

VOLUME VII

ISSUE-IV (Oct-December 2021)



IILS QUEST

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



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ISSUE-IV (Oct-December 2021)

IILS QUEST

THE STUDENT JOURNAL (2021)

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



INDIAN INSTITUTE OF LEGAL STUDIES

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MESSAGE

FROM PRINCIPAL'S DESK



Big thanks to the student's editorial board of the journal IILS Quest and researchers for giving their valuable time. I believe this edition will enrich the reader's knowledge in many ways. I also would like to thank the students who, through various mediums, have presented their ideas, views, emotions and expressions. I believe they are going to be the flag bearers of legal fraternity in India.

I would also like to thank and congratulate to all the contributors of this edition.

I am sure, that the readers will be enhancing their knowledge base with this edition of IILS Quest.

Thank you

A handwritten signature in blue ink, appearing to read 'G. Tiwari', with a horizontal line underneath.

Prof. (Dr.) Ganesh Ji Tiwari
Principal,
Indian Institute of Legal Studies

MESSAGE

FROM REGISTRAR'S DESK



“No thief, however skillful, can rob one of knowledge, and that is why knowledge is the best and safest treasure to acquire.”

L. Frank Baum

I am really very grateful to the student's editorial board of the journal ILS Quest and researchers for encouraging us to complete the journal which will help the readers in many ways. Every edition brings new challenges as well as new opportunities for the contributors.

I believe this journey of IILS Quest has been a cause of reflection, full of unlearning old habits and adopting new ones get journey was hard but today it feels as if it was worth it. I hope this opportunity not only helped the students to sharpen their minds but also to represent the principles of IILS.

I would also like to thank and congratulate to my fellowmates who helped in making this journal. It means a lot to all of us. I am also positive that this journal will help us as a student in learning from various aspects. We will also validate to give our best to make this journal a grand success.

Thank you



Shri Sanjay Bhattacharjee

Registrar,

Indian Institute of Legal Studies

MESSAGE

FROM STUDENT EDITORS

Dear readers,

We hope you are doing well!

As Albert Szent-Gyorgyi rightly said “*Research is seeing what everybody else has seen and thinking what nobody else has thought*”.

It gives us immense joy and satisfaction to introduce our very own student journal ‘IILS QUEST’.

The objective of this student journal is to promote, develop and enhance the research skills of creative minds. We are proud of our contributors who present you with write-ups dealing with various legal issues, and engage other disciplines with law. Further, this journal gives a platform to showcase talent, and also it stokes curiosity and improves the way one expresses.

A lot of effort has gone into the making of this issue. Amidst the hectic schedule of semesters, examinations, assignments, and internships, we tend to lose track of all the simple things we are capable of. Often, we tend to procrastinate and lose grip over things that could make a proud moment for us and give a sense of satisfaction.

We hope you enjoy reading this issue as much as we have enjoyed making it!

Table of CONTENTS

SLNO.	ARTICLES	PAGE
01.	PANDEMIC AND LAW: PROVISIONS AIDING IN FIGHT AGAINST COVID VINISHA JETHWANI BBA LL. B SEMESTER - IX SHAIKH HEENA YASMIN GULAMMUSTAFA B. Com LL. B SEMESTER – IX	14-27
02.	ELDER ABUSE IN INDIA SNEHA DAS BA LL. B (H) SEMESTER – V	28-36

SLNO.	BLOGS	PAGE
01.	PROCRASTINATION: WHY DO WE DO IT? MOHIT SAHA BA LL. B (H) SEMESTER – III	38-39
02.	MENSTRUAL HYGIENE SNEHA AGARWAL BBA LL. B (H) SEMESTER – I	40-46

SLNO.	SHORT STORY	PAGE
01.	THE GIRL WITH A RED SCARF SOHINI CHAKRABARTY BBA LL. B (H) SEMESTER - III	48-51

SLNO.	POEM	PAGE
01.	THE TRAVELLER SHREYA ROY B. Com LL. B (H) SEMESTER - III	53-54
02.	PALASH MD KAIF BA LL. B (H) SEMESTER – I	55

SLNO.	ARTWORK	PAGE
01.	SHREYA ROY B. Com LL. B (H) SEMESTER – III	57

02.	SHRESHTHA GOSWAMI B. Com LL. B (H) SEMESTER – III	58
------------	--	----

SLNO.	PHOTOGRAPHY	PAGE
01.	ARNAB BAIRAGI BBA LL. B (H) SEMESTER – III	60
02.	SHREYA ROY B. Com LL. B (H) SEMESTER – III	61
03.	AMZAD HUSSAIN B. Com LL. B(H) SEMESTER – III	62-64



ARTICLES



PANDEMIC AND LAW: PROVISIONS AIDING IN FIGHT AGAINST COVID

Vinisha Jethwani

B. ComLL. B Semester IX

Shaikh Heena Yasmin Gulammustafa

BBA LL. B Semester IX

INTRODUCTION

The ongoing outbreak of global coronavirus, officially known as COVID-19, has been declared a 'pandemic' by the WHO (World Health Organization). The Covid induced pandemic which all started towards the end of 2019 brought about major changes into the lives of every single individual- be it a child, a minor, an adult or old aged person. The pandemic not only changed the life of every living person but also brought about vital changes in the laws of the world. Today, across the world, from north to south and east to west, states are closing their cities as a measure to contain the spread of the virus. This novel epidemic proved to be much more than one thought.

We all are a part of the law and all lives are connected, whether it be humans, animals or the environment. This outbreak affected every aspect of human life and lead to a change in the law. Every sector has

been put down to the restrictions which affected the lives of persons connected with it. Every single sector - corporate sectors, media, railways, finance sector, tourism, hospitality, education, agriculture, automobile has been under the spell of the outbreak and has been affected. There were few changes in the legal system, which were brought to force under **The Disaster Management Act, 2005** which led to the evolution of the law to suit the demands of the pandemic. As a need of the moment the Government of India turned back to laws dating back by 120 years, the pre-constitutional Epidemics Disease Act, 1897. However, as the act was pre-constitutional it lacked the provisions for mandatory quarantine. Based on the Epidemic Disease Act, 1897 the Government of India framed the Quarantine rules and regulations which were in contradiction to the Constitution. As the rules of Quarantine undermine the concept of the Right to Life, Livelihood, Privacy, Free Movement across India. Governments in many countries have raised emergency legal frameworks to disable certain traditional (democratic) procedures and set aside standard political and legal responses as part of their covid-19 response. The Government of India issued guidelines on the 24th March 2020 to contain the spread of covid-19. Any violations of the issued guidelines would attract action against it under sections 51 to 60 of the Disaster Management Act 2005 and Section 188 of the Indian Penal Code i.e., Disobedience to order duly promulgated by public servant. This article aims to analyze the laws which were already there and

helped us to fight the pandemic along with the laws that were required during the pandemic and were enumerated thereafter.

DISASTER MANAGEMENT ACT, 2005

The Disaster Management Act enacted on 26 December 2005 came into effect during the 2004 tsunami in which the country lost thousands of people and was approved by the government for disaster management, including the development of capacity building strategies and related measures. The Prime Minister serves as the head of the National Disaster Management Authority (NDMA) which acts as the nodal agency and holds the mandate to lay down policies of disaster management.¹

Provisions of the Act

This act aims to manage disasters including preparation of mitigation, strategies, capacity building and a lot more. The act also designates the Ministry of Home Affairs as the nodal authority which is responsible for looking after the overall national disaster management in the country. The act also contains provisions for financial mechanism including the creation of funds for an emergency response like the National Disaster Response Fund.

The disaster management act also has its punishment clause where according to article 54 where it guarantees imprisonment for making false claims to gain relief benefits and circulating false alarms about the severity of a disaster.

During the ongoing crisis of the pandemic, the disaster management act

¹Disaster Management Act,2005, § 6(1), No.53, Acts of Parliament,2005 (India)

2005 was used for the lockdown imposed nationwide on May 2020 by Prime Minister Narendra Modi.

In March 2020 various government authorities invoked their respective powers of the Disaster Management Act 2005 to deal with the outbreak of corona cases in the country.

Features of Disaster Management Act 2005²

- **National Disaster Management Authority:** The NDMA is headed by the Prime Minister as the chairperson including 9 members in the committee which also includes the Vice-chairperson. With a tenure of 5 years, the principal obligation is to put up policies, plans and guidelines for national disaster and mitigate the powerful impacts of a disaster.
- **National Executive Committee:** The disaster management Act offers powers to the central authorities to form a country wide National Executive Committee in order to extend its help to NDMA. The NEC consists of Secretary degree officers of the authorities in the domestic, health, energy, finance and, agricultural ministries.

The NEC is liable for the guidance of the national disaster management plan for the entire country and making sure that it is “reviewed and updated annually”.

- **State Disaster Management Authority:** The SDMA aims to create a plan to overcome this crisis. The Chief Minister is

² Disaster Management Act, 2005, § 2, No. 53, Acts of Parliament, 2005 (India)

responsible state-wise and is in charge of the whole state and its responsibilities. The Chief Minister appoints eight members to the committee. The SDMA under section 28 ensures that all State departments prepare for disaster management plans as determined by National and State Authorities.

- **District Disaster Management Authority:** DDMA members are Collectors or District Magistrate or Deputy Regional Commissioner.
- **National Disaster Response Force:** The National Disaster Response Force is tasked with responding to a threatening disaster or a similar situation. The NDRF is led by a Director-General appointed by the Central Government.

THE CONSTITUTION OF INDIA

Article 21: In order to protect the Right to health and further curb the spread of COVID-19, the authorities were given the power to quarantine the people showing symptoms relate to the Covid 19.

Article 47: Under the DPSPA, the responsibility of the state to improve the state of public health, it may make regulations to improve public health and thus include the rules of quarantining the people.

Schedule VII: Both the Central and the respective State governments are empowered to implement COVID-19 control measures and therefore have the power to make necessary laws in regard to the pandemic.

Emergency Provisions: The Union Government is empowered to declare a national emergency in the event of an epidemic and emergency.

CRIMINAL PROCEDURE CODE, 1973

Sections 133 and 144 of the Code apply to the subject under discussion. **Section 133** empowers a District Magistrate or Sub-divisional Magistrate to pass an order as given under the section on rioting. This section applies to the current status of COVID-19 because it gives the above-mentioned persons the power to prohibit, control or prohibit any trade or activity that is harmful or creates a nuisance to the public. Carrying out trade or transactions during this period of COVID-19, which is unimportant, is an offense and powers under Section 133 may be used to deal with all such kinds of cases.

SECTORS AFFECTED DUE TO THE PANDEMIC

A wide scope of sectors has been affected by the pandemic. The intensity of the pandemic might differ from sector to sector, but there are few sectors which have had a major impact on its working. It might be difficult to bring back to normalcy even after the pandemic is over and might continue to suffer. The impact of the coronavirus pandemic on India has been largely disruptive and has affected many sectors on a wide scale. From which few might get back to normal and few might still suffer after-life gets back to normal.

Indian Economy

Indian economy is a vast aspect to be discussed on how it was affected by the pandemic and overall, the Indian economy is not a singular sector. The Indian economy is interlinked with every sector possible and has brought major changes for the better working of the sectors and the economy of India.

There has been an increase and fall within the Gross Domestic Product (GDP) because of the pandemic, and the necessary precautions have been taken and improved rules have been put into effect. Since the Indian economy has been affected by the covid-19 pandemic, the impact of it has been felt globally and it is likely to persist for a long period of time. Five major economic indicators have been affected that are, GDP growth rate, inflation, unemployment, interest rate and industrial output. The five economic indicators have also been used for the overall research for the crisis India has/ is going through.

From April to June 2020, India's Gross Domestic Product dropped by a monstrous 24.4%. As indicated by the most recent public pay gauges, in the second quarter of the 2020 financial year (July to September 2020), the economy shrunk further by 7.4%. The recuperation in the third and fourth quarters (October 2020 to March 2021) was as yet powerless, with GDP rising 0.5% and 1.6%, separately. This implies that the general pace of constriction in India was (in genuine terms) 7.3% for the entire 2020-21 financial year.

During the post-independence, India's public pay has declined several times before 2020 – in 1958, 1966, 1973 and 1980 – with the sharp

decline being in 1980 (5.2%). This implies that 2020-21 is the most noticeably awful year as far as financial withdrawal in the nation's set of experiences, and much more regrettable than the general compression on the planet. The decrease is exclusively liable to alter the course in worldwide imbalance, which had been falling yet has now begun to rise again following thirty years. While economies worldwide have been hit hard, India has experienced perhaps the biggest withdrawal. During the 2020-21 financial year, the paces of decrease in GDP for the world were 3.3% and 2.2% for developing business sector and creating economies. The way that India's development rate in 2019 was among the most elevated makes the drop because of Covid-19 significantly more observable.³

Given the levels of unemployment by 2020, India's 7.1% rate indicates that it is under-utilized - both in general and in the comparative country with a large number of economies with comparable per capita incomes. The rate of Joblessness was quite high owing to the shutting down of various industries and manufacture hubs due to pandemic. The pandemic has caused great economic hardship, especially for young people i.e., the millennials, who are overworked. India has a large proportion of young people in its population and the pandemic has put them at high risk of long-term unemployment.

³Swati Dhingra & Maitreesh Ghatak, *How has Covid-19 affected India's economy*, ECONOMICS OBSERVATORY, (26/11/2021, 11:04 AM), <https://www.economicsobservatory.com/how-has-covid-19-affected-indias-economy>

Hospitality sector

The hospitality sector includes many small and big businesses such as restaurants, hostels, service flats, bars, nightclubs and more. The sector has been contributing a significant portion of India's annual GDP since a long period. But this sector was also hit hard by the pandemic and the restrictions and subsequent lockdown. It not only affected annual GDP but also closed various small, medium and big hospitality outlets that have not recovered so far. Others have found new ideas for starting their own businesses by offering online and home-based services. The hospitality sector may not be as large as the Indian Economy but is linked to other sectors and contributes generously to the nation's income.

Education sector

Education has emerged as a major concern during the coronavirus crisis in the country. Majority of the students have been affected by the closure of educational institutions due to the pandemic. The Education sector was disrupted by the pandemic and on a large scale, many schools and colleges were closed. The schools and colleges were closed ever since the nationwide lockdown was imposed. After a certain time, the schools and colleges were putting an effort to provide education by online mode but there were still many schools and colleges who lacked the necessary technological advancement to provide education through the online mode. This has affected the students of all age specially the pre-primary and primary level students. Students were also devoid of their basic right to education owing to the lack of equipments required

for digital education. Steps are being taken and modes for online education are being improved. The Indian government has previously limited only 20% of courses to be offered online but due to the severity of the pandemic lifted the limit by allowing 100% of courses to be offered online. And to promote higher education through technology, the Indian government also allows Indian universities to offer degrees online.

Street vendors

The livelihood of the street vendors has been destroyed to its extreme. Many such daily street vendors cannot even the basic amenities of life to their family. As the movement of the common people was prevented these daily vendors found it extremely difficult to earn any income and subsequently were left with no source of income at all. Many were unable to feed their family which lead to starvation and deprivation food and medical supplies.

Suicide Rates

Suicide rates are expected to rise in such situations where people are unable to feed their family, are getting unemployed with no basic source of income, and most importantly the mental health of a person is disrupted which lead to a continuous rise in suicide rates.

Persons with Disabilities

The vision of hope suggests that the epidemic has, in a sense, given hope to the authorities to redirect the health care system of these vulnerable people. Many groups and organizations believe that enacting the PWD Act of 2016, fictional names like Divyang, and programs such

as 'Divyang Kumbh Mela,' held in Allahabad, have laid the groundwork for protecting the rights of the disabled sector. The Prime Minister's message about PWDs has had a huge impact. Unfortunately, the current government's efforts to curb the virus are a challenge for PWDs. These people at risk are more susceptible to diseases like COVID-19 than others. However, there is a lack of effective government measures to reduce the burden on this population. PWDs face additional obstacles due to their fragile nature and also suffer greatly from following conventional monitoring methods.

Provincial / Government / national disaster management authorities are obliged to take steps to include PWDs in disaster risk management activities and to keep them informed. Appropriate medical benefits should not be compromised for people with disabilities.

The government has come up with a number of measures for the welfare of people with disabilities since the outbreak of COVID-19. For the poor with disabilities, the government has announced ex-gratia financial help of Rupees 1,000 (to be distributed in two installments over a period of three months). In addition, PWDs under NSAP will be provided a pension for three months in advance. Unfortunately, the National Disability Rights Platform (NPRD) has indicated that this amount is not available to all, as approximately 50% of people with disabilities do not have their disability certificates.

PROVISIONS IMPLEMENTED TO CONTROL THE PANDEMIC

To control the spread of coronavirus the government has taken necessary precautions. The central and state governments set boundaries i.e., restrictions to prevent any form of travel in public places. Article 246 of the constitution confers the allocation of legislative powers between the state and the central government. The state government has the power to regulate public health matters and both the state and central governments have the power to pass laws on matters relating to the prevention of communicable diseases that spread from one state to another. Various state government and government of union territories government in terms of section 6(2)(i) of the Disaster Management Act (2005), enforced measures by central government such as banning citizens from leaving their homes, closing shops, offices, factories, firms other than those of essential goods and services. In addition, private vehicles were not allowed except in emergencies. Trains, flights, hotel reservations, sports, and other events have been canceled for the same reason. Section 144 of the CrPC. is designed to enable social isolation and to break down the ongoing chain of COVID-19 infections and contain its spread.

Indian Penal Code, **Section 188** was utilized which is going against the orders of a public servant would lead to detainment of one month or a fine up to two hundred rupees or which may be extended or both. Additionally, if the disobedience causes danger to health, life, and safety, the offender would be put to six months imprisonment or one

thousand fine, or both. Furthermore, Section 269, 270, and 271 were imposed.

Section 269 - Negligent act likely to spread infection of disease dangerous to life: Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.⁴

Section 270 - Malignant act likely to spread infection of disease dangerous to life: Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.⁵

Section 271 - Disobedience to quarantine rule: Whoever knowingly disobeys any rule made and promulgated by the Government for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels, or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.⁶

⁴ Indian Penal Code, 1860, § 269, No. 45, Acts of Parliament, 1860 (India)

⁵ Indian Penal Code, 1860, § 270, No. 45, Acts of Parliament, 1860 (India)

⁶ Indian Penal Code, 1860, § 271, No. 45, Acts of Parliament, 1860 (India)

CONCLUSION

Evolution of a law means the development of the existing law and the changes made to fulfill the ongoing crisis. This article has not only discussed the legal aspects helpful to fight against the pandemic but also presented the various sectors that were affected and what steps were taken to improve the ongoing conditions. The coronavirus pandemic is an unfortunate situation not only faced nationwide but also globally. Many countries have faced their share of problems and are still trying to recover from the ongoing crisis with innovative ideas and the evolution of the law. The pandemic has its pro and cons. People have found different ways to run their firms and provide a helping hand to the nation. However, this pandemic has caused a drastic and unprecedented change to the overall national/ global interests.

ELDER ABUSE IN INDIA

Sneha Das
BA LL. B (H) Semester V

“There are far too many silent sufferers. Not because they don't yearn to reach out, but because they've tried and found no one who cares.”

- Richelle E. Goodrich

INTRODUCTION

The term Elderly doesn't have an exact and rigid definition for all societies, generally it refers to an old or aging person, and consists of ages, nearing or surpassing the average life span of human beings.

In India the 'National Policy on Older Persons' adopted by the central government in January, 1999, defines 'senior citizen' or 'elderly' as such persons who are of the age of 60 years or above. And at present, according to the ¹National Statistical Office (NSO) 's Elderly in India 2021 report. India's elderly population (aged 60 and above) is projected to touch 194 million in 2031 from 138 million in 2021, a whopping 41 per cent increase over a decade. These changing demographics call into attention a much-overlooked issue, the issue of: Elder Abuse.

¹Tenzin Zompa, India's elderly population to rise 41% over next decade to touch 194 mn in 2031: Govt report, THE PRINT, (Dec. 26, 2021, 4:38 PM), <https://theprint.in/india/indias-elderly-population-to-rise-41-over-next-decade-to-touch-194-mn-in-2031-govt-report/710476/>

ELDER ABUSE

Old age is a stage where the elderly is vulnerable, ignored and overlooked, it's that chapter of life that seems endless and makes one feel like a burden, very lonely and helpless; especially because they are physically and mentally incapable of earning a decent livelihood along with their declining health and the generation and technological gap which exists in society. The World Health Organization (WHO) defines elder abuse as " a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person. ". Elder Abuse can take various forms, some of them are as follows:

1. Physical Abuse: It refers to the intentional infliction of pain or an injury, physical coercion or physical restraint. E.g.: - hitting, shoving or burning the elderly, etc.
2. Psychological or Emotional Abuse: Such abuse refers to hurting the sentiments and mentally torturing the elderly. E.g.: - humiliation, habitual blaming, scapegoating, ignoring the elderly person, isolating an elder from friends and get together activities.
3. Financial Abuse: Financial abuse involves fraudulent use of the financial resources and fund of the elders. This can include misuse of elder person's bank details and monetary resources, stealing cash, forging signature and engaging in identity theft, etc.

4. Sexual Abuse: This involves sexual acts along with activities such as showing an elderly pornographic material, forcing them to participate in voyeurism, or forcing them to undress, etc.
5. Healthcare fraud and abuse: This mainly concerns the healthcare industry and refers to the unethical practices engaged into by doctors, nurses, hospital staff and other professional caretakers, such as overcharging for medical services, overmedicating or under medicating, recommending unnecessary and fraudulent treatments for their illness etc.
6. Elder Neglect and Abandonment: Neglect and Abandonment is sadly one of the main forms of elder abuse, they make for over half the cases of elder abuse. In such cases there is a failure to take necessary care of the elderly, including failure to maintain proper hygiene, housing them in unsanitary conditions and often times deserting them altogether, this in turn negatively impacts their physical and mental health.

So, to sum it all up, Elder Abuse is a gross violation of human rights but in actuality very few report incidences of elder abuse to concerned stakeholders either due to like lack of awareness about their rights or poor physical health and lack of social support system.

LEGAL FRAME WORK TO ADDRESS ELDER ABUSE

There are many legal and welfare provisions for the maintenance and protection of the elderly, some of the major ones in this regard are as follows:

1) Provisions under the Constitution ²

The provisions under Article 38, 39 and 41 that form a part of the Directive Principles of State Policy talk about promoting and protecting welfare of the people in general and also about protecting *the right to work, to education and public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.* Also, the rights of the Elderly have been interpreted by the Judiciary a facet of Article 21 of the Indian Constitution.

2) The Code of Criminal Procedure, 1973³

Section 125 of the Criminal Procedure Code allows maintenance to parents, wife and children. Being a secular law, it is applicable to every citizen of the country. The only thing necessary to claim maintenance under this law, is to prove that the parents were neglected and did not have sufficient means of income to maintain themselves.

²The Constitution of India, 1950.

³The Code of Criminal Procedure, 1973, No. 2, Acts of Parliament, 1974(India).

3) The Hindu Adoption and Maintenance Act, 1956

This is part of personal law and therefore is applicable to Hindus only this act empowers the elderly to claim maintenance from their children. And further mandates that it is the responsibility of children to maintain their aged parents when they are unable to maintain themselves.

4) The National Policy for Older People, 1999

This Policy was launched by the Ministry of Social Justice and Empowerment in pursuance of Article 41 of the Constitution. It seeks to assure older persons that they will not live unprotected, ignored or marginalized and also aims to strengthen their legitimate place in society and to help them to live the last stage of their life with purpose, dignity and peace. Under this policy the State becomes responsible for extending support to the elderly in terms of financial security, health care, shelter, welfare and other needs. It also protects them against abuse and exploitation.

5) The Maintenance and Welfare of Parents Act, 2007

This is the first legislation of its kind and is exclusively dedicated to addressing the plight of the elderly. Through it a legal obligation is placed on children and the heirs of the elderly to provide sufficient maintenance along with Penal measures upon non-compliance, neglect, abuse and abandonment. The Act also provides for the establishment of State-run old age homes in every district.

ROLE OF THE INDIAN JUDICIARY

The Indian Judiciary has played an instrumental role in eradicating Elder Abuse, through its exemplary judgments. Some of them are as follows:

1) Santosh Surendra Patil Vs. Surendra Narasgopnda Patil⁴

In this case, the High Court of Bombay held that it is the legal responsibility of children to care for parents. The Court also directed the State Government to act as the guardians of the Senior Citizens and aged infirm parents.

2) Sunny Paul & Anr. Vs State NCT of Delhi &Ors.⁵

In this case the honourable Delhi High Court has said that “*As long as the parents have the legal possession of the property, they can evict their abusive adult children.*” The Court further directed the Delhi government to amend rule 22 of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 and formulate an action plan to protect the life and property of senior citizens.

3) Vijaya Manohar Arbat Vs. Kashi Rao Rajaram Sawai and Anr.⁶

In this land mark judgment, the Supreme Court of India observed that a

⁴MANU/MH/1238/2017.

⁵MANU/DE/0651/2017.

⁶1987 AIR 1100.

married daughter who is self-sufficient has to provide maintenance to the father or mother who does not have any son and that the stepmother is equally entitled to maintenance as the father.

4) **Reju & Ors. Vs. The Maintenance Tribunal, Thiruvananthapuram & Ors⁷**, the High Court of Kerala in this case has upheld the order of the maintenance tribunal of Thiruvananthapuram for providing welfare means to the senior citizen even if there are no successive interests arising from the senior citizen's property as to the petitioner.

IMPACT OF COVID ON ELDER ABUSE

Elder Abuse is a growing international problem and COVID-19 has put a spotlight on it with the world reporting increasing incidents of abuse and neglect of older persons in domestic and long-term care institutions. India itself has noted an increase in Elder Abuse amidst the Pandemic.⁸ According to a report by Longitudinal Ageing Study in India (LASI), a national survey of scientific investigation of the health, economic, and social determinants and consequences of population

⁷2016 0 AIR(Ker) 97.

⁸Deepak Pihal and Jhumki Kundu, Elderly abuses a growing concern in India, shows Lasi, DOWNTOEARTH,(Dec. 26, 2021, 5:15 PM),<https://www.downtoearth.org.in/news/health/elderly-abuse-a-growing-concern-in-india-shows-lasi-75554>

aging in India. At least five per cent of India's elderly population (aged 60 years and above) stated they experienced ill-treatment in 2020.

Another report by the Agewell Foundation⁹, based on responses from 5,000 elderly, revealed that about 73 per cent of the elderly population who participated in the survey experienced increased abuse during the lockdown imposed amid the second wave of COVID-19 in India (March – April) and 82 % of the respondents claimed that their life has been affected adversely due to the current COVID-19 situation. During the survey, it was also found that 65 % elderly respondents were facing neglect in their life while approximately 58 % of the respondents said they are suffering abuse in their families and society. The report also found that approximately every third elderly (35.1 %) claimed that older people face domestic violence (physical or verbal) in old age.

CONCLUSION

In conclusion, these Pandemic stricken times have highlighted how violence and abuse of the elderly has increased in India and that it is our duty as fellow members of the society to make the world a friendlier and safer place for them. One of the many ways in which this can be

⁹Shankhyaneel Sarkar, Covid second wave : 73% elderly suffered from abuse during lockdown, finds study, HINDUSTAN TIMES, (Dec. 26, 2021, 4:20 PM), https://www.hindustantimes.com/india-news/covid-second-wave-73-elderly-suffered-from-abuse-during-lockdown-finds-study-101623678986995-amp.html#aoh=16406219680910&referrer=https%3A%2F%2Fwww.google.com&_tf=From%20%251%24s

done is by spreading awareness about Elder Abuse and educating the elderly about their rights and existing welfare schemes and legislation. NGOs such as, Vridh Care, Help Age India, Agewell Foundation and the World Health Organization etc. are constantly working towards the welfare of the senior citizens and spreading awareness about Elder Abuse. The Government has also been constantly endeavoring to alleviate financial infirmity by implementing various monetary policies which can facilitate the senior citizens to lead a normal life.



BLOGS



PROCRASTINATION: WHY DO WE DO IT?

Mohit Saha
BA LL.B (H) Semester III

Everyone procrastinates at some point; putting things off is a very common and conventional habit of human beings. All of us are guilty of putting our work or task off till the last moment. This habit is what we term as procrastination: the habit of purposefully delaying an activity or work.

Procrastination is not a rare practice rather it is a very widespread and recurrent habit and is seen as a very typical feature of a usual human being. Often times, we do not acknowledge our habit of procrastination and tend to disregard what needs to be done at the needed time, rather we push it off to a later hour. It can be directly related to wasting of time, as time is the most precious thing, yet, by procrastination we misspend our time, unless one is involved in any other salient work. The reason for procrastination varies from person to person and situation to situation. However, slothfulness is a cardinal reason for procrastination. When a person is lavish and indulges in luxuries, then he becomes reluctant towards his work and this blunts his urge for action. Another important reason could be fear of failure. When a person starts to fear the outcome of a task, he tends to procrastinate it to a later date and tries to escape, and other factors might be low self-esteem, less focus or distraction. By choosing to delay or never finish the work, we do avoid the consequences as well, but start living in a

fool's paradise.

Procrastination is harmful in various ways. It maintains a constant tension in mind and may lead to anxiety. It will relieve one only when he undertakes the work at the right time. Putting off work may keep us deprived of the benefits, which might have been accrued to us, if done earlier. A successful man is one who does the right thing at the right time. When procrastination becomes continual and a ceaseless circle of habit, which is difficult to come out from, all the cheerfulness and joy fade away and we start to live in incessant tension, which is indeed not a life worth living.

We must ask ourselves why do we procrastinate and what are the dangers it would probably lead us into. Therefore, we should try to focus on things which are of paramount importance, and execute them at the appropriate time without being sluggish and eventually procrastinating it.

MENSTRUAL HYGIENE

Sneha Agarwal
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WHAT IS MENSTRUATION?

Menstruation is a monthly shedding of the lining of a woman's uterus. It is the regular discharge of blood and mucosal tissue from the inner lining of the uterus through the vagina. This process is normal and a healthy part of life and yet girls and women in India go through extreme struggles to manage their periods every month.¹

SHED THE STEREOTYPE:

The heavy stigma around periods isn't just limited to silence during the biology classes when this topic is taught as a part of the curriculum rather it is also reflected by how still a lot of women have little or no knowledge about maintaining menstrual hygiene. The difficulty of accessing sanitary pads is another major issue.

According to one study, only 36% of India's 355 million menstruating females use sanitary napkins, while the rest use old rags, husk, leaves, or other life-threatening materials to manage

¹*Menstruation*, Wikipedia, (12th Nov. 21, 21:29hrs),
<https://en.wikipedia.org/wiki/Menstruation>

their flow.² India scrapped a 12% tax on sanitary products in 2018 after months of campaigning by activists.

Taboos Faced by Indian Women while menstruating are as follows:

1. Excluded from social and religious events.
2. Denied entry into temples.
3. Even kept out of the kitchen.
4. Ostracized from cultural activities.

As the saying goes, *“Talking is all it takes to begin a transformation”*. If we want to see the changes then, we ourselves need to be the change. Most people think discussing menstruation is regarded as disgraceful in Indian society. It's just a flow that comes in every woman's life which is natural, despite that it is labeled as unholy blood and impure. Any category of place whether it be a rural or urban area, periods talk is considered as sin. Menstruators can't talk about their issues in the open air. Menstruation is an essential process for a woman to be a mother and establish a family yet it is viewed with a narrow mind in our Indian society.

When a woman asks for a sanitary napkin in a pharmacy she is firstly judged by the raised eyebrows of the shopkeeper and then the napkins are wrapped in a newspaper as if it is something disgraceful not to be seen by the people around the place. It feels

² Aishwarya Upadhyay, NDTV Swachh India, (12th Nov. 21, 22:10hrs)<https://swachhindia.ndtv.com/menstrual-hygiene-day-facts-26-percent-use-sanitary-pads-periods-34309/>

like we aren't purchasing our necessities rather, we are buying something illegal.

The more we talk about menstruation and perceive it just as a biological process the more we can reduce these taboos. This in turn will help a menstruating woman to breathe in the open air instead of trying to hide it from society. Though there are many things that a woman needs to put up with during periods and we cannot control or help with everything – stomach cramps, back ache, mood swings, headaches, thigh cramps, etc.; at least, we can try to reduce undue pressure that they have to face during their periods.

I asked my friends for their review on the taboos faced by them during periods & their responses were as follows:³

1. They are not allowed to touch pickles.
2. They are not allowed to wash their hair.
3. They are not allowed to go by their father's side.
4. They are not allowed to worship God.
5. They are not allowed to touch religious books and accessories.
6. They are not allowed to enter the kitchen.

I also set a poll on my Instagram story to know how many people are supporters of pad and how many are supporters of menstrual cup, and the result of that survey are as follows:

Analyzing the responses of 120 users who took part in the poll,

³For further reference screenshot 01 attached at the end of this article.

around 60% of the users have voted for pads while the rest 40% of the users have voted for menstrual cups which indicates that still, girls are more comfortable with sanitary pads than menstrual cups.⁴

REACH OF SANITARY NAPKINS AND MENSTRUAL CUPS IN INDIA:

Out of all the menstruating girls and women in India, less than 20% use sanitary pads. Even in urban areas, this only rises to about 50%. The number of women using sanitary protection was less than 10 million – a fraction of the country's female population. Our efforts have been instrumental in increasing this number to more than 70 million women today.

Though pads are not a sustainable part of menstrual hygiene in a developing country like India where most of the menstruators don't get the reach of pads, we cannot force the population to shift to the sustainable menstrual hygiene product "Menstrual Cups."

First, let the population be aware of sanitary pads then we can educate them about the menstrual cups. In many urban parts of India people have started using menstrual cups and are villainizing the menstruator who used plastic pads or tampons. Though menstrual cups are eco-friendly and cost-effective yet many menstruating women fear shifting to menstrual cups. After making the whole population aware of menstrual hygiene we should also start

⁴For further reference screenshot 02 attached at the end of this article.

educating them about the pros and cons of cups. We should let them know which one is good. We can't force them to shift because we live in a democratic country where every individual has the right to choose.

Again, as the saying goes, “*Educating is good, villainizing is not.*” Millions of families across India cannot afford to buy menstrual hygiene products. A daughter of a daily-wage laborer wants a pad but feels guilty to even ask her family for the money to buy it. For them, it's a toss-up between spending on food for the family or purchasing sanitary napkins.⁵ The ideal demand would be free distribution of pads to all women and girls living below the poverty line in India.

CONCLUSION:

In the end, I would like to conclude by saying that it is high time we realize that menstruation is just a biological process and the secrecy surrounding it must go. It is essential to normalize menstruation and destroy taboos around this natural process. We should stop villainizing the women who bleed to give life.

⁵Shreya Agarwal, *Sacred Stains: A hard-hitting photo exhibition aims to raise awareness on menstruation*, The Indian Express, Sacred Stains: A hard-hitting photo exhibition aims to raise awareness on menstruation | Lifestyle News, The Indian Express (Last visited 13th Nov. 21, 19:41hrs.).

SCREENSHOT REFERENCES:



Screenshot 01



Screenshot 02

[Identities of the users who contributed to the survey have been intentionally omitted to avoid privacy issues]



SHORT STORIES



THE GIRL WITH A RED SCARF

Sohini Chakrabarty

BBA LL. B (H) Semester III

Happiness is not found at any specific place. It is felt exactly when we keep our mind open; only then we could realize the sheer essence of Happiness. Happiness varies from person to person and sometimes it is our part of the fault that we don't bother to look at it.

On the morning of 6th November at 5:45 a.m., it was foggy outside and I thought of wearing my sneakers and going out for a walk. My parents were sleeping so I didn't bother to wake them up so early. I turned off the lights of the room, went out of the main door taking the main gate's key.

It seems so peaceful in the morning; there is no one to distract you. The city sleeps in its own way and you calmly do all your work in one move. I unlocked the gate and started taking small footsteps, gained up my speed and went ahead a few kilometers.

After going to a certain point, I saw that the road was empty. Few people like the road cleaners, flower -vendors, tea-maker were busy with their work. I think these people are the most disciplined ones: they wake up early and do all the work for our society. They are the base of our society; without them our day will become a mess. I was returning home, sipping on a small cup of tea and my eyes shifted towards the flower vendor shop. I recalled that the previous day my mother had asked me to bring some flowers as Pre-Diwali puja starts in early morning at our home.

I was standing in front of the vendor when I saw a girl who was asking for a few flowers and the vendor gave her flowers for free. I was not so curious about this exchange - maybe she was a regular comer. I bought the flowers and started walking towards my colony. The girl with a red

scarf was ahead of me. She was about 7-8 years younger than me. After a while, I noticed that the girl dropped the flowers and she wasn't aware of that. I picked up the flowers and I went after her and called her then she stopped and looked back. I gave her the flowers and she was not so surprised like other children; she smiled slightly and thanked me.

It was the onset of the wintertime and there is something special about the occasion of Diwali. I got to see many things this year, maybe I got a chance to explain about happiness. This evening my friends and I were planning for a small Diwali night dinner. So, we were fixing the dates and planning a budget-friendly dinner plan. I generally don't go out for dinner so frequently. It's only during the festive season that I eat out.

The day came and again I woke up at 5 o'clock. I couldn't see the sun; it was all covered with the hazy fog. I opened the gates, went for a walk and also, I had to buy the flowers for puja as the day was the festival of Diwali. My mom had lots of work to do till evening. I had to help her decorate the verandah with small glittery lights; arrange the sweets on beautiful plates. Thinking about those arrangements I was passing by the flowers shop and I stopped for a while for the flowers. I wasn't searching for that girl but a little curiosity aroused in my mind. I didn't bother to look around, and then started walking towards my home. The haziness of the fog started to clear off by the shaft of sunrays. The mild fog and the rays made the atmosphere a bit warm. When I was about to enter my colony, a little voice came from behind me. I wasn't sure if someone was calling me or not. I just turned my shoulders back and I saw that the girl with the red scarf was coming towards me. Today she was happier than the previous day and then she requested me to come to her house this evening. I didn't even know her and where her house was: but she was such a young thing, how I could deny her? She pointed her finger, showed the way to her house. It was just near my colony and she said that she would be standing near the colony in the evening. I knew this place so well but had never noticed her in the area. I was a little bit confused as I already had a plan with my friends so I told her that I'd try to come. She smiled again and ran towards the vendor shop.

I wasn't sure that I would go to her house as I was less interested and hesitant too. I spent my whole day being busy in the work for

decorations with my family members. As evening descended, my phone kept ringing over and over again. I knew my friends were calling because I would always be the last one to reach. I reached the meeting point of our place and we decided to have dinner in a restaurant where the food was at an affordable price. The place was peaceful with soft music, not much chaotic and there were only four of us. The whole restaurant was made of glass we could see the beautiful streets lights and the crowd of people going out and about, but could not hear the noise outside.

Our dinner was done, we clicked pictures, and then we started moving towards the directions of our respective homes. It was 10 o'clock but I didn't take a taxi as the streets were still filled with colorful lights and many people stayed up all night on Diwali. It didn't take me long to reach my colony. I saw the girl with a red scarf standing and I was curious as to find out whether she was waiting for me or not. She came running towards me and I was embarrassed as I had ignored her invitation. She asked me to come home with her. At first, I was hesitant then I eventually walked towards her house. I was so overwhelmed by her kindness. She took me to a narrow and cluttered pathway not very wide. Broken walls with patches of small houses, thatched roofs, wooden doors, torn out curtains. When I entered her house, I saw it was not in a good condition. The roof was half-covered with tin and plastic, the bricks had come out of the walls; they had only one room. Her mother gave me a small packet of sweets. I apologized that I couldn't come on time. But it didn't matter to them; it was all okay for them. They didn't decorate their house but they had put two diyas at the corner of the door. They had somehow managed to decorate few colorful lights of yellow and white.

It was getting late for me so I thanked them and went towards my home.

I could see the happiness on that girl's face. I wish I could have come earlier to this place I would have enjoyed it more here. The girl's parents were daily wage laborers. They didn't have proper facility of water and electricity - only common tap water in that area where all the people had access, and hardly anyone would get sufficient money to maintain a minimum lifestyle. And I could realize that in our society there are so many differences and disparities, yet they still celebrated

Diwali in their own affordable manner. The poverty in our country makes life difficult for some people, but still, people find happiness in those miserable situations too. If we open our minds and see around us, we can see happiness everywhere; sometimes we may find it at a small corner of a colony in a big city.



POEMS



THE TRAVELLER

Shreya Roy

B. Com LL. B (H) Semester III

Don't ask me where I come from
For that I cannot say
I come from different places
All many miles away

Don't ask me where my birth place is
For that I do not know
I forgot where I grew roots
When I began to grow

Don't ask me where my home is
For that I cannot tell
Home is every place I've slept
In each and every hotel

Don't ask such simple question
For those questions are not me
It's like studying a droplet
From a wild and boundless sea

So, ask me where I see stars at night
Or what's my favorite air to breathe
And I'll speak of places I have been
And the ones I dream to see.

PALASH

Md Kaif

BA LL. B (H) Semester I

Palash is the name of a flower

Grown in thirsty lands

Hot sun, rough winds

Not like your soft rose

Never decorated,

Never on your lover's bun

Never seems expensive

Palash is the name of a flower

The beauty of the Santhal pargana

The beauty of spring

The forgotten story of love

The spirit of existing

The endless beauty of wild

Palash is the name of a flower



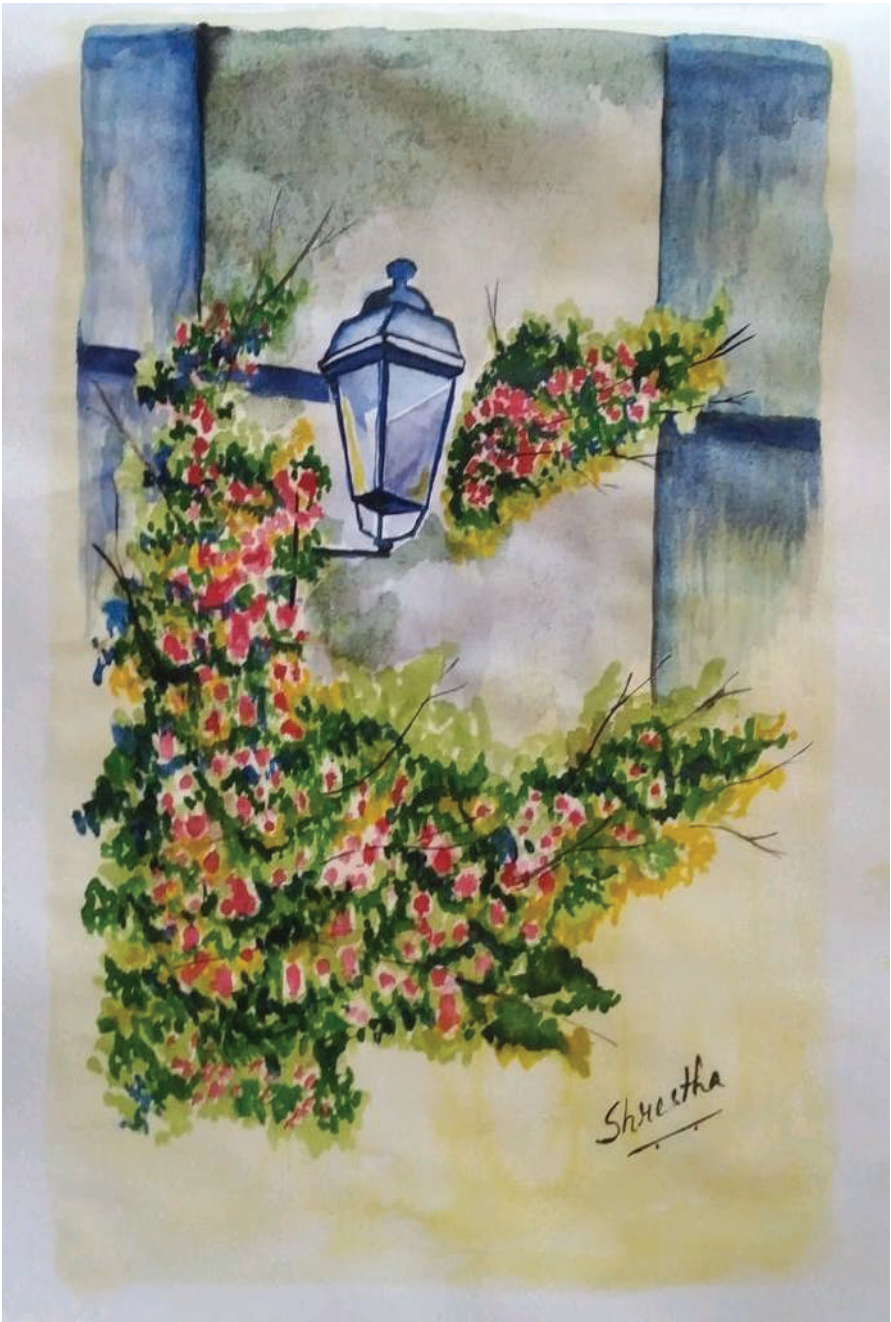
ARTWORK





SHREYA ROY

B. Com LL. B SEMESTER - III



SHRESHTHA GOSWAMI
B. Com LL. B SEMESTER - III



PHOTOGRAPHY



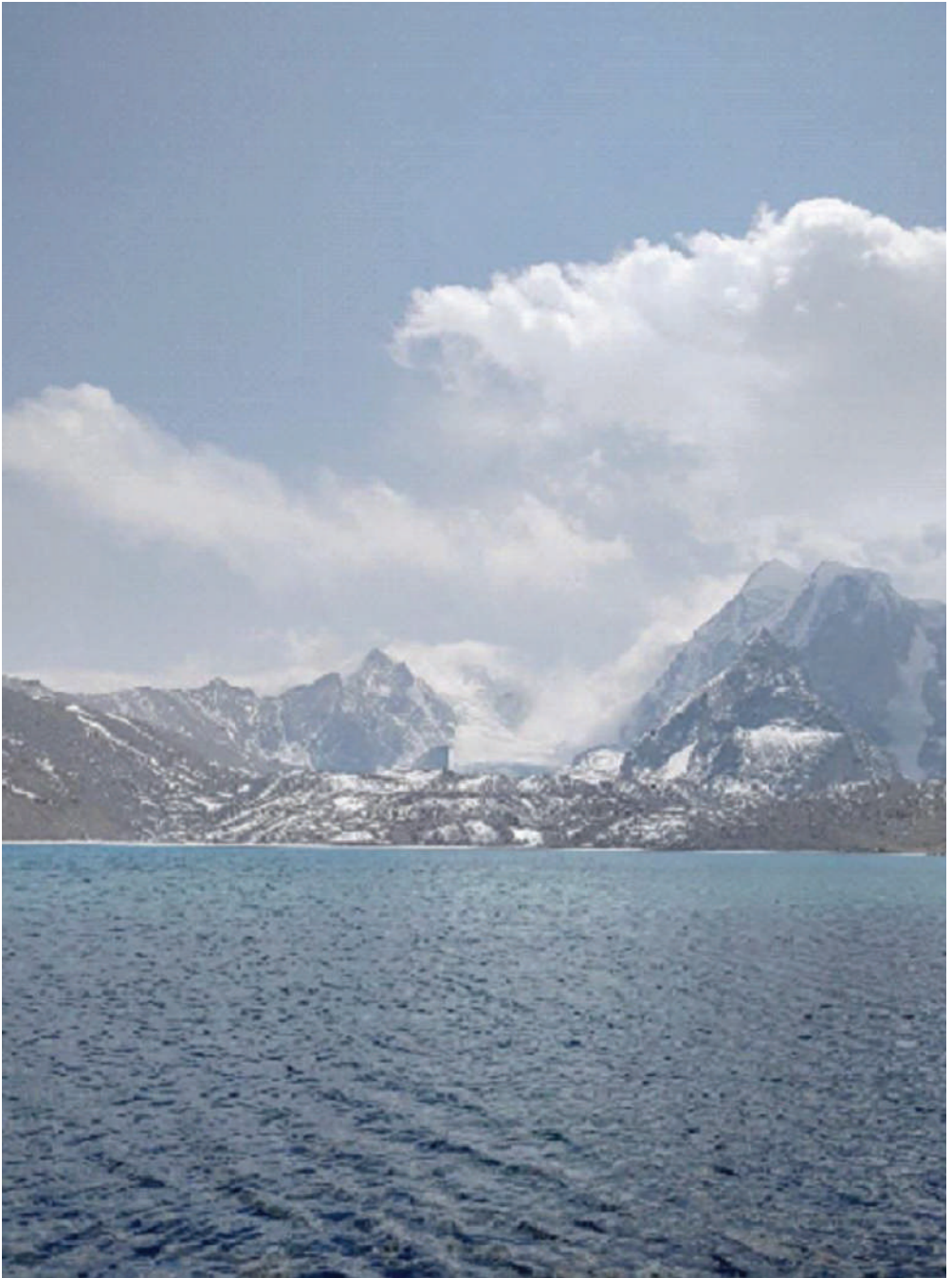


ARNAB BAIRAGI
BBA LL. B SEMESTER - III

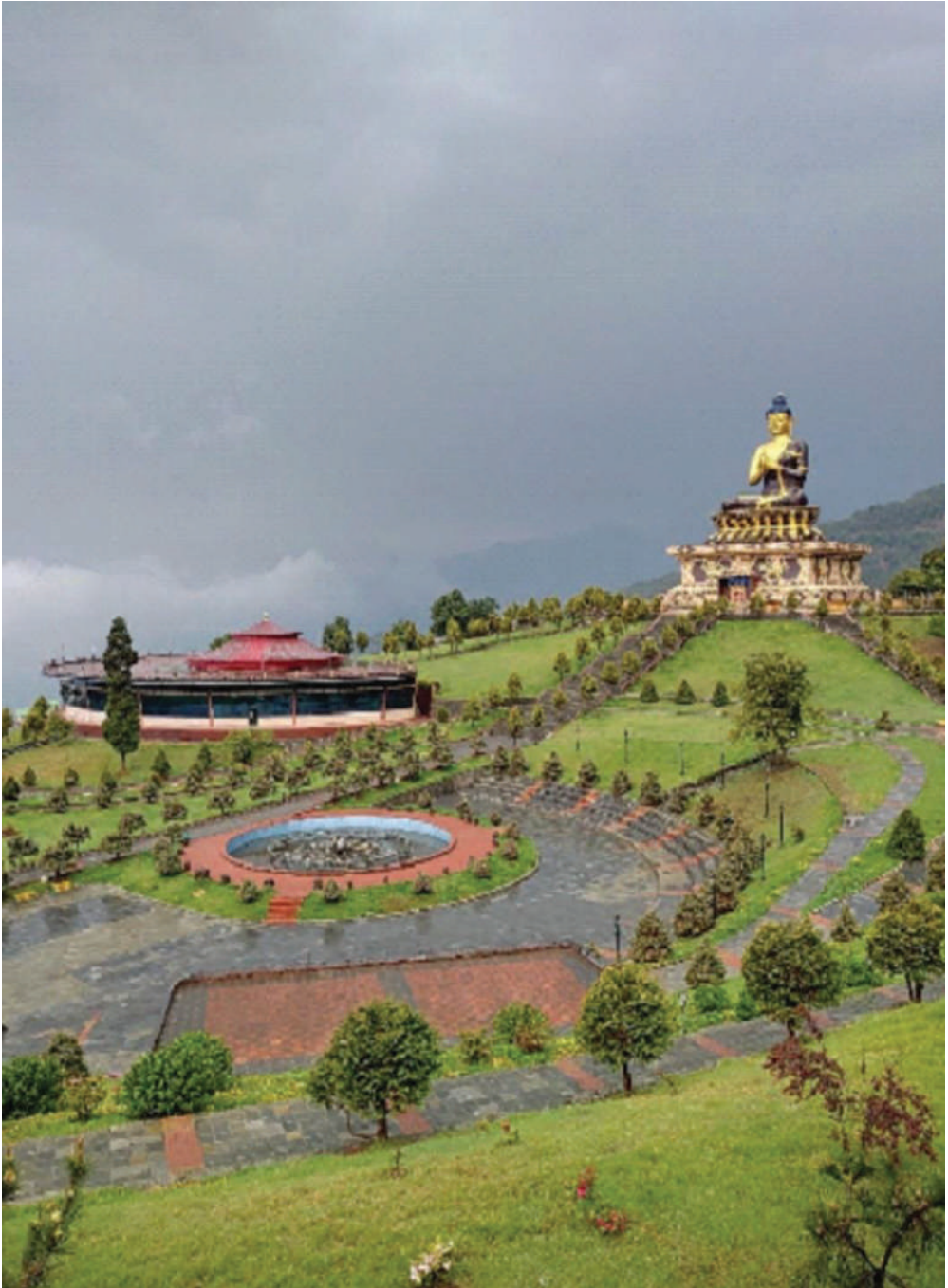


“There is no definition of beauty, but when you can see someone’s, spirit coming through, something unexplainable, that's beautiful to me.”

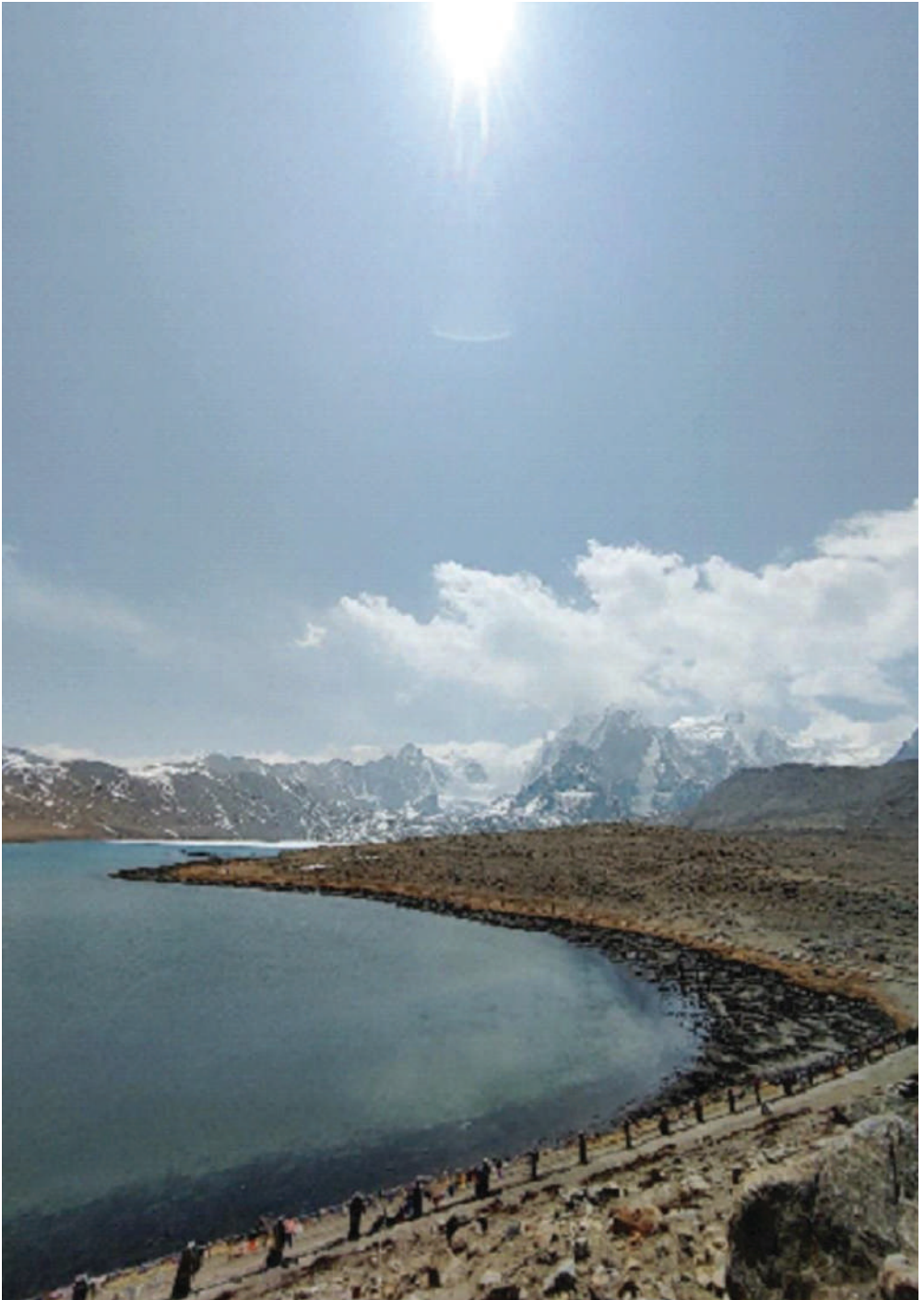
SHREYA ROY
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AMZAD HUSSAIN
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AMZAD HUSSAIN
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