

The Student Lawyers' Musings



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Editorial Board

FOREWORD

Dear Reader,

We hope you are safe and doing well.

I welcome you to another edition of our magazine. Over the years, this magazine has matured due to the efforts of our students at ICFAI Law School, Hyderabad. It is a brilliant effort of each and every individual of this institution who intends to bring to you their best work from the best of their abilities. In this edition, like always, they have showcased their uniqueness by relaying their thoughts on various issues in an exemplary manner.

The current edition is a proper culmination of talent and displays the efforts of all those who have taken it upon themselves to showcase their thoughts and ideologies.

As we progress further, it is a promise from my side to bring to you an evolved edition in the coming future. We wish to have the same kind of support from students in the near future.

For feedback or suggestions, kindly reach out to us at ergaliterarium@ifheindia.org.

Laxmi Neeharika Neela
Editor-In-Charge

OUR CONTRIBUTORS



Interview - Advocate Tariq Khan

Ebad Ur Rahman

Ebad is a IV-year student of BBA-LL.B (Hons.). He has an interest in Corporate and allied Laws. His hobbies include Swimming, playing Cricket and Badminton, reading and writing.



Tribal Rights in the Indian Constitution

Hrishita P.

Hrishita is a III-year student of BBA-LL.B (Hons.). She is a very passionate about welfare work and loves travelling.



Appointments made to High Court of Telangana

Sinchu V. Suthrave

Sinchu is II-year student of BA-LL.B (Hons.). She wishes to pursue a career in Criminal Law. She has an unquenchable thirst for knowledge and is keen to work on various tasks.

OUR CONTRIBUTORS



एक अंधेरा सा छट जाता है

Veddika P. Dutta

Veddika is a II-year student of BBA-LL.B (Hons.). She is a published novelist under her pen name Sarmistha. She has deep interest in poetry, short stories and fiction novels.



Relevance of Geneva Convention in the 21st century

G. Akshit Varma

Akshit is a II-year student of BA-LL.B (Hons.). He is an aspiring international lawyer and wishes to pursue a career in International Human Rights and Criminal Law.



Painting

Saumya Modi

Saumya Modi is a II-year student of BA-LL.B (Hons.). She enjoys people joining her over poetry and art.

OUR CONTRIBUTORS



Medical Termination of Pregnancy Act

Areeba Feroz Khan

Areeba is a II-year student of BA-LL.B (Hons.). Her chief interests lie in writing and researching upon Corporate Law.



Painting

Sanjana Kuyya

Sanjana is a I-year student of BBA-LL.B (Hons.). She is passionate a painter and considers painting as an important part of her routine. She aims to become a successful lawyer in future.



Drug Abuse & Technology

Ambadipudi Mahathi

Mahathi is a II-year student of BBA-LL.B (Hons.). She loves reading novels and stories. She writes voraciously on various topics and is a keen learner.

OUR CONTRIBUTORS



हिंदुस्तान का वो दिन

Prathmesh Pagare

Prathmesh is a II-year student of BBA-LL.B (Hons). He is passionate about poetry and loves to sing. He is a voracious reader and speaker on the country's social and political concerns.



Report on Cruise Ship Raid Case

Areeba Feroz Khan

Areeba is a II-year student of BA-LL.B (Hons.). Her chief interests lie in writing and researching upon Corporate Law.



Transactional and Litigating Lawyers

Deekshith SB

Deekshith is a I-year student of BA-LL.B (Hons.). He aspires to become a successful lawyer and is interested in legal research and Corporate Law.

OUR CONTRIBUTORS



Indian Laws you need to know for your Startup

Khushbu Sharma

Khushbu is a I-year student of BBA-LL.B (Hons.). Her main interests are in marketing, branding and Corporate Law as they need a lot of creativity, understanding and research.



Photography

Ashish Iyengar

Ashish is a II-year student of BBA-LL.B (Hons.). He is a photographer always on the look out for something to capture forever.

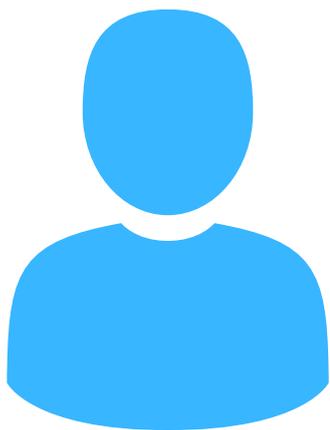


The Beginning - Start of an epic Journey

Sai Kushal Koks

Sai is a I-year student of BA-LL.B (Hons.). He aims to become a successful lawyer and is interested in legal research and Corporate Law.

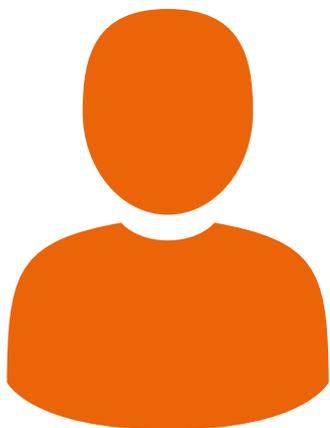
OUR CONTRIBUTORS



Mental Health in India

Eeshitha Rajaboina

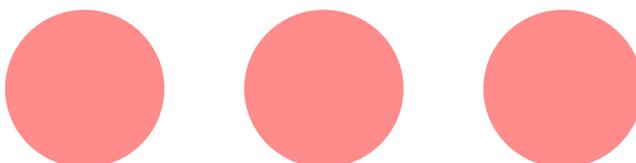
Eeshitha is a II-year student of BBA-LL.B (Hons.). She is interested in reading and research in Constitutional and Corporate Law.



Photography

Vaishnav Sarma

Vaishnav is a I-year student of BBA-LL.B (Hons.). He aspires to become a successful lawyer and is interested in capturing beautiful moments.



CONVOCATION

ICFAI Foundation for Higher Education, Hyderabad conducted its 11th Convocation on 08 October, 2021. Many distinguished personalities graced the occasion.

The Chief Guest for the convocation was Mr. D.P. Singh, University Grants Commission. The convocation started off with an invocation song, after which Dr. C. Rangarajan, Chancellor, IFHE, declared the convocation open, followed by the ringing of the bell. Dr. Mahender Reddy, Vice Chancellor, IFHE, presented the IFHE Annual Report. Thereafter, the Chief Guest gave a thought provoking speech after which Dr. C. Rangarajan addressed the event and then the award ceremony took place.

The Shri NJ Yasaswy-Apollo Hospitals Best Teacher Award ICFAI Law School went to **Dr. S.V. Damodar Reddy**, Associate Professor, ICFAI Law School, Hyderabad, along with a cash prize of 01 Lakh INR.

The list for students is as follows:

- Gold Medal - First Rank For Academic Excellence BBA-LL.B (Hons.) - **A. Rithvika**, including a cash prize of 30,000 INR.
- Silver Medal - Second Rank For Academic Excellence BBA-LL.B (Hons.) - **Rupal Agarwal**, including a cash prize of 20,000 INR.
- Gold Medal - First Rank For Academic Excellence BA-LL.B (Hons.) - **Masoom Raj Singh**, including a cash prize of

30,000 INR.

- Silver Medal - Second Rank For Academic Excellence BA-LL.B (Hons.) - **Tejesh Sreekanth Reddy**, including a cash prize of 20,000 INR.
- Gold Medal - Shri N J Yasaswy Apollo Hospitals Best Student Award for All Round Excellence - **Rupal Agarwal**, including a cash prize of 50,000 INR.
- Silver Medal - Shri N J Yasaswy Apollo Hospitals Best Student Award for All Round Excellence - **Tejesh Sreekanth Reddy**, including a cash prize of 31,000 INR.
- Bronze Medal - Shri N J Yasaswy Apollo Hospitals Best Student Award for All Round Excellence - **Masoom Raj Singh**, including a cash prize of 21,000 INR.

After the Awards Ceremony, Prof. C. S. Shylajan, Dean, ICFAI Business School, Hyderabad, presented the Ph.D scholars who were conferred with a Doctoral Degree to the Chancellor. Dr. S. Vijay Lakshmi, Registrar, IFHE University proposed the vote of thanks.

On behalf of the Magazine Committee and Erga Literarium, we wish the Class of 2021 the very best for their future!

COMPETITIONS

ICFAI Law School, Hyderabad, conducted a virtual **Mediation and Client Counselling Competition** from 22nd to 24th October in collaboration with **Kovise Foundation Conflict Resolution International (KFCRI)**. Client Counselling and Mediation are very important skills that each and every law student should possess in order to excel in the legal field.

The inaugural session was conducted on 22nd October 2021 via ZOOM. Chief Guest for the inaugural session was Hon'ble Sri Justice Challa Kodanda Ram, Former Judge of the High Court of Judicature at Hyderabad for the State of Telangana. Presidential Remarks were delivered by Prof. A.V. Narsimha Rao, Director, ICFAI Law School, IFHE. Dr. A. Sreelatha delivered the welcome note.

The entire competition of four rounds was conducted on Cisco Webex. There were registrations from eminent Law colleges from across India. The participants were very enthusiastic.

The winners of the competitions were as follows:

CLIENT COUNSELING COMPETITION

- **WINNERS - Jahnvi Deshmukh and Apeksha Chauhan** from Maharashtra National Law University, Mumbai.
- **RUNNERS UP - Anshi Joshi and Adithi Singh** from Maharashtra National Law University, Nagpur.

MEDIATION COMPETITION

- **WINNER - Apramita Tiwari** (Mediator) from Maharashtra National Law University, Nagpur.
- **RUNNER UP - Nirbhay Agarwal** (Mediator) from School of Law, Christ (Deemed to be University), Bangalore.

NEGOTIATION COMPETITION

- **WINNERS - Negotiating Team - Nardeep Chawla, Laksh Sharma and Rohan Tripathi** from Maharashtra National Law University, Mumbai.
- **RUNNERS UP - Negotiating Team - Ranjul Malik, Chaitanya Kandpal and Tirtha Ajith** from Army Institute of Law, Mohali.

The Mediation and Client Counselling Competition's valedictory session was held on 24th October, 2021, via ZOOM.

Prof. S. Vijaya Lakshmi, Registrar, IFHE, was the Guest for the closing rites. Concluding remarks were delivered by Prof. A.V. Narsimha Rao. The event report was submitted by Dr. A. Sreelatha, Assistant Professor and the vote of thanks was delivered by Prof. Sridevi D.Shet.

EVENTS



PHOTOS FROM THE FINAL ROUND OF MEDIATION AND CLIENT COUNSELLING COMPETITION, 2021, ORGANIZED IN ASSOCIATION WITH KOVISE FOUNDATION CONFLICT RESOLUTION INTERNATIONAL (KFCRI).

EVENTS

GANDHI JAYANTI

Gandhi Jayanti is celebrated as a national festival on 02 October every year. This day is celebrated to remember the birth of Mohandas Karamchand Gandhi (1869-1948). Mahatma Gandhi, who has given the title of **Father of the Nation** or **Rashtrapita**, is also called by the name **Bapu**.

He was a great follower of peace (Satya) and non-violence (Ahimsa). He is regarded as the leader of the freedom struggle for India and is highly appreciated for his simplicity and principle follower.

Featuring the importance of Gandhi Ji in the freedom struggle and its impact on today's society, ICFAI Law School, Hyderabad celebrated the Gandhi Jayanti on 02 October, 2021 by holding a virtual event on ZOOM.

WORLD WILDLIFE WEEK

GAIA, the Environmental Club of ICFAI Law School celebrated **World Wildlife Week** by conducting various competitions such as, Quiz, Photography and Painting. These competitions happened over a span of two days, i.e. 09 and 10 October, 2021. The Chief guests for the Event were, Dr. Rabindra Kumar, Retd. IFS Officer, Former Principal Secretary Forest Department, Arunachal Pradesh and Justice B. Prakash Rao.

The Faculty Coordinators for the event were Prof. DVN Murthy, Faculty Associate and Prof. Aditi Nidhi, Assistant Professor and the student coordinator was Hrishitha Reddy, a III-year student. Winning photographs have been featured in the current issue of **The Student**.

THE BOOK QUEST

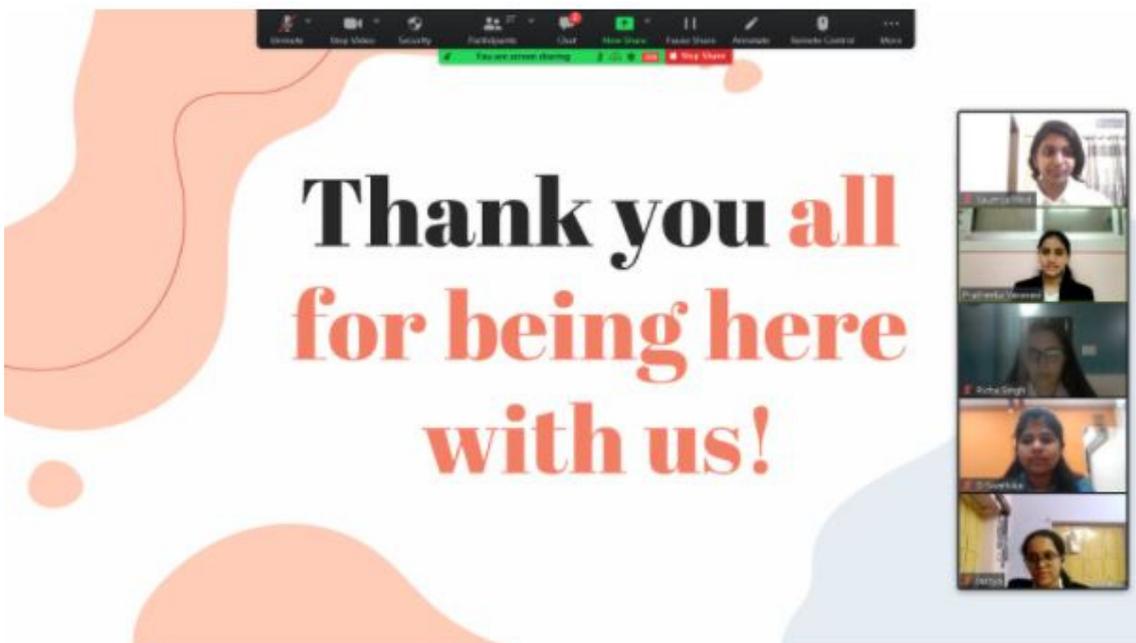
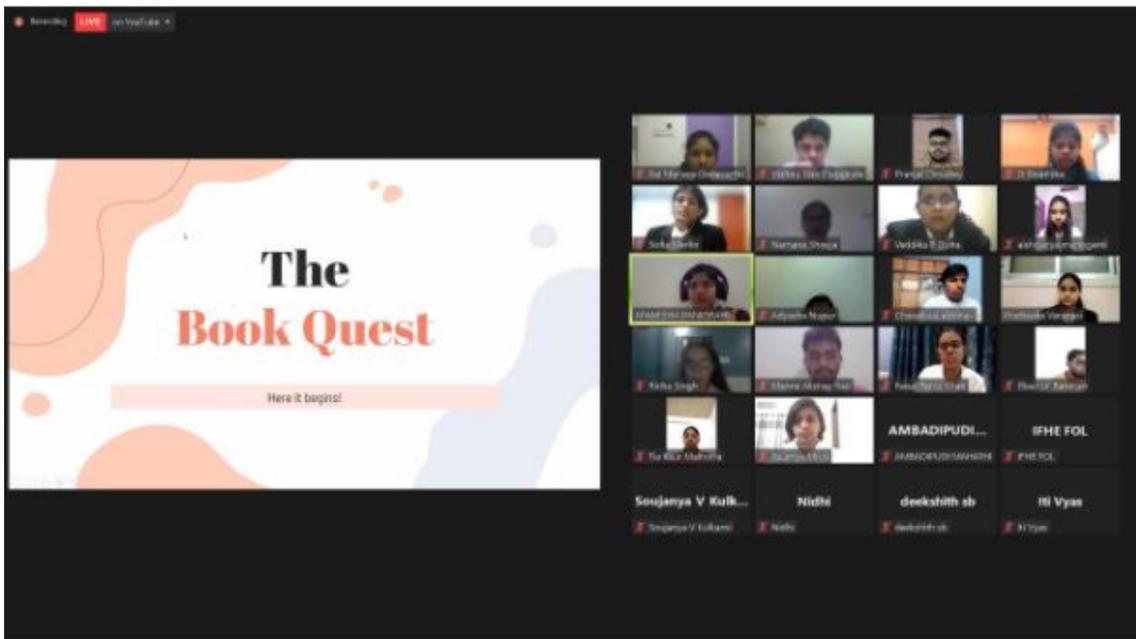
Under the supervision of the Literary Club, The Book Club - an initiative to bring together readers to discuss, share and talk about books - held a virtual trivia juncture on 23 September, 2021, titled **The Book Quest**. The event was conducted on ZOOM. Club Members - Laasya Adury, Pratheeka Varanasi and Saumya Modi volunteered as the Quiz Master, Moderator and Presenter respectively along with Veddika P. Dutta, Heena Feroz Khan and Shreya Namana for tech and backend support.

This Trivia had five rounds, the first being the General Round in which each participant got one question. The other four were genre-specific rounds, i.e. questions related to Fantasy, History, Legal and Literary Fiction. Each round had three questions each with the provision of hints.

Participants took part in the event with vigour and enthusiasm. After the calculation of scores by the judges Prof. Aditi Nidhi and Prof. Iti Vyas, and an eventful tie-breaker session, the results were announced. **Godavarthi Sai Manasa**, was declared the winner with a cash prize of 3000 INR. She was followed by **Vishnu Sisir Duggirala** and **D. Swathika** as Runners Up and Second-Runners Up with a cash prize of 2000 INR and 1000 INR respectively. All other participants were given participation certificates.

To conclude, this event truly showcased the worth of the quote, **social support is everything**.

EVENTS



PHOTOS FROM THE BOOK QUEST ORGANIZED BY THE BOOK CLUB, EGRA LITERARIUM.



SOHOM ETIKE, WINNER,
WORLD WILDLIFE WEEK, GAIA.



RITU NEEMKAR, RUNNER UP,
WORLD WILDLIFE WEEK, GAIA.

RELEVANCE OF GENEVA CONVENTION IN THE 21ST CENTURY

BY G. AKSHIT VARMA

The Geneva Convention is an international agreement consisting of four treaties, and three additional protocols, which consisted of the most important rules and norms aimed at minimizing war atrocities. It succeeded the Convention of the same name, which had a much narrower scope compared to the present-day Geneva Convention, which was signed in 1949.

The four treaties of the Geneva Convention addressed the following issues, viz., Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; the Convention of the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; relative to the Treatment of Prisoners of War; Protection of Civilian Persons in Time of War.

After witnessing the atrocities of the World Wars and the resulting genocides, such as the Holocaust, in 1949, the Convention was ratified by the nations since it meant respecting our ethics and morals and can reduce collateral damage during an armed conflict.

After two decades of its adoption, there was a rise in the number of non-international armed conflicts, largely due to the ongoing Cold War. To limit the atrocities, Additional Protocol I (Internatio-

nal Conflicts) and Additional Protocol II (Non-international conflicts) were adopted in 1977.

Under Article 1(4) of the Additional Protocol I, if an armed conflict consists of people fighting against “colonial domination, alien occupation, and racist regimes” it shall be deemed as an international conflict and hereby fall under the purview of IHL.

This Convention, along with the Hague Regulations is considered the cornerstone of what we know today as “International Humanitarian Law” or simply IHL. IHL is the branch of law that deals with limiting the adverse effects of an international armed conflict. It was founded in 1859 by a Swiss businessman and activist Henry Dunant, who after witnessing the atrocities in the Battle of Solferino, founded the International Committee of Red Cross, or ICRC, and also played a key role in lobbying with the world leaders to draft and adopt the Geneva Convention back in 1864, and since then, IHL and the Geneva Convention went on to become one of the most comprehensive and universally accepted branches of international law. It is not uncommon for laymen to confuse IHL with human rights, due to its name. However, both are quite

different from one another, IHL applies only when an armed conflict between two or more nations arises, whereas human rights law applies in both peacetime and during a war.

Anyhow, both the branches are established to protect the lives of the individuals in different situations depending on their applicability. The Geneva Conventions are signed and ratified by all 196 member nations of the UN, as well as by the Observer states viz., the State of Palestine and Holy See, whereas the Additional Protocols are not recognised by all the member states, the First Protocol is ratified by 174 member states, Second Protocol by 169 states and the Third Protocol by just 78 member nations of the United Nations. It is worth noting that India has neither signed nor ratified any of the Additional Protocols, though they are State Parties to the Geneva Conventions.

The second major factor that needs to be taken care of is the fact that in such cases both the parties are minor hence, a subtle question appears that how can a minor be treated with the same harshness as an adult. It could also be termed as a violation of Article 21 of the Indian Constitution which talks about the Right to Life and any such punishment would be completely arbitrary in nature. And any minor being charged under this Act would have his adolescent as well as his adult life completely ruined along with that such person has to carry along the guilt of being charged under the Act.

According to a committee formed by the Indian Society of International Law in 2012, India must consider ratifying the Additional Protocols by giving the National Human Rights Commission to decide about the application of the Protocols.

Since its foundation, the Geneva Convention has been creating a positive impact around the world. The ICRC has helped and rescued thousands of civilian and military detainees from conflict-ridden regions such as Iraq, Eritrea, Ethiopia, Georgia, South Sudan, Yemen, etc., and ensured their rights.

However, many experts argued that the Geneva Convention may not be as relevant as it was 72 years ago when it was put in effect, the reason is that most of the states have not ratified the Additional Protocols and a few nations held reservations while ratifying the Geneva Conventions. Another major reason is that even after the adoption of the Additional Protocols, the violations to the treaties and the protocols in the current humanitarian conflicts are widespread and it can be assumed that these Conventions barely have an impact on the prevailing situations. Daily, we hear news on civilians being subject to torture, detention, forced labour, and sexual assault in the case of women.

Even though the Convention has been changing with the methods and nature of warfare, the very principles of humanity have been absent in recent situations. Though it did help obtain justice in conflicts such as in the 1965 Indo-Pak war, where the representatives of the ICRC were allowed to visit the PoWs and help them with repatriation and also provided humanitarian assistance to the civilians affected due to the conflict, the ongoing conflicts in Yemen, Syria, Afghanistan, Iraq, and South Sudan have witnessed grave violations of the Geneva Convention and



its Additional Protocols.

Apart from having legal prominence, the Geneva Convention also has ethical significance in the modern world, since it is heavily based on the dignity of human life and ensuring the humane treatment of everyone even during the worst form of an armed conflict since the protection of human lives and their dignity is inalienable since the late 2000s and with the rise in hostilities caused by the non-state actors, the Convention seemed to be outdated since it wasn't properly updated according to the prevailing situations as it should've been. Law is an immortal and perpetually evolving entity that should never stop reorganising and aligning itself with the new situations and should be always seeking justice for the victims.

If the aforementioned motive is being followed, the Geneva Convention will surely remain relevant and crucial for a long time. Hence, we can conclude by saying that there is a gap between enactment and enforcement of a law that must be bridged immediately. Mere enactment will do nothing but provide the world with a set of rules and regulations on paper to abide by, but in the modern world, that is not sufficient at all. Enforcement is something that brings the law to the field and ensures that people are adhering to them, without any form of a bargain. Secondly, the nations must ratify the Additional Protocols similar to the way the Geneva Convention has been ratified because in that case, nations will be obliged to be even more accountable for what measures they resort to while committing hostilities.

APPOINTMENTS MADE TO HON'BLE HIGH COURT OF TELANGANA

BY SINCHU V. SUTHRAVE

Recently the Government of India notified appointment of 07 judges to the Telangana High Court. According to a solemn news flash of the Ministry of Law and Justice, the President in consonance with the Chief Justice of India N. V. Ramana wholly appointed 07 judges to the Telangana High Court, 03 judges to the Orissa High Court and 04 supplementary judges to the Kerala High Court.

How and when this wheel was set in motion?

2019 Proposal: There was a proposal for a hike in the bench long back which was first sent to the Union Law minister and thereafter sent to the Chief Justice of High Court of Telangana in 2019 wherein the request was signed on the back by the Chief Minister as well as the Governor and choose to keep it in the state of suspension.

The issue had been left resting until CJI Ramana took charge. He then took this up with the Prime Minister and Law Minister soon after presuming office in April. All of them agreed to get this matter examined expeditiously. After observing the High Court's request he felt the request was reasonable and Later on the CJI himself wrote a letter to the

Law Minister on May 27 regarding the High Court's unresolved petition saying the High Court was in desperate need of more judges for the fast delivery of judgements and also said that this request was pending for about two years. CJI Ramana also declared that there was all necessary infrastructure ready to accommodate those 42 judges in the Telangana High Court. There was a quick response from the Ministry of Law and Justice.

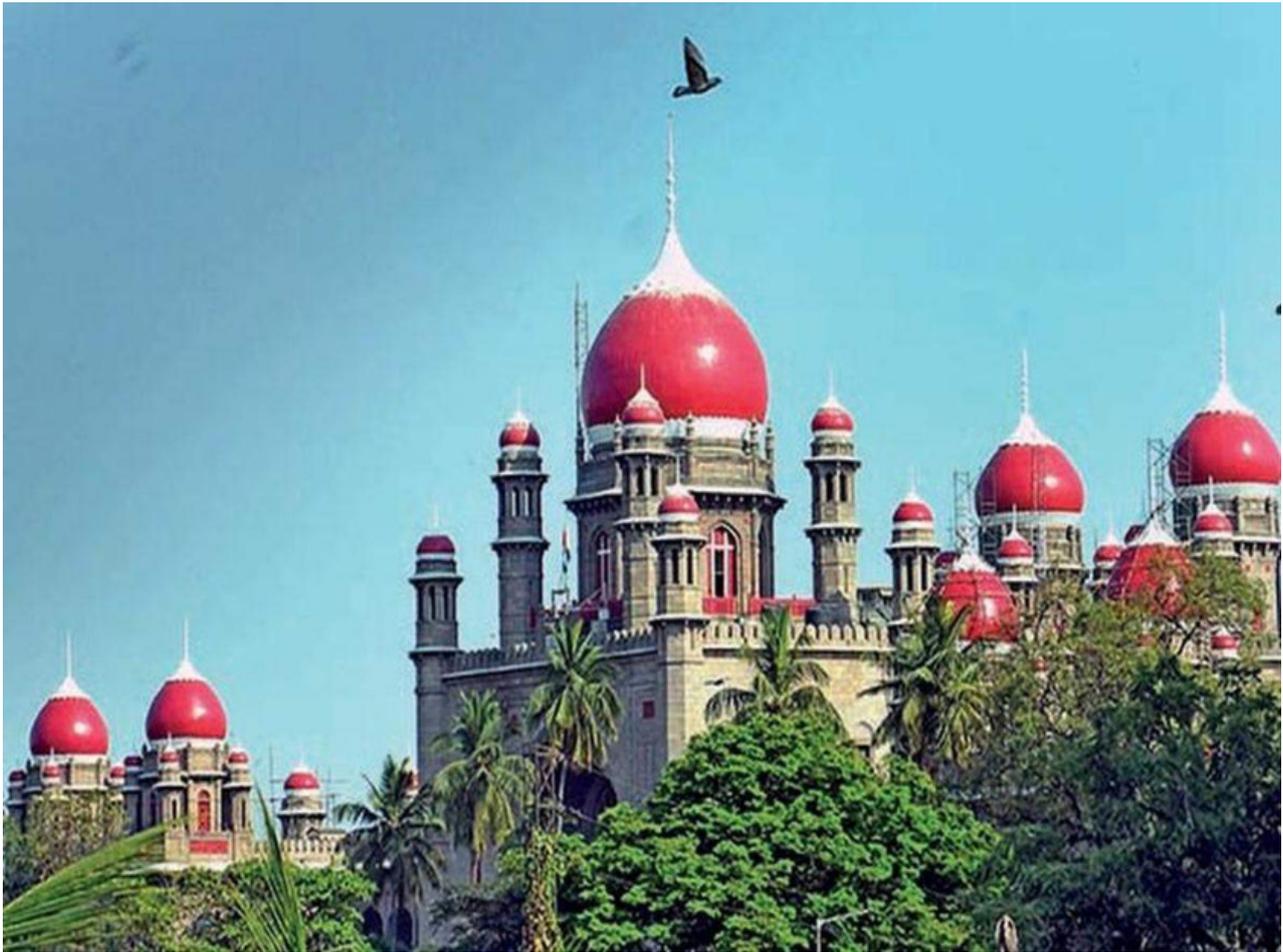
The strength of judges in the High Court in the State of Telangana has now risen up from the present 11 to 18.

A resolution to this stretch was issued by the Ministry of Law and Justice announcing the appointment of 07 new judges for Telangana High Court. The newly appointed Judges in the order of seniority are:

- 1.Perugu Sree Sudha
- 2.Chillakur Sumalatha
- 3.Gurijala Radha Rani
- 4.Munnuri Laxman
- 5.Noonsavath Tukaramji
- 6.Addula Venkateshwara Reddy
- 7.Patolla Madhavi Devi

Justice Sharma is the new Chief Justice of the Telangana High Court.

The CJI has now given his indispensable



final approval to the proposal for hike on June 8 wherein the path is clear for the Ministry of Law to notify the hike .

Now The High Court of Telangana will spectate a 75% increase in its authorized Bench strength with immediate effect. This would uplift the number of judges from 24 to 42, and the request for more judges had been resting with the Centre since February 2019 as it's a case backlog which climbed to 2.37 lakh.

Among the present 11 judges (including the Chief Justice), Justice T. Amarnath Goud was recently transferred to Tripura

High Court. He is yet to assume charge there. Justice Ujjal Bhuyan of Bombay High Court was transferred to Telangana High Court. He is also yet to assume his office.

The Telangana High Court will see one of the biggest trudge in judicial strength across the country in a long time after CJI N. V. Ramana took up with the Prime Minister and the Ministry of Law and Justice, the High Court's two year-long pending request for more judges to gear a startle increase in its case pendency.

INTERVIEW

ADVOCATE TARIQ KHAN

BY EBAD UR RAHMAN



Advocate Tariq Khan was recently designated Partner at **Advani & Co.** He graduated from Jamia Millia Islamia in 2011. He was the youngest Business World Legal 40 under 40, 2020, and also featured in Fortune 500 (India) (Special Issue, 2017-2018) for authoring the best seller book **On the Rise**. He is frequently invited to speak in various law conferences and events by domestic bar associations, law schools, and ADR Centers amongst other organizations. He has been teaching Arbitration as a guest faculty for the past six years in some of the prominent law schools of India. He is also a writer, having more than 50 publications to his credit in various journals, magazines and popular legal portals. Advocate Khan has a wide experience in International and Domestic Arbitration, MSME disputes, while also dealing with Criminal, Corporate and Commercial Law matters.

The following answers were obtained by way of a telephonic interview on 01 October, 2021.

ER: You were a science student with an aim of pursuing engineering. How did you venture into law?

TK: That's a very interesting question. So, basically I come from a very small town called Shahjahanpur and when I grew up, I was sent to Delhi. It was a new culture for me and I was not confident about the language there. The English language was something I was not familiar with and I was low on confidence in that area. Law was never my choice. It just so happened that I got Physics, Chemistry, Maths and Computer Science as the subjects in my 11th and 12th Class. The minutiae of Mathematics was something I was very scared off which led to the fact that I did not do pretty well. I just passed and thereafter I could not clear the Engineering exam. My parents wanted me to be an engineer for their satisfaction I gave the AIEEE. My rank was very bad. Due to this I did not have any other options. After this experience, my father suggested pursuing law, which was not something I was really keen on. I always used to say that I would do anything but law, because I never thought of it as a great profession for me. Ultimately, when nothing worked out, I filled the form for Jamia's law entrance exam and then I think law chose me, I didn't choose law. So that's my story.

ER: From being a shy student in your initial years to participating in the Oxford Price Media International Moot, how would you describe this transformational journey?

TK: Frankly, when we went to Jamia, there was no mooting culture as such. There was a thought process especially in a Government University like ours that

only top-tier law colleges have a mooting culture, along with a lot of guidance and supportive infrastructure. The fees is also very low in Government Universities and it cannot be compared to the kind of infrastructure and support available in top-tier colleges of the country. But, in our case what happened was that we started growing. We thought that we'll learn on our own and we started doing moot courts right from the very first semester. We did well in some of the moots while learning from the competitions we did not do well in. So, failure is something I think which taught me quite a lot about mooting. I understood that it was advocacy which I needed to acquire as a skill. I only wanted to do the best moot court competitions in order to meet the best performers. This would help me in knowing what I had to be prepared for. I wanted to be in the best of competitions, rather than winning those moot court competitions which were not of great quality. The idea was to learn and grow every time. So, by the end of my 04th year or the beginning of my 05th year, I decided that I wanted Jamia to participate in the Oxford Price Media International Moot, because it had never happened in the past and I think till date it has never happened that Jamia participated except for that one time. There's a memo selection round in the Price Media Moot, so I think that a lot of sleepless nights, lot of hard work and lot of reading was involved. I think I dedicated six months to the Oxford Price Media International Moot so that's how Jamia participated.

ER: How big a role did college life play in your growth as a future lawyer?

TK: I think we learnt many things in college. If I give you the example of moot courts, there was a lot of healthy competi

-on. There were many teams for one moot court competition, so there were always trials going on in the Faculty, and I think these trials helped us quite a lot (because) we were preparing very-very hard to succeed. A lot of students used to feel that their reputation was also on the line. So we as students were trying our best to ensure that if we participate, we should really be going to the moot court competition and not lose out during the trials. Participating in a lot of other events like parliamentary debates was also one of the activities. I was the debating society president of Jamia and at that relevant time, parliamentary

ER: Please comment on the differences that students from non-NLU backgrounds face and how they could bridge the gap.

TK: That's a very pertinent question. So when I was a law student, I always used to have this feeling that 'Oh, there's discrimination and people from non-NLU are not given the first preference', and you will agree that rank does matter. If somebody is from an NLU, probably they are good students and there's a presumption that this person must be really nice and active. So we also used to feel that there's some bias etc. but now as I grew, I realized it is not really that. Even if

**"... hard work beats
talent, it beats luck,
it beats bias, it beats
discrimination,
prejudices ..."**

debates were a new concept to Jamia. Thereafter conventional debates and extempore competitions, and a lot of activities that took place on campus and a lot of interactive discussions in class. Some of the teachers taught us using unconventional methods rather than the boring rote method. They were trying to focus on reasoning rather than just getting correct answers. So I think these kinds of discussions really helped us evolve and reasoning in that sense helped us understand why the law is the way it is rather than what the law is. So I think yeah, this is how it has helped in the profession.

there's some discrimination existing, I think it all depends on the individual because there are people like us who have worked day and night, and made a name for themselves. I think hard work beats talent, it beats luck, it beats bias, it beats discrimination, prejudices and so on. So hard work is the only answer. There is no substitute for hard work and I personally feel that the harder you work, the luckier you get. So the only thing I would recommend is that the person should work really hard. That's it.

ER: If allowed, what changes would you like to introduce in the Indian legal education system?

TK: So if I am given an opportunity, I would first like to tell you the problem with the Indian legal education system. The problem is that too much focus is on the rote method. You are making lawyers, not advocates. You are teaching them what the law is but you are not teaching them the skill-set which is required to be a lawyer. Advocacy is a skill which you acquire over a period of time. The art of thinking on your feet, the art of reasoning, focus on your oratory skills, focus on your gift of judgment, reading, all of these things I think should be given emphasis. Also, the syllabus of the Bar Council is very outdated. We do not teach our students Artificial Intelligence, BITs, we are not teaching them Sports Arbitration, Maritime Arbitration, all of these I think came much-much later. IBC, I don't know if it is introduced in the syllabus yet or not but I think you need to evolve the syllabus as per the needs of the society and students must know what is going on. Plus the fees, I have a huge problem with the fees that schools are charging. They charge quite a lot of fees. So I think we should not let law schools become money sucking engines and people who cannot afford good quality education because of financial constraints, I think we should really help those people and financial inability should not be the criteria to deprive somebody of his right to gain education. That's the way I look at it.

ER: **How can law students understand practical aspects of Arbitration and be prepared to pursue it in the long run?**

TK: See, I think law students can intern with lawyers, law firms, which are doing arbitrations day and night or better what they can do is intern with institutions which are rendering those

services like the Delhi International Arbitration Centre and the Mumbai Centre for International Arbitration. Every day there are 3 or 4 arbitrations, so if you intern there for one month, by the end of the internship you would have seen 60-70 arbitrations. In some matters you will see cross examination happening, in some arbitrations you will see final arguments, in some matter you will see pleadings being filed, so I think you will get an excellent exposure, so these kind of internships can really train you pretty well to be an Arbitration lawyer. More importantly I think apart from the procedural aspect what you need to look at is the law on the point and you must keep yourself abreast with the latest developments in the law.

ER: **The career path of Corporate and Litigating lawyers is quite parallel. However, both these areas require immense amounts of hard work. What can one do to prepare for it while in college?**

TK: So you are right, both of them require a lot of meticulous determination and a lot of focus depending on the interest of the person, what he or she wants to do. I personally feel that a person must really-really know the law and focus on being updated with the latest developments. Reading judgments I think will help you everywhere. But more than that, you need to learn team work, you need to learn court manners. If you want to be for instance in a corporate environment, you should be a team player, otherwise it is very difficult to survive in such law firms. Then, you should be very comfortable for reading for a long time. There is also some requirement of coordination, so mooting teaches you that, for instance you learn how to work in a team, how to meet deadlines, because sometimes the

deadlines are very short and the work is too much, so if you are able to take that kind of pressure, you need to be accustomed, ready and prepared. It shouldn't be that it comes to you as a surprise and most importantly, don't do something merely because you see someone succeeding. Lot of my juniors tell me 'I want to do Arbitration, I see you doing arbitrations', so I don't think that should be the criteria that if this person is doing fine for himself then I also want to do it. I think one must really respect and put honest efforts in whatever area they are interested in. The subject should be identified, honest efforts should be put in and hard work is the only criteria coupled with a little bit

I went for help they said 'No, it cannot be done, you are too young, who will read your book, who will publish your book?'. So I think we must focus on possibilities and not limitations and the more advise you seek from people, the more discouraged you get. If you believe in an idea, you put your 200% in it then it is bound to happen I learnt this lesson from 'On the Rise', that even though the target was a dream but ultimately there was no harm in releasing the arrow from the bow, so I did that. I took the aim and even though I knew that it was very tough but it just happened, I got lucky and things worked out, some good people met, they helped me in the book. The other thing is the upcoming book which is related to Arbitration. A lot

"... we must focus on possibilities and not limitations ..."

of smart work and I think you are good to go in any of these professions.

ER: You have written 'On the Rise' and are in the process of writing your next book. Could you share the hurdles that you faced while writing and throw some light on your upcoming book. When can we expect your next book to be released?

TK: I faced quite some hurdles when I was writing 'On the Rise'. I was very new to the profession, I did not know many people and it was very difficult to approach people and to get a foreword and to get a publisher to agree to publish your book but these hurdles, I mean there were a lot of issues because everybody discouraged. To whomsoever

of my junior friends at the bar, my colleagues who do not know about Arbitration, law students, have asked me about a book to refer on the subject and I don't think there's any good book on Arbitration for them. So I decided to come up with my own book on Arbitration and that's the whole idea, to help my young friends. It will most likely be available in the beginning of the year 2022. You should see it by then.

ER: How would you prefer mentoring and guiding young lawyers and do you plan on doing something in that area, in the near future?

TK: So mentoring young lawyers, I do not miss any opportunity in helping my young friends and young lawyers because I think

it's my duty and a moral obligation because if all of us take that responsibility, I think we'll be able to improve the quality of our bar, because when I was a student, I know how difficult it was to get guidance from people and people were not acceptable, so I think there is no dearth of opportunities, there is only a dearth of correct guidance which we lack. So if I am able to mentor my young friends and if anyone from them is able to benefit from it or if it change them or make them a better professional or a person or shape up their career, I think I'll be the happiest person if something

different courts have different approaches, you cannot plan it. Sometimes full day you are spending in the Delhi High Court, someday you are going to another state's High Court, someday you are having matters in the Supreme Court, so a diverse practice makes it fun and interesting and by the end of the day when I get free from the courts which is usually post-lunch because around 03 or 04 'o clock after finishing my matters, then I go back to the office and then I start preparing for the next day's matters and the idea is to help my young friends also who are present. I give them some work, some research proposition give them a little bit of

"... in the life of a lawyer, there are no Sundays ..."

like that happens. Nothing makes me happier than that. So that's the whole idea and I will do it all my life in whatever way I can.

ER: Please describe a day in the life of Advocate Tariq Khan.

TK: Okay, perfect. So a day usually starts with some court matters, because as you know that being an Arbitration practitioner and a commercial lawyer, I also have to do matters in courts like for appointments of arbitrator(s), for some commercial-civil suit or sometimes criminal law matters as well or it can be a different forum. Every day is a learning experience. It's never a boring day for me because it's full of challenges, and

drafting so that they can also learn and then I ask them what work they have done, discuss a new law or some recent judgments, I read little bit myself and then I have some client conference for the next day's matter. See, in the life of a lawyer, there are no Sundays and seven days are for working but yes, we do take out time to live life and to meet our people, connect to our friends, so all in all it's never a dull day.



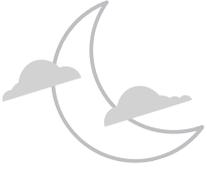
PHOTO

BY VAISHNAV SARMA



एक अंधेरा सा छट जाता है

BY VEDDIKA P. DUTTA



एक अंधेरा सा छट जाता है।

जब निराशा के अंधेरे में
आशा की किरण दिखती है।

कामयाबी ना मिलने पर भी
कामयाब होने की आस कायम रहती है।

एक अंधेरा सा छट जाता है |

जब नफरत भरी दुनिया में
मोहब्बत की जीत होती है।

जब खोते रिश्तो में
एक रिश्ता कायम रहता है।

एक अंधेरा सा छट जाता है।

जब दौड़ की दुनिया में
किसी को वक्त देने के लिए वक्त मिल जाता है।

जब धोखे भरी दुनिया में
ऐतबार करने लायक कोई मिल जाता है।

एक अंधेरा सा छट जाता है |
एक अंधेरा सा छट जाता है ||

MEDICAL TERMINATION OF PREGNANCY ACT, 1971

BY AREEBA FEROZ KHAN

The Medical Termination of Pregnancy Act ("MTP"), passed in 1971, provides the legal framework for making abortion services available and legal in India. The Act was amended in 2003 to enable women's access to safe and legal abortion services. In the summer of 2017, the Supreme Court of India denied permission to abort a 26-week-old foetus, detected with Down Syndrome at 22 weeks, to a family which already had a child with special needs because the 20-week mark specified in the MTP Act of 1971 had been crossed.

An Act well formulated and ahead of its time at inception seems not to have kept pace with technology and needs change. We argue that by denying the abortion, the Court did not adhere to the core principle of ethics, respect for autonomy, beneficence, non-maleficence, and justice as the mother was not allowed to decide for herself and was forced to abide by the decision taken by the Court.

After 30 long years, we are revising things, although, in these 30 years, we have had so many cases where we have noticed the false yet harsh treatment of a woman – a matter where a ten years old girl was victimized by rape and got pregnant. The family noticed the pregnancy after 28 weeks, and due to the strict laws of pregnancy, they failed to abort the foetus. Now, the girl had to carry the foetus for nin

-e months in her belly and give birth. Such things increased in our country at a tremendous rate, and the Government had to make certain amendments to the current MTP rules. The changes include:

- Earlier the termination limit allowed was up to 20 weeks, but now the upper limit of termination is from 20 to 24 weeks for survivors of rape, victims of incest and women with fatal anomalies. The upper limit of termination will not apply in cases where such termination is necessary due to the diagnosis of substantial foetal abnormalities.
- A medical board will diagnose the abnormalities of the foetus.
- Medical boards will consist of the following members:
 - A gynaecologist,
 - A paediatrician,
 - A radiologist or sonologist,
 - Any other member as may be notified by the State Government.
- Up to 20 weeks, a single doctor's opinion is enough whereas from 20 to 24 weeks two doctors' opinion is needed.
- Failure of contraception termination up to 20 weeks: the bill amends this provision to replace 'married women or her husband' with 'women or her partner.'
- Protection of pregnancy for a woman: the bill states that no restarted medic-

medical practitioner will be allowed to reveal the name and other particulars of a woman whose pregnancy has been terminated, except to a person authorised by any law.

- Only a qualified person can do an abortion, like someone who has a degree or diploma in obs. and gynae., who has done six months job in obs. and gynae., and someone who has assisted in 25 MTPs in an authorized center, and this is done only in hospitals established by the Government or approved by the Government.
- For abortion or tubectomy, the consent of the wife is enough. In minors, guardians consent, and at the end, all abortions have to be reported to the Government.

Findings of the Court

The new amendments to the Medical Termination of Pregnancy Act, 1971, allow the termination of a foetus in case of substantial abnormalities even after a 24 week period which is clear from a reading of Section 03 of the Act.

The foetus in this case was more than 25 weeks old. Thus, the Court ordered the Medical Superintendent of AIIMS to appoint a Board of Doctors to examine the Petitioner. A Chairperson and seven Members, and a Member Secretary made up the Board of Directors. Following the examination of the Petitioner, the said Board was to provide a report.

A review of the Medical Board's decision revealed that the Petitioner, or mother, is a



Analysing the case of Mahima Yadav v. Government of NCT of Delhi and Ors. (2021)

Facts of the Case

In this case, the Petitioner filed a petition to obtain permission to have her pregnancy terminated medically. The provisions of the Medical Termination of Pregnancy Act, 1971, were invoked by the Petitioner. Although the Petitioner's foetus was more than 24 weeks old, the learned Counsel appearing on behalf of the Petitioner contended that she should be allowed to carry out the termination due to the anomalies of the foetus and the risk to the Petitioner, who suffers from severe hearing issues.

known heart sufferer who had been prescribed blood thinners. The Medical Board believed that the fetus had warfarin embryopathy due to the blood thinner delivered to the Petitioner, which had a risky prognosis regarding immediate and long-term results, especially given the cerebral bleeding and ventriculomegaly.

The Petitioner's husband claimed that they knew the risk, as the Medical Board mentioned, and was ready to undertake abortion. Given the fetus's state as discussed above, the Court found that the described circumstances represent substantial fetal abnormalities that could affect the fetus's physical condition, even if the pregnancy is permitted to mature.

It would be harmful to both the mother and the child. Since the Amendment Act of 2021 had already been notified. In light of the settled legal position established in the different judgments taken into consideration, the Court thus concluded that pregnancy termination should be permitted even beyond 24 weeks. The Court looked at various cases and found that the recent amendments of the MCT are in line with the decisions taken earlier in multiple instances like **Shaikh Ayesha Khatoon v. Union of India & Ors. (2018)**, **Nisha Suresh Aalam v. Union of India &**

High Court looked at all the merits and allowed the abortion. The Supreme Court and High Court are vested with judicial review in India under Article 226 of the Indian Constitution. In this case and previous decisions considered by the Court, abortion was permitted after 24 weeks of pregnancy.

Moreover, in all these cases, the allowed period was 20 weeks, but still, the same was allowed due to the need for termination. Therefore, the following case sets a good precedent for abortion over 24



Ors. (2018), Priyanka Shukla v. Union of India & Ors. (2019), etc. In all these cases, termination was allowed after the said 20 weeks period prevailing at that time. Thus, the Court found the amendments confirming these cases and the precedent set in these cases.

Judgment

The High Court, allowing the Petitioner for abortion after the 24 weeks mark, sets a good precedent for upcoming cases. Even though the Amendment does not allow every termination after 24 weeks, only those abortions in which the fetus develops some severe abnormalities, which are also prevalent in this case. The

weeks and finds the amendment in congruence with the earlier precedents.

Priyanka Chaturvedi on the Medical Termination of Pregnancy (Amendment) Bill, 2020:

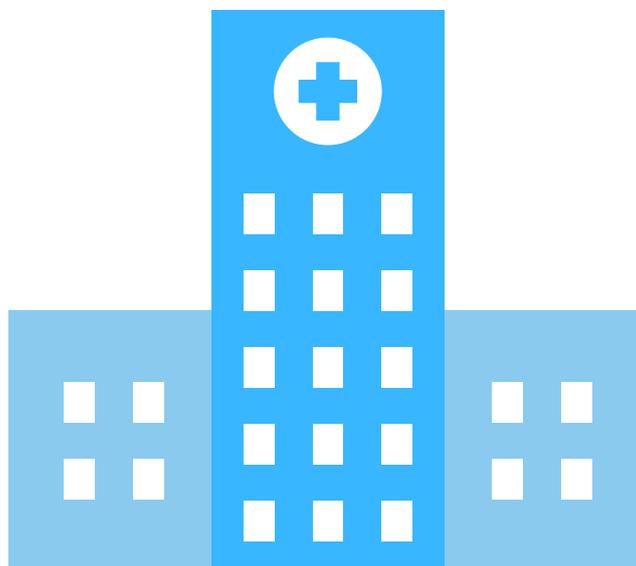
"Firstly, I would like to thank the health minister for bringing this bill in good faith which I can appreciate. However, it hasn't been minutely thought through and it becomes our bounded duty to express the loophole that exists and I'm hoping that the health minister would consider them. Sir, terminating a pregnancy, for a woman to make that decision is mentally, emotionally and a very physically impacting one that she takes in her life,

and for her who is in advanced age pregnancy and a stage where she knows that there's a life inside her womb, it is indeed a difficult situation for her to decide. For her to run across various medical boards that we're talking about constituting which has three doctors and some state representatives, I think is extremely demeaning to her, and is invasion of her privacy, invasion of her choice, and also creating more bureaucratic hurdles that are needed at the time when she needs to take an important and serious decision. I would have appreciated if it was a right based approach, rather it is a need based approach, where women are not given freedom of choice, related to her pregnancy. My colleague in the Parliament, said something like "mahilao ko sochna chahiye ke un mahilao ka jiske saath duskarm hote hai, wo un baccho ko pet me rakhti hai." That's exactly what I'm trying to convey, why can't a women take her decision herself and why she has to run to the medical boards and ask for permission to destroy the fetus. It's an unfortunate yet painful decision to make. "

Conclusion

India has a legislation in place when it comes to reproductive rights. Especially when the majority of the world's women, that is, more than 40% of women of reproductive age, live in 125 countries where abortion is severely limited, either prohibited or only permitted to save a woman's life. What is lacking, however, is awareness and implementation. This is true in the cases of abortions, which are deliberate terminations, and miscarriage, which is a natural occurrence, both of which are traumatic. Though the Medical Termination of Pregnancy (Amendment) Act, 2020 is a start in the right direction, the government must guarantee that all clinical practice norms and standardized protocols for abortions are followed at health care institutions across the country.

Furthermore, the issue of abortion must be decided following human rights, sound scientific principles, and technological improvements. The Act will help provide opportunities to single ladies as well and more time for abortion if necessary. The decision in the case of Mahima Yadav v. The Government of the NCT of Delhi strengthens the amendment and will act as a good precedent for future cases.



PHOTO

BY ASHISH IYENGAR



TRIBAL RIGHTS IN THE INDIAN CONSTITUTION

BY HRISHITA P.

Tribal communities were autonomous until the advent of British colonial rule in India. These communities faced many challenges which resulted in many tribal uprisings throughout the country. They were driven out of their homes in the name of forest regulations and cultural invasions by non-tribals as the areas they lived in were rich in natural resources which resulted in decrease in ratio of tribal land and their ownership, and transformation of land into commodity and this was the ground for tribal unrest. Thus, to safeguard their homes the Fifth Schedule of the Indian Constitution was introduced which provides for special arrangements for areas inhabited by scheduled tribes.

Various State Governments put up commissions to report exclusively on tribal rights and the ways in which the problems being faced can be resolved. The result of this was The National Commission for Scheduled Tribes which was established in the year 2004 constitutionally. The powers and functions of the commission were to investigate and monitor all matters relating to the safeguards provided for the Schedule Tribes under the Constitution or under any other law for the time being in force, to inquire into specific complaints with respect to the deprivation of rights and safeguard of the Schedule Tribes, to evaluate and advise in the planning process of socio-economic development of the Schedule Tribes under the Union or States.

What we see today is a rapid disintegration of the statute giving exceptional status to Scheduled Areas, where the Fifth Schedule firewall, which was intended to secure ancestral countries, is beginning to disintegrate. The mandate provides for protective legislation in regards to land alienation, local self-governance, and control over resources. These various legislations have acquired force over the past few years. The time isn't far when the whole intent of the law identifying the Scheduled Areas in the constitution is delivered insignificant. Simultaneously, we see the development of an undeniably aggressive protection from these cycles rising up out of inside the Scheduled Areas, and the ancestral networks which will not acknowledge the advancement of the mechanical behemoth.

The Constitution of India has given special arrangements to the scheduled tribes to protect their inclinations. Article 15 of the Indian Constitution expresses that the State will not segregate any resident on the grounds of religion, race, standing, sex, and spot of birth or any of them. This clarifies that each resident of India is given equivalent rights and openings with no segregation. It has saved seats in Lok Sabha and The State Legislative Assemblies under Article 330 and 332 of The Constitution of India. Article 338 awards the option to appoint a Commissioner to look after the welfare activities of the tribes. In this way there are a lot of provisions for the scheduled tribes in the Indian Constitution.

QUIZ KINGS



Aritra Kundu and **Debmallaya Sinha**, IV-Year students of ICFAI Law School, Hyderabad, won the **DSNLU National IPR Quiz 2021** organized by Damodaram Sanjivayya National Law University, on 23 October, 2021, They were adjudged as Winners by scoring more than Symbiosis Law School, Pune, in the Finals. There were quite a few close calls during the Quiz.

On behalf of the Magazine Committee and Erga Literarium, we wish them the very best for their future!

हिंदुस्तान का वो दिन

BY PRATHMESH PAGARE

जिस मिट्टी को हमने अपने खून से सजाया है,
हिंदू ने अपनी राख को मिलाया और मुसलमान ने सिर लगाकर खुदा को पाया है,
आज बांट रहे ये देश के दलाल हमे मज़हब के नाम पर।
रौशन हुई थी जो हिन्द की सर्जमी इंकलाब के नाम पर।

बिस्मिल ,आज़ाद, अशफ़ाकुल्ला, भगत सिंह ,राजगुरु जैसों ने अपने खून से आज़ादी की जो
फसल उगाई है
समाज के दलालों ने जिहादियों, बघियों और दंगाइयों की झांकियां सजाई हैं।

हिन्दु को मुसलमान से राजपूत को जाट से लड़वाकर नेताओं ने इनकी लाशों पे अपनी रोटियां
सिकवायी हैं।

भेद भाव का ये खेल अब गद्दी पर बैठा वज़ीर अब आगे बढ़ायेगा,
लाशों के रास्ते से होते अब ये मुर्दों से भी दफन होने का नज़ूल भरवायेगा।

जिस गंगा किनारे बैठकर उस्ताद बिस्मिल्ला ने शहनाइ की धुन से वहाँ की शान बढ़ाई थी अब वो
घाट हिंदुओं का बोला जाता है,
सन् 1857 मे आज़ादी जंग जिस दिल्ली से आगे बढ़ी थी अब वहाँ के मदरसों मे मुसलमान खतरे
मे है ये बोलकर दंगा करवाया जाता है।

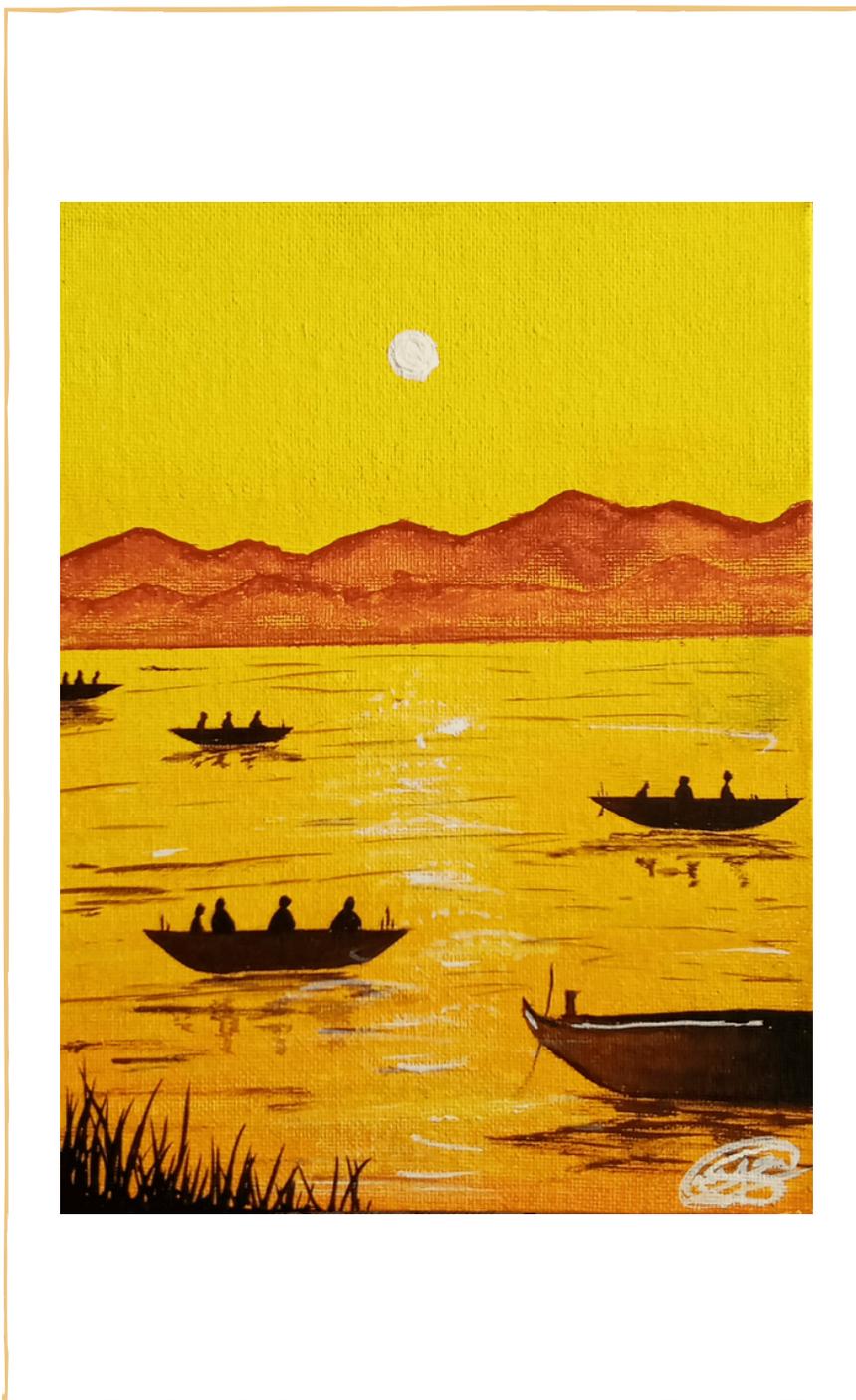
इन सब के बाद भी दिल से एक आस अति है की इस नफ़रत का भी अंत होजायेगा,
जब रामप्रसाद रमज़ान मे खीर और अशफ़ाकुल्ला दिवाली पे मिठाई खाने घर को आयेगा।

उस दिन वज़ीर मज़हब की बिनाह पर नही वतन के लिए चुना जायेगा
उस दिन ये कलम वार करना छोड़ देगी क्यूंकि,

"एक दिन वो भी आयेगा जब सब ठीक हो जायेगा"

PAINTING

BY SANJANA KUYYA



REPORT ON CRUISE SHIP RAID CASE

BY AREEBA FEROZ KHAN

On 02nd October, 2021, the Narcotics Control Bureau (NCB) raided Cordelia Cruises Empress ship. It was reported that there was a party going on in the ship and there were many banned drugs being used. In this seizure many banned drugs were recovered. 13 grams of cocaine, 21 grams charas and 22 MDMA pills were obtained from the ship. Additionally, Rs. 1,33,000 in cash was also recovered.

There were some people detained by the NCB, namely, Nupur Satijia, Ismeet Singh Chadha, Mohak Jaiswal, Vikrant Chhoker, Gomit Chopra, Munmun Dhamecha, Arbaaz Merchant and Aryan Khan.

Around 2 o'clock on Sunday, Munmun, Aryan and Arbaaz were arrested and were presented before a special Court. In the special Court's hearing, the NCBs lawyers said that, even though the offences were bailable, there was some illegal materials seized and that WhatsApp chats were recovered. The NCB prayed for custody of the three arrested people for two days for the purposes of investigation.

On the other hand, Aryan Khan's defence lawyer argued that Aryan was not found with any drugs, nor were there any allegations of Aryan consuming drugs

therefore, arresting him does not make sense but since the NCB wanted to continue its investigation, they would agree to one day's custody.

After hearing the arguments of both the Parties, the Court decided that Aryan Khan would be in NCBs custody till 04th October. Thereafter, 05 more people were arrested by the NCB on the same evening. A total of 08 accused were arrested. They were again presented before the court and in this court's hearing, the NCB argued that they recovered the WhatsApp chats of Munmun, Arbaaz and Aryan wherein they found shocking and incriminating evidence in the chats that proved international drug trafficking.

All the 08 accused people were remanded in custody till 07 October. The twist in the whole story came when a video went viral in which two people were escorting Aryan Khan and Arbaaz Merchant, taking them to the NCBs office in Mumbai. It later came to light that the two people were private individuals and not NCB officers or NCB employees. Later, it was figured out that one of the two individuals was K.P. Gosavi and the other member was Manish Bhanushali, who was a BJP worker. Sharad Pawar's NCP alleged that this whole Aryan Khan's case was actually a conspiracy by the BJP to defame the Maharashtra Gover-

ment and to target the film industry.

“We directly accuse that for the last 1 year, the BJP is conspiring against Maharashtra, Maharashtra Government, Mumbai’s film industry and Bollywood to defame them using false cases.”

-Nawab Malik, Minister

When news about the killing of 04 farmers in Lakhimpur Kheri broke, the media ignored all of it and Aryan Khan's story was played on repeat for 24 hours of the day, numerous tweets were seen on Twitter by the media channels but nothing was said about the Farmers' protest.

would not be the first time that they are doing so. There have been many such incidents earlier where prominent Right Wing leaders have shown their hatred towards Shahrukh. Politicians like Prachi, Kailash Vijaywargiya and others had said utter rubbish about India's biggest entertainment star. This hatred of the Right Wing leaders for Shahrukh Khan can be considered as a reason as to why this raid could be a political tool. Nonetheless, it has destroyed the credibility of the NCB forever.

Further, the media also completely ignored the drugs that were caught at the



That night and the next morning, Aaj Tak tweeted about 90 times for only one story. The people's reaction to the drugs issue was “if the NCB is serious about the drugs problem then why don't they raid the place where the drugs problem is actually widespread, like Kasol in Himachal Pradesh”. Even the High Court had asked the State Government in 2017 about the lack of action in these places and our media that causes so much uproar when it comes to drugs, never talks about solutions, about what can be done to deal with such problems on a large scale. The manner of relaying news in this case was nothing short of a media trial.

If Shahrukh Khan is being politically targeted by the ruling saffron Party, then it

Adani Port in Gujarat which were said to be about 3000 Kgs. and had a worth of crores of Rupees. It seems as though a mere 06 grams of ganja has sent our media on an absolute high where they feel an ant to be bigger in size than an elephant.

Update: Aryan Khan was released on bail from the Arthur Road Jail, Mumbai, on 30 October, 2021, two days after the Hon'ble Bombay High Court gave him bail and almost a month after he was sent into custody. Advocates Mukul Rohatgi, Ruby Singh Ahuja and Sandeep Kaur from Karanjawala & Co. represented him in the Bombay High Court along with Advocates Amit Desai, Satish Maneshinde, Anandini Fernandes and Rustom Mulla.

PHOTO

BY VAISHNAV SARMA



TRANSACTIONAL AND LITIGATING LAWYERS

BY DEEKSHITH SB

Transactional Law is a practice of private law relating to money, business and commerce. This means they can help with contracts or agreements when it comes to large business transactions. A transactional lawyer will oversee contracts and agreements concerning financial exchanges. They verify all documentation, negotiate on behalf of the company, and offer legal counsel regarding M&A, Joint Ventures, Capital Markets, IP, Real Estate Transactions, Licensing and Trademarks among other areas. Transactional lawyers usually resolve disputes out of Court by way of Alternative Dispute Resolution Mechanisms such as Arbitration and Mediation.

Litigating lawyers also termed as Litigation attorney focus on presenting present one's side of a dispute to a judge in order to protect your rights and maximize chances of getting a favourable decision. These lawyers resolve disputes in Courts.

Transactional lawyers conduct research, review and draft contracts and other documents while advising Clients on laws and regulations, usually in the hopes of helping their clients to avoid litigation. On the other hand, Litigating lawyers are the ones filing claims or defending against them, appearing in Court, advising clients and advocating on behalf of their clients in front of opposing attorneys and judges.



PAINTING

BY SANJANA KUYYA



INDIAN LAWS YOU NEED TO KNOW FOR YOUR STARTUP

BY KHUSHBU SHARMA

According to the startup statistics, India stands second highest in the number of startups which seems to be increasing day by day. Given that, it becomes necessary to make sure they are following the necessary legal obligations.

Let's take a look at the laws a startup needs to follow:

- **Establishing your organization's structure:** The structure of your business depends on the industry you are in, the goals you have for your business and how you want to place yourself in the market. You can classify yourself as proprietorship, partnership, limited liability company and private limited company.
- **Registering your startup:** After you have chosen your organisation's structure, that is, you have incorporated your startup it is now time to register your business. In India we have a Startup India Initiative under which you can be recognized as a startup by the Department for Promotion and Industry and Internal Trade (DPIIT). You can register yourself online on the website - StartupIndia.gov by filling and uploading all the necessary details and documents. After this you get the

approval from the inter-ministry board.

- **Signing Co-Founder's Agreement:** When there are co-founders it becomes mandatory to have an agreement with them under startup rules and regulations. The agreement consists of roles, duties, shares, and other necessary details which help in the functioning of the organisation smoothly. It comes to rescue when you have a disagreement and also helps in giving the right direction to the organisation by providing clarity about the roles.
- **Obtaining the necessary licenses:** Based on the nature of your business you require a license to carry out the functioning of your services. If you lack the licenses you might get into legal trouble. For example, restaurants, bakers, food franchise outlets and all food related product suppliers need to be verified by the Food Safety and Standards Authority of India. Manufacturing businesses will need air and water pollution permits.
- **Have a non-disclosure agreement ready:** Your startup idea is probably the closest thing to you and you need to protect it and all the strategies you

have planned for it. While discussing the strategies with your investors and employees make sure a NDA contract is signed with them so as to protect your plan.

- **Protect your Intellectual Property:** Every startup will have something unique to it, a secret sauce that you would like to have a claim over for years. Intellectual property rights help you do that. They help you have a patent, copyright protection, trademark registration so that no one else can copy or steal your product.
- **Know your Taxation and Accounting laws:** Taxes play an important role and it is necessary to define what kind of taxes will be applicable to your business. If your business exceeds the



- turnover of 40 lakhs you will have to register for GST and the limit is 20 lakhs for service providers. Income tax filing is crucial which again will differ based on your organisational structure. The Income tax is filed on the earnings and the government of India has introduced Presumptive Taxation Scheme for HUFs and individual proprietors.
- **Consider the Labour laws:** As an entrepreneur you are duty bound to take care of your labours and make sure they are getting the aid and protection they deserve. The labour laws revolve around wages, gratuity, maternity benefits, sexual harassment and other matters that deal with the

welfare of employees.

- **Mention your Privacy Policy along with Terms and Conditions:** When you have a website or any digital assets make sure to put out how the public can utilise it. This will help in the protection of your interests and gives you control of your data. Additionally, we even have IT laws that need to be followed while carrying out digital signatures, e-contracts, etc. The laws will help you protect your data from hackers and if you are a startup that is into bitcoin, NFTs and along the lines of it there are certain rules to be followed for the protection of the people involved in the trade and the startup as well.
- **Take care of the liquidation process:** It is difficult to shut down a business you have worked on but if that needs to be



- done then it needs to follow a legal procedure. This puts all the stakeholders, from employees to investors at ease and makes the offboarding process smooth and systematic. There are three ways of shutting down a business - Fast Track Exit Mode, Court Route and Voluntary Closure.

Following laws helps a business function smoothly and systematically so make sure you adhere to them as per the nature of your business.

PHOTO

BY SAUMYA MODI



DRUG ABUSE & TECHNOLOGY

BY AMBADIPUDI MAHATHI

Drug Abuse is a familiar word to many people but they might not be knowing the real meaning of drug abuse which is addiction. Drug abuse is a prevalent social contemporary issue. Technology is increasing everywhere in every concept. The same thing has to be implemented even in drug abuse to obstruct the chain of drug supply and its addiction. In the US, there is a know-how called DAWN AND ADAM. Technology is nowadays applied in many fields in the medical

consequences to the individual and society. Addiction to drugs is a major health problem. There are a lot of side problems and effects due to the use of drugs. The effects are headache, mental illness, dry mouth, skin rash, and dermatitis. There will be differences even in the psychological way. It is the main barrier to not reaching sustainable development goals and for the growth of the economy.



field that to in this drug-abusing if it is used then we can restrict drug abuse from buying themselves, and stop from consuming them.

Drug addiction is a chronically relapsing disorder that has been characterized by the compulsive use of addictive substances despite adverse

Reduced quality of life, poverty, unemployment, limited education, etc., are the factors increasing due to the use of drugs and their abuse. Even in this pandemic situation of Covid-19, 69% of the deaths were related to drug disorders. Though only essentials are allowed to transport from place to place the drugs are also being transported by the people as an essential element.

Recently, 60 Kgs. of opium was caught by the Police while checking the transport vehicles.

There is a lack of knowledge of the side effects and the impact of drugs on society. This is due to the poverty and discontinuation of education in many places and poor knowledge. People are getting addicted without even knowing consciously, in the sense unconsciously they are consuming drugs as an addiction.



Suggestions to tackle this issue are:

- The education related to this drug abuse has to be done from a small age itself.
- The awareness related to the side effects of drugs has to reach many people.
- The awareness related to various laws has to be made known to everyone.
- The parents have to observe the day to day activities of their children.
- The friends and peers that are close to the child are to be known to the parents.
- The technology has to be used to develop software systems such as ADAM and dawn to stop drug-abuse.

- The awareness of the harmfulness of drug abuse has to be made known to everyone.
- The illegal sale of drugs has to be controlled.
- Proper knowledge of the drugs has to be made for them.
- Prevention is one of the best ways in which drug abuse can be dealt with and that can be stopped.



Conclusion

Drug abuse and the illegal supply of drugs is the biggest problem all over the world and a social issue because it disturbs not only family but society, so stopping of drug abuse is the most important act that anyone has to take in this process technology will be the most useful way in such a way DAWN and ADAM are helping people. The laws related to them have to be made known to society and illegal trafficking has to be stopped. If the whole society is clear on this then only we can prevent drug abuse because with the help of family friends society everything is important to stop such a dreadful addiction. parents have to take care with more responsibility. de-addiction centers have to be increased to make them come out of the depression and a healthy way of lifestyle has to be adopted by the people to eliminate the drug abuse. The drug is high in adolescent group age so more attention and intervention is an immediate need.

MENTAL HEALTH IN INDIA

BY EESHITHA RAJABOINA

Mental Health forms the core of personhood but it is often neglected by people. It is a crucial part of Health and has been defined by WHO as “A state of well-being where a person realizes his/her own abilities, can cope up with the normal stresses of life, can work productively and is able to make a contribution to his/her own community.”

Mental Illness, on the other hand, refers to poor mental health. This is a condition which involves disturbances in a person's emotions, behavior, ability to work productively in a community. If treatment for mental illness is delayed it leads to mental disorders. Mental disorders have a wide spectrum and are divided based on the degree of severity. Mental disorders can arise due to genetic, biological, environmental, cultural and economic factors. Mental Disorders affects everyone irrespective of age, gender, residence, living standards. Most common kinds of mental disorders are Schizophrenia, Anxiety Disorders, Depression, Suicidal Behaviors and Addiction Disorders.

According to The LANCET Report published in February 2020, there were 197.3 million people suffering with mental disorders in India. The reports also estimated that the top mental illnesses were depressive disorder and

anxiety disorder, impacting 45.7 million and 44.9million respectively. India has one of the largest populations affected by mental health illness. So, in 2018 WHO labelled India as the world's “most depressing country”.

Despite there is a strong need to provide mental healthcare services and protect people with mental illness in India, the government barely spends 0.5% of the health budget on this sector. One in seven people in India have suffered from mental illness according to a study. It is no exaggeration to suggest that the country is under a mental health epidemic.

Why Mental Health needs to be given priority?

- **Causative factor for Suicides:** The majority of suicides are caused due to mental illness or psychiatric problems. India's suicide rate was 16.3 per 1,00,000 in 2016 that is very high compared to the Global suicide rate of 10.6 per 1,00,000 population.
- **Economic Development:** Positive mental health is linked to various development outcomes like higher educational achievement, enhanced productivity and earnings.
- **Significant Contributor to the total disease burden:** Contribution of

mental disorders to the total disease burden had been doubled between 1990-2017.

Why is the Mental Healthcare situation bad in India?

The first and foremost reason for India to lose its Mental Health is the Lack of awareness and sensitivity of the issue. Half of the people in India aren't aware about mental health disorder and mental illness especially in rural areas, where people are prone to mental illness.

Stigma is also one of the most important reasons for high mental illness in India. There is a big stigma attached to mental illness.

Increasing the number of psychiatrists, making provisions and policies on mental health would not alone help to decrease mental illness in India unless there is breakdown of social prejudices/stigma. There is a high prevalence of stigma and social abandonment in India. People with mental issues are often tagged as lunatics by society. This leads to a vicious cycle of shame, suffering, and isolation of patients. Also, there is a serious shortage of mental health workforce in India this leads to a treatment gap. Budget allocation for mental health in India is as low as 0.5% whereas developed countries spend nearly 3%-5% on Mental Health. Low Budget allocation results in lack of quality services, mental health establishments, campaigns to bring awareness about mental health and to reduce stigma around mental health.

Indian Initiatives to improve Mental Health

- **National Mental Health Programme:** India launched NMHP in 1982 to improve the status of mental health in India. It has three important

components such as treatment of mentally ill, Rehabilitation, Prevention and promotion of positive health.

- **KIRAN Helpline:** It is a 24/7 toll free helpline launched by the Ministry of Social Justice and Empowerment. This helpline provides support to people facing anxiety, stress, depression, suicidal thoughts and mental health concerns.
- **Mando Darpan Initiative:** It is an initiative launched by the Ministry of Education under Atma Nirbhar Bharat Abhiyan. The initiative provides psychological support to students, family members and teachers for their mental health and well-being during the times of Covid-19.
- **RAAH App:** It is a mobile application that provides free information to the public on mental health care professionals and mental healthcare centers. The National Institute of Mental Health and Neuro-Sciences (NIMPHANS) has compiled a one-stop source online mental health care directory.
- **MANAS App:** MANAS stands for Mental Health And Normalcy Augmentation System. It is a comprehensive, scalable and national digital wellbeing platform. It has been developed to promote mental well being.

Constitutional Provisions

The Mental Health Care Act, 2017

This Act repealed the Mental Healthcare Act, 1987. The main objective of this act is to provide mental healthcare services for persons with

mental illness, to promote and fulfill the rights of such persons during delivery of mental healthcare and services and for matters connected therewith or incidental thereto. This Act is one of the important initiatives taken by the government as it guarantees basic rights to mentally ill people and ensures them to live a life with dignity. This Act has also exempted mentally ill people from punishment for committing suicide under Section 309 if it is proved that they have severe stress at the time of committing suicide.

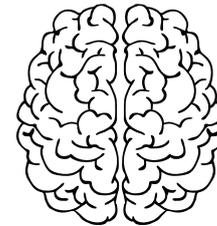


Rights ensured to mentally ill persons under this Act are:

- Right to make advance directive
- Right to have access to mental healthcare services.
- Right to community living
- Right to live with dignity
- Right to be protected from inhuman, cruel, degrading treatment.
- Right to Confidentiality
- Right to access medical records
- Right to have Legal Aid
- Right to make complaints about deficiencies in provision of services.

This Act also imposes duties on the government to take measures to ensure

that the provisions of this act are widely published, to set up programmes to reduce stigma associated with mental illness ,to give periodic sensitization and awareness training on issues under this Act.



What more steps can be taken?

- Reduce the treatment gap for mental disorders by increasing number of personnel in mental health care services.
- Increase Counselling Facilities especially in Rural areas.
- By promoting Mental Health equally as Physical Health and including it in the syllabus of students.
- Devise an Integrated approach for detecting, treating and managing patient needs.
- The important measure to be taken is to allocate at least 3% of the total budget on Mental Health.

Conclusion

Persons with mental illness require a responsive care system for hope and participation. There is a need to educate people about the reality that mental illness is more common than people realise. It is not only the responsibility of the government to implement programmes and policies, there is a similar responsibility on part of the society also to make people aware of mental illness and get people to talk more about it.

THE BEGINNING

START OF AN EPIC JOURNEY

BY SAI KUSHAL KOKS

One day when I was lying in my comfort cloudzone,
A thunder rumbled and shattered my cloud,
Fallen from the cloud,
Crashed onto the ground and got hard beaten by the land.

Fallen, broken and beaten, I was just a small drop then,
So no one's ready to listen to my pain,
Listen to my pain,
Under no one's shadow to escape evaporation,
the only solution was to run.

Unable to move from the place undesirable to stay,
Crying and crawling, burning and bleeding for my life.

By breathing the breath of every suffering, my soul became the pond and with
the desire driven force of life, kept flowing and growing into the river.

The army of land - mountains and trees,
On my way got thrown away,
Played their part and left with broken pieces.

On romancing the daughters of silence (vengeance and patience),
Now ruling the land of violence in the name of an ocean.

PAINTING

BY VAISHALI SIDIREDDI



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