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## From the Editor's Desk



The life seems to be coming on track, however wobbly the track might be. The pandemic is raging ever so high. The GDP is slumping to new depths. Employment generation seems like a far-fetched dream, employment retention stares at our face like a Sisyphean slope. Everything seems to be crumbling down around yet there is some music still left. People coming out of their homes, our maids returning back to us like the masked prodigal daughter/son, seeing the familiar, friendly faces of our colleagues and amassing that vast solidarity of hope of surviving together in the toughest.

A couple of weeks back a new session appeared to be an unknown and unclear possibility. Yet here we are, still fighting the fight of survival, conversing with each other and taking the cause of education forward through virtual classes. Although we do miss the raucous energy of the college life and lectures, with some attentiveness, some furtive glances at our phones beneath the desk, the new version of online classes where we stare at each other through laptops and phones is also working out quite well.

To the hope of seeing each other outside our phones, to the hope of the comfort of a human touch, a great cheer and banzai!

*Ms. Shambhavi Mishra*  
Assistant Professor,  
DME Law School



*Justice V.R. Krishna Iyer*  
Memorial Lecture series

## ROLE OF ADR IN REDUCING PENDINGNESS IN COURTS



**Dr EM Sudarsana Natchiappan**  
Sr Advocate, Supreme Court of India  
Former Union Minister

**DR. EM SUDARSANA NATCHIAPPAN**  
ON

### ROLE OF ADR IN REDUCTION OF PENDINGNESS IN COURTS

On 27th August, 2020, DME Law school organized a webinar lecture on the topic of "Role of ADR in reduction of pendingness in Courts" as a part of the Justice V. R. Krishna Iyer Memorial Lecture Series. The event was addressed by Dr. EM Sudarsana Natchiappan, Senior Advocate, Supreme Court of Indian and former union minister. It also observed the presence of Prof. (Dr.) Ravikant Swami, Director, DME, Prof. (Dr.) N.K. Bahl, Dean, DME Law School, Prof. (Dr.)BhavishGupta, Head-Academics, DME Law School.

Dr. Natchiappan began his address by stating Justice Krishna Iyer to be a rare combination of all the three wings of the Constitution- Legislature, Executive and Judiciary. Starting from Legal aid to poor to PIL, new jurisprudence in criminal law and Human rights, many of reforms in Judiciary were introduced by him. He then addressed the ancient ways of dispensing justice in India and stated that since time immemorial, villages have been the basic units of administration. The villages had elders who were the experienced in performing the administrative and judicial functions.

During the British colonial system, historical evidence shows that the British Government, had begun to implement the rule of law by enacting the laws for India by British Parliament. But in present day circumstances ADR is gaining momentum due to the high pendingness of cases. For example, for cases of NI Act, labour dispute, service matters, criminal compoundable matters etc, pendingness has been reduced considerably by the Lok Adalats.

He concluded his lecture by stating that the long procedures, hierarchy of appeals and unnecessary appeals by the government makes the pendingness of cases in courts large. Rich people and corporates use the lowest court fee structure in Supreme Court and make it inaccessible to ordinary citizens. ADR is currently earmarked for weak and economically suffering citizens but the allocation of budget is very meagre. This needs to change in order to allow better and equitable administration of justice.

Dr. Natchiappan's address was followed by a round of questions from the audience. The event was concluded by a vote of thanks by Ms. Bedapriya Lahiri, Assistant Professor, DME Law School.



#### Editorial Board:

*Ms Shambhavi Mishra, Ms Shabeeh Rahat*

Around 20 webinars in total were organized in the month of June, July and August under the DME E-learning Webinar Series, Orientation Commencement week and DME Management Seven Day Comprehensive Skill Development Workshop. The webinars were attended in large numbers by national and international students and faculties. In one of the webinars we had 565 students attending not only from India but also abroad. The online

mode made it easier for students and faculties to keep on learning in this pandemic situation.

A special thanks to Ms. Navjot Suri and Ms. Beda Priya Lahiri for painstakingly organising coordinating, compering and transcribing these webinars. Let's take a look at the legal stalwarts that graced us with their presence.

## “THE SPIRIT AND QUINTESSENCE OF FUNDAMENTAL DUTIES”:

### A riveting session on Constitutionalism and Social Processes by Justice Dipak Misra

It was a moment of splendour and awe when DME was graced with the presence of erstwhile Chief Justice of India Hon'ble Mr. Dipak Misra. With a history of sterling judgments as a judge of Supreme Court and then as the Chief Justice of India makes him nothing short of a legend in the legal and juristic fraternity. Who can ever forget the case of Navtej Singh Johar where after a long night of oppression and struggle, the LGBTQA+ community finally saw the morning of the decriminalisation of their sexual choices and freedom; or the shining moment in the judgment of Hadiya where the autonomy and agency of a woman were given due recognition. The fall of hammer, quite metaphorically, on the anvil of kangaroo courts and khappanchayats to denounce social evil of honour killing in the Shakti Vahini case was from the penmanship of Justice Misra. These few examples do no justice to the legal movements and revolutions encouraged and nurtured by Justice Misra. To have him amidst us was nothing short of a great moment for all the students of law, the fresh ones as well as the perpetual ones.

Justice Misra took perhaps the most side-lined aspect of the Indian Constitution and underlined its importance and value in the nation building and conserving process, the Fundamental Duties of the Citizen of India, introduced by the 42nd Constitutional Amendment. From the dark era of internal emergency which saw the most potent public movement in a post-independence era. As Justice Misra averred, “..these duties are not that way enforceable, yet they are quite fundamental for nation building and for developing individual character.” He stresses upon the fact that although the Fundamental Duties is understood to be a creation of the 42nd amendment, the soul and substance of the Fundamental Duties of the citizen was always discernable within the original text of the Constitution of India.

Justice Misra has been a champion of addressing major social issues through legal and juridical processes. But it was a pleasant revelation for the audience to understand his perspective on the parallel social movements and processes that should exist alongside the legal processes to make the nation stronger and sturdier than ever. Through his various examples, he brought the role of the citizen into a sharp relief as an indispensable actor in the development of society, nation and maatrubhumi. He stated, “A man of great wit, he replied, curiosity, made him do that. Education makes one curious and when you are curious you make enquiry and you become a better informed citizen and a better-informed citizen is a good citizen.” The session inspired the audience to look within themselves a good citizen, and assist the state agencies in the process of nation building.

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**DME LAW SCHOOL**

**THE SPIRIT AND QUINTESSENCE OF FUNDAMENTAL DUTIES**  
Tuesday, 7 July 2020, 1700 hrs  
Platform: Zoom  
Contact: webinar@dme.ac.in

**Hon'ble Justice Dipak Misra**  
45th Chief Justice of India

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## The Importance of the Profession of Law and its role in the Society:

### Keynote Address for the Session Commencement 2020-2021 by Justice K.G. Balakrishnan

DME had the pleasure of hosting another celebrated erstwhile Chief Justice of India Honourable Justice K.G. Balakrishnan as the keynote speaker marking the commencement of the 2020-2021 academic session in DME. He has also been the Former Chairperson of the National Human Rights Commission from 2010 to 2015. One of his most notable judgments would be the prohibition of use of narcoanalysis as a coercive and absolute form of evidencing technique. An avid advocate of right to privacy, long before it became a Fundamental Right, Justice Balakrishnan supported the value of Rule of Law in the most adverse of situations. As the first Dalit Chief Justice of India, Justice Balakrishnan is the sterling example of importance of public access and representation on top governmental posts in the eradication of the menace of caste and its associated evils.

Justice Balakrishnan highlighted the value of the profession of advocacy as one of the major pillars of a healthy democratic society. He very aptly pointed out to the fact that advocacy historically is considered as a profession rather than a service or a job, because it entailed with it a strict accountability to the state as well as the society. The profession of practising law, he

stated, is the melting pot of sociology, history, political science, business ethics and human psychology. Thus to understand law, and more importantly the practice of law, one has to be open to receive not one, but multiple disciplines together.

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DME Law School  
**Commencement Speech**  
Wednesday, 5 August 2020  
11:00 - 12:15 Hrs

**Justice K. G. Balakrishnan**  
37th Chief Justice of India  
Former Chair Person, NHRC

Zoom ID: 961 0555 4193  
Password: DGY0F3

B-12, Sector 62, Noida  
Tel.: 7042667951, 7042667516

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## Jurisprudence of Bail: An Insight into the famed concept of Criminal Law by the Doyen of Criminal Law Himself, Shree KTS Tulsi

Fuelled by the heroic exploits of the criminal lawyer in a Bollywood movie, there is an unsaid glitter and romanticism of a new law scholar towards studying the Criminal Law and its various aspects. Through the course of our scholarly journey through the Law schools and universities we realise the murky quagmires of the Criminal Law and procedures, so grossly represented in the masala movies. Senior Advocate Shree KTS Tulsi has been that pillar of criminal law advocacy that perhaps puts the multiple cinematic counterparts to shame. His representation of the victims of the Uphar Cinema case remains to be one of the most prominent judgments on criminal negligence, mass culpable homicide and victim compensation. To hear his views and opinions on the jurisprudence of bail was a great opportunity for all of us.

Bail remains to be the most elusive juridical creature in the criminal law. Shree Tulsi put it forth in the wittiest manner as he stated, “..I would like to say that whether there is usefulness of bail or not is itself a question because traditionally it has been known that bail is like the Chancellor's foot; if it fits in the Chancellor's foot then bail will be granted otherwise not, because we can't decide many a times upon any other reason as to why the bail has been granted or not granted.”

He revolved his entire discussion on the adversarial system of criminal justice administrative system and

how presumption of innocence is time and again marred by the coloured application of section 167 of CrPC, defeating the purpose of bail and presumption of innocence. He ended his session by pointing out the new waves being created in the Supreme Court addressing this very issue and is hopeful that the adversarial system of Criminal law shall be restored to its original glory.

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**DME LAW SCHOOL**  
**JURISPRUDENCE OF BAIL**  
Friday, 3 July, 2020, 12:30 Hrs  
Platform: ZOOM  
Contact: webinar@dme.ac.in

**Shri K. T. S. Tulsi**  
Senior Advocate, Supreme Court of India  
Member of Parliament, Rajya Sabha  
President, Criminal Justice Society of India  
www.ktstulsi.com

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## Challenges and Opportunities For Legal Profession in Post COVID Era: A Scintillating Analysis of the Effects and Resolution of the Current Pandemic Situation by Mr. Salman Khurshid

Mr. Salman Khurshid needs no introduction. A renowned practitioner of Law, a seasoned parliamentarian and the erstwhile Union Minister of Law and Justice Mr. Khurshid is also one of the patrons of Delhi Metropolitan Education, NOIDA. He presented a wonderful critique of the functionality of Supreme Court in the current times and an analysis of how the judges deliberate and decide the applicability and strength any given Fundamental Right. This, according to him would be even more important in the COVID and post-COVID times when the protective actions of the state will come in direct conflict with several Fundamental Rights of the people. He gave an example of the strict lockdown and the suspension of the movement, trade and commerce for the greater good of protecting the populace against a deadly virus. While the motives of the state, he points out, might be necessarily laudable in the wake of an unknown and new emergent situation, the presence of Supreme Court to keep a check on a pseudo authoritarian welfare state becomes extremely important. And it is here, Mr. Khurshid points out that the role of the advocates and legal practitioners would increase.

He was sceptical of the fact as to how the post-COVID

courtrooms would turn out to be, but as far as the clientele base of the advocates is concerned, he supposed that it might observe some increase, since the pandemic would lead to the need for various conflict resolutions.

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**DME LAW WEBINAR SERIES** Webinar by DME Law School  
**Challenges and opportunities for Legal Professionals post Covid-19**  
Date: 27.06.2020  
Time: 04:30 PM  
Duration: 60 minutes  
Day: Saturday  
Platform: ZOOM  
Contact: webinar@dme.ac.in

**Shri Salman Khurshid**  
Sr. Advocate, Supreme Court

Moderated by:  
Prof. (Dr.) Bhavish Gupta, Professor and Head - Academics  
Prof. (Dr.) N.K. Bahl, Professor & Dean

Hosted by:  
Mr. Kush Kalra, Assistant Professor

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## THE MONTHLY DOWNLOAD

The world is shifting towards virtual space as the reality is staggered under a pandemic. Cyber space in the COVID era has witnessed an unprecedented traffic as the world shut down and societies contracted to their homes. From work-from-home job set ups, virtual classrooms, virtual markets and e-commerce boom to extraordinary reliance on social media platforms, OTT platforms and even online gaming, the cyber space and web has emerged has the only space for human interaction in an otherwise paranoid world. This requires us to take a microscopic look at the laws governing the cyber space, the laws which were

already inadequate and struggling to match up to the super dynamic and amorphous structure of the cyber space in the pre-pandemic era to begin with.

**Cyber Cell, DME** in collaboration with the **DME Law School Newsletter** presents a monthly column featuring in depth analysis of the current developments in the field of cyber law and cyber space: A virtual critique of the virtual world.

*Team:*

*Student Editor: Shubham Sharma, DME Law School, Batch: 2018-23*

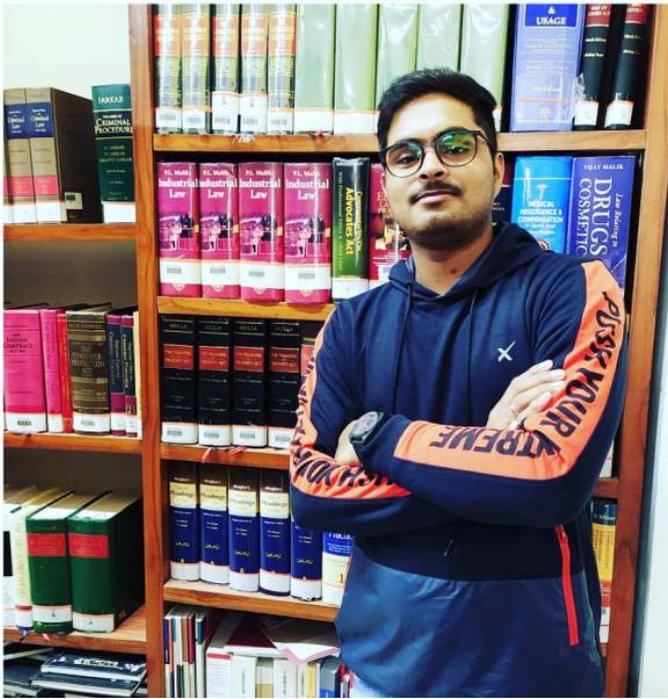
### The Elephant in the Room: The Rise of Phishing Attacks in India

#### Introduction

Phishing is a social engineering attack that is used to collect personal information including financial and login credentials for social media accounts using deceptive e-mails and websites. Phishing is one of the oldest cyberattacks which dates back to the 1990s. From hacking Hilary Clinton's campaign chairman's gmail password in 2016 to the "Fapping Attack" in which intimate photos of a number of celebrities were

made public, cyberattacks were done using the phishing method. In the present scenario India seems to be under a massive cyberattack.

In India, the *Indian Computer Emergency Response Team (CERT-In)* also issued an advisory against the rise of phishing attacks in India in the coming days. This article will discuss the rise in phishing attacks in the COVID-19 period and the need to take cognizance of the issue before it's too late.



The hackers are taking undue advantage of the present pandemic to distribute malware, steal important credentials of people. The *Barracuda network* has reported that phishing attacks have increased by 667% during the COVID-19 period in India. The researchers of the *Barracuda network* have detected 467,825 spear-phishing email attacks, and 9,116 of those detections were related to COVID-19, representing about 2% of attacks. It has been detected that the hackers used 3 kinds of phishing attacks in this pandemic which are scamming, brand impersonation and business email compromise. The hackers are using fake websites to impersonate popular apps to entice the victims and then provide them links such as "relief package", "safety tips during corona", "corona vaccine", "payment and donation during corona". In May, 2020 the *Indian Computer Emergency Response Team (CERT-In)* issued an advisory that phishing attacks are being done using the "AarogyaSetu" app. *CERT-In* claimed that the app-focused phishing attack has witnessed a high rise. Hackers impersonate themselves as the HR department, CEO, or any other person who is known to the victim and target users by spreading messages like "your neighbour is affected by COVID", "see who all are affected", "recommendations to self-isolate", "guidelines to use AarogyaSetu" inter alia and thus the victim is hunted. Further, the hackers impersonate themselves as an app linked to the World Health Organization (WHO) and other platforms such as ZOOM, GOOGLE MEET etc. Furthermore, "Kaspersky Security Network"(KSN) in one of its reports stated that its products have detected

and blocked 52,820,874 local cyber threats in India between the months of January and March. Kaspersky further claimed that cyberattacks have risen by 37% in India in Q1 of 2020 as compared to Q4 of last year.

Recently, Paytm filed a petition in the Delhi High Court seeking the court's intervention in safeguarding its customers from getting deceived through the phishing attacks that are taking place on various telecom networks such as MTNL, Jio, BSNL, Vodafone, Airtel, etc. Paytm contended that the hackers claim to be Paytm's representative and induce Paytm user's to share their credentials and thus transfers money from user's account to his own. It further argued that the telecom companies are liable to prevent such fraud. The failure of the telecom companies to verify the fraudster before the registration, enables him to accomplish the phishing attack. However, Jio, Vodafone and other telecom companies have criticised Paytm's petition. The judgement hasn't been delivered by the High Court till now. However, the court has given a notice to the Telecom Regulatory Authority of India (TRAI) to look into the issue. The court needs to look into this issue seriously. No matter how much the petition is criticised by the telecom companies but the issue of phishing attacks can't be ignored anymore.

Phishing attacks on our personal credentials is not a new type of a cyberattack. We have been encountering such attacks pre COVID-19. The present scenario has given more opportunities to the hackers to hunt our credentials. It's high time, we have been ignoring such attacks. India still requires a data protection law. The Data Protection Bill is tabled in the parliament since 2018 and still doesn't seem to make any progress. But the recent surge is perturbing and cannot be ignored anymore. Thus, it becomes very important for India to enact stringent laws to fight the menace of phishing attacks and safeguard the privacy of its citizens. If not taken seriously, the hackers will easily hunt the privacy of individual people and such private credentials can be misused which can cause great harm to innocent people. Further, the telecom companies are also required to make their registration process more stringent so that such attacks can be avoided.

**Raj Aryan Singh**  
DME Law School  
Batch of 2019-24

## E-commerce Experiencing Cyber Threats at Close Quarters: A Modern Phenomenon

E-commerce (Electronic commerce) is purchasing and vending of merchandise and ventures or transmission of assets or any specific data over the internet and through electronic gadgets available, as this pandemic grappled the entire macrocosm in itself the people whether an 8-year-old or 80-year-old has embraced the hand of technology to veer through these hard-hitting times.

There exists a various number of attacks which can be used to have an illegal access to the sensitive data of any computer or website, such as malware, drive-by attacks, phishing and spear-phishing attacks, denial-of-service (DoS) and distributed denial-of-service (DDoS) attacks, SQL injections attacks, and the list goes on, the question on concern regarding cybersecurity of user's data and the websites is discussed in this article below.

There are innumerable Indian applications that demand certain information to be filled by the consumers online, payments are being transacted throughout the day by the masses over the internet, applications such as Flipkart, Snapdeal, Amazon and so on are emerging essentials and start-ups in India. These e-commerce websites play an imperative role and are accessed by the users across the country, payments are made online via debit cards, credit cards, Google pay, Paytm and various other measures that encompass the consumption of private information of the users.

Since these online platforms entail private information of an individual, it becomes a matter of dire concern to the cybersecurity of these e-commerce websites as well as the users. Why? Because cyber-attacks and cyber threats are increasing in this contemporary phase where everyone and everything is getting digitalized and online, cyber-attacks are computer-based attacks executed by hackers or terrorist groups to tamper and devastate the websites owned by the government or even privately owned online businesses.

These threats might prima facie appear to be minimal and not of the potential of causing damage on a greater scale, but cyber-attacks and threats in point of fact are the foremost concern which we cannot afford to neglect.

Considering the threats and the attacks which e-commerce is dealing with continuously that have a potential of eventually imposing a great threat over the economy of India, the government has taken various steps to overcome the problem which is in front of us, for instance, the government established the National Critical Information Infrastructure Protection Centre



(NCIIPC) its main motive is to protect the sensitive information of our country, to maintain national security and economic growth, it also conducts several cybersecurity exercises to see whether the commercial sectors or government is prepared for the future attacks that might take place or not, Cyber Surakshit Bharat was an initiative launched by The Ministry of Electronics and Information Technology in the year 2019, its objective was to spread awareness about cybersecurity and cybercrimes. Cyber Swacchakendra and Personal Data Protection Bill, 2019 were two other projects led by the government to maintain cybersecurity.

Also a demand for creating an Integrated cyber command has been there from a long time in the country, India although is going to bring a new cyber-security guideline soon, which would benefit the country and the online businesses running within the territories of India, to maintain cyber security which is the need of the hour.

By the time you are done reading this article there is going to be over a thousand nationwide cyber-attacks approximately, which means a grave requirement for change still exists. The Government must come up with a national cybersecurity strategy which translates the government's vision into coherent and implementable policies that will help in achieving the objective. This can be achieved by referencing existing policies that seek to implement a country's digital agenda by assessing how cybersecurity can be incorporated into them.

**Harshita Verma**  
DME Law School  
Batch of 2019-2024

# AamiAaschi to your Alma Mater! Never say Good Bye

“VIRTUAL FAREWELL BATCH OF 2015-2020 (BA/BBA LLB)  
9/August/2020, Sunday; 4:00 pm – 6:00 pm”

The cultural society of Delhi Metropolitan Education, Noida sec-62 affiliated to Guru Gobind Singh Indraprastha University, conducted Virtual Farewell for Batch Of 2015-2020 (BA/BBA LLB) on 9/August/2020, Sunday; 4:00 pm – 6:00 pm.

The e-farewell was conducted under the guidance of our cultural head, Ms. NavjotSuri ma'am. The event became successful with the presence of our ever guiding and supportive Vice Chairman Mr. Aman Sahni Sir, Director

General Hon'ble Mr. Justice Bhanwar Singh Sir, Dean Prof. (Dr.) Naresh Kumar Bahl Sir, HOA Prof. (Dr.) Bhavish Gupta Sir and Director Professor Mr. Ravikant Swamy Sir.

The event was executed by the student convenor of Virtual Farewell Vartika Gaur and Surbhi Soni and members Smriti Bali, Disha Mittal, Pragati Sharma, Saurabh Singh, Sharmishtha Sharma, Sriejan Gaur, Pulkit Juneja, Prakhar Agrawal.

