

# The Student

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## In an Exclusive Interview with Mr Phani Raj Wootla

- Interview conducted by Istiaq Hussain (4<sup>th</sup> year) & Niharika Gayakwad (2<sup>nd</sup> year)

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Question 1. Why did you choose psychology?

My dad was a mechanical engineer he wanted me to pursue engineering but I was not interested in that, I did my own research as to what I want to do and I would watch discovery a lot and luckily there were few documentaries about Psychological matters. I chose it to understand myself better, my own psychology interest me the most

Question 2. You could have become a psychiatrist so why did you settle down for Psychologist, a counselor?

Psychiatry is about medicine and my education was arts based, I did B.A then M.A. and then M. Phil with the topic being depression in college students.

Question 3. Why work in college?

I've been teaching since 2006, I liked teaching and counselling both so I combined them both. My experience in teaching taught me **the key to counseling which is detachment, empathy and unconditional acceptance.**

Question 4. How to communicate with the patient?

Have to be a good and active listener and should be genuine, have to have a warm personality so that the person can open up about their problem. Not to jump straight to conclusion and advice, listen and facilitate them. I think that a client has too much potential only thing is that they need a facilitator to actualize themselves for that matter all of us have potential.

Question 5. About being looked at differently.

This is a stigma that many people have but I was never victimized, people give respect when they find out about my profession on the other hand there are people who tend to move away because of the same. Even my dad was reluctant about it initially but later when he came to know about the scope he was all fine with it.

Question 6: Interests other than Psychology.

Will Durant is the favourite philosopher, I am interested in philosophy a lot, my subject was psychology but usually I would find myself in library reading about philosophy. I read about Metaphysics and that made me fall in love with Philosophy, it really excited me, Philosophy is what interests me.

**Lex-Knot 2018**



## CORPORATE GOVERNANCE IN INDIA

- Istiaq Hussain (4<sup>th</sup> year) and Rashmi Jain (4<sup>th</sup> year)

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*“Corporate governance is not a matter of right or wrong, it is more nuanced than that”*

*-Advocate Johan Myburgh*

Corporate governance (CG) is concerned with the way in which corporate entities are governed. It addresses various issues facing the boards of directors, which relate to the interaction with top management, relationship with the owners, other stakeholders and the society at large. It is important for the economic health of corporations and society.

*CG also provides the structure through which the objectives of the company are set, and the means of attaining those objectives and monitoring performance are determined.”* International Finance Corporation, states it as "The relationships among the management, Board of Directors, controlling shareholders, minority shareholders and other stakeholders". It guarantees to protect the rights of the shareholders and ensures the recognition of these rights by the company. The scope of CG is very broad it includes social and institutional aspect. It also helps in to make effective strategic decisions in the business.

“CG is the system by which business corporations are directed and controlled. The corporate governance structure specifies the distribution of rights and responsibilities among different participants in the corporations, such as, the board, managers, shareholders and other stakeholders, and spells out the rules and procedures for making decisions on corporate affairs. By doing this, it also provides the structure through which the company objectives are set, and means of attaining those objectives and monitoring performance.

The concept of CG, as brought out in “Corporate Governance : Time for a Metamorphosis” described CG “as a system of structuring, operating and controlling a company with a view to achieve long-term strategic goals to satisfy shareholders, creditors, employees, customers and suppliers with the legal and regulatory requirements, apart from meeting environmental and local community needs. It leads to building of a legal, commercial and institutional framework. It also demarcates the boundaries within which these functions are to be performed.

It is set of principal and Board of Directors should know practice which company should follow to put the corporate behaviour in the right place and it because they are the primary direct stakeholder to influence it. The Board of Director has main power to take the important business decisions and they have the direct control to the business. The fundamental objective of CG is the “enhancement of long-term share holder value while, at the same time, protecting the interest of other stakeholders.”

CG does not help in the economic aspects of a developing country like India but it does play an important role by allowing foreign investors to invest in the country, which in turn models and shapes the prospects of economic growth. Good CG cannot guarantee success or fidelity but can raise efficiency and growth, especially for India that relies heavily on stock markets to raise capital. Though the CG system in India is advanced for a developing country, it is not shy of shortcomings and problems of its own. The customary model for CG i.e. monitoring and supervision owing to active investors, free and informed financial media is declining in being expedient and unswerving. Since, CG is chiefly about management decision making, it is predictable that social norms, national culture and structures play a fundamental role. CG is a fine tool to control the board but it is inundated with exertion and mistakes that unless are solved cannot do absolute justice to the investors.

CG has received quite the attention and dialogue in the discipline of finance since years. CG stanchions the company to accomplish its mission, vision and statement throughout its operation. After a great pact of work, the investment made by the investors (shareholders, etc) has to be protected from frauds and perish. This is done by making rules of conduct and responsibility of the board of directors who are given the charge of the operation of the company. A corporation is formed when people of great interest and wealth accumulate to bring life to entity; granted recognition by the law to be a person, this entity has to achieve profits by production of goods or services and selling them to the society. Both by the means of *de jure* and *de facto* all investors have to be protected.

### **How to Improve Indian Corporate Governance?**

CG needs impoverishments in eight major categories:

#### **1) Reforms of the boards of directors:**

The Board is not merely answerable to the company and its shareholders but also is imbued with a duty to act in his best welfare and interests. Since they are the nexus between shareholders and senior management, they are a crucial part of the corporate structure.

**a) Board's composition:** The new law mandates one-third, and in some cases one-half, of the board be comprised of independent directors. The requirement of independent directors, however, should be further enhanced to the level of the New York Stock Exchange (NYSE) and the National Association of Securities Dealers Automated Quotations (NASDAQ) systems' listing rules, which require that a "majority" of the board of directors be independent. Limiting the Number of Directorships to an Individual may hold serving on multiple boards, no doubt, is problematic because doing so can overburden directors, thus hampering their performance, and increase the potential for directors to experience conflicts of interest between the various corporations they serve. Currently, SEBI does not impose a limit on the number of directorships an individual may hold, although there is a requirement that an individual cannot "earn more than 10% of his total income from the remunerations he gets as an independent director." For affluent directors, however, this ten per cent limit is not meaningful. Thus, each individual should be restricted to serving on a limited number of boards.

## **2) Mandatory Director Training:**

When new directors are selected, they should undergo a formal orientation program that is independently reviewed for rigor and relevance. This programme should involve a meeting between the directors and management, and an appraisal of the various aspects and nature of the business, including its financial reporting systems.

## **3) Increasing Director Liability:**

Under current Indian law, a director is not liable for misfeasance if he can demonstrate that he acted reasonably as well as honestly and with due diligence. While the due-diligence and reasonableness requirements inject objectivity into the rule, it remains overly subjective by allowing directors to escape liability by demonstrating subjective honesty.



Any good law for director liability must:

- Safeguard the rights of investors and,
- Allow directors to engage in reasonable risk-taking behavior. A two-step test can best accomplish these twin goals.

#### **4) Better board evaluation:**

In January 2017, *Securities and Exchange Board of India (SEBI)*, India's capital markets regulator released a 'Guidance Note on Board Evaluation', this note elaborates on aspects of performance through the means of identifying objectives, diverse criteria and methods of evaluation. For performance, evaluation there is often a call for such results to be made public. However, evaluation is nevertheless a responsive subject and public exposé may run hamstrung. In a contemporary review situation in order to circumvent public scrutiny negative feedback may not be disclosed. To counteract this conduct the position of independent directors in performance evaluation is crucial.

Moreover, the protection of these independent directors is just as crucial as the role they play, which can be done by checking the process of removal where vendetta and grudge takes a toll.

#### **5) Accountability to Stakeholders:**

The appeal of "shareholder democracy" has dominated most changes in CG over the past few years and has helped strengthen the shareholder franchise. Although these general duties have been imposed on all directors, directors including independent directors have been complacent due to lack of enforcement action. To increase accountability, it may be a good idea to require the entire board to be present at general meetings to give stakeholders an opportunity to interact with the board and pose questions.

**a) Enforcement issues:** If the novel laws were not obligated in a clear, prompt, and consistent manner, the laws would not alleviate the problems for, which they were premeditated.

i. Purging "The Regulatory Arbitrage":

India's corporate governance structure undergoes a structural blemish i.e. regulatory arbitrage. Traditionally, three agencies, Department of Company Affairs, SEBI, and numerous stock exchanges, infatuated the control to stipulate laws and impose them. Accordingly, each endured responsibility for implementing Clause 49 of SEBI with no lucid mandate for any specific agency.

Such distribution of regulatory power weakens enforcement machinery in totality. The government of India must institute a clear directive for every agency.

#### **6) Restoring India's Judiciary:**

Though India's investor security laws are rather erudite, litigants should remain a prolonged time before a judgment; it is not unusual for the first hearing to take six years and the final decision up to 20 years. The time taken by the judiciary to give a judgment should be minimized.

#### **7) Embracing corporate governance as a philosophy:**

The relation between compliance and governance can be better understood with a story of a boy and a father, where the boy is about to fall off the cliff and his father asks him to hold his hand. The son denies it and in turn asks his father to hold the boy's hand instead. The father puzzled asks for a difference, the son explains, "When I hold your hand, it is out of fear and I may leave when I am no longer afraid. However, when you hold my hand, it is out of responsibility. No matter what, you will not leave me, until you see me safe". This story portrays that the bond compliance and governance are critical, if compliance is done out of obligation no law of governance no matter how great it is will make a difference. In the end, it is the company that outlives people and it should rather be a responsibility than an obligation.

Father of Economics, Adam Smith asked, 'why would a person who receives a regulated pay abstain from enriching himself from the fortune he could attain if he siphoned some resources from the vast riches of the company?' A company is a person according to law but it does not have the capability to run on its own, it has to be run by humans, board of directors who are elected by the shareholders .

### 8) Other important aspects:

Insider trading refers to transaction in securities of public listed company, by any insider or any person connected with the company, based on any material yet non-published information, which have the ability to impact on said company's securities market price, for their personal advantage. Insider trading becomes a serious crime in the capital market because it trenches upon the faith of fair dealing. Trading by an insider of a company in the shares of a company is not a violation of law *per se* but prohibition is the trading by an insider in the breach of trust or confidence in the stock of a company based on non-public information to the exclusion of others. The other way of attacking the problem is by encouraging the companies to practice self-regulation and taking preventive action. This is connected to the field of CG. It is a means by which the company signals to the market, that effective self-regulation is in place and that investors are safe to invest in their securities. In addition to prohibiting inappropriate actions (which might not necessarily be prohibited), self-regulation is also considered an effective means of creating shareholder value. Companies can always regulate their directors/officers beyond what prohibition by the law and signal the fact to their shareholders.

In conclusion, India being one of the largest countries in the world needs to attract corporations for the enhancement of its economic requirements, which requires up to date and flexible laws. Because it is necessary to protect the interest of shareholders and stakeholders in the business. Though the goal may not be an easy one to achieve, but things that are worth doing are often not easy.

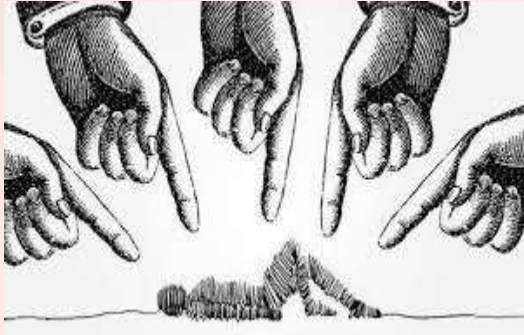
**In Law a man is guilty when he violates the rights of others. In**

**Ethics he is guilty if he only thinks of doing so.**

- Immanuel Kant

## ATROCITIES WITH A PLEASANT FOLD

- Amruth Vemuganti, 2<sup>nd</sup> year.



*“The union itself had said there was abuse [of the SC and ST (prevention of atrocities) Act] – we do not want any member of the SC/ST to be deprived of rights. We only want an innocent not to be punished.”*

- Justice A K Goel

During the British period, Indians suffered a lot for their survival in the hands of the Britishers and also in the hands of a few individuals who are holding positions such as Zamindars, military officials in the British government and the sufferers are mostly from the backward classes like scheduled caste and scheduled tribe.

Untouchability is one the major social evil in the Indian society and people used to follow untouchability even after the independence. Backward class people are restricted from entering into the temples, shops, common places in the society and also refused them to admit in the hospitals, hostels and educational institutions because of untouchability as they belong to the scheduled caste and scheduled tribe this is very prominent in rural areas compared to urban areas hence the parliament passed a legislation “protection of civil rights, Act 1955”. The main aim of the legislation is to prevent and eliminate untouchability from the society.

- Article 17 of the Indian constitution abolishes untouchability.
- If any person practices untouchability in any form case will be filed against him

under this act and he will be prosecuted and punished.

- Punishment: imprisonment not less than one month and not more than six months and fine minimum Rs. 100 and maximum Rs. 500.

This act is applicable to all the citizens and whose civil rights are violated can file a case under this Act.

After 3 decades from the passing of the civil rights Act, 1955 the atrocities on the scheduled castes and scheduled tribes are very high in the society so the parliament decided to put an end to the atrocities faced by the SC/ST, therefore, the parliament enacted a legislation known as “THE SCHEDULED CASTE AND SCHEDULED TRIBE (PREVENTION OF ATROCITIES) ACT, 1989”. This Act exclusively deals with the atrocities faced by the SC/ST in the society. According to this Act, there is a special procedure to be followed for enquiry and investigating the cases filed under this Act.

- If a person is charged under any provision of this act he shall be arrested immediately.
- An enquiry has to be conducted by an officer not less than the rank of deputy

superintendent of police and charge sheet has to be filed in the special court within sixty days (60 days).

- Punishment: if a person found guilty the imprisonment for a term not less than six months but may extend to five years or fine.
- For the victim the government gives some economic aid in different stages like 25% of the total amount is given when the FIR is filed and 50% when charge sheet is filed and 25%, when accused, is convicted by the lower court [Economical aid is different for different atrocities as per the act]

The provisions of the Act are very preventive in nature but most of the people misuse the provisions by filing false cases under this ACT. If a person is charged under the provisions of the SC/ST [Prevention of Atrocities] Act, the police shall arrest 1989 person immediately and proceedings will be initiated against him in the court.

If it is a false allegation and accused is released he can file a counter complaint in the police station about the false case and also a defamation can be filed against him but the mental agony and the physical pain suffered by him in the jail cannot be paid back. The innocent is suffering for the acts which are not committed by him and his family is also suffers a lot.

Supreme Court by considering all the issues in a recent judgment gave a decision that the immediate arrest is not necessary in the cases filed under SC/ST Act. The court said there shall be a preliminary enquiry by a police officer to investigate and inquire about the

atrocities whether it is a genuine or a false case then the remaining procedure of arrest and other things will take place if it is a genuine atrocities case.

According to an article published in the Indian Express, there are 8900 cases under SC/ST Act found “false or mistake of fact or law” in 2016 said by the government. As per NCRB(national crime records bureau) data out of 8900 cases filed in Rajasthan, 1099 in Andhra Pradesh, 664 in Bihar, 477 in Telangana and 400 in Uttar Pradesh as per 2015.

After the delivery of supreme court decision there is a huge strike and protest by Dalits opposing the judgment most of the political parties are also involved in the protest then the supreme court after seeing the protest stated that the decision of the court by cancelling the immediate arrest will not dilute the Act and it is said that the decision was taken by considering the interest of the majority people who are suffering because of this provisions of this Act (immediate arrest).

Supreme court says it has only protected innocents from falling prey to arbitrary arrests under the Act and that the court said they are concerned with article 21 [personal liberty], protection from arbitrary arrest.

The judgment of the Supreme Court is suffering because of this provision of immediate arrest and they have to be in jails for an offence, which is not committed by them, and their families have to suffer mentally and physically which is not fair in the eyes of the law.

## **Khap Panchayats: A Critical view on their existence in Rural India and their effect on Family Laws**

- Bisweswar Muni, 4<sup>th</sup> year.

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In India, The Panchayati raj was introduced with an aim to decentralize the rule and also involve the rural areas to make rule for themselves. However, Khap Panchayats (kangaroo courts) are kind of unauthorized and unconstitutional Panchayats, which are actually not a part of the standard definition of Panchayat system. They enjoy a sense of acceptance and authority as 'protector of honor' in the rural parts of India. It is through them that most regressive views are sought to be implemented. Khap adjudications are purely feudal and patriarchal in nature Honor killings, barbaric murders committed for the sake of preserving the honor of a family, a clan or a village, are the medieval remnants of regressive tribal societies that have persisted for far too long into the modern liberal age. In the name of preserving Indian culture, they are preserving crimes and thereby nurturing a culture of crimes for descendants. In South India, they are known as *katta* Panchayat.

### **EVOLUTION AND STRUCTURE**

The existence and role of the Khap Panchayats were recognized during the Mughal period in much clearer terms. Emperor Akbar granted freedom to the Khaps in matters of religion and internal administration. They were exempt from taxes and the Khaps were allowed to perform their internal functions with full freedom. Another mandate by Emperor Akbar said that 'every community and the Khap of the Doab (Region between Ganga and Yamuna) have the freedom to carry out their functions according to their old custom and laws within their respective Khaps'. He further stated that these different Khaps may unite in one group and live in peace with each other (Mandate of 8th Ramzan 987 Hizri [AD 1578] emperor Akbar). Such royal mandates were issued by various Mughal emperors from time to time. One of the last mandates issued in 1157 Hijri (AD 1748) to the Khap Wazir was regarding the raising of a military force to help the emperor in maintaining peace in the area; it also simultaneously warned the Khap Wazir that strict action would be taken against any section that revolted against him. The Wazir of the Khap Balyan, in the Muzaffarnager district in Uttar Pradesh, was recognized as the leader of the Khap through a mandate issued by Emperor Akbar. Another mandate issued Khap Panchayats in Haryana 333 by Bahadur Shah on 13th Rajab 1116 Hijri (AD 1707) stated that the Wazir of the Khap Balyan was given the right to fix and collect the land revenue from the Khap villages on behalf of the government.<sup>6</sup> On certain

occasions, the Emperor used to invite the chaudhris of various Khaps to visit him, feasting them and offering gifts to create mutual trust. He also assured them of non-interference in their internal affairs. The Mughal emperor's dependency on the Khap and Sarv Khap Panchayat provided legitimacy to the Khaps in terms of the protection of the religious faith of the Hindu castes that fell under the jurisdiction of the various Khaps. This also enabled the Khap Panchayat to raise large armies to defend their given area and, indeed, putting up resistance to the Mughal rulers. Historical records indicate that the territorial units of certain villages are very old and can be traced to the Vedic and the post-Vedic periods. Whenever and wherever a large tract of land was found available, a tribe moved in and occupied it. As a result, in particular areas some tribes established their dominance over other tribes. The subsequent change in the composition of such highly concentrated groups seem to have been motivated by demographic and political factors. The emergence of multi-clan multi-caste units such as the Chaubisi ('the 24'), the Baawani ('the 52') and the Chaurasi ('the 84'), should be seen in this context alone. The Mughals and the British, instead of interfering in the functioning of such organizations, chose to use them to serve their own interests. Simultaneously, these organizations continued to provide a common platform to their constituents in order to resolve their various problems. Broadly speaking, the criteria for the organization of the villages appear to be:

(1) The villages were united on the basis of gotra, or descent from one common ancestor—for example, the Dahiya Khap, the Sangwan Khap, the Sheoran Khap, the Dalal and the Hooda Khap, Balyan Khap, Gehlot Khap .

(2) The villages were also organised on the basis of single-caste dominance but with multiple gotras—for example, the Chaubisi of Meham, the Chaurasi of Baawal, etc.

### WHY KHAP?

Khap Panchayats are accepted among the people for a number of reasons: they do not involve any money; they are less time-consuming; there is a direct negotiated settlement between both parties before a large audience that includes persons of authority in the Panchayat; they help to maintain social order among people of different castes.

## UNDERSATANDING GOTRACONCEPT

The term Gotra is a Hindi word for lineage which means the descendants of one person. Originally, there were 7 Gotras - Vishvâmitra, Jamadagni, Bharadvâja, Gautama, Atri, Kashyap, Vasishtha,(Later Agatsya added to this list)

The popular believe that gotra is that it consists of a large number of correlated families supposed to be descended from the above mentioned rishi-ancestor who lived in the ancient age. As time passed by the number of descendants of each rishi ancestor has increased so that not only have all ties of common residence and even territorial proximity been snapped, but a large number of new types of gotra kin groups have sprung up named after new rishis. Gotra comes to have its social significance in so far as members of the same gotra, even if they have never known or heard of each other nor are related by blood, cannot marry in same .

## HINDU MARRIAGE ACT,1955 VS GOTRA FACTOR

In Hinduism marriage within the same gotra is prohibited & absolute sin. Two persons in the same gotra cannot marry even if they come from different linguistic areas.

However, same-gotra marriages have been legal in India since the Hindu Marriage Act of 1955. Additionally, marriages within certain degrees of consanguinity are considered sapinda and banned in Hinduism. Hindu law makers differ in the definition of sapinda: at one extreme, according to some sources marriages are prohibited within seven generations on the father's side and five on the mother's side. But, The Hindu Marriage Act bars marriage for five generations on the father's side and three on the mother's side, but allows cross-cousin marriage where it is permitted by custom. Therefore, the modern Hindu law disregards the gotra system when it comes to marriages and hence making it legally valid.

### Statement of Problem-The Nemesis Called Khap (Legal Perspective)

#### EMERGENCE OF KHAP(Modern Day Scenario)

As earlier mentioned in this paper the historical origins of khaps are known, this part shall concentrate on modern influence and prominence. With the politics of Chaudhary Charan Singh gaining acceptance, that a well-defined identity of the Jat of western UP took tangible shape. During this phase, based upon their own gotras(self-made) , many khaps also came into animations which were earlier in an 'nascent' stage, if present at all. These khaps created several local political leaders. Even in Haryana the rise of Khap Panchayats can be ascribed



on the lines of western UP. No doubt, Khap Panchayats are patriarchal in nature. These bodies have always opposed the right of inheritance for women. They are not only undemocratic in their approach but are also anti-women. Khap Panchayats are being actively used as platform to project political image. On the pretext of safeguarding culture and tradition the Khap Panchayats are being harnessed to gain political mileage. Khaps still are an informal but well-established social institution in the Jat dominated areas that fall in present day Haryana, western Uttar Pradesh and parts of Rajasthan. In course of evolving in different geographical areas they acquired forms shaped by a variety of socio-economic factors. Of these the important were gotra tie, now caste and land ownership has become the major factor.

#### KHAP IN OTHER PARTS OF INDIA

- Shalishi Adalats

In West Bengal similar diktats are issued by Shalishi Adalats, which are ‘courts’ working on the same line as Khap Panchayats. ‘Shalishi’, a Bengali word of Persian origin means mediation, Shalishi Adalats operate in rural areas of Bengal specifically in rural areas and have been known to hand out Taliban styled diktats. Those who fail to abide by its diktats have to pay a heavy price. Munrul Haque in Midnapur district was fined by a Shalishi Adalat a sum of rupees 25,000 for allegedly making a pass at the daughter of a trader in the village. Munrul was unable to pay the amount. In lieu of fine Munrul was asked to give his sixteen years old daughter in marriage to a 46 years old man who already had two wives. Munrul had to agree, because he had no alternative.

- Katta Panchayat

In Tamil Nadu these Khaps are known as Katta Panchayats, which though have a different name are similarly cruel, patriarchal and talibanic in nature in Arumugam Servai case<sup>1</sup>. This case arose in the context of violation of certain provisions of Schedule Tribe and Schedule Caste (Prevention of Atrocities) Act, 1989. The court in this case identified certain practices prevalent in India which also included the human rights violations carried out by Katta or Khap Panchayat. The Supreme Court in this case gave a landmark judgment. As held by Justice Katju:

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<sup>1</sup> Source: *see* Arumugam Servai vs State Of T.Nadu (19 April, 2011)

*“We have in recent years heard of ‘Khap Panchayats’ (known as Katta Panchayats in Tamil Nadu) which often decree or encourage honor killings or other atrocities in an institutionalized way on boys and girls of different castes and religion, who wish to get married or have been married, or interfere with the personal lives of people. We are of that this is wholly illegal and unconstitutional be ruthlessly stamped out. As already stated in Lata Singh's case (supra), there is nothing honorable in honor killing or other atrocities and, in fact, it is nothing but barbaric and shameful murder. Other atrocities in respect of personal lives of people committed by brutal, feudal minded persons deserve harsh punishment. Only in this way can we stamp out such acts of barbarism and feudal mentality. Moreover, these acts take the law into their own hands, and amount to kangaroo courts, which are wholly illegal. The appellants in the present case have behaved like uncivilized savages, and hence deserve no mercy. With these observations the appeals are dismissed.”*

This verdict shows and proves that Khap Panchayat holds no place in India.

#### HONOR KILLING AND KHAPS

Honor is the most esteemed value in the Indian patriarchal families regardless of the caste, regional and religious identities. The ideology of honor being a gendered notion in India, both men and women personify notions of honor in totally different ways. Women are there positron of the family honor as a daughter, wife and mother while man regulates it. Honor is presumed to be a female linked product coupled with the male right to ensure that she does not jeopardize its balance at any cost. Upon this social perception of the man's creative ability, the whole notion of honor is built. Subordination of women is proportionately related to caste hierarchy. Higher the constraint on her, the higher is the caste in the so called hierarchy. Regulation is exercised over her sexuality through arranged marriage, child marriage, and prohibition of divorce, strict monogamy and ban on widow remarriage including harsh isolation of the widow. Being a woman is rendered an object and with such intention she is subjected to violence.

The Khap Panchayats have been strict and intolerant towards any attempt to destabilize their so-called “Honor”. They perceive any act which is against their caste or gotra to be unethical and sinful.

The following is the list of honor killing which were committed on direction of Khap Panchayat-

- A Khap of Jind district in Haryana, issued a diktat against a married couple. The victims, Praveen Kumar and Poonam, were married on 22 Feb 2015. In this case, they were not runaway couples but their marriages were indeed fixed by their families but some of their dissenting relatives revealed the fact before Panchayat that they were of same gotra. Khap gave a diktat that both should be separated Praveen is from the Kaushik Phetwadia gotra while Poonam belongs to the Kaushik Patwalia gotra. But these two gotras, according to their villagers, are considered to be under *bhaichara* (brotherhood) in which marriage is forbidden. The couple had an arranged marriage on 22 February last. Initially, there was no objection to their marriage by anyone, but for the last two months the villagers had been putting pressure on them to break their marriage. In a joint petition filed before the Punjab and Haryana High Court, Poonam said that recently her father-in-law was humiliated during a khap meeting and the family was threatened with a social boycott. Praveen, who was also called to the meeting, was told to publicly declare Poonam as his sister and maintain that relationship for life. Praveen's family opposed the khap Panchayats decision and decided to challenge it in the court. The panchayat reportedly also directed Praveen's father Azad Singh to disown his son from all the property and belongings and to deposit Rs 3,00,000 in the name of his grandson in a bank.
- Manoj-Babli Murder, 2007: A few years ago Manoj and Babli of Karoda village in Kaithal district were brutally killed on the direction of the Banwala khap, which was also responsible for the killing of Ved Pal Maun at Singhwal village in Jind district earlier.  
Even after the High Court provided them protection, Manoj and Babli were murdered despite having police protection under the high court order. Their bodies were found near a canal in Hisar district. Arrests were made later and the guilty were punished, but there was no action against the people who had instigated the attackers. In many such incidents the khaps have ordered the ostracisation of the families involved.

In the Manoj-Babli case five of the seven convicts were sentenced to life imprisonment by the Punjab and Haryana High Court. The court also ordered action against the police officers who delayed the case.

In one more landmark case of Bhagwan Dass case, the Supreme Court pronounced that “all persons who are planning to perpetrate honor killings should know that the gallows await them”.

### Conclusion:

In order to clip the wings of these Khaps the law commission of India in its report recommended that:

Legislation by name of “THE PROHIBITION OF INTERFERENCE WITH THE FREEDOM OF MATRIMONIAL ALLIANCES BILL” should be passed & it shall contain the punishment along with other provisos:

- No person of any group of persons shall gather with an intension to deliberate on or condemn any marriage not prohibited by law.
- The members of such unlawful assembly who in furtherance thereof individually or collectively counsel, exhort or bring pressure openly or otherwise upon any person or persons to prevent or disapprove of the marriage which is objected to by the said members or to generate an environment of hostility towards such couple or either of them or their relatives or supporters shall be deemed to have acted in endangerment of their liberty and such an act of endangerment shall be punishable with imprisonment for a period of not less than one year and extending upto two years and fine extending to twenty thousand rupees.
- Any member or members of an unlawful assembly or any other person acting at their instance or otherwise who, with a view to secure compliance with the illegal decision of that assembly in relation to the marriage that is being objected to, indulges in criminal intimidation of the couple or either of them or their relatives or supporters shall be punishable with imprisonment for a term of not less than one year but which may extend to three years and shall also be liable to fine up to thirty thousand rupees provided that if the threat be to cause harm or injury of the description referred to in second part of Section 506 IPC, the maximum punishment shall extend to seven years of imprisonment instead of three years and fine extending to thirty thousand rupees.
- Power to prohibit certain acts and the duty of authorities to take preventive measures.

[a] The sub-divisional Magistrate or District Magistrate shall receive any request or information from any person or persons seeking protection from any assembly of persons

or from members of any family who are likely to or who have been objecting to any lawful marriage.

[b] Where the SDM or District Magistrate receives information from any source that there is likelihood of convening of an assembly openly or in secrecy to condemn as objectionable any marriage proposed or solemnized, he shall, by order prohibit the convening of such assembly and doing of any act towards the commission of any offence under this Act by any person in any area specified in the order.

This kind of Legislation can break the backbone of these Khaps if brought into force effectively.

Along with that, there is an urgent need to curtail the diktats of these Khaps with immediate effect and till the time any legislation is brought into force the states can take the following steps-

- Introduce Special Tasks Forces to check the movement of these Khaps a.k.a kangaroo courts as they have no certain location and hop from one village to other.
- Family residing in such districts or states where the influence of Khap is quite strong should be educated on Hindu Marriage Act, 1955 and how being of *sagotra* has no legal hurdles.
- Introducing Helplines as well as Hotlines, so that any person or family facing any diktat by Khap can contact them.
- Introduction of special courts for dealing with cases arising out of the *diktats* of Khaps, which shall give the victims a speedy justice.

In this Paper, we have seen how these Khaps are pulling back the above –mentioned regions into backwardness and illiteracy , The Khaps are responsible for the majority of social evils in West UP ,HARYANA and Rajasthan. These regions and its people have immense potential to break such barriers and lead the prosperous rural India.

## CREATIVE SECTION

### A Proud Sacrifice

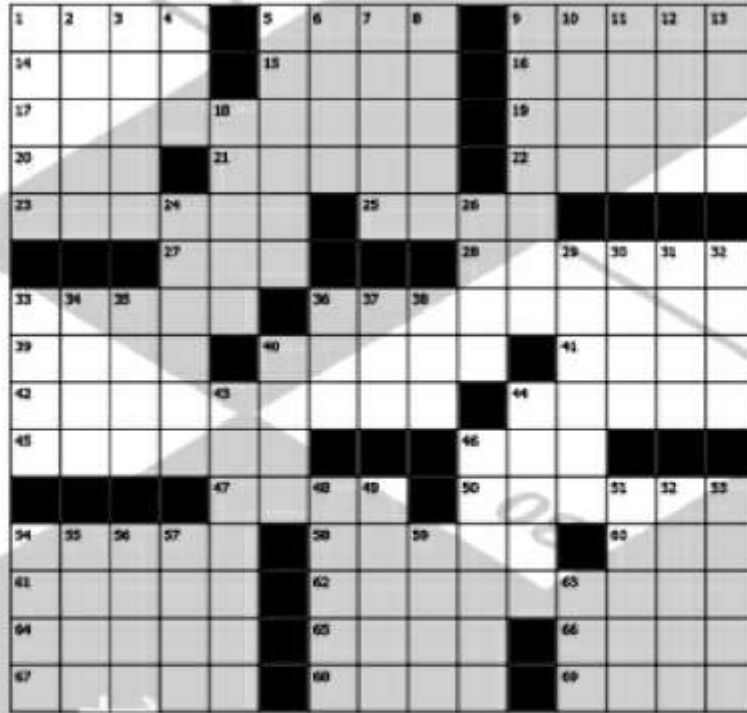
*-Aman Agrawal, 1<sup>st</sup> year.*

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I was cleaning the drawers of my grandfather late Lt. Rana Singh. While going through his books I found his army diary under the name of 'The One' I started reading it. As I was reading I came to know, about how he killed a man the first time for smuggling unauthorized food and clothes in his area and taking them. Man pendant as sign of both his sin and sincerity for his duty and was not able to sleep for days after doing the act. How the troop mate becomes brother for life and then come the final chapter of 'The One' which narrated the last mission of Lt. Rana Singh it started as visiting a village near the base camp and as always grandpa opened the pendant of the first man he killed and looking at his family photo after which he continued his journey to the village his task was to check each and every house for any suspicious activity. As he was doing his duty he saw a woman familiar face cut and he followed her and was shocked to see that the woman was none other than mother of the same man he killed filled with guilt he went up to her and ask for some water. With a big smile on her face she passed grandpa a jug of water he drink the water along with guilt he had within him. After drinking water grandpa started talking to her and they told each other about their tragic life my grandpa understood that the man's name was Kishan and the things he was smuggling were for the people for of his town that he bought after selling his ancestral property. After grandpa came to know about this his pride for his duty was destroyed and with the heavy heart he apologized the old lady for murdering his son. To his surprise the old lady not only forgave but also offered dinner to him saying that the act done by his son was noble but the act by my grandpa was his duty' and being a theist she quoted the old saying from bhagwat gita "karmaṇy-evādhikāras te mā phaleṣhu kadāchana

mā karma-phala-hetur bhūr mā te saṅgo 'stvakarmaṇi"(You have a right to perform your prescribed duties, but you are not entitled to the fruits of your actions. Never consider yourself to be the cause of the results of your activities, nor be attached to inaction). Hence, ending the diary from her quote. After this incident grandpa took volunteering retirement and devoted his life for social service as tribute to Kishan and his mother

# Crossword Puzzle



## Across

- 1 Curved doorway
- 5 Nordic capital
- 9 Bricklayer
- 14 Undiluted
- 15 Cut wood
- 16 Martini garnish
- 17 Too early
- 19 Short letters
- 20 Racetrack circuit
- 21 In a while
- 22 Adolescents
- 23 Gridiron number
- 25 Space gp.
- 27 Indignation
- 28 Boot part
- 33 Desirable quality
- 36 Surgical procedure
- 39 Midday
- 40 Nonchalant
- 41 Trudge
- 42 Temporary
- 44 Sail supports
- 45 Stress
- 46 \_\_\_\_ de toilette
- 47 Attaches
- 50 Expand
- 54 Assert as fact
- 58 Like Santa's helpers
- 60 Disencumber
- 61 Church walkway
- 62 Dawdling
- 64 Banisters
- 65 Hue
- 66 Understood! (2 wds.)
- 67 Wipe away
- 68 Copied
- 69 Jumble

## Down

- 1 Eve's fruit
- 2 Rustic
- 3 Thin pancake
- 4 Skirt bottom
- 5 Gasoline classification
- 6 Closed
- 7 Sophia \_\_\_\_
- 8 Musical drama
- 9 Idaho's neighbor
- 10 Burn reliever
- 11 Locale
- 12 Baking need
- 13 Loch \_\_\_\_ monster
- 18 Observant
- 24 Capital of Austria
- 26 Father
- 29 Capital of Minnesota (2 wds.)
- 30 Greases
- 31 Booty
- 32 Ceases
- 33 Industrious insects
- 34 Ilk
- 35 Glide
- 36 Bullring cheer
- 37 Frying \_\_\_\_
- 38 NYC time zone
- 40 Tie
- 43 Thai
- 44 Augusta's locale
- 46 Rewrote
- 48 Letter before epsilon
- 49 Sailboat
- 51 Stand up
- 52 Fork features
- 53 Borders
- 54 Part of TLC
- 55 Fibber
- 56 Korea's continent
- 57 Misfortunes
- 59 Penalty
- 63 Edge

## A Piece from Untimely Inspirations

- Istiaq Hussain (4<sup>th</sup> year)

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I am a kite flying in the sky,  
above me is the blazing sun and around me is the thunderous wind, attached to a thread,  
I soar amongst them so sharp and so high.  
Beings of earth look to me astounded and seek for the one who holds my thread, they look  
contented and wholly amiss of the inspiration behind me.  
What they see is physics and not what that may inspire,  
blame them not as they are meagre,  
feeble beings with feeble minds, to credit any 'one' of the three would be a mistake of great  
order,  
the individual holds the thread and the thread holds me where I am,  
it is the tension that keeps me from falling down,  
without which I would be just sticks and paper,  
there is strength in unity but might in resistance.  
I am overwhelmed to think that it is not I who cuts the other kite off but rather my string that  
does the work,  
I am just the tension generator and nothing else.  
My desire is to fly far-off but the thread holds me back,  
without minimal restriction,  
everything is chaos.  
What I not fear is the thread breaking but what I fear is the wind shredding me into pieces,  
often it is the will to go higher that kills us rather than the thread,  
which keeps us from going away.  
The individual and the kite are nothing without the thread and just like that,  
the thread is nothing without the individual and the kite,  
they are dependent on each other like the fundamentals of physics or the physics of love.  
resistance demands unity of opponents.  
Inspiration is simple but physics is complex,  
When physics is mastered then why can't inspiration be? not everything is a slave of reason  
inspiration never needs reason,  
all it needs is an opportunity, a challenge.



## I Wandered Lonely as a Cloud

- *William Wordsworth*

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I wandered lonely as a cloud  
That floats on high o'er vales and hills,  
When all at once I saw a crowd,  
A host, of golden daffodils;  
Beside the lake, beneath the trees,  
Fluttering and dancing in the breeze.

Continuous as the stars that shine  
And twinkle on the Milky Way,  
They stretched in never-ending line  
Along the margin of a bay:  
Ten thousand saw I at a glance,  
Tossing their heads in sprightly dance.

The waves beside them danced; but they  
Out-did the sparkling waves in glee:  
A poet could not but be gay,  
In such a jocund company:  
I gazed—and gazed—but little thought  
What wealth the show to me had brought:

For oft, when on my couch I lie  
In vacant or in pensive mood,  
They flash upon that inward eye  
Which is the bliss of solitude;  
And then my heart with pleasure fills,  
And dances with the daffodils.

## The Haunted Bombay High Court

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There is never a dull moment in a courtroom if Bollywood films are to be believed. But reality is stranger than fiction and the Bombay High Court has someone from the other world to keep them entertained or shall we say spooked out! This prominent structure is an iconic building in the city of Mumbai, standing tall with its Gothic architecture. Inaugurated in 1862, it is one of the oldest high courts in India. Not just this, its history of having the very first Chief Justice of India post independence, the very first Attorney General and Solicitor General make it a landmark of India. But that's not all! The Bombay High Court is also believed to be haunted.

According to the legend, the spirit of a lawyer haunts the courtroom. It terrorizes those accused of a murder by talking to them in a hoarse voice and cursing them. It scares them from entering the courtroom too. It is said that the spirit has been around for 30 odd years but people do not know who it really is! Was it a lawyer who loves his job so much that it can't go away? Or was it someone wrongly convicted of murder? We can't give you these answers but we can certainly tell you that there is an internal joke to let the spirit help in solving murder cases. Perhaps this might speed up the judicial process.



## Events

Lex-Knot 2018





**Lex-Knot, a platform to Learn, Compete and Exhibit Talents.**



The art of dressing is the art we all  
practice

— *Anne Hollander* —

**CONGRATULATIONS!**

**MS. SHREYA NIGAM**

**SEMESTER 4**

**FOR KEEPING UP THE UNIFORM STANDARD ALIVE AND NOT WEARING  
SLIPPERS TO COLLEGE.**



As is a tale.

So is life.

Not how long it is.

But how good it is.

Is what matters.

In the recent turn of events, our college faced a great loss of losing two students.

**Mehul Choradia**

Student of ILS, was in Semester 4 passed away after a long history of heart related disease.



**Sanjay Reddy**

Student of ITS, was in semester 6 passed away as the consequence of a brutal accident.

