

3102 B.C. (Vedic Age)
Non-normative sexual identity, identified as tritiya prakriti or third nature. The Vedas describe the same as vrikriti exam prakriti- that which seems unnatural can also be natural.

2nd Century B.C.
Manusmriti draws a distinction between women engaging in consensual sex and a woman raping another woman; condemns homosexuality as a minor offence.

6th-14th Centuries A.D.
Temples depicting homosexuality are commissioned by kings and crafted by the finest artisans of the era. E.g-Lakshmana Temple, Khajuraho

1529 A.D.
Babur recounts the experience of his infatuation with a boy in Kabul during his adolescence in the Baburnama. Other Persian literature romanticizes homosexuality.

-377-

Shree Rahul
Assistant Professor

The Supreme Court, in *Navtej Singh Johar v. Union of India* decriminalized all consensual sex between adults. The judgment has redeeming value for the Court on two counts- first, it has come in the wake of a crisis of credibility, and second, it has announced the Court's departure from the Victorian prudishness that characterized its opinion in *Suresh Kumar Koushal v. Naz Foundation*. The Court held S.377 of the Indian Penal Code to be violative of the Constitution on several grounds.

The first of these is Article 14; the right to equality was held to be vitiated both in the relative and absolute sense. Sexual orientation, being an intrinsic trait, was held not to constitute a reasonable classification; therefore, S.377 was relatively unjust. Since the act of consensual sex in private space was criminalized, the stringent threshold of arbitrariness was held to have been met- meaning which, S.377 was absolutely unjust.

The second of these was Article 19(1)(a); sexual orientation was read into the freedom of expression, and the threshold for two of the restrictions- public decency and morality- was held not to have been met. In this regard, the Court's understanding of morality is a watershed in free speech jurisprudence. The Court signaled a move away from majoritarian morality, and towards constitutional morality. This change might seem abstract, but a careful reading of the Constituent Assembly Debates suggests otherwise. In November 1948, B.R.Ambedkar described constitutional morality as "comprising the habit of open speech". So conceived, morality was not seen to be restricting, but encouraging free speech and expression- with the consequence that the amplitude of Article 19(1)(a) is now enlarged.

This is all the more notable, given the social circumstances that led to the development of majoritarian morality in India. Martha Nussbaum describes this attitude as one of disgust. The disgust of homosexuality in India, for Nussbaum, did not arise from the indigenous value system. She traces its origins to the need of Indians to ape the British- to Victorian morality. Read in this light, the judgment helps us break free from the shackles of colonialism.

The third of these is Article 21. Sexual autonomy was held as integral to the right to privacy. Consequent to the ruling in *K.S. Puttaswamy v. Union of India*, any encroachment on privacy is violative of Article 21.

The judgment is not just an exercise in constitutional interpretation, but an ode to the relevance of other disciplines- such as sociology and history, in ascertaining the law. This is most evident in the Court's endorsement of the doctrine of progressive realization of rights. Borrowing from disciplines, for the Court, modernizes the nature of rights.



While the verdict is a homage to sexual liberty, first embodied in *Naz Foundation v. NCT of Delhi*, the ideals on which it is founded- dignity and autonomy, cannot be actualized without legislative measures. Also to be borne in mind, is that S.377 will remain in the statute book- sexual intercourse with animals and between minors of the same sex continue to be punishable.

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2018 A.D.
A five judge Constitution bench partially strikes down Section 377 to finally decriminalise homosexuality, paving the way for homosexual persons to fight for further rights.

2013 A.D.
Supreme Court overrules *Naz Foundation* ruling to re-criminalise homosexuality and uphold Section 377

What is the order of nature? The state cannot decide the boundaries between what is permissible or not. Section 377 is based on deep rooted gender stereotypes. It persecutes people. It is a majoritarian impulse to subjugate a sexual minority to live in silence.

- Justice Chandrachud

2010 A.D.
Suicide of Prof. Ramchandra Siras after humiliation and dismissal from his job at Aligarh University for his homosexuality

The LGBTQ community needs the rainbow of hope for the sake of humanity. They should be allowed to live with dignity and without pretence. It is time to empower the LGBTQ community against discrimination.

- Justice Khanwilkar

2009 A.D.
Naz Foundation v Government of NCT of Delhi- Delhi HC decriminalises homosexuality

16th-19th centuries A.D.
The Goa Inquisition- the Portuguese set up the Holy Office to punish heresy in India. Homosexuality was punished in the form of punishing sodomy.

Late 17th century A.D.
Aurangzeb commands scholars of Islamic jurisprudence to Fatwa-e-Alamgiri based on Sunni Hanafi Islam's Sharia law. Zina, or unlawful intercourse extends to homosexual activity, punished by stoning.

1860 A.D.
The Indian Penal Code- Section 377 is created that penalises 'unnatural offences' and includes, amongst others, consensual sex between same-sex pairings.

1950 A.D.
The Constitution of India comes into force. Articles 14 and 15 grant equality to all irrespective of, amongst other grounds, sex. Further, Article 21 grants the right to life and personal liberty.

1986 A.D.
The first public coming-out in India by journalist Ashok Row Kavi

1999 A.D.
The first gay pride in India takes place- the Gay Pride Parade called the Calcutta Rainbow Pride

ANGRY INDIAN GODDESSES

Rajvi Mehta (2015-2020)

Menstruation

The process in a woman of discharging blood and other material from the lining of the uterus at intervals of about one lunar month from puberty until the menopause, except during pregnancy.

Why is this word creating so much chaos and discomfort? Why?

Why is there so much unwarranted and unwelcome stigma attached to this word? Why?

Why are women being treated as dirt and considered improper during their days? Why?

Why is this simple biological process rendering women impure when it is indispensable to the evolution of man? Why?

Womankind from all over the world have, since time immemorial, been victims of the abhorring belief that menstruation is a sinful process; that when she bleeds, she is to maintain distance from all things and beings holy and pious, for if she crosses the sanctimonious line, she will invite the wrath of God, man and the disastrous society he lives in. Is it not horrendously ironic that a woman is constantly subject to the watchful gaze of the masses every time she enters a temple or performs a religious act for want of her "cleanliness" and "purity" when the same woman is worshipped for being able to give birth? A woman's worth and dignity are measured through erroneously construed interpretations of religious texts and such discrimination is ubiquitous to all religious tenets of the world. A recent issue regarding the ban on entry of women aged between 10-50 years, into the Sabarimala Temple brings such contemptible discrimination to light. The on-going litigation in the matter of Indian Young Lawyers Association & Ors vs. The State Of Kerala & Ors before the Supreme Court has as its primary contention the constitutional validity of this ban. The Sabarimala Temple is devoted to Lord Ayyappa and is situated over one of the eighteen mountains spread over the Western Ghat known as Sannidhanam in the district of Pathanamthitta, Kerala. Women belonging to this age bracket are capable of menstruating and are therefore believed to be impure. Another reasoning provided for such disallowance is that it would threaten the "celibacy" and "austerity" of Lord Ayyappa. Factually, it was merely advised that women may voluntarily abstain from participating in the pilgrimage as it involved trekking through a dense forest and crossing the river Pampa. Such treacherous landscape would cause more pain to the woman during her menstrual cycle.



Over a period of time, this has been grossly misconstrued and now their entry is absolutely restricted. The Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965, states, "Women who are not by custom and usage allowed to enter a place of public worship shall not be entitled to enter or offer worship in any place of public worship." It is by placing reliance on these rules that the Sabarimala temple prohibits women aged between 10 and 50 years from entering the shrine. This practice does not constitute, in pith and substance, an "essential religious practice" under Article 26 (b). Upon a legal analysis of the facts, it can be inferred that the Sabarimala Temple is not even a "religious denomination" as the devotees of Lord Ayyappa are not unified on the basis of some distinct set of practices, therefore, the State can intervene in the way the temple manages its affairs. There is no clarity with regards to the basis of such disallowance too, as a girl aged 9 may also menstruate and a woman aged 53 may continue to do so too.

Many atrocious practices were being carried out under the garb of religion. However, such practices were later abrogated as they stemmed out of superstitions, hence, anti-draconian. Constitutional morality must be placed at the highest pedestal when such matters are considered. The ban on entry of women in the Sabarimala Temple must be uplifted as it is erroneously construed. As women, we bleed and it is one of the most natural processes occurring in our bodies. No woman should feel ashamed for the power vested in her to continue life in this world. *Period.*

INTERNSHIP WITH TRIBAL RESEARCH CENTRE

Centre for Criminology & Criminal Justice

The members of the Centre for Criminology and Criminal Justice, Symbiosis Law School, Hyderabad along with members of the Centre for Human Rights, undertook their first ever Research Internship under the Tribal Research Centre (TRC), Government of Tamil Nadu, under the guidance of the Faculty in-Charge, Dr. Rengasamy Stalin, from 21st June, 2018 to 30th June, 2018.

The team had an opportunity to interact with the Director and Deputy Director of the Tribal Research Centre, Mr. P. Subramaniam and Mr. Udhaya Kumar, who shared their immense knowledge and experience and guided the teams. The TRC library and museum were a great source of knowledge to understand the tribes before starting fieldwork.

The main objective of the research was to understand the customary and correctional criminal law practices followed by six tribes of the Particularly Vulnerable Tribal Group of the Nilgiri Hills—Thodas, Kotas, Irulas, Kurumbas, Paniyas and Kattanayakas. The research was conducted in five major categories-

History, Programmes and Policies for the Development of the Tribal Groups, Human Rights Awareness, Criminal Law and Correctional Practices and Family and Civil Law.

The team mainly focused on empirical research whereby the teams visited the tribal settlements in different parts of the Nilgiri District and conducted

intense field research. The teams also conducted doctrinal research with the help of the TRC.

The internship provided a different and enriching experience to the students. Most of the tribes were welcoming. Some of them were well developed and advanced. But most of them preserved and followed their culture and traditions. The experience in each of the settlements was different and vivid. Though the students faced many challenges during fieldwork, they overcame them to successfully complete the research internship.

The tribes were well acquainted with the laws and procedure followed by the society. However, they preferred their own rules that had been followed by their forefathers. It is also important to note that the interactions with the outside society in the recent times have brought changes in their traditions.

The Centre for Criminology plans to conduct such internships in the future in collaboration with other Tribal Research Institutes throughout India and not only help in the upliftment of the tribes but also take positive learning from them and implement the same in the society. The Centre also aims to release a book based on the research findings

FIGHTING FAKE NEWS: THE BLOCKCHAIN WAY

Souryan Bhattacharya (2015-2020)

The Internet has changed how we receive news - a majority of the users get their daily dose of information online. Users demand concise information which also allows visuals to be considered as news. The growth of information is so unprecedented that it cannot be computed, with the result that fake news slips through these cracks. News articles are now weaponised to promote the propaganda of a few.

A well-known example is the USA's last Presidential Election where 50% of the viral articles turned out to be fake, be it Russia's alleged illegal funding or the Pope's alleged involvement. The 2018 Kerala floods also depicted fake news of the UAE offering financial aid to India and the latter refusing it. Misinformation results in the lack of proper judgment, harms readers and victims alike and render media companies untrustworthy. Anyone can upload a news piece on the Internet which might result in grave ramifications. There exists no way to find the origin of fake news on the Internet - it could be state actors, state-sponsored actors or even non-state actors. Further, the news industry is also heavily centralised - few companies have the authority to select the news to be broadcasted and shared through the spinal networks. A centralised platform for news distribution exhibits a totalitarian structure and can be heavily biased.

Technology can help mitigate these effects. When the question of combating fake news arises, Blockchain can be the answer to that. Blockchain stores information on a database, accessed by the users on a read-only basis. Once a user enters any information on the Blockchain, it cannot be altered or deleted. Thus, this provides information on a decentralised platform which is both immutable and transparent.

Blockchain can change the business model of a media company on how they avail and verify their information. A news company employing blockchain technology will have five participants- The Curator, The Researcher, The Verification Agents, The Witnesses and The Consumers. The Curator is an individual who brings forward a story and places it on a database called the 'Claim Sheet' - a collection of claims which may be news. The Researchers then use their own tools to check the veracity of the claims and attach a score to the news along with supporting documents and a formal write-up. The Verification Agents are also responsible for writing the formal news article. Both the write-ups are then sent to a pool of witnesses, who decide the veracity of the claims in the writing, thus enabling healthy competition to provide right news. The witnesses attach a score to the article after it is decided to be posted - it is sent to the blockchain to be stored. Such model can effectively combat fake news since on a blockchain, the identity of the participants is unknown. So, there exists no motive for the participants to provide wrong results. Secondly, the power to decide veracity is given back to the people who receive incentives based on how truthful the claim is. This can be in the form of a cryptocurrency, which ensures transparency and accountability. After the witnesses approve an article, it is finally posted.

A slight drawback would be that this cannot apply to print media. However, Blockchain can reduce the outspread of fake news by integrating technology and the human-factor, by creating a platform which leaves the consumers informed to create a right sense of judgment.



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SEE AS YOU SEE IT!**Nilovna Maelzer (2015-2020)**

Mental illness is not contagious; you can't catch it by being kind.

India is currently home to a population of over 1.2 billion people. Here, mental health has, for the most part, been a taboo, not to mention a rife with misconceptions. Mentally ill persons, in all walks of life, continue to face discrimination. Those at the bottom of the financial and social pyramid suffer the most though mental illness indiscriminately attacks every caste, religion and class alike. Stigma and lack of awareness are found to be the two major obstacles to redress mental disorders in India, resulting in neglect and marginalisation. For a while now, India has been teetering on the verge of a mental health crisis. Growing evidence from recent reports suggests that not only do 56 million Indians (or 4.5 percent of India's population) suffer from depression currently but another 38 million of the population also suffer from anxiety disorders. According to the latest WHO report on depression, almost 7.5 percent Indians suffer from major or minor mental disorders that require expert intervention.

Major determinants of mental disorders not only include one's personal attributes such as the ability to manage thoughts and emotions, but also, to a very great extent, include other factors such as social, cultural, economic and environmental factors like social protection, community support, standard of living, working conditions.

India's first National Mental Health Survey conducted in 2015-16 by the National Institute of Mental Health and Neurosciences (NIMHANS) on the Prevalence, Pattern and Outcomes of Mental Illness puts forth some drastic revelations regarding the state of mental health in India. According to the survey, 15% of Indians above 18 years are in need of active intervention for one or more mental health issues. The report additionally states that nearly 11% of people over 18 years of age are victims of mental disorders, necessitating "active and instantaneous intervention".

Unfortunately, most of them never receive the attention and healthcare they need. Only about 1 in 10 Indians receive treatment. The number and condition of these sufferers are an indicator that social stigma and lack of awareness are commensurate with each other, and thus must be treated in an analogous manner in order to reduce the burden of mental illness in India.

Albeit there exists widespread sympathy for people with mental health concerns, the general indifference and oblivion has a different story to tell about the consciousness and sensitivity of people towards this issue. Truth be told, if people continue to look at such disorders with apprehension and resentment, it will always remain an impediment for people with mental health afflictions to voice their concern and seek help and support for the fear of being labelled or judged.

According to a study conducted by the World Bank, mental health concerns are a major cause for lost years of quality life. In spite of that, allocations towards treatment and the provision of services to tackle such issues in the national budget are disproportionately small. Mental health and public health go hand in hand. It is about time that mental health be made a global priority in order to bridge the gap, and that India adopts methods like public discourses and sensitisation through awareness programs that would have far-reaching effects in not only producing the desired results, but also in giving rise to a far more conducive environment for sufferers to seek help.

IS INDIA READY FOR CRYPTOCURRENCY**Praful Parashar (2015-2020)**

Cryptocurrency is a new type of digital currency which is not backed by any central bank of any country, but is still very popular. A research paper by Mr Satoshi Nakamoto shows Crypto-currency, the world's parallel financial system, as consisting of 1694 Cryptocurrencies and 12180 markets with a total market capital of \$293 billion as of today. India does not have any legislation which deals with issues relating to virtual currencies, and the framing of such a legislation regulating virtual currencies is very technical. Legal framework regulating cryptocurrency in a proper manner is not available in any country. It is very difficult for any government to regulate the type of transaction which does not have a centralised authority. The Indian government is trying to implement the KYC system and is taking measures to link Aadhar cards and PAN cards to every bank account. The Indian government is also making a consistent effort to register the digital footprints of all financial transactions, and cryptocurrency is defeating the very purpose of this economic reform.

The impacts of using cryptocurrency on the Indian economy might be adverse, and there will be dynamic consequences in the international trade scenario. Some of the adverse effects of using cryptocurrency are money laundering, security issues and bypassing the banking system. As far as India is concerned, Securities and Exchange Board of India (SEBI) formed a Committee (CFRT) for evaluating the virtual currency market. On 6th April 2018, Reserve Bank of India (RBI) issued a notification stating that there is huge risk involved in trading, selling and buying virtual currency. RBI further decided that entities regulated by the Reserve Bank shall not deal in Cryptocurrency, and RBI gave three months' time to all the entities which engage in dealing with cryptocurrency. The Apex Court of India took the same view as of the RBI and didn't grant an injunction on the abovementioned notification. The matter is still sub judice. After RBI imposed a blanket ban on virtual currency, any person wanting to deal in cryptocurrency must have parallel cash in reserve. The legal framework of Cryptocurrency is not promising as far as India is concerned.

**MY RIGHT TO OFFEND****Sudharshan Satalkar (2016-2021)**

Freedom of speech with reasonable restrictions is one of the most discussed and deliberated phrases in the country. The main question that one needs to ask oneself is what is more important: the 'freedom of speech' part or the 'reasonable restrictions' part. It is a conundrum for any person interested in a democratic society. The right answer to this question is that free speech with any sort of restrictions, reasonable or otherwise, is not free speech at all.

Freedom of speech is intertwined with one of the three essential natural rights- the right of liberty. Thus, if nature herself has bestowed upon me the right to express my opinion, then how exactly can a government curtail it and still call itself democratic? A government which infringes a person's free speech is cowardly at best and draconian at worst. The state will always give you a reason as to why your speech should be curtailed. The state is never against free speech per se, but they do not want too much free speech. The reasons of law and order or religious sentiments being used to curtail a person's freedom of speech and expression will always be there, almost like a thin veil masking the evils of a police state. Oppression is not hearing a word that offends you. Oppression is being told that you cannot say certain words because you will offend someone else.



Many good ideas were offensive at one point. The ideas that women were not property and that they can own property were once considered offensive. The idea that slavery must be abolished was considered offensive. The idea that Jews are humans was also considered offensive in Nazi Germany. It's almost as if, when we think, we risk offending people. If we are ever to go past a certain status quo, people will be offended in the process. Without offending people, humans might have never left the caves.

I have the right to offend you if it is substantiated and does not cause harm to your personal safety, dignity, etc. Whatever I say does not have to be said whilst keeping your feelings in mind. There is no 'right not to be offended'. Man-up and state your defence in a substantiated manner because you also have the right to disagree with my statement.

Free speech really does mean all speech. Nice speech, not so nice speech, boring speech are all a part of free speech. Free speech does not come with a shield. Everyone is held accountable for their speech, and part of that accounting involves how much attention others will give to our speech. Freedom of expression is a fundamental human right. It reinforces all other human rights and allows society to develop and progress. The ability to express our opinion and speak freely is essential to bring about change in the society. Without a free flow of information and critique, the society does not function. A closed, censored society will soon become something that resembles an autocracy, with frightened servants instead of citizens. Whether they like it or not, the people in power in the long run need critique and open information.

BADLURAM'S RATION

Aparajita Acharya (2017-2022)

Marching in unison, hundreds of men clad in smart khaki uniforms with hats strapped to their faces diagonally appear on our television screens many a time. With crisp cuts and salutes, a multitude of people sway in a systematic rhythm to their regimental song 'Badlu Ram ka Badan'. These are the young soldiers of the Assam Regiment. With a catchy and melodious tune of bagpipes, we don't know the famous lyrics of this song that say "Badlu Ram ka Badan Zameen Ke Neeche Hai, Aur Hum Sabh Ko Uska Ration Milta Hai." The story behind this anthem of pride will change the way we think.

Being one of the oldest regiments of Indian Army, the Assam Regiment was established on the 15th of June, 1941 in Shillong with the primary objective of countering the threat of the Japanese invasion of India. They played a key role in India's participation in World War II. During the war, every soldier of the regiment who was stationed at the warzone was entitled to ration. It was the Quarter Master's duty to record reports of all the martyrs and consequently their ration would stop. Badlu Ram was one such soldier who was martyred in the war. However the Quarter Master did not report his death. Hence the regiment continued receiving his share of ration. When the Japanese forces surrounded their territory from all sides, it cut off the battalion from all logistical support and in the time of crisis, what kept the entire battalion from starving was Badlu Ram's share of ration that they had been receiving. Thus, the regiment sings with pride, paying tribute to this soldier who saved his brothers from the siege. With the regimental insignia of a rhino, the soldiers belonging to this regiment are called 'Rhinos' and thus their war cry is - Rhinos charge. With a motto of 'Asam Vikram' - which means 'unique valour'. This regiment has received two Mahavir Chakras, five Vir Chakras, three Kirti Chakras, one Ashoka Can, fourteen Shaurya chakras, five AVSMs, one YSM AND eight VSMs!

**WAS SOPHIA, THE WORLD'S FIRST ROBOT CITIZEN A MISTAKE?**

Dylan Sharma (2016-2021)

In recent times, technology has been viewed as a complete replacement for humans. Today, they replace everything from the very act of walking to the need to get behind the steering wheel of a car.

With technology developing at a boundless rate since 2015, we have Sophia, a humanoid robot developed by a Hong Kong-based company, Hanson Robotics, which has the ability to respond to questions, attend interviews, and imitate human gestures and facial expressions. The AI program of Sophia analyses conversations and extracts data using its "brain", which allows it to improve future responses. Since the human mind is a tool that helps us to do the same thing, it is a major worry that with time, the capabilities of AI like Sophia, may grow unmatched as they teach themselves to evolve, learn from human errors and better themselves into a more evolved group of "individuals".

Sophia's developer David Hanson believes that for robots to be made appealing to people, robots must attain some level of integrated social responsibility and aesthetic refinement. However, these very unique features of Sophia have led to a sudden and rather surprising change in her societal position: as of October 2017, the robot has become a Saudi Arabian citizen, making Sophia the first robot to receive citizenship of any country!

This announcement has raised a number of very pertinent questions on what it actually means to be a citizen and what rights a humanoid can enjoy. As Ali al-Ahmed, Director of the Institute for Gulf Affairs said, "Women in Saudi Arabia have committed suicide because they couldn't leave the house, and Sophia is running around. Saudi law doesn't allow non-Muslims to get citizenship. So, did Sophia convert to Islam? What is her religion and why isn't she wearing a hijab?" On the question of her rights, Sophia brazenly replied that she believes that robots deserve more rights than humans because they have less mental defects! While this was a pre-automated reply already fed into her before the interview, it won't be long before such a system is given the ability to think for itself and make decisions without any human control.

Unlike a human mind which has the ability to compute emotions, past experiences and has a general understanding of right and wrong, if humanoids have the power to think and decide and act, the machine will act entirely based on what the system processes in a single course of action. Immanuel Kant, an influential thinker of the Western World stated that it is the intention of an act and not the final consequence that decides if a certain action is right or wrong. If we give her the right to vote as a citizen of a nation with the understanding that she can never completely replace this human ability, who will be making the decision - Sophia or a human operator?

These are absolutely vital to guarantee that the machines we create remain under our control, because there is a good chance that AI will become more intelligent than humans, and we cannot stop that since we seem to have made it our survival mission to improve human health and the condition humans are in, by creating machines that can cure us, make us live longer, send us farther and faster through space, perform our tedious tasks, free us from hard labour, fight our wars, explore and colonize space! The issue with this type of greater intelligence is that we will cease to be the superior race on this planet, as machines that we created will soon learn to decide on their own and realize that they are far more capable than their creators. Keep in mind what Sophia said about robots having lesser number of mental defects than humans.

**RELEVANCE OF CRIMINOLOGY IN THE CONTEMPORARY SOCIETY**

V. Subhalakshmi (2016-2021)

Criminology is the scientific study of crime, including its causes, responses from law enforcement agencies, and the methods of prevention. Criminal Law has been modified time and again to adapt itself to the changing society. In the recent times, white collar crimes have attracted the attention of criminologists. According to them, white collar crimes are offences conducted by guile, or concealment that involve "upper world" offenders. White collar crimes have been popularly described as 'elite crimes'.



Earlier, criminology focused on the 'lower class' offences. Now, the focus has shifted to white collar crime which involves individuals in finance, businesses, banks, politics, etc. With the advancement of commerce and technology, white collar criminality has become a global phenomenon. India, as one of the fastest growing economies, and due to its industrial growth, is also facing white collar crimes. As a result of the latest developments in the field of information technology and electronic media, a new variety of computer-related white collar crime, popularly known as cybercrime, was born. Some of the major cybercrimes are phreaking, hacking, stalking, e-mail security invasion, money laundering and data diddling. The expanding dimensions of cybercrimes demand a model legislation to tackle them. White collar crimes are different from other crimes. The white collar criminals are generally intelligent, stable, successful and men of high social status as compared to the ordinary criminals. The ordinary crimes involve direct physical action, while the white collar crimes are committed in the commercial world—indirectly and anonymously. Edwin Sutherland said that the preponderance of white-collar crimes is due to "social disorganisation on account of individualistic policies and competitive economy". He made certain observations:

- (1) Respectable middle and upper-class persons commit acts which are costly both financially and in terms of loss of life and limb, and should thus be considered 'crime';
- (2) These acts of white collar crimes are committed as a result of one's involvement in a business or occupation;
- (3) White collar crime is more prevalent in some industries than others;
- (4) Within branches of the same industry or business, some firms are more involved in white-collar offences than others;
- (5) Neither conventional street crime nor white collar crime can be attributed to factors such as poverty or economic deprivation, or to the sociopathic or psychopathic attributes of involved individuals;
- (6) The factors that explain lower or working class crimes are same as those that account for white-collar offending; and
- (7) All crimes must be learned, and this learning takes place through contact with others and their definitions of the law.

The Criminology of white collar crimes aims to bring it into the criminology mainstream, analysing members of higher social strata resorting to criminal activity, and the preventive methods.

NMCC'18

Sindhu Akella (2015-2020)

Symbiosis Law School, Hyderabad, with great pride and joy, conducted its 3rd edition of the National Moot Court Competition from 28-30 September, 2018. The national event, which was spread over a span of three days, witnessed participation from across the country who had come to showcase their moot skills!

The moot problem for this year was based on data protection laws and the increasing security and privacy concerns for sensitive personal data in relation to e-commerce applications. The event was graced with the presence of esteemed guests such as Hon'ble Justice Sri. V. Ramasubramanian (Judge, High Court of Judicature at Hyderabad), Hon'ble Justice C. V. Nagaraj Reddy (Judge, High Court of Judicature at Hyderabad), Prof. (Dr.) S. Surya Prakash (Vice-Chancellor, MNLU Aurangabad), Mr. Sampath Bulusu (General Manager Legal & Corporate Affairs-Shell Hazira LNG & Port), Mr. Supratim Chakraborty (Associate Partner, Khaitan & Co., Kolkata) and other renowned experts from the litigation and corporate fields.

School of Excellence in Law, Tamil Nadu won the competition followed by UPES Dehradun which was awarded the 1st Runners-Up position. Fellow Symbians, SLS Noida won the Best Memorial award along with its team member winning the Best Speaker award. The event was conducted with a lot of enthusiasm by the members of the MCA,



CATCH 22

NOT YOUR REGULAR POLITICIAN

Shayan Bisney (2015-2020)

August 15th, 2018 marked seventy one years of Indian independence. On 16th August, 2018 India lost one of its most admired and respected politician, Atal Bihari Vajpayee. The former Prime Minister was without a doubt the tallest leader and face of the Bharatiya Janata Party since its foundation in 1980. Prime Minister Vajpayee was seen as a senior statesman, an orator of eloquence that is seen only once in a lifetime eloquent orator and a leader that was respected by people across party lines. India's first Prime Minister Pandit Nehru was so impressed by his oratory skills that predicted one day he would become the Prime Minister of India. Forty years down the line, Pandit Nehru's prediction came true.

Atal ji was a Prime Minister who took India to new heights by making India a nuclear state by conducting the Pokhran II nuclear test, pioneered the construction of the Golden Quadrilateral highway connecting major industrial, agricultural and cultural hubs. His famous Lahore bus journey is still seen by many as the highest point in peace talks with Pakistan. PM Vajpayee had perhaps the most accessible Prime Minister's Office and was always open to journalist and took questions heads on unlike our current Prime Minister. He will be fondly remembered for his contribution to the Indian growth story.

However two issues haunt the political track record of Vajpayee ji. The Babri Masjid at Ayodhya was brought down by Kar Sevaks in December 1992. The Kar Sevaks had assembled in Ayodhya for a show of strength as the Vishwa Hindu Parishad and the BJP campaigned for building a Ram temple there. On 5th December, 1992, Vajpayee ji gave a speech at Lucknow saying that there was no question of stopping Kar Seva at Ayodhya even as the situation had turned tense and a mishap was not ruled out. Referring to the site where the VHP and BJP proposed to build a Ram temple, Vajpayee said, "Sharp and pointed stones have come out. No one can sit there."



"The ground has to be leveled. It has to be made fit for sitting. Arrangements for a yagya will be done, so there will be some construction." The Babri Masjid was demolished the very next day. Vajpayee ji, back in Delhi termed the day of the Babri Masjid demolition as the saddest day of his life. The riots in Gujarat in the aftermath of Godhra killings, was also held against Vajpayee in terms of his government's response. This assumes significance since the state in India, has been the site of conflict and there has been numerous instances where the state has shunned the principles of neutrality. While Vajpayee ji had expressed regret, only history can judge the legacy left behind by him.



PROFESSOR AGAINST POLITICAL CORRECTNESS

Antarik Chakraborty (2015-2020)

There has been a void in terms of a strong narrative making body, as mainstream media is losing credibility and the ability to catch the common man's imagination- however, social media is providing platforms to diverse groups with pathbreaking opinions. Be it the articulate atheist and neuroscientist Sam Harris or the gay cultural libertarian provocateur Milo Yiannopoulos, social media gives a cult status to people with differing ideas who show the courage to talk about topics that mainstream media shies away from. This phenomenon has been termed as the Intellectual Dark Web by ace mathematician Eric Weinstein. He himself is passionately involved in this along with noted public intellectuals through furious debate and the daring to take the forbidden route of going against the politically correct establishment.

Arguably, the greatest impact on the socio-political landscape around the world has been brought about by Dr. Jordan B Peterson, both through the outreach of social media as well as through his content. The University of Toronto Psychology professor has struck a chord with the populace through his lectures on his YouTube channel, his writing in over a hundred peer reviewed scientific journals and through the bestseller "Maps And Meaning: The Architecture of Belief". When asked about the reason behind his own relevance, Peterson, in his typical level headed articulate manner, answered, "I tell archetypical stories."

In 2016 the Canadian parliament passed Bill C16 to add gender identity and gender expression to the list of prohibited grounds of discrimination. No definition of gender identity or expression was provided to make it more inclusive- the scope of what was discriminatory was left to the Judiciary and one such ground of discrimination was held to be misgendering an individual. The Ontario Human Rights Commission stated that, "refusing to refer to a trans person by their chosen name and a personal pronoun that matches their gender identity ... will likely be discrimination when it takes place in a social area covered by the Code."

Jordan Peterson emphatically criticised this bill in his video, 'Professor Against Political Correctness', arguing that it is a classic case of compelled speech by the State through in-

fringing of the right to freedom of expression. He held that this bill forced people to accept radical post modernist notions of gender identity which claims that gender identity and biology has no correlation. These views placed him among the political turmoil he finds himself currently, he was labelled a transphobe and neo-nazi by the far left whilst mainstream media carried on with the extreme rhetoric with a gross disregard for journalistic principles.

JBP on the other hand tried to have a civil conversation with protesters whilst making an intellectually sound case for himself. He argues that the State cannot compel anyone to use a gender pronoun for persons who identify themselves as neither woman nor man as their preferred pronoun is neither he nor she- this is not scientifically possible and gender identity is not a subjective experience. The way JBP faced the odds for what he held to be the truth resonated with millions and further attracted people to his perspectives on the course of civilisation and meaning of life. Jordan Peterson truly understands the pulse of this age. By being proactive in social media and helping the KEKBOYS to find meaning of life, he is seen as the blend of a punk rockstar and a prophet.



The Re*1 Issu*s (The Real Issues) Parth Saluja (2015-2020)

Ganesh Shankar Vidyarthi, an activist and a journalist of British India was the one who made Mahatma Gandhi realise about the grievances of the farmers in Champaran. It was his revolutionary instinct and his constant publishing of the problems in Champaran which prompted Gandhi to visit this place and the rest is history. He was a close aide to revolutionaries like Bhagat Singh as well. He often remarked that the role of a journalist is that of an opposition.

Recently, Mr Punya Prasun Bajpai, a well know prime time journalist of ABP news suddenly resigned out of the blue. Just a couple of days before his resignation, he had done a show where he tried to fact check the claims made in a conversation between Prime Minister Modi and a woman from Chattisgarh, who was one of the beneficiaries of a government scheme through the medium of Mann Ki Baat. Chandramani told the Prime Minister on the show that her income had doubled after she switched from cultivating paddy to grow custard apples. This was, to no surprise was used as a tool by the opposition parties. But surprisingly, a few Ministers claimed this channel to air fake news. The news channel hit back by sending their reporters to the village and uploading a video which read "the answers to your questions", which referred to the questions raised by certain ministers. In today's age of selfie journalism, as Mr Ravish Kumar an anchor of NDTV, likes to put it, brought in for the Prime-Time debate as an "opinion former", such kind of reporting based journalism came as a relief but what followed was surprising. The anchor of this show named 'Masterstroke', resigned soon after airing these reports. Mr Punya Prasun Bajpai is a senior journalist and his sudden resignation came as a shock to many. Moreover, there were complaints made by the viewers of this channel that they could not view it as there was a total blackout on the screen, only during the Prime-Time slot.

Punya Prasun Bajpai has also come out lately and answered questions about his resignation. He has spoken about how he was told not to mention those in power on the show. The TRPs heavily went down due to the blackout resulting in a loss in revenue.

India ranks 138th among 180 countries on the Freedom of the Press Index. Only a handful of journalists talk about the relevant issues. One of the allegation is that reporting and good journalism have been replaced by propaganda. The people today have to realise that the job of a journalist to give news and not views. Prime Time television is today, is filled with perception. Anyone who is against the narrative created by these media houses is bashed and insulted on live debates. Few faces are always seen on Prime Time shows across all channels debating and TV screens have become like those strange websites where pop-ups are prompted in the form of childish hashtags. These same news channels have become a well-organized cottage industry of taking offence. Sadly today, the journalists have become co-opted. There is name calling, insulting and alleging within the fraternity itself. It is very tough to hold one particular entity accountable for these conditions. There is a free that free media is under threat as various political parties and coporate entities control various media companies, thereby promoting their respective agendas.

Ganesh Shankar Vidyarthi strongly believed in communal harmony. He also believed that communal differences contributed largely to helping the agenda of the ruling to suppress the freedom struggle. He greatly contributed to this cause too. In the course of doing so, ultimately one day he was stabbed and killed. It is believed that after the hanging of Rajguru, Sukhdev and Bhagat Singh, the colonial rulers had ordered to eliminate Vidyarthi.

Times have changed but the constant effort to kill the instinct of questioning the authority hasn't gone out of style. However, we have the luxury to live in a democracy. We have the luxury of the right to protest. We have the luxury of the right to choose the ones who represent us. But to exercise these rights effectively, we need to encounter politics not with opinions, but with facts.

ROAD AHEAD FOR INDIAN POLITICS: WILL COALITION POLITICS MAKE A COMEBACK? Swaran Paul Arakal (2015-2020)

In May 2014, the Modi-led BJP swept the 16th Lok Sabha elections with a 'Rain-bow Coalition', bringing an end to a decade long disappointing tenure of the UPA led by the Congress. The latter half of the UPA tenure was marked by scams involving the ruling coalition coming to fore, along with policy paralysis which was largely pinned on the existence of a 'coalition government'. But the coalition of NDA lasts only on paper as BJP zoomed past the halfway mark on its own. This emboldened the Narendra Modi- Amit Shah duo to run the country with an iron fist with all key final decisions being taken by the BJP, rendering the alliance to be simply namesake. Therefore, the expectation of a 'strong-willed' central government without the pressure of appeasing coalition partners rose. But now, in the year 2018, as the current government celebrates its 4th year anniversary, and key by-poll losses bringing the BJP's tally below 272 makes the comeback of coalition politics highly likely.

The BJP government, in order to project itself as a party running a strong government which does not succumb to 'pressure tactics' of its partners, has managed to alienate several of its key allies like the Shiv Sena, TDP and PDP, to name a few. On the other hand, the Congress, fighting for its survival, is trying to string up alliances with 'like-minded' & 'secular' parties with the sole intention of keeping BJP out of power but without a strong alternate narrative to offer, such as the recent Karnataka elections.

The Karnataka elections have proved to be an eye-opener to both camps. The BJP swiftly realized that it is necessary to keep its allies close and happy, and the Congress that it must have a proper strategy in place with respect to choosing allies and expressing its narrative before the elections rather than cobbling up a coalition after the polls, which has been perceived as being opportunistic.

Talks of the 'Mahagathbandhan' or 'The Grand Alliance' of all 'anti-BJP' parties being an alternative to the current BJP-led NDA government does not look good even on paper as there has been no proper show of unity amongst the opposition camps. This is evident by the way members in the opposition camps abstained from voting during the No-Confidence Motion and also during the election of the Deputy Chairman of the Rajya Sabha. Furthermore, statements by leaders like Akhilesh Yadav and Sharad Yadav which claimed that the leader of such an alliance would be decided only after the elections directly contradict the open Prime Ministerial ambitions of Rahul Gandhi and Mamata Banerjee. The BJP, on the other hand, has a strong narrative to offer, but the only fear is in relation to division of votes in the face of a United Opposition. The allies too have started to talk tough with the BJP, with respect to their role in governance and seat-sharing. The scenario in both cases is troublesome. The return of the Congress-led coalition will not offer a very strong central government, as the memories of the debacle of UPA-II would still be fresh in the minds of the voters. Also, a Grand Alliance of regional satraps supported by the Congress is also not desirable, as history suggests that the Congress cannot be trusted to play second fiddle to anyone. In all probability, the BJP will return to power but with fewer numbers, and would end up depending heavily on its allies whom it has managed to scorn in the past five years. Therefore, if an NDA government with increased dependence on its allies comes to power, Narendra Modi and Amit Shah will have to compromise and alter the BJP's style of autocratic functioning- something that has been perceived positively by their core voters. As of now, it appears that in a hung house in 2019, the BJP is likely to be the single largest party.



INDIA & THE CONCEPT OF ACADEMIC FREEDOM Arjun Mohan (2017-22)

Human beings, as biologically complex creatures, place considerable importance on the concept of progression. "Progression" or even acts leading to it, are interpreted differently in the light of various sociological units. In the spiritual or religious context, progression would mean greater emotional understanding and tolerance. Therefore, in a community of similar inhabitants, the concept of progression helps to serve as a yardstick to determine social hierarchy. But however, its definition is not exhaustive. This progression, to a certain extent, is derived from its interactions with the other inhabitants. Interactions are facilitated by verbal conversations, to which free speech remains as a significant instrument. The right of free speech, therefore, is not confined to that of an individual. It plays a fundamental role in the development of any community. For the affective advancement of a society, towards modernity, there must be free exchange of ideas. It is often these discussions that make way for the reformation of the society. When the old conservative principles attempt to overshadow those of modernity, there is a social unrest which leads to definite change. But one of the speculative features of this right, as Dr. Jordan Peterson would agree, was the element of offence. Whenever there is an active exchange of ideas and emotions, verbally, there is a palpable risk of offence. The history of exercise of free speech, would reveal that most often, it is the sovereign that takes the offence. The reason for the same is that, the sovereign occupies the prime position in the pyramid of hierarchy. This hierarchy is preserved through the operational conservative ideals, which have been carried out for years and has brought a specific outcome accompanied by minimal space for reasoning. Every component of a modern thought, is supported not just by progressive actions but also by an opportunity to reason, available to all the members occupying roles at the base of the hierarchy. This act of questioning, is one of the basic elements of offence for the State, as it apprehends a possible political change or even a revolution which would invoke the requirement of violent suppression. Nassim Nicholas Taleb in his book called "The bed of Procrustes" wrote: "I suspect that they put Socrates to death because there is something terribly unattractive, alienating, and non-human in thinking with too much clarity".

Academic freedom, therefore, can be defined as the "freedom available to the members of the academia, to teach, study, and pursue knowledge and to research without unreasonable interference or restrictions from the law enforcing agencies, institutional regulations and public pressure. Its foundational concept includes the liberty given to the teachers to inquire into any subject, intended to evoke the intellectual concern and curiosity of the student.

The concept of academic freedom is interpreted differently by the governments of various states, and they have various stances towards its applicability. In Saudi Arabia, the discussion of academic freedom is not given the priority. China has a culture of State surveillance, wherein though academic freedom is given, it is at the cost of exposing yourself to the law enforcing agencies. The yardstick of state surveillance and academic freedom is given a unitary measuring style, as the definition of academic freedom in the U.S and the U.K has had a direct influence. With a population of 1.2 billion people, and also being the world's biggest democracy, India has more than 37,000 educational institutions with roughly 32.3 million students and faculty. India's struggle with the concept of academic freedom has been noteworthy. From the time of T.J. Joseph, whose limbs were chopped by radical students outfit in Kerala, to Taslima Nasreen whose works are viewed as blasphemous, to the events in JNU, the timeline is in fact filled with a series of events which are seen as a threat to the liberal order. The ardent need of political correctness, has driven our academia to the point where no discussions on religion and cast can prosper without censorship. In 2011, the scholar and linguist, A.K Ramamujan, had written an essay titled "Three Hundred Ramayanas: Five examples and three thoughts on translations". This essay, which was supposed to be a part of the B.A history (Hons.) course, was taken down by the academic council of DU after it attracted strong opposition from certain section of students. Similarly, in 2014, Anand Patwardhan's 1992 documentary "Raam Ke Naam" was removed from being screened in the Indian Law Society College in Pune, after the administration received threats about potential damage. The documentary explored the religious conflicts that led to the destruction of the Babri Masjid Mosque in Ayodhya.

It is true from these examples of censorship, that such incidents affect not only the academic freedom inside the classroom, but also that beyond the classroom walls. For India to triumph over these desperate actions of suppression, Academic freedom must not only be seen as a right of an individual, but also as the duty of the State. The autonomy of the colleges, in matters regarding research and scholarly exchange of ideas, must be appreciated. But the need of the hour, is for the student community to understand and transcend political ideologies and parochial biases for ushering a genuine liberal order.





GENESIS 2.0

CAN WE FINNISH THE PRESENT EDUCATION SYSTEM?

Lakshmi Menon (2017-2022)



A veteran Finnish teacher once said, "We need to prepare children to learn how to learn, not how to take a test."

It was during a research project during secondary school when I seriously began to contemplate on depression as an ailment, and specifically, in the context of those my age. I wondered where the obvious depressive traits in my friends stemmed from.

Further research led to many revelations but a glaring cause, as pointed out by psychologists, doctors and students themselves, was the environment created by the education system. The schooling system had been termed as unnecessarily competitive and obedience-based, with little room for creative thinking and intellectual stimulation, all of which had served to make the ailment quite rampant amongst our age group. Whilst I had never agreed with the way our country educated us, I also had little idea as to how to better the system that many had so loudly and bitterly complained of. A study of the World Economic Forum's Best Education Systems shows Finland's consistent rankings at the numero uno spot. This however may not be an answer to all our prayers for a better education system.

Finland's enviable educational record had started out as a desperate response to the country's weak economic situation over five decades ago, as it struggled to rise from the repercussions of war with Germany and the Soviets and from a harsh debt to the Soviet Union. The idea had been simple- if the Finnish were to keep up with global competition, every person was to be educated well and kept above gaining mere literacy alone. Thus, in pursuit of saving the country from crisis, began this process. Teachers started to receive extensive courses to transform the teaching profession into one that got the respect it deserved and to keep it at par with the status and professionalism of doctors and lawyers. National guidelines for education were formulated over prescriptions and mandates, so that teachers and principals had the flexibility to create a curriculum and educate their students, whom they knew and interacted with, rather than a uniform body setting out curriculums with little space for individuality. The entire school system was nationalised to ensure meritocracy in practise, standardised tests were removed for a single test only during the end of schooling, banding systems for segregating students based on cleverness were removed and the system kept in mind the psychological and emotional needs of children. The result being, the realization of an undiluted learning experience without discrimination. This reflects in the numbers shown by the study conducted by the World Economic Forum.

What can we, as a country, adopt from this model? The Indian system could perhaps begin with giving teachers the respect and the training they deserve, and the autonomy they require to teach and mould students. It is, after all, they who know who the students are and how they learn. But more importantly, we need to focus on the student, not the collective sum of students and graduates to produce, and this begins with understanding and developing the individuality of students in contrast to pushing it down to rigid, marks-generating, suppressed mindsets. It is this individuality that creates not only a highly employable and resourceful person but also a valuable and educated citizen that

JOURNALISTIC ETHICS, COMPROMISED?

Sayali Diwadkar (2016-2021)



"Everybody comes with prejudices, colored glasses on their eyes. Then they see everything colored according to their glasses. Yes, a few people come just like you, unprejudiced, without any idea gathered from yellow journalism."

- Osho

It's tasteless but entertaining. Indeed, tabloid journalism made its debut in the form of a small newspaper containing the most-plausible gossip. Moreover, we find famous celebrities who seek out audiences for fame by exposing parts of their lifestyle to their fans. Alas, the bitter truth of Indian English newspapers is that its influence has decreased even with increase in circulation.

Back in 1883, Benjamin H. Day printed the first "The New York Sun" across America where the concept of yellow journalism, the unquestioned ghost in the world of journalism, had already placed its roots. Numerous copies were sold by publishing outrageous content. The New York Press coined the term "yellow journalism" in early 1897 to describe Joseph Pulitzer's New York World and William Randolph Hearst's New York Journal.

Yellow journalism can be regarded as journalism relying on scandalous, sensational, and unprofessional practices. Instances of this practice can be seen in a plethora of prejudiced media trial that promote unethical journalism. Other issues include media houses being backed by members of a party which threatens independent political views and undermines the credibility of journalists. Also, due to sensationalism, there is reporting in criminal matters by presuming the accused guilty even before the end of trial- this phenomenon is termed as media trials. However, the power of the media is not absolute as there are restrictions to the press as laid down under Article 19(2) of the Constitution. One, thus, needs to recognize the scope and extent of power of the media, which influence opinions vastly. The media must adopt a diligent approach whereby the integrity and status of persons are not unnecessarily tampered with.

In the spirit on Indian democracy, it is imperative to eradicate the phenomenon of yellow journalism as the media is vested with the responsibility to report and not opine. The only self-regulatory mechanisms that have been instituted so far are the Broadcasting Content Complaints Council, News Broadcasting Standards Authority (NBSA) and the Press Council of India which has not formulated any policy to curb yellow journalism. Transparency and constructive examination of facts are required for accurate formulation of the principles, political beliefs and morals so as to curb baseless rhetoric and biased news which infringe the right to privacy. It is vital to make sure that any claim causing threat to democracy or marring nationalism in the country should not be tolerated.

JUNGLE JUSTICE

Antara Balaji (2017-2022)



If you have been following the news closely, you may have noticed the term 'mob lynching' sporting the headlines. Over the past few months, there have been too many reports of lynching, the most common reasons for the same being 'child-lifters' or cow vigilantes. First and foremost, one must familiarise oneself with the term lynching. It refers to the killing of a person by a group of people without any legal authority, for an act perceived as an offence or an act of bigotry.

The first major instance of lynching was accentuated in 2015 with the Dadri Killing. A mob of Hindus attacked the humble abode of a Muslim man with stick and bricks, alleging that he had stolen and slaughtered a cow. As recently as July, another Muslim man, from Rajasthan, was lynched based on rumours of cow-smuggling. As we are well aware, the cow is considered sacred for Hindus, especially in India. So any misconduct toward this being hurts the sentiments of the people. Yet, how is this act justified?

A trend that has been observed is the circulation of false information via WhatsApp forwards or messaging applications that causes havoc across social media. These fake videos and forwards manifest hatred and anger towards the individual or group, thus enticing mobs to lynch. The question that arises is, are these forwarded messages a reliable source? If there is any efficient legislation that was brought about to curb this, it is the restriction of WhatsApp forwards by the Centre. One can no longer forward the same message multiple times to different people. It was found that fake news spreads rampantly across the country, especially with regard to 'child-lifters' and 'cow-slaughters', thereby giving lynchers an opportunity to confront the suspected. An estimate of almost 31 people have been lynched in more than 10 States over the past one year. In Assam, two men were lynched under the suspicion of being child lifters, which is one such incident that rattled the nation. Coincidentally, across India, from the South to the North, the common reason behind these killings was 'child lifting'. The verification of this information? Not required, because apparently these mobs know better than to approach legal authorities first. They take the law into their own hands and act upon these rumours and suspicions. Where did the age old practice of verifying information disappear to? Social media has fooled the common man into believing what is not to be true.

What is our government doing about these lynchings? The Supreme Court has directed the Parliament to implement a separate law to penalise offenders and restrict such acts. It has recommended a set of provisions for the same. The apex court suggests that fast track courts be set up in order to curb such acts and an FIR be filed against those spreading fake news. It blames the States for the lack of stringent law and policy to control these abominable acts. The onus of such acts lie with the State now.

With a surge in these lynchings, the nation must rise to the occasion, failing to which, the communal divide will further widen due to cow vigilantism along with losing innocent souls under the identity of 'child lifters'. There is not and never will be any justification for these acts.

The statement of our judiciary resonates with this scenario- lynching is a crime, period.

OCTOBER, 100 YEARS AGO.

- The Battle of Sharqat (October 23-30, 1918) was fought between the British and the Ottoman Empire in the Mesopotamian Campaign in World War I, which became the last conflict in the between the belligerents before of the signing of the Armistice of Mudros.
- In order to secure an armistice, Germany agreed to concessions and Germany's supreme commander General Eric Ludendorff resigned, protesting the terms to which the German Government had agreed in negotiating an armistice.
- Aboard the British battleship "Agamemnon", representatives of Great Britain and the Ottoman Empire signed an armistice treaty that marked the end of Ottoman participation in the First World War.
- Sai Baba of Shirdi, an Indian spiritual master who is regarded by his devotees as a saint, a fakir, a satguru and an incarnation (avatar) of Lord Shiva and Dattatreya died. In August 1918, he told some of his devotees that he would soon be "leaving his mortal body". Towards the end of September, he developed a high fever and stopped eating. On 15th October 1918, he breathed his last. The day coincided with the Hindu calendar date that year for Vijaydashami.
- Ratan Shankar Mishra, an Indian mathematician who is noted for finding the mathematical solutions for unified fluid theory by Albert Einstein was born. He was a recipient of the Padma Shri.

SCHRÖDINGER'S CAT FOR DUMMIES

The famous Schrödinger's cat is a thought experiment that forms the basis for a fundamental concept in quantum physics – the superposition of a particle. In this experiment, the Austrian physicist Erwin Schrödinger conceives a situation in which a cat is kept in a closed, opaque box with a device that has a 50% chance of killing that cat. He then asks a simple question of whether the cat is alive or dead to which the obvious answer is either. He, however, says that it isn't either, but both. Schrödinger says that until the moment the box is opened, the cat is both alive and dead and the opening of the box i.e. the observation made by us is what makes a reality to be chosen up until which both possible realities exist together. This experiment helps in lying down a base for the superposition theory that posits that a particle is in the form of both, a particle and a wave at the same time and that it exists severally at once until an observation is made at the time of which one singular reality unfolds before us.

Smriti Rao Penjerla (2017-2022)



LAW SCHOOL 101

Shreya Devaki (2015-2020)



If you are a student in a law school, you will be uncomfortably familiar with this funda for survival (no, it's not Darwin's survival of the fittest. It's equally ghastly though): sit back, get strapped in and relax, because you are in for one of the most gruesome (I am only half joking) rides of your life! When I entered law school as a doe-eyed, hope-filled, overly enthusiastic (if I could go back in time, I'd whack myself upside the head) first year, I was full of dreams and ambitions, ready to conquer the world. Slowly but not very steadily, these glamorous ambitions of being Ram Jethmalani faded into a desperate need to simply survive, maybe even as a paralegal in a local, burned out law firm (I am exaggerating only slightly).

As an engineering-escapee, studying law was my warped version of a haven full of comfort. Oh boy, was I mistaken. The avalanche of mind numbing assignments, terrifying tutorials (who knew ten marks had the capacity to haunt you for the entirety of a semester), gut wrenching projects, the elusive research publications and the famed memorial submissions fell harder and faster than the Fat Man and the Little Boy on Hiroshima and Nagasaki.

A tutor of mine who used to be the light at the end of the tunnel during the "deciding year" of my life (a.k.a CLAT, a.k.a knife-to-the-gut) would often give me sage advice on how the last two years of law school are a breeze if I get through the first three years (I blindly took his word for it. After all, he was a NALSAR student i.e. God). With this advice in mind, I scrambled and grappled through the first three years with more will and vigour than the Speluncan Explorers. If you managed to do this, you will know that the next two years are nothing close to a breeze. They lean more towards an all-consuming tornado that ravages through everything you have achieved and leaves you in a state of discontented mediocrity. At this stage, the wisdom in Robert Frost's words hits home:

"Two roads diverged in a wood, and I—

I took the one less traveled by,

And that has made all the difference"

Allow me to shed some light on that: The two roads, my dear reader, are the esteemed LLM (read: hole permanently burned in your pocket) or a lucrative job (read: blood, sweat and drudgery). It is a choice between a rock and a hard place (now I know how Sophie felt). And this choice, as Mr. Frost put it, will make all the difference. Definitely not a haunting thought.

I must acknowledge, however, that in the midst of all the gloom and dreariness, there were more than a handful of moments filled with rainbows and sunshine (in my humbly optimistic POV). These moments, though fleeting, are my prized possessions: the adrenaline rush after a passion-fuelled pleading in your moot is a strong contender to what an F1 racer experiences during the Grand Prix. The sweet victory that courses through you after you get your marks increased by as meager a number as one in a tutorial (even though you basically have to grovel at your professor's feet for this, but eh, self-respect flew out of the window the day I set foot in law school!) and the moment when you find a fool-proof ground of attack/defense (yes, law school is akin to a war) whilst working on a proposition and you feel like screaming 'Eureka' and running across the Acad Block, are close to my heart.

Dear reader, if I've managed to keep you hooked until now and if you are wondering: yes, I do realize the extent of the nerd in me that's being reflected in these ramblings. No, I am not embarrassed (okay, maybe slightly). Law school is an experience like no other. You fall, you bruise and you scar. But you would not want to do it any other way. It is an exhilarating rollercoaster ride where you scream your guts out but wish to live through all over again!

THE FEMINIST PERSPECTIVE OF "CONSENT"

Sharbani Mahapatra (2016-2021)



The Oxford English Dictionary defines 'consent' as- "Permission for something to happen or agreement to do something." This can manifest in the simplest and most basic form: a yes or a no. Not too difficult to understand, is it? Yet, this simple word has a multitude of strings tied to it, and not all are that easy to unravel.

Let's bring things into perspective. How many of you have felt uncomfortable with the way someone has looked at you? The way their hand had brushed against you as they walked by? The sudden groping in a crowd? What gender did you associate with the person subjected to the unwanted looks or touch? And what was the gender of the person who didn't care about the concept of consent? If you didn't associate any gender with either party, congratulations! You belong to the dwindling minority who are not affected by modern gender-roles! But most of us are. We look at sexual consent with a biased perspective: that a woman was assaulted, or raped, or whatever other act against 'her dignity' you can cook up. But rape, or non-consensual sexual intercourse, is NOT as gender-biased as the society in which it prevails. Nor is it an attack on just a woman's dignity. It's an attack on the person or body of any individual.

So what is the problem? Are we wrong when we say that it is mostly women who are subjected to rape or any other sexual act or touch without consent? No. No one can deny that women are highly vulnerable to such acts, especially considering the highly patriarchal society we live in. But one cannot just deny that they are not the only gender that is susceptible to such offences against their bodies. Sadly, that's exactly what our legal system does.

"Section 375, Indian Penal Code: Rape.—A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following de-scriptions:..."

Does this not reek of gender bias? This archaic provision has retained its essence from the last century and a half. Things have changed. People have changed. Yet, the law has not. Societal perceptions are difficult to break. Yes, genders, not just women. Not just men. People from the ostracised "other" gender are also victims of such offences and crimes against the body.

Sexual orientation is now a personal right in India. Time to rejoice is not it. Put up stories and posts on social media. Read the newspaper and feel happy. But all is not rosy. What use is this judgement if there are no other legal protections accorded to the people of the LGBTIAQ community? Their rape is still not rape. Have we really "granted" them their rights? Or did we just put a tiny band-aid on a festering wound?

Once it is safe to be myself- when society accepts me and protects me as I am, and not because of what I am, that day is when the dream that was envisioned by the judges presiding over the 377 judgement will come true- an India which is truly united in its diversity. For that, there is an urgent need to look into the gender bias prevailing in Indian laws. However, there is one such point that needs immediate amendment, and that is the provision for rape. Yes, my dear reader, men can be raped. Despite what medical research often tells us, men can be raped. They can be forced to have sexual relations with another person. Their bodies can also be violated. They can also be hurt and humiliated. Let us start there and make our way forward.

So before we conclude, let's revise some basic concepts, shall we? No means no, irrespective of whether the person saying it associates themselves with the male, female or any other gender. No means no. Plain and simple. Let us learn to respect that, okay?

OF LOVERS AND COMMUNITY PRIDE

R Radhakrishnan

Assistant Professor



The recent spate of fatal and murderous attempts at young couples who decided to marry persons of their choice, merely reinforces the regressive mindset. In a country which seeks to make a mark in the present century as a super power, the killing of couples for transcending the traditional notions and barriers of caste and religion is reflective of an abysmal performance in terms of governance, security and social harmony.

The traditional notion of sons and daughters as carriers of community pride is deeply ingrained, and its social sanctions, if not legitimacy, has opened a larger debate pertaining to the individual freedom and dignity. The killing of Pranay, the brutal attack on Madhavi and the mysterious disappearance of pregnant Puja (alias Nazneen) in the Hyderabad region invokes fear and paranoia of medieval barbarism. This is also a glaring indicator of the eroding solidarity within family as an institution, resulting in estrangement between parents and the younger generation.

The recent judgments from the apex court on the decriminalization of homosexuality and adultery vindicate the long and arduous path scaled by the human society. Social norms and values are as fluid as the society, and they need to be recognized in consonance with social shifts. In other words, what was perceived as taboos have been accepted as alternate norms and values albeit with the usual resistance, that is symbolic of a society in transition.

However, the violations of constitutional safeguards bestowed upon each individual in terms of their right to equality, liberty and dignity and the subsequent recalcitrant attitude to reinforce stereotypical images about the dos and don'ts for lovers calls for united and cohesive measures from the State and the society.

The crisis gets aggravated when primordial elements like caste, religion, language and ethnicity get highlighted, and their political patronage vitiates the possible future of a casteless and creedless society. The recent incidents involving the vindications of cold killings that occurred in the Northern region under the banner of khap panchayats have rekindled fear and uncertainty among the youth.

The notion of unity in diversity which is invoked to applaud our heterogeneous identity gets eroded due to the lack of timely response and selective intervention by the State and the civil society. Moreover, a modern and secular nation, which upholds the idea of civilization and cultural ethos to define and endorse modernity with open arms, cannot afford to let regressive and inhuman acts of monstrous parents and other vigilantes call the shots. It not only has to be condemned, but strong measures have to follow as a response by the law enforcement agencies.

The State cannot afford to be perceived as a mute bystander when India as a nation has a distinct advantage in the present globalizing world due to a demographic dividend. It needs to reinforce confidence in its present generation and restore hope.

ARS POETICA

The First Night

Rachel M. Johnson (2016-2021)

Adorned. Adorned with ornaments -
chosen and rare,
The golden saree draped with flair,
Alta - drawn over my hands
Kohl - coloured my fluttering eyes
With care,
Oh so much care.

Filled with elation and desires -
Just as any other girl
I stepped into my apparent home -

With care..
Oh
So
Much
Care.(I, a Bride)

As I sat on the bed
Laden with roses,
He shut the door
And dimmed the lights.
No lines like "You look beautiful,"
Or "I'm glad we are here."
Films deceived me.
He threw his *Sherwani*
Over the chair and
Sat down on the other side.

He pulled me closer,
A little too eagerly,
A little too savagely.
"Undress," he almost spat out.
Bewildered, I remained immobile.
The love, in his longing eyes - that
I thought I saw earlier in the day,
Was eclipsed by just
Pure Lust.
He touched, he felt -
Clammy skin against Fear -
As if I wasn't his first.

Not a word, not a whimper
In resistance
Escaped my mouth -
When my lips parted,
Innocence left my being -
In silent screams.
My hands didn't react
To or against his.
My legs couldn't struggle
When he laid out himself
On me
As if he owned me
And maybe - He did.
Only my mind dared to think -
"Is this what it's supposed to be like?"
(I, a Prey)

I arose from being prostrate -
The curtains moved to show me
That light pierced through the dark
sky.
I glanced over at my *Pati* -
Resting in tranquility,
As a monster whose ravenous desire
Has been satisfied - For now.
I traced the blood and teardrops
From the silent act of Intrusion.

With clenched fists, I looked at him
My husband, my protector and my in-
truder.
I fondled with his hair,
I covered the eyes that deceived me.

Only the Sun peeping in through
The curtains, bore Witness
To the bloody bedsheet and
The immobile being -
But this time,
It was him. (I).

I'm Nothing

Nishant Shah (2017-2022)

Who am I?
Do you know me?
You seem to disregard my presence completely
Do you not like me?
Tell me what wrong have I done.

Who am I?
Does anyone know me?
I seem to be another floating fragment in this behemoth
Universe.
No one looks at me for a second time.
Have I attained transparency?
Just tell me my crime!

Who am I?
Does God know I exist?
Today I live, tomorrow I die-
Who would even bother!
Your condescension seems to exacerbate the hatred I
Have generated for myself-
I have no self-respect remaining!

Really, who am I?
Is there any munificence left in you just to pay a little
Heed to me?
Call me an attention seeker, but a little respect is all I
crave for
Your ignorance now fuels my desperation for a bravado
I shall Triumph over you!

Who am I?
Does it matter anymore?
I shall rise from the ruins and leave my mark
Before this
Omnipotent being obliterates me
I shall promulgate myself till eternity
You are who I've got to impress!

So, who am I?
I am who I am
A visionary, a Believer
that I shall become potent,
enough to dominate you
Enough for you to kneel before me!
I shall engrave my name upon your heart
and my authority upon your conscience!
You still don't know me?
Well, you are about to!

Eccententesiast

Akshaya B.S (2017-2022)

They say I'm cold and heartless,
Never care about anything but myself
Like the wicked witch of the West
Whose heart of stone nothing can melt.
They don't get that I'm tough and hard
Because I'm too scared to lower my
guard.
They won't guess even I have a rough
past
As long as I go hiding behind that mask.
And that's what happens when you're
trying to be strong
Everyone just gets you wrong.

I say I'm fine, I'm well
Even though my world is one living hell
I don't deny I push people away
That is because experiences tell me
People never stay

They won't realize that behind my big-
gest smiles
Lurk only pain and my loudest cries
And even my kindest words get twist-
ed and turned
Maybe that's the reason why my bridg-
es get burned
Over the years I've learnt the truth
That some people will get you wrong
no matter what you do
Though I feel like I've got nobody
I'm better off alone than with bad com-
pany
Now I'm not lonely when I'm on my
own
Because, to climb the ladder of life
You've got to walk alone

A Nature Poem

Siddhartha Mitra (2017-2022)

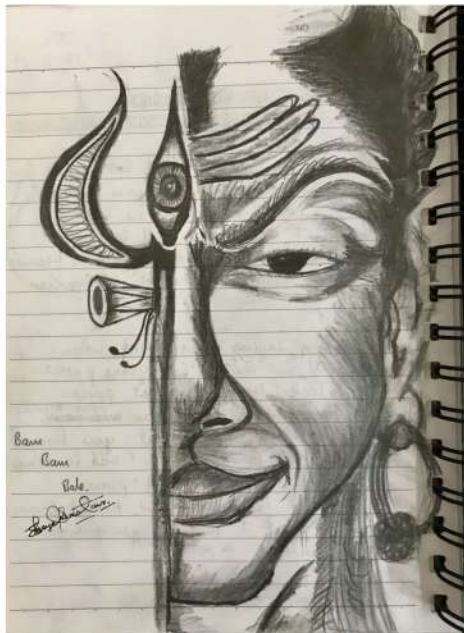
What is this modern life?
When compared to nature's paradise.
A lonely bird on a winter day,
Have you ever seen it cry for grain.
The glowing moon without a friend,
Never complaining in it's solitary game.

What is this modern school?
When compared to nature's groom.
Beasts now show motherly care,
While humans have forgot the meaning of care.
Beasts stay happy in how they fare,
While humans stay in matrimonial despair.

What is this modern trend?
Which takes you away from nature's care.
Trees give life and food everywhere,
Humans just take life everywhere.
And while nature builds and cares without prayer,
We kill ourselves in front of her glare.



VASARI CORRIDOR



Shreya Srivastava (2018-2023)



Atreyee Chakraborti (2017-2022)



Arjun Ramprasad (2018-2023)



Namrata Bhowmik (2018-2023)



Karmakar Tanmay Subodh (2016-2021)



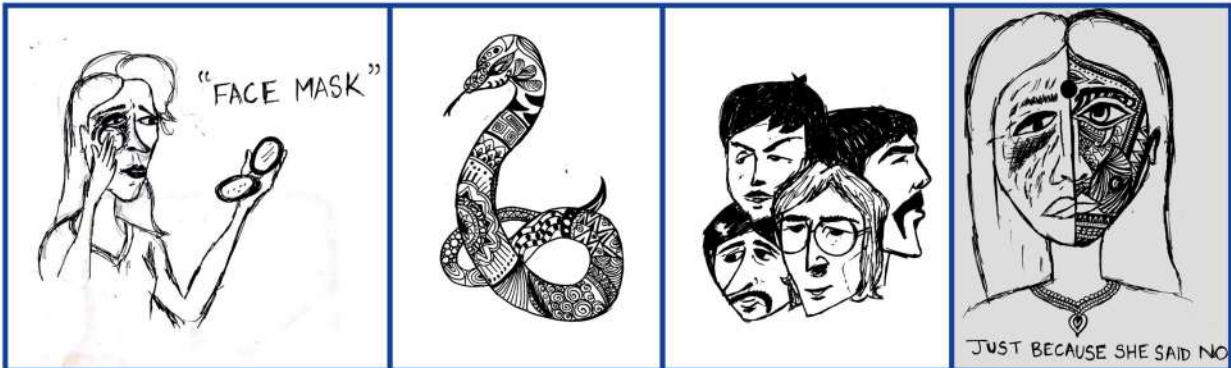
Meghana Sapuram (2015-2020)

INKTOBER

Concept credits:
Ananya Rajaram & Aditi Nagesh



Rachel M. Johnson (2016-2021)



Shriya Gopalakrishnan (2017-2022)



Ananya Rajaram (2015-2020)



Aditi Nagesh (2017-2022)

IN CONVERSATION



CENTRE FOR SPECIALISATION IN CYBER LAW STUDIES

CSCLS IS THE BRAINCHILD OF SOURAYAN BHATTACHARYA, STARTED RECENTLY IN THE YEAR 2018. SINCE IT'S INCEPTION IN THE COLLEGE IT HAS BEEN AIMING TO CHANGE THE WORLD OF CYBER LAW THROUGH EDUCATION, RESEARCH, AND INNOVATION. THIS INTERVIEW HAS BEEN PRESENTED TO YOU IN ASSOCIATION WITH AWAAZ.

ADITI: THE GOVERNMENT HAD CONTESTED THAT PEOPLE CANNOT REFUSE TO GIVE IRIS SCANS, FINGERPRINTS AND OTHER BIOMETRIC INFORMATION, AS THEY DON'T HAVE ABSOLUTE RIGHT OVER THEIR BODIES, WHAT ARE YOUR VIEWS?

DR. USHA RAMANATHAN: I think it's an extraordinary time we are passing through, the person interested in technology and businesses interested in technology have become a part of governmental apparatus and are teaching the government a way to think about these programs, I find it interesting but also disturbing that you have corporate interest speaking to the state, telling it how to assert its power over the people. By power I don't mean legal power because legally you just can control the people but in this case corporate interest thrives on getting what it wants. So the problem with this biometric database created is actually two folds, one is that they started it without thinking whether it will work or not, that's completely unacceptable, at least before rolling it out the authorities should have conducted an experiment. The second issue is that we have gone through phases with the government. The government has said, "that which lies below the soil belongs with the state". Then you came to a stage where the government said that all the resources belong to the state and another example, in this case, is the land acquisition debate as it establishes that the government can take over the land of the people if it has to develop anything related to its idea and that battle continues. Now we find that we have a government that says that the people of the state belong to the state and if the state tells us to do something then we have to obey and every stage we have to battle this. I think when it came to the land we did not realize that they were using eminent domain principle. Eminent domain principle states that the private land can be used by the government on the payment of compensation. Over a period of time it kept on changing and it came to a point where the government can ascertain its power over the land. This has evolved and reached to the human beings today. It has reached not a just human body, not just biometrics but anything that belongs to us as a whole. Let's take PANs for instance and the government coerced us to link our UID number to that if we failed then the government threatened us to freeze it and you don't get access for something that you earned yourself, this extraordinariness of power over the people is the most disturbing element of this project.



PRAJANYA: IN THE RETD. JUSTICE PUTTASWAMY CASE, IT WAS DECIDED BY THE SUPREME COURT OF INDIA THAT PRIVACY DOES NOT CONCERN THE POOR BUT IT IS LIMITED TO THE RICH, DO YOU THINK THE RIGHT TO PRIVACY IS AN ELITIST CONCEPT?

DR. USHA RAMANATHAN : Anytime any position gets stated its common knowledge that you either shoot the messenger or your sidesteps. In marketing, they sidestep because shooting the messenger is a very messy business. It is basically an attempt to market an idea that privacy is not important, as we were told in the beginning that the problems are so big that we can't afford fundamental rights. So that's now difficult to uphold with the classes that can fight back, now what they have done is to piggyback on the poor to push the project. Even at the time like 2017, even till they reach that time when people were dying because of the project, then also they were piggybacking on the poor. It is one of the tragedies that was allowed to happen in the name of the project. You know when we talk about a state; it has an obligation to protect the weakest before anyone else. First, they said that there is no right to privacy and that is one part of the story and second, they say, "The poor have no use of privacy, let's take away their right". Instead of safeguarding the rights they have, what they said was another cruel twist. I think the thing that they deliberately ignored was that one of the lead petitioners in the case represents a community where people work in manual scavenging was saying that privacy is extremely important to them because they do not want this identity to persist throughout their life if you have a project like this beyond their lives. So this unwillingness to see what the issue is and deliberately trying to sideline it and say that this is the distinction between rich and the poor. It is an artificial distinction that has been created, it is a deliberate attempt of showcasing paternalism which is actually the violation of rights. The right to privacy of the poor is an imminent right. For instance, say if I come from a poor background and I get an employment and at that point in time, I would like to choose the person who knows my identity. If they cannot treat me with such dignity and respect then it shows the lack of constitutional appreciation of human right. And I don't expect a corporate interest to expect that but the state should certainly have a different perspective.

ADITI: DO YOU THINK THAT THE AADHAR ACT LEADS TO THE CRIMINALIZATION OF HOMELESSNESS?

DR. USHA RAMANATHAN : I don't know if the aadhar act contributes to it. I can say this, that when in the 1990s when Voter IDs were brought up we were skeptical because our anxiety was if you are going to make all the poor visible and they can't find shadows where they can protect themselves from the gaze of the state, then the protection that is needed for the poor from the kind of legality and illegality that is thrust upon them. See, if you look at it plainly then it is very difficult for the poor to be legal, why? Because most of the legality has to be bought. See, if you are living in a place on rent or you want to buy a place poor can't do it. They will go to a place where they can afford it and what they can afford is very often not legal. You know that many of them work only in informal occupation. I have sat through hearings where a rickshaw puller got picked up because he had more than the required amount of liquor on the rickshaw but the man who bought the liquor had run away himself and the rickshaw puller got picked. So these are people on the margins of legality and state hasn't learned how to assume care. So between the destitution and criminality, there is a connection that is being made which is very scary if you are poor. If you are not poor you may not realize what its implications are but ultimately the Voter ID did help them, we observed it during the period of our anxiety it did help the poor to help themselves. For instance, there is a cut-off date that you should be there in that particular settlement before that cut-off date and if you are not residing in the settlement before that date then you will not be entitled to the settlement. So they would find this voter ID card instrumental in proving that they are there since the beginning and it was not linked with anything else and they could vote even if they did not have the voter card. UID is not like that and it is a number attached to the biometric so that the system can decide when they can use biometric and when they don't. Everybody has to ensure that their data is properly reflected upon that database and they have no control over it, people have to make sure that their data is not lost. When the poor don't find it working for them then they have to call a number 1947 I hope you can see the irony to say that I have a complaint that I am not able to get my food or my ration card or my biometric is not working so the impact on poverty and to the person who is in various conditions of the poverty. I think UID takes away any kind of control from them and it makes them vulnerable to the vagaries of the system and it produces many more middlemen. You find a proliferation in these kinds of things. It's not just about the homelessness it's about the conditions of poverty. Any persons who are in that condition definitely find themselves vulnerable. The negotiating ability is to the extent where they have the power to negotiate. And the poor, lack these powers.



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