

AMITY
UNIVERSITY
----GURGAON----

Volume I Issue I

AMILAWYERS

September 2016
Bi-annual Newsletter
Amity Law School, Gurgaon

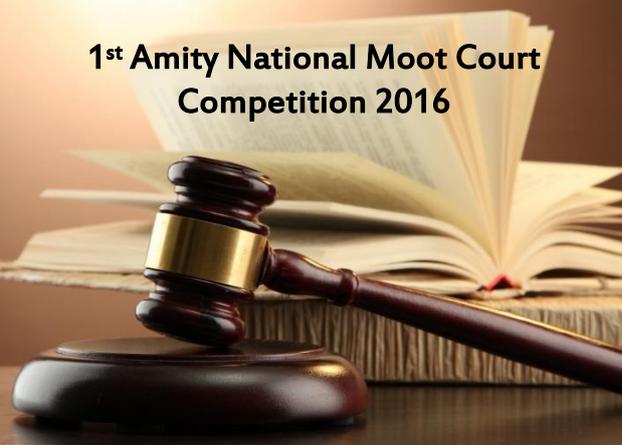


AMITY
LAW SCHOOL

In this Edition:

- 2 *Intellectuals' Rostrum*
- 3 *How Amity Law School took its first steps*
- 4 *Law School's Reflection*
- 5 *National Law Day*
- 6 *Amifest*
- 7 *International Women's Day*
- 8 *1st Amity National Moot Court Competition*
- 9 *Scene-Changing Judgments*
- 10 *Critical Analysis of the Juvenile Justice Act, 2015*

1st Amity National Moot Court
Competition 2016



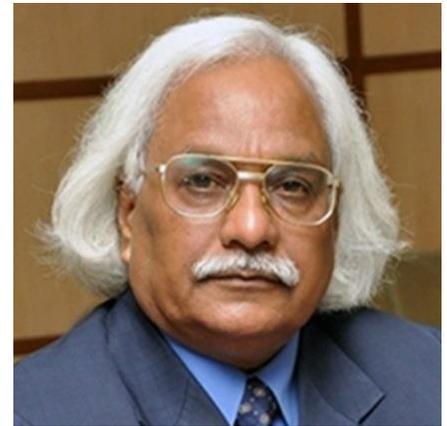
Intellectuals' Rostrum



Dr. ASEEM CHAUHAN
Chancellor, AUG

Education is a process which contributes in building the socio-economic infrastructure of a nation. With that in view, and carrying forward the vision of our Honourable Founder President Dr. Ashok K. Chauhan, of making the Amity University a global hub of knowledge and innovation, we nurture young talent here at Amity University Haryana. The dynamically designed curriculum provides a holistic environment for the development of Amitians to be better equipped with emotional intelligence, team work skills, leadership qualities and discipline. The efforts of Amity University Haryana, in achieving academic excellence by focusing on leveraging the talent and innovative genius of the budding professionals, are commendable.

Law and Jurisprudence have been the backbone of civilised societies the world over. In ancient India, the law, the "Dharma" was the major strength of the civic society that practiced "Dharma" based on tripod of truth ("Satya"), non-violence ("Aahinsa") and welfare of all ("Parahit"). So long as the Indian society based its entire conduct of human activity, business and governance on the above three cardinal principles of "Dharma", the society enjoyed both prosperity, peace and happiness. The lawyers are to be defenders of the truth. In my opinion, the onerous role of a lawyer is as privileged as that of an expert physician who saves life. Here a lawyer could filter out the truth from untruth and thus save an innocent, a not guilty person from injustice. This privilege of a lawyer is a "privilege to serve and privilege to excel."



PROF. P.B. SHARMA
Vice Chancellor, AUG



PROF. (DR.) PADMAKALI BANERJEE
Pro Vice Chancellor, AUG

Being fully aware of the fact that law and society are interrelated and interdependent and the importance of law in the light of globalization, Amity Law School, endeavours to make the students socially significant and professionally competent. As such, the students are nurtured with the spirit and content of professionalism so as to make them perfect social engineers. ALS actively participates and encourages young talents in the field of oral advocacy research, legal aid, publication, debates and moot court competitions through which students get the opportunities to enhance the necessary skills and edify their legal careers. It provides a smooth platform to not only being an efficient lawyer but also a true cosmopolitan and responsible contributor to worldwide jurisprudence by encouraging close interactions between students, faculty and eminent thinkers from across the country and the world.

And How it all began..



“Our professionally sound faculty believe in overall development of the students – we believe in not just making good lawyers – but in sending good human beings in the society.”

Maj. Gen. P. K. Sharma (Retd)
Director, ALS

The advent of the Amity Law School, Gurgaon base its existence with the Master of Laws which came into being in 2011. Leading this universe of ours, Pranshul Sir drove its excellence towards perpetuity of its own kind. His prime focus was to inhibit faculty student relations to groom healthy law graduates and not just some book worms. In that year, Amity engaged new faculties for the initiation of law – Mr. Atul Jain, Ms Mallika Tambada and Ms Shivani Singh. During that time, Bar Council of India (BCI) carried out a routine inspection and allowed the advent of the 5 years Integrated Law Courses – B.A. LL.B (H), B.Com. LL.B (H) and BBA LL.B (H) and Amity’s pioneering efforts in graduate programs in law began. In 2013, the law graduate courses received overwhelming response from aspiring law students but they were not able to become a part of it because of the limited

number of seats. In 2014, there was another inspection by BCI thereby allowing a maximum of 3 sections of 60 students each for B.A. LL.B. graduate course.

Amity Law School Gurgaon boasts of a variety of legal battles including Parliamentary Debates, Moot Court Competitions, Quiz Competitions, Debate Competitions, Poster-making, etc. to enhance and groom the legal skills of students and make their way forward to a competitive future. It also preserves the ethical principles required in the arena of law. With a group of 19 faculties, the Law School stands out to inculcate the moral, ethical and legal principles involved in the modern civilisation. Presently, the Amilawyers universe inhabit nearly 500 law students who are geared up to shake the world.

THE FACULTY -

Prof. (Dr.) H. M. Mittal
Mr Pranshul Pathak
Dr. Brajesh Kumar
Dr. Ajay Kumar Bhatt
Dr. Santosh Kumar Tripathi
Dr. Aqueeda Khan
Mr Shiv Raman
Mr Bineesh Kumar BS
Mr Atul Jain
Mrs Monica Yadav
Mr Anil Sharma
Mr Amit Kumar
Mrs Nidhi Sharma
Ms Papiya Goldar
Ms Manisha Madhav
Mr Ashish Pathak
Mr Sumit Agarwala
Mrs Neha Pathak
Mr Sumit Aggarwal

A group of terrorists burst into the Taj Hotel, where the Bar Association was holding its meeting. More than hundred lawyers were taken hostages. Terrorist leader announced that unless their demands were met, they would release one lawyer every hour.

LAW SCHOOL'S REFLECTION



Pranshul Pathak
Assistant Professor

When I first arrived here, the feeling was aflame however challenging at the same time. I joined the Amity family in the year 2011 where I was to propagate law to the Master of Laws' students. Recollecting those memories still gives me nostalgia when there were just a couple of students of LLM batch as LLB was yet to be started. With the assistance of the higher authorities of the Amity University, we all steered forward the goal of academics by initiating the 5 year Integrated Law Courses in the year 2012. It was this time when everyone in the Law School could easily witness the glorious future. We regularly organize moot, quiz and debate competitions to sprout the Law School. I feel great when I trace how far we've come. I came here with an aim – an aim to groom this Law School into one of the most prestigious and top ranked Law School of the world. And believe me, we are on the right track.

The month was September 2012 – I joined the faction of Amity Law School Gurgaon, where there was so much to learn and explore. With the groups of young budding lawyers, it was a new beginning altogether - a journey which marked a milestone in my life. Amity being the top private University in India certainly cheered me up but simultaneously posed a challenge to meet up to the requirements of the Law School. It was my first time in the academics and thus, the time to give my best to the students. The name Amity itself signifies a feeling of friendship which I certainly got here. The working environment won my heart – the feeling of a restriction-free teaching provides a great opportunity to the students and faculties to explore the space of legal principles and moral values way beyond. I concurrently enjoy the vibrance of Amity Law School and its drivers and I wish them good luck for their lives both in legal and personal capacity.



Atul Jain
Assistant Professor



Sangeeta Ahuja
B.A.LL.B (2012-17)

Since school times, I always had a glimpse of college life from my elder siblings. When I took my first step here, I felt so excited that yes! Now the time has come to experience it. At the same time I was so nervous, it was a kind of mixed feeling. But eventually, with the assistance of our faculties, my first day resulted out to be one of the most unforgettable days of my life. Life as an Amitian is unique in its own way. With supportive faculties, cooperative seniors, beautiful campus, quality education and amazing friends, its everything one needs from a college, and a network developed for life. At Amity Law School, we conduct Moot Courts and Quiz Competitions. The law students are encouraged to take initiatives and inculcate leadership skills to cope up with the world outside the campus. Proud to be an Amitian..!



26 Nov
2015

NATIONAL LAW DAY

On 26th November, 1949, the Constituent Assembly adopted the Constitution of India. After a period of 30 years, The Supreme Court Bar Association declared this auspicious day as the National Law Day. The objective is to recognize the important principles which formed the basis of the Constitution. These principles include the rule of law, independence of the judiciary and the independence of legal profession.



Winner of the Debate Competition:
Nishant Khosla
Mayank Shekhar (Runner-up)



Hon'ble Vice Chancellor touching upon the legal issues prevalent in our country.

THE EVENT

With the advent of the hours of Indian law, the minds of the booming Amilawyers began restructuring. Starting with the Debate Competition, the voyage of this day went upon the labyrinth of Quiz Competition which engaged a whole lot of confidence and enthusiasm amongst the students. Strings of arguments engulfed the Seminar Hall rejuvenating the legal energy surrounding the audience. Words of Mr. Nishant and Mr. Mayank mesmerized the audience which got them the top two prizes of the afternoon.

In quiz competition, various teams depicted their legal knowledge which further brought upon a healthy but a close-range clash between them. Simultaneously, the Poster-Making Competition depicted the condition of laws in our country, enveloping the raw legal minds of the students. And there were some winners and some future winners which marked the end of this promising event.



Winners of the Intra Quiz Competition:
Deepanshu Tuteja, Mayank Shekhar & Jojongandha Ray

The Canadian law mandates that 35% of all the music played over the radio stations of Canada must be played by Canadian artists only. Great news for Justin Beiber and Celine Dion but not for us.

AMIFEST

26-28 Feb
2016

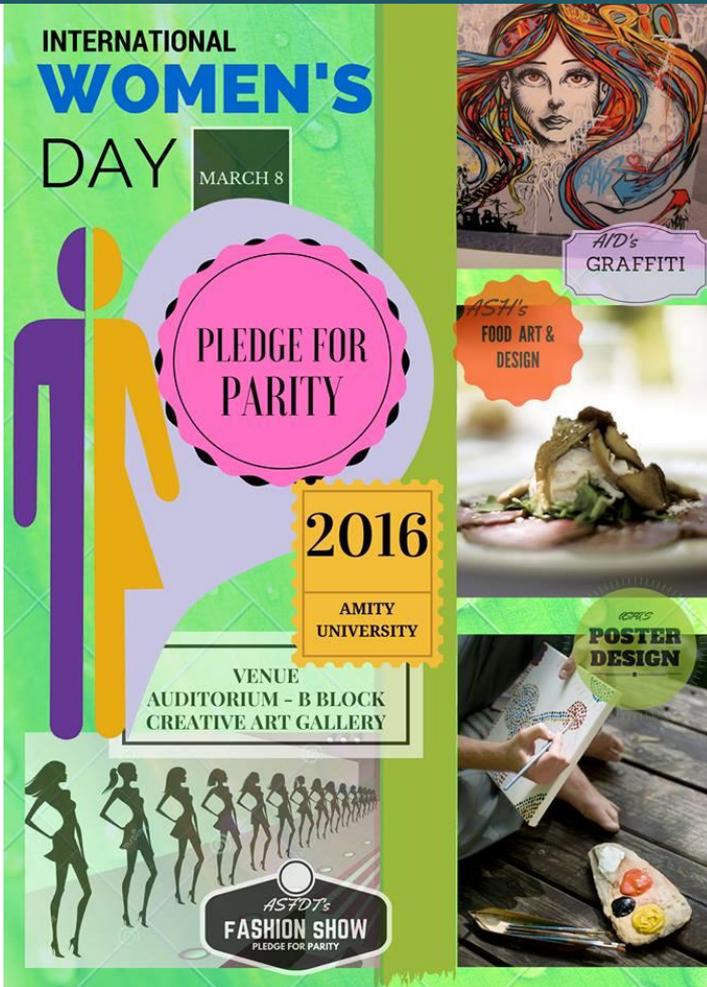
The river of youth energy at Amity is not just limited to academics but much beyond that. The most vibrant and glorious event at Amity surpasses all – AMIFEST it is. When the feet dangled, the crowd went ballistic, that's how you recognize the Amifest. The Fest houses numerous art, cultural & technical events which is fuelled by the energy of the young talents.



From singing to hacking & gaming, from fashion to drama, the youth leaves no opportunity to be a part of this magnificent event. Every February the most remarkable, witty, sensitive and brilliant collection of talents come together from various colleges spread across the Indian terrain, including the international students at Amity. This year, our Law School organized a Nukkad-Naatak event where students won the hearts of the audience with their ground-breaking acting and enthusiasm by further reflecting various social issues prevalent in the society. AmiFest is a way out of the studies where the students cool off and show their hidden talents to further embrace the sanctity of the event. The principles of equity and democracy runs through the veins of the fest, providing the perfect space to dream and imagine out of the box.



Why won't sharks attack lawyers?
- Professional courtesy.



International Women's Day is a global day celebrating the social, economic, cultural and political achievements of women. The day also marks a call to action for accelerating gender parity. The first observance of the Women's Day was February 28, 1909, in New York by the Socialist Party. International Women's Day was celebrated the first time in Austria, Denmark, Germany and Switzerland on 19 March. More than one million women and men attended the rallies campaigning for women's rights to work, vote, be trained, to hold public office and end discrimination. In 1913, International Women's Day was transferred to 8 March and has remained the global date for International Women's Day ever since.

8 March 2016

The ambience of this day was easily witnessed with the robust male audience eagerly waiting for the women to inaugurate their trans-national hours. Cruising through various events, the speech of Ms Nupur Sharma, Advocate Supreme Court, cut through the historical ice of gender parity, surfacing the interest of women in the family property. She has been a social activist, working for the empowerment of women in India. Her words went on to highlight the empowering females surpassing the endeavours of their male counterparts and the need to equalize the values of both the genders.



In Spain, it is a criminal offense to drive vehicles while wearing flip-flops/sandals. So in times of emergency, always ensure to put on shoes before you drive.

1-3 April 2016



Justice Sunil Hali, Dr. M. K. Sinha, Ms. Jyoti Singh, Mr. Quamuddin & Mr. S. K. Jha.

1ST AMITY NATIONAL MOOT COURT COMPETITION



A team eagerly listening to the arguments of the other team



Winners of the Moot Court Competition: NLIU Bhopal

It is said that Moot Court Competitions are the essence of a Law School as they are the most efficient legal tools for the growth of advocacy. As in practise the advocates prepare drafts and plead their case before a judge, the same practise is prevalent amongst Law Schools in a virtual sense where we call it a "Moot Court Competition". In this case, law students take place of advocates, eminent faculties and jurists and sometimes judges take place to adjudicate their case and the rest is already known.

Amilawyers organized the 1st Amity National Moot Court Competition which marked an era for Amity Law School, Gurgaon. Teams from 33 Law Colleges across India brought the competition to this college. The competition went over for 3 days but in fact, it was the manifestation of 3 months where the sweat and blood of the law students was invested.

The guiding torches were the faculties which further polished the golden period. Strings of arguments surrounded the Law School alongwith the rationale of various distinguished judges and faculties. The best part was the rebuttals where the teams would go head-on, thus boosting the energy levels of the room which further brought out the best in them.

Much awaited was the finale where the teams of NLU Bhopal and USLS Dwarka, New Delhi were onto each other but the judges stole the thunder just by their names – Justice Sunil Hali, Dr. M. K. Sinha, Ms. Jyoti Singh, Mr. Quamuddin and Mr. S. K. Jha. After a series of comprehensive arguments and judges' questions, the competition went on to its final stage with an ending ceremony. And the winners were the team of NLU Bhopal who were cheered upon by everyone in the hall that day.

SCENE-CHANGING JUDGMENTS

Yakub Abdul Razak Memon vs. State of Maharashtra Writ Petition (Crl.) No.135 of 2015

Yakub Menon's conviction brought a nationwide debate on the issue of capital punishment in India. A major accused of 1993 Bombay serial blasts was finally executed by hanging, despite various legal bottleneck and political pressure, in March, 2015. Under Terrorist and Disruptive Activities (Prevention) Act, Yakub was found guilty of 4 serious offences and the punishment for which was inclusive of death penalty. The year witnessed an unprecedented move of the Supreme Court where the gates of the Court were opened for hearing an urgent Writ Petition in an emergency session, at 3 A.M., wherein the accused was informed about his execution. There had already been delay of 22 years, repetitive rejection of mercy pleas by the President was inevitable and how much further delay could one have asked for? It was a rare event as no heed was being paid to media and the decision was taken without delaying much while observing the travesty of justice. The accused was the only one of 11 people whose death sentence was upheld.

Rajbala vs. State of Haryana (2016) 1 SCC 463

The scheme that every person who is entitled to vote is not automatically entitled to contest for every office under the Constitution was not been taken care of properly. It had been observed that uneducated people who are running the people at large had marked "dark ages" in the State of Haryana. The Supreme Court delivered a landmark judgment upholding the rule of Haryana's court that no illiterate person can be allowed to contest for elections, further upholding the validity of Haryana Panchayati Raj (Amendment) Act, 2015, Section 175 (1) (v), which introduced a minimum educational qualification i.e. for a male candidate has to be class 10th pass while a women candidate needs to be at least class 8th pass for contesting a Panchayat elections. It is to be understood that "right to vote" and "right to contest" are Constitutional Rights of the citizens of India and not the Fundamental Rights. We hope that this decision is carried forward to electing MPs and MLAs as well. How can we even think of being governed by someone who doesn't even know how to read and write?

Shreya Singhal vs. Union of India 2015 (5) SCC 1

A PIL was filed after the arrest of two girls in relation to the Balasaheb Thackery post, infringing the right to freedom of speech and expression of citizens of India guaranteed by the Constitution under Article 19(2). There has to be a balance between reasonable restrictions and fundamental rights and should be construed effectively. Such as Section 66 A of the I.T. Act was antithesis of this fundamental right because it was arbitrary, disproportionate and was invading the right of free speech and expression and upsetting the balance between such rights. The Apex Court in yet another striking case delivered remarkable judgement by striking down Section 66 A of the Information Technology Act by stating that the section is so vague as what might be offensive for one might not be for the other. Moreover, for something to be defamatory, injury to the reputation is necessary but under Section 66 A was not aimed for any defamatory statements at all. The judgement brought justice to so many people who were caught in similar situation.

JUVENILE JUSTICE ACT, 2015: NEW ONE OR MASQUERADE OF THE OLD ONES?

- Seemant Garg*

10

...

Receiving the President's assent on 31st of December, 2015, a new Juvenile Justice Act came into being on 1st January, 2016. But it is becoming quite difficult to ascertain whether our Union is moving forward or in a backward state. Coming up with the reformatory Juvenile Justice Act, 2015 under media and public outrage because of the 2012 Nirbhaya case is already under criticism. The reforms in the new Act have been the part and parcel of the Juvenile Justice Acts of 1986 and 2000 only.



Age cap : Age reform would seem the most highlighting one but it is not. The 1986 Act spelled 16 years for boys and 18 years for girls which was considered a little twisted in that era but now holds water in light of the 2015 Act. There is no such new age cap except in the case of heinous offences (with punishment of 7 years or more) in which a person of age 16-18 years would be tried as an adult. But before that trial, Juvenile Justice Board will conduct preliminary assessment over that child's mental and physical capacity to commit such crime, and if the Board gives him a green chit, he can still escape the criminal liability. Further, there is no provision of Appeal over the Board's decision of acquittal but Revision only. Moreover, if he is deemed to be tried as an adult, the Board may transfer the case to the Children's Court. To our surprise, even the Children's Court may refuse his trial if it thinks so. These leverages are certain to be fulfilling the purposes of the 2000 Act only. But if the person is proved guilty, he will be sent to a safe place till he attains the age of 21 and then he would be transferred to a jail. If however, the Children's Court found some reformatory changes in the child, it may release the child at the age of 21. It certainly violates the spirit of Art. 14 & 21 of the Constitution of India as the principle of fair trial of children under 18 is suffering from severe enigma. It has lost its primary purpose of distinguishing children from adults. In all other cases, the maximum punishment for children is 3 years in institutional care.

This age reformation is in contravention with the Convention on the Rights of Child. However, the Beijing Rules give discretion to the Member States to determine any age in respect of their legal systems. On one hand, the Convention tries to dominate the legal system of its member countries but the Beijing Rules still favour the country's sovereignty because at the end of the day, International Law cannot override a country's sovereignty.

In some states of U.S.A., the age cap for serious offences has been set at 13 & 14. Germany states the age of 14. Those countries may have achieved a zenith of development and hence, this level of age has been devised to consider the mental faculties of the adult. However, India is still in its developing phase but not an underdeveloped one and, therefore, a conditional age cap of 16 years cannot be termed as out of the box.

*IX sem, Amity Law School, Gurgaon.

Continued on next page...

"And God said: 'Let there be Satan, so people don't blame everything on Me. And let there be lawyers, so people don't blame everything on Satan.'"

Boards & Committees: The 1986 Act established Juvenile Welfare Boards and Juvenile Court. The 2000 Act skipped the establishment of a special court but the Juvenile Welfare Boards were carried on and Child Welfare Committees were established. However, the 2015 Act carries on the Boards (MM/JM 1 + 2 Social Workers), establishes Child Welfare Committee and revives the Children’s Court for every district. In the former two bodies, at least one woman member is mandatory which was also present in the 1986 & 2000 Acts.

Adoption: More new buds in 2015 Act are the provisions for the establishment of State Adoption Resource Agency and Central Adoption Resource Agency which monitors, regulates, make rules, etc. in regards to adoption of children.

Child Care Institutions: Registration is mandatory for these child care institutions (if they were not registered under the 2000 Act). This calls for credibility and genuineness of the level of care as children are not things, but human beings who need the utmost level of growth and development, sustainable environment, academic nurturing, etc. which would rectify their ill deeds to fully reform their mind to the right direction so as to make them part of the society again. For proper growth, a child could also be put in foster homes which is an inspiration from western countries.

Still, the main purpose of the Juvenile Justice Act should be to examine the mental faculties of the child, and not focus on the age in which he/she would develop such mental capacity. This Act first places focus on the age and then investigates into his/her mental capacity which should be opposite in process. There are cases in which persons of age 25 years do not possess an adult mind and there are children of age below 16 years who possess a matured mind with much experience of the practical world. Only the term ‘unsound mind’ distinguishes disabled adults from the regular ones. The surroundings in which the child has been nurtured matters a lot. The Indian administration is still quite a ways to come at par with the EU countries and U.S.

Punishments for all offences related to child have been increased multi fold thanks to public outrage over every case in which there is a juvenile criminal who got a distinguished punishment and a much more lenient one.

The Standing Committee examining the Bill found that it was based on some misleading data regarding juvenile crimes and violated certain provisions of the Constitution. It seems as though the structure of Bill is the same but its mask has been changed. This indicates the power of people in a democracy where judgments and legislations form under the pressure of media trial and public opinions and not on the rationale of the top bureaucrats.

27th September
1st Amity Paperless Moot Court Competition

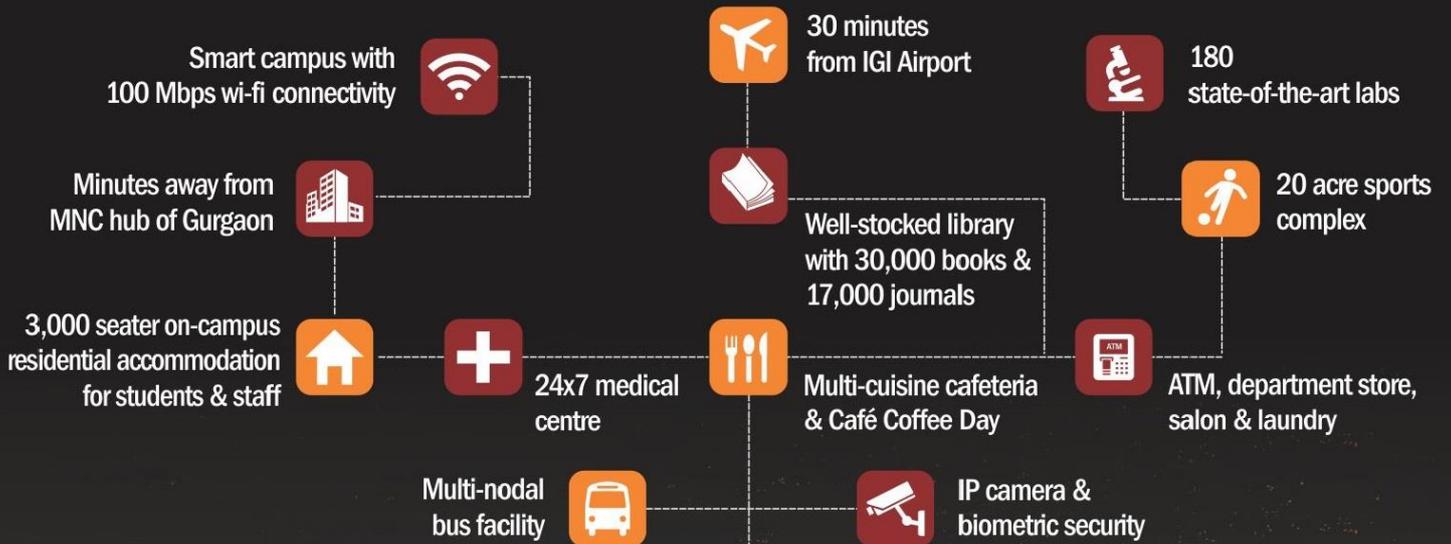
UPCOMING EVENTS

28th September
Innovation Day

24th October
Sangathan Closing Ceremony

An Israeli woman sued a TV Station when the weatherman wrongly predicted a nice day. The woman ended up getting caught in the rain, causing her to catch the flu, miss a week of work, and purchase medication. She sued for \$1,000, claiming that the incident caused her stress, and won the hilarious, but true court case.

110 ACRE NEXT-GEN CAMPUS FOR THE GEN-NEXT



AMITY LAW SCHOOL

ACADEMIC BLOCK-B, 2nd FLOOR, AMITY UNIVERSITY HARYANA, AMITY EDUCATION VALLEY, MANESAR, GURGAON, HARYANA
Contact @ 0124 – 2337015/ 7016, Website: www.amity.edu/gurgaon, E-mail: info@ggn.amity.edu

Editorial Team:

Seemant Garg (IX sem)
Himanshi (IX sem)
Vishrut (V sem)
Shiven (V sem)

Under the guidance of
Maj. Gen. P. K. Sharma
(Retd.)

