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**FOREWORD**

*Times are tough but our spirits shall remain strong!*

*COVID-19 pandemic has struck us in a next to imaginable proportion and proposition that it does take a lot of perseverance to handle the lockdown life has literally imposed on us.*

*Our zeal to academic excellence doesn't hamper our innate spirits as I proudly present the fourth edition of the Law College Dehradun news bulletin 'Legal Wrap'.*

*The edition is an effort to chronicle and share the various offline and online events organized by the college from the advent of the 2020 a semester of experiential learning for both the students and faculty as we launch our online modules to combat the pandemic yet not hamper the academic session for our dear students.*

*The present digest presents the various programmes and activities organized under the LCD umbrella.*

*I cordially present the newsletter to all the members of the law fraternity, my dear faculty, alumni, students, distinguished readers and all associated with us.*

*I would like to thank our editor and would be pleased to hear your views at -*

*[lcdnews@uttaranchaluniversity.ac.in](mailto:lcdnews@uttaranchaluniversity.ac.in)*

*-Prof. Rajesh Bahuguna, Dean, LCDUU*

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## Activities at LCD

*Law College Dehradun organizes*

*'Debater of the year – 2020'*

*7<sup>th</sup> February 2020*

'The Debater of the Year – 2020' 4<sup>th</sup> Edition witnessed the impeccable organizational skills by 'Aarambh- The Debating Society' in promoting the bilingual ability of argument on the select topic **"THR The police action against the accused in the Hyderabad rape case"** that witnessed immense interpretative, argumentative and data analytical skills of the fourteen participants who showcased amazing skills of debating. Inaugurated by Dr. Abhishek Joshi, Director of Student Affairs and IT Services, the event took off with the speakers for the motion condemning the police action as an arbitrary act grossly violating the Human Rights while those against it were vehemently in support of action for crime against women, upholding the women's rights, the quintessence of the day.

*Ms. Urmilla Saluja of B.B.A.LL.B II year as the Best English Debater of the Year & Ms. Satakshi Sharma as the Best Hindi Debater of the Year bagged the Rolling Trophy and a cash prize of Rs. 2100 awarded by Dr. Abhishek Joshi. The event*

culminated with the vote of thanks delivered by the student President of the Society Miss. Twinkle Purohit, Convenor, Aarambh- The Debating Society, headed by Mr. Amit Kumar, Assistant Professor in Sociology.



*Students from Law College*

*Dehradun visit HESCO Village,*

*11<sup>th</sup> February 2020*

A field trip to HESCO (Himalayan Environment Studies and Conservation Organization) Village, Shuklapur, Premnagar, Dehradun, Uttarakhand, was a learning curve for the students who visited the NGO run by Padmashree Dr. Anil Joshi, an ardent environmentalist and sustainable development expert patronized by Principal & Dean Prof. (Dr.) Rajesh Bahuguna, the 'VASUNDHARA- The Green Society' took the initiative to enable the students on the experiential avenues of self reliance, problem solving and sustenance in a rural economy employing the environmentally safe solutions in an enterprising and innovative

way in controlling soil erosion (bundling & binding techniques), power generation & disaster management tools which inspired the students and motivated them for environmental sustenance finely balancing anthropocentricity & eco-centricity.



### ***Legal Awareness Initiative at Grass Root level, 15<sup>th</sup> of February, 2020***

The “Legal Literacy and Awareness Program” initiative of the Legal Aid Centre of LCD, for the session was successfully conducted at the Local Government Primary School, *Premnagar, Dehradun*.

The torch bearers of the economic and socio-cultural dimension of our society are the younger generation, our children and the LAC team identifying the necessity of comprehensive legal awareness at this grass-root level organized the camp with the effective and enthusiastic participation of the school administration which was

well received and acknowledged by the children & teachers alike.

The two hour session commenced with a quiz competition primarily focusing on the general knowledge and current affairs and a cultural event followed by a discussion on the pertinent issues of Sanitation and cleanliness, Drug abuse, Domestic violence, Environmental protection and POSCO culminating in distribution of information pamphlets & goodies to the kids. The school administration sought legal assistance on trespassers on the campus which was readily taken up by the LAC patronized and chaired by the Principal and Dean, Prof. (Dr.) Rajesh Bahuguna, the student President and ensured reprieve by the head of the Society, Dr. Vivek Kumar.



### **Workshop of LAC at ‘Sambhav’, School for the differently able, 19th February 2020**

The LAC society furthered their legal services through a one day workshop, with a 13 member team creating legal awareness for the special children at Sambhav, in Prem Nagar, Dehradun, run by Mrs. Sonal Chauhan who enabled the meticulous execution of the initiative.

The ice-breaking coloring competition for the kids and the candid discussion on the topics sanitation and cleanliness helped the kids to interact and share their views. The one act play by the LAC members Vanshika Sharma, Anshika Singh and Shubham Bahuguna, was an effective tool in creating awareness on 'Good Touch and Bad Touch' for Special Kids followed by the art & craft team of LAC, Himani, Vanshaj Shukla, Vaishnavi, Akansha Pal and Tanvi Priya demonstrating the pictorial representation of body parts on a chart had the children sensitized on key aspects of their personal security and dignity. Observant members of the LAC Somendra Singh, Sonu Kumar and Rahul Negi studied the behavioral aspect of every special child and indulged them with chocolates.

A surprise to the children and the highlight of the workshop was the video on the kids edited and dedicated it to the kids of 'Sambhav'.

### ***National Debate at Law College Dehradun, 22nd February, 2020***

***“Federalism is necessary to build a strong nation.”-***

A National Debate was organized by Amar Ujala in collaboration with Law College Dehradun graced by Padmashree Leeladhar Jagudi, as the Chief Guest with Hon'ble Chancellor Shri. Jitender Joshi, as the guest of honour and State Head of Amar Ujala, Mr. Sanjay Abhigyan adjudged by Mr. Anoop Nautiyal, Dr. K.S.Randhawa and Prof. (Dr.) Rajesh Bahuguna.

Of the 8 participants from all over the nation, the trophy was won by Sakshi Badoni who won a prize money of INR 11000 followed close on heels by Usha Pandey bagging a sum of INR 7000 besides the cash prizes for the third position & consolation prizes sponsored by Amar Ujala.





### *Special Lectures at LCD...*

#### *National Workshop on Corporate Law, 10<sup>th</sup> February, 2020*

Mr. Saurabh Kumar, Managing partners from SK Attorneys, New Delhi, expert in Transactions and Corporate Laws, Capital Markets, Corporate Restructuring, Taxation & the awardee of the prestigious ‘Rising star under 40 for 2018’ by Legal Era and ‘the Young Tax Lawyer of the year 2018’ by Indian National Bar Association (INBA) was invited to spearhead the National workshop on ‘*Corporate Law*’ organized by Law College Dehradun under the patronage and guidance of Prof. (Dr.) Rajesh Bahuguna, Principal and Dean, LCD.

Conceptualization of corporate law & governance in the contemporary corporate legal sector with special reference to incorporation, amalgamations, mergers & acquisitions were elaborated upon focusing on the recent developmetns in the statutory provisions of the Companies Act

2013 with special reference to Corporate social responsibility and international trade & arbitration.



#### *Workshop on ‘Jung food se Jung’, 12<sup>th</sup> of February 2020*

‘**Fit India Movement**’ launched by the Indian Government was proactively promoted as Law college Dehradun in collaboration with *Dainik Jagran* organized a workshop on ‘*Jung food se Jung*’. Dr. Abhishek Joshi, Director S.A&IT services, the Chief Guest of the day inaugurated the event presided by Dr. Vipul Kandalwal, a gastro surgeon with

Dr. Deepshika, a dietician as the key note speaker.

Dr. Vipul focused on the consequences of regular & frequent consumption of junk and processed foods possessing nutritional deficiencies leading to lifestyle diseases like obesity, thyroid, and cardiovascular problems. The workshop focused on the need to follow a healthy and a balanced diet which includes greens and fruits & its effect on healthier standards of life.



### ***Lecture series on Constitution and Social Justice, 7<sup>th</sup> March, 2020***

The lecture series on constitution & social justice were introduced by Principal & Dean Prof. (Dr.) Rajesh Bahuguna. The

first of the lectures was delivered by the eminent legal luminary Hon'ble Mr. Justice Madan Bhimaroo Lokur, Judge, the Supreme Court of Fiji who was invited to deliver a lecture on the title, "***Constitution and Social Justice***".

Advocate-on-Record, Supreme Court of India, & the Standing Counsel for the Central Government Hon'ble Mr. Justice Madan Bhimaroo Lokur who had held a host of designations in the service of the nation shared his social jurisprudential learning in the deliverance of his landmark decisions '*Ashwani Kumar v. Union of India, Nipun Saxena v. Union of India, Rajendra Pralhadrao Wasnik v. State of Maharashtra*' besides others.

Quoting Dr. Rajendra Prasad he stated '*Constitution to be a lifeless document and that one needs to breathe life into it by way of interpretation*'.

The primary aspects of the deliberation by Justice Lokur revolved on firstly where the law is present but executive is not implementing the same and the absence of law. He shared his perspective on the Preamble of the Indian Constitution, and the intermingling of the principle of Separation of Power in Indian Scenario mentioning the three aspects of Social Inequalities before taking the plunge into his views on the rationale of judicial

intervention in the method of governance for the sake of social justice which is the part of preamble and a basic feature of the constitution.

“Social justice is the part of preamble, and primary responsibility of the judiciary is to ensure its proper implementation”, he further remarked. The essence of the Article 21 of the Constitution and its judicious interpretation by Hon’ble Mr. Justice Madan Bhimarao Lokur was candid and an introspective interpretation that triggered the legal fraternity, students & faculty alike.

The constructive interpretation of the Constitution and judiciary’s proactive role in handling the issue of Social Justice is his suggestion for an efficient legal service to the budding lawyers.

Chief Patron Hon’ble Chancellor of the University Shri Jitender Joshi and a host of dignitaries participated in the informative & educative talk by the Chief Guest.



## Webinars

In our constant endeavor to promote and enhance knowledge dissemination no matter the constraints, LCD under the guidance of our Dean & Principal Prof. (Dr.) Rajesh Bahuguna has proactively initiated & organized webinars during the lock down period owing to the COVID-19 pandemic...

Some of the eminent speakers & intriguing sessions include

**20<sup>th</sup> April 2020- “Career in legal profession & insight on IPR”** by **Mr. Vikrant Rana**, Managing Partner, S.S. Rana & Co.

29<sup>th</sup> & 30<sup>th</sup> April 2020- “Social Engineering by Bar & Bench to ensure access to justice during lockdown” organized by the Youth Bar Association of India in collaboration with LCD.



1<sup>st</sup> May 2020- “CV building and Higher studies in Law” by Mr. Nikunj Kulshreshtha Advocate, High Court of Delhi & District Court



1<sup>st</sup> May 2020- “Tools of ADR Reporting- the Indian Scenario” by Savya Singh



9<sup>th</sup> May 2020- “Drafting & Pleading” by Mr. Sanjay Gupta



### Alumni Achievers...

#### *Six students of Law College Dehradun became judges in Jharkhand*

Recognizing talent and achievements motivating the budding lawyers is a custom initiated by Law College Dehradun, under the patronage of Principal & Dean, Prof. (Dr.) Rajesh Bahuguna. On this note, 22nd February 2020, visualized the grand felicitation of our Alma matter by our Chief Patron Hon’ble Chancellor Shri. Jitender Joshi who congratulated the young achievers of the Jharkhand Judicial Services for appointment as Civil judges- Junior

division of Jharkhand state with a bouquet of flowers and a memento to Ms. Sakshi Srivastava of 2008-2013 batch, Ms. Neha of 2014-2017, Mr. Divyam Chaudhary of 2011-2016 batch and commended the four others in-absentia. A similar felicitation on the 25th February 2020 to Ms. Payal Jha of the 2013-18 batches.

Addressing the gathering, the young judicial officers bestowed the credit of their victory to the teaching fraternity of the college who toil selflessly for the upliftment of the students while expressing their heartfelt gratitude to the University for the recognition & felicitation.

### Our Young Judges in Jharkhand

1. Mr. Divyam Chaudhary,
2. Ms. Neha Jha
3. Ms. Payal Jha
4. Ms. Sakshi Srivastava



### Faculty Accolades...

Doctoral Degrees were awarded to three of our erudite and efficient faculty from universities on completion of their doctoral thesis.

Law college Dehradun is fast emerging as a top-notch legal research centre with a record 19 scholars associated with legal research of both empirical & doctrinal style in the domains of socio-economic, politico-cultural, environmental & gender studies, including some of the in-house faculty that are an asset owing to their diverse expertise & knowledge base.

The senior professors at LCD take pride in guiding these scholars in the true essence.

**झारखंड पीपीएस-जे** **जज बनकर पूरा हुआ सपना**

काकापुर में जज बनने का सपना देखते। सफल हुए कानूनी के लिए श्री लीला शिवराज सिंह। मित्रता का एक सपना के प्रयास के बाद ही सपना साकार हो पाया। श्री लीला शिवराज सिंह का सपना साकार हो पाया। श्री लीला शिवराज सिंह का सपना साकार हो पाया।

**घर में वकालत के माहौल से मिली प्रेरणा : साक्षी**

विद्यार्थी। घर में ही जज बनने का सपना देखते। सफल हुए कानूनी के लिए श्री लीला शिवराज सिंह। मित्रता का एक सपना के प्रयास के बाद ही सपना साकार हो पाया। श्री लीला शिवराज सिंह का सपना साकार हो पाया।

**लॉ कॉलेज के छह छात्र बने झारखंड में जज**

विद्यार्थी। घर में ही जज बनने का सपना देखते। सफल हुए कानूनी के लिए श्री लीला शिवराज सिंह। मित्रता का एक सपना के प्रयास के बाद ही सपना साकार हो पाया। श्री लीला शिवराज सिंह का सपना साकार हो पाया।



Mr. Vijay Srivastava receives the Doctoral award for his work on 'Legal issues in International Commercial Arbitration in India: A Comparative Study' from Hon'ble Chancellor & Hon'ble Minister for Higher Education Shri. Dhan Singh Rawat.



Miss. Navtika receives her doctoral award from Hon'ble Chancellor & Hon'ble Minister for Higher Education Shri. Dhan Singh Rawat for her work on "Inter-Country Adoption: A Comparative Study in international Perspective with Specific Reference to United States of America, United Kingdom and India"



Mr. Mohit Sharma receives his doctoral award from the Hon'ble Chancellor & Hon'ble Minister for Higher Education Shri. Dhan Singh Rawat for his work on "Right to Information: A Comparative Study in International Perspective"

### *New Initiatives*

#### **Certificate Program in Collaboration with Uttarakhand Biodiversity Board**

Law College Dehradun has taken a proactive and enterprising step to disseminate legal information regarding Bio-Diversity to the masses in general and the institutions using Bio-Resources in particular through the first ever collaborative initiative of a private university with the State Board, the Uttarakhand biodiversity Board in its first ever certificate program on the Science and laws of Biodiversity. In this direction, the certificate training programme was envisaged under the joint auspices of Uttarakhand Bio-Diversity Board and Law College Dehradun faculty of Uttaranchal University, for teaching Law students and representatives of industries concerning with laws related to Bio-Diversity on the premises of Law College Dehradun under the tutelage of experts in the field.

The program is to start as two batches from the mid of 2020 one exclusive for the industry personnel & the other for the students.



## Legal Jottings

### Legal Articles

#### **The Changing Role of News Channels in India: Need of Strict Regulations**

From a single news channel (Doordarshan News) to an endless number, today, the news industry is at such a stage where nobody had ever imagined. This expansion has also given a rise to employment opportunities and a cut-throat competition. However, rights cannot be absolute and are hence regulated under law (news channels being no exception). The day when broadcasting units inform us of an Indian television serial breaking all records (the 1980s Ramayana), we feel proud. When a sad incident is reported (death of some famous celebrities etc.), the whole nation seems sad. But what when

filthy language is broadcasted live, or, character assassination of some renowned person is done (that too without evidence)?

The fourth pillar of democracy has worked wonderfully, but it cannot be ignored that there are certain restrictions on rights as well. It is a well accepted fact that speaking without a thought gives rise to troubles. Right to express and right to be informed both form a part of Article 19(1) (a) of The Constitution of India, and expressing or informing without a thought invokes Article 19(2).

News reporting has become mere entertainment. News reporters do not just inform people (which is their only duty), but rather interpret things for people. Media is often said to be a representative of the people or the voice of the people. Over every heated argument news channels quote “People want to know”. It is strange, however, that people have never been asked what they wish to know. The conclusion brought forth, hence is, people are not at a liberty to have personal opinions rather they ought to interpret what these information disseminators say. Is this the freedom that is being guaranteed under various Articles of The Supreme Law of the land?

Strict regulation of news channels is a dire need of the time. If the number cannot be

restricted (owing to the fundamental right to freedom of profession), content ought to be regulated. It has to be understood that news broadcasting means mere reporting of incidents. For trials there is a judiciary in India and for entertainment there are other media platforms set for that purpose.

**Dr. Poonam Rawat**

### **Importance of E- Learning during COVID 19 Pandemic- An Overview**

Classroom learning facilitates the students and teachers know each other in a better interactive manner allowing teachers to personally know assess and evaluate the students based on their strengths & weakness thereby adding value to mentorship. But on the other hand, a student can be physically present in the classroom, but mentally absent, and no one would know. This is the biggest challenge before classroom or traditional teaching methodology.

The online environment especially the live discussions ensure that each participant is mentally present to progress towards the learning goal of the discussion.

Education sector during the Covid-19 has not been as badly hit as the other sectors in the times of uncertainty owing to the E-Learning initiatives taken up by the

educational institutions playing a vital role in providing the continuous education services through E- class room teaching , video conferencing and other social media platforms, when the Government both at the State & Centre has ordered the shut-down of all colleges & schools till further instructions.

No doubt, this is the crucial time for education sector as the entrance tests of several universities and competitive examinations are held and technology plays a pivotal role in the lockdown period through various initiatives & innovative ideas.

In India, however, there is much more concern especially in relation to the low-income private and government schools, the un-aided colleges & government run institutions which lack basic infrastructure, which may not be able to adopt online teaching methods leading to complete shut down due to non-accessibility & non-feasibility of e-learning. The concern extends to the socio-economic dimensions when the children are hence denied of their mid-day meals resulting in economic and social stress.

Possible Alternatives or Solutions for Interrupted Education during COVID-19 enumerated are:

- \* Explore digital learning with the assistance of un-interrupted power & network connectivity initiatives by the State
- \* Enhance the digital skills of teachers and students employing high and low technology solutions
- \* Encourage digital conferences and workshops for students & teachers
- \* Enable distance learning programs for educating students from low-income groups
- \* Ensure customized learning for the differently able
- \* Effectuate online jobs, internships & research projects

**-Dr. Vijay Srivastava**

### **Strategic Legal Management & Education- the Emerging Scenario**

The emerging trends in science, technology and the rapidly shifting terrain of globalization of businesses and the ensuing legal provisions necessitate the legal fraternity to understand and adapt to the consequences of development in science and technology and thus enforce strategic planning of legal framework on par with the international standards.

In the high risk-high return, high exposure-high investment, innovation driven economy, strategic delivery of products is

very crucial and legal modalities such as mitigation, analysis, due diligence, auditing, drafting and negotiations need to be strategically planned and executed. The rise and growth of awareness of Intellectual property rights, especially, patents and copyrights protection while strategically delivering value and returns to the organisations or firms a thorough understanding of legal risks, mitigation strategies and strategic quality legal analysis becomes quintessential.

This requires us to proactively create awareness on the requirement for strategic quality management in the legal arena that can be considered as a service industry from the functional view point.

The out of the box thinking & logical rationality necessitates innovative trends in quality legal management through Strategic IP Value Creation, Strategic Licensing & Technology Commercialization, Strategic IP Enforcement, IP Acquisition & Inbound Licensing,, Strategic Marketing of Ideas, Brands & Capabilities and not just products & ICT Strategic Services which directly enhance the intellectual property value of the institution.

In the global economy, the legal fraternity in general and the Indian legal institution in specific must enhance their capacity for

development in presentation, communication and technology besides promoting innovation, thereby, enabling the continuous creation of additional value for clients, lawyers and judges.

The Indian judiciary, in a nutshell, is in need for a strategic enhancement of its resources to foster a sense of reality and trust in the institution and create awareness of its importance to the public at large and the institution in specific.

**Dr. Lakshmi Priya Vinjamuri**

### **Case Reviews & Comments**

***Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P.) Ltd. (2010) 8 SCC 24***

**Remove the cloud from Section 89 of the Civil Procedure Code and let the sun shine on A.D.R.**

The landmark judgment of the Supreme Court throws light on the issue of consideration of appeal under Section 89 Order X Rules 1-A of the Code of the Civil Procedure Code that empowers the court to refer the parties to a suit to arbitration without the consent of both parties.

The Court observed elements of a settlement which may be acceptable to the parties as arbitration, conciliation, judicial settlement including settlement through Lok Adalat and mediation, termed possible

settlement which may refer for the same purpose. The Court stated that there are many drafting errors in Section 89 of the Civil Procedure Code and suggested amendments in order to remove the deficiencies which are a pivotal provision for facilitating dispute resolution in civil matters and to make it more simple and straightforward by which both the parties are duly satisfied.

It was the impact of the decision after which the 238<sup>th</sup> Law Commission [By Justice P.V. Reddi Chairman(LCI)] has proposed amendments to Section 89 C.P.C. as well as Order X Rules 1-A to 1-C.

The amended provisions proposed under paragraphs 6.2, 6.3 and 6.4 of the Report which in a nutshell maybe understood as the in matters of settlement through Lok Adalat or mediation, the court shall, preferably before framing the issues, record its opinion and direct the parties to attempt the resolution of dispute through one of the said processes, preferred by parties/ court. A copy of the settlement agreement must be sent to the court concerned. In the absence of a settlement, the conciliator shall send a brief report on the process and the arbitration governed by the provisions of the Arbitration and Conciliation Act, 1996 are to be

followed for the proceeding to be deemed to have been disposed off accordingly.

The proposal was to delete the existing Rule 1B of Order X of the C.P.C. in place of existing Rules 1-A and 1-C of Order X. It is also mandated that the plaintiff gets a certificate from the court authorizing him to receive back from the collector, the full amount of the fee paid in respect of such a plaint.

**-Dr. Vivek Kumar**

**Tekan alias Tekram vs State Of M.P (Now Chhattisgarh), 11<sup>th</sup> February 2016, SC**

Tekan alias Tekram v. State of M.P. is concerned with the compensatory jurisprudence, where the court directs all the States and UTs in India to follow a uniform pattern in providing compensation to victims especially victims of rape.

In this case the prosecutrix who is a blind and an illiterate girl was subject to sexual intercourse on the promise of marriage, the Court was in the opinion that the victim, being in a vulnerable position without any support of the family emotionally or economically, it is mandated for the State to give her either lump sum amount as compensation for rehabilitation & as she is not in a position to keep and manage the lump sum amount the Court directed the State to pay a sum of Rs. 8000/ per month as victim compensation for her life time

and also directed all the State and UTs in India to follow a uniform practice in respect to victim compensation schemes which have been formulated as per Section 357A of the Code of Criminal Procedure, 1973 in coordination with the Central Government.

The case is landmark judgment to uphold compensatory jurisprudence in India. It is noteworthy that after incorporation of Section 357A of the Code of Criminal Procedure, 1973, all the States and Union Territories of India with coordination of the Central Government are required to formulate victim compensation scheme for providing funds for the purpose of compensation to victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.

However, different States provided varying compensation for the same offence e.g. in Delhi rape victim get Rs. 3 lakh, in Gujarat Rs. 1 lakh, in Assam Rs. 75 thousand, under Maharashtra scheme the compensation for this crime had not been mentioned etc. The Hon'ble Apex Court in the case after going through these schemes for relief and rehabilitation of rape victim for the first time imposed uniformity as a mandate of these schemes in providing victim compensation in respect of

rape/sexual exploitation especially in the case of differently able women.

**-Mayurakhi Sonowal**

**Sarjeewan Rani v. State of Punjab**

The Punjab and Haryana High Court in a significant judgment held that “it is the counsel’s job to make the court understand the case in the fewest words for which he is paid”. While it may be contended that the judiciary is finally drifting away from lengthy time-consuming procedures, there is yet another way to look into it.

The Law Commission of India in its 230<sup>th</sup> report had also remarked that lawyers must curtail prolix and repetitive arguments and should supplement it by written notes and the length of oral arguments should not exceed one hour and thirty minutes unless the case involves complicated questions of law or interpretation of the Constitution. The opinion, however, comprised of an exception of “complicated questions of law or interpretation of the Constitution”.

The opinion of the Honorable High Court also implies that the court is not interested to go into the details of situations. The Hon’ble Supreme Court of India in *Maneka Gandhi v. UOI* laid down a very important principle of giving the “widest possible interpretation”. Then there comes

out this opinion of a High Court which gives importance to “fewest words”.

The counsel’s job as understood till now was to clarify slightest of slight things in a court of law. The counsel since her/his college days is taught to research things in details covering every possible aspect. Also, it is understood that the counsel is paid by the client to work in the best possible manner for the client’s interest. Another important question which arises is- is it the duty of a counsel only to make the court understand?

Also, should “fewest words” be decided by the counsel or judiciary? Trying to put a limit on the expression of an advocate should undeniably an infringement of his freedom of speech and expression as guaranteed under Article 19(1) (a) of The Constitution of India. The Honorable High Court may have tried to put an end to lengthy and unwanted dialogues which at times are time consuming. However, such a rule without any exception to it may prove arbitrary in the coming times.

**Vaibhav Uniyal**

**Language in Law**

**One final call to mankind...**

Life is riddled; full of uncertainties and it is high time for human folk to overhaul their conscience, emotionally and

spiritually. Focus on cognitive and academic skills has only resulted in producing a generation which has failed to create a more humane world. We tend to engage in unproductive gossips and criticism to veil our anxieties and insecurities. Surpass the unrealistic expectations of people, and deal with anxieties and insecurities by indulging in a productive way and get equipped to navigate the path of life victoriously. Overwhelmed by the joy of flattery we have deafened our ears to the cry of the needy. Emotional intelligence and empathy is imperious to sense the emotions of others which have a great influence on every aspects of life, like personal and professional life and interpersonal relationships, both in the short and long term as well. For a human to be humane, emotional quotient and meta-cognitive skills are imperative even than one's Intelligent Quotient, to harmonize socially, emotionally and empathetically to one's environment. It is in fact an intentional dominance of emotions, in handling a situation or a circumstance in an intended way.

In this Symbiotic world let us be optimistic and radiate positivity to our fellow mates. Let's try to emanate an unwavering humility by being sensitive and showing congruity to the needs of

mankind. Altruistically displayed gratitude or appreciation fosters compassion and strengthens resilience. It is good to be vulnerable with our emotions and show that we are alive, because that's what we are. Let us be something more than a tangible biotic mass by being humane. Sharing a few soothing words might boost the spirit of a desperate soul to tide over a crisis. No two human beings are in full congruence at every point of time, but a little pretense can bridge the gap and do wonders. It needs a little introspection to fathom the fallibility of this Homo sapiens and apprehend the fact that we do not travel a long distance with anyone to be prejudicial or judgmental. Being generous in this material-driven society can strengthen the armor of mankind from the eclectic adversities doomed to mankind. It is time to 'churn out' the grace and compassion within, by lending a helping hand and moving from reactive to proactive humanitarian actions. Let us arm ourselves with an empowering attitude and bring out the spark of warmth and light within, altering the life trajectories for betterment

*It's a clarion call to keep up our emotional intelligence in an era of Artificial Intelligence.*

**-Dr. Bhuvaneshwari V**

## Contemporary Significance and Different Aspects of Maxims

Ancient Rome is considered to be the father of many languages currently spoken so as their system of law. The English language is filled with words, phrases, and idioms that have their roots in the Latin language.

A maxim is a brief statement that contains some wisdom or a general rule of behavior, predominantly a resource found in the Latin language. Maxims work because they are an easy to remember short-spaced power packed words with a powerful insight.

All actions imply a “**maxim of behavior**” employed by a multitude of writers, philosophers and politicians who coin phrases that are memorable and give their audiences behavioral advice & become maxims on repeated usage.

**Jane Austen** in her famous novel “*Pride & Prejudice*” states “**It is a truth universally acknowledged that a single man in possession of a good fortune must be in want of a wife.**” Austen spends the rest of the novel poking fun at this maxim.

In the novel “*Animal Farm*” by **George Orwell**, the line “**all animals are equal but some animals are more equal than**

**others**” is an aphorism considered to be a maxim reflecting on the behavioral philosophy of the upper class.

Law is a code of rules and regulations governing human conduct. Coercive in nature, every one falling under its jurisdiction is bound to follow the set of pre-decided rules thus attaining the chief objective to preserve order and smooth functioning of the society.

The maxims of the law are a strange collection of general propositions drawn from all kinds of sources including formal logic, medieval philosophy, the Bible and common experience covering virtually every aspect of the law, law in general, the judicious interpretations, law of equity, interpretation of documents, rights of kings and subjects with each aspect of law being a cluster of maxims associated with it professing to express its basic principles.

**Legal maxims are a very important tool of interpretation and do not change being the fundamental principles of law with no alterations.** To avoid the use of long definitions, legal professionals use legal maxims because each legal maxim is the concise form of a big definition and each of them came from a different source or case laws.

**Ubi Jus Ibi Remedium , Volenti non fit iniuria, Cursus Curiae Est Lex Curiae,**

**Salus populi suprema lex esto, Actus non facit reum nisi mens sit** are commonly used legal maxims in different judicial proceedings to elucidate a legal principle, proposition or concept.

**Dr. Rachna Sharma**

**In Our endeavor to promote the LCD Newsletter as an inclusive initiative we sincerely welcome our esteemed faculty, students and erudite readers to contribute their views and opinions to be published in our upcoming issues through case reviews, opinions and short articles.**

**The torchbearers of any academic institution are the faculty and we recognize the potential of our own fraternity through the “legal jottings” column of our newsletter.**

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