

VOLUME VII

ISSUE-II (April-June 2021)



# IILSQUEST

A Quarterly Journal authored by IILS Students.

Published in the IILS Website



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ISSUE-II (April-June 2021)

# IILS QUEST

## THE STUDENT JOURNAL

(2021)

A Quarterly Journal authored by IILS Students.  
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## INDIAN INSTITUTE OF LEGAL STUDIES

UG & Post Graduate Advanced Research Studies in Law  
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## MESSAGE

### FROM PRINCIPAL'S DESK



Indian Institute of Legal Studies largely intends to foster the shelved potential in students providing an ideal platform for them to channelize their creative outbursts and lend expression to their thoughts and views on various aspects in a serene manner.

Our institution always believes that the agenda of our education is not only pure studies but also providing the platform to each student to explore his or her own capabilities. The ILS Quest is the stage for the students to unleash their raw potential and empower themselves with skills in legal aspects. The basic fundamentals of ILS Quest is to give the opportunity to the students to involve themselves academically with law, and other socio- economic-political arena; and thereby gradually create a space of interest in the field of writing and expressing their viewpoints. The journal is published quarterly and reflects the wide

variety of interests of student members. We aim to develop soft skills that will equip them to manage and lead the varied opportunities and challenges of the society with an added edge.

IILS Quest, a Students' Journal unleashes a wide spectrum of creative skills ranging from writing 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.

A handwritten signature in blue ink, consisting of a vertical line with a small hook at the top, followed by a horizontal line and a wavy flourish below it.

**Prof. (Dr.) Ganesh Ji Tiwari**

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## MESSAGE

### FROM REGISTRAR'S DESK



“THE PURPOSE OF EDUCATION IS TO MAKE MINDS NOT CAREERS”

- (WILLIAM)

We believe in a joyful experiential learning system wherein; each student is encouraged to participate wholeheartedly. We leave no stone unturned to offer multitudes of opportunities to our students. Student should be motivated to grasp every opportunity that comes their way which would not only help in their holistic growth but also strengthen their belief in teamwork, which is important in this fast-paced world. The ILS Quest is a platform for the students to unleash their true potential in the field of law, swaying from serious thinking to

practical approach. We believe in empowering our student in such a manner that they act as representatives of a meaningful and value-based society.

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.

A handwritten signature in black ink, appearing to be 'SJB', with a horizontal line extending to the right from the end of the signature.

**Shri Sanjay Bhattacharjee**  
Registrar,  
Indian Institute of Legal Studies

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# ARTICLES



# **DEFAMATION IN THE DIGITAL WORLD – LAWS AND ISSUES IN INDIA**

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**Subhradeep Das**  
B.B.A. LL.B Semester VIII

## **ABSTRACT**

When someone intentionally damages the goodwill of some other person it is termed as defamation and it can be both digital as well as physical. Cheap and easy access to internet has also brought with it some disadvantages, one of which is cyber defamation or bullying on social media which took life of many people. In this article, I will discuss cyber defamation, a socio-economic offence, and laws relating to it in India. Further, I will discuss on when and how to lodge complaints.

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## **INTRODUCTION**

The advancement of technology and easy affordability of internet to people has changed everyone's life drastically. Today a person sitting in the comfort of his home can reach huge audience by one click and all credit goes to the social media which have made our life easier, but along with this social media also possess some drawbacks, the prime concern among which is the bullying or defamation through this platform. A user can use these platforms as a medium to harm the goodwill and reputation of a person by way of posting unnecessary and false statement and colloquially such an act is termed as 'trolling' which actually amounts to cyber defamation. The risk of Cyber Defamation has increased with the rise in trend of sharing or posting information or picture or even commenting without actually looking into the actual reality.

Section 499 of Indian Penal Code (IPC) defines defamation as whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending harm, or knowing or having reasons to believe that such imputation will harm, the reputation of such person is said to defame that person. Therefore, posting, commenting or sharing of false statements or information about an individual by using social networking sites or internet as a medium in digital space to harm such person's reputation in the society will amount to Cyber Defamation. The following essentials must be fulfilled in order to consider a

statement as defamatory.

- a. There must be a publication of a defamatory statement,
- b. It must come to the knowledge of the third party,
- c. The statement must refer only to the plaintiff,
- d. The statement must not be true & defamatory in nature.

Now, defamation can be divided into two categories:

- A. *Libel*: when a defamatory statement is made in a written form.
- B. *Slander*: when a defamatory statement is made in verbal form.

Thus, if a person defaming personally communicates defamatory statement with the defamed through direct SMS, E-mail, WhatsApp message or even call etc. it will not be considered as defamation within the ambit of S. 499 of IPC. On the other hand, if the same communication is held on WhatsApp group, open internet, blogs, public post or even conference calls etc. it will be considered as defamation.

## **LAW ON CYBER DEFAMATION IN INDIA**

Section 499 of Chapter XXI of IPC defines defamation while section 500 prescribes the punishment in such cases. Section 500 states that where any person held liable u/s 499 will be punishable with two years of imprisonment or fine or both.

Section 469 of IPC deals with forgery and it states that if anyone creates a false document or account by which the reputation of a person

is harmed the punishment for such offence can extend upto 3years and fine.

Section 503 of IPC deals with criminal intimidation by the means of electronic medium for damaging one's reputation in the society.

Section 66A of Information Technology Act 2000 (IT Act), was struck down by the Supreme Court in the case of **Shreya Singhal v. Union of India**<sup>1</sup> in the year 2015 due to uncertainty in the definition of the word 'Offensive'. Such uncontrolled power of the govt. under section 66A was misused in curtailing citizen's freedom of speech and expression and hence it got repealed.

Section 79 of the IT Act protects an intermediary from liability for third party information, data, links hosted on its platforms. However, this protection is subject to certain conditions and limitations.

### **ADMISSIBILITY OF DEFAMATORY STATEMENTS BY COURTS IN INDIA**

Section 65A and 65B of the Indian Evidence Act of 1872 clearly mentions about the conditions and procedure for admissibility of electronic record. It states that any electronic record can be considered as document and will be admissible without any proof or production of the original as evidence if it satisfies the conditions mentioned under the section. According to this section any electronic record which is

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<sup>1</sup>Shreya Singhal v. Union of India; AIR 2015 SC 1523.



printed on a paper, stored or recorded or copied in an optical or magnetic media shall be considered as a document & shall be admissible. It also makes online chats and electronic mails admissible.<sup>2</sup>

## **PROBLEMS IN CYBER DEFAMATION**

Increase in use of social networking sites has given birth to various legal issues relating to the cyber law in the country. And due to Covid-19 the entire world has shifted to the virtual platform which requires using various social media platforms and thus increasing risk of cyber defamation or bullying along with other cyber related offences. In the cyber space the biggest problem is to identify the original person posting or commenting intentionally the defamatory statement and in the cyber space the post or comments reach masses like wildfire and really gets tough to stop from causing damage to the goodwill of the person against such statement has been published. What is more challenging is to determine the actual person who published such statements as people nowadays often use fake names and there are no condition or requirements of verification in order to open a virtual account and thereby it gets very difficult to tap the offender.

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<sup>2</sup>Subodh Asthana; Defamation in the Internet Age: Laws & Issues in India; Ipleaders; (Accessed on May 8<sup>th</sup>, 2021, 11:43pm); <https://blog.ipleaders.in/cyber-defamation-india-issues/>

## **PROBLEMS IN CYBER DEFAMATION**

Increase in use of social networking sites has given birth to various legal issues relating to the cyber law in the country. And due to Covid-19 the entire world has shifted to the virtual platform which requires using various social media platforms and thus increasing risk of cyber defamation or bullying along with other cyber related offences. In the cyber space the biggest problem is to identify the original person posting or commenting intentionally the defamatory statement. and in the cyber space the post or comments reach masses like wildfire and really gets tough to stop from causing damage to the goodwill of the person against such statement has been published. What is more challenging is to determine the actual person who published such statements as people nowadays often use fake names and there are no condition or requirements of verification in order to open a virtual account and thereby it gets very difficult to tap the offender.

## **SOME IMPORTANT JUDICIAL PRONOUNCEMENT ON CYBER DEFAMATION**

In the case of **SMC Pneumatics (India) Pvt. Ltd. V. Jogesh Kwatra**<sup>3</sup> the employee sent derogatory remarks to the employers and other subsidiaries of the company and they have been restrained from communicating with the plaintiff by the Delhi High Court. This

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<sup>3</sup>SMC Pneumatics India Pvt. Ltd. v. Jogesh Kwatra; CS(OS) No. 1279/2001.

was the first Indian case where an Indian court assumes its jurisdiction in a cyber defamation case and grants an ex-parte injunction restraining the defendant from defaming by way of derogatory, obscene and abusive emails to the plaintiffs.

In the case of **Kalandi Charan Lenka v. State of Odisha**<sup>4</sup> the defendant stalked the petitioner continuously and later on her fake account was made, and obscene messages were sent to the friends by the culprits. The court hence held the culprits liable for the offence.

Recently, in the case of **Swami Ramdev &Anr. v. Facebook Inc. &Ors.**<sup>5</sup>, the Delhi High Court had passed an order to remove all defamatory content posted online against yoga guru Baba Ramdev irrespective of any territorial limits. The court also observed that if the content is uploaded or the device is located in India, then the courts in India should have International Jurisdiction to pass Worldwide Injunction.

## **WHEN AND WHERE TO LODGE A COMPLAINT**

Section 65A and 65 B of the Indian Evidence Act provides forms of defamatory publications are admissible by the courts in India.

1. Any electronic record which are printed on a paper or kept in digital format in optical or magnetic media.
2. Online chats

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<sup>4</sup>KalandiCharanLenka v. State of Odisha; MANU/OR/0027/2017.

<sup>5</sup>Swami Ramdev &Anr. V. Facebook Inc. &Ors.; CS (OS) 27/ 2019.

### 3. Electronic mails etc.

Any person who has suffered of cyber defamation can lodge a complaint to the Cyber Crime Investigation Cell at the National Cyber Crime Reporting Portal. However, before lodging a cyber defamation complaint the complainant shall keep in mind the seriousness of the act as such complaint also brings the reputation of the accused in the line of fire. Further, the onus to prove lies with the complainant but if the complainant is unable to prove, the defendant shall have the right to sue for defamation and damages thereto.

## **CONCLUSION**

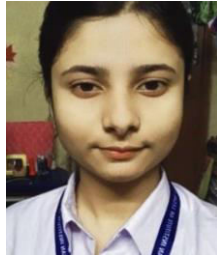
The famous phrase “*With great power comes great responsibility*” is apt in this situation of advancement of technology and its potential misuse.

The one clicks solution of transferring huge volume of information on the internet makes it a critical hotspot for defamation. From the above discussion it can be said that there is a need for awareness among the internet users regarding what to do and what not to do on the social media platforms also, aggrieved users also must know whom and when to approach if he/she has suffered from the offences in the virtual world. Although, laws are present to tackle such situation but still a uniform law is of absolute necessity where there are less ambiguities and which will be flexible enough to cover all media.

Hence, it can be said that offences of the digital media are still taken lightly by looking into the present trend of legislation and judicial approach. The govt. must legislate or make laws which will require persons holding a Google account to verify themselves with their Aadhaar as all other platform require Google account to sign up to their platform. Also, the Government can limit number of Google accounts a person can hold as it will help track the actual offender since there will be no option of fake account until and unless the person has access to a fake Aadhaar which is near to impossible.

**A MILESTONE ENSURING “EQUALITY”: THE  
CONCLUSION OF THE DEBATE REGARDING  
MARATHA RESERVATION:  
[CASE-JAISHRI LAXMANRAO PATIL V. THE CHIEF  
MINISTER & others CIVIL APPEAL NO.3123/2020]**

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**Anindita Chanda**  
B.A.LL.B (H) Semester IV

## **INTRODUCTION**

Once again, the milestone of equality has been reaffirmed when our Hon’ble Supreme Court in the case of Dr. Jaishri Laxmanrao has struck down the law of Maratha Reservation and defined it as ‘Unconstitutional’. For this verdict, the Judgment of Indra Sawhney v. Union of India (1994) popularly known as the “Mandal Case” was referred and Supreme Court nods to the rule of “50% ceiling limit” in cases of reservation.

For the very first time, the demand for Maratha Reservation came up around the 1990s. In 2018, the Socially and Educationally Backward Classes Act was enacted so initially, the Maratha community was given 16% reservation. Later, the Bombay High Court upheld the validity of

the Maratha Reservation and asked the Maharashtra Govt. to reduce the limit from 16% to 12%-13% as proposed by the Socially Backward Classes Commission. But in 2021 this case of Jaishri Laxmanrao was put before the Hon'ble Supreme Court that has created a landmark in the legal history of reservation by denying Marathas to be treated as a socially & economically backward class.

### **BACKGROUND FACTS IN A NUTSHELL:**

Marathas being a Hindu community, as the name suggests, mainly reside in Maharashtra. As prescribed in Art 240 of our constitution, Kaka Kalelkar Commission was first appointed to identify and mark socially and economically backward classes by the President. They submitted their report on 30.03.1955 and Kalelkar Report disregarded Maratha to be a reserved category. In 1956, Bombay emerged on the Indian map as a bilingual state under the State Re-organization Act combining 8 districts of Madhya Bharat and 5 districts of Marathwada. After several issues with this identifying of backward classes, the Ministry of Home Affairs informed all states that they could choose and mark the backward classes based on their discretion and guidelines on 14.8.1961. So, Maharashtra Government came up with a newly formed committee under the supervision of B.D. Deshmukh. Based on their findings, they informed that they hadn't found Maratha as a backward caste. On 13.8.1967, Maharashtra State issued a single list of OBCs of a total of 180 castes; but it hadn't included Maratha. This was the

situation till mid-1979. On 31.12.1979, as per the directions of the President of India, the second national backward class commission (popularly known as “Mandal Commission”) was formed within the domain of Article 340. In their report also, Marathas were added as “Forward Hindu Community” contributing 2.21% of the total population. Due to certain requests, this commission called for a public hearing but found Maratha as a socially advanced class. Almost after 10 years, the benchmark of the Indra Sawhney case was made that had made a threshold of the principle of reservation in 16.11.1992. This case established the ceiling limit at 50% in the case of reservation, on basis of which the structure of equality is made. As based on the directions in the Indra Sawhney case, all the states were given directions to form a permanent mechanism or body for this identification of backward classes. In 2008, Maratha State OBC Commission headed by Justice R.M.Bapat submitted a report and they also denied the inclusion of Maratha in the OBC category. In 2013, Maharashtra state OBC commission denied the request to re-check the report and findings of the 2008 report; so, they denied the State’s proposal of reviewing it. Despite this, the government formed a new commission headed by Minister Shri Narayan Rane and others to submit a new report in 2014. This Rane Committee affirmed the government’s view and at last gave an opinion for giving 16% reservation to Marathas. Based on their report, the State Government allowed this 16% reservation via ordinance XIII on 9.7.2014. Several



writs, PILs were filed against this decision of the government. Maratha legislation for their reservation was passed in 2014. But due to several challenges to this decision, Maharashtra state referred for state backward classes committee's (popularly known as Gaikwad Commission) report. Headed by Justice Gaikwad, they submitted a report on 15.11.2018. Subsequently, on 14.8.2018 the National Commission for Backward Classes (Repeal) Act was passed repealing the National Commission for Backward Classes Act, 1993. Parliament via the 102nd constitutional amendment in 2018 brought certain changes to deal with this situation (they brought Art 338B, Art 342A, Art 366(26c)). This particular 102nd amendment was challenged by the case of Jaishri Laxmanrao Patil v. The chief Minister & others in 2018 and several other PILs and writs were filed against that amendment. Bombay high court after hearing the issues upholds the constitutional validity of the Maratha reservation act but it reduced the 16% reservation limit to 12%-13% in addition to the already existing 50% socially backward classes. The high court defined this classification as a reasonable one via using two tests under Art 14 (one's Intelligible Differentia & another's Rational Nexus). Also, the high court was in point of view that 50% limit can be exceeded as there was a reasonable and exceptional situation. So far, the Gaikwad report was valid. Therefore, Jashri Laxmanrao Patil appealed before the Hon'ble Supreme Court vide civil appeal no. 3123/2020.

Majorly the issues which came up before the court, in this case, were as follows:

*First, if the judgment in the case of Indra Sawhney v. Union of India [1992 Suppl. (3) SCC 217] is a matter to be reviewed again by the larger bench? Secondly, is this reservation of 12%-13% in addition to the 50% social reservation under the amendment of 2019 of SEBC Act, 2018 under 'exceptional situation' or not? Thirdly, whether the Gaikwad report is just enough to point out 'extraordinary situations and exceptional circumstances' for the Maratha community as established in the Indra Sawhney case? Fourthly, is the 102nd amendment of the Constitution of India arbitrary or restrictive to state legislature's power to identify the backward classes & providing benefits to them? Fifthly, is State's power to make laws with regard to "any backward class" U/A 15(4) and 16(4) anyway abridged/violated/infringed by Article 342(A) with ref. to Article 366(26c) of the Constitution of India? Lastly, is the repeal of the state's power as per Article 342(a) affecting the basic structure of the constitution?*

## **BRIEF ARGUMENTS ON BEHALF OF THE APPELLANT BEFORE SUPREME COURT:**

Shri Arvind Datar on behalf of the appellant said, 50% limit is an integral part of Art 14, 15 & 16. Hence, the legislative actions violating

this substantive provision are void. He took reference from the case- M.Nagaraj v. Union of India [(2002) 8 SCC 212 ] where it had been said that exceeding 50% limit will be disrupting the qualitative nature of equality principle in Art 16. Also, on the part of the appellant, it was argued that the view of the Bombay high court is contrary to Indra Sawhney's case. The "exception and extra-ordinary situation" hadn't been covered in this case of the Maratha reservation. As Marathas are socially & economically advanced, so breaching this 50% rule will be harming the basic structure of the constitution. Because of the 102nd amendment in the constitution states wouldn't have the power to identify the backward classes; they were only left with the power regarding marking nature and extent of steps taken in favor of backward classes in Art 342A. So, it violated the basic structure of Federalism.

The appellants also pointed out that approximately 40% of members of Parliament & 50% of members of state legislative assembly are Marathas. So, these Marathas are dominant in the field of education as well as in politics. The appellants successfully targeted that the 102nd amendment had created a monopoly in identifying the backward classes. Genuinely, the basic structure of our constitution, that's federalism wasn't there. They also argued that the doctrine of exceptional circumstances couldn't be followed by a dominant class like Maratha. As under Art 12, the "state" is defined so state legislature

falls under this category, hence it has the power to identify the backward classes.

The six issues were effectively dealt with by Supreme Court and it held that there was no necessity of review of the case of Indra Sawhney from a larger bench nor did it need reconsideration in the light of amendments of the constitution, judgments, and ever-changing social dynamics of the society. Secondly, by Justice Ashok Bhushan's views, the Maharashtra State Reservation in educational institutions and for appointments in the sector of public services and posts under the State for Socially and Educationally Backward Classes (SEBC) Act, 2018 had been amended in 2019. After this amendment, the reservation that was given to Marathas was deducted from 16% to 12% and 13% reservation for the Maratha community, in addition, to 50% social reservation. Supreme Court in this verdict viewed this rule as not to be covered by "exceptional circumstances". Thirdly, the strength of the Maharashtra State Backward Commission Report or the Gaikwad commission report was not sufficient enough to justify the extraordinary situation and exceptional circumstances.

The fourth & fifth points had been answered conjointly, "Article 366 (26C) and 342A through the 102<sup>nd</sup> Constitution of India empowers the President alone to identify SEBCs and include them in a list under Article 342A (1). The states can only make suggestions to the President or the Commission under Article 338B, for modification of castes in the list under Article 342A (1). The reference to the Central List in Article

342A (2) is the one notified by the President under Article 342A (1). The use of the term “the Central List” is only to refer to the list prepared and published under Article 342A (1), and no other; it does not simply that the states have any manner of power to publish their list of SEBCs. Once published, under Article 342A (1), the list can only be amended through a law enacted by Parliament, under Article 342A (2)(iv). In the task of identification of SEBCs, the President shall be guided by The Commission set up under Article 338B; its advice shall also be sought by the state in regard to policies that might be framed by it.”- held by Hon’ble Supreme Court.

Finally, the court’s answer was “No”; reservation of Maratha community wasn’t under exceptional situation and hence, it’s unconstitutional.

Finally, Supreme Court held, “Section 2(j) of the Act, 2018 insofar as it declares Maratha community Educationally and Socially Backward Category is held to be ultra vires to the Constitution and struck down.”

Commentary: This was a huge milestone in the history of the constitution as such a debatable topic like Maratha reservation has been answered finally. I completely agree with the viewpoints of the Supreme Court by declaring the Maratha reservation as unconstitutional because of their advancement in the social and political basis of society. Though our society is subjected to be changed and its laws are also flexible to cope with the situation; still the court’s view regarding equality in 50% limit is just, reasonable and fair. We, being citizens and

believing in equality, can ask ourselves, will it be just if it exceeds the ceiling limit? The answer is 'No'. Being an upward class they're not subjected to the reservation; that the court correctly pointed out via following the reference of Indra Sawhney case. This case as a landmark ensures equality for all as enshrined in the soul of our Constitution.

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# **DELIVERY OF JUSTICE: THE DAWDLING PACE OF INDIAN JUDICIARY**

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**Avantika Palit**  
B.A.LL.B (H) Semester IV

## **ABSTRACT**

Law or judiciary in India has evolved from religious customs to the current constitutional and legal system that we have today, traversing through secular legal systems and the common law. The judiciary is often considered the watchdog of democracy, and is also known as the guardian of the Constitution. India has a single integrated judicial system. The judiciary in India has a pyramidal structure with the Supreme Court (SC) at the top followed by High Courts (HC), district, and subordinate courts. The Indian judiciary began its functioning on January 28, 1950 since then it has always been applauded for taking care of weaker sections of society, working for people's rights and entitlements, and providing justice to all. The words justice and judiciary go hand in hand as 'judiciary' is the mechanism or system of

courts that interpret, applies law, and helps in resolving disputes and providing justice to the sufferer. Since independence, our judicial system has been upholding the rights of all citizens irrespective of their gender, religion, status, class and on several occasions and has been able to prove itself as the nation's moral conscience, it has also saved the democratically established government itself and the constitutional validity of our country. But in past years delay in justice and consequent pendency in courts is one thing that has left an everlasting impression on our mind about the major backlog in the Indian judicial system.

The idiom “Justice Delayed is Justice Denied” has been well established in the present scenario of the Indian judiciary. The Law Commission of India in its 245<sup>th</sup> report<sup>1</sup> says that problem of pendency of cases has been highly increased in recent years. The major causes of such a lag of Indian judiciary in delivering justice have resulted because of various factors such as; the inadequate number of judges as well as courts in the country is one of the primary causes of delayed disposal of cases, several adjournments taken by the majority of the lawyers during the lifespan of a case for their benefit, the number of counter appeals in higher courts, increasing rate of filing of cases and decreasing rate of disposal of cases, misuse of process of law and many more. As of September 30, 2016, the Supreme Court has nearly 61,000 pending

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<sup>1</sup> Law Commission of India, Report no. 245 (July 2014)



cases, according to the National Crime Records Bureau (NCRB). The high courts have pendency of more than 40 lakh cases, and all subordinate courts altogether have pendency of around 2.85 crore cases. The latest figures as of 11 July 2016, as seen from the National Judicial Data Grid and Department of Justice data, reports that there are 16,438 judges at the subordinate judiciary courts, 621 in high courts and 29 in the Supreme Court<sup>2</sup> but with India's population being pegged at 1.2 billion as of May 2016, applying this benchmark, India should have approximately 60,000 judges.

These are the examples of cases where justice was delayed, **Upphar Cinema case**<sup>3</sup> it took 6 years to prove the death of 59 people because of criminal negligence of cinema management. In the **Nirbhaya case**<sup>4</sup>, which was a 3 Judge-Bench judgment where all 4 men were convicted for the 2012 Nirbhaya gang-rape case and murder case, were finally hanged 7 years after committing the brutal crime. Similarly, in the **Ayodhya verdict**<sup>5</sup>, which was 5 Judge-Bench, the judgment came on November 9, 2019.

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<sup>2</sup><https://www.livemint.com/Politics/3B97SMGhseobYhZ6qpAYoN/How-many-judges-does-India-really-need.html>

<sup>3</sup>II (2003) ACC 114

<sup>4</sup>(2017) 6 SCC

<sup>5</sup>M Siddiq (D) ThrLrs vs Mahant Suresh Das &Ors on 9 November, 2019

## **INTRODUCTION: HISTORICAL BACKGROUND OF INDIAN JUDICIAL SYSTEM**

Indian judiciary has been derived from the concept of Natural Law Theory; the Indian Constitution is based on the pillars of Natural justice. In simple words, Natural Law is the body of universally accepted moral principles which has laid down the ethical and moral guidelines to regulate human conduct in a society guided by the ways or rules of nature. For example, Article 14 and Article 21 in the Indian Constitution which provides the Right to Equality and the Right to Life and Liberty are based on the theory of natural justice.

The judicial system that existed in India before 1947 was brought by the British East India Company was “The Common law system” which was a system of law based on recorded judicial precedents. The British East India Company was then granted a charter by King George I in 1726 to establish: Mayor’s Courts in Calcutta, Madras, and Bombay.

After the first war of Independence in 1857, it led to the weakening of the control of the company over the Indian territories and the ruling power soon shifted to the British Crown this tremble of the British rule gave a next big shift in the Indian legal system as the mayoral courts were established replacing the mayoral courts, high courts were authorized by passing the Indian High Courts Act in 1862. The Indian Judicial structure is mainly divided into a three-tier structure with: The Supreme Court at the top of the judicial system followed by High courts and district and sessions courts at the lowest level of hierarchy.

## **SUPREME COURT**

The Supreme Court of India has an original and advisory jurisdiction, and an appellate jurisdiction. Its original jurisdiction includes any dispute between State(s) and the Centre or between States with matters concerning the enforcement of fundamental rights of individuals. Under Article 141 of the Indian Constitution, the decision of the Supreme Court is considered as the rule of law and thus all courts in India are bound to follow these decisions.

## **HIGH COURTS**

The jurisdiction of High Courts is over the States in which they are located. At present, there are 23 High Courts in India. High Courts can exercise only appellate jurisdiction and writs. All the decisions passed by the High Courts are binding on all the lower courts of the State over which it has its jurisdiction.

## **DISTRICT COURTS**

District Courts take care of judicial matters at the district level. It is headed by a judge and these courts are administratively and judicially controlled by the High Courts of the respective States to which the district belongs.

## **LOWER COURTS**

Lower courts (below the District Courts) are also called Munsif's Courts and Small Causes Courts. These courts only have original jurisdiction and can try suits up to a small amount.

## **TRIBUNALS**

Special courts or Tribunals provide effective and speedy justice they also provide specialized expertise relating to specific kinds of disputes. These Tribunals have been set up in India to look into various matters of grave concern such as the Income Tax Appellate Tribunal, Central Administrative Tribunal, Intellectual Property Appellate Tribunal, Railways Claims Tribunal, etc.

## **PENDENCY OF JUDICIAL CASES IN INDIA**

The pendency of judicial cases in the past decade has been very alarming for India especially in the past few years with the rising number of crimes being committed, increase in population, and judiciary being the only ray of hope for the victim has been miserably failing to deliver justice at the right time to the people of the society. According to the records as of April 2018<sup>6</sup>, there were over three crore cases pending across the Supreme Court, High Courts, District Courts, and Subordinate Courts. Out of these numbers 86% of pending cases

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<sup>6</sup> <https://www.prsindia.org/node/688683/chapters-at-a-glance>

were from Subordinate Courts, 13.8% of pending cases from High Courts and remaining 0.2% cases from Supreme Court. From 2006 to 2018, there has been an 8.6% rise in the pendency of cases across all courts. The number of pending cases before the Supreme Court of India has increased by 36%, High Courts by 17%, and subordinate courts by 7%.

Despite an increase in the number of disposal of cases in most years, the number of pending cases has largely increased due to the number of new cases outpacing the number of cases that have been disposed of. Over 23% of cases have been pending for over ten years in the High Courts. Cases pending for two and five years amounted most over 29% of all pending cases. In the subordinate courts, for over ten years over 8% of cases are pending. According, to the records Allahabad High Court had the highest pendency, with over seven lakh cases pending before it as of April 2018 followed by the Bombay High Court, with 4.6 lakh cases pending before it. The total pending cases as of March 25, 2020, was 3.68 crore which has now increased to 4.4 crores (April 2021).<sup>7</sup>

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<sup>7</sup> <https://www.prsindia.org/node/688683/chapters-at-a-glance>

## **CAUSES OF PENDENCY**

According to the Report of the Supreme Court of India<sup>8</sup> one of the main reasons for a high level of pendency of cases in Indian Courts is capacity constraints. The piling of unsolved cases in subordinate courts is because the subordinate judiciary is working under a severe shortage of various aspects like proper courtrooms, secretarial, adequate support staff, and residential accommodation for judges. The report further states that the subordinate judiciary has been working under a deficiency of 5,018 courtrooms because the existing 15,540 court halls are insufficient to cater to the strength of 20,558 judicial officers as of 2015<sup>9</sup>. A report submitted by the High Court under the chairmanship of J.C. Shah has identified some of the major causes of judicial backlog such as a lower number of judges in the High Court's as well as delay in vacancy appointments.

As per the claims, of law minister Shri. Ravi Prasad, there are 43 lakh cases pending in 25 High courts of India, out of this 18.75 lakh cases are only civil matters and the remaining 12.15 lakh cases are criminal matters<sup>10</sup>. Therefore, the various other causes for the litigation pendency in India are as follows:

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<sup>8</sup> Subordinate Judiciary-Access to Justice 2016

<sup>9</sup> [www.sci.nic.in/pdf/Accesssto.Justice/Subordinate%20Court%20of%20India.pdf](http://www.sci.nic.in/pdf/Accesssto.Justice/Subordinate%20Court%20of%20India.pdf)

<sup>10</sup> The Economic Times (27 June, 2019)

- **INADEQUATE NUMBER OF JUDGES**

The approved strength of judges in the 25 High Courts of India is 1079 but out of this only 680 is the actual working strength. Similarly, the approved strength of judges in the Supreme Court of India has been increased from 30 to 33 after the passing of the Supreme Court(Number of Judges) Amendment Bill, 2019 but currently there are only 27 judges as of 2021.

On 1<sup>st</sup> February 2012 in the case of **Imtiyaz Ahmed versus State of Uttar Pradesh**<sup>11</sup> the Supreme Court asked the Law Commission of India to evolve a scientific method for scientific assessment of the number of additional courts required to clear the backlog of cases<sup>12</sup>. Recently, in the conference of Chief Justices held in April 2016 it was inter-alia resolved that the Chief Justices shall take effective steps in coordination with the state governments to ensure an increase in the cadre strength of the district judiciary. With India's population being pegged at 1.2 billion, India should have approximately 60,000 judges but according to the records of National Judicial Data Grid and Department of Justice Data Grid 2016<sup>13</sup> there are only 16,438 judges at the Subordinate Courts, 621 judges in High Courts and 29 judges in the Supreme Court. Thus, the inadequacy of judges has resulted in overburdening the legal system in our country which has directly affected the rise of pending cases and late delivery of justice.

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<sup>11</sup> (2012) 2 SCC 688

<sup>12</sup>Imtiyaz Ahmed versus State of Uttar Pradesh (2012) 2 SCC 688

<sup>13</sup> <https://www.livemint.com>

- **LENGTHY PROCESS OF LAW**

The procedure and formalities of every legal case are very complex and full of technicalities there are a lot of hearings in a case, adjournments, petitions, etc. which also increases the overall cost and expense that a person has to incur to commence a legal action even if it is for a small claim. Especially while dealing with criminal cases in India which have been based on the principle of wrong acquittal<sup>14</sup> this should be avoided in order for the smooth functioning of the judiciary with justice equity and fair but there shouldn't be any wrongful conviction of an innocent person. This principle of our legal system grants the accused multiple opportunities to defend themselves during the course of their trial. There are also cases where the process of law is being misused by the accused of their benefit.

- **ABSENTEEISM OF JUDGES**

A basic number of leave is given to every employee in every field of job similarly even the judiciary provides the judges with a maximum vacation of 100 days a year and additional leave for sickness and medical conditions. But some judges take frequent days of leave and are on holiday without prior notice to their seniors and sometimes either party of a case remains absent for a hearing which again leads to the delay in cases that were to be acquitted. The former Chief Justice of

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<sup>14</sup>Code of Criminal Procedure, Universal's, Sec.248-255, 1973, (34 of 2019)



India Mr. Ranjan Gogoi<sup>15</sup>, has analysed this problem and come up with a solution called the 'No Leave' formula for judges during working days of the court because of the alarming rise in the pending cases in India. Those judges who fail to follow the 'No Leave' formula either withdraw their name from the judge's list or the judicial work is withdrawn from that errant member of the court.

- **NUMBER OF APPEALS AVAILABLE IN A CASE**

After a case has been filed in the lowest court of the respective jurisdiction it is followed by the needed proceedings of law and finally, a judgment is delivered by the judge. If either of the party is not satisfied by the judgment delivered, they can make an appeal in the higher court. A number of appeal provisions are made to check fair justice and also to satisfy the parties indulged in a particular case, but litigants have made it a source of income to loot more money from the parties. This is one of the reasons why the number of pending cases is increasing in the Indian judiciary. The total number of appeals that can be made in a case depends upon the judgment given by the respective court but the judgment given by the Supreme Court is final in nature and an appeal cannot be filed to order to challenge or change the judgment was given by the Supreme Court. For praying for an appeal to

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<sup>15</sup><https://itatonline.org>

the higher court, a notice of appeal mandatory be served to the subordinate court which has given the following judgment but the appellate court is not allowed to entertain such a case if the notice of appeal has not been provided to the lower court on time. The allotted time period for providing the notice of appeal in the civil case is 30 days and 10 days in a criminal case. In 25 High Courts of India, there are 49 lakh cases pending out of which 24 lakh cases are Civil Appeals and 13 lakh cases are Criminal Appeals remaining are Writ Petitions<sup>16</sup>. These appeals are increasing the burden of the higher courts and hence there is a need for the courts to determine certain reasonable grounds on which the appeals are allowed.

- **LACK OF INFRASTRUCTURE**

One of the major root causes of litigation pendency is because of low infrastructure of the courts. Mr. Dipak Mishra, the 45<sup>th</sup> Chief Justice of India in an interview<sup>17</sup> said that the main cause of the litigation pendency is because of the lack of infrastructure for the judges, litigants and court staffs.

Subordinate courts lack basic facilities like canteen facilities, proper washroom facilities, library, parking lot, drinking water facilities, sitting facilities, etc. for the advocates. Even the trial rooms in district or subordinate courts are too small to even accommodate 5-10 people in

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<sup>16</sup> [www.legalserviceindia.com](http://www.legalserviceindia.com)

<sup>17</sup> <https://www.thehindu.com>

it. In a survey conducted by Vidhi Centre for legal policy<sup>18</sup>, it was stated that in Delhi, the number of district judges was 660 out of which only 450 courts were available, remaining 210 judges were jobless because of limited courts and courtrooms. In the 21st century where science rules the era where most of the work done in courts is on paperwork there are no proper facilities provided to the court like the computer, internet facilities, etc. Thus, the main hurdle which is stopping the judges and court staff from performing their work with efficiency is the poor infrastructure of the courts.

Law Commission of India in its Report No. 245 stated that there is an immediate need for additional courts in the elimination of delay and speedy clearance of judicial matters. In the matter of **Imtiyaz Ahmad v. State of U.P.**<sup>19</sup> Supreme Court also directed the Law Commission of India to direct the advocates to reduce their cost and to set up additional subordinate courts for the elimination of delays.

- **MISUSE OF PROCESS OF LAW**

The whole process of trial in a case is based on mainly procedural laws like The Code of Civil Procedure and The Code of Criminal Procedure. A criminal case trial starts by framing the charges against the accused, then thorough examination of evidence, investigation of witness by the prosecution, the accused lawyer, then final arguments by the

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<sup>18</sup> <https://vidhilegalpolicy.in/research/building-better-courts-surveying-the-infrastructure-of-indias-district-courts/>

<sup>19</sup> (2012) 2 SCC 688

prosecution and defendants and then finally the judgment is delivered by the judge. This whole process takes a lot of time and in most criminal cases it takes up to 5 years minimum by the court which may extend to 10 years.

There are several cases which are still pending for more than 30 years. This tiring and dawdling process makes the victim sufferer more and initially they lose their hope of justice from the judiciary. Few examples of landmark cases where justice has been delayed are **Mukesh & Anr vs State for NCT of Delhi & Ors (Nirbhaya case)**<sup>20</sup>, which was 3 Judge-Bench judgment where all 4 men were convicted for the 2012 Nirbhaya gang-rape case and murder case, where it took 7 years to deliver justice. **Ayodhya verdict**, which was 5 Judge-Bench headed where the judgment came on November 9, 2019 and took over 70 years for the final judgment to come. Similarly in the case of **Aruna Ramchandra Shanbaug vs Union of India & Ors**<sup>21</sup> it took over 37 years to provide her passive euthanasia. Also, in the case of **J. Jayalalitha v. Union of India**<sup>22</sup>, complaint was registered against Jayalalitha that she had amassed assets beyond her known sources of income which was filed in June, 1996. The final verdict was delivered by the Supreme Court in February, 2017 twenty years after the charge sheet was filed and by this time the accused Jayalalitha was held guilty had already died.

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<sup>20</sup>(2017) 6 SCC

<sup>21</sup>(2011) 4 SCC 454

<sup>22</sup>(1999) 5 SCC 138

## IMPACT OF PENDENCY

There are two aspects of delay that need to be considered in the context of a criminal trial. The firstly, deal with the time a trial takes to give its final judgment and the secondly aspect is related to the pendency which pertains to the consequences of delay, Criminal law proceeds on the principle of presumption of innocence, as an accused is presumed to be innocent until proven guilty. Hence forth the pendency of a criminal trial harms the liberty of an accused person and their presumption of innocence, especially when they are put in prison while the trial is pending. As per the report of the **Prison Statistics India**<sup>23</sup> — 2015 released by the National Crime Record Bureau (NCRB), 67.2 percent of our total prison population comprises of under trial prisoners. In India 2 out of every 3 prisoners is an under trial who havenot been convicted and is still presumed as innocent. Apart from the inefficiencies of government and public administration, the justice system also has a role due to laxity on contract enforcement. Apart from the sufferings for citizenry, there are consequences of the delays for the justice system as well such as:

- High cost of legal fees
- Loss of memory by witness which affects the quality of justice
- Disappearance of witnesses
- Repeated offences

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<sup>23</sup><https://doj.gov.in>

- Justice system is held in disrepute
- Corruption within the justice system
- Loss of public hope in judiciary as the justice mechanism
- Disinterest in judicial careers

## **CONCLUSION AND REMEDIES**

Hence it can conclusively be said that the budget allocation for the judiciary should be increased and High court judges should spend less time on vacations the police should work more efficiently by registering an FIR and start with the investigation on time so that no evidence gets destroyed. The criminal offenses which come under section 321 of the Code of Criminal Procedure should be solved by compounding method i.e. if the parties are ready for a settlement in the respective case where the accused admits his/her offense. These methods will definitely help in increasing the efficiency of the criminal justice system in India. *Hence, justice delayed is justice denied; but equally, justice hurried is justice buried.*<sup>24</sup>

Also, the Indian judiciary system is strong as compared to other judiciary systems present in the world. But it is facing a major backlog because of various loopholes in the system which is making it less effective. Today with the rising number of crimes and the agonizing pace of judiciary the society is losing hopes and faith towards the judiciary in its system of delivering justice. In this world of technology

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<sup>24</sup><https://blog.iplayers.in/delay-criminal-justice-system/>

and education where people are becoming aware of their rights, they are approaching to the court of law but due to the slow delivery of justice, most cases do not get reported as the citizens are tired of waiting and the huge amount of money that gets incurred during this long process of justice also serves as a big hurdle between society and justice.

The delay is caused mainly due to various factors like abuse of process of law, inadequate ministerial staff, defects in the procedure, insufficiency of judicial officers, lack of infrastructure, personal factors, etc.

Hence, alternative solutions like Lok Adalats, Alternative Dispute resolution, Gram Nyayalay fast track courts should be promoted by the government to deliver justice in an effective way and reduce the burden of workload on the higher courts of the judiciary. Justice Markandey Katju said that *“For satisfactory functioning of the judiciary, see things are necessary that judges should be honest, the judgment should be given on certain settled legal principles, and there should not be a delay and in deciding cases. It will take unanimous and cumulative efforts by all to achieve the required progress in judicial*

*reforms. We need radical reforms and a strong-willed to truly make a difference.”<sup>25</sup>*

## **REMEDIES**

The alarming situation calls for speedy remedial measures. These reforms should be capable of providing speedy and efficient justice which will be accessible to the common man. Equally important steps should be taken by the government to enforce judicial accountability and independence of the judiciary.

1. The government, the Judges, the lawyers, and litigants - all must have a positive will and strong determination to remove all the ills and corrupt practices from the judicial system to ensure efficient working of it.
2. Shift System<sup>26</sup> should be introduced in the judicial administrative system as because of financial constraints the creation of new courts is not very feasible. The new appointment of whole-time staff - judicial and administrative to new courts and building infrastructure involves huge

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<sup>25</sup><https://blog.iplayers.in/justice-delayed-justice-denied-can-deal-inefficiency-courts-fast-changing-society/>

<sup>26</sup> The law commission's 125th report dated May 11, 1988 has recommended introducing a shift system in the supreme court to clear a backlog of cases by deploying retired judges



expenditure which the government cannot afford but if the existing courts can be made to function in two shifts with the same infrastructure and utilizing the services of retired judges and judicial officers reputed for their integrity and ability, it would ease the situation considerably and provide immense relief to the litigants.

3. The accumulated arrears could be reduced quickly and smoothly and there is an urgent need for filling of old vacancies and creation of new posts. The vacancies of judges in courts must be filled on top priority. The problem of understaffing of judiciary and recommended 50 judges per million of the population instead of existing 10.5/million has been examined through its judgment by the law commissions in its 120<sup>th</sup> report and the apex court.
  
4. The approved strength of judges in the 25 High Courts of India is 1079 but out of this only 680 is the actual working strength. Similarly, the approved strength of judges in the Supreme Court of India has been increased from 30 to 33 after the passing of the Supreme Court (Number of Judges) Amendment Bill, 2019 but currently there are only 27 judges as of 2021. A system of zero vacancies or nearly zero vacancy culture should be established.

5. The Judges should be very strict at the first stage itself while dealing with a case. The distinction between frivolous and genuine litigation should be made and frivolous litigation should be discouraged.
6. A law or an act should be passed for fixing a maximum time limit by which a civil and criminal case should be disposed of.
7. Alternative Dispute Resolution forums: The importance of referring the matter to Alternate Dispute Resolution Mechanism i.e., Arbitration, Mediation, Conciliation, should not be underestimated. Hence strong and effective efforts have to be made by the Bar, Bench, and the Government to strengthen this pillar of justice.
8. Modernization of courts by effective measurement, e-courts, fast track courts, an overhaul of archaic laws, process overhaul, constant feedback, and equipping the judiciary with technology and modern tools,etc. should be allotted in order to decrease the pendency in cases.
9. Adjourment Manual should be introduced and applied across all courts which codify the conditions under which adjourment should be granted in order to reduce arbitrariness.

# INDIA'S ANTI- SEDITION LAW: A NECESSITY OR A RELIC OF THE BYGONE ERA?

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B.A. LL.B (H) Semester IV

"Whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech." -Benjamin Franklin

## **ABSTRACT**

<sup>1</sup>Sedition generally is understood to be any such conduct or speech that incites people to rebel against the authority of a state or monarch. Gandhiji in his infamous trial of 1922 called India's anti sedition law as "the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen." In recent times this law has once again made headlines with the arrest of Lok Sabha MP, K Raghu Rama Krishna Raju by the Andhra Pradesh

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<sup>1</sup> Oxford Online Dictionary

Police for alleged sedition against the state government and promotion of communal hatred.

In this Article we will discuss the origins of this draconian law, its impact on society, debate on its constitutional validity and analyze whether such a law should stay or not.

## **ORIGIN OF THE ANTI- SEDITION LAW IN INDIA**

Sedition is not a novel concept it's been around a long time and most societies have some or the other form of anti-sedition law in existence.

<sup>2</sup>In the American legal system for instance under Section 2385 of the US Code, it is unlawful for anyone to knowingly teach/advocate the overthrowing of the Government, such an act shall attract fine or imprisonment for up to twenty years, or both, and shall make the offender ineligible for employment by the United States or any department or agency thereof, for the five years following his conviction.

Ancient Indian texts like the Arthashastra also address it, Kautilya's Arthashastra discusses the various punitive measures to be taken against seditious ministers in order to suppress treason against the king and his kingdom. Measures included death by medicinal accident, bribing and inciting the seditious minister's brother (if any) through

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<sup>2</sup>Chapter 115, Part 1, Title 18, U.S.Code

spies to commit parricide, poisoning them, sending them to battle with an inefficient army, etc. Even during the Mughal Period any such uprising which challenged the sovereign was known as "Bagawat" and was considered to be a grave crime.

The modern-day anti-sedition law of India owes its origin to the British Raj. During those times the legitimacy of the government was constantly being questioned by the natives, revolts were springing up in the presidency states, and intimidation through brutality against the civilians had lost its effectiveness in suppressing the rising calls of dissent. This concerned the Crown and it felt that something had to be done to address the situation. This is when Sir Thomas Macaulay drafted the Penal Code of 1837 and introduced sedition as an offence under Sec 113 however this provision did not make it to the actual Indian Penal Code of 1860 when it was enacted. Later, on the suggestion of James Fitzjames Stephen, through an amendment in 1870, it was included in the Code as Sec 124 A. Over the years several minor changes have been introduced in this section and currently its provisions stand as follows:

124A. Sedition<sup>3</sup>.—Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite

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<sup>3</sup>Chapter VI (Of Offences Against the State), Indian Penal Code 1860.

disaffection towards, the Government established by law in India shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

The 1891 case of Queen-Empress vs Jogendra Chunder Bose and Ors. was the first time that a person had been accused of sedition under section 124A of IPC (the accused in this case however ended up not being convicted).

Since then, it was regularly used to torment freedom fighters and their supporters. Let, us quickly take a look at two of the most infamous cases of the actual application and conviction for sedition under this Section.

### **Queen-Empress v. Bal Gangadhar Tilak**<sup>4</sup>

This is the first known case (In India) where Section 124A was defined and applied.

#### **Facts:**

In the present case, freedom fighter Bal Gangadhar Tilak was accused of inciting violence against the British government through his speeches in Marathi language for it had mobilized other individuals

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<sup>4</sup>(1897) ILR 22 Bom 112.

who started committing acts of violence against the British, this resulted in the death of two British officers.

**Judgment:**

The court defining disaffection said that it means absence of affection and therefore, is equivalent to “hatred, enmity, dislike, hostility, contempt and every form of ill-will to the Government.” and added that no man should excite or attempt to excite this kind of disaffection towards the Government. Tilak was convicted for the crime of sedition and sentenced to 18 months of rigorous imprisonment. However, he later received bail in 1898.

**Emperor vs Mohandas Karamchand Gandhi and Shankarlal Ghelabhai Sankar**<sup>5</sup>

**Facts:** In the present case Gandhiji being the editor of the paper "Young India" and Shri Shankarlal Ghelabhai Sankar, printer and publisher were charged on 11th March 1922 by LN Brown, Additional District Magistrate, Ahmedabad under Section 124A IPC, for promoting disaffection towards His Majesty's Government in British India through three of their published articles. Instead of contesting the charges Gandhiji pleaded guilty and submitted a written statement explaining the reasons that compelled him to do so.

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<sup>5</sup>Session case no.45 / 1922 Ahmedabad

### **Judgment:**

The sessions judge in open Court at Ahmedabad convicted him for the offence of sedition under 124A IPC and sentenced him to a total of 6 years of simple imprisonment, 2 years on account of each charge. However, after a year of serving in Poona jail, his punishment was remitted.

## **INVOCATION OF THE LAW IN POST- CONSTITUTIONAL INDIA**

After the Constitution came into force in 1950 a major dilemma regarding the constitutionality of Sec 124 A arose. There were two opposing views on it.

<sup>6</sup>While one section held it to be *ultra vires* as it imposed an unreasonable restriction on freedom of speech and expression protected under Article 19 (1) (a)[this was upheld in *Tara Singh v State of Punjab, AIR 1951 EP 27* which led to the consequent striking down of *IPC sec 124A* and then its revival post the amendments introduced in *Article 19 (2) with the First Constitutional (Amendment ) Act ,1951]*

<sup>7</sup>the other section held it as *intra vires* and not in contravention of Art.19 (1) (a) as it is saved by the expression in the interest of public order in Art 19 (2), giving it a wider connotation by including not only

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<sup>6</sup> KD GAUR, INDIAN PENAL CODE 381 (7th ed.2020)

<sup>7</sup>KD GAUR, INDIAN PENAL CODE 382 (7th ed.2020)



those acts which are likely to disturb public order but something more than that. [*This was upheld by the Supreme Court in KedarNath vs State of Bihar, AIR 1962 SC 955, where it was observed that the rights guaranteed in Article 19 (1) (a) is subject to reasonable restrictions under Article 19 (2) and a law enacted in interest of public order is constitutionally valid.*]

As of April 2021, a plea has been filed in the Supreme Court by two journalists– Kishorechandra Wangkhem from Manipur and Kanhaiya Lal Shukla from Chhattisgarh questioning the legal validity of IPC section 124A on the grounds that the law violates the fundamental right of speech and expression. The honourable court has issued a notice to the center in this regard and has agreed to examine the matter. This will be a pivotal decision.

### **IMPACT OF THE LAW IN THE LAST FIVE YEARS**

According to an article published in the Economic Times in February about the 'Crime in India Report 2019' published by National Crime Records Bureau -between 2016 and 2019, the number of cases filed under Section 124-A (sedition) of the Indian Penal Code (IPC) increased by 160% while the rate of conviction dropped to 3.3% in 2019 from 33.3% in 2016.

<sup>8</sup>Also, Human Rights Watch in its World Report 2021 released on January 13 criticized the government at Centre and its increasing activities of harassment arrests, and prosecution of human rights defenders, activists, journalists, students, academics and others critics of the government or its policies.

Let us understand the present situation a little better by looking into three of the most recent cases of arbitrary invocation of this law.

### **Disha Ravi Toolkit Case**

#### **Facts**

Disha Ravi is an Indian climate change activist and the founder of Fridays For Future India. She was arrested on February the 13th 2021 on charges of sedition and criminal conspiracy for the alleged creation and circulation of an online toolkit that addressed the 2020 Farmer Protests in India providing a list of ways to help and support the protesting farmers. The said toolkit was shared by the Swedish climate activist GretaThunberg whereby the protests gained international attention.

The Indian government in their defense said that the toolkit resulted in unrest and disaffection towards government and was a form

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<sup>8</sup><https://frontline.thehindu.com/dispatches/human-rights-watch-paints-grim-picture-of-india-in-its-latest-report/article33570641.ece>

of sedition. The arrest attracted widespread criticism all over the world.

### **Order**

In response to the bail application filed in the Delhi Sessions Court on behalf of her. The presiding judge observed that "The perusal of the said 'Toolkit' reveals that any call for any kind of violence is conspicuously absent. In my considered opinion, Citizens are conscience keepers of government in any democratic Nation. They cannot be put behind the bars simply because they choose to disagree with the State policies." and thus granted her bail.

### **Kanhaiya Kumar Sedition case**

#### **Facts**

In the present case some Students of Jawaharlal Nehru University, New Delhi, organized an event of peaceful protest against the judicial killing of 2001 Indian parliament attack convict Afzal Guru in 2013. Allegations were made that the students in the protest were heard shouting anti-Indian slogans. Four Days after the event the University's Students Union president Kanhaiya Kumar was arrested on charges of sedition after allegations of 'anti-national' sloganeering made by him surfaced. On 18 February, he filed a petition in the Supreme Court seeking bail and same was transferred to the Delhi High Court.

## **Judgment**

The High Court of Delhi on 2nd March 2016 granted six months interim bail to Kanhaiya Kumar and observed that the FIR lodged in connection with an on-campus event that led to his arrest on charges of sedition suggested that it “is a case of raising anti—national slogans which do have the effect of threatening national integrity”.

## **2020 Delhi Riots Sedition Case**

The 2020 North East Delhi riots were a chain of destruction and communal violence caused by a hate speech about the then ongoing Citizenship Amendment Act protests.

In March this year a Delhi court took cognizance of the offence of sedition among others against 18 persons, arrested under the uncompromising Unlawful Activities (Prevention) Act in the north east Delhi riots case, after sanctions were filed by the Delhi Police in a second supplementary charge sheet against all the accused.

## **THE LAW SHOULD STAY OR NOT?**

### **Reasons why it should stay:**

- 1) The Anti-Sedition law provides the Government with the much-needed sturdiness to maintain public order national security.
- 2) It is effective in incriminating rebel groups, like the Maoists and Khalistanis that promote ousting the Government.

## **Reasons why it should go:**

- 1) The main intent behind introducing this law was to muffle dissent, it's a rather convenient tool of suppression and violation of human rights.
- 2) Times have changed now and we are for the most part no more under a circumstance that requires such restrictive laws.
- 3) The broad ambit given to the term ' disaffection ' though not defined results in it being interpreted as pleased and can accordingly be misused.

I am of the view that this notorious law should be decriminalized. First, because the motive behind its introduction is in itself a transgression to the ideas enshrined in the preamble of our constitution. Secondly, such a grave law should be used more restrictively in the rarest of rare cases but in the last few years it has been used arbitrarily and indiscriminately by the government to subdue criticism against it, from students to cartoonists to folk singers to doctors, nobody has been spared. These actions have been criticized nationally and internationally alike, <sup>9</sup>former SC judge Madan B Lokurtooin one of his lectures made a comment on how the government is weaponizing sedition laws. Most importantly, in United Kingdom, the home of our colonial rulers has it self abolished

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<sup>9</sup><https://www.ndtv.com/india-news/authorities-weaponising-sedition-laws-says-former-supreme-court-judge-madan-b-lokur-2309137>

sedition as a criminal offence in 2009. Other countries like New Zealand, South Korea and Indonesia have also done away with it, we should therefore follow into their virtuous footsteps and move towards a new era, where freedom of speech and expression isn't threatened by such regressive legislations.

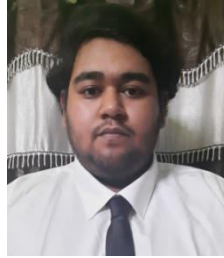


**BLOGS**



## **K-POP AND ITS POPULARITY IN THE WORLD**

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**Soham Kundu**

B.A. LL.B (H) Semester II

Korean pop music, also known as KPOP, is music that is originated from South Korea. This Korean pop music is now trending. It is a combination of music from all over the world such as pop, electronic dance, jazz, experimental, hip-hop, and on top of its traditional Korean culture music. Korean entertainment is famous because of its music, the group synchronized dances, the visuals, the fashion, and the makeup.

Korean entertainment has spread a Korean wave, which is widespread all over Asia. Countries like India, Indonesia, America, and the entire western world. It has gained massive popularity in the entire globe. Korean pop is said to have started with the boy band SeoTaji and the boys in 1992. Modern Kpop culture is said to have been influenced by the boy band called H.O.T in 1996. A singer or a boy band uses Korean historical references in its songs, and that's what influences Korean culture. This music has teenagers as its massive fanbase all around the



globe. The influence became global in 2011 when the song 'Gangnam Style' by Korean singer Psy was released. The funky beat music and the choreography is what made the song famous all over the globe. And it opened a path for all the Kpop artists to show their talent all over the globe. Boy band EXO gained popularity in the process and then came the massive phenomenon in the globe – BTS (BangtanSonyeondan), also known as Behind the scene in English, and Bulletproof boys scout in Korean. This boy band debuted in 2013 and has not stopped gaining popularity ever since. They were globally recognized in the year 2017, because of their song DNA which had catchy music and innovative fashion and audiovisual in the music video. It made them recognized and opened the path for other Kpop artists. In India, it is because of BTS that the Korean culture has influenced the youngsters, helped them to overcome their fear and depression, the fashion which can be seen to be heavily influenced. The girl band named Blackpink later debuted in 2016 and also became a phenomenon with its visuals, and fashion trends, and upbeat music. BTS and Blackpink contribute to the South Korean tourism industry every year and help in the economic growth of the country.

Kpop idols have an intense lifestyle and they go through a lot to become an idol: first signing with a company at a young age in most cases, and then starting their training before debut, which is too intense, and even after their debut they follow an intense routine and diet to

maintain their idol image. These are often reflected in their appearance and their talents. That is how the Korean Wave has become massive among youngsters, and few from all the age groups, all over the world.

## BEING LGBTQIA+ IN INDIA

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**Prachi**

B.B.A.LL.B (H) Semester II

Today, homosexuality and queer identities are acceptable to more Indian youths than ever before, but within the boundaries of family, home, and faculty, acceptance of their sexuality and freedom to openly express their gender choices remain a continuing struggle for LGBTQIA+ (lesbian, gay, bisexual, transgender, queer, intersex, asexual) people.

In urban India, where social media and company initiatives have created increased awareness of LGBTQIA+ rights, the scenario looks more upbeat for gay men than for transgender people or lesbians. While urban LGBTQIA+ voices that are heard through several online and real-world platforms form a crucial part of LGBTQIA+ activism, these expose only a little a part of the various challenges faced by the community.

Far away from gay pride parades, meet-ups, and heated discussions on

Twitter, families in rural India have their ways of handling LGBTQIA+ individuals. In some parts, secret honour killings are planned so that the only way for a young gay man to survive is to run away in the cover of the night to some city, with no money or social support.

In other parts, lesbians are subjected to family-sanctioned corrective rapes, which are often perpetrated by their circle of relatives. Lesbians and transmen in rural areas find themselves at the rock bottom of the hierarchy when it involves basic human rights within the unit of family and village.

Ambedkar thought of the village as a unit of violence which is most true for LGBT issues. Village medics and 'babas' often prescribe rape to cure lesbians of homosexuality. Refusal to marry brings more physical abuse.

Even in educated urban India, suicides by lesbians make headlines per annum. It comes as no surprise then that a tribunal recently ruled that the sole danger to lesbians in India is from their own families.

The state of the community is well known by all of us, some encouraging while some strongly standing against the age-old system. The idea of homophobia is strongly etched in the minds of our elders even prevents them from coming out of the closet. However, it is very difficult to change the mindset of every single person we can ensure that our coming generations don't grow up with the same mindset. Schools can play a more robust role in supporting LGBT issues. Currently, our academic model is predicated on obedience to authority

and unquestioned following of rules and regulations. This must change. Children must be taught about their basic human rights and therefore the tools available to guard those rights.

## **TOPIC: LET'S TALK TRENDS**

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**Sana Kauser**

B. A. LL.B (H) Semester IV

We live in the era of trends; each day there is something new trending. And these days it is DEPRESSION!!

We have been hearing the term "depression" for quite some time now, especially after the death of renowned actor Sushant Singh who died by suicide, and the reason behind is said to be depression. After this incident, we can see his photo flashing everywhere, with captions like fight mental illness, speak up, etc.

All of a sudden people started talking about it, there was a flood of condolences for the actor.

But sadly, after some days people started talking about nepotism, it was suspected that he ended his life because Bollywood was not fair with him and is drenched with star kids. People started abusing the star kids, gave them rape threats, and also threatened their life. The same people who were talking about mental health a few days back were then

mocking every product of nepotism and also shamed Karan Johar, a director on his gender, and cursing on his survival. The world is a cruel place to be in, people post anything just for the sake of posting, laugh when someone is being mocked, and then talk about mental health the same day; what an irony!

Following trends is the new cool now, people refuse to understand things, instead take advantage of the moment. Recently a guy went over YouTube and gave a comedian rape threat only for expressing her mere views and still some people watched and laughed at the video and when the guy was arrested everyone started sympathizing with the comedian for the obvious reason that it was the trend!

We need to bring an end to this now. Social media is a powerful weapon; we must understand when and how to use it, learn how to think instead of learning what to think read from authentic sites, collect data, and then form our opinion

Don't follow trends just for the sake of posting; you are what you think – so think wisely!

## **COMBATING ORGAN TRAFFICKING: THE UNSEEN FORM OF HUMAN TRAFFICKING IN INDIA.**

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**Tanisha Agarwal**  
B.B.A.LL.B (H) Semester IV

A four-and-a-half-year-old girl got operated on at a hospital in Delhi in March. Two months later, her father alleged that one of her kidneys disappeared after the surgery. While it could be that the child was born with only a single kidney, the incident brings back the spotlight on the business of illegal transplants and organ trafficking in India. Unless she was born with a single kidney, her organ had been illegally harvested. We all have heard stories like this. This exactly depicts the true picture of organ trafficking.

Organ trafficking, according to World Health Organization (WHO), is commercial transplantation, where there is profit, or transplantations occur outside of national medical systems. Organ trafficking can be described as the illegal harvesting or trade of organs such as eyes,



kidneys, heart, and other organs and tissues obtained from people to sell at a considerable profit in black markets. Some people unknowingly become the targets of organ harvesters; others agree to sell their body parts to make ends meet.

It is a deadly crime which robs human beings of their healthy life. It is essentially an illegal business of human organs, tissues, and body parts. They use them for transplantation. It is bringing down the human body to the worth of an object. They trade them off for a little money or some other commodities.

It is one of the grimmest and gruesome issues in the world. Sometimes, organs like kidneys are operated off a person without their knowledge during surgery. This organ is then sold in black for a considerable price. The reason organs are so expensive is that there is a huge demand for organs like lungs and kidneys among patients who need to get a transplant for critical diseases.

In a developing country like India, the concept of body donation (after brain death) still raises eyebrows. People are very conservative about their bodies, even after death. It is, as if, if they donate their organs, they won't reach heaven as a whole person. The trade of organ harvesting is multiple country spanning. It is most rampant in underdeveloped or developing south-eastern countries like India, Sri Lanka, Pakistan, and Bangladesh. In India, Tamil Nadu Erode tops the list with approximately 2000 organ trade victims. Sri Lanka has recently become the epicenter of these illegal trades and transplants.

In a country like ours, where over 60% of people live in villages and over 30% being illiterate, organ transplant remains an unheard topic. Organ trafficking, a lucrative global illicit trade, is often a lesser discussed form of human trafficking among anti-human trafficking stakeholders due to its intricate and often stealthy nature. Sex trafficking and/or labour are the more commonly thought of forms of human trafficking among public policy leaders and general awareness campaigns. However, organ trafficking holds a critical place with transnational organized crime groups due to high demand and relatively low rates of law enforcement. Organ traffickers profit in the shadows, while their destructive medical footprint is the only thing that is felt. It leaves vulnerable populations i.e., “donors,” and first world beneficiaries i.e., “recipients,” open to severe exploitation and a lifetime of health consequences. In 2020, the people of a small rural community in Gujarat were forced to sell their kidneys to solve their ever-growing financial problems, by loan sharks.

There are multiple online pages on social media where organs from the black markets are sold openly under the name of support groups. The reason that these crimes are so difficult to put an end to is that they are an organized crime unit. Many conservative people think that donating organs is taboo since it goes against religious codes. In reality, there are no rules against donating organs in any religion.

The organ trading racket is a flourishing crime in India because it is an inside job, a huge number of people are involved in this circle including

doctors and medical attendants for the huge price that it fetches. The most prominent organs that are traded illicitly are kidneys, estimating that 10,000 kidneys are traded on the black market worldwide annually, or more than one every hour. Traffickers orchestrate the recruitment of the donor often from a place of vulnerability, and victims are not necessarily properly screened for their qualifications to be healthy donors. Desperate patients in need of an organ may fall prey to a trafficker who could be posing as a “reputable” representative of an altruistic organ matching organization. Financial exploitation plays a key part in both sides of this scenario. In addition, organ traffickers could also be involved in other forms of human traffickings, such as sex and/or labour trafficking. Cases are emerging where an organ donor may have been a victim of sex trafficking and/or labour trafficking as well as a victim of organ trafficking, creating a multi-level equation of exploitation. The term “transplant tourism” is often utilized in describing this crime. In most countries, the buying and selling of organs are illegal (e.g., Iran is the only country in the world where buying and selling an organ is legal but this exception only applies to its citizens). It is estimated that the illegal organ trade conservatively generates approximately \$840 million to \$1.7 billion annually.

When we look at the problems people are facing in today’s world, a lack of organ donors is the main one. With so many patients in need of a transplant and with only a marginal percentage of organ donors of about 8%, a huge gap is created between the supply and demand of

organs. This gap is filled by the illegal sale of organs in the black market. There exists a vast supply and demand gap for organs since there are plenty of diseases that can be cured by organ transplant only.

Most importantly, poverty is a great cause of this. People who are in great debt or need money sell off their organs to get some temporary relief. They get very less amount than their actual worth. Furthermore, illiteracy and lack of awareness among the people are also great causes. Those who are neither educated nor aware of the consequences of selling their organs and even do not know the health hazards are likely to be vulnerable to this crime. Moreover, it is also a cause behind child trafficking which contributes to organ trafficking. Some parents sell their children, not just for the money, but also in the hope that their children will escape the situation of chronic poverty and move to a place where they will have a better life and more opportunities.

The children in war and developing regions are also very vulnerable to organ trafficking. When they get displaced from their homes, the traffickers make them easy targets. Furthermore, deceiving and dishonest medical firms and people also are a major cause. As organ transplants cannot be done without proper knowledge of them, corrupt people of the medical field contribute to it.

Human trafficking for organ removal continues to rear its ugly head in India despite the government legislating several laws like Transplantation of Human Organs Act, 1994 with subsequent amendments in 2011 and 2018, Importation of Girls from Foreign

Country (Section 366 B, IPC), Procurement of Minor Girls (Section 366 A, IPC), United Nations Convention against Transnational Organized Crime (UNTOC) protocol to Prevent, Suppress and Punish Trafficking in Persons, Immoral Traffic (Prevention) Act, 1956, Human Trafficking (Section 370 and 370 A, IPC), Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill, 2016. This is because there is a lack of proper implementation of these laws which makes it easy to commit this crime.

The social or cultural practice of devaluing women and girls in society makes women disproportionately vulnerable to organ trafficking along with sex and human trafficking. Moreover, the migration of the people leads to their bodily exploitation by offering them lucrative job opportunities.

Other causes are the porous nature of borders, corrupt Government officials, the involvement of international organized criminal groups or networks, and limited capacity of or commitment by immigration and law enforcement officers to control borders.

Organ trafficking affects society as a whole. The poor people get robbed of their good health due to this crime. The traffickers exploit them endlessly to make sure they do not betray them.

Moreover, kidnapping and human trafficking also happen due to this crime only. The traffickers abduct and traffic children into selling their organs. Some also murder them after their work is done to not leave any proof behind.

Organ trafficking also impacts the health of a person as well as their safety. The high demand for organs results in diseases and illnesses amongst people whose organs are trafficked. Even medical firms are losing their credibility because of such illegal practices.

Most important of all, the current pandemic is a 'perfect storm' for organ trafficking victims. Both affected and non-affected people are, to some extent, subjected to organ trafficking. The latter fall prey owing to poverty and the former, as per sources that the patient's organ is trafficked and they are declared dead by the hospital authority without showing the same.

The National Human Rights Commission had constituted a Core Group of medical experts to go into issues relating to public health and human rights and in particular about the trade-in of human organs. They have collectively expressed the view that the clause relating to 'compassionate donation' in the Organ Transplantation Act has been frequently exploited in an unethical manner, which is violative of human rights. Based on their suggestion, the Commission has called for the adoption of certain remedial measures.

To promote organ and body donation positively, the Government has enlisted the help of famous stars like Amir Khan who have agreed to donate their organs. The Justice Verma Committee had recommended for census of the missing children.

Therefore, we need to eliminate this crime to protect people. There is no dearth of the related laws in the country but there is a problem of

inadequate understanding and unfaithful implementation of laws. The government must take strict measures and implement stringent laws against this crime. We must spread awareness about organ donation so people can donate their organs after death so the supply meets the demand. This will ensure no organ trafficking happens. Moreover, people must also be made aware of the dangers of organ trafficking so they can be better prepared and aware of the consequences. In the police priorities, human trafficking, especially organ trafficking, does not figure. The capacity building of the Police along with that of the NGOs is necessary to tackle the menace of human trafficking. The government has not been able to ensure timely release and rehabilitation of victims. Social media is becoming a new tool for human trafficking. India did not have any law to regulate the use of Facebook, WhatsApp, and even Twitter in certain matters, and the bill regarding the same is passed and the matter is pending in the Hon'ble Supreme Court of the Country.

There is also a need to ensure proper data sharing, internally in an administration or between agencies like the police or the NGOs, or between the different countries as well.

Educating children on the crime of trafficking by including the same in their school curriculum is the need of the hour. Making people aware as a society i.e., if an individual comes across any suspicious activity, he/she should report the same to the concerned authorities. Society needs to be made sensitive towards victims of organ trafficking. The

menace of organ trafficking is huge, and there is a need to not just prevent such crimes but also ensure that the relief and rehabilitation process smoothly takes place. Illegal trade in human organs often involves the exploitation of poor people and violation of their human rights. The right to be protected against human trafficking is a constitutional right. This right needs to be protected to provide a dignified life to every child, every man, and every woman in the country.

If everyone who died in India decided to donate their bodies, there would be no shortage of donors for organ transplants. Hence, there will be no need for illegal organ trading, and no person will be forced to sell their organs to feed their family. Hence, I request the readers to consider giving up their body for someone else, for even in death you will remain alive.

*“A transplant is the ultimate legacy a person can leave and the greatest gift of community service we can give.”*





# POEMS



## TEENAGE DREAMS

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**Sohini Chakrabarty**  
B.B.A. LL.B (H) Semester II

Standing at the edge of this age  
When we admire, adore and  
Want to be praised  
Every single minute

We dream of achieving big.  
But we suddenly become  
Unaware of our existence  
When we confront competition  
That leads us to every stage of comparison.

The age keeps on flying unsteadily  
And it is wildly boisterous.  
Our mind forms delusions

Contrary to real aspects

As our minds are dynamic in dreams

And it acts lazy in real ground.

The age seems like a puzzle,

We ignore to solve it.

Lost in the never-ending age.

We see friendship through a transparent paper.

Someday it gets tear apart.

Then we finally get alert  
of our own pathway to walk.

## **MIRROR**

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**Susmita Shill**

B.Com LL.B (H) Semester II

Mirror Mirror, what do you see?

I see a fat woman standing in front of me.

So am I supposed to lose some weight?

Maybe by cutting some calories out of my bread.

But you know how much I love to eat the chocolates, cookies and my  
favourite sweets.

Mirror mirror, what do I do?

Go to the gym and buy a pair of training shoes.

So will I become slim again like all the girls on Instagram.

Will I be able to fit in those skinny jeans which I bought remembering  
those dreams?

Mirror mirror, why can't I see any change?

It only has been a month and you still need to train.

I have been walking those lengthy streets until the last drop of sweat  
drips.

I have done everything, I have stopped looking at those nasty sweets  
but there's still no change.

I am sorry but I can't do anything, I am just a mirror but still I worth  
nothing.

People stand in front of me thinking what they could have been rather  
than seeing what they really can be.

Why can't you understand, it will take some time.

Even a baby has to wait nine months to see the sun shine.

Then I should keep going mirror 'cause I have something to repair.  
But remember one thing, the image I have shown you today won't be  
the same every day, so keep trying.

And when you reach that phase,  
I will show you again but the line will change.

Mirror mirror, I can see.  
So you came again standing in front of me.  
I am what I am and no one can change me.

## IN EVERY WALK WITH NATURE

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**Tanisha Agarwal**

B.B.A. LL.B (H) Semester IV

When those first golden, bright rays,  
Of the huge ball of fire, kissed my face,  
And made me happy in all the ways,  
my entire body was energized all because of God's grace!

Those rays suffused my mood with pleasure,  
so much happiness in life, couldn't even be measured!

Everything was jolly and gay,  
as if in the lap of enthusiasm I lay.

When suddenly there flew in air,  
A pungent, foul, disgusting smell!  
I think it was from the nearby lane-  
Which probably was never maintained

It instantaneously to me to anger and range,  
And began losing all that calmness of a sage.

I spent the entire day in gloom,  
Like a pretty flower that died before it had to bloom.

Later that day, I came to know,  
That there were numerous diseases  
That the garbage in that lane did sow  
The more garbage, the more the death chance increases.

Then came to any mind all those moments  
When I contributed to that huge heap  
Consequently bringing a lot of lives to ends,  
Making lots of families weep.

Above all that, I made the beloved Earth struggle,  
So many times did I pollute her innocent river,  
So many times did I cause her land trouble,  
Now when I think of that, I almost shiver.

But enough now! no more mistakes!  
Let's clean everything from the environment- our mother's chest.  
All those land, soils and lakes,  
Let's bring back her charm and make her the best!



## I NEVER UNDERSTOOD WHAT GREY WAS

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**Prachi Gupta**

B.Com. LL.B Semester VIII

I never understood what grey was.

It's either black or white.

Either I fall in love passionately or I hate you with all I have.

Either I'm on cloud nine or I'm hitting rock bottom.

But now I stand in between of all the choices I made when I chose  
either yes or no

Because I couldn't stand Maybe.

It's difficult to not know what to do when you are impulsive.

It's difficult to trust your own decisions when you wanna protect  
yourself again.

It's difficult to not cry when you're trying to communicate your  
feelings.

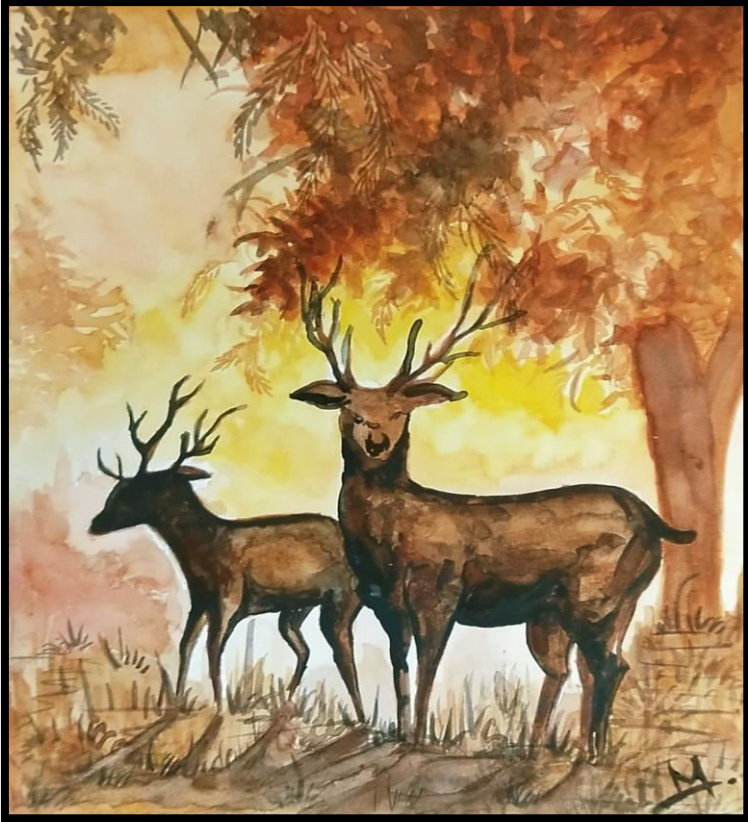
It's difficult to give someone power to make you happy when you have  
anxiety.

One day when I'll learn to stand on Maybe and pause  
To love myself  
Not to go hard on myself  
Not to cry  
Say no without guilt  
Breathe before crying  
Is the day I'll learn what grey is.

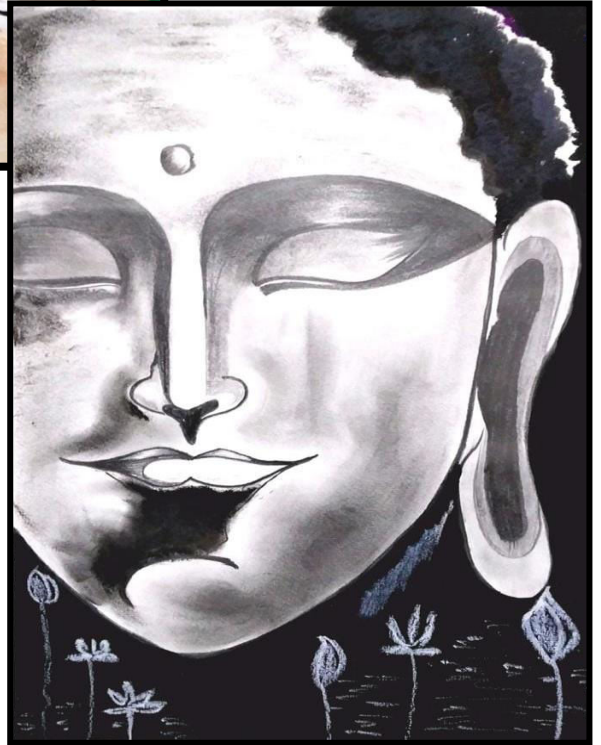
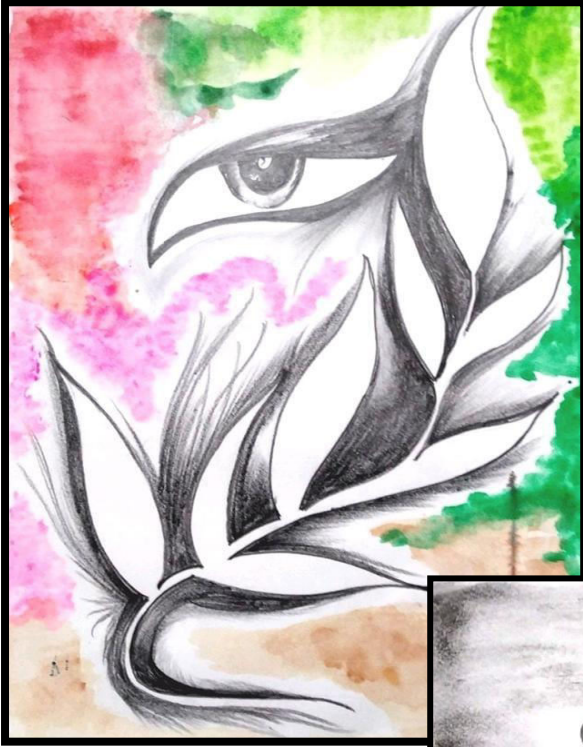


# ARTWORK



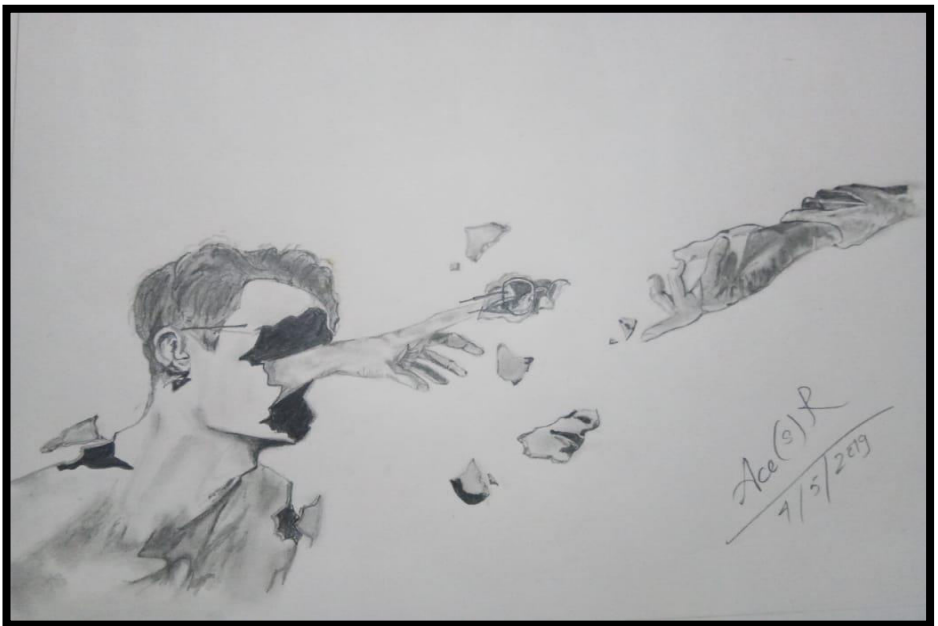


**MOHIT SAHA**  
BA LL.B (H) SEMESTER II

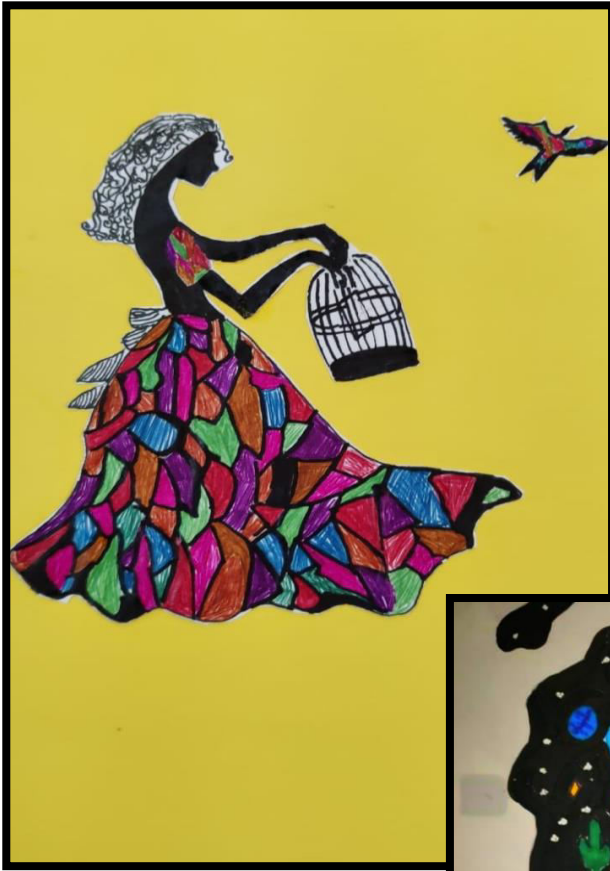


**AYUSH SAHA**

**B.Com LL.B (H) SEMESTER II**



**SWETA RAI**  
**BA LL.B (H) SEMESTER IV**



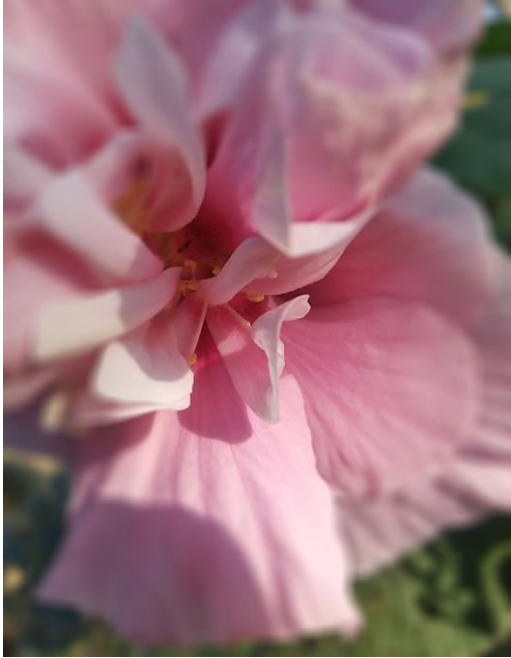
**AMBIKA BISWAKARMA**  
**BA LL.B (H) SEMESTER**  
**VI**



# PHOTOGRAPHY







**REBATI BARMAN**

**BA LL.B (H)  
SEMESTER II**

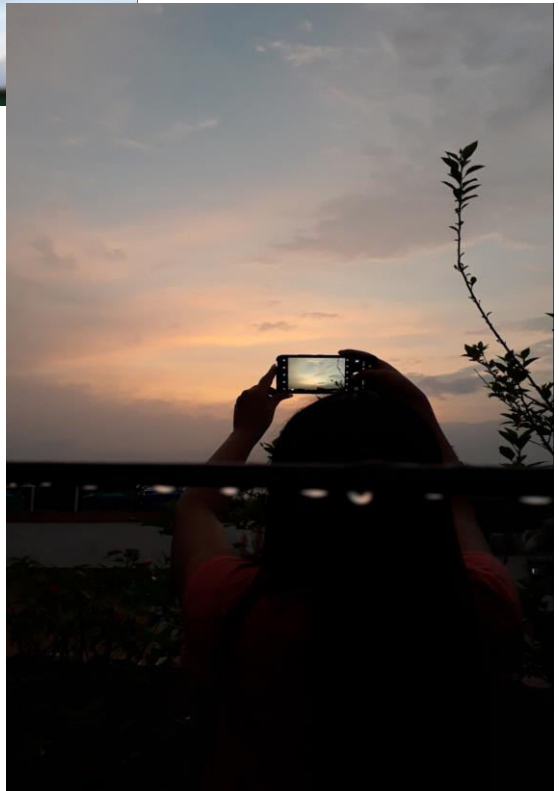


People are beautiful, not in their looks, or the way they  
dress up, neither their personalities, nor the way they talk,  
but just the way they are.

Mother : "A QUEEN WITH INVISIBLE CROWN"

**SHREYA ROY**

**B.Com LL.B (H) SEMESTER II**



**SUSMITA SHILL**  
**B.Com LL.B (H)**  
**SEMESTER II**

**PANKAJ SHAH**  
**BA LL.B (H) SEM VI**





**TIYASHA SAHA**  
**B.Com LL.B SEMESTER VIII**

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