ISSUE #1

PGCL NEWSLETTER

30 January 2025

THE BRIEFCASE

Here's what has happened in the last month and what's to come!

Welcome to the very first edition of our monthly legal newsletter! A project born out of late-night brainstorming, copious amounts of caffeine, and a healthy dose of "*what-have-we-gotten-ourselves-into*" panic (kidding... or are we?). Crafted by a team of enthusiastic college students, who somehow found time between assignments and existential crises. This newsletter is your one-stop shop for all things legal, social, and a little bit of fun!

Each month, we'll bring you bite-sized summaries of important legal topics, landmark judgments that shaped the law (without the sleep-inducing legal jargon), bold opinions on socio-legal issues, fun games to test your legal know-how, exciting advertisements about upcoming events, and a sprinkle of surprises we can't spoil just yet. All of this is curated under the wise (and patient!) guidance of our professor, who somehow keeps us from turning this newsletter into a meme fest.

Now, why "***The Briefcase***," you ask?, our newsletter is packed with all the essentials you need—sharp insights, compelling arguments, and even some playful surprises (minus the paperwork mess). We are here to ensure that your lawyer's briefcase is packed and ready to go. From the binder to the post-its, we will not let you leave anything behind. We wanted a name that reflects utility, versatility, and just a hint of mystery because, let's face it, who doesn't love the drama that unravels on a lawyer's briefcase being opened?

So, buckle up, dear reader, because we're here to make law a little less intimidating and a lot more engaging. Stick around; there's something in here for everyone, whether you're a legal eagle or just here for the games. Let the journey begin!

The Editorial Board x

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THE BINDER

Your essential collection of the latest legal updates, neatly organised for a quick reference.

Applicability & Scope of S. 94 BNSS [S. 91 CrPC]

In a criminal trial, evidences and documents play a very critical role. The process of investigation can be misguided if the authorities fail to gather relevant and important documents that might affect the case grossly. Thus, it is necessary to devise a procedure to gather those relevant and important documents to carry out a fair and transparent investigation. During the investigation of a criminal case by the police or in a court proceeding there might be a stage wherein a certain document or material facts crucial to the case are required however, the same cannot be obtained without the court's assistance.

In such a situation Section 91 of the Code of Criminal Procedure, 1973, now replaced by Section 94 of the Bhartiya Nagarik Suraksha Sanhita, 2023 comes to the rescue wherein the court is empowered to issue summons for the production of the documents or things in possession of a person, related to the matter. The provision outlines the procedure for courts or police officers to summon individuals to produce documents or items necessary for investigations or proceedings. The provision allows for the issuance of summons in both physical and electronic forms and specifies that individuals may comply by providing the requested items without needing to attend in person. It also clarifies exceptions regarding certain legal documents and postal authorities. The provision can also be invoked by an accused however, the provision bears inherent limitations and can only be invoked at the right stage of the trial in order to get the desired effect. The Hon'ble Supreme Court has time and again reiterated the limitations and scope of Section 94 of BNSS (then section 91 of CrPC).

On a bare reading of the provision, it might appear that the provision confers wide and unlimited power for the production of any document. However, in the landmark case of ***State of Orissa v. Debendra Nath Padhi [(2005) 1 SCC 568]*** the Supreme Court elaborated on the scope of the provision.

The Hon'ble Court stated that when the section talks of the document being necessary and desirable, it is implicit that necessity and desirability is to be examined considering the stage when such a prayer for summoning and production is made and the party who makes it whether police or accused. The width of the powers of the provision is unlimited but there is an inbuilt inherent limitations as to the stage or point of time of its exercise, commensurately with the nature of proceedings as also the compulsions of necessity and desirability, to fulfill the task or achieve the object. The jurisdiction under Section 91 of the Code when invoked by the accused the necessity and desirability would have to be seen by the Court in the context of the purpose - investigation, inquiry, trial or other proceedings under the Code. It would also have to be borne in mind that law does not permit a roving or fishing inquiry.

Thus, Section 94 does not confer any right on the accused to produce documents in his possession to prove his defense. Section 94 presupposes that when the document is not produced process may be initiated to compel production thereof.

- Bhavya Dubey
Student, 4th Year

S. 94 *of* BNSS VERBATIM :

(1) Whenever any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices which is likely to contain digital evidence or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Sanhita by or before such Court or officer, such Court or officer may, by a written order, either in physical form or in electronic form, require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order.

(2) Any person required under this section merely to produce a document, or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

THE BINDER

Your essential collection of the latest legal updates, neatly organised for a quick reference.

Role & Significance of CoC under IBC, 2016

The introduction of Insolvency and Bankruptcy Code in 2016 (IBC/Code), evolved the bankruptcy laws in India. The creation of Committee of creditors which is the powerhouse of Corporate Insolvency Resolution Process (CIRP). This article, delves into role and significance Of Committee of creditors (CoC). Under regulation 21 of the code, the Committee of Creditors is formed by interim resolution professional and it consist of all financial creditors, who are given priority under CIRP. Company's Resolution Plan is executed according to instructions of CoC members. Given their key responsibilities under the Code, the objectivity of the CoC in its decision making and its ability to best address the interests of the CD as well as all other concerned stakeholders is as important as the rescue of the CD itself.

The Role of CoC -

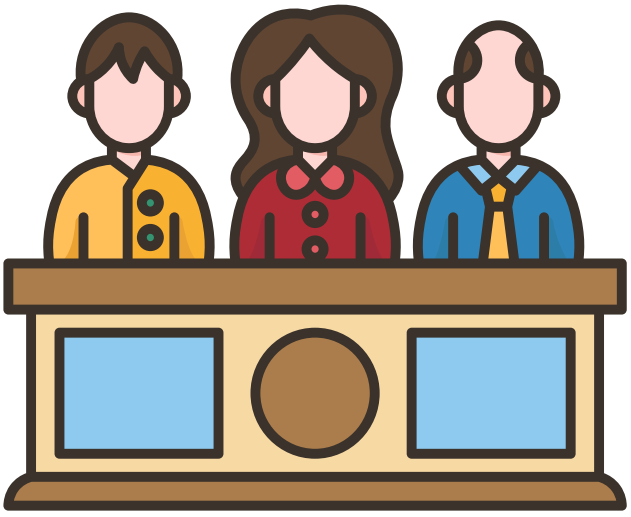
The CoC is supreme decision-making body during CIRP. All the major decisions about the company are taken with the approval of the committee of creditors. Committee of creditors can decide whether or not to restore the corporate debtor by accepting any resolution plan. Committee of creditors confirms the interim resolution professional as resolution professional or can replace the insolvency professional as resolution professional as by vote of 66% [S. 22(2) IBC]. Once the CoC approves a resolution plan with the requisite majority, the RP is bound to place the same before the Adjudicating Authority (AA) for its approval [S. 30(6) IBC]. Supreme Court (SC) discussed the aspect of approval or rejection of resolution plan by the CoC in detail and very clearly stated that 'the Adjudicating Authority cannot interfere on merits with the commercial decision taken by the CoC.' (***K Shashidhar v. Indian Overseas Bank and Ors.,*** Civil Appeal No. 10673/2018) It is the commercial wisdom of the majority of creditors to determine, through negotiation with the prospective resolution applicant, as to how and in what manner the CIRP is to take place. This includes determining the 'feasibility and viability' of a Resolution Plan as well.

The Significance of CoC -

The CoC has the power to decide the fate and functioning of the corporate debtor and to take all important decision of the interest of the company. The CoC's role in evaluating and approving the resolution plan ensures that the plan maximizes the value of the corporate debtor's assets. This ultimately benefits all creditors by maximizing their potential recoveries. The CoC plays a vital role in promoting corporate restructuring and revival. By approving viable resolution plans, the CoC can help distressed companies return to profitability and contribute to economic growth.

Under IBC, Committee of Creditors has been vested with great responsibility and power for resolution of company under distress. The committee of creditors decreases a company's financial risk, and the creditors are given complete control over the corporate debtor's management, including the power to negotiate resolution plans. They are considered as commercial wisdom and empowers the future of the company. By playing such important role, CoC has significantly backed the objective of stronger bankruptcy regime in India.

- Shruti Mistry
Student, 4th Year



THE GAVEL

The strike of the mallet, in recent judgements, summarised for easy reading.

Sita Soren v. Union of India, 2024 INSC 161

On the 4th of March, 2024, the Supreme Court of India delivered a landmark decision in the matter of immunities, rights and privileges enjoyed by the members of Parliament as enshrined in the Constitution of India under Articles 105(2) and 194(2). This judgement was decided by a seven-judge bench to review the decision in the case of ***P.V. Narsimha Rao v. State [(1998) 4 SCC 626]*** and to determine the extent to which a Member of Parliament and Member of Legislative Assembly can claim immunity in matters concerning the affairs in both the Houses of Parliament.

Background -

An independent candidate allegedly bribed Sita Soren, a Jharkhand Legislative Assembly member from the Jharkhand Mukti Morcha (JMM) to vote for him in the Rajya Sabha elections. Ultimately, at the time of voting, she cast her vote for a JMM candidate in the open ballot system. A criminal charge was filed against her under the Prevention of Corruption Act, 1988 which deals with matters of corruption by public officials. Sita Soren argued that her acts enjoyed immunity under Article 105(2) and relied on the judgement of P.V. Narsimha Rao v State where it was held that a member of a House of the Parliament was not liable to be held accountable for any acts done by him in nexus to his speech or vote in the Parliament.

Procedural History -

The Jharkhand High Court held that Soren would not be able to claim immunity under Article 105(2). Soren later filed a Special Leave Petition in the Supreme Court. Therefore, to consider the facts of this case and review the judgement in - P. V. Narsimha Rao case, the case was eventually transferred to a seven-judge bench as the matter included a "substantial question of law".

Issues -

The question involved whether a Parliamentarian can accept bribes and claim immunity under Article 105(2) of the Constitution of India

Ruling -

The Supreme Court overruled the decision in P.V. Narsimha Rao citing the "paradoxical outcome" of the 1988 case and held that the longstanding principle laid therein was no argument to not overrule the decision. The Court further distinguished immunities held by Parliament collectively and individually and held that Articles 105(2) and 194(2) are applicable to collective functions and not individual actions. Further, a two-fold test was devised which states that in order to claim immunity, a Member of Parliament must ascertain that the act was to carry out a collective function of the House of Parliament and that such act was necessary for the discharge of one's legislative duties.

The purpose of the immunity granted under the Constitution is to encourage free speech and healthy democratic procedures, to ignite discussion and probity in the House without fear and for collective and smooth functioning of Parliament. The offence of taking a bribe by a parliamentarian are destructible to the essence of democracy and the Constitution. Obtaining, accepting or attempting to obtain bribes as under section 7 of the Prevention of Corruption Act, 1988 does not necessitate the actual performance of the offence and are liable to be prosecuted.

The Apex Court ruled that these are "Parliamentary privileges" under Articles 105 and 194 not "House" or "Legislative" Privileges and thus, would apply to both, the Rajya Sabha and Lok Sabha. Therefore, all acts done to carry out an individual function in either House can be brought into question in the court of law and the burden of proof lies upon the one claiming such immunity. The Court emphasized on the paramount importance of the sanctity of Parliament and held that offences such as bribery do not fall under the ambit to claim immunity under Parliamentary Privileges.

- Ms. Prisha Bhatt
Student, 4th Year

THE GAVEL

The strike of the mallet, in recent judgements, summarised for easy reading.

Central Organisation for Railway Electrification v. M/s ECI SPIC SMO MCML (JV), 2024 INSC 857

This judgement, decided on 8th November 2024, delivered by a Constitution Bench has laid down important principles with respect to unilateral appointment of Arbitrators in Public-Private contracts. Majority of the ratio was written by Chief Justice Dr. D. Y. Chandrachud, with inputs from JJ. Pardiwala and Manoj Mishra; JJ. Roy and Narsimha provided their partial dissenting and concurring opinions.

Background & Procedural History –

This case arose from a contractual dispute between the abovementioned parties. The Respondent's failure to fulfil its contractual obligation led the Central Organisation for Railway Electrification ('CORE') to initiate termination. Aggrieved by the same, the Respondent approached the Allahabad High Court wherein they were directed to take the route of Arbitration. The Respondent invoked Arbitration as per the General Conditions of Contract (GCC), which provided that CORE shall prepare a list for the Arbitration Panel, however, the Respondent preferred a S. 11 application before the Allahabad High Court. The High Court, by Order, rejected the contention of CORE that the Arbitrator shall be appointed only from the list in terms of the GCC and proceeded to appoint a retired Judge of a High Court. CORE thereafter approached the Supreme Court by way of Special Leave Petition, stating that the High Court had erred in making its decision. In December 2019, a 3 Judge Bench heard the SLP and set aside the Order of the High Court, stating that the Arbitrator had to be appointed as per the GCC. In 2021, a 3 Judge Bench of the Supreme Court, in ***Union of India v. M/s Tantia Constructions Ltd.*** disagreed with the view taken by the Supreme Court in the SLP and referred the same to a larger bench. In June 2023, the Supreme Court announced that this reference would be heard by a Constitution Bench, and therefore the present judgement.

Issues –

a. Whether an appointment process which allows a party who has an interest in the dispute to unilaterally appoint a sole arbitrator, or curate a panel of arbitrators and mandate that the other party select their arbitrator from the panel is valid in law?

b. Whether the principle of equal treatment of parties applies at the stage of the appointment of arbitrators?

c. Whether an appointment process in a public-private contract which allows a government entity to unilaterally appoint a sole arbitrator or majority of the arbitrators of the arbitral tribunal is violative of Article 14 of the Constitution?

Ruling –

The Majority Judgement – The majority were of the opinion that equal treatment is to be given to all parties at every stage of Arbitration proceedings, including appointment of Arbitrators. While PSUs could form Arbitration Panels, they cannot compel the opposing party to choose solely from these Panels. The majority held that allowing such unilateral appointments and clauses would raise concerns about the independence and impartiality of Arbitrators, and violate the equality principles. They further enumerated that such unilateral clauses, especially in public-private contracts were in violation of Article 14 of the Constitution while also highlighting that S. 18 of the Arbitration and Conciliation Act mandates equal treatment of parties and ensures they have a fair and reasonably unrestricted opportunity to present their case. The Supreme Court opined that the principles of natural justice, including the rule against bias and the right to be heard, are fundamental to arbitration proceedings.

THE GAVEL

The strike of the mallet, in recent judgements, summarised for easy reading.

The Supreme Court reaffirmed that the foundation of arbitration is party autonomy, which gives parties the ability to agree on how to settle their disagreements. In addition to stressing the value of fairness, the Supreme Court emphasized the independence and impartiality of Arbitration and held that no party may unfairly benefit from procedural rules or contractual clauses.

The Dissenting Judgement – J. Hrishikesh Roy disagreed with the use of Constitutional principles of equality in the context of Arbitration. He highlighted on the difference between 'ineligibility' and 'unilateral' appointments and explained that unilateral appointments are not inherently impermissible. According to him, not all unilateral appointments should be declared unlawful by the Courts. According to J. Narsimha, it is the Arbitral Tribunal, and not the parties, who is required to guarantee equality as per S. 18. He further warned against hastily deeming all unilateral appointments as null and void, stating that it was difficult to apply the theory of bias/prejudice at the appointment stage. Additionally, he pointed out that an arbitrator's impartiality is not always jeopardized by their simple relationship with the side that appointed them.

- Ms. Risha Patel
Student, 4th Year

"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

-Martin Luther King Jr.

THE COMMENTARY

Straight from the commentary box of our editorial board, curated reads to expand your legal mind.

OYO's new policy may be at the cost of rights

Published in The Hindu 16th Jan 2025

Starting January 2025, OYO has implemented new check-in policy in Meerut, where unmarried couples have to show proof of relationship before staying at its partnered hotels. The article notes the individual freedoms guaranteed by the Constitution and upheld by the Supreme Court of India as opposed to the conservative values of Indian society. It also highlights the historical branding of OYO hotel chains and questions the implementation of part III of the Constitution only against state.

I recommend this reading to fellow law learners to understand the constitutional rights associated with individual right of choice, privacy and equality. To raise questions about moral policing and how far law can save or implement such morals in the society, and lastly to think from the perspective of policy. Policy of state, policy of a corporate, and ramifications of discriminations in such policies by state or corporate. Overall this article will enhance readers understanding on law and ethics, and contemporary issues affecting individual rights.

OYO's new policy may be at the cost of rights

Payal Kapadia's award-winning film *All We Imagine As Light* depicts the journey of a young couple, Anu and Shiaz, struggling to find a private space. They may be fictional, but their problem certainly is not. Across the country, young people in pre-marital relationships have long found it difficult to come by privacy. This issue is likely to be exacerbated by policies such as the one recently implemented by OYO.

Last week, OYO announced that unmarried couples would be disallowed from accessing its partner hotels. The hotels have been given the discretion to implement this policy in accordance with local sensibilities. Going forward, all couples will be required to present 'valid proof of relationship' while checking in. Explaining the reason for its move, OYO stated that civil society groups and citizens had requested it to institute this rule.

Initially, the policy will apply only to hotels in Meerut, Uttar Pradesh, but reports suggest that OYO may expand its application to other cities. Beyond the practicalities of providing 'valid proof of relationship,' it is clear that OYO is encouraging partner hotels to discriminate against customers based on their marital status. The burning question, however, is whether those adversely affected by this policy may find legal redress either in the Constitution or otherwise.

In various decisions, the Supreme Court has recognised individuals' right to enter pre-marital relationships. In *Shafin Jahan vs Asokan K.M.* (2020), the court held that Article 21 of the Constitution includes the right of individuals to choose their partners 'whether within or outside marriage'. Similarly, in *Navtej Singh Johar vs Union of India* (2018), the court recognised the right of all individuals to physical, emotional, mental, and sexual companionship. Other decisions of the apex court have affirmed that the rights to privacy, dignity, and autonomy – emanating from Article 21 – mean that people have the freedom to engage in consensual, intimate, or sexual relationships and to cohabit with their partners if they choose. At their core, these decisions acknowledge the freedom to conduct oneself in a manner of one's choosing. For many unmarried couples, accessing hotel services is one way to exercise these rights. Individuals in pre-marital relationships apart, persons of different genders who are friends, colleagues, or cousins may also travel together and require OYO's services.

Under the constitutional scheme, fundamental rights enshrined in Part III of the Constitution are ordinarily enforceable against the State and its instrumentalities, not against non-State actors. In other words, citizens may seek constitutional remedies from courts when the State infringes upon their fundamental rights but not when a private party hinders their exercise. This is because constitutional rights are generally thought to apply "vertically" (i.e., against the State) and not "horizontally" (i.e., between private individuals or entities).

However, the Constitution contains three express provisions which depart from the traditional "vertical" model of rights: Article 15(2) stipulates that no citizen shall, on grounds only of religion, race, caste, sex, place of birth, or any of them, be prevented from accessing shops, public restaurants, hotels and places of public entertainment or using wells, tanks, bathing ghats, roads, and places of public resort funded by the State or dedicated to public use; Article 17 forbids the practice of untouchability; and Article 23 prohibits human trafficking and forced labour. In *Kaushal Kishor vs State of Uttar Pradesh* (2023), the Supreme Court travelled beyond this schema of horizontal rights by holding that the right under Article 21 could be enforced even against private parties.

While Article 15(2) would prevent OYO from denying its services to customers based on caste, religion, or the other grounds listed, it may not readily constitute a bar against discrimination on the ground of marital status. Separately, the effect of the decision in the Kaushal Kishor case remains to be seen – commentators have criticised it for being unclear, and in the absence of coherent and consistent jurisprudence on this subject, it is uncertain whether unmarried individuals can enforce their rights under Article 21 against OYO.

Apart from constitutional rights and remedies, statutes may provide a model for the exercise of fundamental rights in transaction between private parties. While some enactments confer certain rights on women irrespective of marital status, the time may have come for lawmakers to enact an anti-discrimination law which protects individuals (regardless of their gender) against discrimination based on marital status, in the private sphere.

The full and free exercise of our rights as citizens depends not only on State (in) action but on private actors – be it as a member of the public, a family unit, a business undertaking, or a corporation – creating the conditions for their exercise. This applies not only in the context of individuals in pre-marital relationships who may seek commercial services but also more broadly, say, to people who may wish to rent homes, who apply for employment in private establishments, or who make offers to purchase land - but are denied access on the basis of their marital status, caste, religion, sexual orientation, gender identity or other attributes.

The tyranny of the majority is often nowhere as evident as in the private sphere. An act may not meet with social approval but the Constitution guarantees our right to do it anyway. The law – regardless of the form it takes – must protect this right.

Spoorthi Cotha
Advocate based in Bengaluru

Beyond the practicalities of providing 'valid proof of relationship,' it is clear that OYO is encouraging partner hotels to discriminate against customers based on their marital status

If interested, you may -
Click here to read the Article

This Article is recommended by,
Ms. Kirti Minhas
Assistant Professor, PGCL

Online Gaming Platforms and Self-Regulation

Published in The Vidhi Legal Policy 6th Nov 2024

The blog examines the regulatory framework of India's online gaming industry. As this sector grows rapidly, it faces challenges like gambling addiction, financial risks, and unclear laws. The author, Shreyas Mishra, explores the role of self-regulation as a tool to tackle these issues and suggests that an innovative approach will be required in order to protect users. The blog highlights the recent developments in the legal framework, and examines the approach taken by the state and the central governments to tackle the complexities of this emerging industry. The underlying sentiment of the article is that of 'Striking a balance between regulation and innovation.' It highlights the ongoing debate between over-regulation, which may choke innovation, and under-regulation, which may compromise user safety and accountability. The blog also explores the broader implications of self-regulation, that may permit industry stakeholders to develop effective safeguards without excessive government intervention. However, it also raises relevant questions about the accountability and enforcement of self-regulatory mechanisms, particularly in the context of user rights and consumer protection. For anyone interested in the intersection of technology, law, and consumer rights, this blog offers an insight into the challenges posed by online gaming platforms. It provides ideas on how legal frameworks can adapt to this fast-evolving sector while ensuring a safe and fair environment for users

If interested, you may,
Click here to read the Article

This Article is recommended by,
Dr. Apurva Thakur
Assistant Professor, PGCL

THE BLACK & THE WHITE

A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

The Tyranny of the Anti-Begging Laws in India

'True compassion is more than throwing a coin to a beggar. It demands of our humanity that if we live in a society that produces beggars, we are morally commanded to restructure the society.'

~Martin Luther King

Begging is a universal issue that stems from complex, deep-rooted socio-economic issues like poverty, unemployment, lack of education, disability, or homelessness. According to the official government data, the number of beggars across the country is at least 400,000. Begging can be defined as the act of soliciting money, food or any other type of assistance from the public owing to the socioeconomic condition of the individual. Many individuals resort to begging due to extreme poverty and a lack of means to survive. In many cases, trafficking and exploitation force them into organized criminal networks. Beggars are trapped in a vicious cycle of survival, where their existence is often perceived as parasitic and regarded by the state as both a social nuisance and a criminal offense.

Begging in India is regulated by the Bombay Prevention of Begging Act, 1959, (The Act) which criminalized begging and authorized the detention of beggars in state-sponsored shelters. The Act has allowed the police to make arbitrary detentions, harassment, and arrests of vulnerable and disadvantaged groups Similar laws were adopted across various states, treating begging as a punishable offense.

This Act is rooted in colonial policy and focuses on criminalization rather than rehabilitation, perpetuating stigma and discrimination. A plain reading of the reflects the outdated view of the society, which perceives beggars as a societal annoyance that have a negative impact on the society at large. Unfortunately, this perception - continues, and to this day, beggars are routinely harassed, relocated banned and pushed out of sight to portray a beautiful and scenic place.

Multiple cities like Nagpur and Indore have banned begging and brought in executive orders criminalizing the act on the pretext of maintaining decorum and preventing nuisance. However, such measures are often superficial and elitist, done with an intention to remove beggars from public view rather than addressing the root causes of the issue.

Since begging is a part of the State List, many legislations passed by the States are modelled on the Prevention of Begging Act, 1959. These laws violate the fundamental rights of individuals and expose the failure of States in achieving the goal of a welfare state. By penalizing destitute beggars, these laws violate the principles of social and economic justice, as enshrined in the Constitution of India. They also contradict the state's constitutional obligations under Article 38(1), which mandates the promotion of welfare and the provision of social, economic, and political justice. The Constitution also directs the state to ensure sufficient livelihood for all citizens without gender discrimination. Yet, beggars remain deprived of livelihood opportunities and government assistance, highlighting grave neglect of these constitutional directives.

THE BLACK & THE WHITE

A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

Recently, The Delhi High Court in the case of ***Harsh Mander and Ors. Vs. UOI and Ors [AIR 2018 Delhi 188]*** has stated that the horrific anti-begging laws prevalent in the states and the union territories of India penalize and punish the downtrodden section of the society and are in the teeth of Fundamental Rights enshrined in the Constitution of India. The court, rightly declared the Bombay Prevention of Begging Act, 1959, as extended to Delhi, as unconstitutional and struck down the questionable provisions of the act.

Criminalizing begging violates the most fundamental rights of some of the most vulnerable people in our society. Despite this landmark judgment, the Bombay Prevention of Begging Act, 1959 is operative in other states and the governments have taken no action in light of the said judgment. The judgment has highlighted the unconstitutional nature of the Act and it must serve as a wake-up call for the government to repeal the law.

The correct approach to addressing begging lies in implementing schemes and policies at both the union and state levels aimed at uplifting this marginalized section of society. Poverty is the root cause of begging, and efforts must be made to address foundational issues such as lack of access to education, inadequate social protection, caste, gender and ethnic discrimination, landlessness, physical and mental disabilities, and social isolation due to old age. Existing schemes need to adopt a targeted strategy to resolve these underlying factors.

The Indian government may look to strategies adopted by countries that have successfully reduced poverty and homelessness. For instance, Finland introduced a 'Housing First' initiative, that prioritizes rental homes for homeless persons, while also addressing other issues like employment and mental health. Similarly, Brazil's 'Bolsa Familia' program offers conditional cash transfers for education and healthcare, helping to break the cycle of poverty. India must design inclusive policies that ensure access to basic resources, skills training, and livelihood opportunities to promote social equality.

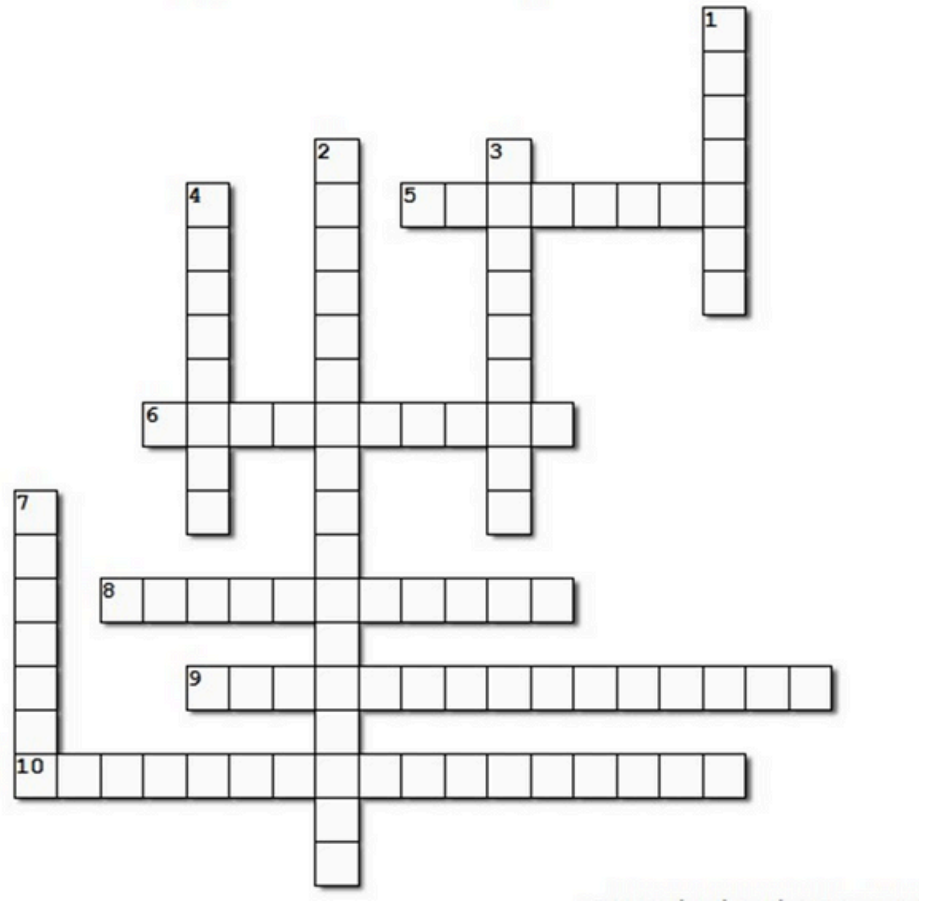
The present Act must be repealed for its oppressive and punitive nature. A law that will be effective would be one that is based on a rights-based model and focuses on the rehabilitation and upliftment of the downtrodden. Persons who have been forced into begging due to poverty cannot be blamed for their circumstances. The Bombay Prevention of Begging Act, 1959 dishonors the Constitutional principles and undermines the principles of humanity. Criminalizing beggars and penalizing them for actions born out of desperation reflects a failure of the state to fulfil its responsibility of ensuring access to fundamental needs like food and shelter.

- **Ms. Bhavya Dubey**
Student, 4th Year

THE WIG & THE WIT

Simple and fun puzzles to judge your wit!

Decoding 'Civil Wrongs' - A Crossword to Keep Your Mind Engaged



Across

5 Loud music plays from a neighbor's house at 1 am, this can be classified as _____

6 Defamation law protects the right of _____

8 Legal term for failing to do something that you are required to do.

9 The thing speaks for itself.

10 Gloucester Grammar School case is a leading case to describe _____

Tune in Next Month for the Answer Reveal!

Down

1 Intentional or reckless act of causing harmful or offensive physical contact with another person.

2 Rylands versus Fletcher laid down the principle of _____

3 Master servant liability is also called _____

4 Rule holds a defendant liable for a victims injuries even if it was the victim's pre existing condition that made him or her predisposed to serious injury.

7 The pigeon whole theory was given by _____

THE CAUSELIST

The Newsletter's schedule for all things high and happening at the Pravin Gandhi College of Law.

The 13th edition of the Nyayavalokan Trial Advocacy and Judgment Writing Competition for the year 2024-2025

Date:

6th February to 9th February 2025.

For More;

https://www.mootcourtsocietypgcl.com/copy-of-national-trial-advocacy

PGCL CCR, in collaboration with the Association of Mediation Practitioners, is organizing an Inter-City Mediation Competition 2025, Resolving disputes through dialogue. Total prize pool of Rs. 1,00,000/-

Date:

15th February and 16th February, 2025

For More:

https://drive.google.com/file/d/1R1-t85AybKYked1_1aF1M2LLZ7yyE5hA/view

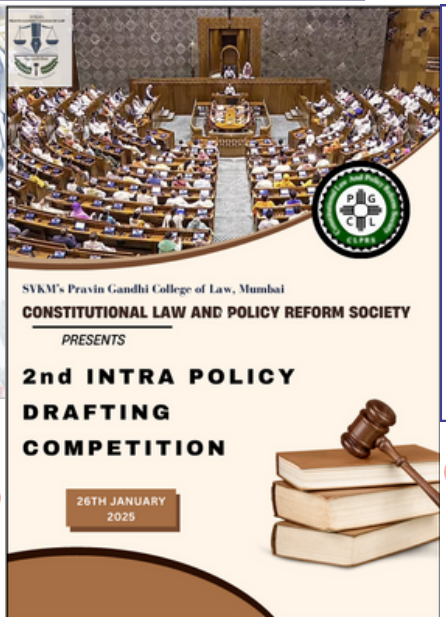
Get ready for the Grand Alumni Meet, organised by the Alumni Association, where we connect, inspire and engage.

Date:

22nd February, 2025

For More:

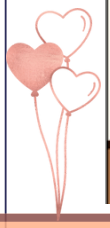
https://www.linkedin.com/events/grandalumnimeet7284832056612732929/

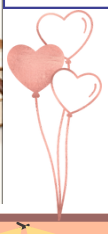


2nd Intra Policy Drafting Competition organised by Constitutional Law and Policy Reforms Society. this competition provides an unparalleled opportunity for participants to delve into the intricate world of policy formulation and legislative drafting.

Date:

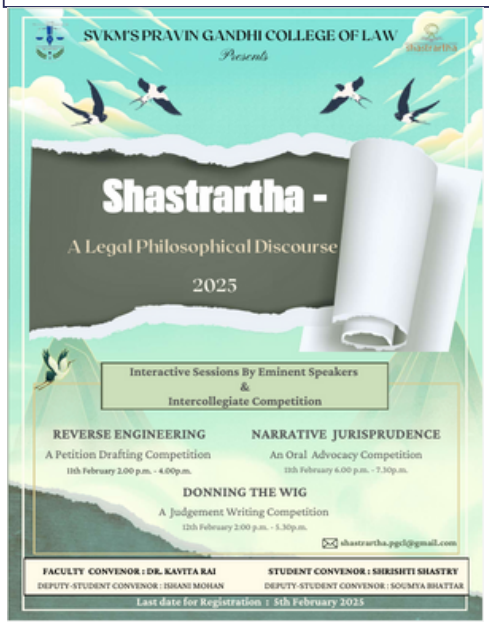
25th February, 2025





Marathi Diwas Celebration

27th February, 2025



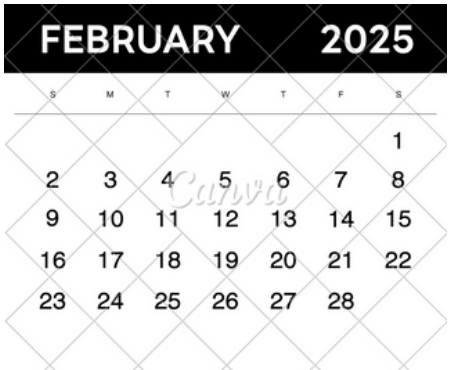
Shastrartha 2025 is one of a kind legal-philosophical discourse that seamlessly bridges academia and industry. It Offers Students an unparalleled opportunity to engage with experts from diverse fields.

Date:

11th February to 12th February, 2025

For More:

https://pgcl.ac.in/Common/Uploads/HomeTemplate/WNDoc_Shastrartha%2025%20Brochure..pdf



THE POST-ITS

Did you know?

Sticky Notes to tack up some fun legal facts.

The Berhampur Bank Case is one of the oldest and longest cases in India. Filed in 1951 for liquidation of the Berhampur Bank, the case was finally disposed off in January 2023 after 72 years of litigation, by the Calcutta HC

Did you hear about the man who sued an Airline company after it mislaid his luggage. Sadly, he lost his case.

In Switzerland, after 10pm it is illegal to slam car doors, wear high heels in your apartment or flush the toilet because it could disturb the neighbours. This statutory "Nachtruhe" (Night Rest) applies from 10pm – 6am

Until Next Time...

As we close this issue of '*The Briefcase*', we want to thank you for flipping through these pages and joining us on this exciting journey. We hope this edition added a spark of curiosity, a pinch of knowledge, and maybe even a smile to your day.

But don't worry, this is just the beginning. Next month, we'll be back with more legal insights, fresh opinions, exciting games, and surprises to keep you coming back for more. We're just getting started, and there's so much more we can't wait to share with you!

So, until we meet again, stay curious, stay inspired, and keep questioning the world around you. Remember, *The Briefcase* is always here to pack your mind with the essentials. See you in next month's issue—trust us, you won't want to miss it!

With gratitude,
The Editorial Board

This month's issue is brought to you by: -

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Thank you for reading!

We'd love to hear from you! Share your thoughts, ideas, or suggestions to help us make this newsletter even better. Tell us what you loved or what you'd like to see in our next edition!	Click here to provide feedback Contact Info: Email - pgcllawreview@gmail.com Website - https://pgcl.ac.in/