

*Student Editor  
The Sentinel & Secretary-  
LSAI*

- Vaibhav Mishra

*President-LSAI*

- Ajitesh Kir

*Assistant Student Editors*

- Gaurav Dwivedi
- Ananya Mishra
- Pranav Agrawal

*Interview*



*Ms. Namita Chadha  
Managing Partner  
Chadha & Company*

# *The Sentinel*

**2012-2013**

***Keynote Article***

Indian Judicial Scenario, its Changing Moods: Changing Concept of “*Locus Standi*” and Widening the Concept of “*State*” under Art. 12 and The Dynamic Role Played by the Supreme Court of India

***Arvind Sawant***

*(Formerly: Advocate General of Maharashtra,  
Judge, Bombay High Court,  
Chief Justice, Kerala High Court,  
Chairman- Maharashtra State Human Rights Commission)*

***Articles by Students***

- **ACCESS TO JUSTICE: FAR AWAY** -Nazia Hasan
- **ADVERSE POSSESSION-STRUGGLING FOR ITS EXISTENCE** -Mudita Sharma
- **CYBER LAW: A LAW AGAINST THE PEOPLE, BY AND FOR THE GOVERNMENT** - Devyani Bhatt

***Movie Review***



*by Ananya Mishra*

**INTERVIEW OF  
Ms. Namita Chadha  
Managing Partner Chadha & Co.**

**Q.1: Could you tell us what made you choose Law as a profession?**

Frankly speaking, all I knew as an enthusiastic and a committed student was that I had to be successful in life and live life in a way such that it would make some difference in the lives of others. I also had the courage to dream big and one day make it big in life. The profession of law seemed to offer the promise of fulfillment of my dreams and pursuits. Power, prosperity and glamour were in the offing and seemed attainable.

In a culture that views societal power and professional education as hallmarks of success and regards the legal profession as noble and elite, choosing law seemed to be a choice which would ensure a desired, intellectually fulfilling and meaningful life. To add to this was my experience of having seen my father and his accomplished lawyer friends make a huge difference to the society.

Also, with the advent of globalization, there was an increase in transactional work and therefore taking up a legal career in law firms and pursuing corporate law intuitively seemed appealing. I firmly believe that the job of a lawyer is not only advising but also empowering the client with solid legal protection.

**Q.2: How were your days as a student back in Campus Law Centre?**

After having spent all my student life in the most serious and a studious manner and having topped the Delhi University in Bachelors in Commerce, I was awestruck by the fun factor that seemed to be all-pervasive in the campus. I had a very intense concentration in my university venture and I secured a distinction in many subjects as well as obtained a full scholarship to pursue a Masters in Intellectual Property Rights at the University of New Hampshire in the United States.

My entire world comprised of my friends from the faculty, my professors, the books, case materials and of course, the legendary dukkis! It was the most carefree existence as if the college life provided a shield to the world. The stress factored in only during the semester exams and I managed to perform exceedingly well by securing a first division throughout. Moot courts were being introduced in my last year and we would all be engaged in the pursuit of seeking recommendations from the professors for admissions to foreign universities.

**Q.3: Ma'am, you started your career by working with a Supreme Court Lawyer, then you worked as an In-House Counsel at BHP, KINHILL and GE. Later on you started your own firm Chadha & Co. How has your experience been so far?**

After graduating, I joined the Supreme Court in 1993 and worked with the standing counsel for the State of Rajasthan. While I had to face enormous challenges of operating in an environment which was essentially male dominated, inflexible and gender biased, yet there was immense learning of the Indian judiciary system right from the substantive law interpretation, procedures and interaction with senior counsel, clients and other bar members. To sum up, I can say that my experience in the Supreme Court resonated with the statement of Warren Buffet who said "*The reason why I succeed is that I compete with only half the population*". This explained why all judges and majority of the senior counsel back then were all men. Also, the drafting and preparation for the matters listed in the court for the next day, meeting with the clients etc. would begin only after 5 pm after court hours, thus ensuring that there was hardly any time for family or home. This period witnessed many women lawyers leave the profession because of the institutional barriers and rigorous demands of the profession.

However, instead of having this experience daunt me, I let it be my teacher and reignited my professional resolve. Encouraged by my husband, I moved on to joining one of Delhi's reputed law firms to bring more balance in my life. It was an eye opening experience in the sense that women lawyers remained vastly underrepresented at top levels, there were inequalities in pay and promotional opportunities, retention of female attorneys was always an issue and conventional 'good old boy' approach was being followed by powerful men generating the major source of business in the law firms. The positives remained that women attorneys were encouraged by other women in positions of power, and by senior male partners as they had their daughters in law schools.

The learning emerged to be that despite the said challenges, women could ascend to the top by

(a) inculcating an attitude of resiliency and ability to bounce back in hard times; (b) having a 'can do' attitude; (c) possessing an art of client generation; (d) being politically savvy by aligning with the most influential members of the firm 'choose your battles'; (e) treating the members of the law firm with respect; (f) being professional and working within the system by adjusting to the style of the firm; and (g) showing commitment to mastering the

necessary attitude and skills and learning the unwritten rules.

The turning point in my career was the decision to join the world's largest company, General Electric, as their Legal Head and Chief Compliance Officer and ombudsperson. The experience was an intense one with me playing the role not only of a lawyer who advises the business from its periphery, but moves into the realm of affairs of the business and is an integral part of the management of the company. Although the client generation requirement ceased, yet other features such as prompt international reporting, blending into the international way of interaction and expressing of the complex laws in a layman yet smart way gained importance.

All along the aforesaid three pursuits, I had the support of my husband who is brilliant, hugely talented and an extraordinary achiever with a Masters degree in Business Administration from

IIM, Bangalore and together, we set up this law firm assisted by a dear and talented lawyer friend.

Today, nothing delights me more than knowing that my firm Chadha & Co. provides international standard legal services to its clients from 31 countries across the globe at one level, and tremendous opportunities of learning and growth to all its valued lawyers on the other.

Overall, it has been a very humbling experience with rainmaking and acting as a determined legal professional on one side, and integrating the qualities of a feminine nature by playing out the role of a daughter, wife, mother and a friend on the other.

#### **Q.4: Who was your mentor during the initial years of your work in this profession?**

Not only during the initial years of my work in the profession, but also during the law school days and till date, my father continues to be my mentor. He is a brilliant professional. He had done both LL.B and LL.M from Campus Law Centre and was a national scholarship holder. He has also authored a few books on banking laws. He inspired confidence in me. He said if there are obstacles, then there are hopes too. Coming from a rural and modest background, he was among the very few who pursued corporate legal practice much before the opening of the economy; helped Fortune 500 multinational companies establish business in India and was invited to act as an independent director of the boards of many multinational companies.

In addition to all the priceless mentoring he did, the greatest contribution he made to my life and ambition is to pass on the ambition gene to me and from him I learnt that ambition itself is a brave choice for women... it is an ultimate act of courage. He set the path for me to tread and set the trail on blaze.

#### **Q.5: What kind of added pressures and challenges would a female lawyer have to face in the field of Law?**

1. There is no denying the fact that our society and legal structure are essentially male dominated. Women attorneys seldom receive the same presumption of competence and commitment as their male counterparts.
2. Our society and the legal profession have been rigid keepers of collective tradition and enforcer of the unquestioned status quo 'don't get big ideas', 'be a carbon copy', 'say yes even when you don't mean it'. The answer should be not to merge with any stereotype or collective, but to stand out.
3. In addition to the institutional barriers, there are profound traps and barriers that a woman faces inside of her. Women are given messages all throughout their lives that they should not lead. The world does not welcome full time at-home dads. Starved of the basic encouragement and support and daunted with demands, women put down their pens, close up their worlds and vow never to touch them again. Developing a mindset and having the courage to believe in yourself and not feel guilty, but to trust that you can be both a good professional and a good daughter, wife and mother is the need of the hour.
4. One of the greatest challenges for the profession involves workplace structures that fail to accommodate a balanced life. Unpredictable deadlines, uneven workloads and frequent travel pose further difficulties for women with substantial family obligations.
5. Like other professions, the legal profession too is hounded by cases of sexual harassment.

Many women lawyers do not take up against it fearing ridicule or retaliation. Those who complain are often dismissed as humorless and hypersensitive and are subject to informal blacklisting.

It will serve us all well to remember that despite the odds, one can emerge a winner only by mastering the right attitude and skills and understanding the rules of the game. As Jack Welch, former CEO of General Electric said, "*if we don't get the people thing right, we lose; it is the most important thing in all of our business*".

#### **Q.6: Ma'am, in your observation, how has the Corporate Legal spectrum changed in the country during the past 10 years?**

The opening of the Indian economy has exposed the legal fraternity to very intense competition from within and from international peers, and it is difficult for a forward looking law firm to stick to conventional methods of business.

The past decade has been a mini-revolution in the legal service sector as it has made a strong impact on the corporate legal arena, activities in project financing, intellectual property protection, environmental protection, competition law, corporate taxation, infrastructure contract, corporate governance and investment law. The said areas were almost unknown before the 90's.

I derive a lot of satisfaction from the fact that the Indian Bar has succeeded in establishing itself as an important and respectable stakeholder of the society. I personally give a lot of importance

to professional governance where I find good development is taking shape at present.

As we move ahead, Indian law firms will face new challenges and newer forms of competition, and we do hope to perform better as responsible legal practitioners following principles of legal ethics towards the profession and our collective conscience.

**Q.7: Ma'am, if you had to choose one case in your career as the toughest and most challenging one till now, which one would it be and why?**

My firm specialises in advising foreign companies on their Indian legal and regulatory issues. We act every day across areas of law and across industries for clients from over 31 countries on very challenging matters.

There was, however, this one case for which I was admitted *pro hac vice* at the US District Court, Southern District of New York. My client was a U.K. based company which manufactured soccer balls in India through sub-contractors. A leading global television channel produced and telecast a documentary in the US on child labour in the sports goods manufacturing industry in India, specifically targeting my client. As a result, my client's sales and reputation suffered and they filed a libel suit against the television broadcaster in US District Court, Southern district of New York. We acted as Indian counsels for the client on Indian aspects of the matter, specifically with regard to collection of evidence in a manner that would be admissible in the US court. This was one of the first matters of its kind in India and involved explaining the provisions of international treaties to the Indian government and courts, and taking admissible testimony of over 25 witnesses in a time-bound manner and transmitting the same to the US court. This was a path –breaking and arduous task in itself, which helped strengthen our client's case.

**Q.8: Ma'am, what is your opinion on the entry of Foreign Law Firms in India? Do you think the position of Indian Lawyers and Indian Law Firms would get affected adversely in the market?**

I clearly understand that in order to honour the spirit of globalisation and competition in the arena of legal profession, India should open up to the entry of foreign law firms and provide opportunities to generate diverse work, employment and tremendous exposure to local lawyers in the new areas of practice. However, reciprocity and international law obligations are also important arguments to be borne in mind. As far as my opinion is concerned, I stand by the majority view of the Indian legal fraternity to restrict the entry of foreign law firms in India for the time being. I believe that the Indian laws, practices and usages can only be understood by an Indian lawyer. We know the expectations of our clients and can deliver the best.

**Q.9: If you were asked to bring about certain decisive changes in our current legal system, what would those be?**

As 'justice delayed is justice denied', I would strongly canvas for time bound arguments in courts, and also emphasize the use of Alternate Dispute Resolution mechanisms to eliminate large volume of litigation, particularly in cases where there is potential for settlement. I also strongly advocate imposition of an age bar for entry into the profession to ensure quality control and to attract talent at the point of entry. Further, the Bar Council of India should ensure the strict implementation of ethical norms and standards, including cancellation of licenses to practice in

cases of bribery, corruption etc. Also, implementing measures such as writing papers, authoring articles and participating in legal seminars would ensure delivery of high quality legal services and advice. Last but not the least, like in other professions such as medicine etc., Continuing Legal Education and training should be made compulsory for lawyers regardless of age, number of years of practice, etc.

**Q.10: Ma'am, what are your interests other than law and how do you unwind after a hard day's work?**

'Work hard and party harder' has never been my motto in life simply because work does not feel like work to me, and so the party never ends for me. However, during my leisure time I like to read spiritual books and listen to spiritual teachers. Osho has been a very important part of my life and I make sure that I get an undisturbed one hour every morning to listen to him. It definitely helps me unwind and works as a great stress buster. I also love to go out and spend time with my friends and socialize.