

# 75 Years of Resurgent Bharat- Changing Contours of law and Justice Juvenile justice reforms

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## A. Introduction:

1. History may have witnessed before some international treaties outlining the rights of children, it was only in 1946 that the United Nations declared the rights of children and established the United Nations International Children's Emergency Fund. Later, in 1989, the international community adopted the United Nations Convention on the Rights of the Child. This was the first internationally adopted and legally binding document concerning the rights of children. This Convention covered four major categories of child rights, namely, Right to Life, Right to Development, Right to Protection and Right to Participation.

## B. Juvenile Justice in India - Historical perspective:

*"Our children are the Rock on which our future will be built, our greatest assets as a nation"* – Nelson Mandela.

India has witnessed a paradigm shift over the past few decades in the transforming its judicial as well as legal system to better suit the changes in the society and to achieve goals of a welfare society. One such forte would be the robust changes that the Legislation and Judiciary have introduced in the Juvenile Justice System for justice dispensation to cater to the needs of the society and to ensure that the naïve, young generation is not only deterred from committing more crimes but also rehabilitated to ensure they live a more prosperous life.

2. No civilized society regards children as accountable for their actions to the same extent as adults. The wisdom of protecting young children against the full rigour of the law is beyond argument. The difficulty lies in determining when and under what circumstances should it be removed. A "child" is defined as a boy who has not attained the age of sixteen years or a girl who has not attained the age of

eighteen years, as per the Children Act, 1960 which was the first central legislature that separated children from the existing criminal justice system.

3. However, the Children Act, 1960 extended only to the Union Territories as such each State was allowed to frame its own statutes on the Juvenile laws. In decision between **Sheela Barse v Union of India**<sup>1</sup>, the Hon'ble Supreme Court observed that an effective legislation on the subject of Juvenile Justice was desirable in order to bring uniformity in laws relating to children.

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4. Since the children are prone to come into conflict with the laws as a result of being accused or suspected of committing a crime, there is always likelihood that their fundamental rights may be violated. To meet such an eventuality, the States under the aforesaid Convention have recognised the right of every such child to be treated in a manner which is consistent with the promotion of the child's sense of dignity and worth. One of the foundational requirements of States under the aforesaid Convention is the formulation and establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognised as having infringed the penal law. This requires juvenile justice system to ensure that children in conflict with the law are treated in a manner substantially different than adults at all stages of the proceedings.

<sup>1</sup>1986 SCC (3) 596.

5. As we know, Justice, in the layman's sense, is putting right the wrong done to a person. But when it comes to the wrong doing by a juvenile, the Juvenile Justice Legislation and Procedures, the authorities and institutions have to be different than applicable to adults which provide different yard sticks and mechanisms that we call as "Juvenile Justice System". It is very important to bear in mind that States have also been enjoined upon to prescribe a minimum age below which a child is presumed not to have the capacity to commit a crime.

6 . A total of 31170 cases involving juveniles were reported nationwide in 2021, a 4.7% increase from the previous year's 29,768 cases. The bulk of them, or 76.2%, or 28,539 in total, were between the ages of 16 and 18. Additionally, the crime rate among young people increased from 6.7% to 7.0%<sup>2</sup>.

7. According to the 2011 Population Census, there were 4441.5 lakh children living in the nation. Consequently, seven out of every 100 minors in the nation, as per the most recent NCRB study, engaged in some form of criminal behaviour. A total of 37,444 young people were detained. Of them, 4790 were arrested under state and local legislations while 32,654 were hauled in according to provisions of the Indian Penal Code. There are more than one billion people living in India, with one-third of them being children under the age of 18. In addition to having the most children in the world—440 million—India also has the most vulnerable children—nearly 44 million of whom live in challenging situations. Both the number of crimes perpetrated against children and those committed by them has increased in India. And the statistics do not look like they are improving. The many constitutional provisions are what give the JJS in India its power. The age of criminal culpability is set at seven years old under Section 82 of the IPC. The Apprentices Act of 1850 was the first piece of legislation in contemporary India to provide specific provisions for offences committed by youngsters. Since then, several further laws have been passed with specific provisions for juvenile offenders. Since 1920, it has been accepted as a general principle that children who commit crimes should not be detained in prisons. However, under the Children Acts passed by the states prior to 1960, some delinquent children who commit serious crimes in unique circumstances were allowed to be detained in prison. The Juvenile Justice

(Care and Protection of Children) Act, 2000 and 2006, reaffirmed the child's right to survival, protection, family, development, and participation as stated in the United Nations Convention on the Rights of the Child. It also helped to build a Uniform Juvenile Justice System across the nation (UNCRC). This Act established a non-penal protective JJS for the affected children and young people.

8. In our country, as we all know, at the Union level the Government of India had enacted a law on the subject even much prior to the adoption of the Convention on the Rights of a Child by the General Assembly of the United Nations. The Act was known as the Juvenile Justice Act, 1986. Naturally, it did not take much time for our country to ratify the aforesaid Convention. Since the United Nations Convention outlined the right of the child to reintegration into society avoiding judicial proceedings, the Government of India, with a view to fulfilling the Articles of the Convention felt the need and rewrote the law. Accordingly, the Juvenile Justice (Care and Protection of

*In our country, as we all know, at the Union level the Government of India had enacted a law on the subject even much prior to the adoption of the Convention on the Rights of a Child by the General Assembly of the United Nations. The Act was known as the Juvenile Justice Act, 1986.*

Children) Act. 2000 was enacted. However, this Act too was later repealed and replaced by the Juvenile Justice (Care and Protection of Children) Act, 2015 which has come into force on January 1, 2016.

#### **C. Salient Features of the Juvenile Justice Act, 2015-**

##### **i) Definition of 'child in need of care and protection' expanded-**

According to the new law, a child who is found working against the law, who is in imminent danger of getting married before reaching the legal age to do so, who lives with someone who has threatened or made threats to harm, exploit, abuse, or neglect the child or to break any other law, or whose parents or guardians are unable to care for him, is included in the definition.

<sup>2</sup> Ministry of Home Affairs National Crime Records Bureau, Crime in India Statistics-1,(2021).

**ii) Child Welfare Committee is no longer the final authority in cases of children in need of care and protection-**

Anyone related to the child may apply to the district judge, who will review and make appropriate orders as a district judge.

**iii) Procedure for inquiry-**

Unlike children for whom production reports have been received, the Child Protection Committee must now investigate any child produced before it. Orphaned and delivered children are also included in the procedure.

**iv) An extensive definition of ‘adoption’ provided-**

The rights of the child have been recognized and a detailed definition of adoption has now been provided.

**v) What are two categories of Children who are protected under the Juvenile Justice-**

**● Children in conflict with the law**

The new law strengthens how the juvenile justice system treats youngsters who need care and protection as well as those who are in legal trouble. The “minor” in contradiction with the law was reclassified as a “child” in conflict with the law by the Juvenile Justice Act of 2015. Infractions were categorised as minor, major, or annoying. After a preliminary evaluation by the juvenile justice commission, youth between the ages of 16 and 18 can be prosecuted as adults in cases of serious offences. A minor in trouble with the law will be temporarily put to an observation home during the inquiry. The youngster will be secluded based on their age, sex, physical and mental condition, and the offence they committed. If a child is found guilty of an offence by the Juvenile Justice Commission, they will be put in a special home.

**● Children in Need of care and Protection**

A child who needs care and protection must be presented before the Child Protection Committee within 24 hours. A youngster who has been removed from his guardian is required by law to make a declaration. Non-reporting was considered a criminal offence. The child protection committee, working under the supervision of a social worker, sends the child in need of care and protection to the proper child protection facility. The social investigation must be completed by the social worker or child protection officer within 15 /20 days or more per month. The district magistrate reviews the performance of the child protection committee on a quarterly basis when the child protection committees meet.

**D. Reformative measures of the Juvenile Justice Act, 2015:**

- Change in nomenclature from ‘juvenile’ to ‘child’ or ‘child in conflict with law’, across the Act to remove the negative connotation associated with the word “juvenile”
- Inclusion of several new definitions such as orphaned, abandoned and surrendered children; and petty, serious and heinous offences committed by children;
- Clarity in powers, function and responsibilities of Juvenile Justice Board (JJB) and Child Welfare Committee (CWC); clear timelines for inquiry by Juvenile Justice Board (JJB); The Act mandates setting up Juvenile Justice Boards and Child Welfare Committees in every district. Both must have at least one woman member each.
- Special provisions for heinous offences committed by children above the age of sixteen years.
- Separate new chapter on Adoption to streamline adoption of orphan, abandoned and surrendered children .
- Inclusion of new offences committed against children.
- Penalties for cruelty against a child, offering a narcotic substance to a child, and abduction or selling a child have been prescribed. Any official, who does not report an abandoned or orphaned child within 24 hours, is liable to imprisonment up to six months or fine of Rs 10,000 or both.
- Mandatory registration of Child Care Institutions.
- Several rehabilitation and social reintegration measures have been provided for children in conflict with law and those in need of care and protection.

**E. The Juvenile Justice Amendment Bill, 2021**

9.Teenage misconduct is definitely not common in India. There is a great lot of anxiety since the crime rates are not declining. According to a study released by the National Crime Reports Bureau (NCRB) in 2019, the percentage of juvenile crimes has increased when compared to past years on their own. Additionally, the NCRB investigations revealed that despite the Act’s 2015 Amendment, child care facilities were still not performing as intended. the bodies’ inadequate or nonexistent juvenile guidelines. The Child Care Institutions (CCIs) were examined by the National Commission for Protection of Child Rights (NCPCR) in 2020, and it was discovered that 90% of them are run by non-governmental organisations (NGO’s). It was also determined that the

CCIs were not enrolled even after the 2015 Amendment to the Act was made. The information suggested that acquiring assets was more important for these household considerations than the return of children. In this way, the bill became familiar with the idea of carrying out estimates that would strengthen the forums for child safety.

#### **F. Changes introduced by the 2021 Amendment:**

- **Serious offences:** The addition of the categorization of major offences or serious wrongdoings was one of the key revisions. They are now arranged under the two categories of crimes known as Heinous Offenses and Serious Offenses.
- **Heinous Offenses:** According to Section 2(33) of the Indian Penal Code, heinous offences are wrongdoings that call for the least amount of punishment, which is seven years or more. Heinous crimes typically involve some sort of extraordinary personal harm or death, such as murder, assault, sexual molestation, and so on.
- **Serious Offenses:** According to Section 2(54) of the Indian Penal Code, serious offences are those for which a minimum sentence of three years in prison and a maximum of seven years is authorised. This removes any ambiguity and has been implemented to provide the juvenile with the highest level of assurance that they will be kept out of the adult court system.
- **Adoption:** The Juvenile Justice Act of 2021 was amended to provide the District Magistrates the authority to approve the adoption procedure. Normally, adoption orders are issued by the courts establishing that the child belongs to the adoptive parents.
- **Appeal:** A party that feels wronged by the adoption order may appeal the decision by going to the divisional official to have the matter heard there. The appeal must be filed within 30 days of the District Magistrate and Additional District Magistrate's approval of the request, though.
- **Designated courts:** Assigned courts, also known as Children's Courts, are special courts that were established specifically to hear all of the offences brought forth by juveniles. Prior to the Amendment being a part of the Act, offences that had a potential sentence of seven years or more of incarceration were tried in the Children's Court, whereas offences that

carried a potential sentence of less than seven years of incarceration were tried by Judicial Magistrates.

- **Child Welfare Committee (CWCs):** No person will be designated as an individual from CWC unless they have been actively involved with any record of human rights or child rights, have been indicted for a crime including moral turpitude, have been fired from or excused from administrations of the central government, any state government, or any administration undertaking, and if they are a part of the management of a child care facility in a location.
- **Termination of members:** If a member of the board of trustees fails to attend the Child Welfare Committee processes for three months without good cause or again on the odd chance that they miss less than three-fourths of the scheduled meetings in a year, the state government will terminate their appointment upon request. The measure also places direct management under the control of CCIs since studies have shown that these institutions don't need to keep children for rehabilitation; instead, they keep them for the money, which furthers defilement.

#### **G. Conclusion:**

10. Juveniles are increasingly victims of crimes against them, which renders them helpless; as a result, it is disturbing that child safety is not taken into account. The reformatory and rehabilitative technique adopted by the statutes of 2000 and 2015 will surely suffer from inadequate funding for critical initiatives.

The weaknesses in the implementation of various safeguarding measures for children who require care and assurance depend on the veracity of the circumstantial evidence. As we haven't done before, the gaps that have grown due to misuse of the legislation and its passage need to be properly evaluated. Although there are regional, city, and state-level juvenile security administrations, the vast majority of educated children who require care and education are not covered by the safety net. Inadequate projects and funding also cause juveniles to be included among the poor, and there is an unequal distribution of irrelevant assets. Institutional and non-institutional administrations are not given the proper attention, and there is a lack of coordination between projects and benefits.

# Constitutional Democracy

## : India at 75 Years

Sidharth Desai

Advocate Bombay High Court

The most important aspect of Indian democratic history is India as a “constitutional democracy” with a sovereign, socialist, secular, democratic republic having a parliamentary system of government. The republic is governed by the Constitution of India, which was adopted by the constituent assembly on November 26, 1949 and came into force on January 26, 1950. The constitution provides for a parliamentary form of government that is federal in structure with certain unitary features. Our electoral mechanisms and prescriptions have helped us hold free and fair elections and facilitate a smooth transfer of power to successive governments. The parliament is attempting to ensure ever-increasing levels of accountability for the government through an elaborate system of parliamentary committees.

On the occasion of our 75th anniversary of independence, we must express our gratitude to the architects of our Constitution. We are the most diverse society and the most vibrant democracy in the world. We have kept both of these going in our own remarkable way, and if there is one thing that has kept us amalgamated, it is the “Constitution of India.” It is an amazing document because of the flexibility it has introduced into the overall scheme of things and in the sharing of powers between the executive, the legislature, and the judiciary. If we are a united nation today with a firm resolve to remain united and march ahead, a lot of credit must go to what we call the “Constitution.” Many western scholars, including Winston Churchill, were sceptical about the Indian Constitution; critics like Sir Ivor Jennings said it was “too long, too rigid, too prolix.” We have proved them wrong, and I think Dr. Ambedkar and the drafting committee, in the way they have drafted this Constitution, have enabled all of us to remain united and democratic.

When we look at the Indian constitution, initially there was a lot of scepticism when the constitution was drafted and adopted, but over the years, not only us but people across the globe have come to the conclusion that India in

fact seems to have one of the finest constitutions among the democracies. It is said ‘Constitution’ is “as good as the people who work it,” this saying aptly describes Indian constitution. When we are thinking of 75 years of the Indian Constitution and the founding fathers who gave us this magnificent document that has shaped the destiny of the subcontinent, it’s also time to remember what they did and what other features we have inserted in the Constitution. They gave us a sovereign, democratic,

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republic nation with a complete marketplace for all kinds of ideas. We have a magnificent constitution and two of the features of our constitution that have kept us in a good state are the balance between citizens’ rights and the directive principles of state policy. The notion of the directive principle of state policy was inspired by the Irish Constitution, but we were very clear that the citizens rights were to prevail and that’s why the balance between Part III and Part IV of our Constitution was created. We built in checks and safeguards and that’s why our constitution became so big. In hindsight, there is hardly any provision of this constitution that we do not need; we needed all the principles and that is what has delivered to us the three defining features, i.e., we have a free functioning political

system wherein we change governments by the ballot, not the bullet; we have a robust and independent press; and we have an independent judiciary. These are the three major underpinnings of any great democracy; we are the greatest one of them and we should be proud of what we have achieved in the last 75 years.

The political structure of how governments are made and the successful transfer of power are all enabled by a robust electoral mechanism. The election commission of India is one particular institution that seems to have stood upright and also garnered a lot of praise across the globe, and a lot of democracies are looking towards India and the election commissioner of India in terms of how the elections should be conducted in a free and fair manner. Articles 324 to 329 of the Constitution paved the way for an independent election commission, and the election commission lived up to those expectations starting with the first election, delivering the first election on time and increasing the voter list from three crores under the Government of India Act of 1935 to seventeen crore voters because universal suffrage was a fundamental tenet of our Constitution. Due to the partition, many families did not have an address; they were refugees; all those problems were there even then the election commission delivered an electoral roll and delivered elections with multiple ballot boxes at every polling station. Literacy levels were so low that hardly 10 percent of the population could read or could judge where to put the mark, so for every candidate there were different ballot box, and this was the story for the two consecutive elections. Britishers who left India in 1947 said that India was doing a great disservice to their nation by giving universal suffrage, but we proved them wrong. A lot of things happened in the last 75 years of electoral history, but every time sceptics brought any argument or any apprehension, elections were delivered in a free, fair, and credible manner, and the transfer of power was always bloodless and accepted by all stakeholders. Therefore, if India can also be proud of something after 75 years of independence, it is delivering free, fair, and credible elections. Every time there is a transfer of power in the states or centre, it is without any hiccups.

The balancing mechanism within the constitution is not just about rights. It's also about the duties and the directive principles and it is such an exhaustive document that it looks at almost all aspects that can be thought of. We have had 105 amendments and there are many scholars

who would probably ridicule this as to how many times you amend your constitution and to that answer is that “we are the most diverse society in the world having 1400 million people, 900 million electors so please leave it to us”. We know how to manage our affairs, and it is that flexibility and right to amend at the right time that has kept us together and binds us as a nation. The other thing is our extraordinary foresight of our Constitution makers for example, the entire concept of federalism in India is a flexible federation with a unitary tilt in certain situations. Look at their foresight, I don't think the Constitution makers could have ever imagined today that half of India is governed by political parties that are opposed to the political party governing us at the federal level. It is estimated that there are over 440 political parties in power at the federal level and in the states of this country. To keep this country going, we have a constitution that, in an emergency, will just give you that little unitary tilt to bind

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this nation together. Dr. Ambedkar has explained that residuary power must rest with the union in times of crisis. If we look at our journey, if you look at their foresight, it's really remarkable, and the constitution has stood the test of time.

The adaptive nature of the constitution, in terms of the amendments or changes to the constitution that we have seen, some would say they are numerous, while others point out that it is a matter of time as and when required and that is the nature and beauty of our constitution. Surely, one of the most remarkable aspects of our constitutional journey has been the constitution's adaptability and flexibility in allowing us to interpret and

amend it as needed. Our Supreme Court invented the doctrine of “basic structure” and that’s where the values get captured. Secularism, the balance between unions and states, equality, etc. are all parts of the basic structure. The SC has carved the outer boundary within which parliament with two-thirds of the members present can amend the constitution, so that is what gives us the flexibility with an outer parameter that we cannot cross. That’s one of the great successes of our constitution: we cannot outreach a law that takes away the essence of equality or the citizens right to life and liberty. There has been a significant evolution of our constitution and the Supreme Court has repeatedly emphasised the importance of preserving this dynamic balance between the union and the states. The greatest tribute to how the union and states can work together is the GST, the way the GST has been framed, the way the union has agreed to the GST Council, and the constitutional amendments by which states have been empowered to make legislation. Whatever critics say, this constitutional journey demonstrated that parliament has the authority to amend the constitution as long as we contain ourselves as the sovereign, democratic republic and maintain a balance between the union and the states. The Supreme Court established precedents in several cases that explained the basic structure doctrine adhering to equality, secularism, life and liberty, and the balance between the union and states. It said that as long as you don’t upset any of this, parliament is free to amend the constitution, and that’s been another remarkable evolution. This evolutionary nature and the evolution that we have seen in our Constitution over the past 75 years are the reasons why it is one of the most important and strongest pillars of our democracy. Whether it’s members of the judiciary or parliament, they have demonstrated that our constitution is excellent and that whatever is required to preserve democracy will be delivered.

There will be a lot of aspirations in a democratic setup; that’s one part of the challenge; the other part is that these hopes and aspirations are taking new turns and new forms, which is natural, given the demographic changes and the way time is changing. The young generation, or the young population, has new hopes and new aspirations; they want to look at things in a new way. Since a large mass of people are either below the poverty line or just above it at a subsistence level, we need institutions that will leverage their powers in order to meet those aspirations. The Supreme Court’s interpretation of Article 14—“Equality

before the Law” and “Equal Protection”—and Article 21—“Right to Life and Personal Liberty”—applies to every citizen of the country, irrespective of caste, religion, and gender. The elasticity that the court has lent to these two articles in the Constitution demonstrates how the right to life is not just the right to life. The court in the Bandhua Mukti Morcha case stated that the right to life also includes the right to a dignified life. Starting from this case, there were several other judgments, and now the right to life includes the right to potable water, quality air, shelter, health care, etc. So in our constitutional journey, the contribution of the Supreme Court starting in the 1980s with the whole PIL story is truly remarkable. There is a very strong support for the deepening of the democratic tradition that has happened via the higher judiciary in the country, and that is how we are meeting those strong aspirations of the people. So, where we find the legislature falling short or the executive falling short, we can be certain that the judiciary will be there as the torch bearer to listen to the grievances. Another part is that the working of institutions is very critical to constitutional and democratic prosperity. In fact, in our country, there hasn’t been enough work on democratic studies and very little work on institutions.

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Except for institutions like the Election Commission and the Comptroller and Auditor General of India, who have worked hard over the last 75 years and are the key institutions that have strengthened the whole democratic process, there is a need for more study and research into the functioning of these institutions so that people are aware of their contribution and the significance of that, as well as how that has strengthened the country’s overall democratic arrangement.

This is a summary of the glorious journey of India as a constitutional democracy for the past 75 years, in which various institutions have played a very important role in this particular journey, the way our constitution has evolved over the years, the kind of challenges we still face, and how those challenges can be tackled. □

# Collegium v NJAC - A chronological revisit

Tapan Thatte

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The debate on ‘how’ and ‘who’ on the appointment of judges of constitutional courts in the country has again attracted attention across the country. In such a surcharged atmosphere, let us visit the issue chronologically dividing the same into Pre constitution era, from 1950 to 1970s and post-1970s.

## I. Pre Constitution Era

- a.) While drafting ‘judicial provisions’, the lengthiest Constitutional Assembly (CA) debates were on the independence of courts, powers of the Supreme Court and judicial review. The Sapru Committee in 1945 recommended that the justices of the Supreme Court and High Courts should be appointed by the head of state in ‘consultation’ with the Chief Justice of the Supreme Court and for High Court judges, the Chief Justice of that High Court and head of the concerned unit.
- b.) The task of framing draft provisions for establishing the Supreme Court began when an ad hoc Committee of 5 members - B.N.Rao, Munshi, Mitter, Vardachariar & Ayyar was formed. During the first 3 weeks of May 1947, the ad hoc committee came to consonance that a Supreme Court shall be propounded and a panel of 11 members be constituted for appointments with 2/3<sup>rd</sup> majority power. A ‘Judiciary Act’ was proposed which was to contain all relevant provisions concerning the courts instead of putting everything in the Constitution itself. It was recommended that the President should nominate puisne judges with the ‘concurrence’ of the Chief Justice and this nomination shall be subject to confirmation by a panel composed of High Court Chief Justices, members of both houses of the central

legislature and law officers of Union. The Union Constitution Committee (UCC) disagreed with this procedure of appointment and advocated the Sapru Committee report’s view. It also recommended that articles pertaining to Supreme Court should require the consent of provinces before being amended. The Provincial Constitution Committee (PCC) supported their view. The Drafting Committee held regular meetings from 10-17 December 1948 and framed nearly all Judicial Provisions including draft Articles

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103 & 193 which were crafted for the appointment of judges to the Supreme Court and High Courts.

- c.) The first reaction to the Judicial Provisions came from the judges themselves. Chief Justice of the then Federal Court, H.J. Kania wrote a letter to Nehru stressing the independence of the judiciary and particularly emphasising that when recommending to the President a person for the judgeship of a High Court, the Governor and the High Court Chief Justice should be in direct contact so that the provincial Home Ministry would not be an intermediary in the proceedings, else local politics may affect the selection of judges. Subsequently a ‘Justice’s Meeting’ was conducted between all the Federal Court judges and Chief Justices of all High Courts. This meeting strongly recommended that the Chief Justice of the High Court,

after consulting with the Governor should send his suggestions for an appointment directly to the President thus excluding all provincial ministers from the selection process. On 24 May 1949, while discussing Draft Article 103, Ambedkar strongly defended the draft provision saying that it was the middle path between the English system of appointment by the Lord Chancellor and the American system of confirmation of judicial appointments by the senate. He also strongly contended that ‘consultation’ must be used instead of ‘concurrence’. The majority agreed and the draft provisions were adopted.

## **II. Adoption of the Constitution (1950 – 1970s)**

- The final law for judicial appointments was crafted in Articles 124 (Supreme Court) and 217 (High Courts) for higher judiciary. For the subordinate judiciary, District Judges were to be appointed under Art. 233 and other magistrates under Art. 234.
- The Supreme Court, as Nehru put it was intended to be ‘sentinel on the qui vive’.<sup>1</sup> The Constituent Assembly at the same time was equally clear that it wanted an independent and not a subservient court.
- The Supreme Court in 1950 was constituted of Chief Justice H.J. Kania and 6 other judges. 6 out of these 7 were part of the earlier Federal Court.
- The initial appointment of judges to higher judiciary was done through the Presidential seal acted under Article 74 on the aid and advice of the Council of Ministers who mandatorily consulted the Chief Justice of India and any other judge if they deemed fit.
- Justice Harilal Jekisondas Kania took over as the first Indian Chief Justice of the Federal Court at the dawn of independence. Interestingly, Justice Kania was recommended because of a wrong that the incumbent Chief Justice of Bombay, Sir Leonard Stone felt had been committed when he was passed over for his own post because of an altercation with the previous Chief Justice.

- Justice Kania initiated all further appointments to the Federal Court and extended invitations to Justices Sastri, Mahajan, Mukherjea and S.R. Das. Justice Fazl Ali had already been appointed as judge of the Federal Court. After the Supreme Court was constituted, invitations were extended to Justices Aiyar and Bose by Justice Kania himself. This was done because it was thought and accepted that the Chief Justice would assess the first crop of judges the best.
- Interestingly, most of these judges were either from privileged or legal families. Justice Kania’s role in appointments to the High Courts was shrouded in some controversy and at one point Nehru even questioned his suitability to be the CJI. Patel as the

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then Home Minister managed the situation. However, both Patel and Kania passed in quick succession.

- After Kania, the six sitting judges insisted that the principle of seniority be used in selecting a successor. When the Government showed reluctance by offering names of Justices Mukherjea, Das or Chagla, the entire Supreme Court threatened to resign leading to a six-week delay in appointing Justice Sastri as the 2<sup>nd</sup> CJI.
- It is argued here, that favouritism in appointing select judges at the Supreme Court started. Sastri appointed Justices Aiyar and Jagannadhadas as judges of the Supreme Court. Both are from Madras and are close associates of Sastri. Interestingly, Justice Jagannadhadas had contested elections and served a term at the Madras Corporation. Unsurprisingly, he

<sup>1</sup> Meaning – ‘Within limits no judge and no Supreme Court can make itself a third chamber’. Referring to as the third chamber to legislate. Constituent Assembly Debates, Vol 9, No. 4, 10 September 1949, 1195-6

resigned before his tenure to take up the politically significant post of Chairman of the Second Pay Commission. More interestingly, Justice Sastri also invited Justice P.V.Rajamannar from Madras who declined due to his father's ill health. If he would have accepted, he would have been the CJI for 7 years. As be it, his comparatively younger brother-in-law K.Subba Rao later became CJI.

- It was however Justice S.R. Das who demonstrated the complete extent of CJI's power to influence appointments to the Supreme Court. Out of the 3 appointments, he appointed his close friends Justice S.K. Das (ICS Officer – Brahmo Samaj connection) and Justice A.K. Sarkar who was his own chamber junior. Justice S.R. Das also offered an appointment to Justice P.B. Chakravarti, who declined.
- Complaints were received by the Home Minister about the supersession of many capable candidates in appointing Justice Sarkar but by this time, it was settled that the CJI has the unofficial determinative voice in appointments. Justice Sarkar later, in his turn, became the CJI!
- Justice S.R. Das also appointed Justices P.B. Gajendragadkar, K. Subba Rao, K.N. Wanchoo and Hidayatullah at the right time to pave way for their elevation to the Supreme Court at the appropriate time.
- CJI B.P.Sinha's tenure also saw allegations as he appointed Justice Mudholkar, who was the son of a former President of the Indian National Congress.
- It was perhaps, Justice Gajendragadkar who as CJI started a more formal practice of getting concurrence from the senior most associate judge.
- Justice A.K. Sarkar as the CJI recommended Justice Vashistha Bhargava (ICS) and G.K. Mitter as judges of the Supreme Court. The then serving Chief Justice of West Bengal D.N. Sinha complained in writing to the Chief Minister of West Bengal and Home Minister

of India. However, the appointment had to be done as Justice Sarkar would not withdraw the name.

- Justice Subba Rao, as the CJI again appointed his long-time partner and friend Justice C.A. Vaidialingam. This also caused controversy as parliamentarian V.A. Seyid Muhammad wrote about this openly. Subba Rao also initiated the appointment of Justice K.S. Hegde. Justice Hegde was the first appointee to have served two terms in the Rajya Sabha and had resigned during his second term to join the Mysore High Court as a judge.
- Unsurprisingly, Justice Subba Rao later resigned to become the joint opposition candidate for the post of President.

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- In 1971, the Government baulked at appointing Justice J.C.Shah to succeed Hidayatullah J. However, the principle of seniority was honoured.
- Justice Hidayatullah invited Justice A.N. Ray, Jaganmohan Reddy and I.D. Dua. Out of these, Justice Dua was his neighbour in Delhi. Justice Ray was a junior to Justice Reddy but was administered an oath prior to him. This gained significance because of the unforeseen dramatic supersession by the Indira Gandhi government a few years later to make Ray the CJI. If Justice Reddy would have been administered oath as per seniority, he would also be required to be superseded.
- Just before superannuation, Justice Hidayatullah recommended the names of two of his close friends,

<sup>2</sup> AIR 1967 SC 1643

<sup>3</sup> (1970) 1 SCC 248

<sup>4</sup> (1971) 1 SCC 85

Justices S.P. Kotwal and M.S. Menon. The Government did not respond to both names. This was the perhaps first time that the executive completely ignored the names recommended by the CJI.

- Parallelly, interesting developments were taking place. The political climate in the country was changing rapidly. The government had faced judicial setbacks in Golaknath<sup>2</sup>, R.C. Cooper<sup>3</sup> and Madhav Rao Jiwaji Rao Scindia<sup>4</sup> cases.
- One politician, Mohan Kumaramangalam was made a minister for Steel and Mines. Little did the countrymen know that he is about to become the brainchild of supersession and court packing. Simultaneously, a separate Law Ministry was established and the charge was handed over to it from the Home Ministry.
- On the judicial side, in Samsher Singh [1974, 7 judges] Supreme Court held ‘consultation’ in Articles 217 & 124 to confer primacy to the Chief Justice of India.
- Justice Shah as the CJI recommended Justice P.N. Bhagwati which was also ignored by the Government only to be later on appointed in 1973. If he was appointed in the first round, he would have been the CJI for over 9 years. His appointment was apparently delayed because of a letter written by Justice Shelat that Justice Bhagwati was given to please the congress-led government. Unsurprisingly, as a sitting judge, Justice Bhagwati wrote a letter later on to Indira Gandhi on her electoral victory and return to power stating that “Today the reddish glow of the rising sun is holding out the promise of a bright sunshine”.
- Justice Sikri’s tenure marked the end of the unofficial primacy enjoyed by the Chief Justice. It was now accepted that appointments will be initiated by the recommendation of the Chief Justice to the Law Minister. Having a ‘primary political sponsor’ was thus seen as a prerequisite to getting appointed.
- It is in this light that Law Minister initiated appointments of his former colleagues Justices Palekar and Y.V. Chandrachud part from H.R. Khanna, S.S. Ray recommended S.C. Roy and A.K. Mukherjea, Mohan Kumaramangalam recommended his classmate A.N. Alagiriswami and Indira Gandhi herself

recommended M.H. Beg and S.N. Dwivedi as judges of the top court.

- While all of them were appointed, Justice Sikri put his foot down on two names – Nagendra Singh and Justice Krishna Iyer (for being a communist). As it would happen later on, Nagendra Singh was later elected to the International Court of Justice as India’s nominee and Justice Krishna Iyer were eventually appointed to the Supreme Court.

### **III. Dramatic Supersessions of judges and post-1970s**

- By now, the power to appoint had shifted completely into the hands of the executive.
- In the aftermath of the judgment in Keshavananda Bharati<sup>5</sup> that two dramatic supersessions were done by the Indira Gandhi Government (Making A.N. Ray

*Justice Shah as the CJI recommended Justice P.N. Bhagwati which was also ignored by the Government only to be later on appointed in 1973. If he was appointed in the first round, he would have been the CJI for over 9 years.*

J as the Chief Justice of India by superseding Shelat, Hegde & Grover JJ and later making Beg J as the Chief Justice by superseding Khanna J)

- This acted as a catalyst to force the thought process that a change is required in appointments for the independence of the judiciary which was affirmed to be the basic structure of the Constitution.
- In Sankalchand Himmatlal Sheth [1977] it was held that ‘consultation’ under Art 222 means taking the mandatory (but not binding) opinion of the Chief Justice in matters of transfer.
- In S.P. Gupta v UOI [1981-1<sup>st</sup> Judges Case, 4:3 majority] it was written that the interpretation supplied to ‘consultation’ by Sankalchand stretched to Articles 124 & 217 and CJI has no primacy as all constitutional functionaries are equal. The appointment of judges was termed to be an executive function.
- 67<sup>th</sup> Constitution Amendment, 1990 was drafted to insert Part XIIIIA in the Constitution to establish a ‘National Judicial Commission’. But it could not materialize.

<sup>2</sup> 1973

- The correctness of the 1<sup>st</sup> Judges Case was doubted for the first time in Subhash Sharma v UOI [1991].
- SCAORA v UOI [1993 – 2<sup>nd</sup> Judges Case, 7:2] overruled the 1<sup>st</sup> Judges Case and held that the Chief Justice of India has primacy in judicial appointments by interpreting ‘consultation’ as ‘concurrence’. It also established the system of 1+2 and 1+4 Collegium system for appointments.
- The Collegium system, in a nutshell, is as follows - for the appointment of High Court judges, the Chief Justice of the High Court after consulting other senior judges of that High Court sends a list of names to the Chief Minister who can also suggest a few names and send to the Chief Justice. The recommendations are then submitted to the Chief Justice of India, the Union Law Minister & the Governor of the State. The Governor will send the entire bundle to the Union Law Minister who will consider the names. The proposed names are then scrutinized by the Intelligence Bureau through the Ministry of Home Affairs. The names with all sets of papers are then submitted to the Chief Justice of India who forms a Collegium with 2 senior most judges and consults other colleagues well versed with that High Court to advise the Government. The Union Law Minister then submits all papers to the Prime Minister who in turn advises the President to take the final call. The ministry or the President can return the file for reconsideration on certain grounds but if the Collegium recommends it again, the President is bound to sign. For the appointment of Supreme Court judges, in a similar procedure, the Collegium comprises the Chief Justice of India and 4 senior most judges who recommend names to the ministry. The Chief Justice of India is appointed completely on seniority.
- In Re Special Reference [1998 – 3<sup>rd</sup> Judges Case] affirmed the 2<sup>nd</sup> Judges Case and imposed significant procedural constraints on the Chief Justice and vested wide powers in the Collegium.
- In 2014, the Central Government enacted the National Judicial Appointments Commission (NJAC) Act and also amended the Constitution vide the 99<sup>th</sup> Constitution Amendment Act, 2014. It was immediately challenged in a batch of petitions. In short, NJAC was intended to be the constitutional body comprising the Chief Justice of India, 2 senior most judges of the Supreme Court, the Union Law Minister, the Leader of the opposition and 2 eminent members

- chosen by a committee of CJI, Prime Minister and Leader of Lok Sabha and must have at least 1 woman/ SC/ST/Minority/OBC representation. The commission was to replace the collegium to recommend names to the Government.
- In SCAORA v UOI (4<sup>th</sup> Judges Case) with a majority of 4:1, the Supreme Court declared the NJAC Act, 2014 and the 99<sup>th</sup> Constitution Amendment Act, 2014 unconstitutional.

In his dissenting judgment, Justice Chelameswar strongly condemned the Collegium system. Interestingly at least 2 other judges in their separate opinions have also attested to the fact that Collegium has its flaws.

#### **IV. Conclusion**

Former Chief Justice of the US Supreme Court Charles Evans Hughes said “We are under a Constitution, but the Constitution is what the judges say it is”. As citizens, we have to realize the inherently political colour of the dispute and ask ourselves if it can ever be de-politicized at all. The contest between judges and elected representatives over guardianship of the constitution is perhaps constitutionally meant to be undecidable. It is the constitutional tension between the two branches which secures our liberty and democracy. Ultimately, the constitution is co-produced by all branches collectively and it should not be otherwise. What the Constitution ‘means’ and what it ‘requires’ are two ends.

Collegium system no doubt suffers from opaqueness and lack of accountability. The judges should cure the defects without any further delay. It is something which the Court altered the Constitution with, while not acting under it. While some may term it judicial authoritarianism or judicial obstructionism, some may call it judicial craftsmanship. Nonetheless, informal processes are difficult to be studied formally. It is the same collegium which initiated appointments of Justice P.D. Dinakaran, C.S. Karnan, etc among other such notable names while missing many worthy ones.

Under the current legal position, the Collegium system prevails where judges alone recommend judges. NJAC may not take an avatar in an ‘as it is’ form but the Parliament in its wisdom may alter the composition and bring a law on the subject again. Hoping for the best, fingers crossed!

# Withdrawal of Appeal in Criminal Law

**Amit Singh Sisodia**  
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In India, the proceedings of a criminal trial make a grave impact on an individual's life and especially on his personal liberty and right to life, something guaranteed by the Constitution. The intention of the Constitution is to provide justice to every individual and for that cause, the Constitution has established and developed the Judiciary and imposed a responsibility on the State to protect the rights of an individual. In this regard, the Legislature has codified laws for the efficient working of the Judiciary to serve justice. Particularly, emphasis was given on the fact that no person shall be deprived of justice, which includes both the accused as well as the respondent victim. Both these parties need to be treated equally without any discrimination in their legal rights. These legal rights include the right to defend and the right to appeal and with these rights, a person puts their faith in the Judiciary and the judicial system. These provisions vest some crucial powers in an individual with the object to carry out justice.

In the light of serving justice, the right to appeal is an eminent legal as well as statutory right of criminal law which ensures that the accused is able to have their conviction reviewed by an appellate court. With appeal being the legal right of a person, it is the Constitutional duty of the Court to dispose off these appeals in a quick manner to serve justice. While it is said that the right to appeal acts as a primary legal right of a person, it also results in increased filing of appeals and consequently, pendency and delay arises in the proceedings. There are a number of reasons for this delay which includes unequal ratio of the judges to the population of the country; continuing vacany for judges in the High Courts; lower judiciary is not able to work efficiently because of the undue pressure of higher courts; adjournments in the proceedings are becoming a trend these days, due to which the hearing of the case gets delayed. Many other things can be added to this list of reasons for the pendency of a case and this pendency ultimately hampers the process of serving

justice.

The Code of Criminal Procedure 1973, (CrPC) lays down the provision of appeal in criminal matters. The intention of the Legislature and the objective behind this provision of appeal under criminal law is based on the very fact that humans are prone to fallibility and so can the Courts. But to scrutinize and review the decision of any lower Court, the provision of appeal was included in the criminal law to obviate any chance of failure of justice.

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Apart from having the far-fetching vision of serving justice properly by including the provision of appeal in criminal proceedings, the CrPC still lacks at some point. In CrPC, there are provisions to file an appeal and powers of the appellate court regarding the appeal but there is no such provision that states or provides a procedure to withdraw that appeal. In recent times, it is observed that many of the accused file an appeal against their conviction, and on being aggrieved by the court not disposing off the appeal in a quick manner, they wish to withdraw their appeal because either they have completed maximum sentence awarded to them till the time their appeal gets disposed off or they give up on the hope to get justice because of this delay and try to seek relief by withdrawing their appeal and completing their prescribed sentence.

## THE QUESTION OF LAW, RAISED IN THE SAME CONTEXT, IS WHETHER A CRIMINAL APPEAL CAN BE WITHDRAWN ONCE IT IS ADMITTED AND PROCEEDINGS HAVE BEEN

INITIATED AGAINST THE SAID APPEAL OR NOT? In this regard, this article is an attempt to answer this question of law raised with the help of some judicial observations from the time of Privy Council till the present date.

The CrPC makes no difference between an appeal against a conviction and that of an appeal against an order of acquittal except that in the former case the appeal is a matter of right and lies to Courts of different jurisdictions depending on the nature of evidence, the kind of trial, and the Court by which the order of conviction was passed. Conversely, in the latter case, it can be made only to the High Court by the Government or by the complainant (where the case is started on a private complaint) with the special leave of the High Court. Such an appeal lies on a matter of fact as well as of law and the procedure for dealing with both these kinds of appeal is similar. The High Court is vested with full power to review the entire evidence upon which the conviction or acquittal, as the case may be, was founded and reach its own independent conclusion irrespective of whether the order is reversed or not. There exists no provision for withdrawal of an appeal which is admitted for hearing. Therefore, once an appeal is admitted, it has to be either allowed or dismissed. The summary dismissal of appeal may be possible only before it is admitted for hearing and not thereafter.

The stated question of law is subjected to judicial scrutiny since there is no provision to withdraw an appeal after its admission in the court. According to the provisions of the CrPC, where the appeal is not dismissed summarily under Section 384, the Appellate Court is bound to call for the record if such record has not already been sent by the Court and then give a hearing to the parties. However, the Court may dispose off the appeal even without asking for the record when the appeal is only as to the legality of the sentence. When the appellant himself does not insist for summoning of the record nor does the respondent raise any objection to this, the Court may dispose off the appeal, if in its opinion, the record was not very vital to the case. According to the Supreme Court, the disposal of an appeal without calling for the record is a mere irregularity which can be cured under Section 465 of the Code provided it has not resulted in any prejudice to the accused.

An explanation to Sections 384 & 385 of the CrPC is provided which assures that even if the Appellant doesn't appear, the Court is bound to look into the records of the matter and dispose off the appeal. As per Section 384(1) of the Code, if upon examining the petition of appeal and copy of the judgment received under Section 382 or Section 383, if the Appellate Court considers that there is no sufficient ground for interfering with record, it may dismiss the appeal summarily. If the appeal raises an arguable and substantive point, the Court should give reasons for rejecting the appeal. Dismissal of an appeal by the Court in a summary manner without a speaking order is illegal and unjustified. As the summary dismissal of appeal is as much adjudication as an order of dismissal after a full hearing so far as the accused is concerned, the

*An explanation to Sections 384 & 385 of the CrPC is provided which assures that even if the Appellant doesn't appear, the Court is bound to look into the records of the matter and dispose off the appeal. As per Section 384(1) of the Code, if upon examining the petition of appeal and copy of the judgment received under Section 382 or Section 383, if the Appellate Court considers that there is no sufficient ground for interfering with record, it may dismiss the appeal summarily. If the appeal raises an arguable and substantive point, the Court should give reasons for rejecting the appeal.*

Court should exercise the power to dismiss the appeal summarily, judicially and with great care. According to Section 384(2) of the Code, before dismissing an appeal, the Court may call for the record of the case. As per proviso (a) of Section 384 (1) of the Code, no appeal presented under Section 382 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the appeal. According to proviso (b) of Section 384(1) of the Code, no appeal presented under Section 383 shall be dismissed except after giving the appellant a reasonable opportunity of being heard in support of the same, unless the Appellate

Court considers, that the appeal is frivolous or that the production of the accused in custody before the Court would involve such inconvenience as would be disproportionate in the circumstances of the case. As per proviso (c) of Section 384(1) of the Code, no appeal presented under Section 383 shall be dismissed summarily until the period allowed for preferring such appeal has expired. According to Section 384(3) of the Code, where the Appellate Court dismissing an appeal under this Section is a Court of Session or of the Chief Judicial Magistrate, it shall record its reasons for doing so. As the orders passed by these Courts are liable to be revised by the High Court and the orders of the High Courts are liable to be revised by the Supreme Court, the Court should record the reasons for dismissing any appeal summarily in writing. Section 384(4) of the Code of Criminal Procedure provides that where an appeal presented under Section 383 has been dismissed summarily under this Section and the Appellate Court finds that another petition of appeal duly presented under Section 382 on behalf of the same appellant has not been considered by it, that Court may, notwithstanding anything contained in Section 393, if satisfied that it is necessary in the interest of justice so to do, hear and dispose off such appeal in accordance with law.

A criminal appeal cannot be dismissed on the ground that the appellant or his counsel remained absent, but, the Court must dispose off the appeal on the merits on perusal of records or adjourn the case to another date. Section 385 lays down the procedure for hearing of the appeal which has been admitted and not dismissed summarily under Section 384. It provides for notices to be given to the persons mentioned therein. An order of the High Court setting aside the acquittal of the accused in appeal without notice having been sent to the accused was held to be illegal. The accused must be heard and his appearance must be ensured while disposing off the appeal.

Many judicial observations have been carried out to have a solid stance on the question whether a criminal appeal can be withdrawn once it is admitted or not and one of the landmark judgments related to this question of law this question was dealt with was by the Full Bench of the Privy Council in the case of The Crown Appellant versus Gulam Mohammad (Accused) Respondent Criminal appeal No. 601 AIR (29) 1942 Lahore 296 wherein Justice Dalip Singh, J. speaking for the full bench held

“From all these consideration, it appears to me that the legislature have never contemplated any withdrawal of an appeal once lodged whether by the accused or by the crown, has been admitted, it is not in the power of any court nor in the power of the appellant to allow it to be withdraw. The court is bound, once the appeal is admitted, to proceed under S. 421 or under S. 422 and 423 (Section 422 and 423 of the old code correspond to Sections 385 and 386 of the present code) to decide the appeal on merits...”

Thereafter, same question has been raised in front of various benches of the Honourable Supreme Court and the High Court of various States.

In the case of Gandi Doddabasappa vs. State of Karnataka (2017) 5 Supreme Court Cases 415 Para 25 a Division Bench of the Supreme Court considered whether an appellant can be permitted to withdraw his appeal after filing an admission of appeal. The Court held

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“...we cannot permit the appellant to withdraw the appeal. We say so because the show- cause notice issued to the appellant (accused) in terms of the order dated 8-9-2016, will have to be taken to its logical end being substantive proceedings ascribable to the jurisdiction of the appellate court under Section 386 or read with Sections 397 and 401 of the Criminal Procedure Code, 1973 (CrPC) and, in this case, plenary jurisdiction of the Supreme Court. The show-cause notice for enhancement of sentence must proceed on the principle underlying the exposition of law in Khedu Mohton v. State of Bihar (1970) 2 SCC 257. In that case, the complainant died during the pendency of appeal against acquittal before the High Court and therefore, it was urged by the accused that the said appeal had abated. This Court rejected that plea of the accused,

having found that the appeal abates only on the death of the accused. The Court then observed that once an appeal against acquittal is entertained by the High Court, it becomes the duty of the High Court to decide the same irrespective of the fact that the appellant does not choose to prosecute it or is unable to prosecute it for one reason or the other. Applying the same analogy to a suo motu show-cause notice for enhancement of sentence issued by this Court after hearing both sides, it will be the duty of this Court to decide the same irrespective of the fact that the accused does not want to prosecute his appeal against conviction....”

This question of law also came for consideration before the division bench of Honourable High Court of Madhya Pradesh in the case of The State of Madhya Pradesh (Appeallant) vs Mooratsingh and others (Respondents) Criminal Appeal no. 661 of 1973, 1975 SCC Online MP 81 Para 13 and 14 in which the court held that,

“Practically all the High Court are unanimous on the point that an appeal which has not been dismissed summarily cannot be dismissed at the stage of hearing for default of appearance. It is the duty of the Appellate Court to go through the record and dispose of the merit. This is the conclusion arrived at on the interpretation of the expression “After perusing the record”. (See Queen Empress v. Pohpi, (1891) ILR 13 All 171 (FB), Trimbak Balwant v. Emperor, AIR 1926 Bom 548 (1): (27 Cri LJ 1167) and Dashrath

v. State, 1957 MFC 530: (1957 Cri LJ 1405 (1)). From the fore-quoted decisions the law that discerns is that the A cannot act beyond the provisions contained in Sections 421 to 423 and being no provision for the withdrawal of appeal in Section 423, the A cannot permit its withdrawal doing so would be acting in violation of the of Section 423.”

The Division Bench of the Calcutta High Court also considered this question of law in a broader way and emphasised on the duties of the Appellate Court regarding the delivery of justice in the case of Sudhindra Nath Dutt (Appellant) versus The State Crl. A. No. 12 of 1955, 1957 SCC OnLine Cal 238 Para 4 and held that

“...The prayer in that application was that the appellant might be permitted to withdraw the appeal or it might be struck out, as he did not desire to proceed with the appeal any further. We rejected that application because, in our view, after a criminal appeal had been filed, it became the duty of the appellate court to hear and determine the appeal on its merits and the appeal could neither be

allowed to be withdrawn, nor be struck out on the ground that the appellant did not desire to proceed with it...”

In the case of Palekanda Karumbaiah vs State of Karnataka, Cr. A. No. 76/1985, 1988 SCC OnLine Kar 189 Para 4, 5 and 6, a Divison Bench of the Karnataka High court considered the application sent by the accused, who was willing to withdraw his appeal as he has been in jail for a very long time. The court, in this regard, held that,

“From the records, we find that the accused had sent a petition dated 2.9.1987 through Jail for dismissing his appeal as withdrawn. No orders have been passed on that petition. The appeal was admitted on 8.2.1985. When once the appeal is admitted, there is no provision in the Criminal Procedure Code, enabling the party to withdraw the appeal and the appeal has to be disposed of in

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accordance with Section 386 Cr. P.C. This Appeal is from a conviction and sentence and so, it has to be disposed of in accordance with Section 386-D of the Criminal Procedure Code 1973. The said view finds support from the decisions in Emperor v. Ghulam Mohammed (AIR (29) 1942 Lahore p. 296) (full bench) (2) Lal Singh v. State of Punjab (1981 Cr. LJ. p. 1069) (Full 443). Bench

(3) Biswanath Chakravarthy v. Haripada De Dhara (AIR 1959 Calcutta p. 6. Therefore, we reject the application of the accused for withdrawal.”

In the case of Samul Philipose Versus Koshy Thomas Crl. Rev. Pet. No. 1152 of 2000, 2009 SCC OnLine Ker 3832 Para No. 16, a Single Judge Bench of High Court of Kerela held that

“...In the light of the provisions of law and precedents stated above, once a criminal appeal is duly lodged, appellate court has to dispose of the appeal either as provided under Section 384 or following the procedure under Sections 385 and 386 of the Code. If the appeal is not dismissed summarily under Section 384 of the Code (for which appellate court may call for the record of the case), appellate court is bound to call for the records, if it is not already before it, peruse the same and decide the appeal on merit. The Code does not contemplate a dismissal of the appeal as withdrawn or as not pressed once it is duly lodged. Even when the counsel or party reports that he is not proceeding with the appeal which is duly lodged, appellate court has to follow the procedure prescribed under Section 384 or under Sections 385 and 386 of the Code, as the case may be....”

In the case of Salimbhai Gulam Rasul Vora vs State of Gujarat, R/SCR.A/2511/2018 Para 3,

Single Bench of High Court of Gujarat at Ahmedabad held that “...Then, could an appeal which is not summarily dismissed under Section 384 of the Code be dismissed for default, as withdrawn or as not pressed without perusing the record of the case and without deciding the appeal on merit? In the wordings of Sections 384 to 386 of the Code, such a course is not permissible. Order XXIII of the Code of Civil Procedure provides for withdrawal or abandonment of a suit and since an appeal is a continuation of the lis, the said provisions could apply to appeals from decrees or orders as well. Such an enabling provision is not available in the Code. Section 321 of the Code permits the Public Prosecutor or the Assistant public prosecutor in-charge of a case with the consent of the Court to withdraw from the prosecution of any person but that power has to be exercised before judgment is pronounced.”

Now, a question can also be raised whether an appeal can be dismissed as a default after its admission. The CrPC has not provided any power to the Appellate Court. This question somewhere is interlinked with the question whether an appellant himself can withdraw the appeal after its admission. This question has been considered by a Division Bench of the High Court of Allahabad in the case of Ram Ashrey (Appellant) versus State of U.P. (Respondent)

Cr. A. No. 1180 of 2003, 2019 SCC OnLine All 5834 Para 6, wherein it was held that “...A reading of Sections 384, 385 and 386 of the Code as well as the above legal position clearly demonstrate that a criminal

appeal cannot be dismissed for default or as not pressed, if the same has been admitted for consideration. The Court has to decide the appeal on merits and pass final orders. The consideration of the appeal on merits at the stage of final hearing and to arrive at a decision on merits so as to pass final orders will not be possible unless the reasoning and findings recorded in the judgment under appeal are tested in the light of the record of the case. After the records are before the Court and the appeal is set down for hearing, it is essential that the appellate court should peruse such record, hear the appellant or his pleader, if he appears, and hear the public prosecutor, if he appears and after complying with these requirements, the appellate court has full power to pass any of the orders mentioned in the section, but the disposal must be after the appellate

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court has considered the appeal on merits. It is clear that the criminal appeal, if not dismissed summarily and has been admitted for hearing, must be considered and disposed of on merits irrespective of the fact whether the appellant or his counsel or the public prosecutor is present or not or even if the appeal has been “not pressed”.

In the CrPC, a revision against conviction lies on the ground of question of law alone whereas a criminal appeal lies on the grounds of question of law as well as question of fact. Both the provisions deals with different stages in criminal law. The former comes into play after the judgement of the Appellate Court whereas the latter is the first stage where the aggrieved party has the statutory right to file an appeal against the conviction. But the question

remains whether a revision against the conviction, which has already been admitted, can be withdrawn.

The Supreme court considered the question in the case of Madan Lal Kapoor (Appellant) vs Rajiv Thapar and others (respondent) (2007) 7 Supreme Court Cases 623 Para 8 and held that

“In our opinion the same reasoning applies to criminal revision also, hence a criminal revision cannot be dismissed in default. Division bench relied on the Judgement of Supreme Court in Bani Singh vs State of U.P. 1996 in which a three-judge bench held that a criminal appeal should not be dismissed in default but should be decided on merits. If despite notice neither the appellant nor his counsel is present the court should decide the appeal on merits. If the appellant is in jail the court can appoint a lawyer at state expense to assist it. This would equally apply to respondent.”

The CrPC also provides for the inherent power of the High Court which gives ample power to the Court for providing the justice where the CrPC is silent. However, this power does not empower the Appellate Court to withdraw the appeal after its admission. This question of whether the appeal can be withdrawn after its admission while exercising the inherent powers by the High Court provided under the CrPC was considered by the division bench of the Delhi High Court in the case of Assistant Collector of Customs, New Delhi (Appellant) versus Amar Nath Gupta and Another (Respondents), Criminal Misc. Petition No. 488 of 1972 in Crl.

Appeal No. 112 of 1970 Page No. 974, Division Bench of Delhi High Court in which it was held that

“...In our opinion the view taken by the Full Bench of the Lahore High Court in the case of Ghulam Mohammad (supra) is more to the point and we are in respectful agreement with it. That case was followed by the High Courts of Calcutta and Rajasthan in Biswanath Chakravarty v. Haripada De Dhara and others (A.I.R. 1959 Cal. 443)(5) and Chhitar v. State (1957 Cr. L.J. 155)(). It is, therefore, not competent for the Assistant Collector of Customs to withdraw the appeals. There is no occasion for exercising the inherent powers of this Court under section 561-A, for it cannot be said that allowing withdrawal of the appeals would be in the interest of justice. After due consideration, special leave to appeal was granted and the appeals have consequently to be

disposed of on merits. The applications made on behalf of the Assistant Collector of Customs for withdrawing the Appeals are, therefore, dismissed.”

In the CrPC, the Legislature deliberately did not insert the provision of withdrawal of appeal because it thought, in its wisdom, that every appeal which has been admitted should have a logical conclusion rather than been withdrawn for any reason. A Single Judge Bench of the Bombay High Court reflected the same intention in the case of Ramkesh Rampyare Kewat (Applicant) vs The State of Maharashtra (Respondent) Cr. A. No. 379 of 2015, SCC 2015 OnLine Bom 7666 Para 13 & 17, in which it was held that

“...This Court is therefore of the opinion that an admission of the appeal should be taken to its logical end and every appeal admitted has to be heard and decided on the merits of the case and that there is no provision for withdrawing the appeal.....Taking into consideration reasons assigned for the withdrawal of the appeals and the observations made by various High Courts including the observations of the Hon’ble Apex Court in the case of Bani Singh (supra), this Court is of the opinion that the applications filed by the applicants seeking withdrawal of the appeals deserves to be rejected. The applicants have not assigned any specific justification, reason for withdrawal of the appeals...”

### Conclusion

It is an established principle of criminal law that “let a hundred guilty be acquitted, but one innocent should not be convicted.” Keeping the spirits high on this principle, the Legislature has always intended that if an accused is filing an appeal against his conviction, it must be heard and because of the same reason, there is no provision for withdrawal of an appeal in the CrPC. When there is no provision to withdraw the appeal, then it becomes the duty of the Courts to observe that none of the appeals shall be granted withdrawal and it is the responsibility of the Judiciary to serve justice by disposing off the appeal rather than delaying and accruing the pendency, something which is the only reason why any person would be withdrawing an appeal against his conviction. Once the judicial system takes it seriously to dispose off an appeal, without delaying and lagging onto it, then it can be said without doubt that the appeals will not get withdrawn. □

# A Budget for Everyone

Arijit Prasad,

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To achieve the target of the United Nations' sustainable goals and a zero-carbon emission economy, India will require massive and continuous investment for the next couple of decades. This investment will be equal to 8.2% of the national GDP of India till we reach our targets. In absolute terms, this means investing about \$2.5 trillion annually. It is no easy feat for even the wealthiest countries on this planet, and for a developing economy like India, it can undoubtedly become a crushing burden. Taxes will play a key role in making growth sustainable and equitable. We also need to make efforts to "green" the tax systems. Solely increasing the tax rates would seem like a natural idea to drive up revenue, but this can become a counterproductive strategy, potentially aggravating poverty and slowing down growth. It may be the reason why the Government is pursuing a plan of action to increase the tax base and widen its tax net to capture more people in it. India, in 2023 is touted to be one of the fastest-growing economies. World Bank has estimated that India, this year, would grow by 6.9%, largely due to its enormous domestic market and relatively less exposure to global trade flows. In FY 2023 direct tax revenues have been exceptionally well, and it is appraised that revenue receipts may exceed the budget estimate by 4 lakh crores.

## Keeping it simple and competitive

Complicated tax systems give rise to a culture of evasion and also create opportunities for corruption. A well-designed tax code is easy to comply with and promotes economic development. Additionally, it also raises sufficient revenue for the Government. Modern tax systems should seek to optimize tax collections while minimizing the burden on taxpayers to comply with tax laws.

In the 21st century, capital has become highly mobile. Corporations and businesses often hand-pick the jurisdictions looking for countries with low tax rates to maximize return on their investments.

OECD report 'Tax and Economic Growth' in 2008 demonstrated that corporate taxes are generally

considered more harmful for economic growth in contrast to personal and consumption taxes. It is perhaps the rationale why corporate tax rates were slashed from 34.94% to 25.17% in 2019 by the Government. The result of this tax cut was that it started to put more money in the hand of the private sector, thereby widening the economy and making India competitive on the global stage. Now, Indian corporate tax rates are comparable to the East Asian economies. Slashing the corporate taxes was given effect upon the belief that the tax cuts would attract foreign direct investment thereby reviving the economy. It was also believed that all the losses suffered by the government because of corporate tax cuts would be recouped by increased tax collection in the medium and long term. Thankfully, the revenue via corporate taxes crossed the 3% mark of total GDP in FY 2022-23, however, this has still not touched the rate of 3.51% of the total GDP collected in FY 2018-19. This decline in the ratio of corporate tax to GDP compared to the ratio of income tax to GDP signifies that the Indian taxation regime has become regressive. For all the above-mentioned reasons, this time the Hon'ble Finance minister felt compelled to give some concession in the income tax in this year's budget, which we shall see below

## Relief for taxpayers in the new tax regime

In this year's budget, the Hon'ble Finance Minister made some significant announcements on the personal tax front under the new regime of taxation:

The Government has hiked the rebate limit from Rs 5 lakhs to Rs 7 lakhs under section 87A. This simply means that no will be tax levied on individuals earning less than 7 Lakh Rupees per annum. We believe that this step will provide relief to millions of salaried people in the country. It also shows that the Government aims to nudge the young taxpayers who have joined the workforce in recent years or who would join in the future towards the new taxation scheme. Further, a salaried individual can now claim the standard deduction of Rs. 50,000 in the new tax regime from FY 2023-24. It must be borne in mind that this rebate limit remains unchanged for the old tax regime.

The Government has also revised the tax slabs in the new tax regime, reducing them to five. The table below shows the income tax slab rates.

1. 0-3 Lakhs	Nil
2. 3-6 Lakhs	5 percent
3. 6-9 Lakhs	10 percent
4. 9-12 Lakhs	15 percent
5. 12-15 Lakhs	20 percent
6. 15 Lakhs and above	30 percent

This simplification of tax slabs combined with a single ITR form in the future would significantly refine the filing of income tax for a common person. The simpler a tax system becomes, the easier its process is to make it electronic. India is certainly moving in the right direction on this front. The Government can now employ innovative approaches such as digital identification, online tracking of invoices and sales, or auto-populating tax returns that a citizen simply would have to confirm when they would file their tax returns.

However, it must be remembered that the new tax regime is targeted toward individuals who are young and may not have the need or desire to save for the long term in their minds. The new tax regime also has more restrictions compared to the old regime when it comes to claiming deductions. In the old regime, people still have the liberty to claim deductions under 80C, 80D, housing loans, LIC, PPF, ELSS, etc., which reduces the taxable income of individuals significantly. This rigidity of not being able to claim deductions is perhaps the most important reason why merely 5% of taxpayers have migrated to the new tax regime since its inception in FY 2021-22.

In another significant announcement, the government has increased the threshold limit of presumptive tax for small and eligible businesses from Rs.2 crores to 3 crores. Similarly, in the case of professionals, this limit was increased from Rs 50 Lakhs to Rs 75 Lakhs, however, the catch is that 95% of receipts of these businesses or individuals must come through an online mode of payment.

### Nurturing and sustaining the entrepreneurial zeal

MSMEs play a significant role in most economies, particularly in developing countries like India. The MSME sector accounts for the bulk of businesses in our country and is a crucial contributor to job creation. This sector is hailed as the backbone of the Indian economy as it contributes over 30% to the National GDP. 50% of all exports come from this sector and with each passing moment, these enterprises are integrating into the global supply chain. The government of India has plans to increase MSME output and export contribution to 50% and 75% respectively by 2024, which is in line with the

aspiration to make India a 5 trillion-dollar economy. Three critical barriers faced by MSMEs are market access, overall productivity, and access to more finances via credit supply. The Government has supported MSMEs in the previous budgets by extending credit and providing soft loans with longer-term limits for repayment. In this year's budget, the government has made another considerable move to support the MSMEs by proposing that tax deductions will become available to any business only if they make payments to MSMEs within the stipulated time under the relevant MSME laws. This change will incentivize timely payments to MSMEs, thereby resulting in a better cash flow position and addressing the starving need for funds since the Covid-19 lockdown. MSMEs that were unable to execute their contracts because of the Covid-19 lockdown would be able to receive assistance in funds from the Government for the amount that remained unpaid to them. The government of India is set to infuse about Rs 9000 crores for a credit guarantee scheme to MSMEs from April 1st, 2023.

### Conclusion

Overall, this year the budget was brought in by keeping the view that the economy would return to normal. The Government has shown its resolve to adhere to fiscal prudence, even when elections are just one year away. The stability of the tax regime was the need of the hour. We expect that the changes in the direct tax provisions will leave citizens with more disposable income, driving up consumption and boosting growth. All these changes with a simplified KYC regime shall act as a catalyst towards India gaining momentum to increased and sustainable growth in 'Amrit Kaal'. However, much can still be done to ensure that the tax system is fair and equitable, as we have seen that share of corporate taxes in GDP is lower than income tax. Crafting an equitable, fair and just tax system is a balancing act that assists the goals such as increased revenue mobilization, sustainable growth, and reduced compliance costs. Fairness considerations include the relative taxation of the poor and the rich; corporate and individual taxpayers; cities and rural areas; formal and informal sectors, labour and investment income; and the older and the younger generations. Prioritizing ease of doing business and improvement in its ranking is certainly welcomed with open arms. However, it mustn't come at the cost of environmental degradation, global warming, pollution, and younger generations inheriting a world that becomes fundamentally difficult to survive in because of human-induced climate change. □

# Juvenile Justice Reforms in India

*Manisha Pandey, Advocate*

“Old enough to do the crime, old enough to do the time”. A very common phrase among people who have the view that juvenile offenders should be treated as adults. The juvenile justice system in India is explained in the Latin maxim “nil Novi spectrum” which suggests that nothing is new on the earth. Since the ancient period, there was a system that deals juveniles leniently because there exists a notion of thought that says young people have a propensity to react in a serious and delayed frustration which goes with aggressive approaches.

It would not be wrong to say that crimes are not done only by adults, in fact in the last few years several heinous offenses have been committed by juveniles. The intensity or psychology behind juvenile offense is determined by early life experience, cultural conditions, Socioeconomic conditions, lack of education, etc. Thus, evidently, we can say that the many factors prompting delinquent conduct in some way or another, affect the psychology of the child.

Now let us know the historical background of Juvenile System in India. There can be no keener revelation of a society's soul than the way in which it treats its children.” ”In our country children are considered as a gift from the heaven and if the child is a boy then nothing could be more soothing for the family and from the very beginning children are exempted from severe punishment for any wrong committed on their part irrespective of the gravity of the act”. The word juvenile has been derived from the Latin term ‘Juveni’ which means Youth. The movement for the special treatment of juvenile offenders has been started around the 18th century throughout the world including many developed countries like the United Kingdom, United State of America. Earlier juvenile offenders were treated as same as other adult criminal offenders. Pope Clement XI was the one who first introduced the idea of the “instruction of profligate youth in institutional treatment”. The effort to have special courts for juvenile offenders was started for the first time in 1847, in the United State of America. The Juvenile Court was established for the first time in 1899 by the state of Illinois of the United State of America.

The juvenile justice system in India contemplates the legal response with respect to two categories of children, namely those who are ‘in conflict with law’ (an individual under the age of 18 years who is accused of committing an offence); and those ‘in need of care and protection’ (children from deprived and marginalized sections of society as well as those with different needs and vulnerabilities). The juvenile justice policy in India is structured around the Constitutional mandate prescribed in the language of Articles 15(3), 39 (e) & (f), 45 and 47, as well as several international covenants, such as the UN

*Juvenile Justice Act, 1986 was enacted by our parliament in order to provide care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication of certain matters relating to, and disposition of, delinquent juveniles as a uniform system of juvenile justice mechanism throughout our country.*

Convention on the Rights of the Child (CRC) and the UN Standard Minimum Rules for Administration of Juvenile Justice (Beijing Rules).

Juvenile Justice Act, 1986 was enacted by our parliament in order to provide care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication of certain matters relating to, and disposition of, delinquent juveniles as a uniform system of juvenile justice mechanism throughout our country. Under the Act of 1986, Section 2(a) defined the term juvenile as a “boy who has not attained the age of 16 years and a girl who has not attained the age of 18 years” but later on the parliament enacted Juvenile Justice Act, 2000 (herein after ‘JJ Act’) and the age bar was raised to 18 years for both girl and boy. The JJ Act, 2000 lays down that juvenile in conflict with law may be kept in an

observation home while children in need of care and protection need to be kept in a children home during the pendency of proceedings before the competent authority. This provision is in contradistinction with the earlier Acts which provided for keeping all children in an observation home during the pendency of their proceedings, presuming children to be innocent till proved guilty. The maximum detention could be imposed on a juvenile is for 3 years remand to Special Home irrespective of the gravity of offence committed by him and JJ Act, 2000 immunes the child who is less than 18 Years of age at the time of the commission of the alleged offence and from trial through Criminal Court or any punishment under Criminal Law in view of Section 17 of the Juvenile Act.

According to the report of the National Crime Record Bureau (NCRB), the crime rate of juveniles increased by 1% to 1.2% from 2002-2013. There was a rise of 30% in crime by juveniles in the years 2012- 2014 and most of the juveniles accused were between 16 to 18 years old. The need for a new juvenile justice system was more in demand especially after the Mukesh and others vs. State of NCT of Delhi & others (famously known as Nirbhaya case), a 23-year girl was gang-raped and brutally assaulted in a moving bus in South Delhi by six people and one of them was juvenile. Then in 2015, the Indian Government replaced the Juvenile Justice (care and protection of children) Act, 2000 with the Juvenile Justice Act of 2015. The Act, 2015 came into force on the 1st January 2016. In this Act, there is separate mechanism to deal with these children/Juvenile through Juvenile Justice Boards (JJB) and Child Welfare Committees (CWCS). These bodies should be set up in each district.

The JJ Act was passed in 2000 with the purpose of incorporating into domestic law to fulfil India's obligations under international law as a signatory of the U.N. Convention on the Rights of the Child of 1989, the U.N. Standard Minimum Rules for Administration of Juvenile Justice (1985) (known as the "Beijing Rules") and the U.N. Rules for the Protection of Juveniles Deprived of their Liberty (1990). Underlying these international texts is the legal philosophy that juveniles lack the physical and mental maturity to take responsibility for their crimes, and because their character is not fully developed, they still have the possibility of being rehabilitated. This basic principle underlies the juvenile justice systems in many countries, including the United States and the U.K.

The JJA creates a juvenile justice system in which persons up to the age of 18 who commit an offence punishable under any law are not subject to imprisonment in the adult justice system but instead will be subject to advice/admonition, counselling, community service, payment of a fine or, at the most, be sent to a remand home for three years.

However, the interest in protection of juveniles has to be balanced with the interest of protecting particularly vulnerable members of society from violent crimes committed by persons under 18 years of age and amending the law when societal conditions radically change over time. As per the reports of the National Crime Records Bureau (NCRB) entitled "Crime in India 2011" and "Crime in India 2012," the percentage of crimes committed by

*However, the interest in protection of juveniles has to be balanced with the interest of protecting particularly vulnerable members of society from violent crimes committed by persons under 18 years of age and amending the law when societal conditions radically change over time.*

juveniles as compared to total crimes has not significantly increased from 2001-2012. According to the NCRB statistics, India is not in the throes of a general crime wave by juveniles. However, the NCRB statistics relating to violent crimes by juveniles against women are very troubling. "Crime in India 2011" suggests the number of rapes committed by juveniles has more than doubled over the past decade from 399 rapes in 2001 to 858 rapes in 2010. "Crime in India 2012" records that the total number of rapes committed by juveniles more than doubled from 485 in 2002 to 1149 in 2011.

As the data suggests, between 2011 and 2012 alone, there was a massive increase in instances of rape by juveniles by nearly 300, which is almost as much as the increase in such cases over the entire previous decade. This increase alone makes amendment of the JJA imperative.

The improvement of the juvenile justice system is a gradual process, which requires intensive and continual follow-up as well as long-term commitment rather than a series of ‘ad hoc’ exercises and ‘knee-jerk’ responses. Training programs should be based on participatory techniques that promote sensitization and behavioural changes among the various stakeholders responsible for the working of the juvenile justice system. Training also creates opportunities for stakeholders to interact amongst themselves and get a better understanding of the constraints and bottlenecks at various levels.

It is vital for the authorities involved in the juvenile justice system to build effective partnerships with civil society. Non-Governmental Organisations (NGO’s) have the capacity to provide community-based life-skills programs, ‘group counseling’, community work opportunities, and open ‘custody group homes’ for children in conflict with law. Voluntary sector organisations can thus help the governmental agencies to engineer a substantial shift towards non-custodial alternatives for corrective measures involving juveniles.

However, though the juvenile system at present needs some major amendments in its various parts, this article will be mainly focusing on the issue of age to categorize an individual as a juvenile or as to what should be the guidelines to decide as to whether the accused should be treated in the juvenile board or in an adult court. Should we follow the JJA strictly in black and white, or can we dilute it at times, as per the demanding needs of the justice? Should “AGE” alone be the criteria to place an accused in the category of juvenile or should the “MATURITY” of the accused be also taken into consideration?

It be worthy to quote “Qorinaka Kilcher”, “I think it is important for us as a society to remember that the youth within the juvenile justice system are, most of the time, youths who simply haven’t had the right mentors and supporters around them because of circumstance beyond their control”. Although the increasing rates in crimes of the juvenile are a very concerning issue, there is a huge difference between when children perform any crime their mental state and when an adult commits any crime. As in every Act which was enacted by the Indian government, their main motive is to create the opportunity for the juvenile, to proceed ahead to create an egalitarian society of higher order, etc. The bill passed by the Lok Sabha

namely the juvenile justice (care and protection of children) bill, 2015 is considered to be extremely progressive legislation and the perfect implementation of this law will further add the effectiveness of the law. Although, In this law, the implementation is a very serious concern, In the case of Sampurna Behrua Vs. Union of India, the Hon’ble court issued a direction to be complied with by the High Courts and other authorities. In that various direction was related to registration of proceeding on its own by the High Courts for the effective implementation of the juvenile justice (care and protection of children) bill, 2015.

However, every nation has Juvenile Justice Act, and they likewise had amended it to make it more specific and modern yet they should have properly implemented it. Society must also support the Government to decrease juvenile crime.

The very first and most debatable question among the legal fraternity and socialists is the “claim of juvenility”.

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The claim of Juvenility is to be decided by Juvenile Justice Board. The Board has to decide the claim of juvenility before the court proceedings but the claim of juvenility can be raised before the court at any stage of proceedings and even after the disposal of the matter by the Board. The Board had to consider Rule 12 of the Juvenile Justice Rules, 2007 in order to determine the claim of juvenility. In case of Kulai Ibrahim v. State of Coimbatore being 2014(12)SCC 332, it was observed by the Court that accused has right to raise the question of juvenility at any point of time during trial or even after the disposal of the case under the Section 9 of Juvenile Justice Act, 2015.

In case of Deoki Nandan Dayma v. State of Uttar Pradesh being 1997(10)SCC 525, the Hon’ble Supreme Court held that entry in the register of school mentioning

the date of birth of student is admissible evidence in determining the age of juvenile or to show that whether the accused is juvenile or child.

Again, in the case of *Satbir Singh & others v. State of Haryana* being 2018 SCC Online SC 2004, the Hon'ble Supreme Court again reiterated that for the purpose of determination whether accused is juvenile or not, the date of birth which is recorded in the school records shall be taken into consideration by Juvenile Justice Board.

In case of *Krishna Bhagwan v. State of Bihar* 1989 SCC OnLine Pat 89, the court stated that for the purpose of trial under Juvenile Justice Board, the relevant date for the considering the age of juvenile should be on which the offence has been committed.

But later in case of *Arnit Das v. State of Bihar* being 2000(05)SCC 488, the Supreme Court overruled its previous decision and held that date to decide in claim of juvenility should be the date on which the accused is brought before the competent authority.

That on 10 Dec 2022 at the inaugural two-day Session of the National Stakeholders Consultation on the POCSO Act being organized by the Supreme Court Committee on Juvenile Justice, in association with UNICEF, the Chief Justice of India HMJ DY Chandrachud amid rising concerns pertaining to cases of mutually consenting 'romantic relationships' falling under the purview of the POCSO Act opined that the legislature should consider growing concerns relating to the age of consent under the 2012 Act, which is 18 years.

That the Parliament taking holistic approach after deep analysis of child psychology, mental, biological and emotional state as against principles of criminology thinks it expedient to re-enact the Juvenile Justice(Care and protection of Children) Act,2000 to make comprehensive provisions for children alleged and found to be in conflict with law and children in need of care and protection. That the present act dive deep into the cause and remedy of offences committed by juveniles.

The angst of the society after the Nirbhaya rape led the lawmakers to take the extreme step of amending the JJ Act to include the provision of trying juvenile delinquents who are 16 years of age or above as adult criminals for

heinous crimes. The issue of administrative failure got overshadowed in all the hype about giving a death sentence to the juvenile involved in the matter which led to less accountability on the part of the authorities whose function it was to ensure proper implementation of juvenile justice.

On the flip side, all of this made us questioning the working of correctional homes and whether there should be non-institutional dispositional alternatives employed in order to deal with juvenile delinquents. Before the implementation of juvenile diversion programs in the Indian context, the lawmakers have to keep in mind that our criminal justice system is based on the "Due Process" model which upholds the constitutional rights of the accused religiously and in keeping with this they need to ensure such programs are fitted within the well-defined ambit of the Indian Constitution. The concept of juvenile justice system has come to a full circle in the sense that Juvenile

*That the Parliament taking holistic approach after deep analysis of child psychology, mental, biological and emotional state as against principles of criminology thinks it expedient to re-enact the Juvenile Justice(Care and protection of Children) Act,2000 to make comprehensive provisions for children alleged and found to be in conflict with law and children in need of care and protection.*

Courts were established to divert children from adult criminal justice system and now even efforts are being made to completely divert children from the entire court system through juvenile diversion programs. Diversion programs would prove beneficial in reforming youths whose misbehaviour does not cross the threshold of amounting to an act involving moral turpitude but whether such programs would have a positive impact on delinquents of 16 years of age or above who are now a separate category altogether is worth giving a thought and working towards. We owe it to the future generation, the youth to provide them with a world in which there are endless opportunities for them to explore and choose their path so that they can make a mark and leave their legacy behind and juvenile diversion is one big step in this direction. □

# Traditional Cultural Expressions (TCEs) And Copyright

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## Abstract

In Intellectual Property Right (IPR), the law relating to copyright can be considered to be a weapon through which any community can defend its heritage or cultural expressions, which are integral to its identity. A close interlink exists, between something which should be protected and something which is valuable and can give benefits to any society. When we get insights of this issue, we realize how the modern laws relating to copyright are not sufficient to meet the need of protecting and preserving the cultural expressions, as it does not include protection of various cultural expressions under its ambit. This affects the rights of the various marginalized indigenous communities over their heritage by not providing them a framework through which they can prevent the exploitation of their cultural expression. The author through this paper will highlight the importance of copyright protection for cultural expression and how it can help marginalized communities to benefit from what they got from their predecessors.

## Introduction

Traditional Cultural Expression (TCEs) does not have any particular definition but it can be known as the expression of traditional beliefs in the form of performances, art, sign, symbol, ceremony, architecture, handicraft, dance and many other similar things.<sup>1</sup> It can also be called a form, in which culture can be expressed. It is normally considered to be a part of the heritage identity of any clan, tribe or any other indigenous community.<sup>2</sup> This expression of culture, generally passes from one generation to another and also forms the part of core belief of any indigenous communities.<sup>3</sup> The objective of its protection

is to encourage creativity and to sustain diversity and also to preserve the heritage of any specific community.

However, apart from cultural expressions, there are many other similar kinds of areas such as cultural knowledge and integrated genetic identity, which forms part of any cultural heritage but cultural expressions have unique and innovative identity thus they are seen with different approaches in intellectual property rights at national and international level.<sup>4</sup>

*The famous Sinhalese scholar Baba Dioun has said about human nature that human protects those things which he loves.<sup>5</sup> This famous quote of Baba Dioun often used in the area of intellectual property law whenever the issue of copyright comes into the scene.*

## Whether existing law covers cultural expression under copyright law ?

The famous Sinhalese scholar Baba Dioun has said about human nature that human protects those things which he loves.<sup>5</sup> This famous quote of Baba Dioun often used in the area of intellectual property law whenever the issue of copyright comes into the scene., it can be inferred from this quote that by making cultural expression copyrightable and attributing ownership of community over it, various indigenous societies can be incentives to preserve their heritage for the future generations. The protection under

<sup>1</sup>Traditional Cultural Expression, WIPO, available at <http://www.wipo.int/tk/en/folklore/>, last seen on 21/11/2022

<sup>2</sup> Ibid.

<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup>Baba Dioun, Quotes, available at <https://www.goodreads.com/quotes/6430296-in-the-end-we-will-conserve-only-what-we-love>, last seen on 22/11/2022

cultural expressions can be strengthened if the basis of valuing culture is not based on the antique ideals but includes cultural heritage of various groups under their ambit. The narrow ambit of copyright benefits those who are covered under it and on the other hand it harms people who contribute and remain out of it. Then such exclusion without basis can prove to be a disaster for cultural contribution of those communities which have potential heritage.

Yes, the cultural expression can be subjected to copyright but there are several technical problems that make it difficult for cultural expressions to be copyrightable. As per Berne Convention, the copyright protection can be availed for artistic and work of literary nature.<sup>6</sup> The Bern Convention is also deemed to be a part of TRIPS, thus, it can be said that there are many countries that come under its ambit.<sup>7</sup> This convention clears the fact that all works of literary, artistic and scientific domain are protected unconditionally under copyright law. The subject matter of copyrights are those cultural expressions which are under consideration to be deemed as copyrightable.<sup>8</sup> The rights under copyright law prevent adaptation, communication and reproduction of work to the public at large. The Indian law related to copyright is good in terms of the fact that it provides protection to various traditional cultural expressions.

However, as of now the protection is granted according to section 38 of the Copyright act, 2012 over the performance of any artist, which is also known as performer's right.<sup>9</sup> The beneficiary of such rights covers mostly indigenous artists.<sup>10</sup> Under this section if any person without taking consent of the performer makes a recording of the performance then he can be liable for copyright infringement.<sup>11</sup> Whereas, when it comes to protecting the cultural expressions, which belongs to the whole community it falls short of expectation as it is available to only individual performers in groups. And the other reason

why the present law is not sufficient to prevent the exploitation of cultural expressions is that under existing law the copyright protection is for a period of 25 years and for cultural expression, the time period of copyright protection not considered to be sufficient because normally cultural expression, come out before public domain after long period of time, thus after that it become subject to exploitation, which manipulates its identity.

Therefore, the need of an hour is to analyze the current situation of copyright in India as many issues related to copyright are not clear and need to be addressed properly. Thus, first we have to see how cultural expression can be accommodated in existing law relating to copyright.

### 3. Whether Cultural Expression fulfills the criteria of being copyrightable work?

No, the cultural expressions under existing system don't fulfill the criteria necessary to be covered under copyright law due to variety of reasons given below:

*The rights under copyright law prevent adaptation, communication and reproduction of work to the public at large. The Indian law related to copyright is good in terms of the fact that it provides protection to various traditional cultural expressions.*

#### 1) Requirement of fixation:

As per general principles of law relating to concerning copyright, the work which is both oral and written is copyrightable, As per Berne convention everything ranging from lectures to sermon and other similar nature of work are considered to be copyrightable.<sup>12</sup> The drawback with the existing system is that the word 'similar nature' given under statute has the potential to include other work of

<sup>6</sup> Understanding Copyright and Related rights, WIPO, available at [http://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_909\\_2016.pdf](http://www.wipo.int/edocs/pubdocs/en/wipo_pub_909_2016.pdf), last seen on 23/11/2022.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Section 38, Copyright Act, 2012

<sup>10</sup> Ibid

<sup>11</sup> Steiner, Intellectual Property and Right to Culture, available at [www.wipo.int/edocs/mdocs/tk/en/wipo\\_unhchr.../wipo\\_unhchr\\_ip\\_pnl\\_98\\_2.doc](http://www.wipo.int/edocs/mdocs/tk/en/wipo_unhchr.../wipo_unhchr_ip_pnl_98_2.doc), last seen on 22/08/2018

<sup>12</sup> Berne Convention for Protection of Artistic and Literary work, WIPO, available at [http://www.wipo.int/edocs/pubdocs/en/copyright/615/wipo\\_pub\\_615.pdf](http://www.wipo.int/edocs/pubdocs/en/copyright/615/wipo_pub_615.pdf), last seen on 24/11/2022

oral nature into its ambit. It also form a part of international law principle, which says, there is no necessity of -pre qualification of being work to be fix, for to a part of protection.<sup>13</sup> But many nation state still follows the concept of fixation and keeps fixation as essential precondition for any work to be copyrightable( citing the reason that fixation confirms the proof of existence of any work).There is no any regulation over the state in such matter, thus ,many state recognize various work that are not fixed but still copyrightable.<sup>14</sup>

The nature of cultural expressions are such that they change with the time thus keeping fixation as precondition seems not reasonable in any case.<sup>15</sup> Normally many organizations and governments engage in protecting the cultural heritage do so by recording and doing documentation but doing only such things is not sufficient to protect their heritage.<sup>16</sup>In many country fixation is not considered to be a essential part while considering cultural expressions also.<sup>17</sup>

## 2) Requirement of originality :

For the work to be copyrightable, the second prominent thing that is considered is originality. And also Berne convention for the work to be copyrightable says that the work should be the intellectual creation of the author.<sup>18</sup>By taking inspiration from the Bern model various nations propose the concept of intellectual creation as a basis for copyright.<sup>19</sup>

There is no particular definition of what constitutes originality. It is not defined anywhere whether you look at Berne convention and national and international laws. The determination of what is original and what is not has been left upon court to decide.

However, it is clear that originality doesn't mean novelty.<sup>20</sup>That's why the derivative works in India have

received the protection under IP law, although the author of that work has copied the cultural expressions of any communities for his work.<sup>21</sup>As per existing law, if any person who undertakes to do derivative work from the original work (cultural expressions) of any communities, he can't be held liable for copyright violation. In such condition the government as a part of policy can lay down the policy of sharing benefit with the communities from which the original work belong, so that ,communities which have right over that cultural expressions, from generations would get benefited ;

By following the aforesaid approach, the court can deal with the lenient nature of copyright law by giving it interpretation, in consonance with the fact that derivative work is created from any indigenous communities and by keeping the standard not so high the interest of those indigenous communities can be compromised.

## 3) Requirement of sufficient time duration:

Under Intellectual property law, copyright protections are granted for a specific period, like in India it is for 25 years.<sup>22</sup>But when it comes to cultural expressions, it requires a long period of duration for copyright protection. Such expectations are reasonable, because cultural expressions remains with society for a longer period of time as giving protection for a limited period has no purpose of protecting the cultural expression of any country.<sup>23</sup> As per Berne convention there is no such limitation period provided, hence, it can be said that nations are independent to give benefit of copyright protection in their country for a longer period of time.<sup>24</sup>Therefore it can be said that nations can make law that gives the copyright protection for indefinite period especially while considering cultural expressions.

However, as of now indigenous cultural expressions can get some place in copyright law if the court considers

<sup>13</sup> Ibid.

<sup>14</sup> Ibid

<sup>15</sup> T.Ahmed, *Significance of Fixation in Copyright Law*, available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1839527](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1839527), last seen on 22/11/2022.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid

<sup>18</sup> Manoi Isuru,Rethiking Originality in Copyright,Research Gate,available at [https://www.researchgate.net/publication/3113773\\_45\\_Rethinking\\_Originality\\_in\\_Copyright\\_Law\\_and\\_Exploring\\_the\\_Potential\\_for\\_a\\_Global\\_Threshold](https://www.researchgate.net/publication/3113773_45_Rethinking_Originality_in_Copyright_Law_and_Exploring_the_Potential_for_a_Global_Threshold), last seen on 28/11/2022.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid

<sup>21</sup> Ibid

<sup>22</sup> Kuek Chee Ying, *Protection of Expressions of Folklore/Traditional Cultural Expressions:*

*To What Extent is Copyright Law the Solution*,Journal of Malaysian and Comparative law,available at <http://www.commonlii.org/my/journals/JMCL/2005/2.html>,last seen on 25/11/2022.

<sup>23</sup> Ibid

<sup>24</sup> Ibid

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such a case with liberal approach.<sup>25</sup> As of now even though the work is derivative and non original it is protected under copyright law. And that makes the cultural expression vulnerable and subject to exploitation. Thus, in addition to the end product the copyright law should also be extended to the modes and manufacturing process they are also highly vulnerable to exploitation.

#### **4) Requirement of ownership :**

As per general principles operating in relation to intellectual property law, the copyright protection is usually been granted to the private person<sup>26</sup> But as per different customary law, the authors are not granted exclusive right, the whole community shall have right over it. In such a situation the problem comes when the author wants to transfer his work.<sup>27</sup> If he will assign his work as per contemporary law then he can be able to do that but when he comes under the ambit of indigenous work, he cannot transfer his right over the work.<sup>28</sup> Although *Prima facie*, it appears that customary laws are in conflict with the Intellectual property law but in reality they are not in conflict. They can be kept in synchronization with each other by adopting the customary rule as a formalized structure of the copyright law.<sup>29</sup>

#### **5) Requirement of identifiable author:**

As per copyright law the identity of the author is necessary requirement for work to be copyrightable, whereas for cultural expressions no one is its original author, the community as whole identified is identified with the cultural expression not an individual,<sup>30</sup>With regard to this, it is well said that copyright is identifiable with the identity of any specific individual but when it comes to cultural expressions there is no one which can be identified, it remains anonymous and attributed to the community as a whole.<sup>31</sup> The Berne convention also does not provide any way out for such a problem, it says that if the work is

anonymous and there is no need to give protection to that, which makes difficult for cultural expressions to be protected.<sup>32</sup>

In Panama the law relating to copyrights says for the protection to be given to communities, which shall be monitored by government agencies.<sup>33</sup> The committee set up for making policy on cultural expression said that any policy would be in the interest of society, which would have the right of ownership over the cultural expressions.<sup>34</sup> This right should be vested to community as a whole and should be supported with the legal aid so that awareness and protection of right can be ensured among such indigenous communities

#### **Conclusion**

Therefore, it can be said that from liberal approach, the ambit of the copyright can be broadened to include the cultural expressions within its ambit. It also can be taken into consideration that there are wide possibility of applying copyright law for protection of cultural expression, but it cannot be considered to be sufficient to meet all the objectives of indigenous communities and traditional tribes. The basic drawbacks of the copyright is that it does not protect the know-how and skills, such drawbacks have the potential to disincentivize the communities that want to preserve their cultural heritage. However the copyright law can be strengthens by following various suggestions in this paper to protect the cultural expressions which are being exploited for a long period of time. And also, even after it gets improved, it has to be ensured that the communities or individuals who own cultural expressions must be aware of basic law relating to copyright. To aware those communities the government and social service agencies would have to organize legal aid, workshops, awareness rallies etc. so that what is on paper not remain on paper, forever. □

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<sup>25</sup> Ibid

<sup>26</sup> Anurag Dwivedi, *Copyright as an means of protecting folklore*, Journal of Intellectual Property Rights, available at <http://docs.manupatra.in/newsline/articles/Upload/50DF5D41-4A20-40CA-9B69-A7D5E04FF85B.pdf>, last seen on 24/11/2022.

<sup>27</sup> Ibid

<sup>28</sup> Ibid

<sup>29</sup> Ibid.

<sup>30</sup> Ronan Deazley & Kerry Peterson, *Copyright in Pseudonym and Anonymous work*, available at [https://www.digitisingmorgan.org/uploads/BN3-pseudonymous%20works\\_DigiMorgan.pdf](https://www.digitisingmorgan.org/uploads/BN3-pseudonymous%20works_DigiMorgan.pdf), last seen on 23/08/20

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

# The Art (Assisted Reproductive Technology) to Achieve Motherhood

Aastha Gupta, Advocate Delhi High Court

In traditional society, motherhood is considered mandatory for every woman. A woman is marked incomplete for not being able to conceive a child. However, in today's modern world women who are ambitious and career-oriented tend to delay this process. Thanks to Assisted Reproductive Technologies such as surrogacy, IVF, etc. women can choose to enjoy motherhood at a later stage of their lives.

India has seen some remarkable developments in Assisted Reproductive Technologies and Surrogacy since 3rd October 1978 when India's first IVF baby, Kanupriya alias Durga was born in Kolkata. The science of surrogacy and Assisted Reproductive Technology can be traced back to Ancient Hindu Scriptures. In Mahabharat and Bhagvat Puran, there is a description of the seventh child of Devki and Vasudev. Balram was transferred in the womb of Rohini, first wife Vasudev while it was an embryo. There is mentioning of Gandhari having delivered a mass after two years of a long pregnancy. It was found by Rishi Vyasa that the mass contained 101 cells. These cells were put in a nutrient medium and grown outside the womb out of which 100 male babies known as Kauravas and a female body known as Dushala were born. These epics depict that the science of surrogacy and assisted reproductive technologies were accepted and practiced in ancient India.

India has been a huge industry for ART and pegged anywhere between Rs.400-1500 Crore. Due to the lack of proper regulation and laxity in operations, India became a hotspot for medical tourism. Because of low cost, ART clinics have mushroomed all across the country. Commercial Surrogacy was legalized in 2002, which led to the exploitation of the woman and the child who was forced to live in bad and unhygienic conditions. Undoubtedly, this has led to a plethora of social, ethical, and legal issues.

In 2005, the Indian Council of Medical Research (ICMR) gave guidelines to regulate Assisted Reproductive Technology Clinics that provided surrogacy and IVF treatments in India. The guidelines tried to set out the

parameters for the functioning of fertility clinics. Whereby, the surrogate mother was entitled to monetary compensation, and the value of the compensation would be mutually decided between the intending couple and the surrogate mother. The guidelines also specified that the surrogate mother cannot donate her egg for surrogacy and she must relinquish all parental rights related to the surrogate child. The guidelines came before the ART bill and were solely advisory and held no legal sanction.

Since 2008 the Government has been working on a

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bill to regulate this industry. The Law Commission of India in 2009 made recommendations for prohibiting commercial surrogacy and enacting a law to regulate matters related to surrogacy.

The Surrogacy (Regulation) Bill, 2016 was introduced in Lok Sabha on November 21, 2016, and was presented before the Standing Committee on Health and Family Welfare for examination, which submitted its report on August 10, 2017. The Committee gave its recommendations about: (i) commercial and altruistic surrogacy, (ii) a surrogate being a close relative; (iii) provisions for gamete donation; and (iv) regulation of abortion. However, due to the dissolution of the 16th Lok Sabha, the 2016 Bill lapsed. Then the Surrogacy (Regulation) Bill, 2019 was introduced in Lok Sabha in 2019 to replace the 2016 Bill.

The Minister of Health and Family Welfare, Dr. Harsh Vardhan introduced the Surrogacy Regulation Bill, 2019 on July 15, 2019. Where Surrogacy was defined as a practice where a woman gives birth to a child for intending couple with the intent to hand over the child after the birth to the intending couple. The Bill was passed by the Lok Sabha on August 05th, 2019

The 2019 Bill was referred to a Select Committee which submitted its report on February 5, 2020. The Bill was passed in Rajya Sabha on December 8, 2021, with amendments. Then finally the Bill was passed by the Lok Sabha on December 17, 2021.

While examining the Bills (Surrogacy Regulation Bill and Assisted Reproductive Technologies Regulation Bill) the concerned Committees noted that: (i) surrogacy procedures cannot be conducted without using assisted reproduction technologies (ART), and (ii) both surrogacy and other ART procedures are undertaken by the same clinics. Therefore, they recommended that comprehensive legislation must first be introduced to regulate such clinics providing ART services, while specific concerns regarding the use of surrogacy procedures may be specified in a separate Act for regulating surrogacy. Subsequently, on September 14, 2020, the ART Bill was introduced in Lok Sabha.

The 2020 Bill sought to regulate the Assisted Reproductive Technology services in the country. This was also referred to a Standing Committee which submitted its report on March 19, 2021. The ART Bill was passed in Lok Sabha on December 1, 2021, with certain amendments. Then finally the Bill was passed by the Rajya Sabha on December 08, 2021.

On January 20, 2022, the Central Government notified January 25, 2022, as the date on which the provisions of the Surrogacy (Regulation) Act, 2021, and Assisted Reproductive Technology (Regulation) Act, 2021 shall come into force.

However, the Bills contain different provisions for the regulation of clinics (based on the type of procedure provided whether surrogacy or any other ART procedures), it specifies a separate set of eligibility criteria for parties looking to conceive a child (based on their preferences whether ART or surrogacy services), and list different penalties for the same offences.

For instance, clinics dealing with surrogacy procedures are granted registration for three years, whereas clinics providing other ART services are granted registration for

five years. Similarly, a married couple who has been unable to conceive a child after one year of unprotected coitus/ sex can access ART services but is required to wait for five years to commission surrogacy.

### **Key Features of the Surrogacy (Regulation) Act are discussed below:**

**Regulation of surrogacy:** The Act prohibits commercial surrogacy, and allows altruistic surrogacy. Altruistic surrogacy does not involve monetary compensation to the surrogate mother other than medical expenses and insurance coverage during the pregnancy. Commercial surrogacy is defined as the surrogacy procedures undertaken for a monetary benefit or reward (in cash or kind) that exceeds basic medical expenses and insurance coverage.

**Purposes for which surrogacy is permitted:** The Act permits surrogacy when it is:

- (i) for intending couples suffering from proven infertility;
- (ii) altruistic;

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- (iii) not for commercial purposes;
- (iv) not meant for producing children for sale, prostitution, or any other forms of exploitation; and
- (v) for any other condition or disease specified in the regulations.

**Eligibility criteria for intending couples:** The intending couple should have a ‘certificate of essentiality’ and a ‘certificate of eligibility’ issued by the appropriate authority.

A **certificate of essentiality** will be issued to the intending couple upon fulfillment of the following conditions:

- (i) requirement of a certificate of proven infertility of either or both of the intending couple;
- (ii) an order of parentage and custody of the surrogate child passed by a Magistrate’s court; and
- (iii) must ensure insurance coverage for 16 months covering postpartum delivery complications for the surrogate mother.

**The certificate of eligibility may be issued to the intending couple upon the fulfillment of the following conditions:**

- (i) the couple must be Indian citizens and married for at least five years;
- (ii) between 23 to 50 years old (wife) and 26 to 55 years old (husband);
- (iii) intending couple should not have any surviving child (biological, adopted, or surrogate), except if the child is mentally or physically challenged or suffers from a life-threatening disorder/disease; and
- (iv) such other conditions that may be specified through regulations.

**Eligibility criteria for surrogate mother:** To obtain a certificate of eligibility from the appropriate authority, the surrogate mother must:

- (i) be a close relative of the intending couple;
- (ii) be an ever-married woman having a child of her own;
- (iii) between 25 to 35 years old;
- (iv) not have been a surrogate mother earlier; and
- (v) possess a certificate of medical and psychological fitness.

Further, the surrogate mother is prohibited from providing her gametes for surrogacy.

**Parentage and abortion of surrogate child:** A child born out of surrogacy shall be deemed to be the biological child of the intending couple. To abort a pregnancy achieved through surrogacy will require the written consent of the surrogate mother and the authorization of the appropriate authority, which must be in consonance with the Medical Termination of Pregnancy Act, of 1971. Further, the surrogate mother has the option to withdraw from surrogacy before the embryo is implanted in her womb.

**Appropriate authority:** The Central and State Governments shall appoint one or more appropriate authorities. The functions of the appropriate authority include:

- (i) granting, suspending, or canceling the registration of surrogacy clinics;
- (ii) enforcing standards (as prescribed) for surrogacy clinics; and
- (iii) investigating and taking action against complaints for violation of the provisions.

The authority is also required to grant or reject the applications for certificates of eligibility filed by the intending couples and surrogate mothers within 90 days from the date of application.

**The appropriate authority comprises the four members :**

- (i) Joint Director of the State Health Department,
- (ii) an officer of the State Law Department,
- (iii) a medical practitioner, and
- (iv) an eminent woman.

**Registration of Surrogacy Clinics:** Surrogacy clinics must apply for registration within 60 days from the date of appointment of the appropriate authority. This application shall be decided by the appropriate authority within 90 days. It is prohibited to store human embryo or gamete by a surrogacy clinic for the purpose of surrogacy.

**National and State Surrogacy Boards:** The National Surrogacy Board (NSB) and the State Surrogacy Boards (SSBs) will be constituted by the Central and State Governments, respectively.

**Functions of the NSB:**

- (i) to advise the Central Government on surrogacy policy;
- (ii) prescribing the code of conduct of surrogacy clinics; and
- (iii) supervising the functioning of SSBs.

**Functions of the SSBs:**

- (i) to monitor the implementation of the provisions of the Act; and
- (ii) to review the activities of the appropriate authorities functioning at the state/union territory level.

**Offences and penalties: The Act creates certain offences which include:**

- (i) undertaking or advertising commercial surrogacy;
- (ii) exploiting the surrogate mother;
- (iii) selling or importing human embryos or gametes for surrogacy, and
- (iv) abandoning, exploiting, or disowning a surrogate child

The aforesaid offence shall be penalized with a penalty of up to 10 years and a fine of up to 10 lakh rupees.

**The term ‘infertility’ is restrictive**

Under the Surrogacy Regulation Act, ‘infertility’ is a condition that has to be proven by an intending couple, to be eligible to commission a surrogacy procedure. Infertility is defined as the inability to conceive after five years of unprotected coitus or other medical condition preventing a couple from conception. However, this definition does not cover all cases in which a couple is unable to bear a child.

For instance, there may be medical conditions where an intending mother may be able to conceive a child, but may have a miscarriage resulting in her inability to bear a

child. There may be other medical conditions like multiple fibroids in the uterus, hypertension, and diabetes that may result in unsuccessful pregnancies. Such persons are not covered under the definition of ‘infertility’ in the Act and therefore will not be eligible to undertake altruistic surrogacy.

### **‘Close relative’ is not defined**

One of the conditions to be proved is that the surrogate mother is a ‘close relative’ of the intending couple who commissioned the surrogacy. However, the Bill is silent about who will be a ‘close relative’.

### **Surrogacy other than under the Act**

If a surrogate mother undertakes surrogacy services other than those permitted under the Act, it shall be presumed that the surrogate mother was compelled to do so by:

- (i) her husband;
- (ii) the intending couple; or
- (iii) any other relative.

They will be liable for abetting the offence of initiating commercial surrogacy. The burden of proof is on these parties to establish that they did not compel the surrogate mother. Again, the Bill does not define ‘relative’ for this purpose. The Act has reversed the burden of proof from the prosecution to the defendants, thereby creating absolute liability on the defendants.

### **No storage of gametes under the Act**

The Act prohibits the storage of embryos and gametes (unfertilized egg and sperm) for surrogacy. The prohibition on the storage of gametes may have adverse health implications for the intending mother.

Generally, for surrogacy procedures, the eggs are extracted from the intending mother and are implanted in the surrogate mother’s uterus. The success rate of one implantation is below 30%, therefore, multiple implantations are attempted to achieve success. To ensure the availability of eggs for the multiple attempts, extra eggs are extracted and stored. It is important to note that the intending mother is required to undergo extensive hormonal treatment for this extraction. Repeated stimulation for the extraction of eggs is likely to increase the risk of Ovarian Hyperstimulation Syndrome (OHSS) for the intending mother. In rare cases, OHSS may lead to complications like blood clots and kidney failure.

### **The key features of Assisted Reproductive Technology Act:**

The ART Act defines ART as and is intended to include

all technologies that seek to obtain a pregnancy by handling the sperm or the oocyte (immature egg cell) outside (in lab/ in-vitro) the human body and transferring the gamete or the embryo into the reproductive system of a woman. The ART services include gamete (sperm or egg) donation, in-vitro-fertilization (fertilizing an egg in the lab), and gestational/ altruistic surrogacy (the child is not biologically related to the surrogate mother).

### **ART services can be rendered through:**

- (i) ART clinics, which offer ART-related treatments and procedures, and
- (ii) ART banks, which store and supply gametes.

**Registration of ART Clinics:** The ART Act provides that every ART clinic and the bank must be registered under the National Registry of Banks and Clinics of India. The National Registry established under the Act will act as a central database with details of all ART clinics and banks in the country. It is the duty of the State Governments to appoint a registration authority for facilitating the registration process. Clinics and banks will be registered provided they adhere to certain standards (specialized manpower, physical infrastructure, and diagnostic facilities). The registration shall be valid for five years and can be renewed for another five years. Registration of the Clinics may be canceled or suspended if their conduct contravenes the provisions of the Act.

**Gamete donation and supply:** Only registered ART banks can screen gamete donors, collect and store semen, and provision egg/oocyte donors. A registered bank may obtain semen from males between 21 and 55 years of age, and oocytes from females between 23 and 35 years of age. An oocyte donor should be an ever-married woman with at least one alive child (minimum three years of age). The woman can donate an oocyte only once in her life and not more than seven oocytes can be retrieved from her. A bank cannot supply the gamete of a single donor to more than one commissioning couple (couple seeking services).

**Conditions for offering ART services:** ART procedures can only be carried out with the written consent of both the party seeking ART services and the donor. The party willing to obtain ART services will be required to provide insurance coverage in the favour of the oocyte donor ( i.e. for any loss or damage incurred in the process or death of the donor). A clinic is prohibited from offering to provide a child with pre-determined sex. The Act also requires checking for genetic diseases before embryo implantation.

**Rights of a child born with help of ART:** A child developed through ART will be deemed to be a biological child of the commissioning couple and will be entitled to the rights and privileges available to a natural-born child of the commissioning couple. A donor shall not assert any parental rights over the child.

**National and State Boards:** The National and State Boards for Surrogacy constituted under the Surrogacy (Regulation) Act, 2019 will also act as the National and State Boards respectively for the regulation of ART services.

**Key powers and functions of the National Board:**

- (i) to advise the Central Government on ART-related policy matters,
- (ii) to review and monitor the implementation of the Act,
- (iii) to formulate a code of conduct and set standards for ART clinics and banks, and
- (iv) overseeing various bodies to be constituted under the Act.

The State Boards will coordinate and enforce of the policies and guidelines for ART as per the recommendations, policies, and regulations of the National Board.

**Offences and penalties:** Offences under the ART Act include

- (i) abandoning, or exploiting children born through ART,
- (ii) selling, purchasing, trading, or importing human embryos or gametes,
- (iii) using intermediates to obtain donors,
- (iv) exploiting the commissioning couple, woman, or the gamete donor in any manner, and
- (v) transferring human embryos into a male or an animal.

These offences shall be punishable with a fine between 5-10 lakh rupees for the first contravention. For subsequent contraventions, these offences will be punishable with imprisonment for a term between 8-12 years, and a fine between 10-20 lakh rupees.

Any clinic or bank advertising or offering sex-selective ART will be punishable with imprisonment between 5-10 years, or a fine between Rs 10-25 lakh, or both.

No court will have the jurisdiction to take cognizance of any offences under the Bill, except on a complaint made by the National or State Board or any officer authorized by the Boards.

Soon as the Acts came into force, a stream of Writ petitions and PIL made their way before the Hon'ble Supreme Court.

A division Bench comprising of Justices Ajay Rastogi and Bela M. Trivedi have heard a petition filed by over 200 in-vitro fertilization (IVF) specialists across India that the extant legal regime completely excluded certain categories of persons like single women, single men, same-sex couples and live-in couples from the purview of the Act.

Another Writ Petition titled Aniruddha Narayan Malpani v. Union of India & Ors. | W.P. (Civil) No. 1129 of 2022, challenging provisions of Assisted Reproductive Technology (Regulation) Act, 2021, and the Assisted Reproductive Technology (Regulation) Rules, 2022. This Petition deals with the rights of egg donors. It is pleaded that Act is imposing unscientific and irrational restrictions by allowing only one oocyte donation in the lifetime of the donor and also no compensation is allowed to the egg donor in the Act.

The Hon'ble Supreme Court has issued notice on this writ petition and decided to hear them all together on January 24, 2023.

**Conclusion**

The law must keep pace with technological advancement in science and at the same time maintain a balance between ethics and ever-growing demand in the market. The Act recognizes practices of commercial surrogacy as offences and provisions must be complied with strictly, to avoid any contravention and resultant fines/ punishments.

If the aforementioned pending petitions in the Supreme Court are allowed, the judiciary will widen and crystallize the scope of those who can qualify as commissioning couples, the clinics that can engage in these practices, etc.

**References:**

- <https://prsindia.org/billtrack/the-assisted-reproductive-technology-regulation-bill-2020>
- <https://prsindia.org/billtrack/the-surrogacy-regulation-bill-2019>
- [https://prsindia.org/files/bills\\_acts/acts\\_parliament/2021/The%20Assisted%20Reproductive%20Technology%20\(Regulation\)%20Act,%202021.pdf](https://prsindia.org/files/bills_acts/acts_parliament/2021/The%20Assisted%20Reproductive%20Technology%20(Regulation)%20Act,%202021.pdf)
- The Surrogacy (Regulation) Bill, 2019*
- The Assisted Reproductive Technology (Regulation) Bill, 2020*

# The Indian State and its control over Hindu Religious Institutions: A Problem everyone is concerned with, the solution no one is talking about

**Tathagat Sharma & Prashant Rawat**

*Advocates Supreme Court*

**T**he Relationship shared by the Indian State with Hindu Temples has always been a contentious one, the arguments on both sides are credible and deem authenticity to the judgement of a layman. However, opinions should necessarily not be formed listening to a singular side. Wherein, one side believes that the involvement of State into affairs of Hindu Temples is a violation of its secular ideals and the temples should be left on their own, the other side deems it as the necessary evil based upon experiences of the past. Wherein emotions are an easier commodity to display, understanding is not, a rationale approach along with possible solutions to the problems are harder to come by. To understand the issue in its entirety, a look at historical, legal, sociological, economic aspects is necessary, along with understanding the way forward, which, for now, is the tricky part.

## A Brief History:

While it is not uncommon for the Indian State to control Hindu Temples, the methods form an interesting case study in each case. Temples like Kashi Vishwanath, Vaishno Devi, Siddhivinayak, Shirdi Saibaba, Mahakaal, Jagannath Puri etc., have been under state control through specific legislation passed by State Legislatures. Other temples like The Char Dham of Uttarakhand viz Badrinath, Kedarnath, Gangotri and Yamunotri, and a group of associated temples have been considerably brought under the control of the State Government through single sweeping legislation. While each temple has its unique associated history of being dealt with by the Government, a consolidated history of temples, deities and shrines in India is one of the prerequisites for understanding the issue in its entirety.

Temples and deities in India have enjoyed the patronage of Kings and emperors (Sovereign in general) since time immemorial; the patronage at times cut across religious lines. Famous examples are the Eklingji temple under the Royal House of Udaipur, the Badrinath temple under the Royal House of Tehri Garhwal, the Puri Jagannath temple under the Royal House Puri etc. With

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time, these temples and deities, with their mass appeal and widespread support amongst the believers, started bestowing legitimacy over the Rule of these kings, one of the most famous example in this context being that of Raja Marthanda Verma, the King of Travancore, who, after quelling an internal rebellion, donated his kingdom to the deity of Shri Padmanabhaswamy Temple and ruled as a Dasa (Servant) of the Deity, for bringing stability to the region and to seek legitimacy on his Rule after the landed Aristocracy had revolted.

<sup>1</sup> Advocates, Supreme Court of India

The Tradition of the deity bestowing legitimacy was continued even during the time of East India Company wherein the Company actively participated in religious ceremonies of such temples, even donating for festivals, at times. The belief that a mélange was necessary and total isolation could not be kept led the Company to interfere in the Temples' internal affairs. These attempts were often instigated by disputes amongst the management structure of these temples and were, more often than not, at the invitation of some warring fraction or the erstwhile Princes themselves. Such practice of "tolerance and participation" continued until 1833 when the Court of Directors in London issued specific directions against such involvement, presumably because of the Thrust for Missionary activities in England. The Revolt of 1857 and Fakirs and Sanyasis's involvement along with involvement of Rulers patrons to some of the most prominent religious institutions of the time might not have helped matters either. Thereafter, the control was primarily exercised under the Law of Trusts until the Montague Chelmsford Reforms in 1919 devolved the power to legislate in matters of religion and religious institutions to Provincial Legislatures. These legislatures consisted of Indian Representatives; thereby, now the Indians had the power to legislate on their religious institutions for the first time, and legislate they did, the Madras Hindu Religious Endowments Act of 1926 was enacted and thus, they decided to do what the British never attempted, invade the Hindu Religious institutions and dissolve the carefully crafted balance that had been maintained for Centuries keeping religion and State as two separate entities, now the State could dictate in the domain of religious institutions. In hindsight, these religious institutions were soon to dictate the terms of governance to the State.

## Why the "Nationalization" of Hindu Temples only?

Pratap Bhanu Mehta has famously observed that "Hinduism lacks not only a caliphate but the Vatican as well. What agency was there, then, with the power and legitimacy to undertake the overhaul of religious traditions.... The Answer turned out to be obvious: only the modern state".<sup>2</sup>

Dr Mehta is not entirely wrong with his observations, at the time of independence, there was no linear hierarchy

in terms of management of Hindu Temples pan India, each temple had its management, these were not sophisticated administrators or sometimes not even priests, but often the handpicked candidates of the erstwhile Princely Rulers, who were not primarily concerned with the management of the temples, but were more interested in maintaining the Status quo in terms of caste-based discrimination, enforcing their dormant parochial interpretation of Hindu Texts and customs, and more often than not bidding to whatever the King desired. So, when democracy turned its head towards India, for most of the populace at large, the State control of Hindu Temples was not a particularly bad idea. The Instances of Financial Mismanagement and disputes within factions of Temples only helped justify the stand that the Indian State had taken, i.e., 'State oversight is necessary for smooth and transparent functioning of these temples'. After the abolition of Privy Purses through the 26<sup>th</sup> Amendment, the desperate claims of the erstwhile royalty to hold onto the temples as their personal fiefdom did not help matters either; in a more popular case of

*The Tradition of the deity bestowing legitimacy was continued even during the time of East India Company wherein the Company actively participated in religious ceremonies of such temples, even donating for festivals, at times.*

*Raja Bira Kishore Deb v. the State of Orissa*<sup>3</sup>, the erstwhile King of Puri argued that the Jagannath Puri temple is the personal property of the Raja since it was built by them and had in the past been controlled by them, this only aggravated the argument of the State, which could now claim that since the Sovereign had always controlled these temples thus the Sovereign of the day, i.e., the State has all rights to control it.

In contrast to the Hindu case, Islam, Christianity and Sikhism operate based on a linear top-down hierarchy and an established 'corporate' management system. While the Waqf Boards manage the Islamic Religious Institutions and their properties, the Board does not necessarily play

<sup>2</sup> Pratap Bhanu Mehta, "Hinduism and Self Rule" in *World Religions and Democracy* ed. by Larry Diamond, Marc Plattner, Philip Costoponlons John Hopkins Press, 2005

<sup>3</sup> AIR 1964 SC 1501

a role in Local Individual Mosques' economic affairs, the responsibility of which has been given to the Local Jamaat. Waqf Boards are primarily responsible for the management and administration of the Waqf properties donated by believers. Over time, the Income accrued from such properties has been used to set up and run schools, colleges, etc. However, that use of accrued Income or even the Waqf property has to be in line with the purpose and objectives of the Waqf. The Waqf Act of 1995 is the operating and overriding legislation in this regard and applicable to all such religious endowments and properties in India. (the only specific exception being Durgah Khwaja Saheb of Ajmer under Sec. 2 of the Act). The Act also institutes a Tribunal for settlement of any disputes concerning such properties. Civil courts are barred from adjudicating on such issues as held in *Haryana Wakf Board v. Mahesh Kumar*<sup>4</sup>. In the case of Churches, the leeway is prominent even further; most of the Churches are managed locally, on the regulation mechanism often prescribed by the Diocese, which in turn prescribe to the Vatican norms. In the absence of any operating legislation, the Arch Bishops to the Diocese are elected through the Church for a specific tenure. The Dioceses are free to institute and operate colleges and schools as per their regulations.

### Legality of the Control of “Temples”:

On a preliminary look, the legislation specific to temples legislated by the State Governments looks participatory. As has been claimed by the Orissa Government, the decision to sell the Temple properties belonging to Jagannath Puri Temple was a management decision and not of the State Government. However, on a careful analysis, all such acts have one invariable factor in common, the State Governments control the appointment and removal of members to management boards, more often than not, some number of these members are ex-officio holder under the employment of the State. Thus, the de facto control remains with the State. Article 25(2) of the Indian Constitution provides the legal basis for State Interference in Religious institutions,

specifically Hindu Institutions under Art. 25(2)(b). The said provision allows the State to regulate in matters deemed secular by the Constitution, i.e., Economic, financial and political activities. States have enacted legislations on powers provided under Entry 7 of List II and Entry 10 and 28 of List III of the Seventh Schedule. Such legislations have repeatedly been upheld by the Hon’ble Supreme Court, most notably in cases such as Raja Bira Kishore Deb (supra), AS Narayan Deekshitulu v. State of AP (Tirupati Balaji)<sup>5</sup>, Tilkayat Shri Govindlalji Maharaj v. State of Rajasthan (Shri Nathji Temple, Nathdwara)<sup>6</sup>, Sri Adi Visheshwara v. State of UP (Kashi Vishwanath Temple)<sup>7</sup>. However, what must necessarily be noted is the fact that the drafters of the Constitution were people competent in the field of law. However, hardly anyone of them was well versed with the administration of religious institutions. That has been carry forwarded by the Hon’ble Courts assuming theological authority, and ruling over such issues in consideration with the dispensation dictated by the Constitution, thereby depriving any legal recourse in the matter.

While there have been solitary silver linings in the form of Judgements in Ratilal Panchand Gandhi v. State of Bombay<sup>8</sup>, Subramanian Swamy v. State of Tamil Nadu<sup>9</sup>, and the recent judgement in Sri Marthanda Verma v. State of Kerala<sup>10</sup>, most of these rulings are either circumstantial or in the form of Obiter dicta, which in turn are either not accepted by courts in other cases, or are not implemented by the State. For example, in Ratilal Gandhi (supra), the Court held that any law that takes away the right of administration altogether from a religious denomination and vest it in any other secular body would violate Art. 26(d). In Subramanian Swamy (supra), the Court held that even in case management of a temple is taken over to remedy an evil, and such management should be handed back to the original proprietors as soon as the evil stands remedied, continuation would mean usurpation of proprietary as well as fundamental rights. Furthermore, in Sri Marthanda Verma (supra), the Court recognized the Special Shebait relationship as independent of any title or

<sup>4</sup> (2014) 16 SCC 45

<sup>5</sup> (1996) 9 SCC 548

<sup>6</sup> AIR 1963 SC 1638

<sup>7</sup> (1997) 4 SCC 606

<sup>8</sup> AIR 1954 SC 388

<sup>9</sup> (2014) 5 SCC 75

<sup>10</sup> (2021) 1 SCC 225

privilege. In any case, these judgements have been far and in between in the form of exceptions rather than the Rule.

Hon’ble Supreme Court in the case of Supreme Court Advocates on Record Association v. Union<sup>11</sup>, had famously ruled that “where the will of the legislature declared in statutes is in contradiction to the will of the people, the will of the people must prevail”, how far that remains true for the conduct of the Government or even the Court remains an ever-elusive question with no definitive answer.

### **The Solution that No-One is talking about:**

Of the models discussed in this article, the Sikh Example was left deliberately open to be explained later. The Shiromani Gurudwara Prabandhak Committee presents a particularly successful example closer to home, which has stood the test of time and circumstance to emerges as an effective solution to the management of Sikh Religious properties.<sup>12</sup> The democratic model that Gurudwara Board follows can be considered if and when such an institution is envisaged for Hindu Institutions. The Board acts as the custodian of all important religious institutions of its religion. It is a self-sustaining model with minimal government interference. The representatives are elected through elections where the voters are the believers of religion-specific. Seats are reserved for Schedule Castes within the religion. The Committee is responsible for all aspects of Gurudwara management, including the religious aspect, as opposed to the Hindu Temple Boards. Accrued Income is used to run langars, schools and colleges. Annual Reports are prepared and presented to the community at large. A Tribunal is there to settle disputes.

The institution of the Ram Mandir Trust and its structure presents a significant step forward in this regard, wherein out of the 15-member board, prominent religious leaders and workers for the cause have been appointed, and only two ex officio members, that too, only believing Hindus have been prescribed. It is commendable that the Government chose to step aside and stay out of the temple administration in this one instance. However, any commission (or omission) on the part of the Government would be incomplete without an effective dispute settlement mechanism, i.e., apart from the Civil Courts, and an

implementable democratic setup electing representative to take care of these institutions, unlike the superficial imposition. The Kamakhya Temple model might be a good place to start in that regard, wherein the ‘Doloi’ (head priest) is elected from an electoral college of Bordeories (families of priests of Kamakhya), and the managing committee members elect their representatives from amongst the Deories (families of priests of Subsidiary temples on Nilanchal hills)

### **Alternative to choose from:**

For the purpose of this article being inclusive of different models of governance, another interesting case study, in this regard, would be of the Devaswom Boards. Devaswom literally means the Property of God. The Devaswom system of temple management is followed in the State of Kerala, wherein the five Devaswom Board, viz Travancore, Cochin, Malabar, Guruvayur and Koodalmanikyam, which have individually been constituted by legislations, manage the notified temples under their purview. These Boards look after the administrative aspects of the temple management, these include recruitment to the aided schools and colleges, managing constructions, lease of shops, managing sale of online prasad, recruitment of administrative employees of temples etc. (i.e., their role is restricted to the administrative aspects only, the economic, religious aspects are left to the wisdom of their management committees). Since 2015, the appointment under these boards have been taken over by the Devaswom Recruitment Board, much on the lines of Provincial Civil Services Recruitment Boards. This board is authorized to recruit for non-hereditary posts under the Devaswom Boards, the board consists of five specific members, which even though nominated by the government, must be believing Hindus professing faith in god and temple rituals.<sup>13</sup> One member must be a woman, one must be belonging to Schedule Caste/Tribe.

Each of these individual legislations explicitly specify that the Utilisation of Temple funds must necessarily be in pursuance of Hindu Religious norms or in line with the objective of each such institution. The Kerala High Court recently disallowed the contribution made by Guruvayur Devaswom to CM’s Disaster Relief fund as invalid

<sup>11</sup> (1993) 4 SCC 441

<sup>12</sup> For a detailed study, See: Kanu Agarwal, *Free Temples, but then what?*, SCC Online Blog (Oct. 24, 2020), available at: <https://www.scconline.com/blog/post/2020/10/24/free-temples-but-then-what/>

<sup>13</sup> Sec. 3(3) of Kerala Devaswom Recruitment Board Ordinance 2015

because the Board was not authorized to make a donation outside the purview of the Institution's objectives.<sup>14</sup> And while the approval of these Boards and their appointed members is required for utilizing the temple funds, the Boards themselves are not authorized discretionary use, and can only act on proposals of the temple trustees or its management. The Management is, in turn, liable to audits and for maintenance of ledger and budgets.

### **Conclusion:**

While a broader understanding of the issue will render one to form a judgement of their own in each individual case, it is the author's duty to help one reach such judgement based on objectively available information. Wherein, one school of argument has emerged that claims that Hindu Temples are being used as a milch cow by the Indian State, that may not be true necessarily. While different acts have used different terminology, all have the common consensus that the funds of these temples can only be used for their own objectives. In some of the instances, like Tamil Nadu, wherein the Hindu Religious and Charitable Endowment Department is paid administrative charges, the sum is paid only out of the surplus income i.e., after due deductions in relation to expenses have been made, and such paid sum can only be used exclusively for the department's functioning. In Contrast, Kerala Devaswom Recruitment Board's expenses are exclusively met out of the Consolidated Funds of the State.<sup>15</sup> Even in other cases across specified temples in India, the temples individually manage bank accounts out of which the expenses are bore. The Government, or its appointed agent's approval are required at times to use the surplus income, however, such use is legislatively required to be in sync with the objectives of the Institution, or in line with Hindu Norms and its propagation.

On the other hand, concerns have emerged over the politicization of appointments to such temples, which is not entirely untrue. The appointment of Non-Hereditary members to the Temple Boards has always been a contentious issue, with Political parties regularly replacing such members based upon their political affiliation. The irregularities in accounts, embezzlement of temple funds, disappearing jewellery and idols et. are recurring issues which have come to light at regular intervals, some blame

it upon the lack of accountability that the Government assumes in relation to its control over temples, officers are transferred at regular intervals and do not have to face the heat on revelations. Thus, commentators have argued that a localized management system is necessary, which is partially correct considering that local residents would have to answer to immediate believers in their vicinity. However, what is generally ignored in such conversations is the fact that even before legislative oversight such events were still happening, in fact these events were one of the primary reason that oversight was envisaged, and embezzlement and theft even otherwise are not uncommon. Any ameliorative action has to take these two contrasting stands into consideration and reach a common ground based upon consultation and suggestions of all stakeholders, particularly the believers who repose their faith and donations in such institutions with a belief that the same would be used for the specific purposes, and propagation of the belief system that they prescribe to.

The law makers of this country enjoy the popular sovereignty bestowed upon them by the populace, that popular sovereignty entitles them the right to legislate for betterment of the society in general, and as an extension of the Social contract, for any issue which may adversely affect a large number of people. Hindus constitute the vast majority of populace of this country, to put an argument that their institutions should solely be of concern to its people and should be of no concern to its governments, would be ignoring the history and social realities of the country we all live in. However, what must effectively be argued is that institutions belonging to the Hindu Religion must reasonably be given a say in the way they are to be managed, much like Waqf property wherein the Jamaat is given its due share in decision making with regard to the Economic affairs of local mosques, same should invariably be the case with such Hindu Temples. While the total autonomy argument, even though populist, conveniently ignores the repercussions that such a decision might bring, in turn attributable to a lack of solution that has to follow the 'liberation'. Studying such issues in isolation, without objective facts and subjective opinions, is a dangerous path that religious debates should avoid from treading. □

<sup>14</sup> <https://www.livelaw.in/news-updates/guruvayoor-devaswom-funds-cmadrfs-illegal-kerala-high-court-167414>

<sup>15</sup> Sec 10 of Kerala Devaswom Recruitment Board Ordinance 2015

# A Principle Based Regulation to Keep Pace with Evolving Technology-Digital Personal Data Protection Bill, 2022

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**O**n November 18, 2022, the Ministry of Electronics and Information Technology released the draft of the Digital Personal Data Protection Bill, 2022 (“DP Bill”), inviting suggestions and comments from relevant stakeholders. As India emerges as an economy with over 760 million active internet users, the purpose of the much-anticipated DP Bill seems to be to set forth a framework regulating the processing of ‘digital personal data’ in a manner that is commensurate with the Indian users’ expectations of having an open, safe, trusted, and accountable internet. The DP Bill further recognizes the importance of data at the core of India’s fast-growing digital economy and eco-system of digital products, services and intermediation. Further, comprehensibility of law is one of the desirable goals which the Government intends to achieve through the DP Bill, and hence has attempted to draft the same clearly and concisely. On a holistic review, the DP Bill intends to strike a balance between the rights of Data Principals<sup>1</sup> to protect their digital personal data and the requirement of processing such data by the Data Fiduciaries<sup>2</sup>.

While the explanatory note to the DP Bill already expounds on the plain and simple language of the framework, this article intends to give the reader not only a brief walk through of the key provisions of the DP Bill (Part A) but also highlight some key points for further deliberation before the DP Bill is enacted as law (Part B).

## Part A - A Walk Through of Key Provisions of the DP Bill

- **Global Principles of data protection –** The provisions of the DP Bill have been pedestalized on the globally accepted principles of data protection, namely,

(a) lawfulness, fairness, & transparency; (b) purpose limitation; (c) data minimization; (d) accuracy; (e) storage limitation; (f) integrity & confidentiality; and (g) accountability. The purpose of the Bill is to follow the foregoing principles in respect of all data that is related to identifiable individuals which may be collected, recorded, organised, structured, adapted, altered, retrieved, used, aligned, combined, indexed, shared, disclosed, disseminated, erased, deconstructed, made available or restricted through automated means.

*While the explanatory note to the DP Bill already expounds on the plain and simple language of the framework, this article intends to give the reader not only a brief walk through of the key provisions of the DP Bill (Part A) but also highlight some key points for further deliberation before the DP Bill is enacted as law (Part B).*

- **Applicability -** The scope of applicability of the DP Bill has been limited to the processing of only ‘digital personal data’. The DP Bill defines ‘Processing’ as an automated operation or set of operations performed on digital personal data, and may include operations such as collection, recording, organisation, structuring, storage, adaptation, alteration, retrieval, use, alignment, or combination, indexing, sharing, disclosure by transmission, dissemination or otherwise making available, restriction, erasure or destruction.

<sup>1</sup> The DP Bill defines ‘Data Principal’ as the individual to whom the personal data relates and where such individual is a child includes the parents or lawful guardian of such a child.

<sup>2</sup> The DP Bill defines ‘Data Fiduciary’ any person who alone or in conjunction with other persons determines the purpose and means of processing of personal data.

Essentially, the framework intends to regulate only such data about an identifiable individual (“Personal Data”) which is either collected online or digitized (post collection offline) and the term “processing” has been used under the DP Bill to cover the entire cycle of operations that can be carried out in respect of Personal Data. In respect of extra-territorial applicability, the scope of the DP Bill extends to processing of Personal Data outside India in cases where the processing pertains to profiling of Data Principals or offering of goods or services to Data Principals in the territory of India. ‘Profiling’ here is defined as ‘any form of processing of personal data that analyses or predicts aspects concerning the behaviour, attributes or interests of a Data Principal.’

- **Notice and Consent –** The provisions in respect of notice and consent embody the principles of fairness and transparency and require Data Fiduciaries to provide Data Principal with a notice in clear and plain language containing a description of Personal Data being sought and the purpose of processing such Personal Data. The Data Fiduciary is further obligated to provide an option to the Data Principal to access such notice in either English or any of the 22 languages specified under the Eighth Schedule of the Constitution. Consent still remains the foundation for processing of Personal Data, and while such consent is required to be obtained for a ‘specified purpose’ by way of a clear affirmative action of the Data Principal, the DP Bill also makes carve outs for specified scenarios/grounds where insisting on express consent would be inefficacious (for instance, where the processing of Personal Data is reasonably necessary to perform or conclude a contract or transaction).

- **Data Fiduciary and Significant Data Fiduciaries –** The primary responsibility of complying with the provisions of the DP Bill, including maintaining adequate security safeguards and notifying the Data Principal in case of a data breach, has been imposed on Data Fiduciaries. What is notable is that this obligation is agnostic to any non-compliance by the Data Principals of the provisions of the DP Bill. The DP Bill seems to have retained the idea of ‘Significant Data Fiduciaries’ (“SDF”) from its predecessor, the Personal Data Protection Bill of 2019 (“2019 Bill”). Additional obligations have been imposed on such

SDFs like appointment of a Data Protection Officer who will be based in India and an independent data auditor; and undertaking data protection impact assessments. The DP Bill provides that Central Government would notify the list of SDF on an assessment of factors such as, inter alia, volume and sensitivity of Personal Data, risk of harm to the data principal, risk to electoral democracy, potential impact on the sovereignty and integrity of India, security of the State, and other factors as may be necessary.

- **Data Protection Board –** The DP Bill envisages the establishment of a data protection board which will act as an independent body and exercise supervisory functions which shall be ‘digital by design’ (“Board”). The Board has been vested with wide ranging powers, including the power to conduct inquiries; give directions; issue summons, warnings, and interim orders; request assistance from officers; impose costs and penalties; review its own orders; referring disputes/complaints to alternate dispute resolution mechanisms; and accepting voluntary undertakings from defaulters. Data Principal can register complaints with the Board in the event their grievances are not redressed by Data Fiduciaries within 7 days of filing such grievance.
- **Cross-border Transfer of Data –** Unlike the 2019 Bill, the DP Bill does not set forth strict data localisation requirements which comes as a relief to various homegrown small tech start-ups. Having said that, cross border data transfers may now be subject to the Central Government’s assessment of the transferee jurisdiction/territory. While the intent to regulate cross border transfer on the basis of ‘adequacy’ assessment seems progressive, the DP Bill does not spell out the mechanism or grounds on which such assessment is to be made.
- **Voluntary Undertaking and Gradation of penalties –** While criminal penalties have not been contemplated, the DP Bill introduces a graded deterring financial penalty, ranging from Indian Rupees Ten Thousand to Rupees Five Hundred Crore. Notably, the DP Bill also lays down penalties in cases of non-compliance by Data Principals. In addition to the penalty provisions, a mechanism to facilitate voluntary undertakings has also been introduced under the DP Bill with an intent to ensure compliance rather than penalise non-compliance.

## **Part B - Key Considerations for the Path Ahead**

As digital innovation in India grows, the attempt to come up with a concise and clear legislation which acknowledges the inevitability of data processing as well as the significance of rights of Data Principals is laudable. While proposed data protection legislations have undergone various modifications to reach the current version, we have analysed some provisions keeping in mind potential practical challenges, and domestic and global standards.

- **Data Protection Board of India and overlapping powers** –

The Board has the power to, inter alia, direct Data Fiduciaries to adopt measures to remedy or mitigate any harm caused to Data Principals in case of a data breach and carry out such other functions as may be notified by the Central Government. Subject to further clarifications, which may be provided in terms of the rules prescribed under the DP Bill, there appears to be a regulatory overlap between the powers and functions of the Board and the CERT-In on bare reading of certain provisions of the DP Bill (for instance, the obligation on Data Fiduciaries to report instances of personal data breach to the Board, which may currently be reported to CERT-In under the current regulations). Considering that the DP Bill is in addition to and not in derogation of other laws (unless in cases of conflict), the Government may need to re-assess and demarcate the authority, powers and functions of the Board and CERT-in in respect of, inter alia, reporting of cyber breaches and incidents.

- **Non-automated Processing of Personal Data** –

The provisions of the DP Bill apply to processing of digital Personal Data, inter alia, where such Personal Data collected offline is digitised. In essence, any Personal Data received in offline/physical format, if recorded/stored/registered in an electronic form should be governed by the provisions of the DP Bill, irrespective of it not being accessible in specific criteria or automated process (similar to the concept of ‘filing system’ under the GDPR). However, the DP Bill expressly excludes from its ambit non-automated processing of Personal Data, which inevitably raises a question in respect of the compliance burden on

Data Fiduciaries in case of ‘non-automated processing of digital Personal Data’.

- **Cross Border Transfers and Adequacy Decision** –

Subject to a few exceptions under the DP Bill, the Government has been vested with the absolute authority to notify the countries and territories to which a Data Fiduciary can transfer Personal Data. Given that the DP Bill has been framed in view of the Indian authorities recognizing the magnitude of data processing capabilities of Data Fiduciaries, the intention to regulate the flow of Personal Data to select jurisdictions on assessment of objective factors *prima facie* seems to be a positive move. However, in context of adequacy mechanisms and the alternatives thereto, it can be reasonably expected that the Government would be assessing the judicial precedents and measures set forth by the Court of Justice of the European Union in its various rulings, most notably the Safe Harbour Decisions in Schrems I and Schrems II. While notifying objective factors or specific terms and conditions is a constructive approach from the perspective of data protection, such factors/terms might not be universally applicable on all transferee jurisdictions. Accordingly, mechanisms like EU’s ‘Standard Contractual Clauses’ (SCCs), certifications, etc. must be considered to be prescribed under the rules.

- **Deemed Consent** –

The DP Bill takes into consideration limited circumstances where consent would be deemed to have been given by Data Principals. A chunk of these circumstances make carve outs for consensual processing of Personal Data for state functions where such processing is necessary and the same are largely in line with the tests laid down by the Supreme Court in the Puttaswamy case<sup>3</sup> relating to the scope of limitation of the constitutional right to privacy<sup>4</sup>. The reason why it may be ‘largely’ and not ‘entirely’ in line with the tests is because upon bare reading of the provisions of the DP Bill, scenarios like provision of any service or benefit to the Data Principal, or the issuance of any certificate, license, or permit for any action or activity of the Data Principal, by the State or any instrumentality of the

<sup>3</sup> Justice K.S. Puttaswamy (Retd) vs Union of India, WP (Civil) No. 494 of 2012.

<sup>4</sup> Right to privacy cannot be impinged without a just, fair and reasonable law: It has to fulfil the test of proportionality i.e. (i) existence of a law; (ii) must serve a legitimate State aim; and (iii) proportionality.

State are not dependent on such activities being undertaken under the ‘existence of a law’ or in a manner that is authorised by any law. In addition to the aforesaid, consensual processing of Personal Data may also be done in case of medical emergencies involving threat to life or immediate threat to the health of the Data Principal. In context of such processing, a parallel may be drawn with the India’s draft Health Data Management Policy (“NDHM”) (the latest iteration of which was released in April this year) which also envisages provisions relating to processing of Personal Data in case of medical emergencies. Notably, the NDHM contemplates appointment of a nominee to provide valid consent on behalf of the Data Principal in case such Data Principal becomes seriously ill, or mentally incapacitated, or where the data principal is facing a threat to life or a severe threat to health and is unable to give valid consent. Further, under the NDHM, in absence of a nominee, the right to give valid consent on behalf of the Data Principal shifts to an adult member of the family of the Data Principal.

- **Processing of Personal Data of Children –** Similar to the 2019 Bill, the DP Bill imposes additional obligations on Data Fiduciaries in respect of processing of Personal Data of children. The provisions introduce compliances in relation to obtaining of verifiable parental consent and restrictions on processing for certain purposes. It is noteworthy that the DP Bill recognizes Personal Data of children as a special category and makes Data Fiduciaries accountable for the manner of its processing, however, it is undeniable that the proposed provisions would have considerable impact on Data Fiduciaries considering that a major chunk of the internet users in India are below 18 years of age. Further, implications on the operation of gaming companies will also need to be assessed since DP Bill categorically restricts processing of Personal Data in manner that is likely to cause harm to a child without really explaining what constitutes as a manner which is likely to cause harm. The foregoing, in addition to keeping the threshold of age of consent at 18 years and absence of a structured regulatory regime in India for the online gaming

industry, raises more questions and concerns on the mechanism in which the intent is purported to be achieved.

- **Non-compliance of duties by Data Principals –**

The DP Bill clarifies that any consent which constitutes an infringement of its provisions shall be invalid to the extent of such infringement. While the illustration provided under the DP Bill is quite clear in its implication, the reading of the aforesaid provision together with other provisions brews an enigma on the effectiveness of imposing certain duties of Data Principals, specially when the burden to comply with the provisions remains on the Data Fiduciary. To simplify, in the event a Data Principal furnishes any false or inaccurate information or impersonates another person, any consent provided by such Data Principal is invalid to the extent of such false/inaccurate information. This essentially creates a conundrum since the obligation to seek valid consent lies on the Data Fiduciary and this responsibility exists irrespective of any non-compliance of the Data Principals with her duties as stated under Section 9(1) of the DP Bill.

The form of the DP Bill is undoubtedly praiseworthy for its simplicity and clarity in drafting compared to the previous iterations. On a review of the DP Bill, it is clear that the Government has meticulously evaluated and drafted the DP Bill as a concrete principle-based structure which is agile enough to take into consideration the pace at which technology evolves. In a jurisdiction like India where technology remains critical to economic growth, the DP Bill sets the wheels in motion for a holistic and comprehensive data protection framework which not only requires corporations to align their policies, technology and operations around the globally accepted principles of data protection but also enables a level playing ground by focusing on ease of doing business in India. Another notable and indisputably necessary initiative encapsulated under the provisions of the DP Bill is the establishment of the Board - a supervisory body exclusively tasked with enforcement of provisions of the DP Bill (and the guidelines, rules and regulations which may be prescribed thereunder). Establishment of a supervisory Board is bound to instil a sense of accountability amongst corporations processing volumes of Personal Data of Indians.

# Collegium v NJAC - A Chronological Revisit

Namit Saxena

AOR Supreme Court

The debate on ‘how’ and ‘who’ on the appointment of judges of constitutional courts in the country has again attracted attention across the country. In such a surcharged atmosphere, let us visit the issue chronologically dividing the same into Pre constitution era, from 1950 to 1970s and post-1970s.

## I. Pre Constitution Era

- a) While drafting ‘judicial provisions’, the lengthiest Constitutional Assembly (CA) debates were on the independence of courts, powers of the Supreme Court and judicial review. The Sapru Committee in 1945 recommended that the justices of the Supreme Court and High Courts should be appointed by the head of state in ‘consultation’ with the Chief Justice of the Supreme Court and for High Court judges, the Chief Justice of that High Court and head of the concerned unit.
- b) The task of framing draft provisions for establishing the Supreme Court began when an ad hoc Committee of 5 members - B.N.Rao, Munshi, Mitter, Vardachariar & Ayyar was formed. During the first 3 weeks of May 1947, the ad hoc committee came to consonance that a Supreme Court shall be propounded and a panel of 11 members be constituted for appointments with 2/3<sup>rd</sup> majority power. A ‘Judiciary Act’ was proposed which was to contain all relevant provisions concerning the courts instead of putting everything in the Constitution itself. It was recommended that the President should nominate puisne judges with the ‘concurrence’ of the Chief Justice and this nomination shall be subject to confirmation by a panel composed of High Court Chief Justices, members of both houses of the central legislature and law officers of Union. The Union Constitution Committee (UCC) disagreed with this

procedure of appointment and advocated the Sapru Committee report’s view. It also recommended that articles pertaining to Supreme Court should require the consent of provinces before being amended. The Provincial Constitution Committee (PCC) supported their view. The Drafting Committee held regular meetings from 10-17 December 1948 and framed nearly all Judicial Provisions including draft Articles

*The first reaction to the Judicial Provisions came from the judges themselves. Chief Justice of the then Federal Court, H.J. Kania wrote a letter to Nehru stressing the independence of the judiciary and particularly emphasising that when recommending to the President a person for the judgeship of a High Court, the Governor and the High Court Chief Justice should be in direct contact so that the provincial Home Ministry would not be an intermediary in the proceedings, else local politics may affect the selection of judges.*

103 & 193 which were crafted for the appointment of judges to the Supreme Court and High Courts.

- c) The first reaction to the Judicial Provisions came from the judges themselves. Chief Justice of the then Federal Court, H.J. Kania wrote a letter to Nehru stressing the independence of the judiciary and particularly emphasising that when recommending to the President a person for the judgeship of a High Court, the

<sup>1</sup> Meaning – ‘Within limits no judge and no Supreme Court can make itself a third chamber’. Referring to as the third chamber to legislate. Constituent Assembly Debates, Vol 9, No. 4, 10 September 1949, 1195-6

Governor and the High Court Chief Justice should be in direct contact so that the provincial Home Ministry would not be an intermediary in the proceedings, else local politics may affect the selection of judges. Subsequently a ‘Justice’s Meeting’ was conducted between all the Federal Court judges and Chief Justices of all High Courts. This meeting strongly recommended that the Chief Justice of the High Court, after consulting with the Governor should send his suggestions for an appointment directly to the President thus excluding all provincial ministers from the selection process. On 24 May 1949, while discussing Draft Article 103, Ambedkar strongly defended the draft provision saying that it was the middle path between the English system of appointment by the Lord Chancellor and the American system of confirmation of judicial appointments by the senate. He also strongly contended that ‘consultation’ must be used instead of ‘concurrence’. The majority agreed and the draft provisions were adopted.

## **II. Adoption of the Constitution (1950 – 1970s)**

- The final law for judicial appointments was crafted in Articles 124 (Supreme Court) and 217 (High Courts) for higher judiciary. For the subordinate judiciary, District Judges were to be appointed under Art. 233 and other magistrates under Art. 234.
- The Supreme Court, as Nehru put it was intended to be ‘sentinel on the qui vive’.<sup>1</sup> The Constituent Assembly at the same time was equally clear that it wanted an independent and not a subservient court.
- The Supreme Court in 1950 was constituted of Chief Justice H.J. Kania and 6 other judges. 6 out of these 7 were part of the earlier Federal Court.
- The initial appointment of judges to higher judiciary was done through the Presidential seal acted under Article 74 on the aid and advice of the Council of Ministers who mandatorily consulted the Chief Justice of India and any other judge if they deemed fit.
- Justice Harilal Jekisondas Kania took over as the first Indian Chief Justice of the Federal Court at the dawn of independence. Interestingly, Justice Kania was recommended because of a wrong that the incumbent Chief Justice of Bombay, Sir Leonard Stone felt had been committed when he was passed over for his own post because of an altercation with the previous Chief Justice.

- Justice Kania initiated all further appointments to the Federal Court and extended invitations to Justices Sastri, Mahajan, Mukherjea and S.R. Das. Justice Fazl Ali had already been appointed as judge of the Federal Court. After the Supreme Court was constituted, invitations were extended to Justices Aiyar and Bose by Justice Kania himself. This was done because it was thought and accepted that the Chief Justice would assess the first crop of judges the best.
- Interestingly, most of these judges were either from privileged or legal families. Justice Kania’s role in appointments to the High Courts was shrouded in some controversy and at one point Nehru even questioned his suitability to be the CJI. Patel as the

*It is argued here, that favouritism in appointing select judges at the Supreme Court started. Sastri appointed Justices Aiyar and Jagannadhadas as judges of the Supreme Court. Both are from Madras and are close associates of Sastri. Interestingly, Justice Jagannadhadas had contested elections and served a term at the Madras Corporation. Unsurprisingly, he resigned before his tenure to take up the politically significant post of Chairman of the Second Pay Commission. More interestingly, Justice Sastri also invited Justice P.V.Rajamannar from Madras who declined due to his father’s ill health.*

- then Home Minister managed the situation. However, both Patel and Kania passed in quick succession.
- After Kania, the six sitting judges insisted that the principle of seniority be used in selecting a successor. When the Government showed reluctance by offering names of Justices Mukherjea, Das or Chagla, the entire Supreme Court threatened to resign leading to a six-week delay in appointing Justice Sastri as the 2<sup>nd</sup> CJI.
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- It was however Justice S.R. Das who demonstrated the complete extent of CJI's power to influence appointments to the Supreme Court. Out of the 3 appointments, he appointed his close friends Justice S.K. Das (ICS Officer – Brahmo Samaj connection) and Justice A.K. Sarkar who was his own chamber junior. Justice S.R. Das also offered an appointment to Justice P.B. Chakravarti, who declined.
- Complaints were received by the Home Minister about the supersession of many capable candidates in appointing Justice Sarkar but by this time, it was settled that the CJI has the unofficial determinative voice in appointments. Justice Sarkar later, in his turn, became the CJI!
- Justice S.R. Das also appointed Justices P.B. Gajendragadkar, K. Subba Rao, K.N. Wanchoo and Hidayatullah at the right time to pave way for their elevation to the Supreme Court at the appropriate time.
- CJI B.P.Sinha's tenure also saw allegations as he appointed Justice Mudholkar, who was the son of a former President of the Indian National Congress.
- It was perhaps, Justice Gajendragadkar who as CJI started a more formal practice of getting concurrence from the senior most associate judge.
- Justice A.K. Sarkar as the CJI recommended Justice Vashistha Bhargava (ICS) and G.K. Mitter as judges of the Supreme Court. The then serving Chief Justice of West Bengal D.N. Sinha complained in writing to the Chief Minister of West Bengal and Home Minister of India. However, the appointment had to be done as Justice Sarkar would not withdraw the name.
- Justice Subba Rao, as the CJI again appointed his long-time partner and friend Justice C.A. Vaidalingam. This also caused controversy as parliamentarian V.A.

Seyid Muhammad wrote about this openly. Subba Rao also initiated the appointment of Justice K.S. Hegde. Justice Hegde was the first appointee to have served two terms in the Rajya Sabha and had resigned during his second term to join the Mysore High Court as a judge.

- Unsurprisingly, Justice Subba Rao later resigned to become the joint opposition candidate for the post of President.
- In 1971, the Government baulked at appointing Justice J.C.Shah to succeed Hidayatullah J. However, the principle of seniority was honoured.
- Justice Hidayatullah invited Justice A.N. Ray, Jaganmohan Reddy and I.D. Dua. Out of these,

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Justice Dua was his neighbour in Delhi. Justice Ray was a junior to Justice Reddy but was administered an oath prior to him. This gained significance because of the unforeseen dramatic supersession by the Indira Gandhi government a few years later to make Ray the CJI. If Justice Reddy would have been administered oath as per seniority, he would also be required to be superseded.

- Just before superannuation, Justice Hidayatullah recommended the names of two of his close friends, Justices S.P. Kotwal and M.S. Menon. The Government did not respond to both names. This was the perhaps first time that the executive completely ignored the names recommended by the CJI.

- Parallelly, interesting developments were taking place. The political climate in the country was changing rapidly. The government had faced judicial setbacks in Golaknath<sup>2</sup>, R.C. Cooper<sup>3</sup> and Madhav Rao Jiwaji Rao Scindia<sup>4</sup> cases.
- One politician, Mohan Kumaramangalam was made a minister for Steel and Mines. Little did the countrymen know that he is about to become the brainchild of supersession and court packing. Simultaneously, a separate Law Ministry was established and the charge was handed over to it from the Home Ministry.
- On the judicial side, in Samsher Singh [1974, 7 judges] Supreme Court held ‘consultation’ in Articles 217 & 124 to confer primacy to the Chief Justice of India.
- Justice Shah as the CJI recommended Justice P.N. Bhagwati which was also ignored by the Government only to be later on appointed in 1973. If he was appointed in the first round, he would have been the CJI for over 9 years. His appointment was apparently delayed because of a letter written by Justice Shelat that Justice Bhagwati was given to please the congress-led government. Unsurprisingly, as a sitting judge, Justice Bhagwati wrote a letter later on to Indira Gandhi on her electoral victory and return to power stating that “Today the reddish glow of the rising sun is holding out the promise of a bright sunshine”.
- Justice Sikri’s tenure marked the end of the unofficial primacy enjoyed by the Chief Justice. It was now accepted that appointments will be initiated by the recommendation of the Chief Justice to the Law Minister. Having a ‘primary political sponsor’ was thus seen as a prerequisite to getting appointed.
- It is in this light that Law Minister initiated appointments of his former colleagues Justices Palekar and Y.V. Chandrachud part from H.R. Khanna, S.S. Ray recommended S.C. Roy and A.K. Mukherjea, Mohan Kumaramangalam recommended his classmate A.N. Alagiriswami and Indira Gandhi herself recommended M.H. Beg and S.N. Dwivedi as judges of the top court.
- While all of them were appointed, Justice Sikri put his foot down on two names – Nagendra Singh and Justice Krishna Iyer (for being a communist). As it would happen later on, Nagendra Singh was later elected to the International Court of Justice as India’s nominee and Justice Krishna Iyer were eventually appointed to the Supreme Court.

### **III. Dramatic Supersessions of judges and post-1970s**

- By now, the power to appoint had shifted completely into the hands of the executive.
- In the aftermath of the judgment in Keshavananda Bharati<sup>5</sup> that two dramatic supersessions were done by the Indira Gandhi Government (Making A.N. Ray J as the Chief Justice of India by superseding Shelat, Hegde & Grover JJ and later making Beg J as the Chief Justice by superseding Khanna J)
- This acted as a catalyst to force the thought process that a change is required in appointments for the independence of the judiciary which was affirmed to be the basic structure of the Constitution.
- In Sankalchand Himmatlal Sheth [1977] it was held that ‘consultation’ under Art 222 means taking the mandatory (but not binding) opinion of the Chief Justice in matters of transfer.
- In S.P. Gupta v UOI [1981-1<sup>st</sup> Judges Case, 4:3 majority] it was written that the interpretation supplied to ‘consultation’ by Sankalchand stretched to Articles 124 & 217 and CJI has no primacy as all constitutional functionaries are equal. The appointment of judges was termed to be an executive function.
- 67<sup>th</sup> Constitution Amendment, 1990 was drafted to insert Part XIIIIA in the Constitution to establish a ‘National Judicial Commission’. But it could not materialize.
- The correctness of the 1<sup>st</sup> Judges Case was doubted for the first time in Subhash Sharma v UOI [1991].
- SCAORA v UOI [1993 – 2<sup>nd</sup> Judges Case, 7:2] overruled the 1<sup>st</sup> Judges Case and held that the Chief Justice of India has primacy in judicial appointments by interpreting ‘consultation’ as ‘concurrence’. It also established the system of 1+2 and 1+4 Collegium system for appointments.

<sup>2</sup>AIR 1967 SC 1643

<sup>3</sup>(1970) 1 SCC 248

<sup>4</sup>(1971) 1 SCC 85

<sup>5</sup> 1973

- The Collegium system, in a nutshell, is as follows - for the appointment of High Court judges, the Chief Justice of the High Court after consulting other senior judges of that High Court sends a list of names to the Chief Minister who can also suggest a few names and send to the Chief Justice. The recommendations are then submitted to the Chief Justice of India, the Union Law Minister & the Governor of the State. The Governor will send the entire bundle to the Union Law Minister who will consider the names. The proposed names are then scrutinized by the Intelligence Bureau through the Ministry of Home Affairs. The names with all sets of papers are then submitted to the Chief Justice of India who forms a Collegium with 2 senior most judges and consults other colleagues well versed with that High Court to advise the Government. The Union Law Minister then submits all papers to the Prime Minister who in turn advises the President to take the final call. The ministry or the President can return the file for reconsideration on certain grounds but if the Collegium recommends it again, the President is bound to sign. For the appointment of Supreme Court judges, in a similar procedure, the Collegium comprises the Chief Justice of India and 4 senior most judges who recommend names to the ministry. The Chief Justice of India is appointed completely on seniority.
- In Re Special Reference [1998 – 3<sup>rd</sup> Judges Case] affirmed the 2<sup>nd</sup> Judges Case and imposed significant procedural constraints on the Chief Justice and vested wide powers in the Collegium.
- In 2014, the Central Government enacted the National Judicial Appointments Commission (NJAC) Act and also amended the Constitution vide the 99<sup>th</sup> Constitution Amendment Act, 2014. It was immediately challenged in a batch of petitions. In short, NJAC was intended to be the constitutional body comprising the Chief Justice of India, 2 senior most judges of the Supreme Court, the Union Law Minister, the Leader of the opposition and 2 eminent members chosen by a committee of CJI, Prime Minister and Leader of Lok Sabha and must have at least 1 woman/ SC/ST/Minority/OBC representation. The commission was to replace the collegium to recommend names to the Government.
- In SCAORA v UOI (4<sup>th</sup> Judges Case) with a majority of 4:1, the Supreme Court declared the NJAC Act, 2014 and the 99<sup>th</sup> Constitution Amendment Act, 2014 unconstitutional.

In his dissenting judgment, Justice Chelameshwar strongly condemned the Collegium system. Interestingly at least 2 other judges in their separate opinions have also attested to the fact that Collegium has its flaws.

#### IV. Conclusion

Former Chief Justice of the US Supreme Court Charles Evans Hughes said “We are under a Constitution, but the Constitution is what the judges say it is”. As citizens, we have to realize the inherently political colour of the dispute and ask ourselves if it can ever be de-politicized at all. The contest between judges and elected representatives over guardianship of the constitution is perhaps constitutionally meant to be undecidable. It is the constitutional tension between the two branches which secures our liberty and democracy. Ultimately, the constitution is co-produced by all branches collectively and it should not be otherwise. What the Constitution ‘means’ and what it ‘requires’ are two ends.

Collegium system no doubt suffers from opaqueness and lack of accountability. The judges should cure the defects without any further delay. It is something which the Court altered the Constitution with, while not acting under it. While some may term it judicial authoritarianism or judicial obstructionism, some may call it judicial craftsmanship. Nonetheless, informal processes are difficult to be studied formally. It is the same collegium which initiated appointments of Justice P.D. Dinakaran, C.S. Karnan, etc among other such notable names while missing many worthy ones.

Under the current legal position, the Collegium system prevails where judges alone recommend judges. NJAC may not take an avatar in an ‘as it is’ form but the Parliament in its wisdom may alter the composition and bring a law on the subject again. Hoping for the best, fingers crossed!

# **75 years of Resurgent Bharat – Changing Contours of Law and Justice: With reference to Intellectual Property Rights**

**Kartik Kumar Aggarwal, Advocate**

**I**ntellectual Property Rights has been a major contributor to most of the developed economies in the world. Indian economy and society has been no exception to this.

Bharat is a land of all sorts of natural resources, but the biggest resource which Indians cherishes is the Intellect of its citizens. From ages Bharat has been home to not only best artisans in the world but advance technologies and well settled societies. Traces for respect for the intellect can be found out both in our culture (wherein we worship the goddess of knowledge) and also through several excavations wherein seals of the artisans and recognitions have been found in them. Furthermore, our ancient texts are recognised by the names of the authors such as Maharishi Valmiki is acknowledged the contributor of Ramayana, Kalidas authored Meghaduta and Vishnu Sharma authored Panchtantra. All these authors have been duly given their place in the Indian history thereby evidencing the respect of Intellectual Properties in India.

But no matter what it cannot be ruled out that the first statutory legislation to give shape to Indian Intellectual Property regime only came in 1856 when Act VI on protection of inventions based on the British Patent Law of 1852 was enacted. This act was subsequently amended several times with its final form coming in 1911 as The Indian Patent and Design Act.

It was in the year of 1940, that the then British Government of India felt the need for statutory guidelines for Trademarks in India, thereby giving shape to Trademarks Act of 1940. This act was based on the British Trademark Act, 1938.

## **Evolution of Indian Patent System Post Independence**

It was in the year 1957, that post recommendations from Justice N. Rajagopala Ayyangar Committee Report,

the present Patent Law of India started taking shape thereby undertaking number of amendments, with its present layout being enacted in the year 1970 as The Patents Act, 1970. Soon after in 1972 the then Patent Rules, 1972 were released thereby formally bringing in force the act of 1970. This was also the first major and successful amendment to the Indian Patent system post-Independence which not only suited but also helped

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Intellectual Property become an important part of the Indian Economy.

The said act was further subjected to amendment in the year of 1999 to make it compliant with the TRIPS agreement which finally got amended in 2005. It was in the year of 2005 that the Indian laws started recognizing the product patent regime thereby attracting major investments in India.

Various Judicial pronouncements played a major contributor to shaping the present Indian Patent regime. For instance the landmark judgement of the Apex Court of the country in Novartis AG vs Union of India, gave a strict overview over the intent behind enactment of section 3(d) of the act. In the matter of Standipack Private Limited and ANR vs M/S Oswal Trading Co. Ltd. the Hon'ble Delhi High Court gave a strict overview about post-dating provisions of the Patent Laws in the country wherein the timelines for various prosecution steps have been made absolute without the provisions of any condonation of delay.

### **Evolution of Indian Trademark System**

Similar to the development of the Indian Patent systems, the Laws related to Trademarks in India have also been subjected to various amendments and developments coupled with several judicial pronouncements which ultimately lead to the creation of a robust Trademark system in India.

The first statutory law on Trademarks in India was Trade Marks Act, 1940 which was based on UK Trademarks Act, 1938. It was in the year of 1958, when for the first time the independent Indian government recognised the need to rework the Trade Mark Laws in the nation which would suit the Indian industries and finally came up with the Trade and Merchandise Marks Act, 1958, which consolidated the laws related to the Trade Marks contained in other statutes like, the Indian Penal Code, Criminal Procedure Code and the customs act.

In the year of 1999, the Indian parliament repealed the earlier Trade and Merchandise Act, 1958 and enacted new laws i.e. The Trade Marks Act, 1999 which is still in force. This new act was enacted to make the Indian Trademark Laws TRIPS compliant.

### **Evolution of India's copyright Laws**

Historically if we see, India has been the breeding ground for variety of art and literary works. From Vedas, Upanishads to modern day literature, there has been a no match for Indian authors and artists. This was even recognised by our colonisers thereby enacting Indian Copyright Act, 1847 which came into force on 18<sup>th</sup> December, 1847. This act accorded the protection to the books of the author for the life time of the author plus 7 years hence commencing from the death of the author, for the territories which were under the control of the East India Company. Further the act provided the copyright in every book published after the death of the author will have a copyright protection for a period of 42 years. This

act was replaced by the Indian Copyright Act, 1914 which was based on Imperial Copyright Act, 1911 of United Kingdom. This act widened the scope of the copyright law in India thereby incorporating other forms of the copyrightable subjects like art. This act was in force till 1958 and the period of protection accorded to the copyrightable work then was of 50 years.

Presently Indian copyright system is governed by The Copyright Act, 1957 which was the first post-independence copyright legislation of the Country. This act further improved the application of copyright laws in India thereby setting up of a dedicated Copyright Department and establishment of an independent board to resolve copyright related issues. Over the years in order to make Indian Copyright laws compliant with the treaties of World Intellectual Property Organisation (WIPO) the Indian Copyright Act, 1957 was amended six times with final amendment coming in the year 2012 which brought

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Indian Copyright Laws finally in lines with WIPO Copyrights Treaty (WCT) and WIPO Performances and Phonograms Treaty ("WPPT"). The final amendment brought with it several new safeguards to protect the Music and Film Industry and address its concerns, to address the concerns of the physically disabled and to protect the interests of the author of any work, to remove operational facilities and enforcement of rights.

### **Geographical Indications**

Bharat is a land of diverse societies, cultures and geographies. Just move a little from your present location

you can be introduced to a new culture and each of the culture had their unique specialisations. But the problem with these diversity was that our law makers till late 1999 never felt the need to protect these diversities and their specializations through Intellectual Property Laws.

The wake up call for our Law makers was when there was this famous India – US dispute over Basmati Rice wherein, RiceTec, a Private American Company based in Texas claimed to develop a new variety of Rice and called it American Basmati which was even granted patent in 1997 by the USPTO. The characteristics of American Basmati were identical to the Indian Basmati. In the year of 2000, Indian Government finally challenged the patent of the RiceTec I which they were finally successful, but the trouble was that they had to fight a long battle in 25 other countries as well. As a result there was a shift in the mindset of Indian Law makers thereby finally enacting the Indian Geographical Indication of Goods (Registration and Protection) Act, 1999. This act came into force on 15th September, 2003.

### **Since the enactment of the act, Indian government has accorded geographical indications protections to several goods some of which are:**

Darjeeling Tea, Kashmiri Saffron, Rasagola for Odisha, Kullu Shawl for Himachal etc.

### **International Recognition to the Indian Intellectual Property Regime**

From ages India (or I would Say Bharat) and its citizens (the Bhartiya) has always been a major contributor of global economy and trade, but over the years constant attacks from outsiders, our own differences among different small kingdoms coupled with a 200 years long sub judication at the hands of the English government, we Bharat lost its place in the world economy and have not only dreamt to regain its place back but have also striven to do so. With this aim in mind, it was in the year of 1995, that with the aim to gain global recognition and to invite foreign investments, the Indian government became member of the World Trade organization (WTO) and thus became a signatory to the Trade related aspects of Intellectual Property Rights (TRIPS) Agreement, which brought in shape all the present IPR Laws in India.

The basic feature of the TRIPS agreement is to provide guidelines for a minimum standards to be adopted by its member states with the aim of developing a more robust IP Protection regime across all sectors.

Article 3 of the TRIPS agreement postulates its basic essence which provides for:

#### ***National Treatment***

*1. Each Member shall accord to the nationals of other Members treatment no less favourable than that it accords to its own nationals with regard to the protection (3) of intellectual property, subject to the exceptions already provided in, respectively, the Paris Convention (1967), the Berne Convention (1971), the Rome Convention or the Treaty on Intellectual Property in Respect of Integrated Circuits. In respect of performers, producers of phonograms and broadcasting organizations, this obligation only applies in respect of the rights provided under this Agreement. Any Member availing itself of the possibilities provided in Article 6 of the Berne Convention (1971) or paragraph 1(b) of Article 16 of the Rome Convention shall make a notification as foreseen in those provisions to the Council for TRIPS.*

*2. Members may avail themselves of the exceptions permitted under paragraph 1 in relation to judicial and administrative procedures, including the designation of an address for service or the appointment of an agent within the jurisdiction of a Member, only where such exceptions are necessary to secure compliance with laws and regulations which are not inconsistent with the provisions of this Agreement and where such practices are not applied in a manner which would constitute a disguised restriction on trade.”*

It was in compliance with the TRIPS agreement that the Indian Parliament from the year 1999 to 1995 framed major new laws or amended the existing laws pertaining to Intellectual Properties.

### **Traditional Knowledge Digital Library (TKDL)**

Being one of the oldest civilisation Bharat has tons of traditional knowledge. Time and again ayurveda has proven itself to be a life saver in many of those diseases for which the modern medicine doesn't have any cure. But the hard fact which we have to digest is that being so traditionally rich we the people of Bharat never valued the same and maximum of that was lost to the foreign people.

With the aim to prevent Traditional knowledge of Bharat from being lost, Indian government in the year 2001 commissioned a project which was a collaboration between Council for Scientific and Industrial Research

(CSIR) and then Ministry of Health and Family Welfare (India), known as Traditional Knowledge Digital Library (TKDL).

This TKDL is the only digital library in the world and was setup especially for medicinal plants and formulations used in Indian System of medicine.

Tracing back to its origin, TKDL was a result of the famous Haldi case in USA, wherein the USPTO granted patent to the medicinal and curative properties of Haldi i.e. "Use Of Turmeric In Wound Healing". This was opposed by the Indian Government in the year 1996 and was finally revoked by the USPTO.

As of now, TKDL database contains more than 1250 formulations selected from various classical texts of Indian Systems of Medicine such as Ayurveda, Unani, Siddha and Sowa Rigpa, more than 1500 asanas, ancients texts and epics like Mahabharata and Bhagwat Geeta.

Access to TKDL has been given to fifteen different patent offices with around 271 patent applications based on Indian Traditional Knowledge either being set aside or withdrawn across the globe.

Presently TKDL is being passed over to Ministry of Ayush.

**National Intellectual Property Rights Policy, 2016 : "Creative India; Innovative India"**

Bharat witnessed a major The Government since 2014 has been extremely aggressive in liberalising laws and bringing in foreign investments while also tapping home grown entrepreneurs and startups, but the same cannot be achieved until and unless we provide adequate Intellectual Property infrastructure to the industries.

In order to facilitate this, the Indian government in the year of 2016 came up with National Intellectual Property Right Policy. This was the first of its kind policy for India, covering all the IP laws of the nation. It encompasses and brings to a single platform all IPRs, taking into account all inter-linkages and thus aims to create and exploit synergies between all forms of intellectual property (IP), concerned statutes and agencies.

The major highlight of 2016 policy is the establishment of Department of Industrial Policy & Promotion (DIPP) as the nodal department for future development of the IPR policies in India. In addition to this DIPP introduced setting up of DIPP chairs in different universities for promotion of student entrepreneurship and development of IPR in India. Various incentives as well as schemes have been announced by the government to promote IPR

Awareness through CIPAM (Cell for IPR Awareness and Promotion) as well as setting up IP Facilitation centres across India has enabled young entrepreneurs to seek benefit of the same. For instance, if a startup or an educational institution wishes to get its Intellectual Property protected then it can avail a discount of upto 80% for Patents and 50 % for Trademarks.

All these schemes led to the rapid growth of IPR filings in India thereby increasing the share of contribution of IP based industry in Indian economy.

This can be assessed by the annual report 2020-2021 issued by the Indian IP office wherein, 2016 – 2017 the total number of IP applications filed in India were 3,50,467 while in 2020-2021 this number went up to 5,28,471, a growth of more than 50%.

At the same time during the same period India witnessed a growth of around 14% in the grants.

### **Abolishment of IPAB**

A major step taken by the Government in reforming the IPR laws of India was the abolishment of the IPAB(Intellectual Property Appellate Board).

IPAB was established with the aim of reducing the burden of the Courts and for hearing the appeals from the decision of the controller or the Registrar. But the hard fact is the IPAB was plagued by long quees of files and lack of trained presiding officers for speedy adjudication of the dispute. This resulted in swindling of the trust of investors and industrialists on India's IP framework.

In order to overcome this, the government came up with Tribunal Reforms Ordinance, 2021 to finally put curtains over IPAB and transfer all the pending matters to the respective High Courts. As a result High Courts of different states have started establishing specialised benches for adjudicating over the IPR. This has been led by Delhi High Court which became the first High Court of the nation to establish Intellectual Property Division (IPD) by designating three courts dedicated specially to IP related matters. Similarly other High Courts are expected to soon come up with their own IPDs for speedy disposal of all pending matters which shall finally bring in more confidence among Industrialists.

Over the years Indian Laws related to Intellectual Properties have developed themselves to a great extent and at present are in line with their Global counterpart. The effects of the same have already started reflecting in the growth of the economy and confidence of the stakeholders.

# Historical Development & Reforms of Juvenile Justice System in India

Mr. Supriy Tiwari, Advocate

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**T**here can be no keener revelation of a society's soul than the way in which it treats its children.

"In Our country children are considered as a gift from the heaven and if the child is a male then nothing could be more soothing for the family and from the very beginning the children are exempted from severe punishment for any wrong committed on their part irrespective of the gravity of the act".

## In Manu Smriti:

पिताचार्यः सुहन्माताभार्यापुत्रः पुरोहितः । नादण्डयोनामरोज्ञस्ति यः स्वधर्मे न तिष्ठति ।<sup>1</sup>

In this verse Manu made general observation that whoever commits a crime must be punished. Whether father, mother, son priest, mother, wife.

The word juvenile derived from the Latin term "juvenii" which means young person who is not yet an adult. In the 18th century, many developed counties like the United Kingdom, United States of America started the movement for the special treatment of juvenile offenders. Earlier juvenile offenders were treated as an Adult criminal offender. Pope Clement XI was the one first who introduced the idea of "instruction of profligate youth in institutional treatment". The effort to have special courts for juvenile offenders was started for the first time in 1847 in United States of America, And the juvenile courts were established for the first time in 1899 by the state of USA called ILLINIOS

In ancient India, juvenile crimes have not been studied for want of sources. However, Kautilya in his Arthashastra gives some information about this. Property of children who were under-aged was handed over to trustees. For minor crimes, children were not punished but were warned and let off. In some cases, parents were punished because they were not looking after children and advising them properly. Kautilya also says that parents were at fault and had no moral right to advice their children.<sup>2</sup>

Later In India, different treatment for juvenile offenders can be traced from the code of Hammurabi in 1790 BC,

the obligation regarding their supervision of child being vested on the family. In British Era, The First centre for those children is called "Ragged school" and was established by Lord Cornwallis in 1843. Basically, the Apprentices Act was the first law which deals with children between the Age of 10-18 convicted in courts. In 1876, Reformatory School Act was Established which later modified in 1897 to deal with juvenile delinquents. The Act states that sentencing court could order juveniles in such institution but after attaining the age of 18 years they would not be kept in Reformatory schools. The juvenile offenders were also given special treatment under the act of criminal procedure, 1898.

In India, till 1960 almost every state had its separate laws for juveniles in which they had their own definitions, procedural, requirements and so much their implementation also varied. After a long period of independence, the Union Government enacts The Children Act, 1960. The main objective of the juvenile justice act was to bring the domestic law in conformity with the United Nation convention on the rights of child 1989.

The most important post-independence legislation for a juvenile i.e. The Juvenile Justice [care and protection of children] Act, 2000. The Act, was passed in December 2000. The Act, 2000 and came into force in April 2001. The Ages for each gender was made uniform under this act. The Act, 2000 for the first time was Amended in the year 2006 and again Amended in 2015.

The Juvenile Justice [Care and Protection of Children] Act, 2015 was came into force from 15<sup>th</sup> January 2016. The Act received the Assent of president on the 31<sup>st</sup> December, 2015. The main Objects behind this Act, 2015 for the following-

1. Articles 15(3), 39(e), 45 and 47<sup>3</sup> of the Constitution of India confer powers and impose duties on the state to ensure that all the needs of the children and met their basic rights are fully protected.

<sup>1</sup> (MANUSMIRITI)

<sup>2</sup> (<https://starofmysore.com/category/columns/down-the-memory-lane/>, n.d.)

<sup>3</sup> INDIAN CONST.

2. An Act to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by caring by catering to their basic needs through proper care , protection, development, treatment, social re- integration, by adopting a child- friendly approach in the adjudication and disposal of matters in the best interest of children for their rehabilitation through process provided, and institutions and bodies established, hereinunder and for matters connected therewith or incidental thereto.

According to the report of the National crime record bureau (NCRB)<sup>4</sup>, Across the country, a total of 31170 cases were registered against the juveniles in 2021, showing a 4.7% increase over 2020, when the no. of cases was 29,768. A majority of them 76.8% or 28,539 in absolute terms- were in the 16-18 age group. Crime rate among juveniles had also gone up from 6.7% to 7.0" %. The 2011 population census put the child population of the country at 444.5 lakhs. Which means according to the latest NCRB<sup>5</sup> Report, seven out of 100 juveniles in the country were involved in some criminal Activity. In all, 37,444 juveniles were apprehended. Of these 32,654 were taken in under sections of the Indian penal code, and 4790 under state and local laws.

The need for a new juvenile justice system was more in demand especially after the Mukesh and ors. vs State of NCT Of Delhi and ors<sup>6</sup> .(3)( also known as Nirbhaya case), a 23 year girl was gang rape and brutally assaulted in a moving bus in South Delhi by six people and one of them was juvenile. Then in 2015, The Indian government repealed the Juvenile justice (care and protection) Act of 2015.in this Act, there should be a deal with these children i.e., juvenile justice board, (JJB) and Child Welfare Committees (CWCS). These Bodies should be set up in each District:

1. There should be a trained judges in the juvenile Courts, who can recognise the educational, social, and treatment needs of the children in crisis.

2. The institutions should ensure proper functioning, availability of qualified staff mental health professionals, and conformity with the provision of the law in force should be done

3. They should also provide orientation courses, seminars, webinars and the awareness program should be

organised about psychological and socio-cultural determinants.

4. They should have knowledge about the child psychological and biological needs of children in need of care and protection children in conflict with the law.

The juvenile justice system in India is based on the Maxims ‘nil Novi spectrum’ which suggests that nothing is new on the earth. In Ancient period, there was a system that deals juveniles leniently. That says that young people have propensity to react in a serious and delayed frustration which goes with aggressive approach.

It's very important for us as a society to remember that the youth within the juvenile system, are most of the time, youths who simply haven't the right mentors and supporters around them because of circumstances beyond their control.” Although the increasing rates in crimes of the juveniles is a very concerning issue.

There is a huge difference between when children perform any crime their mental state and when an adult commits any crime.

In the case of Sampurna Behrua vs Union of India<sup>7</sup>, the honourable court issued a direction to be complied with by the high courts for the effective implementation of the juvenile justice (care and protection of children) bill, 2015.

However, every nation has juvenile justice Act, an they likely had amended in to make it more specific and more modern yet they should have properly implemented it. Society must also support the government to decrease the juvenile crime.

### **Reasons behind juvenile crimes in India**

No one is born with the potential to be a criminal. Circumstances have shaped them into who they are. The socio-cultural environment, both within and outside of one’s household, has a big influence on one’s life and general personality. The causes of juvenile crimes, according to Healy and Bronner, are bad company, adolescent instability and impulses, early sex experience, mental conflicts, extreme social suggestibility, love of adventure, motion picture, school dissatisfaction, poor recreation, street life, vocational dissatisfaction, sudden impulse, and physical conditions of various kinds. However, in India, it is poverty and the impact of the media, particularly social media, that encourages youths to engage in illegal activity. Poverty is one of the leading factors of a child’s involvement in criminal activity.

<sup>4</sup> (<https://ncrb.gov.in/>, n.d.)

<sup>5</sup> National crime record bureau

<sup>6</sup> (<https://indiankanoon.org/doc/68696327/>, n.d.)

<sup>7</sup>Sampurna Behura v. UOI & Ors (2018)

Also, the current function of social media, which has a more destructive impact on young brains.

Socio-economic reasons<sup>8</sup>

### **Broken homes:**

According to recent data 13.3 percent of the 140 juveniles came from broken households. Death of one or both parents, chronic sickness or insanity, desertion, or divorce can all break up a family. Interaction at home is a critical component of a child's socialisation.

### **Poverty:**

A substantial percentage of delinquent youngsters originate from low-income families. They perpetuate their crimes as gang members. According to Uday Shankar's research, 83 percent of youngsters originate from low-income homes. Poverty forces both parents to work outside the home for lengthy periods of time in order to earn their daily bread. There will be no one to look after the children. Such youngsters may join up with gangsters, either knowingly or unconsciously, and become criminals.

### **Friends and companions:**

As the child grows older, he/she ventures out into the neighbourhood and joins a playgroup or peer group. He/she will very certainly become a delinquent if he/she joins a group or gang that supports delinquent tendencies. Adolescents also commit crimes as a result of poor friendships. According to studies, delinquent behaviours are committed in groups. Shaw examined 6000 youths involved in criminality in his Illinois Crime Survey of 1928. In 90% of the instances, he discovered that two or more youths were involved in the crime<sup>9</sup>.

### **Beggary:**

Juvenile misbehaviour is frequently caused by beggars. The majority of child beggars originate from either very impoverished backgrounds or shattered homes. These youngsters are robbed of their parents' much-needed love and attention. They realise that the only way to satisfy their wants and meet their requirements is to engage in deviant behaviour. As a result, they become delinquents.

### **Psychological reasons**

#### **Mental illness:**

According to certain criminologists, there is a strong link between mental illness and crime. Some studies have looked at teenage patients and discovered that they had a variety of mental illnesses. Treatment, not punishment, is required for a youngster. Psychopathic personality,

according to some mental therapists, is the root of juvenile crime in India. A psychopathic child is born into a home where love control and affection are completely absent.<sup>10</sup>

### **Personality traits:**

Personality qualities and a criminal proclivity have also been proven to have a strong link. Personality is a means for a person to adapt to their circumstances. In this adaptation, criminal youngsters engage in criminal actions.

### **Individualized emotional issues:**

Mental health issues and emotional maladjustment are significant contributors to juvenile crimes. Delinquent youngsters may suffer from feelings of inadequacy and jealousy. "Delinquency is a revolt and an expression of aggressiveness aimed at damaging, breaking down, or altering the environment," according to a psychological perspective. This revolt is mostly motivated by societal situations that limit an individual's basic rights and the fulfilment of their basic necessities. As a result, delinquents are not born delinquents, rather, they become delinquents as a result of societal conditions and personal flaws.

Need for sensitive handling of the juvenile crime challenge

Currently, a great number of individuals in society are demanding that adolescents between the ages of 16 and 18 be considered as adults in cases where they have been convicted of horrific crimes such as rape, gang rape, murder, dacoity, and so on. The reason for the aforementioned consideration is that in numerous recent events, minors in the 16-18 age bracket have been proven to be participating in severe crimes, and they are doing so with full knowledge and maturity. Because of the effect of the internet and social media, children's maturity levels have not remained the same as they were 10-20 years ago. A child's mental maturity comes early in today's socio-cultural milieu.

The most essential thing parents can do to preserve their children's development is to provide a protective and caring atmosphere in their homes. Several theorists have emphasised the relevance of protective elements in the family and their good influence on child development and well-being. When it comes to the law-holders and state actors to curb the accelerating graph of juvenile crimes in India, they should be sensitive, careful and friendly with the juvenile delinquent. Their approach should be a reformative one instead of deterrence, to bring in welfare in the society.

<sup>8</sup>John T Whitehead, "JUVINILE JUSTICE : AN INTRODUCTION, 1999

<sup>9</sup> (<https://blog.ipleaders.in/all-about-juvenile-justice-act/>, n.d.)

<sup>10</sup> Steven M. Cox, Jennifer M. Allen, Robert D. Hanser, John J. Conrad "Juvenile Justice: A Guide to Theory, Policy, and Practice, 02-Dec-2013

# अंतर्राष्ट्रीय महिला दिवस कार्यक्रम

## Adhivakta Parishad Jammu and Kashmir



Adhivakta Parishad Jammu and Kashmir celebrated International Women's Day on 15-03-2023 at Ladies Bar Room, District Court Complex, Janipur, Jammu. It was attended by a large number of women advocates.

-रोहन नन्दा, महामंत्री



जिला भिवानी की महिला न्यायिक अधिकारी भी शामिल हुई जो इस कार्यक्रम की कुछ झलकियां के छायाचित्र प्रेषित हैं।

## हिसार

अधिवक्ता परिषद हिसार ने अंतर्राष्ट्रीय महिला दिवस के उपलक्ष्य में दिनांक 16 मार्च 2023, वीरवार को मिनी कान्फ्रेंस हॉल, हिसार में कार्यक्रम का आयोजन किया। हिसार इकाई की महिला प्रमुख श्रीमती रीटा नागपाल जी ने इस कार्यक्रम की अध्यक्षता की। हरियाणा अधिवक्ता परिषद हरियाणा की महिला प्रमुख श्रीमती मीनू शर्मा, उपाध्यक्ष श्री राजेश जैन, अधिवक्ता परिषद हिसार के सभी पदाधिकारी व हिसार बार के पदाधिकारियों की भी गरिमामय उपस्थिति रही। इस अवसर पर महिला सशक्तिकरण व महिला अधिवक्ताओं के उत्थान के लिए करणीय कार्यों की चर्चा की और वक्ता श्रीमती भावना व श्रीमती रेखा मित्तल कथूरिया ने अपने विचार रखे।

एक विचारणीय बात जो इस कार्यक्रम की रही की क्या महिला अधिवक्ताओं को भी मेटरनिटी लीब मिलनी चाहिए और किस तरह मिलनी चाहिए तथा कोई इंश्योरेंस भी होना चाहिए जो उनके इस समय में काम आए। कुल अधिवक्ताओं की संख्या लगभग 50 रही।

## यमुनानगर

दिनांक 16/03/2023 को अधिवक्ता परिषद हरियाणा की यमुनानगर इकाई द्वारा अंतर्राष्ट्रीय महिला दिवस का आयोजन किया गया जिसमें महिला अधिवक्तागण ने बढ़ चढ़ कर भाग लिया। अधिवक्ता रजनीश ने महिला सशक्तिकरण के विषय में बताया। रमा अधिवक्ता ने भारतीय महिलाओं की उपलब्धियों पर प्रकाश डाला। अधिवक्ता अमिता ने भारत की राष्ट्रपति महामहिम द्वोपदी मुमू जी के बारे विस्तृत जानकारी दी।

इसके अतिरिक्त अधिवक्ता आस्था, पूनम व शशि ने कविता के माध्यम से महिलाओं के जीवन का चित्रण किया। कार्यक्रम के अंत

## Adhivakta Parishad Punjab



Adhivakta Parishad Punjab organised a seminar on International Women Day in the bar room of District Ferozpur on the topic Women Empowerment and Roll Of Women In The Justice Delivery System. This seminar was presided by Professor Vinay Kapoor Mehra Ji and Shri Shirihar Borikar Ji, Shri Baldev Raj Mahajan Ji and Shri Ranbir Kharhkali Ji and all the Punjab state executive and District units were present there.

-अखिलेष व्यास, महामंत्री

## अधिवक्ता परिषद हरियाणा

### भिवानी

6 मार्च 2023 को जिला इकाई भिवानी की महिला सदस्यों द्वारा जिला बार एसोसिएशन भिवानी की महिला अधिवक्ता के साथ मिलकर महिला दिवस का कार्यक्रम आयोजित किया गया जिसमें

## अधिवक्ता परिषद दिल्ली

### तीस हजारी कोर्ट

दिनांक 01.03.2023 को तीस हजारी कोर्ट यूनिट, दिल्ली द्वारा अंतर्राष्ट्रीय महिला दिवस मनाया गया। जिसमे मुख्य अधिकारी माननीय न्यायमूर्ति संगीता ढीगरा सहगल (वर्तमान अध्यक्ष स्टेट कमीशन दिल्ली), माननीय सदस्य स्टेट कमीशन श्रीमती बिमला कुमारी जी, माननीय श्रीमती पिकी जी एवम माननीय जिला एवम



सत्र न्यायाधीश श्री गिरीश कठपालिया जी की गरिमामयपूर्ण उपस्थिति रही और विषय जेंडर इक्वालिटी पर अपने विचार व्यक्त किए और मार्गदर्शन किया। इस कार्यक्रम में रा ट्रीय अधिकारियों, प्रांत अधिकारियों, बार अधिकारियों ने सभी का मार्गदर्शन किया वा कार्यकर्ताओं का उत्साहवर्धन किया। इस कार्यक्रम में लगभग 200 अधिवक्ताओं ने भाग लिया और अंत में माननीय श्री डी भरत जी (राष्ट्रीय महामंत्री, अखिल भारतीय अधिवक्ता परिषद) का स्नेह, आशीर्वाद एवम मार्गदर्शन प्राप्त हुआ।

### पटियाला हाउस कोर्ट

अधिवक्ता परिषद का अंतर्राष्ट्रीय महिला दिवस पर महिला कानूनी व जागरूकता शिविर अंतर्राष्ट्रीय महिला दिवस पर अधिवक्ता परिषद, दिल्ली महिला कानूनी सहायता शिविर

अखिल भारतीय अधिवक्ता परिषद (पटियाला हाउस यूनिट) ने अंतर्राष्ट्रीय महिला दिवस पर महिला कानूनी व जागरूकता शिविर का आयोजन (प्रसेस पार्क, सांगली मेस इंडिया गेट पर सोमवार को आयोजित किया। महिला प्रमुख कल्पना जी के नेतृत्व में आयोजित किया। अधिवक्ताओं ने कानूनी रूप से उन महिलाओं को खासतौर पर बारीकी बता जिन्हें अभी भी अपने अधिकार और कर्तव्य की जानकारी बहुत कम है। उन्हें आमलों से संबंधित समस्याओं का उचित कानूनी सलाह देकर समाधान भी किया गया। इन समस्याओं में मुख्यरूप से राशन वालों द्वारा राशन चोरी, मोबाइल से घोखाधड़ी व पिता का नाम ना होने की वजह से महिला का आधार नहीं बन पाना जैसे क समस्याओं पर उचित समाधान कानूनी सलाह देकर किया गया। अंत में बस्ती की महिलाओं के साथ तिलक चंदन लगाकर होली उत्सव भी मनाया गया।



मेरे एक प्रश्नोत्तर का आयोजन किया गया जो बहुत ही ज्ञानवर्धक व रोचक था।

-चन्द्रपाल सिंह चौहान, महामंत्री

### अधिवक्ता परिषद हिमाचल प्रदेश

हिमाचल अधिवक्ता परिषद की बिलासपुर इकाई के सौजन्य से 7 मार्च को न्यायीक परिसर घुमारवां में महिला दिवस मनाया गया। इस कार्यक्रम की अध्यक्षता सिविल जज परवीन खड़वाल ने की। उन्होंने उपस्थित महिलाओं को संबोधित करते हुए कहा कि आज महिलाएं हर क्षेत्र में आगे ही और समाज निर्माण में उनकी अहम भूमिका है। उन्होंने महिलाओं को उनके अधिकारों के बारे में जागरूक किया। इस अवसर पर अधिवक्ता परिषद की राष्ट्रीय कार्यकारिणी सदस्य रिंकू कॉल ने अधिवक्ता परिषद के उद्देश्य व स्थापना के बारे में बताया तथा महिला सशक्तिकरण के बारे में बताया। अधिवक्ता परिषद की बिलासपुर इकाई की महिला प्रमुख सर्वमंगला गर्ग ने उपस्थित महिलाओं का स्वागत किया। इस कार्यक्रम का संचालन अधिवक्ता निधि रत्न ने किया तथा इस अवसर पर महिलाओं को सम्मानित किया गया। अधिवक्ता दीप्ति शर्मा ने उपस्थित महिलाओं का धन्यवाद किया तथा परिवार व समाज निर्माण में अपनी सकारात्मक भुमिका निभाने का आह्वान किया।

### हमीरपुर



अधिवक्ता परिषद हिमाचल प्रदेश की हमीरपुर इकाई ने आज न्यायीक परिसर हमीरपुर में अंतर्राष्ट्रीय महिला दिवस मनाया गया जिसमे प्रान्तीय महिला अधिवक्ता सम्मेलन, राज्यभर से महिला अधिवक्ता शामिल हुई।

-अमित सिंह चंदेल, महामंत्री



Glimpses of Adhivakta Parishad, Delhi's (Patiala House Court Unit) event to celebrate 75 years of 'Women Empowerment' on March 15, 2023 (Wednesday) on the occasion of International Women's Day.



### अधिवक्ता परिषद कड़कड़ूमा कोर्ट

दिनांक 15.03.2023 को अधिवक्ता परिषद कड़कड़ूमा कोर्ट इकाई द्वारा 'महिला दिवस' कार्यक्रम का आयोजन हुआ। इस कार्यक्रम का शुभारंभ अपहरण 3:30 बजे एक भव्य कार्यक्रम से हुआ।

इस कार्यक्रम में श्रीमती शैल जैनजी, जिला सत्र न्यायाधीश, शाहदरा जिला, श्रीमती सरिता बीरबल, प्रधान न्यायाधीश, पारिवारिक न्यायालय, शाहदरा जिला, श्रीमती किरण बंसल, सत्र न्यायाधीश, श्रीमती मोनिका अरोरा, अधिवक्ता, सर्वोच्च न्यायालय, श्रीमान श्रीहरि बोरिकर, संगठन मंत्री, उत्तर क्षेत्र, अखिल भारतीय अधिवक्ता परिषद, श्रीमान जीतेक विक्रम श्रीवास्तव, अध्यक्ष, अधिवक्ता परिषद दिल्ली प्रांत एवं श्रीमान जितेंद्र त्रिपाठी एवं श्रीमान रणवीर सिंह, राष्ट्रीय कार्यकारिणी सदस्य, अधिवक्ता परिषद की गरिमापूर्ण उपस्थिति ने कार्यक्रम की शोभा बढ़ा। श्रीमती सरस्वती भारद्वाज एवं श्रीमती सीमा ग्रोवर जी ने कार्यक्रम की प्रस्तावना रखी।

श्रीमती शैल जैन जी के ओजस्वी वचनों ने वहां बैठे प्रत्येक व्यक्ति के मन में यह भाव स्थापित कर दिया कि महिलाओं का योगदान भारत को सर्वोच्च स्थान पर ले जाने के लिए अति आवश्यक है। आज भारत के प्रत्येक जन के लिए न्याय व्यवस्था को सुनिकित करने के इस पुनीत कार्य को करने हेतु, महिलाओं का योगदान अति विशिष्ट है। आज हम उस स्थिति को अपने विचार और व्यवहार से प्राप्त करने में कार्यरत हैं। श्रीमती सरिता बीरबल जी ने अपने उद्बोधन का प्रारंभ मनुसृति के श्लोक की पंक्ति के साथ किया और कहा यत्र नार्यस्तु पूज्यन्ते, रमन्ते तत्र देवता। उन्होंने अनेकों

उदाहरण देकर बताया कि किस प्रकार भारत में महिलाओं के योगदान से भारत आज परम वैभव की ओर अग्रसर है। महिलाओं का भारत की प्रगति में एक अभूतपूर्व योगदान है।

श्रीमती मोनिका अरोरा जी ने अपने ओजस्वी वाणी से भारत की प्राचीन परंपरा एवं इतिहास से लेकर आज के संदर्भ में महिलाओं के योगदान का शब्द चित्र खींच दिया। उन्होंने अनेकों उदाहरणों द्वारा भारतीय समाज में महिलाओं की विशिष्टता, समाज में महिलाओं का स्थान, महिलाओं की वीरता, उनके शौर्य एवं ज्ञान को सभी के समक्ष रखा। सभी श्रोता मंत्रमुग्ध होकर उनकी ओजस्वी वाणी के एक एक शब्द से रोमांच, प्रेरणा और संकल्प के भावों से ओत प्रोत हो गए।

श्रीमान श्रीहरि बोरिकर जी ने महिला दिवस को एक उत्सव के रूप में मनाने का प्रस्ताव रखा। उन्होंने महिलाओं के राष्ट्र निर्माण में योगदान की सुंदर व्याख्या की। उन्होंने न्याय व्यवस्था में अधिक से अधिक महिलाओं की सहभागिता को सुनिश्चित करने लिए उपयोगी कार्य करने हेतु सभी का मार्गदर्शन किया।

श्रीमान ललित नारायण जी ने अंत में सभी का धन्यवाद कर कार्यक्रम का समापन किया। अंत में जलपान ग्रहण करने के पश्चात सभी अपने मन में सभाव चित्रों सहित एक सुखद अनुभव संजों कर अपने अपने गंतव्य की ओर अग्रसर हुए। इस कार्यक्रम में लगभग सौ महानुभावों ने भाग लिया।

### Saket Court Unit Delhi



-Jivesh Tiwari, General Secretary

### **Adhivakta Parishad Supreme Court Unit Celebrates International Women's Day**

Adhivakta Parishad Supreme Court Unit organized a programme on the occasion of International Women's Day on March 21, 2023 at the auditorium of Indian Society of International Law (ISIL), New Delhi. The central theme of the event was "Embracing Equity in Justice Delivery System- Way Ahead". The Chief Guest for the event was Hon'ble Ms. Justice Hima Kohil, and Hon'ble Mrs. Justice B. V. Nagarathna was the Guest of Honour.

The programme started with the recitation of Vande Mataram followed by the felicitation of the women staff working in various departments of Supreme Court of India by the Chief Guest Hon'ble Ms. Justice Hima Kohli. It was followed by the welcome address by Shri S. N. Bhat, Senior Advocate, Supreme Court of India.

The Chief Guest Hon'ble Ms. Justice Hima Kohli, Judge, Supreme Court of India while delivering keynote address on the topic ‘Embracing Equity in Justice Delivery System-Way Ahead” during the celebration of International Women’s Day by Adhivakta Parishad, Supreme Court unit stressed upon the need to move from equality to equity to empower women. She said, “Equity is not just a buzz word or a slogan. It is the very foundation on which the edifice of true equality is built. Without equity, equality will remain a pipe dream. “Justice Kohli said that the Indian judiciary has played a pivotal role in promoting equity in the justice delivery system.

Justice B. V. Nagarathna, who couldn't be physically present in the event, sent her speech which was read out to the audience. Her speech emphasized up on the need to have more women representation in the legal profession and the judiciary. She said, “I stress on the importance of altering the demographics of the judiciary, whether the district or the higher judiciary, to include more women judges.... The presence of women in the judiciary serves as a catalyst for the development of strong, independent, accessible and gender-sensitive judicial institutions; more broadly, the achievement of gender justice with in society. I would also like to state that representation for women in the Judiciary is not the only need of the hour.”

The programme, which was attended by over 400 lawyers, senior advocates, academicians, judicial officers and law students, ended with the vote of thanks proposed by the organizers and the national anthem.

-Nachiketa Joshi, General Secretary

### अधिवक्ता परिषद चित्तौड़गढ़ प्रांत



अधिवक्ता परिषद चित्तौड़गढ़ प्रांत द्वारा महिला दिवस पर आयोजित न्यायिक महिला अधिकारी गण एवं महिला अधिवक्ताओं

का सम्मान समारोह नरेश शर्मा जिला संयोजक अधिवक्ता परिषद चित्तौड़गढ़।

### अधिवक्ता परिषद जयपुर प्रान्त, टोंक

अधिवक्ता परिषद टोंक, जयपुर प्रान्त द्वारा अंतर्राष्ट्रीय महिला दिवस न्यायालय परिसर में मनाया गया। कार्यक्रम में मुख्य अतिथि एसीजीएम न्यायाधीश समीक्षा गौतम, पॉस्को न्यायाधीश नुसरत बानो, एमएसीटी न्यायाधीश रंजना सरफाफ, एडीआर न्यायाधीश रुबीना अंसार रही। उन्होंने कहा कि अधिवक्ता परिषद द्वारा महिला दिवस पर ऐसा



आयोजन एक सराहनीय कार्य है। इससे समाज में अच्छा संदेश जाएगा। जिसे महिलाओं के प्रति सम्मान का भाव बढ़ेगा।

उन्होंने कहा कि यत्र पूज्यते नारी तत्र रमते देवता। अर्थात् जहां नारी की पूजा होती है वहां देवताओं का निवास होता है। नारी का सम्मान कर ही किसी सृष्टि की संरचना की जा सकती है। नारी के बिना समाज अधूरा माना गया है।

उन्होंने कहा कि महिला एक माँ भी होती है। महिला एक बहिन भी होती है। महिला एक पत्नी भी होती है। महिला एक बेटी भी होती है। महिला सभी रिश्तों को साथ लेकर चलती है। महिला समाज व परिवार में रीढ़ की हड्डी होती है। महिला के साथ पुरुष को कंधे से कंधा मिलाकर चलना चाहिए, जिससे परिवार, समाज व देश तरक्की की ओर स्वाभिमान से आगे बढ़ सकता है। अधिवक्ता परिषद के प्रांतीय मंत्री अशोक कासलीवाल ने अधिवक्ता परिषद के कार्यक्रम व उसके उद्देश्य के बारे में बताया।

### अधिवक्ता परिषद राजस्थान जयपुर प्रान्त

अंतर्राष्ट्रीय महिला दिवस का कार्यक्रम अधिवक्ता परिषद राजस्थान जयपुर प्रान्त जिला न्यायालय इकाई द्वारा आयोजित



17 मार्च को दी डिस्ट्रिक्ट बार एसोसिएशन में हुआ। कार्यक्रम की मुख्य अतिथि नंदिनी व्यास जिला एवं सत्र न्यायाधीश जयपुर महानगर प्रथम ने कहा कि महिला के सशक्तिकरण से समाज में बदलाव लाया जा सकता है। कार्यक्रम की मुख्य वक्ता वंदिता राणा डीसीपी पश्चिम जयपुर ने बताया कि महिलाओं को समाज में अधिकार दिए जाने से ही समाज को सशक्त किया जा सकता है। महिलाएं जब तक आर्थिक रूप से संपन्न नहीं होगी जब तक वह सशक्त नहीं होगी।

कार्यक्रम की अध्यक्षता प्रभा अग्रवाल ने की। एवं संगठनात्मक गतिविधियों का परिचय ज्योति सैनी ने दिया एवं राष्ट्रीय अधिवेशन में पारित प्रस्तावों के बारे में श्रुति पारीक ने बताया एवं कार्यक्रम की स्मृति स्वरूप स्मृति चिन्ह भेट किया गया जिला न्यायालय इकाई की ओर से मनीषा सैनी ने कार्यक्रम में उपस्थित अधिवक्ताओं का धन्यवाद ज्ञापित किया।

### अधिवक्ता परिषद राजस्थान उच्च न्यायालय इकाई जयपुर द्वारा आयोजित अंतरराष्ट्रीय महिला दिवस पर विचार मंथन गोष्ठी

अधिवक्ता परिषद राजस्थान उच्च न्यायालय इकाई जयपुर द्वारा आयोजित अंतरराष्ट्रीय महिला दिवस पर विचार मंथन गोष्ठी का आयोजित 17 मार्च 2023 को राजस्थान उच्च न्यायालय की - लाइब्रेरी में रखा गया इस कार्यक्रम में मुख्य अतिथि के रूप में माननीय न्यायमूर्ति श्रीमति शुभा मेहता न्यायाधिपति राजस्थान हाईकोर्ट ने गोष्ठी का विषय- कानून एवं न्याय के क्षेत्र में महिलाओं का समान प्रतिनिधित्व Equal representation of women in field of law and justice पर अपना विचार रखते हुए कहा कि महिलाएं बहुआयामी व्यक्तित्व वाली होती हैं। उनकी क्षमताएं असीमित हैं इसलिए उन्हें हर क्षेत्र में समान प्रतिनिधित्व का अधिकार है। विशेष रूप से कानून एवं न्याय के क्षेत्र में चाहे वकालत हो या न्यायाधीश हो यह असमानता का रेशो सबसे अधिक है। इसी प्रकार विधि शिक्षा क्षेत्र में लड़कियों की रुचि बढ़ी है जो इस बात का प्रमाण है कि आने वाले दिनों में महिला की भागीदारी का बार व बैंच दोनों में होगी। कार्यक्रम में मुख्य वक्ता के रूप में श्रीमान जी. एस. गिल पूर्व अतिरिक्त महाधिवक्ता ने अपने विचार रखते हुए महिला सशक्तिकरण का भारत सशक्तिकरण को दिशा में महत्वपूर्ण कदम बताया उन्होंने कहा कि प्राचीन भारत में भी महिला हर क्षेत्र में पुरुषों के साथ कंधे से कंधा मिलाकर चलती थी, मध्य काल में महिलाओं की विदेशी आक्रांताओं के कारण दयनीय स्थिति हुई जो आजादी से पहले के समाज सुधारकों द्वारा सुधारा गया तथा स्वतंत्रता के बाद कानून के माध्यम से सुधारा गया। विषय पर विशिष्ट अतिथि डॉ संजुला थानवी अधिष्ठाता, विधि संकाय राजस्थान विश्वविद्यालय व सुश्री गायत्री राठौड़ वरिष्ठ अधिवक्ता ने भी अपने विचार रखे। कार्यक्रम

में बड़ी संख्या में महिला व पुरुष अधिवक्ताओं ने भाग लिया। वह जिला न्यायालय से वह प्रांत इका से भी बड़ी संख्या में अधिवक्ताओं ने सम्मिलित होकर कार्यक्रम को सफल बनाया। कार्यक्रम में मंच संचालन सोनिया शांडिल्य महिला प्रमुख व जयपुर की कार्यकारिणी के सानिध्य में संपन्न हुआ।

### अधिवक्ता परिषद जयपुर प्रान्त अलवर ईकाई

दिनांक 18-03-23 को अधिवक्ता परिषद अलवर, जयपुर प्रान्त की ओर से बार एसोसियेशन सभागार में “महिला दिवस” पर एक विचार गोष्ठी का आयोजन किया गया। कार्यक्रम की मुख्य अतिथि श्रीमती शिवानी सिंह विशेष न्यायाधीश, भ्रष्टाचार निवारण अधिनियम, मुख्य वक्ता श्रीमती मीना अवस्थी सचिव जिला विधिक सेवा प्राधिकरण तथा अध्यक्षता श्री हरेन्द्र सिंह जिला न्यायाधीश अलवर ने की। इसके अलावा कार्यक्रम में अपर सैशन न्यायाधीश रेणू श्रीवास्तव, पोस्को जज सोहनलाल शर्मा, मुख्य न्यायिक मजिस्ट्रेट बीनू नागपाल तथा सभी न्यायिक अधिकारी भी उपस्थित रहे। महिला अधिवक्ताओं सहित लगभग 150 अधिवक्ताओं की संख्या रही।

-जितेन्द्र सिंह राठौर, महामंत्री

### अधिवक्ता परिषद ब्रज प्रांत

#### एटा

अधिवक्ता परिषद ब्रज जिला इकाई एटा के तत्वाधान में अंतर्राष्ट्रीय महिला दिवस के अवसर पर महिला सम्मेलन का आयोजन सरस्वती डिग्री कॉलेज रेलवे रोड एटा पर किया गया इस कार्यक्रम का विषय था नारी सशक्तिकरण: वैधानिक उपचार एवं आवश्यक प्रयास इस कार्यक्रम में मुख्य अतिथि जवाहरलाल नेहरू डिग्री कॉलेज की पूर्व प्रधानाचार्य डॉ. सुनीता सक्सेना थी। कार्यक्रम में वक्ता गण डीजीसी क्रिमिनल श्री रेशपाल सिंह राठौर गरिमा शर्मा एडवोकेट जागृति चतुर्वेदी प्रबंधक वन स्टॉप सेंटर संध्या भारती अपर जिला शासकीय अधिवक्ता एवं पंकज उपाध्याय एडवोकेट थे।

गरिमा शर्मा एडवोकेट ने कॉलेज की सभी छात्राओं को विधि के विभिन्न प्रावधानों मुख्य रूप से घेरेलू हिंसा से संबंधित प्रावधानों के बारे में बताया और विधि की दृष्टि में इसके क्या क्या उपचार हैं और क्या क्या प्रयास सरकार द्वारा किए गए हैं इसके बारे में सभी छात्राओं को अवगत कराया।

डीजीसी क्रिमिनल श्री रेशपाल सिंह राठौर ने महिलाओं को सामान्य जीवन में आत्मसम्मान की जीवन हेतु आवश्यक विधिक जानकारी एवं सामाजिक व्यवहार के बारे में वर्णन किया।

जागृति चतुर्वेदी ने सभी को बताया कि कैसे महिलाएं 181 पर कॉल करके वन स्टॉप सेंटर की मदद से अपनी किसी भी समस्या से निदान एवं समाधान पा सकती हैं।

संध्या भारती एडवोकेट ने महिलाओं के वैधानिक अधिकार और विधि में दी गई उनकी व्यवस्थाओं के बारे में बताया। पंकज उपाध्याय एडवोकेट ने विधि में मौजूद सभी उपचारों के बारे में बताया तथा सभी को यह भी जानकारी दी कि कैसे वे दैनिक कठिनाइयों को वैधानिक उपचारों के माध्यम से समाप्त किया जा सकता है।

सह प्रांत बौद्धिक शिक्षण प्रमुख श्री सुभाष शर्मा एडवोकेट ने मनुस्मृति का वर्णन करते हुए नारी परिवेश के बारे में बताते हुए नारियों के अधिकार नारियों के दायित्व एवं एवं उनकी चेतना के बारे में विस्तृत रूप से वर्णन किया। तथा यत्र नारी अस्तु पूज्यंते रमंते तत्र देवता सभी के समक्ष बखान एवं गुणगान किया।



डॉ. सुनीता सक्सेना मुख्य अतिथि ने महिलाओं के बारे में विस्तार से वर्णन करते हुए उनके अधिकारों के साथ-साथ दायित्व का भी वर्णन किया तथा महिलाओं पर आधारित एक सुंदर कविता का भी गान किया।

कार्यक्रम का संचालन अधिवक्ता परिषद जनपद इकाई एटा के मंत्री हिमांशु कुलश्रेष्ठ एडवोकेट ने किया।

-राखी शर्मा, महामंत्री

### अधिवक्ता परिषद उत्तराखण्ड

#### देहरादून इकाई

महिला दिवस के अवसर पर विधि भवन हॉल, देहरादून में अधिवक्ता परिषद उत्तराखण्ड, देहरादून इकाई द्वारा स्वाध्याय मण्डल का आयोजित किया गया। जिसमें मुख्य वक्ता श्रीमती राधा रत्नांजलि जी (अपर मुख्य सचिव माननीय अध्यक्ष राजस्व परिषद उत्तराखण्ड, देहरादून) जी द्वारा महिलाओं की सशक्त भूमिका एवं कार्यस्थल पर उनसे जुड़े विभिन्न पहलुओं पर अधिवक्ताओं को संबोधित किया। उन्होंने बताया कि भारत का संविधान हम सभी को समानता का अधिकार देता है एवं महिलाओं को भी उसने उतने ही अधिकार दिए हैं लेकिन समाज में जो असामनता है उसके लिए सभी को मिलकर काम करना है। महिलाओं और बेटियों के साथ अन्याय पूरे समाज के साथ अन्याय है। उन्होंने स्कूल के सिलेबस में बदलाव को भी जरूरी बताया ताकि समाज की सोच में एक बदलाव आये। कार्यक्रम का संचालन अधिवक्ता लक्ष्मी गुंसाई द्वारा किया गया।

### Utrakhand (Haldwani)



Glimpses of Adhivakta Parishad, Uttarakhand, Haldwani Unit's celebration of International Women's Day.

-अनुज शर्मा, महामंत्री

### Adhivakta Parishad Gujarat Gir Somnath

Adhivakta Parishad, Gir Somnath district, Gujarat celebrated International Women's Day on 10.03.2023 at Sarasvati Vidyalaya, Veraval.



### ગુજરાત હાઈ કોર્ટ યૂનિટ

11 मार्च, 2023 को गुजरात हाई कोर्ट यूनिट ने आंतरराष्ट्रीय महिला दिवस का कार्यक्रम नारी विकास गृह में बनाया। नारी विकास गृह में कोर्ट या पुलिस द्वारा भेजी गई लड़कियों को रखा जाता है, जो कोई न कोई लीगल इश्यू के कारण उनको वहाँ भेजा जाता है, वह लड़कियों को महिला दिवस के दिन अधिवक्ता परिषद की महिला कार्यकर्ताओं द्वारा उनके लीगल इश्यू के निराकरण के लिए उनसे मिले और उन्हें लीगली सलाह सूचना दिया गया। 17 लड़कियाँ को वहाँ लीगली सलाह दी गई और उनके लीगल केस और उनके निराकरण के लिए 3 महिला पैनल बना कर रूबरू में उनकी सारी बातों को सुन कर उनको सही सलाह सूचन दिया गया।



हमारे इस कार्यक्रम में प्रांत के अधिकारी श्री अल्केश भाई शाह (प्रांत महामंत्री), पार्थिव भाई भट्ट, मुख्य अतिथि दीपक भाई जोशी (बीजेपी लीगल सेल कन्विनर एवं एडवोकेट) तथा अन्य कार्यकर्ता साथ रहे। आज हमने महिलाओं के लिए actual प्रॉब्लम को सोल्व करने की कोशिश की और वहाँ की महिला हमारे सलाह से प्रभावित हुई।

आज हमने ग्राउंड पर जाकर महिला दिवस के कार्यक्रम को महिलाओं के कल्याण उनके प्रॉब्लम को सोल्व किया है। वहाँ की महिलाओं को उनके डेली यूज के लिए हमारी और से लेडीज बैग दिये गये और वहाँ की महिलाओं को आश्वासन दिया के उनके सारे लीगल इश्यू के लिए गुजरात हाई कोर्ट यूनिट मुफ्त कानूनी सेवा प्राप्त करवाएगी। हमने आज एक छोटा सा ग्राउंड पर जाकर महिलाओं के लीगल इश्यू सोल्व करने का प्रयास किया है। महिला दिवस पर एसी दुखियारी महिला को लीगल सेवा देने का उत्तम प्रयास किया गया है।

-अल्केश एन शाह, महामंत्री

### **महाकौशल प्रांत, जबलपुर जिला इकाई**

अखिल भारतीय अधिवक्ता परिषद के जबलपुर जिला इकाई नर्मदा भाग में रामपुर, चौधरी मोहल्ला, सेवा बस्ती में महिला दिवस एवं प्रत्येक माह के प्रथम रविवार को आयोजित होने वाले न्याय केंद्र निशुल्क विधिक सलाह शिविर में महिला दिवस मनाया गया और

निशुल्क विधिक सलाह आम जनों को प्रदान की गई जिसमें विशेष रूप से महिला अधिवक्ता श्रीमती पूजा रजक एवं श्रीमती गीता यादव जी का महिला दिवस पर उद्बोधन रहा। शिविर में उपस्थित समस्त महिलाओं को पुष्प प्रदान कर स्वागत किया गया साथ ही साथ विशेष रूप से श्रीमती कमला अहिरवार जो कि जन्मांध दिव्यांग हैं एवं विशाल पटेल जो जन्म से ही मानसिक एवं शारीरिक रूप से दिव्यांग हैं उनका स्वागत किया गया और उनसे जुड़ी हुई एवं समस्त महिलाओं एवं उपस्थित नागरिकों की समस्याओं का अधिवक्ता परिषद जबलपुर इकाई के नर्मदा भाग में निशुल्क विधिक सलाह प्रदान की गई इसमें मुख्य रूप से नर्मदा भाग प्रमुख अधिवक्ता श्री प्रशांत बडोनिया, श्री रजनीश उपाध्याय जी एवं अधिवक्ता श्री कुंवर सिंह पटेल जी उपस्थित रहे जिसमें शंकर शाह नगर वार्ड के पार्षद श्री दिनेश जी का एवं उनके सहयोगी संजू अहिरवार एवं पपू भा साहब का विशेष सहयोग रहा।

### **जिला न्यायालय इकाई जबलपुर, गोहलपुर**

अधिवक्ता परिषद महाकौशल प्रांत की जिला न्यायालय इकाई जबलपुर द्वारा महिला दिवस कार्यक्रम का आयोजन गोहलपुर जबलपुर में किया गया कार्यक्रम में सर्वप्रथम समाजसेवी श्रीमती लक्ष्मी तिवारी द्वारा माता सरस्वती जी को दीप प्रज्वलन एवं समाज सेविका श्रीमती प्रभा यादव जी एवं वरिष्ठ समाजसेवी श्री भारत सिंह यादव जी द्वारा माता सरस्वती जी के चित्र पर माल्यार्पण कर कार्यक्रम का प्ररंभ किया गया कार्यक्रम में महाकौशल प्रांत के मंत्री श्री सुनील गुप्ता तथा कार्यक्रम समाज सेवा करने वाले प्रतिठित व्यक्तियों को सम्मिलित करते हुए मनाया गया कार्यक्रम का संचालन मंत्री श्रीमती सीमा साहू एवं आभार प्रदर्शन महामंत्री श्री राम मिलन प्रजापति द्वारा किया गया

### **महाकौशल प्रांत उज्जैन**

उज्जैन में जिला इकाई द्वारा महिला दिवस के कार्यक्रम का आयोजन किया गया। जिसमें सेवा निवृत्त जिला न्यायाधीश सुश्री करुणा त्रिवेदी तथा प्रांत महिला प्रमुख एवं राष्ट्रीय कार्यकारिणी

विशेष आमंत्रित सदस्य श्रीमती स्वाति उखले अधिवक्ता इन्दौर से सम्मिलित हुई। जिला इकाई के अध्यक्ष एवं महामंत्री तथा उपाध्यक्ष विद्या सुगंधी तथा प्रांत कार्यकारिणी सदस्य श्रीमती समता पटेल, प्रांत उपाध्यक्ष श्री विजय पटेल भी उपस्थित रहे।

द्वितीय सत्र में संगठनात्मक बैठक हुई जिसमें राष्ट्रीय कार्यपरिषद सदस्य श्री नारायण जी पांडे एवं संघ सहसरचालक सीए श्री योगेश भार्गव जी द्वारा संबोधित किया गया। बड़ी संख्या में कार्यकर्ताओं तथा महिला अधिवक्ताओं ने सहभागिता की। 50 से अधिक महिला अधिवक्ताओं का सम्मान किया गया।



### महाकौशल प्रांत भोपाल

अधिवक्ता परिषद जिला इकाई भोपाल द्वारा दिनांक 15 मार्च, 2023 को अंतरराष्ट्रीय महिला दिवस एवं होली का कार्यक्रम हर्षोल्लास के साथ मनाया गया। कार्यक्रम में अधिवक्ता परिषद की लगभग 160 महिलाएँ उपस्थित रहीं।

-प्रांत एम हर्ने, महामंत्री

### अधिवक्ता परिषद मालवा प्रांत

#### इन्दौर

अधिवक्ता परिषद मालवा प्रांत उच्च न्यायालय इकाई एवं जिला न्यायालय इका द्वारा अंतर्राष्ट्रीय महिला दिवस को फाग उत्सव के रूप में मनाया गया। कार्यक्रम में मुख्य अतिथि श्रीमती नंदिनी शर्मा, अतिरिक्त कमिशनर ऑफ पुलिस (महिला अपराध शाखा), इन्दौर तथा विशेष अतिथि के रूप में श्रीमती ज्योती तोमर, अधिवक्ता वर्तमान में डायरेक्टर, केन्द्रीय खनिज मंत्रालय तथा श्रीमती अर्चना रांका, प्राचार्य, शासकीय विधि महाविद्यालय, इन्दौर रही, कार्यक्रम की अध्यक्षता, प्रांत महिला प्रमुख एवं राष्ट्रीय कार्यकारिणी विशेष आमंत्रित सदस्य श्रीमती स्वाति उखले द्वारा की गई तथा श्रीमती विनिता फाये पूर्व अध्यक्ष, उच्च न्यायालय का भी कार्यक्रम में उपस्थित थी एवं अन्य अनेक महिला पदाधिकारियों, कार्यकर्ताओं एवं अधिवक्ताओं द्वारा भी कार्यक्रम में उत्साह पूर्वक सहभागिता की गई। कार्यक्रम में क्षेत्र मंत्री श्री विक्रम दुबे जी एवं उमेश यादव जी प्रांत अध्यक्ष, मालवा प्रांत भी उपस्थित थे। कार्यक्रम में 100 से अधिक महिला अधिवक्ताओं का सम्मान किया गया तथा उन सभी के द्वारा महिला दिवस कार्यक्रम के पश्चात् फाग उत्सव का भी

आनंद लिया गया। सफल आयोजन के लिए सभी का आभार माना गया। कार्यक्रम का संचालन श्रीमती विभा भारूका ने किया। तथा आभार प्रदर्शन सुश्री निधि बोहरा के द्वारा किया गया।

-विक्रम दुबे, महामंत्री

### अधिवक्ता परिषद छत्तीसगढ़ प्रांत

#### बिलासपुर

अधिवक्ता परिषद छत्तीसगढ़ बिलासपुर इकाई एवं जिला अधिवक्ता संघ बिलासपुर के सयुक्त तत्वाधान में जिला न्यायालय में महिला दिवस मनाया गया जिसमें अपर सत्र न्यायाधीश सुश्री संघरता भतपहरी जी श्रीमती उषा किरण बाजपे जी परिवार न्यायालय काउंसलर दुर्गा - किरण पटेल रक्षा टीम प्रमुख श्रीमती बीना सेंड्रे शासकीय अधिवक्ता प्रो. प्रतिभा मिश्रा गुरु घासीदास केन्द्रीय विश्वविद्यालय बिलासपुर का मार्गदर्शन प्राप्त हुआ परिषद की ओर से श्रीमती अनन्पूर्णा तिवारी राष्ट्रीय कार्यसमिति सदस्य एवं श्रीमती सुनीता सिंह ठाकुर उपाध्यक्ष के साथ अन्य अधिवक्ताओं द्वारा कार्यक्रम को सफल बनाने में महत्वपूर्ण योगदान रहा। छत्तीसगढ़ प्रांत बिलासपुर में महिला अधिवक्ता दिवस अधिवक्ता संघ एवं अधिवक्ता परिषद के संयुक्त तत्वावधान में आयोजित किया गया।

#### जिला इकाई दुर्ग

अधिवक्ता परिषद छत्तीसगढ़ जिला इका दुर्ग द्वारा आज दिनांक 21.3.2023 को अंतर्राष्ट्रीय महिला दिवस के उपलक्ष में जिला अधिवक्ता संघ के सभागार में महिला दिवस का कार्यक्रम महिला अधिवक्ता गणों की उपस्थिति में संपन्न हुआ उक्त कार्यक्रम में जिला अधिवक्ता संघ की अध्यक्ष सुश्री नीता जैन मुख्य अतिथि के रूप में उपस्थित रही एवं कार्यक्रम की अध्यक्षता अधिवक्ता परिषद दुर्ग की महिला प्रभारी स्नेहा वैद्य ने किया। कार्यक्रम की शुरुआत मां सरस्वती के तैल चित्र पर माल्यार्पण कर दीप प्रज्वलित कर की गई एवं परिषद की न्याय केंद्र प्रभारी श्रीमती नीता साहू द्वारा सरस्वती वंदना प्रस्तुत किया गया तत्पश्चात वरिष्ठ महिला अधिवक्ता श्रीमती सुदेश नागपाल एवं श्रीमती मालती कश्यप का सम्मान किया गया। इस अवसर पर सभी अतिथियों ने एवं अन्य महिला अधिवक्ताओं ने महिला सशक्तिकरण के विषय पर अपने अपने विचार रखे तत्पश्चात महिलाओं के खेल स्पर्धा का आयोजन किया गया जिसमें सभी महिला अधिवक्ता गण शामिल हुए। कार्यक्रम का समापन राष्ट्रगान के साथ हुआ। कार्यक्रम में अधिवक्ता परिषद के जिलाध्यक्ष श्री समीर कुमार त्रिपाठी महामंत्री दीपेंद्र देशमुख जिला अधिवक्ता संघ के सचिव रवि शंकर सिंह उपाध्यक्ष, प्रशांत जोशी, सहित काफी संख्या में महिला अधिवक्तागण शामिल हुए कार्यक्रम का संचालन श्रीमती एम कामाक्ष्मा द्वारा किया गया एवं आभार प्रदर्शन कविता गिरी गोस्वामी के द्वारा किया गया।

-नीरज शर्मा, महामंत्री

## अधिवक्ता परिषद, झारखण्ड

रांची

अधिवक्ता परिषद, झारखण्ड के तत्वावधान में 12 मार्च को अन्तर्राष्ट्रीय महिला दिवस पर्ववाड़ा के अवसर पर इंडियन मेडिकल एसोसिएशन करमटोली (रांची) में एक दिवसीय प्रांतीय महिला अधिवक्ता सम्मेलन का आयोजन हुआ। इस सम्मेलन में पूरे राज्य से 210 महिला अधिवक्ता शामिल हुईं।



इस अवसर पर “नारी सशक्तिकरण में महिला अधिवक्ताओं की भूमिका” विषय विचार-गोष्ठी का भी आयोजन किया गया। गोष्ठी में झारखण्ड उच्च न्यायालय के माननीय न्यायमूर्ति एस. चंद्रशेखर मुख्य अतिथि, माननीय न्यायाधीश दीपक रौशन विशिष्ट अतिथि के रूप में मौजूद थे।

**प्रान्तीय महिला अधिवक्ता सम्मेलन, राज्यभर से महिला अधिवक्ता हुई शामिल**



परिवार में समानता लाने की जरूरत : न्यायमूर्ति एस चंद्रशेखर

इस अवसर पर मुख्य अतिथि झारखण्ड उच्च न्यायालय के माननीय न्यायमूर्ति एस. चंद्रशेखर ने महिलाओं के सशक्तिकरण पर विचार रखते हुए कहा कि विश्व में महिलाओं का पहला सम्मेलन इस सदी से पूर्व ही हुआ था। उसके बाद से लगातार हो रहे सम्मेलनों में महिला एवं पुरुष दोनों को समान रूप से देखने पर जोर दिया जाता रहा है। उन्होंने कहा कि आज की जरूरत है कि परिवार में समानता पर विशेष बल दिया जाए और ऐसे सम्मेलनों के द्वारा जागरूकता लाया जाये।

ऐसे कार्यक्रमों से आयेगी जागरूकता : न्यायमूर्ति दीपक रौशन

विशिष्ट अतिथि माननीय न्यायमूर्ति दीपक रौशन ने कहा कि आज के समय में महिला ही महिलाओं पर अत्याचार करने लगी है जिस पर विशेष जागरूकता की आवश्यकता है। इसलिए इस तरह के कार्यक्रम की जितनी प्रशंसा की जाए कम है।

**न्याय को समाज की अंतिम महिला तक पहुंचाने की जरूरत : मीरा ताई खड़कर**

मुख्य वक्ता माननीय न्यायाधीश (अवकाश प्राप्त) एवं अखिल भारतीय अधिवक्ता परिषद की राष्ट्रीय उपाध्यक्षा मीरा ताई खड़कर ने समाज में नारी सशक्तिकरण के लिए महिला अधिवक्ताओं की भूमिका पर प्रकाश डाला। उन्होंने कहा कि महिला अधिवक्ता अगर अपनी जिम्मेदारियों का निर्वहन पूरी शक्ति के साथ करे तो समाज के अंतिम नारी तक न्यायिक व्यवस्था सुलभ, सरल एवं सस्ती हो सकती है। महिला अधिवक्ताओं को उस ओर ध्यान देकर न्यायिक व्यवस्था को समाज के अंतिम महिला तक पहुंचाने का कार्य करना चाहिए। उन्होंने कहा कि अधिवक्ता परिषद राष्ट्रीय विचारों को संगठित करने का एक माध्यम है। संगठन में नारी का सशक्तिकरण अहम विषय है जिसके तहत नारी न तो कभी तो अबला थी न ही रहेगी के विचारों के साथ हम नारी सशक्तिकरण का काम करते हैं।

इससे पूर्व, कार्यक्रम की शुरुआत राष्ट्रीय गीत बन्दे मातरम् के गायन से किया गया। अतिथियों के द्वारा दीप प्रज्वलित कर, भारत माता के चित्र पर पुष्पांजलि अर्पित की गयी।

-विजय नाथ कुवंर, महामंत्री

## Adhivaktha Parishad Karnataka South

### Mysore Unit

Adhivaktha Parishad Karnataka South Mysore unit organized International Women's Day Celebration on 9/2/2023 at Institute of Engineering function hall Mysore,



Glimpses of International Women's Day celebration by Adhivaktha Parishad, Karnataka South, Mangalore unit on 11th March, 2023.

and the program was chaired by the Hon'ble District and Sessions Judge Mr. G S Sangreshi, and hon'ble First Additional District and Sessions Judge Smt. Saraswati V. Kosander, and Smt. V.R. Shylaja Registrar Mysore University, and DLSA Member Secretaries Devaraj Bhute and Adhivakta Parishad Mysore unit President Sarada V guests in this program and in the same event it was also the pleasure of adivaktha parishad Mysore South unit to felicitate Four lady senior advocates and three newly selected junior government assistant public prosecutors and two Junior civil judges were felicitated in the program. The programme was successful with a good number of participants which was about 120 women advocates.

## Bengaluru

Adhivakta Parishad Karnataka south Bangalore Unit organized International Women's Day Celebration on 17/3/2023 at Gandhi Bhavan, Bengaluru, and the program was chaired by the Hon'ble Karnataka High Court Judge Mrs. K.S.Mudgal, and Chairman of the Karnataka State Bar Council, Sri. Vishal Raghu. H.L., along with Smt. Manjula N. Tejaswi., Advocate & Mediator.

The Chief Guest & Speaker, Justice Mrs. K. S. Mudgal, gave an enlightening and educative talk on Women in Education, Entrepreneurship and Life.

The Guests of Honour – Mr. Vishal Raghu & Mrs. Manjula Tejaswi, gave a very refreshing and eye-opening speech on Women's Life in Reality.



The function was also attended by Principal Family Court Judge, Mrs. Vijayalakshmi Devi & 1st Additional Family Court Judge, Mr. B. Ganesh of Bengaluru, several Senior Advocates & Government Advocates.

In the very same event it was also the honour & pleasure of Adhivakta Parishad Bengaluru unit to felicitate 5 members who are newly selected as Civil Judges and 6 newly appointed Assistant Public Prosecutors. All the

Senior Advocates were recognised and commended.

The programme was a grand success with a good number of participants which consisted of over 130 advocates.

**-Anand Murthy, General Secretary**

## Nyayavadi Parishad, Telangana

Nyayavadi Parishad, Telangana Unit today held a discussion on 'Balancing Professional & Family Life in the Present Scenario' on the occasion of International



Women's Day at Keshav Memorial High School, Himayat Nagar, Hyderabad. It was attended by a large number of women advocates.

**-Semsani Sunil, General Secretary**

## Akhil Bharatha Vazhakaragnargal Sangam (ABVS) Tamilnadu

### Ist State Conference at Salem

Chief Guest: His Excellency P. Sadashivam Chief Justice of India, Retd. And Former Governor, State of Kerala;

Key Note Address:

Honorable Justice G. R. Swaminathan, Judge High Court of Judicature at Madras;

Special Address:

A. R. L. Sundaresan, Senior Advocate and Additional Solicitor General of India, Madras High Court;

Other in the Dias left to right:

Dr. G. Babu, Advocate, Conference Convenor, 1st ABVS TN North State Conference;

Mr. Seshadri, Chartered Accountant and Managing Trustee, Phoenix Foundation;

Mr. Rajendran, Advocate, Vice President, ABAP;

Mr. Rajesh Vivekanandan, Advocate, Deputy Solicitor General of India, High Court of Judicature at Madras;

Mr. Palanikumar, Advocate, National Executive Committee Member, ABAP;



Mr. K. Bhaskar, Advocate, Chairman, Reception Committee, 1st ABVS TN North State Conference;

Mr. A. Karthikeyan, Advocate, Coordinator, 1st ABVS TN North State Conference, Salem Unit ABVS;  
-Sh. D. Kesavan, General secretary

### **Adhivakta Parishad Assam Prant**

Adhivakta Parishad Assam Prant has celebrated Women's Day on 11<sup>th</sup> March 2023 at Bishnu Nirmala Auditorium, Latasil, Guwahati. Dr Sunita Changkakoty, Chairperson, Assam State Child Rights Protection Commission as Chief Guest of the program addressed the subject Women Empowerment with a special reference to women and child trafficking. Mrs. Tsibo Khro, Additional Advocate General, Nagaland as a Guest of Honour gave her speech on Women Empowerment within the Judiciary. Mrs. Khro in her speech stated that she

being native of small village of Nagaland where only 35 numbers of families are there today she would be able to address the Govt before the High Court. Both the speakers stated that women empowerment means inner empowerment. Women are already stronger as they give lives to the earth. They are the carriers of lives to this beautiful Earth. The Adhivakta Parishad also felicitated two empowered grassroot women namely Smti Shukle Baspor and Smti Nikunja Sarma, who celebrated their lives along with their families in a positive way through their hard labour being a soul earner of the family. Both, the speakers give importance on strengthening the idea of motherhood in the society.

They also said that the statue of Bharat Mata is the strength behind all women of this nation. The meeting was presided by the former District and Session Judge Smti Debobala Devi, the President of Adhivakta Parishad, Assam, Prant.

### **Adhivakta Parishad Andaman Unit South Andaman District**



Adhivakta Parishad, Andaman Unit felicitated Judicial Magistrate First Class 1, Port Blair, South Andaman District Mrs. Krishna Koli Mukherjee on the eve of International Women's Day.

## **Meghalaya**



**-Sh. Kuldeep Baishya, General Secretary**

## **Adhivakta Parishad Konkan Prant Mumbai**

Women's day celebration by Adhivakta Parishad, Mumbai Adhivakta Parishad Mumbai celebrated International Women's Day on March 12, 2023 in collaboration with Government Law College, Mumbai, in its auditorium with the main theme of 'Women Empowerment'. A panel discussion with super achievers from diverse fields of law' was held on this occasion. The panellists consisted (Retd.) Justice Dr. Shalini Phansalkar Joshi, retired judge of the Bombay High Court, Adv. Gowree Gokhale, partner at Nishith Desai Associates, Adv. Smita Gaidhani, ex-Judge Advocate General (JAG), and Adv. Seema Sarnaik, lawyer at the Bombay High



Court and the topic for the day was 'Navigating a Career in Law'.

On this occasion, newly designated Senior Advocates at the Bombay High Court were felicitated and honoured by Senior Advocate Ram Apte (ABAP). Adv. Vaishali Tinkle (ABAP) gave an introduction of Adhivakta Parishad and its role in the legal fraternity vis-à-vis society. She also spelled out Resolution No. 5 of the ABAP, demanding adequa.

**-Vidhyadhar Gopal Kulkarni, General Secretary**

## **अधिवक्ता परिषद विर्दंभ प्रांत, नागपूर**

महिला-दिन के उपलक्ष में अधिवक्ता परिषद नागपूर एवम् माधव नेत्रालय की ओर से महिला अधिवक्ताओं के लिए Eye Check up Camp तथा MedPlus Diagnostic Centre के सहयोग से ब्लड प्रेशर एवम् शुगर चेक का आयोजन हुआ।



कार्यक्रम का उदघाटन मुंबई उच्च न्यायालय के मा. न्यायमुर्ती श्रीमती मुकुलिका जवलकर, मा. न्यायमुर्ती श्रीमती वृषाली जोशी-फालके मा. न्यायमुर्ती श्रीमती वृशाली जोशी, इनकी प्रमुख उपस्थिति तथा मार्गदर्शन से हुआ। जिल्हा न्यायाधीश नागपूर-3 श्रीमती एम. व्ही देशपांडे और जिल्हा न्यायालय की सभी महिला न्यायाधीश कार्यक्रम मे उपस्थित थे। साथ ही महिला अधिवक्ता भी भारी तादाद मे उपस्थित रही। कार्यक्रम नागपूर जिल्हा न्यायालय मे संपन्न हुआ।

**-पारिजात पांडेय, महामंत्री**

## Swaamy Vivekanand Jyanti Program

### Adhivakta Parishad Chandigarh

Today, 22.01.2023, Adhivakta Parishad Chandigarh organized the event “Youth Dialogue” to mark celebration of ‘Young Advocates’ Day - Swami Viveknanda Ji Jyanti’ at ‘ICSSR Hall’, Punjab University Campus, Chandigarh.



Hon'ble Ms. Justice Ritu Bahri, Judge, Punjab & Haryana High Court was the Chief Guest and she inspired the young audience to contribute towards society by taking both regular social issues and by uplifting downtrodden ones and by spreading awareness towards their rights and remedial modes thereto. She highlighted how lawyers especially young lawyers can contribute towards social transformation.

Sh. Ajay Jagga, Advocate and Sh. Prateek Mahajan, Advocate, Punjab & Haryana High Court were speakers on the topic ‘Uniform Civil Code’ and Sh. C. Mohan Rao, Senior Advocate-Supreme Court of India and Sh. Karan Bhardwaj, Advocate, Punjab & Haryana High Court were the speakers for the topic ‘Right to Privacy and Data Protection Bill’.

The motto of Youth Dialogue was to bring out opposing views pertaining to each topic so as to create a samvad of opinions.

The participants included Sh. Baldev Raj Mahajan-Advocate General, Haryana and Sh. Padamkant Dwivedi-National Secretary, ABAP and law students from the Punjab University and Chandigarh University, and, advocates across Tri-city.

Chandigarh Adhivakta Parishad celebrated Young Advocates’ Day today. Hon'ble Ms. Justice Ritu Bahri, Judge Punjab & Haryana High Court was the Chief Guest on the occasion. There after two sessions were there with two speakers each as mentioned in the poster. It was well attended by lawyers as well as law students.

**-Pankaj Mohan Kansal, General Seretary**

### Adhivakta Parishad Delhi Unit

Hon'ble Justice Shri Chandra Dhari Singh Judge Delhi High Court speaking on ‘Swami Vivekananda’s Thoughts and the Constitution’ during the celebration of Young Advocates Day organized by Adhivakta Parishad Delhi.

(Hon'ble Justice Shri Chandra Dhari Singh Judge Delhi High Court while speaking on ‘Swami #Vivekananda’s Thoughts and the Constitution’ during the celebration of #YoungAdvocatesDay organized by Adhivakta Parishad Delhi.

He said: On 14th Feb 1897 Swamiji exhorted Indians: ‘For the next fifty years this alone shall be our keynote—this our great Mother India.’ His word were prophetic: fifty years later India became free. Today he is guiding us as ‘a voice without a form’ with his mantra of “Be & make”.



We as a nation have made marvellous strides in our journey in various arenas and are pacing rapidly towards achieving our position as a vishwaAguru. However there are several areas where a lot of work remains to be undertaken.

As a peopleAcentric state the Indian democracy needs to follow the #Chankya’s dictum— prajasukhe sukham rgyah prajanam tu hite hitam (meaning thereby in the wellAbeing of the people lies the welfare of the state & the happiness of the people is the prosperity of the state). For the nation to prosper the executive parliament & judiciary should function smoothly & in the interest of the nation.

The Indian polity must remain rooted in this fundamental doctrine & work for increasing ease of living

& manifesting the aspirations of Indian population. The motto of Adhivakta Parishad is #न्यायः सम धर्मः A meaning thereby A Justice is my dharma. Ensuring justice to the last person in the society is the motto of the organisation.

ABAP's work is wideAencompassing aiming to touch every person in the society and ensuring that justice is served to the needy. Now the next step that needs to be taken by the Parishad is reaching out to law schools and students guiding the young generation.

Organisations like Adhivakta Parishad have a vital role to play in Indian democracy AAs a fellow to the Bench as a guardian of the Bar and as a facilitator of quality legal education A ensuring that Justice is made accessible to every citizen.

The Preamble of the #Constitution of #India guarantees Access to #Justice in all its dimensions A social economic and political. As members of the legal fraternity it is our solemn duty to ensure that justice or #nyaya is made available accessible and affordable for all.

Members of the Bar Bench & legislative bodies must collectively work towards making the administration of justice more affordable and accessible to the ordinary citizens by simplifying the justice delivery system as well as simplification of the legalese & the legal language.

One unique concept that I would like to discuss with you today is that of Judicial Impact Assessment. While the introduction of Environmental Impact Assessment has paved the way towards a greater level of consciousness about justice towards the environment. We also similarly require a Judicial Impact Assessment for our laws. Judicial Impact Assessment simply means analysing the likely cost of implementing a legislation through the courts and helping deliver timely justice to litigants.

The principles of interpretation that are applied in our Courts today are that of the Western jurists like Maxwell & Craies. However in our country we had developed from very early times a scientific system of interpretation known as the #Mimansa Principles.

Knowledge of Mimansa Principles enables us to creatively develop the law. Unfortunately there has not been much effort to explain these principles. Today dear

friends is a momentous occasion when India is celebrating its 75th year of Indian Independence – #AzadiKaAmritMahotsav where we as Indians have steadfastly resolved to become a developed nation and to shun all the relics of #colonialism.

Decolonisation of the Indian Legal System is an important pillar for achieving this milestone. Therefore let us as judges and lawyers resolve that we shall make all efforts to Indianise our legal system. One step that can be undertaken by each one of us today is by studying our Indian schools of interpretation and applying them in our pleading arguments and judgments.

Swami Vivekananda came from a family of generations of lawyers. He has widely inspired not only the Freedom Movement but also the founding fathers of our Constitution. He has been widely quoted in the Constituent Assembly Debates especially on Fundamental Rights Preamble etc.

Swami ji has also been quoted profusely in various judgements of Supreme Court and High Courts including the SR Bommai Sabrimala Babri Masjid Ramakrishna Mission Tenets of Hinduism case etc.”—Justice Shri C.D.Singh (while speaking on ‘Swami Vivekananda & the Constitution’)

## Delhi High Court

Adhivakta Parishad Delhi High Court Unit organised Young Advocate's Day in Delhi High Court where Sh. Jayant Mehta G Sr. Adv. And Ms. Monika Arora G were



the guest Speaker , Sh. Jivesh Tiwari G , Gen. Sec. Delhi Prant were also present .. It concluded with Vote of Thanks by Sh. Ashok Kashyap Ji .

**-Jivesh Tiwari, General Secretary**

## Adhivakta Parishad Gujarat

Adhivakta Parishad Gujarat High Court Unit celebrated Young Advocates' Day on the occasion of Swami Vivekananda's birth anniversary.



-Alkesh N Shah, General Secretary

## Adhivakta Parishad Haryana

Haryana Adhivakta Parishad High Court Unit celebrated Sh. Swami Vivekananda Jayanti and National Youth Day on 19.01.2023 in the Punjab and Haryana High Court Bar. Chief Guest on the occasion was Sh. B.R Mahajan Ji, Senior Advocate, Advocate General, Haryana and Guest of Honour Sh.Mukesh Garg ji, Member, Haryana State Law Commission. Sh. Jasmeet Singh Bhatia ji General Secretary, Punjab and Haryana Bar Association as well as Sh. Padamkant Dwivedi ji, National Secretary, Akhil Bharatiya Adhivakta Parishad was also present on this occasion.

More than 100 members from the Bar attended the interactive session and discussed the life of Swami Vivekananda ji and to inculcate his teachings and values into our life and profession.

The day was summed up by vote of thanks by Sh. Ashok K. Khubar, President, HAP High Court Unit followed with Tea and snacks.

## Panipat

Adhivakta Parishad Panipat Celebrated Swami Vivekananda jayanti & National Youth Day on. 19.01.23



## अधिवक्ता परिषद जिला इकाई कुरुक्षेत्र

अधिवक्ता परिषद जिला इकाई कुरुक्षेत्र द्वारा स्वामी विवेकानन्द जी की जयंती मनाई गई कार्यक्रम में जिला प्रधान सौरभ शर्मा बलविंदर राकेश नांदल उपस्थित रहे सुनील भट्ट जी स्वामी विवेकानन्द जी के जीवन परिचय से अवगत कराया इस मौके पर विक्रम पंजेता बलविंदर सिंह सुभाष सैनी धर्मवीर सिंह अंकित सिंह महिला जिला प्रमुख मंजू शर्मा धर्मेंद्र सिंह नीरज अग्रवाल अमित शर्मा राजीव मोदगिल प्रमुख रूप से उपस्थित रहे।

## सोनीपत

दिनांक 23 जनवरी को अधिवक्ता परिषद सोनीपत द्वारा युवा अधिवक्ता दिवस के रूप में स्वामी विवेकानन्द जी की जयंती का आयोजन किया गया सुभाष चंद्र बोस जी की जयंती के उपलक्ष में महापुरुषों की प्रतिमा पर पुष्प अर्पित किए गए इस कार्यक्रम की अध्यक्षता अधिवक्ता परिषद सोनीपत के जिला अध्यक्ष रजनीश मलिक द्वारा की गई इस दौरान महापुरुषों के जीवन परिचय पर प्रकाक डाला गया व सभी अधिवक्ताओं से आग्रह किया कि इन महापुरुषों को सच्ची श्रद्धांजलि देने के लिए हमें इनके जीवन को अपने जीवन में डालना होगा कार्यक्रम के दौरान अधिवक्ता तिलक जी ने भी अपने विचार रखे और बताया कि नए अधिवक्ताओं को अपने कार्य में निपुण बनना चाहिए कार्यक्रम के दौरान कोषाध्यक्ष नरेंद्र राणा सचिव संदीप शेरावत युवा अधिवक्तागण जागलान जोलगढ़र मलिक राम सिंह दहिया दिनेश अंतिल आदि अधिवक्ता उपस्थित रहे।

## गोहाना

दिनांक 23-01-2023 को दोपहर 1:15 बजे बार रूम/ लाइब्रेरी हाल गोहाना में युवा अधिवक्ता दिवस स्वामी विवेकानन्द जी की याद में व पराक्रम दिवस सुभाष चंद्र बोस जी की जयंती के रूप में मनाया गया कार्यक्रम की अध्यक्षता वीरेंद्र भनवाला जी ने की संचालन महामंत्री प्रदीप पांचल ने किया सह संचालन रविन्द्र शर्मा जी ने किया।



कार्यक्रम में मुख्यतिथि अजित सिंह उपप्रधान बार गोहाना। दीपक पुनिया कोषाध्यक्ष बार गोहाना। संरक्षण श्री एस एस मिगलानी श्री रामलाल सिगला श्री इंद्र सिंह सेहरावत श्री इंद्र सिंह भनवाला जी का रहा।

मुख्य अतिथियों व संरक्षकों को स्मृति चिन्ह भेंट किये गया।  
**यमुनानगर इकाई**

दिनांक 12/01/2023 को अधिवक्ता परिषद यमुनानगर इकाई द्वारा युवा दिवस लोहड़ी व मकर सक्रांति का पर्व मनाया गया



जिसमें युवा अधिवक्ताओं ने बढ़ चढ़ कर भाग लिया। बारसोसिशन के प्रधान व उनकी कार्यकारिणी की गरिमामयी उपस्थित भी इस कार्यक्रम में रही। प्रान्त अध्यक्ष श्री रणबीर सिंह जी ने हाल ही में कुरुक्षेत्र में हुई राष्ट्रीय अधिवेशन के बारे चर्चा की और हमारे युवा अधिवक्ताओं ने जो इस कार्यक्रम में उपस्थित रहे उन्होंने अपने अनुभव सभी के साथ साझा किये। मूँगफली रेवड़ी के वितरण के साथ इस कार्यक्रम का समापन हुआ।

### हिसार इकाई

स्वामी विवेकानंद जयंती के उपलक्ष्य में अधिवक्ता परिषद हरियाणा हिसार इकाई द्वारा मनाया गया युवा दिवस सादर वन्दे



दिनांक 12 जनवरी 2023 को दोपहर 1 बजे बार एसोसिएशन हिसार के कांफ्रेंस हाल में स्वामी विवेकानंद जयंती के उपलक्ष्य में अधिवक्ता परिषद हरियाणा हिसार इकाई द्वारा युवा दिवस मनाया गया। इस कार्यक्रम में हिसार बार एसोसिएशन की नवनियुक्त कार्यकारिणी मौजूद रही। इस नवनियुक्त कार्यकारिणी में सचिव श्री मुकेश शर्मा व सह सचिव श्रीमती गीतांजलि शर्मा अधिवक्ता परिषद हिसार के सदस्य हैं।

कार्यक्रम दीप प्रज्ञवलन व स्वामी विवेकानंद जी को पुष्प अर्पित कर शुरू किया गया। तत्पश्चात् वर्दे मातरम् व देशभक्ति के गीत द्वारा कार्यक्रम को आगे बढ़ाया गया। इसके बाद हिसार बार के प्रधान श्री बंसी लाल गोदारा जी उद्बोधन रहा। तत्पश्चात् हमारे मुख्य वक्ता श्री राजेश जैन उपाध्यक्ष अधिवक्ता परिषद हरियाणा का स्वामी विवेकानंद के जीवन पर विशेष उद्बोधन रहा। इसके बाद राष्ट्रगान के साथ इस कार्यक्रम का समापन हुआ। इस कार्यक्रम में लगभग 40 अधिवक्ताओं ने भाग लिया।

### जींद इकाई

आज स्वामी विवेकानंद जयंती के उपलक्ष्य में अधिवक्ता परिषद जींद इकाई द्वारा युवा अधिवक्ता दिवस मनाया गया। जिसमें मुख्य



तौर पर वक्ता के रूप में श्रीमान दीपक दीक्षित जी ने स्वामी विवेकानंद जी के जीवन पर प्रकाश डाला एवं युवा अधिवक्ताओं को उनके जीवन से प्रेरणा लेने का आह्वान किया।

इस शुभ अवसर पर अधिवक्ता परिषद जींद के संरक्षक श्रीमान आजाद सैनी जी एवं अधिवक्ता परिषद जींद के जिला अध्यक्ष श्रीमान नरेंद्र अत्री जी विशेष तौर पर मौजूद रहे मंच का संचालन अधिवक्ता परिषद जींद इकाई के जिला युवा प्रमुख श्रीमान मोहित सैनी जी द्वारा किया गया कार्यक्रम के समापन पर मिठाइयां वितरित करके सभी ने स्वामी विवेकानंद जयंती पर खुशियां मना।

## नारनौल

**स्वामी जी ने भारत के आध्यात्मिकता से परिपूर्ण वेदान्त**

**दर्शन को अमेरिका व यूरोप तक पहुँचाया: वशिष्ठ**

अधिवक्ता परिषद की जिला इकाई ने स्वामी विवेकानन्द की जयंती को राष्ट्रीय युवा दिवस के रूप में मनाया। बार एसोसिएशन के पुस्तकालय में आयोजित इस कार्यक्रम की अध्यक्षता अधिवक्ता परिषद के जिला इकाई के अध्यक्ष मनीष वशिष्ठ एडवोकेट ने की। जबकि जिला बार एसोसिएशन के सचिव बलजीत यादव एडवोकेट तथा अधिवक्ता चैम्बर्स सोसा टी के उप प्रधान विजय सैनी व सह सचिव पंकज भारद्वाज विशेष रूप से उपस्थित रहे।

अधिवक्ता परिषद ने 12 जनवरी को स्वामी विवेकानन्द जयंती जो राष्ट्रीय युवा दिवस के तौर पर मनाई जाती के अवसर पर युवा



अधिवक्ता दिवस मनाया। इस अवसर पर उपस्थित अधिवक्ताओं ने स्वामी विवेकानन्द के चित्र को नमन किया। अधिवक्ता परिषद के जिला अध्यक्ष मनीष वशिष्ठ एडवोकेट ने स्वामी विवेकानन्द के जीवन पर प्रकाश डालते हुए कहा कि स्वामी जी ने मात्र 39 वर्ष की अल्पायु में ही भारत के आध्यात्मिकता से परिपूर्ण वेदान्त दर्शन को अमेरिका व यूरोप में पहुँचाया। उन्होंने मात्र 30 वर्ष की आयु में शिकागो में आयोजित विश्व धर्म सभा में व्याख्यान देकर सम्पूर्ण विश्व को आश्चर्य चकित कर दिया। उन्होंने कहा कि स्वामी विवेकानन्द हिन्दु होने पर गर्व करते थे क्योंकि उनका मानना था कि हिन्दु ही सबसे अधिक सहिष्णु है। उन्होंने कहा कि स्वामी विवेकानन्द 39 वर्ष की आयु में जो काम कर गए वह आने वाली पीढ़ियों का मार्ग दर्शन करता रहेगा। श्री वशिष्ठ ने स्वामी विवेकानन्द की कथनों को पढ़ कर सुनाया तथा उपस्थित अधिवक्ताओं को उसकी कॉपी भी दी। उन्होंने युवा अधिवक्ताओं से आहवाहन किया कि वे अपने जीवन में स्वामी विवेकानन्द के उन ध्येय वाक्यों को आत्मसात करें ताकि वे जीवन की उचाँ यों को छू सकें।

जिला बार एसोसिएशन के सचिव बलजीत यादव ने स्वामी विवेकानन्द के जीवन से प्रेरणा लेने की बात कही। उन्होंने कहा कि स्वामी विवेकानन्द बड़े स्वप्न दृष्टा थे जिन्होंने ऐसे समाज की कल्पना की थी जिसमें मनुष्य-मनुष्य में कोई भेद ना रहे।

अधिवक्ता परिषद की महिला प्रमुख गिरीबाला यादव एडवोकेट ने कहा कि स्वामी विवेकानन्द की जयंती को मनाना तब सार्थक होगा जब हम उनके आदर्शों व शिक्षाओं को अपने जीवन में उतारेंगे। कार्यक्रम में नरेश संघी एडवोकेट ने भी अपने विचार रखे।

इस अवसर पर अधिवक्ता परिषद के वरिष्ठ उप प्रधान श्याम सुन्दर गौस्वामी एडवोकेट सचिव मांगेराम सैनी न्याय प्रवाह प्रमुख महावीर प्रसाद शर्मा युवा प्रमुख दिवाकर शर्मा बार एसोसिएशन के पूर्व सह सचिव सुमित चौधरी बनवारी लाल शर्मा पवन कौशिक प्रदीप यादव सुदेश कुमारी महेश दीक्षित साकेत मुकुड़ कुलदीप भारद्वाज अजय शर्मा जय भगवान यादव ललित शर्मा भाष्कर सैनी सुरेन्द्र गुर्जर लूजोता कर्ण सैनी अनुराज खिलाड़ी पाल लाम्बा रोहित दौराता सौनू भरगड़ सहित अन्य अधिवक्ता उपस्थित थे।

## सिरसा

आज 21-1-2023 को अधिवक्ता परिषद सिरसा इकाई के द्वारा स्वामी विवेकानन्द जी की जयंती व राष्ट्रीय युवा दिवस के उपलक्ष में कार्यक्रम का आयोजन किया गया।

स्थान - न्यू लॉयर चेंबर कॉम्प्लैक्स के कॉन्फरेन्स हाल में जिसकी कुछ झलकिया।



## अधिवक्ता परिषद गुरुग्राम

दिनांक 21/01/2023 को दोपहर 2:00 बजे गुरुग्राम बार ऑफिस में लाइब्रेरी के पास अधिवक्ता परिषद गुरुग्राम इकाई द्वारा स्वामी विवेकानन्द जयंती को युवा अधिवक्ता दिवस के रूप में मनाया गया। इस अवसर पर जिला बार एसोसिएशन के नवनिर्वाचित कार्यकारिणी का स्वागत भी अधिवक्ता परिषद इका द्वारा किया गया जिसमें जिला बार संघ के अध्यक्ष नवीन यादव जी सचिव संदीप सेहरावत जी व उपाध्यक्ष जितेन्द्र सैनी जी उपस्थित रहे। कार्यक्रम में अधिवक्ता परिषद हरियाणा के न्यायकेंद्र प्रमुख श्रीमान लोकेन्द्र जी की विशेष उपस्थिति रही। कार्यक्रम में अधिवक्ता परिषद गुरुग्राम के अध्यक्ष अरुण शर्मा जी जिला महामंत्री पवन राघव जी सचिव करण लोहिया जी राहुल शर्मा जी देवेंद्र यादव जी विक्रमादित्य जी अंकुर कामरा जी व अधिवक्ता अर्चना चौहान जी भी उपस्थित रहे।



कार्यक्रम में अधिवक्ताओं द्वारा स्वामी विवेकानन्द जी के जीवन से जुड़े प्रेरक प्रसंगों पर चर्चा की गई व उनके विचारों से प्रेरणा ले कर समाज का कार्य करने का संकल्प लिया गया।

### अधिवक्ता परिषद भिवानी

आज अधिवक्ता परिषद की भिवानी इका द्वारा स्वामी विवेकानन्द जयंती पर एक कार्यक्रम का आयोजन किया गया



जिसमें मुख्य वक्ता श्री लाल बहादुर शास्त्री जी विभाग प्रमुख विवेकानन्द केन्द्र कन्याकुमारी रहें जिन्होंने स्वामी विवेकानन्द के जीवनशैली पर प्रकाश डाला। आज के कार्यक्रम में मैट्टम शीला तंवर ने भी युवा अधिवक्ताओं के लिए प्रोफेशनल एथिक्स ऑफ एडवोकेट विषय पर अपना वक्तव्य रखा। आज के कार्यक्रम को सफल बनाने के लिए सभी अधिवक्ता बन्धुओं का बहुत बहुत धन्यवाद।

### अधिवक्ता परिषद हांसी

दिनांक 21/01/2023 को हांसी कोर्ट मे अधिवक्ता परिषद हांसी इका द्वारा स्वामी विवेकानन्द जयंती को युवा अधिवक्ता दिवस के रूप में मनाया गया। इस अवसर पर हांसी बार एसोसिएशन के नवनिर्वाचित प्रधान श्री संदीप गौतम जी को अधिवक्ता परिषद हांसी इकाई के युवा प्रमुख श्री अश्वनी कुमार जी ने स्वामी विवेकानन्द जी का चित्र भेट किया। इस अवसर पर हांसी बार की पूर्व प्रधान श्री सुभाष ढांढा जी पूर्व प्रधान श्री भगत सिंह रंगा जी पूर्व प्रधान श्री सुधीर बेरवाल जी श्री सुरेंद्र कुमार सैनी जी श्री महेंद्र शर्मा जी श्री बलजीत सैनी जी श्री अजय कुमार लोहान जी श्री सुनील गौतम जी श्री सोमबीर शर्मा जी श्री लाजपत जैन जी अधिवक्तागण व पारस सैनी क्लर्क उपस्थित रहे।

कार्यक्रम में अधिवक्ता परिषद हांसी इकाई के अध्यक्ष श्री पवन कुमार सैनी ने स्वामी विवेकानन्द जी के जीवन से जुड़े प्रेरक प्रसंगों पर प्रकाश डाला और कहा कि स्वामी जी के पांच बाते हमें हमेशा याद रखनी चाहिये।

- ❖ चिंतन करो चिंता नहीं नये विचारों को जन्म दो।
- ❖ एक समय पर एक काम करो और उस काम को करते समय अपनी आत्मा को उसमें झकझोर दो।
- ❖ उठो जागो और तब तक मत रुको जब तक अपने लक्ष्यों को प्राप्त ना कर लो।
- ❖ जब तक जीना तब तक सिखना।
- ❖ ये दुनिया एक जिम है और हम यहां मजबूत बनने के लिए आये हैं

इस प्रकार हमें उनके विचारों से प्रेरणा लेनी चाहिए।

-चंद्रपाल चौहान, महामंत्री

### Jammu & Kashmir



-Rohan Nanada, General Secretary

### Adhivakta Parishad Jharkhand

#### रांची

'भारत माता का सर्वांगीण उत्थान करना ही स्वामी विवेकानन्द का युवा अधिवक्ताओं को संदेश'-स्वामी भवेशानन्द

रामकृष्ण मिशन आश्रम रांची के प्रमुख स्वामी भवेशानन्द जी महाराज ने युवा अधिवक्ताओं और विधि छात्रों का आह्वान किया कि भारत माता का सर्वांगीण उत्थान और विकास के लिये आम आदमी का निर्माण महिला सशक्तिकरण सामाजिक कुरीतियों को दूर करना संस्कारयुक्त समाज का निर्माण करना अपनी संस्कृति को अक्षुण्ण रखना जातिप्रथा की कमज़ोरी को दूर करना देश का पुनर्जागरण करना ही स्वामी विवेकानन्द जी का संदेश है। स्वामी जी का जादुई मंत्र से शिक्षित बेरोजगारी दूर करने की बात बताई जिसमें विद्यालयीन शिक्षा - नैतिक शिक्षा - कारीगरी युक्त शिक्षा प्रणाली अपनाने पर जोर दिया था। अधिवक्ताओं को धर्म आधारित अर्थोपार्जन करने को कहा। उन्होंने उक्त बातें अधिवक्ता परिषद झारखण्ड द्वारा स्वामी विवेकानन्द की 160वीं जयन्ती को युवा अधिवक्ता दिवस

पखवाड़े के रूप में मनाये जाने के अवसर पर रांची के मोराबादी स्थित रामकृष्ण मिशन विवेकानंद विश्वविद्यालय के सभागार में आयोजित समारोह में मुख्य अतिथि के रूप में कहीं।

विशिष्ट अतिथि के रूप में अपने विचार रखते हुए राष्ट्रीय एकल अभियान के वरीय उपाध्यक्ष श्री ज्ञानब्रह्म पाठक ने स्वामी विवेकानंद के संदेश उठो जागो पर विस्तृत चर्चा करते हुए उनके मनुष्य जाति के उत्थान युवा शक्ति को संस्कार युक्त राह दिखाने की बात की साथ ही कन्याकुमारी स्थित विवेकानंद शिला स्मारक से संबंधित जानकारियां दीं।



समारोह में अतिथियों का स्वागत करते हुए परिषद के प्रदेश अध्यक्ष राजेंद्र कुमार मिश्र ने परिषद के कार्यकलापों न्यायकेन्द्र चलाने न्याय शिविर लगाने जनहित के मुद्दों को बल देने हेतु जनहित याचिकाएं दायर करने में मदद देने और समाज के निर्बल व निचले तबकों के लोगों को सरल - सुलभ - त्वरित न्याय दिलाने में मदद का भरोसा दिलाया। उन्होंने स्वामी विवेकानंद को हिन्दू दर्शन को विश्व पटल पर आलोकित करने वाला अधिवक्ता बताया। स्वामी जी को विधि व्यवसाय से संबंधित कार्य करने वाले परिवार के अपने दादा पिता का वंसज बताते हुए विवेकानंद जी द्वारा विधि की पढ़ाई करने की भी चर्चा की।

इससे पूर्व दीप प्रज्वलन करके स्वामी जी एवं भारत माता के चित्रों पर पुष्पांजलि अर्पित की। राष्ट्रीय गीत वन्दे मातरम् का गायन श्रीमती किरण पुष्पा खोया ने करने के बाद समारोह प्रारम्भ हुआ। मंच का संचालन श्री राधाकृष्ण गुप्ता ने और धन्यवाद ज्ञापन श्री मनोज कुमार ने किया। समारोह में उपस्थित प्रमुख अधिवक्ताओं में सर्वश्रीकृष्ण गोपाल निताई प्रदीप कुमार चौरसिया मिथिलेश कुमार पाण्डेय विजय कुमार पाण्डेय सत्येन्द्र नाथ गोंद्यू बलिराम प्रसाद जायसवाल राज कुमार भीम महतो प्रमोद कुमार गुप्ता विजय कुमार पाठक किशन माहेश्वरी अखौरी अंजनी कुमार अमरदीप प्रजापति बछरी विभा लीना मुखर्जी पूनम कुमारी ज्योति कच्छप अमन कुमार आदि। ‘भारत माता का सर्वांगीण उत्थान करना ही स्वामी विवेकानंद का युवा अधिवक्ताओं को संदेश’

-स्वामी भवेशानन्द

राम कृष्ण मिशन आश्रम रांची के प्रमुख स्वामी भवेशानन्द जी महाराज ने युवा अधिवक्ताओं और विधि छात्रों का आहावान किया कि भारत माता का सर्वांगीण उत्थान और विकास के लिये आम आदमी का निर्माण महिला सशक्तिकरण सामाजिक कुरीतियों को दूर करना संस्कारयुक्त समाज का निर्माण करना अपनी संस्कृति को अक्षुण्ण रखना जाति प्रथा की कमजोरी को दूर करना देश का पुनर्जागरण करना ही स्वामी विवेकानंद जी का संदेश है। स्वामी जी का जादुई मंत्र से शिक्षित बेरोजगारी दूर करने की बात बताई जिसमें विद्यालयीन शिक्षा - नैतिक शिक्षा - कारीगरी युक्त शिक्षा प्रणाली अपनाने पर जोर दिया था। अधिवक्ताओं को धर्म आधारित अर्थोंपार्जन करने को कहा। उन्होंने उक्त बातें अधिवक्ता परिषद झारखण्ड द्वारा स्वामी विवेकानंद की 160वीं जयन्ती को युवा अधिवक्ता दिवस पखवाड़े के रूप में मनाये जाने के अवसर पर रांची के मोराबादी स्थित रामकृष्ण मिशन विवेकानंद विश्वविद्यालय के सभागार में आयोजित समारोह में मुख्य अतिथि के रूप में कहीं।

विशिष्ट अतिथि के रूप में अपने विचार रखते हुए राष्ट्रीय एकल अभियान के वरीय उपाध्यक्ष श्री ज्ञानब्रह्म पाठक ने स्वामी विवेकानंद के संदेश ‘उठो जागो’ और लक्ष्य प्राप्ति तक रोको नहीं पर विस्तृत चर्चा करते हुए उनके मनुष्य जाति के उत्थान युवा शक्ति को संस्कारयुक्त राह दिखाने की बात की साथ ही कन्याकुमारी स्थित विवेकानंद शिला स्मारक से संबंधित जानकारियां दीं।

समारोह में अतिथियों का स्वागत करते हुए परिषद के प्रदेश अध्यक्ष राजेंद्र कुमार मिश्र ने परिषद के कार्यकलापों न्यायकेन्द्र चलाने न्याय शिविर लगाने जनहित के मुद्दों को बल देने हेतु जनहित याचिकाएं दायर करने में मदद देने और समाज के निर्बल व निचले तबकों के लोगों को सरल - सुलभ - त्वरित न्याय दिलाने में मदद का भरोसा दिलाया। उन्होंने स्वामी विवेकानंद को हिन्दू दर्शन को विश्व पटल पर आलोकित करने वाला अधिवक्ता बताया। स्वामी जी को विधि व्यवसाय से संबंधित कार्य करने वाले परिवार के अपने दादा पिता का वंसज बताते हुए विवेकानंद जी द्वारा विधि की पढ़ाई करने की भी चर्चा की।

इससे पूर्व दीप प्रज्वलन करके स्वामी जी एवं भारत माता के चित्रों पर पुष्पांजलि अर्पित की। राष्ट्रीय गीत वन्दे मातरम् का गायन श्रीमती किरण पुष्पा खोया ने करने के बाद समारोह प्रारम्भ हुआ। मंच का संचालन श्री राधाकृष्ण गुप्ता ने और धन्यवाद ज्ञापन श्री मनोज कुमार ने किया। समारोह में उपस्थित प्रमुख अधिवक्ताओं में सर्वश्रीकृष्ण गोपाल निताई प्रदीप कुमार चौरसिया मिथिलेश कुमार पाण्डेय विजय कुमार पाण्डेय सत्येन्द्र नाथ गोंद्यू बलिराम प्रसाद जायसवाल राज कुमार भीम महतो प्रमोद कुमार गुप्ता विजय कुमार पाठक किशन माहेश्वरी अखौरी अंजनी कुमार अमरदीप प्रजापति बछरी विभा लीना मुखर्जी पूनम कुमारी ज्योति कच्छप अमन कुमार आदि।

-विजय नाथ कुंवर, महामंत्री

## अधिवक्ता परिषद महाकौशल प्रांत

अधिवक्ता परिषद ने राष्ट्रीय युवा दिवस पर किया  
कार्यक्रम सिटी भास्कर छतरपुर

अधिवक्ता परिषद महाकौशल प्रांत की जिला इकाई छतरपुर के द्वारा स्वामी विवेकानंद की जयंती राष्ट्रीय युवा दिवस के अवसर पर शहर के एक निजी होटल में कार्यक्रम संपन्न हुआ। इस कार्यक्रम में मुख्य रूप से मुख्य अतिथि के रूप में अधिवक्ता रमेश पटेल प्रांतीय अध्यक्ष अधिवक्ता परिषद मौजूद रहे। मुख्य वक्ता के रूप में शासकीय अधिवक्ता दिनेश तिवारी जिला संचालक छतरपुर विशिष्ट अतिथि राजेंद्र गुप्ता प्रांत उपाध्यक्ष अधिवक्ता परिषद विशेष अतिथि पुष्पेन्द्र प्रताप सिंह पूर्व जिला अध्यक्ष भाजपा मौजूद रहे। अधिवक्ता नरेश तिवारी प्रमोद खरे प्रबोध द्विवेदी मंचासीन रहे। अधिवक्ता परिषद के प्रचार प्रसार मंत्री एडवोकेट वशिष्ठ नारायण श्रीवास्तव ने बताया कि युवा दिवस के कार्यक्रम की शुरुआत विवेकानंद की प्रतिमा पर माल्यार्पण एवं पुष्प अर्पित कर दीप प्रज्वलन कर हुए। इस अवसर पर मुख्य अतिथि अधिवक्ता परिषद के प्रांतीय अध्यक्ष रमेश पटेल ने कहा कि स्वामी विवेकानंद जी का जीवन मात्र 39 वर्ष ही रहा लेकिन उन्होंने इतने अल्पकाल में दुनिया को बहुत कुछ दिया। उनका कहना था कि जीवन में सदगुरु मिलना चाहिए। रामकृष्ण परमहंस स्वामी जी के गुरु थे। स्वामी जी का कहना था कि राम मूल है इसलिए स्वामी जी भी राम को मानते थे।

शिकागो में स्वामी जी ने हमारे देश के बारे में विस्तृत रूप से देश के चरित्र और संस्कृति के बारे में सब कुछ बता दिया। इस अवसर पर पुष्पेन्द्र प्रताप सिंह द्वारा युवा अधिवक्ताओं को सम्मानित किया गया।

## अधिवक्ता परिषद जिला इकाई भोपाल

अधिवक्ता परिषद जिला इकाई भोपाल द्वारा दिनांक 12 जनवरी 2023 को स्वामी विवेकानंद जयंती के उपलक्ष में जिला बार एसोसिएशन भोपाल के सभागृह में राष्ट्रीय युवा दिवस का कार्यक्रम मानाया गया जिसमें हम सभी को मुख्य वक्ता के रूप में डॉक्टर श्रीमती मोना पुरोहित जी HOD लॉ डिपार्टमेंट बरकतउल्ला विश्वविद्यालय भोपाल का उद्बोधन प्राप्त हुआ एवं संरक्षक श्री बी के सागी जी जिला बार एसोसिएशन के अध्यक्ष श्री पी सी कोठारी



जी एवं प्रांतीय महामंत्री श्री प्रशांत म हरने जी का मार्गदर्शन प्राप्त हुआ कार्यक्रम में स्वागत भाषण अध्यक्ष श्री मनोज रघुवंशी द्वारा किया गया एवं मंच का संचालन राकेश गिरी जी द्वारा किया गया आभार उपाध्यक्ष श्रीमती प्रमिला राठौड़ द्वारा व्यक्त किया गया कार्यक्रम के अंत में राष्ट्रगीत के साथ कार्यक्रम का समापन किया गया जिसमें आप सभी अधिवक्ता गण एवं स्टूडेंट्स की उपस्थिति सारगर्भित रही आप सभी का आभार धन्यवाद।

अधिवक्ता परिषद जिला इका भोपाल द्वारा आज सरस्वती शिशु मंदिर में स्वामी विवेकानंद जयंती के अवसर पर राष्ट्रीय युवा दिवस मनाया गया कार्यक्रम में स्कूल के प्राचार्य एवं स्टूडेंट एवं अधिवक्ता परिषद के न्याय प्रवाह प्रभारी श्री प्रदीप मोदी वक्ता के रूप में उपस्थित रहे और अधिवक्ता परिषद के सदस्यगण उपस्थित रहे स्कूल का आभार धन्यवाद।

## अधिवक्ता परिषद उच्च न्यायालय जबलपुर इकाई

अधिवक्ता परिषद उच्च न्यायालय जबलपुर इकाई द्वारा स्वामी विवेकानंद जी की जयंती के उपलक्ष्य में युवा अधिवक्ता दिवस पर आयोजित व्याख्यान जिसमें माननीय न्यायाधिपति श्री आनंद पाठक जी मुख्य अतिथि तथा श्री पुष्पेन्द्र यादव जी उप महा न्यायवादी भारत



सरकार जबलपुर के विशिष्ट अतिथ्य में विषय 'युवा अभिभाषक' वर्तमान समय में चुनौतियाँ अपेक्षाएं एवं समाधानक कार्यक्रम को सफल बनाने के लिए आप सभी अधिवक्ताओं का धन्यवाद। देवेंद्र शुक्ल कोषाध्यक्ष हाईकोर्ट इकाई अधिवक्ता परिषद जबलपुर।

-प्रशांत एम. हर्ने, महामंत्री

## अधिवक्ता परिषद मालवा प्रांत

**अधिवक्ता परिषद देवास ने स्वामी विवेकानंद की प्रतिमा पर किया माल्यार्पण देवास।**

गुरुवार 12 जनवरी स्वामी विवेकानंद की जयंती पर जिला अधिवक्ता परिषद देवास का एवं जिला विधि प्रकोष्ठ द्वारा सयाजी द्वारा स्थित स्वामी विवेकानंद जी की प्रतिमा पर माल्यार्पण किया गया उनके आदर्श उर्जावानरा ट्रॉली से ओतप्रोत विचारों को आत्मसात कर शपथ लेकर संकल्प लिया गया। अध्यक्ष अधिवक्ता परिषद द्वारा शपथ दिला गयी। इस अवसर पर अधिवक्ता परिषद राष्ट्रीय कार्यकारिणी सदस्य आनंद अधिकारी विधि प्रकोष्ठ जिला संयोजक हेमन्त शर्मारघुवीर यार्दीआशुतोष यादव ब्रजेशर्माज अनिल सिकरवारमनीष पारीख रजनीश द्विवेदी श्रीमती मिथलेश सोनी म्यानकारू छाबड़ा सहित बड़ी संख्या में अधिवक्ता गण उपस्थित थे।

## अधिवक्ता परिषद मालवा प्रांत इन्दौर

अत्यंत हर्ष का विषय है कि अधिवक्ता परिषद मालवा प्रांत द्वारा 12 जनवरी 2023 को युवा दिवस के उपलक्ष्य में विधि विद्यार्थियों के समक्ष एक व्याख्यान का आयोजन वर्तमान परिषेक में युवा



अधिवक्ताओं के लिए अवसर एवं चुनौतियों के विषय पर डिपार्टमेंट ऑफ लॉ प्रेस्टीज़ इंस्टिट्यूट ऑफ मैनेजमेंट एंड रीसर्च इंदौर में किया गया। जिसमें मुख्य अतिथि आभाष के क्षेत्रीय मंत्री श्री विक्रम जी दुबे के द्वारा युवा अधिवक्ताओं की देश के निर्माण में क्या भूमिका है उसके बारे में बताया गया एवं मुख्य वक्ता के रूप में उच्च न्यायालय इका के अध्यक्ष वरिष्ठ अधिवक्ता श्री सुनील जी जैन द्वारा विद्यार्थियों को वर्तमान परिषेक में विधि के क्षेत्र में किन

चुनौतियों का सामना करना पड़ेगा और उन चुनौतियों का सामना किस तरह से किया जा सकता है एवं एक विधि के विद्यार्थी के पास विधि के क्षेत्र में सफल अधिवक्ता बनने के क्या क्या अवसर रहते हैं और कैसे उन अवसर को प्राप्त किया जा सकता है उसके बारे में समझाया गया एवं मालवा प्रांत उपाध्यक्ष सुश्री सीमा जी शर्मा भी उपस्थित रही एवं विधि विद्यार्थी प्रमुख प्रबल जी भार्गव द्वारा समापन भाषण व आभार के साथ आयोजन को सम्पूर्ण किया गया।

जिसमें प्रेस्टीज लॉ कॉलेज के 100 से अधिक युवा विद्यार्थी शामिल हुए एवं अधिवक्ता परिषद के अन्य अधिवक्तागण उपस्थित रहे।

-विक्रम दुबे, महामंत्री

## Adhivakta Parishad Madhya Bharat Prant Gwalior

Shri Virendra Pal ji, President, Adhivakta Parishad Madhya Bharat Prant, speaking on Swami Vivekananda and his life during the concluding session of Advocates' Youth Parliament at IITTM, Gwalior.



Shri Vikramjit Banerjee, Addl. Solicitor General of India, speaking on Uniform Civil Code during the concluding session of Advocates' Youth Parliament organized by Adhivakta Parishad Madhya Bharat Prant at IITTM, Gwalior.



Vineet Jain, General Secretary



### अधिवक्ता परिषद अमरावती (विदर्भ प्रदेश)

राष्ट्रीय युवा दिन के ऊपलक्ष्य में अधिवक्ता परिषद अमरावती (विदर्भ प्रदेश) की ओर से Legends of Bar इस विषय पर कार्यक्रम का आयोजन हुआ। इस अवसर पर प्रमुख वक्ता ज्येष्ठ विधिज्ञ मा. श्री नवलानी सर जिला बार एसोसिएशन के अध्यक्ष पदाधिकारी समेत बड़ीतादाद मे अधिवक्ता गण उपस्थित थे।

### अधिवक्ता परिषद नागपुर (विदर्भ प्रदेश):-

राष्ट्रीय युवा दिन के अवसर पर अधिवक्ता परिषद नागपूर (विदर्भ प्रदेश) की ओर से Documentation and Title Investigation इस विषय पर स्टडी सर्कल का आयोजन हुआ।

इस अवसर पर मा. प्रमुख जिला व सत्र न्यायाधीश महोदय अधिवक्ता मा संदीप शास्त्री अधिवक्ता परिषद के ज्येष्ठ मार्गदर्शक मा दत्ताजी दुबे तथा जिला बार असोसिएशन के अध्यक्ष महासचिव समेत बड़ी तादाद मे अधिवक्ता गण उपस्थित थे।

-परिज्ञात मधुसुदन पाण्डे, महामंत्री

### West Maharashtra Pune

Adhivakta Parishad western maharashtra celebrated Swami vivekanand jayanti at DES LAW COLLEGE Pune



### Kolhapur

Adhivakta Parishad Kolhapur team celebrated Swami vivekanand jayanti at shahaji Law college Kolhapur



### यवतमाल

राष्ट्रीय युवा दिन के उपलक्ष्य मे अधिवक्ता परिषद यवतमाल (विदर्भ प्रदेश) के तत्वावधान से स्थानीक अमोलकचंद लॉ कॉलेज मे Profesional Ethics इस विषय पर कार्यक्रम का आयोजन हुआ।

इस अवसर पर मा. जिला न्यायाधीश बार असोसिएशन के अध्यक्ष पदाधिकारी समेत बड़ी तादाद मे अधिवक्ता गण तथा छात्र उपस्थित थे।



-Vidhyadhar Gopal Kulkarni, General Secretary

### Adhivakta Parishad Devgiri Prant

19 Jan. 2023 there was a celebration of Young Advocate Day at Parbhani District in Adhivakta Parishad Devgiri Prant

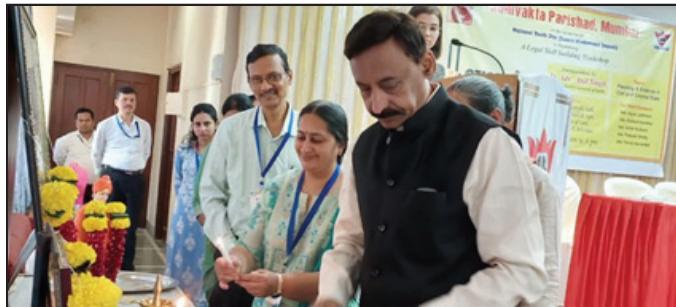


-Sangeeta Baghel, General Secretary

## Kokan Prant Mumbai

Adhivakta Parishad Mumbai conducted ‘Lexercise 2023’—A legal skill building workshop for young Lawyers and final year Law Students on the occasion of Young Advocates’ Day (Swami Vivekanand Jayanti) on 15th Jan, 2023 on the Topic A Pleadings & Evidence in Civil & Criminal Trials.

Yuva divas celebration pe Adhivakta parishad Mumbai me Bhag lene ka saubhagya prapt hua. Thank s Mumbai team. N Anjali Helker ji .



-Anand Nayak, General Secretary

## Adhivakta Parishad Odisha

Yuva Divas celebrated at Cuttack . Hon’ble Justice Biswajit Mohanty The Chief Guest , Sri Siva Narayan Singh Chief Speaker , Sri Ajit Pattanayak President , Sri Chanadramadhab Singh Treasurer , Sri Debasis Tripathy Gen Secy . Young advocates who are doing well in the bar are felicitated.



-Debasis Tripathi, General Secretary

## Adhivakta Parishad Punjab

Patiala unit of Adhivakta Parishad Punjab celebrated National Youth Day on the occasion of birth anniversary of Swami Vivekananda Ji. Function was presided over by Sh. Sachin Sharma General Secretary District Bar Association Patiala. Mr. Labh Singh Sandhu Advocate presented his speech on the topic of “ LIFE AND TEACHINGS OF SWAMI VIVEKANANDA JI”. A study circle was also organised on this occasion and Ms. Chhavi LL.M. student from Punjabi University Patiala

presented her speech on the topic of “PERMANENT INJUNCTION”. Adhivakta Parishad Patiala unit Presented a memento as a token of respect to Chief Guest. Sweets were also distributed in Patiala Bar on this occasion.

-Akhilesh Vyas, General Secretary

## अधिवक्ता परिषद जयपुर प्रान्त

अधिवक्ता परिषद राजस्थान जयपुर प्रान्त की जिला न्यायालय इकाई के द्वारा गुरुवार 12 जनवरी को महात्मा ज्योति राव फूले वि विद्यालय राष्ट्रीय युवा दिवस का कार्यक्रम आयोजित किया गया। स्वामी विवेकानंद श्रेष्ठ अधिवक्ता विषय पर विशिष्ट अधिति डॉ. लता असिस्टेंट प्रोफेसर दिल्ली विश्वविद्यालय ने बताया कि वसुधैव कुटुम्बकम पर शिकागो में स्वामी ने कहा था कि प्यारे भाइयों व बहनों धरती हमारी मां है हम सब एक ही परिवार है। सशक्त युवा ही सशक्त राष्ट्र का आधार होता है। कार्यक्रम के मुख्य आधिति न्यायाधिपति फरजंद अली ने बताया कि स्वामी विवेकानंद



अधिवक्ताओं में सर्वश्रेष्ठ अधिवक्ता थे उन्होने अधिवक्ताओं के गुण चरित्र पर कहा कि उपहासविरोधसम्मति ये स्वामी विवेकानंद के कहे शब्द अधिवक्ता के जीवन के प्रारंभिक जीवन के आधार है। इस तरह से लक्ष्य को अपने जीवन में आत्मसात करना चाहिए जैसे प्राणों का सम्बन्ध हमारे आत्मा से है। उन्हीने कहा कि जीवन में व्यक्ति को हौसला रखना चाहिए और साहस व चरित्र को उन्नत बनाते हुए आगे बढ़ना चाहिए। डॉ. सुरेंद्र कुमार एसोसिएट प्रोफेसर दिल्ली विश्वविद्यालय ने स्वामी जी की वेशभूषा और पगड़ी पर शिकागो में व्यंग्य बनाये जाने वाले प्रसंग पर कहा कि व्यक्ति की पहचान वेषभूषा से नहीं कर्म से होनी चाहिए। बसन्त छाबा डिप्टी सॉलिसिटर जनरल भारत सरकार ने कहा कि राष्ट्र निर्माण में प्रत्येक व्यक्ति की भूमिका होनी चाहिए। छाबा ने एक कहानी के माध्यम से बताया कि प्रत्येक व्यक्ति की अपनी क्षमता होती है और उसे अपनी क्षमता अनुसार राष्ट्र निर्माण में भरपूर सहयोग करना चाहिए। जिला न्यायालय इकाई के महामंत्री कृष्ण कुमार देवासी ने मंच संचालन व इका के उपाध्यक्ष मोहन चौधरी ने सनाठन का परिचय दिया। इका के अध्यक्ष ने कार्यक्रम के अंत मे महात्मा ज्योति राव फुले

विश्वविद्यालय के चयरपर्सन निर्मल पंवार व कार्यक्रम में उपस्थित प्रान्त के समस्त पदाधिकारियों का धन्यवाद ज्ञापित किया।

अधिवक्ता परिषद भीलवाड़ा के सभी साथियों से निवेदन है कि दिनांक 12 जनवरी 2023 को स्वामी विवेकानंद जी की जयंती के अवसर पर (युवा अधिवक्ता दिवस : संस्कृति मंदिर अशोकनगर भीलवाड़ा में सायं 5:30 बजे कार्यक्रम रखा गया है। कार्यक्रम में मुख्य वक्ता भीलवाड़ा विभाग के विभाग प्रचारक श्रीमान दीपक जी भा साहब अपना पाथेर प्रदान करेंगे।

आप सभी अधिवक्ता गण से निवेदन है कि शाम 5:30 बजे संस्कृति मंदिर अशोक नगर भारत गैस के सामने आने का कष्ट करें ताकि कार्यक्रम को सफल बनाया जा सके समय का ध्यान।

### **भीलवाड़ा**

भीलवाड़ा महोत्सव के तहत कोर्ट चौराहा पर शोभा यात्रा का अधिवक्तागण द्वारा पुष्पवर्षा के साथ स्वागत किया गया।



-जितेन्द्र सिंह राठोर, महामंत्री

### **चित्तौड़ प्रांत अजमेर इकाई**

दिनांक 12 जनवरी 2023 को अधिवक्ता परिषद राजस्थान चित्तौड़ प्रांत अजमेर इकाई द्वारा “युवा दिवस” बार एसोसिएशन अजमेर के हॉल परिसर में आयोजित किया गया कार्यक्रम की जानकारी देते हुए अधिवक्ता परिषद अजमेर इकाई के महामंत्री जे. पी. शर्मा ने बताया कि युग प्रवर्तक हम सभी के प्रेरणा पुंज स्वामी विवेकानंद जी की जयंती पर उन्हें नमन करते हुए हर वर्ष अधिवक्ता परिषद द्वारा युवा दिवस का आयोजन किया जाता है जिससे युवा अधिवक्ताओं को युवाओं के आदर्श स्वामी विविकानंद जी राष्ट्रवादी विचारों से जोड़ा रखा जा सके कार्यक्रम के मुख्य अतिथि स्वामी विवेकानंद केन्द्र के डॉ. स्वतंत्र कुमार ने बताया कि विवेकानंद जी के विचारों में वह क्रांति और तेज थाजो आज भी युवाओं में न ऊर्जा और सकारात्कमता का संचार कर प्रेरित करता है हर साल 12 जनवरी को देशभर में राष्ट्रीय युवा दिवस मनाया जाता है। देश के युवाओं को समर्पित इस दिन को मनाने का एक खास मकसद होता है। दरअसल इस दिन स्वामी विवेकानंद का जन्मदिन होता है स्वामी जी का जन्म 12 जनवरी 1863 को कोलकाता में हुआ था

उनका असली नाम नरेंद्रनाथ दत्त था बचपन से ही आधात्म में रूचि रखने वाले नरेंद्रनाथ ने 25 साल की उम्र में संन्यास ले लिया था। संन्यास लेने के बाद वह दुनियाभर में विवेकानंद नाम से मशहूर हुए। वह वेदांत के एक विख्यात और प्रभावशाली आध्यात्मिक गुरु थे। उन्हीं की याद में हर साल स्वामी जी की जयंती पर युवा दिवस को मनाया जाता है अपने विचारों और आदर्शों के लिए मशहूर स्वामी विवेकानंद धर्म दर्शन इतिहास कला सामाजिक विज्ञान साहित्य सभी के ज्ञाता थे। इतना ही नहीं वह भारतीय संगीत के ज्ञानी होने के साथ ही एक बेहद अच्छे खिलाड़ी भी थे। उनकी इन्हीं खूबियों की वजह से उनका व्यक्तित्व सभी के लिए प्रेरणा का स्रोत रहा है। उन्होंने कई मौकों पर युवाओं के लिए अपने अनमोल विचार भी साझा किए। ऐसे में इस दिवस को इस मसकद से मनाया जाता है कि युवा इस खास मौके पर यह सोच सकें कि वह देश और समाज के लिए क्या कर सकते हैं। साथ ही यह दिन उन्हें यह सोचने का भी अवसर देता है कि वह देश के विकास और प्रगति में कैसे अपना योगदान दे सकते हैं मुख्य वक्ता एडवोकेट संदीप यादव ने युवा अधिवक्ता का व्यवहार माननीय न्यायालय में तथा वरिष्ठ अधिवक्ताओं के प्रति किस प्रकार का हो इस विषय पर युवा अधिवक्ताओं को जानकारी देते हुए कहा कि एक अधिवक्ता का अपने विरोधी अधिवक्ता व विरोधी मुवक्किल के प्रति भी सम्मान का भाव रखे एक अधिवक्ता को विरोधी पक्ष का प्रतिनिधित्व करने वाले अधिवक्ता के साथ मुकदमे से सम्बन्धित संघीय बातचीत नहीं करनी चाहिए इसके अलावा अधिवक्ताओं को अपने विपक्ष को किए गए वैध वादों को पूरा करने की पूरी कोशिश करनी चाहिए जैसे कि न्यायालय की तारीख पर उपस्थित होना समय पर याचिकाओं



का मसौदा तैयार करना प्रति दिन की तारीख पेशी प्रति दिन ही करना आदि अधिवक्ता परिषद इका की कार्यकारिणी सदस्य भरत कुमावत ने अधिवक्ता परिषद की जानकारी देते हुए कहा कि अधिवक्ता परिषद् अधिवक्ताओं का एक ऐसा संगठन है जिसमें राष्ट्रवादी सोचसामाजिक उत्तरदायित्व का भाव तथा अपनी बौद्धिक शक्ति से एक्टिविस्ट के रूप में समाज में काम करने व देश में जो

काफी गरीबी है एंव सामाजिक असमानता है समाज के अन्दर सामाजिक चेतना को जागृत करना मानवाधिकार पर्यावरण स्त्री पुरुष समानता सामाजिक न्याय के विषयों एंव संसदीय लोकतंत्र में हमारी क्या भूमिका हो सकती है इन्ही सब विषयों पर काम करने वाले अधिवक्ताओं का एक संगठन है जो न्याय मम् धर्मः अर्थात् न्याय दिलाना ही मेरा धर्म है इस ध्येय वाक्य के साथ काम कर रही है।

युवा वक्ता विधु शर्मा ने समाज की युवा अधिवक्ताओं से अपेक्षा के विषय पर अपने विचार रखते हुए कहा कि हम वकालत को व्यवसाय का पेशा न मान कर सेवा का एक माध्यम मान कर कार्य करे युवा ही देश का भविष्य होते हैं ऐसे युवा और अधिवक्ता जब दो महत्वपूर्ण कड़ी एक हो तो जिम्मेदारी और बड़ जाती है युवा अधिवक्ता समाज कल्याण के लिए भी कई कार्य अपनी वकालत के माध्यम से कर सकते हैं जिसका लाभ समाज को हो कार्यक्रम का संचालन अधिवक्ता माध्व सिंह राणा व रवीना सागर ने किया कार्यक्रम के अंत में धन्यवाद अधिवक्ता परिषद अजमेर इकाई के अध्यक्ष एडवोकेट अशोक अग्रवाल ने दिया।

## Adhivakta Parishad Supreme Court Unit

Chief Guest Hon'ble Mr. Justice V. Ramasubramanian, Judge, Supreme Court of India lighting the lamp and being welcomed at the celebration of Swami Vivekananda Jayanti (Young Advocates Day) organized by Adhivakta Parishad Supreme Court Unit.

Ms. Garima Prashad, Senior Advocate & Additional Advocate General, Uttar Pradesh, speaking during Swami Vivekananda Jayanti (Young Advocates' Day) organized



by Adhivakta Parishad Supreme Court Unit. #ABAP

Ms. Aishwarya Bhati, Senior Advocate & Additional Solicitor General of India, sharing her views during Swami Vivekananda Jayanti (Young Advocates' Day) organized by Adhivakta Parishad Supreme Court Unit.

Chief Guest Hon'ble Mr. Justice V. Ramasubramanian, Judge, Supreme Court of India addressing the lawyers and audience during Swami Vivekananda Jayanti (Young Advocates Day) Adhivakta Parishad Supreme Court Unit.

**-Nachiketa Joshi, General Secretary**

## Adhivakta Parishad South Karnataka (Bengaluru Unit)

vivekanada jayanthi celebration karnataka South bangalore Unit



## Adhivakta Parishad Mysore

Vivekananda Jayanti was celebrated on 30-01-2023 by the Advocate Parishad Mysore Today Vivekananda Jayanti was celebrated by the Advocate Parishad Mysore about 18 lawyers participated in the program. Advocate Gokul Govardhan, founder of Team Mysore Foundation, Mrs. V. Sharada, President of Adhavakta Parishad Mysore, General Secretary Panichetan participated in the event and several lawyers participated in the event.

**-Anand Murthy, General Secretary**

## Adhivakta Parishad North Karnataka

Distt. Belagavi



**-Prashant Pawar, General Secretary**

## Nyayavadi Parishad Telangana

Kmiet law college conducted essay writing and elocution competition on the occasion of swamy viveknanda Jayanthi celebration at Hyderabad



## Bhadrachalam Kothagudem district

Swamy vivekananda Jayanthi celebrated at Bhadrachalam Kothagudem district on 21.1.2023 and it is a new judicial district in Telangana and on this occasion the new Unit is also formed with sampark karykarthas from the mufsil courts also included in the unit committee.

-Semsani Sunil, General Secretary

## Nationalist Lawyers Forum West Bengal

(Celebration of Yuva Advocate Divas this year, 2023 on the mark of Birth Anniversary of Swami Vivekananda 12th January).

West Bengal Prant Celebrated Birth Anniversary of Great Hindu Monk Swami Vivekananda as 'Yuva Advocate Divas'. All Court units were requested by sending notice to Celebrate this auspicious occasion in their Court Premises or in any other places nearer to the



Court. On and from 12th January, 2023 to 23rd January 2023. We have informed our District level adhivakta Karyakartas to request the law students of different Law Colleges to participate the programme with their professors, if possible. We also informed them to request

the Learned Judicial Officers of respective Learned Court to participate as Guest and distinguished Speaker.

Our Karyakartas Celebrated this programme in different court units according to their best abilities and efforts, with a discussion about the values :And thoughts of Swami Vivekananda which is very much inspiring to the young generation to build up a strong nation with a vision to help the needy persons who are living in the edge of our society. 2

Calcutta High Court Unit also Celebrated this Programme. Some new young Advocates joined in the programme by inspiring with the values and object of our Organization.

-Dipankar Dandapat, General Secretary,

## अधिवक्ता परिषद ब्रज प्रांत

### गाजियाबाद इकाई

अधिवक्ता परिषद ब्रज की गाजियाबाद इकाई द्वारा युवा अधिवक्ता दिवस के अनुक्रम में पूरे भारतवर्ष में किए जा रहे आयोजित कार्यक्रमों की श्रृंखला में आज बार सभागार में एक कार्यक्रम आयोजित किया गया। उक्त कार्यक्रम का विषय वर्तमान न्यायिक व्यवस्था में युवा अधिवक्ता की भूमिका रहा। जिस पर प्रकाश डालते हुए कार्यक्रम के मुख्य अतिथि जनपद न्यायाधीश जितेंद्र सिन्हा द्वारा उपस्थित युवा अधिवक्ताओं को एक सुदृढ़ तथा ईमानदार न्याय की व्यवस्था स्थापित करने में सहयोग हेतु आव्हान किया।

कार्यक्रम में मुख्य वक्ता के रूप में एडिशनल सॉलिसिटर जनरल भारत सरकार उच्चतम न्यायालय वरिष्ठ अधिवक्ता विक्रमजीत बनर्जी द्वारा बताया गया कि युवा अधिवक्ता को इस व्यवसाय में आने के लिए मुख्य तीन बातों पर ध्यान देना जरूरी है जिनमें पेशेंस इसके साथ मेहनत और इसके अतिरिक्त सीखने की इच्छा यदि किसी भी अधिवक्ता में इन तीनों चीजों का समावेश है तो वह अधिवक्ता निश्चित रूप से आने वाले कल में एक ख्याति प्राप्त अधिवक्ता के रूप में परिवर्तित हो जाएगा। इसके अतिरिक्त उन्होंने बताया कि बैंच बार से बनती है तथा बार युवा अधिवक्ताओं से बनती है इसलिए युवा अधिवक्ताओं का चरित्र एवं कार्यप्रणाली इस प्रकार की हो कि कल को उनके बैंच में जानें पर अच्छे निर्णय समाज के हित में आए तभी संभव होगा जब युवा अधिवक्ता अपनी जिम्मेदारी को समझते हुए मेहनत और समाज के प्रति अपने दायित्वों का पूर्ण निर्वहन करेंगे।

कार्यक्रम का आरंभ भारत माता एवं स्वामी विवेकानन्द के चित्रों के समक्ष दीप प्रज्वलन कर बैंदे मातरम गीत के साथ किया गया जिसका गायन चंचल गुप्ता मधु रूबी तथा शिल्पा द्वारा किया गया।



कार्यक्रम के आरंभ में वरिष्ठ अधिवक्ता केपी सिंह द्वारा अधिवक्ता परिषद द्वारा किए गए कार्य विस्तार पर प्रकाश डाला जिसमें उनका सहयोग ब्रज प्रांत की उपाध्यक्ष अशा रानी द्वारा किया गया। अंत में बार एसोसिएशन के सचिव नितिन यादव द्वारा अधिवक्ता परिषद गाजियाबाद इकाई के कार्यों की सराहना करते हुए उन्हें ऐसा कार्य करने में बार के प्रत्येक सहयोग प्रदान करने की घोषणा की। कार्यक्रम के अंत में अखिल भारतीय अधिवक्ता परिषद राष्ट्रीय कार्यकारिणी के विशेष आमंत्रित सदस्य विपिन त्यागी द्वारा उपस्थित न्यायिक अधिकारियों एवं मंचासीन अतिथियों का धन्यवाद दिया।

कार्यक्रम का समापन राष्ट्रगान के साथ किया। कार्यक्रम का सफल संचालन इकाई के न्याय प्रवाह प्रमुख अरुण चौधरी द्वारा किया गया। कार्यक्रम के मध्य में उपस्थित अतिथिगण को शॉल एवं फूल माला लेकर सम्मानित किया गया। कार्यक्रम में न्यायिक अधिकारी गणों में अपर जिला जज आलोक पांडे हीरालाल मुख्य न्यायिक मजिस्ट्रेट संदीप चौधरी के साथ-साथ सैकड़ों अधिवक्ता उपस्थित रहे।

### बागपत इकाई

12-01-23 अधिवक्ता परिषद बागपत इकाई द्वारा स्वामी विवेकानंद जयंती को युवा दिवस के रूप में मनाया गया।



### संभल इकाई

## अधिवक्ता परिषद ब्रज इकाई द्वारा विवेकानंद जयंती को राष्ट्रीय युवा दिवस के रूप में मनाया गया

गुरुवार को चंदौसी स्थित जिला न्यायलय में अधिवक्ता परिषद ब्रज इका संभल द्वारा आयोजित गोष्टी में स्वामी विवेकानंद के चित्र पर माल्यार्पण करते हुए मुख्य अतिथि वरिष्ठ अधिवक्ता पवन रस्तोगी ने कहा कि 12 जनवरी को प्रतिवर्ष राष्ट्रीय युवा दिवस के



रूप में मनाया जाता है। संयुक्त राष्ट्र संघ के निर्णयानुसार सन् 1984। को 'अन्तरराष्ट्रीय युवा वर्ष घोषित किया गया। इसके महत्व का विचार करते हुए भारत सरकार ने घोषणा की कि सन् 1984 से 12 जनवरी यानी स्वामी विवेकानन्द जयंती (जयन्ती) का दिन राष्ट्रीय युवा दिवस के रूप में देशभर में सर्वत्र मनाया जाए। अधिवक्ता परिषद के संरक्षक व मुख्य वक्ता श्रीगोपाल शर्मा एडवोकेट ने कहा कि वास्तव में स्वामी विवेकानन्द आधुनिक मानव के आदर्श प्रतिनिधि हैं। विशेषकर भारतीय युवकों के लिए स्वामी विवेकानन्द से बढ़कर दूसरा को नेता नहीं हो सकता। उन्होंने हमें कुछ ऐसी वस्तु दी है जो हममें अपनी उत्तराधिकार के रूप में प्राप्त परम्परा के प्रति एक प्रकार का अभिमान जगा देती है। जिलाध्यक्ष देवेंद्र वार्ष्णेय ने कहा कि स्वामी जी ने जो कुछ भी लिखा है वह हमारे लिए हितकर है और होना ही चाहिए तथा वह आने वाले लम्बे समय तक हमें प्रभावित करता रहेगा। प्रत्यक्ष या अप्रत्यक्ष रूप में उन्होंने वर्तमान भारत को दृढ़ रूप से प्रभावित किया है। भारत की युवा पीढ़ी स्वामी विवेकानन्द से निःसृत होने वाले ज्ञान प्रेरणा एवं तेज के स्रोत से लाभ उठाएगी। गोष्टी को उपाध्यक्ष नरेशशुक्ला एडवोकेट अमरीश अग्रवाल योगेश कुमार शर्मागुनौर से आये अखिलेश यादव एडवोकेट जिला कोषाध्यक्ष सोनू कुमार गुप्ता मण्डल न्याय प्रवाह प्रमुख विष्णु शर्मा रमेश बाबू शर्मा महेश यादव रजनी शर्मा रंजना शर्मा दिनेश स्क्सेना प्रदीप मिश्रा आदि अधिवक्ताओं ने भी सम्बोधित किया गोष्टी की अध्यक्षता जिलाध्यक्ष देवेंद्र वार्ष्णेय ने व संचालन जिल्ला गोयल ने किया।

## फिरोजाबाद

अधिवक्ता परिषद ब्रिज की जनपद इकाई फिरोजाबाद द्वारा युवा अधिवक्ता दिवस मनाया गया।



## अमरोहा इकाई

### अमरोहा इकाई ने स्वामी विवेकानंद की जयंती के उपलक्ष्म में युवा अधिवक्ता दिवस मनाया।

अधिवक्ता परिषद ब्रज अमरोहा इकाई ने चैंबर नंबर 245 पर एक संगोष्ठी का आयोजन कर स्वामी विवेकानंद की जयंती के उपलक्ष्म में युवा अधिवक्ता दिवस मनाया जिसमें युवा अधिवक्ताओं के विचारों की महत्वा पर प्रकाश डाला गया। संगोष्ठी की अध्यक्षता जिला अध्यक्ष राकेश मिश्रा एडवोकेट एवं संचालन तहसील संयोजक राजपाल सिंह एडवोकेट ने किया।

कार्यक्रम का शुभारंभ जिला महामंत्री देवेंद्र पाल सिंह व कोर्ट यूनिट अध्यक्ष मनोज कुमार यादव ने दीप प्रज्वलित कर स्वामी विवेकानंदजी के चित्र पर माल्यार्पण कर किया। संगोष्ठी में मुख्य अतिथि के रूप में सर्वेश कुमार शर्मा अधिवक्ता परिषद ब्रज प्रदेश प्रदेश कार्यकारिणी सदस्य (विशेष आमंत्रित) उपस्थित रहे तथा उन्होंने विस्तार से स्वामी विवेकानंद के जीवन पर प्रकाश डाला तथा किस तरह से युवा अधिवक्ताओं को उनसे प्रेरणा लेने की सीख मिली इस पर विस्तारपूर्वक प्रकाश डाला गया।

इस अवसर पर मुख्य रूप से जिला महामंत्री देवेंद्र पाल सिंह एडवोकेट हरपाल सिंह एडवोकेट दिनेश चौहान एडवोकेट ईश्वर सिंह एडवोकेट देशराज सिंह एडवोकेट सुनील कुमार एडवोकेट राजेंद्र सिंह सैनी एडवोकेट मनोज कुमार यादव एडवोकेट सत्येंद्र सिंह चौहान एडवोकेट आदि अधिवक्ता उपस्थित रहे।

## अधिवक्ता परिषद मथुरा

### युवा दिवस के उपलक्ष्म में कार्यक्रम आयोजित किया

आज दिनांक 22/1/23 को को अधिवक्ता परिषद मथुरा इकाई द्वारा स्वामी विवेकानंद जयंती व मकर संक्रांति उत्सव प्रदेश की योजना अनुसार रीजेंसी गार्डन बीएसए कॉलेज के सामने में बड़े हर्षोल्लास के साथ संपन्न हुआ और खिचड़ी सह भोज का भी आयोजन किया गया कार्यक्रम की अध्यक्षता अधिवक्ता परिषद मथुरा इकाई के अध्यक्ष श्रीमान राजेंद्र कैशोरिया जी ने की और कार्यक्रम का संचालन एड बृजेश कुंतल जी ने किया। कार्यक्रम में

मुख्य अतिथि के रूप में आगरा से पधारे राष्ट्रीय स्वयंसेवक संघ के ब्रज प्रांत विशेष संपर्क प्रमुख एवं अधिवक्ता परिषद मथुरा के पालक अधिकारी श्रीमान अशोक कुलश्रेष्ठ जी ने स्वामी विवेकानंद के जीवन एवं मकर संक्रांति के अवसर पर प्रकाश डाला इस अवसर पर उन्होंने खिचड़ी भोज का महत्व भी बताया। इस अवसर पर श्रीमान धर्मेंद्र वर्मा अधिवक्ता परिषद के ब्रज प्रांत मंत्री एवं श्री राजेश कुलश्रेष्ठ पूर्व डीजीसी सिविल आगरा भी उपस्थित रहे।

इस अवसर पर कार्यक्रम में मुख्य वक्ता के रूप में अधिवक्ता परिषद के संरक्षक श्री सुरेश प्रसाद शर्मा ने अधिवक्ता परिषद के बारे में अपने विचार व्यक्त किए। कार्यक्रम में प्रमुख रूप से चंद्र मोहन अग्रवाल राष्ट्रीय कार्यकारिणी सदस्य खरग सिंह छोंकर उपाध्यक्ष के सी. गौड़ मुकेश गोस्वामी विजेंद्र वैदिक चंद्रभान सिंह मदन मोहन अग्रवाल मुकेश खंडेलवाल मदन मोहन उपाध्याय शिवराम सिंह तरकर विजेंद्र सिंह अलका उपमन्यु भी म दत्त तौमर भगत सिंह आर्य सुभाष चतुर्वेदी संजय गौड़ रमाकांत भारद्वाज शैलेष दुबे महेंद्र प्रताप सिंह हेमेंद्र भारद्वाज रमन गहराना प्रतिभा सिंह संगीता शर्मा चंद्रकांत भदौरिया गोपाल गौतम आई गोपाल पांडे आदि अधिवक्ता गण उपस्थित रहे।

-राखी शर्मा, महामंत्री

## अधिवक्ता परिषद काशी प्रांत

### कासगंज

#### युवा अधिवक्ता दिवस के रूप

#### में मनाई स्वामी विवेकानन्द जयंती

अधिवक्ता परिषद ने जनपद न्यायालय परिसर में स्वामी विवेकानंद की जयंती युवा अधिवक्ता दिवस के रूप में मनाई। अधिवक्ता गण ने स्वामी जी के चित्र पर माल्यार्पण व पुष्पांजली अर्पित कर गोष्ठी में स्मरण किया। संबोधित करते हुए राजीव वशिष्ठ महामंत्री ने कहा कि स्वामी विवेकानंद युवाओं के प्रेरणा स्रोत हैं। अपनी युवावस्था में ही स्वामी जी ने अमेरिका के शिकागो में हिंदू धर्म का परचम लहराया था। डी जी सी क्रिमिनल संजीव सिंह यदुवंशी ने कहा कि स्वामी जी मात्र 39 वर्ष की अवस्था में देश धर्म का नाम रोशन कर गए। पिता का साया नरेंद्र के सिर से उठने के बावजूद भी वे विचलित नहीं हुए और 25 वर्ष की अवस्था में सन्यासी बन गए। 30 वर्ष की अवस्था में धर्म संसद को संबोधित कर अमेरिका में सनातन हिंदू धर्म की शिक्षा देकर अनुयाई बनाए व 3 वर्ष अमेरिका में ही रहे। जिलाध्यक्ष ब्रजराज सिंह शाक्य ने कहा कि स्वामी विवेकानंद ने कहा था गर्व से कहो हम हिंदू हैं। नर सेवा नारायण सेवा। स्वामी जी के इन्हीं विचारों से प्रेरणा लेकर हमें कार्य करना चाहिए। गोष्ठी में निम्न अधिवक्ता गण उपस्थित रहे संजीव सिंह यदुवंशी (DGC crime) ब्रजराज सिंह शाक्य अध्यक्ष राजीव वशिष्ठ (DGC civil) राजीव यादव संदीप मिश्रा संजीव मिश्रा जीतेश सिंह (ADGC) लोकेश शर्मा (ADGC) विश्वनाथ प्रताप सिंह रोहित सक्सेना सुनील माहोर सुशांत सिंह संजीव पचौरी रंजीत भारद्वाज



सर्वेश गुप्ता पूनम गोस्वामी हिमांशु शर्मा अजय यादव अनुरुद्ध गौतमभुवनेश सिंह संजीव दरक सोनू कुमार आदि अधिवक्तागण मौजूद रहे।

### प्रतापगढ़

प्रतापगढ़। जिला दीवानी न्यायालय परिसर स्थित अधिवक्ता भवन में अधिवक्ता परिषद द्वारा राष्ट्र के लिए प्रेरणा कहे जाने वाले स्वामी विवेकानंद की जयंती राष्ट्रीय युवा दिवस के रूप में अध्यक्ष महेश कुमार गुप्ता की अध्यक्षता में मनाया गया। कार्यक्रम का शुभारंभ स्वामी विवेकानंद व भारत मां के चित्र के समक्ष माल्यार्पण व दीप प्रज्वलित कर किया गया। कार्यक्रम में उनके आदर्शों की चर्चा की गई इस मौके पर मुख्य वक्ता के रूप में मौजूद वरिष्ठ अधिवक्ता दीनानाथ मिश्र ने अपने संबोधन में कहा कि स्वामी विवेकानंद ने राष्ट्र को सही दिशा व दशा दिखाया। इसलिए अधिवक्ताओं का कर्तव्य बनता है कि उनके विचारों से समाज के लिए सजग रहे। श्री मिश्र ने कहा कि स्वामी विवेकानंद ने बहुत कम उम्र में अध्यात्म का मार्ग अपना लिया था। आध्यात्मिक मार्ग अपनाने के बाद उनको स्वामी विवेकानंद के नाम से जाना जाने लगा। इस मौके पर अध्यक्ष महेश कुमार गुप्ता ने अधिवक्ताओं को स्वामी विवेकानंद जी के आदर्शों को अपने जीवन में उतारने व उन विचारों को व्यवहार में लाने के लिये प्रेरित करते हुए कहा कि स्वामी विवेकानंद के आदर्शों को अपनाकर राष्ट्र निर्माण में योगदान दे। इस मौके पर विशेष लोक अभियोजक पाक्सो देवेश चंद्र त्रिपाठी ने कहा कि स्वामी विवेकानंद युवाओं के लिए प्रेरणादायक रहे हैं। राष्ट्र के लिए उन्होंने अहम भूमिका निभाई। उन्होंने कहा कि आज के परिवेश में स्वामी विवेकानंद के प्रासंगिकता को अमल में लाना बहुत जरूरी है। इस मौके पर परिषद के मीडिया प्रभारी शिवेष शुक्ल ने कहा कि स्वामी विवेकानंद अधिवक्ताओं के लिए प्रकाश पुंज रहे हैं। अधिवक्ता उनके आदर्शों को अपने कार्य क्षेत्र में निष्ठा पूर्वक रखते हैं। कार्यक्रम का संचालन महामंत्री मनोज सिंह ने करते हुए कहा कि युग प्रवर्तक स्वामी जी ने भारतीय संस्कारसंस्कृति को भारत के गुलामी काल में भी शिकागो के वि व धर्म सम्मेलन में अपने प्रखर व ओजस्वी बच्चों से भारत की पहचान स्थापित की थी। इस मौके पर प्रमुख रूप से विनीत कुमार शुक्ल आशीष गुप्तशिवकुमार पुष्पजीवी मूदुल गुप्तवीर गौरव सिंह सुरेश कुमार गुप्ता अभिनव सिंह अमरीश तिवारी देवेश चंद्र त्रिपाठी आशीष दुबेरविद्र पांडेय दिनेश शुक्लप्रदीप चित्रांशी भरत

लाल विजय शंकर गुप्ता शिवम पांडेय रूपनारायण सरोज अनिल कुमार शुक्लआदि अधिवक्ता व परिषद के पदाधिकारी गण मौजूद रहे।

### अधिवक्ता परिषद् काशी प्रान्त

#### जनपद इकाई मीरजापुर

अधिवक्ता परिषद् काशी प्रान्त जनपद इकाई मीरजापुर द्वारा स्वामी विवेकानंद जयंती – युवा दिवस के अवसर पर आज दिनांक 13 जनवरी को जिला अभिभाषक संघ मीरजापुर के सभागार में संगोष्ठी का आयोजन किया गया।

संगोष्ठी का विषय वर्तमान न्यायिक परिषेक्य में युवा अधिवक्ताओं की भूमिका कार्यक्रम का शुभारंभ दीप प्रज्वलन व स्वामी विवेकानंद जी के चित्र पर माल्यार्पण कर किया गया।

अधिवक्ता परिषद मीरजापुर इकाई के संरक्षक आनंद स्वरूप श्रीवास्तव जी व नारायण जी उपाध्याय जी ने अधिवक्ताओं को संबोधित करते हुए स्व को जागृत करने व निरंतर कर्मशील व अध्ययनशील रहने पर जोर दिया व मन के दास न होकर मन को अपना दास बनाते हुए नित नवीन चीजों को सीखने का प्रयास करते रहने को प्रेरित किया। जिलाध्यक्ष श्री शिव प्रसाद सिंह जी ने कहा कि स्वामी विवेकानंद ने कहा था गर्व से कहो हम हिंदू हैं। नर सेवा नारायण सेवा स्वामी जी के इन्हीं विचारों से प्रेरणा लेकर हमें कार्य करना चाहिए। अधिवक्ता परिषद् के प्रदेश मंत्री श्री विकास राय जी ने स्वामी विवेकानंद जी के जीवन पर प्रकाश डालते हुए जीवन



में गुरु के महत्व पर व स्वामी जी द्वारा दिए गए विभिन्न व्याख्यानों पर चर्चा की गई।

कार्यक्रम का संचालन कर रहे जिला शासकीय अधिवक्ता फौजदारी आलोक राय जी ने स्वामी विवेकानंद जी के जीवन पर प्रकाश डालते हुए बताया पराधीनता के दौर में अज्ञानतावश व पाश्चात्य संस्कृति के प्रभाव में आकर अपने धर्म व संस्कृति से विमुख हो रहे युवाओं को प्रेरित करने व अपने धर्म और संस्कृति को पुनः परम् वैभव की ओर ले जाने का जो प्रयास स्वामी जी द्वारा किया गया वह अतुलनीय है और इसमें शिकागो धर्म सम्मेलन की भूमिका पर भी चर्चा की गई।

कार्यक्रम की अध्यक्षता कर रहे डी.बी.ए अध्यक्ष रामकृष्ण द्विवेदी जी द्वारा विवेकानंद जी के आदर्शों को आत्मसात करते हुए विवेकानंद जी के नाम का अर्थ बताते हुए कहा कि जब विवेक को

रखते हुए कार्य पूर्ण हो तो आनंद मिलता है और वही परमानन्द होता है। उन्होंने कहा कि हम युवा स्वामी जी के जीवन से यह शिक्षा लें कि हम बोल कर नहीं अपितु अपने व्यवहार व आचरण से समाज में अपनी पहचान स्थापित करें और जीवन पर्यन्त ज्ञान अर्जित करते हुए स्वयं को अपूर्णता से पूर्णक की ओर ले जाने का प्रयास करना चाहिए। धन्यवाद ज्ञापन जिलाध्यक्ष शिव प्रसाद सिंह जी द्वारा किया गया।

गोष्ठी में निम्न अधिवक्ता गण उपस्थित रहे श्री गंगेश्वर श्रीवास्तव जी प्रशान्त अस्थानाश्री रित्विक पुरवार जी अभिषेक सिंह धवल जी लव कुमार दुबे जी मंत्री मिथिलेश वर्मा जी अनिल पाल जी श्री राजेश यादव जी विनोद यादव जी (ए।डी।जी।सी) श्री विनोद यादव जी (ए।डी।जी।सी) आश्लेश श्रीवास्तव जी धनंजय गिरि जी राहुल मालवीय जी आदि अधिवक्तागण मौजूद रहे।

### अधिवक्ता परिषद काशी प्रांत

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युवा दिवस के रूप में स्वामी विवेकानंद की जयंती मना नगर सहित जिले के विभिन्न इलाकों में स्वामी विवेकानंद के चित्र पर माल्यार्पण कर याद किया गया।

मऊ नगर सहित जिले के विभिन्न इलाकों में बृहस्पतिवार को स्वामी विवेकानंद की जयंती मनाई गई। स्वामी विवेकानंद के चित्र पर माल्यार्पण कर उनको याद किया गया। सेंट्रल बार एसोसिएक्शन के पुस्तकालय भवन में अधिवक्ता परिषद काशी इकाई के तत्वावधान में कार्यक्रम का आयोजन कर स्वामी विवेकानंद की जयंती को युवा दिवस के रूप मनाया गया इस दौरान वर्तमान न्यायिक परिप्रेक्ष्य में युवा अधिवक्ताओं की भूमिका विषय पर गोष्ठी का आयोजन किया गया। इसमें अधिवक्ताओं ने स्वामी विवेकानंद के जीवन झौली से प्रेरणा लेते हुए उनके बताए गए मार्ग पर चलने की सलाह दी। कहा कि लक्ष्य से भटक कर कार्य करेंगे तो कुछ हासिल नहीं होगा इसलिए लक्ष्य बनाकर उसे पूरा करने के लिए कार्य करें सफलता निश्चय ही मिलेगी। कार्यक्रम में सिविल कोर्ट बार एसोसिएशन के अध्यक्ष शमशुल हसन महामंत्री हरिद्वार राय सर्टेंड्र बहादुर सिंह रामविलास चौबे स्वामी विवेकानंद की जयंती पर गोष्ठी को संबोधित करते सिविल कोर्ट सेंट्रल बार एसोसिएशन के अध्यक्ष रामशुल हसन व अन्य अधिवक्ता अखिलेश राय अराविन्द तिवारी ऋषिकेश सिंह अधिवक्ता परिषद के अध्यक्ष सुरेंद्र यादव मनोज कुमार सिंह ने अपना विचार व्यक्त किए। कार्यक्रम में अमित सिंह विजय कुमार नंदलाल भारती दिलीप पांडेय आदि अधिवक्ता उपस्थित रहे। संचालन एडीजी फौजदारी अनिल कुमार सिंह ने किया विद्यालय के छात्र-छात्राओं ने नाटक के माध्यम से समाज में व्याप्त कुरीतियों को प्रस्तुत किया। फतेहपुर मंडावः मधुबन तहसील क्षेत्र के सिपाह इब्राहिमाबद स्थित स्वामी विवेकानंद विद्यालय में बृहस्पतिवार को वार्षिक उत्सव का आयोजन किया गया। इस अवसर पर छात्र छात्राओं ने रंगारंग सांस्कृतिक कार्यक्रम प्रस्तुत किए। मुख्य अतिथि

ब्लाक प्रमुख प्रवीण कुंवर सिंह ने कार्यक्रम का शुभारंभ बच्चों ने देशभक्ति भाषण तथा स्वामी विवेकानंद भगत सिंह चंद्रशेखर आजाद पर आधारित नाटक प्रस्तुत कर देश प्रेम का संदेश दिया। इस मौके पर मुख्य अतिथि प्रवीण कुंवर सिंह ने छात्रों को संबोधित करते हुए कहा कि उठो जागो और तब तक न रुको जब तक लक्ष्य लक्ष्य की प्राप्ति न हो जाए। इस अवसर पर हरिद्रनाथ पांडेय अजय गुप्ता विवेक चौहान अंशुक जायसवाल मुलायम यादव इंद्रासन यादव आदि लोग मौजूद रहे।

पिपरीडीह परदहां ब्लॉक क्षेत्र पिपरीडीह में स्थित आरएस इंस्टीट्यूट ऑफ फार्मेसी के प्रांगण में पतंजलि युवा भारत एवं डिस्ट्रिक्ट योगासन स्पोर्ट्स एसोसिएशन द्वारा राष्ट्रीय युवा दिवस व स्वामी विवेकानंद की जयंती के उपलक्ष्य में योग शिविर का आयोजन किया गया। इस मौके पर मुख्य योग आचार्य के रूप में जिला योगासन खेल संघ के अध्यक्ष मृत्युंजय कुमार द्विवेदी व पतंजलि युवा भारत के जिला प्रभारी राजन वैदिक ने सूर्य नमस्कार भ्रामी ताडासन बज्राशन बक्राशन आदि योगासन का अभ्यास कराया। बोझी बाजार बड़ानंब ब्लाक क्षेत्र अंतर्गत सरायमुदनी स्थित स्वामी विवेकानंद शिक्षण संस्थान परिसर में युवा दिवस पर समारोह आयोजित करके स्वामी विवेकानंद की जयंती मनाई गई। इसमें लोगों ने स्वामी विवेकानंद के चित्र पर माल्यार्पण किया। साथ ही दीप प्रज्ज्वलित कर कार्यक्रम का आरंभ हुआ।

इसमें छात्रा आषिका भास्कर अंकिता मोर्चा साक्षी राय प्रियंका सिंह व छात्र दीपक पासवान आदि ने गीत-संगीत की स्वरलहरियों से लोगों का मन मोहा। साथ ही सामाजिक कुरीतियों पर प्रहार भी किया। कार्यक्रम के आयोजक विद्यालय के संचालक बलवंत सिंह पटेल रामतारीख यादव वकील सिंह पटेल इंद्रजीत कुमार राजेश मौर्य अश्वनी कुमार आदि ने अपने-अपने उद्बोधन में स्वामी विवेकानंद के आदर्शों को अपनाने पर बल दिया।

**सूरजपुर:** दोहरीघाट ब्लाक क्षेत्र के दरगाह मंडल के अंतर्गत रसूलपुर में स्वामी विवेकानंद की जयंती मनाई गई। भाजपा जिला महामंत्री मनोज मेघवाल ने कहा कि आज का भारत दुनिया का सबसे युवा देश है वर्तमान समय में भारत को आबादी दुनिया की सबसे युवा आबादी है। युवाओं का जोश और उनकी प्रतिभा हमारे देश की असली ताकत है। स्वामी विवेकानंद युवाओं के लिए सदा से प्रेरणा स्त्रोत रहे हैं स्वामीजी के विचार युवाओं के लिए संजीवनी का कार्य करते हैं। इस दौरान मनोज मेघवाल विकास गुप्ता प्रवीण सोनकर संजय शर्मा मंजूर अहमद रामवादी यादव संतोष कुमार आदि उपस्थित रहे। पिपरीडीह परदहां ब्लाक क्षेत्र के पिपरीडीह स्थित रामअवधि सिंह महाविद्यालय में युवा दिवस मनाया गया। इस अवसर पर पंतजलि योगपीठ तथा प्रेसीडेंट डिस्ट्रिक्ट योगासन स्पोर्ट्स एसोसिएशन के तत्वावधान में योग शिविर का आयोजन किया गया। योग आचार्य राजन वैदिक और नकुल आर्य ने छात्र-छात्राओं को योग कराया। प्राचार्य डॉ. रविकांत तिवारी संग स्टाफ के अन्य लोग मौजूद रहे।

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