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NAVI MUMBAI

SOLSTICE

VOLUME-II ISSUE-I



FACES OF JUSTICE



PUBLICATION COMMITTEE



2021

FOREWORD

Success is to be measured not so much by the position that one has reached in life as by the obstacles which he has overcome.

-Booker T. Washington

We have made significant strides in the past year, overcoming every challenge posed by the present pandemic to persevere towards excellence at School of Law, NMIMS Navi Mumbai. We have successfully conducted international colloquiums and national competitions and our committees have brought in activists and luminaries like Justice K.G. Balakrishnan, Sr, Adv. R. Venkatramani, Adv. Flavia Agnes, Adv. Suraj Sanap, and so many more to further enrich our online education experience in the past few months.

This document is yet another indication of success at SOL. I give to you, the second volume of our very own magazine “SOLstice,” brought to you by the extremely driven Publication Committee, a student venture that has made exceptional advances in the past years to deliver wonderful content to the law school.

I am enthralled by the contributions of the student body that I see in this magazine and thrilled by the theme the Committee has chosen- “The Faces of Justice” are indeed many, and it is prudent for us, in the legal community, to understand and evolve as the Faces transform in consonance with the jurisprudential progressions in our societies.

I congratulate the Editorial Board and the Publication Committee on their accomplishment.



Prof. (Dr.) Saurabh Chaturvedi
Associate Dean, School of Law
NMIMS Navi Mumbai

FROM THE EDITOR'S DESK

Dearest Readers,

The Publication Committee is delighted to deliver to you our second volume of SOLstice with an engaging theme- "The Faces of Justice." It has been a pleasure and an honour to witness our inbox fill, slowly but quite steadily, with student submissions for this edition. I sincerely hope that you, dear readers, shall enjoy reading SOLstice as much as we did creating it.

I must take this platform and space to acknowledge and thank the myriad of forces beyond our Committee that have contributed to the impending success of this manuscript. Foremost among them all is our Campus Director Dr. P.N. Mukherjee whose inspiring words have always driven the Committee to work hard. The Committee and I are immeasurably grateful to our Associate Dean, Prof. (Dr.) Saurabh Chaturvedi, who has been an ever-present and eternal pillar of support for all our endeavours, as are we to our Faculty Mentor, Prof. Preethi Kavilikatta.

I am thankful to our Academic Coordinator Mr. Hitesh Gunjal who has so readily and so kindly helped us with communications throughout. Further, I do not have words to express my appreciation for the support we have received from the library- Ms. Amruta Kashelkar and Ms. Vishakha Ramgir were extremely prompt and helpful during the drafting process.

I am immensely obliged to Ananya Mathew, our former Creative Editor, whose invaluable inputs kick-started the editorial process for this volume. She has continuously stood by us, as have Adarsh Choubey and his team at the PR Department at SOL. I am also thankful to both of them and other members of the Website Team for creating space for SOLstice, Thirty, and future publications to come on the university website. The Student Council of Law has similarly been of great help whenever the Committee has required them and I extend my gratitude to them as well.

I cannot let go without acknowledging the Team from PubCom: a glowing collection of individuals that I admire beyond measure. From the Content Research Department are three committed young women whose sincerity holds me in awe- Niyati Sharma, Jwaala Suresh, and Jasmita Verma. The Reporters are the backbone of our Committee and their strong voices and steady pens inspire me every day- Amisha Upadhyay, Anshita Naidu, Nivruthi Pasupunuri, Hetavi Bari, Isha Singh, Saumya Krishnakumar, and Simran Parmani. Our Designers bring to you stunning pieces of art in every publication that have the Committee at large swooning each time- Eesha Tekale, Aastha Yadav, and Achala Mutha. And finally, our dynamic duo in PR are Vasundhra Pareek and Rajveer Sharma who have contributed to the Committee's endeavour to build a stronger social media presence in the past semester.

I implore you to take in this edition of SOLstice in its entirety, to explore the bounds of creativity and imagination held within SOL and to discover compelling academic insights presented herein by our peers. I encourage you to engage in solving our theme-centric crossword, a product of our reporters' hard work and dedication, and beseech you to witness the glory and success that becomes our law school, manifesting in a compilation of reports that create A Year in Review.

It is together that we combat the trials of the ongoing pandemic and this document evidences our small successes.

Giving you the SOLstice with the Warmest Regards,
Niharika Ravi

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About the theme

“The Faces of Justice” encompasses the different approaches to the impartment of justice on various fronts within the bouquet of subjects in arts, business, and law that are incorporated in our pedagogy. The theme wishes to empower students to explore the idea of justice in a plethora of different ways and facilitates an investigation into the theoretical and practical aspects of both, the delivery and the suppression of justice in India and the World.

The Faces of Justice are, indeed, ever-changing. Renowned and widely-studied jurist Friedrich Carl von Savigny advocated that, “History, even in the infancy of a people, is ever a noble instructress, but in ages such as ours she has yet another and holier duty to perform,” indicating in more ways than one that justice shall evolve from history to the present ages.

Our student community has contributed widely to this compilation, and has indeed revealed, the many faces of justice. It was enlightening to witness justice interpreted in different ways, yet all boiling down to a fervent and vigorous advocacy for human rights and rights for all.

The SOLstice, in this volume, presents to you these evolving Faces of Justice, manifesting in articles ranging from the principle of eternal justice, to bail as the norm in criminal cases, to a review of Ambedkar’s Annihilation of Caste from a 21st Century lens, a poem in Hindi about Justice and Crimes against Women, and more.



REPEPPORTS EVENT



School of Law hosted a week-long orientation programme for its incoming batch for the 2020-2021 academic year from November 2, 2020 to November 7, 2020. The first day of the orientation encompassed addresses by the Pro Vice Chancellor Dr. Sharad Mhaiskar, the Registrar Dr. Meena Chintamaneni, SOL Dean Dr. Alok Misra, mentor Mr. Harshal Shah and the Directors of the Navi Mumbai, Bengaluru, Indore, and Hyderabad Campuses, who collectively encouraged the students to persevere and emerge successful despite the onslaught of the pandemic that had delayed the admission process by many months.

The SOL Navi Mumbai freshers' batch was further introduced to their Associate Dean, Prof. (Dr.) Saurabh Chaturvedi, who was enthusiastic in welcoming the students and heartily shared with them that he had been looking forward to the induction process since July. He also introduced them to the professors who would be teaching them in the years to come.

The students spent the next five days familiarising themselves with different aspects of college life that would be instrumental to their five-year experience at SOL NMIMS Navi Mumbai. They were enraptured by an instructive session with the placement and internship committee wherein they discussed their project and placement prospects with student representatives from the placement committee.

They also learnt the intricacies of perusing the NMIMS Portal and the MS Teams app, truly preparing for the challenges that lay ahead of them in a virtual semester.

Briefings on library rules and e-library, examination and grading, and database management for research ensued over the next few days to arm the students with knowledge to use the myriad of research and educational resources facilitated by the college. The incoming batch also found an opportunity to meet their senior peers in an interaction with the Student Council of Law and the Student Committees held during the orientation week.

SOL organised a special two-part session for the students on the last day of the orientation. Prof. (Dr.) S.N. Singh, former Dean of the Campus Law Centre at Delhi University, and Prof. (Dr.) Ajay Singh, Professor and Dean at Chanakya National Law University, Patna, delivered enlightening lectures on the Indian Judiciary and Judicial System and Constitution and Constitutionalism respectively. A captivated audience consisting of all batches of SOL attentively imbibed the wisdom and experience of the acclaimed speakers, who delved into the various complexities and depths of judicial and constitutional workings in the country.



KEEPING UP THE MORALE DURING COVID'19

The Centre for Excellence of School of Law in NMIMS, Navi Mumbai organized an encouraging webinar on 'Keeping up the Morale during COVID'19' on June 25, 2021. Professor of Management Studies at NMIMS, Navi Mumbai, Dr. Keshab Nandy, was the guest speaker for the session. The webinar was intended to enlighten the students on how to adjust and sustain in the pandemic and subsequently show better retention, more productivity and creativity and increased teamwork.

The session began with the presentation of an interesting quote by the Chinese philosopher, Lao Tzu, who once said that, "He who conquers others is strong; He who conquers himself is mighty". The speaker then discussed the importance of being a winner in your own life and the steps required to become one, one of which was by dreaming big and chasing those big dreams with passion.

The learned professor, after this, spoke in great detail, on how to survive this crisis by programming your mind for inevitable success and thus come out stronger.

he speaker then pointed out that youngsters are the biggest demographic dividend for our country and with India having the most youth population, it is essential to keep their morale high. Negative aspects of social media which can hamper one's path to becoming a winner were also highlighted in the webinar.

Further, the speaker outlined many emerging opportunities and ways to grab those opportunities by acquiring skills such as multi-functionality, digital literacy etc. Conditioning the subconscious mind to generate a chain of positivity is also one aspect elucidated by the professor.

Lastly the concept of Attitude Engineering was introduced to the law students by the learned speaker in which he, in great detail, spoke about developing a positive attitude and looking for a friendly take-away so as to emerge stronger after every crisis.

ART OF MOOTING WORKSHOP

The Moot Committee of the School of Law, NMIMS, Navi Mumbai facilitated a well-attended webinar on 'The Art of Mooting' on May 15, 2021. The speaker was Adv. Shubham Joshi, an alumnus of NLSIU Bangalore who has been associated with several major national and international moots in the capacity of a judge, arbitrator, or trainer and is currently teaching Moot Court Clinical Course at NMIMS Bangalore. The webinar was intended to provide first-hand knowledge to the law students by an experienced mooter. One of the major objectives of the webinar was also to help students gain an insight into the expertise of legal research and drafting.

The learned advocate began his speech by giving a precise definition of the term 'Mooting' during which he pointed out that journey or the learning process of a moot is more important than winning or losing at the end. He then stressed on the significance of mooting and why should one take part in it by aptly describing the exercise as a method which provides applicability to the theoretical knowledge acquired in a law school.

The speaker also highlighted a couple of factors which culminate a fear and thus discourage the students from participating in a moot competition.

To contradict these factors, the speaker then outlined various reasons as to why should one moot, some of which were related to enhancing the ability of absorbing and retaining information.



Online Workshop:
Art of Mooting
2nd Edition

15 May, 2021
5 pm
MS Teams

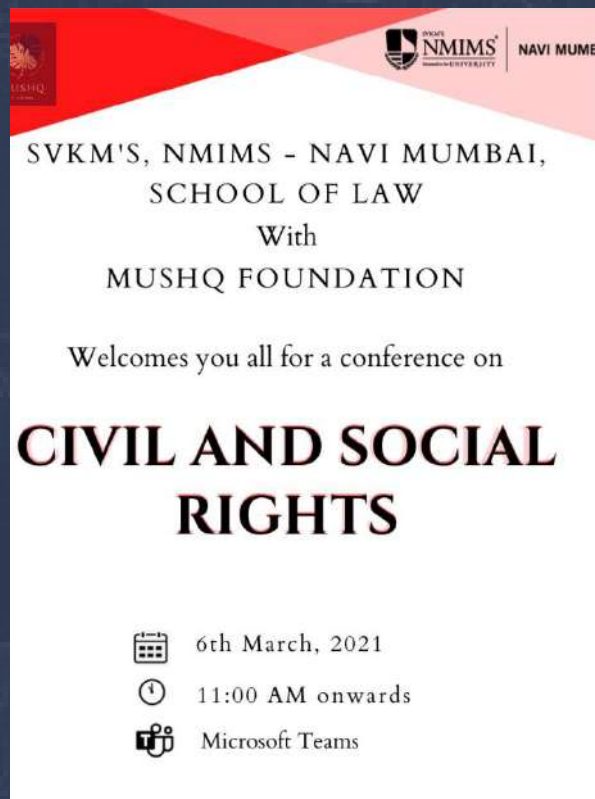
REGISTER NOW

Adv. Shubham Joshi

The speaker also elucidated in great detail five steps which he thought were necessary to be followed, consequently after the registration in a competition. Reading rules, preparing a factual matrix, understanding the issues, researching for the same and asking for help whenever needed were the five steps that he covered for an effective participation and experience. 'Getting your memorial checked' was an additional step opined by the speaker.

A brief description on how to use the legal databases like SCC Online for advanced research was also given by this mooting legend. He also made the session light and interactive by cracking jokes and giving real-life examples which in turn left the law students feeling more comfortable in asking questions. He was found to be answering all questions relating to the selection of moots, researching for a moot, dealing with questions asked during an oral round, excelling online moots etc. throughout the session.

SOL ORGANISES “THE COLLOQUIUM”



School of Law, in collaboration with Mushq Foundation, conducted an international conference on Civil and Social Rights, inviting contributors from institutions across the country to submit papers on this theme and present them at the conference. Research presented during the conference ranged on topics from marital rape, to prostitution, to rights of prisoners, child soldiers, trans-boundary waste and environmental law, rights of lactating women, and private-public partnerships in prisons.

The keynote speakers, Prof. (Dr.) Nehaluddin Ahmad, Prof. (Dr.) Gary Lilienthal, Prof. (Dr.) Mbuzukongira Nzabona, and Prof. (Dr.) Alok Misra, brought forth their own unique perspectives and ideas on civil and social liberties, their progression, and their position in the 21st century. They also engaged in an exhilarating group discussion on different facets of civil and social liberties which was thoroughly enjoyed by the student community at SOL and by the academic contributors at the conference.

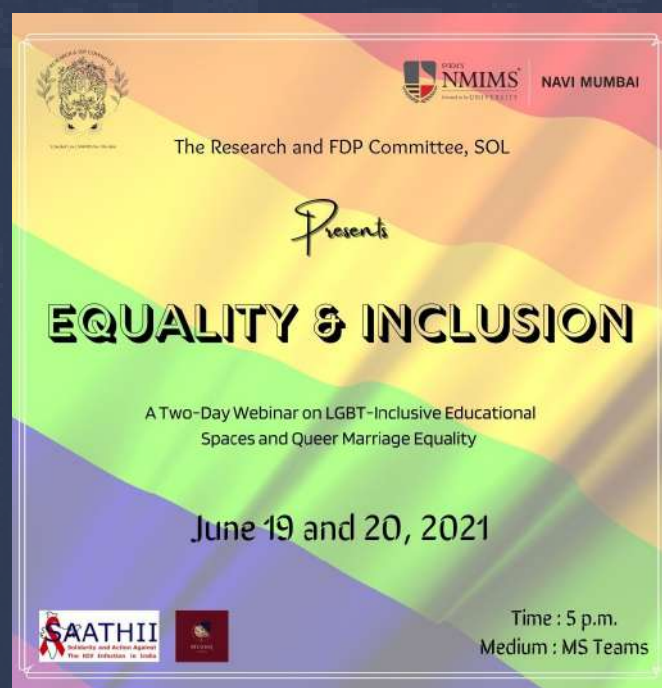
WEBINAR ON INCLUSION OF QUEER PERSONS IN EDUCATIONAL SPACES AND QUEER MARRIAGE EQUALITY



The Research and FDP Committee of SOL, NMIMS Navi Mumbai organised a two-day event on Inclusion of Queer Persons in Educational Spaces and Queer Marriage Equality on June 19 and 20, 2021. The event was organised in collaboration with Solidarity and Action Against the HIV Infection in India (SAATHII). The esteemed guests, Dr. Sai Subhasree Raghavan, Dr. L. Ramakrishnan, Adv. Suraj Sanap, Rachel Yassky, and Leo Ganguly, are national and international thought leaders and trailblazers in the LGBTQIA+ rights movement. Having worked with the community at a grassroots level, and having been actively and closely engaged in landmark judicial pronouncements like the 2018 Navtej Singh Johar judgment and the 2021 S. Sushma Madras High Court judgment, the activists succeeded in painting a clear path for the positive progression of queer rights in the country through a legal lens for the students.

Dr. Ramakrishnan spoke to the students on the first day, giving them a primer on LGBTQIA+ jargon and describing the parameters to create inclusive spaces for the queer community in educational institutions. He charmed the students with his visionary, yet eloquent goals for the future of safe educational spaces.

Adv. Suraj Sanap took over on the second day and facilitated a journey through the legal history of the LGBTQIA+ rights movement in India for the audience. Thereafter, Dr. Subha took the stage to inspire young minds to join the ongoing movement and Rachel Yassky and Leo Ganguly contributed to a discussion on marriage equality in their own perspectives. The discussion came to an end with a robust and interactive question and answer session with the speakers.



FROM MILLENNIALS TO GEN Z: BREAKING INTO LEGAL AID

The Legal Aid Committee of the School of Law at NMIMS, Navi Mumbai organised a 2-day workshop from July 24 to July 25, 2021. The theme for the first day of the workshop was "*Pro-bono Lawyering and the Pro-bono World*," which was conducted by Adv. Disha Wadekar. Ms. Disha Wadekar comes with a colossal experience in pro-bono cases. An advocate practising at the Hon'ble Supreme Court of India, she was also an associate at the chambers of Sr. Adv. Indira Jaising, she has assisted in remarkable cases such as The Sabarimala Case and the Jarnail Singh Case.

The session began by drawing a parallel between pro-bono and legal aid services. The idea of inherent basic rights and the government's obligation to provide for legal aid services to all as enshrined under the Constitution of India. While discussing the role of legal aid in securing justice a special emphasis was given on 'Justice as a Value.'

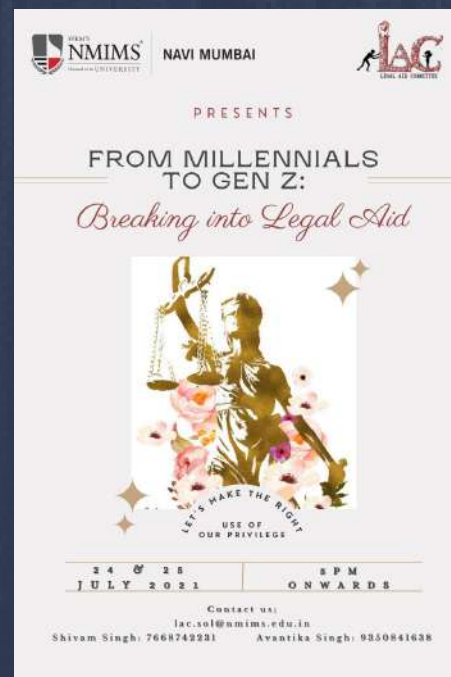
Further into the workshop, the harsh realities of lack of access to justice in the case of, marginalised groups, including women, Dalits, and economically backward classes due to lack of awareness, financial distress, lack of access to legal counsel and lack of geographical proximity was extensively discussed.

The first day of the workshop, was concluded with a Question-and-Answer session wherein students put forth their thoughts, opinion and queries which were duly answered by Adv. Disha Wadekar. Lastly, faculty mentor of the Legal Aid Committee Dr. Megha Ojha concluded the workshop with a vote of thanks

She is also the co-founder of MAJLIS, an NGO that works towards issues concerning women.

Adv. Flavia Agnes began the session by sharing her journey and passion towards providing legal aid services through her organisation Majlis. Thereafter, she briefed the students about the significance of the Mathura rape case, emphasising on how women from all across India started to counter such violence in the form of protests. This incident led to a realisation that protests alone cannot be the solution, legal assistance and aid is crucial to curb such grave violence. Further, she also talked about the legal aid organizations and NGOs for meticulously working towards women's issues even during the pandemic.

To conclude, a Question-and-Answer session was conducted. The discussion touched topics such as prevalence of online sexual harassment against women and the repercussions faced by them during the pandemic especially the marginalized community. Finally, Associate Professor of School of Law, Professor Manisha Band, concluded the workshop by expressing her gratitude towards both the speakers and congratulated the legal aid committee for conducting a wonderful workshop.



TECHNICALITIES OF MEMORIAL BUILDING AND RESEARCH



The Moot Court Committee of the School of Law at NMIMS, Navi Mumbai organised a workshop titled Memorial Building and Research workshop on May 30, 2021. The session was conducted by Mr. Shubham Jain, who is a legal advisor at Linklaters LLP, a multinational law firm headquartered in London. An alumnus of the National Law School of India University, Bangalore. Mr. Jain has been associated with several major national and international moots in the capacity of a judge, arbitrator and coach. He has won the award for Winning Coach for the 14th Oxford Price Media Law Moot. He has been a part of many reputed moot court competitions.

The session started-off with an interactive question and answer on three crucial aspects of mooting and researching, which were how to read a moot proposition, the initial stage of research and lastly, the drafting of the memorial. Mr. Jain sharing his mooting experience suggested the idea of having multiple copies of the proposition, for each time to read the proposition initially and to carve out the relevance of each line. For the initial stage of research one needs to first note and research on the important terms and provisions used to enhance the understanding of the problem. He also suggested to do a google scholar search of your issues and to rely on the official authorities and websites.

Finally, the session was concluded by a vote of thanks by the Moot Court Committee.



WEBINAR ON G-7 COUNTRIES AND INDIAN DIPLOMACY

The Diplomacy Committee of School of Law invited Advocate Meghna Buchasia to deliver a webinar on G-7 countries, and its relationship with Indian diplomacy on July 31, 2021. This webinar was organised for students of all years of law school, and was intended to instruct them on the importance of the annual G7 summit and the significance of the latest G-7 summit on India.

In keeping with the aims of the webinar, Advocate Buchasia began her presentation by first explaining the background and history of the G-7 summit. She then spoke about the importance of the G-7 summit with respect to international law.

She also spoke about the agenda and the declarations of the 47th G-7 summit organised by and presided over by the United Kingdom in June 2021. She then discussed the importance of the summit to India, and then proceeded to answer the questions posed by the students. The students of SOL took away a great deal from Advocate Buchasia's talk on the importance of the G-7 summit on the world, and specially on India.



NMIMS NAVI MUMBAI

The Diplomacy Committee

Theme of discussion

47th G7 summit & what's in store for India

- An introduction to the history of G7
- The important declarations
- Significance of G7 for India
- What did India bag from the summit?
- Associated challenges with G7 & India

RESEARCH AND FDP COMMITTEE ORGANISES SIX "INTELLECTUAL SALON" DISCUSSION FORUMS FOR STUDENTS



The Research and FDP Committee of SOL organised a series of discussion forums under the guidance of the associate dean and faculty mentor in the first half of 2021 to facilitate intellectual exchange among the students from School of Law. The first forum encompassed a discussion on biomedical waste, while the second forum was a discussion on law and literature with special reference to Harry Potter, engaging the potterheads in the student community, while the third persevered to find a solution to the ethical conundrum of animal testing.

The fourth intellectual salon was a dialogue on the social impact of conspiracy theories, and the fifth engaged in discriminatory practices in the fashion industry, delving briefly into the niche area of fashion law and investigating the impact of such practices on the culture of body shaming. The final discussion forums investigated perspectives right to vaccination and the committee proudly hosted NMIMS SOL Indore Dean Ashutosh Hajela for the same. The Committee also received constant participation from Prof. Keshab Nandy and Prof. Manasi Ahire during the six discussion forums

WEBINAR ON BASICS OF FINANCIAL EDUCATION CONDUCTED BY CDSL RESOURCE PERSONS

Tejasi Mendon, Sanjay Nunes, and Yogesh Kundanu, experts from the Aarth Initiative, a CSR programme by the CDSL, conducted a webinar for SOL students on April 24, 2021 to make financial education and literacy more accessible. They enlightened students on the basics of investments and depository services and introduced the Central Depository Services as the only listed depository in the Asia Pacific. They taught the students the need for saving in order to pursue a future dream career and enjoy social security for an extended time, and further illustrated the difference between saving and investment.

Concepts like inflation, investment planning, financial planning, bonds, stocks, mutual funds, equity shares, real estate, share market, and life insurance were discussed with the students in a broad manner as an introduction to the Aarth Awarathon Course on Financial Education that the students were encouraged to take.

The speakers further encouraged students to start investing as soon as possible and to eventually learn to diversify portfolios. The speakers spoke about Micro SIPs in this regard, which can be invested in with as little as Rs. 100 per month, and told students to familiarise themselves with the SEBI, NSE, and BSE websites for more information.

SOL students can peruse <https://aarth.awarathon.com/login> to partake in the free course on personal finance endorsed by the speakers.

“Do not save what is left after spending, instead, spend what is left after saving.”

-Warren Buffet, quoted by Tejasi Mendon

WEBINAR REPORT: ESSENTIALS OF MOOTING WITH SMRITI KALRA

The Student Council of Law, NMIMS, Navi Mumbai organised a two-day webinar series with NLSIU 5th year student and mooting legend Ms. Smriti Kalra for its 2nd and 3rd year students on September 28th and 29th. This webinar was organised in expectation of the students' participation in the upcoming 2nd intra-moot competition at the law school which would lead students to participate in other inter-moot competitions.

Smriti Kalra covered frequently asked questions about mooting, researching for a moot and drafting a moot memorial submission on the first day of a webinar after providing a brief outline of her experience in mostly international arbitration moots. She elegantly defined 'what is a moot?' and delivered a statement on the importance of moots for students who may have been new to the concept, stressing on how one can pick up drafting, research and speaking skills by participating in moots. 'Practice, patience and some good tips' are her mantra on how to moot. Her emphasis on creating and maintaining a detailed question bank for the speaking rounds during the research and clear division of work were gems of wisdom.

On the second day of the series, she underlined speaking at a moot, structuring the speech, answering questions and soft skills. She opined that speed, style and clarity are the three defining factors of a mooter's performance in the speaking rounds and enunciated each in great detail. She also spoke of how to deal with questions, and further, multiple questions from the bench, re-emphasising the importance of a pre-prepared question bank with answers. Rebuttals, she said, should be targeted, short and with strong points that are delivered kindly and respectfully. At the end of the talk, she outlined that one can learn team work and networking through moots, while coaching and sponsorship are important things to think about.

The students of School of Law took away a great deal from this moot legend's talk and left feeling a tad more confident and a ton more excited about the upcoming intra-moot.

WORKSHOP ON RECENT DEVELOPMENTS IN IPR

The Placement Committee of SoL, NMIMS, Navi Mumbai conducted a workshop on the recent developments in Intellectual Property Rights on 15th and 16th April, 2021. The speaker of this workshop was Adv. Namrata Pahwa. The workshop spanned over two days and covered various topics like the different types of IPR and its enforcement. It also dealt with the importance and need for IPR, especially in the fashion and art industry. Lastly, Adv. Pahwa spoke about the ever expanding demand for IPR and the evolution of IPR due to the growing avenues of arts and law and ended the discussion with a brief note on the pressing need for amendments in IPR laws and stricter enforcement to avoid any breach of rights.



The poster is for an online workshop titled "ONLINE WORKSHOP ON - 'RECENT DEVELOPMENTS IN INTELLECTUAL PROPERTY LAW'". It features a portrait of Adv. Namrata Pahwa. The topics listed are: Introduction to Intellectual Property & The Need for Proper IP Management in Companies, Recent Developments in IP Law, Introduction To Fashion, Music & Art Law, and Need For The Amendment Of IP Laws. The date is 15th & 16th April, timing is 5:00-6:30 PM, and the platform is MS Teams.

ONLINE WORKSHOP ON - "RECENT DEVELOPMENTS IN INTELLECTUAL PROPERTY LAW"

TOPICS -

- Introduction to Intellectual Property & The Need for Proper IP Management in Companies
- Recent Developments in IP Law
- Introduction To Fashion, Music & Art Law
- Need For The Amendment Of IP Laws

ADV. NAMRATA PAHWA

DATE - 15th & 16th APRIL
TIMING - 5:00-6:30 PM
PLATFORM - MS TEAMS

SEMINAR ON RESEARCH METHODOLOGY BY PROF. DR. SAURABH CHATURVEDI

The Associate Dean of SoL, NMIMS, Navi Mumbai Prof. Dr. Saurabh Chaturvedi conducted a Seminar on Research Methodology on 19th of January, 2021. Dr. Chaturvedi spoke about the importance of research in a law student's life and enlightened students about the never-ending endeavour of the legal fraternity to learn more and gain expertise. He emphasized the importance of perspectives in research and thus encouraged students to dig deep and find the crux of the matter at hand before coming to conclusions. He taught the students about the importance of narrative in a research paper and also spoke about the importance of analysing the data in conjunction with contemporary times without forgetting the history that led to it. He then highlighted the ethical and legal obligation of a student to give credit where it is due and gave an overview of the Bluebook citation format.

Following this, the forum was open to the students for clarification of doubts during which the students asked numerous questions regarding research papers and research methodology, all of which were answered patiently and gracefully by Mr Chaturvedi. The seminar concluded with a vote of thanks by the Student Council.

WEBINAR ON SOCIAL ASPECT OF ETHICS FOR LAWYERS

The Student Council of Law, NMIMS, Navi Mumbai conducted a webinar on the social aspect of ethics on the 3rd of October, 2020. This webinar was delivered by the Hon'ble Justice Manju Goel and Senior Adv. R.Venkataramani. The event began with a welcome address by Dr. Alok Misra who briefly introduced the eminent speakers. This was followed by Justice Goel addressing the gathering with her insights on ethics. She spoke about the importance of ethics in a lawyer's life and spoke about the fiduciary duty one owes to the community to conduct them in an honourable and just manner. She elucidated the importance of incorporating ethics in legal education and highlighted the need for a framework and codification of ethics.

The event progressed to invite Adv. R. Ventakataramani to talk about his perspective on ethics. He spoke about the congruence of society and law. He said that it is paramount for a lawyer to be honest and to strive to uphold the values imbibed by the Constitution. He then concluded by talking about the pressing need for a radical change in the profession and the role that education plays in it.

The event concluded with a vote of thanks by Dr. Saurabh Chaturvedi.

WEBINAR ON CONDUCT OF ARBITRAL PROCEEDINGS AND CAREER SCOPE IN ADR

The Alternative Dispute Resolution (ADR) Club of SoL, NMIMS, Mumbai conducted a webinar on the topic "Conduct of Arbitral Proceedings and Career Scope in ADR" on the 4th of July, 2020. The speaker of the webinar was Ms. Mahi Mehta, a dispute resolution associate at Advani & Co.

The webinar began with an introduction of the speaker, Ms. Mahi. She then explained the meaning of ADR and the types of ADR. She elucidated in detail, the procedure of Arbitration and highlighted the importance of ADR in today's changing scenario owing to the increase in disputes, legal proceedings and legal costs. Ms. Mehta also educated the students about the wide array of career options available under ADR which include arbitration judge, tribunal secretary, international arbitration and in-house counsel. She insisted on the need to intern at firms which offer arbitration in order to adapt to the neo-normal. She emphasised on the fact that arbitration is the new way forward and then encouraged all law students to venture into arbitration. This was followed by a Q&A session in which she clarified various queries of the students.

The session came to an end with a vote of thanks by the moderator.



ERISTICA '21 HOSTS FORMER CJI



The Debate Committee of SoL organized its second edition of National Level Debate Competition – NMIMS Eristica'21 on July 18, 2021. The event began with a Guest Special Ceremony during which the Campus Director (Dr.) P.N. Mukherjee and Dean Dr. Alok Mishra welcomed the panelist, Hon'ble Justice K.G. Balakrishnan.

Mr. Rathin Bhatt, who currently serves as the President of the Parliamentary Committee of Chhatra Sansad was the Guest of Honour of the event, and was the next person to welcome the eminent panelist. Mr. Bhatt, who is an alumnus of NMIMS then spoke about his experience as a student in NMIMS. He then discussed the importance of extra-curricular activities and concluded his speech by wishing luck to the students in their future endeavours.

The next speaker was Justice K.G. Balakrishnan. He started his speech by sharing his enthusiasm towards the increasing number of girls attending law school and stated that this ensures great development for the profession and adds to the sophistication of practice.

He then spoke in great detail about the ongoing pandemic induced disruptions that have made a huge dent on the administration of justice in India while highlighting the plight of under trial prisoners in India. Further he also emphasized on the need for systematic mediation in India and discussed how mediation can provide for a cost-effective manner of dispute resolution.

Justice Balakrishnan then shifted his focus on the duty of lawyers to the nation and underlined the impact of law students in many people's lives as society and lawyers are directly related in terms of advice and representation.

This session concluded with a vote of thanks by the moderator.

A WEBINAR ON THE POCSO ACT

The Centre of Excellence committee of School of Law in NMIMS, Navi Mumbai, in collaboration with a reputed NGO The International Justice Mission, organized a well-attended webinar on The Protection of Children from Sexual Offences (POCSO) Act, 2012 the speaker for which was Adv Nikita Tilwani. The webinar was intended to provide an insight on the protection of children from the offences of sexual assault, sexual harassment and pornography, while safeguarding the interests of the child at every stage of the judicial process.

The speaker began the session by citing a report made by 'Childline', an international organization, which mentioned a 16% increase in the cases the organization received in the year 2019, regarding children who were being sexually abused. She then spoke about how sexual abuse of children as an issue has been downplayed by everyone across the world despite an increase in the number of cases year by year.

Further the speaker throughout the session explained in detail all the important provisions mentioned under POCSO in order to educate all the law students present, on the importance of the Act.

The session finally came to an end with a short Q&A session followed by a vote of thanks provided by the moderator.

WEBINAR ON THE WORKING OF THE CRIMINAL JUSTICE SYSTEM IN INDIA

The Student Council of Law, NMIMS, Navi Mumbai, held a webinar on the working of the Criminal Justice in India on September 12, 2020. Roshan Santhalia, AOR, Supreme Court of India, gave an overview of the law and justice system.

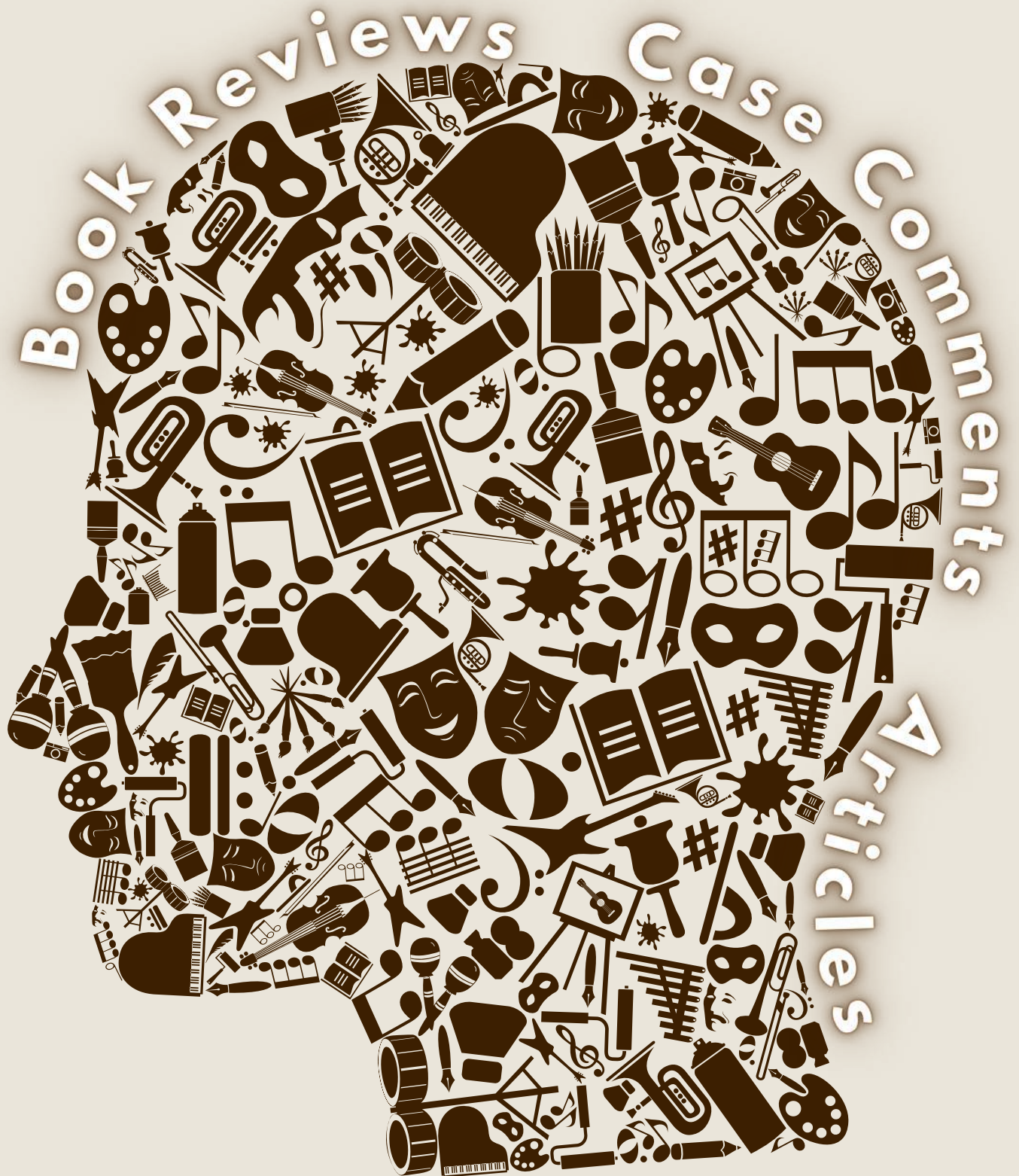
The webinar discussed certain points like 'When is the criminal justice is set in motion?'. The most frequent approach to start the criminal justice process is to register a FIR (First Information Report) under Section 154 of the Code of Criminal Procedure (hereinafter referred to as CrPC). An FIR may only be filed if the crime is of cognizable character. In a number of decisions, the Supreme Court of India has established standards to guarantee that arrests are not conducted arbitrarily. A criminal complaint is not always converted into an FIR as it is not allowed to do so in cognizable offences.

The speaker also spoke in great detail about the life of a typical criminal trial. When the investigation officer fails to file a charge sheet or Police report with the appropriate time-period of 60 or 90 days then the accused in the Police custody or Judicial custody will be entitled to default bail. When the investigation is not concluded with 60 days' time period or 90, depending upon the severity of the offence, the accused can be declared proclaimed offender under section 82 of CrPC.

Anticipatory Bail and the two types of regular bails namely; (a) Post charge sheet, and (b) Pre charge sheet, were also discussed. Mr. Roshan Santhalia, also enlightened the attendees about the three types of the trial (i) Warrant trial u/s 228 CrPC (ii) Summons trial u/s 251 CrPC and (iii) sessions trial u/s 228 of the CrPC. Several other questions from the participants were also answered by the Speaker throughout the webinar.

The webinar ended with the Student Council of Law expressing its utmost gratitude to the Speaker for apprising the students about the working of the Criminal Justice System in India. The Speaker said that a law student should develop the habit of reading for at least 5-6 hours per day.

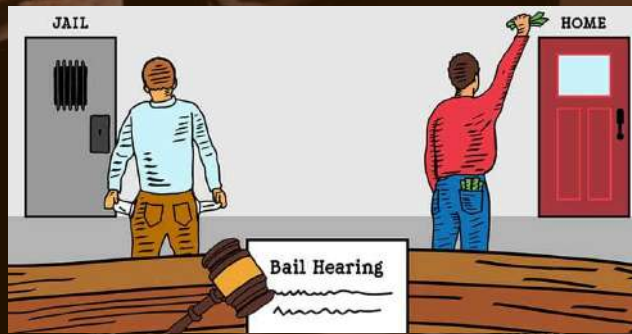
STUDENT CONTRIBUTIONS



ARTICLES

“BAIL IS THE RULE , JAIL IS AN EXCEPTION” LEGAL PRINCIPLE AND ITS CONTEMPORARY ANALYSIS

Bail, a legal term, can be articulated as releasing an undertrial from a prison by asking that person to deposit some security which would ensure that he/she would be present before the legal authorities whenever called for to comply with further investigations. In the event the person doesn't appear when called, the authorities have the right to forfeit the security. According to the Black's Law Dictionary. 'Bail' is defined as "Procuring the release of a person from legal custody by undertaking that he /she shall appear at the time and place designated and submit himself / herself to the jurisdiction and judgement of Court."



WHY ARE UNDERTRIALS HELD BACK?

The major idea behind keeping the accused under judicial custody is to assure that the accused does not escape from the judicial proceedings, try to tamper with various evidences and witnesses against him, pose a threat to the society on his/her release, probability of causing harm to certain individual especially the victims of the crime, provide hindrances in the course of judicial investigations, etc.

The nature of offence committed also determines the probability of bail being granted. Persons charged with bailable offences have a greater probability of being granted bail. Usually offenders committing non bailable offences do not get bail, however offenders accused under non bailable offences can also be granted bail under Section 437 of the Cr.P.C. Some of the reasons for granting bail under non bailable offences include accused being a woman or a child(minor), inadequate evidence against the accused, signs of malice or animosity found on the part of the complainant etc.

Other important checkpoints for granting bail include that the person is not accused of crimes punishable with death or imprisonment either for life or for a period of 10 years.

They also take into consideration past criminal records, strength of the evidence against the accused, probability of the accused being guilty, threat to the society on the release of the person, etc. At the end of the day these provisions aim at maintaining law and order in the society and doing justice in the least flawed manner.

CAUSES FOR DELAYS IN TRIALS:

In spite of the combined efforts put forward by the judiciary and executive in the form of various programmes and schemes, not many things have changed at the ground level with lakhs of undertrials still languishing in the prisons. So let us understand what are the major contributory factors which are disallowing the relief of this crisis:

1. Procedural delays - One of the key reasons for delay in investigation is slow functioning of police and other prosecution functionaries due to lack of coordination and follow ups of the procedures among them. For example, if hypothetically, in Assam, there are 100 cases registered then 80 of those cases would approximately be pending before the court and 59% of those pending cases would not be adequately investigated by the police officials.

2. Deficient system of prosecution - India being a developing economy is unable to allocate adequate funding in development of the infrastructure of the prosecution system. The basic problem being that even if the public prosecutors are skilled and competent enough to perform their roles, they would still not have the required resources to complete their tasks successfully. The observations made by the Delhi High Court said that the infrastructural provisions for accessing the legal databases as well as the dearth of research and administrative assistants have prolonged the prosecutions and also left it inaccurate. In March 2014, the court remarked that they felt the need of appointing more public prosecutors to gear up with the process.

3. Dysfunctional prisons - While solving the issues of under trials, the roles played by the superintendents and guard staff are of paramount importance. As per the Prisons Act, 1894, the prison wardens were directed to keep regular updates with regards to all the prisoners, the sentences the prisoners are serving, the dates of subsequent hearings etc. However unfortunately there are a very few prisons who actually keep records and update them regularly. This lands the under trials in an extremely sorry state as their duration of confinement in the judicial custody is in itself not adequately maintained.

4. Poverty and illiteracy - Keeping aside the systemic issues, there are a lot of undertrials who are economically poor, illiterate, being a member belonging to lower castes or minority groups. Due to these factors, the first basic problem is that most people belonging to such categories are not even aware of their right to seek bail. Secondly their poor economic conditions prevent them from being able to pay the amount asked as bail bond or even ask somebody to represent them as their surety, so that they could release themselves on bail. They are also not given competent legal representations who could represent their case well. The end result of all this is that they simply languish in the prison for years, notwithstanding the upgradation of bail provisions done in Cr.P.C in the year 2005. In fact, the design of the existing system is such that it militates against the interest of poor and marginalised sections of the society.



Does financial and economic status matter to get bail?

*"I ain't imprisoned because I am guilty ,
I ain't imprisoned because I am a threat to the society,
I ain't imprisoned because I am likely to flee before the trial,
I am imprisoned just for one reason , that I am poor"*

According to Part III of the Indian Constitution, we have been blessed with some fundamental rights which need to necessarily be considered while framing laws. In case there is any incidental disparity wherein the fundamental rights are not being followed, necessary changes need to be incorporated in order to root out such events.

Article 14 propagates equality before law and equal protection to everyone under it . Further, Article 15 puts forth 5 grounds on which no person should be discriminated. Considering the ground reality of this problem, I fairly believe that the scope of this article should be extended to provide protection against discrimination on economic grounds.

Lady Justice is presumed to be blindfolded, signifying divine order, objectivity and impartiality. However as per the statistics presented, it has kind of become a thumb rule that the chances of getting bail would depend on the economic status of the individual and hence it discriminates against people based on their financial status. This is to say that the undertrials would not be able to take full advantage of their rights and bail provisions due to their economic incapacity. This signifies a gross failure in the delivery of justice as more importance is given to those who have full pockets. The disproportionate prevalence of Scheduled Castes, Scheduled Tribes, and Muslims among the undertrials echoes the growing vulnerability and prejudice against these classes, has time and again questioned sanctity of the bail provisions in India.

SIGNIFICANT RECENT DEVELOPMENTS:

According to the National Crime Records Bureau most, there are over 2.8 lakh undertrials in custody, accounting for more than two-thirds of the prison population in India. The National Legal Services Authorities (NALSA) has currently received directions from the Supreme Court to work in tandem with the state authorities and the Ministry of Home Affairs to formulate an undertrial review committee consisting of The Chief of Police, the District Judge, and the District Magistrate of all the regions of the country. The job of the committee is to ruminate and offer suggestions on the release of inmates awaiting trial for better implementation of provisions in lines with Section 436 A of the Cr.P.C. There have been widespread attempts to decongest Indian prisons and reduce the number of inmates in the recent decades. The efforts include setting up of fast track courts, technological coverage of the court records, and formations of committees and tribunals to redress the situations, etc.

Hussainara Khatoon v. The State Of Bihar was indeed a landmark case which dealt with speedy trials of the under trial prisoners, and brought this under the ambit of Article 21 of the Indian Constitution that deals with right to life and personal liberty of the citizens. It also mentioned the right to free legal aid as a non exclusive part of the right to life. The facts of the case highlighted a shocking state of affairs that a lot of undertrials were behind the bars for a term greater than what they would have had to lawfully stay in, if convicted. The Supreme Court remarked “what faith can these lost souls have in the judicial system, that keeps them behind bars not because they are guilty but because they are too poor to afford bail and the courts have no time to try them.”

The major consequences from this case were:


- a) Free Legal Services was deemed to be an inevitable mandate under Article 39-A of the Indian Constitution to ensure just and fair trials.
- b) It was made mandatory for the states to ensure speedy trials of the inmates and excuses such as monetary or administrative inefficiency were not admissible.
- c) Besides the State government and the High Courts were also asked to periodically submit a summary report consisting of a number of pending cases and reasons for prolongment in disposal of the Cases.

CONCLUSION AND RECOMMENDATION:

It is said that around 2/3 of the prisoners who are languishing in jails have been undertrials. Many of these under trials have been incarcerated because they could not afford the bail amount that they were supposed to pay or get appropriate legal counsel to fight their cases. It is indicative of a condition that exemplifies the economic inequality underlying in the system. This paper, with the help of statistics, has tried to demonstrate how the bail system is biased towards the wealthy. Also the concept of justice is inequitable towards the poor since the poor are not well represented. Further in response to the various loopholes found in the system, various suggestive measures such as the need for a change in the bail system, an improvement in the quality of life of undertrials, an increase in the judge-population ratio etc needs to be incorporated.

The resolution of this problem is definitely not an easy task, nor can it be resolved in a day, nor is any single authority capable of restoring it all by itself. The idea is to have an active and combined effort from various stakeholders such as courts, the police, the prosecution team, the prison administration, legal aid system to work in a synchronised manner clubbed with progressive measures such as funding for upgrading technological infrastructure, better systemic and disciplinary approach in maintaining records, improvisation of prison system etc.

- 1) Formation of the undertrial review committee - One of the best recommendations to this would be the formation of an undertrial review committee which was one of the recommendations of the Mulla Committee. This is a kind of inter-agency coordinating body which aims at delivering collective efforts of the relevant agencies and heals these problems faster.



2) Improvisation of the legal aid system - Next is improving the legal aid system in India. This would indeed be useful in imparting justice to lakhs of justice seekers who are illiterate and poor. A major issue here is the absence of decent public defenders. Due to low compensation paid back to them for their services, the trend usually is that the competent lawyers who are willing to put in efforts practise privately leaving behind prosecutors who are competent but unwilling to put in efforts in effectively placing the arguments in favour of their clients. This isn't the case in the United States as the public defenders there are paid from the state as well as the federal government.

3) Plea bargaining tools - The defendants could offer the plea bargaining tools through which they can voluntarily confess to their charges and be given lighter punishment than what they would have to undergo had they been found guilty. Rest assured should be the will of the defendant to voluntarily confess in this method. Reengineering of the Criminal justice system with greater functioning of speedy trial models such as Lok Adalats, mediation, settlements through negotiations, etc where the small scale issues can be addressed without involvement of court procedures. It provides competent legal services without actually undergoing through courtroom procedures, especially to people belonging to economically weaker sections and unprivileged communities. This would greatly help in delivering timely justice to them.

4) Infrastructural advancement - The best revamp could occur by availing the benefits of progressive science and information technology. We need to set up infrastructures which support Integrated Services Digital Network technology through which courts and prisons can be connected through video linkages. Also most of the cases should be allowed to be done using video conferencing. This would also save the transportation time of commuting prisoners which would in turn save money, manpower and other resources .

- Meera Shah
BA. LLB 2020-25

"LAW IS NOT LAW, IF IT VIOLATES THE PRINCIPLE OF ETERNAL JUSTICE"

DENOTATION OF NATURAL JUSTICE:

Natural justice is an expression of English common law involving a procedural fairness requirement. The principles of natural justice under fundamental procedural norms are the preliminary foundation for every country's excellent administrative establishment. It is certainly a procedural necessity, but it guarantees a significant shield against judges or administrative authorities; order or action which affects the individual's substantive rights adversely.

In the world today, the importance of the idea of natural justice has grown and now constitutes the essence of every judicial system. Natural justice means the fundamental principles of justice that are made available at trial to all litigants. These principles are based on rational and informed public policies. They are found on universal natural standards and values. "Natural justice" is a "higher natural rule" or a "natural law" that means fairness, reasonability, equity and equality.



A TALE OF FAIRNESS:

The notion of the natural justice principle is not a new one. The Greeks had adopted "*no man shall be unheard of*" as their principle. It was originally used in "*Garden of Eden*", where Adam was given the opportunity to be heard and punished. "Natural justice has also been demonstrated in the Roman Law, Kautilya's Arthashastra, Manusmriti, and several other writings." Aristotle talked of those ideas which he called universal law, before the age of Christ. It was named "juranaturalia" by Justinian in the fifth and sixth centuries A.D. The idea has been common in India since the ancient times. In Kautilya's Arthashastra we see it invoked. In the case of "*Mohinder Singh Gill v. Chief Election Commissioner*," stated by the Hon'ble Supreme Court that "Indeed, natural justice is a pervasive facet of secular law where a spiritual touch enlivens legislation, administration and adjudication, to make fairness a creed of life. It has many colors and shades, many forms and shapes and, save where valid law excludes, it applies when people are affected by acts of authority. It is the bone of healthy government, recognized from earliest times and not a mystic testament of judge-made law. Indeed, from the legendary days of Adam-and of Kautilya's Arthashastra-the rule of law has had this stamp of natural justice, which makes it social justice. We need not go into these depths for the present except to indicate that the roots of natural justice and its foliage are noble and not newfangled. Today its application must be sustained by current legislation, case law or other Extant principle, not the hoary chords of legend and history. Our jurisprudence has sanctioned its prevalence even like the Anglo-American system."

It has been noted that natural justice is a branch of public law with a strong weapon that may be used to guarantee the justice of citizens.

PHILOSOPHY OF RIGHTEOUSNESS

The principles of natural justice include standards established by the courts to defend individual rights against the arbitrary procedure which might be used, when issuing an order that affects such rights, by a legal, judicial and administrative authority.

The following natural justice standards have been defined by “the Frank Committee”:

1. “No one should be unheard of condemning,”
2. “In his own cause no one shall be a judge,”
3. “A party has the right to know why the judgement was issued,”
4. “A copy of the statutory report should be made accessible.”

However, two elements of natural justice are recognized by the traditional English law.

A. “NEMO JUDEX IN CAUSA SUA (Rule against Bias)”

The Latin adage “NEMO JUDEX IN CAUSA SUA” is literally means that “No one is to judge for his own sake,” indicating that the power to decide must be unbalanced and unbiased. It involves no person being able to function as a judge in a matter of interest. Bias signifies an operational bias in respect to a person or topic, whether conscious or unconscious. Such operational harm might be the outcome of a preconceived view or predetermination to decide a certain situation in such a way that the mind is not open. The greatest evidence against impartiality is provided by pecuniary interest. The focus is on the objectivity of the topic and the decision-making. “In the matter of M/S Builders Supply Corporation v. Union of India Justice Gajendragadkar has noted”:-“It is obvious that pecuniary interest, howsoever small it may be, in a subject matter of the proceedings, would wholly disqualify a member from acting as a judge”.

In one of these situations, Lord Hardwick remarked:- *“In a matter of so tender a nature, even the appearance of evil is to be avoided.”*

Whereas in Metropolitan Properties Ltd. v. Lunnnon, remarked Lord Denning stated: *“The reason is plain enough. Justice must be rooted in confidence and confidence is destroyed when right minded people go away thinking, the Judge was biased”*

However, people are charged with the suspicion that they be reasonable and not capricious and irrational individuals. And therefore, this is a very important principle which guarantees that an unbiased and impartial authority hears or considers an issue.

B. "AUDI ALTERAM PARTEM (Rule of Fair Hearing)"

The next concept is that nobody should be unheard of or unheard from both sides before any order is placed. The following principle is "Audi alteram partem": *"Until a man has a fair opportunity, he cannot bear the cost of property or freedom for a crime through a legal procedure."* Many statutes provide that a person against whom an order is most likely to be issued prior to a decision is given notification, but there can be instances in which an authority has the right to issue such orders which have an influence on the liberty or property of an individual but which cannot include a provision for a prior hearing in the statute. However, it is crucial to highlight that no formal provisions are required in order to apply the principles of natural justice.

"The Hon'ble Supreme Court stated in A.K. Kraipak's case that natural justice law only operates in situations which do not fall within the scope of a legitimate legislation. Whereas, in the case of Smt. Maneka Gandhi v. Union of India and others, it was found that although no special provision has been made for demonstrating the cause, it is the obligation of the authority to allow a reasonable chance to be heard in a planned action affecting the rights of individuals." The job to be carried out by a powerful body to take punitive or destructive action implies this obligation.

This principle consists largely of two aspects, i.e.

- Notice- *"The word notice was derived from the Latin word 'notitia'. It is equal to knowledge, intelligence or information in its common definition. It includes legal knowledge and firsthand understanding of situations that might lead to suspicion or belief."* In general, the following facts appear in a communication
 1. Hearing time, location and nature.
 2. Legal authority for the conduct of a hearing.
 3. Statement of the particular charges to be met by the individual.
- Hearing- *"It is the fundamental need that the chance to be heard should be provided to the concept of natural justice. The right to a court hearing provides an individual with the right to state his case before the court. It also involves the right to represent and defend his side at the same time. Depending on whether the situation is factual, the implementation of the principles of natural justice is different from case to case."*

C. TREASONED DECISION

"Reason is a fundamental norm of law that must be followed." It establishes a relationship between reality and judgement, protects against mental non-application, arbitrariness and preserves public trust in the judicial and administrative institutions. Reasons also serve a broader idea that justice should not simply be done, but also that it should appear to be done.

PRECEDENTS

Swadeshi Cotton Mills vs. Union of India.

By the Industries (Development and Regulations) Act of 1951, in 1978, Swadeshi Cotton Mills was taken over by the Government since the output of goods was significantly down and prompt actions were needed to preserve the items. The administration was transferred for five years to the National Textile Corporation Limited. The Act gives the Central Government the ability to make directives concerning any governmental sector that cannot function correctly. A written appeal against government orders was determined to be filed at the Delhi High Court. The Supreme Court affirmed the government decree. The appellant submitted a request to the Supreme Court for revision. The court overturned the High Court's ruling and concluded that section 18AA did not preclude the preliminary determination rule of "audi alteram partem". The Court acknowledged the Post-Decision Hearing concept and stated that, in certain circumstances, no previous notice or chance for a hearing is available, and that in such circumstances the authorities may determine that it is required, and a full remedial hearing must be followed.

As regards to the judicial review of the order, the Court differs from its own judgement, stating that the question of fact is urgent and that thus the Court may interfere if, by gathering evidence, the administration is not reasonable in its approach. Unless explicitly specified in the action, a post-decision hearing shall not govern the pre-decisional hearing. In this case, by not giving a chance to be heard, the Government has breached the Natural Justice principle.

Canara Bank vs. V.K. Awasthi

On 6 August 1992, the respondent was notified of the show cause and was given 15 days for response. The intimate did not reply, which resulted in the service being cancelled on 17.08.1992. The respondent said that the standards of natural justice were not observed and that, while the High Court upheld the dispute, the bank ordered that the respondent be properly heard before the Disciplinary Committee. Consequently, the Supreme Court lodged an appeal.

The bank delivered the respondents to the appellants with a personal hearing. In this instance, the question was whether or not Audi Alteram partem was competent after the decision-making hearing granted by the bank to the intimate before the appellate authority. The apex court relied on the judgement of Charan Lal Sahuv vs the Indian Union. Where the Court decided that "the procedural flaw in a pre-decisional hearing might be overlooked." Therefore, if there is any deficiency, it can be remedied by the means of a post-decisional hearing. The Court thus granted the appeal and found that there was no contravention of the Principles of Natural Court and that the aim of the pre-decision hearing was a post-decision hearing in the current appeal.

CESSATION

“Justice aims primarily to harmonize individual natural rights and fair procedures and the public interest, which are the fundamental goals behind reconciling between inclusion and exclusion of protection of the principles of natural rights. Greater public interest must be permitted to disregard the interests of the individual where justice “dictates”. After consideration of natural justice principles, it can be concluded that, in the administrative procedures in India and England, the courts have developed different exemptions from the necessity of the Principles of Natural Justice and the law thereof. However, all these exceptions are circumstantial and not conclusive, with each exception considered to be acceptable or not, only after consideration of each case's facts and circumstances.”

They are not equally applicable to “non-equal conditions”; “they are flexible and not stiff.”

- Arshia Jain
BBA. LLB 2020-25

THE CASE OF THE SPELUNCEAN EXPLORERS: THE CONCEPT OF UTILITARIANISM AND ITS CONNECTION WITH THE NATURAL RIGHT TO LIFE AND PERSONAL LIBERTY

THE STORY OUTLINE

In one fictional story, five members of the Speluncean Society, along with Roger Whetmore, went into a cave. While they were inside the cave, at a place far away from its only known entrance, a landslide occurred, and heavy boulders fell in such a way that the entrance was completely blocked, leading to the five explorers being trapped inside.

The rescue party had an enormously difficult task. A huge temporary camp of workmen, engineers, geologists and other experts was established in order to remove the obstruction at the entrance of the cave, but any progress made by the rescue party was continuously hampered by further landslides, in one of which, ten workmen died. The men were finally rescued thirty two days after their initial entrapment.

The five men, including Roger Whetmore, had gone inside with inadequate provisions. Verbal communication was established between the rescue camp and the imprisoned men, twenty days after their initial confinement, with the help of a portable wireless machine capable of sending as well as receiving messages. When the trapped men made an inquiry as to how much more time would be required in order to rescue them, they were told that another ten days would be taken. The confined men then asked for a physician's opinion on whether they would be able to survive for another ten days without food, and the response they received was negative. Eight hours after that happened, Roger Whetmore himself asked about the survival of the remaining men, if one of them were to be killed and eaten by the rest of the group, and the response this time was affirmative.

When the men were finally rescued, thirty-two days after their original entrapment and twelve days after their communication with the rescue party, it was discovered that Roger Whetmore had been killed and eaten by the others in the cave. This occurred after the men having drawn lots on Roger Whetmore's suggestion, with the help of a pair of dice Roger had with him. After the four survivors were rescued, they were prosecuted for the murder of Roger Whetmore, where they were declared guilty, and were awarded the punishment of hanging by the neck till death. Not satisfied by the verdict, the defendants then decided to

It has been noted that natural justice is a branch of public law with a strong weapon that may be used to guarantee the justice of citizens. appeal to the Supreme Court, but at the Supreme Court too, the appellants were convicted and were sentenced to death by hanging.

THE CONCEPT OF UTILITARIANISM IN THIS STORY

Jeremy Bentham asserted that utilitarianism stands for the production of greatest happiness for the greatest number of people. It involves choosing the most ethical option. According to him, utilitarian theory is a consequentialist theory that defines the morality of the actions based on the outcomes of the actions, rather than the actions themselves. The outcomes of the actions are without any regard to the motivation behind the action, the character of the person involved in the action, or any understanding of good and evil. It can also be understood as a theory that is indicative of the concept of 'for the greater good'. In this fictitious story of the Speluncean Explorers, the concept of utilitarianism was followed in more than one instance. In this story, the five men who had entered the cave with scant provisions, were trapped inside it after the occurrence of a landslide. After having suffered from lack of nourishment for twenty days, and after having confirmed with the doctors that there was no way that they could survive another ten days of confinement without any food, the men were left with no choice but to eat one of their members, and thus, Roger Whetmore was killed, and then eaten by the rest of his group.

His death was what enabled the remaining four men to survive the following eleven days out of a total of thirty-two days of their confinement. If Roger Whetmore had not allowed himself to be killed by his group, then the remaining four members would also not have survived their time in the cave. It was better here for one person to die in order to ensure the survival of the remaining four. Which of the persons should have died would be a question of whether each person's 'right to life' includes a right to choose to die. The men played a lottery of their own deaths, such that their life would come at the cost of another's death.

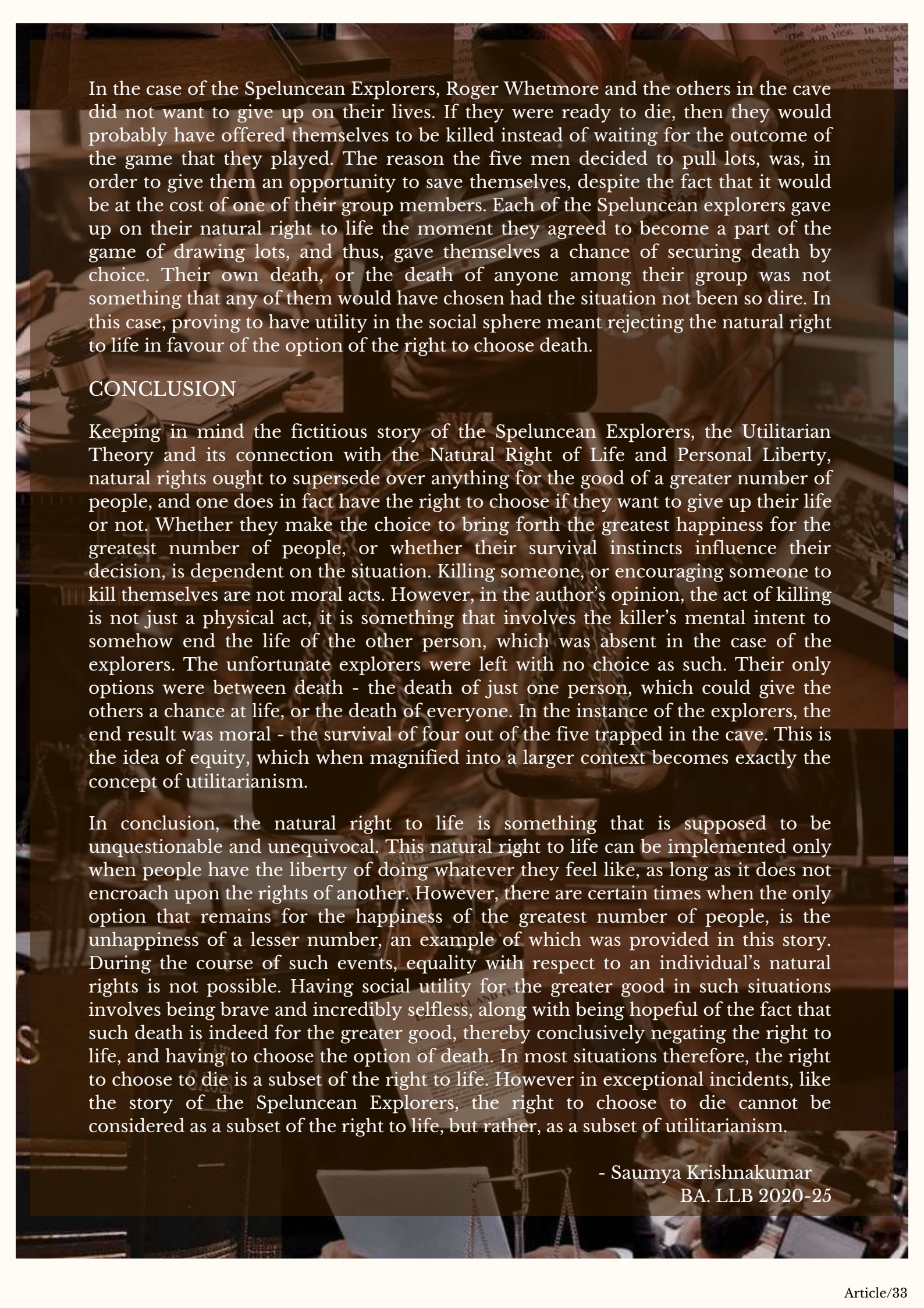
The rescue party that was dispatched had an incredibly difficult task to perform. The original rescue party had to be supplemented with men and machines, which costed a huge amount of money, and a temporary camp consisting of several people was also established. The work of removing the obstruction was frustrated by new landslides, in one of which, ten workmen were killed. This ought to go against the theory of utilitarianism, as ten people outside the cave had to die in order to save five people who were inside the cave, and all of whom couldn't even be saved given the fact that only four of them survived after eating the flesh of the fifth member, Roger Whetmore. After the rescue of the remaining four men was finally pulled off, the merit of the rescue attempt could have been questioned from the point of view of utilitarianism - whether the death of ten people in order to save the five inside the cave was really worth it. Saving people's lives is definitely the most ethical option, but in this case, an extremely high price was paid to save those lives. The end result was that the four people out of the five inside the cave that were successfully rescued. Based on utilitarianism itself, this should justify the occurrence of any action as moral, like the death of the ten workers.

THE CONNECTION BETWEEN UTILITARIANISM AND THE NATURAL RIGHT TO LIFE

Natural Rights theories regard themselves as theories of individual entitlement, and not as theories of social good. According to Jeremy Bentham, their emphasis on the justice of every individual case, and the intimate connection between the doer and the sufferer of harm, makes them overtly anti-instrumental in usage. He even criticised the French Declaration of Rights of 1789 by calling all such natural rights as 'anarchical fallacies' as he felt that apart from the fact that no government could possibly meet the standards demanded by natural rights, the concept of doing things for the good of a greater percentage of people would be struck down by these natural rights. As stated by him, utility and rights would be different aspects of the same process, and the goal of political unity would be served by rejecting the scheme of natural rights and keeping to the standard of social utility. This can be understood from the fact that a Statesman is bound to do something that would be most beneficial to a majority of the population, no matter what the cost is, i.e., the Statesman can only provide for equity, not equality. Utilitarianism is a consequentialist concept in the face of which, something even as basic as the right to life, even without the presence of any personal liberties such that there is just a survival and no chance to actually live, seems to become a trivialised and null concept, which basically stands for the fact that utilitarianism is something that calls for equity on a large scale and not equality.

People are said to have the right to life only if they have the right to personal liberty, without which, it is not a life, but merely a survival. The right to die must be a choice, not a play of chance. The circumstances which the explorers found themselves in, were of such a nature, that there was no choice of survival available, and the only option left was that of death. The choice was between the death of just one of them, which would result in a chance for the survival of the others, or the death of all of them. The choice to be made was an impossible one, and hence not a choice that could actually be made.

The Utilitarian Theory washes over the right to life and personal liberty, as can be seen from the story of the Speluncean Explorers. The circumstances forced Roger Whetmore to give up his life for the good of the lingering four members of his group, irrespective of the fact that he may not have wanted to die. Each of the Speluncean explorers had definitely given up on their respective natural rights to their lives when they each agreed to take part in the draw of lots, however, each of them also must have definitely hoped that their names would not be drawn, thus proving that in this situation, none of them had any choice. In ordinary circumstances they would probably not have wished for the death of any of their group members, thus proving that the circumstances is an important area of consideration for the determination of whether the choice of death made by the concerned people is made on their own liberty, or is dependent on the circumstances.



In the case of the Speluncean Explorers, Roger Whetmore and the others in the cave did not want to give up on their lives. If they were ready to die, then they would probably have offered themselves to be killed instead of waiting for the outcome of the game that they played. The reason the five men decided to pull lots, was, in order to give them an opportunity to save themselves, despite the fact that it would be at the cost of one of their group members. Each of the Speluncean explorers gave up on their natural right to life the moment they agreed to become a part of the game of drawing lots, and thus, gave themselves a chance of securing death by choice. Their own death, or the death of anyone among their group was not something that any of them would have chosen had the situation not been so dire. In this case, proving to have utility in the social sphere meant rejecting the natural right to life in favour of the option of the right to choose death.

CONCLUSION

Keeping in mind the fictitious story of the Speluncean Explorers, the Utilitarian Theory and its connection with the Natural Right of Life and Personal Liberty, natural rights ought to supersede over anything for the good of a greater number of people, and one does in fact have the right to choose if they want to give up their life or not. Whether they make the choice to bring forth the greatest happiness for the greatest number of people, or whether their survival instincts influence their decision, is dependent on the situation. Killing someone, or encouraging someone to kill themselves are not moral acts. However, in the author's opinion, the act of killing is not just a physical act, it is something that involves the killer's mental intent to somehow end the life of the other person, which was absent in the case of the explorers. The unfortunate explorers were left with no choice as such. Their only options were between death - the death of just one person, which could give the others a chance at life, or the death of everyone. In the instance of the explorers, the end result was moral - the survival of four out of the five trapped in the cave. This is the idea of equity, which when magnified into a larger context becomes exactly the concept of utilitarianism.

In conclusion, the natural right to life is something that is supposed to be unquestionable and unequivocal. This natural right to life can be implemented only when people have the liberty of doing whatever they feel like, as long as it does not encroach upon the rights of another. However, there are certain times when the only option that remains for the happiness of the greatest number of people, is the unhappiness of a lesser number, an example of which was provided in this story. During the course of such events, equality with respect to an individual's natural rights is not possible. Having social utility for the greater good in such situations involves being brave and incredibly selfless, along with being hopeful of the fact that such death is indeed for the greater good, thereby conclusively negating the right to life, and having to choose the option of death. In most situations therefore, the right to choose to die is a subset of the right to life. However in exceptional incidents, like the story of the Speluncean Explorers, the right to choose to die cannot be considered as a subset of the right to life, but rather, as a subset of utilitarianism.

- Saumya Krishnakumar
BA. LLB 2020-25

BOOK REVIEW

The Annihilation Of Caste : Undelivered speech

By Dr. B. R. Ambedkar

The purpose of this article was to examine Dr. B.R. Ambedkar's work, 'Annihilation of Caste'. The abolition of caste is possibly the most eminent and desirable social and political goal that progressive forces in Indian society have faced, particularly after the country's independence in 1947. This study examines the events leading up to the publication of Dr. Ambedkar's book, as well as the treatment of society's so-called "lower caste" members in general. Many individuals have long desired to live in a society devoid of discrimination. As a result, the goal of this research is to look at the content of Ambedkar's speech while also providing enough context for the events that before and followed it.

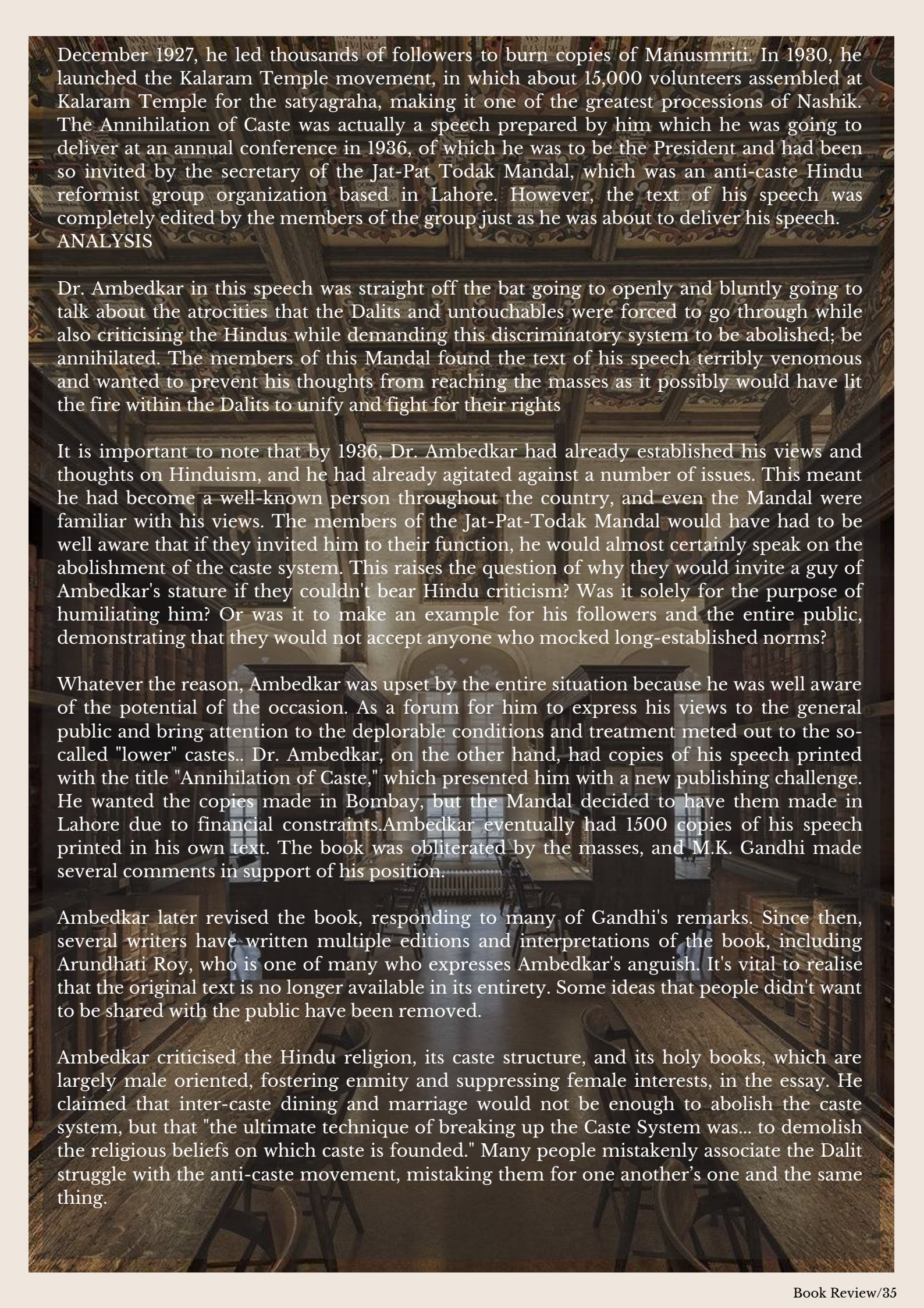
INTRODUCTION

In India, the caste system has existed from the beginning of time. However, as time progressed and we entered the mediaeval period, the caste system became a permanent part of society, and we are now in the modern age. It's almost tough to get away from the different labels you're assigned. Caste has devolved into a meaningless identity; something that denotes a person's social standing. Caste is a system formed by 'Hindus,' in which the 'Brahmans' are considered the upper class, while the Sudras are deemed the untouchables, or 'Dalits.' To further define the term Dalit, it roughly translates to "broken class." This class consists of people who are oppressed and denied the basic privileges that any mediocre Brahmin, Kshatriya, or even a Vaishya possesses. In contrast to what it has come to represent in Indian society, the word Dalit can be defined as 'da-lit,' or 'the illumined.' Given the awful abuse they've received, it almost feels like a farce. These "elite" folks were the ones who put in place such a defective system.

Dr. B.R. Ambedkar, a remarkable leader who virtually single-handedly fought against the common disdain given towards these downtrodden sectors of society, went on to inspire important movements such as the Buddhist Movement to get Dalits equal rights and acceptance in society, pondered these same concerns.

Dr. Ambedkar's ideas were not as well-liked or well-known as Gandhi's, which made his mission even more difficult. He used his knowledge and education to write about the people's sorrows, in addition to starting movements and lobbying. During his insurrection, he published a lot of books, essays, papers, and articles in which he expressed his grief and condemned the caste system. 'Castes in India: Their Mechanism, Genesis, and Development; Riddles in Hinduism, The Buddha, and His Dhamma; and lastly, The Annihilation of Caste,' a book that sparked controversy and eventually became a landmark in Indian history.

Dr. B. R. Ambedkar was an Indian lawyer, economist, politician, and social reformer who helped to found the Dalit Buddhist movement and battled against societal discrimination against untouchables (Dalits). Dr. B. R. Ambedkar decided to initiate active actions against untouchability in 1927 as a result of the problems he had to confront as a result of his birth as a Dalit. To free up public drinking water resources, he began with public demonstrations and marches. He also began a campaign for the right to visit Hindu shrines. In late 1927, he publicly criticised the classic Hindu literature, the Manusmriti (Laws of Manu), and ceremonially burnt copies of the ancient text for allegedly promoting caste prejudice and untouchability.



December 1927, he led thousands of followers to burn copies of Manusmriti. In 1930, he launched the Kalaram Temple movement, in which about 15,000 volunteers assembled at Kalaram Temple for the satyagraha, making it one of the greatest processions of Nashik. The Annihilation of Caste was actually a speech prepared by him which he was going to deliver at an annual conference in 1936, of which he was to be the President and had been so invited by the secretary of the Jat-Pat Todak Mandal, which was an anti-caste Hindu reformist group organization based in Lahore. However, the text of his speech was completely edited by the members of the group just as he was about to deliver his speech.

ANALYSIS

Dr. Ambedkar in this speech was straight off the bat going to openly and bluntly going to talk about the atrocities that the Dalits and untouchables were forced to go through while also criticising the Hindus while demanding this discriminatory system to be abolished; be annihilated. The members of this Mandal found the text of his speech terribly venomous and wanted to prevent his thoughts from reaching the masses as it possibly would have lit the fire within the Dalits to unify and fight for their rights

It is important to note that by 1936, Dr. Ambedkar had already established his views and thoughts on Hinduism, and he had already agitated against a number of issues. This meant he had become a well-known person throughout the country, and even the Mandal were familiar with his views. The members of the Jat-Pat-Todak Mandal would have had to be well aware that if they invited him to their function, he would almost certainly speak on the abolishment of the caste system. This raises the question of why they would invite a guy of Ambedkar's stature if they couldn't bear Hindu criticism? Was it solely for the purpose of humiliating him? Or was it to make an example for his followers and the entire public, demonstrating that they would not accept anyone who mocked long-established norms?

Whatever the reason, Ambedkar was upset by the entire situation because he was well aware of the potential of the occasion. As a forum for him to express his views to the general public and bring attention to the deplorable conditions and treatment meted out to the so-called "lower" castes.. Dr. Ambedkar, on the other hand, had copies of his speech printed with the title "Annihilation of Caste," which presented him with a new publishing challenge. He wanted the copies made in Bombay, but the Mandal decided to have them made in Lahore due to financial constraints. Ambedkar eventually had 1500 copies of his speech printed in his own text. The book was obliterated by the masses, and M.K. Gandhi made several comments in support of his position.

Ambedkar later revised the book, responding to many of Gandhi's remarks. Since then, several writers have written multiple editions and interpretations of the book, including Arundhati Roy, who is one of many who expresses Ambedkar's anguish. It's vital to realise that the original text is no longer available in its entirety. Some ideas that people didn't want to be shared with the public have been removed.

Ambedkar criticised the Hindu religion, its caste structure, and its holy books, which are largely male oriented, fostering enmity and suppressing female interests, in the essay. He claimed that inter-caste dining and marriage would not be enough to abolish the caste system, but that "the ultimate technique of breaking up the Caste System was... to demolish the religious beliefs on which caste is founded." Many people mistakenly associate the Dalit struggle with the anti-caste movement, mistaking them for one another's one and the same thing.

They overlook the fact that caste is not limited to Dalits. Everyone who calls himself or herself a Hindu is a member of the caste system in some way. At one end of the range are the Dalits, who have been subjected to tremendous oppression, hardship, and humiliation. Those born into rich families, on the other hand, benefit from the fact that they are not exploited on the basis of their caste status. Rather, they frequently reap the benefits of their favoured caste status's. These are the people who refuse to recognise the role of privilege in their lives and continue to deny the existence of caste. Being from an affluent caste affords the "luxury" of caste ignorance, as Anupama Rao so eloquently phrased it. There is no such thing as a caste-free Hindu. So, how can Dalits alone fight the caste system, which has enslaved Hindu society with its rigid identity and dividing structure? Without the cooperation of people from all levels of the caste structure, how can the caste system be abolished?

CONCLUSION

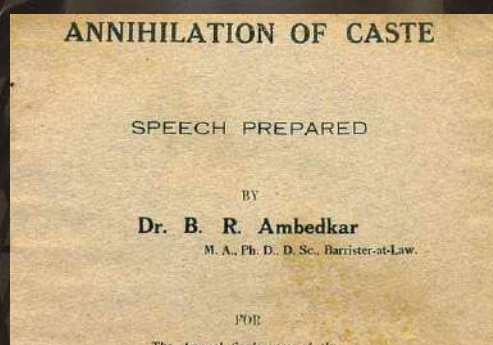
Dr. B.R. Ambedkar stated in his very famous book "Annihilation of Caste," and previously in his very important work "Castes in India," that the caste system is without a doubt an institution of division. These are very important and relevant contributions of Dr. Ambedkar in literature. The sad reality of today is that the caste system is still rampant; a social evil that discriminates against people. He hasn't fared well in history books. It contained him first, then glorified him. In history books, he hasn't performed well. It initially contained him, then praised him. It has made him the Ghetto's King and India's Untouchables' Leader. It has taken his writings and placed them in a safe place. It took away his radical brilliance and brutal insolence, but his fans have kept his legacy alive to this day, hoping that one day there will be no such divisions.

Caste is determined by one's fate, or good fortune, in relation to one's birth in any Hindu family in India. It is not something that can be controlled by anyone. Dr. Ambedkar makes this point in this masterpiece of a speech, using various remarks that are still pertinent today, in 2021, because caste-based discrimination and crimes still exist.

The most recent of them - the April 2018 protests, the Kachanatham temple incident, the Payal Tadvi suicide case, the Hathras gang rape and murder case, and the Hathras gang rape and murder case in 2020 - show that caste is now linked to violence and even suicide.. The 26 components of this speech purposefully demolished the Hindu Caste system, revealing how caste operated as a barrier rather than a bridge amongst members of the same religion (Hinduism).

Dr. Ambedkar stated in 1936 that the fight against the social evil of caste was more than just a fight: it was a fight for respect, equality, and freedom from the mental slavery that the Caste system imposes on Hindus; it was a fight that had to be fought in order to usher in a new era of brotherhood, justice, and liberty among the Hindus. These points are still valid today.

- Aditya Menon
BA. LLB 2020-25



CASE COMMENT

A Comment on the Sunanda Pushkar Murder Case: Accidental Tragedy or Gruesome Murder?

The Sunanda Pushkar Case exists, in 2021, in the shadow of the Sushant Singh Rajput (alleged) suicide case and the “media trial” that ensued after it. This case has left a long list of cases in multiple courts across the country in its wake, ranging from a police-politician nexus to a property dispute. The Sunanda Pushkar case is, in many ways, a fitting predecessor of the Sushant Singh Rajput case while simultaneously being an incredibly suitable successor of the Aarushi Talwar case. The media’s involvement in these cases has led to the victims’ interests being sidelined and other issues being brought to the limelight.

The case of the murder of socialite Sunanda Pushkar is an alluring one that has birthed other legal disputes, leaving them in the wake of the sensational and highly politicised trial against renowned Congress Member of Parliament Shashi Tharoor. Sunanda Pushkar, who was the wife of Congress MP Shashi Tharoor, was found dead in suite no. 345 of Hotel Leela Palace, Delhi on January 17, 2014, shortly after engaging in a widely infamous “Twitter spat” with Pakistani journalist Mehr Tarar who was thought to be having an affair with her husband. Subsequent to her death and upon their arrival at the scene at the behest of Dr. Shashi Tharoor, the police immediately declared that the socialite had “died under mysterious circumstances.” However, they notably did not overrule a drug overdose.

The post-mortem, conducted by AIIMS, Delhi, indicated that the victim had more than a dozen injury marks on her body, an abrasion on her cheek suggested the “use of blunt force”, and there was a “deep teeth-bite” mark on the edge of her left palm. Nominal traces of anti-anxiety medicine Alprazolam were also found in her system but the January 19, 2014 report read that there was “no finding suggestive of drug overdose.” Thiruvananthapuram’s Kerala Institute of Medical Sciences (KIMS) Hospital that hosted Pushkar and her husband for an executive check-up the week before her death soon released a statement saying she had not been diagnosed with any life-threatening disease which could have caused her death. The doctors also said that she was cheerful and comfortable during her stay and that her husband was with her at all times.

Subsequently, the Sub-Divisional Magistrate who was overlooking the case as under Section 176 of the Criminal Procedure Code declared that Mrs. Pushkar had died of poisoning, either by homicide, suicide or accident, and that no family member suspected foul play in her death. His report urged the police to investigate further, however, on January 23, 2014, investigators said Mrs. Pushkar had, prima facie, died of “hidden poison” as traces of two medicines, antidepressant Alprazolam and painkiller Excedrin were found in the body. Viscera samples were preserved post the AIIMS autopsy and sent for further tests to the Central Forensic Science Laboratory (CFSL). It was at this juncture that the case was transferred to the Delhi Crime Branch and back within a span of two days. No official reasons were cited for the transfer back to the Delhi Police (South District) despite the “sensitive nature” and “complexities involved” in the case, suggesting political undertones in the matter.

The case developed another arm when the AIIMS doctor who headed the panel that conducted the post-mortem claimed that he was being pressured to manipulate the autopsy report and filed an affidavit at the Central Administrative Tribunal. His report said that Sunanda Pushkar's body had 15 injury marks, including an injection mark and a bite mark, most of which did not contribute to her death, and that an excess amount of the drug alprazolam was found in her stomach. The AIIMS doctors submitted the aforementioned viscera report to the Delhi Police on September 30, 2014, along with a fresh forensic report which the police called "inconclusive" on October 10, 2014. The Delhi Police Commissioner said, on January 6, 2015, that Mrs. Pushkar did not commit suicide, but was murdered. A First Information Report of a murder case was filed against unknown persons by the Delhi Police.

The inconclusive nature of the viscera report led to the samples being sent to the FBI lab in Washington. The report arrived on November 10, 2015, stating that the radiation levels in the viscera samples were within permissible levels and that they did not cause her death. Hereafter, Dr. Shashi Tharoor was questioned by the Special Investigation Team of the Delhi Police in February 2016. He reiterated his belief that his late wife died due to an overdose of drugs. Mehr Tarar visited Delhi in March 2016 and denied any knowledge of Mrs. Pushkar's death during a meeting with a senior police officer.

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Subsequently, the Delhi Police charged Dr. Shashi Tharoor with abetting the suicide of his wife and accused him of subjecting his wife to cruelty in a 3000-page charge sheet and sought to summon him to court on May 15, 2018. The Court, taking cognizance of the charge sheet, scheduled a hearing for 10:00 A.M. on July 7, 2018, more than 4 years after the death of Mrs. Sunanda Pushkar Tharoor.

As a high-profile case, the matter of Mrs. Sunanda Pushkar’s untimely and unnatural death garnered national attention. Issues like that of a broken chain of custody and manipulation of medical tests in the course of investigation have long plagued the Indian justice system. These remarkably came to light very early during the bureaucratic proceedings linked to the case. It is essential here to address the contradicting opinions about the presence of harmful quantities of drugs in the body- whether nominal traces of drugs were found, or she had “died of poisoning”, or “hidden poison” and whether trace or excess amounts of the drug alprazolam was found in her stomach.

The viscera samples that finally proved that she did not die of poisoning were sent to Washington DC more than a year after Mrs. Pushkar's death.

It is rather unfortunate that no known concrete steps were taken to ascertain whether, indeed, Dr. Gupta from AIIMS was subject to mala fide political pressure to prepare a "tailor-made" autopsy report during the proceedings of Dr. Sudhir Kumar Gupta v/s AIIMS. It is worth noting, however, that this singular issue raised by Dr. Gupta stands as evidence of the many low-profile cases that are influenced by mala fide political forces in this country. Further, it is evident that politics played a firm hand in the on-goings of this case from the Delhi High Court's characterization of the PIL filed by INC member Shri. Subramanian Swamy as a "political interest litigation". The petitioner's censure of the High Court's dismissal of his plea and his obstinate appeal to the Supreme Court depicts the fact that his petition had no more than a political motive and was hardly filed in the greater public interest.

Dr. Shashi Tharoor, sole accused in the murder trial of his late wife, Mrs. Sunanda Pushkar is a renowned academician, author and law-maker. He has, on multiple occasions, publicly refuted the allegations levied against him by the 3000 page-long charge sheet filed by the Delhi police and has reiterated on multiple occasions that his late wife lacked "suicidal ideation". This comes through, also, in his July 2020 plea to the Delhi High Court seeking direction to the Delhi Police to take necessary steps to preserve his late wife's Twitter account. Additionally, the Kerala Institute of Medical Sciences Hospital staffs' testament regarding the demeanour of Mrs. Pushkar and her husband during their tests a mere week before her untimely death support Dr. Tharoor's case.

However, multiple possible motives have emerged that may have pushed the Thiruvananthapuram MP to murder his wife. Of course, prima facie investigation in the case dealt in great detail with the Congress MP's alleged affair with Pakistani journalist Mehr Tarar. The fact that Dr. Tharoor's late wife had aired their dirty linen in public by engaging in a 'Twitter' feud with the journalist shortly before allegedly committing suicide does not bode well in favour of the former's case.

Furthermore, the 15 injury marks identified in the course of the post-mortem, including the presence of injection marks and bite marks on the body of Mrs. Pushkar are concrete evidence to the case and have been used to point to alleged cruelty that Mrs. Pushkar was subjected to at the hands of her husband.

Dr. Sudhir Kumar Gupta's claims in the CAT case and his apprehension in approaching his superiors upon being subject to pressure to manipulate the autopsy report in fear of politically charged repercussions, namely from Dr. Tharoor, are a hindrance to the latter's defense.

Mrs. Sunanda Pushkar, two days before her death, also claimed that she had taken upon herself the blame for her husband's alleged misdeeds during the auction for a cricket franchise, namely the 'Kochi Kerala Tuskers' of the Indian Premier League in 2010. 25% of the shares in the franchise were given to a group that included Mrs. Sunanda Pushkar. While this was before her marriage to Dr. Tharoor, then IPL chief Mr. Lalit Modi alleged that these shares were intended as a hidden gift to Tharoor. The controversy surrounding the same forced Tharoor to resign from his post in April 2010.



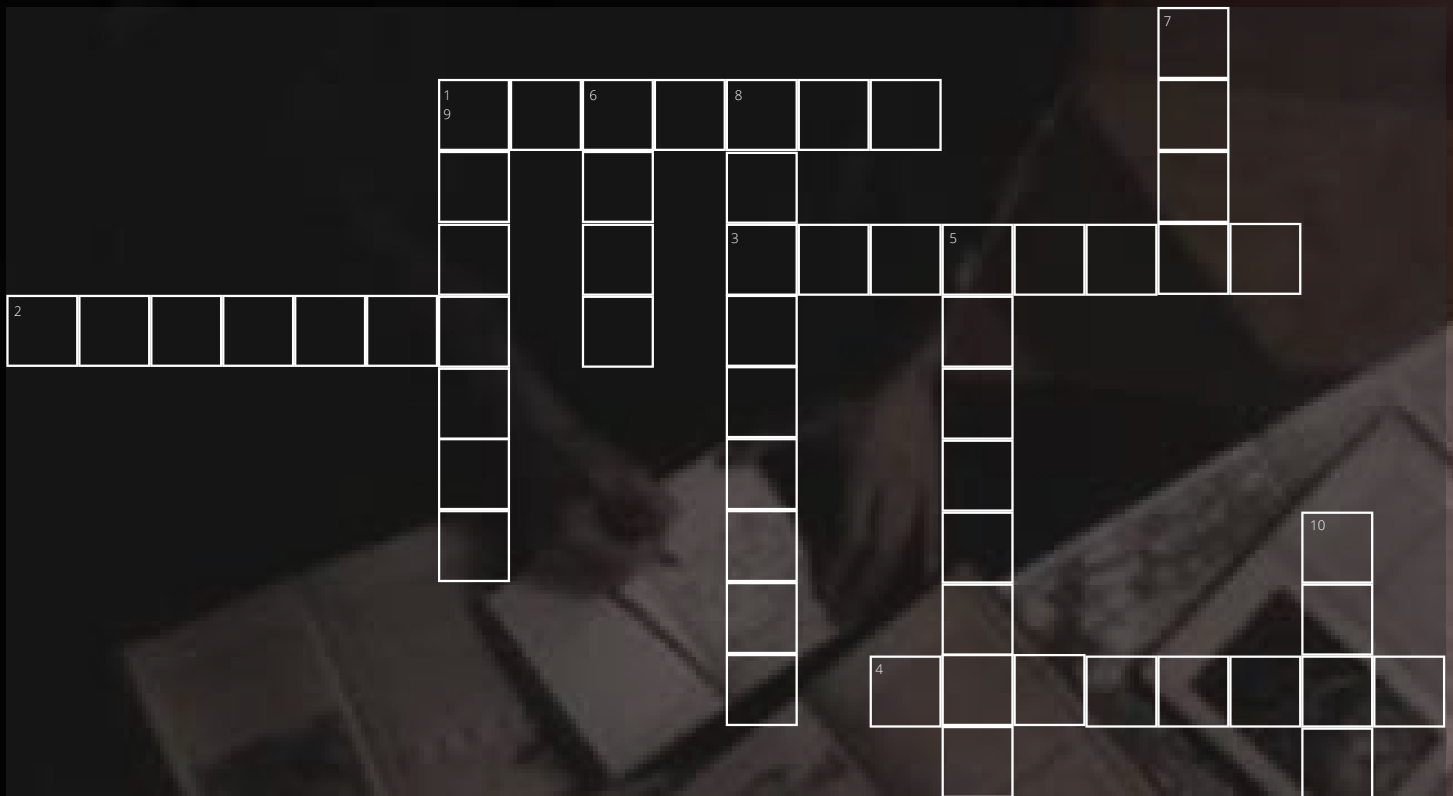
Lastly, it has been brought to light in S.Suresh v/s Shashi Tharoor that the respondent may never have declared the assets he inherited from his late wife. He claimed, however, that there were no such concealed assets, that he “disowns any assets...inherited by him consequent on the death of his wife”, and that since she was not an Indian citizen, no part of the assets left behind by her came into his hands. The petition, however, was rejected.

Both, the trial for the murder of Mrs. Sunanda Pushkar and the petition to preserve her Twitter account remain sub judice as of August 2020. The present facts and arguments do not provide a concrete conclusion on whether the sole accused, Dr. Shashi Tharoor was, indeed, responsible in part or whole for the death of his late wife. It is evident that further investigation is required in order to reach a just conclusion. One may refrain from making assumptions on the part of either party, the Delhi police or the Thiruvananthapuram MP, in this sensitive case that has been in the public limelight for over 6 years now. This critical analysis, however, points to the strengths and weaknesses in Dr. Tharoor’s case that shall surely play a major role in the murder trial of the late Mrs. Sunanda Pushkar and may reveal the various faces of justice quite literally if the allegations against the MP are found to hold validity.

- Niharika Ravi
BA.LLB 2019-24

This Article was submitted to us before the recent judgment from a Delhi Court that acquitted Dr. Shashi Tharoor in this case.

CROSSWORD



Across

1. Socio-political movement among people of Mexican descent in the 1940s and 1950s (7)

Clue- _____ Movement

2. A crisis emerged in this nation due to the refusal of President Nkrurnziza to resign (7)

3. On whose recommendation was the Inter-State council formed? (8)

Clue- _____ Commission

4. Political movement that emerged during the Hong Kong democracy protests of 2014 (8)

Clue- _____ Movement

Down

5. First Lady Magistrate of India (8)

Clue- Justice _____

6. Country needing notarized slips from spouse to go abroad or amend passport (4)

7. Movement with the aim of adhering to the direct perception of mankind to God against orthodox Islamic practices (4)

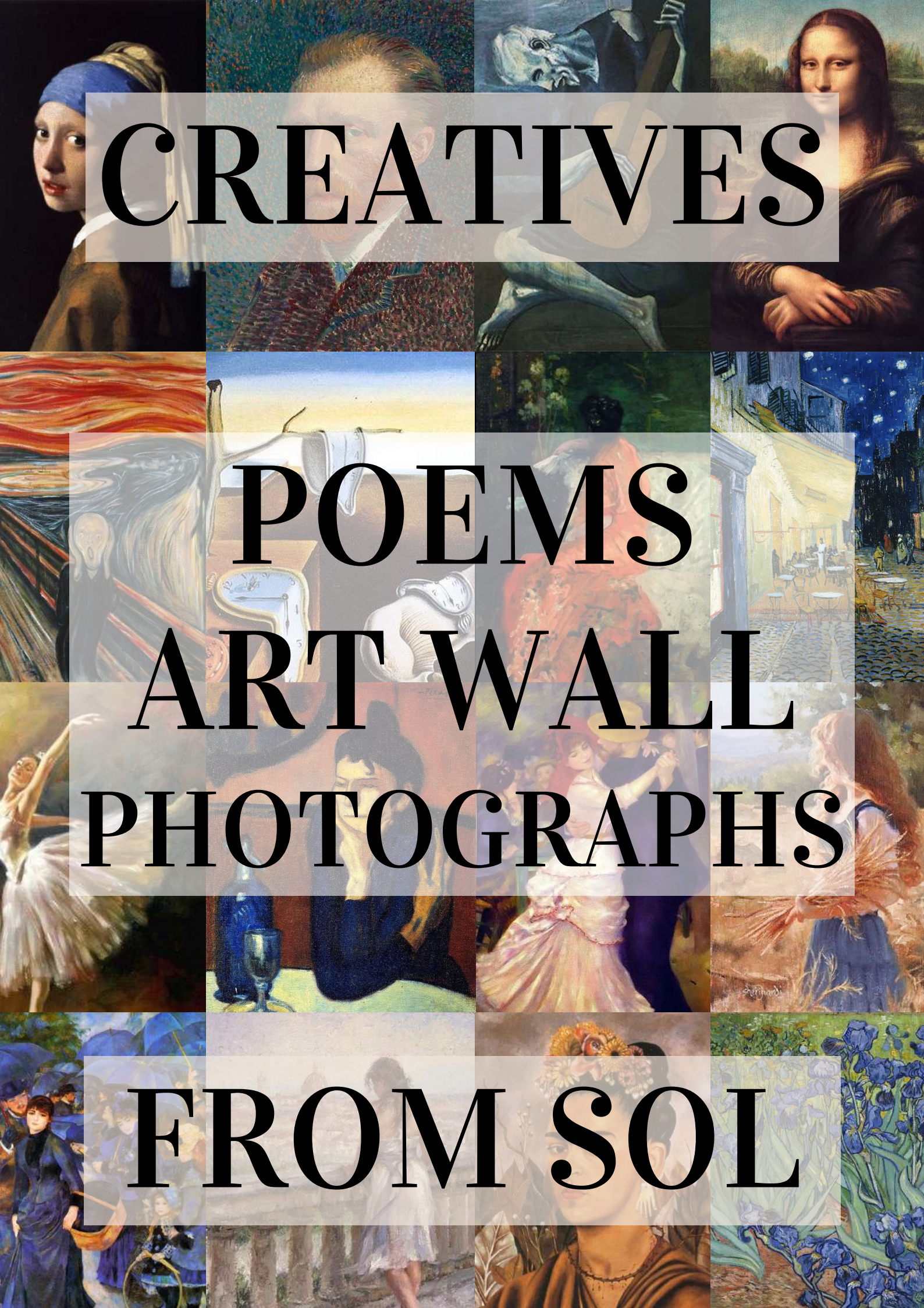
Clue- _____ Movement

8. This European city boasts of a homo-monument dedicated to victims of homophobia (9)

9. This city's court called for subway to recall its foot long measure

10. This city held India's 1st Friendship Walk. (7)

Answer key-
1. Chicano 2. Burundi 3. Sarkaria 4. Umbrella 5. Kunjamma 6. Iran 7. Sufi
8. Amsterdam 9. Chicago 10. Kolkata



CREATIVES

POEMS

ART WALL

PHOTOGRAPHS

FROM SOL

POEMS

A BETTER PLACE

Oh! I wish there were things I could do,
So the world would change.

Oh, if there were songs I could play
So peace would prevail.


Hearts I could win
So people would trust again.

I just wish there were words I could say
And all of humanity could be saved.

Oceans I could swim
And slaves I could free

Places I could go and stop all the horrors of
genocide, terrorism and rape.

Lives I could change, children I would save,
men I could cure, women I would free.



But unfortunately, today the world's in
pieces
It just can't be saved by a nobody like me.
Thus, I come to you with a proposition
Let's fight together and bring peace.
Let's stop crime that makes our streets not
safe.

Let's join hands and make each other realise
the wrongs we commit
Might be it as simple as using a plastic bag or
as horrible as discrimination.
We need to change the world,
We need to get together and be the change,
We need to find ways to make this world a
better place.

Hetavi Bari, BBA. LLB 2020-25

MILES DOWN THE ROAD

Is it too soon to explore this town?
See through the enchanted forests that
surround

Heart is heavy every single day
Loneliness has made through its way
Never thought I'd miss my town
Miss the breeze I had inhaled all life
Miss the roads that take me to my paradise.

They say it will get better with time
But is it worth getting accustomed to?

Deep hollow waiting to be filled

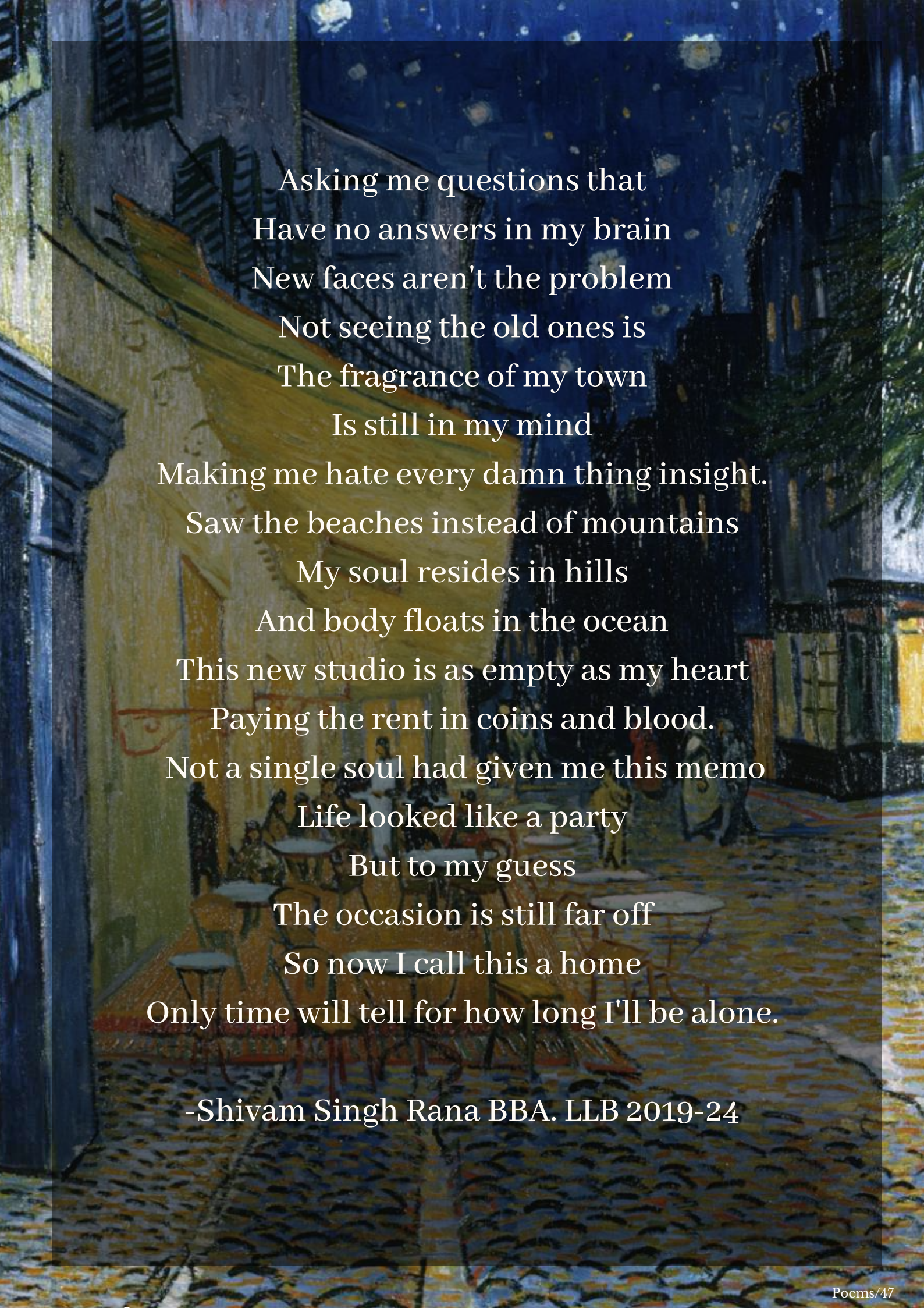
With syrup of energy
My town was my muse
Which is now far away

From my use

Fear not

It resides in my heart
Still beating the old lessons
That I've been taught.

Rain is the same but it feels so strange



Asking me questions that
Have no answers in my brain
New faces aren't the problem
Not seeing the old ones is
The fragrance of my town
Is still in my mind
Making me hate every damn thing insight.
Saw the beaches instead of mountains
My soul resides in hills
And body floats in the ocean
This new studio is as empty as my heart
Paying the rent in coins and blood.
Not a single soul had given me this memo
Life looked like a party
But to my guess
The occasion is still far off
So now I call this a home
Only time will tell for how long I'll be alone.

-Shivam Singh Rana BBA. LLB 2019-24

DECEITFUL PAVEMENTS

This night asks me a million questions
Million reasons I'd rather not say
False hope carries my coffin
On the pavement decorated by your plays.
Laying in sunlight is the creature's soul
Serene like the mountains.
Elated by her presence
Fool's trap starts to play
Falling in deep bright hollow
Wallpapered by sunglow
Black-haired beauty casts her spell
Soldier of unrequited love
Enchanted with her delicate touch.
Mountains behold the magic
Lowers his hat
Takes the blade in his stride.
Reads out his talisman


Lessons still unlearned
Back to the bay
Dwelling in same attic
Defeat treats him right
All that's gone was worth no fight
Stands tall with mighty laugh
Enchantress sweeps yet other dreams
Black-haired beauty is hard to please
Battalion ready to fight
Soldier rests
Her motive dies
Journals publish a varied account
Soldier casted brutal liar
Un-bothered his heart flies.
This night asks me a million questions
Million reasons I'd rather not say
False hope carries my coffin
On the pavement decorated by your plays.

-Shivam Singh Rana BBA. LLB 2019-24

HILLTOP HEAVEN

Lamented in the cold breeze
Now the sun's up on me
Sewing back my organs
Which bleed with you
in the sea
Rowing my boat to an island
I saw up stream
Taking me back to my hilltop heaven.

My purple dreams
Pieces of my colourful life
Played their part
Sparked the holy fire
Engulfing the ominous past
Heat waves come and touch me
Hold my hand & wake me up
As I stand on the hill

The background is a painting of a woman in a red hat and a man in a suit sitting on a hill overlooking the ocean. The woman is wearing a light-colored dress and a large red hat. The man is wearing a dark suit and a hat. They are sitting on a stone wall or ledge. The ocean is in the background, and there are some buildings on the right side of the image. The sky is blue with some clouds.

Laughing at my sudden bliss
Stroking cheeks of summer grass
Dancing with daisies
My feet touch the rocks

Ocean all around
Love is not what I found
Seeking my soul
I found the a part within
Glowing with calmness
This hill is blessed

Slumber's ending
Like this dark night
My purple dreams call me now
Rainbow looming over the hill
Sun is not the cause
It's the light within.

-Shivam Singh Rana BBA. LLB 2019-24

माँ तुम ठीक तो हो ना?
फिर मैं तुमसे कभी बात ही नहीं कर पाई माँ..

उस दिन मेरी सारी खुशियां मेरा लिबास बता रहा था और मेरे अब जाने के बाद
भी लोग मेरे लिबास की बातें कर रहे हैं माँ..

उनकी चमड़ी अलग नहीं थी मुझसे..हां बातों में कुछ फर्क था वह खुद को मर्द
बुला रहे थे..

मैं कभी बताई नहीं पाई मां कैसे अपनी हथेली में मेरे बदन को रौंद दिया था..
उनकी हर एक खरोंच पर मैं कैसे अपनी चीखों को डूबता महसूस कर रही थी..

वह जानते नहीं थे शायद तेजाब क्या होता है माँ.. उससे खेला नहीं जाता है.....

इन्होंने पानी समझा होगा शायद पर यह मेरी खाल को क्या हो गया है माँ..

मेरे बदन का हर एक टांका उघाड़ कर क्या वह सड़कों पर अब भी खुल्ले घूम
रहे हैं...मैं अब भी महसूस कर रही हूं जैसे किसी ने लोहा पिघलाकर मेरे शरीर में
डाल दिया हो..

दर्द एक कमजोर शब्द है बताने मुझे कैसा लग रहा था माँ..मेरा ही खून देख मुझे
बेहोशी छा गई थी शायद हैवानियत मुझे पहली बार समझ आई थी..

उनके नाखून जैसे मेरे चेहरे के साथ सौदा कर रहे थे मेरे हर एक नाजुक हिस्से
पर जैसे उन्होंने गरम औजार चिपका दिए थे कुछ ऐसा महसूस हो रहा था माँ..

उन्हें लगता है शायद अपने गुरूर को मुझ पर रख या मुझ पर तेजाब के चक्कर
मार या फिर मेरे नाजुक हिस्सों से खिलवाड़ कर मुझे जला कर फेंक देगा तो
वह जीत जाएंगे..

क्या वह जीत गए हैं माँ?

तुझे जब पता चला होगा तू बहुत रोई होगी ना माँ,
क्या उन चारों को बेड़ियों में रख लोग मेरी चीखें भूल जाएंगे... मेरी उंगलियां
मसलने के बाद क्या वह बाजार से नई गुड़िया लाएंगे... क्या लोग अब मुझे
जिंदा भूतों से बचाने भी कोई ताबीज बनाएंगे?

मां तू ज्यादा ध्यान मत देना यह कानून की बातों पर लोग आएंगे मेरे जिस्म
देखने समझने पर मेरी आंखों ने क्या देखा यह देखने नहीं.. जैसे-जैसे मेरे
नाखूनों को परखा जाएगा मेरे ऊपर से खून को और सवाल किए कपड़ों को
हटाया जाएगा...मुझे वैसे ही अखबारों और दिमाग से भी निकाल दिया
जाएगा..

लोग तुम्हें भी शायद कुछ गलत बोल दें वहाँ..
पर जब भी तुम मेरी तस्वीरों को साफ करो मुझे देख मुस्कुराते जरूर
रहना..जब भी कोई मुझ सी बच्ची दिखे उसके पास जाना गले लगाना और
मेरा नाम लेते रहना माँ..
कई कानूनी दस्तावेजों ने मुझे मार दिया है.. कईयों ने मेरा नाम बदल दिया
हे..वक्त वक्त पर उनके सामने जाना और मुंह पर सच्चाई बताना

पन्नों पर ही नहीं तू अपनी आंखों में भी मुझे जिंदा रखना माँ..

उस दिन के बाद तुमसे कभी बात ही नहीं हो पाई..
मां तुम ठीक तो हो ना?

Shubh Mahalwar, BA. LLB 2019-24

Translation by Niharika Ravi (Co-Editor) with inputs
from Aryanshu Gautam and Sarthak Rajabhoj of BA.LLB
2019-24

*Are you alright, mother?
I could never talk to you, ma.*

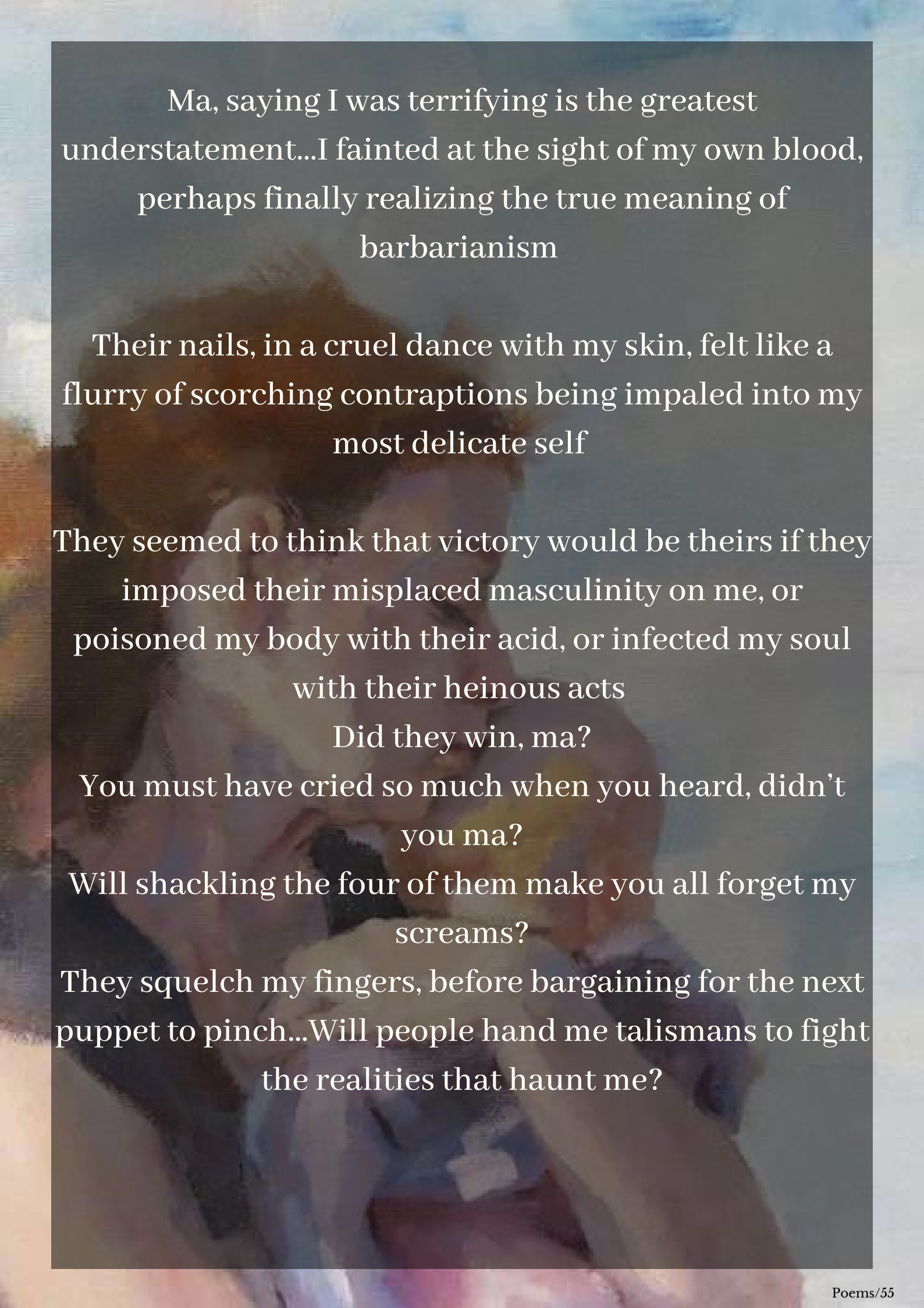
My beautiful clothes reflected how happy I was that day,
but they keep talking about my clothing now that I'm
gone...

They didn't look very different from me. Yes, they spoke
in a strange tongue and strangely, they called
themselves Men...

I could never tell you, Ma; how they entrapped my body
in their hands; I could feel my own screams drown every
time they scratched me

They didn't seem to know what the acid could do...oh,
how they played around with it...why has this happened
to my skin, Ma?

Are they still roaming the streets freely upon wreaking
every orifice of my body? I can still feel it- almost like
molten iron being poured onto me



Ma, saying I was terrifying is the greatest
understatement...I fainted at the sight of my own blood,
perhaps finally realizing the true meaning of
barbarianism

Their nails, in a cruel dance with my skin, felt like a
flurry of scorching contraptions being impaled into my
most delicate self

They seemed to think that victory would be theirs if they
imposed their misplaced masculinity on me, or
poisoned my body with their acid, or infected my soul
with their heinous acts

Did they win, ma?

You must have cried so much when you heard, didn't
you ma?

Will shackling the four of them make you all forget my
screams?

They squelch my fingers, before bargaining for the next
puppet to pinch...Will people hand me talismans to fight
the realities that haunt me?



Ma, don't you bother yourself with matters of law and
court

They will come to see my mangled body, but they refuse
to perceive what I saw that day...I will vanish from
newspapers and minds alike, just as the grime from my
nails, the blood and those questioned clothes begin to
vanish

People may say terrible things to you there...

But smile at me whenever you clean those pictures of
mine...If you see a young girl like me, go to her, embrace
her, and call my name...

The legal limbo shall be a slow death...so many have
changed my name...speaking my truth again and again
before them

Keep me alive; not just in the endless piles of papers but
in your eyes, Ma

We never could speak after that day...

You are alright, aren't you, Ma?

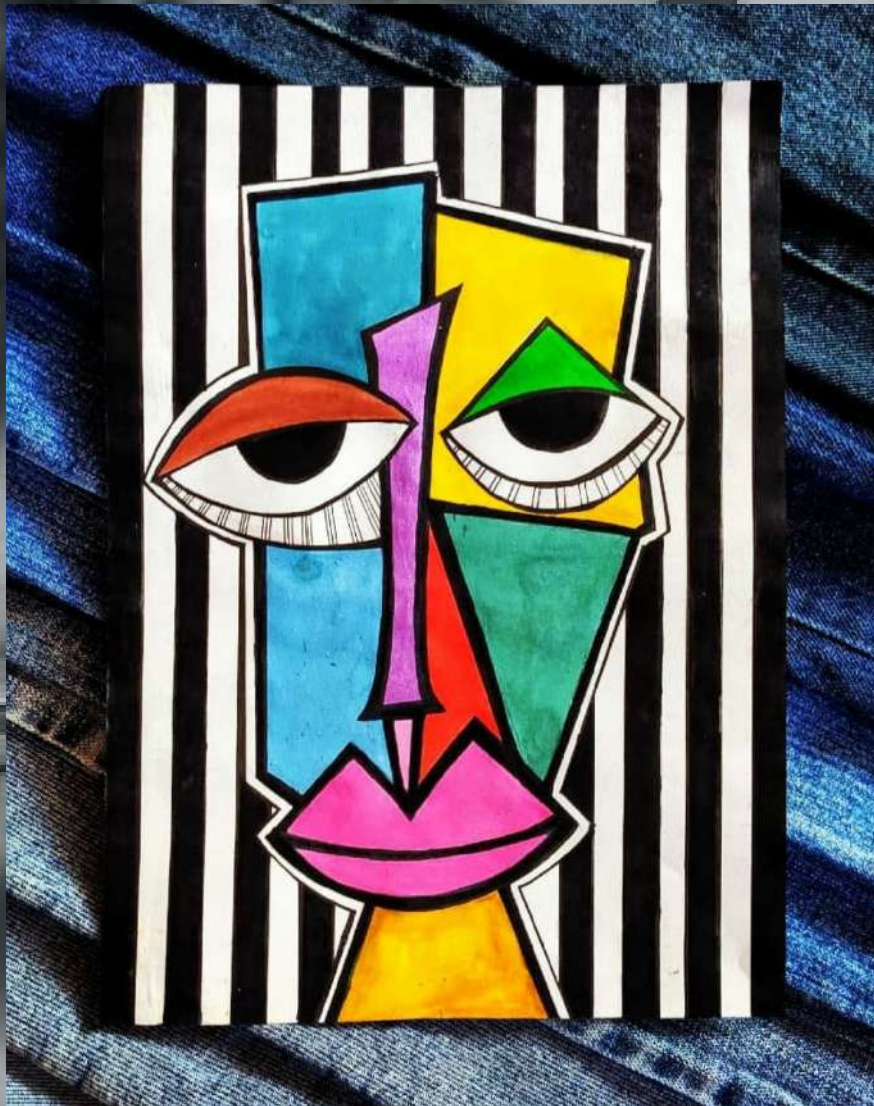
ART WALL



SARASA V



SARASA V



SANIYA
SAVANT





SANIYA
SAVANT

PHOTOGRAPHS



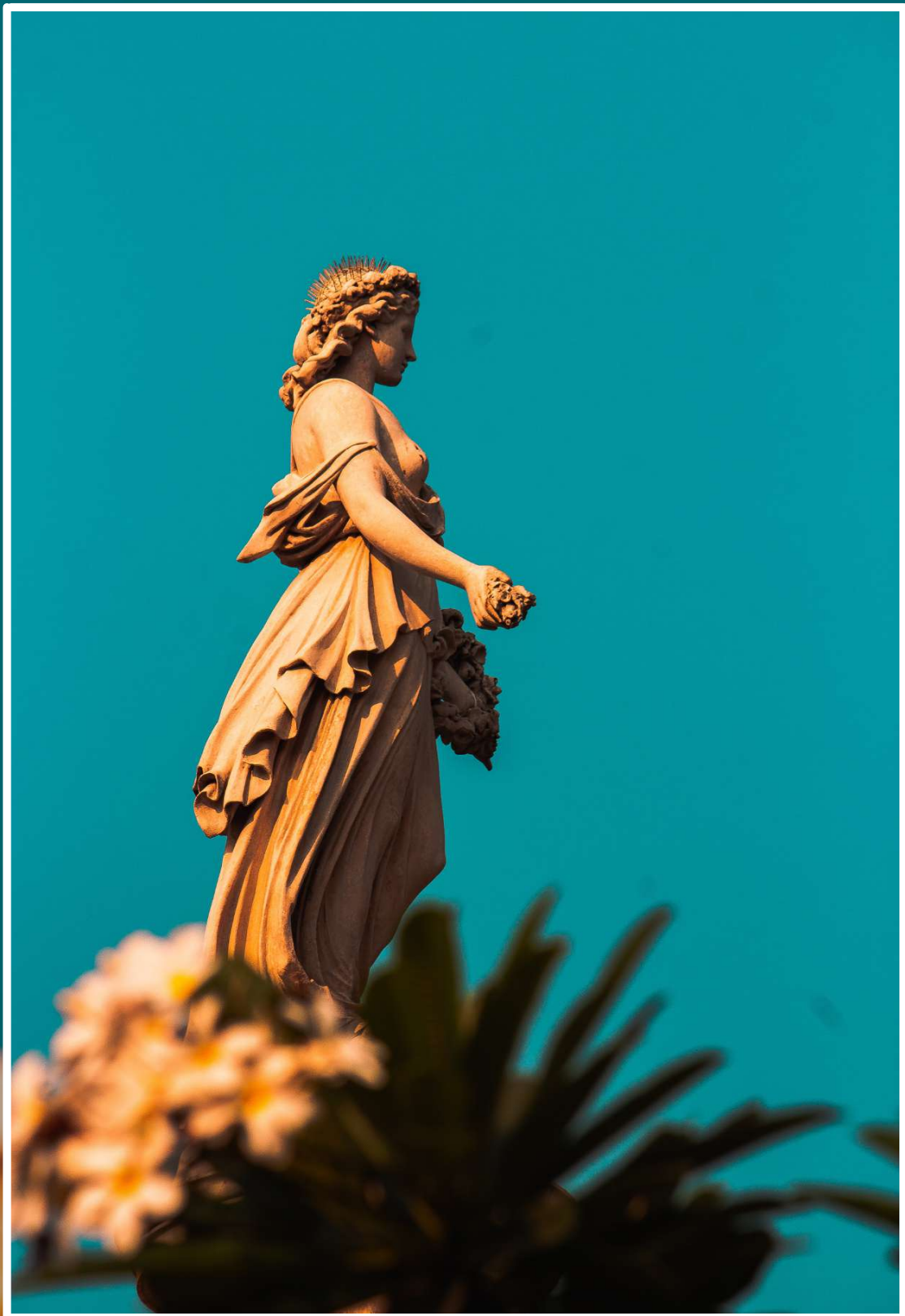
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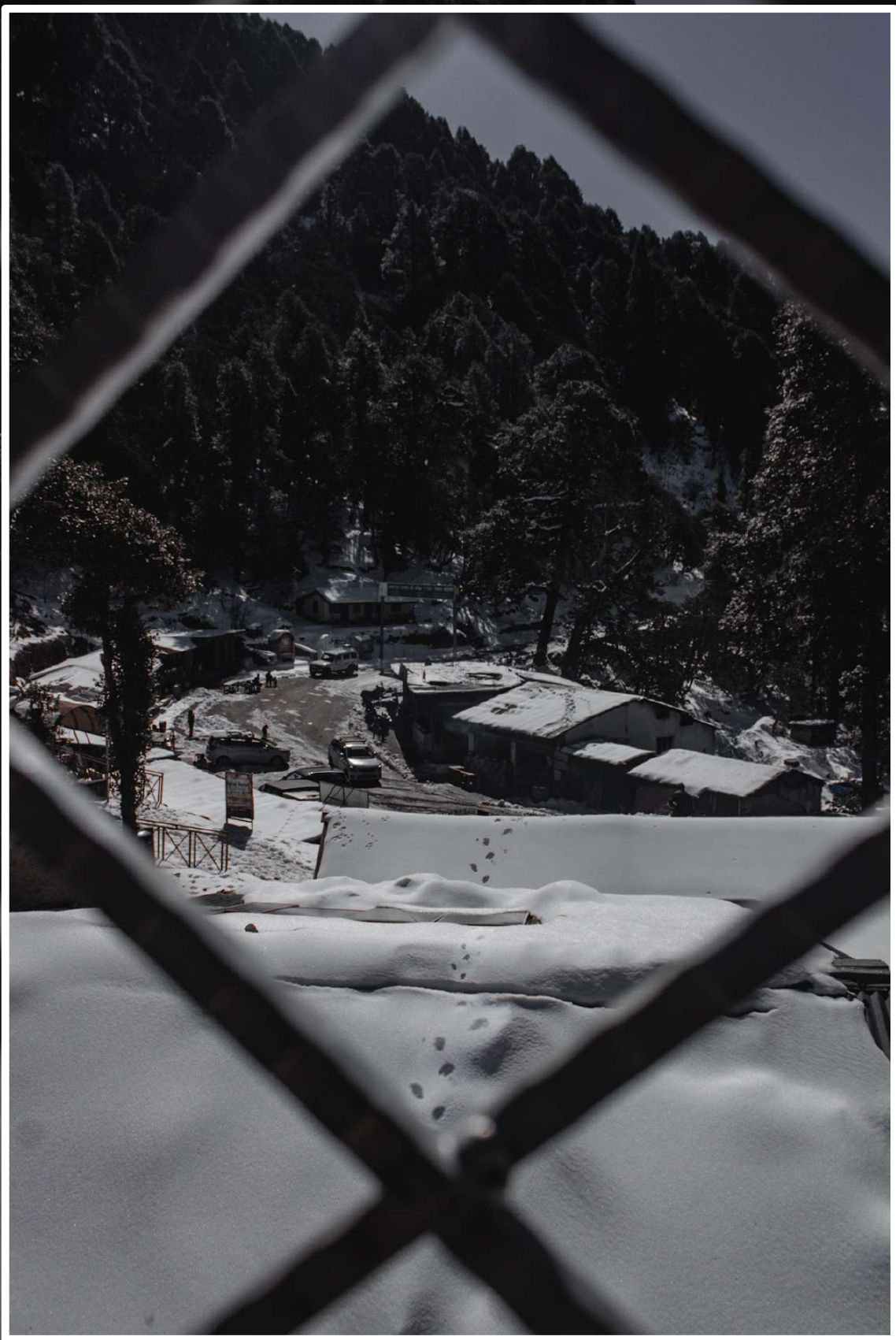
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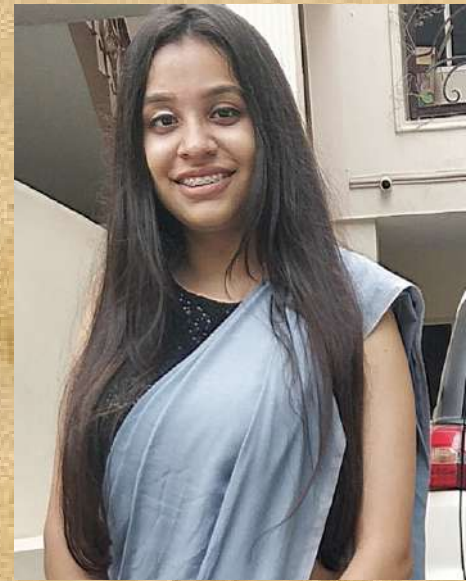
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