INDORE INSTITUTE OF LAW™
(Affiliated to DAVV & Bar Council of India, New Delhi)

III KLB MUN 3.0 National Conference

Date : 29– 30, April 2022
Day : Friday & Saturday
Venue : Indore Institute of Law

: Guest :

Inaugural Ceremony

Mrs. Kanchan Tare
(Principal, Shri Shri Ravi Shankar Vidhya Mandir International School, Indore)

Valedictory Ceremony

Mr. Arshit Gautam
(Editor-in- Chief, Free Press)

Indore Institute of Law organized III Kanti Lal Bam Model United Nations 3.0 Conference at Indore Institute of Law, in which a total of 200+ participants from national level schools and colleges participated.

The inaugural ceremony was held on April 29, 2022 in which Mrs. Kanchan Tare. Principal, Principal, Shri Shri Ravi Shankar Vidhya Mandir International School, Indore was the Chief Guest. In her address Mrs. Tare expressed her views on the topics to be discussed in the conference and was full of praise for selecting such relevant topics from the very recent days gone by. She also emphasized on the importance of teachings from Ramanyan and Mahabharat for students.

The Model United Nations had 4 National and 1 International committee. The various committees and agenda(s) discussed are as under

a. All India Political Party Meet (AIPPM) – "Hijab Row" in Karnataka in current india's scenario.
b. World Health Organization (WHO) – Necessity to balance Corona virus caused restrictions and Human Rights Crunch Globally (specially emphasizing on developed & non developed countries.)
c. International Press – a Global organization dedicated to the promotion and protection of press freedom and the improvement of of journalism practices. Currently It has members in 120 countries.
d. United Nations General Assembly Disarmament and International Security Committee (UNGA DISEC) – its agenda was Russia's obstinate invasion of Ukraine with special emphasis on Russia blocking UN Security Council's Resolution.
e. United Nations Human Right Council (UNHRC) –its agenda was analyzing Humanitarian crisis in Afghanistan.

The participants in all the committees enthusiastically participated and presented their views on all the topics. The various EB's were enthralled to hear the views of the participants and had a tough time in deciding upon the best delegate.

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Icon Education Society (I.E.S), as a first step to achieve its objectives, decided to set up an exclusive and independent college to provide specialized, high quality Law education for professionals, coupled with all basic infrastructure facilities.

Indore Institute of Law is the first independent & exclusive College of Law in Indore, Affiliated to the Bar Council of India & Devi Ahilya Vishwavidyalaya (DAVV), Indore. The Study/ Course/ Admission/ Examination and Degree shall be strictly in terms of regulations of DAVV, Indore. Indore Institute of Law is only Private College in Madhya Pradesh where all the law courses are under one roof.

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NYAYA DISHAA

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CYBERBULLYING: FROM THE EYE OF VICTIM

Emergence of Cyberbullying as a crime.

As we know, technology is a double of-blessing and a curse where users constantly balance the hazards and incentives it offers. It's no more just a cliché: we're all mostly networked, 24/7, regardless of where in the universe we're just one click away from our families, colleagues, peers, mentors, friends and relatives and even random people.

On one hand, the Internet is making the universe a much smaller place full of possibilities for people with limited assets to flourish, as well as creating awareness of essential cultural -political movements and trying to act as a philanthropy agenda for many worthy causes; on the other hand, it has revealed vulnerable individuals to a profoundly dark web and bullying world while sitting comfortably in the vicinity of their homes.

Cyberbullying is a growing form of electronic bullying. Also attributed as online abuse is this type of bullying. It has become increasingly popular with the expanding use of digital technology; particularly young people are the very simple and weak perpetrators of online bullying as they fall prey to cyberbullies very easily. Cyberbullying is something when another person harasses or bully others on web sources including social media sites. This harmful behavior can include posting threats, personal information of victim, sexual remarks, rumors, or pejorative labels. It can be identified by repeated or continuous behavior and intention to harm the victim, his/her reputation and instilling a constant apprehension in the victims that the bully might cause the irretrievable harm to them or their kith or kin. Victims may have suicidal thoughts, low self-esteem, and various abnormal emotional behaviors that might include being angry, frustrated, and scared, and depressed.

Several researches have highlighted that there are a number of serious aftermaths of cyberbullying victimization as in most cases, by the time a person comes to know that he/she is in a trap it is already too late and a mere virtual presence of the offender makes his or her escape even easier.

The thing that might make online abuse detrimental far more than physical abuse is how it continues to persist all the time. Strangers and also friends often are viewed with the prevalence of social media sites as well as other digital forums, photographs, comments, content shared and posted by individuals. The material that an ordinary person shares on various websites are both their private content and then any detrimental, meaningful, or harmful content–generates a sort of special public documents of their opinions, pursuits, and behavior. This identifying information could be seen as an online identity that can be reachable to classrooms, hiring managers, universities, clubhouses and those who are currently or in the long term investigating an individual. Online bullying has distinctive issues that may not have been considered at the period of conventional bullying:

Recurring–smart devices provide an instant and consistent capacity to communicate any hour of the day, and this can be tricky for children who are experiencing cyberbullying to find a sigh of relief.

Sustainable – Even if not disclosed and removed, most digitally conveyed data is perpetual and public. An adverse internet presence can affect university admissions, job opportunities, and other aspects of life, for not only the victims but even those who bully.

Difficult to notice – Since parents and teachers might not probably hear or even see cyberbullying happening, around the same time it is harder to identify and restitute the victim.

So, it can be undoubtedly said that cyberbullying has established itself as a rampant crime all around the globe with very serious repercussions over the victims and some very unique and effective precautionary methods should be used to curb the same.

Corrective Measures to Improve The Situation

Apart from relying on technological advances for online bullying prevention, educators, parents, and learners themselves ought to intervene to prevent all these offensive lines. The consequences of online harassment and its principle can be advertised. The school's anti-rage

cells and posters can help prevent it. School management should create the principle of online bullying, its repercussions and effects comprehend to students. They could teach the students cyber morality and ethics and pass on understanding of cyberbullying laws. By arranging certain practices or informational sessions, schools can prevent cyber bullying to give them the whole idea of it. Also, schools should inculcate in its policy, the right to intervene in off-premises conduct of a child which also effect on-premises behavior of the children. There should also be a school teacher, an advisor who might look in to the bullying and harassment problems and help the victim deal with it. School should also supervise students' browsing habits and take the appropriate action to discipline them. Mother and father must demonstrate what online bullying is to students, must help their ward if they become the same victim. Custodians should look at their child's internet usage and actions and deeds. They should also make certain internet - connected rules in the house. They should encourage the parents and guardians to inform if they are bullied by any person and maintain hearty relations with their children. They should guide the child so as what to do in these kinds of situations to avoid it and also keep evidences. Also, they should keep the child busy and also encourage him/her about the positive things. They shall complain about the same as soon as possible and should also inform the school authorities. They can also file a case in case they want to seek protection from the court.

There are several other ways to curb the bullying as well:

Know that it's not your fault: If a person is cruel to someone repeatedly, then it is called at cyber-bullying and no person deserves this kind of behavior.

Don't respond or retaliate or reply: Some of the times, what the aggressors are looking for is your reaction. They have a psychology that it will give them power over the victim. If the victim does not want to empower a bully, then he should stop reacting on the same and retaliation can turn into a chain reaction. It is better to remove yourself out of the situation and if this is not possible then, sometimes humor disarms or distracts a person from bullying.

Secure the evidence: If the bullying takes place online or on phone than it can he saved, captured, and shown as evidence easily. You can show it to someone to take help them.

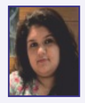
Voice your discomfort: If you are uncomfortable, then it's completely onto you that you should not indulge in it and make your position clear that you will not tolerate this treatment anymore. You should practice this beforehand with someone you have upon like a good friend, siblings or parents.

Avail help: If the behavior of the bully is really getting upon your nerves than it is the right time to seek help from your trustworthy person and see if that person is available for you to listen, understand and help you with your problem. This may be a relative, friend, parents or siblings etc.

Make full use of available tech tools: Mostly all social media services and apps have an option of blocking a person. Even when harassment is through texts, apps, comments on tagged pictures, etc. you should do a favor a to yourself and block the person. You also have an option to complain to the customer care. If you are getting threats of any kind or of physical harm, then you should call your local police with someone's help and report to school authorities (if applicable).

Protect and securitize your accounts: You should not share your passwords with "anyone". Also, that, your phone should be password protected so that no one can misuse it to threaten you.

Take action: Taking your own stand can motivate and embolden the aggressor. All you can do is to try to stop the bullying. If you cannot help to stop it then at least you should support the bullied individual. You can pay attention and use this to help if the person is a friend. Consider combined if you must report the intimidation. Even if you and the victim are no friends, even a kind gesture can help to reduce the pain of him/her. At least, you should not give a positive attention to the aggressor/ person responsible for bullying.



VAIDEHI PAREEK
Assistant Professor
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SETTING ASIDE ALIENATION; AN OVERVIEW

A coparcener, according to Mitakshara law, cannot make a gift of the coparcenary property, not even of his own interest in the property. Therefore, where such a gift is made, and it is objected to by the other coparceners, the court will set aside the gift in its entirety. The gift is not valid even to the extent of the donor's interest in the property. However, when a coparcener makes a gift of his entire interest in favor of the sole remaining coparcener, such a gift may be held to be valid either on the principle of renunciation or as a transfer with the consent of all the coparcener, the consent of the other coparcener, who is himself the done, being presumed.

Where a member of a joint family governed by Mitakshara law as administered in Bombay and Madras states, sells or mortgage more than his own interest in the joint family property, the alienation not being one for the legal necessity or for payment by a father of an antecedent debt, the other members or persons to whom their interests in the property have passed, are entitled to have the alienation set aside to the extent of their own interest therein.Where an alienation is not for legal necessity or for payment of an antecedent debt, and it is set aside at the instance of the other coparceners as regard their shares, there is no equity entitling the alienee to a refund of a proportionate part of the purchase money in respect of those shares. The method of adjusting equities between alienee and non-alienating coparcener was explained in detail in Peramanayakam v. Sivaraman, by a Full Bench of Madras High Court.

Equities on setting aside alienations— The rule that a coparcener cannot make a gift of his share, cannot be evaded by making a sale at a grossly inadequate price.

Mesne profit on setting aside alienation— Where an alienation is set aside under this section, and the purchaser is in possession, he may be required to pay mesne profit from the date on which the sale is repudiated by the other coparceners, but not from the date of sale, the sale being valid until it is repudiated.

Partition- shares on partition- mother— In a suit by a son for partition and separate possession of his share after setting aside the alienation of joint family property made by his father, alienation is not for a purpose binding upon the family consisting of father, mother and sons.

Where a member of a joint family governed by Mitakshara law as administered in Bengal, Bihaar and Uttar Pradesh, sells or mortgage of the joint family property or any portion thereof without the consent of his coparceners, the alienation is liable to be set aside wholly unless it was for legal necessity or for payment by a father of an antecedent debt and it does not pass the share even of the alienating coparcener. The result is that if the alienation is neither for legal necessity not for the payment of an antecedent debt, the other coparceners are entitled to a declaration that the alienation is void in its entirety.

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INDIA AS A HELPING HAND FOR SRI LANKA

Sri Lanka is the largest trading partner of India in south Asia. Which is suffering from a worst economic crisis in present. The inflation rates in the country have crossed 18 per cent. Since January, fuel, essential goods and food prices have skyrocketed. The foreign exchange reserves are not enough to even sustain the basic demands of Sri Lanka's population. During this time India emerged as a helping hand for Sri Lanka.

India announced a $ 900 million loan to Sri Lanka to recover its depleted foreign reserves and for food imports, Indian traders have sent 40,000 tonnes of rice for Sri Lankanpeople.

India is not only helping Sri Lanka to fight from this crisis also supporting Sri Lanka to recover from economic crises. India is a "committed partner and a true friend" of Sri Lanka. The High Commissioner (Gopal Baglay) handed over 40,000 MT fuel consignment by Indian Oil Company," a statement issued by the Indian High Commission.

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THE MODERN CONCEPT OF DEFINITION OF STATE UNDER ARTICLE 12 OF THE CONSTITUTION

CONCEPT OF STATE UNDER ARTICLE 12 OF THE INDIAN CONSTITUTION

Article 12 of the Constitution reads as under;

"In this part unless the context otherwise requires "the State" includes the (1) Government and Parliament of India and the (2) Government and the legislature of each State or (3) all Local or (4) other authorities within the territory of India or under the control of the Government of India."

The restrictive interpretation of principle of ejusdem generis was mentioned in University of Madras v. Shantha Bai, [AIR 1954 Mad 67], the Madras High Court held that other authorities could only indicate authorities of a like nature i.e, ejusdem generis. So construed, it could only mean authorities exercising Governmental or Sovereign function. This restrictive interpretation of Madras High Court was rejected by the Supreme Court in Ujjambai v. State of U.P. [AIR 1962 SC 1621]. It was held that ejjusdem generis rule could not be resorted in interpreting this expression as there is no common genus running through these named bodies in Article 12 nor can these bodies be so placed in one single category or any rational basis.

In Electricity Board Rajasthan v. Mohan Lal, [AIR 1967 SC 1857], a narrow interpretation was done by the Supreme Court in earlier cases was refuted.

The modern concept of State given by Justice Matthew was finally summarised by Justice P.N. Bhagwati in R.D. Shetty v. Airport Authority, [AIR 1979 SC 1628], where is was held that if a body is an agency or instrumentality of Government it may be an "authority" within the meaning of Article 12 whether it is a statutory corporation, a Government Company or even a registered Society. the Court laid down the following tests for determining whether a body is an agency or instrumentality of the Government.

· Financial resources of the State in the chief funding source.

· Existence of deep and pervasive State control.

· Functional character being governmental in essence i.e, if the functions of the corporation are of public importance and closely related to governmental function.

· If a department of government is transferred to a corporation.

· Whether the corporation enjoys monopoly status which is State conferred or State protected.

The Court said these tests are not conclusive but illustrative only and will have to be used with care and caution.

Some landmark judgment in defining State under Article 12 of the Constitution of India

In Ajay Hasia v. Khalid Mujib [AIR 1981 SC 487], it was held that a society registered under the Societies Registration Act, 1898 is an agency or instrumentality of the State and hence a State within the meaning of Article 12.

In M.C. Mehta v. Union of India [AIR 1987 SC 1086], without deciding the question, finally in a unanimous opinion of the Supreme Court, Chief Justice P.N. Bhagwati has advanced, strong arguments for including the non-government companies within the meaning of "State", if for reasons of State control of registration & the kind of public function they are performing satisfy the test of being an instrumentality or agency of the Government. Article 12 should not be stretched so as to bring in every autonomous body which has some nexus with the Government within the sweep of the expression "state".

In Lt. Governor Delhi v. V.K. Sodhi [(2007) 10 SCALE 41], it was held that the entity which is under Article 12 does not become the State Government. The employees of such body are not holders of civil post or employees of the State Government.

In Pradeep Kumar Biswas v. Indian Institute of Chemical biology, the seven Judge Bench by majority 5:2 overruled Sabhajittewary case relying upon the instrumentality or agency test formulated in Ajay Hasia, the Courtobserved as under;

"Not a rigid set of principles so that if a body falls within any one of them it must, ex hypothesis, be considered to be a State within the meaning of Article 12. The question in each case would be, whether in the light of the cumulative facts as established, the body is financially, functionally and administrative dominated by or under the control of the Government. Such control must be particular to the body in question and must be pervasive. If this is found then the body is a State within the Article 12. On the Other hand, when the control is merely regulatory whether under or otherwise, it would not serve to make the body a State.'

In Rajasthan SEB v. Mohan Lal and Sukhdev Sinngh v. Bhagat ram Sardar Singh Raghuvanshi, the Supreme Court noticing the socio-economic policy of the country thought it fit to expand the term "other authorities" to include bodies other than statutory bodies. The development of law of judicial interpretation culminated in the judgment of the seven Judge Bench in the case of Pradeep Kumar Bishwas case. it has also been noted that in the meantime the socio-economic policy of the Government has changed and the State is today distancing itself from commercial activities and concentrating on governance rather than on business. Therefore, the situation prevailing at the time of Sukhdev Singh case is not in existence at least for the time being. It shall be borne in mind that in a democracy there is a dividing line between a State enterprise and a non-state enterprise, which is distinct, and the judiciary should not be an instrumental to erase the said dividing line unless required.

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CURRENT AFFAIRS, April 2022

· The Reserve Bank of India (RBI) has turned 87 year. The Reserve Bank of India Act, 1934 (II of 1934) establishes the legal framework for the Bank's operations, which began on April 1, 1935. The Central Office of the Reserve Bank was initially established in Kolkata but was permanently moved to Mumbai in 1937.

· The State Bank of India (SBI) has tied up a Memorandum of Understanding (MoU) with the Border Security Force (BSF) to provide solutions for financial security to BSF personnel through the Central Armed Police Salary Package (CAPSP) Scheme. The MoU will offer a bouquet of benefits to the serving security forces, retired personnel as well as family pensioners.

· The gross collection of goods and service tax (GST) soared to an all-time high of over Rs 1.42 lakh crore in March aided by the rationalization of rates and aggressive anti-evasion measures. GST cess collections amounted to Rs 9,417 crore (including Rs 981 crore collected on import of goods).

· Google Pay has launched 'Tap to Pay for UPI', new functionality to bring the seamless convenience of Tap to Pay to Unified Payments Interface (UPI). The initiative has been launched in collaboration with Pine Labs. To complete a payment, all a user will need to do is tap their phone on the POS terminal and authenticate the payment from their phone, using their UPI PIN, making the process virtually instantaneous, as compared to scanning a QR code or entering the UPI-linked mobile number.

· IT major Infosys and leading industrial tech company Rolls-Royce opened their joint "aerospace engineering and digital innovation Centre" in Bengaluru, Karnataka. This Centre has been established to provide high-end R&D services integrated with advanced digital capabilities to RollsRoyce's engineering and group business services from India.

· The Asian Development Bank (ADB) and the Government of India signed an agreement to provide a $2 million project readiness financing (PRF) loan to Nagaland for the design of climateresilient urban infrastructure, strengthening institutional capacity, and improving municipal resource mobilization.

· The largest electric cruise ship in the world has returned back to port in Yichang in central Hubei province, China after travelling up and down the Yangtze River for its maiden voyage. This cruise ship has been powered by a 7,500-kilowatt-hour massive-sized marine battery. This battery has been provided by Contemporary Amperex Technology, the No. 1 battery manufacturer for electric cars in the world.

· The United Nations Human Rights Council (UNHRC) has appointed Dr Ian Fry as the world's first independent expert for human rights and climate change. Dr Fry has been appointed for a period of three years. He holds dual citizenship of Tuvalu and Australia. The first to hold the post will be Ian Fry, who holds both Australian and Tuvaluan nationality.