

The Student

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Vice Chancellor's Message

J. Mahender Reddy

Vice Chancellor

M.A. (DSE), Ph.D. (University of Alberta)

(Former Chair in Indian Ocean Studies, University of Mauritius)



I am delighted to launch The Student Law Magazine which is a concerted effort of students and staff of Faculty of Law. The energetic and young writers of Icfai will certainly enrich the spirit and content of legal writing and hope this magazine will be a reliable source for discussion and expression of views on contemporary socio-economic, legal and political issues. I congratulate all the students, staff and non-teaching staff of faculty of law for bringing this new edition to the faculty. I wish great success and good luck.

J. Mahender Reddy

Dean's Message

I am delighted to give this message as I am overwhelmed by the students' endeavour in launching the students' magazine of FoL, which is initiated by the staff and promoted by the students. I am really glad to acknowledge the work put in by all the committees in bringing it in record time. There is great dearth of writing talent in legal arena and with all joy I am sharing with you that FOL, IFHE is in forefront to ignite the thought process of the budding Bachelors of Law. It is indeed a good effort to be reckoned with. I assure any kind of support to the students in the persistency of the Magazine. It is deemed to be more auspicious as it is being launched by none other than the iconic legal personality Justice Shri. B.P. Jeevan Reddy. I wish the zeal and commitment continues for the further issues with same pace and perseverance. I congratulate Dr. R. Madhavi and Mr. S. Murali Mohan for their commendable work in initiating and planting this idea in students. I once again congratulate you all and pray God to shower his blessings for the grand success of this Magazine.

Prof. V. Hemalatha Devi
Dean, Faculty of Law

Chief Editor's Message

Editing the write-ups for a Magazine or a Journal has been a prestigious privilege for a very long time. Now-a-days legal academics consider it as a compulsive academic obligation. New age, new generation and new thoughts are found to be vigorous and vibrating – investigative and innovative. Young ideas bubbling with new spirits of future world have to be regulated to comport with the present realities and future obligations. The present day legal education strives for excellence through public communication. Faculty of Law, IFHE deems it to be a duty to identify and invigorate the new young writers and shape the future law writers through student world. The initiation of the Students of FoL is commendable and deserves every encouragement from all. We hope the Student Law Magazine being launched will take great strides in world of legal literature. We look forward to your encouragement, patronage and partnership in its development. I congratulate the students and wish them grand and great success.

Dr. R. Madhavi
Assistant Professor, Faculty of Law
Chief Editor, The Student Magazine

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FOL NEWS

Guest Lectures

Guest Lecture by **Dr. Sangha Mitra**, KIIT University, on 23rd October, 2013 at Faculty of Law on "Global Politics: Issues and Challenges".



Guest Lecture by **Hon'ble Mr. Justice T. Ch. Surya Rao** on 27th September, 2013 at Faculty of Law, on "Interpretation of Penal Statutes".



*Guest Lectures organized by Faculty In-charge,
Mrs. C.P. Nandini, Asst. Professor, FOL*

Sports

FOL Girls Cricket team won Gold at the Sports Fest, Khel 2013 organized by FOL & FST.

Ms. Annu Bharadwaj (C), Ms. Medha Kalpesh Avasia, Ms. Ritu Mishra, Ms. B. Nava Pravalika Goud, Ms. Apurva, Ms. Veera Aparajita, Ms. Nandini Bhaskar, Ms. Bhavya Rathi.



FOL Girls Throwball team won Gold at the Sports Fest, Khel 2013 organized by FOL & FST.

Ms. Hemavathi S. Shekhar (C), Ms. Cordeiro Nikhita Celine, Ms. Medha Kalpesh Avasia, Ms. Apurva, Ms. B. Nava Pravalika Goud, Ms. Nandini Bhaskar, Ms. Ritu Mishra.



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An Interview with Hon'ble Justice Shri B Subhashan Reddy

Date: November 1st, 2013, Time: 9:30am



"I don't live in past. I live in Present. Rest follows."

Mr. B Subhashan Reddy is a science graduate. He studied law at Osmania University and enrolled as an advocate on January 10th, 1966. He was elevated as a judge of Andhra Pradesh High Court on November 25th, 1991. He served as chief justice of the Madras High Court from September 11th, 2001 to November 20th, 2004, and of the Kerala High Court from November 21st, 2004 to March 2nd, 2005 and as a chairman of Andhra Pradesh State Human Rights Commission from August 12th, 2005 to August 12th, 2010. He is now appointed as Lokayukta of Andhra Pradesh.

Q. What was your motivation behind choosing law as a career?

Ans: Law is not a profession I chose by choice. In those days, choosing law as a career was a last resort. People chose law when they did not have any other option open for them and frankly, I was no exception to that. I wanted to become a surgeon. My professors, Mr RaiBahadur from Osmania University and Mr.Subbarao from Gandhi College were my sources of inspiration for becoming a surgeon. However, I could not score well and had to drop that option and hence, chose this field.

Q. You have been an advocate, a chief justice, headed the human rights commission in Andhra Pradesh and currently you are the Lokayukta. Working on which post gave you the maximum satisfaction?

Ans: Heading the Human Rights Commission gave me utmost satisfaction out of all the posts I have held till date. This is because I firmly believe in the motto, "To give relief at no cost." And I believe, I have succeeded in that. During my tenure, I can give complete assurance that I have not charged the common man even with a rupee. Another

reason that makes me say that it was this post that I enjoyed working in is because as a human rights commissioner, I was closer to the people. I kept a lot of accessibility in the Human Rights Commission to avoid corruption. I could directly relate to them and could help them with their problems because of the minimum barriers of interaction that we maintained. Secondly, my role as a lawyer gave me the most satisfaction. I personally believe that a lawyer has more freedom to speech and expression as compared to a judge. That is why I wish to die while arguing.

Q. How would you compare a business with a profession?

Ans: I would say that there is a huge difference between a business and a profession. The motto of a profession is to serve. However, the motto of a business is to earn. I believe, when we are into a business, we should work without avarice. Also, ethics and morals hold an important position. The target should be, not in defeating our rivals or competitors, but the target should be in moving ahead of them using good and ethical methods.

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Q. According to you, what are the principles that a lawyer should stick to and what are the sacrifices one has to make to satisfy his clients?

Ans: I have always suggested my grandchildren to stick to these six principles in life and I will tell the same to the current generation. They are:

- ✓ Behave Well
- ✓ Clean Well
- ✓ Eat Well
- ✓ Study Well
- ✓ Play Well
- ✓ Sleep Well.

It just does not end at principles when you want to achieve your goal. Certain sacrifices have to be made, no matter what field you choose. There will be times when you will incur the wrath of your parents and friends and also, when you will fail to attend certain important events or gatherings. But these are all a part of your profession and only if you are willing to stick to these principles and make some sacrifices, you will be doing justice to your profession.

Q. Where would you suggest the first year law students to do their internship?

Ans: I would suggest students to do their first internship directly under a lawyer because that is where you will get more exposure to the law field. If I had the power, I would impose that a lawyer should atleast practice in the lower court for three years after which he/she would get a certificate that would make him/her eligible to practice in High Court. Furthermore, after five years of practice in High Court, a certificate would be awarded which would qualify him/her to practice in Supreme Court. According to him, this hierarchy is like a building where the foundation should be laid by the Lower Court.

Though Justice Subhashan Reddy was busy, he gave his valuable time to us at his residence. We heartily thank him for his suggestions.

Interviewed by:

Ms. Dalia Pasaari, Mr. Nived V V N, Mr. Varun Gupta,

Students of Semester I, BBA.LLB.(Hons.)

Q. What are the benefits of doing the BBA LLB (Hons.) Course?

Ans: Law with management is a good combination. It helps you in managing the court, your office, clients and co-advocates. Management helps you in building your library. Also, book keeping will definitely be a benefit for you.

Q. What is law, as a profession, for you?

Ans. Law is an independent profession and creativity in advocacy is highest. You need to devise different ways to deal with a case and rescue your client. Even though people think that the standard of this profession is falling, I believe that it is still a noble profession. The basic logic is: When there is a clash between statute and rules, the statute prevails and when there is a clash between rules and ordinary instructions, the rule prevails.

Q. What would you suggest to us as budding lawyers?

- ✓ Work hard sincerely in the interest of your client.
- ✓ Do not charge undue fee. If you work diligently towards your profession, money will definitely come running after you.
- ✓ Always be well equipped to deal with a case
- ✓ Never compromise on your values and morals.
- ✓ Be loyal to the client
- ✓ Do not abuse or use foul language.
- ✓ Don't mix values of this era with opportunities of that era
- ✓ Positive thinking.
- ✓ Do not use short cuts. Always use the stairs, not the lift

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Articles

School Life vs. College Life

By Ms. Dalia Pasaari,

Semester I, BBA.LLB.(Hons.)

From no cell phone zone to complete liberty to use cell phones, from no attendance barriers to minimum requirement of 75% compulsory attendance, from a fifteen minute snack time to an hour long lunch break, from wearing the monotonous school uniform everyday to the every morning task of deciding what to wear to college, from the leisure home works given by the school to the exhausting presentations and assignments in college, from starting the day with a morning assembly at school to starting the day with a long campus walk at college and ultimately, from being treated as school kids to now being treated as budding lawyers-this is the transition that this four month experience at a law school has brought in our lives so far!

School life was more like a life inside a cocoon. We were protected and guarded by our teachers and parents. We saw life from within the cocoon and hence, remained in our comfort zone for the last eighteen years-believing the world to be as we had always fancied it to be. In this duration of four months, we have begun to see this same life from outside the cocoon. This life at a Law school is indeed a new life altogether, a life which is acquainting us with the world we fancied to be genuine and comprehensible and also time and again reprimanding us with new challenges. But in the end what gives us solace is the fact that it is this life which is giving us the maturity to survive in the present world and helping us chase our dreams. Adjusting in a new place altogether would have been an even more demanding task had it not been for the friendly attitude of the seniors, the supportive role played by our faculty and the pleasant environment that our campus provides us with!

Well, there is definitely an affirmative side to this life at a law school! The corporate and the formal clothes that we often ought to wear, the professional etiquette we are expected to maintain, the long walks to discover the

undiscovered corners of the huge campus, the new hostel experience for some of us, the innumerable guest lectures and the various events organized frequently to enhance social interactions-all add up to the positive side of this new life. We have entered into a world surrounded by aspiring and competitive youngsters who have come from different parts of the country to live their dreams and time and again, become the source of inspiration for one another. With this, we are constantly reminded that this is the place which is going to define our lives for the rest of our lives, these are the people who are going to be with us in our highs and our lows for the next five years and this attitude of enthusiasm, peace, harmony and high hopes is what we ought to show throughout this journey.

Looking forward to a lively experience and a journey full of learning!

Female Infanticide

By Ms. Aishwarya Puskur,

Semester V, BBA.LLB.(Hon.)

Will the problem of female infanticide ever be solved? Sadly, this is a major issue still faced by many policy makers and NGOs of our country.

In rural areas where a lot of people do not have access to sex determination facilities, female infanticide is shockingly common. The parents wait until the mother gives birth, and when they find out that a daughter is born, they go ahead and kill the baby by adopting various means such as strangling the baby, giving her poison, dumping her in a garbage bin, drowning her, burying her alive, starving her, stuffing her mouth with salt, or leaving her outdoors overnight so she dies of exposure.

What is disturbing is that female infanticide is not considered a big crime and rarely do culprits get convicted. Once in while there is a harsh conviction of the parent followed by some publicity, and it isn't long before the news dies down. Surprisingly, mothers are the ones who often perpetrate the crime, with the support of other women in her network. Since the mother is

the one who has given birth to the unwanted female, she is the one who must do away with it. She is forced to do so at times, and willingly does so at others since she herself desires a male child. How much the mother, another victim of atrocities, is really to blame though, is anybody's guess.

It has become very common nowadays in India to find newspapers, flashing news about killings of female children. Within a short span of time many girl children have been sacrificed for the thirst for male children. Even in this twenty first century many castes in the country are restricting the birth of female gender.

Outlookindia.com reported on 30, April, 2012 that a third case of abandoning a baby girl by her parents occurred within a fortnight. The newborn girl child was abandoned by her own parents at a hospital in a place called Rohtak, in Haryana. The parents of the baby girl left her abandoned in the hospital at night and left the place.

On April 18, an auto-rickshaw driver found a four-day-old girl child, abandoned near a dustbin in Udyog Vihar. The baby was thrown, wrapped in a polybag. On April 13, a well off couple abandoned their eighteen month old girl child at the Civil Hospital in Gurgaon.

Killing or abandoning baby girls is found very common in India. Many innocent babies, just because they are girls, are killed secretly in so many ways. Gender discrimination is increasing in the country in spite of many efforts taken by the government and welfare organizations. The demographic statistics showing the gender discrimination is really very shocking to any reasonable mind.

Although all of us take pride in our Indian culture, we need to recognize that there is something fundamentally wrong with a culture that assumes the superiority of males, and that celebrates Indian women for being meek, submissive and sacrificial.

Dear Baby Afreen (YOU WERE NEVER WANTED HERE)

Now that your short and wretched life has been pitifully snuffed out, it's okay for me to say it: you were never really 'wanted' here. You were never wanted as the rotten fruit of the loins of a monstrous father who evidently didn't want a girl

child, but didn't know (or didn't care) that every time he was overcome by his libido and spilled his accursed seed, there was just as much of a chance that he would have the daughter he never wanted. You were never really wanted in a society that will tolerate – and even justify – the most egregious crimes against women, and return to its latte-laced life after a bit of sympathetic tut-tutting because they interfere with their perception of an India where all things are bright and beautiful. You were never wanted in a celebrity-obsessed media environment such as ours where, for all the momentary shock engendered by your tragedy, young girls like you are so routinely battered you'll likely not be remembered beyond the next news cycle.

One way you can help counter this mindset is by being proud of the women in your life, and by taking pride in yourself if you are a woman. Baby Afreen may be the world didn't want you, your family didn't want you but WE students of IFHE FOL, Hyderabad will always be with you, and all the children who are being killed by their parents demand for justice.

Right to Information, still In-Formation...?

By Mr. Jakkula Sridhar,

Semester VII, BBA.LLB.(Hons.)

The Right to information Act 2005 enables every citizen access to public information from government records. Earlier this access was available to citizens of only nine states in the country but with the enforcing of the Central Act on 12th October 2005, this right is now available to every citizen.

The Constitution of India has established a democratic Republic in which the Article 19 of the Constitution provides the right to information to all citizens of India. It is because democracy requires an informed citizen and transparency of information which are vital to its functioning. To control the corruption in administration and to hold government and their agents accountable, it is essential that citizens are given adequate information about its functioning.

Even after eight years and four months, the common man's right to information is still incomplete, thanks to loopholes in implementation and lack of accountability among some public

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information officials. Though the Prime Minister has said that 'file notings' relating to development plans, schemes, programmes and projects should be in the ambit of the RTI, there is immense pressure on the government and the Central Information Commission to exempt these from the ambit of this Act. Any information which may have the potential of creating trouble for the officer concerned may be classified as file noting. Further, if the officials concerned would not be named then on whom will the responsibility of the aberration be laid?

POLITICAL PARTIES- TO BE EXEMPTED OR NO? CONFUSED!!!

So far, the political parties and the political leaders were automatically exempted from the RTI. The political parties and their leaders are instrumental in running the democratic machinery of our country, but the actual activities of policy making and fund allocation have no transparency, barring a few exceptions. The decision of the Central Information Commission (CIC), to mandate the political parties as public authorities and the CIC's instruction to the political parties to appoint authorities and officials to disclose information in the face of a valid query, as mandated by the RTI, puts the political parties between a rock and a hard place. The lifting of the convenient façade of exemption from the RTI will expose the political parties, their leaders and their activities to public scrutiny which may even jeopardize the apparent credibility of the said parties. So, the blatant refusal of the political parties, to be considered as 'public authorities,' comes as no wonder.

The political system of our country is permeated with corruption at every possible layer. Behind every scam, every misappropriation of funds, there is a deep political nexus. But the politicians, especially those in the high places, are virtually untouchable. In all probability, the Congress and the other five opposition parties will conjoin and try to thwart the move of the CIC in the winter session of the Parliament. As of now, the CIC has got the political parties where it wants them to be. It is to be seen how the political parties ultimately wriggle out of this one!

Apart from the confusion of whether or not to exempt the political parties from the RTI, there is also no proper functioning of this system in order to respond to its customers. In the year 2011-

2012, there was almost 40 lakh applications filed across the country out of which the rejection rate at the directorate of Revenue Intelligence and Directorate General of Safeguards was 100%. The highest proportion of rejections was by public authorities under the Central government (8.12%).

From all the above brief issues which we discussed about we can thoroughly conclude that RTI has been brought into existence for the transparency and accountability of the government or any other officials to the general public, but, it has brought along with it many loopholes which gives it a picture of still IN-FORMATION. Thus, these have to be looked after and made much more clear and free of ambiguity.

One of the Primary Steps for A Country's Development- Respect and Empower A Woman!!!!

By Ms. Lilian Rebekah Boaz Kotha,
Semester III, BBA.LLB.(Hons.)

Must be wondering how?? As you read below the unanswered question shall be served.

There is an age old saying in India,

*Yatra Naryastu Pujyante Ramante Tatra Devata
Yatraitaastu Na Pujyante Sarvaastatrafalaah
Kriyaah*

which means, "Divinity blossoms, WHERE WOMAN ARE HONOURED". Sadly in today's scenario we see thousands and millions of women's life at stake physically, mentally and financially. It was a law laid down by the Supreme alone that it should be a woman who builds the future. How? She is the one who carries that little being from a very minute stage in her womb, nurturing and protecting in her own bosom to keep him away from all the evils and perils of life till he comes to a stage of independency. The children are the future and it is only through the way of a woman that a child comes into this world.

But the most unfortunate part is, our society considers a woman to be a second grade citizen and have so many crimes done against them. Our country has come up to a stage where being born as a woman has become a curse. Even the literacy rate of a woman is 56% when compared to men i.e. 76%.

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Due to the oppressing society customs and values, the effect is to be seen on the woman negatively.

- ❖ Even before that tender bud is blossomed, she is forced to marry ultimately making them widows. According to UNICEF, more than 47% of the girl children are married before the age of 18 in India.
- ❖ Due to illiteracy, they are forced to be confined to stay at homes doing their chores and making them oblivious about the issues happening around them.
- ❖ Sexually abused from a very young age and the majority of them are abused by their very own people. Eve teased once they reach a matured age.
- ❖ Dowry harassment, domestic violence, kidnapping, trafficking are some of the brutal crimes done against this burden-bearer.
- ❖ They suffer from biased and unfair judgments in terms of inheritance and divorce.
- ❖ Such is the disgrace situation of a woman in today's world especially India who is attracting attention the most in the various crimes and the helpless situation of a woman.

ROLE OF "YOU"

It is outrageous to see this future maker in such a dilapidated and disowned condition. If "you"

who's reading this is public spirited and has a heart COMPASSIONATE enough to protect and empower this very creature God has given to mankind to empower and build generations, there are few things listed below which can make you one among those few who believe in humanity and showing gratitude and love and care to that very creation without whom we wouldn't be able to see this world-A WOMAN!!!

- ❖ Bring awareness by communicating with people about the issues to be taken care. Personally communicating with others has a huge impact on the minds of people.
- ❖ Be a member of clubs and organizations who support such thoughts.
- ❖ Campaigning and distributing tracks or pamphlets illumining the minds.
- ❖ Do your best in training and encouraging your own family female members to fight back and face troubles.
- ❖ The Bible says, if you are not in a situation to go somewhere, support and send those who are willing to go.
- ❖ In the same way support and help organizations who are willing to help these people become self- sufficient and independent through the various woman empowerment schemes.

Let us all come forward, join hands and make this world a better place to live in.

About Cases

Case Analysis

Dr. Kunal Saha represented by Sri Prabir Kumar Mullick Vs. Dr. Sukumar Mukherjee and Ors.

A hefty amount of Rs 5.96 crore is to be paid by Kolkata-based AMRI Hospital and three doctors to a US-based Indian-origin doctor as compensation for medical negligence which led to the death of his wife in 1998. The Supreme Court bench of Justices S.J. Mukhopadhaya and V. Gopala Gowda has asked the hospital and the three doctors to pay the amount to Kunal Saha, an Ohio-based AIDS researcher within eight weeks.

In 2011, a compensation of Rs 1.73 crore was awarded by the National Consumer Dispute Redressal Commission (NCDRC) to the doctor whose wife Anuradha Saha had died in 1998 following faulty treatment administered at the hospital. The apex court, however, has raised the amount of compensation and asked the hospital to pay an interest at the rate of six per cent to Saha.

NCDRC had fixed the compensation on a direction by the apex court, which had referred Saha's appeal to it while holding the three doctors and the hospital culpable to civil liability for medical negligence which had led to the death of Anuradha. A plea by Saha was made before

NCDRC, demanding for a record Rs.77 crore compensation. NCDRC compensated Saha for his wife's death by awarding Rs 1,72,87,500/- and held the US doctor responsible for contributing to the negligence committed by the three Kolkata doctors and the hospital. The compensation amount was reduced to Rs 1.55 crore as NCDRC further ordered 10 per cent deduction in the amount of compensation.

After complaining of skin rashes on April 25, Anuradha, herself a child psychologist had consulted Dr. Sukumar Mukherjee, who asked her to take rest without prescribing any medicine. Noticing that the rashes reappeared more aggressively on May 7, 1998, Dr. Mukherjee prescribed Depomedrol injection 80 mg twice daily, a step which was later faulted by experts at the apex court. Anuradha's condition deteriorated rapidly after administration of the injection, following which she had to be admitted at AMRI on May 11 under Dr. Mukherjee's supervision. She was taken to Breach Candy Hospital, Mumbai, as there were no signs of improvement in her condition. Breach Candy Hospital later declared her condition to be a serious case of a rare and deadly skin disease—Toxic Epidermal Necrolysis (TEN). On May 28, 1998, she died in Mumbai.

A criminal as well as civil case was filed by Saha against the doctors and both the hospitals on the ground that they were grossly negligent in her treatment leading to her death. In 2009, though the apex court cleared the doctors and the hospitals of criminal liability for medical negligence, it had held them culpable of civil liabilities. The apex court referred Saha's plea for compensation under provisions of the Consumer Protection Act to NCDRC, which, had in 2006 dismissed, the case. Following the NCDRC judgment, the apex court was once again moved by Saha which led to the current decision.

If we look back to the case of Anuradha Saha from the doctor perspective, it is a perspective which needs to be analyzed. The treating doctor gave his final judgment of the diagnosis for the patient, but in his hand written prescription did not mention about the findings and as to what were his clinical findings based on which he reached his diagnosis.

A question we need to ask ourselves, from the side of the doctor, is whether a rule requiring him to be more complete in mentioning his clinical

findings, and describing the reasons for prescribing a particular medicine in a dosage different from the medical textbooks/ package insert of the medicine, would have helped. The reason for this being that a prospective justification is in any day better than a retrospective reasoning.

Had the doctor chosen to mention his justification, he would be forced to think about his opinion. If he was not able to find a correct justification, he would have the time to change his opinion and protect himself and the patient from taking a wrong decision.

Ultimately, such a decision achieved to make sure that doctors are much more careful from next time while dealing with serious or even seemingly minor medical cases and are not negligent in their duties. But had the Supreme Court laid down certain guidelines which might prevent similar incidents in the future, it would have been worth much more than the compensation awarded."

Mr. Sourya Banerjee,

Semester V, BBA.LLB.(Hons.)

Sushil Sharma ...Appellant

Versus

The State of N.C.T. of Delhi ...Respondent

The facts of the case are as follows. The accused was charged with the murder of a woman, his wife, on the night of 3rd July 1995. She was killed and then taken to a restaurant owned by the appellant where he and a fellow owner tried getting rid of the body by burning it in a tandoor (caly oven). They were stopped when two constables arrived on the scene and noticed a fire raging in the hotel which had charred most of the walls. When asked the other man present on the scene, a friend of the appellant said that the fire was created to burn away all the old banners of the congress which had no further use. The constables on approaching the tandoor noticed a very pungent smell arising from it. They put out the fire and saw what appeared to be the body of a woman the ashes. The appellant by this time had fled from the scene. He was picked up a few months later by police in Bangalore where a pistol was confiscated from him. He was then brought back to jail and was put to trial there.

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The Delhi high court after seeing all evidence said that the brutality of the crime and the heinous nature of the method of disposal of the body deserved nothing short of death as a punishment.

After this judgement was passed the accused filed an appeal in the Supreme Court. This appeal was decided on the 8th of October 2013, by the honourable (SMT.) RANJANA PRAKASH DESAI, J. S. She has stated that with all evidence kept in mind and with all cited cases being understood, she felt that the sentence of the accused should be reduced from death sentence to a sentence of life imprisonment. The reasons for this as stated by her are, the court felt that the deceased was a woman of intelligence and by no means an "illiterate hapless woman". She was capable of taking her own decisions, and thus the appellant cannot be taken to have been in a position of dominance over her. The deceased had maintained a close relationship with one Matloob Karim. The appellant knew full well that there existed a relationship between the two. Despite this fact he married her due to his love for her hoping that she would settle down with him and lead a happy life. But evidence shows that the deceased was carrying on her

relationship with Matloob Karim even after her marriage to the appellant. This was the motivating factor in this crime. The accused was very possessive of the deceased and he suspected her fidelity. The murder was a result of this possessiveness. It was also to be noted that the accused wept uncontrollably when shown the charred body of his wife, the deceased. Thus we cannot say that he was remorseless. He has no criminal antecedents, thus the idea of him being rehabilitated and reformed cannot be ignored, as there is no evidence given by the state that shows this was not a singular incident and that the accused will revert to the crime again. The court had also considered the brutality of the murder but it found that brutality alone cannot be the sole factor leading to a death penalty.

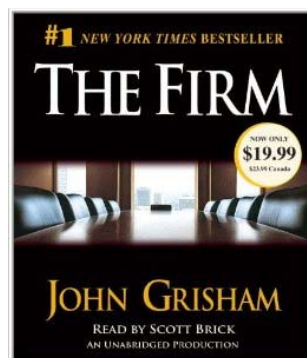
Thus after considering the above things the sentence of death was reduced to life imprisonment for the rest of the appellants life. The appeal was disposed off with the aforesaid terms.

Mr. Uwais Zubair Sait

Semester I, BBA.LLB.(Hons.)

About Books

The Firm



When Mitchell Mcdeere qualified 3rd in his class at Harvard, He knew that he was very close to the life he has always dreamed about, 80000\$ a year, a BMW and a low interest mortgage. He had the ambition and the hunger for success, Evident from his background. The firm by John Grisham will put you in the shoes of Mitchell Mcdeere and take you through an exhilarating experience of working in a

top law firm earning the top dollar. But is it all perfect working for a top law firm?

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The firm talks about the ultimate choice every lawyer has to make in his career the choice between Justice and Money. The firm shows you that deception and corruption is everywhere, even in the departments which are supposed to Adjudicate and enforce justice.

"Sickly plotted.... Unputdownable" Mail on Sunday

"A furiously paced thriller" Sunday times

A must read for all law students.

Collected By Mr. V V N Nived

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Legal Luminares

Hon'ble Mr. Justice B.P. Jeevan Reddy, Former Judge



Hon'ble Justice B.P. Jeevan Reddy, Former Judge, Supreme Court of India and Former Chairman, Law Commission of India, had completed his law from Osmania University in 1954 and enrolled as an advocate in the Hyderabad High Court in 1955 and continued his practice in High Court of Andhra Pradesh, Hyderabad after formation of Andhra Pradesh. He mainly practiced on Civil and Constitutional Law areas. He was appointed as of Andhra Pradesh High Court in 1975, as a Chief Justice of Allahabad High Court (UP) in 1990 and as a Judge of the Supreme Court of India in 1991. After retirement from the Supreme Court of India in March 1997, he was appointed as Chairman of the Law Commission of India in November, 1997 and as Adhoc Judge, International Court of Justice at the Hague in the dispute between India and Pakistan in 2000 and as member of the National Commission to Review the Working of the Constitution by the Government of India in 2000 and reappointed as the Chairman of the Law Commission of India after the expiry of the first term.

During his tenure in the Supreme Court, Justice Reddy delivered several landmark judgments on various branches of law, in particular on issues of reservations in favour of backward classes,

declaring the right to education as a fundamental right, regulating the power of the President to dismiss State Governments, enunciating the right to privacy, enlarging the protection to press and media in defamation cases and affirming the doctrine of unjust enrichment.

Ram Jethmalani, Lawyer



Ram Jethmalani (Full name: Ram Boolchand Jethmalani, born 14 September 1923) is an Indian lawyer and politician. He has served as India's Union Law Minister and as Chairman of Bar Associations. He has represented a sweep of cases from the high-profile to the controversial for which he has often faced severe criticism. He is the highest paid Indian lawyer.

Ram Jethmalani is known as a maverick lawyer with many distinctions to his credit. He obtained a law degree at an early age of 17 and started practising law in his hometown (in today's Pakistan) until the partition of India. He married Durga Jethmalani and later, his second wife, Ratna Jethmalani. The partition led him to move to Mumbai as a refugee and he began his life afresh with his family. He has two sons and two daughters, of whom, Mahesh Jethmalani and Rani Jethmalani are also well known lawyers.

He was elected a member of parliament in 6th and 7th Lok Sabha on a Bharatiya Janata Party (BJP) ticket from Mumbai. He has served as Law Minister of India and also as Minister of Urban Development during the Prime Ministership of Atal Bihari Vajpayee against whom he later on contested election in General Elections of 2004

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from Lucknow constituency. However in 2010 he came back to BJP and was elected to Rajya Sabha on its ticket from Rajasthan. He has also been criticised as being opportunistic because of this.

He is a well known face amongst the legal community in India. Even though he is primarily known as only a criminal lawyer, he has appeared in many high-profile cases. On 7 May 2010 he was elected to be the president of Supreme Court Bar Association.

Ram Jethmalani has been awarded with International Jurist Award, World Peace through Law Award and in 1977 he received Human Rights Award instituted by World Peace through Law for his fight against authoritarianism at Philippines.

Mr. Abhishek Gupta,

Semester V, BBA.LLB.(Hons.)

Students Special

ATTORNEY: Do you recall the time that you examined the body?

WITNESS: The autopsy started around 8:30 PM

ATTORNEY: And Mr. Denton was dead at the time?

WITNESS: If not, he was by the time I finished.

Between grand theft and a legal fee, there only stands a law degree.

God decided to take the devil to court and settle their differences once and for all. When Satan heard this, he laughed and said, "And where do you think you're going to find a lawyer?"

Lawyers are the only profession where the more there are, the more are needed!

– Robert Lucky, IEEE Spectrum

No artist ever interpreted nature as freely as a lawyer interprets the truth.

– Jean Girardoux.

"The more the laws, the less the justice."

– Marcus Tullius Cicero

"Protest beyond the law is not a departure from democracy; it is absolutely essential to it."

– Howard Zinn

"Laws are like cobwebs, which may catch small flies, but let wasps and hornets break through."

– Jonathan Swift

Collected by Mr. Sourya Banerjee, Semester V

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Competitions

BITS MUN 2013

Ms. Dalia Pasaari,

Semester I, BBA.LLB.(Hons.)

We have all represented ourselves or our educational institutions somewhere, sometime in our life. But representing a Nation is a very enriching experience altogether!

As the delegate of Philippines, I participated in the BITS MUN 2013 organized at the BITS Pilani Campus, Hyderabad on the 11th, 12th and 13th of October. The MUN was organized as a part of Atmos, the annual fest at BITS Pilani, Hyderabad. I was a part of the Human Rights Council of the United Nations and the Agenda set for this Committee was the Protection of Human Rights in Cyber Space. Sitting amidst sixty Delegates, coming from different parts of the country, representing different countries around the globe and discussing this one major issue affecting millions of lives, was a learning experience indeed! Furthermore, it seemed to be the perfect approach of meeting new people, making friends and socializing with a crowd of different ages and diverse professions. It not just ends at learning and socializing, but also gave opportunities for loads of fun and entertainment by the various social nights organized as part of Atmos. The first evening was followed by a Dandiya Night with lots of students hitting their dandiya sticks to the Gujarati beats. On the second evening, the very popular Carnatic Progressive Rock Band Agam, performed for the large crowd of enthusiastic youngsters. The last evening of the event accommodated the Closing Ceremony and the distribution of awards.

Being exposed to the MUN experience for the first time, I would definitely add that I got to learn a lot from it, besides being able to enhance some of my public speaking skills. Interacting with so many new people and listening to the view points of different delegates also widened my scope of knowledge. Besides, strictly adhering to the terminology followed at the Model United Nations seemed more like a professional activity.

Edited by Mr. Sourya Banerjee

BITS MUN-2013

Ms. Roshni Peeti,

Semester I BBA.LLB.(Hons.)

BITSMUN'13 being my first MUN was truly an amazing experience. From being the delegate of Jordan, I was exposed to variety of knowledge posed by students from different universities and colleges. MUN is such a platform, where students get an opportunity to bring out their knowledge focusing on global issues (our being violating human rights in cyberspace) and hereby get a hand on improving our intellectual and communication skills. During the end of the MUN, though it was a fun voting within the council itself, I had been voted as the third prettiest delegate of the UNHRC council by the majority of the council delegates. I am looking forward for many more such MUN opportunities, which will definitely bring out my best of efforts and talent.

Edited by Mr. Sourya Banerjee

Conference Participation

Ms. Ch.Lakshmi Anusha, Semester VII, BBA.LLB.(Hons) participated in **GNLU International Conference** on "Modern Corporate Laws : Understanding the Dynamism Within and Beyond the Legal Boundaries" and presented the Paper titled "**Mandatory Corporate Social Responsibility in the Indian Context**" held at GNLU, Gandhinagar on 5th and 6th October 2013.

4th NALSAR Inter-Varsity Debating Championship

Students of Semester V, BBA.LLB.(Hons.) **Mr. Abhijeet Andrews, Ms. Annu Kumari, Ms. Gehna Banga, Mr. Manoj Reddy, Mr. Sourya Banerjee,** and a student of Semester III, BBA.LLB.(Hons.) **Mr. Sahojit Dutta** participated in **4th NALSAR Inter-Varsity Debating Championship** held on 20th to 22nd September 2013.

Conferences Ahead

- 1) **Conference of Delegates; December 27th – 29th, Hyderabad.**
- 2) **Deccan Summit; January 3rd – 5th, Hyderabad.**
- 3) **ACE Model United Nations; January 9th – 12th, Hyderabad.**

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Colloquium

Legal Maxims

Caveat emptor

Meaning: Buyer beware

Where to use it: If your favourite place to buy antiques is Chor Bazaar, do remember caveat emptor before you lighten your wallet by a few thousand bucks

Audi alteram partem

Meaning: No man can be condemned unheard

Whom to use it with: Next time your wife accuses you of not paying enough attention to her while you're glued to your favourite sport, use audi alteram partem in your favour – but make sure you come up with a good explanation when she asks for one (women love explanations).

Res ipsa loquitur

Meaning: The thing speaks for itself

When to use it: When after an abdominal surgery, the surgeon leaves a scalpel in your tummy, his/her negligence would be res ipsa loquitur.

Volenti non fit injuria

Meaning: No injury is done to someone who has consented; it is a voluntary assumption of risk

Why to use it: You know your boss has: (a) had a fight with his wife this morning; (b) cancelled his vacation due to work; (c) abused a demanding client over a call forgetting to put the phone on mute; and you still walk in to his office to negotiate your raise. He throws out your demand and you cannot complain – this is a classic case of volenti non fit injuria.

Nemo debet esse iudex in propria causa

Meaning: No man can be a judge in his own cause

How to use it: You've just polished off an entire packet of potato chips and wonder whether your growing love handles can deal with a second one. You decide they can. You just violated this maxim.

Collected by **Mr. Abhishek Gupta**,
Semester V, BBA.LLB.(Hons.)

Clinics and Internships

Legal Awareness Camp

Faculty of Law conducted Legal Awareness Camp at Janawada Village Gram Panchayat Sarpanch Office on 26th October 2013 by the Dr. L. Lakshmi, Faculty-in-charge, Legal Aid Center and the Students of Semester VII, BBA.LLB.(Hons.).



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