Progressive Education Society's

Modern Law College

Ganeshkhind, Pune – 411016

In Association with

BSW, Savitribai Phule Pune University, Pune

12th Shankarrao Kanitkar National Moot Court Competition

13th January, 2018

Editorial Committee

Adv. Chintamani Ghate, Co-ordinator

Dr. Sunita Adhav, Principal

Asst. Prof. Abhijeet Dhere

Asst. Prof. Harshvardhan Lonkar

Published by:

P. E. Society's

Modern Law College

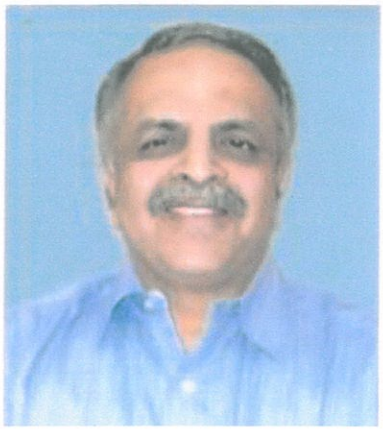
Ganeshkhind, Pune – 411016

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16

Index

Sr. No.	Content	Pg. No.
01.	Message from Chairman's Desk – Dr. G. Ekbote, Chairman, P.E. Society, Pune	03
02.	Message from Co-ordinator's Desk – Adv. Chintamani Ghate, Co-ordinator, Modern Law College, Pune	04
03.	Message from Pricipal's Desk – Dr. Sunita Adhav, Principal, Modern Law College, Pune	05
04.	About the Competition	06
05.	Moot Problem	07
06.	Clarifications	08
07.	Rules & Regulations	09
08.	Schedule of the Competition	12
09.	List of Participating Colleges	13
10.	List of Judges	15
11.	Winners	16
12.	Photos	17

Message from the Chairman



Dear Students,

The future belongs to people who dare to dream big. It belongs to those who make way through the clouds of oblivion with the force of their determination. "I have always believed that the answer to my destiny lies in creating the results, I desire."

The P. E. S. Modern Law College has grown immensely since its inception and has contributed tremendously to the legal fraternity through its various seminars and workshops. This year the college celebrates 11 successful years of Legal Education in the fraternity. In these 11 years, the small plant has grown into a full fruit bearing luscious tree under which hundreds of students have got the benefit of quality legal education. The students have won several accolades for the college in various sports and cultural competitions organized by various colleges and institutes in this year.

This year the college hosted the 12th edition of Shankarrao Kanitkar National Moot Court Competition on 13th of January, 2018. This year 48 colleges from all over India participated in the competition making it a grand success. My best wishes are always with the college and its constant endeavours to attain higher goals for the development of the college.

Prof. Dr. Gajanan R. Ekbote
Chairman, Business Council,
Progressive Education Society

Message from the Co-ordinator



Dear Students,

The Progressive Education Society's **Modern Law College** has flourished under the able stewardship of our Hon'ble Chairman, Prof. Dr. Gajanan R. Ekbote and the valuable guidance of the entire Business Council, Progressive Education Society, Pune. The college has the required infrastructure by the grace of the benevolent society, however the endeavour shall always be to excel. The Teaching and the Non-Teaching Staff members of the college aided with the experience of Principal Dr. Sunita Adhav have unitedly strived for the excellence in academic, cultural and social upbringing of the college.

The various seminars, workshops and the Shankarrao Kanitkar National Moot Court Competition give the college a practical approach to the legal education they are undergoing. I have learned and am in the knowledge that every year the competition is gaining popularity and this is evident from the good response received from various law colleges coming throughout the country. I wish more progress and quality to this prestigious competition which has progressively completed 12 years and is aptly named after our founder Hon'ble Shri Shankarrao Kanitkar.

This year, P.E.S Modern Law College, Pune celebrates 13 successful years of Legal Education and in this long journey has immensely contributed to the legal fraternity. Over the years several batches of students have got their degrees from **Modern Law College**. My well wishes are always with them.

Adv. Chintamani Ghate
Co-ordinator,
Modern Law College, Pune.

Message from the Principal



Dear Students,

It is an honour and a privilege to be the Principal of **Modern Law College** which stands for excellence and continuously setting high standards in the field of legal education. The college is an alma mater which all alumni look back to with fond memories.

As rightly said by Dean Roscoe Pound "Law is experience developed by reason and applied continually to further experience." Thus, we at **Modern Law College** try to meet this saying by imparting the experience of giving logical reasoning and thus understanding the philosophy of the law by the students.

In my opinion an education institute is not just about bricks, mortar & concrete, but about building character, minds & enriching experiences that last a life time. Life is not a set of instructions, but a series of experiences and learning process. P. E. S **Modern Law College** organized the 12th Shankarrao Kanitkar National Moot Court Competition on 13th January, 2018. Several colleges participated in it. My best wishes are with all the team and hope they do excel in the future.

I hope, we will do our best for the progress of the college and the students under the able guidance of our management and our well wishers.

Dr. Sunta Adhav
Principal,
Modern Law College, Pune

About the Competition

"By battling and arguing, you might succeed in confounding your listener but your victory will be in vain because you will never obtain the sincere agreement of your adversary".

Franklin Roosevelt

President, United States of America

As rightly said by Franklin Roosevelt, an argument must not be to defeat your opponent but to obtain his agreement, and what better way than by practice.

Shankarrrao Kanitkar National Moot Court Competition is an annual moot court competition organized by the Progressive Education Society's Modern Law College, Pune. This competition has been established in the name of our founder member of the society Late Shri Shankarrao Kanitkar, a visionary in the field of education. This competition is intended to be a platform for law students studying in all over India. Here these budding advocates can match their advocacy skills with each other. The special feature of this competition is that it is not confined to any subject or topic. We at Modern Law College believe and give a varied flavour of different subjects and legal intricacies to the law students. Thus, we help in overall understanding and development of a law student. It is the aspiration of the college to undertake the issues that are relevant in the changing society and thus we draft the moot problem accordingly.

The 12th Shankarrao Kanitkar National Moot Court Competition was held on 13th January, 2018. The theme revolved around right to privacy. The moot problem challenged the constitutional validity of the Aadhaar Act of 2016. As the case had arguments supporting as well as opposing the Act, the same was picked as the topic of the competition.

Asst. Prof. Abhijeet Dhere

Moot In-charge

Asst. Prof. Harshvardhan Lonkar

Moot In-charge

Moot Problem

MLRC, A Legal Research Centre, has approached the Honourable Supreme Court of Indiana, through a Public Interest Petition, against the Union of Indiana, contending that the collection of the biometric data for the purpose of Janadhar Card, violates the Right to privacy of the citizens. For obtaining the Janadhar Card, applicant has to provide his biometric data. The Petitioner contends that this is a violation of Article 21 of the Constitution of Indiana which grants "right to Privacy" as a fundamental right, which is evident in various decisions of the Apex Court and therefore the Janadhar Card Scheme should be declared Unconstitutional.

In another petition filed by ACCESS, a NGO working on the issues regarding civil and political rights of citizens, before Honourable Supreme Court, has contended that Janadhar Card is made mandatory by Government to avail the benefits under various social welfare schemes. The petitioner alleged that non availability of Janadhar Card denies the citizens the access to the benefits under various social welfare schemes, which is clear violation of fundamental right to equality as guaranteed by the Constitution of Indiana. Secondly the NGO has contended that by denying citizens access to scheme also defeats the basic purpose of welfare state enshrined under the Directive Principles of State policies given in Constitution of Indiana.

The Honourable Supreme Court taking into consideration the gravity of the same, decided to hear the matters jointly and the notice was issued to the Union of Indiana in this regard.

The main issues for consideration are:-

1. Whether "Right to Privacy" is guaranteed in the Part III of Constitution of Indiana?

2. Whether the Janadhar Card Scheme is unconstitutional and violates the provisions of Part III of the Constitution of Indiana?

3. Other ancillary issues, if any.

The case is scheduled for final hearing on 13th January, 2018.

Note: All laws and legal system of Union of Indiana is similar to laws and legal system of Union of India.

Clarifications

Following are the clarifications which the participants shall keep in mind.

01. The participants shall not cite J. Puttaswamy case's judgment in their arguments/memorial. They shall presume as if the judgment has not been delivered.

02. Adhaar and Janadhar schemes are analogous to each other.

03. Participants shall presume that they are arguing before the largest constitutional bench.

04. The participants may refer newspaper reports and facts that are already in existence. The extent of using them is discretion of that speaker, however the admissibility of the same is the discretion of the Judges.

05. The 12th edition has witnessed a huge response from students all over India and as such we have increased the number of participants from 32 to 48.

As a result, the Organizing Committee has decided to conduct a Semi-Final Round for fair representation.

8 Teams will be selected for the Semi-Final round from the Preliminary Rounds.

All the rules of Final Round will be applicable for the Semi-Final Round.

Rules and Regulations

01. Date: January 13th, 2018

02. Venue: Modern Law College, Ganeshkhind, Pune, 16.

03. Language: The written and oral submissions shall be in English only.

04. Eligibility: Regular bonafide students of recognised Law Colleges/Institutes/University.

*(Only students from amongst the under graduate five year integrated L.L.B. degree and three year Degree law programmes)

05. Dress Code: As per the rules of Bar Council of India (Baring Gowns and Bands)

06. Team Composition: The team should consist of two mooters only

07. Registration: The teams must register on or before 16th December 2017.

08. Registration Fees: Rs. 1000 per team.

The registration fee can be paid through Demand Draft, drawn in favour of The Principal, Modern Law College, payable at Pune or by cash at the time of the competition. Students have to arrange for accommodation on their own. Pune, being a metropolitan city, ample amount of hotel/accommodation and travelling facilities are available in the city. If required requested, College may provide assistance for accommodation.

09. Bench: Two judges for preliminary rounds and of three judges for final rounds.

10. Memorials:

a. Four copies of each side (Petitioner and Respondent), spiral bound memorials.

b. The cover page of the Memorial must follow colour scheme i.e. Blue for petitioner/ appellant and red for respondent

c. Typed on A4 size paper with one side printing not exceeding 20 pages, font size 12 (Times New Roman) line spacing of 1.5.

d. The memorial must contain:

   i. Title Page

   ii. The table of Contents

   iii. The Statement of Jurisdiction

   iv. The Statement of Facts

   v. The Statement of Issues

vi. The Prayer Clause and Bibliography

e. Name of the participant and the College, only on the title page.

f. Name of the participant and the College, only on the title page.

g. Memorials not in prescribed format shall be rejected.

h. Memorials will not be returned to the participants.

11. Conduct of Moot Court:

a. In the preliminary rounds, each team (both speakers) shall compulsorily present oral arguments for the side allotted to them (either Petitioner or Respondent)

b. Teams will be given codes in alphabetical order (according to name of college)

c. In the preliminary round each team will be allotted 20 minutes (16 minutes for arguments and 4 minutes for rebuttal and answering questions asked by judges. The rebuttal cannot be claimed as a matter of right).

d. The final round will comprise of the **top four teams** of preliminary rounds.

e. The proceedings of the Moot Court Sessions may be video recorded. All rights in this regard shall be reserved with Modern Law College.

f. Host team shall not be considered for the Prizes even if they participate.

g. The Competition starts at 9.00 a.m. The teams are to report latest by 8.00 a.m. on 13th January 2018

h. **Lots shall be drawn for the final round. Team shall (Speaker 1 and 2) present the side allotted to them through draw of lots.**

i. **Each team shall be allotted only 15 minutes to argue in the finals. Exceeding time limit will result in loss of marks. Utilisation of time amongst team members is discretion of team.**

12. MARKS:

Written Submission/ Memorial	20 Marks
Substance in Argument	30 Marks
Advocacy Skills	30 Marks
Questions from the Bench	10 Marks
Time Adherence	10 Marks
Total	**100 Marks**

13. The decision of the judges shall be final and no disputes shall be entertained in this regard.
14. In case of a tie, memorial marks will be considered to determine the winner.
15. The Organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.
16. The Organizers decision as regards the interpretation of rules, situation which is not contemplated in the rules or any other matter related to the competition will be final.
17. **Prizes:**

First	Rs. 10000 /- Cash + Trophy + Certificate
Second	Rs. 7000/- Cash +Trophy+ Certificate
Best Speaker	Rs. 5000/- Cash + Trophy+ Certificate
Judge's Special Appreciation	**Certificate (2)**

Schedule of the Competition

Sr. No.	Time	Session
01.	07:30 am to 08:15 am	Breakfast + Registration
02.	08:15 am to 08:30 am	Photography Session
03.	09:00 am to 12:30 pm	Preliminary Round
04.	12:30 pm to 01:30 pm	Break
05.	01:30 pm to 3:00 pm	Semi-Final Round
06.	03:15 pm to 04:00 pm	Final Round
07.	04:00 pm to 04:30 pm	Valedictory Session

Participating Law Colleges/Institutes

Sr. No.	Name of the College
1.	Adv. Balasaheb Apte College of Law, Mumbai
2.	Aligarh Muslim University, Aligarh
3.	Alliance School of Law, Bangalore
4.	Amity Law School, Noida, UP
5.	Balaji Law College, Pune
6.	Campus Law Centre, Delhi
7.	Central University of South Bihar, Bihar
8.	Chanakya National Law University, Patna
9.	Chander Prabhu Jain College of Higher Studies and School of Law
10.	D.E.S Navalmal Firodia Law College, Pune
11.	Dept. of Laws, Panjab University
12.	Dr. D. Y. Patil College of Law, Mumbai
13.	Government Law College, Mumbai
14.	Gujarat National Law University, Gandhinagar
15.	Hidayatullah National Law University, Chhattisgarh
16.	ICFAI Law School, Hyderabad
17.	Indore Institute of Law, MP
18.	Keshav Memorial College of Law, Hyderabad
19.	KIIT School of Law, Odisha
20.	Law Centre – II, Faculty of Law, Delhi
21.	Maharaja Sayajirao University of Baroda
22.	Mahatma Gandhi Mission's Law College, Mumbai
23.	Manikchand Pahade Law College, Aurangabad
24.	MMM's Shankarrao Chavan Law College, Pune
25.	N.B.T Law College, Nashik
26.	Nari Gursahani Law College, Thane
27.	New Law College, Bharati Vidyapeeth, Pune
28.	National Law Institute University, Bhopal
29.	National University of Advanced Legal Studies, Kerala

30.	Rajarshi Shahu Law College, Barshi
31.	Rajiv Gandhi National University of Law, Punjab
32.	S.D.M Law College, Bangalore
33.	School of Excellence in Law, Chennai, TN
34.	School of Law, Christ University
35.	School of Law, Sastra University
36.	Shri Shivaji Maratha Society's Law College, Pune
37.	Sinhagad Law College, Pune
38.	SNBP Law College, Pune
39.	SVKM's NMIMS Kirit Mehta School of Law, Mumbai
40.	Symbiosis Law School, Hyderabad
41.	Symbiosis Law School, Pune
42.	University Institute of Legal Studies, Chandigarh
43.	University of Mumbai Law Academy, Mumbai
44.	University of Petroleum & Energy Studies, Dehradun
45.	V. M. Salgaokar College of Law, Goa
46.	VIT School of Law, Chennai
47.	Vivekananda Institute of Professional Studies, New Delhi
48.	Yaswantrao Chavan Law College, Pune

List of Judges

Sr. No.	Name of Judge	Round
01.	Adv. Gautam Karnik	Final
02.	Dr. Sonia Nagarale	Final
03.	Adv. Shreedattprasad Abhang	Final & Semi-Final
04.	Dr. Suvarna Nilakh	Preliminary & Semi-Final
05.	Adv. Suyog Wagh	Preliminary & Semi-Final
06.	Dr. Sapna Deo	Semi-Final
07.	Asst. Prof. Mayura Borde	Preliminary
08.	Asst. Prof. Manisha Britto	Preliminary
09.	Adv. Sandeep Gujarathi	Preliminary
10.	Adv. Sandeep Mahale	Preliminary
11.	Adv. Nikhil Barsode	Preliminary
12.	Adv. Satyajeet Lonkar	Preliminary
13.	Adv. Tanaya Kamalakar	Preliminary
14.	Dr. Shilpa Gaikwad	Preliminary
15.	Adv. Rohit Survase	Preliminary
16.	Adv. Sandesh Tondare	Preliminary
17.	Adv. Priyanka Survase	Preliminary
18.	Asst. Prof. Ashwini Ingole	Preliminary
19.	Adv. Rishiraj Walvekar	Preliminary
20.	Adv. Dorman Dalal	Preliminary

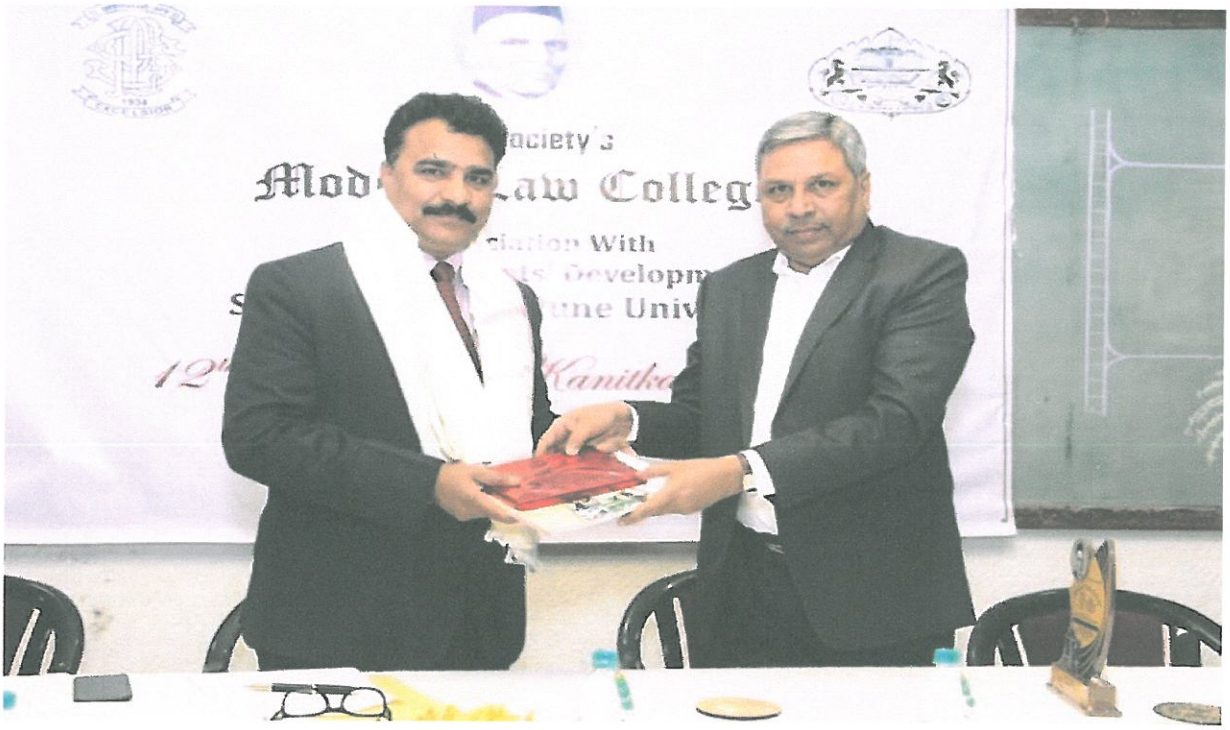
Winners

Serial Number	Award	Name of Participant	Name of College
01.	*Winner*	*Vivek Badkur* *Nilakshi Srivastava*	*National Law Institute University, Bhopal, Madhya Pradesh*
02.	*Runner – Up*	*Shruti Sharma* *Promita Sinha*	*Symbiosis Law School, Pune, Maharashtra*
03.	*Best Advocate*	*Shruti Sharma*	*Symbiosis Law School, Pune, Maharashtra*
04.	*Judges Special Appreciation*	*Rohan Jacob*	*School of Law, Christ University, Bengaluru, Karnataka*
05.	*Judges Special Appreciation*	*Shweta Parulekar*	*V. M. Salgaocar College of Law, Panaji, Goa*

Photos : Inauguration Ceremony



Participants of 12th Shankarrao Kanitkar National Moot Court Competition



Felicitation of Dr. Vijay Narkhede



Orientation of Judges by Asst. Prof. Abhijeet Dhere



Felicitation of Judges

Photos : Preliminary Round













Photos : Semi - Final Round





Photos : Final Round













Photos : Award Recepients



Winning team – NLIU, Bhopal



Runner-up team – Symbiosis Law School, Pune



Best Advocate – Shruti Sharma
Symbiosis Law School, Pune



Judges Special Appreciation Award – Rohan Jacob,
School of Law, Christ University, Bengaluru



Judges Special Appreciation Award – Shweta Parulekar, V.M. Salgaocar College of Law, Panaji



Group Photo of Best Advocate & Runner-Up Team along with Winning Team


Modern Law College


THANK
YOU!

12TH SHANKARRAO KANITKAR NATIONAL MOOT COURT COMPETITION 2018

BEFORE THE HON'BLE SUPREME COURT OF INDIANA

PUBLIC INTEREST LITIGATION FILED UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIANA

IN THE MATTER OF

MLRC and Others .....*Petitioners*

Versus

Union of Indiana .....*Respondents*

WRITTEN SUBMISSION ON BEHALF OF THE PETITIONERS

(THIS MEMORANDUM HAS BEEN PREPARED FOR THE RESPONDENT AND IS HUMBLY SUBMITTED TO THE HON'BLE JUDGES OF THE SUPREME COURT)

PARTICIPANTS :

VIVEK BADKUR (SPEAKER 1)

NILAKSHI SRIVASTAVA (SPEAKER 2)

Representing NATIONAL LAW INSTITUTE UNIVERSITY ,BHOPAL

TABLE OF CONTENTS

TABLE OF CONTENTS 2

STATEMENT OF JURISDICTION 3

STATEMENT OF FACTS: 4

STATEMENT OF ISSUES 5

ARGUMENTS ADVANCED 6

1. WHETHER THE RIGHT TO PRIVACY IS GUARANTED UNDER PART III OF CONSTITUTION OF INDIANA? 6

1.1. That the right to privacy is a natural and inalienable right: 6

1.2. That the Right to Privacy is implicit and inherent in Article 21, Article 19 and other Part III Fundamental Rights of the Constitution. 8

1.3. That it is provided by Indiana's International commitments: 10

2. Whether the Janadhar Card Scheme is Unconstitutional and violates the provisions of Part III of the Constitution of Indiana? 12

2.1. That Janadhar violates Article 14 of the Constitution 12

2.2. That Janadhar violates Article 21 of the Constitution 13

2.3. That Janadhar violates Article 19 of the Constitution. 16

BIBLIOGRAPHY 20

PRAYER FOR RELIEF 19

STATEMENT OF JURISDICTION

The Hon'ble Supreme Court of Indiana has placed the writ petition pending before it under article 32 which reads as under:

32. Remedies for enforcement of rights conferred by this Part
(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed
(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part
(3) Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2)
(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution

The Petitioners humbly submits to the jurisdiction of this Hon'ble Court.

STATEMENT OF FACTS

1. MLRC approached Hon'ble Supreme Court of India through a Public Interest Petition contending that the collection of the biometric data for the purpose of Janadhar Card, violates the Right to privacy of the citizens.
2. Petitioner contends that this is a violation of Article 21 of the Constitution of Indiana which grants "*right to Privacy*" as a fundamental right, which is evident in various decisions of the Apex Court and Appeals to declare Janadhar card scheme unconstitutional
3. Another petition filed by ACCESS before Honourable Supreme Court, has contended that Janadhar Card is made mandatory by Government to avail the benefits under various social welfare schemes.
4. They also contend that it is a clear violation of fundamental right to equality as guaranteed by the Constitution of Indiana.
5. They even contended that by denying citizens access to scheme also defeats the basic purpose of welfare state enshrined under the Directive Principles of State policies given in Constitution of Indiana.
6. The Honourable Supreme Court taking into consideration the gravity of the same, decided to hear the matters jointly and the notice was issued to the Union of Indiana in this regard.

-The matter will be heard before the hon'ble Supreme Court of Indiana on 13th January, 2018-

PES's Modern Law College ★ Pune-16 ★

STATEMENT OF ISSUES

I

WHETHER "RIGHT TO PRIVACY" IS GUARANTEED IN THE PART III OF CONSTITUTION OF INDIANA?

II

WHETHER THE JANADHAR CARD SCHEME IS UNCONSTITUTIONAL AND VIOLATES THE PROVISIONS OF PART III OF THE CONSTITUTION OF INDIANA?

ARGUMENTS ADVANCED

1. WHETHER THE RIGHT TO PRIVACY IS GUARANTED UNDER PART III OF CONSTITUTION OF INDIANA?

It is humbly submitted before the Hon'ble court that the right to privacy, is guaranteed under Part III of the Constitution of Indiana[1] as the Right to Privacy is essential for the enjoyment of other recognized fundamental rights and diminution in the importance of the Right to Privacy will weaken the Fundamental Rights which have been expressly conferred. The right to privacy is also an implicit part of the the Right to Life and Personal Liberty under Art. 21 of the Constitution under Part III of the Constitution.

1.1. That the right to privacy is a natural and inalienable right:

1.1.1. Natural rights have been defined as those rights which grow out of nature of man and depend upon his personality and are distinguished from those which are created by positive laws enacted by a duly constituted government to create an orderly civilised society.[2]

1.1.2. Privacy is a natural right, inherent to a human being. It is thus a pre-Constitutional right which vests in humans by virtue of the fact that they are human. The right has been preserved and recognised by the Constitution, not created by it. Privacy is not bestowed upon an individual by the state, nor capable of being taken away by it. It is thus inalienable.

1.1.3. In the last resort a person's house is his "castle"[3] it is his rampart against encroachment on his personal liberty. Justice Frankfurter in *Wold v. Colorado*[4], pointed out the importance of the security of one's privacy against arbitrary intrusion by the police, could have no less application to

---

[1] Constitution of Indiana, *Pari Materia* to Constitution of India (Herein after referred as Constitution).

[2] BLACK'S LAW DICTIONARY (126) (9th ed. 2009).

[3] Peter Semayne v Richard Gresham ,All ER Rep 62;5 Co Rep 91 a; Cro Eliz 908; Moore KB 668; Yelv 29 77 ER 194.

[4] Wold v. Colorado, 338 U.S. 25.(1949)

an Indian home as to an American one. If physical restraints on a person's movements affect his personal liberty, physical encroachments on his private life would affect it in a larger degree. Indeed, nothing is more deleterious to a man's physical happiness and health than a calculated interference with his privacy thus eroding his natural rights.

1.1.4. The development of personality which is an essential natural right of human is only possible when the right to privacy exist. Private life includes the way in which individual views himself and how he decides to project this view towards others, and is an essential condition for the free development of the personality[5], making the right to privacy as an essential for development for personality as a natural right.

1.1.5. It is thus evident that a violation of privacy goes against the recognised standards and elements of Natural rights and hence it is humbly submitted that the Court recognises it as a part of Fundamental Rights under the Constitution.

Privacy was within the intent of the Drafters of the Constitution :

1.1.6. It is humbly submitted before the Hon'ble court that it has been widely stated that by not explicitly putting notion of privacy in Part III of the constitution, they intended to keep it out from the Fundamental Rights altogether, is not right.

1.1.7. The argument merits close consideration. The debates of the Constituent Assembly indicate that the Proposed inclusion(which was eventually dropped) was in two specific areas namely correspondence and searches and seizures. From this, it cannot be concluded that the Constituent Assembly had expressly resolved to reject the notion of the right to privacy as an integral element of the liberty and freedoms guaranteed by the Fundamental Rights.

1.1.8. The interpretation of the Constitution cannot be frozen by its original understanding. The Constitution has evolved and must continuously evolve to meet the aspirations and challenges of the present and the future. This is particularly of relevance in an age where technology reshapes our fundamental understanding of information, knowledge and human

[5] E.P. Royappa v. State of Tamil Nadu, AIR 1974 SC 555

relationships that was unknown even in the recent past. Hence as judges interpreting the Constitution today, the court must leave open the path for succeeding generations to meet the challenges to privacy that may be unknown today.

1.2. That the Right to Privacy is implicit and inherent in Article 21, Article 19 and other Part III Fundamental Rights of the Constitution.

1.2.1. Privacy in all its aspects constitutes the springboard for the exercise of the freedoms guaranteed by Article 19(1) of the Constitution.[6] Freedom of speech and expression is always dependent on the capacity to think, read and write in private and is often exercised in a state of privacy, to the exclusion of those not intended to be spoken to or communicated with and therefore the right to free expression in Art.19(1)(a) of the Constitution also includes the Right to Privacy of communication.[7]

1.2.2. The right to settle and move freely throughout the territory of Indiana as given under Art.19(1)(d) and Art.19(1)(e) of the Constitution requires the right to privacy to be recognized.[8] This has also been recognized by the US Supreme Court in the *Wolf v. Colorado*[9] and is also supportive of the English law maxim " the house of everyone is to him a castle or fortress" as given in the *Semayne v. Richard Gresham*[10]. Thus the *Semayne* case recognized in dicta the extension of individual independence from the state to the house in which one resides and is supportive of the argument that Article 20(3) of the Constitution requires the principle of right to privacy for active and desirable working.

---

[6] Indian Express Newspaper Pvt. Ltd. V. Union of India 1986 AIR 515; 1985 SCR (2) 287.

[7] Life Insurance Corporation V. Prof. Manubhai D Shah. 1993 AIR 171, 1992 SCR (3) 595.

[8] (Kharak Singh v. St. of U.P. 1963 AIR 1295).

[9] Wolf v. Colorado 338 U.S. 25 (more) 69 S. Ct. 1359..

[10] Peter Semayne v Richard Gresham All ER Rep 62;5 Co Rep 91 a; Cro Eliz 908; Moore KB 668; Yelv 29 77 ER 194.

The importance of this was recognized by Justice Subba Rao when he dissented in the case of *Kharak singh v. State of U.P.*[11] and observed as under:

"*How could a movement under the scrutinizing gaze of the policemen be described as a free movement? The whole country is his jail... the petitioner under the shadow of surveillance is certainly deprived of this freedom . He can move physically, but he cannot do so freely, for all his activities are watched and noted*"

a reading of the above-quoted text shows the right to privacy a necessary condition for the exercise of right to move freely throughout the territory of Indiana.

1.2.3. The further right of every religious denomination to maintain institutions for religious and charitable purposes, to manage its own affairs and to own and administer property acquired for such purposes vide Article 26 also requires privacy, in the sense of non-interference from the state.

That the right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21.

1.2.4. It is submitted that the Constitution does not have a textually guaranteed right to privacy. The Constitutional meaning however is not fixed or static at its point of origin, but must evolve with time; or, in other words the constitution is a "living document". Constitution has certain core values that manifest themselves differently in different ages. The values themselves were derived from the Preamble, with dignity given the pride of place.[12]

1.2.5. It is humbly submitted before the Hon'ble court that the majority in the *Kharak Singh v. State of U.P.* regards the sanctity of the home and the protection against unauthorised intrusion an integral element of "ordered liberty". This is comprised in 'personal liberty' guaranteed by Art. 21. The decision invalidated domiciliary visits at night authorised by *Regulation 236(b) of the U.P. police Regulation Act*, finding them to be an unauthorised intrusion into the home and privacy of a person and thus a

[11] Kharak singh v. State of U.P 1963 AIR 1295, 1964 SCR (1) 332.

[12] Maneka Gandhi v. Union of India,1978 AIR 597, 1978 SCR (2) 621

violation of the fundamental Right to personal liberty. Thus even an intrusion in privacy of an individual has been recognised, by this Court, as violating Art. 21 substantial to prove that privacy in embedded in it.

1.2.6. The majority in the *Kharak Singh v. State of U.P.* also referred to *Munn v. Illinois*[13] where it was brought to notice that the term right to 'life' doesn't mean merely human existence but also can be extended to the include various complimentary rights and that even though our constitution does not expressly grant us the right to privacy but the same can be traced from it. Even though the case is by an American court but still we do not entertain any doubt that the word life in Art. 21 of our Constitution bears the same significance.

1.2.7. In an article published, *Samuel D Warren and Louis Brandeis*[14] adverted to the evolution of the law to incorporate within it, the right to life. As legal rights were broadened, the right to life had "come to mean the right to enjoy life – the right to be let alone". They went on to elaborate that the 'right to be let alone' thus represented a manifestation of 'an inviolate personality', a core of freedom and liberty from which the human being had to be free from intrusion.

1.2.8. It is humbly submitted before this Hon'ble court that in the current state of things, Art.19(1), 21 ,20(3), 25 of the Constitution are all rights that are supplements and made meaningful by the exercise of Right to Privacy. Right to privacy is thus inherent in these Fundamental Rights. Therefore, the right to claim a basic condition like privacy in which guaranteed fundamental rights can be exercised must itself be regarded as a fundamental right. Privacy, thus, constitutes the basic, irreducible condition necessary for the exercise of 'personal liberty' and freedoms guaranteed by the Constitution.

1.3. That it is provided by Indiana's International commitments:

1.3.1. The recognition of privacy as a fundamental constitutional value is a part of Indiana's commitment to a global human rights regime. Art. 51[15] of the

[13] Munn v. Illinois 94 U.S. 113 (1876).

[14] 15 December 1890 in the Harvard Law Review—"The Right to Privacy".

[15] Constitution of India, 1950.

Constitution, which form part of the Directive Principles, requires the state to endeavour to 'foster respect for international law and treaty obligations in the dealings of organised peoples with one another.

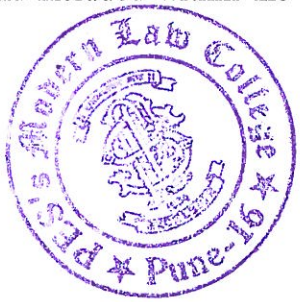
1.3.2. Art.12 of the UDHR[16], recognised the right to privacy. "*Art.12: no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attack upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.*" And since Indiana is a party to it, it has to safeguard the right to privacy.

1.3.3. Similarly, Art.17 of the ICCPR provides: "*Art17: the obligation imposed by this article requires the state to adopt legislative and other measures to give effect to the prohibition against such interference and attacks as well as to the protection of the right.*"

1.3.4. The ICCPR[17] casts an obligation on states to respect, protect and fulfil its norms. The duty of a state to respect the right mandates that it must not violate the right. The duty to protect the right mandates that the government must protect it against any interference, even by private parties.

1.3.5. Significantly, while acceding to the ICCPR Indiana did not file any reservation or declaration to Art.17. Therefore, in furtherance of the same, Indiana should recognise Right to Privacy. There is no contradiction between the international obligations assumed by the state of Indiana and Constitution. There is no such inconsistency between Indiana laws which would make courts not to readily presume privacy to be fundamental. Our constitutional provisions must be read and interpreted in a manner which would enhance their conformity with the global human regime.[18]

1.3.6. The state of privacy recognition in Indiana is well on the judicial discretion of the court however the International commitments require the creation of codified laws insuring the protection of privacy and hence it is submitted before the court that Right to Privacy be codified and included within the constitutional limits



[16] Universal Declaration of Human Rights, 1948.
[17] International Covenant on Civil and Political Rights, 1966.
[18] Article 51(c) of Indian Constitution, 1950.

2. Whether the Janadhar Card Scheme is Unconstitutional and violates the provisions of Part III of the Constitution of Indiana?

It is humbly submitted that the Janadhar card scheme stands unconstitutional as it violates various fundamental rights under article 14[19] ,19[20] and 21[21] a conferred in part III of the constitution of Indiana.

2.1. That Janadhar violates Article 14 of the Constitution

As the constitution provides for reasonable restrictions on fundamental rights conferred under part III there are various tests that a legislation needs to pass to be able to infringe fundamental rights.

TEST OF REASONABLE CLASSIFICATION

2.1.1. The test of reasonable classification was laid down by SC in Budhan Chaudhary v. State of Bihar,[22] which provides that: (1) the classification proposed in the legislation must be founded on intelligible differentia and that, (2) there must be close nexus between the classification and the object of the Act

2.1.2. In the present case the government classify people into two classes those who hold a Janadhar card and those who do not which is arbitrary and unreasonable. It is contended that the law can only make and set apart the classes according to the needs and exigencies of the society[23]. Also the nexus established by the government is that it will help in efficient distribution of welfare schemes but fails to identify that it does not matter whether a person a Janadhar card or not he remains the citizen of Indiana and is entitled to all the welfare schemes provided by the state under Article 14 and no legislation can take away this right from him.

TEST OF ARBITRARINESS

2.1.3. The Janadhar card scheme of the government is arbitrary and unreasonable as there is no reasonable classification in place and the classification howsoever done has no nexus with the objectives of the law brought by the

---

[19] Art. 14, The Constitution of India, 1950.

[20] Art. 19, The Constitution of India, 1950.

[21] Art. 21, The Constitution of India, 1950.

[22] Budhan Chaudhary v. State of Bihar, (1954) AIR 1955 SC 191.

[23] Suresh Kumar Koushal v. Naz Foundation (2014) 1 SCC 1.

government of Indiana. Further, no proper guidelines have been laid in the Act for its implementation by the executive rendering it arbitrary[24] which is the antithesis of right to equality guaranteed to the people by the Constitution.[25]

2.1.4. The SC has held in *Maneka Gandhi*'s Case,[26] that for any law to be valid, it must be in accordance with the procedure established by law, i.e., the law in addition to satisfying the requirements of Arts. 14 and 19, must also be in conformity with the principles of Natural Justice which includes, that it must be just, fair and reasonable. Whether a law is just, fair, and reasonable is to be determined by the facts and circumstances of the case.

2.1.5. In the present case, according to the respondent it is necessary to introduce Janadhar Cards mandatorily for the people in the country to implement welfare schemes successfully, to reduce corruption and to strengthen the security of Indiana but the same could be done so, with other methods that do not restrict the fundamental right to privacy of the people to such extent. The laws brought by the government grossly violate the dignity of the people by depriving them of their choice and keeping them under constant surveillance.

2.1.6. The Constitution is founded on the bedrock of the balance between Part III and Part IV. The goals set out in the Part IV have to be achieved without the abrogation of the means provided for by Part III. To destroy the guarantees given by Part III in order to achieve the goals of Part IV is plainly to subvert the Constitution. Therefore, it is the responsibility of the government to come up with a scheme which adequately preserves the fundamental rights of the people.

2.2. That Janadhar violates Article 21 of the Constitution

It is humbly submitted that Article 21 of the constitution of Indiana has a wide ambit and the Janadhar card scheme violates varies aspects of it.

DEPRIVATION OF CHOICE

---

[24] Kathi Ranning Rawat v. State of Saurashtra, AIR 1952 SC 123;
[25] E.P. Royappa v. State of Tamil Nadu, AIR 1974 SC 555

[26] Maneka Gandhi v. Union of India,1978 AIR 597, 1978 SCR (2) 621

2.2.1. The term, 'life' in Art. 21 does not mean 'mere animal existence', rather right to live with dignity[27].To realise this statement it is essential for people as the ability of an individual to make choices lies at the core of the human personality. The claim of the government of Indiana that Janadhar card scheme is voluntary to enrol holds no ground as the government has made it necessary to have for various benefit and non benefit schemes. So, if a person does not enrol for Janadhar Card by disclosing the mandatory information he shall not be able to avail the benefits of various government schemes, which leaves the person with little to no choice but to get enrolled.

COERCED CONSENT OBTAINED

2.2.2. Art. 21, guarantees the protection of "personal autonomy" of an individual personal autonomy includes both the negative right of not to be subject to interference by others and the positive right of individuals to make decisions about their life, to express themselves and to choose which activities to take part in.There can be no question of free consent in situations where an individual is being coerced to part with its biometric information (a) to be eligible for welfare schemes of the State; and/or (b) under the threat of penal consequences. In other words, the State cannot compel a person to part with biometrics as a condition precedent for discharge of the State's constitutional and statutory obligations, it has to be voluntary.

CONSTANT STATE SURVEILLANCE

2.2.3. Liberty is among the core values of the Constitution of Indiana. Right to privacy which is an integral part of Right to life ensures freedom from unwarranted state intervention.

2.2.4. Usually, various data that is collected is stored across multiple sources, and data required for a particular purpose is being taken from individuals at one time. This leads to the creation of informational silos. But under the Janadhar scheme of the government, which aims to be used as a multipurpose identification system, all the data pertaining to an individual could be accessed at one time. This situation severely compromises with the

[27] Kharak Singh v. State of U.P. and Ors.,(1963) AIR 1963 SC

individual's autonomy, which is a well enshrined concept in human rights philosophy by the great philosophers such as Immanuel Kant.[28] In other words, every decision made by a person in Indiana could be under state surveillance. This could potentially lead to the denial of, and access to, many important social opportunities and other facilities for a particular section of people, who could be discriminated against by the state, using the information gathered.

2.2.5. Such action is only justified in case where the person is accused of some offence, otherwise regular surveillance of day to day transaction by government of general public is not just and fair in any manner and constitutes a violation of right to life of the people.[29] With regard to telephone tapping, the SC observed in *Kharak Singh,* [30] that, while telephone interception of guilty person by the police through lawful means is justified in larger public interest, the same is not justified when an innocent citizen is involved and will amount to violation of right to privacy, of the person.

THE PRINCIPLE OF PROPORTIONALITY

2.2.6. This envisages that a government ought to maintain a sense of proportion between its particular goals and the measure it takes to achieve those goals, so that its action impinges on the individual rights to the minimum extent so as to preserve public interest. The government requires the people to part with basic information about oneself, which is integral to one's personality, as well as core biometric information, which could have as well been handled through other methods, given the facts and circumstances

2.2.7. The right to life extends to allowing a person to preserve and protect his or her finger prints and iris scan. Thus every individual or citizen in this country has complete control over his/her body and State cannot insist any

---

[28] IMMANUEL KANT, THE MORAL LAW: GROUNDWORK OF THE METAPHYSIC OF MORALS, 42 (Herbert James Paton eds., Psychology Press, London, UK, 2005)

[29] Gobind v. State of Madhya Pradesh, (1975)2 SCC 148; *See also*, Kharak Singh v. State of U.P. and Ors., AIR (1963) SC 1295.

[30] Kharak Singh v. State of U.P. and Ors., AIR (1963) SC 1295

person for giving his/her finger tips or iris of eyes, as a condition precedent to enjoy certain rights. Whenever a person voluntarily entrusts his finger prints and iris scan to the state, the 'property' and entitlement is retained with that individual throughout his life but the state merely acts as a trustee or fiduciary. The trustee or fiduciary cannot compel the "beneficiary" to part with such sensitive person information.

INVOLVEMENT OF THIRD PARTY

2.2.8. The petitioner humbly submits that the government cannot just delegate its work to private entities when privacy of the citizen can be violated in case on any misuse. In *District Registrar and collector, Hyderabad v. Canara bank*[31] The Right to Privacy was construed as a right which attaches to the person. The significance of this is that the Right to privacy is not lost as a result of confidential documents or information being parted with by the customer to the custody of the bank. Access to bank records to the collector does not permit a delegation of those powers by the collector to a private individual. Information provided by an individual to a third party (in that case a bank) carries with it a reasonable expectation that it will be utilized only for the purpose for which it is provided. Parting with information (to the bank) does not deprive the individual of the privacy interest. The reasonable expectation is allied to the purpose for which information is provided. While legitimate aims of the state, such as the protection of the revenue may intervene to permit a disclosure to the state, the state must take care to ensure that the information is not accessed by a private entity.

2.3. That Janadhar violates Article 19 of the Constitution.

RIGHT TO REMAIN SILENT INFRINGED

2.3.7. It is humbly submitted before the Hon'ble Court that the Janadhar card scheme violates the Right to remain silent enunciated under Art. 19(1)(a) of the Constitution. Right to remain silent is included within the definition of freedom of speech and expression as has been recognized by the SC in the

[31] District Registrar and collector, Hyderabad v. Canara bank (2005)AIR2005SC186

case of *Bijoe Emmanuel v. State of Kerala.* [32] The right includes by necessary implication, freedom not to listen and/or to remain silent.[33] Silence postulates a realm of privacy. An individual may perceive that the best form of expression is to remain silent. An important manifestation of the principle of free speech is that one who chooses to speak may also decide what not to say.[34]

2.3.8. In the present case, the Government has made Janadhar Cards mandatory for seeking benefits under different social welfare schemes of the government and also for issuing PAN Cards, enjoying welfare schemes and subsidies, Opening bank accounts, etc. The state by making Janadhar Cards mandatory for variety of schemes has compelled the citizens to part with their demographic and biometric information in clear violation of their right to remain silent.

2.3.9. One of the grounds on which right to expression can be restriction is when the is a threat to security of the state[35].The term "security of state" refers only to serious and aggravated forms of public order e.g. rebellion, waging war against the State, insurrection and not ordinary breaches of public order and public safety, e.g. unlawful assembly, riot, affray[36]Thus speeches or expression on the part of an individual, which incite or encourage the commission of violent crimes, such as, murder are matters, which would undermine the security of State. The present case does not fall under any of the criteria of the restrictions laid down above. On the contrary, the security of the citizens is hampered on the leakage of their personal data in the public.

RIGHT TO WORK INFRINGED

---

[32] Bijoe Emmanuel v. State of Kerala, AIR 1987 SC 748; See also, P.A. Jacob v. Superintend of Police, Kottayam, AIR 1993 Ker 1; Maruti Shripati Dubal vs. State of Maharashtra, (1986) 88 BOMLR 589.

[33] Moulana Mufti Syed Md. Noorur v. State Of West Bengal and Ors., AIR 1999 Cal 15.
[34] Hurley v. Irish-American Gay, Lesbian, & Bisexual Group of Boston, 515 U.S. 557 (1995).

[35] Article 19(2) Constitution of india,1950
[36] A.K. Gopalan v. State of Madras, AIR 1950 SC 27; See also, Collector of Malabar v. Erimal Ebrahim Hajee, AIR 1957 SC 688.

2.3.10. On the principle of proportionality, it is submitted that this principle was applied in *the R.K. Dalmia* [37]case as per the following passage: "11 … (d) that the Legislature is free to recognize degrees of harm and may confine its restrictions to those cases where the need is deemed to be the clearest; (e) that in order to sustain the presumption of constitutionality the court may take into consideration matters of common knowledge, matters of common report, the history of the times and may assume every state of facts which can be conceived existing at the time of legislation;…"

[37] R. K. Dalmia vs Delhi Administration, (1962) AIR 1821, 1963 SCR (1) 253

PRAYER FOR RELIEF

WHEREFORE IN THE LIGHT OF THE ISSUES RAISED, ARGUMENT ADVANCED, REASONS GIVEN AND AUTHORITIES CITED, THE HON"BLE SUPREME COURT MAY BE PLEASED TO:

I. DECLARE THAT THE "RIGHT TO PRIVACY" IS GUARANTEED IN THE PART III OF CONSTITUTION OF INDIANA

II. DECLARE THAT THE JANADHAR CARD SCHEME IS UNCONSTITUTIONAL AND VIOLATES THE PROVISIONS OF PART III OF THE CONSTITUTION OF INDIANA

AND ANY OTHER RELIEF THAT THIS HON"BLE COURT MAY BE PLEASED TO GRANT IN THE INTERESTS OF JUSTICE, EQUITY AND GOOD CONSCIENCE

All of which is respectfully submitted.

COUNSELS FOR THE PETITIONERS

BIBLIOGRAPHY

CASES

A.K. Gopalan v. State of Madras, AIR 1950 SC 27; See also, Collector of Malabar v. Erimal Ebrahim Hajee, AIR 1957 SC 688 18
Bijoe Emmanuel v. State of Kerala, AIR 1987 SC 748; See also, P.A. Jacob v. Superintend of Police, Kottayam, AIR 1993 Ker 1; Maruti Shripati Dubal vs. State of Maharashtra, (1986) 88 BOMLR 589 17
Budhan Chaudhary v. State of Bihar, (1954) AIR 1955 SC 191 13
District Registrar and collector, Hyderabad v. Canara bank (2005)AIR2005SC186 17
E.P. Royappa v. State of Tamil Nadu, AIR 1974 SC 555 ..... 7, 13
Gobind v. State of Madhya Pradesh, (1975)2 SCC 148; *See also*, Kharak Singh v. State of U.P. and Ors., AIR (1963) SC 1295. 16
Hurley v. Irish-American Gay, Lesbian, & Bisexual Group of Boston, 515 U.S. 557 (1995 18
Indian Express Newspaper Pvt. Ltd. V. Union of India 1986 AIR 515; 1985 SCR (2) 287 8
Kathi Ranning Rawat v. State of Saurashtra, AIR 1952 SC 123 13
Kharak Singh v. St. of U.P. 1963 AIR 1295 8
Life Insurance Corporation V. Prof. Manubhai D Shah. 1993 AIR 171, 1992 SCR (3) 595 8
Maneka Gandhi v. Union of India,1978 AIR 597, 1978 SCR (2) 621 10
Moulana Mufti Syed Md. Noorur v. State Of West Bengal and Ors., AIR 1999 Cal 15 18
Munn v. Illinois 94 U.S. 113 (1876). 10
Peter Semayne v Richard Gresham All ER Rep 62;5 Co Rep 91 a; Cro Eliz 908; Moore KB 668; Yelv 29 77 ER 194 9
Peter Semayne v Richard Gresham ,All ER Rep 62;5 Co Rep 91 a; Cro Eliz 908; Moore KB 668; Yelv 29 77 ER 194. 6
Suresh Kumar Koushal v. Naz Foundation (2014) 1 SCC 1 13
Wold v. Colorado, 338 U.S. 25.(1949) 7
Wolf v. Colorado 338 U.S. 25 (more) 69 S. Ct. 1359 8

BOOKS

BLACK'S LAW DICTIONARY (126) (9th ed. 2009). 6
IMMANUEL KANT, THE MORAL LAW: GROUNDWORK OF THE METAPHYSIC OF MORALS, 42 (Herbert James Paton eds., Psychology Press, London, UK, 2005) 15

TREATISES

International Covenant on Civil and Political Rights, 1966 11
Universal Declaration of Human Rights, 1948 11

ARTICLES

15 December 1890 in the Harvard Law Review—"The Right to Privacy" 10
Art. 14, The Constitution of India, 1950 12
Art. 19, The Constitution of India, 1950 12
Art. 21, The Constitution of India, 1950 12
Article 19(2) Constitution of india,1950 17
Article 51(c) of Indian Constitution, 1950 11

12TH SHANKARRAO KANITKAR NATIONAL MOOT COURT COMPETITION 2018

BEFORE THE HON'BLE SUPREME COURT OF INDIANA

PUBLIC INTEREST LITIGATION FILED UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIANA

IN THE MATTER OF

MLRC and Others .....*Petitioners*

Versus

UNION OF INDIANA .....*Respondents*

WRITTEN SUBMISSION ON BEHALF OF THE RESPONDENTS

(THIS MEMORANDUM HAS BEEN PREPARED FOR THE RESPONDENT AND IS HUMBLY SUBMITTED TO THE HON'BLE JUDGES OF THE SUPREME COURT)

PARTICIPANTS :

VIVEK BADKUR (SPEAKER 1)

NILAKSHI SRIVASTAVA (SPEAKER 2)

REPRESENTING NATIONAL LAW INSTITUTE UNIVERSITY ,BHOPA

Table of Contents

TABLE OF CONTENTS 2

STATEMENT OF JURISDICTION 3

STATEMENT OF FACTS 4

STATEMENT OF ISSUES 5

ARGUMENTS ADVANCED 6

1. Whether "right to privacy" is guaranteed in the Part III of Constitution of Indiana? 6

1.1. That the constitute assembly rejected the concept of the right to privacy to be included within the constitution 6

1.2. That privacy is too vague, amorphous and elitist a concept to be added to Part III and as a result goes against various socio-economic rights of individuals 7

1.3. That the right to privacy, even if considered to be a right, shall come with reasonable restrictions like other Fundamental Rights. 9

1.4. That if the right to privacy has to be elevated its not the duty of this court to do that but the parliament, through an amendment has to do it: 10

2. Whether the Janadhar Card Scheme is Unconstitutional and violates the provisions of Part III of the Constitution of Indiana? 11

2.1. That there is legitimate state interest 11

2.2. That there is no Infringement of Article 14 of the Constitution of Indiana 12

2.3. That the right to privacy is not an absolute right and qualifies to certain restrictions 14

2.4. That the restriction of Article 21 of the Constitution of India is Reasonable 16

2.5. That Hypothetical, Futuristic, Conjectural and academic Grounds Cannot Dismiss Well-Established Principle of law 18

BIBLIOGRAPHY 19

PRAYER FOR RELIEF 20

STATEMENT OF JURISDICTION

The Hon'ble Supreme Court of Indiana has placed the writ petition pending before it under article 32 which reads as under:

32. Remedies for enforcement of rights conferred by this Part
(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed
(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part
(3) Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2)
(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution

The Respondent humbly submits to the jurisdiction of this Hon'ble Court.

STATEMENT OF FACTS

1. MLRC approached Hon'ble Supreme Court of India through a Public Interest Petition contending that the collection of the biometric data for the purpose of Janadhar Card, violates the Right to privacy of the citizens.
2. Petitioner contends that this is a violation of Article 21 of the Constitution of Indiana which grants "*right to Privacy*" as a fundamental right, which is evident in various decisions of the Apex Court and Appeals to declare Janadhar card scheme unconstitutional
3. Another petition filed by ACCESS before Honourable Supreme Court, has contended that Janadhar Card is made mandatory by Government to avail the benefits under various social welfare schemes.
4. They also contend that it is a clear violation of fundamental right to equality as guaranteed by the Constitution of Indiana.
5. They even contended that by denying citizens access to scheme also defeats the basic purpose of welfare state enshrined under the Directive Principles of State policies given in Constitution of Indiana.
6. The Honourable Supreme Court taking into consideration the gravity of the same, decided to hear the matters jointly and the notice was issued to the Union of Indiana in this regard.

-The matter will be heard before the hon'ble Supreme Court of Indiana on 13th January, 2018-

STATEMENT OF ISSUES

I

WHETHER "RIGHT TO PRIVACY" IS GUARANTEED IN THE PART III OF CONSTITUTION OF INDIANA?

II

WHETHER THE JANADHAR CARD SCHEME IS UNCONSTITUTIONAL AND VIOLATES THE PROVISIONS OF PART III OF THE CONSTITUTION OF INDIANA?



ARGUMENTS ADVANCED

1. **Whether "right to privacy" is guaranteed in the Part III of Constitution of Indiana?**

1.1. That the constitute assembly rejected the concept of the right to privacy to be included within the constitution.

1.1.1 It is reverentially submitted that the Constitute Assembly Debates act as a legitimate external aid for interpretation of the constitutional provisions[1] [2].It is a settled position that debates in the Constituent Assembly may be relied upon as an aid to interpret the intention of the framers.[3] [4] [5]

1.1.2 The founding fathers of the constitution, it is humbly submitted, rejected the notion of privacy being a fundamental right.[6] Hence it has been submitted that it would be outside the realm of constitutional adjudication for the court to declare a fundamental right to privacy and the same can only be done through a parliamentary amendment in the Constitution.

1.1.3 On 17 March 1947, K M Munshi submitted Draft articles on the fundamental rights and duties of citizens to the Sub-committee on fundamental rights. Among the rights of freedom proposed in clause 5 were the following...

(f) the right to the inviolability of his home

(g) the right to the *secrecy of his correspondence*,

(h) the right to maintain his person secure by the law of the Union from exploitation in any manner contrary to law or public authority...".

1.1.4. The draft report of the Sub-committee submitted on 3 April 1947 contained a division between the fundamental rights into justiciable and non-justiciable rights. Clause 9(d) and Clause 10 provided as follows:

---

[1] *Fagu Shaw v state of west Bengal*, AIR 1974 SC 613(India).

[2] the several opinions in Kesavananda Bharati: (1973) 4 SCC 225

[3] *SR Chaudhary v. State Of Punjab and others*, (2001) 7 SCC 2006.

[4] Golak Nath v. State of Punjab: AIR 1967 SC 1643 (Subba Rao, CJ)

[5] Opinion of Sikri, CJ, in Union of India v. H.S. Dhillon: (1971) 2 SCC 779

[6] CONSTITUENT ASSEMBLY OF INDIA VOLUME-III, Wednesday, the 30th April, 1947

"9(d) The right of every citizen to the secrecy of his correspondence. Provision may be made by law to regulate the interception or detention of articles and messages in course of transmission by post, telegraph or otherwise on the occurrence of any public emergency or in the interests of public safety or tranquility...

Clause 10: The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized".

1.1.5. This discussion indicates that there was a debate during the course of Constituent assembly on the proposal to guarantee a right to privacy in clause 9(d). the objection to clause 9(d) by Sir Alladi Krishnaswamy Iyer and his view that the guarantee may lead to *every private correspondence becoming a state paper* resulted in the subsequent *dropping of the clause* on the ground that it would constitute a serious impediment in prosecution.

1.1.6. Eventually, clause 9(d) and clause 10 were dropped from the chapter dealing with fundamental rights. *The debates of the constituent assembly indicate that the framers were unwilling to include this right to privacy in the constitution* and hence this Hon'ble Court cannot invoke the notion of the right to privacy as an integral element of the liberty and freedoms guaranteed by the fundamental rights and the same cannot be considered as implicit within the Right to personal liberty.

1.2. That privacy is too vague, amorphous and elitist a concept to be added to Part III and as a result goes against various socio-economic rights of individuals.

1.2.1. It is humbly submitted before this Hon'ble court that too broad a definition of privacy will raise serious questions about the propriety of judicial reliance on a right that is not explicit in the constitution. Its various definitions create quite a lot of confusion. Hence, it becomes extremely difficult to talk about the right to privacy as a fundamental right without any explicit mention even in the constitution of Indiana. Privacy is just another fancy word for putting unreasonable restrictions on powers exercisable by the state, powers which are exercised for furtherance of

welfare objectives. Privacy as a concept has a broad ambit developed by people having a narrow understanding of how a welfare state functions and it cannot be granted primacy to deprive poor people of their rights to life, food and shelter.

1.2.2. Nobody can articulate what privacy means, it is a sweeping concept encompassing freedom of though, control of body and what not. Philosophers, legal theorists and jurists have frequently lamented the great difficulty in reaching a satisfying conception of privacy. legal scholar Arthur Miller[78] has declared that privacy is "difficult to define because it is exasperatingly vague and evanescent." It all makes it even more necessary to prevent right to privacy becoming a Fundamental Right.

1.2.3. In Govind v. State of Madhya Pradesh[9] Mathew, J. stated that

"too broad a definition of privacy will raise serious questions about the propriety of judicial reliance on a right that is not explicit in the constitution.... The most serious advocate of privacy must confess that there are serious problems of defining the essence and scope of the right. Privacy interest in autonomy must also be placed in the context of other rights and values."[10]

1.2.4. Privacy is in fact so wide a concept that it rightly so qualifies as a hoax in an attempt to restrain the exercise of powers by the state. Such restrains in reality can be equated to stripping a welfare state of its essential powers. And one does not need a seasoned judicial sense to understand the implications of such stripping of powers of a welfare state. It would lead to a scenario where a welfare state has powers which are as good as having no power at all.

1.2.5. In this world of technological advancement, the requirement of a welfare state in place is way more important than having a right to privacy. unless we want to destabilise working welfare state machinery, unless we are to compromise the collective development and welfare of the state subjects, we will have to let go of the vague idea of unquantifiable right to privacy.

---

[8] Arthur R. Miller, The assault on privacy: Computer, Data Banks, And Dossiers 25(1971)
[9] Govind v. State of Madhya Pradesh, 1975 AIR 1378.
[10] *Ibid.*

1.2.6. The right to life is to be given primacy over the 'right to personal liberty' in Art.21, since privacy, if at all is a right; it would flow from 'right to personal liberty' and not the right to life. Since right to life encompasses socio-economic rights. The acceptance of the Parliament's repeal of right to property as a fundamental right by the Supreme Court, in favour of an egalitarian socio-economic regime is ample testimony to the fact that socio-economic rights have been preferred over civil and political rights like that of privacy.

1.2.7. it is humbly submitted before this Hon'ble court that the right to privacy goes against the very guarantees made under right to life and the preamble. When the state undertakes welfare measures and schemes traceable not only to the right to life under Article 21 of the Constitution, but also to the guarantees like social justice, economic justice and protecting the dignity of the individual[11], a claim to privacy, which would destroy or erode basic foundation of the Constitution, can never be elevated to a status of fundamental right.

1.3. That the right to privacy, even if considered to be a right, shall come with reasonable restrictions like other Fundamental Rights.

1.3.1. Exercise of right to privacy guaranteed by the Constitution of India is not absolute,[12] and *the government can impose reasonable restrictions* as and when the situation arises in the interest of the community.[13] It is essential for the Government of Indiana to impose reasonable restrictions on the exercise of Right to Privacy of its people, in view of larger public interest[14] of strengthening the security of the state, to bring down the level of corruption, to ensure free and fair elections and to ensure welfare entitlements provided by the government properly reach the deprived sections of the society.

1.3.2. European Convention on Human Rights also recognizes that right to privacy is not absolute and lays down certain circumstances which include national security, public safety and the economic well-being of the country,

---

[11] in the Preamble to the Constitution

[12] Sharda v. Dharam Pal, (2003) 4 SCC 493; see also, Ramlila Maidan Incident v. Home secretary, Union of India (2012) 5 SCC 1.

[13] Govind v. State of Madhya Pradesh& Anr., (1975) 2 SCC 148; see also Kartar Singh v. State of Punjab, (1994) 3 SCC 569.

[14] Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi, (2012) 13 SCC 61.

protection of health, rights and freedoms of others, inter alia under which the right can be interfered with, by the state.[15]

1.3.3. Lord Denning while stating that the English law must recognize right to privacy, also asserted that the exercise of the same cannot be free from limitations.[16] Though right to privacy is an inalienable right; its curtailment is necessary for stability of the society.[17] Following these principles, interception of telephone calls to prevent organized crimes in accordance with the provisions of MOCCA has also been held to be constitutionally valid by SC.[18]

1.3.4. To begin with, the options canvassed for limiting the right to privacy include an Art. 14 type reasonableness enquiry[19]; limitation as per the express provisions of Art. 19; a just, fair and reasonable basis for limitation per Art. 21; and finally, a just, fair and reasonable standard per Art.21 plus the amorphous standard of 'compelling state interest'. The last of these four options is the highest standard of scrutiny[20] that a court can adopt. It is from this menu that a standard review for limiting the right of privacy needs to be chosen.

1.4. That if the right to privacy has to be elevated its not the duty of this court to do that but the parliament, through an amendment has to do it:

1.4.1. This court itself in the famous Keshavananda Bharti case circumscribed the parliamentary power to amend the constitution by saying its basic structure should not be altered or disturbed. In the event, therefore, if anyone can make changes to the constitution, it is the Parliament.

1.4.2. If this court submits to favoring of the right to privacy it will steamroll its views into the constitution, thus in the process substituting the views of the constitution makers with its own. The constituent assembly in its debates debated and decided against carving out the right to privacy as a standalone and independent fundamental right. In other words, they saw merit in

---

[15] Art.8, European Convention on Human Rights, 1953 (adopted on sept. 3, 1953).
[16] Lord Denning, 'what next in Law' available at https://isistatic.org/journal-achive/ma/27_02/shenfield.pdf (Last visted on September 4, 2017)
[17] R v. Director of Serious Fraud Office, Ex parte Smith, [1993] AC 1.
[18] State of Maharashtra v. Bharat Shanti Lal Shah, (2008) 13 SCC 5.
[19] E.P. Royappa v. State of Tamil Nadu, Air 1974 SC 555.
[20] United States v. Carolene Products, 304 U.S. 144 (1938).

ambiguity in this regard. The court can no longer put the argument of expanding the ambit in accordance with the constitution since the very drafters disapproved of this.

1.4.3. The counsel humbly submits to this Hon'ble court that it must be left to the Parliament and the executive to decide. The courts should not sit in judgment over matters of administration and governance.[21] This court should follow of what it did in the Naz Foundation case to limit there powers towards determining the constitutionality of the provisions and leave the remaining for the Parliament to decide. To hail and favor this would weaken the Indian democracy and time alone will tell if it has instead sown the seeds of weakening it by subversive elements hiding and lurking behind the veneer of right to privacy.

2. Whether the Janadhar Card Scheme is Unconstitutional and violates the provisions of Part III of the Constitution of Indiana?

It is humbly submitted before the Hon'ble Court that the Janadhar Card Scheme, brought by the respondent is not in violation of Art. 14, Art. 19 or Art. 21 guaranteed under Part III of the Constitution of India .

Janadhar Card scheme is a scheme which provides a 12-digit identity card after taking certain biometric data like fingerprint scan and iris scan only after due consent of the citizen. Use of biometric data is indispensable for the government as it is the best way through which identity of a person remains intact as the chance of finding similar fingerprints is one in 64-billion. This along with minimising the chances of duplicity and enables . This will help the state to efficiently implementation of social welfare schemes, without wastage of resources

2.1. That there is legitimate state interest

[21] Cwp No. 581 Of 2017 vs State Of H.P. And Others(CWP No. 581 of 2017 a/w CWP)

2.1.1. It is humbly submitted that a balance must be struck between the interests of the individual and that of the State. The three step process to strike this balance comprises firstly, there must be a law in existence to justify an encroachment. Secondly, there must be a legitimate state aim, ensuring that the restriction of the statute falls within the zone of reasonableness mandated by Article 14. Thirdly, the means which are adopted by the legislature must be proportional to the object and needs of the legislation/provision.

2.1.2. In essence, the pursuit of a legitimate state aim ensures that the law does not suffer from manifest arbitrariness and disproportionality. In reference to Janadhaar, the state defines the extent of 'legitimate state interest' in a social welfare state. It is humbly presented that if the government embarks upon programmes which provide benefits to impoverished and marginalised sections of society, then there is clearly a vital state interest in ensuring that scarce public resources are not dissipated by the diversion of resources to persons who do not qualify as recipients. This is justified as it will reduce the chances of duplicity and fakeness providing efficiency.

2.2. That there is no Infringement of_Article 14 of the Constitution of Indiana

2.2.1 Article 14 guarantees to every person the right to equality before the law or the equal protection of the laws. Equality before the law, means that amongst equals should be equal and equally administered and that like should be treated alike. Sometimes the state needs to differentiate and classify people in order to ensure that unequal are not treated equally and the doctrine of equality us upheld.

2.2.2 For the classification to be permissible two conditions was laid down:
The classification must be founded on an intelligible differentia.
The differentia must have a rational nexus with the object sought to be achieved by the statue in question.[22],[23],[24]

[22] National Council for Teacher Education and Ors. vs. Shri Shyam Shiksha Prashikshan Sansthan and Ors.,AIR 2011 SC 932

2.2.3. In the instant case the Janadhar Policy aimed at classifying people based on whether the person holds an Janadhar card or not and implement welfare schemes based on such reasonable classification as this classifiction will reduce the chances of duplicity and fakeness and prevent the wastage of resources . There is Rational Nexus between Classification and Objective Sought. It is contended that the law can make and set apart the classes according to the needs and exigencies of the society.[25] If the legislative policy is clear and definite and as an effective method of carrying out that policy a discretion is vested by the statute upon a body of administrators or officers to make selective application of the law to certain classes or groups of persons, the statute itself cannot be condemned as a piece of discriminatory legislation.[26]

2.2.4. 'Article 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment. The principle of reasonableness[27] is an essential element of equality or non-arbitrariness. While Article 14 forbids class legislation it does not forbid reasonable classification of persons, objects, and transactions by the legislature for the purpose of achieving specific ends. But classification must not be "*arbitrary, artificial or evasive*".

2.2.5. This court in the case of Maneka Gandhi v. Union of India[28] relied upon the principle of Wednesbury Unreasonableness that applies to a decision which is so *outrageous* in its defiance of logic or of accepted moral standards that no sensible person who applied his mind to the question to be decided could have arrived at it.

2.2.6. In the instant case, the State had brought in the Janadhar policy only to ensure that citizens enjoy manifold benefits through the process of generation of single identity which was free from the dangers of

---

[23] State of West Bengal v. Anwar Ali Sarkar, AIR 1952 SC 75
[24] Budhan Choudhary and Others v. State of Bihar 1955 SCR (1)1045
[25] Kesar Chand vs State Of Punjab And Ors (AIR 1988 P H 265)

[26] Suraj Prakash And Ors. vs State AIR 1964 All 95, 1964 CriLJ 319

[27] E. P. Royappa vs State Of Tamil Nadu & Anr 1974 AIR 555, 1974 SCR (2) 348 *see also* Maneka Gandhi vs Union Of India 1978 AIR 597, 1978 SCR (2) 621

[28] Maneka Gandhi vs Union Of India 1978 AIR 597, 1978 SCR (2) 621

falsification and duplicity. There was no overt administrative overreach and the government was objective in its approach.

2.2.7. **Section 7** of the Aadhaar Act, 2016 is an enabling provision and allows the Central Government/State Government to require Aadhaar for delivery of benefits and services and until Aadhaar is not assigned, alternate means of identification is accepted in terms of the respective Notifications. This means that those who do not currently own an janadhar card will not infringe any rights be it right to food, right to healthy environment (with LPG subsidies), right to livelihood and many more. The functioning of state will remain as it is at present.

2.2.8. Janadhar scheme is in furtherance of the Directive Principles of State Policy, namely Articles 38, 39 (b) (c), 46, 47, 51(c) as the use of the Janadhar number will help to verify that a resident is entitled to availing of social welfare measures carried out in public interest.

2.2.9. The courts have raised social and economic justice to the level of fundamental right.[29] All state action should be such as to make socio-economic democracy with liberty, equality and fraternity, a reality to all the people through democratic socialism under the rule of law. In Unnikrishnan v. State of A.P the directive principle contained in Art. 45 has been raised to the status of a fundamental right

2.2.10. Government can impose reasonable restrictions on fundamental rights, for promoting or effectuating a directive principle in public interest.[30] Thus in the instant case to impose reasonable restriction on the right to privacy will be justified The Constitution can be reshaped to give effect to these principles for the purpose of social good, with certain limitations. Though, these principles are not justiciable these are not merely moral principles, but these are fundamental in the governance of the country.

2.3. That the right to privacy is not an absolute right and qualifies to certain restrictions

2.3.1. It is humbly submitted before this Hon'ble court that this court has recognised the right to privacy in its various judgement but what it has also

[29] Air India Statutory Corp. v. United Labour Union (AIR 1997 SC 645.)

[30] Papanasam Labour Union v. Madura Coats Ltd., (1995) SCC 1501

recognised is that this right qualifies for some restrictions and this is submitted that the Janadhar Card Scheme falls under that reasonable restriction. It is also conferred under Article 19(2) of Constituttion of Indiana.

2.3.2. The Hon'ble Supreme Court in *District Registrar & Collector, Hyderabad & Anr. vs. Canara Bank & Ors.,*[31] and *Gobind v. state of Madhya Pradesh & anr.*[32] case that held that is not an absolute right and qualifies to certain reasonable restrictions like any other fundamental right.

In the present case the state has a compelling state interest to provide the citizen of Indiana with socio economic schemes and for efficient delivery it is important to restrict forgery and duplicity which will be achieved through identification of individuals by their Janadhar cards under Janadhar Card Scheme.

2.3.3. The right to privacy can be restricted if there is a compelling state interest to be served and recognised threat to *national security* in the nature of compelling state interest.[33]Terrorism and hostile neighbours pose a huge threat to the national security of the state. The Janadhar Card Scheme brought by the government will help in eliminating all forms of terrorism by finishing off sleeping modules and local support bases of terrorists in the country. Also, the whole project will help in keeping track of financial transactions throughout the country, which in turn will curb terror finance and Hawala transactions.

2.3.4. The European Union Regulation of 2016[34] Provides for restrictions of the right to privacy may be justifiable in the following circumstances subject to the principle of proportionality

2.3.5. It is humbly submitted before this Hon'ble Court that the Aadhar Act 2016 through it is Preamble states that "An Act to provide for, as a good governance, efficient, transparent, and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from the

---

[31] District Registrar & Collector, Hyderabad & Anr. vs. Canara Bank & Ors [2005] 1 SCC 496

[32] Govind vs State Of Madhya Pradesh & Anr [1975] AIR 1378, 1975 SCR (3) 946

[33] Art. 19(20 Constitution of Indiana, 1949

[34] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

Consolidated Fund of India, to individuals residing in India through assigning of unique identity numbers to such individuals and for matters connected therewith or incidental thereto". It even has Chapter VI which deals with Protection of Data including Section 28 which is security and confidentiality information, Section 29 on restriction of sharing information, Section 33 on Disclosure of Personal information. It also in Chapter VII provide for Offences and Punishment of illegitimate use or procedure of data. Hence it clearly has justified reasons for encroachment on privacy and it ensures that the nature and quality of the encroachment on the right is not disproportionate to the purpose of the law.[35]

2.4. That the restriction of Article 21 of the Constitution of India is Reasonable

2.4.1. The State infringing the right to privacy can be met by the test suggested for limiting the discretion of the State (i) The action must be sanctioned by law;(ii) The proposed action must be necessary in a democratic society for a legitimate aim;(iii) The extent of such interference must be proportionate to the need for such interference;(iv) There must be procedural guarantees against abuse of such interference." As observed in Maneka Gandhi case[36]," *The procedure prescribed by law has to be fair, just and reasonable, not fanciful, oppressive or arbitrary."*

2.4.2. Indian law puts significant responsibility on persons (including companies) handling sensitive personal data or information to implement reasonable security measures for protecting such information section 87 read with section 43A of the Information Technology Act, 2000 (21 of 2000) has defined reasonable security practices and procedures to be followed by those possessing, dealing or handling sensitive personal data or information.

2.4.3. The law is made with the state aim to check the leakage in government schemes and to prevent corruption happening in PDS and other subsidy providing schemes of the government. It is even in proportion to

[35] Aadhar Act 2016

[36] Maneka Gandhi vs Union Of India 1978 AIR 597, 1978 SCR (2) 621

encroachment of right as establish by law. Hence it is not violative of Article 21 of the Right to Privacy.

2.4.4. This Hon'ble court has itself endorsed the usage of Janadhar cards. It is humbly submitted that something endorsed by the apex court of India will be of supreme utility and absolutely *in vires* of the law applicable.In the case of *PUCL Vs. Union of India* [37]has approved the recommendations of the High Powered Committee headed by Justice D.P Wadhwa, which recommended linking of Janadhar with PDS and encouraged state Governments to adopt the same.

2.4.5. This Hon'ble Court in State of Kerala & Others Vs. President, Parents Teachers Association, SNVVP and Others (2013)[38] has directed use of Janadhar for checking bogus admissions in schools

2.4.6. The Supreme Court, while monitoring the PILs relating to night shelters for the- homeless and the right to food trough the public distribution system, has lauded and complemented the efforts of State Governments for *inter alia* carrying out biometric identification of the head of family of each household to eliminate fictitious, bogus and ineligible BPL/MY household cards and also for biometric identification of homeless persons so that the benefits like supply of food and kerosene oil available to persons who are below poverty line should get the benefits. in PUCL v. Union of India [39]

2.4.7. The USA had introduced social security number (SSN) by an enactment in 1935 for a limited purpose of providing social security benefits. Considering its strong reduplication and unique identifier feature, Social Security Number was adopted by Internal Revenue Service as its official Tax Identification Number in 1962 (just as Indian Parliament has recently introduced section 139 AA Income Tax Act[40] to mandatorily require Aadhaar for PAN and Income Tax returns).

---

[37] State of Kerala & Others Vs. President, Parents Teachers Association, SNVVP and Others (2013) AIR2013SC1254

[38] PUCL Vs. Union of India AIR2014Chh133

[39] PUCL Vs. Union of India AIR2014Chh133

[40] Income Tax Act,1995

2.4.8. Section 205(c)(2) Social Security Act was amended to require SSN for host of other services. In *Doyle v. Wilson,*the US Court held that "mandatory disclosure of one's social security number does not so threaten the sanctity of individual privacy as to require constitutional protection."

2.4.9. In United Kingdom also almost every important service requires National Insurance Number (NIN). It is required for those who want to work, pay taxes, want to receive child benefits, and even those who want to vote..

2.5.That Hypothetical, Futuristic, Conjectural and academic Grounds Cannot Dismiss Well-Established Principle of law

2.5.1. It is submitted that adjudication of the present writ petitions is not within judicially manageable standards. This Hon'ble Court cannot be expected to forestall questions which may arise in future cases and decide them, more or less, *in vacuo* or in abstract and in the of necessary materials or facts The allegations made by the Petitioner as regards violation of right to privacy, commercial usage of sensitive personal data, tracking surveillance, are entirely hypothetical and seek to question the veracity of hied and tested technology which has been introduced by experts after careful consideration. This Hon'ble Court has repeatedly held that "the Court cannot strike down a policy decision ... , merely because it feels that another policy decision would have been fairer or wiser or more scientific logical." [41]

2.5.2. It is well-settled that a potential for abuse cannot be a basis for striking down a law as *ultra vires* the Constitution and that it is'the actual abuse that must be brought before the Court for being tested on the anvil of constitutional provisions[42]. Mere possibility of abuse of a provision does not, by itself, justify its invalidation. The validity of a provision must be tested with reference to its operation and efficiency in the generality of cases exceptions that its application might possibly produce in some rare cases.

---

[41] State of M.P. and Ors. v. Nandlal Jaiswal and Ors., (1986) 4 SCC 566 at Para 34; Balco Employees Union (Regd.) vs Union Of India & Ors, (2002) 2 SCC 333; Census Commissioner & Others v. R. Krishnamurthy, (2015) 2 SCC 796

[42] R.K. Garg v. Union of India [(1981) 4 SCC 675 @ Para 8

BIBLIOGRAPHY

CASES

Air India Statutory Corp. v. United Labour Union (AIR 1997 SC 645.) 14
Balco Employees Union (Regd.) vs Union Of India & Ors, (2002) 2 SCC 333 18
Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi, (2012) 13 SCC 61 9
Budhan Choudhary and Others v. State of Bihar 1955 SCR (1)1045 12
Census Commissioner & Others v. R. Krishnamurthy, (2015) 2 SCC 796 18
Cwp No. 581 Of 2017 vs State Of H.P. And Others(CWP No. 581 of 2017 a/w CWP) 11
District Registrar & Collector, Hyderabad & Anr. vs. Canara Bank & Ors [2005] 1 SCC 496 15
E.P. Royappa v. State of Tamil Nadu, Air 1974 SC 555. 10
Fagu Shaw v. state of west Bengal, AIR 1974 SC 613. 6
Govind vs State Of Madhya Pradesh & Anr [1975] AIR 1378, 1975 SCR (3) 946 15
Kesar Chand vs State Of Punjab And Ors (AIR 1988 P H 265) 13
Lokniti foundation v.Union of Indian & othr (2017)7SCC155 17
Maneka Gandhi vs Union Of India 1978 AIR 597, 1978 SCR (2) 621 13
National Council for Teacher Education and Ors. vs. Shri Shyam Shiksha Prashikshan Sansthan and Ors.,AIR 2011 SC 932 12
Opinion of Sikri, CJ, in Union of India v. H.S. Dhillon: (1971) 2 SCC 779 6
Papanasam Labour Union v. Madura Coats Ltd., (1995) SCC 1501 14
PUCL Vs. Union of India AIR2014Chh133 17
R v. Director of Serious Fraud Office, Ex parte Smith, [1993] AC 1 10
R.K. Garg v. Union of India [(1981) 4 SCC 675 @ Para 8 18
Sharda v. Dharam Pal, (2003) 4 SCC 493; see also, Ramlila Maidan Incident v. Home secretary, Union of India (2012) 5 SCC 1 9
SR Chaudhary v. State Of Punjab and others, (2001) 7 SCC 2006. 6
State of M.P. and Ors. v. Nandlal Jaiswal and Ors., (1986) 4 SCC 566 at Para 34 18
State of Maharashtra v. Bharat Shanti Lal Shah, (2008) 13 SCC 5 10
State of West Bengal v. Anwar Ali Sarkar, AIR 1952 SC 75 12
Suraj Prakash And Ors. vs State AIR 1964 All 95, 1964 CriLJ 319 13
United States v. Carolene Products, 304 U.S. 144 (1938). 10

STATUTES

Aadhar Act 2016 15
Income Tax Act,1995 17

ARTICLES

Art. 19,20 Constitution of Indiana, 1949 14

OTHER SOURCES

Art.8, European Convention on Human Rights, 1953 (adopted on sept. 3, 1953) 9
Arthur R. Miller, The assault on privacy: Computer, Data Banks, And Dossiers 25(1971) 8
CONSTITUENT ASSEMBLY OF INDIA VOLUME-III, Wednesday, the 30th April, 1947 6
Lord Denning, 'what next in Law' available at https://isistatic.org/journal-achive/ma/27_02/shenfield.pdf (Last visted on September 4, 2017) 9
Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) 15

PRAYER FOR RELIEF

WHEREFORE IN THE LIGHT OF THE ISSUES RAISED, ARGUMENT ADVANCED, REASONS GIVEN AND AUTHORITIES CITED, THE HON"BLE SUPREME COURT MAY BE PLEASED TO:

I. DECLARE THAT THE "RIGHT TO PRIVACY" IS NOT GUARANTEED IN THE PART III OF CONSTITUTION OF INDIANA

II. DECLARE THAT THE JANADHAR CARD SCHEME IS CONSTITUTIONAL AND DOES NOT VIOLATES THE PROVISIONS OF PART III OF THE CONSTITUTION OF INDIANA

AND ANY OTHER RELIEF THAT THIS HON"BLE COURT MAY BE PLEASED TO GRANT IN THE INTERESTS OF JUSTICE, EQUITY AND GOOD CONSCIENCE

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16

PES's Modern Law College ★ Pune-16 ★

COUNSELS FOR THE RESPONDENT

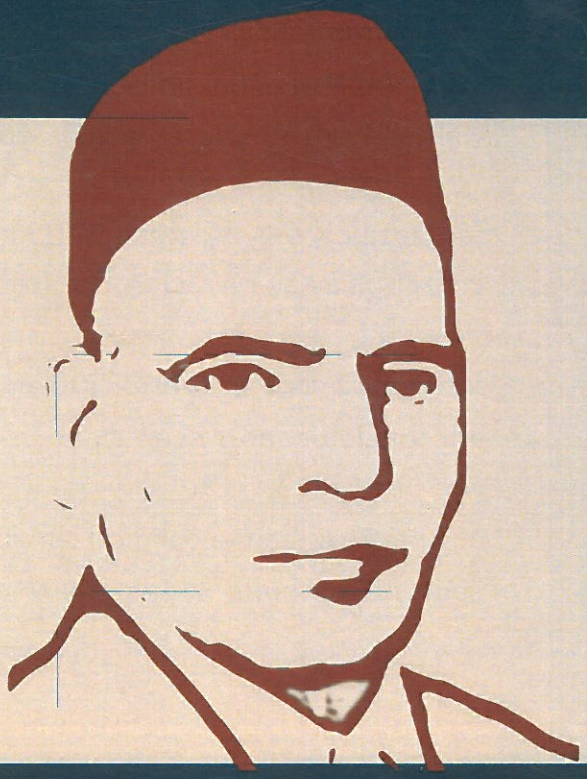
Progressive Education Society's

Modern Law College

in association with

Board of Student's Development

Savitribai Phule Pune University



13TH

SHANKARRAO KANITKAR

NATIONAL MOOT COURT COMPETITION

2018-19

11TH AND 12TH JANUARY, 2019

www.modernlawcollege.org

kanitkarmoot.mlc@gmail.com

Savitribai Phule Pune University Circle, Pashan Road, Ganeshkhind, Pune - 411016

020 25638987, +91 8975588777

Dignitaries & Participants of 13th Shankarrao Kanitkar National Level Moot Court Competition 2018- 2019

Modern Law College

Ganeshkhind, Pune - 411 016

www.modernlawcollege.org

मॉडर्न लॉ कॉलेज

गणेशखिंड, पुणे - ४११ ०१६

(Permanently Affiliated to the SPPU. Recognized by the Govt. of Maharashtra. Approved by the BCI. Recognized u/s 2(f) & 12(B) of UGC Act 1956. Accredited by NAAC)



In Association with BSW, Savitribai Phule Pune University

P. E. Society's
Modern Law College

In Association with
Board of Student Development, Savitribai Phule Pune University

13th Shankarrao Kanitkar National Level
Moot Court Competition
11th and 12th January 2019

Editorial Committee

Adv. Chintamani Ghate, Co- ordinator
Dr. Sunita Adhav, Principal
Asst. Prof. Pawan Kalwala
Asst. Prof. Shital Keskar

Published by

Coordinator
Modern Law College,
Pune

Printed by
P.E. Society's
Modern Law College
Pune

PES's Modern Law College Pune-16

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16.

Sr. No.	Content	Page no.
1	Message from Chairman's Desk – Dr. G. Ekbote, Chairman, P.E. Society, Pune	3
2	Message from Co-ordinator's Desk – Adv. Chintamani Ghate, Co-ordinator, Modern Law College, Pune	4
3	Message from Principal's Desk – Dr. Sunita Adhav, Principal, Modern Law College, Pune	5
4	About the Competition	6
5	Moot Problem	7
6	Rules & Regulations	8
7	Schedule of the Competition	12
8	List of Participating Colleges	13
9	List of Judges	15
10	Winners	16
11	Photos	17

MESSAGE FROM THE CHAIRMAN



Dear Students,

The future belongs to people who dare to dream big. It belongs to those who make way through the clouds of oblivion with the force of their determination. "I have always believed that the answer to my destiny lies in creating the results, I desire."

The P.E. Society's **Modern Law College** has grown immensely since its inception and has contributed tremendously to the legal fraternity through its various seminars and workshops conducted. This year P.E. Society's **Modern Law College**, celebrates its 15 successful years of Legal Education in the fraternity. In these 15 years, the small plant had grown into a full fruit bearing luscious tree, under which hundreds of students have got the benefit of quality legal education. The students of **Modern Law College** have won several accolades for the college in various sports and cultural competitions and street play competitions organize by various colleges and institutes in this year.

This year **Modern law College** is hosting the 13th Shankarrao Kanitkar National Level Moot Court Competition on 11th and 12th January 2019, an annual event of the college. We are proud to say that 32 teams from all over Maharashtra, Goa, Punjab, Delhi, Tamil Nadu, Dehradun, Bhopal, Panipat participated in this competition and made it a grand success. My best wishes are always with the college and its constant endeavors to attain higher goals for the development of the college.

Prof. Dr. Gajanan R. Ekbote
Chairman, Business Council,
Progressive Education Society
Shivajinagar, Pune – 411005.

MESSAGE FROM COORDINATOR



Dear Students,

The Progressive Education Society`s **Modern Law College**, Pune 16, has flourished under the able stewardship of our Hon'ble Chairman, Prof. Dr. Gajanan R. Ekbote and the valuable guidance of the entire Business Council, Progressive Education Society, Pune. The College has all the required infra structure by the grace of the benevolent Society, however the endeavor shall always be to excel. The Teaching and the Non Teaching Staff members of the P.E.S. **Modern Law College** have unitedly strived for the excellence in academic, cultural and social upbringing of the College.

The various seminars, workshops and research activities along with the Shankarrao Kanitkar National Level Moot Court Competition give the college a practical approach to the legal education they are undergoing. I have learned and am in the knowledge that every year the competition is gaining popularity and this is evident from the good response received from various law colleges coming throughout the state. I wish more progress and quality to this prestigious competition which has progressively completed 13 years and is in the name of our founder Hon'ble Shri. Shankarrao kanitkar.

This year, P.E. Society's **Modern Law College**, celebrates its 15 successful years of Legal Education and has in this journey contributed immensely to the legal fraternity. Over the years several batches of students have got their degrees from **Modern Law College**, my well wishes are always with them.

Adv. Dr. Chintamani Ghate
Co-ordinator
Modern Law College,
Pune 16.

MESSAGE FROM PRINCIPAL



Hello friends,

It is an honour and a privilege to be the Principal of Modern law College, the college that stands for excellence and continuously sets the highest standards, the college is an alma mater which all alumni look back to with fond memories.

As rightly said by Dean Roscoe Pound, "Law is an experience developed by reason and applied continually to further experience." Thus we at Modern Law College try to meet this saying by imparting the experience of giving logical reasoning and thus understanding the philosophy of the law by the students.

In my opinion, an education institute is not just about bricks, mortar and concrete, but about building character, enriching minds and about enriching experiences that lasts a life time. Life is not a set of instructions but is a series of experiences and learning process. P.E. Society's Modern law College is organizing the 13th Shankarrao Kanitkar National Level Moot Court Competition on 11th and 12th January 2019. We have several colleges participating in it. My best wishes are with all the team and hope they do excel in the future.

I hope, we will do our best for the progress of the college and the students under the able guidance of our management and our well wishers.

Dr. Sunita Adhav
Principal
Modern Law College
Pune - 411016.

About Shakarrao Kanitkar National Level Moot Court Competition

"By battling and arguing, you might succeed in confounding your listener but your victory will be in vain because you will never obtain the sincere agreement of your adversary".

Franklin Roosevelt

President, United States of America

As rightly said by Franklin Roosevelt, an argument must not be to defeat your opponent but to obtain his agreement, and what better way than by practice. Shankarrrao Kanitkar National Moot Court Competition is an annual moot court competition organized by the Progressive Education Society's **Modern Law College**, Pune. This competition has been established in the name of our founder member of the society Late Shri Shankarrao Kanitkar, a visionary in the field of education. This competition is intended to be a platform for law students studying in all over India. Here these budding advocates can match their advocacy skills with each other. The special feature of this competition is that it is not confined to any subject or topic. We at **Modern Law College** believe and give a varied flavour of different subjects and legal intricacies to the law students. Thus, we help in overall understanding and development of a law student. It is the aspiration of the college to undertake the issues that are relevant in the changing society and thus we draft the moot problem accordingly.

The 13th Shankarrao Kanitkar National Moot Court Competition was held on 11th and 12th January, 2019. The theme revolved around right of LGBTQI community, recognition and validity of same sex marriage. As the case had many debates and deliberations on this point specifically after decriminalization of s. 377 of Indian Penal Code, special attention was required; hence the moot court competition was organized on this point.

Asst. Prof. Pawan Kalwala
Moot In-charge

Asst. Prof. Shital Keskar
Moot In-charge

LGBT

Moot Problem

RAINBOW vs. Union of India

Mr. X and Mr. Y are citizens of India. Both had gone to Ireland to pursue higher education and subsequently started working in Ireland. They were already into a relationship and eventually got married according to the Irish Laws during their stay. They were in marital relationship for two years and were residing in Ireland. On 15th September 2017 they relocated to India. They both started staying in a apartment in Bandra, Mumbai. On 10th September 2018, Mr. X left the apartment and went on to stay separately without informing Mr. Y. Despite several attempts of contact from Y, Mr. X did not respond. With no other option left Mr. Y tried filing a case but was not allowed to do it.

Aggrieved by this Mr. Y approached an NGO named RAINBOW who works and fights for the rights of LGBTQI [Lesbian, Gay, Bisexual, Transgender, Queer, Intersex] section of society in India. Rainbow after consultation with their panel of legal experts who through their research on the recent landmark Judgment dated 6th Sep, 2018 on decriminalization of sec.377 of Indian Penal Code, where the Supreme Court found that Section 377 violates the right of members of the LGBTQI community to dignity, identity, and privacy, all covered under Article 21 & 19(1) (a). Due to plethora of issues related with recognition of same sex marriage like Domestic Violence, Cruelty, and Maintenance, Raging modesty. RAINBOW filed a writ Petition against Union of India in the Hon. Supreme Court seeking the recognition & Validity of same sex marriage & gender Equality.

Rules and Regulations

1. Date: January 11th and 12th January 2019

2. Venue: Modern Law College, Ganeshkhind, Pune, 16.

3. Language: The written and oral submissions shall be in English only

4. Eligibility: Regular bonafide students of recognized Law Colleges/Institutes/University

*(Only students from amongst the under graduate five year integrated L.L.B. degree and three year Degree law programmes)

Dress Code: As per the rules of Bar Council of India (Baring Gowns and Bands)

5. Team Composition: The team should consist of Two mooters only.

6. Registration: The teams must register on or before 10th December 2018. Registration Fees: Rs. 1000/- per team. The registration fee can be paid through Demand Draft, drawn in favour of Principal, Modern Law College, payable at Pune or by cash at the time of the competition.

7. Mode of payment- ONLINE or OFFLINE payment.

Account details-

Beneficiary name- Principal, Modern Law College

Name of the Bank- IDBI Bank

Name of the branch- Aundh branch, Pune

Account type- Savings Account

Account no- 062104000055550

IFSC/ RTGS code- IBKL 0000062

MICR code- 411259003

Kindly mention your transaction details on Registration form.

8. Students have to arrange for accommodation on their own. Pune, being a metropolitan city, ample amount of hotel/accommodation and travelling facilities are available in the city. If required and requested, College may provide assistance for accommodation.

9. Bench: Two judge for preliminary round and semi – final round and of three judges for final round.

10. Memorials:

a. Four copies of each side (Petitioner and Respondent), spiral bound memorials.

b. The cover page of the Memorial must follow colour scheme i.e. Blue for petitioner/ appellant and red for respondent

c. Typed on A4 size paper with one side printing not exceeding 20 pages, font size 12 (Times New Roman) line spacing of 1.5.

d. Contents of cover page-

i. Name of the college

ii. Name of the University

iii. Name of the participants

e. The memorial must contain:

i. Title Page

ii. Table of Contents,

iii. Statement of Jurisdiction,

iv. Statement of Facts,

v. Statement of Issues,

vi. Statement of Arguments

vii. Prayer Clause and Bibliography

f. Memorials not in prescribed format shall be rejected.

g. Memorials will not be returned to the participants.

11. Conduct of Moot Court:

a. In the preliminary rounds, each team (both speakers) shall compulsorily present oral arguments for the side allotted to them (either Petitioner or Respondent)

b. Teams will be given codes in alphabetical order (according to name of college)

c. In the preliminary round each team will be allotted 20 minutes (16 minutes for arguments and 4 minutes for rebuttal and answering questions asked by judges. The rebuttal cannot be claimed as a matter of right).

d. The final round will comprise of the top four teams of preliminary rounds.

e. The proceedings of the Moot Court Sessions may be video recorded. All rights in this regard shall be reserved with Modern Law College.

f. Host team shall not be considered for the Prizes even if they participate.

g.The Competition starts at 10.00 a.m. The teams are to report latest by 9.00 a.m. on 11th and 12th January 2019.

h. Lots shall be drawn for the final round. Team shall (Speaker 1 and 2) present the side allotted to them through draw of lots.

i. Each team shall be allotted only 30 minutes to argue in the semi- finals and finals. Exceeding time limit will result in loss of marks. Utilization of time amongst team members is discretion of team.

j. Schedule of the events-

Sr. No.	Date	Events
1	11/01/2019	Preliminary round
2	12/01/2019	Semi final round Final round Valedictory Session

12. Marks:

Written Submission/Memorial	20 Marks
Substance in Argument	30 Marks
Advocacy Skills	30 Marks
Questions from the Bench	10 Marks
Time Adherence	10 Marks
Total	**100 Marks**

13. The decision of the judges shall be final and no disputes shall be entertained in this regard.

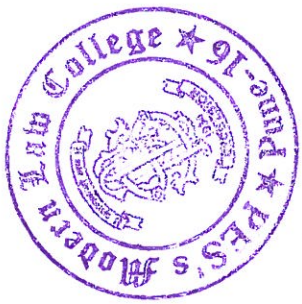
14. In case of a tie, memorial marks will be considered to determine the winner.

15. The Organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.

16. The Organizers decision as regards the interpretation of rules, situation which is not contemplated in the rules

17. Prizes:

First	Rs. 10000 /- Cash + Trophy + Certificate
Second	Rs. 7000/- Cash +Trophy+ Certificate
Best Speaker	Rs. 5000/- Cash + Trophy+ Certificate
Judge's Special Appreciation	Certificate (2)



Schedule of the competition

Date- 11/01/2019

Sr. No.	Time	Session
1	09:00 am to 09:30 am	Inauguration Session
2	10:00 am to 01:00 pm	Preliminary round
3	01:00 pm to 02:00 pm	Lunch

Date- 12/01/2019

Sr. No.	Time	Session
1	10:30 am to 01:00 pm	Semi final round
2	01:00 pm to 02:00 pm	Lunch
3	02:00 pm to 03:00 pm	Final Round
4	03:00 pm to 04:00 pm	Valedictory Session

Participating Law Colleges/ Institutes

Sr. No.	Name of the Participating College
1.	Adv. Balasaheb Apte College of Law, Dadar
2.	Amity Law School, Noida, Amity University, Noida (U.P)
3.	Army law College, Pune
4.	Balaji Law College, Pune
5.	Banasthali Vidyapith, Rajasthan
6.	Bennett University
7.	Delhi Metropolitan Education, Noida, UP
8.	DES Navalmal Firodia Law College, Pune
9.	Dr. DY Patil college of law , Nerul, Mumbai
10.	Dr. Ambedkar Law College, Deekshabhoomi, Department of law, Nagpur
11.	G.H.Raisoni law school, Nagpur
12.	Geeta Institute of Law, Panipat
13.	ICFAI University, Dehradun
14.	Indore Institute of Law
15.	Law Centre-II, Faculty of Law, University of Delhi
16.	Maharashtra National Law University, Aurangabad
17.	National Law Institute University, Bhopal
18.	Navjeevan Law College, Nasik
19.	New Law College, Ahmednagar
20.	Rajashri Shahu Law College, Barshi, Dist:Solapur
21.	Sastra university school of law, Thanjavur, Tamil Nadu
22..	School of Law, Christ (Deemed to be University).
23.	Sinhagad Law College, Pune
24.	Sir Senapati Hambirrao Vidhi Mahavidyalay, Rajgurunagar
25.	SNDT Women's University Law School

26.	SVKM's NMIMS, Kirit P. Mehta Scool of law, Mumbai.
27.	Symbiosis Law School, Pune
28.	Thakur Ramnarayan College of law , Mumbai
29.	TNNLU (Tamil Nadu National Law University),Tamilnadu
30.	University Institute of Legal Studies, Punjab University
31.	V.M.Salgaoncar college of law ,Miramar-Panaji Goa
32.	Yashwantrao Chavan Law College, Pune

List of Judges

Name of Judges	Round
Adv. Rohan Nahar	Final
Dr. Sunita Adhav	Final
Dr. Kranti Deshmukh	Final
Adv. Rishiraj Walvekar	Semi Final
Adv. Sandeep Gujrathi	Semi Final
Adv. Suyog Wagh	Semi Final
Dr. Shilpa Gaikwad	Semi Final
Adv. Satyajit Lonkar	Prelims
Adv. Rohit Surwase	Prelims
Adv. Pooja Vaidya	Prelims
Adv. Rohit Lanke	Prelims
Adv. Akshay Pawale	Prelims
Adv. Sandesh Tondare	Prelims
Adv. Sunil Gund	Prelims
Adv. Mithila Shelar	Prelims
Adv. Sushama Kadam	Prelims

Winners

Sr. No.	Prize	Name of the College and Participants
1	*Winner*	*Dr. Ambedkar Law College, Deekshabhoomi, Nagpur*
2	*Runner Up*	*Sastra University School of law, Thanjavur, Tamil Nadu*
3	*Best Advocate*	*Ms. Siddhi Naik, V.M. Salgaonkar Law College, Goa*

Inauguration Ceremony



Inauguration function

The competition was inaugurated at the auspicious hands of Prof. Dr. Durgambini Patel, Head– Department of Law, Savitribai Phule Pune University, Pune. Dr. Sunita Adhav, Principal of Modern Law College felicitated her. She addressed the student about the competition and purpose behind such moot competitions. She motivated the students, guided the students on how to argue before the Court, how to develop skills as a lawyer.



Felicitation of Dr. Durgambini Patel by Dr. Sunita Adhav, Principal, Modern Law College

P.E.S. Modern Law College had organized the **13th Shankarrao Kanitkar National Moot Court Competition** on 11th and 12th January, 2019. On 11th January, preliminary rounds were conducted and on 12th January, semifinal and final rounds were conducted. 32 Law Colleges/Institutions from all over India (Delhi, Madhya Pradesh, Uttar Pradesh, Tamil Nadu, Punjab, Maharashtra, etc.) had participated in this competition.



Preliminary Round



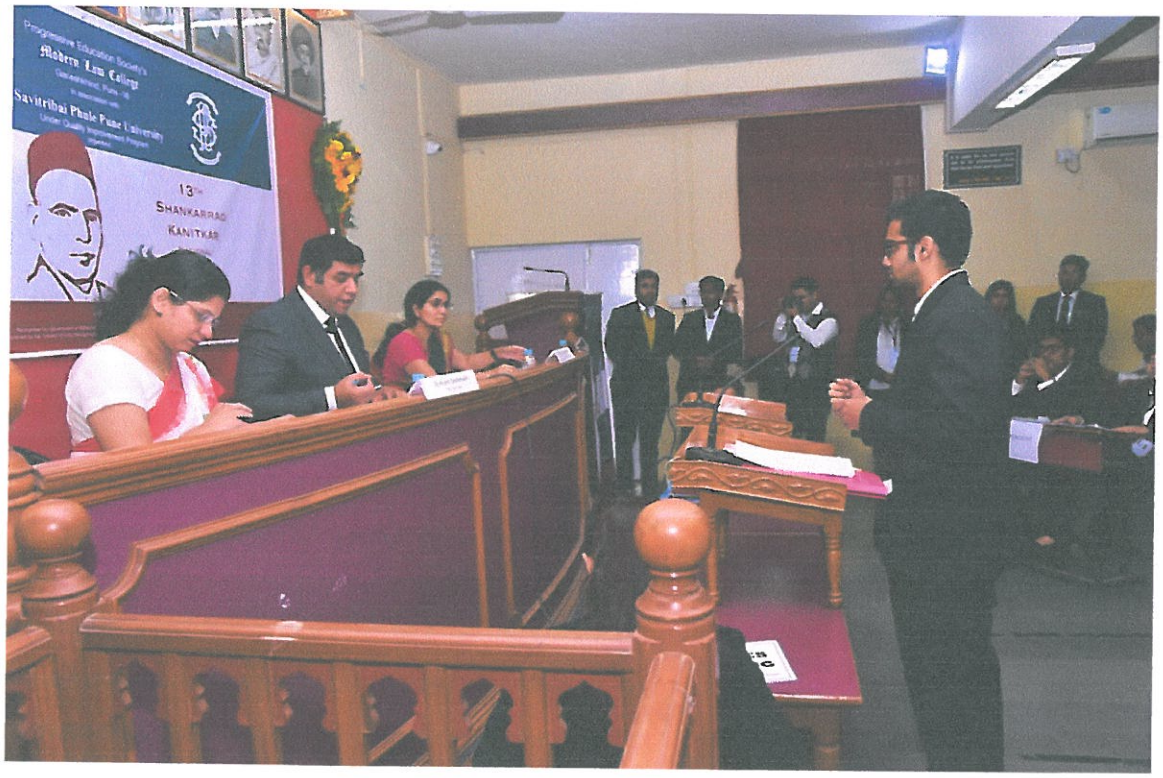
Preliminary Round



Semi Final Round



Semi Final Round



Final Round- Participants and Dignitaries



Final Round- Participants and Dignitaries

Valedictory function:

The Valedictory and Prize Distribution Session was presided over by Adv. Ujjwala Pawar, DGP, District and Sessions Court, Shivajinagar, Pune.



Felicitation of Adv. Ujjwala Pawar, DGP by Dr. Sunita Adhav, Principal, Modern Law College, Pune

In this competition, Dr. Ambedkar College, Deekshabhoomi, Nagpur won the competition, while **Sastra University School of law, Thanjavur, Tamil Nadu,** finished as Runner-Up Team. Of **Siddhi Naik, V.M Salgaocar law College, Goa, Pune** was adjudged as the **'Best Advocate'** and **Ishan Agarwal** received **Judge's special appreciation.**

Sr. No.	Prize	Name of the College and Participants
1	Winner	Dr. Ambedkar Law College, Deekshabhoomi, Nagpur
2	Runner Up	Sastra University School of law, Thanjavur, Tamil Nadu
3	Best Advocate	Ms. Siddhi Naik, V.M. Salgaonkar Law College, Goa



Guest of the Honour, Judges along with the Winners

Prize Distribution:



Winner Team- Dr. Ambedkar Law College, Deekshabhoomi, Nagpur



Runner Up Team- Sastra University School of law, Thanjavur, Tamil Nadu

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind



Ms. Siddhi Naik accepting Best Advocate Prize from the Chief Guest Adv. Ujjwala Pawar

SHANKARRAO KANITKAR NATIONAL MOOT COURT COMPETITION 2018-19

WINNERS OF THE LAST 3 NATIONAL MOOT COURT COMPETITION



10th Shankarrao Kanitkar National Level Moot Court Competition 2015-16
Winners



11th Shankarrao Kanitkar National Level Moot Court Competition 2016-17
Winners, Runners Up and Best Advocate



12th Shankarrao Kanitkar National Level Moot Court Competition, 2017-18
Winners, Runners Up and Best Advocate

The Progressive Education Society's, **Modern Law College**, Pune 16 is one of the premier legal educational institute in Maharashtra situated close to the "Oxford of the East" the Savitribai Phule Pune University. Established in 2003, **Modern Law College** has carved a niche for itself. Permanently affiliated to the Savitribai Phule Pune University, recognised by the Bar Council of India, U/S 2(f) 12 (b) of UGC Act, 1956 and accredited by NAAC Bengaluru the College stands as one of the best law colleges in Pune.

The college is Permanently affiliated to the Savitribai Phule Pune University. All the courses are approved by University, which include Degree programs LL.B. (3 years) & B.A. LL.B (5 years.), Masters in Laws (LL.M.) and various Diploma programs and Certificate programs.

The academic excellence is manifested from the results of the students of PES **Modern Law College**, not only in academics but also sports and co curricular activities. The students have won laurels for the college in various state and National level competitions.

PES **Modern Law College** also accommodates several foreign students from countries like Iran, Sri Lanka, Afghanistan, Thailand, and South African continent etc. with special attention to their orientation, counselling and problems faced in studies.

Patron
Prof. Dr. Gajanan Ekbote
Chairman, P.E. Society

Prof. Shamkant Deshmukh,
Secretary, P.E. Society

Prof. Jyotsna Ekbote
Joint Secretary, P.E. Society

Prof. Dr. P.G. Dixit,
Visitor, Modern Law College

Adv. Dr. Chintamani Ghate,
Coordinator, Modern Law College

Dr. Sunita Adhav
Principal, Modern Law College

Asst. Prof. Pawan Kalwala
Convener, Modern Law College

Asst. Prof. Shital Keskar
Convener, Modern Law College

13TH SHANKARRAO KANITKAR

NATIONAL MOOT COURT COMPETITION

2018-19

Modern Law College,

Ganeshkhind, Pune - 16
Recognised by Government of Maharashtra
Permanently Affiliated to the Savitribai Phule Pune University
Approved by Bar Council of India
Recognised under Section 2(f) and 12(B) of U.G.C. Act, 1956
Accredited by NAAC

www.modernlawcollege.org

Progressive Education Society's

Modern Law College

in association with

Board of Student's Development

Savitribai Phule Pune University

SECOND RUNNER-UP CERTIFICATE

This is to certify that

_____

studying in _____,

_____

has been the second runner-up at **13TH SHANKARRAO KANITKAR NATIONAL MOOT COURT COMPETITION** **2018-19** *organised by P.E.S.'s* **Modern Law College,** *Ganeshkhind, Pune - 16 on 11th & 12th January, 2019.*

CHAIRMAN	CO- ORDINATOR	PRINCIPAL
PROF. DR. GAJANAN R EKBOTE	ADV. DR. CHINTAMANI GHATE	DR. SUNITA ADHAV
Progressive Education Society	Modern Law College	Modern Law College

Progressive Education Society's

Modern Law College

14th ShankarraoKanitkar National Moot Court Competition
10th & 11th January 2020

Report

P.E.S. **Modern Law College**, Pune ShankarraoKanitkarNationalMoot Court Competition is an annual moot competition conducted by the Progressive Education Society's **Modern Law College**, Ganeshkhind, Pune-16. This competition has been established in the name of our founder member of the society Late Shri. ShankarraoKanitkar, a visionary in the field of education. This competition is intended to be a platform for law students studying all over the country. Here, these budding student advocates can match their advocacy skills with each other.

The 14th ShankarraoKanitkarNationalMoot Competition was held on 10th and 11th January, 2020. The problem dealt with Article 370 of Constitution of India its revocation. and validity of Kashmir reorganization Act 2019. As the case had many debates and deliberations on this point specifically after Revocation of Article 370 of Indian constitution, special attention was required; hence the moot court competition was organized on this point.

Dignitaries & Participants of 14th Shankarrao Kanitkar National Level Moot Court Competition 2019- 2020



In Association with BSW, Savitribai Phule Pune University

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16.

Moot Problem

Democratic Society of Indiana Vs Union of Indiana

'Union of Indiana'(hereinafter mentioned as 'Indiana') is the union of states bound together by a Constitution and having federal structure. 'Ashmir' became the part of Union of Indiana in the year 1947 by signing the 'Instrument of accession of Ashmir', which authorised the Union of Indiana to legislate on the issues of defence, foreign affairs and communication only. As a result of this, Article 370, which is of the transitional nature, was included in the constitution of Indiana allowing State of Ashmir to have a separate Constitution. Article 370 also confers right on constituent assembly of state of Ashmir to have concurrence for application of provisions of Constitution of Indiana for the State of Ashmir. According to this any changes in the relationship between the state of Ashmir and Indiana can be brought only on recommendation of Constituent Assembly of the State of Ashmir and for this purpose Legislative Assembly can work as the Constituent Assembly.

On 20th June 2018 the existing coalition Government of State of Ashmir was dissolved and Governors rule was imposed in the state. On 21st November 2018 the legislative assembly of Ashmir was also dissolved and subsequently on 19th December 2018 President's Rule was imposed which was later extended on 12thJune 2019 for the further period of six months.

On the recommendation and request of the Governor of State of Ashmir, on 5thAugust 2019 a Presidential Order was issued revoking some provisions of Article 370 and applying the constitutional provisions of Indiana to the state of Ashmir and on the same day the 'Ashmir Reorganisation Bill 2019', bifurcating the State of Ashmir into Two Union territories was also unanimously passed by Parliament of Indiana.

Democratic society of Indiana (DSI) which is a renowned social organisation working for democratic rights of people have filed a writ petition in the Supreme Court of Indiana under Article 32 constitution of Indiana, contending that this move of Union of Indiana is violating the basic structure of the constitution and inherently unconstitutional.

The Petition has been admitted by the Hon'ble Supreme Court and the matter is now put for the final hearing. The issues for the case are as follows.

Issues

Whether the recommendation of the Governor of State of Ashmir amounts to the violation of Article 370?

Whether Ashmir Reorganisation Act 2019 is constitutionally Valid?

Note: -

All Laws and Constitution of Indiana and State of Ashmir are same as to Union of Indian and state of Jammu and Kashmir respectively. Students can argue on any other ancillary issues.

Inauguration

The competition was inaugurated at the auspicious hands of Dr. **N. S. Umarani**Pro Vice-ChancellorSavitribaiphule Pune University, pune



Felicitation of Chief Guest Dr. N.S. Umrani, Pro vice SPPU, By Adv. Dr.Chintamani Ghate co-ordinator PES Modern Law College.



Dignitaries on the deice from left Dr.AdvChintamaniGhate, Dr. N.S Umarani, Dr. Sanjay Kharat , Dr.sunitaadhav

Moot Court Competition

P.E.S.Modern Law College had organized the **14thShankarraoKanitkarNational Moot Court Competition** on 10th and 11th January, 2020. On 10th January, preliminary rounds were conducted and on 11th January, semifinal and final rounds were conducted. 32 Law Colleges/Institutions from all over India (Delhi, Madhya Pradesh, Uttar Pradesh, Tamil Nadu, Punjab, Maharashtra, etc.) had participated in this competition. **Dr.Ambedkar College, Deekshabhoomi, Nagpur** won the competition, while **School of Legal Studies CMR Bengaluru finished** as Runner-Up Team.



Participant addressing judges in preliminary round

Valedictory function

The Valedictory and Prize Distribution Session was presided over by Hon'ble Justice Manish Pitale,Mumbai High court.



Faculties and Guest at moot court hall during final round of moot court competition



Honourable chief Guest, Coordinator and Principal along with winners of Moot Court Competition.

Name of Judges	Round
Adv. Dr. ChintamaniGhate	Final
Dr. Ujawalashinde	Final
Mr. C.P Bhagwat	Final
Adv. RishirajWalvekar	Semi Final
Adv. SandeepGujrathi	Semi Final
Adv. SuyogWagh	Semi Final
Dr. AshwiniIngole	Semi Final
Adv. SatyajitLonkar	Prelims
Adv. RohitSurwase	Prelims
Adv. PoojaVaidya	Prelims
Adv. RohitLanke	Prelims
Adv. AkshayPawale	Prelims
Adv. SandeshTondare	Prelims
Adv. Sunil Gund	Prelims
Adv. MithilaShelar	Prelims
Adv. SushamaKadam	Prelims

Participating teams

Sr.no.	Name of college
1	IsmailsahebMulla Law College, Satara
2	Modi Law College ,Kota
3.	Symbiosis Law school , Hyderabad
4.	University School of Law and Legal studies, GGSIPU, Delhi

5.	University of Mumbai Law academy
6.	PES's Adv. BalasahebApte College of Law, Mumbai
7.	Thakur Ramnarayan College of Law, Dhaisar, Mumbai
8	Sinhgad Law College , Pune
9	Faculty of Law, Maharaja Sayajirao University, Vadodara , Gujarat
10	School of Legal studies CMR University , Bengaluru.
11	Rizvi Law College , Mumbai
12	Law College Dehradun
13	V.M Salgaokar College of Law, Goa
14	Campus Law Centre, Delhi
15	Christ Deemed to be university Bengaluru
16	Raja Lakhangouda Law College , Belgavi
17	YashwantraoChavan Law College , Pune
18	Symbiosis Law School , Pune
19	BharatiVidyapeeth'sYashvantraoChavan Law College , Karad
20	Dr. Ambedkar College of Law , Nagpur
21	DES's shrinavalmalFirodia Law College , Pune

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16.

Modern Law College * PES's *

22	Navarachana University, Vadodara , Gujarat
23	The Tamil Nadu Dr. Ambedkar Law University, Perungudi
24	Sastra Deemed to be University, Tamil Nadu.
25	Amity University , Mumbai
26	SSHM Law College , Rajagurunagar , Pune
27	ICFAI Law School University , Selagui
28	Malapani Law college ,
29	School of Law Bennet University, Uttar Pradesh.
30	National Law institute , Bhopla
31	Government Law College , Mumbai
32	Army Law College , Pune

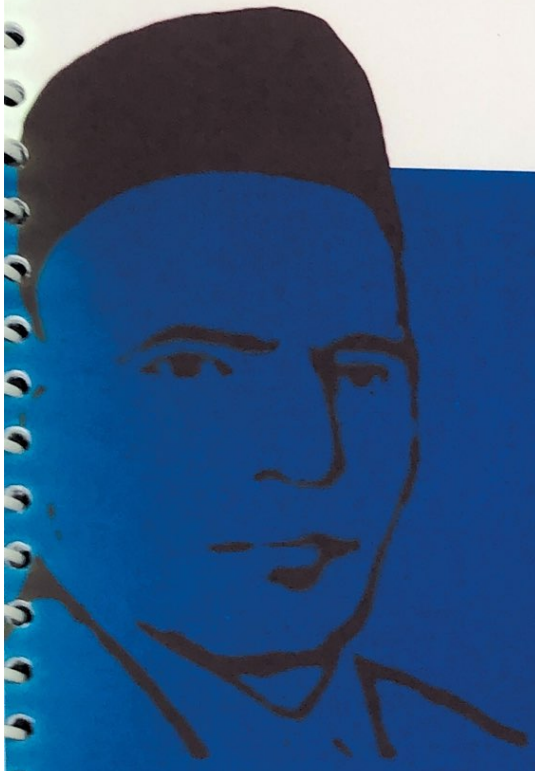
Progressive Education Society's

Modern Law College

Ganeshkhind, Pune - 16

15TH SHANKARAO KANITKAR MOOT COURT COMPETITION

Modern Law College ★ PES's ★ Pune-16



5 JUNE 2021

Progressive Education Society's

Modern Law College

15th Shankarrao Kanitkar National Online Moot Court Competition
5th JUNE 2021

REPORT



P.E.S. Modern Law College, Pune Shankarrao Kanitkar National Moot Court Competition is an annual moot competition conducted by the Progressive Education Society's Modern Law College, Ganeshkhind, Pune-16. This competition has been established in the name of our founder member of the society Late Shri. Shankarrao Kanitkar, a visionary in the field of education. This competition is intended to be a platform for law students studying all over the country. Here, these budding student advocates can match their advocacy skills with each other.

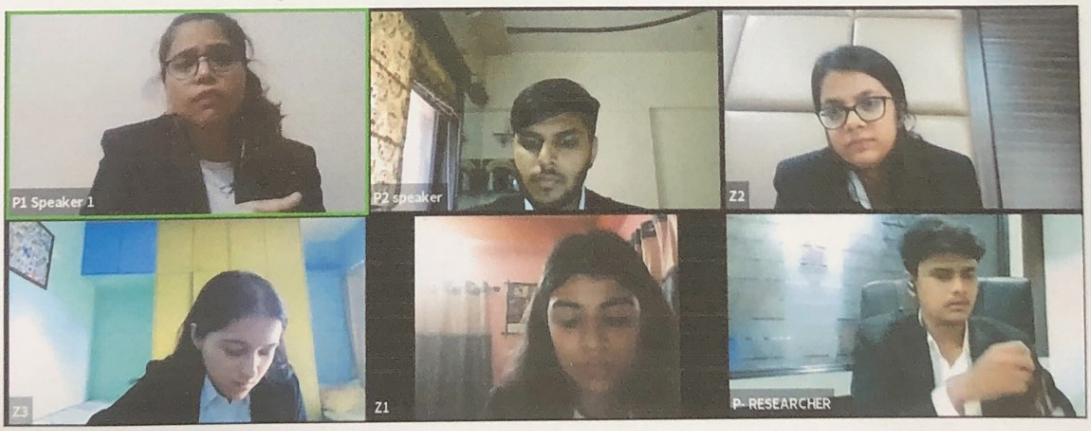
The 15th Shankarrao Kanitkar National Online Moot Competition was held on 05/06/2021. The problem dealt with upholding the freedom of speech and expression enshrined in the constitution. Wherein the selective hearing was in question and right of equality was the issue to be dealt with.

Moot problem

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16.

P.E.S's Modern Law College

Mr. Anay Nawaami is the editor-in-chief and founder of 'Democratic TV' which is a news Channel having its registered office at Pumbai in the Saharashtra State of Indiana. 'Democratic TV' was established in the year 2015. Mr. Anay Nawaami got into an agreement with Mr. Abhay Sharma, an interior decorator to furnish and decorate his office at the cost of 5 crore rupees, which was agreed upon by both the parties. Rs. 1 Crore was paid in advance and the remainder was to be paid at the completion of the work. Mr. Sharma, after completion of work had sent frequent reminders to Mr. Anay Nawaami but did not receive the balance payment. In the year 2017, due to heavy debts in relation to the work done for Democratic TV, Mr. Abhay Sharma committed suicide leaving a suicide note holding Mr. Anay Nawaami responsible for his death. An FIR was filed by Mrs. Abhay Sharma alleging Mr. Anay Nawaami abetting suicide of Mr. Abhay Sharma. The Complaint pursuing this FIR was quashed by the Sessions Court on the ground 'lack of evidence to show direct nexus' in the year 2018. Mr. Anay Nawaami, being an editor had fiercely reported against the newly elected changed Government in Shahrashtra in the year 2020. Therefore, the government in power, taking advantage of the complaint filed by Mrs. Abhay Sharma in 2018, reopened the case of abetment to suicide and arrested Mr. Anay Nawaami. Mr. Anay Nawaami applied for bail in the Sessions Court and before the hearing could take place, he appealed in the High Court where the High Court rejected his petition, asking him to go back to the Sessions Court to exhaust the local remedies first. Against this order of the High Court, Mr. Anay Nawaami approached the Supreme Court under Art. 32 and immediately the case was taken up for hearing on urgent basis and Mr. Anay Nawaami was granted Bail. There was an outrage in the country for the selective hearing when 3560 similar petitions for bail were pending in the Supreme Court of Indiana. Modern Legal Research Center (MLRC), an NGO, being the torch bearer of civil and political rights collected the signatures of all the 3560



pending petitioners to file a PIL questioning the selective hearing. The case is up for hearing on 17th April 2021 in the Supreme Court of Indiana. NOTE: This Moot Court Problem has been drafted for academic purposes only. All laws and judicial precedents applicable in India are applicable to the State of Indian.

Inauguration function

Dr. Sunita Adhav, Principal of Modern Law College inaugurated the 15th Shankarrao Kanitkar national Online Moot Court Competition and addressed the student about the competition and purpose behind such moot competitions. She motivated the students, guided the students on how to argue before the Court, how to develop skills as a lawyer.

Moot Competition:

P.E.S. Modern Law College had organized the **15th Shankarrao Kanitkar National Online Moot Court Competition** 2021-22. On 05/06/2021 preliminary rounds were conducted semifinal and final rounds were conducted on the same day. 26 Law Colleges/Institutions from all over India (Delhi, Madhya Pradesh, Uttar Pradesh, Tamil Nadu, Punjab, Maharashtra, kerala, Uttarkhand etc.) had participated in this competition.

In this competition, MMM's ShankarraoChavan Law College, Pune won the competition, while **Government Law College Mumbai** finished as Runner-Up Team. **Ms. Saloni Paliwal** was adjudged as the **'Best Advocate'**.

Sr. No.	Prize	Name of the College and Participants
1	Winner	MMM's ShankarraoChavan Law College, Pune
2	Runner Up	Government Law College Mumbai
3	Best Advocate	Ms. Saloni Paliwal

Judges who judged the competition:

Name of Judges	Round
Dr. Adv. Chintamani Ghate	Final
Adv. Suyog Wagh	Final
Adv. Hrishikesh Walvekar	Final
Adv. Shahin Shinde	Semi Final
Adv. Vijaykumar Swami	Semi Final



Adv. Pratik Tendulkar	Semi Final
Adv. Hrishikesh Honkalas	Semi Final
Adv. Fatima Naikwadi	Prelims
Asst. Prof. Abhijeet Dhere	Prelims
Asst. Prof. Vaishnavi Desai	Prelims
Asst. Prof. Aastha Taware	Prelims
Asst. Prof. Mayura Borde	Prelims
Asst. Prof. Manisha Segaonkar	Prelims

Participating teams

Sr. No.	Name of the Participating College
1	Maharashtra National Law University, Mumbai
2	Symbiosis Law School, Pune
3	JEMTEC – School Of Law (Affiliated to GGSIPU)
4	New Law College, BharatiVidyapeeth, Pune
5	THE RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PATIALA, PUNJAB
6	Saveetha School of Law, Chennai
7	Amity Law School Noida
8	Army Law College, Pune
9	SASTRA University, Thanjavur
10	CHRIST University, Delhi NCR
11	Department of Legal Studies Barkatullah University, Bhopal
12	AURO University, Surat
13	YashwantraoChavan Law College Pune
14	The North Cap University, Gurugram
15	Kerala Law Academy, Law College
16	MMM's ShankarraoChavan Law College, Pune
17	The KIIT School of Law, Bhubaneshwar
18	Symbiosis Law School, Hyderabad
19	HPNLU, Shimla (Team 1)
20	V.M. Salgoankar College of Law, Goa
21	Rizvi Law College
22..	Indore Institute of Law



23	St Joseph's College of Law, Bengaluru
24	Rani DurgavatiVishwavidyalaya Jabalpur M.P
25	National Law University Shimla
26	Government Law College Mumbai

8/3/2018

Progressive Education Society's

Modern Law College

Department of LL.M

In association with

Maharashtra State Commission for Women

Government of Maharashtra

Organizes

One day interdisciplinary International Seminar

On

ENDING CHILD ABUSE EFFORTS IN PREVENTION INTERVENTION & REHABILITATION



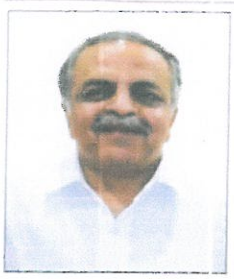


8th March 2018

PES's Modern Law College ★ Pune-16 ★

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16.

FOREWARD



Dear Researchers,

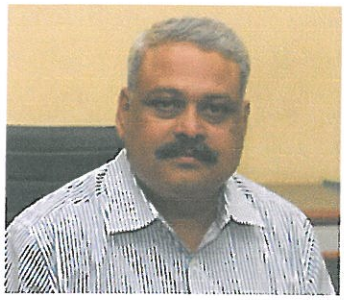
The future belongs to people who dare to dream big. It belongs to those who make way through the clouds of oblivion with the force of their determination. "I have always believed that the answer to my destiny lies in creating the results, I desire."

The Progressive Education Society since its inception has protected the needs and wants of all the deprived sections of society. The P.E.S. Modern Law College has grown and contributed tremendously to the legal fraternity through various seminars, workshops and research activities. P.E.S. Modern Law College has completed the journey of more than a decade of successful Legal Education. In this journey, this small plant has grown into a full fruit bearing luscious tree, under which hundreds of students have got the benefit of quality legal education. The students of P.E.S. Modern Law College have won several accolades for the college in various national and state level sports, cultural, street play and moot court competitions organised by various colleges and institutes in this year.

This year in addition to regular issues, College has published this proceedings of 'International interdisciplinary seminar on ending child abuse efforts in *"Prevention Intervention & Rehabilitation*, which comprises of research papers contributed by scholars for International Seminar organised by College in Association Maharashtra State Commission for Women, Government of Maharashtra. My best wishes are always with the college and its constant endeavors to attain higher goals for the development of the College. I also extend my best wishes to all the researchers who have contributed their manuscripts to make this endeavor of research a grand success.

Prof. Dr. Gajanan R. Ekbote
Chairman, Business Council,
Progressive Education Society
Pune 05

MESSAGE FROM COORDINATOR



'Research is systematic attempt to exploit what is known and make it better.'

-Kevin Kelly

The Progressive Education Society`s **Modern Law College**, Pune 16, has flourished under the able stewardship of our Hon.ble Chairman, Prof. Dr. Gajanan R. Ekbote and the valuable guidance of the entire Business Council, Progressive Education Society, Pune. The College has all the required infra structure by the grace of the benevolent Society, however the endeavor shall always be to excel. The Teaching and the Non Teaching Staff members of the P.E.S. **Modern Law College** have unitedly strived for the excellence in academic, cultural and social upbringing of the College.

The various seminars, workshops and research activities along with the Shankarrao Kanitkar National Level Moot Court Competition give the college a practical approach to the legal education they are undergoing.

This year in which P.E.S. **Modern Law College** is publishing the Proceedings of the International interdisciplinary seminar on ending child abuse efforts in "Prevention Intervention & Rehabilitation. I extend my well wishes to all of them who have shown their interest.

Dr. Chintamani Ghate
Coordinator
Modern Law College, Pune 16

MESSAGE FROM PRINCIPAL



Hello Friends!

Dear Researchers,

Progressive Education Society started in 1934 By Late Shri. Shankarrao Kanitkar, has now grown up into a giant tree under the visionary guidance of Prof. Dr. G. R. Ekbote. Modern Law College is one of the important branches of this tree of P.E. Society. It is an honour and a privilege to be the Principal of P. E. Society's Modern Law College. The College that stands for excellence and continuously sets the highest standards, the College is an alma mater which all alumni look back to with fond memories.

In my opinion an education institute is not just about bricks, mortar & concrete, but about building character, enriching minds & about enriching experiences that lasts a life time. Life is not a set of instructions but is a series of experiences & learning process.

I hope we will do our best for the progress of the college and the students under the able guidance of Prof. Dr. Gajanan Ekbote, Chairman, P. E. Society, our management and our well wishers.

Dr. Mrs. Sunita Adhav
Principal
Modern Law College
Pune 16

Editorial

"Childhood should be carefree, playing in the sun; not living a nightmare in the darkness of the soul."
– Dave Pelzer

It gives me an immense pleasure to introduce the proceedings of International Interdisciplinary Seminar on Ending Child Abuse efforts in "Prevention Intervention & Rehabilitation having ISBN 978-81-929282-5-8 'published by P. E. Society's Modern Law College, Pune 16.

Today we see the vulnerable section of society is getting abused than ever before. It is with this idea of identifying these factors and making recommendations, P.E. Society's Modern Law College, in Association with Maharashtra State Commission for Women, Government of Maharashtra published the manuscript in form of current publication. The contributors have applied analytical, exploratory and descriptive approach while commenting on contemporary statutes and judicial trend.

P.E. Society's Modern Law College would like to extend our heart full gratitude towards all the researchers who have responded positively to our call and contributed their manuscript for this Seminar.

We extend our heartfelt gratitude towards Ms. Vijaya Kishor Rajhatkar, Chairperson, Maharashtra State Commission for Women for accepting our request for association for organising International Seminar and publication of the proceedings.

We also extend our heartfelt gratitude towards Prof. Dr. G. R. Ekbote as it was his continuous support and able guidance which was the driving force behind the publication of this journal. We also thank Dr. Chintamani Ghate & Dr. Sunita Adhav for continuous support and guidance.

Asst. Prof. Pawan Kalwala
Editor

One day international interdisciplinary Seminar on
ENDING CHILD ABUSE EFFORTS IN *"Prevention intervention & Rehabilitation"*

Table Agenda

SESSION - I

Time	Event
8:00 AM to 9:00 AM	Registration and Breakfast
09:00 AM to 09:15 AM	Inauguration & Welcome Address – By Dr. Sunita Adhav
09:15 Am to 09:20 AM	Unveiling of the Seminar proceedings and 19(1)(a) – Coordinated by Asst. Prof. Pawan Kalwala
09:20 AM to 9:30 AM	Introduction and Felicitation of the Resource Person – Dr. Wasantha Seneviratne, Senior Lecturer Head, Dept of public & International Law, University of Colombo, Srilanka
09:30 AM to 10:30 AM	Lecture by the Resource Person– Dr. Wasantha Seneviratne
10:30AM to 10:45	Tea Break
10:45 AM to 11:30 PM	Lecture by Prof. Ashok Wadje MNLU Aurangabad
11:30 PM to 01:00 PM	Technical session –I Chairperson – Dr.Wasantha Seneviratne
01:00 PM to 02:00PM	Lunch

Time	Event
02:00 PM to 02:05 PM	Introduction of the Resourse Person Dr. Nitish Nawsagaray
03:05 PM to 04:00PM	Lecture by Dr. Nitiesh Nawsagaray
04:00PM - 05:00PM	Technical Session II– Chairperson Dr. Nitiesh Nawsagaray
05:00Pm to 05:15PM	Valedictory Session - Chief Guest Dr. Wasantha Senviratne

Vote of Thanks	Asst. Prof. Pawan Kalwala

Technical session –I **Chairperson – Dr.Wasantha Seneviratne**	
1	Prof (Dr.) Mukund Sarda Prof. Dr. Bhagyashree Deshpande
2	Miss Roopsa Lahiri Miss Sunita Chakraborty
3	Udit Raj Sharma
4	Anand Jagmalani
5	Mrs. Golda Sahoo Shubhi Sarathe
6	. Jannat Garg & Devansh Solanki[1] Mayura Borde
7	Kamlakar Tanaya Pramod
8	Ms. Shreyaa Chaturvedi
9	Dr. Deepa Paturkar
10	Shrirang Ashtaputre Sanjana Kulkarni
11	Pooja Vaidya & Priya Gondhalekar
12	Warnakula Chathuri Mendis Wickramanayaka
	Technical Session II **Chairperson - Dr. Nitish Nawsagaray**
1	Mr. Harshvardhan Lonkar
2	Surbhi Agrawal & Sahil Ambre
3	Ms. Preeti Tukaram Pawar Sawale
4	Ms. Shital Keskar

5	Ms Pooja Vikram
6	Mr. Rahul Bibave
7	Ms Aakanksha Bhardwaj
8	Sheetalaery & Raghav Mittal
9	Adv. Chintamani Ghate
10	Dr. Rohini Honap
11	Ms. Swaroop Ashok Waghmare
12	Dr. Sunita Adhav
13	Dr. Ananya Bibave
14	Ms. Sarika Pandurang Shinde
15	Ms. Shivanjali Bhoite
16	Dr. Shilpa Gaikwad
17	Mr. Peranuthakimi Ms. Jeeranunthansupan

Unveling of Seminar Proceedings and 19(1)(a)







Prof. Dr. Sunita Adhav, Principal Modern Law College Felicitating the Chief Guest Prof. Dr. Wasantha Seneviratne, Head Dept. of Law, University of Colombo, Srilanka



Prof. Dr. Sunta Adhav Delivering the Welcome Address



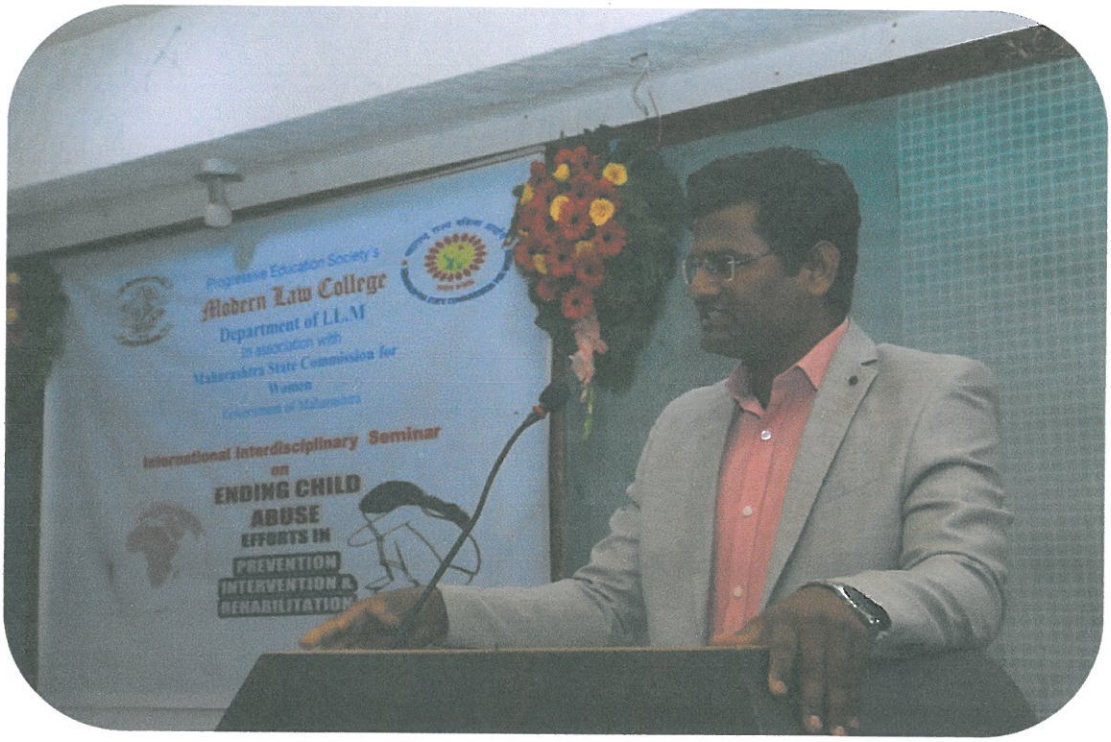
Chief Guest Prof.Dr. Wsantha Seneviratne sharing her views on the Seminar



Students Interacting with the expert

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16.

PES's Modern Law College Pune-16



Prof. Ashok Wadje, MNLU Aurangabad, sharing his views on Child Abuse



Police Inspector Dhome delivering lecture on Child Safety



Prof. Dr. Sunita Adhav Felicitating Resourse Person Dr. Nitish Nawsagary, ILS Law College, Pune



Prof. Dr. Nitish Nawsagary explaining the Governmnet policies of children

Paper Presentations



Dr. Deepa Paturkar presenting the paper on Child Sex Abuse: Understanding an unresolved Problem



Udit Raj, Asst. Professor, school of law UPES, Deharadhun presenting his paper on CSR & Child Labour



Ms. Tanaya Kamlakar research Scholar, SPPU presenting her paper on Child Abuse on Internet.



Ms. Jannat Garg & Mr. Devansh Solanki, scholars from LLOYD Law College, Delhi jointly presenting their paper on Sociological aspects of Child abuse.

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16.

Modern Law College ★ PES's ★ Pune-16

PES

Modern Law College

Ganeskhind, Pune-16

NOTICE

In association with the Gender Champions Club, Modern Law College has organized an online Poster Making on Doctor's Day. The theme for the Poster Making competition will be Gratitude towards doctors during Covid. The posters must be mailed on or before 28th June, 2021 at mlcj.modernlaw@gmail.com. Interested students contact Asst Prof Vaishnavi Desai.

PES's Modern Law College ★ Pune-16 ★

Principal

Saviors on the Earth - Doctor's Day

The college organized a guest lecture on Doctor's Day. Our beloved and respected Chief Guest, Dr. G.R. Ekbote, Chairman of PES had given a lecture on the occasion of Doctor's Day, and an intra-collegiate poster competition on the theme 'Gratitude Towards Doctor' was organized by P.E.S. Modern Law College, Pune on 1st July 2021 via Online Platform (Zoom).

The lecture started by welcoming the Chief Guest, Dr. G.R. Ekbote, and with an opening speech by Principal Madam Dr. Sunita Adhav. Asst. Prof. Pawan Kalwala introduced the guest to the audience. They were also made aware of the importance of the lecture and the reason behind the program's title. We all know that the coronavirus caught everyone in their hands, and the only superheroes were the Doctors, frontline workers, and many others who stepped out from their homes to save our lives.

With Pearls of wisdom, Dr. G.R. Ekbote Sir gave brief information about the 2nd wave; Sir explained the difference between the 1st and the 2nd wave and made us all aware of the 3rd wave and the necessary precautions. He appealed to the public to wear masks, maintain social distance, and follow all the covid-19 norms. He predicted that if such essential steps aren't taken, each of us will face the upcoming waves of the corona, which can be catastrophic for the human species. He requested all the general public get vaccinated as soon as possible with this; Sir also mentioned the changes happening in the society, i.e., offline classes to online classes. Sir didn't stop praising all the teachers for taking the online lectures and requested all the students to participate in the online mode.

With these, the lecture went towards the question & answer sessions, where all the attendees posed their questions regarding the current scenario of India and Covid -19 with its impact on them.

With this Asst. Prof. Pawan Sir also declared the results of the poster competition. The winners were: -

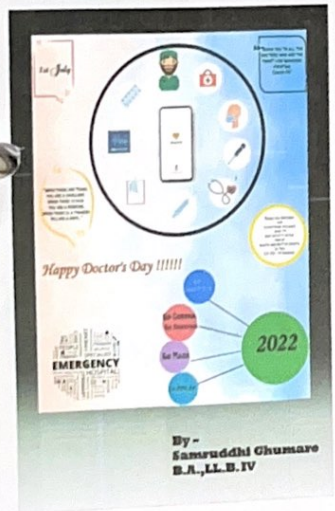
1st Prize to Anisha Shinde (B.A.LL.B III)

2nd Prize to Maitreyi Bharam (B.A.LL.B I)

3rd Prize to Samruddhi Ghumare (B.A.LL.B VI)

The insightful session ended, and Asst Prof. Vaishnavi Desai Ma'am gave a vote of thanks.





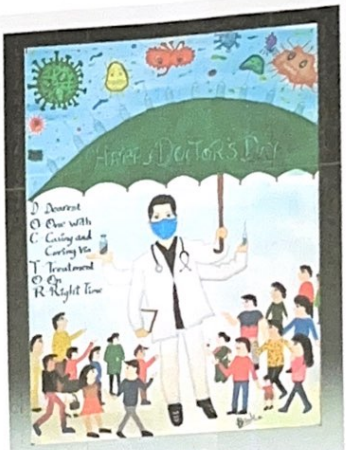
By –
Samruddhi Ghumare
B.A.,LL.B. IV

1



By –
Maitrayi Bharam
B.A.,LL.B. I

2



By –
Anisha Shinde
B.A.,LL.B. III

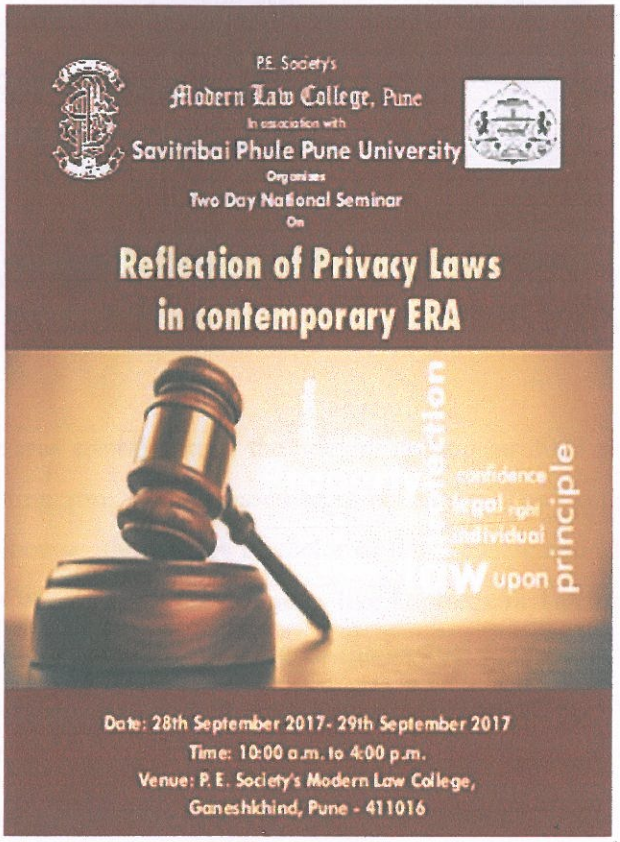
3

P.E. Society's

Modern Law College

REPORT ON THE NATIONAL SEMINAR ON

"Reflection of Right to Privacy in Contemporary Era"



About Our Institution

Progressive Education Society, Pune-5 is a reputed educational institution in Maharashtra. Late Shankarrao Kanitkar along with a team of dedicated teachers established the institution in the year 1934 at Pune. The Society has been making a noteworthy progress for the last 83 years .The inclusion of the two words "Progressive" and "Modern" in the Society was certainly with some noble intention, which has proved to be a beacon for the Society to follow with determination. The Society under the able leadership of Prof. DR. G. R. Ekbote and collective efforts of the BC Members has made a remarkable qualitative and quantitative growth. Today the Society manages more than 60 institutions in and around Pune City.

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16.

PES's Modern Law College ★ Pune-16 ★

About the College



Modern Law College was established by the Society in the year 2003 at Ganeshkhind, Pune-16 with an object of imparting quality based legal education. The College conducts the five years Integrated Law course, three years Bachelor of Laws course and Master of Laws course along with Diploma Courses in various subjects like Diploma in Taxation Laws, Diploma in Labour Laws and Labour Welfare, Diploma in Intellectual Property Laws and Diploma in Cyber Laws. In a short span of time, our Law College has made a remarkable development, academic as well as in infrastructure. Following the tradition of Progressive Education Society, our College has witnessed many moments of pride when our students were ranked in University Examinations as well as many other sports and extra - curricular activities. The college always believes in the philosophy of imparting education through social transformation. Towards this end, the college has organized various National and State Level Seminars, National Level Moot Court Competitions, and other activities for the students.

About the Seminar

The Right to Privacy per say is not a specifically guaranteed fundamental right under the Constitution of India, however the apex court has time and again interpreted it indirectly as a part and parcel of fundamental rights. There have been instances in various cases decided by the apex court. The right to privacy in India has come a long way from the decision given in Kharak Singh's case which was one of the first instances which incorporated right to privacy

with as an integral part of right to life and personal liberty. Subsequently, this right has come under the radar of reasonable restrictions under Article 19 (2) and with the different facets of this right been invoked by a plethora of judgments including the areas like privacy in communications, freedom of movement, physical privacy and mental privacy, Unique Identification Number related privacy, etc., there are still different facets of the right which need to be established. With the DNA Profiling Bill, again the discussion relating to right to privacy has come on the forefront. This Seminar is therefore an attempt to analyse the right to privacy from different perspectives and check the status of this right.

Objectives of the Seminar

- To understand the various facets of Right to Privacy in India
- To determine the scope of Right to Privacy which can be guaranteed
- To analyse the significance of technological advancements on the restrictions on Right to Privacy
- To analyse the effect of DNA profiling, biometric identification, etc. on the criminal liability on the accused.

On 24th August, Right to privacy has become fundamental right guaranteed under our Constitution after the Hon'ble Supreme Court in 9 judge bench, held that right to privacy is intrinsic part of Art. 21 right to life and personal liberty. It has become one of the most indispensable decisions in India that overruled the previous judgments held in M.P. Sharma case and Kharak Singh case with ratio of 8 and 6 bench judgments.

Any right being elevated to the status of a fundamental is a big event in the Constitutional Research and especially if there is Right to Privacy which is in question then the importance of this right further enhances due to the information technology era. Data privacy in light of the Aadhar Act and the possibility of Human DNA Profiling in India around the corner has further enhanced the impact of the recent Judgment of Justice K.S. Puttuswamy v. Union of India and Others. The notion of Fundamental Rights has been enhanced due to this judgment which will have a far reaching impact on the Interpretation of Fundamental Rights in India, especially in this era of Information Technology. There are going to conflicting interests involved in the process of application of this right as a fundamental right.

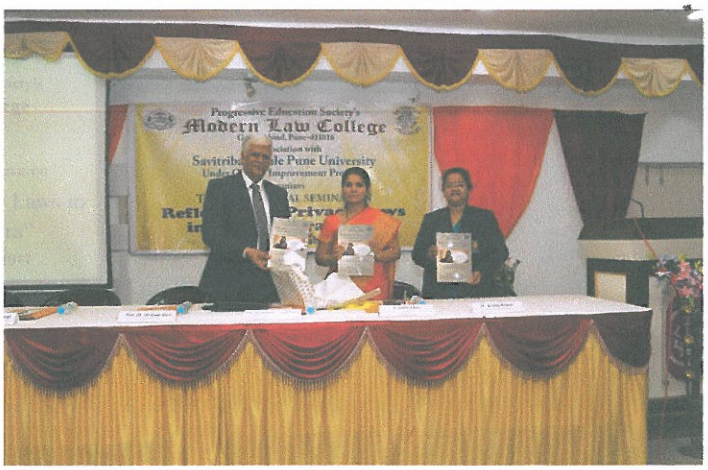
The academic discourse and dialogue in this field definitely helped in enhancing the knowledge of this newly accepted Fundamental Right for its proper utilization. It is with this

objective that the College conducted the National Seminar to which there was a tremendous support from all the participants. There was an overwhelming response to the Seminar and participants from all over the country gathered to deliberate on the topic of right to privacy. Participants registered from Gujarat, Rajasthan, Delhi, Hyderabad, Karnataka and many parts of Maharashtra for this seminar. Out if the many abstracts submitted for participation for research paper presentation, 22 papers were selected for presentation as well as publication in the Seminar Proceeding bearing an ISBN number.

The Schedule of the Inaugural Session was as follows:

Time	Schedule
11:00 a.m.	Beginning of Inaugural Session
11:10 a.m.	Inaugural Address Dr. Sunita Adhav Principal, Modern Law College
11:20 a.m.	Introduction of Chief Guest
11:25 a.m.	Felicitation of Chief Guest
11:30 a.m.	Inauguration of Proceeding of Seminar
11:40 a.m.	Key Note Address of Chief Guest Prof. Dr. Bhavani Prasad Panda Vice-Chancellor, MNLU, Mumbai.
12:45 p.m.	Vote of Thanks of Inaugural Session

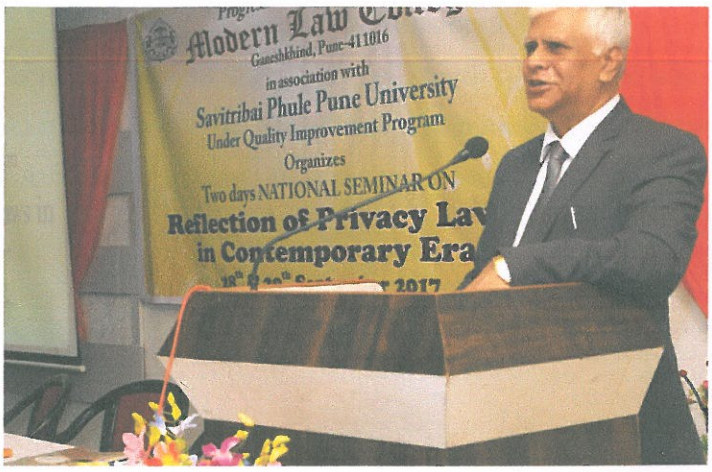
Publication of Seminar Proceeding bearing ISBN Number





Keynote Address

The keynote address was delivered by Prof. Dr. Bhavani Prasad Panda, Vice Chancellor of Maharashtra National Law University, Mumbai. He discussed about the concept of Right to Privacy and its relevance in our life right from childhood. The concept of privacy changes from person to person and from age to age. The concept of privacy has gained importance in this era due to the impact of information technology on our lives. The changing global scenario of collection and dissemination of information through the companies like Google is a very great threat to the privacy of the people. With the implementation of the Adhaar Scheme being changed to Adhaar Act, there are further dimensions of privacy being tapped and utilised. The Jurisprudence of right to privacy has to still grow to attain maturity for the contemporary society.



Technical Session I

The First Technical Session was conducted by Prof. Dr. Shruti Tambe, Head, Department of Sociology who spoke about the Right to Privacy from the Sociological perspective citing contemporary issues and providing insights on the various issues pertaining to the elevation of right to privacy as a fundamental right. According to Dr. Tambe, the contemporary era is an information era due to which privacy has gained higher status. there are various dimensions of privacy, there is an ethical dimension, a legal dimension or implication on privacy can also be experienced on the other hand there is also a political implication on privacy. In modernity, the suppression of privacy has increased to a great extent. This conception has enhanced in its application in the modern era as compared to the medieval era. Survelliance is the essence of Bio-power, which is a new concept which curtails the ideas and thinking which affects the human life and dignity.



Technical Session II

In the Second Technical Session after Prof. Dr. Shruti Tambe there was paper presentation Session. Dr. Bhagwan Gavali of Marathwada Mitramandal's Shankarrao Chavan Law College Chaired the Session in which 10 papers were presented.

Sr. No	Presenter	Topic
1	Dr. Navneet Thanvi	Deception Detection Tests Vis-à-Vis the Right of Privacy
2	Dr. Tejaswini Malegaonkar	Right to Privacy: Judicial Trends and Evolution
3	Dr. Vikrant Yadav	Critical Study of the Human DNA Profiling Bill, 2015 in the Light of Privacy Issues
4	Dr. Satish Alandkar	Right to Privacy: Decision by Supreme Court and Its Impact in India
5	Mr. Ahmar Afaq	Data Protection Law: A Fundamental Step for Realizing the Right to Privacy
6	Ms. Shivanjali Bhoite	Data Privacy in India
7	Supallab Chakraborty	Lack of Data-Breach Intimation Laws in India – Bridging the Gap
8	Anusha Tiwari	Lantern in the Shadow
9	Ruchira Dandekar	Perception of Privacy
10	Deepa Hiremath	Judicial Trends in Right to Privacy

Day II

Technical Session III



The second day of the National Seminar began with the technical Session III wherein Prof. Dr. T.S.N. Sastry, Professor, Department of Law, Savitribai Phule Pune University enlightened the participants with the Human Rights perspective of Privacy. He spoke about the Vertical and Horizontal approach of human rights. The western philosophy applies the vertical approach wherein the discussion of human rights is only right based. On the other hand, the Indian as well as Islamic approach to human rights prescribes the correlation of rights with corresponding duties for the implementation of human rights. He also enlightened the participants regarding to the connection between the right to privacy and the vertical and horizontal approach towards looking at the same.

Technical Session III

Speaker II



The second speaker of the Session was Dr. HarunRashid Kadri, Asociate Professor, NBT Law College Nashik. His topic for deliberations was Data Privacy. Dr. Kadri threw light on the concept of privacy from the point of view of exclusion from publicity. Passwords, bank details, medical records and medical history, biometric information form a part of personal data. He highlighted various technical aspects of data privacy especially with reference to the electronic data and information about the persons which is published for one purpose and used subsequently for some other purpose.

Technical Session IV



The post lunch session was the Technical Session IV in which the Human Rights perspective of the implementation of Right to Privacy was highlighted by Adv. Asim Sarode, who is a well known advocate in Pune in the field of Human Rights. He gave insights about the practical implications of the Adhaar Scheme with reference to the Human Rights violations. He elaborated on the issues with the help of practical examples. It was a very informative session to clarify various doubts regarding the practical implications of the Right to Privacy.

After this session there was a session for the paper presentations which was scheduled in which 12 participants presented their papers.

Sr. No	Presenter	Topic
1	Prateem Rohanekar	The Right to Privacy
2	Shefali Tribhuvan	Data Privacy: Is it Time to accept a New World of Data Freedom
3	Devansh Saraswat	Judicial Trends in Right to Privacy: The Development of Privacy as a Fundamental Right
4	Shweta Mishra	Surrogacy Laws in India through the lens of Right to Privacy
5	Rishika Shrivastava	The Concept of Right to Privacy
6	Muskan Gupta	Judicial Trends in Right to Privacy
7	Dixita Gupta	Origin of Privacy
8	Poorvi Gangi	Right to Identity vis-a-vis Right to Privacy
9	Roop Choudhary	Critical Analysis of the Human DNA Profiling Bill, 2015
10	Manas Arora	Concept of Right to Privacy
11	Astha Baderiya	How Deep are the Roots of the Fundamental Right to Privacy?
12	Ganesh Arnala	Concept of Right to Privacy

Modern Law College ★ PES's ★ Pune-16

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16.

International Seminar on



Organised by
Progressive Education Society's

Modern Law College

Ganeshkhind, Pune 16

In association with

CULTURE HOUSE OF THE ISLAMIC

REPUBLIC OF IRAN, MUMBAI

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16.

P.E.S's Modern Law College Pune-16

FOREWORD



Dear Researchers,

The future belongs to people who dare to dream big. It belongs to those who make way through the clouds of oblivion with the force of their determination. "I have always believed that the answer to my destiny lies in creating the results, I desire."

The Progressive Education Society since its inception has protected the needs and wants of all the deprived sections of society. The P.E.S. Modern Law College has grown and contributed tremendously to the legal fraternity through various seminars, workshops and research activities. P.E.S. Modern Law College has completed the journey of more than a decade of successful Legal Education. In this journey, this small plant has grown into a full fruit bearing luscious tree, under which hundreds of students have got the benefit of quality legal education. The students of P.E.S. Modern Law College have won several accolades for the college in various national and state level sports, cultural, street play and moot court competitions organised by various colleges and institutes in this year.

This year in addition to regular issues, College has published this Special Issue of 'The 19 (1) (a)' Indexed Peer Reviewed Half Yearly Law Journal, which comprises of research papers contributed by scholars for International Seminar organised by College in Association with the Culture House of the Islamic Republic of Iran, Mumbai. My best wishes are always with the college and its constant endeavors to attain higher goals for the development of the College. I also extend my best wishes to all the researchers who have contributed their manuscripts to make this endeavor of research a grand success.

Prof. Dr. Gajanan R. Ekbote
Chairman, Business Council,
Progressive Education Society
Pune 05

MESSAGE FROM COORDINATOR



'Research is systematic attempt to exploit what is known and make it better.'

-Kevin Kelly

The Progressive Education Society`s Modern Law College, Pune 16, has flourished under the able stewardship of our Hon.ble Chairman, Prof. Dr. Gajanan R. Ekbote and the valuable guidance of the entire Business Council, Progressive Education Society, Pune. The College has all the required infra structure by the grace of the benevolent Society, however the endeavor shall always be to excel. The Teaching and the Non Teaching Staff members of the P.E.S. Modern Law College have unitedly strived for the excellence in academic, cultural and social upbringing of the College.

The various seminars, workshops and research activities along with the Shankarrao Kanitkar National Level Moot Court Competition give the college a practical approach to the legal education they are undergoing.

This is Third consecutive year in which P.E.S. Modern Law College is publishing the third volume of 'The 19 (1) (a)' Indexed Peer Reviewed Half Yearly Law Journal bearing ISSN: 2348-4950. I extend my well wishes to all of them who have shown their interest and contributed their research papers to his journal.

Adv. Chintamani Ghate
Coordinator
Modern Law College,
Pune 16.

MESSAGE FROM PRINCIPAL



Hello Friends!

Dear Researchers,

Progressive Education Society, started in 1934 By Late Shri. Shankarrao Kanitkar, has now grown up into a giant tree under the visionary guidance of Prof. Dr. G. R. Ekbote. Modern Law College is one of the important branches of this tree of P.E. Society. It is an honour and a privilege to be the Principal of P. E. Society's Modern Law College. The College that stands for excellence and continuously sets the highest standards, the College is an alma mater which all alumni look back to with fond memories.

In my opinion an education institute is not just about bricks, mortar & concrete, but about building character, enriching minds & about enriching experiences that lasts a life time. Life is not a set of instructions but is a series of experiences & learning process.

In academic year 2017-18 P.E.S Modern Law College is publishing a Special Issue of 'The 19 (1) (a)' Indexed Peer Reviewed Half Yearly Law Journal on 'Socio-Cultural Factors behind Crime' bearing ISSN: 2348-4950. My best wishes are with all the Contributors and hope they do excel in the future.

I hope we will do our best for the progress of the college and the students under the able guidance of Prof. Dr. Gajanan Ekbote, Chairman, P. E. Society, our management and our well wishers.

Dr. Mrs. Sunita Adhav
Principal
Modern Law College
Pune 16

REPORT

Under the able guidance of Prof. Dr. G. R. Ekbote, the Modern Law College Since its inception in 2003 has remained steadfast to its commitment for inculcating the *'spirit of the law'* in the law students.

In continuation of its tradition of organising quality based events such as, National level Seminars and Moot Court Competition, in Academic year 2017-18, College organised 2nd International Seminar on the topic of 'Socio-Cultural Factors behind Crime' on 17th March 2018. This event was organised in association with Culture House of the Islamic Republic of Iran, Mumbai.

The sub-theme of the seminar consisted of:

1. Socio-Cultural Factors behind Crime
2. Special legislations governing socio-cultural crimes'
3. International Law on socio-cultural crimes'
4. Ancillary issues

Participation:

College got tremendous response as around 30 research articles were submitted by Academicians, Lawyers and Students in the seminar. Out of this 24 were accepted and published in a special issue of 'the 19 (1) a' Indexed Peer Reviewed Law Journal bearing ISSN 2348-4950.

Advisory Committee

Following luminaries were the Advisory for the Seminar

- Prof. Shamkant Deshmukh, Secretary, P. E. Society, Pune 05
- Prof. Jyotsna Ekbote, Joint Secretary, P. E. Society, Pune 05
- Prof. Dr. PG Dixit, Visitor, Modern Law College, Pune 16

FIRST SESSION

Dr. Vanisree Ramnathan, Assistant Professor, Symbiosis Law School, Pune, Adv. Chintamani Ghate, Coordinator, Modern Law College, Dr. Sunita Adhav, Principal, and Dr. Ananya Bibave, Vice- Principal, Modern Law College, Pune were present at the first session of the Seminar.



Dr. Vanisree Ramanathan, Assistant Professor, Symbiosis Law School, Pune and Resource Person for the first session, addressing the gathering.



Audience at the first session of the Seminar



Dr. Kamalakar. S. Waghmare Assistant Professor, ILS Law College, Pune, presenting his research paper titled 'Atrocities: Anti-Thesis of Fraternity.'



Mrs. Shilly John, assistant Professor, Modern College of Arts, Commerce and Science, Ganeshkhind, Pune presenting her paper titled 'Credit Card Fraud : A Global Perspective .'



Adv. Mrs. Mayura Sabne-Botungale, Shivajinagar District Court, Pune, presenting her research paper titled, 'Lifting The Socio-Cultural Veil of Terrorism Financing - A Critical Assessment'



Adhityan C., student, Tamil Nadu Dr. Ambedkar Law University (School Of Excellence in Law-SOEL) presenting his research paper titled 'Crime Reaped Today Was Sowed Yesterday'





Vijayalakshmi Raju, Student, Dr. Ambedkar Global Law Institute Tirupati A.P [India] presenting her research paper titled 'Crime, Crime Rates and Its Preventive Measures – A Statistical Analysis'

SECOND SESSION



Mr. Mahdi Zare Bieib, Director, Culture House of the Islamic Republic of Iran, Mumbai addressing the Gathering

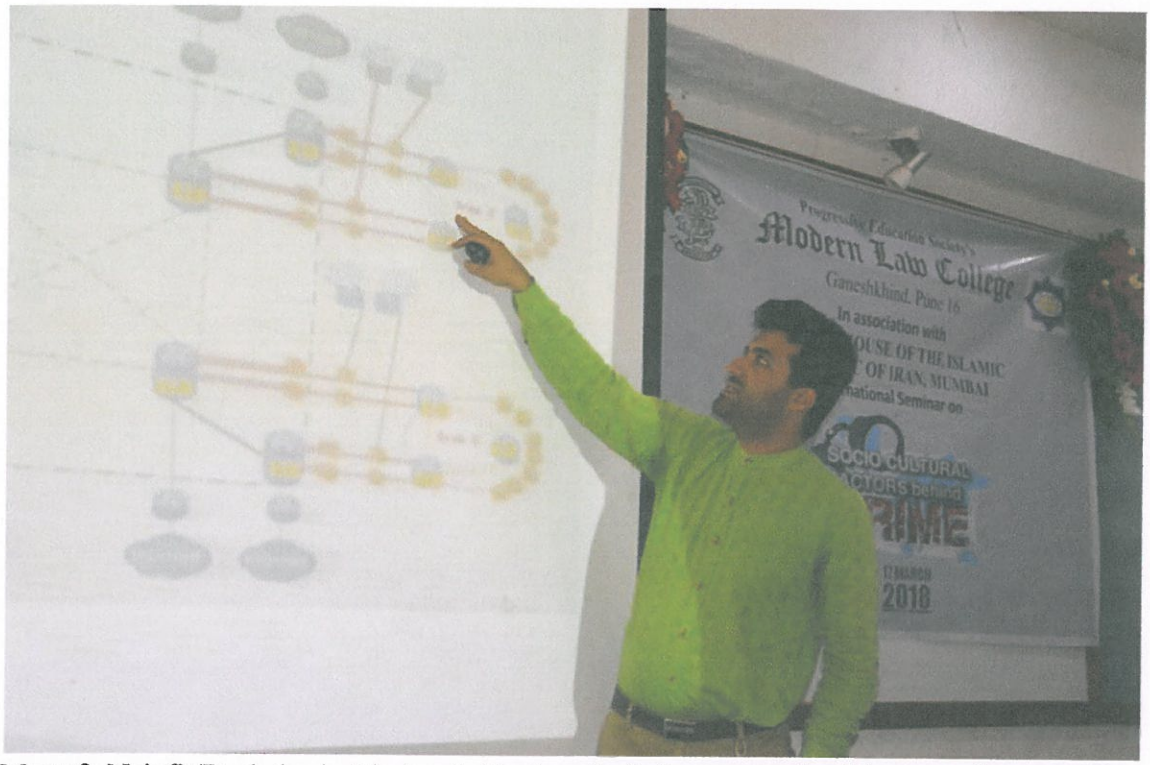


Audience at Second Session

THIRD SESSION:



Dr. Syed AliReza Tabatabaie, Iran, addressing the gathering at the Third Session



Mustafa Najafi (Bachelor in Electronic Engineering), Iran presenting his research paper titled 'National Information Network of Iran and its facilities for Situational Crime Prevention'



Dr. Naresh Waghmare, associate Professor and Ph.D. Research Guide, Department of Law, Savitrabai Phule Pune University, Pune presenting his Research Paper.



Mr. Rahul Bibave, Assistant Professor, Y. C. Law College, Pune, presenting his Research Paper.



Ms. Tanaya Kamlakar, PhD Research Scholar, Department of Law, Savitrabai Phule Pune University, Pune presenting her Research Paper titled 'Discourse on Crime And Sociological Factors Affecting Crime: Theoretical Frame of Reference Where Society Failed In Teaching '.



Ms. Amulya Nigam, LLM Student, Institute of Law, Nirma University, Gujarat, presenting her paper titled 'Factors Responsible For Female Foeticide In India'



Audience at Third Session

PUBLICATION OF A SPECIAL ISSUE:

24 research papers accepted and presented at the International Seminar were published in a special of 'the 19 (1) a' Indexed Peer Reviewed Law Journal bearing ISSN 2348-4950.



Unveiling of Seminar Proceedings

From Left: Dr. Vanisree Ramanathan, Assistant Professor, Symbiosis Law School, Pune; Dr. Syed AliReza Tabatabaie, Iran; Mr. Mahdi Zare Bieib, Director, Culture House of the Islamic Republic of Iran, Mumbai; Dr. Sunita Adhav, Principal, Modern Law College, Pune

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16.

P.E.S's Modern Law College * Pune-16 *

Progressive Education Society's

Modern Law College

in association with

Savitribai Phule Pune University

Under Quality Improvement Program

TWO DAY NATIONAL SEMINAR ON

CURRENT TRENDS IN

SUSTAINABLE DEVELOPMENT

ISSUES AND CHALLENGES

17 & 18 JAN, 2020

www.modernlawcollege.org
info.mlcj@gmail.com
Savitribai Phule Pune University Circle, Pashan Road, Ganeshkhind, Pune - 411016
020 25638987, +91 8975588777

PRINCIPAL

P. E. Society's Modern Law College



The Progressive Education Society's, Modern Law College, Pune is one of the premier legal educational institutes in Maharashtra, situated close to the "Oxford of the East" i.e. the Savitribai Phule Pune University. Established in 2003, Modern Law College has carved a niche for itself though it is still in its nascent stage. Permanently Affiliated to the Savitribai Phule Pune University, and recognized by the Bar Council of India, the College is also recognized under section 2(f) & 12 (B) of UGC Act 1956. The College stands as one of the best law colleges in Pune.

All the courses are approved by the Savitribai Phule Pune University, which include Degree programs LL.B. (3 years) & B.A. LL.B (5 years.), Masters in Laws (LL.M.) and various Diploma programs and Certificate courses. The fee structure and Syllabus for all the courses is as per the directives of the University of Pune.

Keeping students' need of grasping more knowledge about the contemporary issues, Modern Law college conducts regular seminars led by experts in that field of expertise to focus on relevant topic or discipline. Modern Law College's seminar take place for a day or over the course of two days and involve cooperative discussion, multiple speakers and opportunities to share perspectives and issues related to the topic.

Progressive Education Society's
Modern Law College
Recognised by the Government of Maharashtra,
Permanently Affiliated to the Savitribai Phule Pune Unversity
& Approved by the Bar Council of India, New Delhi
I.D. No. PU/PN/LAW/189/2003; Recognized U/S. 2(f) &12(B) of UGC Act 1956
Accredited by NAAC with B++ grade
Ganeshkhind, University of Pune circle, Pune -411016
Ph: 020 25638987, 89755 88777, www.modernlawcollege.org, info.modernlaw@gmail.com

Report of National Seminar on Sustainable Development: Issues and Challenges

Date: - 17/01/2020

National Seminar on Sustainable Development: Issues and Challenges

Since its inception in 2003, the Modern Law College, under the able guidance of Prof. Dr. Gajanan Ekbote, has remained steadfast to its commitment for inculcating the 'spirit of the law' in the law students. In an endeavor to enhance legal skills and augment knowledge of law, the college organized two days State Seminar on 'Sustainable Development: Issues and Challenges" on 17th and 18th January, 2020. Seminar was organized under Quality Improvement Programme of Savitribai Phule Pune University.

The sub-theme of the seminar

- Sustainable Development as a current trend
- Issues to Sustainable Development
- Challenges before Sustainable Development

Participation

College got tremendous response as around 15 research articles were submitted by students, academicians, professors in the seminar.

Publication

15 research articles accepted and presented in the seminar were published in SOUVENIR Seminar Proceedings Journal titled Two Day National Seminar on Current Trends in Sustainable Development Issues and Challenges bearing ISBN: 978-81-929282-7-2

Advisory Committee

Following luminaries were the Advisory for the Seminar

PATRONS

Prof. Dr. Gajanan R. Ekbote

Chairman, Business Council,

P.E. Society, Pune – 05.

ADVISORY

Prof. Shamkant Deshmukh

Secretary, Business Council,

P.E. Society, Pune – 05.

Prof. Jyotsna Ekbote,

Joint Secretary,

P.E. Society, Pune – 05.

Two Day National Seminar on "Current Trends in Sustainable Development: Issues and Challenges" Schedule

Day 1

Time	Details	Speakers
8.30am	Breakfast and Registration	
9.30-10.30am	Inaugural Session	Prof Dr Paramjit Jaswal Vice-Chancellor, RGNLU
10.30-11.30am	Technical Session I Sustainable Development Goals	Prof Dr. Nishtha Jaswal Vice-Chancellor, HPNLU
11.30-12.30pm	Technical Session II Economic Sustainability	Dr. Bharat Vhankate Vice-Principal, Garware College of Commerce
12.30pm-1.30pm	Lunch	
1.30pm-2.30pm	Technical Session III Environmental Sustainability	Dr. Shyam Bajekal
2.30pm-4.00pm	Technical Session IV Paper Presentation	

Day 2

Time	Details	Speakers
9.00am-10am	Breakfast	
10.00am-11.00am	Technical Session V	Dr. Pradip Purandare Former Member of

		State Level Expert Committee on "Integrated State Water Plan"
11.00am-1.00pm	TECHNICAL Session VI Sustainability and Climate Change	1. Dr. Priyadarshini Karve Director-Samuchit EnviroTech 2. Dr. Dilip Chate Scientist-F, IITM, Pune
1pm-2pm	Lunch	
2PM-3PM	Technical Session VII	Dr. Ankur Patwardhan Head, Department of Biodiversity,Abasaheb Garware College. Chairman High Level Monitoring Committee Eco Sensitive Zone
3pm-4pm	Technical Session VIII Paper Presentations	
4pm-5pm	Valedictory	Prof. Dr.N.N.Maldar

		Former Vice Chancellor Punyashlok Ahilyabai Holkar Solapur University Dr. Wasantha Seneviratne Professor, Department of Law University of Colombo, Sri Lanka

Day 1

1st Technical Session: - Sustainable Development Goals

The inauguration of the Two Day National Seminar on 'Sustainable Development: Issues and Challenges' was held in the auspicious presence of Prof. Dr. Paramjeet Jaswal Sir, Vice Chancellor, Rajiv Gandhi National Law University and Prof. Dr. Nishta Jaswal madam,Vice Chancellor, Himachal Pradesh National Law University who were also the resource persons for the 1st technical session.

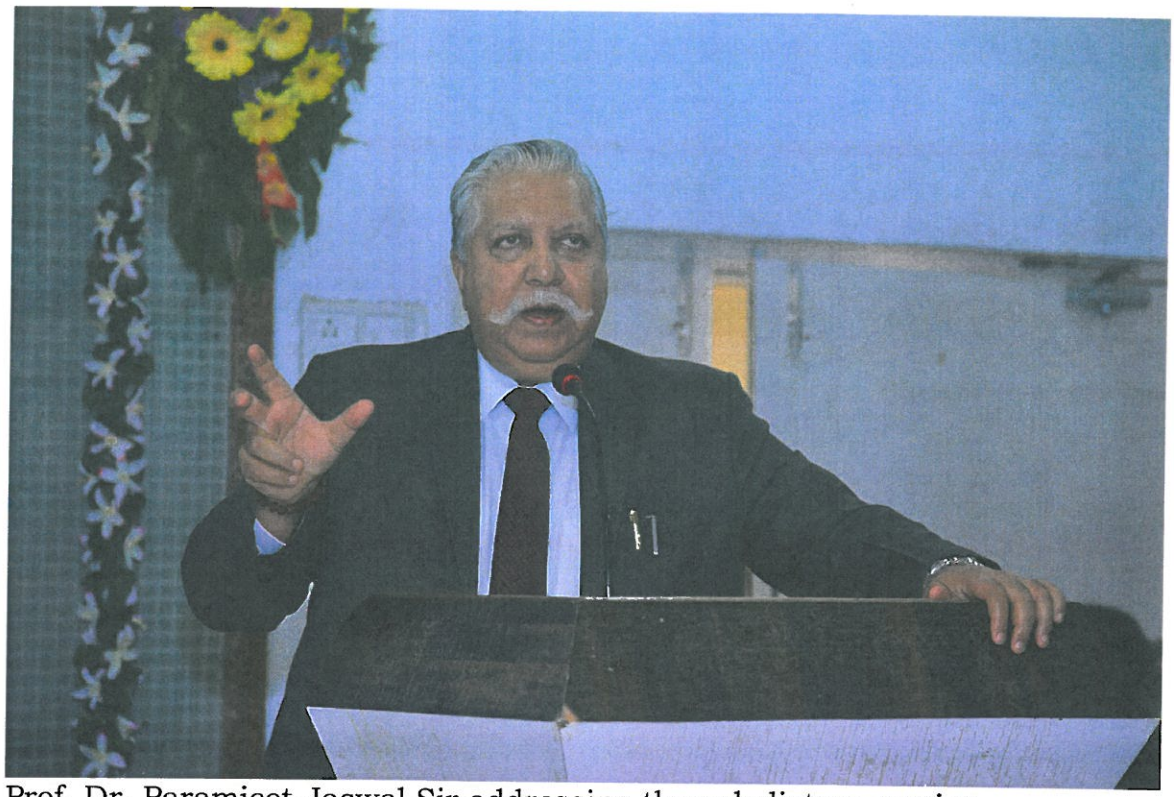
The program began with the welcome address given by Prof. Dr. Sunita Adhav madam, Principal, Modern Law College. During the same she gave an insight about the formation, journey, challenges faced and the reputation earned by the Progressive Education Society and Modern Law College under the able guidance of Prof. Dr. Gajanan Ekbote Sir, Chairperson, Progressive

Education Society. Prof. Dr. Sunita Adhav madam also mentioned that various conferences are being held on the topic of sustainable development and further conveyed the objective of the college in organizing this national seminar that of being true and faithful to the words 'Progressive' and 'Modern' as are included in the name of the society and the institution.

Prof. Dr. Ananya Bibave madam, Vice Principal, Modern Law College took the privilege to introduce the honorary guests wherein madam mentioned of learning from as well as teaching from the books crafted by our guests.

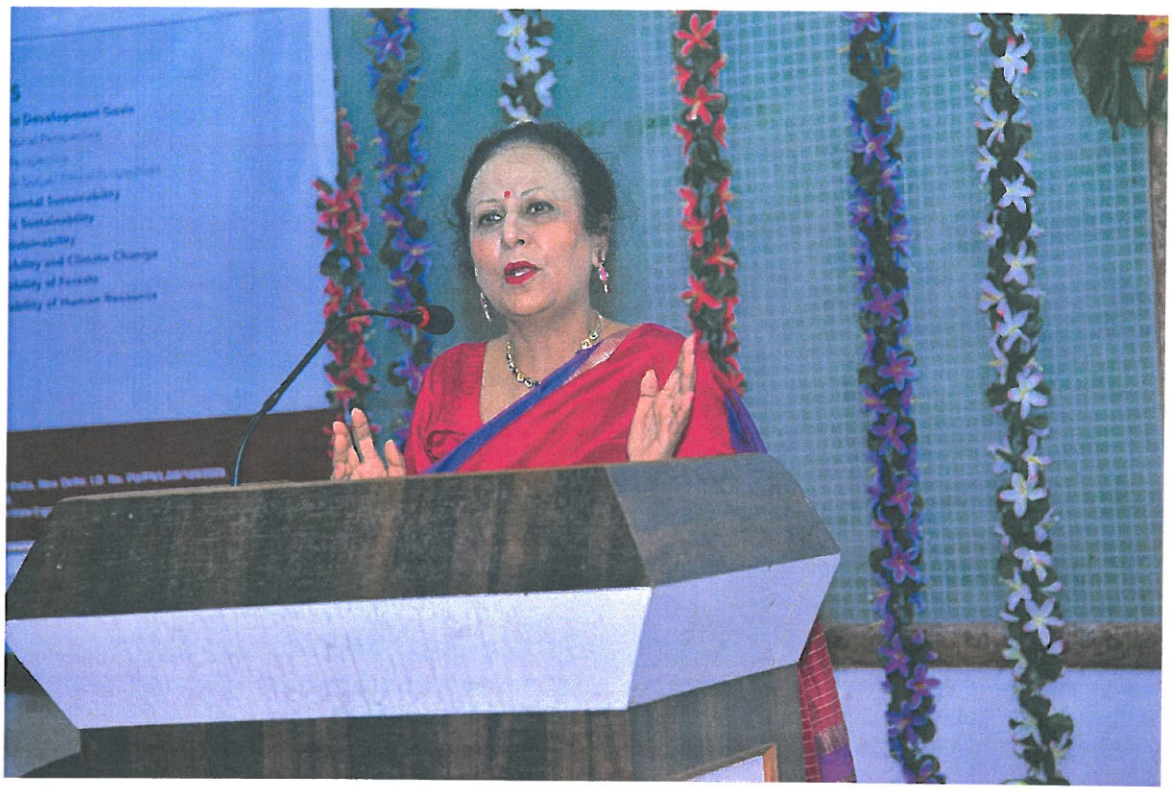
Our first resource person Prof. Dr. Paramjeet Jaswal Sir started with his speech. He divided the topic into three sections namely 'sustainable development', 'current trends' and 'issues and challenges. While talking about sustainable development he stated "no disturbance to nature should be done under the garb of development". Also, he mentioned about the Principle of 'Polluters Pay' wherein he informed about certain judgements of the Supreme Court being made on this principle. As regards to current trends, he stated that there is awareness but no action is seen. When it came to issues and challenges, he expressed an opinion that common sense ignition in the minds of people towards nature can prove beneficial in achieving Sustainable Development Goals.





Prof. Dr. Paramjeet Jaswal Sir addressing the valedictory session

Our 2nd resource person Prof. Dr. Nishta Jaswal started with her speech. While giving her speech she mentioned landmark judgements of Supreme Court of India wherein fundamental rights having direct relation to use of natural resources were discussed and recognized. She further stated that all the sustainable development goals are inter-dependent and thus conveyed how crucial it is to work towards those. Being a poet at the same time she recited few lines of her own about nature and appealed through her words to be nature friendly. She also quoted few lines of the father of our nation Adv. Mohandas Karamchand Gandhi wherein he has said, "Happiness is achieved through harmony in thoughts, sayings and doings."



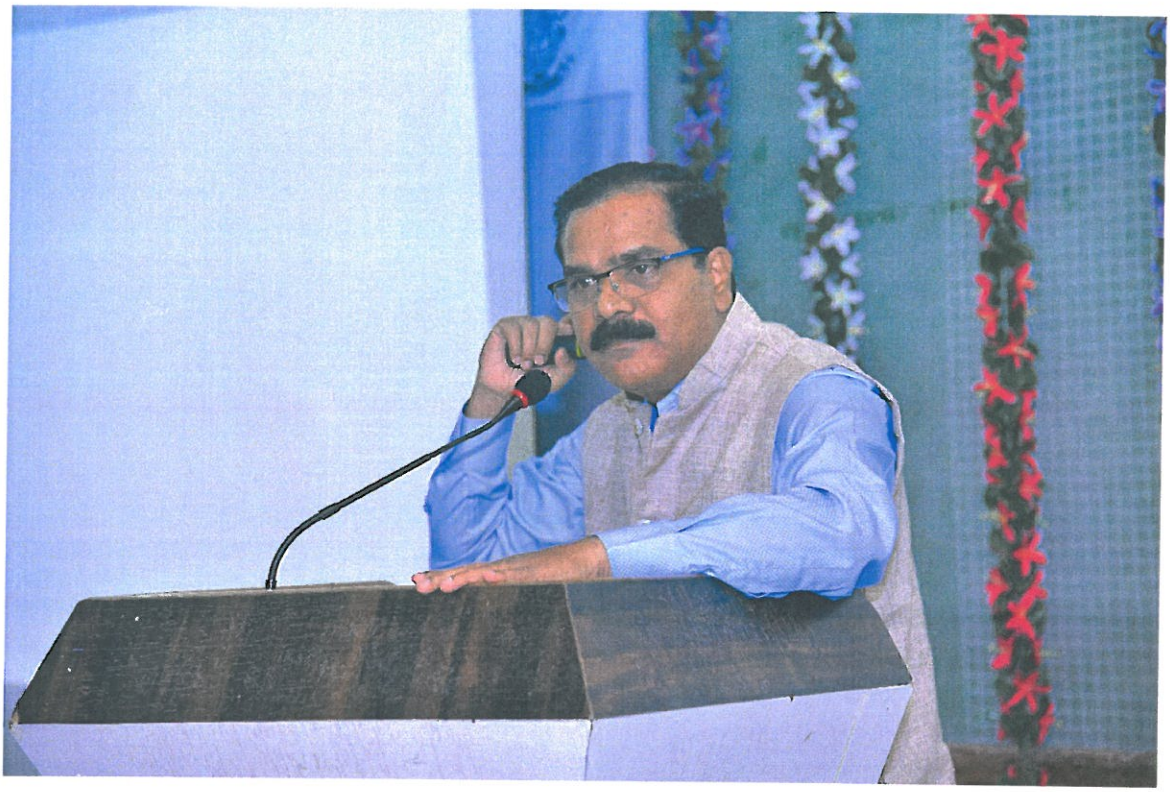
Prof. Dr. Nishta Jaswal Madam addressing the students

Day 1

2nd Technical Session: - Economic Sustainability

Asst. Prof. Shivanjali Bhoite madam introduced the guest for the 2nd technical session Dr. Bharat Vhankate Sir, Vice Principal, Garware College of Commerce who being from a commerce background related Sustainable Development with his field of study and practice in a very interesting manner. He stated that surviving in the competition is the first and foremost objective of a business in today's world in the context of Sustainable Development. Dr. Bharat Sir also told us briefly about the changing definition of marketing time and again determined by American Marketing Association. Further he talked about unsustainable practices such as increasing size of family which comprises standard of living, deforestation, excessive urbanization and also unethical practices by the businesses. According to him we are having wrong notions of sustainable development

as panels used in the solar system are indestructible, he also said use of e-vehicles will largely affect use of coal thus increasing it to a greater extent.



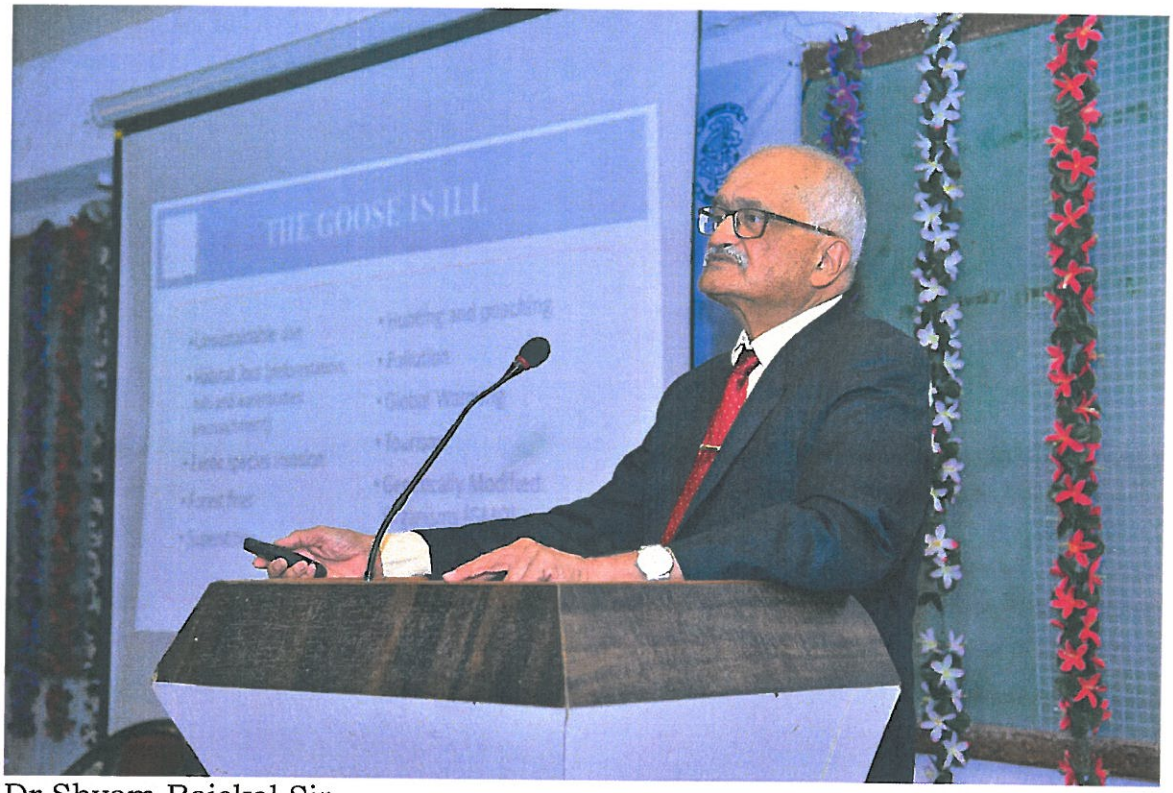
Dr. Bharat Vhankate Sir

Day 1

3rd Technical Session: - Environment Sustainability (Post-Lunch)

Dr. Shyam Bajekal Sir, Emeritus Biodiversity Fellow, Maharashtra State Biodiversity Board was the resource person for the 3rd technical session. He stated that there are 4 pillars of sustainable development namely society, human, economy and environment. He described nature as a goose laying golden eggs which certainly reminded us of the story of the goose laying golden eggs who was killed by her owner because of his greed. He sharply pointed out extensive use of technology is making our nature ill because of which habitat loss, forest fires, et cetera take place. Further he gave

information about ways of saving the nature wherein he gave an insight about the Biological Diversity Act, 2002 of India also mentioning about various conventions and protocols. He informed us about the ABS system i.e. Access to Biological Resources and Benefit Sharing which has proved to be a significant concept in India.



Dr Shyam Bajekal Sir

Day 1

4th Technical Session: - Paper Presentation

After the 3rd technical session, paper presentations were welcomed. 7 presenters pursuing law were the ones who presented their papers. Our resource person Dr. Shyam Bajekal Sir congratulated all the presenters for choosing controversial topics and for being confident about their respective presentations.

Day 2

5th Technical Session: - Water Sustainability

Asst. Prof. Mayura Borde madam introduced the resource person Dr. Pradeep Purandare, Former Member of State Level Expert Committee on 'Integrated State Water Plan' who then began with his speech. During his speech he talked to us about various acts and statutes as well as government bodies as regards to sustainable development of water resources and water governance in India wherein he talked about the inefficiency as even today rules which are repealed by law itself are taken into consideration and are still followed. He is of the view that Maharashtra Water Resources Regulatory Authority Act which was one of its kind could have made the situation better but due to an amendment it is now under the supervision of the government which has proved unfruitful. While answering to one of the questions raised, he revealed that there is no any authority to keep a check on these aspects. Also, he mentioned literature is vast on these aspects but there is no action seen.

Day 2

6th Technical Session: - Sustainability and Climate Change

Dr. Priyadarshini Karve madam, Director, Samuchit Envirotech who was our second resource person in the 6th technical session of Day 2 started with her speech. She gave us a brief idea about Ecological Footprint. On the basis of calculation our Ecological Footprint is 1.3 times of our earth. The extra 30% is the unnecessary part is what she stated. In fact, the ideal ecological footprint should either be 0.7 or 0.8 so that other species are able to use the resources. She stated that increasing population is often blamed but it is not an issue as population will stabilize at some point of time but the main problem behind it is the greed of having more which is causing danger to our own environment. She also talked about the Paris Agreement for Climate

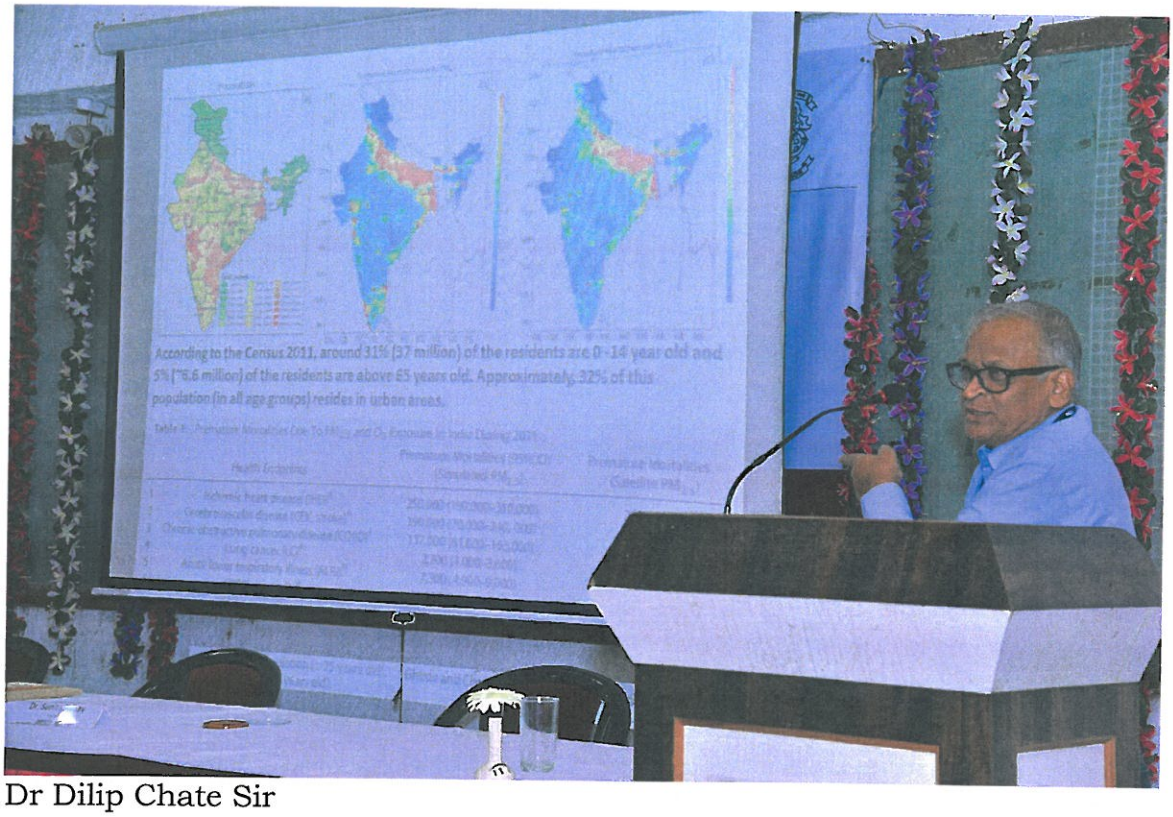
Change. She further stated that urban areas are the ones causing emission but effects of it are faced by rural and tribal areas and no empathy is shown towards them. She has a strong opinion that efficiency should be combined with sufficiency in order to make sure that our environment is taken care of.



Dr. Priyadarshini Karve madam, Director, Samuchit Envirotech

Dr. Dilip Chate Sir, Scientist, IITM, Pune resource person for the 6th technical session of Day 2 started with his speech. He talked about the air pollution and its exposure to public, further mentioning its impacts on various aspects of human life and the environment. He gave a detailed information specifically about the impact of air pollution on agriculture in India, it being an agricultural country. While doing so, he talked about the National Food Security Bill. He stated authentic data should be taken into consideration as neglecting such statistics is causing harm to respiratory of a large number of people in the country. He stressed that urbanization shall

be there but keeping in mind the sustainable development goals. One such method can be having green roof tops in the urban areas was a suggestion given by sir. While answering to one of the questions raised, he said that even though data is available there is a huge gap between analyzing and planning, which if executed in a proper way can prove beneficial.



Dr Dilip Chate Sir

Day 2

7th Technical Session (Post Lunch)

Asst. Prof. Savita Bansode madam introduced our resource person for the 7th technical session of Day 2 Dr. Ankur Patwardhan Sir, Head, Department of Biodiversity, Abasaheb Garware College and Chairman, High Level Monitoring Committee Eco Sensitive Zone. Dr. Patwardhan Sir being a biologist had a very different yet interesting way of looking at Sustainable Development. He gave the information about ecosystem benefits of a forest. While doing so he revealed that Pollination is an ecosystem service by

honeybees, value of which cannot be determined in money. He further told us about the medicinal values/characteristics of plants available in India, the number of which exceeds 8000 and more than 50% of which are serving for primary healthcare. He presented before us a comparative study of two villages one of which had conserved their forest and another of which had destroyed it completely. The one without a forest faced drought for a very long period whereas the other having conserved their forest faced drought but only for 15 days. Also, agricultural produce in the village without a forest had reduced over time but in another village it was efficient.



Dr. Ankur Patwardhan Sir being felicitated by Dr Sunita Adhav Madam

Day 2

8th Technical Session: - Paper Presentations

After the 7th Technical Session of Day 2, paper presentations were welcomed wherein 8 presenters from different backgrounds presented their respective papers. The resource person for our 7th Technical Session of Day 2 Dr. Ankur Patwardhan Sir congratulated all the paper presenters, appreciating each and every presenter for their unique and valuable thoughts.

Valedictory Session

The guests of honor for the Valedictory session were Prof. Dr. N.N. Maldar Sir, Former Vice Chancellor, Punyashlok Ahilyabai Holkar Solapur University, Dr. Wasantha Seneviratne madam, Professor, Department of Law, University of Colombo, Sri Lanka and Prof. Dr. Indira madam were warmly welcomed. Dr. Wasantha madam coming all the way from Sri Lanka, beautifully expressed the relations of Sri Lanka with India. While doing so, she mentioned about various case laws from both India and Sri Lanka which had dealt with the issues affecting our environment.



Prof. Dr Vasantha Seneviratne and Prof Dr. Indira Nanayakkara

Our next guest of honor Prof. Dr. N. N. Maldar Sir started with his speech. He talked about non-conventional sources of energy wherein he revealed that solar system undertaken to be used in India is not economically viable as the panels are imported from China. He further stated that energy saved is energy generated. He appealed to keep 5 things in mind regarding the use of Single Use Plastic, that it is hygienic, safe and essential and one should think about the social and economic impact that it would have on our environment.

Certificates were distributed to the paper presenters in the auspicious presence of our guests. Also, various other prizes from Dr. Sunita Mane madam, Librarian, Modern Law College were given at the hands of the guests.



Best Researcher award handed over by Prof Dr N.N.Maldar Sir.

Vote of Thanks

Asst. Prof. Akshay Ugale Sir thanked all the resource persons for helping our college in inculcating good values and sensitizing the minds of our students in the right direction. Sir taking the opportunity also thanked all the staff members, paper presenters, volunteers and students who had attended the seminar.

Modern Law College

National Seminar List of Participants

Sr No	Name	Name of the Institute
1	Shrirang Ashtaputre	ILS Law College
2	Dimple Shikhawat	Dr. D.Y.Patil Law College Nerul
3	Shailaja Paraswale	Modern Law College
4	Savita Khandave	Modern Law College
5	Aakansha Bharadwaj	Yashwantrao Chavan Law College
6	Aditya Nikam	Modern Law College
7	Janhavi Zanje	MVP Samaj Law College
8	Harshita Kapoor and Anjali Ann D Cunha	Symbiosis Law College
9	Vidya Pawar	Modern Law College
10	Madhuri Sarwade	Modern Law College

11	Shubham Rawade	Modern Law College
12	Ishan Singh	St Joseph's College, Bangalore
13	Dr. A.Venkatesan	Ph.D Scholar, G.D GOENKA University
14	Anushka Madhurkar	St Joseph's College, Bangalore

PRINCIPAL
P. E. Society's
Modern Law College
Ganeshkhind, Pune-16.

PATRON

Prof. Dr. Gajanan Ekbote
Chairman, P.E. Society

Advisory Committee
Prof. Shamkant Deshmukh,
Secretary, P.E. Society, Pune-05

Prof. Jyotsna Ekbote
Joint Secretary, P.E. Society,

INVITEES

Dr. Chintamani Ghate,
Coordinator, Modern Law College

CONVENOR

Dr. Sunita Adhav,
Principal, Modern Law College,

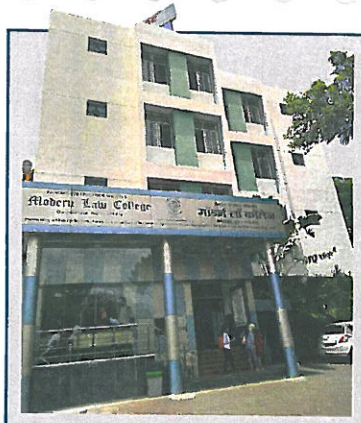
SEMINAR COORDINATOR

Dr. Ananya Bibave
Vice-Principal, Modern Law College

Asst. Prof. Akshay Ugale
Assistant Professor, Modern Law College

STUDENT REPRESENTATIVES

Ms. Ruchira Dandekar	Ms. Aurandati Tadkod	Mr. Himanshu Shah
9370873715	7722092792	9890957139



The Progressive Education Society's, **Modern Law College,** Pune 16 is one of the premier legal educational institute in Maharashtra situated close to the "Oxford of the East", Savitribai Phule Pune University. Established in 2003, **Modern Law College,** has carved a niche for itself. The College is permanently affiliated to the Savitribai Phule Pune University, recognised by the Bar Council of India, & U/S 2(f) 12 (b) of UGC Act, 1956 and accredited 'B++' by NAAC Bengaluru. The College stands as one of the best law colleges in Pune.

All the courses of the college are approved by University, which include Degree programs LL.B. (3 years) & B.A. LL.B (5 years.), Masters in Laws (LL.M.) and various Diploma programs and Certificate programs.

The academic excellence is manifested from the results of the students of PES **Modern Law College.**, not only in academics but also sports and co curricular activities. The students have won laurels for the college in various state and National level competitions.

PES Modern Law College also accommodates several foreign students from countries like Iran, Sri Lanka, Afghanistan, Thailand, and South African continent etc. with special attention to their orientation, counselling and problems faced in studies

'Ignoranti Juris neminem excusat'
'Lex facit Regem'

Scan for location

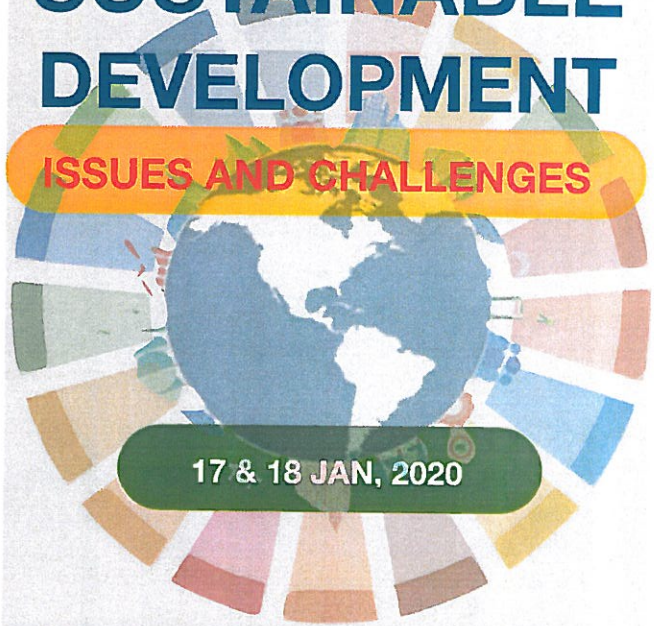
Progressive Education Society's
Modern Law College
in association with
Savitribai Phule Pune University
Under Quality Improvement Program

TWO DAY NATIONAL SEMINAR ON

CURRENT TRENDS IN

SUSTAINABLE DEVELOPMENT

ISSUES AND CHALLENGES



17 & 18 JAN, 2020

www.modernlawcollege.org
info.mlcj@gmail.com
Savitribai Phule Pune University Circle, Pashan Road, Ganeshkhind, Pune - 411016
020 25638987, +91 8975588777

Call for Research Articles & Paper Presentations

Original unpublished research papers are invited from academicians, environmentalists, practitioners, researchers, scholars and students on the abovementioned objectives and related areas on the sub themes mentioned below:

- **Sustainable Development Goals**
  - **International Perspective**
  - **Indian Perspective**
  - **Political/ Social/ Ethical Perspectives**
- **Environmental Sustainability**
- **Economic Sustainability**
- **Water Sustainability**
- **Sustainability and Climate Change**
- **Sustainability of Forests**
- **Sustainability of Human Resource**

Important Dates

15 DEC 2019	Last date of Submission of Abstract
20 DEC 2019	Last date for communication of acceptance of Abstract
31 DEC 2019	Last date of Submission of Full Paper
02 JAN 2020	Last date of communication of acceptance
10 JAN 2020	Last Date of Registration
17 JAN 2020	Inauguration of Seminar
18 JAN 2020	Conclusion of the Seminar

About

The term 'Sustainable Development' has been on the anvil of International community since nearly four decades. The meaning and perspective of sustainability has changed according to the changing times, however, the importance of incorporating the sustainability approach in the day-to-day working from households to Industries has never been watered down. Sustainable development is in the news every day as the world copes with climate change, biodiversity loss, conflict and resource scarcity. With the new millennium and the Sustainable Development Goals introduced by the United Nations Organisation, the importance of incorporating them in the lifestyles of persons through state action as well as individual action has increased. It is well accepted that deliberations and discussions on such subjects clarifying the status of sustainable development and the possible additions and incorporations required in the lifestyles of individuals needs to be pondered upon from time to time. It is with this view that the College wishes to conduct the Multidisciplinary National Seminar involving cross-cutting issues relating to the Legal, Political, Social, Ethical and Environmental perspectives of the Sustainable Development.

Objectives of the Seminar

1. To understand the various facets of Sustainable Development
2. To determine the current trends in Sustainable Development Internationally
3. To analyse the significance of legal, political, social, ethical and environmental perspectives in sustainable development
4. To study the impact of the Sustainable Development Goals and their Incorporation in the Indian Polity.

Call for Papers

The Modern Law College invites research papers from Researchers, Students, Academicians, Fellows, Experts, Practitioners, Executives, Representatives from NGO and other relevant stake holders.

Format of paper
Title: Size 14, Times New Roman
Content: Size 12, Times New Roman, 2000 to 3000 words
Citation: SILC Footnoting System
Line spacing 1.5

Students:
Indian - Rs. 500
Foreigners - 13$

PhD Scholars, Professionals, Academicians etc and Others:
Indian - Rs.1500
Foreigners - 24 $

Seminar fees includes: Kit, Breakfast and Lunch, excluding accommodation. Payment shall be made by way of DD drawn in favour of Principal, Modern Law College, Pune, 16. **OR**

Details for e-payment
Beneficiary Name: Principal Modern Law College
Name Of the Bank: IDBI Bank
Name of the Branch: Aundh Branch, Pune
Account Type: Saving Account
Account No: 062104000055550
RTGS/IFSC Code: IBKL0000062
MICR Code: 411259003
Kindly send the transaction details on email.



Progressive Education Society's

Modern Law College

in association with

Savitribai Phule Pune University

Under Quality Improvement Programme

Certificate

This is to certify

Prof./Dr./Mr./Ms. _____

has Participated | Presented | Published their research paper titled

_____

at the Two-Day National Seminar on

Current Trends in Sustainable Development: Issues and Challenges

on the 17th and 18h January, 2020,

Adv. Dr. Chintamani Ghate
Coordinator
Modern Law College

Dr. Sunita Adhav
Principal
Modern Law College

P E Society's

Modern Law College

Ganeshkhind, Pune

20

Report of Guest Lecture Tribal Rights Awareness

Date: 28. 06. 2021
Time: 11:00

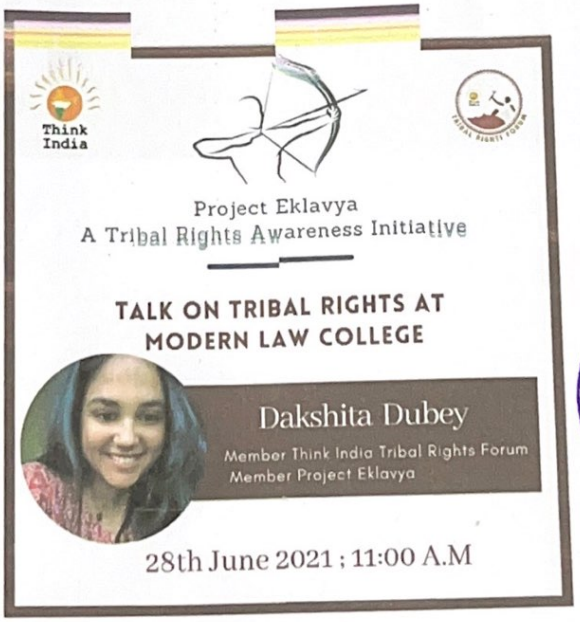
Modern Law College, Pune organized an online guest lecture on **Tribal Rights Awareness**, on the 28th of June, 2021 from 11 am. **Dakshita Dubey** delivered the lecture, Member, Think India Tribal Rights Forum Member Project Ekalvya. The Guest Lecture was Hosted and the Guest was Introduced by Asst. Prof. Vikas Waghmare. 207 students were present, on Zoom Meeting and on the YouTube handle of the college, for the guest lecture.

The guest speaker started with a question about rights. Further, she started talking about tribal rights. She talked about the historical evolution of human rights with reference to Tribal rights. The problems that are faced by the tribes were discussed in the leture.

At the end the speaker concluded the lecture with an idea of the current scenario of the community. the last 10-15 minutes were reserved for the question-answer session.

A vote of thanks was given by Asst. Prof. Vikas Waghmare.

The flayer of the Guest Lecture:



PES's Modern Law College * Pune-16 *

The link to the Guest Lecture:

ModernLawCollege is inviting you to a scheduled Zoom meeting.

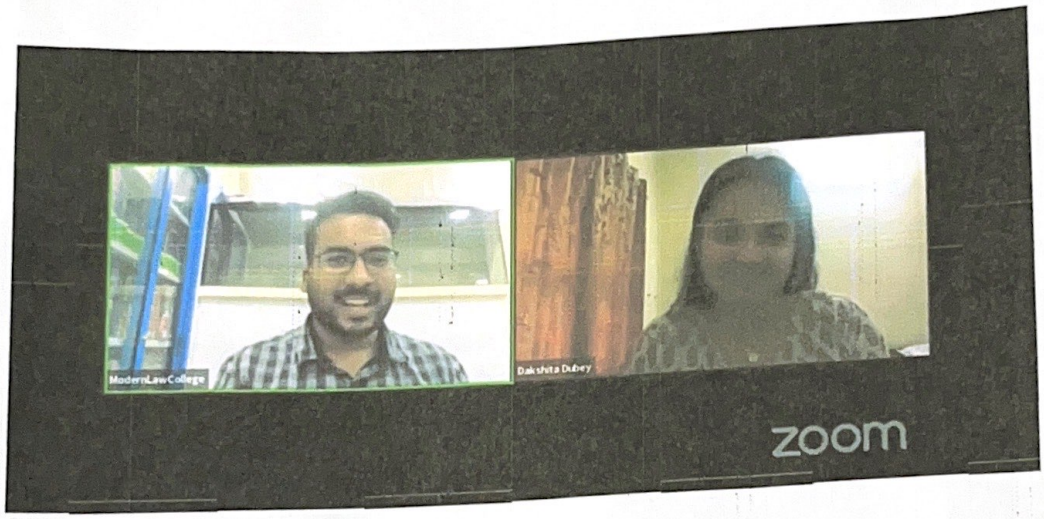
Topic: A Tribal Rights Awareness Initiative in association with Think India
Time: Jun 28, 2021, 11:00 AM Mumbai, Kolkata, New Delhi

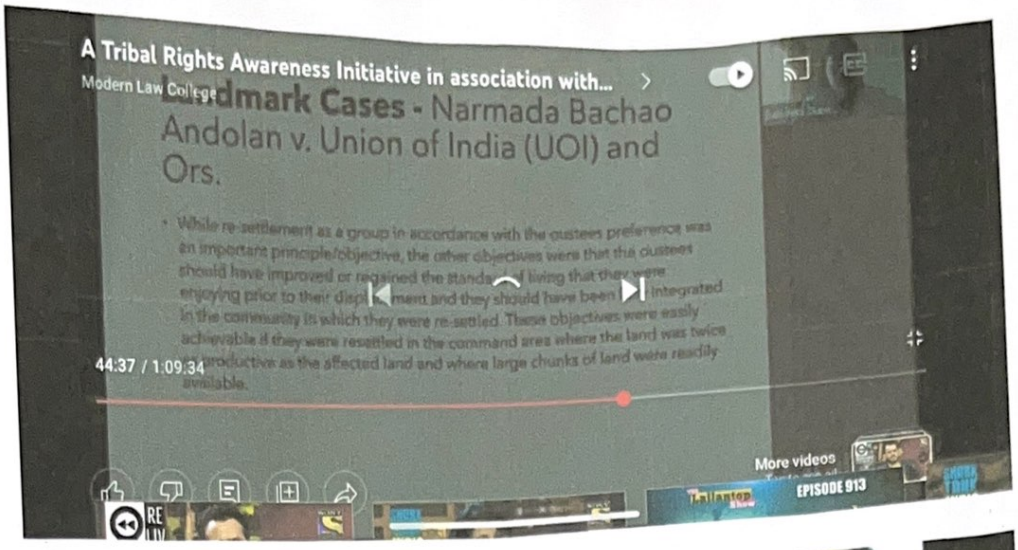
Join Zoom Meeting
https://us02web.zoom.us/j/84618638813?pwd=Vkp5blhFV3RRRFYzTjBleHVtNVVuZz09

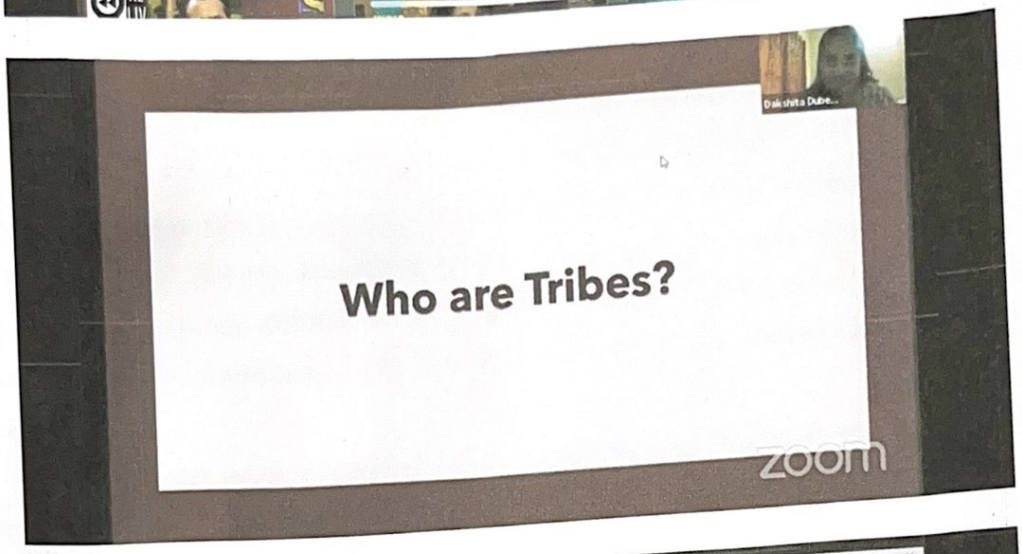
Meeting ID: 846 1863 8813
Passcode: mlc

The YouTube link of the Guest Lecture:

https://youtu.be/Nft0BL2OOGs




A Tribal Rights Awareness Initiative in association with...
Modern Law College
Landmark Cases - Narmada Bachao Andolan v. Union of India (UOI) and Ors.
44:37 / 1:09:34
More videos
EPISODE 913


Who are Tribes?
zoom


Tribal Rights - A Socio-Legal Perspective
Dakshita Dubey
Executive Member,
TI Tribal Rights Forum.
TRIBAL RIGHTS FORUM
zoom