

Editorial

Dear Students,

The future belongs to individuals 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 our destiny lies in creating the results of our desire.

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 and noteworthy alumni. The P.E.S. Modern Law College celebrates more than 10 successful years of Legal Education. I would like to congratulate Modern Law College for achieving grant under 2(f) and 12(B) of the U.G.C. Act, 1956 and Accreditation by NAAC. In all these years, the small sapling has grown into a strong tree, under the canopy of which thousands 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 organized by various colleges and institutes throughout the year.

This year Modern Law College hosted the 14th Shankarrao Kanitkar National Moot Court Competition, an annual event of the college. We are proud to say that 32 teams from all over India participated in this competition and made it a grand success. The college also hosted a college fest with 100s of participants throX Various national seminars and workshops were organized by the college with huge success. My best wishes are always with the college and its constant endeavors to attain higher goals for development of all its stakeholders.



From the Chairman's Desk

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From the Coordinator's Desk

Dear Students,

Educational institutions are a temple of moulding great minds. From a broader perspective, education is an act or experience that has a formative effect on the mind, character and physical abilities of an individual. At Modern Law College, we focus on the holistic development of students by striving to integrate students with cognitive understanding along with distinctive competence to advance in this ambitious world.

Progressive Education Society's Modern Law College has flourished under the able stewardship of our Hon'ble Chairman, Prof. Dr. Gajanan R. Ekbote. The teaching and non-teaching staff members of Modern Law College, aided with experience of our Principal, Dr. Sunita Adhav have unitedly strived for excellence in academic, cultural and social upbringing of the college.

The various seminars and workshops along with Late Shankarrao Kanitkar National Moot Court Competition familiarises students with a practical approach, thereby bridging the gap between theory and its application in the real world.

It gives us immense pleasure to note that Modern Law College's annual magazine 'Lex Litera' is our legal voice. It provides an excellent opportunity for students to express their perspectives through various genres of writing. Here, the hard-work and enthused endeavours of staff and students in bringing out the magazine is noteworthy. I wish the magazine - Lex Litera to continue inspiring all the students.



From the Principal's Desk

Dear Students,

College life is a period of joy, forging acquaintances with individuals from diverse walks of life, healthy competition, and holistic development of academic and extra-curricular interests. It gives us a place to grow.

Our college magazine is our legal voice. The magazine for the Academic Year 2019-20 reflects the socio-legal outlook through various academic and extracurricular activities. Modern Law College conducted National and International Seminars, National Moot Court Competition, "State level Debate, and Elocution competitions to enhance the scholastic skills of students across various colleges. To encourage and grow the cultural aspects of students, the college organized a five-day cultural fest titled "Vidhirang 2020", which gave the students a platform to display their talents. The 19(1)(a) Peer-reviewed half-yearly research journal and <https://mlwrites.home.blog> gave students and faculties a platform to express their thoughts and ideas in words.

Modern Law College tries to cultivate the ideals of being 'Progressive' and 'Modern' into its students through all its activities. Along with their academic training, students are motivated to use their knowledge for the benefit of society.

I hope that the magazine will showcase some of our best achievements and creative endeavours of the students and I wish all the success to the college Magazine committee.

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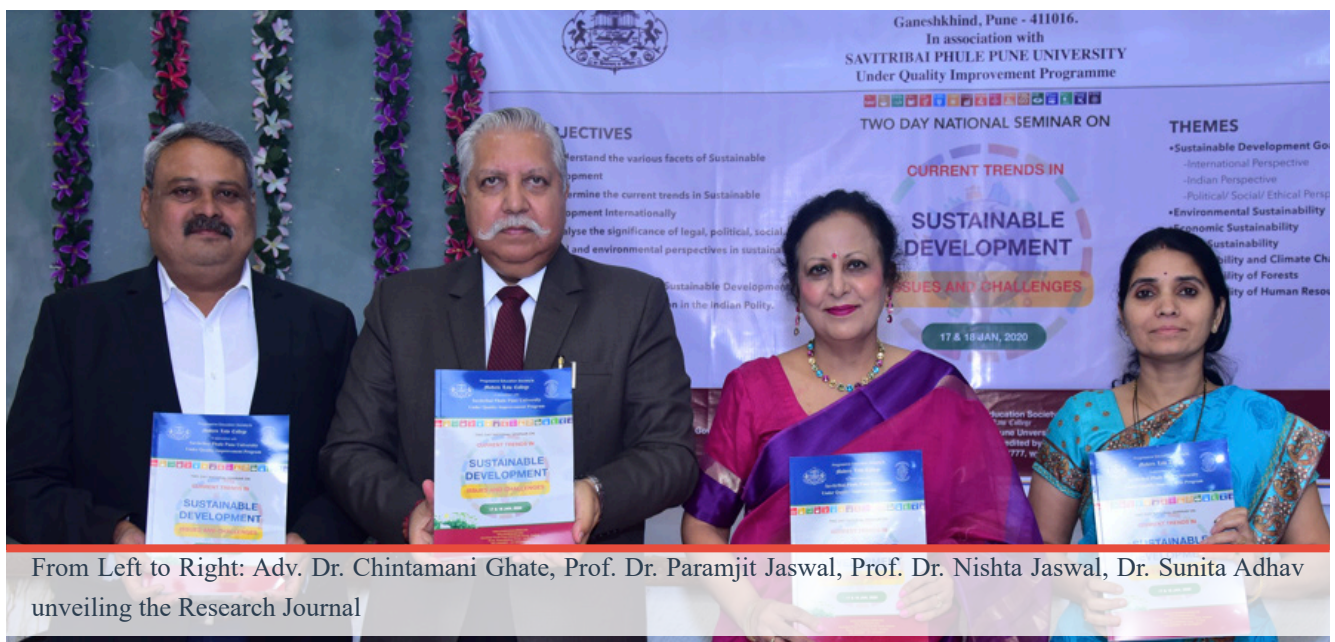
Publication of Research Journal

There is great relevance to research in education. Apart from ensuring an in-depth knowledge over a topic, scientific and historical research papers also contribute to the world of knowledge. These journals or papers become the helping hands for the students in future guiding and helping them in research. Students need to understand the role of the analytical exploration in society and the importance of these research in education as it will ultimately reward them in return.

To shape and create the future of these young minds, Progressive Education Society's Modern Law College publishes yearly Research Journals. 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



From Left to Right: Adv. Dr. Chintamani Ghate, Prof. Dr. Paramjit Jaswal, Prof. Dr. Nishta Jaswal, Dr. Sunita Adhav unveiling the Research Journal



Publication Committee of the Journal

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Chairman, Business Council,
Progressive Education Society, Pune - 05

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Prof. Shamkant Deshmukh,
Secretary, Business Council,
Progressive Education Society, Pune - 05

Prof. Jyotsna Ekbote,
Joint Secretary, Business Council,
Progressive Education Society, Pune - 05

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Dr. Ananya Bibave,
Vice-Principal,
Modern Law College, Pune - 16

Asst. Prof. Akshay Ugale,
Faculty,
Modern Law College, Pune - 16

Library Report

College Library Entrance

Library Collections: (As on 31st March 2020)

Total Collection	8713
Titles	2471
No. of Text Books	6079
No. of Reference Books	854
No. of Donated Books	1780

Current Journals and Report

Current Journals & Reports	42
Indian Journal	39
International Journal	3
E-information resources	7



Online Legal Database

AIR High Court	4
Criminal Law Journal	4
AIR Privy Council	4

Others

Library Newspapers	11
Maps	3
Question Papers (Previous Exam)	250

University question papers for student's reference.

Institutional Repository

Books Published	2
PhD Thesis	2
Research Publications (All Faculty Members)	199
Dissertations	122
College Publications	60

Library Timing

Regular Library Timing	9:00 a.m. to 5:00 p.m.
During Examination	8:00 a.m. to 8:00 p.m.

Collaboration with other Libraries :

- Jaykar Library, Savitribai Phule Pune University
- Modern Arts, Commerce & Science College, Ganeshkhind, Pune
- Modern Arts, Commerce & Science College, Shivaji Nagar, Pune.

Library Automation

For the automation of library we have purchased the “VRIDDHI” Software designed and developed by Hindustan Computers, incorporated in 1989, started with the main objective of providing the most trustworthy software development services as well as training and computer sales and services.

Library Orientation and Student’s involvement

Library orientation programme including online resources (N-List Consortium) and AIR database every year as a regular activity for student, staff as well as new users.

The Student who read all kind of books, magazine, news papers regularly, one who follows the all library rules sincerely. Good Academic performance of the student and his / her behaviour in library has considered. The Student has awarded with the Best Library User’s who has fulfils above conditions.

Exhibition of Books

Library organizes book exhibition every year as a regular activity for the staffs and students.

Seminars

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



Publication Cover of the Seminar Proceeding Journal ISBN: 978-81-929282-7-2



PATRON

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

ADVISORY

Prof. Shamkant Deshmukh,
Secretary, Business Council,
Progressive Education Society, Pune - 05

Prof. Jyotsna Ekbote,
Joint Secretary, Business Council,
Progressive Education Society, Pune - 05

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.



Dr. Paramjit Jaswal addressing the audience during the First Technical Session of the National Seminar on Sustainable Development: Issues and Challenges

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.

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."

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.

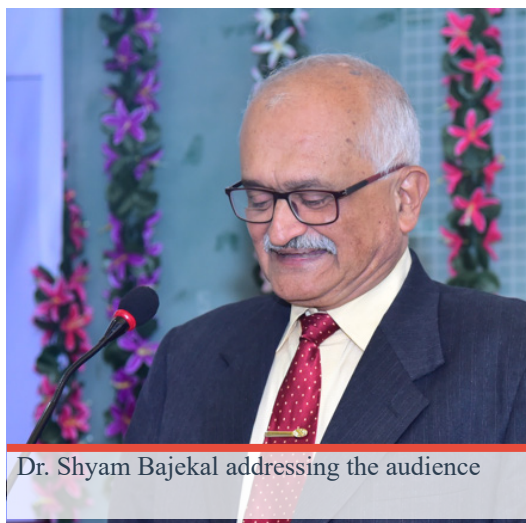


Dr. Bharat Vhankate addressing the audience

Photo Credit :Atharva Garud B.A. LL.B V

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.

3rd Technical Session :- Environment Sustainability



Dr. Shyam Bajekal addressing the audience

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.

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

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. Dilip Chate addressing the audience

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.

7th Technical Session

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



Students raising questions during the Technical Session

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



Left to Right: Dr. Indira, Dr. Wasantha Seneviratne, Prof. Dr. N.N. Maldar and Dr. Sunita Adhav inaugurating the book of Sustainable Development Issues and Development.

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 the another village it was efficient.

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.

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.

Asst. Prof. Akshay Ugale 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.



Asst. Prof. Akshay Ugale addressing the audience during the vote of thanks

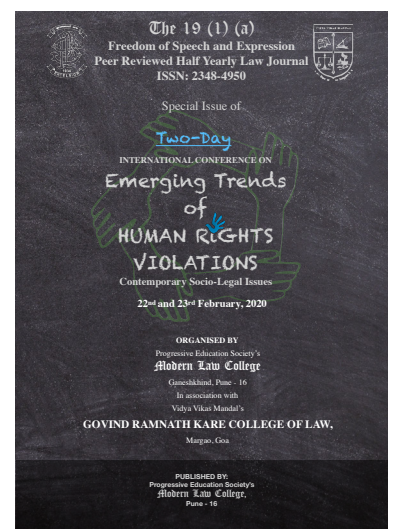
International Conference on Emerging trends of Human Rights Violations: Contemporary Socio-Legal Issues



Left to Right: Adv. Dr. Chintamani Ghate, Prof. Mohammed Ibralebbe Mohamed Azver, Dr. Saba V.M. Da Silva and Dr. Sunita Adhav unveiling the Research Journal

Progressive Education Society's Modern Law College, Ganeshkhind, Pune in association with Vidya Vikas Mandal's Govind Ramnath Kare College of Law, Goa had organized Two Day International Conference on 'Emerging Trends of Human Rights Violations: Contemporary Socio-Legal Issues' on 22nd and 23rd February, 2020 at Modern Law College.

The objectives of Conference were to promote and protect human rights of every individual and to understand the human rights issues at national and international level. It intended to make a contribution to future oriented discourse that underpins the relevance of human rights to all stakeholders. The Conference provided an opportunity for participants to learn about the latest research, practices and trends in human rights education for application to their ongoing work. It also strengthened



Publication Cover of the Seminar Proceeding Journal ISBN: 978-81-929282-7-2

their practical knowledge and skills and fostered contacts and networks to facilitate partnerships and collaboration.

The sub-theme of the seminar

- Human Rights Protection in the constitutional system of Governance
- State Sovereignty vis-à-vis implementation of Human rights
- Human rights with special reference to intellectual Property Rights
- Changing dimensions of Human Rights of Vulnerable People
- Human Rights and sustainable Development
- Various Generations of Human Rights



Prof. Mohammed Azver addressing the audience

Total 45 participants presented their papers on various topics. The Core areas of presented papers were Health and Human rights, women and Human rights, labourers from unorganized sectors and Human rights, HIV people and Human rights, mob Lynching, Rights of Disabled person, study on legislations for the protection of Human rights, Child Trafficking, Indian Constitutions and analysis of the fundamental rights and Directives Principles, etc. These participants were coming from Pune, Goa, Rajasthan, Hyderabad, Mumbai, Kerala, etc.

Total 150 participants (Researchers, Academicians, students, Activists) attended this conference. The sessions of the conference were divided into two plenary sessions for the speakers and two parallel sessions for paper presenters on each day. The key speakers were invited from different areas and back round such as NGOs sector, Academic sector, Social Activist etc and they were contributed their insights on their specific area in the context of the human rights.



Dr. Saba da Silva addressing the audience

The Conference was divided into 4 sessions on each day.

Day One: 22nd February, 2020.

The conference started with felicitating the chief guest and with an opening speech by Mahashweta. Prof. Azver sir light up the lamp. The beginning of the conference with a remarkable speech on Human rights with its evolution by Dr.

Sunita Adhav, Principal of PES Modern Law College. Then Prof. Azver sir lightened up the students with his knowledge and Research on Human rights. He talked about various laws and acts done to control the violations of Human rights.

To Bring spark on the topic Ms. Kiran Moghe, she addresses the gathering by discussing the critical appraisal of human rights and its generation. She targeted on the domenstic workers and their rights. Then we started the parallel sessions for the paper presenters.

In the afternoon session, Mr. Pandurang Kotule sir and Dr. V.M. da Silva sir addresses the gathering by their knowledge and insights.

The speakers of the plenary session:

- Prof. Mohammed Ibralebbe Mohamed Azver, Programme manager cum Senior Lecturer, School of law British College of Applied Studies, Colombo.
- Mrs. Kiran Moghe, Social Activist
- Mr. Pandurang Kotule
- Dr. Saba V.M. Da Silva, Principal, Ramnath Kare College, Goa



There were 31 paper presenters on first day. With this Prof. Ananya Bibave the vice principal of PES Modern Law College concluded the session by giving a brief description of Human rights.

Day Two: 23rd February, 2020.

On the second day of the conference started with the welcome and introduction of the Resource persons. Then the plenary session started with speech of Dr. Nitish Nawsagaray sir. He discussed various dimensions of the human rights. Mahesh Shinde sir Briefing the Human rights and how it is related to todays's aspect with issues like CAA, Ayodhya verdict etc.

Then we are started the paper presentation session in parallel with the seminar proceedings.



In the afternoon session, Dr. Rohini Honap, Principal of the DES Shri Navalmal Firodia Law College and Mr. Anand Pawar, Social Activist, Addresses the gathering with their knowledge and insights.

The speakers of the plenary session:

- Mr. Mahesh Shinde
- Dr. Nitish Nawsagaray, Assistant Professor, ILS College, Pune
- Dr. Rohini Honap, Principal, DES Shri Navalmal Firodia Law College, Pune
- Mr. Anand Shinde, Social Activists and Director of the SAMYAK, Pune.

There were 14 paper presenters on the second day. The speakers of the plenary sessions contributed their insights through the individual presentation and interactive sessions on various interesting topics.

The conference ended with the vote of thanks by Asst. Prof. Deepali Kamble.



Prof. Mohammed Ibralebbe Mohamed Azver of School of law British College of Applied Studies, Colombo. signing the Memorandum of Understanding with Modern Law College

Conference Organising Team

- Asst. Prof. Mayura Borde
- Asst. Prof. Shital Keskar
- Asst. Prof. Deepali Kamble

The Conference was a great success due to the volunteers and their enthusiasm and hard work. The Conference was an excellent opportunity to share experiences and learn from each other.

National Seminar Collaboration with G.R. Kare College, Goa

National Seminar on Protection of Rights of Senior Citizens

We as a part of Modern Law College got this opportunity to attend and collaborate with national seminar on protection of rights of senior citizens: socio-legal dimensions which was held on 18th January 2020 at G.R Kare College of Law, Goa which is in association of PES's Modern Law College, Pune. The main aim of the seminar was to discuss and create awareness amongst the citizens regarding the safety and protection and of rights of senior citizen.

The seminar was very interesting and gave us the opportunity to learn many new things which a common citizen may not be aware about. As a law student and an upcoming lawyer, we found out that it was a very enriching experience for us. We will describe briefly below some parts of the seminar.



Asst. Prof. Pratik Salgar of Modern Law College presenting paper

- The webinar started by the welcoming of the chief guest Mr. Sawant by Dr. Saba Da Silva principal of Kare College of Law and by the coordinator of seminar Mrs. Shruti Nadkarni.
- The opening speech was given by Ms. Rozena a faculty of the college.
- Soon after the speech presenters where requested to be prepared and wait for their turn to present their research paper.
- The research papers presented where primarily focused on:
 - National and International laws which are meant for the protection of senior citizen
 - Physical, psychological and financial challenges faced by the senior citizen
 - Neglect and ill-treatment of senior citizen

- Welfare programmes and policies in respect of senior citizen
- Each of the above-mentioned topic had various sub-topics and accordingly presenters had prepared their research paper
- In between we got a chance to meet a member of All Goa Senior Citizens' Federation. In spite of being at the age of 85 she was very energetic and active. She gave us a book "Jeevan Asha" which was published by the federation.
- Gradually all the presenters had finished their part and now it was the time when the chief guest, principal and all other higher authorities were to address us and share their life experience and knowledge with us.
- It started with the chief guest Mr. Sawant. He started with telling the experience of his life and explained an approach to a beautiful life by giving various real-world examples.
- Then the principal of college Mr. Saba Da Silva addressed to the crowd and gave us a glimpse about the college and various organisation which they were a part of.
- Mr. Pratik Salgar sir who was present as a representative of the PES's Modern Law College also addressed the crowd and gave a remarkable speech and also gave acknowledgement about the webinar and the association of both the great institutes.
- Now with the National Anthem the program was successfully finished and gradually everyone started to depart.



The webinar was so unique and informative that one could take a lot from there. The audience present had a variety of people which made the webinar more productive. In the end one could say that the purpose of webinar that was to create awareness about the protection of rights of senior citizens having a socio-legal dimension was completely fulfilled.

14th Shankarrao Kanitkar National Moot Court Competition



From Left to Right: Asst. Prof. Mayura Borde, Asst. Prof. Pawan Kalwala, Asst. Prof. Abhijeet Dhere, Adv. Dr. Chintamani Ghate, Dr. N. S. Umarani, Prof. Dr. Sanjay Kharat, Dr. Sunita Adhav, Dr. Ananya Bibave, Asst. Prof. Savita Bansode, Asst. Prof. Shivanjali Bhoite along with the participants of the National Moot Court competition

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 was the 14th Edition of the competition. This competition was started in the name of our founder member 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 14th Shankarrao Kanitkar National Moot 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.



Participants of the 14th Shankarrao Kanitkar
National Moot Court Competition



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 12th June 2019 for the further period of six months.

On the recommendation and request of the Governor of State of Ashmir, on 5th August 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?

Inauguration

The competition was inaugurated at the auspicious hands of Dr. N. S. Umarani Pro Vice-Chancellor Savitribai Phule Pune University, Pune.



Adv. Dr. Chintamani Ghate felicitating Dr. N. S. Umarani, during the inauguration of the 14th Shankarrao Kanitkar National Moot Court Competition, along with Dr. Sanjay Kharat, Dr. Sunita Adhav

Prize Distribution

14th Shankarrao Kanitkar National Moot Court Competition was conducted in two rounds. Preliminary round was conducted on 10th January, wherein 32 teams from all over India participated, including Delhi, Madhya Pradesh, Uttar Pradesh, Tamil Nadu, Punjab, Maharashtra, etc. Semi-final and final rounds were conducted on 11th January. This year Dr. Ambedkar College, Deekshabhoomi, Nagpur won the competition, while School of Legal Studies CMR Bengaluru finished as Runner-Up Team.

Valedictory function

P.E. Society's Modern Law College was indeed fortunate and happy to have Hon'ble Justice Manish Pitale, Mumbai High Court as a Chief Guest for the Valedictory Function of the 14th Shankarrao Kanitkar National Moot Court Competition. He has graced the occasion and guided the students with valuable thoughts on Law.

Judges for the Competition

Sr. No.	Name	Round
1	Adv. Dr. Chintamani Ghate	Final
2	Dr. Ujawala shinde	Final
3	Mr. C.P Bhagwat	Final
4	Adv. Rishiraj Walvekar	Semi Final
5	Adv. Sandeep Gujrathi	Semi Final
6	Adv. Suyog Wagh	Semi Final
7	Dr. Ashwini Ingole	Semi Final
8	Adv. Satyajit Lonkar	Prelims
9	Adv. Rohit Surwase	Prelims
10	Adv. Pooja Vaidya	Prelims
11	Adv. Rohit Lanke	Prelims
12	Adv. Akshay Pawale	Prelims
13	Adv. Sandesh Tondare	Prelims
14	Adv. Sunil Gund	Prelims
15	Adv. Mithila Shelar	Prelims
16	Adv. Sushama Kadam	Prelims

Participating Team

1	Ismailsaheb Mulla 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. Balasaheb Apte 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	Yashwantrao Chavan Law College , Pune
18	Symbiosis Law School , Pune
19	Bharati Vidyapeeth's Yashvantrao Chavan Law College , Karad
20	Dr. Ambedkar College of Law , Nagpur
21	DES's shri navalmal Firodia Law College , Pune
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

Lok Adalat

The concept of Lok-Adalat is an innovative Indian contribution to the jurisdiction of prudence. The concept of Lok-Adalat in India, the very name suggests means “people’s court”. India has a long tradition and history of such methods being practiced in the society at the ground level or very initial level, they are called ‘Panchayats’ at the local levels. It has been proved to be a very effective alternative to litigation. The earlier concept of a settlement of disputes through mediation, negotiation, or through the alternate arbitral process knows as ‘peoples court’ or the ‘Lok Adalat’. The reason for them being to relieve the burden on the judiciary.

The purpose of the visit was to understand the working of a court the nature of duties of the judicial officers in the matters of Lok Adalat and also to understand how the conciliation, settlement of disputes in the traditional Indian culture in the form of Nyaya Adalat or Gram Panchayats led to the introduction of Lok Adalats which added a new chapter to the justice dispensation system of the country and that how does it provide a supplementary forum to the victims for a satisfactory settlement of their disputes.

The visit helped the students understand the actual functioning and co-ordination taking place in the Lok-Adalat and how does it exactly benefit to the people considering the advantage that came along and the disadvantages the parties had to face due to certain errors on the part of the court. The students



Students and Faculty at Lok Adalat, Shivajinagar, Pune



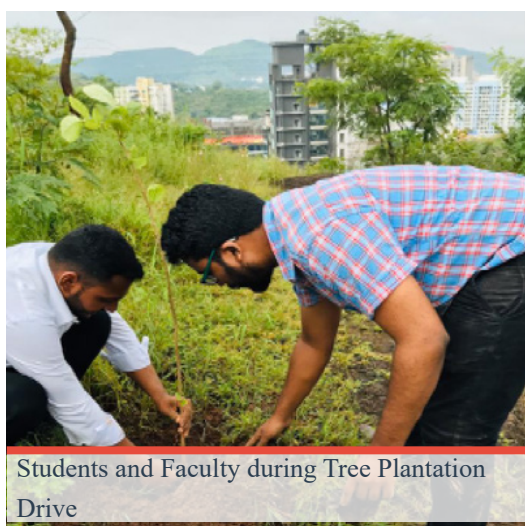
visited a unique and efficient form of the judicial legal system.

The Lok-Adalat was arranged by the Pune District Court at Shivajinagar court on 8th February 2020 from 8.30 in the morning. Thirty students from LLB-II and faculty of the college Assistant Professor Mr. Akshay Ugale assembled at the court for the Adalat. After the attendance procedure and explaining a brief about the process the students were led to the information corner in the court which displayed all the cases which were up for hearing today. Cases were divided onto their types to various courtrooms. The students were asked to make a group of 3-4 and each group was assigned a courtroom in which they would go for attending the hearing. After the initial group allotment students were sent into their respective courtrooms where they attended cases related to the Indian Contracts Act 1872, Civil Procedure Code 1908, Indian Penal Code, Arbitration and Conciliation Act 1996, and others.

National Service Scheme

About NSS

National Service Scheme, under the Ministry of Youth Affairs & Sports Govt. of India, popularly known as NSS was launched in Gandhiji's Birth Centenary Year 1969, in 37 Universities involving 40,000 students with primary focus on the development of personality of students through community service. Today, NSS has more than 3.2 million student volunteers on its roll spread over 298 Universities and 42 (+2) Senior Secondary Councils and Directorate of Vocational Education all over the country. From its inception, more than 3.75 crores students from Universities, Colleges and Institutions of higher learning have benefited from the NSS activities, as student volunteers.



Tree Plantation Drive 2019-20

Modern Law College NSS unit starts functioning in the Month of July with the Tree Plantation Drive. The Unit plans and implements its activities in association with the "Vasundhara Movement", the Cell which is established by the College with the vision "For the Earth and Earthlings" and which works for 'the Cause of Environment Protection and Development of Society'.

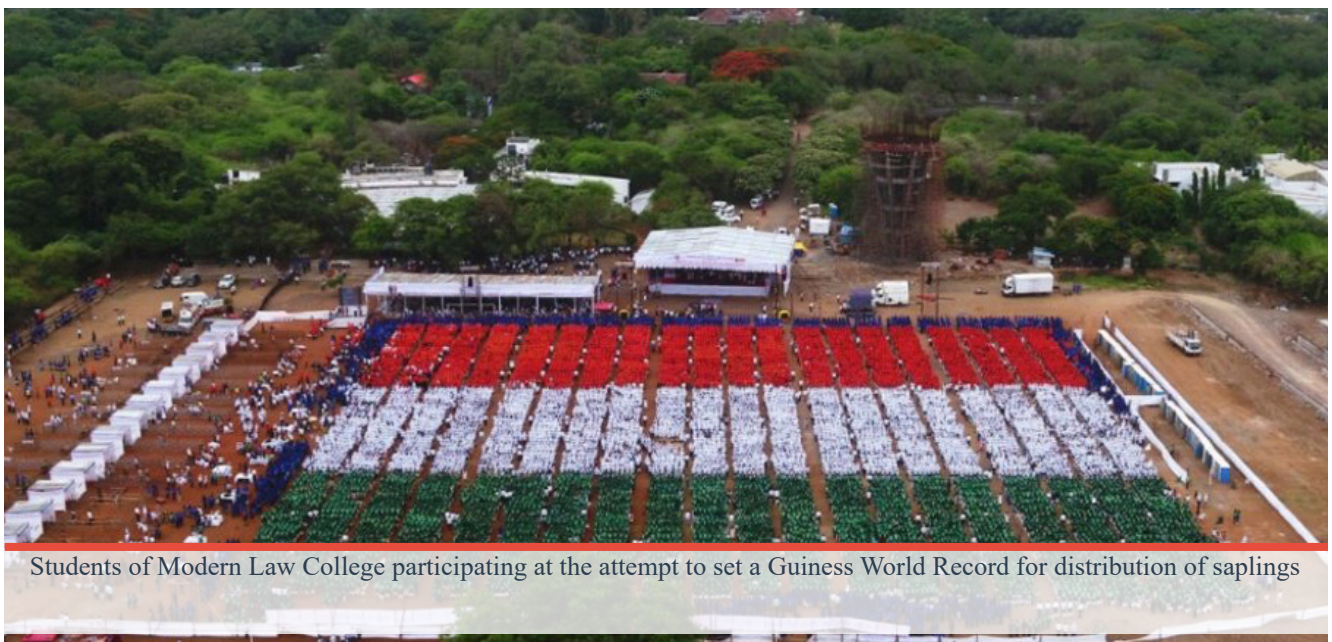
Tree Plantation Drives are conducted in the month July every year at various places including the College Campus, Pashan Sus Tekdi Parisar and also at the Villages where NSS Special Camps are conducted every year that is Village Diwadgaon . Volunteers were enthusiastic about the tree plantation. The College NSS unit not only planted tree but also promoted tree plantation and environmental awareness with the help of slogans.



Students and teachers of Modern Law College at Pashan Sus Tekdi Parisar for Tree Plantation

Student participation in Guinness World Record

On June 23, Savitribai Phule Pune University (SPPU) attempted to set a Guinness world record for distributing the 'largest number of saplings' of a single species of plant. A total of 16,731 saplings of Neem were distributed to National Social Service (NSS) volunteers in the SPPU campus, in the presence of chief minister Devendra Fadnavis along with Pune Guardian Minister Chandrakant Patil and vice-chancellor Mr. Nitin Karmalkar. It was a part of socially relevant project 'Swachh Wari-Swastha Wari-Nirmal Wari-Harit Wari' as part of annual pilgrimage to Pandharpur, famously known as 'Ashadhi Wari'. NSS Unit of Modern law college contributed its share by actively participating in this program.



Students of Modern Law College participating at the attempt to set a Guinness World Record for distribution of saplings

Celebration of Independence Day



Dr. Sunita Adhav hoisting India's flag on the Independence Day



Students and faculty paying respect to the Indian National Flag

The NSS Unit of the Modern Law College celebrated Independence Day on 15th August. Principal Dr. Sunita Adhav officially inaugurates the NSS Unit. The Students perform various cultural programs and express their views about the Independence Day and current situations. Students perform Street Plays in college as well as at the prominent places in Pune City on the topics of Public Awareness, Traffic Awareness, Voter Awareness, etc. The actual working of NSS unit starts in the month of July only with the Tree Plantation Activities. To create awareness about the cleaning to keep the surroundings clean a pledge ceremony was organized by the college for its students and staff. In this pledge ceremony all volunteers of NSS including staff of the college participated and determined to spread the message of this mission among the masses. Principal Dr. Sunita Adhav in her inaugural speech always talks about recent problems and issues. She also reminds the students to respect the National Flags and appeals them to collect the flags wherever you find. This has become a good practice that our students pick up the flags if found on the streets or anywhere and they are disposed with due respect. On this occasion NSS Programme Officer Mr. Abhijeet Dhere explained the aim, objective and importance of Swachhata Abhiyan to the participants and explained various benefits of the same.

Celebration of National Service Scheme Day (50th Anniversary)



Students of Modern Law College at the Celebration of NSS Day

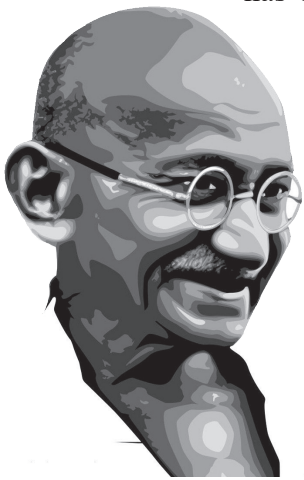
On September 24, 1969, the union Education Minister Dr. V.K.R.V. Rao, launched the NSS programme in 37 universities. The cardinal principal of the programme is that it is organised the students themselves and both students and teachers through their combined participation in social service, get a sense of involvement in the tasks of national development. Besides, the students, particularly, obtain work experience which might help them to find avenues of self-

employment or employment in any organisation at the end of their university career.

On the eve of National Service Scheme Day, the Modern law college NSS unit celebrated 50th anniversary by participating in 'Rastriya Poshan Abhiyan' which is organized by Savitribai Phule Pune University.

Gandhi Jayanti Celebration

This year was 150th Birth Anniversary of Mahatma Gandhi and to commemorate this the college has organized various events dedicated to the vision of Mahatma Gandhi and his contribution to the nation at large.



Seminar was organized with collaboration of National Agenda Forum (NAF) Team who came all the way from Bengaluru, Karnataka. This was a part of their pan India movement to celebrate the 150th Birth Anniversary of Mahatma Gandhi. The main objective of this seminar was to spread Gandhian thought to the students. The team guided students and interacted with them and answered queries raised by the students. The seminar was huge success and students were benefited from this activity.

River cleanliness drive on the occasion



Students and staff paying tribute to Mahatma Gandhi on Gandhi Jayanti

of Gandhi Jayanti

Around 10,000 volunteers from Savitribai Phule Pune University and its affiliated colleges cleaned up the Mula-Mutha river banks in Pune and Pimpri Chinchwad area. To celebrate along with the golden jubilee year of National Service Scheme and 150th year of Mahatma Gandhi's birth anniversary, NSS volunteers decided to clean up the river banks of Pune and Pimpri Chinchwad. After the drive, the volunteers took an oath to stop the use of plastic goods at Shaniwarwada. The Students collected and cleaned up the designated areas. Pune Municipal Corporation helped with the disposal of the collected garbage. They also provided students with gloves to ensure that the health and safety is not compromised. The drive took place from 7am to 10am.



Students participating at river cleanliness drive on the occasion of Gandhi Jayanti



View of the river after the cleanliness drive

Guest Lectures for Personality Development and Career Guidance

The NSS unit of Modern Law College with coordination of college organised many guest lectures on various socio-legal and cultural topic. Dignities from various field were invited to Modern Law College to create awareness about community issues and its remedies on student level. They were all

learning lectures for NSS volunteers and students from modern law college that inspired them to make their efforts for the society. Mr. Swamiraj Bhise, Dr. Nirjhara Wagh, Dr. Pratapsinha Salunkhe, Dr. Shamsuddin Tamboli, Dr. Anil Gore were some of the guest of honour.

Celebrating Savitribai Phule Jayanti

Progressive Education Society's Modern Law College and the college NSS Unit celebrated Savitribai Phule Jayanti on 3rd of January 2020. The Programme was headed by NSS Programme Officer Mr. Abhijeet Dhere. Dr. Sunita Adhav, principle Modern Law College and teaching faculty were present during the function. Various Counselling session for girls was arranged by the NSS Unit which included Women Self-Defence Session and girls were made aware about the safety measures and their legal rights.

Savitribai Phule was born on January 3, 1831 in Naigaon, Satara. She was a social reformer, educationist and poet. She is also considered as the first Indian woman teacher and headmistress. She is regarded as the mother of Indian feminism. Along with her husband Jyotirao Phule, she played an important role in improving women's rights in India. She worked to abolish the discrimination and unfair treatment of people based on caste and gender. She is regarded as an important figure of the social reform movement in Maharashtra.



On National Youth Day, Guest Speaker
Swamiraj Bhise felicitated by C. P. Bhagwat



Importance of Counselling' by DR. Nirjhara Wagh



Guest Lecture on Article 370 Constitution of India by Dr. Pratapsinha Salunkhe



Guest lecture by Dr. Shamsuddin Tamboli



Celebration of Savitribai Phule Jayanti

Students Performing Street Play on Social Awareness



Students Performing Street Play on Social Awareness

NSS volunteers from Modern Law College NSS Unit Perform various Street Play. It aims at developing amongst students a sense of participation in nation building through Social work. Street play on various social issues are performed in public on the streets of Pune city. The main objective of street play is to create awareness among the general public about the problems that are plaguing the society and initiate a dialogue for change. Street play is used to convey a message to the crowds watching it. With the view of realizing this objective and channelizing the energy of the collegiate street play to its right platform Modern law college added street play to its Art Circle. The volunteers make honest efforts to spread awareness about various social issues by means of street play.



Republic Day Celebration

India is a land of colourful festivals celebrated by different caste, creed and religion. But national celebration are something, which binds the entire nation together, imparting a message of 'unity in diversity'. Republic day is celebrated every year on January 26 with utmost enthusiasm and the zeal. Principal Dr. Sunita Adhav hoisting Indian flag during the occasion of the 71st Republic day.



Dr. Sunita Adhav hoisting Indian flag on Republic Day

Visit to Maharshi Karve Stree Shikshan Sanstha, Pune



Students and faculty at Maharshi Karve Stree Shikshan Sanstha

Maharshi Karve Shikshan Sanstha is a social institution that has been committed to “Empowerment of Women Through Education”. The Institution has a century long history of dedicated work towards making women educated and self-reliant. MKSSS, Pune was established in 1896 by the great visionary and social worker Bharat Ratna Maharshi Dhondo Keshav Karve. The students of Modern Law College visited the institution to understand the functioning of the institution and it was a great experience for the students.



Students interacting with children at Maharshi Karve Stree Shikshan Sanstha

The visit to MKSSS happened on 6th December, 2019 along with 45 students of BA.LLB-I along with two faculty members Asst Prof Akshay ugle and Asst Prof Deepali Kamble. The visit to the NGO began at 9am in the morning when all the students and faculty gathered together to go in the organisation. Students got a chance to visit different sections of the organisation. Visit was done to the museum of Maharashi Karve which hosted all the artefacts and his awards that he received in his lifetime with all the work he did for the education of masses during the freedom struggle. Then the students visited the hut, the original hut in which Mr. Karve started his first school and the structure which is still being preserved by the MKSSS. Then the students got a chance to interact with the faculty which gave the students all the details about the number of organisations under MKSSS, the social outreach programs that the organisations do for the betterment of the society. The students also visited the Sampada bakery which is run by MKSSS and is known for being run totally by women, students also got a chance to have a sumptuous snack in there. The visit ended with the visit to the pre-primary school in the campus where the children performed for the students and also got a chance to talk with the kids. The visit proved to be a life changing experience for the students as they understood the pain and efforts which Mr Karve took for imparting education in such difficult times. Along with that the students got a life lesson which they will take along with them for making a better and responsible citizens of India.

Vaachan Prerana Din

On 15 October, Vaachan Prerana Din or Reading Day” was celebrated in the memory of Dr. APJ Abdul Kalam Birth Anniversary at Modern Law College. On the occasion, college had organised Book Exhibitions of Marathi and English Literature.



Students and faculty at the book exhibition on Vachan Prerna Divas

Workshops

Workshop on: Family Law and Matrimonial practices

A one day workshop on Family laws and matrimonial practices, conducted on 25th January 2020 at P.E.S. Modern Law College, Pune.



The workshop started with lightening of lamps and felicitating the chief guest and with an opening speech by Dr. Sunita Adhav Ma'am, Principal of P.E.S. Modern Law College. She spoke about the purpose and need of arranging the family workshop. The respected staff, non-teaching staff and students warmly welcomed the guest with excitement.

In order to spread the right knowledge, the right purpose, the right base of family law and matrimonial practices the chief guest on the dais Hon'ble Shri Subhash Kafare, Judge of Family Court, Pune, Hon'ble N.R. Naikwade, Judge of family court, Pune and Smita Joshi, family counsellor were present to acknowledge the students on the very fragile part of our social life and social system.

Hon'ble N.R. Naikwade in his speech emphasized upon the family matters with live examples. He advised the attendee that he always acknowledged his client to solve the problem by mutual understanding instead of going to courts and make the matter worse. His speech not only influenced the students but was the eye-opener for everyone who was present there, that money is not more than emotions or feeling of a family which is getting destroyed by just one sentence.

Followed by Miss Smita Joshi's speech the family counsellor, she explained to students how to deal with the client and also offered the students to learn how to practice family law and matrimonial affairs.

Thereafter students had some question and answer session with the guests and the vote of thanks was given by Asst. Prof. Prajakta Pimpalshende.

Here, the one day workshop ended with great enthusiasm and endurance.

One Day Workshop on Soft Skill Development 'Talk A Thon'

Progressive Education Society's Modern Law College, Ganeshkhind, Pune in association with 'Solutions', India had organized One Day Workshop on Soft Skill Development 'Talk A Thon' on 10th Feb 2020 at Modern Law College, Pune.



From left to right: Mr. Rajendra Bhide, Mr. Anand Patil, Mr. Sandeep Diwan and Dr. Sunita Adhav

The objective of a workshop was to develop soft skills of students like communication skills, personality development. The Workshop provided an opportunity for participants to develop their skills like communication, personality development, and other soft skills. Various eminent personalities and experts were invited as resource persons for this Workshop. This was a brainchild of Dr. Rajendra Bhide, Private Handwriting Analyst, Solutions, India.

The Workshop was divided into 4 sessions. Asst. Prof. Pawan Kalwala and Asst. Prof. Shital Keskar coordinated this event. The conference started with welcoming chief guests and introduction of the event with an opening speech by Asst. Prof. Shital Keskar. Chief Guest of an event Mr. Anand Patil, Secretary to Governor of Tamil Nadu lighted a lamp. A Workshop began with a welcome address by Dr. Sunita Adhav, Principal of PES Modern Law College. Then Dr. Sunita Adhav felicitated all resource persons.

A Workshop started with first session which was addressed by Mr. Sandeep Diwan, IPS, SP, CID, Pune. Asst. Prof. Pooja Baghel introduced him. Then he addressed the student on personality development. He motivated all students by his lively speech. He guided our students how to develop communication skills among them. He shared his own experiences due to which he could achieve his goals in his life. Then second session was addressed by Mr. Rajendra Bhide, Private Handwriting Analyst, Solutions, India. Asst. Prof. Vidhya Shetty introduced him. Sir guided our students on communication skills and personality development. He advised the students to build their self confidence, to practise which is important for speaking in public. He talked on appropriate body language to accompany a speech. He shared a key for perfect communication by making eye contact and pauses while speaking.

Third session was addressed by Mr. Anand Patil, Secretary to Governor of Tamil Nadu. Dr. Ananya Bibave, Vice Principal, Modern law College, Pune introduced him. He shared his life experiences with the students. He told real stories which happened in his life due to which he could shape his life and could be successful in life. He advised students to be sensible in life. He explained the importance of being sensible and experiencing others problems as their own which helps in solving the problems. Fourth Session was addressed by Ms. Prema Patil, API, Special Branch, Pune. She was titled with 'Woman of Substance'. In her speech, she motivated specifically girls for being successful in life, to focus on the goals to be achieved in life. She stressed on the setting of goals in life and continuously making efforts to achieve them. She also reiterated how woman can be stronger and more powerful. She also motivated the girl students.

At last, Asst. Prof. Shital Keskar proposed the vote of thanks for the event and expressed gratitude to resource persons for accepting invitation and guiding students on communication skills, personality development, and soft skills. Dr. Sunita Adhav expressed gratitude to Mr. Rajendra Bhide for making this workshop successful as he was the coordinator of this event.



Students and faculty attending the Talk a Thon session

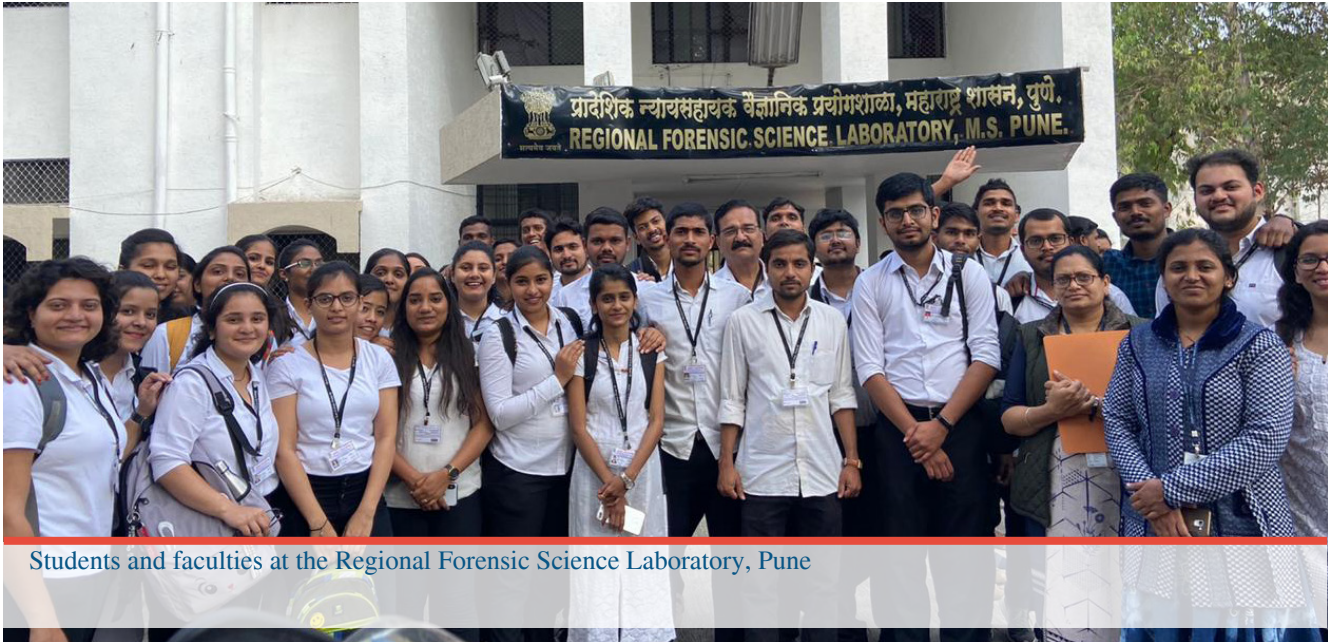
Visit to Regional Forensic Science Laboratory

on the occasion of Forensic Awareness Programme

Regional Forensic Science Laboratory (RFSL), Ganeshkhind, Pune celebrates its open day on 22nd and 23rd January every year. In the Academic year 2019-20 also, they celebrated this event under the title of 'Forensic Awareness Programme'. The PES Modern Law College, Ganeshkhind, Pune received an invitation letter dated 14th January 2029 inviting students and faculties to participate in this event, thus, our college organized a visit to RFSL, Ganeshkhind, Pune.

The college organised this visit on 22nd January 2020. Total 62 students participated in this event. Two faculties, Asst. Prof. Prajakta Pimpalshende and Asst. Prof. Shital Keskar assisted the students in this visit. The programme was started at 11.00 am. Eminent personalities and experts in forensic fields addressed the students creating awareness about Forensic Science in the students present over there. After that, Students were divided into two batches of 31 students each. Then one by one, students visited each department of Forensic Laboratory. First, they visited Chemistry Department wherein the experts guided the students informing them about chemical analysis of samples come for analysis under criminal cases like murders, rape, suicide, accident cases, etc. They demonstrated the procedure of chemical analysis. Chemicals like pesticides, insecticides, other chemicals used to commit a crime are analysed in this department. Then students visited Biology Department, wherein experts explained how biological samples are analysed. The samples like debris, viscera, blood, semen, hairs, and nails are analysed in that department. Recognition of blood group, DNA analysis in rape or dispute of parentage, etc are analysed which help in crime investigation. Then students visited Cyber Forensics Department. Cyber experts guided our students how to analyse digital evidence, computer data, etc. They also guided our students on types of cyber crimes and how they help in cyber crime investigation. After that students visited Toxicology and Narcotics Department where the experts made our students aware about types of drugs smuggled in India, their analysis, procedure of analysis. Then students visited Prohibition Department wherein alcohol samples are analysed.

This visit proved to be very helpful to our students. The students were also enthusiastic during the visit to this laboratory. They responded very well and the feedback given by students was very



Students and faculties at the Regional Forensic Science Laboratory, Pune

satisfactory. They suggested organising the visit to RFSL again in next year. At last, we expressed our gratitude to Deputy Director, RFSL, Mr. Rajendra Kokare for inviting us for this Forensic Awareness Programme.

Vidhirang

Vidhirang a state level intercollegiate youth fest organized by PES Modern Law College Pune. It is a student initiative and most of them were NSS volunteers. This was the first year of the youth fest. This year the event was organized from 25th Feb 2020 to 29th Feb 2020. NSS activities have inculcated some of the much-needed skills into the NSS volunteers which include leadership quality, event management, skill of mobilizing in community participation.

Vidhirang gave great opportunity to display their skills. The fest was organized to encourage the cultural academic and sports activities of students. The great endeavour was turned into reality under the guidance of coordinator Prof. Adv Dr. Chintamani Ghate, Principal Dr. Sunita Adhav, NSS Programme Officer Prof. Abhijeet Dhere, Prof. Akshay Ugale on 25th February, the annual fest was commenced with the blessings of God and lighting of the lamp by the chief guest Dr. Nivedita Ekbote. Prize distribution ceremony was held in presence of a noted Indian art director and production designer of Indian cinema Mr. Chandrakant Desai.



Students from various college at Vidhirang



Chief guest Dr. Nivedita Ekbote being felicitated by coordinator Adv. Dr. Chintamani Ghate



Daff Karandak 2020

State Level Intercollegiate Street Play Competition 2020

This was the Seventh consecutive year in which the College organized various special programs along with the NSS Unit in collaboration with Students Development Board. One Day State Level Intercollegiate Street Play Competition was organized by the College. The Competition was inaugurated by Mr. Amar Gaikwad, Adv. Ritesh Patil along with the Principal of college Dr. Sunita Adhav and other dignitaries. More than 120 students from various colleges participated in the competition. This year there were teams from Nashik as well as Ahmednagar districts. The students were greatly benefited by the guidance of the judges. Many participants got the valuable inputs from the experts and also got the inspiration to participate in more and more Street Play Competitions. Prize distribution ceremony was held in the presence of eminent art director Mr. Chandrakant Desai.



Students performing at the Daff Karandak 2020



Students performing at the Daff Karandak 2020



Winners of the Daff Karandak 2020

2nd Late Smt. Shashikala Ramakanth Ekbote Elocution and Debate Competition

Realising public speaking as an art which can help students to stand out in the crowd and a much important need to focus on their gestures, vocabulary, emphasis, voice modulation and posture, PES's Modern Law College, Ganeshkhind-16 had organized a 'State Level Elocution & Debate Competition in the memory of Late Smt. Shashikala Ekbote'.

The competition was appreciated by students and academicians in its very first session due to which the competition received entries from various part of Maharashtra.

The topics for elocution competitions were

Cashless India

Corrupt Media

Unemployment in India

Problems in front of Indian democracy

Problems in Indian education system

The competition was conducted in two rounds. For Elocution competition in the preliminary round each team consisted of one participant who will be presenting on one of the given topics. In the final round each participant will have to talk for and against the same topic (self debate)

Similarly for the debate competition in the preliminary round each team would consist of two participants of which one member will present the 'for the motion' and the other 'against the motion'



Students from different colleges debating at the elocution and debate competition



Students from different colleges debating at the elocution and debate competition



From Left to Right: Mr. Anupam Sambhus and Miss Harshali Ghule (judges of 2nd Late Smt. Shashikala Ramakanth Ekbote Elocution and Debate Competition)

Each participant got five minutes to present themselves and 2 minutes for Interrogation.

The competition was judged by two very experienced guest of honors who have worked a lot in the fields of public speaking and oration. the competition was judeged by Miss Harshali Ghule and Mr. Anupam Sambhus. The winners were to be given cash prizes. Cash prizes for the Elocution competition were 2,500 for the first prize, 1,500 for the second prize and 1,000 for the thrid prize. Debate winners were given 2,500 for the first prize 1,500 for the second prize and 1,000 for the third prize. The winner of Elocution competition was Yashwantrao Chavan Law College and the winner of Debate competition were Marathwada Mitramandal's College of Commerce. The winners were felicitated and handed over the prize by the hands of famous and world class art director Mr Nitin Desai.

Moments from Vidhirang



Prize Distribution Ceremony of Vidhirang

Dignitaries on the dais. From left to right: Dr. Sanjay Kharat, Adv. Dr. Chintamani Ghate, Nitin Chandrakant Desai, Mr. Bhosale, Dr. Chinchore



Active participation in COVID-19 Awareness Activities

During the Covid-19 lockdown period of two months from end of March 2020 till end of May 2020 the NSS volunteers of Modern Law College, Pune participated in the following projects:

- **Project Arogya Setu:** The first project taken up during the Covid-19 lockdown period was “Downloading the Arogya Setu App”. The NSS volunteers of the college downloaded the Arogya Setu App on their smart phones and disseminated the importance and need of this app on the mobile phones. They personally helped members of the community download this app and spread awareness regarding it.
- **Project Covid 19 Awareness posters:** The NSS volunteers took to social media and created a “Covid-19 Awareness Poster: Stay home, Stay safe”. The volunteers used college social media accounts as well as their personal social media accounts to spread the message through the poster to as many as they can.
- **Project help Migrant Labourers:** For a responsible assignment during the needy hours of Covid-19 emergency, NSS volunteers of Modern law college selflessly participated on the front- line with an objective to battle the pandemic. NSS volunteer Narsinha Lokhande made data base of stranded labours so that they could go to their exact native place without any traces of the Corona virus.
- **Project feeding street dogs:** The Covid-19 lockdown left street dogs hungry and thirsty as



there was no one to feed them. The Modern Law College NSS volunteer Viraj Joshi fed stray dogs who were hungry and roaming around recklessly on the streets. Food, water and milk were provided to these dogs to give them relief during the Covid 19 lockdown.

- Preparation of Mask: Handmade Mask were prepared by NSS Volunteers of Modern Law College made masks and distributed among the laborers and poors in their areas. Masks were made with material available at home but were useable.



Student of Modern Law College feeding street dogs

NSS Camp

NSS unit of Modern Law College and Dr. D.Y. Patil College organised a special winter camp in association with Savitribai Phule Pune University in the adopted village, Diwad, Tal- Maval from 13-01-2020-19-01-2020. The camp began under the guidance of College's Coordinator Adv. Chintamani Ghate, Principal Dr. Sunita Adhav, NSS Coordinator of Savitribai Phule Pune University Dr. Prabhakar Desai and Programme Officer Mr. Abhijeet Dhere as well as experienced faculty members and also with the help of non-teaching staff of college. The volunteers of NSS unit performed many other activities such as- Cleanliness of village and waste segregation, Construction of Bandhara, communal harmony, health and hygiene etc.



On the first day volunteers cleaned the surrounding area and the school premise

Day – 1

13th January 2020 was the first day in Diwad village. The forenoon session of the day began with a procession by volunteers in the village. Volunteers rallied into the streets of the village to create awareness among the villagers about the ensuing special camp programme in their village for a period of one week. This was followed by an inauguration programme held at Temple of the village.

After the inauguration programme students were made aware about the work in upcoming days and the motive of NSS Special Camp. The Volunteers were divided into 4 teams for systematic implementation of Scheduled activities. On the very first day the primary arrangements were made for staying purpose.



Day – 2

In the dawn of the second day which is 14th January 2020 , volunteers started their campaign after some exercise. About 65 volunteers were divided into the streets according to teams and went into the streets, lanes and by lanes of the village and organised a cleanliness drive. Volunteers cleaned the village roads, removed dust heaps and attempted to create awareness on Cleanliness and hygiene and plastic free environment. In the following session a personality development session was organised. The day was sacred due to the festival of Makar Sankrat. The Volunteers went to many villagers and greeted them with sweets.



Students cleaning the streets of village

Day – 3

Volunteers started construction of Bandhara near the village. The place was identified with the help of experienced persons from the village and accordingly started the preparations. The Planning in construction of Bandhara was finalized on this day. Volunteers were guided with the method to execute this work. After enough amount of work for the day a session was conducted for volunteers after lunch. In the following session a brain storming session was organized. A full-length discussion was held by Mr. Swamiraj Bhise From Pune University. Thoughts and ideas were exchanged on importance of collective responsibility in achieving common goals of community services.



Volunteers planning to construct a bandhara

Day – 4

The day started according to the schedule with some exercise and breakfast made by some of the volunteers from Nss Unit. After the morning routine volunteers were gathered on the river and completed the construction of the Bandhara. The construction of



Volunteers planning to construct a bandhara

Bhandara was examined and approved by NSS Programme Officer professor Abhijeet Dhere. In the evening, a session was organized related to career guidance and importance of competitive exams.



Completion of Bandhara construction

Day – 5

In the dawn of the 5th day students enjoyed the Trek to a nearby hill. It was a adventure activity with fun for volunteers. In the afternoon, a self-defence and safety session were organized for girls.



Students enjoying the trek.

Female volunteers practicing self-defense skills.

Self- Defense session for female volunteers

Day – 6

Volunteers rallied into the streets of the village with the posters and slogans created by them to create awareness. In the afternoon, a session was held by Mr. Bhushan Mehre, thoughts and ideas were exchanged on Leadership quality and Team Spirit. At Evening volunteers organized a cultural programme for the volunteers. Street Plays, Drama, Dance, folk Art, Songs were performed by the volunteers. Many of which were meant for awareness on Social Issues for Villagers. The Programme was motivation for the enhancement of skills in volunteers.



Day – 7

The seventh day was the closing day of the camp. All the volunteers were asked to express their views about the Special NSS Camp for 7 days. Many volunteers could proudly tell about the skills they have developed in the following 7 days like Personality Development, Social Skills like Public Speaking, Cooking , valuing the worth of hardwork, etc. The session concluded by vote of thanks proposed by NSS Programme Officer Dr. Abhijeet Dhere.



Moments from the Camp



Student's Corner

जगण्यात मौज आहे!

Tanaya Ramchandra Wadkar

BA LLB - II

‘सुख पाहता जवापाडे, दुःख पर्वताएवढे!’, ‘एक धागा सुखाचा, शंभर धागे दुःखाचे’ या आणअशा अनेक वचनांनी काय सांगितलं? जीवन म्हणजे त्रास, वैफल्य, नरिशा आणदुःख! त्यामुळे जीवन कठीण वाटू लागले, कंटाळवाणे वाटू लागले. तसं पाहिलं तर हे सारं एका अर्थी खरंच आहे. पण म्हणून काय जगणच सोडून द्यायचं का? अहो, कोळ्याचे जाळे आपण एकदा तोडले म्हणून तो दुसऱ्यांदा जाळे बनवायचे थांबतो का? सारंगाने फुलातला रसास्वाद घेतला तर काय कळ्या सुकतात? उलट ती पुन्हा रसाची नर्मिती करतात, देण्यासाठी!

आपण कोणाच्या पोटी जन्माला येतो हे आपल्या हातात नसते. परंतु आपल्याला मळिलेले आयुष्य कसे फुलवावे, आयुष्यात कोणत्याही कठीण प्रसंगाला कसे सामोरे जावे हे आपल्या हातात असते. प्रत्येक नाण्याला दोन बाजू असतातच. जथि आनंद आहे तथि दुःख हे येणारच आणजीवन म्हणजे अशाच काही चांगल्या आणकाही वाईट प्रसंगांचं समीकरण आहे. ते कसं सोडवायचं हे आपण ठरवायचं असतं.

या जीवनाचा अर्थ जेव्हा अत्र्यांना गवसला तेव्हा ते उद्गारले, ‘जीवन म्हणजे प्रचंड मौज!’ जीवनाचा त्रिकोण ज्या बर्दिनी बनला आहे ते बर्दि म्हणजे बाल्य, तारुण्य आणवार्धक्य! बालपणी आपण नष्टिपाप असतो, प्रत्येक गोष्ट जाणून घ्यायची उत्कंठा असते आणती जाणून घेतल्यावर मळितो तो फक्त आनंद! आपण काहीतरी साध्य केले याचा आनंद! त्यावेळी दुःखाचा स्पर्शदेखील होत नाही मनाला.

याउलट तारुण्य! तारुण्य म्हणजे सळसळते रक्त! या काळात काहीतरी करून दाखवण्याची जर्दिद असते. ‘लाथ मारीन तथि पाणी काढीन’ अशी आकांक्षा असते. या काळात गोष्टी मनासारख्या झाल्या तर बेसुमार आनंद मळितो. परंतु तसं क्वचितच नाही झालं तर दुःखाला सामोरे जावे लागते. पण त्या दुःखातही सुख मानायला शकिले पाहजि.

जीवनातील तारुण्याचा मध्यान्ह संपला की उरते ती संध्याकाळ - वार्धक्य! प्रकृतीच्या कटकटी, मानसकि चर्ति आणत्यामुळे चडिचडि या समस्या सतवायला लागतात आणत्यामुळे जगणं नकोसं वाटू लागतं. परंतु अशा परस्थितीतही आपण आपला कर्तव्य केलेलं आहे, आता मुलांच्या भरभराटीत स्वतःचं प्रतबिबि पाहावं अशा रीतीने सुख मानलं की जगण्याला एक वेगळाच अर्थ येतो.

असं म्हटलंय -

दोन घडीचा डाव

त्याला जीवन ऐसे नाव

हा डाव दोन घडीचाच आहे. परंतु त्यातील वाट्याला आलेल्या दुःखाचा पाढा रडत वाचण्यापेक्षा सुखाची गाणी गायलात तरच खरा आनंद मळिल. 'Life is a game of cards'. जे पत्ते येतील त्याप्रमाणे खेळणं जसं आवश्यक आहे त्याप्रमाणे जी सुखदुःखे वाट्याला येतील त्याच्यात आनंद मानून घेतला पाहजि. सुख जरूर मळिते, फक्त दृष्टी तशी हवी.

हदीतही म्हटलं आहे -

जदिगी लंबाई से नहीं

बल्क गिहराई से नापनी चाहए।

आपण कती जगलो यापेक्षा ते कसे जगलो हे महत्वाचे आहे. 'Count your life by smiles and not by tears'. अश्रूंनी आयुष्य मोजण्यापेक्षा हास्याने मोजा. मग बघा आयुष्य खूप सुंदर वाटेल!



Citizenship Amendment Act

Tanaya Ramchandra Wadkar
BA LLB - II

The Citizenship act was made in 1955. It provides for acquisition and loss of citizenship after the commencement of the Constitution. Recently, on 12th December 2019, it has been amended by the Government. The Citizenship Bill amends the Act to provide that the Hindus, Jains, Sikhs, Buddhists, Parsis and Christians from Pakistan, Afghanistan and Bangladesh who entered India on or before December 31, 2014, will not be treated as illegal. In order to get this benefit they must have also been exempted from the Foreigners Act, 1946 and the Passport (Entry into India) Act, 1920 by the Central Government. To get citizenship by naturalization, one of the qualifications is that the person must be residing in India for at least 11 years before application for registration. But this bill creates an exception for Hindus, Sikhs, Jains, Buddhists, Parsis and Christians from Afghanistan, Bangladesh and Pakistan with regard to this application. The minimum years of residence for this group will be reduced from 11 years to 5 years. Critics argue that it is violative of article 14 of the Constitution (which guarantees equality before law and equal protection of law). Some group of people also criticized that the act is against the principle of secularism and the Government has given rise to the discrimination among the people on grounds of religion. Also people are protesting against the act for they are of the view that this act violates article 25 (freedom of conscience and free profession, practice and propagation of religion) and article 15. Critics also argued that the Act is against Assam Accord of 1985 which states that illegal migrants residing in Assam from Bangladesh after March 25, 1971, irrespective of the religion would be evicted. Critics further argued that the National Register of Citizens (NRC) will become null and void because of this Act.

In response to these criticisms, the Government stands to defend itself. The Government defended with the statement that Pakistan, Afghanistan and Bangladesh are Islamic republics where Muslims are in majority hence they cannot be treated as persecuted minorities. The Government cited that this bill is brought because of the failure of Nehru-Liaquat Pact of 1950 in protecting the rights and dignity of minorities in Pakistan and Bangladesh. Regarding the issue of not including minorities from Sri Lanka, Myanmar etc. the Government clarified that in this case the process of awarding citizenship is to the refugee facing religious persecution from these three countries only.

The petition alleged that governments CAB is against the basic structure of the Constitution and intended to explicitly discriminate against Muslims as the act extended benefits only to Hindus, Sikhs, Buddhists, Parsis, Jains and Christians. Many other petitions also have been filed against the Act to check the constitutionality of the Act. It is now on the Supreme Court, being the 'Guardian of the Constitution', to interpret the provision of the Act and test its constitutionality whether the 'classification' done in the Act is 'reasonable' or not if tested against Article 14.

Criminal Law in India

Ankita Gupta
BA LLB - II

INTRODUCTION:

“Law destroys criminals while lawyers destroys crime.”

- Manisha Choudhary.

Criminal law is a system of law which is concerned with crime and with the punishment of offenders. It deals with theft, robbery, murder, rape, etc and this statute safeguards inhabitants from criminals offence who would inflict physical harm on others individual. It gives lawful punishment to the culprits. This way it maintains peace, harmony, equality, etc in the Indian Society. In this research, we will learn more about Criminal law in India, how it deals with it and various examples to understand the facts & situations in the conspiracy and its general exception.

Main Text

Mainly, the law is distinguished into two areas

Civil law

Criminal law

The Civil Law enables in determining the numerous non-criminal controversies while criminal law deals with a criminal offence.

For example, if a woman is beaten by her husband she has two solutions:

One she can go to the police and she can file a criminal case. At the uniform period, she can go to civil court and account for divorce so it is further remedial in nature this way she will set free for divorce and maintenance whereas in criminal law the spouse goes to jail and gets the penalty. Criminal law is primitive in nature.

Here, the wife can determine the way. If she goes with Civil law then she can choose the remedies by her own but if she goes with criminal law she cannot decide punishment as it will be given by the law.

By this example, we can see that Civil law is seen as personal law whereas Criminal law is seen



as uniform law that applies to everyone.

Civil laws are seen as private law whereas criminal law is seen as a public wrong.

According to our Judiciary philosophy,” it’s adequate to discharge hundreds of immoral men but not one honourable man should be hanged”.

When we talk about crime or criminal offence the first reflection to come to our mind is murder, assault or something else. It counts on the perspective of ours.

For illustration, a knife is impaled in someone’s abdomen and that person expires is that I have executed a conspiracy? If we think or stay a movement then we can say no, not certainly because it relies on why I am putting a knife in someone’s abdomen. I may be a surgeon and put a knife in your abdomen to operate you and you die as a fallout. I could not hold guilty for murder. Yet if I have an intention to assassinate you as an assassin and you die as a consequence then yes I am immoral of assassinating you.

In the above example, we can observe that the surgeon stabbed the knife for good intention as it is said,” Actus non facit reum nisi men’s sit rea” it means that an act does not make a person guilty unless his mind is guilty.

But if we talk about negligence and recklessness here, we can come across many incidents happening in our society like medical negligence, driving negligence this negligence not only harms the individual but harms others too. It ruins the life of both individuals.

The above text talks about Men’s Rea or the mental elements- the intention (which includes knowledge) to commit the act of recklessness/negligence. The punishment of negligence will differ in the nature of the act and intention or mental element.

For example, by mistakenly throwing somebody from the 3rd floor of the building knowing that there is a chance that the person may die but at the same time, it may survive. Here the person has the knowledge but no intention to kill because if he/she had the intention to kill he/she would have taken you to the 7th floor or the 10th floor which will lead to death.

We perceived that initially, the individual possesses no probability to assassinate but in the next condition when you take that person to 7th or 10th-floor intentionally to push that individual it clearly shows the discretion of murdering.

Types of Law in Criminal law and Civil law

Substantive law: it is the part of the law that creates and defines right. E.g: The Indian Penal Code defines the offences like murder, rape, theft and it leases down the punishment.

Procedural law which gives the mode or form of conducting judicial proceedings. E.g: Criminal Procedure code applies all criminal matters.

Let's talk about Criminal Major Acts, it consists of

- The Indian Penal Code. (IPC)

The IPC, in short, comprises 23 chapters and 511 sections. The description of the offence begins only from Chapter VI and chapters II to V are of importance and apply to all criminal structures of the system. Chapter II constitutes General Explanation, Chapter III is on penalties, Chapter IV the General Exceptions, Chapter V and VA define Abetment and Criminal affair.

Criminals procedural court. (CrPC)

It tells us, “ what is the evidence?”

“What kind of evidence has to be accepted in court?”

The code of criminal procedure or CrPC sets out the procedure to be followed when an offence is committed.

- Indian Evidence Act.

It contains a set of rules and allied issues governing the admissibility of evidence in the Indian courts of law.

General exceptions to Criminal Law.

The mistake of fact. Nothing is an offence if done by a person who due to a mistake of fact in good faith believes himself to be bound or justified by the law in doing it. However, the mistake of law is not a defence.

Ordinance of Judge, nothing is an offence if fulfilled by a Judge when administering judicially in the practice of any authority which is given to him or which he in rational faith, acknowledges is given to him or anything which is done in good faith, in pursuance of, or is guaranteed by the judgement or



declaration of the judiciary.

The accident did by misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and with proper care and caution.

Law of a self of unstable sense who at the duration of doing it was inefficient in knowing the constitution of the act or that he was doing what is either incorrect or inconsistent to law, due to a sound mind.

Act of an intoxicated person

Nothing is an offence when done by a person, who at the time of doing it is, by reason of intoxication, incapable of knowing the nature of the actor that he is doing what is either wrong or contrary to law, provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

A statute is accomplished without intent to cause death or awful hurt, and which is not learned by the doer to be liable to cause death or grievous hurt, which causes damage or is intended to cause harm, if done with the express or implied consent of an individual above 18 years of age, to suffer the risk of harm, will not be an offence. Examples of these are hurt caused in the sporting clash.

Every person has a right to defend his own body and the body of any other person against any offence affecting the human body, and his own or any other person's property against a certain offence.

The right to private comments as soon as a reasonable apprehension of danger arises from an attempt or threat to commit the offence though the offence may not have been committed and it continues as long as such apprehension of danger to the body continues.

There is also no right to private defence in prosecutions in which there is the duration to have recourse to the protection of the civic authorities.

The right to private defence in no case extends to inflicting more harm than it is necessary to inflict for the purpose of defence.

Conclusion:

When we hear Criminal or Crime we just get a little frightened but to maintain this we have got Criminal laws to resist crime in our society. Criminal law also serves the purpose of the restriction. By giving a penalty to those criminals who may carry out injury and damage to other souls or those who may breach the principle and tranquillity of society are suppressed in jails, off from the community.

Criminal law is amended for a better society. A society with rules and regulations, who live with peace and harmony with no incident like murder or rape. But still, this happens and as it continues, the penalties should be more rigorous and get some transformative in constitutionalism and in-laws. The criminal law India has a great judiciary which won't let any innocent, unsound person get hanged. It gives a private defence right to an individual to safeguard him/her from the conspiracy. It has a general exception. All this made Criminal Law in India a great Law to follow and bring up the country and reduce the criminal offence.

Yet, as acknowledged, the Crimes are increasing each and every day in our society and the punishment is considerably low. Occasionally, the criminal gets bail easily due to his/her power in the system. So, there are additional possibilities to evade impeachment from the clutches of the law. Heretofore, Indian Criminal Justice System is working on the motto of "hundred criminals can be escaped, but one innocent should not be punished". Thus, it is observed that the punishment system in India is not perfect.

It has to be changed as early as possible to safeguard our citizens from the hook of crimes.

"Crimes are unnecessary practice in a society which shakes-up the smooth movement of the state and harms the Public Interest and groups of people in a traumatic manner."

Cyber world

Introduction of cyber world:

Cyber world, also known as Cyber space is more than the internet or the digital equipment around us. As earth is surrounded with an environment in which we human beings survive, the same way there is a human created cyber space in which humans can interact with each other. Cyber world commonly known as social media, where everything is done virtually. We have a common example of Facebook, twitter, WhatsApp, etc. Cyber world is not limited to these things, it also has a severe threat on national security. Every country has some sensitive data which is very important for the security of the state. As the nation is safeguarded by the military professionals when being attacked by the enemy states. Similarly the state has some sensitive data that needs to be protected by the attacks. We will discuss some kinds of attacks like malware, spyware, ransomware, trojans, intellectual property threats, thefts of money, data manipulation, data destructions, heinous criminal activities, malvertising and many known and unknown types of attacks.

Cyber threats and history of attacks

India was the most cyber attacked country in the world for three months in 2019. Cyber criminals have adapted advanced techniques for their targeted end users.

Ransomware attack 2019

Ransomware is a malicious software that takes over computer systems denying user access to data.

India has been a victim of many such attacks by the enemy countries. India faced the biggest ransomware attack in the year 2019, last year the resurging ransomware attack targeted many corporate sectors and affected many municipal corporations as well as private sectors. The three most highlighted members of the ransomware family are- Ryuk, Purga, and Stop.

Name of ransomware	Percentage of attacks caused
Stop Ransomware	10.10%
Ryuk Ransomware	5.84%
Purga Ransomware	0.80%

Telangana and AP Power Utilities Hacked:

In this ransomware attack the hackers struck after the billing cycle got over. In these attacks the hackers steal the information and demand ransom to restore the data back.

UHBVN Attack

Uttar Haryana Bijli Vitran Nigam was hit by ransomware attack where the attackers demanded \$10 million in return for restoring the data

Name of attack	Particulars
Cosmos bank cyber attck pune	In 2018, this attack shook the whole banking sector in India when the hackers siphoned off Rs 94.42 Cr from Cosmos Bank. The ATM servers were hacked
Canara bank Cyber Attack	Around mid 2018, almost Rs 20 lacs wiped out from various accounts
UIDAI Adhar software	In 2018 the massive data breach of 1.1 billion Indian Aadhar card holders took place. Anonymous sellers were selling data of any person for Rs 500.
Hack Attack on Indian Health care websites	The Hackers stole over 68 lakh records of doctors and patients.
Sim Swap Scam	There was an illegal transfer of money from bank accunts.

Cyber Crime Flourishes in recession:

Cybercrime analysis in the UK

The world noticed the bad period for the economies all over the world in 2008. Cyber crime rose in the last recession in 2008.

Previous recessions show direct correlation between a fall in economic output and rise in fraud; the comparison of the UK's previous # recessions and mapped the growth in fraud offences as GDP falls;

1980 Recession	3 % fall in GDP	5.6 % increase in Fraud offences
1990 Recession	1.7% fall in GDP	9.9 % increase in Fraud offences
2008 Recession	2.1 % fall in GDP	7.3 % increase in Fraud offences

Cybercrime Analysis in India:

Lt. Gen Rajesh Pant, India's National Cyber Security Coordinator (NCSC) stated that Cyber criminals had launched thousands of "fraud portals" related to COVID-19 situation. These sites have lured thousands of Indians eager to contribute to the fight against Coronavirus into making donations.



A state sponsored hacking group supported by Pakistan perpetrated a series of ransomware and phishing attacks aimed at stealing highly sensitive defence, security and diplomatic information under the guise of corona health advisories for epidemic related communication.

DARK WEB

There is a new trend among the cyber criminals of the Dark web. Most of the heinous and illegal crimes are taking place with the help of the Dark Web.

It is the use of the browser called the TOR Browser, it routes our web page requests through a series of proxy servers operated by thousands of volunteers around the globe, rendering your IP address unidentifiable and untraceable.

As the normal websites ends with .com .in .co.in these dark websites end with “.onion”

The hackers are taking help of these networks to be unidentifiable and untraceable.

What are the types of web?

Surface Web: The part of the Internet available for general people to search and surf access to anyone. Mostly indexed to search engines. As shown in the above picture it is known as the world wide web (www.)

Deep Web: Some pages or Websites are included in search engines need to be accessed by the person authorised. They cannot be accessed unless you have its URL, Address, Password. These aren't available to everyone. It has many layers of security. Ex. Government sites, files, data or documents of companies.

Dark web: This is the most dangerous part of the internet, all the illegal transactions happen through Dark web. As mentioned the IP is unidentifiable the crimes such as Drug dealing, hiring shooters, human trafficking occur. People involved in these crimes have access to it.

How does Dark web work?

As the image suggests the data is encrypted and hence can only be accessed by an onion router.

All the illegal activities like smuggling of drugs, child torture, child pornography, human organ selling are done through this platform.

Red Room: this platform is used by terrorists usually for torturing kidnapped persons, also it is

used for payments done by bitcoins and the main reason behind it is that the government has no access and control over it as the IP address is unidentifiable.

Government (FDI) has found a cure by ceasing the silk route where drugs were smuggled.

Cryptocurrencies such as bitcoin and block chain technology have been developed on the darknet to enable anonymous payments to be made without being traced.

In the experts opinion there are many ways to trace such activities out of the dark web, but for tracing the activities of the Dark web Police and Investigating Authorities need to be specially trained or a new special wing need to be introduced for the work.

Hacking :

Many a times technology plays a huge part in crimes, for example: Smart homes, Wi-Fi door locking and unlocking, smart vehicles locking systems etc. are increasing the risks of occurrence of heinous crimes such as invasion in the property for robbery, theft, murder, rape. It has helped the invaders to commit crimes. People posting the personal data on social media or even on professional platforms can be misused, stolen and even sold for the commission of these crimes. The privacy of an individual is a debatable issue as stalking and tracing anyone is as easy as buying vegetables. Experts say that imposters get access to mobile phones, cameras and track or record people and then they are blackmailed for ransom or various other reasons.

Ethical Hacking:

This is the solution for the world of hacking. It is always said to catch a culprit, think like a culprit. Hence emerged the idea of ethical hacking. The ethical hacker does the same work in a legal way for a legal purpose. The ethical hacker is the grey hacker that tries hacking companies to check the security to fix the bugs and free it from any kind of malwares and ransomwares. This is the new field and the trending career option among the individuals.

Author's opinion :

There is the solution for hacking of data of large- cap, mid cap companies, also the small cap companies hire professionals to secure and safeguard their information, but the individuals safety is still in issue.

Hence every individual should take up the responsibility of his own safety, should learn measures also promote them as how to safeguard the personal information.



Fear of recession spreads in India

Riyancy Mishra

B.A.LL.B - II

Much has been written and said about the ongoing economic slowdown in the Indian Economy. What was being indirectly said about several economic indicators flashing warning signals for the last year or so, what has triggered the present criticism is the GDP (Gross Domestic Product) figures for the last quarter which came in at 5.7% and suddenly brought the issue into a full public glare.

What is GDP- (Gross Domestic roduct)?

When an economy registers negative GDP growth for two or more consecutive quarters, it could be termed as a recession. However, GDP growth contraction for subsequent quarters is considered an early sign of recession. Among other early signs of recession are when stable businesses start reporting back-to-back quarterly losses, resulting in a sharp decline in revenue and demand.

India's GDP growth has slowed down to 5.7 per cent--the lowest in the past six years. Since official data on India's economic growth was released ,some reports have already triggered debates on whether India's economic turbulence is more than what meets the eye.Multiple datasets released recently show that the Indian economy is facing a multi-year slowdown.Some indicators like nominal GDP (NGDP) are worse than 2008-09 levels when a US-triggered recession ultimately wiped out more than \$2 trillion in terms of global economic growth potential.But India's economic story during the last US recession, which ultimately spread across over 50 countries in Europe and Asia, was different--when top economies of the world saw growth shrink sharply, India consistently registered quarterly growth around 6 percent through the 12 months during September 2008-2009.

The most important factor is that there is also a global economic slowdown that is happening. A recent survey of economists conducted by the National Association for Business Economics (NABE) indicated that a recession could hit the US by 2020-21.

Out of all the 226 business economists surveyed, 34 per cent expressed deep concern over the policies of President Donald Trump, fearing that these could trigger a recession as early as 2020.

While Trump has constantly dismissed such fears citing stable economic growth, a number of factors including the US-China trade dispute are riling up economies around the world. Many of the world's economies are currently suffering from daily stock market upset, primarily due to the US-China trade tension.

Global economic slowdown has also affected India due to the fact that India is a net commodity

exporter, thus there has been a slump in the volume of exports.

The country's growth pattern is different this time around. Since 2009, India's exposure to global economies has increased significantly, industry bigwigs from the West--from apparel to technology--enjoy a bigger bite of the Indian marketplace.

A slowdown in their business could upset many aspects of the Indian economy, precisely leading to increased job losses. And the fact that unemployment in India is at a 45-decade high has already painted a worrisome picture. the global slowdown has also been accompanied by a retreat of globalization which has resulted in FDI or Foreign Direct Investment being only in the areas of speculative finance and distressed assets purchases rather than into investments that help the Real Economy. Thus, it can be said that ongoing global headwinds also have contributed to the slowdown in the Indian Economy.

Unemployment rise in India

In economics, Okun's law is an empirically observed relationship between unemployment and losses in a country's production. The "gap version" states that for every 1% increase in the unemployment rate, a country's GDP will be roughly an additional 2% lower than its potential GDP. The difference version" describes the relationship between quarterly changes in unemployment and quarterly changes in real GDP. The stability and usefulness of the law has been disputed.

According to the Pew Research Center, a significant majority of Indians consider the lack of employment opportunities as a "very big problem" in their country. "About 18.6 million Indians were jobless and another 393.7 million work in poor-quality jobs vulnerable to displacement," states the Pew report.

That's why, one of the biggest factors in gdp fall in India is unemployment .

A leaked report on unemployment prepared by the National Sample Survey Office's (NSSO) periodic labour force survey, has not been officially released by the government. According to Business Today, this report is the "first comprehensive survey on employment conducted by a government agency after Prime Minister Narendra Modi announced demonetisation move in November 2016". According to this report, the 2017–2018 "usual status" unemployment rate in India at 6.1%, a four-decade high, possibly caused by the 2016 demonetisation of large bank notes intended to curb the informal untaxed economy.

The report and the refusal of the BJP government to release the latest NSSO report has been criticized. According to Surjit Bhalla, the BJP government's holding the report back is a bad political decision, the survey methodology is flawed and its results absurd, because the sample survey-based report finds that India's overall population has declined since 2011–12 by 1.2% (contrary to the Census



data which states a 6.7% increase). The report finds that India's percent urbanization and urban workforce has declined since 2012, which is contrary to all other studies on Indian urbanization trends, states Bhalla. According to NSSO's report's data, "the Modi government has unleashed the most inclusive growth anywhere, and at any time in human history" – which is as unbelievable as the unemployment data it reports, states Bhalla. The NSSO report suggests the inflation-adjusted employment income of casual workers has dramatically increased while those of the salaried wage-earners has fallen during the 5-years of BJP government. The NSSO has also changed the sampling methodology in the latest round, state Bhalla and Avik Sarkar, which is one of the likely sources of its flawed statistics and conclusions.

The report states that male youth had an unemployment rate of 17.4 percent and 18.7 percent in rural and urban areas, while women youth had rates of 13.6 percent and 27.2 percent respectively in 2017-18. However, the think tank of the Government of India, NITI Aayog says that these are not official and the data is not yet verified. The Indian labor force is estimated to be growing by 8 million per annum, but the Indian economy is currently not producing new full-time jobs at this rate.

The BJP-led Indian government has claimed that the NSSO report was not final.

According to the International Labour Organization (ILO) – a United Nations agency, unemployment is rising in India and the "unemployment rate in the country [India] will stand at 3.5 percent in 2018 and 2019 – the same level of unemployment seen in 2017 and 2016", instead of dropping to 3.4 percent as it had previously projected.[32] According to the ILO's World Employment Social Outlook Report, the unemployment rate in India has been in the 3.4% to 3.6% range over the UPA-government led 2009–2014 and the NDA-government led 2014–2019 periods.

What is Demonetisation's impact on Indian economy-

Reserve Bank of India's (RBI's) confirmation that most demonetised notes were returned to the central bank finally confirms the long-held suspicion that the unilateral executive decision to ban specified notes not only failed in its stated objective of flushing out hidden wealth but also ended up causing some damage to the economy. The RBI annual report for 2017-18, released on Wednesday, shows that almost all the banned banknotes, or 99.3% of the notes withdrawn, were returned to the central bank. The government had on 8 November 2016 abruptly withdrawn currency notes of Rs 500 and Rs 1000 denominations without providing for adequate replenishment. All economic agents were given a limited time window to deposit their existing notes with banks and replace those with new notes. This created a huge pressure on the banking system, marked by lengthening queues outside banks for about two months. The sudden decision had a two-fold impact on the Indian economy: an aggregate demand shock by reducing the supply of money, and an aggregate supply shock by constraining availability of cash as a critical input for specific economic activities, such as purchase of inputs in the agriculture sector. Growth slowed down to a four-year low of 6.7%. Kavita Chacko, senior economist with Care ratings agency, says: "Demonetisation led to disruptions in economic and industrial activity.

The lower domestic GDP growth in the past two years is largely on account of demonetisation and GST implementation led turbulence.” At the same time, RBI data indicates that the desired effect of a substantial reduction in frequency of cash transactions remains largely unfulfilled. Immediately after demonetisation (November-December 2016), sales of consumer durables and appliances slipped by 40%. The effect of demonetisation was more pronounced in Tier-II towns and beyond, generally referred to as up-country markets. The impact on the durables and appliances segment was palpable as this market still operates 80% on cash. Schemes encouraging digital payments, special discount offers and promotions did not ease demonetisation’s impact on the consumer durables market. That year, companies in the sector were expecting a 30% growth on improved household income, backed by a good monsoon and the 7th Pay Commission. But that did not materialize. The after-effects have also taken some time to feed through the system. In its latest Article IV Consultation report on India, released in August 2018, the International Monetary Fund (IMF) has said: “The impact on growth appears to have been more severe and longer-lasting than anticipated at the time of the 2017 Article IV Consultation with a disproportionate impact on the informal sector.” The negative impact of demonetisation was felt across the all segments of economy, especially agriculture and industry. The worst impacted were segments that relied on high-volume cash transactions, such as organized and unorganized retail. The impact was felt at both the firm level as well as at the consumer level. The IMF report quoted above also states that the disruption caused by cash shortages dampened consumer and business sentiments, leading to a decline in high-frequency consumption and production indicators, such as sales of two-wheelers and cement output, respectively. Praveen Khandelwal, secretary general of the Confederation of All India Traders (CAIT), said: “In the first four months after demonetisation, business was down by as much as 50% for small traders. It took about six months for the situation, currency flow and business to normalize.”

Decision of GST- (goods and services tax) positive or negative?

As every coin has two faces in the same GST has both perspectives i.e. positive and negative. In a report, DBS bank noted that initially, GST will lead to the rise in inflation rate which will remain for a year but after that GST will affect positively on the economy.

GST is an indirect tax that is finally recovered from consumers of goods and services, in the form of increase in sale price. Thus every consumer be he/she is rich or middle class or poor pays same amount of GST for one unit of any product or service he avails in the market and here in India, the maximum population is of the middle class and lower middle class where people either belong to service class or they depend on agriculture for their living. It has a negative impact on the common man in India. Inflation rate has increased from 1.79% to 5.11% during the period of July 2017 to Jan 2018. This is because of the negative impact of GST on price levels in India. It has largely affected consumption and demand of poor people in India. GST has also hampered the small businesses more than Demonetization by forcing them to withhold inventory until they migrate to the GSTN or the GST Network and become compliant with the numerous rules and regulations that are part of this tax. As we know Real Estate also



plays an important role in Indian economy but some experts think that GST will impact the Real Estate business negatively as it will add up the additional 8 to 10 percent to the cost and reduce the demand by about 12 percent. The health of real estate is a massive indicator of the state of Indian economy. It has links with about 250 ancillary industries -- bricks, cement, steel, furniture, electrical, paints etc -- and affects them all if there is a boom or gloom in the sector. Reports are that the volume of unsold houses over the past one year has increased in the top cities of the countries. According to real estate research company Liases Foras, the unsold inventory currently stands at 42 months. This means it will take three-and-a-half years for the existing unsold inventory (flats/houses) to clear up. An efficient market maintains 8-12 months of inventory, the company said. It can be said that the implementation of GST is also flawed thereby exacerbating some of the factors that have contributed to the slowdown.

Collapse in Consumption and Investment-

Private consumption has taken a beating due to Demonetization as consumers suddenly prefer to hoard cash or keep it in the bank instead of spending on consumer goods.

Some Indian sectors are facing the worst slowdown in months, even years.

The Indian automobile sector, the fourth-largest in the world in terms of sales, has been facing deep wounds for the last 10 months on account of declining demand, resulting in a significant sales slowdown.

For instance, the auto sector which makes up for almost 7.5 per cent of the country's GDP and almost half the manufacturing GDP, has laid off 3.5 lakh employees as consumer demand shrunk dramatically over the last 10 months of sectoral slowdown

The situation is similar, if not so serious, in a few other sectors such as real estate and banking.

Many sectors have been struggling to maintain growth amid a slowdown, lakhs of employees across sectors have been laid off and foreign investors are withdrawing crores from the market every day.

Meanwhile, activities of eight core sectors have fallen to 2.1 per cent in August 2019, sharply declining from 7.3 per cent in the corresponding period a year ago.

Two Purchasing Power Manager's Index (PMI) surveys conducted by IHS Markit indicate a slowdown in both services and manufacturing activities, which are equally important for economic growth.

Moreover, demand has also collapsed in the rural areas as the entire rural economy runs on cash

and Demonetization led to the loss of jobs as well as incomes thereby squeezing the rural consumer who now prefers to wait and watch as well as postpone consumption except that of essential goods and services.

a deeper study of ground reports from various states indicates that the economic slowdown has hit India where it hurts most--the crucial medium and small-scale enterprises (MSMEs) or the backbone of most Indian sectors.

Some solutions that can help Indian economy-

1. According to many economists the government should focus on measures that will enhance bank and nbfc lending rather than for the complicated the situation with bank mergers
2. While the slowdown would probably continue for the next quarter it is high time the government focuses on fixing the liquidity crisis which has choked lending to most micro ,small and medium enterprises and reducing the tax burden on individuals and companies.
3. The government should drop the plan of making an annual budget and stick to a 5 year budget plan.
4. The US China trade war could offer an opportunity for India as a substitute trade market.
5. Us china trade war could also lead to a transfer of a lot of industries from China to India that could result in an increase in employment.
6. In case the global economy is hit by a recession in 2020 or 2021 European countries would be at their worst head due to political uncertainty over brexit . But considering India's increased Global exposure and present economic status strengthening the fences by striking a balance between growth and reserves would not be a bad idea.
7. The central government should focus on implementing a combination of stimulus packages and policy boosters to stop growth paralysis.
8. Investors have to be backed by monetary policies even though it could derail the government's fiscal targets as not addressing the slowdown could have a far worse negative long term effect.
9. RBI's rate cuts aided by its diktat on following external Benchmarks for loans could lower interest rates resulting in much needed relief.



Gender Equality for #MENTOO

Anmol Singh
BA LLB - I

Today, when we talk about gender equality in India, the majority of people will imagine women being harassed, denied justice and equality and definitely “women empowerment” written in bold letters. Indian society has been recognised as a male dominant society. But 21st century India is not what it used to be. We have made many laws for establishment of gender equality, to be specific we have made laws for women in order to do so.

All these laws providing special rights and protection to women put men into disadvantage in various circumstances. Gender equality refers to providing rights, respect, liberty, etc irrespective of their gender and not giving privilege to just one gender. though these special laws given to women are crucial to maintain equality and justice. But , what should be done when women use these same laws against innocent men for their personal gains, money, revenge, etc? Who’s going to protect men from these “positive discriminations”?

The Dowry Prohibition Act (1961), Protection of women from domestic violence Act (2005), Sexual harassment of women at workplace (prevention, prohibition, redressal) Act, 2013, etc. All these are not gender neutral and apply to women only. What about men? If we leave dowry prohibition act, are those acts which we can see can be committed against women only and are not actually gender neutral ? There is not a single act or law which can protect men in these circumstances or even when these laws are allegedly used by women and where we can find female perpetrators.

Section 375 of IPC states that rape is a crime which can be committed against female only. There is no scope for men to be raped, why? Let’s talk about the legal aspect of rape which is a grievous crime. A crime is composed of two factors first, actus reus i.e. guilty act which is sexual harassment is the case of rape and secondly mens rea i.e. guilty mind or intention which is absence of consent of the victim. Can it be proved that whenever a man indulges in sexual intercourse it is always according to his will or consent? The answer is no. I consider it as a loophole in providing justice and equality. More recently, the Delhi-based Centre for Civil Society found that approximately 18% of Indian adult men surveyed reported being coerced or forced to have sex. Of those, 16% claimed a female perpetrator and 2% claimed a male perpetrator. there are burdens placed on male survivors, such as being perceived as effeminate or perhaps even homosexual, unfortunately taboo topics for men, that would not be equally felt by female survivors.

In October 2019, a girl allegedly threw acid on a boy in Uttar Pradesh, Jeevangarh area at Aligarh after he refused to marry her. It can be concluded that these crimes like rapes and acid attacks are

evolving as gender neutral crimes. We should focus on making laws which can protect rights of a gender without putting the opposite gender into disadvantage.

Let's take another example, the Government of Delhi in October 2019 implemented a law which made travel free for women in all Delhi Transportation Corporation (DTC) and cluster buses. In my personal views I strongly oppose this law and I consider it as an infringement of the right to equality. If we consider that 50% of women of Delhi are underprivileged and economically backward who will be benefited by this law then what about the rest of the women who can actually pay for the tickets, the same fraction of men who are underprivileged and actually needs such reservation are being discriminated on the basis of gender.

At last I would like to conclude that all these laws for women has helped a lot in eliminating inequality and injustice but in this era of #metoo now it's time for #mentoo. The simplest meaning of gender equality is to treat all human beings the same irrespective of their genders.



Impeachment of President of USA and India

Ankita Chhajed
B.A.LL.B- V

Meaning of Impeachment:

When the makers/founders feared that the President might abuse their powers, they included in the constitution a process for removal or 'impeachment' of the President.

Impeachment in USA:

Under the provisions of the Constitution, as per Art. I sec. 2 cl. 5, Art. I sec. 3 cl. 6 & 7, Art. II sec. 2 & sec. 4. The President can be removed from office for " treason, bribery or other higher crimes & misdemeanours."

Alexander Hamilton, in Federalist 65, described impeachable offences as those arising from 'the misconduct of public men, or in other words from the abuse or violation of some public trust. Such offences were political as they relate chiefly to injuries done immediately to society itself.'

'High crimes and misdemeanours' , have historically encompassed corruption and abuses of the public trust as opposed to just indictable violations of criminal statutes.

The impeachable offence is whatever a majority of the House of Representatives consider it to be at a given moment in history.

The recent criteria in Trump's case :

A phone call on 25th July between Trump and Ukraine's newly elected President, Volodymyr Zelenskiy where he asked the latter for 'a favour' .

Trump wanted the Ukraine government to investigate 2020 rival, Joe Biden, in return for military action the Young Democracy relies on as it confronts an aggrieved Russia.

The US House of Representatives has impeached President Trump on the charges of 'high crime and misdemeanours' crimes in this context.

History of Impeachment so far :

In the famous case, Nixon v. United States, the 37th US President, Richard Nixon, resigned from office on 9th August 1974, before he could have been impeached by the House & removed from office by a trial in the Senate.

In 1868, Andrew Johnson was impeached, but the senate narrowly acquitted him by one vote.

In 1998, Bill Clinton was impeached, but he was also acquitted by the Senate.

No President has directly been removed as a result of the impeachment.

Procedure of Impeachment :

Investigation by Congress, begins at the House Judiciary Committee, may begin elsewhere. E.g. Nixon's began in Senate Judiciary committee.

The House of Representatives must pass by a simple majority of those present & voting, articles of impeachment which constitute the formal allegations. Upon passage, the defendant is 'impeached'.

The senate tries the accused. In case of impeachment of the President, the Chief Justice of the United States presides over the proceedings. In case impeachment of any other officer, the Constitution role falls to the Senate who is the Vice President of the United States.

Conviction in the Senate requires the concurrence of the two-third supermajority Of those present. The result of the conviction is removal from Office.

Who becomes President if Trump is removed?

If the President is removed, the Vice President prevails. In this case of Trump, Vice President Mike Pence would become President for the remainder of Trump's term which ends on 20th January 2021.

Difference Between Indian Impeachment and US Impeachment:

	India	United States
1.	1.Lower House- Lok Sabha. 2. Upper House- Rajya Sabha.	1.Lower House- of 2.Upper House-Representatives Senate



	India	United States
2.	Combined process of Lok Sabha and Rajya Sabha.	Impeachment restricted to House of Representatives
3.	2/3 rd of total membership of the House-in both Lok Sabha and Rajya Sabha.	Impeachment process begins only in the house of representatives.
4.	If President is impeached , New President is appointed in office for a term of 5 years.	After impeachment, the Vice President becomes the President for the remainder term.
5.	The Chief Justice of India does not preside in case of impeachment.	The Senate-The Chief Justice of the United States presides.
6.	Provision laid down under Art. 61 of Indian constitution.	Provision laid down under Art. I, II of the constitution of the United States of America.

Gender equality is a human fight, not a female fight.

*Sneha Nair And Revati Wagh,
B.A.LL.B. V*

Introduction

Diversity is the significant path of Indian culture and religious tolerance is the court of Indian secularism. Secularism with every religion meeting up and adding to the development of our nation.

The Supreme Court in the Commissioner *H.R.E. v. L.T. Swamiyar*¹ held “Religion is a matter of faith with individuals or communities and it is not necessarily theistic. Religion has its basis in a system of belief or doctrines, which are regarded by those who prefer that religion has conducive to their lay down a code ethical rules for its followed to accept, it might prescribed rituals and observances, ceremonies and modes of worship, which are regarded as integral parts of religion and this forms and observance might extend to matters of food and dress.”

About Sabarimala Temple

Sabarimala (literally meaning “the Sabari hill”) is a hill located in the Pathanamthitta district of the southern state of Kerala, and the site of the most important Hindu temple dedicated to the worship of Ayyappan. It is estimated that every year Sabarimala attracts between 6 and 10 million during the pilgrimage period and 40-50 million over the whole year, making it the world’s second largest pilgrimage destination after Mecca.

The main peculiarity about Sabarimala is that the near totalities of its pilgrims are men. As a consequence, the temple and its premises are configured as an all-male space, and the pilgrimage is configured as a masculinity-defining practice.³ Till the Supreme Court verdict was passed in September 2018² There existed a formal prohibition preventing women between 10 and 50 years old, that is to say women in fertile age from accessing the temple at any point in time.

1 AIR 1954 SC 282

2 *Indian Young Lawyers Association & Ors. VS The State of Kerala & Ors.* (IN THE SUPREME COURT OF INDIA CIVIL ORIGINAL JURISDICTION WRIT PETITION (CIVIL) NO. 373 OF 2006)



Sabarimala As To Preservation Of An Essential Practice:

The Constitution protects both an individual right to religion under Article 25 and a denominational right to manage its own religious affairs under Article 26 of the Constitution, so an argument could be made that temple entry laws won't affect a temple used exclusively by a given denomination. It is clear that the customs, usages and rules of temples are necessary to maintain order, decorum and safety of the temple. The exclusions under these rules are not on the basis of cast, birth, pedigree or sex but are based on the belief, customs and usages of the temple.

It is settled that a religion not only lays down a code of ethical rules but may also prescribe rituals and observances, ceremonies and modes of worship. So, the administration of the temple vests with the Temple trust Board under the provisions of the Kerala Hindu Public Places of Worship Act, 1965 and there is a statutory duty cast on the Temple trust Board to arrange worship in temples in accordance with the usage. It is also pertinent to note that under the ceremonial laws pertaining to temples, important aspects of worship like who is entitled to enter for worship, where they are entitled to stand and the manner of worship are all affairs of religion protected both under Article 25 and Article 26 (b).

As per the custom, the worshippers, both men and women, can only visit the temple after observing penance for 41 days. It is worth mentioning that while men can observe the aforementioned penance, women between the age of 10 and 50 will not be physically capable of observing *vratham* for 41 days on physiological grounds. The temple is not open to worshippers throughout the year and only allows entry to devotees during certain festivals and seasons i.e. *Mandalam*, *Makaravilakku* and *Vishu*. According to the beliefs, Lord Ayyappan observes strict celibacy during these festivals and seasons. Therefore, the temple administration board, willing to adhere to these customs and beliefs, restricts the entry of women aged more than 10 and less than 50. The objective of the board is only to see to it that beliefs and customs which form the cornerstone of this sacred religion are complied with. The rules are formulated after taking into account the religious sentiments and practices followed in the temple.

Thus, in early 2016, female supporters of the ban responded with the "Ready To Wait" campaign, expressing their willingness to refrain from visiting the shrine before the age of 50, maintaining that the restriction is not discriminatory against women but motivated by the observance of the *brahmachari* nature of Ayyappan³ Also, in the year 2019 stated with the "Kerala Wall": a "620-kilometre long human chain of millions of women standing side by side on the roads of Kerala one believes there are various temples where women cannot go (*Haji Ali Dargah*, *Jain Temple in Ranakpur*, *Patbausi Satra*, *Assam*, *Lord Kartikeya Temple*, *Pushkar*) also there are various temples where men cannot go (*Attukal Temple*, *Kerala Chakkulathukavu Temple*, *Kerala Santoshi Maa*, '*Vrat*' *Lord Brahma Temple*, *Pushkar Bhakti Maa Temple*, *Kanyakumari Mata Temple*, *Muzaffarnagar Trimbakeshwar Temple*, *Nasik Kamrup Kamakhya Temple*, *Assam*). Thus, we say that men and women are equally restricted from entering some

3 '#ReadyToWait: These Kerala Women Devotees Campaign against Women Entering Sabarimala Shrine' *The Indian Express* (29 August 2016)

temples for preservation of customs and traditions

Some argue that the state cannot be a passive spectator when exercise of the right of religion threatens the public order, morality and health of the community. It must play a positive role and ensure maintenance of public order, health and morality in the society. The Constitution requires not only that the State will be away from the religion but also imposes a positive duty on the state to free many aspects of our life from the control of religion.⁴

Sabarimala As A Step Towards Gender Equality:

The right of a woman to pray is an extended Art 19 fundamental right which does not depend on legislation. All persons are entitled to freedom of conscience and the right freely to profess, practice and propagate religion. This means your right as a woman to pray is not dependent on legislation. It is a constitutional right.

Some argue that the ban on the entry of women of certain age groups is violative of various fundamental rights, including Art 17, which deals with untouchability. The Art 17 prohibits untouchability in any form. According to them the purification of the temple after the entry of a woman in the shrine and calling a woman impure are the clear instances of untouchability.

Shorn of all legal and religious construction, the justifications offered for denying entry into places of worship rests on a supposed inferiority of women in matters of religion. Whether such an argument is linked to menstruation, the weakness of physical frame or some other physical attribute of women, the fact remains that the arguments offered for restricting women's entry to religious places is a brute exercise of patriarchal power and nothing more. When such barriers and obstacles in the path of equality of women are slowly but steadily being eroded in most aspects of society, one hopes the same for these religious practices.

The principle of constitutional morality basically means to bow down to the norms of the Constitution and not to act in a manner which would become violative of the rule of law or reflectible of action in an arbitrary manner. It actually works at the fulcrum and guides as a laser beam in institution building. The traditions and conventions have to grow to sustain the value of such a morality.

They argue about the demand for temple entry to all classes has long been a part of the larger struggle for social reform in India. In the Temple Entry movement, it was the Gandhian or nationalist approach to fight caste oppression. As a result of the movement, in November 1936, Maharaja of Travancore issued a proclamation throwing open all government controlled temples to all Hindus irrespective of caste. In 2018, the Supreme court observed, "gender justice" is an integral part of the constitutional morality,

⁴ In a secular polity, issues which are matters of deep religious faith and sentiment, must not ordinarily be interfered with by Courts". Ibid., Justice Indu Malhotra



denominational practices that go against gender justice are not protected by Art.26(b). Similarly, it is just a struggle to lead to gender justice and eradicate the gender stereotypes.

Conclusion

In India, the two practices of menstrual taboo and gender-selective access to places of worship come together, as women are prevented from accessing certain shrines by virtue of the menstruating nature of their body. The Court's judgment endorsed feminist activists' claim that the ban is discriminatory against women, hence anti-constitutional. On the other hand, religious and political institutions and devotees (including women) maintain that the ban is a canonized religious custom, which must be observed out of respect for the religious sentiment of Hindus. The judgment divided public opinion and fuelled a wave of protests, often backed by opposition parties; it is also likely to have important consequences for the future management of religious affairs in India.

LGBTQ - Their rights against the community

Ankita Gupta
B.A.LL.B II

Abstract:

Yatra Vishvam bhavati Eka needam (Where the world becomes one nest). The previous statement confined that our world is a place with a variety of people who reside together with unity, equality and love with no difference nor violence just with humanity.

The research topic “**LGBTQ - Their rights against the community**” states about the status of LGBTQ people in the society and their rights.

The article talks about the struggle faced by the LGBTQ community from society.

It has observed that homosexuality has been present in our culture during the ancient times. It's not a new trend of a new generation but it's a need of today's society which has emerged, it needs an appropriate place in the society with equal treatment and acceptance in the population.

“NOT WANT TO BE A PERFECT MAN OR WOMAN, WANT TO BE A PERFECT INDIVIDUAL AND A GREAT HUMAN BEING”

It's not the time to be quiet, it's the time to accept them as one of us. After the landmark judgement of the Supreme Court of India that section 377 of IPC is decriminalized which brought up massive happiness flickering on the faces. Though the judgement stood with justice yet people were against it and discriminated against them till today. The law cannot be implemented until people change their mind and heart.

“I am what I am, so take me as I am!”

Introduction

Meaning of LGBTQ

LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer) is a comprehensive acronym encompassing all minority sexual and gender identities.



The worldwide phenomenon of LGBTQ

For years, the LGBT community is fighting for their rights to be free and get the same respect and position in society as every human being gets. The fight to accept them in society is still on. Each day they have to fight for life, tolerate violence, sexual harassment and abuse at the workplace.

This fight for the right has been reached worldwide which leads LGBTQ people to live jointly with no criminal proceedings. Even begin legal there are reports of homosexual people being targeted with bullying or physical assault or even homicide. On 26th July 2013, the UN launched 'Free & Equal', a global campaign designed to raise awareness of homophobic & transphobic violence and discrimination; to help millions of people stop being abused for being who they are.

We must protect the basic human rights of LGBTQ people. The idea of Human Rights is that each one of us, no matter who we are or where we are born, is entitled to the same basic rights and freedom. Human Rights are not privileged, and they cannot be granted or revoked. They are inalienable and universal.

What does the Universal Declaration of Human Rights state about LGBTQ

It states that "All human beings are born free and equal in dignity & rights."

United Nations grave concern at acts of violence and discrimination based on sexual orientation and gender identity.

Socio-legal aspects

Let us understand the term INDIVIDUALITY- It's something we all have in common. But something that makes them different, being Lesbian, gay, bisexual, transgender or intersex marks them out for abuse.

Social aspects

According to the United Nations survey, LGBTQ youth experience bullying in childhood. Many LGBTQ adolescents are rejected by their parents and thrown out of the family home and end up living on the streets.

Bullying, isolation and rejection leave deep scars.

Yet, after receiving the rights is it true to say that the LGBTQ community are free to live their life happily, does society have accepted them, can they marry, do they get the same status as heterosexual

couples receive, etc. People repeatedly stating homosexuality is not a culture, it's a mental disorder or disease. Through 48 years back American Psychiatric Association published the Diagnostic and Statistical Manual of Mental Disorders which states "Homosexuality did not meet the criteria for psychiatric illness is no longer considering it a disorder and it is as valuable as heterosexuality."

In 2016, Indian Psychiatric Society declared "Stop treating homosexuality as an illness".

Almost half of the world has accepted the LGBT community and allow them to same-sex sexual activity, same-sex marriages, recognition of same-sex couples, joint adoption of a child by same-sex couples, etc but in comparison with Indian society, the Supreme Court has decriminalized the Section 377 of IPC which allows only same-sex sexual activity yet other activities like marriage have not received any recognition.

The societal pressure on LGBTQ youth is so often that they are forced to marry the opposite sex by family pressure even face rejection which leads to suicide, homicide, anxiety, mental issues, etc. The stigma and prejudice created and perpetuated a culture of silence around homosexuality.

"I am what I am, so take me as I am! No one can escape from their individuality. Denial of self-expression is inviting death."

Legal aspect

"We don't discriminate, All we want is equality"

All human beings are born free and equal in dignity & rights. There are minimum human requirements which exist in order to enable a person to live with human dignity, and no state has the right to take away action which will deprive a person of the enjoyment of this basic essential. Privacy, health and dignified life are basic essentials of a person's life. Obstructing an individual's sexual orientation is the infringement of their right to privacy thereby affecting once right to a dignified life. The Supreme Court of India has said that the word 'life' does not mean mere animal existence but a life where an individual could exercise its liberty to live a dignified life.

The proclamation of all homosexual acts criminal, whether consensual or non-consensual is nothing but considering all homosexuals as a sexual pervert, thus demeaning their dignity. It does not take into account the sexual preference of the individuals. Shouldn't the state allow consenting adults to make their own sexual choices? Everybody has the right to control their own sexual choices. Everybody has the right to control their sexuality and bodily integrity. If a person cannot enjoy its privacy then it hampers his right to a dignified life assured by our Constitution under Article 21.

Article 15(1) of the Indian Constitution provides that, "the state shall not discriminate against any



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

Above all, Section 377 of IPC violated the basic features of the Constitution i.e. Justice, liberty and equality.

“Stand in the defence of others
The time to fight back is NOW
Together we can stop violence and
Discrimination against LGBT
Together we can build a world that is
free & equal.”

Relation of Homosexuality in Indian History and Mythology

Homosexuality is said to be unnatural by the so-called society but society lacks its own past history, Scriptures and art depicted on the temples. It has been proved by mythology experts that Indian culture has homosexuality in ancient time which was very well accepted by society. The evidence to the previous statement is Indian art of Khajuraho temple where we witness various postures depicting homosexuality. Therefore, it cannot be completely said that Indian culture does not support homosexuality.

The other considerable testimony depicted in the Hindu epic, the Mahabharata by name Shikhandi. Shikhandi is a transman. In most versions of the story, Shikhandi is male but born female. When Shikhandini changes his sex, he becomes Shikhandi but is a eunuch.

In some versions of the story, Amba is simply reborn as a male Shikhandi, sometimes whole and sometimes a eunuch. In even other versions, Shikhandi is a male but transgender, due to Shiva's boon that Amba will remember all the details of her past life. In early versions of the Mahabharata, Shikhandi is still Amba-reborn, but a straight female. Because Panchala doesn't practice gender discrimination, she is trained to become a warrior and fights in the Kurukshetra War (this being the original reason why Amba kills herself, again and again, wanting to be born to a culture that will allow her to fight Bhishma). Her identity was hidden by her family.

Societal thoughts arise from its past history and become the future. As the secret of Shikhandi was kept hidden by the family the same happens in today's society where LGBTQ people are kept hidden within the family or get the rejection tag.

Homosexuality is mentioned in the Rigveda, one of the four canonical sacred texts of Hinduism says “Vikriti Evam Prakriti” meaning “what seems unnatural is also natural”. Here, Rigveda already

approved homosexuality by recognizing it natural as heterosexuality.

Kama Sutra is a historical Indian Sanskrit text on sexuality, desire and vigorous fulfilment in life. The mention of sexual orientation and same-sex intercourse in kama sutra explains to us that it's not against our culture and not against our history but within our culture and history.

Observations

According to observation and research did, we can state that homosexuality is in our culture since ancient times. It's natural neither a mental disorder nor a disease, it's as important as heterosexuality in society.

No doubt marriage is a sacred institution and therefore it cannot be limited to the opposite-sex couples. It's more about love and togetherness which can also be shared by couples of same-sex. In fact, limiting this institution to sex and procreation will demean the concept of marriage.

The struggle for LGBT equality will only be won if we join together if we speak out.

After all the observations done, we can dedicate a poem of there struggle

“We need you

We need protection

We want you to respect us as Human

Not by any gender

It's not a disorder

It's natural as love.

It's my life, don't make my choice

Don't decide my desire,

It's my judgment, my future, my life.

Everything should be on my hand

It's my body, my rights, my identity.

Let me live my life.”



Conclusion

It is important that we appreciate a world filled with a variety. There will never be just one race, one gender, one colour, one sound, or one anything. The Vedas describe this material world as a reflection of an infinitely beautiful, perfect and eternal spiritual world that has even more variety than we can imagine. We are all a part of this, and we all have our own unique role to play. It is therefore pointless to argue over who is higher, lower, more important, less important, etc.

The love exists between the two, not between two specific sex it's all about togetherness and love that one follow deprived of its law natural or unnatural.

The fight of the LGBTQ community is still ongoing for their rights & freedom and acceptance in society as well as in the minds & hearts of the people.

Mental Health is Wealth

Ankita Gupta
B.A.LL.B II

“Healthy Mind, Healthy Body.”

Mental health refers to our cognitive, behavioural, and emotional wellbeing - it is all about how we think, feel, and behave. The term ‘mental health’ is sometimes used to mean an absence of a mental disorder.

Mental health can affect daily life, relationships, and even physical health. Mental health also includes a person’s ability to enjoy life - to attain a balance between life activities and efforts to achieve psychological resilience.

In this article, we will explain what are the drawbacks of Mental Health and its effects on our day to day life.

People’s perception related to Mental Health’s issue or about its awareness is that it’s only for those who are suffering from Mental Disorders but they are wrong. Mental health problems are different.

They are Anxiety, Depression and Stress which leads to many problems.

According to WHO (World Health Organization),

The greatest burden of mental and behavioural disorders, in terms of most years of life, lost due to disability or death adjusted for population size, India is the most depressed country in the world (Mental Health Day 2018).

“It’s so common, it could be anyone. The trouble is, nobody wants to talk about it. And that makes everything worse.”

Ruby Wax.

The major problem which leads to Mental Illness is a lack of communication. Nowadays, the world of technologies who birth babies like social media, the Internet, hi-tech gadgets i.e smartphones, smart television etc. This smart gadget made us stupid in means of creativity, they grow up addiction in us like social networking sites i.e Facebook, WhatsApp, Instagram, etc.

Here the question arises in our mind whether social media is hurting your mental health?



60% Yes but 40% No. It's up to the user how one uses it. Abstinence is not an option, but you can 'practice safe social.'

The study has shown that social media creates Anxiety, depression and stress. According to the Canadian Association of mental health report - Grades 7-12 students who spent over 2 hours per day on social media reported higher depression, anxiety and suicidal thoughts. 7/10 students would get rid of their social networking accounts were it not for fear of being left "out of the loop."

The major loophole of Social Media is online harassment. The observation has shown that 40% of online adults have experienced online harassment. 73% have witnessed online harassment. In Social Media, WE are the Product.

"Micro-moments over time become a macro problem."

The problem related to the lack of communication-

Poor social skills often lead to stress and loneliness, which can negatively affect physical as well as mental health. "We've known for a long time that social skills are associated with mental health problems like depression and anxiety."

After all the research and observation I come up with a short poem-

When it Comes to me
When I talk to you,
Talk to me back.
Because without your help,
I am nowhere.
Without you I am fruitless,
I am broken.
But with your help,
Tomorrow I can be better.

"At the end of the day, remind yourself that you did the best you could today and that is good enough."

Lori Deschene

Let's give light to the dos and don'ts of it.

Self-control is an important life skill.

Don't allow your negative emotion to be visible.

Do show that you still care this may be seen obvious but after mental illness makes a person broken.

Never argue with the person.

Keep the environment quiet and calm.

Keep an eye on their safety and that of others.

Speak quietly, slowly and politely.

Give the person extra time to respond to our request.

“Stay strong, your story isn't over yet.”

Anonymous

Let's come under Indian scenario related to mental health awareness:

India is facing a serious mental health crisis, with an estimated 56 million people suffering from depression and 38 million from anxiety disorders, according to a report by the World Health Organisation. Mental distress is believed to be a key reason why one student commits suicide every hour in the country.

However, the attitude of many Indians towards this problem isn't helping. In a survey of 3,556 respondents from eight cities across India, a staggering 47% could be categorised as being highly judgmental of people perceived as having a mental illness, according to non-profit The Live Love Laugh Foundation (TLLLF). Within this category, respondents were more likely to say that one should keep a safe distance from those who are depressed, or that talking to a mentally unhealthy person could affect the mental health of others. What's worse is that 26% were categorised as being afraid of the mentally ill. These respondents were less likely to agree that there's nothing wrong or crazy about people with mental illnesses, or even that they should be part of the community.

Indians' feelings towards those with mental illnesses:

Look at them as a person, not the disease.

Many people believe that people with mental ill-health are violent and dangerous, when in fact they are more at risk of being attacked or harming themselves than harming other people.



Media reports often link mental illness with violence or portray people with mental health problems as dangerous, criminal, evil, or very disabled and unable to live normal, fulfilled lives.

You must change your PERCEPTIONS of MENTAL ILLNESS.

With this article, I throw some light on mental health awareness. Society is progressing by societal changes. And have contributed to greater public awareness of mental health issues as well. The media, with the creation of magazine and newspaper health and science sections, health-related television programming, speciality magazines such as Psychology. Today, I have helped to demystify many psychological and mental health issues for millions.

It's okay to feel unstable. It's okay to disassociate. It's okay to hide from the world. It's okay to need help. It's okay not to be okay. Your mental illness is not a personal failure.

“Don't be ashamed of your story. It will inspire others.”

Unknown.

Rape: Most Brutal Crime of India

Aayushi Bopche

B.A.LL.B II

What is Rape?

Rape is the most common crime against women in India. It is getting more and more brutal day by day.

The Definition of 'RAPE' is :-

The crime, typically committed by a man, of forcing another person to have sexual intercourse with an offender against their will.

It is also known as sexual assault.

In India women are not safe anymore. The capital of the country 'Delhi' itself is the crime city of the country. Most of the rape cases are from the Delhi. And the whole country is getting influenced by it. There is not a single day in which we don't heard about any rape case. Daily so many rape news came across to us. It is seem that rape is becoming a common crime and people are taking it lightly. But it is not a common crime. It is the most brutal and shameless crime in India.

Rape victims suffer many struggles and challenges. These women, and occasionally men, experience psychological and emotional issues. They also suffer from some physical injuries. Their life becomes very hard. They also suffer a lot of problems. Main problem is created by 'society'. They are treated like untouchables and in some cases their family also don't support them. By these things they suffer through mental problems like – Depression, Anxiety, Mental Disorder etc. They also go through some physical problems like – pregnancy disorders, problem in abortion, vaginal infections etc.

Stats of Rape in India :-

Using a small sample survey, Human Rights watch project more than 7,200 minors – 1.6 in 100,000 minors are raped each year in India. Minor girls are trafficked into prostitution in India, thus rape of minors conflates into a lifetime of suffering. Of the countries studied on sex trafficking and crime against minor, India was ranked 7th worst.

The conviction rate for rape cases in India was – 44.3% in 1973, 37.7% in 1983, 26.9% in 2009, 26.6% in 2010, 26.4% in 2011, 24.2% in 2012 and 27.1% in 2013. In 2016, of the 3.38 lakh crime cases against women, rape case made up 11.5% of them. But with only 1 in 4 rape cases ending up in



conviction, it is a painfully slow road to justice for rape victims in the country.

More than 32,500 cases of rape were registered with the police in 2017, about 90 a day, according to the most recent government data. Indian courts disposed of only about 18,300 cases related to rape that year, leaving more than 127,800 cases pending at the end of 2017.

According to Delhi Police analysis, 43% of the accused in rape case were either friends or family friends, 16.25% were neighbors, 12.04% were relatives, 2.89% were co-workers, and 22.86% were other known persons.

Brutal rapes in India

November 1973 :- Aruna Shanbaug, a 26-year old nurse, is attacked by a ward attendant at a Mumbai hospital during her night shift. Sohanlal Bhartha Walmiki, who was later convicted and jailed, sodomized and strangled her with a dog chain- cutting off the oxygen supply to her brain and leaving her in a coma. Left in a vegetative state for more than 40 years, Shanbaug died in 2015.

1990 :- Hetal Parekh, a 14-year old schoolgirl, is raped and murdered by Dhananjoy Chatterjee in Kolkata. Chatterjee was sentenced to death and hanged in 2004, the first hanging in India in 13 years.

1996:- Law student Priyadarshini Mattoo is found raped and strangled in her Delhi flat. Santosh Kumar Singh, a fellow law student and son of a former senior police officer, is sentenced to death, after being initially acquitted due to a lack of evidence and then retried following a public outcry.

December 2012:- A 23-year old student is beaten and gang-raped on a moving bus in the capital New Delhi and later dies of her injuries. Five men and a juvenile are arrested – four of the men have been sentenced to death and one hanged himself during the trial. The juvenile was freed after completing three years in a reform home.

The crime sparked large – scale protest and led to thousand of women across India to break their silence over sexual violence that often goes unreported. Authorities stiffened penalties against sex crime, introduced fast – track trials in rape cases and made stalking a crime.

January 2018:- An 8-year old Muslim girl is drugged, held captive in a temple and sexually assaulted for a week before being strangled and battered to death with a stone in Kathua town in northern India. Six men, including a Hindu priest and three police officers, were convicted of the crime. Three were given life sentences.

November 28, 2019:- The charred remains of the veterinarian are found under a flyover near Hyderabad. Four men arrested on suspicion of gang-rape and murder. After raping her they burned her

alive. All four of them were killed in the encounter by Hyderabad Police.

December 5, 2019:- A 23-year old rape victim is set ablaze by a gang of men, including the alleged rapist, as she made her way to court to attend a hearing in the case, in Unnao district of Uttar Pradesh, Police said.

Legal Provision for Rape

What amounts to Rape under law?

A 'Rape' charge under the Section 375 Indian Penal Code has two parts:-

Non-consensual penetration of any orifice (vagina, anus, mouth, urethra) in a woman by a man,
OR

Non-consensual touching of any orifice with the mouth. This is not restricted to having sex. Forcing a women to do this to herself or with someone else, is also rape.

The court will decide that these acts are rape if:

It happens without her consent, or

She agrees, but only because she, or someone she knows is in danger, or

She agrees, but because she thinks the accused person is her husband, or

She agrees, but she is drugged, or drunk, or mentally ill, or

She is under 18 - then it does not matter if she agreed or not, or

She is in no position to indicate whether she agreed or not - for example, if she is unconscious.

Consent has been clearly defined as a clear, voluntary communication that the woman agrees to the specific sex act, leaving no room for debate. It also makes it clear that absence of physical injuries is immaterial for deciding consent.

Marital rape is usually not a crime:-

As long as the wife is above 15 years old, it is not considered rape, if the husband engages in sex with her without her consent.

The situation is different if the two are separated. If a couple is married, but living separately, then the 'marital rape' exception no longer applies and the husband can be convicted of rape if there is no consent. The punishment for the husband is jail term of between two and seven years along with a fine.



What is aggravated rape?

Aggravated rape can be because of the special position of either the victim, or the criminal -

rape by someone having authority and control over the victim because of their legal status (like police officers, public servants, armed forces personnel, jail staff);

rape by someone who is in a position of trust with the victim (hospital staff, relatives or guardians, person in control or dominance);

special nature of victim (pregnant woman knowing her to be pregnant, woman under 16 years, woman who cannot give consent, woman suffering from physical/mental disability);

rape involving violent circumstances (during communal violence, causing grievous hurt/disfiguration/ endangering victim's life, repeatedly raping same victim).

The punishment for committing such aggravated rape is rigorous imprisonment of between 10 years and life along with fine.

Another form of aggravated rape is rape which results in the death of the victim or in her ending up in a permanent vegetative state and gang rape.

Crime of rape and murder:-

During a rape, if the accused injures the woman so badly that that she dies, or goes into a vegetative state, he can be given the death sentence, or jail of 20 years - life.

While this provision is pretty clear, the law does not define what 'persistent vegetative state' means. In a Supreme Court decision, the Court said that a person who is alive but does not show any evidence of being aware of one's environment is in a permanent vegetative state.

Gang rape:-

If a woman is raped at the same time by a group of people, each of them will be punished for committing the crime (Section 376D IPC). The punishment is rigorous imprisonment of between 20 years and life imprisonment.

Repeat Offenders:-

The law (Section 376E IPC) allows the death sentence to be imposed where a person is convicted

for a second time for:

rape,

rape causing death or resulting in permanent vegetative state, or

gang rape.

Legal response:-

After 2012 Nirbhaya case government has taken some strict steps to stop the crime 'Rape'. Followings steps are:-

National Database on Sexual Offenders (NDSO):-

The government on September 20, 2018 launched the National Database on Sexual Offenders (NDSO). The database contains entries of offenders convicted under charges of rape, gang rape, POCSO and eve teasing. It's managed by the National Crime Records Bureau. The database is accessible only to the law enforcement agencies for investigation and monitoring purposes.

Fast track courts:-

As a result of the 2012 Delhi gang rape case, the Indian government implemented a fast-track court system to rapidly prosecute rape cases.

Education programmes:-

In February 2017, the Ministry of Health and Family Welfare unveiled resource material relating to health issues to be used as a part of a nationwide adolescent peer-education plan called Saathiya. Among other subjects, the material discusses relationships and consent. The material states, "Yes, adolescents frequently fall in love. They can feel attraction for a friend or any individual of the same or opposite sex. It is normal to have special feelings for someone. It is important for adolescents to understand that such relationships are based on mutual consent, trust, transparency and respect. It is alright to talk about such feelings to the person for whom you have them but always in a respectful manner. ... Boys should understand that when a girl says 'no' it means no."



Protection of Animal rights and the Role of the judiciary

Ankita Gupta
B.A.LL.B II

Albert Schweitzer said, “It is man’s sympathy with all creatures that first makes him truly a man.”

Animal rights is the idea in which some, or all, non-human animals are entitled to the possession of their own existence and that their most basic interests—such as the need to avoid suffering—should be afforded the same consideration as the similar interests of human beings.

The animal should have the same rights as humans. Animals should be free of human interference.

“Our Planet THEIRS too.”

Giving this animal a voice, this choiceless animal helps to illuminate this dark, cold that brings outcries of pain, loneliness, and torture, voices are begging to be seen to be recognized to know that they are not alone and then that Yes they are heard.

Leonardo Da Vinci said, “The time will come when we look upon the murder of animals as we now look upon the murder of a man.”

Throughout history from the age and times of St. Francis of Assisi to Charles Darwin and Herbert Spencer there has always been an individual who had to guard the lifespan of animals who wrote for the defence of animals. Animals deserve to live their life free from prosecution just as humans do but unlikely previous movements animals cannot liberate themselves. History says animals are subjected to most in criminality treatment. They have been regarded as inferior with having no rights.

Charles Darwin said emotions and facilities such as love, memory, curiosity and reason will be found well developed in animals.

According to the judiciary,

No animal should be subjected to cruelty.

All wild animals have a right to liberty.

Companion animals should not be abandoned.

Animals should not be exploited for amusement.

Slaughtering animals is a crime against life.

It's all about abolishing all cruelty and the necessary exploitation of animals it's about opposing with the due respect to all living creatures no matter what their species.

¹According to the Indian Constitution there are Animal Rights that every citizen should know.

It is the fundamental duty of every citizen of India to have compassion for all living creatures. Article 51A(g).

To kill or maim any animals, including stray animals, is a punishable offence. IPC Sections 428 and 429.

Abandoning any animal for any reason can land you in prison for up to three months. Section 11(1)(i) and Section 11(1)(j), PCA Act, 1960.

Neglecting an animal by denying her sufficient food, water, shelter and exercise or by keeping him chained/confined for long hours is punishable by a fine or imprisonment of up to 3 months or both. Section 11(1)(h), PCA Act, 1960.

Bears, monkeys, tigers, panthers, lions and bulls are prohibited from being trained and used for entertainment purposes, either in circuses or streets. Section 22(ii), PCA Act, 1960.

Organizing or participating in or inciting any animal fight is a cognizable offence. Section 11(1)(m)(ii) and Section 11(1)(n), PCA Act, 1960.

Mahatma Gandhi said, "The greatness of a nation and its moral progress can be judged by the way its animals are treated."

Cruelty to animals, also called animal abuse, animal neglect or animal cruelty, is the infliction by omission (animal neglect) or by commission by humans of suffering or harm upon any non-human. More narrowly, it can be the causing of harm or suffering for specific achievements, such as killing animals for food or for their fur; opinions differ about the extent of cruelty associated with a given method of slaughter. Cruelty to animals sometimes encompasses inflicting harm or suffering as an end in itself, defined as zoosadism. With approximately 65 billion animals killed annually for food, farm

1 <https://www.thebetterindia.com/46721/humane-society-india-animal-laws-prevention-of-cruelty-act/>



animals are the most numerous animals subjected to cruelty. Divergent approaches to laws concerning animal cruelty occur in different jurisdictions throughout the world. For example, some laws govern methods of killing animals for food, clothing, or other products, and other laws concerning the keeping of animals for entertainment, education, research, or pets. There are a number of conceptual approaches to the issue of cruelty to animals.

Animal rights theorists criticize these positions, arguing that the words “unnecessary” and “humane” are subject to widely differing interpretations and that animals have basic rights. They say that the only way to ensure protection for animals is to end their status as property and to ensure that they are never used as commodities.

²Similarly, birds and some animals, used to living in the wilds, are poured just to sell them as pets, where they are kept in cages or in surroundings alien to their natural habitat. Little do we realize that a bird iced to fly freely in the sky cannot be happy in a cage?

An animal used roaming around freely in its natural habitat cannot be happy living in a cage or small enclosures. There is no doubt that a great deal of cruelty to animals is due to our mindset that animals are happy as long as they are well-fed, which is not correct; imagine yourself being kept captives and then we would understand what it means.

Compassion can only attain its full breadth and depth if it embraces all living creatures and does not limit itself to mankind.

Let's raise our hand until every cage is empty and every tank is drained.

Can you imagine a world without animals? What do you see? A world less vibrant, less tolerant, less beautiful, less fun, a world with a lot less love. Our history, our culture, our communities, our humanity no other would be the same with animals. What we see is living with animals is one of the best deals we humans ever make.

With this, I conclude my research by saying a few words on animal rights, **“I have planted a seed of change and I delight to see it grow as more animals get right, as you know EVERY IDEA BEGINS WITH A SPARK!”**