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- By Yaksh Shah, BALLB 2020-25, UWSL



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Common Health System

-Dr. Ayaz Ahmad, Associate Professor, UWSL

Current raging pandemic has exposed one foundational defect of our republic that needs urgent attention: the absence of Common Health System which can be universally accessed by all. The constitution which gave birth to India, that is Bharat, which is a Union of States, left the development of health care system to the wisdom of political process. However, through the directive principles of state policy constitution did impose improvement of public health as one of the primary duties of the State. Unfortunately, not much attention was paid to this directive which was meant to operate as a fundamental principle in the governance of health care system. As a result the health care system remains neglected for most part of the life of republic after the commencement of constitution. After the adoption of new economic policy with the chanting of liberalization, privatization and globalisation, State totally abdicated health care field in favour of private health barons and health insurance sharks.

Now with the inadequacy, inefficiency and incompetence of existing health care model firmly established and the hollowness public private partnership in the area of health care floating in sacred rivers, it is imperative to consider Common Health System as one of first principle of republic. What should we understand by 'universally accessible' in this

health system? The term universal would here imply that the health care needs of every single Indian would be covered by new health infrastructure, that it would be designed as such. But why must it be 'common' to all Indians? Common because when it comes to health facilities, there is no moral or ethical justification to differentiate between rich citizens and poor citizens. If the rich and poor citizens are to travel together under common republic, then a minority of rich citizenry cannot be permitted to walk away with the best of health facilities while the majority of poor citizens struggle to get even a bare minimum. In any case, common health system cannot function efficiently under a principle of differential access to health facilities. The rich and resourceful with their power to bend the system always walk away with the best facilities while the poor are left to die in the absence of elementary facilities. This is exactly what happened with the public private partnership model in the health sector. While the private sector established medical facilities for global and native elite, the masses were left to suffer under a dysfunctional, semi-medieval and completely inadequate public health system.

It is about time that the Common Health System is adopted as a first principle of our democratic republic which is now being torn apart by the pandemic.

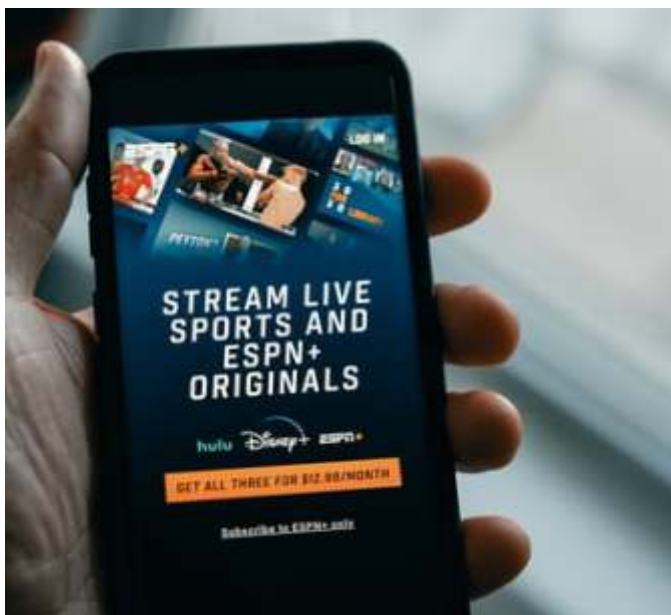


Internet Rights for Sports Broadcasts

-Bhagyashri Bhandarkar, BALLB 2017-22, UWSL

The Internet is quickly changing how TV and sports are promoted and used. To begin with, the Internet is utilized by the elements of the sport (NFL, NBA, MLB, NHL, Olympics, and NCAA) to help advance their item by building up Web locales to give data and ongoing news identified with the particular groups and sports. What's more, there are singular locales that are used by or are about a portion of the individual players.

This is an incredible promoting apparatus that the games' alliances don't need to pay for, yet reach a large number of individuals. Notwithstanding singular destinations, the Internet is utilized as a way to communicate on certain occasions. For instance, MLB permits fans to observe practically any sport through its website for a charge, and ESPN dispatched ESPN360.com, which fills in as another ESPN channel by communicating live sports and documenting previous occasions. Fans can acquire free live factual updates for most significant pro athletics occasions and surprisingly numerous universities and small-time tournaments. The increment of data innovation instruments has made numerous legitimate issues.



In *NBA v. Motorola*, the NBA brought an action against Motorola, which was fabricating pagers that gave continuous scoring of NBA ball tournaments. The NBA contended that Motorola was encroaching on its copyright, among different claims. The circuit judge held that continuous update of NBA scores was not an encroachment upon the copyrights possessed by the NBA. This ruling has had a huge impact on the telecom of sports on the Internet. With this case as a point of reference, Internet sports locales can give ongoing play scores to their guests unafraid of encroaching upon copyrights.

During the 2007 NCAA College World Series, the NCAA eliminated a neighborhood journalist and repudiated his qualification for "contributing to a blog" (posting live, diary-like articles on his paper's site) about the sport being communicated broadly. While it appears to be far-fetched that many would decide to follow composed records of the sport rather than watching site.com and other comparable. Numerous clients have posted protected materials, for example, network shows YouTube and sports communicates. While YouTube has confronted lawful activity for being not able to eliminate the entirety of the illicit substance, associations like the NHL, NBA, and International Fight League have consented to arrangements with YouTube to post-game features on the site. These arrangements are an illustration of how the sports business should discover inventive approaches to secure the honesty of their media content while accepting innovation.

A Brief Note on Ombudsman in India

-Dr. Ramdhass Perumal, Assistant Professor of law, UWSL

The term 'ombudsman' is a Swedish expression for 'legal representative' or 'grievance officer' who is appointed to investigate individual's complaints against a company, organisation or public authority. The concept first originated in Sweden in 1809 to ensure that laws and statutes were properly observed and no individual is treated wrongly or unjustly by a public authority. After the Second World War the idea of having such an institution became popular and drew the attention of several other European States. Introducing a constitutional ombudsman in India was first cropped up in parliamentary debates in early 1960s. In 1963 Laxmi Mall Singhvi, a Member of Parliament coined the term 'Lokpal' to describe a grievance mechanism in India. The term Lokpal is the combination of two Sanskrit words 'Lok' means people and 'Pala' means protector and Lokpal means 'protector of the people'. In 1966 the Administrative Reforms Commission under the chairmanship of Morarji Desai recommended for the establishment of Lokpal and Lokayukta as grievance redressal mechanisms for citizens in India.

The Lokpal bill was first introduced in the Parliament in 1968 and was passed by the House of People; however, the bill lapsed before being passed by the Council of States on account of the dissolution of the Fourth House of the People in 1968. Successive governments continued to introduce Lokpal bill for a record number of eight times from 1968 to 2001 with successive failures. Finally, the Parliament has passed the Lokpal and Lokayuktas Act in 2013 "to provide for the establishment of Lokpal for the

Union and Lokayukta for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto". However, the provisions of the Act does not extend to public servant in respect of whom the jurisdiction is exercised by any court or other authority under the Army Act, 1950, the Air Force Act, 1950, the Navy Act, 1957, or the Coast Guard Act 1978.

In addition to the Lokpal and Lokayuktas Act, 2013 the government of India has also appointed other ombudsman to address the grievances relating to banks, insurance companies and income tax department as follows: (i) Banking Ombudsman was introduced by the Reserve Bank of India in 1995 in accordance with Section 35A of the Banking Regulation Act, 1949; (ii) The Insurance Ombudsman was established under the Redressal of Public Grievances Rules, 1998 framed under the Insurance Act, 1938; and (iii) Income Tax Ombudsman was established in 2003 and Indirect Tax Ombudsman in 2011; however, both tax ombudsman were abolished in 2019. Under the ombudsman schemes individuals may not directly approach the Ombudsman for grievances, unless they have complained the issue to concerned authorities and failed to get a response. One important aspect of such schemes is that the findings of Ombudsman are binding on banks, insurance companies and tax department but not on the complainants. The complainants are free to approach other forums if not satisfied with the findings.

Impacts of Gratitude

-Disha Joshi, BBALLB 2020-25, UWSL

“Gratitude turns what we have into enough.”

Gratitude is a gesture we use to show our appreciation towards things and people that have helped us in one way or the other. It is a happy emotion and a feeling that develops dispositional trait within us. Display of gratitude in day-to-day life helps us to be better psychologically, physically and socially. Saying a simple 'thank you' can help increase the positive influx of emotions and thoughts in our mind, strengthen our immune system, regulate our sleep cycle resulting in lesser body pains and aches, smoothen the functions of cardiac system and much more. It also enhances our interpersonal relations with people and makes us better at communication. Out of all the emotions, gratitude is most related to happiness and satisfaction. When we thank someone, we are grateful for the help we receive; we readily acknowledge it so it increases the release of dopamine and serotonin, the neurotransmitters which make us happy. Practicing this on daily basis can bolster these neural pathways which instill a perpetual positivity in us. Studies have also shown that negative emotions like stress, anxiety and depression are very likely to be replaced by positive emotions through the means of gratefulness.

How to exhibit gratitude?

There are many ways through which we can exhibit gratitude. It can be done by saying a simple 'thank you' to ourselves or to anyone who has helped us. Maintaining a gratitude journal and sending thank you notes are also tranquil efforts one can make in this direction. Talking about expressing gratitude in Indic sense, it has always been a part of our culture to not only be grateful about the things we receive but also give things in return for the same. Prayers and meditation are one of the best forms to express gratitude. Children are taught to say morning prayers when they wake up, prayers before having food and prayers before going to bed. Thanking God for whatever we receive, for the beautiful day we get to see, for the food on our plate and for giving us strength to make it through the day are all different forms of gratitude. Starting the day with the feeling of thankfulness lifts our mood and automatically makes us happy. Studies have shown that being grateful for food unconsciously remind us that we are lucky to have it and consequently, we are very less likely to waste food. This also helps in better digestion of food. To imbibe in ourselves this happy expression of gratitude is a virtue in itself; for it is said that if we take things given to us for granted, the things we are granted get taken.



Water Crisis

-Manav Kothary, BALLB 2020-25, UWSL

We tend to take our love for granted before we lose it. Then we go on deep, peaceful walks and hope for another chance to treat them the way they deserve to be treated. There was a time, not long ago, when you could drink water from almost every tap in India, whether from a well or a canal. Here are some hypothetical scenarios from the future:

Year	Reason for happiness (after paying money by different generations)
1. 2021	Coming out of a cinema hall, updating status "Extremely Long time no see!" - feeling happy with XYZ and 100 others.
1.(f) 2100	Coming out of water -hall, "Long time no drink" - feeling relieved with XYZ and 100 others.
2. 2025	Coming out of a car showroom, "New BMW!" - feeling sporty with fiancée and 30 others.
2.(f)2110	Coming out of a water showroom, "New Jug!" - feeling complete with fiancée and 30 others.
3. 2031	Coming out of a real estate office, "New Bungalow, ka deal hoogaya!, Ab bas mere name hoojaye." -feeling settled only with spouse and the members of my family.
3.(f) 2131	Coming out of a real water office, "New Paani k bottle, ka deal hoogaya!, Ab bas mere name hoojaye." - feeling #goal -achieved with no other.
(f= future)	Paanikamahatwasamjhogehatohbacchaogekya!

अप्स्व९न्तरमृतमप्सुभेषजमपामुतप्रशस्तये
देवाभवतवाजिनः॥
अप्सुअन्तःअमृतमअप्सुभेषजमअपामुतप्रशस्तये,
देवाःभवतवाजिनः॥

There is nectar in water, there is medicine in water. O sages, be quick to praise such excellent water. Water is life; it is also the basis of life. It is not possible to imagine life without water. This water expels the contaminated elements of the body through urine.

**"Thousands have lived without love,
not one without water."**

We must not hesitate until others have given up error to abandon what we believe is folly. If wasting is inappropriate, let us eschew and abstain from doing it, regardless of whether one has done it or not. A small step (subsequently step/s) can move a great rock. Save water not for anyone just for yourself.



Diversity in Unity: An experience with the Indian Federalism

-Dr. Sanjay Kumar Pandey, Associate Professor & Director CCJR, UWSL

Indian civilization and culture have always been following the diversity in unity in all walks of life. Indian polity also included it, as the Constitution of India has adopted the federal principles in which Centre is strong in comparison to states, though both are to work together. Few decades' earlier people used to consider the Indian federalism as uni-lateral in which Centre was on the top. The coordination for development between both of them was rare exercise. However, the concept of cooperative federalism has gained the momentum in the last few years and with the creation of NITI Aayog it has brought the Centre and States more closer to develop and transform the condition and direction of our country. Before the formation of NITI Aayog, in 2015, the Planning Commission was a significant institution which had a key role in the socio-economic development of the country. Planning Commission worked on the principle of 'one for all' and the NITI Aayog works on the 'States-first' principle. NITI Aayog endeavors to promote the cooperative and competitive federalism by participating with states in preparation of plans of actions for development. Many reformative steps taken by the Central government, sometimes, tend to interfere with the State matters. However, such initiatives are necessary for the holistic development of the country. For example, although agriculture sector is in the State List, but Central government has initiated the agricultural reform in India and suggested certain reforms in this sector particularly agricultural marketing system. Some of the states have opposed this Reform Bill but most states have tacitly supported. At the

time of drafting the legislation for the whole nation, the process of discussion with all the states takes the fundamental theme.

In the pandemic time of Covid-19, the Centre and States have to work together with the motto of cooperative federalism. To combat and contain this pandemic, States are in the need of more fiscal support and the Central government has permitted the States to borrow more amount of money. Besides this, the central government has accepted the request of State governments relating to overdraft facility which incur higher rate of interests. The second wave of this pandemic and the imminent danger of the 'Black Fungus' again compelled the central government, to take prompt and effective actions to control it, to work in the domain of States matters. Even the countries who had adopted the classical federalism also have taken the step to work in the States matters to face the emergency situations, like, war, epidemics etc.

Hence, in the light of abovementioned analysis, it is suggested that the Indian culture believes in the diversity in unity in all the aspects including the polity of the country also. The Constitution of India incorporated the federal principles, so states have autonomy in common parlance in the subject- matter mentioned in State's List of Seventh Schedule, but, it has a strong tendency of centralization in the emergency situation.





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