Editorial

Hello Friends!! This is fifth time we are meeting through this magazine. Do you remember our last academic year? You must. We have learnt a lot, enjoyed a lot. At the end of this academic year 2010-2011, via this magazine we are again going to recollect and bring to mind all our events and functions we enjoyed and all our activities and programs we participated and all our academic achievements we won.

This magazine is not only an album of past but platform for future. Here you will find the expression of our students' and teachers' thoughts. Here you will find attempts and successes of our students' achievements. Here you find the joyous moments and sportsmanship of our students. Here again you will find our serious efforts in the study of law.

This year, our students have visited Thane District and Sessions Court, Consumer Courts, Family Courts at Bandra, Mumbai and Thane, Labour Court, Thane and the High Court at Mumbai. Our students have also visited Adharwadi Central Prison at Kalyan. Though these were part of their Practical Training programme, we have experienced that the students have voluntarily participated with great zeal. Our students have also participated in the various competitions such as Moot Court competitions, research paper presentation, power point, elocution, debate, quiz etc. and have won many prizes and made our college proud.

It is said that you need a platform to express yourself. So that is here. With the blessing and guidance of our Vidya Prasarak Mandal, you have VIDHIJNA. Though we have received good response from the students, the editorial team is not satisfied with the contribution made by students to this magazine. We need more and more contribution from the students, their active participation and their opinion on legal issues based on research. We believe that this magazine will help our students to enhance their legal knowledge and will inspire them to express themselves on various issues which bother us. We are sure, that this magazine will also help us to recollect our fond memories of college in future.

So friends, this is our magazine whose quality is our responsibility. We are looking forward to more participation from students in our endeavor to make this Magazine true to its name.

C U again.

Vinod H Wagh
For the Editorial Team

Editorial Team


Mrs. Srividhya Jayakumar


Mr. Vinod H Wagh


Mr. Mithun Bansode


Ms. Sheetal Autade


Mrs. Ranjan Karandikar


Mr. Mukesh Rane

From the Principal's Desk...

Its valuable privilege to have a word with the readers through विधिज्ञ. College Magazine is a yearly record of the events and activities of the year. It also provides a platform to exhibit creative writing skills of Students & Staff. After a break of a few years, our college magazine was released again in 2006 - 2007 and named विधिज्ञ by our beloved Chairman Dr. V. V. Bedekar in 2009 - 2010.

This academic year was yet another colourful year. Mr. Mithun Bansode, LLM. NET has been appointed for this year in the lecturer's post reserved for S. T. Adv. Mr. Amber Joshi B. Com LLB, LLM and Mr. Sunil George B. A. LLM, have joined as lecturers (Part - time) our hearty welcome! We thank Dr. Anil Variath M. Com., LLM Ph. D. Principal of Asmita Law College, Vikhroli for guiding our students on Intellectual Property Law. We record our special thanks to the following retired judges and advocates for their involvement, cooperation & guidance in conducting the Practical Training Programmes for this year - Shri J. K. Das & Shri Dilip Joshi retired district judges, Senior Counsel(Mumbai High Court) Shri Ram Apte, Advocate from Thane Bar, Shri H. S. Bhatra, Shri. Gajanan Chavan, Smt. Sunitha Kaprekar, Shri Vijay Aghashe, Shri. Sanjay Borkar, Mrs. Madhvi Naik, Mr. Ganesh Sovani, Shri. Bharat Khanna, Mrs. Glady Pereira and advocate Mr. V. P. Patil, Mumbai High Court.

The efforts of Adv. Mrs. Greta D'souza, Lecturer in coordinating the Police Station visit of the final year students are appreciated. We also compliment Adv. Mrs. Ranjan Joshi for coordinating Kalyan Jail visit for the Criminology students. Our sincere thanks to the Senior Police Inspector Vartak Nagar Police Station and Superintendent, Kalyan Jail.

Prof. Mrs. Asha Ajit Datar B. A. LLM, ex-student of this college. retired from service on 31 March 2011 after serving this college for 21 years as a part - time lecturer. Even during the five year period when Mrs. Datar was member of Thane District Consumer Redressal Forum (1997 - 2002) She continued her service with us. We appreciate & record our profound thanks. Our best wishes!

In the National Reserch Paper Competition 2009 - 2010 organized by ILS Pune, Ms. Puja Oak, III year LLB student bagged the first prize. The college team - Ms. Puja Oak & Ms. Aditi Athavle (III year) and Mr. Jayesh Gokhale (I year) secured the first prize in Kanga Moot Court Competition organized by GLC. The team deserves accolades for its hard work & confidence. In this competition. Mr. Jayesh Gokhale has received the best speaker prize too! We heartily congratulate them.

We step into our 40th academic year in 2011 - 2012. We will march into the future with an even higher zeal & commitment. The achievements of our sister institutions inspire & motivate us -

Dr. Bedekar Vidya Mandir - Completion of 50 years (2009 - 2010)
VPM's Polytecnic - ISTE Narsee Monjee Award winner (2009 - 2010) for polytechnics in Maharashtra.
VPM's Joshi Bedekar College
VPM's Bandodkar College } *NAAC re-accreditation : 'A' Grade*
VPM's Bandodkar College - Best College Award (2009 - 2010) from University of Mumbai

We express our sincere gratitude for the never failing and ever growing guidance & support of our visionary managaement! We gratefully acknowledge the contribution and good wishes of each and every stake holder! Our Best wishes to our students!!

Mrs. Srividhya Jayakumar
In-charge Principal

Contents

Staff and other important bodies

Local Managing Committee

Dr. V. V. Bedekar

Shri U. B. Joshi

Mrs. A. A. Bapat

Mrs. Srividhya Jayakumar

Mr. Vinod Wagh

Shri M. V. Gokhale

Shri S.V. Karandikar

Shri. Ravindra Rasal

Shri. S. M. Payak

Shri. S. V. Joshi

Teaching Staff

Mrs. J. Srividhya – I/c Principal

Shri. Vinod Wagh

Mrs. Pradnya Rajebahadur

Shri. F. N. Kazi

Shri. A. M. Jalisatgi

Shri M. D. Joshi

Ms. Hetal Meishri

Shri A. G. Gadre

Ms. Manisha Wagh

Mrs. Rashmi Acharya

Mrs. Sailesh Vengurlekar

Mrs. Ranjan Joshi

Dr. Mrs. Swati Gadgil

Mrs. Sunitha K. K.

Shri. Mithun Bansode

Mrs. J. A. Navare

Shri. S. G. Paranjpe

Mrs. A. A. Datar

Mr. S. M. Payak

Shri. Manoj Bhatt

Shri. Ganesh Badri

Mrs. Shilpi Negi

Shri. H. R. Gole

Ms. Vidya Gaikwad

Mrs. Greta D'Souza

Mr. Sunil George

Mr. Amber Joshi

Guest Faculty

Shri Ram Apte	Senior counsel, Mumbai High Court
Mrs. Josthna Navre	Advocate, Thane
Mr. Vijay Agashe	Advocate, Thane
Mr. Arun Navre	Advocate, Thane
Mr. Sanjay Borkar	Advocate, Thane
Mrs. Madhavi Naik	Advocate, Thane
Mr. Ganesh Sovani	Advocate, Thane
Mrs. Sunitha Kaprekar	Advocate, Thane
Mr. Gajanan Chavan	Advocate, Thane
Mrs. Glady Pereira-Mahimkar	Advocate, Thane
Mr. Bharat Khanna	Advocate, Thane
Mr. V. P. Patil	Advocate, Mumbai High Court
Mr. Ashutosh Gole	Advocate, Mumbai High Court
Dr. Shri.Anil Variath	Principal, Asmitha Law College, Vikroli

Administrative staff

Shri. S. V. Joshi	OS
Mrs. M. S. Ghatnekar	Head Clerk
Mrs. R. A. Karandikar	Sr. Clerk
Shri. Mukesh R. Rane	Jr. Clerk
Smt. V. B. Shinde	Clerk
Shri. P. S. Tribhuvan	Peon
Shri. W. D. Karande	Peon
Shri. R. R. Pathare	Peon
Shri. Raju Rathod	House Keeping Staff
Mrs. Asha Pathare	House Keeping Staff

Library Staff

Ms. Sheetal Authade	Librarian
Shri. A. D. Dandane	Library Attendant
Shri. G. K. Bangar	Library Attendant
Shri. M.D.Mande	Library Attendant
Shri. Harshal Koli	Library Attendant

Students Council

Mrs. J. Srividhya	Chairperson / I/C Principal
Mr. Vinod Wagh	Teacher Nominee
Ms. Aditi Athavale	General Secretary
Mr. Yatin Pandit Mr. Sanil Dhayalkan }	Sports Representatives
Mr. Sopan Palke	I LL. B. Class Representative
Mrs. Shah Manish	II LL.B. Class Representative
Ms. Aditi Athavale	III LL. B. Class Representative
Mr. Ameya Kane	Cultural Representative (I LL.B.)
Ms. Shilpa Bhagwat	Lady Representative (II LL. B.)
Ms. Pooja Oak	Lady Representative (III LL. B.)

Women Development Cell

(Under VC's Directions under Section 14(8) of Maharashtra Universities Act, 1994)

Mrs. Srividhya Jayakumar	In-charge Principal – (Ex-officio) President
Mrs. Janhavi Navare	Nominee from teaching staff
Mrs. Pradnya Rajebahadur	Nominee from teaching staff
Mrs. Ranjan Karandikar	Nominee from non-teaching staff
Adv. Mrs. Madhavi Naik	Woman Representative from NGO (NGO: Arth Foundation)
Mr. Vinod Wagh	Member from Reserved Category
Ms. Pooja Oak	(III LL.B.) – Women's Representative from Students' Council

Marathi Mandal

Prof. Mrs. Srividhya Jayakumar	Chairperson
Prof. Mrs. Pradnya Rajebahadur	Member
Prof. Mr. Paranjpe	Member
Prof. Mrs. Navre	Member
Mr. Sachin Upadhyay(III LLB)	Member

Annual Report

Mrs. Srividhya Jayakumar, Incharge Principal

Arrangement of Terms

First Term 5th July 2010 to 11th Dec. 2010

Second Term 3rd Jan. 2011 to 14th May 2011

Admission

The admission for I year was online. Total number of applications received : 777. Admissions to II year & III year were given to inhouse Students and thereafter to students appplying from other colleges. This year as per University directives provisional admission was given to students who had applied for re-evaluation.

Students Strength 2010 - 2011

Class	Strength		SC		ST		VJNT		SBC		OBC		OPEN	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
I LL.B.	188	158	36	26	7	1	19	8	2	5	38	29	86	89
II LL.B.	127	116	19	17	1	2	3	4	0	4	21	21	83	68
III LL.B.	129	120	16	17	2	1	5	-	3	3	15	26	88	73

Academic Performance

Result Analysis of April 2010University Exam

Class	Uni. Result %	College Result %	No. of 1st Classes
I LL.B.	25 %	39 %	12
II LL. B.	31.94 %	54.8 %	2
III LL.B.	49.59 %	63.95 %	12

November 2010

Class	Uni. Result %	College Result%
I LL.B. Sem - I	31.60 %	34.56 %
II LL. B. Sem - III	30.33 %	36.82 %
III LL.B. Sem - V	34.33 %	44.33 %

University Exams Nov. 2010
Top Ten

FIRST LL.B. (1st Sem)

1	Gokhale Jayesh G.	272/400
2	Kulkarni Minal S.	248/400
2	Yetal Amol M.	248/400
3	Patil Yogesh S.	244/400
3	Mirashi Priya T.	244/400
4	Ghosh Kalpita K.	243/400
5	Patwardhan Pallavi A.	241/400
6	Vajratkar Bhakti S.	239/400
7	Mathure Arati S.	237/400
8	Zope Tejasvi A.	235/400
9	Senghani Miral M.	234/400
9	Kand Sayalee P.	234/400
10	Hanchate Deepali C.	233/400

Third LL.B. (Vth Sem)

1	Damre Grishma E.	244/400
2	Yadav Ajay S.	233/400
3	Ahire Manisha R.	227/400
4	Joshi Atula P.	226/400
5	Shinde Dhanashree S.	222/400
6	Pandit Yatin W.	221/400
7	Patange Jyotsna A.	219/400
8	Patil Trupti N.	218/400
8	Athawale Aditi M.	218/400
9	Deshmukh Meenal S	214/400
10	Botungale Deepak G.	213/400
10	Malvankar Shweta S.	213/400

Second LL.B. (IIIrd Sem.)

1.	Bhagwat Shilpa V.	253/400
2.	Iyer Sridevi K.	251/400
3.	Bhagchandani Girish R.	242/400
4.	Harirnis Pranjali M.	236/400
5.	Deval Swapna S.	232/400
6.	Aiyer Ramgopal S.	232/400
7.	Iyer Priya P.	230/400
7.	Momin Saquib K	230/400
8.	Thakur Savita M.	229/400
9.	Pachpute Jai N.	228/400
9.	Shah Manish G.	228/400
10.	Avad Satish R.	226/400

Congratulations!

Toppers!

First LL.B. – April 2010

1	Raja Aditi R.	510
2	Avhad Satish R.	499
3	Iyer Sridevi K.	496
4	Bhagwat Shilpa V.	495
5	Pakkath Sreena S.	493
6	Thakur Sarita M.	490
7	Patkar Yatin V.	488
8	Pachpute Jai N.	486
9	Chandaria Nikil V.	480
9	Deval Swapna S	480
9	Gupta Rashi N.	480
9	Shah Manish G.	480
10	Madubushi Sangeetha S.	471

III LL.B. – APRIL 2010

1	Bhatt Khushboo H.	508
2	Koparkar Kaustubh	507
2	Dhameja Sancy	507
3	Chhapru Komal M.	503
4	Bhave Anuradha	489
5	Tiwari Mahima V.	488
5	Gupta Nitin	488
6	Dixit Mrunal	487
7	Wadhawa Divya	486
8	Shetty Veena	484
9	Pawse Suvarna	480
9	Dharap Anagha	480
10	Jha Sanjeev Kumar	468

II LL.B. – APRIL 2010

1	Damre Grishma E.	480
1	Niphadkar Pooja P.	480
2	Ranade Gargi A	463
3	Patange Jyosna A	460
3	Sagvekar Nilakshi C	460
4	Somvanshi Kavita A.	455
5	Ghanekar Sarika A.	452
6	More Ketan V	451
7	Joshi Atula P.	450
8	Malvankar Shweta S.	448
9	Shinde Dhanshree S.	446
10	Bhide Madhura G.	445

Congratulations!

Academic Prizes 2009 – 2010

List Of Students Securing Top Positions At Law Exams Held In April 2010

1. Following Endowment Prizes are awarded to **Miss Bhatt Khushboo** for having stood FIRST at THIRD LL.B Exam – Held in April, 2010 (508/800)

   i) Late Shri Gunakar Joshi cash prize
   ii) Late Shri Viju Natekar cash prize
   Also awarded **Meda**l with **Merit Certificate**

2. **Mr. Koparkar Kaustubh** (507/800) Stood **Second at Third L.L.B.** Exam. held in April 2010 **Medal** with **Merit Certificate**

3. Ms. Chapru Komal (503/800) Stood **Third at Third L.L.B.** Exam held in April 2010 **Medal** with **Merit Certificate**

4. Late Shri Viju Natekar endowment prize – Ms. Narawade Panchashila B. Having stood First at Third L.L.B. Exam. held in April 2010 from amongst the backward class students (413/800).

5. Miss Dharap Anagha M. has been awarded the Late Shri B.S. Bagade Cash Prize for having secured highest marks in 'Law of Evidence' (89/100) at Third year L.L.B. Exam. April 2010.

6. Ms. Damre Grishma E. (480/800) Stood **First at Second L.L.B.** Exam. held in April, 2010 **Medal** with **Merit Certificate**

7. Ms. Niphadkar Pooja P. (480/800) Stood **First at Second L.L.B.** Exam. held in April 2010 **Medal** with **Merit Certificate**

8. Miss. Ranade Gargi A, (463/800) Stood **Second at Second L.L.B. Exam.** held in April 2010 **Medal** with **Merit Certificate**

9. Ms. Patange Jyotsna A. (460/800) Stood **Third Second L.L.B.** Exam. held in April 2010 **Medal** with **Merit Certificate**

10. Ms. Sagvekar Nilakshi C. (460/800) Stood **Third at Second L.L.B.** Exam. held in April, 2010 **Medal** with **Merit Certificate**

11. Ms. Raja Aditi R. (510/800) Stood **First at First L.L.B.** Exam. held in April 2010 **Medal** with **Merit Certificate**

12. Mr. Avhad Satish R. (499/800) Stood **Second at First L.L.B.** Exam. held in April 2010 **Medal** with **Merit Certificate**

13. Ms. Iyer Sridevi K. (496/800) Stood **Third at First L.L.B.** Exam. held in April,2010 **Medal** with **Merit Certificate**

14. Mr. Avhad Satish R. has been awarded Late Shri B.S. Bagade Cash Prize for having secured highest marks in 'Constitutional Law' (68/100) at First L.L.B. Exam. Aril 2010.

15. Ms. Pakkath Sreena, II LLB has been awarded the Sadhana Education Society's C. M. Trivedi memorial Prize for securing - 73/100 highest marks in Law of Crimes (Sem II) in the University. (April 2010 Examination)

Best Disciplined Student Award

"S**hri Damodar Vinayak Pendse" Prize** for Best Disciplined student during the Academic year 2009-2010 has been awarded to –

1. Mr. C.K. Kulkarni — I L.L.B.
2. Ms. Neelakshi Sagvekar — II L.L.B.
3. Mr. Langade Shrikant Vishnu — III L.L.B.

Legal Aid Cell

The cell incharge was Mrs Srividhya Jayakumar. An awareness programme on Domestic Violence Act was organized on 01. 09. 10. Resource Persons – Prof. Mrs. Janhavi Navre, Adv Mrs. Madhavi Naik and Adv. Mr. Ganesh Sovrani The salient features, the practical difficulties and the proper way of handling matters under the Act. were covered. Police station visit was on 6th October. Prof. Ms. Greta D'souza accompanied the students Jail visit was also organized on 12. 03. 11. The District Legal Sevices Authority. Thane organized a programme on 'Anti Ragging Law' for our students. Prof. S. G. Paranjpe Coordinated. Thane Court Judges & Shri Thanawala addressed the Students.

District Legal Services Authority, Thane had organized "Anti Ragging Law for Creating Awareness Among College Students" on 23rd Sept., 2010. The programme was presided over by the Honorable Secretary of the Thane Authority Shri. S. Z. Pawar. Honorable Joint Civil Judge Shri. Gogarkar, Smt. Punewala and Advocate Shri. T. M. Kochewad addressed the students. Prof. S. G. Paranjape was the college coordinator for the programme.

Court Visit Report

The Court visit Incharge Adv. Mrs. Ranjan Joshi accompanied the first year & second year students and guided them in various courts - Thane Civil, Criminal, Consumer, Kalyan courts, Thane Labour, Industrial Courts, Mumbai High Court, Bandra & Thane Family Courts.

Prof. Mr. Paranjpe was the Court visit Incharge for III year students in the subject: Practical Training. Students were put in batches for court visits and visits were organized during the period August 2010 to March 2011. We thank the Principal District Judge Sri Mohood and the Principal Judge, Family Court, Thane, for their support & guidance.

Intra Collegiate Competitions

Fresher's Debate Competition – 3-9-2010

1. Mr. Jayesh Gokhale 2. Ms. Jajvalya Raghavan 3. Mr. Saugata Hazra

Consolation Prizes:

1. Mr. Hrishikesh V. Mokashi 2. Mr. Ameya H. Kane 3.Ms. Kshitija R. Ingle

Moot Court Competition – 11-1-2011

1. Mr. Abhishek P. Pandurangi
   Ms. Nilakshi C. Sagvekar — 1st Prize
2. Ms. Aditi M. Athawale
   Ms. Pooja P. Oak — 2nd Prize

File Your PIL – Compitation 11-1-2011

All were declared winners!

Ms. Nilakshi Sagvekar)	IIIrd L.L.B.
Ms. Aditi M. Athawale)	
Ms. Pooja P. Oak)	
Mr. Prabhudesai Nishikant)	

Speak Up !!! Topic : S. 498A – Boon or Bane?

An Intra-College Event on Human Rights – 13-1-2011
(Majlis & Law College jointly organized)

1.	Mr. Pandurangi Abhishek	III LL.B.
2.	Ms. Jajvalya Raghavan	I LL.B.
3.	Mr. Saugata Hazra	I L.L.B.

Consolation Prize:

Ms. Athawale Aditi IIIL.L.B.

Cultural Programme Report

YUVA TARANG (18th and 19th Februry, 2011)

Organized by the Students' Council and Volunteers

VOLUNTEERS -

Nachiket Patil	Deepak More
Aniket Joshi	Jayesh Tikhe
Rupesh Shinde	Johnbosco D'souza
Sumit Kelkar	Narayan Shetye
Ankita Singh	Madhura Sathe
Pranalee Pawar	Pooja Surashe
Manali Shah	Ranjita Mhatre
Shubhangi Sonawane	Ashwini Sanap
Nilakshi Sagvekar	

Ms. Aditi Athavle
General Secretary, Students Council

Mr. Ameya Kane
Cultural Representative, Students Council

Date-wise Events –

The Yuvatarang Fest-2011 Was Conducted For 2 Days I.e. On 18th & 19th February, 2011. Following Is The List Of Date-wise Events:

Date	Day	Events
18th Feb, 2011	Friday	1. Rangoli Competition 2. Mehendi Competition

3. Antakshari (For Teaching & Non-teaching Staff)
4. Citation Hunt
5. Talent Show

19th Feb, 2011 Saturday

1. Antakshari (For Students)
2. Singing Competition
3. Dancing Competition
4. Prize Distribution Ceremony
5. Dj Session

Event-wise Participation

Sr.no.	Particulars	Total No.of Participants
I.	**18th February, 2011**	
1.	Rangoli Competition	7
2.	Mehendi Competition	13
3.	Antakshari(for Teaching & Non-teaching Staff)	12
4.	Citation Hunt	4
5.	Talent Show	6
Ii.	**19th February, 2011**	
1.	Antakshari (For Students)	12
2.	Singing Competition	5
3.	Dancing Competition	3
	Total	**62**

Last Day Of The Event I.e. 19th February, 2011 Was Conducted With Prize Distribution Ceremony.

List Of Winners

Sr.no.	Particulars	Class & Div.
I.	**18th February, 2011**	
1.	***Rangoli Competition –***	
	Rutika Patil	III LL.B.-C
	Jyoti Daundkar	II LL.B. – C
	Rasika Jaywant	III LL.B. – C
2.	***Mehendi Competition-***	
	Rutika Patil	III LL.B. - C
	Nilofar Shaikh	LL.B. - A
	Nagma Ansari	II LL.B. - D
	Sheetal Keni (1st Runner-up)	I LL.B. - B
	Saleha Khan (2nd Runner-up)	II LL.B. - C

3.	***Citation Hunt –***		
	Namrata Bobade		II LL.B. - A
	Sachin Upadhye		III LL.B. – C
4.	***Talent Hunt –***		
	Yogesh Patil		I LL.B. – D
	Nayna Thakur		III LL.B. – A
	Mhatre & Mali Group		II & III LL.B.
II.	**19th February, 2011**		
1.	***Antakshari (For Students)***		
	Team C –	Dinesh Mali	III LL.B.
		Shreyas Joshi	
		Bhushan Mhatre	II LL.B.
	Team B –	Abha Ketkar	
		Sachin Bhoir	II LL.B.-A
		Shradha Tawade	III LL.B
2.	***Singing Competition –***		
	Dinesh Mali		III LL.B.
	Bhushan Mhatre		II LL.B.
3.	**Dancing Competition-**		
	Swapnil Gaikwad		I LL.B. – C
	Pooja Gaokar		III LL.B. – C
	Nirav Mehta		I LL.B. - D

Gymkhana Report (Annual Sports)

(4TH, 5TH & 6TH February, 2011)

Sports Representatives	-	Yatin Pandit
		Sanil Dhayalkar
Volunteers	-	Nachiket Patil
		Aniket Joshi
		Jayesh Tikhe
		Narayan Shetye
		Johnbosco D'souza
		Rupesh Shinde
		Sumit Kelkar
Refrees	-	Rakesh Baing
		(Indoor Sports)

Mr. Yatin Pandit
Sports Representative
Students Council

Swapnil Pandav
&
Akshay Gawde

(Cricket)

Events Conducted -

Indoor Sports

Carrom

Singles – Men & Women Mixed Doubles Chess Table Tennis

Outdoor Sports

Badminton

Singles – Men & Women

Shot – Put

Men & Women

Discuss Throw

Men & Women Running (100 Mts & 200 Mts)

Men & Women Cricket (Special Event)

Men

Date Wise Events

The Indoor And Outdoor Sports Were Conducted As Follows:

Date	Indoor / Outdoor	Evets
4th Feb, 2011	Indoor	Chess, Carrom (Singles), Table-tennis
5th Feb, 2011	Indoor Outdoor	Carrom (Mixed Doubles)Badminton, Shotput, Discuss Throw, Running (100 Mts. & 200 Mts.)
6th Feb, 2011	Outdoor	Cricket Tournament

Event-wise Participation

Sr.no.	Particulars	Men	Women	Total No.
1.	**Indoor**			
	Carrom			
	- Singles	32	16	48
	- Mixed	-	-	16
	Chess	26	7	33
	Table Tennis	16	9	25
	Total (A)			122

2.	**Outdoor:**			
	Badminton-			
	- Singles	33	26	59
	- Shot-put	12	9	21
	- Discuss Throq	12	9	21
	Running			
	- 100 Mts.	15	9	24
	- 200 Mts.	13	5	18
	Special Event:			
	- Cricket	35	-	35
	Total (B)			**178**
	GRAND TOTAL (A + B)			**300**

List Of Winners (Indoor Sports)

Sr. No.	Particulars	Class & Div.
1.	***Carrom – Singles (Men)***	
	Sachin Bhoir	II LL.B.-A
	Ajay Mehrol	III LL.B-A
	Nitin Upadhye	III LL.B.-C
	Carrom – Singles (Women)	
	Mrunal Khot	III LL.B.-C
	Jyoti Doundkar	II LL.B.-B
	Carrom – Mixed Doubles	
	Nilakshi Sagvekar & Nitin Upadhye	III LL.B.
	Priyanka Patil & Ajay Mehrol	II & III LL.B.
2.	***Table Tennis (Men)***	
	Narayan Shetye	I LL.B.-B
	Suyog Mhatre	II LL.B.-B
	Table Tennis (Women)	
	Dhanashree Kelkar	III LL.B-A
	Ankita Singh	I LL.B.-C
3.	***Chess (Men)***	
	Yatin Pandit	III LL.B.-A
	Nirav Mehta	I LL.B.-D
	Hemchand Rathod	III LL.B.-B
	Chess (Women)	
	Apurva Joshi	II LL.B.-B
	Gulnaz Mirza	III LL.B.-C

List Of Winners (Outdoor Sports)

Sr. No	Particulars	Class & Div.
1.	***Badminton (Men)***	
	Mahendra Singh	II LL.B.-B
	Anant Singh	II LL.B.-A
	Narayan Shetye	I LL.B.-B
	Badminton (Women)	
	Aditi Athawale	III LL.B.-B
	Rupali Shan	II LL.B.-A
	Nagma Ansari	I LL.B.-D
2.	***Shotput (Men)***	
	Omkar Thakur	I LL.B.-B
	Vinayak Patil	III LL.B.-C
	Shotput (Women)	
	Amruta Suravkar	I LL.B.-A
	Ankita Singh	I LL.B.-C
3.	***Discuss Throw (Men)***	
	Omkar Thakur	I LL.B.-B
	Ambrish Aigal	II LL.B.-A
	Discuss Throw (Women)	
	Ankita Singh	I LL.B.-C
	Amruta Suravkar	I LL.B.-B
4.	***Running – 100 Mts (Men)***	
	Vinayak Patil	III LL.B.-C
	Mahesh Tembhe	I LL.B.-B
	Running – 100 Mts (Women)	
	Shital Kadam	II LL.B.-B
	Aarti Chavan	III LL.B.-D
	Running – 200 Mts (Men)	
	Mahesh Tembhe	I LL.B.-B
	Omkar Thakur	I LLB.B-B
	Running – 200 Mts (Women)	
	Shital Kadam	II LL.B.-B
	Aarti Chavan	III LL.B.-D
5.	***Special Event (Cricket Tournament)***	
	III LL.B.- 1st Prize	-
	II LL.B. – Runner Up	-
	Player Of The Tournament	
	Avinash Choudhari	III LL.B.-A

Inter Collegiate Competitions

कु. पूजा ओक

ILS Research Paper

व्ही.पी.एम., टि.एम. सी. विधी महाविद्यालयाची तिसऱ्या वर्षातील विद्यार्थीनी कु. पूजा ओक हिने आय. एल. एस. विधी महाविद्यालय, पुणे आयोजित देश पातळीवरील संशोधन पेपर स्पर्धेमध्ये तिच्या 'Constitution in the Light of Coaliation Government' विषयासाठी प्रथम पारितोषिक मिळविले.

Nari Gurusahani Law College : Vidhi Manthan

नानी गुरुसाहनी विधी महाविद्यालय उल्हासनगर यांनी दिनांक ४ व ५ सप्टेंबर रोजी आयोजित केलेल्या 'Legal Maxim' स्पर्धेमध्ये द्वितीय वर्षाचे विद्यार्थी सी. के. कुलकर्णी व तृतीय वर्षाचे विद्यार्थी यतीन पंडीत यानी प्रथम पारितोषिक पटकावले.

VPM's TMC Law College : Power Point Presentation on Mahatma Gandhi

दिनांक १६ ऑक्टोबर रोजी विद्या प्रसारक मंडळाच्या सर्व महाविद्यालयांसाठी एक 'पॉवर पॉईंट प्रेझेंटेशन' स्पर्धा आयोजित करण्यात आली होती. या स्पर्धेचा विषय होता 'महात्मा गांधी' या स्पर्धेला बिर्ला महाविद्यालयातील प्राध्यापिका तसेच गांधी अभ्यास केंद्राच्या संचालिका डॉ. सौ. नमिता निंबाळकर परीक्षक म्हणून लाभल्या होत्या.

या स्पर्धेचा निकाल खालील प्रमाणे –

प्रथम क्रमांक : शर्मीन पठान (पॉलिटेक्निक) द्वितीय क्रमांक : थॉमस मर्सी (विधि महाविद्यालय)
तृतीय क्रमांक : मधुमती बागची (जोशी बेडेकर महाविद्यालय) उत्तेजनार्थ : महेश जेटवानी (प्रथम वर्ष विधि महाविद्यालय) मयांक अकोले (प्रथम वर्ष विधि महाविद्यालय), करणकुमार उल्लिंगन (पॉलिटेक्निक)

या सर्व विद्यार्थ्यांना त्याच दिवशी बक्षिसे व प्रमाणपत्रे देण्यात आली.

Patkar College : Mimicry

पाटकर कॉलेज, गोरेगाव येथे मुंबई टाइम्स आयोजित मिमिक्री स्पर्धेत विधी महाविद्यालयाचा प्रथम वर्षाचा विद्यार्थी श्री. योगेश पाटील याने उत्तजनार्थ पारितोषिक पटकावले.

GLC : Kanga Moot Court Competition

Held on 5 March 2011. Our team : Ms. Puja, Ms. Aditi, Mr. Jayesh bagged the FIRST PRIZE Mr. Jayesh also won the best speaker prize.

Nani Palkiwala : Elocution

On 26th January in the elocution competition for Colleges Organized by Navi Palkiwala Trust Our Student Ms. Nilakshi Sagvekar Seamed the second Prize

संविधान दिवस

संविधान दिवसाचे महत्व लक्षात घेऊन दरवर्षाप्रमाणे या ही वर्षी विधी महाविद्यालयाने दिनांक २७ जानेवारी २०११ रोजी 'संविधान दिवस' साजरा केला. सदर कार्यक्रमासाठी मुंबई उच्च न्यायालयातील वरिष्ठ कायदा समुपदेशक श्री. नितीन प्रधान प्रमुख वक्ते म्हणून उपस्थित होते. या दिवसाचे औचित्य साधून "Judical Activism" या विषयावर त्यांनी मार्गदर्शन केले. या कार्यक्रमाचे अध्यक्षस्थान संस्थेचे कार्याध्यक्ष डॉ. श्री. विजय बेडेकर यांनी भूषविले. संविधान दिवसाचे महत्त्व साधुन "Development of

India through the various amendments in the Constitution" या विषयावर वक्तृत्व स्पर्धा ठेवण्यात आली होती. सदर स्पर्धेसाठी ॲड. भरत खन्ना व प्राध्यापक श्री. अनंत गद्रे यांना परीक्षक म्हणून पाचारण करण्यात आले होते. सदर स्पर्धेमध्ये कु. आदिती आठवले, कु. निलाक्षी सागवेकर व श्री. जयेश गोखले यांनी अनुक्रमे पाहिला, दुसरा व तिसरा तर कु. पुजा ओक यांनी उत्तेजनार्थ पारितोषिक पटकाविले. त्यांना प्रमुख पाहुण्यांच्या हस्ते पारितोषिक देण्यात आले.

वादविवाद स्पर्धा Fresher's Debate

दिनांक ३ सप्टेंबर रोजी विधी प्रथम वर्ष विद्यसर्थ्यांसाठी वादविवाद स्पर्धेचे आयोजन करण्यात आले होते. सदर स्पर्धेसाठी खालील विषय ठेवण्यात आले होते.

१) खासदारांची पगार वाढ : योग्य की अयोग्य?

२) भारतीय रस्ते आणि हायवे साठी असणारा टोल कर योग्य की अयोग्य?

३) कॉमन वेल्थ खेळाचे आयोजन : सरकारी पैशाचा दुरुपयोग

ॲड आशुतोष गोळे, मुंबई उच्च न्यायलय व या महाविद्यालयाचा प्रा. शिल्पी नेगी यांनी कार्यक्रमाचे परीषक म्हणून काम पाहिले. प्रा. हेतल मिशेरी या स्पर्ध्येच्या संयोजक होत्या.

स्पर्धेचा निकाल :

प्रथम क्रमांक – जयेश गोखले
द्वितीय क्रमांक – जाज्वल्या राघवन
तृतीय क्रमांक – हजरा सौगात गदाधर
उत्तेजनार्थ – ऋषीकेश मोकाशी, अमेय काणे व क्षितीजा इगंळे

Moot Court & File Your PIL Competition

वि. पी एम. टि. एम्. सी. विधी महाविद्यालयाने दिनांक ११–१–११ रोजी महाविद्यालयातील विद्यार्थ्यांसाठी 'Moot Court' स्पर्धा व 'File Your PIL' (तुमची जनहित याचिका दाखल करा) या विषयावरील स्पर्धा आयोजित केल्या होत्या. 'Moot Court' स्पर्धेमध्ये महाविद्यालयाचे प्राध्यापक श्री. सुरेश पायक व प्राध्यापिका सौ. जान्हवी नवरे यांनी न्यायाधिश म्हणून काम पाहिले. सदर स्पर्धेमध्ये अभिषेक पाडुंरंगी व निलाक्षी सागवेकर यांच्या गटाला पहिला क्रमांक मिळाला. तर आदिती आठवले व पुजा ओक यांच्या गटाला दुसरा क्रमांक मिळाला. तसेच 'File Your PIL' स्पर्धेसाठी महाविद्यालयाचे न्यायाधिश म्हणून काम पाहिले. निलाक्षी सागवेकर (तृतीय वर्ष), आदिती आठवले (तृतीय वर्ष) पुजा ओक (तृतीय वर्ष) यांनी या स्पर्धेत भाग घेतला. परिक्षकांनी सर्वच स्पर्धकांच्या कामाची प्रशंसा केली व त्यांना विजेते असल्याचे घोषित केले. सदर विद्यार्थ्यांच्या याचिकेची प्रत माहितीसाठी ग्रंथालयात ठेवली आहे.

'Speak up' Competition

दिनांक १३ – १ – २०११ रोजी विधी महाविद्यालय व मजलिस या संस्थेच्या माध्यमातून कलम ४९८ अ या विषयावर वर्क्तृत्व स्पर्धेचे आयोजन करण्यात आले होते. सदर स्पर्धेसाठी महाविद्यालयाच्या प्राध्यापिका मनिषा वाघ व मजलिस संस्थेच्या ॲड नगमा व ॲड नौशिन यांनी परिक्षक म्हणून काम पाहिले. सदर स्पर्धेमध्ये सौगात हुजरा, जाज्वल्या राघवन, अभिषेक पांडुरंगी व निलाक्षी सागवेकर यांनी पारितोषिके पटकावली. Coordinator: Prof. Ms. Manisha Wagh

मराठी दिवस

मराठी दिनाचे औचित्य साधून दरवर्षाप्रमाणे याहिवर्षी दिनांक २६ फेब्रुवारी रोजी विद्या प्रसारक मंडळाच्या ठाणे महापालिका विधी महाविद्यालयाने 'मराठी दिवस' धुमधडाक्यात साजरा केला. सदर दिनानिमित्य 'विज्ञान तंत्रज्ञान आणि कायदा' या विषयावर निबंध स्पर्धेचे आयोजन करण्यात आले होते. तसेच मराठी गीताचे गायन या स्पर्धेचे हि आयोजन करण्यात आले होते. तसेच मराठी गीताचे गायन या स्पर्धेचे हि आयोजन करण्यात आले. सदर स्पर्धेसाठी महाविद्यालयाच्या कर्मचारी श्रीमती वसुधा शिंदे यांनी स्पर्धेचे परीक्ष म्हणून काम पाहिले.

स्पर्धेचे विजेते –

१) आरती चव्हाण – तृतीय वर्ष विधी २) यतिन पंडीत – तृतीय वर्ष विधी ३) अलका माने –प्रथम वर्ष विधी

गायन स्पर्धेचे विजेते

१) आदिती आठवले – तृतीय वर्ष विधी २) सोपान शिंगोळे – द्वितीय वर्ष विधी ३) यतिन पंडित – तृतीय वर्ष विधी

मराठी दिनाचे महत्त्व लक्षात घेऊन प्रसिद्ध लेखक, कवि गीतकर प्राध्यापक श्री. प्रविण दवणे यांचा 'माझ्या लेखनाची आनंदयात्रा' या कार्यक्रमाचे आयोजन केले होते. सदर कार्यक्रमासाठी विद्यार्थ्यांनी मोठ्या प्रमाणावर गर्दी केली होती. शेवटी प्राध्यापक दवणे यांच्या हस्ते बक्षिस वितरण करण्यात आले.

Seminars

Sr No	Date	Seminar	Organizer	Paper Presentation	Participation
1.	02. Sept. 2010	Heritage Tourism 2 Day Intl. Seminar	ICLES Jhunjunwala College, Vashi	I/c Prin. Smt. Srividhya Jayakumar (Topic : Heritage Management-Law & Role of PIL)	The paper was declared one of the best 5 papers.
2.	16th & 17th Sept. 2010	Prevention of suicide among Students	Dept. of Psychology University of Mumbai.	-	Prof. Shilpi negi Prof. Vinod Wagh
3.	31. Oct 2010	Legal Education	Dept. of Law University of Mumbai.	I/C Prin. Smt. Srividhya (Topic: Challenges Facing Legal Education – Some Concerns.)	Prof. Shri Vinod Wagh Prof. Shri Mithun Bansode
4.	12th Dec. 2010	Prabhakar Hegde Lecture Series.	Thane Bar's Vidhi Foundation & V.P.M's TMC Law College	-	Professors & 10 Students
5.	20, 21&22nd Dec. 2010	Legal Education (Law Teachers & Researchers Forum)	Dept. of Law University of Mumbai	-	Prof. Vinod Wagh Prof. Mithun Bansode
6.	7th Jan. 2011.	Development of India Through Micro – Finance	V.P.M's Joshi Bedekar College, Thane.	I/c. Prin. Srividhya Jayakumar (Topic : Micro – Finance in India: some Human Rights Concerns)	-
7.	8th Jan. 2011	Tele Communication Dispute settlement Appellate Tribunal (TD – SAT)	Maharashtra Judicial Academy, Bhayander Dist. Thane.	-	Shri. C. K. Kulkarni Shri. Rajkumar Gaikwad & Other students.
8.	11th Jan 2011	Law, Corporate Management & Labour Welfare	Shivaji Rao S. Jondhle Institute of Mgt. Sci. & Research, Asangaon	Prof. Srividhya Spoke on 'Labour Legislations - the human rights background' Prof. Arun Jalisatgi spoke on 'Labour Welfare-Law & courts	-
9.	17th & 18th Feb. 2011	"Collection Development on Electronic Era"	Gokhale Education Societies College of Education	-	Librarian Ms. Sheetal Autade

Vartak Nagar Police Station Visit : Report

Ms. Trupti
III LL.B

As a part of our Practical training programme one batch of 3 rd LL. B students visited the Vartak Nagar police station on 6-10-10 under the guidance of VPM's Law College, Thane. Prof. Miss. Greta D'souza introduced the Vartak Nagar Police Station Incharge. He warmly welcomed us, offered cup of tea and briefly explained us the day to day working of the police station.

Since he had an urgent emergency call to attend one serious criminal case he introduced us the Public Relation Officer and the police station house officers to guide us. Accordingly both the officers gave us the information regarding how the cognizable and non - cognizable offences are to be identified and how such offences are to be entered in their respective registers.

The said police officers gave us the information that as soon as serious cognizable offences (i.e.for example murder, dacoity, rape etc.) under I. P. C. are reported to the police station by the complainant then in that case Police station must immediately without losing the time, record the FIR of those offences and at the same time it must be recorded in the Crime Register.

After recording the FIR, immediately on the same day a copy of the FIR must be given to the Complainant. Whereas the offences which are of not so serious nature, means they are of non - cognizable nature reported by the Complainant to any police station then in that case such police station must record the same in the N. C. register and after recording the N.C, immediately on the same day a copy of the N. C is to be given to the Complainant.

The Police officers showed us the copy of the FIR & NC and gave us detail information as follows.

FIR : When the complainant comes to the police station and gives information / report regarding cognizable offence such information /report is reduced in writing in FIR, such report is called the "First Information Report." The details which are required to be filled up in the FIR and how they are to be gathered from the complainant was explained to us (i.e.Name and address of the complainant, Name and address of the person against whom the offence is to be lodged or otherwise suspected person's name and address, specific time and date is to be noted down in the FIR when the offence is committed and when the complaint is reported to the police station. As well as detailed history of the offence, how the offence was committed, the complainant's statements regarding the offence by whom crime was committed is to be recorded on the backside of the FIR and the signature of the complainant is to be obtained on it. the end time and date of the FIR prepared is to be mentioned.

Further the police officers told us that 4 copies of FIR are prepared, out of which 1st copy is to be given to the complainant, 2 nd copy is to be given to the Hon'ble Court, 3rd copy to be given to the Senior Police Officer and 4 th copy is to be attached to the case.

Further the police officers told us that after FIR is prepared, depending upon the nature of the case (cognizable offence) Senior Police Officer mark the case to the Police Inspector (P.I) for the investigation and report. The said P.I visits the spot of offence. records the witness statements if the witnesses are available and record the visit report in the day to day Crime Report Diary. The said P.I visit the spot of the offence and try to find out the witnesses, like that he visit the spot of the offence 7 to 8 time and try to investigate and get witnesses if available and accordingly he write the visit report in the day today Crime Report Diary. If it is not possible for the P. I to trace the accused and witnesses then after recording the Crime Report Diary time to time he put such case in a "A" Classified Register (Non traceable, Searched but not found Register) with the permission of the senior Police Inspector and then such case is reported to the Hon'ble Court to take the permission to close it for the time being. Further the police officers told us that in future if such accused is found then immediately within 24 hours he should be brought before the Hon'ble Court and the police custody of such accused is requested for investigation from the Hon'ble Court and after the investigation is over within 90 days chargesheet is filed in the Hon'ble Court. At the same time the chargesheet copy is also given to the accused.

NC : Further the police officers told us regarding the NC that in case of non-cognizable offence if the complainant comes to the police station and complains against any person in that case since it is non - cognizable offence, police records the statement of the complainant in the NC register and gives him the NC register No. and advices him to file a private case in the court of law. If such complainant files a case in the court in that case if Hon'court demand of the NC record from the police in that case the said NC record is to be produced in the Hon'ble Court.

Other Registers : The Police officers showed us many registers which are maintained day to day ie. FIR Register, NC Register, Crime Register, Minor Missing Register, Adult Missing Register, Traffic Accident Register. Further the Senior Police Inspector introduced the other P. I Administration, P. I. Crime, P. I. Preventive, P. I. Detection, Further the police officers also showed us the lockup room.

At the end of visit we all students thanked the all Police Station officials for spending their valuable time with us & giving us the valuable information and extending whole heartedly co - operation to us to fulfill our training requirements. This visit added great value to our study of Criminal Procedure Code.

College Publication

II LL.B. Practical Training Study material -1999

II LL.B. Practical Training Study material (Revised) - 2006

I LL.B. Practical Training Study Material – 2007

II LL.B. Practical Training Study Material (Marathi) – Feb. 2008

English Work Book for I LL.B. – 2010

Booklet on Advocates Act in Marathi for I LL.B. – 2010

Preparatory Exams

Time Table, I Term : October 2010

DATE	FIRST LL.B.	SECOND LL.B.	THIRD LL.B.
27/10/2010	Contract – I	Administrative Law	C.P.C.
28/10/2010	Labour Law	Company Law	Cr. P.C.
29/10/2010	Torts	Transfer of Property	Public Int.Law & H.R.
30/10/2010	Legal Language	Family – II	Interpretation of Statutes

Time Table, II Term : April 2011

DATE	FIRST LL.B.	SECOND LL.B	THIRD LL.B.
1/4/2011 Friday	Crimes	Jurisprudence	Evidence
2/4/2011 Saturday	Constitution	Contract – Ii	Acadr
5/4/2011 Tuesday	Family – I	Land Laws	Woman, Child & Law
6/4/2011 Wednesday	Environmental	Optional	Banking / Law & Medicine
7/4/2011 Thursday	—	—	Insurance / IPR

Tribute to Dr. B. R. Ambedkar - April 14

On 14th April 2011, teachers & students paid tribute to Dr. B. R. Ambedkar in the Library Reading Hall. A small books exhibition was arranged of the books on Ambedkar, Constitution and volumes of Constituent Assembly Debates.

Practical Training 2010 - 2011

I LL.B. (Paper I)

The students were given the programme sheet for the year at the time of admission. The following special lectures were arranged:

Date	Topic Details
23rd Sept.2010	"Professional Ethics"
(6 – 8.30 p.m.)	Retd. District Judges Shri Dilip Joshi, Shri J.K. Das
7th Oct.2010	Project guidance
(6 – 7.30 p.m.)	Division A - Mr. Vinod Wagh, Division B - Mrs. Pradnya Division C - Ms. Manisha Wagh, Division D - Ms. Hetel
10th Dec.2010	Accountancy for lawyers
(A & B 6 – 7 p.m.)	Mr. Ganesh Badri CA, LL.B.
(C & D 7.30 – 8.30 p.m.)	

11th Dec. 2010	Preparation to be a successful lawyer
(6 – 8 p.m.)	Shri A.B. Choudhury
17th Dec. 2010	Moot Court – demo
(6.30 – 9 p.m.)	Ms. Aditi Athawale III LL.B. student Mr. C.K. Kulkarni II LL.B. student Ms. Rashi Gupta II LL.B. student Judges : Prof. Mr. Manoj Bhatt Prof. Mr. Vinod Wagh
1st Feb.2011	'Contempt of Courts Act 1971'
(6 – 9 p.m.)	Division A - Prof. Ms. Greta D'Souza Division B - Prof. Mr. Vinod Wagh Division C - Prof. Ms. Vidya Gaikwad Division D - Prof. Mrs. Sri Vidhya Jayakumar

Project: The students were required to

(i) Prepare a report on their visit to courts

(ii) Draft (a) PN (b) notice to tenant (c) consumer complaint
(d) Letter to newspaper demanding apology for defamation.

Assignment of Marks

Project : 30 marks, Written exam – 70 marks
Date of Exam : 4th March – 11- 1.30 pm
Viva 5th March – 5.40 to 9 pm

Students were supplied with study material and list of references. A small booklet on Advocates Act was prepared in Marathi by Teachers & they were distributed to the students.

II LL.B. (Paper II)

Students were issued the year's programme and project requirements at the time of admission. The following special lectures were held:

Date	Details
1st Sept.2010	"Legal literacy on Domestic Violence Act"
(6 – 9 p.m.)	Resource Persons – Prof. Mrs. Janhavi Navre Adv. Mrs. Madvi Naik, Adv. Shri Ganesh Sovani
6th Oct. 2010	"Client Counselling"
(5.30 - 7.30 p.m.)	Div. A - Prof. Mrs. Pradnya Rajebhadur Div. B - Prof. Mrs. Sri Vidhya J Div. C & D - Prof. Mrs. Manisha Wagh
13th Dec 2010	Lok Adalats
(6 – 8 p.m.)	Prof. S.M. Payak

14th Dec. 2010 (6 -9 p. m.)	'PIL' Adv. Shri V.P. Patil
8th Jan 2011 (6 -9 p. m.)	Client Counselling & Advocacy Panel Discussion Members – Adv. Mr. Gajanan Chavan "Criminal Matters" Adv. Shri. Bhatia "Civil and Matrimonial Matters" Adv. Smt. Kaprekar "Challenges faced by women lawyers" Coordinator- Mr. Vinod Wagh

Students were asked to visit the Lok Adalats in the courts and observe PIL matters in Mumbai High Court.

Project: The students were required to draft

a) Letter to Insurance Company for claims
b) Notice u/s.138 NI Act
c) Complaint to police
d) Charge sheet for disciplinary action
e) Reply to RTI application

Assessment:

Project : 30 marks; written exam. 70 marks
Date : Exam : 4th March 11 – 1.30 PM Viva: 22, 29, 31 January and 1st and 3rd Feb.
Students were supplied with study material (English / Marathi) compiled by our teachers.

III LL.B. P.T. Report

Entire programme was chalked out and the students were notified at the time of admission.

Paper III – Drafting

Draft submissions Students were assigned 15 problems for drafting on conveyances and pleadings. Students submitted their drafts on 4th March 2010. They were marked on these submissions. Marks : 45

Written Examination

Students appeared in a written examination on drafting – conveyances and pleadings. Marks 45. Date : 4.03.11 – 3 – 5 pm
The following special lectures were arranged:

Date	Subject	Div.A	Div.B	Div.C
10th Dec. 5 – 9 pm	General Principles and PN, Power of Attorney Mortgage, Gift	Mr. Paranjpe	Mr. Payak	Mr. Gadre
11th Dec. 6 – 9 pm	Lease, will and sale	Mr. Paranjpe	Ms. Hetel	Mr. Wagh Mrs. Srividya Jayakumar
15th Dec.	Criminal Pleadings	Mr. Manoj Bhat	Mrs. Ganesh D'souza	Mr. Bharat & Khanna

16th Dec.	Library work			
17th Dec.	Matrimonial Pleadings	Ms. Hetel	-	-
18th Dec.	Writs and PIL	Senior Counsel, Mumbai High Court Shri Ram Apte		
20th Dec. & 21st Dec.	Civil	Mr. Paranjpe	Mr. Payak	Mr. Kazi F. N.
23rd Dec.	Matrimonial	-	Ms. Greta	Ms. Glady Peraina

Jan. 14 (6 - 9pm) "Panel Discussion : Art of Advocacy"
Members: Adv. Shri. Sanjay Borkar
"Examination of Witnesses"
Adv. Shri. Vijay Agashe
"Making Convincing arguments"
Adv. Shri. Ram Apte
"Advocacy in Appellate Courts"
and "Professional Ethics"

The Panel Discussion concluded with a question – answer session wherein the doubts of students were cleared.
Compeering : Prof. Mrs. Rashmi Acharya
Co-ordinator : Prof. Mrs. Srividhya Jayakumar

Paper IV

Advocates Office visits Prof. Inchange :
30 marks Mrs. SriVidhya Jayakumar
4th Jan 2011 Submission of Report & Viva

Court Visits: Prof. Incharge : Mr. S.G. Paranjpe
30 marks: Batches from September to February

Moot Courts: Prof. Inchange :
30 marks Mrs. SriVidhya Jayakumar

Guidance and Instructions: - 6th Oct. 2010

Division A : Mr. Paranjpe Division B : Ms. Vidya Gaikwad
Division C & D : Mr. Vinod & Ms. Greta

Moot Court cases distribution:- 1st December 2010

- Each student was issued 3 cases and instructions, exam dates, dress code in print
- 60 different cases were prepared by the teachers of the college

Examination on oral and written submissions

Date : 7,8,9 March 2011 Viva Exam: Dates; 4th March and 9th March 2011 20 Marks

Library Report 2010-2011

"Only a generation of readers will span a generation of writers."
-Steven Spielberg

A college would be incomplete without a good library. Library forms an integral part of any college as it helps students with its vast collection of books. The development of our library in academic year 2010 2011 is as follows:

COLLECTION:

	Books	Journals	Bound Volume	CD
Prior	21792	20	2595	28
Additions	616	02	43	11
Total	**22408**	**22**	**2638**	**39**

This year Special Collection on Dr. Babasaheb Ambedkar's Writings and Speeches (Encyclopedia) were added to Library.

Book Bank Service:

The Book Bank facility is provided to the Backward Class and Economically Backward Students. Under the Book Bank Scheme, This years record of Book Bank scheme:

	No. of book sets available	No. of students used the facility.
F.Y.LLB	10	07
S.Y.LLB	10	01
T.Y.LLB	10	00

Users

Regular students	845(I, II, &III year)
External Students	81 (till Date)

EXHIBITION:

Apart from the routine library services there was small subject exhibition organized in the month of January for the third year students on "Advocacy". This was meant to specially help in the practical training subject.

Additional Library Card

The top ten students of our college in the University Exams are provided with additional Library card.

Working Hours

Regular Timing	01.00pm to 09.00pm
Open Access everyday	01.30pm to 06.00pm
Moot court, practical and examination period	10.00am to 09.00pm

Ms. Sheetal Autade
Librarian

University Examination At Our Centre
Time Table Of Nov.2010 Law Examination
(1112 Students appeared)

Date	MORNING SESSION					EVENING SESSION		Date
	10.30 TO 1.30					2.30 TO 5.30		
	SEM – I	SEM – II	SEM – V	SEM – VI		SEM – III	SEM- IV	
15/11/2010	Labour Law	-	C.P.C.	-		Administrative Law	-	15/11/2010
16/11/2010	-	Crimes	-	ACADR		-	Jurisprudence	16/11/2010
18/11/2010	Contract I	-	Cr. P.C.	-		Family Law-II	-	18/11/2010
19/11/2010	-	Constitutional Law	-	Evidence		-	Contract –II	19/11/2010
20/11/2010	Torts & C.P.Law	-	Interpretation	-		-	-	20/11/2010
22/11/2010	-	Family-I	-	Banking & Nego.Inst.Act		Transfer of Property	-	22/11/2010
23/11/2010	Legal Language		Pub.Int.Law & H.R.				Land Law	23/11/2010
24/11/2010	-	Environmental Law	-	Insurance		-		24/11/2010
25/11/2010			-	Intellectual Property Law		Company Law	-	25/11/2010
26/11/2010	-	-	-	Women, Children & Law		-	Optional sub	26//11/2010
27/11/2010	-	-	-	Law & Medicine		-		27/11/2010
29/11/2010	-	-	-	Conflict of Law		-		29/11/2010

Time Table Of April,.2011 Law Examination

(987 Students appeared)

Date	MORNING SESSION				EVENING SESSION		Date
	11.00 TO 2.00				3.00 TO 6.00		
	SEM – I	SEM – II	SEM – V	SEM – VI	SEM – III	SEM- IV	
18/04/2011	-	Crimes	-	ACADR	-	Jurisprudence	18/04/2011
19/04/2011	Labour Law	-	C.P.C.	-	Administrative Law	-	19/04/2011
20/04/2011	-	Constitutional Law	-	Evidence	-	Contract –II	20/04/2011
21/04/2011	Contract I	-	Cr. P.C.	-	Family Law-II	-	21/04/2011
23/04/2011	-	Family-I	-	Banking & Nego.Inst.Act	-	Land Law	23/04/2011
25/04/2011	Torts & C.P.Law	-	Interpretation	-	Transfer of Property	-	25/04/2011
26/04/2011	-	Environmental Law	-	Insurance		Optional sub	26/04/2011
27/04/2011	Legal Language	-	Pub.Int.Law & H.R.	-	Company Law	-	27/04/2011
28/04/2011	-	-	-	Intellectual Property Law	-	-	28/04/2011
29/04/2011	-	-	-	Women, Children & Law	-	Optional sub	29/04/2011
30/04/2011	-	-	-	Law & Medicine	-		30/04/2011
2/5/2011	-	-	-	Conflict of Law	-		2/5/2011

The Public Spirited Man!!

- **Aditi M. Athawale**
III YEAR LL.B 'B'

"Change is not just turning darkness into light; it is an ability to think about the light in spite of the darkness"

- Anonymous

MAHESH CHANDER MEHTA
ADVOCATE, SUPREME COURT OF INDIA

M.C Mehta v Union of India (Oleum gas leakage case), M.C Mehta v. Kamal Nath (Span Motels case), M.C Mehta v. Union of India (Taj Mahal pollution case), M.C Mehta v. Union of India (River Ganga pollution case), do these cases look familiar to you? Apart from being inseparable from the Environmental law and Constitutional law, there is one more thing inseparable in these cases without whom the problems in these cases would had never come to light and i.e. the true environmentalist Mr. Mahesh Chander Mehta a.k.a Mr. M.C Mehta.

Born on October 12, 1946 in the small village of Dhangri, District Rajouri, Jammu and Kashmir, his love for nature made him to vow for its protection and healthy development. He completed his primary and higher education in the village of Dhangri and Rajouri respectively. Later he completed his Post Graduation in Political Science and got his Law degree from the University of Jammu and started his practice in the Jammu and Kashmir High Court. He took active part in social and political issues by raising his voice against corruption and by motivating the youth to fight against the discrimination taking place in state of Jammu. His career as a Supreme Court Advocate began in the year 1983.

Mr. M.C. Mehta has single handedly won more than 40 cases in the Supreme Court and has successfully persuaded the Court that right to life guaranteed under Article 21 of the Constitution of India also includes right to a healthy environment. It is due to his hard work and eternal commitment towards the environment that has led to the formation of various principles in the Environmental law, through countless environmental litigations. A few of which can be enumerated below:

- The constitutional right to life extends to the right to a clean and healthy environment.

- Courts are empowered to grant financial compensation as a remedy for the infringement of the right to life.
- Polluters should be held absolutely liable to compensate for harm caused by their hazardous activities.
- Public resources that are sensitive, fragile or of high ecological value should be maintained and preserved for the public.
- Similarly, the government has a responsibility to prevent environmental degradation. Even if scientific uncertainty exists, the implementation of preventative measures should not be delayed wherever there is the possibility of serious or irreversible damage.
- Green benches should be established in Indian High Courts dealing specifically with environmental cases.

Landmark judgments:-

Oleum Gas Leakage Case – The leakage of Oleum gas from the Shriram Food and Fertilizer Corporation led to serious health hazards whereby a PIL under Article 32 of Constitution of India was filed by Mr. M. C Mehta. In this landmark judgment, Supreme Court held that enterprises engaged in hazardous and dangerous activity owe an absolute duty to the community and must be liable to compensate the harm caused by such activities. The Court also laid down various guidelines to be observed strictly by such industries in maintaining the effluent discharge standards and workers' safety. **(M.C Mehta v. Union of India AIR 1987 SC 965)**

Ganga Pollution Case - The growing pollution of River Ganga due to the discharge of effluents and untreated sewage water was brought to light by Mr. M.C Mehta, whereby the Supreme Court in this historic judgment, ordered more than 250 towns and cities to put up sewage treatment plants. Almost 600 tanneries in the residential area of Kolkatta and were shifted and relocated in the planned Leather City in the state of West Bengal. Many industries were closed down by the Court and were allowed to reopen only after these industries set up sewage treatment plants and controlled pollution. **(M.C Mehta v Union of India 1987 4 SCC 463)**

Taj Mahal Case - Taj Mahal, one of the wonders of the world and the pride of India was facing serious threat from pollution caused by Mathura Refinery, iron foundries, glass and other chemical industries. As a result of very high toxic emissions from these industries, the Taj Mahal and 255 other historic monuments within the Taj trapezium were facing serious threat because of acid rain. The Petition was filed in the year 1984. The Supreme Court of India delivered a historic judgment in December 1996.The apex Court gave various directions including banning the use of coal and coke and directing the industries to switch over to Compressed Natural Gas (CNG). **(M.C Mehta v. Union of India 1997 1 SCC 353)**

Vehicular Pollution Case – In this landmark judgment, a etired Judge of the Supreme Court was appointed along with three members to recommend measures for the nationwide control of vehicular pollution. Due to this judgment,Lead-free petrol was introduced in the four metropolitan cities from April 1995; all new cars registered from April 1995 onwards were fitted with catalytic convertors; COG outlets were set up to provide CNG as a clean fuel in Delhi and other cities in India apart from Euro 2 norms. As a result of this case, Delhi became the first city in the

world to have complete public transportation running on CNG. **(M.C Mehta v Union of India 1991 2 SCC 353)**

Awards and other works -

This dedicated and extremely honest man has been conferred with various prestigious awards such as –

1. UNEP GLOBAL 500 AWARD 1993.
2. THE GREAT SON OF THE SOIL Award1993.
3. THE GOLDMAN ENVIRONMENTAL PRIZE for Asia (1996)
4. RAMON MAGSAYSAY AWARD for Asia for Public Service (1997)
5. ROTARY MANAV SEVA AWARD, 1997.
6. SEVA SHREE SAMMAN, 1997 for Social and Environment work
7. VASUNDHARA, 1997 by Rotary Club of Dombivali Midtown.
8. PEOPLE OF THE YEAR Award 1998, LIMCA Book of Record.
9. KERRY RYDBERG AWARD for environmental activism, 1998 from Public Interest Environmental Law Conference, U.S.A.

He was also a Keynote Speaker at various International Conferences on Environmental Law and Human Rights held at USA, Russia, UK, Zimbabwe, Sri Lanka, Nepal, Pakistan, Philippines, Thailand, Israel, Japan, Italy, Bhutan, Bangladesh, South Africa, Australia and Canada. Apart from handling major environmental cases and participating in various seminars and conferences he has also organized 'Green Marches' for promoting tree plantations at grass root levels. So far he has covered more than 2500 Kms by way of green marches and has succeeded in planting more than 7.5 Lakhs trees by mobilizing local people and students. He is one of the founders of the Indian Council for Enviro-Legal Action (ICELA) and the Director of the M.C Mehta Environmental Foundation (MCMEF) in New Delhi. The MCMEF, in association with the Indian Council for Enviro-Legal Action (ICELA), is currently campaigning to spread at the grassroot level, awareness about conserving the Ganga and Himalayas. A camp was set up at Haridwar, where the Kumbh Mela had taken place, which was used as a base for organising workshops, talks, and awareness on these issues.

A very few people in this world can act so selflessly and fearlessly for the protection of the environment and this very attitude makes people like Mr. M.C Mehta unique, who not only care for their own nation but strive and devote themselves for making this world a healthy and better place to live for all. However if we all decide to contribute at least 1% of time towards the betterment of the environment, the day will not be far when we can proudly say that the earth is truly the only place to live! Always remember, *"Change will take place only when you yourself take the first step!"*

(Courtesy- M.C Mehta Environmental Foundation)

Pollution Under Control?

Prof. Ms. Manisha Wagh

I sometimes wonder whether "**PUC**" means "**Pollution Under Control**" or "**Pollution Un-Controlled**"? This seemingly innocuous little certificate which every vehicle owner mandatorily renews every six months or so, should be a very significant and essential weapon in combating vehicular pollution. But in most cases, the renewal of the PUC has been reduced to a farce, as the operator of the PUC equipment instead of adjusting the vehicle to reduce the pollution may adjust the machine to give the desired reading!! How many times have we encountered two-wheelers, three-wheelers and heavy vehicles like trucks and tempos spewing smoke that even to the naked eye appears to be highly polluting?

India has an impressive list of environmental laws which could put any self-respecting,nature-loving, environmentally-conscious nation to shame. We have also, either directly or even indirectly, incorporated protection, preservation, conservation and improvement of the environment into some of our other legislations as well, such as the Indian Penal Code, 1860 (IPC), the Criminal Procedure Code, 1973 (CrPC), the Civil Procedure Code, 1908 (CPC) and so on and so forth. We can brag about our Indian Constitution - the supreme and ultimate legal document of our country, from which are born all powers, functions, duties and rights - as being one of the rare Constitutions in the world which includes both enumerated and un-enumerated provisions for protection, improvement, conservation and preservation of the environment.

And yet, why is it that our country has some of the most polluted cities in the world?? Does the problem lie in implementation of our laws? If so, why is our implementation machinery so slack and what measures can be taken to improve the implementation of our environmental laws?

The natural disaster that devastated Japan recently has brought to the forefront several such very pertinent concerns and queries about environmental issues. As the world watches with baited breath, while the grim situation in Japan spirals out of control, we cannot help but wonder : Are countries adequately prepared to tackle natural or man-made catastrophes of such large dimensions? Could the situation have been salvaged before it got out of hand? Should the tragedy have perhaps been averted altogether by adhering to the Precautionary Principle (PP) which is one of the eight salient principles of Sustainable Development appearing in the Brundtland Report and in other international documents. "The 'precautionary principle', in the context of municipal law, means :

(i) Environmental measures – by the State Government and the statutory authorities – must anticipate, prevent and attack the causes of environmental degradation.

(ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to

prevent environmental degradation.

(iii) The 'Onus of proof' is on the actor or the developer/industrialist to show that his action is environmentally benign."[1]

India has witnessed and suffered the devastating effects of natural disasters, the rather recently ones being the tsunami hitting the eastern and southern coasts in December, 2004 and the torrential downpour and consequent floods in Mumbai in July, 2005.

There have also been some extremely hazardous man-made disasters in our country, the serious repercussions of which are still being felt, the horrifying effects still being suffered and the far-reaching implications still being gauged to date. The Bhopal gas leak disaster (Union Carbide Corporation vs. Union of India), the Shriram gas leak case (M.C. Mehta vs. Union of India) and the Bichhri case (Indian Council for Enviro-Legal Action vs. Union of India) are just some of the cases that come to mind.

Laxity in implementation of laws can lead to serious damage. It permits the violation of the law and as a result the law loses it's significance, the severity of it's penal provisions and is basically consigned to becoming just another statute to be added to the already overflowing list of statutes! As already seen, the consequences of violations of environmental laws can be potentially alarming and extremely dangerous, hence the implementation of these laws needs to be very strict, extremely efficient and totally thorough. The attitude in India, by and large, appears to be to forgive and to forget transgressions, infringements and violations thus defeating the very purpose, aim and object for which the legislation has been passed!!

Take for example the violations of Forest Laws wherein over a period of time, several constructions have come up on forest land. When these transgressions are finally 'discovered' after a long period of time comprising another several years, bonafide third parties have already acquired rights and interests in the property thus making it very difficult, if not impossible for the authorities to make any adverse decisions/orders against the violations. Another example, currently in the news, is the Lavasa fiasco with the authorities, i.e. the Ministry of Environment and Forests (MoEF) crying foul and the corporation scuttling behind the protective influence of politicians and bureaucrats and vehemently denying any violations of environmental laws. How is it that an entire city and a township is built over a period of years before the authorities, suddenly wake up and realize that something is very wrong?? Of course the cases of violations of the Coastal Regulation Zone (CRZ) notifications by the large scale destruction of the mangroves along the city's shoreline has been going on for many years now with environmental activists and groups at loggerheads with builders. Environmental clearances were again not obtained before the construction of the controversial "Adarsh" housing society in Colaba, Mumbai. The Regional Town and Country Planning laws also go for a toss in many instances when the authorities blatantly disregard the original developmental plans drawn up for an area and arbitrarily alter the user of that land. Now, with the help of the ubiquitous and omnipotent, Right to Information Act, 2005, vigilant residents can take the authorities to task and with the assistance of the courts, ensure that such arbitrary acts do not take place. We all have, at some point of time, experienced the flouting of the Noise

[1] Environmental Law and Policy in India by Shyam Divan and Armin Rosencranz – pg. 588 (2nd Ed.).

Pollution laws and the scant regard for their implementation by the authorities themselves.

Most of the time, the perpetrators of the crimes are made to cough up fines and their crimes are then "regularized" or granted "conditional approvals or consents". Sometimes, as a result of political pressure, the offender/polluter gets off scot-free and may not even have to pay any penalty because the "files pertaining to the case have mysteriously disappeared". The "Polluter Pays Principle" (PPP) of Sustainable Development, which has been adopted and advocated by our judiciary in several cases lays down that :

"In environmental law, the **polluter pays principle** is enacted to make the party responsible for producing pollution responsible for paying for the damage done to the natural environment. It is regarded as a regional custom because of the strong support it has received in most Organisation for Economic Co-operation and Development (OECD) and European Community (EC) countries. In international environmental law it is mentioned in Principle 16 of the Rio Declaration on Environment and Development."[2]

Our Supreme Court has also upheld this principle of international environmental law by interpreting it to mean "that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. [Remedying] the damaged environment is part of the process of 'Sustainable Development' and as such [the] polluter is liable to pay the cost to the individual [who] suffers as well as the cost of reversing the damaged ecology"[3].

This principle is sometimes criticized as permitting the polluter/offender to pollute provided he pays for it! But rather than adopting this cynical interpretation, the spirit and object of this principle, as propounded by our Apex Court, is primarily curative and preventive. Another advantage is the high costs of remediation of the environment would also act as a deterrent to prospective polluters.

We, as a nature loving nation, need to take our environmental laws and the rules, regulations, notifications and orders passed under these laws, more seriously by having stringent implementation and deterrent punishments, so that we can be regarded as a nation with zero tolerance for all kinds of pollution.

[2] Wikipedia, the free encyclopedia.
[3] Environmental Law and Policy in India by Shyam Divan and Armin Rosencranz – pgs. 588 and 589 (2nd Ed.).

Making Money Out Of Education

Prof. Mr. Vinod H. Wagh

What is education? Answering this question the Wikipedia says, “Education means in the largest sense is any act or experience that has a formative effect on the mind, character or physical ability of an individual. In its technical sense, education is the process by which society deliberately transmits its accumulated knowledge, skills and values from one generation toanother”.

Therefore education shall be seen as wings for the progress of the human being. It helps the individuals to attain intellectual, physical and spiritual or emotional and economical progress. In some ways, it helps the individual to live a happier life. For people without education, living comfortably turns difficult, especially in the modern world where specific skills are often needed to work. Besides, education is real wealth. Understanding how the world around us functions produces happiness, a kind of happiness that does not disappear. True education dignifies the individual.

This is what we are expecting the meaning of education. Becoming a literate, or graduate or double graduate may be the education for the state but the true meaning of education cannot be just to obtain degrees and certificates, otherwise India can become 100 % literate nation in one night. Even the apex court has held in many of the cases that education dignifies the life of the individual and dignify life is the life given in Article 21 of the Constitution of India. Hence mere leading a life without education (not degree and certificates) is not at all life as per the interpretation of the Constitution. If it is so, then shall I say that the state is not bother about the life of the majority citizens of India as they are not serious about providing the education to all the individuals even mandated by the Constitution itself.

Even if we look at the history of the Indian educational system, education was always a monopoly of certain caste in olden days and certain class now. Manu, so called first law giver has said in Manu Smruti that a Shudra varna have no right to take education as this is available only for the upper Varnas i.e. Brahmin, Kshtriya and vaishya. But after accepting the democratic, republic and socialist constitution, and that is too after the lot of struggle against the foreigners and against our own people, we have accepted the right to equality before the law and right to life which includes the right to education to every citizen of India. The Directive Principles of the State policy also provides the guidelines and directions to state about the educations but since this is unenforceable right of the individual, cannot approach judiciary to get it enforce. The Constitutional makers were expecting the future government to take initiative and frame new policies of education under guideline given in the Constitution itself in the interest of the citizens of India. Directive Principles of the State Policy in the Constitution of India has made state responsible to provide education to its citizens in two provisions. Under Article 45 state has to provide free and compulsory education to all children between the age group of 6 to 14 and under Article 41, within the limits of its economic capacity and development state has to make effective development for securing the right to education.

Accordingly in the year 1958, after the 8 year of the Constitution, the Kerala Government, following the mandate of Article 45 of the Constitution of India, passed a Bill of education and brought certain compulsory guidelines for all the educational institutions who were running primary educational institutions, and directed them to provide free and compulsory education to all the children between the age of 6 to 14 as per the mandate of the Constitution. After challenging the said action of the Kerala Government by some private educational institutions, the apex court had held in Re Kerala Education Bill case, 1958 that though the Constitution has cast a duty upon the state to provide free and compulsory education, but while implementing the same the state can make compulsion to private educational institution. That was the beginning points for the private educational institutions to make money out of education. And but natural, when education become costly and expensive, it (education) again become a monopoly of certain class as the majority of the Indian population cannot afford costly and expensive education for their wards. One can ask question if it so then why don't you admit your ward to government school? This question can be answered by giving reference of the Right of children to free and compulsory education act, 2009 (model rule) passed by the state of Maharashtra. Section 4 of the said Act speaks about the areas or limit for the purpose of establishing the school by the state Government and it says for class I to V school shall be established within a walking distance of one Kilo meter. For classes VI to VIII – 3 KM. What does it shows? It shows that the government is now going to established schools in state after the 61 years of the directions given to them by the Constitution. This is why I can not admit my ward in government school.

The Apex court in Re Kerala Education Bill, 1958 ought to have held that once you (private educational institutions) have accepted the social responsibility of providing education to the children, you must provide it free of cost, otherwise the apex court could have directed the state that the private educational institutions will follow their guidelines or policy to provide free and compulsory education but the state will have to bare the expenses for that. I think if such directions would have been given, the private educational institutions would have never succeeded in making the education as business and made any money out of education. But it was our bad luck.

We have come across number of cases which have been decided by the various High courts and Supreme Court, wherein the issue of private educational institutions and minority educational institution s duty to provide free and compulsory education were involved. Now after going through all the judgments of the apex court I can say one thing, the court itself, while interpreting the meaning and concept of free and compulsory education laid down in the Constitution, held that providing free and compulsory education is a duty of the state and not of the private one. Consequences we are facing now.

In the name of private and minority educational institution, many have established the education institution and became the Shikshan Maharshi/ Shikshan Samrat (Education King) (let me also admit that there are certain educational institutions who are private, but there goal is not making money out of education but to provide education only) Now these Shikshan Maharshi have open the Medical colleges, Engineering colleges, D.ed, B.ed colleges and so on and charging the huge fees. Whether giving rights to establish the educational institutions to the

private person in the name of minority, was it the object of the constitutional makers to permit them to make money out of education? No. Not at all. The reason behind these rights was just to grant them a liberty to protect and preserve their culture and languages and nothing more than that. But it was the governing people's policies and the various judgments of the apex court which made them permitted to make money out of education.

While discussing the higher education and fees charged thereon, one may ask as free and compulsory education is matter to be considered considering the children between the age group of 6 to 14 and not for higher educations. Let me answer this question.

In the land mark judgment of the Supreme Court in Unni krishnan Vs. State of Andhra Pradesh (1993) 1 SCC 645 the supreme court held that "right to education up to the age of 14 years is a fundamental right within the meaning of Article 21 of the Constitution but thereafter the obligation of the state to provide education is subject to the limits of its economic capacity."

This was the judgment given by the Supreme Court while considering the issue whether a education is a fundamental right or not? They held yes. Even for the higher education only it is subject to economic capacity of the state. Does it mean that the state has not at all any responsibility towards to free higher education? Yes they have. Now another question we must answer how to identify whether the state is in position to provide free higher education and who will identify it? In my answer, the state is enough able to provide free higher education and this can be seen from the instances like organizing the common wealth game and spending uncounted money on that, wavering corers of rupees to the industrialist. Can they not spend this money for the purpose establishing educational institutions and providing free higher education? The Constitution of India has vested huge power with the citizen of India and therefore they are supposed to ask these questions to the governing peoples.

Look at the budget of the nation or any state of India, how much percentage of their budget they have spent for the purpose of education which is a base of any development. This year the Union of India has allotted Rs.52, 057 corers for the purpose of education and the common wealth game had spent 28,054 corers. The well known industrialist therefore rightly criticized the tendency of the governing people for spending money on games and ignoring the education, the basis of development.

Providing education being a state responsibility, the state shall not allow running and administering educational institutions (primary or higher) at least to those institutions that have nothing to do with society, who are there just to make money out of the education. We the people of India shall prevent them from making business of education and making money out of education, a noble and holy cause.

Constitution In The Light Of Coalition Government

Ms. Pooja Oak
III LL.B.

Coalition culture is the knack of creating majorities through politically credible combinations of factions and parties. To achieve this, it is not always necessary to arrive at an ideological consensus. Willingness to share power within a common political space is the minimum condition for its practical success.

COALITION POLITICS AND MULTICULTURALISM:-

Multi – culturalism is been recognized under various names such as the 'politics of difference', 'identity politics', 'multiculturalism', the 'politics of recognition'. While each term carries slightly different connotations, the underlying idea is similar. It is easy to govern a society, which consists of a group, which shares common traditions, culture, values and language. However, when the society is multi-lingual, multi-cultural, multi-ethnic and multi-national, it poses difficulties in the process of nation building.

So, multiculturalism can be a key to establishing a society in which various kinds of groups with different kinds of traditions, culture and identity can live in peace and harmony. This becomes possible by establishing a social order, which is free from bias, prejudice, and by giving differentiated citizenship rights to diverse cultural groups existing within the larger state.

Rise and Development of Regional Parties and their role in coalition governments:-

Presently in our country there are 7 recognised national level political parties and 40 registered state level regional parties. The number of registered but non-recognised political parties stands at 730. The regional parties did not make an impact on national politics immediately. They do so gradually, over a period of time.

There were various reasons for the flourish of regional parties. They are as below:

(i) Value erosion in the mainstream of the national politics and conceptually value-free attitudes on the part of the national level political parties.

(ii) Corruption and politics became the two facets of the same coin.

(iii) Growth and nurturing of 'regionalism' concept rather than 'nationalism,'

(iv) The general masses took it granted that regional parties coming together may serve their regional interests in a better way.

(v) When the regional parties joined hand with the national level parties to form the coalition at Centre, their main aim remains to fulfill the regional interests

Greater regionalism feeling does not always aim at positivism. It may lead to parochialism, thus endangering the law and order situation and thereby may disturb the social equilibrium.

HUNG PARLIAMENT:-

The discussion on Coalition Government is bound to steer towards the aspect of 'Hung Parliament.' Let us assess

the reasons and effects of formation of Hung Parliament. The Oxford dictionary defines Hung Parliament as "parliament in which no party has clear majority". In Parliamentary systems, a Hung Parliament or a minority government is one in which no one political party has an outright majority, and means the house is most commonly equally balanced. In general, a minority government tends to be less stable than a majority government, because the opposition can always bring down the government with a simple Vote of No-Confidence. Also, it is often argued that a minority government is less accountable because the leader can dodge responsibility and shift blame to the Opposition. The Ninth Lok Sabha elections held in 1989 for the first time invoked the concept of hung Parliament or minority government in the country and ever since then the following elections that have taken place has had Hung Parliaments.

The condition is such that Hung Parliament in inevitable in next elections to come simply because all the national parties are breaking up into smaller units and forming regional parties resulting in votes are getting distributed. Hung Parliament creates a political unrest in the country. Even the economy prefers a stable government.

POLITCAL AND CONSTITUTIONAL IMPLICATIONS:-

The political and constitutional implications of the coalition politics are enumerated below:

i) Decline of the Office of the Chief Minister –

The Chief Minsiter's leadership looks to be more contractual than a cultivated and as such he is Chief Minister by courtesy and sufferance of the coalition partners than by right.

ii) The new activist role of the Governor –

The constitutional leadership of the formal executive (Governor) is also an important characteristic of a parliamentary government. It is a highly controversial issue whether the Governor has always succeeded in living up to this ideal. The era of coalition politics in the states expanded the scope of the discretionary powers of the Governors. The conduct of the Governors in exercising their constitutional powers in their discretion became the subject of severe criticism.

iii) Heterogeneous character of the government –

Political homogeneity, which is another characteristic of parliamentary government, is rooted in programmatic unity. Efforts are made to provide for programmatic unity through minimum programmes under coalition governments. The parties in the government have different support structures which militate against minimum programmes.

iv) The Mockery of Ministerial Responsibility –

Coalition politics had its adverse effect on the issue of ministerial responsibility. It appears that ministerial responsibility has been more individual than collective in the experience of coalition governments at the state level.

v) The Emergence of a Super-Cabinet –

What undermined the significance of the cabinet in a coalition was the coordination committee of all constituent partners. It acted as the super-cabinet. It even made the Chief Minister a mere figurehead and the leader of any other party became the one who commanded the strongest position in this committee.

vi) Increasing power of the bureaucracy –

C.P.Bhambri points out that politically weak, faction-ridden cabinet prove a blessing for the bureaucracy to thrive. When parties are weak, divided, or getting fragmented, if cabinets are unstable and if parties in legislature are busy in manipulating the rise and fall of cabinets, the bureaucracy is left free to accomplish whatever it sees fit.

Conclusion

What is needed is introducing electoral reforms to lend more stability to the coalition governments in India. To reduce the gap between the votes polled by the parties and the seats secured by them, a German system based on a combination of the present electoral system as in India and a 'list system' putting premium on votes polled in favour of parties must be encouraged. The evil influence of muscle and money power on the elections must be curbed and a state funding to parties linked up with the percentage of votes secured by them in the previous election should be introduced to reduce the large multiplicity of parties responsible for division of votes and consequent instability. With such a state funding to parties based on the votes polled, small splinter parties, with extremely low percentage of votes will have the tendency to merge in large parties which are closest to them ideologically. A strong political will is called for to initiate reforms.

The citizens of India should take the matters in their hands by being vigilant and making their elected representatives accountable to them. It is our job to make them realize their responsibility towards us. The Anti-Defection Law is riddled with many loopholes and needs to be adequately amended to curb the irresponsible menace of defections. Good governance requires proper functioning of all the organs of government. Sadly, the worthy bureaucracy has been crippled by undue political influence.

The Right to Information Act and Public Interest Litigation are two vital tools in the hands of public. We should responsibly avail these to ensure rule of law & accountability. Politics in India has to overcome the ills of corruption, criminalisation of politics, regionalism and casteism. Coalition governments will be the norm in future. Political parties shall rise up and realize their responsibility, lest people lose faith in democracy.

[Shorter version of the 5000 words research paper submitted at the 'ILS National Research paper Competition for Students' (2009-2010) The paper fetched the FIRST PRIZE! - Cash Rs. 10,000]

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"Patent Law: Protection & Promotion of Traditional Knowledge"

Ms. Sridevi Krishnan
II LLB

Introduction

Sir Isaac Newton's statement, "If I have seen further it is by standing on the shoulders of giants." is often cited as core evidence of his humility and acknowledgement that Newton himself made his advances through an awareness of what others achieved before him. Likewise, many fields of research involving incremental innovations are based on traditional knowledge systems.

"Tradition-based knowledge" refers to knowledge systems, creations and cultural expressions which are regarded as relating to a particular people or territory; have been transmitted from generation to generation; and are constantly evolving in response to a changing environment. **The definition of traditional knowledge used by the World Intellectual Property Office (WIPO) includes indigenous knowledge relating to categories such as agricultural knowledge, medicinal knowledge, biodiversity related knowledge, and expressions of folklore in the form of music, dance, song, handicraft, designs, stories and artwork.**[1]

One important aspect about traditional knowledge is that it is **dynamic** and is continuously evolving through incremental innovation. It is adaptive to changing cultural patterns and a wide range of external influences, including occupation of indigenous people's lands, market pressures over certain resources, etc. Traditional knowledge is often expressed in oral forms and may not have been codified in writing, in books or databases. It has a ***collective nature****:* no one individual can be recognized as a "creator." Specific indigenous traditional knowledge is usually shared among a wide range of communities within countries.

Need for protection

The protection of traditional knowledge requires as a fundamental condition the maintenance of the traditional lifestyles and cultures, and of the ecosystems where the traditional knowledge has developed and continues to evolve. In case of such knowledge belonging to small communities or tribes, the protection of their cultural integrity may be threatened rather than enhanced by prospects of monetary returns. Intellectual property rights can contribute in a small way to effectively preserve traditional knowledge.

The different concerns of traditional knowledge holders are:

- use or misappropriation of traditional knowledge without any **benefit sharing**,
- the **need to preserve and promote** the further use of traditional knowledge, and
- loss of traditional life styles and of traditional knowledge.

One of the biggest concerns in present times is the new use of traditional knowledge based products today without the permission and sharing of profits with

[1] www.wipo.int/tk/en

the holders and/or creators of such traditional knowledge. This poses a major threat to the very survival of many of these communities. Traditional knowledge provides valuable leads for research and development, which saves time, money and investment of modern biotech and other industries. It is therefore logical that **a share of such benefits should accrue to the creators and/or holders of such traditional knowledge.**

Role of intellectual property rights in benefit-sharing

The herbal medicinal plant arogyapaacha was being used by the Kani tribals inhabiting the Western Ghat region, in their traditional medicine. "Jeevani" is an immuno-enhancing and anti-stress agent developed from this traditional plant, after the knowledge was divulged by some Kani tribal members to Indian scientists, who filed two patent applications on the drug. A Trust was established to share the benefits arising from the commercialization of the traditional knowledge-based drug "Jeevani". This case offers valuable lessons on **the role of intellectual property rights in benefit-sharing** over traditional medicinal knowledge, the objectives of benefit-sharing being the improvement of the local means of livelihood and the **conservation of biodiversity. The most important lesson, perhaps is that traditional knowledge grows incrementally with time.** It may not be long before some value addition may occur in the form of discovery of a novel application of "Jeevani" or the identification of another active principle from the parent plant.[2]

Contribution of IP Rights to preserve and protect traditional knowledge in India

The Protection of Plant Varieties and Farmer's Right Act, 2001

India is a party to the Convention on Biological Diversity (CBD), which came into force in December 1993. Each party to the CBD has an obligation **to develop national legislation in order to preserve and maintain traditional knowledge and practices incorporated in the traditional lifestyles of indigenous communities and to increasingly encourage the equitable sharing of the benefits arising from the application of such knowledge.**

India has already enacted the Protection of Plant Varieties and Farmer's Right Act 2001, to **provide for protection and sustainable use of biological diversity, especially plant resources, and equitable benefit sharing arising out of such use.** The legislation prevents bio-piracy, where traditional knowledge and biological resources belonging to indigenous people have been unlawfully or illegally utilized, usually by researchers and companies who thereafter claim intellectual property rights over products or processes which have been derived from these resources and knowledge.

The Geographical Indication of Goods (Registration and Protection) Act, 1999

The Geographical Indication of Goods (Registration and Protection) Act, 1999 passed by Parliament primarily intends **to protect the valuable geographical indications** of our country. The Act permits any association of persons or producers or any organization or authority established by law representing the interest of the producer of goods to register a geographical indication. It may be thus

[2] Economic and Political Weekly, June 27, 1998, pg. 1615

possible for the holders of the traditional knowledge to register and protect their traditional knowledge, using geographical indications.

Patents

In case of protection by way of patents, as part of their "duty of candor and good faith," each individual associated with the filing and prosecution of a patent application has the duty to disclose all information known by that individual to be material to patentability, the specific requirements being:

- **Applicants Must Disclose Traditional Knowledge Used in Invention**
- **Applicants Must Conduct Prior Art Searches of Traditional Knowledge, and**
- **Applicants Must Disclose Country and Geographical Location of Knowledge and Related Resources**[3]

Our patent regime **(Section 3(p) of the Indin Patents Act)** currently prevents the patenting of any invention based on traditional knowledge in India. Collective incremental innovations in traditional knowledge however would not qualify as prior art to prospective patent holders in territories other than India, in case such knowledge is unpublished.

Some available Indian databases which are not exhaustive and of limited access are[4]

- Council of Scientific and Industrial Research (CSIR, India) volumes on Wealth of India with details on India's plant and mineral wealth
- CSIR's CDROM on Medicinal and Aromatic Plants Abstracts.
- The Traditional Knowledge Digital Library[5]

The turmeric case

In recent years, patents have been granted for traditional knowledge-related inventions which did not fulfill the requirements of novelty and inventive step when compared with the relevant prior art consisting of traditional knowledge that could not be identified by the patent-granting authority during the examination of the patent application. A well-known example is US 5,401,504 on **Use of Turmeric in Wound Healing. Turmeric (Curcuma longa)**[3] is a plant of the ginger family yielding saffron-colored rhizomes used as a spice for flavoring Indian cooking. As a medicine, it is traditionally used to heal wounds and rashes. In March 1995, two Indians at the University of Mississippi Medical Centre, Jackson, were granted a US patent for turmeric to be used to heal wounds. The Indian Council for Scientific and Industrial Research (CSIR) filed a case with the US Patent Office challenging the patent on the grounds of "prior art", i.e. existing public knowledge. CSIR said that turmeric had been used for thousands of years for healing wounds and rashes and therefore its use as a medicine was not a new invention. CSIR also presented an ancient Sanskrit text and a paper published in 1953 in the Journal of the Indian Medical Association. The US Patent Office upheld the objection and cancelled the patent.

In 2001, India moved to avoid the problem of unpublished traditional knowledge through the Traditional

[3] Sections 10(4)(d)(ii)D, Patents Act, 1970 Section 6(1), Biological Diversity Act, 2002
[4] Industrial Property Rights-Unleashing the Knowledge Economy; Prabuddha Ganguli, pg 142
[5] Information Today & Tomorrow, Vol. 20, No.3 September 2001, p.16-p.17

Knowledge Digital Library ("**TKDL**"). The scope of the TKDL work relates to the transcription of 35,000 formulations used in Ayurvedic system of medicines. The TKDL will eventually cover other indigenous system like **naturopathy, Unani, Siddha, yoga and folklore.** It is hoped that the documentation of such traditional knowledge through the TKDL would prevent patenting of knowledge which is already in the public domain, such as the turmeric case.

However, we cannot afford to remain content with a "**defensive**" approach, where we only block patents that infringe into our ancient wealth of wisdom. Rather we have to **pro-actively utilise our traditional knowledge** to bring in more health and wealth for the nation by protection of the sources of this knowledge, by filing our own patent applications on incremental innovations in traditional knowledge and finally insist on the benefit sharing with the creators of this knowledge.

"Each innovation is a synthesis of pre-existing ideas. Invention is a new combination of the prior art. There is considerable logic to the order in which innovations occur." -Technological Innovation and the Great Depression by Rick Sosa.

[6] Industrial Property Rights-Unleashing the Knowledge Economy; Prabuddha Ganguli, p155-157

Decriminalisation of Section 309 IPC

Aditi Athawale
III year LL.B.

Law being the protector and guardian of the people has to be strict and deterrent sometimes. Law dealing with crimes is one such deterrent. It is not only important to curb the crime rate but also to create a fear and apprehension in the minds of the people before they take any step towards committing an unlawful act.

Traditional approach of instilling fear serves no good when acts such as attempt to commit suicide which will harm the individual himself / herself is involved. Though section 309 of the Indian Penal Code 1860, confers a punishment on the persons attempting to commit suicide, it is highly an inhuman way of treating such persons. Section 309 of IPC states that –

"Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year or with fine or both".

The language of the section clearly puts the said persons under the definition of an 'offender'. However, such a straight jacket formula is futile when it comes to handling persons who are living in diseased mental condition. People attempting to commit suicide suffer from a psychological derailment, where they consider death as the ultimate solution for all their problems. The law itself makes an exception under Section 84 of the IPC by exempting persons of unsound mind from the provision of the said Act. Thus by punishing a person under Section 309, law contradicts its own principle.

The Supreme Court in the case of P.RATHINAM V/S UNION OF INDIA (AIR 1994 SC 1844)

upheld the verdict given by Bombay High Court in the case of MARUTI SHRIPATI DHUMAL V/S STATE OF MAHARASHTRA (1987 Cr. L.J. 743 (Bom) and held that a person has a 'right to die'. Section 309 of IPC was held violative of Article 21 and hence void. A person cannot be forced to enjoy right to life to his detriment, disadvantage or disliking. The 'right to live' under Article 21 of the Constitution of India includes 'right not to live' and hence can be no justification to prosecute sacrificers of life.

"Justice R.A. Jahangirdar of Bombay High Court took the view that Section 309 was unconstitutional for four reasons :-

1. Neither academicians nor jurists agreed on what constitutes suicide much less attempted suicide;
2. Mens rea, without no offence can be sustained. It is not clearly discernible in such acts;
3. Temporary insanity is the ultimate reason of such acts which is a valid defence even in homicides; and
4. Individuals driven to suicide require psychiatric care and not the prison cells.

However, Supreme Court in the year 1996, in the case of –

GIANKAUR V/S STATE OF PUNJAB (AIR 1994 SC 1844) (the five judge constitutional bench) overruled its earlier decision in P.RATHINAM V/ UNION OF INDIA (AIR 1994 SC 1844) and also the decision given by Bombay High Court in the case of MARUTI SHRIPATI DHUMAL V/S STATE OF MAHARASHTRA (1987 Cr. LJ 743 (Bom) and held that Section 309 of IPC is well within constitutional mandate and not ultra vires void. 'Right to Life' guaranteed under Article 21 of the constitution does not include 'right to die' or 'right to be killed'

Even before the above judgments were passed, the Law Commission in its 42nd Report in 1971 had recommended the repeal of section 309 which led to the passing of the Indian Penal Code(Amendment) Bill, 1978 in the Rajya Sabha, unfortunately before it could be passed by the Lok Sabha, it was dissolved and the Bill was lapsed. To add further a lot of conflicting opinions were given on the desirability of retaining or abolishing Section 309 due to the above contracting judgment given by a Supreme Court.

In order to put an end to the conflicting opinions, the Chairman of the Law Commission of India, Dr. Justice A.R. Lakshmanan, former Supreme Court judge submitted its 210th report to the Union Law Minister, Dr. Hansraj Bharadwaj recommending "humanization and decriminalization of attempt to suicide".The 18th Law Commission in its 210th Report submitted it on October 17th 2008 and gave the following recommendation.

1. Attempt to suicide is more of a manifestation of a diseased condition of mind deserving treatment and care rather than punishment. It would not be just and fair to inflict additional legal punishment on a person who has already suffered agony and ignominy in his failure to commit suicide.
2. The criminal law must not act with misplaced over zeal and it is only where it can prove to be apt and has effective machinery to cure the intended evil that it should come into picture.
3. Section 309 of IPC provides double punishment for a person who has already got fed up with his own life and desires to end it. Section 309 is also a stumbling block in prevention of suicides and improving the access of

medical care to those who have attempted suicide. It is unreasonable to inflict punishment upon a person who on account of family discord destitution, depression etc. overcomes the instinct of self preservation and decides to take his own life. In such a case, such a person deserves sympathy, counseling and appropriate treatment not certainly not prison.

4. Section 309 needs to be effaced from the stature book because the provision is inhuman, irrespective of whether it is constitutional or unconditional. The repeal of the anachronistic law contained in Section 309 of IPC would save many lives and relieve the distressed from his suffering.

5. While assisting or encouraging another person to (attempt to) commit suicide must not go unpunished, the offence of attempt to commit suicide under section 309 needs to be omitted from IPC.

Recently, the Supreme Court on 8th March, 2011, while giving the judgement in Aruna Shanbaug's case, (A PIL for euthanasia for Aruna, a staff member of KEM hospital who is in coma for about 20 years after suffering a rape assault dismissed.) also recommended that attempt to commit suicide be decriminalized. The Division Bench comprising of Justice Markandey Katju and Justice Gyan Sudha Misra while dealing with the question of euthanasia observed that though the constitutionality of section 309 has been upheld in Gian Kaur's case, the time has come that the Parliament should delete this anachronistic law as a person attempting such an act deserves help rather than punishment.

From all the above recommendations of the Law Commission and the Supreme Court it is hoped that the Legislature will finally do away with this anachronistic section in the coming future.

Attempt to commit suicide is no doubt a cowardly act. But by punishing a person for such an act will make him/her all the more coward and weak. Protecting and striving for the overall human development (mental as well as physical) is a moral duty of the state as well as its citizens. Thus helping such mentally diseased / disturbed person to lead a better, healthy and confident life is the utmost responsibility of the state and we, the people.

Law as a career option-prepare yourself

(Adv. Sri. Aparatin Choudhury's Lecture - A Report)

Mr. Jayesh Gokhale, I LL.B

Date : Saturday, 11th December 2010
Venue : Thorale Peshawe Bajirao Hall, VPM campus, Thane
Time : 06:00 pm

The students were fresh from a fifteen-day break after conclusion of the first semester examinations conducted by Mumbai University. The untiring efforts of our beloved principal Mrs. Srividhya Jayakumar were successful in arranging a special lecture by Senior Advocate Sri. Aparatin Balai Choudhury.

The hall, which was almost packed to capacity, was initially tense as none of us had officially interacted with a senior lawyer before (although the college was kind enough to arrange a session on professional ethics by honorable retired judges Sri. Joshi and Sri. Das earlier). Some of us including the writer were a little tense fearing that our ignorance may be exposed in front of a stalwart in our prospective profession. However, the tension in the air disappeared almost in a flash with the informal approach employed by our honorable guest.

Prior to the start of the session, our respected principal briefed us students about the illustrious profile of our guest. The honorable guest is an alumnus of the prestigious Government Law College, Mumbai and has more than 40 years of experience in the legal profession. He has a unique distinction of having worked with both Bombay Municipal Corporation (one of the largest local bodies in India with its annual budget comparable to small states) and Hindustan Unilever Limited (who are the undisputed kings of fast moving consumer goods (FMCG) sector). But, as he spoke to us we felt that the biggest virtue in the curriculum vitae of Sri. Choudhury was his humbleness and modesty.

To begin with, Adv. Choudhury asked the students as to who wanted to pursue law as a career. Around 20% of students replied in the affirmative, to which the esteemed guest assured with confidence that at the end of the session, the number was likely to go up (which in fact did happen). The guest then informed us that lawyers are broadly categorized into two types – litigating lawyers and transactional lawyers. Hence the students who did not prefer doing the rounds of the courts on a day-to-day basis could choose the latter career option, which is also adequately rewarding. Needless to say, that hard work is an essential ingredient in either path.

Adv. Choudhury then pointed out to us that the first step towards success in any career is to “dream” big. A person can achieve something only if he dreams about it. Obviously, the dream has to be supported by actions. Once a person starts dreaming, it is imperative that he be passionate about pursuing the dream. From his own example, the respected guest suggested that the very reason that he was delivering a lecture in the weekend evening for us students was because of his undying passion for the legal field.

The next step in achieving the goal is gaining knowledge. Unfortunately, the structure of education as set out by the university focuses more on rote learning

as opposed to application and hence a vast majority of students prefer the examination-oriented notes to study as opposed to reading textbooks. Expressing his disappointment with the current state of affairs, Adv. Choudhury recommended us to read textbooks and reference books on subjects of our interest to facilitate impregnation of knowledge. With adequate knowledge, one may counter any challenge that may encounter us in our professional lives.

The power of knowledge will automatically make way for inception of self-confidence, which is paramount in practicing any profession. Another virtue, which is mandatory in the legal profession, is the art of public speaking. Fortunately, this is an art, which can be developed by an individual with proper guidance and practice. As the reader may be aware, eminent public personalities are known to practice their speeches for hours in front of a mirror before delivering them. Adv. Choudhury also suggested the students to read the book "Public Speaking and Influencing Men in Business" by the renowned author Dale Carnegie.

Moving to the specifics of the legal career, Sri. Choudhury pointed out that there are primarily two types of knowledge viz. knowledge of fact and knowledge of law. In a lighter vein, the guest said that one should use whichever knowledge is available with him during a proceeding, and if none are available, it would be best to confuse the judge! To summarize, a lawyer needs an armory of four virtues viz. Knowledge, Presentation Skills, Hard Work and Language and Writing Skills. It is vital that a lawyer is well informed of the latest happenings relevant to his chosen line of work. For achieving that, it is advisable that every student of law who intends to go into practice, should, to begin with, read the daily newspaper. Sri.Choudhury also recommended us to read the various law magazines and glance through the law journals for the latest judgments.

Finally, Adv. Choudhury advised us that it is important to present our case precisely and in relevance to the matter albeit in brief as opposed to a lengthy but irrelevant presentation. As with most professions, legal profession also lays emphasis on quality over quantity. The guest also reiterated the ethical principles as had been taught to us earlier by the honorable retired judges and advised us to maintain high standards of the bar when we go into practice including respecting judges, seniors colleagues, opponent advocates, client and opponent.

A high point during the lecture, which cannot be ignored in this summary, came from a student. On being asked about his career preference, the student replied that he was interested in maritime law. Upon elderly advice by the esteemed guest to rethink on the option for want of adequate opportunities, the student gave an inspiring example of a sales executive in his establishment who presented "the lack of demand and awareness" of shoes in a poor African country as an "opportunity in an untapped market".

The session with our esteemed guest was so interactive and interesting that the knowledge that the time had run out, came as a rude shock to most of us. A few of our students expressed their gratitude to Adv. Choudhury on stage for spending his valuable time and the entire first year of LL. B. hopes that Adv. Choudhury will return to deliver another thought provoking lecture.

Written by Jayesh Gokhale with valuable inputs from Mrs. Neelam Bansode and Mr. Bharat Parwani

Woman Lawyer

Ms. Priya Mahesh Tupe
II LL.B.

We are in the 21st century where women are no more just typical home makers.

Women have led by example and have proved their mettle in a number of spheres with grace. A number of ladies today are entering the legal profession. They have to undergo a lot of challenges in terms of shuffling between personal and professional responsibilities.

Some of the challenges faced by women in the legal profession are:-

- Non acceptance at courts
- Subjected to uncomfortable looks and lewid remarks
- Lack of cooperation from home front
- Client pressures
- Nature of clients and handling specific issues like criminals etc.
- Lack of cooperation from peer groups
- Pregnancy issues
- Marital problems due to late workings.
- External client visits

The above list is purely indicative and not exhaustive. Despite, there are a number of women who are doing very well in this profession. Any lady can manage these pressures if she is cognisant of them and knows how to manage time. Women who are good **time managers** can best fit in the legal profession.

There are some natural skills which work well for a woman while handling the matters of a client -

- Good listener
- Patient listener
- Polite in counseling & interviewing clients
- Higher degree of empathy and sympathy
- Caring towards clients

Woman Lawyer

Ms. Preeti Chamikutty
II LLB

Women have made an equal and significant contribution in the field of law just like all other professions. A woman lawyer is today a symbol of pride for the women population in general.

Well known woman lawyers like public prosecutor Rohini Salian of the Mumbai HC have time and again proven their mettle by fighting tooth and nail against their male counterparts in the court room. Recently at the Economic Times Awards for Corporate Excellence Adv. Ms. Zia Mody was conferred the award of "Corporate Lawyer of the year" where she beat several men to come on top.

Woman lawyers apart from having the knowledge of the subject of law have the advantage of being able to connect even

at an emotional level with the clients. Her female nature makes her naturally compassionate and empathetic and helps clients relax well in her company. The capability of women lawyer to put the client at ease helps the clients talk openly and freely about their matters with her.

Women lawyers are also great teachers because of their patience and willingness to hand hold new trainees. Young lawyers training under a woman lawyer can learn better and without much stress.

Woman lawyers like Ms. Flavia Agnes has become a name to reckon with in matters relating to women affairs and the oppressed.

Woman lawyers who take up social causes again connect well with the cause and are able to fight the matter both from the point of view of a lawyer and a woman who is more sensitive in matters of oppression caused to any person.

Woman lawyers are today an increasing breed and even in law schools the number of women studying the subject of law appears higher than men.

(Experts from the answer books of the students : II LLB Practical Training Examination)

"Legal Process Outsourcing" – A brief Introduction

Prof. Mr. Manoj J. Bhatt

"Only a foolhardy lawyer will fail to embrace change."
Richard Susskind in his book, "The End of Lawyers?"

Richard Susskind argues in his book, The End of Lawyers? "*Technology and standardisation will make lawyers less important..... I reflected upon the legal world and the possible impact of information technology. And I wondered then — whether lawyers might fade from society as other craftsmen have done over the centuries*".

On the other hand in his Essay titled as "The Impact of Computers on the Legal profession: Evolution Or Revolution?" *Richard L. Marcus observes "My expectations of IT and the Internet are that they will fundamentally, irreversibly, and comprehensively change legal practice, the administration of justice, and the way in which non-lawyers handle their legal and quasilegal affairs. . . . I anticipate, in the somewhat regrettable jargon, a complete shift in legal paradigm.*"

When the computers appeared in law offices, the practice of law underwent a profound change. Similarly as the technology advanced, the professional as well as personal lives of lawyers have been fundamentally and forever altered by the introduction of a new medium—the Internet. For many, it is now difficult to imagine practicing law for even one day without using the Internet in some form (although some still prefer Old Typewriters!). In my humble opinion the lawyers are die hard species and no technological revolution is capable of eliminating them and their profession, on the contrary the lawyers will always find their way to use technology to suit their professional needs and even make IT professionals and experts to develop such softwares that will help lawyers in dealing with their briefs.

I am writing this article bearing in mind the curiosity and a little bit ignorance among the law students about the notion of legal process outsourcing. It must be confessed that, this article is bereft of a detailed research, which was apposite for such a worthy topic. However I hope (albeit *with all humility at my command*) that, this may still serve the limited purpose of briefly informing the reader about the concept of Legal Process Outsourcing and some aspects thereof.

INTRODUCTION

Legal process outsourcing has been one of the recent developments in the law field. Legal Process Outsourcing (also known as LPO) refers to the practice of a law firm or corporation obtaining legal support services from an outside law firm or legal support services company. When the outsourced entity is based in another country the practice is sometimes called Offshoring In other words Legal Process Outsourcing (LPO) is one of the value added Business Process Outsourcing (BPO) services which involves legal work that Law Firms and companies outsource to more economical offshore destinations.

The LPO derives its roots from KPO (Knowledge Process Outsourcing). KPO refers to knowledge-intensive work that involves specialized domain expertise. High value processes that fall into this

realm include: valuation research, investment research, patent filing and legal and insurance claim analysis. The kind of services sought by the outsourcing firms are legal research, writing legal documents, review of documents, drafting of pleadings, contracts management, litigation support, document discovery, Intellectual Property focused services and patents services (patent prior art search, patent portfolio management, patent optimisation and patent/trademark filing processes) and Paralegal Services etc.

Legal outsourcing consists of various processes which can be classified into low skilled quantitative tasks or high end qualitative tasks. Low skilled quantitative tasks include paralegal services and legal coding, corporate secretarial services, legal memo development, transcription, document management, litigation support and data entry. High end qualitative tasks include intellectual property rights (IPR), patent search and application drafting, trade mark and copyright registration, legal research, document review and analysis and intelligence services.

The LPO Vendor (service providers) provide services to their clients through **Paralegal Consulting** by managing various aspects of any case, including interrogating witnesses, handling preliminary investigations, organizing and handling documents and databases, drafting documents, and preparing exhibits for use at client presentations, depositions and trial. The paralegals assist in preparing tax returns, drafting probate and estate planning documents, as well as assisting with trademark applications, corporate audit reports and managing structured settlement trusts.

Litigation Support services range from creation and coding and indexing documents, audio and video analysis and abstracting, search and retrieval, timely, and cost-effective legal analysis and reporting. Specifically in the field of Intellectual Property, Business Litigation, Business Practice, Government, Insurance, Torts, Mergers and Acquisitions, and Personal Injury/Medical Malpractice, the LPO service providers assist their clients in preparing damages, analyzing subrogation claims and drafting settlement brochures.

Support services are the services like trademark searches, Intellectual Property monitoring, infringement research, application drafting, and status tracking.

THE LPO INDUSTRY

With a continuously shrinking world ruled by globalization, international law firms and legal departments of big corporate houses need to think strategically and act quickly in order to stay ahead of the competition. Most firms and corporations outsource primarily to reduce costs, and this is considered as the biggest advantage for legal outsourcing. As per an estimate, while an attorney in major legal markets such as the US may charge from $150–350 dollars/hour when performing rote services, legal process outsourcing firms can often charge a fraction of this. It has attracted major corporations to outsource specific work outside their legal departments.

LPO is increasingly being preferred these days because litigation has become a time consuming and expensive process, mainly triggered by data explosion, technological evolution, **and the sudden increase in electronic stored information**. As legal document review forms the major part of litigation expenses today law firms are trying out all methods to reduce the cost of litigation and outsourcing of **e-discovery** is a viable solution. During the document review

process quite often millions of documents have to be searched and identified for i) Case relevance, ii) Confidentiality, iii) Privileged /protection and iv) "key or "hot" status. Besides in litigation, document review is also performed in matters of regulatory compliance and corporate due diligence.

LPO IN INDIA

LPO in India started as a low-end work that mainly included transcription. But now LPO in India is a high-end knowledge intensive work. Presently everything from patent application drafting, legal research, pre-litigation documentation, advising clients, analyzing drafted documents, writing software licensing agreements to drafting distribution agreement is being outsourced to India. India has now become one of the most popular destinations for companies wanting to outsource legal work. This is so because there are certain very obvious advantages like the advantage of the time zone, availability of English speaking law graduates, Qualified attorneys working at less expensive rates. Besides the Indian legal system is much like its counterparts in the West such as UK, US, Canada, and parts of Europe.

Along with a wide range of advantages listed above, legal offshoring also brings some major challenges, such as opposition in western countries due to Cutback in the domestic legal jobs in the US and UK, apprehensions about Client confidentiality and initial cost of training the respective Indian lawyers to maintain quality and performance and quality issues while delegating work to somebody who is more than 10,000 km away in terms of monitoring and control.

Competition and cost effectiveness are the two major factors why Indian law firms have gained a lot of popularity in countries like United States and United Kingdom. Legal firms can benefit from the legal outsourcing process in two models. According to the first model the firm will be acting as a middleman with the simple task of introducing clients to LPO India. Thus, doing this it will not only create a cordial relationship but would also have potential profitable ventures in future from the clients. It should be noted that in the first model the firm's role would strictly be restricted to a middleman and it would not be receiving any direct payments from either of the parties. In the second model the firm would be actively involved in managing the relationship and workflow between respective clients and LPO India while receiving fee in return for such services.

ADVANTAGES OF LPO

Most firms and corporations outsource primarily to save costs, and this is considered the biggest advantage for legal outsourcing. Legal process outsourcing firms can often charge a fraction of the cost that may be incurred for the same work in developed countries. Thus in effect it helps in bringing down the litigation cost.

Outsourcing e-discovery helps prevent companies from getting "overcharged and overlawyered". With outsourcing e-discovery becoming a viable, cost-efficient alternative to expensive settlements, companies can re-invest the money otherwise lost on these settlements into pursuing their core goals. This is a win-win situation for the company, their customers, and their containing economies as well.

When a corporation's legal department teams up with an e-discovery outsourcing company located in another country, the potential to speed up the process and meet previously impossible deadlines increases dramatically, as

attorneys can take advantage of **time differences** between their offices and that of the outsourcing company in order to continuously work on a project non-stop, 24 hours a day, seven days a week.

Outsourcing information management services benefits a company in similar and complementary ways, in the sense that an outsource firm specializing in information management can not only increase efficiency in handling a firm's data, but will help said firm's attorneys be more effective with retrieving and processing discoverable electronic data.

CRITICISMS OF LPO

Among the negatives of outsourcing are the facts that it is very hard to effect quality control when your operations are oceans away, and in the hands of people with a completely different culture. The security of operations is compromised at times, as is the quality of service provided. Also, in-house tensions flare up as locals realize that their jobs are being shifted offshore so that the company can cut costs and make more money. Most governments are now cutting out tax breaks for companies that outsource.

One of the major concerns with legal outsourcing is the potential for breach of clients confidentiality. Secondly, another concern is that the people performing legal work may not be bound to the necessary ethical standards.

There is criticism that LPO's are in effect practising U.S law without a licence/ U.S law degree (e.g.writing memorandum, briefs, etc). Opponents to such outsourcing claim it is unprofessional and unethical to allow so-called "non-lawyers" to practice law. They claim that outsourcing dilutes the quality of discoverable documents as the task of document identification, preservation, and collection are not conducted by a company's own legal staff.

CONCLUSION

There are many things that outsourcing has achieved, both positive and negative – it has made a huge difference to the lives of people in countries like China and India where most of the manufacturing and service industries have relocated respectively because they can now find work in their own countries, but with a higher pay scale than the normal standard that had existed so far. However, for the countries that outsourced these jobs because of cost constraints, it has led to problems galore even though they've been able to reduce their overall expenditure considerably by paying less than half the usual amount in salaries.

However regardless of the opposition, outsourcing of e-discovery and information management services is becoming increasingly popular. As it becomes more and more difficult to compete against one's competitors, finding a way to increase efficiency and reduce costs anyway possible is a goal that is here to stay. Outsourcing tasks that are not directly related to an enterprise's core pursuits has proven effective for decades in matters such as payroll processing, supply chain management, and even IT matters. The "Electronic Revolution" has not only allowed this to happen but has encouraged its growth amongst companies in every industry imaginable. It's not hard to see it was only a matter of time before outsourcing arrived in the legal department. Legal outsourcing has always been an attractive subject for most of the legal service providers keeping in mind the real cost benefits brought about by it.

Note :

e-discovery - is basically the process of obtaining information from computer-based sources. Electronic

discovery (or e-discovery, eDiscovery) refers to discovery in civil litigation which deals with the exchange of information in electronic format (often referred to as Electronically Stored Information or ESI). Usually (but not always) a digital forensics analysis is performed to recover evidence. Data is identified as relevant by attorneys and placed on legal hold. Evidence is then extracted and analysed using digital forensic procedures, and is usually converted into PDF or TIFF form for use in court. Examples of the types of data included in e-discovery are e-mail, instant messaging chats, documents, accounting databases, CAD/CAM files, Web sites, and any other electronically stored information that could be relevant evidence in a law suit. (*Well the present article is also no exception to the process of e-discovery*!"

Document review in the context of litigation is done in two levels. The first level of document review is the discovery phase and first part in any litigation. This process is performed after receiving the legal "request for production of documents". During this process the objective is to reduce the document set into a workable and responsive data set. Even though the **e-discovery** best practices have reduced a data set by almost 70% there still may remain millions of documents to be reviewed. This is because the total quantity of documents has multiplied several times over the years. In the second level these workable documents are reviewed more seriously by seniors.

Once a Guarantor ...always a guarantor?

Prof. Mr. Anant Gadre

Banks often stipulate a condition of personal guarantee as an additional security for the repayment of loan and credit facilities granted by them to the borrower. The guarantee stipulated may be that of the partners in their individual capacity, directors in their personal capacity, property owners of the property mortgaged or even third parties such as friends, relatives, business associates of borrower etc.

Guarantee of partners or directors of the borrower is insisted as they are doing business of borrower in representative capacity. This ensures that they conduct the business in responsible manner because if they don't they become personally liable for the dues of business entity they represent. Guarantee of property owner is taken as it establishes the privity of contract between bank and guarantor for loan transaction. Third parties agree to give their guarantee due to their blood relationship, personal relationship with borrower , out of business need, as reciprocation of guarantee given for them, as a moral responsibility, moral pressure etc.

Guarantee is a contract to perform the promise or discharge the liability of a third person in case of his default. Legal provisions relating to guarantee are covered under Indian Contract Act 1972. Guarantee given for loan, in simple words, is an assurance given by guarantor to repay the dues of bank / financial institution

if Borrower fails to repay the dues. Person giving guarantee is called 'surety' under Contract Act. Bankers, however, often use the term 'guarantor' for 'surety'. As such liability of guarantor arises when Borrower defaults on repayment. Liability of guarantor gets over / discharged when liability of Borrower is over / discharged. The liability of the guarantor is co-extensive with the liability of borrower. In other words liability of guarantor continues as long as Borrower's liability continues. Contract of guarantee also requires consideration. But consideration received by Borrower , i.e loan / credit facility, given by bank/ financial institution is a sufficient consideration to the guarantor for giving guarantee on behalf of the borrower to the Bank.

When the loan / credit facility is fully repaid by the borrower, liability of both borrower and guarantor is discharged. Contract Act stipulates that in various other instances also guarantor's liability is discharged if consent of the guarantor is not taken. Some of these instances are – change in material terms and conditions of loan (which amounts to novation of contract), release of securities by the bank, negligence in protecting security by the bank, giving more time for repayment by the bank etc. However, as regards to the said various rights of guarantor to claim discharge of his guarantee are subject to a contract to contrary and are held so by the Courts. If guarantor agrees that his consent is not required or he is waiving these rights, he cannot claim the benefit of getting discharge from liability.

It is pertinent to note that the guarantee agreement prepared by Banks are always drafted as are only suited to them. Bank gets such guarantee agreement executed by the guarantor. When guarantor executes guarantee he is certainly aware that he is liable to pay in the event borrower defaults in making payment. However, most of the times, he is unaware that most of his rights to claim discharge given to him by the Contract Act are taken away from him in the guarantee agreement. Usually such agreement also declares that the guarantee given by him is continuing, irrevocable, unconditional etc. As no money outgo is there and as there is no immediate financial burden occurs at the time of giving guarantee, the guarantee agreement is often executed by the guarantor in a very routine manner, without reading and without properly appraising the future risk involved in giving such guarantee. It is seen that many innocent persons get trapped and found themselves in hopeless situation when recovery proceedings are initiated by Banks against them as guarantors for default of the borrower.

The Guarantor is taken by surprise when bank sends notice to him demanding payment. Guarantor is held liable even though many major terms and conditions are changed by bank and borrower, more period is given for repayment, values of securities are allowed to diorites etc. Many a times these things happen without the knowledge of the guarantor. Ordinarily his liability would have got discharged due to this, but for waiver of his rights he has agreed to in guarantee agreement. Because, executing guarantee agreement has resulted into, ONCE A GUARANTOR ALWAYS A GUARANTOR!!!!

It is true that in real life, giving guarantee may be a business need or need of an hour or the necessity of personal relationship. Yet, one must not be casual in giving guarantee. Guarantor needs to be vigilant after giving guarantee. He should keep a watch on borrower and his activities and ensure that he is repaying bank's dues regularly.

Partnership, Company and Limited Liability Partnership: a comparitive study

Prof. Mrs. Pradnya V. Rajebahadur

This article is an attempt to broadly compare partnership firms under Indian Partnership Act, Companies formed under Companies Act, 1956 and Limited Liability Partnership formed under Limited Liability Partnership Act, 2008.

Limited Liability Partnership Bill, 2008 was passed by the Parliament and received assent of the President on 7th Jan. 2009 and it became limited liability Partnership Act. 2008 (LLP Act 2008). The Act has been notified to be effective from 31 st March 2009. The LLP rules have also been notified, effective from 1st April 2009.

Before this Act, the Professionals were carrying on their business under the traditional Act. i.e. Indian Partnership Act. 1932. The LLP Act. is the need of the time in the changing scenario all over the world.

This Act occupies the space between Partnership Act 1932 and Indian Co. Act 1956

India is not the first country to introduce LLP. In US the concept was introduced in 1996, where as UK adopted the model in 2000. Later on Countries like Japan and Singapore brought out legislation for LLP in 2005. The global model, particularly the US model has worked well for all these years. In India, this

concept was launched looking at the potential growth of the service sector and the dominant role played by the professionals in India's economy. The LLP legislation emerged in India based upon the recommendations at Abid Hussain Committee (1997), Naresh Chandra Committee on corporate goverence. (2003) and Dr. Jamshed J. Irani Committee on new Company law (2005). The Indian LLP Act. 2008 is based upon UK and Singapore LLP Act .

Basic features of this Act are:

1. As the names suggests Limited liability of partners
2. Body corporate with perpetual succession
3. Registration is compulsory with ROC but formalities are very simple. Detailed LLP agreement is not compulsory and if not done, certain interat herent provisions will apply viz. equal share in profit / loss, no remuneration can be paid to partners.
4. Acts done by one partner will not be binding on other partners. They will bind only LLP.
5. Liability of LLP must be met out of property of LLP only.
6. This Act adds flexibility to Partnership and advantage of limited liability of company at a low cost.

Let's compare the partnership firm, company and limited liability partnership firm.

	Partnership	Company	Limited liability partnership
1) Governing Statute	Indian Partnership Act. 1932	Companies Act 1956	limited liability Partnership Act. 2008
2) Name	As per choice at Partners. Registerred Firm has to include (regis) immediately after its name	Approved name to contain Ltd in case of public Co. or 'PVT' in Case or Private Co. as suffix	Approved name to contain Ltd. liability partnership or LLP as suffix (sec 15)
3) Registration	optional	Compulsory with ROC	Compulsory with ROC (sec 12)
4) Legal entity	No separate Legal entity	Separate legal entity different from owners and directors	separate legal entity different from partners designated partners (sec 3)
5) Minimum Capital Contribution	Not Specified	Pvt. Co. Should have a minimum paid up capital of Rs. 1 lakhAnd Rs. 5 lakh for a Public Co	No such requirement is specified
6) Who can be a Member or Partner?	A person willing to become a Partner can be admitted as per the Partnership Agreement Consent of all the partners are required	A person can become a member by buying shares through stock exchange	A person can become a member as per LLP agreement or the first sch. of LLP Act in absence of former (sec. 22)
7) Minimum and Maximum no.of Partners or share holders.	2 to 20	2 to 50 members for Private Co. and 7 to unlimited for Public company	Minimum 2 and maximum unlimited (sec. 6)
8) Duration	Depends the partnership	Perpetual succession therefore till it is	Perpetual succession therefore till it is wound

	deed or will of partners	wound up through legal process by owner or creditors.	through legal process by owners or creditors (Sec 3)
9) Foreign Investment/ Investor	Not allowed	Allowed	Allowed (sec. 5)
10) Legal action	only registered part nreship firm can sue third party	As separate legal entity can be sue and sue	As separate legal entity can be sue and sue (sec. 14)
11) Liability	Unlimited and hence all partners are Jointly and severally liable including claims on personal assets of partners	Limited to the extent of unpaid capital	Limited to the extent of contribution of partners Stipulated in LLP agreement (sec 28)
12) Winding Up	As per deed or mutual consent Insolvency, certain Contingencies and by court order	Voluntary or by national company law tribunal	Voluntary or by national company law tribunal (sec 63, 64)
13) Conversion	to LLP or Company	only LLP	to company (sec. 55, 56, 57, of LLP Act 2008)

Thus we can say that one of the biggest advantages of LLP Act is that it has done away with the hardships of the Companies Act. This Act will definitely be a boon for small investors. It has also opened a new career opportunity to lawyer as lawyer can play an active role in the formation of any LLP. The work which is being done by the company secretaries under the company Act is now available to lawyer also under the LLP Act for formation of LLP

To make this Act more functional and effective certain uncertainties need to be addressed urgently

1. Amendments to different acts so as to have partnership with different professionals viz CA regulation Act and Advocates Act
2. Attracting more and more foreign investments
3. Whether minor can be taken as partner in LLP or not.?

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Administrative Law : Lokpal and Right against Corruption

Prof. Mrs. Srividhya Jayakumar

A ruler misusing powers to extort in the guise of gift
is like a dacoit with a spear waylaying to rob

- Thirukkural*

Indian Independence Act and Prevention of Corruption Act were enacted in the same year – 1947[1] The people of India led by Anna Hazare have finally asserted their fundamental right against corruption[2] by successfully demanding for an effective Lokpal Bill. Corruption anywhere and in any form affronts Rule of law.

Civil society and Green Light Theory

Right to Information Act, 2005 and Right to know about candidates contesting elections[3] have been significant victories by crusades of the civil society[4] In any democracy, the participative and proactive role of the civil societies is very crucial. *In the absence of civil society, the state machinery and civil servants become the dominant repository of power. The modern Idea of civil government requires emergence of civil society which would make people self-reliant rather than remain dependent on State institutions and subject to their all pervasive control*[5] Anna initiatives have led to a mass movement. The important function of administrative law is control of governmental power – as **Wade** said : The powerful engines of authority must be prevented from running amok[6] The central purpose of administrative law is promotion of good administration.[7] Administrative law in its sweep will undoubtedly include both prevention of excesses & promotion of good governance. Principles of administrative law emerge and develop whenever and wherever any person becomes the victim of the arbitrary exercise of public power.[8]

Securing good administration may be by legal control by judiciary or by the political processes. Red light theory of administrative law relies on judicial control; Green light theory advocates administrative convenience & efficiency and pins its hope on reforms like improved ministerial responsibility, more consultation, decentralisation of powers, freedom of information, protection of whistle blowers, grievances redressal etc. through political processes.[9] Legal as well as political processes are required to ensure effective check on the administration and efficiency & fair play in administration.

Civil society & mass movements can steer/pressurise governments for satisfactory political processes. Conciliation & mediation through social action groups / pressure groups, media lobbying and public participation are very vital. *"Real democracy cannot be worked by men sitting at the top. It has to be worked from below by the people of every village & town."* Governmental apathy to views of public and governmental inaction on reports / recommendations of committees /bodies appointed by itself have compelled the people, civil societies to move the courts in public interest.

Lokpal – an ombudsmanic institution

M. P. Jain & S. N. Jain : Corruption & misuse of power by holders of high offices constitute a serious malady affecting public interest as such factors distort the whole process of policy & decision making and a strong mechanism is needed to fight the same."[11] In a responsible form of government, the executive is answerable to the legislature. Lokpal mechanism emerges from this principle. Sweden was the first country to have an ombudsman to hear citizen grievances. (1809) the English Parliamentary commissioner was established in 1967 and the mechanism spread to other countries also. Lokpal is the Indian Ombudsman.

Nature of office

1) Agent of Parliament
2) Independent / non – partisan
3) Receives & investigates into complaints against administrative authorities.
4) Informal Proceedings
5) Advisory / Recommendatory function – suggests action/remedy
6) Not empowered to quash / annul administrative decision or to order remedies.
7) Entitled to access to all documents
8) Reports to Parliament

Complaints against corruption, delay maladministration inaction, oppression, discrimination, discourtesy etc. are generally made with the ombudsman The effectiveness of the office springs from adverse media publicity & discussions & condemnation in Parliament However the office can be named and modelled as per the requirements of the country.

Ombudsmanic institutions in India

In 1959. C. D. Deshmukh, Chairman of a Commission of enquiry to examine the administrative set up formally proposed Ombudsman as a solution for nepotism, high handedness & other omissions and commissions of the administrative authorities to help the public with data, facts, figurers & evidence."[12] August 1962 All India law conference urged the set up of ombudsman. In 1966 Interim Report, Administrative Reforms Commission made a definite suggestion. On this basis the first Lokpal & Lokayukta Bill 1968 was introduced in lok Sabha. Subsequent attempts : 1971, 1977, 1985, 1989, 1996, 1998, 2001, 2005 & 2008. The 2010 bill has not been introduced in the Parliament.

The Union has sported faith in ombudsmannic institutions – NHRC, NWC, Minority Commission, National commission for SCs, National Commission of STs, National Commission for Child Rights are few examples. But the citizens grievance redressal mechanism against administrative faults is not forthcoming.

States : Several States have established lokpal institutions - Maharashtra, Rajasthan, U. P. Bihar, Karnataka M.P,.A.P., H.P, Chhatisgadh & Uttaranchal. , Orissa established & then abolished. T. N. has enacted Public Men Criminal Misconduct) Act 1973. Kerala has followed. No uniform pattern is found. Supreme Court has expressed faith in lokayakta in ensuring unpolluted administration & exposing maladministration[13] In matters of pension, gratuity, certificates & dues recovery from govt. depts. lokayuktas have been very useful although otherwise the study of track record of the state institutions has not been very impressive[14] C. Ms are not within the

scope in many states. Recommendatory functions do not ensure speedy trials & punishment. Resignation of ministers does not help; Many complaints are with drawn; on technical grounds complaints are dismissed; jurisdiction is limited.

Litigation Ombudsman (LO)

The Law Commission of India in its 100th report has suggested creation of an office of LO to whom prospective litigants may take recourse to for their grievances with a letter. The LO shall investigate and make recommendation within 2 months to the citizen & the govt. The L. O. shall report annually to the legislature. The law commission has not made it compulsory for the citizens to first approach the LO.

Reasons for failure

We need to find out how a bill can elude us for so many years. Possoble reasons :

1) Lokpal institution cannot make any difference as it is a flawed mechanism Its results are uncertain / doubtful
2) People failed in putting pressures
3) Government and political parties are not interested or rather afraid of the mechanism
4) Parliament is not able to arrive at any version acceptable to all political parties
5) Lack of funds to back the institution

Dr. Badasaheb Ambedkar : it might be difficult to provide food & clothing to the people but why should it be difficult to give the people a pure government – a government free from corruption, bribery, nepotism & favoritism[15] As late as in 1996 the Supreme Court had to point out that a law providing for forfeiting the properties acquired by public officers by corrupt & illegal acts is a crying necessity[16] In 2002 National Commission to review the working of the Constitution, called for a law as suggested by the Supreme Court. It has taken 2007 to have a bill on fundamental values & code of ethics of public services, proper development of public services for promotion of good governance & better delivery – **Public Services Bill 2007.** Section 6 on values of public services provides – a) Patriotism & upholding national pride

b) allegiance to the Constitution & the law of the nation
c) objectivity, impartiality, honesty, diligence, courtesy & transparency
d) maintain absolute integrity S - 9 on Public Services Code provides inter alia

iii) to avoid misuse of official position or information & using the public moneys with utmost care & economy. One will wonder why it should take so long for India to enact such vital codes. No one can gues what will be the waiting period for this bill to mature into a law.

Intensive form of government has come to stay. No government has a moral right to continue in office if it cannot ensure a corruption – free administration. Public office is a trust held for public welfare. At their wits end, the people have resorted to this upsurge led by Annaji and the govt has promised to enact the lokpal bill by August 15, 2011. The fight has just begun; success will follow only if we ensure a credible and effective lokpal or else we would be left with only a white elephant.

It is nobody's case that lokpal will mean death blow to corruption: but it is an important step. It is equally important to inquire into why the normal criminal justice system and the special anti – corruption laws are not able to deliver. Speedy trial of

graft cases though special courts should happen. There requires re – engineering of the governmental processes & systems ensuring transparency and accountability[17]. Administrative delays should be addressed. Time frame for each action should be fixed. Procedures, rules and regulation should be properly publicized Whistle blowers should be protected Values & ethical codes for public services be enforced. The Constitution vests the law making powers with the Parliament & State legislatures. Yet in no uncertain terms it declares that Sovereignty lies in the people. Benevolence is government's bounden duty & not generosity. Government does no charity ; what it exercises is 'public' power & what it handles is 'public' money.

Let us unite; let us strive

Let us not let corruption thrive

For "eternal vigilance is the price of liberty"

Bharat Mata ki, Jai !

References & Notes

*It is 1330 couplets in Tamil on varied subjects written by Thiru Valluvar 2000 years before. Translation by J. Narayanasa my, Sura books (Pvt) Ltd; Chennai 2000.

1. 1947 PC A was repealed by 1988 Act.
2. Shri Vittal, former CVC voiced such a right.
3. PUCL v UOI, AIR 2003 SC 2363
4. Organizations which mediate between citizens & state. They voice the wants & needs of the people.
5. Report of the National Commission to Review the Working of the Constitution 2002, Vol I p. 123
6. Administrative law, 9th Edn., Oxford, p. 5
7. Beatson Matthews and Elliott's Administrative law Oxford 2005 p.1
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9. For a discussion on the theories see, Wade, Beatson ..op cit.
10. See Prakash Singh's case (Police reforms:) PUCL (AIR 2003 SC 2363) information about candidates contesting elections
11. Principles of Administrative law, 5th edn, Wadhwa, 2007 p. 944
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13. Justice K. P. Mohapatra V. Ramchandra Nayak, AIR 2002 SC 3578
14. I. P. Massey, Jain & Jain. Opcit.
15. Writing & Speeches, Part 3, Volume 17, GO Maharashtra, 2003 p. 459.
16. Delhi Development Authority Skipper Construction (P) Ltd., AIR 1896 Sc 2005.
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Judicial Vigil : CVC appointment

Ms. Pooja P.Oak
T.Y. LL.B

Very recently, the headlines in Times of India proclaimed "SC evicts Thomas as CVC, shames govt." This ensued opening of Pandora's box with various commentators, experts, politicians debating over judiciary over-stepping its limits and conversely nailing it to be Judicial Activism at its best.

So did the Supreme Court really exceed its limits while striking down the appointment of CVC Thomas? Or did the Supreme Court echo the sentiments of thousands of Indians while ousting the CVC? Before going into these questions, the basic question which comes to the fore is – what do we mean by Judicial Activism?

Judicial Activism refers to court decisions that arguably go beyond applying and interpreting the law and extends to the realm of changing or creating laws, or going beyond established legal precedents. It can also be described as a judicial ruling based on policy considerations rather than on existing law.

In Kihoto Holohon Vs. Zachillhu (1992 SCC Sup(2) 651), the Supreme Court said, "whenever there is an infringement of a right or an injury, the Courts are there to restore vinculum juris (the chain of the law), which is disturbed". These precise words were echoed recently when the Supreme Court set aside the appointment of P.J. Thomas as Chief Vigilance Commissioner saying that the rcommendation made by the high powered committee "does not exist in law".

The judgement comes on the heels of other interim orders demanding the government's response to irregularities in awarding Commonwealth Games contracts, licenses in the telecom sector and reluctance to pursue those with unaccounted income in bank deposits abroad.

These rulings point to an increasing judicialization of Mega-politics in India. Judicialization can be described as the growing involvement of judges in assessing the executive's prerogatives and performances and the reliance on courts for addressing core public policy questions and political controversies.

Through the years, Apex Court's activism was seen in numerous cases like Kesavananda Bharati (1973), Indira Gandhi's election case (1975), Indira

Sawhney Vs. Union of India (1992), Second Judges Case (1993), S.R. Bommai case (1994), Jain Hawala case (1997) and Declaration of Assets case (2000).

In reaction to Supreme Court's decision in CVC's appointment, the former Lok Sabha Speaker Mr. Somnath Chatterjee was of the opinion that Supreme Court had over-stepped its boundaries. There is separation of powers between the three organs of the Government and Judiciary is encroaching on the Executive. Looking at the current scenario, I find this argument bit weak as when the Executive strays and the citizens are wronged, it is the Judiciary that stands by them. And as per the doctrine of checks and balances, the Supreme Court is doing what is supposed of it.

On the positive side, the Court has used the force of law to impose deadlines, defined elements of governmental accountability and asked for explanations for non-compliance. On the negative side, a bigger concern is the habit developed by higher judiciary of monitoring implementation of orders. This increases case load of the judiciary and will lead to more case backlogs.

Justice A.K. Ganguly, who is part of the bench monitoring the 2G Scam probe has said that, "Courts are widening their jurisdiction and are now functioning as institutions of governance and not merely as arbitrators of dispute". Such a statement aptly depicts the real picture. The Government is in shambles, harried by corruption and scams, the common man is seething with anger and looks upon the Judiciary as its savior – means to find answers to various problems ailing over country.

However, the judiciary should not exceed its brief through Judicial Activism. As it is rightly said by a renowned British Judge, "Judicial Activism beyond a point is against the rule of law."

Nevertheless, one cannot help but be thankful of the Vigil of the Judiciary. And hope it carries on…….!

Jail Visit

Mr. Chittaranjan Kulkarni
Student, IInd LL.B

A Jail visit was organized by VPM's TMC Law College on 12th\of March, 2011 The visit was organized as a part of the curriculum and 24 students from the College visited Adharwadi Jail at Kalyan. The visit was conducted under the guidance of Adv. Mrs. Ranjan Joshi.

After completing admission formalities at 12:30 Hrs, we were allowed to enter the jail premises. Male students were taken to a section of young offenders between the ages of 18 – 21 years. Jail personnel provided lots of information about the daily routine of the prisoners consisting of activities like physical exercise, cleaning of premises, playing games etc.

Female students were taken to the section of female prisoners by the lady jail personnel. She insisted more on sentimental handling of women prisoners. Women prisoners always have very critical problems and if they are not sorted out carefully then the reactions are adverse and hence treating women prisoners is a tough job. There were arrangements to take care of children of women prisoners.

All the students were taken to the jail hospital and were given information regarding the working of the hospital and also its limitations. There was a Meditation centre which would be helpful to the prisoners.

Lastly, a very informative question – answer session was conducted in the office of Jail Superintendent, Shri. U. T. Pawar. The session included an array of different issues like the comparison of different jails, detailed statistics about jails, practical ways of treating criminals, the various national festivals celebrated in jails, video conferencing of criminals to the court system, open prison at Pune and Paithan etc. An incident of helping a poor

prisoner for his heart operation touched all of us. This incident very well depicts that humanity is above all.

We sincerely thank Shri. U. T. Pawar, the superintendent of the jail for granting permission for the visit and also for the valuable time spent with us. He shared a lot of practical issues and other useful information. He also mentioned about the inclusion of subjects like Criminology, Penology, Victimology in their training program.

We all had a memorable experience and owe it to the college.

Seminar on "Telecom Disputes Setllement''at Maharashtra Judicial Academy, Uttan

Mr. Gaikwad & Mr. Kulkarni
II LLB

Our Principal Madam announced in class that she has received invitation cards for attending a seminar by TD SAT at Maharashtra Judicial Academy, Uttan, Bhayender wherein Honorable Supreme Court Judges were to address the audience. We grabbed the opportunity and collected the invitation cards at 21:15 Hrs. We were highly curious about the Maharashtra Judicial Academy and the whole novel experience of listening to Honorable Supreme Court Judges in a function. Maharashtra Judicial Academy (Also Indian Mediation Centre & Training Institute) Uttan was inaugurated on Saturday, 27th June, 2009 by Honorable President Pratibha Patil.

The purpose of the academy is to give training to Judges who are inducted into subordinate judiciary. Though presently only judges from Maharashtra are being trained by the academy, the training program will be shortly extended to Judges from neighboring states also. Judicial education is being imparted through the National Judicial Academy, Bhopal.

TD SAT: Telecom Disputes Settlement & Appellate Tribunal had organized a seminar on "Dispute Resolution in Telecom & Broadcasting Sectors" on Saturday, 8th January, 2011. The Seminar was inaugurated by Honorable Justice V. S. Sirpurkar, Judge, Supreme Court of India in the presence of Chief Guest Honorable Justice Mr. Mohit S. Shah, Chief Justice, Bombay High Court and Honorable Justice Dr. D. Y. Chandrachud, Judge, Bombay High Court being a Special Guest. Honorable Justice Shri S. B. Sinha, (Ex. Judge, Supreme Court of India) Chairperson, TD SAT was the Host of the function.

The function was inaugurated by

lighting of the lamp by the dignitaries; welcome address was delivered by Mr. G. D. Gaiha, Member of TD SAT followed by an address by Honorable Justice Dr. D. Y. Chandrachud wherein he remembered the days of 1993-94 when mobile service was launched. His father, Ex. Chief Justice of India was very much against cell phones but has now himself become a cell phone-savvy today; "Thanks to technology" were the words of Dr. Justice D. Y. Chandrachud. Hon'ble Justice Shri Mohit S. Shah, Chief Justice, Mumbai High Court; added as to how the cases against Telecom & Broadcasting sectors are being diverted to TD SAT.

He was followed by Hon'ble Justice Shri V. S. Sirpurkar, Judge, Supreme Court of India. While opening his speech, he humbly mentioned that till the time of getting an invitation from TD SAT, he was ignorant about it and the law related to it. After accepting invitation, he studied about TD SAT and its related laws. Justice Sirpurkar's confession is worth appreciating., then he took a link from Dr. Justice D. S. Chandrachud's memories about cell phone and continued that he too remembered his early days of 1960 when he got his land-line telephone connection after waiting for 3 to 4 years and offered sincere thanks to the technology and lauded the latest cell phones with added features like TV and network connection too. He then pointed out to TD SAT that a person who wants justice from TD SAT might find it difficult to reach Delhi, hire a costly advocate from Delhi and forced to spend a lot for it and suggested to open TD SAT offices at least in capitals of all the states.

Further, while appreciating Chairperson of TD SAT, Justice Shri S. B. Sinha; he added that "My brother is such brilliant personality that we used to call him as 'Pitamaha' because he has left no law on which he has not written judgment in Supreme Court cases.

Lastly, TD SAT Chairperson, Justice S. B. Sinha made his remarks. In his speech, he brought to the kind attention of all that TD SAT has developed a very efficient system for resotving grievances of a common man No person has to reach Delhi but to visit TD SAT web-site and sort out the matter in least expenses, in a faster way and to the complete satisfaction of the aggrieved.

The session was concluded with a vote of thanks by Mr. P. K. Rastogi, Member, TD SAT followed by lunch.

We had a wonderful experience and we owe it all to our college.

Brief Information On TDSAT

TDSAT (Telecom Disputes Settlement & Appellate Tribunal) Telecom Regulatory Authority of India Act 1997

TDSAT (Telecom Disputes Settlement & Appellate Tribunal) was set up in May 2000 by the Government of India. The Telecom Disputes Settlement and Appellate Tribunal was set up to adjudicate over disputes that arise in the telecommunication sector.

TDSAT was established with the view to protect the interest of the consumers and service providers of the telecommunication sector and also to encourage and ensure the growth of the telecommunication sector. The registered office of TDSAT (Telecom Disputes Settlement & Appellate Tribunal) is at Delhi consisting of a chairperson and two

members. The qualification of the chairperson of TDSAT is that he has to be either the chief justice of a High Court or a judge of the Supreme Court. The qualification of the other 2 members of Telecom Disputes Settlement & Appellate Tribunal are that he must have been in the post of Secretary to the Indian government for a period of 2 years or he must have extensive knowledge in the field of telecommunication, commerce, industry, and technology. The chairperson and other members of the TDSAT are liable to hold office for a term of 3 years.

The various functions of TDSAT (Telecom Disputes Settlement & Appellate Tribunal) are that it can adjudicate any dispute that arises between a group of consumers and service providers, a licensee and a licensor, and also between two or more than the service providers. The government of India opened the telecom sector to the private enterprise in the 1990s and this has given a major boost to this sector. A great variety of telecom services such as voice mail, audio text services, mobile services, electronic mail, and data services are now available to the consumers. As many service providers entered the telecommunication sector in the country an appellate tribunal such as TDSAT was required to settle the disputes that arise all to often due to the intense competition in the sector.

In the TDSAT, any person, local authority, state government, or central government for the adjudication of a dispute can file cases. The power and function of Telecom Disputes Settlement & Appellate Tribunal includes that it can hear the appeal and also dispose appeals that are against any order, direction, or decision of the TRAI. The person or government authority has to file an appeal with the time period of 30 days, which is counted from the date on which they have received a copy of the order that has been made by TRAI. TDSAT (Telecom Disputes Settlement & Appellate Tribunal) may hear an appeal after the lapse of the 30 days time period if it is satisfied that there are sufficient reasons for not filling an appeal within the time period.

In TDSAT (Telecom Disputes Settlement & Appellate Tribunal), an appeal can be filed by filling up the standard application form, which is available on line in the website of the Appellate Tribunal. The Miscellaneous Application or Petition or Appeal has to be duly supported by a sworn affidavit. Once the case has been filed in the TDSAT (Telecom Disputes Settlement & Appellate Tribunal), the chairperson and the members hear it. The case can be disposed off at the very 1st hearing itself or the opposition party can be ordered to file a reply within the time period that has been fixed. When the pleadings have been completed, the case is finally heard by the TDSAT and then disposed off.

Right to Legal Aid

-Prof. Mithun Bansode

In every legal system the basic purpose of law is nothing but to do justice. By dynamic interpretation of the due procedure clause in *Maneka Gandhi v. Union of India*(AIR 1978 SC 597) the principles of ***just, fair and reasonableness*** have been recognized by the Indian judiciary. This led to the dynamic transformation in socio-legal structure of India. Without these principles justice cannot be done properly. When we say justice must be fair one that fairness demands ***equality*** also. Prof. John Rawls while evolving the concept of Distributive Justice emphasized on the protection of least advantageous society. The person because of his status, disabilities should not be treated equally with the general class that is the principle of distributive justice. There is need of some special treatment to those classes, which we can see in the form of reasonable classification in our Constitution under Article 14.

This principle applies equally in case of assertion, realization of justice. If the two persons having claims against each other , in which one has sufficient means i.e. money, legal assistance, political influence then in that case there is possibility that the person can mould the basic tenets of justice in his favour. On the other hand the person without sufficient means because of his poverty or other disabilities cannot even get access to justice or unable to take legal assistance then it will ultimately result in violation of fairness in justice. Fairness requires fair play and fair play demands equality. So that to avoid the violation of justice there is need of recognition of the concept of Legal Aid. In M.H.Hoskot v. State of Maharashtra (AIR 1978 SC 1548) Supreme Court expressly emphasized the concept of legal aid. If the concept of legal aid is not accepted then it ultimately results in violation of fundamental right of the person which is recognized under Art. 21 of the Constitution. This judgment becomes important in the country like India where the peoples in 1980's were so much illiterate, poor, they even didn't know there rights. Because of this situation court read right to legal aid as a fundamental right impliedly under Article 21 of the Constitution.

At the same time in 1976, 42nd Amendment Act enacted by the legislature which inserted directive principle in the form of *"Free Legal Aid and Equal Justice"* under Article 39-A of the Constitution. This was a positive step towards protection of right to legal aid of those unprivileged section of society. The basic object of directive principles of state policy is to give direction to the state to implement a policy for the welfare of the society. It casts moral duty on the state to make laws for the protection and preservation of rights of the people in welfare era. On the other hand the Committee for Implementing Legal Aid Scheme (CILAS) was a pioneer in the field of legal aid in India. CILAS organized various programmes for promotion of legal literacy, Legal Awareness, Legal Aid Camps. So because of these efforts the legal aid movement was not only constitutionalised but expressly legalized in the form of enactment of a special law as *The Legal Service Authorities Act, 1987.* This Act provides legal service for those who are entitled for that. This Act also created committees and authorities at National, State, District and Taluk level for effective implementation of this legal service. This Act enacted with the object of provid legal aid does not provide the definition of legal aid; it only recognizes the entitlement of legal service

Though this Act was enacted in 1987, in 9th November 1995 it became enforced:

for its enforcement itself it took eight years. Statutes like Cr.P.C. do have the provision of legal aid but still there is need of special law for exercising ,implementing this right to legal aid. Now because of this Act the panels of advocates created in each court for the implementation of legal aid but there is no any effective step taken for the improvement of quality of the advocates on panel who are defending the case for person who can not afford legal assistance. In many cases these lawyers arguing passively rather actively which ultimately resulted in violation of the right of the person. One of the reason of the passiveness of lawyers is their allowance. From last 10 years government is even not ready to raise the amount allowance of the panel advocates under the scheme of legal aid. Further for effective implementation of this scheme it should be mandated for the established advocates to take at least 10 cases for argument in one year, otherwise this scheme will become only paper promise.

Further, we should accept that the people in remote areas, rural areas are not even aware about this type of scheme and so that the police machinery, judicial machinery in those areas are involved in violation of right to legal aid of those people. Because of their unawareness, poverty, illiteracy their right to legal aid is violated constantly till date. What mechanism does the State have for this? The answer is nothing. We have lawyers i.e. so called established lawyers defending terrorists like *Ajmal Kasab* who brutally killed number of peoples. But we don't have lawyers who can take the matter of our own citizens for the protection of their right up to that extent. Because of this attitude the number of prisoners languish in jail for want of legal assistance- who is responsible for that? The Act like Legal Service Authorities Act does fulfill the purpose in real sense. In this democratic country we are saying that justice should not only be done but should be manifestly seems to have been done. But if justice awarding machinery itself treats claimant as consumer, then automatically the person whose bargaining capacity is greater he only succeed in his claim, which resulted in destruction of basic tenets of equality of justice.

Recently in Maharashtra on 6th February 2011 Maha Lok adalat organized for awarding speedy and cheaper remedy to the persons whose matters were pending from years which can be disposed of by settlement. This type of initiative is commendable on the part of judicial authorities but judicial authorities while dispensing with these cases under speedy and cheaper justice must keep in mind that to do justice is the precondition of every law. So there is need to scrutinize this matter and provide some viable solution for the implementation of right to legal aid in India.

Law institutes, colleges and universities do have bunch of academic scholars and experts. It is mandated by the Legal Service Authorities Act itself that, every college must have the legal aid cell which can spread legal awareness and legal literacy. But for effective implementation of this scheme academicians must actively participated in these programmes. In this socio-legal system the role of teachers are very essential to build the society in an egalitarian manner.

Legal aid is not a charity. It is basic fundamental right of each and every individual who are entitled for the same. It is the responsibility of each person of legal fraternity to try for the utmost realization of this right. So lets try to save this right from becoming only paper promise.

References:

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डॉ. आंबेडकर आणि भारतीय स्त्री

– प्रा. मिथुन बनसोडे

आज भारतामध्ये बऱ्याच महिला स्वातंत्र्याचे प्रतिनिधीत्व करणाऱ्या संघटना आहेत. या संघटना आपल्या परिने स्त्री किंवा महिलांचे प्रश्न हाताळण्याचा प्रयत्न करताना दिसतील. परंतु कोणताही प्रश्न सोडवताना त्या प्रश्नाची समूळ उकल केल्याखेरीज आपल्याला योग्य उत्तर मिळत नाही.

डॉ. बाबासाहेब आंबेडकर यांनी २० व्या शतकात स्त्रीयांच्या हक्कांचे समर्थन करताना स्त्रीयांच्या मूळ प्रश्नांकडे आधि लक्ष केंद्रित केल्याचे आपणाला दिसते.

भारतीय समाजामध्ये स्त्री / महिला ही नेहमीच कमकुवत / कमजोर / अबला समजण्यात आली आहे. तिचा दर्जा पुरुषापेक्षा खालचा समण्यात आला आहे, म्हणून तर आजही तिला घरामध्ये निर्णय स्वातंत्र्य मिळत नाही. परंतु हे जरी खरे असले तरी भारतीय इतिहासात अशीही काही नावे आहेत ज्यांनी स्त्री समानतेवर भर दिला.

गौतम बुद्धांनी आपल्या धम्मामध्ये स्त्रीला पुरुषाबरोबर धम्म आत्मसात करण्याची संधी दिली. त्याचबरोबर आधुनिक भारताच्या इतिहासात म. ज्योतिबा फुले व सावित्रीबाई फुले यांनी पुणे येथे पहिली मुलींची शाळा काढून स्त्री साक्षरतेवरती भर दिला. महिलांच्या हक्कांच्या रक्षणासाठी ही क्रांतीकारक पाऊले या महापुरुषांनी उचलली नसती तर आज स्त्रीयांमध्ये एवढा प्रगतीशील बदल आपणास दिसला नसता.

फुले दांपत्यानंतर त्यांचा वसा पुढे चालू ठेवण्याचे काम डॉ. आंबेडकरांनी केल्याचे आपणास दिसते. आंबेडकरांची चळवळ ही प्रकर्षाने जातीकेंद्रित म्हणून समजली जाते. पण समतेचा पुरस्कार करणाऱ्या या महापुरुषाने सुरुवातीपासून आपल्या चळवळीमध्ये स्त्रीयांचा सहभाग वाढविण्यासाठी प्रयत्न केले. डॉ. आंबेडकरांनी स्त्री स्वातंत्र्यावर भर दिला कारण त्यांनी हे ओळखले होते की समाजाची प्रगती ही महिलांच्या प्रगतीवर अवलंबून आहे. त्यामुळे त्यांनी स्त्री-स्वातंत्र्य, त्यांचे हक्क यावरती आपल्या चळवळीमध्ये विशेष भर दिला.

डिसे. १९२७, महाडच्या सत्याग्रहामध्ये बाबासाहेबानी महिलांसमोर भाषण केले. त्यांच्या भाषणामध्ये त्यांनी स्त्रीयांना त्यांच्या हक्काची जाणिव करून दिली. यामध्ये बाबासाहेबांनी समतानिष्ठीत व्यवस्था आणण्यासाठी स्त्रीयांचा सहभाग किती महत्त्वाचा आहे हे पटवून दिले.

डॉ. आंबेडकर यांनी स्त्रीहक्काबरोबरच परिवार नियोजनासारख्या विषयावर १९३८ साली भाष्य केले. स्त्रीयांच्या उत्कर्षासाठी परिवार नियोजन किती महत्त्वाचे आहे हे बाबासाहेबांनी त्यावेळी सांगितले. हे सांगताना ते स्वतःच्या आई-वडीलांवर टिका करायला विसरत नाहीत. कारण ते स्वतः त्यांच्या कुटूंबातील १४ वे अपत्य होते.

२० जुलै १९४२ नागपूर येथे बाबासाहेबांनी २५००० महिलांसमोर भाषण केले. या भाषणात त्यांनी स्त्री उन्नतीवर भर दिला. त्याचबरोबर महिलांना बाल विवाहापासून परावृत्त होण्यासाठी त्यांनी याठिकाणी सांगितले. आज आपण ''मानवी हक्का'' च्या गोष्टी करतो. परंतु बाबासाहेबांनी प्रत्यक्षपणे या हक्कांसाठी भारतीय स्त्रीयांमध्ये जाणिव निर्माण करण्याचा प्रयत्न केला, म्हणून तर स्वतंत्र्य भारताच्या या पहिल्या कायदे मंत्र्याने स्त्रीयांना समता आणि न्याय देण्यासाठी ''हिंदू कोड बिल'' हे विधेयक ११ एप्रिल १९४७ रोजी संसदेत मांडले. परंतु या विधेयकाला संसदेमध्ये तीव्र विरोध करण्यात आला. कारण यामुळे हिंदू जीवनपद्धतीचा मूळगाभाच कोसळणार अशी भिती तत्कालीन समाजाला वाटली आणि भिती वाटणे साहजिकच होते कारण या विधेयकामुळे महिलांना संपत्तीचे अधिकार, वारसासंबधीचे अधिकार, लग्नासंबंधीचे हक्क हे पुरुषांबरोबर देण्यात येणार होते. हे हक्क म्हणजे तत्कालीन समाजव्यवस्थेतील क्रांतीकारी बदल ठरणार होते. म्हणून याचा मोठ्या प्रमाणात विरोध करण्यात आला. आणि त्यामुळे बाबासाहेबांनी कायदेमंत्री पदाचा राजीनामा २७ सप्टे. १९५१ रोजी दिला.

परंतु बाबासाहेबांच्या राजीनाम्यानंतर ''हिंदू कोड बिल'' हे विधेयक वेगवेगळ्या कायद्यांमध्ये थोड्याफार फरकाने पास करण्यात आले. हे कायदे म्हणजे.

१) हिंदू विवाह कायदा, १९५५ (Hindu Marriage Act, १९५५)

२) हिंदू वारसाहक्क कायदा, १९५६ Hindu Succession Act, 1956

३) हिंदू अल्पवय आणि संरक्षकता कायदा, १९५६ Hindu Minority & Guardianship Act, 1956

४) हिंदू दत्तक पुत्र आणि निर्वाह कायदा, १९५६. Hindu Adoption & Maintenance Act, 1956

या कायद्यामुळे स्त्रीयांना त्यांचे अधिकार, हक्क थोड्याफार फरकाने बहाल करण्यात आले. परंतु या सर्व गोष्टींचे खरे उद्‌गाते डॉ. बाबासाहेब आंबेडकर आहेत हे आपणास विसरून चालणार नाही.

याखेरीज भारतीय घटनेमध्ये मूलभूत हक्क (भाग – ३) यामध्ये कोणत्याही अनुच्छेदामध्ये स्त्रीयांच्या हक्कांचे उल्लंघन होणार नाही याची काळजी बाबासाहेबांनी घेतली. प्रामुख्याने अनुच्छेद १४, १५, १६ त्याच बरोबर मार्गदर्शक तत्वे (भाग – ४) मध्येही स्त्री विषमता नष्ट करण्याचा पुरेपुर प्रयत्न केला.

राज्य घटना अमलात येवून ५० वर्षे झाली परंतु आजही भारतीय समाज स्त्रीयांकडे समानतेने बघतो असं खात्रीपूर्वक म्हणता येणार नाही. आजही स्त्रीयांकडे बघण्याची मानसिकता बदलली अस म्हणता येत नाही. भारतीय राज्यघटनेने कुठलीही विषमता न बाळगता समता, न्याय, स्वातंत्र्य ही त्रिसुत्री पुरुषाबरोबर स्त्रीलाही दिली. परंतु जोपर्यंत स्त्रीया त्यांच्या हक्क, अधिकांरासाठी स्वतः पुढे येत नाही तोपर्यत खऱ्या अर्थाने स्त्री सबलीकरण अशक्य आहे. त्याचबरोबर पुरुषांनीही त्यांच्याकडे बघण्याचा दृष्टीकोण बदलण्याची आज आवश्यकता आहे.

आणि हे जर होत नसेल तर आजही संपूर्ण स्त्री जमात आपल्या न्याय हक्कांपासून वंचित राहील हे निश्चित आहे.

आधुनिक भारतात आज जे पुढारलेल्या स्त्रीयांच चित्र आहे ते एखाद्या मृगजळासारखं आहे. या देशात आजही भ्रूणहत्या, कौंटुबिक अत्याचार, वैश्याव्यवसाय, हुंडाबळी, त्याचबरोबर मुस्लिम स्त्रीयांचे प्रश्न या सारखे मुद्‌दे आवासून उभे आहेत. आजही ग्रामीण भारतातील स्त्रीयांचे हुंदके आजही चार भिंतीच्या आतच दाबले जातात. त्यामुळे समूळ स्त्रीजातीला शोषणमुक्त करण्यासाठी आज स्त्रीयांनी पुढे येवून हातात हात घेवून मिळून काम करण्याची गरज आहे.

डॉ. आंबेडकर, म. फुले, सावित्रीबाई फुले यांची स्त्री जागृतीची, उन्नतीची मशाल अखंड पेटती ठेवून पुढे घेवून जाण्याची गरज आहे.

संदर्भ : १) डॉ. आंबेडकर – लेखन आणि भाषणे खंड
२) भारतीय संविधान

असं ही एक जग ....

– प्रा. श्री. विनोद वाघ

असं ही एक जग आहे
जिथे सुर्य कधी उगवत नाही
नाही म्हणायला स्वातंत्र्य आहे
पण पायातील बेड्या काही तुटत नाही.

शेती प्रधान म्हणून घेणारा हा देश
शेतकऱ्यांच्या जीवावर उठला आहे
दोन पैसे चुकवले नाही म्हणून
मोठ्या खुशीत त्यांना फासावर
लटकवत आहे.

कॉमन वेल्थ गेम येथे
फक्त वेल्दी लोकांसाठीच असतात
नार्मल हेल्थ कार्यक्रम राबविण्यासाठी
हेल्दी लोकच येथे नसतात.

शब्द

कुमारी निलाक्षी सागवेकर
तृतीय विधी

शब्दावर काय लिहू
शब्दच सापडत नाहीत

शब्दच कुणाला वाचवू शकतो
शब्दच कुणाला मारू शकतो

शब्दांना शब्द मिळतात
शब्दावाचून शब्दच कधीतरी अपूरे पडतात

शब्दच वाक्यरचना घडवतो
शब्दच वाक्याची मारहाण करतो

शब्द कधी कुठे बदलतो
त्या शब्दाचा अर्थच बदलतो

शब्दावरून जे सुचले
ते शब्दांच्या (कवीतेतून) मी सुचवले.

खासदारांची पगारवाढ - कायदाशिल्पकारांसाठी कायदा

श्रीमती श्रीविद्या जयकुमार
प्रभारी प्राचार्या

भाषांतर : श्री जयेश गोखले
प्रथम विधि

संसदेत खासदारांच्या पगारवाढीसंबंधीत नुकत्याच झालेल्या गदारोळामुळे आपल्या देशावर लाजिरवाणी परिस्थिती आली आहे. स्वत:च्याच लठ्ठ पगारासाठी नारेबाजी आणि कामगारांप्रमाणे केलेला विरोध हा या खासदारांकडून अपेक्षित नव्हता. सभागृहात 'उपहासिक संसद' रचणे हेच लाजिरवाणे होय. संसद हे लोकांच्या स्वप्नांचे प्रतीक आहे. संसदेचे सार्वभौम अधिकार व प्रतिष्ठा यांचं संरक्षण हे खासदाराचं प्रथम कर्तव्य आहे.

खासदारांनी स्वत:चे पगार व इतर सुविधा स्वत:च ठरविणे कितपत योग्य आहे? जेव्हा पगार इत्यादी यांची अमंलबजावणी करायचा प्रस्ताव येतो तेव्हा असे अधिकार अधिक आक्षेपार्ह असतात. भारतीय संविधानातल्या एकशे सहाव्या कलमाप्रमाणे खासदारांचे पगार आणि सवलती, या वेळोवेळी संसदेने पारित केलेल्या कायद्याप्रमाणे ठरतात. संसदेने खासदारांचे पगार, सवलती आणि निवृत्तिवेतन या संबधी "Salaries, Allowances and Pension of MPs Act 1954" प्रमाणे अंमलबजावणी करायची आहे. मे २००९ पासून खासदारांच्या पगारामध्ये पूर्वलक्षी तिप्पट वाढविषयक दुरुस्ती सुचविलेल्या विधेयकाला लोकसभेमध्ये मंजुरी मिळाली. एक उत्साहवर्धक घटना अशी घडली की अनेक खासदारांनी या संबंधी सभात्याग करून एका नि:पक्ष मंडळाकडून खासदारांच्या वेतन संबंधित निर्णय घ्यावा अशी मागणी केली. आपल्याला असा विचार करावा लागेल की जरी खासदारांना दिलेल्या अधिदानाबद्दल आक्षेप असण्याचे कारण नसले तरी 'पगार' हा शब्द या जागी कितपत योग्य आहे? खासदार हे जनतेचे प्रतिनिधी असून त्यांना नोकरीप्रमाणे कुठल्याही प्रकारचे दैनंदिन काम नसते. लोकशाहीत प्रतिनिधित्व हे महत्वाचे असून एक थोर सार्वजनिक सेवा आहे व या ठिकाणी अधिदानाला मानधन हा शब्द जास्त सयुक्तिक ठरेल. खासदारांच्या पगारवाढीविषयी एक कायम स्वरूपी अथवा हंगामी समिती नेमण्याची तरतूद "Salaries, Allowances and Pension of MPs Act 1954" मध्ये करण्यात यावी, ही वेळ आलेली आहे. या समितीची शिफारस ही संसदेवर बंधनकारक असावी.

आश्चर्य म्हणजे खासदारांच्या पगार व वेतन या संबंधी अधिकार संसदेलाच देण्यामागे घटना समितीच्या सदस्यांना काहीच गैर वाटले नव्हते. कुणीही औचित्याचा प्रश्न मांडला नाही ! (२० मे १९४९) अधिदानाच्या प्राप्ती व प्रमाणासंबंधी पण विशेष चर्चा झाली नाही. ''खासदारांचा पगार हा एका मंत्रिमंडळ सदस्याच्या पगाराच्या एक चर्तुथांश पेक्षा जास्त आणि एक तृतीयांश पेक्षा कमी असावा'' अशी घटनेमध्ये तरतूद असावी असा प्रस्ताव श्री. पी. लारी यांनी मांडला. मात्र हया प्रस्तावाला जोरदार विरोध झाला आणि हा प्रस्ताव फेटाळला गेला. त्यांचा दुसरा प्रस्ताव असा होता की, विरोधी पक्ष नेत्याला मंत्रिमंडळ श्रेणी नसलेल्या मंत्र्यांएवढा पगार मिळावा. हा प्रस्ताव सुद्धा विरोधामुळे फेटाळला गेला. श्री. विश्वनाथ दास यांच्या मते खासदारांना कुठलीही ठरावीक पगारश्रेणी नसावी आणि या खासदारांनी संसदेने दिलेल्या भत्त्यामध्ये संतुष्ट राहून काम करण्यास तयार असावे. श्री. पी. एस. देशमुख म्हणाले की, ''भविष्यकाळात संसदेने त्यांच्या इच्छेने विरोधी पक्ष नेत्याचे वेतन ठरवावे व खासदार आणि इतर सरकारी कर्मचारी यांच्या पगारांमध्ये परस्परांसंबंध ठरवावा. संसदेने सुज्ञ जनतेचा विरोध पत्करून खासदारांना पुरेसा पगार द्यावा जेणेकरून हे खासदार इतर मार्गांपासून उपलब्ध असलेल्या लाभाकडे आकर्षित होणार नाहीत'' अशी अपेक्षा श्री. देशमुख यांनी संसदेकडे व्यक्त केली.

सरकारी कर्मचारी, शिक्षक इत्यादी यांच्या पगारासंबंधी शिफारसी या कायम अधिक जबाबदारी, अपेक्षा, पात्रता यांच्याशी संलग्न असतात. गेल्या ६० वर्षांत खासदारांविषयी किमान पात्रता, वय व नागरिकत्व याच राहिलेल्या आहेत. घटनेच्या कलम १०२ च्या इतर तरतुदी व्यतिरिक्त, जर एखाद्या खासदाराने संसदेने घोषित केलेले खाते सोडून कुठलेही सरकारी लाभदायी खाते स्वत:कडे ठेवले, तर त्या खासदाराचे सदस्यत्व रद्द समजण्यात येईल. "The Parliament (Prevention of Disqualification) Act, 1959" मध्ये अशा अनेक खात्यांची नोंद आहे. सौ. जया बच्चन यांच्या घटनेनतंर अनेक इतर खात्यांची पुर्वलक्षी नोंद या कायद्यामध्ये करण्यात आली. घटनेमध्ये संसदेला आपल्या सदस्यांचे

केवळ पगार व भत्तेच नाही तर पात्रता, अपात्रता (कलम ८४ व १०२) व हक्क (कलम १०५) ठरविण्याचे सुद्धा अधिकार आहेत. यामुळेच कदाचित कुठल्याही गुन्हयाबद्दल शिक्षेनंतर संबंधित कलमामध्ये (ss 6 to 10A) सहा वर्षांपेक्षा जास्त काळाची अपात्रता असण्याबद्दलची तरतूद नाही.

तसेच निवडणूक आयोगाला हा अपात्रतेचा काळ कमी करण्याचा अधिकार आहे. पण अधिकाराच्या अंमलबजावणीसाठी हा काळ किती व कुठल्या कारणास्तव कमी करायचा या प्रकारचे कुठलेही मार्गदर्शन ठरवले गेलेले नाही (s.11, Representation of People Act) जन्मठेप अथवा मृत्युदंडाची शिक्षा मिळाल्यावर सदस्यत्व अपात्र ठरविण्यात येते, पण इतर कुठल्याही कारणामुळे सदस्यत्व अपात्र ठरविण्यात येत नाही. एखाद्या डॉक्टर, वकील किंवा क्रिकेट खेळाडूवरपण संपूर्ण आयुष्यभर बंदी येऊ शकते परंतु खासदारावर येऊ शकत नाही. एखादया खासदाराच्या शिक्षेला माफी जरी मिळाली तरी त्याची अपात्रता रद्द होत नाही, असा निकाल सुदैवाने सर्वोच्च न्यायालयाने दिला आहे. (Sarat Chandra v Khangendranath 1961).

एखादया खासदाराने जर शिक्षा झाल्यानंतर पुनरावलोकनासाठी अर्ज केला असेल तर त्याचे सदस्यत्व अपात्र ठरविण्यात येत नाही. पुनरावलोकनाचा अर्ज सर्वोच्च न्यायालयापर्यंत जाऊ शकतो. कनिष्ठ व उच्च न्यायालयाने दिलेल्या निकालाला काहीच महत्त्व नाही का? न्यायप्रक्रियेत किती विलंब होतो हे तर सर्वांनाच माहिती आहे. जर फक्त सर्वोच्च न्यायालयाच्या निर्णयामुळेच पात्रता रद्द करण्यात येऊ शकते, तर अशा प्रकरणात न्यायप्रक्रिया विशेष शीघ्र गतीने पुढे सरकेल अथवा अशा विषयांची सुनावणी थेट सर्वोच्च न्यायालयात केली जाईल असा विचार व्हायाला नको का? कायदा आयोग, निवडणूक आयोग आणि घटना परीक्षण आयोग या तिन्ही संस्थांनी राजकारणाच्या गुन्हेगारीकरणावर दिलेल्या अहवालावर संसदेने कोणतीही दखल घेतली नाही. सर्वोच्च न्यायालयाच्या मते मतदाराला उमेदवारांबद्दल माहिती जाणून घ्यायचा अधिकार आहे (Union of India v Association for Democratic Rights). अशा माहितीमध्ये उमेदवाराची शैक्षणिक पात्रता, गुन्हेगारी इतिहास आणि संपत्ती यांचा समावेश आहे. अनेक खासदारांनी अजूनही आपल्या संपत्तीबद्दल माहिती जाहीर केलेली नाही. हे सगळं असूनही संसदेने उमेदवारांवर गुन्हेगारी आरोप आणि शिक्षा या संबंधीचीच माहिती फक्त जाहीर करण्याचं बंधन मान्य केलेलं आहे (S 33A, RPA)

खासदार झाल्यावरसुद्धा एखादया व्यक्तीला संसदेच्या कारकिर्दीत स्वत:चा व्यवसाय चालू ठेवता येतो. पोटनिवडणूतसुद्धा जेव्हा एखादी व्यक्ती विजयी ठरून काही महिन्यांसाठीच खासदार बनते, तेव्हा तिला निवृत्तिवेतनासारखी सवलत मिळते. खासदारांनी आपला संपूर्ण वेळ राष्ट्राच्या सेवेसाठी घालवावा यासाठी कुठलाही कायदा नाही. मुंबई उच्च न्यायालयाने नुकत्याच झालेल्या निकालात सरकारला अशी आज्ञा दिली की विश्वविदयापिठामधल्या शिक्षकांकडून अशी हमी घ्यावी की ते आपला संपूर्ण वेळ शिक्षण, प्रशिक्षण आणि संशोधन या कार्यास घालवतील व आपली संपत्ती जाहीर करतील. खासदारांपैकी काही वकील आहेत जे न्यायालयात वकिली करतात आणि सरकारच्या बाजूने प्रकरणे चालवतात आणि त्याबद्दल भरगच्च मोबदलाही घेतात. ज्याप्रमाणे जेव्हा एखादया खासदाराने सरकारी कामामध्ये लाभात वाटा मिळविल्यावर त्याची पात्रता रद्द करण्यात येते त्याच अर्थाने वकील खासदारांनी सरकारच्या बाजूने प्रकरणे चालविणे कितपत योग्य आहे?

जर सभागृहाच्या परवानगीशिवाय कुणीही लोकसभा सदस्य सहा महिन्यापेक्षा जास्त काळ सर्व सभांना गैरहजर असेल तर संसद त्या सदस्याची जागा रिकामी आहे असे जाहीर करू शकेल. जर सभागृह चार लागोपाठ दिवस पुढे ढकलले गेले किंवा लांबणीवर पडले तर वरील काळ विचारात घेतला जाणार नाही. ६० दिवस हा खूप मोठा काळ आहे. एका दिवसाच्या उपस्थितीमध्ये किती तास उपस्थिती असावी याबद्दल काही तरतूद दिसत नाही. वरील तरतूद सन १९५० पासून न बदलता तशीच राहिली आहे. संसदेच्या कामकाजाचे दिवस कमी झालेले आहेत. संसदेचे कामकाज कोलमडण्याचे प्रमाण वाढले आहे. चर्चेशिवाय विधेयके मंजूर केली जात आहेत. या सर्व गोष्टींबद्दल विचार होणे आवश्यक आहे.

खासदारांना चांगले मानधन मिळाले पाहिजे. असे चांगले मानधन दिल्याने आपण आपल्या लोकशाहीबद्दलचा विश्वास सार्थ ठरवितो. खासदारांबद्दलचा कायदा हा अतिशय मवाळ दिसून येतो. राष्ट्राला खासदाराचे पगार व भत्ते ठरविण्यासाठीच नाही तर त्यांची पात्रता, अपात्रता, हक्क इत्यादी ठरविण्यासाठी एका

नि:पक्ष मंडळ/समिती यांची नक्कीच आवश्यकता आहे. अनेक स्तरांतून याबद्दल सूचना येऊनसुध्दा खासदारांचे हक्क याबद्दल कायदेशीर तरतुदी झालेल्या नाहीत. नि:पक्ष व्यवस्थने संसदेच्या कामकाजाचा आढावा घेऊन त्यात सुधारणा करण्यासाठी शिफारशी केलेल्या पाहिजेत. अशा शिफारशी संसदेवर बंधनकारक असल्या पाहिजेत. या सूचनांमुळे संसदेचे अधिकार कमी होत आहेत, असा गदारोळ उडणार नाही अशी आशा आहे.

मराठी आमची मायबोली

सौ. श्री विद्या जयकुमार
प्रभारी प्रचार्या

जयोस्तुते जयोस्तुते मराठी भाषेचा जयोस्तुते!
मराठी फार प्राचीन आहे
मराठीची सुरुवात सापडणार का?
मराठी इतकी महान आहे
मराठी कधी थांबणार का?
मराठी खूपच कठिण आहे
म्हणून माधुर्य कमी होते का?
मराठीने दिली वाणी मराठीने दिला ध्वनी
मराठीने दिल्या भावना!
अभिलाषा असु दे किवा आनंद असु दे
शांतता असु दे किवा आक्रोष असु दे
स्नेह असु दे किवा द्वेष असु दे
आराम असु दे किंवा घाई असु दे
आदेश असु दे किंवा विनंती असु दे
मराठी करते मार्गदर्शन
करुया तिला दर दिवशी वंदन
करुया तिला दर दिवशी वंदन !!
नेहमी आमचा प्रणाम असु दे
मराठी भाषा सदैव विजयी असु दे!

'भारतीय संविधानाचा विजय असो'

सौ. रोहीणी जमधडे
तृतीय विधी

संविधान म्हणजे काय असते
तुमच्या आमच्या जीवनाचे सार असते,

लाखोनी दिलेली आहुती आणि त्यागाच्या बळावर केलेली ती नौका पार असते.

संविधान म्हणजे फक्त कायदा नसतो
तुमच्या आमच्या जगण्याचा तो
आरसा आसतो.

स्वत:च्या बळावर देशाचा राजा बनवाया
आणि जनमानसात बंधुता वाढवाया
दिलेला तो एक आशिष असतो.

मुलभुत कर्तव्याच देणं
कि मुलभूत अधिकारचं घेण असो,

प्रत्येक भारतीयास न्याय, समता, बंधुता देणाऱ्या माझ्या भारतीय संविधानाचा विजय असो.

टोलटॅक्स आणि खड्डे

सौ. नीलम बनसोडे
प्रथम विधी

खड्डेच खड्डे चोहीकडे ग बाई
गेला रस्ता कुणीकडे?
एक खड्डा वाचवु ग बाई।।
दुसरा खड्डा चुकवु ग बाई
रस्ता गेला खड्यात ग बाई
खड्डा गेला रस्त्यात ग बाई।।

पाऊस आला खड्डा वाहून गेला
वारा आला खड्डा उडुन गेला
गाडी रस्त्यावरुन गेली अन् खड्डा पडला.
खड्यात पडू अन् पालिकेचा खड्डा भरु.

मराठी भाषा आणि वीर सावरकर

श्री. सचिन उपाध्ये,
तृतीय विधि

श्रीकृष्णाने सांदिपनी ऋषींच्या आश्रमातून विद्या घेऊन बाहेर पडताना आशीर्वाद मागितला मातृहस्तेन भोजनम् मातृमुखेन शिक्षणम. अशा माझ्या मातृभाषेच्या गौरवाप्रीत्यर्थ मी सचिन उपाध्ये आपल्याशी संवाद साधू इच्छितो. विद्यार्थी मित्र मैत्रिणींनो, अध्यापक वर्ग नमस्कार !

कुसुमाग्रजांच्या गौरवार्थ मराठी दिवस साजरा केला जातो ही आनंदाची बाब आहे.मराठी भाषेचा इतिहास एक सहस्र' वर्षांपेक्षाही जुना आहे. इसवी सन ११८८मधे 'कवी मुकुंदराज' ह्यांनी 'विवेकसिंधु' ह्या ग्रंथाची रचना केली. ते मराठीचे आद्य ग्रंथरचनाकार मानले जातात. भाषा हो का मऱ्हाटी परि उपनिषदांचि रहाटी असे वर्णन ते करून गेले.

पुढल्या शतकांत ज्ञानेश्वरांनी 'भावार्थदिपिका' निर्माण केली. वयाच्या सोळाव्या वर्षी लिहिलेल्या ग्रंथाचे मोल वेगळे सांगायला नको.

माझ्या मराठीचे बोल कौतुके
परि अमृतातेहि पैजा जिंके
ऐसी अक्षरें रसिके मेळवीन
असे आश्वासन ज्ञानेश्वरांनी दिले.

काही अभ्यासकांच्या मते इ.स. ७३९ मधील एका शिलालेखानुसार त्या काळी देखील मराठी भाषा वापरात होती. राजा गंगराय व त्याचा सेनापती चामुंडराय ह्यांचा त्यामधे उल्लेख आहे. ९ कोटि जनतेची मातृभाषा इतकी जुनी परंपरा टिकवून आहे. नंतरच्या काळातील संदर्भ द्यायचे झाले तर ८ मे १८१६ मधे दुसरा बाजीराव व एलफिन्स्टन यांच्यात ४० मिनिटें मराठीतून चर्चा झाली.१८६५ साली तत्कालीन राज्यपालांनी ९० मिनिटें मराठीतून भाषण केले. असा भव्य दिव्य इतिहास लाभलेल्या भाषेच्या कौतुकासाठी आपण सर्वजण सानंद जमलो आहोत.

लाभले आम्हांस भाग्य बोलतो मराठी
जाहलो खरेच धन्य ऐकतो मराठी
धर्म पंथ जात एक जाणतो मराठी
एवढया जगात माय मानतो मराठी

मराठी भाषा समृद्ध करण्यामध्ये एका क्रांतिकारकाने फार मोठी मोलाची कामगिरी बजावली आहे. ते म्हणजे स्वातंत्र्यवीर विनायक दामोदर सावरकर. त्यांची कामगिरी अमोल आहे, विस्मयकारी आहे. सर्वस्पर्शी बुद्धीवाद, युक्तिवाद म्हणजे सावरकर. आज स्वा. सावरकरांची पुण्यतिथी आहे.खरे तर ह्या दिवसास प्रायोपवेशनदिन म्हटले पाहिजे कारण सावरकरांनी तसे करून देहत्याग केला.

सावरकर म्हटले म्हणजे सर्वसाधारणपणे प्रथम स्मृतीत येते अंदमानात कष्ट झेलणारे, मार्सेलिस बंदरात आगबोटीतून उडी घेणारे वा ने मजसि ने हे काव्य रचणारे क्रांतिकारक. पण त्यापलीकडेही बरेच काही आहे.

ते वयाच्या सहाव्या वर्षी बुद्धीची चुणुक दाखविणारी वेगळीच आसामी होते. एकदा इतिहासाच्या एका पुस्तकाची पहिली काही पाने उपलब्ध नव्हती. ते पहाता,

इतिहासाचे पहिले पान न मिळणे कधीं पाहायातें
आरंभ तुझा दुसऱ्या पानापासूनि' शाप हा यातें

अशा काव्यपंक्ती त्यांना सुचल्या. एवढया लहान वयात ही प्रगल्भता अभावाने आढळते ती सावरकरांकडे निसर्गतःच होती. वयाच्या दहाव्या वर्षापासून वृत्तपत्रात त्यांच्या कविता प्रसिद्ध होऊ लागल्या. संपादकास माहीत नव्हते की प्रौढ बुद्धीच्या दहा वर्षाच्या मुलाच्या ह्या कविता होत्या. सोळाव्या वर्षी शस्त्रधारी दुर्गामातेच्या मूर्तीसमोर सावरकरांनी प्रतिज्ञा केली की 'भारतमातेच्या विमोचनासाठी सतत प्रयत्न करीन, झगडत राहीन. हुतात्मा चापेकरांचे कार्य पूर्ण करण्यासाठी माझ्या जीवनाची ,सर्वस्वाची आहुती देईन. तिला स्वातंत्र्य व श्रेष्ठत्व प्राप्त करून देईन'. शिवाजी महाराजांनी देखील वयाच्या सोळाव्या वर्षी स्वराज्य स्थापनेचे व'त घेतले होते. जोसेफ मॅझिनीने सतराव्या वर्षी राजकारणात प्रवेश केला. सावरकार ह्याच पंक्तीत बसणारे होते. १९०१ साली व्हिक्टोरिया राणीच्या निधनाचे निमित्त दुःख व्यक्त करणारी व राजे एडवर्ड ह्यांचे बाबत निष्ठा व्यक्त करणारी एक सभा भरविण्यात आली होती. सभेत अध्यक्ष म्हणाले, एडवर्ड हे आपले खरोखरीच बाप होत! दुसरे दिवशी भित्तीपत्रके लागली 'मग तुमचे वडील तुमच्या मातुःश्रींचे कोण? अर्थात् ह्यामागे कोण होते हे सांगण्याची आवश्यकता नाही. असा तडफदार स्वभाव बालपणापासूनच होता.

सावरकर किती गोष्टीत पहिले होते हे पाहून नेत्र विस्फारतात. झुंजार वृत्ती कशी असावी ह्याचं मूर्तिमंत उदाहरण म्हणजे सावरकर. वानगीदाखल काही गोष्टी पाहूया,

१. ब्रिटिश सरकारचे अनुदान मिळत असलेल्या महाविद्यालयाच्या वसतिगृहातून काढून टाकण्यात आलेले पहिले विद्यार्थी म्हणजे सावरकर.अपराध काय तर देशभक्ती व्यक्त केली.

२. विदेशी कपडयांची होळी करणारा पहिला भारतीय विद्रोहक भारतप्रेमी म्हणजे सावरकर. ७ ऑक्टोबर १९०५ रोजी पुण्यात हे घडवून आणले टिळक आदी प्रभृतींच्या उपस्थितीत. आजही ह्याची आठवण सांगणारे स्मारक पुण्यात कर्वे रस्त्यावर पाहावयास मिळते. पण त्या वेळी ह्या होळीची निर्भत्सना एका माणसाने द.अफ्रिकेत बसुन केली व स्वतः १७ वर्षांनी तेच केले आणि मग त्या होळीवर कोणी कोणी आपली पोळी भाजुन घेतली ते आपल्या लक्षांत आले असेल.

३. 'सम्पूर्ण राजकीय स्वातंत्र्य हेच भारताचे उद्दीष्ट' हे उच्चारणारे पहिले भारतीय राजकीय नेते सावरकर.

४. 'विशिष्ट विचारसरणी' व्यक्त केली म्हणून बॅरिस्टर पदवी ब्रिटिश सरकारने नाकारली असे पहिले बॅरिस्टर म्हणजे सावरकर

५. देशभक्ती दाखविली म्हणून पदवी काढून घेतली असे भारतीय विद्यापीठातले पहिले विद्यार्थी म्हणजे सावरकर.

६. भारताच्या स्वातंत्र्य प्रश्नाला आंतरराष्ट्रीय महत्त्व मिळवून देणारे पहिले नेते सावरकर.

७. आंतरराष्ट्रीय क्रांतिकारकांच्या मदतीने त्यांनी बॉम्ब बनविण्याचे एक पुस्तक लिहिले होते. बॉम्बचे सोप्यात सोपे तंत्रज्ञान सांगणारे ह्यासारखे दुसरे पुस्तक नाही असा निर्वाळा ब्रिटिश अधिकारी 'जे.एम.रश.' ह्यांनी दिला होता. शत्रूनीसुद्धा ज्याच्या पुस्तकाला दाद द्यावी असा क्रांतिकारक म्हणजे सावरकर.

८. ज्याचे ग्रंथ छापण्यापूर्वीच त्यावर दोन देशांनी जप्ती लागू केली अशा ग्रंथाचे निर्माते म्हणजे सावरकर. '१८५७ चे स्वातंत्र्यसमर आणि जोसेफ मॅझिनी चे चरित्र'. पहिला, क्रांतिकारकारकांची भगवद्गीता ठरला तर दुसऱ्याची सव्वीस पानी प्रस्तावना असंख्य तरूणांनी मुखोद्गत केली. '१८५७ चे स्वातंत्र्यसमर'च्या १९४७ पर्यंत सात आवृत्त्या गुप्तपणे प्रकाशित झाल्या होत्या. त्यातील एक सुभाषचंद्र बोसांनी तर दुसरी हुतात्मा भगतसिंगाने केली होती. ह्या ग्रंथाबाबत बोलावे तेवढे थोडे आहे. स्वातंत्र्योत्तर काळात एका बंगाली लेखकाने ह्याच विषयावर लेखन केले पण मूळ ग्रंथाहून अधिक काही मांडू शकला नाही. तसे पाहता कार्ल मार्क्स ने १८५७ बाबत पहिले पुस्तक लिहिले पण सावरकारांच्या इतके अपूर्व यश कोणाच्याही पुस्तकाला मिळाले नाही. इतकी धग इतर कुठल्याच पुस्तकात नव्हती. ब्रिटिश सरकार इतके कुणाला कधीच घाबरले नसेल.ज्याचे जवळ हे पुस्तक तो निश्चित क्रांतिकारक असे समीकरणच ब्रिटिशांनी बनवून टाकले होते.

९. मदनलाल धिंग्रां चे शेवटचे विचार सावरकरांनी लिहून दिले होते व ते 'लंडन टाईम्स' मधे प्रकाशितही झाले होते. चर्चिल सारखा इंग्रजीचा पंडीत म्हणतो, देशभक्तीने भरलेले ह्याच्याइतके दुसरे सुंदर लिखाण इंग्रजीत नाही ! अशी दाद मिळविणारे आणि इंग्रजीवर प्रभुत्व असणारे केवळ सावरकरच.

१०. एका हरिजनास कीर्तनकाराचे स्थान देऊन त्याला पाया पडणारा समाजसुधारक केवळ सावरकरच. इतिहासात असे दुसरे उदाहरण नाही.

११. ब्रिटिश न्यायालयाचा अधिकार उघडपणे अमान्य करणारे पहिले बंडखोर नेते सावरकर होय.

१२. हेगच्या न्यायालयात आंतरराष्ट्रीय अभियोग अर्थात् खटला ज्याचा गाजला असे पहिले राजकीय बंदीवान म्हणजे सावरकर.

१३. अर्ध्या शतकाची जन्मठेपेची शिक्षा दिले गेलेले पहिले राजकीय बंदीवान म्हणजे सावरकर.

१४. काव्य करायचे, काटया-खिळयांनी दगडी भिंतीवर लिहायचे, मग ते पाठ करायचे अशा प्रकारे दहा सहस्रहून अधिक ओळींचे काव्य करणारा दुसरा कवी ह्या जगात अजून झाला नाही.

छाती दडपून टाकणारा पराक्रमी पुरूष होता हा.ह्याला अपूर्व पराक्रम म्हणायचे नाही तर काय म्हणायचे?

ज्याच्या घरावर जप्ती आली तेव्हा चुलीवरची भांडीसुद्धा उचलुन नेली गेली. एक चष्मा व अंगवरची वस्त्रे काय ती ठेवली ब्रिटिशांनी. असा क्वचित्च एखादा स्वातंत्र्यसैनिक असेल. भारताच्या ध्वजामधे धर्मचक्राचा समावेश सावरकरांमुळे झाला अन्यथा चरखा घालण्याचे योजिले जात होते. भारताच्या सीमा सुरक्षित करणे अत्यावश्यक आहे असे सावरकरांनी १९४७ सालीच निक्षून सांगितले. पण आपण भ्रामक समजुतीत वावरलो, तिन्ही बाजूने समुद्र एका बाजुने हिमालय हे नैसर्गिक तटरक्षक आहेत. हेच टुमणं चालु ठेवलं आणि १९६५ चे चीनचे आक्रमण सोसावे लागले. अहो आता तरी आपण जागे कुठे झालोय अजमल कसाब' समुद'मार्गेच आला ना! पहा किती सुरक्षित सीमा आहेत आपल्या! कारगीलची कथाही हेच दर्शविते. सावरकर द्रष्टे होते पण आपण त्यांना ओळखले नाही हेच खरे.

ह्या माणसाचे मराठी भाषेतील योगदान ही तितकेच उत्तुंग आहे.तिथेही क्रांतीच घडवून आणली. शिवाजी महाराजांनी २००० शब्दांचा राजव्यवहार कोश घडवुन घेतला. पूर्वी पासूनचा प्रघात म्हणजे एखाद्या नव्या राजाची राजवट आली की तिथले संगीत, कला, भाषा, संस्कृती, आचार विचार सगळं बदलण्याचा जाणीवपूर्वक प्रयत्न केला जात असे. शिवाजी महाराजांच्या काळात अनेक सरकार दरबारी फारसी भाषा चाले. त्या जागी मराठी शब्द वापरले जावे म्हणुन महाराजांनी हा खटाटोप केला. सावरकरांनी स्पष्ट म्हटले की आम्ही ते कार्य पुढे चालु ठेवले. १९२२ पासून सावरकरांनी सर्व भाषांच्या शुद्धीचा आग्रह ठेवला फक्त मराठीचा नव्हे.

सावरकरांची साहित्यनिर्मितीही विपुल आहे. आपण त्याचा थोडासा आढावा घेऊया

कादंबऱ्या : काळे पाणी ,मोपल्यांचे बंड

नाटके : उःशाप (अस्पृश्यतानिवारणावरचे), सन्यस्त खड्ग (बुद्धावरचे), उत्तरक्रिया

कविता अथवा गीते : जयोस्तुते ,हे सदया गणया तार , हे हिंदु शक्ती संभूतदिप्ती तमतेजा,शतजन्म शोधताना इ.

काव्ये : कमला, सप्तर्षी, गोमंतक, बेडी, कोठडी, विरहोच्छ्वास, महासागर ,रानफुले सारखी बृहत्काव्ये

आत्मचरित्र : माझी जन्मठेप,माझ्या आठवणी आणि असंख्य लेख. वर्णन करावे तितके थोडे आहे.

ते प्राप्त परिस्थितीमुळे क्रांतिकारक झाले हृदयातील ओढीमुळे नव्हे. फक्त साहित्यिक झाले असते तर अजुन किती काय काय निर्माण करू शकले असते. त्या काळच्या सर्व साहित्यिकांना सर्वाथाने मागे टाकले असते.

१९३७ साली सावरकरांची स्थानबद्धतेतून सुटका झाली तेंव्हा रत्नागिरीहून कोल्हापुर मार्गे मुंबईला आले. कोल्हापुरात 'हंस पिक्चर्सचा' चित्रपट पहाताना सावरकरांनी चित्रपटगृहात 'इन' 'आऊट' चे फलक पाहिल्यावर विचारले की हे मराठीत का नाही. त्या मालकाने सूचना तत्काळ मान्य केली. इतके सावरकर जागरूक होते भाषाशुद्धीविषयी. सावरकरांनी रूढ असलेल्या फारसी, उर्दु, इंग्रजी शब्दांना अगणित मराठी प्रतिशब्द सुचविले. जसे–आयुक्त, लोकसभा, राज्यसभा , महापौर, सभागृह ,ग्रंथालय, वाचनालय, वायुसेना, नौसेना, दूरदर्शन, हुतात्मा, संसद, ध्वनिक्षेपक, अर्थसंकल्प, मंत्री, सचिव, महाविद्यालय, विधी, विधीमंडळ, नभोवाणी, कलामंदीर, टपाल, प्रमाणपत्र, क्रमांक,दिनांक असे असंख्य शब्द नुसते सुचविले नाही तर रूढ केले. एवढी चर्चा केल्यानंतर काहींचे म्हणणे असू शकते की ठीक आहे तो काळ वेगळा होता. आता 'ग्लोबल व्हिलेज' चा काळ आहे. जग इतकं पुढे गेले आहे की ह्या सगळ्याचा विचार करायला वेळ कुठे आहे. भाषा हे फक्त विचार व्यक्त करायचे माध्यम आहे. मग भाषाशुद्धीचा, मराठीचा एवढा आग्रह कशासाठी? हा विचार कदाचित् बरोबरही असेल पण आपण जी भाषा बोलतो ती तरी शुद्ध असावी की नाही? मग ती मराठी असो वा अन्य कुठलीही. इंग्रजीतील स्पेलिंगविषयी आपण काटेकोर असतो मग मराठीविषयी का नसावे? इंग्रजीतल्या 'वुड' चा उच्चार 'वुल्ड' करणाऱ्याला हसतो मग,

ते पेन न म्हणता तो पेन
केसं कापली, बुटं घातली
पेन भेटला का?

हे आपल्या कानांना का खटकत नाही? अहो भेटणं सजीवांचं असतं, निर्जीव वस्तु सापडतात, गवसतात.देवाच्या दर्शनाला, संतांच्या दर्शनाला जातात, मित्राच्या भेटीला जातात. क्रिया तीच पण भाव वेगळा म्हणून शब्द वेगळा. हेच तर भाषेचं सौदर्य असतं.

मला आजही बहिर्गोल भिंग, आंतर्गोल भिंग म्हटल्यावर जितकं चटकन समजतं तितकं concave, conve म्हणल्यावर क्षणभर का होईना विचार करावा लागतो. Dis-

tribution च्या जागी 'वाटप' हा किती सोपा शब्द आहे. अवरारपीं च्या जागी 'आडमुठा' असे किती तरी सोपे शब्द वापरता येतात. पण आपण सवयीचे चाकर बनलेले आहोत. हा फक्त सरावाचा प्रश्न आहे. सावरकरांच्या तिखट आग्रहामुळे निदान एवढे शब्द वापरात आले नाही तर गायत्री मंत्र सुङ र ल ल व मधे गायची वेळ आली असती.असे म्हणता येईल,

माझ्या मराठीची थोरी (थोरवी) नित्य नवे रूप दावी
अवनत होई माथा मुखी उमटते ओवी

माझा कार्यालयीन कामानिमित्त देशोदेशीच्या लोकांशी संबंध येतो. चिनी, जपानी, कोरियन, तुर्की, स्वीडीश, नॉर्वेजियन अशा असंख्य लोकांना धड इंग'जी येत नाही. पण ते कामकाज निभावुन नेतात. ही मंडळी स्वतःच्या भाषेचा सार्थ अभिमान व्यक्त करताना पहावयास मिळते. मग आपणच का मागे राहावे? 'फ्रक. एच. कॅलन' आपल्या 'एक्सलन्स इन इंग्लीश' ह्या पुस्तकात म्हणतो की आपल्या मातृभाषेचे शुद्धत्त्व नि वैशिष्टय अबाधित टिकविण्यासाठी आपण कसोशीने प्रयत्न केले पाहिजेत. इस्त्रायल मधे आजही हिब्रू भाषा जतन करण्याचे सर्व प्रयत्न सुरू आहेत.भाषेच्या आग्रहामुळे ह्यातील एक तरी देश मागे आहे का? बूट, टेबल, जिलभी, बस, रेल्वे ह्यासारखे शब्द जसेच्या तसे घेण्यास काहीच प्रत्यवाय नाही असे उदार विचार सावरकरांनी व्यक्त केले होते. आजच्या काळास अनुसरून संगणकासंबंधी इंग्रजी शब्दच बऱ्याचदा सोयीचे ठरतील.लो.टिळकांनी सुद्धा भाषाशुद्री संबंधी असे म्हटले होते की पीठात मीठाइतकेच परकीय शब्द असु द्या नाही तर भाकरीची चंव जाईल.

आपला निष्काळजीपणा हेच भाषेच्या अवनतीचे कारण आहे किंवा इतर भाषांचे अवाजवी महत्त्व, अवडंबर आपणच माजविले आहे.पण ह्याचे दूरगामी परिणाम गंभीर होतील. मध्यंतरी माझ्या कानावर आले की एकाने मुलीचे नांव 'श्लेष्मा' तर मुलाचे नांव 'कृतांत' ठेवले. अहो 'श्लेष्मा'म्हणजे सरदी झाल्यावर नाकात जमा होणारा त्याज्य पदार्थ आणि 'कृतांत'म्हणजे 'यम' मृत्युची देवता. अशा बापाला काय मग यमाचा रेडाच म्हणावे लागेल.उद्या एखादीचे नांव 'शौंडिकी' ठेवतील. 'शौंडिकी' म्हणजे दारू विकणारी स्त्री. प्रसारमाध्यमांनी आणि दूरदर्शनवरच्या मालिकांनी तर भाषेची जागोजागी हत्या करण्याचे कंत्राटच घेतलंय जणु

अमुक तमुक जाहीरात जनहितात जारी
मी पेपर हँडओव्हर केला तेंव्हा मला इतकं हेडएक होत
लहानपणी आपण म्हणायचो रेडी का?
फादरनी गेस्टना रिसीव्ह केले. वाईफची हेल्थ जरा बिघडली
He said की he is going out

ही असली धेडगुजर भाषा होत चालली आहे.ह्या उहापोहाचा कुणी असा अर्थ काढु नये की फक्त विशिष्ट भाषाच श्रेष्ठ असल्याचा होरा आहे. जी भाषा वापरायची आहे ती शुद्ध असावी. संस्कृत सुभाषितकार म्हणतात त्याप्रमाणे 'व्याकरणाविना भाषा, फुटलेल्या नौकेतून प्रवास आणि पथ्याविना औषध हे करण्यापेक्षा न करणेच योग्य'.

आचार्य अञ्यांशी एकाने भाषाशुद्धी, व्याकरण वगैरे विषयी वाद घातला. अञ्यांनी त्याच्या बायकोसमोर म्हटले, तू माझी बायको मी तुझा नवरा चला जाऊ सिनेमाला. हे ऐकल्यावर त्या बाई खवळल्या. तेंव्हा ते म्हणाले, अहो मी वावगं काहीच बोललो नाही. तू ,माझी बायको, मी ,तुझा नवरा चला जाऊ सिनेमाला. मराठीत गाडी बिघडली तर आपण म्हणतो 'बंद' आहे आणि पोरगी बिघडली तर म्हणतो 'चालु' आहे.ही आहे मराठी भाषेतली गंमत.

आपण आत्ताच जागे नाही झालो तर पुढची पिढी 'लोकलगाडया'चा उच्चार लोक लगाडया, 'सुकन्या' चा उच्चार 'सुक् न्या' करू लागली तर नवल वाटायला नको. हे सर्व थांबवायचे असेल तर सावरकरांनी मांडलेली आग्रही भूमिका पुन्हा अंगीकारावी लागेल. तसे न केल्यास कधीतरी जर्मनीसारखा देश आपल्याला आपलीच भाषा संशोधन करून शिकवेल.मराठीची सर्वोच्च पदवी त्यांच्या विद्यापीठातून घेण्याची वेळ येईल. प्रश्न आहे आपल्या जागरूकतेचा.

समारोपात एवढेच म्हणतो
जुन्याचे अति भक्त ते हट्टवादी
नव्याचे अति लाडके ते शुद्ध नादी
खरे सार शोधोनिया नित्य घ्यावे
प्रमाणामध्यें सर्व काही असावे.

जुन्याचा भक्कमपणा नव्याचा चकचकीतपणा घ्यावा, प्रगतीच्या वाटेवर भव्य परंपरेचा विसर पडु देऊ नये इतकचं!

जय हिंद,जय महाराष्ट्र !