



Impulse Newsletter

Openness to Curiosity

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CITIZENSHIP AMENDMENT ACT, 2019

The Citizenship (Amendment) Act, 2019 (CAA) was passed by the Parliament of India on 11th December, 2019. It amended the Citizenship Act of 1955 and thereby provided a path to acquire Indian Citizenship for illegal migrants of Hindu, Sikhs, Buddhist, Jain, Parsi and Christian religious minorities who had fled persecution from Pakistan, Bangladesh and Afghanistan before December 2014. It is said that those who seek to enter a country without permission are illegal migrants and they are liable to be deported. The point to be noted here is that people belonging to the Muslim community from those countries were excluded from such criteria. For the very first time, religion had been used as a criterion for granting Citizenship under Indian law. It created widespread controversies and led to communal riots all over the state. The state became a fertile ground

for protests and aggregative debates.

The CAA facilitates the claiming of citizenship by illegal non-Muslim immi-



grants or other persons who are unable to provide their identity proof or residence. The CAA lowers the qualification period for becoming an Indian citizen for these people from 11 years to five, as long as they have entered India on or before 31st December 2014. Any person that meets this requirement does not have to produce any documents to prove his/her citizenship under the Act. The CAA will therefore help numerous people that previously were unable to provide the required documentation.

Our Constitution confers special rights upon minority religious communities in India. So, classification on the basis of religion is not per se unconstitutional. The loudest criticism relates to the intention of the Government to throw all the Muslims out of India. Such an intention has not been declared or there doesn't have any rule, notifi-

cation that would suggest such intent from the part of the Government. Critics also express various concerns that the Citizenship Amendment Bill would be used along with National Register for Citizens to render many Muslims as stateless persons. The law confers benefits upon an identified class of persons. Despite the outcries of certain people, including students from various Universities and continuing protests, especially in the North East parts of India, the CAA does not deal with forced



deportation of illegal immigrants. CAA does not affect India's external relations and this was held by our Hon'ble Prime Minister Narendra Modi and Home Affairs Minister Amit Shah. They also confirmed that India does not have any repatriation agreement with Afghanistan, Bangladesh or Pakistan. To conclude, in my opin-

ion, as India is a secular country, Muslims from anywhere in the world has equal rights like anyone else to apply for Indian citizenship. Our Constitution upholds the principle of Equality (mentioned in the Preamble and Article 14 of the Indian Constitution). Through the principle of equality the State is given the power of making reasonable classification. So, the State lacks the legal power to stop the imple-

mentation of CAA. If any procedure put in place requires Muslims all over India to prove their citizenship in a manner more onerous than that applicable to any other community, such a procedure would be unconstitutional.

Jyothi R
S9 BBA LL. B

WHITE COLLAR CRIMES

White collar crimes are financially motivated non-violent crimes committed by a business and government professionals. White collar crimes includes wage theft, bribery, ponzi schemes, insider trading, labor racketeering embezzlement, cyber-crimes, copyright infringement, money laundering, identity theft, and forgery. In 1939 Sutherland creates a definition or a theory to understand what collar crimes are. In his book he said that, "White collar crime may be defined as approximately as a crime committed by a person of respectability and high social status in the course of his occupation". He also discovered that there are many factors that influence the white collar crimes. But the main reason is the industrialization. A huge percentage of the white collar offenders are the middle aged men and that too

from a middle class family background. But the main point is that the offenders have higher education. They have strong and good relationship with the community, family and also religious organization.

Different forms of White Collar Crimes

Wage theft is a form of white collar crime. It means the denial of wages or employees benefit. It can be carried out by employers to the employees of his organisation by many ways including failure to pay overtime, violation of the minimum wage laws, discrimination against employees, illegal deduction in pay, forcing them to work overtime etc.

Fraud means the person has a mental intention to cheat the other person for his own unlawful gain.

Fraud is the violation of both civil and criminal laws. In case of fraudulently induced contract, fraud may serve as a defense in a civil action for breach of contract or specific performance of a contract. Under the Indian Penal Code 1860, Section 420 deals with cheating and dishonestly inducing deliver of property. The maximum punishments which can be awarded is imprisonment for a term of seven years and also fine .



**"The
secret of
happiness,
you see, is
not found in
seeking
more, but in
developing
the
Capacity
to enjoy
less."
-Socrates**

Bribery simply means offering, giving or receiving of any item of the value to influence the actions of a person or an official in charge of public or legal duty. It may be money, property, emoluments etc. sometimes a mere promise to influence the action can be brought under Bribery. In India bribery is an illegal act punishable under law. The punishment is from six months to seven years of imprisonment. To prevent bribery, India government established an Act in 1988 that is Prevention of Corruption Act, 1988. The main objective of this Act is to control bribery and to punish for corruption in government agencies and public sector business in India.

Ponzi scheme is also a form of fraud. It means that the enterprise promises the investors that the investor gets a high rate of return with little risk to investor. But the fact is that there is no enterprise. And the person intentionally cheats the investors to gain money from others unlawfully. This is also similar to a pyramid scheme. To get high rate of return is quickly impossible. In India Rajya Sabha has passed a bill re-

garding the banning of unregulated entities from collecting deposits and duping the pool and gullible of their chord earned savings.

Inside trading means that is the trading of a public company's stock or other securities by individuals with access to nonpublic information about the company. There are legal insiders which are accepted. They are legally permitted to buy and sell shares of the firm and any subsidiaries that employ them. These transactions must be properly registered with the securities and exchange commissions. Also illegal trading is the use of nonpublic material information for profit. Illegal insider trading is done by companies' executives, employees of the company, friends, relatives etc...

Labor racketeering is the act of infiltration, domination and or the use of a union or employee by illegal, violent or fraudulent means for the personal benefit of the party.

Embezzlement is a type of financial fraud. That is the withholding of assets for the purpose of theft of such assets. Embezzlement is a crime against ownership that is the violation of rights of the owner. A person has no right to embezzle another person's

property.

Cyber crimes are crimes that involves computer and network. In these types of crimes a person use computer or network to commit crime. Cyber crimes can be defined as "offences that are committed against individual or group of individuals with a criminal motive to intentionally harm the reputation of victim or cause physical or mental harm or loss, to the victim directly or indirectly. Some of the important cyber crimes are hacking, copyright, infringement, etc... The law that deals with Cyber offences in India is the Information Technology Act, 2000. There is a provision under the law dealing with cyber security. Section 43 of IT Act 2000 provides that "if any person accesses a computer, computer system or computer network without the permission of the owner, or downloads, copies and extracts any data, or causes disruption of any system; inter alia, they will be liable to pay damages by way of compensation to the person so affected". Section 66 provides that if any person, dishonestly or fraudulently, commits any act referred to in Section 43, shall be

punishable with imprisonment for a term of up to three years or with a fine upto five lakh rupees or with both.

Copyright infringement is the use of works protected by copyright law without permission of the owner of Copyright for such usage. Since under the law the right to reproduce, distribute, display or perform the protected work is exclusively with the author/owner, permission is required before doing anything with the work. This is also a form of theft since it amounts to stealing the (intellectual) property of the owner.

Identity theft is the use of identity of a person to gain a financial advantage or obtain credit. Identity theft occurs when someone uses another's personally identifying information, like their name identifying number, without the permission, to commit crimes.

Forgery is a white collar crime that generally refers to the false making or

material alteration of a legal instrument with the specific intent to defraud anyone. Forging money or currency is more often called counterfeiting. Counterfeiting of coins and weight measures are punishable offences under IPC, 1860.

The word white collar crime is not mentioned anywhere in the code or in any other law. But while analyzing some of the crimes we may conclude that certain offences under IPC are closely linked with white collar crimes such as corruption, bribery, counterfeiting of coins and government stamps, offences relating to weight and measures, adulteration of food stuffs and drugs misappropriation of property, criminal breach of trust cheating and dishonestly including delivery of property, forgery, etc.. In my opinion, in one way the provision of IPC dealing with white collar crimes (though

not in particular) should be amended to enhance punishment particularly



larly fine, in tune with the changing socio-economic condition.

On the other hand it is high time that the Government need to enact a law specifically dealing with White Collar Crimes since it is on its rise in varied forms.

Christy Maria Tom

S3 BBA LL. B

GST'S PROMISE OF ONE NATION, ONE TAX

"It is not the end, but start of the Journey"

- ARUN JAITLEY

France is the first country to introduce GST in all over the world in 1954. Nowadays, more than 140 countries are following this system. But unlike many countries India has a dual GST (CGST and SGST) system which was

taken from Canada. In India the

idea of adopting GST was first suggested by the Atal Bihari Vajpayee Government, in 2000.

In March 2016, Arun Jaitley, then Minister of Finance and Corporate Affairs of the Government of India said that he is in agreement with the Congress's demand for the GST rate not to be set above 18%. But he is not inclined to fix the rate at 18%. Then in June 2016

the Ministry of finance released the draft model law on GST to the public, expecting suggestions and views. Finally agrees to the Government's proposal on the four broad amendments to the Bill. The Bill was passed in the Rajya Sabha in August 2016. The Honourable President of India gives his consent for the Constitution Amendment Bill to become an Act in September 2016. There were Four Bills related



to GST which in turn were consolidated and became an Act, they were: Central GST Bill, Integrated GST Bill, Union Territory GST Bill, GST (Compensation to states) Bill, in 2007. The GST Council also finalised on the GST rates and finalised on the GST rules. The Government declares that the GST Bill will be applicable from 1 July 2017.

In simple words GST can be explained as one indirect tax for the entire country. Before the implementation of GST, there were many indirect taxes levied by both State and Centre. There are four types of GST namely Integrated Goods and Service Tax (IGST), State Goods and Service Tax (SGST), Central Goods and Service Tax (CGST) and Union

Territory Goods and Services Tax (UTGST). The taxation rate under each of them is different

The term “GST” is defined in Article 336 (12A) of the Constitution of India to mean “any tax on supply of goods or services or both except taxes on supply of the alcoholic liquor for human consumption”.

Article 336 (26A) of the Constitution of India provides that Services means anything other than goods”.

Therefore, all services will be covered under the scope of GST unless “negative list of services” are separately notified.

In GST Council there are 33 members out of which two members are from central and 31 members are from 28 States and 3 Union territo-

ries with legislation,

The Minister of States in charge of Finance or Taxation or other Ministers as nominated by each States Government. The GST Council is responsible for any revision or enactment of rule or any rate changes of the goods and Services in India. To recapitulate, GST so far has been proven beneficial in India. It is expected to make India a common market by its uniform tax system. GST is also expected to bring more transparency when it comes in the case of indirect tax laws. GST has thus proved to be one of the revolutionary tax reforms systems in India and is likely to improve India's ranking in the global economy.

Devika Jayan

S3. BBA LL. B

DEFAMATION ON SOCIAL MEDIA PLATFORM

Generally, the term defamation means a false statement, presented as a fact that causes injury or damage to the reputation of the person on whom it is made. In other words, defamation means someone allegedly attributing false and defamatory statements about your character to degrade your reputation in front of a third party. Mainly there are two types of defamation namely; libel-which means written defamation, and slander which means verbal defamation.

When a person is defamed in

cyberspace, it is known as cyber defamation or online defamation. The internet and social media is undoubtedly a great device for people and society in general for development and growth, but they are also an effective breeding ground for potentially libellous statements. Many people have learned that the internet allows people to speak their mind al-

most too easily. The internet is crowded with interesting websites where someone could intentionally or accidentally leave a potentially defamatory comment or post, such as, letters to the editor of local newspapers, public comments on media (i.e., newspaper or magazine) websites, blogs and comments to blog postings or on the social media sites like Facebook-LinkedIn and Twitter, and chat



groups like WhatsApp etc.

The use of social media for communication has exploded in recent years. Much of what people post on sites such as Facebook, Twitter and other sites is negative and even mean-spirited, and sometimes it damages the reputation of others. Posting something negative or mean-spirited is not in itself illegal or subject to a lawsuit. However, the question of whether you can be sued for negative comments you post on social media depends on whether your words constitute defamation, which is an offence.

LEGAL PROVISIONS GOVERNING ONLINE DEFAMATION IN INDIA

Following are the provisions that deal with the offence of (online) defamation in India:

Section 499, 1860 (IPC) says that whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.

This Section has been extended to 'electronic documents' also.

Section 500, IPC 1860 provides for punishment. Any person held liable under section 499 shall be punishable with imprisonment of two years or fine or with both.

Section 469, IPC deals with the offence of forgery, wherein, if anyone creates a false document or fake account by which it harms

the reputation of a person, such person shall be punished with imprisonment for a term which may extend to 3 years and fine.

Section 503 says that whoever, threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threats, commits criminal intimidation.

Section 66A, Information Technology Act 2000, makes punishable the act of sending grossly offensive material for causing insult, injury or criminal intimidation. However the Section was quashed by the Supreme Court of India in *Shreya Singhal v. Union of India* (2015) due to ambiguity in the definition of the word 'offensive' in the Section.

The best defence against a defamation lawsuit based on comments you make online is that what you have posted is true. If your statement is verifiably true, you are off the hook. Proving truth, however, can be time-consuming and expensive. Or, if you can prove that your posted comments are merely your opinion and not a purported statement of fact that is sufficient to get a defamation lawsuit dismissed and avoids civil damages. Opinion like the truth is not always easy to prove. Saying "I think" or "It is my opinion that...." is not sufficient to prove a statement is an opinion. If,

example, your online post says, "I think my neighbour killed his wife," the wording suggests it's an opinion. But the fact that you know your neighbour and that reader may conclude that you have knowledge about the situation transforms that statement into one of potentially verifiable fact. Separating your opinion from a statement of verifiable fact is key to defending yourself against defamation.

As the use of the internet has expanded, many people have started using the internet more as a means of communicating their thoughts on various issues and problems. The use of social media has brought a revolution not only in the Indian sphere but all across the world. The politicians are using these mediums to reach out to masses. Celebrity Stars are using these as a medium to connect to their fans and well-wishers.

In this society there is no restriction on any basis, the internet has provided them a platform to convey their thoughts, get involved in discussions, and review a product, a movie, a song and even a person. Though this platform has provided us with insightful and well-read people, it has also provided us with goons who commit cyber defamation, so we have to be aware of what we are posting online. Posting offensive statements may put you behind the bars as per the law.

Steffy George
S9 B. Com. LL.B

Campus Buzz

INTERNAL MOOT COURT COMPETITION 2020 –WINNERS(02/02/2020)



1 st- Shivani Krishnan
Farhaza Hassan
Aarcha (S2 BBA LL. B)

2 nd- Denna Mathew
Vineetha S
Ruksana Nisamudin
(S1 BBA LL. B)

3 rd– Bharath Babu , Ashish Das, Aboodher (S3 BBA LL.B)

Best Speaker - Denna Mathew **Best Researcher -** Lia Shamreen



Arts Day

- 06/03/2020

Winners of M.G. University Kalolsav 2020 'Article 14'



Won **third prize** in **Mime**

Anuja Thomas, Salin Saju,
Mydhili Santhosh, Jyothilakshmi
C. G. (S5 BBA LL. B)
Uma Manoharan, Anupriya Anil-
raj (S7 BBA LL.B)

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Article 14, M.G. Kalolsav – A Grade Winners



Amritha Murali, (Folk Dance) ,Sindrella PS (Kavitha parayanam), Devika Ravi (Kuchipudi and Kerala Nadanam),Shemily T Pearl Mathew (Light Music), Ann Mary Tomy (Extempore Malayalam), Muzammil S Sidheek (light music (male))



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Openness to curiosity

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