

SCHOOL OF LAW



**CHRIST**  
UNIVERSITY  
BENGALURU, INDIA

Declared as Deemed to be University under Section 3 of UGC Act 1956

*LEX SCRIPTA*  
*Penning the change*

Edition- IV  
(E-Magazine)

*An initiative by students of SLCU*

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## Fr Benny Thomas~ Director, School of Law



Writing is indispensable for a lawyer. Every lawyer must have the power of language and words in his grasp. *Lex Scripta* provides the students of SLCU a great opportunity to perfect these writing skills. This edition of *Lex Scripta* encourages students to ponder over issues that are affecting our society, and gain the power of the written word. The consistent effort put in by teachers and students, is commendable. The success of the previous editions of *Lex Scripta* speaks highly of the enthusiasm of students at SLCU, and it is my hope that the fourth edition too will be received with similar success. I wish the magazine the best, and truly hope it continues to reach greater heights by engaging in increased participation with every edition.


## Dr Somu C.S— Dean and Head of Department



Apart from the use of law and logic, words are also lawyer's tools of the trade. A firm grasp on the written word makes one a better lawyer and writing is a skill that cannot be acquired overnight. It requires hard work, practice and demands persistent attention. The Litigation Committee, at School of Law, Christ University is providing students a wonderful platform to hone their writing skills. In the fourth edition of *Lex Scripta*, students take on the unexplored and emerging fields of law, and delve upon contemporary issues. The previous editions of *Lex Scripta* have received an overwhelming response from both the faculty and students. I wish the magazine the best and encourage the students at SLCU to make good use of such platforms and develop skills that are immensely essential to becoming a good lawyer. My warm wishes for the current edition and the editions to come.

# Invictus

-W. E. Henley



Out of the night that covers me,  
Black as the Pit from pole to pole,  
I thank whatever gods may be  
For my unconquerable soul.  
In the fell clutch of circumstance  
I have not winced nor cried aloud.  
Under the bludgeonings of chance  
My head is bloody, but unbowed.  
Beyond this place of wrath and tears  
Looms but the Horror of the shade,  
And yet the menace of the years  
Finds, and shall find, me unafraid.  
It matters not how strait the gate,  
How charged with punishments the  
scroll,  
I am the master of my fate:  
I am the captain of my soul.



## THE JOURNEY SO FAR!

-Priya Kale  
Convenor

“The only impossible journey is the one you never begin!”  
-Anthony Robbins

Litigation is an art, the mastery over which is gained through practice and passion. The journey of a law student pursuing his goals is incomplete without harnessing the advocacy skills of oration, articulation and research, which form an integral part in shaping the life of a law student. The legal profession has its charm in vehemently arguing your point of thought in a courtroom and stimulating debates and discussions in a manner that convinces all. The life of a law student revolves around these skills of reasoning, logical analysis and creative thinking. Articulation of thought is both an art and skill which every lawyer must strive to possess. Words are the strongest tools used by a lawyer and the usage of the same in the most creative manner is what makes him stand apart from the citizenry.

Lex Scripta, the Latin equivalent of 'Legal Writing' was the brain child of the Litigation Committee 2013-2014 and the legacy has been carried ahead by the Litigation Committee 2014-2015 and has given the E-magazine a new dimension. The E magazine provides students an opportunity and platform to harness their writing skills and express their opinion on various issues of law

Edition III covered varied areas including the relation between law and international relations and law and revolution, cyber-crimes, legalizing betting, role of legislature in controlling population. The edition introduced two new categories, Legal Poetry and Review of law movies and TV shows which were widely appreciated and accepted by the law students.

Edition IV provided the opportunity to explore the emerging areas in the area of law and debate on the privacy issues related to the new age mobile application. The other categories such as Legal Poetry, Review of law movies and TV shows, Internship/Mooting/Debating/MUN Experience, were retained from edition III. Both

the editions received contribution from teachers on aspects of their role models, their decision to choose law and what would they choose if not the teaching profession. The Alumni and the final year batch have also contributed in their own way to both the editions.

The magazine would not have reached its logical end without the contribution made by the student body and teachers. The hard work of the entire committee has resulted in the successful completion of two editions of Lex Scripta for the academic year 2014-2015. While the stage was set by Lit Com 2013-2014, the present committee had to not only match the high standards but also perform better and bring out the best. It has indeed been an extremely memorable journey working along with a very supportive co-convenor and a hardworking and creative committee.

We hope that the E-magazine is appreciated with enthusiasm by all.



## LEADERSHIP & TEAMWORK

-Anand Kalyan  
Convenor

“Coming together is a beginning. Keeping together is Progress. Working together is success.”

-Henry Ford.

The day I saw the mail which contained the list of selected convenors for the academic year 2014-15, I was pleasantly surprised to find my name as the convenor of Litigation Committee. I barely knew the working and activities of the committee and hence, I was apprehensive of what lay ahead for me. The main task of being a convenor, according to me, is to lead and manage the team of juniors who are very enthusiastic to work to better themselves and of the committee.

I would like to include a small story from the Ramayan. Lord Ram was very happy to see the high energy level, passion and dedication of his army towards constructing the bridge. A squirrel was picking up a little pebble in her mouth and putting it alongside the boulders. She was repeating this continuously and effortlessly. She was found by a monkey who started making mockery of her and told to stay away as she will die if she comes under the boulder or the leg of any army.

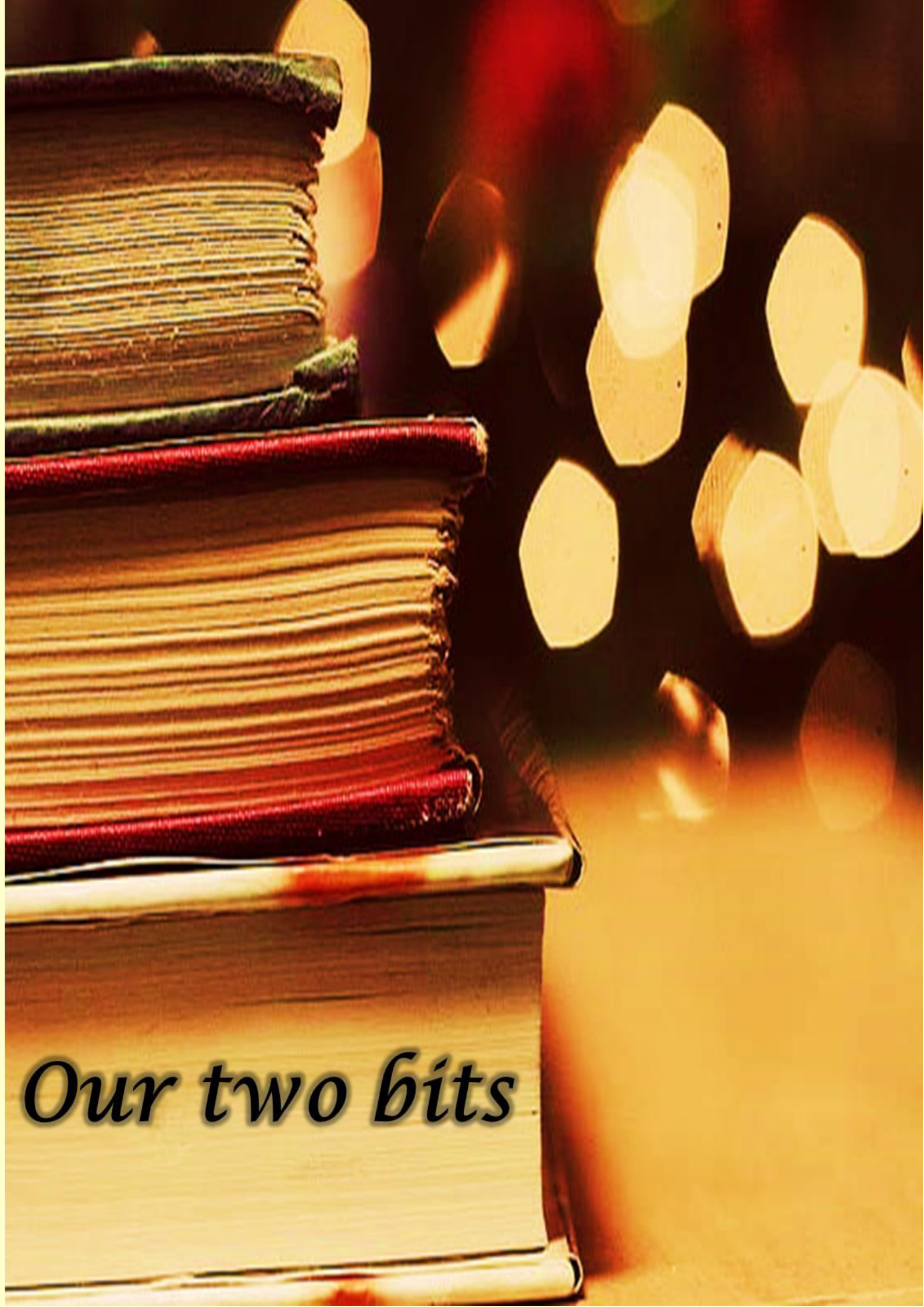
Every monkey and bear started laughing at the squirrel and started making mockery out of her. Squirrel was in tears and hurt. She was continuously telling the army that she is doing her bit to help in getting the Sita free from Ravan. Lord Ram realized this from the distance and came near the squirrel, the squirrel started complaining to Ram about the mockery of his army for which Ram felt bad. He told and showed to the monkey army that the pebble that she has thrown in the sea has worked as the connector between the two boulders and her contribution is as big as any other member of his army. Realizing this, all army men were in the state of shame and felt bad for doing the mockery of squirrel. *“No work is big or small. It’s not the stature of work that matters, but what you learn from working that counts.”*

Likewise, in our committee, whatever little work we had was distributed and each and every member has contributed in a very positive manner to the best of their abilities. The Litigation Committee had organized a seminar in the second week of July 2014 where in Adv. Aditya Sondhi, Senior Counsel, High Court of Karnataka and Dr. S V. Joga Rao, founding faculty, National Law School of India University had addressed the School of Law students.

For the two editions of “Lex Scripta”, the committee was divided into two groups; namely the editorial board and the design team. Editorial board was given the task of editing the entries received while the design team was given the task of conceptualization of the whole magazine.

We, as leaders had to overlook to the whole work and assist and encourage them. We followed a structure where in everyone was a leader in their own way. Every person has a leadership quality in them. We tried to hone their leadership qualities for their own betterment which will finally result in betterment of the society.

We wish all leaders out there a great success.



*Our two bits*

Emerging  
trends



# THE PSEUDO COURTS OF LAYMEN~TRIAL BY MEDIA

~Aditya I.S

In the words of Blackstone “The liberty of the press is indeed essential to the nature of a free state: but this consists in laying no previous restraints upon publications, and not in freedom from censure for criminal matter when published. Every freeman has an undoubted right to lay what sentiments he pleases before the public: to forbid this, is to destroy the freedom of the press: but if he publishes what is improper, mischievous, or illegal, he must take the consequence of his own temerity.<sup>1</sup>”

Freedom of the media is the freedom of the people. The media is regarded as the fourth pillar of democracy. It plays a vital role in moulding the opinion of the society, and it is capable of changing the whole viewpoint through which people perceive various events. Trial by Media is an act wherein the television and newspaper coverage of a person’s reputation is tainted by creating a widespread reputation of guilt regardless of any verdict in a court of law.

Art. 19(1)(a) of the Constitution of India guarantees freedom of speech and expression and Art. 19(2) permits reasonable restrictions to be imposed by statute for the purposes of various matters including ‘Contempt of Court’. Art. 19(2) does not refer to ‘administration of justice’, but interference of the administration of justice is clearly referred to in the definition of ‘criminal contempt’ in Sec. 2 of the Contempt of Courts Act, 1971 and in Sec. 3 thereof as amounting to contempt. Therefore, publications which interfere or tend to interfere with the administration of justice amount to criminal contempt under that Act, and if

<sup>1</sup>William Blackstone, *The Founder’s Constitution, Amendment I (Speech and Press)*, Commentaries 4:150—53, (Dec.14, 2014, 3:41 PM), [http://press-pubs.uchicago.edu/founders/documents/amendl\\_speechs4.html](http://press-pubs.uchicago.edu/founders/documents/amendl_speechs4.html)

in order to preclude such interference, the provisions of that Act impose reasonable restrictions on freedom of speech, such restrictions would be valid<sup>2</sup>.

Today a lot of unlawful and illegal events are coming to light and the media in the course of completing its duty of reaching out information to the people is committing contempt of court by hindering the path of justice and fair trial of the accused. Let us consider the IPL scandal in the Indian scenario. In the year April 2010, Union Minister of State Mr. Shashi Tharoor resigned from his Ministry following unsubstantiated allegations that he had misused his office to get shares in the IPL cricket franchise. Mr. Shashi Tharoor was accused and slapped with allegations even before he was tried in a court of law. Due to such events he requested a full inquiry into the events, and when the case was decided in the year 2014 Mr. Shashi Tharoor was found not guilty in the light of IPL scandal.<sup>3</sup>

In *Khushboo v. Kannaiammal*<sup>4</sup> case involving veteran tamil film actor Khusboo which involved her making remarks on pre-marital sex, live-in relationships, and the need for sex education in schools in a 2005 interview to a Tamil weekly, human rights activists and progressive writers hailed the verdict. All she did was comment on certain findings of a survey the magazine had conducted. Asked about her views on a contention that there was increasing incidence of pre-marital sex among young girls, she cautioned them against sexually transmitted diseases. This perfectly sensible advice was misinterpreted by her detractors as a license for immoral action and, believe it or not, an insult to the dignity of Tamil women. All the above mentioned allegations were made against the actor by the media influenced by her detractors. When she approached the court she was found not guilty, and the judges rejected the complaints and upheld her right to free speech and expression. The judgment came as a big relief to the actor, against whom as many as 23 complaints had been filed in several courts across the State under Sections 499 and 500 (criminal defamation) of the Indian Penal Code, obviously with the intention of harassing the popular actor.

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<sup>2</sup> Law commission of India 200<sup>th</sup> Report, *Trial by Media FREE SPEECH AND FAIR TRIAL UNDER CRIMINAL PROCEDURE CODE, 1973*.

<sup>3</sup> S. Viswanathan, *Freedom of the press and fair trial*, THE HINDU, (Dec.14, 2014, 3:52 PM) <http://www.thehindu.com/opinion/Readers-Editor/freedom-of-the-press-and-fair-trial/article431603.ece>

<sup>4</sup> (2010) 5 SCC 600

In the light of the above cited cases there is today a feeling that in view of the extensive use of the television and cable services, the whole pattern of publication of news has changed and several such publications are likely to have prejudicial impact on the suspects, accused, witnesses and even Judges and in general, on the administration of justice.

In *Saibal Kumar Gupta and Ors. v. B.K. Sen and Anr*<sup>5</sup> it was held by the Supreme Court that “No doubt it would be mischievous for a newspaper to systematically conduct an independent investigation into a crime for which a man has been arrested and to publish the results of that investigation. This is because trial by newspapers, when a trial by one of the regular tribunals of the country is going on, must be prevented. The basis for this view is that such action on the part of a newspaper tends to interfere with the course of justice whether the investigation tends to prejudice the accused or the prosecution. There is no comparison between a trial by a newspaper and what has happened in this case.”

It has been well stated by the Chief Justice Gopal Rao Ekkbote of Andhra Pradesh High Court in the case of *Y.V. Hanumantha Rao v. K.R. Pattabhiram and Anr*<sup>6</sup>, where in it was observed by the learned judge that “When litigation is pending before a Court, no one shall comment on it in such a way there is a real and substantial danger of prejudice to the trial of the action, as for instance by influence on the Judge, the witnesses or by prejudicing mankind in general against a party to the cause. Even if the person making the comment honestly believes it to be true, still it is a contempt of Court if he prejudices the truth before it is ascertained in the proceedings. To this general rule of fair trial one may add a further rule and that is that none shall, by misrepresentation or otherwise, bring unfair pressure to bear on one of the parties to a cause so as to force him to drop his complaint or defence. It is always regarded as of the first importance that the law which we have just stated should be maintained in its full integrity. But in so stating the law we must bear in mind that there must appear to be 'a real and substantial danger of prejudice'.”

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<sup>5</sup> AIR 1961 SC 633

<sup>6</sup> AIR 1975 AP 30

The Law Commission's report expresses concern over the fact that there is very little restraint in the media insofar as the administration of criminal justice is concerned. It reminds the media that while freedom of speech and expression is an important right, it is not absolute inasmuch as the Constitution itself has placed "reasonable restrictions" on it, with the restrictions encompassing the fair administration of justice as protected by the Contempt of Courts Act, 1971. Explaining how media actions affect the administration of justice, the report says that "excessive publicity" about a suspect or an accused before trial prejudices a fair trial or results in characterizing him as a person who has committed the crime; and that this amounts to undue interference with the administration of justice, inviting proceedings for contempt of court against the media.

The underlying issue here is that the media, while zealously protecting their entitlements and space, must accept social responsibility - the onerous obligation of upholding the larger interests of democracy, which means journalists do not have a license to trample on the rights and dignity of others.



## EMERGENCE OF COMPETITION ACT IN INDIA

~Anmol

India is a country where a consumer is considered to play the most important role in the functioning of a business. In the words of Gandhi "A customer is the most important visitor on our premises. He is not dependent upon us. We are dependent upon him. He is not an interruption in our work - he is the purpose of it. We are not doing him a favour by serving him. He is doing us a favour by giving us the opportunity to serve him". For this purpose there are various laws which govern the interest of consumers as well as the producers. One such law had been the

Monopolies and Restrictive Trade Practice Act, 1969. The main objective of this Act was to regulate the quantity and direction of investment to ensure that the concentration of wealth is not in the hands of few people i.e. it aimed at preventing economic power concentration. A need for technological upgradation, modernisation and promotion of competition in the domestic market was felt when the Industrial policy statement of 1980 emerged. Consequently with the Policy Reforms of 1991 the economy was made open to foreign investment which demanded technological dynamism for competing with the international market. But this was very difficult to attain as the Indian industry had not been competing with the foreign markets in the past and was being solely regulated by the government. Hence the MRTP Act proved to be inefficient and subsequently the Raghvan Committee Report, 2000 stated that there was a requirement for change in the competition policies of India which ultimately resulted in the inoperativeness of the MRTP Act. This in turn led to the enactment of the Competition Act 2002.

The Competition Act, 2002 was enacted with a view to improve economic efficiency and maximise economic welfare by maximising the consumer and producer surplus as well as the taxes collected by the government. The liberalisation and privatisation policies of the Indian government also demanded a level playing ground for both the domestic and the international players. The Competition Act 2002 which replaced the MRTP Act 1969 has been constantly emerging since its enactment. The Competition Commission of India (CCI) prohibits anti-competitive agreements and abuse of dominant power and it also regulates mergers and combinations. There have been various recent developments in the Act.

Firstly on May 20, 2009 Section 3 and 4 of the Competition Act were brought into force by the Government of India. The Competition Commission of India which was established on October 14, 2003 became operational from May 20, 2009. Before the dissolution of the MRTPC, it was given a period of two years for dealing with the cases pending before it. But it was restricted to take up any other cases. Section 3 which deals with the anti-competitive agreements has divided the

agreements into vertical and horizontal agreements. Horizontal agreements such as cartels in which the producers of goods and services fix the prices or the market share of the good or the service are treated harshly as compared to vertical agreements which are subjected to rule of reason which is analysed by the Competition Act. Section 4 deals with the abuse of dominance and a firm which can operate independently and is not affected by the competitive forces of the market can be considered as a dominant enterprise. Such an enterprise can be held liable if its actions affect the competition in the market.

Subsequently in the year 2011 Section 5 and 6 of the Competition Act which prohibits mergers and combinations came into force. According to the Combination Regulations approval of filings are required to be done within 30 days. But for further simplification of the filing requirements and for making combination regulation more certain there have been three amendments in the combination regulations in February 2012, April 2013 and March 2014 respectively. There have been various decisions by the court which point towards a development in the area of law. In the cement cartel case, the Indian Builders Association filed a case against ten cement manufacturers with the CCI accusing them of practising cartel by fixing the prices and restricting output. The cement complaint was referred to the Director General for investigation. After the investigation, the DG and the CCI found the ten companies guilty of practising cartel. The CCI then imposed a fine of US \$ 1.13 billion against the ten companies and the Cement Manufacturers Association.

With Indian economy getting liberalised, constant dealings with other countries take place which demands understanding between India and other economies for smooth functioning of trade. For this purpose, Memorandum of Understanding has been signed by CCI with other competition agencies of Russia, US, Australia, EU etc. CCI also acts as an unbiased regulator which is impartial between state owned and private entities as it regulates law equally on both of them.

Even though the Competition Act is in its nascent stage, there are various attempts for developing it. For engaging experts and employees in the core functional areas of economic, financial and legal analysis recruitment drives are being made. The CCI's power to impose penalties on individuals and corporate enterprises in case of

a breach of competition act ensures their proper functioning, fair competition as well as protection of the consumers. Hence in this globalised world the competition laws in India are emerging continuously for ensuring a fair trade between different economies.

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### LAWYERED FASHIONABLY

~Darshna Gupta

*“Change in perceptions is a sign of progress. Fashion Law has become a ridiculously profitable industry.”*

Clothes are never a frivolity, they always mean something. All of us intend to cast an impression which is ever lasting and impeccable. We might not accept but deep within, the quest of being a perfectionist and making an impression with our every deed is present in every human being.

When the question of impression arises, the first thing you notice about an individual is not his eyes, looks or the communication skills. “Whoever said, ‘It’s what’s on the inside that counts,’ couldn’t have been more optimistic about humankind, Sensibility lies in the acceptance of truth, which in this case is, what’s on the outside can be just as important.

We might argue in millions of ways that clothes hold minimal importance, and there are other finer things that speaks for a person but this accounts to nothing except laxness in presenting a decent visual aesthetic to others through your appearance and apparel.

“Fashion is not necessarily about labels. It’s not about brands. It’s about something else that comes from within you. It is about being powerful and comfortable with your dressing and casting an impression worth a lifetime. Fashion can define who you are or want to be. Make no mistake, it has a powerful voice.

Moral Intellectuals have forever discarded fashion heavily and considered it as an accessory of the dumb. However breaking the stereotype, fashion phenomenon has become global today and intruded in the field of law. Earlier lawyers weren’t keen on the association of law with fashion and avoided the subject. However with fashion becoming a rage, Fashion houses and designers now face unique challenges specific to their industry, requiring attorneys who understand the advantages and disadvantages of various types of intellectual property protection, particularly in light of the Counterfeiting and design piracy, resulting in the conceptualization of fashion law as a distinct legal field.

With the global luxury market valued at \$985 billion (730 billion euros) by Boston Consulting Group -- and set to grow to \$1.18 trillion by 2020 -- the only surprise is that lawyers have taken so long to take a direct interest in a field<sup>7</sup> which is now emerging as one of the most lucrative new battleground for the legal profession.

In the early 2000’s, it was perceived that fashion has no future and legal professionals should stick to the traditional branches of law like Company, Criminal, Civil etc. but the circumstances today have proved that perception to be

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<sup>7</sup> <http://www.businessinsider.com/afp-law-gets-fashionable-as-labels-learn-to-love-litigation-2014-11?IR=T>

a highly flawed one, as fashion law is turning out to be a ridiculously profitable industry.

Apart from the IPR related issues, Fashion houses and retailers encounter legal issues in many other areas of the law, from relatively straightforward contract disputes to arcane rules governing the importation and taxation of garments and textiles; from regulatory restrictions on advertising and labelling to fashion industry-specific quirks in real estate and employment<sup>8</sup>, thus making the lawyers recognise the vital role they can play in protecting the fashion sector's fragile illusion of exclusivity from the reality of mass marketing.

Some of the recent cases dealing with fashion law include the likes of renowned international Fashion houses such as Louis Vuitton, Coco Chanel and Converse and a landmark case, being that of Christian Louboutin, who won the exclusive right to make shoes with a red sole.

The multiplicity of the issues and these cases is a resultant of the boom and expansion of the fashion industry while also making the industry more complex.

The diverse categories of law that affect the business of fashion include intellectual property, business and finance, international trade and government regulation, and consumer culture and civil rights. From the historical relationship between clothing and culture to current issues involving the globalization of fashion, the newly defined field of fashion law is made to measure for the modern apparel industry.<sup>9</sup>

If one is under an impression that fashion law is a relatively simpler branch of law and probably an area “too fluffy” for serious lawyers, it would be again underestimating the power of fashion and its capacity to influence other sectors and at the same time getting influenced by them.

The increasing presence of law firms specially dedicated to fashion law and the offering of programs on this particular branch of law by several law schools and design schools across the world is proof enough, the speed with which fashion law is gathering momentum as a cutting - edge career option amongst youngsters.

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<sup>8</sup>*Id.*

<sup>9</sup> <http://fashionlawinstitute.com/faqs#1>

The logic and reasoning in counting on fashion law as a promising career in coming years is cinch and straight forward. The basic agenda of any business house is growth and development irrespective of what goods or service it offers. In order to maintain the consistency of this growth, it is imperative that we have mechanisms in place to deal with hinders like counterfeiting of goods, copyright infringements, stealing of ideas, techniques, marketing ways etc.

Thus, legal mechanisms which protect and encourage business advancement are vital.

To the general public, the fashion industry is most closely identified with celebrated fashion houses mounting elaborate and highly publicized runway shows in the major fashion capitals of the world. In reality, the fashion industry is much more diverse, complex, and global<sup>4</sup> and sure to a major focus in years to come.

So all you aspiring law students, current law students and recent graduates who have a thing for fashion and wish to see Ralph Lauren, Zara, Armani etc as the clients for whom you want to work in future, drop your inhibitions, pre-conceived notions, misconceptions and become a uniquely valuable person in any branch of law which influences fashion such as Intellectual property, Mergers & Acquisitions, Securities law, Mediation, Employment law, international trade etc.

Learn, think, practice -- and turn yourself into an expert in your own niche. As Coco Chanel rightly quotes, "In order to be irreplaceable, one must always be different".



# YOUTUBE AND COPYRIGHTS

~Dipti

“An original idea? That can’t be too hard. The library must be full of them.” -

Stephen Fry

It has often been agreed to by many that a work of art need not be original in order to be appreciated. A copy can be just as satisfying. But in the recent times the number of copies is far exceeding original pieces due to easy accessibility, and has begun to cause mayhem in the artists’ fraternity.

One of the most striking examples is that of covers of songs that are being uploaded on to YouTube by the second. The growing trend of showcasing one’s talent by recording a song that is the copyright of another individual and sharing the same with the world in order to gain recognition has escalated significantly in the recent times. YouTube is the most frequented platform for carrying out such practices as it allows for individuals to upload videos free of cost and does in fact provide these individuals with a chance to make money.

Several success stories have resulted from individuals uploading covers on to YouTube. Justin Bieber, one of the most celebrated artists of recent times, was recognized after he posted a cover of ‘So Sick’ by NeYo in the year 2007. Walk of the Earth rose to stardom after their innovative cover of Gotye’s ‘Somebody that I used to know’ became viral. They have now been signed on by Columbia records to make their own original music.

Apart from these artists several others, such as Christina Grimmie, Boyce Avenue, Tyler Ward, and Megan Nicole and so on have all been signed on by separate record labels after starting of as regular YouTubers who uploaded covers of songs

on YouTube. Further, the cover artists aren't the only ones that benefit from making these covers. Often, the original song gains popularity through the covers made on it thereby helping the original artist as well.

However, as per the copyright laws that are widely prevalent throughout the world, the concept of making covers is considered to be an infringement of copyright of the original artist, who has the right to sue the cover artists for copying their work. Very often, mostly at the insistence of the original artist, YouTube sends take down notices to the cover videos that have infringed the artist's copyright. YouTube itself has a content ID system through which they can identify copyright infringements and send takedown notices to those violating the same. This is known as audio fingerprinting.

YouTube is essentially sensitive to the copyrights of various artists and has a 3 strike system. Every time a user infringes the copyright law, YouTube puts one strike against him. After 3 strikes the user will be banned from uploading videos on YouTube.

The knowledge regarding Copyright laws among the general YouTube users is extremely flimsy. Several cover artists believe that they are absolved from any form of legal reprimands by stating that they do not own any of the copyrights to the song in the description of the video. This in itself does not, in fact, absolve them from anything unless they have taken due permission from the original artist of the song.

Several others try to get away with making covers by stating that they are not using the song for any commercial or promotional purposes and invoke fair use. This too, isn't a viable defence against copyright infringement by cover artists.

Despite there being such stringent laws against copyright infringement that is diligently followed by YouTube, several covers still remain to be viewed by the public. There are primarily two reasons for the same. The first is that the original artist does not invoke his copyright over the song and hence indirectly allows the same. The second is that YouTube itself has blanket synchronisation licenses with thousands of artists which prevent the publishers from suing for copyright infringements while they make a cut for the same.

Other than cover songs, several other forms of copyright violations also exist in the YouTube sphere. One of the most popular ones is the background score that appear in several of these YouTube videos. This is actually unauthorised use of music that is owned by another individual.

One of the leading cases in this sphere is that of leading beauty video maker Michelle Phan. She was sued by Ultra Records, a recording company for using music of several of their artists such as deadmau5 in her beauty videos and demanded her to pay them all of her profits. Michelle Phan, however, claimed that she had taken permission from Ultra Records for using their music. This case is still in court.

Several other cases along similar lines have presented themselves recurrently in the recent past. YouTube has come up with a feature called audioswap which provides its users with free and legal music to use for their music videos.

So it's pretty clear that the problem of copyright violations by people using YouTube as their platform is quite high. This is mainly due to its easy accessibility and the lack of awareness amongst people in general. It will take a while before this problem can be completely tackled.



# A CRITICAL APPRAISAL TO THE INDEPENDENT DIRECTOR UNDER THE COMPANIES ACT, 2013

~Saransh Jain

“Impartial. Unable to perceive any promise of personal advantage

from espousing either side of a controversy.”

- Ambrose G. Bierce, 19th century American writer

## ***INTRODUCTION:***

The Companies Act 2013 has brought up the new concept of Independent Directors. As the Indian companies have been failing on the proper corporate governance, so as it was mandatory to bring the concept of the Independent Directors in the Companies Act. The Amended Companies Act 2013 has brought down a specific provision for the Independent Directors. The Listing Agreement also lays down the qualifications for the Independent Directors. The companies Act 2013 lays down the qualifications required for being an independent Director. In Brief to start with Independent Director, the independent director is the one who is impartial. His motto or aim is to promote the company according to the corporate Governance. The presence of the Independent Directors on the board has saved the company and its shareholder from the fraud and mismanagement. They are the person who is striking the balance between the individual, economic and social interests. He is the person responsible for the productive environment in the Board Meetings.

## ***Who is Independent Director?***

There are various attempts made to define the Term independent director prior to the passing of the Companies Act, 2013. The efforts of International finance corporations and the Security Exchange Board of India are appreciated in this regard. The efforts of these two organisations with the JJ Irani committee report are the one which brought up the concept of the independent director in the Companies Act, 2013.

The definition in the companies Act, 2013 of independent director can be briefed as the following: The independent director whether he/she should be the person of integrity. Integrity is subjective. Integrity can be interpreted in the varied meanings and terms. Integrity is decided at the Board Meetings by the other Directors and shareholders. According to legal point of view, whoever in the opinion of the Board are abled person as integrity. Clause 6 to the Section 149 lies down that the Independent director will be the person of relevant, expertise and experience. Relevant means the appropriate person. Anybody can't be appointed as the Independent Director. Expertise means the person who has the knowledge of dealing with the varied fields of the corporate governance. Experience mesa the person who has vast past records and who had done deep study and research on the various topics. He can be the person who has held the any important position in any of the corporate sectors.

## ***Relevance of Independent Directors:***

In order to reconcile and consider the changes taking place at a furious rate in the corporate sector and technological advancement, it has become necessity of the time; otherwise the scams like SATYAM will be very rampant and frequent. The fundamental purpose behind the appointment of independent directors is, so to speak, impartiality. Companies wish to identify directors who are capable of dispensing their duties without any conflict of interest in their judgment. These are the directors who can think rationally without the influence of anyone else in the company or any other person. They are the person who makes decisions for the company by themselves. Strict guidelines need to be followed in such cases as defined under the Companies Act, 2013 while appointing the Independent Directors

for the company. The strict guidelines need to be followed strictly to improve and foster the development and growth of the company. The recommendations of the J Irani committee report has played a significant role in making of the provisions related to that of the independent directors in the Companies Act, 2013. It was the first committee which initiated the action for introducing the concept of independent directors in the company. It laid down the suggestions and advices for the independent directors. The recommendations of the committee are strictly followed and it can be easily seen and viewed from the wordings of the clause 149 of the Companies Act, 2013. The relevance and importance can be understood and seen from the detailed secessions and debates which took place in the committee for the independent directors.

### ***Do we really need the independent directors?***

It was a million dollar question in the past when there was no provision for the independent directors in the Companies Act 1956. But the Listing agreements made it mandate for all the public listed companies to have Independent directors. The Introduction of the new guidelines faced the great problems in the implementations. But as the need was very strong so the guidelines were followed strictly. The Companies were giving the reasons such as that there is paucity of such individual in our country. Such individuals are not easily available, as most of the Indian companies were the family based companies. The families were having the dominant positions.

The promoter's interests were also visible at times on the minds of the shareholders and the management. The promoter was the one who brought up the whole company. So his ideas were followed by the major people in the company. The other arguments were put forward by the Companies side was that an individual who is attending 4 meetings a year only can't understand the company's business properly. He will not be able to take decisions.

But all such arguments were answered and the guidelines came into force strictly. As we are a very populous country so it is not difficult for us to find out such qualified person for the company. There is sufficient talent in the country to appoint directors as well as independent directors. The paucity could very easily be overcome and pave the way for a more promising corporate governance regime.

It has been pointed out that this, in fact, is a legitimate concern and it would perhaps take some time before the demand-supply gap could be effectively bridged, it is nonetheless a necessary move. India must continue to strengthen the institutional support towards independent directors to safeguard the interests of its industry. Independent directors must be allowed to be more involved with the board of directors and more vocal with their contributions to play an effective role. Our experience has shown that thus far, the only reason why independent directors have successfully averted potential fiascos and promoted accountability towards shareholders has been on account of their presence in considerably large numbers. So, these are the basic causes and the rationale for appointing the Independent Director.

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- 1) <http://www.economics.harvard.edu/pub/hier/2004/HIER2037.pdf>
- 2) <http://www.thehindubusinessline.com/2005/07/21/stories/2005072100831000.htm>
- 3) <http://knowledge.Wharton.upenn.edu/India/article.cfm?articleid=4157>



# Life of a law student



what my friends think i do



what my mom thinks i do



What society thinks I do.



What my dad thinks i do



what i think i will do



what i actually do

Perception vs **Fact**.com

**AND WHAT DO LAW STUDENTS SAY TO SLEEP?**



**NOT TODAY**

memecrunch.com



**TAKE  
STAND!**

# TECHNOLOGY INFRINGING LIVES

~Sarthak Roy

**W**e are currently living in the so-called information age which can be described as an era where economic activities are mainly information based. This is due to the development and use of technology. This paradigm shift brings new ethical and juridical problems which are mainly related to issues such as the right of access to information, the right of privacy which is threatened by the emphasis on the free flow of information, and the protection of the economic interest of the owners of intellectual property.<sup>10</sup>

Privacy can be defined as an individual condition of life characterized by exclusion from publicity.

The legal right to privacy is constitutionally protected in most democratic societies. This constitutional right is expressed in a variety of legislative forms. Examples include the Privacy Act (1974) in the USA, the proposed Open Democracy Act in South Africa (1996) and the Data Protection Act in England. During 1994 Australia also accepted a Privacy Charter containing 18 privacy principles which describe the right of a citizen concerning personal privacy as affected by handling of information by the state. The Organization for Economic and Coordination and Development (OECD) also accepted in 1980 the Guidelines for the Protection of Privacy and Trans border Flow of Personal Data.<sup>11</sup>

In the times of Whatsapp, Facebook and Viber privacy aspect has been left redundant. The “Last Seen At” aspect of Whatsapp and Facebook, has been a bane for many a relations. These mobile applications have gone from being means of connectivity to means of imposition of surveillance. For over a week, Facebook has been pushing users to download the new standalone Messenger app because it is getting rid of the feature in its regular application. Some users were notified that

<sup>10</sup>Amidon, P. (1992). Widening privacy concerns. Online, 16 (4): 64-67.

<sup>11</sup>Collier, G. (1994). Information privacy. Just how private are the details of individuals in a company's database? Information Management and Computer Security, 3 (1): 41-45.

their in-app message function was disabled, and had to download the new app if they wanted to use the private chat service.

But Messenger's user agreement terms for Android-run devices were seen by many as increasingly invasive and yet another way Facebook was making privacy rights irrelevant. Some of the questionable terms include permitting the app to make calls without the user's knowledge, take pictures, and record audio and video at any time. The app also reserves the right to scroll through users' contacts and call logs, as well as glean personal information stored on the mobile devices including data stored in other apps.

Backlash against the app's terms is just the latest privacy controversy Facebook has had to manage. The social network admitted in June that it performed psychological experiments on users by manipulating their timelines. News of the experiments, which tried to alter users' moods based on what they read, incited public furore over the company's continuous push of privacy boundaries.

Moreover, Facebook and other tech companies have been under pressure to tighten their privacy policies domestically and abroad in the wake of former U.S. National Security Agency contractor Edward Snowden's document leaks in 2013. Facebook is currently tussling with European lawmakers, and awaiting a European Union court to rule whether the company broke privacy laws when it gave the NSA access to German citizens' profiles.

Adding fuel to fire of privacy concerns, the cloud system of data storage went kaput a few months back, wherein hackers leaked private risqué photos shared or stored via such mobile applications. Even more on the flipside, there has been an increase in stalking and numerous instances of bullying be it the young or old. These mobile applications encroach upon the private spheres in the most disastrous ways possible.

The impact of the use of mobile technology on the privacy of people manifests itself in a variety of areas. These areas include, inter alia the following:<sup>12</sup>

1. The electronic monitoring of people in the workplace. This relates to personal information as discussed earlier. This is done by so-called

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<sup>12</sup>McGarry, K. (1993). The Changing Context of Information. An Introductory Analysis. 2nd ed. London: Library Association Publishing.

electronic eyes. The justification by companies for the use of such technology is to increase productivity.

2. The interception and reading of E-mail messages. This poses an ethical problem which relates to the private communication of an individual.

Based on these instances, practical guidelines for the mobile applications can be formulated. Before the formulation of these guidelines, two fundamental aspects must be taken into consideration, namely the recognition of a persons' autonomy and freedom as well as the fact that the legal guidelines on privacy do not offer a complete framework for the ethical actions of the information professional with regard to the handling of personal and private information.



## MOBILE APPLICATIONS~A BOON OR A BANE?

~Shravan.S

**W**ith the release of the first ever smartphone in 1992(the IBM 'Simon') to the launch of the iPhone in 2007 and that of the first ever android smartphone in 2008 (the HTC 'Dream') smartphones have rapidly emerged to become our preferred method of communication. The advent of smartphone technology gave rise to what essentially made the smartphone 'smart'- the mobile applications, or apps as they are referred to now. From social media, to banking, to entertainment, there seems to be an app for almost everything. A quick google search will reveal an interesting piece of information; there are 1.78 billion smartphone users across the globe, and India has a whopping 117 million users, which will increase by 45% in this year alone<sup>13</sup>. But for the world

<sup>13</sup>Mary Meeker, *Internet trends 2014*

to have such a large number of smartphone users is predictable, for with the wide range of features provided and applications that are available coupled with its affordability, the smartphone renders the average mobile phone obsolete. Moving over to the focus of this article, applications provide the most value to a smartphone, and life without a lot of these apps would be a lot fairly challenging without them. Research shows mobile apps are growing at a rate of 29.8% each year, and that the 1.2 billion mobile users currently using apps will climb to 4.4 billion by the year 2017<sup>14</sup>. But, a casual examination of most apps we use reveals an alarming fact; by consenting to download and use these apps, we are in fact providing the developers with personal information, ranging from our contacts to the photos that we take. How this information is used is at the mercy of the developers, and as more incidents arise about the violation of privacy by app developers, one can't help but wonder if mobile applications will become more of a bane than a boon, and continually infringe on our privacy.

Personally, I rely on applications as much as the average smartphone user, if not a bit more, but the thought of my personal data being so freely available does make me uncomfortable, for it can be manipulated and used for personal gain. For example, thousands of Instagrammers created uproar when the company changed its privacy policy. Bloggers pointed out that Instagram's policy gave the company license to use photos posted to the site in paid advertisements and to potentially sell the photos to a third party. However, because of mounting pressure from its users, the company eventually changed its privacy policy.

The address book in smartphones, which contains a lot of personal data, is free for app developers to take at will, often without the owner's knowledge, Twitter and Instagram both of which are extremely popular apps, have been known to collect this information, and even store it in their own computers. While Apple says it rejects apps that collect user data without permission, this hasn't stopped apps from collecting user data without permission. Google, the company behind the android operating system however, has a much more effective method by forcing app developers to ask users for permission to collect data.

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<sup>14</sup>Ajay Sharma, "*Can you feel me now*"-The new age of mobile apps, available at <http://www.charterglobal.com/can-you-feel-me-now-the-new-age-of-mobile-apps/>

The practice of taking address book information without permission first came to light when it was observed that Path, a mobile social network, was uploading entire address books to its servers without users' knowledge. The company has since said it will stop the practice and destroy the data it has collected and has updated the app to warn users' about the information it will collect. In February last year, Lookout, a mobile security company (I myself am a lookout user), found that 11 per cent of free applications in Apple's iTunes Store had the ability to access users' contacts. Another disturbing example comes in the form of an app called Colour, which could activate users' microphones without permission.<sup>15</sup>

In spite of the massiveness of the smartphone industry, it is still relatively new, and privacy laws regarding this issue are not well defined. Even once a user grants a developer access to their personal data, they are not told how the company plans to use, store and protect it. Companies claim to collect this data to give the users the experience they deserve, however this argument will always remain shaky unless users can be assured that their data will be protected and not misused. Unlike the US, India has no dedicated privacy and data protection laws, which makes us vulnerable to violations of privacy by mobile apps. Courts have read the right to privacy into the other existing fundamental rights, namely the right to freedom of speech and expression under Article 19(1) (a) and right to life and personal liberty under Article 21 of the Constitution of India. However, these Fundamental Rights under the Constitution of India are subject to reasonable restrictions given under Article 19(2) of the Constitution that may be imposed by the State. However, the relevant laws in India dealing with data protection are the Information Technology Act, 2000 and the (Indian) Contract Act, 1872. India is also weak at protecting civil liberties in cyberspace. The right to privacy is a right that the Indian government can no longer ignore, especially with the growing use of apps in everyday life. One can only hope that an effective law regarding protection of privacy comes out in the near future, to avoid infringement of our privacy.

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<sup>15</sup>Nicole Perlroth and Nick Bilton, *Mobile apps take data without permission*, New York Times blog, available at: [http://bits.blogs.nytimes.com/2012/02/15/google-and-mobile-apps-take-data-books-without-permission/?\\_r=1](http://bits.blogs.nytimes.com/2012/02/15/google-and-mobile-apps-take-data-books-without-permission/?_r=1)

# WHETHER THE NEW AGE MOBILE APPLICATIONS INFRINGE THE RIGHT TO PRIVACY

~Yasha Banthia

**T**he Supreme Court has asserted that in order to treat a right as a fundamental right, it is not necessary that it should be expressly stated in the constitution as a Fundamental Right. Political, social, and economic changes in the country entail the recognition of new rights.

The law in its eternal youth grows to meet the demands of society. Right to privacy is one such right which has come to existence after widening up the dimensions of Article 21. The constitution in specific doesn't grant any right to privacy as such. However, such a right has been culled by the Supreme Court from Art. 21 and several other provisions of the constitution read with the Directive Principles of State Policy.

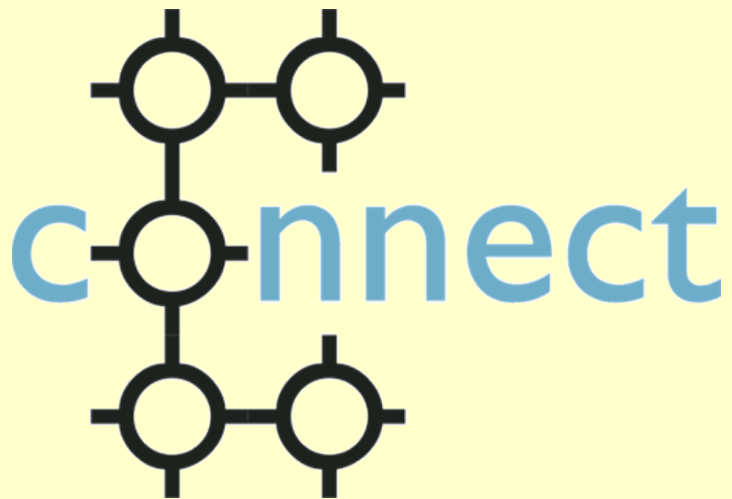
Before we get into a complete discussion of cell phone applications infringe Right to Privacy first of all we need to know what does the word Privacy mean. According to Black's Law Dictionary "right to be let alone; the right of a person to be free from any unwarranted publicity; the right to live without any unwarranted interference by the public in matters with which the public is not necessarily concerned

The scope of this right first came up for consideration in Kharak Singh's Case which was concerned with the validity of certain regulations that permitted surveillance of suspects. The minority decision of SUBBA RAO J. deals with this right. In the context of Article 19(1) (d), the right to privacy was again considered by the Supreme Court in 1975. In a detailed decision, JEEVAN REDDY J. held that the right to privacy is implicit under Article 21. This right is the right to be left alone.

There are various mobile applications which infringe the right to privacy like Facebook, Ask me, Snapchat, Whatsapp etc. Here, we are discussing the Facebook Messenger application.

The Facebook's forced migration to the Messenger app for private conversations since the company announced the move in May (2014). But the seemingly creepy terms to which consumers must agree – such as letting the app make unauthorized calls – has sparked outrage over privacy concerns. And Facebook isn't taking the blame. For over a week during August 2014, Facebook has been pushing users to download the new standalone. Messenger's user agreement terms for Android-run devices were seen by many as increasingly invasive and yet another way Facebook was making privacy rights irrelevant. Some of the questionable terms include permitting the app to make calls without the user's knowledge, take pictures, and record audio and video at any time. The app also reserves the right to scroll through users' contacts and call logs, as well as glean personal information stored on the mobile devices including data stored in other apps. However, the social network says it's not responsible for the mobile app's liberal access terms; those came straight from Google. According to a Facebook post on the matter, the company isn't allowed to write its own privacy terms for Android users. Backlash against the app's terms is just the latest privacy controversy Facebook has had to manage. The social network admitted in June that it performed psychological experiments on users by manipulating their timelines. News of the experiments, which tried to alter users' moods based on what they read, incited public furor over the company's continuous push of privacy boundaries. It occurs to me that this could be remedied fairly easily if we had a responsive national legislative body. It's not that protest and social media backlash aren't effective. It's a matter of the fundamental disconnection that has taken place between people and the idea of self-government. The right-wing has probably been more successful in getting people to see themselves as separate from government as in any other field of ideological endeavor. The purpose of protest is to drive policy change. Policy change happens at the legislative level. The new age mobile applications have infringed this right to privacy.





Source: google images



Identify the  
common link.

Ans: Suits



**LaW! CaMera! ActiON**

# HAIDER: JURISPRUDENCE FOR HUMAN LIFE, A CRITICAL APPRAISAL

~Devesh Saxena

**H**aider is an adaptation of William Shakespeare's play tilted Hamlet. To narrate it briefly the story is of a Kashmiri student whose father "disappears". His father is a doctor by profession. The movie revolves around Haider, who wants to avenge his father's disappearance or supposed death. The final film of Vishal Bhardwaj's Shakespearean trilogy is magical and critical in nearly every aspect.<sup>16</sup>

The author would like to highlight certain aspects of the movie and his critical approach for the same. For this, the author takes a comparative plot of the movie and the deception game played by the State as the central perpetrator to human lives. The movie is an inspiration in every sense, who seeks to stand for justice.

*If law is the means to reach the ends of Justice then one must be told the path too.*

Since 'State' has taken up the role to deliver ends of justice they are the people who make the path, I ask the readers to ask themselves:

*Scene I:*

*But can you ever know what 'truth' is when you live in a Social Contract Theory? Ask this question to yourself and you will find how the neurons in your head have been deceived to decipher wrong information for what the state wants you to know "only". For the state you are just a resource, from cradle to grave.*

<sup>16</sup> <http://indiatoday.intoday.in/story/movie-review-haider-hamlet-harakiri-shahid-kapoor-shradha-kapoor-vishal-bhardwaj-tabu/1/393602.html>. Last Visited 7 December 2014. The Author has taken the post as a source of reference for characters and story.

*-Welcome to Kashmir.*

The movie has a central concept of terrorism for which Kashmir is turned into a valley of wrath, tension and a playground for state's politics to vent in. Off late, in the movie 'Uncle Khurram', plays the role of a hungry fox that shakes hands with the state to act as an informer. The hungry fox wants to come in power, for which he stands in the elections so as to make his own army to reign over Kashmir.

Has humanity reached its height of insecurity where 'power and security' has choked the voice of values for what humans exist? Or has the shadow of evil humans captured the peace, for which boundary and territory exists. Many souls have already been buried and their voices have been left unheard. Haider faces the same scenario when he goes to file an F.I.R and adopt the legal means to get some information about his lost father. He becomes an innocent victim in the playground of war and politics. His true 'devotion and love for his father' is an emotion which is corrupted and exploited so as to use him and devoid him of truth. The Movie has convinced to show that a terrorist group can brain wash humans, and use and cast over them a mirage of truth, a sense of fury which is enough to turn them into 'living bombs' (Ghazala, Haider's mother who turns to be a suicide bomber) and blast against state.

*Yet the real question that remains unanswered is should the state adopt the same means when they themselves are the real culprit.*

*Scene II:*

*If you choose a role for your life, you should play it till the end of your life*

The Nationality that is patterned in the blood of our soldiers is to defend the boundary from all odds. But does the same injection approve unnecessary killing of human lives, torture of human cell. It is critical to observe, how the morality of the doctor to save a life is superseded by the State's irrational action to bomb the complete house (for which he is not accountable), when the terrorists could have been killed anyway.

*Is this the nationality we are asked to instil in our human hearts just to become a machine gun for state?*

Scene III:

*The walls of prison are black, so that there are no stains of blood.*

We also find out that when Dr Hilaal Meer (doctor) was taken to the camp, there were several innocent citizens who were running short of tears just to save their lives from the brutality of State. The water of Jhelum turns a true medicine for Roohdar who was able to tell the last words of his father to Haider. The Song 'Bismil' is a symphony of destruction which his mother, Ghazala was not able to appreciate when narrated by Haider, because she was blinded by the 'new rose' of her life Uncle Khurram, failing to realise that the rose had *thorns too*.

*In today's matrix of devil and the demon, is love a reflection of situations and circumstances guided by realism or is it the blind feeling which makes one do anything for the one bestowed upon?*

For the questions raised above, the author is inspired to take the side of life and find truth and seek true justice which aims to serve humanity and not kill humanity. Even if the path is full of landmines which can blow the human body, I choose to walk and find answers for the question. Walk till the last breath.

For I believe that the spirit should live for ages.



## AN INSIGHT INTO SUITS.

~Sai Subhash

**A**aron Korsh, the show creator, aired the legal drama 'Suits' starring Gabriel Macht as 'Harvey Reginald Specter', Patrick Adams as 'Michael James Ross', other characters such as Rachel Zane, Donna Paulson, Louis Litt, and last but not the least Jessica Pearson who are the leading cast of the show. The story mainly revolves around Mike Ross and Harvey Specter who are the protagonists.

Mike Ross aspired to become a lawyer but lost his scholarship. He was caught selling the answers to a math test, which he memorised, and thereby lost his chance to attend Harvard law school. He made his living as a 'bicycle messenger', and later took part in a marijuana deal, for his grandmother's medication, who was everything to him. The deal turned out to be a sting operation which Mike Ross discovered and avoided, and stumbled into a job interview with Harvey Specter, a lawyer from Harvard, who became a senior partner and got a chance to have a personal associate in the law firm then named "Pearson Hardman."

Mike Ross claims himself to be better than any Harvard law graduates and ultimately proves himself with his photographic memory and legal knowledge by beating Harvey Specter. The quotes which struck my mind were *"There are two kinds of people, Winners and Losers ... and life always gives a second chance for the losers to win"* and *"difficulties mastered are the opportunities won."* Mike Ross becomes a personal associate for Harvey Specter and gets a chance to lead a life that he had expected.

This show, under the genre of legal drama, has nothing to do with the legal aspect... but the main story revolves around saving the law firm from various risk factors. The firm is losing its clients because of the continuous challenges posed by

the then partner named Daniel Hardman, who was shown the door for fund embezzlement.

This show is a complete disappointment for the people who got motivated and chose law as a career option.

*A good person, once said, "Take good in everything and leave bad behind"*

Coming to the good points in the show, "Secrets cannot stay long," Mike Ross reveals his secret to Rachel Zane, his girlfriend, which highlights the fact that there should not be any secrets between the people whom you would like to share your life with. *"Choices are nothing but sacrifices, it is sacrificing the good for the best"* He chooses to share his secret which is a major part in his life. *Winston Churchill once said, "Success is not final, failure is not fatal ... it is the courage to continue that counts...."*

The firm has been through lot of troubles; there were lot of changes in the mind-set of the partners and associates. Louis Litt went against Jessica Pearson and did not hesitate to kick Harvey Specter out of the firm, to become a senior partner by backing Daniel Hardman who wanted to become the head of the whole firm... Harvey Specter, for not being considered a naming partner, tried to cut loose Jessica Pearson...Mike Ross did not hesitate to backstab Harvey Specter when his secret was about to be revealed and when he was about to lose his job, which he loved the most. Even after many such incidents in the firm, the partners and associates were together without losing hopes and they were ready to put their best effort to save their firm from collapsing. Everyone played their role to save the firm which they treated to be their family.

To end with, this show is a good show to watch, the actors played their role with their decent performances. Season 4 had a lot of twists and turns and it was the best season. Season 5 is gearing up and it is going to be on air by this summer.

*The firm started off with the name "Pearson Hardman" then "Pearson Darby " later to "Pearson Darby Specter " and finally "Pearson Specter", and in season 4 we saw a proposal for "Pearson Specter Litt" and let's wait and watch for the*

*best, admirable, impressive, grand, wonderful and rich combination of “ Spector Litt Ross.”*



*YOU CAN'T HANDLE THE TRUTH!*  
A REVIEW OF THE 1992 FILM, A FEW GOOD MEN

~Varun Sabharwal

**H**e wants the truth. That's all Lt Daniel Kaffee wants from Colonel Jessep, who's sitting on the stand, testifying with a smug, entitled expression on his face. He's part of the United States Marine Corp, serving in Cuba, where, in one part of the film he explains that he eats breakfast just 50 ft away from a sniper that's trying to take him out in one shot. Obviously, Jessep thinks it's beneath him to have to appear in this court martial, to pander to some equally smug faced commissioned officer in the JAG corps over some army order called a "Code Red", which resulted in the death of a Private First Class in the base back in Cuba. Jessep really doesn't care what Kaffee wants and thinks the entire exercise is completely futile because of something that the audience realizes much after. The truth isn't as black and white as it's made out to be.

What makes A Few Good Men, a good JAG based legal drama? A variety of reasons, but primarily because it's written by a true script-writing maverick, Aaron Sorkin. Most audiences now associate that name with his Academy Award winning "The Social Network" and his reasonably decent, "The Newsroom" series. But for classic movie fans and auteurs of a medium that has rapidly changed the way we look at and perceive art in the 21<sup>st</sup> century, Sorkin's the creator of a show like, "The West

Wing” and writer of films like “Charlie Wilson’s War” and “Moneyball” (which he co-wrote). In a rather long career, Sorkin has managed to do what few screenwriters and playwrights actually accomplish by the time they’re going on their late fifties and that’s to combine, actual literary dialogue with a corresponding theme. It’s witty, it’s fast and it’s full of Sorkin’s idealism and directness, there’s very little bravado and equally little decoration. Sorkin’s perhaps, what the best trial attorney could possibly be: -direct and effectual, and in a medium where audiences have changed as the year goes past, not only is that an invaluable asset, but it’s a sure shot shoe-in for sublimely messaging. How is A Few Good Men any different? It was Sorkin’s first foray into screenwriting, and based on his own Broadway play, and in one film, Sorkin managed to change the way legal dramas could be made both effectual and palatable.

Perhaps, I’m overstating Sorkin a bit. But that’s layered by my respect and adoration for this man, having first watched A Few Good Men on the eve of my physics exam sometime in 2008 and utterly transfixed by his ability to keep me engaged(not like I was going to return to Physics anyway.) It’s a movie about an unfortunate death of a poor wretch called Private Willy Santiago, who a night before he’s supposed to depart from Cuba, dies from an assault by two of his fellow barracks men, Dawson and Downey. Not that Santiago was a saint, he was a snitch, disrespected the chain of command in a dangerous Naval Base like Guantanamo and was a source of constant annoyance to both his commanding officer, Kendrick(played by Kiefer Sutherland) and Jessup(played by the awe-inspiring, Jack Nicholson.) His death results in a court martial, which the movie follows through, with both Downey and Dawson being defended by the smart mouthed, Lt Kaffee, played by Tom Cruise who’s famously notorious for plea-bargaining, because a trial was the quickest way through hell. And Dawson hates Kaffee, for obvious reasons: -Kaffee is everything Dawson hates about the JAG, smart faced and smug, a whiff of entitlement that condescends and transcends. But Kaffee takes this case up because of the idealistic Jo Galloway (played by Demi More) who believes that Dawson and Downey acted on orders issued from high above, rather than on their own judgment. It’s no surprise that in just these characters, Sorkin’s already poured in different facets of human beings and the legal system as a whole, idealism, practicality, politics and a “social order.”

Ultimately, this movie isn't just about a court-martial and its proceedings. It's about the entirety of the legal system and our individual quests within it, and if it is indeed, always about the "truth."

Which, is grey, in this film, and suitably demonstrated by way of Nathan Jessep, the man who takes all the decisions and operates in an area he knows in which, "If men disobey orders, they die?" Jessep's a metaphor for a guard, or even the state, which sometimes is so taken back by its utilitarianism, that it feels accountable only to itself. And that's the entire point of the court martial, the legal system that tries to balance interests and hold the deified state responsible for all its grey-area actions. But Sorkin tends to overreach here, where it's possible to hold a man like Jessep, someone we want on our walls, protecting us, constantly accountable for all his actions. That impedes and perhaps diminishes capacity to perform and invariably hurts us in the ends, which is perhaps Sorkin's greatest flaw, the far fleeting ideal liberal. But then again, that is perhaps, why we can't handle the truth. Perhaps because we aren't ready for it, or maybe because, we just don't want to.



# Meme Time

Wishing you<sup>reasonably</sup> a Merry Christmas<sup>(But without any assumption of liability on our part)</sup> and a happy ~~new year~~<sup>12 (Twelve) months from the date hereof</sup>

for the avoidance of any doubt



Source: [www.pinterest.com](http://www.pinterest.com)

**EXPERIENCE**



## 0 to 1

~Sheetal S.

Introductory Internal Moot ranking rounds 2013-14 for the first year students, was a day I trembled with fear, to speak, to be judged, and to present myself before strangers. But I did try, knowing the fact that I was unprepared. However with great tussle in my mind I waited for my turn. While I saw everyone around trying to give their best, I sat there silently wondering if I could ever do it and what if my worst nightmare comes true. Finally, I made up my mind. I quit. I was not ready for it. Questioning if I would ever be, I stood up to walk off, and I did it. I made an excuse and succeeded in escaping. I walked out of that room that scared me, like a free bird, as if I'd escaped an accident that almost killed me. At last I was happy that I finally came out. But it was not till the day the rank list was put up and I saw everyone else jumping with joy as if they accomplished the biggest challenge, did I realize that I had looked down upon myself. Yes, I had underestimated myself and the same thing that I thought to be my win turned out to be my biggest loss.

The turning point was the Introductory Moot Court Competition 2013-14. This time I decided that I shall try my hand and not turn my back no matter what. I was lucky to have formed a team of very hard working and co-operative team mates, and I decided to be the speaker. Having made that decision and at the same time keeping in mind my previous experience I made my start with great difficulty. And to my surprise I gained confidence that I can do it. The journey of combating fear that started with my first round to my surprise took us to the final rounds, something that we least expected. And that day I knew that this was the day I was waiting for, the day I could prove myself not just to others but also to myself. At last we did it; yes the "Winners of the Introductory Moot Court Competition 2013-14". My biggest mistake was successfully replaced with a lifetime memory. I finally beat my fear; it wasn't just a win in the moot, but my win against my fear after

having realized that “for the weak, fear is a stumbling block and for the strong, a steppingstone”.



## AARANYAK. A SENSE OF PURPOSE

~Arindam Baruah

Working with *Aaranyak* proved to be a dream come true.. Every time I read a newspaper article about the work of this NGO being lauded or being presented with an award, my desire of being associated with them increased. I wanted to know what the thing that made the NGO stand out was. Not only in the state, but the entire North-East and pan India! Though I ended up taking an entirely different career, I valued this organization in its entirety. Beginning my studies in Law, I never thought I could be of much use to NGO'S. But my concept changed when I was asked by my professors to intern at an NGO. They explained that as lawyers, we can learn a lot from NGOs, especially their organizational structure, methods of carrying out work, etc. They also said that there are so many advocates who actually contribute to these organizations by providing legal aid. An intense desire to be back home, and my latent love for *Aaranyak* made me pick the NGO as my first choice. Such was the excitement that I drove to its office straight from the airport! There I was informed that I would be working in the Legal Aid cell under the guidance of MrAjoy Kumar Das, Associate Advocate, *Aaranyak*. After completing all the paper work, I was asked to report to Mr Das the next day. Next I was introduced to this gentleman, whom I eventually began to admire a lot. He told me that we had a very important task to initiate. We were about to prepare a Standard Operating Procedure (SOP) for Government Enforcement Agencies with reference to the state of Assam. I was informed about the perilous wildlife situation in the state. I was shocked to know that the state

did not even have a Forest Act. Our purpose was to prepare a detailed guideline to help the enforcement agencies with regards to the legal procedures in trying of wildlife criminal cases, and recommending a structured set of procedures in this regard. In due course, I drafted the content list and a few case reports. As asked, I had also collected around 19 (Nineteen) cases from various courts pertaining to Wildlife Protection Act (WLPA), 1972. However, what I found to be the most thrilling part of my association with *Aaranyak*, was the field work on the last day. I and Ajoy Sir had plans to accompany a team comprising of a Japanese Professor, Koichi Kimo to from Hiroshima University and two professors, from Cotton College, Guwahati. We were on our heels right at 7am when we travelled towards Gorchuk, a historical embankment built during Ahom era. It was a classic creation in terms of warfare, and today it is on the verge of complete decimation. A huge stretch of it has been destroyed and cleared for private purposes. Then we headed towards Pamohi, crossed the Deepor Beel, and halted at Mr Lakhan Teron's residence. Mr Lakhan is a well-known environmentalist and conservationist who have been playing an important part for the cause. We then met the group of research persons and headed towards a remote village called New Sattargaon. Though it is a forest village it has not yet been notified. No electricity, no health care, no communicable roads, and no trace of education except in an elementary school! And that they still worship the water God to cure illnesses of their children! After taking a tour of the village we came to know that it is an elephant corridor and that they also destroy the paddy grown there. After the day-long visit, we finally returned home. I developed a very good rapport with Ajoy Sir, and gained a deeper understanding of the law and its practice through our interactions. I hope this experience opens up many avenues in the future. I wish *Aaranyak* all the best, in all its future endeavours.

# LEARNING AND MEANDERING

~Sarthak Roy

Mid-day during August, it so happened that I applied for an internship at India's oldest law firm-Fox Mandal, Kolkata. After much trepidation, I got an email from the offices of Fox Mandal, confirming my selection for an internship at its head office in Kolkata. I started doing my homework of knowing more about the firm I was to work with. The knowledge of which left me with a loss for words, Fox Mandal were the legal attorneys of even the British East India Company. Finally, our compulsory internship break started at around October 16<sup>th</sup> 2014, and hence with much anticipation of a new endeavour, I boarded my flight to Kolkata. Added to that was the wonderful incentive of going back home after months of waiting. After whiling away a day lazing around at home, the first day of my internship arrived. Meandering through the morning office going traffic, I passed through the heart of city of joy to reach my destination. And before I stepped inside the hallowed offices of Fox Mandal, I was taken aback by the serendipity of the location. Situated at old post office street, the office of the law firm was encapsulated by the towering Victorian era sculpture of Kolkata High Court on its front side, littered with a number of lip smacking roadside food stalls to cater to the need of the rush hour public. On the other side, the banks of the sensuous Ganges, was just a stone's throw away. All in all, a panoramic scene was ever pervading through the entire atmosphere.

Apart from me there were two other interns. I was pleasantly surprised with the work that I was assigned with, research on telemedicine and its implications on laws in India. It was a far cry from the notion that work would entail only going through case briefs. Here and there I was also allowed to attend client meetings and get a grasp of the practical working of law. Lunch breaks were spent chomping onto various delicacies Kolkata had to offer, from Biryani to gorging on rice and Hilsa.

But the high point of this internship came during my second week of work there, when the interns were taken to attend case proceedings at the Calcutta High Court. Albeit all the excitement of my first visit to these hallowed court halls, I had to maintain my poise and ingrain the intricacies of the judicial machinery. From sitting through hearings of tax or property matters, to visiting the amorphous hulking library, High Court days were indeed worth cherishing for the amount of knowledge it bequeathed. Due to the laid back tradition of work culture here in Kolkata, time was flexible but then deadlines had to be met. Although many more internships at different places await, but the one at Fox Mandal will always be endearing to me for the work and knowledge that I gained but more so because I could see my city of joy through a different prism altogether in the process.



*LAW: THE ONLY GAME  
WHERE THE BEST PLAYERS  
GET TO SIT ON THE BENCH*

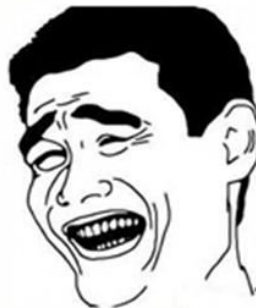
## Student's Law Of Tension

Pressure  $\propto$  The Number Of Days  
Left For the Exams

Where,

'KAL SE PADHENG'

Remains Constant!"



© funeddicted.blogspot.com

Source: [www.pinterest.com](http://www.pinterest.com)

The background is a collage of vintage handwritten letters and quills. Several quills are scattered across the page, some pointing towards the center. The letters are written in various styles of cursive, some legible and others partially obscured. The overall tone is sepia or aged yellow.

# *Verses versus Verses*

## A SINISTER SCAR

~Anushree Khanna

The memories of that dreadful night won't go,  
will haunt her, won't let her sleep for days in a row.  
She thought the union was supposed to be pure,  
not coerced or forced.

There she lay bare dying piece by piece,  
satisfying the lust of those beasts.  
She felt suffocated, she couldn't breathe,  
but to her misery, they paid no heed.

The goblet of their desire was full  
She toiled hard to get away,  
kept shrieking in pain  
but in vain.

Trapped in darkness, kept searching  
for the path that would lead her home.  
Their fingers were piercing her skin,  
It was indeed their time to finish the sin.

And then she gave up  
for she was no longer able to grapple with her grief.  
Before she lost her consciousness  
all she saw was their lust oozing teeth.

She kept soaking their bursting aggression  
She was cold, incapable of any expression.  
Even if she managed to stay strong when she was weak  
She knew the chances of society accepting her were bleak

The scars always leave its mark  
She knew the night is going to be eternally dark  
Even if she had the courage to collect the pieces of her broken soul  
she'll only be alone.

“The Progressive Society” is just namesake,  
this is the era of dual rape.



## THAT VOICE OF THE MASSES

~Apoorva

An echo of words and voices unheard  
A mirror to all that has happened.  
To the secure and vulnerable, the miniscule and mighty,  
a firm voice it does lend.  
Is it really noble to stand for a cause,  
for the wrong cause or any at all?

Nothing but a ripple of green  
with pockets as heavy as it's contentions seem  
Calling propaganda's bluff  
is the shackling of fundamental freedoms,  
and giving in makes you a pawn of imperialism.

Democracy they proclaim,  
reasonable restrictions cry foul play.  
A charade of impositions in a wide array  
They decided the accused's luck  
long before the gavel struck.  
The voices of vices seize the very right they claim to protect  
the truth in shades of grey lies defenceless.

With a facade of good intentions and  
an elaborate veil over its monopoly,  
the media-it has emerged  
as the king of hypocrisy.



## MISUNDERSTOOD AND MISINTERPRETED!

~Gaurav Majumdar

Suited and booted he walked past a group of the fairer sex,  
On the other end he saw his friend a "geek" with big round specs,  
He noticed their eyes rolling in disgust at the sight of him,  
Unnecessary ego was filling up to the brim.

Comes from the other side a comment "he looks so hot",  
But with the irresistible urge to go say hello he bravely fought,  
A thought struck his mind like a thundering bolt,  
Then did he get the pretty much required jolt.

He questioned himself "What am I, an object?",  
The urge died but then came the real subject,  
They say objectifying the fairer sex isn't correct,  
Without realizing what on the opposite sex, the same action would affect.

They say women need to have a say in the law,  
They also say the men's point of view is at flaw,  
They want women to have equal rights,  
Which truly interpreted means, the men now have to struggle and fight.

A debate on feminism is given the importance of a national issue,  
A man victimized for eve teasing is not even lent a tissue,

They contend the horizon of the law needs to broaden,  
But they seem to have on the wrong path trodden.

They demand an equal footing in the society,  
The laws they misuse are many in variety,  
Adultery laws never considers a women to be at fault,  
The Indian Penal Code assumes on a man there can be no assault.

Fake cases of malicious charges on men they do not get recognition,  
For a "re" to be added there first needs to be cognition,  
There is an urgent need to understand what "Feminism" means,  
There is a need to analyze what the concept seals.

Equalizing the status does not mean he can be objectified,  
Also does not mean you can snatch his respect, he's dignified,  
Before getting into any complexity there's a need to understand the word "equal",  
We've already seen what's dominance, we do not want a sequel!



# JUSTICE DISROBED

~Manuraje Karwasra

A screaming lady, in the street  
She saw violence, in our breed  
The starve, the hunger,  
That ridiculous greed...  
*The law wasn't there,  
Nowhere to be found  
Save me she shouted  
She thought she was protected  
The laws were enacted  
But no followers, no one to notice  
Her eyes blared hate  
But she is a woman, is it fate?  
A mother, a sister, a joke?  
Oh dear humanity!  
There is no hope  
The law for humans,  
Slaughtered like animals  
We are humans, thought the makers  
calling ourselves social we are the evils.  
People blamed what she wore  
Some even said she deserved more  
Her soul wasn't pure?  
Decision they gave, it's her fault  
At her own, up she stood  
Making her way, through her blood  
Torn clothes, vanished dignity  
Realized herself, cried and cried  
The law died, a long ago*



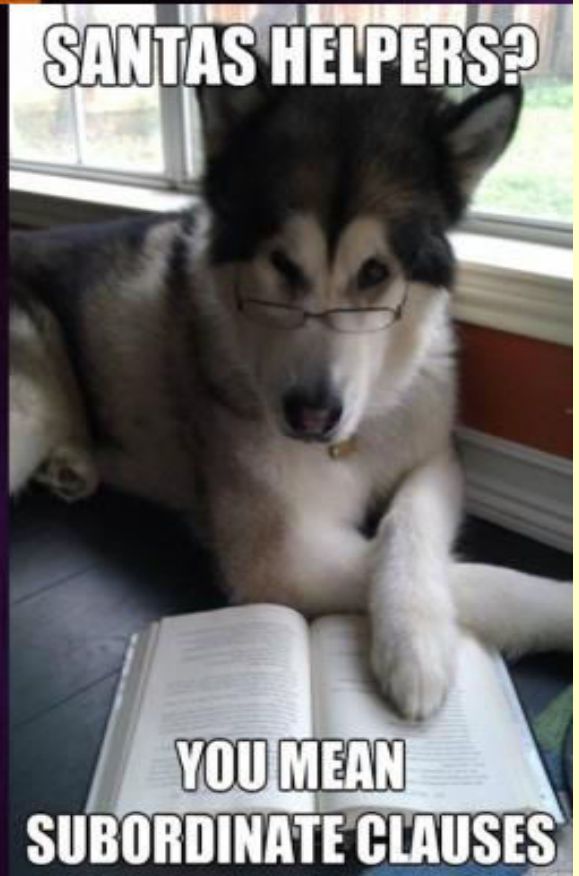
**HOW MANY LAWYERS DOES IT  
TAKE TO CHANGE A LIGHTBULB?**



**ELECTRICAL WORK SHOULD ONLY BE PERFORMED BY LICENSED  
ELECTRICIAN IN FULL COMPLIANCE WITH ALL LOCAL AND FEDERAL  
CONSTRUCTION CODES. IF SAID ELECTRICIAN IS ADDITIONALLY AN  
ATTORNEY DULY QUALIFIED AND ADMITTED TO PRACTICE IN THE  
JURISDICTION OF BULB CHANGING, THEN UNDER NORMAL  
CIRCUMSTANCES, A SINGLE LAWYER IS GENERALLY SUFFICIENT.**

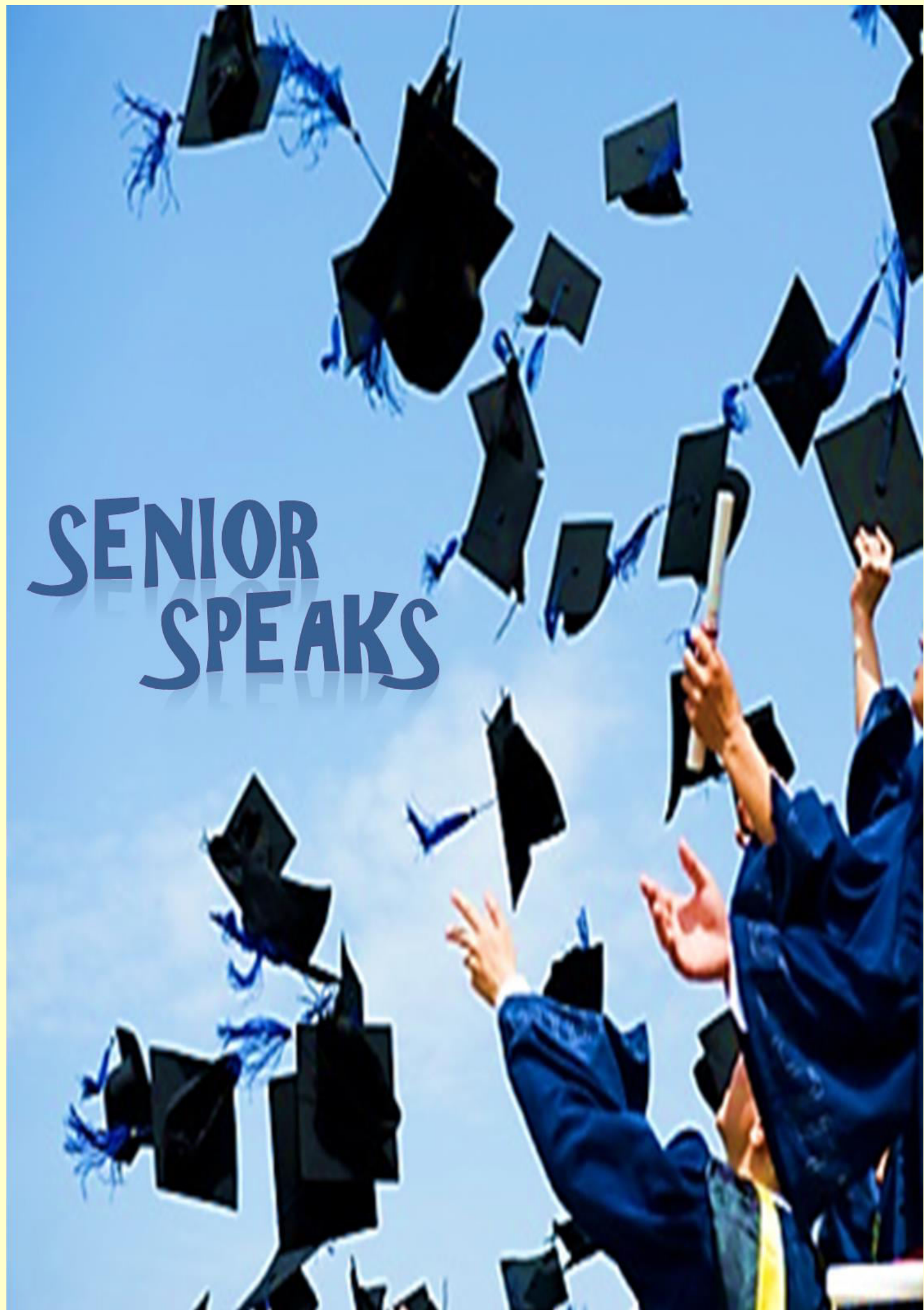
memegenerator.com

**SANTAS HELPERS?**



**YOU MEAN  
SUBORDINATE CLAUSES**

# SENIOR SPEAKS



# LAW SCHOOL: A JOURNEY OF SELF – DISCOVERY

~Shambhavi Ravishanker

*“It is good to have an end to journey toward; but it is the journey that matters, in the end.”*

— Ernest Hemingway

My five years in law school made me understand that it isn't just about working hard, but also about working smart. The importance of networking is something you understand in competitive environment as is our law school - you need not like anyone, but the value of preserving cordial relations with people is something that should never be underestimated. Law school is a major training ground that teaches you a lot of life skills, one of the most important being that of patience. Fortifying yourself with these skills are highly beneficial even outside college.

For me, my five years in law school was just that. It was the training ground where I learnt to accept and deal with both the good and the bad occurrences with as much dignity as possible. The politics and disappointment shouldn't demotivate you from reaching your goals. People and circumstances don't determine your fate. They exert influence over it, but the ultimate result is that you will get what life thinks you are deserving of. I had the opportunity to make long lasting associations with people whom I've made memories that will last me a life time. I've learnt that with right kind of friends, you can enjoy your work. Choosing people that inspire you to keep going on your path of intellectual pursuits helps, because with them, work is not stressful.

I think my favourite part of the journey was the campus life. I spent a lot of time within the University, for various activities. From rushing down in between classes to buy that paneer roll, which let's face it, is more onion than paneer, to having my four 'o' clock cup of chai and momos, the Gourmet is a place that will always evoke fond memories. The library truly befits its name - The Knowledge Centre. I will miss using the online data bases and the hours I've spent for moots, papers and class assignments in the Library, will not go in vain, for through all of that, I have was able to acquaint

myself with thinkers and writers that inspired me to move forward in my law studies.

I have always been a bigger lover of the journey as opposed to the destination itself. However, in the case of graduating from law school, I feel quite the opposite. I am happy and grateful that I was able to undertake such a hugely challenging and rewarding journey, but I am even happier it is coming to an end. I look forward to facing new challenges and situations with the skills I have acquired in the socio - legal laboratory that is our law school. I grew in confidence and in skill through the mistakes I made and through the people I came into contact with. I guess that is why I am glad I went through these past five years - they gave me the gravitas and the confidence to deal with anything that life sends.

The only advice I can leave my juniors with is: *don't be* afraid. Live your time here at law school to the fullest, and spread your wings to many different spheres. Don't shy away from the things that scare you. Don't get bogged down by the social commentary of your life, because people's words don't change who you really are. Rise above the quagmire of gossip and politics and live your life as you see fit. Just do what you have to do for you.

Law school has enriched me in too many ways to count, because I choose to see everything as a learning experience, and as a chance to grow and become better and better. The thought that I leave this law school with is: *most things in life are transitory and therefore it is up to us to attach meaning and derive the most we can out of the experiences and people we come across.*



# IDENTIFY



Source: [www.pinterest.com](http://www.pinterest.com)

Q) He was a diplomat, scholar and jurist. One of the most prestigious law competitions is named after him.

HINT- our college recently hosted its India rounds.

Ans: Philip C. Jessup

FROM  
MENTOR'S  
PEN



## WHAT WOULD I DO IF NOT FOR TEACHING?

~Dr. Mini. S

If I was not a teacher in the wonderful stream of law, my alternate career would most definitely be that of an actor. The world of film, theatre, and the stage is something that I have always truly adored. What has fascinated me, and continues to catch my attention in the world of film, is that an actor has ample opportunity to play various roles. As an actor, one is never restricted to being a lawyer, a doctor, or any other professional, but he has the ability to play all these roles! As William Shakespeare rightly put this in perspective, by highlighting, through his words, that 'All the world's a stage', it was identified by him that man plays different roles throughout his life. In the world of acting, an actor has the ability to take on all these roles, through his career pursuit, and this is something that truly catches my eye. As an Actor, one also has the opportunity to travel to different corners of the world, whether it be deep sea diving in the Great Barrier Reef, or even shoot atop the beautiful mountains in Switzerland. An opportunity to travel across the world, and experience all that it has to offer, from taking in its beauty and to learning about the cultures of the people across various continents, are amongst the top things on my 'to do list'. The publicity that comes with being an actor is not something that I would personally like, however the close bonding that an actor experiences, whereby he is considered by the people to be known in their minds as one amongst them, is something that I would cherish, and would truly love to experience.



## WHAT WOULD I DO IF NOT FOR TEACHING?

~Mr. Abhijit Rohi

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To be a Full Time Social Worker was an Option!

May be it was the exposure and education based on Gandhian ideology or may be the close association with the people who have been instrumental in influencing my way of thinking might be the reason in choosing the career for me.

Somehow during the phase of my life where one's ideas are shaped by the exposure one received at different levels like social, family, educations, the peer group etc. I guess now I can confidently say that I was lucky to be exposed to all those people and factors which have made me think passionately about my career choices. The line of thinking was that, "everyone is an integral part of society where each one of us has a special role to play. The role may differ depending on various factors (such as family background, cultural background, educational background, financial conditions, intellectual & physical capacities, etc.) which bring in differences. These differences, if not handled properly are the ones which give rise to certain negative things such as irrational discrimination, differential treatment being given to different people on some unreasonable grounds resulting in a class based favoritism or hatreds and some class being neglected completely. This eventually culminates into a factor hindering the holistic and inclusive development of the society. And so there is a need to take certain positive steps in addressing the manifold issues arising out of it."

The choice of my career was and is based on this very understanding. Keeping the broad picture in mind I narrowed down to a few options one which is teaching as a career and other one was to be a social worker, both of which have a direct impact on and a nexus with me being instrumental in bringing in the change.

Even as a social worker I would have had to choose between many options and decide to work for the betterment of one of the groups, the presumption here being, each one of it, children, women, displaced, disabled (differently abled), forest dwellers, sex-workers, children of sex workers, social minorities, religious minorities, sexual minorities and the list of division and class where we have to work grows on, constitutes a group. Though this being the case, even if I would have had chosen a group from amongst the list, I would still have contributed directly for bringing the change.

Well, having said this, I in no way intend to mean that the career path which I am now on is stopping me from pursuing the other option. I can still choose to be a part time social worker, though not looking at it as a career option now, but to satisfy my inner need to do something for the society rather I would say to give something back to the society.

A special thanks to Priya Kale and Anand K. for making me think once again, which I should confess has been a motivational exercise.





# 2014: What Changed!



## GERMANY FINALLY WINNING THE WORLD CUP

~Dhananjay Suri

What changed in 2014 was something that the world was expecting since 2006 i.e. Germany winning the World Cup. Germany one of the most complete footballing nations in the history of football had failed to win a major trophy since 1996 when they won the European championship held in England. The last time Germany won the world cup was in the year 1990. In 2006 when Germany hosted the world cup, the country was believed to be one of the contenders for the title even before the tournament had begun. As the tournament progressed a glimpse of the 'well-oiled German machine' was at exhibition. When Germany stormed into the semi-finals everyone expected the host nation to win the cup. They had set up a clash with Italy, the team that had conceded the least goals and boasted the tournaments best defence. Germany lost 2-0, which was seen as a major upset. The Germans failed to win in their own backyard but managed to bag third place. The same story was repeated in the year 2010 when Germany were one of the hot favourites to win the cup and their attacking style of football was widely regarded as one of the best counter attacking styles in recent years. With such fast paced football, Germany reached the finals, where they were beaten by Spain 1-0 and the fans of this team were left disappointed again. All this changed in the year 2014, when Germany won the world cup beating Argentina 1-0 in extra time in the finals. Arguably one of the best German sides, the golden age had finally won the world cup after coming so close to the cup in the recent years.

## THE NALSA JUDGEMENT

~Aishwarya Prasad

In the year 2014, the Supreme Court recognised the right to express one's gender, and further granted legal status to the 'third gender'. The Supreme Court has affirmed the constitutional rights and freedoms of transgender persons, including those who identify as third gender and those who identify in a gender opposite to

their biological sex, i.e., persons, assigned female sex at birth, identifying as male and vice-versa. By recognising diverse gender identities, the Court has broken the binary gender construct of 'man' and 'woman' that has pervaded Indian law. The judgment was pronounced in National Legal Services Authority v. Union of India & Ors. [Writ Petition (Civil) No. 400 of 2012 ('NALSA')] by a division bench of Justices K.S. Radhakrishnan and A.K. Sikri.

## EBOLA – VIRUS EPIDEMIC

~Druthi

The year 2014 was witness to events having both a positive, as well as a negative impact. The Ebola virus epidemic, as it suggests from its name had a negative effect, and shocked the world leading to deaths as well as scares due to its rapid spread to other continents and countries. The Ebola virus causes an acute, serious illness which is often fatal if untreated. The Ebola virus disease (EVD) first appeared in 1976 in 2 simultaneous outbreaks, one in Nzara, Sudan, and the other in Yambuku, Democratic Republic of Congo. The latter occurred in a village near the Ebola River, from which the disease takes its name. The current outbreak in West Africa, is the largest and most complex Ebola outbreak since the Ebola virus was first discovered in 1976. There have been more cases and deaths in this outbreak than all others combined. It can be difficult to distinguish EVD from other infectious diseases such as malaria, typhoid fever and meningitis. Good outbreak control relies on applying a package of interventions, namely case management, surveillance and contact tracing, a good laboratory service, safe burials and social mobilisation. Community engagement is key to successfully controlling outbreaks. Raising awareness of risk factors for Ebola infection and protective measures that individuals can take is an effective way to reduce human transmission.

## CHANGES TO BOOST THE EMPLOYMENT IN INDIA

~Mohana

The Lok Sabha elections of 2014 brought massive changes in the political, economic and social agendas of the parliament. With Bhartiya Janta Party empowered on the central level, we can witness various things being "Modi-fied". Such modifications can be seen in providing employment in India. These changes are made keeping in mind that the youth shall not miss out on opportunities.

The only form of social and national security our country could provide is Jobs. Job preservations can be transmitted into job creation. The new government shall now live up to the promises of building 100 smart cities with good roads, airports, 24X7 water and electricity and much else. The north east area of the country will be much promoted for its tourism industry, hospitality and employment of local talent. It is imperative that we have a wide network of community colleges focused on imparting vocational skills and vertical mobility, keeping employers at the heart of their curriculum.

## DOHA SUMMIT 2014

~Priyanka Vaidyanath

Doha development rounds aims at reducing the trade barriers between the countries and facilitate trade. It addressed issue over the Bali package which covered few controversies over reforming intellectual property law, trade in services and subsidizing agricultural products. Doha rounds was the first major trade pact in 2014. India has been contended to violate its promise given at the to the Doha agreement at Bali over the food security in December 2013. The heart of the Trade Facilitation Agreement (TFA) was that none of the signatory countries would give more than 10% subsidy over the agricultural products, which was primarily agreed by India, now it took a back step because it would be contradicting its national legislation, i.e., The Food Security Act, 2013. Wherein, the Act provides for subsidies up to 70% above the agricultural products. Argument raised by the developed countries in the Bali agreement was that 'if one country would consume so much of food materials then it would create an imbalance in the

chain of food supplies across the nation states'. Counter argument raised by India was that, it is aiming to eradicate or minimize the poverty, and one of the major steps to be taken is to distribute the food materials which have to be accompanied by a higher level of subsidy. India concluded its argument by contending that till WTO finds a permanent solution for public stockholding it would not give its consent to the agreement.

## POLIO FREE INDIA

~Naman

The World Health Organization (WHO) South-East Asia Region, home to a quarter of the world's population, was certified polio-free on 27<sup>th</sup> March 2014 by an independent commission under the WHO certification process. This is the fourth of six WHO Regions to be certified, marking an important step towards global polio eradication. With this step, 80 per cent of the world's population now lives in certified polio-free regions. An independent panel of 11 experts constituting the South-East Asia Regional Certification Commission for Polio Eradication (SEA-RCCPE) decided that all 11 countries of the Region, including India, are now polio-free and have met the requirements for certification. The WHO presented official certification to India for its 'Polio Free' status. The Minister for Health and Family Welfare, GhulamNabi Azad, received the official certificate.

India embarked on the program to eradicate the nation of polio 19 years ago in 1995, when the disease used to cripple more than 50,000 children in the country every year. The achievement was possible with resolute will at the highest levels, technological innovations like the indigenous bivalent polio vaccine, adequate domestic financial resources and close monitoring of polio program, with which immunization levels soared to 99 per cent coverage and India achieved polio eradication. A 2.3-million strong team of polio volunteers and 150,000 supervisors worked day and night to reach every child.

It is a momentous victory for the millions of health workers who have worked with governments, non-governmental organizations, civil society and international partners to eradicate polio from the Region. It is a sign of what we can bequeath our children when we work together. Certification of the Region comes as countries prepare for the introduction of inactivated polio vaccine (IPV) in routine immunization as part of the eventual phasing out of oral polio vaccines (OPV). More than 120 countries currently use only OPV. These countries will introduce a dose of IPV by the end of 2015 as part of their commitment to the global polio endgame plan which aims to ensure a polio-free world by 2018.

## INDIA REACHES MARS

-Nandita Balasubramanian

After 300 days and 690 million kilometres, Mangalyaan entered Mars orbit on the morning of 24<sup>th</sup> September 2014. India has joined only three other countries worldwide to have reached Mars, and happens to be the only country to reach the planet in its maiden attempt. In the sprint for the Martian marathon, India has shown its technological capability and resilience to undertake arduous inter-planetary journeys. Also, the 450 crore maiden mission to Mars has cost India just about four rupees per person making it the cheapest inter-planetary mission to have ever succeeded. Critics of the mission have questioned the requirement of such a mission in a country where millions live without basic necessities, but advocates argue that development in space in turn drives innovation on Earth. As the Prime Minister said, the odds were stacked against us. Of the 51 missions, attempted across the world so far, a mere 21 had succeeded. We have gone beyond the boundaries of human enterprise and imagination.

# INTERNET OF THINGS: FROM POCKET WATCHES TO GOOGLE GLASS

~Pranay Goenka

Technology has come a long way, we no longer wait in lines for tickets, gone are days of phone booking, even our traditional 'text messages' are replaced by Whatsapp and Line. The latest trend in this *techfrenzy* is 'Internet of Things' (IoT). It is the network of physical objects or "things" embedded with electronics, software, sensors and connectivity to enable it to achieve greater value and service by exchanging data with the manufacturer, operator and/or other connected devices. To put it simply, every device we use will be connected with the world through internet. All devices will be able to interact with each other making our life easier. Smart kitchen will cook food, calculate calories and even serve desert at a mere click of our phone button. No more reminders for your favorite TV serials, your TV will do that automatically for you. Though it seem a far reaching dream but it is plausible. Launch of Google glass and Apple watch in 2014 is the first step towards that dream. We all want to be connected at all times and with everyone. And modern technology has enabled us to do so. But as they say, every coin has a flip side, and so is IoT. There are huge legal and ethical concerns related to it. The exchange of information will expose us to potential privacy threats and vulnerable to hacking. Latest USA PRISM scandal and snoop gate incidents are such few recent examples. We also lack adequate laws both at the national and international level to counter these problems. Internet of Things is the new wave of change in this 'tech-obsessed' world and it is our duty to regulate it properly in order to reap maximum benefits.

## INDIAN STOCK MARKET CROSSES RS 100 LAKH CRORE M-CAP

~Vidit D Kumat

Market capitalization of all listed companies on Bombay Stock Exchange (BSE), Asia first stock exchange, reached historic milestone of Rs. 100 lakh crore-mark on Friday for the first time. The landmark level was reached in early morning trades when the market capitalization (m-cap) touched Rs.100.01 lakh crore. However it slipped marginally below that level to close at Rs. 99,81,572 crore. As on November 28<sup>th</sup>, Dalal Street in Mumbai burst into unprecedented jubilation and celebration as the Bombay Stock Exchange (BSE) crossed Rs 100 lakhcrore or Rs 100 trillion market capital mark, thereby signally a new era for Indian stocks and equities market. The total market capital of any stock exchange directly indicates the financial health status of the investors. Investment bankers issued statement that investor's wealth in BSE and NSE has doubled in the last 5 years, a feat which very few stock exchanges in the world can claim.

## THE BIRTH OF TELANGANA

~Malavika

One of the important event happened in 2014 was the formation of a new state named TELANGANA. Telangana is a state in the southern region of India. It is the twelfth largest state in India. Most of it was part of the princely state of Hyderabad namely Medak and Warrangal Divisions, ruled by the Nizam of Hyderabad during the British Raj, joining the Union of India in 1948. In 1956, the Hyderabad state was dissolved as part of the linguistic reorganisation of states and the Telugu speaking part of Hyderabad state, known as Telangana, was merged with Andhra State to form Andhra Pradesh. On 2 June 2014, Telangana was separated from Andhra Pradesh as a new 29th state of India, with the city of Hyderabad as its capital. The separation was justified on the grounds that

special protection can be given to the population of Telangana which constitute economically socially and educationally backward class of people.

Hyderabad will continue to serve as the joint capital city for Andhra Pradesh and Telangana for a period of not more than ten years. Telangana is bordered by the states of Maharashtra and Chhattisgarh to the north, Karnataka to the west, and Andhra Pradesh to the south and east. Its major cities include Hyderabad, Warangal, Karimnagar, Nizamabad, and Khammam.

The present Chief Minister of Telangana is K Chandrasekhar Rao who spearheaded the protest for a new state. The main issue regarding the formation of a separate state is that, Hyderabad, which is home to many major information technology and pharmaceutical companies would now become a shared stat

## **SURROGACY BILL 2014 INTRODUCED IN THE INDIAN PARLIAMENT**

~Shubhi

Surrogacy is an important issue in the society in this era. There were certain proposed changes in the surrogacy laws in India. An individual Member of Parliament had taken initiative to introduce a bill for regulating surrogacy in the Lok Sabha. The Bill No. 61 of 2014 named THE SURROGACY (REGULATION) BILL, 2014 had been introduced in the Lok Sabha on 08/08/2014. This Bill was introduced by Dr.Kirit Premjibhai Solanki, MP from Gujarat. Bill introduced by an individual member of parliament and is not government sponsored bill. This Bill deals with surrogacy arrangements alone and not with Assisted Reproductive Technology as such. The Bill provides to allow commercial surrogacy arrangements for couples from abroad if they have an appointed guardian in India. Bill does not discuss ART Banks, whereby surrogate mother and egg donors can be identified. Bill provides for insurance for surrogate mother must be sponsored by the commissioning couple. Bill provides for surrogacy for gay couples, after same sex relations are allowed in India.

# LAND ACQUISITION (AMENDMENT) ACT

~Krutika

The amended Land Acquisition Act of 2014 made it easier for industrial projects to acquire land. The Act chips away at a major obstacle to industrial investment. Several proposed economic overhauls from India's new government had been delayed by opposition protests in Parliament and thus the Ordinance was passed. Finance Minister ArunJaitley announced that the changes focused on speeding up development in five areas: development of industrial corridors, social infrastructure such as education, rural infrastructure such as roads and power, housing for the poor, and the country's defence capabilities. The ordinance makes land acquisition easier in these areas by exempting them from several provisions of current law. Now projects won't need the consent of 80% of landowners during acquisition, as is the requirement in other sectors.

However, the ordinance also makes another significant change: It expands the current law to increase the likelihood that landowners will be compensated in projects, such as highways and rail, where the government is involved. In recent years, foreign companies have faced troubles in acquiring land for projects, prompting some to cut back their investments. In 2013, Arcelor Mittal, the world's largest steelmaker, dropped its plan to build a plant in the eastern Indian state of Orissa, citing delays in acquiring land as a main reason. This change in the existing law would result in better development of areas and also allow new industries to set up their bases by acquiring land in the country.

## FACEBOOK PURCHASE WHATSAPP

~Roshni

On February 19, Facebook announced it was acquiring WhatsApp for US\$19 billion, its largest acquisition to date. They paid \$4 billion in cash, \$12 billion in Facebook shares, and an additional \$3 billion as stock units to WhatsApp's founders Jan Koam and Brian Acton. Days after the announcement, WhatsApp users experienced a loss of service, leading to anger across social media.

The acquisition caused a considerable number of users to move, or try out other message services as well. 'Telegram' claimed to have seen 8 million additional downloads of its app. 'Line' claimed to have seen 2 million new users for its service.

In May 2014, the government of Iran announced that it had proposed to block the access to WhatsApp service to Iranian residents. This was because Iranian government thinks of Zuckerberg as an American Zionist and they want nothing to do with the new WhatsApp.



I dwell in Possibility

- EMILY DICKINSON

I dwell in Possibility –  
A fairer House than Prose –  
More numerous of Windows –  
Superior – for Doors –

Of Chambers as the Cedars –  
Impregnable of eye –  
And for an everlasting Roof  
The Gambrels of the Sky –

Of Visitors – the fairest –  
For Occupation – This –  
The spreading wide my narrow  
Hands  
To gather Paradise –