



### LEGAL AID SOCIETY, LAW CENTRE II



# JANKAAR



# JANHI MEN JAARI



Law Centre–II, Faculty of Law, University of Delhi

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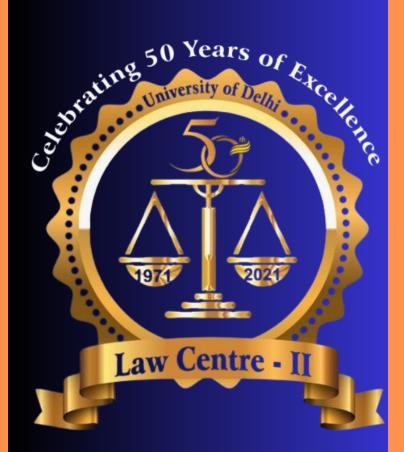
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# LAW CENTRE-II Faculty of Law

Law Centre-II was established in 1971 at ARSD College, Dhaula Kuan, offering a full-time LL.B. programme and celebrating a remarkable history of 50 years. Initially holding evening classes, the Centre has produced distinguished alumni, including top bureaucrats, police and military officers, educators, doctors, engineers, and chartered accountants. Under the leadership of eminent law scholars, Law **Centre-II** has established itself as a leading institution renowned for quality education, rigorous research, and a variety of cocurricular and extracurricular activities. It is recognized as one of the premier institutions in India for the three-year LL.B. program. To support student involvement, several committees have been established, such as the Moot Court, Debate Committee, and the Legal Aid Committee, actively engaging students throughout the year. The annual S.K. Puri Memorial Moot Court Competition, dubbed "JUSTIFIED," attracts participants from across the nation, while the Seminars and Lectures **Committee hosts various academic events** featuring legal experts from India and beyond.











Instagram Legal Aid Society



# About Us. Introduction

The Legal Aid Society, Law Centre-II, Faculty of Law, University of Delhi, is dedicated to ensuring justice for all, particularly for marginalized and underprivileged communities. Guided by the vision of empowering these communities, the society provides free legal aid, fosters legal awareness, and bridges the gap between law and justice through education and service.

Its mission is to promote 'equal access to justice' by offering pro bono legal services to those who lack the means to seek legal assistance. The society actively works to bridge the gap between legal rights and their enforcement, ensuring that justice is not just a privilege but a fundamental right accessible to all.

Through Community outreach programmes, seminars, webinars, workshops, and discussions, it spreads legal awareness and educates individuals about their rights and remedies. Moreover, the society aspires to cultivate a culture of legal awareness and social responsibility among law students, encouraging them to engage in service-driven legal practice.

By extending it's impact, the Legal Aid Society contributes to building a "more inclusive and effective legal system", reaffirming it's commitment to social justice and equal legal protection for all.









# **Our Patron**



DR.ANJU VALI TIKOO (DEAN) PATRON IN CHIEF It's very gratifying to note the passion and tireless work of the Legal Aid Society in advancing social justice and legal literacy. Your new initiative of releasing magazine Jankari Janhit Mei Jaari is praiseworthy. I hope this magazine becomes a showstopper and make people aware about their rights and duties. It will be very encouraging to see your hard work paying off and making a difference. Thank you, all the faculty members and students, for putting great efforts to make this possible.



My fellow students and esteemed faculty,

Let's all congratulate one another for the commitment that every one of us put into the Legal Aid Society and release of the magazine Jankari Janhit Mein Jaari. The work you put in fostering legal awareness through this magazine and helping those who need it is truly commendable. Let us continue to work together towards the cause of making justice available to all. Your efforts are very impactful and I wish you all the luck for the magazine



DR. ANUPAM JHA (PIC) CHAIRMAN



#### DR SHIKHA KAMBOJ TEACHER CONVENOR

The Legal Aid Society at Law Centre II aims to provide access to justice for underprivileged communities through legal literacy, outreach programs and interactive initiatives. One of such creative initiative is our magazine Jankari Janhit Mai Jaari. This is a bilingual magazine adopted to make people aware about rights , duties ,latest legal updates , government schemes, rules regulations, bye laws and other related legal news.. As the Faculty Convener of the Legal Aid Society, I am immensely proud of the work that our student volunteers and faculty members had put day in and day out in order to make this magazine. The students are supported by enthusiastic faculty members. It is one of the first magazines released by our society. I hope it is appreciated by all. Legal Aid Society will continue to put extra efforts like these to provide justice to all.We are open for collaborations with parallel government and semi government institutions working with similar interest.



### From The Desk Of



MS. TAPASYA AGARWAL SECRETARY, CENTRAL DELHI STATE LEGAL SERVICES AUTHORITY Legal aid is not just a service; it is a responsibility toward ensuring justice for all, especially the marginalized. As future legal professionals, your role in bridging the gap between law and justice is crucial. By actively participating in 'Pro bono legal services, awareness campaigns, and community outreach', you empower the voiceless and uphold the fundamental right to justice. Your dedication can transform lives and strengthen the legal system. Let us work together to ensure that Justice is not a privilege but a right accessible to all. Your efforts today will shape a more just and equitable tomorrow



Law school students who turn to be professionals play a pivotal role in the administration of justice. Our legal system makes sure everyone has access to justice. Legal Aid Society of Law Centre-II is doing the job very efficiently. They train the students to educate and empower those who may not be heard with a rightful approach by conducting various seminars, legal aid clinics, and Nukkad nataks, workshops, etc



ADV.TEJASVI GOEL LEGAL AID COUNSEL



MR SACHIN PURI SENIOR ADVOCATE VICE PRESIDENT, DHCBA I extend my heartfelt congratulations to all the faculty members and volunteers of the Legal Aid Society, Law Centre II, on the successful release of the magazine "Jaankari Janhit Mein Jaari." This remarkable initiative is a significant step towards fostering legal awareness among a larger community.

I am truly impressed by the dedication and hard work of the students in bringing this magazine to life. It is inspiring to see the younger generation take such meaningful initiatives for the betterment of society. I feel honoured to witness their commitment to legal literacy and empowerment. I wish the team all the very best for this publication and future endeavours. May the Legal Aid Society continue to undertake such impactful initiatives, ensuring that their efforts create lasting change.

### **GENDER DISCRIMINATION IN INDIA: A LEGAL PERSPECTIVE**

- SHARVI SHARMA



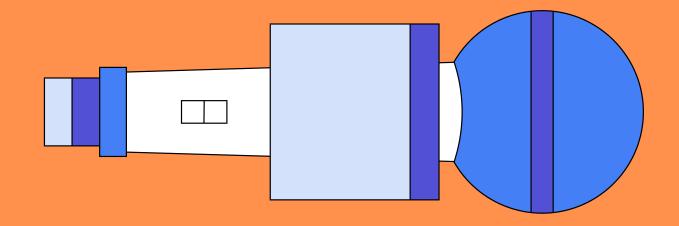


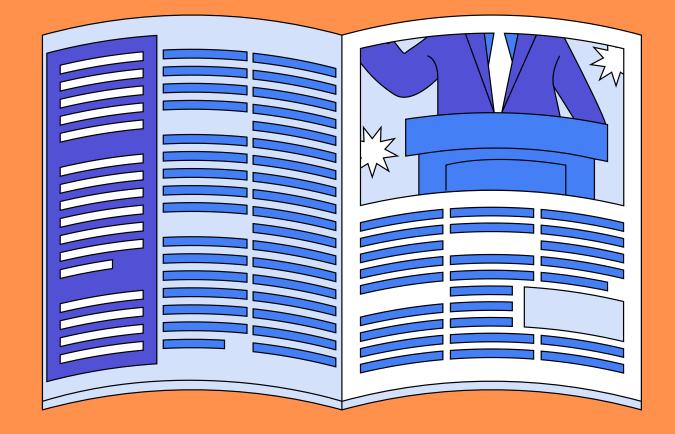


Gender discrimination in India manifests in various forms, affecting individuals across the gender spectrum. While significant legal frameworks have been established to discrimination combat against women, challenges persist, especially concerning the rights of transgender and nonbinary individuals. This article delves into the legal landscape addressing gender discrimination in highlighting key India, legislations and judicial pronouncements.

### **Legal Protections for Women**

- The Indian Constitution enshrines the principle of equality, prohibiting discrimination based on gender. Article 14 guarantees equality before the law, and Article 15 explicitly prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. To reinforce these constitutional mandates, several laws have been enacted:
- Equal Remuneration Act, 1976: This Act mandates equal pay for equal work, irrespective of gender. However, instances of non-compliance have surfaced. For example, a Reuters investigation revealed that Foxconn, a major electronics manufacturer in Tamil Nadu, excluded married women assembly line jobs, citing from concerns over absenteeism due to responsibilities. familial Such practices contravene the Equal





- Remuneration Act, leading to governmental scrutiny and calls for detailed reports from state labour departments.
- Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: Commonly known as the POSH Act, it provides a mechanism for redressal of related to complaints sexual harassment at the workplace. Despite its enactment, compliance remains an Reports indicate that issue. а significant number of organizations to have yet establish Internal **Complaints Committees as mandated** by the Act, leaving many women without a formal avenue to address grievances.

## Legal Recognition and Rights of Transgender Individuals

A landmark moment in India's legal history was the Supreme Court's judgment in National Legal Services Authority v. Union of India (2014). The Court recognized transgender individuals as a 'third gender' and affirmed that the fundamental rights granted under the Constitution are equally applicable to them. Key directives from the judgment include:

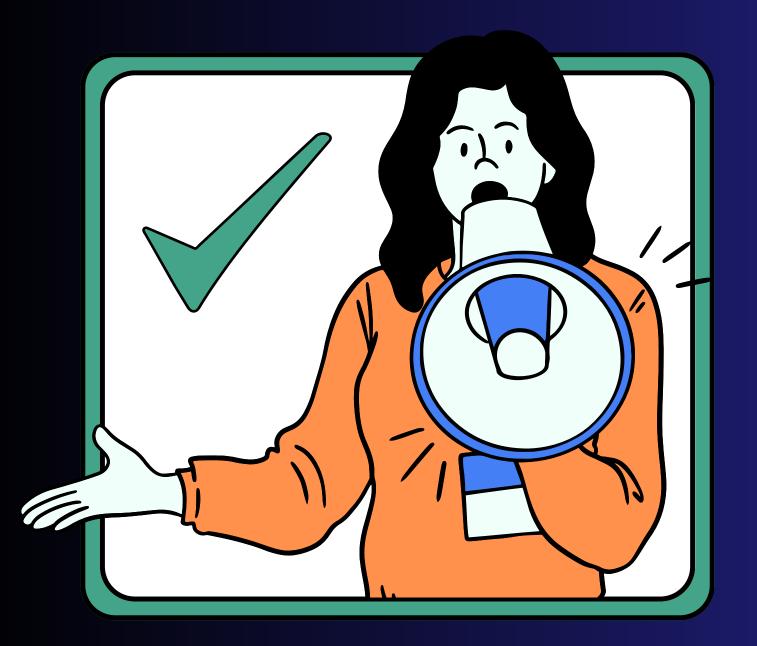
Legal Recognition: Transgender persons have the right to self-identify their gender as male, female, or third gender without the requirement of sex reassignment surgery.

The Social Welfare **Measures**: government directed to treat was transgender individuals as socially and economically backward classes, ensuring reservations in educational institutions and public employment. Public Facilities: Authorities were instructed to provide separate public toilets and other facilities to address the unique needs of transgender individuals.

Despite this progressive judgment, challenges persist. Discrimination against transgender individuals remains prevalent in various sectors, including healthcare, education, and employment. Social stigma and lack of awareness further exacerbate their marginalization.

Recent Developments and Challenges In recent years, there have been efforts to enhance the inclusion of LGBTQ+ individuals in political and social spheres. Notably, opposition parties have appointed LGBTQ+ activists to key positions, signaling a shift towards greater acceptance and representation.

However, systemic issues continue to hinder progress. Cultural norms and patriarchal attitudes often perpetuate gender discrimination. For instance, safety concerns significantly impact women's participation in the workforce. Incidents of violence and harassment deter many women from seeking employment, thereby affecting their economic independence and the nation's economic growth.



#### Conclusion

While India's legal framework provides robust protections against gender discrimination, effective implementation and societal change are imperative. Addressing the unique challenges faced by women, transgender, and non-binary individuals requires continuous efforts in law enforcement, policy formulation, and public awareness. Only through a holistic approach can true gender equality be realized in India



### Freedom of Speech Vs Hate Speech: Where to draw the Line?

#### -Amisha Chauhan

Freedom of speech is the cornerstone of democracy, allowing individuals to express their views, criticize the government, and advocate for change. In India, this right is guaranteed under Article 19(1)(a) of the Constitution. A major point of debate arises when free

#### Hate Speech Laws in India

In Pravasi Bhalai Sangathan v. Union of India (2014), the SC held that hate speech laws must prevent social disharmony without stifling free debate. Hate speech has not been defined in any law in India. However, legal provisions in **Representation of the People Act, 1951 –** 

Section 8 disqualifies a person from contesting election if he is convicted for indulging in acts amounting to illegitimate use of freedom of speech and expression. **Protection of Civil Rights Act, 1955 –** 

Section 7 penalizes incitement to, and encouragement of untouchability through words, either spoken or written, or by signs or by visible representations or otherwise. Hohfeld's Concept of Liberty: No Duty = Freedom? According to Hohfeld's legal theory, there is a key distinction between: **Rights** (Claims) – Which impose corresponding duties on others. Liberties (Privileges) - Which exist only in the absence of a duty to refrain. In the context of freedom of speech, individuals have a liberty (privilege) to express opinions, meaning they have no legal duty to remain silent. However, this liberty does not give them an absolute right to say anything. For instance: You have the liberty to criticize the government because the state has no corresponding right to silence you arbitrarily. However, you do not have the liberty to incite violence because the law imposes a duty to maintain public order under Article 19(2). Thus, liberty exists where there is no duty, but this does not mean unrestricted speech. Hate speech laws create duties to ensure speech does not harm others. In conclusion, freedom of speech is a right, but using it responsibly is a duty. While citizens must be free to express their views, this right should not be misused to incite hatred or violence. The and legislature judiciary must continuously refine the legal framework to ensure a fair balance between protecting free speech and preventing hate speech. A healthy democracy thrives on debate, not division.

speech turns into hate speechspeech that incites violence, discrimination, or hostility against individuals or communities.

#### Freedom of Speech as a Fundamental Right

The Supreme Court of India has repeatedly upheld freedom of speech as a fundamental right necessary for a vibrant democracy. In Romesh Thappar v. State of Madras (1950), the Court ruled that free speech is essential for political discourse and public participation. However, this right is subject to reasonable restrictions under Article 19(2), which allows the government to regulate speech that affects:

- Sovereignty and integrity of India
- Security of the State
- Friendly relations with foreign states
- Public order
- Decency and morality
- Defamation
- Incitement to an offense

certain legislations prohibit select forms of speech as an exception to freedom of speech. BNS (Bharatiya Nyaya Sanhita, 2023)

#### Section 196:

Any act that disturbs public tranquillity or harms harmony between different groups linguistic, (religious, racial, regional castes, groups, communities), including organizing/participating in activities that train people to use violence against such groups, is punishable.

#### Section 197:

Making statements or publishing content that suggests denying citizenship rights to any group based on their religious, racial, linguistic, regional, caste, or community identity, or publishing content that causes disharmony/enmity between such groups is prohibited.

If these offenses (including making false/misleading information that jeopardizes India's sovereignty, unity, integrity, or security) are committed in places of worship or during religious ceremonies, the punishment is enhanced to 5 years imprisonment plus fine.



Jaankaari Janhit Mein Jaari



# LEGAL AWARENESS

By Narendra Gopinath Gajinkar

### "शोषण नहीं, अधिकार चाहिए! अपने हक़ के लिए आवाज़ उठाइए" क्या आपका मालिक मालिक है या बस एक तानाशाह?



# JAANKAARI JANHIT MEIN JAARI

शोषण नहीं, अधिकार चाहिए! अपने हक़ के लिए आवाज़ उठाइए"

क्या आपका मालिक मालिक है या बस एक तानाशाह? अगर इन सवालों का जवाब हाँ है, तो समझ लीजिए कि आप सिर्फ एक मजदूर नहीं, बल्कि शोषण का शिकार हो रहे हैं। लेकिन डरने की ज़रूरत नहीं है—क़ानून आपके साथ है! आपके अधिकारों को जानें और उनका उपयोग करें।

 अगर मालिक धमाके की नौकरी से निकाल दे तो क्या करें?

→ क़ानूनी अधिकार: इंडस्ट्रियल डिस्प्यूट्स एक्ट, 1947 के तहत बिना किसी वैध वजह के आपको नौकरी से नहीं निकाला जा सकता। अगर आपको अनफेयर डिसमिसल का सामना करना पड़ा है, तो आप लेबर कोर्ट या लीगल एड क्लिनिक से मदद मांग सकते हैं।

 अगर मालिक कहे "पसंद नहीं तो जाओ" तो क्या करें?

→ क़ानूनी अधिकार: वर्कमेन कंम्पेन्सेशन एक्ट, 1923
 के तहत अगर आप किसी भी मजबूरी या दुर्घटना की वजह से काम नहीं कर सकते, तो आपको कुछ ना कुछ मुआवज़ा मिलना चाहिए। अगर आपको जबर्दस्ती हटाया जा रहा है, तो आप कंप्लेंट फाइल कर सकते हैं।
 3. अगर मालिक पैसा रोक ले या देर से दे तो क्या करें?
 → क़ानूनी अधिकार: पेमेंट ऑफ वेजेस एक्ट, 1936 के तहत हर मजदूर को समय पर पूरा पैसा मिलना चाहिए। अगर मालिक पैसा रोक रहा है, तो आप लेबर कमिश्नर के पास शिकायत दर्ज कर सकते हैं। लीगल एड क्लिनिक्स भी आपकी मदद कर सकती हैं।

6. अगर मालिक बिना वजह आपके पैसे काट ले तो क्या करें?
→ क़ानूनी अधिकार: वेज कोड, 2019 के मुताबिक बिना किसी लिखित वजह के आपकी सैलरी काटना अवैध है। आपको एक लिखित कारण दिया जाना चाहिए। अगर आपको यह नहीं दिया गया, तो आप लेबर कोर्ट या लीगल एड सोसाइटी से मदद ले सकते हैं।

7. अगर मालिक धमकाए, गाली दे या मार-पीट करे तो क्या करें?
→ क़ानूनी अधिकार: भारतीय दंड संहिता की धारा 323 (मार-पीट), 504 (जान-बूझकर बदनाम करना), और 506 (धमकी देना) के तहत आप पुलिस शिकायत कर सकते हैं। आपको लीगल एड सोसाइटी से मुफ्त कानूनी मदद भी मिल सकती है।
8. अगर मालिक यूनियन बनाने से रोके या धमकाए तो क्या करें?
→ क़ानूनी अधिकार: ट्रेड यूनियंस एक्ट, 1926 के तहत हर वर्कर को अपनी यूनियन बनाने और उसमें शामिल होने का अधिकार है। आपको इसके लिए किसी की अनुमति लेने की ज़रूरत नहीं है।
9. अगर मालिक धमकी दे कि "तुम्हें किसी और जगह काम नहीं मिलने दूँगा" तो क्या करें?

→ क़ानूनी अधिकार: बॉन्डेड लेबर सिस्टम (अखिल भारतीय उन्मूलन) एक्ट, 1976 के मुताबिक किसी भी वर्कर को जबरदस्ती रोकना या धमकाना अवैध है। आप अपनी शिकायत जिला मजिस्ट्रेट या लीगल एड क्लिनिक में दर्ज कर सकते हैं।

10. अगर आपको लगता है कि आप हमेशा गरीबी और मजबूरी के चक्रव्यूह में फँसे रहेंगे तो क्या करें?

 अगर आपसे बिना पेमेंट ओवरटाइम कराया जा रहा है तो क्या करें?

→ क़ानूनी अधिकार: मिनिमम वेजेस एक्ट, 1948 और फैक्ट्रीज़ एक्ट, 1948 के तहत, ओवरटाइम का डबल पैसा मिलना चाहिए। अगर आपको बिना पेमेंट के ओवरटाइम काम कराया जा रहा है, तो आप लीगल एड के माध्यम से एक्शन ले सकते हैं।

5. अगर मालिक पुलिस का डर दिखाए या झूठे केस की धमकी दे तो क्या करें?

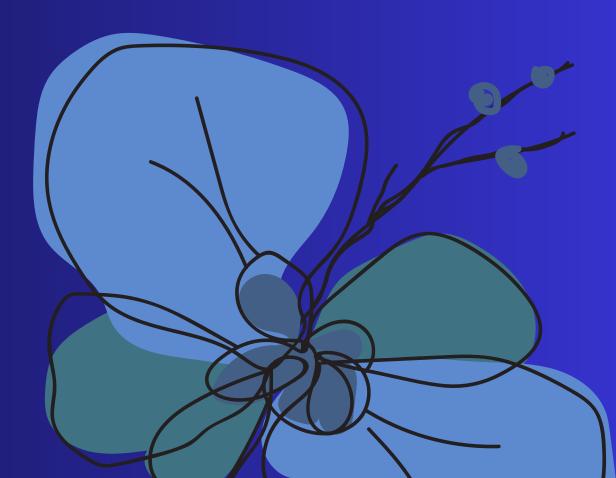
→ क़ानूनी अधिकार: आपके पास राइट टू लीगल एड है। मुफ्त कानूनी सेवाओं के लिए आप नेशनल लीगल सर्विसेज अथॉरिटी (NALSA) या डिस्ट्रिक्ट लीगल सर्विसेज अथॉरिटी (DLSA) से मदद ले सकते हैं। → क़ानूनी उपाय:

फ्री लीगल एड: आप नेशनल लीगल सर्विसेज अथॉरिटी
 (NALSA) के माध्यम से मुफ्त कानूनी मदद ले सकते हैं।

 लेबर कोर्ट: अगर आपका केस बड़ा है, तो आप लेबर कोर्ट में अपनी बात रख सकते हैं।

NGO और ट्रेड यूनियन्सः आप भारत में काम करने वाले
 NGOs और मज़दूर यूनियनों की मदद ले सकते हैं।
 आखिरी सवाल – क्या आप लड़ने को तैयार हैं?

डर आपकी ताकत को छुपा देता है। समस्या का हल सिर्फ चुप रहना नहीं, बल्कि कानून का सही इस्तेमाल करना है। क़ानून आपके साथ है, बस आपको आवाज़ उठानी होगी!



# The Silent Struggle of Men in Modern Society

- SAIMA NAWAZ



he struggles of men in modern society are often overlooked due to societal expectations. They face unique challenges that rarely receive the attention they deserve.

Key Challenges Faced by Men• Mental Health Stigma: Men are often expected to suppress their emotions and 'be strong,' leading to unaddressed mental health issues. • Family and Parental Challenges: Fathers frequently encounter biases in family courts, especially in custody battles, where the assumption leans toward favouring mothers.

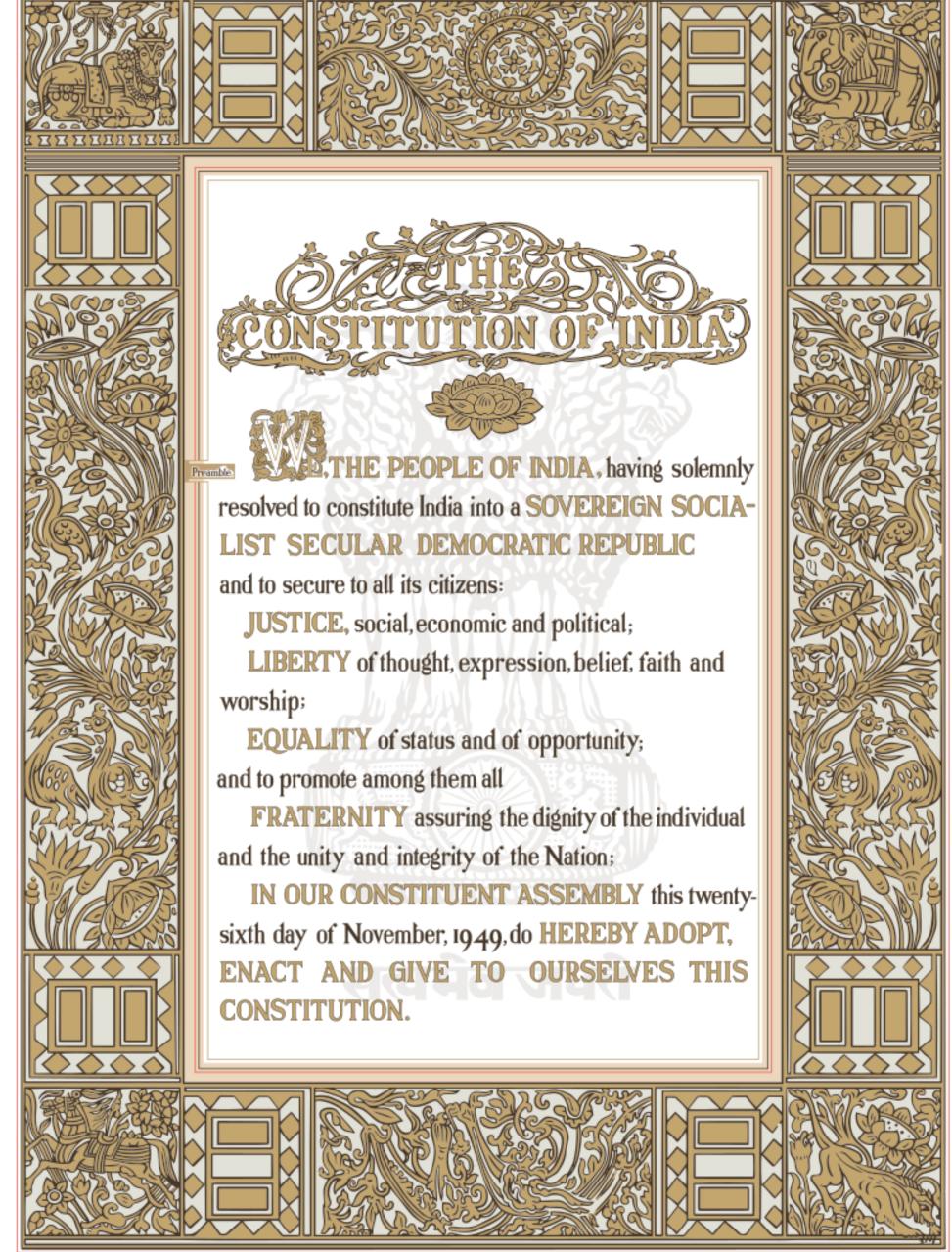
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Accusations False Legal and Vulnerabilities: In cases of harassment or domestic violence, men face prejudice even when they are falsely accused. Despite these struggles, many men hesitate to speak out, fearing rejection and being labelled weak. True equality is only achieved when every voice, including those of men, is heard and valued. Recent Cases: Highlighting the Need for Men's Rights K Srinivas Rao v. D.A Deepa (2013) This case highlights how laws meant to protect women can sometimes be misused, leading to unjust consequences for men. The wife lodged a false and defamatory complaint against her husband, including an outrageous claim that her mother-in-law asked her to sleep with her father-in-law. The Supreme Court ruled that such statements amounted to mental cruelty and granted a decree of divorce in favour of the husband. Despite being the victim, the husband was unfairly burdened with paying ₹15 lakhs as alimony, showcasing how men can be of targeted through the misuse protective legal provisions. Narendra v. K Meena (2016)In this case, the wife repeatedly accused the husband of illicit relationships and threatened suicide, demanding that he leave his parents and live separately with her. The Supreme Court observed that her behaviour was horrible,' 'terrifying and causing immense mental agony and humiliation for the husband. The ruling emphasized that such mental torture adversely affects the husband's dignity and peace of mind, highlighting the need for a more balanced approach in matrimonial disputes. The Tragic Case of Atul Subhash (2024) The recent suicide of Atul Subhash, a 34-year-old software engineer from Bengaluru, underscores the severe consequences of mental cruelty inflicted upon men. Atul was embroiled in contentious divorce and custody battles with his estranged wife, Nikita Singhania. He left behind a 24page suicide note and an 81- minute video detailing the alleged harassment and false accusations he faced from his wife and her family. Atul claimed that multiple false cases, including those related to dowry harassment, were filed against him, leading to immense mental distress.



This case has ignited discussions about the misuse of protective laws and the urgent need for a more balanced legal approach to prevent such tragedies. Conclusion Men's struggles in modern society remain largely ignored, despite cases highlighting their numerous vulnerabilities. From mental health stigma biases, men face legal unique to challenges that demand equal attention. The misuse of laws, especially in cases of false accusations and family disputes, calls for urgent reforms to ensure that justice is truly balanced. If we aim for gender equality, it must be inclusivewhere every individual's rights, including those of men, are protected and respected. In conclusion, laws should be amended to ensure a fair and just society where their rights of both men and women are balanced. Legal frameworks evolve must to promote equal opportunities, and protect individuals from discrimination as in the cases of divorce the focus should be on the faults of an individual and alimony should be decided on the basis of faults of each party.

### PREAMBLE VESTED POWER IN PEOPLE

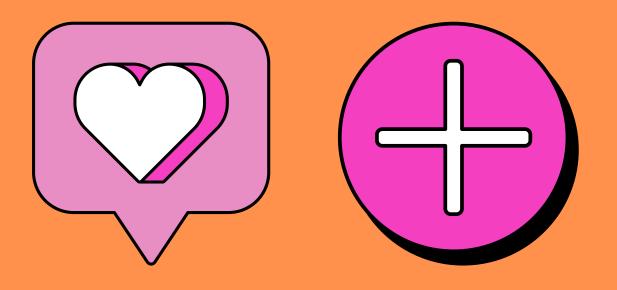


### - AKASH

The fundamental objective of the Indian constitution can be seen in the preamble which has always been regarded as the mirror of constitution. It is not only signifying the main principles on which the whole edifies of the constitution stands but also help US regain the to consciousness that by these principles, we have to attain the objectives enshrined in the preamble and constitution itself. We have to attain the objectives enshrined in the preamble and constitution itself.

The preamble declared us to be a sovereign, socialist, secular, democratic, republic and, also by these declared principles it encourages us by way of being executive, legislature and judiciary to achieve the objectives such as Justice, equality and fraternity and Freedom for every citizen of this country.

It is very much important to know that these ideals are the very foundation of the development of our country, India always been a country of the follower of superstition and sustained the caste discrimination, the unequal land distribution, we are in the 75th years of independence we have not made it yet to claim that every citizen of this country has a square meal in his plate, the statistics shows that In 2022 almost 144.3 Million landless laborers were in India, On the other hand (In 2022) almost 51,656 cases registered against caste atrocities law SC & ST Protection Act, in 2022. In 2024, the total number of pending cases of all types and at all levels rose above 51 million, including over 180,000 court cases pending for more than 30 years in district and high courts. 4.5 crore out of 5.1 crore cases, i.e. more than 87% cases are pending in district courts as of 2024. In the year 2024 India is on 105th rank out of 127 countries in the Hunger Index, and the rapid reporting of disturbance of communal harmony in different parts of Indian territory.



The preamble of India when you read it carefully signifies that the ultimate power vested in people, now it is up to us that how we are exercising it to claim our rights which are bestowed to us by this constitution. If you read preamble to understand the authority, and power source by words such as "We the people of India, on this 26th Nov, 1949, do hereby adopt, enact and give to ourselves this constitution."

It can be understood that the ultimate power is vested in the people of India and every Indian wanted to create a welfare state, but where we are lacking, the major issue is the lack of awareness and the education despite Education is a fundamental right under the constitution, reason being large scale dropout and the problem not having adequate resources. To achieve the ideal state as declared by the constitution eliminating above challenges. We have to application of proper the ensure fundamental by constitutional rights mandates only. Then we would be able to claim that the ideals and principles of the constitution are fulfilling. Dr. Ambedkar, addressed the nation through his Constituent assembly speech that "if the constitution is bad but the implementors are good it will be a good constitution but if the constitution is good but the implementors are bad it will turned into the bad constitution." The duty imposed on state to ensure the objectives of the constitution lies on the shoulder of the people too, ultimate power is vested in people. The mere words which declare "WE THE PEOPLE" are the foundation of the constitution. We have to ensure every possible constitutional way to ensuring the Fundamental rights and the principles of the constitution as the power vested in us.

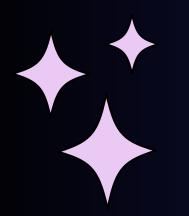


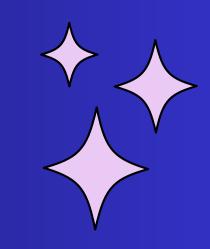
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# -NIKHIL KUMAR







An invaluable ally for legal professionals worldwide, simplifying processes and enhancing

efficiency in the legal field. By streamlining tasks such as research, document review, and client

interactions, yes I'm talking about AI is transforming the way advocates work. It's not just a tool;

it's a supportive partner that helps lawyers navigate complex legal challenges more easily,

allowing them to focus on what truly matters: serving their clients and delivering justice. write it

in a better way and modify it, also a survey found that around 35% of law firms were already

using AI tools by 2020, with this number expected to rise as more firms recognize the benefits.

Artificial Intelligence (AI) is transforming many industries, including the legal field. By

analysing large amounts of data, automating routine tasks, and improving decision-making, Al is It is Simplifying Legal Research As Legal research can be very time-consuming. Al tools like Westlaw Edge and LexisNexis utilize

advanced algorithms to quickly search vast databases of case law, statutes, and regulations in

seconds. With natural language processing (NLP), lawyers can ask questions in simple language,

making it easier to find relevant information. For instance, a lawyer might type "What are the

liability standards for a slip and fall case?" and receive tailored results instantly. This capability

saves time and enables lawyers to provide better, more informed advice to their clients. It is

Automating Document Review, AI excels at automating document review processes. Tools

like Everlaw and Relativity can rapidly scan

reshaping how lawyers work. This article explores how AI enhances the efficiency, accessibility,

and effectiveness of legal services for clients.



large sets of documents, identifying important

information and filtering out irrelevant material. This is particularly useful during the discovery

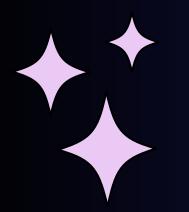
phase of litigation, where lawyers may need to review thousands of documents. For example, a

law firm involved in a major merger could use AI to sort through extensive financial records and

emails, significantly speeding up the review process and allowing lawyers to focus on strategic

planning instead of getting bogged down in paperwork. It is using Predictive Analytics, AI

can analyse historical cases to identify trends and patterns, helping lawyers make more accurate predictions about case outcomes. Tools like Premonition and Lex Machina assess the likelihood



of winning a case or reaching a settlement based on data from similar past cases. For instance, a personal injury lawyer can use these insights to gauge the success rates of similar cases in their jurisdiction, which helps in developing more effective strategies and managing client expectations more realistically. It is Streamlining Contract Management, AI-driven tools

such as Kira Systems and Luminance streamline contract review and management. These tools can quickly identify potential risks, extract key terms, and check for compliance with regulations. For example, a corporate lawyer using AI to review a merger agreement can rapidly highlight unusual clauses or missing information, reducing the time spent on paperwork and

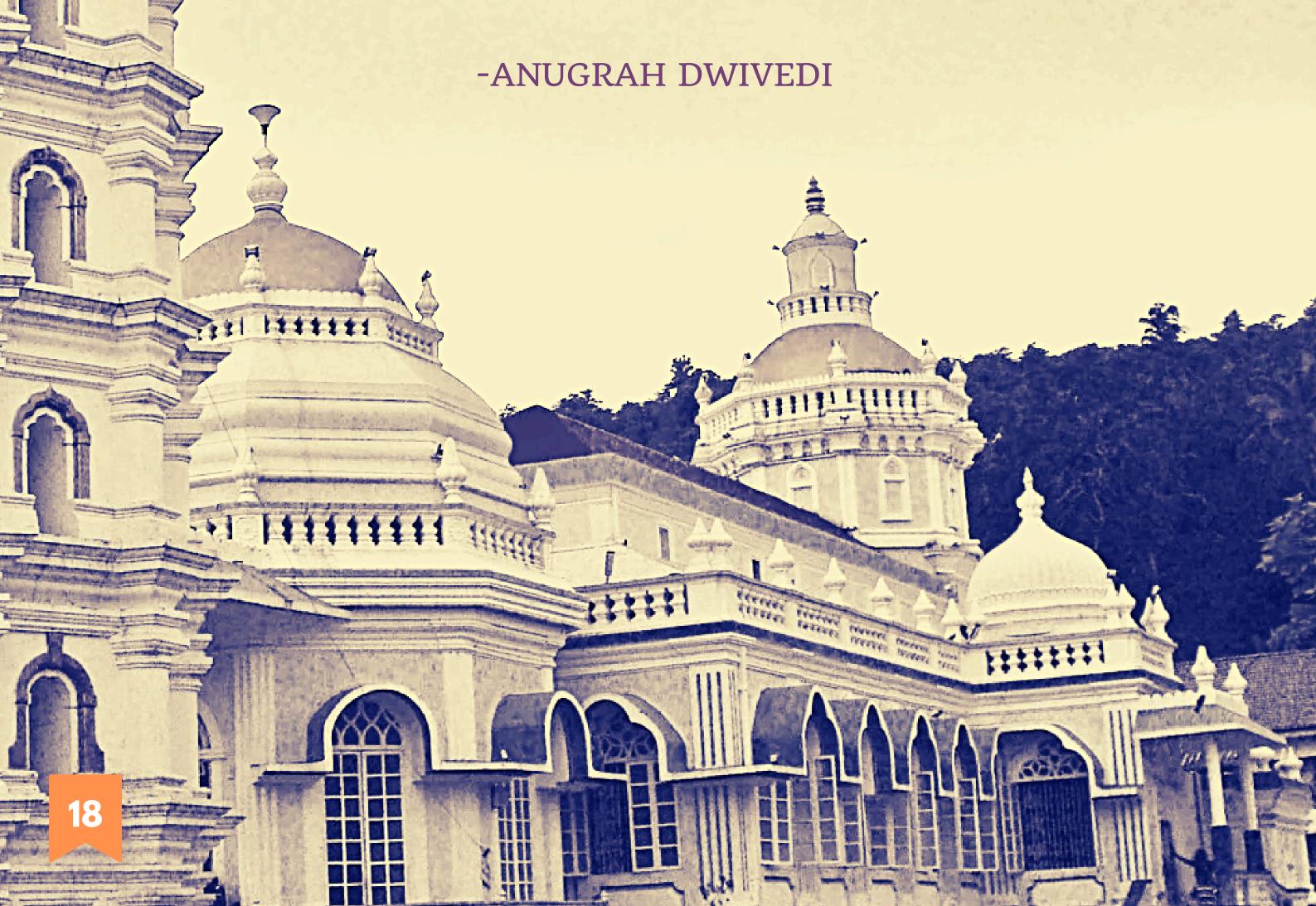
minimizing errors. This automation enhances overall efficiency in contract management and allows lawyers to focus on high-value tasks. It is Increasing Accessibility to Legal Services, AI is making legal services more accessible. Chatbots and virtual assistants, like those offered by DoNotPay, provide basic legal advice, answer common questions, and guide users through simple legal processes. This is particularly beneficial for individuals who cannot afford a lawyer, allowing them to access legal information and support. For instance, someone facing a minor traffic violation can use a chatbot to understand their options and navigate the legal process without incurring high legal fees. It is Enhancing Client Interaction, AI tools are also improving how lawyers interact with clients. Law firms can leverage AI analytics better understand client to preferences, enabling more personalized services and effective communication. For example, AI-driven platforms like Clio can help law firms track client interactions and automate appointment scheduling, ensuring timely communication and enhancing the overall client experience

Features like follow-up reminders also contribute to a more streamlined client relationship. It is Addressing Ethical Concerns, While AI offers many benefits, it also raises important ethical questions. Issues such as data privacy, algorithmic bias, and the potential loss of jobs in the legal field must be carefully considered. For instance, if an AI system inadvertently discriminates based on biased data, it could lead to unfair outcomes in legal Legal decisions. professionals must implement AI responsibly and ethically, ensuring that these technologies enhance justice rather than compromise it. AI is significantly transforming the legal field by improving efficiency, accessibility, client outcomes. By simplifying and research, automating document reviews, and enhancing predictive capabilities, AI allows lawyers to focus on more critical addressing tasks. However, ethical challenges is crucial to ensure responsible use in legal practice. As the legal profession continues to evolve, lawyers and firms should embrace AI

technologies to remain competitive. Investing in AI tools and fostering a culture of innovation will not only enhance service delivery but also empower lawyers to better serve their clients in an increasingly complex legal landscape. By leveraging these advancements, the legal

field can move toward a more efficient and equitable future. As a law student at the Faculty of Law, Delhi University (LC-II), I am reaping significant benefits from AI. These advanced technologies are enhancing my learning experience by streamlining research, providing instant access to legal resources, and aiding in understanding complex concepts. With AI tools at my disposal, I can efficiently analyse case law, draft documents and even prepare for exams, allowing me to focus more on developing my legal skills and knowledge. AI is truly transforming my journey as a law student, making it more productive and enriching

# The The Constitution Prevails over the Will of the Majority



What the Constitution? is The word 'Constitution' is of French origin which is generally used for regulation and orders. The Constitution of any country is the fundamental law of the land with greater authority and sanctity. It not only describes the basic principles of the State, the structures and processes of governance and the fundamental rights of citizens but also envisions a path of growth and development for a nation. Will of majority in democracy Democracy represents what the majority of people thinks expressed through the elected representatives. In a democratic elected country the through legislature representatives or sometimes even from executive make laws and amend the constitution to fulfil the will of majority amendments and the Will The objective behind the amendment of the constitution is to respond to the needs and wills of the people with changing time. The fundamental law must be a law of living and not of death. On the occasion of one hundred and fiftieth anniversary of the congress of U.S, the then chief justice of U.S declared "what the people really want generally get." he declared this to be true because the people had in their hand "the ultimate power of change through amendment". Will of the people and Will of the Majority.

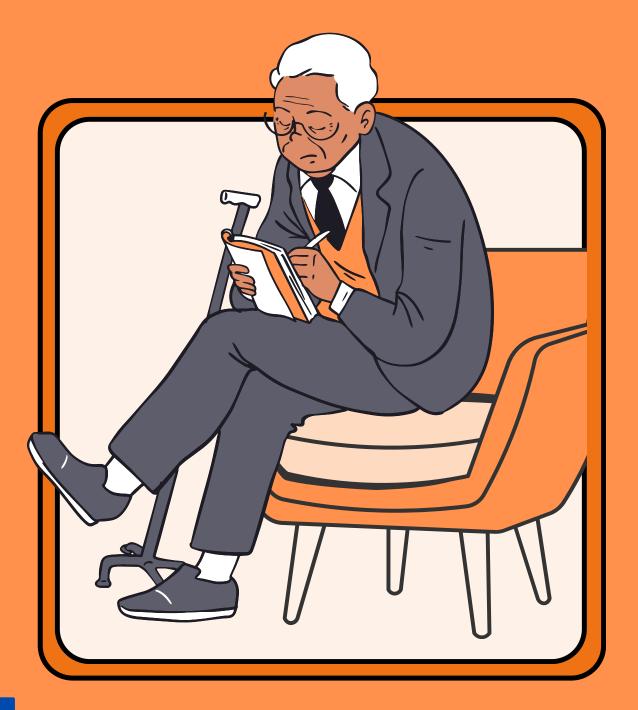
Justice Adarsh Goyal in hearing of NJAC case said "The will of the people is the while constitution the parliament represents the will of the majority at a given point of time which is subordinate to the Constitution, that is, the will of the people" This observation of Justice Goyal someway indicates that the governments are elected through the first-past-thepost-system is based on majoritarian system so it does not represent the will of people at large while the constitution assembly which was elected through the consensus and all the communities had authentically representation SO it represent the will of the people. In Kesavananda bharati case Supreme Court observed that the parliament has power under Article 368 to make some amendment but it can not change the basic structure of constitution. Which consists (a) Supremacy of constitution (b) Republican and democratic form of government (c) Secularism (d) Separation of power (e) Federal character. In this case the Supreme Court further observed that these basic structures are built on basic foundation, i.e., dignity and freedom of individual. The Supreme Court further emphasised on these two words and said this can not by any form of amendment can be destroyed. In Navtej singh Johar case where the supreme court struck down a part of section 377 of IPC (homosexuality) in the light of basic foundation of constitution (Dignity and freedom of Individual). It was challenged under Article- 14,15,19 & 21. While a large section of society was against the homosexuality even then the Supreme court struck down and ensured that the Will of the people(Constitution) should prevail over the Will of majority. In the Sayra Bano case the supreme court declared Talaq-e-bidat unconstitutional in the light of the Will of People (Dignity and freedom of Individuals) while the will of majority was in favour of Talaq-e-bidat.



Arguments in favor of Will of majority:

A study conducted by University of Chicago Law school found that the average lifespan of a constitution is 17 years. So, some people do contend that 73 years after 1950 the Will of the People has changed so the Will of the majority should prevail now. Some people give the arguments that what is the meaning of choosing government if it is unable to complete the Will of Majority. Some people do say that the interference of the judiciary in the elected government work by saying that amendments are against the will of people (Constitution) is not good. Risks in following Will of Majority against the Will of People (Constitution) Elected government is the representatives of the will of the Majority. So, it can claim that it has power to change the constitution. This can lead to a problem where each government will try to implement its constitution and it will create uncertainty Like; a period of sixty years, Nepal has In experienced seven constitutions. Changing of rule on the Will of Majority can create uncertainty and the rule of law can become rule of Majority which may lead to conflict amongst different sections of societies. If the Will of majority is followed there are chances that someday a popular leader declares himself/herself as permanent leader of the country by saying that this is the only will of the majority but if the Constitution (will of peoples) is followed the Judiciary can declare that amendment unconstitutional

In following the Will of Majority there is always a risk that someday the majority of people start willing something which is unethical, immoral, inhuman. One must always remember that in this majority there will be uninformed, misinformed or uneducated people also then their opinion can lead them down the wrong path also. • Let us take a hypothetical situation where the Legislature passed a bill that no person shall go outside after 9pm with the will of majority. The Executive started executing the law and when the people challenged this law in the judiciary it declared it constitutional then what would the other people do ? Now they can protest, which is their fundamental right given by the constitution. Here the constitution which is the Will of people will prevail over the Will of majority and this way the wrong path chosen by the majority would be avoided. Conclusion 
The Constitution should prevail over the will of the majority because it (constitution) is the will of the People which includes every section of



the society and it has the privilege of faith by people .Will of People is an inclusive term than the will of majority . Parliament represents the will of the majority at a given point of time while the constitution represents the will of peoples for a long period.

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# The Change, \* that is the need of Time

-Umair Gazanfur



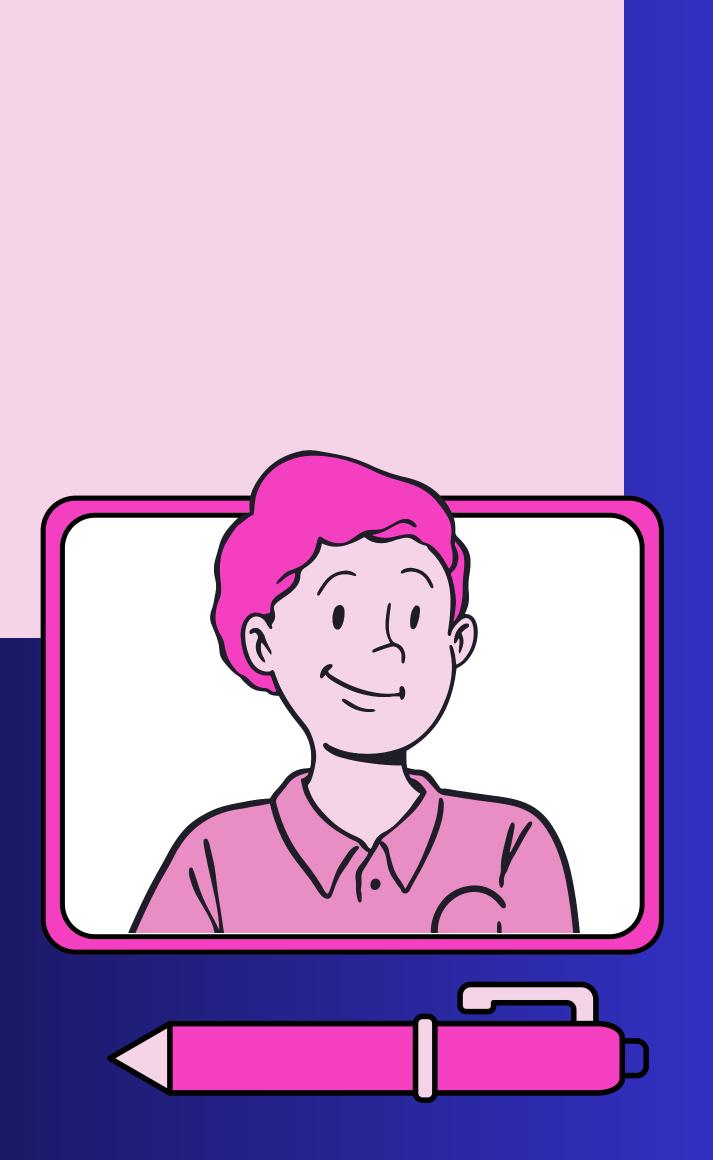
Society has evolved in the everlasting sphere of a hyperbolic world, to the extent that man has reached the Zenith of what could have been achieved. Though MAN, where HE could not reach is the sense of equality of genderization. We, in the 21st century, are still in a mental paradox, believing that we have provided women with all the rights they need and are their so-called protectors, but on the contrary, the reality is the opposite. In the first place, who are we to give or provide women, rights, and shouldn't they have them ab initio? Like no one gave us the rights, similar should be the case with them. Since the start of the great civilisations, women have been subjugated to inferior treatment, be it Romans, Catholics, Pre Islam-Arab, or even earlier societies. The Constitution of India has provided for rights, for both Men and Women, equally. Though women have been provided with extra protection because of the marginalisation that they had to go through for centuries but at the same time, today, our constitution has been a force factor to implement and protect the rights of women. Constitution, under Article 15, provides prohibition of discrimination on grounds of religion, race, caste, SEX or place of birth. Article 15[3] allows the state to make special provisions for women and children. Article 21 provides for the right to personal liberty. Article 39[d] provides for the right to equal pay for equal work. Similarly, through the 73rd and 74th constitutional amendments, women were provided with reservations in local governance, ensuring their representation in decision-making bodies. These provisions and similarly others in the constitution aim to foster the role of women in society.

After providing rights to women, the Constitution had to make sure that these rights were protected. Not Man, but the Constitution must be the protector of these rights, and through the Constitution, Constitutional courts must uphold this duty. These courts from time to time have proven their part and have laid down countless judgements and guidelines to protect the interest of women in India. Be it the guidelines relating to the Hindu Adoption and Maintenance Act 1956 or the right to maintenance of Muslim women or the right to abortion or the protection of Women from Domestic Violence Act, 2005 or the protection of women against sexual harassment at workplaces, constitutional courts in India have been exemplary in setting up an example for the legislature. Judicial activism related to the protection of the rights of women has been highly appreciated and regarded, especially in rape cases where courts have broadened the definition of consent and have ruled on the necessity of a woman's consent in sexual relations, even within marriage. Supreme court in Vishakha and others vs State of Rajasthan 1997 laid down guidelines, pending formal legislation, for dealing with sexual harassment of women at the workplace, which became the founding block for the enactment of the protection of Women from sexual harassment act or POSH act of 2013. In Shayara Bano vs Union of India 2016, Supreme Court laid down a remarkable judgement, in which it banned the practice of Triple Talaq providing legal protection for women, promoting gender equality, and encouraging legislative reform. Similarly, the Supreme Court in Mohd. Ahmad Khan vs Shah Bano Begum, commonly known as the Shah Bano case, laid down the secularity of section 125 CrPC and pronounced a unanimous decision, ruling that Muslim women were also entitled to full maintenance.





We, as a society, need to accept the fact that women need not be known through or because of men. They have their full, free, indigenous identity, and they are very much capable of securing and protecting this identity of theirs. They do not need men to protect them but need men to protect their kind. The Constitution is enough to protect their rights as it simultaneously protects the rights of men and so it should endeavour to protect the rights of women further in societies where we say, women are as good as men, but we never say men are as good as women. There is a high need that this societal taboo to end. We, as a society, need to address MAN as a gender and not a superiority trait.

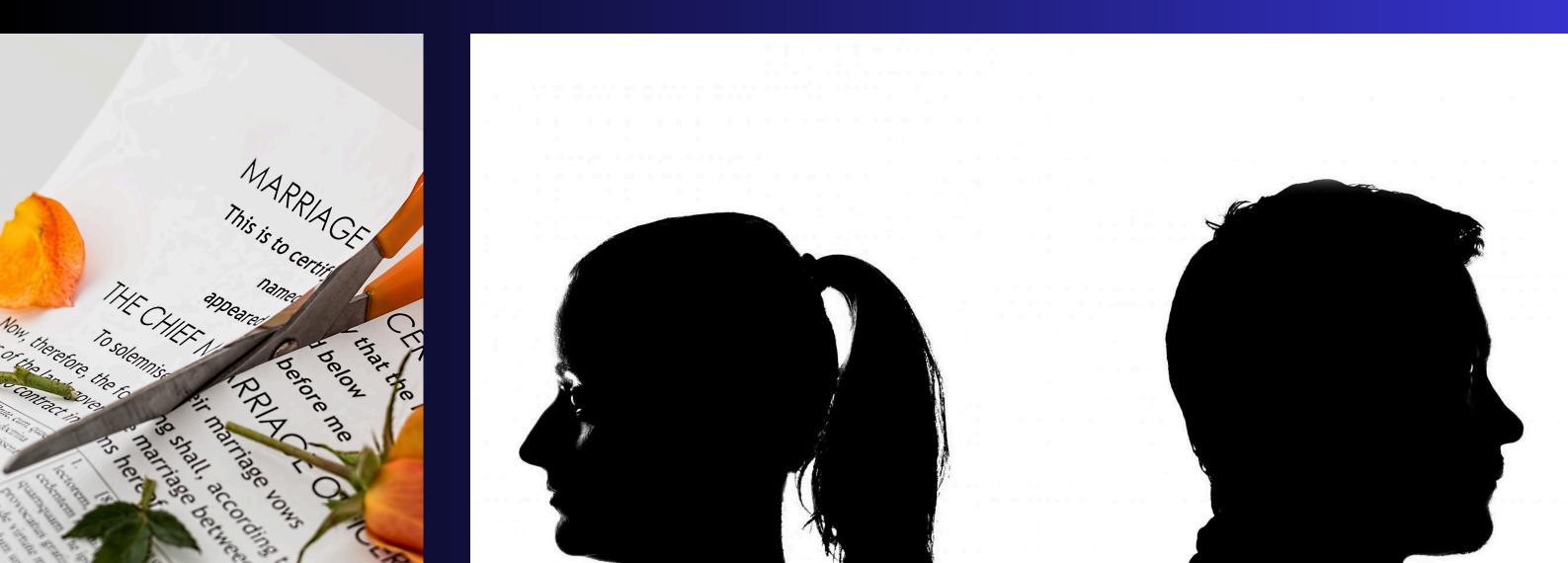




## IRRETRIEVABLE BREAKDOWN OF MARRIAGE AND THE EXTRAORDINARY USE OF POWER:

## A NA N A L Y S I SO FS H I L P AS A I L E S HV S .V A R U NS R E E N I V A S A N C A S E :

#### -HEMANT BHADHANA



hilpa Sailesh v. Varun Sreenivasan.Citation: MANU/SC/0502/2023Coram: Sanjay Kishan Kaul, Sanjiv Khanna, Abhay S. Oka, Vikram Nath and J.K. Maheshwari, JJ.Judgement Authored by: Sanjiv Khanna,

J.FACTS The parties, Mrs Shilpa and Mr Varun married in 2008, the husband was a businessman living in Pune and the wife was a director in a certain business in Muscat because of frequent disputes they had been living separately for nearly six years and thought that marriage served no purpose. Therefore, they filed a motion before the Supreme Court in 2014 to obtain a divorce by mutual consent under section 13-B of the Hindu Marriage Act, 1955. Here the court directed both parties to wait for the mandatory period of 6 months and try to settle the issues among themselves to find a way to save the marriage. As this period ended in 2015, they jointly filed a divorce petition. The transfer petition was postponed by the two-judge bench of the Court to be kept pending for statistical purposes, as several other comparable cases were awaiting resolution before the family court with the identical issue. Consequently, they referred determined be the issue to by the constitutional bench of the Supreme Court. ISSUE 1. 2. Scope of Art.142 of the Indian constitution. Whether the Supreme Court waive time as prescribed by Section 13B of the Hindu Marriage Act of 1955?3. Whether the Supreme Court can grant divorce under Article 142 on the ground of irretrievable breakdown of marriage by mutual consent or despite the other spouses opposing the prayer? RULE 1. 2. Article 142 of the Constitution of India gives the Supreme Court of India the power to make any order or decree that it deems necessary to ensure complete justice in any case before it. Section 13B of the Hindu Marriage Act of 1955 permits divorce by mutual consent if the couple has been living separately for at least one year, has mutually agreed to end the marriage, and has been unable to live together. The couple must file a joint petition with the family court, appear in court, and provide statements. After filing the petition, they must wait for six months but no longer than 18 months for the court to issue a divorce decree. They can retract their consent, but it must be genuine and without hidden motives. Once the divorce is decreed, consent cannot be retracted.ANALYSIS The Hon'ble Supreme while Court delivering the judgement interpreted Art 142 of the Indian constitution by relying on the landmark case of M. Siddig (Dead) Through Legal Representatives (Ram Janmabhoomi Temple Case) v. Mahant Suresh Das.1 Where the court held that by simply applying rules of the general law complete justice cannot be given and there are many complexities which are needed to be taken into consideration where a general law cannot be applied.

And that the deliberately wide amplitude of the power under Article 142 empowers a court to pass an order that accords with justice. Therefore, by relying on the precedent set in this case Supreme Court can invoke Art142 to give justice in the present case. The Hon'ble Court by relying on the case of Union Carbide Corporation v. Union of India2, where the interpretation of the term cause or matter as mentioned in Art142 of the constitution is derived and concluded that the term cause means any action or criminal proceedings, and 'matter' means any proceedings in the court and not in a cause. The word cause or matter, when used together, covers almost every kind of proceeding in court, whether civil or criminal. Therefore, the Supreme Court has the power to quash any criminal or civil proceedings to deliver complete justice. As any family matter is followed by civil and criminal proceedings court, an exercise of its power under 142 can quash such proceedings. The court has further relied on this case to draw a clear distinction between the Constitutional power conferred by Article 142(1) of the Constitution of India on the Supreme Court not a replication of the MANU/SC/1538/20192 MANU/SC/0058/1992 1 inherent power vested with the civil court under the CPC, and the High Court under the Cr.P.C. While examining the scope of Art 142 the Hon'ble Court relied on the case of I.C. Golak Nath v. State of Punjab.3 Where the court reached the conclusion that the power conferred through this article is boundless and must be exercised with due care and reasonableness and the only limitations are reason, restraint and injustice to deliver complete justice. And by doing so they do not encroach on the power of the legislature

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The Hon'ble Court emphasized that it is the power granted by the Constitution to do complete justice and is a guiding spirit. In the current case, the Supreme Court referenced Amardeep Singh v. Harveen Kaur, 4 Where the marriage dissolution was mutually agreed upon, and the couple sought a waiver of the mandatory cooling-off period, as it would affect the possibility of rehabilitation. The court, by exercising its authority under Article 142, granted this waiver and identified six key questions to consider before allowing a divorce under Article 142:1. 2. 3. 4. 5. 6. How long the marriage has lasted. Duration of ongoing litigation. Length of separation. Existence of other legal proceedings between the couple. Participation in mediation or conciliation. Whether there is a genuine settlement covering aspects such as alimony, child custody, or other relevant issues. Notably, in Amardeep Singh, the court did not directly address if a divorce by mutual consent under Section 13-B of the Hindu Marriage Act could be granted under Article 142(1). In this present case, however, the court adopted the six factors from Amardeep Singh and added that judges must also ensure that the settlement is genuinely voluntary, free of any coercion or undue pressure and that alimony considerations are adequately addressed. The court also applied principles from N.G. Dastane v. S. Dastane,5 which established that facts could be proven based on the "preponderance of probabilities." Here, the court held that the term "satisfied" refers to a judgment made on a balance of probabilities, not the criminal standard of "beyond a reasonable doubt." This allows the court to grant a divorce when it believes that the grounds for separation are likely substantiated. Further, the precedent from V. Bhagat v. D. Bhagat, 6In 1993 held that an irretrievable breakdown of marriage was not sufficient grounds for divorce. However, in Ashok Hurra v. Rupa Bipin Zaveri (1997),7 Where the couple had separated for years, the court, under Article MANU/SC/0029/19674 MANU/SC/1134/20175 MANU/SC/0330/19756 MANU/SC/0155/19947 MANU/SC/0283/1997 3 142(1), granted a divorce, reasoning that a dead marriage serves no purpose and prolonging it would only increase the emotional and practical burden on the parties involved

Similarly, in Naveen Kohli v. Neelu Kohli,8 A three-judge bench ruled that when a marriage has broken down irretrievably, prolonging it only adds to the parties' misery. Although public interest generally favours preserving marriages, it is also vital to recognize when a marriage has irreparably deteriorated, in which case dissolving it serves both individual and societal interests. The court in this case also to the United referred Kingdom's Supreme Court ruling in Owens v. Owens, where Lady Hale emphasized that assigning blame should not be central to divorce decisions. Rather, patterns of behaviour that damage the trust and foundation of marriage could justify separation, even without explicit the Here, fault-finding. court that acknowledged persistent controlling, demeaning, or humiliating behaviour could be grounds for divorce if it made cohabitation unreasonable. In Munish Kakkar v. Nidhi Kakkar9 ,The court faced a similar situation where the couple had been apart for over two decades, with the wife residing in Canada, and all mediation attempts had failed. The court granted a divorce under Article 142 due to the absence of mutual consent and the breakdown of their marital bond. In the present case, the Supreme Court observed that, given the parties had lived separately for over six years and both had consented to divorce, their marriage could be regarded as irretrievably broken. To avoid needless prolongation, the court granted a divorce by waiving the cooling-off period, finding that doing so best served justice. Exercising its constitutional power under Article 142, the court aimed to bring effective resolution to the parties without unnecessary delays in litigation.



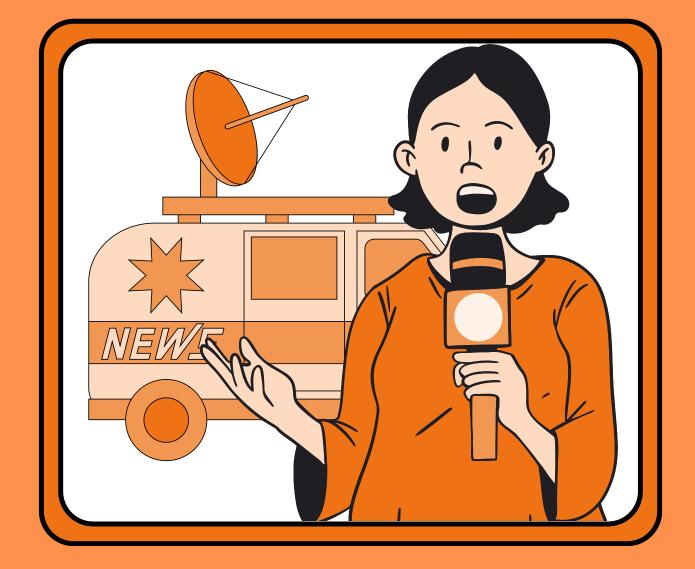
**CONCLUSION** In the case of Shilpa Sailesh v. Varun Sreenivasan, the Supreme Court decided to waive the mandatory waiting period specified in Section 13B of the Hindu Marriage Act. This decision highlights the changing role of judicial discretion in marital disputes, affirming the Supreme Court's authority under Article 142 of the Constitution to ensure complete justice, even if it involves overriding procedural statutory provisions. By emphasising individual autonomy and swift resolution, the Court positioned itself as an active agent of change, adapting marital laws to reflect contemporary social values. However, such rulings risk undermining the consistency of statutory law by allowing courts to bypass legislated provisions through judicial discretion. This could lead to a lack of uniformity and predictability in legal outcomes, potentially resulting in inconsistencies in how lower MANU/SC/1387/20069 MANU/SC/1753/2019 8 courts handle similar cases.

The discretionary power granted by Article 142, while beneficial for ensuring justice on a case-bycase basis, could also lead to unpredictability in legal processes. The ruling in Shilpa Sailesh expands upon the precedent set by Amardeep Singh v. Harveen Kaur by extending the waiver of the cooling-off period, which may seem as encroaching upon the legislative domain. By waiving statutory requirements, the judiciary has effectively altered or disregarded statutory provisions rather than interpreting them within their intended scope. This raises concerns about the separation of powers, as legislative bodies are traditionally responsible for law making, while the judiciary's role is to interpret and apply those laws. Moreover, the decision's emphasis on expediency might be seen as undermining the intended purpose of the cooling-off period itself. The cooling-off period was designed to offer a window for reflection and potential reconciliation, ensuring that decisions to dissolve a marriage are made with deliberation. By allowing for its waiver, the Court could be perceived as diminishing the importance of this reflection period, potentially promoting а more transactional view of marriage where divorces can be finalized without substantial waiting periods. This may lead to criticisms that the judiciary is facilitating a path toward more liberal divorce policies without adequate debate or legislative input. Additionally, the broader application of judicial discretion in divorce cases could potentially lead to one-sided decisions.

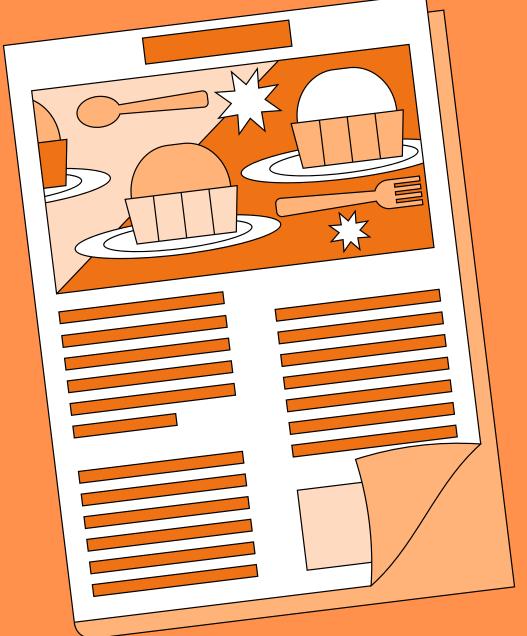
For instance, if one spouse is opposed to the divorce, waiving the cooling-off place them period could at a disadvantage, undermining their rights to attempt reconciliation. This could create scenarios where the party seeking divorce has unfair an advantage, especially if the waiver is granted primarily based on expediency rather than a thorough assessment of all involved. factors Despite these criticisms, the Shilpa Sailesh ruling is also praised for recognizing the reality of modern marriages and the emotional toll of prolonged litigation. The decision aligns with a broader societal shift towards acknowledging individual autonomy in marital relationships, underscoring the importance of timely relief cases of irretrievable in breakdown. From pragmatic а standpoint, the Court's approach offers a pathway to reduce the emotional and financial burden on parties trapped in dysfunctional marriages, reinforcing the idea that matrimonial law should adapt to the lived experiences of those it serves.An important consideration is that parties should be encouraged, or even mandated, to utilize alternative dispute resolution (ADR) methods, such as mediation or counselling, prior to requesting a waiver under Article 142. The purpose of the cooling-off period was to allow time for reflection and potential reconciliation. In numerous instances, ADR processes could present an opportunity to explore reconciliation or at least enable both parties to amicably resolve outstanding matters. Requiring parties to first participate in ADR would be consistent with the original legislative intent of Section 13B, ensuring that a swift divorce is not granted prematurely without a genuine attempt at settlement.



This recommendation is particularly pertinent in light of the criticism that the Supreme Court's discretionary power expedite at times may divorce without proceedings adequately potential considering the for reconciliation. By mandating that ADR applicants engage in or counselling before seeking a waiver from the Court, the legal process can ensure that both parties have genuinely attempted to address their issues outside the courtroom. It would also prevent the Court from being the initial recourse, thereby helping to uphold the sanctity and seriousness of marriage by confirming that divorce is indeed the last resort after other options have been exhausted. In conclusion, Shilpa Sailesh v. Varun Sreenivasan is a ground breaking judgment that signifies a step towards а more progressive interpretation of divorce laws. While the Court's reliance on Article 142 to waive statutory waiting periods is a welcome relief for many, it also raises concerns about the balance between judicial discretion and legislative intent. Moving forward, this case may influence how future courts handle similar issues, potentially prompting further debate on the boundaries of judicial power and the legislative clarity in need for matrimonial law. This judgment reflects the Indian judiciary's commitment to ensuring justice, even if it involves stretching the boundaries of statutory interpretation. At the same time, it highlights ongoing tensions between the need for legal flexibility and the desire for procedural consistency, underscoring the complex interplay between evolving social norms and the structure of the legal system.









### **STREET VENDING:**

LEGAL PROTECTION AND THE CHALLENGES FACED BY VENDORS

-SEJAL



Street vending is one of the most common informal means of providing food, merchandise, and wares for everyday use. Street vendors are individuals who sell their goods without a permanent stall. However, these vendors frequently face exploitation, arbitrary evictions, and harassment, especially as many of them are unskilled and unaware of their legal rights. This creates an urgent need to protect them from such challenges and allow them to conduct their business freely and with dignity. Regulations and Rights of Street Vendors. The government actively protects the rights of street vendors by regulating their activities and issuing smart cards containing identification and vending certificate details.





It conducts surveys to identify vendors and allocate vending zones while issuing vending certificates to eligible individuals. The government develops digital platforms for complaint redressal and constitutes monitoring committees to review progress. Street vending is protected under Article 19(1)(g) of the Indian Constitution, guaranteeing the freedom to practice any trade or occupation.

The Supreme Court, in the Bombay Hawkers Union v. Bombay Municipal Corporation (1985) case, upheld street vending as a fundamental right. The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, ensures vendors а secure environment by regulating practices establishing Town Vending and Committees (TVCs) to issue vending certificates. Vendors must operate in designated and zones, police harassment is prohibited under Section Noncompliance may lead to 27. penalties. Street vendors have certain rights, but it is equally important for them to exercise caution and fulfil their responsibilities. According to Section 14 of the act, street vendors using spaces on a time-sharing basis must remove all goods and wares at the end of their allotted period each day. Vendors are also prohibited from selling goods in areas designated as no-vending zones. Additionally, they must adhere to basic duties to maintain order and compliance with regulations. Exploitation of Street Vendors Street vendors, especially from marginalized communities, face exploitation by authorities, often trapped in false cases or subjected to humiliation



Despite the Street Vendors Act, they still face significant challenges. In high-traffic markets like Lajpat Nagar and Sarojini Nagar, vendors offer affordable goods but face discrimination and mistreatment from police authorities. Authorities often misuse power to demolish setups without legal procedures, evicting vendors arbitrarily. Measures for Improvement to protect street vendors' rights effectively, Awareness campaigns should be organized to educate vendors about their rights and the legal processes that protect them, delivered in their local languages to ensure full comprehension. Issuing more vending certificates will empower vendors to operate lawfully and with confidence. Additionally, establishing and promoting a Grievance Redressal Committee will allow vendors to resolve disputes and build trust in the legal system. Evictions or relocations of street vendors must strictly adhere to the provisions of the scheme and the law, as outlined in Section 18 of the Act. Actions should be lawful, with penalties imposed only for non-compliance with established terms and conditions. Conclusion, Street vendors play a vital role in India's economy by offering affordable goods and attracting both domestic and international customers. Their contributions to the GDP and their ability to attract both domestic and international customers cannot be overlooked. It is now essential to address the challenges faced by street vendors and ensure they lead lives of dignity. The government must respect vendors' rights and ensure they can operate without fear of exploitation or eviction.





LEGAL AID SOCIETY

LAW CENTRE II



### -PRATYUSH SHUKLA

Should our rights coalesce with our duties? The answer to this question is affirmative. Principles of Natural justice, Liberty, Equality, and Fraternity are the pillars upon which our Democratic Republic stands. These principles are not mere words. They are the guiding stars that illuminate the path towards a just, fair and equitable society. Embedded within the Constitution, we find Part 3 that guarantees the fundamental rights to our citizens. They serve as the bedrock of democracy ensuring that individual freedom is protected and cherished in our constitution as the entire structure is built on the basic foundation i.e. the dignity and liberty of the individual. This is of supreme importance. However, it is crucial to recognize that these rights do not exist in isolation. They are intrinsically connected to the concept of duties. Just as every right carries a responsibility, every freedom bears an obligation to act responsibly and ethically. The symbolic relationship between the rights and the duties forms the essence of a harmonious Rights society. and duties are conceptually linked to each other. There are no rights without duties. If a person has the right to do something, it necessarily implies that someone else has a corresponding duty to ensure that it is not violated. For instance, if an individual has a right to free speech, then it is the duty of the state to prevent its infringement. If I have rights which impose duties on others, then others also have right that enforce duties on me. Individuals have as many duties as rights. Any individual who demands a right and expects others to allow or facilitate its exercise must also expect she is equally duty bound to reciprocate

This is so simply because, like her, all others have rights too. We are

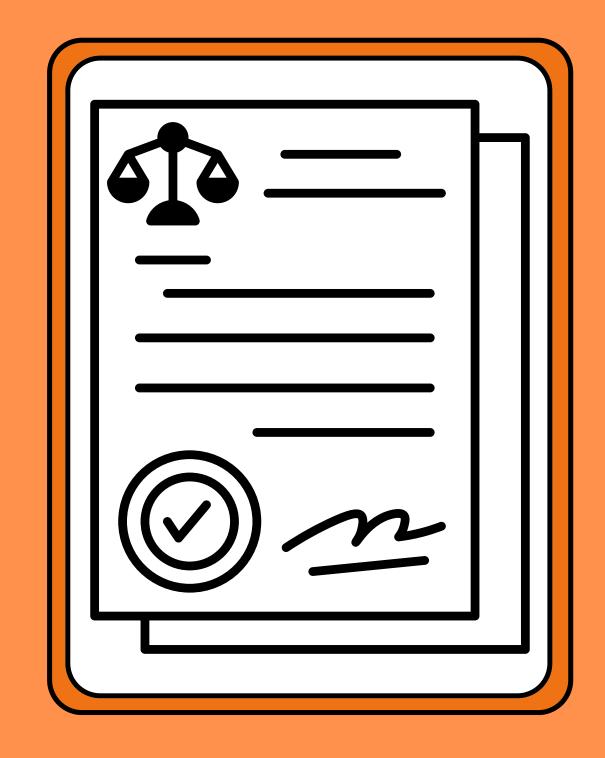
all rights- as well as duties-bearing individuals. I hope it is abundantly clear that rights entail duties, that rights cannot be exercised without the simultaneous performance of duties. **Webs of Duties** 

#### The first thing to note is that as a citizen,

there exists a wide range of duties that bind us in everyday life. These duties are owed to the constitution, the state and the individuals. We have a legal duty to pay our taxes, to refrain from committing violence against our fellowcitizens, and to follow other laws that Parliament has enacted. Breach of these legal duties triggers financial consequences (fines), or even imprisonment. Therefore, we are already following a host of duties, which guide and constrain how we may behave. This is the price that must be paid for living in society.

#### The logic of Rights

Rights, on the other hand, follow a different logic entirely. This is a logic that is best understood through history. At the time of the framing of the Indian constitution and its chapter on fundamental rights, there were two important concerns animating the Constituent Assembly. The first was that under the colonial regime, Indians had been treated as subjects. Their interests did not count, their voices were unheard, and in certain cases for instance, the "Criminal Tribes" they were treated as less than human. Apart from the long and brutal history of colonialism, the framers also had before them the recent example of the Holocaust, where the dignity of more than six million people had been stripped before their eventual genocide. The aftermath had taught lessons which were too fresh to be forgotten by our Constitution-makers. Secondly, the framers were also aware that they were inheriting a deeply riven society. stratified and The colonial regime had not been the only oppressor; the axes of gender, caste and religion had all served to keep masses of individuals in permanent of subordinations conditions and degradation. The second role of rights, thus, was to stand against hierarchy. Through guarantees against forced "untouchability", against labour, against discriminatory access to public spaces, and others, fundamental rights were meant to play an equalising and democratising role throughout society, and to protect individuals against the depredations visited on them by their fellow human-beings.



The twin principles of antidehumanization and anti-hierarchy, reveal the transformative purpose of the fundamental rights. The recognition that true democracy could not exist without ensuring that at a basic level, the dignity, liberty and equality of individuals was

protected, both from the state a well as from Majoritarian Triumphalism.

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## Rights and Duties: The Foundation of a Harmonious Society

-SHIVANI MADDHISHIYA



Rights and duties are two fundamental concepts that are intertwined and essential for the smooth functioning of a society. While rights refer to the privileges and freedoms that individuals are entitled to, duties refer to the responsibilities and obligations that individuals must fulfill. In this article, we will explore the importance of rights and duties and how they contribute to the creation of a society that is just, equal, and free. As Nelson Mandela said, "The freedom to make our own choices is the most important freedom of all." Our rights give us the freedom to make choices and live our lives as we see fit.

Rights and duties are interdependent and

Importance of Rights and Duties Rights and duties are essential for the creation of a harmonious society. It is the twin pillars of a harmonious society. When individuals are aware of their rights and duties, they are more likely to respect the rights of others, fulfill their obligations, and contribute to the common good. It also promote social justice, equality, and freedom. By protecting the rights of individuals, societies can ensure that everyone has access to the same opportunities and resources. By fulfilling their duties, individuals can contribute to the well-being of society and promote the common good.

inseparable. While rights enable individuals to pursue their goals and ambitions, duties ensure that individuals fulfill their responsibilities and obligations to others.

In conclusion, rights and duties are two sides of the same coin. Our rights give us the freedom to make choices and live our lives as we see fit, while our duties remind us of our responsibilities towards others and towards society. By balancing our rights with our duties, we can create a more just and equitable society where everyone can thrive. As Martin Luther King Jr. said, "We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly." By fulfilling our duties and respecting the rights of others, we can create a brighter future for ourselves and for generations to come.



### **Rights and Duties**

<u>"Like a song needs a Melody to be complete, Every right carries with it a responsibility that needs to be fulfilled in order to share the responsibility of a shared world, like the threads woven together in the Tapestry."</u>

Nature's Law, often referred to as "Natural Law," is a philosophical concept that asserts certain inherent rights and duties stem from human nature and the natural order. These rights and duties are seen as universal and pre-existing, not granted by governments or societies but inherent in human beings simply by virtue of their existence. While rights ensure personal freedom and protection, duties are equally critical to the functioning of a harmonious society.

Natural Law theory has influenced many ethical, legal, and political philosophies throughout history, including the development of modern human rights concepts.

In the context of India, rights and duties are fundamental concepts that serve as the cornerstones of the country's democratic framework. In a larger context, the Constitution of India represents the king that guarantees us rights, but the same king also calls on us to uphold our duties. Rights aren't simply privileges; they're freedoms that come with the responsibility to ensure that they are used to strengthen society. It's easy to claim our rights, but it's much harder to actively protect the rights of others, especially when it's inconvenient or unpopular.

The rights of Indian citizens are primarily safeguarded under Part III of the Indian Constitution, which deals with the Fundamental Rights. These rights are modeled after the Universal Declaration of Human Rights and are meant to protect the individual from arbitrary actions by the state and ensure equality, freedom, and justice for all citizens.

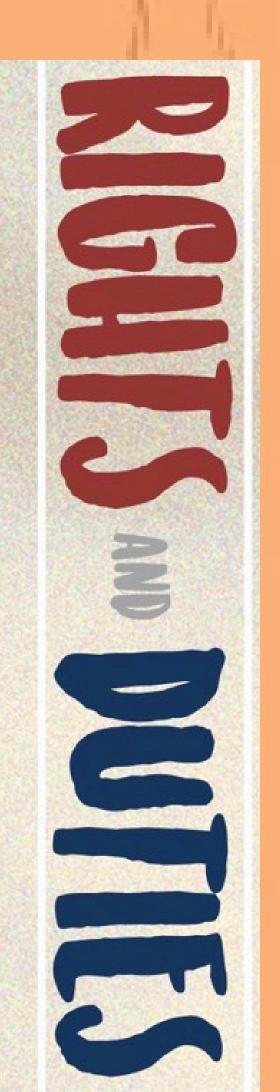
### -KIRTI CHAUDHARY

In addition to these fundamental rights, the Constitution also provides for Directive Principles of State Policy outlined in Part IVA of the Constitution, under Article 51A enumerating the Fundamental Duties, which, although not enforceable by the courts, lay down guidelines for the state to follow in order to promote social and economic welfare. The Fundamental Duties are a set of moral obligations meant to promote responsible citizenship and the collective good. Initially, ten duties were prescribed in Article 51A, but one more was added by the 86th Amendment in 2002. These principles aim to ensure that citizens have access to adequate health

care, education, and employment opportunities, and help reduce social inequalities.

Rights and duties are inseparably linked, two sides of the same coin one cannot exist without the other. Rights without duties can lead to anarchy, while duties without rights could result in oppression. In the Indian context, the Constitution seeks to strike a balance between personal freedoms and social responsibilities. Citizens must exercise their rights while also respecting the rights of others, and they must fulfill their duties toward the nation, society, and the environment.

For example, while individuals have the right to freedom of expression, they alsohave the duty to avoid using this right to spread hate or misinformation. Similarly, while the right to life and personal liberty is fundamental, it comes with the duty torespect the law and not engage in unlawful activities that could endanger others.



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Growing up, I was always aware of my rights, but it wasn't until later in life that I truly grasped the importance of duties and I realised that Moral values, too, play an integral role in this relationship. Rights and duties are most effective when guidedby objective moral values. These values are not subjective interpretations of what is right or wrong but are grounded in the shared understanding that we allcontribute to the collective well-being of society. When moral values are upheld—whether in the protection of the environment, the respect for others, or the desire for justice—rights and duties function together to create a more just and equitable society.

Take something as simple as crossing a road. When I need help, I have the freedom to ask a stranger for assistance and the stranger also has a duty to help me, rooted in the basic principles of human kindness. It's not just a matter of obligation but of decency. This unwritten understanding shapes how we interact with each other, creating a culture of empathy, For example, while individuals have the right to freedom of expression, they also have the duty to avoid using this right to spread hate or misinformation. Similarly, while the right to life and personal liberty is fundamental, it comes with the duty to respect the law and not engage in unlawful activities that could endanger others. The same applies to something as simple as asking a friend for food. While there's no formal duty to provide, there is an unwritten social responsibility—especially in moments of need, when the strength of friendship should be the foundation of support. I can't imagine a friendship where rights exist without any underlying sense of duty to care for one another. I often think about the relationship between rights and duties in nature as well. For instance, I have the right to enjoy the shade under a tree, to sit peacefully beneath its branches. But that right is not just passive; it carries the duty to nourish and protect the tree, ensuring it remains healthy so that others can benefit from it too. This cycle of giving and receiving mirrors the fundamental principles of life: taking care of the world around us, knowing that what we enjoy today must be preserved for tomorrow.

As much as rights are critical to preserving individual dignity, duties ensure that this dignity doesn't in fringe upon the dignity of others. When I look at rights and duties through this lens, it's clear that they are not separate entities. They are two fundamental forces that work together to build a more just and responsible society. As we continue to enjoy our rights, we must never forget that we are also bound by duties that ensure these rights can be enjoyed by everyone—today and for future generations. After all, rights without duties are empty; duties without rights are oppressive. Together, they create the balance that is the cornerstone of a thriving democratic society.

In the end, if individuals believe that their fundamental rights are being protected, they must also take responsibility for fulfilling their duties. Rights cannot been joyed in isolation, and neither can duties be neglected. Each of us is part of a larger societal contract, and as we demand our rights, we must also ask ourselves whether we are discharging our duties in the same spirit. Whether it's protecting the environment, ensuring justice, or contributing to the welfare of the nation, the true meaning of rights comes when paired with duties. These principles are not merely a legal framework but a moral compass, guiding each citizen toward a balanced, just, and harmonious society.

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### **Special Contribution**



SANSHU GUPTA CO-CONVENOR I, Sanshu Gupta being a Co-Convenor of Legal Aid Society and head of the Literary Team has been both an honour and a deeply rewarding experience.

The opportunity to contribute to this magazine, to gather and present knowledge that can help others navigate legal complexities, has been a true privilege. Every article compiled here reflects the effort and dedication put into making legal information more accessible, and I am grateful to have played a part in this journey. It has been a labour of love, and seeing it come together has been nothing short of fulfilling. Legal awareness isn't just for lawyers—it's for everyone. Understanding our rights and responsibilities empowers us with confidence to make informed decisions.

To our readers, thank you for taking the time to engage with this magazine. I hope that the insights shared here encourage you to stay informed, ask questions, and continue exploring the legal landscape.

I, Bhawna being an executive committee board member and the head of the literary team of the Legal Aid Society is both an honour and a profound responsibility to be part of this esteemed society.

Our team has poured in immense effort, dedication, and creativity to bring "Jankari Janhit Mein Jari" to life. This magazine is more than just a publication; it's a reflection of our collective vision to raise awareness, promote legal literacy, and share meaningful insights with the community.

This magazine marks the beginning of first magazine initiative of Legal Aid Society and we hope it



makes a positive impact on society. Every page embodies our commitment to spreading free legal awareness, encouraging informed discussions, and making a difference in the lives of those who seek guidance. We hope that this magazine resonates with you, leaves a lasting impression, and serves as a stepping stone toward a more aware and enlightened society. Stay tuned for more editions.

BHAWNA BOARD MEMBER



#### ARJUN SINGH BOARD MEMBER

I, Arjun Singh Chaudhary being an executive board member and head of Literary Team in this initiative has been privileged to be a part of this journey of dedication, perseverance, and passion.

The process of making this magazine demanded painstaking effort—countless hours of research, curation, and refinement—to ensure that every page reflects the essence of legal awareness. Despite the challenges, seeing this publication come to life has been an incredibly rewarding experience. It stands as a testament to the hard work and commitment poured into making legal knowledge accessible to all.

To our audience, thank you for taking this journey with us. Your curiosity and eagerness to stay informed make this effort truly worthwhile. Keep questioning, keep learning, and most importantly—stay aware. Because knowledge is not just power—it is the foundation of a just and equitable society.

As a Student Convener, It gives me immense pleasure to be part of the release of "Jankaari Janhit Mein Jaari", the Official Online Magazine of the Legal Aid Society, Law Centre-II, Faculty of Law, University of Delhi.

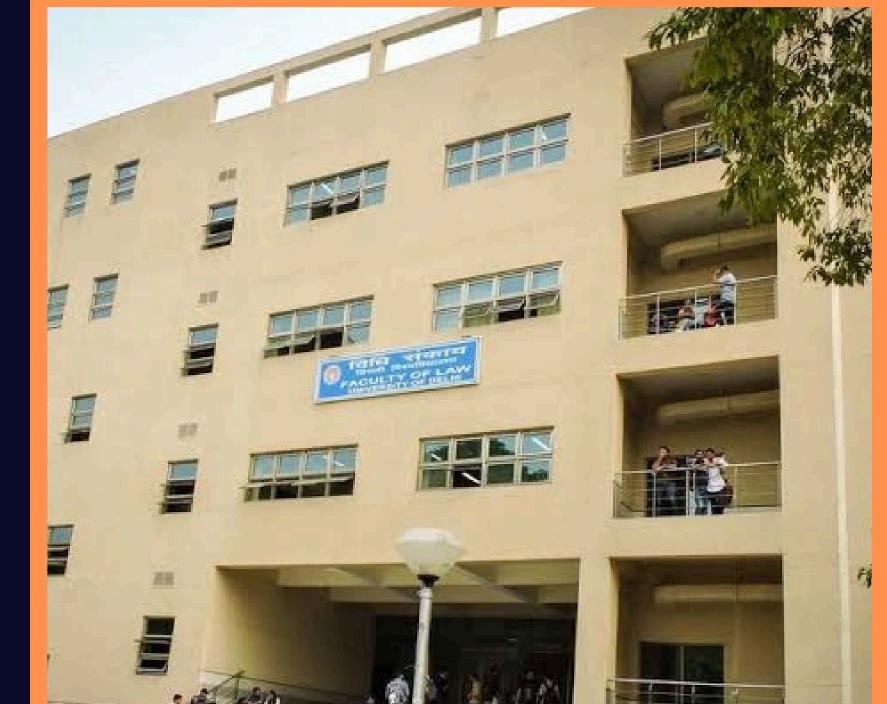
This initiative reflects our commitment to legal awareness, empowerment, and access to justice.

The magazine features insightful articles, case analyses from Experts, Advocates, Professors, Students from various states on contemporary legal issues, knowledge about rights and duties for the public good. Through this platform, we aspire to bridge the gap between legal knowledge and those who need it the most.

I extend my heartfelt gratitude to our Faculty, Contributors, and Literary team heads for their dedication in making this edition possible.



TANIYA GUPTA CONVENOR





Jaanpaari Janhit Mein Jaari

Designed and Edited By-Arjun Singh, Purva Tomar, Bhawna, Sanshu Gupta, Taniya Gupta