



SRM

INSTITUTE OF SCIENCE & TECHNOLOGY
(Deemed to be University u/s 3 of UGC Act, 1956)

Issue. No 2
Volume. No 2.
November Edition.

THE LEX KHRONIKA

WHAT'S IN ?

NEWS ARTICLES:

1. Domestic Violence on Women.
2. Pay Gap in the Central Governemnt Scheme - MGNREGA.
3. International Space Law.
4. Europe and its curve in COVID.
5. Weapon trade of India.
6. Non Allignment Movement - a breakdown.

PROFILES:

1. Flavia Agnes - A Women's rights Lawyer and activist.
2. P. Sathasivam - 40th Chief justice of India Former Governor of Kerala.
3. Seema Samridhi Kushwaha - The legal counsel of India's daughter, Nirbhaya.

It's Not Ok, To Be Ok With Domestic Violence

SURGE IN DOMESTIC VIOLENCE CASES



616

complaints of domestic abuse received on TN helpline between March 25 and May 14

100%

increase in domestic abuse cases recorded in India

700%

increase in the number of calls to a domestic abuse helpline in the UK. In France, such cases rose by more than 30%

AGAINST WOMEN:

Women are the strong foundation in a family. They are also human beings who have their own emotions. Are they treated properly? Definitely a question mark, Every 1 out of 3 women is suffering from domestic violence in India. Even though we are in 21 st century, India tops in the highest number of domestic violence among all other crimes, while divorce case is less than 1%. This clearly conveys that domestic violence is prevalent and normal in Indian society.

WHY DO INDIAN PARENTS NORMALIZE DOMESTIC VIOLENCE?:

Any victim of domestic violence informs the parent that, after the marriage if she was threatened and harassed and if she could get divorce?.

Definitely the parents would give life lecture to the daughter. This is how parents normalize the domestic violence in society. As per the survey of NFHS (National Family Health Survey) 2015 to 2016, 42% of women and 52% of men believe that, it is reasonable for a man to beat his wife.

REASONS WHY NOT TO RISE OUT:

Parents don't want their daughter to oppose such violence because it leads to divorce and will give rise to cruel criticisms from the society. The society expects the women to forget the abuse caused and to lead the normal relationship but, if it cause the victim to attempt any kind of wrong thing what will be the remedy?.

Even after if the case was filed, there are many loopholes for him to escape from the crime.

NO WRONG TO ADDRESS DOMESTIC VIOLENCE:

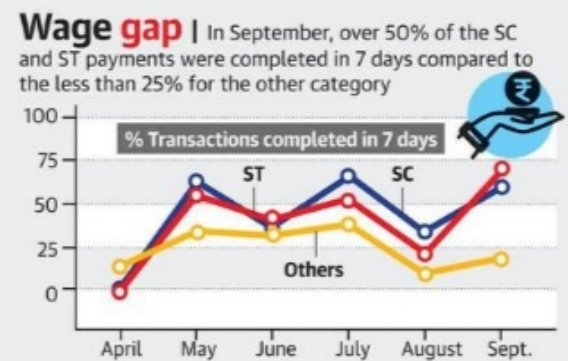
Women are legally rightful person to oppose domestic violence. They can get remedy through, the Protection of Women from Domestic Violence Act, 2005. The magistrate helps the victim by giving protection order (Section 18), may grant monetary relief and compensation (Section 20). The victims can also ask for other proceedings like petition for divorce and she also has the right to simultaneously file her own complaint under section 498A of IPC. Practicing and normalizing domestic violence is equal to letting the wounds to be a scar. It's always better late, than never.

Jayashree Mayavel

Mahatma Gandhi National

Rural Employment

Guarantee Act - Wage Gap



Mahatma Gandhi national rural employment guarantee act (MGNREGA), 2005 is an act that was passed on 23rd August 2005 under the UPA government, headed by Prime Minister Dr. Manmohan Singh.

This scheme's mission is to enhance the livelihood of rural people by providing 100 days of wage employment in the financial year to every household where adult members volunteer to do unskilled manual work.

Now this scheme's fund has ran out half way through the financial year, and The Centre has been accused of condemning workers to "forced labour" by delaying wage payments at a time of economic distress. Reports also suggest that a central government official blamed the state governments for the current situation.

The Centre, in turn, is now accusing many States of "artificially creating demand" for work on this ground.

During last year's covid-19 lockdown, the scheme was ultimately given its highest budget of Rs.1.11 lakh crore. It has the supplementary budgetary allocation and still can't rescued until the next Parliamentary Session begins. This MGNREGA scheme currently shows a negative net balance of Rs.8,686 crore.

The people from SC/ST [scheduled castes and tribes] communities got paid within 15-20 days whereas people from other communities had to wait for two months despite these working together, at the same worksite for the same number of days.

Panchayat officials have told that they have submitted the details of everyone but the order is to split the payments by caste, so nothing can be done.

This has caused a lot of worry for Villagers and has created a suspicion and tensions.

Deviyaanand. T

Application Of Space Laws



Law of space is a relatively newer area of law and mainly based on UN Treaties. Moreover, applicability of national laws in space is an extremely new concept, as most issues in relation to space have been resolved through diplomatic channels rather than the judicial route.

INTERNATIONAL AND NATIONAL PERSPECTIVE ON SPACE LAW:

Nationality and Universality principles under international law permits countries to exercise jurisdiction outside their territories. Outer space is sui generis from a legal point of view. Though countries have been exploring the outer space and deep space for the past few decades, only recently space tourism has become a reality as envisioned by Buzz Aldrin as Space tourism is a logical outgrowth of the adventure tourist market. Thus, this leads us to the question about the applicability of national laws in space.

EFFECT OF PRESPECTIVES:

Space comes under the concept of res communis in international law. But this doesn't exclude the applicability of national laws. Effects of activities in space is not contained within a boundary of a country but it has the potential to have universal consequences. There are explicit consequences for such actions provided in various treaties agreed to by various countries.

But consequences for individual actions are not clear cut.

OUTER SPACE TREATY:

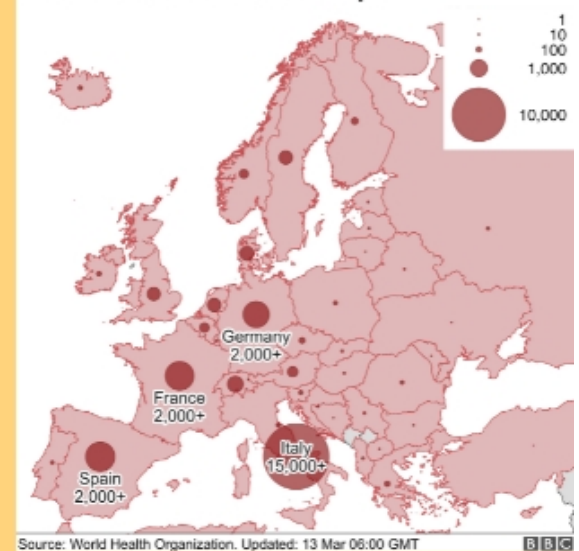
The most relevant treaty when it comes to dealing with alleged crimes in space is the Outer Space Treaty. Exploration of space is only to be done for peaceful purposes. Even if public and private sectors are allowed to access space for research and commercial purposes, the appropriate state is entrusted with the responsibility to authorise and supervise all non-governmental entities activities.

The question of who would prosecute crimes committed in space, the shortest answer comes from nationality principle, which recognises the right of a country to exercise sovereign jurisdiction over a national even if they violate sovereign laws outside the country's territory or they could be prosecuted under the laws of the country in which the spacecraft is registered.

Alamelumangai Mangai.

Europe, New Epicentre For Pandemic

Cases of coronavirus in Europe



Europe, the new epicenter of the pandemic?

The situation in India regarding the Coronavirus (Covid-19) disease remains under control; however, the worrying increase in infections in Europe, the new epicenter of the pandemic, has created new concerns. Several European countries have tightened restrictions, with Austria announcing a nationwide lockdown - the most dramatic measure in recent months.

The Netherlands has also enacted a partial lockdown and is preparing to impose some restrictions on unvaccinated individuals, triggering protests from angry citizens. Dutch police fired warning shots and used water cannons against the protesters Friday night as they attempted to disperse the crowd.

German officials have warned about a possible lockdown as vaccination by itself hasn't been able to control the outbreaks. Over 42,000 new Covid-19 cases and 75 related deaths have been reported in Germany in the last 24 hours, according to the Robert Koch Institute.

The German health minister Jens Spahn was asked whether the largest economy in Europe could rule out an Austria-style lockdown during a news conference.

"We are now in a situation - even if this produces a news alert - where we can't rule anything out," Spahn replied. "We are in a national emergency."

India, meanwhile, is experiencing a recovery rate of over 98.2%, the highest since March 2020. As vaccination rates continue to rise, daily infections have hovered around 10,000 this week. The Covid-19 vaccination coverage in India reached 116 crores on Saturday. Covid-19 doses have been administered to date over 60 lakh, with the final report expected on Saturday night, which is expected to increase the daily vaccination tally.

Varun Anand. A

India's Day Out With United States' Weapons



The Russian Front
Russia still remains India's top weapons supplier and this complicates the relationship with the US

INKED DEALS

- \$5.4 bn** contract for S-400 missile system
- \$3 bn** pact to lease another nuclear attack submarine
- \$2 bn** contract to buy 4 frigates

IN THE PIPELINE

- \$1 bn+** deal for AK-203 assault rifles to be made in partnership with the Ordnance Factory Board
- \$1 bn** for Kamov Ka-226 choppers to be made in partnership with Hindustan Aeronautics
- \$1 bn** worth of emergency supplies, including ammunition, missiles, assault rifles and anti-tank systems

India has implemented newly acquired U.S.-based weaponry across its border with China as part of a new offensive unit to strengthen its prowess as the two countries remain at odds over unsettled Himalayan territory. The Tawang Plateau, which borders Bhutan and Tibet and is claimed by China but managed by India, is at the heart of the development in India's northeast.

It has historical political and military significance: in 1959, the Dalai Lama fled to India through nearby mountain passes to avert a Chinese navy operation. Three years later, both sides were involved in a feud surrounding that area.

Chinook helicopters, ultra-light towed howitzers and rifles, as well as locally manufactured supersonic cruise missiles and a cutting-edge surveillance system, will now aid Indian troops in areas bordering eastern Tibet. The weapons were all acquired in recent years as alliances between the United States and India have grown stronger in response to rising concerns about Chinese resilience.

Military personnel from India escorted reporters through the region last week in an effort to showcase its new offensive capabilities. Commander of the Eastern Army, Lieutenant General Manoj Pande, said boots, armor, artillery, and air support are all being combined to make the force "agile, lean, and mean so that we can deploy sooner." Last year, the worst fighting in decades led to at least 20 deaths in the Indian army and four in the Chinese armed forces. As a consequence, India has stepped up defenses along its border with China. Though both sides have engaged in talks to disengage, they have not yet agreed to withdraw from a key flashpoint in another border area near the disputed area of Kashmir.

As a result of its deployments, India has become frustrated with the lack of progress on talks with China, said Rajeswari Pillai Rajagopalan, director of the Center for Security, Strategy and Technology at the Observer Research Foundation. We may be stationed at the border for a second winter, which explains why India needs to build more capabilities and infrastructure at the border as well as secure more equipment from partners like the United States, she explained.

Varun Anand. A

India's Non-Aligned Movement Marks 60



The birth anniversary of Jawaharlal Nehru this month and the 60th anniversary of the Non-Aligned Movement prompt reflection on Nehru's major contribution to the field of international relations.

ABOUT NAM

In 1946, after Nehru formed the national government, he stated, "we propose to keep away from the power politics of groups aligned against one another it is for One World that free India will work."

Nehru was opposed to the conformity required by both sides in the Cold War, and his opposition to alliances was justified by American weapons to Pakistan from 1954 and the creation of western-led military blocs in Asia.

Hence, Non-alignment was the least costly policy for promoting India's diplomatic presence, a sensible approach when India was weak and looked with suspicion by both blocs, and the best means of securing economic assistance from abroad.

India played a lone hand against colonialism and racism until many African states achieved independence after 1960. India played a surprisingly prominent role as facilitator at the 1954 Geneva Peace Conference on Indochina, whereafter non-alignment appeared to have come of age.

INDIA'S NON-ALIGNMENT POLICY

There existed a difficulty to find a definition of this policy, which caused a credibility gap between theory and practice. Also in the early years, there was economic dependence on donor countries who were nearly all members of western military pacts.

Though India kept distance from the recognition of the either block in then cold war era, yet it recognised one party in the two Chinas and two Germanies, and signed the Treaty of peace, friendship and cooperation with the Union of Soviet Socialist Republics of 1971, which during the liberation war of Bangladesh came dangerously close to a military alliance. The years following Nehru's death saw the decline of his idealism, and non-alignment during his successors moved from pragmatism under Indira Gandhi and opportunism after the dissolution of the former Soviet Union, to the semialignment of today. Non-alignment ideological moorings began, lived and died along with Nehru's idealism.

Though some features that characterised his foreign policy were retained to sustain diplomatic flexibility and promote India while its economic situation improved sufficiently to be described as an 'emerging' power.

In present time, the inclination and threat perception of the party in power, is inclined to greater alignment with the United States whether under the nebulous rubric of the Indo-Pacific or otherwise.

NAM'S FAILURES

When Yugoslavia and Egypt became nonaligned by defying the great powers and convened the first Summit Conference of the Non-Aligned Movement in 1961, Nehru, who never endorsed confrontational methods, became a third but hesitant co-sponsor, because in theory, a coalition or movement of non-aligned nations was a contradiction in terms. o Nehru's doubts were confirmed when only two members, Cyprus and Ethiopia, of the conference supported India in the war with China.

According to then Defence Minister Krishna Menon's epigram, true non-alignment was to be non-aligned towards the nonaligned. There were a plethora of alignments among the Non-Aligned Movement's members.

This weakness was aggravated due to lack of internalisation of their own precepts of human rights and peaceful settlement of disputes on the grounds of not violating the sacred principle of sovereign domestic jurisdiction.

Other failures were lack of collective action and collective self-reliance, and the non-establishment of an equitable international economic or information order. Thus, the movement could not dent, let alone break, the prevailing world order.

Every international organisation has a shelf life, though many survive for years in semi-neglect: o The League of Nations was given the coup de grace after seven years of inactivity. The Commonwealth will last only as long as the British find it useful.

Further, it is hard to see any future for Brazil-Russia-India-China-South Africa (BRICS) or its various institutional offspring, given the state of India-China relations. The South Asian Association for Regional Cooperation (SAARC) has faded into oblivion too.

In the present, calls for the dissolution of the Non-Aligned Movement have gained currency with the end of the Cold War. However, in order to continue and be effective, the organization should be reshaped and reformed to address global challenges.

Guna Roobene Sivakumar.

LEX: PROFILES

Flavia Agnes, an Indian women's rights lawyer, is an expertise in marital, divorce and property law. Being a domestic violence victim herself inspired her to become a lawyer for women's rights. She is also the co-founder of MAJLIS, an organization that provides legal service and counselling for women despite the majority of the women being destitute.

She was born in Mumbai in 30th of November 1947, but her early childhood was spent in Mangalore and so was her later life. In 1978, to pay for her higher studies she gave private lessons and through the conversation with the students' mothers she understood that many women and children are subjected to abuse every single day.

In 1979, she took part in an organization called the Forum Against the Oppression of Women that deals with domestic violence, dowry murders, and marital rapes. And subsequently in 1980, she took part in an investigation of a rape case against a minor girl which created a deep impact on her life. Just like many other feminists, she was also concerned with women's rights on the basis of economy and with that on her mind, she along with her organization fought as much for women's economic rights regarding property ownership.

Ever since the foundation of her NGO in 1990, her centre legally assisted 50,000 women and offered consultancy to 150,000. In August 2018 Power Brands awarded Flavia Agnes the Bharatiya Manavata Vikas Puraskar for being the voice of many voiceless women and children and also for the for her contribution to feminist jurisprudence, human rights law and gender studies in India.

Flavia Agnes is a part of the Global Feminisms Project, an archive created in 2002 to explore women scholars and activists around the world.



Flavia Agnes

Dackshata Srihari.

Justice P Sadhasivam born to an agricultural family on 27 April, 1949 at Kadapanallur near Bhavani in Erode district, served as the 40th Chief Justice of India between 19 July, 2013 and 2014. He is also the second judge from Tamil Nadu appointed

as CJI after Justice M. Patanjali Sashtri.

After his retirement, Justice P Sadhasivam assumed office as the Governor of Kerala from September 05, 2014 to September 05, 2019. He is also the first CJI appointed as the Governor of a State. He started his career as an advocate at Madras HC. Subsequently, he was appointed as an additional government pleader and later on as a special government pleader at Madras HC. He was elevated to the post of permanent judge in Madras HC in January 1996. He has also served as a Judge in Punjab and Haryana HC. He was elevated to the post of Supreme court Judge in August 2007.

During his tenure, Justice P Sadhsivam has been a part in authoring many landmark judgements, including the Reliance Gas Judgment where he quoted " a national democracy like ours, the national assets belong to the people" and "the government owns such assets for the purposes of developing them in the interests of the people". He coauthored the judgment in Mumbai Serial blasts (1993) sentencing Bollywood actor Sanjay Dutt to five years imprisonment. He delivered an important judgment in the Rajiv Gandhi assassination accused case, observing that "unexplained and unreasonable delay in disposal of mercy petitions by the President leads to commutation of death sentence into life sentence".

During his tenure as CJI of India, Justice P Sadhsivam delivered various judgements in electoral reforms such as Nota and social reforms, by directing all the states to abolish manual scavenging and awarding 10 lakh as compensation to the family of everyone who died in sewers from 1993.

In his number of judgements, Justice P Sadhasivam cautioned the courts against awarding lesser sentences in crimes against women and children. After his tenure as the Governor of Kerala, he was considered by the Central government for the post of the Head of the National Human Rights Commission, but later the consideration was dropped due to various political reasons. With the increasing crimes against women and children, it is no doubt that the present justices can consider the proposition of Justice P Sadhsivam while awarding punishments to those accused of crimes against women and children.



Justice. P. Sathasivam

Seema Samridhi Kushwaha born on 10 January 1982, is an advocate at the Supreme Court of India. In a society where we are surrounded by humans, not humanity; only a few have the courage to stand up for what is right with a conviction to push the rigid social boundaries.

On December 16, 2012, a gruesome episode jolted the nation to its core. A 23-year-old paramedical student was brutally gang-raped and mercilessly left to die by six men who were travelling on the same bus. Later, despite all medical efforts, she succumbed to this monstrosity. The nation came out to the streets of Delhi in a protest demanding justice but such is the speed of our speedy trials that many started to lose hope.

While most women lawyers tend to focus on civil cases dealing with domestic violence and dowry harassment, Ms. Seema preferred to focus on the criminal ones. A.P.Singh's misogynistic remarks about the deceased's character provoked protests, but Ms. Seema chose to maintain her dignified silence. Her only aim was to shatter the false perception that the culprits were living by that they would walk free one day.

The rural background might have helped her to channelize her aggression into the courtroom. She is presently working in close coordination as a legal advisor at Nirbhaya Jyoti Trust, an institute established by the Nirbhaya's parents which helps women who have experienced violence to find shelter and legal assistance.

There came a ton of failures along her way but none could defy her. Many times, things just didn't work out for her, but she learned and persisted. With faith in law and a strong belief, she fought with great distinction through thick and thin without charging a penny.

This was her first case. She pushed for Fast track court listing. Nevertheless, due to numerous review and curative petitions by convicts and slowness of the legal system, the case got delayed till finally, on 4 March 2020, a last death warrant was issued by court with the execution date as 20 March 2020 at 5:30 a.m. On 20 March 2020, at 5:30 a.m. IST, the four adult convicts were executed by hanging at Tihar Jail.



Seema Samridhi Kushwaha.

Guna Roobene Sivakumar.



1. According to The Aircraft Act, 1934, the term "Aircraft" is defined as "any machine which can take support in the atmosphere from the reactions of the air". So it comprises "balloons, whether fixed or free, kites, airships, flying machines and gliders". With this interpretation, it would be illegal to fly balloons and kites without government clearance in India.

2. Cornelia Sorabji was the first female lawyer in India, a woman who broke many stereotypes. She was also the first Indian national to study abroad, the first woman to graduate from Bombay University as well as the first to study Law at Oxford University. Cornelia did what no women dreamed of doing at her time as she went on to break all the records when she became the first female Indian to practice law in India and Britain.



OUR TEAM:

PATRONS:

- PROF. DR. C. MUTHAMIZHCHELVAN, VICE-CHANCELLOR, SRM IST.
- PROF. DR. C.A. GURUDATH, DEAN, SCHOOL OF LAW, SRM IST.

ADVISORS:

- VIDYA MENON, ASSISTANT PROFESSOR, FACULTY OF LAW, SRM IST.
- LAKSHMI KRISHNAKUMAR, ASSISTANT PROFESSOR, FACULTY OF LAW, SRM IST.

STUDENT EDITORS:

- JAYASHREE. M - 3rd Year, BA.LL.B (B)
- DEVIYAANAND. T - 4th Year, B.COM, LL.B (B)
- ALAMELU MANGAI. SP - 4th Year, LL.B (B).
- VARUN ANAND. A - 1ST Year, LL.B HONS (A).
- DACKSHATA SRIHARI - 1ST Year, LL.B HONS (B)
- KAMESHWARAN. R - 1st Year, LL.B HONS (A).
- GUNA ROOBENE SIVAKUMAR - 1ST Year, LL.B HONS (A).

TECHNICAL TEAM:

- GUNA ROOBENE SIVAKUMAR - 1ST YEAR, LL.B HONS (A)