



SRM

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

Issue. No 4
Volume. No 4
January Edition.

THE LEX KHRONIKA

WHAT'S IN ?

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Security Lapse During Prime Minister's Visit.



Recent heated debate on the political showcase of Central Government and Punjab state is regarding the security threats to our Hon' Prime Minister Narendra Modi. PM Modi's visits to Punjab was stopped in mid way and he returned back to Delhi without attending the planned events. The confusion on the mode of travel and the unexpected change of plan, at the last moment decision to travel through road was the trigger. The not very pleasing scene of people was not what the PM expected to be welcomed with.

In political history, numerous similar incidents have taken place, but the extent of raising this issue to the President by the PM against Punjab's congress aided government and their lack to provide efficient security was frowned upon. Its not just the complaint, that makes this issue shady but also the response from the Punjab government adds the extra spice to the issue. It was stated that, there was no such protest held against the Prime Minister during his travel, and it was in fact the BJP supportive people and party members who were rallying to show support and praise to the PM, on his way. This statement was substantiated with pictures from the rally itself depicting BJP'S party symbol and praises. The whole controversy was reported as a framed gimmick to aid the BJP in upcoming election. The cost of the facade was a brute on the Punjab's chief minister's reputation and efficiency.

The security of our Prime Minister is an assurance and promise to each and every Indian Citizen for their personal safety and dignity. The security protocol for the Representative of one of the largest democracy should be highly classified. The unique personality of 1.3 billion people of India is not just an identity to our nation but also an testimonial to our patriotism and unity, that has to be protected no matter what. The essence of unity and respect, should never become a toy in the hands of political game.

A. Roserin Jerald.

Parliamentary Winter Session - A Summary.



The winter session of Parliament commenced on 29th November 2021 and adjourned on 22nd December 2021, i.e a day earlier than scheduled. The session was scheduled for 18 sitting in 24 days. During the session, a total of 13 bills were introduced, and 11 bills were passed in both the houses of the Parliament. Three Bills amending the Ordinances, the Central Vigilance Commission (Amendment) Ordinance, 2021 (9 of 2021), the Delhi Special Police Establishment (Amendment) Ordinance, 2021 (10 of 2021) and the Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance 2021(8 of 2021) which were proclaimed by the Hon'ble President before Winter Session, 2021 and were passed by the Houses.

Some of the predominant bills that were passed with the ordinances are,

The Farm Law Repeal Bill, 2021 - The Farm Services Act, 2020, the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 and the Essential Commodities (Amendment) Act, 2020 passed by Parliament in September, 2020 were repealed by the houses of the Parliament after a series of protests by a group of farmers.

The Surrogacy Regulation Bill, 2021 - This bill was passed by the houses of Parliament, which prohibits the exploitation of surrogate mothers and protect the rights of children born through surrogacy.

The Prohibition of Child Marriage (Amendment) Bill, 2021 - This bill seeks to raise the legal age of women for marriage from 18 to 21.

The Election Laws (Amendment) Bill, 2021 - This bill provides for linking electoral data with Aadhar database to prevent multiple enrollments of the same persons in multiple places.

The Dam Safety Bill, 2021 - This bill aims to provide safety, surveillance, inspection, operation and maintenance of the dam. This bill also provides an institutional mechanism to ensure their safe functioning and for matters connected with the specified dam.

The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2021 - This bill seeks to provide an additional quantum of pension for a retired Judge from the first day of the month in which he completes the age specified in the first column of the scale.

The overall productivity of the Lok Sabha was 82 percent (approx) and that of Rajya Sabha was 48 percent (approx) during the winter session 2021. Productivity of the house means, the number of scheduled hours for which the house has functioned.

Kameshwaran. R

What's The Deal With The Delta Variant?



Deltacron, A strain of Covid-19 that combines delta and omicron was found in Cyprus, which has a similar genetic background to the Delta variant, as well as some of the mutations from Omicron, and experts say that it is not something to be worried about at the moment said by media report.

In total, 10 of the mutations from Omicron were found in the 25 samples taken in Cyprus. 11 of the samples were taken from people already hospitalized due to the virus, while 14 was from the general population, reported Jerusalem Post citing Cyprus Mail.

Dr. Leondios Kostrikis, the head of the laboratory of biotechnology and molecular virology at the University of Cyprus, said that the frequency of the mutation among hospitalized patients was higher and could point to a correlation between the new variant and hospitalizations.

As the reports of the Deltracron variant emerged, many people assumed that the new variant would have the worst characteristics of the previously detected variants- the high transmissibility of Omicron teamed with the severe symptoms of Delta.

As of 4 January 2022, India had administered over 1.53 billion doses overall, including first and second doses of the currently-approved vaccines. In India 87% of the eligible population has received at least one shot, and 62% of the eligible population is fully vaccinated.

Due to time-sensitivity of the pandemic, current scholarship predominantly put the discussion of COVID-19 as a central subject in epidemiology. Much of the available of tests, as well as the technical guidelines for the public to take precautions like practicing social-distancing and wearing face mask. People the age of above 15 must vaccinate to protect yourself from the virus.

Amirtha. M. R

Daughter's Right to inherit Self Acquired Property - SC verdict.



On January 20th 2022, The Supreme Court of India gave a landmark verdict empowering Hindu daughters to get an ownership of their father's self-acquired and other properties of him, if he dies intestate and would also get an inclination over other indirect family members as well.

This judgement was given against the Madras High Court Verdict on an appeal that tackled with property rights of Hindu women and widows under Hindu Succession Act .The verdict was pronounced by a two Judge bench of Justice S Abdul Nazeer and Justice Krishna Murari. Which ensured equality to women on their legislative rights to take ownership and assert absolute rights on the father's property.

Justice Murari's 51 pages judgement dealt with the question of whether the property should be devolved through inheritance or survivorship. The judgement referred certain legal provisions of the Hindu Succession Act, 1956 with an intent to give a remedy in order to eradicate the limitation of a Hindu woman in claiming an absolute interest rather than life interest of the properties inherited by her. The verdict further clarified that if a Hindu woman dies intestate and childless then the property inherited from her parents would go back to the father's heir's .And the property she received from her husband or father-in-law would go to her children. The court stated that Right of a widow or daughter in a self-acquired or share in a coparcenary property of a Hindu male intestate is mentioned not only under the old customary Hindu law but also by various judicial decrees.

To arrive upon, the court discussed Mitakshara law and looked into among others to 'Vyavastha Chandrika', a digest of Hindu Law by Shyama Charan Sarkar Vidya Bhushan which quoted 'Vrihaspati' as saying 'the wife is pronounced successor to the wealth of her husband; in her default, the daughter. As a son, so does the daughter of a man proceed from his several limbs. How then, should any other person (b) take her father's wealth?'. The SC also noted that the book quoted Manu as saying "the son of a man is even as himself, and the daughter is equal to the son. How then can any other inherit his property, notwithstanding the survival of her, who is, as it were, himself."

Hence, The Supreme Court held that the decree confirmed by the Madras High Court dated 2009 is not liable and would be set aside to ensure that the property is devolved on the basis of inheritance rather than survivorship to Hindu women.

Vishaka.S

LEX: PROFILES

Dr. Menaka Guruswamy is a Senior Advocate in the Supreme Court of India who works on a range of legal areas such as corporate law, criminal law, and constitutional law. She is also a B.R Ambedkar Research Scholar and Lecturer at Columbia Law School.

She is known for having played a significant role in many landmark cases before the Supreme Court, including the Section 377 case, the Bureaucratic Reforms case, the Augusta Westland bribery case, the Salwa Judum case, and the Right to Education case. She had petitioned against Section 377, a law that declared same-sex relationships illegal in India and succeeded in abolishing it on September 6th, 2018 making it an enormously historic day for the Indian legal system.

The Delhi-based lawyer, who has also consulted for the United Nations, successfully litigated against state-sponsored vigilante groups in Chhattisgarh and defended the Right to Education Act.

Furthermore, she is assisting the Supreme Court as Amicus Curie in the case pertaining to the alleged extrajudicial killings of 1,528 persons in Manipur.

M. Guruswamy is the first Indian and second woman to have her portrait hung at the Milner Hall in Rhodes House at the University of Oxford.

On International Women's Day in March 2019, Guruswamy was honored by Harvard Law School as Women Inspiring Change in a portrait exhibition. In 2019, she was included on the Time 100, Time's list of the 100 most influential people in the world.

Guruswamy has been visiting faculty at Yale Law School, New York University School of Law and University of Toronto Faculty of Law. She has taught courses on South Asian Constitutionalism, Comparative Constitutional Law, Constitutional Design in Post-Conflict Democracies and others.



Dr. Menaka Guruswamy.

Alamelu Mangai.S.P

Mr. Subramanian Swamy born on 15 September 1939, is an Indian politician, economist and statistician, who serves as a nominated Member of Parliament in Rajya Sabha, the upper house of the Indian Parliament. He is not a lawyer by qualification, however he is a lawyer by practice.

In the late 80s, there were as many as 16 defamation cases filed against him at a time to strand him by Ram Jethmalani on behalf of the Congress politicians including Late. Indira ji, who opposed him for openly speaking against Nehru and the Soviet Economic Model. Since, he did not have enough monetary backing at the time to hire an advocate to fight all these cases after getting fired from a central university by Indira Gandhi where he was a professor at the time.

Thus, he decided to defend himself at the court. His wife is an advocate and thus she was able to help him a lot and being a professor he was smart enough to grasp the nitty gritty of the legalities very quickly. He has also said that having a huge collection of Law books in his wife's library helped him immensely. Initially, he was unsure of how to carry out the proceedings as a trained lawyer does. He found his feet soon enough with the help of senior advocates, friends, his wife and sometimes even judges who were all mesmerised by his audacity to do the undoables.

Subsequently, he won all the 16 defamation suits against him and the rest is history.

Some of the Iconic Cases of Mr. Swamy are *Subramanian Swamy vs. Union Of India, Ministry Of Law And Others*, *Subramanian Swamy vs. State Of Tamil Nadu & Others* and *Ram Jethmalani vs. Subramanian Swamy*.



Mr. Subramanian Swamy.

Rahul Kumar Jain . S

Indira Jaising, The Padma Shri Awardee, a human rights lawyer, former solicitor general, author and Bombay High Court's first woman senior advocate. She is a very iconic

figure in the Indian legal society who engaged herself the legal counsellor and voice for women, LGBTQ+ people, Dalits and marginalised groups for the past 50 years.

I. Jaising was born in Mumbai to a Sindhi Hindu family. She did her schooling in Mumbai. Then, she completed her Bachelor of Arts degree from Bangalore University. In 1962, she received her LLM, from University of Bombay. In 1986, she became the first woman to be designated a Senior Advocate by the High Court of Bombay.

Her feminism and strong personality endeared her to Sonia Gandhi and in 2009, Jaising became the first woman to be appointed Additional Solicitor General of India.

From the very beginning of her legal career, she has focused on the protection of Human Rights and Women rights.

She represented herself in some of India's most controversial legal battles. The prominent one was The Bhopal Gas Tragedy, in which she appeared as the representative of victims and survivors. She also fought for equal rights for women in inheritance law in the famous Mary Roy case.

Her remarkable fighting for justice for the British Muslim women's tragic demise in the Gujarat riots 2002, representing the victims of sexual harassment and her questioning of the entrenched system of nepotism in the judiciary.

Her words: But, even after 'I have made it', my word is often treated as less valuable than the word of a male lawyer, is awakening and points fingers of the long held patriarchy.

Even the most influential, powerful female figures are not left as an excuse to gender injustice and discrimination. On several occasions, Jaising has attacked the gendered language, chauvinist mentality of judges and senior advocates and entrenched gendered mannerisms that alienate women lawyers. She also talked about how sexual harassment continues to affect her despite her seniority and popularity in the legal circuit.

To conclude, I undoubtedly, believe that Mrs. Indira Jaising is truly an fierce women lawyer who made a huge change over for women in legal circuit.



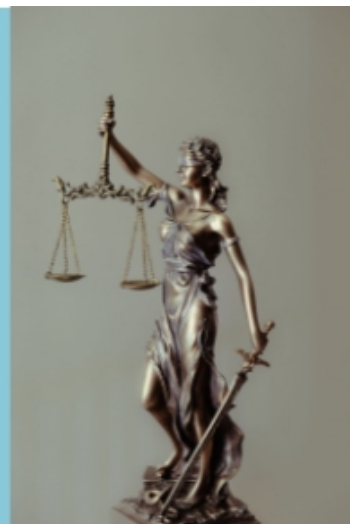
Mrs. Indira Jaising

Akshyaa. K



1. *Madras High Court is the third oldest High Court in India, established in 1862. This building is the second largest Judicial complex in the world after London.*

2. *The Advocates Act of 1961, makes it mandatory for advocates and judges to wear black coats and neckbands inside the court. This practice originated from England, the first black coat was worn by lawyers in England itself. King Charles II died in 1685, after which all court lawyers were ordered to wear a black gown/court in mourning. After this the trend of wearing black colour court started in the court.*



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