



MCT

# The Law Whisperer

Jan-Feb 2023

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MCT Magazine



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# WE THE PEOPLE

We the people of India is most proud of Rishi Sunak, and Indian origin, when he was elected to the August position, Premier of Great Britain.

About a fortnight ago the 'Hindustan Times' carried out an interesting news clip that the British Police fined their own Prime Minister Rishi Sunak for failing to wear a seat belt while travelling in a car. The police later confirmed that the offence had taken place and the investigation was going on. . The prime minister left no time to have apologized for the "brief error of judgment". The report added

The "Long arm of the Law" is a proverb being used since 1539 to highlight the jurisprudence theory that the law will not spare anyone, howsoever bigger position he may enjoy in the society, and more over it is underlined that nobody is above the law. In a country like India such offences are too minor and do not attract much public attention. In the post independent history of 75 year, we the people of India have never heard of a Minister being punished for traffic offences. But in a democratic state like Great Britain , even such small offence allegedly committed by the Prime Minster himself may draw flak from the countrymen, and also it may have far reaching impact on his political career. It may be recollected that Sunak's predecessor Prime Minister Boris Johnson was also punished when he was found having broken the Covid-19 lockdown rules .

**It is an author's review  
Prof. UNNIKRISHNAN  
NAMBIAR**



# Deciphering Dramas – A Labyrinth of Learning

*Patravishesa nyastam gunaantaram vrajiti shilpmadhatuh*

*Jalmiv Samudra muktaphaltam pyodasy*

*i.e. True art of teacher is to reach student and develop the skills,  
like the drop of water moves from cloud to sea, settles in shells and turns in pearls.*

Drama or act or play has history, it has been used to spread the knowledge, explain things in better form, way of entertainment, way of celebration, way of presenting the history, way of showing truth, way of celebrating victory and so on and on.

Drama was always considered easier way to communicate, and Hence the popular learning of Plato in west and Upanishad in our Country all are build up on stories and plays.

With day to day life moving towards earning, is drifting from using the creativity; which is one of the block for the personal growth. So, any type of creative performance or art will make person unblock the life and make person's idea to flow and make them more active and heal them.

Stoics use to consider that the flow of creativity is medicine, a brake of moment and momentum, cures the blockages and increase the immunity of life.

Now, let me come to our 3 play enacted in our functions. Herein, we are not discussing the story and characters of drama. Let me decipher here the 3 dramas:

1. Drama was been picked up from textbook, and recreated with Hindi dialogues and neighbouring scenes. IT made the students to feel the subject near and dear.

2. Another drama pioneer the concept of Upanishad i.e. to sit beside the guru and unlearn the doctrines of life or laws of society in form of stories. It also, covers the case laws of contract and simplified the concept of contract.

3. Last drama was indicating the new phase of law, explain the difficulty as well as meaning of 'repeal law'. It's not which law is repeal, it is the question of by repealing one law or one section what impact is created on society. IT is still wondering question that any law is repeal than we will go back or go further. Many new aspect of repeal must be unleashed, and that is what our play was talking about...

We are sure these plays has created a new wave of the learning and unlearning. Let's enjoy this edition with memories of such creative creation done in various forms. So, do cherish the albums of memory in this edition.



**It is an author's review  
Prof. Deep Kapadia**

## THE PRACTICE OF THE LAW IS A PERFECTLY DISTINCT ART. - SIR FREDERICK POLLOCK

Given that law is frequently thought of as a somewhat formalistic and difficult subject that is unable to evoke emotions in the same way as the arts. It is frequently assumed that law and the arts have very little in common. Law comprises regulations that govern, structure, and discipline society and the people who live in it, whereas one of the objectives of art is to evoke feelings in viewers and uplift their spirits.

Despite all the differences, it is pertinent to note that there can be a connection between legal reasoning and creative expression. Emotions are one topic that ties law and art together. As was previously mentioned, one of the fundamental goals of any artistic expressions is to elicit strong emotions and feelings in both the performer and the listener. Law, despite being widely regarded as being rigid, is not completely immune from emotional contamination. In fact, in addition to the emotions that a jurist may experience while reading a beautifully argued judicial opinion, consider the profound emotional impact that some testimonies or victims in a criminal trial can elicit in the jury, the judges, the lawyers, or the public.

The flexibility to think imaginatively and take a risk is another similarity between the legal system and the arts. Your work is examined and scrutinised through the legal system. The same can be said about a work of art. People can freely comment and criticise your work after they have looked it over.

Judiciary decisions sometimes resemble literary texts. Literature is a subject of legal regulation, and literary works may be the subject of litigation. Many literary works such as the *The Merchant of Venice* discuss trials or other law-related topics, such as crimes, deaths, etc. This enables us to comprehend how law is portrayed in literary works or how legal rulings adhere to a predetermined literary pattern.

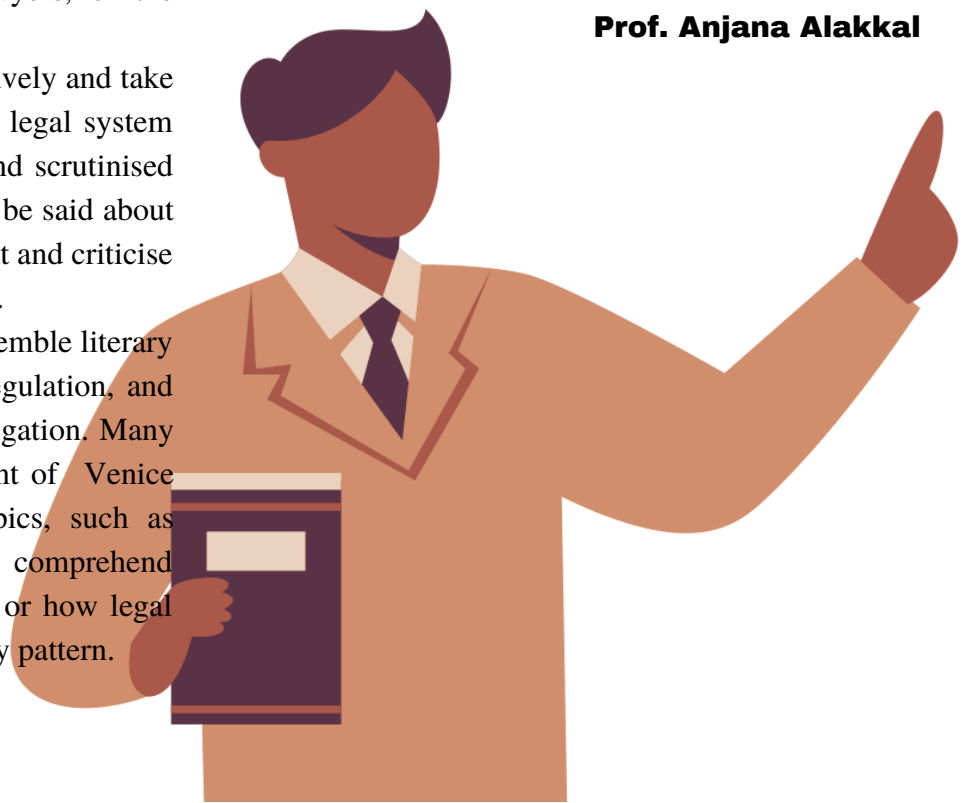
A closing argument shouldn't consist of a verbal barrage. White space, such as that found in a painting or a poem, is necessary to make room for texture, depth, and rhythm. You can organise your argument with the aid of art.

The initial words said in court serve as the artist's first brushstroke on a blank canvas. You need to know when to quit painting. In the courtroom, the same rule applies, you must know when to stop speaking. When such happens, the artwork or the trial lawyer's presentation must be able to support itself.

There seems to be an underlying affinity between law and art. The ability to be creative requires passion. One's creativity increases as their level of passion increases. And in the courtroom, the artistry is better. If someone has a strong passion for art or for life, the passion and the creativity it inspires cannot be confined to one aspect of an attorney's life.

"We are creative or we are dead," the saying goes. You can't do anything if you're hollow within. We need to be innovative as attorneys/lawyers. Every phase of a trial requires us to be able to tell a tale.

**It is an author's review  
Prof. Anjana Alakkal**





## 1. Uniform marriage age for Men and Women : Supreme Court transfers plea to itself from Delhi High Court

The Supreme Court of India on transferred petitions pending before the Delhi High Court seeking uniform age of marriage for both men and women to itself. The matter was heard by a bench comprising Chief Justice DY Chandrachud and Justice PS Narasimha.

The petition was filed by lawyer Ashwini Kumar Upadhyay, who was represented by Senior Advocate Geeta Luthra. The petition had also sought transfer of the case is pending before the Rajasthan High Court. However, Senior Advocate Manish Singhvi, appearing for the State of Rajasthan apprised the court that the petition before the Rajasthan High Court had been dismissed doing owing to non-prosecution. Thus, CJI Chandrachud stated–

"We allow the transfer of transfer petition pending before the Delhi High Court to this court."

The plea states that it has been filed in order to avoid multiplicity of litigations and conflicting views on interpretation of Articles 14, 15 & 21 and judgments involving gender justice & equality.

The petitioner has stated that while men are permitted to marry at the age of 21 years, women are permitted to marry at 18. This difference in stipulated age of marriage for men and women is based on on patriarchal stereotypes, has no scientific backing, perpetrates de jure and de facto inequality against women, and goes completely against the global trends, the petitioner states. The plea goes on to highlight the provisions under various legislations which stipulate the age of marriage as being discriminatory:

Section 60(1) of the Indian Christian Marriage Act, 1872;

Section 3(1)(c) of the Parsi Marriage and Divorce Act, 1936;

Section 4(c) of the Special Marriage Act, 1954;

Section 5(iii) of the Hindu Marriage Act, 1955;

Section 2(a) of the Prohibition of Child Marriage Act, 2006.

The petitioner has also elaborated that India's International Human Rights obligations under the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW"), which it ratified in 1993, inform the content of Articles 14, 15 and 21 of the Constitution which obliges state parties "take all appropriate measures... [t]o modify social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."



## **2. Every Breach of promise to marry is not rape: Supreme Court acquits man sentenced to 10years imprisonment.**

The Supreme Court observed that it would be a folly to treat every breach of promise to marry as a false promise and to prosecute a person for the offence of rape under Section 376 IPC.

One cannot deny a possibility that the accused might have given a promise with all seriousness to marry her, and subsequently might have encountered certain circumstances unforeseen by him or the circumstances beyond his control, which prevented him to fulfill his promise, the bench of Justices Ajay Rastogi and Bela M Trivedi observed while acquitting a man who was concurrently convicted in a rape case. He was sentenced to ten years imprisonment by the trial court.

In this case, it had come on record that

- (i) Prosecutrix was a married woman having three children.
- (ii) Accused was staying in a tenanted premises situated in front of the house of the prosecutrix.
- (iii) Though initially hesitant, the prosecutrix developed liking for the accused, and both started having sexual relationship with each other.
- (iv) A child was born out of the relationship.
- (v) The prosecutrix went to the native place of the accused in 2012 and came to know that he was a married man having children.
- (vi) The prosecutrix still continued to live with the accused in separate premises.
- (vii) The prosecutrix and her husband took divorce by mutual consent in 2014 and thereafter prosecutrix permanently left her three children with her husband.
- (viii) The prosecutrix lodged the complaint on 21st March, 2015 alleging that she had consented for sexual relationship with the accused as the accused had promised her to marry and subsequently did not marry.



### **3. Supreme Court Issues notice on bail applications of Godhra Train burning case convicts:**

The Supreme Court on issued notice on the bail application of convicts in the 2002 Godhra train burning case. The matter was listed before a bench comprising Chief Justice of India DY Chandrachud, Justice PS Narasimha, and Justice JB Pardiwala. The bench had earlier asked the State of Gujarat to specify the individual roles of the convicts, based on which their applications for bail were to be considered.

At the outset, the Solicitor General of India Tushar Mehta submitted that the present matters were fresh matters. He requested for the bench to issue notice in the same so that the State could examine them. He added—  
"Some day your lordships may consider listing the main matters for hearing. Some of them are in for life sentence, some of them are for death sentences. Some of them say that my role is that of pelting stones. Stone pelting per se may not be a serious offence but then you lock the bogey from outside having 59 passengers, putting a fire, and then start pelting stones...that is serious."

Senior Advocate Sanjay Hegde submitted that –

"The High Court has given everyone a life sentence. There is no capital sentence at the moment. The state has come up in appeal against the High Court bringing it down to life. There were capital sentences against which the High Court commuted the death into life."

CJI DY Chandrachud stated—

"We will issue notice and also examine it. We will list it after two weeks."

On December 15, the bench led by CJI Chandrachud had granted bail to a convict named Farook, sentenced to life in the Godhra carnage case, considering the fact that he has undergone 17 years sentence and that his role was of stone-pelting at the train.

On May 13, 2022, the Court had granted one of the convicts, Abdul Raheman Dhantiya, Kankatto Jamburo, interim bail for six months on the ground that his wife was suffering from terminal cancer and that his daughters were mentally challenged. On November 11, 2022, the Court extended his bail till March 31, 2023.

The crime which took place on February 27, 2002, resulted in the killing of 58 persons in a fire inside the S-6 coach of Sabarmati express which was carrying kar sevaks from Ayodhya. The Godhra carnage triggered communal riots in Gujarat.

In March 2011, the trial court had convicted 31 persons, of whom 11 were sentenced to death and the remaining 20 awarded life in prison. 63 other accused were acquitted. In 2017, the Gujarat High Court commuted the death sentence of 11 to life-term and upheld the life sentence awarded to the other 20. The appeals filed by the convicts in the Supreme Court are pending since 2018.



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#### **4. Bar Council of Kerala to initiate proceedings against Advocate Saiby Jose Kidangoor on bribery allegations:**

The Bar Council of Kerala on decided to initiate suo motu disciplinary proceedings against Advocate Saiby Jose Kidangoor, the President of the Kerala High Court Advocates Association, who is now facing allegations of having taken money from clients in the name of bribing judges. The Bar Council took the decision in the emergency meeting convened today. In the meeting presided over by the Chairman of the Bar Council of Kerala, Advocate K.N. Anilkumar, the Council decided to issue a show-cause notice to the lawyer.

The Kerala Bar Council also received from the Union Law Ministry a complaint made to the Union Law Minister in this regard. Since the letter had no clarity regarding the identity of the complainants, the Council decided to seek further information from the Ministry. A group of lawyers, who did not disclose their names, had earlier sent a complaint to Union Law Minister Kiren Rijju, alleging that Saiby was had influence over judges and higher police officials, politicians and hence a supervision by the Union Ministry was necessary. The lawyers did not disclose their identities in the petition saying that they were scared to do so.

A preliminary probe by the Kerala Police, based on a complaint made by HC Vigilance Registrar, is underway. Earlier, the full court of the High Court had accepted the enquiry report of the HC Vigilance Registrar.

As per reports, the Cochin City Police Commissioner has forwarded a report to the State Police Chief after interrogating Saiby and also recording the statements of witnesses. The allegations are that the lawyer collected lakhs of rupees from clients under the guise of bribing three High Court judges - Justices Muhammed Mustaque, PV Kunhikrishnan and Ziyad Rahman.

**Researched and Compiled by  
Limna Prakshan  
3rd Year LLB**





# MCA events

## Saree Tie day & Rose Day







# Traditional Day & Rampwalk







**FORMAL  
DAY**

# Denim Day & Food Carnival







# Sports Day





# Freshers Party







## **MCT students at BCMG lecture**



## **Republic Day Drama Team**



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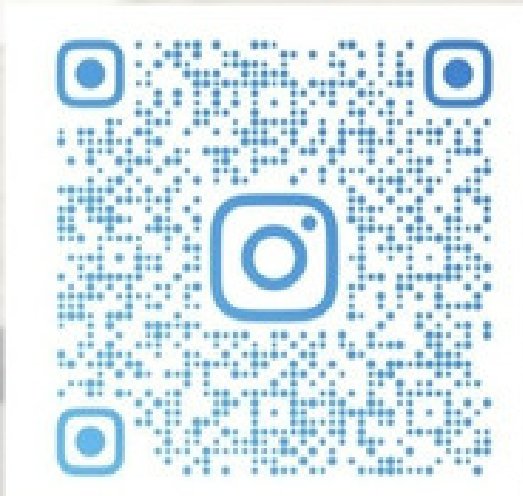
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**Volume V**  
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