BI-ANNUAL **NEWSLETTER**

AMITY UNIVERSITY GURUGRAM

AMILAWYERS

VOLUME 4

Feb'2021

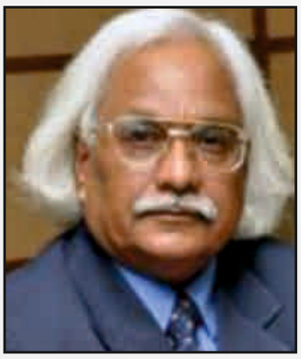
AMILAWYERS
AMITY LAW SCHOOL

AMITY LAW SCHOOL

INDEX

OUR **GUIDING FORCE**

Dr. Aseem Chauhan
Chancellor, Amity University Haryana



Prof. P.B. Sharma
Vice-Chancellor, Amity University Haryana

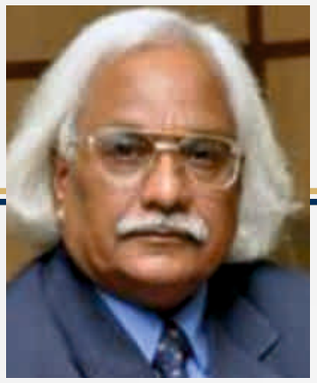
Maj. Gen. B. S. Suhag (Retd.)
Dy. Vice Chancellor, Amity University Haryana

Prof. (Dr.) Padmakali Banerjee
Pro-Vice Chancellor & Dean-Academics
Amity University Haryana

DIRECTOR SPEAKS

As we were gearing up to conduct our prestigious 5th Amity National Moot Court Competition, from 20-22 March 2020, the Campus had to suddenly close due to strict Lockdown guidelines issued by the Government. We were left with no alternative but to cancel the event since majority of the participating Teams refused to convert it into a Virtual Competition. Anyway, we moved ahead and did not stop in our pursuit of providing quality education to our students. We quickly adapted to the Online Mode and continued conducting our classes through MS Teams, including conduct of End Term Exams. We also organised numerous Webinars on extremely relevant legal issues which were addressed by prominent dignitaries like Hon'ble Mr Justice Swatanter Kumar, Hon'ble Mr Justice GS Singhvi, Hon'ble Mr Justice Vinit Kumar Mathur, Mr Karnal Singh, Former Director Enforcement Directorate and Mr Vikas Singh, Senior Advocate, Supreme Court of India. Amity Law School stands committed to impart professional knowledge to its students and also keep abreast its Faculty with the changing education.

Maj. Gen. P.K. Sharma (Retd.)
Prof. & Director
Amity Law School,
Dean, Faculty of Law



Prof. P. B. Sharma
Ph.D. (B'ham), FIE, FAeroS, FWAPS
Vice Chancellor, Amity University Haryana
Founder Vice Chancellor, Delhi Technological University

Legal Education for The Civil Society

Order, Order, Order, is the rule of the game for a society deep rooted into the practice of Dharma, a way of life based on the righteous conduct and character of its people in the civic society in which the Dharma ordains for one and all to ensure equality of opportunity, liberty, the freedom to excel and the responsibility to promote peaceful co-existence and harmony all around. Such a Dharma was codified as laws of a civilized society that safeguarded the principles of truth, purity of actions, pious intent and engagement in the noble deeds and live a life of divine that created the bliss and happiness in abundance.

In such a law-abiding society, the codes of Dharma were implemented through the instruments of law. The responsibility for the compliance of these laws was on the citizens themselves who were inspired to self-regulate themselves through Aatma-Saiyam. But the society and the government were also utmost vigilant to ensure the strict compliance of the laws, the codes of Dharma.

Further, the compliance to law, the Dharma, was considered to have a greater meaning and purpose beyond maintaining orderly behavior and righteous conduct. It was to create an environment in which the nobility flourishes unhindered and the life becomes a celebration of divinity in action.

The Manu Smiriti describes Dharma to have 10-fold attributes of the code of conduct. These include – Patience(Dhariti), Forgiveness(Chhama), Courage to uphold the righteous path (Dam), Honesty(Astheya), Internal and external Purity(Swacch), Control on senses(Atma Sanyam), Use of intellect and insight(Dhi), Intense Urge to aspire for higher levels of knowledge (Vidhya), Negating anger(Akrodh) and Truthfulness(strict adherence to Satya).

धृतिः क्षमा दमोऽस्तेयं शौचमिन्द्रियनिग्रहः ।
धीर्विद्या सत्यमक्रोधो दशकं धर्मलक्षणम् ॥धर्मलक्षणम् ६.९२॥
दश लक्षणानि धर्मस्य ये विप्राः समधीयते ।
अधीत्य चानुवर्तन्ते ते यान्ति परमां गतिम् ॥गतिम् ६.९३॥

The love and attraction for the profound understanding of the Dharma, the codes of law, and the engagement in its practice was part and parcel of the education system that nurtured capability, competence and caliber together with character skills of personal integrity, professional morality and service above self. Such was the integral legal education in ancient India, the wonder that it was, a golden eagle of the world and the brightest star of the East that glowed its wisdom far and wide.

During my early childhood days, I have witnessed such an India in the village I was born and also in the town of Vidisha I grew up. The Crime was unheard of and the breach of Dharma was not only a sin but was also seen as a curse of God. The individuals were self-regulated and the society was vigilant enough so as to avoid the need for Government interference for maintenance of law and order and for controlling crimes and abetments of law.

However, as we came to the modern education, driven by career aspirations and the urge to lead a life full of material prosperity, the education became largely an instrument to empower people with capabilities and create an intense urge to compete with each other with strong career goals and business aspirations.

This made education to disconnect from nurturing the character skills through education as the focus shifted on Capabilities, Competence and Caliber (The 3 C's) leaving the 4th and most important C- Character, for the individual to nurture as they deem fit.

The upbringing, the family environment that groomed the Sanskaras and the social pressure that ensured the march of individuals on the path of righteous way of life gradually faded away, leaving the Government to wield its power to enforce the laws and to regulate the behaviour of man.

The onus of regulating the conduct and behavior of the citizens cannot be left only to the Government or to the Judiciary. If the education remains disconnected with nurturing the dimension of character skills relating to nurturing truthfulness, mindfulness and a caring and compassionate attitude deeply committed to comply with the laws and self-regulate itself and if the society remains indifferent to regulating its people, no amount of laws can suffice to create a law abiding citizenship.

We in India are paying a heavy price for the loss of civic sense. The disorderly behavior of our people has already created heaps of problems, including enormous environmental pollution, making India to figure in the list of a country having almost 15 out of 21 most polluted cities in the world that include the National Capital of Delhi and its satellite towns of Faridabad, Ghaziabad, Noida and the

millennium city of Gurugram!. The lack of traffic discipline and chaos on roads and highways has made India to rise to be listed as the country with maximum number of deaths in road accidents as the traffic rules are violated at the cost of life of our citizens. No wonder the indifference in the society is causing no concern to the law makers who perhaps believe that it suffices to make laws and consider it fit not to not spent much efforts in creating the vital awareness about the laws, least to make people aware that it makes a good civic sense to comply with the laws and live an orderly righteous life.

What make us sad is the fact that India repeatedly figuring in the bottom most countries list in happiness index makes no dent on either the society nor the Government, perhaps believing that all will be well one day, which never shall be by itself.

So the moot question is what can be done to cause a rapid change in the state of affairs and what role legal education can play in creating a law abiding citizenship that shall conform to the clarion calls of integrity, truthfulness and honesty so badly needed in the digital age in which we have now entered with a big bang?

Thanks to COVID 19 for causing the descent of the digital age much faster than we ever anticipated and the digital transformation to penetrate at a much faster pace than ever before.

First and foremost, the massage should go in the heart and mind of each citizen in India that the laws are for the welfare and wellbeing of one and all. And it is the fundamental duty of every citizen to obey the laws and be on the side of the law-abiding citizenship. It requires a massive awareness campaign to be launched by the Government and the civic society together. Now that the social media has been seen as a powerful tool to impact the behaviour of people at large, so why not use this powerful instrument for mass awakening and for creating both the awareness as well as commitment to a law-abiding society?

The second is to integrate legal education and the awareness of basic civil and criminal laws in education from school levels onwards. As also to sensitize the children about a positive impact of the compliance of laws for their own wellbeing and welfare. The gens are to be embedded with the law abiding cells early in life as was done in ancient times through upbringing and family environment for nurturing the Sanskaras.

The law enforcing agencies are well advised to keep the society at large on their side as much of the compliance is created by social pressures like the corporate culture impacting the compliance of corporate code of conduct and possess with pride the value system that the modern corporate are so proud of. A much greater synergy between the law enforcing agencies and the civic society is needed to achieve success in this regard.

The legal education in the Universities should not remain confined only to those seeking legal education for Degrees and Diplomas but also to be integrated in curriculum of all the Degree Programs offered by the University.

A greater knowledge of legal aspects of technology and science has now become as important as the enforcement of Civil and Criminal Laws. As such the curriculum innovations should create space for taking on board the legal education of the program specific laws and their impact on the wellbeing and welfare of the society at large.

On top of legal education and the mass awareness that I have talked about above, urgent reforms are needed in legal framework and in the way the law enforcement agencies work. The millions of cases currently pending in Subordinate Courts could be disposed of by fast track hearings by civic courts moving from village to village and town to town in tier 2 and tier 3 towns of India. Something like Family Courts for conflict resolution would do wonders in large number of Civil and Revenue Cases. It is possible and should be attempted to create a fair and just society that shall promote both the awareness of law as well as enhance the faith in the system that delivers justice.

In summing up, we need to awaken the public at large for the value and worth of a law-abiding citizenship as also to create the environment to keep the public at large on the side of the law. Compliance to law then will become a habit and the abetment of law an exception. The peace and harmony shall than descend in society and India would reap a much bigger gain from its economic growth and development. Nobility shall flourish in the society and the life in India would in true sense become a celebration of divinity in action.

I have a dream that one day in my own life 'We the People of India' shall live in such a law-abiding society in our country. Coming generations shall then rejoice with delight Sare Janha se Aachha Hindusta Hamara. The Mother India then shall bless us with abundance of happiness and the global community shall take India as their Guru.

Prof. (Dr.) Padmakali Banerjee
Pro-Vice Chancellor & Dean-Academics
Amity University Haryana

Novel lessons from Covid 19 Pandemic

The unique time of pandemic has left us with many lessons in life, as has always been the case with many other calamities of the past. The undying human spirit always bounces back with renewed vigour and comes out a winner. The way humans showed their positive side, during the time of Covid -19, it will remain an example for future generations to follow and emulate for all times to come.

People evolved and matured to handle the crisis. Every aspect of personal and professional life, including legal profession, geared up to face the challenges, which appeared invincible and undefeatable. Who could have imagined legal proceedings on an online platform? But even this noble and ancient profession embraced technology and continued to help people in distress without facing any hiccups.

In the month of March 2020, just before Corona became a global concern and pandemic, life was going in a very different direction. We had our dreams and goals. Many young and budding entrepreneurs were looking at setting up their businesses. Even the country was on a different trajectory. Issues like unrest, political differences, economic slowdown were the immediate concerns. But soon these issues took a backseat and the entire focus shifted to a life threatening virus. We were dismayed, scared and unsure in March but, after many months and witnessing the dawn of 2021, we are prepared and equipped, mentally and strategically, with any eventuality that we may face in the future.

Every threat has an opportunity to learn. The first lesson we learnt from pandemic was prioritize. We learnt that the countries who showed the laxity bore greater brunt of the calamity.

The lack of proactive actions resulted in irreparable disaster. Even in legal profession one needed to put things in order of priority to save the legal system from a complete breakdown.

We also learnt to accept the change. Those who resented technology learnt to use it for their

survival and sustainability. We learnt to stay home, value relationship and realise the importance of our natural resources and environment. We learnt that Change is not just constant but also transformational. Without showing much resentment we maintained social distancing and wore masks. We also learnt that we can't be complacent and sit on our laurels. To sustain, one has to continuously strife. The biggest lesson, for everyone here, is that life is full of

uncertainties and one needs to be prepared to deal with them. We need to fortify ourselves with new technologies, keep ourselves updated and identify different goals.

During this time of Corona, we found new heroes. From an unassuming swiggy delivery boyto a Film Industry antagonist, we saw people emerging to support fellow human beings. It changed our outlook

towards many services like health, security, police and people who are in menial but essential services. Even people working in legal profession and education sector became counsellor, healers and mentors to help fellow human beings overcome the distress of the current times.

The leadership role became even more significant. We saw Leaders leading from the front and showing the way in the midst of the storm. We found new emerging leaders in the times of pandemic. There are examples of scientists, caregivers, lawyers, actors coming forward to help the society. Some youth also found a new calling and awakening. Few careless, young lads were seen as responsible citizens caring for elderly and poor. They assumed leadership role through their empathy and optimism.

The importance of wellbeing was always known and understood but, after the virus invaded our lives, it became paramount. The rampant cases of people falling prey to depression, hopelessness, loneliness, dejection and despair, made it known that this area can't be ignored.

Whether its workplace or home, people are more consciously thinking about caregiving and agood healthcare system. Organisations have to look at the wellbeing of their people, community, country, global community and Earth as well. We saw nature thriving with beautiful flora and fauna, blooming with joy, while we took a break from violating the nature.

People understood that for impact and profitability they cannot ignore well-being, not just at the level of the organisation but for whole community and the world. The hedonistic pleasures of life stepped back to give way to a more sustainable world.

We need a beautiful, interdependent and connected world. Before Covid-19 we were self centred, disconnected and selfish. Our major concerns were holidays, vacations, what cuisine and coffee we like and sharing that on social media. But suddenly, that appears shallow and superficial. When Virus from Wuhan travelled the whole world, reaching every nook and corner, not discriminating between poor and rich, powerful and not so powerful, developed and underdeveloped, the world stood agog and came to a standstill. People realised, that although it is important to acquire wealth, name and fame, the more important part of our lives is relationships, health, mental peace and a life without fear.

In the end, one must believe that there will always be sunrise; there will always be a tomorrow and there will always be a happier world. We have to begin by changing ourselves before we attempt to change our township, community or the world. We need to look at our ideologies and our values. We need to be committed and take an oath to become a person who would contribute to the organization keeping in mind the human values and big realities, and not just personal interests.

Maj. Gen. P.K. Sharma (Retd.)
Prof. & Director, Amity Law School,
Dean, Faculty of Law

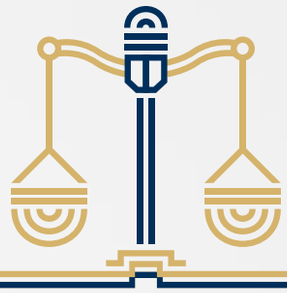
INTEGRATING SUSTAINABILITY EDUCATION IN PROFESSIONAL COURSES

In a globalized world, Education has seen rapid strides in adopting new and innovative curriculum design, in line with some of the important trends and advances in development. In recent years, Environment and Sustainability have caught the attention of various sections of society as critical issues are threatening the very fabric of global business and polity. The 2002 Earth Summit clearly laid down the path of future Sustainable Development recommending among other issues the internationalization of Educational systems at all levels of learning. Achieving inclusive and quality education for all, reaffirms the belief that Education is one of the most powerful and proven vehicles for Sustainability. Also, Agenda 21 called for Environmental Education (EE) to be cross-cutting themes in all education policies and practices (Agenda 21, 1992:221) with the implication that from this synergy the concept of Education for Sustainability would emerge.

'Sustainability Education', or 'Education for Sustainability' is a paradigm for thinking about our future in which environmental, societal and economic considerations are balanced in the pursuit of improved quality of life and development. It is a 'whole system of inquiry' that combines current best practices of teaching and learning with the content, core competencies, and habits of mind required for students to actively participate in creating a sustainable future. It can be defined as a transformative learning process that equips students and educators with the knowledge and ways of thinking that society needs to achieve economic prosperity and responsible citizenship while restoring the health of the living systems upon which our lives depend.

Currently, there is a large gap between society's aspirations for a healthy and sustainable future, and the knowledge, skills, and attitudes being taught and acquired in the majority of Schools and Universities. Although, there have been various efforts globally in this direction, still educators as well as policy makers have not yet fully utilized the potential of Education to address this gap. Thus, there is a need to bring out specifics and intricacies of Sustainability Education as an agent of change and transformation in true sense. It is also of utmost importance to explore pathways to address current and emerging Sustainability challenges through Education by empowering learners with new skills, values and attitudes that lead to more sustainable societies. Strengthening holistic thinking during the formative years of an individual's development will go a long way in ensuring that collectively, as a society, we need to integrate sustainable solutions rather than dealing with problems later.

The Education System needs to focus on sharing innovative ideas and understanding on Sustainability Education, with an overall objective of strengthening the role of Education in changing attitudes and



behaviour towards positive action for a better quality of life and environment, ultimately leading to the achievement of SDGs and creating a sustainable future for all. There is much to be gained from this, including a sense of solidarity, the potential for sharing ideas and learning from different global perspectives.

Innovations can bloom in a developing world with limited resources only when Schools and Universities play a vital role in preparing students to meet the Sustainability challenges of the future. Therefore, it is suggested that Sustainability must be incorporated as a core subject from the early stage of Education Systems and strengthen the process through preparation of a model curriculum and associated teaching learning modules/tools. Moreover, opportunities must be identified for partnerships between Universities, NGOs, UN agencies, and global, regional and national networks to enhance formal and non-formal programs on Sustainability Education.

Dr Ajay Kumar Bhatt
Professor, ALS

Trilogy of Science, Technology and Law

In this age of globalization, the potent threat due to indiscriminate use of Science and Technology cannot be ruled out. In this regard, in modern times, America's prominent Jurist Howard Thomas Markey, once said that Law is the only tool that society must tame and channel science and technology. Similarly, in ancient times, Aristotle said, 'Law is a form of order, and good law must necessarily mean good order'. These sayings are more relevant today as Law seeks to manage the impact of Science and Technology in three distinct ways in our life i.e., through risk assessment, its benefits for society, and ethical implications involved therein. This is an area where Legal Scholars and Scholars of Science and Technology must unite for a safer and better society to emerge. It is true that Science and Technology are based on perceivable materials. In Law, especially

the Law of Evidence perception of concrete facts is also required. There is inevitable relationship between Science, Technology and Law. Each discipline is meant for achieving social ends and thereby justify its own identity and relevancy.

Today there is no domain of Science and Technology with research based societal application, which is not under the purview of Law by virtue of Enactment. With increasing use of Science and Technology in our day-to-day life, the time is ripe for more and more interdisciplinary approach and interdisciplinary studies in the field of Law, Science, and Technology.

The question that arises, is there any similarity between Science and Law? the fact is that classically Science itself is organised on the same basis as Law. Herbert Spencer defined Science 'as an organised body of knowledge' whereas Law could be described as the wisdom of organised society giving expression in binding rule of the State. Also, in Science, general principles are formulated based on observation of a specific phenomenon and same is true with Common Law. The two disciplines of Science and Jurisprudence have flourished together historically and have been enriched by the same brilliant minds. In this regard, Aristotle was not only a pioneer of natural sciences, but he also deliberated extensively on Constitutional and legal matters.

Today, general view is that the Science and Technology in 20th Century has become huge, more complex, and far more advanced than the domain of legal studies. We must, however, not forget that Law also has its share of complexity over centuries as we witness today. The only advantage Science and Technology has over the legal studies is with respect to the quantifiable nature of the discipline of Science and Technology which takes it closer to the most perfect science available today that is mathematics.

In the age of rapid growth and development in the field of science and technology, we must not forget that it is not easy to formulate the precise and detailed legislative responses to the challenges posed by new scientific discoveries affecting human society. There is no denying of the fact that we cannot reverse the progress of knowledge created by discoveries in the field of science and technology. However, we can effectively deal with the risk created by the abuse of this knowledge in the interest of larger society. Here comes the important role of law as its legitimate task is to consider the social merits and demerits of all the discoveries of science and technology to regulate human conduct.

Dr. S. K. Tripathi
Associate Professor, ALS

RECENT TRENDS IN INDIAN FOREIGN POLICY

The present international system which has developed since the disintegration of Russia has often been named as Loose Bi Polar world. This indicates growing power of Non-Aligned Third World countries and weakening of the two super-powers, particularly Russia. Chinese and political Islamic challenges to both these so called super-powers have tried to make international system more multi polar than bi polar. Role of India in international politics in 21st century has grown particularly after its becoming sixth largest economy and a nuclear state, witnessing changes in the Foreign Policy which can be analyzed as follows-

PROMOTING ITS NEIGHBOURS:

Following the policy of 'neighbourhood first', India has given a priority, a degree of attention, careful consideration of resources and energy to its neighbours, an example being the 8 Billion USD assistance to Bangladesh recently. Increasing influence of China in South Asia does not scare India now as it has countered Chinese maritime presence by working along with the island countries like Sri Lanka, Maldives and Mauritius , discouraging them to support Chinese designs in the Indian Ocean. India is also cautiously working with other neighbours with whom it has converging interests. Perhaps this is the reason why despite all tensions, it had not withdrawn MFC status to Pakistan until the Pulwama terror strike. Smooth flow of trade activities with China also indicates that India pursues the policy to preserve its national interest and does not unnecessarily becomes a part of international conspiracies or leg pulling. Zero Tolerance Policy on Terrorism has ensured peace in neighbouring lands of Sri Lanka and Nepal who have sped up their journey to economic growth with moral and economic support to these countries. Indian foreign policy is no more based on suspicion against its neighbours but flourishing on mutual cooperation and progress. Still Pakistan and Afghanistan remain key security challenges. Mishandling of affairs by American and NATO powers in these two countries have aggravated India's security concern. India has played significant role in rebuilding of Afghanistan through its humanitarian activities and consequently won over their confidence. The reality today is that there is no Afghan problem but Pak- Afghan problem. The heart of the problem lies with Pakistan in the form of 'State sponsored terrorism'. India has convincingly made the western world understand its security concerns. The result of Indian efforts at various international platforms has made the western world to compel Pakistan to restore peace in the region.

FROM LOOK EAST TO ACT EAST:

Look East Policy of India has recently changed to Act East. India has focused on physical connectivity and security issues particularly in regard to South East Asian countries. Ongoing roadways, shipping and rail projects towards Myanmar and Vietnam will facilitate a route for bigger Indian role towards the East. With more focus towards north-eastern provinces, the base of Act East Policy is being prepared by the present regime. With military and intelligence co-operations with South East Asian countries, many of whom like Malaysia, Indonesia and Brunei are Muslim majority, India has created a wall towards the Islamic armed insurgence which has reached to its western boundaries coming through Middle East, Afghanistan and Pakistan. Lasting peace in Muslim dominated East Asian world is an effect of Indian efforts which has insulated this region from Islamic militarism. This co-operation was manifested recently when 10 Member ASEAN Head of States visited India as guests on its Republic Day Celebrations.

UTILIZING THE MIDDLE EAST RELATIONS:

India's dependency on Gulf countries like UAE, Saudi Arabia and Iran for energy, make the Middle East a

region that needs to be exploited cautiously, particularly amidst Islamic ferment in the region which sometimes disturbs peace in India through its neighbours Pakistan and Afghanistan. Stability in Gulf is very important for India, seeing the quantum of India's economic relations with this region. With the growing power, India cannot afford to stay away from difficult region and, therefore, it has cautiously attempted to maintain a balance among the warring groups in the region and at the same time developing an equilibrium in relations as far as India's energy needs are concerned.

CHIRPING WITH THE SUPER POWERS:

In general conversation, decline of United States is more often predicted but the country has always surprised the world with the help of its technological acumen, economic growth and ability of innovation. US still seems to be the only global power. In such a situation, US becomes more demanding and pressing its allies to come on the terms it decides. It seems to be strict in dealing with its adversaries, particularly in security strategies. India traditionally being neither an ally nor an adversary has managed to maintain cordial bilateral relations. In recent years, strategic proximity of US with India has facilitated trade activities in favour of India. Asian aspirations of America and the security concerns of India has brought two largest democracies together.

As far as Russia is concerned, it has replaced China as swing power in international affairs. Its attitude sometimes empowers the western world while some other times it collaborates with China to counter American designs in international power politics. However Indo- Russian relationship remains a relationship of dependable allies. Despite Indian arms purchase diverting towards France, US and Israel, it has yet maintained good amount of arms deals with Russia. Strategic interest of Russia with Pakistan and China may sometimes develop concern for India but it has hardly caused any harm to Indo- Russian bilateral relations so far. Alike, with Japan and South Korea, India has witnessed equally good political intimacy and economic relations. It has attracted investments from these countries which have contributed in pushing up Indian economy.

Among the West European counterparts, Indian policy is to utilize their technological know- how and also to increase trade activities particularly with Germany, France and Britain in favour of Indian trade balance. Besides this, these European nations are providing centres for Indian intellect who are also contributing in technological and innovative progress of the European world.

The above discussion shows that the Indian foreign policy, in the second decade of new century, is now not based on Non-Alignment or aloofness which was the characteristics of India's foreign policy during initial years of Indian post independent era. The multilateral approach, which began in 60s or 70s decade of the previous century, is gradually being extended, opening new vista of co- operation and technological advancement. Indian foreign policy today has equally catered its needs to develop its economy along with military vigor, unaffected by conflicting ideas of world economy and defense strategies. It has also paved the way for India, taking up leadership in international affairs for more peaceful and prosperous world ahead.

Pranshul Pathak
Coordinator, ALS

मैं जनता हूँ !!!!!!

माला की गुरियों के जैसे
हर सुख–दुःख गह लेती हूँ,
मेरा क्या, मैं जनता हूँ सह लेती हूँ।

यदि तेरा उपकार रहे तो,
बिजली पानी मिल जाता है।
वरना मूल–भूत चिजों के बिन,
भी मै रह लेती हूँ।
मेरा क्या, मैं जनता हूँ सह लेती हूँ।

अपराधी संरक्षण पाते,
खुल के अत्याचार मचाते।
हर पीड़ित की अश्रुधार के,
साथ में मैं बह लेती हूँ।
मेरा क्या, मैं जनता हूँ सह लेती हूँ।

धर्म–जाति के नाम पे देखो,
मैं कितनी विक्षिप्त हुई हूँ।
पर उन्मादी भावों में,
अब भी खुद को दह लेती हूँ।
मेरा क्या, मैं जनता हूँ सह लेती हूँ।

मेरे द्वारा ही चुनकर के,
तुम सत्ता में आते हो।
और तुम्हारे सब कृत्यों को,
चुनके मैं तह लेती हूँ।
मेरा क्या, मैं जनता हूँ सह लेती हूँ।

हर जवान में हर किसान में,
हो मेरा उत्थान प्रदर्शित।
बहुत हुआ अब कर दिखलाओ,
मानक मैं यह देती हूँ।
मेरा क्या, मैं जनता हूँ सह लेती हूँ।

वैसे तो मालूम है मुझको,
तुमपर कोई फर्क न पड़ता।
पर मैं जब व्याकुल होती हूँ,

तब यूं ही कह देती हूँ।
मेरा क्या, मैं जनता हूँ सह लेती हूँ!!!
मेरा क्या, मैं जनता हूँ सह लेती हूँ!!!

Ms. Monica Yadav
Associate Professor, ALS

The Uttar Pradesh Prohibition of Unlawful Religious Conversion Ordinance, 2020: An Infringement of Right to Privacy or Prevention Against Forceful Conversions

Religious diversity is one of the key distinctive features of India and ' has the distinction of being the land from where important religions namely Hinduism, Buddhism, Sikhism and Jainism have originated and at the same time is home to several indigenous faiths, tribal religions which have survived the influence of major religions for centuries and are holding the ground firmly.' The Indian Constitution guarantees Freedom of Religion to every person subject to public order, morality and health. Article 25 of the Indian Constitution provides to all persons 'the freedom of conscience and the right freely to profess, practise and propagate religion.' This right to freely propagate one's religion has been contended by many scholars to include the right to convert. However, the Supreme Court in its judgement in the case of Rev Stanislaus v. State of Madhya Pradesh, while considering this issue held that the fundamental right to propagate religion entails only the edification of the tenets of one's religion and cannot be extended to mean the right to convert, as that would impose upon the freedom of conscience guaranteed to every person under Article 25 of the Indian Constitution.

Religion and religious beliefs have been at the root of discord and tensions amongst different religious communities, especially Hindus and Muslims, and religious conversions add to the issues. With a view to prevent conversions induced by allurement, fraud, coercion etc, many State Governments have enacted Anti-Conversion Laws, which have been criticised by many scholars on the ground that they infringe upon the Freedom of Religion and Right to Privacy. Anti-Conversion Laws are not new and were originally introduced by Hindu princely states during the British Colonial period and according to an article on religious freedom in India, some States enforced Anti-Conversion Laws primarily against Muslims during the 1980's and since the late 1990s these States have begun to enforce these Laws against Christians also.

The Anti-Conversion Laws do not directly ban conversions but ban only those conversions which are induced by **force, fraud, allurement etc** are banned. However, the Acts are vague while defining these terms, giving the enforcers or the State the discretion to decide whether there is allurement, fraud or force in any given case of conversion.

The most recent Anti-Conversion Law which is mired in controversy is 'The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020',widely being referred to as the **'Love-Jihad' Law.** The reason behind this being that unlike other Anti-Conversion Laws, the Ordinance forbids the conversion from one religion to another if the same has been induced by **"misrepresentation, force, fraud, undue influence, coercion, allurement or marriage."** The Ordinance's underlying objective being to curb unlawful religious conversions and inter religion marriages intended solely to change the religion of one of the parties, especially the girl.

The Ordinance requires anyone wanting to convert to give a sixty-daynotice of his/her intention to convert and anyone performing the conversion to give a thirty-day notice of the same to the District Magistrate, who in turn will have the power to enquire into the matter to ascertain if the conversion is being done freely. Any contravention of this will attract a punishment of an imprisonment upto 3 years and a fine upto Rs 10,000. It further bans inter-faith marriages where the purpose of the marriage is to change the religion of the girl and gives the power to the Family Courts, on presentment of any petition alleging that the marriage has been

solemnized with the sole purpose of conversion, to declare it void. The burden of proof would be on the accused to prove that the reason behind the marriage is not conversion. Anyone related to the aggrieved by blood, marriage or adoption can also file the complaint.

This Ordinance is being criticised on the grounds of infringing upon not only the Freedom of Religion but also on the Right to Privacy and as further inflaming the communal divide. The timing of the legislation and its promulgation by way of Ordinance is being critiqued as being a part of a propaganda that Muslims lure Hindus into converting to Islam by pretending to be in love with them. It is also being called a hasty legislation without taking into consideration the already existing legislations that address the issue at hand.

Since its coming into force, there have been several arrests made under the Ordinance on the ground of violating the requirements of prior permission before solemnization of marriage between couples belonging to different religious backgrounds. In one of the cases recently reported, the bride made a statement in the Court that she was an adult and free to marry whomsoever she wanted.

Human Rights Organizations have over the years articulated their apprehensions regarding the Anti-Conversion Laws as they lack equitable treatment, especially since the Universal Declaration of Human Rights ensures that a person's right to religion also includes the "freedom to change his religion or belief."

Only time will tell whether the Ordinance proves to be truly aimed at prevention of forceful conversions or, disguised in this garb, is really a law aimed at creating further communal discords and infringe upon the Rights of Freedom of Religion and Privacy.

REFERNCES

- Government of India. (n.d.). Census 2001. Retrieved December 15, 2020, from https://censusindia.gov.in/Census_And_You/religion.aspx
- Article 25, The Constitution of India, (n.d.). Retrieved December 14, 2020, from https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf
- Rev Stanislaus vs Madhya Pradesh, 1977 SCR (2) 611 (Supreme Court).
- Jenkins, L. D. (2008). 'Legal Limits on Religious Conversion in India.'. Retrieved December 15, 2020, from https://scholarship.law.duke.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1469&context=lcp
- Huff, J. A. (2009). 'Religious Freedom in India And Analysis of The Constitutionality of Anti-Conversion Laws.'. Rutgers J. L. & Religion, 10(2). Retrieved December 15, 2020, from http://www.lawandreligion.com/sites/law-religion/files/Religious-Freedom-Huff.pdf
- UP Prohibition of Unlawful Conversion of Religion Ordinance 2020. (n.d.). Retrieved December 14, 2020, from https://www.scconline.com/blog/wp-content/uploads/2020/12/UP_Prohibition_of_Unlawful_Conversion_of_Religion_Ordinance_2020.pdf
- Daniyal, S. (2014, September 15). Clamour to ban conversion grows: A reminder five indian states have already done so. Retrieved December 15, 2020, from https://scroll.in/article/679080/as-clamour-to-ban-conversion-grows-a-reminder-five-indian-states-have-already-done-so

Mr. Atul Jain
Associate Professor, ALS

LEGALITY OF CHINESE APPS BAN: AN ANALYSIS

As the tension between Chinese and Indian forces continue to escalate ever since their melee over the disputed Himalayan border, on 5 May 2020, the Indian Government has taken a plethora of steps to minimise its relations with China. One such measure was banning Chinese mobile Applications(herein after referred to as Apps). India's Ministry of Electronics and Information Technology has banned a total of 224 Apps with links to China, including top social media and gaming platforms such as TikTok, WeChat, Helo, and PUBG, citing reasons such as a threat to India's sovereignty and integrity, Defence, security of the nation, and Public Order.

Ban on Chinese Apps had not only caused unrest within India but also had raised International concern. India claims that it is bothered about National Security and privacy concerns.As a matter of fact, privacy footing of most of the Chinese Apps that have erupted and are in pari materia with other American Apps. Hence, the different treatment of Chinese Apps must be substantiated by India. In such circumstances, it is necessary to know whether there is any violation of Domestic or International Laws on trade.

Applicability of International Trade Laws and the Domestic Laws:

There is always a dilemma as to which law has to be applied in such cases where two countries are involved. In this particular case, since there is wide ambit for applicability of both International Law and Domestic Law, in order to understand the context of legitimacy of Chinese Appss ban, relevant provision in both laws have to be analyzed.

Relevant International Trade Laws:

Since 1995, India is a Member of WTO, which strives to regulate the global trade of both Goods and Services. India and China have signed both General Agreement on Tariffs and Trade (GATT) which covers the trade of Goods and General Agreement on Trade in Services (GATS) which covers the trade of Services. It is apposite to note that, WTO has one of the most active international dispute settlement mechanisms that operates through panels and appellate bodies.

In the case at hand, since a few banned Apps like that of club factory enable us to place order and provide the customer with delivery of its products, there is involvement of both Goods as well as the Services and thus all the provisions of GATT as well as GATS will be made applicable. One of the base-line fundamental of WTO rules and policies is equal treatment of the Members of WTO in respect of trade. The general sequence Articles of both GATT and GATS are framed in such a way that the globalisation of trade is not disturbed.

General Exceptions- Article XIV(c)(ii) of the GATS is the most relevant provision when it comes to the protection of individuals' privacy with respect to data. Clause (a) of the Article can also be used by India as the ban was apparently for maintaining 'Public Order'. This Article vetoes any other provision of this Agreement in its fullest capacity.

Security Exceptions- Article XIVbis(b) of GATS allows a Member State to take any action required to protect its security interests. The State has been authorised to take action during 'Emergency in International Relations' and the current scenario can be assumed to be an emergency between China and India.

Even in Articles XX and XXI of GATT, such general and security exceptions have been provided for them. It is apposite to note that no exemptions will be entertained in cases where the Member country had discriminated other Member country

Relevant Indian Laws:

Let us now look into the Domestic Laws of India:

Clause 1 of Section 69 A of the IT Act grants powers to the Central Government to enable the blocking of certain information generated, transmitted, received, stored or hosted in any computer resource, for reasons such as (1) Interest of Sovereignty and Integrity of India (2) Defence of India (3) Security of the State (4) Friendly relations with foreign States (5) Public Order and (6) For preventing incitement to the commission of any cognizable offence relating to above.

Clause 2 of Section 69A of the IT Act provides that the act of blocking has to be in accordance with the procedure and safeguards laid down therein i.e., the provisions contained in IT Rules. Section 69A seeks to restrict information which is defined as, including "data, message, text, images, sound, voice, codes, computer programmes, software and data bases or micro-film or computer-generated micro fiche", and directly implicates the Fundamental Right to Freedom of Speech and Expression guaranteed under Article 19 of Indian Constitution. Accordingly, grounds of restriction in Section 69A are derived from the language of reasonable restrictions on Freedom of Speech permitted by Indian Constitution under Article 19 (2).

The Supreme Court of India, in Shreya Singhal v. Union of India, has upheld the constitutionality of Section 69A of the IT Act and the corresponding Blocking Rules. The Court reasoned that information can be blocked only if the Central Government is satisfied that it is necessary to do so, the necessity relates to the subjects permitted as reasonable restrictions under the Constitution, and the reasons for blocking have to be recorded in writing which may be challenged in a Court of Law. Additionally, the Blocking Rules provide for procedural safeguards, including a Committee that examines the necessity to block information and provide hearing to affected parties.

The emergency measures taken by the Government and subsequent set of occurrences, like the Indian Government issuing a questionnaire to the affected parties seeking their clarifications, indicate that the ban has been imposed by an interim order allowed in cases of emergency where no delay is acceptable (Rule 9).

This step of Indian Government is supported by other countries like France and the USA but it is not free from cons as China will not sit quietly on this. Presently, concerns of data misuse have prompted the Indian Government to cite the Sovereignty, Defence and Security of India and block these Apps. However, if the Government fails to substantiate its claims before a Court of Law, in future, then it might deal a major blow to its reputation internationally. Hence, allowing such an action to continue unabated is a dangerous precedent and is liable to be challenged for the violation of the relevant clauses of Article 19 of the Indian Constitution.

Sanjay Kumar Pandey
Assistant Professor, ALS

The Right to Health in the Shadow of COVID-19

"COVID-19 exposed the dramatic effect of decades of under spending in health, water, sanitation, housing, social protection, and also policies around labor rights and decent work."

—Michelle Bachelet, High Commissioner for Human Rights, United Nations

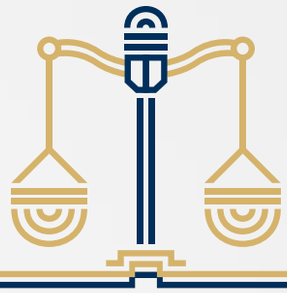
Human Rights are interdependent, indivisible and interrelated. This means that violating the Right to Health may often impair the enjoyment of other Human Rights, such as the Right to Education or Work, and vice versa.

The Right to Health is inherent to the Right to Life. Every human being is entitled to the enjoyment of the highest attainable standard of health, conducive to living a life in dignity. Everyone, regardless of their social or economic status, should have access to the health care they need.

International Human Rights Law guarantees everyone the right to the highest attainable standard of health and obligates Governments to take steps to prevent threats to public health and to provide medical care to those who need it. Human Rights Law also recognizes that in the context of serious public health threats and public emergencies threatening the life of a nation, restrictions on some Rights can be justified when these have a legal basis and are strictly necessary, based on scientific evidence and neither arbitrary nor discriminatory in application, of limited duration, respectful of human dignity, subject to review, and proportionate to achieve the objective.

Controlling the virus and protecting the Right to Life, means breaking the chain of infection and people must stop moving and interacting with each other. The most common public health measure taken by States, against COVID-19, has been restricting freedom of movement- the lockdown or stay-at-home instruction. This measure is a practical and necessary method to stop virus transmission, prevent health-care services becoming overwhelmed, and thus save lives. However, the impact of lockdowns on jobs, livelihoods, access to services, including health care, food, water, education and social services, safety at home, adequate standards of living and family life, can be severe. As the world is discovering, freedom of movement is a crucial Right that facilitates the enjoyment of many other Rights.

Non-discrimination and equality are fundamental Human Rights principles and critical components of the Right to Health. The International Covenant on Economic, Social and Cultural Rights (Art. 2 (2)) and the Convention on the Rights of the Child (Art. 2 (1)), identify the following non-exhaustive grounds of discrimination- race, colour, sex, language, religion, political or other opinion, national or social origin, property, disability, birth or other status. According to the Committee on Economic, Social and Cultural



Rights, "other status" may include health status (e.g., HIV/AIDS) or sexual orientation. States have an obligation to prohibit and eliminate discrimination on all grounds and ensure equality to all in relation to access to health care and the underlying determinants of health. The International Convention on the Elimination of All Forms of Racial Discrimination (Art. 5) also stresses that States must prohibit and eliminate racial discrimination and guarantee the right of everyone to public health and medical care.

COVID-19 is an unprecedented global threat, and Human Rights should be at the core of the global response—as States have legally binding obligations to do so and there is evidence that Human Rights-based policies strengthen public health. Where Human Rights are inextricably linked to public health outcomes and interconnected to the COVID-19 response, Governments should adopt Laws that are proportionate, necessary and non-discriminatory towards society's most vulnerable members and should ensure that Laws alleviate the worst impacts of the crisis on vulnerable groups. Moreover, the indivisibility of Human Rights, which the pandemic brings clearly to light, also highlights the need for better coordination among a siloed Human Rights community.

Dr. Archna Sehrawat
Assistant Professor, ALS

FUTURE'S FEUD

Two of the world's richest men are duking it out over a retail chain on the verge of default. At the heart of the current battle is Future Retail, the cash cow of Future Group. Future Retail has been credited for transforming India's Retail Sector in recent years but when it comes to the fight for India's growing e-commerce market, every battle counts. Amazon, the Seattle-based e-commerce firm owned by Jeff Bezos, is fighting a $3.3 billion deal struck between Mukesh Ambani's Reliance Industries and the Indian retail conglomerate Future Group. What's at stake is strategic access to a network of popular grocery stores and retail shops in India — something both Amazon and Reliance want to either have for themselves or to prevent the other from acquiring.

According to a recent report from market research firm Forrester, Amazon has 31.2% market share in India's e-commerce industry, just behind Walmart-owned Flipkart's 31.9%. However, Ambani has made no secret of his ambitions to upend the market with JioMart, which is part of his sprawling conglomerate. The Future Group Retail unit includes brands like Big Bazaar, Easyday, HomeTown, Foodhall, Lifestyle Fashion Limited and many more, which are well-known popular hypermarket chain in India.

In August 2019, Amazon invested in a Future Group entity that gave it a roughly 4.8% stake in Future Retail according to Stock Exchange filings. The deal gave Amazon the right of first refusal to acquire more shares in Future Retail, according to one of the filings. Then Covid-19 hit and India enforced one of the strictest nationwide lockdowns, ordering shops to shutter and millions of people to stay indoors for months. The pandemic has had a "significant adverse impact" on Future Retail's business operations, the Company said in its most recent earnings report. In July 2020, Future Retail's credit rating took a hit after it missed a bond payment. Fitch Ratings downgraded Future Retail's rating two notches to C, signalling that the Company was "near default."

The following month, Reliance and Future Group announced that Reliance was buying Future Retail and several other assets. The deal allowed Future Group to "achieve a holistic solution to the challenges that have been caused by Covid 19 and the macro economic environment," Kishore Biyani, Future Group CEO, said in a statement at the time. Everyone knew Amazon had a stake in Future Retail and the deal didn't mention what would happen to Amazon's stake. Amazon responded to it by filing a complaint to the Singapore International Arbitration Centre (SIAC). Indian companies and foreign companies operating in India often agree to settle disputes in Singapore because of its neutral jurisdiction with high integrity and international standards. The Arbitration process is confidential and none of the submissions were made public. Amazon argued that the 2019 deal struck

between it and the Future Group entity included a non-compete clause. The clause listed 30 restricted parties with which Future Retail and Future Group could not do business and Reliance was on that list. A SIAC Emergency Arbitrator gave Amazon a small victory in October 2020, when it ordered a temporary halt on Future Group's deal with Reliance.

Not only did Amazon got an Emergency Arbitration Award in Singapore, it also wrote to SEBI and other authorities to delay 'the deal'. The Competition Commission of India (CCI), last month, approved Future's sale of its retail, wholesale, logistics and warehousing businesses to billionaire Mukesh Ambani's Reliance. This prompted Future Retail to file a Suit against the US company in the Delhi High Court to stop Amazon from "misusing" the SIAC's Interim Order and asking for issuance of directions barring Amazon from "interfering" with its Contract with Reliance. The Delhi High Court, on 21 December,2020 observed that the Suit filed by Future Group's unit Future Retail was maintainable however, the Court dismissed a plea from Future Group that sought to restrain US partner Amazon.com Inc from interfering in its $3.4-billion asset sale to Reliance Industries. In its verdict, the Court approved Future Group's resolution approving the transaction with Reliance as valid but noted that Amazon cannot be barred from writing to regulators on account of potentially irreparable damages.

To compete with Amazon and Flipkart, Ambani's JioMart has been growing its presence in India. It expanded to hundreds of cities across India earlier this year and plans to branch into electronics, fashion, pharmaceutical and healthcare soon. The Company is also likely tap into Reliance Retail's network of physical stores across the country to fulfil online orders. The industry had expected Amazon and Reliance to forge some kind of deal in the future because they might be needing each other's expertise. Amazon needs more shops to expand inventory and use retail spaces as storage and delivery hubs and Reliance doesn't have a lot of experience in e-commerce. Any kind of partnership between Amazon and Reliance in the future depends upon how much bad blood is between them now. Will it resolve or end up becoming an ego battle between both the Companies will e interesting to watch!

Ms. Toshi Rattan
Assistant Professor, ALS

LAW OF LIMITATION DURING THE PANDEMIC

Following the outbreak of COVID-19 in India, administration of justice by the Courts suffered greatly. Various Courts across the country issued circulars restricting the functioning of Courts to only 'extremely urgent matters', ultimately resulting in the effective closure of Courts.

It is pertinent to mention here that this development definitely had a substantial impact on the Period of Limitation, prescribed under various Statutes.

The issue of Limitation was first addressed by the High Court of Delhi in its Order dated March 23, 2020, wherein the following direction was passed: "Lockdown/Suspension of work of Courts shall be treated as "closure" within the meaning of the Explanation appended to Section 4 of the Limitation Act, 1963 and other enabling provisions of the Act and other Statutes, as may be applied to court proceedings. Thus, the limitation for any court proceeding shall not run w.e.f. 23.03.2020 to 04.04.2020 subject to further orders."

Keeping in view the difficulties faced by Lawyers and Litigants, across the country, in filing Petitions/ Applications/Appeals etc due to the lockdown, the Supreme Court Bench comprising CJI S A Bobde, Justices L Nageswara Rao and Surya Kant, on the very same day, in exercise of its powers under Article 142 read with Article 141 of the Constitution of India, passed an order in Suo Motu Writ Petition Re: Cognizance for Extension of Limitation: "To obviate such difficulties and to ensure that the lawyers/ litigants do not have to come physically to file such proceedings in respective Courts/ Tribunals across the country including this Court, it is hereby ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under General Law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March, 2020 till further orders to be passed by this Court in present proceedings."

A primary yet crucial issue that arises from the Order is its interpretation. It was likely that the Supreme Court in the near future would issue further Orders which would more clearly spell out the intent and scope of the Order dated March 23.

On May 6, the Court extended the application of the Order to proceedings under Arbitration Act and Section 138 of the Negotiable Instruments Act. On July 10, the Court applied this Order extending Limitation for filing of cases to Section 29A and 23(4) of the Arbitration and Conciliation Act, 1996 and Section 12A of the Commercial Courts Act, 2015.

A 3-Judge Bench of the Apex Court has held that it's Order dated 23.03.2020 cannot be read to mean that it ever intended to extend the period of filing Charge Sheet by Police, as contemplated under Section 167(2) of the Code of Criminal Procedure. [S. Kasi v. State, decided on 19.06.2020]

On 18th September, in the matter of Sagufa Ahmed & Ors. v. Upper Assam Plywood Products Pvt. Ltd. & Ors., the CJI led Bench clarified that what was extended by the above Order of this Court was only the Period of Limitation and not the period up to which delay can be condoned in exercise of discretion conferred by the Statute. The Order passed by this Court was intended to benefit vigilant Litigants who were prevented due to the pandemic and the lockdown, from initiating proceedings within the Period of Limitation prescribed by any law. It is needless to point out that the Law of Limitation finds its root in two Latin maxims, one of which is vigilantibus non dormientibus jura subveniunt which means that the Law will assist only those who are vigilant about their rights and not those who sleep over them. The Court held that the expression "prescribed period" appearing in Section 4 of the Limitation Act cannot be construed to mean anything other than the Period of Limitation.

The Supreme Court in the case of M/s. SS Group Pvt. Ltd. v. Aaditiya J. Garg & Anr. (17/12/2020) has observed that its Order of 23rd March, extending Limitation for filing in Courts and Tribunals, is still operative.

The 23rd March Order is a step unheard of and is use of the Supreme Court's overarching powers to ensure justice does not suffer due to the challenge faced by the country on account of the Covid-19 virus and resultant difficulties that may be faced by litigants. And by virtue of subsequent orders, the scope has been enlarged so that the said order applies in other proceedings also.

Minakshi Soni
Assistant Professor, ALS

Farm Acts 2020 and their impact on India's Rural Economy

Currently country is seeing a widespread farmer protest on the new Farm Acts, which is the topic of discussion among all. Farmers have marched towards Delhi and the Central Government is struggling to find an amicable solution. These Acts will not only be affecting the Farmers but all fellow citizens, directly or indirectly. It is, therefore, important to understand what the Government is intending through these Acts and how they will change the market dynamics in coming years. These Acts are:

1. Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020.
2. .The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020 and
3. The Essential Commodities (Amendment) Act, 2020.

On 27th Sept 2020, President of India gave his assent to all three Bills, which had been passed by Parliament earlier.

What is the objective of these Acts?

As per the Government, objective of bringing these farm reforms is to bring out farmers from the clutches of middlemen and give them opportunity to access open market. Direct involvement of private sector will boost infrastructure and supply chains for farm produce in local and global market. The first Act will allow farmers to sell their produce outside Agriculture Produce Market Committee (APMC) 'Mandis' to whoever they want. Second Act will allow farmers to enter into contract with agribusiness firms where they can negotiate and fix the price for their produce in advance. The third Act removes commodities like pulses, oilseeds, cereals, edible oils, onion and potatoes from the list of essential commodities. This will allow farmers to stock these items without any limit to safeguard their interests.

Reason of discomfort among farmers –

Now when everything looks good on paper and intentions are positive then where is the problem? Well there is a big difference between 'good legislation' and 'good implementation'. Though we know that farm reforms were long overdue and these were attempted by previous Governments as well but it was required that each Act goes through detailed discussion, involving all stakeholders and experts, to bring the best out of it. This is something which was missing here due to which the Government is struggling now with the farmers and Opposition Parties joining hands.

First reason of unrest is uncertain future of APMCs. APMCs are a great source of revenue for State Governments. When farm produces will be sold through open private markets, State Governments will lose their revenues and how it will be compensated is not discussed.

Middlemen will lose their jobs in APMCs but there is also possibility that new breed of middlemen will erupt in private market as most of the farmers are marginalized and they are not able to sell their produce in open market independently.

With the end of APMCs, Minimum Support Prices (MSP) will also practically end and this is the biggest fear among farmers. While the Government is willing to give written assurance on MSP, the farmers are insisting on the same to be included in the Act and this has become the main agenda of the on-going protest.

When we talk of contact farming, no doubt it is a big opportunity but a bigger threat as well. Marginalized farmers will be in the hands of big corporates and how their rights and interests will be protected is a question mark!

What can be the way forward?

We agree that these reforms were required as there were many flaws in the decades old APMC system. Instead of removing the whole system, its loopholes should have been removed. At this moment, the Government should rethink on some of the uncertainties of the new Acts, listen to the farmers, other experts and come up with some amicable solution to make them robust.

Dr. Ankita Sharma
Assistant Professor, ALS

Declaring Climate Emergency in India

Describing the situation as "dramatic", UN Secretary-General Antonio Guterres said, on 12 December 2020, that the world leaders should declare a "Climate Emergency" in their countries to spur action to avoid catastrophic global warming. This concern had also been voiced by nearly 11,000 scientists.

A declaration of Climate Emergency is a piece of legislation passed by a governing body such as a National Government, a State Legislature or even a City Council. It puts the Government on record in support of taking emergency action to reverse Global Warming.

This declaration of a Climate Emergency could prove to be a much-needed first step in catalysing Government and private action. The first such measure was taken at the local government level, in City of Darebin, Australia, in December 2016. Since then, there have been hundreds of such declarations at various levels of government, to the extent that 'Climate Emergency' was declared as the Oxford Word of 2019.

The United Kingdom is considered the first country to declare a Climate Emergency at the national level. France is the only country to have passed a Climate Emergency declaration with legal consequences i.e. the Energy-Climate Act, 2019. It aims at addressing "Ecological and Climate Emergency" as the main objective of French Energy Policy. Ireland has also declared an emergency with a relatively wide scope, in declaring a "Climate and Biodiversity Emergency" and calling for a response to the issue of biodiversity loss. The latest addition to this list of countries is New Zealand.

India's Stand

Even though India understands that to preserve the planet, the need is to limit Global Warming to1.5º Cover pre-industrial times, which is about 150 years ago yet it has not yet taken a firm stand of declaring Climate Emergency. India has ruled out the UN Chief's demand for 'net zero emissions' saying that it cannot be a goal for developing countries as the technologies have not progressed and aren't all available yet for these countries.

India believes that worldwide call for stepping up climate actions will have to be matched with adequate provision of climate finance to developing countries as climate finance is a key pillar in enabling climate actions. It is urged that all the developed countries must fulfil their prior commitments. In this respect, developed countries should enhance their support to developing countries for actions related to adaptation and mitigation. This must be done through adequate provision of finance, technology transfer, and capacity building to facilitate the effective implementation of the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement.

Conclusion

Climate Emergency declarations have largely been symbolic measures without any legal ramifications, expressing governments' commitments towards the mitigation of climate change. This, however, does not make them meaningless and they must be regarded as significant first steps in scaling up the efforts for climate change mitigation and adaptation. A Climate Emergency will provide a further basis for ensuring the accountability of the Indian Government and can have significant benefits in streamlining government action, as well as bringing the imminence of the threat into the public and private discourse.

India aims for a US$ 5 trillion economy by 2024. As Hon'ble Prime Minister Modi put it, "Earlier, India was walking, but New India will be running." This means massive development in the country and requires the commitments made by the developed countries for enhancement and support in relation to climate finance as mandated in the UNFCCC and Paris Agreement to be translated into reality. India has opined that as a responsible nation it will endeavor to do its best for adaptation and mitigation actions, keeping in mind the imperatives of sustainable development and climate change.

Dr. Vijay Pal Singh
Assistant Professor, ALS

Right to Recall: A Need of Time

Introduction

Recall is basically a process whereby the electorate has the power to remove the elected officials before the expiry of their usual term. Thus recall confers on the electorate the power to actually 'de-elect' their representatives from the legislature through a direct vote initiated when a minimum number of voters registered in the electoral role sign a petition to recall.

'Right to recall', along with the 'right to party platform', finds its justification in the 'basic structure' of universal democracy. When a person is voted to power by the people based on his 'party platform', the said platform assumes the status of a contract and the elected person is under an obligation to honour the same. In a universal democracy, a default on the part of the elected representative vests in the electorate an 'inalienable and non-negotiable' right to recall such a representative. Therefore, the right to recall is a democratic tool which ensures a 'greater accountability' in the political system as the electorate retains control over those legislators who are underperforming or are misusing their office for their selfish gains. More than five years after anti-corruption activist Anna Hazare sought empowerment of people with right to recall elected representatives, BJP MP Varun Gandhi has raised the same issue through a Private Members' Bill in the Lok Sabha. The Bill has sought an amendment to the election rules to introduce right to recall Parliamentarians and Legislators, if 75% of their voters are dissatisfied with their performance, taking a leaf from the existing practice in some countries abroad. The draft legislation proposes that the process to recall an elected representative can be invoked by a constituency voter by approaching the Speaker. The petition seeking annulment of the membership of an MP or an MLA should be signed by at least one-fourth of the total number of electors in that seat.

Need for the Right to Recall

- There exists no recourse for the electorate if they are unhappy with their elected representative. The Representation of the Peoples Act, 1951, only provides for "vacation of office upon the commission of certain offences and does not account for general incompetence of the representatives or dissatisfaction of the electorate as a ground for vacation".
- Logic and justice necessitate that if the people have the power to elect their representatives, they should also have the power to remove them if they engage in misdeeds or fail to fulfil the duties.
- The Right to Recall is a democratic tool which ensures a 'greater accountability' in the political system as the electorate retains control over those legislators who are underperforming or are misusing their office for their selfish gains.

Recall of Elected Representatives in India:

- Quite interestingly, India is not new to this concept and witnessed its first recall election in the year 2008 wherein three local body chiefs were de-elected by the people in accordance with the Chhattisgarh Nagar Palika Act, 1961.
- Safeguards that need to be put in place, if the Right to Recall is introduced:
- While it is necessary to ensure that a recall process is not frivolous and does not became a source of harassment to elected representatives, the process should have several built-in safeguards such as an initial recall petition to kick-start the process and electronic-based voting to finally decide its outcome. Furthermore, it should ensure that a representative cannot be recalled by a small margin of voters and that the recall procedure truly represents the mandate of the people. To ensure transparency and independence, chief petition officers from within the Election Commission should be designated to supervise and execute the process.

Recent enactment in Right to Recall

The Haryana Panchayati Raj (Second Amendment) Bill, 2020 passed in the State Assembly aims aimed at increasing their accountability to the voters. It provides the Right to Recall members of Panchayati Raj institutions to those who elected them. The procedure to be followed is:

- To recall a Sarpanch and Members of the two bodies, 50% Members of a Ward or Gram Sabha have to give in writing that they want to initiate proceedings.
- This will be followed by a secret ballot, in which their recall will require two-third members voting against them.

Advantages of Right to Recall

- It gives the power to ensure vertical accountability of a person in a democracy.
- Criminalization of politics would reduce.
- Raise inclusiveness and engender direct democracy.
- Election promises would be fulfilled by the representative due to the apprehension that he may be kicked out if he does not keep promises.
- The free and fair election is the very essence of the democracy. The people should decide according to their confidence on the elected one who should be elected and who can be removed.
- To deepen democracy, the right to recall must be given hand in hand with the right to vote.
- Having the system of recall will deter candidates from spending crores of money in campaigning for the elections because they will always have a fear of being recalled.

Disadvantages of Right to Recall

- Right to recall creates an additional burden on the Election Commission.
- It will also place undue pressure on limited resources such as manpower, time, money etc.
- The criterions provided for recall viz., the dissatisfaction of the electorate with the performance of the candidate, are vague and provide immense scope for misuse.

- The representative would be under constant pressure to work the way people want him.
- There is an uncertainty of the time period he would be serving the public. This uncertainty would make it hard to make plans/policies which yield substantial results in long-term.
- Political rivals would make an issue out of smallest of the mistake of the representative and demand a recall election.
- There will be a state constant political turmoil and politicians would be busy saving seat instead of working for development.
- It is contentious as to whether the right to recall will instil vertical accountability. For instance, the existence of local self-government has not automatically led to the improvement of vertical accountability across India.
- In a polity, which is yet to have an efficient and impartial bureaucracy, it is contentious as to whether the right to recall has met expectations vis-à-vis the limited number of local self-government frameworks which provide such right to the electorate (as in the case of Madhya Pradesh).

Process to be Followed

Due care must be taken in the introduction of legislation associated with such laws.

- To encourage the process of the right to recall, legislative change is needed which seeks to introduce recall petitions, for elected representatives in the Lok Sabha and in Legislative Assemblies.
- It is necessary to ensure that a recall process is not frivolous and does not became a source of harassment to elected representatives.
- Thus, the process should have several built-in safeguards such as an initial recall petition to kick-start the process and electronic-based voting to finally decide its outcome.
- Furthermore, it should ensure that a representative cannot be recalled by a small margin of voters and that the recall procedure truly represents the mandate of the people.
- To ensure transparency and independence, chief petition officers from within the Election Commission should be designated to supervise and execute the process.
- Recall is quintessentially a 'post-election' measure to ensure accountability from the elected representatives; however, there are already in existence various neglected 'pre-election' measures which aim to achieve the same purpose. Some examples of such pre-election measures would be the provisions relating to disqualification and expulsion of members and the existing vigilance bodies to check corruption etc.

Conclusion

Right to Recall has been successfully implemented and exercised in the local bodies of some of the States such as Madhya Pradesh, Chhattisgarh, Bihar and Rajasthan. A proper procedure has been laid down in these States to ensure an effective exercise of these rights. India has witnessed a few recall elections at local governance levels in these States also.

In 2013, the Supreme Court, to preserve essence of democracy, recognized the citizens' right to reject by way of 'None of the Above (NOTA)', in Peoples Union for Civil Liabilities v. Union of India. Surprisingly, this right has also been rendered toothless by legislative drafting and policy making. Even if a significant electorate votes for NOTA, there are no repercussions for it because of our First Past the Post Method, which disregards the discontent of the electorate. It may be noted that right to vote and simultaneously right to reject, NOTA, has been recognized as an essential component of right to free expression under fundamental right. Similarly, right to de-elect should also be recognized as a component of free expression. It is well understood that right to de-elect will entail an additional expenditure on the exchequer but this should not act as a deterrent in our quest to have a direct democracy.

Right to Recall seems like a very attractive idea on theory but introducing such a right would not only entail practical difficulties, but also bring along various undesirable repercussions. The idea to have recall elections does not seem to be the best idea when we already have other measures to ensure good governance. The focus should be on reviving the existing measures as well as finding solutions to the root-cause of having poor quality of representation at the first place.

SANJUM BEDI
Assistant Professor, ALS

RACISM AND QUEST FOR EQUALITY

What had happened with George Floyd, in USA, is an enormously ghastly encounter. After this incidence, there is a renewed call against nepotism. A dozen current law enforcement officers and criminal justice experts opine that Black representation in U.S. Police Forces has long been hampered by discrimination in hiring and promotion. It has been alleged that the society is advertently segregated between 'Blacks' and 'Whites' and that apartheid is bitterly accepted.

"Get off my neck. "Please! Please! "I can't breathe." It seems that Police in America have far too many non-lethal ways to tighten the noose on black men, escape criminal charges and hide behind the agency's classification system. Racism itself is a weapon and does not require a gun or a bullet. In this case, a Police Officer's knee was the weapon which was used to kill George Floyd. He was killed by an American Police Officer who used his knee as a weapon to make sure that Floyd was not able to breathe 'at all'. One does not need to attend the Police Academy to understand that a person may die if the police obstructs his airway and does not allow him to breathe. Derek Chauvin, who kneeled on Floyd to death has been charged with a Third-Degree Murder and the other officers on scene, who simply watched their fellow officer doing so and did not intervene rather stopped the citizens from trying to save Floyd's life, have not been booked appropriately. The accused officer should have been charged with First–Degree Murder. **Whereas a First-Degree Murder, charged in Minnesota, requires that a person acts to "cause the death of a human being with premeditation and with intent to effect the death of the person", a Third-Degree Murder means "causing the death of another by perpetrating an act eminently dangerous to others and evincing a depraved mind, without regard to human life."**

Prima Facie, by the viral video, it is evident that there was a clear intention of the officers to kill and this intention was accompanied with premeditation. Floyd kept on struggling for his life. He begged the officers that he could not breathe, not once but 12 good times. He begged for mercy and sobbed, "I'm about to die. They're gonna kill me," and called out his mother. His body went limp and he lost his consciousness after four minutes. The witnesses started yelling, "they just killed him". The officer still pressed Floyd's windpipe with his knee to make sure that there is not even a last breath that was left within him.

Floyd's killing has become emblematic of the excessive use of disproportionate force by law enforcement against people of African descent and ethnic minorities in countries across the globe. It shows the pain felt in the struggle for being treated equal, which is the most basic right of any human being. Racism is a belief detrimental to mankind. It causes prejudice, discrimination, or antipathy directed against a group because of their belongingness to a different race or ethnicity. The sad truth is that in all the parts of the world including India, everyone who is not a white

foreigner is treated differently. The blacks in most cases are victims of extreme racism. This develops due to negative stereotypes against such people who are considered inferior because of their skin colour. This problem at hand however is, much more than being about 'colour'. Racial discrimination against the North-East Indians is deeply rooted in our Indian society as well. Indians seem to have a very basic and stereotypical notion about the North-East parts of India. Addressing someone as "Chinki" due to the structure of their eyes is very common specially when that particular feature differentiates them from the rest of the Indians. Bizarre questions like, 'if they eat dogs, snakes or frogs' are put to them to humiliate them. Everyone has the right to demand equal recognition irrespective of their physical features. The murder of a 20-year-old boy, Nido Tania, who was from Arunachal Pradesh, India, reminds of a very tragic incidence in the year 2014. He succumbed to fatal lung injuries inflicted upon him as a result of brutal beating by the shopkeepers in the market of New Delhi. Nido got into an argument with the shopkeepers as they passed racial slurs and comments on his long, dyed hair, facial features like eyes and his dressing sense. The locals even claimed that the shopkeepers kept calling him out as Chinki or Chinese. The sad killing of Nido was a heinous crime which was an outcome of pure racial prejudice. **The police had charged the accused under Section 302 of the IPC, however the CBI dropped the murder charges and framed charges under the SC/ST Atrocities Act, 1989.** Later, the Court dropped the charges framed under SC/ST Act saying that there was no establishment of the motive of "racial slur". This incident moved the North-East Indians in a very aggressive and agitated way.

Whenever we come across a person with Mongolian facial features, the first thought that comes in one's mind may not be so graceful. People often call out the North east Indians as Chinese, Korean, Japanese etc. Racial slurs have become extremely common in north east states. The international community must now take heed of the complexity of the politics of race and how it fuels human rights abuses, including genocide acts and crimes against humanity. Racial crimes have intensified against the Tibeto-Mongoloid origin people, especially from the North East in the wake of COVID-19 which originated in Wuhan city of China. The NCAT provided 30 incidents of racial attacks on the Tibeto-Mongloid looking persons, especially from the North East related to COVID-19 pandemic from across the country. Apart from being called "Corona", "Chinese", "Chinki", glaring/staring/ogling while walking in the streets or shopping or sitting in public transport, India's Mongoloid looking people were spat on and called "coronavirus".

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is a United Nations Convention, adopted by the United Nations General Assembly on 21 December 1965. Article 15, **Article 16 and 29 of the Constitution of India prohibits discrimination on grounds of "race". Section 153A of the Indian Penal Code (IPC) prescribes punishment against persons indulging in various vilification or attacks upon religion, race etc.** Despite these provisions, unwanted activities continue. The need is firm implementation.

"I cant breathe
These words on
Repeat in my head,
Another man,
Innocent but dead,
No fault , no crime...
Dead because of a different skin
Color than mine. "

Dr. Shiv Raman
Assistant Professor, ALS

DRONE FLYING AND LEGAL REGULATIONS IN INDIA

Introduction: Technology affects us both in positive and negative manner, one such example being the Remotely Piloted Aircraft (RPA or more commonly known as Drones). Though Drones are proving to be useful for military, commercial, civilianand even humanitarian activities yettheir unregulated use carries serious consequences that need to be addressed. Today we frequently observe the multiple use of Drone technology in various fields for varied purposes, for e.g., we can see Drones in community functions especially shooting of visuals in wedding or a cricket match and other sports events. Surprisingly we do not know that Drone flying without license from competent authority is illegal in itself. In this Article I intend briefly discussing about legal regulations in India on Drone flying, the measures taken Indian Govt. and central agencies in dealing with the issues of quality control, response mechanisms in event of an incident, privacy and trespass, air traffic, terrorist threat managementand legal liability.

Meaning of Drone

Drone is a kind of an unmanned aircraft, which can fly autonomously without a human in control. It can be defined as an aircraft without pilots on board, whose flight (speed, navigation, aerobatics, etc.) are controlled by onboard computer-based systems, which is controlled remotely by human operators.

Legality of Drone flying without license and Legal Regulations for Drone flying in India:

The main reason for prohibition of Drone technology was its use for security and operations conducted by Indian Defence Forces. The military uses them for a variety of applications, such as surveillance and reconnaissance in unknown or hostile territories to track enemy movements, for border patrols, search and rescue missions, and emergency services. Armed versions of Drones have been used to protect the lives of men and women in uniform as well as to target and kill enemy forces including terrorists. In the Indian neighborhood, particularly Pakistan and Afghanistan, Unmanned Combat Aerial Vehicles (UCAVs) have been put to significant use in fighting Al-Qaeda and Taliban. With due course of time, the use and purpose of Dronehas shifted from Defence to commercial purposes and the Govt. of India realized that it raised the threat to security and privacy related issues. On 07 October 2014, the Director General of Civil Aviation of India (DGCA), issued a public prohibitory notice for the launch of any Unmanned Aerial Vehicle (UAV) by any person individually or by any NGA (Non-governmental Agency). ThusDrone flying without prior approval and license was declared illegal in India. In addition thereto, the Department of Industry Policy & Promotion, Ministry of Commerce and Industry, released Press Note No.-III, which contained the list of electronic aerospace and defense equipment for which an industrial license is required to be taken prior to manufacturing/ production. It included UAVs usually referred to as Drones. [http://carnegieindia.org/ 2017/03/10/ civilian- Drones-and-india-s-regulatory-response-pub-68218]

The term 'Aircraft' is defined in the Aircraft Act, 1934,'as any machine which can derive support in the atmosphere from reactions of the air, [other than reactions of the air against the earth's surface and includes balloons, whether fixed or free, airships, kites, gliders and flying machines.' The unmanned aircrafts are broadly included in this definition. According to the Aircraft Rules, 1937, theDGCA has notice issuing power to the owners of Aircraft, to issue directions relating to the operation, use, possession, maintenance or navigation of aircraft flying in or over India or of aircraft registered in India.

Registration of Drones or UAVs:

Rule 30 of the Aircraft Rules, 1937 provides that Central Govt. is the competent authority to grant the certificate of registration to an aircraft, which includes UAV, Unmanned Free Balloons, and Remotely Piloted Aircraft. Thus,Drones also require registration prior to their use.[http://dgca.gov.in/ftppup/D2F-F1.pdf]

Further,Rules 31 to 37A of the ibid Rules provide the legislation for registration of aircraft, cancellation and change of ownership of aircraft, the nationality and registration marks and the manner for affixing these marks.

Legal consequences of Drone flying without registration and license as given in Indian Penal Code, 1860:

The Drone flying without any license and registration can raise threats to violation of privacy of an individual and an organization (public or private). Though directly there is no such provision provided in the Indian Penal Code but with the help of provisions mentioned below liability can be fixed on an offender.

- Negligent conduct on machinery (Sec. 287)- It is about- When anyone uses any machine in a rash or negligent manner which endangers human life, he will be held liable for, "Negligent conduct with respect to machinery." This section will be applicable in situations where a technical failure occurs in flying a Drone and it crashes thus causing risk to others. The punishment under this Section is an imprisonment for six months with a fine of Rs. 1000.
- Act endangering life or personal safety of others (Sec. 336)- It is about- Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.
- Public Nuisance (Sec. 268)- It is about- - A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right.
- A Drone might cause hurt, as defined under Section 319 of the IPC. "Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt."

In addition to these offenses, it can also pose threat of criminal trespass and breach of privacy of an individual. Drones with a camera can be used to film people against their will or even bug them thereby causing a breach of their privacy.

Selling of Drone at E-web stores in India:

Surprisingly Drone flying without permission is illegalbut selling is not so in India. Now Drones are readily available on internet at a very minimal cost. More interestingly,India is the highest seller of Drones in the world. It is so because there are no concrete laws which regulateselling of Drones on internet in spite of its prohibition on flying.

Regulations relating to importing of Drones in India:

The import of Drones is now prohibited in India as per Section 80 of the Customs Act, 1962. According to Section 2(33) of the said Act, "Prohibited goods" means any goods the import or export of which is subject to any prohibition under this Act or any other law for the time being in force.

The Ministry of Commerce & Industry, Department of Commerce, Directorate General of Foreign Trade, vide Notification No. 16/2015-2020 dated 27.07.2016 has introduced policy condition for import of Unmanned Aircraft System (UAS)/Unmanned Aerial Vehicle (UAVs)/Remotely Piloted Aircraft (RPAs)/Drones as 'Restricted'.[2017 SCC Online Ker 445]

Conclusion:

It is important to emphasize that although much of the recent drone debate has focused on the state's use of drones for surveillance and military purposes, the use of drones by and for civil society is worthy of attention. There is a vital need for policy enabling and handholding in India for any underlying opportunity in the case of the commercial drone market in India. There needs to be political agreement and cooperation between the Ministry of Defence, the Ministry of Home Affairs, the Ministry of Commerce and Industry, the Ministry of Civil Aviation, for a smooth launch and development of the commercial drone industry in India. In addition, major policy funding needs to be made in drone education – educating operators, capacity building for drone production, drone identification and monitoring, remote pilot qualification, and other qualified drone services.

Nidhi Sharma
Assistant Professor, ALS

INSOLVENCY AND BANKRUPTCY CODE (AMENDMENT) ORDINANCE, 2020 AMIDST COVID-19

With the dawn of 2020, the global economic slowdown was imminent as a result of the trade battle between Financial Goliaths (the U.S and China), developing turmoil in the Middle-East and the South China Sea, BREXIT(Britain Exit from European Union) and at last spread of Coronavirus (COVID-19) Pandemic across the Globe, followed by Economic Halt as lockdowns have antagonistically influenced business activities across the World. This has additionally increased pressure on the distressed India Markets, MSME's and other little scope business activities. To counter this, the Central Government has adopted various measures as Relief Packages and amendments in current Economic Laws, the latest being the Insolvency and Bankruptcy Code (Amendment) Ordinance, 2020 which is a blend of various reforms considering the pandemic.

The Salient Features of Insolvency And Bankruptcy Code (Amendment) Ordinance, 2020

The Insolvency and Bankruptcy Code,2016(hereinafter caleed the Code) provides a time-bound process for resolving insolvency in companies and among individuals. Insolvency is a situation where individuals or companies are unable to repay their outstanding debt.

1. Provision Facilitating Moratorium: Insertion of Section 10A[1]

A moratorium is a temporary suspension of an activity or law until future consideration warrants lifting the suspension. Most of the time, moratoriums are intended to alleviate short-term financial hardship or provide time to resolve related issues. In Bankruptcy Law, a moratorium is a legally-mandated hiatus in debt collection from creditors. The new Section 10A provides for blanket suspension of initiation of Corporate Insolvency Resolution Process(CIRP) under Sections 7, 9, and 10 of the Code for a half year. It expresses that no new applications for initiation of CIRP will be filed for a half year commencing from 25th March 2020. It can additionally be stretched for one year providing a protected harbor to the Corporate Debtors. The clarification via Explanation bars the application for initiation of CIRP filed before 25th March 2020.

2. Insertion of Section 66(3)

Furthermore, the recently inserted Sub-section (3) under Section 66 of the Code prohibits documenting of applications by Resolution Professionals under Sub-section (2) for such default, against which the commencement of CIRP is suspended by Section 10A. Section 66(2) of the Code imposes an obligation on the Promoter, Director, Key Managerial Person or Partner of the Corporate Debtor to add to the debtor's assets on an application started by the Resolution Professional, if they carried on business with the wilful intent of duping creditors or didn't exercise requisite due perseverance before the commencement of Resolution Process. The expansion of Sub-section (3) protects the Director or Partner from obligation in case

of such default when CIRP is suspended under Section 10A.

Further, according to the Notification dated 24th March 2020, from the Ministry of Corporate Affairs, the threshold for minimum default was increased from Rs One Lakh. to Rs One Crore.[2]

3. **In addition to above, Regulation 40C** [3] has been inserted in the **Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (the IBBI Regulations)** exempting the period of lockdown from being considered under the timelines prescribed in the IBC concerning a CIRP.[4]

4. Insertion of Regulation 47A

Also, Regulation 47A was inserted into the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016, to provide a similar exemption of the lockdown period concerning the timelines prescribed under the liquidation process.[5]

IBC Amendments: Clumsy Attempt to Ameliorate Financial Stress

Need clarification to address ambiguities: Whereas the IBC (Amendment),2020 clearly states that the period of suspension of initiation of CIRP commences from 25th March 2020 yet fresh Notification requires clarifying the stand for continuing defaults before the aforementioned date.

Corporate Governance vis a vis Unwarranted Protection to Promoters/Directors: The amendment to Section 66 of the Code, exonerates Promoters/ Directors/Partners of the defaulting corporation or company, putting the Creditors' money at risk. Now Promoters/Directors/ Partners have easy escape from their liability and can willfully default the payment of dues without being held accountable towards stakeholders for the default which might result in accumulated debts and excessive financial burden.[6]

Suspension of Voluntary CIRP: The suspension of Section 10 of the Code takes away the autonomy of a company, under financial distress, to restructure its debt. It would increase the distress of the company and further diminish the value of its assets. The Creditors would no longer be able to maximize the value of their assets through the preparation of a resolution plan. Practically, this is not in the interest of Corporate Debtor to suspend Section 10 of the Code.[7]

Operational Creditors: Lack of Remedies -The recent amendment suspended the initiation of CIRP by Operational Creditors (Section 9) thereby adversely impacting the interests of operational Creditors, especially for the MSMEs. The default amount cannot be claimed by the MSMEs even if the threshold limit is breached, thereby opening a wide ray of possibilities regarding wilful default by Corporate Debtors. While the increased threshold was aimed at providing relief to the MSMEs but the resolution of stressed MSME firms has taken a hit as a result of the suspension of CIRPs[8]. Therefore, a different regime of debt resolution must be explored in this regard.

The Insolvency and Bankruptcy Code (Second Amendment) Bill, 2020: Future Action to Ameliorate Financial Stress

This Bill replaces the Insolvency and Bankruptcy Code (Amendment) Ordinance, 2020.

The Insolvency and Bankruptcy Code (Second Amendment) Bill, 2020 was introduced in Rajya Sabha on September 15, 2020. The Bill seeks to temporarily suspend initiation of the Corporate CIRP under the Code.

Prohibition on the Initiation of CIRP For Certain Defaults

When a default occurs, the Code allows the Creditors of the company or the company itself to initiate CIRP by applying to the National Company Law Tribunal (NCLT). The Bill provides that for defaults arising during the six months from March 25, 2020, CIRP can never be initiated by either the company or its creditors. The Central Government can extend this period to one year through notification.

The Bill clarifies that during this period, CIRP can be initiated for any defaults arising before 25,March 2020.

Liabilities for Wrongful Trading

Under the Code, a Director or a Partner of the Corporate Debtor may be held liable to make personal contributions to the assets of the company in certain situations. This liability arises for 'non-exercise of due perseverance' to mitigate Creditors' loss, despite knowing that the insolvency proceedings cannot be avoided. The Resolution Professional may apply to the NCLT to hold such persons liable. The Resolution Professional is appointed to manage the resolution process upon the acceptance of an application for initiation of CIRP. The Bill prohibits the Resolution Professional from filing such an application concerning the defaults for which initiation of CIRP has been prohibited.

Conclusion

It is critical to take a glance at the current arrangements in the law concerning the resolution of debt that finds some kind of harmony between the interests of the relative stakeholders and acquaint measures with fast tracking the resolution process.

It is unclear why a Debtor should be protected from the liability for these defaults even after its temporary adverse situation has been resolved. It may be questioned whether a personal guarantor to a Corporate Debtor should undergo insolvency proceedings for defaults for which insolvency proceedings are not allowed against the Debtor. A sweeping suspension of the provisions of IBC 2016 without alternatives to debt restructuring and debt recovery will additionally exasperate the economic emergency and increment financial distress.

Neha Mishra
Assistant Professor, ALS

The Global Skirmishes: Indo-China Galwan Valley Clash

A violent clash broke out between the Indian and Chinese soldiers in the Galwan Valley of Ladakh region on June 15, 2020.

This was the fiercest border conflict with China to have occurred after the 1962 war. The violent brawl between troops of both sides claimed the lives of 20 Indian Army personnel and an unspecified number of Chinese were also reportedly killed. It was the first deadly conflict between Indian and Chinese soldiers along the contested LAC in 45 years.

BACKGROUND

India and China share an unmarked border that is more than 3488km long and both countries claim over some overlapping territories. Since May 2020, the Indian and Chinese Armies have been in a stand-off at three locations along the Line of Actual Control (LAC), viz., the Galwan River Valley, Hot Springs area and the Pangong Tso Lake.

Where is Galwan Valley?

- The Valley refers to the land that sits between steep mountains that buffet the Galwan River.
- The River has its source in Aksai Chin, on China's side of the LAC, and it flows from the east to Ladakh, where it meets the Shyok River on India's side of the LAC.
- The Valley is strategically located between Ladakh in the west and Aksai Chin in the east, which is currently controlled by China as part of its Xinjiang Uyghur Autonomous Region.
- At its western end are the Shyok River and the Darbuk-Shyok-Daulat Beg Oldi (DSDBO) road. Its eastern mouth lies not far from China's vital Xinjiang Tibet Road, now called the G219 Highway.

Where does the Line of Actual Control lie?

- The LAC lies east of the confluence of the Galwan and Shyok Rivers in the Valley, up to which both India and China have been patrolling in recent years.
- After the June 15 clash, however, China has claimed that the entire Valley lies on its side of the LAC.

Territorial claims and LAC claims

- These are not the same. The distinction between territorial claims and LAC claims is sometimes blurred.
- The LAC refers to territory under the effective control of each side, not to their entire territorial claim. For instance, India's territorial claims extends 38,000 sq km on the other side of the LAC across all of Aksai Chin but the LAC India observes runs through the Valley.

It is true that the LAC has never been demarcated and there are differences in perception of where it lies in more than a dozen spots, but there have not been previous incidents in the Valley.

Galwan was a triggering point during 1962 War

As is known, the Indo-China Conflict isn't new. In fact, before the 1962 War, the Valley became a flashpoint after China constructed a road between Xinjiang and Tibet, without India's consent.

The Highway is now known as G219. After building the road, the Chinese laid a claim to the area, first in 1959 and then in 1962. The second claim included parts of Eastern Ladakh.

Why tensions are suddenly on rise in this area?

There are several reasons - but competing strategic goals lie at the root and both sides blame each other.

India is trying to construct a feeder road emanating from Darbuk-Shyok Village -Daulat Beg Oldi Road (DS-DBO). This road runs along the Shylok River and is the most critical line of communications close to LAC.

China has been opposed to Indian construction of air strips and roads in the area, including Darbuk-Shyok Village -Daulat Beg Oldi Road in Galwan Valley.

According to the Chinese military, India is the one which has forced its way into the Galwan Valley thus changing the status quo along the LAC.

China is suspicious of India's construction in the area. The road could boost Delhi's capability to move men and materiel rapidly in case of a conflict.

Hence, Chinese are keen on controlling this area as they fear that the Indian side could end up threatening their position on the Aksai Chin Plateau by using the river valley.

How to Deal with a Problem?

Devolution of comprehensive China strategy: Strong political direction, mature deliberation and coherence are keys to handling the situation.

The Army can make tactical adjustments and maneuvers to deter the Chinese, but a comprehensive China strategy and its determination should devolve on those tasked with national security policy in the highest echelons of the Government of India.

Strategic communication: The responsibility of effective strategic communication too rests with political leadership. It is important to perceive the signals of transgressions on a serious note and adopt adequate strategy with clear instructions for forces.

Clarification on LAC: India should take the initiative to insist on a timely and early clarification of the LAC. Pockets of difference of alignment as perceived by each side have to be clearly identified and these areas demilitarised by both sides through joint agreement pending a settlement of the boundary.

Diplomatic channels must continue to be open and should not be fettered in any way because their smooth operability is vital in the current situation.

Scaling down of military contact: India must stand resolute and firm in the defence of territory in all four sectors of the border. Contacts between the two militaries through joint exercises and exchanges of visits of senior Commanders should be scaled down for the foreseeable future.

Counterbalance for the outside world: India's leverage and balancing power within the Indo-Pacific and the world beyond stems from its strong democratic credentials, the dynamism of its economy, its leading role in multilateral institutions.

The strategic advantage of its maritime geography is an asset possessed by few nations, and which must be deployed much more effectively to counterbalance the Chinese ingress into this oceanic space that surrounds us.

Reconsider RCEP engagement: The time has also come for India to reconsider its stand on joining the Regional Comprehensive Economic Partnership.

If India is to disengage from economic involvement with China, and build the capacities and capabilities it needs in manufacturing, and in supply chains networks closer home, it cannot be a prisoner of the short term.

It is time to boldly take the long view in this area as also on its South Asia policy.

Conclusion

The events in Galwan Valley should be a wake-up call to many of India's Asian friends and partners enabling a high-resolution envisioning of Chinese aggressiveness. This is also an opportunity for India to align its interests much more strongly and unequivocally with the U.S. as a principal strategic partner and infuse more energy into its relations with Japan, Australia, and the ASEAN. Routinely both Armies had been crossing the LAC - fairly common and such incidents were resolved at the local military level. However, this time, the build-up is the largest which has ever been seen.

"The stand-off is happening at some strategic areas that are important for India. If Pangong So Lake is taken, Ladakh can't be defended. If the Chinese military is allowed to settle in the strategic Valley of Shyok, then the Nubra Valley and even Siachen can be reached." It is important to recognise that both sides have a creditable record of maintaining relative peace and stability along their disputed border."

Dr. Sugato Mukherjee
Assistant Professor, ALS

Nazrul Even Today

Even today, the question of why Kazi Nazrul Islam is relevant comes up again and again. Nazrul writes in his poem "আমার কৈফিয়ত" [MY EXCUSE]: He is not the 'poet' of the future, he is the 'poet' of the present.

During the communal riots, he called out: "They are not Hindus or Muslims. Seeing the compromising attitude of political leaders, he called out: 'Comet wants full independence of India'; Protesting against the excesses of the scriptures, he wrote: "People have brought books / Books have not brought people."

During the Nazrul-contemporary time, all this was a call for liberation! Feudal writer Lev Tolstoy, the leader of the socialist revolution. E. Lenin called it the "mirror of the Russian Revolution." Because, even though he was rich and sat in the feudal society, Lenin found in Tolstoy's writings the key to social progress, the key with which the Russian people were able to open the door of liberation. Similarly, Nazrul's life and writings are equally admirable in today's twenty-first century Bengali life, even if written in the twentieth century because even with the passage of time, the evils of the twentieth century have not disappeared from the society even in the twenty-first century.

Nazrul himself apprehended that people would be scared just by calling him a 'rebel' His writing, however, did not proceed in one way or another. He who struggles also loves. Lenin read poetry, Marx wrote poetry, Mao Zedong himself was a poet. Nazrul also spoke of war and love.

A 'political aesthetics' could be made with Nazrul's literature and vision - if it had not been made, it would have been a great work. By associating his whole life with that 'political aesthetics', if we think about it, a new direction will be found and that is a must in this 21st century.

The question of whether Nazrul is a modern poet has arisen from time to time because after Nazrul, Jibanananda- Sudhindranath-Buddhadev-Amiya-Vishnu De's extreme modernist movement showed the way to the liberation of Bengal's poetry, whether Nazrul is behind them, and if he is behind them, there is no shortage of arguments. Needless to say, Nazrul's modernity is not the modernity of these Five poets.

Nazrul is a poet who combines reality and directness in modernity. It is conceivable that the poets of this age, especially the poets of the twenty-first century, are intoxicated with the magic game of words, and that Nazrul's consciousness is effective here. It is, therefore, absurd to question the 'modernity' of the post-modern poet, who made the introduction before the modern Five poets and who is being followed.

Nazrul is a strong man who overcomes sorrow. However, he is looking for the pearl of success with sampen in the sea of sorrow. And in this case, he has taken his flesh and blood lover with him. He wanted a straight flesh-and-blood woman. Do we not see the words of this body woman in the fifties, sixties, seventies of the last century? It was before. Starting from Jibanananda Das to later poets.

There is no body less woman in Shamsur Rahman at all - he has seen the female body 'objectively'. As if the female body is an 'object' - what is not visible in this

female body - that is the main thing. Nazrul was able to bring back the body and give real value to the people but this is against the Victorian consciousness. Clear water and the moon play like men and women. But aren't the two beautiful together?

There is an inexhaustible lust in this created world. It is not sexuality; it is the essence of creation. The world is beautiful and moving because there is a sense of creation. When it stops, the world will stop. Nazrul was able to grasp this mystery of the philosopher, and so in his writings he repeatedly portrayed the coexistence of men and women in the light of traditional Indian ideas and denied English Victorian values. This aesthetics is being studied anew among post-modern writers. Nazrul has its base.

We have to think, Nazrul is getting reception at a very young age, at the age of twenty-nine. This is a rare instance. At such a young age, Netaji Subhash Chandra Bose captured the minds of Bengalis, and Nazrul did. Not to receive such a big reception at this age; But got. So what was Nazrul? The look of treachery on his face, in his demeanor, in all his appearance, was truly astonishing. Was it just rebellion? No. He had romanticism.

There is modernity in this romanticism, there is renaissance in this romanticism and this romanticism is our own romanticism, not the romanticism of the west. The romanticism that we are born with, instinctively derived from the way of life - isn't that what we call - the 'Element of Life Force'? Of course. It was in Nazrul and Nazrul didn't get it from Europe - he didn't get it from Shelley, Keats, Byron - it came from inside him.

There are two ways: one is - the stage from which he came up, his birth in a poor Kazi family - the family had a Middle Eastern tradition; He also read Iranian, Turan and Arabic literature while he was in Karachi. The romanticism of the Middle East, that is, the love of life through the Sufi ideology, has influenced Nazrul.

Another trend is that Indian folklore is a cohesive religion. There is a harmonious path in our folk life and there is a motherly devotion - praying for refuge to the mother, praying for love - all the children are descending there. Nazrul also followed that path. In Indian mythology, Nazrul holds and respects the power and affection of women.

That is why he, the rebellious Nazrul, has taken refuge at the feet of the compassionate mother, humbled himself. This humble attitude does not mean defeat, it is a self-imposed bond. This is the idea of romanticism. And it comes from the folklore tradition.

Surrender at the feet of a woman - whether she is a mother or a lover - is a matter of great concern to Nazrul. So Nazrul is not in the western style, he is romantic in the local style. Nazrul has to be remembered again and again in this age not only for blind western adherence, but also for the motivation to be romantic in patriotism.

Nazrul's poem 'Rebel' [Title has been translated. Original title is –'বদ্রিে াহী'] Who do we not know? What did he say there? Isn't it to inspire others than friendship? I think so. He says: 'Ball Bir-'. Start with this. He does not call himself a hero, he calls others - he calls Bengalis - he calls Indians - you say: you are 'heroes'! 'Ball Unnat Mom Shir.' He wants to awaken the weak Bengalis or Indians. Says - You are not weak - Say, you are a hero and seeing you, the mountains are bowing their heads.

In this way, the leader has inspired his followers in big battles. As is the mythological-literary, so is the historical struggle. In the Srimad-Bhagavatam 'Gita' Krishna inspires the Pandava side through Arjuna; Ravana told his loyal soldiers: Lenin's historical inspiration for the Russians during the Bolshevik Revolution or Hitler's words for his followers - Nazrul's call can be compared to such a consciousness.

Incidentally, another of Nazrul's words comes to mind, where he clearly says: 'Give us a son who will say I am not from home, I am next, I am not mine, I am from the country.' What a wonderful wish! Has the Bengali got such a desire for self- sacrifice before? Many call it an awakening of the Muslim community. Yes, Nazrul was interested in Muslim awakening in his early life. But after a very short time he went beyond certain community thinking.

Not only Muslims, all Bengalis, all Indians are his target. And he cherished this feeling all his life. When Nazrul came to give a lecture at the Salimullah Muslim Hall of Dhaka University in 1926, many Muslim students hoped that Nazrul would give a speech calling for the awakening of the Muslim Ummah. This desire is expressed in the writings of Abdul Qadir but Nazrul did not do that. Rather he recited the poem "Kandari Beware" [Original title of the poem কান্ডারি হুঁশিয়ার], a poem with an absolutely non-communal consciousness. As a result, it is clear that Nazrul did not deviate from the ideological path even under the pressure of the situation, a deviation that can be seen in many today.

Another great quality of Nazrul is that he combined culture - Indian culture, Middle Eastern culture, and even Greek culture in his writings. Its effects but later he was able to leave For example, Nazrul has a direct resemblance to the intercultural statements made by poets in the nineties of the last century - and no one else. It's really amazing to find such a match sixty years or a little later.

Naturally a question can be asked here as to how the above contribution of Kazi Nazrul Islam is related to law. To answer this, it has to be said that Nazrul was a social lawyer, a social engineer. We always consider law as the "mechanism of social engineering". Considering that information, it can be said with certainty what the path of law should be in a developing country, what issues should be given priority. There is a clear indication of the answer to all these questions in Nazrul's writings.

Nazrul's awakening poem 'Rebel' as mentioned above, the poem "Coolie" [Title has been translated. Original title is –"কুলমিজুর"] reflects the tragic social reflection of the oppression of the strong over the weak and many more such outstanding Nazrul creations have played a decisive role in determining the perspective of law in post Independent India. The same spirit have been reflected in ensuring non suspension of right to life during emergency; considering liberty of thought a part of the basic structure to the Constitution of India. Following the same tune, the right to peaceful protest has been considered to be a fundamental right forming part of right to freedom under Article 19(1)(a). The enactment of the Equal Remuneration Act, 1976 is also a social welfare and discrimination preventing step that has been taken in the Indian legislative history Recently, the Supreme Court of India has followed the same approach while stating farmers[who are doing movement against the three farming laws in Delhi] have their constitutional right to protest.

Thus, it is clear that Nazrul's creations were far ahead from his contemporary and that is what has provided a jurisprudential rationale in subsequent time to develop legislative frameworks as well as judicial standpoint. It is possible if the power of influence is strong! Nazrul was able to do so. And for all these reasons Nazrul, whose powerful pen awakens our inner soul, teaches us to see the dawn of a new age, is still relevant in our society. Actually, in a welfare state like India where unequal distribution of wealth is a regular phenomenon, Nazrul can never be irrelevant there; don't be and that is the success of his creations.

ASHA MEENA
Assistant Professor, ALS

ARTICLE 14 AND THE PROHIBITION OF CHILD MARRIAGE ACT: A COMPARISON

The Prohibition of Child Marriage Act, 2006 (hereinafter referred to as "PCMA") defines child marriage as marriage in which either the girl or the boy is underage, i.e., the girl is under 18 years of age or the boy is younger than 21 years. The PCMA was introduced in 2006 to address the weaknesses inherent in the former legislations. It came into effect from 1 November 2007, replacing the Child Marriage Restraint Act (hereinafter referred to as "CMRA") of 1929 or Sharda Act. This Law was amended in 1978, wherein the legal age of marriage of girls was raised from 15 to 18 years and of boys from 18 to 21 years. The amended Law was known as the CMRA.

The PCMA, which is the national law against child marriage, does not allow the question of consent in case of minors and treats child marriage as a punishable offence. However, it creates confusion by declaring some marriages void and some others voidable. Marriage of a minor solemnized by use of force, fraud, deception, enticement, selling and buying or trafficking a void marriage, while all other child marriages are voidable at the option of the parties to the marriage and hence valid marriages until they are nullified by the Court. If the Law does not attribute consent to a child, it must render all child marriages void, as all child marriages then become marriages that have taken place either through some form of coercion or use of fraud, trafficking and such other illegal means, or by influencing the mind of the child.

The PCMA requires a change to declare all child marriages null and void. As the Law is formulated, only marriages resulting from use of force/threat/ fraud/kidnapping or violation of an injunction order of a Court to prevent such a marriage from taking place are null and void. Child marriages per se continue to be legally valid marriages unless either of the parties to the marriage wishes to nullify it, which seldom happens. As a result, it has been found, the Law does not result in deterrence despite enhancement of punishment. Neither is the Law being implemented by the concerned authorities as child marriages continue to be seen as a social evil instead of a crime, and indeed child marriages continue to take place. The Law seeks to prevent child marriages by making certain actions punishable and by appointing certain authorities responsible for the prevention and prohibition of child marriages. These persons are responsible for ensuring that the Law is implemented. It is also the responsibility of the community to make use of the Law.

The PCMA under Section 11 provides punishment for those who permit and promote child marriages. Hence, it is necessary that every individual who is aware of any child marriage that is going to be conducted or is being conducted or has been conducted, to make sure that he/she does not permit or promote the child marriage by not reporting about it. He/she can be made liable under the present Law and also the Indian Penal Code for abetting the offence. Child marriage is an offence punishable with rigorous imprisonment, which may extend to 2 years, or with fine up to Rs.1 Lakh, or both. The Courts can issue injunctions prohibiting solemnisation of child marriages (Section 13, PCMA 2006). The offences under the Act are cognizable and non-bailable

(Section 15, PCMA 2006). The following persons can be punished under the provisions of PCMA- Whoever performs, conducts or directs or abets any child marriage (Section 10, PCMA 2006), a male adult above 18 years marrying a child (Section 9, PCMA 2006), any person having charge of the child, including – parent or guardian, any member of organisation or association, promoting, permitting, participating in a child marriage or failing to prevent it (Section 11, PCMA 2006). Only the children in the marriage themselves can file a petition for voidability or annulment of marriage and if the petitioner is a minor as per PCMA, the petition can be filed through a guardian or the next best friend of the married child (who must be an adult of 18 years or more), along with the Child Marriage Prohibition Officer (CMPO) [Section 3 (2), PCMA 2006].

Child Marriage is an evil that cannot be eliminated without support from the society. There have been demands to make child marriage void ab initio under the Prohibition of Child Marriages Act, but Indian society is complicated and complex and making child marriages void will only further jeopardise the rights of women who are victims of child marriage. Mere legislation will not serve the purpose unless there is support and backing from the society. Since, it is a social evil community support and commitment coupled along with the stricter implementation of laws will lead to the elimination of social evil of child marriage from the society.

Child marriage is the formal or informal marriage of a child under the age of 18 and most often the marriage of a young girl to an older boy or man. Many girls who are married off before they turn 18 or are forced into early marriages are made to leave school, depriving them of their right to education and future independence. Child brides are also more likely to experience domestic violence. Because young girls who are married off are more likely to have children while still physically immature, they are at higher risk of dying from pregnancy and childbirth complications, and their babies have a reduced chance of survival too, according to the World Health Organization. Child brides who have children may also be psychologically unprepared and ill-equipped to become mothers at such a young age. By robbing girls of a chance to learn, grow, and fully realize their potential, child marriage systematically disempowers them. It ensures that they remain dependent on others all their lives, strips them of their agency, makes them vulnerable to abuse, and can trap them in a cycle of poverty.

Early marriage, early pregnancies, and early motherhood have a direct bearing on maternal and infant health. Adolescent mothers who remain undernourished grow up to be undernourished women, who in turn give birth to undernourished children. While legal enactment is a necessary condition, it has proven far from sufficient to decrease the number of child marriages. Unfortunately, in the past, the law has often been used to prevent young people from exercising choice and criminalising them, particularly by disapproving parents. Despite the consent of the girl, the male partner of her choice is punished as a criminal and the girl locked up or forcibly married to someone.

Article 14 of our constitution gives the principles of "Equality before the Law" i.e. everyone is same before the law (a negative concept) and it also provides for "Equal Protection of the Law" i.e. likes to be treated alike (a positive concept). These two concept are not rigid but have considerable flexibility which comes in the form of 'reasonable classification' concept.

A 'Reasonable Classification' is scrutinized on two aspects- intelligible differentia and a connect to the objective of the Legislation. India moved over from Child Marriage Restraint Act 1929 towards Prohibition of Child Marriage Act (PCMA) 2006 to fill in the

loophole of the former legislation. Section 9 of PCMA gives a punishment for marrying anyone below age of 18yrs (girls) and 21yrs (boys). On the face of it there seems be a violation of Article 14 as a distinction has been made on the basis of gender. But this classification falls under the ambit of reasonable classification as it holds ground on both the tests of reasonableness. 'Intelligible differentia' ground- because in India patriarchy is deeply entrenched in the minds of the people which is further exacerbated by the fact that in our society there is prevalence of older male marrying younger female and vice-versa being a rare case. Hence, this warrants a distinction between the male and the female based on the prevailing social conditions.

On the other ground, 'connect to the aim of the Act'- PCMA does fulfil this condition as it ensures that the marrying age is in consonance with the physical and mental health of the children.

Now considering previous court judgements:

1. "YUSUF ABDUL AZIZ v. STATE OF BOMBAY" - Validity of Section 497 IPC was justified on the basis of Article 15(3) despite the classification being based on sex. Similarly the distinction between male and female under PCMA can be reasoned.
2. "V. REVATHI v. UNION OF INDIA" - Based on Article 15 government can discriminate in favour of women against men but vice versa can't be done .Hence PCMA doesn't violate Article 14 based on support of Article 15.
3. Justice Mohan M. Shantanagoudar's views on Section 9 of PCMA- It isn't designed to punish a women from marrying a male-child because in our country matrimonial decisions are taken by the family members.
4. Supreme Court also recently clarified that the objective of PCMA is to deter adultmale marrying a female-child but not intended to punish male (18-21yrs) from marrying a "adult-female" Hence the distinction between male and female marrying ages is a reasonable classification and is not violative of Article 14 of the Constitution as its justifies the intend of article 15(3). Government of India in June 2020 has also set up a Task Force (headed by Jaya Jaitly) to look into the same which would further shed some light on this debate.

Papiya Golder
Assistant Professor, ALS

National Education Policy, 2020

Recently, the National Education Policy (NEP) 2020 was announced by the Ministry of Human Resource Development (now called as the Ministry of Education). The Policy is aimed at transforming the Indian education system to meet the needs of the 21st Century. The new Policy seeks rectification of poor literacy and numeracy outcomes associated with Primary Schools, reduction in dropout levels in Middle and Secondary Schools and adoption of the multi-disciplinary approach in the higher education system.

Apart from this, the Policy also focuses on early childhood care, restructuring curriculum and pedagogy; reforming assessments and exam scheme and also investing in teacher training and broad-basing their appraisal.

Significance of National Education Policy 2020

Recognizing importance of formative years: In adopting a 5+3+3+4 model for school education starting at age 3, the Policy recognizes the primacy of the formative years from ages 3 to 8 in shaping the child's future.

Departure from Silos Mentality: Another key aspect of school education in the new Policy is the breaking of the strict division of Arts, Commerce and Science streams in High School.

This can lay the foundation for a multi-disciplinary approach in high education.

The Confluence of Education and Skills: Another laudable aspect of the scheme is the introduction of vocational courses with an internship. This may nudge the vulnerable sections of society to send their children to school.

Making Education More Inclusive: The National Education Policy, 2020 proposes the extension of the Right to Education (RTE) toall children up to the age of 18.

Further, the Policy seeks to leverage the huge potential of online pedagogy and learning methodologies for increasing gross enrolment in higher education.

Allowing Foreign Universities: The document states that Universities from among the top 100 in the world will be able to set up their campuses in India.

This will lead to an infusion of international perspective and innovation, which will make the Indian education system more efficient and competitive.

Ending Hindi v. English Debate: Most crucially, NEP, once and for all, buries the strident Hindi versus English language debate; instead, it emphasizes on making mother tongue, local language or the regional language, the medium of instruction at least till Grade 5, which is considered as the best medium of teaching.

Issues Related to NEP 2020

Knowledge-Jobs Mismatch: There is a persistent mismatch between the knowledge & skills imparted and the jobs available. This has been one of the main challenges that have affected the Indian education system since Independence.

NEP 2020 fails to check this, as it is silent on education related to emerging technological fields like Artificial Intelligence, Cyberspace, Nanotech, etc.

The Requirement of Enormous Resources: An ambitious target of public spending at 6% of GDP has been set. Mobilizing financial resources will be a big challenge, given the low tax-to-GDP ratio and competing claims on the national exchequer of healthcare, national security and other key sectors.

Conclusion

The new National Education Policy (NEP) 2020 is a good policy as it aims at making the education system holistic, flexible, multidisciplinary, aligned to the needs of the 21st century and the 2030 Sustainable Development Goals. The intent of thePolicy seems to be ideal in many ways, if implemented in its true vision; the new structure can bring India at par with the leading countries of the world.

Karan Wadhwa
LLM, ALS

Law and Internal Revolution
Are laws alone enough to bring change in the society?

No society exists without a framework of social organization. It provides an order, which operates amongst its members who share some common convictions to undergo through a regulated life. Social control is necessary to protect an individual against himself and society from chaos and is the process by which social order can be established and sustained.

In every society, to control the conduct of its individuals and to compel them to behave in conformity, certain kinds of mechanisms are made which restrain its members from doing wrong. These mechanisms can be broadly divided into two categories -Law and Religion. The former acts as an external means of control, whereas the latter exerts an internal control.

Law can be aptly defined as the, "life blood of an independent and progressive country that appreciates free thinking and liberty of its citizens," and includes rules which are enforced through social institutions to regulate behavior. The importance of Law can be gauged from the words of Dr. BR Ambedkar who said, "Law and order are the medicine of the body politics and when the body politics gets sick, medicine must be administered."

Modern day societies depend entirely on political institutions for decision making and power. However, in the early societies, according to some anthropological studies, there were no political institutions, and that some authority was exercised by those having some special skill set. Andamanese of Andaman Islands, the Bushmen of Africa, the Yamana of Terra del Fuego, the Eskimos of Polar Region, the aboriginal people of Australia etc., who even today live at the lowest rank of subsistence economics, lacked any form of organized warfare. Since there was little or no scope for Civil Law, these societies were characterized by Criminal Law. Although these societies hardly showed any trace of authority outside the family, when an occasion arose in which collective action was required, a leader, having traits of bravery or possessing some extraordinary skill set, was temporarily appointed from among the members of the tribe. Such a local group can be taken as starting point for the rise of Government.

The great political philosopher and French Judge Montesquieu aptly commented that, "there is no greater tyranny than which is perpetrated under the shield of law and in the name of justice." In the modern times, we have Treaties, Legislations, Acts and Charters to regulate our social behavior but nothing seems to be working. The basic nature of man since time immemorial has not changed. The Human Race is as passionate and violent as it was 5000 years back and the world has, in its history of last 5000 years, seen wars which have wreaked havoc on the mankind. One needs to deeply delve into the question as to why there is so much violence and conflict despite Law being administered by so many institutions. We have examples of the failure of the League of Nations and even the United Nations has not been successful in dealing with separatist tendencies and intolerance in this world. Even the so-called Religions are becoming the very source of conflicts.

Martin Luther King was quoted as saying, "injustice anywhere is a threat to justice" and justice will be a dead letter if Law exists just in books and letters. Even the Indian scriptures quote that, "What you desire for yourself, you should desire for others. What you do not like others to do to you, you should not do to others." (Mahãbhãrata, Shãntiparva, 258). Is this alone however, possible with the outer revolution, or do we need something more exquisite to deal with such an issue. For this we really need to understand what conflict is. Is it something external as it seems or has it got something to do with our own conditioning?

Conflict in the form of war is merely an outward expression of our inward state, an enlargement of our daily action. It is more spectacular, bloodier, more destructive, but it is the collective result of our individual activities. Merely relying on legislation or compulsion for the transformation of outward society, while remaining inwardly corrupt, while continuing inwardly to seek power, position, domination, cannot bring about a revolution, however carefully and scientifically built. If we carefully consider what causes wars or conflicts, for war is just an extended form of conflict, one would realize one's identification with one's belief, either in nationalism, in an ideology, or in a particular dogma which is the main cause for such conflicts. If we had no belief but goodwill, love and consideration between us, then there would be no wars. We are however, fed on beliefs, ideas and dogmas and, therefore, we breed discontent.

The present crisis is of an exceptional nature and we as human beings must either pursue the path of constant conflict and continuous wars, which are the result of our everyday action, or else see the causes of war and turn our back upon them. To bring about peace in the world, to stop all wars, there must be a revolution in the individual, in all of us. Economic revolution without this inward revolution is meaningless, for hunger is the result of the maladjustment of economic conditions produced by our psychological states – greed, envy, ill-will and possessiveness.

Injustice in any form, be it social, economic or political, leads to violence. Thus, it is important that not just special provisions are made to address these but also to make the people more meditative so that world becomes a peaceful place. Only if we can understand and really appreciate the underlying oneness deep inside all of us and as quoted by the Rig Veda in its central teaching, "ekum sath vipra bahuda vadantin", can we overcome separatist tendencies and hence, conflicts. As Confucius said, "It is a universal law, intolerance is the first sign of an inadequate education, an ill-educated person behaves with arrogant impatience whereas truly profound education breeds humility". Thus, what we need is not the Laws and the institutions but a mind which can bring about a total revolution in itself.

Ashutosh Srivastava
LLM, ALS

Expression: the foundation stone of human civilization.

Humans like most of the mammals had the dual advantage of protected raising of their progenies for an optimum period of time and then the ability to provide nourishment to the offspring up to the point where it harnessed the abilities to hunt and gather and to look after itself. So what was it that took us higher in this pyramid? It certainly was not our strength as without a doubt, humans do not tick the box of enormous physical strength. Immunity was also not the backbone of our speedy progress.

Then how come a not so immune and strong species went on to rule the entire earth! The answer lies in our cognitive capabilities. While the other mammals were busy following the course of nature, as its loyal subjects, we homo sapiens dreamt big. And it's not just about dreaming big, it is the ability to express those dreams which pushed us ahead.

Expression by no means is a small tool. We have captured the entire life worthy space of this planet merely by communication. Today humans speak in thousands of languages. Almost every geographical area communicates in its specific set of codes. It won't be wrong to say that we are surrounded by communication. It is an organic process which may go on even without tools. For centuries, the Hindu Shashtras were transferred from one generation to the next without a single word being written! This is the power of our cognitive abilities and this puts us at the highest position in the chain of living beings.

It can safely be said that expression is the basis of human growth. It is the cannon through which ideas are shot into the biome and they proliferate into saplings of emotions, compassion and empathy. Justice Iyer once remarked, "The birth of a person is a biological event. But the incarnation of a seminal idea through that person is a cosmic event of dynamic potent. Man born must die, but a revolutionary thought he breathes is an irrepressible bomb which defies death".

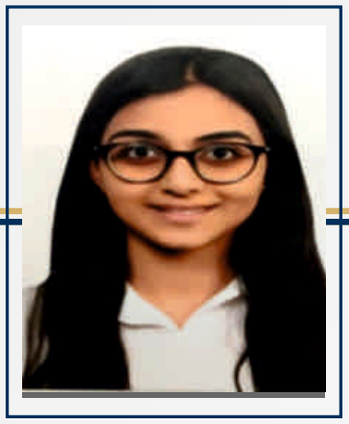
How does this idea, so potent to change the world, effects humanity! It would not if it is kept inside the brain of the thinker and left to die with the death of his neurons. An idea brings about meteoric changes only when the entire humanity is exposed to its enchantment, to its aroma; and that is certainly what expression does. It connects humanity with a bond so strong that an army of millions is unable to break it. An idea when expressed is highly effective because of two great characteristics; it is contagious and it is irreversible. You can not un express an expression already made and which contacted a different being. This makes the Freedom of Expression our basic right. While it's a natural right of every living soul to have food, shelter and protection to life, in order to enhance as human beings, the right to express is a must. Every society that allows expression, grows enormously. It grows in science, in humanity and holistically as an organic being.

But then comes the problem. Not all ideas have the potential to raise a civilization. There are ideas which are bound to affect the very basis of societies and no society will ever want to have them floating in its

vicinity. It is for this matter that we as a sovereign nation have laws to control and weed out certain expressions. The Indian Penal Code, vide Section 124A, applies restraints to acts involving intention or tendency to create disorder or disturbance of law and order or incitement to violence. A 5-Judges Bench of the Honourable Supreme Court of India, in Kedar Nath Singh vs State of Bihar (1962 AIR 955), upheld the constitutionality of this Section. Hon'ble Chief Justice Mr B.P. Sinha, while writing for the Bench remarked, "Any written or spoken words, etc., which have implicit in them the idea of subverting government by violent means, which are compendiously included in the term 'revolution', have been made penal by the section in question,"

Crime is the price society pays for the possibility of growth. Emile Durkhiem while explaining the subjective applicability of morality to ideas, made it a point that while some ideas may be regarded as immoral or even criminal during the times when they were expressed, there comes a time in future when such an expression finds its true meaning nevertheless. He said, "to make progress, individual originally must be able to express itself. In order that the originality of the idealist whose dreams transcend his century, it is necessary that the originality of the criminal who is below the level of his time, shall also be possible. One doesn't occur without the other". Therefore, even though the society in itself prohibits certain expressions, if it has to go beyond the realm of being mechanical to that of being organic, it must not prohibit expression at all. The enormous use of Sedition Law by various Governments, to shut down dissent and harsh criticism, is a leading example of how the society at large desires to regulate incontinent expressions. The 21st Law Commission in its Consultative Paper on Sedition, published in 2018, after drawing attention to the political misuse of Sedition Laws for supressing expression, has said that dissent and criticism of the Government are essential ingredients of a robust public debate in a vibrant democracy and has even suggested the Government of India to rethink and if possible repeal Section 124 A of the Indian Penal Code. It is to be noted that the ideas of Socrates, Raja Ram Mohan Roy, Abraham Lincoln and for that matter even Mahatma Gandhi were nothing lesser than criminal expressions to their contemporaries; nevertheless these ideas are the pillars on which humanity builds it's skyscrapers today.

Expression, therefore, is a gift we humans have received and it would be a crime against the humanity at large if this gift is suppressed and outlawed. Expression of ideas is the necessity and the fuel required to keep our cognitive revolution moving forward. Expression is undoubtedly the most human thing and to prohibit it is to prohibit living at all. In the present times, when expression has become limited to the small windows of virtual reality, we need people to come up with original ideas. It is expression which will be the key to keep us unified in these troubling and emotionally bankrupt times.



Ananya Seth
BBA LLB (H), ALS

GENDER DISPARITY IN INDIAN JUDICIARY

"The entry of women judges into spaces from which they had historically been excluded is a positive step in the direction of judiciaries being perceived as being more transparent, inclusive, and representative of the people whose lives they affect. By their mere presence, women judges enhance the legitimacy of courts, sending a powerful signal that they are open and accessible to those who seek recourse to justice" - Judge Vanessa Ruiz

With the retirement of Justice R. Bhanumathi, on 19 July 2020, India's Supreme Court was left with only 2 Women Judges out of 33. "As on 01 September 2020, there are just 2 women judges in the Supreme Court and 78 in various High Courts of the country", Union Minister of Law and Justice Mr Ravi Shankar Prasad replied to a Question in Lok Sabha. In the last 70 years, since the establishment of the Supreme Court, it has had only 08 Women Judges.

A country where women constitute almost 48% of the population, including the existing women's workforce, it is disheartening to look at the current data. Especially for a country in which gender imbalance is a chronic issue in almost every sphere; the larger problem is that there is a severe shortage of Women Judges at all levels of the judiciary.

Sumathi Chandrashekaran and others in an Economic and Political Weekly Paper analyzed the recruitment of Civil Judges and District Judges, between 2007-2017, in different Indian States. The authors found that 36.5% of the Civil Judges recruited over past 10 years were women in 15 States. Encouragingly, the recruitment of women has increased over time in most States. In 2007, only 27.6% of women were recruited but this increased to 49.2% by 2017. However, women's representation in the District Judge cadre is not as promising. The representation was especially low in Jharkhand, Uttar Pradesh and Gujarat. A major barrier to women's recruitment as Judges is the eligibility criteria to take the Entrance Exams. Lawyers need to have particular years of continuous legal practice and be in the certain age bracket. This is a disadvantage for some women as many get married by their mid-20s, combined with family responsibilities, force many to drop out of practice and they fail to meet the requirement of continuous practice. Further, the long and inflexible work hours in the Legal Arena, also becomes a hurdle. A number of leading Lawyers – from Indira Jaising to Meenakshi Lekhi – have talked about discrimination meted out to women litigators. They have also spoken about the pervasive 'old boys' club mentality, which makes it harder for women to attain judicial positions. Incentives and work environments provided to women in the judiciary are also important factors.

Sexual harassment and the lack of supportive infrastructure, from toilets to maternity leave, also contribute to a high attrition rate amongst Women Lawyers, with many preferring to join the Corporate Sector instead. All these factors come together to result in disproportionately low Women Bar appointees to the Bench. Further, women who do make it to the Judiciary tend to be judged more harshly. The study quotes an unnamed retired woman

Supreme Court Judge who said that 'her judgments were accepted only when they were backed by a Larger Bench'. Another Woman Judge said that a Male Judge would always question her inference on issues.

The representation of the women in Indian Judiciary can be better understood with the following data:

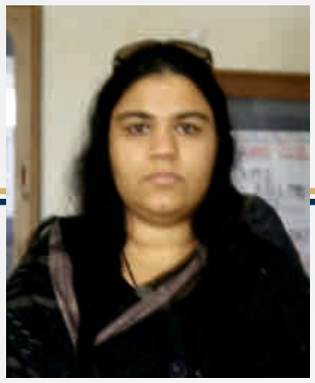
(a) Number of women appointed as the Chief Justices in the past is ZERO.

(b) Number of Women Judges in the Apex Court (out of 34) just 2 (Justice Indu Malhotra and Justice Indira Banerjee).

(c) Number of women who have served as Supreme Court Judges since 1947 are just eight.

(d) Women Office bearers of the Bar Council of India (out of 20) are ZERO. Till date no woman has become the Chairperson/ Vice Chairperson of the Bar Council of India.

The presence of Women Judges is important because of several reasons. It provides decision making power to sections of the society which were disenfranchised before. A diverse Bench is essential for a fair and impartial Judiciary. A diversity of view-points, makes Courts more representative and democratically legitimate and enables them to understand the implications of their rulings on the real world. Inclusion of Women Judges allows for other women aspiring for a career in Law to access mentorship. It allows women seeking justice to face less stigma, especially when reporting violence and abuse. Despite these reasons, the researchers note that women's representation in all of judiciary, is in a sorry state. Representation of more women and diversity in the Indian Judiciary will prompt more women to seek justice and will produce better Judgements in all aspects that reflect the diversity of Indian experiences.



Adv. Sheenam Chhabra
LLM, ALS

Judicial System Upgrade 5.0 Pro

It is the end of 3rd week of December and the world is slowly approaching at the end of 2020, one of the most toughest and challenging year for the entire humanity indeed. It is almost 1 year since Corona has slowed down the pace of the world after the long lockdowns and shutdowns in cities, states, countries all across the world. Despite all the hardships of this pandemic, Governments all across have tried to run the operations smoothly wherever possible. Eventually, it is learnt that even during the ongoing pandemic, one of the most important professions, after medical care, is continuous legal proceedings in Courts to maintain and uphold 'state of law' for general people.

There are many examples wherein a severe law and order problem would have arisen during the pandemic, if legal proceedings had been halted or not accelerated. It is apprehended that the situation created by Corona is here to stay for another couple of years or at least crucially for a few more months. Hence, Courts and legal proceedings should be speeded up keeping in mind there is already huge pendency of cases in all Courts. Presently, there are more than 4 Crore cases pending in Indian courts. There is need to make some judicial reforms to speed up the trials and also to ensure safety of all those who are part of the proceedings.

Another very interesting point to note is that even economists vouch for judicial reforms because an efficient judicial system enhances the confidence of the markets. Economy needs a good ranking in the world on Ease of Doing Business (EoDB) and EoDB also depends upon enforcement of Contracts. Unfortunately, India does not stand tall in this field which is a hindrance in EoDB and ultimately towards a robust and stronger economy too. A sound Judicial System that can enforce Contracts can help create more job opportunities because investors' confidence too will grow. A bad Judicial System works as 'brakes' on a good economy. Directly or indirectly, all reforms are inter-related, sometimes in a veiled manner. A balanced, swift, fair and accessible Judicial System attracts businessmen that eventually lead to growth of markets, investments and job creation. This precisely is an example of The Butterfly Effect!

The problems with Indian Judicial System are bigger than Goliath; too big to be missed by any chance! Let's move to solutions:

- Virtual Courts and Video-Conferencing in all the Courts: Though Judges can use their discretion in cases wherein physical appearance and evidences can be done in courts. Even in these cases, there should be a system for public or media to join the Courts through video conferencing. In this way, a litigant say from Tamil Nadu can visit his local Court and still 'appear' in Supreme Court through Video Conferencing or vice-versa.
- Increase in strength of Judges: Current strength of approximately 17,000 judges should gradually be increased to 45,000 which will improve Judges-Population ratio. India has only 17 Judges for every million people as compared to 50 Judges recommended by the Law Commission in its 1987

report. The U.S. has more than 100 Judges for every million. More Judges will ensure speedy trials as is assured in Article 21 of the Constitution.

- Public Health should be under the Concurrent List of the Indian Constitution: This will enable both States and Centre to make appropriate Laws in coordination to deal with pandemics. In 2017 also, there was an attempt by the Government to pass an Act as Public Health (Prevention, Control and Management of Epidemics, Bio-terrorism and Disasters) Act but it could not be passed for some reasons. Now after making some necessary change that Bill should again be tabled in the Parliament.
- Alternate Dispute Resolution (ADR): (a) Lok Adalats to dispose of disputes referred to them by arriving at a compromise or settlement between parties. (b) Gram Nyayalayas Bill - more Trial Courts at the intermediate Panchayat level for disposing cases like family disputes, or civil disputes of minor nature and to be disposed off within 3 months or so. (c) Empower Panchayats with minimum Education as qualification for election. It will be win-win for all as locals know more local cases, are easily accessible and will provide justice at people's doorsteps. Other cases can continue to be dealt with by existing Courts.
- Fix the overall Service Level Agreements (SLA) and Turnaround Time (TAT) for cases: There should be a prescribed time-limit for all cases; ofcourse different time limits for different kind of cases, and exceptions too. SLA must be specifically defined along with number of maximum dates, days between different dates. Latency actually helps to distort or destroy evidence.
- Weed out Judges of doubtful integrity: Just like VDIS, offer voluntary retirement when we know that impeachment is anyways not possible unless laws are relaxed.
- Training of Judiciary: As we know eventually there will be Virtual Courts through enabling Video Conferencing so there should be mandatory refreshers and training of the judiciary, especially in technical areas like Bio-genetics, IPR and Cyber Laws.
- Administration: A Judicial Officer/authority can be very competent in delivering good Judgments but may not be equally good in Administration of Courts or Judicial System. Court management should not just be vested with Judicial Officers, rather it should have a right mix of Law and Management.
- Tenures of Judges: A minimum tenure of two years should be provided to the Chief Justice of India and the Chief Justice of High Courts. With this, CJ of HC and SC must be made accountable to public at large for specific target-based management.

Despite Corona pandemic, this is a modern fast thinking and adaptable world. We see upgrades in gadgets, software, applications and technology. Microsoft has launched many successful versions of Windows and so has Android in smartphones. Our smart phones' apps are updated every now and then. In this world of updates and upgrades, the time is especially ripe during this Corona pandemic for a Judicial System Upgrade 5.0 Pro!

Chaitanya Krishna Bakharedia
LLM, ALS

PRESUMPTIVE TAXATION

To give relief to small taxpayer from the tedious work of maintaining books of accounts and from getting the accounts audited, the Income Tax Act,1961as amended from time to time(herein after referred to as IT Act) vide Sections 44AD, 44ADA and 44AE has come up with a Presumptive Taxation Scheme(herein after referred to as the Scheme).

The Scheme:

The IT Act requires that any person engaged in business or profession must maintain regular books of accounts and get these audited. To give relief to small taxpayers from this hassle and to promote small businesses, the Scheme has been framed as follows:

1. Section 44AD (Taxpayers engaged in business except the business of plying, hiring or leasing of goods carriage)
2. Section 44ADA (Taxpayers engaged in specified profession)
3. Section 44AE (Taxpayers engaged in business of plying, hiring or leasing of goods carriage)

I intend discussing about the Scheme for individuals who are engaged in specified profession i.e. one under Section 44ADA.

Presumptive Taxation Scheme of Section 44ADA

A person is eligible to get benefited under this Scheme if he/she is resident in India and engaged in any of the following professions:

1. Legal
2. Medical
3. Engineering or Architectural
4. Accountancy
5. Technical Consultancy
6. Interior Decoration
7. Any other profession as notified by CBDT

Manner of Computation of Taxable Income in case of adopting Section 44ADA

If any person is adopting the provision of Section 44ADA, his income will be computed @50% of the gross receipts he had made during the financial year. However, such person can declare income higher than 50%.

A person adopting this Scheme is deemed to have claimed all deduction of expenses eligible under Section 30 to 38 of the IT Act. Any further claim of deduction is not allowed after declaring profit @50%. While computing income under this Scheme, deduction on behalf of depreciation is not available. However, written down value of any asset in such profession should be calculated as if depreciation as per Section 32 is been claimed.

Payment of Advance Tax in respect of Section 44ADA

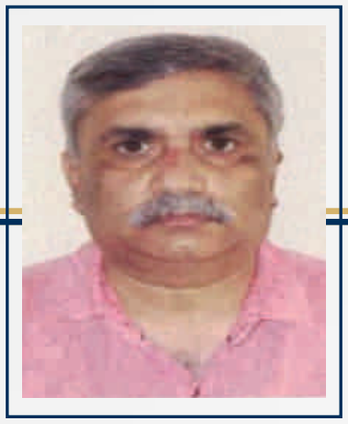
Any person opting for this Scheme for computation of his/her income is liable to pay whole amount of Advance Tax on or before 15th March of the previous Assessment Year. If he/she fails to pay the Advance Tax on time, then he/she is liable to pay interest as per Section 234C of the IT Act.

Maintaining Book of Accounts in respect of the Scheme

Any person engaged in specified profession given under Section 44AA(1) of the IT Act and opts for this Scheme then the provision of Section 44AA relating to maintenance of Book of Accounts will not apply. In simple words, any person opts for this Scheme and declares income @50% of the gross receipts, then he is not required to maintain Books of Accounts in respect of specified profession, provided further that his/her total gross receipts must not exceed Rs 50 lakhs. If the gross receipts exceed Rs 50lakhs then he/she is required to maintain Book of Accounts as per provision of Section 44AA and has to get it audited as per Section 44AB.

Provisions to be applied if a person does not opt for Section 44ADA

Any person who declares his/her income at lower rate i.e. lower than the 50% of the gross receipt and his income exceeds the maximum amount which is not chargeable to tax i.e. (Rs 2.5 lakhs), then he/she is required to maintain Book of Accounts as per Section 44AA and get the accounts audited under Section 44AB.



Sandeep Kumar
LLM, ALS

Retrospective Taxation Amendment by Indian Government and its fallout

For the first time since the enactment of the Income Tax Act, 1961, Section 9 of the Act was amended retrospectively, effective from 01-04-1962(since inception of the Act itself), empowering the Income Tax Department to charge/ recover tax on offshore transaction of Transfer of Shares between two Non-Resident Companies whereby the controlling interest of an Indian Company is acquired. It was not the amendment but its retrospective applicability that created panic amongst international investors.

The amendment came in the wake of the Judgement given by the Supreme Court of India in the case of Vodafone International Holdings BV v. Union of India (2012) 6 SCC 613. The facts, issues involved were that Vodafone International Holdings (VIH), a Company Resident for tax purposes in the Netherlands, and Hutchison Telecommunication International Limited (HTIL), a Company Resident for tax purposes in Hongkong, two Non- Resident Companies, entered into a transaction whereby HTIL transferred the entire share capital of its subsidiary Company i.e. CGP Investments (Holdings) Limited , resident for tax purposes at Cayman Island(an overseas territory of United Kingdom) resulting in acquiring 67 percent stake in Hutchinson Esaar Limited (HEL), an Indian joint-venture Company, being a Company resident for tax purposes in India. Income Tax Department raised a tax demand to the tune of Rs. 12,000 Crores on VIH, who filed a Writ Petition, in Bombay High Court, challenging the demand. The Hon'ble Court decided the matter in favour of the Income Tax Department against which Order, VIH filed Special Leave Petition in the Supreme Court of India.

The Tax Authorities contended that as the underlying assets of CGP Investments (Holdings) Limited vested in Indian territory HTIL, being the seller of the Shares and needed to pay Capital Gains Tax. On the other hand, HTIL and VIH contended that Capital Gains Tax was not payable as the sales and purchase transactions of shares (controlling interest) were executed by two Non – Resident Companies outside India and that the Indian Income Tax Act, 1961 under Section 9(1)(I) did not have a specific provision in this regard. The Appellants' contention was that without any express legislation, Offshore Transaction could not be taxed in India.

The Apex Court overruled the High Court Judgement and held that, "Applying the look at test in order to ascertain the true nature and character of the transaction, we hold, that the Offshore Transaction herein is a bonafide structured FDI investment into India which fell outside India's territorial tax jurisdiction, hence not taxable. The said Offshore Transaction evidences participative investment and not a sham or tax avoidant preordained transaction. The said Offshore Transaction was between HTIL (a Cayman Islands company) and VIH (a company incorporated in Netherlands). The subject matter of the Transaction was the transfer of the CGP (a company incorporated in Cayman Islands). Consequently, the Indian Tax Authority had no territorial tax jurisdiction to tax the said Offshore Transaction". The Supreme Court further observed that, "FDI flows towards

location with a strong governance infrastructure which includes enactment of laws and how well the legal system works. Certainty is integral to rule of law. Certainty and stability form the basic foundation of any fiscal system. Tax policy certainty is crucial for taxpayers (including foreign investors) to make rational economic choices in the most efficient manner. Legal doctrines like "Limitation of Benefits" and "look through" are matters of policy. It is for the Government of the day to have them incorporated in the Treaties and in the laws so as to avoid conflicting views. Investors should know where they stand. It also helps the tax administration in enforcing the provisions of the taxing laws".

The Government of India thereafter amended Section 9 of the Income Tax Act, 1961 with retrospective effect. Empowered by this retrospective amendment, the Income Tax Authorities raised a fresh demand of Rs. 22,000 Crores against VIH on account of Capital Gains, withholding tax and penalties. Vodafone Group initiated Arbitration proceedings against The Republic of India at the Permanent Court of Arbitration, Hague, under Article 9 of the Bilateral Investment Treaty (BIT) between India and the Netherlands. The Arbitration Court passed a unanimous Order, on 25 September 2020, inter-alia ruling that, 'the said demand of Rs.22,000 Crores raised by the Republic of India was in breach of the guarantee of fair and equitable treatment'. The Court further ruled that the Order passed by the Republic of India was in the violation of United Nations Commission on International Trade Law (UNICTRAL) and instructed India not to pursue the tax demand any more against Vodafone. The Indian Government has challenged this ruling in Singapore Court of Arbitration.

In a similar case of retrospective taxation against Carin Energy, the International Arbitration Tribunal has imposed a penalty of $1.2 Billion in damages and interest on the Indian Government.

Besides this, the retrospective amendment has also affected potential Foreign Direct Investment (FDI) in India with Foreign Investors unsure of the Taxation Laws and, therefore, more cautious of investing in India. The decision of the Government of India to amend the Tax Act retrospectively has been criticized by International Investors and has resulted in the loss of FDI in many key areas of infrastructure development.

To conclude, proper cost benefit analysis should be undertaken by the Government in respect of retrospective tax cases and thereafter firm decision may be taken by considering long term implications of Foreign Direct Investment in India.

Medha Varshney
LLM, ALS

YES BANK SCAM: CASE STUDY

Introduction

Government are the one who provide fiscal policies whereas banking system are the one who provide monetary policy & as per RBI instructions all subordinate agencies have to govern.

Yes bank is one among top 5 private sector bank. They have achieved their growth in very short time duration. RBI licensed this bank in year 2005, till 2015 it was growing uninterrupted and there was a time when its share rise to 1400rs/ share, this shows growth rate of the bank. Bank objective was to funding corporate houses later entered in retail banking also.

Function of bank: Depositors availing interest rate of 4-5% invest their money in bank, same money used by bank for providing loan at 7-8% interest. From loan interest bank provide adequate rate of interest to depositors and whatever left used for bank growth. Bank shall keep CRR of 4% because if large depositors have to withdraw money then it shouldn't be difficulty in management. This is ideal situation but in practicality, NPA is increasing but RBI brought certain policies like- recapitalisation, Indradhanush, prompt corrective actions etc. which to reduce NPA.

Background of the case

In 2003, Ashok Kapoor (chairman), Harkirat Singh, and Rana Kapoor (CEO) come together to formulate a new bank; named 'Yes bank'. Harkirat Singh was removed & Ashok Kapoor was died in 26X11 attacks, so complete control was of Rana Kapoor. Wife of deceased, Madhu Kapoor appointed on board but all her suggestions regarding internal/ external management were opposed by Rana Kapoor and other directors, this also leads to legal battle between Kapoor vs. Kapur 2013.

For growing the bank, Rana Kapoor illegally (like- loan on low rate or through unethical ways) provide loan to companies like- Infrastructure leasing & financial services Ltd. (IL&FS), Anil Ambani's reliance group, and Subhash Chandra's Essel group, knowing the fact that such company may unable to repay the loan with interests which leads to increasing of Non- Performing Assests & Bad debts of bank. As a result, these companies collapse and Yes Bank suffer major NPA & Bad debts. Bank tried to escape from punishment by not showing debts in balance sheet which leads to doubt in management, that's when RBI inspected their records and identifies that Yes bank provide manipulative data and in recent financial second year it holds- NPA of 7.39%, Loss of 600crore, Debt of 1 lakh Crores. High debts create a major threat to existence of yes bank.

Misuse of Public Money

RBI imposes restriction on Rana Kapoor i.e. from 2017-till 31st Jan'19 only he remains CEO of YES bank, considering unfavourable situation Rana Kapoor sold his shares of YES Bank before due date. U/s 36AB

Banking Regulation Act 1949, Ravneet Gill, Former Chief of Deutsche Bank India on 31st Jan'20 was appointed by RBI as new YES Bank CEO. He tried to revive bank with investment of $2billion but nothing worked.

Believing on the ratings of credit rate agencies like CRISIL Ltd, ICRA Ltd. Etc. investors invest and in reports of these agencies YES Bank rating were constantly decreasing. All such actions were becoming visible to general public which create distrust among depositors & investors who either by depositing their money or purchasing bank shares invested in bank. They start selling their shares and some people withdraw whole of their deposits. Using public money to provide loan at low interest rate for growing the bank is unethical. As a result within 6months shares dropped its value from 400rs/share to 46rs/share to 16.60rs/share then at lowest Rs.5.5/share.

RBI Measures

On 5th March'20, R.B.I. [u/s 35A (1) Banking Regulation Act, 1949], imposes certain moratorium which will effective till 3rd April'20.

-RBI restricted YES Bank withdrawal limit maximum upto 50,000rs/month and in cases of proven emergency may extend to 5Lakh only.

RBI asks SBI and LIC to purchase Yes bank shares so that yes bank could pay their debts and able to revive.

Conferring power u/s 48 & 49 Prevention of Money-Laundering Act 2002, Enforcement directorate arrested Rana Kapoor [on ground of money laundering of Rs. 4300 Crores]; his daughters [Roshni, Radha, Rakhee] were also under inquiry, lookout circular was issued against his wife [Bindu] etc. On June'20 raids were made in companies owned by arrested person, such are- Morgan Credit Pvt. Ltd, Yes Capital Pvt. Ltd, RAB Enterprises, Dewan Housing Finance Limited, RKW Developers etc.

Current status: On 30th Dec'20, shares of YES Bank open at 17.85 high. Niranjan Banodkar, appointed as Group CFO & Anurag Adlakha, as Chief HR Officer. From 1st Jan'21 this post will be effective.

Similarity between PMC Bank and Yes Bank case

In PMC Bank, RBI impose withdrawal limit which cause suicide of some depositors because they were unable to get emergency funds. PMC Top management approve loan through illegal ways to HDIL. HDIL unable to repay loan which highlight the crisis of PMC Bank & top management corruptions, as a result some member of PMC Bank and directors of HDIL (Company of Rakesh and Saran wadhwan) were arrested.

In YES Bank, allegations impose on Rana Kapoor that he provides loan to D.H.F.L. (Wadhwan estate) through illegal ways and when such loan was transferred to D.H.F.L., crores were credited in account of Rana Kapoor wife and daughter. Rana Kapoor didn't disclose about loan (which he took as pledge shares of YES Bank) to investors.

Wadhwan family hold 2 businesses and took loan from 2 different banks through illegal ways & when such bad debt and NPA were identifying by RBI all the top management of bank and business at personal level were in problem and it also cause threat to their business existence.

Conclusion

Duty of RBI is to maintain public trust in banking sector. RBI trying their best to stop bank run by reviving YES

Bank because it is one among the trusted bank by people and drowning of this bank leads to such public opinion that their money is not safe in any bank which might cause bank run among other banks too and it will largely affect the economy or monetary policies in the country. RBI holds more options, such as - Bail out (sell), Infuse money by govt. (like quantitative easing), Merge with big bank, etc. but they choose such which serve greater good in society. RBI interfere and impose cap on the management of bank is late but most correct action. Though the situation is reviving but untill it grow properly, public can't get back complete trust on bank. This case is not yet finished as inquiry/Investigation is still going, more facts and evidences is still identified as per course of time.

References

- Vipul, The YES Bank Fraud case: A story full of tragedies, 21st June' 20, Sure Shot finance (Banking), The YES Bank Fraud case: A story full of tragedies - Sure Shot Finance.
- In 2015 while doing Asset quality review of YES Bank, RBI check quarterly balance sheet and identified diversions in numbers of YES Bank. In 2016, rise to 4000crore. In 2017 to 6000crore.
- P.R., Yes Bank Ltd.: RBI announces Scheme of Reconstruction, 06th Mar' 20, Reserve Bank of India - Press Releases (rbi.org.in)

SAUMYA CHAWLA
BBA LLB, ALS

SHLOK PAREEK
BBA LLB, ALS

CORPORATE SOCIAL RESPONSIBILITY

"Creating a strong business and building a better world are not conflicting goals – they are both essential ingredients for long term success"

-Bill Ford

Corporate Social Responsibility (CSR) can be defined as a company's sense of responsibility towards the community and environment in which it operates. This has been provided in Section 135 of the Companies Act, 2013 and Companies (Corporate Social Responsibility) Rules, 2014 and Schedule VII which lay down all mandatory provisions for companies to fulfil their CSR. Many Business Experts take CSR as a way of conducting business rather than taking it as a mere charity or donation.

The question that arise is whether CSR is something real today or is it a mere marketing strategy that will help the company look greener and nicer instead of saving the planet and to help the under-developed sections of the society?

It is absolutely true that for some Companies, CSR is still seen as a very nice marketing device that will help them to get a better image in the society, enhance their reputation and that is why they resort to show it in their advertisements that look very green and fascinating and this often leads to what is called "Green Washing".

Green Washing is the act of the corporate companies to persuade the public that the organizations' products, policies and aims all focus on being environmental-friendly but in reality they are deceiving the public because what they project is not so true. It is something that is totally disconnected from the reality and, therefore, is getting dangerous.

There is a wide range of issues that companies need to address and which can be best rectified if they focus not only their brand image and profits but also on welfare and upliftment of the society.

On April1, 2014, India became the first country to legally mandate CSR. The provisions of Section 135 of Companies Act, make it mandatory for Companies, including its holdings or subsidiary having the following to constitute a CSR Committee:-

1) Net worth of Rs 500 crore or more, or

2) Turnover of Rs 1000 crore or more, or

3) Net profit of Rs 5 crore or more

during the immediately preceding financial year.

The responsibility lies on the Board of every Company. It should ensure that the Company spends in every financial year, at least 2% of the average net profits of the company made during the three immediately preceding financial years in pursuance of its CSR.

India faces enormous development challenges which can be resolved only if the Government, Civil Society and Corporations work together to address them.

The problems associated with CSR in India are majorly related to the size of the Company. Large Companies tend to adapt quickly to such CSR policies in majority of the cases and as their profits are huge so their investment in such projects is also good. There is expansion in the spending because of the same reason while small or less well resources Companies have not been so successful. Surveys convey that most of them were unable to meet the 2% criteria that was set. The second major reason is the failure to form effective CSR Committees because of which they fail to understand the gravity of this initiative and land up choosing the wrong or less important projects. Education and Healthcare are the two sectors where most of the CSR investment is made and it is approximately 60%. Undoubtedly both of these sectors are important areas of development but there are many other many sectors like Environment Sustainability, Gender Equality, Urban Development, Skill Development etc. which also need to be identified and invested into.

Best example of CSR is that of the Coca Cola Company where they knew that their product requires a lot of water to manufacture it so they decided to use less of it and started investing in Multi-Stakeholder projects on water conservation. Such CSR activities are getting more and more real among many companies since the introduction of the mandatory policy and they they are now seeing it as a strategic issue. Even there is tremendous pressure from the society and from the environment as well in this regard. Paying attention to the needs and healing of the environment is one of the major issues at hand so are other social issues like Women Empowerment, Education, Poverty etc.

Today Companies not only hold the responsibility of earning profits, contributing to the country's economy and creating employment but also need to really view CSR as a real strategic issue that they have to integrate into their business model, embed the same into their action and everyday routine to work for a good cause.

CSR, in totality, is very crucial especially in a developing country like India where we now not only have Government working towards the progress of the nation but also Corporate Sector coming forward and doing their bit for the same.

Chirag Yadav
B.A LL.B (Ist Year)

Preventive Detention: A Constitutional Subjugation

'Preventive Detention can only be tolerated in any democratic society in most extreme circumstances. It must be used with utmost restraint and retained only so long as it is strictly necessary.'

Gardiner Committee Report

As per Section 151 of The Criminal Procedure Code, 1973, Preventive Detention is termed as an action taken on grounds of suspicion that some wrong actions may be committed by the person concerned. As per laws, Police Officer can arrest an individual without orders from a Magistrate and without any Warrant if he is convinced that such an individual can engage in an offense. In India, Preventive Detention is for a maximum period of three months, albeit this limit can be changed by the Parliament. According to Preventive Detention Act, 1950 it can be extended beyond three months up to a total of twelve months, only on the favourable recommendations of an Advisory Board, which comprises of High Court Judges or persons eligible to be appointed as High Court Judges.

Preventive Detention in India dates back to British Rule in the early 1800s and continued with such laws as the Defence of India Act, 1939 and the Preventive Detention Act, 1950. It's the practice of capturing accused individuals before trial on the assumption that their release would not be in the best interest of society, specifically that they are likely to commit additional crimes if released. The Preventive Detention law raises substantial questions on the safeguards of citizens as provided by Article 22 of the Constitution of India and liberty of an individual arrested on a mere suspicion. It is confinement imposed generally on a defendant in criminal case who has threatened to violate the law, while awaiting trial or disposition or of a mentally ill person who may harm himself or others.

The need to review Preventive Detention law has become imperative in India. The problem of scope of Preventive Detention laws goes beyond determining categories of risks in which to allow Preventive Detention and extends to the definition of these risks. No clear limits of this scope also mean that rather than being used for "preventing" harm, Preventive Detention laws are instead used in tandem with the regular Criminal Law to keep persons in custody for longer duration, with fewer questions asked. Whereas detaining someone without trial might seem justifiable when there are threats to national security but using notions, like public order, Preventive Detention laws become more prone to abuse.

Further, the Preventive Detention regime's sanction for arrest and detention for up to three months, without periodic review and no judicial oversight, is against the basic principles of our Republic that is supposed to "zealously" guard liberty. What makes this issue worse is that this rights-denying process finds support

through Article 22(3) of the Constitution, which expressly chose not to extend the minimal safeguards of the Criminal Justice System to Preventive Detention laws. Whatsoever might have been the reasons that led the Constituent Assembly to make this choice for a fledgling nation reeling from the aftermath of partition, those justifications cannot go unchallenged 70 years later in the world's largest democracy. Especially, since Indian laws of Right to Life and Personal Liberty and the interpretation of the Constitution itself has undergone prodigious transformation during this time.

There is nothing more extraneous in a civilised and democratic system than Preventive Detention. It can be deduced that the thought behind enactment of such law was to avert beyond the pale elements from causing impediment and trouble in the society which might have pernicious effects on lives of citizens. However, such laws have to be applied with utmost solicitude and precaution so as to avoid any disputations and controversies. An ill-considered implementation of such laws might end up being tribulations for both Judiciary as well as the person detained because injustice anywhere is a threat to justice everywhere.

WE ARE PROUD OF YOU

A. Shri Baljit Shastri Award.

S. No.	Name of Awardee	Course	Batch
1.	Ms Monica Yadav	Master of Laws	2011-2013
2.	Col YS Sindhu (Retd)	Master of Laws	2012-2014
3.	Mr. K Remruatfela	Master of Laws	2014-2015
4.	Mr. Govind Kumar Saxena	Master of Laws	2015-2016
5.	Ms Sangeeta	BA LLB (H)	2012-2017
6.	Mr. Mayank Shekhar	BA LLB (H)	2013-2018
7.	Ms Shivani Suhag	BBA LLB (H)	2014-2019

B. Trophy

S. No.	Name of Awardee	Course	Batch
1.	Ms Shabanoo Begum	Master of Laws	2012-2014
2.	Ms Sangeeta	BA LLB (H)	2012-2017
3.	Ms Shringar Bhattaria	B.Com LLB (H)	2013-2018
4.	Ms Shilpy	BA LLB (H)	2014-2019

C. Gold Medal

S. No.	Name of Awardee	Course	Batch
1.	Mr. Abhishek Choudhary	Master of Laws	2013-2014
2.	Ms Dipika Rani	Master of Laws	2014-2015
3.	Mr. Nishant Khosla	Master of Laws	2015-2016
4.	Ms Shweta Tyagi	Master of Laws	2016-2017
5.	Mr. Sankalp Pandey	Master of Laws	2017-2018
6.	Ms Vaasawa Sharma	Master of Laws	2018-2019
7.	Ms Sangeeta	BA LLB (H)	2012-2017
8.	Ms Shringar Bhattaria	B.Com LLB (H)	2013-2018
9.	Ms Vanshika Mittal	BA LLB (H)	2013-2018
10.	Ms Monika Sharma	BBA LLB (H)	2013-2018
11.	Ms Shilpy	BA LLB (H)	2014-2019
12.	Ms Abhilasha Yadav	BBA LLB (H)	2014-2019

HONORIS CAUSA

Hon'ble Mr. Justice Dipak Misra, Former Chief Justice of India
Doctor of Laws (LL.D) 2020

HONORARY PROFESSORSHIP

Shri Amar Kr. Sundram
India Head of Legal, Corporate Governance and Regulatory Affairs, Royal Bank of Scotland

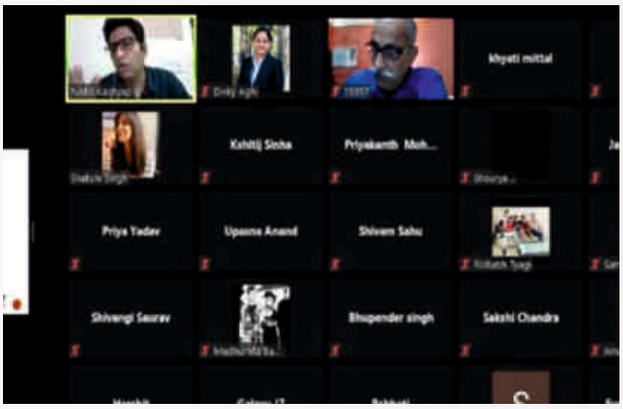
PH.D AWARDED BY AMITY LAW SCHOOL, AUH

Ms. Priyanka

Ms. Teena

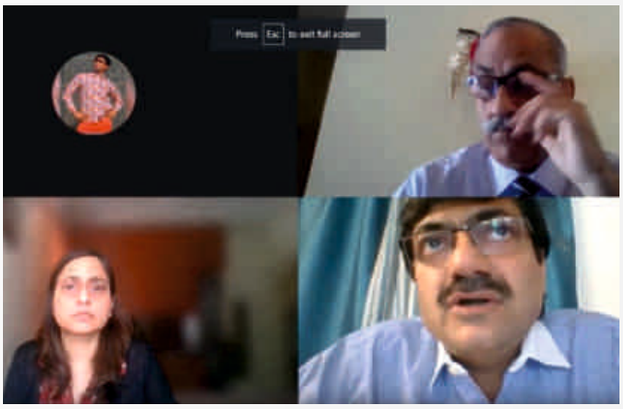
Major Events held During the Year

Webinar on 'Career Opportunities for Lawyers in Armed Forces': 13 April 2020: Maj. Gen P. K. Sharma, Prof & Director ALS and Dean Faculty of Law, AUH



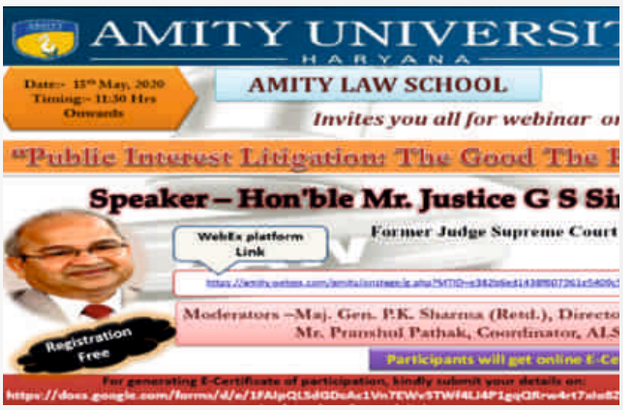
Webinar on 'Cracking Judiciary: Tips and Techniques': 05th May 2020: Mr. Nikhil Kashyap, Director, Karat Lawz Academy

Webinar on 'Future of Litigation in India and e-Courts': 08 May 2020: Hon'ble Mr. Justice Swatanter Kumar, Former Judge Supreme Court of India and Former Chairperson, National Green Tribunal.



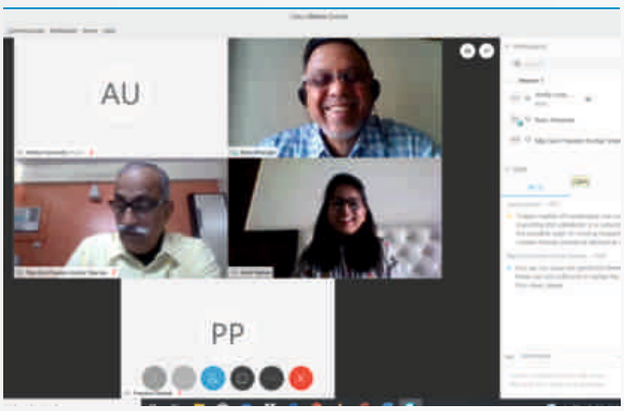
Guest Lecture on 'Overview of Code of Criminal Procedure': 11 May 2020: Dr Atul Sud, Director Legal and Regulatory Affairs, Perfetti Van Melle India Pvt. Ltd.

Webinar on 'E-Waste Management: Problems and Solutions':12 May 2020: Dr Anwesha Borthakur, Marie Skłodowska Curie Postdoctoral Researcher at Leuven International and European Studies (LINES), KU Leuven, Belgium

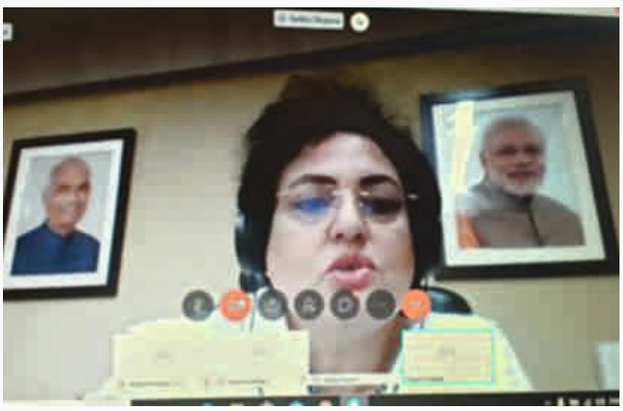


Webinar on 'Public Interest Litigation - The Good the Bad': 15 May 2020: Hon'ble Mr. Justice GS Singhvi, Former Judge Supreme Court of India

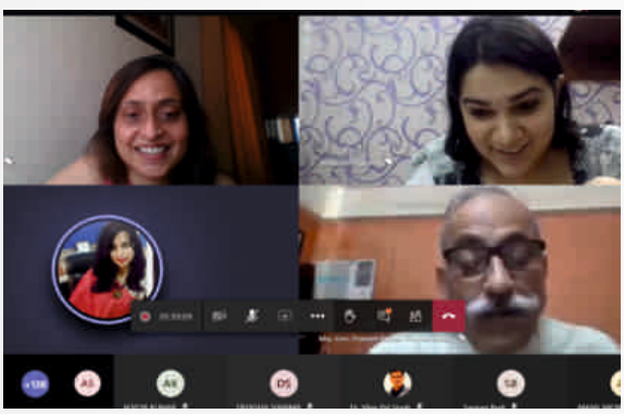
EVENTS & ACTIVITIES



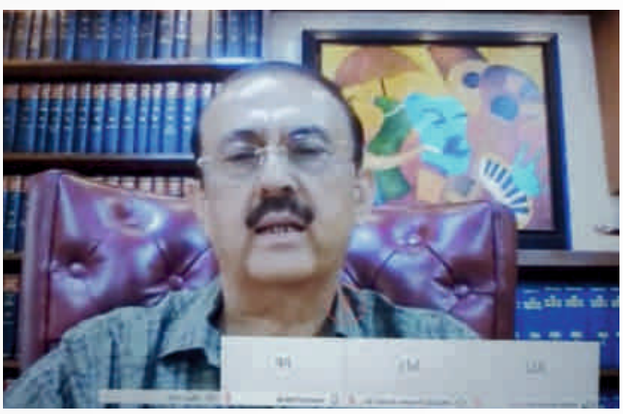
Webinar On 'Bio-Warfare, Bio-Terrorism and Bio-Security:14 May 2020: Col. (Dr) Ram Athavale, CBRN Security Specialist.



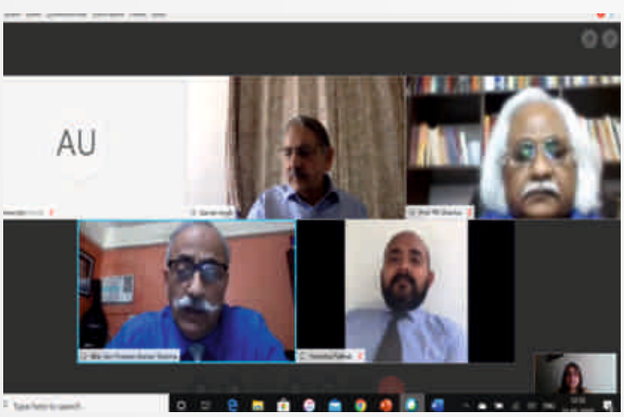
Webinar On 'Safety of Women with Rising Cyber Crimes': 19 May 2020: Ms Rekha Sharma, Chairperson, National Commission for Women.



Webinar On 'Force Majeure In Times of Covid-19': 1 June 2020: Ms. Shriya Maini, Advocate on Record, Supreme Court of India



Webinar On "Judicial Independence vis-à-vis Judicial Activism/outreach: 3 June 2020: Mr. Vikas Singh, Senior Advocate, Supreme Court of India, Former Solicitor General of India and Former President, Supreme Court Bar Association

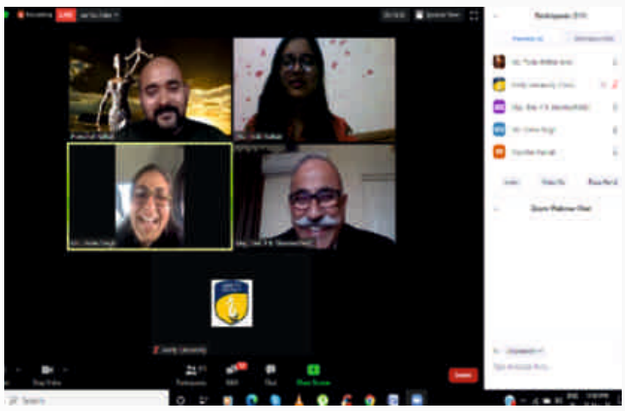


Webinar On 'Policing in The Times of Pandemic': 22 May 2020: Mr. Karnal Singh, IPS(Retd.), Former Director Enforcement Directorate

FDP On 'Legal Research and Pedagogy in Changing Times': 15 June-19 June 2020

Webinar on 'Gender Inequality: Hype or Reality': 11th September 2020: Ms Aishwarya Bhati, Additional Solicitor General of India

ALS Eminent Lecture Series "Ram Janmbhoomi Case: The Law Laid Down": 17th September 2020: Col. R. Balasubramanian (Retd)., Advocate, Supreme Court of India



ALS Eminent Lecture Series " The Role of Constitution in Emerging New India ":26 November 2020: Ms. Vinita Singh, Managing Trustee, We The People.

ALS Eminent Lecture Series 'Role of Judiciary in Upholding Constitutional Mandate': 9th January 2021: Hon'ble Mr. Justice Vinit Kumar Mathur, Judge High Court of Rajasthan at Jodhpur

EXPERIENCE A CAMPUS LIFE THAT'LL INSPIRE YOU TO DREAM BIG

- Extensive Industry Interaction with Over 1500 Corporate Leaders, Management Gurus & Distinguished International Speakers.
- Eminent Scientists and Professors imbibing a Strong Culture of Research & Innovation.
- Well Stocked Libraries with latest Books, Journals, Periodicals, References & Online Resources.
- Amphitheatre Style Air Conditioned Classrooms.
- Wi-Fi enabled Campus with 1Gbps broadband connectivity.
- Hi-Tech Labs equipped with latest infrastructure.
- Secure Campus with latest IP enabled 24X7 CCTV Surveillance.
- 20 Acres Sports Complex with latest amenities.
- On-Campus Departmental Store, Salon, ATM, Laundry Service, Gym & Food Courts like Café Coffee Day, Dosa Plaza etc.

AMITY UNIVERSITY GURUGRAM

Amity University, Amity Education Valley, Gurugram, Manesar, Haryana, India.
Gurugram Office: Amity International School, Sec.-46, Gurugram
Tel.: 0124–2337016/15, 088-266-98200/1/2/3
admissions@ggn.amity.edu | www.amity.edu/gurugram

Stay Connected on Social Media: /Amityuniversitygurgaon /amityunigurugram_official/ /AmityGurgaon