

The Student

Online Student Magazine of Faculty of Law, IFHE

Vol.VI

April 2014



IFHE (Icfai Foundation for Higher Education)

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	Mr. Sourya Banerjee
	Ms. Pravallika Goud
	Ms. Dalia Pasaari

Achievement Essay Writing

Mr. Sourya Banerjee, 3rd Year, won The InfoMission Project Essay Writing Competition, 2014 on, "The Right to Vote".



Participation

Moot Court Competition

Students of FOL, **Mr. Pranjul Mehta**, 3rd Year, **Ms. Hemavathi S. Shekhar**, 3rd year, and **Ms. Siri Reddy**, 2nd year participated in the Oxford Moot Court Competition, Delhi held from 14th to 16th March 2014.

Debate

Mr. Sourya Banerjee, 3rd Year, participated organising committee member in the Indian National Debating Championship from 4th to 7th March 2014 at Delhi.

Modern United Nations

Mr. Sourya Banerjee, 3rd Year, **Ms. Annu Bharadwaj**, 3rd year and **Ms. Anmol Gupta**, 2nd year, participated in the Modern United Nations (MUN) from 6th to 9th March 2014 at VNR College, Hyderabad.

CBIT MUN

Mr. Sourya Banerjee has been appointed as the delegate of a distinguished nation at Inter Collegiate Conference 2014 organised by Chaitanya Bharathi Institute of Technology.

Court Visit

Students of Class of 2018 visited court on 7th, 14th, 21st and 28th March 2014 at Chief Metropolitan Magistrate Court, Nampally, **Ms. Veena**, Assistant Professor, FOL and **Mr. S. Ravi**, Faculty Associate, FOL guided the students.

Faculty

Seminar

Dr. Achyutananda Mishra, Assistant Professor, FOL presented a paper titled "Fourth Estate in Indian Democracy" at the School of Law, Christ University National Conference on "The Changing Role of the Media in India: Constitutional Perspectives" held from February 28 to March 2, 2014.

Dr. Achyutananda Mishra, Assistant Professor, FOL, presented a paper titled "For the State in Indian Democracy" in the National Conference on "Changing Role of Media in India: Constitutional Perspectives" at Christ University held on 28th February and 1st March 2014.

Mr. V.G. Ranganath, Asst. Professor, FOL, presented a paper titled "Environment as a Human Right" in the Two-Day National Seminar on "Human Rights Education-New Challenges" held at Osmania University on 8th and 9th March 2014.

Article

Dr. Achyutananda Mishra, Assistant Professor, FOL, wrote an article titled "Evolution of the Relationship between Fundamental Rights and Directive Principles under the Constitution of India" in The IUP Law Review, January 2014 Issue.

Faculty Seminar

Mrs. M. Annapurna Devi, Faculty Associate, FOL presented a paper titled "Human Rights Courts in India, with reference to certain Techno-Legal Issues" in the Faculty Seminar held on 11th March, 2014 at FOL.

Pardoning Power of The President (Art 72) Pardoning Power of The Governor (Art 161)

Written By



*Ms. B. Pravallika Goud
Semester IV, BBA.LLB.(Hons.)*

Human life is perhaps the most precious gift of the nature, which may describe as the almighty. That is the reason it is said that, if you cannot give life you do not have the right to take it. Many believe that capital punishment should not be imposed irrespective of the magnitude and nature of the crime, others believe that death penalty stops people from committing heinous crimes. The debate on this issue became more intense in the 2nd part of the 20th century and those belonging to the first school of thought (no capital punishment) succeeding in convincing the governments about 140 countries to abolish death penalty.

In India, death was prescribed as one of the punishments in the Indian Penal Code, 1860 and the same was retained after independence. However, keeping in mind the old adage that man should be merciful to all living creatures, the framers of the constitution drafted Articles 72 and 161 under which the president or the governor, as the case may be, can grant pardons, reprieves,

respites or remission of punishment or suspend, remit or commute the sentence of any person convicted of any offence.

Lok sabha introduced a bill in 1956 for the abolition of capital punishment which was rejected on 23.11.1956. The Rajya Sabha introduced a bill in 1961 with a similar resolution which was rejected in 1962. The constitutionality of capital punishment was examined by the constitutional bench in *Jagmohan Vs State of U.P* (1972) 1 SCC 20 (AIR 1973 SC 947) and the indications of the constitutional postulates held that the capital sentence was regarded per se unreasonable or not in the public interest.

Article 72 , The Indian Constitution

"Power of President to grant pardons, etc, and to suspend, remit or commute sentences in certain cases

(1) The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence

(a) in all cases where the punishment or sentence is by a court Martial;

(b) in all cases where the punishment or sentence is for an offence against any law

Relating to a matter in which the executive power of the union extends.

(c) in all cases where the sentence is a sentence of death

(2) Nothing in sub clause (a) of Clause (1) shall affect the power to suspend, remit or

commute a sentence of death exercisable by the Governor of a State under any law for the time being in force

Article 161, The Indian Constitution

“Power of Governor to grant pardons, etc, and to suspend, remit or commute sentences in certain cases The Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends”

In *Bachan Singh Vs State of Punjab* (1980)2 SCC 684 : (AIR 1980 SC 898) the constitutional validity of Section 302, I.P.C which prescribes death as one of the punishments, which, was considered by the constitutional bench, by a majority of 4:1, they declared Section 302 IPC, to be constitutionally valid.

A few recent cases where in Articles 72 and 161 were questioned were questioned here

○ In *Devendar Pal Singh Bhullar V State of NCT of Delhi* 2013 CRI L.J 2888 (SC).

It was held that

A) Clemency power is manifestation of prerogative of the state, to be exercised considering public interest and welfare of the people . President or Governor while exercising clemency power has to action aid and advice of C.O.M but the final decision has to be taken by the President or Governor.

B) Mercy petition delayed in disposal cannot itself be ground to exercise power of judicial review, much less when petitioner is convicted under TADA.

C) The mercy petition decided upon by the

President or the Governor is open to judicial review on limited grounds.

○ In *Mohinder Singh V State of Punjab*, 2013 CRI.L..J 1559 (SC)

It was held that S.57 of IPC, sentence to fixed term of imprisonment is subject to order passed in exercise of clemency power of The President / Governor .

○ *Ram Kishan V State of Punjab* 2013 CRI.L.J 428(P & H, High Court)

It was held that order for re-arrest was passed following the judgment of supreme court and the prisoner did not immediately surrender or undergo the sentence imposed upon him and successfully evaded his arrest for more than 8 months from date of said judgment. Hence, the prisoner is not eligible for remission and such grant of remission is not proper.

Edited By- Manveen Sandhu

....And the First Year Ends!

Written By



*Ms. Dalia Pasaari
Semester II, BBA.LLB.(Hons.)*

It's been a year now and I recollect that day on the 15th day of July last year when I first walked into the gates of this huge University, little knowing what the year ahead of me would be like. I knew it would be a hard journey to suddenly move out of the warm and comforting arms of the school and to face this challenging environment where all that mattered was, "you count only if you had the courage to stand erect despite the accusations you face!" I knew I will never be able to find a set of people who could be trusted to any extent and who would celebrate my success but I will have to learn to adjust with even those people who have always been striving to pull me down. All along, I knew that I will have to survive in this small world to face the huge world outside and that the only weapon in my hand was to stick to my goal and walk through. These lines were the initial frustration not just within me, but within most of the students who first walk in a law school.

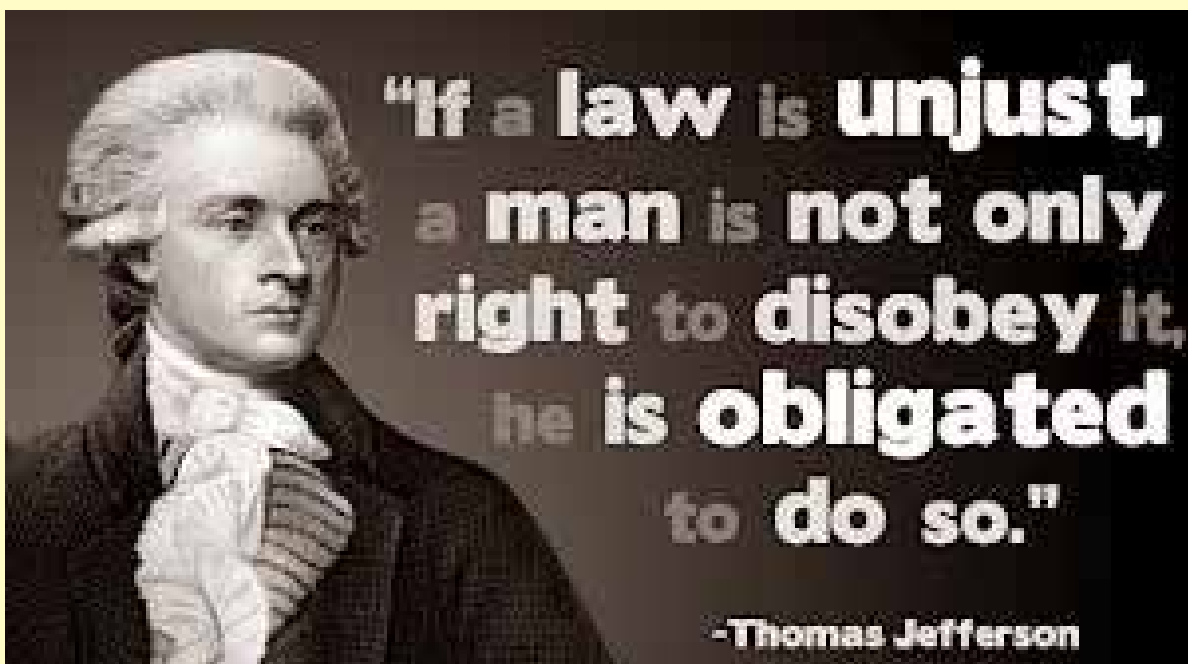
Keeping all these emotional aspects aside, the first year was an amazing journey indeed! From the Friday Court Visits to the Mass bunks, from the Memorial Preparations to the nightmares before the Moot Presentations, from being a part of the First College Fest, Triti to seeing the evolution of the College Journal and from the numerous campus walks to celebrating all the class birthdays in a very special way-these are the few things that mark my journey as a very memorable one so far.

During our first court visit to a criminal court, I realized courts were definitely what are shown to us in the televisions, but criminals are! We got an opportunity to personally interact with the Chief Judicial Magistrate in her cabin. Even in the City Civil Court, we were left to interact with many lawyers and watch the proceedings in any court hall which caught our interest. The humungous library caught my interest the most! And Triti, it was the first time I ever saw and worked for a college fest. Time and again, we saw our teachers and seniors work to introduce changes and additions to improve our college. We saw the evolution of our online Journal-The Student and look forward to its further growth in the coming years. We have seen our seniors helping us just like our siblings and for always being there to guide us through. We have seen our mentors talk to us about anything and everything to ensure that we remain focused. And frankly, I have always wondered how this entire University functioned-providing all possible

facilities within one campus, housing about two thousand students and faculty members and providing all that is essential in the daily life! It looks to me like a world in miniature where one does not need to walk out of the campus for any requirement!

Now, with this one year of experience, I have learnt what professionalism truly means! It just cuts out the small weeds of childhood within us and, as a consequence, the grass of maturity begins to grow. For me, this one year of experience at the law school was full of learning. Learning not just the legal letters, but also a learning of the society we live in! I have always heard people talk, "It's not easy to survive in a law school!" They are all right, but what they fail to mention is that, "it's worth it." Once we are able to take our stand in this miniature version of the true world, a decade down the line, the true world is all ours! What matters now is-whether we learn from it and grow or whether we give up!

Here's to all those who are soon going to be a part of a Law School: Be prepared for a horrific and a terrific atmosphere because this place is going to your friend in disguise. It will teach you lessons by slapping and thrashing you at times, but at the same time, it will never let you give up or even leave you alone! It will be an experience you will always find disgusting but you will still love to stick to it.



International Litigation Is Big, Getting Bigger

Written By



*Mr. Abhishek Gupta
Semester VI, BBA.LLB.(Hons.)*

Legal disputes that take place in multiple national jurisdictions or between parties based in different countries are posing challenges for corporate boards, CEOs and general counsel as per surveys.

But these complicated and costly cross-border disputes are expected to grow significantly in the coming years, according to "Global Currents: Trends in Cross-Border Disputes," conducted by Hogan Lovells.

"More number of companies have been going global, so it makes sense that they are seeing more cross-border litigation than in the past," said Dennis Tracey, the Hogan Lovells partner in charge of the study. "But the increase is changing in positive direction the way companies are managing litigation."

Certain geographical jurisdictions are more problematic than others, the survey found. Not surprisingly, countries that topped the list included Brazil, China and India. But the most difficult jurisdiction, the survey concluded, was the United States. "The U.S. was more challenging than China," Tracey said, noting

that global companies are not necessarily used to the jury system, class actions and contingency cases.

For almost half of the respondents, the number of cross-border disputes has increased in the past two years. They said 90 percent of these disputes involved two or three foreign countries, although some cases involved as many as 50 jurisdictions. And more than half said they expect to see more such disputes in the next two years.

"They pose a threat to companies' reputations and to their business models, and even boards of directors are playing a role in trying to keep them under control," Tracey said.

Companies spend in millions a year to manage cross-border disputes, the survey found.

A significant proportion of cross-border disputes involve commercial or contractual issues. But eighteen percent of the survey respondents said intellectual property issues were behind cross-border disputes at their companies.

"With the high level of intellectual property litigation we're seeing, it's not surprising we'd see an increase in IP cross-border disputes," said Andreas von Falck, a Hogan Lovells partner in Germany who specializes in intellectual property. "When you're doing business in multiple jurisdictions and a patent dispute arises, it's highly likely that it will be disputed in several places."

IP owners are increasingly using IP rights as a revenue-producing tool, and companies are

tending to sue wherever they can use the threat of an injunction to force a settlement and licensing agreement, von Falck said.

To cope with the intensity of cross-border disputes, companies are now hiring in-house counsel who have experience handling such issues, according to the survey. General counsel also often settle these cases as quickly as possible in order to contain outside attorneys fees that could skyrocket as lawyers in multiple jurisdictions go to battle. And GCs are developing stronger in-house compliance programs; being proactive with competitors, customers and suppliers; and doing more due diligence before entering into joint ventures.

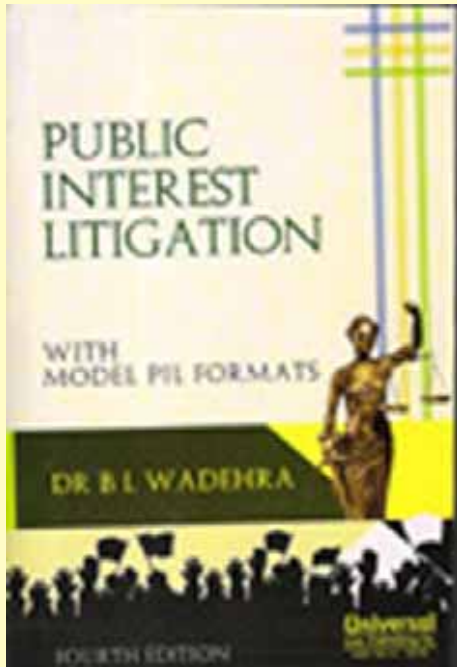
"The idea is to try to avoid these disputes in the first place," Tracey said. "Otherwise, a company could be facing years of litigation."

The National Green Tribunal (NGT) restrains IIT-Madras from felling trees



Public Interest Litigation

A HANDBOOK WITH MODEL PIL FORMATS



Authored by: Dr. B.L. Wadehra

Public Interest Litigation (PIL) has emerged as an important tool for public justice, especially for those who being short on resources or knowledge or both suffer in silence with none speak for them. The idea behind this work is to make available to the people a useful understandable and practical guide to Public Interest Litigation, the one that not only helps them understand the theory behind the PIL but also enables them to use it for the society at large as well as for the underprivileged of the society, who for a variety of reasons including illiteracy and poverty, cannot approach the courts themselves. After the introduction, important cases are given along with the glossary of legal terms and sample PIL petitions, which makes it a comprehensive practical guide for a layman. Practicing lawyers, law students and the general law fraternity would find the book of immense

use, as it encapsulates both the theory and the practice of PIL.

The Rise of the American Corporate Security State

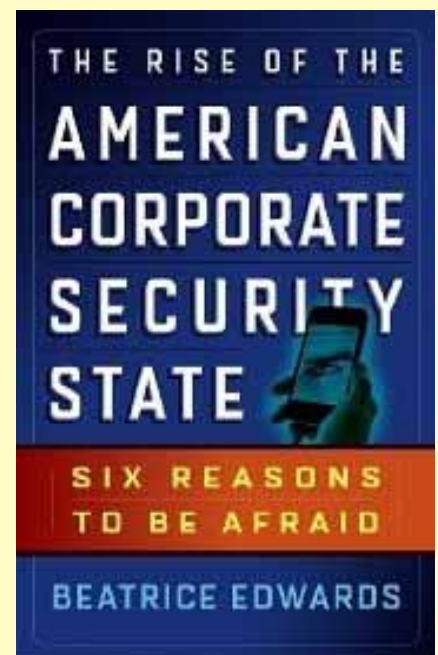
SIX REASONS TO BE AFRAID

Authored by: Beatrice Edwards

Beatrice Edwards, executive director of the organization representing Edward Snowden and four other NSA whistleblowers, argues that we now live in a Corporate Security State, where the government is more interested in protecting the companies that serve it than the citizens who support it. Heavy domestic surveillance, political persecution of dissenters, the threat of indefinite detention codified into law—how did we get here? And is there a way out?

Edwards details how intelligence agencies took advantage of 9/11 to illegitimately extend the government's reach. Corporations, she shows, were only too eager to sell them expensive surveillance technology, as well as share data on customers and employees using the bogus threat of an imminent "cyber war." This is why the

Justice Department isn't going after the institutions responsible for the financial collapse of 2008—government and business are partners in crime. But Edwards offers a plan to fight back and restore transparency to government, keep private information private, and make democracy a reality once again.



Justice N.V. Ramana



N.V. Ramana, B.Sc., B.L., was born in an agricultural family on August 27, 1957 in Ponnavaram Village, Krishna District. He enrolled as an Advocate on February 10, 1983. He has practiced in the High Court of Andhra Pradesh, Central and Andhra Pradesh Administrative Tribunals and the Supreme Court of India in Civil, Criminal, Constitutional, Labour, Service and Election matters. He has specialized in Constitutional, Criminal, Service and Inter-State River laws. He has also functioned as Panel Counsel for various Government Organizations. He has functioned as Additional Standing Counsel for

Central Government and Standing Counsel for Railways in the Central Administrative Tribunal at Hyderabad. He has also functioned as Additional Advocate General of Andhra Pradesh. He was appointed as a permanent Judge of the Andhra Pradesh High Court on June 27, 2000. He functioned as Acting Chief Justice of Andhra Pradesh High Court from March 10, 2013 to May 20, 2013. He had participated in several National and International Conferences held in India and abroad and submitted papers on various topics of legal importance. Elevated as the Chief Justice of Delhi High Court w.e.f. 02.09.2013. Elevated as a Judge, Supreme Court of India w.e.f. 17.02.2014.

COLLOQUIUM

10 Tips to Get the Most Out of Your Internship

How to rock your next internship?

Internships have become a must for college students. Without the work experience they provide, the post-graduation job search is significantly more difficult. But it's not enough to simply get an internship. Here's how to impress your employer during your time there.

Know what to expect

As an intern, you probably won't be doing glamorous, substantive work; you'll likely be making other people's lives easier. So you may get stuck photocopying, filing, arranging meetings, or doing other menial tasks. But in exchange, you'll get exposure to the field and experience for your resume.

Gain trust early on

When you come in as an intern, you'll have to prove yourself in the work world. To show that you pay attention to detail, follow instructions, and care about quality, do a great job even when you're handed boring tasks. Eventually, someone may let you try something more interesting.

Pay attention to the office culture

Observe how others in the office act, and mirror that. If employees modulate their voices when others are on the phone, modulate yours. If they're compulsively on time for meetings, you should always be on time, too. These details may sound trivial, but they'll help you stand out compared to other

interns.

Focus

Don't use social networking sites (unless it's part of your job) or text with friends throughout the workday. You may be confident that it doesn't affect your work, but experienced managers may feel confident that it does. And especially this early on, your manager's opinion matters.

Take your work seriously

In school, if you made a mistake on a test or paper, it only affected you. In many jobs, mistakes are much more serious. If you do make a mistake, make sure you handle it correctly. Don't try to cover it up or make excuses. Own up and fix it. Then tell your boss it won't happen again and make sure it doesn't.

Ask for feedback

Every so often, ask your boss how you're doing. What could you do differently? What could you do better? Are you meeting the goals of the organization? What about goals your boss has for you as an individual? Make it easy for her to give you input that will help you grow. And once you have that feedback, use it.

Learn from your co-workers

Ask them about their own careers. How did they get into the field? What do they like about it? What do they find challenging? What advice do they have for you? Most people

love to talk about themselves and will be flattered that you're asking about their experiences. Best of all, it's likely to make them want to help you.

Dress appropriately

There's no intern exception in the dress code, and yet interns sometimes go to work wearing flip-flops, ultra-low-rise jeans, visible bra straps, and worse. If you look like you're dressing for a class rather than a job, you're signaling that you don't take your job seriously. Dress for the part you want to play.

Ask for Advice

Talk to co-workers about your career plans, and let them know you're open to advice, both now and in the future. They can be helpful by sharing job leads, recommending you for a job, and suggesting various career choices. Most people are happy to help, but they might not offer if you don't ask.

Say "Thank you."

Talk to your manager about what you're getting out of your internship, and thank her for giving you the opportunity to work there. We all love hearing the occasional expression of appreciation, so don't be shy about offering it. A simple expression of gratitude may even put you ahead of the pack.

Source:

<http://money.usnews.com/money/careers/slideshows/10-tips-to-get-the-most-out-of-your-internship/>

Maxims

In pari delicto: (Latin: equally at fault) If two parties are equally to blame for a situation (such as both failing to comply with the terms of a contract), a court could refuse to provide a remedy to either of them because they are in pari delicto.

In personam: (Latin: against the person) All legal rights are either in personam or in rem. An in personam right attaches to a particular person.

In rem: (Latin: against the thing) In rem rights relate to property and are not based on any personal relationship.

Mens rea: (Latin: guilty mind) Most crimes require proof of guilty intention before a

person can be convicted. The prosecution must prove either that the accused knew his action was illegal or that he was reckless or grossly negligent. Some offences (such as drunken driving) are matters of strict liability, which means that the intention or state of mind of the person committing the offence is irrelevant.

Obiter dicta: (Latin: sayings by the way) Observations by a judge on law or facts not specifically before the court or not necessary to decide an issue. An opinion which does not form part of the judgment for the purposes of stare decisis. Such opinions are not binding in future cases.

Legal NEWS

Companies Act Day

1st April, an important date in the life of Corporate world when a majority of Companies Act along with 17 Rules becomes effective.

Companies Act 2013 to come into force from 1.4.2014

The Ministry of Corporate Affairs is going to introduce the new forms pertaining to the New Act probably from 01.04.2014. The Ministry shall close down the Front Office portal after 25.03.2014. The Ministry has directed that all the work items should be cleared on or before 25.03.2014 because these work items will not work on the new system being in old format. It is suggested that members of public should ensure the e-forms filed under Companies Act, 1956 be complied with promptly when put in PUCL / Resubmission, so as to enable this office to bring pendency at NIL Level.

SC says, bank fraud not just a civil dispute

The Supreme Court of India has set aside a Madras High Court judgment saying that the forgery was not just a breach of contractual terms, but smacked of criminality. Based on that opinion, the court allowed criminal proceedings against the accused to resume full fledgedly.

Police must register FIR in cognizable offence, says Supreme Court

The Supreme Court on Tuesday ruled that police are mandatorily required to register FIR when approached by complainants willing to report a cognizable offence.

Final version of "Delhi Witness Protection Scheme" presented before Delhi High Court

In a bid to ensure safety and security of witnesses from "high-profile" accused, the city government on Wednesday presented before the Delhi High Court its final version of the "Delhi Witness Protection Scheme".

SC lambasts UPA Govt for its inaction on black money stashed abroad

The Supreme Court, on Wednesday, questioned the UPA government's inaction on the matter of bringing back to the country the black money allegedly stashed abroad in foreign banks and stated that the government was "ruining the economy".

Eloped girl cannot claim right over father's FD

If a woman goes against the "family and societal norms" by eloping with someone, then her father will preserve the right to take back the money that he had deposited in her bank account when she was still a minor, ruled a trial court earlier this week. The verdict was delivered by the trial court while hearing a monetary dispute between a father and daughter.

Breaking order: CCI takes pity on 'procrastinating' Google and only smacks it once for Rs 1 crore

The Competition Commission of India order fining Google Rs 1 crore for not cooperating with its anti-trust investigation has just been published by the CCI.

"One Rank, One Pension" rules Supreme Court; '10 years practice' qualifying service for computation of pension of HC judges elevated from Bar

Salve, Rohatgi in right of NRIs to vote from abroad; SC issues notice to Centre, ECI

The Supreme Court has sought the response of the Central government and the Election Commission of India (EC) in a Public Interest Litigation (PIL) filed by Dr. Shamsheer (Petitioner) praying for the right of external voting for Non Resident Indians (NRIs) from the place of their employment.

Supreme Court Struggles for Clarity on Software Patents

Clarity and consensus seemed beyond the U.S. Supreme Court's reach on Monday as justices struggled to decide whether software and computer-dependent inventions are eligible for patents.

Japan's Antarctic whaling is temporarily halted by international court

The International Court of Justice has ordered a temporary halt to Japan's Antarctic whaling program. The court ruled against Japan in a dispute brought by Australia, which accused the country of using a loophole to avoid a 1986 moratorium on commercial whaling, the New York Times reports.

Bahrain court sentences 13 to life in prison

A Bahraini court on Monday sentenced 13 Bahrain citizens to life in prison and one man to 10 years in prison. The defendants, who range in age from 16 to 34, were convicted [Reuters report] of attempting to kill two police officers and participating in an illegal protest outside Bahrain's capital city in March 2012.

Pakistan court charges Musharraf with high treason

A court in Pakistan charged former president Pervez Musharraf with high treason. If convicted, the former leader could face the death penalty.

Israel ex-PM convicted of bribery charges

Israel's Tel Aviv District Court convicted former Israeli prime minister Ehud Olmert of accepting bribes relating to the construction of a luxury apartment complex called the Holyland towers.

UN rights body votes to investigate Sri Lanka war crimes

The UN Human Rights Council (UNHRC) voted [press release] to launch an investigation into alleged human rights violations during Sri Lanka's civil war.

Pakistan court sentences Christian man to death for blasphemy

A Pakistani judge sentenced a Christian man to death for blasphemy. Sanitation worker Sawan Masih, whose argument with a friend set off a riot in which an angered Muslim crowd set fire to a Christian town last March, is to be hanged after being found guilty of insulting the prophet Mohammed. Pakistan has yet to execute anyone on death row under its blasphemy laws.

UN: drone strikes should follow international law

The UN General Assembly (GA) called upon nations to ensure military drones are used in accordance with international law in a resolution passed on Friday.

Competitions

National Legal Essay Competition 2014 – AILSA

Deadline: April 15, 2014

<http://www.nlec2014.net/files/documents/NLEG-14-Brochure.pdf>

Call for Papers

Journal on Contemporary Socio Legal Issues – NLU Odisha

Theme: Contemporary Socio-Legal Issues

<https://docs.google.com/file/d/0B3cp6xAaEFFSOXIlcDZqMUFSNWpSdHcxZIFiSUw1a3ZVSTBB/edit?pli=1>

Colloquium Opus Law Journal [COLJ] – NLU Odisha

Theme: Foreign Investment and Development in India

Deadline: April 20, 2014

<http://studentatlaw.in/wp-content/uploads/2014/03/COLJ-Student-at-Law-www.studentatlaw.in.pdf>

International Journal of Law & Policy Review [IJLPR] – NUJS

Theme: Contemporary Laws

Deadline: April 30, 2014.

<http://www.ijlprnujs.com/call-for-papers>

RGNUL Student Law Review [RSLR] – Call for Papers

Themes: Contemporary Law

Deadline: April 15, 2014

<http://www.rslr.in/call-for-papers.html>

Long Term Traineeship at Adish Aggarwala Law Chambers New Delhi – Rs. 6000 Per Month

<http://studentatlaw.in/long-term-traineeship-adish-aggarwala-law-chambers-new-delhi-rs-6000-per-month/>

STUDENTS BLOG

For The Sake Of Argument

Knowledge Steez: Call for Director/Assistant Director for Online Marketing.

[Http://sbfsa.blogspot.com/2014/03/knowledge-steez-call-for.html](http://sbfsa.blogspot.com/2014/03/knowledge-steez-call-for.html)