union of India*, AIR 1981 Supp SCC 87

² *Supreme Court Advocates-on-Record Association v. Union of India*, (1993) 4 SCC 441

³ Nizam A, 'Judges Appointment: Executive Primacy to Judicial Primacy and Road Ahead' at www.livelaw.in/judges-appointment-executive-primacy-to-judicial-primacy-and-road-ahead/ (last visited December 25, 2013)

⁴ *In re Special Reference 1 of 1998*, AIR 1999 SC 1

⁵ See articles 124 and 217 of the Indian Constitution.

THE CONSTITUTION by Gopal Machiraju, V-II

Justice V. R. Krishna Iyer has ardently expressed his dissatisfaction in the manner in which the collegium system functions and describes the collegium as a “constitutionally irrelevant institution”. In addition to that, late Justice J. S. Verma, who delivered the majority judgment in the Second Judges Case, had a change in mind and suggested an overhaul of the existing system. By disparaging the prevailing system, he stated that it required rethink⁶.

The existence of the doctrine of separation of powers is another misconception as it has not been strictly written in the Constitution. This, perhaps, explains the recent involvement of the judiciary in the executive domain. Ironically enough, the other way around, to them, is unacceptable.

To restrain the judicial oligarchy in light of judicial appointments, the Constitution (120th Amendment) Bill, 2013 proposes to insert article 124A which shall constitute a Judicial Appointments Commission for making recommendations with respect to the appointment of judges to the higher judiciary. The Constitution (120th Amendment) Bill shall be accompanied by the Judicial Appointments Commission Bill which provides details on the composition of the Commission and its terms.

The Judicial Commission as envisaged, endeavours to maintain equilibrium by giving equal importance to the opinions of both the judiciary and the executive. The Commission shall be chaired by the Chief Justice of India and shall comprise of two senior-most judges of the Supreme Court, Union Law Minister and two eminent persons. Thus, the Executive is given an equal voice in the appointment process.

However, it is also important that we have able, honest and independent judges. The proposed rules are said to have a prejudicial effect on the reputation and independence of the judiciary as the composition of the Commission is subject to the will of the Parliament. To add to this, the two eminent persons

are to be nominated by a collegium consisting of the Chief Justice of India, the Prime Minister and the Opposition Leader of the Lok Sabha. The political class, therefore, has the majority in the selection of the two eminent persons. The two eminent persons are eccentric variables and may consequently act as a political clamp over judicial independence; which having been one of the characteristics of the basic structure of the Constitution⁷, cannot be compromised upon.

Had the Judicial Appointments Commission Bill been made a part of the Constitutional Amendment, the legislature wouldn't be able to tamper with it easily, since the amending process is difficult. The said inclusion along with changing the Commission, as conceived in the Bill, into a recommendatory one instead of one for appointments, would have made the Bill more constitutionally sound and acceptable, but unfortunately, that is not the case. Even if the two bills were to be challenged in the Supreme Court, it is certain that the Court will not strike them down merely on the notion that they will be deprived of their power. It will be struck down if, and only if the judicial independence is at stake.

So far, it is lucid that both the present and proposed systems are blemished. Therefore, the ideal solution is to reform the existing system by eliminating the flaw of arbitrarily excluding the executive completely, by providing Constitutional machinery for the purpose of enquiry and by disclosing reasons for non-appointment of a candidate, to such candidate. The judiciary must have a predominant voice with respect to judicial appointments, but not an exclusive one; it should accommodate the views of the executive, which is the scheme of the Constitution. The executive, too, must not usurp power by trying to impinge on the independence of the judiciary.

It is impossible to conjure a perfect system. And even if the judiciary expresses misoneism, the majority view is that the existing collegium system of appointments must be refurbished.

⁶ *Supra note 3*

⁷ *Kesavananda Bharati Sripadagalvaru and Ors. v. State of Kerala and Anr. [AIR 1973 SC 1461]*



RIGHT TO JUDGE:

AGAINST

Amidst several controversies brimming over, concerning the judiciary of India, the major controversy of the collegium system surfaced, with the newly appointed Chief Justice of India and recently sworn in Union Law Minister, both men of paramount importance, expressing contrary views with regards to the existing system of appointment of judges, referred to as the 'Collegium' system.

The collegium came into existence in 1993 as a measure to control the executive overreach undermining judicial independence. Evolving as a result of three monumental judgments of the Supreme Court, this system emphasised primacy of the judiciary over the executive with respect to appointment of judges. The first of three landmark judgments was delivered in the First Judges Case¹, where it was held that the opinion of the respective Chief Justices of the various High Courts and the apex court was merely consultative and the reins of command were handed over to the Central Government, which is the executive. The Second Judges Case² highlighted a vital point of interest which must be brought forward in response to the half baked judicial appointment commission idea. It stated: "The role of the Chief Justice of India is primal in nature because this being a topic within the judicial family, the executive cannot have an equal say in the matter. Here the word 'consultation' would shrink in a mini form." In the Third Judges Case³, a final mechanism was adopted where the Chief Justice of India was to consult four senior-most judges of the Supreme Court for the appointment of a Supreme Court judge and two senior-most judges of the Supreme Court for appointing a judge of the High Court.

With the judiciary being rightfully recognised as a bulwark of democracy in India, the theory of separation of powers, expounded by the great French political thinker, Montesquieu, who staunchly remarked that "There is as yet no liberty if the power of judging be not separated from legislative power and the executrix," stresses the importance of an independent judiciary. Without this independence, striking a fair balance with judicial accountability, rule

of law will be a far cry. The ingredients for a just and independent judiciary are the processes of appointment, removal and discipline, which should be completely free of executive ridden pressure. In fact, as the Honorable Chief Justice Sathasivam fittingly remarked, "The need for judicial independence is not for judges or the judiciary per se but for the people." Even though great stress has been laid on independence, the process of impeachment adds a substantial amount of accountability required to be maintained, carrying out the removal of any High Court or Supreme Court judge after investigation and passing of the resolution by the legislature. It is pertinent to note that under the collegium mechanism, the executive is empowered to make the final decision as the President appoints the judges of the higher judiciary and the judiciary is restricted to making recommendations, which the executive may ignore with compelling reasons. Further, the Government definitely does have a say in the appointment as the Chief Justice of India fervently emphasises that no name selected for appointment by the collegium system is cleared without the approval of the Law Minister, the Prime Minister and the President and inputs from the Intelligence Bureau and the respective High Courts. Hence the stand taken by the legal stratum, including both professionals as well as the bar community, is rightly justified.

Further, magnifying the role of executive may erode the judicial independence, threatening what the Constitution embodies as separation of powers. If one were to argue that the original intent of the draftsmen of our Constitution was to vest both the executive and the judiciary with equal measure of power relating to the matter, it would be erroneous to say that the executive should gain primacy to maintain a system of checks and balances since in the present times with our corruption ridden executive, barely being able to get its act together and a rather docile legislature forming a weak political class, that leaves the decision-making to the judiciary in the form of judicial activism and public interest litigation. One can hardly expect the other organs of the State to do any substantial good in the matter of appointing judges

¹ *S. P. Gupta v. Union of India*; AIR 1982 SC 149

² *Supreme Court Advocates-on Record Association vs Union of India*; Writ Petition (Civil) 1303 of 1987.

³ *In re Special Reference 1 of 1998*, AIR 1999 SC 1

THE POWER TUSSLE

by Maithili Parikh and Sanjana Rao, V-II

either. Hence, this analysis of the existing system, render the Judicial Appointment Commission idea redundant and against the basic spirit of the Constitution. More so, the Judicial Commission treads over the line of different organs of the Government, attempting to atrociously make the judiciary subservient to the executive, a threat to the very democracy of the country.

Of late, the collegium system has been on the receiving end of severe flak. While fair criticism is accepted by every member of the judiciary in India to a point where it is even encouraged, one can't help but question the Judicial Appointment Commission Bill, 2013. While the judiciary has always been amenable to changes required by modern times, demonstrated by their encouragement to PILs, judicial activism with respect to writs; the matter in question necessitates rational deliberation and not a cockamamie bill being rushed through the Parliament. If a change needs to be brought, this ill conceived and flawed bill is certainly not the answer. The Constitution (120th Amendment) Bill, 2013, to instate the Judicial Appointment Commission by adding Article 124A that defines the composition and 124B that highlights its functions, is monstrous due to the fact that it leaves the composition of the Commission in the hands of the Parliament. Even though at this point of time, the Judicial Appointment Commission Bill, 2013, determines the composition, it leaves large scope for arbitrariness by future governments.

By drafting another ordinary bill to constitute the commission and excluding details of the composition in the Constitutional Amendment Bill, the legislature is leaving scope for a despotic government to usurp reins, by amending the ordinary Judicial Appointment Commission Bill, 2013 at anytime after its passage by a simple majority. The lack of details of procedure of appointment of members of the Commission and its composition makes the Bill being passed a constitutional monstrosity. Another shocking flaw in the Bill is the lack of explanation around the phrase "two persons of eminence"—if only our dear masterminds behind this bill would dare to explain what this phrase means? This sort of vague drafting

leaves leeway for despotism to find its way in judicial appointments. Rather the phrase "eminent jurist" would at least refer only to legal experts while the former could allow even politicians who claim to be eminent to be a part of the Commission under its ambit. In the Judicial Commission as proposed by the Bill, the Chief Minister has surreptitiously and rather sneakily been included to be part of the consulting commission, making politicisation and partisan appointments a morbid reality. The executive was condemned with regards to the blatant manner in which the Bill was introduced in the Centre, without taking any opinion whatsoever of the legal community and the way it was hurried through the Centre.

While blogs, press releases and articles are busy mulling over opinions of various personalities, a stark proof that most people appear to be densely ignorant, are results and statistics. The collegium system has been globally applauded for exposing the numerous scams and rackets with their sheer righteous determination. Also, its serious action by debaring legislators with criminal records to continue in office was a tremendous effort to reduce the much feared politicisation of convicts. The judges who were infamously known of colluding cases during the controversial period of Emergency, commonly referred to as the 'black days', especially with regards to the supersession case, were interestingly not appointed by the collegium system.

The close scrutiny of the Judicial Commission postulation and the poor manner of going about it leaves us wondering how this system of appointment could ever be considered more worthy than the collegium system. On the basic level itself it seems to be against the desirable doctrine of separation of powers, laden with ambiguous provisions that lead scope for abuse of power and politically driven motives. The one organ that seems to be flourishing with its mere determination to deliver justice and neutrality is being attempted to be executive ridden. If at all, after careful evaluation, it is decided that the collegium system has become obsolete for our country, the Judicial Commission concept is most definitely not the answer.

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CLINICAL LEGAL EDUCATION

by Sapna Parihar, III – III

Clinical Legal Education is essentially a multi-disciplined, multipurpose field of education which can develop the human resources and provide the idealism needed to strengthen the legal system.

A 5 day "Clinical Legal Education & Advocacy Skills" training workshop was held in Government Law College, in collaboration with the Institute of Clinical Legal Education & Research (ICLER) from 22nd to 25th August, 2013. This was a great attempt on the part of GLC & ICLER, with initiative from Judge R. B. Malik, Principal of GLC, and faculty members of GLC & Dr. Ashok Yende, HoD Law, University of Mumbai.



During the workshop, the students had the opportunity to hear and interact personally with Hon'ble Justice S.B. Shukre, Hon'ble Justice J.N. Patel, Hon'ble Justice F. Rebello, Hon'ble Justice A.H. Joshi, Dr. Anant Kalse, Principal Sec. Maharashtra Legislative Assembly, Dr. Manjusha Molwane, Jt. Director Higher Education, Adv. Mukta Mahajani, Adv. Nandesh Vyas, Partner at AZB Law firm, Dr. Anil Naik, Dean, Welingkar Institute of Management Studies, Dr. Suresh Gangotra Head, Safety Division IAEA, Adv. A. A. Kazi, on various topics like Jurisdiction of Courts, Criminal Law, Competition Law, Nuclear Laws, Dispute arising out of Mergers & Acquisitions and Private equity transactions.

Few of the students who underwent training, were given an internship opportunity in the Bombay High Court. I am one of the fortunate to get this opportunity. On behalf of the students' community, I, express my gratitude and also appeal to GLC and ICLER to organise such programs frequently in future. The programme successfully bridged the gap between theory & practice in Law. For more details visit www.icler.in.

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Postcards

This photograph was taken in February/March 2005 when the Moot Court Association (MCA) went on a picnic to Gorai beach to let off steam after the D.M. Harish Moot Court Competition. It was my first year at GLC and the first year that the competition had gone international. The MCA and GLC were synonymous for me in that year—my life at college revolved around the committee and some of the committee members (three of whom are in this photograph) became lifelong friends. All of us had worked very hard to take the competition to the next level and we thought of this picnic as a justly earned reward. We played cricket on the beach and precariously climbed coconut trees and generally had a blast. The tension of the previous months dissolved easily in one day of sun, sea and sand.

Like most nostalgia, I love this photograph because it reminds me of more innocent and carefree times—I love the fact that we didn't feel the need to celebrate in a fancier way. It also reminds me of how earnest I was and the personal pride that I took in the MCA's accomplishment that year. Of course, I will always be proud of the college and its achievements, but I would give anything to get back the shining earnestness of those days.



- Dhvani Mehta

This was a photograph taken of me ten years ago, in February 2004, when I was 18 years old. It captures one of my favorite, most cherished GLC moments, which took place at the end of the D.M. Harish National Moot Court Competition held that year. Our GLC team had won the "Best Team" award at the competition, and I had personally won the "Best Speaker" award: beating participants several years senior to me, from all over India.

I was then still in the first year of the five-year program at GLC, and it had been an awe-inspiring experience to argue before senior advocates and judges of the Bombay High Court, straight out of high school. As is often customary at moot court competitions, none of the names of the participants had been revealed to the judges of the competition: I was simply known as "Speaker D2".

After the competition's ceremonies were concluded, members of the Moot Court Association (MCA) hoisted me on their shoulders to celebrate our victory.



- Abhinav Chandrachud

from the Past

Graduation Ceremony for the Class of 2012 was one of the most bitter sweet experiences. On the one hand it represented new beginnings for new adventures, whereas on the other, it signified the end of an era—five years which gave me some of the happiest, some of the most frustrating, yet some of the most memorable experiences—ones which I shall fondly look upon and cherish!

Although I am not present in this photograph, I believe it contains several emotions that we all associate with our college—joy, relief (sometimes), happiness, and a sense of achievement and pride of being a student in our prestigious college!



- Chinmaya Gajaria

I distinctly remember the excitement I felt when Dr. Shashi Tharoor consented to speak at the Lecture Series. I cherish the fact that I had the chance to share the days with him and managed to gather the largest crowd for a lecture in GLC till date. The auditorium was packed!!! The Students' Council and Ad-Hoc Council did a fantastic job putting the Lecture Series together.



- Rahela Khorakiwala

A vivid memory I have of GLC is taking part in the D.M. Harish Moot Court Competition in 2006-07. I was in my first year and chosen as a researcher on the team. We spent long hours in the library, committee room, etc. researching case law, writing memorials, but most of all having a blast! We reached the final round of the Competition and were up against the team from Cambridge University. We eventually came second, but reaching the finals with the backdrop of the grand University Convocation Hall in my first moot was something else!



- Anirudh Hariani

If this photo (I'm the chap in the centre) conveys any sense of there being a heaving crowd of students in front of the stage in a mass rock 'n' roll sing-along, then it should be the photographer who gets much of the credit for that. In five years of GLC, and despite the best efforts of my talented co-performers, the one undisputed skill that I could proudly boast of was the ability to clear the auditorium of a packed audience until only a few excessively polite friends remained. Perhaps one day, in an alternate universe, I shall endeavour to reverse that skill! Although I fear it may well have to be the alma mater that takes the risk and obliges me with a stage.



- Shreyas Sridhar

After a year's hardwork putting together so many events, the Students' Council and Ad-Hoc Council were off for a day trip. We had a blast—totally getting into the character!!



- Rahela Khorakiwala

One of my most memorable moments in GLC was participating in the college selection rounds for the D.M. Harish National Moot Court competition in my second year of the five year course. I remember that as a second year fresher, I was a mass of nerves and excitement moreso, because all my seniors were the other participants and I was amazed at my own temerity to stand against the giants (there were amazing people whose encouragement was what pulled me through). My fourth year was also memorable, as I initiated the protest along with friends, against the new rule sought to be introduced by the MCA, that there would be a limit on the number of moot court competition one person could represent college in. All the Best to you guys and remember to maximise on having fun....there will be little enough time once you qualify.

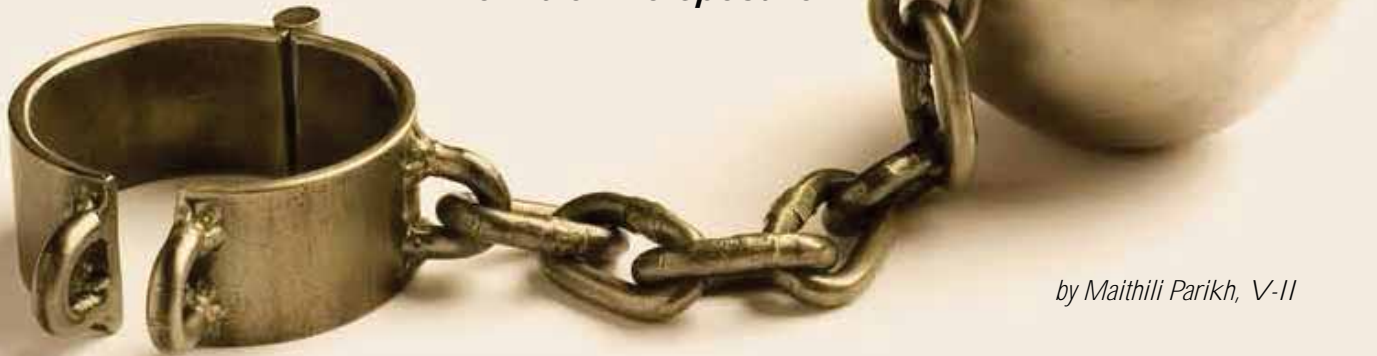


- Ankita Singhania



MENTAL HEALTHCARE

- *The Indian Perspective*



by Maithili Parikh, V-II

In a country where mental illness is a stigma caused by “evil spirits” and “ghosts” and measures such as chanting, ‘beating the spirits out of them’, caging, shackling and other such callous measures are frequently employed by families to treat their mentally ill kin, the Mental Health Care Bill, 2013 (herein referred to as the ‘Bill’) is warmly and exuberantly welcomed. If these social conditions aren’t burden enough, the mental health institutions with their history of poor sanitation and hygiene standards, severe over-crowding, unregulated treatments and lack of qualified staff, are responsible for the further misery of the affected people. Set to substitute the obsolete Mental Health Act of 1987, this Bill has been tabled in the Rajya Sabha, as the first step to revolutionise mental health care in India. To provide a further glimpse of the deplorable circumstances of the mentally ill is the case of Machal Lalung, a seventy seven year old frail man, who was fallaciously admitted to a mental asylum at the age of 23 in Tezpur, Assam for epilepsy, which the doctors mistook for mental illness. Forgotten, he was released 54 years later owing to the commendable efforts of the National Human Rights Commission. The mounting urgency of reform thus provides a perfect setting for the tabling of the Bill.

This Bill, tabled on August 13, 2013 in the esteemed

Rajya Sabha, attempts to ameliorate the heinous measures meted out to the mentally ill persons by providing a meticulously drafted framework of law. The Bill makes ground breaking changes to the current system of mental health care in India.

Decriminalising of Suicide

Under Section 309 of the India Penal Code, 1860, any person who attempts to commit suicide and does any act towards the commission of such offence shall be punished with simple imprisonment for a term extending to one year or a fine or both. The Bill works toward expelling the criminal liability by providing that “Any person who attempts to commit suicide will be presumed to be mentally ill unless proved otherwise and hence not liable for punishment under the relevant section of the Indian Penal Code.”² In this ambitious manner, the Bill endeavours to protect the mentally ill patients who under the influence of their illnesses attempt to end their lives and failing to do which they come under the ambit of criminal law which would further harm their mental stability. These provisions are sought with the knowledge that suicide is more often than not committed under a bout of various mental illnesses such as bipolar disorder, depression, alcoholism, drug abuse, schizophrenia and other such mental disorders. The Bill lays down that unless proved otherwise, the

¹ Section 124(1) of the Mental Health Care Bill, 2013 LIV of 2013, Rajya Sabha

person attempting to commit suicide would be considered to be suffering from a mental illness and hence, would be free from the criminal implications. The legislation emphasises that the act of suicide and the mental health of the person committing the act are inseparable and cannot be viewed in isolation. Inclusion of the provision comes with approval from the apex court as well, which during the ruling in the euthanasia case of Aruna Shanbaug² in May 2011, aptly asked the Parliament to examine the feasibility of omitting the relevant section of the Indian Penal Code. Further commenting on the same the Supreme Court said, "The time has come when it should be deleted by Parliament as it has become anachronistic. A person attempts suicide in depression, and hence needs help rather than punishment." More so, it seems almost heartless to haul these suicide survivors straight to prison, a place unfit for mentally ill persons. However, it is to be noted that the Bill does not completely remove the criminal liability, if proved that the person is free from any mental disorder, he would come under the scope of Section 309. This is especially befitting after several studies have shown that mentally ill persons are indeed twelve times more probable to commit suicide than a normal person.³ To take into perspective the universal stand on 'attempt to suicide', it is vital to take into account that currently India along with Singapore is amongst the only few countries in the world where suicide survivors are answerable under criminal law. While most of the countries such as the United Kingdom, Australia, Canada, Romania, Ireland, Netherlands, Norway and South Africa take strict action only against those who abet suicide.

Electroconvulsive Therapy

Electroconvulsive Therapy, commonly referred to as 'ECT' is a procedure in which a brief application of electric stimulus is used to produce a generalised seizure.⁴ Electrodes are then attached to the patients scalp and an electric current is applied which causes a brief convulsion. Minutes later, the patient awakens confused and without memory of events surrounding the treatment. Even after almost sixty years of using this psychiatric treatment, it remains one of the most controversial psychiatric treatments, with current up to 170 volts being rushed through the patient's body.

This process has two variants, mainly direct or unmodified ECT in which absolutely no anesthesia or muscle relaxants are used, and the other being modified or indirect ECT which makes use of muscle relaxants and anesthesia. In the Mental Health Act, 1987 unmodified ECT that exposes patients to several side effects such as bleeding, memory loss, pelvic fractures, joint dislocation, was not specifically disallowed, leaving much room for continuation of this barbaric practice. On the other hand, the Bill finally strengthens the legal framework to prohibit unmodified ECT and legalises only modified ECT. This radically modifies mental health treatment in India for the better. The previously allowed, yet universally disdained, direct ECT has been known to cause panic attacks amongst the mentally ill patients because without the anesthesia, they are acutely aware of the torture they are about to face. Terrified, they are required to be held down by the staff. The Bill further tries to improve the lives of these mentally ill patients, who are often victims of this heinous practice, by discontinuing direct ECT and paving way for compulsory use of muscle relaxants and anesthesia to ease them into this controversial yet efficient treatment.

Human Rights

Astounding, as it may seem, the Mental Health Act of 1987 has no provisions to protect the rights of this vulnerable section of society which is why the Bill's commendable chapter on human rights draws much appreciation. Mental health facilities are often known to be the grossest violators of human rights, often resorting to practices such as chaining⁵, isolation, sterilisation and cruelty. The Bill disallows degrading and humiliating customs such as tonsuring (compulsory shaving of the head), wearing of uniforms and even recognises their basic right to privacy, especially of communication.⁶ It provides for them to have the liberty to wear their own clothes, protects them from any kind of abuse—sexual, emotional or physical, and from forced labour. It attempts to alleviate the social opinion of these people, by emphasising their right to access basic human rights and be a part of the society in a dignified manner. The rather lamentable reality remains that despite a mammoth 65-70 million

² *Aruna Ramchandra Shanbaug v. Union of India, Writ petition (criminal) no. 115 of 2009, para no. 100*

³ 'People With Severe Mental Illness 12 Times More Likely to Commit Suicide', 2010, at <http://www.sciencedaily.com/releases/2010/12/101206161740.htm> (last visited January 20, 2014)

⁴ 'Electroconvulsive Therapy (ECT), Mental Health America' at <http://www.mentalhealthamerica.net/ect> (last visited January 20, 2014)

⁵ *Federal courts: AIR 2002 S.C. 979 para. 1.*

⁶ *The Mental Health Care Bill, 2013, Bill no. LIV of 2013, Rajya Sabha § 21(2013).*



Indians⁷ suffering from some sort of mental disorder, modern society treats mental ill health to be a taboo and considers it inferior to physical health.

Even though the Bill seems nearly flawless, one can't help but question if it is an impossible utopia. The severe problem as most identify with this country is its poor implementation; the Bill too seems to contain a few measures that are too idyllic to be implemented truthfully. This Bill though seems a bit too idealistic; it makes a fairly admirable attempt to change the scenario of mental health in India.

With all our convictions and aspirations invested in this Bill, we can only hope that the vulnerability of this section of society awakens the compassionate side of the Parliament and from a distant dream, the

Bill is passed to become a sensational reality. The additional hindrance is the very mindset of the people, as Minoo Ramanathan, a medical volunteer of the MINDS non-profit foundation for mentally ill persons, rightly said that, "The attitude towards mental health in India is very different from the one in the West. It's 'something is wrong with you and it's your fault,' instead of 'this is a medical problem and can be treated.'"⁸

The first step towards this desired change in mindset is strengthening of the legal framework. However, it can be only dreamt that step one, strengthening of the legal framework, provides an impeccable platform for the desired social change. From calling mentally ill, lunatics⁹ to protecting their rights, India has come a long way, but there is a longer way to go.

⁷ See Indian Council of Medical Research, *Health Research Policy*, (Oct, 2007), 25.

⁸ *India's Mental Health Challenge*, *India realtime*, 2013, at <http://blogs.wsj.com/indiarealtime/2013/10/21/indias-mental-health-challenge/> (last visited January 20, 2014)

⁹ Section 3(5) of the Indian Lunacy Act of 1912 [ACT No IV of 1912]



Mr. Fali Nariman

Senior Advocate, Supreme Court of India

COURTROOM HUMOUR

In an appeal in a commercial cause between traders, Sir Jamshedji Kanga stood arguing for a potato merchant's appeal before a bench consisting of Chief Justice Sir John Beaumont and M. C. Chagla.

Well, when the appeal got going and the judges were closely questioning Kanga on its merits (or rather on its demerits), the following conversation took place:

Chagla: (leaning over to whisper) Chief, do you see that man bobbing up and down behind Kanga?

Beaumont: Yes – he is Kanga's client.

Chagla: Do you know he had the audacity to come to my house last evening to deliver a bag of potatoes.

Beaumont: (smiling) And what did you do Chagla?

Chagla: Of course, I asked him to instantly leave with his gift.

Beaumont: What a pity. Chagla – I assure you they were excellent potatoes!

Seeing the look of horror on Chagla's face Beaumont then added, 'Do you really think, that a bag of potatoes is going to make a difference as to how we decide this case?'

Of course, the potato merchant's appeal was dismissed.

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The Past Revisited

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

Nanabhoy ('Nani') Palkhivala, one of the most prominent authorities of tax and commercial law in Indian history, was also known as an ardent defender of civil rights and liberties. He spurned offers to be on the Supreme Court Bench and to be the first Law Officer in India, to later become India's ambassador to the United States of America. He is fondly remembered for his accomplishments both in Court as well as out of Court. His work of paramount importance was in the cases of *Kesavananda Bharati v. State of Kerala* and *Minerva Mills v. Union of India*, which eventually declared judicial review to be constitutional. The book, Nani Palkhivala has co-authored, called the "The Law and Practice of Income Tax" is in fact served as tax law draft guide at even the International Monetary Fund, establishing him as perhaps the most illustrious tax interpreter of his age or any age for that matter. It is gratifying that this brilliant legal star shared the classrooms we learn in everyday. As Soli Sorabjee, rightly said, "Of Nani, it can be truly said that he walked with Kings yet lost not the common touch."

This article was written by Nani Palkhivala in his first year of College in the year 1943.

Poets Laureate by Nani Palkhivala

It is a commonplace in literature that Laureates came into fashion when professional fools and jesters went out of fashion. But this is a literary fallacy like the one about the Authorized Version of the Bible; as a matter of rude fact, the Bible of 1611 was never publicly authorized by Parliament or Privy Council, King or Convocation.

Spenser is often reckoned among the Poets Laureate, but he had no right to the title. His laureateship was of the Faerie world, not of this. The first Laureate, in the modern sense of the term, is indubitably Ben Jonson. I appointed him the Laureate, and conferred on him £ 100 a year and "a terse of Canary Spanish Wine", which latter benefit the prosaic Pye commuted for £ 27. From Jonson to Masefield there is no breach of continuity, save for four years after Tennyson's death, during which period the office was vacant. The list is not incurious: Jonson, Davenant, Dryden, Shadwell, Nahum Tate, Rowe, the Rev. Lawrence Eusden, Colley Cibber, William Whitehead, the Rev. Thomas Warton, Henry James Pye, Southey, Wordsworth, Tennyson, Alfred Austin, Robert Bridges and John Masefield.

Of these seventeen names, four are great ones—Jonson, Dryden, Wordsworth and Tennyson; four well-known names—Rowe, Southey, Robert Bridges and John Masefield; two ingenious ones—Shadwell and Colley Cibber; three meritorious ones—Davenant, Tate and Warton; and three hopeless names—Eusden, Whitehead and Pye. As for Alfred Austin, the wits said that

somebody made him the Poet Laureate by way of a joke. The office was offered to Gray but that learned poet had a horror of writing odes to order. Pope, as an acolyte of the Scarlet Woman, was out of the question. In those days a judicious choice of creed was a greater qualification for the laureateship than poetic merit.

Shadwell and Cibber are known more as the victims of Dryden's satire and Pope's than as satirists or poets themselves. Shadwell has been gibbeted to eternity in Mac Flecknoe and Cibber in the Dunciad.

But Eusden, Whitehead and Pye—how did they manage to gain the office? Their poems have had an unusually swift foot on the road to oblivion. Eusden was of Irish extraction, and owed his appointment to the Duke of Newcastle, which latter fact cannot, perhaps, be regarded as eloquent of the Duke's poetic acumen. Eusden's Muse affected royal subjects and in the panegyric he wrote on George II occurs the line:

“Thy virtues shine peculiarly nice”,
which in poetic merit is on a par with the immortal
“Tis a sin,
To steal a pin”.

Eusden, in his later life, took to toping and translating Tasso, and died, his verses along with him, at Coningsby in Lincolnshire.

The second mediocrity, Whitehead, was the son of a baker. He wrote a small farce which was never published. Then he composed some stodgy tragedies which, strange to say, found publishers. The greatest of human mysteries is how his patrons managed to convince themselves that he deserved the Laureateship, or how he managed to convince them and himself that he was a poet. He wrote a longish poem called “Variety: a Tale for Married People”, which posterity has quite willingly let die.

The last of the unutterable triad, Pye, touched life at many points. In addition to being the Laureate, he was a scholar, a member of Parliament, a barrister, a police-magistrate like Fielding, and a gentleman by birth. It would be mere irony to claim that Pye was famous as an orator in Parliament—but he spoke at least once which is more than can be said of Gibbon.

The Laureateship came to him in 1790 and he enjoyed it for twenty-three years. His own generation laughed at his poetry, but the more they laughed the more verses he published, till out of sheer exhaustion, they left off making fun of him as a poet. His brazen-bowelled industry was evinced by his voluminous translations. Shakespeare was not of an age but for all time; Shadwell was not for all time but for an age; Pye was neither for an age nor for all time.



An Interview with Solicitor General of India



MR. MOHAN PARASARAN

MAGAZINE COMMITTEE

You were appointed the Solicitor General of India in February, 2013 and have previously held the post of Additional Solicitor General of India for nine years. Please share your experience, holding these prestigious offices.

MR. MOHAN PARASARAN

Both these offices impose onerous responsibilities and it's a different ball game than private practice. In the changing circumstances one has to mainly keep in mind the correct legal position. I have not only always advised the Government from the point of legal issues involved but also on the practical issues or difficulties on a case to case basis.

MAGAZINE COMMITTEE

You have represented the Government of India in several landmark cases, including the dispute between the Ambani brothers on the KGD6 gas field, defending the levying of luxury taxes and the constitutional validity of Member of Parliament Local Area Development Scheme and the Vodafone case. You have also appeared in the Commission of Inquiry, which probed into the Airbus 320 crash in Bangalore. Could you give us an insight to your experience in the abovementioned cases? Which according to you was the most challenging or career defining case?

MR. MOHAN PARASARAN

Each case has had a different dimension and in fact, I enjoyed arguing each matter. In so far as KGD6 is concerned it was essentially a private dispute between the Ambani brothers and it involved important constitutional questions on the KGD6 gas field with regard to the government rights to granting larger natural resources. In fact I had a tough time before the Bombay High Court and it was a very grave difficulty in the matter that salvaged the Supreme Court. In so far as levying luxury tax is concerned, it was an important federal issue involving one of the states at power or the union at power and this case actually laid down some important principles of law with regards to taxation. The third one was a very challenging case regarding the constitutional validity of the Member of Parliament Local Area Development Scheme. Initially the matter had come before a three judge bench and we faced a very tough time. The funds were being distributed to the MPs as a sort of charity by the Parliament. We had to actually go through some of the very important provisions in the Constitution and then, argued this on a statutory basis. Ultimately the matter was referred to a constitutional bench and was in fact a very lengthy and debated case which ultimately was decided in favour of the Government. In so far as the Airbus 320 crash in Bangalore is concerned, it was a different

experience altogether and it involved highly technical aspects and involved the question as to what was the cost for the crash and we had to deal with the technology of how the airbus is operated. In fact we had to even sit in it and acquaint ourselves with the technology of piloting an aircraft. It took me some time to learn the technological aspect and this factually gave me a lot of insight into the aviation industry and how to actually fly an aircraft and ultimately the court found a pilot error. I had appealed on behalf of the Indian Commercial Pilots Association and we pointed out some design defects in the aircraft and even though the commissioner of inquiry gave a report that the crash was caused due to an error of the pilot, the aircrafts subsequently had to alter some of the configuration in the aircraft to provide greater safety in flying.

It is very difficult to state my most career defining case because I have appeared in so many cases but I can say it was the Vodafone dispute because for the first time several issues of international taxation and the interpretation of the Income Tax Act had arrived for consideration before the Bombay High Court where we succeeded and I personally think that the view of the Bombay High Court was due to consonance with the intent of the Indian Income Tax Act. The Supreme Court was more concerned about the foreign direct investment and how this structure operates globally with their global practice. But the real issue was whether capital gains arose in India whenever there was a transfer of a capital asset situated in India. The Bombay High Court after proper deliberation held that there was in fact a transfer of capital assets situated in India because the profits were earned in India.

MAGAZINE COMMITTEE

Being the son of former Attorney General of India and Senior Advocate, Mr. K. Parasaran, you had a strong legal background. Yet, a career in law was not your first option. Can you tell us about your choice to pursue law and your journey thereafter?

MR. MOHAN PARASARAN

There I would like to tell you that at a young age, it is so difficult for anybody to take a firm call while you're

so confused. I actually took up mainly science subjects and mathematics in my school. Medicine was a passion for me because I was very influenced by some of the eminent doctors who are practicing in Chennai and I wanted to do social service by getting into the medical profession. However, I could not secure a seat in a medical college. Then of course, destiny changed and I had to join the Arts course and then I had to pursue law but it is all because there is no one to guide us at a certain point of time. Though I had a very strong legal background, I myself took a call that I would pursue the course in light of the subjects. It was so difficult to get into a law college so I shifted to B. A. (Economics) and then to law.

MAGAZINE COMMITTEE

Having done your B. A. (Economics) from the University of Madras, Bachelor of Law degree from Delhi University and Master of Law from the University of Cambridge, you have studied in some of the most renowned institutions. Can you tell us about your days as a student, both in India and abroad?

MR. MOHAN PARASARAN

My economics background in Madras was very useful in pursuing the career of law in the Delhi University. I did my law from Campus Law Centre and we had very eminent teachers when I studied and I'm still very thankful to those who taught me back then. So that was a different experience with very great teachers and in fact, those days the moot courts were just becoming popular and Campus Law Centre was one of the new law colleges in India which was doing quite well. I had the opportunity to participate in several moot court competitions in Delhi colleges and even outside and I also won several competitions including the moot court competition held by the Bar Council. As far as my experience in the Cambridge

"It is very difficult to state my most career defining case because I have appeared in so many cases but I can say it was the Vodafone dispute because for the first time several issues of international taxation and the interpretation of the Income Tax Act had arrived for consideration before the Bombay High Court where we succeeded and I personally think that the view of the Bombay High Court was due to consonance with the intent of the Indian Income Tax Act."

University is concerned, there the approach towards studying law is completely different from that of the Delhi University. Delhi university, of course, is one of the renowned law colleges of India but Cambridge actually analysed a particular subject through practical



problems and I had the good fortune to be taught subjects like International Law and Public Law. My classes were conducted by very eminent professors like Prof. Derek Robert, Mr Christopher Greenwood, who is now a judge in the International Court of Justice, and they were all brilliant teachers and recognised students who worked hard. I can't forget Prof. David Williams and Prof. William Wade who are great stalwarts in the fields of public law and administrative law since everyone knows William Wade's Administrative Laws is the most celebrated book in the field of administrative law. And David Williams, in fact authored one of the editions of modern law of judicial review. I greatly benefitted from these great professors in Cambridge University and it gave me a completely different sort of exposure and gave a boost to my confidence when I came back to India.

MAGAZINE COMMITTEE

What is your take on the current state of legal education and what aspirations do you hold for this area?

MR. MOHAN PARASARAN

The current state of legal education is exceedingly good but what I feel is that everyone's first choice is to go to national law schools or other private law schools. I feel everyone is now carried away by prospects of learning but naturally everyone will have a tendency. The profession has become a rat's race but all students get excellent exposure in legal education. After completing legal education I think, many people of course go to foreign universities to pursue their higher education or join some firms but those who wish to stay back in India are at an advantage and I would like to tell them that they should try to be patient and concentrate more on actual legal practice. Today what I find is there is a fashion to straight away start practice in the Supreme Court but unless and until a law college pass out is exposed towards Code of Civil Procedure, the Evidence Act, Code of Criminal Procedure, he does not become a full lawyer. Knowing these, I think one will be able to tackle even new challenges which they face everyday.

MAGAZINE COMMITTEE

You are the third Solicitor General in less than two years after your predecessors, Gopal Subramaniam

"I could not secure a seat in a medical college. Then of course, destiny changed and I had to join the arts course and then I had to pursue law"

and Rohinton F. Nariman who resigned mid-way because of reported differences with successive law ministers. Are you concerned about the upcoming challenges of your office and being influenced by the politics?

MR. MOHAN PARASARAN

Holding the office of the Solicitor General these days is exceedingly difficult in the current scenario, not only in the political but also in the economic scenario. Besides litigation that comes to court, the opinion that you have to give to the Government and considering all that, holding this office is a very big challenge and it is well-known that these offices have become virtually quasi-political but I personally feel the foremost duty of any lawyer including a law officer is duty to the court and to be fair and honest and transparent and also advise the Government of India correctly. Holding high offices like Attorney General and Solicitor General, you're virtually guiding the government and you should guide them if you come across some wrong doing. You must be the first person to highlight it. We should actually stand up for values and traditions and not be influenced by petty politics. If you get carried away by politics, I don't think you are fit enough to hold these posts.

MAGAZINE COMMITTEE

You had recused yourself from the Sethusamudram project due to your personal beliefs. Many a times, lawyers encounter situations where their professional and personal interests clash. How, according to you, is the best way to overcome such dilemmas?

MR. MOHAN PARASARAN

See, this was actually a question of personal religious belief and extremely popular too. When I have faith in Lord Ram, I can't actually be such a sycophant and say that I believe Ram up to 99% and belief cannot be half-baked. Religion itself is a matter of faith, therefore, when it comes in conflict with faith, naturally I can't go and argue and say I'm putting up these religious arguments also as a ground for challenging the project. I feel when there is a conflict, it's always better that you recuse yourself, particularly when you're holding a high office for the Government of India, because tomorrow you can be blamed.

And secondly, I belong to a place which is very close to the project. I hail from a place, which is 10 kilometers from the bridge. Therefore considering all this, I thought the best way is for me to recuse myself from the matter and I personally feel, lawyers should recuse themselves, particularly those holding Government offices, when there is a clash of personal interests.

MAGAZINE COMMITTEE

You have held some of the most prestigious government offices. What is your experience working with the Government *vis-à-vis* private practice?

MR. MOHAN PARASARAN

Working for the Government is very tough. In all sensitive matters, the Government is quite interested and we get reasonably good assistance, but private practice as I said is a different ball game, there the clients are themselves interested and you are actually being instructed by persons who are directly interested. Working for the Government is like working in a general hospital but having a private practice is working in a private hospital. There I think you get the best assistance from the client themselves and there is no problem of infrastructure or taking money for assistance and therefore, I think it is easier to do private practice. Defending the Government is so difficult, particularly considering the level of infrastructure that we have and assistance we get, the quality of advocates who assist us. Of course things are sought to be changed and I hope things change, but there will always be a great difference between a government lawyer and a private practitioner. A government lawyer faces too many disadvantages. These 10 years have given me a great experience; it has given me a great insight in to the functioning of the executive government, enjoyed with highest political echelons. Also to give a different perception as a private lawyer, it was a different phase in my life which I think a private lawyer can never imagine.

MAGAZINE COMMITTEE

You have had an illustrious legal practice in the Supreme Court as well as High Courts. Can you recall some memorable incidents in the courtroom?

MR. MOHAN PARASARAN

The most memorable incident of course, was my first

case when I thought I had a reasonable case. The very first case, in which I appeared, went against me just at the initial stage but I don't think I ever was disheartened, especially since the case was taken above me, the argument ultimately went to Supreme Court and we succeeded in the Supreme Court.

"Working for the Government is like working in a general hospital but having a private practice is working in a private hospital. There I think you get the best assistance from the client themselves and there is no problem of infrastructure or taking money for assistance and therefore, I think it is easier to do private practice."

Appearing against my own grandfather and father were interesting experiences. Apart from that I have learned a lot from several renowned senior counsels both in the Madras High Court and in the Supreme Court and the way they practised and they have actually given me a considerable experience as how to go about.

MAGAZINE COMMITTEE

Unlike your popular contemporaries and having such an illustrious career, you have always maintained a low-key profile. Any reason?

MR. MOHAN PARASARAN

I personally feel as far as a law officer or Solicitor General or Additional Solicitor General is concerned, you must always control yourself since you are virtually almost akin to holding a high post like that of a Judge, you can't be very vocal and come to the press often. I always believe in simple living and in the fact that you should just be good. People themselves find out who's a good lawyer and who's not.

MAGAZINE COMMITTEE

What is your message to all the students reading this, who hope to pursue a similar legal career as yours?

MR. MOHAN PARASARAN

My advice is to continue working hard and don't be bogged down by failures, pursue a chosen path and give a lot of thought to choose the path. Be steadfast and don't be upset by failures. You have to choose whether you'll have to be a litigating lawyer or be a solicitor or you have to join some company as a legal advisor. But you take a conscious decision and stick to that and wait for success. You will have to work hard for success and I think people who work sincerely, ultimately get success, sooner or later.

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THE CURIOUS CASE OF BACHA POSH

by Aashna Sheth, V-1

In today's modern day and age, when I came across an article that throws light on women trapped in a male dominated society and their unusual attempt to break free, even if temporarily, by dressing up as a boy moved me to tears and prompted me to analyse the article 'Afghan Boys Are Prized, So Girls Live the Part' by Jenny Nordberg¹, in depth. Being a girl and being brought up in a completely different stratum of society, where there is no discrimination between the sexes, I responded to this article from an outsider's perspective.

Weaving plight with liberation, painting irony with reality, in the hues of bold facts, bluntly narrating the captivity and freedom of the girl child in the guise of a boy, Jenny Nordberg of the New York Times expounded the reader with the bitter truth of the state of women in Afghanistan. This heartrending account of the '*bacha posh*' has thrown light on a woman's status in this war torn nation. This eye-opening account stirred my soul and I respond to the same by intricately analyzing the meaning of the three tragic narratives of Mrs. Rafaat and her daughter Mehraan, Shukria Sidiqi and Miina Mateen, within this beguiling piece of writing.

The Dari word '*bacha posh*' directly translated as 'dressed as a boy' defines and entails the essence of this unique transition from a girl to a boy, and back to a girl, which could take place in any Afghan girl's life. The thought of being born a girl and living your life liberally as a boy and then transforming back is rather startling and is 'like being born again'. An outsider tends to empathise with the Afghan women who make their children go through this radical procedure and silently hope and pray that in the future, the girl can live in harmony with society.

Following are the comprehensive accounts of three Afghan families², all with a common factor—a daughter in the household being brought up as the son. However, the experiences, reactions, and

conditions of the three households vary greatly, giving us an insight into the convoluted situation of the women in this country.

MEHRAAN (MAHNOUSH)

In the case of Mehraan, who grew up as Mahnoush (a common name for an Afghani boy), the change was a boon. She received education, societal acceptance and all the privileges that she wouldn't have been entitled to if she were dressed as a girl. More so, the change was also of great help to her mother, who was looked down upon in society since she had given birth to four girls.

Mrs. Rafaat was beaten by her husband and taunted by her mother-in-law. However, when she decided to raise her daughter, Mehraan, as a boy, everything changed and she earned her place in society. Her family and friends were well aware of the change in Mehraan's life and accepted the same. They looked upon it favourably and Mrs. Rafaat proudly stated that she 'had a son'.

Furthermore, Mrs. Rafaat was not one to quit; after surviving a complicated marriage and a condemning society, she continued to work and eventually earned a place in Parliament. What is more shocking is that her husband had no work and lived at home as a 'house husband', as she calls it. However the enigma of role reversal in the Rafaat household is where the woman is in fact the breadwinner, who continues to put up with the old school of thought simply to avoid further difficulty or complications in society. However, what appalled me the most was Mrs. Rafaat's hesitation to be the change that she wanted to see, despite being a Member of Parliament. The fact that she conceded to the mindless tradition, despite being educated and in a position of power, shows a woman's helplessness against the male dominated society and as is beautifully phrased by the journalist, 'she's one with power only on paper.'

¹ Jenny Nordberg, 'Afghan Boys Are Prized, So Girls Live the Part' *New York Times*, (September 20 2010), available at http://www.nytimes.com/2010/09/21/world/asia/21gender.html?pagewanted=all&_r=0

² *Ibid.*



Thus, Mehraan's case can be looked at from two perspectives—on one hand it was a blessing to the Rafaat household as it allowed their daughter to live freely in a male dominated society, while it simultaneously highlighted the plight of Mrs. Rafaat who was compelled to raise her daughter as a boy in a society that would not accept her otherwise.

SHUKRIA SIDDIQUI:

For Shukria Siddiqui, the masquerade went too far, and for too long. After having been raised as a boy for twenty years, she was immediately made to parade as a girl when she reached marriageable age, as her parents had found her a suitor. Having lived as a boy, exercising freedom, privileges and exuding mannerisms that were not 'appropriate' for a girl, the change was rather difficult. Unlike Mehraan, for whom the change was a blessing in disguise, for Shukria, the change would be traumatising.

She did not know how to wear a dress, sit with women and socialise with them. All of this was alien to her. Further, having never worn a *burqua* in her life, the change was rather stifling. In an interview, she stated that she kept tripping over her *burqua*, and after living as the boy of her household for so long, she was accustomed to the habits of her brother and had never cooked a meal in her life. In her words, it was like she was 'being born again'. This very phrase allows the reader to understand the drastic change that she underwent physically and mentally. The effective comparison to being born again expresses the problems, changes, and adjustments a girl has to go through, which require fortitude and forbearance.

This case portrays the after-effects of the '*bacha posh*'. After having lived as a boy for so long, the "regress" is traumatic. The transition and difficulty Shukria had to face clearly highlights the gravity of the situation and as readers, we are left with the lingering question—would it have been better if she was raised as a girl?

MIINA MATEEN

In the case of Miina Mateen, the '*bacha posh*' was an economic necessity. After going to school as a girl, she would dress up as a boy and work at a local grocer's shop and bring home some money to help her parents

run the house. Thus, the conversion was not only to financially aid the family but to earn a position in the



society. In an interview, her mother stated that girls weren't employable and it was essential that Miina dressed as a boy so that her family of eight sisters would not go hungry.

What is all the more unfortunate is that unlike the cases of Mehraan and Shukria, Miina didn't welcome this change—she didn't feel privileged and liberated. In fact, she hated dressing up and 'being around the boys' in the grocer's shop. She wanted to dress as a girl and feel like one.

Thus, this particular case highlights the downside of this situation—if a girl wants to be brought up as a girl, why should she dress as a boy? Miina Mateen's case portrays the never ending disparity between the sexes and how hard the girl tries to live the dream by 'playing the part' of a boy.

Conclusion:

On a concluding note, this hard-hitting article awakens the girl in me, as I try to understand and digest the bitter truth of life in Afghanistan and the '*bacha posh*'. This soul-stirring journey took me through the tunnels of despair, long winding paths of confusion and finally, to a ray of hope. The concluding line of the article³, "I'm ready to wear two *burquas* if my Government can provide security and a rule of law. If that's the only freedom I have to give up, I'm ready," shows aspiration for the mere thought and optimism for a better future, a future that every 'girl' in Afghanistan could hope for.

³ *Ibid.*

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Selfie Nation

by Malvika Amin, V-II

It's funny how far we've come, from being excited at having a torch in our ancient Nokia phones to front facing cameras and touch screens, the rate at which technology is progressing is truly fascinating. Typing has become so easy to us—we can type without looking at our screens, while balancing a steaming cup of coffee and book bag in one hand, or typing while we're in class in such stealth like movements that the teacher, even the people sitting on our benches don't have a clue that we have just typed and sent a 250 character message within two minutes.

Owing to such growing trends, "Selfie" was named word of the year by Oxford Dictionaries for the year 2013. Oxford's editors say that the use of the word has gone up a staggering 17,000% in the past year. 17,000%! People have different notions about selfies. Some are against the whole idea, believing that we have more important things to do than sit and take pictures of ourselves and post them for everyone to see; while others just can't seem to get enough! Wake up in the morning—selfie with my cup of coffee, on my way to work—selfie because I'm stuck in traffic, reach work—selfie with the avalanche of papers balancing precariously on the edge of my desk, because I have of course, rearranged everything to make it look like I have a lot to do, when actually it's all about the picture. But really, what are we getting out of these selfies? A reason to wake up in the morning—because we all want that 7 am selfie with the sunrise in the background or maybe a boost for our egos when we compare the number of people that have liked our pictures.

And it's just not about us and our friends; everyone seems to be a part of this new trend (now even Oxford is!). Anyone saw the selfie of a group of kids with the Pope that went viral? And even President Obama took a moment during the memorial service for the late Nelson Mandela to pose in a "selfie" with British Prime Minister, David Cameron and Danish Prime Minister, Helle Thorning-Schmidt. Selfies are everywhere and if you're not a part of this yet—maybe you should be!

M A G E R

Section 377: Conservative fashioning

by Rohil Bandekar, V - II

The recent Supreme Court verdict upholding the constitutional validity of section 377 reaffirms our faith in 'shadenfraude'. Literally meaning 'harm-joy', the German term denotes the feeling of joy or pleasure when one sees another fail or suffer misfortune. It appears that we, as a society, were misled by the ruling of the Delhi high court in 2009, which actually held a sympathetic view towards our LGBT community and decriminalised gay sex—such atrocity! Thankfully, of course, the honourable Supreme Court, saviour extraordinaire, guardian of the constitution, upholder of our fundamental rights, led us back to the warm embrace of our old German friend. The egg industry seems to have benefitted the most as it has led us back to the good old days when members of the LGBT community had the option of having their eggs served fried, scrambled and also splattered on the face while on the way to work—dish of the day? This pre-historic piece of legislation, created shortly after the last confirmed sighting of the T-rex, with the blessings of Kanta Ben of course—the homophobic maid from 'Kal Ho Naa Ho' who shudders at thought of her beloved Rohit baba (Saif Ali Khan) being gay, considers any sexual act, which is not between man and woman, against nature and hence illegal. These acts, termed as unnatural sex have been made, under section 377, non-bailable cognizable offences, empowering the police to break into any house and pick up a couple they suspect of being homosexuals under the claim of preventing a criminal activity. So the next time you invite a cop in for tea and you are a male, be sure to hide all things pink, and if you happen to be of the fairer sex, well you have more to worry about than just section 377. (Doesn't Section 375 ring a bell?)

Free-fall

by Suchita Uppal, V-I

The other day a friend of mine recommended we go bungee jumping. While a few of us shuddered at the prospect of falling down such vast distances, the rupee remained our sole source of inspiration. Yes, the tragedy of the Indian Rupee has provided a few laughs and of course millions and millions of sobs, and while many may find this matter too grave to joke about, I believe in being in a state of constant upliftment (of course, the rupee begs to differ).

It's that classic time in history when a "What's up?" invites a reaction of "Well, not the rupee" and one cannot help but smile when a coin toss is the only time the rupee goes higher. No doubt, the rupee touching an all-time low of 68.85, left the entire nation in complete shock, with everyone wondering—why did the rupee nosedive so deep, dragging the entire nation down with it? While some believed that lack of structural and financial reforms is the culprit for the rupee's fall, others say it was the enormous trade deficit and slow growth rate that made it put even deep sea divers to shame (My little sister suggested it may be gravity). Regardless of the cause, the effects were rather devastating, whether for Indian students overseas, India's imports or the fiscal deficit; the tweeters, on the other hand, seemed to be having a swell time.

And just like every Bollywood movie, when it all seems to be going downhill, there arrives a glimmer of hope. And much like a hero, the rupee made its dramatic comeback and left us heaving a sigh of relief. Of course, if we can say anything without doubt, it is this—when it comes to our currency, there's always doubt. So let's turn on our eternal optimistic side and hope that this rollercoaster ride eventually ends "happily ever after".

B V I E W

An Open Letter to the Indian Legislature!

Dear "Our" Representatives,

As you prepare to fight your way into the Parliament House, we make yet another attempt, to stir your collective conscience to begin shedding the colonial legal relics scripted to reign over the native polity which your predecessors perpetuated for decades! Good Samaritans like P. C. Jain excavated at least 1,382 of such archaic absurdities of white justice to no avail. Repealing just 415 of them in 16 years is at best the mockery of your sincerity to address this grave issue. The cacophony of 377 has still not ebbed and instead trifurcated the opinion; a determined Supreme Court's stance on one end, the intelligentsia on the second and the loud silence of y o u r tribe on the third; the real 'aam aadmi' be damned! An amateur would argue that the Indian Telegraph Act, '1885' was crafted to quell native rebellions and consolidate information, which you folks find convenient too. The 'white sahib' scripted ways to avoid prosecution for his deliberate—(mis)takes and (mis)demeanours and his brown successor uses Section 197 of the CrPC 1973 to do the same. Our khaki custodians of law continue to languish under the dusty crumpling Police Act, 1861 thus, turning into fossils! While the Rules for Licensing and Controlling Places of Amusement, 1960 prohibit decent entry to our youth to any dance floor-to burn their office blues and the fate of our public assemblies are left in the hands of the 'morally upright' Magistrate, husbands and wives of our country can gallivant on an adultery spree under the cloak of section 497 IPC! While we cry hoarse on our environmental decay, we let off our Veerappans and his professional kin with fines as enormous as Rs. 50 under the Prevention of Cruelty Act, 1960, for planned decimation! We are urging you through this in-house college magazine, without using social media, lest we be sent to Arthur Road under Section 66 of the Information Technology Act, 2000. We wish to remind you about something that happened in 1947 which allows us to make our own laws from scratch and not get fossilised with ancient ones or revel in amendments.

Yours sincerely,
Shreyas Narla, V-II



If it's not .COM or .NET, it's got to be .LAW!

by Ragini Shah, III-III

There has always been a recurrent and varying debate over the difference between a profession and an occupation. However, the most commonly concerted opinion is that an occupation is merely a job taken up for monetary purposes, with little or no relevance to one's formal training or career goals. A profession on the other hand requires specialised knowledge, augmented by extensive training and is governed by a strong code of ethics. The field of law thus, comes under the ambit of this understanding of the concept of profession.¹

In light of such distinction, it becomes essential that such professions are kept away from activities and processes that run the risk of tampering with the dignity of the profession. Such risk has been averted by Rule 36 of the Bar Council of India (BCI) Rules, which is based on the principle that law is a noble profession and therefore, prohibits the advertisement of lawyers and law firms. The reason being, advertisement in a professional field would amount to unethical competition among the members of the field.

However, as much as the above may stand true, the current scenario looks very different from what the Rule implies to achieve. In 2008, the BCI itself permitted lawyers to host certain information on their websites, according to the amendment in Rule 36. In the case of *V. B. Joshi v. Union of India*², pursuant to which this amendment was made, it was held that only restricted information could be advertised on the internet.

As far as unethical competition among the lawyers is concerned, numerous law firms have started offering '*pro bono*' legal services on their websites, which serve as a marketing strategy. Therefore, the reason of prohibiting such advertisement is definitely not being achieved by the said Rule. Instead, it has proved to be extremely inconvenient for the public, as when it comes to approaching a good lawyer, one has to entirely rely on the word of mouth or such other means, and many a times people have to compromise on the quality of lawyers due to lack of information. Advertisement is an indispensable necessity for the public, and in a field as professional as law, its importance only becomes graver.

A client must be able to make a good choice when it comes to employing a lawyer, backed by his financial capability and knowledge of the lawyer's credentials. There has to be some mechanism from where an evaluation of the lawyer, his track record and competence in various disciplines can be obtained. The essence of a lawyer's duty to his colleagues must not jeopardise the interests of the public as the nobility of the profession lies in the service to the common man and not just to colleagues in the profession.

Rule 36 was introduced by the British, who have themselves aborted the same³, a long time ago. Moreover, the fact that foreign lawyers are no longer bound by the same restrictions makes it difficult for Indian corporate lawyers to compete directly with these firms.

¹ <http://www.ask.com/question/profession-vs-occupation> (last visited on January 23, 2014)

² 3(1967) DLT 150

³ 'Law firms find loopholes to promote their services', available at <http://www.livemint.com/Companies/vqsXsEeGYuqPli9I8TPL00/Law-firms-find-loopholes-to-promote-their-services.html> (last visited on January 23, 2014)

Historically, the legal system in European countries prohibited advertising by lawyers. However, with globalisation, a need for change was felt, which led to the adoption of the Code of Conduct for Lawyers in the European Union (CCBE Code), which permits advertising of lawyers. This, along with the various directives and decisions of the European Courts, has led many Member States of the European Union (EU) to review the rules of practice and the codes of conduct for their legal professions. As a result, many EU Member States have abandoned their traditional rules prohibiting advertising by lawyers, in favour of permitting some form of such advertising.⁴

Just as Indian lawyers suffer from this unreformed practice, similarly, it is also inconvenient and expensive for foreign clients and Indian clients in foreign countries who have to resort to foreign lawyers as a safe way to find a good lawyer in India⁵, making Indian lawyers dependent on foreign firms and lawyers as a source of their business and clients.

Noticing such alarming demands in India and reforms in foreign countries, companies are bringing a separate and definite platform dedicated exclusively to law.

Companies like Google and Directi, who recently participated in the auctioning of the domain '.NEWS', are now seeking '.LAW' as the next 'big thing'. This new registry domain could have various

denominators based on the business model of the domain providers. One such view includes providing separate subtexts defining the type of firm or even a court or organisation of law. For instance, when such registry domain is offered to a law firm, the hierarchy of firms may be considered while allocating the subtexts as either .3tier.LAW or .2tier.LAW etc. This will allow a client to understand the level of the firm or lawyer he wishes to approach merely by its website address. As the allocation of status would not be self-decided, it would not amount to self-praise and therefore, is not a form of advertisement, considering the sub-text allocation would depend on fulfilling a set of requirements by the registry domain providers. Similarly, courts and government legal representatives may also use these registry domains, eventually forming a complete code for law related websites. A need for a separate and uniform platform exclusively for law is necessary, especially with an increase in globalisation.

Without sullyng the profession of law, marketing needs to be carried out in this field as correctly acknowledged by Dr. M. Veerappa Moily, Law Minister 2009-2011⁶:

'With changes in a country's stage of development come new challenges, which have to be met via a reform process. The legal profession must rise to the new opportunities that come about as a result of India moving to take her rightful place among the leading nations of the world.'

⁴ Louise L. Hill, 'Publicity rules of the legal professions within the United Kingdom' available at <http://www.ajicl.org/AJICL2003/vol202/Hill.pdf> (last visited on January 23, 2014)

⁵ Mihaela Papa and David B. Wilkins, 'Globalization, Lawyers, and India: Toward a Theoretical Synthesis of Globalization Studies and the Sociology of the Legal Profession' available at http://www.law.harvard.edu/programs/plp/pdf/Globalization_Lawyers_and_India.pdf (last visited on January 23, 2014)

⁶ 'Dr. M. Veerappa Moily presented Vision statement for second Generation Reform in Legal Education' available at <http://pib.nic.in/newsite/erelease.aspx?relid=61270> (last visited on January 23, 2014)

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STAND UP FOR



by Mantul Bajpai, V-IV

"Polygamy in India was not outlawed until the late 40s or early 50s. So if you are wondering why you have so many cousins... now you know!"

This was one of the many punches in Vir Das' comedy act that was inevitably followed by a roar of laughter and applause. The 'Comedy Legend' then moved on to demolish his front row audience by his wit and charm. The audience was made up of all kinds of prey, from young to middle-aged, belonging to different nationalities and all of them were united on a rainy evening in Bandra, at Bombay, by a comic act that was peppered with jokes and satire on taboo topics of sex, religion, nationalities, and communities, all being incredibly rude, politically incorrect and, in another era, blasphemous.

Another man who has been showered with equal fame and success in this profession is Mr. Gursimran Khamba, co-founder of All India Bakchod, India's most widely heard comedy podcast. Although his high tweets might have the tendency to piss off many starry figures, over fifty thousand followers of his are amused. The concept of podcasts is ideal for unwinding after a long day's work and especially during a long commute. They are conveniently downloadable and refresh the listener with a distinct style of comical banter. In a touch of original creativity, the awkward pauses have not been edited

out in the final cut, so as to give the listener the feel of an eavesdropper, listening to the private conversation of two friends in earnest.

India has seen a change in life and style, and though comedy might be 'rad' today, the same would be unimaginable a decade ago. Comedy might have begun as a hobby, but now it has taken its rightful place as a legitimate profession in India. Having been called the new cool thing by the renowned Daniel Fernandes, stand-up comedian and founder of Microphone Entertainment, he went on to compliment, "Earlier, being in a band was the cool thing to do. Now, it's being a comedian." In the past three years, stand-up comedy has gone from being a novelty item to a consistent blip on evening radar.

After a long struggle that started with 'pehchaan kauri' and comical jokes in a musical rhythm, stand-up comedy has finally begun to find its feet in India. This is no longer the same India and these are no longer the same humourless Indians that Rahul DaCunha, mastermind of the satirical Amul hoardings, ridiculed as ones who could not laugh at themselves. But, what exactly has changed? To begin with, the opening of the first comedy store in India, in Mumbai, gave the local amateur comedians a chance to develop the Indian stand-up comedy scene. In the recent years, particularly since the opening of the Comedy Store,

stand-up comedians have been given an opportunity to prescribe and offer the best medicine, which is laughter. Also, as comedy has grown, it has seen a decline in pub culture, electronic music nights and karaoke; the old life is now old news and people want something new. Another fact that can't help but boost its ego is that stand-up comedy is not only competing with the nightlife scene of the city, but is winning hands down. One could be a bad dancer or a bad singer, but everyone can laugh till their stomach hurts and still crave more. Masters of standup comedy like Tanmay Bhat and Rohan Joshi have made the Indian crowds realise that it just isn't okay to make fun of the country's politics, language or religion when amateurs do it, but in hands of experts like them, it's hilarious. In fact, the best comedy comes from some things you really care for.

The growing worth of stand-up comedy can be realised from the mere fact that recently Google directed YouTube to start a Comedy Week especially for India. Between September 5 and 12, a channel streamed hilarious compilations of the best Indian

comedy: movie clips, stand-up highlights, scenes from TV and regional-language humour.

With more and more performers taking the stage, genres like comedy sketch and 'improv' (short for improvisation) are appearing more and more frequently and even International performers are eager to take this stage by storm. It seems that the future of Funny-Business is on a rise. Indians have begun to discover the pleasures of live comedy and to appreciate the fact that it takes years of practice and experience, of bitter criticism and beer-throwing bar hecklers, before one can take a place in the spotlight, with the microphone in hand, confidence and genuine mischief in the eyes and speak to hundreds of people like an old friend, something like:



"If Lance Armstrong was Indian, his parents would have been more ashamed of him being a cyclist by profession, than of the doping charges."



Mr. Fali Nariman

Senior Advocate, Supreme Court of India

COURTROOM HUMOUR



I opposed C. K. Daphtary as a counsel in a now celebrated case: *Firestone Tyre and Rubber Co. vs Synthetics and Chemicals Ltd. (1971)*. There were a number of fine points of Company Law involved. I argued the case on behalf of Firestone before Justice D. P. Madon when he was still in the Bombay High Court.

When Daphtary rose to reply to my arguments, he spluttered, 'My learned friend... ; he then cleared his throat and said, ' My learned friend...'; he coughed a little more and cleared his throat. The Judge, very seriously, said, 'Mr. Daphtary why don't you sit down and take a sip of water?'

CK, who was waiting for this opening, said, 'No, no my Lord it has nothing to do with my throat. It is the arguments of my learned friend – I just cannot swallow them!

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Why the Supreme Court verdict is not wrong?

The internet blogs and social networking websites have been flooded with criticism over the Supreme Court verdict on re-criminalizing homosexuality. From Kapil Sibal to Sonia Gandhi, everyone has capitalised on the situation and been totally against it. With the US also entering the protest, the judgment has become a matter of global controversy. There is an important element to the judgment that all of us fail to understand.

The Constitution of India distributed the power to govern the nation to three wings, viz. the legislature, the executive and the judiciary. The legislature (parliament) is supposed to enact, repeal and amend the laws; the executive is supposed to successfully implement them and the judiciary comes into picture in times of disputes, interpretation of laws and as a guardian of the fundamental rights and the Constitution. The courts are responsible to act as supervisors to ensure that everyone remains within their constitutional limits. The supervisory role also ensures that the work that has been allotted to one wing cannot be done by another. Hence, the executive cannot legislate and the legislature cannot adjudicate.

The judgment is trying to draw the line again. When Section 377 of the Indian Penal Code has expressly held something to be a crime, it is for the legislature to amend it to ensure that it meets the sync of the



by Kunal Katariya, V - IV

changing society. The legislative amendment ensures a healthy debate amongst the elected representatives and ensures a better consensus of the nation. The question that has been posed in the judgment is not whether homosexuality is a crime or not, but whether the judiciary has the right to amend the Indian Penal Code. As mentioned by the Supreme Court, the ball is in the court of the Parliament, to bring in an "Indian Penal Code Amendment Bill" and take a national consensus on the same. The judiciary is always being accused of entering the space of the legislature and this judgment intended to ensure that it does not enter the legislative areas.

The courts are supposed to act judiciously and with principles of equity and good conscience. However, so as to maintain the balance, a self-imposed limitation is necessary. Taking a fine example of drawing this line—Death Penalty which has been abolished by most nations on earth, still prevails in India. If India wants to do away with death penalty as a punishment, the same can be done away by an amendment to the Indian Penal Code and not by the decision of the Supreme Court.

What has been completely misunderstood by the self-proclaimed constitutional experts on social networks is that the court has not criticised homosexuality, but has only asked the aggrieved to use the other route of a legislative amendment to the Code, as a decision upholding the





decriminalisation of homosexuality which is not within the constitutional limits of the Supreme Court.

We hold the Supreme Court to be the guardian of our fundamental rights and the supervisor, to ensure that every individual or organisation remains within its constitutional limits. Is it not wrong to expect a court to go out of its constitutional limit to do something that should have ideally been done by the legislature? The Code was enacted in 1860 by the British and has been accepted by independent India as well. If the judgment would have upheld the decision of the Delhi High Court, then why do we need the parliament? Every single matter of social importance can be enacted or altered by the way of a writ or a Public Interest Litigation. As the upholder of the Constitution, the court ensured that the equilibrium is not disturbed. As it is said, "power corrupts and absolute power corrupts absolutely".

It is better to have a discussion while making an amendment and a committee of the Parliament to analyse it, rather than having a judge who takes the complete call.

Further, this is also correct as laws are to be made with the consensus of various elected representatives and must be subject to a proper ground of discussion, debate and analysis. Giving the power to a judge to write down laws is a threat to democracy, as it means giving unlimited power to him.

I am in no way opposing the decriminalisation of homosexuality, but am completely opposing the way the judgment has been construed. All the political parties from various backgrounds have come forward in criticism of this judgment; but it is for us see how many of them introduce a bill to decriminalise it in the election year.

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15th D. M. Harish Memorial Government Law College International Moot Court Competition



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. Today, 15 years since its inception and 10 years since the Competition was taken international, 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 15th edition of the Competition held from 6th to 9th February 2014, which included the likes of New York University School of Law and Valparaiso University from USA, University of Southampton, University of Sussex from U.K and colleges from Africa, all tallying up to a participation of 15 international Universities, along with 16 of the best Indian Universities.

Many wonder what goes into organising a competition of this nature, where all the man-power, effort and time go in organizing DMH. It begins with the DMH Compromis which revolves around legal contemporary issues in International Law, drafted by experts in the field. The Compromis of the 15th DMH centred on International Humanitarian Law and Public International Law.

Upon framing of 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 was in full swing along with the venue co-ordination, accommodation and the catering teams. The 'Memorial Team' which handles the coding, verification and coordination of submitted memorials and the 'Scoring Team' which handles the tallying, cross checking and printing of score sheets are our lifelines during the days of the Moot.

DMH participants are the ones that set the calibre of the competition. There is no doubt that every Indian Law School reserves its most talented mooter to shine at DMH, and every International University awaits the much heard of 'DMH Experience'. The organizer-participant interaction begins from the time of registration of teams in early November and lasts for years together. We try our best to ensure a smooth and enjoyable mooting experience at every step, ensuring a pick-up to every team where two members of the

Committee provide every team with a pick-up, whether from the Airport or the 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 Mumbai legal fraternity is represented at the Competition. We may well be boastful about the organisation and hospitality, but the soul of any moot court competition is undoubtedly and quite rightly, the mooting! The Preliminary Rounds of Argument of the 15th DMH saw judges which included associates, senior associates and advocates who shortlisted the first 16 teams, which made it through to the octo-final Round. The policy of 'higher the level, tougher the fight', is followed to the word at DMH. The Octos saw partners of law firms and counsels of the Bombay High Court grill teams, to further enlist eight that made it to the quarter-final round. If the presence of founding partners and senior partners was not enough to intimidate teams at the quarter-final level, arguing in front of the biggies of the legal fraternity, the likes of which included Mr. Iqbal Chagla, Mr. Janak Dwarkadas and Mr. J. P. Cama, definitely blew away the semi-finalists.



The DMH Panel Discussion topic was "Has The United Nations Become The Crony Club Of Superpowers Compromising, The Sovereignty Of Other Nations?" which was tacitly moderated by Senior Counsel, Mr. Hareesh Jagtiani and attended by an illustrious Panel living up to the standard displayed year on year.

It is assured that only the two most capable and deserving teams reach the final round of arguments after the rigorous seeding process that we put all the teams through. On 9th February it all boiled down to witnessing brilliant advocacy and ultimately the adjudication of best team. This was done by three sitting judges of the glorious Bombay High Court.

One of the key reasons to DMH being received with the euphoria that it is, is the sincerity with which each and every member of the Moot Court Association dedicate himself/herself to the Competition. The members work fervently all year round, with 'work-hours' rapidly increasing as 'the day' arrives. The MCA will always dedicate itself to the cause of raising the benchmark for India's most acclaimed event on International Law, continuing now with the next edition of the competition scheduled from 5th –8th February, 2015.

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COURTROOM HUMOUR



Mr. Sriram Panchu

Senior Advocate, Madras High Court

It was a custody matter. The mother had been given custody of the girl by a court order two years earlier. The father was trying to gain custody. His main ground was that the mother was having an affair with some one and the child was made to think that this person was her father.

Cross-examination: Why do you say that the child thinks X is her father?

Answer: Because she refers to him as Papa.

Question: Does Papa always mean father?

Answer: Yes, it does.

Question: Do you know that Ernest Hemingway was called Papa?

Judge: Strike off that question. Who is this person? His name does not figure in the case pleadings.

Mr. Janak Dwarkadas

Senior Counsel, Bombay High Court

Appearing before a Judge of the Bombay High Court, known for his no-nonsense attitude, a matter was being mentioned for urgent reliefs by an Advocate of the Bombay Bar at eleven am.

The learned counsel pressed, with a great deal of vehemence, for the immediate hearing of the Application for urgent interim reliefs. At this stage counsel for the opposite party made a vociferous grievance that despite a letter being addressed by the Solicitors to the Advocate making the urgent Application, that his clients be given advance notice of at least forty eight hours, the Petitioner Advocate had informed his Solicitors of the intended application barely fifteen minutes prior to the mentioning of the Application.

The Judge immediately turned to the Petitioner's Advocate with a bewildered look wondering what possible explanation he could have.

In reply to this, the Petitioner's Advocate, rather calmly responded, and I quote "...well my learned friend obviously hasn't read the letter I handed him this morning, it clearly calls upon him to treat the same as forty eight hours' notice..."



13th VYAS

GOVERNMENT LAW COLLEGE NATIONAL LEGAL ESSAY COMPETITION 2013-14

A good lawyer has to have a way with words, making it one of the main weapons in his arsenal. The right words can be the difference between life and death in some cases. Further, it isn't just the spoken word that matters, being able to succinctly put one's thoughts down on paper also counts. No one knows this better than Senior Advocate Mr. Dinesh Vyas. For the last thirteen years, he has been helping the Magazine Committee to 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 skills.

TOPICS

- National Food Security Act, 2013 – A boon or a bane?
- Discuss the Representation of the People (Amendment and Validation) Bill, 2013 in light of the Lily Thomas case.
- Same-sex marriages – The World has mended its laws, is India Ready?
- Is the Criminal (Amendment) Act, 2013 the right weapon to fight against rape?
- Need for codification of Refugee Laws in India.

We would like to thank our judges for the preliminary round, Mr. Akash Rebello, Ms. Amanda Rebello, Ms. Helina Desai, Ms. Mallika Taly, Ms. Shaishavi Kadakia and Ms. Shalaka Patil.

We are extremely honoured to have the final rounds of this year's Competition judged by Hon'ble Shri Justice R. M. Savant, Hon'ble Shri Justice A. A. Sayed, Hon'ble Shri Justice A. R. Joshi and Hon'ble Shri Justice S. J. Kathawalla.

WINNERS

Puneet Rathsharma, The W. B. National University of Juridical Sciences, Kolkata
1st prize - ₹ 12,000

Devrupa Rakhshit, The W. B. National University of Juridical Sciences, Kolkata
2nd prize - ₹ 9,000

Avani Maha, NALSAR University of Law, Hyderabad
3rd prize - ₹ 7,000

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



EVALUATION OF INDIA'S REFUGEE LAW AND POLICY

by Puneet Rathsharma, The W. B. National University of Juridical Sciences, Kolkata

*A perspective on Legislative Framework, Judicial Decisions
and International Instruments*

INTRODUCTION

In this essay, the author has discussed the need for filling the legislative vacuum with regard to refugee protection in India amid calls for India's commitment to the 1951 Convention on Refugees. In Part I of this essay, the author has presented the magnitude of the refugee problem in India and has critically examined the state policy to refugees, keeping in mind the time-period in question. In Part II, the author discusses the lack of legal framework and the judicial intervention in various cases, more on considerations of justice and equity rather than the strict rule of law. Subsequently in Part III and Part IV, the author has analysed India's hostility to the refugee Convention and has evaluated the Model National Law on Refugees drafted by Justice P. N. Bhagwati. The author has concluded this essay with his recommendations of introducing a balanced rights-based regime for refugee protection in the country keeping in mind the principles of International Law.

REFUGEES IN INDIA AND INDIA'S REFUGEE POLICY

India has been a chief refugee receiving country in South Asia¹ given its geo-political position in a largely volatile South Asia, aided by porous national boundaries. Although the exact numbers vary, India has been a host to a huge population of refugees from neighbouring countries with the US Committee for Refugees putting the number of refugees at a massive 400,000² and Refugee International putting the figure at 330,000 refugees.³ At the height of the crisis in East Bengal, India was a host to over 9,544,012 officially recorded refugees⁴ and the colossal flow of refugees into India has been termed as unparalleled in modern history.⁵

Surprisingly, India is not a party to the Refugee Convention of 1951 and there is no legislative

framework to determine the rights and liabilities of the refugees. The absence of legislative framework leads to governance of refugees by ad-hoc decisions, coupled with executive authority and political whims and fancies.⁶ India's policy with regard to refugees has not entirely been uniform and has often been criticised as discriminatory based on the country of origin.⁷

As rightly pointed out by Professor B. S. Chimni⁸, India's refugee policy has to be evaluated in perspective. Given India's unstable economic and volatile social standing at that point of time, India has given refuge to all asylum seekers in the country. There is no denying the fact that India has often derived political mileage from the humanitarian crises, but India's handling of the massive refugee influx at different points of time in spite of India's poor financial health is nothing but exemplary and praiseworthy.⁹ India's approach to safeguard the interests of the refugees has been acknowledged by the UNHCR¹⁰ and has been praised by the US Committee for Refugees in the following words:

*"...but it has largely been the case, that every person who has landed on the shore and asked for refuge has been granted refuge."*¹¹

Of late, authors like H. Knox Thames¹² have accused India of not protecting the interests of the refugees adequately. It has to be pointed out that India has given asylum to all those who have sought refuge contrary to the Western Countries, many of which returned the Tamil asylum seekers by denying asylum.¹³ The author would like to humbly state that retrospective criticism of state policies with complete disregard to India's financial and social health is unjust and absurd given the fact that many financially sound western countries were signing mandatory return agreements with the Sri Lankan Government at the height of the crisis.¹⁴

Although India has been generally accommodative of the concerns of the refugees, its conduct is not

entirely praiseworthy or impeccable. India has rightly been accused of differential treatment of refugees and the legislative vacuum has often led to arbitrary decision making, at the behest of political and executive discretion. Given the fact that there is no 'Refugee-Specific legislation', the rights of the refugees are undetermined and refugees remain at the mercy of state policies which are often dependent on political considerations. At the point where the Indian policy makers have failed the refugees, the Indian judiciary has stepped in through numerous decisions and has substantiated International Laws as law of the land as discussed subsequently.¹⁵

THE LEGISLATIVE VOID AND JUDICIAL RESPONSE TO PROTECTION OF REFUGEES

India is not a party to the 1951 Convention of Refugees and lacks domestic legislation with regard to refugees. India's lack of refugee specific legislation is further worsened by the fact that refugees in India are governed by the pre-independent laws like the Foreigners Act 1946¹⁶, Passport (Entry into India) Act 1920¹⁷ and the Registration of Foreigners Act, 1939¹⁸. Contrary to established constitutional principle of 'equals to be treated equally', refugees are treated under the same law as applicable to illegal migrants although they form a separate class in themselves. The law in India does not recognise 'Refugee' as a separate class from other foreigners or aliens¹⁹ given the special circumstances concerning the refugees where they fear persecution based on race, religion, nationality or political opinion upon their return to their country of origin. Indian practice in general has conformed to the principle of non-refoulement but the existing legislative framework if applied to refugees would be violative of customary International Law, even if India is not a party to the 1951 Convention on the Status of Refugees. The existing legal provisions which approve of deportation of asylum seekers is undoubtedly violative of customary International Law and are against constitutional principles enshrined in Article 51 (c) of the Indian Constitution which emphasises the importance of respecting International Law and treaty obligations.

As discussed earlier, although India's approach to refugees in general has been very generous²⁰, there have been numerous instances where India has acted contrary to established international norms. At this

juncture, it is imperative that we recognise and acknowledge the role of the judiciary in protecting the interests of the refugees.²¹ There have been many unreported cases, whereby the Supreme Court has avoided taking up a positivist position and has taken up a realist stance and has protected the interests of the refugees by recourse to International Law. In many of these unreported cases involving the refugees, the Supreme Court has derived rights for the refugees not from the black letter of the law but from considerations of justice, equity and fairness.

In *Khudiram Chakma vs. Union Territory of Arunachal Pradesh* ²², the Guwahati High Court in an exemplary decision asked the Government of Arunachal Pradesh to pay compensation to the Chakmas who were being evicted on humanitarian grounds and ordered suitable directions to be followed to ensure a dignified life for the Chakmas.

The Supreme Court on appeal²³, rejected the order of compensation granted by the High Court but upheld the application of principles of natural justice to foreigners. Unfortunately, a student's Union in Arunachal Pradesh namely, AAPSU had threatened the use of force on Chakmas and pressurised the Chakmas to leave the State. The National Human Rights Commission intervened *vide* Section 18 of the Protection of Human Rights Act²⁴, 1993 and Supreme Court in an exemplary decision ordered the State of Arunachal Pradesh to protect the life and liberty of chakmas. The decision of the *Supreme Court in National Human Rights Commission vs. State of Arunachal Pradesh* ²⁵ marks an important phase in the protection of refugee rights in India, given the apex court's observation that

"Every person is entitled to equality before the law and equal protection of the laws. So also, no person can be deprived of his life or personal liberty except according to procedure established by law. Thus the State is bound to protect the life and liberty of every human-being, be he a citizen or otherwise... The State Government must act impartially and carry out its legal obligations to safeguard the life, health and well-being of Chakmas residing in the State without being inhibited by local politics. Besides, by refusing to forward their applications, the Chakmas are denied rights, Constitutional and statutory, to be considered for being registered as citizens of India."

In *ND Pancholi vs. State of Punjab* ²⁶, the apex court stayed the deportation order issued by state and



granted time to the refugee to seek refugee status from UNHCR, New Delhi. In a similar decision²⁷, the Guwahati High Court stayed a deportation order against a Burmese national and granted him time to seek immunity from UNHCR. In yet another case, the Supreme Court in *Malavika Karelekar vs. Union of India*²⁸ stayed the deportation order and allowed the asylum seekers the liberty to determine their status at UNHCR in New Delhi. The Guwahati High Court in *U. Myat Kayew vs. State of Manipur*²⁹ even ordered the release of the petitioners from the prison without surety to facilitate the determination of their 'refugee status' by allowing them to approach the UNHCR. The decision points to the maturity of judgment which recognises the difficulty of arranging for surety in an alien country and latitude offered by the Honourable Court in preserving the values of fairness and justice.

The High Courts have also taken cognizance of the allegations of forced repatriation through public interest litigations, in *P. Nedumaran vs. Govt. of India*³⁰, the Madras High Court issued notices to the Central and State Government and after careful examination of the evidence concluded that consent of the refugees was obtained properly. The Madras High Court also relied on the role of UNHCR in verifying the fact that the repatriations were not forced and after detailed scrutiny of various forms and documents held that:

*"...the consent of the refugees is obtained in proper manner and only those refugees who have expressed their consent are being sent back and the voluntariness of consent is being verified by the representatives of UNHCR"*³¹

As pointed out by Veerabhadran Vijayakumar³², the judiciary has also sought to bridge the gap between the principles of International Law and national law, in the absence of legislation. In the absence of anything contrary in the domestic legal system, the judiciary has liberally used the principles of International Law as part of the domestic legal system.^{33 34}

In perhaps one of the most landmark judgments in bridging the gap between the domestic and international legal system, the *Gujarat High Court in KA Habib vs. Union of India*³⁵ has held that the principle of non-refoulement is part of Right to Life and Personal Liberty as enshrined in the Article 21 of the Indian Constitution. The above decision reaffirms the fact that the lack of domestic legislation has not prevented the Courts from granting appropriate remedies and relief and the Courts have avoided taking a strictly positivist stance and have applied principles of international law carefully to safeguard the interests of the refugees.

INDIA'S OPPOSITION TO THE REFUGEE CONVENTION OF 1951

India, along with the South Asian states is not a party to the 1951 Convention on Refugees, given the fact that most states across the world are a party to the Convention.³⁶ One of the primary objections of most South Asian States is that the convention is very Eurocentric and does not cater to the realities of South-Asian countries.³⁷ Unlike European countries, South Asian countries have porous boundaries and there is no effective power of the state to prevent intruders from entering into national territories, given the huge national boundary-lines and lack of manpower. The financial cost of providing employment, food, housing, medical care and education to refugees upon being a party to the Refugee Convention of 1951 is another major deterrent for India, as pointed out by Justice Katju.³⁸

As pointed out by Weiner³⁹ and Chimni⁴⁰, South Asian countries have this unique problem of cross-border movement of people changing the socio-political dynamics of a region given the varied differences in language, religion, ethnicity, culture and race. A similar problem was observed in various Indian states when refugees from the erstwhile East Pakistan ventured into India and it nearly resulted in major internal security issues with differences of language,



culture and religion, particularly in the North-Eastern States and Bengal.⁴¹

Most South-Asian countries including India have also regarded the problem of refugees as a bilateral issue and in an effort to prevent western countries from pursuing their own geo-political interests by interference, have refused to be a party of the 1951 Convention.

It is beyond the scope of the paper to analyse the correctness of India's decision with regard to the Refugee Convention, but the end of the cold-war era and the emergence India's economic warrants a reconsideration of the decision. New de-classified documents analysed by Gary Bass reaffirms India's position that while most countries were aware of the huge humanitarian crises in India due to refugees from Bangladesh, very few intervened⁴² and India's call for support was a failure on diplomatic and financial counts.⁴³ India's general conduct to refugees has been praiseworthy⁴⁴ and being a party to the Convention will entitle India to aid from other countries. The author would humbly point to the fact that this decision might have been correct in an India before the 1990s, but the current geo-politic situation of India calls for re-evaluation of the decision of not joining the 1951 Refugee Convention.

EVALUATION OF THE MODEL NATIONAL LAW ON REFUGEES

Lack of domestic legislation in South Asian countries prompted the set-up of a 5 member committee to draft a model law⁴⁵ for refugees at the Third-South Asian Informal Regional Consultation.⁴⁶ The draft model law was then modelled as per the requirements of each country and was done in India by the creation of an eminent persons group under the leadership of Justice P. N. Bhagwati.⁴⁷

The Preamble of the model law recognises India's commitment to accommodate refugees and long-standing tradition of accommodating asylum seekers.⁴⁸ The Preamble also acknowledges the role of judiciary in creating a rights-based regime in spite of lack of domestic legislation and arbitrary executive actions.

The model law in pursuance of its objectives has

defined the term 'refugee' in very wide terms as provided in Article 3. Apart from including the test of "well-founded fear" prosecution test based on 1951 Convention, the law also includes additional grounds like ethnic identity and sex, given their vulnerability in South Asian societies. The model law also widens the definition of refugee by allowing asylum seekers who leave their habitual residence based on the fear of external aggression, occupation or foreign domination, serious violation of Human Rights and any other event disrupting public life as recognised by Organization of African Unity Convention and Cartagena Declaration.⁴⁹

Article 5 of the model law codifies the customary International principle of 'non-refoulement', which has also been recognised by the Gujarat High Court in KA Habib vs Union of India⁵⁰ as a part of Article 21 of the Indian Constitution.

The Act seeks an end to the arbitrary treatment of refugees and their determination of status by devising an individual-based refugee status determination in India. Article 6 specifies that an asylum seeker must apply to the Commissioner of Refugees. Subsequently in Article 7 and Article 8 of the Model Law, the model law describes the composition, appointment and functions of the refugee commissioners, deputy commissioners and the refugee committee. Unfortunately, the provisions of the law with regard to the functions of the officials are couched in very wide and general terms, which in all probabilities will lead to conflict in practice and implementation.

The author would like to point out that Article 9 of the model law dealing with the determination of refugee status is exemplary and draftsmen of the law have thoughtfully included many procedural safeguards to make the whole process of refugee-status determination in consonance with principles of constitutionality, fairness and equity. Firstly, the law recognises the handicap faced by numerous refugees owing to difference in language across boundaries and provide for the facilities of a competent interpreter.⁵¹ The law recognises the role of UNHCR and Article 9 (b) allows the asylum seeker to contact a representative of UNHCR. The asylum seekers is also entitled to assistance by a legal practitioner and the law mandates the state to provide



a list of legal practitioners competent in refugee law to be provided to the asylum seeker.⁵² Apart from granting substantive rights through the provisions, the law is procedurally very sensitive to the needs of refugees by offering reasonable time to appeal against the decision of the Refugee Commissioner⁵³ and by making it mandatory to give reasons while rejecting the application for refugee status.⁵⁴

Article 13 of the Model law seeks to create a rights-based regime for refugees in contrast to the prevailing ad-hoc nature of refugee treatment in the country by providing the right to education, healthcare, non-discrimination, livelihood and travel documents. Apart from the rights conferred by Article 13, the law also seeks to override the provisions which have penal consequences for illegal entry into the territory of India.⁵⁵

The law is grounded on realities, evident from Article 14 of the model law which allows the State the power to deal with cases of mass influx by offering a temporary alternative to the individual refugee status determination mechanism. Article 14 of the model law would be helpful to deal with cases like the Bangladesh Refugee Crisis of 1971, in cases where individual determination of refugee status is humanely impossible.

Article 16 of the model law mandates that *“The repatriation of refugees shall take place at their free volition...”* and dismisses any international

cooperation or agreement to deal with the refugees. As rightly pointed out by Arun Sagar and Farrah Ahmed, the law does not recognise any other avenue of dealing with the refugee problem apart from voluntary repatriation like international cooperation and agreements, a view taken by the Indian government at various junctures, including the 2001 consultations on the Bangkok Principles of 1966.⁵⁶

At this point, it is important to note that the law mandates non-discrimination for refugees but the principle of equality of treatment to asylum seekers is not recognised the law, which is in variance with the principles of constitutionality.

At the outset, the model law has to be appreciated for incorporating specific technicalities and procedural safeguards in light of the society in India and Justice Bhagwati, as one of the most prominent faces of judicial activism and PILs in India⁵⁷, has remained sensitive to the needs of the refugees on most counts. Unfortunately, the law is oblivious to the whole domain of security concerns arising out of the refugee problem. As pointed out by Prabodh Saxena, the model law although drafted prior to the US Twin Tower attacks, fails miserably on the front of terrorism. The law should balance interests of human rights and security concerns of the host country and the model law fails to do so, since it does not contain any expulsion clause. It should be noted that the law should be equipped to prevent the host country from acting as safe havens for terrorists, a fact



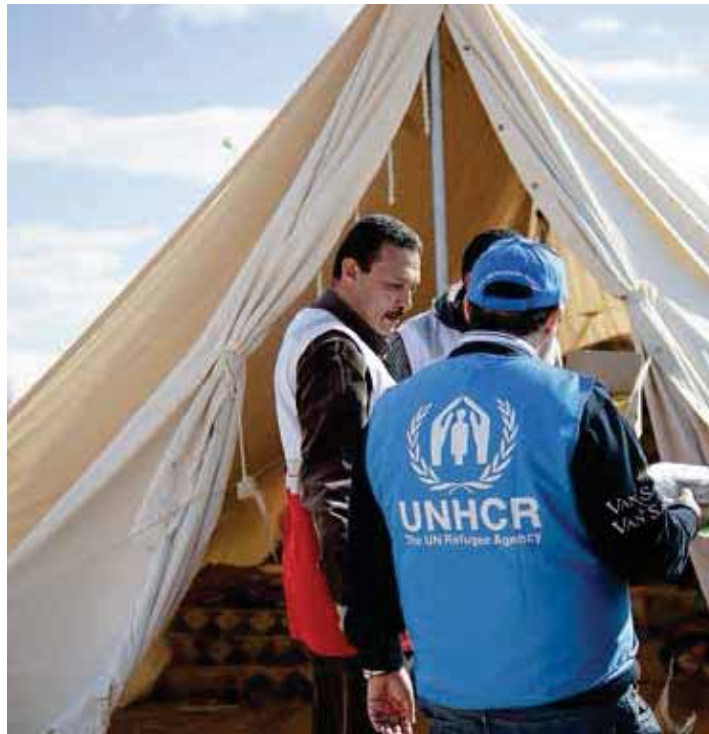
re-emphasized by the United Nations Security Council resolutions.⁵⁸ The Former Director-General of Border Security Force T. Ananthachari basing his arguments on ground realities and his experience with the handling of refugees calls for a balance between issues of security and human rights and emphasises on not admitting terrorists, enemy spies and anti-national elements under the garb of refugee protection.⁵⁹

According to reports⁶⁰, the Home Ministry was preparing the Refugees and Asylum Seekers (Protection) Bill based on the Model National law submitted by Justice Bhagwati and major concerns were raised by Intelligence and security agencies with regard to infiltration by terrorists and spies.⁶¹ The proposed draft had supposedly introduced a stringent condition as opposed to the law proposed by Bhagwati by making it mandatory to report at border check posts for seeking asylum, which is reasonable given the grave security concerns faced by many of our neighbouring countries.⁶² The Home Ministry was considering drafting the Refugees and Asylum Seekers (Protection) Bill based on Bhagwati's model law, but the current status of the Bill remains uncertain with no data in public domain.

An analysis of the model law through the prism of human rights law would point to the fact that the law is near-complete in all aspects, but security concerns are unaddressed by the model. The author would propose the incorporation of security safeguards, non-discrimination to asylum seekers along with the draft law proposed by Bhagwati to create a balanced rights-based regime for the refugees, keeping in mind the security concerns of the host country.

CONCLUSION

The UNHCR Chief of Mission Montserrat Feixas Vihe at the national symposium on refugee protection at Mysore remarked that 3% of the world population are refugees.⁶³ The magnitude of the problem has been conveniently ignored in mainstream media discussions and has never been a part of policy debates. Most mainstream media reports and discussions refer to refugees as illegal migrants without recognising their legal right of non-refoulement and protection⁶⁴ and painting the refugees with the same colour of that of illegal migrants, the discussion and need for legislative framework for refugees is compromised.



In spite of the lack of legislative framework, India's approach to asylum seekers has been generous and highly accommodative. Given the large number of refugees in India and the requirement of equally treating all refugees, the need for a rights-based refugee law regime cannot be over-emphasised.

The model law prepared by Justice Bhagwati coupled with provisions dealing with security and counter-terrorism measures would be a perfect balance between India's security concerns and a human rights based regime.

Although not graphic as the issue of hunger and poverty in India, the problem of asylum seekers is equally genuine and warrants attention, through a rights-based legislative framework.

Rather than looking at refugees as large unwanted populace or as a mere figure in a statistical data table, the refugee problem needs to be looked through the prism of human misery and suffering caused by leaving the country of origin and their homes.



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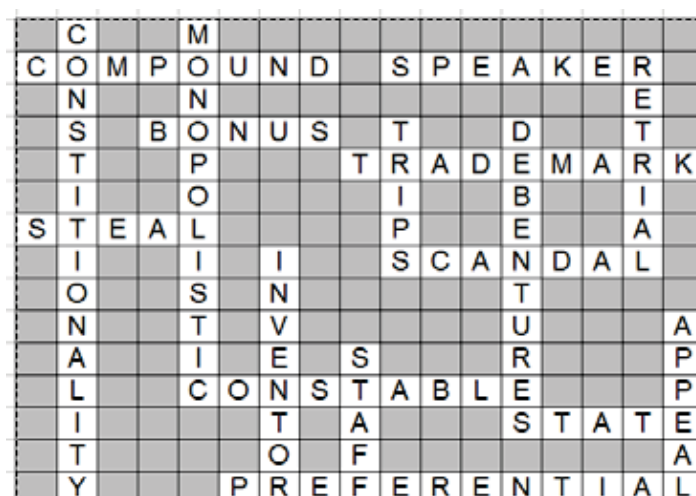


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SOLUTION TO THE CROSSWORD



Crossword found on page 19.

BELLES-LETTRES

J. E. Dastur Memorial Government Law College Short Fiction Essay Writing Competition 2013-14

The Magazine Committee had chosen creativity as its mascot as it first heralded the 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 students are not bound by rules and laws while penning their thoughts. This year's edition of the Competition 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 following were the topics:

Incorporate The Following Sentence Anywhere In Your Story:

"It was time and the doors had to be closed"

(OR)

Build Your Story Around The Following Characters In The Given Situation:

Juliet, Walt Disney and Adolf Hitler miss the same flight.

(OR)

Incorporate The Following Objects Into Your Story:

Scarf | Railway ticket | Wind chime

(OR)

Build A Story Revolving The Following Image:



The preliminary rounds of the Competition were judged by Prof. Mrs. Shakuntala Bharvani, Mr. Sidin Vadukut and Ms. Mridula Chari.

The final round of the Competition was judged by the world-renowned British author, **Jeffrey Archer**. Most popularly known for his books, **Kane and Abel** and **Not a Penny More, Not a Penny Less**, before becoming a best-selling author, Mr. Archer was a Member of Parliament. His books have sold at least 250 million copies worldwide, not to mention the accolades each one of them have received globally. Amongst Oxford's famous alumni, Mr. Archer is indeed the master of his genre.

Shreya Bhattacharya, Lady Shri Ram College for Women, Delhi
1st prize - ₹ 8,000

Ved Mathai, Manipal Institute of Technology
2ND prize - ₹ 6,000

Subhro Sengupta, Hidayatullah National Law University, Raipur
3RD prize - ₹ 4,000





IN A CURIOUS LAND

by Shreya Bhattacharya

My mother always liked to remind my father that a wooden seat for a swing was not a good, practical idea for anyone living in our too moist, too humid Assam.

Moisture and termites had eaten into the wood creating abstract patterns, to which we futilely tried to assign definite form and sense. The iron chains had turned so rusty that when a person held on to them while swinging, their hands would thereafter bear the telltale dullish red powder, a characteristic of corroded metal. My younger sister Papori, post a vigorous bout of swinging, thought it was hilarious to thrust her hands smelling strongly of iron, right up in the faces of unsuspecting elders. For her, the reward of the entire childish enterprise would be seeing the noses of elders crinkled in disgust before being shooed away like the little brat she unapologetically was. Much to my mother's exasperation, in all of her four years on earth, Papori seemed to have spent half her time on that swing defying gravity repeatedly for fleeting seconds and flying up into the air letting out a shrill, "Wheeeeeeeeeee," every time. For my little sister who had never set foot on a plane before, her time on the swing made her believe that she too was an odd little bird who flew in curious a rhythm—up, down, push with toes, up again. Therefore, it was not surprising that my sister adored the swing and was fiercely possessive about it. The swing to her was the gateway to a world of possibilities and most importantly, a place where she did not have to hear our parents worry and argue about money. I believe there was no end to Papori's swinging because there was no end to our family's financial woes. My father worked for the Assam government and we lived in a town called Kamala Bari. When I say town, well, I say it because that is what the census describes it as. If being a town means having a post office, a small dispensary, electricity for four hours a day and clean water out of the shared government hand pump for precisely an hour from 5 am to 6 am and no water after that, well, then yes, Kamala Bari was a town. But then, definitions have always been very relative and arbitrary in India. For instance, because we had a tin roof, more than one room in our house and my father held a government job, he was a *daqor manuh* (big man)

and we were resentfully accorded the title "rich" by our fellow townspeople, more as an insult rather than a compliment. Never mind the fact that my father did not receive his salary for months and when he finally did get it, it was only after he had sacrificed a significant amount in bribing an official higher up. We lived in the town, but we never belonged. We were made to pay the price very soon.

When I think about how it all began, I am reminded of a typical Monday morning in our household- my mother scurrying from the kitchen to the dining room, my father complaining about breakfast, my sister starting to wail about not wanting to go to school because something hurt and she was not feeling well (Papori by this time had exhausted the reserve of all possible illness excuses and her excuses had pitifully come down to "My hair hurts" or "My nails hurt, I can't write, so I won't go to school." It was a shame that my "stone hearted" parents were not convinced). We were just being ushered out of the house with my mother's usual stern instructions to me and my sister to not touch the mid-day meal given out in our school unless we wanted to die of food poisoning. My father was out in the courtyard with his old grey Vespa stuttering and letting out evil black gusts of fumes. A tall man was waiting at our gate. He was unlike any man I had ever seen before. He wore a tight T-shirt, jeans, and very expensive looking shiny leather shoes. He wore gold-rimmed sunglasses, a golden watch and a gold chain. If we were rich by Kamala Bari standards, this man was then *Kuber*, the Hindu god of wealth himself. Standing beside him was Amar Da. He owned the only grocery shop in our town and as a logical corollary; it meant that every single person at some point of time had been unfortunate enough to engage in business with him. He would charge double the market price for everything he sold. Most people could not read the prices printed on the labels of the things they bought, but after weighing the appropriateness of the price on their mental scales, they argued with him, but in vain. For Amar Da was always a step ahead of his customers. He would grieve, always eloquent and calculatingly vague, and begin his carefully rehearsed

dramatic speech on how the price of 'everything' was increasing and how his profit margin was so meager that if he gave the customer even a tiny discount, he would have to shut shop and turn to beggary as an alternative profession. The customer would be left feeling wretched and evil for having dared to question the judgment of the shopkeeper. That morning as he stood next to the strange new man, he seemed like his usual self- the slight little man with his characteristic half smile. He came to my father and said, "Dada, this is a very big man from the city and he has come to discuss business with you"

"Who is he? I can't talk to him now. Can't you see I am heading out to work?" Turning to the other man, my father said, "Sir, you will have to excuse me, but I have to drop my children at the school and go to work. Can we please talk later?" My father and I were already seated on the scooter with Papori squeezed in between. Amar Da came close my father and whispered, "Dada, it is not wise to keep such a big man waiting. Come, come, you can skip work for one day." The other man pulled Amar Da back and spoke for the first time, "You go ahead to work. I will come in the evening." Saying that, he got inside his big car and signaled Amar Da to do the same.

In the evening, the stranger and Amar Da came to our door. My mother tactfully sent us out to play. I distinctly remember Papori and I fighting over who would sit on the swing when and for how long. The air carried to us the voices from inside our house. I shushed Papori so that I could hear better. The voices were muffled, but it was obvious that an intense argument was ensuing between the owners of those voices. A few moments later, the front door of our house burst open and the visibly angry stranger stalked out with Amar Da hurriedly scurrying after him. Our mother called us inside for dinner. My father was taking his anger out on the rice, squishing it viciously with his hands, his fury evident in the sadistic way he mixed the *daal* and all the vegetables on his plate without regard to how they would taste together, making careless little balls before popping them into his mouth. We listened quietly to his fuming tirade, nodding our heads and clucking at definite intervals to convince him that we were listening with rapt attention.



"50,000 Rupees for two acres of land? Is that man crazy? Does he think I am a stupid village simpleton? A resort for city people he wants to build, he says. To think he came to my own house and threatened me. He says I have two options—to sell the land or have it taken away from me. Who does he think he is? My family has lived here for generations. My grandfather died toiling on this land. We'll see how he comes anywhere near my land. He says I am being selfish by refusing to let him build that resort thing here. Says I am denying employment opportunities to the unemployed people of our town. Does he think I am an idiot? That I will believe that he is in it entirely because he cares for others? All he has in mind is how he is going to earn wads of money. That lowlife Amar too, licking the crook's boots all in the hope of earning a commission. Where will we go with 50,000 Rupees? It is not even enough to buy a house, forget about land to compensate for the one we will have lost!"



After coming back from school the next afternoon, I saw my father standing at the gate, talking to Amar Da. He was repeatedly saying, "75,000 Rupees? No no, nothing doing. I am not selling my land and you cannot force me to. He may be an ULFA, SULFA or whatever, but he and his gun do not frighten me. This is not a lawless country. Does he think I am illiterate? I know I have rights." Saying this, he grabbed my hand and we went inside our house.

Apparently, my father had asked around his office and had found out that the stranger who had come to our house was Romesh Talukdar. He had earned notoriety as a SULFA. SULFA is an unofficial but widely used acronym that came up to describe the surrendered insurgents of the United Liberation Front of Assam (ULFA). The organisation, which was established in the 1980s, was committed towards "liberating" Assam from the exploitative clutches of "mainland India". This organisation was responsible for the killing of millions of people over the years, bombing schools, markets, bridges and workplaces all over Assam. Later, some of these militants surrendered and became informants of the State. They were "rehabilitated" by the ruling government that helped them corner key markets. What emerged were syndicates of these former rebels in sectors such as coal, iron and petroleum, to name a few. They had given up arms but only on paper. They still carried weapons with them and fiercely protected their monopolies, ruling with the power of gun, fear and intimidation. Romesh Talukdar had acquired the contract to supply the utensils required for the implementation of the government's mid-day meal scheme in its schools. He increased his profit margin by supplying smaller utensils, which cost a lot less than the stipulated size. Scenes of teachers busy chopping vegetables and stirring food instead of teaching were not uncommon in government schools in villages and small towns across Assam. It was simple math, really—the smaller the utensils, the more times they have to cook. It seemed as if the initial morning classes were really just a way to kill time until the grand finale lunch. One could not really blame the students or teachers for this obsession with free food. For the school, it was a very successful means of increasing enrollment rates. For the parents of these children, to not pay for one meal every single day was well worth sending the child to school and it more or less made up for the loss they incurred by not making

them work in the fields instead. I think the point I am trying to put across is that Talukdar, if not directly, was definitely responsible for the decay of the already tottering education system. A few years ago, after having thoroughly marauded the supply system of the mid-day meal scheme, he moved to greener pastures, quite literally, when he started investing in real estate.

Weeks after my father turned down the two offers from Talukdar the whispers started to spread, slow but steady. I first noticed the thinly veiled hostility and derision directed at us when I was walking with my father in the market. A group of men that were sitting on a rickety bench outside a ramshackle tea stall pointedly raised their voices and started conversing about how greedy people end up in hell. My father looked straight ahead and kept on walking. The more my father ignored them, the more incensed they seemed to become. Now one of them launched into a sermon on how proud people are destroyed by God. We kept quiet. The next day, Paporri came home crying because none of the other children would play with her because her father was a "bad man". We tried but it increasingly became harder to ignore the taunts and glares. Monsoon had come and like every year, the newspapers dutifully printed pictures of a flooded land with people sitting on top of their roofs, waiting to be rescued while cattle, humans, crops were washed away by the waters of the furious, frothy Brahmaputra. Every year, people recover concluding that grieving over what they had lost would only deter them from the main goal of preparing to survive the next flood. But the monsoon of 2013 was different in Kamala Bari. The waters gradually receded but along with red silt, this time they also left a smoldering rage amongst the inhabitants of the town. Our house, our green field and our swing had survived without any visible battle scars. Along with malaria and dengue, another very strange, very different sort of fever started circulating in the air. This fever infected everyone with an urgent desire to blame somebody for all they had suffered and it created an insatiable thirst for revenge. All they needed was a rationale. All it took was Amar Da to just bring up the word *daini*. In English, *daini* would roughly translate to witch, but unlike the English word witch, *daini* was not just confined to women practicing black magic, but also included men and children. Our death sentence was out—we were *dainis*. Because it was suspicious the way we held on to our land. Because it was unnatural that

we and our possessions had remained intact despite the floods. Because our land remained green. Because they never bothered to check the inside of our house with its peeling plaster, cracks and sickly green fungus steadily winding its way around the walls and the floor. All of that did not matter because they had the evidence they needed. My father finally decided that it was time for us to leave. As the noose tightened around our necks, I was sent to my maternal uncle's home in another town. Papori was too young to manage on her own, so she would come two days later with my parents after they had finished preparations to leave the house they had never imagined they would ever need to leave. In the end, the people of Kamala Bari did make sure that my parents would never leave that house. On the night that I left, the people stampeded into our house and knocked our door down. Their angry shouting and breaking of everything in sight was not enough to drown out the voices of the three people who were beheaded in the house with the swing that night. People ask me now if I realise how lucky I am and what a close shave it was, almost like a Bollywood movie. Well, if surviving only to live without the people you loved the most is lucky, then yes, I am lucky. If being lucky enough to survive entails waking up screaming in horror every night after seeing the mutilated bodies of your parents and little sister in your nightmares, then yes, I am very very lucky. I told you already, definitions are very indefinite in India. This is Assam—you take what you get. Survival is the goal, everything else that makes survival meaningful is a luxury, a bonus and dispensable.

I remember the days after the murder of my family that I spent trying to convince the police officers to punish whoever was responsible for the murder of my family. However, I did not have concrete proof that Talukdar had been responsible for my family's

slaughter. As far as the Superintendent was concerned, it was only a case of the people taking the meting out of "justice" into their own hands. His simple response was, "How many people will I arrest? The entire town? Listen boy, when religious passions are incited, the case becomes tricky." He assured me that he was taking the "best action plan suited to the conditions" which in reality meant that he had received substantial amounts of money to keep dragging the case until it became nothing but a dusty file lying in an obscure corner. Around 100 people were killed in the name of witch-hunting in Assam in the last six years alone. My parents and my sister had become nothing but a part of figures that were being cited as statistical data by intellectuals and concerned citizens sitting in the studios of news channels saying the same things about how it was appalling that such primitive barbarism existed in our industrializing, developing state. The cups of coffee they conversed over did not provide them with the lucidity to chalk out concrete ideas for eradication.

I inherited the land but since I was still two years away from being an adult, my legal guardian, my maternal uncle, was assigned the responsibility of looking after my property with my best interests in mind. My uncle decided that it would be best to sell the land. So he sold it. To Romesh Talukdar. I knew that the heroic thing to do would have been to fight for the land my father had held on to so dearly; but I certainly don't ever want to go to the place where my family had been murdered. I am no hero. In real life, there are no heroes; there are only rich people who get their way. In a few years, there will be a resort there with a pool and little cottages where city people can come and relax. Their children will get intoxicated by the thrill of swinging in the swanky new swings that will replace the old battered one my little sister used to escape the world.



With Best Compliments from

**Mulla & Mulla
& Craigie Blunt & Caroe**

Advocates, Solicitors and Notaries

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Sir Dinshah Mulla Legal Essay Writing Competition



The Sir Dinshah Mulla Legal Essay Writing Competition is an intra-college legal essay writing competition and one of the oldest annual events in Government Law College. The Mulla and Mulla Trust, our sponsor for this event, wishes to encourage through this competition, maximum participation from the students of GLC, allowing them to express their views on contemporary legal issues and providing them with the fine learning experience. The competition gives a tremendous boost to young talent and increases their knowledge about legal topics and issues. This year saw a record number of entries for this competition, proving there is no dearth of talent in GLC.

TOPICS

- Analyse the Companies Act, 2013, in light of the dynamic and developing corporate sector.
- Discuss the legalisation of betting in Sports in contrast to the prevalent anti-gambling laws in India.
- Examine the impact of the landmark judgment in the Novartis case on global pharmaceutical giants.
- National Cyber Security Policy, 2013–Headway in India's cyber security scene.

First Prize
₹ 15,000

Aman Kacheria,
V-II

Second Prize
₹ 8,000

Hare Krishna Asher,
V-V

Third Prize
₹ 6,000

Ekta Verma,
III-II

The entries were judged by
Mr. Shardul Thacker, Senior Partner,
Mulla & Mulla & Craigie Blunt & Caroe.

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



Legalising Sports Betting in India: A Study of the Paradoxical Laws Relating to Betting and Gambling in India

by Aman Kacheria, V-II

"The ban on sports betting does exactly what Prohibition did. It makes criminals rich" - James Surowiecki

When one talks about legalising sports betting in India, one is inadvertently referring to Cricket, which has escaped its foothills of being a sport in India and today is one of the largest unregulated industries (if I may) by way of illegal betting and gambling. Though unregulated, sports' betting in India is seen to control a market of about \$60 billion, which has the potential of bringing approximately 12,000-19,000 crores as revenue to the Government.¹ India being one of the most celebrated democracies as well as one of the fastest growing economies should not shy away from an opportunity where the Government can not only benefit from a sport which is treated as a religion in India, but also maintain and uphold its integrity in light of the many scandals that have surfaced relating to the sport.

Although any reference to legalisation of sports betting would not only mean a reference to cricket, however, it must be understood that the circumstances under which the threat of this unregulated market was exposed was that of cricket and cricket is and will be the highest viewed sport in India.² Therefore, while dealing with sports betting, the same will be done so keeping in mind the present day scenario in India, where Cricket steals the limelight and any legalisation of sports betting would be done so keeping in mind the same.

This being said, this essay aims to give an evaluation of the current status of sports betting in India as an industry, while analysing legislations relating to anti-gambling laws in India, and proposes a method to resolve the conflict in an effective manner so as to legalise sports betting, which will be briefly dealt with under the following heads:

- I. Attitude towards Sports Betting in India
- II. Anti Gambling Laws in India
- III. Legislations Relating to Sports Betting Across Jurisdictions
- IV. Proposed Legislation
- V. Conclusion

Attitude towards Sports Betting in India

Sports' betting in India is banned because it is considered to be a gamble,³ however is regulated in the case of horse races and lotteries. Other than this, there are only two states which allow casinos in India, which are Goa and Sikkim.⁴ Due to rigid regulations, the industry has expanded through the internet and word of mouth, and betting, other than on horse racing and lotteries, is done through bookies or bookmakers. Bets are placed with these bookies depending on a rate that is fixed to every player, which is dependent on how every player performs. As the market started getting more and more influential, the bookmakers started alluring professional players into this system to encourage them to perform in a particular manner after looking at the trend of bets placed in order to have a favorable income from the money circulated by way of bets placed.

One of the biggest match fixing scandals was discovered in 2000, which saw the then South African team captain, Wessell Johannes Cronje confess to providing confidential information to an Indian bookmaker to rig a match in exchange for money.⁵ The Indian police exposed the scandal by releasing transcripts of telephonic conversations between the South African Captain and the Indian Businessman in London, which indicated that a series of matches played between South Africa and India were fixed through illegal betting.⁶ In another instance, Pakistani test captain Salman Butt and opening bowlers Mohammad Amir and Mohammad Asif were paid money by Indian bookmakers to throw no balls and wide balls in a cricket test match leading to match fixing allegation, which saw all the players banned from periods ranging between 7 to 10 years.

Albeit the above two instances that show South African and Pakistani players, India is probably at the "centre of cricket's illegal gambling industry".⁷ The same came to light in the IPL Spot Fixing scam which saw S. Sreesanth and Ankeet Chavan, both players of the Rajasthan Royals, banned for life by the BCCI for indulging in match fixing activities.⁸

The shocking news came when the Delhi Police's Special Cell filed a supplementary charge sheet which said that the players were provided with prostitutes besides money in lieu of giving away easy runs.⁹ Betting in India has become increasingly easy, and a reporter from Hindustan Times, has described the method of entering it as "several meetings, a tampered cell phone, a code word, and we're in."¹⁰

Today, several people, including cricketers¹¹ and the director of the CBI¹² advocate legalising sports betting in India. However, despite all these instances, gambling continues to be illegal in India, and is forced to work underground. Criminalising it has not in any way affected the status of the industry, which continues to thrive and exist wherever conditions are favorable, what matters then is the efficiency of the ban on betting, which seems to be failing. In light of the number of countries now legalising betting, this criminalisation of betting in India may be called archaic and unnecessary.

Anti Gambling Laws in India

The Superintendents of gambling shall, therefore, be honest and supply dice at the rate of a kākani of hire per pair. Substitution by tricks of hand of dice other than thus supplied shall be punished with a fine of 12 panas. A false player shall not only be punished with the first amercement and fines leviable for theft and deceit, but also be made to forfeit the stakes he has won. The Superintendent shall take not only 5 per cent of the stakes won by every winner, and the hire payable for supplying dice and other accessories of dice play, but also the fee chargeable for supplying water and accommodation, besides the charge for license. He can at the same time carry on the transactions of sale or mortgage of things. If he does not forbid tricks of hand and other deceitful practices, he shall be punished with twice the amount of the fine (levied from the deceitful gamblers). The same rules shall apply to betting and challenging except those in learning and art.

-The Arthashastra, 350-283 B.C.

There is enough to show on record that betting and gambling were accepted as part of Indian culture and entertainment, even before they became a part of a complex ethical conundrum that confronts us today while legislators argue the question of legalising it in India.

Even then, gambling continues to be banned in India and the major legislations relating to it are as follows:

Constitutional Provisions: Seventh Schedule of the Constitution of India (entry number 40 of List I and entry numbers 34 and 62 of List II), the Union government is empowered to make laws to regulate the conduct of lotteries, while the State Governments have been given the responsibility of authorising/conducting the lotteries and making laws on betting and gambling.

The Public Gambling Act, 1867: This Central legislation provides for the punishment of public gambling.

The Lotteries (Regulation) Act, 1998: This Central Legislation lays down guidelines and restrictions in conducting lotteries.

Section 294-A of the Indian Penal Code, 1860: This Section lays down punishment for keeping a lottery office without the authorisation of the State Government.

Section 30 of the Indian Contract Act, 1872: This Section prevents any person from bringing a suit for recovery of any winnings won by way of a 'wager.' (Nothing but an agreement made between two people regarding an uncertain future event which results in the gain of one person and the loss of another). This rules out any claim made by an individual to recover losses made during a gamble or lottery. Thus, buying a lottery ticket may be perfectly legal in India, however to recover the money of the same will be a claim against the individual lottery agency.¹³

State legislations: Various state legislations like The Bombay Prevention of Gambling Act, 1887; The Delhi Public Gambling Act, 1955, The Bengal Public Gambling Act, 1867, The Madras Gambling Act etc. have been created, which are more or less similar as their objectives are to prevent gambling in the particular state. Now, it may be argued as to why betting on horse races is legalised in India, for which the Supreme Court of India ("Supreme Court") in *Dr. K. R. Lakshmanan v. State of Tamil Nadu and Anr*¹⁴ has opined that:

"Racing is not a game of chance... A considerable degree of skill does into the operation. It starts from the breeding and training of the race horse on which much talent, time and money are expended by trained persons, jockeys have also to be specially trained and equipped.



The horses themselves are not necessarily consistent in fitness, which is the reason why horses are exercised openly and watched carefully by representatives of the Press and their observations widely published. Thus, the inherent capacity of the animal, the capacity of the jockey, the form and fitness of the horse, the weights carried and the distance of the race at the time of the race are all objective facts capable of assessment by race goers. Thus the prediction of the result of the race is not like drawing 3 aces in a game of poker. Rather, it is the result of much knowledge, study and observation.... Horse racing has been universally recognised as a sport. Horsemanship involves considerable skill, technique and knowledge and jockeys have to be specially trained over a period of years. Whether a particular horse wins at the race or not, is not dependent on mere chance or accident but is determined by numerous factors, such as the pedigree of the animal, the training given to it as well as the rider, its current form, the nature of the race, etc. Horse racing has been held judicially to be a game of skill unlike pure games of chance like Roulette or a Lottery."

The same judgment goes on to define gambling as: "The betting or staking of something of value, with consciousness of risk and hope of gain of the outcome of a game, or contest, or an uncertain event the result of which may be determined by chance or accident or have an unexpected result by reason of the better's miscalculation"

Therefore, it is the opinion of the Supreme Court that betting where the same would include the skill of the individual placing a bet would be considered legal, and therefore betting on sports like cricket or football where the bet is placed on a mere 'chance' of winning would be illegal, but how long can this argument be pondered upon without simply being faced with the dilemma of what exactly does the Supreme Court think a sport is, and when does it stop being a game of skill? After all, even the outcome of a game like cricket would eventually depend on the form of the players of a particular team which can be ascertained and studied depending on their performance in previous matches, which is close to the same thing that is done in the case of horses and jockeys. Criminalising betting in India has done more harm than good. Even if it can be argued on immoral grounds, the activity still persists with fervent rigor and continues to build as an industry.

Criminalising betting has done nothing else but driven it underground, where it still thrives.¹⁵ It has also been argued that legalising it may also be one of the biggest methods of converting black money into white, as the income by way of betting would then be taxable and accountable by the government and within its ambit to regulate.¹⁶ Without stringent regulations and sanctions, this practice of

illegal betting will threaten the integrity of sports which it already has that can be seen by the various scandals that have been investigated and proved against professional players indulging in match-fixing activities, which can be checked and controlled in a more effective manner if legalised.

Not only are legislations grossly lacking to deal with betting but the penalty for the same is not severe enough to deter people from betting, and is a mere 600 rupee fine or 1 year imprisonment¹⁷, and if this is not enough, Additional Sessions Judge Dharmesh Sharma of a Delhi trial court commented, "It does not need divine eyes to see that 'satta' illegal betting activities [betting/gambling] in cricket and other games is reaching an alarming situation". Legalising sports betting in India would ensure a track on the bookmakers and individuals who are involved in match fixing activities, and the Government could effectively curb such activities.

Legislations relating to sports betting across jurisdictions

It is important to draw a parallel to the legislations relating to sports betting across jurisdictions in order to propose an effective mechanism to legalise the same in India, and this section briefly enumerates the various legislations.

Two important jurisdictions that are to be analyzed are those of the UK and South Africa.¹⁸ The UK regulated betting and gambling in general through the Gambling Act of 2005 ("GA") which regulates betting practices of all individuals including those who are into sports professionally and spectators, and covers both gambling as well as betting.¹⁹ Its main objectives are to prevent gambling and betting from being a source of crime and corruption and to ensure it is done in a fair and open manner and to protect children and other 'vulnerable persons' from being harmed by it in any manner.²⁰ To ensure efficiency, the GA defines betting as making or accepting a bet on the likelihood of an event occurring or not occurring, or of something being true or not,²¹ and the wider interpretation includes betting on sports.²² In order to regulate what the GA would deem to be illegal gambling,²³ it set up a Gambling Commission, which regulates the activities by way of licenses,²⁴ and it also issues personal licenses to individuals,²⁵ and monitors these by way of a confidential hotline or Sports Betting Intelligence Unit.²⁶

In South Africa, gambling and betting is regulated by way of the National Gambling Act 7 of 2004 ("NGA"), and supervises activities relating to casinos, gambling, betting, wagering, and to promote uniform standards with relation to gambling throughout South Africa, and defines gambling

as 'placing a bet or a wager'.²⁷ A bet is placed when a person 'places or accepts a bet or wager when that person stakes money or anything of value on a fixed-odd bet, an open bet, with a bookmaker on any contingency'.²⁸ Section 4 goes on to talk about informal bets where none of the individuals involved would be deemed to be a bookmaker, none of them can derive his livelihood or charge a fee and can simply win the earnings of their bet, whatever the outcome may be. The NGA then goes on to distinguish between illegal and legal gambling²⁹ where illegal gambling is held to be when the contingency itself is an illegal activity. The NGA regulates legal gambling by way of a national license,³⁰ which specifies details about the licensee, activities he may legally indulge in and the premises from where the licensee is supposed to carry out his work and such licensee can not hire an employee or allow an existing employee to engage in any work relating to betting or gambling unless such an employee meets the requirement of the NGA.³¹

Provincial authorities may also issue licenses,³² and along with the National Gambling Board ("NGB") they keep a track of the number of individuals involved in gambling. To enact rules and regulations, the NGA has established the National Gambling Policy Council ("NGPC") and the NGB; however the NGPC has the power to supervise the NGB. To further promote legal gambling, the NGA set up a South African Advisory Council on Responsible Gambling, which in turn works with the National Responsible Gambling Programme that is controlled by a public-private partnership to effectively represent the interests of both, the government and the gaming industry.

Therefore, on analysis of both the legislations, a systematic pattern seems to be followed of first defining what gambling is and distinguishing illegal and legal gambling, second proposing a regulatory body to look after the policy aspect of the same and last, an authority competent to try cases of misconduct or non-compliance with the respective acts. The following section will deal with an effective mechanism to combat illegal gambling and betting practices as they exist in India.

Proposed Legislation

In order to efficiently combat the corrupt betting practices as prevalent in India, this section proposes to amend the Public Gambling Act ("PGA") to effectively include betting practices that would be legal in India and criminalising corrupt practices relating

to the same and could be done by way of implementing the following steps:

First, similar to the GA, India should also amend the PGA and redefine gambling activities to deem certain activities legal. The redefinition would be essential to differentiate between illegal gambling and legal gambling. The definition in the Indian context, keeping in mind the various scandals should be broadly interpreted with respect to illegal gambling and must specifically address issues such as spot fixing, match fixing, malpractice, interference with professional sportsman etc. At the onset, including informal gambling ie between individuals with no bookmaker to handle such a transaction should be allowed, however not enforceable in a court of law due to the number of cases that would then crop up. In such a scenario, the individuals would still be entering into a wager, under the Contract Act and hence not under the ambit of any court of law, however they would be making a legal gambling transaction which would allow them to recover the money from the other individual which could be monitored by a separate independent agency involved in enforcing legal gambling in India.

Second, a gambling commission should be set up under the Ministry of Youth Affairs and Sports which would address issues relating to legalised gambling in India and would also monitor the various individuals involved in the same. Due to the large number of transactions, the commission must set up local authorities to deal with issues such as licensing. The commission should also be set up under a Sports Gambling Council which would look into the policy making and also the effective functioning of the commission in order to reduce corruption.

Third, bookmakers should only be recognised once they have applied and received a license from the Sports Gambling Council. Licenses should be given to individuals and a number of individuals acting under a particular individual however, they cannot practice without an approved license. Transactions should be recorded and kept at their registered premises which will also be a prerequisite of obtaining a license and must be given to the Sports Gambling Council for inspection whenever asked.

Fourth, the punishments regarding illegal gambling and interference with the sport should be overhauled and made stringent in order to deter individuals from indulging in corrupt practices.



Every allegation/accusation must be proved after an inquiry carried out by the Sports Gambling Council. Licensed bookmakers should be suspended for a term no shorter than 6 months after a proved inquiry regarding malpractice, and should be suspended for life after a proved inquiry regarding spot fixing and match fixing.

Fifth, bookmakers should be given gambling awareness to educate them about their rights as well as what constitutes legal and illegal gambling. Before any individual enters any transaction with a licensed bookmaker, the individual should be provided with relevant information regarding legal gambling practice and punishments relating to any malpractice.

Sixth, transactions should be limited to individuals above the age of 18 and bookmakers should have the minimum educational qualification of passing their XIIth standard exam, and must also be updated about any regulation relating to sports betting in India.

Conclusion

By adopting such regulations, India would not only uphold the integrity of sports and sportsmen but will also be able to regulate corrupt practices and effectively counter them. The number of scandals relating to sports gambling would also

reduce and the new regulatory framework would enforce the legitimacy of various sports. India could also become a member of the International Association of Gambling Regulators through which India could discuss the policy of legal gambling with a number of countries to ensure smooth and efficient working of their own mechanism, and this way India will not have to work in isolation and will be able to understand how to carry out activities relating to the enforcement of legalised betting.

A positive legislation relating to sports betting is imperative at this moment by the constant threat of a new scandal coming to light. The authenticity of sports is an important facet of national growth, which should be respected by India as their legislation criminalising the activity is failing. As it was rightly said that "there is nothing that destroys a sport's soul as surely as the suspicion that what's being viewed isn't authentic",³³ India has had enough red herrings by way of scandals to not act in a manner to counter it.

"The betting law is paradoxical in India. You can bet on the skill of horses and skill of a jockey but you can't bet on skills of a Sachin Tendulkar or a Sardar Singh."

-Justice Mudgal

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- 18 *It is to be noted that the proposition to legalize betting in both jurisdictions came about as a way to combat illegal betting and gambling related to cricket, and hence the most effective mechanism in India as well would benefit if the same was taken to be a legislation to combat betting in cricket in specific, due to its wide viewership and obvious status in India*
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- 20 GA § 1
- 21 GA § 9(1)(b)-(c)
- 22 GA § 9
- 23 *Such as cheating, match fixing, enumerated in GA § 42*
- 24 GA § 65
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"SHOWDOWN"

Football First
Cricket Second
Volleyball (Men) Second
Volleyball (Women) Second

"SPIRITUS" NLSIU, Bangalore

Football First
Badminton (Women) Second
Table-Tennis (Women) Second

"YUVARDHA" NLU, Jodhpur

Volleyball (Women) First
Carrom (Men) First
Badminton (Men) First
Chess (Men) Second
Table-Tennis(Women) Second

Mumbai University Sports Tournament
Volleyball (Women) Second

83rd Maharashtra Boxing Championship (91kgs)
Samrat Ingle First

Mumbai University Boxing Championship (91kgs)
Samrat Ingle First

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The Alumni Association (Students' Wing) is a committee which implants a bond between the college and its ex-students. This committee is supervised by the Alumni Association Parent Body, whose sole aim is to strive for the amelioration of the college. Keeping this in mind, the committee began the academic year 2013-2014 with new zeal and enthusiasm.

The first General Body Meeting of the Alumni Association was conducted on August 15, 2013. Independence Day celebration was followed by the presentation of the Nivedita Nathany Memorial Award for 'Leadership Qualities and Academic Excellency' along with a cash prize of ₹ 25,000, which was accorded to Ms. Arzin Ansari. This award was introduced by Nivedita's father, Mr. S. Nathany in the memory of his late daughter. Also, condolence was extended for Mr. T. N. Daruwalla, Vice President, Alumni Association on his sad demise. His guidance and knowledge has been of great significance and I am sure it will continue to help in the working of the committee.

"You can change your world by changing your words". In pursuit of this, the Effective Communication Skills Workshop is organised every year. The workshop not only helps students in building their vocabulary but also motivates them to reshape their lost grit. The workshop is conducted by Advocate Rajiv Chavan, who is one of the prominent

members of the Alumni Association. It comprised of four sessions which were held in August-September 2013.

The committee organised a guest lecture by Mr. Abhinav Bhushan, an alumnus of our college on "International Law and Arbitration". Abhinav is currently a Deputy Counsel of the International Court of Arbitration, Paris.

This year again, the Alumni Association came up with college t-shirts and sweat shirts. The idea was highly appreciated by the ex-students as it helped them to reconnect themselves with the college.

The most awaited and prestigious tour of the college, the Delhi Study Tour was organised in the month of December, 2013. The delegation was headed by Prof. Martina Sakpal and Prof. Anupam Surve. The delegation visited the Supreme Court where they met the Hon'ble Chief Justice of India. The students were lucky enough to witness the passing of the most debatable bill of the year, the Lokpal Bill on the floor of Lok Sabha. The delegation also met various other legal luminaries, politicians and parliamentarians.

The Pune Study tour is an overnight trip to Pune featuring a visit to the infamous Yerawada Jail, and exhilarating trek to Singhad Fort. The students also visit the National Defence Academy. This tour was organised in February, 2014.



The association thrives to strengthen the bond between the Alumni and the students of the college. Keeping this in mind, two friendly matches, one between the ex-students and the students and the other between the professors and the students were organised in the month of February, 2014.

The Second Vardhaman Foundation Government Law College Principal Dr. B. R. Amedkar Memorial Lecture is scheduled to be held in the month of March, 2014. The lecture will be delivered by the Hon'ble Chief Justice of the Supreme Court of Bhutan. A felicitation ceremony will also be conducted to felicitate the Hon'ble Chief Justice of Bhutan and eight other officials from Bhutan accompanying him, who are the alumni of our college, currently holding high positions in the administration of their country.

This report would be incomplete without mentioning the active support and co-operation of our Principal, Judge R. B. Malik, the President of the Alumni Association,

Mr. Rafique Dada, Mr. Ashok Gupta, Mr. Pradeep Mandhayan and Mr. Rajesh Vardhan and other parent body members who have been a constant source of inspiration.

I would like to thank Prof. Dilip A. Shinde, Hon. Treasurer of the Alumni Association for his consistent and unconditional guidance and support. All these events organised by the Association could not have been successful without the help of Mudrika Choudhary (Asst. General Secretary), Jyoti Kapoor, Piu Das and Garvit Gupta (Student Co-ordinators) and I would also like to extend a heartfelt gratitude to all the members of the Association.

Shikhar Nath Rastogi
General Secretary

With Best Compliments from

**Nanu Hormasjee
& Co. [Regd.]**

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BAZM-E-URDU



Sitting (L-R): Prof. Dr. S. S. Ingale, Lokesh Kumar Dixit, Principal Judge R. B. Malik, Prof. Ms. N. Shaikh, Prof. Mr. S. K. Gafoor.
Standing 1st Row (L-R): Mani Chandan, Saurabh Deorukar, Krushani Desai, Krutika Mohite, Mainsha Nayak, Tarushi Maheshwari, Soumya Bhargav, Aastha Sharma, Shimona Khadelwal, Bhakti Dhairwale, Pranavi Choudary, Akriti Kataria, Sristi Yadav, Shivashish Diwedi, Pramod Kumbhar.
Standing 2nd Row (L-R): Arjit Pandey, Shivam Jain, Aayushi Arora, Adrika Dhawan, Poorva Khausik, Shreya Pandit, Ana Rizvi, Shreya Devamne, Deepti Koli, Jalpa Rana, Abhinav Bhatkar, Siddhartha Das, Arpit Misra.

Urdu is derived from the Turkish word *Ordo* (army), once the most widely spoken language during the Mughal Rule. Urdu still holds the status of official language of 5 states in our country.

With an aim to promote Urdu language, Bazm-e-Urdu was set up as a committee in Government Law College in 1995 to provide a platform to the culture that follows this language. Urdu, a blend of culture, tradition and heritage has immensely contributed to the field of poetic literature.

Bazm-e-Urdu, this year is collaborating with Students' Council, Music Circle, Dramatics Committee, Gujarati Mandal and Hindi Parishad for the annual inter-college cultural fest "Thrones of Talent" with events aimed at promoting Urdu language.

I sincerely express my gratitude to our Principal Judge R. B. Malik, Prof. Ghatte and Prof. Sheikh for the support and guidance. The support of Pratik Kardak (ex-General Secretary of Students' Council) was indeed helpful to achieve the aim of the committee. I thank all the members for their hard work and sincere attitude towards the committee.

With efforts of students and support of our authorities, the committee will flourish and succeed in achieving its goals of promotion of the language.

Lokesh Kumar Dixit
General Secretary



DEBATING SOCIETY



Sitting (L-R): Utkarsh Srivastava, Oindree Banerjee, Principal Judge R. B. Malik, Prof. Ms. A. Desale, Amal Sethi, Rabiya Ahmed.
Standing (L-R): Shivam Jain, Aayush Kevlani, Shantanu Gupta, Antra Aggarwal, Akanksha Prakash, Shruti Shah, Indrajha Saroha, Preeti Sahay, Kavya Nigam, Raghav Ginodia, Harshit Jaiswal, Dhruv Jadhav.

“It is better to debate a question without settling it than to settle a question without debating it.”

These words of Joseph Joubert reflect in letter and spirit the ethos of the Debating and Literary Society of Government Law College, Mumbai. The Debating and Literary Society of Government Law College has always worked towards enrichment of not only the debating and literary skills of the students but also the overall development of the students as responsible individuals of tomorrow with thinking minds.

The Debating and Literary Society gives students an opportunity to improve their oral advocacy and public speaking skills. It is an academic platform for budding lawyers to explore the various dimensions of polemical subjects. It plays a great role in promoting social awareness among the student body. Further the society also enables students to compass and conquer various allied spheres from current affairs to international relations to legal updates and thus, preparing students for advanced mootings, oral championing, interviews giving them a competitive advantage over the others. The Debating and Literary Society undertakes enterprises to break barriers between years and sections in order to ensure that everyone has the equal opportunity to bring forward his or her own opinions. Also, there has been the introduction of the new “literary” angle to this Society whereby, students have got an opportunity to explore various enriching books on

political philosophy, law, human rights, literature and such other enthralling spheres of erudite consciousness. As an extension of the same, this committee has started a Book Club for bibliophiles and those wishing to inculcate reading habits. It has enabled students to exercise their own opinions and moreover formulate them after pondering over the concerned contention.

The society has also been responsible for conducting eliminations for various elocution and literary competitions and has periodically conducted internal eliminations for prestigious debating competitions.

The Society has been throughout guided and mentored by our Professor-In-charge, Mrs. Anita Desale. We take this opportunity to express our sincere gratitude to her, for her constant inspiration and guidance.

I take this opportunity to place on record my gratitude to my colleagues in the Executive Council of the society, Mr. Hersh Desai, Mr. Amal Sethi, Mr. Conrad Dhruv, Mr. Utkarsh Srivastava, Mr. Raghav Dev Garg and the Secretary Ms. Oindree Banerjee.

Rabiya Ahmed
Member, Executive Council

DRAMA TICS COMMITTEE



Sitting (L-R): Mayuresh Jagtap, Priyanka Bille, Prakhar Karpe, Prof. Ms. R. M. Dandekar, Principal Judge R. B. Malik, Prof. Mr. P. K. Mokul, Lokesh Kumar Dixit, Pramod Kumbhar.

Standing (L-R): Arjit Pandey, Shivam Jain, Rishav Buxi, Arpit Mishra, Anupama Kolekar, Raveena Gaurav, Shreya Pandit, Sakshi Chavan, Mehndi Dodiya, Nimesh Bendkar, Saurabh Deorukhkar, Priyesh Srivastava, Abhinav Bhatkar, Shraddha Rathore, Siddhanth Dhavale, Sanket Tawde.

The Dramatics Committee holds the glory for its contribution in making successful lawyers from Government Law College. Drama, is one of the essential segments which every lawyer inherits. The lawyers have innate ability to act and use all 'parts of speech' in their arguments. William Shakespeare has said "All the world is a stage" and we believe that for lawyers the world starts with court and ends in court, thus Government Law College doesn't only create lawyers but actors too.

Marking our session 2013-2014, Government Law College is blessed with many talented actors who have not only have proved themselves with their talents but have mesmerised the world, wherever they have participated.

Our students had put up a competitive show at the "Youth Festival" organised by Mumbai University. Combining dance as part of drama, we also participated in 'Malhar'—St. Xavier's Cultural Fest, where our talent was appreciated.

Our next incentive was marked with 6 participants in MOOD INDIGO, Asia's largest cultural fest organised by

IIT Bombay where we participated in monologue, classical dance, painting and street play for the first time ever in history of Government Law College.

The next achievement came in form of 18 participants in 'Gandharva', the fest by Bedekar college. It was for the first time that Government Law College had participated in numbers.

Setting up an opportunity for the upcoming batches, the Dramatics Committee contributed its role in Government Law College's first inter-collegiate cultural fest "Thrones of Talent 14". The Fest has marked its motive to enhance the cultural aspect of College and to promote and support concealed talent of students.



Prakhar Karpe
General Secretary



GUJARATI MANDAL



Sitting (L-R): Prof. Mr. P. B. Daphal, Prof. Dr. S. S. Ingale, Prof. Mr. S. K. Gafoor, Prof. Ms. G. Chhabria, Principal Judge R. B. Malik, Prof. Ms. D. Makwana, Prof. Ms. M. Sakpal, Prof. Mr. U. S. Aswar, Prof. Mr. J. V. Ruparel, Lokesh Kumar Dixit.
Standing 1st Row (L-R): Saurabh Deorukhkar, Nikhil Ghate, Susti Khosla, Poorva Kauhsik, Adrika Dhwan, Akriti Kataria, Sristi Yadav.
Standing 2nd Row (L-R): Pramod Kumbhar, Mani Chandan, Aastha Sharma, Deepti Koli, Shreya Devmane, Jalpa Rana, Bhakti Dahiwal.

Gujarati is a modern Indo-Aryan language, evolved from Sanskrit. It is one of the twenty-two official languages and fourteen regional languages of India. With a vision to enhance and promote Gujarati culture and literature in our College, an idea to form a group came up and the Gujarati Mandal was formed by a few Gujarati speaking students and staff. This year too, the Mandal organised a garba workshop-cum-competition to promote Gujarati culture.

Gujarati Mandal has been actively organising cultural events in collaboration with other committees. This year, too, Gujarati Mandal will be joining the Thrones of Talent, an inter-collegiate cultural fest, which will lead to mega event of six committees (Students' Council, Bazm-e-Urdu, Hindi Parishad, Music Circle, Dramatics Committee and Gujarati Mandal) in GLC.

I sincerely express my gratitude to our Principal Judge R. B. Malik and Chairperson Prof. Aswar for their co-operative attitude throughout the year.

Last but not the least, the Gujarati Mandal would like to thank our ex-General Secretary of Students' Council for his most needed support and all its members for their sincere and whole-hearted dedication towards the Committee.

Lokesh Kumar Dixit
General Secretary

HINDI PARISHAD



Sitting (L-R): Neha Mahpsekar, Shreya Devmane, Deepti Koli, Prof. Ms. D. Makwana, Principal Judge R. B. Malik, Prof. Mr. S. A. Panchbhai, Lokesh Kumar Dixit, Prakhar Karpe, Pramod Kumbhar.

Standing 1st Row (L-R): Sagrika Duhawane, Manisha Nayak, Soumya Kapoor, Sumedha Gupta, Ravina Gaurav, Sakshee Chavan, Runali Savarkar, Jalpa Rana, Bhakti Dahiwale, Akriti Kataria, Sristi Yadav, Sharaddha Rathod.

Standing 2nd Row (L-R): Saurabh Deorukar, Nimish Bendekar, Abhinav Bhatkar, Mani Chandan, Kunal Sheriwal, Pranav Sisodia, Rishav Buxi, Arpit Mishra, Arjit Pandey, Shivam Jain, Mayuresh Jagtap.

Hindi Parishad of Government Law College was formed with an aim of promoting the Hindi language and the culture it brings along. Hindi Parishad has been actively promoting Hindi and providing a platform for the students of vernacular background to develop and promote their culture.

This year, Hindi Parishad began with the CV making workshop with the aim to help the freshers with the format and the essentials of a good Curriculum Vitae. After this, the installation ceremony was a show packed with various forms of dance, songs and poems by students of the College and members of committee. 'Independence Day Drive' was organised in collaboration with the Leo Club and hundreds of flags loitered around were collected from the South Mumbai region. A workshop on Fundamentals of Mooting was organised in collaboration with Moot Court Association for the students with vernacular language.

To promote culture, Hindi Parishad in collaboration with Gujarati Mandal, Bazm-e-Urdu, Music Circle, Dramatics

Committee and Students' Council is organising an inter-college cultural fest named Thrones of Talent.

I would like to thank Principal Judge R.B. Malik for his timely and unconditional support. The support and continuous guidance of our Professor-in-charge, Mr. S. A. Panchbhai helped the committee to work efficiently and achieve its goals. Constant support by our ex-General Secretary of Students' Council, Pratik Kardak, was of great help and I would extend my hearty gratitude for his efforts.

I am greatly thankful and would also congratulate every member of Hindi Parishad for their hardwork and sincerity, that made this year a successful one for the committee.

Lokesh Kumar Dixit
General Secretary



LAW REVIEW COMMITTEE



Sitting (L-R): Ragini Shah, Sweta Ananthanarayanan, Principal Judge R. B. Malik, Prof. Mr. K. L. Daswani, Sherna Doongaji, Shreyas Narla.
Standing (L-R): Juhi Mathur, Arzin Ansari, Amrita Vyas, Vikrant Shetty, Amal Sethi.

The Government Law College Law Review has, over the years, carved a niche for itself amongst the many committees functioning in GLC. The first Editor-in-Chief of the GLC Law Review was former Chief Justice of India, the late Shri Y. V. Chandrachud, the GLC Law Review is known to attract students with an analytical bent of mind and a desire to examine legal topics with a critical eye. The Committee's main endeavour is to encourage students of the College to develop their legal acumen by providing them with a platform to explore the world of research and writing.

This year, the eleven member committee, under the able guidance of their faculty advisor Professor Kishu Daswani, worked hard towards publishing the 8th student edition of the Law Review, which was launched in February, 2014. The response to the Committee's call for legal abstracts was heartening, with a considerable number of students submitting abstracts on a wide range of legal topics. 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. Each of the articles was then edited by the members of the Editorial Board of the GLC Law Review, comprising of Mr. Hamid Moochhala, Mr. Shiraz Rustomjee, Mr. Porus Kaka, Mr. Rohas Nagpal, Mr. Venkatesh Dhond and Mr. Burzin Somandy. We are extremely grateful to the

members of the Editorial Board for sparing time from their busy schedules as legal professionals, interacting with the students and sharing their thoughts, views and opinions on each of the articles.

We thank our current Editor-in-Chief, Chief Justice of the Allahabad High Court, Hon'ble Dr. Justice D. Y. Chandrachud, for his unstinting cooperation, ideas and suggestions. The Committee is also greatly indebted to its many well wishers, sponsors and patrons in the legal fraternity, as well as the administrative staff and faculty of Government Law College, Mumbai, whose continuous contribution and support have helped to maintain the standard and quality of the GLC Law Review.

Volume 8 of the GLC Law Review contains a variety of articles which provide unique insight and perspective on pressing local issues such as civil nuclear liability, electoral reform and refugee laws in India, contemporary issues such as licensing of open source code and taxation of cloud computing services, and even international issues pertaining to vessel protection detachments and terrorism.

The Law Review Committee

LEGAL AID



Sitting (L-R): Milan Habelli, Namrata Sonawane, Radhika Varma, Ayushi Sharma, Prof. Mr. N. Shah, Principal Judge R. B. Malik, Prof. Ms. S. H. Chuganee, Tanvi Gupta, Aarti Bamme, Sagarika Unnikrishnan, Shivani Vora.

Standing 1st Row (L-R): Rahul Thakare, Nirbhay Phusate, Mani Chandan, Aditi Sinha, Priyanka Saraswat, Yashasvi Gupta, Manisha Nayak, Gayatri Pinkyar, Krutika Gaikwad, Supriya Shekhar, Kritika Babbar, Krushani Desai, Palak Khurrana, Aayush Kevlani, Shivam Jain, Arjit Pandey.

Standing 2nd Row (L-R): Shantanu Gupta, Raghav Ginodia, Shruti Kokate, Jui Dongare, Manasi Bhushan, Shreya Pandit, Yasmeen Sabri, Vaishnavi Yadav, Aashna Seth, Kosha Shah, Vinaya Dhruv, Afrose Shaikh, Kunal Shejwal, Dhruv Jadhav.

Inset: Preksha Kanungo.

This year has been amazingly successful for the Legal Aid Committee, accomplishing the desired goals for each of the four avenues.

The first event organised by the Committee to begin the year was the Intra-Committee Presentation Competition for the freshers in the Committee, our edition of a fresher's party. The participants were divided into teams at random, fostering within them a sense of team play. Through various innovative presentation techniques and comprehensive research, students not only understood various aspects of the contemporary socio-legal issues, but also formed an opinion, thus fulfilling our objective of legal awareness.

Another new project which was undertaken in the direction of spreading legal awareness was the legal training workshop given by an organisation called International Justice Mission on combating sex trafficking. We received a very positive response for the workshop and the participants were provided with the certificates for attending the same.

This year we also associated ourselves with the Maharashtra Legal Services Authority and organised a programme on ragging as an offence in the D.Y Patil College by way of a skit and a speech. The skit performance was laudable and was highly appreciated by the panelists and students.

Then again one of our promotive ways of spreading legal awareness was the Lok Adalat Visits which we started from this year. Members got a chance to witness the court trials and learn about the court procedures and how in reality the proceedings happen in a Lok Adalat Court. It was indeed a learning experience for the members.

Next were the Right To Information workshops (in association with Public Concern For Governance Trust) through which we attempted to spread mass awareness about the Right To Information Act. This year our efforts were directed mainly towards junior college students, basically reaching out to the youth. We held many workshops in different colleges apart from Government Law College. We will be conducting various workshops in some NGOs as well this year. Through these workshops, we help people realise the practical aspects of the RTI Act, and how it can be used to combat the widespread corruption that is now deeply rooted in our system. We are also hoping to conduct some guest lectures addressing the current issues related to RTI. We thank the Public Concern for Governance Trust for their kind support and Radhika Varma and Ayushi Sharma, the RTI Coordinators, for their hard work in organising the workshops so well.



This year's main highlight was the collaboration with the Majlis, a women centric NGO, done with a lot of efforts put in by our Legal Aid Cell Coordinators, Sagarika Unnikrishnan and Shivani Vora. The members will get an opportunity to intern under them for an entire year, giving the pre-law students a right start for their career. The Cell mainly focuses on giving legal advice to people who can't afford legal help. This year we have worked on four cases which dealt mainly with property issues, HUF and banking related issues, and we are still working on a writ petition to be filed in the High Court with the help of one of our recent graduates from GLC. We also plan to have more collaboration with various other NGOs dealing in particular areas, giving a chance to the members to improve on their research skills. The progress we made this year with the cell was as a result of the perseverance of our cell coordinators.

One of our main projects undertaken by us every year is the Dongri Juvenile Remand Home Visit. The essence of the Juvenile Justice Act is restorative justice and we endeavour to achieve this through dynamic educational workshops and sessions at the remand home. This year saw the most well-organised workshops and enthusiastic participation of the members. They made all kind of efforts to teach the juveniles through their innovative ways such as a skit on moral views and lectures given by doctors on health related issues. We also organised a *Katputli* (puppet) show to have some entertaining time with the juveniles. This year we mainly targeted on spreading awareness on their health and cleanliness. We also organised a health camp for them. We are also hoping to organise a sports day for them to boost the spirit of cooperation and working in a team. All this wouldn't have been possible without the dedication of our Dongri Project Head, Aarti Bamme, and undying support

of Dr. Mamatha of Ved Foundation as well as teachers at the Remand Home.

Our pioneer project, the prisons project, conducted in furtherance of our goal of providing legal aid to the inmates at the Arthur Road and Byculla Prisons, was immensely successful as this year we targeted two more jails, Kalyan and Thane, hence reaching out to more prisoners with the constant support of our Chairperson Prof. Mrs. Chuganee and our Principal Judge R. B. Malik. We also thank Prof. Aswar for providing an insight to our members and final year students into the criminal procedure system. I sincerely thank our coordinators, Milan Hebballi and Namrata Sonawane, for their immense hard work and diligence and definitely for managing to get five months permissions for the jail visits which was next to impossible.

The last event on the cards is our much awaited Legal Aid Quiz. It is an intra-college event in which all students are encouraged to participate. The quiz has unique rounds which make both participation and organisation a memorable experience.

Our projects wouldn't have been successful without the inputs and support of our Chairperson Prof. Mrs. Chuganee and our Vice-Chairperson Prof. Mrs. Chhabria.

Last but not the least, I express my gratitude to Anagha Lokhande (Joint General Secretary) and Preksha Kanungo (Assistant General Secretary) for their immense support and invaluable contribution to the Committee.

Tanvi Gupta
General Secretary

LEO CLUB



Sitting (L-R): Pramod Kumbhar, Kopal Rastogi, Prakhar Karpe, Principal Judge R. B. Malik, Prof. Ms. G. Chhabria, Monika Mishra, Asfia Cutchi, Shradha Rathore.

Standing 1st Row (L-R): Sanket Tawde, Priyesh Srivastava, Mohanna Moparthi, Krushani Desai, Sumedha Gupta, Aditi Sinha, Raveena Kinkhabwala, Shimona Khandelwal, Stuti Khosla, Ayushi Arora, Palak Khurrana, Akriti Kataria, Sristi Yadav, Arpit Kumar Mishra, Namit Goyal, Karan Abhichandani.

Standing 2nd Row (L-R): Arjit Pandey, Saurabh Deorukhkar, Mani Chandan, Abhinav Bhatkar, Kunal Shejwal, Khushwant Pawar, Rishav Buxi, Shreya Pandit, Shivani Mathur, Ana Rizvi, Poorva Kaushik, Deepti Koli, Sakshi Chavan, Divya Dhavan, Shivam Jain, Sidhanth Dhavale.

"Without change there is no innovation, creativity, or incentive for improvement. Those who initiate change will have a better opportunity to manage the change that is inevitable."

– William Pollard

Under the guiding motto of "Innovation Through Empathy", 64 Leos set out to make a difference in the society with the spirit of welfare for all. As the Society advances through innovation every bit as economy does, we had set our main goal to bring up a change in social service & to empathize through Innovation. For the year of 2013-14 Leo Club of Government Law College has successfully organised 20 projects within a span of 8 months. Our 9 Major projects have been provided media coverage by M24 Channel, which also provided our members with new experience to face the camera.

The members of the Leo Club of Government Law College took pledge in the installation ceremony on 10th August, 2013 in the college auditorium by the Chief Installing Officer, Ravindra Kadel and were also enlightened by Lion Pankaj Mehta on "Challenges for Youth". The ceremony was accompanied by various entertainment programmes including a musical band performance by 'Bhoomigat', the first musical band of Government Law College and a DJ Jam session.

The Leo Club began, with its flagship event for the year, which was the Book Distribution Drive conducted on June 28, 2013, in which notebooks were distributed to all the staff members and professors of the College.

An interview skills workshop was conducted for the freshers to teach them how to draft a CV and how to present themselves in an interview, in the eminent presence of Adv. Rubin Vakil.

Visiting the Child Remand Home located at Dongri on July 27, 2013 was our next initiative towards the well being of an important section of our society. The Leos spent time with young kids and came face to face with their hardships. A special magic show was organised for them and books, 200 lts of oil and 200 kg of food grains were donated to them.

Spreading the joy of friendship, the Leo Club, in association with Cadbury, organised the Friendship Day Celebration in the College building.

In association with Shatayu, the Leos of GLC, participated in an Organ Donation Camp to take pledge for donations. They successfully encouraged over 300 people to take a pledge at the India Bulls Finance Centre and the Times Now building in Mumbai.

Celebrating the spirit of dance, the Leo Club organised a two-day salsa workshop for the students in the college auditorium. In an attempt to pay homage to our nation and its glory the Leos participated in the Independence Day Drive, collecting 296 littered national flags, covering south Mumbai from Marine drive to Dadar.

A special medical camp was set up for the police personnel on September 24, 2013 at LT Marg Police Station as a mark of our appreciation for their work. Showing our affection and gratitude for our health gurus, the Leo Club conducted Teachers' Day Celebration in an innovative way by felicitating the trainers at Talwalkars Gym along with the boxing champion Mr. Samrat Ingale, to enlighten the importance of health and health preserver.

A multiple district youth camp was organised at Ahmedabad in which 10 Leo members participated from the College. The



conference marked the importance and utility of 'Leoism' for Leos and how they are benefited from the Leo organisation. They were also enlightened by Mr. Parikshit Jambaputra on "Leadership Through the Bhagwat Gita". The Club was also awarded for the best performance throughout the event.

The October Service Week is one of the prime events of the Leo Club, which was sponsored by Bank of India and Union Bank of India. The week of social service was marked by 6 projects from 3rd October to 9th October, 2013. During this week we donated a Water Purifier and toys to a kindergarten school at WGU. For 2 days, VLCC and VISION-CARE provided free health check up and free eye check up for everyone. The event was a great success owing to the introduction of "CHRONICLE" for the first time in Government Law College, which was coupled with a lecture on "Importance of Psychology in Law" which was delivered by Dr. Vatsala Thakur (Ph.D, Psychology), "Picturesque"—a competition to check one's speed of pen against time, it was based on Thematic Apperception test. "The Situation Room"—a competition to solve a crisis in a given area, based on Crisis Management. To mark the last day of the October Service Week and to Celebrate the eve of 'Navratra', a Garba Night was organized and the Prize Distribution Ceremony was held to felicitate the winners of "CHRONICLE".

The Club organised a Latin dance workshop, welcoming the new year with pomp and show. It was powered by Island Touch Dance Academy, where 22 students from our college learnt salsa and jive for two days and enhanced their steps towards cultural value of college.

To add to that, the Leo's were given a very special opportunity to witness the shooting of "Kaun Banega Crorepati" which was broadcasted on 6th of October 2013. All the Leos were charmed and graced to meet the Big B of Bollywood, Mr. Amitabh Bachhan himself. Our Leo Advisor and Professor in-charge Prof. Gauri Chhabria has helped us throughout our way to accomplish our goals to suffice our motto. Without her support it wouldn't have been possible for us to accomplish this glory.

For the upcoming 2014 the Leo Club is planning to conduct for the first time in our college "National Symposium Competition"—an innovative forum of debate and "Sci-Soc Exhibition"—an social awareness exhibition to relate science, superstition, law and society.

Creative experimentation propels our culture forward. Our stories of innovation tend to glorify the breakthroughs and edit all the experimental mistakes, doesn't mean that mistakes only play a trivial role. As any artist or scientist knows, without some protected, even sacred space for mistakes, innovation would cease.

The road leading to a better society is not an easy one. But we, at the Leo Club, are constantly making efforts to sustain the progress we have made so far. With renewed zeal and passion we shall continue to form and achieve bigger goals for a brighter tomorrow.

Prakhar Karpe
President

With Best Compliments from
A Well-Wisher

MARATHI MANDAL



Sitting (L-R): Vishal Shinde, Rohini Bodke, Prof. Mr. R. S. Jadhav, Prof. Ms. M. Sakpal, Prof. Mr. A. N. Kalse, Principal Judge R. B. Malik, Prof. Mr. S. A. Panchbhai, Samyak Jhakday, Mayuresh Jagtap, Reshma Mahadik, Shilpa Sonawane.
Standing 1st Row (L-R): Mitali Solanki, Hima Khuman, Madhavi Jadhav, Anupama Kolekar, Jyoti Korade, Harsha Pol, Mrunal Jagdale, Vaishali Agawane, Purvaja Misal, Komal Kadam, Punam Shinde, Krutika Gaikwad, Namrata Sonawane, Dipika Chawarkar, Sneha Aher, Samruddhi Burte, Madhushree Chavan, Vrushali Bodke, Ujwala Ghuge, Suwarna Bhagat.
Standing 2nd Row (L-R): Gayatri Pinkyar, Anjali Shinde, Rucha Surve, Priyanka Bille, Pallavi Devrukhkar, Bhakti Dahiwal, Jalpa Rana, Minakshi Padelkar, Priti Kamble, Sneha Patil, Nikita Chavan, Bhavana Nikam, Nikita Agawane, Nikita Patil, Mayuri Patil, Sagarika Dudwadkar, Priya Nigwekar.
Standing 3rd Row (L-R): Prakash Wadu, Sudesh Meshram, Suraj Gaikwad, Mohammad Shoaib Shaikh, Pranav Dhakne, Pranav Shisode, Manoj Nikam, Sanket Kolapte.

' Gp Gp me; eesyeesie legelele Ke [s
cejeleresletheve Gpuesmecepeka [s...!!'

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Samyak Mahendra Jhakday
General Secretary



MODEL UNITED NATIONS SOCIETY



Sitting (L-R): Surabhi Katal, Aprajita Bhattacharya, Ayushi Sharma, Sarvpriya Mishra, Principal Judge R. B. Malik, Prof. Mr. U. S. Aswar, Vishrutyi Sahni, Garvit Gupta.

Standing 1st Row (L-R): Yashasvi Gupta, Hiral Chheda, Aishwarya Kantawala, Sristi Yadav, Ayushi Arora, Palak Khurrana, Blanche D'souza, Pritali Patil, Krutika Mohite, Antra Agarwal, Shreeja Kumar.

Standing 2nd Row (L-R): Aayush Kevlani, Priyesh Srivastava, Raveena Kinkhabwala, Bhumi Bhangre, Akansha Gupta, Shreya Pandit, Shivani Mathur, Akriti Kumar, Poorva Kaushik, Indrajha Saroha, Shruti Shah, Sohan Kinkhabwala, King Dungrewal.

The Government Law College Model United Nations Society aims to bring together the youth of the nation in spirited debate and discussion, to facilitate better understanding and to tackle global issues faced today. In addition to this, Model United Nations Society of Government Law College organises events such as the MUN Training workshop, Intra-MUN and the GLCMUN. This is an attempt to bring together students from various colleges and schools to witness and participate in an educational conference.

GLCMUN Society MUN Training Workshop

Realising that many students of Government Law College itself were new to the entire concept of MUNing, the GLCMUN society arranged for the students of Government Law College, a workshop of MUN training conducted by Mr. Conrad Noronha, an avid MUNer whose experience as Chair and Delegate knows no bound. At the workshop, he explained the basics of MUNing to all those present in a manner. The workshop not only inculcates the knowledge of the basics of MUNing but also enlightens the students about the extensive affairs

of this world from diplomatic relations to the cold war between nations. The workshop answers all the doubts and queries, a prospective MUNer might have and makes the journey informative. The technical knowhow, phrases and words common to MUN and the formal MUN procedure are introduced to the participants and they are given first hand information about inner working of an actual MUN. The workshop works towards honing excellent negotiation and communication skills in the students.

GLCMUN Society Resolution Writing And Drafting Workshop

The Government Law College Model United Nations Society understands the significance a Resolution plays at a Model United Nations Conference. Therefore, to understand the need the GLCMUN society organised a Resolution writing and drafting workshop. The workshop was conducted by Conrad Noronha, an outstanding MUNer and a great Chair, who has attended more than a hundred MUN conferences. The workshop helped the students analyse with great depth the intricacies of drafting a resolution.

Intra-Model United Nations Conference

The INTRA-GLCMUN conference organised by the GLCMUN Society witnessed a large turnout of delegates in 2013. The conference had a single committee which discussed the challenging agenda "Post Kyoto Protocol approach" The Committee was chaired by Conrad Noronha and Amrita Vyas.

Contingent For MUN Conferences - National And International

IIT Kanpur MUN: The Government Law College sent its largest contingent for the IIT Kanpur Model United Nations Conference. The event had several committees. The conference was a two day filled event with an interesting debate. The GLC contingent won the best contingent award, the Best Delegate award and a number of special mentions.

Harvard MUN: The Government Law College Model United Nations sends its contingent every year to

the Harvard MUN hosted in Boston. This year, the GLCMUN Society is sending its 4th Delegation. More than 10 students every year represent Government Law College, Mumbai in the Harvard Model United Nations Conference.

CBIT MUN, Hyderabad: The GLCMUN Society this year has sent its contingent for the CBIT MUN. It was a two day conference with intense debate. The GLC contingent won the best contingent award and a number of special mentions.

BITS Goa MUN: The Government Law College Model United Nations Society also sends its contingent to the BITS Goa MUN in February.



Sarpapriya Mishra
General Secretary

With Best Compliments from
Mr. Rajesh Vaidya



MOOT COURT ASSOCIATION



Sitting (L-R): Ayan Patel, Rima Desai, Prof. Ms. R. M. Dandekar, Principal Judge R. B. Malik, Raghav Dev Garg, Bhagyashree Madhekar, Niyati Vakil.
Standing 1st Row (L-R): Shloka Sonkamble, Mohanna Moparthy, Maithli Parikh, King Dungenwal, Akshay Aurora, Kile D'Souza, Nidhi Chokshi, Aishwarya Waghle, Pooja Natrajan, Feroze Patel, Abhishek Tanna, Utsha Dasgupta, Aishwarya Jain, Malvika Amin, Gopal Machiraju.
Standing 2nd Row (L-R): Shirin Hussain, Prerna Verma, Adrika Dhawan, Aastha Sharma, Masoom Parikh, Manasi Bhushan, Aashna Sheth, Aalisha Shah, Shubhra Wadhawan, Mansi Sheth, Blanche D'Souza, Moushmi Mehta, Anshika Gupta, Kunal.

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 after year it hosts 5 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 2012-2013.

INTRA-COLLEGE ACTIVITIES

Demonstration Moot, Mock Freshers' Moot & Mooting Workshops

The MCA organized 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 was followed by the 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. Komal Modi and Ms. Keya Doshi argued before immediate pass-outs Mr. Rubin Vakil, Ms. Riva Shah and Mr. Raunak Shah. The mock freshers' moot was conducted

as a practice session for the first year students before finally approaching the Freshers' Moot Court Competition, 2013.

Freshers' Moot Court Competition 2013

The workshops and demonstration moot were followed by the Freshers' Moot Court Competition, which was held in the August of 2013. The Freshers' Moot Court Competition is the first step that first year law students take into the arena of mooting. The competition received an overwhelming response, with over 150 students of the first year of the five year course participating in the event. The case study for the same was based on contract and tort law.

Intro-Moot Court Competition for the Three Year Course

Owing to the late admissions of the three year course students, we conducted workshops that were followed by an introductory moot for the students of the three year course, in a manner similar to the Freshers' Moot Court Competition for the 3 year law course students. The competition received a commendable participation of over 70 students.

IL Grand Moot Court Competition, 2013

Following the tradition that began in 2010, the International Law Grand Moot Court Competition was organised in the last 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 competition based exclusively on International Law in the country and abroad.

Grand Moot Court Competition, 2013

Since 1956, the Grand Moot Court Competition has been the most prestigious intra-college moot court competition at GLC serving as a selection round for some of the most prestigious national and international moot court competitions. This year, the format of the Competition underwent a minor modification. Students from the three-year and five-year course were divided into two groups and were to argue on a two different set of problems with the top 10 ranks from each group qualifying to the final Ranking Round that was judged by an impressive bench comprising Prof. Kishu Daswani, Mr. Naushad Engineer and Mr. Kunal Vajani.

Common Eliminations

GLC has a very distinct and unique procedure for selecting students to represent college in the numerous moot court competitions that we participate in. Unlike other law schools, elimination rounds are conducted at frequent intervals around the year, for several city, state, national and international moot court competition. This ensures that students get ample opportunities to participate in close to 70 moot court competitions around the country. It also provides exposure to students to different styles of mooting thus enabling them to develop a distinct technique of their own.

Sir Jamshedji Kanga Memorial Government Law College Moot Court Competition

Instituted in the memory of the Late Sir Jamshedji Kanga, this competition has had the distinction of being the oldest moot court competition in Maharashtra. Having been a city-level Competition since its inception the competition has been made an intra-college competition since its previous edition.

INTER-COLLEGE MOOTS HOSTED BY MCA, GLC

15th D. M. Harish Memorial Government Law College International Moot Court Competition, 2011, February 6th-9th, 2014

The year 2014 marks the fifteenth edition of DMH, and will be held from February 6th-9th, 2014. The competition has the distinction of being the ONLY Indian Moot Court Competition to be included in 'Tier 2' of the Mooting Premier League (Legally India) amongst some of the most prestigious International Moots the likes of which include Stetsons World Round, ICC Trial, Red Cross, and Oxford Media Moot.

In keeping with the trend of widespread and varied international participation, this edition of the Competition will witness an unprecedented participation of 15 International Law Schools and Universities which include National University of Singapore from Singapore, New York University School of Law and Valparaiso University from USA, University of Southampton, University of Sussex from UK, amongst many others.

The four-day mooting extravaganza will witness 7 extremely challenging mooting rounds that would be judged by the sharpest legal minds of the country which include Mr. Janak Dwarkadas, Mr. Haresh Jagtiani, Mr. Rohit Kapadia, Senior Counsels, Bombay High Court; Mr. Pradeep Sancheti and Mr. Deepan Merchant, Senior Advocate. The preliminary, octo-final and quarter-final rounds will all culminate in the Final Round of Arguments to be judged by a bench of five sitting judges of the Bombay High Court at the opulent Rama Watumull Hall to be presided by Hon'ble Justice S. J. Vazifdar

The Competition also comprises a thought-provoking Panel Discussion, which will be held at the International Convention Hall, BSE. The topic of the Panel Discussion revolves around the hotly debated issue of the United Nations being a crony club of Superpowers, compromising the sovereignty of Nations. Dr. Kishore Mandhyan, Political Scientist, Mr. Prakash Shah, Former Permanent Representative of India to the UN, Ms. Geeta Anand, Journalist, Wall Street Journal and Pulitzer Prize winner and Mr. Navroze Seervai, Senior Advocate, Bombay High Court will engage in a heated exchange of opinions on the issue at hand.

10th Nani Palkhivala Memorial National Tax Moot Court Competition, 2012 (October 3rd-5th, 2013)

This competition, which is the first and has long been the only competition, to be based solely on taxation laws was organised by the MCA in association with the All India Federation of Tax Practitioners and the Income Tax Appellate Tribunal Bar Association from October 3rd-5th, 2013. The competition is unique in as much as it is the only moot in the country where law students are provided with the opportunity to argue in the courtrooms of the Income Tax Appellate Tribunal (ITAT) itself. These rounds of argument are judged by the Hon'ble Members of the ITAT as well as professional advocates & chartered accountants from the field of tax culminating with the Final Round of Arguments.

This year, the competition witnessed the participation of 26 of the finest law institutions from across India. The Inaugural Function of the Competition, which was held on October 3rd, 2013, was presided over by the Chief Guest, Hon'ble Mr. H. L. Karwa, President, Income Tax Appellate Tribunal.

Further, the final round of arguments were held on October 5th, 2013 at the Y.B. Chavan Auditorium and were presided over by Hon'ble Mr. Justice S. J. Vazifdar, Judge, Bombay High Court; Hon'ble Mr. Justice A. A. Sayed, Judge, Bombay High Court and Hon'ble Mr. Justice M. S. Sanklecha, Judge, Bombay High Court. The finalists were Jindal Global Law School, Sonipat and Symbiosis Law School, Pune with Jindal Global Law School emerging as the ultimate winners.

The Competition, is also, accompanied by the Nani Palkhivala Research Paper Competition. This year marked the 9th edition of the Competition and witnessed a unparalleled 90 entries from law universities and colleges across the country. The paper submitted by Anurag Soan and Shreya Ganju of Symbiosis Law School,



Pune was adjudged the winning research paper while the paper submitted by Smriti Tripathi and Vasu Nigam, NLIU Bhopal.

20th M.C. Chagla Memorial Government Law College National Moot Court Competition, 2013 (January 11th-12th, 2014)

The Moot Court Association of Government Law College has been hosting the M. C. Chagla Memorial City-Level Moot Court Competition for several years which was made into a state level competition four years ago. Owing to the overwhelming response that the competition has been receiving year on year, since its previous edition, it was made a national affair with 16 of India's best law schools participating in this Constitutional Law Moot Court Competition.

The final rounds of the Competition were held at the Indian Merchants' Chamber and was presided over by a bench comprising Hon'ble Mr. Justice V. M. Kanade, Hon'ble Mr. Justice M. S. Sonak, Judges, Bombay High Court. Chanakya National Law University, Patna emerged as the winning team with Symbiosis Law School, Pune coming a close second.

N.B. Naik Memorial Government Law College State Marathi Moot Court Competition

This competition is the first and only moot in India that is conducted in a regional language—Marathi. This competition

is open to law colleges across the state, and is now in its fourteenth year.

The success of the MCA 2013-2014 is attributed to the consistent efforts and support of a number of persons. I thank Prof. Sanjay V. Kadam, the Chairman of the Association, for his unconditional support who has been there at every stage ensuring the success of all our efforts. None of our events would have been possible without the dedication and commitment of each and every member of the Association. I must particularly thank the office bearers of the Association—Ayaan Patel, Rima Desai, Bhagyashree Madhekar, Niyati Vakil, Aishwarya Wagle, Akshay Aurora, Pooja Natarajan, Kile D'Souza and Feroze Patel. Their camaraderie, perseverance and devotion to the Association were instrumental to the success of every endeavour of the Association.

Raghav Dev Garg
General Secretary

With Best Compliments from



Desai Desai Carrimjee & Mulla

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MUSIC CIRCLE



Sitting (L-R): Prasad Jadhavar, Mayuresh Jagtap, Prof. Ms. R. M. Dandekar, Prof. U. S. Aswar, Prof. Dr. S. S. Ingale, Principal Judge R. B. Malik, Prof. Mr. P. B. Daphal, Prof. Ms. K. Hedao, Prof. Ms. A. Desale, Prof. Ms. N. Shaikh, Lokesh Kumar Dixit.
Standing (L-R): Abhinav Bhatkar, Pramod Kumbhar, Adrika Dhwan, Aastha Sharma, Shilpa, Poorva Kaushik, Akriti Kataria, Sristi Yadav, Samyak Jhakday, Mohammad Shoaib Shaikh.

The Music Circle of Government Law College, Mumbai is an integral organ of GLC, concerned with bringing out the music talent of lawyers-in-making and encouraging their interest and passion in music. To keep alive the entertainment and fun in GLC is the aim of the committee.

The Music Circle not only appreciates the musical art of the students, but also welcomes young personalities who wish to organise the events conducted by the Committee.

It provides opportunities for the students to participate in various prestigious inter-collegiate events, like Malhar, Mood Indigo, Sympulse, and various other college fests. Our members have won laurels in band events, solo competitions and national fests organised by Channel V and MTV.

In the year 2013, the college band formed by highly talented musicians performed in Mood Indigo, an inter-college event.

This year, the Committee shall open the doors of opportunity to the students who search for a break in their careers as musicians.

The Committee provides support to those who have the urge to learn and gain more knowledge about music, by conducting various classes such as guitar classes, through which interested students shall be provided with tutorials by professional guitarists.

The Music Circle aims to introduce more activities and events for the benefit of all the students. The Committee looks forward to have various events like Inter-College music fest, lyrics writing competitions and Battle of the Bands. Battle of the Bands, as an event of inter-college fest "Thrones of Talent" shall witness tough and enthusiastic competition between well-known bands.

The members of Music Circle strive to keep the cultural activities of the college going and also to present the students of college with a chance to be more active in extra-curricular activities. I thank our Principal Judge R.B. Malik and professor-in-charge Prof. P. B. Daphal for their constant and much needed support.

I would like to thank Pratik Kardak for his suggestions that helped the committee to achieve its goals. Hard work and sincerity of all the committee members is highly appreciated as it would have never been possible to work without such a friendly environment.



Lokesh Kumar Dixit
General Secretary



NATIONAL SERVICE SCHEME



Sitting (L-R): Sweta Chauhan, Anupama Kolekar, Vishal Shinde, Prof. Mr. P. B. Daphal, Principal Judge R. B. Malik, Prof. Ms. A. Desale, Ajinkya Walujkar, Neha Mhapsekar.

Standing 1st Row (L-R): Mohanna Moparthi, Priyasha Kadam, Krutika Mohite, Meher Minbattiwalla, Pallavi Kamble, Sumedha Gupta, Subhash Vasave, Pranav Dhakne, Nimish Bendekar, Sarjerao Patil, Ojas Patil, Digant Sonakia, Roshan Kamble, Nirbhay Phusate, Shivam Jain, Arjit Pandey, Mani Chandan, Rahul Thakare.

Standing 2nd Row (L-R): Swati Valvi, Monika Mehta, Pallavi Deuruhkar, Priyanka Bille, Shalini Bussa, Ashwini Jadhav, Deepal Jain, Sonali Shelar, Dhanashree Padwal, Jyoti Karade, Komal Kadam, Poonam Shinde, Shreya Pandit, Minakshee Padelkar, Manasi Deokule, Sneha Meshram.

Inset: Neesha Ambekar.

National service scheme (NSS) was started by the Government of India, Ministry of Education and Culture, in collaboration with the State Government in the year 1969 in selected universities. Mumbai University has been participating in this scheme since its inception. The NSS has always been taking various initiatives to streamline the NSS activities in the college NSS units. All these activities were aimed at improving the overall personality of the student community. The educational goal of NSS implies that besides gaining and understanding concepts like community, social structure and power conflict occurring in the real life of an individual, students should also work and gain knowledge by finding practical solutions to individual and community problems, acquire leadership qualities and be ready to meet emergencies and natural disasters.

GLC NSS unit was established in the year 2010 with the support and guidance of Prof. P. B. Daphal, Prof. Kavita Hadaoo and Prof. Anita Desale, who helped the unit prosper. In accordance with the motto of NSS, 'Not Me But You', the NSS unit of GLC has carried out many community services, activities as well as personality development programmes. It is also a pleasure to inform you about our adoption area work where our unit has adopted a municipal school in Masjid Bandar, Mumbai, where we carried out programmes related to personality development, English speaking, effective communication skills, career guidance etc. In addition to this, we conducted a two-day lecture on Tobacco Free World in the college in collaboration with Salaam Bombay Foundation. To promote Women Health issues, the NSS Unit conducted a full day free health checkup camp for all the girl students as well as the female staff of the college.

The best example of unity, cooperation and team spirit was evidently reflected in our NSS Unit's successful seven-day long residential camp in 'Phalegoan' village of Kalyan taluka of Thane district. In this camp 48 volunteers and two programme officers, a team of 50 members tried spreading the message of cleanliness, social issues like female infanticide, anti-addiction, conservation of environment through nukkad nataks and lectures. Another highlight of the unit was the celebration of the thanksgiving ceremony with our beloved college staff on the occasion of "International Gratitude Day" by offering them sweets, a thank you badge and flowers for always helping us prosper.

The beach cleaning activity carried on Girgoan chowpatty after the ganapati visarjan reflects our keen and sincere interest to respect and keep our city clean. The above mentioned activities have always helped NSS volunteers to be a part of solutions in every stage of their life and society.

We, the members of NSS units of our college are thankful to our chairperson, Principal Judge R. B. Malik, Programme officers Prof. Pandurang Daphal, Prof. Anita Desale, Prof. Kavita Hadaoo for their support and cooperation.

At last we are thankful to all our NSS and non-NSS volunteers and friends who trusted and supported our unit, without whom this would be impossible to achieve.

Neesha Ambekar
Girls representative

Tushar Upadhyay
Boys representative

PLACEMENT COMMITTEE



Sitting (L-R): Varun Loonkar, Jatin Handoo, Daniyal Khan, Aman Chaudhary, Principal Judge R. B. Malik, Prof. Mr. H. D. Pithawalla, Pratha Raj Khare, Rajnalini Singh, Avani Kashyap, Remya Raj.

Standing 1st Row (L-R): Jui Dongare, Adrika Dhawan, Ayushi Arora, Prachi Nahar, Masoom Parekh, Shivangi Mishra, Shruti Kokate, Krushani Desai, Purvai Sharma, Tarushi Maheshwari.

Standing 2nd Row (L-R): Arpit Mishra, Arjit Pandey, King Dungerwal, Salona Mittal, Yash Badkur.

Placement Committee is one of the finest and most sought after committees of Government Law College, Mumbai. It has been an enriching and a lifetime experience of working in the committee for past three years. Each year we strive hard to make the Recruitment Program a grand success than the preceding year.

The Annual On-Campus Recruitment Programme 2012-2013 was a massive success, as the Placement Committee, true to its motto, succeeded in having more than 60 top law firms, counsels and corporate houses recruit our students.

This year, the Placement Committee is a 30 body team, and it is really pleasant to see them work so selflessly for the Committee. The Committee knows and has experienced that it's an immensely satisfying task to place our seniors.

The Placement Committee has annually two placement weeks, one in September, which is exclusively for associates

and the other in January which is for interns, associates and article clerks. This year, both these placement weeks are a massive success. Breaking all records and getting 40 top law firms, corporates, LPOs, counsels for the September placement week and 150 plus top law firms, corporates, LPOs, counsels for the January placement week.

The whole year was a pleasant experience altogether.

On this note, we had an incredible experience and a very fruitful year for both the students and our highly valued recruiters.



Pratha Raj Khare
General Secretary



ROTARACT CLUB



Sitting (L-R): Rohan Garg, Meherzeen Avasia, Dhvani Krishnan, Ankita Misra, Principal Judge R. B. Malik, Prof. Ms. S. Chuganee, Aayush Tandon, Prabal Mishra, Shubham Mittal.

Standing 1st Row (L-R): Shivam Jain, Rishav Buxi, Tanvi Jadhav, Hiral Chheda, Rupal Aggarwal, Saloni Jain, Sayali Pehansikar, Sohan Kinkhabwala, Namit Goyal, Salona Mittal.

Standing 2nd Row (L-R): King Dungerwal, Aayush Kevlani, Antra Agarwal, Raveena Kinkhabwala, Bhumi Bhangre, Gauri Rane, Shruti Shah, Shantanu Gupta, Harshit Jaiswal.

Inset: Hitansh Sharma.

With 'A League A Legacy...' as its club theme, the Rotaract Club of GLC had its work cut out as it had to work around it in tandem with the club motto 'why fit in when you can stand out?'. The work started right from the first day of the college reopening in June.

Armed with the resolve to spread the awareness about the club amongst the Freshers, RCGLC organised an on-the-spot declamation competition, 'Raise Your Voice' for them to voice their opinion on the various issues currently vexing India. With this professional development event, our aim was to provide our Freshers a platform for public speaking so as to instill a sense of confidence in them which is an absolute necessity for law students.

The Club along with other bodies of the college hosted the 2nd annual Fresher's Party, with the theme being funky and groovy 'Retro Remix'. The aim was for Fresher's to bond with each other as well as the seniors. With the new students wanting to join, we began the round of interviews to identify the fresh batch of talented and spirited newcomers into the Club. Post this, an essay-writing competition, 'Write to Express', was held exclusively for the Rotaractors. The topic was "A ship is safe in the harbour but this is not what a ship is built for," a famous line by William Shedd. The winning essay was published in the ROTOZAR; the

RCGLC magazine unveiled at the Installation Ceremony. This is the formal swearing in of the new President and Board of Directors for the year. Following its legacy of themed installations, this year a crime scene was investigated to ascertain the rightfulness of the claim to the chair of President and BOD.

With the aim to encourage bonding among the Rotaractors of various colleges, the Club hosted a brand new event 'The Amazing Race'. Each Rotract Club was represented by three participants who had to reach various destinations around the city following a chain of clues. They performed various challenging tasks at destinations such as Gateway of India, BPT Gardens, Sassoon Dock, Cooperage Bandstand, Oval Maidan, etc., which they could reach by only using public transport.

RCGLC celebrated Friendships Day with the under privileged children of the Pavement School with an aim of spreading happiness and smiles amongst them and introduce the members to a new set of friends and ignite a flame in them to do good for the betterment of the less privileged. Amongst many activities organised that day, an impromptu dance faces off between a few of the members and older students of the Pavement School added to the enjoyment as everyone cheered their team.

Continuing the legacy, RCGLC organised its 5th Annual Charity Sale; a celebration to welcome the 'Joy of Giving Week', in the month of September. The theme for this year was "Incredible India...the colours of life". 24 NGOs were a part of the festivities and our hearts were filled with gratitude for their continued support and co-operation. Charity Sale, 2013 saw a huge audience of people from all over Mumbai and a few tourists too, *Atithi Devo Bhava* indeed! It generated an amount of ₹ 70,000 for all NGOs collectively and there could not be a better feeling than to know that we did what little we could to put a smile on someone's face.

The year ended with the 2nd edition of the Model Indian Parliamentary Session, 2014 for RCGLC. A three-day event, MIPS'14 was a roaring success that saw pan India participation as well as sessions with some stalwarts of the society. Held at the Oberoi Trident Hotel, one of the main highlights was 'The Rendezvous', an interactive discussion between the participants and guests—Architect Ajay Nahar,

MD Nahar Group; Dr. Kirit Somaiya, ex-member of Parliament from BJP; and Advocate Raj Purohit, a GLC alumnus who was the former President of Mumbai BJP and former minister of Housing, Labour and Parliamentary Affairs for the State of Maharashtra. As questions and ideas from the participants along with inspirational words from the panel were exchanged on 'The best way to predict the future is to create it', there were many laughs and some serious debates all around.

The high note that the Club sailed through this year, assures a positive momentum to the coming academic session, where the legacy of Rotaract Club will be carried forward on a similar track with the promise of many new and innovative additions.

Ankita Misra

Ankita Misra
President

With Best Compliments from
A Well-Wisher



SOCIAL SERVICE LEAGUE



Sitting (L-R): Hima Khuman, Rupal Shah, Principal Judge R. B. Malik, Anu Menon, Kashmira Khedekar.

Standing 1st Row (L-R): Shivam Jain, Sakshi Bangar, Bhoomika Palsania, Mittali Solanki, Punam Shinde, Madhushree Chavan, Vrushali Bodke, Namrata Sonawane, Dakshata Dupare, Reshma Kudalkar, Rishikesh Gherade, Mayuresh Jagtap.

Standing 2nd Row (L-R): Tanwika Kumari, Manisha Nayak, Sagarika Dudhavadkar, Krutika Gaikwad, Dipika Chavarkar, Krushani Desai, Sneha Aher.

“Respecting and upholding the spirit of humanity precedes all forms, functions and letters that define the laws of the land.”

—TEAM SOCIAL SERVICE LEAGUE

SSL was incepted in the year 1967, initiated by the then Principal, Prof. P. K. TOPE, in the memory of his late wife VINITA DEVI TOPE. SSL is one of the oldest and most prestigious organisations of Government Law College. Rooted in the pursuit of social justice, the SSL activities are oriented towards making lives better. This is primarily achieved by tie-ups and association with various institutions, apart from several initiatives individually taken by the League.

SSL OBJECTIVES:

- Integrate all faculties of GLC to sensitise people on issues of social justice.
- Strategise and execute projects for the well being of the economically and physically/mentally challenged.
- Organise and channelise assistance to individuals and institutions working to uplift the economically and physically/mentally challenged, and bringing them to the mainstream of society.
- Congregate different institutions on single platform to ensure maximum impact of various causes listed.

In an attempt to illuminate lives of others and in order to make their own lives worthwhile, the members of SSL have worked with various NGOs including NAB, IAPA, MOUTH AND FOOT FOUNDATION and etc.

FEW OF THE PROJECTS TAKEN UP BY SSL IN THE YEAR 2013-2014 INCLUDE:

We helped the victims of the UTTARAKHAND FLOOD in association with “GOONG”- AN NGO by providing them clothes, food items etc.

- We organised cleanliness drive at GIRGAON CHOWPATTY during Ganapati Visarjan.
- We came up with an event called “UDAAN”—THE WINGS OF TALENT which was an Inter-NGO competition providing platform for NGO children to show their talent.
- DRISHTI—Through this avenue we are trying to help the visually impaired students by providing them notes in Braille language.
- SHIKHAR, an exhibition cum sale, is an event in which various NGOs participate to exhibit their products.
- We have introduced “VIVECHAN”—Your Country, Your Views (Socio Legal Essay Competition).
- We will be launching our yearly ‘SOCIAL LEGAL JOURNAL’ which includes Social Service League’s yearly activities and the winning entries of VIVECHAN (Socio Legal Essay Competition).
- We had organised NGO visits on Independence Day, Rakshabhandan, Children’s Day, Christmas.

I would like to extend my heart felt gratitude to our Principal Judge R. B. Malik, Professor-in-charge Prof. Mr. P. K. Mokal, to all the professors and staff members for their unflinching support.

Anu Menon
General Secretary

SPORTS COMMITTEE



Sitting (L-R): Nimish Bendekar, Anagha Lokhande, Prof. Ms. S. Masani, Prof. Mr. D. A. Shinde, Principal Judge R. B. Malik, Prof. Ms. M. Sakpal, Prof. Mr. S. A. Panchbhai, Prof. Ms. R. M. Dandekar, Prasad Jadhavar, Lokesh Kumar Dixit.

Standing 1st Row (L-R): Latesh Babade, Pramod Kumbhar, Nikhil Ghate, Rashmi Sakpal, Aditi Mane, Kajol Sontate, Purvai Sharma, Ruchi Surve, Manjushi Shekhokar, Akriti Kataria.

Standing 2nd Row (L-R): Mani Chandan, Sanket Tawde, Saurabh Deorukhkar, Rohan Nayar, Abhinav Bhatkar, Uddhav Waghmare.

The academic year 2013-2014 has proved to be extremely successful and historical for the sports committee.

I take privilege in announcing that this year has been a stepping stone year in the sports culture of this college. The college, which prides itself for its intellectual achievements, is today also known for its achievements in the arena of sports. This year the college has won two championship trophies, six gold medals, and five silver medals in various sports.

This year the college participated in three National Sports Tournaments namely Spiritus-Bangalore, Yuvardha-Jodhpur and Invicta-Kolkata. Apart from these National Tournaments we also participated in the Mumbai University Tournaments. The participation in the Bangalore, Jodhpur and Kolkata Tournaments has been a memorizing experience and a one of a kind memory to all the students.

With the great dedication practice and hard work of the players, the sports committee has achieved great success. In Invicta-Kolkata our Football team stood at 3rd position, at Sambhav-Pune our volleyball team won the silver medal, at Spiritus Bangalore the Football team were the champions and the Badminton (W) team won the silver medal, at Yuvardha-Jodhpur we won three gold medals in Volleyball (W), Carrom, Badminton.

Then, at Mumbai University Tournaments our Volleyball team won silver medal and our Badminton (W) team stood in the qualifying rounds.

Apart from these team sports, our students have also won laurels for the college in individual sports.

Samrat Ingle and Vishruti Sahni have performed exceptional well in boxing and squash respectively. Their achievements have been recorded in the Achievers page of this Magazine.

This year the Sports committee also organised SHOWDOWN, which is an inter-college sports fest.

I take immense pride in reporting that SHOWDOWN, 2013 was the biggest inter-college sports festival of South Mumbai with an enormous participation of 430 sportsmen from 25 different colleges from all over the city. Our Football team, were the champions and our cricket team were the runner-ups in SHOWDOWN, 2013. With great support and gratitude of Principal Judge R. B. Malik, Prof. Shinde (Chairman), Prof. Mokal (Vice-chairman), Prof. Panchbhai (Vice-chairman), Prof. Martina Sapkal (Vice-chairman), we intend to make SHOWDOWN a National Level Festival in the coming year and make our own contribution to the glory of this college.

The members of the Sports Committee have been constantly working and striving hard to create a conducive environment to nurture the sports talent in our college and for improving the performance of the students of the GLC in the arena of sports. The Sports committee also organised a Felicitation ceremony for all the sports winners and champions of the year 2013 for the first time in the history of this college. I take the liberty of thanking them and congratulating them for a successful year in the college.

The following are the names of the captains of the various teams of college:

Cricket: Latesh Babade V-V and Pramod Kumbhar V-III
Football: Arjun Savant V-IV
Volleyball (M): Lokesh Kumar Dixit V-IV
Volleyball (W): Anagha Lokhande V-III



Prasad Jadhavar
General Secretary



STUDENTS' COUNCIL



Sitting (L-R): Shikha Rawal, Ronak Thakkar, Khushnaaz Anklesaria, Anagha Lokhande, Lokesh Kumar Dixit, Principal Judge R. B. Malik, Prof. Mr. S. A. Panchbhai, Deepti Koli, Tushnika Dayal, Akshay Arora, Mohanna Tripathi.

Standing 1st Row (L-R): Krutika Mohite, Krushani Desai, Manisha Nayak, Soumya Bhargava, Tarushi Maheswari, Aastha Sharma, Ayushi Arora, Adrika Dhan, Shimona Khandelwal, Stuti Khosla, Siddharth Das, Shivashish Dwivedi, Yash bandukar, Pranavi Chaudhary, Akriti Kataria, Sristi Yadav, Vaishali Singh.

Standing 2nd Row (L-R): Mani Chandan, Arjit Pandey, Abhinav Bhatkar, Shivam Jain, Shreya devmane, Shreya Pandit, Paridhi Agar, Aafreen Noor, Kinnari Mukadam, Poorva Kaushik, Ana Rizvi, Shivani Mathur, Sumedh Deshpande, Ameya Khare, Rishav Buxi, Arpit Mishra.

The apex student body of Government Law College, which is the Students' Council saw light of the day in December, 2013. It acts as a catalyst that facilitates and revs up the relationship between the students and the administration of the college. The Council's formation was mainly to promote students' welfare, to help them organise and smoothly run the myriad of activities spread over the year.

The academic year commenced on a good note with the Dr. B. R. Ambedkar Lecture in association with the Alumni Association of our College. This was followed by the Justice M. C. Chagla Lecture Series, which was organised in fond memory of former Chief Justice M. C. Chagla, with eminent personalities addressing the students on contemporary legal issues. The Council also takes this opportunity to express its gratitude to the trustees of the late Chief Justice M. C. Chagla for assisting in its endeavours. This was followed by the students vs. professors' cricket match. The next event that we organised was the orientation for the batch of 2013-2018 and with this came time to bid farewell to the students of the 2012 batch. The Council organised the farewell function for all the final year students graduating in the previous year and wished them good luck for their future endeavours. This was followed by the most coveted event of the year which was the freshers' party, which invigorated the students to face new challenges, make new memories and overcome obstacles. This was trailed by Independence Day and Republic Day celebrations, to relive the happiness of free India and preach patriotism amongst the youth. Then came up the biggest event of the year, the World

Quiz, 2013 presented by the Youth Forum on Foreign Policy & Government Law College Students' Council, which was powered by Public Diplomacy Division, Ministry of External Affairs, which additionally included a panel discussion on 'Institution for Foreign Policy in India'. The panelists were eminent personalities. We also organised thought provoking lectures on 'Armed Forces Special Powers Act' by the Maharaja of Tripura and 'Kashmir Today, Kashmir Tomorrow' by Lt. General Syed Ata Hasnain.

These achievements brings us one step closer to further progress of our College, in a way adding soul to its 159 year heritage. I would like to thank our Principal Judge R. B. Malik for his most needed support. I would express my hearty gratitude to our Professor-in-charge, Mr. S. A. Panchbhai for his continuous support as it would have never been possible to achieve our ambitions without his support.

I would be failing in my duty without mentioning special thanks to our ex-General Secretary, Pratik Kardak, and all the Students' Council members and ad-hoc Students' Council members for their hard work and most needed support throughout the year.

We hope for a great and successful year ahead with sincere and hardworking members.

Lokesh Kumar Dixit
General Secretary

STUDENTS FOR THE PROMOTION OF INTERNATIONAL LAW



Sitting (L-R): Shikhar Nath Rastogi, Sneha Nainan, Sarrah Khambati, Utkarsh Srivastava, Principal Judge R. B. Malik, Prof. Ms. S. Masani, Anvita Mishra, Amal Sethi, Raghav Dev Garg.

Standing 1st Row (L-R): Shivashish Dubey, Joshua Patnigere, Krutika Mohite, Krushani Desai, Shubhra Wadhawan, Oindree Banerjee, Gayatri Pinkyar, Shadab Jan, Anushree Kacker, Rahul Kukreja, Aayush Raman, Pranav Tolani, Indira Saroha, Utsha Dasgupta, Mansi Sheth, Aashna Zaveri, Vaibhav Sabharwal, Yati Sharma.

Standing 2nd Row (L-R): Mohana Moparthy, Abhishek Tanna, Prerna Verma, Shirin Hussain, Soumya Bhargava, Ayushi Arora, Adrika Dhawan, Poorva Kaushik, Shreya Pandit, Shivani Mathur, Ana Rizvi, Shreya Sushil, Kosha Shah, Aashna Sheth, Vaishnavi Yadav, Swarupa Redij, Akanksha Prakash, Shreeja Kumar, King Dunderwal, Mani Chandan.

2013-14 has been an extraordinarily successful year for Students for the Promotion of International Law (SPIL), Mumbai. The year began with introductory lectures on various aspects of International Law, conducted by professors and experts for the benefit of newly enrolled students. Members of SPIL were presented with opportunities to enrich their understanding of international law through lectures, workshops and an intra-committee competition focussing on the trifles of drafting judgments and reports as well as writing research papers.

We focused on enhancing the research and analytical abilities by organising the Intra Judgement Deliberation Competition, 2013, where students, as judges of the International Court of Justice, deliberated on a judgment which dealt with human rights and privacy laws.

SPIL also organised a Mediation Workshop called the "Art of Mediation" conducted by Prof. Kishu Daswani and Mr. Chetan Karia. An extremely interactive session, the workshop was appreciated by one and all and was an extremely enriching experience.

As is custom, this year too, SPIL has maintained an unwavering focus on the dissemination of knowledge and

promotion of International Law. The year culminated in our annual flagship event, the Government Law College International Summit. The theme for the 2014 Summit was "International Investment Law"—a vast subject of myriad consequences.

We explored the seemingly endless territory of international law, with a key note address by Hon'ble Mr. Justice K.S. Radhakrishnan, Judge, Supreme Court of India, and seminars conducted by legal stalwarts such as Mr. Sharad Abhyankar, Mr. Somashekhar Sundaresan, Mr. Toby Landau, Ms. Meg Kinnear and Mr. Vyapak Desai, on International Investment Law and the ICSID Convention focussing on Investor State Arbitration and India and its Bilateral Investment Treaty Regime. The Summit stimulated the minds of attendees through thought provoking interactions with experts and doyens of the legal fraternity. The Summit also witnessed an Interview session conducted with Ms. Meg Kinnear, Secretary General, International Centre for Settlement of Investment Disputes (ICSID) on the topic "Whether India should sign the ICSID Convention."

A prominent feature at the Summit was the Panel Discussion, which facilitated an inspiring discussion on a subject of



great relevance—“Attracting Foreign Direct Investment: Examining the Existing Legal Framework and weighing its Consequences on the Indigenous Economy”. The Panelists for the day were Mrs. Meenakshi Lekhi, Advocate, Supreme Court of India & National Spokesperson, Bhartiya Janata Party, Mr. Ashish Chauhan, CEO & MD, Bombay Stock Exchange Ltd., Ms. Manjeet Kripalani, Founder Gateway House and Former India Bureau Chief- Businessweek Magazine, Mr. Pramod Rao, General Counsel, Citi Bank, Mr. Naveen Raju, In-house Counsel, Reliance Industries Limited and Mr. Rahul Dhonde, Associate, Levy Hoffman Kohler, Germany.

The Summit, aside from the key note addresses, lectures, workshops and call for papers, comprised of two novel competitions, the Judgment Deliberation Competition and the Treaty Appreciation Competition, which were conceived within our institution. The only of their kind, these competitions offered students across the world a unique learning opportunity. The Judgment Deliberation Competition brought a fresh approach to problem analysis and judgment making, requiring participants to, upon analysis of facts presented and arguments advanced, arrive at a unique judgment that is infallible in law, rational in thought, and innovative in its essence. The forum for the Competition was the World Trade Organisation. The Treaty Appreciation Competition was modelled 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 treaty under consideration was the ICSID Convention.

Only in the fifth year since its inception, the competitions received an overwhelming interest and participants and delegates from colleges across the world, thus rendering it truly international!

SPIL will also be organising a lecture by Prof. Raj Bhala, Associate Dean for International and Comparative Law and Rice Distinguished Professor, School of Law, The University of Kansas, on March 3rd, 2014 on International Trade Law.

Having concluded this academic year with the resounding success of the Summit, I hope and trust that the year 2014-15 will continue to celebrate the joyous exploration of the many nuances of International Law.

Utkarsh Srivastava
President

ABOUT THE MEMBERS



(L-R): Shreyas Narla (Treasurer), Maithili Parikh (Student Co-ordinator), Malvika Amin (Marketing Head), Malvika Tiwari (Creative Head), Aishwarya Singh (Chief Student Editor), Harsheen Madan (Assistant Editor), Harshini Parikh (Creative Head), Sanjana Rao (Assistant Treasurer), Gopal Machiraju (Student Co-ordinator)



Aishwarya our Ms. Editor, a dainty pretty lady started with being a part of the Magazine in 2011 to being a chirpy and super energetic student co-ordinator in 2012 and then went on to be the Editor of méLAWnge 2013-14. She was a tremendously hardworking, competitive, dependable junior who evolved as a leader with the right amount of compassion and patience. Apart from being a commendable head, she is quite a team herself who alone can handle the work of five. She fretted about deadlines, tackled difficult people and situations, rejoiced little winning moments, took pride in successful events and created a memorable year for us and herself.

Harsheen is undoubtedly one of the sweetest, craziest girls you'll meet in college. Her ability to always and seriously ALWAYS strike a balance between mooting, interning, studying and doing mag work will leave any regular law student amazed. Harsheen is a wonderful package deal, with her ability to have so much fun and yet be so hardworking. For those rare people in college who don't know her, you'll really have no idea what you'll be missing out on.

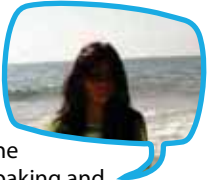


Malvika is the most treasured senior member of the core committee. Despite staying busy throughout, she has always been just a call away; ready and available to help out for any work. Her lovely smile, calm and composed nature and counselling sessions for me have always helped in the best ways! Malvika is a friend for life and can be relied upon for everything. She has been an elder sister, friend and guide. Thank you for everything Molly!

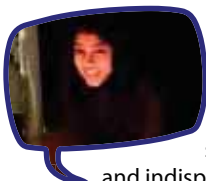


Harshini is one of the sweetest girls you'll ever meet—unfortunately if you're in GLC, you probably never will. Barely seen in college, she makes special appearances for admissions, exams and of course mag work! She has the most humorous stories and her easygoing persona never fails to lighten up everybody's mood.

'Malu' as almost everyone lovingly calls **Malvika**, with her easygoing and affable nature, is an irreplaceable member of the committee. She is an articulate writer, a result of her enthusiasm for reading for which she stays up nights. This girl definitely follows the phrase "the way to your heart is your stomach" baking and cooking the most exotic of desserts! She is one of the most cheerful and loving people in the committee.



Shreyas is a wonderful unconventional—the best of the kind. His refined thinking and refreshing outlook towards society, along with his committed zeal to reach the heights of creativity, renders him a powerful human intellect. His feisty nature and dry sarcastic remarks are a lesser known side of him.

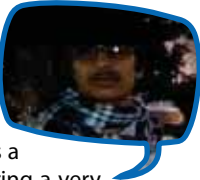


The quintessential people's person, **Maithili** has the unique ability to strike up a conversation with absolutely any one. She is a terror on the badminton court! She has a brilliant sense of humour, and laughs heartily at anything! Tremendously smart and super organised, she is an absolute joy to work with and indispensable part of our committee.



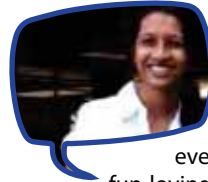
Sanjana is simply outstanding, owing not only to her height but also to her garrulous nature. This dear assistant of mine and above all, my dearest friend, is Katharine Hepburn personified—fiercely independent coupled with relentless energy, self-assuredness, and a sharp wit! Rao has been instrumental in making my journey with Mag worthwhile and cherishable!

Gopal is an industrious colleague whose critical take of every aspect and work of the Committee has helped produce much more refined results, this year. Bearing a fondness for the Indian Judiciary, he has been already charting out a course of action for his judicial aspirations! Driven by scepticism, Gopal is a very committed and time-bound individual, harbouring a very deep sense of scientific temper.





Aanchal Gulati is a well-rounded lady who's studied all over the world (literally). Always chirpy, Aanchal is an active part of almost every committee at GLC. Even after her long hours interning, she still makes time for what she loves most- writing (including writing for Vogue)! A travelista, Aanchal is always fascinated by antique object d'arts and is still on the quest to find a beautiful grandfather clock.



Aashna is one of those rare people who does things for others without measuring it, making her the most cheerful and giving person I've ever come across. From her "I hate the world" phase to her "finding everything lame"; she's an extremely fun-loving person, full of sarcasm and humour. If you're ever in the wrong mood, look out for this girl, and you'll be on a laughing spree.

Aayush is witty who knows what to speak and when to act which also makes him a spectacular orator. He's affable (if you get along with his formal ways) and he's very particular about his HYGIENE. It's however hilarious to know that he looks inebriated even without drinking!! It may tickle your senses if you watch him dance but ironically, he manages to crack some really pesky PJs.



Akanksha Loaded with sugar, full of pep, cheerful, chirpy and above all a humble person, this ecstatic girl from Ranchi is very beautiful, charming, considerate and helpful. The thing I like the most about her is that she remains intact with her Ranchi accent of 'Hum'. Her crazy passion for the 'Magazine Committee' and 'The Hindu' can give you a tough time if you meddle with her as she will never hear anything against them.



Anuja is easily the best person to go to when you're feeling low. Her comic timing never fails to make things unintentionally funny. She's witty and some of her wise-cracks are immensely quotable! The most awesome shade of weird, she is a complete Potterhead and a very dependable friend.

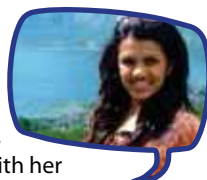


The most fun-loving girl you will ever know under a serious face is **Anushree**. But don't mistake the fun loving and easy going nature for lack of dedication, she is always ready with the next thing in her list and she will definitely make things work. What to be listed in her good books? Well ask her to go for shopping! She can solve all your problems! Feeling low? Go to Anushree she knows how life works.

Our very own Patna turned Bombay chic, **Anvita** is someone who cannot go unnoticed in College. Popular as Hitler for threatening to slap people all day long, she gives her juniors a very hard time! At the same time, she is intelligent, smart, sweet, funny and an amazing friend to have (which you do not find very often at GLC). A valued member of the Committee who is always ready to help!



By far of the most sassy people I've met, **Aashna** has the ability to crack you up no matter what the situation. Armed with an ability to befriend anyone at all, she is extremely cheerful and easy-going. She's dedicated to her work and will charm you with her conversational skills. If you get the rare opportunity of meeting Aashna, you won't be disappointed.

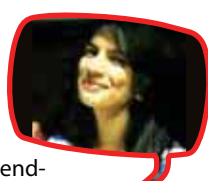


In the first instance, **Faiz** can possibly come off as a socially awkward sweetheart with a good sense of humor with an obvious aversion to punctuality. His sense of humor and his class attendance are undeniably at the same abysmal level. Faiz is the kind of guy that would go out of his way to cheer anyone up. His good spirit, terrible jokes, absolute warmth and his ability to cheer anyone up, make Faiz one of the best people to be around!



Aameer is very rarely seen in college but is a very important committee member. He always manages to make time for the committee meetings and work and is a super helpful guy! Dedicated and happy-go-lucky, he is a friend worth having.

The first of many words that come to mind while describing **Hiral** is awesome!!! She is a high-spirited, strong-minded gal who has an uncanny way of always getting what she wants. This creative whiz kid is absolutely dedicated and hardworking. Her extremely friendly, happy-go-lucky nature makes it hard for anyone to be jealous of her. She is an exceptionally brilliant person and friend and a fun person to be around.



Many adjectives can describe **Jahnvi** but none will be as impressive as meeting the real person herself and none will do justice to the fun loving and hilarious lunatic she is. With a penchant for chocolate, clothes and cupcakes, she's happiest around her friends and using her patented (though awfully odd) words such as "cray" "yeahbish" "buddy" "boss". It is a pleasure to have her around.





Less physically and mentally connected, but bearing a strong emotional attachment to the Committee, **Rohan** is an endearingly naive person, a species that is almost extinct in the College. This unusual Chandigarh lad, who has finally come to appreciate and comprehend the geography of South India, has a sound aesthetic sense, owing to his penchant for gourmet cooking and culinary art.



On your first meeting, you will realize that **Rohil** has an amazing sense of sarcastic and slapstick humour and is one of the brightest people. There is so much more to him than his incredible sense of humour such as his passion for food and football. He deals with any situation with an incredible sense of logic. He's been a vital part of the committee this year contributing in his usual unique way!



A man's man, a friend's friend: **Salona**. The darling of our batch, Salona, will always be spotted with people hovering over him. His unmatched passion for whatever he may do, will leave you awestruck. The love for food runs in his veins and Manchester United governs his brain! Charming, adorable, chivalrous and extremely thoughtful, the guy will win your heart-with his guitar, or without it.



New Yorker-turned-Mumbaikar, **Saloni** came to GLC after attaining a bachelor's degree in Art History from Barnard College. Apart from her passion for art, Saloni loves trying different cuisines and listening to music. This lover of the outdoors is always up for an adventure-horse riding in Mahableshtar anyone?



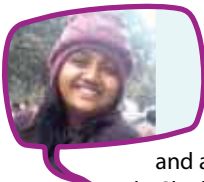
Shilpa is an extremely sweet and helpful person. She's easy to talk to and she's known for her friendly nature. She's hardworking, sporty and smart. She's always seen in college doing SPIL work, and she's a lot of fun to spend time with and there's never a dull moment around this Lucknowi girl.



A lovely petite Punjabi packet, **Saumya** is an adorable army brat to the core. While she is rarely sighted around the College, everybody who meets her instantly admires her chirpy and cheerful attitude towards life! Don't be misled by the outer package- she is quite a pretty pataka!



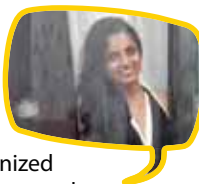
Shreeja is quite a social butterfly. She is one of the sweetest persons I have come across in college. Her sugar-coated, sensible words are right there when you need them. A powerful conversationalist, a helpful friend and a charming personality accessorize her beauty aptly. She loves food and one can always bribe her with a chocolate!



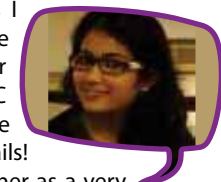
Despite being a senior member of the committee this year, **Shloka** showed great amounts of interest in the magazine, and dedicatedly offered to help at anytime that the committee needed her. Her helpful nature, easy going personality and experience made her an invaluable member of the committee. She's a great person to be around and loved by everyone who is lucky enough to know her.



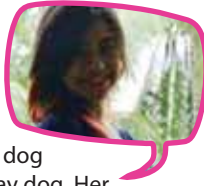
Suchita, better known as Suvik is one of the funniest and kindest people I've come across in college. Be it her anecdotes, or her take on the college canteen food, she's always ready to lend a helping hand. She's enthusiastic, hardworking, organized and extremely well balanced. Her passion for her work coupled with her enthusiasm makes her an ideal committee member to work with.



She is probably one of the sanest persons I have met in GLC. (Not that she does not have streaks of insanity). Belonging from my sister state, **Stuti** was my first good friend in GLC and a confidante. A hygiene freak, she wouldn't talk to me if I didn't cut my nails! People who don't know her might think of her as a very serious and conservative person, but she is as crazy as it gets. Maybe that is why we became such great friends.



Outgoing, fearless and spunky, **Indraja** is lots of fun to be around. There can never be a boring moment with her. A talented debater with strong logical reasoning, she is a firm believer in feminism and an ardent supporter of LGBT rights. She adores animals (especially her dog Ruffles) and it's not unusual to see feeding a stray dog. Her down to earth and supportive nature makes her a great friend!



One cannot describe **Joshua** in a single word. Gregarious, smart, conversant, thoughtful and a lot of other flattering adjectives are required. While he may sometimes come off as a bit of a know-it-all he doesn't let it come in the way of his solicitous nature. A devout fan of country music and a travelling-enthusiast, he also loves cars.



At the first look you'll probably mistake her for a twelve year old. An amazing person to be around, **Kosha** is undoubtedly one of the most entertaining people you will ever come across. Be it her obsession with the happiness

quotes, posting millions of pictures on Intstagram or her ability to talk for hours on end, every aspect about Kosha makes her a great friend to have.



One of the nicest people in college, **Mansi** is a person you can make friends with within five minutes of meeting her. Fun loving and always smiling she is sure to cheer you up, no matter what. She is a friend you can count on. Don't be

fooled by her crazy and fun attitude towards life, Mansi is a girl full of ambitions, who won't take no for an answer!

Mansha is one person who knows how to manage her working hours with lectures and committee work with doing justice to all! Always willing to take up all the work she is given, Mansha is a very valuable member of the committee.



Ragini is the most fun loving person I have ever met. She lives and enjoys every moment yet achieves whatever she sets her mind on. A very diligent student, promising committee member, a wonderful friend and fantabulous baker! I cherish her as my friend.



You can spot her from afar with her characteristic wild curls, colourful clothes that stand out, and cheerful bright smile that lightens up the room. A girl of many talents, **Preeti** is a brilliant speaker, gifted writer, and

an uncontrollable bibliophile. A photography enthusiast, she dreams of travelling the world. She's the perfect example of sugar, spice, and everything nice with just a hint of crazy.



Kunal is a guy with bright ideas and immense potential, but he barely makes an appearance in college. Already busy with his CA, CS, and internships,(not to forget Law), he manages to squeeze in moots to

participate in. He is easily likeable, with his quick wit, and high spirits. One of the smartest people around, he speaks eloquently and writes beautifully. Easily a success story in the making!

This Delhi girl, **Priyanka** has taken on a new quirky avatar, the nerdy, black, over-sized glasses, to sober up the loudness that her personality emanates. She is a voracious reader; you will see her standing in the corridors, with a book in her hand. She can talk endlessly on any random topic. She is the 'dude' of the college, completely unapologetic for the way she is and should always remain this way.



The crazy girl with an intense heart, **Radhika** is someone who will be always there to help you in chaos. Her love for heels is something you wo about. Thinking to deceive Radhika when it comes to money? Well this can't happen; she calculates like a Goddess and knows exactly where every rupee is spent and whether it was worth spending. A die-hard SRK fan and a person you fall in love with.



If you are aware of what Vianne Rocher's life altering hot chocolate contains, you would know **Remya** right away. Remya's personality is perfectly reminiscent of this delicacy, rooted yet avante-garde- in

thoughts, knowledge, behaviour, sartorial choices or her sense of humour, rendering her contributions to the College, the Committee and the lives of her friends- extraordinary!



Enviably smart, ridiculously sweet, and extremely sincere, **Riddhima** is one of the most admirable people you will come across. If you're in GLC and you don't know her. Well, that's not possible, everybody knows

Riddhima. Be it the last day before exams or a sudden hunger pang, she'll do everything she can to help. She's very kind and dependable—just the kind of friend you need in GLC! Riddhima's a wonderful person to be around and an awesome friend to have.

Penning down the editorial not only marks the end of the Magazine year, but also the end of a three year long journey, which I embarked on in my first year when I joined the committee, completely unaware of everything it had to offer. It gave me more than I had bargained for—an outlet for expression, opportunities to interact with the who's who of the legal community, a feeling of belonging and friendships that I will always cherish. So, it was no surprise that I was reluctant to write, what will become, my last contribution as a member of the committee. But, as the 84th edition of *méLAWnge* draws to a close, I must acknowledge every person who has contributed to this year's magazine and I sincerely hope that it lives up to the incredibly high expectations that have been set out by those of the previous years.

Being the leading publication of one of the oldest institutions of our country, the Magazine Committee has been entrusted with the daunting task of recording and reporting all the events of Government Law College and giving voice to the opinions and thoughts of the students.

Our flagship competitions—The Vyas National Legal Essay Writing Competition, The J. E. Dastur Memorial Short Fiction Essay Writing Competition and The Dinshah Mulla Legal Essay Writing Competition—received an overwhelming response and we saw an unprecedented rise in participation. This would not have been possible without the constant support and encouragement of our patrons, Senior Counsel Mr. Dinesh Vyas, Senior Counsel Mr. Soli Dastur and Senior Partner, Mulla & Mulla & Craigie Blunt & Caroe, Mr. Shardul Thacker.

Our annual panel discussion, '*Knock-Out!*' witnessed opposing teams battle it out on the topic "Mature Minor Conundrum—Remaining alive to the ever changing social environment, should the legal system charge the juvenile delinquent in accordance to the crime committed?" Senior Counsel, Mr. Aspi Chinoy was the moderator of the debate and was instrumental in making it a huge success.

The Magazine Committee introduced two new sections this year—'Postcards from the Past', where ex students share their memories of college and 'Stalwarts Speak', where Members of the Legal Profession endeavour to enlighten aspiring lawyers, with information on their respective fields. We sincerely thank Mr. Cyril Shroff, Managing Partner, Amarchand & Mangaldas & Suresh A. Shroff & Co., Mumbai; and Mr. C. U. Singh, Senior Counsel, Supreme Court, for their contribution to 'Stalwarts Speak'.

This year we had the opportunity to interview three great luminaries; Former Attorney General of India, Mr. Ashok Desai; Indian politician & BJP Leader of Opposition in the Rajya Sabha, Mr. Arun Jaitley and present Solicitor General of India, Mr. Mohan Parasaran. We thank them for graciously taking time out from their extremely busy schedules to answer our questions.

Like every year, we received numerous articles and poems, not only on legal subjects but also on various diverse topics, with students having written on subjects ranging from elections to the peculiar custom of girl children dressing as boys in Afghanistan. Keeping with the name of our magazine "*méLAWnge*", we have managed to publish a mix of everything in this edition.

méLAWnge 2013-14 is the result of the efforts of a number of individuals and we cannot thank them enough for their contribution.

Our Principal, Judge R. B. Malik, has been our biggest support throughout the year. We also thank our Senior Faculty Advisor, Prof. H. D. Pithawalla, for his constant encouragement, which pushed us to reach our goal and come out with another successful publication. A special thank you to our Professor-in-Charge, Mr. Daphal, whose unceasing support and cooperation has truly helped us realise our far-fetched dreams. We extend our heartfelt gratitude to Prof. Kishu Daswani for providing us with invaluable advice at various junctures and also for consenting to prepare his annual Crossword for this year's edition as well.

Aishwarya Singh, our Chief Student Editor has given direction to the Committee throughout the year. She has worked on this magazine relentlessly and this year's publication would not have been possible without her hard work, perseverance and vision.

The Core Committee members of this year deserve a special mention—Malvika Tiwary, Harshini Parikh, Maithili Parikh, Malvika Amin, Shreyas Narla, Gopal Machiraju & Sanjana Rao. Without their immense passion, commitment and dedication, *méLAWnge* 2013-14 could never have been published.

I also take this opportunity to thank all our members for their continuous hard work and valuable inputs.

Finally, I must mention that it has been an absolute honour to be a part of the Magazine Committee of GLC. It has been a rewarding experience and the committee's tireless effort has shaped up into an exceptional Magazine, that we are proud of. I truly hope that it lives up to the expectations and the high standards set by our predecessors.




Harsheen Madan
Assistant Editor



ACKNOWLEDGEMENTS

We express our heartfelt gratitude to the following people who have, in their own way, assisted the Magazine Committee in all its endeavours:

- Solicitor General of India, **Mr. Mohan Parasaran**, leader of opposition in the Rajya Sabha, **Mr. Arun Jaitley** and former Attorney General of India, **Mr. Ashok Desai** for sparing the time to oblige us with interviews.
- **Mr. Cyril Shroff**, Managing Partner Amarchand Mangaldas & Suresh A. Shroff & Co. and **Mr. C.U. Singh**, Senior Advocate of Supreme Court for taking time out to write for Stalwarts Speak, the new section of this edition of méLAWnge.
- **Mr. Soli Dastur**, **Mr. Dinesh Vyas** and the **Mulla and Mulla Trust** for their sustained support in helping us organise our flagship events.
- **Hon'ble Shri Justice A. R. Joshi**, **Hon'ble Shri Justice R. M. Savant**, **Hon'ble Shri Justice A. A. Sayed** and **Hon'ble Shri Justice S. J. Kathawalla** of the Bombay High Court for consenting to judge the 12th Vyas Government Law College National Legal Essay Writing Competition.
- **Ms. Shaishavi Kadakia**, **Ms. Mallika Taly**, **Ms. Amanda Rebello**, **Ms. Shalaka Patil**, **Ms. Helina Desai** and **Mr. Akash Rebello** for judging the preliminary rounds of the 12th Vyas Government Law College National Legal Essay Writing Competition.
- **Mr. Jeffrey Archer** for judging the Belles-Lettres: J. E. Dastur Memorial Short Fiction Writing Competition.
- **Ms. Shakuntala Bharvani**, **Mr. Sidin Vadukut** and **Ms. Mridula Chari** for judging the preliminary rounds of the Belles-Lettres: J. E. Dastur Memorial Short Fiction Writing Competition.
- **Mr. Shardul Thacker** for judging the Sir Dinshah Mulla Government Law College Legal Essay Writing Competition.
- **Mr. Dinesh Vyas**, **Mr. Fali Nariman**, **Mr. Janak Dwarkadas**, **Mr. Sriram Panchu**, **Mr. Pradeep Sancheti** and **Mr. Nihal Kovvali** for narrating humorous courtroom experiences from their illustrious careers.
- **Mr. Aspi Chinoy**, **Mr. Ranjeev Carvalho**, **Ms. Prakruti Joshi**, **Mr. Vikram Naik** and **Ms. Keya Doshi** for making 'Knock-Out!' such a success.
- **Prof. Mr. P. B. Daphal** for his continuous help and encouragement.
- **Prof. Mr. H. D. Pithawalla** for his support and guidance throughout the year.
- **Prof. Mr. K. L. Daswani** for taking time out of his busy schedule to make Lexcryptic—a legal crossword—for the Magazine and for his unstinting advice and contribution to various other activities of the Committee.
- **Mr. Rajesh Bhagat**, **Mr. Arputham Pillai**, **Mrs. Kruti Anish Mehta**, **Ms. Mayura Revankar**, **Mr. Uday Kumar Ganapathy**, **Mr. Girish Badve**, **Mr. Venu Shudarshan Bhoga** and **Mrs. Gandhali Nigudker** of Finesse Graphics & Prints Pvt. Ltd.
- **Mr. Shabbar Lakdawala** for having made the committee photographs a success.
- **Mr. B. P. Patil**, **Mrs. S. S. Parab**, **Mr. S. Singh**, **Mr. A. A. Khair**, **Ms. A. Khair** and all other non-teaching staff for bearing with our constant demands.

Finally, we would like to thank our patrons and benefactors.

DISCLAIMER

All opinions expressed in this Magazine are the authors own and in no way reflect the views of the Editors or of the establishment. Articles on legal issues should not be construed as legal advice.

Form IV (Rule 8)

1. Place of Publication	: Government Law College, Churchgate, Mumbai- 400 020
2. Periodicity of Publication	: Yearly
3. Printer's Name	: Finesse Graphics Prints & Pvt. Ltd.
Nationality	: Indian
Address	: 2496 1605/85
4. Publishers Name	: Mr. P. B. Daphal
Nationality	: Indian.
Address	: Government Law College, Churchgate, Mumbai- 400 020
5. Editor's Name	: Mr. P. B. Daphal
Nationality	: Indian
Address	: Government Law College, Churchgate, Mumbai- 400 020
6. Name and address of individuals who own the newspaper and partners or shareholders holding more than 1% of the total paid-up capital	: Government Law College, Churchgate, Mumbai- 400 020

I, Mr. P. B. Daphal, hereby declare that the particulars given above are true to the best of my knowledge and belief.
Sd/-
Mr. P. B. Daphal.
Publishers

*"Ignorance is the curse of God;
knowledge is the wing wherewith we fly to heaven."*

- William Shakespeare

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'A' Road, Churchgate, Mumbai- 400 020