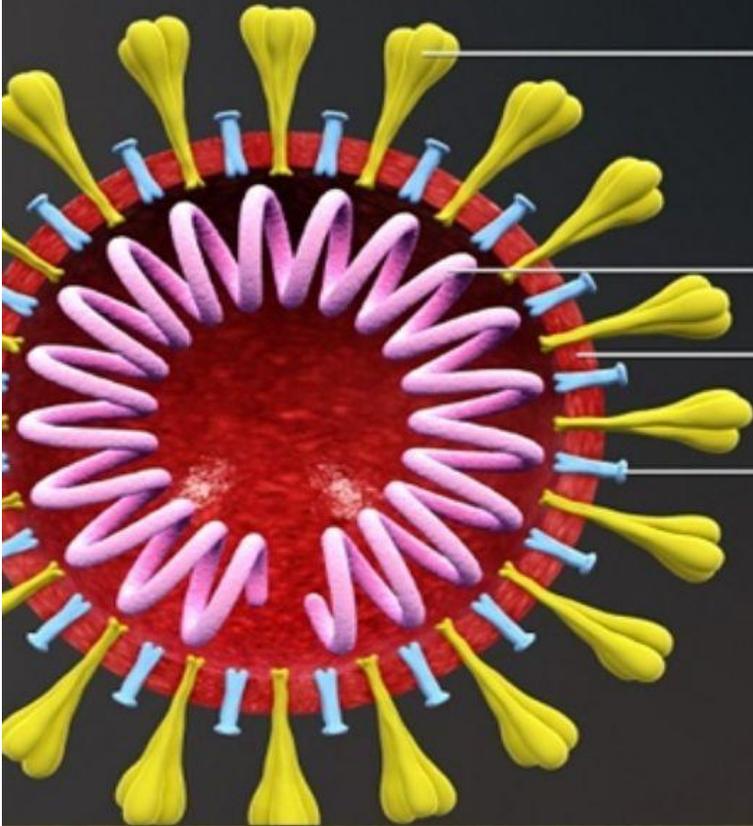


JUS WEEKLY



Spike Glycoprotein (S)

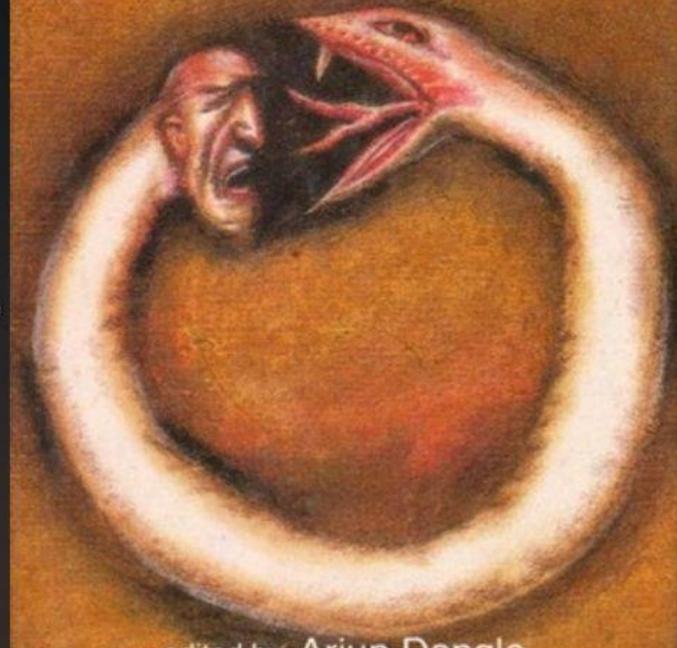
RNA and N protein

Envelope

Hemagglutinin-esterase dimer (HE)

POISONED BREAD

translations from
Modern Marathi Dalit Literature



edited by Arjun Dangle

CRIME AND PUNISHMENT

FYODOR DOSTOEVSKY



CHILD LABOUR



Key Highlights:

Epidemic Diseases Act, 1897 and the Limitations of the Act as of Today's Times of Covid-19 Pandemic

Balfour v Balfour: Critical Analysis and its Relevance in the 21st century

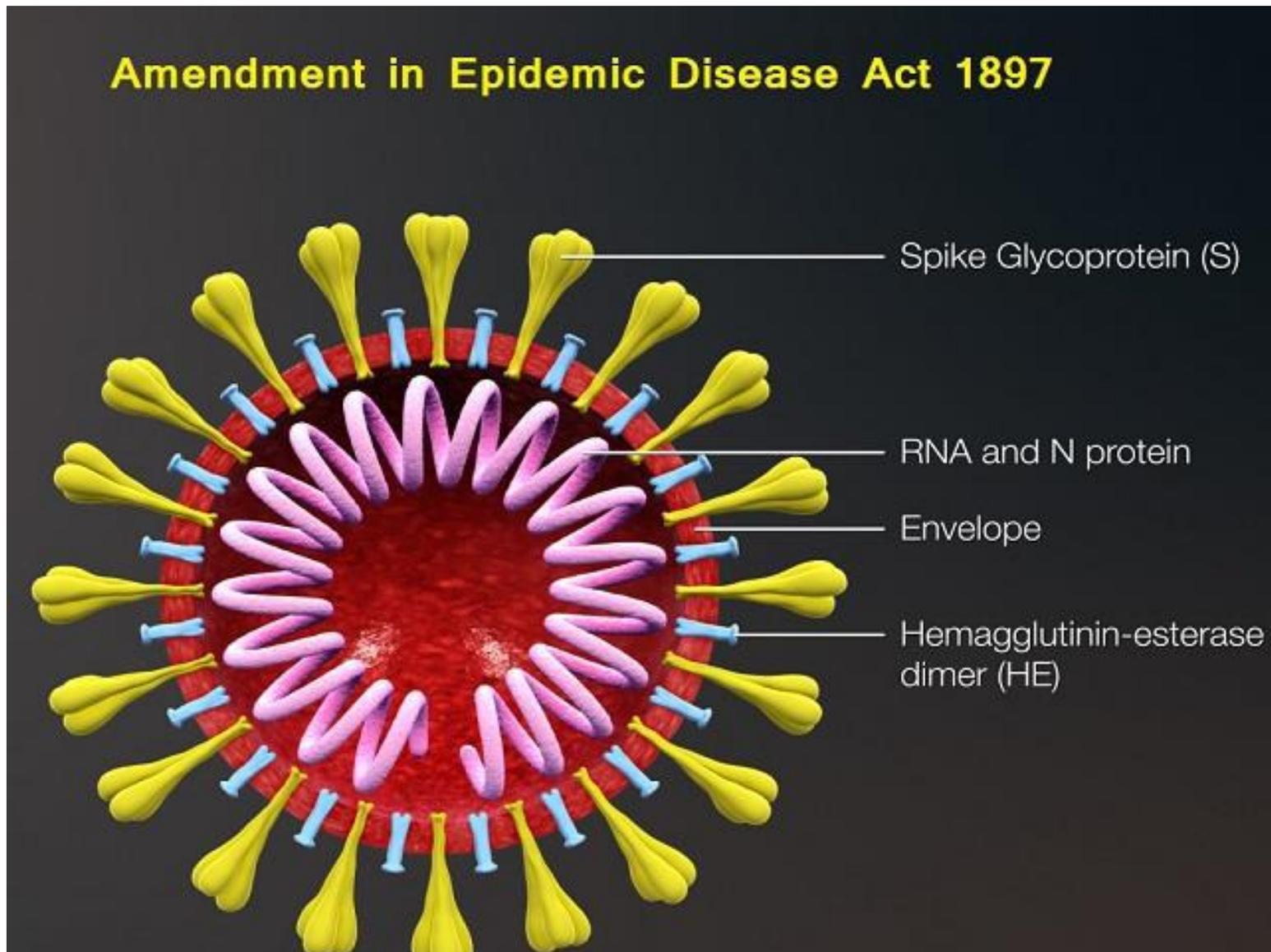
Book Review: Crime and Punishment by Fyodor Dostoyevsky

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Epidemic Diseases Act, 1897 and the Limitations of the Act as of Today's Times of Covid-19 Pandemic

-Dr. Trupti Jadhav



Abstract –

This article exceptionally centers around what is the epidemic diseases act, 1897 and impediments of the act starting today in the midst of covid-19 pandemic, which has ended business transactions as well as ways of life, the Indian government found a way to keep away from mass spread of the infection, read out the introduction of the epidemic diseases act and got the opportunity to work.

The frontier time act, all of 123 years of age, has indeed acted the hero. The Epidemic Diseases Act of 1897 (the "Act") was set up because of the mass spread of the

bubonic plague episode in Mumbai (at that point Bombay). The plague, said to have spread through rodents, murdered many individuals every week in Mumbai.

Though the British pilgrim Government was said to have shrewdly utilized the Act to detain political dissidents, the Indian Government is utilizing the Act as a weapon to battle the novel infection and as it should be. While the Central Government's forces are constrained under the Act, it is the solidarity of different states in the nation that has gotten the Act the front line. Among different states, Karnataka, Maharashtra, Delhi and Kerala have given warnings on the executives and brought into place 'Covid-19 Regulations, 2020' ("Regulations").Vide these

Regulations, states have practiced their forces under the Act to constrain workers of private foundations/ventures/factories/shops and so on. To remain at home in the current occasions, to regard them as 'on the job'; to stop all development work quickly; to close night clubs and week by week bazaars and so forth.

Key notes – Epidemic, Diseases, Act, 1897, covid19, pandemic

Introduction

Epidemic Diseases Act, 1897 – A Brief Overview -

The Act which was enacted for preventing spread of epidemic diseases empowers both the Central and State Government(s) to take certain actions to prevent spread of such diseases. The Act, comprising merely four sections, is among the shortest in India.

- a) Section 2 of the Act empowers State Governments to take special measures and prescribe regulations during the outbreak of an epidemic disease. It states that if the State Government thinks that if other Acts are insufficient for the said purpose, it may take such measures by way of a public notice to prescribe temporary regulations for the public/class of persons to observe. The Regulations mentioned above have been enacted under Sections 2,3 and 4 of the Act.
- b) Section 2A of the Act empowers the Central Government to take measures and pass regulations for the inspection of any ship arriving or leaving India and for detention of any person intending to sail, if the Central Government is satisfied that India or any part of India is threatened with, an outbreak of any dangerous epidemic disease and the ordinary statutes in force will be insufficient to take an appropriate action.
- c) According to Section 3 of the Act, any person who disobeys an order or regulation made by the government under the Act, shall be punished in accordance with Section 188 of the Indian Penal Code, 1860 (“IPC”). Section 188, IPC imposes punishment for disobeying an order promulgated by a public servant. Disobedience of an order passed by a public servant and “*if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury*”, is punishable with simple

imprisonment which may extend up to a month and/or a fine of up to Rs. 200.

However, if this disobedience “*causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray*”, it shall be punishable with imprisonment extending up to six months and/or fine up to Rs. 1,000. Pertinently, violation of the regulations passed under the Act due to the outbreak Covid-19 would attract the latter punishment as it would tend to harm human life, health and safety.

Additionally, it is important to note that under Section 188, IPC, an intention to cause harm is not relevant as mere knowledge of the order gives sufficient cause for liability of committing the offence. Although an offence under Section 188, IPC is cognizable and bailable, courts will not take cognizance by merely filing an FIR. A complaint must be filed by the concerned public officer under Section 195 of the Code of Criminal Procedure, 1973 (“CrPC”). Non-compliance of the provisions of Section 195 of CrPC may lead to the proceedings being quashed as held by the Patna High Court in the case of *Raj Mangal Ram v State of Bihar*. The said case was in relation to certain directions issued by the District Magistrate of Muzaffarpur for implementation of the ‘*anti-Kalazar*’ scheme.

In a judgment passed by the Orissa High Court in 1963 in the case of *J. Choudhary v The State*, the question before the High Court was whether the refusal of the doctor to get himself vaccinated against cholera in accordance with the regulations passed by the State Government would be punishable under Section 3 of the Act. The Orissa High Court answered the said question in the affirmative and held that the intention of the said doctor was irrelevant, his disobedience in itself was punishable under the Act.

- d) Section 4 of the Act provides protection to public servants from legal action while acting in good faith under the provisions of the Act. While discussing the ambit of Section 4, the Calcutta High Court in 1904 in the case of *Ram Lall Mistry v R.T. Greer* held that an omission to pay compensation as prescribed under the regulations passed under the Act would not be protected under Section 4.

Provisions of the IPC attracted in such scenarios

In addition to Section 188, certain other provisions of the IPC relating to public health and safety may also be attracted during the outbreak of an epidemic disease.

- Section 269 of the IPC prescribes punishment for negligent actions which may spread infection of any disease, thereby threatening human life, punishable with imprisonment which may extend to six months and/or fine.
- However, pertinently, Section 270 is a more serious offence than the one listed under Section 269. It imposes punishment for malignant actions which may spread any disease dangerous to life. The punishment under this section may extend to two years imprisonment and/or fine.
- Section 271 of the IPC prescribes punishment for disobeying quarantine rule. Such punishment may extend to six months imprisonment and/or fine.

Implementation of the above IPC provisions can be well seen in one such order passed by the Government of Kerala imposing lockdown in the State on March 23, 2020. Additionally, the orders passed by the State Governments of Haryana, Maharashtra, Telangana, etc. state that disobeying such an order shall result in *inter alia* punishment under the Act, *i.e.* Section 188 of the IPC. Presently, FIR has been lodged against a singer for negligence and disobedience of an order passed by a public servant under Section 188 as well as Sections 269, 270 and 271 of the IPC based on a complaint filed by the chief medical officer. According to reports, 141 cases have been registered under Section 188 of the IPC in Mumbai.

Limitations of the Act as of Today

The Act is more than 120 years old, enacted by the then British Parliament to curb a situation that arose only in one part of undivided India *i.e.* the Bombay Presidency. The real motive of the British Parliament behind the said act can be doubted for a simple reason that, the Act was misused by the British officers to arrest and confine public gatherings led by the freedom fighters.

The object of the Epidemic Act is more for prevention of the spread of the disease not to curb or eradicate the

disease which has already started to spread. The Act does not define the term epidemic or disease. The Act does not give specific measures or directions to the government to follow at the time of an epidemic. The Act simply empowers to prescribe general temporary notifications/regulations if it thinks that the epidemic cannot be controlled by the existing laws of land.

Conclusion

The Epidemic Act doesn't give any rules for arrangement of a unique board of trustees or a debacle supervisory crew which can act upon the crisis in an endorsed and prudent way without trusting that the state government will act in the wake of thinking about different factors of the state. The Act doesn't give measures to isolation of the speculated patients and isolation centers. There ought to be arrangements guiding the state governments to manufacture isolation centers in all clinics and lodging social orders to be utilized as isolation centers at the hour of epidemic. The Act is quiet with respect to how the immunizations and medications can be conveyed by the government. As the Act is quiet on every one of these angles it leaves no ground for the general population everywhere to consider the government answerable for any sort of carelessness with respect to the government in the official courtroom as there is no appropriate system on which the government can act on. The arrangements give the freedom to the State Government to recommend transitory regulations which can be a greater amount of experimentation as opposed to being thorough measures to control the epidemic.

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Election and Election Reforms

-Rishabh Dixit



“The elections are the greatest symbol of participation and political reform”

-Mohammad Khatani

Introduction

Democracy means a government which is by the people for the people and of the people. To run a country with a huge population it is important to have a definite structure of ruling and a systematic process of selecting the people who rule. This process is generally referred to as elections. Being a largest democracy it is tough to directly involve all the people of the country to choose the leaders and thus the task of election is fragmented by way of representation. This is known as representative democracy.

India being a constitutional democracy follows a parliamentary system of government and has strong commitment to hold a free and fair election and thus the process of elections at various levels is carried out after definite intervals to maintain uniformity throughout the country.

What Are Elections and Why Are They Important.

Elections are the voice of citizens of a country. They are the way through which people elect and select their representatives who assure them to work for their benefits by way of election manifestos. These elections uphold and maintain the spirit of democracy which lies in free and fair representation of all.

Elections play a very important and vital role in a country as-

- 1) They provide to each citizen the right to choose their leader by casting the votes
- 2) They maintain the very spirit of sovereignty by giving power to select government in the hands of people. This spirit of sovereignty has been granted by the Constitution of India through preamble by using the words ‘WE THE PEOPLE OF INDIA’
- 3) These elections help to check the functioning of leaders so elected and also empower the citizen to remove them when they do not perform their functions.
- 4) Elections curb the autocratic tendency of rulers which would have arisen in absence of elections.

System of Elections in India

Elections in India are conducted by the election commission provided under Article 324 of the Constitution.¹ Being a country with such a large population it is not possible to conduct direct elections. Thus to conduct elections in India the entire country is divided into a number of divisions known as constituencies. These constituencies can be single member constituencies or multi member constituencies.² For lok sabha elections the whole country is divided into 543 constituencies.³ After the division of constituencies an electoral roll is prepared which consist of the voters present in the respective constituency. These are the people who are eligible to choose their representative by casting votes through universal adult franchise guaranteed under Article 326 of the Indian constitution. After this the nomination of candidates on a nomination paper is carried out through which each contestant contesting election gets a ticket of party which he is representing. The parties and representatives then set out their campaigns based on the party manifestos and this campaign ends nearly 48 hours before the Election Day. The elections are then carried out through Electronic Voting Machines (EVM's) and the candidate who gains majority of votes is declared winner.

Loopholes in The Election System in India

Taking forward the legacy of Britishers, India adopted the system of parliamentary democracy. The success of this system completely depends upon free and fair elections. After India got independence and after the commencement of constitution a number of elections have been conducted throughout the country till date. With the passage of time the fairness in these election procedures began to deteriorate and many defects were seen in the system especially after the fifth general elections in 1971. The main defects in the election system are-

- 1) Lack of Transparency about candidates- The Indian election system has been encroached up by candidates who have criminal record. It has been

found out that about 46% of the Members of Parliament have criminal records⁴. Such records have been constantly rising in numbers. The statistics show that these records have rose from 24% in 2004 to 30% in 2009, 34% in 2014 and 43% in 2019.

- 2) One of the major drawbacks of the political system is the use of money and muscle power. There are parties who have muscle and money power due to which they exercise dominance over the society. While on contrary those parties which do not possess this money and muscle power despite having intentions of reforming society are crushed behind in the run for power.
- 3) It is very important to apply the model code of conduct efficiently. These are the guidelines laid down by the election commission to conduct free and fair elections throughout the country. But the parties fail to abide by these rules and no strict regulations govern their application.
- 4) The reforms are also needed for rationalizing the election process
- 5) One of the major problems in India is caste politics, the parties often target people on the basis of caste lines to attain votes resulting into a dirty politics. Caste has been made the biggest ground for vote bank by the parties. This kind of politics is generally common at lower level.
- 6) The parties who get into power often begin to misuse the position and immunities guaranteed to them thereby creating a threat to governmental machinery.
- 7) More often now days the political field has been used as a business and not as a way to improve the society and to serve the country.⁵
- 8) Another defect in the electoral process is the coalition governments. Before the coalition of governments takes place each party independently has a different ideology but for the sake of power later these parties agree for coalition and hence later differences in ideology occurs.
- 9) The malpractices prevailing in the election system also creates a sense of distrust towards the government amongst the citizens.

¹ 2, Dr. S.R.Myneni, *Constitution law* , 556 (ed.2,2017).

² Dr. S.R.Myneni, *Political Science for Law Students* ,425(ed.3 , reprint 2011)

³ *Indian Polity – Election System* , Tutorialspoint, https://www.tutorialspoint.com/indian_polity/indian_polity_elections_system.htm.

⁴ Krishnadas Rajgopal, *Supreme court orders parties to publish criminal history of lok sabha, assembly candidates*, The Hindu

(Feb.13,2020 ; 12:36 IST)

<https://www.thehindu.com/news/national/supreme-court-orders-parties-to-publish-criminal-history-of-candidates/article30808148.ece>.

⁵ *Electoral Reforms in India- Indian Polity*, BYJU's, <https://byjus.com/free-ias-prep/electoral-reforms-in-india/>

Reforms

To overcome the above mentioned defects the election commission began to focus on bringing about electoral reforms. Many committees were also formed and the recommendations from their reports were also taken in consideration to bring about changes in the election process. Some of the major committees and their recommendations are-

1) Jay Prakash Narayan Committee

The committee presented its report in 1975. It consisted of following members: A G Noorani, R D Desai, P H Mavalankar, M R Masani and V M Tarkunde.⁶ The committee made recommendations to bring change in the electoral process by electing a 3 member election commission and to reduce voting age from 21 to 18 years.

2) Dinesh Goswami Committee

The committee was appointed by Prime Minister V P SINGH in 1990, which recommended that the appointments of chief election commissioner should be done by president in consultation with chief justice of India and leader of opposition.⁷ It also suggested amendments in Anti- defection law, and also to bar one contestant to contest elections from more than two constituencies.⁸ The committee was headed by Dinesh Goswami.

3) Jeevan Reddy Committee

The commission recommended for banning the splitting or any kind of merger of political parties when the lok sabha is in its term. It also demanded adequate representation and also recommended to ban the contestant from contesting elections if any charges under the offences mentioned under Representation of People's Act, 1951 have been framed or have been ordered to be framed by court against him.

As per the various recommendations made by the committee many reforms have been brought in election

system from time to time. These reforms can be categorized as

- Before 2000's
- After 2000's

1) Electoral Reforms Before 2000's

The major change that was brought in the election system were –

- 1) As per the recommendations made by Tarakund Committee the age of voting was reduced from 21 to 18 years. This was brought up by the Constitution (61st amendment) act.
- 2) As a result of recommendations made by the Dinesh Goswami Committee the Chief Election Commissioner and other Election Commissioners (Conditions of Services) Act, 1991 and Representation of People (amendment) Act, 1998 was passed. Section 133C was inserted in the Representation of People's (amendment) Act, 1998 which provided for deputation to Election Commissioners for period of employment.
- 3) The system of voting was changed from ballot paper to Electronic Voting Machine (EVM) in 1998.
- 4) According to the report submitted by Dinesh Goswami committee restriction was put on contestants from contesting election from more than 2 constituencies.
- 5) A complete ban on supply of liquor was put within polling area during 48 hours of conclusion of polls.
- 6) The period of campaigning for the contestants was also reduced.

ELECTORAL REFORMS AFTER 2000's

- 1) The expenditure on election campaigning was fixed to a limit of Rs. 50-70 Lakhs for Lok Sabha and Rs 20-80 Lakhs for the Assembly elections.⁹
- 2) An appellate authority has also been set up under the Representation of Peoples (amendment) act,

⁶ Negi Mohita, *Major recommendations on electoral reforms and their recommendations in India*, <https://www.yourarticlelibrary.com/essay/major-committees-on-electoral-reforms-and-their-recommendations-in-india/24930>.

⁷ R Ramesh, *HISTORICAL PERSPECTIVES OF ELECTORAL REFORMS IN INDIA*.72 JSTOR, 1325, 1326 (2011) .

⁸ Negi Mohita, *Major recommendations on electoral reforms and their recommendations in India*, <https://www.yourarticlelibrary.com/essay/major-committees-on-electoral-reforms-and-their-recommendations-in-india/24930>.

⁹ Civils360, *Electoral Reforms in India*, (Nov. 15, 2019) <https://civils360.com/2019/11/15/electoral-reforms-in-india/>.

- 2009 in districts against the orders of electoral registration officers.
- 3) From 2013, 6 categories of voters have been made eligible to vote by means of postal ballots.
 - 4) A new category of choices in elections known as NOTA were introduced which means 'NONE OF THE ABOVE'. It enables the voters to reject all the candidates contesting an election, in other words it gives voters a right to reject every candidate. NOTA came into existence on 27 September, 2013 after the decision made by Supreme Court on a Public Interest Litigation filed by an NGO named 'People's Union for Civil Liberties'. However with the provision of NOTA, rule 49-O of election rules stands repealed. NOTA is completely different from rule 49-O of election rules as it provides secrecy to the identity of voters.
 - 5) A new technical innovation known as VVPAT which stands for 'Verified Paper Audit Trail' was introduced.¹⁰ It is a slip which originates from a machine connected to the Electronic Voting Machine (EVM) and displays the poll symbol and name of candidate which voter has chosen. It has been introduced to bring transparency in the voting system by providing voters the facility to confirm the choice they have made.
 - 6) De-criminalization of politics- In 2014, a committee headed by Justice A P Shah dealt with the issues concerning the disqualification of candidates with criminal background. It is now mandatory to declare about any criminal antecedents of candidate and a punishment of imprisonment up to six months and fine has been laid down on filing affidavit on false information. It has been made an electoral offence. The Supreme Court has directed the candidates contesting elections to disclose their criminal records and the charges pending against them.¹¹ The Supreme Court is also of the opinion that it is the right of citizens to know about the antecedents of candidates contesting elections. The court has read it under the 'right to be informed' which flows from the fundamental right of 'freedom of speech and expression'.¹² The law commission in its 244th report has laid stress on enhancing the punishment for filing false affidavits to minimum 2 years and has also recommended that this should be made a ground for disqualification
 - 7) The election commission in 2019 has put restriction on exit polls. Now it can be declared only after the final phase of elections gets over.
 - 8) To curb the duplication of voter's Id's the scheme of linking aadhar has been brought. It will reduce chances of receiving false information or multiple representations by voters. The main object behind this is to bring accuracy in the electoral rolls.¹³
 - 9) The election commission in the recent times has resorted to various technological advancements one amongst them is the use of De-Duplication Software. This is used to maintain quality of electoral roles by removing duplicate entries and helps to stop the practice of forged voting. It has also introduced the photographs of voters on their photo identity voter ID cards for easy identification.
 - 10) In order to address the grievances of citizens 'Cvigil' app has been launched by the election commission under which the citizens can file their complaints and can also upload photos and videos regarding the same.

Apart from this many other reforms have also been done by the Election Commission from time to time to bring more transparency and to remove ambiguities in the election system of India.

Conclusion

Elections are the soul of systematic governance of a country, malfunctioning of which can cause a severe damage to the nation. The reforms in electoral system are important from time to time to keep the system in pace which dynamic world. These reforms can bring the democratic process more inclusive by reducing corruption, fraud, malpractices and thereby can make India a stronger democracy.

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¹⁰ *NONE OF THE ABOVE(NOTA)*, Elections.in, (April 22,2020), <https://www.elections.in/none-of-the-above-option.html>

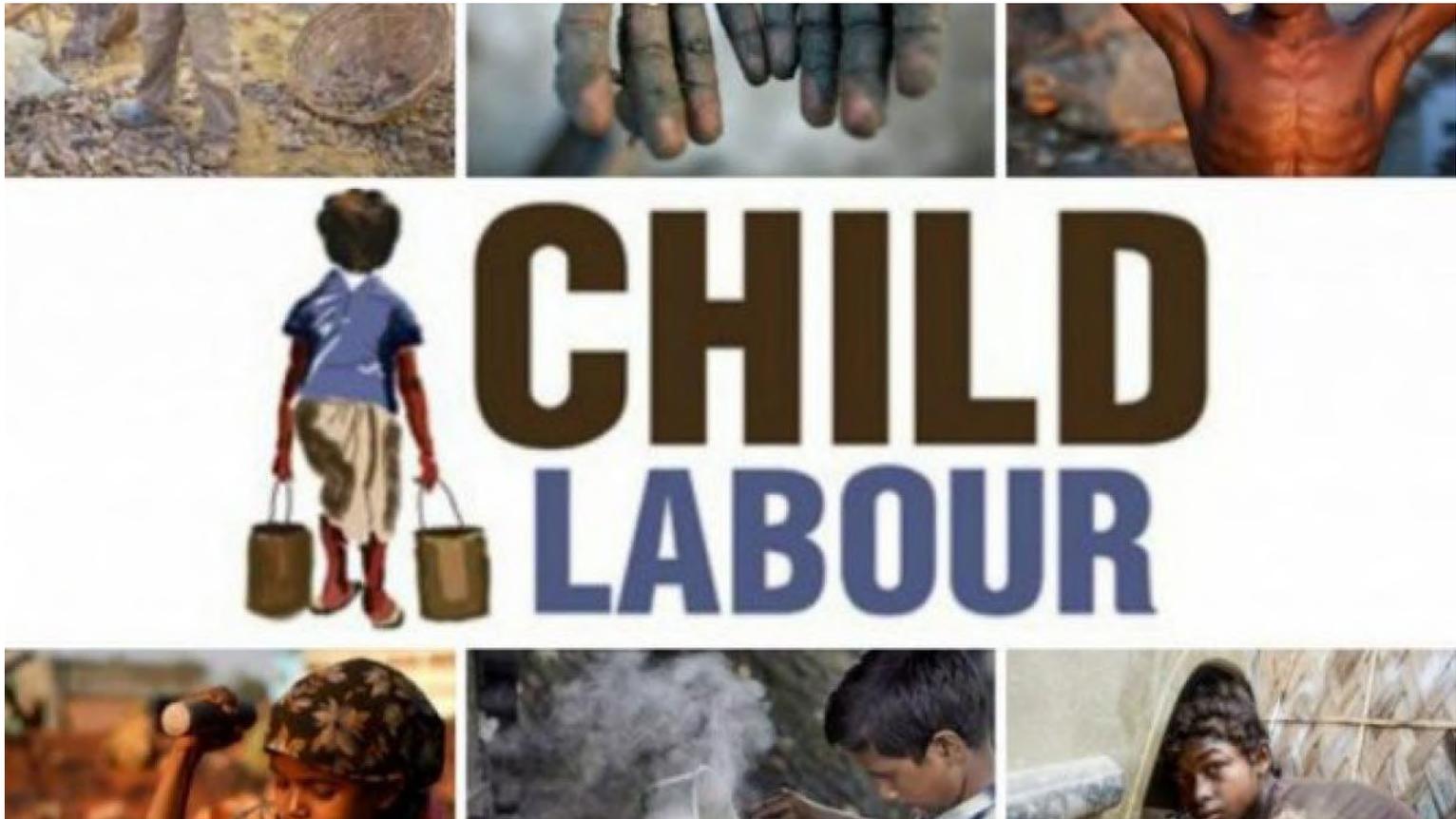
¹¹ Public Interest Foundation v. Union of India (2018).

¹². Union of India v. Association for Democratic Reforms (2002) 3 S.C.R. 294.

¹³ Anubhuti Vishnoi , *Linking of Aadhaar and Voter ID May be Made Mandatory*, THE ECONOMIC TIMES, (Dec.13,2018; 05:12 PM IST), <https://economictimes.indiatimes.com/news/politics-and-nation/linking-of-aadhaar-voter-id-may-be-made-mandatory/articleshow/67069414.cms?from=mdr>

Child Labour

- Shreya Agarwal



Child Labour means employing the child to do the work in the factories and other places. The children are the future of any nation and they should be protected and given the special care. Child is an individual whom has not attained the age of 18 years.¹⁴ Definition of Child is defined in different laws. A child is a person who has not completed the age of fourteen years.¹⁵ The child and adolescent have defined separately also, Child defined as the person who has not completed 14 year. Adolescent defined as the person who has completed his 14 year but not completed his eighteen year.¹⁶

In today's era there are millions of children are confined in the child labour due to which they are not able to enjoy their childhood, such children are also deprived from their right of education and health. The children do the work to help their families but the parents forget that their future

is more important than the present work. Different laws are made to protect the children from the child labour but still child labour is prevailing.

Definition of Child Labour

Child Labour is defined as "The work that deprives the children of their childhood, their potential and their dignity, and that is harmful to physical and mental development of the children. Child labour refers to the work that is socially, physically and mentally harmful to the children and also interferes with their schooling by, depriving them of the opportunity to attend school,

¹⁴ Defined in United Nations Convention on the Rights of child, 1989.

¹⁵ Defined in The Child Labour (Prohibition and Regulation) Act, 1986, also in The Motor Transport Workers Act 1961, also see The Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

¹⁶ Separate definition given in The Plantation Labour Act, 1951

obliging them to leave the school, or requiring them to attempt to combine school attendance with excessively long and heavy work.¹⁷

Child labour is a taken participation of the child who is less than 17 years of age in the economic activity and give or not given the child wages or profit. The participation which is taken can be mental or physical or both. The work includes the part time or unpaid work on the farm, family enterprises or any other activity such as the milk production, cultivation for the sale or consumption. This definition is given by the India's Census in 2001.

Reasons for the Child Labour

There are various reasons due to which child is forced to do the work instead of getting education and to live their childhood. The most of the children are forced to do the work due to various reasons. The main and basic reason is poverty as due to this parent are forced to sent their children to work rather than study, they think that if their children are able to earn than they can get the food and other basic facilities. There are people also who wants that they can hire the children for the work as they can hire them in low wages and also take more work from them.

Even some people kidnap the children for begging and for other reason. There is other reason for the child labour also which are lack of education, weak legal framework, economic uncertainties, lack of awareness, lack of employment etc.

Consequences of Child Labour

The child labour effect the children very much as their childhood is snatched from them, their life is all about the work and exploitation also done with them when they go for the work. The children have the negative impact on then both on the physiological as well as psychological level which includes specific concerns and consequences

¹⁷ "What is Child Labour", International Labour Organisation, 2012.

¹⁸ International Labour Organisation Combating Child Labour through Education, 2003, Geneva, Switzerland.

¹⁹ Nuwayhid I A, Usta J, Makarem M, Khudr A, El-Zein A; Health of children working in small urban industrial shops. *Occup Environ Med.* 2005

²⁰ Khan H, Hameed A, Afridi AK. Study on child labour in automobile workshops of Peshawar, Pakistan. *East Mediterr Health J.* 2007

on mental health. In a study it is found out that 1/3rd of the children who belongs to the developing world are not able to get the education of four years.¹⁸

The children who are urban Lebanese aged 10- 17 years of age working as a full time in the small industrial shops, their comparison done with the school going children who are not working. So, the in the working student's majority had the bad physical health, had ear complaints or noticeable skin lesions an also have the social care needs.¹⁹ The Children mental is very less researched in the child labour.²⁰ But the children mental health is very important and students working in factories and in other also have the impact on their mental health. A study which examined around 200 children working in the handicraft sector have found the respiratory, digestive and other skin conditions with the mental health problems like insomnia, migraines etc.²¹

A cross-sectional study in Addis Ababa, Ethiopia, assess the prevalence of mental disorders in 528 child laborers and street workers, and other child workers whose age is between 5 and 15 years. And such children prevalence of mental disorders was as high as 20.1% compared with 12.5% in the other general population.²²

Laws related to child Labour

There are various laws related to the child Labour which are made to protect the children from the exploitation and from the child labour.

The Indian Constitution contains the provision for the child labour. The provisions are:

- Article 23 which is a fundamental Right prohibits the human trafficking and forced labour.
- Article 24 prohibits the employment of the children in the factories etc. This article states that " Child below the age of 14 years shall not

²¹ Laraqui CH, Caubet A, Laraqui O, Belamalle I, Harourate K, Curtes JP, et al. Child labour in the artisan sector of Morocco: Determinants and health effects, *Sante Publique*; 2000.

²² Fekadu D, Alem A, Hägglöf B. The prevalence of mental health problems in Ethiopian child labourers. *J Child Psychol Psychiatry.* 2006

be employed to work in any factory or mine or engaged in any other hazardous employment.

With these articles the constitution also contains the certain provisions which allow the state to make the special provision for the children for their benefits.

The Acts which are made for the protection of the children are:

- Plantation Labour Act, 1951
- The Apprentices Act, 1961
- The Beedi Cigar Workers (Condition of Employment) Act, 1966
- The Child Labour (Prohibition and Regulation) Act, 1986
- The Children (Pleading of Labour) Act, 1933
- The Factories Act, 1948
- The juvenile Justice (Care and Protection) of Children Act, 2000
- The Merchant Shipping Act, 1958
- The Mines Act, 1952
- The minimum Wages Act, 1948
- The Motor Transport Workers Act, 1961
- The Right of Children for Free and Compulsory Education, 2009
- The Schools and Establishments Act, 1961

These are the act which came for the protection of the children time to time all the acts contains the provisions for the benefit of the children. There are international organisations also who are working for the child labours also conventions are there to protect the children.

Role of Government and Judiciary

The different government takes steps to control the Child Labour. Even the Child Labour (Prohibition and Regulation) Act passed by the government to make the child labour illegal and for the protection of the child. Various state makes the Child labour Welfare funds and also made the labour cells so that the child labour issue can be reported in these cells.

The Central government introduced the National Child Labour Projects for providing the children informal education and for developing the pre vocational skills in the children. The Government also launched the Sarve Shiksha Abhiyan to give education to the poor and employed children in states. Women and Children Ministry also providing the education and training to the children. Government also established the Anganwadi for the children also midday meal program established in the schools. So, government has taken various steps for the benefits of the children.

The Indian Judiciary also has given the different guidelines time to time regarding the children working in the industries for their betterment. The directions are issued by the Supreme court in context of the exploitation and employment of the children in the village of Sivakasi, it prohibits the employment of the children below 14 years and also direct to make arrangement for giving them education and provide the employment to parents or other adults of the family.²³

Conclusion

Child labour is the very serious issue after taking the various steps to protect the children by the government and other children are not safe. The main reason is the poverty due to which parents are not ready to understand, they always thought that if their child will go to work than they get the helping hand and will able to get the food of two times. There is need to take different steps for the protection of the child as although there are different laws but still child exploitation is happening.

There is need for proper implementation of the laws and also awareness should be given so that more and more people can get aware that it is very necessary to provide the children education. And child labour can also be controlled if people are aware and there are proper implementation laws regarding it.

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²³ See MC Mehta V State of Tamil Nadu and others (1996) 6 SCC 756

Legal Awareness Regarding the Quarantine Laws Prevailing in India

- Shruti Pandav



The COVID-19 pandemic has overwhelmed the entire world, and it similarly invoked India. The spread was so colossal that the World Health Organization (WHO) has to declare it as a pandemic. The current COVID-19 crisis includes the closure of outlets, educational institutions and other services has put the people in de facto quarantine. ‘Quarantine’, the word recently introduced to us but which has a history prevailing through various pandemics. The quarantine laws are already prevailing in India but the society is unaware of these laws through which the Government can take action against people who violate these laws.

Quarantine is the separation of and restriction of movement or activities of persons who are not ill but who are believed to have been exposed to infection, for the purpose of preventing transmission of diseases. Persons are usually quarantined in their homes, but they may also be quarantined in community-based facilities.²⁴

Quarantine can be applied to:

- An individual or to a group of persons who are exposed at a large public gathering or to persons believed exposed on a conveyance during international travel.

²⁴ <https://www.mohfw.gov.in> (Guidelines for quarantine facilities COVID-19)

²⁵ <https://www.mohfw.gov.in> (Guidelines for quarantine facilities COVID-19)

- A wider population or geographical- level basis.

The recommended duration of quarantine for COVID-19 based on available information is upto 14 days from the time of exposure.²⁵

The Government of India has also stated the guidelines for home quarantine. Home quarantine is applicable if in contact of a suspect or confirmed case of COVID-19.²⁶

Corona virus is highly transmissible and that’s why the people coming from corona affected countries and people in contact with the corona affected patients are kept under medical observation to ascertain their health data. However, several incidences have been reported about the people travelers avoiding medical screening at the airport, sprinting from the quarantine centers and not following the rules prescribed for self-isolation by the concerned authorities. People are highly unaware of the prevailing laws under which they can be punished for such actions that are detrimental to the health and safety of others.

In India, we have such regulations in The Indian Penal Code, 1860 under section 269 and section 270, section 271.

²⁶ <https://www.mohfw.gov.in> (Guidelines for quarantine facilities COVID-19)

SECTION 271 – *Disobedience to quarantine rule* - Whoever knowingly disobeys any rule made and promulgated [by the [* * *] Government [* * *] for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels, or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.²⁷ The objective of this law is to prevent the pathogen causing infectious diseases non-existent from entering the country through vessels or aircraft, and to take measures necessary for prevention of other infectious diseases borne through vessels or aircraft.

Under section 269, Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.²⁸ It states that whenever the person does an act negligently or unlawfully with the knowledge that is likely to spread the infection of the disease which is detrimental to life shall be punished as described in the above section.

Under section 270, Whoever maliciously does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.²⁹ It states that a person shall be punished as described above if the person does an act maliciously with the knowledge that is about to spread the infectious disease that is detrimental to life.

In order to control the situation prevailing in India related to COVID-19, Government invoked powers under *The Epidemic Diseases Act, 1897*. This law was enacted for the better prevention of the spread of Dangerous Epidemic Diseases. As per this law, the State Government or Central Government has the power to take special measures and prescribe regulations as to dangerous epidemic disease.³⁰

When the Central Government is satisfied that India or any part threatened with an outbreak of any dangerous

epidemic disease and the existing provisions of the ordinary law are insufficient to prevent the outbreak or contain its spread then it empowers the Central as well as the State Governments to take necessary measures to prevent the outbreak or spread of such epidemic. Since, the Public health features is in the state list under the Seventh Schedule of the Constitution of India, the centre is related to an advisory role and the primary imposing rules and regulations is done by the State.³¹ The law also states that no suit or legal proceedings shall lie against any person for anything done or in good faith intended to be done under this Act.³² Any person who disobeys any regulation or order passed under this law shall be punished under section 188 of the Indian Penal Code, 1860.³³ As per section 188 of IPC, if the disobedience to the order duly promulgated by a public servant which tends to cause danger to human life, health or safety, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.³⁴ States may also issue orders by invoking section 144 of CrPC, 1973 to restrict public gatherings and impose a curfew.³⁵

We also have the *Disaster Management Act, 2005* that provides for effective management of man-made and natural disasters which may result in substantial loss of life or human suffering. Biological disasters that maybe caused by epidemics are covered under National Disaster Management Guidelines, 2008 for the management of biological disasters drafted by National Disaster Management Authority, Government of India.

As it is rightly said that, “Every good citizen adds to the strength of the nation”. Being a responsible citizen of India, it is our responsibility to strictly follow the guidelines given by the Government. We the responsible citizens could help fight against the prevailing pandemic. It is the high time for people to understand the intensity of the pandemic and the rules and regulations prescribed. When these rules and regulations will be receiving the public support we will succeed in defeating COVID-19. Along with the care of our own selves we need to care for the society as we owe to the nation.

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²⁷ Section 271 of The Indian Penal Code, 1860

²⁸ Section 269 of The Indian Penal Code, 1860

²⁹ Section 270 of The Indian Penal Code, 1860

³⁰ The Epidemic Diseases Act, 1897

³¹ Seventh Schedule of the Constitution

³² Epidemic Diseases Act, 1897

³³ Epidemic Disease Act, 1897

³⁴ Section 188 of The Indian Penal Code, 1860

³⁵ Section 144 of CrPC

***Balfour v Balfour*, [1919] 2 KB 571: Critical Analysis and its Relevance in the 21st century**

- Palak Saraswat

Balfour v. Balfour is a climacteric case in contract law which pioneered the doctrine of 'Intentions to Create Legal Relations'. Mrs. Balfour is the plaintiff and Mr. Balfour is the defendant in the present case. Both the husband and wife went to England together in 1915, but plaintiff had to stay back due to her medical condition on doctor's advice. However, before returning to Ceylon, he had promised to pay £30 a month in consideration of her agreeing to support herself without calling him for further maintenance. The husband failed to fulfil the promise due to which the plaintiff sued the defendant. Judge Charles Sergeant held in favour of the plaintiff stating that the husband was under an obligation to support his wife. The husband then appealed in the Court of Appeal in which the judgement is given by LJ Warrington, LJ Duke and LJ Atkin in favour of the husband. The judgement is given on key issues like whether the domestic agreements fall into the jurisdiction of Contract Law, whether there was an intention to create legal relation between the plaintiff and the defendant and whether there was a valid contract between the plaintiff and the defendant. It was held that the alleged agreement did not constitute a legal contract but was only a domestic promise which cannot be sued upon. Mutual promises which are made in a domestic relationship of husband and wife do not necessarily give a cause of action in a contract. This case established the key difference between a contract and a promise debate. Due to this debate, the doctrine of intention to create legal relations was corroborated.

The debate initiating the difference between a contract and a promise is introduced by LJ Warrington in the case. He analyses whether there could be a valid contract formed from the facts of the case and whether the parties intended to make a bargain which could be enforced in law³⁶. He tried to find a contract from the position of the parties. If the contract was implied on the part of the wife, then she should be content with £30 while the husband was away in any circumstances and bind herself by an obligation in law that does not require him to pay anything. On the other hand, it is implied that the husband would pay £30 for an indefinite period in any circumstances. He concludes that if there was a contract in this case then the trivial promises which are made in a

domestic arrangement will also have to be made enforceable by law. As the parties never intended to make a bargain which could be enforced by law there was no contract formed. The husband promised to make the payment and thus had a bargain whereas the wife had no bargain at all due to which the appeal should be allowed. It can be concluded from his reasoning that LJ Warrington had refused to hold a contract between the parties on the basis that the wife had no bargain and that the promise was made between a husband and wife.

Warrington's reasoning takes a legal approach to a rather social dilemma. The case gives us a context of the traditional patriarchal society where the role of women in society was restricted to the household due to which she was economically dependent on the husband. Their dependence made them vulnerable to promises like the one which is made in the present case on their husband. In this context, it can be implied that the husband had to provide for his wife in any circumstances, as what if the wife had gone back with her husband to Ceylon against the doctor's advice, then also the husband would have been responsible for providing care and services to his wife. It can also be inferred that the wife may not have travelled back due to the extra expenses and the care that the husband would have had to bear by going back to Ceylon. The judgement by LJ Warrington could also be considered as being discriminatory on the basis of the relationship between parties. Due to the simple reason that the parties who made the contract had an intimate relationship, the judge allowed the appeal and judged on the nature of the relationship between parties and ignored the freedom of contract which should be present within the domestic setup rather than being non-existent.

By distinguishing between a contract and a promise, the doctrine of Intention to Create Legal Relations was carved out from Lord Atkin's judgement in *Balfour v. Balfour*. He reasoned that such agreements like the one which is made in the present case are common and even if Mrs. Balfour had provided consideration for Mr. Balfour's promise, then also her claim would have failed as the parties had not intended to create legal relation. He presumed that due to the nature of the relation between

³⁶ Ewan McKendrick, *Contract Law Texts, Cases and Materials* (5 edn, Oxford University Press 2012) 273.

the parties, there was no intention to create legal relations. He argues that agreement such as these fall outside the contract law. Lord Atkin's aim was to safeguard those promises which all of us makes regularly in a domestic arrangement. However, If in the concerned case, the appeal was rejected by the court and it was established that all agreements which are domestic in nature which have consideration form a valid contract, then it would have opened the floodgates to a number of agreements which are based on natural love and affection and would have led to unlimited litigations in a sphere which should be protected from these possibilities. By formally establishing this doctrine, Lord Atkin protected the private domain of life from the interference of the courts.

Prince Saprai has criticized Lord Atkin's reasoning on the grounds that through Balfour he is endorsing division of labour in society by separating the two worlds of commerce and family³⁷. By separating these two worlds, he is restricting the scope of contract law to the commercial sphere. However, through his article, he argues that both the spheres are dependent on each other, as commerce makes it possible to have a family life and family becomes a safe space from the market which is a world of self-interest. This argument is valid on the grounds that both the spheres depend on each other and cannot be separated as two distinct worlds without any connection between them. By clearly demarcating the boundaries of the market and the family, Lord Atkin is asserting the deeply entrenched notions of patriarchy where the women's position and role in society is restricted to the domestic sphere while the man has the right and freedom to do anything as he is part of the commercial sphere. Traditionally, the legal system has always restricted to the commercial sphere. Lord Atkin in lieu of safeguarding the private life of family has robbed off women of the freedom to make contract and excluded her from the outside world. Lord Atkin has also been criticized on the grounds that he did not conduct a detailed investigation about the facts to ascertain whether there was an intention to create legal relations rather he presumed that there was no intention on the basis of the relationship between parties. Despite the presence of all the essential elements which are crucial for a valid contract, the plaintiff was unable to claim the damages. Due to this judgement, an extra hurdle was added in order to convince the court of the intention of the parties. The court also fails to recognize the branch of relations which are based on natural love and affection in Contract law.

Under common law, according to the doctrine of intention to create legal relations, an agreement cannot be considered as a legally enforceable unless the parties intended it to be legally binding. The test which is used to determine the intention of the parties is an objective one where the court has to consider what the parties said and wrote in the light of all surrounding circumstances and that speaking and writing in such circumstances the parties would have intended to create legal relations³⁸. The scope of this doctrine was extended to other agreements which are also made in a domestic set-up and not limited to only the agreements between husband and wife. The decision in the Balfour v. Balfour establishes that there is a presumption in relation to the agreements which are made in domestic arrangement that the parties did not intend to create a legally enforceable agreement. The burden is on the party alleging that there exists a valid contract to prove the same and refute the presumption.

The nature of this doctrine of Intention to Create Legal Relations has been criticized on many grounds. Under English law, the concept of Bargain is central to the enforceability of contracts and the essential elements for bargain are offer, acceptance and consideration³⁹. To differentiate a promise from a contract, the parties have to make an agreement in the form of bargain which itself provides a test of intention due to which it becomes quite redundant to also separately prove that the parties intended to have legal relations. The parties who have already proved that there was an offer, acceptance and consideration have already signified their intention of creating a legally enforceable agreement. Bhawna Gulati argues that in common law countries, as consideration is one of the essential elements of a valid contract, the additional requirement of proving an intention to create legal relations should not be enforced. One of the main issues that also arise due to the doctrine is when the contracts are formed in an intermingled circumstance in which it is not clear whether the transaction was a domestic or a commercial one. This issue can arise in family businesses, where sometimes commercial agreements are made within the domestic framework. People are becoming more individualistic and profit oriented in their approach even in family relations to secure their agreement. A drawback of this doctrine is that in a domestic setup, a promisor may easily exploit the promisee without any obligation or accountability as these agreements would not be enforceable in the court of law.

³⁷ Saprai P, "Balfour V Balfour and the Separation of Contract and Promise" (2017) 37 Legal Studies 468.

³⁸ J. Beatson, A. Burrows and J. Cartwright, *Anson's Law of Contract* (29 edn, Oxford University Press 2010) 71.

³⁹ Gulati B, "Intention to Create Legal Relations: A Contractual Necessity or An Illusory Concept" (2011) 02 Beijing Law Review 127.

Although the invocation of the doctrine of the intention to create legal relations in *Balfour v. Balfour* may have been significant in the 20th century however, the relevance of this doctrine in the 21st century is decidedly questionable. The relevance of this doctrine in the modern law have been contested by various legal scholars. Michael Freeman has argued that marriage in *Balfour* was a ‘Victorian marriage’ and the concept of marriage has thus evolved from being a ‘personal’ institution to being no longer a ‘social’ institution⁴⁰. Marriage today is more about self and autonomy which has also gained prominence in the modern family law. Women are no longer associated only with the domestic sphere; they are as much part of the commercial sphere as the men. Therefore, the doctrine no longer serves the purpose which it was initially made for as the world of commerce and family are constantly intersecting and the boundaries have become more fluid. Contract law has the capacity to include different forms of marriage and family which are not considered in the traditional framework of marriage and family institution. As family law is also based on these traditional notions and idea of a family and a marriage, it restricts the freedom for new forms of family and marriage. These orthodox notions of family also limit the rights of LGBTQIA+ communities to have families. Therefore, the contract law has the capacity to open doors for these communities in having a real chance at having a family of their own choice.

In *Balfour v Balfour*, the ruling given by judges is prejudiced by the deep entrenched notions of traditional marriages and patriarchy. The judgement has been discriminatory towards women who were economically dependent on their husbands and had no freedom to contract as they were not considered part of the commercial sphere. In order to distinguish a promise from a contract, the court of law labelled all the promises in a domestic arrangement as being just empty promises and therefore gave a medium for dominant parties to exploit the marginalised in the social hierarchy. To prevent the opening of floodgates to unlimited litigations, the court of law had ironically closed the doors for the ones who were the most subjugated in the private sphere. The creation of a new doctrine to establish the intention between the parties is impractical as the intention of parties is implied when there is a bargain which makes the doctrine quite redundant. The doctrine of ‘Intention to Create Legal Relations’ not only confines the scope of the Law of Contract but also infringes the right to freedom which is the cardinal principle of law.

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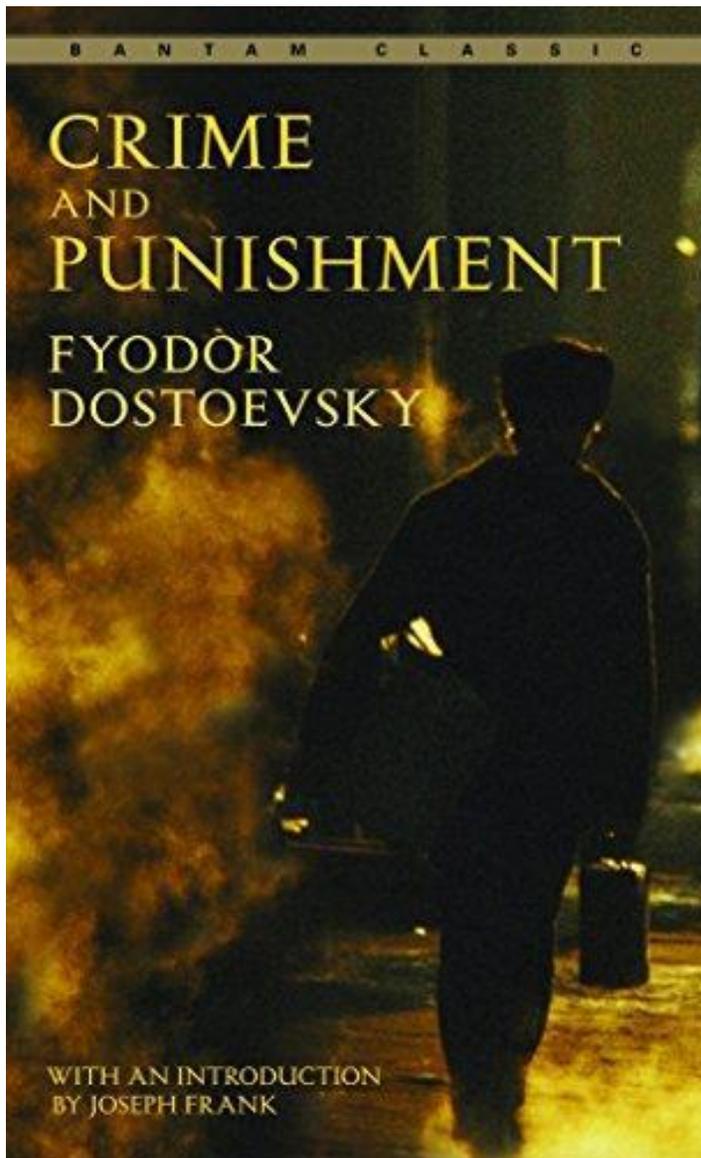
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⁴⁰ Saprai P, “Balfour V Balfour and the Separation of Contract and Promise” (2017) 37 Legal Studies 468.

Book Review: Crime and Punishment by Fyodor Dostoyevsky

- Aadya Malik



“A hundred suspicions don't make a proof.”

What kind of society breeds a murderer? Is suffering necessary for salvation? Does the law really provide justice, or just an illusion of justice? What happens to a society where the justice system is not trusted? These questions form the central themes of Fyodor Dostoyevsky's timeless classic, *Crime and Punishment*. It is a book that every person aspiring to be a lawyer should read, not only because the novel is unparalleled in its psychological depth, but it is also a reflection of jurisprudence in a society. *Crime and Punishment* has made legal contributions outside the world of fiction, which must be appreciated and analysed.

The protagonist of *Crime and Punishment* is Rodion Romanovich Raskolnikov, a law student living in abject

poverty in Saint Petersburg. He lives in a rented attic, rarely eats and is on the verge of being forced to leave his legal education due to paucity of money. He is extremely intelligent and also handsome, devoted to his family consisting of his mother and sister. Letters from his mother reveal that his sister named Dunya is going to enter into a loveless marriage with a tyrannical man in order to save his family from destitution and enable Raskolnikov to finish his education. Raskolnikov is distraught at this prospect, he does not want his lovely sister to have a wedlock where she is altruistically prostituting herself. He walks to the house of a pawnbroker, Alyona Ivanovna to pawn away a watch, the last of his belongings. Thereafter, he begins to plot her murder. Alyona Ivanovna has been painted in a negative light in the novel, she is a cantankerous old lady resented by the entire neighbourhood. She is cruel, deceitful and has enslaved her own dim-witted niece named Lizaveta, who she physically beats. The pawnbroker is unscrupulous and selfish, she also cheats the poor people out of their money. A reader of crime and punishment will slowly begin to hate this character. Raskolnikov rationalizes his reasons for killing Alyona Ivanovna. He would be ridding the world of a horrible soul, freeing the captive niece, take her wealth and with that save his sister from a loveless marriage, his friend Marmeladov from doom and finish law school. In chapter VII, Raskolnikov commits the premeditated murder of Alyona Ivanovna, slaying her with an axe. He also has to spontaneously kill Lizaveta who accidentally walks in to see her aunt lying in a pool of blood and Raskolnikov holding the blood-stained axe. What follows is the downward psychological spiral of the protagonist and his rational reasons for committing the murder not coming to fruition.

The novel is not a murder mystery, as the readers know Raskolnikov is the murderer, the question that keeps the reader on tenterhooks is whether or not will Raskolnikov be imprisoned. This is where the question of law comes in because evidence, which is sufficiently against him cannot put Raskolnikov behind bars. The law requires a confession to the crime, which means Raskolnikov has to willingly confess to the twin murders for a successful conviction. Extracting the confession becomes the responsibility of Porfiry Petrovich, the examining magistrate. It might seem absurd to base a criminal conviction solely on the basis of the confession of the accused, but this was actually the legal requirement in

Russia when *Crime and Punishment* was published. *Crime and Punishment* is a reflection of reality of law, it reflects the broken legal system of 1860s Russia. Dostoyevsky was not a lawyer, but he spent four years in a Siberian labour camp. His juridical conscience is rooted in this personal experience. The character of Raskolnikov created by Dostoyevsky, mirrors the author himself. Raskolnikov is a singular figment of fiction, yet there is a universal empathy for the character. As a reader, one may not relate to his actions, but the suffering caused by the actions is very much relatable. The murder, which is only devoted a few pages in the novel, is only a means to an end. The murder sets up the stage for the law to dance upon. Raskolnikov echoes the ideas of the German philosopher, Hegel who concluded that if the end is noble, then whatever means used to reach that noble end are justified (Burnham, 1231). And since the end is noble, the law should not punish the one indulging in the illicit means. This creates the conflict of morality and law. It also poses the question, how to determine what act constitutes a crime? A crime is always an act that the society deems unacceptable. But as societies evolve, so do the definitions of crime. And the society also consists of individuals possessing radical notions such as being above the law. What's important is not the existence of such individuals in a society, but the existence of a society where such individuals are born and bred. Law for such individuals like Raskolnikov is an illusion.

Law tends to discredit the motive behind a crime. Stealing a loaf of bread to feed a starving man is still considered as theft by law. So, killing of Alyona Ivanovna, irrespective of her wretched character and cruelty, would still be punishable homicide. Raskolnikov's decision to murder is also based on the idea of the 'extraordinary' man. In 1865, a book called *The Life of Julius Caesar* was made available in Russian which finds mention in the novel (Burnham, 1230). As Porfiry Petrovich, the magistrate investigating Raskolnikov explained, "people are divided into two classes, 'ordinary' and the 'extraordinary'. The ordinary ones must live in submission and have no right to transgress the laws, because, you see, they are ordinary. And the extraordinary have the right to commit any crime and break every kind of law just because they're extraordinary" (Dostoyevsky, 219). The idea that some people are above the law, hence untouchable has existed for a long time. Although it is said that everyone is equal before the law, in reality the equality becomes a fiction. Justice is often inaccessible to the poor, for women justice is filtered through the lens of patriarchy and for those with power it becomes possible to evade justice.

As stated earlier, at the time when *Crime and Punishment* was published, conviction depended upon confession. The question is why? To understand why, it is important to delve into the existing legal realities of that time. Russia was a monarchy under the reign of Peter the Great when *Crime and Punishment* was published (Burnham,1232). Peter the Great stripped the judges of the power of adjudication (Burnham,1232). There was no real power given to judges to decide a case and provide justice. Instead, a complicated system of evidence was created, where as for a conviction *sovershennye dokazatel'stva*, meaning complete proof, was required (Burnham,1232). A complete proof was recognized by the court in the form of a confession given by the accused to a judicial officer. This forms an element of thrill in the novel with Porfiry Petrovich devising novel ways in order to ensure that Raskolnikov confesses. This also shows that Russian society mistrusted the judges, whose cardinal role is that of impartiality. As history unfolded, this society where justice was not unprejudiced, ultimately paved the path for Russian revolution and the abolition of monarchy.

Crime and Punishment portrays the transformation of the protagonist Raskolnikov. Murder, which he thought would solve all his problems, rips his soul apart. He is tormented, anguished and longing for love. Ultimately, he does confess, not from the fear of punishment but for the peace of penitence. The reader does not get to see what happens to Raskolnikov after all his suffering and salvation. The ending feels poignantly hopeful yet incomplete. Fyodor Dostoyevsky wrote the quintessential crime novel, but one cannot simply skim through this masterpiece, as it does evoke questions regarding the nature of law, morality and finally the objective of punishment.

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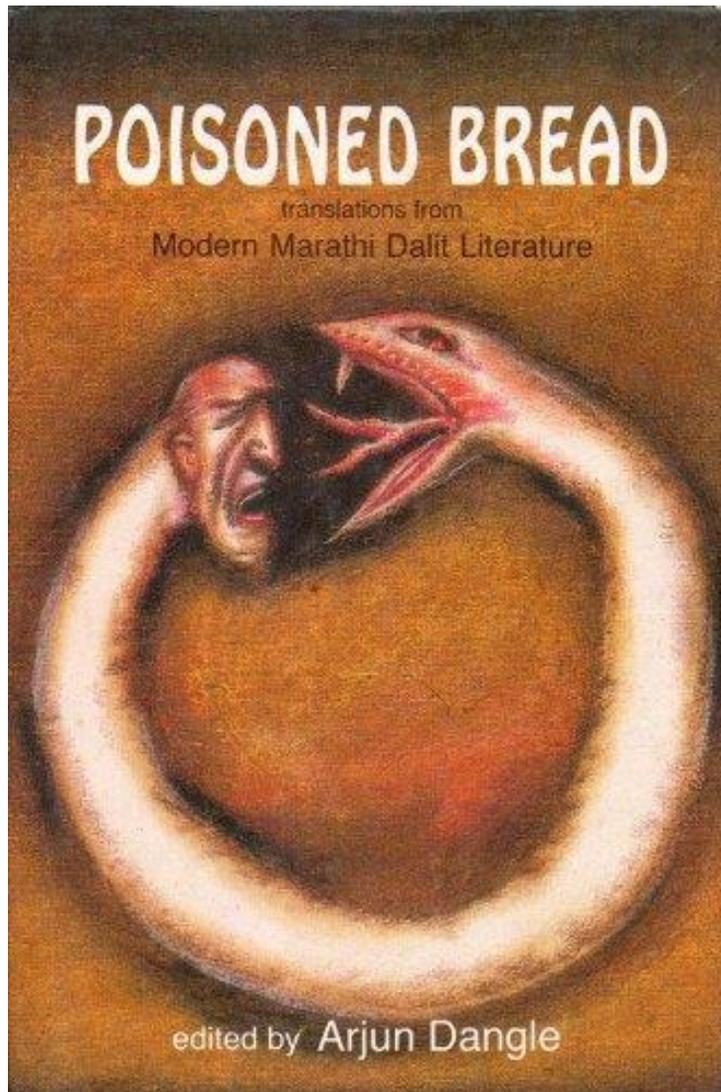
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Book Review: Poisoned Bread By Arjun Dangle

- Sakshi Chandna



“This country is broken into a thousand pieces; its cities, its religion, its castes, its people, and even the minds of the people – all are broken, fragmented”.⁴¹ Dalit literature is a representation of Dalit voices and their courage to pen down their experiences, irrespective of its consequences. Written by a major Dalit writer and activist of the Dalit Panthers, Arjun Dangle wrote *Poisoned Bread* in 1992 as an anthology consisting of four parts, i.e., poetry, autobiographical extracts, short stories, and essays and speeches. It is a translation of modern Marathi Dalit Literature. What was most striking was the tone in which all parts have been written. It is not one of sadness but of anger. Dangle does an extraordinary job highlighting the oppression and the humiliation that Dalits have faced and still continue to face.

L.S. Rokade questions his own birth in the first poem, To be or Not to be Born. He depicts how even though his mother is part of the human race, she has to shed blood, struggle and strike for just a palmful of water.⁴² Their exclusion is depicted in a poem wherein a man is not even allowed to sing the song of bread⁴³ and in a story where their greetings have to be different as well.⁴⁴ “For what they don’t say, an encounter with a Mahar in the morning, and you’re doomed for good”.⁴⁵ This line amongst many others in one of the short stories is a clear representation of the power distribution and social alienation faced by Dalits. Most short stories end with death, starvation or a sense of humiliation. *Gold from the Grave* by Anna Bhau Sathe describes a man who picks dead bodies to find gold on them. He is nothing less than a beast. But all these stories are a representation of Dalit voices and experiences. There are no happy endings. They are made to seem inhuman and desperate but what other choice do they have? Desperation is also seen in another story wherein the members of the community pounce at a dead animal with their knives, gathering whatever flesh they are able to. Blood is on their clothes like colour on Holi.⁴⁶ They were treated worse than animals. At least some animals were worshipped. No one cared whether the Dalits lived or died. They were even considered to be polluting a corpse if they touched it.⁴⁷ The ‘deaths’ in the stories examined here do not reflect a celebration of the fragmented subject, but a mourning, a constructed act of remembrance of those who do not ‘make it’ into the temples of modern progress.⁴⁸

The book also successfully highlighted the issue of intersectionality. Being a Dalit is hard enough, but being a Dalit woman is even harder. For Dalit widows, it was difficult to sustain a livelihood. Once they were married, they were considered ‘spoilt fruit’.⁴⁹ They could be no one else’s without losing whatever little respect they had. Their neighbours would call them all sorts of names. However, Ambedkar had a different view. For him, the only way to bring about a social change was via education. He believed it was vital for mothers to educate

⁴¹ Bapurao Jagtap, *This Country is Broken*. 1992

⁴² L.S. Rokade, *To be or Not to be Born*. 1992

⁴³ Bhimsen Dethle, *Song*. 1992

⁴⁴ Waman Hoval, *The Storeyed House*. 1992

⁴⁵ Bandhumadhav, *The Poisoned Bread*. 1992

⁴⁶ Amitabh, *The Cull*. 1992

⁴⁷ Shankarrao Kharat, *A Corpse in the Well*. 1992

⁴⁸ Vemaiah Beesopugo, *Poisoned Bread: Protest in Dalit short stories*. 23 October 2011

⁴⁹ Sharankumar Limbale, *The Bastard*. 1992

their children because it was the children who would bring them out of this hole that they were stuck in.⁵⁰

The book also highlights the deep-seated beliefs of the uneducated old villagers vis-à-vis the youth, who are unable to understand the caste system. Naïve children were not able to understand why they are called ‘polluted’ or ‘dirty’ even when they bathe, put oil and clean themselves.⁵¹

B.R. Ambedkar was a major influence in the lives of Dalits. It was because of him that majority of them have done away with superstition that made them believe being inferior to the rest of the society was their fate.⁵² He paved the path of education for them. In the name of Ambedkar,

they decide to unite to break the chains of class and caste.⁵³ The idea is to bring about a social change, to set up the norm of equality. The book is a warning about the emergence of Dalits with respect to social change and the reaction of the upper-castes to this emergence. Dalit literature is literature produced by the Dalit consciousness. Human freedom is the inspiration behind it.⁵⁴ Its aim is to bring about a change. Poisoned Bread is the perfect example of breaking of barriers because of suppression, anger and misery.

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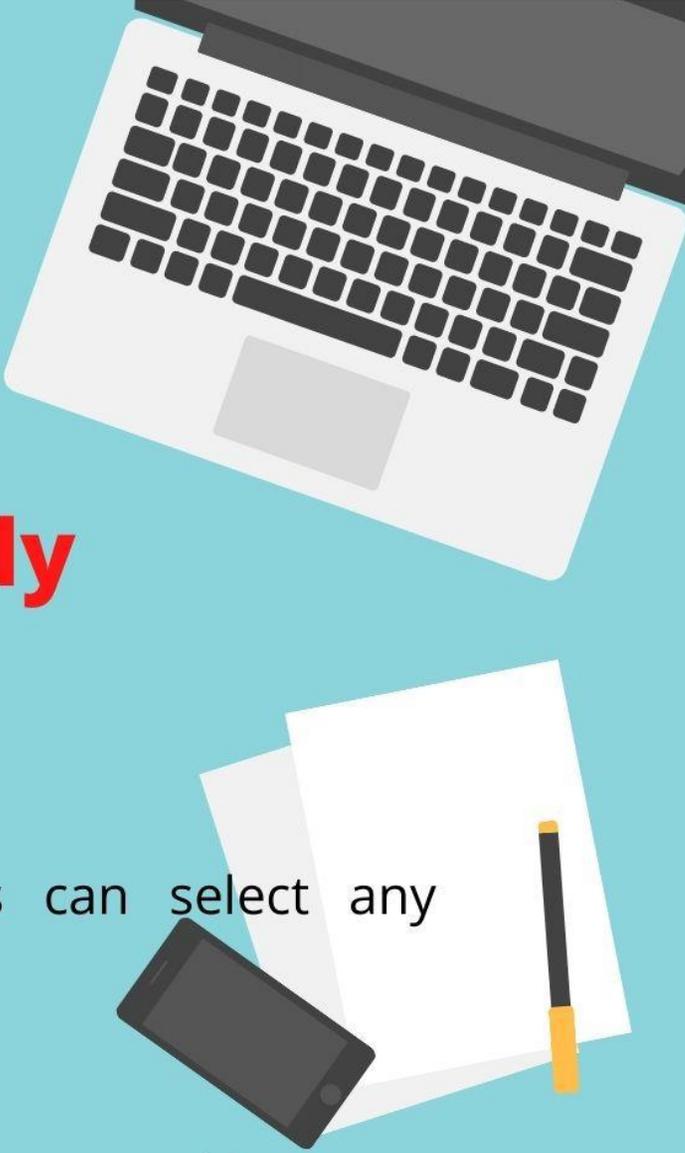


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⁵⁰ Baby Kamble, *The Prisons We Broke*. 2009

⁵¹ Kumud Pawde, *The Story of My 'Sanskrit'*. 1992

⁵² Baby Kamble, *The Prisons We Broke*. 2009

⁵³ Anna Bhau Sathe, *Take a Hammer to Change the World*. 1992

⁵⁴ Sharatchandra Muktibodh, *What is Dalit Literature?* 1992

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- Details of the author(s) shall be provided in the body of the email or as a cover letter.
- The copyright will rest with the author if the article is not selected for publication.

Assessment criteria:

The articles will be marked on the following points. You should meet the following standards in order to qualify:

- The article should meet professional standards and be of publishable quality.
- All the sources of the information should be acknowledged.
- Editor's discretion is final regarding winners.

Entry Fee:

Rs 100 (per author)

Publication:

As this is not a competition but a Call for articles, **all articles meeting the required criteria will be published**. There will not be any processing or publishing Fee. On publication, **certificate of publication** shall be issued. (Individual certificates for each author, in case of co-authorship)

Note: Please visit the website once to access updated notification.