



VIVEKANAND EDUCATION SOCIETY'S COLLEGE OF LAW

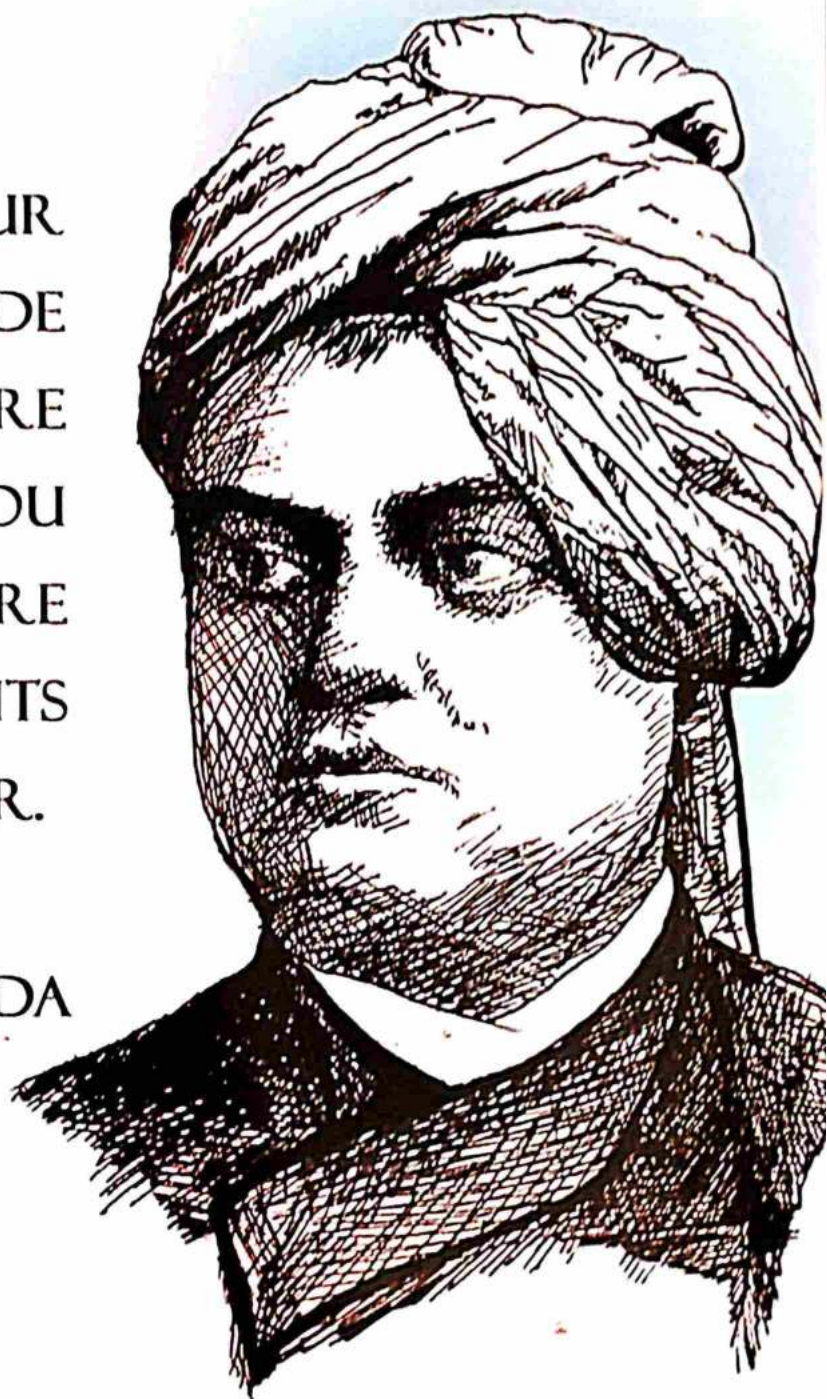


VIDHI VIVER

2019-2020

WE ARE WHAT OUR
THOUGHTS HAVE MADE
US; SO TAKE CARE
ABOUT WHAT YOU
THINK. WORDS ARE
SECONDARY. THOUGHTS
LIVE; THEY TRAVEL FAR.

—SWAMI VIVEKANANDA



**VIDHI VIVEK
2019-20**



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(Principal)**

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FROM THE EDITOR'S DESK



Vision

- To ensure excellence in law students through continuous professional development programs.
- To serve the society by developing, promoting and providing Legal Aid Services.

Mission

- To cultivate expertise in alternative approaches to dispute and conflict resolution through professional studies and programs.

Objective

- To focus on the development of skills within students and to create skilled lawyers to serve the nation.

It gives us immense joy and satisfaction to re-introduce our very own college magazine, 'VIDHI VIVEK'. A thought that has been enduring in mind when it becomes real; is truly an interesting and exciting experience. This magazine is one such cherished work that has its roots in the persuasion. This is a snapshot of the various activities and achievements for all associated with the VES College of Law. Every year VIDHI VIVEK serves as a platform to highlight the literary and artistic segment of the VESLAW family and tries to highlight the educational, cultural and sports activities.

Educational institutions are 'TEMPLES OF LEARNING' in parlance of great thinkers. VES College of Law is such an institution which creates individual values as contributing citizens of India. Strategic planning and pragmatic approach must be the rationale behind experimentation in the field of education. It is a matter of pride to everyone associated with VESLAW that we have evolved and successfully implemented a system which caters to the social, moral, physical and emotional development of our students. I am delighted to note the years of thoughtful and result oriented work has started yielding good results.

The vision, support and guidance of the management continue to be a great source of inspiration for all our endeavours. I am certain that, with the support of management, staff members, parents and students, the college will reach greater heights in the years to come.

I would like to thank all my editorial team members for helping me express my considerable appreciation to all the authors of the articles in the magazine. These contributions have required a generous amount of time and efforts. It is this willingness to share knowledge and special insights with fellow beings that has made this magazine possible.

I take this opportunity to thank all the dignitaries for sparing their valuable time to send their best wishes for the magazine in the form of messages.

I heartily wish all the readers 'BEST WISHES.'

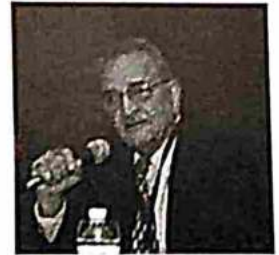
————— Dr. Jyoti Deshmukhi
(Principal)

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SHRI B.L. BOOLANI
PRESIDENT
VIVEKANAND EDUCATION SOCIETY



It gives me immense pleasure to deliver this message for the Annual College Magazine. In the year 2009, VES College of Law started with 22 students and today we have more than 700 students in our college enrolled in the Five Years and Three Years Law Program. Being one of the founders of this college, it gives me extreme happiness to see that our college is attaining newer heights by each passing year.

VES College of Law has organized two National Moot Court Competitions in the past and this year, it is organizing the 3rd edition of the Competition. I am very glad to see that, our competition receives overwhelming response from law students across the country. Such events have provided a platform for interaction with the learned judges and senior advocates in the country. I am sure that, the students and the faculty will utilize this opportunity to collaborate and learn from the legal intelligentsia of the field.

The role of any legal education institution is to help in the maintenance of welfare in society. In furtherance of this cause, V.E.S. College of Law's Legal Aid Cell offers its services to the community with regularity and diligence. The college has also trying to seek permission from the University to permit us to begin the Master of Law (L.L.M.) program in our college. I wish all of you a lot of success and prosperity in your present and future endeavours. I am confident that, the college will grow and develop a stupendous pace in the years to come.

Wishing all the students and faculty members a fruitful and joyous year ahead.

SHRI AMAR ASRANI
SECRETARY
VIVEKANAND EDUCATION SOCIETY



Legal education has undergone a paradigm shift in the last two decades. We hope that VES College of Law will bridge the gap between the theoretical concepts and practical application. It must ignite inquiry and spirit of asking questions on all issues. Lawyers are given a special status in this country because society recognizes the special functions that they perform. Lawyers have a duty to fight injustice wherever it exists.

Friends, India has one of the finest constitutions in the world. I urge all of you students of law to study our Constitution well. Understand our political system, its institutions and processes as established by the Constitution and law. You are amongst the brightest young minds in this country. You must help policy makers make the right policies, help strengthen and refine our legal and political institutions. Pass on what you have learned here, and help others understand their rights as well as responsibilities. Be wise and selfless. I am confident that all of you will fulfill the hopes and expectations of our Nation by becoming value based practitioners who are competent, technically sound and socially active. Always uphold the Constitution of India and contribute your utmost to our Nation as it addresses the imperatives of the new millennium.

We are happy to know that Our Law College conducts regular Legal Counselling Services reaching out with free legal advice to women, as well as others from the disadvantaged sections of the society, creating legal awareness mainly among women through camps in colleges in and around the Chembur. It gives me immense pleasure to learn that 'Vidhi Vivek' annual magazine of VES College of Law is released today. I extend my words of appreciation to the editorial board, who have worked hard for this creative venture and convey my good wishes to the Principal, students, faculty and staff of the college in their endeavors.

**ADV. (DR.) LAXMAN KANAL
MANAGING TRUSTEE
V.E.S. COLLEGE OF LAW**



I congratulate our principal Dr. Jyoti Deshmukh, the editorial board our faculty members, non teaching staff and the students who have actively participated for this remarkable informative law magazine.

Our VES Law College is year after year achieving great heights and presently one of the well known colleges and has been rated one of the best college amongst top 50 colleges of the country by the well known survey done by India Today.

I congratulate the students for able participation and getting the name and awards for our college as well as for themselves in Youth Festival, university cultural Programmes, State as well National competitions

And our college has further long way to go by producing more and more legal experts who will make name for themselves, name for college and will prove to be shining personalities of the country, with their maximum contribution in the field of Law, for the society and Nation at large.

Hence I wish to all our dear students, faculty members and non-teaching staff and to our Principal for a vision with common goal and for great success.

V.E.S. COLLEGE OF LAW TEACHING AND NON- TEACHING STAFF

ADV. (DR.) Laxman Kanal

Managing Trustee

TEACHING STAFF

Sr. No.	Name	Designation	Qualification
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7.	Mr. Manojkumar Naik	Asst. Prof.	L.L.M. (NET), B.S.L.
8.	Mr. Bhushan M Shinde	Asst. Prof.	M.A. Pol. Sci. (NET), L.L.B, B.M.M.
9.	Ms. Archana Khandwe	Lecturer	L.L.M., M.Sc., Dip.C.L.
10.	Ms. Jayshree Kurdiya	Visiting Faculty	M.A. (Economics)
11.	Mr. Sudhindra Maganhalli	Visiting Faculty	M.A. (Philosophy) NET

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3.	Mr. Prasad Chile	Clerk	M.Com
4.	Mr. Abhishek Singh	Clerk	M.Com
5.	Mr. Prashant Jagdale	Clerk	M.Com
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7.	Mrs. Shobha Shinde	Peon	-----
8.	Mr. Tejas Mayekar	Peon	-----
9.	Mr. Somesh Ghandat	Library Peon	-----



VES College of Law Teaching & Non- Teaching Staff



VES College of Law Teaching Staff with Student Committee Heads



5 Years BLSLLB



Class of F.Y.B.L.S. (Second Batch)



Class of S.Y.B.L.S. (First Batch)



Class of S.Y.B.L.S. (Second Batch)

5 Years BLSLLB



Class of T.Y.B.L.S. (First Batch)



Class of T.Y.B.L.S. (Second Batch)



Class of 4th year B.L.S.

5 Years BLSLLB



Class of 5th Year BLS

3 Years LLB



Class of F.Y.L.L.B (First Batch)



Class of F.Y.L.L.B (Second Batch)



Class of S.Y.L.L.B. (First Batch)



Class of S.Y.L.L.B. (Second Batch)



Class of T.Y.L.L.B.

ACADEMIC TOPPERS 2018-19



Mr. Anubhav Sinha- FYBLS Ms. Shriya Babar- SYBLS Ms. Khushboo Soni- TYBLS



*Mr. Akash Manwani-
4th Year BLS*



*Mr. Jai Kumar Vohara-
5th Year BLS*



*Ms. Anushree Patil-
FYLLB*

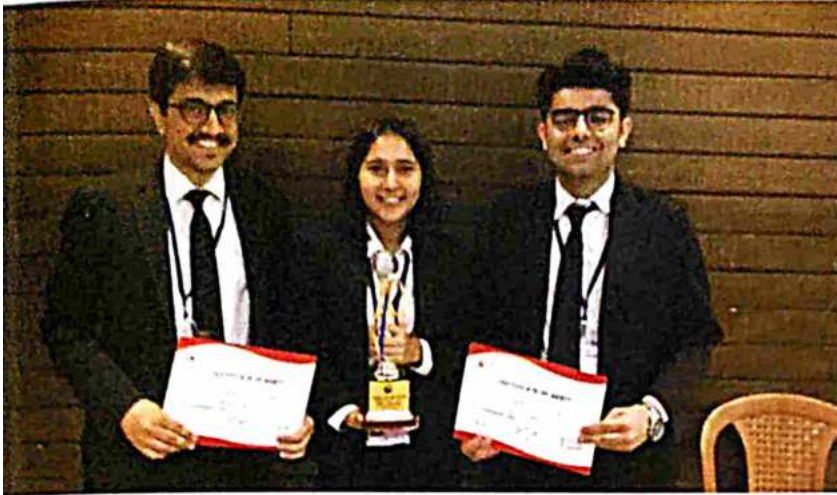


*Mr. Narayan Prabhat-
SYLLB*



*Ms. Barkha Nair-
TYLLB*

VESCOL'S HALL OF FAME



Mr. Akash Manwani, 5th Year BLS (Left), Ms. Riddhi Pawar, 5th Year BLS (Centre) and Mr. Dev Tejnani, TYBLS (Right) - 4th MKES National Moot Court Competition 2019 and Client Counselling Competition, 2019 organised by MKES College Mumbai.



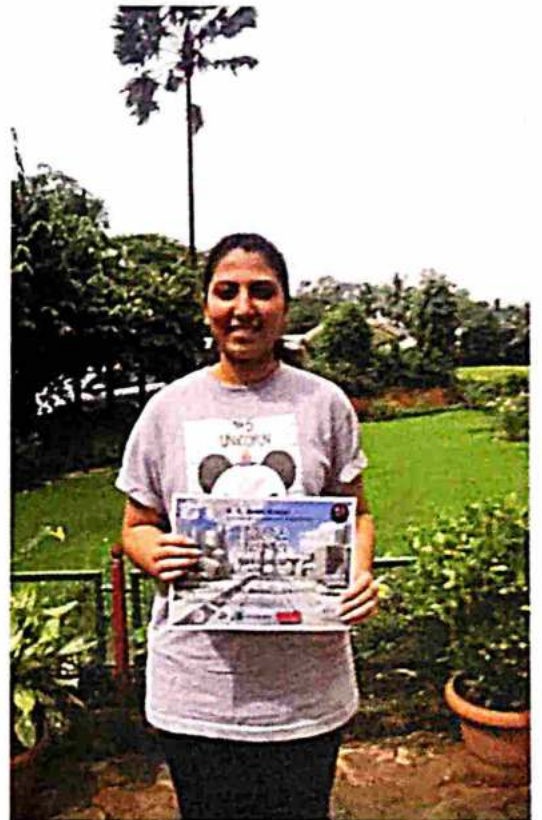
Mr. Jevin Nathan - 1st prize in D.M. Harish Inter-collegiate Elocution Competition organised by G.J. Advani Law College



Mr. Harsh Sukhramani, SYBLS and Ms. Twinkle Tiwari, SYBLS - 2nd prize in War off CLS- The One at Zankaar, 2019 organised by Government Law College, Mumbai.



Ms. Nikita Mandaniyan, TYBLS (Left) & Ms. Shriya Babar, TYBLS (Right) - 3rd prize in A Word in Time Saves Nine at Enigma Festival, 2019



Ms. Poorva Lamba, TYBLS - 1st prize in A Word in Time Saves Nine at Enigma Festival, 2019

VESCOL'S HALL OF FAME



Ms. Twinkle Tiwari, SYBLS (Left) and Ms. Tina Gori, SYBLS (Right)-
1st prize in Interstellar and 2nd prize in Around the Globe at
Enigma Festival, 2019.



Ms. Harsha Menon, 5th year BLS- 2nd prize in
Nani A. Palkhivala Memorial Competition, 2019



Ms. Amala Joseph, TYBLS - 3rd Best Speaker Award in 14th Dr. V.N.Bedekar
Legal Debate Competition organised by VPMs TMC Law College, Thane

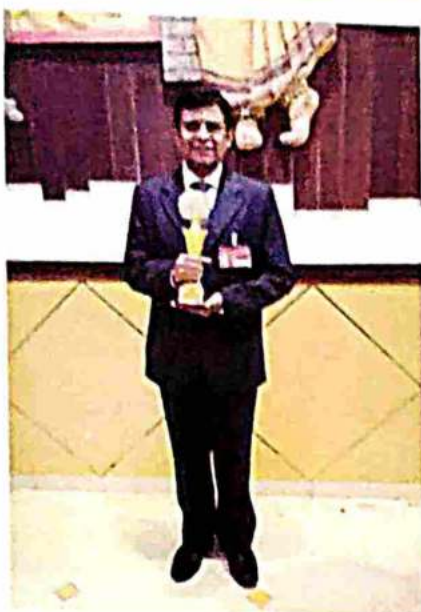


Ms. Rajluxmi Joshi TYBLS- 2nd prize
in Vivekini Chaitanya, an Indian Classical
Singing Competition



Mr. Durgesh Rege, 4th Year BLS (Left), Ms. Manvi Sharma 5th Year BLS (Centre)
in Vivekini Chaitanya, an Indian Classical Singing Competition
Mr. Neelraj Shetty, TYBLS (Right)- 2nd Prize in Grip no Dip at Enigma Festival, 2019

VESCOL'S HALL OF FAME



Mr. Sumanto Sen (TYLLB)- Best Mooter Award in K.G. Shah National Moot Court Competition, 2019



Ms. Sakshee Salunkhe (TYBLS)-Best Debater Award at Anuraag,-2019 organised by New Law College, Mumbai.



Ms. Amala Joseph, TYBLS (Left) and Ms. Twinle Tiwari, SYBLS- Special prize at Sharda Education Society's Anand Vishwa Gurukul College of Law's Intercollegiate Elocution Competition, 2019.



Ms. Divya Tiwari (5th Year BLS)- 2nd prize in National Essay Writing Competition organised by Institute of Law, Kurukshetra University.



Ms. Yashvika Singh and Mr. Vithal Chadha- 1st prize in Ashes to Ashes at Enigma Festival, 2019.

VESCOL'S HALL OF FAME



Mr. Manohar Samal, 5th Year BLS-
Best Delegate Award in
Government Law College
Model United Nations, 2019



Ms. Shriya Babar, TYBLS (Left) &
Ms. Apoorva Thorve, TYBLS (Right)-
2nd prize in Marathi Debate Competition
held at Joshi Bedekar College



Ms. Poorva Lamba, TYBLS-
1st prize in Turncoat Competition
at ETERNUS organised by
MGM College, Nerul



Ms. Shriya Babar, TYBLS (Left) &
Ms. Apoorva Thorve, TYBLS (Right)-
2nd prize in Zonal Level Debate Competition
(Marathi) at Youth Festival organised by
University of Mumbai.



Ms. Rajluxmi Joshi, TYBLS-
1st prize in Natyasangeet and
2nd prize in Hindustani Classical
Vocal Solo at Youth Festival
organised by University of Mumbai.



Ms. Nidhi Dalvi, TYBLS (Left) &
Ms. Sakshee Salunkhe, TYBLS (Right)-
2nd prize in Zonal Level Debate
Competition (English) at Youth Festival
Organised by University of Mumbai.

COLLEGE COMMITTEES



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Joint Secretary
Mr. Nikunj Dand

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Mr. Shubham Sharma

Administrator
Mr. Parth Bhanushali

Administrator
Ms. Diya Kanal

VES COLLEGE OF LAW



MCA

Enduring. Evolving. Excelling.

EST. 2017

MOOT COURT ASSOCIATION

Mr. Akash Manwani
Mr. Dev Tejani
Mr. Neelraj Shetty



VES LAW
DEBATE SOCIETY
WE'VE GOT ISSUES!!!

DEBATE SOCIETY

Ms. Nidhi Dalvi
Ms. Poorva Lamba
Ms. Amala Joseph



CULTURAL COMMITTEE

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Ms. Sunaina Chakravartty
Mr. Harsh Pathak
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VES COLLEGE OF LAW



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& SPONSORSHIP
COMMITTEE**

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*Magazine
Committee*



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Ms. Gauri Deshpande
Ms. Crystal Furtado
Mr. Nemil Mehta

WINNERS OF INTRA- COLLEGIATE EVENTS

<p style="text-align: center;"><u>Intra- Debate Competition, 2019</u></p> <p>1st Prize: Ms. Harshala Keny (4th Year BLS) Ms. Pooja Nair (4th Year BLS) Ms. Aradhana Chatterjee (4th Year BLS)</p> <p>2nd Prize: Ms. Jacinth Kamble (TYBLS) Ms. Rajluxmi Joshi (TYBLS) Ms. Poorva Lamba (TYBLS)</p> <p>Best Speaker Award: Ms. Poorva Lamba (TYBLS)</p>	<p style="text-align: center;"><u>Lakshya, 2019</u></p> <p>Treasure Hunt: 1st Prize: Ms. Tanvi Vira (TYBLS) Ms. Khushboo Soni (TYBLS) 2nd Prize: Mr. Mohit Jain (TYLLB) Ms. Aishwarya Bapat (SYBLS)</p> <p>Mr. and Ms. VESCOL: Mr. VESCOL: Mr. Sumanto Sen (TYLLB) Ms. VESCOL: Ms. Shriya Babar (SYBLS)</p>
<p style="text-align: center;"><u>Advocacy Skills, 2019</u></p> <p>1st Prize: Ms. Nikita Mandaniyan (TYBLS) 2nd Prize: Mr. Jeet Shah (FYBLS) 3rd Prize: Mr. Durgesh Rege (4th Year BLS) Ms. Tina Gori (SYBLS)</p>	<p style="text-align: center;"><u>Sports Day, 2019</u></p> <p>100 Metres (Boys): Mr. Vaibhav Bhatia (TYBLS) 100 Metres (Girls): Ms. Manvi Sharma (4th Year BLS) Ms. Vedashree Ghorpade (SYBLS)</p> <p>Long Jump (Boys): Mr. Vaibhav Bhatia (TYBLS) Long Jump (Girls): Ms. Manvi Sharma (4th Year BLS) Ms. Vedashree Ghorpade (SYBLS)</p>
<p style="text-align: center;"><u>Lakshya, 2019</u></p> <p>Dance Competition: 1st Prize: Ms. Harita Dulgach and Group 2nd Prize: Ms. Harsha Menon (4th Year BLS) Ms. Manvi Sharma (4th Year BLS) 3rd Prize: Ms. Radhika Bhandari (SYBLS) Ms. Kirtana Menon (SYBLS)</p> <p>Singing Competition: 1st Prize: Ms. Rajluxmi Joshi (SYBLS) 2nd Prize: Mr. Sahadev Bhoga (TYBLS) 3rd Prize: Mr. Harsh Shah (FYLLB)</p> <p>Bollywood Moot Court: 1st Prize: Ms. Tanvi Vira and Group (TYBLS) 2nd Prize: Mr. Jevin Nathwani and Group (SYBLS) 3rd Prize: Mr. Deepesh Shahani and Group (FYBLS)</p> <p>Rangoli: 1st Prize: Ms. Apoorva Thorve (SYBLS) 2nd Prize: Ms. Sejal Jain (FYBLS) 3rd Prize: Ms. Nikita Mandaniyan (SYBLS) Ms. Vedashree Ghorpade (SYBLS)</p> <p>Mehendi: 1st Prize: Ms. Mansi Botadra (TYLLB) 2nd Prize: Ms. Radhika Pujara (SYLLB) 3rd Prize: Ms. Neha Niyazi (5th Year BLS)</p> <p>Painting/ Sketching: 1st Prize: Mr. Ninad Dalvi (TYBLS) 2nd Prize: Ms. Dua Shaikh (TYBLS) 3rd Prize: Mr. Tanishq Wasan (TYBLS)</p> <p>Quiz Competition: Mr. Dhananjay Bhattacharya (5th Year BLS)</p>	<p>Chess: Mr. Shardul Joglekar (TYLLB) Mr. Ankit Kumar (TYLLB)</p> <p>Carrom (Singles): Ms. Twinkle Tiwari (FYBLS) Mr. Jignesh Jain (TYLLB) Carrom (Mixed Doubles): Ms. Twinkle Tiwari (FYBLS) Mr. Mohit Jain (TYLLB)</p> <p>Table Tennis: Mr. Pradeep Sawant (TYLLB) Mr. Ayush Khandelwal (SYLLB)</p> <p>Badminton (Boys): Mr. Tanmay Sawant (5th Year BLS) Mr. Anand Iyer (TYBLS) Badminton (Girls): Ms. Gauri Deshpande (TYBLS) Ms. Jagruti Vermula (FYLLB) Badminton (Doubles): Ms. Srushtee Panhale (4th Year BLS) Mr. Tanmay Sawant (5th Year BLS) Ms. Gauri Deshpande (TYBLS) Mr. Ayush Khandelwal (SYLLB)</p> <p>Dodgeball: Ms. Jacinth Kamble and Group (SYBLS) Ms. Srushtee Panhale and Group (4th Year BLS)</p> <p>Handball: Ms. Shriya Babar and Group (SYBLS) Ms. Riddhi Pawar and Group (4th Year BLS)</p> <p>Box Cricket: Ms. Twinkle Tiwari and Group (FYBLS) Ms. Shriya Babar and Group (SYBLS)</p> <p>Rink Football: Mr. Nikhil D'souza and Group (SYLLB) Mr. Vaibhav Bhatia and Group (TYBLS)</p> <p>Volleyball: Mr. Nilesh Sawant and Group (TYLLB) Mr. Nemil Mehta and Group (FYLLB)</p> <p>Cricket: Mr. Nemil Mehta and Group (FYLLB)</p>

ACTIVITY REPORT 2019-20

<u>SR. NO.</u>	<u>DATE</u>	<u>EVENT</u>
1.	11th- 13th January, 2019	Shree Hashuji Advani Memorial 2nd National Moot Court Competition, 2019
2.	20th- 22nd February, 2019	Annual Sports Day, 2019
3.	25th February- 03rd March, 2019	Academic Trip, 2019
4.	05th March, 2019	Marathi Diwas, 2019
5.	10th March, 2019	Legal Aid Camp, 2019
6.	20th March, 2019	Convocation Ceremony, 2019
7.	23rd March, 2019	Vivekanand Youth Conclave, 2019
8.	28th- 30th March, 2019	Lakshya, 2019
9.	24th September, 2019	Intra- Debate Competition, 2019
10.	19th October, 2019	Aarambh- Orientation Program, 2019
11.	11th November, 2019	Advocacy Skills Competition, 2019
12.	26th November, 2019	Constitution Day, 2019

Shree Hashuji Advani Memorial 2nd National Moot Court Competition, 2019, (11th-13th January, 2019)

After having successfully organised the 1st Edition of the National Moot Court Competition, VES College of Law organised Shree Hashuji Advani Memorial, 2nd National Moot Court Competition, 2019 which attracted an astounding participation from 30 teams encompassing the lengths, breadths and corners of India. The event was inaugurated by the auspicious hands of Hon'ble Justice Mohite- Dere (Bombay High Court). The Validation Ceremony was presided over by Hon'ble Justice Karnik (Bombay High Court) and Hon'ble Retd. Justice Patel (Bombay High Court) who also judged the Final Round of the competition along with Adv. (Dr.) Laxman Kanal (Trustee).



Hon'ble Justice Revati Mohite- Dere addressing the audience during the inaugural session



Hon'ble Justice Karnik addressing the audience during the Validation Ceremony



Hon'ble Justice Karnik (Bombay High Court) presenting the trophy to the Winners of the competition



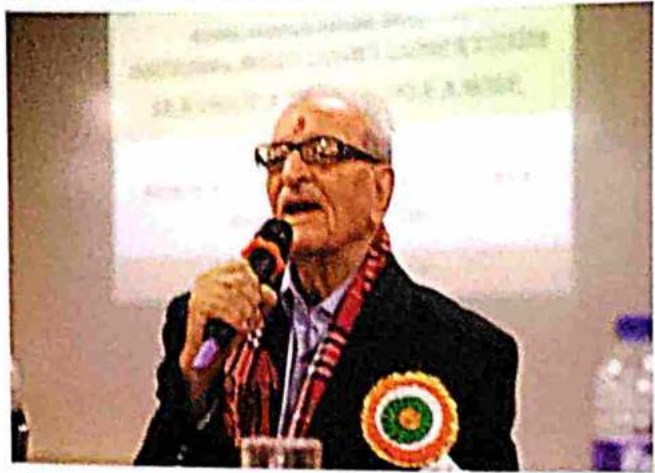
Hon'ble Retd. Justice Patel (Bombay High Court) presenting the trophy to the Runner- Up Team of the competition



The Annual Magazine 'Vidhi Vivek' being released during the event



Hon'ble Retd. Justice Patel (Final Round Judge) addressing the audience



Shri S.L. Boolani (President) addressing the gathering during the event



Mr. Siddhesh Deshpande playing a Tabla instrumental solo during the Cultural Evening



Judges for the semi-final rounds of the Competition



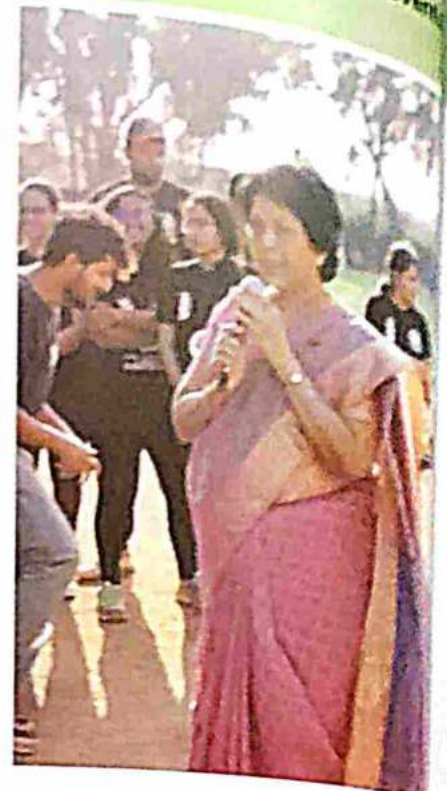
Mr. Harsh Shah (SYLLB) singing some melodious songs during the Cultural Evening

Annual Sports Day, 2019 (20th-22nd February, 2019)

Every year, the college organises the Annual Sports Day, which is the main attraction for the second half of the year as it attracts massive participation from the students. The event comprises of a plethora of events including cricket, rink football, badminton and indoor games.



Students playing rink football



Dr. Jyoti Deshmukh (Principal) delivering her introductory address at the inauguration of the event



Students showcasing sportsmanship spirit during the event



Cricket is one of the main attractions of the event



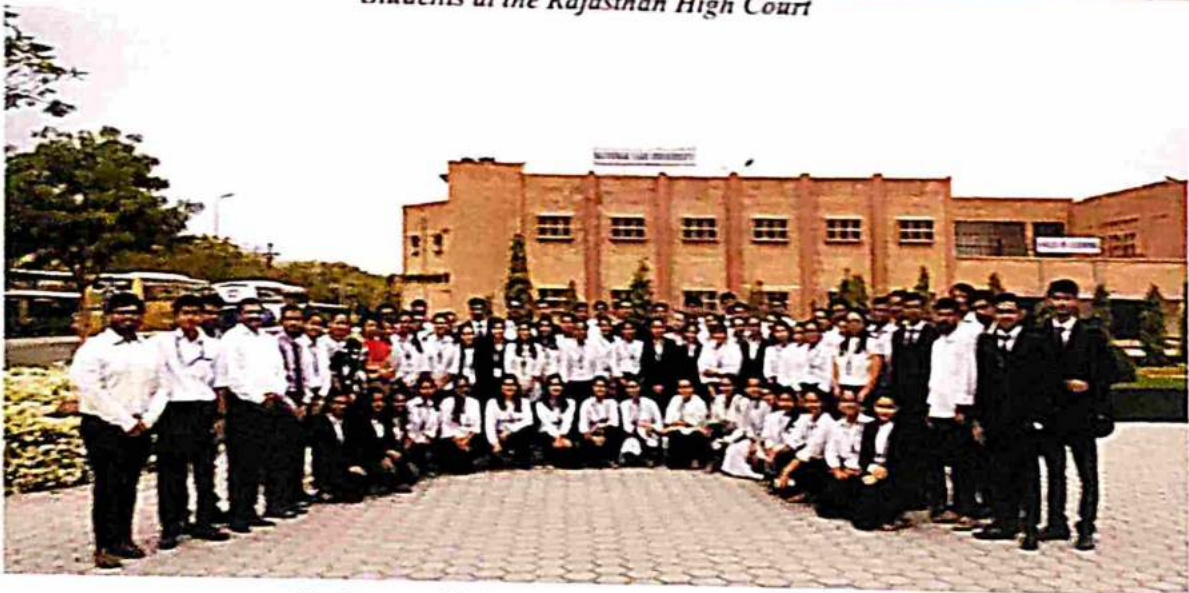
Students playing Badminton (Doubles)

Academic Trip, 2019 (25th February, 2019- 03rd March, 2019)

Like every year, V.E.S. College of Law had organised an Academic Tour to the scenic State of Rajasthan. The students were taken to the Rajasthan High Court and National Law University, Jodhpur. Many famous tourist destinations were also covered in the trip.



Students at the Rajasthan High Court



Students at National Law University, Jodhpur



Marathi Diwas (05th March, 2019)

The Marathi Diwas is celebrated by the Marathi Vangmay Mandal of VES College of Law every year on the birth anniversary of Shri V.V. Shirwadkar. A variety of events such as elocutions, plays, cultural dance, essay competitions and handwriting competitions are organised to encourage the use of the Marathi language.



Mrs. Vasanti Damle addressing the audience about the importance of Marathi during the event



Students performing a dance



Ms. Harshala Keny (4th Year BLS) performing Ji Phulrani



Student receiving an award from Dr. Shidhaye



Participants with the Judges, Principal and Professors

Legal Aid Camp, 2019 (10th March, 2019)

The Legal Aid Camp, 2019 was an initiative by V.E.S. College of Law in order to provide free legal aid and assistance to people from the vicinity in a variety of matters. Advocates from different fields and Principals clients in civil disputes, family matters, property matters and criminal cases.



Photographs from the Legal Aid Camp, 2019 where Advocates practising before different Courts and Principals from various law colleges advised over 100 clients from the vicinity on a wide variety of legal matters

Convocation Ceremony, 2019 (20th April, 2019)

The Convocation Ceremony, 2019 was organised to felicitate the graduating students of the 2017-18 batch. The degrees were awarded to the students at the hands of Hon'ble Mr. Ashutosh Kumbhakoni (Advocate General, State of Maharashtra), Hon'ble Shri B.L. Boolani, Hon'ble Shri Mahesh Tejwani, Adv. (Dr.) Laxman Kanai and Dr. Jyoti Deshmukh (Principal).



The graduating students taking an oath during the event



Dr. Jyoti Deshmukh (Principal) addressing the new graduates



Mr. Ashutosh Kumbhakoni lighting the lamp at the inauguration of the event



Group photograph of the B.L.S.I.L.B. batch of students



Group photograph of the L.L.B. batch of students

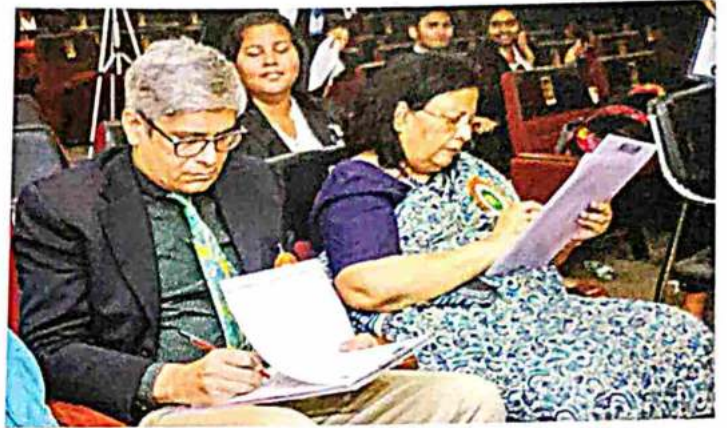
Capital punishment has to be given as punishment only in the rarest of rare cases for the most heinous offences

Vivekanand Youth Conclave, 2019 (23rd March, 2019)

The Vivekanand Youth Conclave was the college's first inter-collegiate law festival where various events such as Lex- Enviro Elocutionist, an Elocution Competition, Let's Brawl, a Debate Competition and Andha Kanoon, a Bollywood Moot Court Competition were organised where teams from law colleges from all over the State of Maharashtra participated.



Dr. Jyoti Deshmukh (Principal) felicitating Dr. Anita Kanwar, Principal of V.E.S. Arts, Science and Commerce College



Prof. S.K. Setia and Ms. Vrunda Moghe-Dev, judges of the competition



Participants performing during Andha Kanoon, a Bollywood Moot Court Competition



Audience observing the program



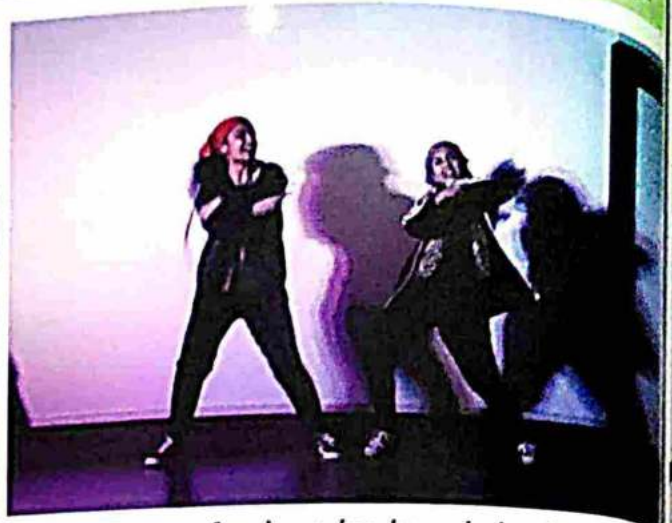
Winners receiving their trophy by the judges

Lakshya, 2019 (28th March, 2019- 30th March, 2019)

The Lakshya is VESLAW's college festival where various cultural events such as Mr. and Ms. VESCOL dance and singing competition takes place. The third day of the event is used as a Farewell Program for the final year students. During the festival, the awards for Best Student and Student of the Year are also given.



Students singing a group song



Students performing a duo dance during the festival



Mr. Jai Kumar Vohra being awarded the Best Student Award



Ms. Harsha Menon being awarded the Student of the Year Award



Principal and Faculty Members posing for a photograph with the winners of Mr. VESCOL and Ms. VESCOL

Intra- Debate Competition, 2019 (24th September, 2019)

The Intra- Debate Competition, 2019 was organised by the Debate Society to provide a platform for young and erudite minds to display their debating skills. The preliminary rounds were judged by Ms. Riddhi Bharani and Ms. Sonia Lal. The final round was judged by Ms. Samhitha S. Kain and Mr. Bhushan Shinde. A total of 16 teams participated for the competition out of which two qualified for the final round. The 1st position was bagged by the team from 4th Year BLSLLB comprising of Ms. Harshala Keny, Ms. Pooja Nair and Ms. Aradhana Chatterjee and the 2nd position was bagged by a team from 3rd Year BLSLLB comprising of Ms. Jacinth Kamble, Ms. Rajluxmi Joshi and Ms. Poorva Lamba. The Best Speaker Award was won by Ms. Poorva Lamba (3rd Year BLSLLB).



Winning Team from 4th Year BLSLLB



Runner Up Team from 3rd Year BLSLLB



Ms. Poorva Lamba (3rd Year BLSLLB) won the Best Speaker Award



Ms. Samhitha S. Kain, judge for the final rounds asking questions to the participants



Judges and teachers- in- charge posing for a photograph along with all the winners of the competition

Aarambh- Orientation Program (19th October, 2019)

Aarambh- the Orientation Program of V.E.S. College of Law, marks the beginning of the academic year. The program intends to brief and orient the students and parents in respect of events, functioning and regulations of the college and to introduce the teachers, students, committees and goals of the institution.



Shri S.L. Boolani (Trustee) lighting the lamp during the program



Dr. Jyoti Deshmukh (Principal) addressing the students and parents



Adv. (Dr.) Laxman Kanai (Trustee) delivering his address



Advocacy Skills Competition, 2019 (11th November, 2019)

This competition is organised by the Debate Competition every year to provide a platform for our students to display their oratory skills. Beyond oratory skills, the event also tests the research abilities of a student, which has to be conducted within a limited period. A total of 55 students participated in the event. Mrs. Shubhangi Deshmukh and Mr. Swampnil Choudhary judged the rounds of the event. Ms. Nikita Mandaniyan (TYBLS) bagged the first position and Mr. Jeet Shah (FYBLS) won the second prize. Ms. Tina Gori (SYBLS) and Mr. Durgesh Rege (4th Year BLS) won the third prize.



Ms. Nikita Mandaniyan (TYBLS) receiving the 1st Prize



Judges and staff members posing with the winners

Constitution Day, 2019 (26th November, 2019)

The Constitution Day was celebrated in order to promote the ideals envisaged by the Constitution of India. The Principal, teachers, non-teaching staff members and students marched in nearby vicinities with slogans that reflected the lofty and incontrovertible Constitutional concepts.



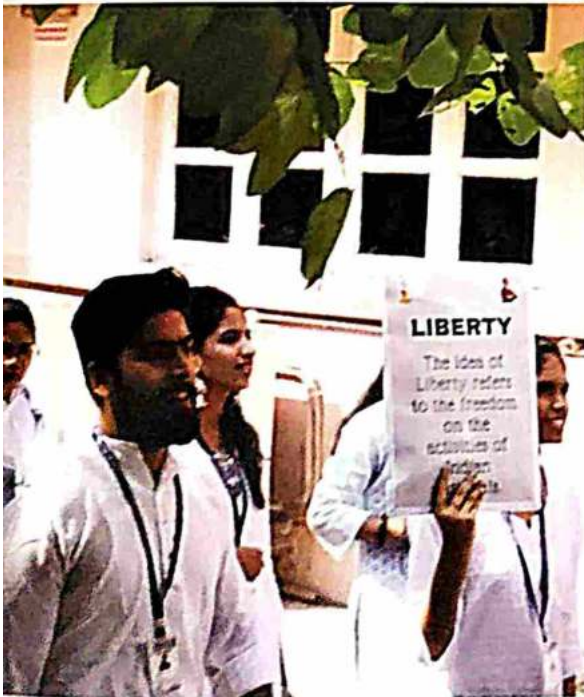
The Constitution of India



Students holding posters on the basic tenets of the Constitution that are enshrined in the Preamble of the Indian Constitution



Constitution Day march by the students



Group photograph during the course of the event



Dr. Jyoti Deshmukh
Principal, V.E.S. College of Law

In the modern context of democratic India, media, in any form, has become production machinery of values and culture in the society among the consumer class. The prime objective of the media is to disseminate information to make people aware of the happening around their surroundings, nationally or internationally. Today's social media is a powerful weapon to bring revolutionary changes in our society as a whole. Advent of internet with its prolific scrumptious technologies has made our lives easy. Interestingly, we are in the phase of knowledge explosion. We know many things now; children have their teachers in their pockets in the form of smart phones, teaching apps like Alexa, Google voice have become slaves to our commands. These are providing a changed thinking of Indian society.

However, since its inception, media played an important role in the representation of socio-cultural beliefs, practices and ideologies of the ruling classes in one way or the other. These practices include patriarchy, casteism, and racism among many others. Among all these issues, representation of women in media has always been a prime concern. Media, in general, is expected to be the reflections of the society. The portrayal of women in India, in electronic or print, cinema or television, modelling or advertisement, has always been biased, stereotypical and sexist. Women's image and the role they play in the media are heavily influenced by existing social and cultural norms.

Social Media turned Women in Scumbags

1. **Limited Coverage in Media** – Newspapers cover women's problems drawing attention of parameters to issues requiring immediate attention such as the adverse sex-ratios, infant and maternal mortality, crimes against women and the effects of poverty or vegetables price hike on women and their families. But this space is not enough to highlight the major issues of women as compared to with the rest of the space occupied by cinema advertisements, model's photos, video jockeys and hobbies of the rich women. Many of the women magazines are devoted to women fashion, glamour, beauty tips and the shades of nail paints and lipsticks. No importance is given to the development of women.
2. **The Use of Women in Mass Media** – The use and portrayal of women in mass media such as television, films and advertising to increase the appeal of media or a product to the detriment of or without regret to the interests of the women portrayed or women in general. It is observed that sometimes even the government practices discrimination against women. For instance, an innocent looking advertisement of Life insurance Corporation which had projected as, *'Provide for your Daughter's marriage and for Son's education through LIC'*. Hundreds of people must have read it but only Delhi State Mahila Federation, an organisation working for women in Delhi protested to the LIV against such discriminatory attitude but they could not understand. The organization had to tell them in simple words that **education and marriage are applicable to both, 'sons and daughters'** and not for only one. The organization further added that, *prima facie*, it does not look at something

serious or international issue but it shows the inherent discriminatory attitude which may develop into serious issue.

It is also not a serious but objectionable issue when the women in short dresses are portrayed in the advertisements of Shaving creams, Blades and Motorbikes etc, etc. Across the world, there are online news platforms, advertisements and blogs wherein women are more misrepresented than underrepresented in the new media. They are highly objectified and exploited through sexy pornography, online dating and matchmaking. In addition, they didn't appear in the news and when they did, they are often portrayed as trouble makers or being abused and represented. Another worst example is that online dating sites have evolved into their own sphere where women are put up like a line of cows for to be picked.

Before 1976, the representation of women was limited to home making while men were considered as bread earners. Gradually in late 90's and early 21 century, the movement for women empowerment started gaining momentum.

- i. In 1992, Aerial, a laundry detergent by Procter and Gamble, has been reinforcing patriarchy through its advertisements that portrayed women as home makers add. Through this add, the company has, directly or indirectly, labelled women as domestic servants. And males as dominant gender in a socio-economic context.
- ii. Even now also two advertisements are very popular which prima facie shows that women have being given liberty by their male partners to do the work they like but the hidden agenda is overlooked in these adds. In the advertisement of some utensil washing bar, it is shown that the woman can run the bakery only if she gets time after the domestic work is done. Likewise in other advertisement of washing powder, it is shown that the husband is worried about his meagre salary to run the family chores then his wife asks him for permission to do the clothes stitching work. This add also suggests that the women can do work but after completion of domestic work. These advertisements suggest that it is women's job to do the laundry.
- iii. In 1994, Dabur, an Ayurvedic and Natural Health Care Company introduced its hair product, 'Dabur Vatika'. In 2000, the company broadcasted in first advertisement on television. It was the same year when Priyanka Chopra won the Miss World award and became the company's Brand Ambassador. The add claimed that dense, smooth and dark hair was the secret of Miss World's beauty thus, objecting long, dark hair as a parameter of beauty.
- iv. In the popular advertisement of 'Amsutra' by Slice, the actress Katrina Kaif who endorses the product has a seductive impact and sensationalisation of sexual fetish to attract the consumers. Display of female body with flawless skin, slender stature, and long attractive legs with perfectly structuralised movements has become the definition of beauty as perceived by the society. Media has fabricated this perception wherein women have been made sex objects.

In films male characters dominated the big screens throughout the past years and the representation of women characters got worse overall. Though there has been a considerable progress all over the world in the matter of rights of women, irrespective of Constitutional guarantee of equality before law and equal protection of the Law, remain by and large unrealized aspirations. In India, the women are respected as 'Devi' in public only, but in reality, treated as slaves and commodities. Feminists and other advocates of women rights have criticized such exploitation. The most often criticized aspect of the use of women in mass media is sexual objectification. Through sharing experiences and discussing on key events, online activism is boosting women's rights issues, but its effect on policy change is still unclear.

LIMITATIONS ON PRESS MEDIA UNDER THE CONSTITUTION OF INDIA

Mr. Swampnil Choudhary
Assistant Professor, VES College of Law

Freedom of press is not specifically mentioned under Article 19(1) (a) of the Constitution, but what is mentioned there is only freedom of speech and expression. In the Constituent Assembly Debates it was made clear by Dr. B.R. Ambedkar, Chairman of the Drafting Committee, that no special mention of the freedom of press was necessary at all as the press and an individual or citizen the same as far as their rights of expression is concerned. In order to preserve the democratic way of life it is essential that people should have the freedom to express their feelings and to make their views known to the people at large.

The press, a powerful medium of mass communication, should be free to play its role in building a strong viable society. Denial of freedom of the press to citizens would necessarily undermine the power to influence public opinion and be counter to democracy. The framers of the Indian Constitution considered freedom of the press as an essential part of the freedom of speech and expression as guaranteed under Article 19 (1) (a) of the Constitution. In *Romesh Thaper v. State of Madras* and *Brij Bhushan v. State of Delhi*, the Supreme Court has taken for granted the fact that, the freedom of the press is an essential part of the right to freedom of speech and expression. It was observed by Patanjali Sastri J. In *Romesh Thaper's* case that freedom of speech and expression under Article 19(1)(a) includes propagation of ideas, and that freedom was ensured by the freedom of circulation.

It is clear that the right to freedom of speech and expression carries with it the right to publish and circulate one's ideas, opinions and other views with complete freedom and by resorting to all available means of publication. The right to freedom of the press includes the right to propagate ideas and views and to publish and circulate them. However, the freedom of the press is not absolute, as the freedom of expression. Public interest has to be safeguarded by Article 19(1) (2) which lays down reasonable limitations to the freedom of expression in matters affecting-

- a. Sovereignty and integrity of the State;
- b. Security of the State;
- c. Friendly relations with foreign countries;
- d. Public order;
- e. Decency and morality;
- f. Contempt of court;
- g. Defamation; and
- h. Incitement to an offence

Development of the Meaning of Freedom of Press

Historically, the origin of the concept of freedom of press took place in the England. From the earliest times, in the West, persecution for the expression of opinion even in matter relating to science or philosophy was restored by both the Church and the State, to suppress alleged heresy, corruption of the youth or sedition. Such restraints, through licensing and censorship, came to be accentuated after the invention of printing towards the latter part of the 15th Century, and the appearance of newspaper in the 17th Century, which demonstrated how powerful the press was as a medium of expression. The history of Freedom of Press, in England, is thus a triumph of the people against the power of the licensor. Since there is no written Constitution nor any guarantee of fundamental right in England, the concept of freedom of press, like the wider concept of freedom of expression, has been basically negative. In other words, freedom of press, in England, means the right to print and publish anything which is not prohibited by law or made an offence, such as sedition, contempt of court, obscenity, defamation or blasphemy.

Status of Freedom of Press in India

In *Ramesh Thapar v. State of Madras*, Patanjali Shastri, CJ, observed that "*Freedom of speech & of the press lay at the foundation of all democratic organization, for without free political discussion no public education, so essential for the proper functioning of the process of popular government, is possible.*" In this case, entry and circulation of the English journal "*Cross Road*", printed and published in Bombay, was banned by the Government of Madras. The same was held to be violative of the freedom of speech and expression, as "*without liberty of circulation, publication would be of little value*".

The Hon'ble Supreme Court observed in *Union of India v. Association for Democratic Reforms*; "*One-sided information, disinformation, misinformation and non-information, all equally create an uninformed citizenry which makes democracy a farce. Freedom of speech and expression includes right to impart and receive information which includes freedom to hold opinions*". In *Indian Express Newspapers v. Union of India*, it has been held that the press plays a very significant role in the democratic machinery. The courts have duty to uphold the freedom of press and invalidate all laws and administrative actions that abridge that freedom. Freedom of press has three essential elements. They are:

1. Freedom of access to all sources of information;
2. Freedom of publication; and
3. Freedom of circulation.

There are many instances when the freedom of press has been suppressed by the legislature. In *Sakal Papers v. Union of India*, the Daily Newspapers (Price and Page) Order, 1960, which fixed the number of pages and size which a newspaper could publish at a price was held to be violative of freedom of press and not a reasonable restriction under the Article 19(2). Similarly, in *Bennett Coleman and Co. v. Union of India*, the validity of the Newsprint Control Order, which fixed the maximum number of pages, was struck down by the Court holding it to be violative of provision of Article 19(1)(a) and not to be reasonable restriction under Article 19(2). The Court also rejected the plea of the Government that it would help small newspapers to grow.

Freedom of Press in India: Constitutional Perspective

In India before Independence, there was no constitutional or statutory guarantee of freedom of an individual or media/

press. At most, some common law freedom could be claimed by the press, as observed by the Privy Council

Channing Arnold v. King Emperor.

"The freedom of the journalist is an ordinary part of the freedom of the subject and to whatever length, the subject general may go, so also may the journalist, but apart from statute law his privilege is no other and no higher. The range of his assertions, his criticisms or his comments is as wide as, and no wider than that of any other subject."

With object and views, the Preamble of the Indian Constitution ensures to all citizens *inter alia*, liberty of thought, expression, belief, faith and worship. The Constitutional significance of the freedom of speech consists in the Preamble of Constitution and is transformed as fundamental right in Article 19(1) (a) as freedom of speech and expression. For achieving the main objects, freedom of the press has been included as part of freedom of speech and expression which is a universally recognised right adopted by the General Assembly of the United Nations Organization on 10th December, 1948. The heart of the declaration contained in Article 19 says as follows:

"Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

The same view of freedom of holding opinions without interference has been taken by the Supreme Court in ***Union of India v. Assn. for Democratic Reforms*** in which the Court has observed as follows: (SCC p. 317, Para 38) *"One-sided information, misinformation and non information, all equally create an uninformed citizenry which makes democracy a farce. ... Freedom of speech and expression includes right to impart and receive information which includes freedom to hold opinions."*

In India, freedom of press is implied from the freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India. Article 19(1)(a) says that all citizens shall have the right to freedom of speech and expression. But this right is subject to reasonable restrictions imposed on the expression of this right for certain purposes under Article 19(2). Keeping this view in mind Venkataramiah, J. of the Supreme Court of India in ***Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India*** has stated that:

'In today's free world freedom of press is the heart of social and political intercourse. The press has now assumed the role of the public educator making formal and non-formal education possible in a large scale particularly in the developing world, where television and other kinds of modern communication are not still available for all sections of society. The purpose of the press is to advance the public interest by publishing facts and opinions without which a democratic electorate [Government] cannot make responsible judgments. Newspapers being purveyors of news and views having a bearing on public administration very often carry material which would not be palatable to Governments and other authorities.'

The above statement of the Supreme Court illustrates that the freedom of press is essential for the proper functioning of the democratic process. Democracy means Government of the people, by the people and for the people; it is obvious that every citizen must be entitled to participate in the democratic process and in order to enable him to intelligently exercise his right of making a choice, free and general discussion of public matters is absolutely essential. This explains the constitutional viewpoint of the freedom of press in India.

Therefore, in view of the observations made by the Hon'ble Supreme Court in various judgments and the views expressed by various jurists, it is crystal clear that the freedom of the press flows from the freedom of expression which is guaranteed to "all citizens" by Article 19(1)(a). Press stands on no higher footing than any other citizen and cannot claim any privilege (unless conferred specifically by law), as such, as distinct from those of any other citizen.

The press cannot be subjected to any special restrictions which could not be imposed on any citizen of the country.

Conclusion:

At last it can be concluded that, The Freedom of the Press is nowhere mentioned in the Indian Constitution. The Right to freedom of speech and expression is provided in Article 19 of the Indian Constitution. It is believed that freedom of speech and expression in Article 19 of the Indian Constitution include freedom of the press. Freedom of expression enables one to express one's own voices as well as those of others. But freedom of the press must be subject to those restrictions which apply to the freedom of speech and expression. The restrictions mentioned in Art. 19 are defamation, contempt of court, decency or morality, security of the state, friendly relations with other states, incitement to an offence, public order and maintenance of the sovereignty and integrity of India. The status of freedom of the press is the same as that of an ordinary citizen. The press cannot claim any immunity from taxation, is subject to the same laws regulating industrial relations, and press employees are subject to the same laws regulating industrial employment.

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- 3) Thayer, Legal Control of Press (1962), PP 5-7.
- 4) Vide Macaulay, History of England (1872), Vol. IV, p 78.
- 5) Union of India v. Association for Democratic Reforms (2002) 5 SCR 294.
- 6) Indian Express Newspaper v. Union of India (1985) 1 SCC 641.
- 7) Sakal Papers v. Union of India, A.I.R. 1962 SC 305.
- 8) Bennett Coleman & Co. v. Union of India, A.I.R. 1973 SC 106; (1972) 2 SCC 788.
- 9) Arnold v. King Emperor, AIR 1914 PC 116, 117.
- 10) Indian Express Newspapers (Bom.) P. Ltd v.. Union of India, (1985) 1 SCC 641 at p 664 Para 32.
- 11) Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

INTRODUCTION TO FINTECH AND ITS REGULATORY CHALLENGES



Mr. Akash Manwani and Ms. Riddhi Parag
Students, 5th Year, B.L.S.L.L.B.

The Fintech industry can be classified as one which uses information technology to dispense financial services. Fintech has a broad connotation attached to it and unlike the previous decade, where Fintech was used only for banks' back-end functions, now there is a paradigm shift towards customer oriented products which includes everything from mechanism behind debit/credit card transactions and mobile banking to wealth management and online credit facility platforms. Technology has helped various sectors to accelerate growth and maintain stability which is the case with Fintech as well, but revolutionary changes like the one brought in by Amazon to the retail industry or by Uber to urban transport industry yet remains to be replicated in Fintech. It would not be wrong to say that the banking & finance industry is inherently different than other industries because it secures deposits and is highly regulated. Money earned and hoarded by people over the years is near and dear to them and uncertainty with the same resorts to a twitchy situation. It is also not the case that banking industry does not have vacuum for improvements. Why Fintech has not yet seen a dominant market player is in fact due to legal, policy and regulatory issues faced by it. This Article shall thus familiarise the reader with basic Fintech mechanisms and regulatory issues faced by it with the help of real life examples but however, won't take a deep dive case study approach. Fintech industry can be broadly diverged into three arenas viz., Cryptocurrency, Fintech credit and Fintech payments.

Cryptocurrency

In the aftermath of financial crisis of 2008, distrust in regulators and financial institutions had increased. There was a void created for safer transactions and trustworthy investments. This paved the way for digital currencies and in around 2008, advent of Bitcoin was noticed which started gaining traction in around 2011. Bitcoin is a digital currency purported to have inherent value which is designed to enable financial transactions, investment and sales. It performs the same role as long established currencies like the U.S Dollar, Indian Rupee and Japanese Yen have, though it is not issued by any Central Bank or a State but in fact is based on decentralised system of Blockchain technology. Interestingly, its value is dependent on the psychology of people believing it has value but it is not that simple. For an article, virtual or otherwise, to have value for both the parties must have certain attributes of currency like portability, acceptability, limited supply and ability to possess the same. Blockchain Technology has helped digital currency to achieve all these requisites. It basically works as a chain of blocks of information in distributed ledger format having transaction related information. For instance if A transfers 5 Bitcoins to B and he gives 3 Bitcoins to C then by way of Blockchain, this becomes a matter of public information in Bitcoin environment and everyone knows that C cannot give more than 3 Bitcoins which makes it fraud proof as well. A, B & C conduct transactions with a unique code by which their identity is hidden.

To understand its regulatory issues, it is pertinent to understand as to why Bitcoin should be regulated at all. Some argue that it is nothing more than a barter system. It is to be understood that Bitcoin is being dealt with in huge numbers globally without barriers of national borders. Though it is decentralised, possibility of huge players duping the individual investors cannot be ruled out. In this Statement on Cryptocurrencies & Initial Coin Offerings, SEC Chairman's advice to main street investors was that *"there is substantially less investor protection than in our traditional securities markets, with correspondingly greater opportunities for fraud and manipulation"* Bitcoins span national borders and possibility of funds being travelled across outside SEC's jurisdiction is high which prevents SEC to effectively remedy the fraud committed.

Bitcoin is also notoriously popular for making illegal transactions for drugs and at times for terrorism. Bitcoin exchange across countries does not carry any remittance fees which in a way circumvents relevant provisions. In most of the countries, tax is also not levied in Bitcoin transactions. The volatile nature of Bitcoin further makes it unsafe for gullible investors. For instance, just on the basis of rumours that China is going to ban cryptocurrencies, the price of Bitcoin fell a few thousand dollars. It has an impact on cyber crime rate, politicisation of money and emergence of new markets which thus impacts general economy as well. Without regulation an Article which seeks to replace mainstream currency would not be healthy. A recent article in the Forbes Magazine estimates Bitcoin market capitalisation to have reached 300 Billion Dollars at one point of time and is around 165 Billion Dollars now which raises doubts that the price impact of bitcoin may be due to a single major player.

Fintech Credit

Fintech credit has multiplied the financial influx in the market with the help of accessibility and connectivity. Most of the Fintech lending firms have a peer to peer (P2P) lending model which directly connects borrowers to potential investors. Fintech lending platforms has its own advantages such as more consumer data sources, lower costs, SMSEs oriented, controlled regulation (unlike banks), enhanced market reach and disadvantages like exposure to cyber security breach, low lending standards, relatively new and untested field, no recovery mechanism in case of defaults, easy to defraud among a few. What primarily distinguishes Fintech lending from traditional lending facilities provided by banks, is the risk analysis mechanism. Some Banks have even associated with software firms for risk assessment due to their expertise in machine learning technology which enables them to dig into huge quantities of consumer data than traditional survey sources. Notwithstanding privacy related issues, it can access smartphones to check payments and transactions made by the borrower, spending pattern, social media trends and digital payments which ultimately helps to determine credit score of the borrower.

Laws with respect to credit facilities differ from state to state and are subject to respective Usury laws as well which is Usurious Loan Act, 1918 in India. Usury laws regulate rate of interest on loans. Apart from general laws, there are licensing issues as well. In India prior to 2017 until license for NBFC-P2P was made mandatory by Reserve Bank of India (RBI) for P2P platforms, there were about 25 Fintech credit firms but since the implementation of licensing requirement, entry to this sector has become onerous. This license requires Fintech firms to be subjected to all regulations which NBFCs are subjected to and further for P2P lending, it must comply with data submission requirements, loan recovery practices of NBFCs, direct transfer of money to borrowers account to avoid possibilities of money laundering to name a few. By another letter dated 16.09.2019 issued by RBI to Banks and NBFCs stated that banks hiring software companies as 'Agents' to do a risk assessment review on borrowers is illegal and violation of Credit Information Companies (Regulation) Act, 2005 as borrowers' financial reports is a matter of private affair and just because the borrower has waived privacy to get the benefits provided by the Bank that does not by itself allow banks to outsource personal data to outside agents. There are other innovative Fintech Credit firms like Affirm which provides credit at point-of-sale on e-commerce sites or otherwise irrespective of contract or integration with the retailer of any brand. Another such example is of Tala which uses deep data analytics and is targeted towards unbanked people who lack access to basic financial services. To determine the credit score, Tala rather concentrates on behavioural patterns of the borrower like whether the borrower contact list contains more information than just First & Last Name which indicates that the borrower has a sense attention to detail. Repayment of loan rate of Tala is a whopping 92%.

Fintech Payments

Transacting money is simplified and varied to a great extent now. Governments are pushing for cash less economies and digital payments to curb the evils like black money associated to cash transactions. There are a variety of options today to make a payment such as credit/debit card, Paytm, Apple Pay, merchant's payment system like Amazon Pay and so on. Most of the times, these entities are associated to a bank hence separate state licensing requirements and other regulatory issues are not much of a hassle since banks handle those.

The RBI recently announced its first ever cohort under Regulatory Sandbox Framework launched in August. This cohort is based on the theme '*digital payments*' to spur innovation in technology for India specific demographics like mobile payments for feature phones, offline payments solutions and contactless payments and tokenisation to serve the underserved or unbanked population of India. Software firms activities coming under above mentioned theme can apply and test their product in a controlled environment to check regulatory concerns where no adverse steps will be taken. Once this activity is completed, the product can be independently launched in the market without having to worry about regulatory issues.

Conclusion

Fintech brings with itself quick solutions to issues with traditional banking processes but is also associated with various issues attached to technology like privacy, cyber security, fraud, anonymity and so on. Several Fintech firms have taken a hit due to spasmodic and unsure regulatory efforts on account of lack of unified across-the-board regulations. For instance tokens issued in Initial Coin Offerings were considered as '*Shares*' by SEC as well as '*commodities*' by the Commodities Futures Trading Commission (CFTC). Move fast and break things philosophy won't let entry of Fintech in Banking sector at least. Regulators earlier were sceptical about entry of such firms in the market but now are evolving to come to an arrangement where Fintech firms can thrive judiciously. A regime of cooperation between regulators and Fintech players is the future.

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THE ROLE OF MEDIA: WATCHDOG OR A LAPDOG

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India is a democratic country and media is the fourth limb of this democratic system after legislature, executive and judiciary. The Constitution of India guarantees Right to freedom of speech and expression under Part III dealing with the fundamental rights. In such a democratic country, public opinion plays a vital role and media helps moulding and restructuring this public opinion be it print media or audio or audio-visual media. The expression of The Indian Press Commission sums it up by holding "*Democracy can thrive not only under the vigilant eye of its Legislature, but also under the care and guidance of public opinion and the press is par excellence, the vehicle through which opinion can become articulate*".

Freedom of the Press

Article 19(1) (a) implicitly includes '*freedom of press*' but does not provide anything expressly. The absence of express provision does not in any way indicate its non-significance because Dr. Ambedkar in his speech clearly said that "[T]he press has no special rights which are not to be given or which are not to be exercised by the citizen in his individual capacity." So, the motive here is to point at its significance and to clear the misconceptions relating to the reluctance of Legislature or Constituent Assembly in embodying it into fundamental rights' list specifically, as it is visible that the framers felt it to be a basic right and to be already included into the right to expression available to an ordinary citizen under Article 19(1) (a). Therefore, there is no difference between freedom of expression of an individual and an editor of press. As nature provides exceptions to every rule, fundamental rights are no exception to it. Hence, Article 19(2) provides exceptions to the freedom of speech and expression in the form of reasonable restrictions and includes grounds viz. security of the State, friendly relations with foreign States, public order, decency of morality, contempt of court, defamation, incitement of an offence and sovereignty and integrity of India.

Contemporary Challenges Faced by the Media and Society

According to Merriam and Webster, Media is also defined as "*medium*" i.e., a way of communicating with others. The media often swerves the public's attention from the actual issues to the topics which have least importance and can be well illustrated by analysing the recent activities of the news channels. India was placed on 140th position out of 156 countries by the '*UN Index of Human Happiness*' which is in fact a matter of great concern. The Indian media was displaying Pakistan's Prime Minister's personal life (incidentally,

Pakistan ranks 67th in the survey), the entire day. The required essential task of media here was to research and organise various discussions and debates regarding the cause of being placed at this position because India has not undergone any war, natural disaster, internal disturbance or famine but is placed even below the nations like Somalia which is undergoing terrorism or a country like Ethiopia which is suffering from drought. The markers or criteria to measure the happiness appears to be fair enough viz., freedom, income, trust, life expectancy, social support and generosity. So, based on these criterion, even the communist and under developed nations have proved to be better than India. But Indian media at this moment is merely bothered about the diet which renders the Prime Minister fit and also about activities of its neighbouring states. So, the object here is not to act Anti National but to point out the need of channelizing the content. News can sometimes act as entertainment but not always and the main purpose is to mould public opinion, create awareness rather than creating hatred in the name of false patriotism. In today's reality, the issue is when the reporter reports against any elite personality or against the government, he is either killed or put behind the bars on the grounds of being an anti nationalist and is charged under Section 124A or Section 153A of the Indian Penal Code, 1860. Therefore, the objective of having media is endangered and there is a need to understand the importance of getting back the very essence that news channels had, earlier to this phase. Disagreement isn't 'Anti - national' and in a democratic country, people are free to express their disagreements with the establishment without disturbing peace. Then the incidents of murder of journalists and writers have increased to a great extent. A journalist named M. V. N. Shankar wrote about the mafia in Guntur a few days prior to an attack which took his life away from him. Mr. Akshay Singh who was an investigating reporter of India Today group working on Vyapam Scam, died suddenly (on 4th July 2015) due to heart attack during an interview. This could have been a natural death, but unfortunately all those involved with these cases have been dying naturally. Death of every person related to or getting linked to a particular scam cannot be a mere coincidence. Ms. Gauri Lankesh, a senior female journalist, also an editor of Gauri Lankesh Patrika was known for her criticism to the right-wing extremists. She was also a part of governmental panel established for shaping Maoist surrender to the policies of the State. On 5th September 2017, this brave journalist was shot by gunmen while she returned from work and she died immediately.

Media Trial

Nowadays, even the work of judiciary is done by the media, i.e., popularly referred to as the "media trial" where during *lis pendens*, the media pronounces its verdict and convicts or acquits the accused which is total destruction of 'rule of law'. Sometimes, this results in defamation and humiliation of the accused as there is no proper trial, evidence, examination and arguments, instead there is direct judgment. This violates Article 21, i.e., right to live with a dignified life. People always assume element of truth in every false allegation and therefore, never accept a person once arrested, even though he may get acquitted later and proved to be innocent in a real court. Even the judges belong to human species and are therefore prone to get swayed by the emotions depicted by the channels day after night. This emotional attraction towards a victim and public anger towards the suspect may result in injustice.

...case, at times, even the so called rape victim may lie either to satisfy private vengeance by harming accused's reputation or for black mailing to extract a favour. But a girl remains above suspicion in such cases, at least in the eyes of these "news" channels.

Live Streaming of Supreme Court Cases

On 26th September 2018, In *Re Swapnil Tripathi and Others v. Supreme Court of India and Others*, live-streaming and video recording of the court proceedings were ordered. Those matters which have constitutional and national importance shall be open for streaming but those involving juveniles, cases under Protection of Child Sexual Offences Act, cases of sensitive issues such as sexual assault and matrimonial issues including transfer petitions, were barred. Such recorded broadcasts shall be placed on the official website of Supreme Court by the end of the day and this recording is to be done in such a way that the documents and papers referred by advocates while arguing are not made public. Though, as per the principles of natural justice, the judges are bound to pass speaking order while delivering judgment, live streaming would make the court proceedings even more transparent and enhance public confidence. As *ignorantia facti excusat, ignorantia juris non excusat*, it is the duty of the state that the citizens are made aware of the laws and recent developments.

Criminalisation of triple talaq, environmental pollution and depletion cases, decriminalisation of Section 377 are some matters that bring reforms into citizen's lives and therefore deserve to be known to the common people and statement of reasons for its pronouncement by the wise bench. It is well established fact that *half knowledge is always dangerous*, this chaos would be avoided by live streaming. Sometimes, the media highlights particular arguments by advocates during arguments in front of judges, without even knowing about its relevancy in that particular matter and citizens rely upon them because not every citizen reads the original judgment of 1000 or more. Law colleges, professors, students and people belonging to legal fraternity who are interested in the Supreme Court cases would definitely benefit from it. The law colleges still rely upon the old and traditional cases for law of Contract like *Carlil vs. Carbolic Smoke Ball co. (1892)*, *Baulfer vs. Baulfer (1919)* and for law of torts like *Donogue vs. Stevenson (1932)* (Ginger beer case), *Rylands vs. Fletcher (1868)* which are foreign and not Indian judgments. Other beneficiaries could be the multiple litigants in same case, there are a number of litigants involved who may easily witness the proceedings without coming to the court which will reduce the use of various types of resources.

Contribution of Media in Providing Justice to the Victims

Practically, police officials often hesitate and refuse to even lodge a First Information Report (FIR) against the elites of society. Under such circumstances, there are many cases where the media has taken cognizance *suo moto* which consequently resulted into creation of pressure upon the Executive authority to take action in order to provide justice to the victim and also to avoid the situation of public disparagement towards the whole department. In *Re Unnao case*, FIR was filed against Kuldeep Singh Sengar (BJP MLA, Uttar Pradesh) only after the media took up this matter in consequence to the victim's attempt of immolating herself in front of the Chief Minister's residence. The reason for

such an attempt was the failure of police in taking cognisance of the grievous offence of rape which was committed against her by a politician. But after media's interference, the widespread outrage led to the police filing an FIR and the investigation getting started. Here, the intention is not to blame the Executive for everything but to ensure that whenever one pillar of democracy forgets its duties or acts negligent towards its duties, the other pillar/pillars are bound to remain alert at that moment and remind them of their duties for which they are paid.

Conclusion

In early 1980s, people in India had Doordarshan and All India Radio as the only means of providing news service. In that epoch, entire India sat like a ghost in front of their radios and televisions for updating themselves with the national and international affairs. Unfortunately, today despite having numerous news channels, people are not even aware about the national issues and crisis, so forget about the international issues. Under these circumstances, media being the watchdog of the democratic society must wake its master from slumber which is seen in some cases like the Unnao and Kathua case. But merely initiating the process of justice isn't enough, the end is also necessary, i.e., the guilty should be punished. To that end, media should keep following up on a case instead of just forgetting it after the initial reportage.

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Media Trial: A Considerable Interference in the Administration of Justice



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"The media is the most powerful entity on earth. They have the power to make the innocent guilty and to make the guilty innocent, and that's power because they control the minds of the masses." — **Malcolm X**

The aforementioned quote of the great and thoughtful leader Malcolm X demonstrates a significant ingredient for its genesis i.e. its power to influence and mould the minds of people. The media is responsible for the synthesis of public opinion in political, social, environmental, cultural, educational and international spheres. The media works on three parameters. Firstly, on education, secondly on information and thirdly, on entertainment. It is indispensable to analyse its catalytic role in transporting lawful issues (social/personal/international/political) from worldwide debate couch to domestic couch or *vice versa*, which has led to the genesis of popular practice in terminology, viz., '**Trial by Media**'.

Trial by media has become a popular practice to prove an accused (generally in high profile criminal cases) guilty /innocent in the minds of people irrespective of credible evidence and due process of law or any prior investigation. It creates widespread perception of guilt/ innocence before or after a verdict in a court of law. Media trail is conducted in debate structure wherein multi- angular discussions are held by leading light on respective issues. Such thought provoking public discussions lead to creation of staunch public opinion irrespective of its credibility. Media is the fourth pillar of democracy and the very fabric and mirror of society having power to influence and revolutionise masses. It is expected to exercise its liberty i.e., right to freedom of speech & expression with great obligations. The Indian Press has also expressed a similar view. It says that, "*Democracy can thrive not only under the vigilant eye of its legislature, but also under the guidance of public opinion and press is a par excellence, the vehicle through which opinion can become articulated*". The expression '*freedom of the press*' was clarified in the case of **Indian Express Newspapers v. Union of India**, (1985) 1 SCC 641 wherein the court has observed that:-

"The expression 'Freedom of press' has not been used in Article 19 but it is comprehended within Article 19(1) (a). The expression means freedom from interference from Authority, which would have the effect of interference with the content and circulation of newspapers. There can't be any interface with that freedom in the name of public interest. The purpose of the press is to advance public interest by publishing facts & opinion without which a democratic electorate can't make a responsible judgments.

Freedom of the press is the heart of social & political intercourse."

Liberty of the media is provided under Article 19(1) (a) of the Indian Constitution. This Article is not absolute in nature but is subject to reasonable restrictions which remain unchecked most of the time. Article 19(2) permits reasonable restrictions to be imposed by statute for the purposes of various matter including contempt of court. Media trial often ends up doing criminal contempt of court which is clarified under section 2(c) of Contempt of Court Act, 1971. Section 2(c) provides three grounds to hold someone liable for the contempt of court:

- (1) **Scandalizing /lowering authority of Court:** Supreme Court in *Re Arundhati Roy, Contempt Petition (Criminal) No. 10 of 2001 dated 06th March, 2002* made it clear that, criticism undermining dignity of the court can't be said to be fair criticism and doesn't fall under Article 19(1)(a). This section includes casting unwarranted and defamatory aspirations upon character or ability of the Judges.
- (2) **Prejudice with due course of any Judicial Proceeding:** Any publication /trial by media in due course of judicial proceeding will affect the fairness of trial and disrupt the administration of justice.
- (3) **Interference / Obstruction with administration of justice in any other manner:** Freedom and liberty provided to press often intrudes privacy of the accused which is safeguarded under Article 21 of the Constitution of India. The famous murder case of Sheena Bora was researched and argued by the media so earnestly that led to an absolute breach of privacy of accused. Indrani Mukharji's personal life was kept open for entertainment of people even though it had nothing to do with murder trial. News media often forgets its obligations and professional ethics while dealing with such cases, as a result of which privacy and the fairness of trial is left unassured. In *R. Rajagopal v. State of Tamil Nadu, (1995) AIR 264* the Supreme Court of India has held that, freedom of press extended to engaging in uninhabited debate about the involvement of public figures in public issues and events but as regards to their private life, a proper balancing of freedom of the press as well as right to privacy and maintained defamation has to be performed in terms of democratic way of life laid down in the Constitution of India.

Fairness of trial has to be assured to the people to elevate their faith in the judicial system. Right to a fair trial is absolute right of every individual within the territorial limits of India vide Articles 14 and 20, 21 and 22 of the Constitution of India. In the case of *Zahira Habibullah Sheikh & Anr. v. State of Gujarat & Ors., Appeal (Criminal) No. 446-449 of 2004 dated 08th March, 2006*, the Supreme Court has explained that, "fair trial obviously would mean a trial before an impartial Judge, a fair prosecutor and atmosphere of judicial calm. Fair trial means a trial in which bias or prejudice for or against the accused, the witnesses, or the cause which is being tried is eliminated." In the International context, Article 6 of the United Nations

Basic Principles on the Independence of the Judiciary states that, the judiciary is entitled and required "to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected." In *HM Attorney General v. British Broadcasting Corporation (BBC), England and Wales Court of Appeal (Civil Division)* dated 12th March, 2007, the Court has agreed that, media trials affect the judges despite the claim of judicial superiority over human frailty and it was observed that a man may not be able to put that which he has seen, heard or read entirely out of his mind and that he may be subconsciously affected by it. The Courts and Tribunals have been specially set up to deal with the cases and they have expertise to decide the matters according to the procedure established by the law. Media's trial is just like awarding sentence before giving the verdict at the first instance. The court held that it is important to understand that any other authority cannot usurp the functions of the courts in a civilised country. It will be inexcusable if the role performed by media in the case of Nirbhaya gang rape case, Jessica Lal murder case and other such cases wherein, media had performed its level best to ensure quick Justice. It is a doubtless fact that, Judicial wing of the State has benefited from the ethical and fearless journalism and takes *suo motu* cognisance of the matters in various cases after relying on their reports and news highlighting grave violation of human rights. However, there are always two sides of a coin. With this increased role and importance attached to the media, the need for its accountability and professionalism in reportage cannot be emphasised enough.

Today, it is crystal clear and observant to the eyes that, media in order to pursue and achieve its commercial goals has crushed underfoot its core purpose of information and education and is looking at the graveness of the topic of trial by media, the 200th Law Commission report suggested that, journalists need to be trained in certain aspects of law relating to Freedom of Speech in Article 19(1) (a) and the restrictions which are permissible under Art. 19(2) of the Constitution, human rights, law of defamation and contempt. The same suggestions regarding these subjects should be included in the syllabus for journalism and special diploma or degree courses on journalism and law. If media really wants people to believe and restore their lost faith on its functioning then must work by keeping a motto of great power comes with great responsibility.

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Media and its Impact on Society



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Prominent Indian TV anchor Ravish Kumar while accepting the 2019 Ramon Magsaysay award said, *"Indian media is in a state of crisis, not by accident but by systematic and structural way. Today, uncompromising journalists find themselves being forced out of their jobs by news organisations and the corporate owners are never questioned."* How many of us realise this fact? As prudent citizens of India, are we questioning enough or have we become the prime time buffet to their tantalising headlines? In the last five decades or so, the media and its influence on society has grown exponentially with the advancement of technology. The first and foremost function of the media in a society is to provide news and information to the masses and that is why the present era is sometimes termed as the information age as well. Be it electronic media such as television, radio, internet or print media. The influence of media on society is so big that we should know how it really works.

Structure of Media in India

The media as a whole has tied us in its complicated yet simple structure. From manipulating our buying decisions to forming our political and societal expectations. An ideal media's responsibility is to guide the masses in proper direction and bring out the real issues happening around. However, this is not the actual situation that is observed today and it is evident that media sources have deviated from their ethical responsibility right from *"India wants to know"* to propagating an idea to influence the masses on let's say, vote bank politics. The idea here is to focus on maximizing viewership and in turn, its profits, amongst other things. There are both negative and positive aspects of media's impact on Indian society. For starters, it is informative and helps create awareness. For example, our National TV channel like Doordarshan used to air shows like *"Bharat Ek Khoj"* which was an Indian historical drama based on the book *"The Discovery of India"* written by Jawaharlal Nehru that covers a 5000-year history of India from its beginnings to the coming of independence in 1947. Hence, media also played an educative role by hosting programs like *"Bharat Ek Khoj"* in order to enlighten people about their country's struggle to freedom. But on the flip side, sadly, it destroys the very meaning it came into existence for, if the same information that is being bombarded is not pondered with logical judgment. Indeed, the influence of mass media is undeniable as it can make or break the belief of the people, or start a movement for the right cause. At the same time, the onus lies on us, the final consumers i.e., how we perceive the message that is being disseminated towards us. Very few of us actually acknowledge the final verdict. As discussed above now a conclusion can definitely be drawn on

efficacy of the regulatory aspects in this regard. Media laws are loosely regulated. The Indian Constitution does not provide freedom for media separately. But there is an indirect provision for media freedom. It gets derived from Article 19(1) (a) of the Indian Constitution. This Article guarantees freedom of speech and expression. (*Indian Express Newspapers v. Union of India, (1985) 1 SCC 641*).

Legislative research in one of its blog reported that, the media in India is mostly self-regulated. Press Council of India which is a statutory body and the News Broadcasting Standards Authority, a self-regulatory organisation, issues standards which are more in the nature of guidelines. The Press Council of India was established under the Press Council of India Act of 1978 for the purpose of preserving the freedom of the press and of maintaining and improving the standards of newspapers and news agencies in India. The functions of the Press Council of India include, (i) helping newspapers maintain their independence; (ii) build a code of conduct for journalists and news agencies; and (iii) help maintain "high standards of public taste" and foster responsibility among citizens. The powers of the Press Council of India are restricted in two ways: (1) The Press Council of India has limited powers of enforcing the guidelines issued. It cannot penalise newspapers, news agencies, editors and journalists for violation of the guidelines. (2) The Press Council of India only overviews the functioning of press media, i.e., it can enforce standards upon newspapers, journals, magazines and other forms of print media. It does not have the power to review the functioning of the electronic media like radio, television and internet media. As far as television channels are concerned, news channels are governed by mechanisms of self-regulation. One such mechanism has been created by the News Broadcasters Association. The News Broadcasters Association has devised a Code of Ethics to regulate television content. The News Broadcasting Standards Authority, of the News Broadcasters Agency, is empowered to warn, admonish, censure, express disapproval and fine the broadcaster. The Advertising Standards Council of India has also drawn up guidelines on content of advertisements. And unfortunately, these groups govern through agreements and do not have any statutory powers. Meaning, the powers assigned to the statutory authority or body to implement the law is missing. A report by British Broadcasting Company News dated 08th May, 2012 highlighted the growing concerns on Indian media and its journalistic standards. It's been seven years now and still the plight hasn't changed a bit. Rather, it has deteriorated. In conclusion, without stringent self-regulation the quality of journalism cannot even in next the ten years improve. Even with this hurdle in between, the prospects of Indian Media and entertainment industry is on an impressive growth path. With advent of promising media circle, the laws and regulations with needful amendments would support the sector as a backbone to its deranged structure. Apart from television channels and print media, there is another mode of media for news and information as discussed earlier and is the most talked about and used by us is internet media which includes email, social media sites and websites. There was a lot of chaos going around that new age media will overshadow the working of traditional media. Though, Internet has seen the sharpest increase in reach among twelve plus individuals followed by Television, print has remained strong and steady, according to the Indian Readership Survey Q1 2019, released by Media

Research Users Council (MRUC). The most concerning factor of digital media is the ongoing spread of fake news and sometimes, it tends to overlook important issues. Some contents that we see are misleading which makes it even more vulnerable to put our trust on. Let alone our Right to Privacy. Last but not the least, the radio as a means of communication is one of the oldest mediums in the media industry and popular form of mass media given its grass root level reach and informative content and it continues to thrive in Internet era.

Further, there needs to be a proper understanding on how media impacts the psychology of its audiences. Some people are more easily persuaded than others. Educated people are, for instance, likely to be persuaded more effectively when the presentation refutes the arguments of the other side, while projecting one's own, and uneducated and uninformed people are taken in by a one-sided presentation. Vladimir Lenin made a distinction between 'propaganda' and 'agitation'. Propaganda, he held, was the reasoned use of arguments from philosophy, history and science to influence the educated and reasonable few. Agitation, on the other hand, is the use of emotional slogans, half-truths to influence the uneducated, the semi-educated, and the unreasonable.

As Mahatma Gandhi rightly said, *"One of the objects of a newspaper is to understand the popular feeling and give expression to it, another is to arouse among the people certain desirable sentiments, and the third is the fearlessness to expose popular defects."*

LEGAL IMPLICATIONS OF THE INTERNET OF THINGS

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'Internet of Things' is a network of devices connected via internet that can interact directly with each other without the need of any human intervention. This uninterrupted interaction between the devices is often referred to as machine-to-machine communication (M2M). We are already surrounded by numerous electronic devices that aid and assist our personal and professional lives. A coffee-machine is one such example that enables us to consistently enjoy the perfect cup of coffee without having the need to master the coffee-making process. Thus, if one wishes to switch on the machine, it can be done either manually or automatically on a specific time by a timer. At this moment, all these devices require at least a minuscule level of human involvement. However, with the introduction of IoT (Internet of Things), such human involvement will cease to exist. The implications of IoT can be analysed with the help of an illustration from an individual's life in the near future;

On a usual day an alarm is set for 7:00am that wakes you up followed by the coffee machine automatically switching-on at 7:05am to make a cup of coffee. However, today your IoT enabled car notifies your home-system through the shared network that the fuel level is low. The alarm automatically reschedules itself to 6:45am and the coffee machine switches on at 6:50am. Therefore, without your intervention, you could refill the fuel tank and also reach at work on time.

This illustration is an example of the potential of IoT devices. IoT development companies advocate for the benefits and possibilities of this technology while avid researchers maintain a balanced stance. This technology, besides being an extensive part of our private lives will soon enter professional workplaces, manufacturing industries and service industries. Therefore, it is incumbent to analyse the safety, privacy and legal implications of this technology.

Privacy Concerns

Being private is different from being secret. Individuals may not perform certain actions if they are under surveillance, even if those actions are legal. To illustrate, you may not text the same words in a text message if your parents read them. It is known to be the normalising effect of surveillance. Keeping privacy allows individuals to be who they are; it allows them to maintain autonomy and their individuality. In the words of Justice D.Y. Chandrachud, privacy, in its simplest sense, allows each human being to be left alone in a core which is inviolable. Indeed, nothing is more deleterious to a man's personal happiness and health than a calculated interference with his privacy. Therefore, the need to protect the privacy of the being is no less when development and technological change continuously threaten to place the person into public gaze and portend to submerge the individual into a seamless web of interconnected lives. Article 12 of the Universal Declaration of Human Rights states, 'No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.' The Supreme Court of India in *Justice K.S. Puttaswamy (Retd.) and Anr. v. Union of India and Ors.*, (2017) 10 SCC 1, held that the fundamental right to privacy shall be enshrined under Article 21 of the Constitution of India. The said right to privacy includes

'informational privacy' and therefore, recognises that an individual may have control over the dissemination of material that is personal to him. Unauthorised use of such information may, therefore lead to infringement of this right. Data collection is the primary requirement for the functioning of IoT technology. These devices are able to communicate with consumers, collect and transmit data to companies and compile large amounts of data for third parties. With innumerable devices communicating with each other through the internet, the possibility of data breach is high and as more devices are introduced, this issue will only complicate further. Today, 26.66 billion connected devices function worldwide and by the year 2025, the number of connected devices are expected to reach 75.44 billion. Considering the technological standards of the current age, these devices are at high risk of being 'hacked'. To give one such instance, in 2016, two researchers namely, Charlie Miller and Chris Valasek were able to hack a Jeep Cherokee. With a laptop and the knowledge of the car's IP address these researchers were able to anonymously take control over the vehicle's steering, acceleration and breaking and other dashboard functions. Therefore, it is pertinent to analyse the existing legal framework and propose a conclusive framework that will encourage IoT development and ensure consumer protection.

Legal Framework

This part will comprehensively review all laws and regulations that either directly address or could possibly apply to IoT with the aim of identifying gaps and pitfalls. The Central Government proposed the Personal Data Protection Bill, 2018 in furtherance of the judgment pronounced by Hon'ble Supreme Court in *Justice K.S. Puttaswamy (Retd.) and Anr. v. Union of India and Ors.*, (2017) 10 SCC 1. However, the Bill is yet to be placed before the Parliament. Therefore, currently the provisions relating to data protection of individual personal information are covered under the Information Technology Act, 2000 (ITA) and the Reasonable Practices and Procedures and Sensitive Personal Data or Information Rules, 2011 issued under Section 43A of the ITA (as amended). Section 43A of the ITA deals with the protection of data in electronic medium and provides that when a body corporate is negligent in implementing and maintaining 'reasonable security practices and procedures' in relation to any 'sensitive personal data or information' that it deals, possesses or handles in a computer resource that it owns, operator controls and such negligence causes wrongful loss or wrongful gain to any person, such entity shall be liable to pay damages by way of compensation to the person so affected. However, India has no specific regulatory policy for the governance of IoT. The Indian legal system can neither follow the traditional 'principle based' or 'rule based' regulatory intervention nor can it initiate 'early regulatory' intervention.

Proposed Framework

The framework governing IoT has to be such that encourages new developments while ensuring consumer safety. Presently, legislatures around the world face a similar problem when enacting laws for the governance of emerging technologies. The innovation cycle in the tech-industry has reached an exponential pace that leaves comparatively less time for the society and regulatory bodies to respond. This creates a gap between innovation and regulation and this gap is often termed as, 'The Pacing Problem'. An increase in the gap causes unpredictability and higher contingency effects. Therefore, there is a need for regulation to be quick and flexible, as the judiciary cannot always take the burden of legislature and counterbalance the shortcomings. The legislature has to introduce policies and laws that propose preventive measures. The focus has to be shifted from *ex post* laws to *ex ante* laws for the prevention of data breaches and an increased efficiency by effective avoidance of litigation.

To begin with, technological experts' involvement in parliamentary committees, governmental departments, law reform organisations, technology assessment agencies, ethics bodies and Courts is an absolute necessity. The scheme of cooperation and management incentives has to be established by the Central Government in its dealings with IoT development companies rather than relying on primarily conventional command-and-control regulation.

A specifically drafted 'Privacy Policy' shall be mandatory that regulate the collection of private information, scope and extent of the usage of such information and the steps taken to ensure the protection of the collected information. The service provider shall adopt a precisely drafted 'Terms and Conditions' which, regulates the liability and responsibility of the service provider in case of an unlikely event of a data breach and provides for dispute resolute mechanisms. The list surrounding data ownership shall be cleared among the 'Data Fiduciary' and the 'Data Processor.'

Conclusion

It can be decisively established that India's legal framework is not adequately equipped to counter the possibilities as well as threats that IoT poses. Therefore, it is prudent upon the Indian Legislature to establish a strong *ex ante* regulatory framework for the functioning of IoT instead of relying upon corrective laws and increasing the Judiciary's burden. However, certain investigation is still required into the nature of 'machine generated data' and the ownership of original data that is created out of the interaction between various devices in an IoT environment. Moreover, nations need to inquire into data ownership, regarding 'Data sovereignty', whether the geographical location of the stored digital data will decide the data sovereignty and whether such data will be subject to the laws of that nation?

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IMPACT OF FOURTH PILLAR OF DEMOCRACY ON SOCIETY

Ms. Laveena Tejwani and Ms. Kajal Jurnani

The media is the fourth limb of a democratic system, the legislature, executive and judiciary being the other three. While the Legislature prepares the law for society and the Executive takes steps for implementing them, the third stepping-stone is the Judiciary, which has to ensure legality of all actions and decisions. The Fourth Estate i.e. the press has to operate within the framework of these statutes and Constitutional provisions to act in public and national interest.

The relationship between law and media is like that of bread and butter; happily existing on their own but best when put together. While the media ensures the law is in place by acting as a watchdog to keep a check on the implementations of policies by the government, the law ensures that media does not misuse the massive influence it has on the masses to fulfil its ulterior motive or enforce their biased viewpoints. They complement and support each other in working towards the betterment of the society.

In this age of media explosion, one cannot simply remain confined to the boundaries of the traditional media. The media world has expanded its dimensions by encompassing within its orbit, the widening vistas of cyber media etc. As a consequence, the laws governing them are also numerous now.

Right to Freedom of Speech and Expression has emerged as an essential ingredient of a democracy. The Indian Constitution guarantees this right under Article 19(1) (a) to its citizens. Free exchange of ideas and debate are essentially required for the good governance of a country. This is where media steps in. Media has a special role to play as the guardian of democracy, as it functions as an extra parliamentary opposition to strengthen the roots of the democracy. Connecting us with the scenarios in the world and creating a vocal public opinion for realising the goal of social and economic justice, it has become an important part of our lives.

Media, time and again has managed to become a voice to the unheard and bring justice to the cases that would have otherwise been dumped into the pile of millions of battles that are yet to be fought. The Jessica Lal Murder case bears testimony to the fact that when media and law work hand in hand, there's no force that it can't beat. Even though it's a constant debate on how much freedom is too much freedom and about how the laws pertaining to media in India sometimes curb its voice on the issues that need to be raised, it is a known fact that they both play a significant role in upholding the democracy.

However, with all these developments media and its powers have also been reasons of concern on various platforms. There are issues relating to media bias, personal propaganda, sensational and objective reporting of events and increased capitalist tendency of media. Such issues concerning quality of media are of great consequences to a country like India where media has a greater role to play rather than just providing information and entertainment.

Conclusion

Media has played a very important role in successful implementation of various laws by making people aware about them and making it a two-way communication where the views of the citizens on the various new introductions have been both brought from and to the concerned authorities. It acts as an intermediary between the governing bodies and those governed. It is very essential to maintain the right balance among these two pillars of democracy to create and maintain the harmony we strive for.

DOES SOCIAL MEDIA NEED A TRACKING MECHANISM?

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The world consists of societies which has a reflector in the form of media. Role played by the media is to generate awareness and create necessary conditions for people to act upon. Every society has certain demands which are analysed to evaluate the degree of market demands. Consumer satisfaction varies from geographical, social, economic and political situations. These factors decide as to how far various media brands can be promoted and be served among people.

India is a state with a democratic setup and the Indian Constitution stands high above for all its citizens & government officials. Media space is gripping every nook and corner of India. According to a statistical report, around 84% of users accessed Facebook in September, 2019 in India. The Indian Readership Survey (IRS) data revealed that the overall readership of newspaper has grown from 407 million readers in 2017 to 425 million readers at the end of the first quarter of 2019 and with that, the Indian M&E industry is said to reach Rs. 2.3 trillion mark by 2021. Such statistical reports provide with the usage of media platforms at different levels by end-users.

Media law is inexhaustible in nature. It regulates the affairs conducted by all media platforms. Communication and far reach is the ultimate aim of all media forums. Media platforms can be broadly divided into two categories: News Media and Social Media. Such categories are made keeping in mind the output given by both the media spaces. News Media acts as primary source for any update on various issues wide world. Social Media, on the other hand, is a direct access for individuals for communication, entertainment, criticism and evaluation. They are interlinked in every form to upgrade the lifestyles, outlook, surrounding for people and keep-up with changing times. In India, the existing bodies for regulation of media such as the Press Council of India which is a statutory body and the News Broadcasting Standards Authority, a self-regulatory organisation, issue standards which are more in the nature of guidelines. The United Nations' 1948 Universal Declaration of Human Rights states: *"Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinion without interference, and seek, receive, impart information and ideas through any media regardless of frontiers."* The prime purpose of the free press guarantee is regarded as creating a fourth pillar outside the government as an additional check on the three pillars, i.e., Legislative, Executive and Judiciary. The Supreme Court has emphasised that the freedom of press is not as much for the benefit of the general community because the community has a right to be supplied with information and the government owes a duty to educate the people within the limits of its

resources. Art 19(1)(a) of Indian Constitution guarantees the freedom of speech and expression, which expression includes the freedom of press. However, it is not absolute in nature. The Press Council of India prescribes certain Journalistic norms, such as, accuracy and fairness in the execution of material, no entertainment to misquotation or misconstruction of any statement by a leader, right to privacy concerning a person's home, family, religion, health, sexuality, personal life and private affairs, reporting proceedings of legislature, report pending judicial proceedings, excessive care with regards to statements in relation with caste, religion or community etc., for keeping transparency and reasonable limitation on the activities of news media.

Online social media has played an indefinite role to access with people, information to bring the world closer. It has captured the thinking and generated curiosity among the people. Various platforms are open to public at large for different purposes that can go viral within no time. But somehow, it has become a channel for vulnerable cyber attacks online which damages the working of the society. Fake news known as yellow journalism is a propaganda used via any form of media with short term sensationalism, fabricated headlines to increase readership. They create stories which divert the attention of readers & viewers from serious news that impact a wrong image about certain subjects or individuals. One such output of fake news is when Ms. Maleeha Lodhi, Pakistan's permanent representative to United Nations, showed a photograph of scarred girl as an offering proof of "Indian Brutality" in Kashmir, it turned out that the photo was of a 17-year-old Palestinian girl, taken in Gaza in 2014 by award winning photographer Heidi Levine. It was a complete false narrative on the part of Pakistani diplomat. "Malwares" and "Spywares" are also on high rise for various purposes. Hackers use the technology for disruption of daily activities. Jack Dorsey's (CEO of Twitter), twitter account was lately hacked with the use of sim swap attack, which was regained in 15 mins and was a victim of such an attack. This is yet another example of how serious vulnerabilities in even the highest profile accounts can occur, and just how insecure phone-based authentication has become. It is believed that a human right activist Ahmed Mansoor complained about an attempt to attack on his WhatsApp via a link, which is developed by an Israeli based NSO Company, as Pegasus spyware, funded by Israeli military. The Pegasus spyware is said to be created to specifically target Human right Activists, Journalists, Lawyers, Social Workers or any such individuals with high importance and insert the spyware by tapping on the link inserted in WhatsApp. Pegasus spyware can invade the privacy of individuals directly into WhatsApp of certain versions of iOS and Android. Such an incident can have a clear idea about the possibilities of government institutions or private organisation to keep a track on any individual, by creating such spywares, for power, monetary and political gain. WhatsApp, Twitter, Facebook, YouTube, Google, etc. being one of the major communicable and instant messaging platforms are now vulnerable to attacks around any part of the globe. It is evident that certain brand companies have security provisions for their customers but those brand companies themselves have to manage and be protected from security breaches. Online social media needs a strong channelisation for security of devices. The U.S.A.'s Energy Department's National Nuclear Security Administration concluded by a new research that social media is a new addition to the Satellite for accessing digital data. Satellites offer one kind of information; Social Media another.

particularly inside countries that may be trying to flout inspections such as North Korea and Iran. USA is using the new river of information from those countries with nuclear technologies and weaponries to report the rate of usage. It can be well seen that satellites are helping grow the defence of the nation but social media is also helping to draw strategies. Satellites are valuable asset towards building superpower nations and bringing accessible technology closer to people which can definitely increase the demand of social media. Yet another example, a sophisticated hacking campaign launched from computers in China, burrowed deeply into satellite operators, defence contractors & telecommunication companies in the US & Southeast Asia. More disturbingly in this case, the hackers infected computers that controlled the satellites, so that they could have changed the positions of the orbiting devices & disrupted data traffic, Symantec said. Such pose high security needs for all countries to ensure an upgraded system is in place. In the past, cyber threats depended on trick emails that had infected attachments or led recipients to malicious works. This time, it did not infect most user computers, instead moved along servers, making detection harder. Here we can figure that somewhere the software installed is designed for public accessible channels but does not establish a system to tackle high level threats. It can be very easy to get into the main server of any online social media software. But how can ethical hackers work on superficial level when hackers are trying to decode the most grass root information for the access? Why are social media giants not able to secure their own software and manage its secrecy?

Ever since news media and its evolutions have taken place, rules, regulations and guidelines for smooth functioning have also been setup. But such supervisory laws are not in place with regards to online social media. The Information Technology Act, 2000 is the primary law dealing with cybercrime and electronic commerce, but lacks the tracking of sources with unnecessary content with 'multiplicity'. The draft Information Technology, [Intermediaries Guidelines (Amendment) Rules] 2018 states that the intermediaries, must, within 72 hours, provide assistance to any government agency, and they must enable tracing of the originator of the information on their platform. Here, only the upper surface of the problem is resolved. Yet another problem that is not analysed in the Information Technology Act, 2000 is multiplicity. Social media generates multiple samples of original information that can be traced by tools. But such multiple data cannot be termed as sensible information as it can be defamatory, immoral in nature to certain individuals or set of people. The latest scheme for Cyber Crime Prevention against Women and Children has been formulated by the ministry of Home Affairs by putting forth an Online Women Specific Crime Reporting Unit that if a women wants to make a complaint about the cyberattack to NMC, it should be sent to MHA Crime Reporting Unit. It will encourage quick disposal of the complaints with the assistance of the IT professionals. When complaints are made on online social media the assistance is not provided quickly and requires heavy evidence about the complaint. But these can lead to delay of problem and such complaints are not largely communicated until the complainant is forced to make repeated complaints online or around any customer care services. The point when complaints are made, they are not necessarily taken note as the handling systems of social media are manual. There is a need for technical form of assistance at primary level. Online social media provide with options for the categorisation of complaint. Such categories can help in providing an aid within 24 hours before a case can be registered. This can ensure that the

complaints of all citizens are handled with due care and assistance. In context to India, certain actions need to be taken by the Indian Government with law enforcement officers for the safety of all individuals with all kinds of pay-work.

Conclusion

There is a need for establishment of independent monitoring groups which should have ethical hackers as a fragment of the group. Their objective should be detection of hazardous software and false information. The data from any particular source should be scanned before being approved for circulation. The institution will have internal connections to the information to have access to government & non-government branches, non profit organisations, companies and other forms of registered institutions. This will ensure the privacy, plagiarism, false claims which have been portrayed such in public viewpoint etc. With regards to cases, Investigative research teams and crimes branches must work in emergency situations for protection from multiple security breaches. Fast track handling of such cases can ensure fraud prevention. A separate department for RTI must be included with respect to conveyance of safe information to layman.

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NO MODERN AGE

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"Since you are a veterinary doctor, and love animals, what do you think about the recent trend of going vegan?" "Milk is essential for our health so it is ok to consume it, but one must avoid using leather." An answer in a beauty pageant competition given by a contestant. Though it seems to be a sensible answer, what grabbed my attention is the perspective. A perspective taken from human's side considering their convenience and needs whereas the idea of going vegan considers the cruelty being faced from the animal's side. An answer that, in India milking process isn't cruelly handled as in other developed states could have been better one.

Uttarakhand landslides caused due to the unplanned development in the hills, flooding in many states or Maharashtra for instance, caused due to the encroachment of river corridors, or the recent burning matter of Amazon forest fire having possibilities of conspiracy involved, highlights just one point. The nature and its resources are being seen as a mode for gratification of human desires. They exist just for humans. Satisfaction of our immediate desires are more important than existence of a component of this earth having equal right to exist. State in this matter is also mum inspite of reports being provided before the Kerala landslides to stop mining projects and the fact known to the civil servants in Uttarakhand that the development will surely cause such mishap. The reason is, the local people will not leave the extra penny they will earn out of such developments and opposing such developments by the civil servants will lead to a strong opposition. Also new development projects are a chance for the ruling party to commit seams of crores. The result is destruction of both the nature as well as the humans destroying it.

We are in the 21st century and it is high time that, we should come out of the medieval colonial mentality and believe in the idea of peaceful coexistence even with the nature. We need to understand that, when we say a State, it includes not only the humans but also the flora and fauna, hills, valleys and rivers within the territory. We all live in peace knowingly or unknowingly helping each other as per our nature and strengths. Humans having the ability to analyse everything doesn't mean they can play role of each and every element of the nature and even if they do, destruction of the rest after finding an alternative source within us will morally degrade us. Know that there is no rule of humans here, where the nature is subordinate but we live in the nature where we all species are equal and subordinate to it. Though this seems to be a philosophical idea but failing to realise this will lead to a never-ending chain of gratifying new desires and dealing with the devastating consequences which weren't considered. Thus leading to a technologically sound but mentally disturbing life. Development is necessary. Churning of human intelligence for greater inventions and ideas is necessary. Opposing it is like putting a bar on the nature of humans itself. Human rights also have a place in the court of nature, but the intelligence the race carries doesn't make the nature subordinate to it but increases responsibility to find ways where the development is in good terms with the ecosystem. About the Aarey forest case (which is claimed to not be a forest) in which no one knows whether they'll be actually replanting 500 trees and planting another 3000 trees after the tree slaughter. But if we are against the slaughter, it should not be because we will be facing consequences of the environmental problems later but because we will fail morally by becoming that one rotten fruit in the basket ruining everything. We should oppose this because we intend to correct our mistakes with respect to the nature and we are sorry for those mistakes.

We are not a society of modern age until we realise this.

॥ वसुधैव कुटुम्बकम् ॥

DOCTRINE OF RETROSPECTIVE LEGISLATION

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The meaning of the word '*retrospective*' is backdated or to look back. Therefore, the retrospective law is a law that has backdated effect or is effective since before the time it is passed. The Retrospective law is also referred to as *ex post facto* law. Whether the retrospective law is ultra vires to the Constitution or against the law of natural justice? The answer to this question depends upon the nature of the law passed. Whenever the retrospective law impairs the obligation of contract, it is void. However, law which only varies the remedies, divest no right, but is curative and merely cures a defect in the proceedings is fair and valid. Article 20 of the Constitution of India prohibits the legislature to make retrospective criminal laws, however, it does not prohibit a civil liability retrospectively i.e., with effect from a past date. Therefore, tax can be levied retrospectively. However, in tax law, if there is a penal provision, retrospective operation is not permitted to that extent. The validity and scope of retrospective legislation can be understood and analysed from some of the judgments, of the Hon'ble Apex Court and High Courts, wherein the guidelines and law has been laid down therein, as follows:

In the matter of *Hitendra Vishnu Thakur v. State of Maharashtra* [(1994) 4 SCC 602; AIR 1994 SC 2623] Hon'ble Supreme Court laid down the ambit and scope of an amending Act and its retrospective operation as follows:

"(i) A statute which affects substantive rights is presumed to be prospective in operation unless made retrospective, either expressly or by necessary intendment, whereas a statute which merely affects procedure, unless such a construction is textually impossible, is presumed to be retrospective in its application, should not be given an extended meaning and should be strictly confined to its clearly defined limits.

(ii) Law relating to forum and limitation is procedural in nature, whereas law relating to right of action and right of appeal even though remedial is substantive in nature.

(iii) Every litigant has a vested right in substantive law but no such right exists in procedural law.

(iv) A procedural statute should not generally speaking be applied retrospectively where the result would be to create new disabilities or obligations or to impose new duties in respect of transactions already accomplished.

(v) A statute which not only changes the procedure but also creates new rights and liabilities shall be construed to be prospective in Operation unless otherwise provided, either expressly or by necessary implication."

In *J.K. Spinning & Weaving Mills Ltd. v. UOI* [1988 SCR (1) 700] it was held by Hon'ble Supreme Court that, tax could be retrospectively charged due to retrospective amendment of Central Excise Rules 9 and 49, but there could not be any retrospective imposition of penalty or confiscation of goods. Explanatory and clarificatory amendments in law, which are applicable retrospective, are permissible. However, fresh imposition of tax is not permissible retrospectively. The Constitution Bench of the Hon'ble Supreme Court in *Shyam Sunder v. Ram Kumar* [AIR 2001 S.C. 2472] has held:

"23. In *Maxwell on the Interpretation of Statutes*, 12th Edn. the statement of law in this regard is stated thus:

"Perhaps no rule of construction is more firmly established than this - that a retrospective operation is not to be given to a statute so as to impair an existing right or obligation, otherwise than as regards matters of procedure, unless that effect cannot be avoided without doing violence to the language of the enactment. If the enactment is expressed in language which is fairly capable of either interpretation, it ought to be construed as prospective only.' The rule has, in fact, two aspects, for it, "involves another and subordinate rule, to the effect that a statute is not to be construed so as to have a greater retrospective operation than its language renders necessary."

.....

44. In *R. Rajagopal Reddy (dead) by Lrs. & Ors. vs. Padmini Chandrasekharan (dead) by Lrs.* [1995 (2) SCC 630], it was held thus:

"Declaratory enactment declares and clarifies the real intention of the legislature in connection with an earlier existing transaction or enactment, it does not create new rights or obligations. If a statute is curative or merely declaratory of the previous law retrospective operation is generally intended....A clarificatory amendment of this nature will have retrospective effect and therefore, if the principal Act was existing law when the Constitution came into force the amending Act also will be part of the existing law. If a new Act is to explain an earlier Act, it would be without object unless construed retrospective. An explanatory Act is generally passed to supply an obvious omission or to clear up doubts as to the meaning of the previous Act"

45. From the aforesaid decisions, the legal principle that emerges is that the function of a declaratory or explanatory Act is to supply an obvious omission or to clear up doubts as to meaning of the previous Act and such an Act comes into effect from the date of passing of the previous Act....."

In *Godrej Soaps Ltd. & Anr. v. State of Maharashtra & Ors.* (2006 145 STC 137 Bom) it was observed by Hon'ble Bombay High Court as follows:

"41. Having taken survey of the law laid down by the Apex Court from time to time; some of which are referred to hereinabove, we may venture to add that clarificatory amendment to the fiscal legislation with retrospective effect is usually held not to be unreasonable or arbitrary. In the case of any validating Act, the intention of the legislature is generally made sufficiently clear in the Section or in the Act which is declared invalid on account of some flaw or defect which is within the competence of the legislature. The clarificatory amendment, it may be observed, do not in fact have the effect of imposing a fresh tax with retrospective effect. They only clarify the levy which was already imposed. There is in effect and substance no imposition of any new tax for the earlier years by virtue of the retrospective operation and the retrospective operation merely validates the levy already imposed and possibly collected."

In *Neoluxe India Pvt. Ltd. & Anr. v. Commissioner of Sales Tax, Vikrikar Bhavan, Bombay & Anr.* ([2008] 13 VST 157 (Bom)) it was observed by Hon'ble Bombay High Court:

"40. The argument of the petitioners that the very fact that the legislature chose to amend the Entry C-II-9 with retrospective effect from 1-7-1981 shows that upto the date of amendment, the goods in question were taxable at 6% under Entry C-II-9 is also without any merit, because, by the retrospective amendment, none of the items set out in Entry C-II-9 have been deleted. What is done by the retrospective amendment is to clarify that the items covered under Entry C-II-61 were never covered under Entry C-II-9. In other words, by retrospectively amending entry C-II-9 it is clarified that the goods covered under Entry C-II-61 were always intended to be excluded from Entry C-II-9.

41. Once it is held that the impugned legislation is clarificatory and the retrospective amendment does not affect the assessments made in the past, the question of granting refund to the petitioners does not arise. The fact that the petitioners have refunded tax to their customers in anticipation of getting refund cannot be a ground to invalidate the impugned legislation which is otherwise valid.

42. The next contention of the petitioners is that no reasons are given as to why the entries C-II-9 and C-II-61 have been amended with retrospective effect from 1/7/1981. As rightly contended by Mr. Nair, the amendment is made with retrospective effect from 1/7/1981 because from that day entry C-II-61 relating to 'plastic laminates' came into force. The goods in question were taxed under entry C-II-61 as plastic laminates with effect from 1st July, 1981. In these circumstances, the amendment to entry C-II-9 and C-II-61 with retrospective effect from 1/7/1981 cannot be said to be arbitrary or unreasonable."

In *Misrilal Jain v. State of Orissa* (AIR 1977 SC 1686) it was observed by the Hon'ble Supreme Court as follows:

"5. Mr. Gobind Das, appearing on behalf of some of the appellants, raised points commonly associated with high constitutional concepts, but lacking in substance. He urged that the Act of 1968 is a piece of colourable legislation, that it constitutes a flagrant encroachment on the functions of the judiciary and that since the Act has no operation in futuro and operates only on the dead past, it is void as lacking in legislative competence. Learned counsel also employed the not unfamiliar phrase that the Act is a fraud on the Constitution. Happily all' of these attacks, in so far as they at all require an answer," can be met effectively in a brief compass. In *Khyerbari Tea Co. Ltd. v. State of Assam* (AIR 1964 SC 925), it was held by this Court that Art. 304 (b) of the Constitution does not require that laws passed under it must always be prospective. Nor was it correct to say that once the State Legislature passes an Act without recourse to that Article and that Act is struck down, the Legislature cannot re-enact, that Act under that article and give it retrospective effect. The Court further held in *Khyerbari* (supra) that the mere fact that a validating taking statute has. Retrospective operation does not change the character of the tax' nor can it justify the Act being branded as a colourable piece of legislation in any sense. We may only add that since it is well-settled that the power to legislate carries with it the power to legislate retrospectively as much as prospectively, the circumstance that an enactment operates entirely in the past and has no prospective life cannot effect the competence of the legislature to pass the enactment, if it fails within the list on which that competence can operate. As regards the power to pass a validating Act, that power is essentially subsidiary to the legislative competence to pass a law under an appropriate entry of the relevant list. Thus the impugned enactment is a valid exercise of legislative power and is in no sense a fraud on the Constitution.

6. As regards the alleged encroachment by the legislature on fields judicial, the argument overlooks that the

Act of 1968 does not, like the Act under consideration in *Jawaharmal* (AIR 1966 SC 764), declare that an invalid Act shall be deemed to be valid. It cures the constitutional vice from which the Act of 1959 suffered by obtaining the requisite sanction of the President and thus armed, it imposes a new tax, though with retrospective effect. Imposition of taxes or validation of action taken under void laws is not the function of the judiciary and therefore, by taking these steps the legislature cannot be accused of trespassing on the preserve of the judiciary. Courts have to be vigilant to ensure that the nice balance of power so thoughtfully conceived by our Constitution is not allowed to be upset but the concern for safeguarding the judicial power does not justify conjuring up trespasses for invalidating laws. There is a large volume of authority showing that if the vice from which an enactment suffers is cured by due compliance with the legal or constitutional requirements, the legislature has the 'competence to validate the enactment and such validation does not constitute an encroachment on the functions of the judiciary. The validity of a validating taxing law depends upon whether the legislature possesses the competence over the subject-matter of the law, whether' in making the validation it has removed the defect from which the earlier enactment suffered and whether it has made due and adequate provision in the validating law for a valid imposition of the tax..."

In the matter of *Empire Industries Limited & Anr. v. Union Of India & Ors. Etc.* (1985 SCCC (3) 314) the Hon'ble Supreme Court held as follows:

"3. The President of India promulgated an Ordinance being Central ordinance No. 12 of 1979 called the Central Excises and Salt and Additional Duties of Excise (Amendment) Ordinance 1979. The said Ordinance was replaced by the Act called the Central Excises and Salt and Additional Duties of Excise (Amendment) Act, 1980 (hereinafter referred to as the "impugned Act"). The said impugned Act received the assent of the President on February 12, 1980, and under Section 1 (2) of the impugned Act, retrospective effect to the Act was given from February 24, 1979.

....

50. Imposition of tax by legislation makes the subjects pay taxes. It is well-recognised that tax may be imposed retrospectively. It is also well-settled that by itself would not be unreasonable restriction on the right to carry on business. It was urged, however, that unreasonable restrictions would be there because of the retrospectivity. The power of the Parliament to make retrospective legislation including fiscal legislation are well-settled. (See *M/S. Krishnamurthi & Co.. v. State of Madras* [1973] 2 SCR 54; 31 STC 190 (SC)). Such legislation per se is not unreasonable. There is no particular feature of this legislation which can be said to create any unreasonable restriction upon the petitioners.

51. In the view we have taken of the expression 'manufacture', the concept of process being embodied in certain situation in the idea of manufacture, the impugned legislation is only making 'small repairs' and that is permissible mode of legislation. In 73rd volume of *Harvard Law Review* p. 692 at p. 795, it has been stated as follows:-

"It is necessary that the legislature should be able to cure inadvertent defects in statutes or their administration by making what has been aptly called 'small repairs'. Moreover, the individual who claims that a vested right has arisen from the defect is seeking a windfall since had the legislature's or administrator's action had the effect it was intended to and could have had, no such right would have arisen. Thus, the interest in the retroactive curing of such a defect in the administration of government outweighs the individual's interest in benefiting from the defect..... The Court has been extremely reluctant to override the legislative judgment as to the necessity for retrospective taxation, not only because of the paramount

52. The impugned legislation does not act harshly nor there is any scope for arbitrariness or discrimination.

59. Good deal of arguments were canvassed before us for variation or vacation of the interim orders passed in these cases. Different courts sometimes pass different orders as the courts think fit. It is a matter of common knowledge that the interim orders passed by particular courts on certain consideration are not precedents for other cases may be on similar facts. An argument is being built up now-a-days that once an interim order has been passed by this court on certain factors specially in fiscal matters, in subsequent matters on more or less similar facts, there should not be a different order passed nor should there be any variation with that kind of interim order passed. It is submitted at the Bar that such variance creates discrimination. This is an unfortunate approach. Every Bench hearing a matter on the facts and circumstances of each case should have the right to grant interim orders on such terms as it considers fit and proper and if it had granted interim order at one stage, it should have right to vary or alter such interim orders. We venture to suggest, however, that a consensus should be developed in matter of interim orders.

60. If we may venture to suggest, in fiscal matters specially in cases involving indirect taxes where normally taxes have been realised from the consumers but have not been paid over to the exchequer or where taxes are to be realised from consumers by the dealers or others who are parties before the court, interim orders staying the payment of such taxes until final disposal of the matters should not be passed. It is a matter of balance of public convenience. Large amounts of taxes are involved in these types of litigations. Final disposal of matters unfortunately in the present state of affairs in our courts takes enormously long time and non-realisation of taxes for long time creates an upsetting effect on industry and economic life causing great inconvenience to ordinary people. Governments are run on public funds and if large amounts all over the country are held up during the pendency of litigations, it becomes difficult for the governments to run and become oppressive to the people. Governments' expenditures cannot be made on bank guarantees or securities. In that view of the matter as we said before, if we may venture to suggest for consideration by our learned brethren that this Court should refrain from passing any interim orders staying the realisations of indirect taxes or passing such orders which have the effect of non-realisation of indirect taxes. This will be healthy for the country and for the courts."

In the matter of *M/s Krishnamurthi & Co. Etc. Vs. State of Madras & Anr.* ((1973) (2) SCR 54) it was held that:

"..... At the same time, we have to bear in mind that the legislative power conferred on the appropriate legislatures to enact laws in respect of topics covered by the several entries in the three lists can be exercised both prospectively and retrospectively. Where the legislature can make a valid law, it may provide not only for the prospective operation of the material provisions of the said law, it can also provide for the retrospective operation of the said provisions. The legislative power, in addition, includes the subsidiary or auxiliary power to validate laws which have been found to be invalid. If a law passed by a legislature is Struck down by the court as being invalid for one infirmity or another, it would be competent to the appropriate legislature to cure the said infirmity and pass a validating law so as to make the provisions of the said earlier law effective from the date when it was passed [see *Ramakrishna & Others v. The State of Bihar* ([1964] 1 S.C.R. 897)]

..... It is axiomatic that the Government needs revenue to carry on the administration and fulfil its obligation to the citizens. For that purpose it resorts to taxation. The total amount needed is apportioned under different heads. The fiscal enactments brought on the statute book in that connection are sometimes challenged by the tax payer in courts of law. The courts then scrutinise the legal provision to decide whether the levy of tax is legally valid or

suffers from some infirmity. In case the court comes to the conclusion that the levy of tax is not valid as the legal provision enacted for this purpose does not warrant the levy of tax imposed because of some defect in phraseology or other infirmity, the legislature quite often passes an amending and validating Act. The object of such an enactment is to remove and rectify the defect in phraseology or lacuna of other nature and also to validate the proceedings, including realisation of tax, which have taken place in pursuance of the earlier enactment which has been found by the Court to be vitiated by an, infirmity. Such an amending and validating Act in the very nature of things has a retrospective operation. Its aim is to effectuate and carry out the object for which the earlier principal Act had been enacted. Such an amending and validating Act to make "small a permissible mode of legislation and is frequently resorted to in fiscal enactments. As observed in 73 Harvard Law Review 692 at p. 705 :

"It is necessary that the legislature should be able to cure inadvertent defects in statutes or their administration by making what has been aptly called 'small repairs' Moreover, the individual who claims that a vested right has arisen from the defect is seeking a windfall since had the legislature's or administrator's action had the effect it was intended to and could have had, no such right would have arisen. Thus, the interest in the retroactive during of such a defect in the administration of government outweighs the individual's interest in benefiting from the defect. The Court has been extremely reluctant to override the legislative judgment as to the necessity for retrospective taxation not only because of the paramount governmental interest in obtaining adequate revenues, but also because taxes are not in the nature of a penalty or a contractual obligation but rather a means of apportioning the costs. of government among those who benefit from it."

In the matter of *Hira Lal Rattan Lal v. Sales Tax Officer, Section III, Kanpur, & Anr. Etc.* ([1973] 31 S.T.C. 178) it was held that:

"The facts of the case lie within a narrow compass. The appellants are dealers in foodgrains including cereals and pulses especially split or processed foodgrains and dal. The dispute in this case centers round the question whether the Government is competent to levy sales-tax on the purchases made by the appellants of split processed foodgrains and dal under the provisions of the United Provinces Sales Tax Act, 1948 as amended by the Uttar Pradesh Sales Tax Act (Amendment and Validation) Act, 1970 (which will hereinafter be referred to as the Act).

.....

The Amending Act also added a validating provision to the principal Act viz. Section 7. That section reads:

"Notwithstanding any judgment, decree or order of any court or tribunal to the contrary, every notification issued or purporting to have been issued Under Section 3-A or Section 3-D of the principal Act before the commencement of this Act shall be deemed to have been issued under that section as amended by this Act and shall be so interpreted and be deemed to be and always to have been as valid as if the provisions of this Act were in force at all material times; and accordingly anything done or any action taken (including any order made, proceeding taken, jurisdiction exercised, assessment made, or tax levied, collected or paid purporting to have been done or taken in pursuance of any such notification) shall be deemed to be, and always to have been, validly and lawfully done or taken."

.....

The source of the legislative power to levy sales or purchase tax on goods is Entry 54 of the List II of the Constitution. It is well settled that subject to Constitutional restrictions a power to legislate includes a power to legislate prospectively as well as retrospectively. In this regard legislative power to impose tax also includes within itself the power to tax retrospectively. See The Union of India V. Madan Gopal Kabra ([1954] S.C.R. 541). M. P. Sundararamier & Co. v. The State of Andhra Pradesh and Anr. [1958] S. C. R. 1422; J. K. Jute Mills Co. Ltd. v. The State of Uttar Pradesh and Anr. 12 S.T.C. 429. Chhotabhai Jethabhai Patel and Co. v. The Union of India and Anr. [1962] Supp. (2) S.C.R. p. 1; Sri Ramkrishna and Ors. v. The State of Bihar In the last mentioned case it was specifically decided that where the legislature can make a valid law, it can provide not only for the prospective operation of the material provisions of the said law but it can also provide for the retrospective operation of the said provisions."

AN UNSUNG BATTLE

On a cold winter day, sipping coffee at peak hours,
Ironically, he found himself on a lonely street,
A street as lonely as his shadow;

He reminisced,
A staggering dream,
A tale of confusion and chaos;

He was instantly reminded of where it all began;

He remembered,
Sunlight escaping through the silk of the curtains, that
morning while he decided, to dress up like his mother,
Hands meticulously, choosing what to wear,
He remembered being drawn to her beauty,
Eyes gazing at her avowedly;

At the dining table where a series of events unfolded,
They laughed at him for trying to look like his mother,
On his attempt to imbibe even a little of her grace,

The table became a bearer of his silent quarrels,
The chair, an array of his courage;

That night, he ran up to his bedroom and kept weeping for
hours.

But, he remained,
Obsessed with makeup and jewellery,
Amused by the beauty of women,

He fought an endless battle, every night,
A battle fought between his body and soul; his pillow a
battleground drowning in tears;

He felt alienated, in his own body,
Kept punishing himself for the longest time,
He felt like a woman caged in a man's body,
Longing to feel comfortable in his skin;

He had a dream once, where he felt unapologetically pretty.

— Ms. Manisha Iyer (S.Y.B.L.S.)

LET HER LEAD

She is the beauty,
A beautiful soul,
She can grow by herself and mould;
Don't suppress her,
Beneath your mean thought,
Why'd she be in tremendous distraught?
She is blessed,
She's divine,
Let her free and things will be fine;
Let her live,
Let her fight,
She has the right to lead her own life.

— Ms. Shraddha Pandey (S.Y.B.L.S.)

ADVOCATE

Had I been a teacher,
I would have preached my students without much evince,
But I am an advocate, all I have to do is convince;

Had I been an actor,
I would have mesmerised my fans,
But I am an advocate, I have to keep a straight face;

Had I been into marketing,
I would have used words to crack a deal,
But I am an advocate, I use appropriate words to file an appeal;

Had I been a pilot,
I would have gone to metropolitans, beaches and coasts,
But I am an advocate, I go to the Supreme Court, High Courts
and Lower Courts;

Had I been a poet,
I would have praised my beloved overlooking her flaw,
But I am an advocate, My life revolves around civil and criminal
law;

Had I been a businessman,
I would have either been a billionaire or a miser,
But I am an advocate, I can only be someone's legal advisor;

Had I been an author,
I would've met various people and written many books,
But I am an advocate, all I meet are crooks;

I could be anybody and yet make this world a better place,
But I am an advocate and my job is to bring justice to the entire
human race.

— Ms. Bhriti Mackdani (F.Y.L.L.B.)

PURPOSE

How long have you wondered about your purpose in life?
Is it to get a good job or find someone that would suffice?
I bet if you look close enough,
It'll be staring you in the eye;

The question is not whether you believe it,
But rather are you willing to fight for it,
With faith in the higher purpose it serves,
Will you face it with all your might?

Because without purpose our lives are wasted,
Some realise and some don't,
Many turn a blind eye,
Those poor souls are the most unfortunate ones;

These unfortunate ones have no choice but to hand over
their lives to fate,
And over time they begin to hate,
Themselves and the ones they love,
And when they perish, their lives are nothing but a clean
slate.

— Ms. Gauri Deshpande (4th Year B.L.S.)

MY RESPONSIBILITY AS A STUDENT

Responsibilities have always been a part and parcel of human life. A man is a social animal who depends on others to satisfy his basic needs. Being a part of society is a first step and taking responsibility is the second step.

Here a responsibility of student is to put his best step towards academics and collaterally inculcating human values in himself.

'Students are ambassadors of knowledge', the more they share, the more they polish themselves. The best responsibility a student can take is by sharing the knowledge learned in school and helping one who has been deprived from the light of studies because of some circumstances beyond their control.

A student will feel satisfied when he/she will hear some illiterate person read aloud his/her own handwriting with a glow of happiness on face and voice of achievement.

Students are architect of tomorrow. The future of our country lies on their shoulders. Thus, if we intelligent youngsters show a helping hand towards illiterate people then we can change our country.

The real test comes when we step out of portals of our school and face the world at large. That's when our responsibilities get shaped. All it needs is good people and responsible minds to shape a best world.

I can say, knowing that I should be responsible, is just the battle half won, proving that I can do it is where all the fun lies!

— Ms. Hiral Lathia (F.Y.L.L.B.)

तरी मी एकटा

नाते म्हणजे काय असते, अजुनही काही कळत नाही.

आई बाबांपासुन लांब राहिल्यावर, आपलेपणाच काही कळत नाही.

दुसऱ्यांच्या आई बाबांना पाहुन वाटते, कुणीतरी आपल्यालाही घ्यावे असेच जवळ.

घास भरावा मायेचा अन दशावी शब्बासकीची थाप. नाते म्हणजे काय.

काय चुकल माझ मलाच अजुन कळत नाही, ढिगभर नाती असून सुद्धा, एकटेपणा काही जात नाही. नाते म्हणजे काय. आई मज भुक लागली, तु असताना सुद्धा तुला सांगु शकत नाही. बाबांचा फक्त राग पाहीला, प्रेम कधी पाहीलेच नाही. नाते म्हणजे काय.

दुसऱ्यांमध्ये आई बाबा शोधतो, तरी दुसऱ्यांच्या मुलाला जिव कोणी लावत नाही.

तरी सुद्धा तुमच्या आठवणीमुळे, दुसऱ्यांमध्ये तुम्हाला शोधने काही थांबत नाही.

नाते म्हणजे काय. हॉस्टेल गेस्ट हाऊसच्या चार भिंतींचा कंटाळा आला, हाथ जोडुनी प्रार्थना करतो आई बाबा, एकदा तरी जवळ घ्याल का मला. नाते म्हणजे काय.

खरच सांग देवा! मी एवढा वाईट आहे का, माझ्या नशीबात आई बाबा नाही,

कि आई बाबांच्या नशीबात मी नाही. नाते म्हणजे काय. तुम्हाला प्रायव्हेसी देण्यासाठी,

मी माझी आयडेंटिटी विसरलो. आई बाबा तुम्ही असताना सुद्धा, मी अनाथ झालो.

नाते म्हणजे काय.

नाते शोधता शोधता खुप थकलो आता,

कधीतरी मला ही आपलेपणा मिळेल का आता!

नाते म्हणजे काय.

— स्वप्नेश संदेश साळवी (T.Y.L.L.B.)

राजा शिवछत्रपती

रोखून परकीय आक्रमण

जपुनी स्वकीय बंधण

ज्याने केले शत्रूचे मर्दन

असा राजा शिवछत्रपती ।।१।।

गरुडाची ज्याची नजर

रक्षिला स्त्रियांचा आदर

रयतेसाठी मायेचा पदर

असा राजा शिवछत्रपती ।।२।।

सत्य न्यायाची पेटवून मशाल

उजळविला स्वराज्याचा महाल

ज्याने केले शत्रूचे हालहाल

असा राजा शिवछत्रपती ।।३।।

आता नाही दुष्काळाची झळ

पिकवून स्वराज्याचे गोड फळ

ज्याने केले रयतेचे जीवन सुफळ

असा राजा शिवछत्रपती ।।४।।

आता नाही कुठली भीती

पाठीशी आहे स्वराज्याची शक्ती

ज्याने सांगितली एकोप्याची महती

असा राजा शिवछत्रपती ।।५।।

करुनि गनिमी कावा

रणांगणी शत्रूचा धुव्या

जो होता राजेशाहार्जीचा छाया

असा राजा शिवछत्रपती ।।६।।

फिरवून तलवारीची पात

घेऊन मावळ्यांची साथ

ज्याने दिली औरंग्याला मात

असा राजा शिवछत्रपती ।।७।।

आठवावा तो दैवी प्रताप

गाजविली कीर्ती नभा नभात

जो आहे रयतेच्या मना मनात

असा राजा शिवछत्रपती ।।८।।

- प्रेम दत्तात्रय जाधव. (S.Y.B.L.S.)

जन्म भारत के संविधान का

रक्त रंजित धरा पर एक उल्हास सा ,
अंधेरे में दिखता हो, कोई प्रकाश सा ,
यूं हुआ जन्म भारत के संविधान का ।

लूटी और ध्वस्त हुई सोने की चिरिया,
आक्रोश भरे मन में एक विश्वास सा,
यूं हुआ जन्म भारत के संविधान का ।

बह गए कितने लहू इसकी चाह में ,
उन देसभक्तों के राज्याभिषेक सा ,
यूं हुआ जन्म भारत के संविधान का ।

जन्म,वर्ण के चलन का खत्म हो दौर,
नर हो नारी , हर एक के सम्मान सा,
यूं हुआ जन्म भारत के संविधान का ।

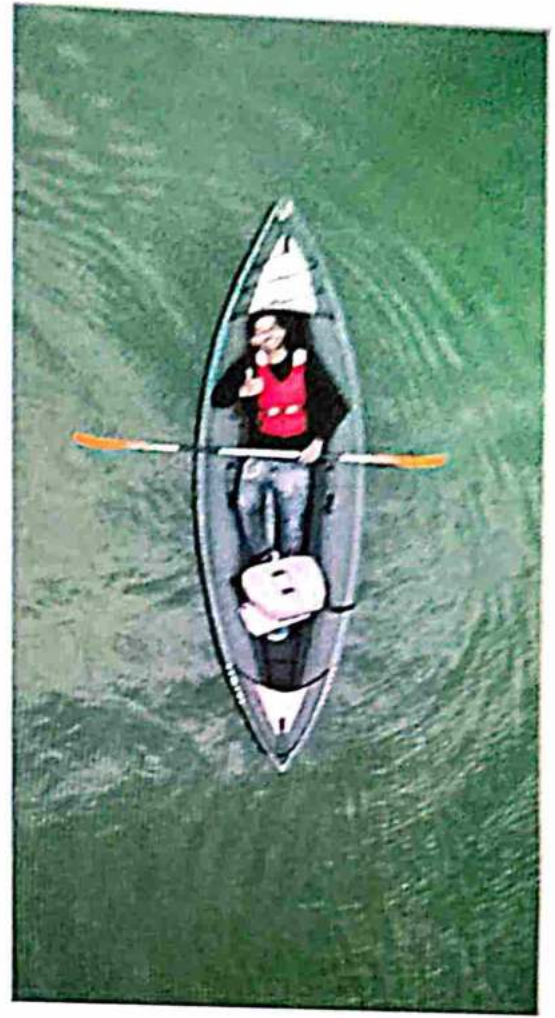
देख रही थीं जो सपने लोकतंत्र के ,
गुलामी में सोई आंखों के प्रभात सा,
यूं हुआ जन्म भारत के संविधान का ।

जनता का ही होगा जनता पर शासन,
मौलिक अधिकार और कर्तव्य गान सा,
यूं हुआ जन्म भारत के संविधान का ।

ना ये दिखेगा और ना ही ये बिकेगा ,
सत्य के पक्ष में फैसले बस लिखेगा,
करोड़ों जन के एकमत ऐलान सा ,
यूं हुआ जन्म भारत के संविधान का ।

— Ms. Sonam Pandey (F.Y.L.L.B.)

With Best Wishes from:



Soham Shintre:- The kid with perspective

He is known for this fun-loving content on his Instagram in which he keeps his work profile aside and portrays his life's fun moments which might be a regular shot from his day or from his adventure days with the boys.

One of his buddies always believed that adding an "awe" before his name would make him sound more awesome. Which is why he goes by the name of "awesoham" on all social media platforms.

An article on him wouldn't necessarily be the perfect way to describe him and his work.

Hence following him on [instagram.com/awesoham](https://www.instagram.com/awesoham) would be the perfect way to get in touch with him or just feel free to visit www.awesoham.com to get the most out of him.

Soham Shintre is a young kid from Navi Mumbai who knew in his early days about the power of strong stills and the emotion in motion, hence he is known as a creative photographer/cinematographer in the media industry.

WWW.AWESOHAM.COM



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