

ICFAI
LAW SCHOOL
HYDERABAD



The Student

Lawyers' Musings



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Editorial Board

FOREWORD

Dear Reader,

Greetings from Editorial team!

Most projects start well and with good intentions, they just require caliber and ability towards the completion. Similarly, we are glad to bring to you the next edition of our magazine. This is the effort of each and every student of our esteemed institution, who with their intention to bring you their best work and with the help of their abilities have showcased their thoughts on various issues and thus have tried in making this magazine very unique.

'THE STUDENT' as the name suggests is an effort of the students of this institution who have put forward their contribution for the completion of this magazine. As you make your way through the magazine, it is quite sure you will be mesmerized with each and every page and I am confident that you will acknowledge the pain taken by our writers and artists who have tried to put forward their thoughts in each line or with their brushes to show you the real value of our culture, tradition and opinions with regards to current legal and worldly aspects.

Working on this edition of the magazine was much more fun owing to the variety and amount of contents we received along with suggestions for a better version of 'THE STUDENT'. As we progress, it is a promise from the editors side to bring you an enhanced edition in the near future.

As this magazine is completely studentcentric and couldn't have been made possible without their efforts, we are open to feedback from every end.

For any suggestions, kindly reach us at ergaliterarium@ifheindia.org.

Subham Kumar Dalara
Editing In Charge

OUR CONTRIBUTORS



A Dream of Unity in the Sphere of Diversity

Aritra Kundu

Aritra is a II-year student of BBA-LL.B (Hons.). He is a very enthusiastic person and likes to read a lot of books, especially novels. He calls himself a 'book hound'. He aspires to specialize in Cyber Law.



THE IMPACT OF ONLINE MARKETING ON SMALL AND MEDIUM SCALE ENTERPRISES

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An Evening with Shahid Azmi

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OUR CONTRIBUTORS



Human Rights violations at Workplace

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Shubham is a II-year student of BBA-LL.B (Hons.). He is an avid reader and speaker with an interest in social and human rights issues. He aspires to work towards the betterment of the society and aims to turn things around for the less fortunate.



Interview with Vamshi Krishna, Facilitator at The Art of Living

Laxmi Neeharika Neela

Neeharika is a I-year student of BBA-LL.B (Hons.). She is an avid reader with an interest in English classics. She aims to become a Corporate Lawyer.



Marital Rape

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Aditi is a I-year student of BBA-LL.B (Hons.) and hails from Bhubaneswar, Odisha. She researches on emerging social issues and is very passionate about writing. She loves to immerse herself in nature, people and history, learning and growing.

OUR CONTRIBUTORS



Internet Freedom - A Fundamental Right

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Reethamshi is a 1-year student of BBA-LL.B (Hons.). She is an avid researcher and loves to read novels. She has a deep interest in cyber freedom and hopes to create a positive impact in the field of technology.



Future of Human Rights and Education in the Global Scenario

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COLLEGE IN TIMES OF COVID

Not everything that is faced can be changed. But nothing can be changed until it is faced.

-James Baldwin

At a time when the whole world is affected by this unseen force of nature, various sectors have been hit hard. The education sector has also become a victim of this pandemic. Students futures are at a stake due to the upcoming economic and social catastrophes.

ICFAI Law School, Hyderabad evolved and adapted this abrupt break in order to prepare students and keep the river of learning afloat. We at ICFAI Law School, Hyderabad began using technology at hand as a mode to educate students and began using Google Classroom, a platform where Professors could send reading material in the form of PowerPoint Presentations, PDFs and voice recordings. In order to further enhance and abridge the gap of a teacher's presence, ICFAI Law School, Hyderabad began having virtual online classes on video conferencing platforms such as Zoom and Google Meet making accessibility to Professors easy for students. Direct interaction would help students understand the concept directly while students could ask any doubts that they had.

In addition to these classes we have also begun to hold webinars for our students which would enhance their knowledge and help them take better decisions regarding their future. Our panelists include renowned Lawyers, Professors, Lecturers and Professionals from various backgrounds in the field of Law. We feel that we have taken this challenge in the form of lockdown in a very effective manner so as to decrease the pressure on the students. We request our students to stay home, observe physical distancing and follow the guidelines as prescribed by the World Health Organization. Keep yourself **safe**, keep everyone **safe**!

MARTIAL RAPE

BY ADITI MISHRA

She is the creative force of the cosmos in almost all of its expressions. Life starts in her womb and it is in her guiding hands and fond care that brings a human into being.

The extent of her arms can supply aid to many at once and just one embrace from her could restore everything from a bruised knee to a shattered heart.

She works unceasingly; frequently putting more hours than are there are in one single day: cleaning, cooking, nursing and still managing to look evergreen at all times. She impersonates different roles, i.e., a mother, wife, daughter, sister, friend, counselor, all at once; tossing it all to, perfection.

The ideal sacrosanct; the mirage of Indian marriage vented by the Indian mainstream media is contrary to the realities faced by a woman. Marital rape has been the most prevalent forms of assassination of dignity of a woman; it's latent in the veils of holy reunion of souls, marriage. It's often argued against Marital Rape that the husband gains unquestionable rights and her wife is to duly submit to him; this right cannot be retracted as it was gained by mutual consensus. This robs a woman off her sexual agency and bodily integrity. Hence, it goes against the core ideologies of women's rights. The judiciary must be enforced to accept rape within a marriage as a crime. Women must break free from societal shackles and not comply to the stereotype of being the weaker gender.

It's high time that the society's view of rape is that 'which only occurs at night, to women in dark alleys, by men they have never seen or met before' change.

NATIONAL SEMINAR ON INTERNATIONAL TRADE LAW

ICFAI Law School, Hyderabad organised a National Seminar on International Trade and Investment Law on the 10 and 11 of January 2020. The National Seminar was conducted under the supervision of our Director, Prof. A.V. Narasimha Rao who chaired this event. It was coordinated by Dr. Ramadevi Gudemela along with Ms. A. Raja Rajeswari. The seminar rose to its value due to the presence of our Chief Guest, Former Chief Justice of Sri Lanka and currently an Honorary Professor of Law at National Law University, Delhi, Justice Mr. Mohan Peiris. The seminar witnessed the participation of a wide range of students, research scholars, academicians who came forward to share their knowledge under the very concept of this seminar. The concept of the seminar was to identify the overlapping issues, the interplay between trade and investments, the different needs of a particular region and the effectiveness of the dispute resolution mechanism in settling the issues. In order to find a answer to these issues, around 12 themes were present under the banner of this seminar and students from various universities, research scholars, academicians under this discipline of trade law were invited to present their papers. The selected papers were in an ISBN book under the publication of ICFAI Law School, Hyderabad.



THE IMPACT OF ONLINE MARKETING ON SMALL AND MEDIUM SCALE ENTERPRISES

BY GOURISH GOYAL

The purpose of this article is to determine the impact of online marketing on small and medium scale enterprises and how social media can help or influence them to establish a better business through online marketing.

Nowadays internet has become an important part of our lives, from shopping to education, online applications and electronic media. Companies like Amazon, Zomato, Bewakoof, Snapdeal, Flipkart all of their work from buying to selling is done online in the form of apps and websites. And these companies have huge market share. Majority of consumers are going online for their purchase as is not only easy to search or know about the product, but also is time saving, convenient, travel saving and also we can directly contact the seller. This directly impact the business of small and medium scale enterprises or companies like Canva, Wordpress as they do not have that much capital to invest in making their own apps and websites, as to maintain these things it costs 50k to 80k Rs per month etc.

But as of now or in today's world the majority of businesses use social media to enhance the relationship with consumers as Electronic media's interchanging Digital Media through mobile phones and tablets. There is great variety of social media networks like Facebook, Instagram, YouTube and LinkedIn and as in today's world most of the people use social media 24 x 7, these social media applications eventually help medium and small scale enterprises to advertise about their products because they don't have that much capital to invest in these social media apps and websites and these social media apps charge only 3000 to 5000 Rs per month.

The internet has revolutionized a lot of businesses and customer's behavior and enabled the customers and organizations to communicate easily. To stay competitive in business, enterprises need to use modern digital marketing techniques of the internet. Companies can use the internet as a tool for advertisement, a listing of currently available stocks

with detailed specifications, booking orders, promoting its identity and communicating with customers all over the world. The customers and other stakeholders can chat live and discuss their problems, complaints, questions and other matters with a company representative, it builds up the confidence and acceptance of quality services of a company. The internet allows enterprises to identify new market opportunities leading to business expansion. Aral et al. (2013) advocated that, transforming is gradually occurring from traditional methodologies and techniques to digital media and innovations.

In the pre-digital media, awareness about a business or an industry was limited only to local boundaries or at the most spread nationally. Mostly, print media supported by radio and TV was used for advertisements and creating acquaintance among communities and masses. However, at present, creating your own app is easy, as of growing internet by which business activities remain alive and active 24/7 and it helped a lot to small and medium enterprises to play a fundamental role for current economies of developing countries and are having importance at levels; the micro and macro. It has been estimated that SME's earned \$3.5 billion(1999) in e-commerce sales and this value now grew to over Rs 2110 billion (31 billion US \$) industry by 2016.

Now, even SMEs can hire online consultants for technical advice and guidance from, where they find appropriate personnel. Even the faults, failures and problems of material, machinery and equipment can be shared within no time with their manufacturers and complaints can be placed with them immediately. The world has just shrunk virtually and became smaller with digital marketing. Thus, businesses from one part of the world market to another can be committed as if these are just at a small distance away from each other. Geographical distances have no significance in digital media marketing because businesses can reach and interact with targeted customers present at any place of the globe, if internet is present there. This could never be possible in traditional marketing methods.

We came to the conclusion that the growing use of internet all over the world's all because of electronic media i.e. use of mobile phones, tablets and laptops not only lead to grow of social media apps but also created a great impact on the medium and small scale enterprises to grow their business at large scale as we can see in today's world SME's have a great market share as per the above statistics and in the coming years it will boom the market, which will eventually lead to more new products, growth in the economy, GDP and more opportunities for the next generation.



ICON 2020



Peace, like war, must be waged.

-George Clooney

ICF AI Conference of Nations 2020, the college's flagship Model United Nations (MUN) was held at ICF AI Law School, Hyderabad during 24-26 January, 2020. The competition saw undergraduate participants from all over India showcasing their oratory and leadership skills.

The first day witnessed the inaugural ceremony which was graced by our Vice Chancellor Prof. J. Mahendar Reddy, Director Dr. A.V.Narasimha Rao and Event Coordinator Dr. Madhur Irene. Thereafter the Executive Board Members were introduced for each council. With a thud of a gavel, the competition was declared open after which the initial session took place.

Everyone looked forward to the second day of the MUN since 6+ sessions were to be held in different councils. The delegates were seen giving their very best and one could witness the highest quality of competition at hand. Main events of ICON were the United Nations General Assembly and Lok Sabha. The passion of delegates at the different councils was a sight to behold. Everyone was at the edge of their seat trying to grab an opportunity to leave their mark. The Lok Sabha, the House of People saw a very fiery debate since the Government was introducing its legislations with regards to Citizenship which is a very hot topic all around the country. Delegates were emulating MPs allotted to them and were doing a very fabulous job.



The third day of ICON was much more interesting than the earlier days due to the presentation of solutions with regards to the agendas presented yesterday. Voting was such a sight that even the Organizing Committee Members stood spectating it. Submission of resolutions by the delegates was followed by a closing ceremony wherein the prizes were distributed and thereafter the MUN was declared closed. A DJ Night was organized for the participants in order to loosen and refresh after a hectic and stressful three days.

Being an ICFAI, one eagerly looks forward to the next edition of ICON!





FUTURE OF HUMAN RIGHTS AND EDUCATION IN THE GLOBAL SCENARIO

BY P. SAMAY KUMAR

Globalization is a train, it stops at limited stations.

-Shashi Tharoor

Abstract

The article examines Human Rights and Education through the prism of Globalization. Our capacity to affect Human Rights Promotion and protection in this century is greater than before. To unleash this power we need to have, a thorough idea on the subject. Globalization, Human Rights and Education must have a mutual respect among them as it is necessary for the development of Globalized society. Globalization today is most often associated with economic interdependence, deregulation, and a dominance of the marketplace that includes a shifting of responsibilities from state to non-state actors. Economic globalization has to be a fair globalization, enabling the realization of human rights and the protection of the environment. For more than a decade, the Institute had focused on business and human rights. But now it is high time to relate it with education. Some people have associated globalization with progress, prosperity and peace. For others, however, the word has conjured up deprivation, disaster and doom. Fortunately education is in the brighter side. Global education interconnects methods of teaching from worldwide systems to encourage the international development of environmental sustainability.

Introduction

Each and every one of us, as ordinary citizens, knows very well that our lives do not cease to exist at the borders of our society. Even citizens who do not frequently travel abroad will quickly recognize that the space in which they are evolving is plural and heterogeneous, and no longer coincides with the borders of the country where they live. The cultural, economic, educational, human rights, consumption, intellectual, religious, media, sports and social practices in their everyday lives are a part of social networks that do not share the same socio-spatial demarcation. These networks may be local, national, continental, occidental or even planetary or global.

Before going to discuss the impact of globalization on higher education and human rights, it is very pertinent to know about the meaning and origin of the concept. Globalization simply means a new space in which other social relations are organised and important dimensions of our lives in society are structured but it has not brought about the disappearance of international relations. According to Claude Barfield, "Globalization is the impact of changing technology on individual countries, individual societies over time and he thinks globalization is very much technology based. The tighter-knit globalization we are experiencing today would be impossible without the breakthrough over the past several decades in transportation efficiency, underpinned by the communication revolution

1.C.J. Nirmal, Human Rights in India, Historical , Social and Political Perspectives,(Oxford University Press, New Delhi,2004).

2.M.K. Sinha,Introduction of Basic Human Rights ,(Manak Publications Pvt. Ltd Delhi,2002)

that now allows for instant messaging to individuals and organisations all around the world.

Further, globalisation refers to “forceful changes in the economic, social, political and cultural environment, brought about by global competition the integration of markets, increasingly dense communication networks, information flows and mobility. Reflecting processes of global competitiveness, for example; between great regional blocs such as the United States, the European Union and the Pacific Rim, implies, as Peter Scott formulates, a radical reordering of the old world-order of Great powers since “national boundaries are rendered obsolete by the transgress tendencies of high technology and mass culture”.

Regarding the genesis of the globalisation some argue it is, recent development but some American experts believe that it is a phenomenon that has been going on for a long time in a variety of forms, virtually since people of one nation began trading with those of another. In fact, the period from the 1870s to the First World War, a time of tremendous change in transportation and communication, was once seen as a golden age of globalisation. After 1945 it is seen there is burst of new technologies in terms of instant communication and very quick travel helped the term to grow more. It gained popularity after the Cold War in the early 1990s, as these cooperative arrangements shaped modern everyday life. This guide uses the term more narrowly to refer to international trade and some of the investment flows among advanced economies. In nutshell, today the globalisation is defined in terms of trade and technologies.

The main benefits of globalisation are the ability to consume better goods and better products at cheaper prices, to have a better quality of life that begins in economics, but it doesn't end there, because people have other goals in their lives besides just economic goals. But the globalisation is a means by which they can reach those other, personal and national and societal ends. The connection between trade, development, and political reform is not just a throw-away line. In theory and in practice, economic and political freedoms reinforce one another Political philosophers from Aristotle to Samuel Huntington have noted that, economic development and an

expanding middle class can provide more fertile ground for democracy.

Impact of Globalisation on Education

Education is undergoing constant changes under the effects of globalisation. Knowledge is being depersonalised, deteriorated and globalised. It is being taken out of its traditional context and disseminated by new media of communication. In the global age, the scholar's are opening beyond traditional spaces of the library, the seminar room and the study into the virtual level. The new technologies of communication have made feasible the virtual university. Whether this is the negation of the idea or a new level of reality with which we have to live will be debated for some time...”

Globalisation poses a fundamental challenge to tertiary education, both with respect to the core functions of the university and to its institutional self-definition. For the purposes of our study, we see Globalisation as the uncontrollable processes of dissolving national boundaries and hegemony brought about by world competition and the integration of markets both of which have been made possible by high technology. In contrast, internationalisation we regard as the active response of a given institution of higher education to the perceived insufficiencies of national definitions of the core functions of higher education. Since globalisation processes have often sharpened the perception of such insufficiencies among university representatives, internationalisation activities can in many cases even be regarded as institutional responses to globalisation processes. But while the latter ignore national boundaries, internationalisation works with them in order to transcend them.

Human Rights came into Being

Often a problem becomes a subject of international action, only after a dramatic event crystallizes awareness. For example, the discovery of the Antarctic ozone hole contributes significantly to the recent upsurge of international environmental action. The catalyst that made human rights an issue in world politics was the Holocaust, the systematic murder of millions of innocent civilization of Germany, during World War II. The human rights record of the victorious Allies was anything but

3. R.Chandra, Education and Challenges of Globalization,(Kalpez Publications Delhi,2005)P.212

4. R.M. Pal, Human Rights Education,India's Heritage, in Henry Thiagraj (Ed) Human Rights from the Dalit Perspective, Chennai,1996.

exemplary. Before the war and in its early days when action was still possible, little was done to aid Jews trying to escape from Germany and the surrounding countries. In fact, some who were able to flee were denied refuge by Allied governments, including the United States. During the war, no effort was made to impede the functioning of the death camps, let alone rescue their victims. For example, the Allies did not even bomb the railway lines that brought hundreds of thousands to the slaughter at Auschwitz. The world watched-or, rather turned a blind eye to-the genocide, massacre of six million Jews and a half million Gypsies, and the death of tens of thousands of Communists, social democrats, homosexuals, church activists, and just ordinary decent people who refused complicity with the new politics and technology of barbarism. Only as the war came to an end were Allied leaders and citizens, previously concerned exclusively with military victory, willing to begin to confront this horror. But when people dealt with the Holocaust in international organizations, they were forced to face to face it armed only with their moral sensibilities. As we have seen, international law and diplomacy before the war

had not addressed human rights. The first step in filling this void came with the Nuremberg War Crimes Trials (1945-1946), at which leading Nazis were prosecuted under the novel change of crimes against humanity. Many have seen this as ex post facto prosecution for acts that although clearly immoral, were not legally prohibited at the time they were committed. The process also had the appearance of bias; losers were punished, but there was no inquiry into the crimes of the winners. Nonetheless Nuremberg was an important step toward international action against human rights violations.

Human rights really emerged as a standard subject of international relations, through, in the United Nations (UN). The Covenant of the League of Nations did not mention human rights. The Preamble of the Charter of the United Nations, by contrast, includes a determination "to reaffirm faith in fundamental human rights." Article 1 lists "encouraging respect for human right and fundamental freedoms for all" as one of the organizations principal purposes and the United Nations moved quickly to elaborate strong international human rights standards. On December 9, 1948, the Convention on the Prevention and

Punishment of the Crime of Genocide was opened for signature. On the following day, the General Assembly resolution of Human Rights,' the 1948 General Assemble resolution that provides the most authoritative statement of international human rights norms. Most countries celebrate December 10, the anniversary of its adoption, as Human Rights Day.

Human Rights are of immense significance in the third Millennium. Safeguarding them is the primary responsibility of the state in an era of welfarism. Securing fundamental human rights is an intrinsic part of the agenda for everyone in the contemporary world. Mankind is faced with tremendous challenges on the human rights front, because of blatant violation of human rights. In a conflictual situation, in different parts of the world; war, pestilence, violence, ethnic / racial conflicts, border disputes etc. generate immense sufferings due to forced displacement. The Universal Declaration of Human Rights very eloquently specifies the universality of fundamental human rights to life, liberty and security of the person.

Is Globalization good for Human Rights?

There is considerable debate over the question of whether or not globalization is good for human rights. The positive contributions of globalization have even led to the proposal that, it be accepted as a new human right. In general, trade theory predicts a significant increase in global welfare stemming from globalization, indirectly enhancing the attainment of economic conditions necessary for economic and social rights. Thus, many believe that market mechanisms and liberalized trade will lead to an improvement in the living standards of all people. Some also posit that free trade and economic freedom are necessary conditions of political freedom, or at least contribute to the rule of law that is an essential component of human rights. There is also the possibility that economic power can be utilized to sanction human rights violators more effectively. Ease of movement of people, goods, and services are enhanced. In sum, Judith Bello argues that:

"Trade liberalization promotes the growth of stability-promoting middle class all over the globe;

5. H. Thiagaraj, Human Rights Education for Social Transformation, (Ed) Human Rights from the Dalit Perspective, (Gyan Publishing House, New Delhi,2007.)

6. A.K. Pathak, Human Rights,(Ed)Silver Line Publications, Faridabad,2005.

trade enhances efficiency and wealth and thereby creates potential revenue for environmental protection. Trade creates jobs in developing as well as developed countries, thereby reducing the pressure on both illegal immigration and illicit drug trafficking. Trade liberalization is not a panacea for the world's problems, but it can be part of a solution for many of them."

Opponents of globalization see it as a threat to human rights in several ways. First, local decision-making and democratic participation are undermined when multinational companies, the World Bank, and the IMF set national economic and social policies. Second, unrestricted market forces threaten economic, social, and cultural rights such as the right to health, especially when structural adjustment policies reduce public expenditures for health and education. Third, accumulations of power and wealth in the hands of foreign multinational companies increase unemployment, poverty, and the marginalization of vulnerable groups.

Human Rights Education

Human Rights Education is not meant for any particular group. The target group is the whole world population. Following this objective, the world conference on human rights at Vienna, June 1993, considered the importance of human rights education and training. The conference also considered the public importance of human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual trust, tolerance and peace.

Globalization on Human Rights Education

The vision of human rights education is very broad; it aims not only to make society; human rights principles but to sensitize men and women about human rights and to train them in meeting the challenges of the 21st century. Recent changes in global politics, however, have ushered in changes creating more democratic space that makes favourable for people's movements, NGO's civil society and people's alliances to engage in human rights protection and promotional work. Some of the governments have also established Human Rights Commissions. These agencies are faced with numerous challenges that include changing the

protection and attitudes; how to bring about reform in the bureaucracy and legal system; and democratisation of institutions and governance through genuine people participation and empowerment. To meet these challenges there is a growing need to develop human resources for establishment of a truly democratic, just and peaceful society.

Conclusion

The new millennium has ushered in new opportunities and yet the old questions and challenges remain. The tremendous leap in the field of pure sciences and technology has been great and unparalleled in the past century, yet the persistent scenario of massive poverty, rampant violence and lack of peace, blatant deprivation and social injustices point out the dire imbalances and gap. In the forefront of the quest for enlightenment and conquest of the unknown future is education. Unfortunately, the same civilizing system (of education) which we have created in the hope of delivering humankind from the dark clutches of ignorance and poverty has frequently lend itself to be the instrument of our continued enslavement and captivity in to life systems that has long become obsolete. The system of governance riddled with much corruption, the economic system that promotes consumerism as model of development and a cultural set-up that does not pay recognition of the traditional and indigenous values are the order of the day. All these have contributed in propping up an educational system that have bred passivity, competition and indifference and isolated from socio-cultural milieu and divorced from realities. This kind of education has not only failed in its mission of answering the questions but has also chosen to keep silent and alienated from the realities. Our challenge then is to evolve an educational system that is responsive to the call of the times and the educational institutions especially the universities, will be the torch bearer through which a highly civilized and sustainable society can be built, to face ensuing difficulties in the era of globalization.

7. Judith Bello, National Sovereignty and Transnational Problem Solving, 18 *Cardozo L. Rev.* 1027, 1029 (1996)

8. Patricia Stirling, The Use of Trade Sanctions as an Enforcement Mechanism for Basic Human Rights: A Proposal for Addition to the World Trade Organization.

OPEN MIC

An intracollege open mic competition was held by the **Erga Literarium**, Literary Club of ICFAI Law School on 5th February, 2020. It was broadcasted live on their Instagram handle [@lit.club.ilsh](https://www.instagram.com/lit.club.ilsh). It was a one of a kind event, which saw all our talented performers on a single stage and was adjudicated by Dr. Jayanthi Reddy and Prof. S. Rakesh. This event was appreciated for its uniqueness by Faculties and students alike. Students also suggested that more number of events, like this one would allow them to display their talent. We wish the performers and winners of the competition, the very best for the future!



HUMAN RIGHTS VIOLATIONS AT WORKPLACE

BY SHUBHAM KUMAR DALARA

Human Rights are the essential rights that belong to each person within the world, from birth until death. Everyone has the right to lead their life and decide how they want to progress in this society. But still in this progressive society, there is a sad reality that human rights violation has increased in this society globally.

Human rights are rights inherent to all or any citizenry, no matter race, sex, nationality, ethnicity, language, religion, or the other status. Human rights include the proper to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the proper to figure and education, and lots of more. Everyone is entitled to these rights, without discrimination. For the safe guards of these rights there have been steps taken on national and international grounds.

International human rights law have laid down certain obligations for the Government of different countries to act in certain ways and refrain from acting certain things which would be against the rights of a human being. And on National grounds, the national human rights cell works upon whether they are properly implemented and what more changes is needed for the protection of human rights in their country.

Similarly, Human Rights violation has increased over the years and basic rights of the workers are getting violated at the workplace. It's important to know what constitutes a human rights violation at the workplace. Any workplace conflict or bullying with respect to the employees by the employer

constitute human rights violation of the worker at the workplace. Bullying may be on the basis of race, color, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or unrelated criminal conviction (often mentioned as "protected grounds" under the Human Rights Code) constitutes a person's rights conflict within the workplace.

Human right of a worker does not end as soon as the office is over and he is heading back home. Human rights of a workers strings along as long as he is working in the workplace and at any time of the day during that period when he is working for the particular organisation. Even the organisation need to take care of the family and personal life of the worker if needed and causing any harm to the same would be also considered as worker's rights getting violated at workplace.

Everyone who is working in the workplace has the rights to claim that his/her rights are secured at the organisation where he or she is working. If any details is related to the worker may it be emails or the cctv footage then it's the legal right of the employer to know about the same and acknowledged by the employer before any actions is being taken on the topic. But it is a sad reality all around the world especially in the country like India where we have lot of business organisations where thousands of workers daily are not allowed to look or know on anything which is related to privacy and their rights have been violated and this has been never raised as a question by the employees before

the employers in fear of losing their jobs and their open environment has been around the close cubicles where they work all day long.

Discrimination is the term where we all have been knowing and our ancestors has been fighting from the time immemorial. Workplace discrimination may be on any grounds such as sex, colour, caste or etc. even though it has been argued by the HRs of the organisations time to time that no discrimination has been there in their organisations but reports have claimed that many workers have claimed that the organisations have continued to harass them on the definition of discrimination at various levels. Employees are harassed and discriminated while promoting them on the basis of their sex or on any other ground of discrimination. This reports or complaints again do not come out of the cubicles just as to ensure that this did not affect the organisations reputation, the manager forces the employees on maximum cases to keep quiet regarding the same.

After years of struggle between the employees and employers, finally many human rights organisations of different countries have come forward and have acknowledged that how workers are getting sexually harassed at workplace. With the word 'WORKER' I mean both the men and women. Workers getting sexually harassed at workplace also come under the ambit of violation of human rights of the workers. Even though today human rights cell have been working for the progress of the women society and trying to make rules and penalise those who harass women sexually at workplace but recently reports have come up globally that men are getting more sexually harassed at workplace and there has been hardly any rules for the men. Men don't complain about sexual harassment at workplace for many reasons and hardly human rights cell of different nations have come for their help.

Human rights are the basic rights of every human being and can be rightly said that human rights is the root for every law to come up. Every law that's present there today is for the conservation of the human rights. But on that note, workers are continuously harassed at workplace and made to work extra hours and not given holidays at times with no extra payment and the organisations are continuously violating the rights of their workers just for their sake to stay in competition between the organisations. It's the right time that human rights cell of different countries as well as of the international organisations should come up and take this issue seriously and try to make things better for the workers working at workplace.

NATIONAL SEMINAR ON COMPETITION LAW

ICFAI Law School, Hyderabad organised a one day National Seminar on Competition Law on the 29 of February, 2020. The theme of the conference was **Competition Law 2.0: A way Forward** and it was conducted under the supervision of our Director, Prof. A.V. Narasimha Rao chaired this event. It was coordinated by Mrs. Richa Prateek Jain along with co-coordinator Mr. Hartej Singh Kochher. The seminar had its own value because it was organised in association with the Competition Commission of India. The seminar had the presence of Dr. Papi Reddy, Chairman of Telangana State Council for Higher Education. It also witnessed a wide range of students, research scholars, academicians who came forward to share their knowledge under the very concept of this seminar. The main aim of organizing this seminar was to bring forth novel issues that hound effective implementation of competition law in the country and are detrimental to the economic growth and consumer welfare and to suggest the way forward. The seminar had around 21 themes covering a wide range of topics under the main theme of this conference and students from various universities, research scholars, academicians under this disciple of trade law were invited to present their paper under this various and wide range of themes and provide solutions to the very concept of this seminar. The selected papers were also published in an ISBN book under the publication of ICFAI Law School, Hyderabad.





INTERNET FREEDOM

A FUNDAMENTAL RIGHT

BY K. REETHAMSHI

We live in the age of internet, which has become an important part of our life and we can't live without it. From ordering food to booking movie tickets, buying and selling goods we are totally dependent on internet. It became a vital part of our lives by which our works became easier. We are accessible to internet at high data speed as well as government also providing free public wifi at various public places. We all are enjoying the benefits of it.

But it's not the case with the people who live on the paradise of Earth; Kashmir which is etched with violence and military. While the mountains of Himalayas spell tranquillity yet, blood is shed is every day. There arises a balance between the liberty and security concerns so that the life is secured. In order to secure people, the liberty can be curtailed. As a result, the valley frequently faces disconnectivity of mobile phone networks, shut down of internet services, landline connectivity.

These restrictions were laid down under section 144 of Criminal Procedure Code 1973, which gives the authorities, power to issue order in urgent cases of nuisance of apprehended danger on behalf of the state government. The magistrates can give the orders, directed to a particular individual or persons residing, in a particular area.

On August 5th 2019, the President of India issued a constitutional order 272, applying all provisions of the constitution of India to state of Jammu and Kashmir and modifying Article 367 in its applications. In the light of prevailing circumstances, the magistrates of the state restricted the use of mobile phones, landlines, internet by the virtue of Section 144 of CrPC. This continued for over 4 months and is still prevailing .Valley people constantly face restrictions on the use of mobile phones and internet connectivity but it would[last

temporarily due to prevailing conditions over there.

These restrictions were imposed by the country, on communication in Kashmir on August 5th in order to maintain security in the restive claimed by both Pakistan and India. But these restrictions continued for a long period which resulted in huge loss, as people cannot do their online business or even read an article or novel. These restrictions returned Kashmir into pre internet era. One cannot apply for the competitive exams, passports, driving license, pan card and others, without waiting long hours near the headquarters where internet is provided. While rest of the India can do all these things, easily, sitting at their home without waiting for long hours. When everyone are earning their livelihood through internet and gaining money, people in valley are still waiting for the free moment and phone connectivity. One cannot contact the services at the time of emergency and cannot have connection with rest of the India due to restrictions on press and media. In these situations one cannot continue their business through online, in the valley and the only option left for them is to migrate to other places where they can do their business.

Shutting down the internet has become a regular feature of law enforcement in India in order to curtail the rumours that could lead to violence. But this shutdown in Kashmir is the longest shutdown ever. When this was challenged in supreme court under Article 32 the supreme court held that, 'The freedom to practice any profession or carry on trade, business or occupation over the medium of internet enjoys constitutional protection under Article 19(1)(a) and 19(1)(g), while freedom is not absolute the restrictions imposed on it should be in consonance with the mandate under Article 19(6) of the constitution, inclusive test of proportionality'. It also made clear that the power under Section 144

cannot be used to suppress legitimate expression of opinion or grievance or exercise of any democratic right. The judgment is a timely reminder to the government's limits on its powers. It also held that the orders are subjected to judicial review and the orders should provide reasoning as to the suspension rules. It also pointed that lack of access to internet had an impact on the society, who depend on it for livelihood and educational purposes. Government has a duty towards the citizens of the country to protect and provide all the basic facilities. It also has a duty to protect the fundamental rights of the citizens.

In this modern era internet has become the basic thing without which, we cannot imagine how our lives would be. When there arises, a balance between liberty and security of the people the liberty of the people can be curtailed. But it shouldn't be curtailed from them for long time, as providing basic necessities are also the duty of the government. This is the same thing with that of access to internet by Kashmir people. There freedom to internet cannot be curtailed from them for a longer period. Having access to internet is the fundamental right of the people and one cannot curtail it from them and a restriction on it is unconstitutional.



KUछ

BY LAVANYA RAI

कुछ गहरा सा लिखना था
इश्क़ से ज्यादा क्या लिखूं

कुछ ठहरा सा लिखना था
दर्द से ज्यादा क्या लिखूं

कुछ समंदर सा लिखना था
आसुओं से ज्यादा क्या लिखूं

कुछ अपना सा लिखना था
आंखों से ज्यादा क्या लिखूं

कुछ खुशबू सा लिखना था
किरदार से ज्यादा क्या लिखूं

सुनो, अब ज़िन्दगी लिखनी है
तुमसे ज्यादा क्या लिखूं



Kuch gehra sa likhna tha
Ishq se zyada kya likhoon

Kuch tehra sa likhna tha
Dard se zyada kya likhoon

Kuch samandar sa likhna tha
Aansuon se zyada kya likhoon

Kuch apna sa likhna tha
Aankhon se zyada kya likhoon

Kuch khushbu sa likhna tha
Kirदार se zyada kya likhoon

Suno, ab zindagi likhni hai
Tumse zyada kya likhoon

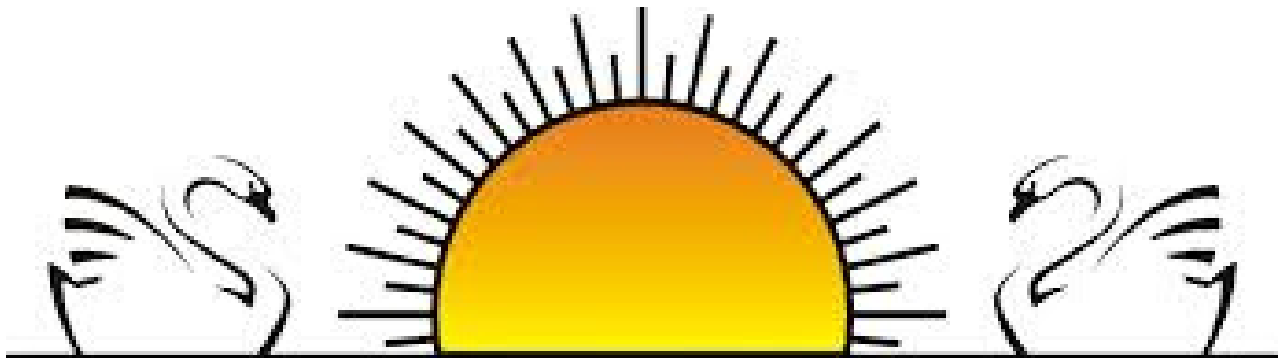


MOOTERS AND SHOOTERS



3rd National Moot Court Competition was organized by University of North Bengal, Siliguri, West Bengal on the 21, 22 and 23 of February 2020. **Debmallya Sinha, Ritodeep Bhattacharyya** and **Siddhant Trivedi**, second year students of BBA-LLB represented ICFAI Law School, Hyderabad. They stood as **1st Runners Up** against School of Law-Christ University, Bangalore in the finals. Earlier they had faced KIIT School of Law, Bhubaneshwar in the quarter finals and Delhi University in the semis.

On behalf of the Magazine Committee and Erga Literarium, we wish them the very best for their future!



THE ART OF LIVING

AN INTERVIEW WITH VAMSHI KRISHNA
BY NEEHARIKA NEELA

The Art of Living Foundation is an international non-profit organization founded by Sri Sri Ravi Shankar. It has centers in about 156 countries. They take up many humanitarian programs, and offer; self-development courses, The Happiness Program, Sahaj Samadhi etc. To know more about this organization, I went on to interview one of the facilitators.

Q. What do you do at Art of living and for how many years have you been a part of it?

A. During my Engineering, I attended an Art of Living workshop. Very much inspired and driven by the values that the workshop imparted I began volunteering and continued to do so till I became an Art of Living facilitator a couple of years later. I have been teaching various workshops like Youth Empowerment Skills, Happiness Programs, Prison Smart Program, Rural Art of Living programs across the country in English and regional languages.

Q. What does Art of Living aim to do?

A. A disease-free body, quiver-free breath, stress-free mind, inhibition-free intellect, obsession-free memory, ego that includes all, and soul which is free from sorrow is the birthright of every human being

and when people have stress-free mind and a violence-free society, there would be world peace. To achieve this, is the vision of The Art of Living.

Q. Why spread this knowledge?

A. In today's world, stress has become a part of life. It is essential for everyone to be equipped with the practical tools to deal with challenges in almost all spheres of life - whether it is decision making, working in a stressful environment, dealing with troublesome people, managing relationships, or keeping body, mind healthy and fresh. Amid this to maintain the communal unity, foster interfaith harmony, to encourage social responsibility, and to spearhead humanitarian causes, it is of utmost importance to spread this knowledge.

Q. What is the best part of teaching at Art of Living?

A. Over the years I have taught thousands of people in various Art of Living programs of which, majority were youth. Through these courses I am able to be of a help to people who are in suffering. Especially the youth I encountered, were struggling with their career, relationships, lacking clarity and unable to manage their own mind. Post course seeing them

master their mind and thus work on their life in an efficient way propels me to teach more courses and be instrumental in the transformation of the youth of this nation. When the blossom happens in the youth the nation is also blossomed. The best part is that you see people smiling and making their life beautiful.

Q. Sri Sri Ravi Shankar was appointed by the Supreme Court of India to a mediation panel for the Ayodhya case and recently He has been at a conference on child dignity in Vatican City. How does his presence influence these panels and commissions?

A. As an ambassador of peace, Sri Sri Ravi Shankar plays a key role in conflict resolution and spreads his vision of non-violence. He represents hope to people and is credited for bringing opposing parties to the negotiating table. He has mediated on the international and national issues including Iraq, Columbia, Ivory Coast, Kashmir, Naxal-Inhabited regions in India. It is not about influencing, rather the world needs a humanitarian like him who brings in calmness, stability and paves way for a rational communication. Doing thus he brings prejudice free intellect to the panel which is the most important thing for mediating and his work itself is a proof for that.

Q. What do you think about the MoU being signed between Art of Living and NIFT for imparting value-based life skills to students?

A. We have been signing MOUs with a lot of national institutes, be it NIFT be it ICFAI. The need for upgrading skill set is essential for Indians to be in the world market. In spite of being the youngest country in terms of the age group, we are lacking the vital soft skills due to poor management of the mind. Concentration, increase in productivity, striking a balance between personal and professional life happens

only when there is no stress and stress is always present in mind. Thus, managing mind is the key and mind can be managed only through breath. Also, with a calm mind the person is happier and can contribute much more. That is the reason why these prestigious institutes such as IIT, IIMs consider mind management important. Not only students even for the employees this is the primary skill set that they need to imbibe for their employment, so we even do it at corporate level. The Art of Living is in over more than 156 countries, we have all kinds of audience ranging from 100+ years old to the youngest, a 6-year-old.

Q. What social work does Art of Living do?

A. This is an interesting question, what social work we do, I feel it is very difficult to answer because I don't see anything that we don't do. We work with peasants we work with children, we work with rural women, women who don't have a living, we rejuvenate rivers, and we plant trees. When natural calamities are there, I think we are the first organization working for the relief. We help the needy, we work towards construction of hygiene places, supplying drinking water, supplying solar lamps for those people who don't have electricity, imparting skill development courses for the rural India and we have a variety of activities that keep going around and every year we improve it.

Q. How does Art of Living fund these social activities?

A. The majority of revenue that we generate is through the courses we offer. When we teach a course, we collect donations. That is where the money comes from, to run the all our projects. So, when a person does an art of living course, indirectly he/she is contributing to the society and directly uplifts his/her life.

SPEAKERS TAKERS



A Two Day National Conference was organized by the Center for Human Rights, Symbiosis Law School, Hyderabad on 22 and 23 of February 2020. The theme of the conference was Business and Human Rights. **Subham Kumar Dalara** and **Manjushree Pattnaik**, second and third year students of BBA-LLB represented ICFAI Law School, Hyderabad and got awarded the **Best Speakers** for their paper titled **Men Getting Sexually Harassed at Workplace**. The sub-theme of their choice was Gender Discrimination at Workplace, on which they researched very meticulously, guided by our ever supportive professors.

On behalf of the Magazine Committee and Erga Literarium, we wish them the very best for their future!

AN EVENING WITH SHAHID AZMI

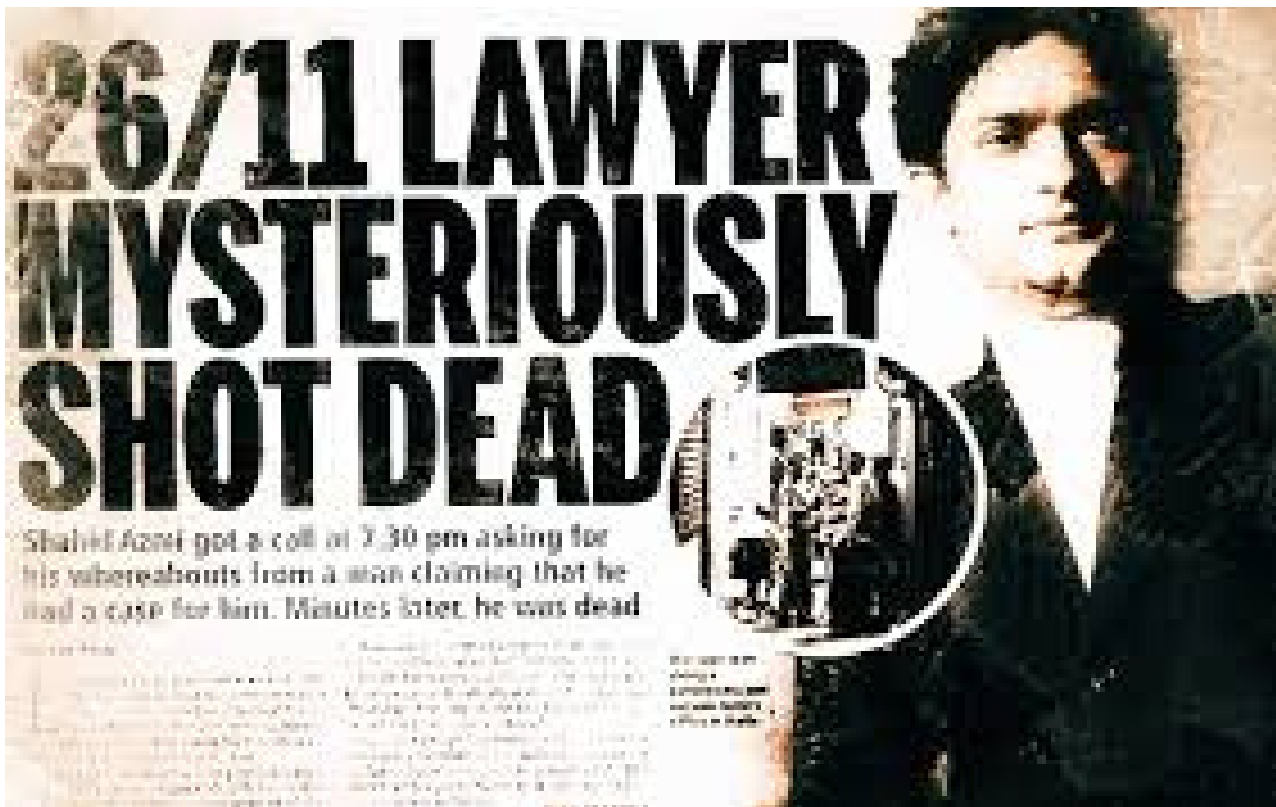
BY EBAD UR RAHMAN

By showing me injustice, he taught me to love justice. By teaching me what pain and humiliation were all about, he awakened my heart to mercy. Through these hardships earned hard lessons. Fight against prejudice, battle the oppressors, support the underdog.

-Roy Black

On the eventful day of 11th February, 2010, a shooting took place at an office in Kurla, Mumbai. The victim was declared spot dead on being taken to the Rajwadi Hospital in Ghatkopar. This incident shook up the Bar Association of the Bombay High Court. It was a young lawyer by the name, Shahid

Azmi who had been shot. At the time of his death, Shahid Azmi was involved in representing Muslim youth accused in terror cases. In his short career of not more than seven years, he had secured the acquittal of seventeen men charged under the draconian laws that existed, namely the POTA (Prevention of Terrorism Act) and MCOCA (Maharashtra Control of Organized Crime Act), while representing fifty others in ongoing cases. After his death, Shahid has become a cult among law students and practitioners due to the fact that he stood up against a system which was bent on targeting a select few in order to cover up and satisfy those holding power. When questioned about his unending zeal and commitment he used





The speakers, (from left to right) Khalid Azmi (Shahid's younger brother), Advocate Mahboob Ali Mohammed, Mahtab Alam (Editor, The Wire) and Mubashiruddin Khurram (Journalist, Siasat Daily).

to say "Mai ne zulm ki aakhri hadein dekhli, ab sirf maut ka darr hai" (I have seen the limits of oppression, only death can scare me now).

In the tense situation of '93 riots which happened after the demolition of the Babri Masjid, a 15 year old Shahid Azmi was illegally detained by the Bombay Police and charged under the existing TADA (Terrorist and Disruptive Activities Prevention Act). The only fault of his was that he caught hold of a Police Officer who was hitting a woman. He was reportedly tortured brutally in custody. He would be hung from one hand, till his shoulder dislocated, and this was repeated multiple times. It took five years for his case to reach a conclusion and for him to be exonerated of the false charges by the Supreme Court. During his time in Delhi's Tihar Jail, he continued his studies, completing his junior college and under graduation. It is said that, he had a keen interest in law and journalism. Being in such close proximity to the system and having a brush with the most dangerous of laws at a young age, Shahid resolved to fight for justice and equality for the

remainder of his life. The acquittals of innocent people that he obtained were a redressal of his own wrongful incarceration. An important lesson here is that he didn't let his victimization become the basis of his life, rather he grew on from it and turned it into the story, as we know today.

Initially, Shahid joined Advocate Majid Memon's office as a junior. But, his work ethic and sincerity led him to setting up his own practice in no time. His first major success came in the 2002 Ghatkopar Bus Bombing Case, when Arif Paanwala, who was arrested under POTA and also named the prime accused, was acquitted along with eight others, due to lack of evidence, by the court; this eventually led to the law being repealed. A majority of Shahid's work was pro bono. He would charge minimal fees from those who could pay and none from those belonging to the marginalized community. A lesser known incident about him is that in one of his cases, his client came from a very poor economic background



-d so much so that it was tough for the family to even arrange square meals; Shahid took over the financial responsibility of this family as long as the case was in Court. Some of the cases he was involved in are, **2006 Malegaon Blast Case, 2006 Aurangabad Arms Haul, 2006 Mumbai Local Train Blasts** and the **2008 Mumbai Attacks**. A journalist and close aide of Shahid's, Mubashiruddin Khurram narrated an incident wherein the conversation between him and Shahid while having a cup of tea went as "Shahid Bhai, tumpar ek book likhte hain..." (Shahid Bhai, let us write a book on you...), to which Shahid replied "Yeh book wook nahi, apne par toh seedha movie banegi." (Nah, not a book, they'll make a movie on me). Few years later the movie Shahid based on his life came into being, Shahid's character played by Rajkumar Rao, directed by Hansal Mehta and produced by Anurag Kashyap.

Shahid worked towards the establishment of a cell in the Jamiat Ulema e Hind, based in Delhi which would be providing legal services to the wrongly accused and marginalized across India. Initially, Jamiat wasn't open to the idea, but once they saw the scope of work involved, they readily agreed. He also proposed a centralized research study of terror cases that had taken place in India with the intent of

analyzing their patterns which could lead to further developments. As a tragic irony, Shahid's death perhaps led to more people knowing about his work and life, than what was known about him while he was alive. He knew that the State was out to get him and tried to take precautions. Shahid probably always knew that he did not have much time and tried to pack in as much as he could into each and every moment that he had. He made his younger brother Khalid Azmi, take up law as a profession and indicated to him about the continuation of his work. At a time when he was handling the case of Faheem Ansari, one of the accused in the Mumbai Attacks, he had to push away all his closed ones for their own benefit. Six months before his death, he divorced his wife for her own safety. It was not that he was free from fears, but it was not fear that dictated his life, it was love that did. More than 10 years after his death, Shahid Azmi's Murder Case hasn't reached a conclusive stage. For a person, who fought for the cause of justice for all, it has seemed to be eluding him ever since.

This article was written after the author attended an event in the memory of Shahid Azmi on the 11th of February, 2020. It was organized by the Awam Praja Foundation, based in Hyderabad and convened by Advocate Mahboob Ali Mohammed.

A DREAM OF UNITY IN THE SPHERE OF DIVERISTY

BY ARITRA KUNDU

Abstract

As the evolutionary historians cites, that we humans churned ourselves to beat what nature has to offer against us by uniting ourselves and realizing the potentiality of such unity. But with the evolution of humans and growth of civilization there was an inherent difference which was created through the emergence of religion. Such growth through unification but the inclination of religion within the personal laws is slowly tearing the society apart and discriminating the individuals on the basis of religion and actions one could perform. Uniform civil code or an uniform code for all the people has the potential to eliminate discrimination between several individuals belongs to different religious background within the ambit of personal laws but it has been a much-debated topic in India where still old customary practices are codified to form laws of the land for every separate major religious group that exists. A unified code won't just bring every religious community to much encouraged uniformity rather it would also adapt them to move on to a new era of modernization and innovation. We can witness such was emancipated by our forefather who drafted our Constitution and inscribed it under Article 44 of the Constitution of India. As with the enactment of this law the country could witness several grievous consequences as well as it could address several other factors such as recognition of homosexuality, gender inequality, following uncodified and discriminatory laws.

Introduction

Uniform civil code means equal laws which would govern them regarding their civil matters like marriage, succession, adoption, divorce and maintenance. With the advent of this unified code all the existing personal laws would cease to exist and every community would be wide open to relinquish their differences to adopt the new found uniformity

in them. This sort of uniformity won't just lessen the communal violence rather it would also let them adopt the concept of being one and together. This would lead the country to secularity which has been mentioned in the heart of the constitution of India and which has been in the core of our basic establishment under Article 15. This uniform code would also be able to address the issues like homosexuality and their struggle to have an equal status in the society in terms of civil matters and address the differences that has been created in the personal laws of various religious groups. It would also trigger a change in the gender inequality that has been constituted in different religious books and followed though different customs which now has been termed and codified as personal laws.

Conflicts within the Constituent Assembly

The history of Uniform Civil Code went through a lot of struggle to bring a uniform civil code has been an age-old argument even during the writing or the framing of the constitution of India. Since the early history of India whether be it during the rise of the Mughal Empire or during the advancement of the British forces none of them ever interfered with the personal laws of the people as they were afraid the discontent would rise to such an extent that people would revolt and that would lead to the demise of their ruling and this was the most conflicting point as to how the introduction of Uniform Civil Code would affect the people when no sovereign dynasty could ever bring upon the people of India. Nation head like the then Prime Minister Jawaharlal Nehru was in favour of the UCC but this was opposed by other senior leaders like Vallabhbai Patel and Dr Rajendra Prasad. The Constituent Assembly struggled as there were heated debates as to whether the uniform civil code was a proper step in the new India that was supposed to unfurl in-

front of them. There were arguments both in favour and against the said step to bring uniformity of the personal laws. Muslim members at that time strongly opposed the said step to bring uniformity in personal laws as this would jeopardise their said faith and they won't be able to follow their religious or the pious obligations. They also feared that a uniform civil code would just be biased on the part of Hindus and they won't have a say in that thus, they put forward every way to oppose the move. But most of the Hindu members were in favour of the said uniformity of the personal laws as they preferred a radical change in the new India regarding the laws and the personal beliefs. Chairman of the Constituent Assembly, Dr B R Ambedkar was in favour of the interference in the personal laws to bring uniform civil code as he was of the opinion that this would bring forward all the communities and extinguish the communal anger that still been flickering in the society over the partition of the country. There was strong opposition from M. A. Ayyangar who was also a member of constituent assembly and he contended that India was too big of a country and thus, it would be volatile to bring a single code of law for all religion. He also contended that there are various other European countries which follows separate personal laws and that's what let them strive through the new world. Against to the notion and contention of Ayyangar, K M Munshi argued that there are European countries who followed the uniform civil code and even Turkey and Egypt doesn't have separate personal laws for different religions. This contention was supported by A. K. Iyer and he even added that religion shouldn't interfere in the new India and so it's better to get over it at the rise of new India. During such contention Dr B R Ambedkar asked the Muslim members "not to read too much of the Article 44" as this was said as an assurance to them over their agitation. He also added that uniform civil code would only be applied against the ones who would be able to accept it. But such contention in the approval of having a Uniform Civil Code was rejected and thus it never came into force rather all the religions were allowed to have their own personal laws to govern them.

Article 44 - The Soul of Uniform Civil Code

The notion of Uniform Civil Code is very much inscribed in the heart of the Constitution of India under Article 44. It's read as "The State shall endeavour to secure for the citizens uniform civil code throughout the territory of India.". This text meant that the State shall put in every effort and means to secure a uniform code in the land to govern people. But with the advent or the introduction of personal laws for every religious groups this Article of the Constitution has become a vestigial part of the Constitution that has been neglected over the period of time and the progress of India as though there's equality before the law and abolishment of discrimination has been envisaged under Article 14 and 15. Currently with the interference of laws there has been wide discrimination as some laws prevent certain person from committing certain acts as they're termed as unconstitutional while on the other hand it is considered to be valid for a person belonging to other religion. Like polygamy which is considered to be an offence for the Hindus but it is legal for the Muslims as it has been an age-old practice for them and it has been embedded under their holy Quran. The framers of the Constitution had a vision that in the near future the UCC would be implemented and a uniform law would prevail over this sacred land where there won't be any discrimination based on religion as well as based on old customs. But after the framers put forward this provision it has been neglected and never been recovered or put forward to the people as there has been a political motive to manipulate the population to gain votes to win elections. From this it could also be deduced that the political parties had misguided or lured the people out of uniformity to gain power and they're still doing it. With every passing time the community as well as the political parties are growing more ignorant and thus, it would become bothersome to bring such provision in the near future.

One Nation One Law

As with the anticipation of unifying the civil laws as well as lower the burden over the Courts because of such complicated and diversified laws, the "One nation one law" rule was suggested at various

times and been promised to its people by the Government. It means in a single country there would be only one civil code or the uniform code and the whole population has to abide by it irrespective of their religion or their religious ideologies. For this to be implemented the government has to be slow but swift and make the people aware of the benefits of such provision and how it would help them in the long run. The Government also needs to stop aiding or posing themselves with any religious groups or ideologies so that people can become more comfortable with the said change. The political parties also need to work with the Government to bring the said change and educate the local masses so they too can adapt to it. This said change or the uniform civil code could be brought with the use of Article 35 of the constitution. By this the State can amend the existing laws to bring a single code of law to govern the people. The masses may oppose at the very instance of the enforcement of this uniform code but in the later period of time they could get adapt to it and a better sense of nationality, equality and above all secularity would prevail. This would bring down the incidences of communal violence as well as the discontentment between the genders over various issues that still exists in India as predicted by the constituent assembly members. While framing such laws leaders from all religious community would be present so they look through that the code isn't just biased to a single community rather it is neutral from the perspective of all the religions. It would be a communal renouncing of the religious ideologies for the people and bring them closer without any feeling of being different or that their laws are biased towards a certain religion. This would bring a secular state for real and the true nature of the Constitution would truly be achieved.

Enforcement of New Laws to Enlighten People

Over the years the idea of UCC has always been triggered whenever there was a want to reduce the gender inequality in the Indian society and to empower the women with equal rights, status and dignity. The uniform civil code would also bring about gender equality in the matters of claiming maintenance by either of husband or the wife, or regarding the partition of property or succession as

there won't be any age-old customs involved in deciding such matters. It would also abolish all the unwritten or uncodified laws that still exists in India like the concept of coparceners. And custom which doesn't correspond to the current ideologies would cease to exist with the advent of such provision. Uniform civil code won't just bring uniformity in the personal laws rather it would also pave the way for the recognition of LGBT community and offering them equal status in the society as they long deserved and fought for. With the uniform civil code in force people won't be biased or guided with their religious ideologies towards the acceptance of LGBT community. With advent of such steps the Sec 377 of IPC would cease to exist as such community won't be disregarded or be treated as inferiors. Advancement of such a step would let the community be able to adopt children and be viable for marriage, divorce, maintenance and succession. And such provisions would let them have a respectful life to lead to without being discriminated or feeling the guilt of being different.

Analysis on having a Uniform Civil Code

Just like any other legal provisions this step would also have pros and cons. But while taking any such step we look forward to how such step would affect in the immediate time and in the future. Such step would raise discontent in people after the application of such step but in the long run it would be beneficial to the whole of the community as well as for the sovereign authority that is present to govern. The pros of such a step as deduced by the framers of the constitution were that there would be less communal repulsion in the society or in the long run, people would be truly secular in mind and in action, people would be more open minded towards any other steps that would liberalise the society, there would be less conflict regarding the application of civil laws thus it would decrease the time for the people to get justice as well as it would be beneficiary for the judiciary. Though the words of secularism had been spoken wisely and widely but it's hard to implement in a situation where such amount of diversity exists. The western or the developed country could establish a perfect sense of secularism and uniformity only

because the diversity existing in not as wide as it is in India. The cons that would include are like interference with the personal laws and the beliefs of the people, ignorance of the minority views, forcing of certain laws on the people and rise of discontent in people. This step would be really complicated and lead to wide protests against the said government. But as framers predicted this would be just for the initial time after that people would start getting adjusted towards the system of uniformity and ultimately it would be beneficial to them. Many people are of the view that in the current scenario where personal laws for different religions are applied is a way of showing secularity but that's not the case since personal laws are mostly driven and influenced by religion and religion brings unevenness and disparity in the laws. As there are provisions which is constituted to be unconstitutional for one religion but it is absolutely allowed for some other religion. allowed for some other religion.

Enriching the Dream of a Uniform Code - Current Scenario

Over the period of time there had just been political clashes whether the uniform or common civil code could be a possible reality or not. Dr B R Ambedkar tried to bring changes in the Hindu code bill which targeted two concepts, one of them is casteism and untouchability. The Hindu code bill was passed and came into force in the year of 1955. But in 1954 there was a step taken towards the acceptance of UCC by enforcing the Special Marriage Act, 1954 that allowed marriages irrespective of religion, case and without any specific religious ceremonies. But it was not enough to open the minds of the people. In 1985, during the Shah Bano case there was huge out roar towards having a uniform civil code but that agitation was extinguished as the then Government in lieu of gaining appreciation and votes of the minority community enacted Muslim Women Act, 1986 to nullify the judgement of the Supreme Court which gave a judgement in favour of the enacted legal provision of Sec 125 of CrPC disregarding the personal laws. Previously Jana Sangh which was the predecessor of Bharatiya Janata Party also known as BJP, first put the idea of uniform civil code and later on they too put out the same notion of uniform civil code as a promise to win the Hindu votes but they didn't take any steps

over the years to make any progress towards achieving that. But the current political stigma is pretty obnoxious and confusing as in 2015, the Supreme Court while dealing a matter related to Christian divorce Justices Vikramjit Sen and Shiva Kirti Singh was of the opinion that not all religion can come and ask for their own personal laws as this would be really confusing for the judiciary to function efficiently and asked for the Government's view on this. But the Government didn't provide the Court with any concrete answer. In 2016, Tufail Ahmed who's a Muslim scholar put forward a 12-point document draft regarding uniform civil code so that it could attract a public debate. He also targeted the political parties as well the public as to their inefficiency in bringing a uniform law in the country. In the same year in the month of February, Justice Sen said "religion should not be part of civil laws". But in 2018, as per the recommendation of the Government the Law Commission held a detailed questionnaire regarding the said matter and in 185-page analysis it commented that "uniform civil code is neither necessary nor desirable". How far this analysis is apt not yet know or analysed but the Supreme Court of India still adamant about having a uniform law devoid of religious interference. Only Goa in India has a uniform civil code but it's not strictly uniform as it has few laws pertaining to different religious groups. But still Goa puts forward a very good example to the whole of India towards their success of having a uniform civil code which was taken from the Portuguese Civil Code, 1867 without jeopardizing the law and order in there. Though there were attempts to bring non-uniform laws into it but it was met with strong opposition from Muslim Youth Welfare Association and Goa Muslim Women's Association. Such acts of the government also bring into light their callous attitude towards having an UCC. But such examples are ignored to satisfy the common view of the people that India is too diverse to have uniformity of laws. People should learn from it that changes could be brought even in such a diverse field and it's never too late to do so.

Unsewn Dreams of having a Uniform Civil Code

After several decades of procuring independence

from a foreign sovereign India is still struggling to have a UCC. A list of factors that leads to such disparity in the dreams of the framers are as follows:

- Diversity – India is known around the world for its richness in diversity and culture and this is also the reason that leads to not having an UCC. Such diversity is fuelled with age old customs which are backed by religion. Though with the advent of this such diversity would be affected but it won't be nullified.
- Orthodox mindset – People in India carry an orthodox mind set which has always prevented the State from exercising its power to put forward a concrete step towards the achievement of uniformity.
- Political ignorance – Over the years different politicians has promised an UCC but they always failed to perform such promises either because of their incompetency or their unwillingness. They had always ignored it and never truly understood its value in the achieving of secularity. Currently it has become an agenda to lure people into gaining support.

Recommendation and Conclusion

A detailed conclusion that could be deduced from this paper is that the matter of UCC is very

controversial but it's possible for the Government to enact a uniform law governing every religious groups and bringing them under a common umbrella of law if it's determined enough to do and put forward authentic amount of effort towards achieving that rather than putting forward hollow promises. As always, the Supreme Court is of the opinion of supporting the said act but the Government is too reluctant towards the said issue as they're more motivated towards gaining the public votes rather than thinking about the long-term goal of achieving uniformity. If the Government is supposed to enforce such provision then it must be swift enough and should educate the masses in advance to avert any sort of agitation from the very beginning as the execution of such a law requires huge amount of patience. And while framing such laws it needs to keep in view all the major religions as well as the minor religious and their ideologies so that none of the laws in it doesn't become one sided or biased towards a certain religion or any single religion becomes more oppressed than the other. They also need to focus on the condition of Goa as well as other countries where UCC already exists and understand how they were able to enforce singular law without disrupting the social fabric. But as of now India still struggles to have its own uniform civil code in spite of covering several decades of independence, a single set of laws governing every person irrespective of their religion and earning a true sense of secularity as it has been envisaged in our Constitution of India.



POETRY RECITATION

When a person wants to realize the chasm of their soul, he conjures words to yield them into poetry, to realize himself and realize the flow of life. To substantiate such an opportunity, students of all batches assembled to bring the hidden poet out of them and mesmerize the world through their poetry. This event was organized by the Literary Club of ICFAI Law School, Erga Literarium on 26 February, 2020.



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