

UNIVERSITY OF MUMBAI LAW ACADEMY (UMLA)



(Formerly known as University National Law School)



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(2018)**



Room No. 209, Fort Campus,
Fort, Mumbai - 400032
Tel : 022 - 22708725
Email : unlsmumbai@gmail.com

Credits

Editor-in-Chief

Prof. (Dr.). Ashok Yende

Executive Editor

Prof. Sameena Hasan

Faculty Editorial Panel

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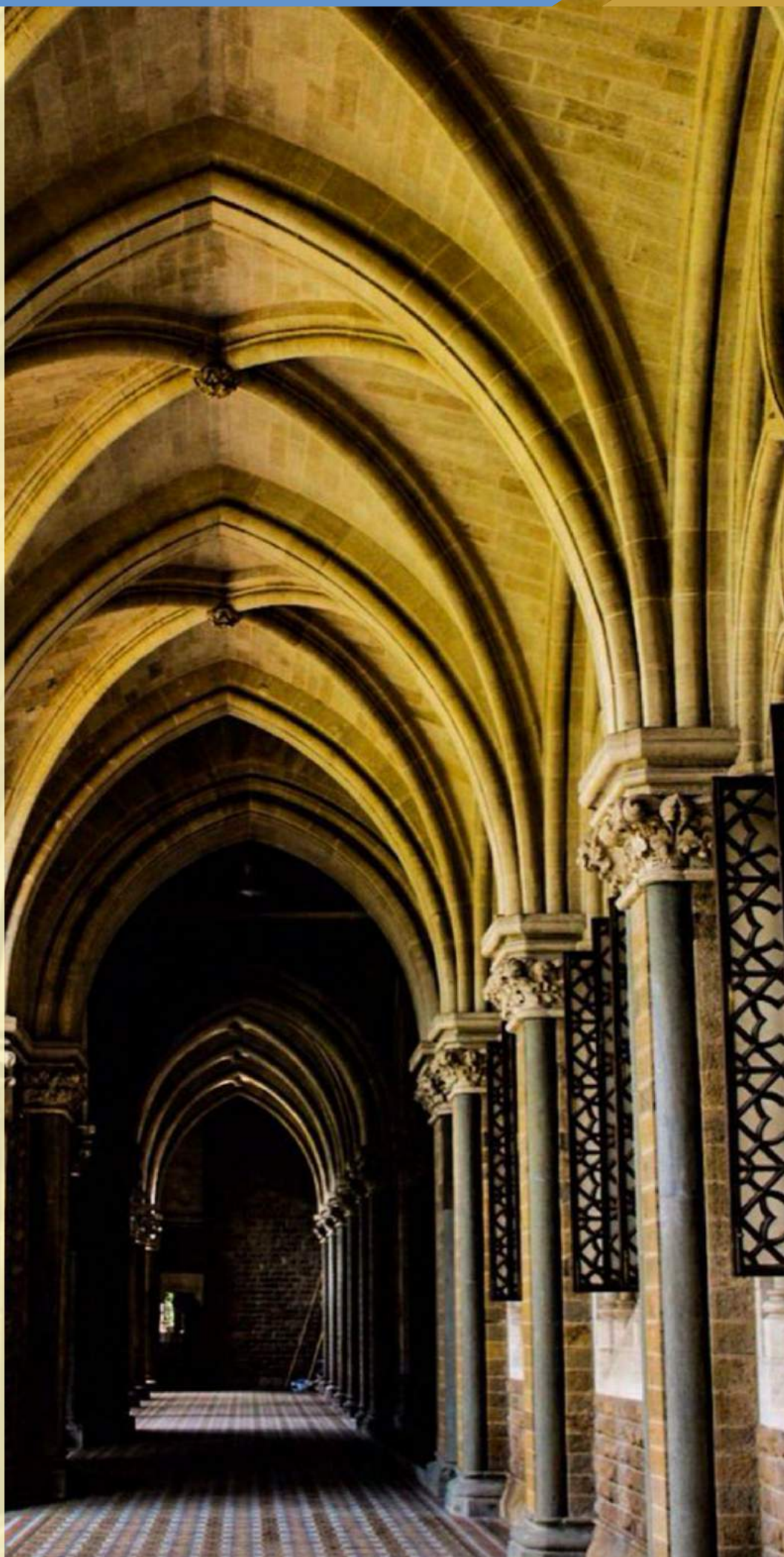
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UNIVERSITY OF MUMBAI LAW ACADEMY (UMLA)

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Prof.(Dr.) Ashok Yende, <i>Coordinator/Former I/c Director, UMLA</i>	Member



Message from Prof. Suhas Pendenkar

University of Mumbai Law Academy (UMLA) formerly known as University National Law School is one of the premier legal institutions, established as a constituent unit of the University of Mumbai. It runs integrated, multi-disciplinary five years B.B.A., LL.B. (Hons.) course based on contemporary legal developments merged with traditional doctrines. UMLA is striving to become a centre of excellence in the field of legal education by producing lawyers who will make a significant contribution to the system by engaging deeply in the mission of dispensing the socio-legal cause. It is guided by the Advisory Council consisting of Judges, Advocate-General, Senior Advocates, Academicians, University authorities etc.

The University of Mumbai is continuously working towards providing the best learning environment in order to achieve world class standards, to encourage creativity and innovation that will contribute towards strengthening sustainable development and to provide accredited academic programs for the development of a knowledge based economy. Various programmes undertaken by the University reflect the University's aim of developing skills, abilities, and talents of the students and to meet the challenges of the new millennium. UMLA is a combination of intellectual engagement, a commitment to serving the common good, innovation, using education to make the world a better place, supplemented by extraordinary collaboration and collegiality that sets us apart from other law schools.

I am sure that the team of UMLA under the leadership of Prof. Ashok Yende will play the role of a catalyst in shaping the law students and sensitize them in social issues. It will, educate and train them to work in different fields where they will be valued, both for their specialised knowledge as well as for their ability to research, innovate and resolve problems and also benefit society.

I am happy to know that UMLA is publishing **UMLA ANNUAL MAGAZINE - 2018**, which will comprise activities, accomplishments and contributions from professional as well as academicians. I congratulate the Board of Editors and students for their efforts and this initiative.

I hope and trust that the Magazine will be a great source of information and worth reading for the readers.

A handwritten signature in black ink, appearing to read 'S. Pendenkar', written on a white rectangular background.

Prof. Suhas Pendenkar
Vice Chancellor

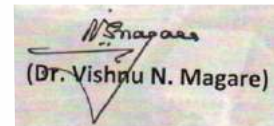
Message from Dr. V.N. Magare



It gives me immense pleasure to know that University of Mumbai Law Academy, University of Mumbai, is bringing out their College Magazine – 2018. I have learnt that, in addition to highlighting numerous achievements of the institution, it contains articles/ comments from professionals, academicians & students. This is yet another mile stone in their curricular and co-curricular activities. I hope the Magazine will bring out the creative talents of the students to the forefront.

University of Mumbai Law Academy under the leadership of Dr. Ashok Yende and his dedicated team is paving the way for spreading quality legal education through its academic programs.

I am happy to extend my support and good wishes to this prestigious institution towards its pursuit of excellence in legal education.



(Dr. Vishnu N. Magare)

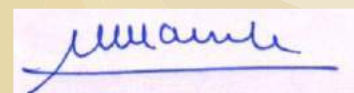
Pro-vice chancellor



Message from Dr. Dinesh Kamble

Publication of a college Magazine by University of Mumbai Law Academy -2018 is yet another step towards its growth and excellence. This magazine is a forum that will help record the curricular and extra-curricular journey of the institution and also provide an opportunity to the students to display their talents and explore their creative potential.

I extend my heartiest compliments and best wishes to the teachers and students of University of Mumbai Law Academy who have taken initiative and wish them the very best in all their endeavours.



(Dr. Dinesh Kamble)

Registrar I/c



Message from Dr. Ashok Yende

With humble beginning in 2015, UMLA has made a mark in the area of legal education, and many notable achievements have been recorded since then. UMLA LAW - 2018, initiated by students of UMLA is a snapshot of the various activities, accomplishments, and brief account of the important events.

We, at UMLA, give more emphasis on practical clinical legal education, intellectual exchange of ideas, experiences, professional interests, besides class room teaching. We strive towards our mission of educating and equipping the next generation of lawyers to promote justice, equality and try to make them socially sensitive. UMLA LAW contains contributions from professionals, academicians, students and highlighting the Law Academy's vibrant activities and community.

Roosevelt once remarked that *"Keep your eyes on the stars but remember to keep your feet on the ground."* Those words also help us to sum up the past 03 years in University of Mumbai Law Academy (UMLA). We believe that a wise and just legal system makes the world better. We impart knowledge about law, and train new generations of lawyers for the rule of law.

I am honored and privileged to be part of this prestigious University of Mumbai. I especially want to express my thanks to past and present Vice Chancellors and University authorities, who approved and supported my initiative of establishment of UMLA. I will be failing in my duty, if I do not mention the fact that, Hon'ble Mr. Justice Abhay Oka, Chairman and other distinguished members of the Advisory Council have been the strongest supporters of this Academy, enabling us to launch a host of initiatives to enrich our curriculum and projects. I appreciate initiative of students to come up with this magazine, and encouragement given by faculty members.

Last but not least, I want to express my gratitude towards all the teaching and non-teaching staff of UMLA, who supported me, in the course of my struggle and journey at UMLA. This maiden issue of the Magazine "Astraea" will inspire and enlighten us to reflect upon team spirit and celebrate the achievements of this institution. We are proud of our successes, but we still have a long way to go. I wish you all the best for achieving greater heights in life.

Dr. Ashok Yende

Coordinator, UMLA

Former I/C Director & Head, Dept of Law
University of Mumbai

UNIVERSITY OF MUMBAI LAW ACADEMY (UMLA)

Seminar / Guest Lectures

Inauguration of University National Law School (Now named as University of Mumbai Law Academy) at the hands of Hon'ble Mr. Justice Abhay Oka, Judge Bombay High Court. Seen: Prof. Ashok Yende I/c Director UNLS (Now UMLA) , Prof. Ravi Gorane (Sept.7, 2015)



Hon'ble Mr. Justice Deepak Misra, then Judge, Supreme Court of India (Now the Chief Justice of India) addressing gathering. Seen : Dr. Nareshchandra then PVC, Prof. V.S. Chitnis, Dr. Ashok Yende, Dr. Rajeshree Varhadi.

Dr. Ashok Yende with Hon'ble Mr. Justice Sharad Bobde, Judge Supreme Court of India, Hon'ble Mr. Justice. B.R. Gavai, Judge Bombay High Court, Dr. S. P. Kane Vice Chancellor, RTM Nagpur University, Prin. Shrikant Komawar



Hon'ble Mr. Justice Altmas Kabir , then The Chief Justice of India releasing documentary of Dr. Ashok Yende. Hon'ble Mr. Justice Mohit Shah, Chief Justice Bombay High Court, Dr. Rajan Welukar then Vice Chancellor, Dr. Nareshchandra then PVC, Dr. Ashok Yende



Hon'ble Mr. Justice Markandey Katju, then, Judge, Supreme Court of India

Hon'ble Mr. Justice R.D. Dhanuka addressing on ADR at UMLA. Seen: Dr. Ashok Yende, Dr. Rajeshree Varhadi, Prof. Sameena Hasan (April 7, 2017)



Hon'ble Smt. Justice Revati Mohite-Dere, Judge, Bombay High Court addressing students on " Trial before Court- Procedural Aspects"(March 16, 2018)



Farewell Function of Dr. Ashok Yende, Former Professor & Head Deptt of Law. Hon'ble Mr. Justice Abhay Oka, Judge Bombay High Court, Dr. Devanand Shinde, Vice Chancellor, Dr. Vishnu Magare, ProVC, Dr. Dinesh Kamble, Registrar, Justice B.B. Vagyani, Mr. Shrihari Aney, Sr. Advocate, Dr. Rashmi Oza HoD, Dr. Rajeshree Varhadi. (Nov. 29, 2017)

Audience during farewell function of Dr. Ashok Yende



Dignitaries during farewell function watching Rangoli

Hon'ble Smt. Sadhna Jadhav, Judge, Bombay High Court lightening lamp at the occasion of Seminar on "Career in Law". Seen : Adv. Anil Singh, Addl.Solicitor-General of India, Adv. Jayant Jaibhave, Adv. Ashish Deshmukh Members, the Bar Council of Mah. & Goa, with Dr. Ashok Yende. (Sept 12, 2015)



Hon'ble Mr. Justice Abhay Oka, Judge, Bombay High Court enlightening students during Orientation program. (Nov. 2016)



Hon'ble Smt. Dr. Shalini Phansalkar - Joshi, Judge, Bombay High Court addressing students seeking admission to law course. (Sept 17, 2016)

Hon'ble Mr. Justice M.S. Karnik, Judge, Bombay High Court addressing participants of Moot Court Competition. (March 31, 2018)



Hon'ble Mr. Justice J. N. Patel, Former Chief Justice Calcutta High Court, gracing occasion of Moot Court Competition. (March 31, 2018)



Shri Devendra Fadnis, Hon. Chief Minister of Maharashtra giving green signal to "Cleanliness Drive" by UMLA. Dr. Sanjay Deshmukh, then VC, and other dignitaries. (Oct. 2, 2014)

Advisory Council Meeting, Chaired by Hon'ble Mr. Justice Abhay Oka, Judge, Bombay High Court & Dr. Devanand Shinde then VC (2017-18)



Mr. Tom Tait, Mayor of Anaheim, California USA; Mr. Greg Fisher Mayor of Louisville, USA and Team visited UMLA and University of Mumbai Fort Campus. (Feb. 16, 2018)

Visit to Maharashtra Judicial Academy. Faculty & students with Hon. Justice Smt. R.P. SondurBaldota, Director. (April 21, 2018)



Mrs. Sara Thornton, Head of National Police Chief Council, London and Sharon Memis, Director, British Council West India from England addressed students of UMLA. (Jan 12, 2017)



Professional Development Training Programme organized jointly with BCI, AIR and UMLA. Dr. D'Costa, Mr. Atul Singh, Dr. V.N. Magare PVC, Dr. Dinesh Kamble Registrar, Dr. Ashok Yende addressed participants.

Launching of Diploma in Clinical Legal Education & Advocacy Skills at UMLA at the hands of Hon'ble Mr. Justice Anoop Mohta, then Judge, Bombay High Court. Seen: Dr. Sanjay Deshmukh VC, Dr. Ashok Yende I/c Director (Aug. 2016)



Workshop on "ADR" organized in collaboration with Chartered Instt. of Arbitration, London, India Branch (Feb. 26, 2018)



Visit of students to Maharashtra Legislative Assembly. Seen: Prof. Sameena Hasan with students. (2017)

Adv. Uday Wavikar, leading lawyer enlightened students on “*World Consumer Day*”. Seen : Dr. Ashok Yende & Prof. Sameena Hasan (March 15, 2018)



Students interacted with then Hon'ble Chief Justice D. H. Waghela of Bombay High Court (August 8, 2016)

Prof. Sameena Hasan participated in CSW - 60 “*Conference on status of women*” organized by United Nations at New York.



Prof. Sameena Hasan represented Global Vision India Foundation at UN Conference at New York.



Dr. Rashmi Oza, Professor & Head, Deptt of Law, speaking on the occasion of "Law Day" (Nov. 2017)

Faculty and students with Hon'ble Mr. Justice M.S. Karnik, Judge, Bombay High Court. (March, 2018)



Dr. Dolly Sunny, Director, ICCAR, University of Mumbai, Dr. Ashok Yende, Dr. Rajeshree Varhadi, Deptt of Law, during FLAIR event of UMLA (March 19, 2018)

Governing The Governor

Dr. Ashok Yende,

Former I/C Director UMLA & Former HOD Deptt of Law

The genesis of the position of Governor can be traced in Section 93 of the Government of India Act, 1935. While the role of the governor is set out in Part VI of the Constitution and Article 153 states clearly that there will be a governor for states. Shri Sardar Patel, during constitutional debates, sought to make it clear that a governor's "special powers" would be no "invasion of the field of ministerial responsibility". Independent India has seen much water flow under the bridge, and the powers of the governor in situations have been exercised as the Government at the Centre have chosen to exercise.



The institution of the Governor was misused to a great extent especially after 1967 to gain political mileage because of two reasons: (a) there was one-party dominance at the Centre, and (b) the lack of political power and awareness on the part of the Opposition. The Supreme Court, by the recent Judgment in the case of Karnataka State, has restrained any such role for the Governor in the future.

In the lead opinion of the Special Bench of the Supreme Court comprising Hon'ble Justices A.K Sikri, S.A. Bobde and Ashok Bhushan, three propositions of law are clearly laid down. First, the Governor has no power to unilaterally summon an Assembly session unless the government has, in his view, lost its majority. Second, he cannot take steps relating to disqualification of the Speaker. Third, he is barred from unilaterally sending messages to the Assembly on any matter. The underlying justification for each of these is the constitutional role of the Governor as the titular head of the State executive. According to Hon'ble Justice Khehar, the Governor is bound by the "aid and advice" of the elected Council of Ministers as the default rule. While he has the discretion to act on his own in certain matters, those matters must be specified "by or under the Constitution".

Unelected Governors were never envisaged as wielding significant powers relating to State administration. They merely possessed the formal authority of state and could act as a safety valve in case there was a breakdown of constitutional machinery. In fact, Article 163 specifically provides that in determining which matters fall within the discretion of the Governor, the Governor's decision will be final. A literal interpretation of this clause would mean that were there any doubts in the constitutional scheme as to whether a Governor could act on his own accord in relation to a matter or not, such decision would rest with the Governor as the highest constitutional authority in a State. It would not be the domain of the courts.

However, for the Supreme Court, an appeal to the scheme of the Constitution and the "basic structure doctrine" was sufficient to deny the Governor such discretion. This view is founded on the

baseline assumption that judicial review is all-pervasive, irrespective of what the Constitution actually says.

There was a long-drawn-debate in the Constituent Assembly regarding the role of the Governor. Ultimately, the Constituent Assembly decided to give much power to the Governor to maintain the unity of India. Perhaps, the framers of the Indian Constitution could not anticipate the misuse of the role of the Governor. Dr. Babasaheb Ambedkar was of the opinion that as long as the Ministry enjoyed the confidence of the House the head of the State would not be able to dismiss his Council of Ministers. But, as we have seen in the post-independence era, under the doctrine of “pleasure” the Governors have dismissed Ministries even without giving any reason. Initially, a Ministry so dismissed had no remedy in law because the courts paid more attention to the language of the Constitution rather than its spirit and the intention of framers..

In the final analysis we find that, although the framers of Indian Constitution made the Governor very powerful by providing discretionary powers to him to maintain the unity and integrity of the nation, in post-independence era Governors have been used as an instrument by the Central Government to fulfill narrow political interests. The Sarkaria Commission submitted its report to the Union Government on October 27, 1987. It focused upon the role of the Governor and gave the recommendations regarding the role of the Governor, but they have not been implemented.

The role of the Governor as the head of the State is very important. The Governor of a State plays a multifaceted role. In the normal circumstances, he acts as a vital link between the Central and the State Government. Under the Constitution, Governor is expected to play a double role, as the head of the State and as the representative of the Centre.

Notwithstanding the recommendations guiding the discharge of their functions in the Sarkaria Commission Report and the decisions of the Conference of Governors, many Governors continue to behave in a manner not consistent with the true spirit of the Constitution. This would be evident from the decision of the Supreme Court in **S.R.Bommai V. Union of India** AIR 1994 SC 1918, **Hargovind Pant vs Dr. Raghukul Tilak** (1979) 3 SCC 458 and others. It is needless to say that the Supreme Court order played a pivotal role, by regulating powers of the Governors. We must appreciate the promptness of the Supreme Court in appreciating urgency and sitting in a marathon all-night hearing and avoided serious political crisis.



Human Rights View On Aged Parents And Senior Citizens

Dr. Y. K. Reddy

Principal, Maniyar college of Law, Jalgoan

“Our society must make it right and possible for old people not to fear the young or be deserted by them, for the test of a civilization is the way that it cares for its helpless members.”

- Pearl S.Buck

Human Rights are basic inalienable rights which are available to all the people in the Universe, being a Human irrespective of Caste, Creed, age the rights are available for all. But Human Rights of Senior Citizens and aged parents are silent. The senior citizens who have contributed to us in their tender age but they are living in our homes like ickons of human right violation .There are old aged people who are like Parents, in-laws or our neighbor exploiters of human rights within four walls. Right to life means live with dignity which includes aged people also lead dignified life in the society. The aged people are discriminated and facing hardship in our society.

The Universal Declaration of Human Rights States that “All Human beings are born free and equal in dignity and Rights.”Here the concept of equality towards aged people is missing due to over actions of younger generations. The rights of human do not change but the human behavioral changes creates degrading, violation of their rights at old age, dependency, threat to life and Problems of the Old Age Person

From past to present study of various enriched resources during different periods comprehensively consolidated following major problems of the aged for which they have been suffering deeply and required thorough implication not only through legal measures instead requires socio-legal mechanism to curb out this long waited problem.

- Economic problems include problems like loss of employment, income deficiency and Economic insecurity.
- Physical and physiological problems including health and medical problems, nutritional deficiency, and the problem of adequate housing etc.
- Psycho-social problem which cover problems related with their psychological and social maladjustment as well as the problem of elder abuse etc.

The Rights of the aged shall be protected by law. There shall not be any torture to the aged people for that purpose the ministry of social justice and empowerment which is reviewing the maintenance and welfare of senior citizens act 2007 shall be incorporated stringent punishments for the violators.

Privacy- An Intrinsic Human Right

Sameena Hasan J.

Asstt. Professor, University of Mumbai Law Academy

UMLA LAW
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"If we don't act now to safeguard our privacy, we could all become victims of identity theft"

-Bill Nelson

Privacy is the freedom from interference and has been recognized as a basic human right that constitutes the core of personal liberty. The Universal Declaration of Human Rights, 1948 under article 12 and The International Covenant on Civil and Political Rights (ICCPR) under article 17 lays down provisions for protecting against "arbitrary interference" with a person's privacy, family, home, correspondence, and attacks upon his honour and reputation.

Privacy can be expanded in scope to other facets, including bodily integrity, personal autonomy, confidentiality, self-determination of personal information, protection from state surveillance, dignity, compelled speech and freedom to dissent, think, act or move.

In India, the need to interpret the intrinsic nature of the Right to Privacy under Article 21 arose when a writ petition was filed in 2012, by Justice K.S. Puttaswamy (retired) in the Supreme Court of India challenging the policy of the government in making an Aadhaar card for every citizen in India and its later plan to link various government benefit schemes to it.

This famous case popularly referred to as the "Puttaswamy Case", gained widespread attention as a constitutional challenge was posed to strike upon the Government's Aadhaar programme that aims to build a database of personal identity and biometric information covering every citizen.

The Nine Judge Bench in the case of 'K. S. Puttaswamy vs Union of India (2014) 6 SCC 433, on 24th August, 2017, pronounced the judgment, wherein it observed that through Section 8(1)(j) in the Right to Information Act, the legislature had recognised the right to privacy. The majority of the judges agreed that privacy is an inalienable, natural right, and it forms part of the binding element of the case. The right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedoms guaranteed by Part III of the Constitution and the body of case laws that developed subsequent (Cooper and Maneka Gandhi Cases) to Kharak Singh Case, recognising the right to privacy, enunciated the correct position of law.

The Apex Court's broad interpretation of the right to privacy though has paved the way for a wide range of varying claims and the exact boundaries of this right will continue to develop on a case by case basis, with privacy claims often being weighed against other competing interests. K. S. Puttaswamy Case thus, has resulted into only reaffirmation and declaration of right to privacy as a fundamental right under article 21 of the Indian Constitution by the Supreme Court, but the right to privacy is not without restrictions.

Privacy is therefore, beyond doubt an inviolable and diverse human right with varied connotations and not a mere luxury belonging to a select few!

"Privacy is not something that I'm merely entitled to, it's an absolute prerequisite."

-Marlon Brando

Role Of Lawyers Associations In Protecting Rule Of Law

Adv. Prakash Deshmukh, Adv. Vasant Joshi
Bombay High Court

A Bar Association is a professional association of lawyers. Bar associations are responsible for the regulation of the legal profession in their jurisdiction. They are professional organizations dedicated to serving their members. In many Commonwealth jurisdictions, the bar association comprises lawyers who are qualified as barristers or advocates in particular, versus solicitors (see bar council). Membership in bar associations may be mandatory or optional for practicing attorneys, depending on jurisdiction.

Our nation recognizes the importance of the rule of law. Lawyers, judges, and bar associations are positioned to play a key role in protecting the rule of law when political developments threaten its integrity. Ignoring such threats can lead to dangerous consequences for a nation's legal process and its citizens. Lawyers and Bar Associations Play a Vital Role in preserving the Rule of Law, and democracy.

The Maharashtra Bar Council of Maharashtra & Goa, Western India Advocates Association, Bombay Bar Association, and other associations are playing important role, particularly in Mumbai in taking up various issues in the region. Recently, Dr. Ashok Yende founded Young Advocates Association (YAA), which is spearheading the legal movement. It's objectives are to instill in young lawyers awareness and commitment to the needs of the profession, to create a deliberative forum for the exchange and expression of young lawyers' views; to serve as a voice to advocates, to promote the advancement of the standards of the legal profession and the administration of justice, filing PILs for protecting rights of citizens and against unjust policies of the Government. Lawyers always serve two clients simultaneously-- those that retain them and the other the society.

Lawyers have a very important role to play in this regard. They are the ones to whom, the ordinary citizens, look up for guidance and assistance. However, lawyers also need to rise above the politically demarcated lines, to ensure their independence, both from the ruling party and the state and from the opposition forces. They have to resist the temptation to toe the political line.

International Arbitration Cases- Scope for Indian Lawyers

Adv. Hussain Ali Chandrani

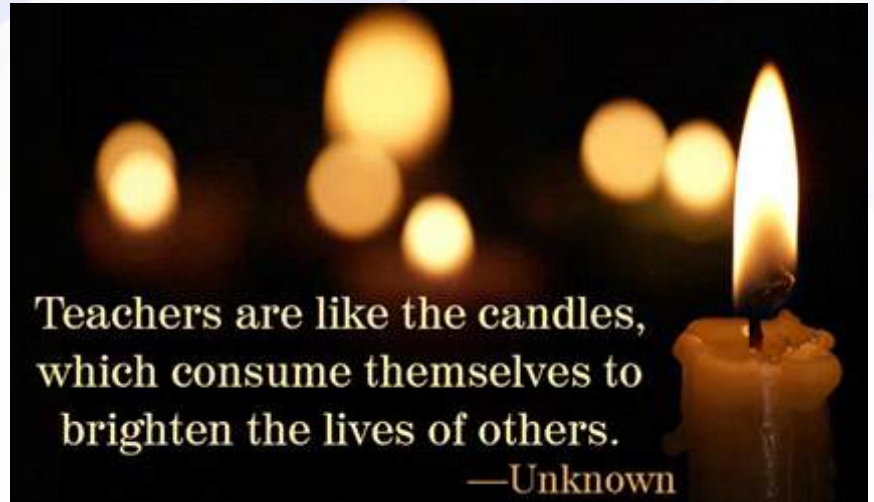
Majority of international commercial disputes are settled through international arbitration. In many cases Indian lawyers are appearing and making good money by way of fee. Many Indian law firms are specialized in this type of work. Many multi-national companies prefer Indian lawyers/ firms, because they have global perspective. Indian lawyers can engage in writing commercial agreements relating to software license, merger, acquisition, patents etc. This area of the legal field has a vast scope for young aspiring lawyers that must be pursued diligently!

Sir... You Made A Difference ... Will Miss You

Himeli Chaatterjee, Hitarth Parekh, Tanjul Sharma, Metanshu Purandare
Arpeeta Panvalkar, Savni Virkar, Harsh Sheth, Shubham Mishra & others

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Learning at UMLA was wonderful experience, but Learning under this atmosphere will never be the same without a teacher like you. Technology has made it easier for students to learn with devices new, but nothing can come close to the experience of being taught by an inspirational teacher like you. Sir, we are sad to hear about your leaving. UMLA is your brain child and a mission for you, and you tried to do best possible to fulfill it, inspite of so many hurdles. You were most popular amongst students and always available for us, for any help.



You have influenced lives of so many students by the meaningful work, which can reflected by your generous donation to UMLA in the name of your parents, You have done great service to the downtrodden children from your village Sawangi (Yende), Dist- Wardha, by donating land and sponsoring guidance centre for them. We appreciate your achievements like “ National Law Day Award -2018”by International Council of Jurists, your selection as Member of the Selection Committee of UN-NGLS for Selection of NGO members for the UN General Assembly High-level Meeting.

Words cannot express how painful it was when we heard of your retirement. You have been a source of inspiration and a mentor for all of us that we always look up to. Words cannot describe how blessed we are to work under your leadership. You are a tower of strength and knowledge. If the world can have more people like you, indeed the world would be a much better place to make a living. Your boldness and selflessness will always guide us. And to let you know that the knowledge you have imparted will remain in our minds forever. You were always down to earth inspite of occupying so many high positions.

We have observed your sacrifice, motivation, courage, foresight, consistency, appreciation and self-discovery. We would not have reached this level, if we didn't have effective teachers like you, Prof. Sameena Hasan and others and we all know for sure that we will always succeed wherever we may find ourself.

We will really miss you and your association. We wish you all the best for your future endeavors and hope you will keep in touch with us from time to time.

Multi-disciplinary Law Course Need Of The Hour

Prof. Satish Athawale

Asstt. Professor, University of Mumbai Law Academy

Management and law both is demanding field which help to build rewarding career and future prospectus and both sectors are promising. With good set of skill one may land well paying job and scale up career ladder pretty fast. Management field traditionally offers ample amount of job opportunity in private sectors and law profession provide good amount of private and government job opportunity. This course instills management related skills along with legal expertise and through this education, we aim to promote legal and ethical values and foster the rule of law. The prime motive of the University is to create lawyers who are professionally competent, socially sensitive, and technically sound with all managerial skill.

Law student will understand human recourse management, marketing tactics, financial management and managerial decision making, organizational behavior and environmental sustainability in the business with value addition of strategic and project Management. Our course will generate skilled global legal professionals with business and corporate understanding. It also imparts comprehensive and interdisciplinary legal education that is socially relevant to the society. Management education enrich legal professional with competencies and improve efficiency and effectiveness in working of business and advocacy.

I appreciate the initiative of University of Mumbai Law Academy in running this multi-disciplinary, Integrated Five Years B.B.A; LL.B (Hons.) course, which will help students build their career.

Active Citizenship for Good Governance

Adv. Mahesh Sawant

We have adopted democratic parliamentary system in our Constitution. The size of population, deep rooted social inequality, cultural diversity, corruption in public life citizens apathy are depriving people from enjoying their rights. Except the elections process, citizens do not have any effective option to participate in the governance. Therefore, role of active citizenship and civil society movement is equally important in democracy.

If we expect to enjoy fruits of democracy, then we need to have active citizens. Legislature, Executive and Judiciary are the three constitutionally recognized pillars of the democracy. But active citizenship and media are equally important to make democracy meaningful. Elected representatives ultimately form the Government. Therefore, young people, particularly, law students should join politics, for improvement in existing political scenario and restraining criminalization of Indian politics.

Few Words To Thank You Dr. Yende Sir And Teachers.....

**Mr. Rajesh Purandare, Mr. Santosh Panwalkar,
Mr. Bhushan Virkar & Other Parents**

UMLA LAW
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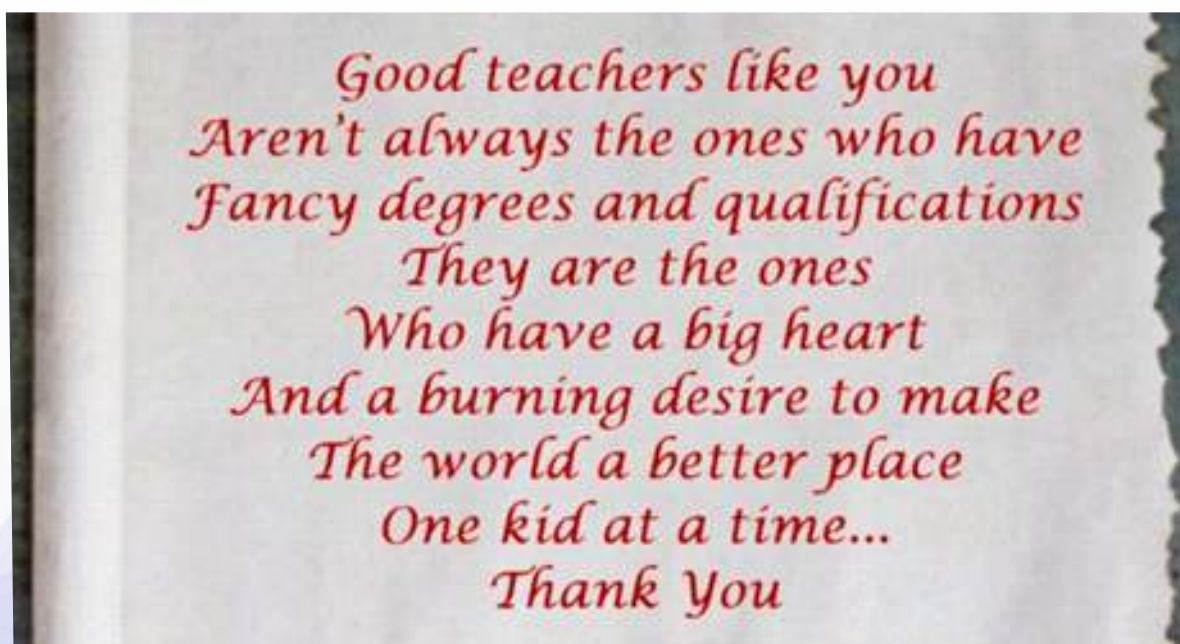
We first met Dr. Ashok Yende Sir....during Teachers-Parents meeting of UMLA. Looking at his simple appearance, we never realized that he is different than the traditional teachers. During journey of UMLA, while interacting on issues of UMLA, during delegations to Vice Chancellor, Registrar, we realized that Dr. Yende, though down to earth, is a man of great stature. He always spared time for meeting and discussing about issues of students.

The task of teacher is not only to teach students, but to give them exposure, beyond the class room teaching. It's a rare thing that both parents and teachers appreciate his efforts, dedication during your tenure at UMLA. Parents always appreciate good teachers, so we feel our duty to express our gratitude towards him, when he is leaving this institute. Our children loved him, and heard from our children about his dynamism, encouragement, care and support.

Teachers plant seeds, which grow further. Thanks Yende sir for being such a wonderful gardener to our children and shaping their personalities. You are - a pillar of support, an epitome of strength, as caring as a friend, yet always so approachable and warm at heart. We equally appreciate support and encouragement given by other teachers, especially Prof. Sameena Hasan, who stood with you, right from the inception of UMLA.

We will always remember Yende sir's gratuitous and selfless service rendered to UMLA, And the challenges he faced in the course of establishment of UMLA. He gave our children wings and taught them to fly.

We owe him a debt of gratitude for all that he has done for our children.



Sir....We are Proud of You....

Janhavi Borkar

B.B.A; LL.B. (Hons) Sem. V ; UMLA

Teachers are considered to be second parents. To be good teacher requires lot of hard work, moral strength, and dedication. Teachers play a big role in shaping and molding children. Real teacher inspire students to think out-of-box, is one, who is open to new ideas, approaches and an instrument of social change. I see these qualities in you, **Ashok Yende sir**. It will not be out of place to mention some of your achievements and we all are proud of him

- Your initiative led to the establishment of University of Mumbai Law Academy (UMLA)
- Your generous donation to the University in the name of your parents to award Gold Medal to the student who will secure highest marks in the Constitutional Law of BBA.LL.B.(Hons) course of UMLA.
- We are proud that you were conferred “National Law Day Award-2018” by International Council of Jurists.
- Your selection as Member of the Selection Committee of UN-NGLS for Selection of NGO members for the UN General Assembly High-level Meeting on the New Urban Agenda and UN-Habitat held on 5-6th Sept 2017 is a milestone.
- Awarded as “ Leader of Excellence - 2018” by Women Economic Forum in April, 2018
- Founder President of Global Vision India Foundation, having consultative status with United Nations
- Headed leading law colleges in the country like Symbiosis Pune, K.C. Law College, Mumbai, Law Department of Law, University of Mumbai
- You trained more than 2,000 law students in clinical legal education in various parts of Maharashtra
- You are invited by United Nations to participate in International Conferences
- You invited many Hon'ble judges of the Supreme Court, High Courts, Judges from foreign countries and eminent personalities in various law institutions, you headed.
- You have done great service to the downtrodden children from your village Sawangi (Yende), Dist-Wardha, by donating land and sponsoring construction of guidance centre for them.
- Recently founded Young Advocates Association , national level organisation

We will miss you a lot, but carry your teachings in our future course of career.

Revisiting Criminal Justice System

Abhishek Yende,
Advocate, Bombay high Court

UMLA LAW
2018

The main object of criminal law is to protect society against criminals and law-breakers. Criminal law, consists of both the substantive criminal law and the procedural criminal law. India has one of the world's largest number of under trial prisoners. They languish in jail not because they have been found guilty and sentenced to jail terms but because they are being prosecuted on charges that are too severe to warrant bail, or simply because they are too poor and unable to obtain bail.

Delay in justice being and being out of reach of common man, is a serious concern. Setting up of fast track courts is a welcome step. The Law Commission has recommended hearing cases continuously, avoiding postponements and reaching speedy verdicts. This is possible only when the caseload per judge is of a reasonable size.

The executive and the legislature must play a role in the process of reform. The Centre's decision to revisit the 2003 report of the Justice V.S. Malimath Committee on reforming the criminal justice system needs to be examined through the point of protection of civil rights. It includes certain controversial recommendations. The committee made 158 recommendations, and since then some of these have become law. Its recommendation on permitting videography of statements has been implemented.

As Prof. Madhava Menon Committee's "Draft National Policy on Criminal Justice" (2007) noted that, "such popular dissatisfaction arises from the low rate of conviction, the apparent role of money and influence in the outcome of cases, delayed and denied justice, lack of protection to witnesses and inadequate attention to crime victims". The widespread perception is that there is corruption on the one hand and a deep nexus between crime syndicates and politicians on the other, has affected public confidence in the justice delivery system.

When horrific cases like the Nirbhaya gang rape occurs, public outrage compels governments to fast track the investigation and prosecution. But in other cases victim do not get the same treatment. Reform in the criminal system, is being done when situation arises, but there is desperate need for systemic reforms.

One of the factor for low conviction of criminals is shortage of resources, like shortage of police, judges, etc. Against a UN norm of 222 police personnel per lakh of population, India's officially sanctioned strength is a paltry 181, and the actual strength is an abysmal 137. Similarly, all the judges in the country now add up to just 18 per million population, despite a three-decade old Law Commission recommendation to increase it to 50, which is much lower than in developed countries. Regarding prosecutions, India's conviction rate of 47% – compared to more than 85% in developed democracies like France, Japan and the US, shows the gross inadequacies of our system.

Child Labour: A Modern Day Curse

Sumeet Nayak,
S.Y B.B.A.-L.L.B(Hons.)

"There can be no keener revelation of a society's soul than the way in which it treats its children."

-Nelson Mandela

Child labour, a demonic practice employed by vile businessmen looking to cut corners for higher profits has existed in our country for hundreds of years now. One would assume, with better standards of living, stringent laws and the positive strides made by our Country in every major walk of life, the evil practice of child labour would finally see an end. Sadly, not only is child labour still prevalent in India today but finds prey to millions of children between the ages of 5 to 17 years of age in our country.



Child labour perpetrators deprave young children their right to education, play and freedom they rightfully deserve in their tender years and forces them into grueling back-breaking physical labour. The ones most susceptible to fall prey to this corrupt and appalling practice are kids and families living under extreme poverty with no other means to earn a livelihood or access to an education. To end this malpractice the Government needs to address extreme poverty and emphasize education to those living in such conditions.

Both the Government of India and The Supreme Court has been doing an excellent job over the years to abolish the evil practice of child labour from the country by passing stricter judgments against the perpetrators of Child Labour and enforcing Child Labour Protection laws.

The Child Labour rates have seen a steep decline over the years. The 1998 National Census of India estimated the total number of child labourers aged between the ages of 6 to 14 to be at 12.6 million. The 2011 National Census saw a steep decline in the rates of Child labourers aged between 5 to 14, to be at 4.35 million.

Earlier this year in January, the Supreme Court confirmed the Karnataka High Court's decision ordering electricity be disconnected for those who violate the Child Labour Prohibition and Regulation Act of 1986 and Section 24 of the Karnataka Shops and Commercial Establishment Act of 1961/ Factories Act of 1948. These measures are a step forward in our goal of discouraging and abolishing child labour!

Last but certainly not the least, a fair share of the duty rests on the shoulders of the citizens of our country in curbing this ill practice. With determined efforts from the Judiciary, the Government and the people of this country, one can hope to see complete abolishment of child labour in this country within the next decade.

Anatomy of a Misogynist

Hafsa Khan,

S.Y B.B.A.-L.L.B.(Hons.)

UMLA LAW
2018

I stand in solidarity with all those voiceless girls whose innocence are marred by their perpetrators. Those girls whose screams are muffled by the society's blissful ignorance. Those girls whose feet are shackled by the chains of atrocities. Those girls whose eyes shine with tears of melancholy.

"What was she wearing?" "What was she doing out so late?" "Why didn't she report it sooner?" "Why was she with a boy?" Such are the incessant questions stemmed from pure misogyny. Ignorance is not an excuse. You don't need a degree to understand the validation of females. Because, it's not a matter of education but of morals. The kind of morals that are ingrained in the very crux of humanity. Any man can and must respect a women's body, dignity and consent. No matter where he comes from, what he is taught or how is brought up. You may ask: How? Well, the greater question posed is: How can he not?

When misogynists are reminded of their duty to be respectful. They are quick to make scathing attacks on the victim. The victim is brutally dissected. Right from her clothes to her lifestyle to background to her character. But, it's not her red lipstick that reminds you of cherries that allured men. It's not her pretty dress that she bought happily from the mall last week that seduces men. It's not her being out late till the sun sets that provokes men. No, none of these are to be blamed. Because, even if she was covered head to toe in a burqa, if she was out in broad daylight, if she was just an innocent child or a helpless old woman. Her dignity would still be in peril. Because, it's not how we appear as a woman that subjects us to such crimes. It's our being a woman that makes us vulnerable to it. So, the next time someone states "What was she expecting?" "She asked for it" I want to ask such despicable people. How was a young child sexualized? Were her pigtails too alluring? Her school uniform too pretty? How was an 75 year old woman in Uttarakhand raped? Did her weak bones and diminished life not contract the cold hearts of those vile men?

I am quite certain these questions would only ensue silence. Emphasis is always given on precautions such as taking defense classes and steering clear of secluded places. But, is that the answer? Is that how our society will reform? Don't teach your daughters to look back in fear every time she steps out of her home. Teach your sons to respect women. They shouldn't be the reason someone's daughter is looking back in fear.

What's even more disturbing is the convenient silence of certain groups because the victim does not 'belong' to their groups. What pains me the most that now people choose to show pity depending on the God that you kneel to, the side of the border you belong to, the person you accuse of, whether you wear scarf or sari, whose political party you support of amongst many other disparities. What the society often forgets is above all we are humans first. The only legitimate division between us that actually matters is whether you are a good human or a bad one. And that classification depends on whether you remain tight lipped with the oppressors. Or scream with the suppressed. So, let's hold hands and fight against the beastality that is slowing rotting away the core of humanity. It's just one Zainab whose face we saw. It's just one Nirbhaya that we heard of. It's just one Asifa that we know of. Let this be a painful reminder that there are countless others too. Whose faces we may never see, whose voices we will never hear and whose stories we will never know.

The Refugee Crisis Around the World

Ruchi Mulye,
T.Y. B.B.A.-L.L.B.(Hons.)

Imagine making an entire life for yourself only to see it crumble right before your eyes. Often in our daily lives we look for ways to make it less mediocre, less boring or less ordinary. We are waiting for some adventure, some journey or a chance to see the world. We often say that we would 'give up' anything to live another life. About 65 million people all over the world were forced to give up everything to move away from their homes in order to seek shelter. That is how real and critical the refugee crisis in the world is today. You must have heard this word recently somewhere but if you are not into political issues, then you may have shrugged it off but I suggest you read on because what I learnt has shocked me.

To begin with, 'refugees' refer to the internal or external displacement of people, where they are forced to leave their homes or country to seek refuge in another country. The most prominent cause for is war, but the crisis may arise due to political conflict, civil unrest, economic problems as well as environmental problems. The world's greatest refugee problems are in the following countries (the number of refers to the amount of people displaced): Syria (4.9 million), Afghanistan (2.6 million), Chad (2.6 million), South Sudan (1.5 million) and Somalia (1 million).

The Syrian crisis is considered to be one of the biggest in the world. The violence and destruction in the country has increased every day. The problem started in 2011, when the anti-government peaceful protests were answered with violence, and the country was engulfed into civil unrest. The fight between secular and religious group broke out and since then this led to deaths of thousands of people as well as made people flee their country to neighbouring countries. In Afghanistan, the corruption within the government was a leading factor for the problem of people. Only those who could pay for things received them. Exploitation and ill-treatment became a way of life. South Sudan faced political dispute within its own country after gaining independence from Sudan which resulted in the country erupting into a state wide unrest. The worse emergencies currently is faced by Somalia where people are malnourished and are on the brim of hitting a famine.

While we sit comfortably at home, we often forget that there are millions of people elsewhere waiting for a safe and peaceful life, which may never come. They are cooped up in abandoned buildings or on open streets, without food, going through harsh climatic conditions. Once they were living a happy life and the next, they are uprooted and thrown into a foreign land with barely any means to survive.

Personally what bothers me the most about this situation is that the burden of helping the refugees has been taken by less rich countries who have catered to most refugee centres. Countries like Turkey and Pakistan have given relief to these refugees even when they themselves don't have sufficient resources, whereas rich and powerful countries remain non-committal.

Dozens of non-profit organizations have come together and worked towards providing humanitarian aid for these countries- the Mercy Corps, being one of the top organisations. As students and fellow humans, it is our duty to make people aware about these extreme situations and help in whatever way we can.

The Rule of Law

Dhruv Nyayadhish,
S.Y B.B.A.-L.L.B.(Hons.)

UMLA LAW
2018

President Dwight Eisenhower, when he first proclaimed a national Law Day in the United states, said that, "The clearest way to show what the rule of law means to us in everyday life is to recall what has happened when there is no rule of law." Eisenhower was referring to the totalitarian horrors that prompted World War II, but today the lessons of history are just as relevant. The rule of law is an essential element of a civilized society. The rule of law is a term that is often used but difficult to define. A frequently heard saying is that the rule of law means the government of law, not men. A phrase which speaks the opposite it proposes. The first thing which is questioned that Aren't laws made by men and women in their roles as legislators? Don't men and women enforce the law as officers or interpret the law as the judges? The easiest answer to this question is that the current Rule of law isn't always different from the people who make up our government and our society. The rule of law is more like an end goal of the society which we wish to achieve, but fail to live up to. The Rule of law in the Republic of India is far more complex to understand. The thing is that it is very difficult for a nation to maintain the rule of law if its citizens do not respect the law in the first place. The maintenance and the existence of the rule of law depends upon the concept of social contact along with many other concepts like the separation of powers, control, etc.

The rule of law functions because most of us agree that it is important to observe the law, even in the absence of an Authority. If people do not understand and/or agree with the law laid down, the rule of law cannot exist. People must be asked to obey laws that they can and will willingly obey. If laws become impossible or even difficult to follow, the respect of citizens for the law will begin to corrode. In the words of Archbishop Desmond Tutu, the first Chair of The Elders: "Strengthening the rule of law is an essential ingredient to enhance justice, peace, and economic and social progress." The requirement and need of the rule of law cannot be quoted enough. Also it is sometimes said that the Rule of Law works best when what is enforced in a society can be mapped on to its members' norms of fairness and common-sense. This makes social participation in the integrity and upholding of law more likely in nature.

*The phrase "the Rule of Law" has to be distinguished from the phrase "a rule of law". The latter phrase is used to designate some particular legal rule like the rule against perpetuities or the rule that says we have to file our taxes by a certain date. Those are rules of law, but the Rule of Law is one of the ideals of our political morality and it refers to the ascendancy of law as such and of the institutions of the legal system in a system of governance.

The Cobrapost Sting : A law student's perspective

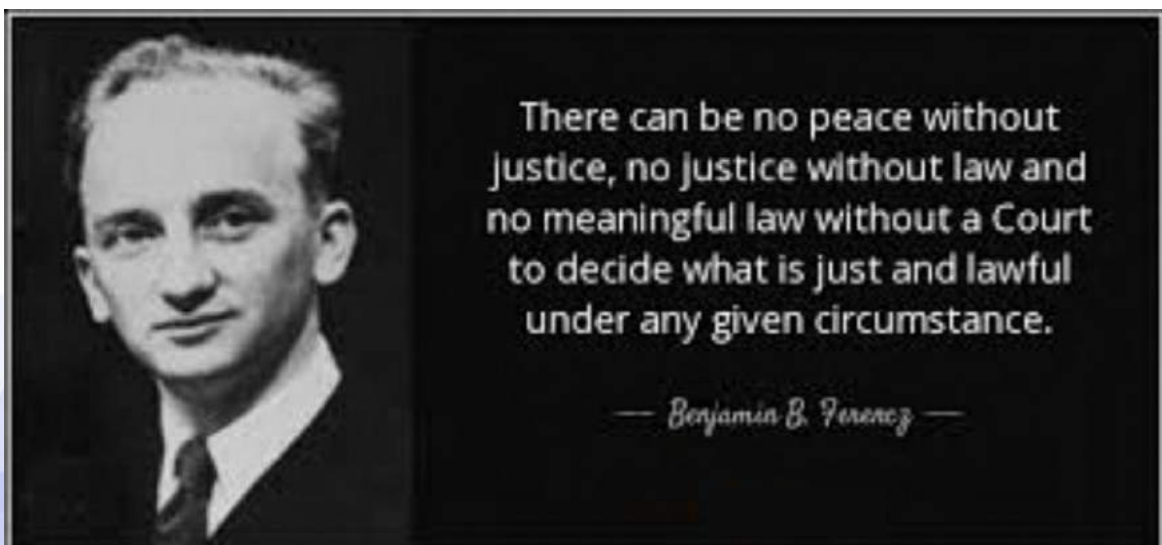
Bushra Siddiqui,
S.Y. B.B.A.-L.L.B.(Hons.)

Media - the most prominent feature of any democracy especially one so dynamic as ours has failed us and deceived us beyond measure. This explosive series of videos clearly shows that news in India is for sale, and the front page headline will go to the highest bidder. To say that it is a sorry state of affairs is an understatement. Seemingly respectable media houses that have for generations showcased themselves as the saviors of democracy with catchy tag lines like "Let The Truth Prevail" were caught with their pants down in a most shameful manner where the heads of the biggest names in media namely Vineet Jain [MD] of the Times Group, Kalli Purie [Vice chairperson] of the India Today group among many others engage in a discussion to openly promote the concept of Hindutva with a view to color and influence upcoming elections and polarize voters.

This is a disgrace and especially so to the youth of the country whose hopes lie in the power of the media to bring out and pursue the truth. However, although as law students we are well aware of the various defenses that these media houses will resort to : clean denial, that they were a part of a counter sting or any other defense that their handsomely paid legal team will come up with ; the damage is done and it is indeed grave. For those media houses who have, at least in my eyes lost their respect and credibility but even more so for the citizen of India who will forever be cynical of the news and is left with a democracy that is without measure.

On the other hand, even though this sting aimed at bringing accountability to those in the corridors of power, I'm left wondering has it in fact opened up the doors to vigilante journalism and what prospects would that bring?

Dan Brown wrote "Who will Guard the Guardians?" and it is sadly the ugly truth of my country's democracy, the credibility of our most treasured guardian has been tarnished forever.



Independent Judiciary for “Survival of Democracy”

Christy Mathew,

F.Y - B.B.A.- L.L.B.(Hons.)

UMLA LAW
2018

The Independence of the Judiciary and Judicial Review have been held part of the basic features of the Indian Constitution. The framers of the constitution wanted to make sure that there is a distinct separation of power between the Legislature, the Executive and the Judiciary. The Executive may frame particular laws based on voter preferences for votes, but it is the duty of the judiciary to see that the laws are impartial and which in no way hinders the rights of citizens as enshrined in the constitution. If a judge is influenced by policy preferences of the elected representatives or his own personal preferences, justice will be at peril and cherished rights that are enshrined in the constitution will be at stake.

Independence of the judiciary is clear from the facts that (1) the judges of the Supreme Court and the High Courts have to take an oath before entering office. It is recognition of the doctrine of constitutional sovereignty and not legislative sovereignty. (2) The judges of the Supreme Court and the High Courts are appointed by the President. It is made obligatory on the President to make the appointments in consultation with the highest judicial authorities. (3) The Constitution provides for the security of tenure of Judges. The judges of the Supreme Court and the High Court's serve “during good behavior” and not during the pleasure of the President (4) Their salaries and allowances are charged upon the Consolidated Fund of India. (5) The activities of the Judges cannot be discussed by the executive or the legislature, except in case of removal of them. (6) The retirement age is fixed. (7) A retired Supreme Court Judge cannot practice engage in legal practice in any court in India.

The above processes are placed to ensure that Judicial Independence. If the Judiciary is not independent, the other organs may pressurize the judiciary to interpret the provision of the constitution according to them. In *Kesavananda Bharati v State of Kerala*, it was held that supremacy of the Constitution is among the basic features of the Constitution of India and is protected by the authority of an independent judicial body to act as interpreter of a scheme of distribution of powers.

The recent press conference by supreme court's four senior most judges over alleged arbitrary functioning by the incumbent Chief Justice of India, saying, “administration of the court is not in order” and Democracy will not survive if judiciary is not impartial” provide enough food for thought to us, as to whether our judiciary is really independent and impartial, whether there is covert influence from the elected or not. As a rule justice must not merely be done but it must also be seen to be done.

To conclude, one can say that to preserve democracy, the three pillars of democracy i.e. the Judiciary, the Legislature and the Executive should never cross the Laksman Rekha as set in the Constitution. The late Justice Krishna Iyer, once said, “The rule of law cannot be built on the ruins of democracy, for where law ends tyranny begins. Particularly for Judiciary, a judiciary which is not independent will take justice to her coffin, democracy to nepotism and dictatorship. An independent judiciary cannot think in terms of “what pleases the Prince, has the force of law” .It is only under an independent judiciary, democracy will survive and life will bloom forever.

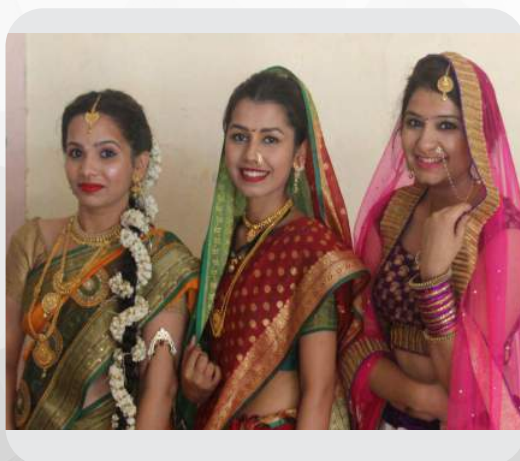
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LEGAL CHARTERED

Adv. Yogendra Rajgor
M- 9867561167

Adv. Rekha Shinde
M- 9892803138

ADVOCATES & SOLICITORS

.....
C, 1st Floor, Engineering premises, 93/95, Bombay Samachar Marg, Fort, Mumbai – 400023
Tel.: 022-22624443 Email: legalchartered@gmail.com / legalchartered@lawyer.com

With Best Compliments



YENDE LEGAL ASSOCIATES
ADVOCATES & CONSULTANTS

Adv. Abhishek Yende
Managing Partner
B.S.L. LL.B.; LL.M.(U.K.)

Email : yendelegal@gmail.com
abhishek.yende@gmail.com

M- 8879143555
M- 9881067711

.....
Mubarak Manzil, 105, Mumbai Samachar Marg, 1st Floor, Opp. Bharat House,
Near Bombay Stock Exchange, Fort, Mumbai - 400001.

www.yendelaw.com



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YOUNG ADVOCATES' ASSOCIATION (YAA)

Website : www.yaaindia.org, Email : info@yaaindia.org,
M - 9881067711; 9833604902, 9869137558

