



# Law@DME

Vol 2, No 2 (September 2017)

www.dme.ac.in



**Delhi Metropolitan Education would like to wish all of its readers a very Happy Diwali.**

### In This Issue:

- Page 1 • VR Krishna Iyer Lecture
- Page 2 • Legal Awareness Drive
- Trip to NHRC
- Page 3 • Moot Court Competition
- Sports Meet
- Pages 4 - 5 • Theme of the Month
- Page 6 • Legal Update
- Campus Snapshot

### From the Editor's Desk



Welcome to the October 2017 Edition of Law@DME. At the outset, I congratulate our students on surviving internals week. It has been a season of festivities and merriment, but we did not let that deter us from our goal of establishing an environment of academic excellence and diverse extra-curricular activities.

We hope you enjoy reading the current edition and look forward to your feedback at [law.newsletter@dme.ac.in](mailto:law.newsletter@dme.ac.in). On behalf of the Management, the Editorial Board and the Student Editorial Team, I wish you all a very happy and safe Diwali!

*Charvi Kumar*

**Upcoming Theme of the Month (for October):  
New Frontiers of Intellectual Property Law**

### UPCOMING EVENTS

<b>Community Connect:</b>	<b>3 October</b>
<b>Blood Donation</b>	
<b>Krishna Iyer Lecture</b>	<b>5 October</b>
<b>Debate Competition</b>	<b>9-10 October</b>
<b>University Sports Meet</b>	<b>12-14 October</b>
<b>Art Society Event</b>	<b>16 October</b>
<b>Community Connect:</b>	<b>17 October</b>
<b>Diwali For All</b>	

#### Editorial Board:

*Ms Charvi Kumar, Ms Avantika Tiwari and Ms Poulomi Das*

#### Student Editorial Team:

*Ishika Mishra, Marina Wheeler, Ahad Ahmad Khan, Chaitanya Kumar, Ashi Gupta, Uday Sharma*

### Lecture on Constitution from Women Rights Perspective

Our Department of Law held its monthly VR Krishna Iyer Lecture on 14 September. Ms Jyotika Kalra, Member, National Human Rights Commission, was the distinguished invitee. The subject of her lecture was the critical appraisal of the Constitution from the lens of the women's rights movement.



*Our Vice Chairman felicitates Ms Jyotika Kalra*



*Our Hon'ble DG Sir speaks before the audience*

She discussed the subject of female empowerment by tracing its history from the ancient times, asserting that the position of women has not been constant, but rather transient and based on the whims of the era they lived in. She further defined empowerment as the process through which the powerless gain control over their lives, including material assets, intellectual resources and ideologies.

She linked these ideas with Article 21 of the Indian Constitution, which has been interpreted recently to include the right of women to have a dignified and meaningful life. She then brought up specific examples of the ways in which women are disadvantaged even in postmodern times, including facing sexual harassment at the workplace and the discrimination meted out to women in the Indian Army. In her view, the laws that declare formal equality between men and women have failed to guarantee substantive equality on account of poor implementation.

The event succeeded in enlightening the students and rousing in them an interest to dig deeper into the intersection of human and women's rights.

## Students Engage with The Community and Spread Legal Awareness

Recognizing the need to promulgate legal knowledge, we organised a Legal Awareness Program on 14 September, near Khora village, at SS International School. The purpose of the visit was to impart knowledge to school students and their esteemed teachers concerning cyber crimes and the restoratives available against them.



*Our students impart legal advice to the community*

The Legal Aid programme was coordinated by Ms Neha Singh, Convener, Legal Aid Society. She was assisted by our Assistant Professors of Law, Ms NavjotSuri, Ms Akansa Madan, Ms Komal Kapoor and Ms Bhavna Singh, along with students of Law and BJMC, under the orchestration of Prof. (Dr) Bhavesh Gupta, Director (Officiating). The event came to fruition due to the vigorous efforts and unwavering cooperation of the chairman of the school, Mr Rajendra Yadav.



*Our Legal Aid team with the staff and students of SS International School*

The Legal Awareness Programme commenced with skits by students on topics like the infamous blue whale game and the perils of posting obscene pictures on social media. Following the skits, our students made a presentation on cyber bullying, including the exhibition of a short video clip to instill in the audience a better understanding of cyber crimes. A presentation was made by two law students, on cyber bullying. At the denouement of the programme, students of SS International School were given a chance to raise questions before our students and faculty members.

Our efforts to spread legal awareness did not end there. Our students spread out through the neighbouring village area and

disseminated legal advice to anyone who came to them for help. Our students were helpful, kind and patient when communicating legal advice to persons of all sorts of socioeconomic backgrounds.

The programme was truly a success, allowing the average citizen to gain further insight into the complex workings of the law and giving our own students a chance to sharpen their legal acumen while engaging in pro bono work. We are scheduled to conduct many such programmes in the future.

## Students Gain Insight into the Tough World of Human Rights Protection with a Trip to the NHRC

Our Department of Law organised a trip to the National Human Rights Commission (NHRC) on 8 September. The trip was exclusively for second year law students. About 40 students were taken, accompanied by our Director (Officiating), Prof. (Dr) Bhavish Gupta, and Assistant Professor of Law, Mr Kush Kalra. The profound learning experience allowed students to know more about the procedures of investigations and about forensics.



*Our students at the premises of NHRC*

The Information Department of NHRC organised three educational sessions, which were headed by Mr Dushyant Singh, the Deputy Superintendent of Police, who was behind the conduct of certain discreet and vital inquiries including in the cases of the Hisar Case, the Alwar Case, and the Jodhipur-Pali Case. No questions were left unanswered and Mr Singh satisfied all the queries that our students raised.

Ms Jyotika Kalra, member of the NHRC, further motivated them by her inspirational speech on the working of the NHRC and its tireless efforts to protect the human rights of every man, woman and child in the country. She allowed students entry inside her chamber, and even welcomed them to apply for internships at the Commission.

The trip succeeded in inspiring and motivating our students, and in establishing an interest within them towards the NHRC and the field of Human Rights in general.



## DME Continues Tradition of Successfully Hosting Intra Moot Court Competition

On 25 and 26 September, we hosted our annual two-day long intra-college moot court competition. Easily the most popular event at our law school, the moot court competition is usually fierce and attracts mass participation, and this time was no different. Upon receiving around 80 memorials, the moot court committee set upon the task of evaluating each to shortlist the participants who would move on to Round 1 of oral hearings. This was followed by Round 2 of oral hearings the next day. Upon another short listing on 26 September, the finalists would face off against each other in the ultimate round, vying for the prestigious first position.



*Students welcome chief guest with tilak*



*Our Director (Officiating) addresses the crowd*

The first day of the competition began with the researcher's test that required researchers from each team to compete with each other by answering a series of multiple choice questions. Following this, Round 1 of the moot court proceedings took place, adjudicated by our own stellar faculty members. For Round 1, using a draw of lots, half of the selected teams were randomly selected to argue for the petitioner, while the other half were to argue for the respondents.

The next day, the moot court proceedings for all teams recommenced with the initiation of Round 2 in which the stances of all teams were reversed, putting the petitioners in the shoes of the respondents, and vice-versa. Upon completion of Round 2, the third and the Final Round commenced in the auditorium with Prof. (Dr) Alok Misra, Dean of the School of Legal Studies, Apeejay Stya University, presiding as a guest judge.

Throughout the competition, the well-dressed speakers of the teams zealously presented their arguments on the moot problem and countered every question, of fact and of law, put forward by the judges. They humbly contended and prayed, and delivered compelling arguments in the rebuttal sessions

that marked the end of the proceedings. The event concluded with the valedictory ceremony in which prizes for the best mooters, researchers, memorials, and for the ultimate winning team, were awarded.



*Prof. (Dr) Alok Misra awards trophies to winning teams*

The competition was vital, not only for the winners who gained a glimpse of their potential, but also for all our law students who were motivated by the professional environment and by the success of their peers, leaving them in spirits of good cheer and enthusiasm.

## Intra-College Sports Meet: Adding Feathers To Caps

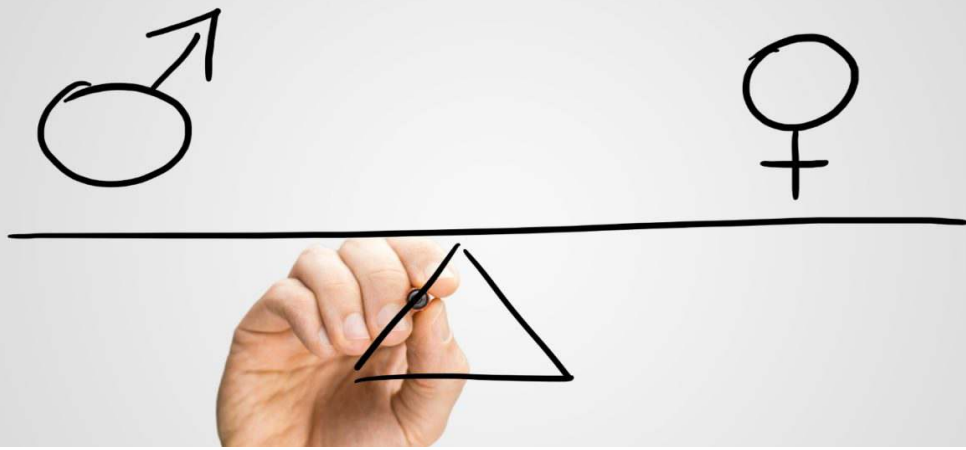
We orchestrated our annual intra-college sports meet on 9 and 10 September, in Mayoor School, Noida. The tryouts, being the cornerstone for team selections, had been organized earlier on 3 September. It had been a tough task to select the best sportspersons and athletes from the legion of hopeful participants for each of the courses – BBA LLB, BA LLB, BJMC and BBA – but one ably handled by the convener of our Sports Society, Ms Tulika Narbar.



*Our basketball team at the Sports Meet*

The actual event was set in motion with kabbadi, tug of war, and cricket at Mayoor School. These were followed by table tennis and chess at our own premises and badminton at the Yamuna Sports Complex. On the second day of the event, the selected teams faced off against each other in the games of cricket, basketball and football at Mayoor School. Ms Tulika Narbar was assisted in organising the entire event by the physical education faculty members of Mayoor school.

Not letting the sun beating down on their backs deter them, our students participated with zeal and passion, showing off their athletic skills and the secret moves that were hidden up their sleeves. The ambience was congenial and delightful, infecting sportspersons and the audience alike with excitement. The two-day event was a great success through and through.



### Gender Justice and Criminal Law in India

-- Ms Akansha Madan, Assistant Professor (Law), DME

Women have been constantly referred to as goddesses and, especially in our Indian society, as Devi and Shakti. However, the bitter truth that cannot be swept under the rug is that women have been ill treated in most societies. India is no exception to this harsh rule. The principle of gender equality is enshrined in the Constitution of India. In order to uphold and implement the Constitutional Mandate, the State has enacted various laws and taken measures intended to ensure equal rights, check social discrimination and various forms of violence and atrocities. Nevertheless, the question arises as to whether crimes against women have been effectively addressed by our criminal law regime?

Rape is a power crime, which is generally used to demonstrate dominance over the other person. It is an obnoxious act of the highest order which not only involves physical harm done to the victim but also puts her to trauma, recovery from which would be next to impossible. This has been confirmed by psychologists and reiterated by our own judges. 'While the murderer harms the physical body of the victim, the rapist degrades the very soul of the helpless female'. These haunting words were spoken by our own Constitutional Court in *Preeti v State of Haryana & Anr*, in 2008.

The Criminal Law Amendment Act 2013 can be traced back to an extraordinary night (16 December, 2012) in the history of rape laws. While a girl lost her life to the brutality of six beasts, she gave a new lease of life and security to the millions of women across the country. Her shrieks shook the walls of the Parliament and the outcome of it was the Criminal Law (Amendment) Act 2013. The Act was the result of the recommendations of the JS Verma Committee, which worked tirelessly to make our own rape laws more stringent in keeping with modern sensibilities. This was noted with appreciation in the Delhi Gang Rape Case, aka *State v Ram and Anr*, 2013(135)DRJ119.

But what needs to be questioned here is, is this new law just a black letter writing or is it being properly implemented in incidents subsequent to the Nirbhaya case. Also, are there any kinds of lacunae in the Act?

The issue of sexual autonomy should have been addressed much earlier but still stress was laid upon the pre-requisite of penetration. Devastating events have happened for our society to stand for the rights of the women.

In India there is a long struggle that can be highlighted when tracing the history of rape laws. From Mathura to the Delhi Gang rape case, much has changed. Nevertheless, there is still

a doubt which preys upon the minds of women: are they safe walking the streets, not only late at night but also in the daylight, where the horrendous offence of the rape keeps on taking place time and again.

The new law represents a trend in South Asia, to equate justice with death penalty and stringent imprisonment terms. Yet empowerment for women cannot lie in merely attaching death penalty and stringent imprisonment terms. Empowerment rests in the ability of the women, sexual minorities and religious minorities to be able to walk the streets without any fear of sexual violence, sexual harassment and rape.

Rape is still not a gender-neutral offence as regards to the victim. A perusal of the 2013 Amendment also indicates that its main concern was the female victim, which is a rather narrow view of the matter, given that many men - especially those belonging to the LGBT community - are victims of the crime of rape. Then there is the thorny issue of transgender persons. In the battle fought over whether they should be referred to as a 'he' or a 'she', the one that should be fought to protect their sexual autonomy is forgotten.

The ambit of the section should have increased by the inclusion of transgender persons and males as victims of the crime of rape but this was not done.

In order to make rape a gender neutral offence, what is vital is that the focus must shift from female victimization. This does not mean that we should ignore the female victims of rape but what is the need of the hour is to examine the plight of males as well as transgender victims as well.

The young women and men born in the crucible of globalization and neo-liberal economic reforms are unlikely to be discouraged from demanding a gender-friendly and egalitarian workspace. There is still a possibility that the new law in India will be challenged in the Supreme Court for violating women's right to equality as well as excluding sexual minorities from its protection. Human rights for all must be made the focal point in good governance.

It is doubtless that the human rights regime shall serve as the foundation of a good value based society. It is also inevitable that human rights shall take a step back if gender justice is not achieved. It must be acknowledged that the government is formulating women's empowerment policies, but this is not a one-man job; all of humanity will have to join hands to achieve this worthy objective.



## The Forgotten Gender: Male Victims and Sexual Assault

-- Aakash M Nair and Anshuman Gupta, BBA LLB, III Year

Since time immemorial, gender inequality is an issue which still prevails in our society. Whenever gender inequality is discussed, the first thought which goes through our mind is somewhat related to the atrocities that a woman goes through in a male chauvinistic society. But have we ever thought about a man of the same society being targeted in the same way by psychoneurotic sociopaths who prey on others' misery? When we say sociopaths, the word not only includes men but also the women of the society.

It is a fact that women are accorded an inferior position in our society. They do not enjoy equal status and their condition is far from satisfactory. Sexual harassment, marital crimes, acid attacks and rapes are just some of the major heinous crimes against women. Just the idea of being a victim of such crimes can make anybody shiver with fear. After the horrifying Nirbhaya gang rape case in 2012, there was a great shift in the mindset of the general public about such offences against women. And there was tremendous societal back lash that compelled the lawmakers to look into the matter more seriously and to make provisions to protect the rights of the women and provide justice to victims. This led to amendments in the existing provisions of the criminal law regarding such offences and the laws we see now are more women-centric.

Even our forefathers, framers of the constitution made some provisions more women-centric rather than gender neutral which must have been necessary at that point of time considering the state of women in society. One of such provisions is Section 497 of the Indian Penal Code, 1860, which talks about 'Adultery' as an offence and expressly excludes the wife as an abettor. This gives immunity to such wives who have had or are having an illicit relationship with men other than their husbands. This presumption of women being innocent must have been relevant seven decades ago, but whether such immunity is justified in the current scenario is a debatable issue.

Section 375 of the Indian Penal Code is one of the most important provisions of the Code which defines probably a crime that may be more inhuman than culpable homicide, that is rape. The language used before 2013 amendment is 'a man is said to commit rape who, except in the case herein after excepted, has sexual intercourse with a women'. According to this definition, rape is committed by a man against a woman. Now this poses some important questions before us. Whether a man can be a rape victim? If yes, under which provisions of law can the state serve justice to such victim?

Recently in all major news daily in India, a horrific crime was reported, detailing the physical and sexual assault of a 16 year old schoolboy by 15 teens, a fact confirmed by a medical examination.

Although child survivors of both sexes are covered by the Protection of Children from Sexual Offences Act, 2012, what about the adult male rape survivors!

There many incidents related to sexual harassment and rape of adult males which are reported and unreported in media:

- In a leading news daily, a male reporter was sexually harassed by his female boss while trying to get his story published in the newspaper in Bangalore. When he went to the police to file a complaint, they laughed and said, '*chher rahi hai to chhir le*' (if she's harassing you, be harassed). When he went to his manager, the manager was confused as he neither had any provision nor any clue to rectify the same. He merely changed the group of the male victim. This clearly shows that male rape is a taboo.
- A man in Pune went to drop his colleague home after office to prevent her from getting stuck in the waterlogged roads in the rainy season. While returning from her house he was grabbed and was made to engage in sexual intercourse for which he never consented. This male rape survivor had no coverage in the media, nor was any candle march done showing him support.
- Vijay Nair, founder of Only Much Louder, was receiving sexually explicit and threatening comments on his Twitter and Facebook account regularly by a stalker, who seemed to know his whereabouts in real life as well. A case was filed under the crime of sending obscene material. The culprit was unmasked as a woman who was a friend of the victim.

These incidents clearly show that rape of adult males is a real issue in our country. A male survivor feels the same way as the female survivor. Most of the incidents go unreported because of the shame related to it and because of the fear that people will doubt their sexual orientation and label them as 'gay' in a society with bruised masculine notions bordering on the homophobic.

According to a survey by Hindustan Times in 2015 on working males, 51% of the respondents in Bangalore had been sexually harassed, while 31% and 28% of those surveyed in Delhi and Hyderabad respectively claimed that they had faced sexual harassment.

Even after the 2013 amendment in section 375 of the Indian Penal Code, nothing changed for adult male rape victims. They are not even recognized as victims of rape.

Article 14 of the Indian constitution talks about the 'right to equality of law and equal protection before law' which is a fundamental right guaranteed to every citizen of India. The lawmakers should be appreciated for making provisions to empower women against sexual offences, which is the need of the hour, but also chided for not giving due attention to similar issues faced by men. When adult male rape victims are deprived of the right to be recognised as a rape victims, their right to equality is violated under article 14. 'Equal access to justice' must prevail in all circumstances, regardless of gender and sexual orientation.

In our opinion, lawmakers should immediately take necessary steps to recognise rape of adult males as an offence by making appropriate amendments to the existing laws so that survivors can get speedy justice and do not have to suffer anymore.

## Legal Update

- Lawyers Collective and Advocate Suranya have urged the Centre not to sign the Hague Convention on Civil Aspects of International Child Abduction. They have cited many reasons for doing so, asserting that parents (especially abused mothers) are not always abductors and that the Convention ignores the best interests of the child. The convention is presently signed by 96 countries and provides a mechanism to return a child internationally abducted by a parent from one member country to another.
- The Gujarat High Court has ruled that a Hindu daughter, after converting to Islam, does not lose the right to inherit property under the Hindu Succession Act, 1956. In order to hold this, Justice JB Pardiwala relied on the decision of *E Ramesh v P Rajini* interpreting the Caste Disabilities Removal Act, 1850.
- The Delhi High Court recently overruled the iconic Mahmood Farooqui judgment of the trial court. Ruling that no can sometimes mean yes ('the doctrine of the feeble yes', as it is now being dubbed) and educated women ought to be held to a higher standard of resistance to their rapist, the High Court gave Farooqui the benefit of the doubt and acquitted him.
- A petition has been filed in the Delhi High Court challenging the constitutional validity of Sections 375 and 376 of IPC and requesting to make the provisions gender neutral. The petition has been filed by Mr. Sanjiv Kumar, making reference to the recent murder of school boy in Ryan International School, Gurugram, and also drawing the attention to the fact that rape laws in 63 countries are written in gender neutral languages.
- Senior advocate and HRLN founder Colin Gonsalves has been conferred with the 2017 Right Livelihood Award also known as the 'Alternate Nobel Prize' for his tireless and innovative uses of PIL over three decades to secure human rights for marginalised and vulnerable sections of society.

## CAMPUS SNAPSHOTS

- On 5 September, a princely Teachers' Day event was organised to honour our faculty members. The students got together to create gorgeous handmade cards for all their teachers and put up delightful dance performances to the beats of dhol. The evening ended on a high note, with many words of appreciation from our dignitaries and sumptuous fare.
- On 12 September, the Hieroglyphic Society held its first ever intra-college writing competition, aptly titled, 'Ink Stained Pages' for all our passionate students. Students spared no expense to make this event a success, with many contributing to both categories, ie, 'Poetry' and 'Micro Fiction'.
- Students of DME Frames, our photography society, went on a special 'PhotoWalk' to Qutub Minar. The walk combined business with pleasure, allowing students to take in the spectacular sights while also picking up interesting techniques for outdoor photography.
- DME Cine Treasures, our film appreciation society, celebrated the golden treasures of Indian cinema by showcasing 'Kati Patang', starring Rajesh Khanna and Asha Parekh, on 14 September. The hall was packed with young students who were eager to be introduced to classic films.
- We were honoured to receive delegates from the International Committee of the Red Cross (ICRC), India delegation, on 15 September. Selecting DME over many other educational institutions in the Delhi-NCR, the ICRC donated books on humanitarian law and promised further cooperation in promoting humanitarian law.
- A health camp by 'YouWeCan' was organised for our faculty members on 16 September. The team of healthcare professionals performed comprehensive tests to gauge the physical wellness of the DME family, ranging from run of the mill dental checkups to more detailed breast cancer detection tests.
- On 18 September, our FLY committee (Family Like You) decked the Nelson Mandela Auditorium and brought everyone together to celebrate the birthdays of our September born faculty members, bringing homely feels and broad smiles on faces.
- On 25 September, our dance society, Fitoor, organised a workshop for members, with the help of Rachit Bharanwal, an expert in the hip hop dance form, who has trained under the famed choreographer, Remo D'Souza. The hour-long session proved to be a fun-filled romp that left students with the knowledge of many new hip hop techniques.
- To provide the shutterbugs of DME with a platform, the college organised its first photography competition, 'Envision '17', on 26-27 September. The ordinary and mundane sprang to life under the skilled eye of our students in a series of breathtaking entries.

