

The Student

Lawyers' Musings



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AM I TAKING ADVANTAGE OF THE DIGITAL REVOLUTION?

- Hemanth Ram Reddy

Hemanth is a first year student of BBA-LLB. He is very passionate about movie direction and story writing. He has a special interest for literature. He hopes to continue his studies in the area of films.



With every click, every tweet, every share, am I being exploited or am I taking advantage of the digital revolution?

This is the question I kept asking myself as I read Astra Taylor's "The People's Platform: Taking Back Power and Culture in the Digital Age." Taylor makes a thorough case that the technological advances we've been told constitute progress — that anyone can start a blog, that we can easily keep up with our friends (and frenemies) on Facebook, that Twitter can foment democratic revolution — are actually masking and, in some cases, exacerbating social ills that have long plagued our society, especially its most creative members. I think Taylor would say I'm one of the exploited — we all are — even though I'm also one of the privileged few to get this.

But it's even more complicated than that. Taylor explains how the Internet has confused delivery with production and the product with the consumer. She writes that observers of digital culture usually fall into two camps: There are the techno-utopian "cheerleaders of progress at any cost" and the "Cassandras who condemn change." She embraces the darkest views of each. Taylor, a documentary filmmaker and activist who was heavily involved with "Occupy Wall Street", has picked the right moment for this book. Even though many of us couldn't live without Google and spend countless hours on Facebook, users have started to take notice of the biggest tech companies gobbling up — er, acquiring — their smaller competitors and their compliance in decidedly untrustworthy endeavors like the government spying on its own citizens. Sure, these companies have made a wide array of digital tools available free and we can communicate instantly and globally, but we end up paying the price with our privacy and integrity as our every click is monetized.

Culture may be a public good, but it is expensive to produce. Creative workers, Taylor writes, are squeezed particularly hard in the digital era. Whereas institutions like record labels and newspapers once made investments in musicians, artists and writers, now most creative types are on their own, making their art without compensation in the hopes it'll be a hit and they'll be able to recoup later.

The illusion of a level playing field online — that any YouTube artist could be the next Justin Bieber or any bloggers could end up the next Woodward and Bernstein — only increases the pressure on those who don't have offline advantages. It's impossible to be a self-made Internet star, Taylor points out, without non digital essentials like food and shelter.

"In online culture, as in off, advantage begets advantage," she writes.

"The first rule of advocacy is. Never ask your witness a question unless you're quite sure of the answer."

No wonder so many artists are willing to "collaborate" with brands, which are becoming one of their only means of financial support. And so, despite the claims of a new era of openness, persistent social problems like discrimination and economic inequality remain firmly in place. "The new economy," she says, "was never that novel."

The Facebook logo, consisting of the word "facebook" in white lowercase letters on a dark blue rectangular background.

Taylor's views are compelling and well argued, though overly focused on the downsides of the digital revolution. (I found myself wondering if she'd ever liked a photo on Facebook or laughed at a funny tweet.) In fact, she spends so much time explaining why it's bad that she puts off answering the book's central question. In the opening pages, she writes that it's still possible to "make good on the unprecedented opportunity the internet offers and begin to make the ideal of a more inclusive and equitable culture a reality." Even after reading so many pages of bleak statistics, most of her readers aren't going to unplug completely, which means we're primed to hear her tell us how to make the digital world a better place. Taylor doesn't get around to it until her conclusion, which holds the glimmers of hope I longed for throughout the book but is more of an outline than a fleshed-out answer. Obviously we all need to get behind "net neutrality," ensuring that service providers can't privilege higher-paying companies, and push the government to invest in the arts. We can take some lessons from the slow-food movement's emphasis on the true cost of opting for the drive-through over the farmers market and push consumers of culture to learn how their art and articles were made. Are there any organizations working to raise awareness of the true cost of cheap digital culture? If there are, Taylor doesn't tell us about them.

Turns out there are some big tech companies run as public-benefit corporations (like Etsy) and even as nonprofits (Wikipedia). I'd have loved to hear more about how we can fos-

The Google logo, consisting of the word "Google" in its multi-colored font (blue, red, yellow, blue, green, red).

ter these business models rather than profit-seeking behemoths like Google and Facebook. Yes, some of the best technical minds of our generation are being used to create ad software. But there are also plenty of people who want to use their engineering skills to fix the very social problems Taylor describes. How can we support this type of entrepreneur?

After all, I can't choose a more artist-friendly alternative to Spotify if it doesn't exist.

I wish she had devoted two or three chapters to such possible solutions rather than merely referenced them in her conclusion. The problems she explains in convincing detail are of the looming, complex variety that have vexed activists for generations. If the Internet really does pose new slants on these old problems, as she argues, it must also present new opportunities for remedying them.

Turns out there are some big tech companies run as public-benefit corporations (like Etsy) and even as nonprofits (Wikipedia).

"Bankrupt of life, yet prodigal of ease."

CORPORATE GOVERNANCE IN INDIA

-Rashmi Jain

Rashmi is a fifth year student of BBA-LLB where she is interested to set up small startup in the future. Her hobbies are reading books, watching movies and listening to music. She is very passionate coupled with a zest for learning and always ready to do an assigned task on time, in fact before time. Additionally, she is ever-curious about every thing and has never say attitude for the same.



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

- 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.

“There should always be many judges because a few will always favor the few.”

It is set of principal and Board of Directors should know practice which company should follow to put the corporate behavior 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 shareholder 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.

“Certainty is the mother of repose, and therefore law aims at certainty.”

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 program 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:

- a) Safeguard the rights of investors, and
- b) 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.

"Children cannot be happy because they are not old enough to be capable of noble acts."

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?’

“The buyer needs a hundred eyes, the seller not one.”

A company is 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 _____ ‘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?’ _____ 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.

CRUEL REALITY OF THE MODERN WORLD-DOMESTIC VIOLENCE

-Savitri Varanasi

Savitri is a first year student of BBA-LLB. She is from Hyderabad and has a passion for photography. She did her schooling from Kendriya Vidyalaya.



Let's first understand the phrase "domestic violence." Let's consider them as two separate words. "Domestic" means "within the realm or the household territory" and "violence" means "using physical force to hurt and to cause damage". Therefore, as a phrase "domestic violence" is a "pattern of coercive and assaultive behaviors that include physical, sexual, verbal, and psychological attacks and economic coercion that adults or adolescents use against their intimate partner". Domestic violence is not typically a singular event and is not limited to only physical aggression. Rather, it is the pervasive and methodical use of threats, intimidation, manipulation, and physical violence by someone who seeks power and control over their intimate partner.

Domestic Violence against Children:

According to UNICEF, every year, as many as 275 million children worldwide are caught in the crossfire of domestic violence and suffer the full consequences of a turbulent home life. Violence against children involves physical and psychological abuse and injury, neglect or negligent treatment, exploitation and sexual abuse. The perpetrators may include parents and other close family members.

Child abuse in India is a hidden phenomenon especially when it happens at home by the family members. There is greater emphasis on the public domains such as child labor, prostitution, marriage etc. but intra-family or domestic violence is silenced or given minimal attention.

Domestic Violence against children can be described as when an adult family member misuses power to maintain control. The violence can be physical abuse, sexual assault and threats. Sometimes it is subtler like making the children feel worthless, curtailing their freedom by locking them at home or making them work without giving any money.



"Law and conscience are one and the same."

Social isolation and emotional abuse can have a similar impact as physical violence.

The study report of 2007 by The Ministry of women and Child Development (MWCD) examined two forms of emotional abuse: humiliation and comparison. Half of these children reported facing emotional abuse with 83% of abuse being conducted by parents. 70.57% girl children are reported to be neglected by their family members. They are considered inferior when compared to their brothers. On factors like food, attention and care, boys are given more importance and it is a compulsion that only girl children would help out in household chores.

Children need and have a right to safety, security and nurturing family environment to support their healthy development. When the family environment is not safe and nurturing is not secure it makes children less resilient. According to reports, Domestic Violence can create a vicious cycle as abused children are more likely to become abusive when they are parents themselves.

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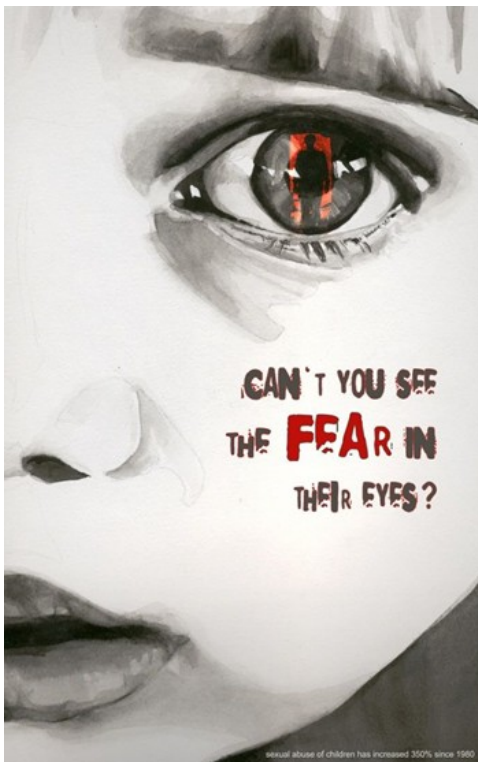
emotional abuse with 83% of abuse being conducted by parents. 70.57% girl children are reported to be neglected by their family members. They are considered inferior when compared to their brothers. On factors like food, attention and care, boys are given more importance and it is a compulsion that only girl children would help out in household chores.

Children need and have a right to safety, security and nurturing family environment to support their healthy development. When the family environment is not safe and nurturing is not secure, it makes children less resilient. According to the reports, Domestic Violence can create a vicious cycle as abused children are more likely to become abusive when they are parents themselves.

The varying causes and consequences of domestic violence need to be carefully analyzed. People need to report such cases and the government authorities need to be stringent while handling such cases. If all these factors can be controlled then more than one form of violence can be prevented from harming individuals. In order to maintain the safety of the country, we need to control domestic violence.

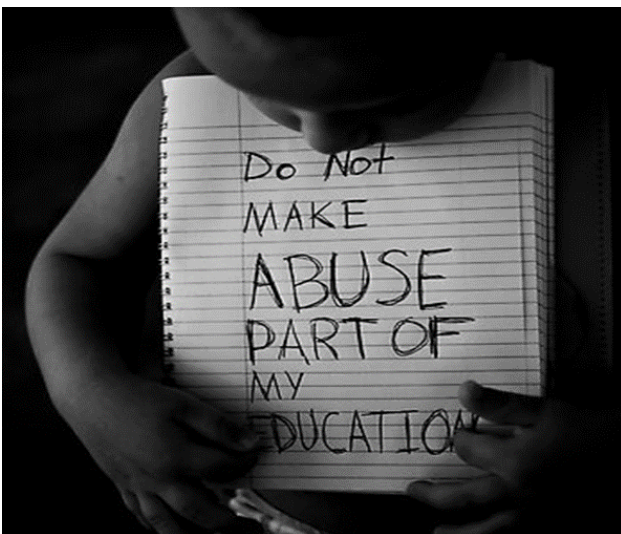


“The blessings of society depend entirely on the constitutions of the governments.”



Domestic Violence in India

Domestic violence in India includes any form of violence suffered by a person from a biological relative, but typically is the violence suffered by a woman by male members of her family or relatives. According to a National Family and Health Survey in 2005, total lifetime prevalence of domestic violence was 33.5% and 8.5% for sexual violence among women aged 15–49. A 2014 study in The Lancet reports that the reported sexual violence rate in India is among the lowest in the world, the large population of India means that the violence affects 27.5 million women over their lifetimes. The 2012 National Crime Records Bureau report of India states a reported crime rate of 46 per 100,000, rape rate of 2 per 100,000, dowry homicide rate of 0.7 per 100,000 and the rate of domestic cruelty by husband or his relatives as 5.9 per 100,000.



These reported rates are significantly smaller than the reported intimate partner domestic violence rates in many countries, such as the United States (590 per 100,000) and reported homicide (6.2 per 100,000 globally), crime and rape incidence rates per 100,000 women for most nations tracked by the United Nations. There are several domestic violence laws in India. The earliest law was the Dowry Prohibition Act 1961 which made the act of giving and receiving dowry a crime. In an effort to bolster the 1961 law, two new sections, Section 498A and Section 304B were introduced into the Indian Penal Code in 1983 and

1986. The most recent legislation is the Protection of Women from Domestic Violence Act (PWDVA)



2005. The PWDVA, a civil law, includes physical, emotional, sexual, verbal, and economic abuse as domestic violence.

Domestic abuse includes physical, emotional and sexual violence of any form.

“In civil jurisprudence it too often happens that there is so much law that there no room for justice.”

SABARIMALA-A SPLINTERED REASON UNDER LAW

-Dr. M. Madhuri Irene

Dr. Madhuri is an Associate Professor at the ICFAI Law School. She has an experience of seventeen years as a Law Professor. Her research interests include Family Laws, ADR, Procedural Laws and Women Studies. She has presented forty-six research papers in international and national journals to go along with twenty-eight published articles.



Sabarimala is a seat of piety and citadel of sanctity of spirituality, no doubt, the exuberance of magnanimous divine philosophy of this great ‘Karma Bhoomi’ being led by our ancient glorious culture of thought with the pedagogy of Hinduism, known for tolerance and inclusiveness. I reiterate that Sabarimala is a ‘citadel of sanctity’ and I think that it is not a “Citadel Sanctified”. The former part is an expression of Divine Reality and the latter one expose the intellectual glory of human interpretation. The deliverance of the Supreme Court decision in Sabarimala case on the entry of women of all ages appears to have portrayed a picturesque view of Pandora’s Box, or modern paint of woman in arts and curves with an inflorescence of myriad views and hues.

Indian expression – in media and so-called intellect fora – testified the potential of our literary legacy and progressive proclamations of Vox Populi, not to dissemble the confusion but to assemble the doubts for perpetuation of problem. New glamorous phrases are invented to project a war between “Constitutional Morality” and “Traditional Morality” even in the matters of faith and belief in relation to religion, ignoring the fact that ‘religion’ is not universally uniform, but aligned with regions, institutions and in some case even with individuals. Progressive literates hailed the decision as a victory for equality and holding that ‘Mob Morality’ cannot overtake ‘Individual Dignity’, and demanding religious dualism to come to an end in the ‘women empowered world’. The resonance of solitary dissonance of Justice Indu Malhotra advocating the need to restrict judicial intervention in matters of religious beliefs in view of the combined consideration of Art. 25 and 26 vis-à-vis Art. 21 and 14, requires judicious public acceptance. No law thrives or continues without public compliance.

A lay woman innocently and innocuously asks as to what constitutes ‘Sanctity’, who maintains it, and is it a woman alone attributed with ‘purity or chastity’. When women of all ages are permitted by the fellow men to visit Lord God Ayyappa in all other places, why not the same concession be extended to visit Sabarimala? These enquiries may not be funny or weird but sought to be answered by the Law and People – not individually but collectively – but certainly without the pollution of political poverty.

“The law is a living science.”

LAMENT FOR INDIA'S DAUGHTERS

-G.S.S. Neeharika

Neeharika is second year student of BBA-LLB.

Delhi, Mumbai, Rohtak, Baduan, Banglore, Unnao, Kathua , Meghalaya ,Surat ...

These are not just places , they are those sites which bring to mind those callous , barbarous & diabolical incidents of ravishing a girl .She is not a toy to play with . She is a human too. When she is jeopardized in her own motherland where can she be impervious? When you can have viability, then why can't she? At every point of her existence, be it her kindred or the aberrant there is no buffer to her virtue. Will there be any cessation to the besetting & the torment? When there is no humanity in us, how can we call ourselves human? There must be a culmination to the frailty .As bestiality leads to the end of humanity. Please do confute for the remorseless & vicious bereavement of the women. Don't lead the posterity into thinking that a girl cannot survive in this ruthless world anymore. Girl child was never cherished before, can she be out of harm's way now?

Live & let live!!! Safeguard her don't do away with her.



"A verbal contract isn't worth the paper it's written on."

HON'BLE CHIEF JUSTICE OF INDIA



Shri Ranjan Gogoi

CJI appointed 3rd October, 2018

Ranjan Gogoi was born on 18 November 1954. He is an Indian judge serving as the 46th and current Chief Justice of India since 3 October 2018. His term as Chief Justice ends on 17 November 2019. He is the first person from Northeast India and first Assamese to become Chief Justice of India.

Career:

Gogoi enrolled at the bar in 1978, and practised at the Gauhati High Court, where he was made a Permanent Judge on 28 February 2001. He was transferred to the Punjab and Haryana High Court on 9 September 2010, becoming its Chief Justice on 12 February 2011. On 23 April 2012, he was elevated as a Judge of the Supreme Court.

On 3 October 2018, he was appointed Chief Justice of India, succeeding Dipak Misra.

Significant Judgements and Orders

- On Arbitration

A bench composing of Justices Ranjan Gogoi and R. Banumathi observed that in the absence of arbitration agreement, the court can only refer parties to arbitration with written consent of parties. This could be only be by a joint memorandum or application, not oral consent given by counsel.

- On Re-assessment of Income of Amitabh Bachchan for the year 2002-03

On May 2016, a bench comprising Justices Gogoi and PC Pant quashed a 2012 Bombay High Court order that dismissed CIT's power to re-assess income of Bollywood actor Amitabh Bachchan that he allegedly had from the popular TV quiz show, Kaun Banega Crorepati.

“The law is a great power in our lives. It can be a power for good or for evil.”

In October 2002, Bachchan filed returns showing income of Rs 14.99 crore for 2002-03. On March 31, 2003, he filed revised returns, declaring total income for 2002-03 in which he claimed expenses at 30% ad hoc amounting to Rs 6.31 crore, showing his income at Rs 8.11 crore. In March 2005,



Income Tax Department determined the actor's income at Rs 56.41 crore for the assessment year 2002-03.

- Dismissal of advocate Kamini Jaiswal's petition seeking a Special Investigation Team (SIT) probe

Led by Justice Ranjan Gogoi, on 24 January 2018 the Supreme Court dismissed Advocate Kamini Jaiswal's petition seeking a Special Investigation Team (SIT) investigate attacks on then JNU student union leader Kanhaiya Kumar 15 and 17 February 2016, at Patiala House Court while he was escorted to courtroom in a sedition case.



2018 Supreme Court of India Crisis

On 12 January 2018, Justices Ranjan Gogoi along with Justices J. Chelameswar, M.B. Lokur, and Kurian Joseph of the Supreme Court of India, for the first time in the history of the Supreme Court, held a press conference, alleging problems plaguing the Supreme Court, failure in the justice delivery system and allocation of cases. During the press meet, the four judges told journalists that the press conference was prompted by the issue of allocating to Justice Arun Mishra, the case of the death of special CBI Judge B.H.Loya. Loya, was a special CBI judge who had died in December, 2014. Justice Loya was hearing the Sohrabuddin Sheikh case of 2004, in which police officers and BJP chief Amit Shah are named. Later Justice Arun Mishra recused himself from the case. Justice Chelameswar retired on June 30, 2018, leaving Justice Ranjan Gogoi as the second senior-most judge of the Supreme Court of India followed by Justices M B Lokur and Kurian Joseph.



“Patience and gravity of hearing is an essential part of justice and an over speaking judge is no well.”

LEGAL EAGLES

-Subham Kumar Dalara

Subham is a first year student of BBA-LLB. He is an avid reader and occasionally plays badminton. He aspires to make his country proud.



Gopal Subramaniam

Born in 1958, Gopal Subramaniam is an Indian lawyer and Senior Advocate who practices primarily in the Supreme Court of India and the Delhi High Court. He also served as the Solicitor General of India from 2009-2011.

Career

Gopal Subramaniam commenced his career with Shardul S. Shroff, who established Amarchand & Mangaldas & Suresh A Shroff & Co in Delhi in 1980. He appeared as counsel for the states of Madhya Pradesh and Uttar Pradesh, often traveling to these states for hearings. He then worked under D. P. Wadhwa, who rose to become a judge of the Supreme Court and later under Soli Sorabjee, former Attorney General. In 1993, Mr. Subramaniam was designated a Senior Advocate (the equivalent of a Queen's Counsel in the UK)



suo moto by the Supreme Court, one of the youngest to be so designated in the Supreme Court's history.

His varied work-experience includes:

- Acting as counsel (in 1991 - 1992) to a judicial commission headed by Justice J. S. Verma (then a judge of the Supreme Court) to inquire into security lapses leading to the assassination of Mr. Rajiv Gandhi, the former Prime Minister of India.
- Acting as a special commissioner appointed by the Supreme Court in 1994-1995 to investigate into allegations on wrongful detention of persons in mental hospitals in the State of Assam.
- Between 2005 and 2009 he held the office of Additional Solicitor General of India, and subsequently served as the Solicitor General of India from 2009-2011.
- Acted as the Special Public Prosecutor in the prosecution of Ajmal Kasab, the sole surviving terrorist who carried out attacks on Mumbai in November 2008.

“One learns patience in a prison.”

- Acting as amicus curiae to the Supreme Court in 2011 in the matter of Bachpan Bachao Andolan v. Union of India, where he presented a report on the realities of trafficking of children in India, and assisted the Supreme Court in framing guidelines to deal with the menace of trafficking.
- Subramaniam also represented the government in cases like OBC quota in central educational institutions, sealing of commercial buildings in residential areas of Delhi.
- He has assisted the Supreme Court as Amicus curiae in many cases including Sohrabuddin Sheikh fake encounter case. Along with T. R. Andhyarujina, he represented Novartis in the case Novartis v. Union of India & Others concerning evergreening of patents, a case which Novartis India managing director Ranjit Shahani described as "a setback for patients that will hinder medical progress for diseases without effective treatment options."

In 2014, his name figured in the list of four people recommended by the collegium for appointment as Supreme court judges. However, on 25 June, he withdrew his candidature following media reports which said the Central government was objecting to his appointment because of his alleged links with corporate lobbyist Nira Radia and a negative report by Central Bureau of Investigation.

Resignation from the post of Solicitor General

Subramaniam resigned in protest of the government's decision to field a private lawyer, Rohinton Fali Nariman, in a telecommunications case before the Supreme Court. On 27 July 2011, the Ministry of Law and Justice, appointed Rohinton Fali Nariman, the son of jurist Fali Nariman as the Solicitor General of India for a period of three years. Incidentally, both Subramaniam and Nariman were designated senior advocates by former Chief Justice of India M. N. Venkatachaliah on 13 December 1993.

Recent Supreme Court judgments in black money case in which the court directed constitution of a Special Investigation Team (SIT) and the one declaring appointment of Special Police Officers as unconstitutional (in Salwa Judum case) were seen as the last straw for the exit of Subramaniam. Former corporate lobbyist Nira Radia described Subramaniam as "a very upright person" in a 2009 conversation with Ratan Tata, which emerged as a part of the leaked Radia tapes.

Other activities

Subramaniam served as chairman of the Bar Council of India during his stint as the Solicitor General. He is credited with introducing the All India Bar Examination, a mandatory test for law graduates to be eligible to practice in India.

Mr. Subramaniam's arbitration experience includes appearing as lead counsel for Indian companies in ICC and domestic arbitrations. In addition, Mr. Subramaniam also deposes as an expert witness on Indian law in SIAC and other international commercial arbitrations. He has also served as a member of the arbitral

tribunal presided over by Justice R.S. Pathak, former Chief Justice of India and Judge, International Court of Justice in arbitration between Transammonia AG and MMTC Limited. arising therefrom, and Sundaram Finance (1999) (in respect of a court's powers to grant interim protection to parties pending arbitration). He has appeared in a number of matters in the Supreme Court and various High Court concerning arbitrability of disputes, appointment of arbitrators and challenge to arbitral awards including those arising out of defence contracts, EPC contracts and infrastructure contracts.

Awards and Accolades

During his tenure as a law officer, Subramaniam was honoured with the National Law Day Award for Outstanding Jurist, presented to him in 2009 by the President of India, for his consistent professional excellence and adherence to the highest traditions of the Bar.

Ram Jethmalani

Ram Jethmalani obtained LL.B.degree at the age of 17 and started practising law in his hometown (in today's Pakistan) until the partition of India. He married Durga Jethmalani and later, his second wife, Ratna Jethmalani. The partition led him to move to Mumbai as a refugee and he began his life afresh with his family. He has two sons and two daughters, of whom, Mahesh Jethmalani and Rani Jethmalani are also well-known lawyers. He announced his retirement from judicial profession on 10th September 2017. Parvati came to his life at the age of 90.



He was elected a member of parliament in the 6th and 7th Lok Sabha on a Bharatiya Janata Party (BJP) ticket from Mumbai. He has served as Law Minister of India and also as Minister of Urban Development during the prime ministership of Atal Bihari Vajpayee against whom he later contested election in the general elections of 2004 from Lucknow constituency. However, in 2010 he came back to BJP and was elected to Rajya Sabha on its ticket from Rajasthan. He has been criticised as being opportunistic because of this.

Jethmalani is a well known face amongst the legal community in India. Even though his forte lies in criminal law, he has appeared in many high-profile civil cases. From 1993 to 1998, he was one of the lawyers who represented Harshad Mehta during the Harshad Mehta scam and the Narasimha Rao bribery case. On 7 May 2010 he was elected as the president of Supreme Court Bar Association.

Career

Ram Jethmalani started his career as a lawyer and Professor in Sindh before partition. He started his own law firm in Karachi with his friend A.K. Brohi who was senior to him by seven years. In February 1948, Jethmalani fought his very first case at the age of 17 in the court of Sindh under Justice Godfrey Davis, contesting the rule regarding minimum age passed by the bar council of Sindh.

“Injustice anywhere is a threat to justice everywhere.”

In a talk at Algebra in June 2017, Jethmalani recounted his very first case fought in India as a refugee. A new law (Bombay refugees act) that had just been passed by the then chief minister Morarji Desai treated refugees badly and in an inhumane manner. The act treated refugees in a manner similar to convicted prisoners, allowing the state to relocate, sequester and question them anytime. Jethmalani file a case against this at the Bombay high court, asking the law to be declared unconstitutional and won it.

Ram Jethmalani next came to the spot light a decade later with his appearance in the K. M. Nanavati vs. State of Maharashtra case in 1959 with Yeshwant Vishnu Chandrachud, later to become Chief Justice of India. His later defence of a string of smugglers in the late 1960s established Jethmalani's image as a 'smuggler's lawyer'. Even back then, he would point out that he was only doing his duty as a lawyer.

Kottayan Katankot Venugopal

Born in 1931 and generally known as K. K. Venugopal (personal name is Venugopal) is an Indian constitutional lawyer and a senior advocate in the Supreme Court of India. On 30 June 2017, he was appointed as the Attorney General of India under the leadership of Prime Minister Narendra Modi.



Early Life

Venugopal was born in Kanhangad, a town in the erstwhile South Canara district of Madras Presidency of British India (present-day Kerala, India), and grew up in Mangalore. Venugopal did his B.Sc in Physics from the prestigious Madras Christian College at Tambaram, Chennai and law from Raja Lakhamgouda Law College, Belgaum, Karnataka. His father, M. K. Nambiar, was a barrister. Venugopal studied at St. Aloysius College in Mangalore. He had a traditional arranged marriage and is the father of three children: a daughter and 2 sons.

Career

Venugopal served as President of the Union Internationale des Avocats (UIA - International Association of Lawyers) from 1996 to 1997.

Venugopal has appeared in many high-profile cases. Most significantly, he was appointed by the Royal Government of Bhutan to serve as the Constitutional adviser for drafting of the Constitution of Bhutan. On 30 June 2017, he was appointed as the Attorney General of India under the leadership of Prime Minister Narendra Modi. The 86-year-old succeeds Mukul Rohatgi, who stepped down after the first term. Venugopal held the office of Additional Solicitor General in Morarji Desai's Government. He has appeared in a variety of cases in the last 50 years. Venugopal was appointed as amicus curiae to assist the Supreme Court in the high profile 2G spectrum case. He also appeared for BJP leader L K Advani in the Demolition of the Babri Masjid case, in which the apex

“Juries are the touchstone of common sense.”

court recently clubbed the two trials and held that BJP leaders, including Advani, Uma Bharti and Murli Manohar Joshi, will have to face trial along with karsevaks for demolition of the disputed structure.

Honours

In 2015, he was conferred Padma Vibhushan award by Government of India. This is the second-highest civilian honour in India. He had previously received the Padma Bhushan, the third-highest civilian honour.

Opinion on Judicial Reforms

Venugopal is one of the main advocates for judicial reforms in India. He is against the creation of regional benches of the Supreme Court of India. Instead, he recommends that Courts of Appeal be established in the four regions of the country, who finally decide on appeals from the High Court judgments in all cases other than cases of national importance which affect the whole country, disputes between States or between States and the Centre, Presidential references and substantial questions of law relating to interpretation of the Constitution. This will relieve the burden on Supreme Court.



An event organized by the Legal Aid Centre of the ICFAI Law School. It focused on enhancing the knowledge of people on how sticking to the system would be helpful.



A student explaining with regards to the help legal aid centers provide to the people.

“Beggars can never be bankrupts.”

FOREVER

-Disha Roy

Disha is a first year student of BBA-LLB. She hails from Cuttack, the commercial and judicial capital of Odisha. She completed her schooling from St. Joseph's Girls High School. The following poem is dedicated to her mother. It expresses her feelings when her mother left her at the IFHE Hostel for pursuing her dreams.



We met it seems such a short time ago
You looked at me needing me so,
Yet from your sadness, our happiness grew
And I found out I needed you too.

I remember how we used to play,
I recall those rainy days
The fire's glow that kept us warm,
And now I find we both alone.

Goodbye may seem forever,
Farewell is like the end.
But in my heart is a memory,
And there you will always be.



"A good name smells sweeter than the finest ointment."

YOU QUESTION ME EVERY INSTANT

-Mirza Ghalib

-Translated by: Ebad Ur Rahman

Mirza Ghalib was a prominent Urdu and Persian language poet. He is well-known for his style of prose. The following poem was made in a social gathering of poets upon the request of the Mughal emperor Bahadur Shah Zafar and another poet Sheikh Ibrahim Zouq, both being contemporaries of his.

Ebad is a first year student of BBA-LLB. He has played cricket at age-group levels in the KSA. His other interests include swimming, playing squash and badminton.

Addressing his beloved, the poet says:

You question my reputation every instant

You tell me if it is the right manner to talk,

Neither flames nor the lightning have this coquetry

Someone explain this mischievous behavior,

I envy his speaking to you,

What else do I have to worry about?

This gown of mine sticks to my body due to blood

The blood of a heart filled with love

It doesn't need any darning now.

Where the body has burnt so has the heart

What do you look for in the ashes now?

ہر ایک بات پہ کہتے ہو تم کہ تو کیا ہے

-مرزا غالب

-مترجم: عبادالرحمان



اپنے محبوب سے مخاطب ہو کر شاعر فرماتے ہیں:

ہر ایک بات پہ کہتے ہو تم کہ تو کیا ہے

تمہی کہو کہ یہ انداز گفتگو کیا ہے،

نہ شعلے میں یہ کرشما نہ برق میں یہ ادا

کوی بتاؤ کہ وہ شوق تند خو کیا ہے،

یہ رشق ہے کہ وہ ہوتا ہے ہم سخن تم سے

وگر نہ خوف بد آموزی عدو کیا ہے،

چپک رہا ہے بدن پر لہو سے پیراہن

ہمارے جیب کو اب حاجت رفو کیا ہے،

جلا ہے جسم جہاں دل بھی جل گیا ہوگا

کریدتے ہو جو اب راکھ جستجو کیا ہے،

"Life is nothing but a competition to be the criminal rather than the victim."

I am not awed by it flowing in my veins
If it doesn't drip from the eyes is it blood.

گوں میں دوڑتے پھرنے کہ ہم نہیں قائل
جبب آنکھ ہی سے نہ ٹپکا تو پھر لہو کیا ہے،

A thing for which I cherished heaven
Is it other than rose colored wine with musky
fragrance?

وہ چیز جس کہ لیے ہم کو بہشت عزیز
سوائے بادۂ گلغام مشک بو کیا ہے،

I drink two to four barrels of wine
What use is talking about glasses, pitchers and
chalice?

پیوں شرآب اگر خم بھی دیکھ لوں دو چار
یہ شیشہ قدح کوزہ سیو کیا ہے،

I have no power left for speech
And even if there was
With what hope should I say what's that I desire?

رہی نہ طاقت گفتار اور اگر ہو بھی
تو کس امید پہ کہے کہ آرزو کیا ہے،

Being an associate of the King I boast around
Otherwise what is there of me in this city?

ہوا ہے شاہ کا مصاحب پھرے بے اتراتا
وگرنہ شہر میں غالب کی آبرو کیا ہے۔

ARCANE OF SEASONS

-G.S.S. Neeharika

Neeharika is second year student of BBA-LLB. She has written books and is known as a brilliant author.



The spring made the sun shine on the murky crags with glazing light

Beams going ablaze furbishing them into luminous ones.

The intonation of cascade in the manner of chime of carillon propagating an assonance of their own.

Boscage swaying to the zephyr. The ambiance was very auroral.

Summer brought in the arid, leading to deluge in the Hyetal season

All was well until the autumn came. The vicissitude of the season made the foliage to descend, the miles to halt.

During Winter, Castigation qualified the consecration. Days were briefer than nights. Chastity was more prevalent.

Then came spring like a frisk. Days were regal, made the man to feel like he was on the zenith.

As the seasons befall, the accomplishments & fiasco do too. Nothing can be envisioned in one's life.

Because a day has to end with a night & the without darkness the light can't shine bright.

"Justice is always violence to the party offending, for every man is innocent in his own eyes."

BEING IN ICFAI

-Shailja Mishra

-Hansika Om

Shailja is a first year student of BBA-LLB. She is an avid reader and loves painting. She aspires to become a criminal lawyer.

Hansika is a first year student of BBA-LLB. She has a passion for dance and has trained for four years as a Kathak dancer. Her hobbies include photography and travelling. She dreams of becoming a corporate lawyer.



The ICFAI Foundation for Higher Education is declared as a Deemed University under section 3 of UGC Act , 1956. We got to know that it stands 7th in ranking in the list of private colleges. ICFAI has around 3000 to 4,000 students coming from diverse cultures, backgrounds and speaking different languages, giving us an exposure encountered by only a few.

The University is divided into three academic blocks namely the ICFAI Business School (IBS), Faculty of Science and Technology (FST) and the ICFAI Law School (ILS), providing five different courses i.e. MBA, BBA, BA-LLB, BBA-LLB and B.Tech .

The first day when we entered the campus, we had to register ourselves as students of ICFAI Law School. We were languid due to our journey and were worried about waiting in a long queue but commendable arrangements with seating and tents had been made.

The hostel accommodation is very comforting with proper space along with the required furniture. Rooms are cleaned frequently and the hostels have good security. They are spacious, vivacious and breezy with a balcony. There are two mess halls, run by 'Sodexo', a French food service facility management company headquartered in Paris. The Mess And Food Inspection Association (MAFIA) is very warm and keeps a check on the sanitation and hygiene.



"Ethics precede law as man precedes society."

The food varies from day to day catering to the tastes of such a diverse population.

ICFAI gives its students a lot of facilities and opportunities to develop their extra-curricular activities. It has an indoor stadium for badminton, courts for tennis and adequate table-tennis tables. It has a basketball court and two volleyball courts along with a football ground. We also have a fully functional swimming pool.

Our college has a beautiful ambience with caterpillar walks and an abundance of greenery around. It has modern lecture theatres and an academic block that matches global standards being well designed, spacious and equipped with a fast Wi-Fi connection. We have a well stocked library that has over 76,000 books. and subscriptions to 62 national and 46 international journals along with online subscriptions to 5,000 plus journals on an academic-data basis. It is open 15 hours a day. We also have an In-house case research center to feed 100% case based curriculum with a magnificent auditorium to house 300 people in one go.



It's an amazing organization and provides all facilities required for the all-round development unleashing the best in an individual. Proud to be ICFAIians!



“Never make a defense or apology before you be accused.”



“Ignorance and crime and not cause and effect; they are coincident result of the same cause.”

KRISHNA NAD HIS BUTTER

-M.S. Radhika

Radhika is a student of BBA-LLB. She has a passion for drawing and has won various prizes for it at the community level.



“Honesty stands at the gate and knocks, and bribery enters in.”





Dignitaries with Students during the event hosted by the Legal Aid Centre.



Ethnic Day held in ICAFAI Law School being highlighted by a leading newspaper in the city.

