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Contents

Articles

<i>The Shehzada, Mango Man and a Vikas Purush : A Tale of Election 2013</i>	1
<i>Traditional Knowledge – An Introduction</i>	2
<i>LGBTs celebrate the New Year with a new grief.....</i>	3
<i>Status of Women: A Holistic Analysis</i>	3
<i>An Article on Hon'ble Justice G.Rohini on Women Rights.....</i>	5
<i>Lokpal shall only be a Statutory Officer of Parliament without Constitutional Amendment.....</i>	8

Students Special	9
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Legal Luminaries

<i>Sr. Adv. Bikash Ranjan Bhattacharyya</i>	10
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About Books

<i>Death with Dignity</i>	11
---------------------------------	-----------

Colloquium

<i>Cable Laws Amended.....</i>	11
<i>The 2013 Patent Litigation Survey</i>	12
<i>How to be Successful at Your Internship?.....</i>	13
<i>Maxims</i>	15

Competitions	16
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The Shehzada, Mango Man and a Vikas Purush : A Tale of Election 2013

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Semester VI, BBA.LLB.(Hons.)*

To a country that has been a witness to umpteen elections the phenomenon wherein a party wins some elections and loses others is not unusual. The sphere of democracy has seen many stalwarts as well as new stars rise, fall and retain their power in the political setup of our country. But the one that has risen today whose win is a reflection of aspirations of people and the dissatisfaction is none other than Arvind Kejriwal, who was called an 'ant' by a congress minister. He has emerged to be the giant slayer who has reduced the grand old party to a mere third by defeating a veteran like Sheila Dixit giving a fitting reply to the existing parties that he is here to stay and that the process of shift has just begun. This is the story of a "mango man" and his party (Aam Aadmi Party) which evinces a striking fact that what is being sought by people is not free schemes but instead, good, clean and accountable governance where their mandate is respected.

Defeats are normal in politics and there is absolutely no dishonour in losing a democratic election. Some defeats are tolerable, others are severe. Either way, it is how a party and its leaders respond to that defeat that defines their character. But the Shehzada doesn't seem to have learnt anything from the crushing defeat in the UP election in 2012. The "escape velocity" for development and change cannot be attained by mere words but with conviction and actions. Tearing away one piece of legislation and giving free schemes by more legislations is not all what people are asking for, and it's high time that the prince understands the fact that only "will power and confidence" doesn't help one to overcome an election and

discontent of people. It's time for the prince to step into reality and concede that the party in his leadership is a wreck and he needs to do more than just imagining of bringing about a change. This would be one birthday gift to the Congress President to see and accept that they are completely decimated in Rajasthan and Delhi and are helpless while BJP got a hatr trick in Madhya Pradesh and Chhattisgarh.

Everything now points to the BJP emerging as the single largest party, by some distance in the coming Lok Sabha elections under the leadership of "Vikas Purush" i.e., the man of development, Narendra Modi. Undoubtedly, the momentum is for BJP and it has to maintain and simultaneously consolidate its position. The job only gets tougher and tougher for Modi to sell his development model and ideas in a more effective way as Chattisgarh and Delhi tell us that there is no Modi wave to neutralise the local factors. The credit for the victory of Madhya Pradesh and Rajasthan should be given to the stellar performance of Shivraj Singh Chauhan's government which could triumph over the anti-incumbency wave and take the party to a third term in the state which has shown that Shivraj is a Modi in making. Coming to Rajasthan, the fruitful results are an outcome of Raje's efficient portrayal of pathetic performance of Gehlot government that was labelled as a corrupt incompetent government. In the battle for India, Modi has to navigate his party through the minefields of Bihar and UP moving from the comfort of Madhya Pradesh and Rajasthan. He has to play his cards safe with an array of regional satraps watching him to bet on the outcome at the right moment.

Edited By- Ms. Annu Bharadwaj, Semester VI

Traditional Knowledge – An Introduction

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An Eskimo hunter once saw a polar bear far off across flat ice, where he couldn't stalk it without being seen. But he knew an old technique of mimicking a seal. He lay down in plain sight, conspicuous in his dark parka and pants, then lifted and dropped his head like a seal, scratched the ice and imitated flippers with his hands. The bear mistook his pursuer for prey. Each time the hunter lifted his head the animal kept still; whenever the hunter slept, the bear crept closer. When it came near enough, a gunshot pierced the snowy silence. That night, polar bear meat was shared among the villagers.¹

What helped the hunter capture his prey is knowledge greater than his own. It consisted of a method modified by generations of hunters. It consisted of the combination of the experiences of the ancestors of the hunter who had observed the polar bear and its habits. No one can surely tell where this knowledge or know-how actually originated from. Such knowledge, as such, belongs to the community or group of people where it originates from. But in most cases the local indigenous groups, who are in possession of such kind of knowledge, may not be aware of or interested in protecting their intellectual properties under patents or copyrights.

Traditional knowledge (TK) can be considered as the collection or combination of knowledge, know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity of the said community and unique to it.

There is no universally accepted definition of Traditional Knowledge, but the World

Intellectual Property Organization (WIPO) classifies its definition into two aspects:

- TK in a general sense embraces the content of knowledge itself as well as traditional cultural expressions, including distinctive signs and symbols associated with TK.
- TK in the narrow sense refers to knowledge as such, in particular the knowledge resulting from intellectual activity in a traditional context, and includes know-how, practices, skills, and innovations.

Traditional knowledge can be found in a wide variety of contexts, including: agricultural, scientific, technical, ecological and medicinal knowledge as well as biodiversity-related knowledge.²

While it is true that Traditional Knowledge can be protected under the current prevailing legislations related to patents, trademarks, trade secrets etc, but due to certain factors unique to Traditional Knowledge, none of these laws currently provide sufficient protection. Few of the reasons behind this are;

1. Lack of an internationally accepted definition, standard or policy regarding traditional knowledge.
2. Lack of a clear idea regarding what is and what is not traditional knowledge leading to presence of loopholes in the laws.
3. Traditional Knowledge in most cases is an oral form of knowledge passed down from generations. That leads to no written document, scripture or proof of the origin or source of the knowledge.
4. Unlike other form of non-traditional knowledge, Traditional Knowledge rights

¹

http://www.nativescience.org/html/traditional_knowledge.html

² <http://www.wipo.int/tk/en/tk/>

are given to the people of a certain community. (A lot like Geographical Indicators)

5. There is a difference of opinion among the members of the EU and countries like USA regarding the best method for safe guarding Traditional Knowledge.

While it is true that a few countries have adopted the sui generis system of legislations to protect TK and the Traditional Knowledge Digital Library (TKDL), which is a collaborative project between Council of Scientific and Industrial Research (CSIR), Ministry of Science and Technology and

Department of AYUSH, Ministry of Health and Family Welfare, has been established in India to protect the traditional medicinal knowledge like Unani and Ayurveda from being exploited by MNCs (such acts are also known as biopiracy), there is still some work to be done before it can be safely stated that the interests of all the parties, especially those natives, who want to be left to their own without the interference of the 'outside world', is respected and protected, without the greater good of the world sacrificed.

LGBTs celebrate the New Year with a new grief..

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LGBT refers to a community of Lesbians, Gays, Bisexuals and Transgender. Yes, they have been allotted a different category altogether, but does that mean that they cease to be citizens of India? There is no question regarding the fact that each one of us fall into some category or the other and hence, a small section of people of a Country with the second largest population, fall into this small category of LGBT. But does that take away the rights that they are bound to enjoy? Does the Constitution of India provide a different set of laws for this category? Definitely not! The law which is meant for me, for you or for any other individual is the law, which is also meant for them. When a particular right is enjoyed by you and by me, why is this community deprived of its rights?

Keeping in mind the rights of this community, the Naz Foundation (Trust) India, a Non-Governmental Organization, filed a lawsuit before the Delhi High Court in the year 2001 for repealing Section 377 of the Indian Penal Code which states that "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment

of either description for a term which may extend to ten years, and shall also be liable to fine." The Naz Foundation was of the view that criminalizing consensual homosexual sex between adults is a violation of fundamental right guaranteed to Indian citizens under the Constitution of India. As a result, Homosexual Consensus between adults became decriminalized. There was good reason for it too.

The Constitution of India guarantees to all its citizens in Articles 14-16, the Right to Equality, which collectively encompasses the general principles of equality before law and non-discrimination, and in Articles 17-18, it further emphasizes the social equality to be enjoyed by every citizen of the country. We cannot ignore the provisions of Article 15 of the Constitution which clearly prohibits discrimination on the grounds of religion, race, caste, sex and place of birth or any of them. Also, the Right to Life under Article 21 includes the Right to Health, and concluded that Section 377 is an encumbrance to public health because it hinders HIV prevention efforts. How then, can the Supreme Court, in its recent judgment, hold that homosexuality

or unnatural sex between two consenting is illegal and will continue to be an offence?

In a recent Judgment, the Supreme Court of India overturned the ruling given by the Delhi High Court in the year 2009 that decriminalized adult consensual same sex conduct by stating that the Rights of the LGBT community are violative of Section 377 of the Indian Penal Code. The Court stated that the Judgment would hold good until the Parliament chose to amend the law.

It is sad to make note of the fact that the Indian Legislature has not taken any measures to amend this law which was introduced during the British Rule of India. Every law requires certain amendments to be made from time-to-time because of the changing scenarios and changes in the attitudes of the people. Certain laws, if not

amended or repealed, start becoming nightmares for people who are always under the fear of losing their fundamental rights. This small community, for no fault of theirs, has become a victim before the casual and indifferent attitude of the Parliament to protect their rights. It is actually a shame on the Indian Parliament who does not give priority to a law which demands amendment or repealment from decades and has been infringing the rights of this community.

It is rightly believed that one who tolerates injustice is a bigger sinner than one who does injustice. The LGBT loses its rights today. If we remain silent we never know, we may be next! But remember, this rage should be against the law maker, and not against the law adjudicator.

Status of Women: A Holistic Analysis

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In early Vedic times, Sita and Draupadi had to fight for their self respect and dignity. Unfortunately, they were depending on men and had expectations that respect and dignity would be derived from men. Unfortunately, both great stories tell us that it was not so. As we know from the beginning in civilization women played a vital role in the progress of mankind and its development. In different parts of the world they were given high positions in the tribe and commended immense respect.

Till date we worship idols of Goddesses in the forms of Durga, Kali, Lakshmi, Saraswati etc.

Women are considered incarnations of these divine entities and supposed to bring happiness all around them. But despite being considered incarnations of Goddesses, they are brutalized, tormented and abused by their counterparts.

Till date in certain parts of India, like Rajasthan, child marriage still take place,

ruining the future of young girls and future scope of life. During ancient India, draconian practices like Sati, where women were burnt alive on along with the dead body of their husbands, and Parda dominated the society and crushed the free will of women. It was only after immense struggle by a few like Raja Ram Mohan Roy and Vidyasagar that the British made laws against such practices and took efforts to uplift the status of women in the society.

While it is true that after independence they became free and were promised equal opportunities, but still they were lagging in terms of societal development. Even though there were laws, there was no proper implementation. Superstition, widespread poverty and lack of education among the masses drastically impacted women. Girl children were not sent to school and married of early. They were also sold off by poor families are harlots and slaves.

Slowly, but surely, the laws did finally catch up to its required standards, but alas, by then there had been a drastic fall of societal moral values. Women were treated as a commodity or an article. The incidents like the Delhi Rape Case, the Shakti Mills rape case in Mumbai and the assault on a young girl in Guwahati are glaring eye openers. They point towards the fact that there is something seriously wrong with the society and its value structure. We should start the change inside

each one of us. We should start giving respect. We can't expect the attitude of the society towards women to change if we don't change. We must remember that the following generation looks at us as an example. We have a duty to make sure that our next generation is atleast better than us in this aspect.

Edited By- Mr. Sourya Banerjee, Semester VI

An Article on Hon'ble Justice G.Rohini on Women Rights

Seminar on Women Rights by the National Commission for Women, New Delhi in Collaboration with A.P. State Commission for Women, Hyderabad.

*Mr. V.V.K. Koundinya
Semester IV, BBA.LLB.(Hons.)*

On the recent seminar on women rights conducted by The National commission for women, New Delhi in collaboration with the A.P. State commission for women, Hyderabad, Honorable Justice G. Rohini has enlightened the public, the students and the most importantly the common man about women's rights in our country and the role of judiciary in protecting them. Speaking in this context, Justice Rohini has expatiated about the basic principle of criminal law, witnesses in court, procedural aspects of the court etc.

Speaking of issues which are of criminal in nature, sermonizing women rights, Justice Rohini said,

“We have sufficient acts for all the crimes, and there is no need of bringing up new laws in this concern”.

Indian law broadly deals with all criminal punishments and their offenses distinctly. There are various provisions in the law which define crimes and the complications of the modern day criminal affairs and precisely about determining the guilt of an accused. By the terms “We have sufficient Acts”, Justice Rohini precisely explains the existence of a

supreme law which governs all the offenses and leaves nothing out of its definition.

Many issues these days have been come up regarding various kinds of bills being put forward for the effective protection of women rights and bringing them into existence. But there is no need of such new law which governs women rights.

The Constitution of India:

Article 14, The Constitution of India.

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

- The Constitution of India under Art 14 guarantees the fundamental right to equality before law and clearly states “the state shall not deny to any person equality before law”. This Article is of much broader definition. Limiting the equality to out topic i.e., Women rights, the following Articles guarantee the rights of women in India

Article 15. (1) The State shall not discriminate against any citizen on grounds

only of religion, race, caste, sex, place of birth or any of them.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

- Article 15(1) of the Indian Constitution specifically talks about No discrimination based on religion, race, caste, sex, place of birth etc. This article guarantees the right to equality to women, “No discrimination based on sex” , i.e Women are to be treated equally as men and no discrimination should be done just based on the fact that the person is a women.
- Article 15(3) allows the state to make special provisions for the development of women and children.

Also the Articles 16-equality of opportunity, Article 39(a) – Equal treatment for both men and women to provide adequate means of livelihood followed by many other articles which speak about women rights are present in the constitution.

THE PENAL CODE:

- Rape (Sec. 376 IPC)
- Kidnapping & Abduction for different purposes (Sec. 363-373)
- Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
- Torture, both mental and physical (Sec. 498-A IPC)
- Molestation (Sec. 354 IPC)
- Sexual Harassment (Sec. 509 IPC)
- Importation of girls (up to 21 years of age)

In this seminar Justice Rohini was questioned about the delay of justice being given to the victims of rape and many other offenses. The questions were of the kind like, Why is there always a delay in giving justice to us and awarding punishments to the accused? Justice Rohini in answer to this said,

“The court considers a person innocent unless and until the guilt on him is proved beyond reasonable doubt and this is the most basic principle of criminal law.”

- A court from the beginning of a trial considers the accused person innocent of doing to crime unless and until his guilt is proved beyond reasonable doubt. The basic principle of criminal law says that an innocent cannot be punished but a criminal can be let gone free. The motive behind such a principle is to uphold the principles of Natural justice which say that an innocent person who has done no wrong cannot be punished under law. Hence unless and until the guilt on a person is proved beyond reasonable doubt, then and then only he can be punished. Hence in the above cases though there has been a crime committed by a person and the guilt on that person is not proved beyond certain reasonable doubt, the person cannot be punished and has to let go free. Justice Rohini also mentioned speaking of this principle that, All judges no matter how high are bound by the supreme law.

“While Speaking of the delay of Justice in critical cases where the rights of women are involved , the procedural aspects of the court act as a crucial role in determining the time taken in providing justice” , Justice Rohini said.

- Justice Rohini when questioned on the delay of justice in the court of law mentioned that, the procedural aspects of the court lead to such kind of delay where the cases have to be prolonged for a long time and then decided. A court trial involves a long procedure of hearing both the parties, Examination of evidences, chief and cross, and arguments etc and then after all the process has been completed the guilt on a person is

determined and respective sentence is awarded according to the law. In under going all this process there will surely be a delay.

Continuing on Women rights, Justice Rohini had said,

“It has become difficult to decide which case is genuine. When people are misusing 498A”

- Section 498A, IPC deals with mental and physical torture. While speaking of 498A, Justice Rohini has said that, 498A is of the nature that it should be used as a defense and people nowadays are using it as a weapon for attaining monetary benefits out of it. Hence the genuinity of such cases has been very tough to decide. However everything is decided and judged based on strong and concrete evidence that establishes guilt. Also Justice Rohini said, “Relief will be given when the law is not misused and is used genuinely”.

Speaking on ‘dowry’, Justice Rohini spoke as follows,

“Say no to Dowry, if there is a women in every home that will say no to dowry, then why will dowry be taken. The implementation of law is also done by the change in the mentality of both men and women.”

- Justice Rohini clearly stated that, in case of dowry related issues where a women’s fundamental rights are being infringed, If there is a women in every house who will oppose to take or give dowry at the time of marriage, the concept or the issue of dowry will not arise. In this context Justice Rohini also stated that the strict implementation of the law is in the hands of both men and women and by the change in the mentality of both men and women the strict implementation of law

is possible. Justice Rohini in this context has specifically mentioned that, **“We have to include men in the discussion of women rights, men should also be addressed while we discuss about the rights of women”**, Justice Rohini mentioned.

Justice Rohini also spoke about how a girl or women has to conduct herself in the society or in a place of need in order to uphold ones own right. In this context,

“The right and respect of the women depends on how the women conducts herself. We (women) have to have the will to not to place ourself below men. Self respect and academic confidence are important for a girl to stand by herself.” Justice Rohini stated.

Justice Rohini has specifically spoken about the provisions of law that guarantee women’s rights under The Indian Constitution, The Indian Penal code. She has also enlightened the common man regarding the misconception regarding the delay of justice talking about the procedural aspects of the court. Speaking about the basic principle of criminal law, Justice Rohini has thrown light on the concept of ‘Reasonable Doubt’ and also regarding the concepts of 498A and its use in the modern day warfare, continuing with the concepts of dowry and how a women her self can oppose dowry and solve the issues relating to it. She has also spoke about how a women can uphold her rights in the society by means of self conduct, academic confidence and self respect .Justice Rohini also mentioned in her words about the unorganized sector, the domestic workers being treated unequally by us (women). She also spoke about the change needed in both men and women in respect to implementation of law through which there has been a clear image of the rights of women guaranteed under law and its practical implications in the modern day scenario.

Lokpal shall only be a Statutory Officer of Parliament without Constitutional Amendment

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

The democratic form of government has 3 main organs of government viz. Legislature, Executive and Judiciary. The legislature takes the policy decisions of Nation in the form of laws of country, the executive implements such policy decisions by facilitation of justice in terms of laws made by legislature as well as by prevention of injustice contrary to the terms of such laws and the judiciary which is independent from legislature as well as executive cures injustice contrary to the terms of laws made by legislature. The executive is thus directly accountable to the legislature and indirectly accountable to the judiciary. The judiciary is not authorized to interfere in the day to day administration of laws by executive. But interestingly, even the legislature does not hold direct control over executive. This is because the executive is formed out of ruling political party and so it reports to such ruling party in the matter of administration of laws made by legislature and not to the legislature as a whole consisting of ruling party as well as opposition parties. The judiciary has little control over executive in its writ jurisdiction and adjudicative jurisdiction for trial of offences of corruption by executive officers including ministers. The judiciary is meant mainly for curative justice. The other parts of justice in terms of laws made by legislature viz. facilitative justice and preventive justice are left to the executive. Secondly, the curative justice (removal of injustice) part of judiciary is not limited only to executive. It extends to the whole Nation including all people within Nation. The judiciary thus always remains over-burdened with cases of injustice from all corners of Nation including the executive itself. The judiciary therefore has its own limitation in controlling mal-administration, inefficient administration

and corruption within executive. The legislature therefore needs some independent statutory officer of legislature called ombudsman to check and control executive in proper implementation of policy decisions taken by legislature in the form of laws of legislature. Such ombudsman appointed by Parliament to check and control central executive is called Lokpal and such ombudsman appointed by State Legislature to check and control state executive is called Lokayukt. It is however pertinent to note that Indian Constitution does not make any specific provision for such ombudsman. The Indian Constitution has created autonomous constitutional bodies such as Comptroller and Auditor General of India (CAG) under Chapter V of Part V dealing with the Union. The post of Attorney General for India created by Article 76 of Indian Constitution is not autonomous like CAG although it is also a constitutional post. The same is the case with the post of Advocate General for State created by Article 165 of Indian Constitution. There is also another constitutional body which is autonomous like CAG viz. Election Commission created by Indian Constitution under Part XV of Constitution. There is no specific provision for Ombudsman in Indian Constitution and therefore Ombudsman cannot get any constitutional status as proposed by Mr. Rahul Gandhi unless Indian Constitution is amended to that effect for creating autonomous constitutional body of Ombudsman to include both Lokpal and Lokayukt within such body. The proposed Jan Lokpal Bill when passed as Act shall make ombudsman as only the statutory officer of Parliament without having any constitutional status and autonomy. Presently, the states are appointing their own ombudsmen called Lokayukts as

statutory officers of state legislatures under state Acts. In this way, the proposed Lokpal will be like Attorney General for India and the Lokayukts shall continue to work like Advocates General for States. There cannot be a real control over Executive by Legislature unless autonomous body of Ombudsman is created for whole of India with constitutional status to such office like Election Commission to include both Central Ombudsman called Lokpal and State Ombudsman called Lokayukt within such one body, by appropriate amendment to Indian Constitution. Such autonomous constitutional body can also act as permanent Commission of Enquiry for making all enquiries relating to mal-administration, inefficient administration, delayed administration by executive and corruption by executive and shall also act as permanent Amicus Curiae to assist Judiciary in dealing with cases of executive corruption on the basis of enquiry reports sent by such Ombudsman to Judiciary for taking judicial action of curative

justice in terms of law. The power of punishment of corrupt executives cannot be enjoyed by such Ombudsman because only the Judiciary holds that exclusive jurisdiction as per Indian Constitution. It is a fact that the judicial control of executive is very limited since there are very limited grounds on which administrative discretion of executive can be questioned by judiciary. Even the legislature can have very little control over executive. The establishment of autonomous body of Ombudsman with constitutional status is therefore the need of the hour. The experience of countries like Sweden, Finland, New Zealand, United Kingdom etc. must also be taken into account in the course of establishment of office of Ombudsman having high constitutional status. The credit for establishment of office of Ombudsman in India shall ultimately go to Shri Anna Hazare and such creation shall be a great historical moment for India.

Students Special

Jokes

Diner: "You seem to keep this restaurant very clean."

Waiter: "Thank you, Sir."

Diner: "Everything I eat tastes of soap."

Judge: "Silence! The next man who shouts will be put out of court."

Prisoner: "Whopee"

Playwright: "What do you think of my new play? It had a very happy ending, didn't it?"

Bored Critic: "Yes, everyone was happy when it ended."

Mukesh: "It's getting awfully dark. What does your watch say?"

Sharad: "TICK!! TICK!!"

Quotes

"Believe in yourself! Have faith in your abilities! Without a humble but reasonable confidence in your own powers you cannot be successful or happy."

– Norman Vincent Peale

"The will to win, the desire to succeed, the urge to reach your full potential... these are the keys that will unlock the door to personal excellence."

– Confucius

"By failing to prepare, you are preparing to fail."

– Benjamin Franklin

Sr. Adv. Bikash Ranjan Bhattacharyya



Bikash Ranjan Bhattacharyya, the president of All India Lawyer's Association, was born on 27th November 1951. He graduated from Calcutta University and thereafter attained degree in law. Without any legal support from family but with their blessings and prayers and Mr. Bikash Ranjan Bhattacharyya's hard work, He gained renowned as a leading Advocate in the Calcutta High Court. He is a practicing designated Senior Advocated. In 1993, he was offered appointment as Honourable Judge in the Calcutta High Court, which he declined. He pursued a glorious carrier in law. From 1998–2003, he served as the Advocate General for State of Tripura. He has been a Member of the Senate of the Calcutta University since 1998. He is the Chairman of the Managing Committee of the Zoological Gardens, Alipore, Kolkata since 2002. Also, he is the legal advisor of Communist Party of

India (Marxist). He is associated with a number of reputed Educational Institutions, Centres of Culture and Sports. He is an excellent poet and singer too. His approach to work is marked by dynamism, clarity of vision and pleasant disposition. He struggled against difficult situations in the early years of life, made him compassionate towards the underprivileged and the needy. On the 7th of July 2005 he took his oath as the Honourable Mayor of Kolkata. His portfolio includes general administration, finance & accounts, internal audit, personnel, assessment collection, planning & development, vigilance, municipal secretary's department, law, records, market, KMDA and other agencies' works, such as, ADB, World Bank, DFID; and other externally aided projects.

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

Quotes

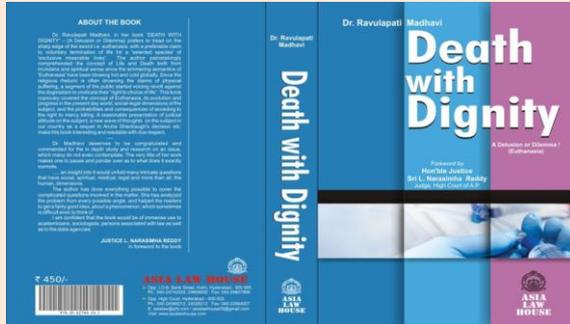
“Your time is limited, so don't waste it living someone else's life.”

– Steve Jobs

“Ask and it will be given to you; search, and you will find; knock and the door will be opened for you.”

– Jesus

Death with Dignity



Authored By Dr. Ravulapati Madhavi

This book with unique name has marvelously described about Euthanasia or in simple words, “Mercy Killing”. It has discussed about complex perspective and confounded solution of Euthanasia and answered the critical questions regarding social, spiritual and medical issues and of human dimensions. The theme, though being a complicated one as there are many “players” in the field and many aspects have to be taken into consideration, the author has beautifully, with a strong command in jurisprudence has given her view on the theme discussing about its legality and its conflict with human values.

The author has, with the ability of untiring effort compared the theme with philosophical and theological as well as technical perspective and tried to state her view with the help of different religious philosophy and theory and has discussed about Indian sentiments on Life and Death as well as definition and forms of Euthanasia, i.e., Mercy Killing.

In this book of unique theme, the author has given overall detailed view point of Euthanasia in international law and human rights perspective too and has given examples of Germany, Switzerland, etc and cases for Euthanasia practices.

While reading the book, we may conclude with the thought that the “fostering removal of pain and suffering of a being” is indeed a good act and the concept of “Right to choose” in context of Life and Death is here.

*Mr. Abhishek Gupta
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Cable Laws Amended

The Ministry of Information and Broadcasting has been closely monitoring the preparedness of various activities for the implementation of DAS. The success of DAS depends on timely seeding of STBs at the consumer premises. As such, availability and deployment of STBs by MSOs/LCOs are paramount important for the implementation of DAS. Timely availability of accurate data with regard to the seeding of STBs by service providers (MSOs/LCOs) is critical for the Ministry to ensure digital switch over within

the timeframe as well as for taking mid-course corrections if necessary.

While assessing the preparedness of DAS in four metros, the Ministry has come across numerous inconsistencies of data provided by the service providers, particularly MSOs, in regard to inventory position of STB and its deployment.

In view of this, the Ministry has decided to amend the Cable Television Network Rule, 1995 (Cable Rules) making it obligatory for

every cable operator and Multi-system Operator (MSO) to provide correct and timely information to the Ministry as and when it is sought for.

In the Cable Television Network Rule, 1995(Second Amendment) Rule, 2012, a new rule, namely, rule 10A Obligation to furnish information, has been inserted making it mandatory for MSOs and cable operators to provide information as and when it is sought for by the Central Government or State Government or authorized officer or any agency of the Central Government. The obligation to furnish information under the amended rule 10A has been incorporated as one of the terms and conditions of

registration of cable operator under Rule 5A and MSOs under rule 11D.

As per sub-section (7) of section 4 of the Cable Television Networks (Regulation) Act, 1995, the Central Government may suspend or revoke the registration of cable operators or MSOs if they violate one or more of the terms and conditions of registration. Incorporation of rule 10 A as one of the terms and conditions of registration of cable operators and MSOs will empower the Central Govt. to cancel or suspend the registration of cable operators or MSO if the information sought for by it is not provided by them. This will ensure correct and timely submission of information by cable operators and MSOs.

The 2013 Patent Litigation Survey

Patent litigation was alive and well last year.

The year 2012 saw a little bit of everything: Massive damages awards, increasingly brazen patent assertion entities, and the major patent reform law passed in 2011 beginning to make its mark.

The high stakes that companies faced, and the constant barrage of suits, kept law firms' patent practices busy, according to results from *Corporate Counsel's* 2013 Patent Litigation Survey, which ranks law firms according to how many federal district court patent suits they handled in 2012.

Many of the firms that took the top spots in last year's survey are back this time around. Fish and Richardson, which once again ranks number one, according to the data, handled 220 cases in 2012, compared to 173 in 2011—an increase of more than 27 percent. Finnegan, Henderson, Farabow, Garrett & Dunner, which took second place in this year's ranking, saw its caseload jump from 88 cases in 2011 to 95 in 2012—moving up from eighth to second place. And Kirkland & Ellis moved from fifth place to third, although the

total number of cases it handled dropped by one to 95. Winston & Strawn ranked ninth in 2011 with 87 cases, but moved to the number four spot in this year's survey with 94 cases in 2012.

The totals demonstrate just how pervasive patent litigation has become. The number of patent cases filed in 2012 reached 5,189 in 2012—an increase of 29 percent over 2011, according to statistics compiled by PriceWaterhouse Coopers. This is the highest number ever recorded.

Meanwhile, the number of patents granted by the U.S. Patent and Trademark Office has also grown. In 2012, according to PwC, the number of patents granted by the PTO increased by 11 percent to 270,258.

“Innovators now realize that their intellectual property is their most valuable asset,” says Ann Cathcart Chaplin, IP Practice Group Leader at Fish & Richardson, which has now topped *Corporate Counsel's* patent litigation survey for 10 consecutive years. “They are getting more proactive in pursuing infringers

and more aggressive in defending themselves against infringement claims.”

Last year, three cases grabbed headlines with verdicts awarding damages that surpassed \$1 billion: *Monsanto v. DuPont*, *Apple v. Samsung*, and *Carnegie Mellon University v. Marvell Technology Group*. As is often the case, the size of the awards changed after the verdicts. (Monsanto Company and E.I. du Pont de Nemours & Company settled for a 10-year \$1.75 billion license; Apple Inc.’s

\$1.05 billion award was reduced to \$450 million, then raised to about \$600 million and will likely be modified further in an upcoming retrial on damages; and the Carnegie Mellon University case is still going through post-trial motions and will likely be appealed at the Federal Circuit.) But given that only three patent infringement damages awards passed the \$1 billion mark prior to 2012, the sizeable verdicts are noteworthy and indicate that high-stakes patent litigation isn’t going away.

How to be Successful at Your Internship?

Striving to be your best at something is a way of life for Northwestern students. When you are preparing to start your internship consider the follow advice to be successful. And remember along the way if you need assistance UCS is here to help. Please contact an Internship Specialist if you have any questions or concerns.

Before Starting Your Internship

- Research the company or organization you will be working for in order to be prepared for what your environment and responsibilities entail.
- Complete any required paperwork from your employer’s Human Resources department and ask what documents you need to bring on your first day.
- Communicate with your supervisor about expectations for your first day (i.e. dress code, arrival time, parking, directions and security information).

On Your First Day

- Arrive 5-10 minutes early to show you are responsible and committed to being a hard worker.
- Meet with your supervisor to create a learning agenda, or ask for a meeting time for you both within the first two weeks to accomplish this task.

A learning agenda is an outline of your learning goals at your internship- whether

they are related to academic, career, skill, or personal development. Remember to make sure your goals are realistic and attainable in your internship.

During Your Internship

Be responsible!

- Arrive to work on time, exhibit a strong work ethic and use your time efficiently.
- Limit the amount of time you spend socializing with other co-workers, other interns or online.

Display Energy & Enthusiasm- Have the Right Attitude!

- The most successful interns are those that display an upbeat attitude and a genuine interest or positive outlook in performing their role.
- Do the best job you can on every project no matter how small, as quality counts.

Be Professional

- Dress appropriately for work.
- Even in moments of stress, maintain a positive attitude.
- If you’re having a bad day, find a way of resolving the issue, or set it aside before you get to the office.

Contribute

- Your suggestions and ideas are important to your employer.

Take Initiative!

- If you're bored, tell someone!
- If there is a project that interests you, volunteer to help.

Consider Innovation

- If you have a particular activity or experience you want to try, don't hesitate to ask if you can pursue it.

Be Self-Sufficient

- This doesn't mean you can't ask questions or get additional help— however, identify resources that can help in answering questions on your own or attempting to.

Don't be Afraid to Ask Questions

- While the employer expects to get a certain level of work from you, you are not expected to know everything.

Be Wary of Inter-office Communication and Politics

- Observe how colleagues interact with each other, but be respectful of your place as an intern.
- Pay attention to the "corporate culture."
- Ask yourself this: Would I want to work full-time in this environment?
- Know and abide by office policies & procedures (Business Conduct, Confidentiality, Non-Compete, Sexual Harassment).
- Never underestimate an opportunity to learn more.
- Attend company or industry meetings, conferences, and events; participate in training workshops; and read all company materials.
- Find out what various departments do.
- Get to know the organization from the inside: its history, standing market, goals, clients, competitors.

Leave With Tangible Accomplishments

- One of your goals with any internship is leaving it with some tangible results - both for your resume and your career portfolio

Get as Much Exposure as Possible

- The more you are exposed to new ideas and new people, the more you'll learn
- You will probably meet someone who has accomplished great things and has a career you find impressive.

Facing Issues during Your Internship

If you find that you are having trouble at your internship look to UCS for advice and consider:

- Assess the situation and your role.
- Determine what you would consider viable alternatives/remedies.
- Speak with the internship coordinator and/or your direct supervisor.
- Revisit your learning agenda to determine if you can accomplish your internship goals.

At the End of Your internship

- A week or so before you leave, meet with your supervisor to personally thank him/her for the opportunity to be part of the organization and how much you learned from the experience.
- Discuss any pending projects you were assigned or assisted with that need additional attention.
- Complete any paperwork required by the employer.
- Return any company/agency property.
- Do not slack off or skip out early just because your time is coming to an end.
- Send a formal thank you letter reiterating your appreciation of the experience.
- If you haven't already gotten a recommendation letter ask your supervisor for one.
- Collect business cards and keep in touch with the people that you met, they may be able to help you in the future.
- Ask if you can connect with co-workers and supervisors on LinkedIn as another way to stay in touch.
- Update your resume right away while all the information is fresh and so you have an updated version on hand.

- Upon completion, discuss your internship experience with a UCS staff member for the best advice on how to present it on your resume, given your career goals.

Source:

<http://www.northwestern.edu/careers/students/finding-an-internship/how-to-be-successful-at-your-internship.html>

Maxims

Benignior sententia in verbis generalibus seu dubiis est preferenda:

The more favorable construction is to be placed on general or doubtful words.

Bis dat qui cito dat: He gives (pays) twice who pays promptly.

Bona fide: Sincere, in good faith

Bona vacantia: Goods without an owner

Boni judicis est ampliare jurisdictionem:

It is the part of a good judge to enlarge his jurisdiction, i.e. remedial authority.

Boni judicis est iudicium sine dilatione mandare executioni: It is the duty of a good

judge to cause execution to issue on a judgment without delay.

Boni judicis lites dirimere est: It is the duty of a good judge to prevent litigation.

Bonus iudex secundum aequum et bonum iudicat et aequitatem stricto juri praefert:

A good judge decides according to justice and right and prefers equity to strict law.

Breve iudiciale non cadit pro defectu formae:

A judicial writing does not fail through defect of form.

Competitions

SRI MUN 2013

SR Engineering College, Warangal conducted a MUN on 20-22nd December, 2013. **Ms. Annu Bhardwaj** of **3rd year** and **Ms. Apurva Singh** of **1st year**, BBA.LLB participated in the UNHRC (United Nations Human Rights Council) as the delegate of

Ivory Coast and Iraq respectively. There was a great and continuous debate for 3 days in the council following which a resolution was passed laying down the solutions to protect women and children against the violation of their fundamental rights. **Annu Bharadwaj, 3rd year, BBA.LLB was given the “Best Diplomat” award at the end of the third day during the closing ceremony.**

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