

# The Student

Online Student Magazine  
(Faculty of Law, IFHE)

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## **REFLECTIONS**

The proposal to bring the student online magazine was brought to my notice by the students of law. When it came before me I was excited as well as skeptic about the proposal. I thought that this idea will be momentous and short-lived. But the present – third issue of the magazine, has reversed my opinion and made me feel that my students are different and enthusiastic. I am very glad the way themes for the last few magazines were chosen and also the content is developed. Further, this has given an assurance to me, that my students will take the online magazine to different levels, perpetually by taking responsibility one after the other. Though the initiatives are taken by the student of 1st year of law students. It has great support from other student's colleagues, and motivation from the faculty fraternity. This exhibits that the Student strength is unlimited and cannot be estimated, as it has no boundaries. They can do, or undo the things with their attitudes and changed perceptions. My observations, after taking charge as dean of the school has come true. In addition, I have lot of expectations of positive results in the imminent days.

The theme of the magazine, for the month of Feb - March issue is rightly chosen to denote the wide gap between law making and law enforcement. We have many laws that are required for the spirit of the constitution and to nurse the culture of India. But due to lack of enforcement, and mismanagement of the laws result in not getting required outcomes. Through this issue, we present the concerns that prevail today and the flaws in implementing laws. I am sure this will pave direction towards introspecting corrupted self and the society.

All the students will like this issue of Student's Magazine. And will motivate others to contribute and share responsibility towards each other and our nation.

I wish them all the Best

**Prof. A.V. Narasimha Rao**  
Dean, FOL  
ICFAI Law School  
Hyderabad

## FACULTY OPINIONS

It is a good initiative from the students in developing the Magazine. The themes are contemporary and thought Provoking. – Ms Priti, Asst. Prof., FoL, ILS

This could be perfect platform if the senior students explore to present and analyse the recent judgements, case decided by the Supreme Court, legal implication of the case and so on. Thereby, Students Magazine could be a great platform for the Law students to keep themselves updated. – Dr Irfan, Asst. Prof., FoL, ILS

Student Magazine is a welcoming move from the students. And I appreciate the effort put into the Magazine. Since the Magazine is released bi-monthly, I would suggest the team to incorporate the importance of International Days, if any, that falls within this two months, such as Women's Day and so on. This will make the magazine more inclusive, irrespective of the theme chosen for the Issue. – Dr Damodhar, Asst. Prof., FoL, ILS

(The Student Magazine) It is good. Professional and Effective. The students are serious in contributing to the Magazine. My wishes are with the Editor and Student Magazine team. – Dr Veena, Asst. Prof., FoL, ILS.

The student magazine covers, the happenings at IFHE, and I appreciate the team effort. I congratulate and wish more students will take part in providing a space that encourage perspectives. – Dr Jayanthi, Asst. Prof., FoL, ILS

Very innovative and a vital platform for the students of ILS. This magazine will, for sure, nurture the writing skills of the students on various topics related to Law. – Dr Sanu Rani Paul, Asst. Prof., FoL, ILS

## ENFORCEMENT OF LAW IN INDIA

– SIDDARTH JAIN  
B.A. LLB, II SEMESTER

The system of law, by and large has come to regulate behavior of an individual in a society. Law protects the basic rights of people, it makes the people to be aware of their duties towards their society and it punishes those who create chaos in the society. In order to achieve these goals various law has been made by the government, such as Consumer Protection Act, Dowry Prohibition Act, Protection of Women from Domestic Violence Act, Child Labor (Protection and Regulation) Act, Equal Remuneration Act, Immoral Traffic (Prevention) Act and so on. But can these Acts prevents crime or help every individual to achieve their basic rights? Mostly not, even after having these laws the society endures with the problems. If the society continues to face problems even after an Act is brought through the system of law, it suggests a vital behavior of the society. The reason behind these laws remaining only on papers but not implemented, raises a serious concern of the role of Law/ Lawmakers.



For an example, the Dowry Prohibition Act 1961, suggests that the provision of taking dowry and giving of dowry both are an offence. But do things change after passing this Act. Dowry is still practiced customarily by the people. This show that Indian laws against dowry is ineffective. Despite the government efforts, the practice of dowry continues to take place in many parts of India. First reasons behind lack of implementation of these laws could be the will of society not to follow these laws, society want to follow their customs only. In some case, people follow such customs due to the societal pressure and under different names other than “dowry”. So if we want any law to effectively implemented we have to provide help to the society and through social organization by creating awareness, and by encourage people to follow these laws. We should inform them the importance of these laws, what changes can be achieved if people follow it properly. And through this process of creating awareness the law will be effectively implemented.

Second reason behind the lack of implementation of these laws could be our law enforcement agencies that mostly are police or the court. The Police and Courts do not enforce the laws properly. Law gave great power to them, but they are not effectively enforced by the Police or Court. People are afraid in going to Police station because they feel

that by going to the Police station their reputation will come down, police will harass them, they will not file an FIR (First Information Report), they do not work on time etc. So for proper implementation of laws there is a need to remove this fear from minds of people and create belief in the people that these law enforcement agency do their work with honesty without harassing people.

Third reason behind lack of implementation of these laws is our long and expensive court proceeding. In India once a case comes to court it takes years to take decision and it is also not necessary that after long and expensive court proceeding the aggrieved will get justice. This shows that in India people are giving rights with one hand, while the other takes it away. So for proper implementation of law court have to work properly and some new laws also introduce to fasten the court proceeding and decrease the court expenses. To conclude, the law will be properly implemented only when people change their approach towards the system of Law. Further, when an individual knowingly breaks these laws, it is the responsibility of the law enforcement agencies to act properly in punishing those who break these laws. This mutually creates a belief in the society that “justice exists” and those who do not follow these laws will be “punished.”

### **‘Demon’etization**



Photo Credit: Sailesh

## **HALF-WAY THERE**

VIGNESH RAJU  
BBA LLB, II SEMESTER

In India since the Vedic ages extreme importance has been given to the human body. In various transcripts as well as religious records, the human body was considered to be holy and sacred. With the passage of time, the concept of worshipping the human body vaporized and got mixed with the newly found concepts of trafficking of human bodies, of course the concept of slavery has been prevalent since ages in the country but the concept of trafficking added new dimensions to the same. Small children as well as women were taken away for satisfying the carnal desires of the aristocrats and the nobles. Well this was the situation in the old pages of history, of course after the nation got independence, the leaders of the nation hoped these practices would cease and people would rejoice in the new socialistic and modern thinking. However 30 million kids and 45 million women have gone missing and reportedly trafficked since 1947, and these are only the reported cases, the actual number would be unfathomable.



The so called leaders of the nation failed to cope up with this new social evil in that era and even after efforts taken by the recent leaders, the implementation has failed. To be frank, the massive failure on the part of the government for implementing the trafficking laws has embarrassed us globally as a nation. From a country that worshipped the human body to the country that is one of the top 10 suppliers of trafficked human resource, we sure have fallen greatly in the process of developing.

To curb the growing issue of human trafficking and rapes in the country the government passed the Criminal Law Amendment Act 2013 (CLA). The Bill incorporates a range of other offences dealing with violence against women many of which the Indian Penal Code, 1860 (IPC) did not envisage. Two such offences relate to trafficking, an area of considerable policy and legal reform internationally.

The major part of this Act was the new section 370 which defines the offense of trafficking, disposing off the old section 370 that spoke about buying and selling of slaves.

The new Section 370 criminalizes anyone who recruits, transports, harbors, and transfers or receives a person using certain means (including threats, force, coercion, fraud, deception, abduction, abuse of power, or inducement) for purposes of exploitation. Exploitation in turn is not defined but is said to include any Act of physical exploitation or any form of sexual

exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs. Punishment ranges from 7 to 10 years' rigorous imprisonment with fine. This is further enhanced and graded depending on whether the victim is an adult or minor, if more than one person or minor is trafficked, if the trafficker is a repeated offender and whether the trafficker is a police officer or public servant. Recognizing that targeting the demand for trafficked labor is often crucial in the fight against trafficking, Section 370A criminalizes anyone who engages a trafficked minor or adult for sexual exploitation.

This section even after being a sigh of relief misses out on certain essential elements namely "the abuse of a position of vulnerability" and simultaneously it only criminalizes acts involving sexual exploitation. Does the omission of this fact imply that the lawmakers don't feel that trafficking for the purpose of labor is as serious an offence? According to me, the lawmakers miss out a huge point here. The sole purpose of the new section 370 should have been making trafficking a serious criminal offence and heavily punishable by law, not only trafficking for sexual purposes. The reason why the government chose to leave out trafficking for labor in agriculture and factories is still an unclear and unjustified move.

To be critical of the government and its functioning, now when I say government I mean it as a separate legal entity, not specifically so called well educated leaders of so called parties rooting for development of the country. Government as a separate person has failed to ensure protection and enforcement of trafficking laws at an international level. The constitution of the country provides right against exploitation of human body under article 23 and 24, failure to enforce trafficking laws is the failure of the constitution itself as it violates the fundamental rights which is the heart and soul of the constitution.

According to me the government is half way there but until the laws are implemented in an effective manner it will always remain at half, no matter how stringent the laws are if the implementation isn't effective it's not going to help anyone. It's sad to know that we have progressed in such a backward manner that from a country that worships humans to a country which has made a business out of selling human bodies. Merely creating laws is not the job of the government, it is an institution which the society has entrusted to maintain order and peace and function for the development of the country. It is the government's responsibility to ensure that every citizen can sleep in peace without fearing getting kidnapped or raped and every citizen can walk the streets with a feeling of safety without the fear of getting kidnapped and sold to some flesh hungry monster who wants to satisfy his carnal desires or earn more money by forcing the person into hard labor without any compensation. I understand stating all these facts and issues are relatively easy and in practicality it is difficult

to achieve but no one said occupying a seat of power would be an easy job, it's high time this country experiences real implementation of law.

### **Triples Ride Without an Helmet –Violating Traffic Rules?**



Photo Credit: Sailesh Reddy

## THE ROLE OF POLICE IN THE SOCIETY

MASOOMRAJ SINGH  
B.A. LLB, II SEMESTER

It is strange in India that people here does not trust the main administrative organs of the elected government that is POLICE. POLICE means the one who is appointed for the protection of society and for establishing peace. According to Jeremy Bentham in his works: "Police is in general a system of precaution, either for the prevention of crime or of calamities. The primary functions of police are the prevention of crime and maintenance of law and order. These functions of police



are based on the POLICE ACT, 1861 and Nation police commission report. Police is the creation of society and the part and parcel of the latter. As the society is dynamic in nature, the working and perspective of the police also changes according to it. Though our police system is carrying very old laws for functioning of it. Police organization is one of the crucial part of the visible manifestation of the government in all over the world. So the ultimate aim of Police is towards the government and public responsibility.

The role of police is often governed by the expectations of the executive. Traditionally, police grievances used to be dealt with through officials and departmental channels but through changing time, policemen organized themselves into associations to enable themselves as collective bargaining. In this era of social legislation in India where the legislations make effort to remove inequalities, afford protection to weaker section of the society, eradicate social, religious and economic exploitations, the police also gets a new role of enforcement of social legislations. However, laws framed by the legislature only have the value when they are implemented effectively to the society. And hereby only the police become the agency of the government who implements these laws at grass root level. It has been argued that police should not be associated with the enforcement of the social legislation as the work must be done by the social welfare organization, but for the justification of given authority to the police is the social legislation sought to secure some desirable changes in the society, to make reforms is not the task but to change the mindset of the people should be the aim. The attempt for the enforcement of such legislation excites some reaction from vested interest also comes from who desires status quo. This in turns leads tension and conflict

which only a police as a regulatory force can handle the situation. Thus the involvement of police in the implementation of social legislation becomes an established fact.

### Lady of Justice



### Police and constitution

The police organization was setup by the Britisher under the provisions of the POLICE ACT, 1861. This legislation was enacted after the rise of Sepoy Mutiny of 1857. This revolt led the british some stern rules in India and Police System is one of them. Britishers structured it for the enforcement of laws and public order in India. The position of India Police remained the same after independence also they are governed by the same Police ACT 1861. Public order and Police figures as entries in 1 and 2 in state list in 7<sup>th</sup> schedule of the constitution. Each state has through exclusive power in regard to Police System. The central government can exercise similar in regard to police in the Union Territories only. Officers of the Indian Police Service which is an all India Services under Article 312 of the

constitution, provide the leadership for the police Force in each state. Discipline constitute over IPS officer is shared by the State government and Central government. Dismissal, removal of IAS and IPS from the services can only be done by the central government. The state government itself handles transfer, promotion, posting, etc. At present “Police” remains under state list and union has no power to interfere in it unless there is president rule i.e. Article 356. The constitution does not provide any provisions of central intervention, it can only intervene when there is threat to security or integrity of nation. The legal position as it stands now is clear that a violation of fundamental rights due to police misconduct, can give rise to a liability under public law, apart from criminal and law of torts. The Supreme Court has also held that the doctrine of sovereign immunity does not apply to cases of fundamental rights violation and hence cannot be set up as defense in public law.

The advent of independence changed the political system but the police system more or less remained unaltered. In 1996, Prakash Singh, a retired police officer petitioned the supreme court under Article 321 of the Constitution against the abuse of power and inefficient working of police. The Supreme Court in its judgment in this (Prakash Singh vs. Union of India, 2006), inter alia, instructed the Government to set up Independent Police Complaints Authority at state and district level to look into the complaints against police officers. But hardly any State has complied with it. The lack of improvement in the policing in India also stems from the disinterest of successive Governments to implement any suggestion or recommendation either by the Court or by any Expert Committee. The impunity available under law to the erring police officials calls for a review. There is a need to amend Section 197 of Criminal Procedure Code which provides impunity from prosecution to abusive police officials against any act done during discharge of duty.

### **Present Scenario**

The existing status of the police system in our country is worst. There is another role created by the police is the criminalization of police. They are regarded as criminals in khaki. Police acts brutally over people especially the weak and poor sections of the society. In the last three decades the role of the police is converted from the savior to the destroyer. According to the reported cases and articles in the newspaper it is observed that either the police himself do the wrong or helping the criminals for execution of it. Police also engrossed in corruption which leads to another big issue. Even People are afraid of lodging complaints against the richer or powerful people, because somehow they know that it is of no use to

complaint against them. The police either obliterate the evidence or deny to lodge the complaint. The increasing abuse of power by police officers, increasing corruption rate among policemen, increasing cruelty by the police to general public shows the real face of Indian Police system. The police do so also because of the support of the politicians or under the pressure of the ruling party. The police officers become the puppet of the state. A close scrutiny on the lodged cases shows that in large number of cases, it is the constable or head constable do the crime or their seniors give them order to do so. A judge of Allahabad High Court said, “The police are the most organized group of criminals”. It only shows the failure of the legislature and law. But this is only one side of the coin. For a country like India where nearly one twenty crore people, six lakh towns and villages there exist only 14,000 police stations with an astounding fifty lakh crimes which are registered every day. There is no such guideline given by the government for sufficient manpower, machines or facilities. In addition there is political intervention at all stages, with the police force as a pliant tool in the hands of notorious and rich officials. It is the passivity of the common man and the callous behavior of the Government that has led to the accretion of power, and consequently abuse of the police. If our Police becomes the honest and disciplined organization than the cases regarding corruption, child labour, women trafficking, rape, etc itself come to a very lesser number. If one tries to figure out the reforms needed, the list never ends. What is the need of the hour is the urgency of bringing reforms in this system.

**“DO YOU KNOW WHERE 'POLICEMAN' COMES FROM, SIR? ... 'POLIS' USED TO MEAN 'CITY', SAID CARROT. THAT'S WHAT POLICEMAN MEANS: 'A MAN FOR THE CITY'. NOT MANY PEOPLE KNEW THAT. THE WORD 'POLITE' COMES FROM 'POLIS', TOO. IT USED TO MEAN THE PROPER BEHAVIOR FROM SOMEONE LIVING IN A CITY.”**  
**— TERRY PRATCHETT, MEN AT ARMS**

## IMPLEMENTATION OF LAW IN INDIA – ENVIRONMENT

AAHAN RAWAT  
B.A.LL.B, II SEMESTER

“Good governance with good intentions is the hallmark of our government. Implementation with integrity is our core passion” by Narendra Modi. Laws are important because they keep a society together and functioning and maintain peace in the society. Laws exist to protect people from each other and from themselves as well as to protect the government from harm, to promote certain values and to provide goods and services. The society is dynamic because of this the government implement new laws but there is no point of fabricating a law which lack the result.



India has an impressive number of regulation some prove to be effective while other prove to be futile. India enacted various legislation for environment protection. India know the importance of environmental law. In India, because of high in population and its continuous growth causes the people to demand more which lead to more garbage population and continuity of this activity without taking any measure could be catastrophic which compelled the government to enact law for environment protection. Article 48 A of Indian constitution states that Protection and improvement of environment and safeguarding of forests and wild life The State shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country. In India, the National Environment Policy (NEP), was made by the Ministry of Environment and Forests to view the key environmental challenges, their causes and effects, objectives of policy formulation and strategies .There are more than two hundred laws dealing with environmental protection both before and after independence in India.

India enacted various legislation and statues exclusively for environment protection. The Water (Prevention and Control of Pollution) Act, 1974, ,The Water (Prevention and Control of Pollution) Rules, 1975, The Air (Prevention and Control of Pollution),The Environment (Protection) Act, 1986,The Environment (Protection) Rules, 1986,Hazardous Wastes (Management and Handling) Rules, Storage and Import of Hazardous Chemical Rules, 1989,The Forest (Conservation) Act, 1980,The Forest (Conservation) Rules, 1981,The Wildlife Protection Act, 1972,The Wildlife (Transactions and Taxidermy) Rules, 1973, ,The

Wildlife (Protection) Licensing (Additional Matters for Consideration) Rules, 1983, The Wildlife (Protection) Rules, 1995, The Public Liability Insurance Act, 1991, The Public Liability Insurance Rules, 1991, The National Environment Tribunal Act, 1995,

The Indian Penal Code has a chapter on offences affecting Public Health, Safety, Convenience (Chapter XIV). Sec. 268 provides that “a person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger, or annoyance to persons who may have occasion to use any public right.” Even The Supreme Court in *Subhas Kumar V. State of Bihar* (AIR 1991 SC 420) held that right to environment is a fundamental right of every citizen of India and is included in the “right to life” guaranteed under Article 21 of the Constitution of India. A Public Interest Litigation (PIL) is maintainable in the High Court or Supreme Court at the instance of affected persons or even by a group of social workers or journalists for prevention of pollution. In spite of having numerous legislation in India, the real state of the environment continues to be filthy. The rivers and the lakes continue to be choked with sewage and industrial wastes. In some major city of India such as Mumbai, New Delhi, Jamshedpur have gained an impression of worst air polluted cities.

According to the stats of the world’s top 20 polluted cities, 13 are in India. Air pollution cause heavy dropping in life expectancy by 3.2 years for the 660 million Indians who live in cities, including Delhi. The Ganga and Yamuna area unit hierarchic among the world’s ten most contaminated rivers. As per the analysis in February it hierarchic Vapi in Gujarat and Sukinda in Odisha among the ten most environmentally-degraded zones within the world. A three-year analysis of the water quality in 290 rivers by the Central Pollution panel aforesaid regarding sixty six of the stretches monitored had high organic pollution. It means 8,400 klick of those rivers area unit badly contaminated and not suitable supporting aquatic life. Delhi’s air pollution has steadily climbed by 20% in the same period while Beijing's air pollution has dipped 40% since 2000 since Beijing have taken steps to phase out polluting vehicles and put checks on building heating systems,”. The effect is clearly seen in any average Indian person. As proved by a study of Lancet in 2012 which ranked air pollution as the sixth biggest killer with an annual estimated toll of 66 million. As per the report of 2015 by the Centre for Science and Environment, a Delhi-based NGO, says that the major reason behind the decline in the country's overall environmental standards was because

of river pollution, which is worse now than it was three decades ago, piling garbage in cities and increasingly toxic urban air Processing. Shashi Shekhar, CPCB chairman and special secretary in the environment ministry said that "Increasing flow of untreated waste water from cities into these rivers is the reason for our rivers getting polluted". Prakash Javedkar while taking all these thing into consideration said that a policy of "development without destruction" is in place. In the upcoming year union environment minister Prakash Javedekar will introduce a new environmental regime that will focus on "self-regulation" and strengthen the "polluter-pay principle" with higher penalties for violation of environmental laws.

In conclusion India have achieved some little achievement but haven't gone its effort in vain, air pollution has been falling over time: for instance, ambient particular matter concentrations fell by about 17% from 1987-1990 to 2004-2007 and environmental regulation have contributed to the fall of in pollution especially air pollution. However, the most effective step is to create environmental awareness among people regarding their rights and duties against the protection of the Environment and imposed heavy penalty on those violating these regulation.

**“SOMETHING WILL HAVE GONE OUT OF US AS A PEOPLE IF WE EVER LET THE  
REMAINING WILDERNESS BE DESTROYED ... WE SIMPLY NEED THAT WILD  
COUNTRY AVAILABLE TO US, EVEN IF WE NEVER DO MORE THAN DRIVE TO ITS  
EDGE AND LOOK IN.”**

**— WALLACE STEGNER,  
THE SOUND OF MOUNTAIN WATER**

**DOWRY**  
- HARSHIT  
B.A.LLB, II SEMESTER

*“Any young man, who asks for dowry not only discredits his education but also dishonors the respect for his wife and country”*

We should be aware of the hidden crimes taking place in our society and Dowry is one of them. It can be best defined as a kind of begging which a gluttonous people from groom side demands to the people from bride side on the cost of their son. Basic idea behind this ritual was to make the newly wedded couple comfortable with all the essential things that are required to start a new life. It is one among the many evils prevalent in our country. Dowry is still a major reason for unwanted issues related to family in our country. Sometimes, this evil becomes the root cause of chief form of social abuse, harassments, bride burning and in worst case scenario even leads to suicide by brides or her parents. Dowry – a ritual has been followed since the ancient time and now has become an affliction for the people who are not financially good enough. In most of the cases it becomes a huge burden for the bride’s parents and forces them to sell their property or other expensive things to fulfill the demand made by the groom’s side just because they are parents of girl child. In India everyone is aware that demanding or giving dowry is a crime according to the Dowry Prohibition Act of 1961 but most of the people are still being part of this crime in disguise. The law says that anyone who demands dowry directly or indirectly, will face imprisonment for 6 to 24 months with the fine not less than 10000 rupees. There is a penalty for both the parties, if they give or take dowry, they will face imprisonment of minimum 5 years with the fine of 15000 rupees. Women are one of the most important assets of the society and are also active contributors in all round development of the nation. But several cases reveal that domestic violence still discourage women to edify their status in the society. Many government and non-government organization are working since many years to stop this evil but still could not get success. Thereby, we all should be united and take this issue as serious as any other issue in our life whether we have a girl child or not.



Dowry is a common problem for the people of India which is hazardous for women. By the continuous struggle of many organizations, the ratio of this crime in India is falling but still could not be eradicated from the root. In the 21<sup>st</sup> century, women have challenged the

patriarchal society and have proven that they are equal to men and can succeed in every field. But the dowry system favors the man's family and is a big curse for women. In India, the criteria set for dowry system is that "the richer the family, the higher the dowry demands" means people who are financially well off ask for more money according to their status or according to their son's qualification. From the bride's side physical appearance matters, if bride is not beautiful her parents have to pay more money in dowry. Earlier marriage was not a liability, rather it was the event of peace and enjoyment. Male used to gift a present to a girl and never asked to return it. But today dowry amount and the gift exchange has led to depletion in the status of women in the society. The financial status of the bride family has no significance to the groom's family. Bride's family try to fulfill all the demands of the groom's side owing to the fact that losing a marriage proposal would deteriorate their status in the society. It is quite obvious to consider the cause for different social evils as the literacy rate of our country is 74.04%. Today people are left with no choice and have to meet the demand of groom's family, which when not met leads to exploitation of women. Many of them are not aware of the laws which they may face while demanding for dowry.

Women in India are victims of dowry system in our society. The dowry system is the primary reason behind the plight of the women. Demands are put forward shamelessly and are expected to be fulfilled with silence. When the demands are not met either the marriage is cancelled or the bride is exploited after the marriage. Those who pay dowry in order to get girl married create great sense of gender inequality. Girls are not being sent to schools while their brother seeks higher education. Physical and behavioral restrictions are imposed on girls that are completely natural for boy's. It is very hard to maintain high level of self-regard if you are women. A girl loses her self-esteem by believing that she is a burden on her family. Dowry system has imposed invisible chain upon the freedom and self-respect of the women. There is always an inferior attitude towards women which pains her heart badly. Dowry is not like once given then people from groom side will not ask for other things, they will continue to demand till the end because husband's family consider girl's family as a never ending source of finance. If the needs are not met by the girl's family, it often leads to continuous physical and mental torture and instigates women to go into depression and commit suicide. The deaths associated with dowry demands become the part of domestic violence. Survivors of dowry related violence often require similar services as survivors of domestic violence. These women require transport, shelter, emergency services, support program and legal assistance. Inter-caste and inter-religion marriage should be encouraged in our society so that the girl and a boy can find suitable partner for marriage. It is the easiest way for girls to get

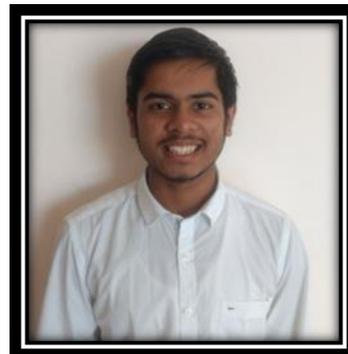
out of the ruthless circle of dowry system. However it's not easy but we are the only one to bring changes in our society.

The eradication of dowry practice will create better and healthier society for all. Education is also necessary for all as it will help us to understand things better and this will also encourage us to take an action against those who demand for dowry. Lack of education leads to irresponsible decisions leading to financial exploitation from marriage relations. Creating awareness against the evil of dowry system is the first step towards eradicating the practice. Campaigns should be designed to spread knowledge about the legal provision against dowry. Well government can only make rules, it depends upon the society to follow it or not. Stopping dowry is something which cannot be achieved by government alone. The government must enact and enforce stringent laws prohibiting the evil practice of dowry in any of its form. The Dowry Prohibition Act was passed on 20<sup>th</sup> may 1961 with an aim to destroy the evil practice from the society. Demanding for dowry is punishable with the imprisonment of 5 years and fine upto 15000 rupees. Under the section 113A added in the Indian evidence Act further provides the family of the bride to charge the husbands family of assisting suicide of their daughter within the 7 years from the date of marriage. Dowry system has been the part of the society since the pre historic time. The government has made legislation to limit the dowry exchange. However less people seems to be interested in knowing laws and legislation. Government alone cannot develop a nation, we should also take a step forward. "When there is unity there is always victory". So we need to work hand in hand to eradicate dowry system for our society. Women need real social, political, financial and moral support in their fights against the system. They have to be empowered so that they can take their decision about their own life by refusing the dowry system. This system should be banned by law. All the girls and boys should avoid this system when they get married. At any cost this system should be wiped out of our society. This evil can be eliminated only through social awaking and reforms. It should be imbibed in the minds of people that to give and to take dowry is a crime.

## KANGAROO COURTS- THE JURY WITHOUT THE JUDGE

E.S.S.KARTHEEK  
BBA LLB, II SEMESTER

The first thing which comes to our mind when we say or see the word kangaroo is Australia, but what we have to understand is that a kangaroo court has nothing to do with the island continent. A kangaroo court is a court where a group of people, which we can consider to be similar to a selected jury, carry out the task of deciding the matters related to law and justice without any actual legitimate judicial authority. A kangaroo court is a judicial tribunal or assembly that blatantly disregards recognized standards of law or justice, and often carries little or no official standing in the territory within which it resides. In short, they are a group of non-violent vigilantes. We all have grown up idolizing these vigilantes in different forms, but these vigilantes are not even close to worth idolizing. A kangaroo court, as we know by now, is made up of people with similar prejudice driven mindset, who want to rub their idea of justice to the world.



In India, they have been quite popular even before the word “kangaroo court” was coined. Kangaroo courts prevail mainly in the northern parts of the country. As we are reading this article, there are hundreds of these courts passing many so called lawful decisions. In India, these courts mainly consist of the village heads or panchayats of that area. These are popularly known or referred to as the Khap panchayats. The decisions made by these courts rarely make headlines. But one recent decision has certainly grabbed the lime light and attention of the world. One of these Khap panchayats in the north had ordered a rape of two girls, belonging to the family of a lower caste, whose brother had eloped with a girl of higher caste and got married. This seemed fair to the panchayat heads. This did not stop here; these two girls were also sentenced to walk around whole the village without a single piece of cloth on their body. The boy’s family received many death threats and was forced to evacuate their house and village, after which their house was burnt down to ashes. The family reached out to Amnesty international for help; Amnesty international is an international organization which works for the protection of the human rights around the world. Amnesty international had come to the rescue of this family and has been, since then, ensuring the well-being of the family.

But the main question that has to be answered here is not the relevance of these courts or the idea of justice in these decisions, it is the question on the existence and reasons behind the establishment of such panchayats and courts. Why are they being established, when countries have, already, a well-developed and capable judicial system? The answer lies in the inefficiency of the judicial system.

People run to courts when they need justice. They believe that courts would give them justice, no matter what. But the courts have failed to put up this task of theirs. There are, now, a number of cases, which have been unsolved and remain unsolved even after many years. People have cried for justice in front of these courts, but they never received anything in return. The courts have failed its people, and the kangaroo courts or these Khap panchayats are the bitter consequences of this failure. The present generation cannot and will not wait for anything, they need their things to be done as soon as possible, hence this only makes the situation worse, as these courts will gain popularity among the people will approach them for speedy justice. Even the lawyers are pleading for a suitable infrastructure, platform and reforms which not only help them, but the whole judicial system as a whole. The government should provide and ensure the necessary aid to the judiciary before the atrocities under these kangaroo courts increase.

### **CVLN Murthy delivering a lecture on Jurisprudence**



## LAW PREVENTS THE CRIME OR PUNISHES THE ACCUSED?

- AMRUTH  
B.A.LLB, II SEMESTER

An article was published in the Hindu stating that a 20 year old girl of Santhali tribe who belongs to Birbhum district of West Bengal was raped by 13 men of the same tribe as per the orders of the head man of that tribe. The facts are the girl was in love with a person who belongs to different community and the heads of her community were not willing and permitting them to marry each other as the custom and traditions of the girl community does not allow this kind of exogamous marriage and the tribe head ordered them to pay an amount as fine as they violated the norms of the community the boy paid the amount but the girl failed to so the head man ordered some men of the same community to rape the girl as the punishment and she was raped by those 13 men of the community.



### Bare Act

**375.** Rape.—A man is said to commit “rape” who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:—

(First) — Against her will.

(Secondly) —Without her consent.

(Thirdly) — With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.

(Fourthly) —With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

(Fifthly) — With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature

and consequences of that to which she gives consent.

(Sixthly) — With or without her consent, when she is under sixteen years of age. Explanation.—Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

**376.** Punishment for rape.—

(1) Whoever, except in the cases provided for by sub-section (2), commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the woman raped is his own wife and is not under twelve years of age, in which cases, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both: Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.

**376(2)(G):** whoever commits gang rape shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine. Provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment of either description for a term less than ten years. Where a woman is raped by one or more in a group of persons acting in furtherance of their common intention, each of the persons shall be deemed to have committed gang rape within the meaning of this sub-section.

This incident was published in all the newspapers and covered by national media and the supreme court by using his ‘SUO-MOTU’ power ordered the High Court of West Bengal to submit his report on the incident within one week and also ordered the chief secretary of West Bengal to submit his report within 15 days and after that the girl family lodged a complaint in the police station about the incident. The district court after the hearings found all the 13 accused persons guilty and sentenced them to an imprisonment of 20 years under section 376(g) of IPC and other sections are 342(wrongful confinement) and 323(voluntarily causing hurt) of IPC and the headman of the tribe also imprisoned. The West Bengal government suspended the Superintendent of Police of Birbhum district as he failed to do his duty properly.

The headman had given this punishment to the girl as he was the head of the KANGAROO COURT. This court is formed and run by the tribal/village heads they deliver the verdict without proper legal knowledge and most of the time they are partial to one of the parties and they are dominant than government in that tribal areas. As per the study report of 'National Commission for Women' the reasons for dominance of kangaroo courts are weakness of the elected panchayat raj institutions, political party failure, judicial delays and distrust of system and other socio economic factors.

Indian's national crime records bureau revealed that in 2012 24,923 rape cases were reported across India. Out of these 24,470 rape cases were committed by parents/family, relatives, neighbors, and other known persons. This leaves us with a total of 453 cases of stranger rape. As per Indian express survey in 2015 in India 34,600 rape cases are reported and as per (NCRB) data in 33,098 cases the offenders were known to the victims. Nearly 3.27 lakh cases of crimes against women were reported across the country of these over 1.3 lakh were sexual offences.

Over the years, violence against women in various forms has reached epic proportions. An estimated 30 to 70 million girls are "missing" in India since 1950, i.e., they don't make it out of the birth canal. In 2011, the International Men and Gender Equality Survey (IMAGES) on gender attitudes showed that 68 per cent of the Indian men surveyed (n=810) agreed that women should tolerate violence to keep their families together, while 65 per cent believed that sometimes a woman deserves to be beaten; 37 per cent of men (n=929) had physically assaulted their intimate partner at least once; 24 per cent had committed an act of sexual violence against someone in society and 20 per cent had committed sexual violence against their partners. The most interesting finding from the TrustLaw study was this one — 92 per cent of those surveyed knew of the laws pertaining to violence against women. What does this figure tell us about what is happening in India to women?

In India the law is not effectively implemented but the question is whether the law making body is responsible or the executive who implements the law is responsible for this and still we can't find a proper and perfect answer for this question because law is punishing the accused but not preventing him from doing that act. Law is made to prevent the crimes not to compensate the victim and it failed to achieve its main aim that is prevention of crimes in the society and regulating the conduct of a person in the society.

## Legal Maxim

1. Audi alteram Partem- hear the other side
2. Ex post facto - by reason of a subsequent act
3. In personam- against the person
4. Malum in se - wrong in itself
5. Necessitate non habet legem - necessity has no law
6. Prima facie - on the face of it
7. Persona non grata - unwelcome person
8. Stare decisis - to stand by decision
9. Terra nullius - No one's land
10. Vis major - greater or superior force (act of God)

(Compiled by Mr Harshit, B.A. LLB, II Semester)



## LEGITIMACY OF LAW

JAY PRAKASH CHAURASIA  
BBA-LLB, II SEMESTER

### Introduction

Law is a set of rules and regulation framed by the government so that the people of country as well as government can follow them. When it comes to law, most people are scared of it. It is generally assumed that the law will not give their rights and freedom which is not true. Laws are framed for the country so the people can know and can claim their rights. Well, our system is not performing according to their competency. The country has passable laws but glitches arise when they are not implemented in letter and spirit and many people seek legal recourse when such problems arise. There are laws for almost everything. For example we have labor law, narcotics Act, IPC etc. But still India is lacking behind with respect to bringing justice and there is exploitation of people who are living in the country. India has a common law legal system innate from the colonial era. India follows the laws passed by the British, they passed Indian Contract Act, Indian Penal Code (IPC) that are only the amendments otherwise the Indian government is following the same laws that were given by the British. Indian law is different for religion, Hindu religion follows their own laws, and Muslims follows their Islam law and Sikhs their own law. There is no uniformity in the laws, the working, and punishment, trial everything is different. Further to discuss about the legitimacy of law we will discuss on two areas that is child labor and child marriage.



### Child Labor Act 1986

Child Labor Act<sup>1</sup> was passed in the year 1986 with an objective that there will be no child labors in future because there were many cases and incidents that proved that the children are forced to work, they are not paid properly for their work and apart from that they were forced to work more than their capacity. Part A of Act says that a child who has not completed the age of fourteen is not allowed to work at catering at railway establishments, construction work on the railways or anywhere near the tracks, automobile garages, plastic

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<sup>1</sup> Child Labour (Prohibition and Regulation) Act 1986  
<http://www.childlineindia.org.in/child-labour-prohibition-and-regulation-act-1986.htm>

factories, industries etc. because it is harmful for children at this trifling age, it can harm them physically, their health can be at risk this can create problems in their future. There is a law as well there are restrictions but still we can see there are children who are working in the industries, automobile garages and they are exploited, they can be poor, they don't have money to eat but we cannot let them work in such harmful places. One wrong incident can lead their life to an end or can render it useless but no one cares about it, they just want to get their work done in the low pay. The employer makes full use of children workers they are assigned same work as much as it is assigned to adult but they are paid less and their working hours are more than the adult. The child labor is such a big crime but the penalties under it is less the minimum fine under it is Rs. 10,000 and the maximum can be Rs. 20,000 with the imprisonment of 3 months or it can extend to a year, it can be with fine or without fine as stated in Section 14 (1) of Child Labour Act 1986. What do you think, is this punishment sufficient for such crimes like child labours that is spoiling the lives of children? According to me this punishment is not sufficient and there should be much more strict punishment than this so that it cannot be repeated again. Survey report of NSSO<sup>2</sup> of 2009-10 shows that in India still there are 49.84 lakhs children who are working as child labor. This is a concern for our country. The future of our country should have potential young minds in nation building, but if these children are toiled in labor chances are there that our nation may take a backseat in development.

### **Child Marriage Act 1929**

Child marriage Act was passed in 1929 with the objective to totally remove the child marriage from the country, in many parts of India this practice was continued that once the boy turns 12 and girls turn 10 it is time for their marriage. In this trivial age, instead of getting education and play games they are getting married. They don't even know what marriage is? About marriage rituals, pujas, peers all these things are forced onto them in such small age. And they understand about it later at the age when they are matured, in the many cases the boy leaves the girl for his own reasons or as directed by the family, which turns the girl's life clueless. Given the social norms she cannot get married, as our system is very conservative. Second marriage for boys is acceptable but the second marriage of girl is not at all. If the girl opines to re-marry the society will raise the question of dharma, shastras,

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<sup>2</sup> NSSO Data on Child Labour  
[http://labour.gov.in/sites/default/files/FAQ\\_child\\_labour.pdf](http://labour.gov.in/sites/default/files/FAQ_child_labour.pdf)

purans and so on. They will say that the girl is not allowed. From thence the whole life of the girl gets ruined. Now she has to spend all her life with her parents, till her parents are alive she will be taken care but after which her life becomes unstable. If she is not educated at all, she might find it difficult in earning her livelihood. Child marriage is clearly in disruption of the rights of the girl child, who, by law, is entitled to be free from all forms of discrimination, humiliating treatment, slavery and mistreatment. The weft of legal provisions that start from international human rights law, constitutional guarantees of gender equality and gender friendly law offer these rights, but sadly, implementation is lacking. India is anticipated to have over twenty four million child brides. Forty percent of the world's sixty million child weddings take place in India according to the National Family Health Survey. India has the 14th highest rate of child marriage in the world, as data given by the International Center for Research on Women. There are many effects of child marriage like girls who get married at an early age are often more subject to the health risks associated with early sexual beginning and childbirth, including HIV and obstetric fistula. Young girls who lack status, power and maturity are often subjected to domestic violence, sexual abuse and social separation. Early marriage almost always deprives girls of their learning or meaningful work, which contributes to tenacious poverty. Child Marriage disseminates an unrelenting cycle of gender inequality, sickness and poverty. Getting the girls married at a primary age when they are not physically mature, leads to highest rates of maternal and child mortality.

### **How the law can be properly implemented?**

Well the law cannot be implemented in just one day or two days. It is a process that has to be started and then the laws can be properly implemented and it can work for the welfare of the people. Responsibilities are in the head of advocates, police officers, and citizens to look after it and raise voice against the exploitation or wrong that are happening in the society. In order to effectively address violence against females, laws and national action plans should require the engagement of and direction between multiple sectors and groups, both public and private. This section discusses measures specifically related to certifying that the police and other law enforcement officials effectively implement laws on violence against women, children and citizens. The quality of police work is crucial for implementation. If the police force is not active in the society then crime will happen and no one will be serious. Parliament passes the law but the proper implementation can be with the help of police force. It requires coordination with other entities. Creation of special units will help in the proper implementation. Police force with specialized training required for work can help them. The

advocates are the one who can help in the proper implementation. They are the one appointed by the peoples who can fight for their interest and rights. Advocate with good knowledge of law can help the peoples, they will give the legal advice, and they will tell what to do and what not. They can guide them properly and can claim their rights. Education plays an important role in the implementation of the law. Educated citizens know their rights and duties; they can raise their voice for it and can fight against it. Government has to take initiative regarding this; parliament passes and amends the law. They have to look on the peoples who are suffering. There was an amendment in Child Labour Act in 2016, after the amendment penalties amount and the imprisonment period was also increased. And it was changed to that owner will be directly liable for it and if held liable he will face penalty of Rs 60,000 or 2 years imprisonment or both. Under the proposed changes, even the parents are liable if they force children below 14 years to work, they will be fined Rs 5,000 and imprisonment between six months to one year.

It is a good change we can say that but we need something more so the day will come when people will say, “We are happy that we got the justice”

### **Conclusion:**

Problems come with solutions, we want India to get rid of the problems especially when it comes to cases that are pending in courts. We have to increase judges of courts so more the judges the cases will be solved rapidly and there will be proper implementation of law. It was said by the King Martin Luther, “Law and order exist for the purpose of establishing justice and when they fail in this purpose they become the dangerously structured dams that block the flow of social progress.” So we don’t want to stop the progress, we want India to develop more and more.

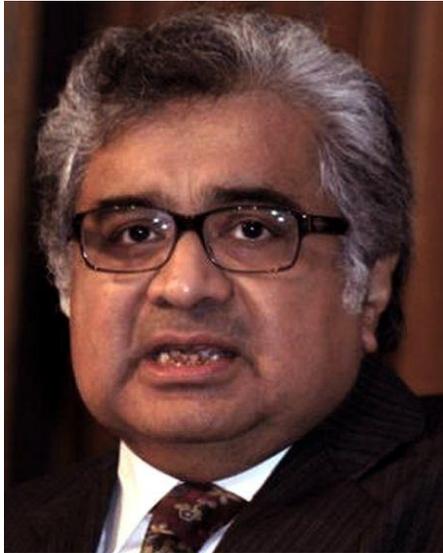
“Writing laws is easy, but governing is difficult.”  
- Leo Tolstoy, (War and Peace)

## Legal Luminaries

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### Harish Salve

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Harish Salve born on 22 June 1955 in Nagpur is an Indian lawyer, who specializes in constitution, commercial and taxation. He primarily practices at the Supreme Court of India, but also appears in various High Courts and in international arbitral disputes, sometimes as a counsel and other times as an adjudicator. He served as the Solicitor General of India from 1 November 1999 to 3 November 2002. Harish Salve is the son of N. K. P. Salve, who was a prominent politician and member of the Indian National Congress party. His grandfather, P.K. Salve, was a successful criminal lawyer and his great-grandfather was a subordinate judge. The Salve family belongs to Marathi Christians community. Salve qualified as a Chartered Accountant and practiced as a CA specializing in taxation before qualifying as a lawyer and moving to the legal profession. He was inspired by Nani Palkhivala, an eminent tax lawyer from Mumbai.

He began his legal career in 1980 as an intern at J. B. Dadachandji & Co first as an intern and later as a full-time lawyer. During this time, he assisted Palkhivala in the Minerva Mills case. Salve was later designated as a Senior Advocate by the Delhi High Court. Salve worked with former Attorney General, Soli Sorabjee from 1980–1986. He declined to be nominated for a second 3-year term as a solicitor general due to "personal reasons" when his first term ended in November 2002.

Salve was appointed Amicus Curiae by the Supreme Court in cases mostly relating to the preservation of the environment. However, in 2011, he recused himself from this position during a hearing on illegal mining, on the grounds that he had previously appeared for one or more of the parties.

He has represented high-profile cases like Mulayam Singh Yadav, Prakash Singh Badal and Lalit Modi but his reputation started sky-rocketing after he won Mukesh Ambani's gas dispute against his brother Anil Ambani who was represented by Ram Jethmalani. He also helped Vodafone to win an Rs 1,1000-crore tax case against the government, defended Keshub Mahindra in the Bhopal gas tragedy case, represented the Delhi police in the case of the midnight crackdown on supporters of Baba Ramdev and also defended Salman Khan in hit and run case. His latest on-going-case is representing Ratan Tata who has gone to the Supreme Court claiming that his privacy has been violated in the Nira Radia tapes scandal. Salve is a very expensive lawyer charges a whopping 30 lakh per day. It is believed that Mukesh Ambani had to pay him 15 crore as fee after the case was done.

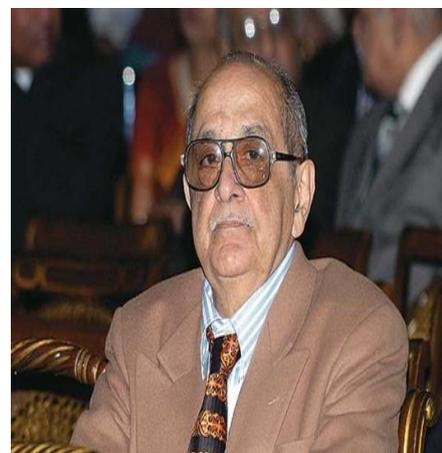
Harish Salve was named the 18th most powerful person in India by India Today in 2009. He is one of the best lawyers in the country; favourite to celebrities, politicians, and top-notch corporate professionals.

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## **Fali Sam Nariman**

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Fali Sam Nariman born on 10 January, 1929 in Rangoon, Burma (Myanmar) is a distinguished Indian Constitutional jurist and senior advocate to the Supreme Court of India and has remained the President of the Bar Association of India since 1991. Nariman is an internationally recognized authority on international arbitration. He is one of India's most distinguished constitutional lawyers.



He has been awarded the Padma Bhushan in 1991, Padma Vibhushan in 2007 and Gruber Prize for Justice in 2002 and has remained nominated member of the Rajya Sabha for a term of 1999 to 2005.

Nariman started his law practice at the Bombay High Court. After practicing for 22 years, he was appointed a Senior Advocate in the Supreme Court of India in 1971, a position he retains to date. He said that "My senior's senior, Jamsetjee Kanga was my mentor. He was like a

father figure to me. He died at 93 and he is the one who, at the age of 92, told me that he was still learning.

Fali Sam Nariman was instrumental to the development of the Indian Constitution's Law. He was Additional Solicitor General of India from May 1972 to 25 June 1975, resigning from that post upon the Declaration of Emergency on 26 June 1975. He has argued several leading cases like argued in favour of Dow chemicals in the infamous Bhopal gas disaster case, which he admitted as a mistake in recent times. He was instrumental in getting a deal between victims and the company outside court, which offered an amount of \$470 million to the victims. He also argued in the famous case of the Supreme Court AoR Association, in which the Supreme Court took over the appointment of judges in the Higher Judiciary. He also appeared in many important cases like Golak Nath, S.P. Gupta, T.M.A. Pai Foundation, etc. He represented the Gujarat Government in the matter of the Narmada rehabilitation but resigned shortly after attacks on Christians in the area and the burning of copies of the Bible. On 17.10.2014, he appeared for the former Chief Minister of Tamil Nadu J Jayalalitha in a conviction and obtained bail for her, which was earlier rejected. The Vis Moot East's Fali Nariman Award for 'Best Respondent's Memorandum' is named after Nariman. He wrote his autobiography called "Before Memory Fades".



## CONSUMER PROTECTION ACT 1986

SWARAJ BOSE

B.A. LLB, II SEMESTER

The basic aim of making consumer protection Act 1986 is to answer grievances of consumers. Stop and curb exploitation of consumers by sellers is another aim of COPRA 1986. This Act gives six rights to consumers namely



- a) Right to Safety
- b) Right to be Informed
- c) Right to Choose
- d) Right to be heard
- e) Right to seek Redressal
- f) Right to consumer education

Right to Safety means every consumer has right to get good quality goods and services. Seller must give all information what buyer asks regarding the goods which he is buying, this is known as Right to be informed. Right to choose means consumer must choose product which he/she wants to buy. Nobody can force him/her. Under right to be heard a consumer has the right that his/her complaint would be heard. Right to seek redressal provides compensation to consumers against unfair trade practices. This Act gives provisions for formation of consumer courts at State, district and National level. Consumer protection Act 1986 also ask judges who sit in a consumer court to wear normal clothes other than white shirts, black paint and black gown. The reason for such provision is that consumer will find it friendly and they can share their problems easily. Jurisdiction of various consumer courts are

- a) District Consumer Courts (up to 20,00,000)
- b) State Consumer Courts (20,00,000 lakhs and above but less than 1 crore)
- c) National Consumer Court (1 crore and above)

Consumer Courts may ask seller to repair defects in goods and services. These courts may punish sellers who exploit consumers.

Now the big question is that despite having such a good legislation why consumers are exploited. If you will try to find out, then emerging answer would be majority of people

in our country are illiterate. Even though literate's ones are not aware about their rights, then how can you expect illiterates to be aware about their rights. In India people don't care to check the pros and cons of a product which they are buying. Many people don't try to enforce their rights in courts as they don't like to waste their time for court proceedings. In India people think that people having some criminal background only visit court. A middle class man will think hundred times before going to the court. Some consumers don't file case against corrupt sellers because of friendships or any other relations. Indians (especially people living in rural areas) think out of court settlement as a best way out to solve disputes. Many a time they try to settle cases like murder and rape outside the court. The fault of our administrative system also contribute for the failure of Consumer Protection Act 1986. If a consumer wants to lodge a complaint in District Court, then he is supposed to pay bribe to the clerk for doing so or else he has to wait for some days to lodge his complaint. After the case is registered then you have to show your face before the court for some years after which judgement will come. Implementation of judgement will again take some time. So ultimately the aggrieved consumer is not getting any justice as Justice delayed is justice denied. Muscle and money power of seller also act as a hurdle in the path of justice towards the aggrieved buyer. Buyers sleep over their right and ultimately they give defence to the wrong-doer. The reason for this is time period fixed by law for filing cases. Most of the buyers don't buy goods and services without proper receipt and other necessary documents. Lack of such receipts and other necessary documents result in the lack of evidence for which justice can't be delivered to the aggrieved buyer. "*Caveat Emptor*" rule. It means let buyer be aware. Buyers don't care to check expiry date and quality of the product which they are buying. If you are not vigilant as to what you are buying, then nobody can protect you.

After knowing hurdles in the path of proper implementation of COPRA 1986 we must find a solution to all these problems. First we have to increase literacy level. In literacy we must make people more vigilant towards their rights. Consumer awareness drive is the best way out to make people be aware about the COPRA Act and its features. We must try to remove the myth that court is only for bad people. People must grow up from their status oriented thinking which stops them from going before the court. We must make our administration free from corrupt practices. More and more number of judges must be employed in consumer courts for giving justice promptly. Police must protect consumers from Muscle and Money power of sellers. Aggrieved buyer must not allow their relationships and affinities to come in the path of getting justice. Food inspectors must be more vigilant to cease licence of hotels providing bad quality food. Judiciary must check the concept of

settlement before a panchayat. We must try to make atmosphere of consumer courts more consumer friendly. It is a common scenario that whenever an illiterate person visits court either he will be in fear or he will be hesitating to share his/her problem before the court. In my opinion unless and until we destroy this kind of fear we can't give justice to the illiterates. Educated people of our society must raise voice against exploitation of consumers. Students can teach people about COPRA and various rights of consumers given under it. Government can ask professors and teachers to go for awareness drive in rural areas. Spreading awareness and teaching others is not the only way out. We must implement these in our day to day life. Youth should take these responsibilities that they will make each and every consumer of our country aware and vigilant about their rights. Journalists and writers must criticise and condemn unfair trade practices of the seller. They can write articles on this issue and try to spread more and more awareness. The concept of punishment must be introduced in the consumer protection Act 1986. Opening up of various consumer's aid centres is the best way to stop exploitation of consumers. Non-governmental organisations can take up this idea of protecting consumers against unfair trade practices and work on it. Introduction of a subject called rights of consumers in schools. Law students must take up the responsibility to protect consumers against unfair trade practices of sellers. Opening up of more and more number of consumer courts at state, district and national levels will help us in dealing with increasing number of cases. Every one of us must ensure a fact that each and every member of family must be protected from the exploitations of the sellers. United Nations must take up this issue and try to create an international organisation for the rights of the consumers. Policy makers of our nation must develop some policies for consumers. Now a day we see exploitation of consumers in the field of E-commerce. The solution for these new problems are laws to guide E-contracts. Laws for punishing fraud carried out by an electronic mode. We need to carry out amendments in our Indian Penal Code to deal with frauds carried out by electronic modes. Proper implementation of information technology Act 2000 will help us more. Cyber police stations need to be opened up in large number. In these police stations people who have sound knowledge over information technology must be recruited. Consumers must check details of a site in which they are giving their personal data's. Consumer must use their debit/credit card for online transactions more vigilantly. Lastly in my opinion if implementation of COPRA Act 1986 is carried out properly then plight of consumers will be reduced and a consumer friendly market would be created.

**Court Observation Session @ City Civil Courts Hyderabad**



**“Every face is born with a thousand masks to go with it.” – Marty Rubin**

**Celebration of Colours**



Photo Credit: Jai Chaurasia

**LEGAL NEWS**  
NEWS COMPILED BY YASHDEEP RASTOGI

Supreme Court wants Government to make Juvenile Law More Deterrent. The **Supreme Court of India** asked the govt. to make all necessary **changes in the current juvenile law in a bid to make it more deterrent** and send a stronger message to the society that the life of a victim was equally important under the rule of law.



The apex court also observed that it was “extremely difficult” to accept that any juvenile would not be aware of the possible consequences while committing grave crimes such as rape, murder, and robbery. The court further stated that the growing involvement of minors in such grave and heinous crimes demanded some serious changes in the existing **Juvenile Justice (Care and Protection of Children) Act, 2000**. “A time has come to think of an effective law to deal with the situation, we would request the learned Attorney General to bring it to the notice of the concerned authorities so that the relevant provisions under the Act can be re-looked, re-scrutinized and re-visited, at least in respect of offences which are heinous in nature,” said a SC bench led by Justice Dipak Misra.

The court made these remarks while hearing a case where a murder accused had claimed that he was a juvenile when the crime was committed and hence, he should be granted immunity under the Act. Apparently, the juvenile in question murdered a man for not repaying a debt. Under existing laws, a minor cannot be imprisoned in a jail regardless of the severity of the crime he committed. Instead, on being found guilty, they are sent to a correctional facility where they need to stay up to a period of 3 years depending upon the severity of their crime. “Whether in such a situation, can it be conceived by any stretch of imagination that the petitioner was not aware of the consequences? Or for that matter, was it a crime committed, if proven, with a mind that was not matured enough? Or the life of the victim is totally immaterial, for five people, including a juvenile, think unless somebody pays the debt, he can face his death,” the SC pointed out.

## Goodreads Section

### **Before the Law**

by Franz Kafka

Translation by Ian Johnston

Before the law sits a gatekeeper. To this gatekeeper comes a man from the country who asks to gain entry into the law. But the gatekeeper says that he cannot grant him entry at the moment. The man thinks about it and then asks if he will be allowed to come in later on. "It is possible," says the gatekeeper, "but not now." At the moment the gate to the law stands open, as always, and the gatekeeper walks to the side, so the man bends over in order to see through the gate into the inside. When the gatekeeper notices that, he laughs and says: "If it tempts you so much, try it in spite of my prohibition. But take note: I am powerful. And I am only the lowliest gatekeeper. But from room to room stand gatekeepers, each more powerful than the other. I can't endure even one glimpse of the third." The man from the country has not expected such difficulties: the law should always be accessible for everyone, he thinks, but as he now looks more closely at the gatekeeper in his fur coat, at his large pointed nose and his long, thin, black Tartar's beard, he decides that it would be better to wait until he gets permission to go inside. The gatekeeper gives him a stool and allows him to sit down at the side in front of the gate. There he sits for days and years. He makes many attempts to be let in, and he wears the gatekeeper out with his requests. The gatekeeper often interrogates him briefly, questioning him about his homeland and many other things, but they are indifferent questions, the kind great men put, and at the end he always tells him once more that he cannot let him inside yet. The man, who has equipped himself with many things for his journey, spends everything, no matter how valuable, to win over the gatekeeper. The latter takes it all but, as he does so, says, "I am taking this only so that you do not think you have failed to do anything." During the many years the man observes the gatekeeper almost continuously. He forgets the other gatekeepers, and this one seems to him the only obstacle for entry into the law. He curses the unlucky circumstance, in the first years thoughtlessly and out loud, later, as he grows old, he still mumbles to himself. He becomes childish and, since in the long years studying the gatekeeper he has come to know the fleas in his fur collar, he even asks the fleas to help him persuade the gatekeeper. Finally his eyesight grows weak, and he does not know whether things are really darker around him or whether his eyes are merely deceiving him. But he recognizes now in the darkness an illumination that breaks inextinguishably out of the

gateway to the law. Now he no longer has much time to live. Before his death he gathers in his head all his experiences of the entire time up into one question which he has not yet put to the gatekeeper. He waves to him, since he can no longer lift up his stiffening body.

The gatekeeper has to bend way down to him, for the great difference has changed things to the disadvantage of the man. “What do you still want to know, then?” asks the gatekeeper. “You are insatiable.” “Everyone strives after the law,” says the man, “so how is that in these many years no one except me has requested entry?” The gatekeeper sees that the man is already dying and, in order to reach his diminishing sense of hearing, he shouts at him, “Here no one else can gain entry, since this entrance was assigned only to you. I’m going now to close it.

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**Asst. Prof. P.L. Jayanti Reddy delivering lecture on “Women Leadership in Rural India” @IFHE, Center for Women Development on 8th march.**

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Photo Credit: Lakshmi Roy

# Happenings

## Triti – 2017

The annual Techno-Cultural-Management fest of ICFAI University, Hyderabad.







**Bidiisha and Vaishnove**, from FoL have won the Group Dance Competition in Triti 2K17.

**Triti Photo Credits:** Nazaria, Dileep

**Watch this Section for Updates on**



March 30th – April 2nd, 2017