



Law@DME

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LETTER FROM THE EDITORIAL BOARD



We welcome you to the first edition of Law @ DME, the official newsletter of the School of Law, Delhi Metropolitan Education. The newsletter will cast the spotlight on major events pertaining to the School of Law, as well as the achievements of its faculty and students. The newsletter will also feature articles and opinions from students and members of the faculty or industry experts, pertaining to a common theme. This month's theme is 'The Conflict of Law with Morality vis-a-vis Relationships in the Real World'. The final section of the newsletter shall be dedicated to general legal trivia and humorous anecdotes from the legal fraternity. We hope you have a wonderful read and that the newsletter serves its purpose of informing, reporting, educating and entertaining.

UPCOMING EVENTS

Freshers Day

Teachers Day Celebration

Intra College Moot Court Competition

Swachh DME

SCC Workshop

Workshop on ADR and Client Counselling

Tihar Jail visit

School of Law Welcomes Latest Batch

ORIENTATION PROGRAMME, 2016

An Orientation Program for the first year BA.LLB and BBA LLB students was held by Delhi Metropolitan Education on Saturday, the 6th of August, 2016. The orientation program for the BA LLB students was held at 11:30am and the orientation program for the BBA LLB students was held during the post lunch session at 2:00 pm. Our Law school was also privileged to witness Mr. Salman Khurshid's presence at the Journalism Orientation the following day. The program saw various dignitaries welcoming the new entrants, who were gathered in the Nelson Mandela Auditorium of the college. It was attended by students as well as their parents. The student volunteers exhibited their presence considerably by helping in organizing the entire proceedings efficiently and effectively.



Mr Salman Khurshid, former Law Minister of India, at the Orientation Programme



BA.LLB, 2016

The chief guest of the orientation program was retired **Honorable Justice Mr. R. B. Misra**. Other dignitaries who graced the occasion were The Director General of DME, Mr. Justice Bhanwar Singh, Principal Academics Prof. (Dr.) Vikram Dutt, Chairman of DME Mr. Vipin Sahni, Chairperson Mrs. Kiran Sahni, Vice Chairman Mr. Aman Sahni and special guest of honour Dr. Rakesh Sharma.



Hon'ble Justice R.B. Mishra being felicitated by Chairman DME

Ms. Aditi Singh (Faculty of Law)

welcomed the dignitaries and audience and initiated the proceedings by inviting the dignitaries for the lighting of the ceremonial lamp. Thereafter the dignitaries were felicitated by distinguished members of DME with a planter and a shawl.

Succeeding the felicitation, Prof. (Dr.) Vikram Dutt addressed the gathering. He gave a formal introduction of DME and spoke about its distinguished faculty of law. He also informed the audience of an application named 'DASH' created by DME to facilitate the recording of attendance and communication of information between teachers, students as well as parents. He enlightened the students and parents with the objective of DME, which is not only to impart quality education but also to provide marvelous co-scholastic facilities.

Hon'ble Justice Mr. Bhanwar Singh addressed the gathering speaking about the new phase of life the students were entering into. He apprised the students of the importance of punctuality, compassion, discipline, good etiquettes and moral values. He also emphasized that getting admission in BA.LLB course



Hon'ble Justice R.B. Mishra addressing the students



Dr. Rakesh Sharma offering words of wisdom

was the starting point of the journey.

Hon'ble Justice Mr. Justice Bhanwar Singh's speech was followed by a brief insight by the faculty team into the course structure, examination scheme, attendance, dress code, placement and internship cell of DME as well as co-scholastic activities, V. R. Krishna Iyer special lecture series conducted frequently in DME.

Thereafter, Mr. Vipin Sahni congratulated the students on the beginning of their college life and urged them to be active in college activities and participate in inter and intra college competitions.

Mr. Justice R. B. Misra was invited by Ms. Aditi Singh to enlighten the audience with his pearls of wisdom. He chose English, Sanskrit but majorly Hindi language as a medium to communicate with the crowd and enthusiastically addressed the gathering. He spoke about his inspiring journey in the field of law and reminded the students that every situation in life has the scope to teach new lessons. He also brought to the notice of students the significance of curiosity to learn and sincerity.

Finally Dr. Rakesh Sharma presented the vote of thanks, extending gratitude towards the dignitaries, faculty, students and other helpers who contributed to the successful conducting of the orientation program. The event concluded with everybody rising to their feet and singing the National Anthem.

BBA.LLB, 2016

The chief guest of this orientation programme was **Hon'ble Justice Mr. S.S.Kulshrestha**. Other dignitaries who graced the occasion were Director General of DME Mr. Justice Bhanwar Singh, Principal Academics Prof. (Dr.) Vikram Dutt, Chairman of DME Mr. Vipin Sahni, Chairperson Mrs. Kiran Sahni, Vice Chairman Mr. Aman Sahni and special guest of honour Dr. Rakesh Sharma.

Thereafter Ms. Aditi Singh (faculty of law) with Ms. Maitrayee Bordoloi (faculty of law) welcomed all the dignitaries and the audience and initiated the 4th orientation programme by DME and requested the dignitaries for the lighting of the lamp which was followed by *Saraswativandana*.

Mr. Vipin Sahni felicitated Hon'ble Justice Mr. S.S.Kulshrestha with a shawl and a planter and Mrs. Kiran Sahni gave a token of gratitude on behalf of DME. All the dignitaries were introduced and felicitated.

Succeeding the felicitation, Prof. (Dr.) Vikram Dutt (Principal Academics) addressed the gathering. He spoke about the academic excellence in DME and the bright future which awaits the students. He stressed on discipline and punctuality and introduced the DME Dash app, which would facilitate the timely feedback of academic exercises and attendance regularity of students in class.

Director General Hon'ble Justice Mr. Bhanwar Singh addressed all students with a motivational speech saying, "You are the future lawyers and judges of this country."

Then the faculty team gave a brief insight into the structure of the course, examination scheme, placement and internship cell of DME co-scholastic activities, dress code and attendance as well as the V.R. Krishna Iyer special lecture series conducted frequently in DME.

Mr. Vipin Sahni also addressed the gathering and gave words of encouragement to the students, and urged them to strive for the best in the coming years.

Hon'ble Justice Mr. S.S.Kulshrestha started his speech by thanking all the dignitaries. He spoke about the path to the achievement of success. He then shared his valuable experiences with them and spoke about the law and how it is not static. It always evolves. So to become a good lawyer one needs to be punctual and regular in his or her field.

Finally Dr. Rakesh Sharma gave the vote of thanks and appreciated all the efforts that were put in the organized and well arranged conduct of the orientation program. The event came to an end with everybody rising to their feet and singing the National Anthem.



Hon'ble Justice Mr. S.S. Kulshrestha being felicitated (top), addressing the gathering (middle) and being interviewed by our students (bottom)

The Collision of Law with Personal Morality

--- Hon'ble Justice Mr. Bhanwar Singh



When it comes to the tussle between the law and the intimate relationship between a couple, which shall trump the other? On the one hand, love for another human being is celebrated as one of the highest feelings a person can feel. On the other, law is the implicit basis of order and social relationships. The decision of placing either on a higher pedestal gives even eminent jurists and experienced judges pause.

It is undeniable that morality and law are intertwined. Morality has often been known to dictate the law, and the law, once legislated, has slowly changed the predominant views of the people. However, they are not always harmonious. When dissonance does arise, it leads to bitter conflict for not just the parties, but society as a whole, as we become confused spectators as the battle between our instinct and our higher reasoning unfolds.

In connection with this, I am reminded of a specific incident during my time as a judge of the Allahabad High Court, when a petition for Habeas Corpus filed by an aggrieved father upended the delicate balance that morality and law had struck within me. The father in question wanted to use the writ to produce his daughter, whom he claimed had been kidnapped by a boy who lived opposite them. I issued an order for the police to take hold of the girl's custody and produce her in my court. The turn of events that followed was very surprising. The girl – a mere 16 year old minor – appeared in court with the boy in tow and an infant in her embrace. She claimed that the boy was in fact her husband, and the son, the fruit of their marriage. This relationship had existed for a good deal of time.

I counselled the girl by telling her that her marriage was in conflict with the law, as she had not yet turned 18. Since she was not very well educated, I had to simplify and explain the prevailing law to her, urging her to return to her father. The girl remained stubborn, repeatedly insisting that the boy was now her husband, and the two and their child were one family unit that could not be separated. I directed the police to take her to *Nari Niketan* for two days, during which time she could clear her head and consider her options, hoping that she would agree to go with her father instead of with the boy. However, when the day of reckoning came, she was still adamant, going as far as threatening to commit suicide if she was separated from the man she loved and forced to go to her father. I counselled her further, telling her that she

must think of her child and not take drastic measures that could ruin its life. Having done so, I fixed up a date for further hearing of the petition and directed the police to bring her three weeks thereafter.

Three weeks passed, and while I was preparing to see her again, wondering if she might have changed her mind, the Sub Inspector of the area informed me that the girl would be unable to appear before me. The reason, he said, was that she had indeed made true on her hasty threats and attempted to kill herself in the most gruesome way imaginable – self-immolation. Her body, 30-40% covered in burns, was fighting death at the hospital. My insides were jolted, not just because I was aghast at the extreme steps she had taken, but also because I realized that my own conscience and reason would be tested by this conflict between law and invalid marriage.

Mercifully, the girl survived her injuries and was brought to my court. I could see her mental agony etched across her features, the burns on her face and arms bearing permanent testimony to the anguish she had been through. She was, once again, holding on to her child – a proud mother through and through. I tried to counsel her one last time, politely, gently. Nevertheless, she reiterated her threat. Her life without her 'husband' was no life at all; she would kill herself if separated from him again.

The path I had to take became clear. I decided to go against my earlier decision and dictated a very long order. The Court would not enter into the debate of whether the marriage was legal or not; in any case, the matter before it was a Habeas Corpus writ and not a question of family law. As far as the petition was concerned, I made the decision to hand over custody to the boy she claimed was her husband, asking only that she be happy and lead a free life. Since the girl's life was involved and she was under great mental pain, I was well aware of the delicacy of the situation and the court's responsibility as the guardian of children, and consequently disposed of the petition and closed the chapter.

Her father protested, declaring that there would be violence and bloodshed on both sides, as it was a matter of honour. I reprimanded him and asked him to not do anything foolish that might lead him to lose the girl, but was angrily brushed off. Mindful of the family's tendency to go through with their threats, I ordered at least 100 police persons to go to the village and inform them that they cannot take the law into their own hands.

I am conscious of the fact that I could have passed this later order at the first instance as well. But this order would not have been in consonance with the law, and that stayed my hand the first time. However, a deeper deliberation meant that, for me at least, the girl's personal morality won out over the strict letter of the law, as her happiness and life depended upon it.

A Real Dissimilitude Between Law and Morality

--- Kirti Sharma, 4th year (BA LLB)

The apex court has drawn up a clear view of public and constitutional morality. In the case of *Suresh Kumar Koushal & Anr v. Naz Foundation*, while considering the constitutionality of Section 377 of the Indian Penal Code, overruling *Naz Foundation v. Govt of NCT*, it held, "Popular morality, as distinct from a constitutional morality derived from constitutional values, is based on shifting and subjecting notions of right and wrong. If there is any type of morality that can pass the test of compelling state interest, it must be constitutional morality and not public morality". It further stated "this Court has merely pronounced on the correctness of the view taken by the Delhi High Court on the constitutionality of Section 377 Indian Penal Code and found that the said section does not suffer from any constitutional infirmity. Notwithstanding this verdict, the competent legislature shall be free to consider the desirability and propriety of deleting Section 377 Indian Penal Code from the statute book or amend". Law are rules as prescribed by the Government whereas morality is a

personal opinion of right or wrong. Law is legislated for the general welfare of the society and restrained from arbitrariness. Morality, having personal orientation, may possibly appear just to some and unjust to others. The real dissimilitude between law and morality is that and the law is not gauged by whether it is morally correct or not but as to its correctness as per legislation in existence. India, for the first time faced the most important case for gay rights. The apex court construing true meaning of constitutional morality made it clear that law and morality must be treated independent of each other.

Regardless of this fact, the Hon'ble Supreme Court declared even consensual sexual relations between homosexual couples to be a criminal act, dealing a blow to non-traditional relationships between couples who are not heterosexual. This judgment, coming as it did at a time of an increased awareness of human rights and political correctness, has set the country back by decades, by establishing that the law can continue to be swayed by popular morality, even to the detriment of higher principles of justice, equality and dignity.

CAMPUS SNAPSHOTS

- Mr. Keshav Gupta, Director of Strategy and Planning, Delhi International Model United Nations, held a workshop on 11th August 2016, 3:15 pm, for 1st year law students.
- The Legal Aid Cell held a workshop on 24th August at 3:15 pm for all law students.
- The team from *myLaw.net* held workshops on 22nd and 26th August for 1st year, and 3rd and 4th year law students, respectively.
- DME Faculty Mr. M.Z. Alam has been selected in the U.P. Judicial Services.
- 3rd year law student SF Alvi completed a 40 hour training programme on 'Civil and Commercial Mediation and Negotiation' organised by Indian Institute of Corporate Affairs (Under Ministry of Corporate Affairs, Govt. of India) from 19th to 24th July 2016.
- 3rd law students, S.F. Alvi, Trupti Panigrahi, and Ancy Susan George, have shown outstanding performance in completing a course on International Law conducted by Indian Society of International Law, New Delhi from 30th May to 10th June 2016.
- 3rd law students Trupti Panigrahi, Shubham Bansal and S.F Alvi had the opportunity of interning with Mr. Salman Khurshid, Former Law Minister and Senior Advocate Supreme Court of India.



LEGAL HUMOUR

5 Truly Surreal Laws around the World

The law exists to bring order into society and facilitate smooth, secure relations between persons. Some countries of the world, however, have misinterpreted its true purpose, creating Frankensteinian monsters that induce various levels of mirth and astonishment.

Here is a list of some of the most bizarre laws that exist around the world:

1. In Saudi Arabia, women cannot drive.
2. Children in Bangladesh who are at least 15 years old can be sent to jail for cheating on their final exams.
3. In France, naming a pig after the great emperor Napoleon is a crime.
4. Marriage truly is for life in the Vatican and Phillipines, where divorce is illegal.
5. Selling and chewing gum in Singapore incurs a heavy penalty.