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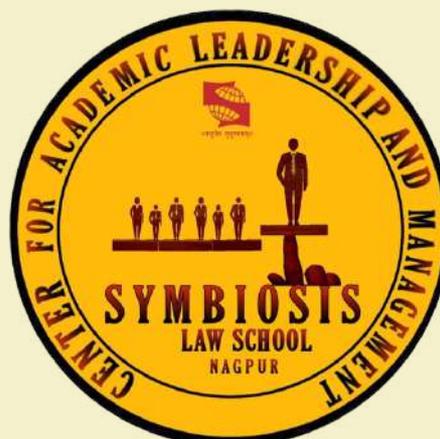
## **SYMBIOSIS LAW SCHOOL, NAGPUR**

*Constituent of*

**SYMBIOSIS INTERNATIONAL (DEEMED UNIVERSITY), PUNE**

*(Established under Section 3 of the UGC Act, 1956)*

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**INCUBATOR 2022**

# DIRECTOR'S MESSAGE



Greetings from Symbiosis Law School Nagpur!!!

Legal education plays a significant role in promoting social justice and carving out next-generation lawyers. Every legal professional has multi-dimensional facets in society as a policymaker, business advisor, negotiator, litigation professional, mediator, and law professional.

Law is an adventurous, exciting, and dynamic career option due to the ever-changing social and economic circumstances making it a popular choice of students these days. Legal education is bridging the gap between choices of Medicine, Engineering, or Commerce for bright and dynamic aspirants. The law profession constantly brings fresh challenges to your career therefore it is essential for legal education in India to cater to the needs of a new brand of legal consumers.

As a young law school, Symbiosis Law School Nagpur envisions a professionally sound and socially relevant legal education. Symbiosis Law School Nagpur has set its sight on contributing to the much desired quality legal education. A group of dedicated academicians in the school are focused to carve a niche for this law school. This is possible with the active participation of a motivated student community who are brimming with energy and are committed to walking the extra mile. Symbiosis Law School Nagpur has the “State of Art Infrastructure” with remarkable facilities for its students.

The pollution-free premises have abundant open space and an impressive array of academic, sports, and cultural facilities. The quality curriculum for BA LLB, BBA LLB, and LLM, blended with practical learning ensures that students joining the law programs will have great learning satisfaction and exposure to the challenging complex business issues.

We as a team endeavor to fulfil the noble objectives of our Founder Chancellor, Dr. S B Mujumdar in this regard under the able guidance of our Pro-Chancellor, Dr. Vidya Yervadekar by contributing to the progress of society at large; and under the dynamic leadership and whole hearted support and encouragement from Hon'ble Vice Chancellor, Dr. Rajani Gupte. We create a platform of interactions for students with scholars and thinkers of national and international repute.

I am delighted and honored to present before you the first e-magazine of SLS, Nagpur called INCUBATOR, Volume I (2022).

This magazine is an attempt to secure to our readers an opportunity to look into the innumerable activities undertaken at our splendid campus on daily basis. It is an endeavour to inform the outside world and strengthen our brand by projecting our prolific and dynamic students' activities. The entire team has made an effort to pull out all the stops in order to bring to you this virtuous reading. Bringing out this magazine was an exciting experience that filled me up with the favour of learning and being a part of various activities.

The magazine is published with almighty's grace and intends to present to our reads a canvas of activities painted from a pallet of sheer hard work and perseverance.

I wish all the readers an inspirational read!!

Dr. Sukhvinder Singh Dari,  
Director, SLS - NAGPUR

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# A DETAILED STUDY OF PATENT LAW IN INDIA

by Vaishnavi Nimje (Sem VII; SLS Nagpur)

## INTRODUCTION

A patent is a monopoly granted for the invention's development. A patent, in other words, is an exclusive right to a product or process that provides a new way of doing something or a new technical solution to a problem. The term "patent" comes from the Latin word "patere," which means "to open." A patent is a government-issued document that grants the inventor exclusive rights to manufacture, use, and sell the invention for a set period of time. The first person to discover resources in the Alps established property rights for mining, timber, and water in the 1300s. In 1409, a German received the first patent for the construction of a model mill. John of Utynam was granted the first English patent on stained glass for a period of 20 years.



Although there is no limit to innovation, the following inventions are not patentable under current law:

- Invention that violates natural laws.
- Invention that is illegal, immoral, or harmful to public health.
- Simple discoveries, scientific principles, or the formulation of an abstract theory are not considered inventions.
- Substance formed by a simple admixture that results only in the aggregation of the components' properties.
- Arranging, rearranging, or duplicating known devices that function independently.
- A testing method or process used during the manufacturing process.
- Any medical, surgical, curative, prophylactic, or other treatment of humans, animals, or plants in order to cure disease or increase the economic value of their products.

## AIM OF PATENT LAW

The primary goal of enacting patent law was to ensure free innovation and to encourage people to invent more as their products became more protected. As a result, patent law is important because it protects the rights of inventors. The sole owner of the right to prevent or prohibit others from commercializing the patented invention is the patent holder. Without the patent owner's permission, others may not commercially manufacture, use, distribute, import, or sell the invention. It safeguards against patent infringement, which gives the original creator the right to take legal action against anyone who makes an imitation of their idea or infringes upon a patent that already exists.

## **HISTORY OF INDIAN PATENT ACT, 1970 [1]**

Act VI of 1856, passed during the British reign in India, granted 14-year patent protection to inventors of new manufacturers. Following that, many changes were made, and the Indian Patents and Designs Act was enacted in 1911. Then, again, changes were made, and the current Patents Act, 1970, went into effect in 1972, amending and consolidating India's existing patent law. The Patents Act of 1970 was amended again by the Patents (Amendment) Act of 2005(1), which allowed product patents against all fields of technology, including food, drugs, chemicals, and microorganisms.

## **PATENT VALIDATION**

Initially, patents on medicine or drug substances were granted for a shorter period of time. The 2005 amendment act unified the patent validity period for all substances to 20 years. The patent term begins on the date of patent application. It is open to the public for use after 20 years of exclusive rights have expired. After 20 years of monopoly, the patent is open to public use, and the inventor no longer has a monopoly over manufacturing, distribution, or similar rights. A patent is valid for 20 years, but the patentee must renew it annually by paying the renewal fee.

## **INDIA'S AWARENESS OF INTELLECTUAL PROPERTY**

### **Turmeric Patent Issuance [2]**

Turmeric could be a tropical herb native to India's east. Turmeric powder is wide employed in Asian countries as a medication and as a food ingredient, to call many uses. The University of Mississippi heart was granted a patent on turmeric in 1995 for its wound healing properties. A license to sell and distribute has been granted. 2 years later, the Council of Scientific and Industrial analysis in Asian countries questioned the university concerning the novelty of the invention. The USPTO revoked the patent because of a scarcity of novelty.

### **Patent For Basmati Rice [3]**

Basmati rice, known for its fragrant flavor, is a popular cereal in India. This rice has a fragrant flavor because it is grown in India's Basmati region. Despite the fact that this rice was developed over time by Indian farmers, a Texas company was granted a patent for a cross with American long-grain rice. The corporation was granted a patent based on scent, grain elongation after cooking, and chalkiness, and it has since been able to tax farmers to grow rice while prohibiting farmers from sowing seeds for the crop that will be harvested the following year. In response, India recognized the issue and submitted a petition to the USPTO with supporting scientific data asserting that the majority of Basmati varieties have these characteristics. The petition was approved by the USPTO.

### **Patenting of Neem [4]**

The first patent application was filed with the European Patent Office by W.R. Grace and the United States Department of Agriculture. The patent describes how to control fungi on plants by applying a neem oil formulation to the fungi. India has challenged the patent's issuance in court. The opposition provided proof that hydrophobic neem seed extracts have been used for generations in India to treat human dermatological conditions and shield agricultural plants from fungus attacks. Since then, traditional Indian knowledge has become widely known. Due to a lack of innovation, innovative steps, and perhaps pertinent prior art, the EPO canceled the patent. In addition to this one, there are several additional neem-related patents that are pending.

## STEPS INVOLVED IN FILING THE PATENT IN INDIA

### Step 1 – Developing your Invention

For any inventor who wishes to pursue his invention, this is the first step. Not every invention is eligible for patent protection. The types of subject matter that are not patentable are specified in Section of the Patents Act. When conceiving an invention, the inventor must ensure that it does not fall into any of the non-patentable categories.

### Step 2 - Patent Investigation and Drafting

Following clarification of the invention, the inventor must conduct a patentability search. This is significant because aids in determining whether the invention is novel or not. The Patents Act requires that all inventions meet the novelty criteria. Nonetheless, the application can be filed directly, but a patentability search is highly recommended. The next step is to draft the patent application. The application is divided into several sections, including claims, background, description, abstract, and summary. To provide effective disclosure of the invention, all such parts must be carefully drafted. It is recommended that the application be written with extreme care and precision.

### Step 3 - Submitting a Patent Application

This is where the procedure actually begins. After drafting the patent application, use the Form 1 application form to file it with the government patent office. A receipt bearing the patent application number would be issued. If the invention is still in its early stages, Form 2 can be used to file a provisional patent application. The entire specification must be submitted within 12 months. To file for a patent, start-ups and small businesses must use the Form 28 application form.

### Step 4: Application Publication

The application is published 18 months after the filing date if the complete specification is filed. If the applicant does not wish to wait 18 months, he may submit Form 9 along with the required fees to request early publication. One month after the request for early publication is received, the patent application is published.

### Step 5: Submit a Request for Examination

Contrary to publication, examination must be requested by the applicant; it does not happen automatically. A regular request must be submitted in accordance with Form 18 within 48 months of the application's filing date. The applicant can ask for the application to be expedited using Form 18A. Rule 24C: Only through electronic transmission that has been duly authenticated and within the time frame stated in rule 24B is an applicant permitted to submit a request for an accelerated examination in Form 18A, along with the fee specified in the first schedule.

### Step 6- Respond to the Objections

Through the First Examination Report, the applicant must respond to the patent office's objection. The applicant must respond to the objection raised in the examination report in writing. The applicant can show that the invention is patentable and attempt to dismiss the entire objection raised. Depending on the circumstances, physical hearings or video conferencing may be requested.

### Step 7- Grant of Patent

Following the resolution of all objections, the application would be submitted for grant once it was determined to meet all patentability requirements, and the applicant would be granted the patent. The patent journal, announces the grant of a patent. Any interested party may file a post-grant opposition by submitting a notice of opposition to the controller within 12 months of the date of publication of the patent grant.

### CONCLUSION

Individuals benefit from patents because they provide recognition for their creativity as well as the possibility of monetary compensation for their inventions. Simultaneously, the requirement to publish patents and patent applications encourages the mutually beneficial dissemination of new knowledge.

A patent system aims to address this under-provision of innovative activities by granting innovators limited exclusive rights that allow them to profit appropriately from their innovative activities. As a result of the patent's exclusive right and the public disclosure of technical information, competitors are encouraged to seek alternative solutions and "invent around" the original invention. These incentives stimulate more innovation and ensure that human life quality and society well-being are continuously increased. They also help spread knowledge about new inventions.

### CITATIONS:

[1] <https://ipindia.gov.in/history-of-indian-patent-system.htm>

[2] Slack A. Ted Case Studies, Turmeric. Washington: Trade and Environment Data base; c2005. [cited 2005 Jan 19] Available from: <http://www.american.edu/ted/turmeric.htm>.

[3] <https://www.nytimes.com/2001/08/25/business/india-us-fight-on-basmati-rice-is-mostly-settled.html>

[4] [http://www.platformgentechnologie.nl/patents/euro\\_pat\\_office/parents/neem\\_final\\_backgrounder\\_nl.shtml](http://www.platformgentechnologie.nl/patents/euro_pat_office/parents/neem_final_backgrounder_nl.shtml)

# FACT BYTES



## NESTLE TO SET UP NEW PLANTS IN INDIA, INVEST RS. 5000 CRORE IN 3 YEARS.

Mark Schneider, CEO of Nestle, while sharing the investment plans for the Indian market, said the Swiss food & beverage company has an investment plan of Rs 5,000 crore through 2025.



## KALAARI CAPITAL PUMPS IN \$1.5 MN IN GAMING, WEB 3.0 UPSKILLING PLATFORM OUTSCAL.

Early-stage, technology-focused venture capital firm Kalaari Capital has invested \$1.5 million in a seed funding round in a Delhi-based gaming and Web 3.0 upskilling platform -- Outscal. The startup, founded by Mayank Grover, helps professionals and students land jobs in global gaming companies and start their ventures."With over 250+ students enrolled and 100+ game-development studios as hiring partners, Outscal is enabling many new careers in the gaming industry.

# HOW TO PROMOTE SMALL BUSINESSES & STARTUPS THROUGH DIGITAL MARKETING

by Gaurav Upadhyay (Sem V; SLS Nagpur)

Marketing refers to the actions a business does to encourage the purchase or sale of a good or service. Advertising, selling, and delivering goods to customers or other firms are all included in marketing. The same marketing tactics apply to all organizations, no matter how big or little; only plans may be developed by the needs of the company. Marketing can be done both traditionally and digitally, but results will depend on which strategy you choose because small firms and startups typically don't have the funds to hire staff and begin traditional marketing, which also takes time and effort. Within a strict budget, they want quick results in a short time with a limited budget. Therefore, small businesses and start-ups should start their marketing campaign with digital marketing. The promotion of brands via the internet and other digital communication channels is known as digital marketing, also called online marketing. This includes text and multimedia messages as well as email, social media, and content advertising as a marketing channel. In short, a marketing campaign is considered to be digital marketing if it uses digital communication.

## Potential Techniques Small Businesses can use

### (1) Social media:

This is the quickest and most inexpensive option to get started. Nowadays, practically everyone uses social media, making the likelihood that your target audience is on these platforms very high. Social media is a highly proper way to start your digital marketing career. When you offer high-quality content that tends to answer people's problems, you may quickly build a customer base there.

### (2) Cold calling and messaging:

If you don't want to spend money, you'll need to invest time in your business, and to achieve so, you'll need to develop a network. A smart way to sell your services to your target market is through networking. Your target audience has to be reached or contacted in advance. One of the best ways to sell your services to your target audience is via cold calling or messaging. This has the advantage of allowing you to connect with several individuals from the comfort of your seat, which is much more time and energy-saving than door-to-door communication.

### (3) Follow-Ups:

A highly effective method for growing. Regardless of whether you are a small start-up company, you should follow up with your old customers and enhance your brand in response to their feedback. The best example of this strategy is Amazon. You see, if you buy a product from their website, a few days after the product has been delivered, they will contact you by phone or email to ask you to rate your overall customer satisfaction. This is because, despite being such a big company, they continuously strive to improve and never take their customers for granted.

#### **(4)Content Marketing:**

For many small businesses, content marketing is a very important and effective technique. Building relationships with your customers through the production of useful content is possible. However, creating creative content marketing ideas can be difficult, especially for small businesses, and a lot of things in a business can give up on this effective technique. You most likely have more content than you realize. It's just a matter of taking what you have and turning it into something very consumable for your audience. One of the simplest and most professional ways to advertise to your customers about your goods and services is through email marketing.

#### **(5)Email Marketing:**

E-mail marketing is now necessary for every brand that wants to establish itself in the market. To build a loyal audience for email marketing, you must gather the data of your potential consumers and nurture them by adding value to their emails.

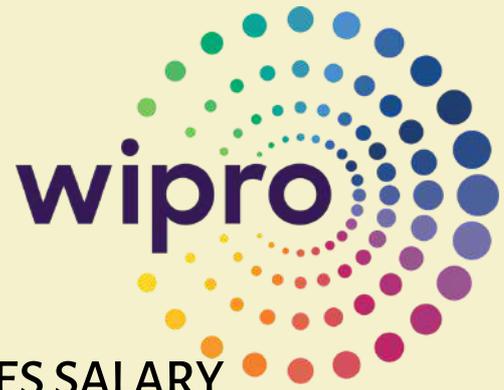
Every brand needs a loyal following of customers to succeed. You only need 100 loyal clients who use your products and services as soon as you provide them; you don't need 1000 random customers. The same thing is done in email marketing; you provide your audience something of value in their inbox to turn them into potential customers, and then you start offering your services that are most likely to be purchased by them. Email marketing is the quickest method of advertising to your audience and promoting your services, which is not feasible with other ad campaigns. Email marketing means that your products will be displayed in front of your customers' eyes until and unless they decide not to read their mail. the benefits of email marketing - Long-term connections between consumers and brands driving traffic to your websites and blog,

#### **SUMMARY**

Small businesses and start-ups should start their marketing campaign with digital marketing. Digital marketing should be the first step in any marketing effort for start-ups and small businesses. Marketing refers to the activities a company carries out to promote the acquisition or sale of a product or service. A marketing campaign is considered to be digital if it makes use of the new company's digital communication strategies. Using social media to start your digital marketing job is really suitable as it's the quickest and most inexpensive option to get started. You must first contact or reach out to your target audience. Cold calling is a smart way to sell your product and services to your target market through networking and has the advantage of allowing you to connect with several people from your comfortable seat. Content marketing is a very important and effective strategy for many small businesses coming up with new and innovative content marketing ideas to advertise their product or services digitally.

Email marketing is increasingly essential for any brand that wants to get success in the market and there are many more ways of digital marketing such as follow ups, influencer marketing, mobile marketing, affiliate marketing, seo (search engine optimisation} , sem [search engine marketing] etc.

# FACT BYTES



## WIPRO ANNOUNCES SALARY HIKES FOR EMPLOYEES FROM SEPTEMBER 1; COVERS 96%.

Wipro recently announced the annual increments or merit salary increases (MSI) for FY23 by the end of March 31. This covers 96% of its employees.



## TVS LAUNCHES 'JUPITER CLASSIC' TO CELEBRATE 'FASTEST FIVE MILLION VEHICLES ON ROAD MILESTONE.

This variant celebrates TVS Jupiter achieving the milestone of the "Fastest Five Million Vehicles On Road." It is the acknowledgement and celebration of the fact that this has been made possible by the unprecedented faith and love millions of consumers have reposed in TVS Jupiter.

# RIGHT TO HOLD ARMS AND ITS CONSTITUTIONAL PROTECTION

by Shivansh Singh Thakur (Sem III; SLS Nagpur)

Hoping to reduce violent crime in the city, the Washington DC City Council passed the firearms control regulations act of 1975, which effectively banned individual gun ownership in the district, supported by about two-thirds of Americans. However, this became an extremely heated issue, with many of the debates centered around how to interpret the second amendment, which was given in the case of the District of Columbia vs. Heller, which granted the right to bear arms to private individuals or just state militias in the year 2008. The Supreme Court of the US, in the case, affirmed five to four that individuals have a right to own guns, striking down the handgun ban and safety rules, which were imposed in the district of Columbia. This was followed up by a ruling in 2010 that the right is enforceable against the states and in 2022 that the possession of pistols in public is a constitutional right, which was, after the supreme court decision of striking down new york's concealed carry law, was condemned and criticized by the New York city's mayor Eric Adams. They stated, "It has made every single one of us less safe from gun violence" needless to say, these decisions have been fiercely debated by advocates for and against gun control in the USA.



In comparison to the US's right to bear gun law, which is not absolute but subject to scrutiny and reasonable restriction by the state, India has a very different law. The right to bear arms in India has not been given constitutional recognition. It is regulated under the Arms Act 1959, which regulates Indian arms and ammunition laws, attempting to prohibit the illegal circulation of weapons and avoid crime.

In India, no citizen has the right to possess a firearm without a license issued per the Arms Act 1959. India had gun control before its independence made by the British government in 1878 after the revolt of 1857 to avoid uprising in the future; this law provided for licensing of arms, which were only given to those Indians who had prior authorization or legitimate license.

After the independence, in the year, the Arms Act 1959 was implemented, which recognized that some citizens are required to possess firearms for various reasons such as self-protection, the legislation may have driven gun control, but Article 21 of the Indian constitution Act, which is right to life, it provides an exception to the cases of self-defense, In the case of Ganesh Chandra Bhatt vs. District Magistrate and Ors, Justice Katju ruled that if an applicant who has applied for a weapon does not receive a response within three months from the government of India, it would be assumed that the license has been granted, he stated that since the right of life includes self-defense, which is a natural right, also worshipping the firearms, alludes to dignity and self-respect, which is also covered under Article 21.

This ruling was overturned after the bomb blast of 1993 in Mumbai; hence, the Arms Act 1959 is the one and the only statute governing the right to possession of arms and dictates that a firearm is a privilege and not a constitutional right, in addition to this, the process of obtaining a license is not very easy but is very complex, which starts with the application, which is given to the licensing authority, which then informs the police station and asks the officer in charge to submit a report within a stipulated time period, once the report is submitted the licensing authority will conduct an inquiry and would consider the report as the provisions of the governing act, then the decision of approval or refusal is given to the applicant in writing, once the license is obtained it will be valid for three years, which are to be renewed and are subject to be revoked any time.

Therefore, it is very difficult to obtain a firearm license in India but still: -

- India is the fifth country with the highest gun death
- 90 % of firearm death in India are from illegally held weapons

Hence In comparison to the country like the US, India has the lowest number of firearm civilians due to its rigid law. However, India still has the problem of accessing a firearm through unlawful means, which is why India still needs to work on its firearm laws and is not ready or may not consider the right to possess a gun as a constitutional right given to its citizen.

# FACT BYTES



## HARSHA ENGINEERS SHARES DEBUT WITH 36% PREMIUM.

On September 26, Harsha Engineers shares began trading with a significant 36 percent premium over the issue price. The stock's momentum is supported by its high IPO subscription rates, solid financial performance, and promising growth prospects. The opening tick on the BSE was Rs 444, up 34.55 percent, while the opening tick on the NSE was Rs 450, up 36.36 percent over the issue price of Rs 330. 24.56 lakh shares were exchanged in the opening trade on the NSE and 1.69 lakh shares were traded on the BSE.



## BOEING PAYS \$200 MILLION TO SETTLE SEC CHARGES OVER 737 MAX

The Securities and Exchange Commission charged the Boeing company and its former CEO Dennis A Muilenburg with making factually misleading statements regarding the crashes of the Boeing airplanes which occurred in the year of 2018 and 2019. According to the orders of the SEC, Boeing and Muilenburg knew that the maneuvering characteristics augmentation system (MCAS) in the Boeing 737 MAX airplane posed an ongoing airplane safety issue but nevertheless made a statement to the public after the first crash that the 737 MAX plane was safe and following the second crash assured the public that there were no slips and gas in the certification process despite being aware of contrary information.

# BUSINESS & BIODIVERSITY

by Gauri Jakhotiya (Sem VII; SLS Nagpur)

## INTRODUCTION

Although it is a global resource, biodiversity is distributed unevenly. Conservationists have singled out "megadiverse" countries for special attention because of their high levels of biodiversity. Brazil, Indonesia, and Madagascar are a few examples. An incredible number of endemic species (plants and animals that only exist in these countries) are found there. One-third of the world's bird species, at least one-third of its plant species, and possibly the same percentage of other species can all be found in Brazil.

Most of these ecological "hot spots" are located in low- or middle-income nations where access to natural resources is frequently essential to millions of people's survival. Therefore, safeguarding these resources involves more than just preserving a particular species; it also consists in protecting the resources for the benefit of regional people and promoting the economic and social advancement of the nation.

Although tropical regions have the highest levels of biodiversity, many essential ecosystems may be found outside of the tropics. Examples of natural environments that have not been altered include several of the planet's most extensive wetlands and old-growth forests in North America and Eurasia. Fishing resources are at their peak in and near some of the coldest waters on Earth. According to recent findings, there are exceptionally high levels of biodiversity on the deep ocean floor.

All life forms on Earth are included in the concept of "biodiversity."

Many individuals find inspiration in the natural resources they use daily, such as firewood, fruit, wild crops, fresh water, and fish, as well as in the diversity of species they see and how they interact with one another in their respective ecosystems. A more precise definition of biodiversity is the diversity of living things, including both inside and between species and ecological complexes, that make up the living world. In the Convention on Biological Diversity, governments have adopted this definition.



Natural resources on Earth are under a lot of stress. The influence of a fast expanding human population, rising food and water needs, and industrialization are the primary causes of ecological depletion and species extinction. The world's biodiversity has significantly

decreased as a result of deforestation brought on by clear-cutting and slash-and-burn farming, soil erosion, contamination of freshwater and marine environments, and overharvesting of various species.

Long ago, people came to understand the value of biodiversity. For instance, farmers in Peru have grown several hundred different kinds of potatoes, while India has discovered several thousand different kinds of rice. In order to safeguard their crops from pests, illnesses, and drought, many civilizations have made it a priority to conserve genetic diversity. However, most consumers only have exposure to two or three of these kinds. We have a limited understanding of the variety and significance of these wild goods overall.

Many businesses have already taken actions to assist and ensure the long-term availability of their essential raw resources, and more are currently doing the same.

For future generations, biodiversity preservation is essential. Many of the resources found in forests have been transformed into significant food, medical, and economic items. Additionally, they operate as natural sponges, soaking up rainwater to lessen soil and water runoff on a large scale and assisting in temperature control and stabilization. Similar to this, fish and other species can be found in large quantities in rivers, lakes, and oceans. Many of these species are crucial sources of protein for rural people in poor nations. Along with performing other significant ecological tasks, wetlands are a crucial component of the hydrological cycle. Many of these processes are interconnected; for example, the draining of a marsh or changing the flow of a river may have unavoidable effects in other places.

The way that people see using biological resources is gradually changing. People are starting to voice their concerns in public, ask questions, and demand that governments take immediate action to safeguard these resources as they become more aware of the connections between the natural environment and many of their daily activities. The environment has expanded into a key business potential in many nations. Companies are starting to understand that investing in biological diversity can be advantageous when it comes to business and development.

Even while it is challenging to put a financial value on the numerous goods and services derived from biological resources, it is obvious that the tasks they serve for the global economy could not be simply replaced, if at all. Therefore, protecting biodiversity is both economically and ecologically sensible.

### **DEPENDENCE OF BUSINESS ON BIODIVERSITY**

While maintaining biodiversity is essential to maintaining "life as we know it," it is also vital for businesses to run well. A company's bottom line may be affected by rising commodities supply chain costs brought on by declining biodiversity. This increases unmanaged risks in supply chains, posing a danger to future cash flows and the viability of the company.

### **IMPACT OF BUSINESS ON BIODIVERSITY**

Direct impacts: generally brought about by squandering creation and land use. Incorporate species eradication, soil, and water tainting, disintegration, territory misfortune, and debasement. Non-local species acquaintance has the potential to upset close biological systems. Diminishes admittance to normal assets or slows down environment capabilities like the disintegration of the executives, which might affect close by networks.

Indirect impacts: Influences that a firm encounters in a roundabout way are those welcomed by the assembling and obtaining of the labor and products it utilizes. It can happen when clients or other business clients use or dispose of an organization's items. An organization's tasks might cause changes in the way of behaving of outsiders, like neighborhood occupants, workers, and new foreigners, which might significantly affect biodiversity.

Combined Impacts: Occur when the tasks of various close by organizations begin to adversely affect biodiversity. Regardless of whether explicit business activities or choices probably won't have quite a bit of an effect on biodiversity all alone, when taken together, they could have a major effect.

### **OPPORTUNITIES**

- Brand distinction Processors and retailers can benefit from the quick increase in consumer demand for agricultural products that have been recognized as sustainable by raising brand value and setting their goods apart.
- New Streams of Income Sales of goods and services that assist producers in preserving biodiversity while boosting output
- Commercial Diversification supplies the expanding business need for biodiversity conservation in their effect region.

## IMPORTANCE OF BIODIVERSITY CONSERVATION

For India, maintaining biodiversity is important not only because it offers many essential commodities and services for human survival but also because it directly affects over 300 million people's livelihoods and socioeconomic conditions, promoting sustainable development and reducing poverty. The CCP 11 in Hyderabad emphasizes the necessity of striking a balance between economic expansion, population pressures, and environmental needs. This idea is beautifully highlighted by the conference emblem, Parkruti Rakshati Rakshita —Nature Protects if She is Protected.

**Indirect impacts:** Influences that a firm encounters in a roundabout way are those welcomed by the assembling and obtaining of the labor and products it utilizes. It can happen when clients or other business clients use or dispose of an organization's items. An organization's tasks might cause changes in the way of behaving of outsiders, like neighborhood occupants, workers, and new foreigners, which might significantly affect biodiversity.

**Combined Impacts:** Occur when the tasks of various close by organizations begin to adversely affect biodiversity. Regardless of whether explicit business activities or choices probably won't have quite a bit of an effect on biodiversity all alone, when taken together, they could have a major effect.

## HOW BUSINESS CONTRIBUTES TO BIODIVERSITY LOSS

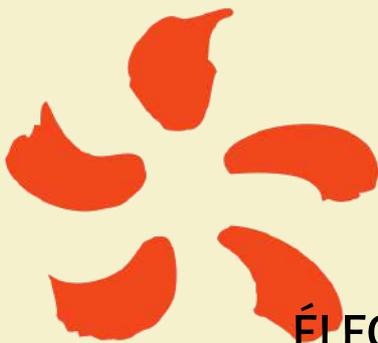
- "Land use transform": One of the primary drivers of biodiversity misfortune is land use change. Land use change depicts the change of lacking areas into horticultural fields, plantations, nurseries, private and business advancement, and so forth. It could prompt environmental debasement or fracture.
- "Contamination": Pollution is a huge yet less habitually recognized calculation of the decay of biodiversity. One of the fundamental ways that contamination influences biodiversity is through the tainting of the air, water, and soil. At the point when outflows from power plants, like sulfur dioxide and nitrogen oxides, are stored as a corrosive downpour on vegetation, soils, or water bodies, they adversely affect species and environments. The use of manures can prompt water contamination and eutrophication, the two of which can bring about risky green growth blossoms that crush oceanic life. Pesticides and composts utilized frequently can modify the biotic states of soils, making them inadmissible for various creatures and bringing down biodiversity subterranean.
- "Overexploitation of resources": The abuse of assets is the fourth variable adding to the decrease in biodiversity. Both wild greenery and creatures have significant business sectors. Overexploitation happens while hunting or gathering occurs at rates that don't give populaces sufficient opportunity to recuperate (e.g., overharvesting of business fish species or of intriguing restorative plant species). Exchange-specific countries are firmly checked and directed to ensure the pace of annihilation is reasonable. In these circumstances, overexploitation regularly appears as poaching, which is the unlawful hunting or assembling of wild creatures and plants that are secured. The poaching and logging of uncommon species have made a critical underground market for the unlawful exchanging of plants and creature parts.
- "Environmental change": Although environmental change is broadly canvassed in writing on business maintainability plans, it isn't noticeably consolidated. This is astonishing to think that of the five components of biodiversity misfortune recorded in this article, environmental change is anticipated to turn into the most unmistakable. The world's air, hydrosphere, lithosphere, and biosphere are changing because of anthropogenic activities, and these progressions are expected to deteriorate biodiversity misfortunes welcomed on by different worries. Since just the quality variations that are adjusted under the changing circumstances will stay in every species, hereditary variety is decreased because of environmental change.

# FACT BYTES



## TWITTER TO DEPOSE ELON MUSK AHEAD OF BUYOUT DEAL TRIAL

Tesla and SpaceX CEO Elon Musk is set to depose before the twitter lawyers earlier this week in the \$44 billion takeover deal that he has terminated. The deposition is slated for September 26-27 and may run into September 28 if needed, according to court filings.



# edf

## ÉLECTRICITÉ DE FRANCE MAKES MAJOR NEW INVESTMENT IN QATAR GAS

The French energy giant will have a 9.3% percent stake in Qatar's North Field South project, part of the world's biggest natural gas reserves, Qatar Energy Saad Sherida al-Kaabi said at a signing ceremony. TotalEnergies chairman Patrick Pouyanne said the company would invest \$1.5 billion in the new field.

# NALSA LEGAL SERVICES AUTHORITY (NALSA) V. UNION OF INDIA

by Saeed Gunjekar (SemV: SLS Nagpur)

Bench- K.S. Radhakrishnan, A.K. Sikri

Court- Supreme Court of India

## INTRODUCTION

Human lives are complex, but the LGBTQ community is subjected to far more trauma than the general population. It is critical to comprehend the feelings of these people and to accord them equal position and human rights in society. Despite this, the world continues to avert its eyes and refuses to debate extending fundamental rights to the LGBTQ population, which is terribly sad to see even in the twenty-first century. The Indian legal system as a whole only recognizes the binary genders of male and female as assigned solely on the basis of the individual's gender and birth, allowing for a gender system, while other laws, such as marriage, adoption, inheritance, and welfare legislation, also adhere to the same perspectives. The most important question in regards to the LGBTQ community is whether they should be treated equally in society, and if not, should they be ostracized from society, because simply being different from others or having a different sexual preference does not give anyone the authority to exclude someone from society. The Delhi High Court, in fact, decided in 2009 that consensual same-sex relationships between adults in private should not be criminalized. The Supreme Court of India, in a recent judgement, addressed and expressed its concern about mental trauma, emotional pain and agony, not to mention all forms of mental suffering, as well as the ignorance and isolation that members of the transgender community face, and the Court's decision in the case of National Legal Services Authority v. Union of India and Others put an end to all of these concerns.

## FACTS

The case primarily addresses transgender individual's legal gender recognition and whether the lack of legislative measures to meet their requirements as persons who do not identify as female or male violates the Constitution. The petitioners' main goal, however, was to stop the exploitation, abuse, and harassment that people in this community experience and to assist them gain access to fundamental services like education, legal, and medical care. Transgender people were honored and treated with utmost respect and admiration in epics like the Ramayana and Mahabharata, and it was only during colonial rule that their standing was degraded in India. However, we may also state that pre-existing Indian law only recognized the binary genders of male and female and made no provision for the legal rights of transgender individuals, commonly known as "third gender" by advocates. A person's gender is determined at birth, and it affects his or her rights to marriage, adoption, inheritance, succession, taxation, and welfare. Transgender persons have encountered prejudice in a variety of fields due to the lack of legislation protecting them. NALSA, therefore, filed a petition to recognize the transgender community's gender. Laxmi Narayan Tripathi pleaded with the court to acknowledge their gender as the "third gender," so that they can enjoy the same rights and freedoms as the rest of the country's citizens. It was also argued in court that when individuals are denied status as the third gender in society, they lose their legal right to select and practice their own sexual orientation. Furthermore, because their gender is not recognized, they experience discrimination throughout their life, compromising their right to live in dignity under Article 21 and their right to equal protection under the law under Article 14. The petition submitted by NALSA and other petitioners was joined by the Apex Court with a landmark verdict handed by the Supreme Court due to the substantial human rights violations of the whole community affected.

## KEYWORDS

LGBT, Human Rights Violation, Transgender, Legal Recognition.

## ISSUES

- A) Whether a person born as a man with a mostly feminine inclination (or vice versa) has the right to have oneself recognized as a female of his choosing, especially if such a person changes his or her sex after undergoing an operative procedure.
- B) Whether transgender (TG) people, who are neither males nor females, have the right to be labelled as "third gender" people.

## CONTENTION

In this case, the petitioners asserted that every member of the transgender community should have the legal freedom to choose their sexual orientation and gender identity. Transgender people were effectively denied of numerous rights and advantages, including social and cultural involvement, access to school, healthcare, and public places, since they were not classified as male, female, or granted the status of third-gender, in violation of their rights guaranteed under the Constitution.

The petitioners also contended that discrimination based on gender would be a violation of the Constitution's Articles 14, 15, 16, and 21.

Using historical precedents, practices in other jurisdictions, and international conventions, the Intervener argued for a third-gender identity. They further argued that the freedom to choose one's gender identification was inextricably linked to the right to a dignified existence, as provided by Article 21 of the Constitution.

The Respondents argued that the issues raised by the transgender community in these petitions were a significant human rights concern that the Ministry of Social Justice and Empowerment should examine. They noted that an "Expert Committee on Transgender Persons Issues" had already been formed to study the issue, and that the Petitioners' and others' perspectives will be taken into account throughout the consultation process.

## RATIONALE

In the scope of this case, the Court stated that "(t)ransgender is generally described as an umbrella term for persons whose gender identity, gender expression, or behavior does not conform to their biological sex" and that it has "become an umbrella term that is used to describe a wide range of identities and experiences, including but not limited to pre-operative, post-operative, and non-operative transsexual people, who strongly identify with the gender opposite to their biological sex."

The Bench briefly reviewed the history of transgender rights in India, examining many traditional transgender groups such as the Hijras, Eunuchs, Kothis, Aravanis, Jogappas, and Shiv-Shakthis, and acknowledging their past oppression. Apart from societal prejudice, the Court heard testimony from transgender people, including the Intervenor, to emphasize the structural discrimination they encountered in sectors such as work, healthcare, and others.

The Court went on to discuss the ramifications of gender identity and sexual orientation recognition. Gender identity was considered as an essential part of life since it connected to a person's internal sense of gender. In doing so, the Court focused on a number of international treaties, notably the Yogyakarta Principles, which address the rights of people of various sexual orientations and gender identities. The principles cover a wide range of human rights issues and give nations guidance on how to protect the rights of people of various identities. Principle 6 asserts that the right to privacy applies to everyone, regardless of sexual orientation or gender identity. The Court also cited private rights in Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights. In the lack of any explicit legislation pertaining to the recognition of a third gender in India, and in the absence of any domestic law to the contrary, the Court decided that the provisions of these international agreements must be applied to preserve and safeguard the community's rights.

In terms of constitutional requirements, the Court determined that gender identity is an important part of one's life and is protected under Articles 19 and 21 of the Indian Constitution as a function of freedom of speech, privacy, and dignity. The rights of the transgender community to privacy, self-identification, autonomy, and personal integrity were reaffirmed, and gender identity was legally recognized as part of the right to dignity and freedom provided by Article 21 of the Constitution. The Court emphasized the significance of interpreting constitutional provisions in light of current circumstances and evolving societal realities. The Court also stated that the State would have a positive responsibility "to provide equal protection of the laws by putting in essential social and economic adjustments" in order to promote the enjoyment of transgender people's right to equality under Article 21. Discrimination based on sexual orientation and gender identity would be in violation of Article 14, whereas discrimination based on sex would be in violation of Articles 15 and 16. All sorts of gender-based discrimination were referred to as sex.

The Court emphasized the importance of legal recognition of a third gender as well as transgender people's freedom to self-identify. The Court ordered the state to recognize transgender people's self-identification and take efforts to consider them as socially and educationally backward in order to extend reservations. The Court also ordered the state to operate HIV Sero-surveillance Centers since transgender people suffer a variety of sexual health difficulties, as well as to treat the community's mental health challenges, such as gender dysphoria, societal pressure, despair, and others. Other goals included raising public awareness, developing social welfare programs, and improving medical treatment, among others. The Court also ordered that the government's Expert Committee examine the judgement and make recommendations within six months.

#### **DEFECTS OF LAW**

The reality of the LGBT community has long been subjected to torture, humiliation, and misery and while all along they remained silent and suffered, but the transgender community's situation has improved as a result of this decision. However, it should also be mentioned that

this decision has repercussions not only in India but also throughout the world. The isolation of the transgender community from society is a huge human rights concern. India is a democratic country, and democracy embraces everyone, regardless of their physical appearance, socioeconomic status, or other factors. If we follow the three requirements of the Rule of Law, which include equality, everyone should be treated similarly and have equal protection under the law.

The judgement, on the other hand, has flaws. Transgender is a generic word for those whose gender identification differs from the gender assigned to them at birth, and there are a range of identities in India, including Kothi, Transman, and others, which are not specifically defined in the decision.

Furthermore, the principles of Yogyakarta were not adopted in their entirety. The problem of sexual intercourse was also not thoroughly investigated. There was little thought given to the necessity for separate detention facilities. It also fails to investigate crimes committed against the Transgender community by police officers who refuse to listen to and resolve the LGBT community's issues. As a result, the decision does not consider a long-term and comprehensive solution to the transgender community's challenges.

## INFERENCE

In India, social exclusion and discrimination based on gender, defined as not conforming to the binary gender (male/female), are common. Discussions on gender identity, including self-identification as male/female or as transgender, tend to focus on those who are born with male sex, whether it's Hijra transgender, woman or male, or male to female transgender people, while concerns expressed by those who are identified as female to male trans-sexual people are frequently ignored. Female to male people, unlike Hijra/transgender people, are not as conspicuous in public. Because of their sexual orientation or gender identity, they are subjected to violence and prejudice.

Harassment by police in public areas, harassment at home, police entrapment, rape, discrimination, abuse in public places, and so on are some of the most prevalent and documented problems that transgender people face. Discrimination, a lack of educational facilities, a lack of medical facilities, homelessness, unemployment, depression, hormone tablet misuse, cigarette and alcohol abuse, and obstacles linked to marriage and adoption are some of the other key issues that transgender individuals confront in their everyday lives. As a result, gender identity becomes a critical component for this minority to exercise their civic rights. Many rights associated with sexual recognition as 'third gender' would be more meaningfully available to this community with this recognition, such as the right to vote, the right to own property, the right to marry, the right to claim a formal identity through a passport and ration card, a driver's license, the right to education, employment, and health, and so on. It is wonderful that a decision has been reached that recognizes transgender people as a distinct gender from the binary gender, but the battle is far from ended.

The Supreme Court of India handed down a landmark decision in the case of NALSA V. Union of India & Others on April 15, 2014, in which the law granted the transgender community the status of 'Third Gender' in society, and this decision impacted the life of everyone who belongs to that group. But it is still important to mention that this community still has a long way to go, as we continue to watch them struggle and be victims of abuse and harassment all throughout. However, this judgement has assisted them in emerging from all of this and leading a respectable life which still has a long way to go, and would require lots of effort and sacrifice.

## CITATION

[1] Manjeet Kumar Sahu, National Legal Services Authority v. Union of India & Ors. (AIR 2014 SC 1863): a Ray of Hope for the LG BT Community, 3 BRICS Law Journal 164-175 (2016)

[2] [http://orinam.net/377/wp-content/uploads/2014/04/Judgement\\_Nalsa\\_Transgenderrights.pdf](http://orinam.net/377/wp-content/uploads/2014/04/Judgement_Nalsa_Transgenderrights.pdf) (last visited Nov 11, 2021)

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# FACT BYTES



**MICRO, SMALL & MEDIUM ENTERPRISES**

## **MSME'S BUSINESS SPENDING HAS THE POTENTIAL TO REACH \$15 TRILLION BY 2030.**

The \$6–\$7 trillion Micro, Small, and Medium-Sized Enterprises (MSMEs) sector has the potential to grow to \$15 trillion by 2030. Small and medium enterprises, or SMBs, have become increasingly digital thanks in large part to the epidemic and the demonetisation. However, embracing and expanding the digital payments ecosystem specifically within the B2B market might open the door for digital-first thinking within this industry. Digitalization is happening at a very slow pace. Only around 3–4 million of India's 64 million enterprises have made significant progress in going digital.



## **GSK PICKS BURBERRY'S JULIE BROWN AS FIRST FEMALE CFO**

GSK named luxury fashion brand Burberry's Julie Brown as its first ever female chief financial officer on Monday to succeed Iain Mackay. Mackay, 60, will be retiring next year after serving as GSK for nearly four years.

# OFFENCES AGAINST WOMEN

by Amar Nagsen ( Sem III, SLS Nagpur )

## • INTRODUCTION

In the current situation, everyone in the globe is aware of the brutality and rising number of crimes against women in one way or another. It shows the scope and gravity of the atrocity committed against women in recent years. This is demonstrated by the worldwide campaign to eradicate violence against women. Inhumane attitudes against women are a result of changing living standards, lifestyles, uneven economic growth, social ethos shifts, and a lack of regard for moral principles, which has led to an increase in crimes against women. Additionally, these instances are of great concern, and its structure is vital for Indian women to live with honour, respect, dignity, freedom, and calm in an environment free from horrible acts, atrocities, and denigration.

There are numerous legal laws that sanction those responsible for crimes against women. Although the Indian Penal Code makes provisions for women who are victims of various crimes, including murder, robbery, theft, etc., there are some offences that are specifically targeted against women and are classified as "Offenses Against Women." In order to effectively combat these crimes, numerous new socio-economic offences have been introduced along with numerous modifications to the existing laws.

Laws relating to Crime Against Women are categorised

The following two categories can be used to group legislation related to crime against women: crimes against women in accordance with local and special laws (SLL)

The Special and Local Laws against crimes against women are intended to eradicate immoral and sinful practices as well as the exploitation of women in society. To ensure fast response to new needs, these statutes are routinely reviewed and changed. The following laws have special safeguards to safeguard women and their interests:

A 1956 law called the Immoral Traffic (Prevention) Act

Act of 1961 outlawing dowries

1929's Child Marriage Restraint Act

Act of 1986 prohibiting indecent representation of women

Act of 1987 to Prevent Commission of Sati

Act of 2005 to Prevent Domestic Violence Against Women

Act of 2013 on Preventing, Prohibiting, and Addressing Sexual Harassment of Women at Work.

Indian Penal Code, 1860: Crimes Against Women (IPC)



- The Indian Penal Code, 1860, outlines the punishments for those who commit severe crimes against women. Such offences are expressly addressed in a number of provisions of the IPC.



Acid Strike (Sections 326A and 326B)

Rape (Sections 375, 376, 376A, 376B, 376C, 376D and 376E)

Raped attempt (Section 376/511)

Abduction and kidnapping have several goals (Sections 363–373)

Murder, death by dowry, aiding in suicide, etc (Sections 302, 304B and 306)

by the husband or his family members (Section 498A)

insulting women's modesty (Section 354)

Sexual assault (Section 354A)

assault on women with the goal of stripping them (Section 354B)

Voyeurism (Section 354C)

Stalking (Section 354D) (Section 354D)

girls under the age of 21 may be imported (Section 366B)

This article examines and elaborates some of these heinous crimes listed in the Indian Penal Code, 1860, in more detail.

- Sexual Assaults against Women

Sexual offences against women are included in the Indian Penal Code under a separate heading that includes the following offences and the corresponding sections:

Rape (Sections 375 and 376)

The IPC's Section 375 defines rape. The ravishment of a woman without her agreement by means of force, deceit, or fear constitutes the crime of rape, to put it simply. In other terms, it's the compulsion of any woman against her choice into carnal knowledge (the tiniest penetration of the male reproductive organ). It is an extremely offensive behaviour that breaches a woman's right to privacy and sanctity. A woman's honour, dignity, reputation, and self-esteem are severely damaged by this perverse and demeaning conduct as well as the unlawful intrusion into her private life. The victim of this heinous crime suffers physical harm as well.

Rape's Primary Ingredients

Section 375 contains the following two components that are crucial:

Actus Reus: There must be sexual activity between a man and a woman, as defined by the terms of Section 375(a) to (d).

Mens Rea: One of the seven situations listed in Section 375 must exist during the sexual activity.

Retribution for rape (Section 376)

The severe crime of rape is punishable under Section 376, which establishes guidelines. There are two subsections within this section.

The minimum term under Section 376(1) is seven years in jail, with the possibility of life in prison and a fine.

According to Section 376(2), the penalty must be at least ten years in jail but may also include a fine or life in prison.

Gang rape (Section 376D)

According to Section 376D, group rape is punishable by death. If a woman is raped by multiple people acting with a single purpose, each of them will be held accountable for the crime of rape and punished with a minimum sentence of twenty years in prison and a maximum sentence of life in prison as well as a fine.

- CASE LAWS THAT ARE RELEVANT

1. *Priya Patel v. State of M.P.*[1]

Facts: The appellant's spouse met the prosecutor at the train station as she was leaving after her sporting event and informed her that her father had asked him to pick her up. He brought her home and sexually assaulted her. While the rape was being committed, the appellant (the wife) entered the room. When the prosecutor asked for assistance, the appellant slapped her before closing the door and leaving the scene. The appellant wife was charged with committing an offence punishable under Section 376(2)(g) of the IPC, while the accused husband was charged under Section 376 of the IPC.

Since a charge was brought against her pursuant to Section 376(2)(g) of the IPC, the appellant wife contested the validity of the charge. The judge ruled that a woman cannot be alleged to have intended to rape someone. As a result, the appellant cannot be charged with an offence that would be criminal under Section 376(2) (g).

2. *Tukaram v. State of Maharashtra*[2]

The fact that the girl's body had no signs of trauma after the incident, according to the court, shows that the interaction was peaceful and that the girl's account of what happened was false. As a result, the appellants are not charged with any offence.

This case is often referred to as the "Mathura Rape Case."

Following this judgement, the Apex Court interpreted that in many instances, it was not necessary for the victim to sustain any physical harm for the offence of rape to be committed.

#### Outraging Woman's Modesty [Section 354]

The crime of molestation, defined as an assault on a woman with the purpose to offend her modesty, is covered by Section 354 of the IPC. This section tries to defend women against any kind of immodest or filthy behaviour on the part of others that is insulting to her modesty. This crime not only violates the rights of the individual, but also of society and public morality. Because of this, anyone found guilty of using criminal force against a woman with the aim to insult her modesty faces a minimum one-year sentence that might be increased to five years in jail as well as a fine.

IPC does not provide a clear definition of what constitutes an offence to a woman's modesty. Nonetheless, the court adopted several ways to interpret it. The Supreme Court has ruled that modesty is a quality that is exclusive to feminine humans. Such an offence is considered to infuriate modesty and be recognised as an insult to female decency and dignity.

For instance, slapping a woman in the butt, requesting sexual favours from her, stripping her off, etc.



- **IMPORTANT ELEMENTS OF SECTION 354**

The following constitutes the offence under Section 354 of the IPC.

1. There must be a woman who has been the victim of assault.
2. She must have experienced unlawful force from the suspect.
3. There must be a desire to offend a woman's modesty.

- pertinent case *Rupan Deol Bajaj v. K.P.S. Gill*[3].

The High Court dismissed the FIR and ruled that Section 95 of the IPC applied to the offence.

In contrast to the High Court, the Supreme Court ruled that quashing a FIR is unlawful and that Section 95 of the IPC is not at all relevant. The court went on to say that a crime against a woman's modesty could never, ever be considered insignificant. As a result, the accused was charged under Section 354 of the IPC.

Stripping (Disrobing a Woman) [Section 354B]

A violation of Section 354B is punishable by a sentence of at least three years, which may go up to seven years, plus a fine, for attacking or using unlawful force against a woman or for aiding in such an act with the goal to strip or force her to be naked. Only a male can be punished in accordance with this clause because it is a gender-specific offence.

- Ingredients

1. The defendant must be a guy.
2. There must be the use of unlawful force, an assault, or the facilitation of any such crime.
3. A woman must be intended to be stripped off her clothing or forced to be naked.

- Section 354C: Voyeurism

In response to the 2012 Nirbhaya Rape Case, this offence was created. It is covered by IPC Section 354C. Voyeurism is defined as the appeasement that results from surreptitiously watching another person's genitalia or sexual activity. This clause is broken up into two distinct sections. First, when someone witnesses or records a lady doing a private act, and second, when that person shares or spreads that image.

The first offence has a minimum sentence of one year in jail and a maximum of three years in addition to a fine. The second offence carries a minimum sentence of three years in jail and a maximum of seven years in addition to a fine.

- Ingredients:

1. The defendant must be a guy.
2. He must observe or record.
3. The woman being photographed must be performing a private act.
4. She must anticipate not being observed by the perpetrator in these circumstances; or
5. That picture is spread by the accused.

- **INTIMIDATION [SECTION 354D]:**

The term "stalking," which primarily refers to the act of following or attempting to contact a woman despite her lack of interest, is discussed in Section 354D of the IPC. There are two offences under this section. First, when a guy persistently pursues, makes contact with, or tries to make contact with a woman despite her obvious lack of interest, and second, when a male observes how a woman uses the internet, email, or any other kind of electronic communication.

For a first offence, a period of up to three years in prison and a fine is the recommended punishment. For a second offence, the penalty can be up to five years in prison and a fine.

- **INGREDIENTS:**

1. Both the accused and the victim must be male.
2. Pursuing, approaching, or attempting to approach a woman; or
3. The woman's use of the internet, email, or any other electronic communication is observed.
4. Notwithstanding the woman's disinterest.

- What doesn't constitute stalking?

There is a proviso appended to Section 354D that creates an exception to this offence. It won't be considered criminal behaviour if the State assigns a person some of the responsibility for preventing and identifying crimes, as long as the person's behaviour is reasonable and justified under the circumstances.

#### Death from Dowry [Section 304B]

Bride burning and dower killings are evil practices that are still common in Indian society. It is an unfortunate development in our culture and a sign of a certain social sickness. Section 304B of the IPC, which addresses dowry deaths, has a unique provision for this grave issue.

Dowry death is defined in Section 304B (1), and its punishment—which may include life in prison—is laid out in Section 304B (2).

- **THE COMPONENTS OF DOWRY DEATH:**

The following elements of the offence must be proven-

A lady must die from burns or another physical injury, or under unusual circumstances.

Such demise must take place within a window of seven years.

- **CONCLUSION:**

Despite the numerous laws designed to defend and protect women's rights and interests, the prevalence of crime against and victimisation of women is skyrocketing. It is often claimed that a dance requires two people. It means that the rise in crimes against women in our society is not solely under the authority of the law. The eradication of discrimination against women and the instillation of social ethics, morality, and values, as well as respect and dignity for all people toward women, are urgent needs that can also help to lower the rate of crimes against women. However, more and more restrictive regulations are required in order to prevent anyone planning to commit such crimes from gathering the courage to carry out his plan.

- **References**

1. 2006(6) SCC 263
2. AIR 1979 SC 185
3. 2005(6) SCC 161
4. Indian Penal Code

# FACT BYTES



## RUPEE PLUNGES 58 PAISE TO CLOSE ALL-TIME LOW OF 81.67 AGAINST US DOLLAR

On September 26, the rupee fell 85 paise to reach an all-time low versus the US dollar of 81.67 (provisional), as the strengthening of the US dollar abroad and investors' risk aversion hurt the local currency. Additionally, the conflict in Ukraine, a downward trend in local equities, and substantial outflows of foreign funds all reduced investor interest.



*Unilever*

## UNILEVER CEO ALAN JOPE TO RETIRE AT END OF 2023

On 26th September, CEO Alan Jope informed the Unilever Board he plans to retire from the company at the end of 2023. Jope has worked at Unilever for more than 35 years and is approaching his 5th year as CEO.

# QUANDARY OF SRI LANKA

by Gauri Malviya and Tanaya Raut (Sem III; SLS Nagpur)

## INTRODUCTION

We all knew this. We all knew that it would take more time than any of us want to dig ourselves out of this hole created by this economic crisis.

-Barack Obama

These are the words spoken by the president of the United States of America in the year 2007-08 when the world was facing one of its worst financial crises. These years were the time of the great depression which had a toll on the lives of people from both rich as well as poor countries. The worst affected strata of society when the economy gets shaken in this way is the working class as they have to face a decline in personal incomes and an increase in the inflation of basic requirements at the same time. A similar situation though at a lower level has arisen in the state of Sri Lanka.

With the growing economy of other small developing countries, here Sri Lanka is facing a tremendous economic crisis since its independence. Sri Lanka is amid its biggest economic crisis since the country's independence. Food, gasoline, and cooking gas are in extremely low supply. These crises are putting the local people of Sri Lanka into enormous hardships. Following a wave of demonstrations over the country's greatest economic crisis, Sri Lankan President Gotabaya Rajapaksa has imposed a national emergency.

Due to a significant Balance of Payments (BoP) imbalance, the Sri Lankan economy has been in a state of crisis. Its foreign exchange reserves are fast decreasing, making it increasingly difficult for the government to acquire necessities. Historical economic imbalances, loan-related constraints imposed by the International Monetary Fund (IMF), and authoritarian governments' erroneous policies have all contributed to the current Sri Lankan economic crisis.

## WHAT LED THE COUNTRY TO SUCH A CRISIS?

Sri Lanka's post-war GDP growth was quite strong at 8-9 per cent per year until 2012 when it emerged from a 26-year civil conflict. However, when global commodity prices declined, exports slowed, and imports increased, its average GDP growth rate nearly halved after 2013. During the war, Sri Lanka's budget deficits were substantial, and the global financial crisis of 2008 depleted its currency reserves, forcing the nation to borrow \$2.6 billion from the IMF in 2009. In 2016, it sought another US\$1.5 billion loan from the IMF, but the IMF's conditions worsened the country's economic situation. This year, Sri Lanka must repay over \$7 billion in foreign debt. The country is in discussions with the International Monetary Fund about a possible loan. In Sri Lanka State Emergency has been exposed to make the situation under control.[1]

### **SOME ECONOMIC SHOCKS IN THE RECENT PAST LED THIS COUNTRY TO SUCH A SITUATION:**

The Easter bombings in churches and three luxury hotels in the commercial capital Colombo in April 2019, which resulted in 253 deaths, resulted in a dramatic reduction in tourist numbers, resulting in a drop in foreign exchange reserves. The Easter bombing was done by suicide bombers of a local Islamic group. After a while, there was immense anti-Muslim violence due to this (religious unrest) and because of this government of Sri Lanka banned social media sites for a few days.

During the 2019 campaign, the newly led government of Gotabaya Rajapaksa promised the country to cut down the taxes up to 50%. President authorized a reduction in value-added tax (VAT) from 15% to 8%, as well as the elimination of interest withholding tax, a debit tax, and a halving of income tax on construction enterprises. The situation became worse by these hasty executions of these ill-advised promises. Where people used to give 2% taxes on domestic goods for nation-building was also removed. Various other types of taxes such as the capital gain tax on stocks and a debt service tax were also removed. The pay-as-you-earn tax deduction on monthly earnings up to Rs. 2, 50,000 was being eliminated. Several import tax reductions were also implemented.

And of the most important cause is COVID 19 pandemic. Almost in every corner of the world lockdown was imposed with tons of restrictions. And one of the major restrictions was on imports and export. Maximum of the nations prohibited import and export of goods. And this made the situation worse in Sri Lanka. Sri Lanka's 52% of exports were garments and textiles. Tea used to be 17%. And other items like spices, gems, and coconut products. These are the items that were heavily impacted during the pandemic. As we all know the tourism sector also faced lots of drawbacks. Sri Lanka's 12%-13% economy is completely dependent upon tourism. Tourist arrivals and earnings dropped even further. In fact, in 2018 Sri Lanka broke its record in tourism it was around 2.8 million. And due to the pandemic, Easter bombing and other factors tourism in Sri Lanka faced this economic crisis. During the pandemic government expenses also rose to their peak. The fiscal deficit exceeded 10% in 2020-21 as a result of increased government spending, and the debt-to-GDP ratio increased from 94 per cent in 2019 to 119 per cent in 2021.

In 2021 the president of Sri Lanka imposed a ban on the import of fertilizer. The president aimed to shift the whole country into 100% organic farming. This overnight decision adversely affected the food production in the country. Accordingly, the president of Sri Lanka declared Economic Emergency to control increasing food costs, a sinking currency, and fast diminishing foreign exchange reserves. The cost of food in the country exorbitantly rose as a result of a lack of foreign cash and a catastrophic overnight ban on artificial fertilizers and pesticides. Inflation is presently over 15%, with 17.5 per cent expected by the end of the year, placing millions of Sri Lankans on the edge of hunger. [1]

### **WHAT INDIA IS DOING TO ASSIST SRI LANKA?**

India always being on a friendlier side has helped Sri Lanka in combating every situation. In the COVID times also India gifted 5,00,000 Covishield vaccines. At the very beginning of the year, India provided very pivotal economic support to the country amid a major currency crisis, many fearing a sovereign default and a catastrophic lack of basics in the import-dependent economy. India also extended relief of a total of over USD 1.4 billion - a USD 400 currency swap. In these unprecedented crises, India offered Sri Lanka a USD 1 Million short term concessional loan.



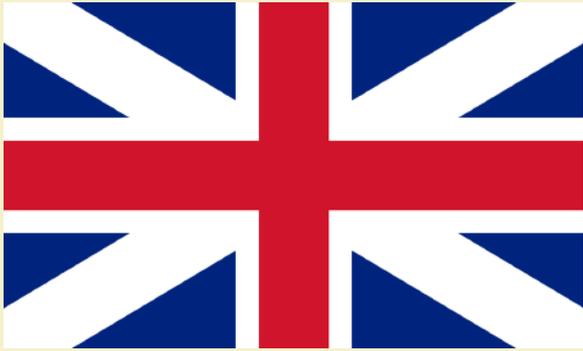
Helping Sri Lanka in their difficult times might be good for India because no other neighboring nation of India is as friendlier as Sri Lanka. Relationships between Sri Lanka and India cannot afford to be strained. India, as a much larger country, bears the brunt of the responsibility; it must be extremely patient and engage Sri Lanka more frequently and closely. There's also a need to ramp up our people-centered development efforts while avoiding any meddling in Colombo's internal affairs. The situation could be utilized as a chance for New Delhi and Colombo to work out a solution to the long-running Palk Bay fisheries conflict. Any dissatisfaction with China in Sri Lanka aids India's efforts to keep the Lankan archipelago out of China's Indo-Pacific "string of pearls" game. To the extent that India can provide low-cost assistance to support Sri Lankans, it should do so; but, it must do so with caution, bearing in mind that the optics of its aid are also important.

Here are some solutions which might help Sri Lanka to come out of it worse

1. Economic Stability- First of all government should take measures for the country's economic stability before all the essential commodities come to an edge, which is highly expected to be in mid-April. To minimize the borrowings, it is wiser to increase domestic tax collection and reduce government spending from foreign sources. Concessions and subsidy management should be reorganized through tough methods.
2. Insufficiency of food- This problem is not new to the country as it was never self-reliant when it came to agriculture. The climatic conditions in the region are suitable for crops like paddy, spices, tea, coffee, cotton etc. hence if the government encourages the people to self-employ themselves it will turn out to be a smart move as agriculture to some extent will cater for the problem unemployment and in long run, this product can be sold in international markets which will help to balance deficits.
3. Inflation in fuel- Sri Lanka is blessed with a geographic position that is suitable for the extraction of fuel from sea beds. The mineral-rich region will help the country to produce the fuel for itself if certain infrastructural support is provided.
4. Harbors not to be developed completely under another country- A prime example of Chinese companies acquiring the Hambantota port which has great strategic importance for not only Sri Lanka but also India, has taught the country not to be so reliant on the countries that are evil lenders as they in return take control over such crucial parts looking at the incapacitated state of the borrower country.
5. Political and Social stability- The resignation of multiple political leaders has directed the powers to accumulate in a few hands which is dangerous as there will not be any opposition to the arbitrary decisions made. Also, the civil war between Sinhalese and Tamils should come to a pause as the very neighboring country (India) has kept friendly and supportive ties with Sri Lanka in its harsh times and Tamils occupy quite a big chunk of India's population.
6. Overall development in demographic indicators- The Sri Lankan population is young as half of the citizens are below the age of 30. Hence the government should try to protect the interests of this stratum of society by providing them with proper education, healthcare and employment.
7. Steps to be taken by celebrated personalities- People belonging to industries like business or film, who can influence their fan base should try to spread awareness regarding the hardships of citizens of Sri Lanka and should take measures to gather aid in any manner possible.

These are some solutions that if Sri Lanka tries to follow may support its economy. The foremost key to positive development is self-sufficiency. It was recently heard that school exams in the country were cancelled due to a shortage of printing papers, from this the government needs to understand that the situation has touched the nadir. To revive and rebound it must take proper policy decisions, aid from friendly countries and financial assistance from international institutions as and when required. Judicial decision making at the national level and cooperation on the international front can support the betterment of the situation and assist Sri Lanka to overcome this arduous phase.

# FACT BYTES



## UK SCRAPS CORPORATE TAX HIKE, LIFTS CAP BANKER BONUSES

the United Kingdom government has decided to scrap corporate tax hike and lifted a cap on the bonuses of the bankers in order to boost the faltering economy. The UK government is expected to publish an statement regarding the emergency budget outlining on how the government intend to slash the taxes and boost the economic growth.



## S&P PROJECTS INDIA'S GDP GROWTH AT 7.3% THIS FISCAL.

With a growth rate of 7.3% this fiscal year, India stands out within this group (ending in March 2023). The US-based organization claimed that as central banks aggressively raise interest rates to combat inflation, our faith in their ability to prevent a severe slump is eroding.

# CURRENT CHIEF JUSTICE OF INDIA

By Saransh (Sem III; SLS Nagpur)

## ABOUT UDAY UMESH LALIT CAREER

Born on November 9, 1957 and enrolled as an Advocate in June, 1983. Practised in the High Court of Bombay till December, 1985 and then shifted his practice to Delhi in January, 1986. Designated as Senior Advocate by the Supreme Court in April, 2004. Appeared as Amicus Curiae in many matters. Appointed Special Public Prosecutor for CBI to conduct trial in all 2G matters under the orders of the Supreme Court. Member of Supreme Court of India Legal Services Committee for two terms. Appointed Judge of the Supreme Court of India on August 13, 2014. Elevated as the Chief Justice of India w.e.f. 27.08.2022. Due to retire on November 8, 2022.

## EX-BUREAUCRATS WRITE TO CJI: SC SHOULD RECTIFY THIS 'HORRENDOUSLY WRONG DECISION' [1]

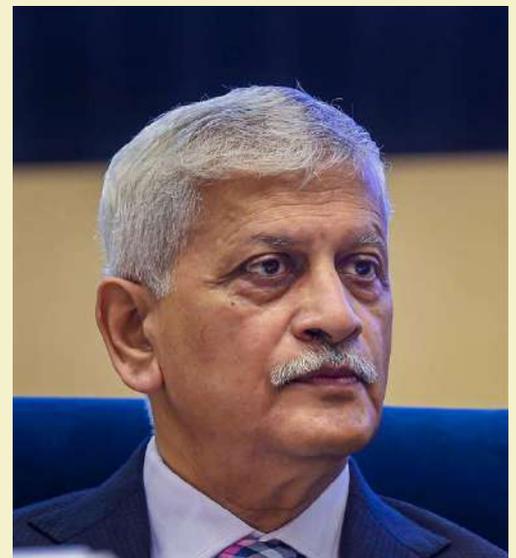
In an open letter to the Chief Justice of India against remission of 11 convicts serving life sentence in the Bilkis Bano case, 134 retired bureaucrats have urged the Supreme Court to "rectify" this "horrendously wrong decision". "The case was a rare one because not only were the rapists and murderers punished, but so, too, were the policemen and doctors who tried to tamper with and erase evidence to protect the accused and cover up the crime,"

The premature release of 11 men by the Gujarati government who had been imprisoned and convicted in the horrifying case of the gang rape of young, pregnant Bilkis Bano and two others, as well as the murder of her family members, horrified the entire country. We are profoundly troubled by this Gujarati government decision, and we write to you because we think that the Supreme Court is the only institution with the power and authority to reverse such an egregiously bad decision. After 15 years in jail, one of the accused, Radheshyam Shah, moved the Supreme Court with a plea for remission.

The letter stated: "The Gujarat High Court, which had earlier been approached for this purpose, had dismissed his plea while observing that the "appropriate government" to decide the case was that of Maharashtra and not Gujarat.... It is also shocking that five out of ten members of the Advisory Committee, which sanctioned the early release, belong to the Bhartiya Janata Party, while the remaining are ex-officio members. This raises the important question of the impartiality and independence of the decision, and vitiates both the process and its outcome."

## APPOINTMENT

As the incumbent chief justice approaches retirement, the Ministry of Law and Justice seeks a recommendation from the incumbent chief justice. Consultations with other judges might also take place. The recommendation is then presented to the prime minister, who passes the advice on to the president.



## DAY 1 OF CHIEF JUSTICE OF INDIA U U LALIT: A REPORTER'S DIARY

The first day of Justice U U Lalit as the 49th Chief Justice of India (CJI) was characterized by a lack of out-of-place observations, casual conversations with lawyers, and comments on any aspect outside the realm of a case.

The newly sworn-in CJI had his priorities set on the first day of his tenure. Fresh cases were heard and wrapped up before 1:00 pm so that after notice matters could be taken up after 2:00 pm. This, however, did not mean that the Court granted a half-hearted hearing in any case.

All of the cases heard in CJI's today were given their allocated share of time, with minimal adjournments.

As soon as the Bench sat, lawyers lined up to congratulate the new CJI.

The CJI, eager to get to the board, heard out all the greetings and then remarked,

*"Are the preliminaries done so that we move on to the board?"* Supreme Court

Mentioning of matters is one crucial aspect that has seen a lot of ad-hoc and inconsistent norms during the tenures of various CJIs.

CJI Lalit, however, made it clear that any matter which has to be listed urgently would be given a date, and that it would be seen that they are listed within 10 days.

Pertinently, a new mechanism for mentioning will also be devised by Thursday, he revealed.

However, after Solicitor General Tushar Mehta and Senior Advocate Kapil Sibal mentioned matters citing the urgency of their cases, CJI Lalit said,

"Since you all have started mentioning despite me saying that by Thursday we will have the mechanism, all of you might as well complete it," he said as he began to take up a series of 22 listed matters and a number of unlisted mentioning.

Unlike past hearings before a CJI-led Bench, where PIL petitioners would be hauled up for petitions which were "frivolous", CJI Lalit's Bench came across as not only well-read, but also ready to grant a short hearing, even if the fate of the plea might be a dismissal.

Serial numbers like 42 and 48 reached the board for hearing before 12:30 pm, which is a rarity in CJI court over the past few years.

This pace was matched by other benches of the apex court. Whether it was Court Number 2 led by Justice DY Chandrachud or Court 3 led by Justice Sanjay Kishan Kaul, the board moved at least double the pace compared to last week. When a lawyer remarked that he did not expect the board to move at this pace, Justice Hima Kohli remarked,

"Be ready for it."

The CJI's Court is always closely followed by reporters, given the importance of the matters listed before it. Today, the Siddique Kappan bail matter was one of these. Watching a matter listed as item 40 being taken up at 12:15 pm was a welcome change.

And it seems like this is something that will be appreciated by the Bar as well. As the Court proceeded to wrap up item 62 at around 1:00 pm, Senior Advocate Krishnan Venugopal said,

"Milord, it is a privilege to appear before the first Chief Justice of India who was directly elevated from the Bar."

CJI Lalit said a "Thank You" with a smile and concluded the first session of his first day at the helm of the Supreme Court.

## CITATIONS

[1] Esha Roy; Ex-bureaucrats write to CJI: SC should rectify this 'horrendously wrong decision', The Indian Express, August 28, 2022 1:49:28 am

# DILLY-DALLY

by Khushi Soi (Sem V; SLS Nagpur)

Among the bright and colourful streetlights  
Through the coldness of this night  
It dawned upon me

The cold sweat, drenching my favourite sweater  
I smell the stench of raw emotions  
Previously seeping through the back of my mind  
Drowning among the endless thoughts each night

I halt my steps,  
Make a pause,  
And take care of my bleeding thorns  
Poking the ground beneath,  
I've endured yet another hilly path

Murdering the shadow of past  
I've come across the dilly dawn  
Misty flowers and petrichor grounds  
I've found the pipe dream  
Contenting a loud howl  
Swallowing the shallow hops  
To fly across the high ground

Yet another day and yet another hilly ground  
I'll make a flight again  
Fall down  
And rebound



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