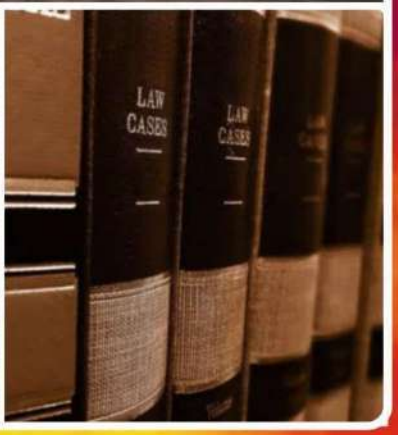
LEX INVICTUS

OFFICIAL NEWSLETTER OF THE DEPARTMENT OF LAW SCHOOL OF LEGAL STUDIES CENTRAL UNIVERSITY OF TAMIL NADU



January 2021 Volume I Issue II

MESSAGE FROM HOD'S DESK

It is my immense pleasure to address you through the means of this newsletter. The Department of Law has completed one year and it has been a year of tremendous growth. Despite it being a year affected by the pandemic, the Department has gained tremendous visibility. This is evidenced from the fact that over 600 participants joined the five-days UGC STRIDE FDP program on Climate Change and Environmental Legal Protection. Further, the Department has filled all the seats in the Department (excluding supernumerary) in its second year itself. This is not just a monumental feat but an enviable one as well.

Moving forward, the Department proposes to strengthen its library resources, and develop its infrastructure. In the coming year, it is proposed to change the classrooms into smart classrooms. The plan to establish a Moot Court and Computer Lab in the near future.

It is a very exciting period for CUTN and the Department of Law. The faculty and students of the Department are thrilled to be a part of it!

Dr. Sangeetha Sriraam

Head i/c, Department of Law

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FACULTY CO-ORDINATOR

Ms. BHAGYALAKSHMI R

(ASSISTANT PROFESSOR, DEPARTMENT OF LAW, CUTN)

STUDENT CO-ORDINATORS

G. SHIVANGI

(FIRST YEAR LL.M.)

SREDDHA GOPAKUMAR KRISHNA

(FIRST YEAR LL.M.)

COVERS AND DESIGNS

VIVEK K

(FIRST YEAR LL.M.)

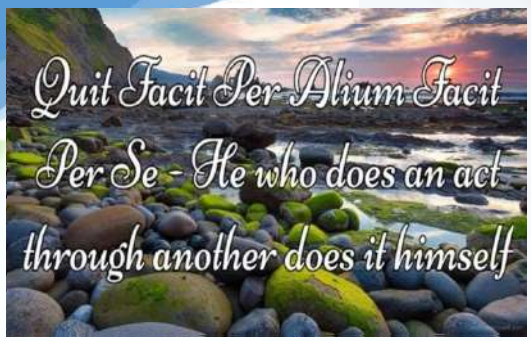
DEPARTMENTAL ACTIVITIES

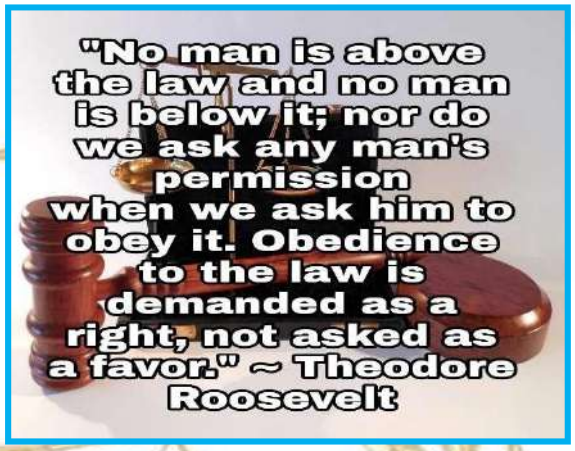
FIVE DAY ONLINE FDP ON "*CLIMATE CHANGE AND ENVIRONMENTAL LEGAL PROTECTION*"

The Department of Law has conducted five days online Faculty Development programme on Climate Change and Environmental Legal Protection on 7th September 2020 to 12th September 2020. The Department has conceived the idea of conducting this five-day Faculty Development Programme, in the hope that it would provide the much-needed impetus in promoting climate research in law schools all over India in light of the growing concerns over climate change.

The programme has been conducted under the "Scheme for Trans-disciplinary Research for India's Developing Economy" also known as STRIDE, an initiative of the University Grants Commission to promote research culture and innovation in higher education institutions. The Central University of Tamil Nadu was selected in 2019 under Component 1 of STRIDE, for the purpose of Research Capacity Building and Human Resource Development for "Mitigating Climate Change". Given the significance of the proposed FDP, UGC STRIDE has provided 100% funding for the program and that helped the department to organise the program free of cost to the participants.

The program was successful on several fronts. The organising committee got together and handpicked resource persons who are not only known for their expertise in the field of climate change but also for their internationally acclaimed climate research. The department has received over 600 registrations not only from India but from abroad as well. The massive reach of the programme has been achieved and the department, being in its nuptial stage of development, still has marked a remarkable entry into the line of legal institutions imparting innovative programme on niche areas of law.





STUDENT VOICE:

I'm Happy to join the department of law of CUTN. I find that it will be great experience for me. I got friends from different places. I thoroughly enjoyed lectures engaged by the faculties and count this as the best experience in my life.

- Joylin Jacob

FACULTY ARTICLE

Dr. S.K. BALASHANMUGAM
Assistant Professor, Department of Law

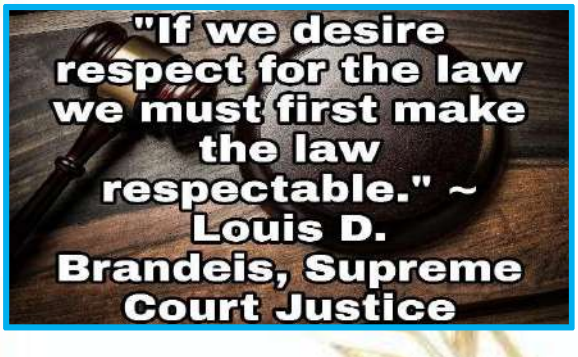
GENETICALLY MODIFIED FOODS: NEED FOR A LIABILITY FRAMEWORK UNDER INDIAN FOOD LEGISLATIONS

The population of the world is expected to increase 9.7 billion in 2050 and could peak at nearly 11 billion around 2100. At an average 60% of more food will be needed to feed the expanding population of the world in 2050. The data reveals that the demand for food, feed and crops is constantly increasing. The traditional plant breeding techniques have helped in closing the yield gap but only to a certain level. So, there exists a much pressure on the existing farmers and farming practices to increase the food production. In order to improve the food productivity and sustainability and to achieve food security, the introduction of innovations in farming practice is inevitable. In view of this, the Genetically Modified Technologies and in specific crop and food biotechnology is considered to be an indispensable tool in improving plant traits and varieties to increase better yields, more resilience, and greater profits through reductions in the usage of insecticide in the fields.

"The question of legal liability over injury arising out of the use of GM food emerged as the crucial issue confronting the promotion of GM crops and food. It is indispensable for the developing country like India to formulate a legal framework to address safety, liability and regulatory issues surrounding GM foods."

The Genetically Modified (GM) technologies have attracted world-wide attraction since its inception by Calgene researchers of United

States in the year 1996. Since then, there was a tremendous increase in cultivation and commercialisation of GM across the world. As a result, the first and second generational GM crops followed in high succession and many developed and developing countries began to give great importance to GM crops in their national food strategies. Despite benefits, there were widespread concerns on its effects on human health, environment, as well as ethical, social, cultural and other concerns. Such concerns were not only confined to the GM crops and foods and at times, concerns were also expressed about the contamination of the conventional farming practices.



Why do you hit with a gavel?

One may also ask, what do you hit with a gavel? A gavel strikes against a small piece of wood called a "sound block." It can also be referred to as a "sounding block." Gavels and sound blocks are often used by judges or presiding officers during legal proceedings or meetings in order to signal order or call attention.

Subsequently, the question of legal liability over injury arising out of the use of GM food emerged as the crucial issue confronting the promotion of GM crops and food. While several protagonists observed that the GM food is equivalent to that of conventional food and the laws governing the conventional food shall also be applied and extended to GM food, antagonists are of a view that the GM technology is completely a novel technology as against other forms of traditional agricultural technology and therefore an exclusive liability regime is essential to address the serious concerns over the use of GM foods. Being a party to the international commitment, it is indispensable for the developing country like India to formulate a legal framework to address safety, liability and regulatory issues surrounding GM foods.

STUDENT ARTICLES

BASEEL MOHAMMED T
(LL.M. FIRST YEAR)

WISTRON VIOLENCE LESSONS

Wistron Corporation is a Taiwan-based tech giant who runs iPhone manufacturing plant situated at Narsapura Industrial Area of Kolar district, 51 kilometres from Bengaluru, India's tech and investment hub. On December 12, several thousand workers of an Apple manufacturing unit in Bengaluru protested before the office complaining that they were not getting their salaries. The negotiations between employers and workers failed, subsequently Wistron's angry workers smashed company's property,equipment and iPhones at the plant over unpaid wages, costing millions of dollars in damage and forcing it to shut the site.

The unfortunate incident pointing towards exploitations are still prevailing in contract labour area. Contract labour indicates an employed person, hired to work in a company through a contractor for a definite work for a limited period. "Contract labour" can be varied from "direct labour" in terms of relationship between principal employer, principal establishment and the method of wage payment. A workman is called to be a contract labour when he/she is hired in connection with the work or "contract for service" of an establishment by or through a contractor. They are not direct employees. They are persons who are hired, supervised and remunerated by a contractor who, in turn is compensated by the establishment. There is no pay roll or muster roll or wages paid directly to the labourers in the case of Contract labour. Contract Labour (Regulation and Abolition) Act, 1970 is a comprehensive law to provide for the protection of workers who engaged in contract labour from the exploitation and abuses by regulating or abolishing the contract labour while safeguarding the labour's interests.

Section 2(1)(b) of Contract Labour (Regulation and Abolition) Act, 1970 defines a workman shall be deemed to be employed as "contract labour" in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer.

Their rights also protected by factories act 1948. However, it would also be interesting to see that workers were divided into groups as regular and contract workers. This resulted in two extremely different types of treatment for the groups. An elite minority of permanent workers enjoy relative job security, higher wages, and other privileges while the vast majority of contract workers can be terminated any time without reason, and get paid a fraction of what the regular workers get. Furthermore, one should not forget that contract workers suffer more problems when compared to regular workers. Firstly, Contract workers are far more afraid about losing jobs when compared to regular workers. Secondly Contract labour has little bargaining power, social security and often engaged in the hazardous industries with lesser facilities and security. Finally, they have to work long hours for better remuneration. Moreover, financial benefits are comparatively lesser when compared to permanent ones. In other words, contract labours suffers higher job security issues when compared to others. Contractors tend to exploit these misfortunes.

An elite minority of permanent workers enjoy relative job security, higher wages, and other privileges while the vast majority of contract workers can be terminated any time without reason, and get paid a fraction of what the regular workers get.

The manufacturing plant run by Apple supplier Wistron in Karnataka's Narasapura was vandalised by angry workers due to violations of several labour laws. The investigation carried out by the Department of Factories, Boilers, Industrial Safety and Health revealed the Taiwanese company and Apple's vendors were in breach of Apple's supplier code of conduct that led to payment lapses and delays for the employees, causing violence at the plant that resulted in severe damage. Later the plant introduced 12-hour shift replacing the earlier eight-hour shift promising the workers more proper remuneration.

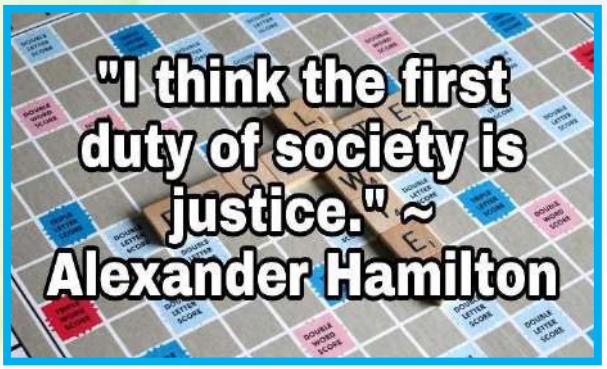
The attendance system was faulty which failed to correctly capture the attendance of workers. Workers accused it as a foul play by the management to deny the proper wages. Some

contract employees allege they were not paid for two months at a stretch, while many saw payments delayed for days, even weeks, over the last six months. Many Clauses under the Contract Labour (Regulation & Abolition) Act 1970 and Minimum Wages Act 1948 seem to have been violated and proper action need to be taken to redress the complaints raised by the workers. The reasons which have been stated earlier, resulted in strike and ended in violence. This is not an isolated incident such abuses are happening in all over India. The current laws are either not followed or not enough to protect contract labourer's interest.

The Supreme Court in *Air India Statutory Corporation* vs. *United Labour Union***,** AIR 1997 SC 645, held that a High Court in exercise of its jurisdiction under Article 226 of the Constitution, can direct a principal employer in an appropriate case to absorb the workman concerned after abolition of the contract labour. Therefore, this rule was helped to give a job security to contract labours to some extent. However, in *Steel Authority of India vs. National Union of Water Front Workers and others*, AIR 2001 SC 3527, the Supreme Court overruled the judgement delivered in the Air India Statutory Corporation case. So at present there is no provision in the Act for absorption of contract labour in the event of prohibition of employment of contract labour in any category of work/jobs.

The new labour code bills are allegedly against the interest of workers. In experts opinion it allows the employers to dismiss for alleged misconduct and retrenchment for economic reasons will be completely possible for all the industrial establishments employing less than 300 workers. This is complete demolition of employment security. The Codes do not address the concerns of contract labour fully. However, the Industrial Relations Code introduces a new form of short-term labour that is fixed term employment. Under the fixed-term employment contract, the pay out or the payment is fixed in advance and is not altered till the term expires. However, such contracts cannot be given for routine jobs. It is usually given out for jobs which are temporary. It cannot be used to replace existing employees, if he or she is on a long leave. However, a fixed-term employment contract has a provision in which the employers can terminate the contract o n certain grounds before the due date.

All things considered, it seems reasonable to assume that the existing rules and new labour code amendments are inadequate to solve the problems faced by the contract labours. The central government should introduce necessary provisions and amendments to protect contract labours. Otherwise unfortunate incidents that we witnessed in Wistron's iPhone manufacturing plant may repeat in several employment sectors.



Why do judges break the nib?

According to one theory, the Judge breaks the nib of his pen because he dosen't want it to be used again for another judgment. The very act of giving the death sentence, or taking the life of someone, is considered so "unholy" that the pen automatically becomes sullied. Hence, the pen is destroyed.

STUDENT VOICE:

The CUTN profile basically in the legal field shown that there is immense opportunity in corporate and industrial law. I always want to have a specialization in corporate law and finally, I got an opportunity and enrolled here. Faculty members are very supportive here, they always help and guide us.

- ***Reena Kumari***

BHARATHI A
(FIRST YEAR LL.M.)

LEGAL SYSTEM AND JUSTICE IN SANGAM AND POST SANGAM AGE

Sangam Age is the period between 3rd century BCE to 3rd century CE in ancient Tamil gam, which includes present Tamil Nadu, and parts of nearby territories. Post sangam age refers to the period between 3rd century CE to 6th century CE. Literatures like Thirukkural, Silapathigaram, Manimegalai, Kundalakesi and Valaiyapathi were written since Sangam age. Thirukural belongs to the later sangam period. The five great epics deals with themes crucial to life of individual- Aram (Righteousness), Porul (Wealth&Polity), Inbam (Pleasure), Veedu (Liberation of Soul). The cardinal principle of law in these esteem works depicts righteousness or Aram. Persons who administered justice during this period were governed by the principles of equity embodied in the word Aram. Aram actually has greater latitude of meaning. It is understood that the way of life leads by these historic Tamil population was meaningful, containing morals and philosophies of life to guide people to lead a virtuous moral and peaceful life.

Morality and Justice have apparent similarities. Both facilitate social interaction coordination and cooperation. Morality leads to ethics and in fact ethics is a branch of philosophy that involves systematizing, defending and recommending concepts of right and wrong behaviour. The ethics followed by people later on becomes law.

The legal system was well established during this era. The process of law was followed in the Courts of Justice referred to as Aramkuru Avaiyams (Court of Justice). There were Aramkuru Avaiyams in the capital cities of Cheras, Cholas and the Pandyas. In addition to this Aarraaichi Mani (the bell of Justice) was installed at the palace entrance of these ancient Tamil kings, during Sangam age. The Court of Justice was open to all who had a legitimate grievance. Justice was delivered without any discrimination.

The Concept of 'Right to trial' was well established by Court of Justice and bell of justice. One-day son of Manunidhi Chola accidentally killed a calf while driving his Chariot. In spite of arguments of ministers safeguarding the prince, the king Manunidhi Chola ordered for a death sentence to him establishing the natural justice to overcome the grief of the mother cow.

Kannagi's husband was sentenced to death by the Pandya King Nedunjeliyan with the charge of stealing the Queen's anklet. Kannagi vehemently opposed the king and charged the king for the injustice rendered to her husband without proper investigation. Taking into account of false evidence in the court of the King Kannagi proved the innocence of her husband by breaking the anklet of hers and the anklet of the queen. When broken, Queen's anklet displayed Pearls, whereas Kannagi's anklet displays Rubies from it. The king realized his mistake and fell dead as per Silapathikaram.

"to punish a crime, in order to protect and nurture one's subjects, is not a blot on the king but his duty"

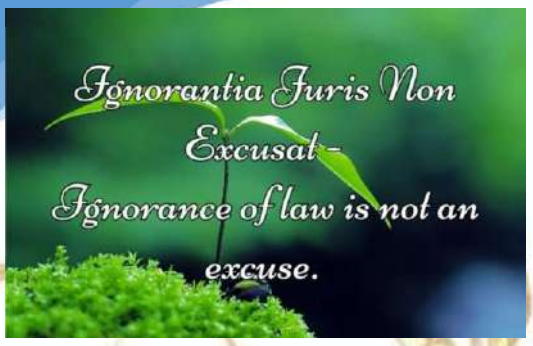
Manimegalai, the sequel to the Shilapaddikaram, tells describes the tale of the pretty young daughter of Kovalan and the dancer Madhavi. Manimegalai was followed by Udayakumara, prince of the Chola dynasty, but she managed to evade from him. But the prince still followed Manimegalai and died accidently. This issue went to the ears of Chola king who is the father of the prince Udayakumara. After knowing this incident, The king thanks them, said he would have executed his son according to his dharma duty to protect the honour of women, if he has not died.

Kundalakesi was born in a merchant family in Puhar. She saw a thief named Kaalan in the streets one day and fell in love with him and he was sentenced to death. Enthralled with Kaalan, she begs her father to protect him. Her father appeals to the king for the release of the thief. Kundalakesi and Kaalan were married. While she loved her husband dearly, her husband was only drawn to her property and her jewels. One day she referred him as thief and Kaalan was enraged by this and he plans to kill his wife. He tried to coax her one day to put all her jewellery on and took her to a mountain by saying that he wanted make to make some offerings to the spirit of guardian. Kundalakesi believed her husband and went with him, but when they reached their destination, Kalan revealed that

he intended to kill her and take her jewels. She is shocked to hear this. She begged him to take all her jewels, but to spare her life, but it was of no use. So she asks him to grant a final wish - she wishes to worship him by going round him three times. Kaalan agrees and when she gets behind him, Kundalakesi pushes him, thereby killing him. Even though Kaalan is his husband Kundalakesi is bold enough to kill him just because he betrayed her, by maintaining Justice.

Valaiyapathi epic appears to be the story of a merchant with an overseas trading business who married two women out of that one women is from lower caste. He abandoned one who is lower caste, who later gives birth to his son. He has children with the other wife too. The abandoned son is bullied by the other kids for not knowing the name of his father. His mother then opens up his father's name. The son travels and approached his father, who first refuses to accept him, but later he accepted. The father helps the boy to start his own merchant business. This great epic talks about the annihilation of caste and rights of a women and his child.

Thirukkural explains about justice in an entire chapter with 10 Kurals. One example is as quoted in Kural number 549 which says "to punish a crime, in order to protect and nurture one's subjects, is not a blot on the king but his duty"



STUDENT VOICE:

It's my privilege to be a part of Central University of Tamil Nadu as a Student of Department of Law. I'm eagerly waiting to reach and explore the campus which would help me to get connected with "Miniature of the Nation" and I guess it will be an opportunity to interact with the people from different states of our country.

- ***Sukanya M***

MUHAMED JUNAID V
(FIRST YEAR LL.M.)

EVOLUTION OF DISCUSSION ON AGE OF MARRIAGE IN INDIA: RECENT DEVELOPMENTS

Age of marriage has been a debate in India for over centuries now. One of the earliest cases on the same was of Rukhma Bai in Mumbai in 1884. Rukhma had been married to Dadaji Bhikaji when she was 11 years old in 1876. She continued to live with her step-father and mother till she turned 19, she had refused to go and live with her husband. Hearing the case, Justice Robert Hill Phinney could not find precedent in India and found it difficult to use British law of consent as well. His opinion that Rukhma was a child when she was married and thus could not have consented, did not go down too well with the more 'conservative' Indian society and the case was reopened and Phinney's judgment reversed. However, Rukhma Bai was not one to give up easily. She wrote a letter to the editor of '*The Times'* under the guise of a *'Hindu Lady'* and petitioned the Queen. Finally, it required Queen Victoria to intervene and annul the marriage.

Now, to increase the age of marriage to 21 years would mean that girls will have no say in their personal matters until they are 21.

Later in India we had many legislations and judicial interventions regarding the age of marriage. India is a land of diversities and we have many conservative religious peoples in India. That's why we don't have a common civil code. We are entertaining separate personal laws for civil matters such as marriage. Child marriage was outlawed in 1929 under Child Marriage Restrained Act, 1929 in India. However till the commencement of The Child Marriage Prohibition Act, 2006, child marriages continued in India. The Child Marriage Restrained Act, 1929 fixed the age of marriage for girls at 14 years and boys at 18 years which was later amended to 18 years for girls and 21 for boys. In response to the plea (Writ Petition (C) 212/2003) of the

Forum for Fact-finding Documentation and Advocacy at the Supreme Court, the Government of India brought the Prohibition of Child Marriage Act (PCMA) in 2006, and it came into effect on 1 November 2007 to address and fix the shortcomings of the Child Marriage Restraint Act. The change in name was meant to reflect the prevention and prohibition of child marriage, rather than restraining it. Under this act any male over 18 years of age who enters into a marriage with a minor or anyone who directs or conducts a child marriage ceremony can be punished with up to two years of imprisonment or a fine.

New discussions and debate over the age of marriage was due to the submission of report by a task force constituted by the Narendra Modi government to examine its proposal of increasing the age of marriage for women, recommending an increase in the age from 18 to 21. The task force, led by Jaya Jaitly and NITI Aayog Member (Health) V.K. Paul, submitted their report to the Prime Minister's Office and the Ministry of Women and Child Development (WCD). As a result of these recommendations, honourable Prime Minister Narendra Modi during the Independence Day speech announced that the government will soon take a decision on the age of marriage. Through his announcement the Prime Minister had given a clear message that his government is seriously thinking about increasing the age of marriage for women from 18 years to 21 years.

Though these recommendations and announcements are made for ensuring social empowerment to the women, it shall not lead to counterproductive results. It is important that girls are not pushed into early marriages. Marriage should not be compulsory for them to gain social and economical status. Now, to increase the age of marriage to 21 years would mean that girls will have no say in their personal matters until they are 21. We have seen this in the Supreme Court and the Kerala High Court in the Hadiya Case, where an adult women's decision to marry was challenged by her parents. This is how it plays out in the Indian context.

Under the previous 1929 law, the Child marriage restraint Act, there was a thinking that girls mature earlier than boys and therefore should have a lower age of marriage. That is very outdated perception. Human rights activists demand that the age of marriage should be equal for boys and girls. Agreeing that the age of marriage for men and women should be uniform, but it should be ensured that no forced marriages are happening

S.A. NANDHA KUMAR
(LL.M. FIRST YEAR)

TRIAL BY MEDIA

A THREAT TO JUDICIAL COMMUNITY?

Trial by Media is a phrase which is as equal as to the statement that whom so ever controls the media controls the mind, that has been used popularly in the last two decades to describe the impact of television and print media coverage on a case by an attempt made by the media for holding the accused guilty even prior to his trial and regardless of any verdict during adjudication by the court of law.

"Guilty beyond reasonable doubt and innocent until proven guilty".

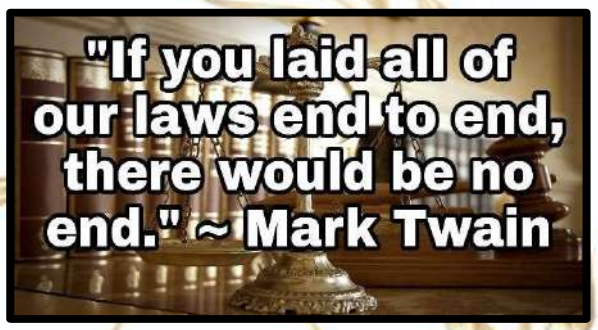
The criminal jurisprudence followed in India is based on the theory that an accused is entitled to fair trial and is innocent till proven guilty beyond any reasonable doubt. On account of exclusive coverage, media goes a long way to cover and publish interviews of Witness, victims' relatives, comments of the members of legal fraternity etc., which may cause prejudice to trial proceedings, in particular the judicial mind. In fact, this affects the perception of public at large because media reaches out to the mass promptly.

In the last decade we have witnessed rapid growth of media influence in the process of access to justice in plethora of cases relating to corruption, rape, murder, sexual harassment and terrorist activities and so on. This activism of the media envisages an indirect pressure on the adjudicating authorities to deliver justice to victims who may interfere with the trial proceedings and may cause prejudice to the accused and the chance of proving his innocence. This trial by media also affects the reputation, by creating widespread perception of guilt regardless of any verdict in court of law. Media generally overlooks the primary idea that governs trial in India which is guilty beyond reasonable doubt and innocent until proven guilty. Both the Judiciary and the Media are engaged in the same task to

discover the truth, to uphold the democratic values and to deal with social, political and economic problems, the media, in fact has been the handmaiden of justice, the watchdog of the society; the judiciary, the dispenser of justice and the catalyst for social reforms. Thus both are essential for the progress of a civil society. However, at times these two pillars of democracy are at loggerheads. Trial by media is definitely an undue interference in the process of justice delivery. The Media trial had more a negative impact than a positive one. The press has an obligation in presentation of truthful news and fair comment with certain norms of decency and decorum, rather than indulging in vulgarity, obscenity, character assassination, violation of citizen's privacy and incitement to an offence leading to disintegration of the country. Media Trial is definitely a hindrance to a Fair Investigation. Media should restrain from forming an opinion by conducting its own parallel investigation and trial.

"False words are not only evil in themselves, but they inflect the soul with evil"

- SOCRATES



Why do barristers wear wigs?

There are a number of reasons why barristers wear wigs. The most accepted is that it brings a sense of formality and solemnity. To proceedings. By wearing a gown and wig, a Barristers represents the rich history of common law and the supremacy of the law over the proceedings.

RAJASINGARAVELAN. S.R
(SECOND YEAR LL.M.)

FARMING LAW REFORMS 2020: PLIGHT OF FARMERS

Hailing from an Agricultural family, I think it is my utmost duty to speak about the Farming law reforms enacted by the incumbent Government of India during the COVID-19 pandemic crisis. The Farming Law reforms 2020 consists of three major enactments which includes Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, and the Essential Commodities (Amendment) Act. These enactments inflicted huge blow to the existing Mandis and Agricultural Products Market Committee systems existing in India for a long period of time, and also infuriated the concern among the Farmers about the Minimum Support Price (MSP). Farmers are expressing their anguish over the scheme that the enactment in force would dilute the MSP and facilitates corporatization and monopoly of private sectors in the field of agriculture. Supporters to this reforms advocates that the reforms should be welcomed as it is aimed at removing trade barriers of the farmers between the states, and also accelerates the pristine objective of doubling the farmer's income within 2022. In the contrary, the farmers are very much apprehensive about the true intent of the reforms. They contend that the MSP system would be done away in a step by step manner in the near future even though there are no express provisions about MSP in the reforms.

Kindling the furore of the farmers is no good, as it would result in the productivity and affects the economy of the nation. A bipartite agreement could be the way forward to solve the burning issues amicably.

Things apart, coming into the legal perspective, the enactments propose express bar over the civil courts to adjudicate the disputes between the stakeholders, and the adjudicatory power has been conferred to an officer having a rank of Sub-Divisional Magistrate. The procedure

enunciated in the enactments for settling a dispute is also not viable for the weaker section, as the statute mandates formation of Conciliatory board within a period of 7 days from the date of filing of application regarding dispute. The conciliatory board should be having equal representation from the parties to the dispute with the conciliation officer at the seat of adjudication. Failure upon constitution of conciliatory board within the stipulated power automatically confers power upon the Sub-Divisional Magistrate to appoint a person of his discretion, which very much in essence dilutes the principles of natural justice. Also there is an apprehension from the side of farmers, that there might be myriad chances of undue influence by the influential persons which would ultimately result in not meeting the ends of justice.

STUDENT VOICE:

CUTN is a place where people from different culture, language and heritage are working together. I got admission in central University of Tamil Nadu in the midst of the Covid - 19 pandemic. In spite of the pandemic, we connected via online to attend our lectures and our teachers also took a good effort to teach us in the digital platform.

- Vivek K

These reforms also remove the food grains and millets from the Essential commodities Act making it to move the commodities freely across the market. But in reality, this may result in hoardings and may culminate in monopoly of the food market which is potentially dangerous to the economy of the nation. Albeit a savings clause is provided in this respect that the commodities may be regulated in times of extra-ordinary situations such as war and natural calamities, there is still a potent possibility that an artificial demand can be made by the hoarders, for which the regulation required and tackling the situation is not answered in the provisions of the statute. Kindling the furore of the farmers is no good, as it would result in the productivity and affects the economy of the nation. A bipartite agreement could be the way forward to solve the burning issues amicably.

STUDENT INTERVIEW

AN INTERVIEW WITH Adv. RANJITH MARAR

DHANANJAY DEEPAK

(LL.M. FIRST YEAR)

RANJITH MARAR

(ADVOCATE,

SUPREME COURT)

An interview was conducted with Adv. Ranjith Marar who is a leading Advocate in Supreme Court of India the on the topic of the prevalent Judiciary system and the experiences encountered by him in his career for the CUTN LAW MAGAZINE. Excerpt of that interview is given below.

Q1: An interview of you published in the Deccan Chronical in 2016 in which you were of the opinion of abolishing the death penalty from India. What was the reason for arriving at such an opinion of abolishing the death penalty?

A1: India is still not matured enough of having death sentences. In my opinion as far as death sentences are concerned there is a public generated opinion and this is always against the accused and the investigating officers will have their own opinions which leads them into making fabricated evidences against the accused. These opinions may also influence the mind of the judges who are trying the case as well as the public prosecutors who are in conducting the trial on behalf of the state. There may be instances in which special public prosecutors are appointed for

conducting the trial in which they may be more interested in making name for themselves rather than assisting the Court in rendering justice. In most of the death sentence cases, the accused may not belong to a strata of society who could afford good trial lawyers and may not be able to generate public opinion in their favour. By the time the case is comes for trial the media would have sabotaged the whole process and creates huge nuisance which may lead to tempting the witnesses to say things which they would not have witnessed. Death sentences are given in rarest of rare cases although it is not clearly defined which category comes under rarest of rare cases. Judges at some time may also want to make a name for themselves by imposing death sentence. Unless we can make sure that element of prejudice is removed completely from the system including from the presiding officer where the trial is happening, we cannot impose a death sentence. Secondly, we have to take out the element of public outrage. Then even before the death sentence is imposed the Court must warn the accused that there is a chance that the prosecutor may take pleading of rarest of rare case and the accused must get the best lawyer available and even if the accused have a defence lawyer appointed by the accused the Court must see to that the accused is properly defended and if it is not so then the Court must warn the accused if it is not so and must make sure that the accused gets a good defence lawyer. The same process must also be followed in High Courts also but in some cases where the accused is being defended the lawyer does not even the contact the client. So, it is better to not impose death sentence as of now.

Q2: What is your take on the Farmers Bill 2020. Whether it is beneficial or harmful to the farmers?

A2: I don't think it is the right time to discuss the Farmers Bill as of now as the discussions regarding this matter is still going on. But if we want to make sure farmers are getting benefited then lawmakers have to take up them on the board by understanding what their concerns are as the law is meant for everyone. Having said that the mass cannot decide what the law should be. The lawmakers have a vision and they have been elected by the majority to run the country. And if the case is that if the law is against any constitutional provisions then it has to be challenged in a court. But the farmers also have a right to protest and I don't want to get into merit of this Bill.

Q3: There is a notion in the country that the judiciary has lost its independence. Are you of the opinion that the there is an interference in the working of judiciary?

A3: To answer this question I would take the example of a film Muhammad Ali's Greatest Fight in which it narrates the working of Supreme Court of America. The Chief Justice was appointed by the Nixon administration and politics was playing. The politics which was playing was trying to influence the judgement but at end the case was decided on merits. Lawyers are never aloof of politics and we cannot distant law from politics as we cannot distant legislations of political party from their ideologies. The Courts decide the cases based on legislations. The Constitution also takes different colours at different times. I think judiciary is bold enough to survive and the presiding officers are bold enough to not let the institution down.

Q4: A fellow student had a question on your opinion regarding the Prashant Bhushan case. What is your take in that?

A4: I felt very bad on the way the case was dealt in such a swift manner by constituting a bench for deciding the case and also the Attorney General's views were also not taken properly. Also, the person was not given proper chance to defend himself and I think that the way in which the case was dealt was not warranted. It could have been rather the Court should have given him proper time. That should be the way as in Supreme Court you do not have an appeal. Therefore, you should hear him out. In the time I have practised I have found the former Chief Justice Mr. Lodha to be one among the best and I would quote take his words in saying that the person should have been given time to be heard and probably right also in saying so. I would like go with his opinions in this matter.

Q5: Is there any particular incident which led you to take up law?

A5: I can't pinpoint to a particular incident and was a circumstantial thing. I was always wanted to be a business entrepreneur but due to some incidents in my graduation period I ended up taking law. After some years in Law college, I started reading more journals and biographies which are an important part in boosting success. Thereafter started practising and ended up being a lawyer.

"MARKS CANNOT STOP HER"

AN INTERVIEW WITH ACID ATTACK SURVIVOR

"I am not a victim; I am a survivor. The man who attacked me will cover his face, I won't."

SYED ASAD ALI

(LL.M. FIRST YEAR)

ANSHU SINGH

(AN ACID ATTACK SURVIVOR)

Around the world, 1500 people report acid attacks each year. Many more go unreported. The vast majority of victims are women and they are targeted primarily for acting in defiance of a man's wishes – by pursuing an education, entering a career, rejecting a suitor or any number of other actions that should be regarded as a basic human right.

Acid attacks are vicious and excruciating. They scar for life, both physically and mentally and often lead to the victim's social exclusion. Assailants, meanwhile regularly go unpunished. India is home to many of the world's acid attacks and there is a growing movement to both put an end to these heinous crimes and help the victims rehabilitate and return to life.

There is one foundation name CHHAV that strives to spread awareness of acid attacks by telling stories of the women affected. The non-profit also provides a network of support for acid attack victims and for many becomes a kind of second home brimming with love. Anshu Singh, one of the acid attack survivor, who currently working in Lucknow in the Sheroes, chain of restaurants, running under the flagship of CHHAV foundation, she spokes very courageously about what she had faced after the incidence which deformed her face but not her dreams.

Q1: How you build your life after the attack despite the odds?

A1: At the age of 15, my life was totally changed when my neighbour, jumped over the wall between my respective homes in Bijnor, Uttar Pradesh, and flung acid on my face and fled.

I spent a month in hospital after that my parents brought me home and provided me private treatment that was available near our house.

The perpetrator went to prison, but my life was affected beyond the marks that my face bear. I was initially blinded by the acid, but slowly I started regaining my sight only to see that my face looked absolutely different. As an outcome, people started avoiding me and even my friends left me. The misery wasn't over yet; my name was struck off the school register. When I went to ask them the reason, they said I could not come to school anymore because my face would scare the other children.

Despite the challenges that I was facing in my life, I decided to take things in my own hands and went on to fight for my right to education. How can somebody snatch away my right just like that? Studying is my right. I went and fought with the school administration, with the principal. Eventually, I was able to take admission in that school again and I completed my 12th grade from there.

The support from my parents enabled me to make a life of my own and I started working at Sheroes Hangout in Lucknow, which is a cafe run by survivors of acid attacks. Today I works as a Library Manager at the Sheroes Hangout cafe and "I'm very happy here".

Q2: As an acid attack victim, what you were expecting from the society?

A2: Being an acid attack survivor in India is very hard. I feel that people's attitude towards acid attack survivors must be change. They show a lot of sympathy to you, but the same people deny you from your opportunities too. We don't want sympathy from the people, we need equal status and equal opportunities in the society. I wanted to work, earn and live my life but was denied the opportunity because of my face. This is something which is not my under control. At the end, every human being wants to survive and eat some food. I had to struggle a lot to do that. Now I am 22 year old and I have already learned a lot about life.

Its high time that people starts appreciating others for their ability, talents and skills, just because of my face does not suits you, why are you denying me of opportunities? Everyone wants to be loved, support and respect. What I feel that "Beauty isn't measured in your face, Its measured in your heart".

Q3: How could we end this acid attacks?

A3: Anyone in India choose acid is because it is easy and cheap to buy. One can walk into any grocery store and ask for a liter of acid for just 30 rupees. it is as easy for attackers to buy concentrated acid at a market as it is for her to buy a tube of lipstick — and sometimes, it is cheaper.

India has yet to restrict access to acid. Following the failure of local governments to give compensation or pay for the cosmetic surgery that victims require, the country's Supreme court on July 14 ordered all of India's 28 state governments to ban the unauthorized sale of acid.

This indifference exposes the callous attitude towards women in India, which is why, in survey after survey, India is ranked as the worst country in the world to be a woman.

Given the procrastination shown by the states, tough penalties need to be imposed on state governments that fail to curb the sale of acid by a certain date. It's neither a complicated nor a controversial measure. All it needs is will and enforcement.

Government should also establish more and more fast track courts through which a victim could avoid this rigorous and long road to justice. As there is lesser chance of witness defecting. Since the incident is still fresh, the process of testifying and cross examination goes more smoothly. The chance of witness intimidation is also reduced. Overall, it will benefit the victims like me.

Q4: What message you want to give to the young lawyers and students?

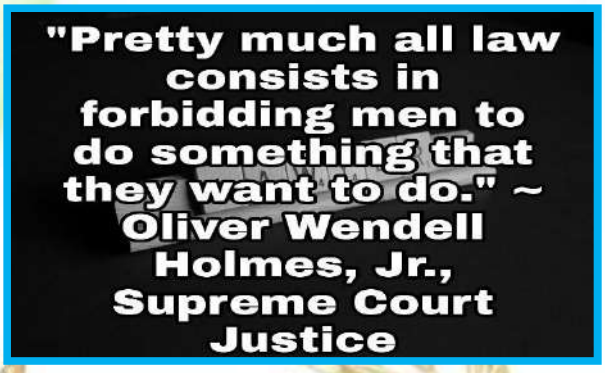
A4: Whether a person is a lawyer or doctor or a student, he is a part of society and being a part of society there is a responsibility of every person that he should help to remove the social stigma and seclusion regarding the acid attack survivors. Law Students are important part of the society, they are well aware of the people's rights and their duties and they have to aware the other people

who are not as aware as them regarding the rights of the acid attack survivor and how could society accept the acid attack victims as one of them because the attacker attacks once but society attacks every moment.

Law students are the future lawyers on which our society depends on strong independent legal profession, Lawyer playing a very important role in administration of the law as well as to protect the right of every person. Advocates should be honest with their profession and as well as with their client, advocate should become more honest towards client is like me or any other person who is suffering from any type of social slur or stigma or any other crime which more dimensional towards one particular gender.

Why do Advocates wear band?

In older English courts the Lawyers at law used to wear white bands as a part of their uniform. Thse two pieces of white cloth joined together to form lawyer's band and it represents the "Tablets of the laws" or Tablets Of Stone". Bands are considered th emblem of the profession of advocacy and judiciary alike



STUDENT VOICE :

I am privileged to be a part of this prestigious University. The contribution of the faculty members of our department in mentoring me is noteworthy. Gradually my subject knowledge and language skills are improving day by day because of the active involvement and commitment of these teaching fraternity.

- ***Bharathi A***

FACULTY ACHIEVEMENTS

Dr. SANGEETHA SRIRAM
(Assistant Professor, Department of Law)

PUBLICATION:

'Revitalising Adoption in India: A Critique of the Present Adoption Laws', India Law Review, 2020, https://doi.org/10.1080/24730580.2020.1816705

CONFERENCE AND SEMINARS:

- One Day International Seminar on "Contemporary Legal Issues and Challenges"
  - State Responsibility and Pandemics-Beyond International Health Regulations
  - School of Legal Studies, Apeejay Satya University – Gurugram, in collaboration
  - with International Council of Jurists, London,
  - 12th July, 2020
- Virtual National Conference on Juvenile Justice System in India: Social and Legal Challenges
  - "Protection of Children in Cyberspace"
  - School of Law, Satyabhama (Deemed to be University),
  - 8th-9th August, 2020

ORIENTATION COURSE:

- Faculty Induction Programme for Faculty in Universities/Colleges/Institutes of Higher Learning (MHRD-PMMMNMTT)
  - Ramanujan College, University of Delhi
  - 25th June, 2020 – 24th July, 2020 (One Month)

FACULTY DEVELOPMENT PROGRAMS:

- One Week Online Faculty Development Programme entitled “Assessment and Evaluation in Higher Education” (MHRD-PMMMNMTT)
    - CREATES, IISER, Bhopal
    - 27th July – 31st July, 2020
- One Week Online Faculty Development Programme on "ICT Enhanced Teaching Learning and Creating MOOCs" (MHRD-PMMMNMTT)
    - Teaching Learning Centre, Ramanujan College, University of Delhi and IQAC, Shivaji College, University of Delhi
    - August 18 - August 25, 2020

WORKSHOPS:

- International Virtual Workshop on Protection of Human Rights during Pandemic,
    - University Law College, and Department of Law, Bangalore University
    - 10-11 July, 2020
- International Virtual Workshop on Environmental Sustainability and Human Resilience During Covid19
    - University Law College, and Department of Law, Bangalore University,
    - 21 July, 2020

INVITED LECTURES:

- Invited as Key Speaker on “State Responsibility and Pandemics” by Law Addicts, 13-14 July, 2020
- Invited as Resource Person to deliver a special talk on “Implementing the Uniform Civil Code”, by SJM College of Arts, Science, and Commerce, as a part of the National Level Webinar Series on India: Past and Future, 28th July 2020
- Delivered an expert talk on “Basics of Research” at Orgio Quaesitio- Where Research Begins, a Primer cum Research Workshop organised by National Conference Committee, School of Law, Christ (Deemed to be University), 20th August 2020
- Invited as Resource Person to the National Level One Week Online Interdisciplinary Faculty Development Programme: MANTHANA to deliver a special talk on “COVID19

and Human Rights", by SJM College of Arts, Science, and Commerce and Indira Gandhi National Open University (IGNOU), 1st September, 2020.

- Served as a Resource Person for the webinar on "COVID19 and the Marginalised Groups" held under the aegis of the Equal Opportunity Cell, Central University of Tamil Nadu, 27th August, 2020
- Invited to deliver a virtual special lecture on "Right to Religion and the Indian Judiciary", at Government Law College, Chengalpattu, 8th October, 2020
- Delivered a guest lecture at the National Law University and Judicial Academy, Assam on "Hybrid or Mixed Tribunals – An Overview" on 22nd December, 2020

AKANKSHA JUMDE
Assistant Professor, Department of Law

PUBLICATIONS:

1. Akanksha Jumde, 'The Law on CSR in India: An Analysis of its Compliance by Companies Through Corporate Disclosures' (2020) *The Journal of Corporate Law Studies* (Taylor & Francis, UK) (Forthcoming: Accepted for Publication on 5 October 2020) **(**Ranked A by the ABDC Journal Quality List and Scopus Indexed Journal) <https://doi.org/10.1080/14735970.2020.1834265>

2. Akanksha Jumde and Nishant Kumar, 'Protection of Geographical Indications in India: A Case Study of Sujini and Madhubani Art forms of Bihar, India' (2020) *The Journal of Intellectual Property Law and Practice* (Oxford University Press) (Forthcoming: Accepted for Publication on 25 August 2020) ((Ranked Highest by the ABDC Journal Quality List for 'Intellectual Property Law' and Scopus Indexed Journal) <https://doi.org/10.1093/jiplp/jpaa161>

INVITED LECTURES:

1. Invited to deliver lecture on 'What Academics Need to Know About Copyrights and Other IPRs: Do's and Don'ts', International Lecture Series on Digital Citizenship at Jawaharlal Nehru University (JNU), Linguistic Empowerment Cell, New Delhi (June 2020).

Dr. S.K. BALASHANMUGAM
Assistant Professor, Department of Law

INVITED LECTURES:

1. As a Resource Person delivered a special lecture on the title "*Understanding about different laws to protect environment"* in the "NSS Webinar Series" as a part of Swachhta Pakhwada (Fortnight) activities organised by the National Social Service Unit of CUTN between 7th and 22nd August 2020.

2. As a Panellist delivered a special lecture on the title "*Intellectual Property Rights and Indian Agriculture"* in the "National Webinar on Intellectual Property Rights - Issues and Challenges" organised by Chennai Dr. Ambedkar Government Law College, Pudupakkam in association with the Directorate of Legal Studies on 22nd June 2020.

Ms. BHAGYALAKSHMI R
(Assistant Professor, Department of Law)

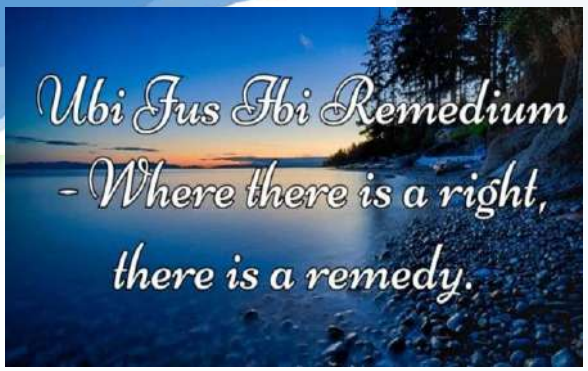
PUBLICATION:

Bhagyalakshmi R, *Indigenous People Participation in Investment Negotiation: A Case for Mitigating Rising ITA Claims in Resource Extraction*, 2020 (5) 1 KLT, pp. 1-10, ISSN.0023-0529 KLT

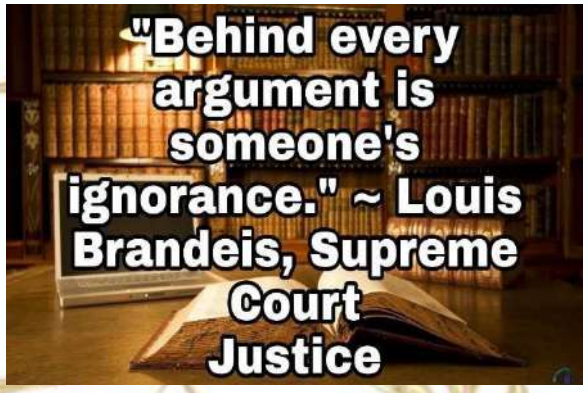
CONFERENCE, SEMINARS AND WORKSHOPS- PRESENTED:

- Presented a paper titled *Rule of Law as a therapeutic jurisprudential response to end terrorism* at the Online International Academic Conference organized by the United Nations Office on Drugs and Crimes, Vienna, Austria (8th to 9th December 2020).

CONFERENCE, SEMINARS AND WORKSHOPS- PARTICIPATED:



- Participated in the International Virtual Workshop on Protection of Human Rights during Pandemic organised by University Law College & Dept. Of Studies in Law, Bangalore University (10th to 11th July, 2020)
- Participated in the one day International Webinar on Human Rights of Migrant Labourers in Covid- 19: Indian Scenario, Organised by Rajiv Gandhi University of Law, Punjab (6th July 2020)



- Participated in the fourth JNU Workshop for Empowering Teaching Through Online Mode (JNU-WETOM IV) on the theme 'Going Online: Classroom, Fieldwork & Research) (July 11th to 12th, 2020)

FACULTY DEVELOPMENT PROGRAMME AND CERTIFICATE COURSES:

- Completed seven days Online National Faculty Development Programme on 'Structured Experiential Learning on Various Practical Legal Arenas' Organised by ICFAI Law School, The ICFAI University, Dehradun, (6th June- 12th June,2020)
- Completed five days Online Faculty

  Development Programme on "Research and Development in Legal Pedagogy in Post Pandemic India" organised by Amity Law School, Kolkata (6th July to 10th July 2020)
- Completed 15 days Certificate course on Corporate Laws (50 Hours Online Program to bridge the gap between Academia and Industry) organised by Dr. Ram Manohar Lohia National Law University, Lucknow (June 27th to July 11th, 2020.

STUDENT VOICE

STUDENTS EXPERIENCE IN CENTRAL UNIVERSITY OF TAMIL NADU

SREDDHA GOPAKUMAR KRISHNA
(FIRST YEAR LL.M.)

I am very glad to share my short experience in the Central University of Tamil Nadu. I am thoroughly enjoying my online classes with my colleagues. I feel that the institution and the well-established faculties are always there to direct and mould us, and let us fly high like a Phoenix bird. The faculties are so friendly and make us comfortable, in a homely manner. Lastly I would like to say that through several conversations with our teachers I came to know that I am just a student who is standing in the sea shore watching waves, but I am sure that within the two wonderful years in this Institution, I will dive smoothly along the strong waves and dip in the sea of knowledge and come out with the most valuable pearls in my hand

SURYA. P.K
(FIRST YEAR LL.M.)

I feel honoured to be in **CUTN** as a LLM student, and I am looking forward to build a successful career from this University. I am sure that I can definitely build a better personality by interacting with people in this University. I had put my sincere effort to be an obedient student for completion of this course. I am writing this to express my gratitude towards the Central

University of Tamil Nadu. The online classes are not so tough as I thought, and it is very easy for the students to cope up completely with this new concept and acts a tool to help institutions impart high quality education.

SUKANYA. M
(FIRST YEAR LL.M.)

It's my privilege to be a part of Central University of Tamil Nadu as a Student of Department of Law. It is like a dream come true moment of my life when I had been chosen to be there. I'm tremendously excited of being a LLM student of this University. I staunchly believe that this opportunity will make my potential sharpened with the support of people I've got there. I'm eagerly waiting to reach and explore the campus which would help me to get connected with "Miniature of the Nation" and I guess it will be an opportunity to interact with the people from different states of our country.

REENA KUMARI
(FIRST YEAR LL.M.)

The CUTN profile basically in the legal field shown that there is immense growth in corporate and industrial law, these fields are very vast and a lot of reform is required to be done in it. I always want to have a specialization in corporate law and finally, I got an opportunity and enrolled here. The students are from different parts of India and have diverse cultural background. Faculty members are very supportive here, they always help and guide us.

G. PRIYA
(SECOND YEAR LL.M.)

CUTN is one of the best university in Tamil Nadu, very good campus, good hostel, and excellent faculty I learned many things academically. My life here was amazing and inspirational. All the students, seniors and faculty were polite and friendly. Their supportive nature helped me a lot to think and nurture myself. Moreover, the environment is positive which is good for the students. The college motivated me to stay healthy as well as happy. I was happy that the place gave me so many joyous memories to cherish and learning to enhance my career as well as personality. My faculty members here, who are literally my second friends, they became my third eye of knowledge. CUTN becomes heavenly paradise not only because of people but also because of its pleasant location with a river by the side and it also has peaceful village environment, which matches perfectly to define my world here.

ARULVENKATESH
(SECOND YEAR LL.M.)

CUTN is the place for academics and curricular activities. I have many friends who are close to my heart. Still I remember my first acquaintance with professors and friends; it is still fresh and green in my mind. The ambiance of the CUTN always gives me a positive vibes. I have polished and moulded my skills and knowledge every day. The lectures of my professors seem to be keen, observed and motivational. I feel happy and proud to be a student of CUTN. Online class during the pandemic situation was commendable. Everyday presentation and research work has helped me to improve the skills.

G. SHIVANGI
(FIRST YEAR LL.M.)

Central University of Tamil Nadu is a great place to grow and learn. Watching lectures and taking part in seminars via Zoom does require a tad bit more effort than mindlessly scrolling through your social media, or playing games. However, I can honestly say that my experience of learning online during the coronavirus pandemic has been a positive one. This is obviously a very unique time, and online teaching is continuously evolving. It definitely kept me motivated. In addition to this, I think that sticking to the usual lecture timetable helped me to insert some structure into my working day. The Central University of Tamil Nadu has set up the schedule and timetable which provide a perfect template to obtain the structure that I was looking for.

JOYLIN JACOB
(FIRST YEAR LL.M.)

Happy to join in CUTN actually it's a great experience to me, I got friends from different places and I am able to speak English with friends, after I joined in Central University of Tamil Nadu, I'm waiting for the physical classes to start, till now we all are attending an online classes, I have lots of expectations and I got a golden opportunity to study in CUTN. I think this will be best experience in my life and I am fully satisfied with the classes engaged by the faculties. After I have joined in CUTN, I learnt so many things related to my subjects and in my view this is great opportunity.

VIVEK K
(FIRST YEAR LL.M.)

CUTN is a place where people from different culture, language and heritage are working together. I got admission in central University of Tamil Nadu in the midst of the Covid - 19 pandemic. In spite of the pandemic, we connected via online to meet with our friends and our teachers also took a good effort to teach us online. CUTN has a big campus comprising of 516.76 and once the physical classes are resumed, I would love to explore the campus. I'm very much excited to get an admission in a central government institution and I hope to have a productive time here.

FROM THE EDITOR'S DESK

It has been a true delight to release the second issue of Lex Invictus. The Department focuses on biannual release of newsletter and this edition of the newsletter set forth a critical dialogue on contemporary legal arenas. The pages of the newsletter take the readers through greater insights on legal developments and showcase the critical engagement led by the authors. We extend our sincere gratitude to the HoD (i/c) Dr. Sangeetha Sriraam and Dean (i/c) Dr. P.S. Velmurugan for their continuous support and guidance. This newsletter would not have been possible without the ample contribution and support from the faculties and students of the Department and we are deeply indebted to their endless effort in this Endeavour. Have a happy reading.

With kind regards,

LEX INVICTUS Editorial Tam

Department of Law, School of Legal Studies

Central University of Tamil Nadu