

VOLUME VI

ISSUE -IV (Oct-Dec 2020)



IILS QUEST

A Quarterly Journal authored by IILS Students
Published in the IILS Website

INDIAN INSTITUTE OF LEGAL STUDIES

Recognised under Section 2(f) & 12B of the UGC Act, 1956

UG 7 Post Graduate Advanced Research Studies in Law

Accredited by NAAC

Affiliated to the University of North Bengal

Approved by the University Grants Commission, New Delhi

Recognized by the Bar Council of India, New Delhi

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**THE STUDENT JOURNAL
(2020)**

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MESSAGE

FROM THE PRINCIPAL'S DESK



“The mind is not a vessel to be filled, but a fire to be kindled.” said Plutarch.

The IILS Quest is a stage for students to unleash their raw potential and empowering themselves with skills in legal aspects, swaying from serious thinking to practical approach. It provides a greater opportunity for young students to show their significance in the field of law through demonstrating their creative abilities, hidden dreams and aspirations for writing.

The journal is published quarterly, and it reflects the potential of the young minds in the area of writing. This initiative is not only to

encourage the students, but also to motivate more and more participations of the students. Roy T. Bennett has rightly said, **“Life is about accepting the challenges along the way, choosing to keep moving forward, and savoring the journey.”** The ILS Quest is just that step to make them move forward towards their dream.

It provides the opportunity for the students to engage academically and it has become a platform for young minds to share their understanding on legal and social issues prevailing in the present society. ILS Quest, a Students Journal unleashes a wide spectrum of creative skills ranging from writings to editing. I congratulate the students, and the editorial team for their hard work and dedication that has resulted in the publication of this issue of the College journal.



Prof. (Dr.) Ganesh Ji Tiwari

Principal,

Indian Institute of Legal Studies

MESSAGE

FROM THE REGISTRAR'S DESK



“There are no secrets of success. It is the result of preparation, hard working and learning from failure”. The completion of the ‘IILS Quest’, a Students’ Journal is a testimony to the commitment of our students. It reflects the raw talents and skills of our students and their courage to follow their dreams. The IILS Quest has traversed a significant passage of time, and indeed it will move forward in pursuit of knowledge and truth of life and society.

I congratulate all the students who have accepted the responsibility and played a crucial role to bring out this valuable edition amid this pandemic situation prevailing in our country.

A handwritten signature in black ink, appearing to be 'SJB', with a horizontal line underneath.

Shri Sanjay Bhattacharjee

Registrar, Indian Institute of Legal Studies

Table of CONTENTS

SLNO.	ARTICLES	PAGE
01.	NATIONAL EDUCATION POLICY 2020 & ITS IMPACT ON LEGAL EDUCATION By Subhradeep Das BBA LL.B Semester VII	1-6
02	RIGHT OF THE ACCUSED UNDER CrPC AND OTHER STATUTES By Ratnadeep Bose BBA LL.B Semester VII	7-21

SLNO.	BLOGS	PAGE
01.	SEX TRAFFICKING By Subhankar Ghosh BA LL.B Semester III	23-27
02.	THE DIFFERENT TREATMENT OF WOMEN IN THE COVID-19 PANDEMIC By Prachi BA LL.B Semester I	28-30

SLNO.	SHORT STORY	PAGE
01.	AWAKENING OF THE SOUL By Safal Rai BA LL.B Semester I	32-34

SLNO.	POEMS	PAGE
01.	THE DAY By Aishwarya Agarwal BA LLB Semester VII	36-37
02.	SHADOW OF LIFE By Sohini Chakraborty BBA LL.B Semester I	38-39

SLNO.	PAINTING	PAGE
01.	By Muskaan Agarwal LL.B Semester I	41

SLNO.	PHOTOGRAPHY	PAGE
01.	Subhankar Ghosh BA LL.B Semester III	43
02.	Priyabrata Saha BA LL.B Semester I	44



ARTICLES



NATIONAL EDUCATION POLICY 2020 & ITS IMPACT ON LEGAL EDUCATION



By Subhradeep Das
B. B. A LL.B Semester VII

ABSTRACT

A lot of discussions took place around the educational sector relating to the New Education Policy which was brought up by the Union HRD Minister Ramesh Pokhriyal. The main objective behind introducing this policy was progressive reform keeping in view all the barriers that were present in the education sector. The introduction of this policy triggered the discussion on the integrity of the education sector and also it was viewed as a review of the current educational picture which also includes the legal education sector.

Since legal education serves as a link to the country's rule of law, legal education is a medium by which the young generations are given the values of law & the rule of law only prevails where society keeps faith in the law. Emphasis should be put on the quality of legal education as legal education is significant for the country's safety, peace, and

welfare. There have been made several improvements and reforms to the 2020 policy which exerted a large impact on legal education.

HISTORICAL BACKGROUND:

We had the First national education policy in the year 1968 during the period of Mrs. Indira Gandhi's government whose main focus was on improving quality and also to develop education in the country by way of formulating certain principles.

The Second national education policy was introduced in the year 1968 during the Rajiv Gandhi government with the aim of access to education for all keeping in mind especially the backward castes i.e., SCs, STs, OBCs & Women. P.V. Narasimha Rao government modified this policy in the year of 1992 to guide the development of the education sector of our country.

The new education policy was brought in the year of 2020 by the Modi government focuses on the delivery of quality education with flexibility. Emphasis has been laid on life skills, ethics and constitutional values. Along with all this public education has been promoted so as to curb the complete privatization of the education sector and the increment of the age to eighteen years for Right to Education.

IMPACT OF LEGAL EDUCATION:

1. Keywords like morality, justice & principles are some which are important in the life of any law student. Ancient Hindu education system also had these values as the key component. Our traditional legal education also emphasized on maintain the importance of justice in format, but with the changing time and change in legal education the gravity of such values also depreciated. We have numerous instances of immoral, unethical professional behavior, for instance, the recent case of Supreme Court advocate Prashant Bhushan¹, where he was charged for Contempt of Court. Lack of inclusion of such principles in legal education may be one of the causes behind losing the integrity of the profession as the saying goes education moulds the future of that profession. The current legal education ignored these aspects.

The NEP 2020 aims to align the goals of the 21st Century with the traditional Indian value system. This policy also focuses on providing legal education guided by the constitutional ideals of social, economic & political justice. As the legal profession is considered to be one of the most prestigious professions of all therefore it is the responsibility of the legal education to

¹Supreme Court Suo Motu Contempt Petition (CRL.) NO.1 OF 2020

maintain the same status.

2. India is a Secular country and therefore is also a land of many languages. Our Constitution recognizes 22 languages. The drafted NEP 2020 accepting and considering the same stated that legal education should be imparted by the legal institutions in English and the language of the state where the law school is established.
3. Cultural differences help in deriving the ability to critically think which would create the common good of the nation. Education is an essential public good so as to ensure nation building & community development. In furtherance of the same, it states that “All institutions offering professional or general education will aim to evolve into institutions/clusters by offering both seamlessly organically, and in an integrated manner by 2030”.²
4. This policy also guarantees the inclusion of global education outreach in the education sector, which will have an impact on India’s international recognition. It proposes for the establishment of the national assessment center PARAKH (Performance Assessment, Review, and Analysis of Knowledge

²*Impact of National Education Policy, 2020 on Legal Education*, Desi Kanoon (Visited on Jan. 07, 2021, 01:03AM), Impact Of National Education Policy, 2020 On Legal Education - Desi Kanoon

for Holistic Development) which will be monitoring the education system on regular basis.³

5. With the increase in unethical practice by law professionals, this field of law as a profession is losing its relevance. Due to the same, there is an influence of trust of the masses in the judiciary since the profession has lacked social acceptability and trust. To curb these lacunas, this policy draws attention to the importance of social relevance and acceptability and in order to give effect to the same, this policy lays that universities have to include in the curriculum the history of jurisprudence, principles of justice, the practice of jurisprudence, and other fundamental values.

CONCLUSION:

To conclude it is important to point that the New Education Policy 2020 involves some of the reforms desired for this sector for ages. It involves the complete restructuring of the higher education system by way of introducing a multidisciplinary undergraduate program. The policy also tries to tackle various aspects of the education system and the country might witness tremendous growth in the educational sector if this policy is implemented with full potential. If we focus on legal education specifically, we can find that this policy aims to draw a

³*National Education Policy 2020*, Ministry of Human Resource Development (Visited on Jan 06,2021, 10:46PM), NEP_Final_English_0.pdf (education.gov.in)

balance between the need of this era and the traditional Indian values. It also focuses on maintaining and upholding the esteem of the profession. We cannot deny the fact that legal education was in need of such reformation & now that we have the progressive policy, importance must be given to the implementation of the policy.

RIGHTS OF THE ACCUSED UNDER CrPC AND OTHER STATUTES



By Ratnadeep Bose
B. B. A. LL.B Semester VII

ABSTRACT

The Constitution of India has been framed in such a manner that it is a worshipper of democracy and rule of law. The Constitution of India also believes, the concept of free and fair trial is a constitutional commitment for which the cardinal principle of Criminal Law revolves around the natural justice wherein, even the accused or the guilty person is also treated with a human treatment.

The law of land requires the prosecution to stand on its own legs and to prove the guilt of the accused beyond the shadow of a reasonable doubt. The accused person is also granted with certain rights, the most basic of which are found in the Indian constitution.

INTRODUCTION

The Accused has certain rights during the course of any investigation; enquiry or trial of offence with which he is charged, and he should be protected against arbitrary or illegal arrest.

The constitution of India Strongly believes upon the Fundamental that, “let hundred go Unpunished, but never punish an innocent person”. The right to get a fair representation in a criminal procedure is a facet of right to equality¹. Article 20 of the Indian constitution states that, ” no person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence”.

Thus, the accused person is provided or rather we can say is given fair equality as par with other citizens. Also by the virtue of a judicial voice, a wider ambit has been given to the right to life and liberty and thus the accused are given a human treatment in jails fulfilling reformative approach.²

Article 22 of the Indian constitution, talks that no person shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult and to be defended by, legal practitioner of his choice. The only exception to

¹ Article 14

² As per the guidelines of Article 21 of the Indian Constitution.

the right is that it is exclusively not applicable upon alien beings. Thereby, these rights, which are the Constitution, are inherent rights and therefore these rights cannot be altered or rather changed.

THE RIGHTS OF THE ACCUSED PERSON UNDER THE INDIAN CONSTITUTION

The very first question that arises in our minds whenever a person is accused of an offence is that, "does the person accused holds any right of any kind?"

Well, there are certain rights of an accused person in India. The rights of the accused person in India is divided into several categories, like, the rights before the trial, the rights during the trials and the rights after the trial. Also the rights of the accused person involves the right to fair trial, get bail, hire a criminal lawyer, free legal aid in India and many more.³

As per the legal principle, one is considered to be innocent until and unless is proven guilty.

The legal maxim "ei incumbit probatio qui dicit, non qui negat" means that the burden of proof is on the one who declares, not on the one who denies. This is what appropriately defines why it's necessary for having the rights of accused persons. Definition under various laws, suggests that each person has basic human rights.

³ <https://www.myadvo.in/rights-of-accused-in-india/>

There are certain fundamental rights of an accused person under the constitution of India. These rights are given to all, irrespective of the fact if a person is accused of a crime or not. Therefore, till the time the crime isn't proven, there are certain rights which a person holds, who is accused of crimes.⁴

In India, these rights to the accused are given on the lines of - 'Let hundreds go unpunished, but never punish an innocent person'.

The Right of accused person at different stages includes:

- the rights of an accused person before his/her trial begins,
- rights of the accused in India during a court trial, and
- the rights of an arrested person in India after his/her trial is completed

The Rights of Arrested Person in India:

- The Right to Appeal: The rights of arrested persons include the right to file an appeal against his conviction in a higher court.
- The Right to Humane Treatment in Prison: Accused persons have the right to have all their human rights when in prison.

⁴ <http://www.legalserviceindia.com/legal/article-219-rights-of-accused-persons.html>

Also, be subjected to humane treatment by the prison authorities.

- Right to have Family Visits in Jail
- Right against solitary confinement

Pre-Trial Rights of Accused in India:

These are the rights of a person accused of a crime such that their freedom and liberty are not hampered.

The first stage of a trial is the pre-trial stage. Here an FIR is filed on the basis of which the police arrests a person, searches his property. The stage prior to the commencement of a court trial is extremely crucial. So, any person accused of a crime must be granted the following accused rights:

- Right to know about the accusations and charges: Under the Criminal Procedure Code (CrPC), 1973, the rights of an arrested person under CrPC includes knowing the details of the offence and the charges filed against him/her.
- Right against wrongful arrest: The rights of accused in India are provided only in cases where a warrant is issued. Section 57 of CrPC and Article 22(2) of Constitution provides rights of

accused in CrPC, that he/she must be produced before a Judicial Magistrate within 24 hours of arrest.

- Right to accused of privacy and protection against unlawful searches: The police officials cannot violate the privacy of the accused on a mere presumption of an offence. As per right of accused in India, his/her property cannot be searched by the police without a search warrant.
- Right against self-incrimination: A person cannot be compelled to be a witness against himself as per Article 20(3) of the Indian Constitution
- Right against double jeopardy: A person cannot be prosecuted and punished for the same offence more than once as per Article 20(2) of the Constitution.
- The Right against the ex-post facto law: The rights of accused in India also give a person the authority where he/she cannot be tried for an offence that was the earlier crime and now is not. This means that the retrospective effect law is not applicable. An act that was not a crime on the day when it was done cannot be considered as an offence.
- Bail as the rights of accused in India: The right of an accused person allows them to file a bail application to be released from jail custody. There are three kinds of bail under Indian law- anticipatory bail, interim bail and bail by a bond. A bail application for normal bail can be filed only in case of bail able

offences. However, a person can also file an anticipatory bail through his criminal lawyer, before his arrest.

- **Right to legal aid:** In this, the rights of an accused person allow him/her to hire a lawyer to defend them and in case, he is not able to afford a lawyer, the State has to provide free legal aid to him for his representation in court.
- **Right to a free and expeditious trial:** The rights of accused in India has the right to fair trial in India and an expeditious trial, which is free of any bias or prejudice.

Rights of The Accused During Trial

There are many rights of accused persons in India provided when their trial is ongoing in the court. It has been observed that the State has to ensure that due process of law is followed. The accused gets a quick and impartial trial, the accused is not subjected to torture or forced to implicate himself. The rights of the accused during the trial include the following:⁵

- **The Right to be present during a trial:** Section 273 of the Code provides that all evidence and statements must be recorded in the presence of the accused or his criminal lawyer.

⁵ <http://www.legalservicesindia.com/article/1524/Legal-Protection-available-to-the-accused-during-a-criminal-trial.html>

- Right to get Copies of Documents: It comes under the rights of accused persons in criminal cases to receive copies of all the documents filed by the prosecutor in relation to the case.
- Right to be considered Innocent till proven guilty: The accused has the right to be considered innocent until his guilt is proven in court on the basis of evidence and statements by witnesses.
- The Right to be present at the trial: The accused person has the right to be present during his trial and have testimony presented in front of him.
- Right to cross-examination: It's the right of the accused in criminal cases to be cross-examined by the prosecutor to prove their innocence.

Post-Trial Rights of The Accused Person:

An accused person also has certain rights once his trial is over. These rights of the accused depend upon the outcome of his trial. This means, whether he/she has been acquitted by the court or has been held guilty and arrested by police.⁶

Rights of the Accused, if declared innocent

When a person is declared innocent and acquitted by the court, the following rights are given to him:

⁶ https://www.legistify.com/view_detail/rights-of-an-accused-in-india/

- Accused persons have a right to get a copy of the judgment
- Right to receive protection from police if there are reasons to believe there is a threat to his life post-acquittal

CASE LAWS

Case 1: Nandini Sathpathy v. P.L.Dani:

In the case of Nandini v P.L.Dani⁷, wherein it was held that no one can forcibly extract statements from the accused and that the accused has the right to keep silent during the course of interrogation/investigation.

Case 2: D.K. Basu v. State of West Bengal:

In the case of D.K. Basu v State of West Bengal⁸, the supreme court, in this case, issued some guidelines which were required to be mandatorily followed in all cases of arrest or detention which include, the arresting authority should bear accurate, visible and clear identification along with their name tags with their designation, the memo be signed by the arrestee and family member, the family or the friend must be told about the arrest of the accused. The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation or investigation and many other.

⁷ Nandini v P.L.Dani 1978 SCR(3) 608

⁸ D.K. Basu v State of West Bengal(1997) 1 SCR 416

The Facts of the Case as:

DK Basu, The Executive Chairman, Legal Aid Services, West Bengal, a non- Political organisation on 26/08/1986 addressed a letter to the Chief Justice of India drawing his attention to certain news items published in the Telegraph Newspaper regarding deaths in police lock up and custody.

He requested that the letter be treated as a Writ Petition within the “Public Interest Litigation” Category.

Considering the importance of the issues raised in the letter, it was treated as a Writ Petition and notice was served to the Respondents. While the Writ Petition was under consideration, Mr. Ashok Kumar Johri addressed a letter to the Chief Justice drawing his attention to the death of Mahesh Bihari of Pilkhana, Aligarh in Police Custody.

The same letter was also treated as a Writ Petition and was listed along with the Writ Petition of D.K.Basu. On 14/08/1987, the Court made the Order issuing notices to all the State Governments and notice was also issued to the Law Commission of India requesting suitable suggestions within a period of two months.

In response to the notice, affidavits were filed by several states including West Bengal, Orissa, Assam, Himachal Pradesh, Haryana, Tamil Nadu, Meghalaya, Maharashtra and Manipur.

Further, Dr. A.M.Singhvi, Senior Advocate was appointed as Amicus Curiae to assist the Court. All the Advocates appearing rendered useful assistance to the Court

The Decisions of the court are stated as follows:

1. The Court opined that Custodial Violence, including Torture and Death in Lock Ups, strikes a blow at the Rule of Law.
2. The Court observed that despite the presence of several Constitutional and Statutory provisions aimed at safeguarding the personal liberty and life of a citizen, there had been several instances of torture and deaths in police custody which was a disturbing factor.
3. The Court severely criticized the existence of Custodial Death and regarded it to be one of the Worst Crimes in a Civilized Society to be governed by the Rule of Law.
4. A Reference was made to the case of **Neelabati Bahera v. State of Orissa** (1993) in which the Supreme Court had held that prisoners and detenués are not denuded of their Fundamental Rights under Article 21 and only such restriction as permitted by law could be imposed on the enjoyment of the Fundamental Rights of the prisoners and detenués.

The Guidelines which were laid down in the case of D.K. Basu v State of West Bengal are as follows:

The Court issued a list of 11 guidelines in addition to the Constitutional and Statutory Safeguards which were to be followed in all cases of arrest and detention. The guidelines are as follows: –

- The Police Personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The Particulars of all such personnel who handle interrogation of the arrestee must be recorded in a register.
- That the Police Officer carrying out the arrest of the arrestee shall prepare a memo of the arrest at the time of arrest and such memo shall be attested by at least one witness who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be counter signed by the arrestee and shall contain the time and date of arrest.
- A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being

informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of the arrest is himself such a friend or a relative of the arrestee.

- The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organisation in the District and the police station of the area concerned telegraphically within period of 8 to 12 hours after the arrest.
- The person arrested must be made aware of his right to have someone informed of his arrest or detention as soon he is put under arrest or is detained.
- An entry must be made in the Case Diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars if the police official in whose custody the arrestee is.
- The Arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if present on his/her body, must be recorded at that time. The “Inspection

Memo” must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.

- The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by the Director, Health Services of the concerned State or Union Territory.
- Copies of all the documents including the memo of arrest should be sent to the Magistrate for his record.
- The Arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.
- A Police Control Room should be provided at all district and state headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the Police Control Room Board, it should be displayed on a conspicuous notice board.

CONCLUSION

CrPC deals with the arrest of the person and any police officers may without an order from a magistrate and without a warrant arrest any person in any cognizable offence which gives very wide power to the police. It is also settled that to, arrest person without justification is one of the most serious encroachments upon the liberty of a person concerned.

At the present stage of civilization, it has been universally accepted, as a human value that a person accused of any offence should not be punished in such trial. The major attributes of criminal trial are enshrined in Article 10 and 11 of the Universal Declaration of Human Right

Our courts have recognized that the primary objects of Criminal Procedure is to ensure human treatment to arrested person, and the law commission has accepted the view that requirement of human treatment, speaking broadly, relate to the character of the court, the venue, the mode of conducting the trial, rights of the arrested person in relation to defence and other rights.

The law provides arrested persons the right to be released on bail, and prompt access to a lawyer; however, those arrested under special security legislation received neither bail nor prompt access to a lawyer in most cases.



BLOGS



SEX TRAFFICKING



By Subhankar Ghosh
B. A. LL.B Semester III

“Sex trafficking, human trafficking”, is a widely known menace. Sex trafficking is a common and one of the most heinous crimes prevalent in the world. The whole system of sex trafficking and human body parts trafficking is connected with outer and core/executing shell of the criminal world and industry, of which only the outer shell becomes visible to us but the working of the core and operating shell still remains elusive. Sex trafficking is not a new issue or problem. Although it is illegal in India but still it is a significant and very sensitive problem which is continuously in practice for decades. It is a very rapidly growing network, ruining and spoiling lives of girls, women and children especially in the developing countries like ours. In the process of sex trafficking basically girls are seduced and/or misled on various fronts and abducted from various parts of the country, and are sold in various parts of the world mainly in the

prostitution hubs and other places devoted to sex work and other related works.

In this particular business the demand of girls are being fulfilled by kidnapping/abducting, threatening, hijacking, even offering job opportunities to the needy people (mostly people from lower middle class family and poor family); drug addicted girls and young boys are abducted by tempting them to meet their drug needs and notorious agents and middlemen are also there who play a major role for fulfilling the need of girls in the business of sex trafficking. The statistical figures concerning human trafficking in India is very appalling, especially sex trafficking to meet the needs of prostitution sector. Every minute plenty of children and girls are being trafficked by the traffickers. The primary objectives of trafficking are forced labour, begging, prostitution and sexual exploitation. We have strict laws to prevent human trafficking and sex trafficking in India [Section- 363(a), 366(a), 366(b), 370 IPC, Section 3 and 18 of the Immoral Trafficking (Prevention) Act, 1956] but due to poor enforcement of these laws the rates of sex trafficking and human trafficking are increasing every single day. Every single hour lots of girls, woman and children are being abducted from various parts of the country as well as the whole world. There are also very significant rate of human trafficking in the neighboring countries of India, especially in Nepal and Bangladesh and every year many girls

unfortunately disappear and are often trafficked to India from these places. There are plenty of reasons causing growth in human trafficking in India and the problems are such as Poverty (Economical), Cast discrimination (Social), abduction, poor enforcement of law, uneven dissemination of education, corruption in every field and many more. Sometimes society does not co-operate with the victims who are rescued from traffickers and who strive to rehabilitate and re-assimilate in the society. Major problem arises when people refuse to accept rescued victims and ostracize them and their family. They have to face many difficulties to get back into their previous stable life. When a girl gets back to her normal life after forcefully engaging in prostitution, massive discrimination, hatred and shame await her. The repercussions of the social evil of sex trafficking and human trafficking in India include mental, psychological, physical trauma, along with the added issue of social stigma. Mental issues which might plague the victims, especially rescued victims, include disorders like PTSD, depression and anxiety. They often have to battle with physical ailments as AIDS, HIV, and numerous other STDs.

“Government response to human trafficking” is an extremely important topic to discuss. One of the major reasons of progressively blooming and rapidly growing trafficking network in India is inadequate response from the government. Government has the authoritative power to control this nefarious problem. Government

should take on an active initiative and inspect whether all the laws are being implemented or not for prevention of human trafficking, sex trafficking and other heinous crimes.

Beggars and the infamous practice of begging it's familiar terms and concepts for us Indians because beggars can be found everywhere in India, but have we ever spared a thought on how they got into the profession of begging? The primary assumptions that we get right after seeing a beggar is he/she is poor, and is in need of money; they are helpless, let us donate them some money but have we ever thought that the money we are giving them might end up benefitting a much larger organization which systematically threatens, compels and exploits helpless, vulnerable people? The money also helps fund their notorious ventures. Are they willingly begging or someone else is forcing them to do it?

Human and Sex Trafficking also provides the aegis to and eventually the perpetration of child pornography, child prostitution and exploitation. There is an immense audience the world over for child pornography; in order to meet the demand of this industry children are exploited in various fronts and the results are of course unpalatable. A similar pattern of cause and effect is followed even in the case of child prostitution. As a result children are oppressed both sexually and mentally.

The prevalence of the menacing issue of Sex Trafficking calls for an active change in the very fabric of our society. This systematic social change can be effected by none other than us. We have to educate ourselves regarding the various dimensions of this issue, consciously create pressure on the relevant authoritative bodies that have the agency to check its widespread reach, and also be sensitive towards the victims and their families.

THE DIFFERENT TREATMENT OF WOMEN IN THE COVID-19 PANDEMIC



By Prachi

B.B.A. LL.B Semester I

In spite of its wide geographic spread, the COVID 19 pandemic has not affected everyone in the same way. Lockdown measures have affected women differently across the world which may have long-term adverse consequences. It is women who are more prone to bear the pressure of social and economic consequences of the pandemic.

Majority of those on the front lines of the COVID 19 pandemic are women. It is women who constitute up to 70% of the health and social services staff globally, which makes them more exposed to the virus.

Both men and women lost jobs during this pandemic however the ratio of women unemployed to men was more. Women make just 79 cents for each dollar men make. The studies show that the virus is more

deadlier for men, however it is the women who are facing more economic hardships. Women are over-represented in the informal sector with less access to finance. Women hold vulnerable positions in their firms.

It is the women who are traditionally seen as responsible for holding societies together, be it home , in hospitals , at school or in caring for the family members . It has become more difficult for the working women who not only have to work for their jobs but also have to take care of the family and do the household chores.

The domestic and physical violence on women has risen unprecedentedly during this pandemic. In 2020, between the period of March 25 and May 31, 1,477 complaints of domestic violence were made by women. This 68-day period recorded more complaints than those received between March and May in the previous 10 years. A number of countries have recorded a rise in the domestic violence. And the data shows that there is hike of 15-30% in the number of distress calls received from women who were confined in closed spaces with abusive partners.

Our country already is an unsafe place for women and the pandemic has made the condition even worse. The lockdown disabled women by preventing them from moving to safer places in cases of violence and

abuse. The act under the Protection of Women from Domestic Violence Act had not been identified as an essential service during the lockdown. Hence, the protection officers were not able to reach out to the victims.

In this pandemic it is expected for everyone to stay at home and be safe but ironically home turns out to be the most unsafe place for the domestic violence victims.

We need to be mindful of how we kill the pandemic, without endangering women's rights, safety, and psychological state.



SHORT STORY



AWAKENING OF THE SOUL



By Safal Rai
B.A. LL.B Semester I

I believe in god. If god exists there are evils too in the world. Our parents used to tell us stories about ghost when we were children and we used to be scared. As of the present state, I believe them even now.

There was an incident that I couldn't get rid my mind of. In the year 2016, I used to live to with my Mom and along with us lived Suman uncle. He rented a room in our house. His best friend was Paul. They used to spend a lot of time together. Around that time our hometown was facing political disturbance so everyone had gone to their native places, and Mom and I went to my grandma's home.

Unfortunately one day we got a call that Uncle Paul was no more. He died of his chronic disease; we got upset hearing the sad news.

As months passed it turned out my exams were

drawing near, so we returned to our hometown but still there was no neighbour except Uncle Suman. He told us of the strange things that were happening in that place but we didn't take it on a serious note and soon we forgot the incident.

One night I was studying late so I could complete my syllabus. After completing my task I looked up the time it was around 1:00 am, so I decided to sleep after having a cup of water.

Suddenly I heard a strange noise coming from outside. I could hear the sound of footsteps and it was subdued as if someone was walking with slippers on. I thought that one of my neighbours was walking but I suddenly realized that there was no one outside. After sometime I started to panic and had shortness of breath as I could still hear the erratic footsteps.

I decided to wake up my Mom and tell her what was happening. She was ailing because of a wound on her leg. I told her that something was not right and she shouted at me that something was about to happen

The footsteps were heard again outside the main door, and she hugged me tight. At first she fussed for a while, but then she suddenly took out the *khukuri* (traditional Gorkha knife) which she used to keep under her mattress for safety. She stood there with folded hands and praying to God.

She decided to open the door but thought it was bad idea. My Mom was not afraid at all to face danger

and witnessing her confidence I was also getting braver and more confident.

She reached the front door and opened it wide. We found only darkness outside; there was no sound of the footsteps, only the cold wind was blowing and at lashing at my face. My heart beat grew faster. We could see no one so we decided to closed the door and get inside a bed.

Next morning we related this incident to our neighbour Uncle Suman. He had tried to warn us about the same thing on the day we arrived but we didn't pay heed to it on that day. We asked a priest to try and exorcise our home so that we could feel safe.

I got a strange epiphany that it could be Uncle Pau's that had come to visit us that night because he missed his dear friend.

Their friendship was quite strong and it was really hard for the departed soul to forget his best friend. Since Uncle Paul was a very good human being he and his good deeds will always be remembered by us.



POEMS



THE DAY



By Aishwarya Agarwal
B.A. LL.B Semester VII

With the Sun, the humans shall rise once again,
both shinning and dazed,
to perform their daily chores,
the migrant but might wake late,
for nightmares, he had seen night and day,
how will I feed my family,
who had slept starving.

Humans while in work might peek back,
to how they had spent their time,
in quarantine, in isolation,
with their family, meals were prepared,
indoor games played, memories created,
of how once again their hobbies flourished.
The migrant remembers the long walk,
which brought him back home,

thousands of miles, he had chased,
in hope, if death knocks,
I might be privileged,
to embrace it gracefully with my family.

The offices will once again hustle and bustle,
incoming calls, outgoing mails,
all again will be a rat's race.
but somewhere around the land,
the migrant man,
will once again leave his family all alone,
say goodbye,
in search of work, in search of food,
as he has many mouths to fill,
many responsibilities to fulfil.

That day the world might win against the pandemic,
all paused works shall continue,
as if it was in a great pause,
but the migrant man will rise again,
undefeated, tired, a bit scared,
in search of ray and hope.

SHADOW OF LIFE



By Sohini Chakraborty
B.B.A. LL.B Semester I

We live under a shadow,
which is a huge provider.

We live under a shadow,
whose branches act as a source of strength.

We live under a shadow,
whose shell is hard enough to keep us inside.

We live under a shadow,
which tries to be an umbrella .

We live under a shadow,
where we cross boundaries beyond needs.

We live under a shadow,
where the shade is a form of peace .

We live under a shadow,

who wake us from grim reality.

We live under a shadow
without knowing any worries.

We live under a shadow
which secures us from evil creatures.

We live under a shadow which comes disguised as parents.



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