



# SRM

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# ***THE LEX KHRONIKA***

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# **Belarus Kidnapping**



The Ryanair aircraft carrying dissident Belarusian journalist Roman Protasevich was scheduled to fly from Athens in Greece to Vilnius in Lithuania on May 23. While in Belarusian airspace, the pilot was ordered to divert from its course and to land in Minsk. On the ground, the airport authorities, searched the baggage of the passengers, checked their identities and detained at least two of them: Protasevich a prominent opponent of Belarusian dictator Alexander Lukashenko and his girlfriend, law student Sofia Sapega.

But the full details of what happened remain a matter of dispute. The Belarusian authorities claim that they received an anonymous letter claiming that Hamas had planted a bomb on board and so they had duly ordered the pilot to land the aircraft so they could find and destroy the bomb if the report was true.

This claim appears doubtful. It is unclear why someone would decide to notify the authorities of Belarus about the bomb, rather than, for example, the authorities in Greece or Lithuania. When the aircraft was diverted, it was closer to Vilnius than to Minsk. If the safety of the passengers was the primary concern of Belarusian authorities, they would have probably allowed it to quickly land in Vilnius. Finally, a military aircraft was sent to accompany the Ryanair flight to land at Minsk airport. In the event, no bomb was found on board.

## **LEGAL PROBLEMS:**

There are two main legal questions with the actions of Belarus. The first is whether Belarus had the power to divert the aircraft from its flight path to land in Minsk. Although the facts remain murky, the apparent justification for the interception of the plane by a fighter jet was its safety due to a suspected bomb on board.

The method by which Belarus seemingly ordered the pilot to make an emergency landing at Minsk may be legally significant. While Convention on International civil aviation 1944 authorised Belarus to order a civil aircraft flying above its territory to land, Belarus must have had "reasonable grounds" to do so. Also, it was required to issue the order in compliance with its published national regulations regarding the interception of civil aircraft.

## **S.P. ALAMELU MANGAI**



# **A Gist On The Justice** **Verma Committee** **Report**

## REPORT OF THE COMMITTEE ON **AMENDMENTS TO CRIMINAL LAW**

A three member Committee headed by Justice J.S. Verma , former Chief Justice of the Supreme Court; Justice Leila Seth, former judge of the High Court and Gopal Subramaniam, former Solicitor General of India was constituted on December 23, 2012 to recommend amendments to the Criminal Law in order to provide quicker trial and enhanced punishment for criminals accused of committing sexual assault against women.

The aftermath of the brutal 2012 gang rape in Delhi, Justice Verma was appointed chairperson of a three-member commission tasked with reforming and invigorating anti-rape law. The Report deals with sexual crimes at all levels and with the measures needed for prevention as well as punishment of all offences with sexual overtones that are on affront to human dignity. The comprehensive 630-page report, which was completed in 29 days, was lauded both nationally and internationally. This eventually led to the passing of the Criminal Law (Amendment) Act, 2013, which was criticised as it did not adequately consider the Committee's work and recommendations.

### COMMITTEE'S RECOMMENDATION:

The Committee submitted its report on January 23, 2013. Its works and recommendations were made on laws related to rape, sexual harassment, trafficking, child sexual abuse, medical examination of victims, police, electoral and educational reforms.

The Committee recommended that non-penetrative forms of sexual contact should be regarded as sexual assault. Sexual gratification as a motive for the act should not be prerequisite for proving the offence. The offence should be punishable with 5 years of imprisonment, or fine, or both. Use of criminal force to disrobe a woman should be punishable with 3 to 7 years of imprisonment.

The Committee reported that rape and sexual assault are not merely crimes of passion but an expression of power. Rape should be retained as a separate offence and it should not be limited to penetration of the vagina, mouth or anus. Any non-consensual penetration of a sexual nature should be included in the definition of rape. An exception to the offence of rape exists in relation to un-consented sexual intercourse by a husband upon a wife. The Committee recommended that the exception to marital rape should be removed. Marriage should not be considered as an irrevocable consent to sexual acts.

The Committee strongly believed that the offence should not be clubbed under the provisions of grievous hurt which is punishable with 7 years imprisonment under the IPC. It stated that the offence was addressed in the Criminal Laws Amendment Bill, 2012 which is currently pending in Parliament. The Bill prescribes a punishment of imprisonment for 10 years or life. It recommended that the central and state government create a corpus to compensate victims of crimes against women.

#### OUTCOME OF THE COMMITTEE:

Eventually, the committee recommend the changes in rest of the above mentioned areas in order to provide "The Best Life For Her" by adopting a multidisciplinary approach Interpreting its mandate expansively. The Report also clearly explains the construct of gender justice in India and the various obstructions to this. The Committee's approach is founded on achieving the guarantee of equality for all in the Constitution of India. Though all these Committee's were passed, protection of every girl in our society is still questioned.

**K. AKSHYAA**



# Highlights Of Budget 2022



Finance Minister, Nirmala Sitharaman, repeatedly used an interesting word Amrit kaal in her Budget 2022 speech, it sets a unique roadmap for the development of the country for the next 25 years, that is from India's 75<sup>th</sup> independence to its 100<sup>th</sup> independence. Amrit Kaal's mission is to improve the lives of Indian citizens by bridging the developmental gap between rural and urban areas. The goals set up by the government during the Amrit Kaal are "complementing the macro-micro economic level growth, promoting digital economic development, and encouraging private investments".

The Productivity Linked Incentive Scheme (PLI) is an important scheme which can create 60 lakh new jobs and bring an additional production of 30lakh Crore, also an outlay of Rs.19500 crore has been decided for solar manufacturing units under this scheme. This Budget has four priorities which are PM GatiShakti, inclusive Development, Productivity Enhancement & Investment in sunrise Opportunities, Energy Transition, and Climate Action, and Financing of Investments.

The PM Gatishakthi scheme is a 100-lakh crore initiative, and it is a National Master Plan for Multimodal Connectivity. Under this scheme the government has planned for expansion of National highways, railway networks installed with Kavach technology, cargo terminals, ropeway projects etc.

Under the inclusive development, 163lakh farmers receives a direct payment of Rs. 2.37lakh crore for the procurement of wheat and paddy. At the same time chemical free farming, domestic seeds and use of 'Kisan Drones' will be promoted and river linking programmes will also be implemented.

In terms of skill development, due to pandemic situations, many children did not have access to formal education. As a result, PM eVIDYA's 'one class-one TV channel' programme will be expanded to 200 channels in their regional languages, also virtual labs and digital universities will be established. The government has taken the initiative to address mental health and other health care services by establishing tele- health centres.

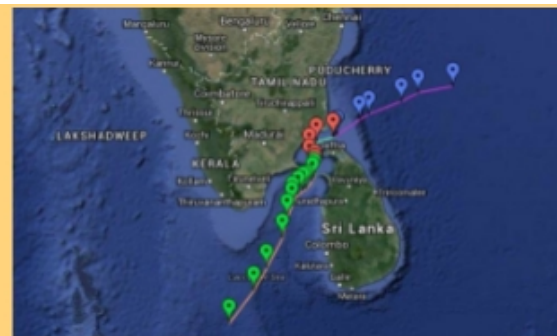
In 2022-23, citizens will be able to obtain e-Passports with an embedded chip and futuristic technology, making foreign travel more convenient. Further the government will conduct an auction for the 5G spectrum. A Battery swapping policy will be implemented and the production of e-vehicles will be encouraged. Another significant scheme is the taxation of digital assets, which would tax any income from virtual digital assets at a rate of 30%.

Budget 2022 plays a crucial role in providing significant schemes for the sustainable development of the country on the contrary it gives more importance to the private sector and less so to the public and social sectors. It has its own flaws and advantages only time will tell if the results match the vision.

**ARYA DINESH.**



# The Invisible Maritime Boundary.



'No water, no life. No blue, no green.' – Sylvia Earle.

Maritime boundaries is the conceptual division of earth's water surfaces for different coastal countries to utilize the mineral and resources that are found in the sea. United Nation Convention on the law of the sea (UNCLOS), is an important international convention that regulates and establishes legal framework for all marine and maritime activities, the convention has also provided on how the maritime boundaries will be divided between the countries. In the past couple of decades, the view of the coastal countries with regards to the maritime domain has changed drastically because the sea has become a crucial part of everything from oil, gas, fisheries, environmental protection, etc.

The sea is abundant with resources and so it becomes quite important for countries in aspects of providing employment (fisherman and fisheries), economy (GDP), marine biodiversity, source of food, etc. Since, it is of such great importance many disputes arise between different countries for the division of such maritime boundaries, demarcation, etc.

One such maritime boundary dispute exists between India and Sri Lanka. The issue between these countries has been continued for a long time, where fisherman from Tamil Nadu, India are captured or killed by the Sri Lankan naval forces. Sri Lankan government states that the fishermen of Tamil Nadu cross the maritime border and fish in their territorial waters which is not only a security threat but also makes them incur losses worth over crores every year. *KK Ramesh v. Government of India & Ors*, this is a PIL filed by KK Ramesh to issue a writ of mandamus as 4 fishermen who innocently strayed into the Sri Lankan waters on 18th January, 2021 were killed by the Sri Lankan navy.

The incidents doesn't end with these detentions and killings but the Sri Lankan navy recently Arrested 55 fishers and seized 6 of their boats. In response to the above incidents, Tamil Nadu's CM, MK Stalin had written a letter to the Union External Affairs Minister Mr. S Jayashankar for high-level intervention from the Union Government against the Sri Lankan Government and their navy personnel.

Is it justified for Sri Lankan government and its naval forces to take such extreme actions on fishermen who innocently stray into their territorial waters?

In my opinion the Indian government must persuade the Sri Lankan authorities from abstaining to such extreme punishments. Apart from this the government can also educate fisherman on the maritime borders and provide them with gadgets (GPS system) that could locate these borders. Whatever it is, prompt action must be taken before another innocent life is lost.

**DARSHANA PARIKH.**



# **Juvenile Delinquency and Prevention**



## **JUVENILE CRIME IN INDIA**

Juvenile delinquents are offenders below the age of 18 and they are categorised neither as a child nor an adult. In India only 5-8% of juveniles are recorded for heinous crimes and the rest are charged for property offenses.

What made the people to criticise juvenile delinquents and view them with fear. Does society prejudice juvenile delinquent?

The first misconception on the juvenile delinquents is they are viewed as high risk to the society as cases of juvenile crimes are reported increasingly but the cases are often exaggerated by the fact that they are young offenders. The second misconception is, the juvenile who commits heinous crimes should be treated and deterred as an adult.

The Juvenile Justice (Care and Protection of Children) Act, 2015 states that an individual between sixteen and eighteen years of age, who is accused of a heinous offence, is made to undergo extensive character and psychological evaluation and then the Juvenile Justice Board(JJB) decides whether they should be tried as an adult or not.

The adolescents are influenced by their environment and are immature to hold up for their actions, but their exposure to the adult prison systems become a way for learning crimes.

Now on what grounds does JJB measures the mental capacity of a child, when there is no proper guidance to determine the test in above mentioned Act. The young offenders are victims of the society and they are often denied to explain their part. We blame the juveniles for the crime they committed and label them as juvenile delinquents, we ostracize them and fail to identify their individuality.

The delinquent behaviour of juvenile occurs due to mental trauma that he goes through in the early stages of his life. The State has a duty to protect the rights of the juveniles and to come up with reformative methods to inculcate values in these children which can socially uplift and give confidence to them to live a life as normal persons. If a juvenile is influenced by the vicious causes of the society, he can also be shaped in a positive way. The only way to prevent juvenile delinquency is to provide competent parents for every child.

**G. AISHWARYA**

# Marital Rape - A Systematic Crime



MARITAL RAPE: AN OXYMORON OR AN EVIL?

**India, A Country which is also called as "BHARAT MATA (MotherIndia) & Women are portrayed as Goddess, India is still behind in recognizing heinous crime.**

Marital Rape refers to act of Forcing spouse into sexual intercourse without their consent. India is embedded with deep roots of Patriarchal Belief system where Wife is presumed to grant perpetual Consent to her Husband in the marital Relations. In August 2021, Chattisgarh HC judgement Dilip Pandey & Ors. Vs. State of Chhattisgarh - it was ruled that sexual intercourse or acts by husband that are Non-consensual as well as forcible shall not be considered as rape.

According to Section 375, Exception 2 of the Indian Penal Code (IPC), "sexual intercourse by a man with his wife, the wife not being under fifteen years of age, is not rape" has led to resentment and criticisms widely.

Earlier after dreadful incident of Nirbhaya case, Justice J.S Verma Committee made proposal that "exception for marital rape be removed" and stated - marital or other relationship between the perpetrator or victim is not a valid defence against the crimes of rape or sexual violation.

***"Stop raising questions on her Virginity  
Stop raising questions on her Purity  
Stop raising questions on her Dignity".***

Marital rape is a form of Violence that is escaped from both criminal law sanctions and Human Rights. It represents violation of Women's Fundamental Right under Indian Constitution. It violates Right to Life, Right to privacy, Right to Equality, Right to Liberty and Security of Person and Right to Health and Well Being. Importantly it infringes RIGHT TO SAY "NO".

**Consent is the Root cause of crime yet it is being Undervalued and ignored by us** from the decades of time. Wives are not property to be claimed or misused. Victims are silenced since Non-consensual intercourse took place within the Institution of marriage.



Is it fair to illegalize the crime just because the entire family system would be under great stress? It is totally Unjust in not Criminalizing the offence on the ground due to presence of challenges to prove the Crime or the reasons for breaking down of Marriage. The Judiciary system to eliminate burden of proof, can rely upon the history of violence and sexual abuse, results of rape kit and medical examination of the wife and circumstantial evidences. Dissimilarity can be foreseen with Consensual and non-consensual intercourse which paves way to stop the violence.

***"She is fierce, not a hoe  
She is your spouse, not your slave"***

Therefore, there is need for Legislative Development and social change in order to tackle with Marital Rape that is existing in de facto but not de jure. Hence "No Institution is Above than Individual's Dignity."

**S. SONALI.**

# LEX: PROFILES

Justice Fathima Beevi, a pride for Indian judiciary and for every woman. She casted her own identity in the realm of Asia's judiciary. She was the first Muslim Woman who was appointed to any of the higher judiciaries in the country.

Justice Fathima Beevi was born on 30-4-1927 in Pathanamthitta village Kerala. She initially acquired a bachelor's degree in science and later she joined for LLB in University of Kerala. With her ability and willingness to learn she started her career in the lower judiciary and after 8 years of practice she became the Munsiff at the Kerala Subordinate Judicial Services. With her dedication and consistency, she was promoted as a Subordinate Judge in 1968, in 1974, she was promoted as the District and Sessions Judge then in 1983 due to her constant efforts she became the High Court Judge and retired in 1989. On 6-10-1989 breaking the social barriers the very Muslim lady from a village of Kerala became the First Female Supreme Court Justice. After retiring in 1992 she was appointed as a member of the National Human Rights Commission later she set another historical precedent by becoming the first woman Supreme Court justice who became a governor.

She was the eldest among six children. Justice Beevi had chosen to join law as per her father's wish. Her father was highly motivated by the First woman Judge of India Ms. Anna Chandy who lived near them in the same village and he was very particular about women's education. It was this support and encouragement from her father that made her achieve the milestone in becoming the 1st Female Justice of India. Even as a Governor she kept doing her duties in a remarkable way. She rejected the Mercy petitions of the four convicts in the Rajiv Gandhi assassination case. Due to many unfortunate events Fathima Beevi resigned her governor position in the year 2001.

She has spoken out against the prejudice that women who practise law undergo in society and she has voiced concerns about the lack of female representation in the judiciary, particularly in the Superior courts.

In one of her interviews, Justice Fathima Beevi has told that 'women were not encouraged by the general public as lawyers and very few succeeded as lawyers'. And now she proudly says that "I have opened the doors" and "if I can why can't you?"

**ARYA DINESH.**



**Justice Fathima Beevi.**



Indian Space & Research Organization (ISRO) chief S Somnath was appointed by the Center on Wednesday. During the early years of his career, he was involved in the development of the GSLV MkIII launch vehicle and he led the integration of the Polar Satellite Launch Vehicle (PSLV).

For a three-year term, he will serve as Secretary of Space and Chairman of the Space Commission.

As of January 22, 2018, he is the Director of the Vikram Sarabhai Space Centre (VSSC). In his role as head of one of the world's leading space agencies, Somnath will succeed K Sivan. Somnath has participated in the development activities of the high thrust semi-cryogenic engine and designed a fast track hardware realization and test program. The development of throttleable engines for lander craft on Chandrayaan-2 and the first successful flight of an electric propulsion system on GSAT-9 were some of the achievements. Somnath specializes in launch vehicle structural systems, structural dynamics, mechanisms, pyro systems, and launch vehicle integration. He played a key role in the mechanical integration designs that made PSLV a highly sought-after launcher for microsatellites around the globe.

He played a significant role in finalizing the detailed configuration engineering of the GSLV MkIII vehicle after its preliminary definition, which involved simplification of certain systems and adoption of proven technologies that minimized the technology risks.

In 1985, he joined VSSC as a mechanical engineering graduate from TKM College of Engineering, Kollam, and as a masters in aerospace engineering from the Indian Institute of Science, Bangalore. From June 2010 to 2014, he served as the Project Director for GSLV Mk-III. Till November 2014, he was VSSC's Deputy Director of the "Structures" entity as well as their Deputy Director of the "Propulsion and Space Ordinance" entity. Additionally, he played a key role in three successful GSLV missions with indigenous cryogenic stages and eleven successful PSLV missions using liquid stages developed by LPSC. In addition, 15 successful satellite missions have been accomplished with propulsion systems from LPSC.



**Mr. S.Somnath**

**VARUN ANAND. A**



Mr. Subramaniam was born in 1958 in Bangalore, and studied law at the University of Delhi. He was the youngest lawyer to be designated a Senior Advocate by India's Supreme Court and has appeared as lead counsel in a number of landmark cases. Between 2009 and 2011 he served as Solicitor General of India, and was presented with the National Law Day Award for Outstanding Jurist by the President of India in 2009.

One of Mr Subramaniam's most important contributions to legislation in India was to improving India's sexual violence laws.

Subramaniam served as Solicitor General of India 2009–2011. During his tenure he also served as the Chairman of the Bar Council of India. As a senior law officer to the Government of India, he represented the Government as lead counsel in a wide range of matters involving complex questions of constitutional and criminal law.

Notable cases while Solicitor General of India include:

Acting as the Special Public Prosecutor in the prosecution of Ajmal Kasab, the sole surviving terrorist of the 2008 Mumbai attacks.

Acting as lead counsel for the Union of India in the matter of Ashoka Kumar Thakur v. Union of India, wherein he defended state-sponsored reservations for Other Backward Classes of persons in India.

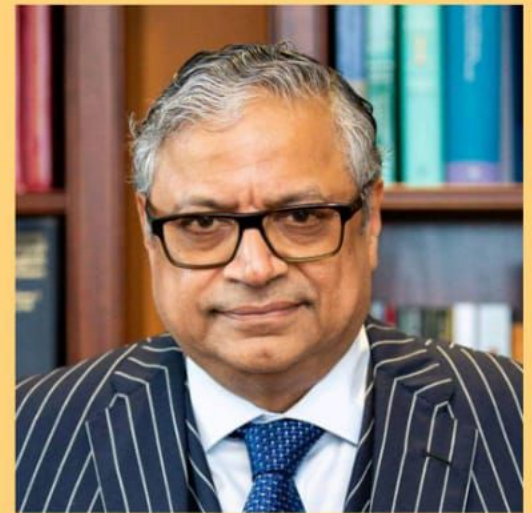
Acting as lead counsel for the Government of India in

2010–2011 in litigation concerning irregularities in allocation of 2G radio-spectrum bandwidth to various private telecom operators.

Gopal Subramaniam has also appeared in a number of

landmark cases concerning the law of arbitration in India,

including the BALCO case (2012), where the Supreme Court of India ruled on the applicability of Part I of the Indian Arbitration & Conciliation Act, 1996, to arbitrations held in a foreign seat.



**Mr. Gopal  
Subramaniam**

**SREERAM. R**



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**KNOW THIS:**

1. *The Indian Telegraph Act was introduced by the British government in India to curb the rebellion. But, with the advent of the internet and social media, the use of telegraph and thus, this act has been rendered moot.*

2. *Cornelia Sorabji is India's first women lawyer and also has the pride of being the first woman to study law at Oxford. After a long struggle with the authorities, she became legal advocate for women in purdah, whose religious and cultural beliefs prevented them from speaking to men outside their family.*

**OUR TEAM:****PATRONS:**

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