

BICHAR BANI

VOL.-1 ISSUE-1

JUNE, 2023



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BICHAR BANI

VOL.-1 ISSUE-1

JUNE, 2023

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VICE CHANCELLOR'S MESSAGE



It is a great pleasure to introduce *Bichar Bani* - e-magazine of School of Legal Studies, The Neotia University before you. A lawless society is not fit for survival of human civilization. A society can flourish only if there is proper law and order. *Bichar* means Justice, *Bani* means Message. I wish this e-magazine will help to spread the message of law and justice to its readers. I congratulate Dr. Rakesh Kumar Singh and the editorial team of *Bichar Bani* for composing this e-magazine. I wish success to editors, authors and contributors in their endeavor.

**PROF. B. GHOSH, D.SC.(ENGG.),
VICE CHANCELLOR,
THE NEOTIA UNIVERSITY**

DESK OF DEAN AND EDITOR-IN-CHIEF



It is a pleasure for me to act as Editor-In-Chief for the first volume and first issue of *Bichar Bani* – E-Magazine of School of Legal Studies, The Neotia University. After COVID-19 pandemic, our legal system is going through a testing time. Supreme Court of India is making arrangement for technological developments in legal proceedings by creating a database where one can access all judgments of Supreme Court at free cost. Status of a legal case can be seen online now through an online repository. Technological developments have opened up a new era in law and justice in India. On the other hand, Supreme Court of India and various High Courts are trying to establish constitutional, fundamental and human rights of the people of India. In this e-magazine, we have incorporated several articles and news reflecting such establishment of constitutional and human rights in our society.

Throughout the years, we conduct several events, legal aid programmes and workshops on various aspects of Law. Readers will get to know about all aforesaid events in this e-magazine. I hope readers will benefit from this e-magazine. I am grateful to Prof. B. Ghosh, Vice Chancellor, The Neotia University, for inspiring us to prepare this e-magazine and name this e-magazine. I also congratulate to Associate editors and student committee for working hard to compose this e-magazine.

**DR. RAKESH KUMAR SINGH,
ASSOCIATE PROFESSOR AND ASSOCIATE DEAN,
SCHOOL OF LEGAL STUDIES, THE NEOTIA UNIVERSITY**

ASSOCIATE EDITORS' DESK

The first issue of *Bichar Bani* is prepared with a vision to inculcate the ethos of the Constitution amongst its readers and contributors alike. It is a peculiar platform to showcase the research and writing skills of the students, while also celebrating the happenings and achievements of the SOLS. It is a humble attempt to set the wagon of knowledge in motion. We only hope to take this journey to eternity and bring new ideas and thoughts with the coming issues to create legal awareness amongst the TNU fraternity. It was indeed an ardent task for us to edit the honest and sincere contributions so as to bring a meaningful and enlightening piece of literature. We are forever grateful to Prof. B. Ghosh, Vice Chancellor, TNU and Dr. Rakesh Kumar Singh, Dean, SOLS, TNU; to provide the guiding light and abled support in this scholastic endeavour. We also acknowledge the contributors for their articles and creatives. Further, we are thankful to the tireless and sincere efforts of the student coordinators for bringing this issue together. We hope that the readers come out enlightened and aware at the end of reading this issue of *Bichar Bani*.

THANK YOU

Souvik Dhar,
Assistant Professor, School of Legal
Studies

Ayush Jha,
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Studies

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Articles

Corporate Governance: A Critical Analysis in Indian Perspective

-Dr. Rakesh Kumar Singh*

Introduction

According to Oxford Dictionary and Thesaurus¹ 'Governance' means 'act manner or process of governing'. Now-a-days Governance in corporate or Corporate Governance has become a new buzzword in corporate jargon, as observed by Justice Venkatchalliah.² Corporate governance generally provides for three factors firstly transparency in decision making , Secondly accountability which follows from transparency and thirdly accountability for safeguarding the interest of the stake holders and the investors in the organization. It is a system whereby the Companies are directed and controlled.³ It includes the set of policies and procedures which a corporate adopts for achieving its objectives in a fair manner. Corporate governance encompasses the entire mechanism of the functioning of a company and attempts to put in a place a system of checks and balances between the shareholders, directors, auditors and the management.⁴ Corporate Governance is passing through a testing time. The recent Corporate scandals have brought the boards under the watchful eyes of regulatory authorities in different parts of the world. Regulatory authorities are enforcing new laws to reinforce and ensure stakeholder's and investor's confidence.⁵ The present study shall examine the present status of Corporate governance and Corporate Social Responsibility in Indian Perspective.

Corporate Governance and Globalization

Good governance enables the companies to effectively compete at local , national and international level. Joseph Stiglitz⁶ has described the concept of globalization as "the closer

* Associate Dean and Associate Professor, School of Legal Studies, The Neotia University.

¹ Julia Elliot (Ed) Oxford Dictionary & Thesaurus; Oxford University Press; New York; p. 303 Again, according to Oxford Advance Learner's Dictionary of Current English, Sixth Edition' Governance means 'the activity of governing a Country or controlling a Company or Organization'

² Former Chief Justice of India

³ Report of Cadbury Committee on Financial Aspects of Corporate Governance; Charter Secretary; May 1997

⁴ T.V. Narayanaswamy, FCS, Company Secretary, New Delhi

⁵ The ICAI Journal of Corporate & Securities Law, Vol.II, No 1; P. Lakshmi Prasanna "Prospects of Good Corporate Governance", February 2005

⁶ Former Chief Economist of the World Bank and Winner of the Nobel Prize for Economics in 2001.

integration of the countries and peoples of the world which has been brought about by the enormous reduction of costs of transportation and communication, and the breaking down of artificial barriers to the flow of goods, services, capital, knowledge, and (to a lesser extent) people across borders”.⁷ Again Thomas Friedman has defined the same as “ it is the inexorable integration of markets, nation-states and technologies to a degree never witnessed before in a way that is enabling individuals, corporations and nation-states to reach around the world farther, faster, deeper and cheaper than ever before, and in a way that is enabling the world reach into individuals ,corporations and nation states farther, faster, deeper and cheaper than ever before.”⁸ The advantages derived from globalization can be analyzed in the following context like: (a) Trade in goods and services, (b) Movement of capital, and (c) Flow of finance. The Cadbury Committee⁹ commenced the new phase which was marked by a great deal of research in the nascent field of governance of the companies or measures to ensure effective governance this was followed by many such working groups which could look into the issues affecting governance and propose best practices for effective governance.¹⁰ This Committee emphasizes on the functioning of the board and the inclusion of non-executive directors and also about separation of the posts in two posts namely CEO¹¹ and Chairman. It also proposed that each company should have accounting standard in line with the international standards. A Memorandum of Understanding was signed between the World Bank and the OECD¹² on June 21, 1999 to sponsor the Global Corporate Governance forum. As per the understanding the forum was to provide for a rapid response mechanism for coordinating and channeling. Globalization to become successful has to be preceded by good governance. The key principle for success is to ensure that growth is sustained and shared. Sustained is a robust concept and it brings prosperity to many, rather than the few. There are many players involved in good corporate governance like owners, shareholders, creditors, board of directors, managers and employees. They are the internal architecture. The external architecture comprises the legal and statutory requirements, regulatory standards, stock markets, government policies, media

⁷ See, Bossche Vanden Peter, The law and Policy of World Trade Organization, Cambridge University Press, First Published,2005, p3

⁸ Ibid

⁹ Cadbury Committee 1992

¹⁰ Mervyn E. Kings Committee Report on Corporate Governance, 1994

¹¹ Chief Executive Officer

¹² Organization for Economic Cooperation and Development (OECD) Principles of Corporate Governance,1999

reputation and agents such as standards and accounting bodies all of which affect the corporation's credibility and stock value.¹³

Corporate Governance and Liberalization

According to Webster Dictionary¹⁴ the term 'liberalism' means "an attitude towards social, economic, political and ecclesiastical policies favoring gradual reform and ordered change rather than reaction or revolution and opposed equally to arbitrary censorship and undue license in dealing with the ideas . A doctrine often equated with Laissez-faire economics, holding to free trade and to minimum interference by the State with economic activities." The term 'Liberalization' generally comprises of two ingredients namely:

- (a) To allow the private sector to run those activities which were restricted earlier only to public sector.
- (b) To allow relaxation of rules and regulations which were restricted to the growth of private sector.

The main aim of liberalization in India was to dismantle the excessive regulatory framework that curtailed the freedom of enterprise. In fact, post liberalization in India have witnessed intense activities in foreign collaborations, joint ventures, mergers and amalgamation and a surge in exports. The issue of corporate governance is focal point of corporate culture, strategy and operations. After adopting the liberalization policy it became imperative to ensure good governance in the corporate sector so that they can effectively compete, at both national as well as International level.

Corporate Governance: Indian Perspective

In India the opening of the Indian economy through economic liberalization has a huge impact after 1991. Immediately after this shift in the economic policy the need for corporate governance has been felt because of the scams as an annual feature ever. Since we adopted

¹³ The ICAI University Journal of Corporate Governance, Vol VIII No.1; Hitesh J. Shukla " Corporate Governance and Indian FMCG Industry" January 2009.

¹⁴ See, The New International Webster's Comprehensive Dictionary of the English Language, CBS Publishers and Distributors, Encyclopedic Edition 2001,p. 734.

liberalization from 1991. Harshad Mehta scam, Ketan Parekh scam, UTI scam, Vanishing company scam, Bhansali scam and so on. Similarly, the scam which involved the fall of the companies giants in the United States like the World Com, Quest, Global Crossing, Xerox which led to the enactment of Sarbanes Oxley Act.¹⁵ In 2002, Indian government appointed a committee under the chairmanship of Shri Naresh Chandra known as the Naresh Chandra committee to examine and recommend about the auditor client relationship and the role of the Independent directors. Again SEBI analyzed the statistic of compliance with the clause 49¹⁶ for the listed companies and felt that there was a need to look beyond the mere systems and procedures of, if corporate governance was to be made effective in protecting the interest of investors. SEBI therefore constituted a committee under the chairmanship of Mr. Narayanmurthy¹⁷ the said committee to review the performance of corporate governance in India and to make appropriate recommendations. It submitted its report on the 8th February, 2003 and emphasized on Audit committee and qualification, accounting treatment, Risk management, training of board members, executive management and nominee directors. In the foreword written by Mr. Salman Khurshid¹⁸ “Good corporate governance practices are a sine qua non for sustainable business that aims at generating long term value to all its

¹⁵ Sarbanes Oxley Act ,2002. Sarbanes-Oxley Act was passed in USA in July 2002 after failure of many companies like World com, Enron, Tyco and Xerox. Highlights of the provisions are as follows:

- a. Foreign public accounting firms who audit US Company shall be subject to registration with board.
- b. A registered public accounting firm shall not provide non-audit services.
- c. Lead audit partner and reviewing partner should rotate every five years.
- d. Critical accounting matters should be reported to audit committee. Members of audit committee should be independent.
- e. Personal loans to executive are prohibited.
- f. Annual evaluation report shall contain an internal control report disclosing prescribed requirements. Company must disclose information on material changes in financial conditions or operations on a rapid and current basis.
- g. Chief Executive Officer (CEO) and Chief financial officer (CFO) must personally certify the corporate financial statements and filings, and affirm that they are responsible from establishing and enforcing disclosure controls and procedures. Subsequently, Public company Accounting Oversight Board was formed on 25-10-2002 for framing rules and adopting standards on auditing, Quality control and ethics, and inspecting or investigating compliance. NYSE (New York Stock Exchange) Listed company manual was suitably amended. Some of the provisions of Sarbanes Oxley Act have been incorporated in Clause 49 of the Listing Agreement in India.

¹⁶ SEBI Listing Agreement. In order to strengthen the practices of good corporate governance in listed companies, SEBI appointed a committee on June 4, 1999 under the Chairmanship of Kumar Mangalam Birla to study and make recommendations, inter-alia, on improving the standards of corporate governance in listed companies. The draft recommendations of the Committee were published in September 1999. SEBI accepted the recommendations and decided that they should be included as Clause 49 of the Listing Agreement entered into by the stock exchanges with the Listed companies under the heading “CORPORATE GOVERNANCE”. The schedule of implementation has also been laid down at the end of clause 49.

¹⁷ Chairman and Mentor of Infosys Technologies Ltd.

¹⁸ The then Minister of State (I/C) for Corporate Affairs, Government of India.

shareholders and other stakeholders.”¹⁹ When the corporate leadership and management of the company works with its heart and soul with transparency and accountability in the interest of the stakeholders instead of its vested interest it amounts to good corporate governance otherwise if it lags in transparency then it leads to bad corporate governance. Bad governance affects the stakeholders directly and very importantly breaches the trust of the investors. As matter of fact it should be noted that the shareholders are deprived of dividends because of creative accounting, managerial remuneration, free goodies to friends and families and risky mergers and acquisitions.

Conclusion

It emerges from the foregoing discussion that governance has an impact on different stakeholders and the persons in control of the board like the Board of Directors have the managerial challenges which make them accountable, the auditors to maintain transparency while giving their auditor’s report and very importantly protection should be given to the whistle blowers. In the context of implementation of corporate governance requirements, self-regulation coupled with accountability and transparency has been supported globally. Self-regulation has been a fair weather sobriety in most human endeavors and corporate governance cannot be an exception. Corporates are being subjected to the stress of changes, in fact, metamorphosis, in the wake of liberalization, globalizing markets and emerging international competition.

Thus proper implementation of the corporate governance will need a judicious mix of all the above approaches, namely through legislation, through stock exchanges, by institutional activism and by using the market as a disciplining and determining factor. For this all the professional bodies, regulators and industry associations will have to come together and work in tandem to make corporate governance a movement, in the Indian Corporate sector’s journey towards excellence and corporate growth.

¹⁹ Corporate Governance Voluntary Guidelines 2009 issued by Ministry of Corporate Affairs, Government of India.

Right to Life: Brief Overview

-Manisha Sikdar¹

The term “life” is so much indecisive to expound. Its scope can never be perceived by word to word reading of any inscription. So many forces are there which either directly or indirectly regulates the life of a person, without which, the survival of such person would become infeasible, such as the water, food, a good health, shelter etc. It is affirmed that, the possibility of a single definition of life on a common platform is an absurd.

Several religious ideologies have several ways of interpretation on “Life”. The Buddhist sutras do not speak about meaning and purpose of life but the goal is to find a potential way to culminate suffering. Life's purpose in Christianity is to seek divine salvation. Hinduism says there are four possible aims to human life: Kama , Artha , Dharma and Moksha. The Supreme Court of India has positively given a wide interpretation to the negative phraseology of Article 21. This Article states, *“No person shall be deprived of his life or personal liberty except according to procedure established by law.”*

The right to life is undoubtedly the most fundamental of all rights. A person who is moribund, the allocation of the freedom of movement would be meaningless. Contention of Mr. Harish Salve in Kulbhushan Yadav’s Case has put forth the preponderance of this right even to a person falsely charged with the case of espionage. Instead of affixing so many aspects within the ambit of “life” under Article 21, there are several aspects which would be contaminated the zeal of the Right.

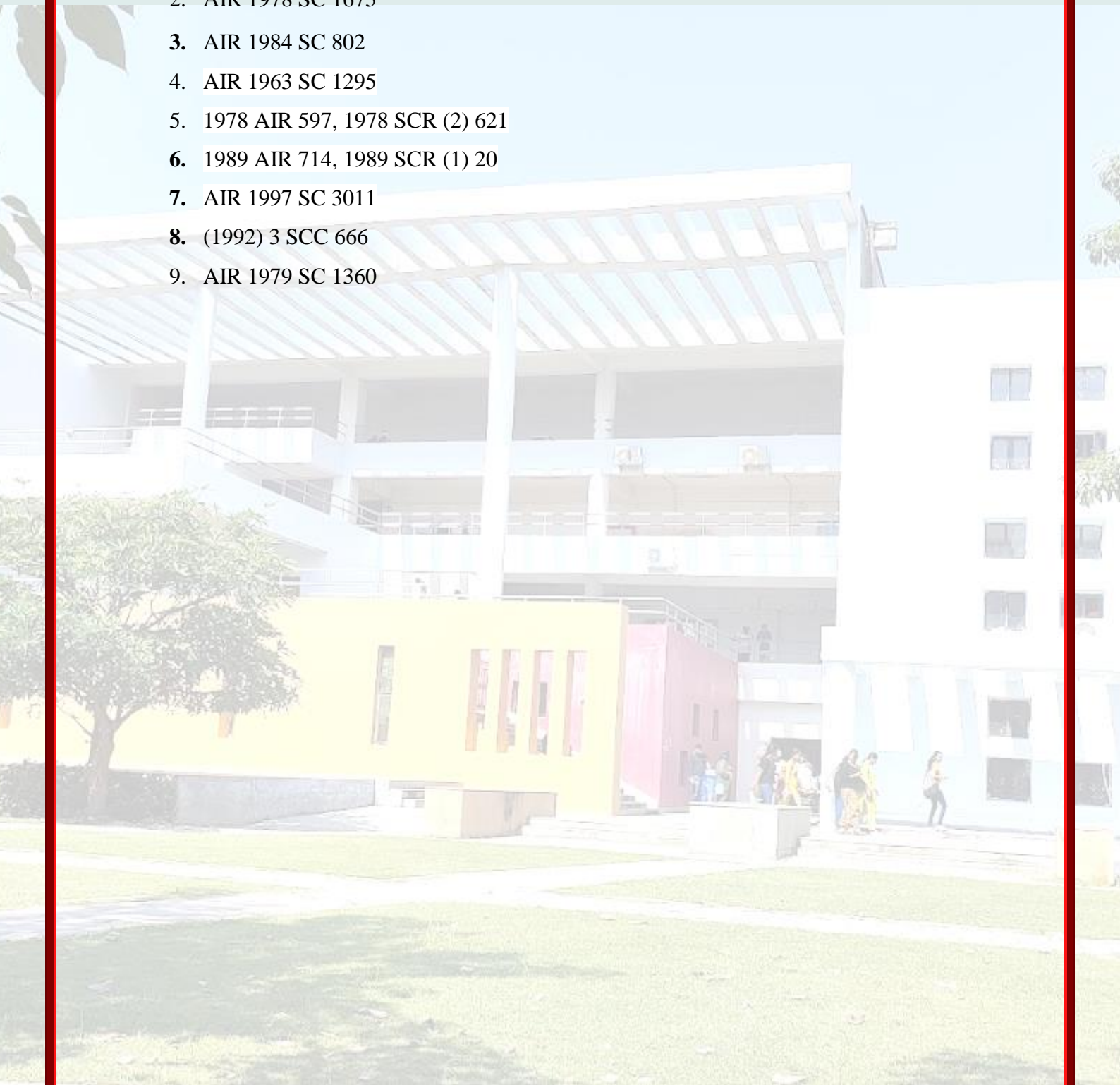
The General Assembly has made efforts since 1959 towards the desirability of abolishing Capital Punishment. In India the Capital punishment is not unconstitutional. But a measure, i.e., “rarest of the rare case” has been adopted by the Supreme Court which decreased the scope of it.

Thus, as a concluding remark, it is foremost to state that, the interpretation, done by the Supreme Court of India is important to analyse the scope of “life” under Article 21, as this proposition aims at serving justice to all.

¹ Assistant Professor, SOLS, TNU.

Reference

1. AIR 1981 SC 746
2. AIR 1978 SC 1675
3. AIR 1984 SC 802
4. AIR 1963 SC 1295
5. 1978 AIR 597, 1978 SCR (2) 621
6. 1989 AIR 714, 1989 SCR (1) 20
7. AIR 1997 SC 3011
8. (1992) 3 SCC 666
9. AIR 1979 SC 1360



Justice Delayed is Justice Denied: An Insight

-Ananya Halder*

Through the ages, since the dawn of civilisation, there has been crime, unethical practices in the human society in some form or the other. These are undoubtedly detrimental and harmful for the smooth functioning of our socioeconomic structure. May it be corruption or violation of human rights in any field has made it obvious the introduction of a controlling system in a state in the form of some rules and regulations that came to be known as laws. This is how the judiciary system came into existence. The same system has been changed, developed and modified with time. As our society has changed in different dimensions, the judiciary system has also become more and more complex and complicated.

Our today's discussion is on 'justice delayed is justice denied'. And it is indeed so. The occurrence of a crime, a violation of human rights of an individual needs to be addressed promptly when approached to a court of law. The whole process of justice should be framed in such a way that the final verdict can be given at the earliest possible time. If the process goes on and on for an indefinite period of time, it's certainly enhances the sufferings of the appellant indefinitely. Such a prolonged case in the court of law not only demoralises the sufferer physically, mentally and financially, it also reflects on the inefficiency of the judiciary system and at times that of the administrative wings related to the case. When an enquiry or investigation is needed, the concerned body is supposed to act promptly in the quickest possible manner.

The delay in justice may be caused due to some sorts of inefficiency or lack of proper infrastructure in the system. It may be also due to interference of politics to curb away the process of investigation and hence the judgement itself. Socio-economic inequality is another root cause of lengthiness of the process. A poor appellant cannot afford to fight against a rich and otherwise influential defendant. Hence, the process of investigation and judgement is affected and delayed.

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Many examples are there in history where the verdict was delivered long after the occurrence of the actual incident. **Bhopal Gas tragedy** took place in 1984. Many died and around 5 lakh people were affected. The final verdict came after 26 years of the incident in the year 2010. The **Upohar cinema case** is another such incident where fire broke out in the cinema hall killing many and more than hundred were seriously injured. The final verdict was passed after 18 years by pronouncing compensation to the victims. In the **Hashimpura Massacre case**, 42 Muslims were brutally killed in 1987. The fate of the victims was decided in 2018, that is, after 31 years of the incident. Another case is of **Safdar Hashmi**, a political activist was murdered on the road in open daylight. The accused were punished after 14 years.

Many such other cases can be cited wherein the final verdict came even after the death of the victims. Such delays can be reduced to a minimum by taking certain definite steps. The vacancy in the judiciary or in the investigating bodies should not remain vacant for long. Intra and inter departmental coordination should be smooth and prompt. Artificial intelligence should be introduced to avoid unnecessary delays and to enhance related research works. The time bound schedule has to be there depending on the merit of the case to avoid unnecessary delay. Political interference should not be entertained in controlling the fate of a case. The enquiring or the investigating bodies should not be like a caged parrot of the government. They should be completely free and independent in the truest sense in taking decisions. Lok Adalats should be strengthened as ordinary cases can be sorted out before they come to the court of law. Out of the court settlement and mediation practices should be popularised so as to reduce the workload on the higher courts as much as possible. Finally, one thing is to be kept in mind that justice should not be delayed in any way but expediting the process of judgement delivery, the quality of it can never be compromised. So, the quickest possible disposal of a case with a quality judgement is our motto.

Reference

1. <https://legodesk.com/legopedia/justice-delayed-is-justice-denied/#:~:text=Pallavi%20Purkayastha%20murder%20case&text=He%20was%20traced%20with%20the,escaped%20and%20is%20still%20absconding>
2. <https://blog.iplayers.in/justice-delayed-justice-denied-can-deal-inefficiency-courts-fast-changing-society/>

Defamation and Disqualification of Rahul Gandhi: A Study on Legal Implication

-Kaustov De Sarkar*

23rd March is remembered as the day when the martyr trio Bhagat Singh, Rajguru and Sukhdev were hanged till death in 1931. This year however, on 23rd March, conviction of Congress chief Rahul Gandhi on charges of defamation under section 500 of the Indian Penal Code was looming the Indian media. The Chief judicial Magistrate of the Surat district court sentenced him to 2 years of imprisonment which is the maximum under the section, for his remark “are all Modis thieves?” during a rally in Karnataka, 2019. Several reactions poured in from political leaders. Delhi CM, Arvind Kejriwal alleged that this is an attempt of finishing non-BJP leaders of the opposition (worth noting that Kejriwal has been sent a notice of interrogation by CBI on 14th April himself in the ‘Excise Policy’ case). The order of conviction has drawn flak challenging its legality on the following points:

1. If the remark by Gandhi was against all ‘Modis’, such a community is unascertainable. It is not possible for Poornesh Modi (a BJP MLA member of the Gujarat Assembly and the complainant) to claim that since he is a member of that community, he has been individually defamed (MP Pillai vs. MP Chako, 1986).
2. The onus is on the complainant to prove that he is aggrieved and how such statement damaged his reputation. It is well known that Rahul’s remark was against individuals like Nirav Modi, Lalit Modi and Narendra Modi. How could the complainant prove that he was or the whole Modi community was aggrieved? And how does he represent the whole community?
3. Political rallies are generally heated, and any statement made must be taken as a whole (Kultar Singh vs. Mukhtiar Singh, 1965). The Surat court clearly took the statement in its individuality and arrived at a wrong interpretation.

Rahul Gandhi’s disqualification

Gandhi was disqualified as a member of parliament (MP) on 24th March. Former Lok Sabha Secretary P.D.T. Achari opines that the due procedure for Gandhi’s disqualification was not followed. The Secretary of the Lok Sabha cannot declare anyone disqualified. According to Consumer Education Research vs. Union of India (a three-judge bench), only the president can

* B.B.A LL.B.(H), SOLS, TNU, 5th Year.

take such decision after consultation with the election commission under article 102 and 103 of the Constitution. Whereas, *Lily Thomas vs. Union of India* (a two-judge bench) held that under section 8(3), an MP shall be disqualified after the date on which the order of conviction was passed. However, the *Lily Thomas* judgement did not refer to *Consumer Education* even once.

Senior Advocate Abhishek Singhvi says that the proceedings were done at a lightning speed and is confident that Gandhi will get a stay on his conviction in the appellate Sessions court. Senior Advocate Kapil Sibal thinks that the order is ‘bizarre’.



Copyright of Fictional Characters

-Tusharika Himanshu*

Copyright plays an important role in protecting a creative and original work from unauthorized use. The area of copyright of what can be protected has expanded and changes in coming period of time. These days fictional characters are also under copyright which have creativity. It has been gaining popularity gradually, therefore it is important to guarantee protection to the creators of fictional characters against the unauthorized exploitation of the characters. A fiction figure has three distinguishable and significant elements from a legal standpoint, it's name, it's bodily or visual appearance and it's physical Characteristics and personality features. Pure, literary, visual and cartoon can also be used to categories fictional characters. Some of the protected Fictional characters include Sherlock's Holmes, Walt Disney Mickey and Minnie mouse and Donald duck etc.

Copyright safeguards distinctive expression but not merely concepts or themes. According to legal definition a character is the culmination of the unique skills and characteristics that his creator chooses for him. The character can be protected if these particular skills and traits can be seen as expressive attributes opposed to merely topics or ideas. If not then the character is immediately open to public exploitation after being published.

With the time the courts have developed a precise list of traits that make a character copyrightable. One such of the important requirement is that the character must have consistent, widely identifiable traits and be sufficiently described. Characters who appeared frequently and are an essential part of the popular culture are more likely to be protected. (For example Most popular fictional character Naruto is also copyrighted by Viz.) The same happens because of their various appearances which help to describe a character's abilities to a greater event. It is implied in the case of MGM VS AMERICAN HONDA MOTOR Co., Where it was held that the plaintiff obtained the James bond character's copyright as a part of their copyright ownership of the film franchise.

* B.A. LL.B.(H), SOLS, TNU, 5th Year.

Only United States developed two sorts of tests – the Distinct Delineation test and the story being told test to determine whether fictional character are subject to copyright or not, both of which are currently used in India. To assess the requirements for copyright of fictional character Indian courts are anticipated to soon implement test that are analogous to those put out by American courts.



Seattle Leads the Way in Fighting Caste Bias With Historic New Law: A Study

-Raina Sadaf*

On 21st February 2023, Seattle became the first city in the United States that took a decisive stance against caste-based discrimination and passed a new law which recognised & banned discrimination based on caste. The law prohibits caste discrimination inside the home, at workplaces, in education, and public places.

India represents that the second-largest immigrant group that resides in the United States with a population of 4.2 million. The Council of Seattle passed the ordinance by a vote of 6:1, the council has included caste as the list of categories that are protected against discrimination, alongside race and gender.

But, why did Seattle pass such a law now?

There have been several incidents of caste discrimination in the U.S.A., some of which have been highlighted and which led to the drafting of the law. Caste discrimination in the US first-ever came into the limelight in 2016, with the Equality Labs survey, which investigated the experiences of Dalits and other socially backward communities. Few years later, in June 2020, the State of California filed a lawsuit against Cisco Systems, accusing the company of engaging in discrimination against an Indian-American employee on the basis of his caste, alleging that the employee had been unfairly treated by his superiors and coworkers. The case is still pending and the final verdict is yet to be delivered.

In 2021, a lawsuit was filed in the federal court in New Jersey against the Bochasanwasi Akshar Purushottam Swaminarayan Sanstha (BAPS), which alleged discrimination against the socially backward and forced labour. However, a section of Indian Americans are protesting the new law. They see this as an attack on core values of Hinduism. The Hindu American Foundation opposes the bill saying that the law does not rely on the survey by Equality Labs. In fact some members of the socially backward castes are protesting as they think that “hate groups” like Equality Labs seek to co-opt their identity and weaponize it against the very traditions that nourished and gave succour to millions through the ages. Protestors believe Codifying caste through public policy could further contribute to 'Hinduphobia' in America.

* BA LLB (H), SOLS, TNU, 4th Year

However, it is unfortunate that our NRI friends forget to understand that India has recognised and banned caste discrimination from the very inception of our Constitution through Article 15. It is embarrassing that caste has spread into foreign lands and shows our utter failure to contain and decimate it within our territories. Considering casteism as part of Hinduism is the upper caste narrative of keeping it alive. Instead of hating on the new law, we as fellow Indians, should accept the Americans' help in combating caste.

Reference

1. NDTV: "Indian-Americans Protest Against Legislation On Caste-Based Discrimination", <https://www.ndtv.com/indians-abroad/indian-americans-stage-peaceful-rally-against-legislation-on-caste-based-discrimination-3924419>, accessed on 16 April 2023.
2. The Wire "California's Legal Ground in Battling Caste Discrimination Takes Centre Stage in Historic Cisco Case", <https://thewire.in/caste/cisco-case-caste-discrimination-silicon-valley-ambedkar-organisations> accessed on 16 April 2023.
3. Vidya Krishnan, "The Casteism I See in America", <https://www.theatlantic.com/ideas/archive/2021/11/india-america-caste/620583/>, (The Atlantic).
4. Deepak Bharath, "Seattle City Council considers historic law barring caste discrimination", <https://www.pbs.org/newshour/politics/seattle-city-council-considers-historic-law-barring-caste-discrimination>, accessed 18 April 2023.
5. Article 15 of the Indian Constitution 1949, available at: <https://indiankanoon.org/doc/609295/> (visited on 18 April 2023).

Sociological Aspect of Right to Information

-Paulomi Sarkar*

“The real Swaraj will come not by the acquisition of authority by a few, but by the acquisition of capacity by all to resist authority when abused”. -- Mahatma Gandhi

A democratic government is protected by Right to Information. This right is necessary for the democratic machinery to function properly. The right to information is inevitably linked to the freedom of speech and expression enshrined in Article 19(1) (A) of the constitution, which is regarded as the first requirement for liberty. The Right to Information Act of 2005 (RTI) was created "to allow for setting out the particular regime of access to information for people." The Right to Information Bill, 2005 was approved by both the Lok Sabha and the Rajya Sabha on May 11 and 12, 2005, respectively. It was given the President of India's assent on June 15, 2005, and it entered into force on October 12, 2005. It has taken the place of the 2002 Freedom of Information Act.

As public access to information is one of the fundamental human rights recognized around the world, any information that falls under the purview of public authorities should be available to the general public. According to Article 19(1) (a) of the Constitution, everyone has the basic right to freedom of speech, which includes the freedom to seek, provide, and receive information.

In order to maintain ingenuousness, accountability in administration, and engagement of the general public in governance, the right to information refers to the capacity of every person to access information of public interest that is within the jurisdiction of public authorities. Humans require information in order to reach their full social, political, and economic potential. It includes a range of players, from the market to the government, and requires expertise on a variety of issues. It is the key that facilitates decision-making. Moreover, the government has gathered and kept it in reserve for the public.

Nearly every culture has worked to democratize access to knowledge resources by setting up systems that allow ideas and information to flow freely and without restriction.

There are some leading cases citing as an example where a person's Right to know and Right to be informed was upheld.

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1. In the landmark case *State of Uttar Pradesh v. Raj Narain* (1975), 4 SCC 428, it was ruled that only a few secrets can exist in a government of responsibility like ours, where all public servants are held accountable for their actions. The people of this nation have a right to know everything done in public by their public officials, including every public act. They are all entitled to be informed of every public transaction's specifics.
2. *Individuals' Association for Common Freedoms versus Association of India* (AIR 2004 SC 1442) Equity S.B. Sinha and Equity B.M. Khare It was held that Right to Data is a feature of the ability to speak freely 'and articulation' as contained in article 19(1) (a) of the constitution of India. Right to Data, accordingly, undeniably is Central Right.

The Right to Information Act is a social law that guarantees every citizen of the nation the right to request information from public institutions. By making it easier for the general public to do so, it has increased government transparency and put a stop to corruption. The right to information promotes transparency, guarantees accountability, thwarts corruption, and encourages openness in decision-making by public entities.

It encourages public discussion of government schemes, preventing arbitrary and haughty behavior by public officials. The RTI Act of 2005 has the impact of destroying the secrecy culture, altering the attitude of politicians and bureaucrats, and creating the framework for making informed decisions. Governmental organizations and public offices contain a wealth of information that is useful to the public and it should be made available to them and disseminated for public consumption.

The Right to Information Act, which gives citizens more authority, prevents corruption in public offices, and increases openness and accountability in governmental institutions, is in reality the lifeblood of any democracy. Last but not least, in order for the RTI Act to be used for people's advantage, it is more crucial that people are generally aware of it. Government representatives should be truthful when releasing information, as they frequently threaten the applicant or withhold information for a variety of reasons.

Reference

1. legalserviceindia.com/legal/article-5023-rti-act-and-constitution-of-india-an-analysis.html
2. <https://blog.ipleaders.in/right-to-information-act-2005-a-comprehensive-overview/>

Marital Rape: The Unseen Reality and Legal Struggle in India

-Haimantika Chakraborty*

Marital rape, the non-consensual sexual intercourse between a husband and a wife, is a critical yet often overlooked issue in Indian society. Despite an increasing number of cases, Indian law does not expressly recognize marital rape as a criminal offense. This article discusses the legal framework in India regarding marital rape and highlights the need for change, with references to Indian case law.

In India, the term "rape" is defined under Section 375 of the Indian Penal Code (IPC). Although the IPC underwent a major amendment in 2013 to broaden the definition of rape, it still contains an exception for married couples. Specifically, Exception 2 states that "Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape" [1].

The legal loophole is deeply rooted in the patriarchal mindset that dominates Indian society. It perpetuates the notion that a husband has an irrevocable right to his wife's body and reinforces traditional gender roles within marriage. This mindset was further solidified in the judgment of *Sree Kumar v. Pearly Karun* [2], where the Kerala High Court held that "a wife is always presumed to have consented to have sexual intercourse with her husband, and there is no need for the husband to prove that his wife had actually consented."

Many activists and victims have challenged the legal framework surrounding marital rape, and some landmark cases have made progress in this area. In *Independent Thought v. Union of India* [3], the Supreme Court held that sex with a wife below the age of eighteen amounts to rape, effectively raising the age of consent for married women. While this decision does not specifically criminalize marital rape, it does provide a foundation for further developments.

Another case, *RIT Foundation v. Union of India* [4], is currently pending before the Delhi High Court. In this case, various non-governmental organizations are seeking a declaration that marital rape is unconstitutional and violates the rights to life, liberty, and dignity enshrined in the Indian Constitution. If successful, this case could have far-reaching implications in the fight against marital rape in India.

Despite the legal challenges, Indian society remains reluctant to accept the criminalization of marital rape. However, it is crucial to recognize that marital rape is not only a violation of a

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woman's bodily autonomy but also a severe infringement of her fundamental rights. As more countries around the world acknowledge marital rape as a criminal offense, India must also adapt its legal framework to address this pressing issue.

In conclusion, the existing legal framework in India does not sufficiently protect women from marital rape. To confront this deep-rooted issue, a comprehensive approach is needed, including legal amendments, awareness campaigns, and improved support systems for victims. By addressing marital rape, India can take a significant step toward achieving gender equality and safeguarding the fundamental rights of its citizens.

Reference

- [1] Indian Penal Code, Section 375, Exception 2.
- [2] Sree Kumar v. Pearly Karun, (1999) CriLJ 3657 (Kerala High Court).
- [3] Independent Thought v. Union of India, (2017) 10 SCC 800.
- [4] RIT Foundation v. Union of India, W.P. (C) 284/2015 (Delhi High Court).

Acid Attacks: Legislative Discussion

-Preeti Ghosh*

Introduction

The victim's life is made more difficult and unpleasant by an acid attack. An acid assault, also known as a vitriol attack or vitriolage. The primary goal of an acid assault is to end people's lives. Relationship troubles are the most common cause of acid assaults on women. According to the National Crime Records Bureau (NCRB), 150 such incidents were documented in 2019, 105 in 2020, and 102 in 2021. In 2019, the charge filing rate for acid assaults was 83%, while the conviction rate was 54%. By 2020, the percentages had risen to 86% and 72%, respectively. In 2021, these rates were 89% and 20%, respectively. In 2015, the Ministry of Home Affairs (MHA) issued a recommendation to all states urging them to expedite prosecution in cases of acid attacks.

Motives of acid attack: The primary goal of attackers is to murder and react brutally. There are several reasons for this attack, which are addressed further below:

- Relationship dissatisfaction is a major contributor to this issue.
- Many attackers do this to retain their dignity and ego.
- Acid assaults disproportionately affect women, who are more likely to refuse sexual approaches.
- This conduct occurs because of geographical location and area in certain circumstances.

Law on acid attacks: Until 2013, acid assaults were not considered distinct offences. However, following the amendment of the Indian Penal Code (IPC), according to section 326A of the Indian Penal Code(IPC), acid attack is a punishable offence. As per Section 326A – “Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine.”

According to section 326B of IPC, whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the

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intention, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

Conclusion

The top court took cognizance of acid assaults in 2013 and issued an order regulating the sale of caustic chemicals. The guidelines state that a buyer may only purchase acid after presenting his residence, ID evidence, and a government-issued picture ID, and that they must disclose their holdings of acid to the Sub-Divisional Magistrate (SDM) of the district within 15 days. However, although establishing so many rules and regulations, acid assaults are rising rather than decreasing, thus strong laws and rigorous regulations should be implemented.

Reference

1. <https://www.drishtias.com/daily-updates/daily-news-analysis/law-on-acid-attacks-in-india>
2. <https://lawbhoomi.com/article-on-acid-attack/>
3. <https://www.thehindu.com/news/national/their-lives-scarred-by-acid-attacks-victims-of-the-gender-based-crime-need-stronger-legislative-support/article66338486.ece>

Creatives



Art by Ms. Labani Ghosh, 3rd Year, BALLB (Hon.)



Art by Mr. Arup Karmakar, 2nd Year BALLB (Hon.)

Events of SOLS

Legal Awareness Camp - 9th April 2022

The members of faculty and the students of the SOLS visited Delhi Public High School, Diamond Harbour, on 9th April to create legal awareness amongst the locals.



The students performing a skit



(Left to right) Dr. Rakesh Singh, Ms. Paramita Dhar Chakraborty, and Mr. Souvik Dhar

Legal Awareness Camp - 8th June 2022

The members of faculty and the students of the SOLS visited Paikan Barasta High School, Gopalpur Panchayat, Barasta Village, on 9th April to create legal awareness amongst the locals.



The students and teachers of SOLS



Dr. Rakesh Singh delivering a talk to the audience (R) alongside Ms. Paramita Dhar Chakraborty (C) and Mr. Souvik Dhar (L)

One Day Seminar -Innovation and Challenges in Intellectual Property Rights: Recent Trends in Research and Entrepreneurship - 9th September, 2022

The SOLS organised one-day Seminar on Innovation and Challenges in Intellectual Property Rights: Recent Trends in Research and Entrepreneurship on 9th September, 2022. The event by graced by Dr. Biswajit Ghosh, Hon. Vice Chancellor, TNU, Dr. Rakesh Kumar Singh, Dean, SOLS and Senior Advocate Biswajit Sarkar, distinguished speaker.



Advocate Biswajit Sarkar speaking on the interface of IPR and technology



Felicitation of the Guest



Hon. Vice Chancellor giving his address

TNU Intra Department Moot Court Competition- 23rd to 26th November 2022

The SOLS organised TNU Intra Department Moot Court Competition- 23rd to 26th November 2022 on the occasion of Constitution Day. The faculty coordinator of the event was Mr. Souvik Dhar. The event was graced by Dr. Rakesh Kumar Singh, Dean SOLS, and Hon'ble Chief Guest, Mr. Manas Pal, Former Judge and Former President, District Consumer Forum.



Moot court in session



*Awardees with the certificates
Chief guest*



*Participants, staff and
Chief guest*

Visit to National Mega Lok Adalat- 11th February 2023

The SOLS organised a visit to National Mega Lok Adalat at the Sub Divisional Court, Diamond Harbour for the students of 2nd and 3rd Year. The event was coordinated by Ms. Paramita Dhar Chakraborty and Ms. Manish Sikdar. The students got the chance to witness the functioning of the Lok Adalat. The students also interacted with the functionaries and the Presiding officer for their knowledge enrichment.



TNU Intra University Youth Parliament -14th March, 2023.

The SOLS organised TNU Intra University Youth Parliament in collaboration with the Student Affairs on 14th March, 2023. The event was graced by Dr. Rakesh Kumar Singh, Associate Dean, School of Legal Studies, Mr. Suhas Mukherjee, AVP, TNU and the Hon'ble Guest and the Judge of the event, Dr. Sayantani Sen Mazumdar, Assistant Professor, Department of Political Science, Diamond Harbour Women's University. Agenda of the conference was - "Battling Domestic Terrorism, Extremism and Internal Insurgency." The committee was All India Political Party Meet.



Felicitation of the Chief Guest, Dr. Sayantani Sen Mazumdar (R), by Dr. RK Singh (L)



Participants simulating the All India Political Party Meet

Visit to the National Green Tribunal- 22nd March 2023

The SOLS organised a visit to the National Green Tribunal, Eastern Zone Bench, Kolkata on 22nd March, 2023, for the students of 4th and 5th year. Students were accompanied by Ms. Paramita Dhar Chakraborty. The students got the chance to witness the functioning of the tribunal. They also had a fruitful interaction with the Chairperson, Hon'ble Mr. Justice Adarsh Kumar Goel.



Students on their visit to the National Green Tribunal, Eastern Zone Bench, Kolkata

Professional Lecture on International Law- 24th March 2023

The SOLS organised a Professional Lecture on International Law on 24th March 2023. The event was graced by Dr. Rakesh Kumar Singh, Associate Dean, School of Legal Studies, Mr. Suhas Mukherjee, AVP, TNU. The distinguished speakers included Prof. Anand Prakash Mishra, Associate Dean, Jindal Global Law School, OP Jindal Global University, Prof. (Dr.) S.G. Sreejith, Professor and Executive Dean, Jindal Global Law School, OP Jindal Global University and Prof. Ian Johnstone, Fletcher School of Law and Diplomacy at Tufts University. Prof. Sreejith spoke on feminist approaches to International Law, while Dr. Johnstone spoke on Role of Security Council in International Law.



Dignitaries of the event



Prof. Sreejith delivering lecture



Prof. Johnstone delivering lecture

Legal Bites

SC makes strong remarks on the role of the Maharashtra Governor during the change of power.

On June 30, 2022, the governor of Maharashtra called for a floor test to see if the Maha Vikas Aghadhi (the coalition government) had lost the majority to rule. The MVA failed to clear the test since Shiv Sena's 16 MLAs had parted with their party and claimed to be a separate party. Later the 16 MLAs partnered with the BJP to form a new government. The Shiv Sena prayed to disqualify the 16 MLAs for defection. The Supreme court did not interfere with the floor test but made some strong remarks and directions against the governor.

Delhi Government files a writ petition against the Government of National Capital Territory (Amendment) Ordinance 2023: Centre Notified

The apex court of the country has notified the Centre upon a writ filed by the Delhi Government challenging the constitutionality of the Government of National Capital Territory (Amendment) Ordinance 2023. The Arvind Kejriwal led Delhi government alleged that the ordinance is brought to override, in effect, the Supreme Court's earlier decision which affirmed that the Delhi Government has power over Entry 41 of List II (services).

Apex court upholds demonetization of 2016

The Supreme court upheld the move of demonetisation by the central government in 2016 by applying the test of proportionality, i.e., the intent of demonetisation was to solve the problem of corruption which is a serious concern in India and the short-term suffering of the citizens could be overlooked. The court also said that the Government had every authority to take such a decision.

Right to Die with dignity: Supreme Court simplifies the passive euthanasia procedure

*The Supreme court relaxed the guidelines it had set in one of its own judgement in *Common Cause v. Union of India*, 2018 regarding execution of a 'living will' since they were cumbersome. The court set new easier guidelines regarding such execution to uphold the right to die with dignity as a fundamental right.*

Same-sex marriage hearing: Supreme Court reserves verdict

After thorough arguments, a Constitution bench headed by Chief Justice DY Chandrachud reserved its judgment on pleas seeking legal validation for same-sex marriage under the special marriage Act 1954. Both the central and state

governments opposed the pleas and expressed concerns over potential disruption to adoption, maintenance, divorce, and other related laws.

Indian politician Rahul Gandhi battles against defamation case.

On March 23, Congress Chief Rahul Gandhi was found guilty by a Surat district court in Gujarat in a defamation case for his remarks "Why all thieves have Modi surname," during a political campaign in April 2019. He was sentenced to two years in jail and fined 15,000 rupees under the IPC sections 499 and 500. The High Court of Gujarat has rejected to stay his conviction.

Indian Wrestlers Call for Immediate Action Against Sexual Harassment

Top women wrestlers have filed a petition accusing Brij Bhushan Singh, the chief of the Wrestling Federation of India (WFI), of sexual harassment. The Delhi Police has registered an FIR in response to the petition, as confirmed by the Supreme Court. Despite the non-allowance of bail under the POCSO Act, for such offences, Singh has not been arrested yet. The reasons for the delay in his arrest remain unclear.

Apex court justifies the unequal pay of an ayurvedic and an allopathy doctor

The Supreme Court recognized the unequal work performed by Allopathy and Ayurveda doctors, stating that Ayurveda doctors cannot perform emergency duties, provide trauma care, or assist in surgeries. While alternative systems of medicine have historical value, they are not equipped for surgical procedures in modern times, clarified the Bench.

The entirety of a judgment does not universally establish legal precedent.

In *Career Institute Educational Society v. Om Shree Thakurji Educational Society*, the Supreme Court observed that not every statement made by a judge in a judgment constitutes legal precedent. Only the *ratio decidendi*, the essential reasoning for the case's outcome, forms binding precedent. The court also emphasized the difference between "*obiter dicta*" and "*ratio decidendi*" in relation to prior decisions.

Arrest of former Prime Minister of Pakistan, Imran Khan

Imran Khan, former Pakistani Prime Minister, was arrested on 9 May 2023 by the National Accountability Bureau (NAB) on corruption charges related to the Al-Qadir Trust. His arrest sparked fierce demonstrations by his party. The Supreme Court of Pakistan declares his arrest as illegal and ordered his immediate release.

Severe protests against the government in France

Several French citizens continue to demonstrate their protests on the streets and public places. The protests are all aimed against the pension reforms

introduced by the French ruling dispensation despite not having a majority to pass the reforms in the parliament. Pension reforms have been a hot topic in French politics and the latest reform seeks to increase the retirement age from 62 to 64 years of age.

Death penalty still alive and active in Singapore

Recently an Indian named Tangaraju Suppiah was executed for his conviction of peddling cannabis in the country. Many experts and the UN Human Rights office has raised concerns regarding Singapore's strictness on death penalty. However, Singapore government has defended its stance regarding keeping death penalty alive by claiming that it acts as a strong deterrent.

Update on the Russia-Ukraine war

The war has been going on since over a year and has exposed many weaknesses of international. However, as a positive step, the Council of Europe has prepared a register of damages to be paid by Russia to Ukraine. 40 countries, including the U.S.A. and Japan and all other G7 nations have signed the register.

The Supreme Court Appoints an Expert Panel for the Adani-Hindenburg Case

In the Adani case, the Supreme Court-appointed expert panel, led by a retired judge, has reached a preliminary conclusion that it is unable to establish any instance of "regulatory failure," and there is also no initial evidence of fault by the Securities and Exchange Board of India (SEBI) regarding accusations of stock price manipulation and breaches of securities regulations by the Hindenburg report released on January 24, 2023.

Punjab Government Informs High Court of NSA, 1980 Invocation in Amritpal Singh's Case

Punjab Advocate General Vinod Ghai confirmed in court that the National Security Act of 1980 has been invoked against Amritpal Singh, a self-proclaimed Sikh preacher and leader of Waris Punjab De, who is evading arrest. This was revealed during a habeas corpus petition filed by Waris Punjab De's legal advisor.

Updates on teacher recruitment scam: Cash for Jobs

Calcutta High Court dismissed TMC leader Abhishek Banerjee's plea to halt CBI and ED questioning in the Teacher Recruitment Scam case, imposing a Rs. 25 Lakh fine. Banerjee subsequently appealed to the Supreme Court, which agreed to hear the case on May 26. His appeal challenges the High Court's order allowing interrogation in the West Bengal School Job Scam case.

End of the Line for Rs 2000 Note: RBI Announces Discontinuation of High-Denomination Banknote

The RBI introduced the Rs 2000 note in 2016 to meet currency demands after demonetization. Printing stopped in 2018-19 once other denominations were sufficient. Most notes issued before March 2017 are reaching their lifespan. With ample stock of other denominations, the RBI is withdrawing Rs 2000 notes, but they remain legal tender until September 30, 2023.

The World Trade Organisation rules against India in relation to global trade rules in a dispute with the European Union

The World Trade Organization has held that India's introduction of import duty for IT products of between 7% to 20% is not in line with WTO regulations. Consequently, WTO has urged India to remove such rates on an objection by the European Union.

China Renames 11 Places in Arunachal Pradesh

China's Civil Affairs Ministry published a list of standardized names for 11 locations in Arunachal Pradesh, referring to it as "Zangnan," the southern region of Tibet, and using Chinese, Tibetan, and pinyin characters. This move is seen as an attempt by China to stake a claim on the Indian state, in line with their regulations on geographical names.

Finland Becomes 31st NATO Member After Turkey's Approval

The North Atlantic Treaty Organization welcomed its 31st member, Finland. Turkey's unanimous vote in Finland's favour helped Finland in surpassing Russia's objection since the two countries share a 1300 km long border. Finland's addition was seen as a security concern by many in light of Russia's Ukraine invasion.

The International Criminal Court issues arrest warrant for Vladimir Putin over Ukraine war crimes

The International Criminal Court has issued a warrant for the arrest of Vladimir Putin. The Russian President is accused of deporting children to Russia forcefully after attempting to invade Ukraine. Ukrainians see this as an attempt to damage their identity.

United States of America recognized McMahon Line as international border

In a Bi partisan resolution, the US has recognized the McMahon line as the boundary dividing Arunachal Pradesh from China, clearly denying China's claim over the Indian state as its own territory.

Seattle created history becomes first city in the USA to ban caste discrimination

Seattle became the first US state to add caste in the list of protected groups. This is a significant step since Seattle has recognised and expressly banned caste based discrimination. However, this is being seen as an attack on the Indian culture by a group of Indian origins in the American state.

Spanish Government Passed Law Providing 'Menstrual Leave' First Time in Europe

Spain has approved a law granting women medical leave due to menstrual pain. This move is historic since the country is the first in the European Union to enact such a law. These paid leaves are available in merely a few other countries including Indonesia, Japan and Zambia. This is seen as a historic move towards feminist rights.

United Nations Declares Pakistan Based Abdul Rehman Makki a Global Terrorist

The United Nations Security Council (UNSC) has listed Pakistan-based terrorist Abdul Rehman Makki as a global terrorist. Last year, Makki, the brother-in-law of 26/11 mastermind and the leader of Lashkar-e-Taiba, Hafiz Saeed, was refused to be listed as a sanctioned person by China. Makki majorly funds and plans attacks over the Indian state Jammu & Kashmir.

King's coronation draws apathy, criticism among former colonies in Commonwealth

Commonwealth countries, once occupied by the British, are seeing crowning of King Charles as reigniting the signs of oppression. As British sovereign, Charles is also head of state of 14 other countries, though the role is largely ceremonial.

The Supreme Court rejected the center's petition seeking extra compensation from UCC for the Bhopal Gas Tragedy.

Union of India had submitted to the court that earlier settlement with the victims and the Union was based on incorrect data. However, the SC held that center's claim is not based on any legal principle and there is no fraud involved in the previous settlement.

Membership of an unlawful organization is an offence under the Unlawful Activities (Prevention) Act 1967

The Union Government filed an application in the SC seeking reference against the judgment given in the cases of Arup Bhuyan vs. Union of India, (2011), State of Kerala vs. Raneef, (2011) on the ground that the Court gave

interpretations to central legislation without hearing the side of Union. The SC upheld the contentions of the Union and held that reading down Section 10(a)(i) of the UAPA, 1967, without its Constitutional validity being challenged was wrong.

Can foreign law firms now practice in India?

The Bar Council of India has now permitted foreign lawyers and law firms to practice foreign law in India on a reciprocity basis. The Bar Council of India, in consultation with the Law Ministry, if required, will lay down guidelines in areas of practice of law by a foreign lawyer or Foreign Law Firm.

The Supreme Court asks Gujarat government to respond on the early release of convicts in the Bilkis Bano gang rape case

Eleven convicts in the Bilkis Bano gang rape case were released on August 15, 2022, after the State Government allowed their remission applications. Bilkis Bano approached the SC challenging this order of the state. The court issued a notice in the petition & directed the State governments to be ready with the relevant files granting remission to the parties.

Irretrievably broken down marriage can be dissolved on ground of cruelty.

The Supreme Court was of the view that even though irretrievable breakdown of marriage may not be a ground for dissolution of marriage under Section 13 of the Hindu Marriage Act, 1955, the same can be read as 'cruelty', in terms of a ground for divorce

The Constitution of India -

Trivia

- The Constitution of India is the Supreme law of India.
- The Indian Constitution is the world's longest and most comprehensive constitution.
- The Constitution of India contains 448 articles in 25 parts, 12 schedules. Originally it had 395 articles in 22 parts and eight schedules.
- The Indian Constitution was originally written in English and Hindi and was originally 1,17,369 words long in English.
- The Indian Constitution was not typed or printed in its original form. They were penned by hand and are currently maintained in a helium-filled cabinet in the Parliamentary Library
- The initial copies of the Indian Constitution were hand-written by Prem Bihari Narain Raizada.
- The original copy of the Constitution of India was signed by 283 members of the Constituent Assembly.
- Artists from Shantiniketan adorned every page of India's Constitution.
- The preamble page, along with other pages of the original Constitution of India, was designed and decorated by the renowned painter Beohar Rammanohar Sinha of Jabalpur who was at Shantiniketan with Acharya Nandalal Bose at that time.
- Article 14 (Right to Equality), 19 (Right to Freedom) and 21 (Right to Life and Liberty) are popularly known as the 'golden triangle' of the Indian Constitution.
- Under Article 17, Untouchability is abolished. Untouchability is a criminal offense.
- Under Article 32, every citizen of India has been given the right to seek constitutional remedy from the Supreme Court if they have been deprived of their fundamental rights.
- On December 9, 1946, the Constituent Assembly convened for the first time. It took about three years to write and complete the Indian Constitution.
- In the original draft of the Indian Constitution, almost 2,000 revisions were made.
- On November 26, 1949, the Indian Constitution's final draught was completed and on January 24, 1950, India's Constitution was signed and finally on January 26, 1950, the Indian Constitution became legally binding.
- It is duty of every Indian Citizen to upheld the spirit of Indian Constitution, to abide by the Indian Constitution and respect its ideals and institutions.

SIX FUNDAMENTAL RIGHTS

ARTICLES 14 – 18

Right to Equality

- Abolition of untouchability
- Abolition of Titles
- Equal opportunities when it comes to public employment.
- Every citizen will be equal in front of the law. Every citizen of India will get equal protection of laws.
- All the citizens will have equal access to bathing ghats, hotels, shops, roads, wells, etc.
- Discrimination of citizens is completely prohibited on the grounds of place of birth, sex, caste, race, religion, etc.

ARTICLES 19 – 22

Right to Freedom

- Right to life and liberty.
- Right to live and settle in any part of India.
- Right to form unions or associations.
- Right to carry out trade or business, right to work in any occupation, and right to work in any profession.
- Right to assemble peacefully.

	<ul style="list-style-type: none"> • Right to freedom of speech and expression. • Protection in respect of conviction for offences. • Protection against Ex-Post Facto Laws. • Protection against Arrest and Detention • Right against Self-Incrimination. • Right to Education
ARTICLES 23 – 24	<p>Right Against Exploitation</p> <ul style="list-style-type: none"> • Children are prohibited from employment in hazardous jobs. • Forced labour is prohibited. • Trafficking of human beings is prohibited
ARTICLES 25 – 28	<p>Right to Freedom of Religion</p> <ul style="list-style-type: none"> • Citizens of India will have the freedom to attend religious instruction or worship in certain educational institutions. • People have the freedom to pay taxes for the promotion of any religion of their choice. • Citizens are given the right to manage the religious affairs • Freedom of conscience and free profession, practice and

	<p>propagation of a particular religion.</p>
<p>ARTICLES 29 – 30</p>	<p>Cultural and Educational Rights</p> <ul style="list-style-type: none"> • Minorities have the right to establish educational institutions. • The culture and language of the minorities will be protected.
<p>ARTICLES 32 – 35</p>	<p>Right to Constitutional Remedies</p> <ul style="list-style-type: none"> • Citizens have the right to ask the courts to enforce their fundamental rights by requesting the courts to issue writs, orders, and directions to the Government. • Empowers the Parliament to restrict or abrogate the fundamental rights of the Members of the Armed Forces, paramilitary forces, police forces, intelligence agencies and analogous forces • Provides for the restrictions on fundamental rights while martial law (military rule) is in force • Empowers the Parliament to make laws on Fundamental Rights

FUNDAMENTAL RIGHTS AVAILABLE ONLY TO CITIZENS

The following is the list of fundamental rights in Indian constitution that are available **only to citizens** (and not to foreigners):

1. Prohibition of discrimination on grounds of race, religion, caste, gender or place of birth (Article 15).
2. Equality of opportunity in matters of public employment (Article 16).
3. Protection of freedom of:(Article 19)
 - Speech and expression
 - Association
 - Assembly
 - Movement
 - Residence
 - Profession
4. Protection of the culture, language and script of minorities (Article 29).
5. Right of minorities to establish and administer educational institutions (Article 30).

FUNDAMENTAL DUTIES

ARTICLE 51-A

1. Abide by the Indian Constitution and respect its ideals and institutions, the National Flag and the National Anthem
2. Cherish and follow the noble ideals that inspired the national struggle for freedom
3. Uphold and protect the sovereignty, unity and integrity of India
4. Defend the country and render national service when called upon to do so
5. Promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women
6. Value and preserve the rich heritage of the country's composite culture
7. Protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures
8. Develop scientific temper, humanism and the spirit of inquiry and reform
9. Safeguard public property and to abjure violence
10. Strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement
11. Provide opportunities for education to his child or ward between the age of six and fourteen years.

PREAMBLE

WE, THE PEOPLE OF INDIA,
having solemnly resolved to constitute India
into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC
REPUBLIC and to secure to all its citizens:
JUSTICE, social, economic and political;
LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity;
and to promote among them all
FRATERNITY assuring the dignity of the individual and the unity
and integrity of the Nation;
IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of
November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO
OURSELVES THIS CONSTITUTION.

उद्देशिका

हम, भारत के लोग,
भारत को एक सम्पूर्ण प्रभुत्व-सम्पन्न समाजवादी
पंथनिरपेक्ष लोकतंत्रात्मक गणराज्य बनाने के लिए,
तथा उसके समस्त नागरिकों को:
सामाजिक, आर्थिक और राजनैतिक न्याय, विचार,
अभिव्यक्ति, विश्वास, धर्म और उपासना की स्वतंत्रता,
प्रतिष्ठा और अवसर की समता प्राप्त कराने के लिए,
तथा उन सब में व्यक्ति की गरिमा और
राष्ट्र की एकता और अखण्डता
सुनिश्चित करने वाली बन्धुता बढ़ाने के लिए
दृढसंकल्प होकर अपनी इस संविधान सभा में आज तारीख
26 नवम्बर, 1949 ई. (मिति मार्गशीर्ष शुक्ला सप्तमी, संवत्
दो हजार छह विक्रमी) को एतद्वारा इस संविधान को
अंगीकृत, अधिनियमित और आत्मार्पित करते हैं।

প্রস্তাবনা

আমরা ভারতের জনগণ ভারতকে একটি [সার্বভৌম সমাজতান্ত্রিক
ধর্মনিরপেক্ষ গণতান্ত্রিক সাধারণতন্ত্র] রূপে গড়িয়া তুলিতে, এবং উহার সকল
নাগরিক যাহাতে:

সামাজিক, আর্থনৈতিক এবং রাজনৈতিক ন্যায়বিচার;
চিন্তার, অভিব্যক্তির, বিশ্বাসের, ধর্মের ও উপাসনার স্বাধীনতা;
প্রতিষ্ঠা ও সুযোগের সমতা

নিশ্চিতভাবে লাভ করেন;
এবং তাঁহাদের সকলের মধ্যে

ব্যক্তি-মর্যাদা ও [জাতীয় ঐক্য ও সংহতি]র আশ্বাসক ভ্রাতৃত্বাব
প্রোথিত হয়;

তজ্জন্য সত্যনিষ্ঠার সহিত সংকল্প করিয়া আমাদের সংবিধান সভায়
অদ্য, ২৬শে নভেম্বর, ১৯৪৯ তারিখে, এতদ্বারা এই সংবিধান গ্রহণ করিতেছি,
বিধিবদ্ধ করিতেছি এবং আমাদেরকে অর্পণ করিতেছি।