THE IIT KHARAGPUR
LAW SCHOOL NEWSLETTER

ISSUE 1 | FIRST QUARTER 2023

by **Rajiv Gandhi School of Intellectual Property Law**
The LAW SCHOOL of IIT KHARAGPUR

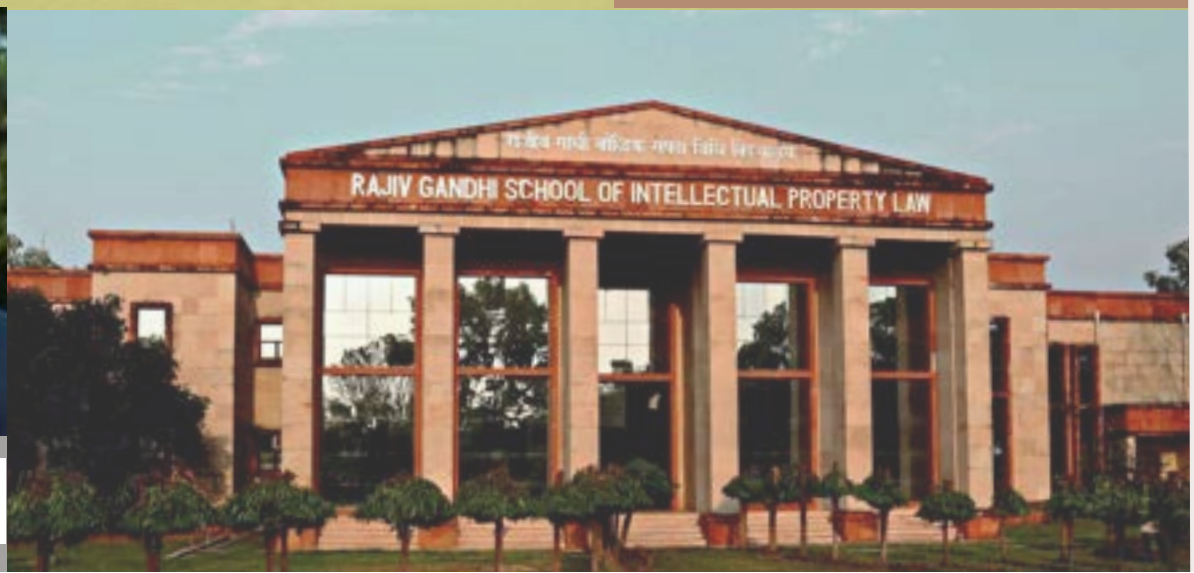
About The School

The Rajiv Gandhi School of Intellectual Property Law, the first of its kind in the IIT system, is a member of the global initiative to combine law and technology to develop professional lawyers who possess the knowledge to handle legal issues at the intersection of law and technology. A team of seasoned and inspiring faculty drawn from various disciplines of law have been guiding students who have ventured into different professions in the past years.

With holistic growth in mind, RGSOIPL strives to nourish resilient lawyers, adept in interdisciplinary analysis.



PATRON IN CHIEF
PROF. VIRENDRA KUMAR TEWARI
DIRECTOR, IIT KHARAGPUR



Message from the DEAN.



Dear Readers,

Welcome to the present issue of IIT Kharagpur Law School Newsletter. This current issue covers the first quarter of 2023 and highlights the significant achievements of the students and faculty along with regular legal updates. I am happy to inform you that the School has planned a series of activities in the coming days of which you will be updated. The Expert Lecture Series has witnessed the best from the academia and industry sharing their ideas and thoughts with the students. Prof. B.B. Pande, Prof. Purvi Pokhariyal, Prof. M.K. Ramesh and others have been part of the series. The Masters' Conference in Intellectual Property 3.0 witnessed tremendous response from students and faculty across India. Significant enthusiasm was expressed by all sections of the legal community through their widespread participation and support.

I once again take the opportunity to congratulate my colleagues and students for their successful academic achievements carried out during the last few months. The newsletter committee also wishes you all academic success for the coming semester. I extend my sincere gratitude to the Director, Prof. V.K. Tewari, for his continued support and leadership. Hope you enjoy reading this issue of the newsletter.

Prof. Dipa Dube
Dean, RGSoIPL
Professor of Criminal Law

FACULTY NEWS



Prof. Padmavati Manchikanti

- Awarded the "Most Powerful Women in IP" 2023 by the World Intellectual Property Forum.
- Became Member of the Steering and Advisory Committee (SAC) of WISE Internship in IPR, Department of Science & Technology.
- Delivered a talk on Ethical Issues And Intellectual Property Compliance- To Council Of Scientific And Industrial Research (CSIR) HQ SEC on March 18th, 2023.
- Delivered a talk on "The consequences of Non-Disclosure Remedies" at the International Conference on "Evolving trends for an International Regime on Intellectual property, Genetic Resources and Associated TK" on 29th March 2023, organized by CIPRA - NLSIU.
- Published a chapter called "Intellectual Property Rights (IPR) and ABS: Need for Universal Accountability and Monitoring" in the book- Biodiversity Conservation Through Access and Benefit Sharing (ABS) published in Springer Nature 2023, Page 103-124.

Prof. Indrajit Dube

- The school congratulates Prof. Indrajit Dube for his appointment as the first Vice Chancellor of National Law University, Meghalaya. Prof. Dube is an internationally acclaimed Corporate Law expert and has been a valuable faculty member since the School's incepion.



We extend him our Best Wishes for having a fulfilling term in his new role.



Prof. KD Raju

- Prof. Dr. KD Raju presented a paper titled "Use and Misuse of IP by Technology Companies" at the Fifth IP & Innovation Researchers of Asia (IPIRA) Network Conference at Nanyang Technological University, Singapore in March, 2023.
- Chaired a session at IPIRA, Singapore on the theme "Intellectual Property in Selected Industries", 2023.

Prof. Dipa Dube



- Invited Speaker on "Rights of Accused vis-à-vis Victims of Crimes" and "Recording of Confessions and Reliability of Witnesses" at the 2 weeks Special Training Programme for Attorneys from OAG, Nepal, organized by NLU Jodhpur, Mar 25-26, 2023.
- Invited as Expert at the Workshop on "Interaction of child victims with criminal justice system under POCSO- A Consultative Session" organized by West Bengal Commission for Protection of Child Rights, on Feb 25, 2023.
- Delivered Lecture on "Tackling sexual harassment at Workplace- Legal Perspectives" at the Discrimination against Women Pakhwada organized by CORAI, IIT Kharagpur on Dec 2, 2022.
- Session Chair at the Eighth International and Twelfth Biennial Conference of the Indian Society of Victimology on Securing Justice to Victims of Crime organized by Rajiv Gandhi National Law University, Patiala on Nov 3-5 2022.
- Session Chair at the 43rd All India Criminology Conference on Reimagining Criminology and Criminal Justice in the context of Changing Paradigms in Science and Technology, organised by WBNUJS from 17-19 Dec 2022.
- Invited as Resource Person to deliver lecture on "Security of Women at Workplace- Challenges" at the 14th Faculty Induction Programme on Feb 27, 2023 at the Dr. Hari Singh Gour University, Sagar.
- Invited as Resource Person to deliver lecture on "Security of Women at Workplace- Challenges" at the 13th Faculty Induction Programme on Jan 19, 2023 at the Dr. Hari Singh Gour University, Sagar.





Dr. Arindam Basu

- Publication titled "Noah's Ark: Building Arguments for Climate Migrants" in NUJS Journal of Regulatory Studies, Volume VII Issue III, 2023.
- Publication titled "Protecting Coastal Environment in India: Reading Laws in the Context of Climate Change" in Asian Journal of Legal Education, SAGE Publications, Volume 10 Issue 1, 2023.



Dr. Niharika S Bhattacharya

- Book titled "Geographical Indication Protection in India: The Evolving Paradigm", edited by Dr. Niharika Sahoo Bhattacharya has been nominated and awarded the "Best Book" by the IPKat in the trademark category.
- Journal publication along with K. Tiwari titled "Revisiting the Justification of Trademark Protection for Single Drug Compositions: A Critical Analysis from a Regulatory Perspective" in the Akron Law Review, Volume 55 Issue 2, p.3.
- Dr. Niharika presented a paper on "Emerging Trends in Patenting Cosmetics: An Asian Perspective" at the IPIRA Conference, Nanyang Technological University, Singapore.
- She presented a paper on 'Analyzing Non-Traditional Pharmaceutical Trademarks From Branded and Generic Perspectives' at INTA Trademark Scholarship Symposium, 2023 along with her Ph.D student which was held virtually.
- Dr. Niharika conducted a two days' workshop on Legal and Regulatory Challenges related to pharmaceutical industry, where students, academicians, industry representatives, CDSCO, and SFDA representative participated and delivered lectures on the challenges related to pharmaceutical industry.



Dr. Shreya Matilal

- Guest lecture on Artificial Intelligence and Law for West Bengal State Judicial Academy, Kolkata, on 2nd March, 2023.
- Guest lecture on "Copyright dos and don'ts for academics" at Serampore college, Hoogly, on 6th December, 2022.
- Presentated a paper titled "Copyright Infringement Liability and Immunity of the Intermediaries in India- A Critical Analysis at the IPIRA Conference, Singapore, 2023.



Dr. Shuvro Prosun Sarker

- A major project received approval from the Indian Council of Social Science Research on "Defining a Refugee Law for India" to start from April 2023.
- Dr. Shuvro Prosun along with Shreyasi Bhattacharya published a paper titled "Where Kindness Is Calculated: Refugee Regimes in South Asia" in Indonesian Journal of International Law, 2022.
- Published another paper with co-author Prakash Sharma on "Teaching and Research of International Law in an Expanded World: Understanding from the Indian Perspective" in the Brazilian Journal of International Law, Vol. 19, No. 2, 2022.



Dr. Balraj K Sidhu

- Research grant for 2023-25 received on the project titled 'Digital Platforms and Protection of Consumer Interests: A Contextual Analysis of Consumer Laws in India' from the Indian Council for Social Science Research.

RESEARCH activities

Anshuman Sahoo

"While 'law' and 'regulation' have been treated differently by jurists historically, we might witness an era where the distinction finally ceases to exist. With the introduction of legislations aimed at regulating tech giants and internet gatekeepers, we are observing certain trends across jurisdictions. First, L&E is finally getting the much deserved attention: economic rationales are being increasingly emphasised in lawmaking. Second, disciplinary boundaries are mostly disappearing: lawmaking now considers not only legal philosophy and economics, but also psychology, neuroscience, complexity theory, and a lot more previously unheard considerations. Third, and most important, more and more countries are opting for an informed divergence in their regulatory approach despite being part of a world that's ever more globalised: such increasing divergence might spell the death of neo-liberalism!"

Digital Market Regulation

Sinjini Sen

"People's desire to look beautiful in everyday life has made cosmetics indispensable part of daily life. Traditionally, cosmetic were herbal or Ayurveda based. Demand of better skin, hair has bought lot of innovation in the cosmetic market. There is a need to study what role intellectual property rights plays in terms of protection and acceleration of innovation in the cosmetic industry."

-Recently, presented a paper at 2nd International conference on multidisciplinary Academic Research and Innovation at Aryabhat Institute of Academic Research

Cosmetics and Intellectual Property Law

Mahima Tripathi

-Published Book Chapter Titled “An Asian Perspective Of Intellectual Property & Environmental Sound Technology: Challenges & Opportunities", In Edited Book On Comparative Law By Thomson Reuters.

-Presented paper titled “IP Challenges for ESTs: a specific reference to the E-mobility segment in Asia” in19th ASLI Conference - To focus and study the challenges towards in-house development of ESTs in particular to e-mobility segment and barriers for adoption of foreign technologies in context of India.

Environmentally Sound Technologies and IP Aspects

Ajay Sharma

-Presented a paper entitled "Intellectual Property Enforcement in Cross Border Cases Indian Perspective" at the FIFTH IP & INNOVATION RESEARCHERS OF ASIA (IPIRA) CONFERENCE, and Received the Award of Grant by IPPA for ICCP6 TORONTO .

Criminal Law Enforcement of Intellectual Property

Munmunlisa Mohanty

"The present world of work is shifting towards digital mode which forced the employment sector to undergo into drastic transformation. Emerging of technological innovation and implementation of robust automated machines has put a consequential impact on unskilled and manual workers in India, especially on unskilled contract workers. At one hand where the technological development and application of artificial intelligence in enhancing and improving the quality of industrial productivity has increased the job opportunities for skilled contract workers but at the other hand, the same application of AI has created a potential threat on the job security of unskilled and manual contract workers. The most interesting fact is that the India's New Labour Code which mandate the digital compliance, has absolutely silent on the rising fear of job insecurity amongst the unskilled workers who are engaged in organized and unorganized sectors in large scale."

-Recently presented a paper at First Annual Doctoral Colloquium at National Law University, Delhi

Labour and International Law

Aswinikumar Bairagi

"The judiciary must be separated from the legislature as well as the executive. Public Prosecutors play the most essential role in the criminal justice system. But in appointment, termination etc. the state government as well as central government play a pivotal role. The concept of fair trial is not limited to judges only but it is also extended to the public prosecutors and defense counsel."

-Recently published a paper in 43rd Criminal Conference organized by WBNUJS & ISV. Now studying the appointment procedure of public prosecutors under Cr.P.C.

Criminal law

Kuhu Tiwari

-Published an article in Akron Law Review - "Revisiting the Justification of Trademark Protection for Single Drug Compositions: A Critical Analysis from a Regulatory Perspective"

-Published Book Chapter Titled “An Asian Perspective Of Intellectual Property & Environmental Sound Technology: Challenges & Opportunities", In Edited Book On Comparative Law By Thomson Reuters.

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An Interdisciplinary Study of Trademarks with Relation to Pharmaceuticals

Shekhar Kumar

-Submitted a chapter invited by Maharashtra National Law University in association with Brill Publication along with supervisor Dr. Dipa Dube in the book 'On Criminalization- Where do we go from here?'.

-Analyzing Bihar Excise and Prohibition Act, 2016 which has completed six years since it's inception and testing the legitimacy of the legal framework based on Critical Criminal Law doctrines.

Criminal law

Atul Dubey

-Presented a paper at Doctoral Law Colloquium organized by NLU Delhi.

-Studying Right to Religion and Interplay of Article 25 and Article 26 and Court's Interpretation of religious rights

Constitutional Law

Sachinkumar P.P.

-Published a Journal article in Cochin University Law Review, (a peer-reviewed journal).

-Presented a paper at the Center for Ocean, River, Atmosphere & Land, IIT Kharagpur.

-Presented a paper at a Ph.D. colloquium at National Law University, Delhi.

-Presented a paper at a conference conducted by the International Society of Public Law.

Energy Law and Policy

Sumeet Guha

-Recently presented paper in the IPIRA conference at Nanyang Technological University , Singapore.

-Studying the interplay of the two Acts- Copyright Act, 1957 and Information Technology Act, 2000 .

Copyright and Digital Media

Ankita Chakraborty

"Every aspect of law enforcement, including raid-rescue interventions, arrests, investigations, prosecutions, witness and victim protections etc. fall short of certifying higher conviction rate and addressing the actual needs of the trafficked survivors. Victim co-operation and participation at various stages of investigation and trial can be ensured only when active measures are employed towards protection of victims’ rights. The need of the hour is to have skilled stakeholders fully equipped with adequate knowledge and resources to combat the crime. Offenders’ accountability, clear attitudinal orientation, and utmost sensitivity towards the victims is the first step to tackle the complex web of sex trafficking. Moreover, compensatory relief and a strong framework to access the relief can be a significant stride towards victim restitution."

-Published a book chapter on “Judicial Analysis of Sex Trafficking Cases in India - A Representative Study of Trial Court Judgments” with Prof. (Dr.) Dipa Dube in an Edited Book Titled “Criminal Justice Administration: The 21st Century Perspective” by West Bengal National University of Juridical Sciences.

-Presented a paper on “Criminal Justice Responses to Sex Trafficking in West Bengal - A Representative Study from Victims’ Lenses” at the 8th International and 12th Biennial Conference of Indian Society of Victimology, conducted at RGNUL, Patiala. --Presented a paper on “Justice for Sex Trafficking Survivors in India-A Cross-Sectional Stakeholder-Survivor Perspective” at the Lancaster University Law Conference, United Kingdom.

Gender Justice and Criminal Law (Enforcement of sex trafficking laws)

Sherin Priyan

"The AVANCI patent pool in Automotive Industry is now licensing more than 50% of the total IoT patents in the Industry. This has led to the speculation that even collaborative licensing strategies are now facing scrutiny under competition law."

-Presented a paper in the IPIRA conference at Nanyang Technological University , Singapore - "Patent pools and innovation-based approach in global healthcare crisis".

Intellectual Property and Competition Law

OUR ALUMNI

S. John. J. Raja Singh

Secured a new position as the Additional Government pleader, High Court of Madras.. He is an alumnus of the law school from the batch of 2009-12 and has pursued LL.B. (Hons.).



Ms. Smita Kumari

Secured a new position as the Deputy Manager (R&D IP) at TVS Motor Company. She is an alumnus of the law school from the batch of 2016-19 and has pursued LL.B. (Hons.).



Mr. Tanveer Verma

Secured a new position as the Principal Associate (Competition and Antitrust) at Khaitan and Co.. He is an alumnus of the law school from the batch of 2012-15 and has pursued LL.B. (Hons.).



Mr. Akshay Mittal

Secured a new position as the Assistant Vice President APAC, at JPMorgan Chase and Co. He is an alumnus of the law school from the batch of 2014-17 and has pursued LL.B. (Hons.).



Ms. Vatsala Prajapati

Selected in Madhya Pradesh Judicial Services 2021. She is an alumnus of the law school from the batch of 2012-14 and has pursued LL.M.



THIS IS ONLY A GLIMPSE OF OUR VAST NETWORK OF ALUMNI IN DIVERSE FIELDS

Mr. Shreyas Santra

Secured a new position as the Assistant Vice President at Yes Bank He is an alumnus of the law school from the batch of 2015-17 and has pursued LL.M and LL.B. (Hons.)



Ms. Priggya Arora

An IP advocate who is the founder of her own IP legal advisory PA Legal. She is an alumnus of the law school from the batch of 2014-17 and has pursued LL.B. (Hons.).



Ms. Vandana Prabhu

Secured a new position as the Head of the IP department at India at Rakuten Symphony. She is an alumnus of the law school from the batch of 2011-14 and has pursued LL.B. (Hons.).



Mr. Pranit Kulkarni

Counsel Bombay High Court, Chamber of Dr Abhinav Chandrachud. He is an alumnus of the law school from the batch of 2017-20 and has pursued LL.B. (Hons.).



Mr. Nishidh Patel

Gained a new position as the Partner at Singhania & Co. LLP. He is an alumnus of the law school from the batch of 2011-14 and has pursued LL.B. (Hons.).



Ms. Harshita Agrawal

IP Attorney at LCGN Advocate Appeared for the petitioner in NATCO v. Novartis. She is an alumnus of the law school from the batch of 2019-22 and has pursued LL.B. (Hons.).




cultural programme 2k22
MOCK PARLIAMENTARY COMMITTEE DISCUSSION
onam
fresher's
CAMPUS

ACTIVITIES

HOLI





with team





BASKET BALL!

DREAM TEAM!





IPIRA SINGAPORE!

DREAM TEAM!



behind the scenes

MCIP



you teachee me, you teachee them

Constitution Day



CONFERENCES

The Masters' Conference on Intellectual Property (MCIP) 3.0







- The law school organized the third edition of the Master's Conference on Intellectual Property. The conference was conducted from March 24, 2023 to March 26, 2023. Participants including Academicians, Advocates, Research scholars, Post Graduate Students and others, presented their papers.
- The event included three segments: 1. Paper Presentations 2. Essay Writing Competition 3. Policy-Making Competition.
- Theme for this year's paper presentation was "IP and YOUTH: Advocating for Innovation." The theme was inspired by the WIPO, celebrating World Intellectual Property Day. MCIP 3.0 offered a plethora of non-exhaustive sub-themes as well. The authors could make a suitable choice from the given sub-theme or any other topic tangent to the central theme.
- Through MCIP 2023, the focus was on celebrating the "*Can Do*" *attitude* of marginalized communities and women inventors, creators, and entrepreneurs worldwide and their ground-breaking work.



Guest Lecture

Sri. Ashis Kumar Hazra

Judge Special Court - Durgapur, West Bengal



Sri. Ashis Kumar Hazra, delivered a guest lecture on family litigations to the freshman year students of 2022. The discourse highlighted practical issues related to procedural law and rules of practice. Mr. Hazra emphasized on learning the procedural laws and spoke on matrimonial disputes, adoption, partition, guardianship of minors, preemption and succession in his 2-day lecture series. His lecture detailed out the avenues available to approach the courts for each issue, grounds to file the case and execution of the orders. Mr. Hazra's comparison of the provisions of family law related statues helped students in better understanding which of those statues to be invoked for a specific issue. His detailed presentation with comparisons and lively lecture with case laws and live examples from his courtroom certainly enriched the students' learning experience.

On a lighter note, Sri Ashis Kumar Hazra says "Money is flying for advocates who could catch it and while there is dearth of good procedural lawyers and once the students get well versed the future is theirs" - something to reckon.



Sri. Sudipta Kumar De

District and Sessions Judge - Purulia, West Bengal

Sri. Sudipta Kumar De, addressed the final year students of 2022 and delivered a lecture on Drafting and Pleading. Mr. De, guided students through the provisions, explaining them in detail, which helped them get cognizance of nitty gritties that they would have otherwise missed. For example, his insights on how, even a plaintiff has a provision to file in a written statement (after the defendant submits their's) which will be a part of plaint. He also spoke about amendments of plaints and the provisions in CrPC. Students gained more insights on the subject through the details he shared on his experiences being an advocate. Sri. Sudipta Kumar De emphasizes on legal reading in general and the importance of the bare act reading in specific.

Sri. Ashis Kumar Hazra and Sri. Supdita Kumar De also distributed the prizes to the students whose participation won RGSOIPL first runner up position in the debate competition held by the Ministry of Law and Justice as part of the Har Ghar Tiranga campaign of India's 75th Independence day celebrations.

Professor Purvi Pokhariyal

Dean of School Of Law Forensic Justice And Policy Studies- Gandhinagar, Gujarat



Professor Purvi Pokhariyal is the Director of Campus, Academics and Research at the National Forensic Sciences University, Gandhinagar. She specializes in Criminal Justice and Justice Education. Prof. Pokhariyal has the distinction of being the first female chairperson of the Indian Society of Criminology. She is a visiting faculty at HOF University, Germany.

Prof. Pokhariyal delivered a lecture on "Forensic evidence building for Legal professionals". She started with the basics of the Criminal Justice system, its pillars, followed by a comparison of conviction rates among various countries and the fundamentals of Forensic Science, emphasizing the importance of forensic science in criminal procedure. She laid down the challenges faced by the domain and the way forward being proper training of candidates and appreciation by the Judiciary.

Pro-Bono Club

National Runners-Up on HAR GHAR TIIRANGA

In its extended effort to celebrate Azadi Ka Mahotsav, the department of Legal affairs, the Ministry of Law and Justice, the government of India initiated Har Ghar Thiranga. A national-level debate competition on constitutional issues was held under its aegis. A debate on the topic “Whether India needs a UCC?” was conducted by the Pro Bono club, in which 8 students participated. A video and transcript of the same were sent as an entry to the national competition by the final year LLB student Mathews Savio, which secured the first runners-up position at the National level.





Constitution Day Celebration

The Technology Students' Gymkhana in collaboration with the Pro Bono club of RGSOIPL, celebrated Constitution Day. The Dean, RGSOIPL, and President TSG inaugurated the event. To commemorate the Day, Professor KD Raju, RGSOIPL, guided the NCC cadets and the students of IIT Kharagpur in reading the preamble of the constitution of India. Following this, Law students engaged in a thought-provoking debate on the reformation of the collegium system.

Anti Ragging Awareness Event

The law school organized an anti-ragging awareness program for the institute's students under the aegis of the Pro Bono club IIT Kharagpur. Shri. Soumen Mitra, IPS (Retd.), Former Commissioner of Police, Kolkata, was the Chief Guest of the function and delivered the keynote address. The formal program was followed by a skit by the students of the Law School depicting the nuances of ragging and why not to indulge in it, and a Q&A session with the guests. The attendees gained an accurate understanding of what constitutes ragging and its consequences for both the victim and perpetrators. The message of "Say no to Ragging" was imbibed in everyone.



FROM THE COURTS

Don't rely on crowd-sourced resources like Wikipedia; Supreme Court cautions Courts & Adjudicating Authorities

Hewlett Packard India Sales Pvt. Ltd v. Commissioner of Customs (Import), 2023 SCC OnLine SC 31.

While dealing with a case where the Commissioner of Customs (Appeal) had referred to Wikipedia to come to a conclusion in a case, the bench of Justice Surya Kant and Justice Vikram Nath, has cautioned the adjudicating authorities against completely relying on such online sources. While the Court acknowledged the utility of these platforms which provide free access to knowledge across the globe, it also cautioned against using such sources for legal dispute resolution as, despite being a treasure trove of knowledge, such resources are based on a crowd-sourced and user-generated editing model that is not completely dependable in terms of academic veracity and can promote misleading information as has been noted by this court on previous occasions also.

Writ petition under Article 226 maintainable even in contract cases if State fails to be fair or practices discrimination: the Supreme Court

M/S Gas Authority of India Limited v. M/S Indian Petrochemicals Corporation Limited and Ors., 2023 LiveLaw (SC)88.

A division bench of Justices Sanjay Kishan Kaul and Justice Abhay S Oka held that the writ jurisdiction of the High Court under Article 226 can be exercised even in contractual dealings if the government fails to exercise fairness or practices discrimination. The Court made the observation while upholding a Gujarat High Court decision to grant relief to Indian Petrochemicals Corporation Ltd. (IPCL) in the exercise of the Court's writ jurisdiction in a contractual dispute with the Gas Authority of India Limited (GAIL). On the issue of maintainability, the Court noted that the writ petition was maintainable since GAIL was a public undertaking and, therefore, a 'State' under Article 12 of the Constitution. Pertinently, the Court added, "Further, writ jurisdiction can be exercised when the State, even in its contractual dealings, fails to exercise a degree of fairness or practices any discrimination.

Supreme Court upholds validity of All India Bar Examination; BCI to decide whether it should be held pre or post-enrolment

Bar Council of India v. Bonnie Foi Law College, 2023 SCC Online SC 130.

A Constitution bench of Justices Sanjay Kishan Kaul, Justice Sanjiv Khanna, Justice AS Oka, Justice Vikram Nath and Justice JK Maheshwari upheld the validity of the All India Bar Examination (AIBE) that law graduates are required to take to be allowed to practice before courts. The Court held that the powers of the Bar Council of India (BCI) to conduct the exam were adequate, adding, "We are, thus, of the view that while considering the questions referred to us, the only conclusion which can be laid is that the interdict placed by the judgment of this Court in V. Sudeer on the powers of the Bar Council of India cannot be sustained and we cannot hold that V. Sudeer lays down the correct position of law."

On whether the AIBE should be held pre or post-enrolment, the Court said, "The effect of the view expressed by us would be that it has to be left to the Bar Council of India as to at what stage the All India Bar Examination has to be held – pre or post."The bench noted that while there are consequences, especially in respect of the interregnum period, which would arise in holding the AIBE in either scenario, it was not for the Supreme Court to delve into them. "But it would be appropriate to leave it to the Bar Council of India to look at the niceties of both situations," the judgment stated. The Court also called for an appropriate rule to be framed laying down that an enrolled advocate who takes up employment in a non legal context for a substantial period would be deemed to be a new enrollee, and would be required to take AIBE again. "We believe that the requirements of an active legal practice and that of an unconnected job are different. Even if a person has a law degree or enrolment, it does not mean that his ability to assist the court would continue with him if there is a long hiatus period of time in some unconnected job. He would have to hone and test his skills afresh," the Court said.

Supreme Court upholds Centre's decision of demonetizing Rs. 500 and Rs. 1000 currency notes

Vivek Narayan Sharma v. Union of India 2023 LiveLaw SC 1

In a petition against the demonetization of Rs. 500 and Rs. 1000 currency notes in 2016, the Constitution Bench has upheld the Centre's 2016 demonetization scheme in a 4:1 majority and held that demonetization was proportionate to the Union's stated objectives and was implemented in a reasonable manner. In a majority opinion, the court, while answering with respect to the power available to the Central government under section 26(2) of the RBI Act, 1934, held that “The interpretation leading to absurdity, and which renders a provision to be futile, must be avoided. Any interpretation which advances the purpose and object of the legislation must be preferred when two constructions can be done. Thus, a restrictive interpretation of the term “any” cannot be given.” In conclusion the court said that power available to the Central Government under Section 26(2) of RBI Act cannot be restricted and can be exercised for all series of bank notes. Similarly while deciding on the decision making process the Court held that “the decision making process cannot be termed as a fraud in law, merely because the procedure has emanated from the Central Government. The term “recommendation” must be construed in the context of the statutory scheme.”

Dissenting Opinion: Justice B.V Nagarathna, J note that the Majority's judgment does not recognize the essential fact that Section 26(2) does not consider the initiation of demonetization by banks noted by the Central Government. It contemplated the demonetization by the Central Board of RBI. Hence, if demonetization must be initiated by the Central Government, then such power must be derived from Entry 36 List 1, Seventh Schedule, which provides for currency, coinage, legal tender, and foreign exchange. She held that demonetization of the whole series of Rs 500 and Rs 1000 currency notes is a serious matter, and it could not be done by the Centre by merely issuing a Gazette Notification.

STUDENTS' CORNER

FIVE MOVIES A STUDENT OF LAW MUST WATCH

- Paper Chase (1973): The story of a first-year Harvard Law Student and how he tries to impress his professor. The movie captures the teaching methodology of Harvard (Socratic method) and how students are afraid to answer the professor's questions. The protagonist, though ridiculed, attempts his best to gain the attention of his professor, and in that process, he understands the spirit of the law.

- The Court (2014): A Marathi movie, possibly the only movie showing what a courtroom is. This movie is devoid of the usual "tareekh pe tareekh" kind of drama; instead, a pragmatic approach to what an actual courtroom looks and feels like is very well portrayed here without losing the thread of the movie, which revolves around a suit against a civil rights activist.

- On the Basis of Sex (2018): An American biographical legal drama based on the early life of Ruth Badger Ginsberg J. (The judge behind Roe v. Wade). The movie will allow a student of law to understand the different contours of laws of discrimination.

- Sec. 375 (2019): An Indian Hindi language movie. A defense lawyer who believes that lawyers are in the business of law, not justice. This movie will raise doubts in the minds of students of law as to what is professional ethics of a lawyer.

- 12 Angry Men (1957): An American courtroom drama about 12 jury members. What transpires in a jury room during their deliberations in a murder trial? This movie will allow a student of law to have an understanding of what 'reasonable doubt' means.

writer: sachinkumar

CHRONICLES OF A REASONABLE MAN: THE HERO OF LAW



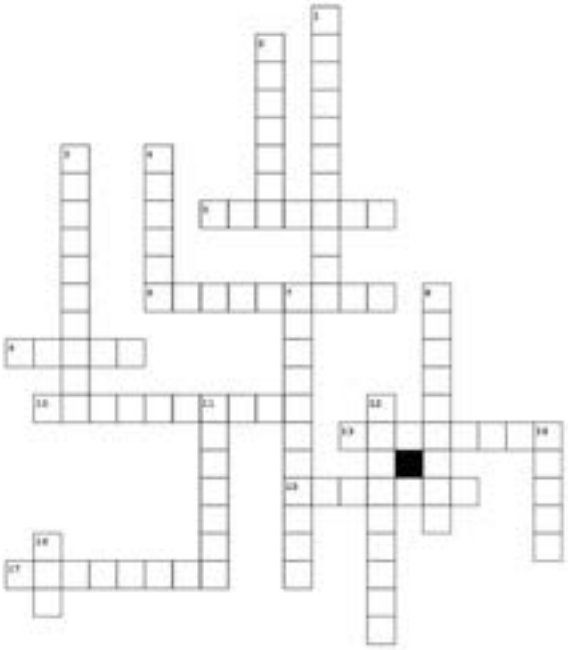
illustration: anunanda story: shivali

THAT'S A SKETCH!

illustration: aishwarya



Cross-word



Across

5. Which form of the protein structure is patentable? (7)

6. Agreement used to assist in the foundation of a business working relationship between two parties (4,5)

9. people that try to influence the government are said to be part of a (5)

10. Kind of sharing of revenue between the Center and State (10)

13. The Criminal Law Amendment Act 2006, amended Sec 375 based on the consultation with ___ Commission for Women (8)

15. The final document submitted to the Magistrate by the Investigating Officer after an FIR (7)

17. Austin stated " No _____ law can be legally unjust" (8)

Down

1. A system where the Court takes on a proactive role (11)

2. defraud, destroy, alter valuable security or accounts of the employer (7)

3. Killing or injuring any animal is a _____ offense under IPC (10)

4. Line of_____ in a Sapinda relationship (6)

7. Exception u/s 30 of Indian Contract Act, 1872 (5,6)

8. A person who has control over the affairs of the premises (8)

11. Laws or acts passed by a government body (8)

12. The least favored type of Hindu Marriage (9)

14. _____ Baccalaureus (5)

16. A solemn promise that something said is true (3)

WATCH OUT!

FOR
A SERIES OF UPCOMING
EVENTS!

- National conference on Legal Education, Profession and Integrating Pro Bono Culture for Better Access to Justice, on 8th and 9th April, 2023.
- National MOOT COURT Competition (Dates TBA)
- National Colloquium (Dates TBA)

1. **Three Years LL.B.**
2. **Two Years LL.M.**
3. **Ph.D**

The admission process starts in the month of January: All India written test and interview for 3 years LLB course and 2 years LLM will be held in April. If you wish to join us, keep an eye for office updates on our website, LinkedIn, Facebook and Instagram pages.

TEAM: Aishwarya, Vaishnavi, Shivali, Rutambhara, Jishnu, Anjana, Anunanda, Bharat, Sivashankar, Sankarshanan, Vinay, Soumya, Neeraj, Deepshika, Shriyash, Anirban.

Disclaimer: This newsletter is only a glimpse of the activities/information of the Law School. Readers are encouraged to visit the website of the law school by scanning the QR Code and go through our social media pages.