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UNITEDWORLD<sup>TM</sup>  
school of law



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# Editor's Note

All work environments emit a good quantity of competition and discontent. We know that competitions look healthy when presented in a wrapper of professional respect and commitment to some shared vision. But rarely do we remember that. We succumb to the nasty interfering human traits more often than we think and this eventually chips away at the team's growth and performance. Students face similar troubles in campus life mostly without realizing that the green-eyed antics will not bring any comfort ever. Researchers across universities suggest that the tendency to constantly protect an image and position in front of friends, teachers or employers takes a toll on our physical and mental health. Nationwide, young minds are suffering from anxiety disorders and other psychological problems as consequences of an ambiguous concept of race glorified in the modern urban culture.

Post exam break and the sultry summer vacation can be a good time to reflect on the emptiness of our workplace and/or campus antagonism. Let us initiate the process of understanding the problems by unearthing the roots and address them. We are not saying that there is some cookie cutter approach

that would work for all of us in a standard manner. But if we try harder to monitor our own feelings and responsibilities towards our routine milieu without worrying much about others, we will certainly be able to come back to our classrooms and cubicles with more energy and dynamism for the new session.

Good wishes for the vacation and internship season to the hardworking fraternity. May the force be with us.

**- Srotaswini Bhowmick**

# Trade in Films and Audio-Visuals: A World Trade Organization (WTO) Perspective

- By Ankit. J.Baria

Assistant Professor of Law and Sr. Manager, Placements UWSL



Audio-visual sector is one of the fastest growing services sectors in the world. Over the years, the numbers of entertainment options have increased ranging from radio to television to Internet. Not many specific legislations or treatise, international obligations or World Trade Organization (WTO) agreements were present before the Uruguay Round of 1993. However, in the Uruguay Round of 1993 audio-visual services were a hot issue.<sup>1</sup>

In the Uruguay Round there was a dispute divided between two groups of countries based on their ideologies. One group was of the opinion that audio-visual services are

similar to any other services and that the audio-visual media are entertainment products and should be treated with respect to International trade as any other products. They wanted the audio-visual services to be a subject of trade liberalization in the service sector.

The other group, on the other hand, was of the opinion that audio-visual media is deeply connected to the cultural identity to the place it belonged to and liberalizing trade in the said services will expose the local markets to media representing other cultures which may cause in losing the national culture. The anticipation also was that the imported

media representing foreign culture may affect the national morality. The whole debate attracted drastic reactions and the member countries seem to have been divided into two blocks over the issue. However by the end of the Uruguay Round there was one possibility of reaching to a consensus. It was decided that the audio visual services are covered under the General Agreement on Trade in Services (GATS) and the members further agreed on flexible liberalization allowing each country to refrain from making any specific commitments on market access and national treatment in relation to the audio visual services and to put measures related to film and television programmes on a list of exceptions to the obligations of most-favoured nation treatment.<sup>2</sup> But this relaxed approach with respect to culture and trade in audio-visual services would only last a little while because the countries had decided on subjecting the same to obligations under

Article XIX<sup>3</sup> of the GATS which talks about progressive liberalization. This means that the countries will reconsider the same in future negotiations.

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<sup>1</sup>[http://phase1.nccrtrade.org/images/stories/projects/ip7/schlussversion\\_freetradegrab\\_er.pdf](http://phase1.nccrtrade.org/images/stories/projects/ip7/schlussversion_freetradegrab_er.pdf) (retrieved on 2nd April 2019 at 4.15 pm).

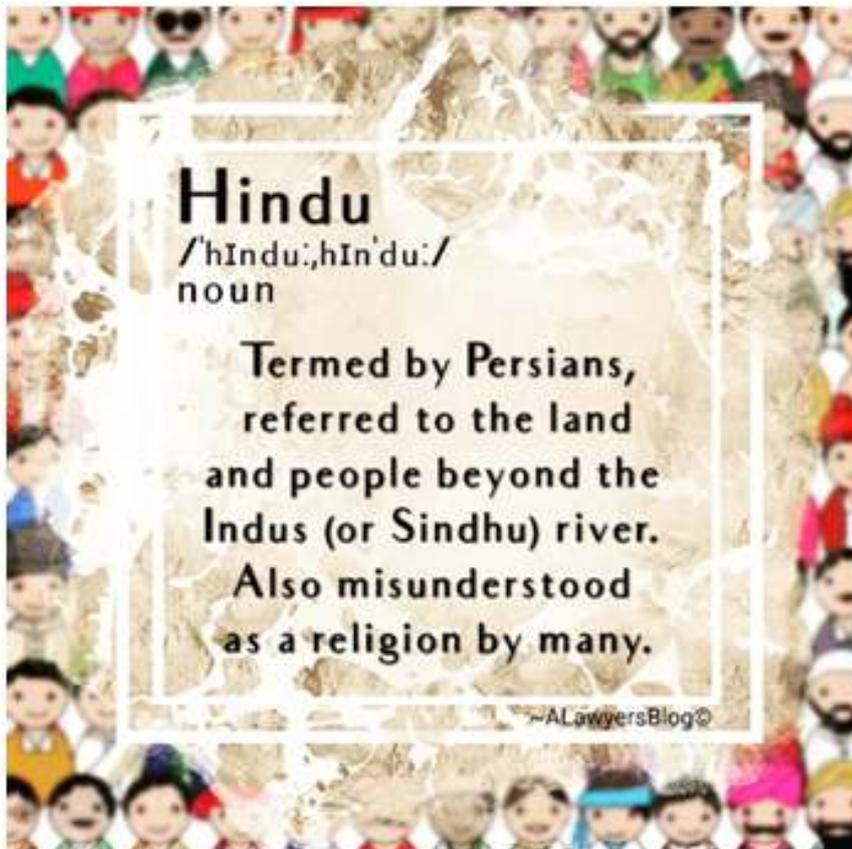
<sup>2</sup>C. B. Garber, 'WTO: A threat to European films?', Enrique Banus Ed., Proceedings of the V Conference 'European Culture', 28-31 October 1998 (Elcano: University of Navarra at Pamplona, Aranzadi Editorial, 2000), Pg. 865-78 at Pg.865

<sup>3</sup>[https://www.wto.org/english/res\\_e/publications\\_e/ai17\\_e/gats\\_art19\\_oth.pdf](https://www.wto.org/english/res_e/publications_e/ai17_e/gats_art19_oth.pdf) (retrieved on 2nd April 2019 at 4.15 pm).



# Describing the term 'Hindu'

- By Akshita Mohnot, Semester - 10 Student, UWSL



What does the term Hindu mean? Where did it originate? Is Hindu a religion? If yes then what religion is it?

These questions pestered my mind, while studying Hindu law. This also reminded about a discussion I had with a friend of mine, who affirmed that India is a Hindu nation. India shows its resilience towards the Muslim populace and therefore India is also known as Hindustan. These

thoughts instigated me to conduct a research and learn, what exactly the words, 'Hindu' and 'Hindustan' actually connote?

The word 'Hindu' is not a Sanskrit term. This word has its origins rooted in the language of the ancient Persians. Hindu was used by the Greeks, then by the Persians to refer to the land and its people beyond the Indus (or *Sindhu*) River. When the Persians arrived,

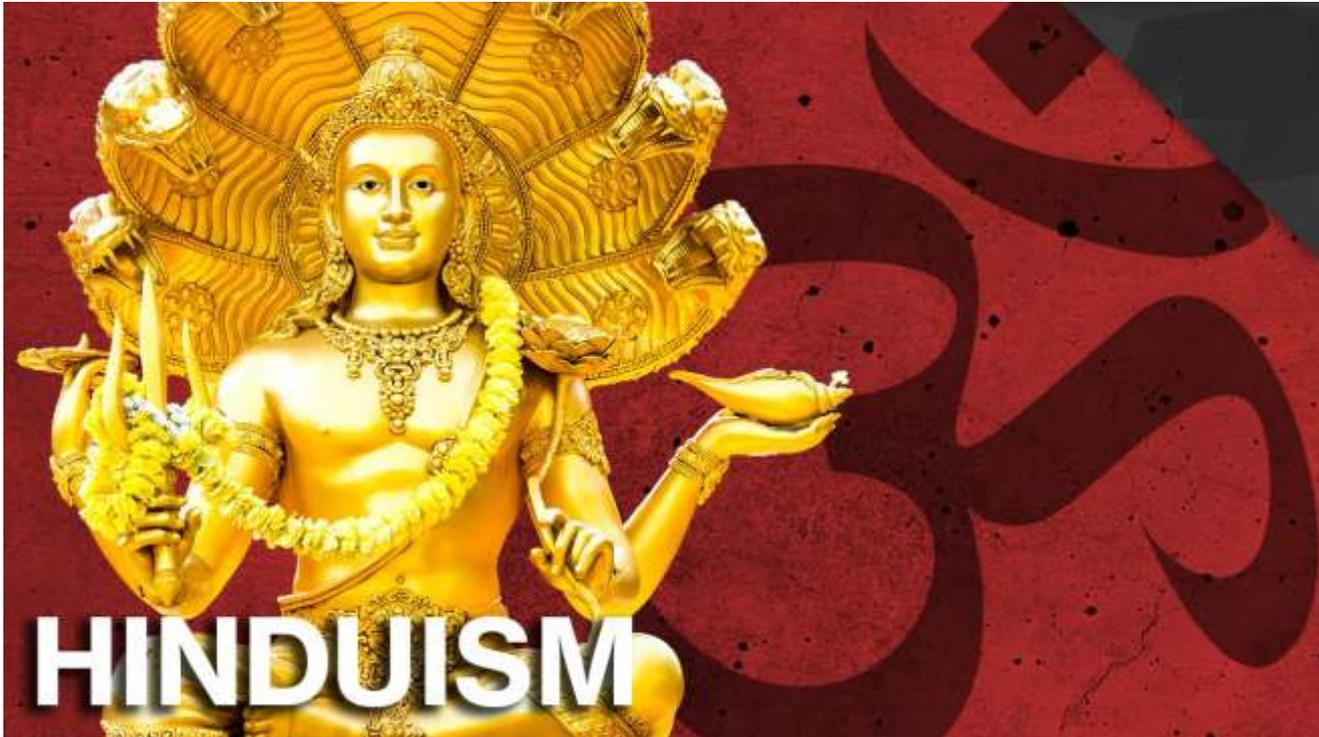
they called the Indus River as *Sindhu* but due to the linguistic barrier they found it difficult to pronounce 'S' in '*Sindhu*' and would pronounce it as Hindu. Hence, Hindu is a collective noun that denotes the group of people residing on the land beyond the Sindhu and not some religious group. Today, most people use the word to associate it with communal overtones either to promote or oppose some ideological differences or for political reasons.

After understanding the meaning of the term Hindu, my mind drifted towards exploring the definition of the term Hindustan. Is Hindustan an official term which can be used for India? And whether it is recognized by the Constitution of India?

Article 1(1) of the Constitution of India states that:

*"India, that is Bharat, shall be a Union of States."*

From the article stated above it can be affirmed that the term which has been



given a legal status for India, is Bharat. Bharat is a Sanskrit term which means devoted to light (knowledge). By deciphering the term Hindustan into Hindu i.e. the land and people beyond Indus River and 'stan' i.e. place, means that Hindustan is a place belonging to the people residing beyond the Indus River. Furthermore, Hindustan is also a term used by the Persians.

To conclude, I would like to argue that Hindu is definitely not a religion. Every human being residing in Hindustan is a Hindu, irrespective of what religion the person may profess or practice. Then why are there different laws, why are Muslim Laws, Parsi Laws and Christian Laws not included under Hindu Law, why are they segregated from the Hindu Laws? Did the law makers lacked in their research and failed to understand the term Hindu which created

all these differences and fragmentation in the Indian society?

Every individual citizen of India/ Bharat/ Hindustan, no matter what religion s/he has faith in, can be called a HINDU!

**Reference:**

Above stated views are of the author and have been published by the author in the blog on <https://lawyersblog.home.blog/2019/05/08/hindu/>

# Managing Self Transformation in College

- By Nityanand Jha

Assistant Professor (Management) Unitedworld School of Law

Advent of the fourth industrial revolution is bringing disruptive changes in contemporary business models. These changes will have a profound impact on the employment landscape over the coming years. The current industrial revolution has made changes steep and rapid. This has resulted in increased uncertainty and difficulty in decision making for future.

Hence today's employers consider underlying ability to learn on the job more important rather than technical skills. In the new workplace more emphasis is given to flexibility, teams and strong customer

orientations. Employers are looking at increased abilities in employees. They want employees to possess ability to manage oneself, have lifelong learning skills, be creative and have critical thinking skills, remain motivated and work well as a team member.

Ideal professional entering a corporate world should possess following qualities:

- Should have strong and disciplined mind
- Follows business etiquettes to leave a lasting impression
- Is self directed and a twenty first century active learner
- Has creative and critical

thinking skills

- Has good motivation with high personal grit
- Is a strong team person

With the above qualities in mind, college students should strive to nurture such qualities along with their academic work. Skill building takes years to develop. Students need to leverage the college platform for developing and practicing these skills along with their academic life in order to become ready before starting their job.



# Sports Law in India

- By Dev Vora, Semester II Student, UWSL



When we follow the history of sports in India, it can trace it back to the Vedic era where sports like chess, wrestling, polo or archery were very popular. Since then the number of sports played in India have increased. In India, Some sorts of sports are conducted to celebrate some occasions. Sports in India are like religion. Sports promote equality. After the match-fixing and betting incidents in the sport like cricket, people largely disapproved the act but as the time went by people found cricket to be a prestigious sport. There have been numerous changes in the world of sports in India since the last decade; sports like hockey and football have picked up. More and more people have come to like it. The performance of Indian sportsmen in the Olympics and Commonwealth games has also improved. Gradually international agencies have started to recognize Indian sports personals

and teams.

Sports law in India majorly deal with the idea of improving Indian sportspersons' reputation and position and help them in achieving a new horizon. It aims to evils like corruption, match-fixing, betting, doping and harassment cases. It provides guidelines and policies to deal with such incidents and acts. It also bestows the national bodies to train a team to represent the nation and recruit talented sportspersons, for instance in the Olympics, marked under the Target Olympic Podium Scheme.

In the pyramid structuralization of power, the international bodies made up of various national sports bodies enjoy maximum rights. The international sports bodies are followed by the national bodies which are placed with the responsibility of improving the position of sports and sports personnel in their respective countries. The teams/sportspersons form the basic structure of this pyramid. Even with the presence of such sports law in India which govern various national sports bodies and looks after the development of sports in India, we find that we are not as efficient as compared to the various sports played by the sportspersons of the countries like China, USA or UK because of the fact that most of the schools and parents in India want their child to be an academic genius but in their journey of shaping their child, they often forget those every child possess' different abilities.



The recent development in the field has demanded a change in the legal side of the sports as well. Indian legal system has laws, like National Sports Policy, Sports Law and Welfare Association of India, Sports Authority of India, The Sports Broadcasting Laws in India which help govern the field of sports. All of these laws, when formulated were done with the objective of raising the level of sports in India. While formulating them a room for improvement was provided, after every 5 years, a review would be done. Specifically, the National Sports Policy's aim is to pursue the inclusion of sports into the concurrent list. The Government of India and the Sports Authority of India, in association with the Indian Olympic Association and the National Sports Federations, are expected to focus specific attention on the objective of achieving excellence at the National and International levels.<sup>1</sup>

Even though states do not have any

enthusiasm in sports, there are sports experts which are left ungoverned. In India there are many different sports bodies like the Board of Cricket Control India for Cricket, the Indian Hockey Federation for Hockey, the All India Football Federation for Football, the Indian Basketball Association for Basketball, the All India Tennis Federation for the Tennis, and the Indian Olympic Association and the Sports Authority of India at the top to control them. It is only the Ministry of Sports Affair which keeps these bodies in check. In *Zee Telefilms v Union of India*, the Supreme Court of India had touched upon this issue. It said that "the sports bodies largely remain unaccountable to the state or any other central body inside the territory of India, which however should not be the case considering the importance of sports in the modern arena".<sup>2</sup>

If a sports personnel lands in trouble with the authorities then s/he would opt for alternative dispute resolution methods rather than going to courts or methods established by the body, as it consumes their time which sportsmen and sportswomen don't have. Also the judiciary system does not want to interfere in any discussion or debate relating to sports, in American judicial system when an American sportsperson was banned from international athletics, the governing body of the sport replied that, "Courts create a lot of problems for our anti-doping work, but we say we don't care in the least what they say. We have our rules, and they are supreme."<sup>3</sup>

For sports and sportspersons to evolve, India has to evolve. This field is not only about those who show their talents in the field of sports but is also about those who lag on these talents. The legal approach to this field should also go under revolution by making new and stricter laws which can govern sports authorities. Such laws can keep a check on the existing sports bodies and it is the necessity of time.

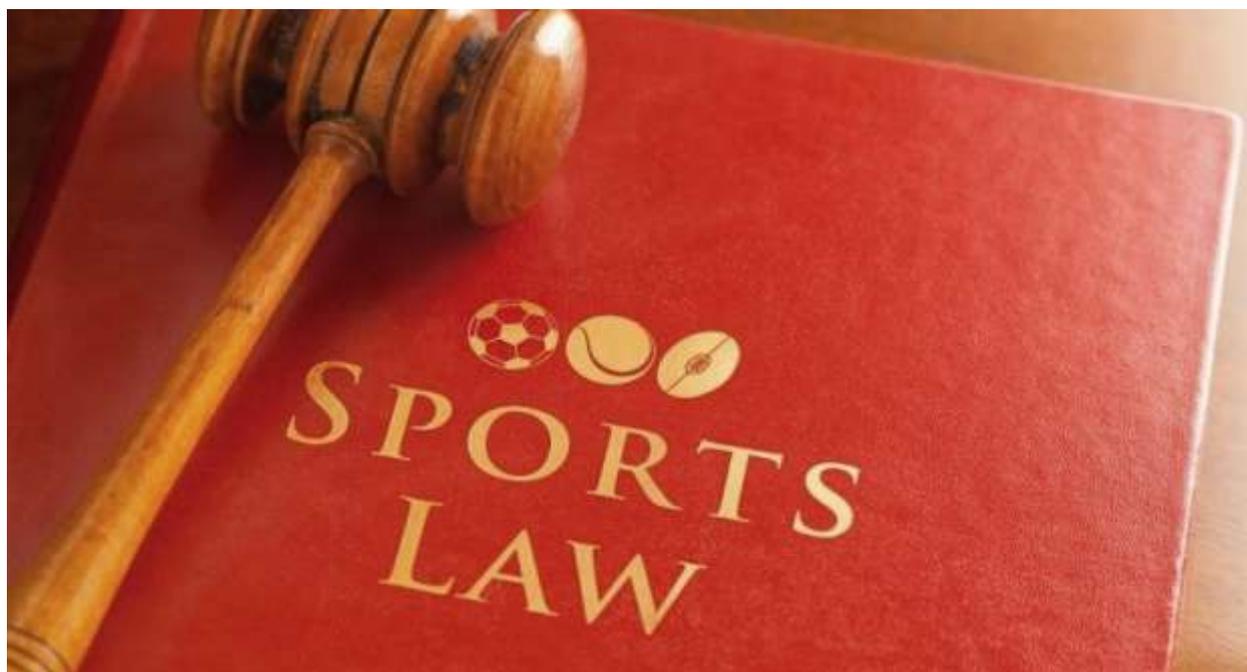
Also, sports experts in their respective fields must be recruited for the positions like a coach, team manager, team public face, etc.

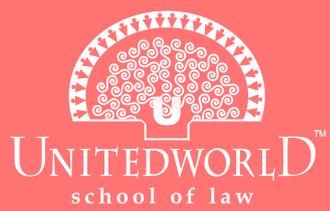
this will spread awareness amongst the youth. Schools should be encouraged to conduct practice sessions and organize sports festivals annually. An attempt must be made to make laws or establish guidelines to promote and encourage youngsters to be more involved in sports. Sports law is still young a field. As it is still in its developing phase there is a big room for improvement which will help the nation in the field of sports development.

<sup>1</sup>Gaurang Kanth, Emergence of Sports Law in India,  
[http://www.indialawjournal.org/archives/volume3/issue\\_2/article\\_by\\_Gaurang.html](http://www.indialawjournal.org/archives/volume3/issue_2/article_by_Gaurang.html)  
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<sup>2</sup>Shubham Borkar and Parimal Kashyap, Sports law in India,  
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<sup>3</sup>Shubham Borkar and Parimal Kashyap, Sports law in India,  
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