



Nyayik Darpan



Maharaja Agrasen Institute of Management Studies

(Established by Maharaja Agrasen Technical Education Society and Affiliated to GGSIP University Delhi, recognized U/s 2(f) of UGC and Bar Council of India)
Campus: Maharaja Agrasen Chowk, Sector-22, Rohini, Delhi-110086 INDIA
(Estd. 2003) ISO 9001:2015 Certified Institution



Courses Offered: BBA, B.Com (Hons.), BA Eco (Hons.), BA (JMC), BA LL.B, BBA LL.B

**Quarterly Newsletter of
Department of Law**

**Maharaja Agrasen
Institute of Management
Studies, Delhi**

**Vol. I
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October - December,
2020**



MATES, a pioneering Charitable Trust of conscientious educationists, enterprising industrialists, social activists and philanthropists, has been engaged in a social mission to promote and facilitate value-added quality education to the youth from all strata of the society.

The Trust has been doing yeoman service to the nation by providing professional education in various streams through its flagship institutions – Maharaja Agrasen Institute of Technology, Delhi (MAIT), Maharaja Agrasen Institute of Management Studies, Delhi (MAIMS) and Maharaja Agrasen University, Baddi, H.P (MAU)

The Department of Law, which started in the Year 2017, running a five-year integrated course BA LL.B, is the noblest initiative taken by the trust to impart quality legal education under the guidance and supervision of senior, seasoned, young, talented as well as veteran professionals in the domain of legal studies at higher educational level.

One whose happiness is within, who is active and rejoices within, and whose aim is inward, is actually the perfect mystic. He is liberated in the supreme, and ultimately, he attains the supreme. (Bhagwad Geeta)

MESSAGE FROM THE NEWSLETTER TEAM:

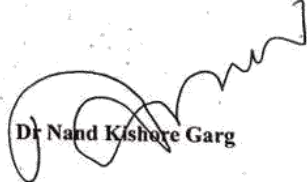
The year 2020 has come to an end. It had been a very eventful year with all of us staying indoors to fight the worst pandemic of this century—CORONA. However, it proved as a blessing in disguise as it gave us opportunity to find new platforms of disseminating of education and the online education curriculum is one of them. We witnessed a sea of activities ranging from online classes, webinars, guest lectures, Faculty Development programs, Moot Court Competitions –all on an online platform. This quarter also saw the start of the new session for the first-year students of BALLB and BALLB from December 2020. Our department was witness to many educational and training sessions together with various competitions like Moot Court and Debate competitions.

It had been a successful quarter and we are optimistic that the readers will enjoy going through the glimpses of the events as well as the articulate writings by our students covering a wide gamut of topical issues.



Message from Founder Chairman & Chief Advisor, MATES and Chancellor, Maharaja Agrasen University, Baddi, H.P

It gives me immense pleasure that the next issue of the “Nyayik Darpan” is in the pipeline. It definitely helps in streamlining the events which have happened in the said period. The year 2020 can be said to be the year of new inventions and beginnings and the ‘online teaching’ on a large scale is one such innovation. Things did not stop. Studies did not stop. Everything went on as usual and the regular publication of the Newsletter by the Department of Law is one of them. I convey my best wishes to the Department and most importantly our students for a successful journey in the academic field.



Dr Nand Kishore Garg

Dr. Nand Kishore Garg
Founder Chairman & Chief Advisor, MATES
Chancellor, Maharaja Agrasen University, Baddi, H.P



Message from Director General, MAIMS

It gives me immense pleasure to know that the department of law is coming up with another edition of the News Letter. The efforts taken by the students and the faculty members to bring out this edition are commendable. I wish the “Nyayik Darpan” goodluck.

A handwritten signature in black ink, appearing to read 'S.K. Garg'.

Prof. (Dr.) S.K Garg
Director General, MAIMS

Message from Director, MAIMS



The Quarter of October to December 2020 has seen a plethora of activities in the Department of Law. It gives me immense pleasure that our students have been doing exceptionally well in academics and have been taking active part in various activities organized by the Department. I welcome the new batch (2020-2025) of BALLB and BBALLB to the Institute and hope that they have adjusted well to the virtual mode of teaching. I wish all the best to the Newsletter team.

A handwritten signature in black ink, appearing to read 'Ravi Kumar Gupta'.

Prof. (Dr.) Ravi Kumar Gupta
Director, MAIMS



Message from Principal, Department of Law

In the words of our former President late Dr. Pranab Mukherjee, **“I have seen vast, perhaps unbelievable changes during the journey that has brought me from the flicker from a lamp in a small Bengal village to the chandeliers of Delhi.”** His journey was not easy. It was a continuous effort on his part to achieve excellence. At

the Department of Law, this idea of continuous efforts to achieve excellence has become the guiding force. This idea always inspires us to strive hard to achieve our goals. The ideals of Maharaja Agrasenji are deeply committed to transformative education with the campaign to achieve social justice.

The current edition of the “Nyayik Darpan” captures the broad range of activities undertaken by the department and the creative energy of the student body. I wish all success to the current edition of the Newsletter.

Prof. Dr. Rajni Malhotra Dhingra
Principal, Department of Law, MAIMS



Message from Head, Department of Law

I feel immense pleasure to see that the Newsletter team is sincerely ready to release the next issue of the “Nyayik Darpan which is really a “Darpan” (Mirror) of academic and co curricular activities undertaken by the students and faculty during the period covered by the Newsletter. I firmly

congratulate the entire newsletter team for this herculean task under the expert guidance of Principal, Department of law. It seems to be the real culmination of highest ever quote by epoch-maker Swami Vivekananda Ji ,

“Arise Awake And Stop Not Till The Goal is achieved”.

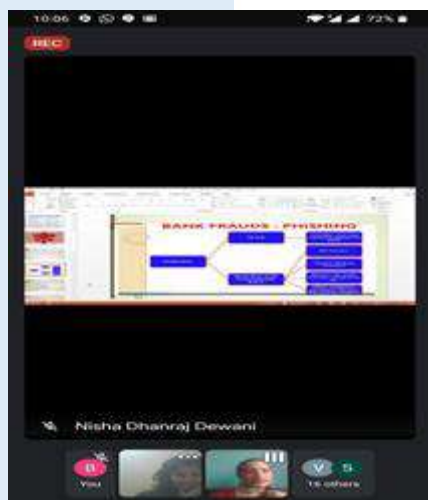
With Best Wishes

Dr. Praveen Kumar Gupta
Head, Department of Law, MAIMS

Activities of the Department

(October- December 2020)

Guest Lecture



- A guest lecture on “Online Cyber Fraud” was delivered through online mode by **Dr. Unanza Gulzar, Assistant Professor, North Cap University, Gurugram on 06.10.2020** at 9:00 AM. She beautifully introduced the cybercrime and then covered the kinds of online bank crimes like Skimming, Identity theft, phishing and Salami attacks. Also, she discussed in detail the role of Indian penal Code 1860 and Information technology Act to deal with offences relating to Online Bank fraud. Overall, it was an overwhelming experience to hear her on such a great topic which is a part of Banking and Insurance syllabus, Unit III. Lastly the students asked many relevant questions which were responded satisfactorily by the speaker.

CAREER ADVANCEMENT ACTIVITY

On 19th November, 2020, a career advancement activity was organized on the subject ‘Awareness program for Law graduates to boost up their Career opportunities’. **Dr. Shashi Bhushan and Sh. Shashank Deo Sudhi**, Advocate, Supreme Court of India were the resource persons for the same. The session was very helpful and cleared the doubts of law students regarding various options available to them after graduating Law. The students were told of various career opportunities like academics, litigation, corporate, LLP etc.



MOOT COURT COMPETITION

26th November 2020, the 71st anniversary of the Constitution Day was celebrated in the Department of Law, MAIMS and that day also marked the beginning of the two day 1st National Moot Court Competition organized by the Department of Law.

INAUGURAL:

The inaugural event was graced by the presence of Chief Guest Hon. Justice Mr. Rajiv Sahai Endlaw, Judge, High Court of Delhi; Dr. Nand Kishore Garg, Founder and Chief Advisor, MATES and Prof. (Dr.) S.K. Garg, Director General, MAIMS. It was a privilege to have Prof. (Dr.) A.P. Singh, Dean USLLS GGSIPU and Hon. Justice Ms. Deepa Sharma, Former Judge, Delhi High Court and Member, National Consumer Dispute Redressal Commission as Guest of Honor for the event. Prof. (Dr.) Ravi Kumar Gupta,



Director, MAIMS, Prof. (Dr.) Rajni Malhotra Dhingra, Principal, Department of Law, Dr Praveen Kr. Gupta, Head, Department of Law, Dr.Nisha Dhanraj Dewani, Convener and Ms. Aarushi Agarwal, Co- Convenor, MAIMS 1st National Moot Court competition 2020 were also part of the inaugural ceremony.



+ **The Moot Problem**

The moot problem was based upon criminal law and included constitutional law and jurisdiction related issues.

+ **The Winners**

Symbiosis Law School, Noida bagged the First Position and was awarded with cash prize of Rs. 20,000/- and one year subscription of SCC online to each member of the team. CMR School of Legal Studies, Bangalore were the Runner's up and were awarded with cash prize of Rs.15,000/- and a six month subscription of SCC online to each member of the team. Best researcher award was bagged by Ms. Romi Kumari from Symbiosis Law School, Hyderabad and was awarded with a cash prize of Rs 5000/-. Best speaker award was bagged by Keya Rebello from School of Law, Christ (Deemed to be University) and was awarded with a cash prize of Rs 5000/-. The event was graced by the presence of Chief Guest Hon. Mr. Justice JayantNath, Judge, Delhi High Court. It was a privilege to have Prof. (Dr.) Viney Kapoor Mehra, VC, Dr. B.R. Ambedkar National Law University, Hon. Mr. Justice Chander Shekhar, Former Judge, Delhi High Court & Chairperson, REAT, Delhi and Chandigarh, Hon. Dr. Justice Sangeeta Dhingra, Former Judge, Delhi High Court & President DSCC, Prof. BT Kaul, Former Chairperson, Delhi Judicial Academy as Guest of Honor for the event.



+ **RELEASE OF THE 'NYAYIK DARPAN'**

This solemn day also witnessed the release of the Quarterly Newsletter of the department of Law, "Nyayik Darpan" by our Honorable Chairman Dr. Nand Kishore Garg. It showcases the various activities of the department and is a platform for our students to express their thoughts in letter



+ **ONLINE WORKSHOP ON "HOW TO DRAFT RESUME" on 2nd December 2020**

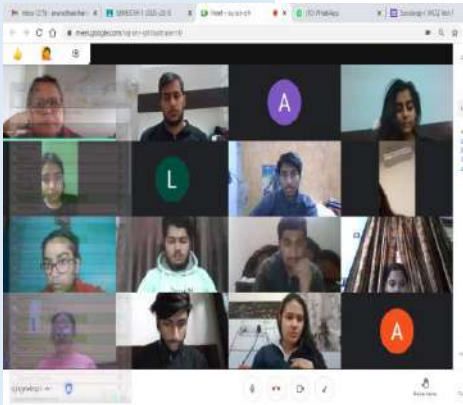
Internship and Placement Committee, Department of Law MAIMS, organized an online workshop on 2nd December, 2020, aimed at honing the resume and cover letter drafting skills of law students. Presided over by Dr. Praveen Kumar Gupta, Head, Law Department of Law. The session began with an Introductory address by Ms. Aarushi Agarwal, Assistant Professor, MAIMS.



Ms Aashna Jain, Advocate and career coach, former associate of Shardul Amarchand Mangaldas and Dua Associates was the resource person of the workshop. Ms. Aashna Jain elaborated upon the need and importance of drafting a coherent resume in order to compete with the best. She discussed about the groundwork that one needs to do before drafting the resume including study on the requirements of the recruiter, information about the organization one is applying in, and checking the skill set required.

The workshop witnessed over 143 registrations and was attended by over 100 students of BALLB The event was convened by Ms. Arushi Agarwal with the assistance of the student members of the organizing committee namely Ms. Deeksha Chugh, Ms. Bhavika Kohli, Ms. Kanika Kapoor, Ms. Neha Gururani, Ms. Apurva Bhutani, Ms. Shourya Nandwani, Ms. Shruti Bansal, Ms. Anshita Khandelwal, Ms. Sonakshi Chaurvedi and Mr. Anurag Singh.

ORIENTATION PROGRAM:



The new batches of the BALLB and the BBALLB students joined the college on 21st December 2020. The 2020-2025 session has started a bit late due to the CORONA pandemic but at last the freshers saw a ray of hope when they got admission in the college after the admission process which took place in the month of December. The new session started with a havan in the campus where all the top dignitaries of the college together with the faculty members were present. Immediately after that a grand orientation program started on an online platform. New students participated with full enthusiasm and got to know about the Institute.

The day long orientation session exposed the students to the vistas of the legal studies. Various prominent personalities including our Founder Chairman Dr. Nand Kishore Garg addressed the students. The main focus of their address were the contemporary issues faced by the society, shared their experience with the audience. They also aimed at equipping the students with skills to navigate the challenges that they would face.

The classes for the first year started on 22nd December 2020. The new students are divided in A and B sections of BALLB and there is one section of the newly started BBALLB.



DEBATE COMPETITION

On 29th and 30th December 2020 ,SAMVAAD, the debate society of the Department of Law, Maharaja Agrasen Institute of Management Studies organized its 1st Intra Virtual Debate Competition. The topic of the debate was “Should the Office of the Speaker Apolitical?”.

The event was graced by the presence of Prof. (Dr.) Ravi Kumar Gupta, Director MAIMS, Prof. (Dr.) Rajni Malhotra Dhingra, Principal, Department of Law, and Dr. Praveen Kumar Gupta Head, Department of Law with the faculty members of MAIMS.

Dr V.K Bhatnagar, Faculty Convenor of SAMVAAD with his team of Faculty Coordinators-- Dr. Nirdosh Kumar, and Ms. Kriti Johri conducted the event with excellence. Ritika Bansal, Grishita Chopra and Eva Makker formed the part of the core team as student volunteers with other volunteers as well who helped in organizing the event. There were a total of 22 participants in the first round. The event was judged by a galaxy of experts in their respective field like Mr. P Pratihari, Registrar (Retd.) RML Hospital; Mr. Pulin Bhutia, Director, Lok Sabha; Mr. Sanjeev Chandra, Director, Rajya Sabha, Dr. Deepak Gosain, Director, Lok Sabha; Dr. Jaydev Sahu, Director, Lok Sabha; Ms.Satamita Ghosh, Advocate; Mr. Hitendra Hiremath, Advocate; Ms. Tanvi Sharma, Assistant Professor, GGSIP University; Mr. Sreesh Suresh, Daksha Fellowship; Ms. Priyam Liz Cherian, Advocate Mr. Arjun Natrajan, Advocate, Delhi High Court Dr. Varun Chhachar, Assistant Professor, University of Lucknow and Mr. Anshul Malik, Advocate. The participants as well as the audience were highly benefited by their factual and lucid knowledge.

The **Semi Final Round** was conducted on the morning of December 30, 2020. It was judged by Dr. Sujata Arya, Assistant Professor, Symbiosis Law School, Pune and Dr. Neeraj Sharma Advocate, Delhi High Court.

The **Final Round** took place between Amar Bajpayee arguing for and Muskan Gupta speaking against the motion. Both are students of second year BALLB and both argued their points with devotion and articulation. The judges of the final round were Mr. Baldev Raj Ranjan, Advocate and Dr. Jasper Vikas George, Assistant professor, NLU, Delhi. The judges posed exploratory questions to the participants and tested their knowledge of law as well as of the facts regarding the topic.

Amar Bajpayee bagged the first position followed by Muskan Jain and Shivam Sethi who secured second and third positions respectively.



Student's Achievement



Kavleen Kaur Khurana - 3rdSemester(B)

- ✚ Paper titled "Limitation on Right to Pleadings between the Parties: Concept of Rejoinder and Surrejoinder" published in "International Journal of Legal Science and Innovation" [ISSN: 2581-9453]., October 2020
- ✚ Paper titled "Ways to Improve Indian Penal Laws in Consideration with British and American Legislation" published in "Legal Foxes Law Times" [ISSN: 2582-6034]., October 2020



Ayush Tanwar - 3rd Semester (A)

- ✚ Quarter Finalist at S.K Puri Memorial International Moot Court Competition, organised by Law Centre - II, Faculty of Law, Delhi University in October 2020
- ✚ Best Delegate in United Nations Human Rights Council at JIMSVK MUN 2020 (Organised by JIMS)
- ✚ Best Delegate in United Nations Security Council at IMI MUN 2020

Faculty's Achievements



Prof. (Dr.) Rajni Malhotra Dhingra

- ✚ **Expert Talk** on the topic 'Indian constitution' on 1st December 2020, organized by 1 Pb. Girl's Battalion NCC of Shanti Devi Arya Mahila college, Dinanagar.
- ✚ **Presented a paper** on 'Socio-Economic Status of Women' at the ICSSR sponsored National Conference on 'Media Literacy and Communication for Sustainable Development held at Vivekanand Institute of Professional Studies, Delhi on 19th December, 2020.



Dr. Nisha Dhanraj Dewani

- ✚ Invited as **Resource Person** in the seminar, 'Issues and challenges in Bio Piracy in 21st Century: National and International Perspective' organized by Centre For Intellectual Property Rights, Advocacy, research and Training on 12th October 2020.
- ✚ Delivered a **Guest Lecture** on 'First Appeal' at North Cap University, Gurugram on 10th November, 2020.
- ✚ **Presented paper** on 'Patents, trips and Public Health: An Analysis in National Webinar 'Atmanirbhar Bharat, Shreshtha Bharat' organized by the National Service Scheme (NSS) cell of GGSIPU, Delhi.
- ✚ **Convener** of the first National Moot Court Competition organized by MAIMS, 26-27 November 2020.

STUDENT'S CORNER

The Department of Law is privileged to have a galaxy of dedicated and conscientious students-ever willing to showcase their inherent talent and shoulder any onerous responsibility entrusted on them. They are very articulate in presenting their thoughts whenever they are given an opportunity to express themselves.

The following write-ups are reflective of their inherent talent and coherent views.

The Epidemic Diseases Act, 1897: An Overview

Ayush Tanwar
BALLB 3rd Semester (A)



“COVID-19 will reshape our world. We don't yet know when the crisis will end. But we can be sure that by the time it does, our world will look very different”

-JOSEP BORRELL

Introduction

Years later, when we start living our life as before we start looking at life from a different perspective. We are the true witnesses of this unseen evil. The worldwide outbreak of coronavirus has brought all of us in some unprecedented times. The virus has swept across all parts of the world. India reported its first case of COVID-19 on 30th January and, ever since then, we have seen a rapid rise in the number of cases. The Epidemic Disease Act, 1897 which plays an important role at the time of the pandemic, is now one of the Acts that everyone has an eye on. Due to this, the Epidemic Disease Act of 1897 has been in the news for multiple reasons. First, for being invoked in March and then later, for being amended in April. So much has been talked about it but, still not many are completely aware of this piece of legislation. This article tries to explain the practicalities and the legalese of this Act while outshining its history and the recent developments.

How did the law come into being?

The Epidemic Disease Act, 1897 is a very concise piece of law that clearly explains what appropriate measures are to be taken by the Government and its citizens when there is a spread of an epidemic disease. This Act was a result of the bubonic plague of Bombay (now known as Mumbai) outbreak in 1896. The plague had disrupted the countries through port cities, and it even reached India via naval trade routes. It was increasing in Bombay due to an upsurge in the inrush of workers and due to the presence of rats in the congested *chawls*. It caused grave killings in Bombay and across India. Mere physical contact could transfer the bacteria, and within seconds people would be infected. More so, the disease was difficult to detect in the initial stage of infection as people started to show the symptoms at a very later stage. Its early symptoms of fever were misguided for malaria. Later, after developing the bacteria for a few days, more serious symptoms like swelling in the groin area and armpits started to show up. The preceding years had already caused a huge amount of financial loss to the British Government in India, and the economy was in a fragile state. The British administration wanted to act quickly and to take robust measures to acquire a firm grip over this issue. Therefore, instantly, the Government passed the **Epidemic Disease Act, 1897**.

This Act gives power to the Government to prescribe temporary regulations, during a dangerous epidemic disease outbreak, if ordinary regulations are insufficient,

It provides the Government with the power to conduct inspections of the person travelling, and also tries to segregate people who are suspected of being infected.

It gives the right to the Government and other related authorities to punish any person who disobeys Government regulations and orders. The person is punishable under this section.

It gave legal protection to any officer working under this Act.

This Act was passed by the Imperative Legislative Council, and currently, all the powers are with the Indian Parliament. It is based on the Venice Sanitary Convention of March 1897. Due to an expansion in the spread of diseases like cholera and plague, graded quarantine regulations have been discussed internationally. These were known as the International Sanitary Conferences.¹⁴ such conferences in different cities took place from 1851 to 1938. The British administration on nearly the same lines adopted the Epidemic Diseases Act in India in 1897.

This act is only entreated in desperate times when ordinary legal provisions are insufficient to deal with the prevailing treacherous disease. In such desperate times, the State Government can form special legal provisions to deal with the issues prevailing at such times. Moreover, even the Central Government, if it deems necessary, can prescribe regulations to inspect ships or vessels leaving or arriving at any port. For example, the Central Government can conduct inspections at airports. Therefore, Section 2 and 2(A) of this act creates unequivocal distinctions between the powers of the Governments.

The concept of quarantine that is prescribed through this law and it complies with Article 19(3) and (4) of the Indian Constitution, wherein if there have been reasonable grounds, the Government can restrict movement in the interest of the general public.

This law is a part of the State List wherein the Union Government advises the State Government to activate the Epidemic Diseases Act, in compliance with the clause (6) of the list. The Epidemic Diseases Act, 1897 has been frequently used in the past as well: 1. **2009**- Section 2 of the Act was invoked to tackle the Swine Flu outbreak in Pune, 2. **2015**- The Act was issued in Vadodara declaring Khedkarmsiya village Cholera-infected.

Recent Developments

Amidst this pandemic, India witnessed unique situations of devastating harassment against health workers and reports of mounting violence against health workers. Although multiple reasons have been cited, the main reason was the circulation of frivolous and superficial rumours which claim that the health workers were spreading the virus. This raised some pressing concerns over the safety and dignity of the health workers. To this, various protests were marked, and demands for laws against attacks on healthcare professionals were raised. Later, the Central Government acted instantly and said that the security and dignity of health workers are non-negotiable. On April 22, the Epidemic Diseases (Amendment) Ordinance, 2020 was promulgated to protect the healthcare personnel.

What is the Epidemic Diseases (Amendment) Ordinance, 2020?

This ordinance is envisaged to ensure that during any situation akin to the current pandemic, there is zero-tolerance to any form of violence against healthcare services personnel and damage to property. Major changes that this ordinance has instituted are:

It first goes on to crystallise the definition of 'healthcare services personnel' and what constitutes to be 'an act of violence'. It further persists to expand the powers of the Central Government to conduct inspection and detentions. It also points that any violence against health care personnel shall be punished with imprisonment of three months to five years, followed by a fine of Rs.50,000/- to

Rs.2,00,000/- and in situations with disquieting hurt, imprisonment for a term of six months to seven years, with a fine of Rs.1,00,000/- to Rs.5,00,000/.

It also calls for time-bound investigations, in addition to compensation for damages or injury.

Lastly, but most importantly, an act of violence against healthcare personnel will be cognizable (where police officers can perform an arrest without warrant and initiate an investigation without the permission of the court) and a non-bailable offence.

New Challenges and its Impact

As we usher into another month of unprecedented and unparalleled times, we must look into the technical aspects of the existing legal framework that can prevent the spread of this dangerous disease. The novel coronavirus has given this Government a chance to dig deep in this succinct piece of law and fill all its loopholes. The Epidemic Disease Act 1897, hasn't been through any form of judicial scrutiny to point out its shortcomings. However, a fair reading of this act provides us with manifold loopholes that can be a major concern in the coming future. With that being reiterated, here are some of the alarming challenges that India will face despite the recent amendments to this law:

- 1) The Act strives to provide better deterrent techniques for the spread of 'dangerous' epidemic diseases but still disappoints to define or clarify as to what shall be deemed to be a dangerous disease and whatnot. Can you say that the 2015 Chandigarh Malaria outbreak was dangerous enough to invoke this act back then?
- 2) To add to this dilemma, the Act nowhere mentions or gives any due consideration on the rights of the citizen. It still does not expound upon the human rights of the people. If you gaze into the State Regulations of Bihar or Uttar-Pradesh that are formed under this act, they allow officers to isolate persons forcefully, and conduct surveillance at private establishments. Also, even free speech is kept in tight rein as people are not allowed to issue information regarding COVID-19 without prior permission of the Government to prevent the unfurl of fake news.
- 3) Moreover, this act gives unquenchable competency to the Government. There is little or no information provided by the act on the duties of the state. It also remains silent by not particularising the duties of the Government to prevent any unforeseen outbreak.

Conclusion

It would be fair to say that the Epidemic Diseases Act, 1897 (EDA) is a rather double-edged sword. It can be used in a way that helps the citizens to deal with these unprecedented times. However, it can also cause a heap of trouble if it is not applied in good faith. At the moment, everything hinges on this legislation. The Modi Government has done a pretty decent job by amending this law. It has created a glimmer of hope in our minds. However, this Act still contravenes various principles of human rights which we must not forget. Putting unquenchable powers in the hands of the executive will fundamentally erode hopes for a better future. This Act is a 123-year-old piece of law, a lot has changed ever since then, we are no longer under colonial power, but this Act still echoes colonial rule, and if that is the case then there is some serious problem with this Act. Therefore, it is the need of an hour to address this issue.

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Is privacy private anymore?

Mehul Jain & Kanika Kapoor
BALLB 7thSem (A)



Arguing that you don't care about privacy because you have nothing to hide is no different than saying you don't care about free speech because you have nothing to say. -Edward Snowden

Privacy, it seems to be a very common topic of discussion in today's world, but there is neither one true meaning nor any straightjacket explanation as to what is meant by the term privacy. But if we try to put it in simple words, right to privacy is a right to protect one's personal information from public scrutiny. In India, right to privacy has developed gradually over the last 60 years with many judgements

being passed by courts all over the nation. Like, In the case of Justice K.S. Puttaswamy (Retd) vs Union of India, the Supreme Court finally held that right to privacy is a fundamental right and is a part of Article 21 of the Constitution of India.

In recent times, the very popular and trending social media platform, Whatsapp updated its privacy policies which lead to a wail all over the country. In these said new policies, there have been many opposing statements and contentions from both the parties. Some believe that after accepting these policies, an individual has given them access to every minute detail of his/her life for example access to our location, read our personal chats, monitor our behavior and also keep a track of our device's media. On the other hand, Whatsapp repeatedly claims that none of the aforesaid allegations are true and that everything is still encrypted as it used to be.

The recent update on such a controversial issue was the response to the plea challenging these new updated policies of Whatsapp. The Delhi high court on Monday, January 18, 2021 mentions in its hearing that Whatsapp is a private application and a user is free to remove it from their devices if they have a problem with it. The court also said that it is not only Whatsapp that collects information from its users but rather all mobile applications do the same.

As a result of this outburst, a few new applications have emerged as the savior claiming to be a safer platform for its user's privacy i.e., Signal and Telegram. Infact, Signal is trending as the No.1 messaging app in various countries including India. But the reality is that Whatsapp is now the most commonly used mode of communication and an aiding source for multiple government functions. In the recent affairs, the Hon'ble Supreme Court has also given permission to deliver summons through applications like whatsapp. This is how important is whatsapp to this digital world.

Without any clarity as to what is right and what is wrong, it has come upon us, the fellow individuals to be vigilant and well informed as to what we share on these social networking applications

Need for censorship on OTT and Online News Platforms?



Vanshika Darbari and Vanshika Gupta
BALLB 7th Semester (B)

An Over the top (OTT) media service includes the services which are provided to the viewers directly through the medium of the internet. This platform can be said as an extension to our primary sources of entertainment such as televisions and cinema halls. These platforms are an ocean full of content, which provides its viewers with content relating to every kind of genre as per their likes and dislikes. There are a large number of OTT platforms functioning in India such as Netflix, Amazon Prime, Hotstar, etc.

Till now, there has been no regulatory body that regulates the content streamed on these platforms unlike the content provided by cinema and television which is regulated by CBFC and BCCC respectively. Hence, recently the issue which has been raised in this regard is whether there is a similar need for such a body for regulation of OTT platforms or not?

The economic pattern of creation, distribution, and consumption of these OTT and online news platforms is entirely different from the others that are being regulated by the established authorities. It provides these platforms liberty to write and show whatever they wish to. The newspapers and the TV channels need registration before their functioning, hence the news displayed by them also comes under the ambit of a regulatory body, but in the case of online news platforms, it has become very uncomplicated for them to write anything because nowadays, all they need is an access to a smartphone and internet, and there is no one to tell them whether what is displayed by them is within the permissible limits or not.

On the other hand, the formation of such a regulatory body can create a bad effect on innovation, creation, freedom of expression as well as cultural export which is quite exemplary in our entertainment sector. Another argument in this respect is, these platforms provide a more private experience in comparison to television and cinema halls, so if the viewers are of opinion that the displayed content is not in conformity with their outlook, they can anytime choose not to watch it just by a click.

Prior to this, there has been a discussion on the same which resulted in self-regulation by the OTT platforms. They said that they will themselves impose censorship so that the government has no such difficulty and it need not take any steps. One such example of such self-censorship is, Hotstar which streams John Oliver's famous show, censored the episode criticizing Narendra Modi entirely, which created a fear amongst the people that whenever the government is criticized, the content will be censored.

It can be concluded from the above discussion that, there is a need for an unbiased regulatory authority that must adhere to and respect the right of freedom and expression [Article 19(1)(g) of Constitution of India] of each individual. And the guidelines so drawn by such authority must be flexible while dealing with the subjects of morality, religion, and politics

Relationship Between the Judiciary and the Legislature: Judicial Review of Socio-Economic Rights in India



Vidhi Gupta
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It has been found that the judiciary is the essence of the Indian Democracy and primarily performs the dispute resolution function. However, the judiciary also undertakes the role of interpretation of the provisions of the Constitution and exercises the facility to declare any law or executive action which is paradoxical of the Constitution as unconstitutional and hence void. Thus, the Constitution of India recognizes this doctrine of review which depicts the supremacy of the Indian Constitution.

The Indian Constitution explicitly provides for a robust style of review with respect to the enforcement of Fundamental Rights enshrined in Part III of the Constitution through various Articles like 13, 32, 131-136, 143, 226, and 246. However, the socio-economic rights in India, that are laid down in Part IV of the Constitution as the Directive Principles of State Policy, are made non-justiciable by the court under Article 37 of the Constitution.

While it is believed by many eminent constitutional scholars that such non-justiciability of the DPSPs exclude them from the ambit of the law, it may be observed that by the way of judicial interpretation, a considerable amount of Directive Principles have been integrated into the Fundamental Rights.

While the Indian Judiciary is found taking a substantial interest in the assessment and analysis of varied legislation that aims towards the improvement of the socially, economically, and educationally backward classes, it can be ascertained that justiciability of socio-economic rights is feasible on the condition that the claim as made can be included within the purview of Part III of the Indian Constitution.

Moreover, Judicial Review with regards to socio-economic rights does not hold potency in the presence of Article 37 of the Indian Constitution. Even an understandable reading of Article 37 would reveal that the provisions of Part IV are not enforceable by the court. It does not however state that the court cannot review an Act enacted by the legislature on the principles laid down in Part IV. Therefore, it can be said that when the legislature enacts a law that is in contravention of Part IV of the Indian Constitution, the judiciary might exercise its rather weak form of Judicial Review and analyze its constitutionality with respect to Part IV.

It can be concluded that the main purpose of judicial review is to ensure that the laws enacted by the legislature conform to the rule of law. However, it is not a necessary fact that judicial review of a legislature confers the judiciary with an upper hand over the other two organs of the government. Review of fundamental rights has been accepted as a legitimate practice in a democratic country either in the form of necessary evil or as a just requirement. It can be asserted that while any law made by the Legislature in contravention of Part III is subject to the implementation of the ability of the courts to review and nullify such laws, Part IV of the constitution is not yet enforceable by the courts.

Indian Parliamentary System: Hegemony of Congress & Consensus Politics of a Minority Government



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For a long period ensuing independence, the Indian political system was dominated by Congress which virtually ruled as a monolith party not only at the Centre but in almost all the states. During the '60s, this hegemony of Congress gradually began to be eroded when the general elections of 1967 resulted in the inception of coalition governments in several states. This period also experienced minority governments at the state level surviving with the extramural support of parties that did not participate in the government. The coalition governments could not survive for long as the political parties which annexed the coalition could not pull on together. And, in case of minority governments the parties supporting from outside withdrew their support immediately after the initial euphoria was over, The failure of these experiments led to Congress bouncing back to power.

At the Centre, the first minority government was of Mrs Indira Gandhi when she was reduced to a minority as a result of the split in Congress party in November 1969. She had, however, the support of withdrawn parties in Parliament. But, within a year she recommended the dissolution of Parliament and the ensuing elections returned to power with a comfortable majority.

In 1977, a real auxiliary to Congress emerged in the form of Janata party which was formed by a merger of several political parties and was opposed to Congress. With this was believed that an era of a strong two-party system had commenced in this country. But, soon after returning to power after the 1977 general elections, the variegated groups that formed the Janata party began pulling apart and as a result, the Janata party disintegrated and bowed out of office. The result: Congress once again returned to power.

One more trial to unite the opposition for dislodging Congress began in the latter half of Rajiv Gandhi's term as Prime Minister. It was at this juncture that some of his senior colleagues in the government and party deserted him and formed with some opposition parties the Janata Dal, alias, the National Front. In the 1989 elections for the ninth Lok Sabha, the National Front secured an impressive tally but was far short of the strength required for a comfortable majority. Nevertheless, it formed the government with the critical support of the Bharatiya Janata Party (BJP) and the Communist Party of India-Marxists (CPM). Both outstretched their support to the National Front government to honour the *'People's Mandate'* of keeping Congress out of power.

As a conclusion, the success of a government does not depend upon the strength it enjoys when formed but how it works. Thus, despite its massive majority in the 1984 elections, Rajiv Gandhi's government forgot its commitments, became non-accountable and drowned under serious charges of corruption thereby becoming inaccessible to his party.

As the politics of consensus is concerned, a majority government indulges in consociational politics.

CHORAL MURIYAL: RITUAL OVER HUMANITY



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Is it legit to sacrifice a human for a ritual? ChoralMuriyal is also known as KumbhMela of the south. It is a part of the popularly known festival of 'KUTHIYOTTAM', involving the adoption of a male child between the age of 8-10 years by a wealthy person, generally from an unprivileged family in exchange of money. Being that, such a child is offered as a 'Bali' or sacrifice to 'Bhadrakali', the deity who is worshipped in this festival. On the final day of the festival, the skin on either side of the child's midrib is pierced and a golden strand is inserted in it by the master. These children are then marched to the temple, where the strings are drawn out by the elders from the bleeding fissures and are offered to the temple. Thus, marking the end of the 'KUTHIYOTTAM' ceremony.

Albeit, this ritual involves the sacrifice of one's child but this never happens in reality. As a result, the children belonging to poverty-stricken families are targeted. They are mostly traded by their parents for money. This is not a new tradition; it is being practised for more than two and a half centuries, during the time of 'KUMBA BHARANI' festival at Chettikulangara temple, Alappuzha, Kerala. Due to this ritual, the condition of the children becomes vulnerable as the ritual signifies a 'human sacrifice' to God and once a child is sacrificed, he is considered dead for the society or say the child is ostracized and considered as a bad symbol for the society.

The state commission for the protection of child rights in 2016, had imposed a ban on such an inhuman ritual for violating the provisions of the Juvenile Justice Act, the fundamental rights enshrined under Article 21 and for the physical pain and injuries suffered by the children. In 2018, a landmark judgement by the Kerala high court had ruled that, if anyone by violating the orders performs such a ritual, he would be held guilty of a non-bailable offence. Yet, there are many orthodox people in our society, who defy the orders, perform such rituals with the view of fulfilment of their desires. There must be a complete ban on such a ritual as no individual can infringe the human rights in name of god. Moreover, it is earth-shaking for people to understand that spilling a child's blood can never be a way to impress God/Deity.

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IS BEING A TRANSGENDER A SIN?



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Linda Thompson a famous American songwriter once said “Being a transgender, being tall, being gay, white or black, male or female, is another part of humans which makes us unique and something over we have no control. We are who we are in the deepest recesses of our mind, hearts, and identities.” Transgender is a term which is used to describe a person whose gender identity or gender expression differs from their biological sex. A trans person’s struggle to survive starts from childhood. Most are abandoned by their families, denied education. In order to provide social, economic and educational empowerment, the supreme court judgement ruled out in NALSA v. INDIA that transgender people should be recognized as a third gender enjoying all their fundamental rights, while also being entitled to specific benefits like purchasing, renting properties, holding public offices. Subsequently, in order to protect the rights of transgender, 20th November is celebrated as transgender Remembrance Day. It was first observed in 1999 by a transgender advocate Gwendolyn Ann Smith to honor the memory of Rita Hester, a transgender who was stabbed 20 times in her own apartment. But little we know about the heinous crimes they go through. The number of real incidents of heinous crimes against transgender is 10 or 11 times higher than the ones reported with the police. The difference in numbers is largely because of the little legal sanction to act on rapes and sexual violence. In addition to that, the provision for punishment for serious crimes committed against transgender people is substantially less severe than for the same crimes committed towards other communities like the penalty for rape of a transgender is merely just six months to two years. Second, and more concerning is the apparent, contempt, prejudice and disdain against their community. For instance, on 15th January 2019, Alka a 23-years-old transwoman left her house to visit the tattapni festival in Chhattisgarh, did she realize that while visiting she would meet two people and amongst them would be an alleged rapist? Did she realize it would be her last day just? She was brutally murdered because she was a trans gender and not a cisgender. Another unspeakable instance happened in June 2017; a 19 years old transgender woman was gang raped by four men in Pune. When she went to the hospital, the doctors were asking questions about how a transgender could possibly get raped. Even the nurses were rude. This lack of sensitivity and understandability, in most the cases, open hostility and transphobia, discourage transgender from seeking legal remedies. Every year across the world numerous transgender persons are murdered simply because of who they are. A much higher number of sexual violence goes unreported. This is the price which they pay for just simply existing. Consequently, this leads to a scenario where begging and sex work becomes their only options to earn and survive. Being forced into sex work puts transgender at the risk of contracting sexually transmitted diseases, and takes away their agency over their bodies, along with violating their fundamental rights. Society looks at them with pity and disgusting eyesight. Nevertheless, they have risen irrespective of all bigotry and challenges. Some of the famous and known are PadminiPrakash who scripted history by becoming the first transgender woman to anchor a local new channel in Lotus. Another known yet inspiring is K PrithikaYashini who became the first transgender police officer in India. If these people can survive and try to prosper in a society which sees them as impure then isn’t it our choice and responsibility to stop the societal behavioral negative norms towards them? I dare to dream of a world where people can dress, speak and behave how they want, free from mockery, judgement and danger. This is what I want. Who’s with me?

CONCLUDING REMARKS BY THE NEWSLETTER TEAM

We sincerely hope that you like our attempt to bring the activities and achievements in a coherent manner. It is a continuous process and the forthcoming issue is going up to be more exciting as we have a series of events lined up to happen like the MUN and the Law Fest, Till then

DAS-VIDANIA

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