



Law@DME

October 2016

www.dme.ac.in

In This Issue:

- Page 1** • Justice VR Krishna Iyer Memorial Lecture Series
- Page 2** • Second DME Intra-College Moot Court Competition
- Page 3** • Interview
- Page 4** • Student Article
 - Campus Snapshots
 - Legal Humour



Justice V.R. Krishna Iyer Memorial Lecture series

Talk by Hon'ble Mr Justice Eqbal Leaves Students Enthralled

-- Ishika Mishra, BA LLB, Fourth Year

On 21st September 2016, the Justice VR Krishna Iyer Lecture Series was held in the Nelson Mandela Auditorium, delivered by the charismatic and erudite Hon'ble Mr Justice MY Eqbal.

Following the lighting of the lamp, the senior dignitaries of Delhi Metropolitan Education presented a shawl to the chief guest, Hon'ble Mr Justice MY Eqbal, along with a planter and a gift. The Director General, Hon'ble Mr Justice Bhanwar Singh proceeded to give students a glimpse into the life of Justice VR Krishna Iyer. He highlighted his contributions to the legal world and society, working to uplift the downtrodden and opposing the death penalty. He then moved on to introduce the chief guest to the audience.

Hon'ble Mr Justice Eqbal took the stage to a round of applause, which gave way to confusion and smiles when he presented the audience with his opening statement: 'Judges know nothing; it is the lawyers who teach judges.' He discussed his life experiences and his journey from Ranchi to being a Justice of the Supreme Court, his struggle of being a first generation lawyer and his unshakeable interest in the Code of Civil Procedure. He stressed upon the necessity of endless nights of work at the dawn of a lawyer's career. Thereafter, an interactive session allowed the inquisitive and eager minds present in the auditorium to raise questions. Hon'ble Mr Justice Eqbal met every query with those of his own, testing the students' grasp of the fundamentals of the law, especially the law of limitation. The students were left enlightened by the magnificent experience of learning the law from a legend.

The session concluded with a vote of thanks by Prof.(Dr) Vikram Dutt. Mr Kush Kalra, Assistant Professor (Law), presented his book to the chief guest along with Mr Salman Khurshid's captivating biography of Justice VR Krishna Iyer. There was also a group photo session at the end of the seminar, followed by a rendition of the National Anthem.

LETTER FROM THE EDITORIAL BOARD



Welcome to the sophomore edition of Law@DME. The month of September saw an enthusiastic upswing in co-curricular activities, and we are thrilled to bring you the highlights. Following the footsteps of the first edition, the newsletter will honour achievements by students and members of the faculty of the School of Law, in addition to presenting articles of general legal interest, occasionally seasoned with humour. This month, in lieu of an opinion piece by a notable academic or industry expert, the newsletter features an interview on 'The Prospects of Alternate Dispute Resolution in a Postmodern India', alongside a student article on the same theme.

Law@DME will indubitably be only as strong as its readers and contributors, and the editorial board extends its wholehearted invitation for opinions and feedback intended to enhance its efficacy, in addition to articles and other pieces of writing with a legal focus. We can be reached at law.newsletter@dme.ac.in, and look forward to hearing from you.

UPCOMING EVENTS

Community Connect:
Blood Donation Camp – 3 October 2016

Intra-College Client Counselling and Negotiation – 15 October 2016

Legal Aid Camp – 22 October 2016

Community Connect: 'Diwali for All' – 28 October 2016

Inter-College Delhi Metropolitan Education Model United Nations – 5-6 November 2016.

National Law Conference on 'Environmental Jurisprudence in India' – 12 November 2016

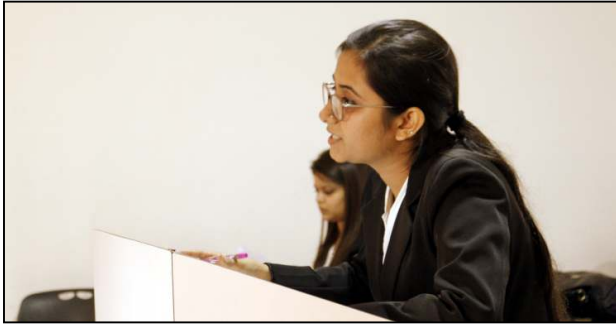


Hon'ble Mr Justice MY Eqbal lighting the lamp (top), being felicitated (centre) and interacting with the law students (bottom)

Moot Court Competition Sees Fierce Mass Participation

-- Uday Sharma, BA LLB, Second Year

Delhi Metropolitan Education's School of Law hosted its Second Intra-College Moot Court Competition, building on the strength of its success last year. The grand three-day event began with the opening ceremony on 15 September 2016, graced by senior dignitaries of DME, who took the stage to impart invaluable advice to the students – advice that would not just help them succeed as mooters, but also as lawyers later in life.



Mooters present their arguments before the Hon'ble Bench

On 16 September, the Moot Court Competition began in earnest, as determined students braved a whirlwind of questioning and probing that would test their research, confidence, courtroom etiquette, and ability to think on their feet. The mooting rounds for different years were held simultaneously in separate classes, collectively engendering a lively air that crackled with the electricity of energised young mooters determined to give their best to the event. The students of the Second, Third and Fourth years were given different topics according to their abilities – on complex notions of surrogacy, motherhood, and the best interests of the child; on questions of customary dissolution of marriage, cruelty, and maintenance; and on the clash of international economic law with the right to development, environment and fulfilment of human rights of an underdeveloped country.

On 17 September, the tension in the air became palpable as the throngs of participants trickled to the last few mooters standing, left to face off against each other during the finals. The final round of the Fourth years was presided over by guest judges, Hon'ble Mr Justice Jagdish Bhalla - a retired High Court Judge and champion of human rights in his role as the Chairman of the State Human Rights Commission - and Prof. (Dr) Sanoj Rajan – a distinguished academic of international and humanitarian law with manifold global achievements under his belt – in addition to DME's own Director General, Hon'ble Mr Justice Bhanwar Singh.

The questions became swifter, trickier, but it was to the credit of the participants that they held their ground and fired responses back with the same rapidity, all the while maintaining the courteous bearing required of a lawyer in a courtroom. After the rounds concluded, the students dissembled, in wait for the closing ceremony when the winners would be declared.

Competition Closes with Promise of Greater Things Ahead

-- Ahad Ahmed Khan, BA LLB, Fourth Year

On 17 September 2016, the closing ceremony for the Second DME Intra-College Moot Court Competition was held in the Nelson Mandela Auditorium. It began with the lighting of the lamp by guests of honour Hon'ble Justice Jagdish Bhalla and Prof. Dr Sanoj Rajan, alongside the Vice Chairman of DME, Mr Aman Sahni, the Director General, Hon'ble Mr. Justice Bhanwar Singh, Principal Academics, Dr. Vikram Dutt, and Advisor, Dr. Rakesh Sharma; while Maa Saraswati Sharde was played in the background. Following their introductions, the guests were felicitated by distinguished members of DME with shawls and planters.

Hon'ble Mr Justice Bhanwar Singh was invited to the podium to elaborate on the virtues advocates must possess, and on the brotherhood between judges. He spoke highly of Hon'ble Mr Justice Jagdish Bhalla and told everyone how deeply he valued brotherhood during his days of duty in the Allahabad High Court. He proceeded to talk about the qualities of honesty and courteousness that an advocate must have, along with modesty and humility.

He was succeeded by Prof. (Dr) Sanoj Rajan, who praised the ability of the mooters to argue on the perplexing moot problem, and urged them to win competitions and surmount challenges by making their own selves better instead of looking for ways to defeat their opponents.



Hon'ble Mr Justice Jagdish Bhalla (top) and Prof. (Dr) Sanoj Rajan (bottom) address the students

Hon'ble Mr Justice Jagdish Bhalla was then invited to the podium. His inspiring and motivational lecture spanned many areas, including the pressing concerns of environmental degradation and female suicide, his own parents and early childhood, and his fascination with the Bar Council. Continuing the trend of expounding on lawyers' duties, he compared an advocate's night-time research for the next day's courtroom arguments with a general's peacetime preparation for the next war, and reminded the audience of Sardar Patel's refusal to stop arguing in court even when he received the terrible news of his wife's death.

Following the distribution of prizes and certificates to the winners and runners up, Ms Aditi Singh, Convener of the DME Moot Court Society, announced the School of Law's plans to host an Inter-College Moot Court Competition in February 2017, placing the final cherry atop the jubilant festivities. The National Anthem soared amidst the crowd of hopeful, happy faces, bringing the exhilarating competition to a successful close.

Delhi Metropolitan Education's Moot Court Competition 2016: Results

BEST TEAM	
Second Year	Vallabha Gulati, Prachi Bhati, Drishti Gupta
Third Year	Nishtha Sharma, Vidisha Jain, Anjali Sahni
Fourth Year	Damini Bisht, Azka Sheikh Kalia, Harshit Dave
BEST SPEAKER	
Second Year	Ashi Aggarwal
Third Year	Vidisha Jain
Fourth Year	Azka Sheikh Kalia
BEST RESEARCHER	
Second Year	Akash Nair
Third Year	Rupali Bansal
Fourth Year	Ankit Kaushik
BEST MEMORIAL	
Second Year	Kuber Mahajan, Ayush Goel
Third Year	Nishtha Sharma, Vidisha Jain, Anjali Sahni
Fourth Year	Damini Bisht, Azka Sheikh Kalia, Harshit Dave



Delhi Metropolitan Education Awards Certificates and Trophies to Moot Court Winners

Tête-à-tête with Ms Surabhi Lal

-- Aishwarya Saxena, BBA LLB, Third Year

Ms Surabhi Lal, alumna of NLU Delhi and Associate at Shardul Amarchand Mangaldas & Co., a firm that commands respect nationwide, recently visited Delhi Metropolitan Education's campus in order to conduct a workshop on succeeding in Client Counselling and Negotiation Competitions, in addition to delivering a general talk on concepts of Alternative Dispute Resolution.

I had the opportunity to interview her. Excerpts from the interview are reproduced below:

What is the present output of Indian Legal System in relation to ADR?

Initially there was a resistance to ADR techniques, such as arbitration, negotiation and certain other techniques and hybrids of all these, but with the change in time now the judiciary is also referring the cases to resolve the disputes out of the court, that is by mediation, negotiation, arbitration, etc. ADR is developing in a much stronger phase than before and because of this the filing of cases is getting down day by day.

Considering the high fees charged by the arbitration lawyers, how can a common person make them fit for themselves?

The segregation that arbitration lawyers are charging such high fees is not correct because much more is charged by the lawyers in litigation matters as well. Arbitration will become more successful and lessening of the fees will happen when more and more people of common background take them up. Now a days mostly arbitration is preferred by big corporate houses and most of the companies have an arbitration clause in their agreement. It is not the general or common people but it is corporate houses and companies who go for arbitration. Whether it is good or bad is still a topic of discussion.

What are the prospects of law students in the arbitration field considering that so many law students pass out every year?

Regarding scope for students in a particular field, it does not get limited by the number of students passing every year. Because it's up to you to make your space in a particular field or to work in a field in a particular manner and to decide how you proceed; and as regards to availability, there are a lot of ways when you can own your skills in this area. As far as arbitration is concerned,

there are a lot of centres for arbitrations. Court based mediation centres also come up with various opportunities for law students and for freshers every year. As far as arbitration is concerned, many or most of the lawyers practicing in civil sides take up arbitration as well. So I have seen many people who are litigating and at the same point of time they are arbitrating. Talking about the law firms, they have a separate division for arbitration, so looking at the large number of firms I would say the job openings would not be a challenge the challenge would be how to approach. So plan from today for your tomorrow.

Do you think that the ADR technique has served its purpose in bringing the justice to the people?

With regard to this question, it would be too early a stage to comment upon it as in India it is not such an old technique. ADR is actually bringing up its purpose for saving the clients from long hassles of the court but there needs to be still a change in the mindset to go for such a technique. As there is still a feeling that the court provides a binding solution, no matter how much time is wasted in litigation, it is still a challenge to cope up with. Most of the times people think that 'even if I go for mediation or negotiation and then there is no fruitful result out of it' then it would be a waste of time as lastly if no result comes up again one has to go to litigation. These sorts of factors still play in the minds of people. So I will comment that whether it has brought up justice to the people or not, it is too early to answer but yes, it will bring a great success in the future.



Ms Surabhi Lal holds a workshop on client counselling and negotiation competitions for law students

The Relevance, Position and Need of ADR

-- Mahima Chopra, BA LLB, Third Year

India, in the past century, has witnessed a tremendous amount of disputes, adding to the mammoth backlog of cases pending in its courts. There is thus a need to resolve these disputes outside the courts, a good means of which is the reliance on ADR, or 'Alternative Dispute Resolution'. This process has the advantage of providing parties with the opportunity to reduce hostility, regain a sense of control, gain acceptance of the outcome, resolve conflicts in a peaceful manner and achieve a greater sense of justice in each individual case. ADR originated in the USA in a drive to find alternatives to the traditional legal system, which had been felt to be costly, unpredictable, rigid, over professionalized, damaging to relationships and limited to narrow rights-based remedies as opposed to creative problem solving.

This new concept of conflict management is non adversarial. A dispute is basically *lis inter partes*. ADR is an effort to design a workable and fair alternative to our traditional judicial system. It is a fast track system of dispensing justice, developed on scientific lines in the US, UK, France, Canada, China, Japan, South Africa, Australia and Singapore.

It has not only helped reduce costs and time taken for the resolution of disputes, but also in providing a congenial atmosphere and a less formal and a less complicated forum for various types of disputes.

As LJ Earl Warren says, 'It is the spirit and not the form of law that keeps the justice alive.' There is a great need of ADR in India. Its system of dispensing justice has come under great stress for several reasons. It is in this context that a resolution was adopted by the Chief Ministers and Chief Justice of the states and High Courts in a conference held in New Delhi. In developing countries like India, with major economic reforms under way within the framework of the rule of law, there is no better option than to strive to develop alternative modes of disputes resolution by establishing facilities for providing settlement of disputes through arbitration, conciliation, mediation and negotiation.

Often ADR is the last hope for a disputant to have a complaint resolved since going to court is not always practicable. But on the other hand, despite its success over the past three decades, ADR is not appropriate for all disputants or all legal disputes.

CAMPUS SNAPSHOTS

- On 3 September 2016, The FLY ('Family Like You') Committee decked the Nelson Mandela Auditorium in honour of the members of faculty whose birthdays fell in the past two months. The festivities were marked by humorous anecdotes regarding, and warm wishes for, the members of faculty, and concluded with the cutting of a cake and a photo session.
- On 5 September 2016, Delhi Metropolitan Education celebrated its members of faculty on the occasion of Teachers' Day, with warm words of praise and encouragement, mementos and light refreshments.
- On 7 September 2016, the Student Welfare Committee of Delhi Metropolitan Education conducted the 'Swachh DME' programme, encouraging students of all courses and batches to pull up their socks, and a pair of gloves each, and clean up the campus. They also educated the vendors outside to observe more hygienic practices.
- On 20 September 2016, the Delhi Zonal Unit of Narcotics Control Bureau of India conducted an awareness programme on drug abuse, presenting the litany of issues it begets and warning students away from even casual experimentation. The event was conducted by Mr Sanjay Mehta, former Assistance Commander, CISF and presently, the ACP of Narcotics Control Bureau of India, and Ms Sarita Kataria, Intelligence Officer, Narcotics Control Bureau of India.
- On 22 September 2016, Ms Surabhi Lal, Associate at Shardul Amarchand Mangaldas & Co., held a workshop on the 'Approach to Client Counselling and Negotiation Competitions.' Before a rapt, packed audience, she proceeded to not just dispense handy tips to winning these competitions, but also helped explain the various forms of alternative dispute resolution and their advantages.



LEGAL HUMOUR

Fear of Official Correspondence Accepted as a Valid Defence in Sweden

In its continuing mission of pioneering cutting edge laws, the country of Sweden has recognised a brand new defence when it comes to minor offences. What ought to have been a routine court proceeding involving a man caught driving his moped under the influence of alcohol and without proper documentation, became the highlight of humorous legal updates in the month of September.

The man protested that he believed he did not need a driver's license, and that his registration and insurance documents would suffice. When the authorities sent him mails to get the license, his fear of official correspondence caused him such severe anxiety that he was unable to read or understand what was required of him. While the court did charge him for drinking and driving, it decided to let his lack of license slide, asserting that he did not do this 'knowingly'. And thus, 'official docuphobia' became a valid excuse in at least one tiny corner of the world.

To the readers who are contemplating using this excuse in the future, the following important caveat must be kept in mind: *ignorantia juris non excusat*.