

VOLUME I

ISSUE IV

22August 2017

*“ IT IS NOT WISDOM BUT AUTHORITY THAT MAKES A LAW ”.*

**- THOMAS HOBBS**



LEFT TO RIGHT: 1-Yoga Day Celebration  
2 - Mr. Mohit Sharma (Offg. HoI) felicitating Pro Vice Chancellor Dr. M. P. Kaushik  
3 - Rangoli prepared by ALS students  
4 -Students and faculty members of ALS.



## From The Chief Editor's Desk

### Is There Right To Privacy?

The hearing before the nine-Judge bench of the Supreme Court on whether there is a fundamental right to privacy in India is going on, with the counsel for petitioners making a strong pitch in favour of the right to privacy. This is based on mandatory linking of Aadhar card with various services. This cropped up in the context of legal challenges to the Aadhaar or the unique identity number that has now become the bedrock of government welfare programmes, the tax administration network and online financial transactions. A total of 22 cases challenging various aspects of Aadhaar are being heard by the court.

It is no doubt that right to privacy is one of the essential offshoots of the right to life and liberty. The right of privacy cannot be absolute right and subject to certain reasonable restrictions, which are necessary to protect the interest of general public because *salus populi suprema lex*. No fundamental right can be regarded as absolute so with the right of privacy.

Various jurist have defined sources of law in various terms. According to Savigny, a jurist of Historical School, basis of law is to be found in *volksgeist*, which means people's consciousness or will.

According to the sociological jurisprudence, the famous jurist Roscoe Pound said that law is an instrument of social engineering and meant to reduce clashes of interest amongst individual of a society and between various societies.

As the social structure is dynamic so is law, therefore it is required that interpretation of any fundamental rights of individual must be made in conformity with the prevailing social condition.

It is observed that there is an overlap between the principles of liberty, dignity and privacy. In between liberty and privacy, there is a step of dignity. Dignity flows from liberty and privacy from dignity. In order to bring more clarity on the subject all these aspects of law relating to Right to privacy are necessary to be decided by Apex court .

SACHIN KUMAR SHARMA  
Assistant Professor  
Amity Law School,  
AUMP, GWALIOR



22 August 2017

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22 August 2017

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# LEGAL NEWS

## **No Coercive Action against Lawyers & Law Firms for Non-Compliance with GST until Centre's Clarification: Delhi HC**

The Delhi High Court on Wednesday directed the Centre to abstain from taking any coercive action against lawyers and law firms for non-compliance with any legal requirement under the CGST Act, IGST Act or the DGST Act till further clarification is issued by the Centre and the State in this regard. The Bench comprising Justice S. Muralidhar and Justice Pratibha M. Singh opined that as of date, there is no clarity on whether all legal services provided by legal practitioners and firms would be governed by the reverse charge mechanism. It observed, "If in fact all legal services are to be governed by the reverse charge mechanism than there would be no purpose in requiring legal practitioners and law firms to compulsorily get registered under the CGST, IGST and/or DGST Acts. Those seeking voluntary registration would anyway avail of the facility under Section 25 (3) of the CGST Act (and the corresponding provision of the other two statutes). There is therefore prima facie merit in the contention of Mr Mittal that the legal practitioners are under a genuine doubt whether they require getting themselves registered under the three statutes." The Court is hearing a Petition filed by J.K. Mittal & amp; Company, which has challenged notifications issued by the Centre and Delhi Government, wherein it was prescribed that advocates and law firms. Besides, the Petitioner has also sought clarification on the need for re-registration for lawyers who had already registered themselves under the Finance Act, 1994. The Court has now asked the Centre and the State to respond to the Petition, listing the matter on 18 July. It clarified that if an appropriate clarification is not issued by the next date, it will proceed to pass appropriate interim directions.



## SC Constitution Bench to Hear Aadhar Case from July 18

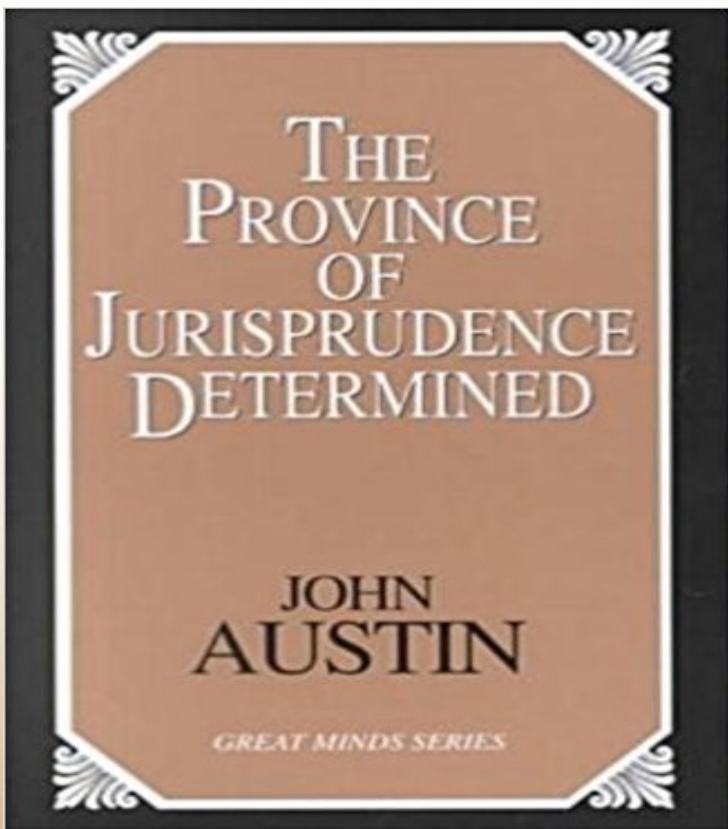
The Chief Justice of India has agreed to constitute a Five Judge Bench to hear whether Aadhar violates right to privacy. The Five Judge Bench to start to hear the matter on July 18. The assurance came after senior advocate Shyam Diwan representing several petitioners made an urgent mentioning. Last week a bench headed by Justice Jasti Chelameswar had asked lawyers representing various petitioners to appear before Chief Justice's bench and request setting up of a Constitution bench. It was in August 2015, the Supreme Court bench of Justices J. Chelameswar, S.A. Bobde, and C. Nagappan decided to refer the challenges to the Aadhar program to a constitution bench, especially to determine the existence of a right to privacy as a fundamental right. In the reference order, the three Judge Bench observed as follows; "We are of the opinion that the cases on hand raise far reaching questions of importance involving interpretation of the Constitution. What is at stake is the amplitude of the fundamental rights including that precious and inalienable right under Article 21. If the observations made in M.P. Sharma (supra) and Kharak Singh (supra) are to be read literally and accepted as the law of this country, the fundamental rights guaranteed under the Constitution of India and more particularly right to liberty under Article 21 would be denuded of vigor and vitality. At the same time, we are also of the opinion that the institutional integrity and judicial discipline require that pronouncement made by larger Benches of this Court cannot be ignored by the smaller Benches without appropriately explaining the reasons for not following the pronouncements made by such larger Benches. With due respect to all the learned Judges who rendered the subsequent judgments; where right to privacy is asserted or referred to their Lordships concern for the liberty of human beings, we are of the humble opinion that there appears to be certain amount of apparent unresolved contradiction in the law declared by this Court. Therefore, in our opinion to give a quietus to the kind of controversy raised in this batch of cases once for all, it is better that the ratio decidendi of M.P. Sharma and Kharak Singh is scrutinized and the jurisprudential correctness of the subsequent decisions of this Court where the right to privacy is either asserted or referred be examined and authoritatively decided by a Bench of appropriate strength. 14. We, therefore, direct

## **Stay On Cattle Rules Applicable To Entire Country: SC**

The Supreme Court today disposed of four petitions which challenged the May 25 Central notification, banning sale and purchase of cows and buffaloes at animal markets for slaughter after the union government submitted that it is taking a re-look. The Centre also said it is not seeking a vacation of the stay of the notification by the Madras High Court which meant that the rules anyways cannot be implemented. Then the Supreme Court held that the stay is applicable to the entire country. It is pointed out by the Centre that the issues under challenge are subject matter of fresh consideration and concerned authorities are seized of it. It is submitted that the rules will be re-notified after appropriate changes. In the above view of the matter we do not find any reason to keep the petitions pending, a bench of Chief Justice J S Khehar and Justice D Y Chandrachud ruled. Madurai Bench of the High Court of Madras stayed the operation of Prevention of Cruelty to Animals (Regulation of Livestock Market) Rules, 2017 in May. During the hearing senior advocate, Kapil Sibal appearing for two petitioners said “we only want an assurance; a message should go out that business is not stopped, that rules will not be implemented without a re-look. CJI Khehar also said in the order: we are of the view that as and when fresh notification is issued sufficient time shall be granted by government for implementation of the notified amendments so that till the rules are implemented there is sufficient time for parties to assail the same. ASG Narasimha for the Centre said all stakeholders will be consulted and all representations and prayers in various petitions pending in various courts will be considered while re-notifying the rules.

Senior Advocates Kapil Sibal, Salman Khurshid and Chander Uday Singh appeared for petitioners and a vacation bench of the court comprising of Justice R K Agrawal and Justice Sanjay Kishan Kaul issued notice to Centre on plea filed by a Hyderabad-based lawyer Fahim Qureshi, president of the All India Jamiatul Qureshi Action Committee. He termed the Centre’s order as “discriminatory” and “unconstitutional” as it prevented cattle traders from earning their livelihood. The notification has already triggered widespread protests. Besides arguing, that the decision will hit poor farmers and squeeze supplies to the country’s Rs 1 lakh-crore meat industry, the petition also accused the government of pushing a beef ban through the back door in keeping with the BJP’s Hindutva agenda. The Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017, issued by

the Ministry of Environment, Forests and Climate Change, allows only farmland owners to trade at animal markets. The notification covers bulls, bullocks, cows, buffaloes, steers, heifers and calves, as well as the camel trade. They also require anyone purchasing cattle to provide an undertaking that the animals are bought for agricultural purposes and not slaughter. “Slaughtering of animals for food and sacrifice was part of the cultural identity of certain communities and was protected by law”, Qureshi argued. The lawyer also said that the restrictions placed by the new rules contravene the very law – Prevention of Cruelty to Animals Act of 1960 – under which it has been notified. It said, the Act further recognizes slaughter for food. Section 11 of the Act does not categorise slaughter of animals for food as cruelty. It makes a specific exemption for “destruction of any animal as food for mankind unless such destruction or preparation was accompanied by pain”.



**JOHN AUSTIN**



## **Chief Justice Khehar Supports Entry of Foreign Lawyers to India**

Chief Justice JS Khehar on Saturday supported the entry of foreign lawyers and law firms to India. He stated that though The Advocates Act, 1961, does not permit foreign lawyers to practice law in India. It acknowledges that if some country permits Indian lawyers to practice in its jurisdiction, then lawyers from that country can be granted reciprocal privileges in India. He was speaking while inaugurating All India seminar of the International Law Association at New Delhi. The Indian legal profession has grown over a short period of fewer than 70 years... to possibly become the world's largest, and most influential, in the matter of governance. India has close to 1.2 million lawyers, whose professional conduct is regulated by the Bar Council of India and the State Bar Councils.

With the advent of globalization, the legal profession in India has undergone a major shift in past two decades. Economic globalization has given an opportunity of constant interaction with foreign lawyers and law firms and an international clientele. As a result, there has been transfer of knowledge, system and practice to Indian law firms so as to undertake a much larger role in cross-border transactions. He said, "Many countries such as USA, Japan, Australia, even some EU States, have been approaching the Government of India, to seek liberalization of India's legal services sector". These representations desire market access commitments, under the framework of the General Agreement on Trade in Services (GATS). Till now India, which is a member of the World Trade Organization (WTO) has not given any such commitment.

However, foreign governments through representative bodies continue to lobby for opening Indian legal services to foreign competition. Equally stiff, has been the opposition by the Bar Council of India. Now it appears that the Bar Council of India and the Society of Indian Law Firms have agreed "in principle" with the government's proposal to gradually open up the legal sector to foreign players, but insist, that this should be on a reciprocal basis.

## **New Legislation Required To Deal with Inter-Country Child Custody Cases: Chief Justice Khehar**

Expressing concern over the future of children and their rights in bad marriages abroad and the challenges before Indian judiciary to handle such cases, Chief Justice of India (CJI) JS Khehar has said child right is vital and there has to be a new legislation to deal with inter-country custody cases. When the child custody fight transcends national boundaries, the welfare of the child suffers, as it gets difficult to decide. The battle line gets entangled in sovereign laws of the individual concerned nations. Even though the only question which arises is which parent in which country will ensure the best interest of the child. But this question is not simple. It is a cultural question involving ways of life – to which the child is accustomed. It is also a sovereignty question of the two concerned nations. And a legal question – depending on the concerned system of law, followed by the Judicature, before which it arises. Saying that the welfare of a child is paramount and his rights are vital consideration for courts, Justice Khehar supported the claim that India should ratify The Hague Convention, which deals with the issue of child custody of parents living abroad following a matrimonial discord.

The Hague Convention, which at present has 95 signatories, aims to protect children from the harmful effects of international abduction by a parent, by encouraging the prompt return of the abducted child, to the country of habitual residence. And to organize or secure, the effective rights of access to the child. Custody and visitation matters, it is felt, should generally be decided by the proper court, in the country of the child's habitual residence. He was speaking while inaugurating a national seminar of the International Law Association in New Delhi. Justice Khehar referred to various legislations and judgments of different courts and said last year, the Punjab and Haryana High Court had asked the Law Commission of India to submit its recommendations on the custody issue.

In 2009, the Law Commission of India, headed by former Supreme Court Judge, had submitted a report recommending, that the government ratify the Hague Convention. In February 2016, the Punjab and Haryana High Court while dealing



with a child custody issue, asked the Law Commission of India, to resubmit its recommendations to the Government, with its recommendation to sign the Hague Convention. Based on these recommendations, the Women and Child Development Ministry in June 2016 issued a draft of the Civil Aspects of International Child Abduction Bill, 2016 (and a notice on the bill, No. CW-I-31/59/2016-CW-I of June 22, 2016) which reflected the provisions of the Hague Convention, and would pave the way for India's accession to it.

The Law Commission of India has also recently proposed some modifications in the above-mentioned Bill, and re-named as “The Protection of Children (Inter-country Removal and Retention) Bill, 2016”. This Bill seeks to address the violation of custody, or access rights by providing for a full-fledged framework. This Bill also provides for constitution of a Central Authority, which will have a major role in discovering the whereabouts of the removed/retained child, and in securing the return of the child, and also, in provisioning for legal aid. It also proposes to empower the High Court to determine the issue of return of the child, despite the lapse of sufficient time. At the same time, on certain grounds like objection by the child, or exposure of a child to grave risk etc. the return of the child can be denied. Supreme Court judge Justice AK Sikri also highlighted the child custody issue and appealed for a uniform law to deal with such delicate

## Medieval Times (1150-1700)



## THE COURT OF CHANCERY OR COURT OF EQUITY

## **Implement Guidelines on Rehabilitation of Cured Mental Patients: SC to Centre, States**

The Central government, states, and Union Territories have been asked by the Supreme Court to implement the guidelines on rehabilitation of those who are cured of mental illness but still languishing in asylums due to the unwillingness of their families to take them back. “It may be implemented within a year and a status report filed with the registry”, a bench of Chief Justice J S Khehar and Justice D Y Chandrachud said. “State governments should take steps to create and manage rehabilitation homes for those discharged from mental asylums and have no place to go”, Guidelines, submitted by a committee headed by the Secretary of Department of Empowerment of Persons with Disabilities, recommended. “Rehabilitation homes should be outside any hospital and the governments should appoint a house in-charge, an office assistant, a social worker, a vocational instructor, two trained caregivers, two helpers, one visiting psychiatrist, one occupational therapist and adequate security, housekeeping, and kitchen staff per 25 residents. Cultural and sporting activities may be conducted for the residents”, it said.

The court had in February this year asked the Centre to frame a uniform national policy to deal with those suffering from mental illness and their release from hospitals after being cured saying the issue figured in the concurrent list of the Constitution and hence the union government also has the authority to frame norms.

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The PIL had raised the issue of release of about 300 persons from various mental hospitals in Uttar Pradesh, alleging they were still languishing there despite being cured of their ailments and most of them belonging to poorer sections. There should be a national policy which can be applied uniformly across the country, the bench said, asking the lawyer to ensure that the Centre and others are served with the court notice in the matter. On June 18 last year the Supreme Court issued notices to six states on the petition seeking release of nearly 300 persons, who are still languishing in mental hospitals in Uttar Pradesh, some of them for



several years, despite being cured of their ailments. At the inception, a bench headed by then Chief Justice T S Thakur and Justice A M Khanwilkar had issued notices to Uttar Pradesh, West Bengal Rajasthan, Kerala, Jammu and Kashmir and Meghalaya on a PIL seeking release of persons, who are now fit for discharge from mental hospitals and steps to ensure their social security post-discharge. Advocate Gaurav Kumar Bansal, who has filed the PIL in his personal capacity, said underprivileged persons are still languishing in mental hospitals despite being cured of their ailments and there was no policy in place to ensure their well being after the release. The plea also referred to responses received under RTI with regard to release of persons who are languishing in mental hospitals at Bareilly, Varanasi, and Agra in Uttar Pradesh even after being cured from their ailments.

The queries, which were posed under transparency law to Mental Health Hospital, Bareilly, Institute of Mental Health and Hospital, Agra and Mental Hospital, Varanasi, pertained to names, residential address, and age of the patients who are now normal and waiting for their discharge from hospitals. Bansal had also sought information about the year in which the patients were declared fit for the discharge. The plea has sought issuance of directions to the states and others to forthwith make arrangements to shift the patients, who are absolutely normal and are fit for discharge, from the mental hospitals to any other secure place like Old Age Home etc.



CORRIDORE OF SUPREME COURT

## LEGAL ARTICLES

### The Plight of Transgender Community

**Krati Rajoria**

**Assistant Professor, Amity Law School.**



Seldom our society realizes or cares to realize the agony and pain which the members of Transgender community undergo nor appreciates the innate feelings of the members of the Transgender community, especially of those whose mind and body disown their biological sex. Our society often ridicules and abuses the Transgender community and in public places like railway stations, bus stands, schools, workplaces, malls, theatres, hospitals, they are sidelined and treated as untouchables, forgetting the fact that the moral failure lies in the society's unwillingness to contain or embrace different gender identities and expressions, a mindset which we have to change. These observations were made by the Apex Court of India which has lately realized the discrimination that was prevalent in the



Indian society from time immemorial and has come up with a historic judgment in the case of *National Legal Services Authority v. Union of India & Others*.

The ruling on April 15, 2014, came after the Supreme Court's decision in December which declared gay sex criminal offence by reversing a landmark 2009 Delhi High Court order which had decriminalized homosexual acts. Just a month after the Supreme Court recognized transgender as third genders, the Madhya Pradesh Government suggested that transgender members in society be addressed as "Tgr" or "Ki" on the lines of Mr., Mrs., Ms. and also proposed the formation of a Board to maintain a database of all the transgender in State and provide them with government jobs as per their qualifications. Following the footsteps of M.P. government, West Bengal recently announced the constitution of Transgender Development Board

The judgment gives legal recognition to the third gender and asks the government to treat them in line with other minorities officially categorized as "socially and economically backward" to enable them to get quotas in jobs and education as the non-recognition of their gender identity would violate the fundamental rights under Article 14 and 21 of the Constitution of India. Prominent transgender activist Laxmi Narayan Tripathi, one of the petitioners in the case, welcomed the judgment, saying the community had long suffered from discrimination and ignorance in the traditionally conservative country. "Today, for the first time I feel very proud to be an Indian," said Tripathi. But like Tripathi not every member of the transgender community is aware of the reforms. When informed about the judgment, Sarita Bai (a transgender and resident of Gwalior) was happy to know about the legal acknowledgment of their existence in society and their rights but was clueless

as to how it will benefit them.

In 2009, Election Commission of India took the initiative by allowing transgender to choose their gender as “other” on ballot forms. But India is not the first country to recognize a third gender. Alex MacFarlane, an Australian was the first person to obtain a birth certificate recording sex as indeterminate in 2003. Prior to India, there have been several countries that have recognized the third gender viz. Nepal in 2007, Bangladesh recognized a third gender last year. And against the general belief that European countries are way too advanced, to our disappointment, Germany became the first European country that identified "indeterminate" sex on birth certificates only in November 2013. Thus, we can conclude that the procedure of legal recognition of a third gender is very recent in spite of the fact that they have been in existence right from the evolution of homo sapiens.

As per section 377 of the Indian Penal Code, a 155-year-old colonial-era law, a same-sex relationship is an "unnatural offence" and punishable by a 10-year jail term. The judgment puts transgender people in a strange situation as they are now legally recognized and protected under the Constitution, but at the same time they, may be breaking the law if they have consensual sex. The judgment is no doubt a positive step by the Apex Court that proposes to establish the principle of Rule of law but has created a state of confusion and chaos for the third gender. Can it be considered a victory in the fight for third sex recognition?

We look forward to the implementation of the judgment not only in black and white but also in practice, as well as expect the M.P. government to come up with policies that would be in compliance with the suggestions of the Supreme Court. India's third gender finally gets a place in law and they deserve an equal place in the society.



# **Brain drain: Boon for developed countries, but bane for India**

**Dr.Saroj Choudhary**

**Assistant Professor, ALS**

**Amity University Madhya Pradesh**

## **INTRODUCTION**

According to Oxford Advanced Learners dictionary, Brain Drain is “the movement of highly skilled and qualified people to a country where they can work in better conditions and earn more money”. Cambridge Online Dictionary defines “when large numbers of educated and very skilled people leave their own country to live and work in another one where pay and conditions are better”. Brain-drain can also be named as “human capital flight” because it resembles the case of capital flight, in which mass migration of financial capital is involved. Brain drain is usually regarded as an economic cost since emigrants usually take with them the fraction of the value of their training sponsored by the government or other organizations. It is a parallel of capital flight, which refers to the same movement of financial capital. Brain drain is often associated with de-skilling of emigrants in their country of destination, while their country of emigration experiences the draining of skilled individuals. Brain-drain can have many reasons, for example-political instability of a nation, lack of opportunities, health risks, personal conflicts etc. The term brain-drain was introduced by observing the emigration of the various technologists, doctors, and scientists, from various developing countries to more developed nations like USA, UK, Germany, England etc.

Now this phenomenon of brain drain has a conversed effect for a country in which people are getting migrated and brain-drain of a nation becomes brain-gain

for that particular country. Usually, all developing countries including India are suffering from brain drain and developed countries like the USA are having brain gain from this phenomenon. More or less, all the backward countries are suffering from this problem. India is also one of the major nations in the world which are suffering from this brain drain seriously at the present moment. The UNDP estimates that India loses \$2 billion a year because of the emigration of computer experts to the U.S. Indian students going abroad for their higher studies costs India a foreign exchange outflow of \$10 billion annually. Thousands of Indian scientists, doctors, engineers, and other qualified persons have migrated and are staying in other countries. Every year hundreds of our best brains make frantic efforts to leave India. The demand for passports is increasing every year, even though more and more employment opportunities are being created within the country. The steady outflow of our nation's talent, especially those educated, at the cost of the tax payers' money, has caused concern to the government. Due to high salary and facilities, Indian youth is moving abroad. One reason as to why the developed countries prosper is because of the high intellectual migrants from the poor developing countries. This „knowledge gap“ is increasing and the poor countries are becoming poorer and rich countries are emerging as knowledge countries and they are ruling the world.

In one other way, globalization has helped in retaining the skilled people within the country because a person can work for a foreign company sitting at home in India. But in reality, he is working for an overseas country, not for his own nation. Indian Diaspora is a geographically diversified Diaspora, which is spread in as many as 110 countries. The Government of India estimated that there is 30 mil-

lion Indian Diaspora spread across the world. The nature of settlement of Indian Diaspora can broadly divide into two parts, namely „old Diaspora“ and „new Diaspora“. The prominent countries that figure in the old Indian Diaspora are Malaysia, Mauritius, Trinidad and Tobago, Fiji, Guyana, and Suriname and the important countries with the new Diaspora are all the developed countries like – USA, UK, Canada, Australia and New Zealand. Apart from these two, a good number of Indians also live in the Gulf region. The geographical distribution of Indian migrant destination countries is defined by the level of qualification.

The migration flows of the highly-skilled are oriented towards traditional Indian destinations, namely: the US, Canada, and the UK and more recently toward non-English speaking EU countries. This wave was accelerated by Indian integration into the world economy. Semi-skilled and unskilled Indian workers are predominantly concentrated in the high-income countries of the Gulf Cooperation Council. These migrants have also been viewed for a long time as key providers of remittances. Current emigrants from India show an evolution of Indian labour migration, confirmed by the presence of highly-skilled flows towards the Gulf, a destination traditionally reserved for unskilled and semi-skilled Indians. The same trend is recorded regarding highly-skilled flows towards the US, Canada, Australia and Europe where unskilled Indian migrants mix with more qualified categories.

### **CAUSES OF BRAIN DRAIN IN INDIA**

There are various reasons for the brain drain in India. The reasons usually include two aspects which respectively come from countries and individuals. In terms of countries, the reasons may be social environment (in source countries: lack of opportunities, political instability, economic depression, health risks, etc.;



in host countries: rich opportunities, political stability, and freedom, developed economy, better living conditions, etc.).

In terms of individual reasons, there is a family influence, and personal preference: preference for exploring, ambition for an improved career, etc. Keeping all these in mind we can identify some causes for the brain drain in India.

**Higher Education:** Higher education in India evolved considerably after independence in terms of the number of universities as well as in terms of access to higher education. Nowadays, the number of universities in India has grown some 35 times comparing to 500 colleges and 20 universities before independence which are enrolling more than 11 million students, more than 10 times before independence. Before independence education was limited and elitist: the current system is though more open with from 30- 40% of enrolments from coming from the lower castes, and with women representing some 35% of the total number of students. The impressive increase in higher education has raised some questions about the adequacy of studies, resources, institutional quality, and standards. Students moving to the abroad are keep increasing. The most preferred educational destinations are the U.S. and U.K. In the year 2016, of the 1, 23,000 studying outside India, 76,000 have chosen USA (94,563 in 2017-2018, 83,833 in 2016-2017) as a country of their choice followed by UK, Canada, and Australia. Most popular foreign universities are University of Southern California, New York University, Columbia University, and University of Illinois at Urbana-Champaign, Purdue University, Indiana, University of Michigan, Ann Arbor, University of California, Los Angeles, University of Texas, Austin, Harvard University, Boston University, and the University of Pennsylvania.

**Employment:** - India has skilled and semi-skilled, employed and unemployed hu-

man resource.

Low salaries and inefficient working conditions can be the first motive that triggers the movement to the countries with better living standards and facilities. There is a huge difference in terms of salary in all three groups of countries namely developed, developing and underdeveloped. To demonstrate, skilled workers aim to get pleasing salaries in return for their labour but the working conditions in their homeland don't fulfill their wishes. Therefore, those workers prefer to move another country in order to have better living conditions with high salaries. Employment is one of the strong reasons for brain drain in India.

**Lack of opportunities:** In developed countries, researchers are provided with funds and necessary equipment to carry out the study, which can be another motive that attracts those deprived of these opportunities.

Most scientists in underdeveloped countries do not possess laboratory facilities and researchers cannot get sufficient funds. Therefore, when developed countries offer these facilities, researchers and scientists naturally prefer to migrate to these countries. The internationalization of knowledge creation and the rapid expansion of R&D activities determined the diversification of receiving countries for professionals and skilled workers from India.

Traditional migration streams of highly-skilled Indian were directed toward the United States and the UK. In the 2000s, new non-English-speaking destinations emerged in Europe such as Italy, France, Germany and other European countries. The number of skilled Indian migrants moving to Australia, Canada, and New Zealand also increased.

## HAPPENNINGS@ AMITY

### FACULTY DEVELOPMENT PROGRAMME 2017

Amity University Madhya Pradesh conducted a Faculty Development Programme from 14<sup>th</sup> to 20<sup>th</sup> June 2017 on “Quality Higher Education (Indian Universities)”. Eleven eminent educationists and experts from across the country spoke on various topics to train the trainers a total of 140 faculty members and research scholars attended the programme.

### CELEBRATION OF WORLD ENVIRONMENT DAY

Department of Environmental Science and Eco Club of Amity University Madhya Pradesh celebrated. The World Environment Day (WED) on June 5, 2017, by organizing a plantation programme in the campus. The theme of this year's celebration was “Connecting People to Nature”. The programme started with the address of Honorable Vice Chancellor, AUMP Lt. Gen. V.K. Sharma, AVSM (retd.)

### INTERNATIONAL YOGA DAY CELEBRATION

Amity University Madhya Pradesh organized a yoga session on the occasion of 3<sup>rd</sup> International Day of Yoga on 21<sup>st</sup> June 2017. Two sessions of yoga, one comprising of teaching participants led by the honourable vice chancellor, AUMP, Lt. Gen. V.K. Sharma, AVSM retired and other comprising of non-teaching participants led by Pro Vice Chancellor, AUMP, Prof. (Dr.) M.P. Kaushik participated in this event.

INTERNATIONAL  
DAY OF YOGA

21 JUNE  
2017





## LEGAL TERMINOLOGY

icadit quaestio

The question falls

Indicates that a settlement to a dispute or issue has been reached, and the issue is now resolved

casus belli

Cause of war

The justification for Acts of war

contra

**against**

Used in case citations to indicate that the cited source directly contradicts the point being made.

crimen falsi

Crime of falsifying

forgery

ex officio

From the office

Something done or realized by the fact of holding an office or position



Winner and Participant of Moot Court Competition: From left to right, Shri Laxmi and Neha Pandey (B.A.LL.B. V Sem); Raman Bhadoriya and Yuvraaj Sengar ( B.A.LL.B. VII Sem)

**HON'BLE Mr. JUSTICE J. CHELAMESWAR**

**DOB: 23<sup>rd</sup> JUNE 1953**

**Term of Office: (DOA) 10.10.2011 to (DOR) 22.06.2018**



**PROFILE:**

- **Justice J. Chelameswar is a judge on the Supreme Court of India.**
- **He was formerly the Chief Justice of the High Court of Kerala and Gauhati High Court.**
- **He was appointed as the judge of Supreme Court of India by Pratibha Devi Singh Patel on October 10<sup>th</sup> 2011.**
- **He was appointed as a Chief Justice of Kerala High Court on March 17, 2010.**
- **He was appointed as the Chief Justice of Gauhati High Court on May 2, 2007.**

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