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Best of Luck

The Present International Instrument on Human Rights is an Idea Taken from The Context of Natural Rights Theory

Written By

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Semester X, BBA.LLB.(Hons.)

The idea of human rights is not universal. It is essential product of 17th century and 18th century European thought. Even the idea of rights does not necessarily exist in every society or advanced civilization. Rights are not the same thing as standards of behaviour punishable or required rules, which can be fundamentally unfair to individuals, or used to oppress minority interest. The present international instrument on human rights is mostly taken from the idea of natural rights. The basis of the international human rights is connected with the two main theories of the legal theory i.e. Natural theory and Positivist theory. The present topic has highly relevance to the natural theory, because the international law on human rights has its roots from the *law of the nature*. The reason for this is, the states submitted to international law because their relations are regulated by the higher law or the law of the nature.

The basis of doctrine of natural law is the belief in the existence of natural moral code based upon the indemnification of certain fundamental and objectively verifiable human goods. Our enjoyment of these natural rights is to be secured by the possession of equally fundamental and objectively verifiable natural rights. In the beginning, the law of the nature was linked with the religion, called as Divine law. The natural law method is a way of working out with the 'just laws' which are alienable and universal in nature.

During 17th century some attempts made to establish a frame work for such rules, laws and codes, whether in social legal secular or theological debate, emphasized on duties and privileges that arose from the privileges that arose from people's status or relationships rather than abstract rights. The attention moved from social responsibilities to the individual needs and participation. It was seen a fundamental to the well being of the society under the influence of the philosophers such as Grotius, Hobbes and Locke.

The credit goes to the eminent jurist Hugo Grotius who has expounded the secularized concept of the natural law applied in special circumstances. The idea of the natural rights had its origin from the natural law theory which partly speaks about the natural rights. Although Greek thinkers like Socrates Plato and Aristotle did not use the concept of the natural rights. For the first time Sir Cicero used the law implifying right and universal and unchangeable law implies natural rights or the rights of the man. It is suffered a temporary set back by the teachings of Machiavelli who has opposed the idea of the natural right and supported absolute mechanism.

Under the natural rights people believe that the natural right acquired by the nature by itself. In the international society, the element of anarchism in the international relations is nothing a fiction. The whole naturalistic rights developed by the philosophers like Hobbes, Locke and Rousseau. In the Hobbes point of view, he was the first person to make the equation between international relation and the state of the nature. In the thirteenth chapter of the *Leviathan*, he anticipated the question whether the state existed before it. He told that the state of nature is equal to international law which is equal to war against all. His logical understanding of the natural rights in the international arena is quite inconsistency.

He opined that there can be international society which is adopted by the contract between various states. He supported his argument to the view that the international is the outcome result of the pre-contractual society and is contradictory society of nations. He felt that there is immoral order which should rest on some hegemony where just and unjust can be power with the coercive power. It has governed the international instruments on the human rights.

During 17th century the protection of people rights (especially the rights to political participation, and freedom of religious belief and observance) against an oppressive government was the catch cry for the rebellion against the civil administration – the glorious revolution of 1688 which was seen another king on the throne, but also led to the English Bill of Rights, in 1989. The natural rights had its effect on the Bill of Rights which was dealt with the fundamental concerns of that time, in particular some basic rights like political freedom, basic rights like food, clothing and shelter.

It made the king subject to the rule of the law, that any citizen, instead of claiming the divine law. It was required by the king to respect the power of the parliament elected by the people with to control the states money and property. Through this, the international agreements on the human rights were at the stage of bud. It did not mention openly that there were

international treaties on the human rights we can say that it was the starting time for taking international relevance of the human rights. The present international instruments on the human rights had some effect of the European context, this lead to the development of the concept of rule of the law in *Magna Carta* in 1215. And later the natural rights were influenced by so many revolutions and movements across the world.

Natural rights during the medieval period were marred by the outbreak of a series of wars for upholding traditional religious principles. Anyone who violated the principles of Christianity and the church used to give severe orders, which has dominated in the political affairs of the country. So the violation of the human rights during the medieval period in France and European countries paved the way for a series of the revolutions. It has lead to bring the focus on the international ties between the nations. This can be said to be called as the international customary law. Since, the existence of arbitrariness of the dictatorial rule, they felt that necessity of some norms to be followed for the basic human rights concept.

In the year 1789 the French declaration of the rights of the man had a great influence by the natural rights theories, where it first felt that there should be necessary minimum rights for the individuals.

There was a revival of natural rights towards the end of the nineteenth century. In the twentieth century, the failure of the positivist to find answers to the problems such as shattering effect of the binding force of the commands due to the fear of the sanctions. But in the present international context various international conventions treaties and the covenants have made by taking the concepts of the natural rights theory. It is not exaggerated to say that the idea of natural rights has been taken into consideration in the context of whether it is consistency with the present scenario. It is legend belief that the international law is not at all a law. The positivist school has strongly believed that the international law is a positive morality, and the binding force of such moral obligations may create any moral right which has not more intensity as the natural rights.

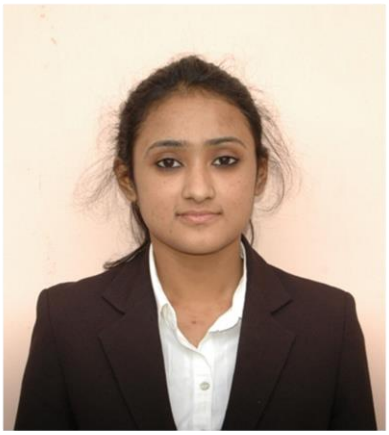
The international law of the human rights before the Charter of the United Nations was limited in many ways, but its grounding in the social contract in particular crippled it into the matter of the domestic jurisdiction and also largely into an inseparable part of the political system of the individual states.

Conclusion:

The natural law theory has universal interest in human rights, hence the failure to respect the universal applicability in the international human rights instruments lead to increase in the crimes against humanity. Many scholars, philosophers, etc., have made attempt for the revival of the natural law in the international instruments which reflects the natural rights. As a result the cascade of human rights from international to national to regional level throughout the common law world. The international treaties which has emerged to protect the international human rights in the national legal system, is aim to consider the aspect of the natural rights theory. The natural rights were mere ideologies and there was no agreed catalogue of them and no machinery for their enforcement until they were codified into national constitutions, as judicially enforceable bill of rights of the US constitution. It conclusion it is not exaggerated to say that the present international instruments on the human rights has a great effect on the UDHR, ICCPR, ICESR, etc., The natural rights concept is guaranteed absolute rights even the same theme is being followed by the present international instruments, but when it came to their applicability in the national legislations, the concerned state is in rethinking whether such a rights would be practically suitable to their social conditions. By keeping all these things in mind it is to be said that the natural rights has great influence in the international instruments on the human rights.

Customary International Law on Human Rights

Written By



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Introduction

The Customary International Law (hereinafter called as CIL) plays an important role in the creation of the new obligations between the international states.[1] The traditional rules of CIL that regulate international relations and the international community expanded the focus on international law to include governance of the way a nation treats its citizens. Since World War II, several nations have signed scores of multilateral human rights treaties that purport to regulate the way they treat their citizens with regard to such issues as Genocide, Torture, and various Civil Rights. These treaties are, in effect, promises by one nation to other nations that it will protect the human rights of its citizens. And these treaties, in turn, are said to give rise to a flourishing CIL of human rights[2]. It is one of the most obvious ways for nations to secure human rights norms among themselves ids to conclude a treaty to that effect.

The CIL of human rights differs in many respects from traditional CIL. The central relevant difference for this is that, in contrast with received wisdom about traditional CIL, the new CIL of human rights makes no pretense of reflecting a universal behavioral regularity. The CIL of human rights thus raises two questions that call for explanation. First[3], why is there such a gap between what the law requires and the actual behavior of nations? (This question is often phrased in terms of international human rights law's poor enforcement record.) Second, what accounts for the fact that some CIL prohibitions-for example, the prohibition on genocide-do appears to track a general behavioral regularity? Like this various issues arise in the concept of CIL.

The earliest forms of the treaties had individuals as their subject matter. The treaties were involved in the safety of the Iranian diplomatic and embassy personal abroad. The broadest

[1] See Anthony D. Amato, The Concept of Human Right in International Law, 82, *Journal of International Law on Human Rights*, 1110 (1982).
[2] See Jack L Goldsmith, Eric A Posner, "A Theory on Customary International Law," 66(4), *The University of Chicago Law Review*, 1113 (Autumn, 1999).
[3] *Ibid*

treaty on the human rights, the international covenant on civil and political rights, is explicitly aimed at all the individuals within the territory and jurisdiction of the country. The international customary law had not made reference to the individuals. Both the customary and the conventional law aim at regulating the relations between the states. It treated that the states are being subjected to the international customary law. It doesn't mean that the individual has no role in the international customary law. As a matter the state is the only the abstraction and all the functions on behalf of the state are being performed by the individual functionaries. The basic purpose of the international customary law is whether national or international, is to improve the condition of human beings severally or collectively. According to Oppenheim, observed that "*States are only the subjects of international law and individuals are ultimate objects of the international law*." Hence the international customary law has highly influence on the regulation of states relations rather than the individual relationship.

There are two approaches in relation to the subjectivity of the CIL. One view particularly positivist school is supported for the nations as the subjects of the international law. In the opinion of Sir Fredrick Smith, "*States and states alone enjoy locus standi in the law of the nations and that they are the only wearers of the international personality*." On the other hand, Kelson supported that individual as the subject of the international law. This view also held by the Westlake and held, "*The duties and the rights of the states are the duties and the rights of the men who compose them*." If we compare this second view in the existing international human rights law it is the only one which is the most suitable. During 1940's it was given importance to the countries rights to self- determination which mainly cover the concept of the self autonomy and freedom to determine their own political right to elect the head of the state and set a democratic form of government. Since, the time changed and the 21st century is changing from the collective state approach to the individual approach.

The concept of "jus cogens" and its relevance in the international customary human rights law

The concept of the CIL is used to take time to evolve the requirement that there is evidence of states acting out of a sense of legal obligation. On the other hand the concept of the *jus cogens* rules on the human rights needed to be accepted by the international community of states

acting as it is preemptory norms.[4] The international tribunal for former Yugoslavia has not only asserted the prohibition of torture as a rule of *jus cogens*, but also demands of humanity and dictates of public conscience, nations reflected in the judgments of the International Court of Justice.[5]

The scope of *jus cogens* has increased due to incorporations of various offences in its list. The impact of emerging in human rights in the present scenario lead its contribution for increasing the scope of the international *jus cogens.*[6] The concept of *jus cogens* is dealt with the peremptory norms that are clearly accepted and recognized include the prohibitions of aggressions, genocide, slavery, racial discrimination, crimes against humanity and torture and the right to self-determination[7]. The international law commission opined on the state responsibility on the serious breaches of the obligation under the *jus cogens* norms of the general international law. The United Nations human rights committee has referred to the human rights violations acts, which would violate peremptory norms, which are arbitrarily depriving in nature.

With regard to conflict with a pre-existing treaty and the *jus cogens* norms then automatically the norms connect to *jus cogens* principles will be prevail over the pre existence legislation.[8] It is just let the rule of the law principle in the international law. Even most of the critics have opined that the international law is no law, and peremptory norm like *jus cogens* has no face value in the binding obligation of the states. The counter- measures are taken by the state in promoting the human rights may not influenced by *jus cogens* principle.

History and chronological development of Customary International Law on Human Rights

The American proclamation of independence, French revolution and the Two World Wars is result of conflicting of law.[9] It is possible to imagine world without a right and even with full of benevolence and devotion to duty? Such a thing is beyond the imagination. Right is something arising from obligation. HR's are common to all, the values of HR's are inherent in

[4] See Jennifer. A. Zerk, *Corporate Social Responsibility, Limitation and Opportunities in the International Law*, Cambridge University Press, 85 (2006).

[5] *Ibid.*
[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid.*
[9] See Dr.N.S Sreenivasulu, *Human Rights: Many sides to a coin*, 15-30, Regal Publication, (2008).

the human nature, and therefore they are universal and indivisible.[10] The first responsibility in ancient Indian policy was in the form of the *dharma* developed by people to ensure welfare and happiness of people as a whole. John D Myne says that the Hindu law is the oldest pedigree of any known system of jurisprudence. Greek and Roman philosophers says that they had given equal freedom of speech, equality before the law, right to vote, right to elect to public office, right to free access to justice.

The United Nations charter, as a treaty contains a pledge in the in the article 56 of that the members will take action to achieve the purposes set forth in article 55, including universal respect for and observance of human rights. There are many resolutions of the general assembly over the years may claimed to constitute an implementation of these provisions and hence they will be binding on the members states. Of course, many would argue that the resolutions are merely recommendations without legal force.[11]

Human rights have become part of the CIL. It is to discuss about binding force of the international customary law in human rights aspects. Human rights are the entitlement of any one nation that no other nation may commit an act of genocide against a group of persons, including its nationals, within the territory.

The CIL is a set of entitlement that has developed through the centuries of practice of the sates. The concept of the CIL is originated from the treaties. But the binding force of the CIL had only a limited approval. In the edition of Lauterpatcht's Oppenheim, published in the year 1955, the author found it difficult to say whether a CIL contains a prohibition against international traffic in slaves. The author was cited numerous international treaties condemning slave traffic, because of the commitment to the theory that the treaty provisions can either be a derogation or declaratory of customary law, no conclusion to be reached. The international law commission, commenting upon the provision of the new Vienna convention on abolition of slave trade, found not only that the CIL prohibited international slave trade but this prohibition was one of the most obvious and best settled rule of the in that new could not derogate from.

[10] *Ibid.*
[11] *Ibid.*

Chronological Development of the CIL

In almost in all the western countries ancient legal codes failed to recognize any area of the individual freedom from the state interference. One of the earliest came in the year 1188, when the Cortor the feudal assembly of the kingdom of the Leon on the Iberian Peninsula, received from King Alfonso of IX His confirmation of Rights of the accused to a regular trial and the right of inviolability of life, honour, home and property.[12]

In the golden Bull of King Andrew II of Hungary, 1222, the king guaranteed, among others things, that are not noble would be arrested or ruined without the first being convicted in conformity with the judicial procedure.[13]

In England the concept of HR was begun with the recognition of some rights in the *Magna Carta*, which has ensured feudal rights to the English baron. It was adopted in the year June 12th, 1215. This is treated as the basis for recognizing the right of dignity of the human being and identifying the rights of the individual.[14]

The US Virginia Bill of Rights 1776, and the constitution of United States of 1787, the declaration of the Rights of Man and Citizens 1789, postulates for the protection of the human rights. The present concept of the HR is the result of experience of two world wars, where the negation of the human values and human dignity took place. The relevance of the term human rights has emerged from the experiences of the post world two through international conventions and treaties.

In 1885, general act of Berlin conference on central Africa where it was concluded that the trading of slaves is forbidden in conformity with the principles of international law was possible.

In 1889, Brussels Conference not only condemned but also agreed on measures for their suppressions by granting of reciprocal rights of search capturing and trial of slaves ships. The League of Nations and United Nations steps were taken in 19th century for relief of sick and wounded soldiers and prisoners of war.

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[12] See, Chiranjivi. J. Nirmal, "*Human Rights in India: historical social and political Perspective*, New Delhi," 1-21, (2nd ed., 2000).
[13] *Ibid*
[14] See William R. Slomanson, "*Fundamental Perspectives on International Law*", Thomson Press, (4th ed., 2003).

Henry Dunant, the father of humanitarian law, held a meeting in August 22 1864, Geneva Convention, 12 states undertook to respect the immunity of the military hospital and their staff to care for wounded sick soldiers and to respect the emblem of red-cross society.

In 1906, Berne conference opened two conventions for signature for fore runner of many labour conventions. After the world war, international labour organization was established, the international convention respecting the prohibition of nights work for women in employment and protection from use of white phosphate in manufacturing process of matches. The First World War marked the tendency of creating international machinery for protecting the fundamental human rights. The modern treaties are created the obligation of international concern under the guarantee of the League of Nations. The league devised a special procedure for dealing with petitions presented by minorities group. Recognition of inalienable human rights and the recognition of the individuals as the subject of international law have become synonymous. One of the chief characteristics of mid twentieth century in international customary law was its sudden interest in and concern with the human rights.[15]

Human rights are essential for the recognition between the states and the individuals usually its own citizen, residing in its own territory consider to fall within domestic jurisdiction and hence beyond the reach of international law. In the 19th and early 20th century the numbers of treaties were increased to protect rights of certain classes of people, eg. Slavery and Slave trade.

The Russian Revolution of 1917 has concentrated much on the socio-economic rights. The Mexican constitutional rights of 1917, the constitution of Germany of 1919 and the constitution of the Republic of Spain of 1931 have covered the area of the civil rights of the ICL of Human rights.[16]

The League of Nations brought peace settlement at the end of the world war one and brought important development in the international customary law and attempts were made to enshrine human rights in the covenant of the League of Nations. US President, Wilson sponsored an article on religious freedoms, to accord all racial and national majorities of their own people.

[15] See William R. Slomanson, "*Fundamental Perspectives on International Law*", Thomson Press, (4th ed., 2003).
[16] *Ibid.*

Article 23 of the League of Nations covenant has endeavored to secure and maintain fair and human labour conditions, undertake to secure just treatment for the native inhabitants of territories. Under their control and entrust the league with the supervision of argument relating to the slave traffic in women and children. Although Wilson suggested that for the protection of minorities was not pursued by the alienations felt requirement by the reasons of the war to grant the enjoyment of certain human rights to all inhabitants of their own territories and to protect the rights of their racial and linguistic minorities.

The important work on the slavery a special committee; to study the question was responsible of slavery convention 1926. Ethiopia admission into the League of Nations only after taking an undertaking that Ethiopia should take special effort to abolish slavery and slave trade recognized that it is the not internal matters but one which league of nations had a right to intervene. International recognition of human rights was begun in the beginning of World War I to protect the rights of the individuals and groups. Individual was neither a subject of international law nor directly protected by it. International law protected the rights of the aliens through their states.[17] The impacts of the two world wars and the related events lead to catalysts that produced revolutionary development in the international law (directly protect him by this law).

In January 6th, 1941 at James Place, the US President Franklin Roosevelt made a proclamation of four freedoms; those are freedom of speech, freedom of religion, freedom from want and freedom from fear. The term freedom means supremacy of human rights, which is aimed to support those persons who struggle to gain and keep them.[18]

Atlantic charter, which was taken place in the year, August 6th 1941, here both US President Franklin Roosevelt and UK Prime Minister Winston Churchill, enriched the hope for a peace with the efforts of all the men in all the lands freedom from war and fear.

On January 1st, 1942, declaration on UN Charter signed at Washington and confirmed principles of the Atlantic charter. There were two declaration took place in the year 1943, that is Moscow and Teheran declarations.

In the year 1944, Dumbarton Oaks, conference is one of the proposal was made in for the promotion of human rights to performed by one general assembly through its agency. Proposed international organization should facilitate solution of the international social,

[17] *Ibid.*
[18] *Ibid.*

economical and other humanitarian problems and their promotion respect for the human rights and fundamental freedoms. The granting of the fundamental freedom to an individual has shifted the focus from the state to individual.

Hence these developments were taken place before the establishment of the UNO, but later the UNO had taken initiative measures for the development of the international conventions. The binding obligations of the various multilateral, unilateral and bilateral agreements and treaties may be one of the main reasons for the secondary position of the international customary law where it was a basis for all the present existing conventions and treaties.

Position of the international customary human rights law in the present scenario

The position of international customary law on the human rights has been low relevance in the existing human rights. In maintaining the relation between the nations the international customary law is acted as the basis for all the present international treaties. Even it is said that the emergence of various international customary treaties has some effect on the degrading the international customary law. The impact of CIL may be basis for the present international human rights law, but it has used as a moral law than the positive law. The consciousness among the various nations has been run towards the binding obligation of the treaties rather than the following the usage of the international customary law. This resulted in the degrading the position of the ICL. Sometimes even the international conventions and treaties have given nominal position due to the importance of international treaties like unilateral, bi-lateral and multilateral treaties among the states.

They have been given high importance to the binding of those obligations rather than the following the international customary law due to the fear of sanction might be caused by such infringements. In conclusion to know the position of the international law has theoretically more value rather than the practical applicability of the customary law. The attitude of the international scenario has changed its approach from the collective approach to the individual approach now the international offences not only includes the crime against collective individual like Genocide, War Crime, Apartheid, etc., but also violation of the indigenous people rights, minorities rights, development rights, economic rights etc., whatever the approach the international customary law follows. Now, most of the Nations lack any reason to commit Genocide, and even nations with a reason to do so find it very costly in military,

economic, or moral terms. It now considers cases in which nations do have a reason to abuse their citizens. Governments often find it useful to torture certain individuals, or to deny to citizens certain civil rights such as freedom of speech. Nations that commit human rights abuses highlight the gap between the law and the actual behavior of nations[19].

Conclusion

The roles of CIL in prohibition of genocide where some nations in history have committed genocide, but most Nations most of the time do not. Some might view this behavioral regularity, in combination with many pronouncements (such as the Genocide Convention'), as evidence that nations respect the prohibition on genocide as a legal obligation. This account is consistent with the behavioral pattern but cannot explain violations of the norm or offer reasons why nations appear to comply with it. A better explanation is that the absence of genocide reflects a coincidence of interest. Both before and after the development of the ostensible international law prohibition in this century, nations rarely committed genocide.[20] This gap between law and practice makes sense under ICL theory. Hence, unless until if there is no domestic law on the customary law there will be no relevance importance to the ICL. The domestic court should try to give due regard to the ICL while interpreting the laws where the law is in vacuum.

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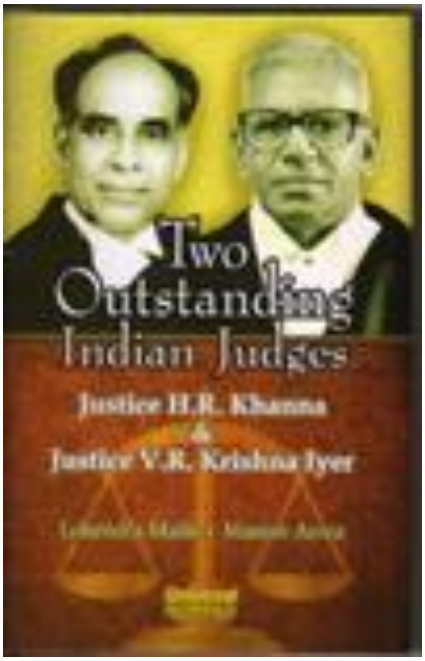
[19] *Supra* note 3.
[20] *Ibid*

Two Outstanding Indian Judges - Justice H.R. Khanna & Justice V.R. Krishna Iyer

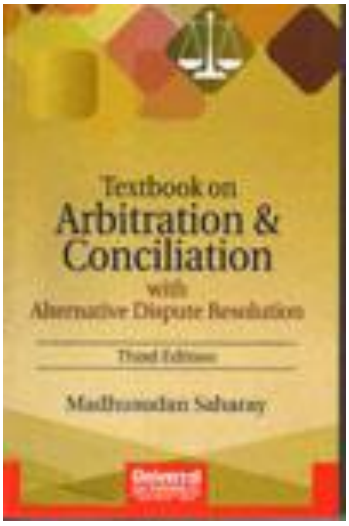
Authored by: Malik Lokendra & Arora Manish



The Book titled Two Outstanding Indian Judges: Justice H.R. Khanna and V.R. Krishna Iyer, authored by two lawyers of the Supreme Court of India, Dr. Lokendra Malik and Dr. Manish Arora, deals with the law and works of two great Indian judges who have made immense contribution to the judicial system of the country. Eminent jurist Mr. K.K. Venugopal, Senior Advocate, Supreme Court of India has contributed an erudite Foreword to the book. Different Phases of the life journey of two judges namely Mr. H.R. Khanna and Mr. V.R. Krishna Iyer have been covered by the authors. Their early lives, entry into Â legal profession, entry into judiciary, some of their landmark judgments, their post-retirement life, some of their extra-judicial reflections, etc. form the part of the contents of the book. Two of their landmark judgments which gave huge name and fame to these judges are also presented in the book. The book provides a good opportunity to the readers to know about the life and works of two treat judges namely justices H.R. Khanna and V.R. Krishna Iyer whose judgments have made them immortal.

Textbook on Arbitration and Conciliation with Alternative Dispute Resolution, 3rd Edn.

Authored by: Saharay Madhusudan



The book explains the object of the Arbitration and Conciliation Act and also its scope. Keeping in mind student needs, the book explains the provisions of the Act in an analytical and illustrative manner. The basic principles affecting the Arbitration proceedings covered by the Act have been traced with copies reference to judicial case-material. The text of the book has been touched with up-to-date judicial pronouncements. The commentary is fully studded with headings and sub-headings so as to make the topic commented upon easy to understand and easy to remember. It also provides solutions to questions which are of frequent occurrence in examination paper. Possible solutions of other problems of practical nature have also been presented.

The book is likely to establish itself as an authoritative text book embodying complete knowledge of the subjects dealt with Arbitration and ADR.

Hon'ble Mr. Justice Vikramajit Sen

Born on 31st December 1950. Attended St. Xavier's School, Delhi and passed the ISC in the First Division. Graduated from St. Stephen's College with Honours in History. Attained First Division in LL.B from Faculty of Laws, Delhi University, and was awarded the First Prize in Moot Court and Silver Medal in Labour Laws. Captained Faculty Teams in Basketball and Tennis and was chosen Sports Secretary. Practiced in all the Courts in Delhi, although primarily in the High Court of Delhi. Handled civil, arbitration and commercial disputes. Had a special interest and consultancy on minority rights.

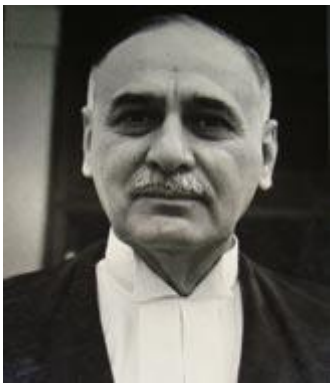
Member - 7th and 8th Synod, Church of North India; Delhi Diocesan Council, CNI; New Delhi YMCA, Board of Directors. Board of Governors – St. Stephen's College, Delhi; Bishop Cotton School Shimla; Queens Mary's School, Delhi; St. Stephen's Hospital, Tis Hazari, Delhi; Philadelphia Hospital, Ambala. Managing Committees of several other Christian Institutions. Pursued special interest and consultancy on Minority rights in India. Core Member of the Inter Denomination Committee under aegis of the Catholic Bishop's Conference of India for recommendations of amendments to the Personal Laws relating to Christians in India.

Appointed as an Additional Judge of the Delhi High Court on 7th July 1999. Appointed permanent Judge on 30.10.2000. Member of the Malta Judicial Conference under the auspices of the Hague Convention; Addressed the South Asia Forum for Infrastructure Regulation Workshop organized by Bangladesh Telecommunication Regulatory Commission during August 3-4, 2002; Invited by United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) to the Regional Expert Conference on "Harmonized Development of Legal and Regulatory Systems for E-commerce in Asia and the Pacific: Current Challenges and Capacity Building Needs" at Bangkok, Thailand from July 7-9, 2004; Participated in the 'Global Intellectual Property Academy (GIPA) Session on enforcement of Intellectual Property Rights' from 18th to 21st September 2007 at Alexandria, Virginia, organized by United States Patent and Trademark Office (USPTO); Invited by the Lord Chancellor of the United Kingdom to the opening of Machaelmas Sittings on 1st October 2007; Sessions Chairman of the Third Malta Judicial Conference on Cross-frontier Family Law Issues from 22nd to 29th March 2009 organized in Malta by the Hague Conference on Private International Law. Addressed the 'International Family Justice and Judicial Conference for Common Law and Commonwealth Jurisdiction', held from 4th to 7th August 2009 at Cumberland Lodge, Windsor, England; Member of International Association of Family Judges. Addressed "International Judicial Conference on Cross-Border Family Relocation" held in Washington D.C. from 23-25 March 2010; and addressed the '3rd Meeting of the Working Party on Mediation in the Context of the Malta Conference' held on 11th & 12th May 2010 at Gatineau, Canada. As a Member of the Planning Committee of the Common Law-Commonwealth Conference 2009 addressed the Conference in Hyderabad in February 2011. Co-Moderator in the Conference on Mediation organized in association with Hong Kong Mediation Council and Hong Kong International Arbitration Centre. First Chairperson of Delhi High Court Arbitration Centre and in this capacity was involved in its establishment as well as its operation. Member, National Legal Services Authority and Executive Chairman, Delhi Legal Services Authority. Unlawful Activities (Prevention) Tribunal declaring Deendar Anjuman as an unlawful Association in the year 2003. Unlawful Activities (Prevention) Tribunal declaring Liberation Tigers of Tamil Elam (LTTE) as an unlawful Association in the year 2008 and thereafter in 2010. Member, Indian Society of International Law. Member, India International Law Foundation, New Delhi.

On 12.09.2011 appointed as Acting Chief Justice – High Court of Karnataka and assumed office as Chief Justice, High Court of Karnataka on 24th December 2011.

Took oath as Judge, Supreme Court of India on 24th December 2012.

Hon'ble Mr. Justice Vivian Bose



The Hon'ble Mr. Vivian Bose, Judge, Supreme Court of India, 5 March 1951 – 9 June, 1956; 9 Sept., 1957 – 30 September, 1958; b. Ahmadabad, 9th June 1891; s. of late Lalit Mohun Bose and g.s. of late Sir Bipin Krishna Bose; m. 1930; Irene, d. of Dr. John R. Mott, q. v., one s. and one d. Educ.: Dulwich College Pembroke College, Cambridge (B.A., LL. B.), called to the Bar, Middle Temple 1913, practiced at the Nagpur Bar; Principal, University College of Law, Nagpur 1924-30;

Government Advocate and standing Counsel to the Government of the Central Provinces and Berar, 1930-36;

Additional Judicial Commissioner Nagpur for a short time 1931-34. Puisne Judge, Nagpur High Court 1936-49;

Chief Justice, Nagpur High Court, 1949-1951; Chairman Commission of Enquiry, Honorary Provincial Secretary, Boy Scouts Association, Central Provinces and Berar, 1921-34;

Provincial Commissioner 1934-37; Silver Wolf 1942, Chief Commissioner for India (Bharat Scouts and Guides) 1948;

Capt. The Nagpur Regt. Indian Auxiliary Force; Volunteer long Service Medal 1929 Kings Silver Jubilee Medal 1935, Kalser-l-Hind Silver Medal 1936, Recreations;

Photography, Magic, Wireless, Motoring (Motored from India to England with wife and child 19 months old), Travel.

Maxims

***Corpus delicti* -** The body, i.e. the gist of crime.

***Corpus humanum non recipit aestimationem* -** A human body is not susceptible of appraisement.

***Gravius est divinam quam temporalem laedere majestatem* -** It is more serious to hurt divine than temporal majesty.

***In futoro* -** In the future.

***Non constat* -** It is not certain

***Publici juris* -** Of public right.

***Quaeitur* -** The question is raised.

***Quantum* -** How much, an amount.

***Res nulis* -** Nobody s property.

***Scienter* -** Knowingly.

***Scire facias* -** That you cause to know.

***Scribere est agere* -** To write is to act.

***Vigilantibus non dormientibus jura subveniunt* -** The laws serve the vigilant, not those who sleep.

***Vir et uxor consentur in lege una persona* -** A husband and wife are regarded in law as one person.

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Juvenile Justice Bill passed in Lokha Sabha

Delhi Court draws similarities between Drunken Driver and Suicide Bombers Proposes Stringent Punishment

Allahabad HC finds lawyer guilty of criminal contempt; sentences him to four-months' imprisonment.

Marriage of daughter not a bar in being considered for govt. job on compassionate grounds after the death of her father while in service: Madras High Court.

Rare Humanitarian Gesture; Judge pays One Lakh Rupees to the Claimant and ends 22 yr long Legal Battle.

Keeping the faith: How an exceptional Judge has managed to blend speed & quality in delivery of Justice.

Seedling School's 4th International Banking and Investment Law Moot 2015 [Oct 9-11, Jaipur];

Register by Aug 25

http://www.lawctopus.com/wp-content/uploads/2015/04/Banking-Law-moot.pdf

3rd Shri Mangi Lal Pagariya Memorial National Moot Court Competition, 2015

Registration Deadline (online): August 14, 2015

Receiving of Registration form and DD submission: August 31, 2015

2nd GNLU-ONGC Essay Competition on International Contracts

Last Date: August 10, 2015

XIIth K.K. Luthra Memorial Moot Court, 2016

Last Date: 31st October 2015

4th International Banking and Investment Law Moot Court Competition 2015

Last Date: 25th August 2015