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FEW WILL HAVE THE GREATNESS TO BEND HISTORY ITSELF, BUT EACH OF US CAN WORK TO CHANGE A SMMALL PORTION OF EVENTS, AND IN THE TOTAL, OF ALL THOSE ACTS WILL BE WRITTEN THE HISTORY OF THIS GENERATION

-ROBERT KENNEDY

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IMPACT OF COVID – 19 ON EDUCATION

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Introduction

We all can see that the cases of Covid – 19 is increasing day by day now in lakh every day , keeping that in mind government and announced to close the universities , colleges or school and classes will be conducted by online mode for the students. Also, in many colleges exams are taking online and somewhere exams has been cancelled. Apart from this many exams of final year students, competitive exams or entrances have been postponed, it's really hard time for those who is especially in final year or passed out this year. Due to this many lose their jobs or some have no work to do after graduation, Covid – 19 being a big stoppage on their carrier.

There's also a big loss for them who left their job to start their own business or carrier or those teachers who newly admitted in colleges or schools.

SOME BENEFITS OF ONLINE EDUCATION

- ✓ This most noticeably terrible pandemic had constrained the schools and universities to move from customary learning framework to propel learning framework or e-learning. Understudies are getting their instruction by sitting at home. All the data in online classes has been save because in online classes you can record the lecture and take the review later.

- ✓ Students do not have that hectic schedule now to get up 3 hours earlier and get ready for school or colleges also this online classes is saving the fare of the students who are travelling from buses or metro. Students can learn from their comfort zones. By this new technique teachers are also taking online tests and giving result on that day only which help many students to cover their mistakes, focus on their weak points or learn from it . This also teaching the students of Time management.As, we know that exams has also been postponed by the universities or colleges so by this students who were not prepared for exams earlier got enough time to prepare for it now.

- ✓ Marks have been allotted based on internal assessments and in school, Students are being furnished with research works (for assessment) which are one of the compelling techniques for assessment.
- ✓ Students in conventional study halls may not get the customized consideration they have to have ideas explained. Despite the fact that class sizes are little at CCA, most schools have classes of students that number in the hundreds. This isn't an issue for this sort of instruction on the grounds that online guided conversations and individual talk time with their educators and instructors is a sign of online classes. This expands the odds of an student performing great because of the time their teachers give them.This also enhances their problem-solving and communication skills, as well as knowing how to defend their arguments to superiors if needed.
- ✓ Web based learning is a great deal like having your own private mentor. There are no interruptions from different schoolmates, and the pacing of exercises depends on your comfort level. Have you ever felt like an educator was going excessively quick for you to take notes or completely appreciate the subject? That's never a problem with online learning

Teachers have likewise received new strategies for showing like through PPTs, recordings, video conferencing which are considered as truly outstanding and quick learning vehicle of instructing.

NEGATIVE IMPACT OF ONLINE EDUCATION

Covid - 19 pandemic had influenced practically the greater part of the students population everywhere all over the world. Many guardians will abstain from sending students to another country for advanced education because of high danger from the pandemic.

- ✓ The abrupt move to web based learning with no arranging - particularly in nations like India where the spine for internet learning was not prepared and the educational plan was not intended for such an arrangement - has made the danger of the vast majority of our students turning out to be aloof students and they appear to lose interest because of

low degrees of capacity to focus. We are currently starting to understand that internet learning could be dull as it is making another arrangement of detached students which can present new difficulties.

- ✓ Internet learning is an extraordinary sort of approach and not all instructors are acceptable at it or if nothing else not every one of them were prepared for this unexpected progress from up close and personal figuring out how to web based learning. In a short period of time learning how to take online classes or how to use it is really a difficult task for them.

- ✓ In this way, a large portion of the teachers are simply conducting lectures on video stages, for example, Zoom which may not be genuine web based learning without a devoted online stage explicitly intended for the reason.

- ✓ The schools dropping 12th board exams (for left out subjects) and given outcome dependent on inward internal assessment only in which the student at top position have

scored 100% which is impossible. The facts confirm that imprint sheet can't choose our future yet checks concludes that the amount all the more difficult work is required or that how much an individual is expected to develop himself. Hearing 100% in sheets is exceptionally sweet yet it could manufacture challenges in future in building profession.

- ✓ Additionally, web based learning had likewise been an issue to poor or lower working class students who don't have any internet services. The majority of the online classes were taken on zoom application which again made security issues to understudies (till govt. had prohibited all Chinese applications). In any case, after that even a large portion of students have been confronting issues in joining on the web classes because of availability issue in their areas.

Due to pandemic mostly internships have been perform by online mode because of which interns may not get practical knowledge.Even colleges allow the students to take online classes only when they have paid proper fees. Many of us or other students are missing the college life other than study. They may not be able to perform extra-curricular activities. After full payment of fees also students not able to get the facilities of labs, computers, ground, library etc.

CONCLUSION

We all know that this year of the 21st century is the most remarkable year in which many families lose their loved ones. In India current status of Covid – 19 is reached to 5 lakh cases out of which 85k has been caused and 4 lakh people has been recovered. No Doubt Online classes are immensely helpful in the period of pandemic or restrictions. Students have to believe that offline classes are best but online classes are also comfortable to learn.

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MAHMOOD FAROOQUI Vs. STATE (GOVT. OF NCT OF DELHI) 2017 VIII SAD (Delhi) 321

Section:- Case Comment

INTRODUCTION

Rape is a criminal offense explained under section 375 of the Indian penal code. Section 375 clause (a) to (d) deals with the meaning of the term sexual intercourse. Sexual intercourse means penetration of male organs in the vagina, urethra, anus, and mouth of a woman. Earlier only penis-vaginal penetration was considered but later the urethra, anus, and mouther were added by an amendment. Also, there are 7 descriptions provided in the section which covers the areas where the person enters into sexual intercourse against the will of women, without her consent, based on misrepresentation, when a woman is insane or minor i.e. below 15 years of age, is intoxicated and is not able to understand the true nature and consequences of her actions or where she was not able to give her consent.

Further 2 explanations are also attached and explanation 1 says that the term vagina also includes labia majora and explanation 2 deals with the definition of consent as an unequivocal agreement communicated by gestures, words, or by verbal or non-verbal communications.
Two exceptions to this section are that any medical procedure for the treatment of a disease is not to be considered as rape and second that if a man enters into sexual intercourse with his wife provided, she is not under 15 years.

FACTS OF THE CASE

1. The prosecutrix was a student at the University of Columbia and was also affiliated to Delhi University and was pursuing her Ph.D. in Hindi literature and Nath Sampraday. She came to Delhi in June 2014 and was in search of contact that could help her getting information on Nath Sampraday. Then in connection to gain the information on the same she met the appellant via her friend Danish Hussaini. On the day of occurrence (28.03.2015) of this incident, she has asked the appellant to arrange tickets for her for the performance that was staged a day after. Then the appellant asked the prosecutrix to come to his home for dinner

and later at 4 o'clock informed her that he had gone to attend a wedding and the prosecutrix assumed that both appellant and his wife had to go for attending the wedding.

2. The prosecutrix then reached his home at around 9 pm and saw 2 students leaving the house of the appellant and then she went upstairs and the door was opened by the appellant's friend Ashish Singh, she found the appellant in an intoxicated condition and was asked to wait in the office. Then the prosecutrix exchanged the courtiers with him and then Ashish left them alone and the appellant called Danish and he informed them that he won't be able to come. After this, the appellant left the room, and the prosecutrix called Danish to tell the state of the appellant and Danish told her that it was not possible for him to come and will surely talk to her the next day and then the appellant returned and started kissing the prosecutrix to which she responded by saying that she did not think that it was what he needed.

3. The appellant kept on kissing the prosecutrix and wanted to suck her and she denied for the same. He tried to pull her underwear down and she kept on pulling it up. The prosecutrix was thereafter immobilized by him and forced oral sex upon her.

4. The prosecutrix became scared and pretended to have an orgasm and in the meantime, 2 friends of the appellant came to his house and the prosecutrix wanted to leave the place and booked a MERU cab and also texted Danish. She also told Ashish that she wanted to leave but was made to stay by saying that if the appellant wife did not return, she will have to feed the appellant. As the location of the prosecutrix could not be detected, she wanted to take a rickshaw and was dissuaded by saying that it will be dangerous for her. The wife of the appellant returned and the appellant asked her to go. A taxi was fetched by Ashish for her and after getting into the cab she called Danish and explained to him the whole incident and wanted to take legal action against the appellant and stated that she did not want to go through a medical examination.

5. On 30.03.15, the prosecutrix sent an email to the appellant and in the email, she wrote that:

I consider you to be a good friend and like you and also understand that you were going through a difficult space but last night what happened wasn't right as you repeated that you want to suck with me and I repeatedly refused for the same but that night you went too far and became forceful. I was afraid that something bad would happen if I didn't do it but the tings escalated and it was not what I wanted. She told him that not to do the same with another woman as this is highly unacceptable and I own my sexuality and the other woman may not be so understanding as I am with you. She also says that she also prays for his well-being and says that may this incident not affect their friendship and was willing to deal with the repercussions if there are any.

6. The prosecutrix received a mail from the appellant and he expressed his sincere apologies on what happened. She wanted to ignore this but could not do so and on 1.04.2015 she wrote to her academic advisor and informed about the alleged incident and wanted to go home, she did not get any response from the advisor till 08.04.2015. she even wanted to go to her mother but was waiting for the reply from the advisor. Then again on 12.04.2015, she wrote a mail to the appellant telling him as to how he had afflicted her life and the life of her family members. On the same day, she received the mail that was sent by the wife of the appellant where the appellant's wife stated that she was sorry for what happened and told that the appellant was not mentally well and is in rehabilitation. Then the prosecutrix returned to India and again received a mail from the appellant wife stating that she and the appellant brother will support her at every moment.

ISSUES RAISED

1. Whether or not there was consent given by the prosecutrix.
2. Whether the appellant mistakenly accepted the moves of the prosecutrix as consent.

3. Whether the feelings of the prosecutrix could be effectively communicated to the appellant and whether mistaking all this for consent by the appellant is genuine or only a ruse for his defense.

CROSS-EXAMINATION OF WITNESSES

1. ASHISH SINGH - He is a journalist working with Aaj Tak channel, and hails from Gorakhpur. He was his childhood friend. On 28.03.2015, at about 8:30/9:00 p.m. he went to the house of the appellant when Ankit and Poonam (students) were having a discussion with the appellant and the students left the place in few minutes. While he and the appellant were talking, the prosecutrix arrived, who was introduced to him, was asked by the appellant to go to the study room since the appellant wanted to talk to him. The prosecutrix joined him and the appellant. He went downstairs to bring something and came back with the brother of the appellant after 20-25 minutes. He found them that they were sitting in the living room. He sat there for some time and also talked to the prosecutrix and the appellant. The prosecutrix thereafter wanted to go and he called a taxi on which the prosecutrix left. During cross-examination, he categorically stated that he left the house at about 9:30 p.m. and returned definitely before 10:00 p.m. He had telephoned his friend Radhika at about 10:15 p.m. He knew that Darrain was expected there between 9:00 p.m. to 9:30 p.m. He then dropped a message to his wife after reaching the home of the appellant.

   He had talked to prosecutrix after his return. The prosecutrix had taken his telephone number. He affirmed that Anusha, wife of the appellant, had gone to her parents' house and to bring food. He has also that the prosecutrix was talking to somebody. The wife of the appellant (Anusha) returned before the prosecutrix had left the house. While going, the prosecutrix had hugged and had waved goodbye to the appellant. He had gone downstairs to see her off and was later called up by the prosecutrix and lest the appellant house at around 11 or 12.

1. ANUJ PAWRA- He is the owner of Moonshine Cafe and Bar at Hauz Khas. He told that the prosecutrix used to stay at Hauz Khas Village and was his regular customer. He had met her in September/October 2014. On the day of occurrence, his restaurant had completed one year, and to celebrate that event, he had called his customers. He even contacted the prosecutrix to invite her but she told him that she won't be able to come as she had to go for dinner at her friend's house. With respect to a call on the day of occurrence, he stated that he could not talk to the prosecutrix due to some connectivity fault. However, he has told that the prosecutrix did come to his restaurant at 11:30 p.m. on the same day. When asked by the prosecutrix about the call which he had received from her, she expressed her ignorance.

1. VIKRAM KUMAR- He is a business Analyst, IT Corporate, MERU Cab Company Pvt. Ltd., Hyderabad. He has stated before that the servers of the MERU cab are located at Bombay and the technical team at Hyderabad. He had accessed the booking data and trip data of a customer which stood in the name of the prosecutrix. On that day three booking was made from the mobile phone of prosecutrix through the mobile app at 20:07, 22:12 and 22:35. The receipt of the request for booking on the server and the difference of the time between the pressing of the button for request and its receipt can vary, depending on the speed of the network. He also told that the normal time taken varies from 30-60 seconds, depending upon the make of the telephone and the network which is being used as well as the personal speed of the customer on the apparatus.

STATEMENT OF PROSECUTRIX

The prosecutrix told that on the day on the occurrence of the alleged incident, she had gone to the house of her friend Sonal Shah at Jangpura extension at 10 am and her friend told her that she had a keen desire to learn Urdu, then the prosecutrix requested the appellant to arrange for 2 tickets for his performance. The appellant promised for the tickets and also invited the prosecutrix for dinner. Then at 4 pm, the appellant informed the prosecutrix about the change in the plan and also asked her to bring a gift. Prosecutrix assumed that she will also accompany the appellant and his wife to

the wedding. She reached the house of the appellant at 9 pm. Rest she reiterated the same facts that were mentioned in the FIR.

ARGUMENTS ON BEHALF OF APPELLANT

1. It has been argued on behalf of the appellant that certain undisputed facts have emerged after the examination of the witnesses. The prosecutrix reached the house of the appellant between 8:54 pm and 10:56 pm on the day of the occurrence. Ashish Singh was present in the house and then went outside at around 9:30 pm and returned after approximately 20 to 25 minutes. The prosecutrix was in the house for the next 45 minutes and then Ashish escorted her downstairs and saw her off. Then the prosecutrix called Ashish at 11:25 pm on reaching Hauz Khas. Thus, the claim of the prosecutrix that the assault took place after 10:09 pm in the absence of Ashish is false.

2. The second argument on behalf of the appellant was that the occurrence took place with the consent of the prosecutrix. Section 375 explanation 2 clearly states that consent refers to an unequivocal agreement entered via gestures, signs, and also by verbal and non-verbal communication. The email sent by the prosecutrix clearly shows that there was an intimate relationship between the prosecutrix and the appellant. She had herself explained the same and told that she understands that the appellant is going through a rough space. She also stated that the appellant was constantly demanding sexual favors from her and she denied for the same but when the appellant became forceful then she consented for the same. As she did not want the things to go bad, she decided to tell the appellant that she felt the wellbeing of the appellant. However, to what she was subjected to, was unacceptable and in case the appellant tried this with another woman this while under intoxication, she would not be as understanding. Thus, it was concluded that even if her consent was not taken, she communicated something that can be termed as consent.

3. The appellants have also proved how consent was there. Firstly, that even after knowing that the appellant was heavily drunk then also she exchanged hugs and kisses with him. Secondly, the prosecutrix was cracking jokes and was indulged in a playful banter

immediately before the incident took place. Thirdly, That the prosecutrix was under fear, was unknown to the appellant, (refer to Section 90 of the IPC which provides that consent is not such consent if it is given by a person under fear and injury or a misconception of fact and if the person doing the act knows or has reason to believe that the consent was given in consequence of such fear or such.

4. Also, within a few hours of the e-mail exchange of 30.03.2015 referred to above, the appellant had called the prosecutrix on her phone which lasted for 76 seconds. This fact was not told by the prosecutrix.

5. The appellant replied to the email as deepest apologies only after he had the first 2 lines of the mail as the appellant was busy in communication with the artists and writers regarding the performance.

6. About the conduct of the prosecutrix, it was argued that she has deliberately avoided to come with clean hands and has also deleted the messages and has destroyed potential pieces of evidence. She also concealed the pretty long conversation that she had with the appellant after the exchange of mail. Also, the booking of her MERU cab, she has concealed certain vital information, coupled with the delay in lodging the FIR.

ARGUMENTS ON BEHALF OF THE PROSECUTION

1. It was argued that the averments made by her in the FIR and statement gave under section 164 of Cr.P.C. and disposition before the rial court is consistent with the guilt of the accused.

2. The appellant had committed forced oral sex upon her under section 375(d) of IPC. Also, the appellant has apologized for the same for committing it against the will and consent of the prosecutrix.

3. It was further submitted on behalf of the prosecutrix that she was unable to cope with the emotional and mental trauma and therefore she returned to the USA. Only when she

became confident of the support from her family and her friends in the USA that she gathered the courage to return to India and lodged FIR at New Friends Colony police station on 19.06.2015.

4. Also, the prosecutrix did not take action as she was afraid of more serious repercussions. It was held that she became scared of the thought that she would also meet the same fate as met by Nirbhaya and thus faked orgasm as she wanted to leave the appellant as soon as possible.

5. After the alleged incident, the prosecutrix informed the appellant that the act took place without her consent and was in violation of her sexuality and the behavior of the appellant was highly unacceptable.

6. Also, after the alleged incident, she informed about the same to Danish and gave a detailed description of the event and wanted to talk to him a, to which he replied that he will talk to her the next day. She informed about the incident to her advisor and thus granted leave as she wanted to go to her mother's place. The appellant also reverted to the mail claiming sincere apologies for the act he has done.

7. The act of booking the MERU cab also clearly shows that she wanted to leave the appellant's place as soon as possible and when she was not able to get the confirmation from the same, she tried to go in an auto rickshaw but she was made to wait on the pretext that it is dangerous for her to go in a rickshaw at night.

JUDGEMENT:

After looking at all the facts, circumstances, and pieces of evidence produced it has been decided by the honorable court that the appellant is not guilty of any offense and all allegation and charges against him are set aside and are thus acquitted. The appellant is ordered to be released, if not wanted in any other case.

VIEWS ON THE JUDGEMENT GRANTED BY THE HONOURABLE COURT:

After looking at the facts and circumstances of the case it can be concluded that certain points are in favor of the appellant and some in favor of the prosecutrix.

If we look at the strong points from the side of the appellant it can be said that if the appellant, in reality, was suffering from bipolar disorder then, in that case, he can claim the defense of insanity under section 94 of IPC. This is because an insane person is not aware of the nature and consequences of his act.

If we look at the strong points of prosecutrix then the 1st one will be that that consent was not a free consent rather it was given under fear and was taken by the application of force. Section 90 of IPC clearly states that consent taken from a person by causing fear or threat is not a valid consent in the eyes of law. Also, consent refers to an unequivocal voluntary agreement between the two parties which can be communicated by verbal or non-verbal means. Secondly, the girl was afraid that if she would complain of the appellant as he was in a good position then it could be a case that she will have to face the same incident as was in the Nirbhaya case.

After taking into consideration the facts and circumstances and pieces of evidence produced in the case the judgment given but the honorable court should be set aside or quashed as the decision for the acquittal was not correct because the consent of the girl was taken under fear and threat and thus was not free consent.

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CONTEMPT OF COURT AND ARTICLE 19

Section:- Research

Paper

ABSTRACT

There is no doubt that the Court like any other institution does not enjoy immunity from fair criticism. No court can claim that whatever they do is absolutely right, although the courts do not let any effort go in vain to be as right as possible according to the best of their capability, knowledge and wisdom. Because of the training and the assistance from the learned counsels a judge is deemed to commit less mistakes and no one is more conscious of his limitations and fallibility as a judge. When a statement is made against a judge or a court which substantially interfered with the administration of justice then it would be said to be a contemptuous statement. While the fair criticism of the court however strong may not be actionable but attributing improper motives tending to bring judges or courts into hatred and contempt or obstructing directly or indirectly with the functioning of the court is serious contempt of which notice must and will be taken.

KEYWORDS: Contempt, Fair Criticism, Administration of Justice

INTRODUCTION

Constitution of India has given to every individual the right to speech under Article 19. Indeed, the very test of a democratic society is the extent to which these freedoms are enjoyed by the citizens in general. These freedoms, as a whole, constitute the liberty of the individual, and liberty is one of the most essential ingredients of human happiness and progress. According to the Declaration of American Independence, the most important among the inalienable rights of a man are 'Life, Liberty and the pursuit of happiness'. The Preamble of Indian Constitution proclaims that one of its objectives is to secure Liberty i.e liberty of thought, liberty of expression, liberty of belief, liberty of faith, and liberty of worship. But the freedom of speech given to an individual is not absolute. One's freedom to express oneself does not permit the liberty to abuse or slander the good names of others. Likewise courts can also be criticized but that criticism should be fair and

it should not be made with the intention to bring judges or courts into hatred and contempt or with the view to hinder or obstruct the proper administration of justice.

ARTICLE 19

Article 19 of the Indian Constitution provides with the right to freedom of speech. Freedom of Speech is considered as one of the most valuable rights in a democratic society. But this freedom has to be practiced with caution so as not to defame any other person. Article 19(1) provides with rights to freedom and under Article 19(2) the same rights are restricted with some exceptions. So it is clear from the plain reading of Article 19 that the rights given under it are not absolute. Freedom of Speech and expression means the right to express one's own ideas, beliefs , convictions, and opinions by words of mouth, writing ,drawing or by any other means. Attacking this inalienable right of the individual would mean to attack the very soul of the democracy and it would completely be in violation of the fundamental rights given under the Indian Constitution. There have been various International Conventions which has guaranteed the right to freedom of speech and expression like the **European Convention on Human Rights and Fundamental Freedoms, International Covenant on Civil and Political rights and Universal Declaration of Human Rights etc.**

When the Indian Constitution was drafted, it was alleged that every fundamental right embodied in the Constitution was riddled with so many exceptions and qualifications that these had eaten up the rights altogether.**B.R Ambedkar** responding to the critics said that "***In the opinion of the critics, fundamental rights are not fundamental unless they are absolute…..".***It is not fair or sound to differentiate fundamental rights with non- fundamental rights and it would be equally wrong to say that fundamental rights are absolute while non- fundamental rights are created by agreement between parties, while fundamental rights are gift of law. **Dr. B.R. Ambedkar** while responding to the critics on the question of absoluteness of the fundamental rights quoted a famous American Case "***Gitlowvs New York***"[1] where the American Supreme Court while deciding the constitutionality of a New York 'Criminal Anarchy' law stated that '***It is a fundamental principle , long established , that the freedom of speech and of the press, which is secured by the constitution, does not confer an absolute right to speak or publish, without responsibility,***

[1] 268 U.S. 652,1925

whatever one may choose, or an unrestricted and unbridled license that gives immunity for every possible use of language and prevents the punishments of those who abuse this freedom. It is therefore wrong to say that the fundamental rights in America are absolute while those in the Draft Constitution are not'[2].

There are few restrictions on the freedom of speech and expression. These are:

- The Security of the State
- Friendly relations with foreign States
- Public Order
- Decency and Morality
- Contempt Of Court
- Defamation and
- Incitement of Violence

The word 'reasonable' under Article 19 is the life and soul of the entire article. Interpreting the meaning of this word the Supreme Court said : 'The phrase 'reasonable restriction' connotes that the limitation imposed upon a person in enjoyment of a right should not be arbitrary or of an excessive nature beyond what is required in the interest of the public. Legislation which arbitrarily or excessively invades the right cannot be said to contain the quality of reasonableness, and unless it strikes a proper balance between the freedom guaranteed and the social control permitted under Article 19 it must be held to be wanting in reasonableness'[3].

FREEDOM OF PRESS

When the Indian Constitution was drafted there had been wide spread criticism about the omission of a specific reference to freedom of press and the failure to guarantee it along with the freedom of speech. The omission was considered as a serious lapse on the part of the drafting committee as there had been various constitutional battles fought for the freedom of press in the eighteenth and nineteenth centuries in Europe and America. The First Amendment of the American Constitution and most of the Europeans embody freedom of Press as a separate right.

[2] C.A.D, VII, p. 40.
[3]Dwarka Prasad vs. State of UP., A.I.R. 1954, S.C. 224

Speaking for the Assembly ***DR.BR Ambedkar*** stated that the Press has no special rights which are not to be given or which are not to be exercised by the citizen in his individual capacity. The editor of a press or the manager of the press are all citizens and therefore when they choose to write in newspapers, they are merely exercising their right of expression and in my judgement, therefore, no special mention is necessary of the freedom of press at all'[4]. The word 'expression' that is used in Article 19(1)(a) in addition to speech is comprehensively enough to cover the Press. Omission of Freedom of Press did not create any difficulty and the Supreme Court had recognized and protected the right to Freedom of Press in RomeshThappar's case[5]. Further modern science and technology is coming up with new methods of communications, so it would be wrong to say that Indian Constitution lacks Freedom of Press.

Origin of the Concept of Contempt of Court

The Concept of Contempt of Court is seven centuries old. It was a common law principle that seeks to protect the judicial powers of the King in England, initially by himself and later on by the panel of judges acting under his name. Violation of the orders of the judges is considered to be disregard to the King himself.

Contempt of Court

In **Halsbury's Laws of England** at para 27 it is stated that "***Any act done or writing published which is calculated to bring a court or a judge into contempt or lower its authority or to interferewith the due course of justice or the lawful process of the court , is a contempt of court".*** Contempt of Court , as a concept seeks to protect judicial institution from motivated attacks and unwarranted criticism and to punish those who lowers the authority of the court. The law codifying the Contempt of Court classifies it into two kinds i.e. Civil Contempt and Criminal Contempt. Civil Contempt is very simple to understand as it is the wilfull disobedience of the court's order or if someone has willfully breached the undertaking given to Court. On the other hand Criminal Contempt is more complex as it consists of (a) words, written or spoken, signs and actions that "**scandalize" or tend to "scandalize**" or lower or tend to lower the authority of any court (b) prejudices or interferes with any judicial proceeding and (c) interferes with or obstructs the

[4] C.A.D, VII, pp. 779-80.
[5] 1950, S.C.R. 594.

administration of justice. Statutory basis for the Contempt of Court is backed by **The Contempt of Courts Act, 1971** and further **Article 129** of the Indian Constitution empowers the Supreme Court to punish for Contempt of itself and the same power is vested in the High Courts under **Article 215** of the Constitution.

There is no doubt that the judiciary is not immune to the fair criticism however strong the criticism may be. A judge cannot claim to be in possession of each and every fact so it is quite natural that he may commit mistakes but a judge or a court because of his training or the assistance of the learned counsels is deemed to commit comparatively less mistakes than any other person. A judge is conscious of his fallibility but because of his caliber he is deemed to possess more rightness than any other person. Fair criticism is the backbone of a democratic society but if the criticism is motivated by personal grudge, political influence or any other factor and which scandalizes or tends to scandalize the authority of the court then that criticism would not be called fair and it would be treated as an attack on the administration of justice and hence the person making such statements will be punished.

In the words of **William Blackstone, "*The liberty of the press is indeed essential to the nature of a free State. Every free man has an undoubted right to lay what sentiment he pleased before the public, to forbid this, is to destroy the freedom of the press. But if he publishes what is improper, mischievous, or illegal he must take the consequences of his own temerity"***[6]

Lord Rusell of Killowen, L.C.J, has laid down in **Reg v Gray**[7]that "***Any act done or writing published calculated to bring a court or a judge of the court into contempt. Or to lower his authority, is a contempt of court."***

Judges and Courts are open to fair criticism if reasonable argument is offered against any judicial act as contrary to law or public good, no Court could or would treat that as a contempt of ***court***. According to Halsbury's Laws of England as stated in para 2 at page 21 of Volume 9, Fourth Edition "***The punishment is inflicted , not for the purpose of protecting either the court as a whole or the individual judges of the court from a repetition of the attack, but of protecting the public, and specially those who either voluntarily or by compulsion are subject to the jurisdiction***

[6] Blackstone Commentory, VOL IV at pages 151-152
[7] 1900(2) QB 36 at 40

of the court, from the mischief they will incur if the authority of the tribunal is undermined or impaired."

Lord Justice Donovan in **Attorney General v Butterworth**[8]said "***whether or not there was an intention to interfere with the administration of justice is relevant to penalty not to quit".***

In the case of **Advocate General Bihar v M.P. Khair**[9]the Hon'ble Supreme Court stated that **"*It may be necessary to punish as a contempt a course of conduct which abuses and makes a mockery of the judicial process and which thus extends its pernicious influence beyond the parties to the action and affects the interest of the public in the administration of justice…."***

There is no doubt that right to freedom of speech is essential for the overall enhancement of an individual but as our constitution states that no right is absolute and the right to freedom of speech and expression is no exception to it. Restrictions have been applied to various fundamental rights so as to restrict the abuse of such rights. When a person makes a criticizing statement it is upon him to make a fair criticism and if the criticism is motivated by any personal grudge, personal gain, political gain or the like factors then the person making such statement ought to be punished. Judiciary is not immune to fair criticism but a person making any criticizing statement must know that judiciary is one of the pillars of the democracy and if the criticism is not fair and is aimed to shook the confidence of public by defaming the judiciary then it would destroy one of the pillars of democracy and it would be disastrous for any democratic republic, so to deal with such situations where a scurrilous statement lowers the authority of the court or tends to lower the authority of the court or interferes with the administration of justice, judiciary is empowered by the Constitution to punish the Condemner under Article 129(Supreme Court) and Article 215(High Courts).

Lord Morris in **Attorney General v Times Newspaper**[10]said **"*when unjustifiable interference is suppressed it is not because those charged with the responsibilities of the administration of justice are concerned for their own dignity, it is because the very structure of ordered life is at risk if the recognized courts the land are so flouted and their authority wanes and is supplanted".***

[8] 1963(1) QB 696
[9] 1980(3)SCC 3111
[10] 1974 AC 273 at page 302

Fair and reasonable criticism is necessary in a democratic republic, but when such criticism is based on obvious distortion or gross misstatement and made in a manner which seems designed to lower the respect of judiciary and destroy public confidence in it, it cannot be ignored.

In the case of **Brahma Prakash Sharma and others v The State of Uttar Pradesh**[11]the apex court after referring to various judgements of foreign Courts and Privy Council held that Contempt of the judiciary will tend to create an apprehension in the minds of the people regarding the integrity, ability, or fairness of the judge. The court observed that it is not necessary to prove affirmative that there has been an actual interference with the administration of justice by reason of such defamatory statement; it is enough if it is likely or tends in any way to interfere with the proper administration of law.

It is to be noted that what is permissible is legitimate criticism and not the illegitimate insinuation. No court can look with equanimity on a publicity which may have tendency to interfere with the administration of justice. It is said that Pen is mightier than sword. Pen should not be dipped in poison and it should be used for creativity not for destruction.

Lord Diplockin **Chokolingo v Attorney General of Trinidad and Tobago**[12] summarized the position as follows: ***"Scandalizing the court is a convenient way of describing a publication which , although it does not relate to any specific case either part or pending or any specific judge, is a scurrilous attack on judiciary as a whole which is calculated to undermine the authority of the courts and public confidence in the administration of justice. Thus, before coming to the conclusion as to whether or not the publication amounts to a contempt , what will have to be seen is, whether the criticism is fair, temperate and made in good faith or whether it is something directed to the personal character of a judge or to impartiality of a judge or a court . A finding, one way of the other, will determine whether or not the act complained of amounted to contempt".***

If the Judiciary is to protect and promote rule of law and resolve disputes effectively, the dignity and authority of the courts must be upheld otherwise the rule of law will perish giving way to the rule of the jungle. The right to criticize an opinion of a court, to take issue with it upon its

[11] A.I.R 1954 SC 10
[12] (1981) 1 All E.R. 244

conclusions as to a legal proposition, or question its conception of the facts, so long as such criticisms are made in good faith and are in a decent and respectful language and are not designed to willfully or maliciously misrepresent the position of the court, or tend to bring it into disrespect, or lessen the respect due to the authority to which a court is entitled cannot be questioned. The judgements of Courts are public documents and can be commented and fairly criticized, but such criticism should be in a dignified manner without attributing motives.It would not be treated as a good answer to plead that the publisher, editor or any other member did not know about the consequences or it was done at haste. Liberty of free expression is not to be confused with a license to make unfounded , unwarranted and irresponsible aspersions against the judges or courts in relation to judicial matters.

In **Dr. D.C. Saxena v Hon'ble the Chief Justice of India**[13]Hon'ble Supreme Court held that the word '**scandalising'** is an expression of scurrilous attack on the majesty of justice which is calculated to undermine the authority of the courts and public confidence in the administration of justice. Further In**P.N. Duda v. P. Shiv Shanker&Ors**[14]it was held that administration of justice and judges are open to criticism and public scrutiny. However any criticism about the judicial system or the judges which hampers the administration of justice or which erodes the faith in the objective approach of the judges and brings administration of justice into disrepute must be prevented.

In **Shri C.K, Daphtary&Ors v. Shri O.P. Gupta &Ors**[15]**,** it was held that, a scurrilous attack on a judge in respect of the judgement or past conduct has adverse effect on the due administration of justice. This sort of attack in a country like ours has the inevitable effect of undermining the confidence of the public in the judiciary. If confidence in the judiciary goes, the due administration of justice definitely suffers. There can be no justification of Contempt of Court. In **Andre Paul Terence Ambard v. Attorney General**[16]it was said that "***no wrong is committed by any member of the public who exercises the ordinary right of criticizing in good faith the public act done in the seat of justice. The path of criticism is a public way; the wrongheaded are permitted to err therein: provided that members of the public abstain from imputing improper motives to those***

[13] (1996) 5 SCC 216
[14] (1988)3 SCC 167
[15] (1971) 1 SCC 626
[16] [AIR 1936 PC 141]

taking part in the administration of justice, and are genuinely exercising a right of criticism and not acting in malice or attempting to impair the administration of justice, they are immune. Justice is not a cloistered virtue; she must be allowed to suffer the scrutiny and respectful even though outspoken comments of ordinary men".

Further in **Perspective Publication Pvt. Ltd &Anr v The State of Maharashtra**[17]a three judge bench after referring to the leading cases on the subject stated that:

1. The summary jurisdiction by way of contempt must be exercised with great care and caution and only when its exercise its exercise is necessary for the proper administration of law and justice.
2. It is open to anyone to express fair, legitimate and reasonable criticism of any act or conduct of a judge in his judicial capacity or even to make a proper and fair comment on any decision given by him because " Justice is not a cloistered virtue and she must be allowed to suffer the scrutiny and respectful, even though outspoken , comments of ordinary men".
3. A distinction must be made between a mere libel of defamation of a judge and what amounts to a contempt of the court. The test in each case would be whether the impugned publication is a mere defamatory attack on the judge or whether it is calculated to interfere with the due course of justice or the proper administration of law by his court. It is only in the latter case that it will be punishable as contempt. Alternatively the test will be whether the wrong is done to the judge personally or it is done to the public. The disparaging statement will be an injury to the public if it tends to create an apprehension in the minds of the people regarding the integrity , ability or the fairness of the judge.

CONCLUSION:-

Article 19 of the Indian Constitution has given the right to freedom of speech and expression to every citizen, however this right is not an absolute one and this freedom can only be enjoyed till the extent it is reasonable to do. Just like any other institution judiciary can also be criticized but that criticism should be a fair criticism and it should not be of such nature so as to destroy the administration of justice. Judges like any other individual also commit mistakes but because of the training given to him and due to the assistance of the learned counsels, a judge is deemed to

[17] [AIR 1971 SC 221]

commit less mistakes. Further no other person is more conscious about his fallibility than a judge, so a judge is deemed to possess more rightness than any other person. When it comes to criminal contempt two things are to be considered the most i.e. Fair Criticism and Administration of Justice. If the criticism is not fair and it is made with the intention to bring down the public confidence upon judiciary then it surely impairs the administration of justice and would surely be a Contempt Of Court. If the criticism is likely to interfere with the due administration of justice or undermine the confidence which the confidence which the public reposes in the courts of law as courts of justice, the criticism would cease to be fair and reasonable criticism but would scandalise courts and substantially interfere with administration of justice.

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ONLINE SCAMS AS A TYPE OF CYBERCRIME AND CYBERTHREAT

Category: Article

ABSTRACT

Cyber crime and the crime happening on the internet is something which is sabotaging every country today and causing a lot of mental and financial losses to people who are getting affected by it. Internet is a platform which can be used for thousands of productive things, but as everybody in this world today is equipped with modern gadgets and everyone is using social media, this gives a lot of scope to the cybercriminals to hack one's account or do various types of scams with the same.

Some of the reports have shown, the crime that happens via the internet is causing billions of dollars of losses each year in almost every country around the globe. This type of crime happens in the countries where, the law related to cybercrime is not strict and is not implemented properly.

This article will discuss different types of cybercrime that are happening on the internet today, its effect on the individual and how an individual can save themselves from getting trapped in this.

INTRODUCTION

Cybercrime involves modern gadgets like computers, laptops, smartphones, and the internet along with some technical knowledge to commit a crime over the internet without the need for physical appearance.

Technological advancement and modern gadgets are a blessing for the society and the nation globally. Every individual desires that their country has all the new technologies and ultra-modern gadgets available and they want its usage in every field, because everybody knows that technology reduces labor force in an organization and also reduces the making cost of the product or any service and help them to earn an abnormal profit.

As technology has blessed our society with so many benefits, it has also become a curse in recent times, as the rate of cybercrime and the crime related to the technology over the internet is increasing day by day and causing serious damage to the individual and the society at large.

Cybercrime is damaging our economy in every single area whether it is economically (towards the nation) or physically or mentally (towards the citizens).

A report has been released by McAfee in the year 2014 which clearly states that the annual damage to the economy in 2014 was approximately $445 billion and approximately $1.5 billion was lost in the year 2012 because of the cybercrime-related to credit and debit card fraud in the U.S.

What is cybercrime and its affect

The life of the people nowadays is solemnly dependent on the internet and the frequent use of the internet for surfing social media sites, managing the website or business over the internet, gave rise to an opportunity to the cybercriminals to hack the website and social media platform of the individual to gain the profit in terms of money, pleasure, satisfaction or whatever the motive that the cybercriminal had in his mind while hacking or misusing the website or different social media platforms.

According to Black's law dictionary, cybercrime is defined as a crime that takes place through the use of computers, computer technology, or the internet.

A cybercriminal for committing a cybercrime needs a computer or little bit of technical knowledge which will lead them to do the crime to the endless era. As the technology and the ultramodern gadget is available everywhere, it becomes impossible to categorize the cybercrimes in certain categories. Various types of cybercrime exist today for example **online stalking, violating someone's privacy over the social media platform, hacking, ATM fraud, fraud relating to intellectual property, phishing, E-commerce fraud, etc.**

Most of the cybercriminals today work individually or in a small group with a little bit of knowledge related to IT and they work mostly in those countries where either the cyber law is not available or if available, the same are not enforced or implemented in a strict way.

Effect: since the accurate rate of loss caused to the economy because of the cybercrime is not possible to calculate, the report published by Strategy and international studies (SIS) in partnership with McAfee in 2018 has stated that every year global economy faces approximately $600 billion lost because of the cybercrimes.

The other effects of cybercrime are;

- Economic loss to the individual as well as the society at large.
- Physical and mental trauma from which a person has to go through while facing this problem.
- The cases of trafficking and child pornography have been increasing because of cybercriminals.
- It is impacting the people's minds by forcing them not to believe on an online platform which is however hampering the growth of the country.
- Cybercriminal is damaging the brand's reputation and its customer's loyalty towards the brand.

Online scams as a type of cybercrime and cyber threat

Online scams or internet scams are one of the most frequent types of scams that are being used by cybercriminals for doing cybercrime. As everything is available on the internet today, not only the business but also the privacy and the personal information of the people, the cybercriminals do various types of scams after stealing your personal identity from the internet and then use it for immoral purposes.

The term online scams include any type of fraud or scheme that is done by the way of emails, social media platforms, online chat rooms, spam messages, fake calls for job offers and lottery, credit and debit card fraud, etc.

Online scams are particularly those scams that are done online without any physical meeting. During the process of committing the online scams, there is a person from a company or some group who calls you or email you and then represent himself as a responsible and intelligent officer holding a reputed place with unique skills and authority with a motive to get money or something valuable and then makes a beautiful offer relating to the job in a foreign land or lottery jackpot and then ask you to transfer some money as a security fee or taxes for that offer and as soon as you make the transaction he will get disappear and you found yourself trapped in an online scam.

There is a strong need for strict cyber laws in India as the cases of online scams have been increasing day by day and around 50,000 cases related to the different categories of online scams

reported every year in India. These cases not only affect the economy but also causes mental harm to the person and most of the cyber-crimes are committed against the women for the motive of outraging the modesty of women and defaming them by using their private pictures.

Types of online scams;

Anything available on the internet can be misused so it is very difficult to make an exact list of how many types of cybercrimes are out there in existance. Some of the cybercrimes are;

Auction fraud

Auction fraud is one of the most common types of online scams that we are facing right now. In the auction fraud, you buy something from the online shopping stores like e-bay and you make the payment online. In some cases, you will not receive the product after the successful pre-payment of that product and in some cases, you receive the wrong product (completely different from the thing that you had ordered) and when you file the complaint about the same, nothing will happen except the wastage of time or money.

Phishing scams

A phishing scam is a type of scam in which you receive an e-mail regarding the urgent update of your bank account details and when you click the link given in the mail you will be redirected to the completely different website where you enter your bank account details and the cybercriminal steal that detail and make a transaction from your account which will result in terms of monetary loss to you.

Nigeria 419 letter

In this scam, you receive a badly written email from some govt. ministry or authority who requests you for your assistant in the transfer of multi-million dollars in exchange for some percentage. The person asks you to give him some advance money as taxes and other fee and if you transfer that money, you will hit yourself with a thousand dollars of loss.

Pop-ups like congratulations!! You won an I phone 11 / Xbox / I pad.

In these type of scams, you get a pop up suddenly while you are using any fake website and an offer of I pad or I phone is written in these pop-ups and when you click in it, it will show you a message where it is written that you got an I phone and in order to get it, you need to pay the shipping fee and you pay them and never receive anything.

Online dating

Online dating has also become a new and a modern way of doing online scams in which you meet someone on the dating site like tinder, happen and after some conversation the cybercriminal convince you for sending him some money and you because of the trust send them and then cybercriminal un/match you or block you and then you realize that the person with whom you were talking was fake and just using you.

CYBERCRIME DURING COVID-19

Today the world is fighting with one of the serious global Pandemic and it's been almost four months since the lockdown is implemented in India for fighting against the corona virus. The problem of cybercrime has risen almost 3 times than normal during the lockdown.

The senior officer of National Cyber Security Coordinator, Rajesh Pant has said that the cybercriminals in India have launched around thousands of fake websites asking people to donate money in fighting against the corona-virus. The complaint regarding the online scams like phishing activity and malware have arisen during the lockdown and the govt. authorities are getting almost 4000 complaints a day. Since the country is in a state of lockdown and economy is worst affected by it, people have lost their jobs and have no income for survival. Cyber criminals are using this situation as an opportunity and doing fraud with the people by sending them fake emails regarding job opportunities and different services and people are getting trapped in this scam because they trust these fake emails and scams and they are also having less awareness regarding these things.

How to protect yourself against online scams

Since the law relating to cybercrime is not strict and not implemented in a full way, there are some precautions you can take to protect yourself from being a victim of cybercrime. These precautions are;

- Always use a premium and full security network and antivirus for your computer to protect your work from hacking and viruses.
- Always use a strong password for your social media account and a different password for a different account so that if one got leaked your other account will stay safe.
- Always use two-step verification for your accounts so that if someone from some other device is trying to open your account, you will get notified.
- Keep your devices and your applications updated with the latest version possible.
- Know what to do if you become a victim of cybercrime. In India, citizens have a government portal cybercrime.gov.in, it is a national cybercrime reporting portable where you can lodge your complaint relating to the cybercrime

Conclusion

Cybercrime is a global issue that is being faced by almost every country in the world. Increase in the use of technologies and modern gadgets have made human work simple and lifestyle easy. The technology is truly a blessing for humans but yet the problem of it being misused, making the use of the same difficult and spreading the terrorism. The use of technology is easy and safe as far as we are using it with precautions but strict implications of the law are strongly needed to remove the problem of cybercrime, as the rise of it will create a problem and spread threat, dishonesty and chaos.

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UTTAR PRADESH TEMPORARY EXEMPTION FROM CERTAIN LABOUR LAWS ORDINANCE, 2020

Category:- Article

INTRODUCTION

The COVID – 19 pandemic does not seem to abate any time soon, hence the government has been working hard to start the Indian economy and bringing about a change that brings it easier for investment to be brought in for manufacturing industries and factories. Hence, in lieu of the same the UP government dated 8th of May, 2020 had brought forward and have approved the Temporary Exemption from certain Labour Laws Ordinance which would suspend all the three labours laws which are applicable to the industries and business for a period of three years. The article has pertinently pointed out as to how the Ordinance is affecting the rights including constitutional rights of the workers working in the factories.

According to the Ordinance the move is giving free hand to the business sector, to operate the way the wish to, and boost hire and fire rule at a time of such pandemic when job security and wage security issues are facing a bigger challenge.

They reason as to why the Ordinance was brought in was to help investment to flow in the state and thereby there would be economic revival and at the same time creation of jobs.

CAN THE UTTAR PRADESH GOVERNMENT SUSPEND THE LABOUR

The government of Uttar Pradesh has done this by way of an Ordinance. Article 213 of the Indian Constitution[18] states that when the state legislature is not in session the governor has power to pass an Ordinance, provided, that the necessary condition exits. In this case the outbreak of COVID – 19 along with the massive return of the migrant population back to the state of Uttar Pradesh has resulted in a state of serious crisis for the government. Centre has made more than fifty labour laws for the protection of the employees in working condition.

[18] Article 213 of The Indian Constitution, 1949 – Power of Governor to promulgate Ordinances during recess of Legislature.

The issue which we need to understand in this context is that - as to how can Uttar Pradesh make a law overriding the Central Laws made by the Parliament?

Labour is a Concurrent List subject, which means that the Constitution recognises that there are certain areas where the Centre and State need to make laws, Labour happens to be one of them.

OUTCOME – WHEN THE LAW PASSED BY THE STATE IS IN CONTRADICTION TO THAT PASSED BY THE CENTRE

Our constitution makers have kept this in mind, which is why they have enacted Article 254 in the Indian Constitution[19], which clarifies such a situation. In case a State enacts a law, which is violative of the law passed by the Centre in order to be valid then the state law must get the approval of President of India. This Uttar Pradesh Temporary exemption from certain Labour laws Ordinance, 2020 goes against lot of Labour Laws enacted by the Centre. There are still chances that the president may not approve this Ordinance, and the labourers of this country may heave a sigh of relief.

RIGHTS WHICH THE WORKERS ARE GOING TO LOSE

One of the important rights which the workers will lose is the Right to form Trade Unions under the 1926 Act. The Labourers will also lose the right to approach the Labour Court in cases for Unfair Labour Practices by the employers or masters under the Industrial Disputes Act, 1947. Workers are also said to lose their social security as laws like – Gratuity Act, 1972, The Employees Provident Funds and the Miscellaneous Provisions Act, 1952, and the Employees` State Insurance Act, 1948.

- By suspending the Building and other Construction Workers Act of 1996, workers lose the following rights:-
  a. Creation of Welfare Fund for the benefit of construction workers.
  b. Provision of basic facilities like first aid, crèches, drinking water, sanitary.
  c. Wages to be double of normal for overtime work.
  d. Establishment of State Welfare Boards to oversee the implementation of the Act.

[19] Article 254 of The Constitution of India, 1949

- Factories Act, 1948 provides for certain minimum standards which the factory must maintain, such as:-
  a. Entitlement to annual leave with wages.
  b. Provision of basic cleanliness, hygiene and drinking water in factories.
  c. Provisions for rest areas, canteen and washing facilities for workers.
  d. Detailed conditions of working hours, extra wages for over time, etc.
  e. Appointment of Welfare Officer.
  f. Maintaining a register of adult workers for inspection.

- The State has also suspended the Inter – State Migrant Workmen Act, 1979, which means the migrant workers which enter the state of Uttar Pradesh will not be provided with any form of security and other such rights by their employers, which includes:-
  a. Establishments employing migrant labourers to be registered.
  b. All contractors must be licensed.
  c. Responsibility of contractors for payment of journey allowance to visit their hometown, to provide clothing, to ensure they are paid regularly etc.
  d. In case the contractor fails to make payments, the Principal Employer must pay.

RIGHTS THE WORKERS ARE LEFT WITH

Only the provision regarding the safety and security of workers under the Factories Act, 1949 and the Building and Other Construction Workers Act, 1996 continue to remain in force. Wages will be set by the Uttar Pradesh government under the Minimum Wages Act, 1948 and they must be paid within the time limited prescribed under Section 5 of the Payment of Wages Act, 1936.[20] Labour Laws enacted for the welfare of women and children such as the Maternity Benefit Act, 1961, Prevention of Sexual harassment at the work place (Prevention, Prohibition and Redressal) Act, 2013, Child Labour Act,1986 continue to remain in force. In the case of death and disability the Employees Compensation Act, 1923 is applicable. Labourers can work up to maximum of 12 hours (which includes breaks), Bonded Labour System Abolition Act, 1976 is retained, and this means that the force labour is not permissible.

[20] Section 5 of the Payment of Wages Act, 1936 – Time of payment of wages.

REASON FOR THE DRASTIC MOVE

The COVID – 19 pandemic has made things upside down for the state, because the migrants who were sending almost seventy five thousand cores annually to the states of U.P., Bihar, Orissa have decided to come back due to the Lockdown.

ORDINANCE VIOLATING THE INDIAN CONSTITUTION

- The Preamble of the Indian Constitution states that India is a socialist country, which means that we put labour welfare very high on the list of priority.
- The Fundamental Right under Article 19(1) (c) of the Indian Constitution[21] guarantees the Freedom to form association or unions.
- India is a signatory to the International Labour Organization Convention of 1976 – India is bound to promote International Labour Standards in consultation with its workers as per the 1976 tripartite consultation convention. This clearly states that Trade Unions are integral stake holders for providing labour standards.

By taking away their right to form organised unions, the state is taking away fundamental right to agitate and descent, which is a very basis of a democracy and is a tool to protect them from any exploitation.

- In the case of *Bandhua Mukti Morcha v. Union of India*[22], it was held that Article 21[23] ensures an individual a right to live with human dignity and right to live free from exploitation. It was also stated that, the government is bound to ensure the observance of the social and welfare laws which protect the dignity of our labourers.
- The Directive Principles of State Policy, which are the guiding principles of any state action and are also the part of the basic structure of the constitution state that the, state must provide for just and humane working condition. By passing an Ordinance which suspends the

[21] Article 19 (1) (c) of Constitution of India, 1949 – All citizens shall have the right to form associations or unions.
[22] Bandhua Mukti Morcha v. Union of India, (1997) 10 SCC 549.
[23] Article 21 of Constitution of India, 1949 – Protection of life and personal liberty.

responsibility of the employers to provide decent working condition to the labourers goes against the grain of our Constitutional framers.

To this extend this Ordinance can be deemed to be Unconstitutional. Laws cannot be arbitrary in nature. They must be formulated after due deliberation. The Hon`ble Supreme Court in the case of *Hindustan Construction Company Ltd v. Union of India*[24] stated that manifest arbitrariness is a ground to strike down a law under Article 14 of the Indian Constitution.

CONCLUSION

Laws are not created in vacuum that is why it is important to take into consideration the Sociological perspective of this situation. Karl Marx, have pointed out that the labourers are the weakest section in the society because of their lack of access to resources. The work that is provided by labourers today was once provided by slaves. Let's us not negate the gains that have come to our workers after centuries of struggle, just by a mere stroke of the pen.

The solution to bad labour laws does not lie in suspending all Labour laws but, rather by drafting a good Labour Code. The laws must be simplified in such a manner so that it`s easier for employers to do business and labourers get their rights. The pandemic has shown to the world as to how vulnerable the labourers are. Let us not hit them, when they are at their lowest.

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[24] Hindustan Construction Company Ltd v. Union of India, 2019(6) ARBLR 171 (SC)

ROLE OF YOUNG PEOPLE IN ADDRESSING THE CRISIS CAUSED BY THE PANDEMIC

Category:- Article

"The leaders of this country, they say we are children and that youth are the leaders of tomorrow, but tomorrow are never now. It is time that we youth turn tomorrow into today"- Kiserian, Kenya (youth group leader).

Inequalities have been deeply rooted in the society from the very ages but this worldwide pandemic has aggravated the situation and hit harder in terms of inequality, unemployment and related issues. But between all this stands a pivotal question that whether this historical pandemic would continue to offer the same world we know or would it mark a new beginning altogether?

On the one hand, there can be witnessed sharing household work by the male counterpart which made life satisfying; on the other hand, it made lives of the laborers upended in an unimaginable way. This pandemic is a reflection of increasing inequality; with Government using naval ships and the national airline to bring home overseas citizens on one hand and leaving the destitute laborer homeless on the other. The global pandemic has hit the country, but it has hit harder to the destitute class in terms of inequality as they are going barefoot hundreds of mile and are left to starve for life, in terms of unemployment as they are being ruthlessly thrown out of their respective jobs. Moreover, there exists a disparity the age-based.

Where the sovereign, the state (who failed to address and redress the problems faced by the people not that capable to fight this pandemic alone unlike us) should act and protect under the doctrine of "parens patriae", but to the contrary, the youth have come forward to do the same. The exemplar for the same is the NLSIU alumni who decided to provide the migrant laborers (stranded in Mumbai due to lockdown) a journey they could not have imagined.

Genuinely, all greatest achievements, unprecedented changes, uncounted initiatives and turning points all are driven by young mind. The youth population is the largest with 1.8 billion people between the ages of 10 to 24, in which majority live in urban areas and have an urge and tendency to shape the future of mankind and country as a whole. Despite their strength and enormous number, they are often undervalued and their acts are **misconstrued as impulse rather than deliberate**. This sad fact is evident from the adult centric policies and their exclusion from formal

scrutiny of various initiatives. Their views, opinion are being suppressed and even their voices for that matter.

Youth are forefront of various upcoming political agenda and emerging as group leader thereby impliedly providing the solution of employment by self employing themselves. Not just this sector but they are being used as a tool to tackle the corona virus outbreak and an instrument to find apt key to fight against various challenges. This makes it evident that the panacea lays within the youth and; in the solidarity which indeed implicit in young generation and at the same time they are **not prisoners of their own world of fiction; less imprisoned and more progressive to change**. The fusion of experimentation of contemporary issues and the inquisitive mind to think outside the box will bring a wave of change that no one can ever imagine of. What is much needed is that these policy makers should act as allies rather a obstruction in the path of these young minds in order to **create a society less unequal and more self employed.**

I would pen down by saying that **youth are not just inspiring actors but committed performers.**

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NEW EDUCATION POLICY – A NEW DAWN

Category:- Article

"The function of education is to teach one to think intensively and to think critically. Intelligence plus character – that is the goal of true education."

- Dr. Martin Luther King, Jr.

Education is important. But the true purpose of education is fulfilled only when a student is raised into a fine human being capable of chasing his dreams. However, factors such as pressure of studies, not getting admission into a reputed college, financial issues, lack of resources and less exposure, many students are unable to cope up and lead a life of their dreams. This has been the situation in India since long, witnessing many suicides by students. Therefore, the need for a new and progressive approach towards the education system was felt.

THE NEW EDUCATION POLICY, 2020 AND ITS BENEFITS

On 29thJuly, 2020, the Union Cabinet approved the much awaited New Education Policy, 2020, being the first education policy of the 21st Century. Focusing on the goal of sustainable development, this new policy aims to bring major reforms in school as well as higher education sectors. It has introduced major changes and development, marking the beginning of a new education system altogether. Some of the most commendable features of this policy are-

- The new policy promotes multilingualism, where a lot of focus has been put on the mother tongue. A child is always willing to learn where he is the most comfortable and therefore the measure of teaching in the regional or local languages at least till grade 5 will prove to be beneficial for the early development of students.
- The well - known concept of choosing streams of science, commerce and arts has been changed and made flexible. Students will be able to mix and match subjects of their choice, combining creative and major subjects together. Students will not have to compromise on their hobbies and the rigidity and pressure of studies will be reduced. This step will also element the barriers between students, as students of arts stream are not considered as capable enough by many people.
- The introduction of internships in the form of 10-days bagless period for vocational courses such as gardening and artistic courses will lead to much more exposure for students while giving them live experience and knowledge on such courses. This is necessary not only for exposure, but also to keep the creative minds active throughout their schooling. Along with this, the establishment of Bal-Bhavans for children to participate in all kinds of career related activities will help students to develop clarity of mind.
- The current prevailing system of 10 + 2 in schools will be replaced with 5 + 3 + 3 + 4 system, where first five years shall be dedicated towards building a strong foundation, placing much importance on the early schooling years of students. The first

five years will include 3 years of pre-primary school, class 1 and class 2. The next three years will include classes 3 to 5. Further, the next three years will comprise of classes 6-8 and the rest 4 years include classes 9-12.

- One of the most applaud able features of The NEP, 2020 is the provision of multiple entry and exit options in undergraduate degree. Due to unavoidable circumstances, many students drop out of college and therefore are unable to further continue with their studies. The credits earned by them will be stored in the Academic Bank of Credits and any student will be free to join again with the help of those credits. This can particularly be beneficial for girls who, out of certain commitments, leave their studies.
- A 'Gender-Inclusion Fund' shall be constituted to promote equitable quality education for all girls and transgender students. With the aim of achieving 100% literacy rate, as well as in consonance with right to education stipulated in our constitution, each student, regardless of his/her gender, shall be provided with equal opportunities in terms of education.
- There will be reduction in the curriculum content to its core essentials, making way for a discussion based approached, where students will think and analyze and participate in discussions rather than mugging up everything. Further, the use of technology shall be promoted for more interactive sessions, for clarity of concepts, for various courses so that students can learn at their own pace and for the purposes of e-books. Thus, the relation between technology and education shall be strengthened.
- The provision of reduced number of transfers of teachers might go unnoticed, however, this will prove to be beneficial as students, especially in their early days, connect to their teacher well and consider them as a role model. Frequent transfers lead to children being uncomfortable in school. Also, the student – teacher ratio shall not be high, providing opportunity for the teacher to devote time and interact with students in a pleasant manner.

However, The NEP, 2020 is not limited to these changes only. The overall aim of this policy is to invest more in the education sector and build a system of practical learning and eliminate the present system of rote learning, to help students achieve their dreams not only academically but also vocationally thereby encouraging the creative minds, to build a foundation between the teachers and students and ensuring quality education to each and every student.

CONCLUSION

The progress of a nation can be determined by the quality of education provided to its citizens. A country can become a developed country only when the literacy rate is high and therefore, each country to strive to make sure that no child is deprived of education. The commendable move of introducing the New Education Policy, 2020 by the Indian Government has been accepted by majority of the citizens. The new policy aims to encourage practical training of students, emphasize on skill development and promote value - based education. It ensures to make students at par with the foreign students, at the same time, ensuring they do not forget their culture and

roots. As much as it is welcomed and accepted, it is true that this policy should have been introduced much earlier and hence, it can be rightly said that the new education policy marks a new dawn, a fresh start towards the development of India, towards the betterment of our youth. An effective implementation of the policy, which is the real challenge, will prove to be a boon for the country.

Reference:

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https://www.mhrd.gov.in/sites/upload_files/mhrd/files/nep/NEP_Final_English.pdf.

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"NEMO MORTURE PRAESUMNTUR MENTIRI"

Category: Article

The legal maxim **NEMO MORTURE PRAESUMNTUR MENTIRI** is the base of section 32 clause 1 of the Evidence Act, 1872 which deals with the concept of the Dying Declaration. The dying declaration plays an important role during trails. "A man will not meet his maker with a lie in his mouth" [25]this philosophy is law stands for the admittance of dying declaration as evidence.

A dying declaration his made by the individual who is at his passing bed and it assumes that the individual on death bed is generally improbable to offer any false expression. A withering announcement is treated as a bit of proof in the court as it originated from the mouth of the expired observer. When the announcement passed the proof of the observers vouching for a similar at that point introduced before the court and if the court is happy with the perishing statement as it found as evident and liberated from any sort of adornment then such biting the dust revelation turns into a significant bit of proof for the rail of case. A withering assertion as a significant bit of proof represents the balance as some other bit of proof.

ADMISSIBILITY

A dying declaration is perceived as an exemption to the gossip rule. The two purposes for this special case are 1. It is the main proof accessible by the perished individual, who frequently the best and now and again the main observer of the event, 2. It is however that one who trusts himself going to kick the bucket has lost all thought process in deception and will come clean.[26] The court has embraced various shields and shaped quantifiable guidelines for tolerability of the dying declaration. However, shockingly, these standards here and there reject numerous reliable statements by the jury. Remembering this it is significant that specific shield measures ought to be taken on kicking the bucket statement. The suitability of dying declaration is confined by numerous principles, some of them which are one of the discretionary and not many of them which depend on reasons however which have been conveyed the purpose of significant worth to. Numerous reformist courts over the globe have done a lot to mitigate the circumstance.

[25] www.studocu.com
[26] www.india.law.aisa.com

In India, the good Supreme Court of India held that statement by harmed individuals recorded as biting the dying affirmation, and such kind of proclamation is permissible under area 32 of the Evidence Act. It was also held that the dying declaration must not cover total occurrence or portray the case history.[27] It is said that the individual is on his deathbed, being incredibly grave is the explanation in law to acknowledge his statement. The withering statement is barred it will bring about unsuccessful labor of equity because the casualty is the main observer of the wrongdoing. The dying declaration is permissible upon the thought that the individual who made it is on the passing bed and on death bed where there is no desire for this world, at that point intention to the deception is quieted and the most remarkable thought to stand up reality.

EVIDENTIARY VALUE

In **K.R. Reddy v. Public Declaration**, the evidentiary benefit of the dying declaration was seen by the court;

"The dying declaration is allowable under area 32 of the Evidence Act and no being explanation on vow so its reality could be tried by interrogation, the court needs to apply the examination and wardrobe sagaciousness of the announcement before following up on it."[28] The court must be happy with the announcement frantic by the expired individual. The court must need to fulfill that the perished individual was in the fit perspective or not to offer the expression. The perished had a chance to watch and offer the expression with no dread or animosity. If the court is happy with the declaration revelation proclamation and thought that it was valid and willful, at that point it is sufficient to establish the conviction even with no other sort of substantiation.

All things considered, there is no outright principle of law concerning that a dying declaration can't be introduced as a sole premise of conviction. A valid and deliberate explanation doesn't need any support. A withering statement is not a more fragile sort of proof dissimilar to different types of proof. Every single case is resolved on his realities and remembering the situation in which the declaration was made by the perished individual. The dying declaration has its evidentiary worth just if it has legitimately recorded by the Magistrate as endorsed under the law. To have an evidentiary estimation of the perishing announcement court need to test the dependability of the

[27] www.indiankanoon.com
[28] www.latestlaw.com

equivalent all together remember condition, for example, the perception of the dying man. It likewise should be seen that the realities which are introduced before the court and the realities expired man watched are the same or unique.

TYPE OF DYING DECLARATION

Dying Declaration can be oral or composed. A dying declaration can be made in any structure it tends to be oral or composed. The revelation ought to be made under the presence of the regarded or delegated Magistrate. The presentation if, made under the presence of a Magistrate have higher estimation of acceptability. A withering affirmation can be both, somewhat oral and mostly composed. This circumstance relies upon the situation of the perished people's wellbeing. That he is capable or not to give articulation in oral or composed.

Kicking the declaration can nor be in oral or composed which implies it might be as some sign or any sort of motion made by the perished individual. It is so because in some circumstance individual can't give oral or composed articulation. This relies upon the state of the individual that he can't give his declaration in oral or composed from.

CLARIFICATION OF GIVEN MAXIM

Nemo Morturus Praesumntur Mentir which expresses that "nobody at the purpose of death is dared to lie".[29] "A man won't meet his producer with a lie in his mouth" is the way of thinking identified with the permission in proof of biting the dust assertion. A dying declaration his made by the individual who is at his passing bed and it assumes that the individual on death bed is generally improbable to offer any false expression. A dying statement is treated as a bit of proof in the court as it originated from the mouth of the expired observer. When the declaration passed the proof of the observers vouching for a similar at that point introduced before the court and if the court is happy with the perishing assertion as it found as obvious and liberated from any sort of adornment then such kicking the bucket affirmation turns into a significant bit of proof for the rail of case. A dying declaration as a significant bit of proof represents the balance as some other bit of proof.

[29] www.legalservices.com

The looming demise is itself the assurance of the reality of the statement made by the perished individual which leads to his demise. A dying declaration has a holy status and is treats as a bit of proof since it originates from the mouth of the perished individual. On the off chance that the court is happy with the affirmation, at that point its is treated as proof and is adequate for conviction with no sort of confirmation. If the producer of the perishing assertion was available in the court and offer expression, expresses the realities in his statement with the main contrast that the statemen make by him isn't stated on the promise then the creator of the proclamation can't be exposed to interrogation. Ifthe dying statement isn't experiencing any illness and is discovered qualified to depended on then it might shape the premise of conviction through the court. On the off chance that the dying declaration is given more than one time, at that point court would not convince it because the perishing revelation is multiple and is predictable.

Relevant Case Laws

1. In **Onkar v. Territory of Madhya Pradesh**,[30] while following the choice of the Privy Council in Pakala Narayana Swami v Emperor, the Madhya Pradesh High Court has clarified the idea of the conditions thought about by Section 32 of the Evidence Act, "The conditions must have some proximate connection to the genuine event and they can incorporate the demonstrations done when and where the demise was caused... Consequently an announcement, simply recommending rationale in wrongdoing can't be conceded in proof except if it is so personally associated with the exchange itself as to be a condition of the exchange. In the moment case proof has been driven about proclamations made by the perished sometime before this episode which may propose thought process in the wrongdoing".

2. In **KundulaBala Subrahmanyam versus Province of A.P**.,[31] the Court expressed that such an announcement, called the withering affirmation, is pertinent and permissible in proof gave it has been made by the perished while in a fit state of mind. The above proclamation of the law, by the method of prelude to this judgment, has been required as

[30]AIR 1939 PC 47.
[31]SC 1993.

this allure, placing in issue absolution of the denounced respondents from a charge under Section 302/34, I.P.C. looks for inversion of the upbraided judgment and welcomes this Court to record a seeing of as blameworthy dependent on the particular proof of passing on the presentation made by the person in question.

3. In **Dalip Singh versus the State of Punjab**,[32] the court held that "albeit a perishing assertion recorded by a Police Officer throughout the examination is permissible under Section 32 of the Indian Evidence Act, taking into account the exemption gave in subsection (2) of Section 162 of the Code of Criminal Procedure, 1973, it is smarter to keep such biting the dust presentations separate from thought until and except if the indictment fulfills the court with regards to why it was not recorded by a Magistrate or by a Doctor."

4. In **Munnu Raja versus Province of Madhya Pradesh**,[33] the court held that training of the Investigating Officer himself recording a perishing affirmation throughout examination should not be supported. We don't intend to propose that such kicking the bucket presentations are consistently dishonest, yet, what we need to stress is that better and more dependable strategies for recording a withering announcement of a harmed individual ought to be taken plan of action to and the one recorded by the Police Officer might be depended upon if there was no time or office accessible to the indictment for receiving any better strategy.

CONCLUSION

As a lawful saying, Nemo MorturusPraesumnturMentir in itself expresses that "nobody at the purpose of death is attempted to lie". This is known as the Dying Declaration as clarified under Section 32 statement 1 of the Evidence Act of India. Someplace it is allowable to because the individual on the death bed won't lie since now, he has no graves from anyone or frightened of anybody. In this way, it is better to stand up reality and kick the bucket calmly. The dying

[32]AIR 986 1981.
[33]AIR 227 SC 1975.

declaration is one of the significant confirmations that is permissible in court as biting the dying declaration can be a sole reason for conviction of the charge. In this manner, it ought to be recorded with all things considered consideration by the Magistrate through the method as notice by the court. If the dying declaration is deficient and the court isn't fulfilled it ought to be dismissed by the court. It is on the court's carefulness to check if the perishing affirmation is recorded cautiously or not.

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LEGALITY OF LOCKDOWN

Category:- Article

First of all, everyone should know why this lockdown was held? The main and very big reason behind this lockdown is COVID-19 (coronavirus disease) which was originated from China in December 2019.

As everyone knows that coronavirus is spreading all over the world very fast and leading to the death of many people. So, the government took the action against this, i.e. lockdown, which can prevent a large number of people to get infected by this virus.

On 24th March 2020 our prime minister declared a 21 days lockdown for maintaining social distancing and this decision was taken by him just after two days of Janta curfew.

The ministry of home affairs invoked the lockdown under section 6 of Disaster Management Act, 2005. The home secretary issued guidelines of lockdown under section 10 of Disaster Management Act, 2005, as the chairman of the national executive committee constituted under section 8 of the act.

Although curfew and lockdown is not stated in any section of any the law. But still, it's using just to curtail the fundamental rights of people under Article 19(1) of the Indian constitution. This is not illegal as it is mentioned in Article 19(2) of the Indian constitution that central or state governments have the authority to impose laws on people's freedom of speech and expression if needed.

The closest understanding of "lockdown" can be construed from the epidemic disease act (EDA). Section 2 and section 2A of EDA tells that govt. Have the right to take restrictive action in the situation of the epidemic to control its outbreak.

With all these guidelines of lockdown, some punishable guidelines were also there that if someone would break the rule or would try to go outside their area will be held liable to take punishment. These guidelines come under section 51 to 60 of the disaster management act, 2005 and section

188 of the Indian penal code which creates punishment for disobedience to order duly promulgated by a public servant.

In the end, India needs a proper way in order to make some strict rules as there are still some people taking it not seriously. The government needs to be stricter so that people could follow the rules of this lockdown and take it seriously. And this strictness can save many lives.

The present scenario of India is as the economy is going down so people are not following lockdown properly. So govt. It decides to unlock it in some ways to maintain the economy again but there are still some rules of it so that this virus could not spread.

"Stay home, stay safe"

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SHOULD ATTEMPT TO SUICIDE BE (DE)-CRIMINALIZE

Category: Article

ABSTRACT:

Attempt to Suicide is a more consequential issue related to a person's mental health, but it is a criminal offence under Section 309 of the Indian Penal Code, 1860.

"Sui" means "self" and "cide" means "killing". Thus, suicide means act of self-killing. Suicide is termed as the action of one killing himself intentionally.[34] It is the act of deliberately killing oneself.[35] There are various factors for one person to attempt suicide. Some of them include mental disorders, especially depression, and neurological disorders, like cancer, HIV, AIDS, etc.

The article reviews the highlights for (de)-criminalizing attempting suicide in India.

LEGAL SCENARIO OF SUICIDE IN INDIA:

Attempt to suicide is mentioned under section 11 of the Indian Penal Code, 1860.

Section 309 of the Indian Penal Code, 1860 states as follows:

"Whoever attempts to commit suicide and does any act towards the co0mmission of such offence, shall be punished with simple imprisonment for a term which may extend to one year or with fine or both."[36]

The punishment for the same, earlier, was a simple imprisonment for 1 year, or fine or both. It was a cognizable as well as offence and triable under any Magistrate. It was a Non-compoundable offence.

The attempts at taking one's risk falls under constitutional right to life. It is mentioned in Article 21 of the Indian Constitution.

Abetting of commitment of suicide is mentioned under section 306 of IPC, 1860.

The Section reads as follows:

[34]Oxford Dictionary
[35]World Health Organization
[36]Indian Penal Code, 1860

"If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."[37]

The punishment for the same is imprisonment for 10 years and fine. It is a cognizable and non-bailable offence and triable by a session court. It is a non-compoundable.

COUNTRIES WITH DECRIMINALIZATION OF ATTEMPT TO SUICIDE:

Countries with decriminalization suicided attempts[38]

COUNTRY	YEAR OF DECRIMINALIZATION	CERTIFICATION
Switzerland	-	Yes
Germany	1751	Yes
France	1791	Yes
Norway	1842	-
Finland	1910	-
Denmark	1868	No
Sweden	1864	-
England and Wales	1961	No
USA	-	No
Hong Kong	1967	No
Australia	-	No
New Zealand	1961	No
Canada	1972	No
Ireland	1993	No
Sri Lanka	1998	-

[37] Indian Penal Code, 1860

[38] Lester D. Decriminalization of suicide in seven nations and suicide rates

Arguments for Legality of Suicide:

1. In a free society, suicide can be thing which a rational adult can choose for himself.
   Objection: Suicide hurts other people as well, not physically but deep-down mentally.
2. It is next to impossible to enforce law which is not in favor of suicide.
   Objection: Punishments relating to attempt to suicide serves no purpose rather than pressuring the person more mentally.
3. Prohibiting suicide is similar to prohibiting migration.
   Objection: Suicide is something which cannot be reverted back, whereas, migration can be reverted as it is not a permanent process.
4. Problems relating to overcrowding can be solved if, one person commits suicide every minute.
   Objection: Overcrowding is not a problem due to the increase in population, suicide cannot be a solution for the problem of overcrowding.

ARGUMENTS AGAINST LEGALITY OF SUICIDE:

5. Suicide creates an emotional pressure on a person who is suffering from depression, anxiety, etc.
   Objection: Emotional pressure is no logical reason for a person to kill himself.
6. Suicide is generally considered as a permanent solution to temporary problems.
   Objection: Taking away your life can never be a solution to any problem.

WHY DECRIMINALIZATION OF SUICIDE?

With reference to Section 115 of the Mental Healthcare Act (MHCA), 2017, the persons who attempt suicide goes under severe mental stress.

Section 11 states as follows:

1) *"Notwithstanding anything contained in section 309 of the Indian Penal Code any person who attempts to commit suicide shall be presumed, unless proved otherwise, to have severe stress and shall not be tried and punished under the said Code.*
2) *The appropriate Government shall have a duty to provide care, treatment and rehabilitation to a person, having severe stress and who attempted to commit suicide, to reduce the risk of recurrence of attempt to commit suicide."*[39]

Decriminalization of suicide may help them opening up their thoughts by talking to other people, better planning and allocating resources.

[39]Mental Healthcare Act, 2017

Suicide was decriminalized in India on May 29. As per the new act, it will be the duty of the government to proper care, treatment and rehabilitation to the person, who attempted to commit suicide.

The treatment and rehabilitation cost of a person attempting suicide who is below the poverty line, even without the BPL card, will be funded by the Indian Government.

STATISTICS:

Causes for Suicide in India in 2014[40]

CAUSES	NO. OF PEOPLE
Bankruptcy or Indebtedness	2,308
Marriage Related Issues (total)	6,773
(including) Non-Settlement Marriage	1,096
(including) Dowry Related Issues	2,261
(including) Extra-Marital Affair	476
(including) Divorce	333
(including) Others	2,607
Failure in Examination	2,403
Impotency/Infertility	332
Other Family Problems	28,602
Illness (total)	23,746
Death of Dear Person	981
Drug Abuse/Addiction	3,647
Fall in Social Reputation	490
Ideological Causes/Hero Worshipping	56
Love Affairs	4,168
Poverty	1,699
Unemployment	2,207
Property Dispute	1,067
Suspected/Illicit Relation	458
Illegitimate Pregnancy	56
Physical Abuse (rape, etc.)	74
Professional/Career Problem	903
Causes not Known	16,264
Other Causes	35,432

YEARLY SUICIDAL DEATHS[41]

YEAR	DEATHS
2017	1,29,887

[40]https://data.gov.in/catalog/stateut-wise-distribution-suicides-causes
[41]https://www.ndtv.com/india-news/average-381-suicides-daily-in-india-in-2019-data-2288951

2018	1,34,516
2019	1,39,123

CONCLUSION:

To give it a conclusion, decriminalization of suicide will reduce the trauma aftermath the suicide attempt. It will help the people with mental stress or thoughts to attempt suicide open up in the society without any hesitation.

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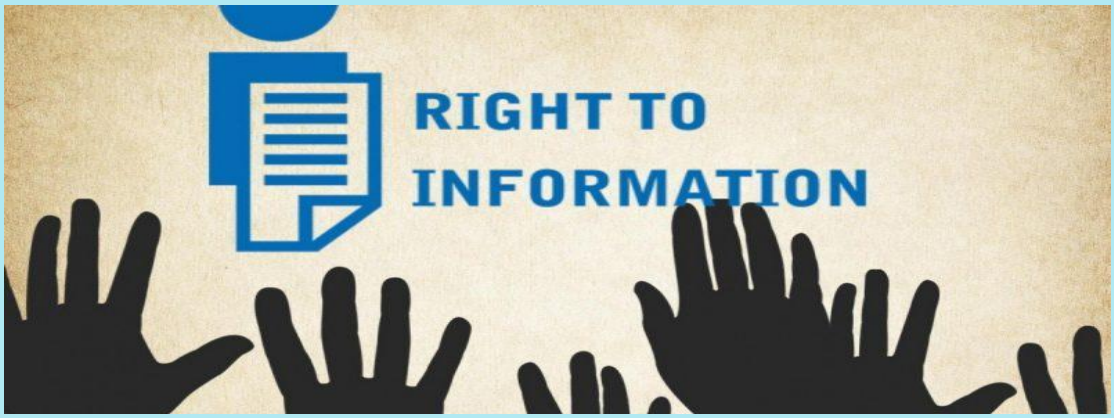
RIGHT TO INFORMATION ACT, 2005

Category:- Article



INTRODUCTION:

The Right to Information Act, 2005 has been enacted by the Parliament and came into force from 15 June, 2005. This act replaced the Freedom of Information Act, 2002. It sets the rules & procedures regarding citizen's right to information from the government. Right To Information Act, RTI means any citizen of India can request any information, which is supposed to be public knowledge form the state or central government or from any public authority. The objective of this act was to help the citizens avail of quicker services from the government agencies.

WHAT DOES THE RTI ACT DO?

Under RTI Act, 2005 Public Authorities are required to make disclosure on various aspects of their structure and functioning. The intention of such disclosure is that public should know about the functioning of the authority. If such information is not made available, citizens have the right to request for it from the authorities. The information can be in form of documents, files or electronic records under the control of public authority. It is the right of citizen to inspect any government document, seek certified photocopies, taking notes or extract.

WHO IS CONSIDERED AS 'PUBLIC AUTHORITY'?

As defined under section 2(h) of RTI Act, 2005 a Public Authority means an organization which is established, constituted, owned, controlled, financed by fund provided by the government, be it Central government, State government, or Union Territory administration.

RTI ACT:

The Government of India has implemented the RTI Act in order to see that Indian citizens are enabled to exercise their rights to ask some questions to the government and any public authority. RTI Act gives right to any Indian citizen to freely seek any information from any public or government authority and the authority is under liability to respond to such request within 30 days from the date of receiving such application. The RTI Act has made it mandatory for computerizing the records for the purpose of wide spread relay so that any information can be processed quickly aided by the information categorization. RTI was brought by the government to address issues of the people. It doesn't believe in biased towards the higher authority since it is made for the people. Any person can file RTI very easily. Any Indian citizen is free to seek answers from a government authority like applying for delayed license or passport, IT refund, or details of a repair or any project going on or completed.

WHO CAN FILE THE RTI AND HOW?

- Any person who is citizen of India or Non- Resident of India (NRI) can file.
- The Act extends to whole of India including J&K after the revocation of Article 370.
- RTI can be applied in a simple process either by online or offline mode. One can apply for RTI through the official website of the RTI. For different states and departments rules for filing the RTI is different.

In case of , ***PM NATIONAL RELIEF FUND V. ASEEM TAKYAR*** Delhi High Court held that P.M. National Relief Fund was not a Pubic Authority under the Act.

PM-CARES Fund is not a Public Authority: PMO stated that the fund is not a Public Authority and won't be able to reveal the information sought in the application.
* PM Relief Fund was created on 28th March to deal with the global pandemic of COVID-19.

CONCLUSION:

RIGHT TO INFORMATION empowers people to ask for information about central, state governments including non-governmental organizations which are substantially funded by the government. The act gives citizens of India the tool to fight against corruption. RTI gives people the right to hold the government and organizations substantially funded by the government. The act arms individuals with the information so that they can advocate themselves. The main aim of RTI act is to provide clear and right information to the citizens of India, to demolish corruption.

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