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Examinations

End-Term Examinations were conducted from 1st April to 10th April 2014 for the Semesters II, IV, VI and VIII for all the Students of FOL.

Faculty

Seminar

Dr. L. Lakshmi, Asst. Professor, FOL participated in the Seminar held at Osmania University from 28th March and 29th March, 2014.

Dr. Achyutananda Mishra, Asst. Professor, FOL **Dr. Nandini C.P.**, Asst. Professor, FOL and **Ms. Veena**, Asst. Professor, FOL participated in the event held at Delhi from 28th March to 1st April, 2014.

Admissions

Online Enrollment @ <http://www.ifheindia.org/bballb/bballbprg.asp>

Competitions

**ICRC-RGNUL Essay Writing Competition
Ensayo 2014 on International
Humanitarian Law: Submit by May 30,
Prizes Worth Rs. 50K**

<http://rgnul.ac.in/flyens14.pdf>

**NLSIU's HM Seervai Gold Medal Essay
Competition in Constitutional Law;
Submit by May 15**

<https://www.nls.ac.in/results/hmseervai2014.pdf>

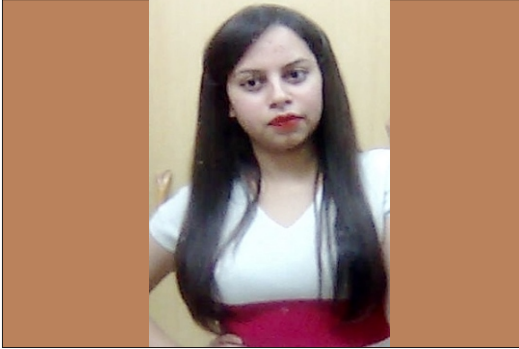
Summer Course

**Three Day Summer Course on
Competition Law & Practice in India**

<Http://www.circ.in/Summer-Course-2014.html>

As they say Excess of Everything, be It Power or Scrutiny, Is Bad

Written By



*Ms. Gehna Banga
Semester VI, BBA.LLB.(Hons.)*

On 19th March 2014, the Parliament of Israel passed the 'ADVANCEMENT OF COMPETITION IN THE FOOD SECTOR LAW 2014'. The legislative history to this law can be traced to the mass protests that took place on the streets of Israel due to an excessively high cost of living borne by the citizens.

The objective of the Act was simple, increase competitiveness in the food sector so that the industry firms, are forced to reduce their prices to capture a greater market share or earn higher revenue than their counterparts.

Out of all the provisions, most of which have been criticized by various commentators, the one that caught my attention the most was the commissioner's wide powers pertaining to retailers' operations in various geographic catchment areas.

The law provides that for each branch of a large retailer, the commissioner can attempt to increase competition. This will be achieved by defining a geographic catchment area and identifying the competitors in each catchment area. A notification, after such

identification, will be sent to any of the retailers who have more than 30% or 50% share in a relevant catchment area. Now if this retailer chooses to expand by for example opening a new branch in that location, he will require the commissioner's approval. The ground, whether the expansion is likely to pose any danger to competition, upon which this approval be will be denied leads to an appraisal of the existing market scenario from the current players or firms market shares to their revenues and future established growth plans. But will this outcome they are planning to prejudge necessarily be what the retailer can deliver, considering that this expansion plan of the large retailer (the law aims to target large retailers) if not intervened or interfered with by the commissioner will definitely be countered by the other players and thereby lead to more competition and less prices.

The legislation through its over protective powers will rather bring the competition down. It will serve as a disincentive for prospective and existing large retailers and thereby suppliers. Fundamentally, if this was something enacted in India, it would be violative of one's right to practice any trade or business, not that it stands Israel's constitutionality either.

The above is just one of the ways in which the commissioner has been given powers to increase competition. Provisions stipulating recommendations such as ceasing of operations in a certain store or selling of that

store to a third party can be made by the commissioner to the Antitrust Tribunal against retailers whose share in a catchment area are more than 50% and operates at least three stores in that area.

The idea of specifically regulating competition within a sector, in the present case being the food sector, is commendable and has been used by the government of UK too through Ofgem, Ofwat and Ofcom. A similar scheme of legislation can, according to me help in curbing inflation to some extent in India. The Indian law can along with the role, operations and M&A activities of the large retailers and suppliers can also make provisions pertaining to storage, distribution, hoarding etc. practices as a consolidated law dealing specifically with the food sector. The Indian Food Sector needs a relook anyway.

QUOTE

**Seek for the highest,
Aim at the highest, and
You shall reach the highest.**

- Swamy Vivekananda

The Liability of Marine Insurer In Voyage Deviation and Exemptions

Written By



*Ms. Tanya Reddy Mothe
Semester IX, BBA.LLB.(Hons.)*

In a marine insurance policy, specifically a voyage insurer policy, the insurer will be exempt from the liability if the ship makes a deviation from the course of voyage under the policy. If the course of voyage is specifically mentioned under the insurance policy, then any deviation from that course will exclude the insurer's liability. But if the course of the voyage is not explicitly mentioned under the insurance policy, then any deviation from the usual or ordinary course of voyage, will amount to deviation of voyage course excluding the liability of the insurer. If the proper course of the voyage is returned to, after making the deviation but before the loss occurs, it will still exempt the insurer from liability. However a mere intention of deviation is not sufficient to exclude insurance liability; for example if a ship deviates from its ordinary course, but returns to the proper course and when the ship is wrecked, it will still amount to deviation. If there are many ports of discharge in the voyage, then the course should be in the order mentioned under the policy, in the absence of which, the natural geographical

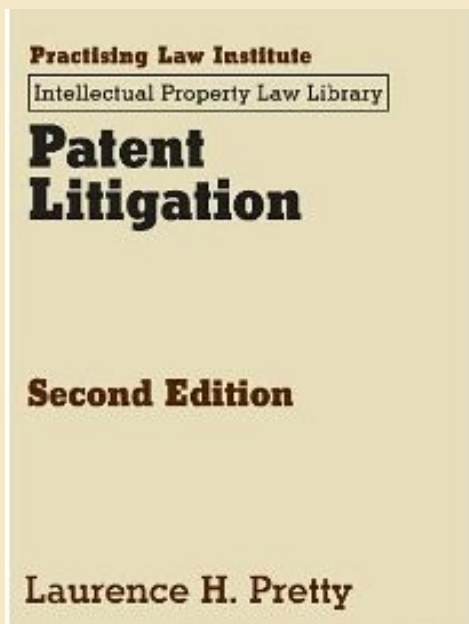
order is to be maintained. However there are certain exemption to the rule that the insurer is released of liability incase of deviation in the course of voyage.

The exemption to the above rule as follows:

- 1.If the deviation is specifically allowed by the insurance policy which states that the deviation can be covered by the payment of an addition premium to be determine.
- 2.If the deviation is due to circumstances beyond the control of the master of ship such a capture by pirates.
- 3.If the deviation is made for compliance with and explicit or implicit warranty such as sea worthiness of voyage.
- 4.If the deviation is made for the safety of ship or for the safety of person aboard the ship.
- 5.If the deviation is made for the protection of human life.
- 6.If the deviation is to obtain any surgical or medical aid for any person aboard the ship.
- 7.If the deviation is due to barratrously act of the master or the crew, which means the any willful misconduct by the master of ship or its crew, in breach of their duty to the honour of the ship, however, for this to be an exemption from the general principles of deviation excluding the insurer liability, such barratry ship be an insured marine peril. Under the voyage policy.

Patent Litigation

Authored by: **Laurence H. Pretty**



The new Second Edition of Patent Litigation enhances your ability to prevail at trial while helping you cut the costs and complexity of litigation.

Many of America's leading patent litigators guide you through all the litigation stages, helping you to understand various infringement actions and their respective burdens of proof; conduct comprehensive pre-suit investigations that streamline your cases; develop potent case themes; assemble strong litigation teams; get an early edge over opponents during discovery; reduce expenses by developing smart litigation budgets; maximize the persuasive impact of documents, exhibits, and lay and expert witnesses; and fortify your case while controlling costs by making savvy use of computers, jury

consultants, and litigation support vendors. Extensively revised and updated to reflect the impact of the America Invents Act of 2011, the new edition highlights AIA provisions regarding the first inventor-to-file system, prior art, swearing back, the defense of prior commercial use by the accused infringer, the on-sale and public use bars, tax strategy patents, best mode, false marking, joinder of defendants, obtaining opinions of counsel, and more. In addition, a new chapter is devoted to challenges to patent validity in the Patent and Trademark Office under the AIA, including the new inter partes review, post-grant review, derivation proceedings (and the elimination of interferences), supplemental examinations, and more. Beyond its treatment of the AIA, the new edition adds new discussion of joint infringement, spoliation, waiver of the attorney-client privilege, the use of mock trials and focus groups, and the use of summaries of evidence, among many other topics.

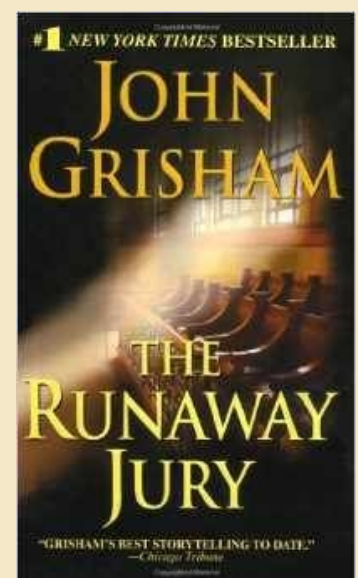
The Runaway Jury

Authored by: **John Grisham**

Another legal thriller from John Grisham, but this time its not just about Firms and Lawyers. This time it is about a Jury, Every jury is believed to have a leader and the verdict belongs to him set in biloxi, Mississippi, A landmark tobacco trial begins ordinarily, until the jury swerves unexpectedly, And seems as though is in the control of a mysterious woman who claims, the jury would do anything she wants them to do. Every jury has a price they say.... But do they? Always?

Mr. V.V.N. Nived

Semester II, BBA.LLB.(Hons.)



Hon'ble Justice S.H. Kapadia

Born on 29th September 1947. Enrolled as an Advocate on 10th September 1974. Practiced in the Bombay High Court, both on the Original Side and Appellate Side in Suits, Letters Patent Appeals, Writs, matters under Negotiable Instruments Act, Detention Matters, matters under Bombay Rent Act, matters under Bombay Municipal Corporation Act including trials concerning fixation of rate able value, matters under Maharashtra Land Revenue Code including trials concerning valuation of properties for the purposes of fixation of NA assessments, challenge to the validity of notifications fixing Standard Rent, appeared in AOs, First Appeals under the BMC Act, Second Appeals as

also in Land Acquisition References under the Land Acquisition Act as also in matters under Bombay Land Requisition and Acquisition Act. This is apart from the



practice in Industrial Law and Services Matters. Appeared as a counsel for the Department in Income-Tax matters. Appeared as a counsel for BMC in matters concerning rate able value and Octroi. Appeared as a counsel for Bharat Petroleum Corporation and Hindustan Petroleum Corporation in High Court and Supreme Court in connection with

service matters including disputes concerning framing of Pension Rules. Also appeared for the Management and Unions in matters under Industrial Disputes Act, 1947 and ULP Act, 1972.

Appointed as an Additional Judge of the Bombay High Court on 8th October 1991. Appointed as a Permanent Judge of the Bombay High Court on 23rd March 1993 . Appointed as a Judge of the Special Court (Trial of Offences Relating to Transaction in Securities) Act, 1992 on 15th October 1999. During the above period, decided important matters under PIL pertaining to CRZ, financial matters under RBI and Banking Regulation Act; matters concerning the Constitutional validity of the 74th Amendment Act of 1992 dealing with Municipalities; matters under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976; matters concerning Mergers and Acquisitions; matters under Payment of Bonus Act; matters under Industrial Disputes Act. In addition to the above, dealt with matters under the Income Tax Act concerning Valuation of closing stocks, Accounting treatment to be given to Modvat Credit Convergence of

Tax Accounting with Commercial Accounting, etc.

As a Judge presiding over the Special Court has dealt with Civil and Criminal matters including matters concerning corroborative value to be given to the Report submitted by RBI and JPC vis-a-vis Evidence Act. As a Judge of the Special Court , has also dealt with Accounts and Finances of Banks and Financial Institutions as also accounts of the Share and Stock Brokers as also matters under Contempt o Courts Act where the Notified Parties had diverted their assets. As a Judge of the Special Court has framed Investment Schemes, Schemes dealing with Valuation and Disposal of Shares of Notified Parties as also Distributions of asset of the Notified Parties under the Act and declaring dividends to the Creditors of the Notified Parties.

Appointed as Chief Justice of the Uttaranchal High Court on 5.8.2003.

Elevated to the Bench of the Supreme Court of India on 18.12.2003.

Has keen interest in Economics, Public Finance, Theoretical Physics and Hindu and Buddhist Philosophies.

Retired on 29.09.2012 (F.N.)

COLLOQUIUM

Summer Law Internship - 7 Tips to Succeed

1. Act Natural

The summer internship is a way for the law firm to see how you fit into the atmosphere and lifestyle of the firm. Of course, its an opportunity for you to learn something and for the firm to get some (cheap) labor, but at the end of the day, both parties are looking at establishing a long term relationship. That is: a job.

So act natural, relaxed. You might very well end up working at your summer internship firm after college, so acting 'forced' and 'business like' would go against you in the long term. Not only will it give a false impression to the law firm of your personality and attitude which could hurt both you and the firm in the long term, it will also seem very conspicuous. Remember that lawyers are used to catching lies and deception in court cases every day, so more often than not, they'll catch it if you fake that extra politeness and that crisp business like manner.

Of course, acting natural doesn't mean that you can come to work in shorts and that ironic t-shirt you bought at spring break in your sophomore year. Stay cool, relaxed, and most importantly, be comfortable in your own skin.

2. Do Turn Up For Work

Most summer internships don't have strenuous hours - 9 to 5, or 10 to 6 mostly. More often

than not, you'll find that there's not too much to do around the summer internship, and chances are, you'll cut out early, or worse, not show up for work at all if there's nothing to do.

Refrain.

As an intern, you're expected to be punctual, to show up everyday, and to generally go around asking questions and taking off any extra work from overworked lawyers. Sure, on Fridays the senior lawyers might go out in the early afternoon for a round of golf, but that doesn't mean you can take the day off too for an early evening out with your buddies. Be punctual to the second, if you're really keen to bag a job offer at the end of the internship, even if its just for the sake of keeping up appearances.

3. Be Flexible

As an law firm intern, you're expected to tackle any responsibility thrown your weight. The firm, if its looking at you as a serious candidate for a job offer, would like to know if you can be flexible with your responsibilities. There might come a time during your summer law internship that you'll be asked to deal with an area beyond your interest: say, environment law, even though all you planned to do the entire summer was bankruptcy, especially in case of an emergency when other lawyers cannot be peeled away from their work.

Not only will this test your mettle as a lawyer,

but also open up your own interests and make you into a better lawyer at the end of the day.

4. Create a Portfolio

By the end of your summer internship, you should aim to have produced a nice portfolio of written material: research papers, memos, etc. Oral memos, while great and practical, don't leave behind any tangible that could be passed around by your assigning attorney as recommendation.

If projects that require written work don't come your way, then go out and seek them. Talk to your assigning attorney, tell him that you would like to take the responsibility of any project that requires written work. Be proactive and you should have a set of written material that can be great as recommendations.

5. Maintain Quality

A major characteristic of summer law interns is that the quality of their work has a lot of inconsistency: if they're assigned to a senior lawyer with a lot of sway around the firm, the quality of the work shoots up; if they're assigned to a junior associate who's just fresh out of law school, interns usually put a lot less effort in the work, bringing down the quality.

Just because the work is for a junior associate doesn't mean that it's any less important. Remember that anything and everything that you produce can be used in a case or a transaction, so aim to maintain the quality of your work no matter who you're working for. You'll score major brownie points for work ethic if you do so.

6. Ask

If you don't know how to deal with that situation that cropped up at the office yesterday, or the correct protocol to handle that social dilemma at the last meeting, or if you're unsure of the deadline of that project that's due next week, ask.

Find the appropriate person, and ask them - anything, and everything. No one at the law firm would mind a summer intern asking questions: it's the expected thing to do. If you're not sure, for instance, if you'll make the deadline for a project, ask your assigned attorney if it is flexible at all. Remember that asking is always way better than presuming. And by doing so, you'll only learn skills that'll make you a better lawyer and a better asset to the firm.

7. Behave

This one ought to be self-explanatory, and in fact, shouldn't be a tip (or a reminder, if you may) at all. You are working in a professional environment. It is expected that you will behave with professional courtesy with everyone you encounter, from the secretary to the janitor.

Unfortunately, most law interns tend to leave their polite behavior at the doorstep when they're dealing with junior associates or under-secretaries or even the janitors. These people, howsoever lowly they might be on the law firm pay scale, matter, and your rude behavior will be found out by the seniors sooner or later.

On the matter of manners, do remember to extend them to your fellow summer law interns. You're not in competition with them for the job; most law firms will extend job offers to almost all interns. Being polite to them (and the junior associates and the secretaries and the janitors) will only help you forge friendships should you decide to take up the job offer and return after law school.

Source: <http://ezinearticles.com/?Summer-Law-Internship---7-Tips-to-Succeed&id=2214227>

10 Tips for a Successful Internship Program

Internships are a great way for students to gain experience and explore career options, but don't forget to consider what interns can do for your company. A good internship experience can and should be mutually beneficial. Below are 10 points for you to consider when discussing whether to hire an intern and how to go about the process.

10 Tips

1. Survey your company, asking departments if they want interns, what skill sets, and how many interns they need. Some departments find interns useful and others find them a nuisance. Avoid creating ill feelings among departments that might feel slighted if they never get an intern to help out.
2. Assign interns to areas that may need a full-time employee in the near future, using the internship to "test the waters" with candidates that you might hire. Be sure to ask employees in those areas for their evaluations on each intern's performance.
3. Consider rotating interns to cover areas left vacant as employees take summer vacations. Suggest that the departing employee give the intern an orientation on what to do to reduce the workload on the remaining staff. Although the intern may only be able to perform basic duties, such as correspondence, the department will appreciate the additional help.
4. Appoint one junior employee to be in charge of interns as Intern Manager and point of contact and to mentor and monitor intern performance, freeing senior employees for more cost-effective assignments. The junior employee also increases the intern's comfort level since the intern will enjoy working with a younger employee closer to his or her own age.
5. Allow your Intern Manager ample time in his/her schedule to coordinate each intern's schedule with the appropriate departmental manager. Arrange for the intern to spend a certain amount of time either daily or weekly with the Intern Manager to review progress. Establish a clear chain of command, ensuring that your employees know if they have any concerns about the departmental intern, they can get help from the Intern Manager.
6. Prepare a description of internship duties and email it to the incoming intern for review, answering any questions ahead of time to prevent confusion. Make sure the intern has an Intern Packet with appropriate materials before the start date. The Intern Packet should contain company policy information as well as forms to track intern activity.
7. Send a broadcast email to your employee distribution list that announces the intern, gives a sentence or two about him/her, and asks staff to extend a warm welcome. On the day that the intern starts, the Intern Manager

should take the intern on a tour and introduce the new member to individual staff.

8. Arrange for the Intern Manager to meet with the intern on Day # 1 and discuss expectations and outcomes on both sides. Set the intern up to succeed by starting with small projects and graduating to more complicated and lengthy assignments.

9. Ensure that the intern has a desk and proper supplies so he/she can begin productive work immediately. A more senior intern if available may want to have a short meeting with the new intern to talk about office procedures or to explain the computer system or any unfamiliar technology systems. Utilize current interns to train incoming interns, reducing staff time with interns and facilitating

employees to fulfill work objectives.

10. Reward an unpaid intern in other ways. If your company has a cafeteria, give the intern a pass that enables him/her to eat for free on working days. Take the intern to a professional meeting as your guest, paying for his/her lunch and introducing him to other professionals. Give a gift certificate at the end of the internship as well as write a letter of recommendation. Interns are your best source of future interns, and students share information about their experiences. Make sure everyone wants to intern at your company, so you have a wide selection of excellent applicants.

Maxims

Pari passu: (Latin: with equal step) Often used in bankruptcy proceedings where creditors are said to rank pari passu, which means the assets are distributed without preference between them.

Pro tempore (pro tem): (Latin: for the time) Temporary or for the time being.

Sui juris: (Latin: of his own right) Person who has full legal rights and is not under any incapacity, such as being bankrupt, a minor or mentally incapable.

Hon'ble Mr. Justice R.M. Lodha appointed as The Chief Justice of India in the forenoon of 27.04.2014.

Justice Rohini is Delhi's First Woman Chief Justice: Justice Gorla Rohini, who was the senior most Judge of the Andhra Pradesh High Court, sworn in as the first woman Chief Justice of the Delhi High Court .

Sex harassment at SC. Apex Court bans advocate for 6 months: The Supreme Court sexual harassment committee has banned an advocate from the Supreme Court premises for six months for an incident of sexual harassment.

Supreme Court lifts Goa mining ban; Annual mining capped at 20m tonnes till submission of Expert Committee's report: The Supreme Court directed the State government of Goa to limit iron ore mining in the State to 20 million tonnes annually until a final report in this regard is submitted by an Expert Committee. The judgment was delivered by the "Green Bench" presided by Justice AK Patnaik and comprising

Justices SS Nijjar and FMI Kalifulla in a Public Interest Litigation (PIL) filed by Goa Foundation (Petitioner).

CCI: New Amendments in Combination Regulations In what seems to be an exercise of annual review, the Competition Commission of India has amended: The Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Regulations, 2011 ("Combination Regulations") with effect from March 28, 2013.

Foreign Direct Investment (FDI) Policy (Circular 1 of 2014) dated 17th April, 2014: The Consolidated FDI Policy (Circular 1 of 2014) was released by the Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry, Government of India on 17th April 2014, setting out the consolidated foreign direct investment (FDI) policy of India which comes into force with immediate effect.



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More Details @ <http://www.ifheindia.org/fol>

