AMITY LAW WATCH

House Journal of Amity Institute of Advanced Legal Studies
ISSN: 2320-2270
Issue No. 32: January 2018

CONTENTS

Periodicity

January & July every year

Citation for this issue

32 Amity Law Watch (2018)

Contact

Amity Institute of Advanced Legal Studies
Block D, Amity University Campus
Sector 125, Noida-201303
Phones: 0120-4392240/41
Website: www.amity.edu/aials
e-mail: auials@amity.edu

★ Printed at: www.sitafinearts.com

EDITORIAL

Being published biannually since September 2003, the *Amity Law Watch* was conceived as the house journal of AIALS. It was meant to train AIALS faculty and students in legal writing and report on the institution's progress and activities.

For four years during 2014-17 the ALW appeared as a regular academic journal containing articles of both Amity law teachers and outside scholars. The seven issues brought out during this period [Issues No, 25 to 31] – altogether contained 560 pages.

Since the Amity Law School (Delhi) is regularly publishing two academic journals – the *Amity Law Review* and ALSD *Students' Journal* – I have now advised my colleagues and students to contribute their larger articles to either of those Amity periodicals. This will avoid duplicity of full-fledged law journals produced on the campus and lessen the burden on Amity resources. Besides, longer academic writings of AIALS faculty and students, if any, may also be put on AIALS website.

The *Amity Law Watch* will henceforth publish, as per my original idea, short notes and case comments written by AIALS faculty, students and alumni along with biannual updates on the progress and activities of the institution. Its title, issue numbering and ISSN will remain the same.

Updated versions of some of my media articles published since August 2017 on burning legal issues of the day are included in this issue. This is followed by an article penned by my youngest faculty colleague Ankita Shukla.

Last year I began encouraging all Amity students pursuing PhD in law to write at least one paper in every semester in their respective research areas. Selected on merit from those submitted, these are published in an abridged form in the *Amity Law Watch*. While the last issue [July 2017] contained nine such pieces, three more are included in this issue. And I hope to continue with this feature in every forthcoming issue.

Established on 9 June 2003 AIALS has completed more than half of the fifteenth year of its life and, amidst ups and downs, its overall performance has not been too disappointing. Successive issues of *Amity Law Watch* have been reporting its gradual progress. The last such report had appeared in Issue No. 30 of October 2016. An update on our overall progress and activities since then appears is this issue.

The proposal for affiliating to AIALS the South Asia Consortium for Religion and Law Studies (SACRALS), launched in January last year, is still under consideration. Pending a decision on this matter, AIALS is planning to collaborate with SACRALS in conducting its first international conference to be held early next month, details of which may be seen in this issue.

I must express my profound gratitude to the Founder-President Dr. Ashok K. Chauhan, our *Patron d'honneur*, for his continued support to this publication.

Wishing all ALW readers a very happy new year.

--Founder-Editor

1st January 2018

ARTICLES & COMMENTS

Tahir Mahmood
Professor of Eminence & Chairman, AIALS

(1)

Anatomy of Supreme Court Judgment in Triple Divorce Case

[*Indian Express*, 23 August 2017]

The Supreme Court at last pronounced its much-awaited judgment in the so-called 'triple divorce' case on 22 August this year. Confusion worse confounded. This is how I can best describe the way the Supreme Court chose to make public its views on triple talaq. The learned Chief Justice of India preferred to read first the operative part of his judgment. Within minutes TV channels began telling the nation that the apex court had refused to interfere in this matter of national importance on the plea of people's religious freedom and ruled that the practice of triple talaq is not repugnant to the Constitution of India. Only when concluding paras of the two other separate judgments were read out it became clear that what had been pronounced first was in fact the minority judgment.

The marathon hearing of the triple talaq case by what has been aptly described as an "inter-faith" bench was concluded on May 18. I have been wondering why the court needed more than three-and-a-half months to decide an issue concerning a customary practice which amounts to a blanket violation of the international human rights law and clearly flies in the face of the Constitution. The cat is now out of the bag. The learned CJI had to pen 272 pages to conclude that the abominable custom of triple talaq is an "essential religious practice" of Muslims and enjoys protection of religious-liberty clauses of the Constitution.

While the Muslim judge on the bench simply approved the learned CJI's views, Kurian Joseph wrote a separate 27-page judgment, and Rohinton Nariman another running into 96 pages which U.U. Lalit endorsed. Constituting the majority judgment of the court, these had to prevail and the order of the court at the end of the 395-page split verdict had to be "In view of the different opinions recorded by a majority of 3:2 the practice of triple talaq is set aside."

It may be a case of the proverbial all's well that ends well, but it leaves some curious questions to be answered. "There can be no doubt, and that is our definitive conclusion, that the position can be salvaged only by legislation" says the minority judgment, adding that "unfortunately the Union seeks at our hands what clearly falls in its own." It then proceeds to "direct" the Union of India to consider appropriate legislation. It is, to say the least, paradoxical to declare a religious practice to be constitutionally protected and then "direct" the State to legislate against it. Does the learned CJI mean that an essential religious practice, even though protected by the Constitution, can also be done away with by legislation?

Toward the end of his judgment the learned CJI said "till such time as legislation is considered we are satisfied in injuncting Muslim husbands from pronouncing *talaq-e-bidat* for severing their matrimonial relationship", adding that the injunction will initially remain operative for six months, would stand vacated if legislative process for "redefining" triple talaq commences earlier, but if the said process contemplates abolishing the practice, will remain in force till this is finally done.

First, how could the court impose an injunction on the exercise of an essential religious practice protected by the Constitution? And, then, what will this injunction mean, and how will it be enforced? What will be the legal status of a triple talaq pronounced in violation of the injunction? Will it effect a single revocable talaq — this is how triple talaq has been "redefined"

in Muslim countries which the minority judgment cites — or will it effect an instant divorce as usual but the violator would be liable to be punished for contempt of court? I feel, with due deference to the learned authors of the minority judgment, that it smacks of a confused thinking and reflects an aspiration for reform without bearing the brunt for it.

The reasoning and conclusions of the other two judgments sound immensely rational and convincing. Kurian Joseph's assertion that the apex court's ruling in *Shamim Ara* reiterated in several later cases saying that a talaq by a Muslim husband can have legal effect only if pronounced in full compliance with the true Islamic procedure for it (by implication of which triple talaq has no legs to stand on) "is the law applicable in India" qualifies to be seen as the most sensible and hence highly appreciable observation found in the 395 pages of all the judgments read together.

The judgment of RF Nariman and UU Lalit declares that the Muslim Personal Law (Shariat) Application Act 1937 "insofar as it seeks to recognize and enforce triple talaq" is ultra vires Article 13 of the Constitution (pronouncing all old laws in force that violate the fundamental rights to be void). I must point out that the Shariat Act does not specifically mention triple talaq among the subjects in which Muslim law shall be the rule of decision for the courts; it uses only the word "talaq" and clarifies that it includes *khula* (talaq at wife's instance) and *mubarat* (divorce by mutual consent), etc, but does not enlist triple talaq as a form of divorce. Yet it is good that this separate judgment of the two learned judges does not leave any room even for arguing that "talaq" implies triple talaq.

Coming to the final order of the court based on the majority view, one may ask what will be the effect of "setting aside" the practice of triple talaq? Will it be a nullity and effect no divorce at all, or will it effect a single talaq with a cooling off period of about three months during which the man can revoke it and, failing that, the parties can directly remarry (without the so-called *halala*)?

A clue is found in Kurian Joseph's judgment which asserts that the decisive law in India is as set out in *Shamim Ara* to the effect that a talaq to be legally recognized must have been pronounced in a step-by-step compliance with the true Islamic procedure. As per that procedure, talaq coupled with the word "three" or repeated thrice would count only as a single revocable divorce. How I wish the bench had just reiterated *Shamim Ara*, unanimously, approving this implication of the very sensible ruling given 15 years ago.

(2)

Supreme Court on Properties Damaged in Gujarat Communal Riots

(*Indian Express*, 13 September 2017)

The Supreme Court judgment in *State of Gujarat v Islamic Relief Committee* was explained by Satish Jha in 'Behind SC verdict on places of worship, Article on taxpayers' money and religion' (*Indian Express*, September 3). The reference was to Article 27 of the Constitution of India, discussed in the judgment at length. There is, however, more to the judgment than meets the eye. I have no bone to pick with the operative part of the judgment but am concerned with the court's rather far-fetched interpretation of Article 27 and the omission of any reference to another highly relevant provision of the Constitution.

Under appeal before the apex court was the Gujarat High Court's directive to the state government to repair religious places damaged during the communal frenzy in 2002 and

recovering its costs from those guilty of the devastation. The state government came in appeal to the SC and filed before it a scheme for awarding a small compensatory contribution to the trustees of each of the damaged properties. The scheme was based on the report of a local committee which it had set up to examine the matter. The respondents in the appeal called it a "travesty of justice" but the Supreme Court approved the scheme with an observation that a "substantial part of taxpayers' money cannot be granted for repairing religious structures."

Placed in Part III of the Constitution relating to fundamental rights under the "Right to Freedom of Religion", Article 27 proclaims: "No person shall be compelled to pay any taxes the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination." Its location in the Constitution and words are clear enough to understand that it is a part of individuals' religious liberty and restrains the State from collecting any special tax for promoting or maintaining a particular religion.

I fail to understand how getting a damaged religious place repaired and realizing its cost from those who had damaged it can be seen as "promotion or maintenance" of religion. And if it does, then the quantum of expenditure involved — be it substantial or meagre — must be irrelevant. There is nothing in the language of Article 27 suggesting that the prohibition applies only if the amount spent is "substantial." Who will determine, and by what criteria, whether an amount is substantial or trivial? Will the decisive voice in the matter be of the government of the day?

Another provision in the Constitution seems to be lending its weight to the SC's conditional reading of Article 27. This is Article 290A, which says: "A sum of forty-six lakhs and fifty thousand rupees shall be charged on, and paid out of, the Consolidated Fund of the State of Kerala every year to the Travancore Devaswom Fund; and a sum of thirteen lakhs and fifty thousand rupees shall be charged on, and paid out of, the Consolidated Fund of the State of Tamil Nadu every year to the Devaswom Fund established in that State for the maintenance of Hindu temples and shrines in the territories transferred to that State on the 1st day of November, 1956, from the State of Travancore-Cochin."

This was a religious obligation independent India had inherited from the two erstwhile princely states referred to in the Article as a precondition for their joining the Indian Union. The provision clearly clashes with the general principle of Article 27 but perhaps the payable amount, aggregating to Rs 6 million, does not qualify as a "substantial part of tax-payers' money."

Be it Article 290A or Article 48 — which mandates that the State protect the cow and its progeny — these provisions of the Constitution determine the nature and parameters of secularism in our country which is not absolute but restricted. This constitutional philosophy of a qualified secularism has to be accepted by us. Our courts must, however, apply it uniformly. Deciding some cases on the basis of our concept of qualified secularism but invoking the ideal of absolute secularism in some others amounts to a judicial selectivity that does not stand to reason.

(3)

Liberty of Love and Communalization of Interfaith Marriages

[*Indian Express*, 31 October 2017]

The Quit India Movement of 1942 coincided with a celebrated interfaith marriage.

Jawaharlal Nehru's daughter Indira Priyadarshini married Feroz Jehangir Ghandy of the Zoroastrian faith (surname later re-spelt as Gandhi). Six years later, Mohammad Hidayatullah, would-be Chief Justice and Vice President of India, wedded a Jain, Pushpa Shah. No section of society raised the bogey of what is now called "love jihad" — a hybrid English-Arabic expression referring to the phenomenon of girls born in Hindu families marrying Muslim boys. This so-called love jihad is now being countered by sort of a *dharmyudh* — holy war on Muslim men daring to opt for Hindu life-partners

Hindu men marrying Muslim women are, of course, outside the scope of this holy war; and so are those who embrace Islam in search of a new wife. In 1955 the Hindu Marriage Act imposed monogamy on Hindus, extending to them the anti-bigamy provisions of Indian Penal Code 95 years after its enactment. Married Hindu men struck by Cupid's arrow and wanting to marry their new-found love, given to understand that the Muslim religion furnishes an unconditional license for bigamy, began fulfilling their wish by surreptitiously faking conversion to Islam. Taking a serious view of the abominable practice, the apex court banned it (*Sarla Mudgal* 1995), but it refuses to die out. Nobody has ever objected to this variety of love jihad.

I had first heard of the expression love jihad in the late 1990s when, as the Chair of the National Minorities Commission, I had to take cognizance of communal disturbance resulting from some interfaith marriages in Gujarat. For a decade since 2004 the issue of love jihad remained subdued but has now returned with a bang. The judiciary got involved in some recent cases of mixed marriages in Kerala. Those of two born-Hindu women, Akhila and Shruthi, to Muslim men provoked their parents to file habeas corpus petitions in the High Court. The first of these cases, in which the girl had converted to Islam and was rechristened as Hadiya two years before the marriage, reached the country's apex court.

Neither the Constitution nor any central or state law places any restraint on interfaith marriages. The Special Marriage Act 1954 enables persons professing different faiths to become life-partners retaining their respective religious beliefs and practices, and yet one of them is often persuaded — or otherwise left with no choice — to embrace the other party's religion. A greater problem, however, is that interfaith marriages without conversion are also not tolerated in the society and are often met with not only parental harassment but even communal violence. The Supreme Court had once observed, "this is a free and democratic country and once a person becomes a major he or she can marry whosoever he or she likes" and had even "directed" that State protection be provided to parties to interfaith marriages throughout the country (*Lata Singh* 2004). Its direction remained unheeded.

In the Hadiya case, the Kerala High Court exceeded its brief by annulling a major and sane girl's marriage and consigning her to parents' jail-like custody. Hearing her husband's appeal a SC bench headed by the outgoing CJI, seemingly carried away by the alleged "national security concerns" raised in the matter, directed an NIA inquiry. Encouraged by this, another Hindu parent of Kerala approached the court seeking the same relief in her daughter's similar matter. The Hadiya case, however, later took a curious turn.

A new bench hearing it seems to be taking a different view. "The question is can a High Court in exercise of Article 226 annul a marriage" observed the new bench. At a much-awaited hearing, the bench gave a further sign

of its thinking by directing that the girl be produced before it, observing that her stand in the matter would be "prime" and refusing to hear her *in-camera*. Curiously, deciding another case of interfaith marriage last week, a different bench of Kerala High Court condemned raising the bogey of love jihad in all cases of inter-religious weddings even if resulting from "platonic love."

Conversion for the sake of marriage only is repugnant to Islamic teachings. I would even recommend outlawing this practice. However, I fully agree with the apex court's afore-mentioned *Lata Singh* verdict that interfaith marriages (without conversion) should be encouraged. The fundamental right to life and personal liberty under Article 21 has been appreciably extended by the Supreme Court to many aspects of life. It is high time the court ruled that it also incorporates an unconditional freedom of marital choice for all adults. This will promote constitutional justice and also now much-needed national integration.

(4)

Constitutional Issue of State-Level Hindu Minorities in India

(Scroll. in, 19 December 2017)

Can the national-level majority community of India be seen as a religious minority in any part of the country? A PIL was filed in the Supreme Court by a lawyer-leader of the ruling political party to solicit a writ of mandamus directing the central government to confer minority status on Hindu communities in seven specified states and a union territory. Advised by a bench headed by Ranjan Gagaoi, J, to take his plea to the National Commission for Minorities (NCM), the petitioner took it back.

The idea was of course not ingenious or unprecedented – two decades earlier I had initiated it, as the NCM chair, in a special report titled "Hindu Minorities in India" written after visiting concerned states and hearing local Hindu leaders. Endorsed by the Commission, it was submitted to the BJP-led central government. The initiative was then pooh-poohed by party stalwarts and cold-shouldered by the government.

In the Constitution of India Article 30 guarantees to the minorities "whether based on religion or language" the right to establish and administer educational institutions of their choice. Before that, Article 29 proclaims that "any section of citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have a right to conserve the same." The two provisions read together may be seen as the constitutional charter for religious and linguistic minorities at all levels. No mechanism is specified in the Constitution to determine groups of citizens covered by either of these Articles.

The National Commission for Minorities Act 1992, confined in its application to religious minorities, does not list them – it only says that for the purposes of the Act the word "minorities" means communities "notified as such" by the central government. A governmental notification issued under this provision in 1993 proclaimed Muslims, Christians, Buddhists, Sikhs and Parsis to be minorities. The Jains protested against their exclusion and, on taking over as NCM Chair, I took the stand that since the Constitution and laws of the country bracket Jains with Buddhists and Sikhs the government had two options – either to drop Buddhists and Sikhs from the list or to extend it to Jains.

Fifteen years later the government went for the second option -- on persistent demand of some

Jain leaders the 1993 notification under the NCM Act was modified, in 2014, to include their community among the minorities.

If population is to be the sole yardstick to accord minority status to a community at state-level the Hindus are a minority in the Christian-dominated Meghalaya, Mizoram and Nagaland; Sikh-dominated Punjab; and Muslim-dominated Jammu-Kashmir and Lakshadweep – and this is what I had pinpointed in my aforementioned report of 1998.

The petitioner before the Supreme Court in the case under reference counted, additionally, Arunachal Pradesh and Manipur among the Hindu-minority states, which is questionable. The Hindu population in these states is less than fifty percent but so is that of all other communities, and the difference between the number of Hindus and Christians is microscopic.

Population is however not the only criterion for a religious community being seen as a minority. A 1977 report of UN Sub-Commission on Prevention of Discrimination and Protection of Minorities had defined minority as "a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members -- being nationals of the State -- possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if not implicitly, a sense of solidarity directed towards preserving their culture, traditions, religion or language." If each of these criteria is to be meticulously applied the national-level majority may not be seen as a minority anywhere in the country.

The true legal position is that the NCM too has no power to declare any community to be a minority; it can only make a recommendation in this regard to the government. The 1998 NCM report on state-level Hindu minorities remains on official records and, considering it, the central or any state government may take whatever action it may deem fit in respect of state-level Hindu minorities. No well-wisher of theirs needs to go for this purpose to either the apex court or NCM.

Minority status of a community is mainly relevant for taking benefits of minority welfare schemes but this need not throw a bone of contention -- the Supreme Court has already ruled that for central schemes in this sphere the national-level minorities and for local schemes state-level minorities are to be the beneficiaries.

References

Hadiya case WP (Cr) 297 of 2016 (Kerala HC) decided 24 May 2017 [appeal pending in SC]

Lata Singh v State of UP ILC-2006-SC-MAT-Jul-1

Sarla Mudgal v Union of India AIR 1995 SC 1531

Shamim Ara v State of UP (2002) 7 SCC 518

Shayera Bano v Union of India (2017) 9 SCC 1

Shruthi case (Kerala HC) decided 18 October 2017

State of Gujarat v IRCG, decided 29 August 2017

Upadhyay, Ashwani Kumar v Union of India (Hindu Minorities case), decided 10 November 2017

Postscript

*A Muslim Women (Protection of Rights on Marriage) Bill, meant to curb the evil of triple divorce, was reportedly to be tabled in Parliament during the current winter session. For my comments on its reported contents see *Indian Express*, 5 December 2017 and Rashtriya Sahara, 25 December 2017.

*In the *Hadiya* case of Kerala at its last hearing on 26 November the court freed her from her parents' custody and sent her back to her college hostel for resuming her studies.

Ankita Shukla
Assistant Professor, AIALS

Some Judicial Ruling on Environment Law

Environment is the wellspring of life on earth like water, air, soil, etc., and determines the presence, development and improvement of humanity and all its activities. The concept of ecological protection and preservation is not new. It has been intrinsic to many ancient civilizations. The word environment relates to surroundings. It includes virtually everything. It can be defined as anything which may be treated as covering the physical surroundings that are common to all of us, including air, space, land, water, plants and wildlife. According to the Webster Dictionary it is defined as the "aggregate of all the external condition and influences affecting the life and development of an organism."The Environment (Protection) Act 1986, Section 2 (a), says that environment includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property.

The basic idea that can be concluded is that environment means the surroundings in which we live and is essential for life. Today we are living in nuclear arena. No one can overlook the harm caused to the environment by the nuclear bombs, dropped by airplanes belonging to the United States on the Japanese urban communities of Hiroshima and Nagasaki amid the last phases of World War II in 1945. Day to day innovation and advancement of technology, apart from development additionally expands the risk to human life. Accordingly, there arises an intense and an acute need of the law to keep pace with the need of the society along with individuals. So now the question of environmental protection is a matter of worldwide concern, it is not confined to any country or territory.

The remedies available in India for environmental protection comprise of tortious as well as statutory law remedies. The tortious remedies available are trespass, nuisance, strict liability and negligence. The statutory remedies include those under the Environmental (Protection) Act 1986, Criminal Procedure Code 1973 and the Indian Penal Code1860. At present most environmental actions in India are brought under Articles 32 and 226 of the Constitution. The writ procedure is preferred over the conventional suit because it is speedy, relatively inexpensive and offers direct access to the highest courts of the land. Nevertheless, class action suits also have their own advantages.

The powers of the Supreme Court to issue directions under Article 32 and that of the High Courts under Article 226 have attained greater significance in environmental litigation. Courts have made use of these powers to remedy past mala-fides and to check immediate and future assaults on the environment.

The formulation of certain principles to develop a better regime for protecting the environment is a remarkable achievement. In the *Bhopal Gas* case, the Supreme Court formulated the doctrine of absolute liability for harm caused by hazardous and inherently dangerous industries by interpreting the scope of the power under Article 32 to issue directions or orders which ever may be appropriate in appropriate proceedings. According to the court, this power could be utilized for forging new remedies and fashioning new strategies. These directions were given by courts for disciplining the developmental processes, keeping in view the demands of ecological security and integrity.

In *Rural Litigation Kendra* that posed an environment development dilemma, Supreme Court gave directions that were necessary to avert an ecological imbalance, such as constitution of expert committees to study and to suggest solutions, establishment of a

monitoring committee to oversee forestation programs and stoppage of mining operations that had an adverse impact on the ecology.

The rights to livelihood and clean environment are of grave concern to the courts whenever they issue a direction in an environmental case. In CERCs case labourers engaged in the asbestos industry were declared to be entitled to medical benefits and compensation for health hazards, which were detected after retirement. Whenever industries are closed or relocated, labourers losing their jobs and people who are thereby dislocated were directed to be properly rehabilitated. The traditional rights of tribal people and fisherman are not neglected when court issue directions for protection of flora and fauna near sanctuaries or for management of coastal zones.

In *LK Koolwal* the Rajasthan High Court observed that a citizens' duty to protect the environment under Article. 51A (g) of the Constitution bestows upon the citizens the right to clean environment. The judiciary may go to the extent of asking the government to constitute national and state regulatory boards or environmental courts. In most cases, courts have issued directions to remind statutory authorities of their responsibility to protect the environment. Thus, directions were given to local bodies, especially municipal authorities, to remove garbage and waste and clean towns and cities.

In *Indian Council for Enviro-legal* the Supreme Court felt that such conditions in different parts of the country being better known to them, the High Courts would be the appropriate forum to be moved for more effective implementation and monitoring of the anti-pollution law.

A liberal use of PIL against assaults on the environment does not mean that the courts, even if it is tainted with bias, ill will or intent to black mailing will entertain every allegation. This amounts to vexatious and frivolous litigation. When the primary purpose for filing a PIL is not public interest, courts will not interfere. In *Subhash Kumar* the Supreme Court upheld that affected persons or even a group of social workers or journalists, but not at the instance of a person or persons who had a bias or personal grudge or enmity could initiate PIL for environmental rights.

The apex court in *SP Gupta* observed "but we must hasten to make it clear that the individual who moves to court for judicial redress in cases of this kind must be acting bona fide with a view to vindicating the cause of justice and if he is acting for personal gain or private profit or out of political motivation or other oblique consideration, the court should not allow itself to be activated at the instance of such person and must reject his application at the threshold".

The right to humane and healthy environment is seen indirectly approved in the *MC Mehta* group of cases, decided subsequently by the Supreme Court. The first *MC Mehta* case enlarged the scope of the right to live and said that the State had power to restrict hazardous industrial activities for the purpose of protecting the right of the people to live in a healthy environment. Although the second *MC Mehta* case modified some of the conditions, the third *MC Mehta* case posed an important question concerning the amount of compensation payable to the victims affected by the leakage of gas from the factory. The court held that it could entertain a petition under Article 32 of the Constitution and lay down the principles on which the quantum of compensation could be computed and paid. This case is significant as it evolved a new jurisprudence of liability to the victims of pollution caused by an industry engaged in hazardous and inherently dangerous activities.

The fourth *MC Mehta* case was regarding the tanning industries located on the banks of Ganga was alleged to be polluting the river. The court issued directions to them to set up effluent

plants within six months from the date of the order. It was specified that failure to do so would entail closure of business.

The four *MC Mehta* cases came before the Supreme Court under Article 32 of the Constitution on the initiative of the public-spirited lawyer. He filed the petitions on behalf of the people who were affected or likely to be affected by some action or inaction. The petitioner had no direct interest in the subject and had suffered no personal injury. The court held that this fundamental right to health and medical aid should continue even after retirement. Significantly, the court said that in appropriate cases, appropriate directions could be issued to the State or private employer with a view to protecting the environment, preventing pollution in the workplace, safeguarding the health of the workmen or preserving free and unpolluted water for safety and health of the people. Directions were issued to the asbestos industry, and the union and state authorities are meant to fill up the yawning gaps in the interpretation of the law.

The concept of compensation for environmental degradation has evolved at a snail's pace over a period. It started with the strict liability principle followed by the absolute liability principle and then compensation under Article 32 and finally the 'polluter pays' principle.

The 'polluter pays' principle has become a very popular concept lately. If you make a mess it's your duty to clean it up -- this is the fundamental basis of this slogan. It should be mentioned that in environment law, the 'polluter pays principle' does not allude to fault. Instead, it supports a remedial methodology which is concerned with repairing natural harm. It's a rule in international environmental law where the polluting party pays for the harm or damage done to the natural environment.

In *Union Carbide* the court held that where an enterprise is occupied with an inherently dangerous or a hazardous activity and harm results to anybody by virtue of a mishap in the operation of such dangerous or naturally unsafe movement coming about, for instance, in getaway of poisonous gas, the enterprise is strictly and completely obligated to repay every one of the individuals who are influenced by the accident and such risk is not subject to any exemptions. Accordingly, the Supreme Court created another trend of Absolute Liability without any exemption.

In *Vellore Citizens Forum* the court decided that environmental measures must anticipate, prevent and attack the causes of environmental degradation. The court further observed that sustainable development has come to be accepted as a viable concept to eradicate poverty and improve the quality of human life while living within the carrying capacity of the supporting eco-system. Lack of scientific certainty should not be used as a reason for postponing measures. The onus of proof is on the actor to show that his action is benign.

The public trust doctrine discussed in *MC Mehta* primarily rests on the principle that certain resources like air, water, sea and the forests have such a great importance to people as a whole that it would be wholly unjustified to make them a subject of private ownership.

The World Commission on Environment and Development (WCED) in its report prominently known as the Brundtland Report highlights the concept of sustainable development and says that sustainable development signifies "development that meets the needs of the present without compromising the ability of the future generations to meet their own needs". There is a need for the courts to strike a balance between development and environment.

In *Rural Litigation and Entitlement Kendra* the court for the first time dealt with the issue relating to the environment and development and held that it is always to be remembered that

these are the permanent assets of mankind and are not intended to be exhausted in one generation.

There are a number of judgments which clearly highlight the active role of judiciary in environmental protection. In *Charan Lal Sahu* the Supreme Court said, the right to life guaranteed by Article 21 of the Constitution includes the right to a wholesome environment.

In *Damodhar Rao* the court resorted to the Constitutional mandates under Articles 48A and 51A(g) to support this reasoning and went to the extent of stating that environmental pollution would be a violation of the fundamental right to life and personal liberty as enshrined in Article 21 of the Constitution.

Ratlam Municipal Council is a landmark in the history of judicial activism in upholding the social justice component of the rule of law by fixing liability on statutory authorities to discharge their legal obligation to the people in abating public nuisance and making the environmental pollution free even if there is a budgetary constraint. Krishna Iyer, J. observed that "social justice is due to people and therefore the people must be able to trigger off the jurisdiction vested for their benefit to any public functioning". Thus he recognized PIL as a constitutional obligation of the courts.

In *MC Mehta v Union of India* the court held that the power of the court to grant remedial relief for a proved infringement of a fundamental right includes the power to award compensation. The judgment opened a new frontier in the Indian jurisprudence by introducing a new "no fault" liability standard (absolute liability) for industries engaged in hazardous activities which has brought about radical changes in the liability and compensation laws in India. The new standard makes hazardous industries absolutely liable for the harm resulting from its activities.

The fundamental right to water has evolved in India, not through legislative action but through judicial interpretation.

In *Narmada Bachao Andolan v Union of India* the Supreme Court of India upheld that "Water is the basic need for the survival of human beings and is part of the right to life and human rights as enshrined in Article 21 of the Constitution of India and the right to healthy environment and to sustainable development are fundamental human rights implicit in the right to life".

There are ample constitutional and legislative provisions on environment protection in India. But despite of these legislations, rules and regulations, protection and preservation of the environment is still a pressing issue. Hence there is a need for an effective and efficient enforcement of the constitutional mandate and the other environmental legislations.

A strong foundation for environmental jurisprudence in India helped in the protection and preservation of its environment as well as its people. The collaborative approach, operational flexibility, court's follow up on its interim orders and futuristic approach makes people feel more secure as they are confident of getting relief for environmental damage through the courts.

The main stimulus for environmental judicial activism came from Bhopal Gas tragedy. After this, there was a widening of existing environmental laws achieved by interpreting environment as a fundamental right in the Constitution (Article 21) and by imposing obligations on the State to carry out its duties as guided by the Directive Principles (Article 48A and 51A). PIL has been proven a successful tool for the responsible NGOs and concerned individuals.

References

Charan Lal Sahu v Union of India [1987] RD-SC 277

Damodhar Rao v M C Hyderabad AIR 1986 AP 171

Indian Council for Enviro-Legal Action v Union of India (2011) 8 SCC 161

LK Koolwal v State of Rajasthan AIR 1988 Raj 2

M.C. Mehta v Union of India AIR 1987 SC 965

M.C.Mehta v Kamal Nath (1997) 1 SCC 388.

Narmada Bachao Andolan v UOI (2000) INSC 518

Ratlam Mun. Council v Vardhichand AIR 1980 SC 1622

Rural Litigation and Entitlement Kendra v State of UP AIR 1987 SC 1037

S.P. Gupta v Union of India 1982 AIR SC 149

Subhash Kumar v State of Bihar (1991) 1 SCC 598

Union Carbide Corporation v UOI AIR 1990 SC 273

Statutes

Wild Life Protection Act 1972

Water (Prevention and Control of Pollution) Act 1974

Forest (Conservation) Act 1980

Air (Prevention and Control of Pollution) Act 1981

Environment (Protection) Act 1986

National Green Tribunal Act 2010

Editor's note

For further case studies on environment protection laws of India ALW readers may refer to the following informative materials:

**MV Ranga Rao*

(Faculty of Law, Kakatia University, Warangal)
'Role of Judiciary in Environmental Protection' -- Supreme Court Journal, Vol. III (2001)

**Sachin Vats*

(Rajiv Gandhi National Law University, Patiala)
'Ten Most Important Environmental Law Judgments in India' -- https://blog.ipleaders.in

**Atisha Sisodia*

(Christ University Law School, Bangalore)
'The Role of Judiciary in Protection of Environment in India'-- https://www.lawctopus.com

PhD Students' Notes

(1)

Bhavna

[enrolled July 2016 – Guide: Professor Tahir Mahmood]

Sampling Judicial Verdicts on Bigamy Law

Bigamy which means remarriage of a person already married was made an offence in 1860 under Sections 494-95 of the Indian Penal Code. As the provision was made applicable only if the family law governing the person treats bigamy as void, its scope remained very limited for a very long time. Only Christians and Parsis came within its purview, as the family law of all other communities then allowed bigamy. Ninety-five years later the Hindu Marriage Act 1955, declaring bigamous marriages to be void, extended it to Hindus, Buddhists, Jains and Sikhs. Muslim men still remain outside its scope as their religious law allows bigamy by men. The scope and application of the IPC provision have since been interpreted in very few court cases. A brief sampling of such cases follows.

(i) The anti-bigamy provisions of the Indian Penal Code are not applicable to tribal Hindu and Buddhist communities since the Hindu Marriage Act 1955 does not apply to them. -- *Stella Kujur v Durga Charan Hansdah* AIR 2001 SC 938.

(ii) If a married Hindu man contracts a bigamous marriage and customary ceremony is held in an incomplete or defective way, since the marriage will not be complete and binding under the Hindu Marriage Act it will not be hit by the anti-bigamy law. -- *Bhaurao v State of Maharashtra* AIR 1965 SC 1564

(iii) If a married Hindu man marries again after converting to Islam he will be guilty of bigamy punishable under the Indian Penal Code.-- *Sarla Mudgal v Union of India* AIR 1995 SC 1531, *Lily Thomas v Union of India* (2000) 6 SCC 224

(iv) Section 125 of the Code of Criminal Procedure 1973 allowing separate maintenance to a wife as the ground of her husband's cruelty applies to a Muslim woman whose husband has contracted a second bigamous marriage.-- *Khatoon v Yaamin* AIR 1982 SC 853

(v) The second wife of a Muslim man has no better status than a concubine. -- *Begum Subhanu v Abdul Ghafoor* AIR 1987 SC 1103

(vi) Since a civil marriage solemnized under the Special Marriage Act 1954 is not governed by the personal law of the parties, if either party indulges in polygamy sections 494-95 will apply. -- *Anwar Ahmed v State of UP* (1991) CrLJ 717

(vii) The custom of two or more brothers marrying the same woman or two or more women violates the Hindu Marriage Act 1955 and will attract application of Sections 494-95 of the Indian Penal Code. -- *Ban Singh v Devi Ram* AIR 2012 HP 97

(viii) Bigamy is an offence even if indulged in with the consent of first wife. -- *Santos Kumara v Surgut Singh* AIR 1990 HP 77

(2)

Sameer K. Swarup
[enrolled July 2016 – Guide: Dr Kshitij Kumar]

Industrial Designs and Copyright Overlap

Licenses to use patents, industrial designs, copyrights and trademarks are often combined with transfers of knowledge or technology and are increasingly important terms in technology transactions. Industrial designs belong to the aesthetic field, but are at the same time intended to serve as pattern for the manufacture of products of industry or handicraft. An industrial design is the ornamental or aesthetic aspect of a useful article, which must appeal to the sense of sight and may consist of the shape and/or pattern and/or color of article. An industrial design to be protectable must be new and original.

Industrial designs are protected against unauthorized copying or imitation, for a period, which usually lasts for 10 to 15 years. Manufacturer of goods can create eye-catching designs which can increase marketability of their products. Also they can get good returns on small investments as against patents where the investment is huge and incubation period is long. The Supreme Court of India had once observed that " protection given to designs is primarily to advance industries and to keep them in high level of competitive progress". -- *Bharat Glass Tube Limited v Gopal Glass Work* AIR 2008 SC 397.

According to the Designs Act 2000 "design" constitutes only the features of shape, configuration, pattern, ornament or composition of lines or colors applied to any article whether in two-dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device, and does not include any trade mark as defined in clause (v) of sub-section (1) of section 2 of the Trade and Merchandise Marks Act 1958 or property mark as defined in section 479 of the Indian Penal Code or any artistic work as defined in clause (c) of section 2 of the Copyright Act 1957.

For the purpose of registration under the Act, the design must be new or original, unpublished previously or in existence in any other country and the article must have its existence independent of the designs applied to it. So, the design as applied to an article should be integral with the article itself. Trademark and property marks, stamps, labels, tokens, cards, etc. are

excluded from the registration under the Act as these cannot be considered as an 'article'. Moreover, any mode or principle of construction or operation, which is in substance a mere mechanical device and it is required that the design should be visible on the finished article.

An industrial design can be protected both under the Designs Act and other IPR laws like those relating to copyrights, trademarks and patents. To be registered under the Designs Act it has to be an artistic or creative work applied to the product. Under Section 2 (c) of the Copyright Act "artistic work" means (i) a painting, a sculpture, a drawing (including a diagram, map, chart or plan), (ii) an engraving or a photograph, whether or not any such work possesses artistic quality, (iii) work of architecture; and (iv) any other work of artistic craftsmanship; Thus there is an ambiguity and an overlap with the copyrights as regards registration of designs. The designs which are not applied to the articles may be registered under the copyright law.

In Microfibres Inc. v Girdhar & Co. 128 (2006) DLT 238l the Delhi High Court considered Section 15 of the Copyright Act and held that while design protection of fifteen years shall be granted to the products, their designs shall be protected by copyright irrespective of the intention of the artist to commercially manufacture the product drawn. Commenting on the definition found in Section 2 (c) of the Act the court observed:

> "This definition has a very wide connotation as it is not circumscribed by any limitation of the work possessing any artistic quality. Even an abstract work, such as a few lines or curves arbitrarily drawn, would qualify as an artistic work."

(3)

Priyanka Singh
[enrolled July 2016 – Guide: Dr Sachin Rastogi]

Trademark Infringement on Internet

Trademark infringement on internet has become a common practice. Earlier similar trademarks or identical trademarks could exist in different territorial areas but after the development of internet it creates confusion and at times leads to trademark infringement. Exactly what happens is that many traders without getting their trademark registered with the government start using the trademark online, some intentionally copy a famous trademark or trademark which is similar to famous trademark in order to increase their profits. Using similar keywords on search engine, copying domain names, linking and mega tag, etc are other examples of how trademark are infringed online. With increasing number of trademark infringement there are number of cases of false or inappropriate allegations of trademark infringement.

Some leading cases on various forms of trademark infringement on internet are mentioned below:

Linking

Linking creates a connection between two different websites and diverts traffic from one of them to another thus causing trademark infringement.

In *Pacific Internet Ltd v Catcha.com Pvt Ltd* [2008] 3 SLR 18 dealing with a trademark infringement through linking, a court held that defendant's act was wrong due to which heavy losses were incurred by the plaintiff. The case had an out of court settlement based on the guidelines given by the court.

Meta tags

Meta tags are basically those words or phrases which are embedded in the webpage coding. They are in form of Hypertext Markup Language (HTML) code and not visible. Companies use Meta tags which are similar or identical to a famous trademark of another company so that web traffic is diverted from legitimate website and increases the profit. When such deceptive Meta tags are used the goodwill of the famous company is on stake and

consumers are misled, which leads to trademark infringement accusation.

In *Promatek Industries Ltd v Equitrack Corporation* [300 F, 3d 808, No, 00-4276 (7th Cir., 13/8/2002] the defendant mistakenly used registered trademark COPITRAK of the plaintiff in the Meta tag of its website for which he filed a lawsuit of trademark infringement. The court held that since the use of Meta tag was such that it confused the consumers it was an act of trademark infringement.

Framing

A small window or a frame is created which opens up along with another website this process is called framing. In framing generally new window comes as a pop up window. This procedure confuses the consumers and makes them believe that the two websites are associated with each other. Therefore, a dispute of trademark infringement arises.

In Washington Post Co. v Total News, 13 Berkeley Tech LJ 21 (1998) the court held that framing creates lot of confusion and deceives the users which create the grounds of liability under trademark law. The court ordered defendant to stop using framing practice.

Internet has brought great opportunities but with it have come up new challenges which are to be effectively met by all stakeholders, including law makers and courts. At present no preventive techniques are there to control cyber squatting, the laws provide remedies which also have their limits.

It is important to take strong measures to control cyber squatting as the rate at which it is increasing is fast. If no step is taken then the situation will get worse and way more complicated and the trademark owners and users will remain in a world of dilemma.

AIALS Activities Update 2017

PhD Program

The overall management of AUUP's program for PhD in law remained with AIALS for the fourth consecutive year – the positions of Chairman and Member-Secretary of FRC (Law) both being with us.

In July 2017 six students were newly admitted to the PhD in Law program – four registered at AIALS and two at ALSN. Their names and research topics are mentioned below:

(i) AIALS

1. Mini Srivastava [ALS faculty]
   Social Media as a Free Speech Platform: Regulatory Jurisdiction in India: A Study in Comparison with Select Foreign Laws
2. Priyanka Ghai [ALS faculty]
   Child Labour (Prohibition and Regulation) Amendment Act 2016: Educational Issues in a Constitutional Perspective
3. Divya Ratna Gupta [full-time]
   Working of National and State Commissions for Women: A Critical Study of Impact on the State of Gender Justice
4. Arunima Goel [part-time]
   Digital Rights Management and Copyright: A Study of Conflicts and Interactions

(ii) ALSN

1. Ashutosh Gautam [part-time]
2. Shekhar Gehlot [part-time]

With these admissions the number of PhD students on rolls rose to 35 at AIALS, and to 78 at the Law Faculty level.

On our recommendation no PhD admissions were made in July 2017 due to non-availability of seats as per UGC rules .

Now admissions have begun for the batch of January 2018 and the process is likely to be omplete by mid-January.

LLM Programs 2016-17

Degrees awarded

As many as 139 AIALS students of the academic year 2016-17 were awarded LLM degree at the university convocation held on 9 November 2017 in various specializations as shown below:

1.	LLM (Business Law)	45
2.	LLM (Criminal Law)	29
3.	LLM (Intellectual Property)	24
4.	LLM (Constitutional Law)	23
5.	LLM (Family Law)	9
6.	LLM (Human Rights)	9

Goolam Vahanvati Award

The 13th Attorney General for India Goolam Essaji Vahanvati had passed away in 2014. Next year his wife, Madam NafisaVahanvati, instituted an award in his name at Amity University. Known as the Goolam.Vahanvati Memorial Award for Excellence in Legal Education it is to be given annually to the most meritorious LLM student of the university [those of AIALS andAmity Law School together]. The first award [for 2015-16] was bagged by an AIALS student, Jaishree Mehta of LLM (Constitutional Law). This year's award also was won by an AIALS student, Pratyush Prakash of LLM (Criminal Law).

Shree Baljit Shastri Award

This award instituted by Founder-President in the name of his late father is given every year for "Best in Human and Traditional Values" separately to students of each Amity institution. At AIALS the following received this award:

1. Pratyush Prakash (Criminal Law)
2. Vaishnavi Yashasvi (Constitutional Law)
3. Purvi Singh (Intellectual Property)
4. Shivram (Business Law)

Gold medalists

Gold Medals were awarded at the convocation to the following students:

1. S Shivram : LLM (Business Law)
2. Vaishnavi Yashasvi: LLM (Constitutional Law)
3. Purvi Singh: LLM (Intellectual Property)
4. Pratyush Prakash: LLM (Criminal Law)

Students' Placement

Our alumni on ALS faculty

During the academic year 2017-18 the following AIALS alumni were appointed as Assistant Professors at Amity Law School :

1. Indu Nagar : LLM (Family Law)
2. Chandni Kundu : LLM (Constitutional Law)

With these appointments the number of AIALS alumni joining the ALS faculty rose to 18 many of whom are still working there.

Our alumni at other law schools

The following students of our LLM batch of 2017-18 have been appointed as Assistant Professor in some other law schools:

1. Bhumika, LLM (Intellectual Property)
   Dewan Law College, CCS University, Meerut
2. Megha Sharma, LLM (Business Law)
   Mewar Law College, CCS University, Ghaziabad
3. Kritika Nischal, LLM (Business Law)
   CPJ School of Law, IP University, Delhi
4. Shikha Gangwar, LLM (Constitutional Law)
   CPJ School of Law, IP University, Delhi

Selection through Placement Service

The following students of 2017-18 LLM batch have been placed through the Law Faculty Placement Service as Assurance Associates at Ernst & Young LLP of Noida:

1. Prasoon Vashistha : LLM (Business Law)
2. Nishi Samrendra :LLM (Business Law)
3. Purvi Singh : LLM (Intellectual Property)
4. Monis Iqbal : LLM (Criminal Law)

Other postings

Pratyush Prakash, LLM (Criminal Law) has joined Ernst & Young LLP of Noida as Assurance Associate.

Nibedita Sarma Baruah, LLM (Business Law) has joined Annovip Law Firm of Delhi as Legal Associate.

LLM Programs 2017-18

High intake

Two new specializations launched in 2015 – LLM (Criminal Law) and LLM (Intellectual Property) have now turned out to be our most popular LLM programs. For the academic year 2017-18 a record number of 212 students were admitted to various specialization as shown below:

LLM (Criminal Law)	55
LLM (Business Law)	51
LLM (Intellectual Property)	43
LLM (Constitutional Law)	38
LLM (Human Rights)	18
LLM (Family Law)	7
Total	212

Selection for judiciary

The following students have qualified in the UP Judicial Services (Civil Judge) (Jr. Div.) Examination:

1. Shobha Bhati : LLM (Intellectual Property)
2. Lalita Yadav : LLM (Criminal Law)

AIALS Chairman

Best Teacher Award

The Society of Indian Law Firms [SILF} conferred the prestigious Best Law Teacher Award on AIALS Chairman Professor Tahir Mahmood. The conferment ceremony was held at Hyatt Regency Hotel on 20 September 2017.

AMU Alumni Meet

Professor Mahmood was invited as the Chief Guest at the massive International Alumni meet held in Aligarh as part of the 200th birth anniversary of Sir Syed, founder of the Aligarh Muslim University.

National Law Reform Jury

Professor Mahmood was appointed as Chair of the jury for judging the entries to the National Law Reform Competition on Uniform Civil Code, for which a Valedictory was organized at Trivandrum on 9 December 2017.

Bangkok Conference

Professor Mahmood was the main speaker at the International Minority Rights Consultation Conference held in Bangkok, Thailand, on 11-14 December 2017.

New Book

A second revised edition of Professor Mahmood's book *Introduction to Muslim Law* [co-authored by Dr Saif Mahmood], first published in 2013, has been brought out by LexisNexis in November 2017.

AIALS Faculty

Promotions

Three faculty members --Arun Upadhyay, Sachin Rastogi and Asha Verma – were elevated as Associate Professors with effect from 1st June 2017.

Dr Sachin Rastogi Associate Professor

*Presented paper on 'Women and Indian Politics: Inadequacy in Political Representation' at a National Seminar on Mainstreaming of Marginals in India- Issues and Challenges organized by University Institute of Legal Studies, Chandigarh : 6 May 2017.

*Acted as one of the judges for SAARC Mooting Competition, Indian Round, at Lloyd Law College: 27-28 October 2017.

*Acted as a Resource Person for the technical session of a National Seminar on Litigating Equality: Are Human Rights Effective ? at Delhi Metropolitan Education : 11 November 2017

Dr Asha Verma Associate Professor

*Presented paper at an International Conference on Migration and Diasporas: Emerging

Diversities and Development Challenges, School of Interdisciplinary and Trans-Disciplinary Studies, Indira Gandhi National Open University : 22-23 March 2017.

*Presented paper at International Conference on Human Rights and Gender Justice at the Indian Society of International Law : 6 August 2017.

Dr Kshitij Kumar Assistant Professor

*Participated in International Symposium on Frontiers in Precision Medicine II - Cancer, Big Data and the Public, University of Utah, Salt Lake City, USA : 1-2 December 2016.

*Presented paper at National Conference on Intellectual Property Rights, PHD Chamber of Commerce, DU & DIPP : 16-17 December 2016.

*Presented paper at an International Seminar on Globalization and India's Innovation System - A Creative Destruction, at Mahatma Gandhi University, Kottayam : 4-6 February 2017.

*Participated in the 1st World Conference on Access to Medical Products and International Laws for Trade and Health, at Indian Society of International Law in collaboration with WHO and Union Ministry of Health and Family Welfare : 21-23 November 2017.

*Presented paper on 'Leveraging IPR Ecosystem for Accelerating Startups at a National IPR Conference, PHD Chamber of Commerce in collaboration with Union Ministry of Science and Technology and University of Delhi: 24 November 2017.

Ankita Shukla Assistant Professor

*Enrolled for PhD in law at KR Mangalam University School of Law on 9 September 2017 for research on 'Sentencing Policy under the Indian Criminal Justice System with special reference to Sexual Offenses".

*Presented paper at an International Conference on Human Rights and Gender Justice, Indian Society of International Law: 6 August 2017.

*Published a paper in *International Journal of Criminal Jurisprudence and Criminal Justice System*, Vol. 1:1 (2017).

Library Management

Assistant Librarian Shazia Aijaz, working for AIALS since 2005, left her job in June 2017. The position was taken over on 8 August 2017 by Pratibha Jha who holds Master's degrees in Sanskrit and Library Science and has earlier worked in another Amity institution.

Academic Events

An Awareness Program on Intellectual Property sponsored by FIICI and IPO was organized on 25 September 2017. It was addressed, besides representatives of the sponsoring bodies, by Vice-Chancellor Balvinder Shukla.

On every Friday AIALS organizes student seminars or debates on current legal issues. During August-November 2017 such events were held on Right to Privacy as a Fundamental Right, Checking Misuse of Dowry Prohibition Laws, Constitutionality of Right to Protest and Strike, Appointment of Judges: Collegium vs NJAC, Film Censorship vs Freedom of Speech & Playing National Anthem in Cinema Hall.

Collaboration

On the pattern of similar organizations working at international and regional levels elsewhere a South Asia Consortium for Religion and Law Studies [SACRALS] was formed in January 2017. Headed by Prof. Tahir Mahmood as its Founder-Chair, the body aims at conducting and promoting studies and research in religion-state relations in South and Southeast Asia.

Instead of seeking affiliation to any university, SACRALS has now decided to operate independently as a Trust in academic partnership with some prominent educational institutions. AIALS has been admitted to SACRALS as its first academic partner.

South Asia Consortium for Religion and Law Studies

[SACRALS, established in January 2017]

SACRALS Partners

Amity Institute of Advanced Legal Studies
Indian Law Institute, New Delhi
NALSAR Law University, Hyderabad
Centre for Study of Secularism and Society, Mumbai

SACRALS Event

International conference on
Religio-Legal Parameters for Social Harmony
Thursday –Saturday, 1-3 February 2018
[to be held in part at Amity campus]

AIALS Chairman Prof. Tahir Mahmood receiving Best Law Teacher Award : 20 September 2017
L to R Prof Sivakumar, Prof NR Madhava Menon, Sr. Advocate Lalit Bhasin, Dr Ranbir Singh, Sr. Advocate RS Suri

FICCI-IPO sponsored Intellectual Property Awareness program: 25 September 2017
AIALS Chair Tahir Mahmood (on mike), sponsors' representatives, Vice-Chancellor Balvinder Shukla, Kshitij Kumar (organizer)

AIALS Chair, faculty & staff on 6 September 2017
L to R Asha Verma, Ankita Shukla, Tahir Mahmood, Sachin Rastogi, RP Singh, Kshitij Kumar, Arun Upadhyay
back row : Suresh Rawat, Kishan Singh