

WAKE UP CALL

Legal Updates Fortnightly



CNLU Newsletter

BAR AND BENCH

• **FOREIGN UNIVERSITIES BILL**

On the 11th of March, 2010, the Union Cabinet cleared most awaited bill for the Foreign Educational Institutions (Regulation of Entry and Operation, Maintenance of Quality and Prevention of Commercialization) Bill, 2010. If this will become the law soon then the foreign universities will be able to set up their shops in India and can offer the degrees independently. No sooner the bill has been passed with a lot of political rift with the left parties, this time; it is the turn of the Bar Council of India (BCI) and the Directorate of Legal Education (DLE) to oppose the Bill.

S.N.P Sinha, the BCI Chairman had told media persons that, "The State Bar Councils and the BCI have decided to oppose the Bill and wants deliberations before the final draft is tabled before the Parliament"

The newly appointed Vice-President of BCI, Faisal Rizvi, said that they are not opposing entry of foreign universities, but are opposing the controls and regulations governing them. Even China has allowed foreign universities with certain riders and regulations attached. The opposition is on the manner in which these Universities are being introduced. He further said that the Government has not bothered to consult with Vice Chancellors of Indian universities on the effect of such Bills on the existing Universities and the manner in which they are governed.

The other contention of BCI is that under this Bill, a Commission, which has strength of 3

permanent members and 3 part time members, will regulate not only legal education, but also the entire higher education in this country. It's a huge affair and will lead to chaos if not regulated well. The question remains whether such a commission can monitor more than 1,000 law colleges, let alone thousands of other universities?

• **DAVID COLEMAN HEADLEY PLEADS GUILTY:**

David Coleman Headley, a U.S. citizen of partial Pakistani descent, pleaded guilty today to a dozen federal terrorism charges, admitting that he participated in planning the November 2008 terrorist attacks in Mumbai, India, as well as later planning to attack a Danish newspaper. Headley admitted his associations with Lashkar e Tayyiba. Headley received instructions from three members of Lashkar to travel to India to conduct surveillance, which he did five times leading up to the Mumbai attacks three years later that killed six Americans among approximately 164 people and wounded hundreds more.

A written plea agreement containing a detailed recitation of Headley's participation in the foreign terrorism conspiracies was presented when Headley, 49, of Chicago, changed his plea to guilty this afternoon before U.S. District Judge Harry Leinenweber in Federal Court in Chicago. Headley has cooperated with the Government since he was arrested on Oct. 3, 2009, and the plea agreement states that he "has provided substantial assistance to the criminal investigation, and also has provided information of significant intelligence value."

In light of Headley's past cooperation and expected future cooperation, the Attorney General has authorized the U.S. Attorney in Chicago not to seek the death penalty against Headley. When directed by the U.S. Attorney's office, Headley must fully and truthfully participate in any debriefings for the purpose of gathering intelligence or national security information, and Headley further agrees that, when directed by the United States Attorney's Office, he will fully and truthfully testify in any foreign judicial proceedings held in the United States by way of deposition, video-conferencing or letters rogatory.

Regarding sentencing, which will be deferred until after the conclusion of Headley's cooperation, the plea agreement calculates an anticipated advisory sentencing guideline of life in prison. Provided that Headley continues to provide full and truthful cooperation, the Government will ask the Court to grant an unspecified departure from the sentencing guidelines, which will be solely up to the Court to decide.

Headley pleaded guilty to conspiracy to bomb public places in India; conspiracy to murder and maim persons in India; six counts of aiding and abetting the murder of U.S. citizens in India; conspiracy to provide material support to terrorism in India; conspiracy to murder and maim persons in Denmark; conspiracy to provide material support to terrorism in Denmark; and conspiracy to provide material support to Lashkar.

• **BOMBAY HIGH COURT UNWELCOMES PIL FOR BAN ON PORNOGRAPHIC WEBSITES:**

The Bombay High Court, few days back, rejected a Public Interest Litigation filed by NGO, Janhit Manch and lawyer, Sandeep Jalan. The petition sought a blanket ban on pornographic websites. The NGO had argued that websites displaying sexually explicit content had an adverse influence, leading youth on a delinquent path.

Rejecting the petition, the Division Bench comprising Justices F.I. Rebello and J.H. Bhatia stated that there cannot be a blanket ban since there are divergent views on what constitutes morally degrading content. The Bench added that its higher obligation was to protect the freedom of free speech. The Bench in its judgement noted, "If such an exercise is done, then an aggrieved party, depending on the sensibilities of persons whose views may differ on what is morally degrading or prurient, will be sitting in judgment even before a competent court decides the issue".

However, the Bench held that the Information Technology Act already covers punishment for obscene websites and any aggrieved party may file a complaint against it. Last year, amendments were made to the IT Act that stripped the Government of the power to ban pornographic websites on grounds of obscenity. Only the court has the authority to ban a website on grounds of obscenity.

- **HOUSE OF LORDS TO BE SCRAPPED AND LABOUR PLEDGE WITH ELECTED CHAMBER TO BE INTRODUCED SOON?**

Jack Straw to publish manifesto plans to scrap the House of Lords and replace it with chamber modelled on US Senate. Leaked blueprints reveal the current 704-seat chamber would be reduced to 300 seats, its members elected under a system of proportional representation. The justice secretary, Jack Straw, will publish his proposals in a draft bill before the election and these will feature prominently in Labour's manifesto. Labour strategists hope that it will create a new dividing line with the Tories, allowing them to portray the Conservatives as being anti-reform.

The second chamber would no longer be known as the House of Lords, a name which has been in use since the 14th century. Members would face elections every three terms and earn a salary of around £65,000. They would also be subject to a US-style "recall ballot" which would disqualify them for incompetence.

There are still 92 hereditary peers, a concession the government made to force through the 1999 reforms. It is understood the main sticking points still to be overcome are over what to do about the 25 bishops in the Lords, whose removal would trigger a row with the church, and how to manage the transition to the new system.

- **EX POST FACTO LAW DOCTRINE, NOT FOR PENALTY: SUPREME COURT**

Supreme Court has declared that a person can be imposed with penalty for a conduct which was not unlawful or prohibited at the time of commission of the activity but was made unlawful or prohibited subsequent to the activity having been undertaken.

In the instant case, the respondent has not been held guilty of committing any offence nor has he been subjected to any penalty. He has merely been restrained by an order for a period of five years from associating with any corporate body in accessing the securities market and also has been prohibited from buying, selling or dealing in securities for a period of five years.

- **TIME TO ADIEU RAPE LAW AND WELCOME MORE STRINGENT LAW ON THE SUBJECT:**

The Government is working on to replace the word "rape" from Indian Penal Code with "sexual assault" to broaden the ambit of crimes covered under the sections and make the provisions gender-neutral. The Home Ministry is working on a draft bill which will replace the word "rape" from nearly 150-year-old Indian Penal Code with "sexual assault" in order to broaden the ambit of crimes covered, official sources said.

As per section 375 of IPC, penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape but with the proposed replacements coming in, the sexual assault will also cover crimes like sodomy, fingering, insertion of foreign object and

other similar offences which do not come under present definition of rape, sources said. The proposal will also make "sexual assault" gender neutral which implies that relevant sections of IPC can be slapped on accused of any gender who has committed the crime, they said.

The provisions can be imposed on sexual crimes inflicted on women, men and children thus broadening the reach. It is being presumed that the move is seen as a way to harmonise the provisions of law to prevent sexual crimes among homosexuals with homosexuality being decriminalised by a Delhi High Court order last year.

- **INTERIM NOD TO MUSLIM JOB QUOTA CONSTITUTION BENCH TO DECIDE:**

The Supreme Court today cleared as an interim step a four per cent job and education quota for 14 backward classes of Muslims in Andhra Pradesh, keeping out the "creamy layer" among them.

The court was hearing an appeal by the state's Congress government against the Andhra Pradesh High Court order of February 8, 2010, that had struck the quota down for the third time.

The reservations — introduced and implemented by the state in 2004, 2005 and again in 2007 — will now stay in force till an apex court Constitution bench decides on two petitions challenging the quota, to be heard from the second week of August.

The high court had shot down the quota on the grounds that it provided for religion-based reservation in violation of the Constitution, and that the state government had failed to identify all the beneficiary groups before implementing the reservation.

The Andhra law allows reservation for 14 Muslim groups that it names, as well as for all other backward Muslims except certain sections it specifies as "advanced classes".

But the apex court bench, headed by Chief Justice of India (CJI) K.G. Balakrishnan, defended its interim order allowing quotas for the 14 categories named.

Anti-quota petitioners are being advocated by Harish N. Salve and Ramakrishna Reddy. Attorney-general G.E. Vahanvati and K. Parasaran are appearing for state in the matter. It had been T. Murlidhar Rao who had challenged the quota in the high court all the three times the state government tried to introduce it. In 2004, it had brought the quota in through a government order, and the following two times through legislation.

- **PRE- MARITAL SEX, LIVE-IN RELATIONSHIP COULD NOT AMOUNT TO OFFENCE: SUPREME COURT'S OBSERVATION¹.**

In an observation the Supreme Court said a man and a woman living together without

¹ **Contributed by: Dheeraj Kumar, 4th year Student.**

marriage did not constitute an offence. The court said that even Lord Krishna and Radha lived together, according to mythology. The bench comprised chief justice KG Balakrishnan, justice Deepak Verma, and justice BS Chauhan observed. The apex court said there was no law prohibiting live-in relationships or pre-marital sex.

The apex court made the observation while reserving its judgment on a special leave petition filed by South Indian actress Khushboo seeking to quash 22 criminal cases filed against her after she allegedly endorsed pre-marital sex in interviews to various magazines in 2005.

Living together is a [part of the] right to life," the apex court said, referring to Article 21, which guarantees the right to life and liberty as a fundamental right.

The 13th Finance Commission's recommendation to allocate Rs. 5,000 crore to improve the justice delivery system constitutes a landmark opportunity



NOTIFICATIONS

- **STUDENT EDITORS NEEDED FROM CNLU.**

A National law journal named “Law At Day” is looking for two student editors (preferably one male and one female) from our college who could provide them with campus news of CNLU. The journal is looking for 1 student each from 4th and 3rd Year. Interested students with good communication and writing skills may send their C.V.’s to:

- 1) Anurag Saurav:
anuragsaurav123@gmail.com
- 2) Awadhesh Singh:
singhawadhesh_law@yahoo.co.in

Quick application is expected on our part.

- **H.M. SEERVAI GOLD MEDAL ESSAY COMPETITION IN CONSTITUTIONAL LAW – 2010**

The National Law School of India University (NLSIU), Bangalore instituted in the year 1997 a Gold Medal in the name of the distinguished jurist, late H.M. Seervai for the best original essay written on the themes specified in Indian Constitutional Law. Over the years since 1997, this essay writing competition has become a prestigious event for the law students all over India. The significant rise every year in the number of contributions from the student community shows their mark of respect and tribute to one of the greatest legal luminaries of our country - H.M. Seervai.

The theme selected for 2010 is "PROTECTION OF THE SCHEDULED TRIBES UNDER INDIAN CONSTITUTION: PROMISE AND PERFORMANCE".

The Competition is open only for LL.B. students studying in any of the recognized Law Schools / Colleges / Departments of the Universities in India. The essay that is adjudged to be the best will be awarded a Gold Medal at the Annual Convocation of NLSIU, Bangalore.

Essay should be original (not published earlier or extracted from other sources) in English, not exceeding 10,000 words (approximately 30 double space typed pages, New Times Roman, font size 12) including footnotes and references, typed on one side of the A4 size papers. We request you to staple all the pages with an additional white page for first (title cover) and last page. Plastic wrappers and spiral bounds are generally discouraged to follow the eco-friendly practice.

Four copies of the essay should be sent on or before June 15, 2010 (5.00 P.M.)

Further Details Visit: University Site

- The deadline for submission of the **1st FRANKLIN PIERCE LAW CENTRE INTELLECTUAL PROPERTY LAW ESSAY COMPETITION, 2010**, has been extended to 30th April, 2010.

Further Details Visit: <http://www.nlujodhpur.ac.in/newsview.php?newsid=-101>

- **THE INTERNATIONAL CRIMINAL LAW REVIEW, WOMEN & INTERNATIONAL CRIMINAL LAW- INVITES SUBMISSIONS**

A Special issue of the International Criminal Law Review, to be published in Spring 2011 and dedicated to Judge Patricia M. Wald, will focus on women and international criminal law. Judge Wald served as a former Chief Judge on the U.S. Court of Appeals for D.C. Circuit, a former Judge of the ICTY, Co-Chair of the ASIL Task Force on International Criminal Court, and Chair of the Board of Directors of the Open Society Justice Initiative.

Three guest editors -- Diane Marie Amann, UC Davis, School of Law; Jaya Ramji-Nogales, Temple University, Beasley School of Law; and Beth Van Schaack, University of Santa Clara, School of Law -- will review invited and contributed articles of 5,000-10,000 words.

Contributors also will present their articles at a roundtable at American Society of International Law (ASIL) in Washington, D.C. on 29 October, 2010, to coincide with the 10th anniversary of UN Security Council Resolution 1325 on "Women, Peace, and Security."

The deadline for submissions is 15 April 2010.

Further Details Visit:
<http://intlwgrrls.blogspot.com/2010/01/call-for-papers-women-international.html>

- **MELBOURNE JOURNAL OF INTERNATIONAL LAW**

The Melbourne Journal of International Law (MJIL) invites submissions for issue 11(2), to be published in October 2010. MJIL is a peer-reviewed academic journal managed by Melbourne Law School students at the University of Melbourne and published bi-annually in June and October. MJIL's objective is to facilitate scholarly research and critical discussion of private and public international law issues.

Guidelines: MJIL publishes articles, commentaries, case notes and book reviews. Articles should be in the vicinity of 10,000 to 20,000 words in length and be an original and detailed contribution to international law scholarship. Commentaries should explore recent developments in a specific field of international law and their practical applications, and should be between 5000 and 8000 words in length.

All articles, case notes, commentaries and review essays published in MJIL are subjected to a double-blind refereeing process, involving at least two specialists in the field. Once accepted for publication, submissions will then be edited for compliance with the *Melbourne Manual for International Law Citation* and the *Australian Guide to Legal Citation*. Authors have an opportunity to review the final version of the piece prior to publication.

All submissions should be sent in Word format, together with a signed publication policy.

The submission deadline is 2 July 2010.

Further Details Visit:
<http://mjil.law.unimelb.edu.au/>

• **GOETTINGEN JOURNAL OF INTERNATIONAL LAW (GOJIL) CONFERENCE**

The Goettingen Journal of International Law invites emerging scholars and junior faculty to submit papers for its upcoming international conference, "Resources of Conflict – Conflicts over Resources." The Conference will be held on October 7-9, 2010 in Göttingen, Germany.

Submissions with interdisciplinary approaches in the fields of international law, international politics and from adjacent disciplines are encouraged. They welcome papers with a theoretical (analytical/normative), as well as an empirical focus. High quality submissions may be considered for publication in a possible special issue of the Goettingen Journal of International Law.

Abstracts should be no more than 500 words. Final papers should not exceed 7,000 words.

The registration fee will be waived for scholars presenting a paper. Thanks to the sponsors, GoJIL will be able to provide a limited number of travel grants. Details on travel arrangements and accommodation will be provided in the near future on the conference website.

The deadline to submit abstracts is June 1, 2010. Selected participants will be notified by July 1, 2010 and are expected to submit their papers by September 20, 2010.

Further Details Visit: http://gojil.uni-goettingen.de/joomla/index.php?option=com_content&view=article&id=98&Itemid=135

[m_content&view=article&id=98&Itemid=135](http://www.law.salford.ac.uk/hrconference)

• **A MULTI - PERSPECTIVE EVALUATION OF THE HUMAN RIGHTS ACT - SALFORD HUMAN RIGHTS CONFERENCE 2010**

This conference offers a multi-perspective evaluation of the impact of the Human Rights Act over the last 10 years. It includes both a domestic and international analysis of the effectiveness of the Human Rights Act.

Date: Friday & Saturday 4-5 June 2010

Location: University of Salford – Salford, Greater Manchester, UK. M5 4WT

Venue: Salford Law School, Lady Hale Building.

Contacts: John Allbutt, Nicolas Kang-Riou, Jo Milner, Surya Nayak, law-hrconference@salford.ac.uk

Further Details Visit: <http://www.law.salford.ac.uk/hrconference.php>

• **REGIONAL SEMINAR ON IPR AND INNOVATION MANAGEMENT IN KNOWLEDGE ERA**

This event is being organized by National Research Development Corporation and co-organized by J.T. Mahajan College of Engineering, Jalgaon, Maharashtra.

The speakers in the Seminar are Experts from Patent Office, Mumbai; Law-firms and industry experts of various sectors like Drugs and Pharma, Biotechnology & Software.

The conference is being held during 12th-13th, April, 2010.

Further Details Visit:
www.nrdcindia.com/Bro%20Faizpur%20Sem%202010.pdf

• **STUDENT WRITING CONTEST 2010**

Foreign Affairs publishes articles by today's leaders and thinkers that tackle the most pressing issues in international relations. We want to give tomorrow's leaders the opportunity to demonstrate innovative thinking on the issues that shape their world. In the inaugural *Foreign Affairs* Essay Contest, a panel from the *Foreign Affairs* editorial staff will select one undergraduate's essay to be published on the *Foreign Affairs* Web site. The winner will also receive a prize of \$500, and five honorable mentions will receive a free year-long subscription to *Foreign Affairs*.

Entries must be submitted by June 1, 2010.

Essay Topic: What is likely to be the most interesting development in international politics over the next decade?

Eligibility: Open to all undergraduate students of accredited colleges and universities graduating no earlier than May 2010.

Writing Guidelines: Submissions should be between 1,200 and 1,500 words. All quotations or uncommon facts should be

appropriately cited. Entries must be original, unpublished work written by contestants themselves.

Submissions:

- Only one essay is allowed per participant. Please send entries to FAEssay@cfr.org with your essay included in the body of the e-mail and attached as a Word document. Your entry should include your name, phone number, e-mail address, institution of enrollment, and a scanned copy of your student identification or other proof of enrollment.
- Students enrolled in institutions outside the United States should also include in their submission the full address and phone number of the academic department in which they are currently enrolled.
- Every person who submits an essay to FAEssay@cfr.org [4] will be entered in the contest. All entries must be received by 11:59 PM on June 1, 2010, and entries must be completed in full to be eligible. Submissions shorter than 1,200 words or longer than 1,500 words will be automatically disqualified.
- Submissions sent by mail will not be accepted.
- No purchase necessary to enter.

Further Details Visit:
www.ForeignAffairs.com

LAW SCHOOL UPDATES*

• CAMPAIGN IN CNLU AGAINST CHILD LABOUR

A few students from the CNLU, Girls Hostel have started campaigning against child labour by putting up posters at various spots in the Girls hostel. These students have raised important issues and pointed out that- “These kids deserve the same right as we had during our childhood and not hardships which do not allow them to pursue education over menial jobs”.

• LAW STUDENT MAKES AN EARLY PLUNGE INTO POLITICS:

Surya Mukundaraja, a fourth year law student of University Law College (ULC), Bangalore has decided to contest Bruhat Bengaluru Mahanagar Palike (BBMP) elections from the Nagarbhavi ward. Surya is the son of professor, poet and Sahitya Academy awardee, L. N. Mukundaraja. Having filed his nomination as an independent candidate, he has the support of students from University Law College and the professors. This 21 year lad is very much confident about his win in the election and is determined to turn Nagarbhavi into an educational hub. S. M Krishna, the Union Minister for External Affairs, Veerappa Moily, Union Minister for Law, Former Chief Minister of Karnataka, S. Bangarappa, Uttarakhand Governor Margaret Alva are few of the many politicians who have emerged from the halls of this college.

• HERBERT SMITH LECTURE SERIES

Last month at NALSAR there were a series of lectures sponsored by the UK Magic Circle law firm Herbert Smith on Corporate law on various topics.

- Corporate Governance and the collective responsibility of the boards: Satyam and the failed UK banks.
- Takeovers and the pursuit of control of companies.
- How the law protects creditors of the company.
- Article of association: A special type of contract.

Such type of lectures does a lot in the building of proper interest towards academics and also helps the students find their area of interest. The student body of CNLU and the authorities should try and organize such events for the benefit of the students. The demand seems to be valid more so because now we are about to get our own new campus.

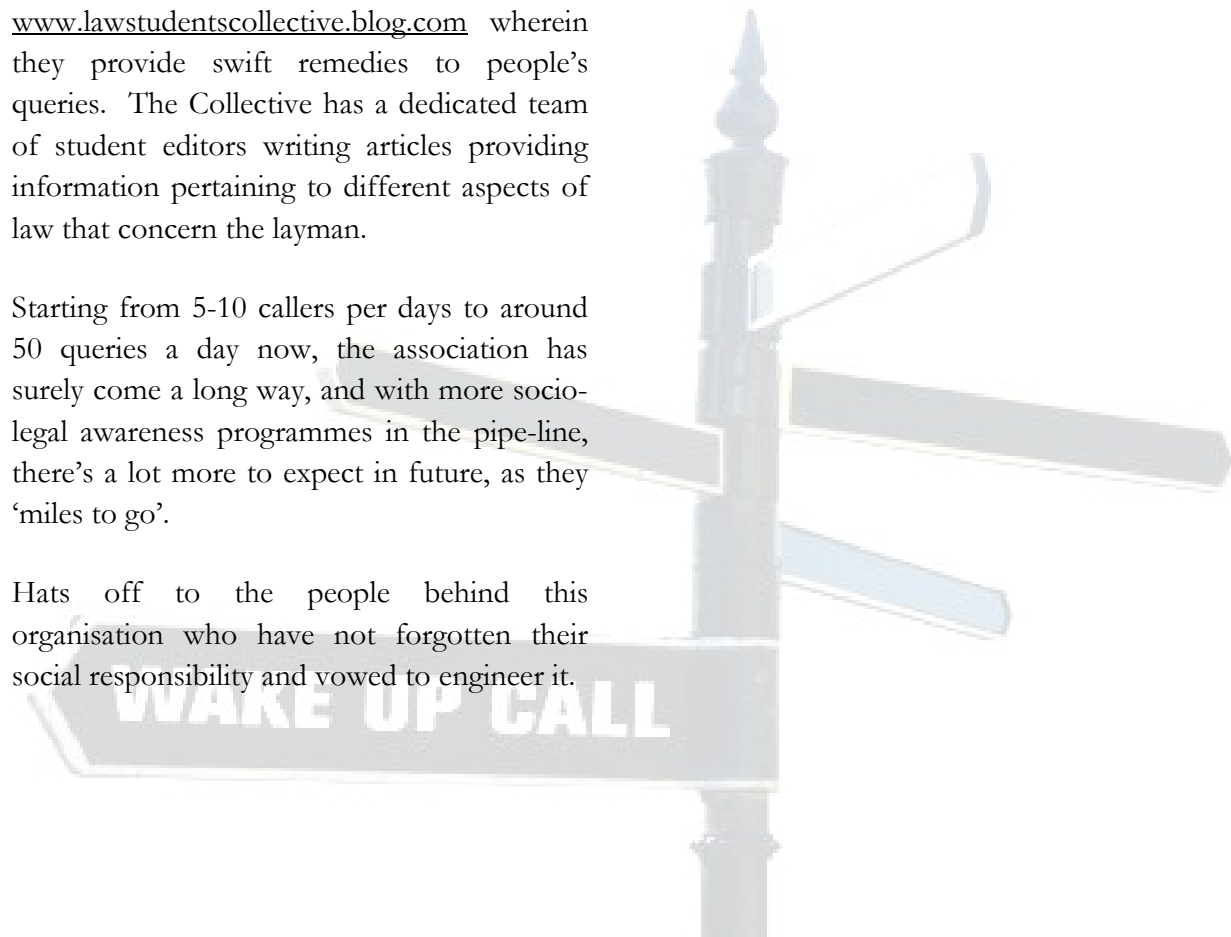
• LAW STUDENTS FROM JAMIA MILLIA DOING SOCIAL ENGINEERING: RUNNING “LAW STUDENTS COLLECTIVE”

Law students collective is an initiative of Law students from the Faculty of Law, Jamia Millia Islamia, Delhi. The collective tries to make sure that the justice is accessible to the weaker sections of society through its 24X7 helplines. It came into existence about two years back and very soon tied up with Delhi Legal Service Authority. This gave them a platform through which they have been able

to reach more people to bring a small but meaningful alteration. Law Students Collective, in association with DLSA has done disposal of Motor Vehicle Accident Claims through Lok Adalats, Tihar Jail Prisoner Identification Programme etc. The tech savvy collective has its own community on social networking sites (even there they do not forget their social responsibility) and a blog www.lawstudentscollective.blog.com wherein they provide swift remedies to people's queries. The Collective has a dedicated team of student editors writing articles providing information pertaining to different aspects of law that concern the layman.

Starting from 5-10 callers per days to around 50 queries a day now, the association has surely come a long way, and with more socio-legal awareness programmes in the pipe-line, there's a lot more to expect in future, as they 'miles to go'.

Hats off to the people behind this organisation who have not forgotten their social responsibility and vowed to engineer it.



FIRM UPDATES

- **THEY HAVE A VERY CLEAR LINE OF TAKING INTERNS: “A” GRADE LAW FIRMS PLACEMENT CRITERIA REVEALED²**

Well 4th year students, you must be worried about your placements. One more year to go. Recruitment cell is about to come into existence. That is good news but is that enough? Is that enough that firms and companies will come for our placement? No, because firms will take you in only when you will meet certain standards. Different firms and corporations might have different criteria for selection. What would be their standards? Confused? Here is what one of our friends has to share with us about his internship at Amarchand and what he came to know about their placement criteria.

“They have a very clear line of taking interns, the CGPA has to be very good, i.e. top 5 if a person is coming through merit basis and secondly they give for 14 days internship as it a hit and trial basis. If the associate or partner found the work to be good, then only the extension will be given. If a person has been through jack then also 14 days internship. They said the CGPA is the sole criteria in order to come through merit wise as a trainee. Another interesting point, whenever they take the interns, they set the concerned in the particular team so the work area is very restricted but it is very crisp and concrete and they work on the areas which are not settled. Another point is about the article writing, it is

advisable to put the best foot forward in the writing area in which the person wants to opt for as a future lawyer. The law firms are interested in knowing the number of publications in the particular field of one’s interest. The same is followed in JSA, Delhi office as well. According to JSA, Gurgaon office, we are the premium institute as our 1st batch has not passed but for the well-established university, the road to success is much easier.”

- **BIG DADDY AMARCHAND’S TURNOVER IS \$ 40 m, EQUAL TO UK’S 84th LARGEST FIRM**

The top 50 law firms of India witnessed turnover in the range of \$500.000 (Rs. 2.2. crore) to \$40m (Rs. 181 Crore) with an aggregate revenues of all firms amounting to 350m (Rs. 1590 Crore). According to the 2010 India report by legal consultancy RSG India, the largest Indian firm has generated around \$40m in turnover.

The report did not identify Amarchand Mangaldas as the largest Indian firm by turnover but it is understood that turnover at Amarchand is likely to be significantly higher than \$40m.

With 443 lawyers the firm has more than twice the number of lawyers of its nearest rivals: AZB & Partners, J Sagar Associates (JSA), Khaitan & Co and Dua Associates have 180, 180, 209 and 190 lawyers each.

In terms of headcounts Fox Mandal & Little is listed as the second-largest firm in India with 400 lawyers.

² Contributed by: Sumeet Kumar Singh, 4th year Student.

A turnover of **\$40m would be roughly equivalent to the turnover of UK regional firm Ward Hadaway, which is the 84th largest firm in the UK** by revenue according to The Lawyer magazine's UK 200 ranking.

The largest UK firm without significant offices outside of London is Slaughter and May, which bills around \$760m annually – almost 20 times as much as India's largest firm.

In the ranking list of law firms Amarchand and AZB were ranked top and tied in the top spot and followed by JSA, while Khaitan & Co and Luthra & Luthra shared the joint fourth place.

Trilegal was placed sixth, Desai & Diwanji seventh, and DSK Legal, Nishith Desai Associates and Wadia Ghandy shared a joint eight place.

The sectors with the largest legal spend were banking, finance and insurance, closely followed by telecoms and communications.

- **MAJOR CORPORATE AFFAIR DEAL: KHAITAN, JSA AND ALLEN & OVERY TO HANDLE IT**

Bajaj Corp., maker of personal care products, has filed its red herring prospectus to raise about Rs. 450 Crores (\$ 94 million) for promotion of its future products, acquisition and other strategic initiatives. Bajaj Corp is being advised by the Mumbai offices of Khaitan. Jyoti Sagar & Associates (JSA) and Allen & Overy are advising Kotak Mahindra who are the sole managers to the issue. JSA confirmed that Partner Somasekhar Sundaresan and Senior Associate Arun P.

Mathew advised Kotak on domestic legal issues.

- **NDR, ALMT ADVISES ON IDG VENTURES' FUNDING OF iCreate**

Bangalore-based Narasappa, Doraswamy & Raja, led by Partner Siddharth Raja and Associates Nivedita Nivargi and Yamuna Kumaraswamy advised IDG Ventures India in their Series A financing of Rs. 15 crore (\$3.3 million) in iCreate. IDG Ventures India is an early-stage technology venture capital firm investing in start up companies. iCreate, founded in 2006, develops products and provides solutions for data utilization in core banking systems.

The Bangalore office of ALMT Legal advised iCreate and its founders Vivek Subramanyam and Anoop Pai. ALMT was led by Partner S.R. Arun, Senior Associate Mini Raman, and Associate Punitha Chinnappa.

- **ABN AMRO, ROYAL BANK OF SCOTLAND TO MERGE**

In India, ABN Amro Bank is in dialogue with the Reserve Bank of India. ABN Amro and RBS are also exploring ways of working together to approach various business opportunities. As part of the global deal, Fortis was to acquire the private banking business of ABN Amro. Since Fortis does not have the required licence in India to retain the private banking business, Fortis and RBS reached an agreement that the ABN Amro private clients' businesses in India and Indonesia will become part of the RBS group.

What does this merger mean for ABN Amro's banking business in India?

RBS will acquire the banking business in India and Fortis will buy the asset management company. Neither RBS nor Fortis has a presence in India. Hence, it is business as usual. They would operate from 28 branches in 21 cities and will continue to grow the existing businesses. On the wholesale banking side, they are one of the largest corporate banks in the world, post the merger, and these strengths will help us in India. On the consumer banking front, they have been very successful in the wealth management space, credit cards and personal loans business.

- **BIG FAT WEDDING: PHILLIPS-VAN HEUSEN WEDS HILFIGER**

Phillips-Van Heusen, the clothing conglomerate that owns Calvin Klein, announced Monday that it would buy Tommy Hilfiger, once a leading purveyor of colorful preppy clothing, for about 2.2 billion Euros, or \$3 billion, in cash and stock.

With the acquisition, Phillips-Van Heusen, which also owns Arrow and Izod and licenses brands like Geoffrey Beene and Kenneth Cole New York, will seek to take advantage of Tommy Hilfiger's strong European distribution channels for its own products. Despite Tommy Hilfiger's reputation as a quintessentially American clothier, two-thirds of the company's business is based in Europe.

The deal includes the assumption of 100 million Euros (\$138 million) in liabilities, Phillips-Van Heusen said.

The sale of Tommy Hilfiger would be a lucrative exit for its current owner, the British private equity firm Apax Partners. Apax has twice sought an initial public offering for the clothier, and Tommy Hilfiger's chief executive, Fred Gehring, told Reuters in September that an I.P.O. was the most likely next step for the company.

Under the terms of the deal, Phillips-Van Heusen will pay a combination of cash and stock, though most of the offer would be in cash. Apax will still own about 13 percent of the American clothing company. Phillips-Van Heusen is expected to take on more than \$2.5 billion in debt to finance the deal. A deal would provide yet another owner for Hilfiger, whose founder has weathered a series of ups and downs over the last two decades. But by the late 1990's Tommy Hilfiger became unfashionable, a victim of fickle customer tastes.

The company was eventually sold in 2006 to Apax and European management, led by Mr. Gehring, for about \$1.6 billion in cash.

- **IT IS GOING TO BE "HTC" v. "APPLE"**

Two weeks after being sued by Apple for patent infringement, Taiwanese phone maker HTC is responding with a formal statement defending itself against the allegations.

Apple has filed a patent infringement suit against HTC in the federal court and at the same time has also made complaint to the International Trade Commission.

Jason Mackenzie, vice president of HTC America has shown his disagreement to Apple's action. HTC is all set to use all the available legal tools that is at their disposal

HTC claims that touchscreen smartphones were introduced by them long before Apple came up with iPhone in 2007.

HTC is the company that launched Pocket PC way back in 2002 and it has paved the way for 50 smartphones till date. HTC partners with giant technology entities like Microsoft, Google.

Apple accused HTC of making and selling products that "incorporate, without license, many technologies developed by Apple and protected by patents issued to and owned by Apple and its wholly owned subsidiaries, including NeXT"

It asked the trade commission to block the importation of a number of phones, including the Nexus One that HTC makes for Google, the my Touch 3G sold by T-Mobile, the Droid Eris sold by Verizon and the new HD2 based on Windows Mobile.

Apple's suit specifically calls out phones running the Android platform backed by Google. The Android platform has seen tremendous adoption all over the world. In less than a year and a half since HTC shipped the first Android device, there are now 26 devices with 60 carriers in 49 countries and 19 languages powered by Android.

SUPER LAWYERS (PART I)

Guys, for the coming few volumes we are introducing a new section named “super lawyers”. It is about the lawyers who leave their mark and who literally roar like a lion in the Courts. In this section we will be providing excerpts of professional life one eminent lawyer every fortnightly. Time to get inspired from them.

FALI S. NARIMAN

He is the wise man of the Bar. Nariman's stature allows him to be blunt in court. He lets his displeasure be known when a judge fails to understand a point — "No, no, that's not what I mean."

Nariman, 81, has aged beautifully. His voice has turned metallic over the years, but it still booms in the biggest courtroom of all — the Chief justice of India's, with its 40-foot high ceiling.

Nariman regularly loses his cool with assistants who try and come to his rescue while a judge is in the middle of asking him a question. "Listen to the judge first, I say," he tells them testily. He can also be impatient, especially with juniors who take too long to source a citation to buttress his arguments — "Quick, quick, what are you doing."

Nariman started life as a lawyer in 1951, under the legendary Jamsetjee Kanga, and was enriched by his senior's endless tales of real-life courtroom drama. He also imbibed his senior's motto: "Work is worship." (Nariman is proud of the fact that India's first chief

justice Harilal Kania was also a product of Kanga's chamber.)

The case that got him into the real big league came 30 years into his career, in 1981. This was the Needle Industry Company Case which related to intricate questions in company law. Nariman's client had lost in the high court to the arguments of the famous H.M. Seervai. Nariman defended him with great technical brilliance before the Supreme Court, which finally ruled in favour of Nariman's client.

Even as he climbed the "greasy poles of success", as he puts it, he has often found himself drawn to hopeless cases. Maybe, it's because he believes in the saying: "The important thing is not winning, but taking part; the important thing in life is not conquering, but fighting."

He charges Rs 2.5-3 lakh for a five minute argument on admission day, while a day-long hearing could see him earn upwards of Rs 25 lakh. But he does many cases for free, too. As for what he does with his money, his response is blunt: "That's nobody's business but mine." He's known to give a lot of money to charity (apart from his pro bono work), but won't disclose details.

Nariman's formula for success: "75 per cent hard work, 25 per cent court craft". His advice to young lawyers- "Be humble before the court and do not suppress a fact even if it's against you."

SOMETHING YOU SHOULD KNOW

• **MODEL UNITED NATIONS**

Model United Nations is an academic simulation of the United Nations that aims to educate participants about civics, current events, effective communication, globalization and multilateral diplomacy. In standard Model UN, students take on roles as diplomats and participate in a simulated session of an intergovernmental organization (IGO). Participants research a country, take on roles as diplomats, investigate international issues, debate, deliberate, consult, and then develop solutions to world problems. More recently, simulation of other deliberative bodies, such as the United States National Security Council, has been included in Model United Nations, even if they are completely unrelated to the UN or international affairs as a whole.

During a conference, participants must employ a variety of communication and critical thinking skills in order to represent the policies of their country. These skills include public speaking, group communication, research, policy analysis, active listening, negotiating, conflict resolution, note taking, and technical writing. However, school delegation formats vary from region to region.

Position papers

A position paper is an essay that is written by participants of some models. It describes the detailed position of a certain country on a topic or issue that the writer will debate in his committee. Position papers are not always

required, but certain conferences mandate that each delegate send his own before the opening.

Format

Conferences have different format and styles for position papers. Nevertheless, UNA³-USA established a format that has been adopted widely throughout the Model UN community. It consists of a heading with committee, topic, country and delegate information and body which explains in detail the position of the author's country. The position paper usually includes several pages outlining:

1. Background of the Topic
2. UN Involvement
3. Your Country's Positions
4. Possible Solutions

Purpose

Position papers should explain an issue from their country's point of view. It is also good practice that they include statistics about the issue that would support the cause they defend. The paper would also try to convince the other countries of the committee to their view of the issue. It would have ways to solve the situations

Many conferences require delegates to submit a copy of their position paper, as a means to ensure that the delegates research important topics and construct strong and well-informed positions on those subjects.

Various Model United Nations:

³ United Nations Assembly

International

Vancouver Model United Nations

Ivy League Model United Nations Conference

Berkeley Model United Nations Conferences

The Hague International Model United Nations.

Montessori Model UN.

Model United Nations of the University of Chicago

National

NLS Model United Nations

VIT, Vellore

In addition to this every top class university in the world organizes Model United Nations Conference. In India, the venue keeps changing so can't specify but notification needs to be taken care of.

Benefits

Students who wish to hone their oratory skills and have an interest in International affairs, diplomacy can take part. This also gives a proper insight into the working of United Nations and various other International Organizations. A student who eventually wants to work for such organizations can start by learning the tricks of the trade and the entire process is certainly going to increase his knowledge on the very issue. The case of supporting the nation assigned to a particular delegate can bring in good amount of experience.

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A sincere Initiative to mentor and facilitate the competitive spirit of CNLU. We look forward to your suggestions and queries.

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*The contents of this section are totally based on social networking.

Disclaimer: Wake Up Call is an e-Newsletter for the benefit of the student fraternity both academically and in encouraging the competitive spirit. "Wake Up CNLU", which recently has been in news is not from Wake Up Call.