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From the Editor's Desk



Dear Students and Colleagues,

We had an extremely eventful October together. It seemed as if all the festivities had descended upon DME all at once. We skipped from one event to another celebrating the crisp air of Dussehra and Durga Pooja. With semester coming to an end in November, winters in all its significance is coming at DME, and as John Burroughs says,

“It is the life of the crystal, the architect of the flake, the fire of the frost, the soul of the sunbeam. This crisp winter air is full of it.”

All the best for the external examination to all the students.

Ms. Shambhavi Mishra
Assistant Professor,
DME Law School

Editorial Board:

Ms Shambhavi Mishra, Ms Shabeeh Rahat,
Ms Sakshi Aggarwal

5th DME- Intra Moot Court Competition, 2019 10th -11th October 2019

“Tensions in the mind, confidence on the faces, etiquettes in the behaviour, the crispness in the arguments, couple of counsel and co-counsels and the panel of judges with wisdom and reason, here the moot court drama begins.”

On 10th October 2019, the registration began at 2 PM, registering a big number of students, eager to show their talents and win the competition. The registrations were done at the reception. The teams registered themselves with great enthusiasm and submitted their memorials to the panel. After the registrations, the draw of lots round began at 3 pm and simultaneously Researcher's test is also held. In the draw of lots, one of the present members of the mooting team goes to the panel, when called and pick one chit out of the bundle and then the team gets a chance to be appellant or respondent based on the chits. The Researcher's test was held for duration of 45 minutes. For the Researcher's test, researchers of all the teams were gathered in a courtroom and the test was taken by them individually. In the meanwhile, the briefing of judges was done under the supervision of **Dr. R.K. Randhawa** (Faculty Convener, DME-Moot Court Society). For the first time in 5th Intra Moot Court Competition a new trend had been introduced of giving the senior most students of 5th year to be part of the judging panel being the Assistant Judge for the moot court proceedings.



On 11th October 2019 at 9:30 AM, the Prelims I Round began. All the judges and 33 registered teams moved to their respective courtrooms which were allotted at the time of draw of lots to each team respectively. The appellant's counsel begins with his argument. Every counsel in the team was given 15 minutes to speak and present their version of arguments. The time slot was divided into three halves and the time flags were raised after the completion of 5 minutes, 10 minutes, and 13 minutes. The last flag was raised to show that the duration of arguments for the speaker had ended titled “TIME UP”.

Appellant's arguments began with a question of jurisdiction of the court and went on till other issues raised. After the arguments, the prayer was presented before the judges, all the members standing as courtroom etiquette. During the arguments the researcher and the co-counsel sat beside the speaker and when any question was raised by the judges, the researcher quickly transferred chits to the speaker so that he/she answers the judges. After the appellant's version of the arguments, the respondent's counsel presented their arguments and the same rules were followed by them as well. Both the parties i.e. the appellant and the respondent presented their arguments with confidence and in a graceful manner. **The Prelims-I** continued for one hour and ended at 10:30 AM.

The Prelims II began at 11:00 AM and this time the positions of the counsels changed as appellants became respondent and respondent became appellant.

The arguments of the appellant began with the question of jurisdiction of the court and go on with the question of law and the issues involved.

Many questions were asked by the judges and the answers were given quickly by the counsels and co-counsel. The rules were the same as those of prelims I. The questions asked by the judges were quite tricky but answered by the counsels with their wisdom in a quick manner. The rounds concluded at 12 PM.



After prelims II results of both the rounds were announced at 1:00 PM and four teams were selected for the semi-final round their team codes 83, 57, 76 and 22 and their speaker I were Ms. Smriti Bali, Mr. Gaurav Vardhan, Ms. Ayanti Mishra, and Mr. Manish Bhatt respectively. The draw of lots for the semi-final was held in the Moot Court Room and teams got themselves as appellants and respondents through their respected chits drawn by their team members.



The Semi-Final Rounds began at 1:30 PM at courtroom no. 1 and 2 respectively. It was a tough competition between the teams. Both the appellant and respondent teams were given 40-40 minutes each to present their arguments. It was upon the discretion of members to divide time between the counsels. Some teams divided the time equally between the counsels whereas others divided as per their choices. The arguments of the appellant began and questions were asked by the judges. The same thing was done with the respondent as well. Besides both the teams, judges and court masters there were many spectators to take a glimpse of the arguments battle and observe the proceedings. The semi-final held for one hour and twenty minutes till 2:30 PM.

The result of Semi-Final Rounds was declared at 2:30 PM and the draw of lots for final rounds was held along with the exchange of memorials between the competing teams. After the exchange of memorial, the respondent argued with the respondent memorial of the other party and the appellant argued with the appellant memorial of the first party.

The Chief Guest **Mr. Vishwanath Gupta** (Advocate, Delhi High Court) and Guest of Honour, **Prof. (Dr.) Meenu Gupta** (Professor, Amity Law School Noida, University UP) arrived at the Moot Court Room at 2:50 PM and the **Final Round** began at 3:00 PM in the presence of **Prof. (Dr.) N.K. Bahl** (Dean, DME Law School), **Prof. (Dr.) Bhavesh Gupta** (HOA, DME Law school), Faculty Members, and the room were packed by students who eagerly wished to observe the courtroom proceedings. The proceedings began with the arguments of the appellant's first counsel and later their co-



counsel argued on behalf. They argued their contentions and answered the questions of judges in a satisfactory manner. After the arguments of the appellant, the respondent's turn came up and their counsel and co-counsel presented their arguments within the stipulated time. After the arguments of the respondent, the rebuttal chance for 2 mins was given to appellants. The final rounds concluded at 4:30 PM.

After the final round of the moot court competition, the Valedictory Ceremony began in N. M. Hall. Guest of Honor Prof. (Dr.) Meenu Gupta and Chief Guest Adv. Mr. Vishwanath Gupta were felicitated with a sacred Tulsi planter, a Shawl and DME kit. After this, **Prof. (Dr.) Ravikant Swami**, (Director, DME) addressed the gathering with his words of encouragement. He talks about the importance of moot in a law student's life and shared his view about the same as well. After the warm words of Director Sir, Dr. Meena Gupta shared her views about the moot court and appreciated the mooters. In her address she said *Purify your means, the end will take care of itself* and it touched everyone's heart. Our chief Guest Adv. Mr. Vishwanath Gupta discussed the techniques of moot and shared his experience with.

The results of the competition were announced by **Mr. Vinay Joshi** (Student Convener, Moot Court Society). The winner of the moot court competition was a team of three consisting of Mr. Gaurav Malhotra (Speaker I), Mr. Lakshay Malhotra (Speaker II) and Mr. Niraj Pandey (Researcher), all being 3rd-year students of BALLB program whereas the runner up was consisting of Ms. Smriti Bali (Speaker I), Ms. Aashi Sharma (Speaker II) and Mr. Ujjawal Sharma (Researcher). The Best Researcher award was given to Mr. Bhanu Pratap Jain, BBA LLB, IIInd year, the Best Memorial award was given to team consisting Ms. Soumya Singh (Speaker I), Ms. Samridhi Bhatt (Speaker II) and Ms. Simran Kaur (Researcher), all being students of 3rd year of BALLB program, the Best Speaker male and female award were given to Mr. Gaurav Vardhan and Ms. Sakshi Sharma respectively.

After the result announcement, **Dr. R.K. Randhawa** gave a vote of thanks to everyone for being a part of the moot court and making it a successful event. Special thanks were given to the dignitaries present on the stage, moot court judges and members of moot court society.

After the event the certificates were distributed at the reception.



Research Day Activities

Death in the Gunj Screening and Panel Discussion on Gender, Love and Violence

Shubham Sharma (B.A.LL.B., 2nd Year)

The DME Cyber Cell in the month of August, organised an orientation workshop for first-year law and management students with the aim to broaden their horizon as to the law in the cyber world, and its connection with the real world. The students were initially made aware of the function and need of the Cell.

Member students provided the audience with a general idea of the cyber world and the possible threats people endure on a regular basis, unbeknownst to them the damaging effects of such threats. It was a successful attempt at bringing out the empathy in students so as to make them understand the gravity of malicious and psychologically and socially catastrophic acts, such as cyber-bullying.

Cyber-bullying was explained in detail, a general discussion of the wide ambit of the act of cyber bullying, different forms of cyber-bullying and the psychological results thereof. She gave forth instances of victims of cyber-bullying around the world, where situations have gone as far as commission of suicides by the victims who fell prey to damaged self-esteem and threats stemming from the internet. Further, the deadly Blue Whale, and Momo challenges were gone into, and students were dissuaded from engaging in them. The students were encouraged to share their experiences, participate in the interaction, put up their queries before the team and provide a feedback, to which the response was remarkable.

The presentations were concluded, and the students enthusiastically signed up to volunteer for the future planned events and workshops to be organised by the Cyber Cell.

Centre for Constitutional and Law Human Rights Debate Competition

DME Centre for Constitutional Law and Human Rights organized Debate competition on the topic “ Should Sabrimala Temple open its Door for Women”. The aim of the competition was to hone public speaking skills of the students and teach them to be articulate while expressing their thoughts and opinions. The participants spoke for both 'for' and 'against' the motion in an enthusiastic debate. The highlight of the event was the question answer round as questions were answered confidently by both the sides, inviting counter questions which were aptly answered by witty and vivacious speakers. The session was a kaleidoscope of opinions, thoughts, ideas and perspectives that definitely enhanced the knowledge and understanding of the topic among the participants.

The event was supervised by Ms Navjot Suri, Mr Gunjan , Ms Sakshi Agarwal, Ms Neha Sharma



DME Delhi Metropolitan Education
Affiliated to GGSIPU, New Delhi & Approved by Bar Council of India

Centre For Laws On Gender And Sexuality

"Gender, Family and Violence"
Movie Screening and Interactive Session

Ms. Priyadarshini Bhattacharya
Assistant Professor (Jamia Millia Islamia)
Research Scholar (JNU)



Report
Diwali For All
Date: 23rd October 2019
Venue: Satya Public School

DME Community Connect Society celebrated the auspicious festival of Diwali with the students of Satya Public School which is located at Sector 51 near Hoshiyarpur, Noida. It was a fun filled celebration where the students of DME interacted with the children, which was followed by dance performances from the students of Dance Society of DME after which the school children were given activities of painting, singing and dancing.

DME Art Society had also organized a funfilled art activity for students (Class 1-4). It was very encouraging to see students enthusiastic participation for the same. The school children were filled with enthusiasm and joy.

Later on gifts were handed over to the children. DME gifted the Microphone system to the school. They also arranged the snacks for the students and faculty of DME. The photography society of DME captured those fun filled moments spent with the school children. The event concluded with a happy note and maintained the zeal of the festival.

Students were accompanied by Dr. Smita Gupta, Mr. Sachin, Ms Neha Sharma, Ms Akanksha Marwah





Student's Corner

CASE NOTE

Navtej Singh Johar V. Union of India¹

- Sakshi Gupta, Neha Khari, Ragini Kandhari, Abhishek Somani and Utkarsh Pandey



Introduction

Once a great German Thinker had said *"I am what I am, so take me as I am"*, which emphasise that individualism must inhale equality, liberty, fraternity and dignity. It is required to develop the society by approaching pragmatically that shall adapt all individualistic traits.

Whereby, in the light of the influential statement given by the Great German Thinker, a writ petition was filed before Hon'ble Supreme Court by five professional individuals from an LGBT community, wherein, they challenged the constitutional validity of Section 377 of IPC dealing with homosexuality leaving the latter part criminalising the carnal intercourse with animals which is beyond the debateable topic.

Background

In a celebrated case of *"Naz Foundation v. Government of NCT of Delhi"*, constitutional validity of s.377 was challenged on the ground of it is being in violation of Art.14,15 & 21 of the constitution of India. The Court held by the court that insofar, it criminalises consensual sexual acts of adults in private, violates Article 21, 14 & 15 of Constitution of India.

By the criticising the Hon'ble Delhi High Court's judgment, the division bench of Hon'ble Supreme Court overruled the Delhi High Court's decision in *"Suresh Koushal & Anr v. Naz Foundation"* and restored on the basis of reasoning that only the Parliament had the power to declare the Section 377 of IPC unconstitutional.

Arguments of the Parties

The Petitioner had raised three major contentions. According to Petitioner, discrimination against an individual on the basis of sexual orientation is deeply offensive to the dignity and self-worth of the individual. To this, the Respondent countered that Ar-15 prohibits discrimination on the basis of sex but not sexual orientation, therefore, section 377 is not violative of Ar-15.

The Petitioner also contended that homosexuality, bisexuality and other sexual orientations are equally natural and reflective of expression of choice and inclination founded on consent of two persons who are eligible in law to express such consent and it is neither a physical nor mental illness. To this the Respondent countered that the main reason for inserting sec 377 in IPC by criminalising carnal intercourse against nature was to protect the citizens from the injurious consequences as persons indulging in unnatural sexual intercourse. This section is more susceptible and vulnerable to contacting HIV/AIDS.

The third major contention raised by the Petitioner was that it is violative of Ar-21 i.e. Right to Life of Indian Constitution as nothing can be more private than consensual sexual relations which are always covered under the ambit of Right to Privacy. The Respondent contended that the Petitioner's submission regarding decriminalising has been allowed in many parts of the world and therefore, it deserves to be decriminalised in India as well does not hold good for several reasons.

Conclusion

On the basis of entire analysis we can conclude on the basis of the reasoning given by the Hon'ble Justices that the Section 377 of IPC continue to govern all the non-consensual sexual acts against adults and all the acts of carnal intercourse against minor, and acts of bestiality. Therefore, there is no prejudice in saying that homosexuality is not an offence but just a way of pursuit of happiness. As the law and society being dynamic in nature, both have to change accordingly. The law should change according to change in society but not vice-versa.

¹AIR 2018 SC 4321

²Johann Wolfgang von Goethe

³(2009) 111 DRJ 1

⁴(2014) 1 SCC 1

Indian Young Lawyers Association & Others V. State of Kerala & Others

- Maulika Awasthi, Sooraj Abraham Jacob, Kavya Bajaj, Rahul Kalra, and Vishal Vaid



The **Sabarimala temple** is dedicated to lord Ayyappa, situated in Kerala. In this temple women devotees of the age 10-50 were prohibited to worship. In 2006 the restriction was challenged in Supreme Court by **Indian Young Lawyers Association** on the ground that the rule violates the right of equality under article 14 (right to equality) and article 25 (freedom of religion) of female worshippers, where the Defendants were of the opinion that this practice of not allowing women is a 500 year old tradition that shall be continued and it is a characteristic of the deity of being a celibate which shall be respected. On 28th September 2018, Supreme Court permitted woman of all age groups to enter into the temple. A bench of 5 judges was appointed to hear the case, and the judgement was in majority with the ratio of 4:1. Where Justice Dipak Mishra, Justice Khanwilkar, Justice Rohinton Nariman, Justice DY Chandrachud were of the opinion that the practice of excluding women cannot be a valid religious practice as it violates the fundamental rights of the women, they considered it as a part of untouchability, it denudes woman right to worship. But Justice Indu Malhotra delivered a different opinion than the rest of the jury she said, commenting against a practice which have been followed from the last 500 years is against the 'Secularity' of a country, the courts must not interfere in the matters of faith.

The current scenario is that the followers of the religion believe that Supreme Court should not interfere with the religious sentiments of people and the female devotees themselves do not want to enter into the Temple and upheld with the customs and traditions.

The presenting group is of the opinion that the judgment was against the secularity mentioned in the preamble and also practice which have been followed from the last 500 years should have been respected.