



# INDORE INSTITUTE OF LAW

(Affiliated to DAVV & BCI)

—Rank 1<sup>st</sup> PRIVATE LAW COLLEGE IN M.P., C.J. & RAJASTHAN BY—  
INDIA TODAY – OUT LOOK – THE WEEK – THE KNOWLEDGE REVIEW

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## 1.1.2

An educational institute is like a well-oiled machine which runs smoothly when all of its components work together and generates synergy by working simultaneously in synchronized manner. At Indore Institute of Law 4 courses (3 Undergraduate courses in Law namely **B.A.LL.B(H)**, **B.B.A.LL.B (H)**, **LL.B.(H)** and 1 **Post Graduate Course (LL.M.)** are running under four **Head of Departments** over a long span of time via well designed and planned process in synergy to deliver a well-planned academic session and co-curricular activities throughout every semester.

### Content:

**Indore Institute of Law** is a premier law institute having its own unique **Academic Planner** which is created every semester with a perfect mix of **Academic (Regular classroom teaching, special sessions, Lectures by Resource Person) Internal Evaluation Schedule and Co-Curricular Activities (Capability Enhancement Programs, Training program of various law fields, certifications in various Short Term and Diploma Courses, Value Added Courses, Bridge Courses, various Competitions and Conferences for advocacy skills enhancement and research skills)**. The planner is designed in such a way that all the aspects of **teaching and active learning mechanism** are covered and paves the way for overall growth of the student. The Academic Planner acts as a road map for all stakeholders during the semester and in devising it following institutional bodies plays a pivotal role. The Academic Planner Consist of the following Leanings which are beneficial for law students and to make them competent **Human-Legal Professionals and Responsible Citizens:-**

### **Academic Leanings:**

- **Special Lectures** are being conducted on the regular basis.
- Conducting **Guest Lectures of Eminent Legal Personalities** regularly.
- **Knowledge Series Lectures** by Subject Experts for betterment of Students.

### **Demonstrative Learning:**

- The institute mandates the students to **participate and attend competitions to hone Advocacy Skills and Legal Knowledge.**

### **Experiential-Learning**

- Institute educates students by conducting **Seminars, Conferences, Workshops**, regularly under experiential-learning.

### **Collaborative-Learning**

- Institute promotes Collaborative Learning and having **MOUs & Tie-Ups with LEDx, NLIU, Bhopal and Universities from Slovenia, Dubai, Singapore & Russia** for providing Certification-Courses, Value-Added Programs and Student-Exchange-Program.

### **Outreach & Extra Activities**

- Institute often visits rural areas with students for **Legal Aid Camps, NSS camps, Spreading Awareness among locals.** This encourages Community-Learning for the students.

### **Co-Curricular Activities**

- The Institute conducts various **Sports, Cultural Events and Activities** in the college for the students such as **Vibrant Garba, Traditional Day** etc. in the campus for the students.

### **Internal Evaluation Schedule in the proposed month of Final Examination**

- The Institute conducts **2 Mid-Term examinations, 2 Research paper Presentation, Crash Course, Pre University Test, and Remedial Class** for fair and proper Internal Evaluation of Students.

### **Making of Academic Planner:**

**Role of IQAC** – Pre-session working commences **2 months** prior to the Orientation process when **IQAC** invites **Dean, Principal, Academic Council** (Comprising of all the 4 Head of departments of **B.A. LL.B.(H), B.B.A.LL.B.(H), LL.B.(H) & LL.M** and representatives of Skill Development Cell (**SDC**), Career Development cell (**CDC**), Research and Publication (**R&P**) cell University and Examination Cell (**U&E**) with other stake holders along with one representative of all the six clubs & Six Societies.

The **purpose of the meeting** is to discuss about the upcoming semester. **IQAC** welcome the members and discusses about the agenda of the meeting which is discussing about the **Academic Planner** of upcoming Semester & requires **Proposals** from all the stake holders to come up with their proposals to be provided for

upcoming semester. It also discusses about the requirements of the upcoming semester on the basis of previous semester related to new recruitments, any LMS technology etc.

**Process:**

IQAC again calls a meeting with all the above mentioned individuals and cells and collect their proposals. These proposals are then discussed by all the stakeholders and after general agreement an Academic Planner is designed. This planner is then forwarded to **Governing Body & Dean** along with tentative budget needed to fulfill the requirements and conducting of co-curricular activities. The **Governing Body & Dean** approves the planner and returns it to the **Principal** for its implementation.

- **Role of Principal** – The Principal after receiving the **approved Academic Planner** invites the **Academic Council** (Head of All Departments, Skill Development Cell Coordinator, Career Development Cell Coordinator, Research and Publication Cell Coordinator, University and Examination Cell Coordinator) and instructs all to start working related to their area of work as per the approved Academic Planner. It is done as under -
- The **Head of All Departments** start collecting **Subject Preferences** from the faculty members. The subject preferences are duly collected and submitted to the **Principal** who in consultation with the Dean allots the subject to the faculty member as per his experience, qualification and expertise. This follows informing the same to the faculty by **Head of department** and designing of **Session Plan** by the faculty. A session plan comprises of total number of lectures needed for completion of syllabus with a Blue Print of lecture and its content. It also mentions the pedagogy like class room teaching Board teaching, Via power point presentation), Guest Lecture, Visit, Resource Person, etc., adopted by the concerned faculty showcasing **Course Outcome&Program Specific Outcomes& Program Outcome**. The same is approved by the Principal & Dean and noted down by the faculty in Teachers Diary for actual implementation. The Principal reports to the **Dean and Governing Body** on a monthly basis related to **Academic Progress**.

**Implementation:**

- **Role of Head of Department** – All **Head of departments** invites subject preferences from faculty of their respective course and allots the subject to the faculty. Once the subject is allotted to the faculty members they prepare a detailed **Session Plan** outlining the **Course Objective, Program Outcome, Program Specific Outcomes&Course Outcomes**. These session plans are then approved by the **Principal and Dean** and then noted by the faculty in Teacher's diary which is maintained by

the faculty on a daily basis and record of lectures taken by the faculty is recorded. This helps in keeping in sync about the planned delivery and actual performance.

- Once the **Teacher's Diary** is filled it is again approved by the Principal and now this becomes functional where a faculty notes down all the details of the lecture taken that day. The **Head of Department** prepares regular time table comprising of regular lectures along with special sessions (to nurture the advocacy skills). The **Head of Departments** records the daily detail of lectures in an **Academic diary** which is duly checked, approved and signed by the Principal. Further the Head of Department gets this **Academic Diary** checked by the **Principal** for weekly lecture record of individual faculty taking lectures of a subject in a course and also records all the academic details related to internal marks, record of documents submitted in lieu of exams, time table of internal exam and presentation time table. Besides this the record of attendance registers is also maintained by the **Head of Department** and checked and approved by the **Principal & Dean**.
- Towards the end of the semester the **Head of Department** as per the directions of the **Principal & Dean** ends the semester by getting all the Batch Files, Teachers Diary, Attendance Registers, Academic diary closed for submission duly checked, signed by the principal and also prepares internal marks to be uploaded online on university site through office coordinator.

**Commencement of Session** – The Session commences with a **weeklong orientation program** which is very necessary to make the **new students aware** about the **legacy and working of the institute**. The first two days of the orientation are dedicated to Dean, Principal address and Batch Coordinator and Faculty Talk.

- **Day 1: The Orientation** ceremony begins with **Principal's** address welcoming the new students and brief them about the institutional values. This is followed by administering of **Oath** by the **Students' Council** to the new students. The **Dean** enlightens about the **Mission, Vision and Goals of the institute**. This is followed by the address by **Head of Departments** who introduces the students to the Program opted by the students along with **Program Outcomes and Program Specific Outcomes and Course Outcomes**. HOD also introduces them to batch coordinator, faculty members teaching in the program, Academic Planner & the Prospective Activities and back office coordinator. This entire process goes thorough out the day. The day concludes with **Orientation Kit** distribution which comprises of college backpack containing a good quality notebook, an assortment of stationary like pen, pencil, rubber, scale, eraser etc., and college t-shirt, ID card, Badges, Student Manual and syllabus of the program and course joined.
- **Day 2: Batch coordinator and Faculty talk** – The day begins with classroom introduction by the Batch coordinator who explains the students about course and gives a brief about the academic

planner and evaluation process along with a detailed road map of the session. The Batch coordinator explains the **Attendance Policy (as per the norms 75% Attendance is Mandatory)** which is an important factor in academics. Further the batch coordinator enlightens about the **Internal Evaluation** process which comprises of **First Midterm Examination** and **Research Paper** making followed by **Second Midterm Exam** and **Grand Viva** which is a subject base project with questions from entire syllabus which automatically prepares a well drafted document which is helpful to the students while preparing for examination. The batch coordinator is responsible for maintaining the **academic record of a student** in a systematic manner on a monthly basis in the form of a **Batch File**. This batch file contains records related to the **Attendance** of the student, his/her **Academic Performance in Internal Evaluation, Crash Course, and Pre University Test**. The batch coordinator informs the students about the **special sessions** held to improve the **Advocacy Skills** like **Moot court, Drafting and Pleading and Research and Publication, Foreign Language** and sessions related to **Career Development**. The batch coordinator also tells about the **Code of Conduct** which is about student's behavior in class room, campus and related to college uniform which is to be followed without fail. Batch coordinator also explains Program Outcomes, Program Specific Outcomes, syllabus to be followed and also informs about The **Conduct Surveillance Committee** along with the **Code of Conduct** to be followed. The batch coordinator then introduces subject faculty and the subject teacher introduces students to the course outcome and briefs them about the subject.

- **Day 3: Know your campus and introduction to various committees** – The day begins with a **tour of the entire campus** starting from Dean's Office, Principal's Office, Various Cell Office hostel, Moot court Hall, Cafeteria, library, Prayer Room, Reader's Room, Staff Room, Society Chamber, Conventional Knowledge Center, NAAC & IQAC office, Gurukul, NSS, Medical, Yoga, Gymnasium, Sports Zone, Computer Lab and Common Rooms for girls and boys. Various administrative offices viz. accounts, fees section, scholarship section, SDC, CDC, etc., and after the campus visit, orientation of all the committees starts. The respective committees visit the classrooms and introduce themselves to the students regarding their working, composition, and their contact information.
- **Day 4: Introduction to Various Cells, Societies, Clubs and Student Representatives Bodies**– The day is devoted to introduction of Student Council, Election Commission, Cells and Student Societies & Clubs working for the growth and betterment of the students. The Society and Club culture at Indore Institute of Law forms the backbone of academics as well as co-curricular performance of the students. The club and society culture showcases the institute's commitment towards inculcating moral and academic values in the students in order to provide moral legal

professional and responsible citizens. The day begins with all the Six Societies, Six Clubs, Student Council and Election Commission & various cells along with ERP Cell, University and Exam Cell getting a time slot to introduce about themselves and their functions. The Skill Development Cell, Career Development Cell, Research and publication cell are the cells which work to develop various academic skills needed by a lawyer to make a successful career. The IT Cell discusses about the various aspects of IT related facilities provided to the students like ERP account creation, use of LMS viewing online attendance, online study material, format of reports sent home on a monthly basis along with the progress reports sent after the first and second internal evaluation and third report showcasing the result of pre university test and attendance of crash course conducted before the Pre university test.

- **Day 5:- Alumni Association intro and Alumni Talk** – An institute gets strengthened by its alumni who are torch bearers of its legacy. Indore Institute of Law is privileged to have a plethora of glorious alumni working in various walks of life. Indore Institute of Law is proud to boast of its base of 18000+ alumni. The Alumni Association is registered under The M. P. Society Registrarian Adhiniyam, 1973. Be it legal field where we have good number of Judges as our alumni, or be it public servants like MP and MLA and ADPOs and on various reputed government positions. The fifth day is devoted to alumni association. The alumni interact with the new students and share their gained experience while studying at the institute. They also encourage students to grow academically and professionally and excel in the field of law
- **Day 6: Parent Teacher Association** – The last day of orientation program is designated to the parent teacher interaction session. In this session all the parents, students and faculties interact with each other and create a bridge or a forum to discuss and overcome any barrier or problems during the upcoming academic session. The session facilitates parents and students knowing each other in a better way so that there is no hesitation and awkwardness in bringing problems to light. The interaction is followed by lunch and creation of Parent Teacher Association for further communication.

**During the commencement of semester, first three days are reserved for Ice Breaking Session of the students.**

- On the **First Day** of Ice Breaking Session the students play various games and participate in fun activities in a combination of **Two Students** per team within the batch which help them in grasping valuable lessons of team spirit, team building and communication.

- On the **SecondDay**, students interact with the other program students in a group of **Four Students** and participate in games and fun activities along with them. It mainly helps them in learning Management Skills, Team Building, Team Working, Communication Skills, Analytical Thinking, Leadership Skills, Presentation Skills, and Problem Solving Skills etc.
- And on the **Third Day Treasure Hunt** activity is organized in Indore city in which the students are divided into teams of **Eight Students** from different program and are given a list of clues and accordingly they have to find the items in the city, gather them and the team who collects all the objects in minimum amount of time is declared the winner. This helps in breaking the hesitancy among the students and on the other hand it helps in bringing the individuals closer and helps them in knowing about each other's strengths and weaknesses as well as they are acquainted with the **Indore City** as **Indore Institute of Law** hosts students from around **12-15 states** so this treasure hunt activity gives them an opportunity to explore the Indore City as well.
- From **Day 4**, Regular lectures are conducted after the completion of 3 days of Ice Breaking Session on a regular basis and it is **compulsory** for the students to attend the lectures daily.

**The Institute has designed a unique learning mechanism to provide effective and efficient education to students via various learnings for implementation of Academic Planner.**

- The institute has devised its own **teaching pedagogy of delivering** the planned academic deliverables. It uses a unique approach of learning which is mentioned under –
- **Conventional & Blended Learning:** Institute promotes traditional class room teaching by conducting lectures regularly and faculty uses PPTs, case studies, and other ICTs to teach students effectively. Guest lectures and Resource Persons are invited regularly from industries to promote **Industry-Academia Interface** i.e., learning from industrial experts and to make students learn about the applicability of the law that is taught in the class. The institute majorly emphasizes on the use of ICT, informative videos, Documentaries under **Blended Learning** to make students techno-friendly.
- **Demonstrative Learning:** The institute facilitates the students to participate and attend in various competitions like Moot-Court, Client-Counseling, ADRs, and Trial-Advocacy etc as a part of **Demonstrative Learning**. To encourage demonstrative learning the institute majorly conducts competitions like- Smt. Nirmala Devi Bam Memorial International Moot Court Competition, Intra-Batch Moot Court Competition, Fresher's Moot Court Competition, Grand Intra Moot Court Competition, Intra batch client competitions, Conference on Alternative Dispute Resolution,

International Commercial Arbitration Competition, Intra Batch Negotiation and Drafting Competition, Trial-Advocacy etc., throughout the semester.

- Observational Learning** – Indore Institute of Law believes in learning by observation which is beneficial for the students in learning about the work culture prevailing in the professional world. In this learning various visits are conducted nationally and globally to prestigious institutions like – **International Court of Justice, Hague, International Criminal Court, Hague Supreme-Court, High-Court, Parliament of India, District Court, Sessions Court, Civil Court, Family Court, Small Causes Court, Judicial Magistrate First Class Court, Labour Court, Juvenile Justice Board, Railway Court, Arbitration Tribunal, National Green Tribunal(NGT), National Company Law Tribunal(NCLT), National Company Law Appellate Tribunal(NCLAT), Income Tax Appellate Tribunal (ITAT), Customs, Excise & Service Tax Appellate Tribunal (CESTAT) , Industrial Tribunal, Debt Recovery Appellate Tribunal (DRAT), National Consumer Disputes Redressal Commission (NCDRC), State Consumer Forum, National Human Rights Commission(NHRC), Madhya Pradesh Human Rights Commission(MPHRC), Lok-Adalat, Central Jail, District Magistrate Office, Police Station, Cyber Police Station, Women Police Station and International university visit at Amity University, Dubai, University of Middlesex etc.**
- Experiential Learning** – Institute encourage students by conducting **Seminars** through **Knowledge & Lawyer’s Conclave Series** on Constitution of India, Intellectual Property Rights, Indian Penal code, Indian Evidence Act, Criminal procedure Code, Civil Procedure Code, Online Dispute Resolution, Alternative Dispute Resolution, Cyber Law, Corporate Governance, Merger & Acquisition, Protection Of Women from Domestic Violence, Essential Commodities Act, Consumer Protection Act, Foreign Exchange Regulation Act, Securities & Exchange Act, Labour Laws, Muslim Law, Human rights and Humanitarian Laws, Supremacy of Constitution, Independence of Judiciary, etc. **Conferences** on Legal Aspects of Crypto Currency law, E-Commerce in Indian banking Centre, Dynamics of Geopolitics in Russia and Ukraine, Legal Aspects of Artificial Intelligence, Envisioning Busniuess:2030, Politics of Mandal, Kamandak& Hijab, etc. **Workshops** on Arbitration, Mediation, Conciliation, Right to Information & filing, IPR, etc. **Trainings** related to Interview, Personality Development, Group Discussion, Resume Making, Legal Professionalism, Public Speaking, Effective Communication, Self Defense, Drafting, Pleading, Mooting, Negotiation, etc relating to Current Legal Issues, Trending Legal Areas, Landmark Judgments, and Precedence by Supreme Court, Immerging Laws regularly under experiential learning to make students learn and understand about the law subjects.

- **Collaborative Learning** – Institute promotes **Collaborative Learning** and having MOUs & Tie-Ups with sister concern **LEDx** which provides more than **50+ Certificate Courses** to our students, **National Law Institute University, Bhopal & other National Law Universities**, and **Universities from Slovenia, Dubai, Singapore & Russia** for providing **Certification Courses**, Value Added Programs, Bridge Courses and Student Exchange Program which is again initiated for the benefit of students.
- **Learn By Fun** – Competitions like **LEX BONANZA**, Model United Nations, Debates, Quizzes, Poster-making, Drawing, Painting, Sports Competition, Online & Offline gaming (**VIBRANT Fest**), Blogging, etc has been organized regularly by the institute to assist the students to learn by fun. Fun learning is a major learning part incorporated by the institute to make students enjoy and learn the subject.
- **Active Self Learning Management System** – Self learning is a vital part of student life, to facilitate students, institute provides support of **MOODLE** app, ERP, Swayam, **Online Data Bases- INFLIBNET, SCC, Westlaw, Hein Online, JSTOR, Manupatra, NPTEL, NDLI, Lexis Nexis, Shodhganga, Virtual Library** etc. **Online Journals like- SAGE, Harvard Law review, Stanford law review, Yale Law Journal, New York University law reviews, Journal of Criminal Law & Criminology, Administrative law Review, International Journal of Law and Legal Jurisprudence Studies**, and various other Indian and International Law journals. All these databases and websites facilitate the students to learn by self. Along with learning all these online resources provides eminent help to the scholars to do a fair and effective research which is again helpful for the students to make an authentic academic material.
- **Auxiliary Learning** – Institute strongly believes in Auxiliary Learning which is learning on students' part via guidance by teachers, **Alumni, seniors, mentors, peers etc. and promotes it through routinely Mentor Mentee interaction sessions, Alumni Mentorship sessions, Remedial Classes, Peer Scholar Program, ExtraClasses**are conducting regularly. This learning helps the students to solve out the academic queries by consistent interactions. These sessions are helpful in increasing the learning and observing acumen of the student who starts to grasp things in situations and becomes proactive towards the situations faced by him.
- **Value Based Learning** –At **Indore Institute of Law**Values are the backbone of its very establishment. Our institute always adheres with the **Institutional Values, Vision & Mission** and promotes learning via it. To encourage value based learning, **Conventional Knowledge Centres**is created and equipped with Religious books, rare books, Manu-scripts, Biographies, Auto Biographies, motivational books to preserve, protect and promote the traditional knowledge among

the students. The institute has also witnessed the visits from various religious scholars multiple times. Sessions such as- Yoga, Meditation, Zumba, Aerobics, mental wellness, Spiritual, vocational sessions, counseling held regularly for everyone. Various religious seers and renowned speakers have graced the institute with their visits and have delivered sermons to enlighten student about the ethical and professional aspect of education. This helps in getting an actual learning about the area of study.

- **Leadership Learning** –There are numerous clubs, societies and cells at our establishment which conducts events throughout the semesters to promote learning by organizing and managing the events. The students actively participate in these activities and learn Multi-Tasking Skills, Managing Skills, Leadership Skills, Presentation Skills, Strategic Skills, Decision Making Skills, Problem Solving Skills, Communication Skills, Time Management Skills, People Management Skills, Critical & Analytical thinking Skills, Team Working and many more important skills required to become a successful lawyer.
- **Star Learning** – Institute encourages students to learn through **Role Plays, Simulation Exercises, Audio Visual Documentaries on Legal Luminaries, Case Studies, Article Reviews, Case Commentaries**etc as a part of leaning process. Role plays and simulation exercises enables the student to overcome the stage fear and presentation fear this learning boost-up the confidence of the student which is further helpful in academic and professional growth of the scholar. Intra batch competitions helps the students in learning things in a very simple yet a very practical way.
- **Visual Learning** – Institute promotes theme based class rooms system that are created for the virtue of visual learning for a particular law subjects showing the History, Amendments, Applicability, Case Laws, Significant core areas, challenges, future aspects through the course of time. This learning creates a permanent picture in the minds of students of a particular subject.
- **Entrepreneurship Learning** – As a part of entrepreneurship learning, Societies and Clubs conducts various events which are wholly managed by the students and all things relating to accommodation, budget, transportation, registration, food etc is operated by the students only which gives practical learning with regard to managing things in real life and motivates the students to learn management skills
- **Participatory learning** – To make students learn and participative, discussion sessions are conducted on regular intervals through **Samwad** sessions on **Constitutional** rights, Intellectual Property Rights, Indian Penal Code, Indian Evidence Act, Civil Procedure Code, Criminal Procedure

Code, Insolvency and Bankruptcy Code. etc which provides a participatory learning to the students where they can express their views and learn from other participants views.

- **Community Learning** – At Indore Institute of Law students regularly visit nearby Rural Areas, Orphanages, Old Age Homes, Slums, Industries, Schools etc. to provide Legal Aid, NSS camps, Spreading Awareness about social causes like child marriage, dowry, female education, Un-touchability, Cleanliness, Environment Preservation, Water Conservation, Pollution Controlling, Medical Health Checkup, Eye Check Up, Computer Literacy Camp, awareness about voting, etc. where students interacts with the local community and share their ideas, experience, knowledge and thoughts with the local habitat. This provides the students with a unique opportunity to learn, observe and know about the local customs and behavioral pattern followed by the society. This helps students in improving their interaction with the local community and people and creates an amicable and emotional relation by using their dialect and becoming a part of the community.

### **Continuous Internal Evaluation System**

The Internal Evaluation System is as follows:

- **Class Attendance:** The students on regular basis attend the classes and attendance is taken every day to keep track of their presence in the class and as per their participation and response they are assessed as Slow Learner, Advance Learner by their Previous Results as well their class participation.
- **Event Attendance:** On the event day, the attendance is taken of the students which helps them to learn through observation and enhance their participation and also communication skills through volunteering the event.
- The faculties often takes **Surprise Tests, Random Quiz** of the students and also conducts **Subject based Moot Court Competition** for **Evaluating** the students and making learning more effective.
- **Mid-Term:** Two Mid Term exams are conducted in a semester. Students are evaluated for their progress on a regular basis via **Mid Terms** and **Assignments**. Students and Parents are updated monthly about the ward's progress by monthly mail. The first mid-terms is scheduled after a months' time from the commencement of the session. The exact dates are already provided to the students via the academic planner. In the beginning of the session students are given topics of research paper which they have to make and get published and present it which is the second component of the internal evaluation. The midterm paper is designed by the faculty who designs the question paper

incorporating questions which are **logical, hypothetical, and depicting real life situation and practical**, in nature. The **written exam** is conducted as per the time table and it is compulsory for the students to attend it.

- **Assignment-I (Research Paper Submission):** After the completion of midterm examination the research paper presentation begin which is evaluated by the faculty for its content, presentation style and students answering ability. These two components are integral part of evaluation process. After the completion of first evaluation process the copies are evaluated by the faculty and shown to the students & the marks are **uploaded on ERP** and a student can check marks **online**.
- **Progress Report:** The **result is forwarded** to the **parents** in the form of a **Progress Report** in hard copy displaying the marks obtained by the student in internal evaluation. The student having poor attendance is sent a **warning letter** which provides information about the **student's attendance** to the parents. The second internal evaluation is done in the form of Midterm II Exam and subject based project for individual subject. The **midterm** is conducted as per the timetable on dates given in the academic planner.
- **Assignment-II (Grand Viva):** The **grand viva** is conducted after the subject submits the subject based project. The copies are checked and displayed to the students and second progress report in hard copy is sent to parents for information.
- **Crash Course:** After completion of course/syllabus institutes conducts a **crash course** for all the subjects in all the programs which is aimed at providing revision of the entire syllabus in a day.
- **Pre University Test and Remedial Classes:** This is followed by **Pre University Test (PUT)** which is on the guideline of the main university examination which is conducted at the end of the semester by the Affiliating University. The Pre University Test gives the student a chance to get an insight into the pattern of question paper as per the university norms. The copies are shown to the students and the result is conveyed to the students in the form of **third progress report**. On the basis of this result the students failing in a subject are made to attend **Remedial classes** while students with low attendance are made to attend extra classes for attaining minimum attendance fulfilling the Examinations approval criterion.

After completion of all the academic activities the session comes to a close with declaration of exam form submission schedule.

### Two Phases of Closing of Semester:

- **Internal Closing by Indore Institute of Law**
- **External Closing by Affiliating University**

The closing is done in **two phases** first is **Internal Closing by Indore Institute of Law** i.e., closing of all the academic works on college's part before the commencement of exam.

The Internal Closing also focuses on closing of various academic records mentioned below:

- ❖ **Academic Diary** – It is an **encyclopedia** recording the entire details of the Academic process on daily basis comprising of lecture taken by the faculty as per the Time Table. This daily record is further added on a weekly basis to know about the exact status of weekly load in each semester. This also gives a clear idea about the syllabus status too. It also records the time tables of Mid Term1 & Mid Term 2 along with time tables of **Research Paper Presentation** and **Grand Viva Presentation** for every semester of every course. The **Academic Diary** also records internal marks obtained by the students in Mid-Terms and presentations (**Research Paper & Grand Viva**). It further records the details about the exam records and marks obtained. **The Academic Diary** also records the feedback about the faculty too. Overall it is a dossier of entire academic activities taking place during the academic semester along with schedule of all the academic endeavors. The Academic Diary is duly managed by HOD.
- ❖ **Teacher's Diary** – It is a novel practice at Indore Institute of Law which is unique in its own way. It can be termed as a **Teacher's Ledger** in which he/she maintains the record of academic delivery. The pages are divided into two sections. In the first section the faculty records the well documented Session plan approved by the authorities lecture wise and on the second page fills the record of the lecture taken by the faculty on daily basis. The Teacher's Diary is maintained by every teacher and checked by the Principal on a periodic basis for actual deliverance and on its basis the deviation from session plan if any is noted. The **Teacher's diary** is closed at the completion of syllabus followed by Crash Course.
- ❖ **Batch File** – At Indore Institute of Law creating unique ways of keeping systematic record of **Academics** has become a trend. **Batch File** is a comprehensive document recording entire details of an entire semester of a course. It contains monthly record of **Attendance, Report** of attendance sent to the parents via mail, **Syllabus Status Month Wise, Time Tables** of all the **Internal Evaluation Examinations** (Mid-Terms & Viva). It also keeps cumulative record

of marks obtained in internal examination and presentations. The Batch File concludes with formats of Warning Letter sent to the parents of the students informing them about their wards attendance and academic performance, progress reports of internal evaluation and progress report of Crash Course and Pre University Test. A Batch File is institutes best resource to obtain a detailed update on a student at a glance.

- ❖ **Accountability Register** –Every faculty on daily basis enters **IN-TIME** along with name & signature in the Accountability Register which is a proof of his entering the institute. While leaving for home the faculty again enters the **OUT-TIME** and details of lectures taken during the day and details of any other activity (Academic/Co-curricular) done within the stipulated time. The Accountability Register is document which provides an insight into a faculty's activities during the day and gives a glimpse of his punctuality and efforts.

The Batch coordinator submits internal marks obtained by each student in each subject as per the evaluation criterion provided by the **Principal in accordance with the actual performance of the students as per the different criterion**. These marks are submitted to the **Dean** for final approval. The approved marks are forwarded to the Principal and further forwarded to University & Examination Department who get it uploaded on University Website. All the batch files are checked and closed by the **Respective Authority** and is sent to the record room. The handmade files are also checked, closed and submitted. The **Head of Department** of each course gets **Academic Diaries** of his faculty members checked and closed by the **Principal** along with all the **Attendance Registers** of those courses and programs. In the end the head of department gets the Academic diaries checked and **closed by the Principal**.

The academic diary contains the details of all the lectures conducted during the semester for all the programs on daily basis. The Academic Diary is a comprehensive document or record which contains the entire details of the academic process taking place during the semester. All the Closing Documents are duly signed and approved by **Dean.Pre Exam Closing** also includes the conduction of **Viva Voce** in courses where it is applicable. The University sends a letter comprising the name of the **external examiner** to conduct the final Viva Voce. Accordingly the students are informed and summoned to the college on a particular date as per the External Examiner. The examiner conducts the viva of every student and evaluates them and awards marks as per his evaluation. The marks are recorded in a format designed by the **university** and is duly signed by the **external and internal examiner** and is sealed and sent to the **University** for submission.

The second is **External Closingby Affiliating University**. The Affiliating University conducts the final examination and declares the result in the stipulated time. Post Result Declaration the Result

Sheet and Mark Sheets are obtained from the University and are collected by the students from the University Cell of the institute.

In case a student fails to pass the examination or wishes to **re-evaluate** his/her answer sheet he/she applies to the **university directly** and post completion of the process if there is any change new result and mark sheet is issued by the university which is received by the institute and is collected by the student. Once all such cases are solved the final closing is done by updating the older records with the new ones and the entire closing process concludes.

**The IQAC** collects the **feedback forms** obtained from all the **Stake Holders** and analyzes the responses and initiates remedial actions and also prepares an **Action Taken Report** of the obtained feedback and the same is displayed on the Institute Website.

Lastly the IQAC conducts the **Academic & Administrative Audit** and check whether the **effective and efficient implementation** of the **Academic Planner** is done in the planner is done in the planned manner of not.

1.1.1

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INDIA TODAY – OUT LOOK – THE WEEK – THE KNOWLEDGE REVIEW

Gendalal Bam Parisar, Opp. IIM Rau, Pithampur Road (M.P.), 453331  
Email ID- [indoreinstituteoflaw@gmail.com](mailto:indoreinstituteoflaw@gmail.com), Website: [www.indoreinstituteoflaw.org](http://www.indoreinstituteoflaw.org)  
Phone no:- 9977091777, 9977019777

18/08/2022

## CIRCULAR

**Dear All,**

Internal Quality Assurance Cell (IQAC) invites all the following mentioned to discuss about the upcoming academic session on 19.08.2022 Friday at 11.00 AM. The meeting is called to discuss about the upcoming academic session and co-curricular activities along with the faculty requirement for the upcoming session.

Members are expected to attend the meeting:-

- 1: Academic Council
2. Skill Development Cell
- 2:- Career Development Cell
- 3:- Research and Publication Cell
- 4:- University and Exam Cell
- 5:- One representative from each of the following clubs –
  - a) Go Green Club
  - b) Sakshat Ahilya
  - c) Nayay Sarthi
  - d) Aashaye
  - e) Rubroo
  - f) Ignited Minds
  - g) Placement Society
  - h) Online Society
  - i) Moot Court Society
  - j) Cultural & Sport Society
  - k) Alumni Society
  - l) Disciplinary Society
- 6:- One Member from Alumni Association
- 7:- One Member from Parents Association

**By Order**

Chairperson, IQAC

*Manu*  
Dean/Principal/H.O.D.  
Prof. (Dr.) Manpreet Kaur Rajpal  
Dean  
Indore Institute of Law

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Phone no:- 9977091777, 9977019777

## MINUTES OF THE MEETING

**Date:** 19.08.22

**Time:** 11.00AM

**Agenda:** Regarding upcoming academic Session 2022-2023

### Resolution/ Discussion:

One person from each cell R&D, CDC, SDC, Alumni Association, Parents Teacher Association, Examination cell and a member each from all the cells along with Head, IQAC, and Academic Council were present in the meeting. The agenda of the meeting was about the Academic Planner and the activities to be incorporated. It was concluded that members will bring their activity proposals for the upcoming academic session 2022 – 2023 in next meeting. Which is scheduled on 27<sup>th</sup> august 2022.

### Attendees:

S.N.	Attendees	Signature
1	Director	
2	Principal	
3	IQAC Members	
4	Academic Council (HOD)	
5	Skill Development Cell	
6	Career Development Cell	
7	Research and Publication Cell	

Dean/Principal/H.O.D.  
Prof. (Dr.) Manpreet Kaur Rajpal  
Dean  
Indore Institute of Law

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8.	University and Exam Cell	
9.	Go Green Club	
10.	Sakshat Ahilya Club	
11.	Nayay Sarthi Club	
12.	Aashaye Club	
13.	Rubroo Club	
14.	Ignited Minds	
15.	Online society	
16.	Alumini Society	
17.	Disciplinary Society	
18.	Moot Court Society	
19.	Cultural And Sports Society	
20.	Placement Society	
21.	Member from Parents Association	
22.	Member from Alumni Association	

Chairperson, IQAC

19/08/22

  
 Dean/Principal/H.O.D.  
 Prof. (Dr.) Manpreet Kaur Rajpal  
 Dean  
 Indore Institute of Law

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Phone no:- 9977091777, 9977019777

## CIRCULAR

Date: 19/08/2022

Dear All,

As discussed in the previous meeting, faculties and representatives of all clubs have to submit their activity proposal for the academic session. Below is the time and date of next meeting:

Date: 27/08/2022

Time: 11:00AM

Day: Saturday

By Order

Chairperson, IQAC

  
Dean/Principal/H.O.D.  
Prof. (Dr.) Manpreet Kaur Rajpal  
Dean  
Indore Institute of Law

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Phone no:- 9977091777, 9977019777

## MINUTES OF THE MEETING

**Date :** 27.08.2022

**Time:** 11.00AM

**Agenda:** Agenda: Submission of Activity List Academic & Co curricular.

### Resolution/ Discussion:

All the members of the various cells brought their activity proposals and were discussed with the Head, IQAC and were then incorporated into making the planner to be approved by Governing Body.

S. N.	Attendees	Signature
1.	Director	
2.	Principal	
3.	IQAC Members	
4.	Academic Council (HOD)	
5.	Skill Development Cell	
6.	Career Development Cell	
7.	Research and Publication Cell	
8.	University and Exam Cell	
9.	Go Green Club	


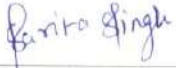





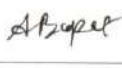



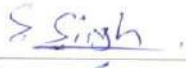

Prof. (Dr.) Manpreet Kaur Rajpal  
Dean

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10.	Sakshat Ahilya Club	
11.	Nayay Sarthi Club	
12.	Aashaye Club	
13.	Rubroo Club	
14.	Ignited Minds	
15.	Online society	
16.	Alumini Society	
17.	Disciplinary Society	
18.	Moot Court Society	
19.	Cultural And Sports Society	
20.	Placement Society	
21.	Member from Parents Association	
22.	Member from Alumni Association	

By Order

Chairperson, IQAC

  
 Dean/Principal/H.O.D.  
**Prof. (Dr.) Manpreet Kaur Rajpal**  
 Dean  
 Indore Institute of Law

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Phone no:- 9977091777, 9977019777

09.09.2022

## CIRCULAR

Dear All,

This is to inform you all that we are organizing One Week Orientation Program from 19<sup>th</sup>- 23<sup>rd</sup>, September 2022 for the first year batches of following courses under law program

- B.A-LL.B (Hons)
- B.B.A-LL.B (Hons)
- LL.B(Hons)
- LL.M

By Order

Chairperson, IQAC

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Dean/Principal/H.O.D.  
Prof. (Dr.) Manpreet Kaur Rajpal  
Dean  
Indore Institute of Law

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**Academic Planner**

		• Seminar On Gender Justice	• Certificate course on IPR		• Sport Carnival		At Pithampur
January 2023	• Lectures • Project Submission And Presentation	• Seminar On Gender Justice	• Certificate course on IPR	-	• Shri Gendal Bam Memorial Debate Competition	• Fresher's Moot Court Competition	-
February 2023	• Crash course • Pre University Test	• Seminar On Legal Drafting	• Certificate Course On Media Law	• Legal Writing	-	-	• NSS Camp
March 2023	• Revision classes	• Seminar on IPR	• Certificate Course On Medical Law	• Drafting and Pleading	-	-	• Alumni Meet
April 2023	• University Exam	-	-	-	-	-	-
May 2023	• New session opening • Lectures	• Seminar On Consumer Protection	• Certificate Course on Insurance	• Legal etiquettes	-	• Intra batch Moot Court Competition	• Legal Aid Camp at Village

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**Academic Planner**

		• Seminar On Domestic Violence	• Certificate Course on Space Law				Rangwasa
June 2023	• Lectures • Mid term I • research paper Presentation	• Seminar On Domestic Violence	• Certificate Course on Space Law	-	• Intra college Basketball Competition	• Client Counseling Competition	• Health Check up Camp at Pigdambar
July 2023	• Lectures	• Seminar on IPR	• Certificate Course on Cyber Law	-	• Inter college debate completion	•	• Legal Aid Camp At Pithampur
August 2023	• University Exam	-	-	-	-	-	-

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**Academic Planner**

Month	CCE	Seminars / Conferences	Value Added And Bridge Course	Capability Enhancement Program	Cultural And Sports Activity	Demonstrative/ Participative And Experiential Learning	Extension And Outreach Activates
September 2022	<ul style="list-style-type: none"> <li>Orientation week</li> <li>Lectures</li> </ul>	<ul style="list-style-type: none"> <li>Seminar On Gender Sensitization</li> </ul>	-	<ul style="list-style-type: none"> <li>Advocacy skills</li> </ul>	<ul style="list-style-type: none"> <li>Ganesh festival</li> </ul>	-	<ul style="list-style-type: none"> <li>Beti Bacha o Beti Padha o Program At Sonvay Village</li> </ul>
October 2022	<ul style="list-style-type: none"> <li>Lectures</li> </ul>	<ul style="list-style-type: none"> <li>Seminar On Gender Justice</li> </ul>	<ul style="list-style-type: none"> <li>Certificate Course On Labor Law</li> </ul>	<ul style="list-style-type: none"> <li>Judgment Writing</li> </ul>	-	<ul style="list-style-type: none"> <li>Bail Drafting Competition</li> </ul>	<ul style="list-style-type: none"> <li>Blood Donation Camp at Rangwasa</li> </ul>
November 2022	<ul style="list-style-type: none"> <li>Lectures</li> <li>Mid Term I</li> <li>Research Paper Presentation</li> </ul>	<ul style="list-style-type: none"> <li>Seminar On Legal Expertise</li> </ul>	<ul style="list-style-type: none"> <li>Certificate Course On Human Rights</li> </ul>	<ul style="list-style-type: none"> <li>Judgment writing</li> <li>Parliamentary Debate</li> </ul>	<ul style="list-style-type: none"> <li>Nukkad Natak</li> </ul>	<ul style="list-style-type: none"> <li>Moot court competition</li> <li>Client counseling</li> <li>Society election</li> </ul>	-
December 2022	<ul style="list-style-type: none"> <li>Lectures</li> <li>Midterm II</li> <li>Grand viva</li> </ul>	<ul style="list-style-type: none"> <li>Seminar On Consume</li> </ul>	<ul style="list-style-type: none"> <li>Certificate Cours</li> </ul>	<ul style="list-style-type: none"> <li>Trial Advocacy</li> </ul>	<ul style="list-style-type: none"> <li>Talent Hunt</li> </ul>	<ul style="list-style-type: none"> <li>Trail Advocacy</li> </ul>	<ul style="list-style-type: none"> <li>Legal Aid Camp</li> </ul>

## Orientation Kit



### Orientation Kits:

The orientation kit is provided to the students comprises of the following:

- Bag
- T-Shirt
- Notebook
- Stationery Pouch (Pen, Rubber, Pencil, Sharpener, Scale)
- Syllabus Book
- Badges
- Student Manual



**STUDENT  
MANUAL**



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time of admission in first year. From second year they can purchase it from Library.

- The formal attire that is navy blue trousers, plain blue full sleeves shirt, a navy blue tie and a navy blue blazer, white socks and non patterned black shoes is the dress code for Mondays and Thursdays.
- On Saturday the dress code is maroon college t-shirt which they will get at the time of admission in first year. From second year they can purchase it from Library.

### CODE OF CONDUCT

- Use of Mobiles and Tablets is prohibited during the lectures. In case the students are found using devices in the class, the device will be confiscated and the student can be suspended from the college.
- Use of abusive language and faculty body language, misconduct with seniors and the faculties are grounds for disciplinary actions
- The students are supposed to report at the college before the first lectures begins i.e. 9.00AM.
- The canteen premises are to be used only during lunch.
- The students, except the inmates, are not supposed to move to the girls hostel. Resident of the hostel are not to remain in the hostel premises during the lecture without permission of the warden.
- On grounds of any medical emergency, the students are supposed to inform the concerned faculty or the batch coordinator.



- The students are to deposit the required documents in the college within the prescribed deadline.
- Any queries related to the college fee and bus fee are to be put up with the concerned members of the staff, details of the same are mentioned in the manual.
- All students availing bus facility from the college have to carry the bus card each day. The bus staff shall check the bus card and only then the students shall be permitted to board the bus. The bus card shall be provided only after the bus fee has been paid.
- The bus fee has to be paid in the month of June yearly for 1st July to 30th June. In case of discontinuation kindly intimate and take permission from concerned authorities by writing an application else it will be considered that the bus facility is being continuously availed.
- All students availing food facility should carry food pass daily with them. The fee of food facility shall be paid in the month of June yearly for 1st July to 30th June. In case of discontinuation, kindly intimate and take permission from concerned authorities by writing an application else it will be considered that the food facility is being continuously availed.
- The students are not supposed to bring visitors to the college without prior permission from the batch coordinator or academic coordinator. The students are not supposed to leave the college premises before 2.30Pm. Exceptions are to be entertained by the batch coordinators.



# INDORE INSTITUTE OF LAW

Academic Session - 2022 - 23

## Mid Term I

### Time Table

#### BALLB - I Semester

Time	Date	Subject	Faculty Name
9:30 AM to 11:30 AM	1/11/2022	English	Prof. Saba Khan
12:30 PM to 2:30 PM	1/11/2022	Economics	Prof. Ambarish Bapa
9:30 AM to 11:30 AM	2/11/2022	Law of Contract	Prof. Amit Kumar
12:30 PM to 2:30 PM	2/11/2022	Law of Tort	Prof. Vishwajeet Bhookar
9:30 AM to 11:30 AM	3/11/2022	Pol Science	Prof. Madhuri Modi
12:30 PM to 2:30 PM	3/11/2022	History	Prof. Sheetal Sikarwar

#### BBA LLB - I Semester

Time	Date	Subject	Faculty Name
9:30 AM to 11:30 AM	1/11/2022	English	Asst.Prof. Saba
12:30 PM to 2:30 PM	1/11/2022	Org. Behavior	Dr. Kavita Dive
9:30 AM to 11:30 AM	2/11/2022	Financial Accounting	Dr. Manish Phalke
12:30 PM to 2:30 PM	2/11/2022	Business Communication	Dr. K.N.Mishra
9:30 AM to 11:30 AM	3/11/2022	Law of Torts	Prof. Deep Shah
12:30 PM to 2:30 PM	3/11/2022	Law of Contract	Prof. Jaidev Mahendra

*Manu...*

**Dr. Manpreet Kaur Rajpal**

Director & Dean Academic

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1<sup>st</sup> Law College of India with NAAC A+ Grade

IT Law

BA LLB (Hons.) / BBALLB- X Semester

Mid Term-I

Academic Session-2022-23

Time: 2 Hrs]

[Max Marks: 25

**Note: All questions carry equal marks. Attempt any 5 questions.**

1. Define E-Commerce and discuss it in reference to Globalization.
2. Elucidate the powers and the procedures of the police to Investigate Cyber Crimes.
3. Explain the Constitution of the Cyber Appellate Tribunal.
4. In what way Right to Privacy is violated on the Internet. Discuss.
5. What do you understand by Digital Signature? Discuss the use of Digital Signature in e-governance.
6. Write short note on
  - a. Spoof Attack
  - b. Hacking

*Manu*  
17/04/23  
Director & Dean, Academics

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1<sup>st</sup> Law College of India with NAAC A+ Grade

Family Law (Human Rights)-I

BA LLB (Hons.) – III Semester

Mid Term-II

Academic Session-2022-23

**Instructions:**

- Attempt any 5 questions.
- All questions carry 5 marks.
- Time Allotted: 2 hours

1. Explain the theory related to Section 13B of Hindu Marriage Act, 1955. Also discuss the remedy associated with this clause.
2. Explain the various grounds available under Hindu Marriage Act, 1955 for dissolution of marriage. Explain with case laws.
3. What do you understand by Joint Hindu Family? Discuss its characteristics.
4. Who is a Karta or Manager of Joint Hindu Family? Explain the Powers of Karta.
5. Write a brief note on Voidable Marriage.
6. When can a person apply for divorce and when can a divorced person remarry? Discuss.

  
**Director & Dean, Academics**

# INDORE INSTITUTE OF LAW

(AFFILIATED TO D.A.V.V. & BAR COUNCIL OF INDIA)



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## ECONOMICS

TOPIC: THE IMPACT OF BREXIT ON SMALL AND  
MIDDLE BUSINESSES IN THE UK

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SUBMITTED BY:

ADITYA KUMAR SINGH

B.A. LL.B. 1<sup>st</sup> SEMESTER

---

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SUBMITTED TO:

PROF. MANISH PHALKE

---

---

ACADEMIC SESSION

2023 - 24

---

---

Enrolment Number:

Date of Submission:

Roll No.:

1

**CERTIFICATE**

This is to certify that Aditya Kumar Singh of B.A. LL.B. 1<sup>st</sup> semester has successfully completed the research work on The Impact Of Brexit On Small And Middle Businesses In The UK with the fulfilment of requirements for the knowledge given by Prof. Manish Phalke, prescribed by Indore Institute of Law.

This assignment is the record of authentic work carried out during the academic year 2023-24.

Teacher's Signature \_\_\_\_\_

*MPK*

Date \_\_\_\_\_

**DECLARATION**

I hereby declare that the project on The Impact Of Brexit On Small And Middle Businesses In The UK , for fulfilling the essential criteria of Indore Institute of Law, is a record of an original work done by me under the guidance of Prof. Manish Phalke in B.A. LL.B. 1<sup>st</sup> Semester, **INDORE INSTITUTE OF LAW** for the academic session 2023-24.

Aditya Kumar Singh

B.A. LL.B.

1<sup>st</sup> Semester

### ACKNOWLEDGEMENT

I, Aditya Kumar Singh student of B.A. LL.B. 1<sup>st</sup> semester would like to express my special thanks to Prof. Manish Phalke who gave me the golden opportunity to do this wonderful assignment on the topic The Impact Of Brexit On Small And Middle Businesses In The UK . I am sincerely grateful to my teacher for guiding me and providing the relevant information and thus helping me to complete the project successfully. Likewise, I would also like to give a hearty thanks to my parents, who supported me morally as well as economically in completion of this assignment without any type of problem. Furthermore, I would like to appreciate and thank all my friends and batch mates for helping me in every possible manner in the way of completion of my project. Last but not the least, I want to thank the almighty who made everything possible.

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### ABSTRACT

Brexit, the UK's exit from the European Union, has resulted in major adjustments and difficulties for companies of all kinds. This abstract examines the complex effects of Brexit on small and medium-sized enterprises (SMEs), which are vital to the UK economy. The study's foundation is a thorough analysis of scholarly works, official documents, and corporate surveys completed up until the January 2022 knowledge cutoff date.

The results show that SMEs in the UK have been significantly impacted by Brexit, with several elements of their business being impacted. The following are some of the main effects:

1. **Trade Barriers:** The UK-EU trade was faced with new tariffs, non-tariff trade barriers, and customs processes as a result of Brexit. Because they frequently lack the infrastructure and resources of larger companies, SMEs have had difficulty negotiating these intricacies, which has resulted in higher administrative expenses and hassles.
2. **Disruptions to Supply Chains:** The supply chains of SMEs have been negatively impacted by changes in customs processes, delays at borders, and uncertainty about future trade ties. As a result, there have been delays in the import and export of goods.
3. **Access to the EU Market:** SMEs that depended on suppliers and customers in the EU have been negatively impacted by the lack of easy access to the EU single market. Reorganizing their operations has been necessary for some businesses in order to retain or regain access to the EU market.
4. **Regulations:** Small and medium-sized enterprises (SMEs) have had to adjust to new laws pertaining to data protection, product standards, and immigration. It has become necessary to invest more in legal and regulatory expertise in order to comply with these changes.
5. **Currency Volatility:** The fluctuation in the value of the British pound has exposed SMEs to currency risk, affecting their international transactions and profit margins
6. **Labour Shortages:** Some SMEs have reported difficulties in recruiting and retaining skilled labour, partly due to changes in immigration policies following Brexit.
7. **Government Support:** The UK government has implemented a number of grants and support programs to assist SMEs in adjusting to the new post-Brexit landscape, but the efficacy and accessibility of these initiatives have varied.

*Key word.*

## LITERATURE REVIEW

A review of the literature on how Brexit would affect small and medium-sized enterprises (SMEs) in the UK will look at a variety of sources, such as scholarly publications, reports, and articles. This is a synopsis of the main ideas and conclusions from the body of research up until my most recent knowledge update in January 2023:

- **ECONOMIC UNCERTAINTY:**

Brexit resulted in a great deal of economic uncertainty for SMEs. Numerous businesses saw a decrease in investment and expansion as a result of the uncertainty surrounding trade agreements, taxes, and customs processes.

- **Export and Trade Obstacles:**

SME exporters into the EU reported heavier paperwork and administrative requirements. These new trade hurdles have caused some enterprises to report a decline in exports to EU markets.

- **Supply Chain Upheavals:**

Supply chain disruptions affected a large number of SMEs in the UK, and some of them had trouble locating the items and supplies they needed. Their capacity to satisfy client requests was hampered by this.

- **Respect for Regulations:**

SMEs found it difficult to comply with the new requirements, particularly those with little funding. Their operations became more difficult due to modifications in certification criteria, product standards, and customs processes.

- **Impact on Finances:**

Following the Brexit decision, the pound fell in value, which increased the cost of imports and reduced the profitability of SMEs. Some SMEs claimed they had to increase prices to cover rising expenses.

- **Skill and Workforce Shortages:**

Concerns of a skills shortage surfaced with the termination of free labour mobility inside the EU. The workforce of certain SMEs was impacted by limits on hiring from the EU because they relied on EU labour.

## RESEARCH METHODOLOGY

### 1. Design of Research:

Type of Research: A mixed-methods approach is advised due to the topic's complexity. This strategy blends qualitative and quantitative research techniques to offer a thorough grasp of how Brexit will affect SMEs.

### 2. Extraction:

- Target Audience: UK-based SMEs.
- Sampling Method: To guarantee representation across various areas, industries, and SME sizes, employ stratified random sampling.

### 3. Collection of Data:

- Surveys: Create and send SMEs with organised questionnaires. Ask about labour concerns, supply chain interruptions, financial effects, and adjustments to export patterns.
- Secondary Data: Compile pertinent economic data from trade associations, government agencies, and business publications.  
Data Qualitative:
- Interviews: To obtain qualitative insights on SME owners' and managers' and important stakeholders' experiences and post-Brexit strategy, conduct in-depth interviews with these individuals.  
focusing groups Arrange focus group talks to examine the prospects and common problems that SMEs confront.

## INTRODUCTION

The United Kingdom's (UK) decision to leave the European Union (EU), also known as "Brexit," signaled a historic shift in the political and economic landscape of the world. This historic decision has a significant impact on many areas, one of which is the business sector, specifically small and medium-sized enterprises (SMEs). SMEs, which make up a sizable section of the business community, are the foundation of the UK economy. The context for an examination of the complex effects of Brexit on these companies is established by this introduction.

Brexit, which was formally implemented on January 31, 2020, following the UK's June 2016 referendum, has brought about a number of intricate changes to trade agreements, legal frameworks, and economic circumstances. The business ecosystem in the UK has been impacted by these changes, and SMEs now face a distinct set of opportunities and challenges.

Understanding the complex web of variables influencing SMEs' experiences in post-Brexit Britain is crucial in this context. This study explores the many effects of Brexit on small and medium-sized enterprises (SMEs), looking at how it has changed their trading, operations, access to markets, compliance with regulations, and overall viability. By examining these consequences, we hope to present a thorough analysis of how Brexit has affected the crucial SME sector, highlighting the difficulties these companies have encountered and their plans for expansion and adaptation in the wake of Brexit.

The study's later sections will examine particular aspects of the impact, including how trade dynamics, regulatory environments, supply chains, labor markets, and access to the EU market have changed as a result of Brexit, as well as the support systems that have developed to help with its difficulties. We hope that this investigation will advance our understanding of how SMEs have handled the challenging conditions brought on by Brexit and its effects on the UK economy as a whole.

L.R. 9

## IMPACT ON SMALL AND MIDDLE-SIZED BUSINESSES

### TRADE BARRIERS:

- **Customs Procedures:** Small and medium-sized enterprises (SMEs) that export to or import into the European Union (EU) now have to comply with new documentation requirements and customs procedures, which adds to the administrative burden and expense.
- **Tariffs and Non-Tariff Barriers:** While non-tariff barriers like rules of origin requirements have complicated trade, changes in trade agreements have resulted in the imposition of tariffs on specific goods.

### SUPPLY CHAIN DISRUPTIONS:

- **Border Delays:** New customs checks have caused delays at borders for SMEs depending on just-in-time supply chains, which has an effect on production schedules and inventory management.
- **Redesigning the Supply Chain:** In order to minimize disruptions, some SMEs have had to reorganize their supply chains by looking for local suppliers or alternate trade routes.

### ACCESS TO THE EU MARKET:

- **Loss of Frictionless Trade:** Many SMEs were unable to take advantage of the advantages of unhindered access to the EU single market, which affected their capacity to easily source materials and provide services to EU clients.
- **Market Access Costs:** Doing business with the EU is now more expensive due to new trade restrictions and compliance requirements, which could lower profit margins.

### REGULATORY CHANGES:

- **Product Standards:** It is now required to follow various product standards and certifications in order to export to the UK and the EU, which calls for modifications to production procedures.

## CHALLENGES AND OPPORTUNITIES

### CHALLENGES:

#### 1. INCREASED ADMINISTRATIVE BURDEN:

SMEs have faced a surge in administrative tasks associated with customs procedures, documentation, and compliance with new regulations, which has added costs and complexity to their operations.

#### 2. TRADE BARRIERS:

New trade barriers, including tariffs and non-tariff barriers like rules of origin, have disrupted established supply chains, increased costs, and created uncertainty in trade relationships.

#### 3. MARKET ACCESS:

The inability of SMEs to conduct business with other EU nations without difficulty has impacted their access to a sizable market and their ability to maintain long-standing customer relationships.

#### 4. REGULATORY COMPLIANCE:

SMEs have needed to invest in legal and regulatory expertise in order to navigate the complex world of constantly changing regulations and standards for products, data protection, and other issues.

#### 5. CURRENCY RISK:

SME profit margins may be impacted by currency fluctuations, which have increased their exposure to risks in international transactions and are partially caused by Brexit-related uncertainties.

#### 6. LABOUR SHORTAGES:

Labour shortages have affected some industries, especially those that depended on workers from the EU. Because of this, it has been challenging for SMEs to find and hire qualified workers.

### 7. SUPPLY CHAIN DISRUPTIONS:

The dependability of supply chains has been impacted by delays and disruptions at border crossings, which has resulted in production delays and higher inventory management expenses.

### OPPORTUNITIES:

#### 1. DIVERSIFICATION OF MARKETS:

SMEs have explored new international markets outside the EU, reducing their reliance on a single market and potentially opening up opportunities for growth.

#### 2. SUPPLY CHAIN RESILIENCE:

SMEs have explored new international markets outside the EU, reducing their reliance on a single market and potentially opening up opportunities for growth.

#### 3. INNOVATION AND TECHNOLOGY ADOPTION:

In an effort to cut expenses and boost productivity, SMEs have embraced innovation and automation, which has boosted technological development and increased their competitiveness.

#### 4. SUPPORT MECHANISMS:

In order to assist SMEs in adjusting to the challenges posed by Brexit, the UK government has implemented a number of support initiatives, such as grants and advisory services, which offer chances for both financial support and direction.

#### 5. LOCAL MARKET FOCUS:

Brexit hasn't caused as much of a disruption for some SMEs, especially those that mainly cater to the home market, and it's given them a chance to solidify their positions there.

## ECONOMIC IMPLICATION

- **SHORT-TERM ECONOMIC IMPLICATION :**

1. **COST INCREASE:** New tariffs, regulations, and compliance requirements have resulted in an instant increase in operating costs for many SMEs. Profit margins are being squeezed by these extra expenses.
2. **TRADE DISRUPTION:** Production disruptions and higher inventory holding costs have resulted from supply chain disruptions and border delays. SMEs that depend on just-in-time manufacturing have been especially exposed.
3. **REDUCED EXPORT OPPORTUNITIES:** SMEs that rely largely on exports to the EU have encountered difficulties as a result of higher trade barriers. Growth prospects and revenue have been negatively impacted by the decrease in EU exports.
4. **CURRENCY VOLATILITY:** The British pound's fluctuations have made SMEs vulnerable to exchange risk. Changes in exchange rates have the potential to raise the price of imports and reduce the competitiveness of exports.
5. **UNCERTAINTY:** Planning and investing for the future has become difficult for SMEs due to the protracted uncertainty surrounding Brexit. Due to this uncertainty, business investments and expansions have been put off or reduced.

- **LONG-TERM ECONOMIC IMPLICATIONS:**

1. **ADAPTATION AND INNOVATION:** SMEs that successfully adjust to the new trade environment may eventually find opportunities for increased operational efficiency and innovation. Enhancing competitiveness can be achieved through process improvements and technology investments.
2. **DIVERSIFICATION:** SMEs may become less dependent on any one market by diversifying their clientele and venturing into new ones, which will increase their businesses' resilience to downturns in the economy.
3. **SUPPLY CHAIN RESILIENCE:** The experience of disruptions has prompted efforts to build supply chains with greater resilience. Long-term, this might result in better business continuity.
4. **EXPORT DEVELOPMENT:** SMEs that have successfully navigated trade barriers and adjusted to new regulations may find themselves in a better position to investigate and expand into foreign markets, which could eventually result in an increase in exports.

## CONCLUSION

The United Kingdom's decision to leave the European Union, or "Brexit," has resulted in a significant and intricate range of changes that have affected every aspect of the nation's economy. The core of the UK economy, small and medium-sized enterprises (SMEs), have been directly impacted by these developments. This conclusion aims to provide a perspective on the future implications of Brexit's impact on SMEs by synthesizing the most important findings from our analysis of that impact.

### CHALLENGES FACED BY SMEs:

- **Trade Disruption:** SMEs faced new trade barriers, lengthy customs processes, and increased administrative burdens, which resulted in cost increases and disruptions to the supply chain.
- **Problems with Market Access:** SMEs' capacity to supply materials and provide services to EU clients was impacted by their inability to gain easy access to the EU market.
- **Regulatory Adjustments:** Legal and compliance issues arose for SMEs as a result of new product standards and data protection laws.
- **Currency fluctuations:** The value of the pound fluctuated, exposing SMEs to exchange risk and affecting import prices and export competitiveness.
- **Labour Shortages:** As a result of changes in immigration laws, some SMEs had trouble finding and keeping skilled workers.
- **Supply Chain Disruptions:** Production schedules and inventory management were put under pressure by border delays and supply chain disruptions.

### ADAPTATION AND OPPORTUNITIES:

- **Diversification:** By investigating new foreign markets, SMEs were able to lessen their reliance on the EU and possibly create opportunities for expansion.
- **Innovation and Technology Adoption:** SMEs made technological and automated investments to increase productivity and cut expenses.
- **Supply Chain Resilience:** As a result of disruptions, supply chains have become more robust, improving business continuity.
- **Export Development:** SMEs that were able to effectively adjust to trade restrictions discovered chances to investigate and expand into foreign markets.
- **Policy Support:** SMEs have benefited greatly from government grants, support programs, and advisory services as they navigate the post-Brexit environment.

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 ECONOMICS TOPIC: THE IMPACT OF BREXIT ON SMALL AND MIDDLE BUSINESSES IN  
 THE UK SUBMITTED BY: ADITYA KUMAR SINGH B.A. LL.B. 1st SEMESTER SUBMITTED TO:  
 PROF. MANISH PHALKE ACADEMIC SESSION 2023 - 24 Enrolment Number: Roll No.:  
 Date of Submission: 2 CERTIFICATE This is to certify that Aditya Kumar Singh of B.A. LL.B.  
 1st semester has successfully completed the research work on The Impact Of Brexit On  
 Small And Middle Businesses In The UK with the fulfilment of requirements for the  
 knowledge given by Prof. Manish Phalke, prescribed by Indore Institute of Law.

This assignment is the record of authentic work carried out during the academic year  
 2023- 24. \_\_\_\_\_ Date \_\_\_\_\_ 3 DECLARATION I hereby declare  
 that the project on The Impact Of Brexit On Small And Middle Businesses In The UK , for  
 fulfilling the essential criteria of Indore Institute of Law, is a record of an original work  
 done by me under the guidance of Prof. Manish Phalke in B.A. LL.B. 1st Semester,  
 INDORE INSTITUTE OF LAW for the academic session 2023-24. Aditya Kumar Singh B.A.  
 LL.B. 1st Semester 4 ACKNOWLEDGEMENT I, Aditya Kumar Singh student of B.A. LL.B.

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Constitutional Law-II

BBA LLB (Hons.) – III Semester

Grand Viva Topics

Academic Session-2022-23

1. Discuss the Administrative Relationship between Union and the State?
2. Discuss the importance of Panchayati system in India and also the provisions relating to panchayat.
3. Write a brief Note on Trade, Commerce and Intercourse within the Territory of India.
4. State “A” and State “B” has a dispute relating to water of the river “Y”. Suggest the best possible solution along with the relevant provisions of the Constitution.
5. Explain the Legislative Powers of the Parliament and the State Legislature.
6. Discuss the provisions related to Administration of Union territories under Indian Constitution.
7. Discuss the Powers and Liabilities of Supreme Court and High Court in view of Indian Constitution.
8. To what extent can the constitution be amended? Can parliament change the basic structure of the Constitution?
9. Explain the emergency provisions mentioned under Constitution.
10. Write Short note on:
  - Contractual Liability of the State
  - Union Public Service Commission
  - Election Commission
  - Administrative Tribunal

*Manu*  
17/6/23

**Director & Dean, Academics**

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**B.A.L.L.B. (HONS)**

**Project on**

**ALTERNATIVE DISPUTE RESOLUTION**

**“Grand Viva”**

**Year: 2022-23**

*Aditya*

**Submitted to:**

**ASST. PROF. SHALINI MENON**

**Submitted by:**

**ANKIT RANA**

**B.A.L.L.B. VIII Sem**

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I extend my gratitude to INDORE INSTITUTE OF LAW for giving me this opportunity.

Thanking You

.....

DECLARATION

I hereby declare that the project entitled "Grand Viva " submitted for the "Project Assignment" is my original work and the project has not formed the basis for the award of any degree, associate ship, fellowship or any other similar titles.

Name of the Student:

ANKIT RANA

ADR

Kejshree	
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Q1 → Describe Arbitration agreement and its essential elements?

① Introduction

② Arbitration agreements.

→ Essentials of an arbitration Agreement

→ Some common elements included in the agreement other than the essential agreements.

③ Important provisions in the arbitration agreement

④ Significance

⑤ Conclusion.

① Introduction :-

The term arbitration is very lucid terms. means the disputes of the parties with one another gets referred to a neutral party where this neutral party solves the disputes. Arbitration is a form of alternative dispute resolution, where the settlement of the dispute takes place outside the courtrooms.

The third party who solves the dispute is known as an arbitrator. His decisions regarding the dispute are always binding upon the parties. It is an adequate way to save time and resources. This method of settlement outside the court is governed by an Act, called "the Arbitration and Conciliation Act, 1996". This Act saves the parties from the hassle of spending years in the courts and saves them a lot of time and money which otherwise would have been a lot to invest.

Arbitration is quasi-judicial process and the parties

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## → Essentials of an Arbitration Agreement :-

- There must be a dispute that should take place, only then the agreement will be valid. The presence of a dispute amongst the parties is an essential condition for the contract to take place. When the parties have already settled the dispute, in no case, they can invoke the arbitration clause to refute the settlement.
- Another essential is the written agreement. An agreement related to the arbitration must always be in writing. An arbitration agreement will be considered as a written agreement when:-
  - 1.) It has been signed by both parties and it is in the form of a document.
  - 2.) It can be the exchange of the faxes, letters, the telegrams, or any other means of communication, which provides the record of the exchange and the agreement for arbitration.
  - 3.) There must be an exchange of statements between the parties that gives the statement of claim and defence in which the existence of the agreement of the arbitration is agreed by one of the parties and which is not defined by the other party.
- The third essential intention of the parties while forming

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- 2.) Procedure for appointing the Arbitrators - The procedure is the same as mentioned in the Arbitration Act. The parties can themselves agree for the appointment of an arbitrator.
- 3.) Language - The language plays an important role while making an agreement. It is necessary that the language which has been chosen in the contract does not have to be the one that is not understood by both parties.
- 4.) Number and Qualification of Arbitrators:- The Act allows the parties to determine the number of the arbitrators, with the only condition that the number shall not be an even number, but an odd number of arbitrator, so that the decision can be made even if there is a disagreement amongst the arbitrators.
- 5.) Type of Arbitration:- The parties have the choice to choose between the institutional and the ad hoc (which means it is created for that specific purpose), kind of arbitrations.
- 6.) Governing law:- It is important to mention the substantive law that they want to be governed by as failing to mention this substantive law might be a huge issue in future dispute arising between the parties, if any.

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to grant any measure under section 9 and also against refusing to set aside or setting aside an award.

#### 4) Significance

The growth of arbitration signifies that there is a fundamental change that is present in our way of legislating. Another significance is in deciding the matters in a significantly lesser amount of time and the different or the separate clauses mentioned in the commercial contract.

Arbitration is generally the most efficient form of remedy for settlement of disputes amongst the parties, which actually does not require any long procedure of the court for the decisions to be made. None theless, the two agreements may co-exist. Having such a principle does not negate the values of the other principles mentioned in the contract, but mostly adds on to those principles.

#### 5) Conclusion

Therefore, from the above article, we can state that an arbitration agreement is not only beneficial to the parties whilst saving the resources, but also in means of the time and efforts put in by each of the parties. Despite a few people stating that it is not a complete procedural aspect of dealing with the cases, one state that it does help both

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Q2 ⇒ Discuss the Jurisdiction of Arbitral Tribunal ?

Ans ⇒ Synopsis :-

- ① Introduction
- ② Jurisdiction of arbitration tribunals.
- ③ The relevant provision under the Act (16)
- ④ Jurisdiction of the arbitral tribunal when contract containing an arbitration clause is declared void.
- ⑤ Jurisdiction for enforcement of the arbitral
- ⑥ The appeal of arbitral awards.
- ⑦ Conclusion

① Introduction :-

Arbitration was conceived as a procedure to avoid the troubles faced in the procedure of civil litigation in courts. In India, it subsisted early in guise of panchayat which comprised people who were asked to determine on matters presented before them, and their verdict were conceded by the parties to the dispute. The British made the first and foremost use of the concept of arbitration fee in the Bengal regulations of 1772 and 1813. provisions related to the Arbitration Act, 1940.

2.1 Jurisdiction of arbitration tribunals :-

It would not be appropriate to say that an arbitral tribunal has statutory jurisdiction. The tribunal

transcended the scope of its authority is made during the arbitral proceedings.

- In each of two cases referred to in sub-section (2) of sub-section (3), The arbitral tribunal may accept a delayed plea if it concludes with an opinion that the delay is justified.

#### 4.) Jurisdiction of the arbitral tribunal when contract containing an arbitration clause is declared void :-

In the case of Jawaharlal Burman Vs- UOI., the honorable Supreme Court held that it is theoretically possible that the contract may end and the arbitration contract may not and similarly is also theoretically possible that the contract may be valid whereas the arbitration agreement may be void and in that sense, there is a difference between the contract and its part of Arbitration agreement but in the present situation, a challenge to the contract itself includes a challenge to the arbitration agreement. If there is concluded contract the arbitration clause is also valid and if there is not a concluded contract the arbitration clause is also invalid. The court also acknowledged that there could be a vast majority of cases in which the arbitration agreement exists as a part of the main contract itself, and challenging the validity

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back to the Tribunal for removal of defects. Sec-34 provides some grounds to set aside the arbitral award which includes an invalid agreement, the Incompetency, inefficiency on the part of one of the parties, in capacity in the Subject of the arbitration process and the arbitral award, opposing the public policy, a discrepancy in the appointment of the arbitrators etc.

The Act of 1996 specifies that an arbitral award cannot be overturned by the court merely because of re-appreciation of evidence or an erroneous application of the law.

#### 7) Conclusion :-

An arbitral tribunal does not have statutory jurisdiction. The tribunal determines its own jurisdiction to adjust the needs of the parties. The arbitral agreement mainly determines the ambit of jurisdiction of the arbitral tribunal. There can be no appeal of arbitral awards against the jurisdiction related to the merits of the arbitral award. Sec-11(7) declares that a resolution which is taken by the chief justice of the person designated by him under Section 11(4) and Section 11(5) or section 11(6) shall be final.

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Contracting States, that is those nations, which are a party to and are signatories to the convention, one among which is India. Prior to the New York convention, enforcement of arbitral awards of another country in the jurisdiction of another state was provided for in the Geneva protocol on Arbitration clauses, 1924 as well as the Geneva convention on the Enforcement of Award of 1924.

Further, the code of civil Procedure of 1908 does also play a role in the enforcement of foreign awards in India. The arbitral award has been accorded the status of a decree and thus the procedure that applies to set aside or challenge a decree applies in equal measure to an arbitral award.

Enforcement of awards under the Arbitration and Conciliation Act, 1996 :-

As the arbitration and conciliation Act of 1996, is the prime legislation behind the enforcement of foreign awards, it is essential to understand how the awards are enforced under the Act. One of the declared objectives of the Arbitration and conciliation Act, 1996 is that every final award is to be enforced in the same manner as the decree of the Indian court would be.

The Act has two parts - Part I and Part II.

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and further delay cannot be condoned. The party, after the expiry of the time for setting aside the arbitral award as mentioned above, can file an application for execution before the court of the competent jurisdiction for the enforcement of the arbitral award.

The different types of awards which are enforceable includes money Award, Award containing Injunction and a declaratory Award.

### Jurisdiction :-

For the purposes of the Arbitration and Conciliation Act, 1996 'court' means the principal civil court having original jurisdiction to decide the question forming the subject matter of arbitration if the same were a subject matter of a suit.

The aggrieved party can thus, bring his application to set aside the award before the court where the successful party has its office or where the cause of action is whole or in part arose or where the arbitration took place.

### Time limit :-

Any application filed under section 34 of the Act for setting aside the award must be made within 3 months from receipt of the same. The period can be extended by the court by a further period of 30 days on a sufficient cause.

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Q4 → What are the powers of Court for appointing a Arbitration. In what circumstances an arbitration can be removed by court?

Ans → Introduction :-

The Judicial system in india is overstressed and notoriously slow in disposing cases. Around 1.65 lakh cases are pending in every high court of the country and more than 2.6 crore cases are pending in the Subordinate judiciary.

As a result, there is a need to provide a faster and effective mechanism to resolve disputes. The Arbitration and conciliation Act, 1996 (the Act) was passed with the same goal in mind. It promotes arbitration as an alternate dispute resolution mechanism in India. It was an attempt to ease the burden as well.

Commercial entities usually include arbitration clauses in any agreement that they sign with another entity or sign a separate arbitration agreement altogether. With heavy reliance placed on arbitration, it is of almost importance that the arbitrators appointed are impartial. The Supreme court of India has observed that independence and impartiality of an arbitrator is the hallmark of arbitrator and is a fundamental principle of natural justice.

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appointed arbitrators shall appoint the third arbitrator who shall act as the presiding arbitrator.

(6A) The supreme court or, as the case may be the high court, while considering any application under sub-section (4) or sub-section (5) or sub-section (6) shall not with standing any judgement, decree or order of any court, confine to the examination of the existence of an arbitration agreement.

(6B) The designation of any person or institution by the S.C. or as the case may be, the high court, for the purposes of the section shall not be regarded as a delegation of judicial power by the Supreme court or the high court.

### Powers of Arbitrator in India:-

The Arbitrators are masters of their own procedure and subject to parties agreement may conduct the proceedings "in the manner they consider appropriate". This power includes - the power to determine the admissibility, relevance, materiality and weight of any evidence. The only restraint on them is that they shall treat the parties with equality and each party shall be given a full opportunity to present his case, which includes sufficient advance notice of any "hearing" or meeting. Neither the code of civil procedure nor the Indian evidence Act applies to arbitrations. Unless the parties agree otherwise, the tribunal shall decide whether to hold oral hearing for the presentation

- he becomes de jure or jure or de facto, unable to perform his functions or for other reasons fails to act without undue delay; and
- he withdraws from his office or the parties agree to the termination of his mandate.
- If a controversy remains concerning any of the grounds referred to in clause (a) of sub-section (1) a party may, unless otherwise agreed by the parties, apply to the court to decide on the termination of the mandate.
- If, under this section or sub-section (3) of Section 12, an arbitrator withdraws from his office or a party agrees to the termination of the mandate of an arbitrator, it shall not imply acceptance of the validity of any ground referred to in this section or sub-section (3) of Section 12.
- Section 15 - Termination of mandate and substitution of arbitrator.
- In addition to the circumstances referred to in Sec-13 or Sec-14, the mandate of an arbitrator shall terminate:
  - where he withdraws from office for any reason, or
  - by or pursuant to agreement of the parties.
- Where the mandate of an arbitrator terminates, a substitute arbitrator shall be appointed according to the rules that were applicable to the appointment

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Q5 → Critical Analysis of Alternate dispute resolution?

Ans → Synopsis :-

① Introduction

② What is alternative dispute resolution?

③ How did the concept of ADR arise?

④ Pros and cons of ADR.

⑤ Types of ADR methods.

✓ Arbitration

✓ Main types of arbitral proceedings.

✓ Ad hoc. Arbitration.

✓ Institutional Arbitration.

✓ Mediation

✓ Negotiation

✓ Conciliation

✓ Difference between mediation and conciliation.

✓ Lok Adalats.

⑥ Conclusion.

① Introduction :-

Today's world has become globalised and commercial with the advent of technology, people can now contract each other and settle business deals and disputes when they are sitting at the opposite ends of the world. Most people no longer have the time to go and file papers at the courts and then wait long period for a hearing.

any citizen by reason of economic or other sort of disabilities.

The report further states that "access to justice" for the common masses in India means access to the courts of law. But even that has been hindered, due to factors like poverty, illiteracy, ignorance, social and political backwardness etc.

#### 4) Pros and Cons of ADR :-

##### Pros of ADR :-

It is less expensive.

It is less time consuming.

It is free from the technicalities that are present in the court system.

The parties in the court system.

The parties are free to differ in their opinions and can discuss their opinions with each other, without any fear of disclosure of this fact before the courts.

##### Cons of ADR :-

- ADR is not helpful where a dispute is to be decided on the basis of a precedent.
- Where there is a need for court and interim orders, ADR would not be useful.
- ADR is less suitable when there is a need for enforcement.

### 5.1.1.2 → Institutional Arbitration :-

In this kind of arbitration, the parties decide in the agreement itself, that an arbitration. The Indian institutions are International Centre for ADR, and the Indian Council of Arbitration.

### 5.2 → Mediation :-

In Mediation, a third neutral party aims to assist two or more disputants in reaching a settlement. This third party is referred to as the mediator. The mediator needs to properly communicate with both the parties and use proper negotiation techniques, in order to make one party fully aware of the other party perspective through empathy and dialogue. This process is controlled by the parties.

### 5.3 → Negotiation :-

Negotiation is also a form of dispute resolution but there is no third party to adjudicate the matter, therefore the parties work together to find a mutually acceptable solution or a compromise. The parties may choose to be represented by their attorneys during their negotiations. Negotiations is not statutorily recognised in India. There are no set rules for conducting a negotiation.

Q6 ⇒ what is the power, role, functions, appointment and termination of conciliator?

Ans ⇒ Introduction :-

Conciliation is an out of court dispute resolution instrument, through which parties under dispute can seek to an amicable dispute resolution with the assistance of a third party who acts as a neutral party. Conciliation is a voluntary, flexible, confidential and internet based project. The third party is sought for the conciliation proceeding are known as a conciliator. The decision whether to settle depends on the parties.

Objects of Conciliation :-

The main object of conciliation is to help parties reach to a settlement without going to the court. The process of conciliation is comparatively cheaper than going to the court of law and fighting cases for years and years.

Conciliation vs. Litigation :-

For many years litigation was the only method sought by parties to settle their disputes. But the time and money spent on the proceeding lead to the drifting of these parties to some other methods like mediation and conciliation. Conciliation is an alternative to litigation. Conciliation is a cheaper and faster process than litigation.

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- 4.) The conciliator has the duty and power to make proposals are not mandatory to be in writing and need not be accompanied by the statement of the reasons.
- 5.) The conciliator has a duty to disclose all information received from one party to the other party so as to give the other party an opportunity to present their side of the case.

### Difference between Arbitration and Conciliation :-

- 1.) Arbitration is a method where an impartial third party hears to the parties and settles ~~their~~ their disputes, and such settlement is binding on the parties, whereas, conciliation is a process where by the conciliator negotiates between the parties and settlement is done. Such settlement is not binding on the parties.
- 2.) An arbitrator can enforce his decision however, a conciliator does not have the power to enforce his decision.
- 3.) An agreement between the parties is required to be in existence before seeking the help of the arbitrator. In conciliation, no prior agreement is required.
- 4.) The proceedings of arbitration are legal, however, it is not the case in conciliation.

Q7) Explain types of Order under Arbitration and Conciliation Act, 1996?

Ans) Synopsis :-

1) Introduction

2) Applicability of the Arbitration and Conciliation Act.

3) → objectives of the Arbitration and Conciliation Act 1996.

3.) Legal Analysis of the Arbitration and Conciliation Act, 1996.

→ ~~(a) Types of Arbitration~~

~~(b) Advantages of arbitration~~

~~(c) Disadvantages of arbitration~~

~~(d) Cases not referred to arbitration~~

→ Arbitral tribunals

(a) Composition of tribunals.

(b) Procedure for appointment of arbitrators

(c) Termination of arbitrator.

(d) Jurisdiction.

→ Arbitral award.

(a) Types of arbitral awards

(b) Recourse against arbitral awards.

④ Land mark cases :-

① Haryana Space Application Centre Vs. Pan India Consultants Pvt. Ltd (2021)

(a) Facts of the cases

(b) Issue involved in the case

(c) Judgement of the case

(b) Conclusion

was promulgated by the president on 16<sup>th</sup> January 1996. The other two ordinances i.e. Arbitration and Conciliation ordinances were passed on 26<sup>th</sup> March and 21<sup>st</sup> June 1996 respectively.

(i) Objectives of the Arbitration and Conciliation Act, 1996 :-

Earlier, the law on ~~arbitration~~ was dealt with under 3 acts which eventually became outdated. As a result of which the bodies of trade and industry and experts of arbitration demanded and proposed amendments to make the Act responsive and at par with the needs of the society. It was felt that the economic reforms in the country can only be dealt with if domestic and international commercial disputes and their settlement are not outside the purview of such reforms. The United Nations in 1985 adopted the model law on International Arbitration and Conciliation and asked all the countries to give due importance to it. This resulted in the enforcement of the said Act. The various objectives of the Act are:-

- Cover international and domestic commercial arbitration and conciliation ~~comprehensively~~.
- Make a procedure which is fair, efficient and capable of meeting the needs of the society for arbitration and conciliation.
- Provides reasons by the tribunal for granting any arbitrator award.

## Dispute Resolution :

3.) Ad hoc arbitration → It means an arbitration where parties agree without any assistance from the arbitral tribunal.

### (b) Advantages of arbitration :-

- A person appointed as arbitrator is based on the whims of the parties.
- If parties agree only then an arbitral tribunal is taken into matter.
- It is In-expensive and saves time.
- It ensures a fair trial.

### (c) Disadvantages of arbitration :-

- It does not always guarantee an expeditious resolution.
- The procedure is at times uncertain.
- It cannot give remedies like punishment, imprisonment, injunction, etc. which are given in courts.
- Due to flexibility, it is ineffective.

### ii) Arbitral tribunals :-

#### (a) Composition of tribunals :-

It is the creation of an agreement which conforms with the law. Section 10 of the Act enables the parties to determine freely the number of arbitrators to settle their dispute. The only

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given under section 31 of the Act. It also gives the power to the tribunal or the arbitrator to amend, correct or remove any errors of any kind within 30 days but is silent on judicial review. The tribunals cannot exercise their jurisdiction beyond whatever has been mentioned in this section.

(a) Types of arbitral award :-

(1) Interim award :- It is the determination of any issue arising out of the main dispute. It is a temporary arrangement to satisfy a party and is subject to the final award.

(2) Additional award :- According to section 33 of the Act, if the parties find that certain claims have been missed out by the arbitral tribunal and they were present in the proceeding then it can after notifying other parties, make a request to the arbitral tribunal to make an additional award and cover the claims which have been left.

(3) Settlement :- It is made if the parties agree on certain terms of the settlement. As per section 30 of the Act, the tribunal may use any method of dispute resolution like mediation, conciliation or negotiation to bring a settlement between the parties.

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Q8 → Explain conciliation its nature and object ?

Ans → Synopsis

- ① Introduction
- ② Meaning of conciliation
- ③ Features of conciliation
- ④ Application and scope of Conciliation in India.
- ⑤ Appointment of Conciliators
- ⑥ Difference Between conciliation and Arbitration.
- ⑦ Conclusion.

### ① Introduction :-

The Arbitration and Conciliation Act, 1996, as the name itself suggests, deals with two types of proceedings, domestic arbitration and conciliation proceedings. While provisions relating to domestic arbitration are contained in Part I which including Section 1 to 43, the conciliation proceeding which includes sections 61 to 81 (Part II) deals with enforcement of foreign awards). On perusal of the provisions of the Act, it is apparent that there is a clear distinction in the statute between arbitration proceedings and conciliation proceedings.

Conciliation, as defined in Halsbury's laws of England "is process of persuading parties to reach an agreement and is plainly not arbitration, nor is the Chairman of a

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of the dispute. Thus it is fairly flexible.

In Conciliation, the Causes of dispute or differences are first identified and then resolved by the conciliator. Thus protecting the interests of the parties. The process of conciliation being flexible and more or less informal, the parties readily agree to get their disputes resolved through this method. When the parties enter upon conciliation and reach an agreement on a settlement of dispute, the agreement so reached has the status and effect as if it was an arbitral award. The Act also provides confidentiality in respect of all matters in the conciliation proceeding.

4) Application and Scope of Conciliation in India:-  
Section 61, of the Arbitration and Conciliation Act of 1996, provides for the Application and Scope of Conciliation. Section 61 points out that the process of conciliation extends, in the first place, to disputes, whether contractual or not. But the disputes must arise out of the legal relationship. It means that the dispute must be such as to give one party the right to sue and to the other party the liability to be sued. The process of conciliation extends, in the second place, to all proceeding relating to it.

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to without the existence of such prior agreement and it generally relates to disputes which have already arisen.

- As a corollary of this, it follows that there being a prior arbitration agreement between the parties both of them are bound by the agreement. But in case of conciliation, since a written invitation is made by one party, the other party may or may not accept the same.
- While the role of conciliator is to help and assist the parties to reach an amicable settlement of their disputes, the arbitrator does not merely assist the parties but he also actively arbitrates and resolves the dispute by making an arbitral award.
- A settlement agreement may be made by the parties themselves and the conciliator shall authenticate the same. An arbitration award on the other hand is not merely a settlement but it is a judgement duly signed by the arbitrator.
- Last but not the least, an arbitrator has to decide according to law, but a conciliator can conciliate irrespective of law.

Q9 ⇒ Explain New York Convention its enforceability and jurisdiction?

Ans:

The ~~new~~ New York Convention :-

The New York Convention also known as the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, was first adopted by the United Nations Diplomatic Conference on 10 June 1958 and was enforced on 7 June 1959. It is often considered as one of the most important treaties in the field of International trade law and has a great significance. It is often described as a foundation. It requires courts of the contracting states to give effect to an agreement to arbitrate when seized of an action in a matter covered by an arbitration agreement and also to recognize and enforce awards made in other states, subject to specific limited exceptions. At present, the convention is signed by 156 State parties.

⇒ Recognition and Enforcement of Foreign Arbitral Awards

The first action is to recognize the awards made in the foreign territory and is defined under the Article 1 of the convention. It is the obligation of the state to recognize such awards and enforce them according to the Article 3 of the Convention. The state who wants to seek the foreign arbitral award, needs to submit the following documents

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Article VI of the New York Convention :-

If a utility for the setting apart or suspension of the award has been made to a able authority mentioned in articles (V)(1)(e), the authority earlier than which the award is sought to be relied upon might also, if it considers it proper, adjourn the selection on the enforcement of the award and might also, also, at the software of the celebration claiming enforcement of the award,

Article VII of the New York Convention :-

The Geneva Protocol on Arbitration clause of 1923 (2) and the Geneva conference and the creation of overseas Arbitral Awards of 1927 (3) shall give up to have impact between the contracting states on their turning into bound and to the volume that they turn out to be certain, by way of this conference

Article VIII :- of the New York Convention :-

This convention shall be open till 31 dec. 1958. for signature on behalf of any member of the United International locations and additionally, on behalf of any other country that or hereafter turns into a member of any specialized organization of the United international locations, or which is or hereafter becomes a party to the statute of the global courtroom of Justice; or any other

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Q10 Write about the Role and utility of Lok Adalat :-  
Powers and functions of Lok Adalat, Also mention about the difference between Temporary and permanent Lok Adalat? Explain NAUSA and SALSA?

Ans Synopsis:-

- ① Introduction
- ② Analysis of the legal service Authority Act, 1987.
- ③ Legal Aid under legal service, Authority Act 1987
- ④ Lok - Adalats under legal services Authority Act, 1987
  - ① Scope of Lok Adalat
  - ② Types of Lok Adalat
  - ③ Permanent Lok Adalat
  - ④ Daily Lok Adalat
  - ⑤ Jurisdiction of Lok Adalat
- ⑤ Conclusion.

① Introduction:-

The legal Services Authorities Act, 1987, was enacted by the central government of India pursuant to Article 39-A of the constitution of India and the recommendations of its committees. The legal services Authority Act, of 1987 came into effect on 9th Nov 1987, following the Amendment Act of 1994, which introduced, and the disabled are eligible to receive legal aid.  
National legal Services Authority was an important

### (2) NALSA :-

In response to Section 4 of the Act, NALSA has been established to provide free legal aid to all citizens of the country. The body has been established by the govt. It is headed by the Chief Justice of India, patron-in-chief. The executive chairman of the organization is a retired or serving judge of the S.C. of India. An Advisory Committee is formed by the Central Legal Services Committee is formed by the Central Authority. A significant objective of the NALSA is to ensure that justice is equally distributed among citizens, regardless of economic or other factors. The main responsibilities of NALSA.

3) Legal Aid Under Legal Services Authority Act, 1987 :-  
 In 1971, Justice P.N. Bhagwati formed the legal Aid Committee to introduce the legal Aid Scheme. In his opinion, the legal aid system is aimed at making the mission of administration of justice easily available to the people able to enforce their legal right. The poor and the illiterate will be able to approach the courts and - as a result, they will get justice faster from the courts.

(i) Eligibility Criteria for free legal aid :-  
 There was even an item on the Committee's agenda on the eligibility criteria for the people to qualify

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(i) Functions of Lok Adalat :-

- Lok Adalat members should be impartial and fair to the parties.
- When filing a dispute with Lok Adalat, you do not have to pay a court fee.

(ii) Types of Lok Adalat :-

Lok Adalats can take the following forms :-

(a) National level Lok Adalat :-

The Lok Adalat held at the national level is held regularly throughout the country at the supreme court level and taluk level, where thousand of cases are disposed of every month a different topic is discussed in this Adalat.

(b) Permanent Lok Adalat :-

The body is governed by section 22B of the Act. There is a mandatory pre-litigation mechanism in permanent Lok Adalat. that settles disputes concerning public utilities such as transport, telegraph, postal service etc. As a result of the case Abdul Hasan and National Legal Services Authority vs. Delhi Vidyut Board and other (1999), the courts directed that permanent Lok Adalats be established.

(c) Mobile Lok Adalat :-

Mobile Lok Adalat is a method of settling disputes that travels from place to place. Over 15.14 lakh Lok Adalats

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## Cumulative Event Attendance Sheet

B.B.A.LL.B. (Hons.) I Year I Semester

Academic Session-2022-23

S. No.	Name of Students	Gendalal Ji Bam Memorial Competition - Republic Day	Induction - Exordium- 2k23			Seminar on Constitutional Law	Freshers Moot Court Competition	Smt. Nirmala Devi Bam Memorial International Moot Court Competition			Indore Institute of Law Got Talent	Total
			Talent Hunt	Sports Carnival	Fashion Fiesta			5/19/2023	5/20/2023	5/21/2023		
			26/01/2023	24/2023	2/5/2023			2/6/2023	4/4/2023	4/10/2023		
1	Aarchi Joshi	A	A	A	A	A	A	A	A	A	A	0
2	Aayushi jain	A	P	P	P	P	P	P	P	P	P	9
3	Alfez mehar	A	P	P	P	A	P	P	P	P	P	8
4	AMAN SHRIVASTAVA	P	A	A	P	A	P	A	A	P	P	5
5	Amish Agrawal	P	P	A	A	A	A	A	A	A	A	2
6	Aniket kashyap	A	A	A	A	A	A	A	A	A	A	0
7	Anshul Patidar	A	P	A	P	P	P	P	P	P	P	8
8	Anuraj lega jat	P	A	P	P	P	P	P	P	P	P	9
9	Anushka mahant	A	A	A	A	P	P	P	A	A	A	3
10	Aparna Kumari	P	P	A	A	P	P	P	P	P	P	8
11	Ayushi Sariwal	P	P	P	A	A	A	A	A	A	A	3
12	Bhumi patel	P	P	A	P	A	P	P	P	P	P	8

*Manpreet*  
05/17/23

S. No.	Name of Students	Gendalal Ji Bam Memorial	Induction - Exordium- 2k23			Seminar on Constitutional Law	Freshers Moot Court Competition	Smt. Nirmala Devi Bam Memorial International Moot Court Competition			Indore Institute of Law Got Talent	Total
			Talent Hunt	Sports Carnival	Fashion Fiesta			5/19/2023	5/20/2023	5/21/2023		
			26/01/2023	24/2023	2/5/2023			2/6/2023	4/4/2023	4/10/2023		
13	Drishti Shukla	P	A	P	P	P	P	P	P	P	P	9
14	Geetika Tomar	A	A	A	A	A	A	A	A	A	A	0
15	Kanishka Maheshwari	P	A	P	A	P	P	P	P	P	P	8
16	Kanishka Sharma	A	A	A	A	A	P	P	P	P	P	5
17	Krishna Dixit	A	P	P	A	P	P	P	P	P	P	8
18	Lakshaya mishra	P	A	A	P	A	A	P	A	P	P	5
19	Meharsh Patidar	A	P	A	A	A	A	P	A	P	P	4
20	Muskan gothi	A	P	A	P	P	P	P	P	P	P	8
21	Muskan sharma	P	A	A	P	P	P	P	P	P	P	8
22	Nandini Trivedi	P	A	P	P	P	P	P	P	P	P	9
23	Nityanshri garg	P	A	P	A	P	P	P	P	P	P	8
24	Pragati agrawal	A	P	A	P	P	P	P	P	P	P	8
25	Pranjal ved	A	P	P	A	P	A	P	A	A	P	5
26	Prathwi Gurjar	A	A	A	A	A	A	A	A	A	A	0
27	Riddhi khatri	P	A	P	A	P	P	P	P	P	P	8
28	Rosleen Pathak	A	P	P	A	P	P	P	P	P	P	8
29	Ruchi Mali	A	P	A	P	P	P	P	P	P	P	8
30	SAMIKSHA PORWAL	A	P	P	A	P	P	P	P	P	P	8
31	Shashank Shekhar	A	P	A	P	P	P	P	P	P	P	8
32	Shivani Singh Chauhan	A	P	A	P	A	P	A	P	A	P	5
33	Shreya pandey	A	P	A	P	A	P	A	P	A	P	5

*Manpreet*  
05/17/23

		Gendalal Ji Bam Memorial	Induction & Exordium- 2k23			Seminar on Constitution	Freshers Moot Court	Smt. Nirmala Devi Bam Memorial International Moot			Indore Institute of Law, Guj.	Total
34	Shreyansh Jain	P	P	A	P	A	P	P	P	P	P	8
35	Shruti Sarva	P	A	P	P	P	P	P	P	P	P	9
36	Shubhi Khare	A	A	A	A	A	A	A	A	A	A	0
37	Trilok Singh Thakur	P	A	A	A	A	A	A	A	A	A	1
38	Yuvraj khatri	P	P	A	A	A	A	A	A	A	A	2
39	Zaid Sheikh	P	P	A	P	A	P	P	P	P	P	8
40												0

Faculty Coordinator

*Manpreet*  
05/07/23

Director &amp; Dean, Academics



# INDORE INSTITUTE OF LAW

(Affiliated to D.A.V.V. & B.C.I.)  
Academic Session- 2022 - 23

## Crash Course Time Table

BALLB – I Semester			
Time	Date	Subject	Faculty Name
10:00 AM to 1:00 PM	17/4/2023	Economics	Prof. Ishita Rana
10:00 AM to 1:00 PM	18/4/2023	English	Prof. Sheetal Sikarwar
10:00 AM to 1:00 PM	19/4/2023	Law of Contract	Prof. Amit Kumar
10:00 AM to 1:00 PM	20/4/2023	Law of Tort	Prof. Vishwajeet Bhoojat
10:00 AM to 1:00 PM	21/4/2023	Pol Science	Prof. Madhuri Modi
10:00 AM to 1:00 PM	22/4/2023	History	Prof. Sheetal Sikarwar
BBALLB – I Semester			
10:00 AM to 1:00 PM	17/4/2023	English	Asst.Prof. Sheetal
10:00 AM to 1:00 PM	18/4/2023	Org. Behavior	Dr. Kavita Dive
10:00 AM to 1:00 PM	19/4/2023	Law of Contract	Prof. Jaidev Mahendra
10:00 AM to 1:00 PM	20/4/2023	Law of Torts	Prof. Deep Shah
10:00 AM to 1:00 PM	21/4/2023	Financial Accounting	Dr. Manish Phalke
10:00 AM to 1:00 PM	22/4/2023	Business Communication	Dr. K.N.Mishra
LLB (Hon.) I Semester			
10:00 AM to 1:00 PM	17/4/2023	Women & Criminal law	Dr. Shikha Dubey
10:00 AM to 1:00 PM	18/4/2023	Labor Law -I	Prof. Chetan Prakash
10:00 AM to 1:00 PM	19/4/2023	Constitution Law - I	Prof. Shubhank Khare
10:00 AM to 1:00 PM	20/4/2023	Family Law – I	Prof. Kusum Joshi
10:00 AM to 1:00 PM	21/4/2023	Law of Contract-I	Prof. Naveen Dave
10:00 AM to 1:00 PM	22/4/2023	Gender Justice	Prof. Monica Patri
10:00 AM to 1:00 PM	23/4/2023	English	Asst.Prof. Sheetal

*Manu*  
3/16/23  
Director & Dean Academics



**INDORE INSTITUTE OF LAW** <sup>SM</sup>  
 (Affiliated to DAVV and Bar Council of India, New Delhi)



**Crash Course**

**Session -2022-23**

**Stream - B.A.LL.B (Hons.)**

**Semester - VI**

*Subject - Crudes justice & Criminal Jurisprudence*

*Faculty Name - Sonali Bhatnagar*

Questions:

1. *What does the term "maintenance" mean? Could you elaborate on the legal provisions concerning the maintenance of Muslim women according to Muslim personal law?*
2. *Write short notes on:*
  - I. *Nehru's view on Joint family*
  - II. *Karachi Congress*
  - III. *Feminism*
  - IV. *Social reform movements*
3. *Discuss the rights of women in Inheritance law of hindu and Chirstian*
4. *Discuss any 4 social welfare legislation for women.*
5. *What do you understand by UCC? What is the judicial trent in India with regard to UCC?*
6. *Discuss the conditions of women in India pre-constitution and post-constitution.*
7. *Hindu succession amendment act (2005), is big set in direction of gender justice. Examine the statement.*
8. *What do you mean by gender justice? Describe the forms of gender justice and there consequences.*
9. *What do you understand by social and legal inequality? Whether both are same? Discuss.*

1. *What does the term "maintenance" mean? Could you elaborate on the legal provisions concerning the maintenance of Muslim women according to Muslim personal law?*

*Synopsis:*

*Introduction:*

*Definition of maintenance*

*The Three sources from which these rights emanate are*

*Conflict of Muslim Personal Law with section 125 of CrPC*

*Case laws*

*Significance of maintenance in familial and spousal relationships*

*Overview of Muslim personal law*

*Present scenario*

*Quantum of maintenace*

*Under what circumstances does the wife is not entitled to get maintenance?*

A person is entitled to basic amenities like food, clothing, shelter and other necessary requirements to live a dignified life. Under the principles of social justice, it is the natural duty of a man to provide these amenities to his wife, parents and children in the form of maintenance. The maintenance law in India lays down the duty of a man to provide maintenance to his parents, wife, and children when they are unable to maintain themselves.

Maintenance in law is defined as the amount which is paid to the dependent wife, child, or parents to maintain themselves. The amount can be paid either by doing one lump sum payment or by way of monthly instalments. Under Muslim law, a husband is obliged to maintain his wife and family, and the term maintenance signifies the amount he is liable to pay for the same. The term used for maintenance under Muslim Law is called nafaqa and it comprehends food, raiment and lodging, The wife is entitled to maintenance from husband, despite the fact that she has means to maintain herself. In addition to this, the marriage contract may stipulate payment of special allowances by the husband, and in presence of these, it becomes the obligation of the husband to pay these to the wife. Such allowances are called kharch-e-pandan, guzara, mewa khore, etc. This can be claimed as a right.

**The Three sources from which these rights emanate are:**

- I. Muslim Personal Law.
- II. Section 125, CrPC.
- III. The Muslim Women (Protection of Rights on Divorce) Act, 1986.

**Maintenance under, CrPC- Before and After 1973:** Initially, it was provided in the CrPC(earlier under section 488) that only a wife is entitled to maintenance by husband. It was claimed by the husbands that once dissolution takes place, a woman ceases to be a wife and hence is not longer entitled to maintenance. Looking at this loophole, an amendment was made in 1973, wherein under section 125, a divorcee was entitled to maintenance till the time she remarries. Being secular in nature, this provision applies to all women, including Muslim women.

**Conflict of Muslim Personal Law with section 125 of CrPC:** Under Muslim Personal Law, a woman is entitled to maintenance only till the end of the Iddat period. Iddat is the period when co-habitation of the parties end, on the expiry of iddat the spouses will stand divorced. The period of iddat consists of three menstrual cycles or three lunar months , in case of pregnant women , the iddat period would extend up to the time of delivery. Hence, we can see a direct conflict, since CrPC does not recognize iddat period and maintenance goes beyond the same.

In **Mohammed Haneefa v. Mariam Bi** the Court stated that in case of a clash between personal law and CrPC, the former shall prevail. This position was seconded by the Supreme Court in **Saira Bano v A.M Abdul Gafoor**. This caused a lot of dilemma in the legislature. To resolve this dilemma, **Section 127(3)(b)** was added under which that if a divorced woman receives an amount due to customary or personal laws of the community, the magistrate can cancel any order for maintenance in her favour.

**Judicial Decisions interpreting the Scope of Section 127:** It was held in **Bai Tahira vs Ali Hussain Fissalli Chothia** that payment of "illusory sums" focused around the Muslim personal laws ought to be considered to diminish the measure of maintenance payable by the spouse , however that does not acquit the spouse from the liability in light of the fact that each lady independent of her religion is entitled to maintenance.

The divorced wife has this right except from when the aggregate payment stipulated by custom is pretty much sufficient to substitute the maintenance.

An extra requirement was included by the Apex court in **Fuzlunbi v. K Khader Vali**. The sum focused around Muslim law must be pretty much identical to the month by month maintenance to the divorcee, required till her remarriage or demise, with a specific end goal to substitute the maintenance.

The Supreme Court expressed in **Zohara Khatoon vs Mohd. Ibrahim** that the expression "wife" in S.125 and S.127 of CrPC incorporates Muslim ladies who get separated by method for Talaq or under the Dissolution of Muslim Marriage Act,1939. Therefore, the conflict between Muslim Personal Law and CrPC still continued, and section 127 was not sufficient to satisfy the Muslim community who opposed section 125 as a detriment to their personal laws.

**Mohd Ahmad Khan v. Shah Bano Begum or the Shah Bano Case:** In the present case, a 62 year old woman was divorced and subsequently denied maintenance. She had not remarried. On moving the court of the Judicial Magistrate at Indore under section 125 of the CrPC, and claiming maintenance of Rs 500 per month, she was awarded a maintenance of Rs 25 per month from the husband. Aggrieved by the low amount, she filed a revision petition before the Madhya Pradesh High Court, which entitled her to a maintenance of Rs 179.20 per month. The husband appealed against this order before the Supreme Court, his main contention being that since the dissolution had taken place, she ceased to be his wife and under Muslim law, he was not obliged to pay her maintenance. Also, since he had paid the dower amount during the Iddat period, the wife was not entitled to any maintenance.

The Supreme Court dismissed the appeal and upheld the decision of the High Court. The Supreme Court explained this judgment by saying that, even if there is a conflict, section 125 of CrPC is a secular law, and hence, applies to all women, irrespective of their religion. It further stated that CrPC shall prevail over Muslim Personal Law in case of a conflict.

**Developments Post Shah Bano Case:** The Rajeev Gandhi government, coming under pressure from Islamist groups decided to nullify the judgment, and in a effort to do the same, it passed The Muslim Women (Protection Of Rights On Divorce) Act, 1986. This act became one of the most controversial legislations enacted. The relevant provisions of this act are sections 3(1)(a) and 4(1), which stated that the former husband must provide “a reasonable and fair provision” and maintenance within the period of iddat and, that in case she is unable to maintain herself after the period of iddat , she can claim maintenance from her relatives and if they cannot pay , then she can claim from the Wakf Board as per S.4(2), respectively.

Position Post Enactment of The Muslim Women (Protection Of Rights On Divorce) Act, 1986- **Daniel Latifi v. Union of India:** In this case, a writ was filed under Article 32 challenging the constitutional validity of the Act. In this case the constitutional validity of the Act was upheld and an interpretation of the provisions of the Act was provided. The court concluded that, one, the Act does not violate Articles 14, 15 and 21 and hence, is not ultra vires.

The court made the following interpretations. Firstly, interpreting the meaning of the term “within” used under section 3(1)(a) of the Act read with the terms terms fair and reasonable, the court arrived at the conclusion that the maintenance, being fair and reasonable, should exceed the iddat period but must be made within the iddat period. Such maintenance made during iddat period should be for her entire future, that is the time after the expiration of iddat period as well. The liability of the husband, therefore, is not limited to the iddat period. Therefore, this Act is not in contravention of section 125 of CrPC.

**Effects of Daniel Latifi Judgment:**

Daniel Latifi judgment basically revived the principles settled in Shah Bano case that, the husband’s liability to maintain his wife doesn’t end with the iddat period. However, it explained this principle, not as contravening the Act which was enacted as a result of the Shah Bano case, as a commentary on that Act.

Also, the Act is consistent with section 125 of the CrPC and hence, there is no scope for conflict. Hence, the position of law is that, the provisions of the Act basically

emanate from principles set forth in the Shah Bano case. The same has not been changed till now, and continues to govern matters related to maintenance of Muslim women after dissolution of marriage.

**The Present position:** The principle has been seconded by the Supreme Court once again in **Iqbal Bano V/s. State of U.P.** In the case the court reiterated the position that divorced women are entitled for maintenance beyond the Iddat period and stated that provisions of the Act do not contravene Article 14, 15 & 21 of the Indian Constitution.

The court further observed that “right under Section 125 of Cr. P.C. extinguishes only when she receives “fair or reasonable” settlement u/Sec. 3 of the Muslim Women Act. The wife will be entitled to receive maintenance u/Sec. 125 of Cr.P.C. until the husband fulfils his obligation u/Sec. 3 of Muslim Women (Protection of Rights on Divorce) Act, 1986.

This was once again reiterated in the recent judgement in **Shabana Bano v. Imran Khan** that after the expiry of iddat, a divorced Muslim woman can seek maintenance under S.125CrPc as long as she doesn't re-marry. Hence, the position as laid down in the Daniel Latifi case is the settled position and has not undergone any change.

**Quantum of maintenance:** The quantum of maintenance is not prescribed under any matrimonial statute. It is decided as per the discretion of the court depending upon the condition of husband and wife. In addition to provide maintenance the husband is obliged to give other contracted expenses such as Karachi-I-pandan and Meva- kohri etc. to the wife.

**Under what circumstances does the wife is not entitled to get maintenance?**

- If marriage is irregular or void
- If she announces marriage life without any valid reason
- If she does not obey husband reasonable order
- under Shia law the wife of the muta is not entitled to get maintenance

- If wife refuses to stay with husband without any valid reason If she gets sentenced to imprisonment
- If her age is less than 15 years i.e she has not attained the age of puberty.
- But wife can claim maintenance Even if she disobeys her husband
- If the husband keeps a concubine
- If the husband is guilty of committing cruelty towards his wife
- If the marriage cannot be consummated owing to his illness, malformation his absence from wife without her prior permission or the husband has still not attained the age of puberty.

**2. Write short notes on:**

*Synopsis:*

*Introduction:*

*Nehru's view on Joint Family:*

*Nehru's view on the joint family can be summarized as follows:*

- *Support for Individualism and Modernization:*
- *Adapting Tradition to Changing Times:*
- *Social Equality and Women's Rights:*
- *Balancing Tradition and Progress:*

*Karachi Congress:*

*Key Points:*

- *Civil Disobedience Movement:*
- *Resolution on Fundamental Rights:*
- *Resolution on Foreign Policy:*
- *Dandi March Report:*

*Feminism:*

- *Liberal Feminism:*
- *Radical Feminism:*
- *Marxist Feminism:*
- *Intersectional Feminism:*
- *Cultural Feminism:*
- *Post-colonial Feminism:*

*Social reform movements:*

- *Brahmo Samaj (founded in 1828):*

- *Arya Samaj (founded in 1875):*
  - *Satyashodhak Samaj (founded in 1873):*
  - *Young Bengal Movement (early 19th century):*
  - *Prarthana Samaj (founded in 1867):*
  - *Self-Respect Movement (founded in 1925):*
  - *Quit India Movement (1942):*
  - *Narmada Bachao Andolan (founded in 1985):*
  - *Nirbhaya Movement (2012):*
  - *Anti-Caste Movements and Dalit Rights Movements:*
- **Nehru's view on Joint Family:** Jawaharlal Nehru, the first Prime Minister of India, held a complex view on the institution of the joint family, which was a traditional social structure prevalent in India. Nehru was known for his modern and progressive outlook, and his perspective on the joint family system reflected his awareness of the changing socio-economic dynamics and the need for societal evolution.

**Nehru's view on the joint family can be summarized as follows:**

- I. **Support for Individualism and Modernization:** Nehru was an advocate for individual rights, education, and the empowerment of women. He believed that the joint family system, with its rigid hierarchy and conservative values, could sometimes hinder individual growth and personal development. He saw modernization and industrialization as crucial for India's progress and believed that an overemphasis on the joint family structure could impede these efforts.
- II. **Adapting Tradition to Changing Times:** While Nehru recognized the historical significance of the joint family system and its role in fostering social cohesion and mutual support, he also acknowledged that societal changes were inevitable. He encouraged families to adapt their traditions to fit the changing needs and dynamics of a rapidly evolving society.
- III. **Social Equality and Women's Rights:** Nehru was a staunch advocate for gender equality and women's rights. He believed that the joint family system, in many instances, subjugated women to traditional roles and limited their opportunities. He supported measures to enhance women's participation in education, workforce,

and public life, which might not have been fully possible within the confines of the joint family setup.

**IV. Balancing Tradition and Progress:** Nehru's approach to the joint family system was one of balance. While he acknowledged its cultural and social significance, he also believed that it was important for Indian society to evolve and adapt to changing circumstances. He aimed for a synthesis of tradition and modernity that would preserve valuable aspects of Indian heritage while allowing for progress and individual freedom.

In summary, Jawaharlal Nehru's view on the joint family system reflected his commitment to modernization, individualism, and social equality. He recognized both the strengths and limitations of the traditional structure and encouraged a balanced approach that would integrate the positive aspects of the joint family system with the changing realities of a modernizing India.

- **Karachi Congress:** The Karachi Congress was a significant event in the history of the Indian National Congress, a prominent political party in India's struggle for independence against British colonial rule. The Karachi Congress session took place from March 26 to 31, 1931, in Karachi, which was then a part of undivided India (now in Pakistan).

Here's a brief overview: The Karachi Congress was the 24th session of the Indian National Congress. It was held at a critical juncture in the Indian freedom movement, as it followed the signing of the Gandhi-Irwin Pact in 1931, which marked a temporary truce between the Indian leaders, led by Mahatma Gandhi, and the British colonial government.

**Key Points:**

- I. Civil Disobedience Movement:** The Karachi Congress endorsed the Civil Disobedience Movement, which was a nonviolent campaign against British laws and taxes, including the Salt Tax. This movement was characterized by mass protests, demonstrations, and noncooperation with colonial authorities.
- II. Resolution on Fundamental Rights:** The Congress adopted a resolution on Fundamental Rights and Economic Policy, outlining the party's commitment to ensuring civil liberties, equality, and socio-economic justice for all Indians. This

resolution laid the groundwork for future debates on the content and scope of these rights.

- III. **Resolution on Foreign Policy:** The Congress discussed its stance on foreign policy and international relations, emphasizing India's role as an independent and nonaligned nation on the global stage.
- IV. **Dandi March Report:** Mahatma Gandhi presented a report on the Dandi March, a historic protest against the Salt Tax that had captured international attention. The report highlighted the resilience and unity of the Indian people in the face of repression.

The socio-economic provision in the Karachi Resolution went on to influence the Constituent Assembly in drawing up Part IV of the Indian Constitution – the Directive Principles of State Policy.

- **Feminism:** Feminism is a socio-political and cultural movement that advocates for the equal rights, opportunities, and representation of all genders, with a primary focus on addressing and rectifying historical and contemporary gender inequalities. Feminism seeks to challenge and dismantle systems of patriarchy and sexism that have led to the marginalization, discrimination, and oppression of women and other marginalized genders. Feminist theories are frameworks that analyze the dynamics of gender and power, providing insights into the causes of inequality and suggesting strategies for achieving gender justice. There are several prominent feminist theories that offer different perspectives on understanding and addressing gender-related issues:
  - I. **Liberal Feminism:** Liberal feminists focus on achieving gender equality within existing societal structures and institutions. They advocate for legal and policy reforms that eliminate discriminatory practices and promote equal opportunities for women. The aim is to achieve equal rights, access to education, economic opportunities, and political representation.
  - II. **Radical Feminism:** Radical feminists view patriarchy as the root cause of women's oppression and advocate for its complete overthrow. They emphasize the need to challenge deeply ingrained social norms and structures that perpetuate gender inequality. Radical feminists critique traditional gender roles and call for the reimagining of society through the lens of women's experiences.

III. **Marxist Feminism:** Marxist feminists integrate Marxist theories of class struggle with feminist analyses of gender oppression. They argue that capitalism and patriarchy are intertwined systems of exploitation. Marxist feminists highlight how women's subjugation is linked to their role in unpaid domestic labor and emphasize the economic and structural aspects of gender inequality.

IV. **Intersectional Feminism:** Intersectional feminists recognize that individuals hold multiple social identities (such as race, class, sexuality, and disability) that intersect and interact, leading to unique experiences of discrimination. Intersectional feminism seeks to address the interconnectedness of various forms of oppression and advocates for a more inclusive and nuanced approach to feminism.

V. **Cultural Feminism:** Cultural feminists emphasize the value of feminine qualities and celebrate women's unique experiences. They argue that women's historical roles as caregivers and nurturers should be embraced rather than devalued. This perspective also critiques the patriarchal hierarchy and its negative impact on both women and society.

VI. **Postcolonial Feminism:** Postcolonial feminists examine the intersections of gender, race, and colonialism. They highlight how Western feminism has often excluded the voices and experiences of women from the Global South. Postcolonial feminists challenge the notion of a universal feminism and advocate for a more diverse and inclusive movement.

These are just a few examples of the many feminist theories that have emerged over time. Feminism is not a monolithic ideology but rather a diverse and evolving movement with various perspectives. Each theory contributes to a broader understanding of gender dynamics and offers insights into the ways in which society can become more equitable and just for all genders

- **Social reform movements:** India has a rich history of social reform movements that have aimed to address various social issues, promote equality, and challenge oppressive practices. These movements have played a significant role in shaping modern Indian society and advancing social justice. Here are some prominent social reform movements in India:

- I. **Brahmo Samaj (founded in 1828):** The Brahmo Samaj was one of the earliest reform movements in India, led by Raja Ram Mohan Roy. It aimed to eradicate

social evils like sati (widow burning), child marriage, and caste discrimination. The movement emphasized monotheism, rationality, and social reform based on principles of reason and morality.

- II. **Arya Samaj (founded in 1875):** The Arya Samaj, founded by Swami Dayananda Saraswati, sought to promote Vedic values and principles. It opposed idol worship, caste-based discrimination, and untouchability. The movement emphasized education, women's rights, and social reform within the Hindu community.
- III. **Satyashodhak Samaj (founded in 1873):** Led by social reformer Jyotirao Phule, the Satyashodhak Samaj aimed to challenge caste-based oppression and promote education and equality among marginalized communities, particularly the Dalits and other lower castes.
- IV. **Young Bengal Movement (early 19th century):** This movement, led by figures like Henry Louis Vivian Derozio, aimed to promote rational thinking, education, and social reform among the youth. It criticized orthodox practices and advocated for social progress.
- V. **Prarthana Samaj (founded in 1867):** The Prarthana Samaj, led by leaders like M.G. Ranade and R.G. Bhandarkar, emphasized monotheism, social reform, and women's education within the context of Hinduism. It aimed to address issues like child marriage and the caste system.
- VI. **Self-Respect Movement (founded in 1925):** The Self-Respect Movement, led by E.V. Ramasamy (Periyar), aimed to challenge caste-based inequalities and Brahminical dominance in society. It also focused on promoting rationalism and self-respect among oppressed communities.
- VII. **Quit India Movement (1942):** While primarily a movement for India's independence, the Quit India Movement also contributed to social reform by fostering unity among diverse groups and fostering a sense of national consciousness against British colonial rule.
- VIII. **Narmada Bachao Andolan (founded in 1985):** This movement, led by environmentalist Medha Patkar, protested against the construction of large dams on the Narmada River. It advocated for the rights of displaced people, especially tribal communities, and raised concerns about environmental degradation.
- IX. **Nirbhaya Movement (2012):** Following the brutal gang rape and murder of a young woman in Delhi, the Nirbhaya Movement sparked nationwide protests

demanding justice for the victim and pushing for reforms in laws related to sexual violence and women's safety.

- X. **Anti-Caste Movements and Dalit Rights Movements:** Various movements, such as the Dalit Panther Movement and Ambedkarite movements, have aimed to challenge the caste-based hierarchy and discrimination prevalent in Indian society, while advocating for the rights and dignity of Dalits.

These social reform movements in India have had a profound impact on shaping the nation's social fabric, challenging discriminatory practices, and promoting equality, justice, and human rights.

### *3. Discuss the rights of women in Inheritance law of hindu and Chirstian*

*Synopsis:*

*Introduction:*

**Rights of Hindu women:**

*Inheritance rights in hindu law:*

- *Equal Share:*
- *Coparcenary Rights:*
- *Husband's Property:*
- *Widow's Rights:*
- *Stridhan:*

*Inheritance rights in Chirstian law:*

- *Equal Rights:*
- *Husband's Property:*
- *Intestate Succession:*
- *Testamentary Succession:*

The roles and rights of women have always been dynamic. Women's position has improved drastically due to increase in social awareness regarding women empowerment, rise in literacy rates and women becoming more independent than ever before. Not only this, even the Indian judicial system has taken major strides in the right direction with numerous laws and enactments, that treat women equal to men. It has now become very crucial that a woman, whether working or a homemaker, knows and understands her rights well and exercise the same when required.

One of such rights are the women's inheritance rights which are governed by the succession laws applicable to an individual. The inheritance laws for women under Hindu and Christian legal systems in India have evolved over time to provide more equitable rights to women in matters of inheritance.

**Rights of Hindu women:** The Hindu Succession Act, 1956, governs the succession and inheritance laws for Hindus, Buddhists, Jains, and Sikhs. Section 14 of the said Act specifies the types of property that can be inherited by a woman and are considered to be her property. A Hindu woman has the same right to her deceased parents' property as that of a Hindu male. Similarly, there is no distinction between the rights of a man and a woman, when it comes to the inheritance of property from a deceased parent. In fact, a woman, being the mother, is entitled to an equal share as the wife and children of her son who has died intestate. This is, however, not the case with the father, as the father is not entitled to get any share in his son's property during the lifetime of his son's wife, mother, and children.

Here's an overview of the rights of women under these two legal frameworks:

**Hindu Inheritance Law:** The Hindu Succession Act, 1956, governs the inheritance rights of Hindu women in India. The Act has undergone several amendments to address gender inequalities and ensure a more just distribution of property. Some key points regarding the inheritance rights of Hindu women include:

- 1) **Equal Share:** After the 2005 amendment to the Hindu Succession Act, daughters have been granted equal rights as sons in ancestral property. This means that both sons and daughters have an equal share in the property of their parents.
- 2) **Coparcenary Rights:** The amendment also introduced the concept of coparcenary rights for daughters. Daughters have become coparceners along with sons in joint family properties, enabling them to have a share in both ancestral and acquired properties.
- 3) **Husband's Property:** A Hindu woman has the right to inherit her husband's property upon his death, regardless of whether it is ancestral or self-acquired

property. If there is no will, she is entitled to a share in her husband's property alongside other legal heirs.

- 4) **Widow's Rights:** A Hindu widow has a right to inherit her deceased husband's property, whether it is ancestral or self-acquired. If there are no direct heirs, the widow may inherit the property as a legal heir.
- 5) **Stridhan:** Hindu women have a right to inherit their stridhan, which includes gifts, assets, and property received from their parents, in-laws, or others during marriage or other occasions.

**Christian Inheritance Law:** Inheritance rights for Christian women in India are governed by the Indian Succession Act, 1925. However, the inheritance laws for Christians can vary based on their specific denomination and personal laws. Generally, Christian inheritance law in India includes the following aspects:

1. **Equal Rights:** The Indian Succession Act does not differentiate between men and women when it comes to inheritance. Both sons and daughters have equal rights to inherit their parents' property.
2. **Husband's Property:** A Christian widow has the right to inherit her deceased husband's property, including both ancestral and self-acquired property.
3. **Intestate Succession:** If a Christian person dies without leaving a will (intestate), their property is distributed among legal heirs, including children, spouse, parents, and other relatives, according to the rules specified in the Indian Succession Act.
4. **Testamentary Succession:** Christians also have the right to make a will specifying the distribution of their property after death. This provides individuals with the option to allocate their assets according to their wishes.

It's important to note that inheritance laws can vary based on personal beliefs, family agreements, and local customs. Additionally, legal provisions and interpretations may change over time due to amendments and court decisions. Therefore, individuals seeking information about their specific rights under Hindu or Christian inheritance laws should consult legal professionals and relevant legal documents.

*4. Discuss any 4 social welfare legislation for women.*

*Synopsis:**Introduction:**The Prohibition of Child Marriage:*

- *Prohibition of Child Marriage (Amendment) Bill, 2021:*
- *The Reasons for Change:*
- *National Family Health Survey (NFHS) Data:*

*The Maternity Benefit (Amendment) Act, 2017:*

- *Increased Paid Maternity Leave:*
- *Maternity Leave For Adoptive And Commissioning Mothers:*
- *Work From Home Option:*

*The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:*

- *Key provisions of the POSH Act 2013 include:*
- *Here are some strategies that employers can use to enforce the POSH Act of 2013:*

*The Indecent Representation of Women (Prohibition) Act, 1986:*

Certainly, here are four important social welfare legislations in India that focus on the welfare and empowerment of women:

**1. The Prohibition of Child Marriage Act, 2006:**

This act aims to prevent the practice of child marriage and protect the rights of underage girls. It sets the legal age of marriage as 18 for females and 21 for males. The act also emphasizes the importance of raising awareness about the harmful consequences of child marriage and provides for the annulment of child marriages.

**Prohibition of Child Marriage (Amendment) Bill, 2021:** The bill to raise the age of marriage from 18 to 21 years for women, was introduced by the Union Minister for Women and Child Development (MWCD), Smriti Irani, and was sent to the parliamentary standing committee for detailed scrutiny. This bill will override all the existing laws if passed. The Government felt the need to introduce the changes for various reasons and also by considering the data of the recent National Family Health Survey (NFHS) and recommendation by the Jaya Jaitly committee.

**The Reasons for Change:** Recent evidence shows that the number of child marriages has increased during the lockdown and the pandemic, calling for the government's immediate action to curb child marriage.

- Bring uniformity in marriageable age of women at par with men.
- Early marriage also has a huge effect on the Maternal Mortality Rate (MMR) and Infant Mortality Rate (IMR).
- The bill is also aimed at empowering women who are denied access to various social-economic benefits due to early marriage.

**National Family Health Survey (NFHS) Data:**

- NFHS-4 data of 2015-16 revealed that 27% of women under 18 years were married.
- NFHS-4 also reported that 8% of girls between the ages of 15 and 18 were found to be pregnant.
- NFHS-5 data of 2019-20 reported a drop in underage marriage to about 23%, which is still a substantial number considering the existing stringent rules.
- Further, NFHS-5 data revealed that 7% of girls aged between 15-18 were pregnant.

**2. The Maternity Benefit (Amendment) Act, 2017:** Given that women have been oppressed for hundreds, if not thousands of years, we must accept the fact that changing the mindsets and the prejudicial basic instinct will take years. With every generation, there is more and more acceptance of the notion that women are equal to men and hence, the laws and legislation also have to be changed to keep up with the changing ideology. It was in this spirit that the Maternity Benefit (Amendment) Act was passed by both houses of parliament in February 2017. Let us take a look at some of the key features of this amended act.

**1. Increased Paid Maternity Leave:** One of the key amendments of the 2017 act is the increase in the duration of paid maternity leave available for women employees from 12 weeks to 26 weeks. Women are allowed to avail of the benefits of maternity leave eight weeks prior to the estimated due date and utilize the remaining weeks postpartum. However, for having two or more surviving children, the duration of paid maternity leave is 12 weeks (i.e. six weeks before and six weeks after the expected date of delivery).

**2. Maternity Leave For Adoptive And Commissioning Mothers:** The act defines mothers in two distinct categories when it comes to adoptions. One is the 'adoptive mother' which refers to the mother adopting the child and the 'commissioning mother' which refers to the biological mother whose egg is used to create the embryo during In Vitro Fertilisation. As per the provisions of the amended act, mothers adopting a child below the age of three months are entitled to 12 weeks of maternity leave from the date of adoption. The same amount of leave can be availed by commissioning mothers as well.

**3. Work From Home Option:** The Maternity Benefit Amendment Act also has a provision enabling new mothers to work from home, which may be exercised by the woman employee after the expiry of the 26-week leave period. Depending upon the nature of work, women employees may be able to avail this benefit on terms that are mutually agreed with the employer.

**3. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:**

This act addresses sexual harassment faced by women in workplaces, whether formal or informal. It requires all organizations employing 10 or more people to establish Internal Complaints Committees (ICCs) to address complaints of sexual harassment. The act promotes safe and respectful working environments for women.

**Key provisions of the POSH Act 2013 include:**

- 1) Every employer is required to display a notice in the organisation providing details of the protection given to female employees against sexual harassment.
- 2) Employers must constitute an Internal Complaints Committee in their organisation to address complaints of sexual harassment.
- 3) A woman must head the ICC; at least half of its members should be women.
- 4) Employers must take steps to prevent sexual harassment and ensure that the victims are not victimised or discriminated against.
- 5) Employers must provide necessary support and assistance to the complainant and make arrangements for her work in case she has to be transferred.

**Here are some strategies that employers can use to enforce the POSH Act of 2013:**

- I. Develop a comprehensive and clear policy on sexual harassment and post it prominently in the workplace.

- II. Ensure that all employees know the policy and its implications. Educate all staff on the various aspects of sexual harassment and the necessary steps to be taken if a complaint is made.
- III. Establish a formal complaint procedure and ensure all complaints are addressed promptly and fairly. Please ensure all employees know their rights and the procedure for making a complaint.
- IV. Take all complaints seriously and investigate them thoroughly. Make sure all employees are aware that harassment will not be tolerated.
- V. Take disciplinary action against those found guilty of sexual harassment.
- VI. Provide counselling services to both the complainant and the accused.

#### **4. The Indecent Representation of Women (Prohibition) Act, 1986:**

This act prohibits the portrayal of women in a derogatory and degrading manner in advertisements, publications, paintings, and writings. The act aims to prevent the objectification of women and the perpetuation of harmful stereotypes that contribute to gender-based discrimination.

These legislations play a crucial role in addressing various challenges and issues that women face in Indian society. They reflect the government's commitment to ensuring the rights, safety, and well-being of women, and they contribute to the overall empowerment of women in various aspects of their lives.

*5. What do you understand by UCC? What is the judicial trend in India with regard to UCC?*

*Synopsis:*

*Introduction:*

*What is UCC:*

- *What is Article 44?*
- *Historical perspective*
- *Pre-Independence (colonial era)*
- *Post-Colonial era (1947-1985)*

*Some of the reforms of this period were:-*

*Judicial trends:*

- *Shah Bano Case (1985):*

- *Sarla Mudgal Case (1995):*
- *John Vallamattom Case (2003):*
- *Mary Roy Case (2008):*
- *Triple Talaq Cases (2017):*

*Suggestions for Implementing a Uniform Civil Code:*

*The Way Forward for UCC: Gradual Change:*

**Uniform Civil Code (UCC):** A Uniform Civil Code (UCC) is a proposed legal framework aimed at unifying personal laws in India under a common set of laws governing various aspects of civil matters, such as marriage, divorce, inheritance, and adoption, for all citizens regardless of their religion. The goal of a UCC is to promote equality, justice, and gender rights by eliminating disparities and discriminatory practices present in different religious personal laws.

#### **What is Article 44?**

Article 44 corresponds with Directive Principles of State Policy stating that State shall endeavour to provide for its citizens a uniform civil code (UCC) throughout the territory of India.

**Historical perspective** – The debate for a uniform civil code dates back to the colonial period in India.

#### **Pre-Independence (colonial era)**

The Lex Loci Report of October 1840- It stressed the importance and necessity of uniformity in the codification of Indian law, relating to crimes, evidence and contract. But, it also recommended that personal laws of Hindus and Muslims should be kept outside such codification. The Queen's 1859 Proclamation- It promised absolute non-interference in religious matters. So while criminal laws were codified and became common for the whole country, personal laws continue to be governed by separate codes for different communities.

#### **Post-Colonial era (1947-1985)**

During the drafting of the constitution, prominent leaders like Jawaharlal Nehru and Dr B.R Ambedkar pushed for a uniform civil code. However, they included the UCC in the Directive Principles of State Policy (DPSP, Article 44) mainly due to opposition from religious fundamentalists and a lack of awareness among the masses during the time.

**Some of the reforms of this period were:-**

The Hindu code bill -The bill was drafted by Dr.B R Ambedkar to reform Hindu laws, which legalized divorce, opposed polygamy, gave rights of inheritance to daughters. Amidst intense opposition of the code, a diluted version was passed via four different laws.

Succession Act-The Hindu Succession Act, 1956, originally did not give daughters inheritance rights in ancestral property. They could only ask for a right to sustenance from a joint Hindu family. But this disparity was removed by an amendment to the Act on September 9, 2005

**Judicial Trend in India with Regard to UCC:** The issue of implementing a Uniform Civil Code has been a subject of debate and discussion in India since its inception as a democratic nation. While the Indian Constitution does provide for a UCC under Article 44 of the Directive Principles of State Policy, the implementation has been a complex and contentious matter due to the diversity of religions and customs in the country. The judicial trend regarding UCC can be summarized as follows:

1. **Shah Bano Case (1985):** This case involved the maintenance rights of a Muslim woman after her divorce. The Supreme Court held that she was entitled to maintenance under the Indian Penal Code rather than the Muslim Personal Law. However, due to political and religious opposition, the government passed the Muslim Women (Protection of Rights on Divorce) Act, 1986, which effectively overruled the court's decision.
2. **Sarla Mudgal Case (1995):** In this case, the Supreme Court highlighted the need for a UCC and expressed concern over individuals converting to Islam to practice polygamy and avoid their obligations under Hindu law.
3. **John Vallamattom Case (2003):** The Supreme Court stressed that a common civil code is essential to promote national integration and eliminate discrimination against women.
4. **Mary Roy Case (2008):** The court ruled that Syrian Christian women in Kerala are entitled to an equal share of ancestral property, similar to Hindu women, rejecting the discriminatory provision in their personal laws.

5. **Triple Talaq Cases (2017):** The landmark case of **Shayara Bano v. Union of India** led to the Supreme Court declaring the practice of instant triple talaq (talaq-e-bid'ah) among Muslims as unconstitutional and violative of gender equality. This case furthered the discourse on gender justice and the need for uniformity in personal laws.

The judicial trend indicates that the courts have, at times, emphasized the need for a Uniform Civil Code to ensure equal rights and promote gender justice. However, the political and social complexities surrounding religious personal laws have resulted in a lack of significant legislative progress in implementing a comprehensive UCC. While there has been advocacy for a UCC, the issue remains a subject of ongoing debate and deliberation in Indian society and the legal system.

**Suggestions for Implementing a Uniform Civil Code:**

- To realize the goals of the DPSP and to maintain the uniformity of laws, the following suggestions need immediate consideration
- A progressive and broadminded outlook should be encouraged among the people to understand the spirit of the UCC. For this, education, awareness and sensitisation programmes must be taken up.
- The Uniform Civil Code should be drafted keeping in mind the best interest of all the religions.
- A committee of eminent jurists should be constituted to maintain uniformity and care must be taken not to hurt the sentiments of any particular community.
- The matter being sensitive in nature, it is always better if the initiative comes from the religious groups concerned.

**The Way Forward for UCC: Gradual Change:** India has a unique blend of codified personal laws of Hindus, Muslims, Christians, Parsis. There exists no uniform family-related law in a single statute book for all Indians which is acceptable to all religious communities who co-exist in India. However, a majority of them believe that UCC is definitely desirable and would go a long way in strengthening and consolidating the Indian nationhood. The differences of opinion are on its timing and the manner in which it should be realized.

Instead of using it as an emotive issue to gain political advantage, political and intellectual leaders should try to evolve a consensus. The question is not of minority protection, or even of national unity, it is simply one of treating each human person with dignity, something which personal laws have so far failed to do.

6. *Discuss the conditions of women in India pre-constitution and post-constitution.*

**Synopsis:**

**Introduction:**

**Pre-Constitution Conditions of Women in India:**

- *Social Restrictions:*
- *Lack of Education:*
- *Property and Inheritance Rights:*
- *Political Exclusion:*

**Legal Status Of A Woman In India:**

- *Article 14 of the Constitution of India:*
- *Article 15 of the Constitution of India:*
- *Article 16 of the Constitution of India:*
- *Article 19 of the Constitution of India:*
- *Article 21 of the Constitution of India:*
- *Article 21A of the Constitution of India:*
- *Article 24 of the Constitution of India:*

**Safety Framework**

Some statistics on women are included:

**Post-Constitution Conditions of Women in India:**

- *Equal Rights:*
- *Reservations and Political Participation:*
- *Protection of Rights:*
- *Educational Empowerment:*
- *Legislative Reforms:*
- *Economic Empowerment:*

**Pre-Constitution Conditions of Women in India:** Before the adoption of the Indian Constitution in 1950, women in India faced a multitude of challenges and inequalities rooted in cultural norms, social practices, and legal frameworks that often marginalized their rights and status. Some key aspects of the pre-Constitution conditions of women include:

- 1) **Social Restrictions:** Women were subjected to various social restrictions and norms that limited their mobility, education, and participation in public life. Practices like child marriage, sati (widow immolation), and purdah (seclusion of women) were prevalent, perpetuating gender discrimination.
- 2) **Lack of Education:** Educational opportunities for women were severely limited, with a significant gender gap in literacy rates. Education was often seen as unnecessary for girls, further constraining their potential and opportunities.
- 3) **Property and Inheritance Rights:** Women had limited or no rights to property and inheritance, which often resulted in economic dependency and vulnerability, especially in cases of widowhood.
- 4) **Political Exclusion:** Women had minimal representation and participation in political and public spheres. Their voices were largely unheard in matters of governance and policymaking.

#### *Legal Status Of A Woman In India:*

In India, women are given legal protection to defend their economic, social, and cultural lives. These are some of the steps the Indian government has taken to protect women's lives.

- Dowry Prohibition Act 1961,
- Maternity Benefit Act 1861, Births, Deaths & Marriages Registration Act 1886,
- Medical Termination of Pregnancy Act 1971,
- National Commission for Women Act 1990,
- Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1999,
- Protection of Women from Domestic Violence Act 2005,
- Sexual Harassment of Women at Work Place (Prevention, Prohibition & Redressal) Act 2013,
- Hindu Widows Remarriage Act 1856,
- Muslim women (protection of rights on divorce) Act 1986,
- Guardians and Wards Act of 1890,
- Indian Penal Code 1860,
- Christian Marriages Act, 1872, etc.

Fundamental Rights To Improve The Status Of Women

As shown below, the articles in Part III of the Indian Constitution specifically refer to fundamental rights intended to enhance women's status and give them equal opportunities:

**Article 14 of the Constitution of India:**

All persons, including women, have equivalent rights and are entitled to equal protection under the laws of India's territorial jurisdiction, according to Article 14 of the Indian Constitution. It indicates that everyone must be treated equally in all situations, regardless of gender. The law should be applied equally to all citizens without regard to race or ethnicity.

**Article 15 of the Constitution of India:**

It is prohibited for the state to discriminate against any person, including women, because of their race, gender, religion, place of birth, or socioeconomic background, according to Article 15 of the Indian Constitution. It establishes that all residents are entitled to the same rights with regard to infrastructure, public spaces, banks, hotels, restaurants, and other businesses.

**Article 16 of the Constitution of India:**

Women have equal opportunity in public work, including all citizens, under Article 16 of the Indian Constitution, irrespective of their gender, color, caste, ethnicity, religion, or religion of socioeconomic origin.

**Article 17 of the Constitution of India:**

Untouchability was abolished in 1955 when the Untouchability (Criminal Offenses) Act was approved by the Parliament, in accordance with Article 17 of the Indian Constitution. The Untouchability (Criminal Offenses) Amendment Act of 1976 amended the law to make it stricter and get rid of society's untouchability.

**Article 19 of the Constitution of India:**

In accordance with Article 19 of the Indian Constitution, all people, including women, have the right to freedom of speech, the ability to peacefully assemble without weapons, the ability to form unions or associations, the freedom to move around the

country without restriction, the right to live and settle anywhere, and the right to engage in any occupation or operate any lawful business as they see fit.

**Article 21 of the Constitution of India:**

No one may be deprived of his or her life or personal freedom, according to the procedure established under law. Included are the rights to life, dignity, privacy, and other basic freedoms. Since it diminishes the self-esteem and dignity of the victims, domestic violence against women also violates Article 21 of the Indian Constitution.

**Article 21A of the Constitution of India:**

Article 21A of the Indian Constitution states that all children between the ages of six and fourteen are entitled to free and compulsory education, as defined by law.

**Article 24 of the Constitution of India:**

According to Article 24 of the Indian Constitution, boys and girls under the age of 14 are not allowed to work in factories, quarries, or other hazardous occupations.

**Safety Framework**

The government of India has several regulations in place to safeguard and defend women's lives throughout the country. Women's lives are not yet completely safe despite these laws, norms, and regulations. Inequality among men and women exists across the country, whether it is in terms of economic possibilities, government, or educational prospects.

**Some statistics on women are included:**

According to the National Office of Criminal Records, a girl was killed every hour in 2010 because of dowry demand. According to the International Centre for Women's Studies, 45% of Indian girls get married before turning 18 years old. One in five Indian women pass away while pregnancy or giving birth (WHO).

- Women Empowerment Schemes
- Beti Bachao Beti Padhao Scheme,
- One Stop Centre Scheme,
- Women Helpline Scheme,

- UJJAWALA: A Strategic Plan for the Rescue, Rehabilitation, and Re-Inclusion of Trafficking and Commercial Sexual Exploitation Victims, Working Women Hostel, Ministry approves new projects under Ujjawala Scheme and continues existing projects,
- SWADHAR Greh (A Scheme for Women in Difficult Circumstances), Support to Training and Employment Programme for Women (STEP),
- NARI SHAKTI PURASKAR,
- Awardees of Stree Shakti Puruskar, 2014 & Awardees of Nari Shakti Puruskar,
- Awardees of Rajya Mahila Samman & Zila Mahila Samman,
- Mahila police Volunteers,
- Mahila E-Haat,
- Mahila Shakti Kendras (MSK),
- NIRBHAYA

**Post-Constitution Conditions of Women in India:** The adoption of the Indian Constitution marked a significant turning point for the rights and status of women in the country. The Constitution enshrined principles of equality, justice, and non-discrimination, laying the foundation for improvements in the conditions of women. Some key changes post-constitution include:

- 5) **Equal Rights:** The Constitution guaranteed equal rights to women, prohibiting discrimination on the grounds of sex. Article 15(1) specifically prohibits discrimination based on sex, and Article 15(3) enables the state to make special provisions for women's empowerment.
- 6) **Reservations and Political Participation:** The Constitution introduced reservations for women in local government bodies (Panchayats and Municipalities), leading to increased representation and participation in decision-making processes.
- 7) **Protection of Rights:** The Constitution provided for safeguards and provisions to protect women's rights. Article 21 ensures the right to life and personal liberty, and various laws and amendments have been introduced to address issues like dowry, domestic violence, and sexual harassment.
- 8) **Educational Empowerment:** The Constitution emphasized the importance of education for all and aimed to bridge the gender gap in education. Various

initiatives have been undertaken to promote girls' education and women's access to higher education.

- 9) **Legislative Reforms:** The Indian Parliament has passed numerous legislations aimed at promoting women's rights and empowerment, including laws addressing dowry harassment, workplace harassment, and violence against women.
- 10) **Economic Empowerment:** Efforts have been made to enhance women's economic independence through programs like self-help groups, microfinance, and skill development initiatives.

While significant progress has been made since the adoption of the Constitution, challenges such as gender-based violence, unequal representation, and persistent traditional norms still exist. The Constitution's principles have laid the groundwork for ongoing efforts to achieve true gender equality and empowerment for women in India.

7. *Hindu succession amendment act (2005), is big set in direction of gender justice. Examine the statement.*

*Synopsis:*

*Introduction:*

**Here's an examination of the statement:**

- **Equal Inheritance Rights:**
- **Coparcenary Rights:**
- **Mitigation of Gender Biases:**
- **Empowerment and Financial Security:**
- **Challenge to Traditional Norms:**
- **Impact on Gender Relations:**
- **Ongoing Challenges:**

*Analysis:*

The Hindu Succession (Amendment) Act, 2005, indeed represents a significant step towards achieving gender justice in matters of inheritance within the Hindu community in India. The amendment aimed to rectify historical gender disparities and bring about more equitable distribution of property among male and female heirs.

**Here's an examination of the statement:**

**1. Equal Inheritance Rights:** Prior to the amendment, the Hindu Succession Act of 1956 contained discriminatory provisions that favored male heirs over female heirs.

The 2005 amendment rectified this by granting daughters equal rights as sons in ancestral property. This means that daughters now have an equal share in the ancestral property of their parents, and this change promotes the principle of gender equality.

**2. Coparcenary Rights:** The amendment introduced the concept of coparcenary rights for daughters, giving them the same rights as sons in joint family property. Previously, daughters were excluded from coparcenary rights, which was a major source of gender inequality within the family. With this amendment, daughters have the same inheritance rights as sons, contributing to gender justice and fairness in succession matters.

**3. Mitigation of Gender Biases:** The 2005 amendment aimed to mitigate gender biases that existed within Hindu personal laws. By ensuring equal rights for daughters in property matters, the amendment challenged traditional patriarchal norms that had marginalized women's economic autonomy and security.

**4. Empowerment and Financial Security:** The amendment empowered women by providing them with a rightful share in their parental property. This not only enhances their economic independence but also contributes to their financial security, enabling them to make independent decisions and reducing their vulnerability.

**5. Challenge to Traditional Norms:** The amendment challenged entrenched gender norms within families and society that perpetuated unequal treatment of women in inheritance matters. It signified a departure from discriminatory practices that had long been rooted in Hindu personal laws.

**6. Impact on Gender Relations:** The amendment has the potential to reshape gender relations within families by promoting a more equitable distribution of assets. It sends a message that daughters are entitled to the same rights as sons and encourages families to recognize and respect the rights of women.

**7. Ongoing Challenges:** While the amendment was a crucial step, challenges remain in terms of its implementation and awareness among the masses. Social and cultural

norms, legal complexities, and resistance to change can hinder the effective realization of its intended impact.

In conclusion, the Hindu Succession (Amendment) Act, 2005, indeed represents a significant stride towards gender justice by addressing historical gender disparities and inequalities within inheritance laws. By providing daughters with equal rights in ancestral property and coparcenary rights, the amendment has contributed to reshaping gender norms, empowering women, and promoting greater equity within Hindu families.

8. *What do you mean by gender justice? Describe the forms of gender justice and there consequences.*

*Synopsis:*

*Introduction:*

- *Gender equality a concern for men : an insight:*
- *The third gender and its rights in India:*

*Forms of gender justice:*

- *Economic Gender Justice:*
- *Legal Gender Justice:*
- *Political Gender Justice:*
- *Social Gender Justice:*
- *Cultural Gender Justice:*

*Consequences:*

- *Equality:*
- *Empowerment:*
- *Economic Growth:*
- *Social Cohesion:*
- *Reduced Violence:*
- *Health and Well-being:*
- *Global Development:*

*More equitable and inclusive environment are outlined below:*

- *Policy review:*
- *Sex/gender reassignment surgery (SRS) transition:*
- *Anti-harassment policies:*

- *Gender -neutral washroom*
- *Recruitment*

#### *Conclusion*

Gender justice refers to the fair treatment and equitable distribution of resources, opportunities, rights, and responsibilities among all genders, without discrimination or bias. It aims to eliminate gender-based inequalities and ensure that individuals, regardless of their gender identity, have equal access to opportunities, freedoms, and outcomes in various aspects of life, including education, employment, politics, and social interactions. The Millennium Declaration and the eight Millennium Development Goals (MDGs) collectively herald a vision for a more just and equal world. Social, political and economic equality for women is integral to the achievement of all Millennium Development Goals.

Hence, gender justice entails ending the inequalities between women and men that are produced and reproduced in the family, the community, the market and the state. It also requires that mainstream institutions - from justice to economic policymaking - are accountable for tackling the injustice and discrimination that keep too many women poor and excluded. Gender Justice shows how addressing inequalities, including gender inequality, will be essential to achieving the MDGs.

***Gender equality a concern for men : an insight:*** In general, achieving gender equality necessitates adjustments for both men and women. Gender is an important part of men's social identity that must not be overlooked. This reality is overlooked since masculine qualities and attributes are assumed to be the norm. Gender, on the other hand, has an equal impact on men's lives as it does on women's.

Men's expectations as leaders, husbands, and sons are shaped by societal standards and ideals of masculinity. Men are expected to priorities their families' monetary necessities above the loving and caring duties that are traditionally attributed to women.

Young men's risk-taking conduct is encouraged through socialization in the family and subsequently in the workplace. As a result, the lifestyles that men's occupations demand typically expose them to greater morbidity and mortality risks than women.

Accidents, ignorance, aggression, and alcohol abuse are just a few risks among such dangers.

Men have the same right as women to take on a more caring role, and such possibilities should be offered to them. Men have obligations for the health of their children, as well as that of their own and their spouse's health. Recognizing men's individual health concerns, as well as their demands and the factors that form them, is essential to address related rights and duties. Adopting a gender perspective is a necessary first step to promoting gender equality in the society we live in. This is because the same emphasizes that gender equality is concerned with both men's and women's roles, duties, and demands, as well as their interconnections.

***The third gender and its rights in India:*** The Indian Supreme Court's determination in *National Legal Services Authority v. Union of India* (2014), that transgender individuals constitute a 'third gender' under the Indian Constitution, as well as framing of subsequent laws, has considerably increased transgender people's recognition and rights.

Enjoyment of life by all citizens and an equal chance to flourish as human beings irrespective of their race, caste, religion, community, socioeconomic class, or gender,' is the golden thread that runs through the Indian Constitution's equality scheme. The scheme is spread over Articles 14, 15, 16, 19, and 21.

The acceptance and acknowledgement of the 'right of choice and self-determination' is one of the main foundations of the equality programme. The freedom to determine which gender a person belongs to and to whom they connect is inextricably linked to their right to self-determination and their dignity.

#### **Forms of Gender Justice:**

1. **Economic Gender Justice:** This involves ensuring equal pay for equal work, providing women with access to economic opportunities and resources, and addressing gender-based occupational segregation. It also includes measures to reduce the gender wage gap and promote women's entrepreneurship and financial inclusion.

2. **Legal Gender Justice:** This entails reforming laws and policies to ensure that they do not discriminate against any gender and protect the rights of all individuals equally. Legal gender justice addresses issues such as domestic violence, sexual harassment, property rights, and inheritance laws.
3. **Political Gender Justice:** This focuses on promoting equal participation and representation of all genders in political processes, governance, and decision-making bodies. It aims to address the underrepresentation of women in leadership positions and ensure their voices are heard in policy formulation.
4. **Social Gender Justice:** This involves challenging societal norms, stereotypes, and attitudes that perpetuate gender-based discrimination and inequality. It strives to create an environment where individuals can express their gender identity without facing stigma or bias.
5. **Cultural Gender Justice:** This seeks to challenge and transform cultural practices, traditions, and norms that perpetuate gender inequalities. It advocates for cultural change that respects the rights and dignity of all genders.

#### **Consequences of Gender Justice:**

1. **Equality:** Gender justice leads to greater gender equality by removing systemic barriers that prevent individuals from realizing their full potential, regardless of their gender identity.
2. **Empowerment:** When gender justice is realized, individuals have the autonomy and agency to make choices about their lives, education, careers, and relationships, free from societal constraints.
3. **Economic Growth:** Addressing gender inequalities in access to education, employment, and economic resources contributes to economic growth by harnessing the full potential of all individuals.
4. **Social Cohesion:** Gender justice fosters social cohesion by promoting inclusivity and recognizing the value and contributions of all genders in society.
5. **Reduced Violence:** Addressing gender-based violence through gender justice measures contributes to safer and more secure communities for everyone.
6. **Health and Well-being:** Gender justice has positive implications for health outcomes by addressing gender-specific health needs and promoting access to healthcare for all genders.

**7. Global Development:** Gender justice is closely linked to global development goals, such as the United Nations' Sustainable Development Goals (SDGs), which emphasize gender equality as a key factor for achieving broader development outcomes.

In essence, gender justice is a fundamental principle that aims to create a just and equitable society by addressing the inequalities and biases that stem from gender-based discrimination and stereotypes. It has far-reaching implications for individual well-being, societal progress, and human rights.

*More equitable and inclusive environment are outlined below:* Sensitization and education: Before making any changes to the system, companies must educate their employees on gender inclusiveness, workplace assimilation, and increased acceptance of transgender' intrinsic character and personality.

**Policy review:** HR, administrative, recruitment, and employee benefit rules and manuals must all be reviewed and updated. To ensure that rules represent suitable approaches for an organization to address the third gender, it might be useful to obtain and integrate comments from a member of the transgender community.

**Sex/gender reassignment surgery (SRS) transition:** Transitioning to SRS is not only a challenging but also a stressful procedure, both physically and psychologically. Organizations must have rules that give transition assistance, not just in terms of paid leave, but also in terms of educating the rest of the workforce about an employee's transition and providing rehabilitative and counselling help.

**Anti-harassment policies:** Organizations must put in place adequate grievance redressal mechanisms for transgender individuals to deal with harassment complaints, similar to the requirements under the POSH Act (The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013) while keeping the complainant's identity anonymous.

**Gender-neutral washrooms:** Employees should be able to use restrooms that are appropriate for their profession. When trans women are forced to use male restrooms, they are frequently humiliated and harassed.

**Recruitment:** Organizations must remember that transgender people have been discriminated against for years, resulting in social, economic, and talent gaps, and that recruiting standards must be altered accordingly. Organizations must also make an

effort to provide training programmers that will help employees improve their abilities.

**Conclusion:** In India, society should strive for gender equality and abandon the notion that women or any other gender that do not align with the mainstream gender division, are commodities. It's the only way to get the country back on track to wealth and success. We all know that gender equality in India may make a significant contribution to the country's growth in every aspect. Various statistics and numbers from nations with a sizable population of empowered women show that countries with a larger proportion of gender equality are fast growing on all fronts at the global level.

Although the author strongly believes in equal rights for every citizen irrespective of gender, readers of this article might encounter more female-centric content in comparison to the other genders. The reason behind this is simple. The feminine gender which has been a part of society since the very beginning has not been given the prominent chair they deserved, and the third gender whose rights have been recognized lately could expect very less from society in general. When the gender globe is balanced with an equal number of men and women, the principle of gender equality will be demonstrated. To realize this objective, government action with public backing is essential.

9. *What do you understand by social and legal inequality? Whether both are same?*

*Discuss*

*Synopsis:*

*Introduction:*

*Social and legal inequality:*

*Analysis of the statement:*

*Conclusion:*

Social inequality and legal inequality are related concepts, but they refer to different aspects of inequality within a society. While they share some connections, they are not the same, as they encompass different dimensions of disparity and discrimination. As stated above social inequality and social mobility are related. There exists an

inverse relationship between social inequality and social mobility. In a society where exists high inequality based on religion, caste, sex, etc. have less social mobility. This means they are deprived of equal opportunities in their life. Thus, the outcome of their life is affected to a great extent by social inequality. Similarly, in a society where there is less inequality, social mobility is high. In those societies, the life of the individual is not affected by inequalities, and they enjoy equal opportunities to achieve their goal. Thus, the social mobility of a country depends upon social equality in the country. It is a determinant to find the level of inequality existing in a society. Recently, India ranked very low in the global social mobility index, which clearly indicates that there are still certain inequalities existing in the country on various grounds.

**Social Inequality:** Social inequality refers to the unequal distribution of resources, opportunities, and privileges among different groups within a society. This inequality can be based on various factors, including but not limited to, income, wealth, education, gender, race, ethnicity, caste, religion, and social class. Social inequality often results in marginalized groups having fewer chances to access quality education, healthcare, employment opportunities, and participation in decision-making processes. It can lead to a lack of social mobility and perpetuate cycles of poverty and disadvantage. Social inequality means inequality that exists due to factors like gender, caste, race, religion, or financial position which devoid a person from equal opportunities and rewards in society. People are not equal on economic and social terms. There can be many factors which can lead to social inequality like societal factors, custom, or poverty. Another term that is often related to social inequality is social mobility.

- Regional disparity increased in the 1990s with southern and western parts doing better than northern or eastern parts. The economic disparity also increased within states.
- The most persistent inequality in India is in the income and distribution of income and resources among the people. This is due to factors like family influence and inheritance etc.
- There exists a large scale difference between people employed in the formal and non-formal sector. People received less money in the informal sector when compared to formal sectors.

- There have been inequalities faced by various communities in the country. This has often led to various conflicts within groups or between one social group and the other.
- People are still fighting on the basis of religion. There exists inequality between these groups on various fronts like employment and education. For instance, upper-caste Sikhs and Christians are more affluent than upper-caste Hindus in both urban and rural areas.
- The caste system followed in India has been abolished but only on paper. People still practice the same. There exist wide inequalities between upper caste people and lower caste people.

**Legal Inequality:** Legal inequality pertains to disparities in rights, protections, and opportunities that are codified in laws and regulations. It arises when laws discriminate against certain groups based on their characteristics, such as gender, race, religion, or other attributes. Legal inequality can manifest in discriminatory laws, unequal access to justice, and unequal treatment before the law. Laws that perpetuate legal inequality can undermine the principles of justice, human rights, and equality under the law.

**Differences and Connections:** While social and legal inequality are distinct concepts, they often intersect and reinforce each other. Legal inequality can lead to or exacerbate social inequality by denying certain groups access to opportunities and resources due to discriminatory laws. Conversely, social inequality can influence the creation and enforcement of discriminatory laws, as those with power may seek to maintain their privilege.

Addressing social inequality often involves not only challenging discriminatory laws but also addressing the broader structural and systemic issues that contribute to unequal distribution of resources. Legal inequality can be a manifestation of deeper social inequalities, but it can also be addressed through legal reform, advocacy, and enforcement of laws that uphold equality and human rights.

In summary, while social inequality and legal inequality are related, they encompass different dimensions of inequality within a society. Both contribute to the overall landscape of injustice, and addressing both is essential to create a more equitable and just society where all individuals have equal opportunities and protection

# INDORE INSTITUTE OF LAW

(Affiliated to D.A.V.V. & B.C.U.)

Academic Session- 2022 – 23

Pre - University Exam

## Time Table

BALLB – I Semester			
Time	Date	Subject	Faculty Name
10:00 AM to 1:00 PM	24/4/2023	English	Prof. Sheetal Sikarwar
10:00 AM to 1:00 PM	26/4/2023	Economics	Prof. Ishita Rana
10:00 AM to 1:00 PM	28/4/2023	Law of Contract	Prof. Amit Kumar
10:00 AM to 1:00 PM	1/5/2023	Law of Tort	Prof. Vishwajeet Bhookar
10:00 AM to 1:00 PM	3/5/2023	Pol Science	Prof. Madhuri Modi
10:00 AM to 1:00 PM	6/5/2023	History	Prof. Shital Sikarwar
BBALLB – I Semester			
10:00 AM to 1:00 PM	24/4/2023	English	Asst.Prof. Sheetal
10:00 AM to 1:00 PM	26/4/2023	Org. Behavior	Dr. Kavita Dive
10:00 AM to 1:00 PM	28/4/2023	Law of Contract	Prof. Jaidev Mahendra
10:00 AM to 1:00 PM	1/5/2023	Law of Torts	Prof. Deep Shah
10:00 AM to 1:00 PM	3/5/2023	Financial Accounting	Dr. Manish Phalke
10:00 AM to 1:00 PM	6/5/2023	Business Communication	Dr. K.N.Mishra
LLB (Hon.) I Semester			
10:00 AM to 1:00 PM	24/4/2023	English	Asst.Prof. Sheetal
10:00 AM to 1:00 PM	26/4/2023	Labor Law -I	Prof. Chetan Prakash
10:00 AM to 1:00 PM	28/4/2023	Constitution Law - I	Prof. Shubhank Khare
10:00 AM to 1:00 PM	1/5/2023	Family Law – I	Prof. Kusum Joshi
10:00 AM to 1:00 PM	3/5/2023	Law of Contract-I	Prof. Naveen Dave
10:00 AM to 1:00 PM	6/5/2023	Gender Justice	Prof. Monica Patni
10:00 AM to 1:00 PM	8/5/2023	Women & Criminal law	Dr. Shikha Dubey

*Mam*  
3/10/23  
Director & Dean Academics

**INDORE INSTITUTE OF LAW**

(Affiliated to DAVV &amp; BCI)

1<sup>st</sup> Law College of India with NAAC A+ Grade

Contract-I

BA LLB (Hons.) – I Semester


Pre University Test

Time:- 03 Hrs.

Marks: 80

**Note: All questions carry equal marks. Attempt any 5 questions.**

1. Define Contract .State the Essentials of a Valid Contract.
2. What is lawful consideration? When would be the consideration of an agreement unlawful? Explain with illustrations.
3. What do you mean by Specific Performance of the Contracts? What contract cannot be specifically enforced? Explain.
4. An agreement in restraint of trade is void. Discuss.
5. Define and distinguish between free consent and undue influence.
6. What do you understand by Quasi Contract? Discuss.
7. Explain the principles for determination of damages on account of breach of contract.
8. Time is the essence of the Contract. Discuss.

  
Director & Dean, Academics



# INDORE INSTITUTE OF LAW

(Affiliated to DAVV & BCI)

—Rank 1<sup>st</sup> PRIVATE LAW COLLEGE IN M.P., C.J. & RAJASTHAN BY—  
INDIA TODAY – OUT LOOK – THE WEEK – THE KNOWLEDGE REVIEW

Gendalal Bam Parisar, Opp. IIM Rau, Pithampur Road (M.P.), 453331  
Email ID- [indoreinstituteoflaw@gmail.com](mailto:indoreinstituteoflaw@gmail.com), Website: [www.indoreinstituteoflaw.org](http://www.indoreinstituteoflaw.org)

Phone no:- 9977091777, 9977019777

Date – 22/08/2022

## NOTICE

### REMEDIAL CLASSES

B.A.LL.B.(Hons.)/B.B.A.LL.B.(Hons.)/LL.B.(Hons.)

Academic Session- 2022-23

1<sup>st</sup> September to 15<sup>th</sup> September 2022

This is to inform all the notified students of B.A.LL.B, B.B.A.LL.B and LL.B - I year, I semester of session 2022-23 that your remedial classes will be held from 1<sup>st</sup> Sep. 2022 – 16<sup>th</sup> Sep 2022. All the notified students should mandatorily attend the classes as per the attached time table.

# INDORE INSTITUTE OF LAW

(Affiliated to Devi Ahilya Vishwavidyalaya & Bar Council of India, New Delhi)

Date – 22/08/2022

**TIME TABLE**  
**REMEDIAL CLASSES**  
**B.A.LL.B.(Hons.)/B.B.A.LL.B.(Hons.)/LL.B.(Hons.)**  
**Academic Session- 2022-23**  
**1<sup>st</sup> September to 15<sup>th</sup> September 2022**

S.No	Name of Faculty	Subjects	DAYS	Time
1	Asst.Prof.VishalPuranik	English Tutorials	Mon	2.00 to 4.00 PM
2	Associate Prof. DrReva Mishra	Computer Fundamental	Tue	2.00 to 4.00 PM
3	Asst.Prof.AmbarishBapat	Resume Building & Professional Presentation	Wed	2.00 to 4.00 PM
4	Asst. Prof.Ami Agarwal	Group Discussion & Job Interviews	Thus	2.00 to 4.00 PM
5	Asst.Prof .Saba Khan	Soft Skills	Fri	2.00 to 4.00 PM



# INDORE INSTITUTE OF LAW

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—Rank 1<sup>st</sup> PRIVATE LAW COLLEGE IN M.P., C.J. & RAJASTHAN BY—  
INDIA TODAY – OUT LOOK – THE WEEK – THE KNOWLEDGE REVIEW

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Phone no:- 9977091777, 9977019777

## Moot Court Competition

**Date** : Friday to Sunday  
**Day** : 17<sup>th</sup> to 18<sup>th</sup> October, 2022  
**Venue** : Indore Institute of Law, Indore  
**Judges** : Adv. Sharad Joshi  
: Adv. Pratush Sharma  
: Adv. Sanket Shah

**No. of Participants** : 163 Students

Indore Institute of Law as a part of **Demonstrative Learning, Experiential Learning, Leadership Learning & Star Learning, and Entrepreneurship Learning** organized **Moot Court Competition**. The Institute organized Moot Court on the topic of **Constitutional Law** for the students B.A.LL.B (H), B.B.A.LL.B (H) and LL.B (H) to make students competent **Legal Professionals and Industry Ready**.

Total of **58 Teams (163 Students)** participated and witnessed the event. As a part of the competition preliminary round, Quarter Finals, Semi Finals and Finals were organized along with the researcher's Test and the judging of memorials. The students were graced by the presence of **Adv. Sharad Joshi** and **Adv. Pratush Sharma** as judges in the Final Round of the moot court competition.

At the end of the competition, Winning Team which comprised of 3 members was awarded with the Trophy, Certificate and a cash prize of Rs.5100/- and Runner Up Team with the Trophy, Certificate and Rs.3100/-, All the participants were provided with participation certificates.

### Session for Participants participating in Moot Court Competition



### Session for Participants participating in Moot Court Competition



# INDORE INSTITUTE OF LAW

Affiliated to DAVV & BCI



## Moot Court External File



Submitted To

Submitted By

Asst. Prof..HARMEET...KAUR

Name : ..RISHIKA JAIN.....

Date :..08../..02../....2023.....

Semester: ..IX.....

Remark : .....

Signature: .....

## CERTIFICATE

This is to certify that Rishika Jain of 9th Semester, B.B.A.LL.B (HONS.) has successfully completed the Moot Court External File in partial fulfilment of requirements for the knowledge of “Basics of Moot and Critical Analysis of a Civil & Criminal Case” given by Asst. Prof. Harmeet Kaur, prescribed by INDORE INSTITUTE OF LAW.

This assignment is the record of authentic work carried out during the academic year 2022-23.

Teacher's signature- \_\_\_\_\_



Date- 08/02/2023

## DECLARATION

I hereby declare that the project work entitled “Basics of Moot and Critical analysis of a Civil & Criminal Case” submitted for fulfilling the essential criteria of INDORE INSTITUTE OF LAW, is a record of an original work done by me under the guidance of Asst. Prof. Harmeet Kaur in B.B.A LL.B. (HONS.) 9<sup>th</sup> semester, Indore Institute of Law for the Academic session 2022-23.

Rishika Jain

B.B.A LL.B (HONS.)

9<sup>th</sup> SEMESTER

## ACKNOWLEDGEMENT

The success and final outcome of this project required a lot of guidance and assistance from many people and I am extremely privileged to have got this all along the completion of my project.

I owe my deep gratitude to our project guide Asst. Prof. Harmeet Kaur who took up interest on our project work and guided us all along till the compliance of this project.

B.B.A LL.B (HONS.)

9<sup>th</sup> SEMESTER

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### Introduction :

A moot is replicating appellate level advocacy in a mock courtroom. A controversial problem is based on the facts. The aim of controversial is not merely to present a legal dissertation to the judges, but explain what the result should be when the law is applied to the facts of a particular case.

Therefore it is essential to be aware of precisely what the effects of your moot problem.

Moot courts is like a real court, where students are made to participate in the staged court proceeding that they are related to the fictional dispute between parties.

Generally, these moot courts are conducted in law colleges where the students are looking for their future golden prospects in the field of advocacy, arbitrator and judges.

Moot court is capitalized in the form of competition, and covers various field of law like HR, arbitration, International law etc.

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Mooting :

Moot refers to an unsettled issue that remains open to argument. It also refers to an undetermined legal question which is yet to be decided by any court.

In present day content, mooting is a submission of oral and written legal arguments, against an opposing counsel, based on a given unsettled legal problem, before a judge or a bench.

The students are assigned sides: plaintiffs/ appellants or defendants/ respondents, and then they analyse the legal problem, research, prepare memorials and make submissions before the judge(s).

Moot court :

A moot court is a mock court hearing usually in an appeal stage, where the participants make oral submissions before the judges after analysing a legal problem.

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Components of a moot:

- A judge or a bench of judges
- A moot proposition (legal problem)
- Representatives of the parties involved (counsel or team composition of representatives, generally consisting of 3 persons, two speakers and a researcher)
- court clerks.

kinds of moot:

Essentially, there are two types of moot court competitions - national and international.

But Based on procedures and nature of moot problem there can be different types of moot.

like, an arbitration moot which resolves around an arbitration problem and follows its procedure, or a trial advocacy moot, or a civil or a criminal moot.

There are also moot based on the areas of law like intellectual property, arbitration, HR moot etc.

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## Importance of mooting :

1. **Networking:** one of the most basic feature of mooting is that it helps you to connect and socialize with so many people across the globe with whom you connect in the process of mooting.  
It gives an opportunity to get the exposure to the outside world.
2. **Research & writing skills:** participating in the moot court competitions helps you in enhancing your researching skills because it is your research on the basis of which you will be fighting your case and representing your side and also helps in framing a good moot court memorial on the basis of which the other team would raise objection.
3. **Building confidence:** mooting helps an individual to build his confidence in communicating and putting their point of view in front of the people.  
It helps a person to build their confidence to such an extent that they do not fear to question or speak in front of anybody and can fight cases efficiently.

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4. Practical knowledge: Mooting helps in giving the practical implication and knowledge to the students who are studying law in such a way which they would never find in books and would be unaware of, as practical and theoretical knowledge are like two sides of the same coin, but are totally opposite in reality.

5. Team work: The team comprises of 3 students with one as the researcher and the other two as the speakers presenting their arguments on either side.

This teaches the students to perform well when they are together in as a team and analyze what are their strengths and weaknesses and how they can work upon them to achieve maximum efficiency.

It also helps to work with people who are different from you and it also teaches how to coordinate with each other.

Purpose of mootings:

The main purpose of mootings is to establish a good overview by the students of the law and enhancing their legal skills.

Mooting is a concept where there is a mooted proposition which is related to any law subject which is given to all the students in advance so that they can prepare for that in the form of memorial which tests & helps in the researching skills.

It teaches them to work under pressure with the goal to give productive output. It also helps in understanding and developing the capacity to argue persuasively before a judge.

It gives a fair idea and expertise on argumentative skills, interpretation skills, analytical thinking, logical and legal reasoning, public speaking, court manoeuvres etc, which are essential for all law students.

Participation in moot court trains them with required skills which is necessary in the courts of law.

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## Basics of mooting:

1. Preparation - Preparation is the primary and important part of mooting. Training tends to be most time-consuming part of mooting.

Like other research work, one should be aware of all the facts. The aim of moot is not merely to present a legal dissertation to the judges, but explain what the result should be when the law is applied to the facts of the particular case.

Therefore, it is essential to be aware of precisely what are the effects of the moot problem.

The various steps of preparation are-

- i) determine which side you are arguing
- ii) determine which point of appeal you are arguing for or against
- iii) create a time-line for the events set out in the moot problem.
- iv) have a look at the rules.
- v) prepare a research plan.
- vi) use of sources.
- vii) evaluate the information.

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2. Understand the problem - Before writing a memorial, we need to understand the problem and dip into the facts of the case.

The primary step to approach any moot problem is to clearly understand all questions and different aspects of law involved in the problem.

The main objective of argument is to express their side strongly and to address any short comings just as a contrast to your adversary's argument.

3. Finding legal authorities - Each of the body mentioned correctly in the list of authorities page including the bibliography.

write the authority and source which are directly linked to the case, avoid the indirect sources so as not to confuse.

4. Usage of online database - The online database is an extensive collection of data that is organized primarily for rapid research.

there are numerous sites called database. The database collects information and makes them easily accessible to researchers.

some of the database are free to access and majority of them is of a high quality.

there are various types of sources such as books, cases, articles, legislations relevant text book, article, indexes to solve the root problem and for preparation to use various online databases like manupatra, Sec online etc.

5. cite proper authorities - when arguing the need to cite relevant authorities must be mainly the primary sources like the legislation, case laws etc.

There is no need to cite the secondary sources like books and articles as to support the argument.

6. Relevant case laws - Case laws are fundamental. sometimes the relevant cases will be provided in the root problems.

Various online portal like manupatra, sec online, Indian kanoon are some of the names of the online portal where the relevant database is available.

Judgments are usually very long, and it is not possible to read through them all. The judgment made by the sc is binding and it cannot be overruled.

7. Skeleton Arguments - skeleton argument is the document produced for the court. It usually means presenting the skeleton or bare bones of the case before trial.

This gives a brief synopsis of the relevant matter of court to consider and also outline both agreed and disagreed issues between the parties.

There are various ingredients of skeleton argument -

- i) set out the nature of argument.
- ii) state the background of the case.

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iii) set out the point of law and authority

iv) make any submission of fact

v) Read the case laws.

8. proper citation - A citation is a way to tell the readers that a specific material came from which source.

Cases ought to be referred in full, except if the court welcomes you to shed statement or to utilize truncated references.

If you are relating to a situation several times throughout your submission, it may be helpful to ask the court that the case be used by an abbreviated name.

9. oral elements of moot - the oral part of the moot is what most people associate with the concept of moot.

Therefore it is essential to be well

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prepared and confident not only about what you will be arguing but also about court etiquette.

- Dress - clothing standard is one of the primary focus in moot. The first impression is the last impression.

Dress code can often be a sticking point in moots. It is critical to establish a decent connection with the adjudicator, as they will never be impressed by the blare of the clothes.

It isn't necessary to show extra glamour in moot.

- mode of address - in moot are needs to -
  - a) Address the judge as 'Your Honour' or the 'Honourable court'
  - b) Address their partner as "my learned junior or senior"
  - c) Address the opposite side as "my colleague" or "my learned friend"

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- punctuality - punctuality is also an essential ingredient.  
It is a virtue of a student as well as a lawyer.

- Team work - Team is a cluster of people assigned to achieve the common goal more effectively and efficiently.

It increases collaboration and brainstorming which brings more ideas and innovations. It gives the power to finish the difficult task and improve creativity.

- The benefits of team work are-
- great motivation
  - faster problem solving
  - sense of ownership
  - improved results
  - individual growth along with the team.
  - Improvisation and confidence in risk-taking capabilities.
  - maximum outcome, etc.

communication is one of the most important elements of strong team performance.

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Moot court procedure:

1. Each team of litigants should meet to prepare arguments for its side of the case. The team should select one or two students to present the arguments to the court.
2. When discussing the arguments, students should consider -
  - a) what does each side (party) want?
  - b) what are the arguments in favour of and against each side.
  - c) which arguments are most persuasive? } why?
  - d) what are the legal precedents and how do they influence this case.
  - e) what might be the consequences of each possible decision? To each side? to society?
  - f) Are there any alternatives besides what each side is demanding?

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3. student should not dispute the facts in the case - those have been established at the trial.
4. Arguments do not need to be rooted in legal technicalities. Any argument that is persuasive from a philosophical, theoretical, conceptual or practical standpoint can be made.
5. The justices should meet to discuss the issue involved and any case precedents. They should prepare at least 5 questions for each side that they need answered in order to reach a decision. (They may also consider the questions above when weighing the arguments).

The justices should select one student to serve as chief justice. The CJ will preside over the hearing.

6. seat the justices at the front of the room. the attorneys for each side should sit on opposite sides of the room facing the justices. the other team members should sit behind their respective attorneys.

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7. The chief justice should ask each side to present its argument in the following order.

8. The justices may ask questions at any time:

- i) petitioner's argument
- ii) respondent's argument
- iii) petitioner's rebuttal
- iv) respondent's rebuttal.

- Each side should have three to five minutes for its initial argument and 2 minutes for rebuttal.

(This time may need to be lengthened if the justices ask a lot of questions.)

- During and/or after each presentation, the justices can & should question the attorney in an effort to clarify the arguments.

Attorneys may ask for time to consult with other members of their team before answering questions.

This time is included in the total

time allowed for the presentation).

9. After all the arguments have been presented, the justices should organize into a circle to deliberate on the decision.

The rest of the class can sit around the outside of the circle and listen, but they cannot talk or interrupt the deliberations of the court.

10. After the arguments have concluded, each justice should state his or her decision and the reasons for it. The final decision will reflect the votes of the majority of the justices.

11. Conclude with a class discussion of the decision and the proceedings. If you are using an actual case, share the court's decision with the students after the student court has reached a decision.

In the event, the students' decision & the court's decision are different, it is helpful to understand the reasoning of any dissenting opinions as well as the majority.

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## I CASE ANALYSIS : KA ABBAS V. UNION OF INDIA

• Name of the case	KA Abbas v. The union of India & Anr.
• citation	1971 AIR 481, 1971 SCR (2) 446.
• Year of the case	24 <sup>th</sup> September 1970.
• Appellant	K.A. Abbas
• Respondent	The Union of India & Anr.
• Bench	Chief Justice Hidayatullah, Justice Shelat, Mitter, Vidyalingham and Ray.
• Acts Involved	The constitution of India, the Cinematograph Act, 1952.
• Imp section	Art 19(1) of IC, 5-B(2) of TheCA, 1952

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### Case Preview :

A petition was filed in the supreme court which asked for declarative against the Union of India and the chairman, central board of film censors, that the provisions of part II of the cinematography Act, 1952 along with the rules prescribed by the central government in purported exercise of its powers under section 5B of the Act as unconstitutional and void.

the petitioner, thus, asked for writ of mandamus, or any other writ as they deem fit or direction or order quashing the order asking for deletion of certain shots from the short film - 'Tale of four cities', produced by him for unrestricted public exhibition.

the present case was the first case where the question relating to the censorship of films raised. Although government had decided to grant 'U' certificate to the petitioner before the case hearing started, till

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The supreme court took up the matter as it was considered to be of great constitutional importance and also to pave ways for better guidelines for future to come.

This case involves the petition of the appellant under article 32 of the Indian constitution for the enforcement of fundamental rights.

In different countries, films are censored to monitor the different social, economic as well as political issues it can create which may promote or spread hatred to masses.

In India, under the cinematograph Act of 1952, there is a very little scope of censorship but the censorship that is permitted to safeguard interests at large is only done if they fall under specific conditions of reasonable restrictions.

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Facts of the case -

The petitioner produced a documentary short film called 'A Tale of four cities, 1968'. It was a film depicting disparity between luxurious life of the rich in four cities of Calcutta, Bombay, Madras and Delhi, with the grunge and poverty of the poor.

One of the disputed scenes in this short film was the blurred one where the red light district of Bombay is shown with inmates in the brothel waiting at the doors and windows wearing abbreviated shirts showing bare legs upto the knees and sometimes above them. This scene lasted for a minute.

Other scene showed a woman's hand with some currency notes and a male hand plucking most of them leaving only a few in the hands of the female, though the actors were not shown.

The petitioner applied to the Board of film censors for a 'U certificate'

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for unrestricted exhibition of the film. He received a letter from regional officer informed him that examining committee and the board had provisionally come to the conclusion that the film was not suitable for unrestricted public exhibition but was suitable for exhibition restricted to adults.

On the appeal to the central government, the government decided to give a 'U' certificate, with the sole condition to cut or make following cuts in the film, mainly shortening the red light district scene.

After this, the petitioner filed a the said petition claiming his fundamental right of free speech and expression had been denied and also claimed a 'U' certificate for film as of right.

Before the hearing, the film was screened specially for both the sides, that is the attorney general and the petitioner.

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Eventually, when the attorney general appeared for the hearing, he told that government had granted a 'U' certificate to the film without the cuts previously mentioned.

The petitioner then asked to be allowed to amend the petition to challenge pre-censorship itself as offensive to freedom of speech and expression and provision under the act as vague and tyrannical.

Issues -

1. Whether pre-censorship can be termed as offending the freedom of speech and expression.
2. Whether film censorship can be termed as reasonable and is certification of film into different categories justified there must be definitive principles if film censorship is applied.
3. Are there any definitive principles governing if film censorship is to be applied.

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## Related Provisions -

### 1. Cinematograph Act, 1952

section 5B(1) - A film shall not be certified for public exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the interests of the sovereignty and integrity of the state, friendly relations with foreign states, public order, decency or morality, or involves defamation or contempt of court or is likely to incite the commission of any offense.

(2) - subject to the provision contained in sub-section(1), the Cg may issue such directions as it may think fit setting out the principles which shall guide the authority competent to grant certificate under this act in sanctioning films for public exhibition

This provision gave the Cg the power to issue any such directions as it may think fit to preserve decency or morality.

In contrast to the purpose of the provision, in the present case, the central government in the exercise of its power under sec 5B of the act, issued orders restricting granting of the 'U' certificate than was necessary.

The general directions which are stated in the principles given under sec 5B(2) seek to do no more than restate the permissible restrictions as stated in clause 2 of article 19 of the Indian constitution.

## 2. Indian Constitution

Article 19(1)(a) of the constitution of India, it mentions that all citizen of India must have the freedom of speech & expression, however under clause 4 of the article, reasonable restrictions can be imposed in the interest of the public order or morality or sovereignty and integrity of India.

In the instant case, the petitioner argues whether the restriction can be granted an 'A' certificate to the film and it was held that these restrictions can be imposed in the interest of public order, peace etc.

PETITIONER'S Side -

Petitioner raised certain points -

- a) that pre-censorship cannot be tolerated under freedom of speech and expression.
- b) that even if the restraint was legitimate, it must be on definite principles leaving no room for arbitrary action.
- c) there must be reasonable time limit fixed for the decision of authorities censoring the film.
- d) and lastly, that appeal should lie to a court or to an independent tribunal and not the central government.

when the hearing commenced, the solicitor general conceded the points (c) and (d) and stated that government would set on foot legislation to expunge them at the earliest.

The petitioner felt satisfied with the assurance given so the court did not go in the matter.

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The petitioner mainly relied on the US case laws. Mentioning Justice Black and Douglas, he tried to justify that pre censorship should not be permissible.

The petitioner had applied for an amendment enabling him to raise a question of pre-censorship in general so that the one who invested money in the film making could have an earlier knowledge of the constitutional limits he could work under.

The petitioner also contended that the doctrine of 'void for vagueness' was applicable in US was applicable in the present case too.

RESPONDENTS' SIDE -

The Board of film censors had refused to grant a 'U' certificate for the short film 'A Tale of four cities'. They mentioned that a few scenes like where red light district of Bombay was shown with inmates of the brothels waiting at the doors and windows wearing abbreviated

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skirts showing bare legs up to the knees and sometimes above them and also the exchanging of currency from the woman's hands made the short film unsuitable for the unrestricted public exhibition.

On challenging the case went in the ambit of central government. While the case was pending before the SC, the central government accepted to give 'U' certificate on the condition to provide certain cuts.

But when the disputed short film was screened specially for them, the government agreed on giving a 'U' certificate without any earlier mentioned cuts.

The government also claimed that the doctrine of 'void for vagueness' applicable in US could not be applied in India as it was adopted as a part of due process.

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### Decision -

It was held that censorship of art must be made for the interest of social and moral justice. It was said that censorship did not offend right to speech and expression and task of censor being extremely careful could not be subjected to an exhaustive set of commands and prior ratification.

The decision was based on constitutional interpretation of article 19(2) of the Indian constitution. It was held that pre-censorship was justified and constitutionally valid as it was covered under the ambit of article 19(2) and therefore, it did not violate the provision of freedom of speech and expression under article 19(1)(a).

Also the classification and certification of film into the categories of 'U' and 'A' films was justified and reasonable. The court held that censorship of film, and its classification in different ways like age group, suitability etc, is regarded as a valid practice in public interest.

## Legal Aspects -

- Pre-censorship - In this case it was said that pre-censorship is just an aspect of censorship and in motion pictures pre-censorship hold the same significance just as censorship is significant after the running of that motion picture. The only difference between the two is that of the stages. It was also mentioned that censorship exists everywhere but the degree varies.

- Reasonableness of film censorship - Many reasons were given as to give the decision. The main contention was that motion pictures have a greater impact on its viewers than other mediums like portraits or books etc.

This happens due to its three dimensional effects and visuals that they are more relatable for the audience.

Also it has the tendency to affect the tender and mouldable mindset of children in a great way. This justifies the age wise classification.

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censorship is equally valued in all the mediums like books, newspapers etc. But censorship in other mediums than film censorship is done after they start running. In this context the following case is relevant *K Rajgopal v. State of Tamil Nadu*, where the petitioner sought issuance of an appropriate writ under Article 32 of the Indian constitution restraining respondents from taking any action from interfering with the publication of the autobiography of condemned prisoners named *Auto Shankar* in their magazine called *Nakkheeran*.

*Auto Shankar* was charged and tried for six murders and was sentenced to death and his plea for mercy petition was lying pending to the President of India.

He had written his autobiography, which set out his close nexus with various IAS, IPS and all and he wanted to get it published. When the said officials got to know about the publication, the prisoners

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was subjected to third degree methods to ask the petitioner not to publish his autobiography.

The relevant issue in the present context was whether the freedom of press guaranteed by article 19(1)(a) entitle the press to publish such unauthorized account of a citizen's life and activities and can it such publication be censored if it is defamatory for the person mentioned in it.

It was held that publication could not be censored just on the presumption of defamation of some-one. Though defamation was covered as an exception to article 19(1)(a), under article 19(2) of the Indian Constitution but still a newspaper column could not be pre-censored and censorship was definitely an option after the publication.

Also it was not feasible to find out what would be published in a newspaper until it is published and mainly stories are covered by small newspapers which makes it

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quite difficult to pre-censor them.

so from the above case we can make out that pre-censorship is mainly related to motion pictures for they reach a wide audience and hence this needs regulation.

- Reasonableness of censorship regulations-  
The provision of censorship can be justified under article 19(2) of the Indian constitution. It was also made clear that conditions in India and other countries are very different and thus we could not be given absolute freedom of speech and expression.

The restrictions are mainly to avoid obscenity, enmity with other countries, avoiding legal violence etc.

It was held that if there was a naked portrayal of vice without the element of art if an average man starts to feel embarrassed to watch it then it could be censored.

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concepts highlighted -

- Freedom of speech and expression - cinema is an instrument of expression of ideas and thoughts and this should not be restricted from any kind of censorship. Restriction of any kind must not infringe on the basic human right of an individual to express their views.

- Reasonable Restrictions - However, at the same time one must keep in mind that with rights conferred, the duty to practice those rights is on the same individuals.

If the peace and law and order situation is disturbed or harmed by one's expression of thoughts, restriction can be imposed.

- A Balanced Approach - Henceforth, to maintain a balance between the right to freedom of speech and expression and the duty to maintain peace and security in the nation.

A Balanced approach by the authorities

should be applied. In case of reviewing a film or giving a certification of approval, the authorities should strike a balance of harmony where the right of freedom of speech and expression, as well as a sense of peace and security, prevails.

- the supremacy of constitution - It has been stated that to curb the arbitrariness and safeguards the rights, the constitution of India is sufficient, absolute, and supreme to ensure justice and impartiality.

### Critical Analysis of the Judgement.

The present case was decided in the year 1970 and from the time social concepts have changed drastically.

The justification for pre-censorship is definitely correct. The case poses grave questions on how the censor board can sometimes neglect art under the shadow of wrong judgement.

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Nakedness is at times necessarily confused with obscenity. Just like in the case *Ranjit Odyssey v. State of Maharashtra*, a bookseller was convicted under sec 292 of IPC, for selling an uncensored edition of "Lady Chatterley's Lover" and it was held that the article of freedom of speech and expression comes with certain restrictions.

Also the mistake in judgement of our case *KA Abbas* was corrected when petitioner filed a case in supreme court. This is a big question mark on our system as not everyone has the audacity and pocket to afford court proceedings to have their rights secured.

The definition of obscenity started changing in legal content after coming up of many case, one of which is *Director General, Directorate General of Doordarshan v. Anand Patwardhan*, where it was held that obscene material is a material where an average person "applying contemporary community

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standards" would find the subject matter "taken as a whole", depicts patently offensive ways and the sexual conduct, taken as a whole, lack serious literary, artistic, political, educational or scientific value.

The above test was preferred in case of Hicklin's test (a test to see if the tendency of the matter is to deprave and corrupt the minds of those who are susceptible to those immoral influences) and it is considered obsolete in today's context, in case of *Aweek Sarkar v. State of West Bengal*.

Also the case *Rashtravadi Shiv Sena v. Sanjay Leela Bhansali Films Pvt Ltd*, it was stated that though pre-censorship of the films is justified under Indian constitution still the censors must pave way for freedom, leaving a huge area for creativity to interpret life and society. Consequently, films are a piece of art, so entitled to protection under article 19(1)(a) of the Indian constitution.

When a PIL is filed in the court seeking

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a ban on the film PK, the court rejected the plea. Chief Justice of India KM Lohia said that "tolerance to works of art and fiction is the hallmark of a tolerant society"

This way with the changing times the decision given in the case KA Abbas v. UOI has become obsolete. Nowadays, more emphasis is put on creativity and execution of ideas.

It is made sure that freedom of creativity is not curtailed.

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scenario in United states -

US too faced the dilemma of whether to allow censorship (pre-censorship) or not. many cases were filed in the supreme court about the same.

In case named Mutual film corp v. Industrial commission of Ohio, it was held that it was not unlawful to setup Board of censors to examine and censor and approving only those films that are moral, educational or amusing and forbidding the ones which are not.

likewise a series of other cases said that censorship cannot be validated.

In today's scenario, censorship in US is based on the presumption that such materials are offensive or dangerous to public.

Commonly censored materials there include - displaying excessive violence, matters that must be kept secret for national security.

But one can escape from censorship in US with the help of 1<sup>st</sup> amendment of the US's constitution.

Scenario in England -

England didnot provide much freedom of speech in start. Later on when cinematograph came into being the cinematograph Act 1909 was passed to control cinemas. This was later on amended in 1952.

Today censorship of films is done by British Board of film censors as an independent body uncontrolled by the state. there are various laws in England and wales today.

British Board of film classification, in the case of film censorship is responsible for the national classification and censorship of motion films released physically in UK.

UK also has video recordings act which states that commercially the video recordings which are sold or hired within UK must carry classification agreed by an authority designated by the home office.

( a ministerial dept of Her Majesty's Govt of UK).

Comparing the laws of UK and US  
from India -

In India film censorship and regulation of the films come under the ambit of Central Bureau of Film Certification which had been established under the cinematograph act.

Sec 5B which states the ground on which a film can be censored is considered as vague since the parameters stated, if followed then hardly any film can hit the theatres.

In 1981, the Film Certification Appellate Tribunal (FCAT) was formed as a quasi-judicial body, where one could approach if they were unhappy about the CBFC's decision.

Therefore on reading the situation in India, US and UK, it can be seen that there are similarities between all three.

The inspiration for FR in India has been taken from US and since India has been under the rule of British for quite a long time so this justifies UK's influence.

### Related Case laws -

- In the case of Rangrajan v. P Jagjivan Ram, the supreme court of India zealously protected the freedom of expression and overturned the decision of Madras High court which revoked a U certificate awarded to the film *Ose Ose Granathile* on the ground that the govt policy reservation system as portrayed in the film may cause widespread law and order problem in Tamil Nadu.

When the matter went as an appeal to the supreme court, the apex court demolished the state argument and stated that "the state must protect the freedom of expression since it is a liberty guaranteed against the state.

The state can plead its inability to handle the hostile audience problem.

- In another case of Bobby Art International v. Om Pal Singh Noon, the petitioner filed a petition asking the court to quash the certificate of the exhibition for the screening of the

film 'Bandit queen' and also to restrain its exhibition within India and pleaded that this film depicts the life story of phoolan devi and the way the rape scenes are depicted in this film, it is a slur to womanhood in India and also contended that depiction of Gujjar community promoted moral depravity to a particular community.

It was held by the apex court that the decision of Tribunal in granting of 'A' certificate to the film is valid and stated that "the film must be judged in its entirety from the point of overall impact.

where the theme of the film is to condemn degradation, violence, rape on women, scenes of nudity to advance the message intended by the film by arousing a sense of revulsion against the perpetrators and pity for the victim is permissible.

- In three Raghavendra Films v. Govt of Andhra Pradesh, the exhibition of the film 'Bambay' in its telegu

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version was suspended in the exercise of powers under sec 8(1) of the Ap Cinemas Regulation Act, 1955 despite being certified by the censor board for the unrestricted exhibition.

The suspension was imposed because the film may hurt sentiments of certain communities however, the court discovered that the authorities who imposed those suspensions did not even watch the film and thus the court quashed this arbitrary suspension.

- In a recent case of phantom films Pvt Ltd and Anr v. The Central Board of Certification, involving the controversy of the film 'Udta Punjab' where the central Board of film certification refused to certify the film because it promotes and highlights the drug menace in the states of Punjab, and in addition to that suggested out of 13 major scenes.

However, the court observed and criticized the central Board of

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film certification for its conduct and stated that the board is not necessarily entitled to censor the films.

The word 'censor' is not mentioned in the cinematograph act and that the board can make changes in the film and central Board of film certification but should exercise its power in consonance with the constitutional provisions and court orders.

The court stated that "The ultimate censorious power over the censor belongs to the people and by indifference, laxity or abetment, pictures which pollute public morals are liberally certificated, the legislation, meant by parliament to protect peoples good morals, may be subverted by statutory enemies within.

corruption at that level must be stamped out. And the Board alive to its public duty, shall not play to the gallery, nor shall it restrain

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aesthetic expression and progressive art through obsolete norms and grandiose inhibitions, when the world is wheeling forward to glimpse the beauty of creation in its myriad manifestations and liberal horizons.

They should then weigh up all these factors to decide whether on balance the publication is proved to be justified as being for the public good. Thus the court held that the film must be given 'A' certificate.

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Conclusion -

By reading the case with respects to today's scenario, it can be concluded that films are one of the mediums of portraying a mirror image of the society. The concept of pre-censorship had been introduced just to make sure that the content which goes in front of the audience does not inflict any kind of hatred, fear, anxiety or is not a portrayal of nudity out of content.

The (CBFC) should make sure that they do not use censorship as the tool to deprive the general public from knowing the truth and real facts. Censorship must be used as a very narrow spectrum so that a lot of space is left for the creativity and ideas to flourish in the films.

Right to freedom of speech and expression is a fundamental right guaranteed to every citizen of this country and thus the film makers must also have freedom to express their art also in a manner that may not be liked

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or supported by the government or some radicals and staunch minds who refuse to accept the change in the ways of society.

Thus, CBFC should try that a situation does not arise where the courts have to step in as a saviour of freedom. mainly if a film is seen as a whole and not only considering a particular scene, one can make out the content in which that scene has been put in.

so ~~the~~, it can be concluded with a line that the way beauty of literature lies in the ability of its writer to criticize around similarly a film maker must be given the audacity to criticize the malpractices he witnesses in the society through his films.

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## II CASE ANALYSIS :

1. Title -  
Tuka Ram J Anr v. state of Maharashtra

2. Petitioner -  
TUKA RAM J ANR

V.

3. Respondent -  
STATE OF MAHARASHTRA

4. Date of Judgement  
15/09/1978

5. Equivalent citation  
1979 AIR 185, 1979 SCR (1) 810

6. Bench  
Kashal A.D.

Bench  
Khosla A.D.  
Singh, Jaswant  
Kailasam, P.S.

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Abstract :

Rape is a sexual assault which involves but not limited to sexual intercourse and other forms of sexual penetration, without the consent of the person or against the will of the person.

It can be carried out by physical force, abuse of authority, coercion or against someone who is incapable of giving a valid consent, in the meaning that the person is unconscious, has a disability or has not attained the legal age for consent.

In 2019, India recorded an average of 87 rape cases and a total of 405861 crime cases against women which showed approximately over 7% rise in cases from 2018.

Laws are being amended on regular basis to protect women in India but every law made seems to be ineffective when women get raped in India.

Various schemes and policies are

also implemented to provide safety and security at places where women feel unsafe.

From minors to aged, no woman is safe, there are various instances where a toddler has been raped by someone and at the same time it is not shocking that a 70+ years old woman is raped somewhere in India.

Reasons may be numerous, but the whole nation failed to protect safety of women in India.

In November 2019, a 27 years old girl was raped by various drug addict youngsters and was hurt to get away from the crime committed.

In August 2020, a 13 year old minor was raped and killed by 2 men of her own village.

The very recent Mathura rape case was the latest case where a girl was raped and it resulted in her death.

This project focuses on the very famous 'Mathura Rape case' which forced all the three organs of India to act; come up with new legislation.

### Introduction :

Feminist activism in India gained momentum in the late 1970s. One of the most national level issues that brought women's group together was 'Mathura Gang rape case'.

The day of 26<sup>th</sup> March 1972, considered as the black day in the history of empowerment of women.

On 26<sup>th</sup> March, 1972, Mathura Rape case became the episode of custodial rape in India, where Mathura, a young Harijan girl, was badly raped by two policemen on the compound of Desai Ganj police station in Chandrapur district, of Maharashtra, as it led to amendments in Rape law, via the Criminal Law Amendment of 1983.

The Judgement is given by Justice Jaswant Singh, Kalisam and Khosla who were highly criticized by the people for their legal fallacies and the interpretation of the law for ambiguous and the sexist tone.

Then, after the supreme court acquitted the accused, there was a huge public outcry and protests against the laws of the country.

Facts of the case:

A young tribal girl named Mathura, lived with her brother Gama. She worked as the labourer at the Nushi's house for the employment.

During the period of employment, she developed the sexual relations with the son of Nushi's sister, 'Ashok'. They decided to get married.

Here brother filed a complaint to the police ensuring that Mathura had been kidnapped by Nushi's, her husband Laxman and Ashok on 26<sup>th</sup> March, 1972.

The statements of Ashok and Mathura were recorded at about 10:30 pm and the head constable Baburao asked all the persons to leave with the direction to Gama to bring a copy of entry regarding birth date

of Mathura.

The appellants also asked Mathura to stay at the police station only. Thereafter closing the doors and turning off the lights inside, Ganpat the appellant No. 1 took Mathura to the washroom and raped her.

After Ganpat was done, the appellant No. 2, Tukaram, tried to rape her but failed due to highly intoxication but touched her private parts.

After the incident, Mathura was examined by the doctor and found no injury on her body. The examiner didn't find the symptoms of semen, even on the pubic hair.

The semen was however found on girl's clothes. After examining her doctors has also estimated the age of Mathura b/w 14 to 16 years.

Issues before the court -

1. whether there was consent of the girl
2. whether the appellant No. 1 and No. 2 will be charged for section 376 of

Indian penal code.

3. whether the act of police officer will amount to rape.

4. whether the grounds of acquittal of the police officer by the court are valid.

Arguments -

- Argument No - 1

According to the decision of the trial court, in the question of consent, the intercourse had developed consensually as the girl was habituated to sex and wants to fulfill her sexual needs.

But HC, reversed the decision of the trial court and held that the sexual intercourse was a rape and not a consensual intercourse.

It is provided that as Mathura was a minor, and of 14 years of age, even if consent was given by her, how it can be considered as a valid consent.

Hence, it was not a valid consent.

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- Argument No.2-

On the evidences, presented before the trial court it was held that Mathura was habituated to sex and on the basis of this evidence, both of the appellants were charged with sec 376 of Indian penal code, and got acquitted.

But to the contrary, high court held that even though Mathura was habituated to sex, and as both of them were strangers (asuced) to Mathura, how she can have sexual intercourse with them to fulfill her sexual needs.

- Argument No.3-

Trial court has acquitted both the appellant and high court held that the police officers liable for the offence of rape under sec 376 of IPC

- Argument No.4-

The trial court held that since Mathura had not raised any alarm, her allegations of rape were untrue.

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Here ways humbly following Ganpat and were making allow him to have sexual intercourse with her and giving indication that the 'consent' in question was not a consent which could be kept aside as 'passive submission'.

According to the trial court, police officers are acquitted on the basis of that the intercourse had developed consensually and while having the intercourse Mathura has not raised any alarm or did not make any sound for help.

But, the high court held that both of the police officers were liable for the offence of rape.

• Judgement by sessions court-

she accused were acquitted because the sessions judge believed that this was not a rape case and was a 'consensual sexual intercourse'.

she wrong-headedness of his logic was evident when he implied that Mathura was "habitual to sex" and therefore might have invited Ganpat to satisfy her sexual needs.

He further utilized this line of contention to legitimise the presence of semen on her garments to have originated from her demonstration of having sex with some individual other than Ganpat.

By this announcement, the judge is suggesting that Mathura was anxious to such an extent that she had sex with 'somebody' between the hours of this occurrence & her clinical assessment.

However, in defending the semen on Ganpat's garment he said that,

it was because of rightly releases. It is compounding with regards to why the court had such two-fold principles dependent on gender roles.

Acc to sec 375(6) of the Indian penal code, sex with a woman underneath the age of 16 whether with or without her consent qualifies as assault.

Even after Dr Shashtrakar introduced proof that Mathura was between the ages of 14-16, the sessions judge held that the proof deciding Mathura's age was lacking.

He further held that, to sound 'virtuous before Ashok', Mathura created an account of being assaulted. The chauvinist tone in this judgement is frightening as the judge allots a particular function to Mathura by suggesting that she needs to compose a story to demonstrate her virtuousness to her lover.

In his words, Mathura was a stunning liar, whose declaration was loaded with lies.

• Bombay, High Court Judgement -

The Bombay High Court properly recognized a lack of accommodation and assent.

It held that since the charges were alien to Mathura and her sibling had recently recorded a case in a similar police head quarters, the odds of her making advances on them were exceptionally doubtful.

Further, they were in a place of power and any protection from them could demonstrate unfavorable to her or her sibling.

The way that the constables restricted her to the police head quarters, alongside her demonstration of immediacy portraying the episode to her family shows a lack of assent.

The court again appropriately held that the "absence of semen on the vaginal swears and pubic hair" was a direct result of being inspected 20 hours after the

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episode and it is probably for her to have cleaned up meanwhile.

Although the high court appropriately indicted the blame, there were a few sections of the judgement that was dumb-founding.

Initially, the court concurred with the sessions judge on the record of Mathura's age. If both of the courts were certain that Dr. Shastri's assessment was wrong then for what reasons didn't they direct any further assessment into her age?

Also, while supporting the exoneration of the denounced, the high court expressed that these two 'honourable men' were supreme strangers to Mathura and it is unlikely that she'd approach them to fulfil her sexual needs.

It is confusing that while indicting the denounced for rape, this court had alluded to them as courteous fellows.

• supreme court Judgement -

At last in 1979, the supreme court toppled the conviction of high court and vindicated the charge. The supreme court concurred with the senior judge, this was an instance of consensual sex.

on this point, the supreme court additionally included that since, "no characteristics of injury" were found on Mathura's body there was 'no opposition' on her part and since she didn't 'raise an alert' for help, she 'assented to sex'.

Initially, it is astonishing that, this court has linked the absence of resistance to consent.

Regardless of whether Mathura attempted to oppose, she would be frail between two solid constables, and thus impossible for "signs of injury" to be cut onto her body.

while the court read into sec 375(3) of IPC, to hold that her assent was not acquiesced acquired by placing

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here in dread as she didn't protest when she was abducted from her family, it barred sec 375(2), which expresses that rape is sex with a woman without her assent.

Furthermore, it is sketchy concerning now the courts are sure that Mathura didn't yell for help.

Regardless of whether she shouted out for help, all things considered, she probably would have been heard.

At this stage, it is relevant to scrutinise this court with regards to what their judgement would be if the casualty for this situation were verbally handicapped?

The supreme court additionally concurred with the session judge that Mathura was "constant to sex" and this whole story was prepared to sound "virtuous before Ashok".

In such a manner, two false notions ordinarily utilized in the English language have been submitted,

'Argumentum ad Hominem' and 'Hasty Generalisation'.

This implies that instead of choosing this case on its merits, the courts continually assailed the character of the person in question and reached resolutions with no connection to its reason.

It accepted that Mathura was promiscuous to the point that she was unable to relinquish any opportunity of having sex, in any event, with her kin gauri, boss Nushi, and dearest ashok were sitting tight for her privilege outside the police headquarters.

Mathura's mix-up to bring up the specific litigant who had raped her, further neutralised her because the court expressed that as the off chance that she could conflict with her underlying declaration by changing the denounced from tukaram to gangat, it was conceivable that she had lied about everything else as well.

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No respect was paid that these men were strangers to her and she had never observed them before this incident or that it may be hard for her to see their appearances plainly as the lights were turned off.

The truth of the matter is that Tukaram stayed an onlooker while Ganpat was raping her like it was an obscene film or that he was drunk on the job was likewise viewed as incidental in crossing the destiny of this little girl.

The supreme court vindicated both the blamed, expressing this supported intercourse was a 'peaceful affair'.

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## Analysis of section 376, IPC: Punishment for Rape

whoever, except in cases provided for by subsection (2), commits rape shall be punished with imprisonment of either description for a term which shall not be less than 7 years, but which may be for life or for a term which may extend to 20 years and shall also be liable to fine unless man raped his own wife, and is not under 12 years of age, in which cases, he will be punished with imprisonment of either description for a term which may extend to 2 years or with fine or both.

whoever -

a) if a person being a police officer commits rape -

i] in the area of the police station to which he is appointed.

ii] in the building of any station house whether or not situated in

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the police station to which he is appointed.

iii) any woman under his custody or under any subordinate police officer under him, or

b) If any person being a public servant, takes benefit of his official status and commits rape on any woman under his custody as such public servant or under the custody of subordinate public servant.

c) if any person commits rape with woman knowing her to get pregnant

d) if any person commits rape with woman under 12 years of age.

e) If any person commits gang rape, shall be punished with rigorous imprisonment for a term which shall not be less than 10 years but may be for life.

Provided that, court for sufficient and particular reasons, impose a sentence of imprisonment for a term of less than 10 years (of either description).

## Analysis of laws before the criminal Law Amendment, 2013 -

Rape laws have walked through several changes before attaining the present condition through various criminal law amendment of 2013. This amendment or a change was brought at the national anger against the cruel rape of a physio-therapist student in delhi.

Rape is defined in sec 375 of the Indian penal code. In general sense rape is a sexual intercourse, with a woman without her consent by force or fear.

In the year, 1983, section 375 has also gone through amendment, which had changed the definition of rape and also made changes in the punishments of rape mentioned under sec 376 of IPC.

This was made through the Criminal Amendment act of 1983.

The amendment of 1983, brought due to the criticism of the judgement of Tukaram v. state of Maharashtra,

ie Mathura gang rape case.

The rectification of the case were seen in the amendments that were brought about in the IPC and the Indian Evidence Act.

Sec 376 A - D is new in the IPC and Sec 114A as an introduction in the Indian Evidence Act.

For analyzing the laws of the Amendment act 2013, it is important to know how the rape and its punishment is defined at former. Before the amendment act, 2013, rape involves non-consensual sexual intercourse between man and woman.

That are six essential elements that defines rape. The 1<sup>st</sup> condition that is necessary for the commission of the rape is the sexual intercourse between a man and a woman. It was strongly believed that rape can be committed only if the sexual intercourse had taken place without the consent of the victim, but this is not always the case, rape can be committed even after the consent is obtained if the woman is below the age of 16 years.

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on a closing part at which the situation necessarily required for the commission of rape, majorly divided into 3 parts.

The starting 2 clauses deal with sexual intercourse with a woman, 'against her will' and 'without her consent'?

This means that women is passively capable of giving consent or not.

The rest two clauses, again deals with the consent given by women in fear by putting her family members into threat, or the consent obtained through misconception.

The last two situation deals with the situation consensual sex place takes with an underage women.

Rape laws after the amendment of 2013 -

Lok Sabha on 19<sup>th</sup> March 2013, and Rajya Sabha on 21<sup>st</sup> March 2013, the Criminal Law Amendment Act was passed and it also provides for the amendment of Indian Penal Code,

Indian Evidence Act, and code of criminal procedure, 1973 as laws related to sexual offences.

The bill received president assent on 2<sup>nd</sup> April 2013. widespread protest of the society forced the legislature to change the prevalent rape laws. the basic aim was to formerly implementing the cruel punishment of the rape rather than broadcasting the definition of the rape.

Late Justice JS Verma, Gopal Subramian and ex-justice Leila Seth comprised with the famous Justice Verma committee, which was made to accumulate suggestions and to make recommendations for the legislature to make a law to combat rape and other crime against women.

A law is only as good as the systems and individuals that implement them.

Thinking, mentality and attitude of the society need to be changed so that women can be treated equally and can truly be respected

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without any discrimination and what are their values in the society.

The offence of rape has now been amended and it got a huge ambit which is enough to include all kind of penetration in any part of the body of a girl. The fact that the new amendment added that any penetration would be considered as rape was the most capable tool in widening the domain of the term rape which was demanded on the grounds of suggestion of the fifth law commission.

Registering complaints and medical examination are also the part of this recommendation.

The report severely mentioned "Any officer, who do not register a case of rape complained or reported to him, or attempts to avoid the investigation in any way possible, commits an offence which shall be punishable as prescribed".

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critical comparison of the two legislations -

As the view of the societal view changes from time to time, the law also changes frequently with the advent of new technologies.

but it will be fair only when the matter which is regulating the law and the prevailing in the society changes timely.

the chief rape and sexual assault cases, for example the 'shopian rape case', 'the Aruna shanbaug case', 'the nirbhaya case', priya patel, 'the mathura rape case, etc', all the above cases had an effect for fructuring the rape laws and also for their interpretations as well as reformation and their changes.

Rape was included in the Indian penal code, 1860 in its original form since 1924.

on occasions of rape, the evidences related to consent is on the basis of the past conduct of the women.

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In the previous cases, the prostitutes are also raped, but their rights are not secured as a victim and it always creates a chaos in the mind of the judiciary.

The only reason to include this amendment was to prevent the breach of privacy of victims' life by preventing it to be included as a piece of evidence in court.

Last, but not the least, and very essentially, Sexual Harassment at work place Act, 2013 has also introduced with addition to the IPC and the modern definition has been provided for the rape.

Reasons for the enactment -

The brutal gang rape and the consequent death of the physiotherapy student in New Delhi, was the reason of the origin of the Criminal Law Amendment Act 2013, that came to amend the already existing laws related to the sexual offences in the country.

The act has mainly implemented the spc, code of criminal procedure and the Indian Evidence Act.

- The Delhi Rape case, 2012-

This incident has generated wide-spread protest not only in India, but also in Abroad.

The government of India somewhere failed to provide the protection and security to the women of the country. And the protest was taking place all over the country by joining the candle march or various types of criticism.

Cases unreasonably drafted even after the amendment.

- In Mohd Habib v. State (1989), the Delhi High Court acquitted the accused for the rape of Muna Kumari.

The court again equated "no marks of injury" on his genital parts to lack of resistance by the victim.

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The fact that Asuna was between 7-10 years, her hymen was ruptured, there were bite marks on her body and there was an eyewitness to this entire incident was also considered inconsequential by this court.

- In Bhanwari devi (1992), the court held that the accused couldn't be held guilty of rape even after the semen of five different men were found in the vaginal swabs and on her clothes since the victim was a dalit while the accused was from an upper caste and would not stoop so low to have sexual relations with a dalit.

Suggestions & Recommendations -

After researching on the Mathura gang rape case the loopholes which should have to be taken into consideration while declaring the judgement are given below:

1. That the acquittal granted to both the appellant by the supreme court on the ground that there is no injury on the body of the minor girl that is why the offence was not amount to rape but will be considered as consensual intercourse.

→ for taking the opinion against this judgement, that if the girl do not have any injury on her body, it is not the valid ground of proving that the offence was not of rape but of consensual intercourse.

2. This is also considered as the invalid ground that the girl has not raised any alarm for help, so that there might be the consensual intercourse b/w the police officers and the girl.

→ In the contrary statement, might the girl was unable to raise the alarm or to make a call for help, that is why the acquittal given to the accused on this ground was also not correct.

3. In this judgement, by the sessions court the consent of the minor was also not considered as the invalid consent.

→ Consent plays an important role in the act of sexual intercourse with a girl whether she is a minor or major, if the consent is not there for intercourse how it can be considered as the consensual intercourse. Therefore, the consent is a must.

4. The major loophole is that the criminal law amendments shall provide for the harsher punishment to the accused of this offence.

5. Judiciary should take a corrective measure for major or minor as soon as possible for the same offences -

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- i) so, for improving the status of women as well as of judiciary in the society criminal law amendment should be furnished timely, and new provisions should get implemented into the act.
- ii) Rigorous punishment for life shall be awarded to the offender.
- iii) Even, if the juvenile is also committing the offence of rape, he shall also be punished with rigorous imprisonment.
- iv) The concept of reformation home for the offence of rape shall not be considered for juveniles and they shall also be punished with the same.

Conclusion -

To conclude the Mathura Gang rape case, in which both the victims got acquitted from the appellate court as with the comparison between the legislations of before 2013 and 2013 has been discussed above.

The amendment in the rapes cases always come up with different aspect and definition of the offence.

Mathura gang rape case was as one of the former rape cases after the independence which took a lot of criticism in the hands, which ultimately results in the development of criminal law amendments.

1998 was the year of the various changes in the laws related to rape in form of guidelines from Vishaka gang rape case which is sexual harassment at work place i.e. laws of rape before 2013.

And then came the major changes in the law of rape in the year 2013, which had not only altered the rape laws but also has changed the definition of

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rape and widened its scope through Delhi gang rape case from the criminal law amendment act has furiously amended in the year 2013.

The 2013 Act should be viewed as an important place holder in the fight against the sexual assault & gender violence in the country.

The most awesome outlook is the service of prevailing attitudes to rape and sexual offences in the population apparently in coping with "moral confusion", as economic transformation necessitates far-reaching changes in gender roles while social attitudes stay drenched in moral conservatism and misogyny.

There are various laws prescribing deterrent punishment for offences against women. what is actually required is a concrete legislation, that is however partially achieved through the passing of the 2013 Act.

on 15<sup>th</sup> March, 2014, in Delhi rape case, death sentence upheld by the HC of Delhi, fell into the rarest of rare category.

# DEVI AHILYA VISHWAVIDYALAYA, INDORE

Revised/C-99-07

CONFIDENTIAL

No. Conf. /Pr. Exam/20.....

E-mail : soconf.1958@gamil.com

Phone : 0731-2524053

To,

Date : ..... 22/02/2023

University House,

INDORE 452 001 (M. P.)

DR. DARVESH BHANDARI.....  
M.B. KHALSA COLLEGE, INDORE

Sir / Madam,

I have the honour to inform you that you have been appointed an External Examiner to conduct the Practical Examination of 20.....<sup>2023</sup>..... MOOT COURT at the College / University Teaching Department in collaboration with the Internal Examiner(s) of the respective College / University Teaching Department as mentioned below :

Name of Examination	Name of College / S. S. / Inst.	Internal Examiner
L.L.B V SEM.	INDORE INST. OF LAW , INDORE	TO BE APPOINTED BY THE PRINCIPAL

2. The marks obtained by the candidates and signed by all the three / two examiners may kindly be prepared in duplicate. The external examiner must handover the marks awarded in a sealed cover to the Registrar (Confidential) of the University, either by registered / speed-post or personally (for local external examiner only) for onward transmission to the tabulators. Each envelope should contain the marks of one examination only both copies of marks should be placed in different envelopes. The marks and valued Answer Books must be sent to the University as soon as the test is over.

3. In case you accept the appointment, I would request you to kindly conduct the Practical Examination in consultation with the H. O. D. / Internal Examiner of the College/s concerned.

4. You will be paid T. A. and D. A. according to the University Rules for conducting Practical Examination. However postal charges of sealed envelopes may be included in the bill along with the original receipt. It is requested that journeys may be arranged by the normal mode of transport for which T. A. is admissible under the University Rules as it would not be possible to relax them in a manner such as will involve additional expenditure on this account. According to the Audit point of view it is very compulsory to attach the photocopy of Rail Ticket with the T. A. Bill if the journey is performed by First Class.

5. The remuneration for conducting the following examinations will be as under :  
M. Phil. / M. A. / M. Sc. / M. Com. / MBA / M. Lib. Sc. / PG Diploma / LL. M. etc. Rs. 20=00 per candidate and minimum Rs. 500=00 to each examiner.  
B. A. / B. Sc. / B. Com. / B. H. Sc. / BBA / BCA / BHM / B. P. Ed. / B. Ed. / LL. B. / B. Lib. Sc. etc. Rs. 15=00 per candidate and minimum Rs. 500=00 to each examiner.

Yours faithfully

*[Signature]*  
Asstt. Registrar (Conf.)  
DAVV, Indore

Date .....

Endt. No. : Conf. / Pr. Exam. / 20....

1. Head, Computer Center, DAVV, Indore.
2. Copy forwarded to the Principal / Director / Head, INDORE INST. OF LAW, INDORE..... for information and necessary action. He is requested to kindly inform the Candidate about the dates of Practical Examination as soon as possible.

*[Signature]*  
Asstt. Registrar (Conf.)  
DAVV, Indore

D. A. V. V. P. : 67-20,000-05-2022

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**DEVI AHILYA VISHWAVIDYALAYA, INDORE**

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No. Conf. /Pr. Exam/20.....

Date : 11 SEP 2023

University House,

INDORE 452 001 (M. P.)

To,

DR. PRATIBHA CHOUDHARY.....  
P.S. ACADEMY, INDORE

Sir / Madam,

I have the honour to inform you that you have been appointed an External Examiner to conduct the Practical Examination of 2023 in ..... Alternate Dispute Resolution ..... at the College / University Teaching Department in collaboration with the Internal Examiner(s) of the respective College / University Teaching Department as mentioned below :

Name of Examination	Name of College / S. S. / Inst.	Internal Examiner
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B.B.A..L.L.B. VIII SEM.

INDORE INST. OF LAW, INDORE  
TO BE APPOINTED  
BY THE PRINCIPAL

2. The marks obtained by the candidates and signed by all the three / two examiners may kindly be prepared in duplicate. The external examiner must handover the marks awarded in a sealed cover to the Registrar (Confidential) of the University, either by registered / speed-post or personally (for local external examiner only) for onward transmission to the tabulators. Each envelope should contain the marks of one examination only both copies of marks should be placed in different envelopes. The marks and valued Answer Books must be sent to the University as soon as the test is over.

3. In case you accept the appointment, I would request you to kindly conduct the Practical Examination in consultation with the H. O. D. / Internal Examiner of the College/s concerned.

4. You will be paid T. A. and D. A. according to the University Rules for conducting Practical Examination. However postal charges of sealed envelopes may be included in the bill along with the original receipt. It is requested that journeys may be arranged by the normal mode of transport for which T. A. is admissible under the University Rules as it would not be possible to relax them in a manner such as will involve additional expenditure on this account. According to the Audit point of view it is very compulsory to attach the photocopy of Rail Ticket with the T. A. Bill if the journey is performed by First Class.

5. The remuneration for conducting the following examinations will be as under :

M. Phil. / M. A. / M. Sc. / M. Com. / MBA / M. Lib. Sc. / PG Diploma / LL. M. etc. Rs. 20=00 per candidate and minimum Rs. 500=00 to each examiner.

B. A. / B. Sc. / B. Com. / B. H. Sc. / BBA / BCA / BHM / B. P. Ed. / B. Ed. / LL. B. / B. Lib. Sc. etc. Rs. 15=00 per candidate and minimum Rs. 500=00 to each examiner.

Yours faithfully

Sd  
Asstt. Registrar (Conf.)  
DAVV, Indore

Date .....

Endt. No. : Conf. / Pr. Exam. / 20....

1. Head, Computer Center, DAVV, Indore.

2. Copy forwarded to the Principal / Director / Head,

INDORE INST. OF LAW, INDORE  
for information and necessary action. He is requested to kindly inform the candidate about the dates of Practical Examination as soon as possible.

Asstt. Registrar (Conf.)  
DAVV, Indore

D. A. V. V. P. : 67-20,000-05-2022

www.muruganmoringcollege.com

www.idyllicindore.com

Revised/C-99-07

**DEVI AHILYA VISHWAVIDYALAYA, INDORE**

CONFIDENTIAL  
No. Conf./Pr. Exam/20.....

E-mail : soconf.1958@gamil.com  
Phone : 0731-2524053

Date : ..... 19 MAY 2023  
University House,  
INDORE 452 001 (M. P.)

To,

DR. NISHAKEVALIYA .....  
CHAMELIDEVI COLLEGE, INDORE  
.....

Sir / Madam,

I have the honour to inform you that you have been appointed an External Examiner to conduct the Practical Examination of ~~2022-23~~ ..... **DRAFTING PLEADING & CONVEYANCE** the College / University Teaching Department in collaboration with the Internal Examiner(s) of the respective College / University Teaching Department as mentioned below :

Name of Examination	Name of College / S. S. / Inst.	Internal Examiner
B.A.LL.B. X SEM. / BBA LL.B. X SEM.	INDORE INST. OF LAW , INDORE	TO BE APPOINTED BY THE PRINCIPAL

2. The marks obtained by the candidates and signed by all the three / two examiners may kindly be prepared in duplicate. The external examiner must handover the marks awarded in a sealed cover to the Registrar (Confidential) of the University, either by registered / speed-post or personally (for local external examiner only) for onward transmission to the tabulators. Each envelope should contain the marks of one examination only both copies of marks should be placed in different envelopes. The marks and valued Answer Books must be sent to the University as soon as the test is over.

3. In case you accept the appointment, I would request you to kindly conduct the Practical Examination in consultation with the H. O. D. / Internal Examiner of the College/s concerned.

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B. A. / B. Sc. / B. Com. / B. H. Sc. / BBA / BCA / BHM / B. P. Ed. / B. Ed. / LL. B. / B. Lib. Sc. etc. Rs. 15=00 per candidate and minimum Rs. 500=00 to each examiner.

Yours faithfully

Sd  
Asstt. Registrar (Conf.)  
DAVV, Indore

Date .....

Endt. No. : Conf. / Pr. Exam. / 20....

1. Head, Computer Center, DAVV, Indore.

2. Copy forwarded to the Principal / Director / Head, ..... **INDORE INST. OF LAW, INDORE** for information and necessary action. He is requested to kindly inform the candidate about the dates of Practical Examination as soon as possible.

Asstt. Registrar (Conf.)  
DAVV, Indore

D. A. V. V. P. : 67-20,000-05-2022

# INDORE INSTITUTE OF LAW<sup>®</sup>

(Affiliated to DAVV and Bar Council of India, New Delhi)



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INDIA TODAY | OUTLOOK | THE WEEK | THE KNOWLEDGE REVIEW

Campus Add.: "Gendalal Bam Parisar" Opp.IIM Rau, Pithampur Road, Indore (M.P.) 453331

Phone No: +91 9977091777, 9977019777 | Web.: www.indoreinstituteoflaw.org | E-mail: indoreinstituteoflaw@gmail.com

No. .../247/23

Date: 6/11/2023

To,  
The Assistant Registrar (Exam)  
D.A.V.V., Indore (M.P.)

Subject:- Regarding Internal Marks of B.A.LL.B. (Hons.) & B.B.A.LL.B. (Hons.) Regular—  
III Year VI Sem, IV Year VIII Semester Session 2022-23.

Respected Sir,

Regarding Internal Marks of B.A.LL.B. (Hons.) & B.B.A.LL.B. (Hons.) Regular—  
III Year VI Sem, IV Year VIII Semester Session 2022-23.

Thanking You

Enclosed: - Students List

1. B.A.LL.B. (Hons.) Regular III Year VI Sem. -01
2. B.B.A.LL.B. (Hons.) Regular III Year VI Sem. -04+1⇒5
3. B.B.A.LL.B. (Hons.) Regular IV Year VIII Sem. -01

*Exam Con. Offline mark Recd.*  
*07/11/2023*

प्रयोगिक सेल  
देवी अक्षया विद्यापीठ, इंदौर

*Mam*  
Principal

ISO 9001:2008 Certified

Run By: Icon Education Society

City Office : 425-426, Orbit Mall, A.B. Road, Indore (M.P.)

Associate Institute :

**INDORE NURSING COLLEGE**  
(Affiliated to DAVV and Indian Nursing Council, New Delhi)  
www.indorenursingcollege.com

**IdylliC Institute of Management**  
(Affiliated to DAVV and approved by M.P. Higher Edu. & AICTE, New Delhi)  
www.idylliCindore.com



# INDORE INSTITUTE OF LAW

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INDIA TODAY – OUT LOOK – THE WEEK – THE KNOWLEDGE REVIEW

Gendalal Bam Parisar, Opp. IIM Rau, Pithampur Road (M.P.), 453331  
Email ID- [indoreinstituteoflaw@gmail.com](mailto:indoreinstituteoflaw@gmail.com), Website: [www.indoreinstituteoflaw.org](http://www.indoreinstituteoflaw.org)

Phone no:- 9977091777, 9977019777

## Seminar Report

**Topic:** Seminar on Environmental Law & Policy

**Venue:** Indore Institute of Law

**Date:** 09.03.2022

**Day:** Tuesday

**Resource Person:** Prof. (Dr.) S. Surya Prakash

Number of Participants: 291 students

**Subject:** Environmental Law

The Institute organised a one-day seminar on "Environmental Law & Policy" for the B.A.LL.B(H), B.B.A.LL.B(H), LL.B(H), and LL.M. students as part of the internal assessment process. The seminar was attended by 291 students in all, and the resource person presented a thorough presentation on environmental law. The seminar's objectives were to evaluate the students' knowledge of environmental values, environmental protection, wildlife protection laws, and the need for sustainable development. The students were guided by this lecture to learn important information about environmental law.

In his remarks, the seminar's chief guest praised the activity and expressed his satisfaction with the students' enthusiastic involvement in the social cause. He went on to support the efforts and initiatives made to protect the environment and maintain cleanliness in the Campus correct Waste Disposal by **Go Green Club** Started by Indore Institute of Law Finally, for the purpose of internal assessment, each student delivered their papers in front of a faculty panel during class.

**Chief Guest Prof. (Dr.) S. Surya Prakash enlightening the students about the topic**



**Audience at the Seminar**





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## Court Visit Report

**Venue: District & Sessions Court Indore, and Visit to High Court of Indore.**

Date: 18-05-2023-19-05-2023

Day: Friday & Saturday

**Number of Students: 275 students**

**Subject: Criminal Procedure Code & Civil Procedure Code**

As a part of **Evaluation process** and **Observational Learning** total **275 students** of **B.A.LL.B(H), B.B.A.LL.B(H), LL.B(H), LL.M** program were taken to the District & Sessions Court, Indore and High Court, Indore focusing to make students learn about the proceedings and to brief about filing of the cases in the District & Sessions Court along with the role of court in delivering the justice. After the completion of the visit at Lower Court the students were taken to High Court next day for further learning for the students.

In High Court the students have seen various case proceedings relating to Writs, Criminal and Civil Law. Later the students got the chance to interact with the Hon'ble Justice Alok Verma, who enlightened the students with the importance of Writs in delivering the justice for violation of Fundamental Rights to the students. Hon'ble Justice further appreciated the efforts of Career Development Cell of the college for providing ample career development opportunities to the students.

Lastly, the students got the opportunity to interact with the President of Bar Council of High Court, Indore who discussed about the Immerging Technological Laws, Latest Laws and he also encouraged the students to do regular internships.



Students in the Premises of District Court, Indore



III Students at District Court Indore



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## Effective Implementation of Academic Planner

### Academic & Administrative Audit

It refers to critical evaluation of the academic and administrative processes in an institute with respect to compare the results obtained against the objectives to be achieved in the planner and work upon the deviations if any tasks to be done in the academic planner against the goals achieved during the span of time i.e. academic year.

### Academic Administrative Audit

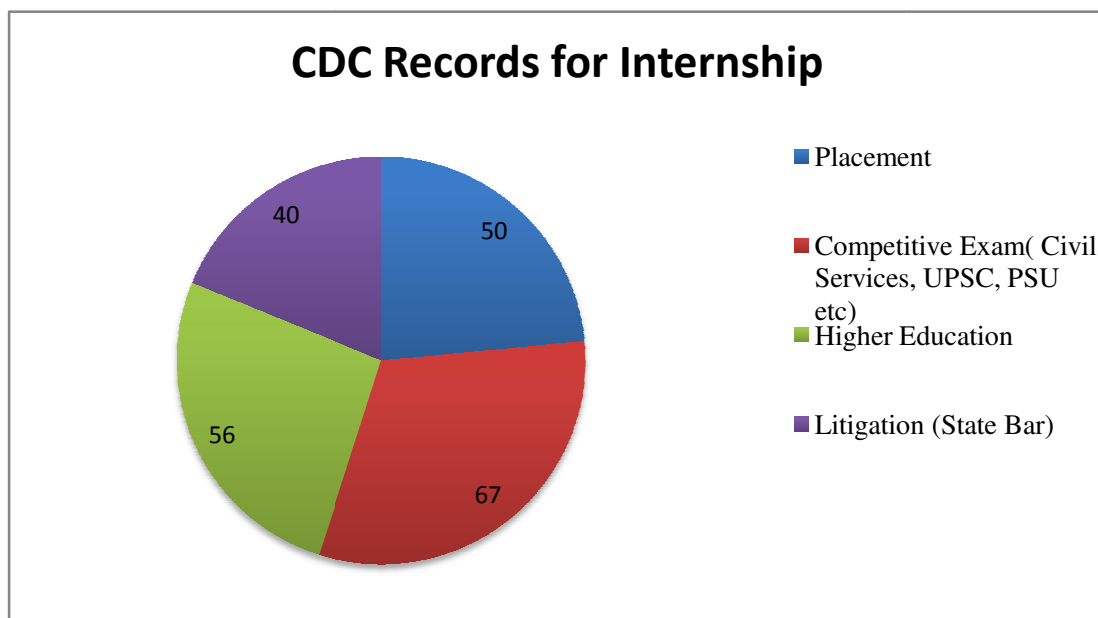
**Academic Audit** – It refers to the **Critical Analysis of the Academic Planner** which is duly **approved by the IQAC** and the **effective and efficient implementation** of the **Academic Planner** is done or not. It is done for the following constituents –

- ❖ **Academic Council:** – It comprises of all the Head of department and University and Exam Cell. IQAC evaluates timely execution of the academic planner with regard to conduction of routine lectures and internal examinations along with **Research Paper Presentation, Grand Viva Presentation, Crash Course and Pre University Test**. The IQAC audited the entire process and found that all the activities were conducted as per schedule. Though the IQAC was not happy with the non-conduction of **Internal Examination and Grand Viva Presentation in BBA LL B II semester** due to sudden declaration of semester examination by the affiliating university in lieu of late conduction of first semester (14 Months approx).
- ❖ **Skill Development Cell:** The IQAC audited Skill Development Cell's execution of all the activities and competitions suggested and mentioned by the IQAC in the planner. Various activities like **Smt. Nirmala Devi Bam Memorial Moot Court Competition, KLB MUN, Induction Exordium, International Conference on Law, Management & Social Science** returned to physical form instead of the online format during covid days. The **IQAC** audited the entire activities and records and found that all the activities were conducted on time and were in sync with the academic planner.
- ❖ **Research and Publication:** The IQAC analyzed the Research and Publication Cell activities like publication of monthly newsletter **NyayaDisha**, yearly Research Journal **Legal Voice of India (LVI) and its publication** and getting **ISBN** number for a new Research journal **Anusandhan**.

**IQAC** found all the works completed on time and was highly satisfied with the results. The **IQAC** also praised the cell for successful conduction of 4<sup>th</sup> International Conference conducted at Indore Institute of Law.

- ❖ **University & Exam Cell:** **IQAC** regularly keeps a watch on **University and Exam Cell** for timely conduction of **Internal Examination** and various components associated with evaluation and also look after issues related to university and final result. The **IQAC** found **no variation** with regard to execution and conduction of various components related to internal evaluation as per the planner except in **B.B.A. LL. B. II semester** where the **Second Internal Examination** and **Grand Viva** could not take place due to sudden declaration of Semester end examination by the University as the semester was running late. Despite college being the Centre for 6 university semester end examinations due to Covid the University & Examination Cell's work was found Satisfactory by the **IQAC**. The University and Exam cell proposed for Autonomous status to the College Management.
- ❖ **Career Development Cell:** **IQAC** thoroughly audited the work done by the Career Development Cell and found its working satisfactory. It went through the applications sent by students for internship and placement assistance and checked it against the number of internship allotted and placements provided by the CDC. If found the record **satisfactory** and also suggested to look out for more number of placements. The CDC conducted Placement Drives for the students.

#### Detailed Report of Placements achieved by the CDC



### Administrative Audit

- ❖ **College Development Council:** The CDC constructed theme based classrooms during the year and the number of classes fully ICT enabled **increased** from 24 to **37**. All the classes are fully Air-Conditioned and are fully functional. The CDC also installed **Fully Automatic Fire Extinguishing System** costing around 40 Lacs in the campus and made Indore Institute of Law the only institute among educational institutes to implement this facility. The CDC also got the blueprint of a building approved hosting an **Auditorium** with capacity of **1500** Persons and various **Administrative Offices**. The entire building will be fully air conditioned. The institute has a fund of **Rs. 18 Crore** for the structure which is kept separate despite 2 years of pandemic. The installation of Solar Plant in boy's hostel, Installation of Sanitary pad Dispensing and Incinerating machine in girl's hostel within the campus, Installing RO plant was also audited by IQAC and was satisfied with it.
- ❖ **Library:** The Library audit was done by IQAC with regard to various titles and volumes available for the students on various subjects. It was also evaluated for available online resources and journals, along with LMS. The IQAC found it **satisfactory** and was very appreciative with regard to the volume and titles of the books available for reading and specially applauded the Reference Section of the library which hosted a good number of books by renowned legal authors related to subjects. It also appreciated the number of online journals available in the library along with the search engines related to legal research. The institute library was updated with new books related to law and management subjects worth 2 lacs.
- ❖ **IT:** The IQAC thoroughly inspected the available IT related facilities like availability of internet via wifi in various parts of the college premises, its speed and connectivity, availability of computer systems, print out facility for students and the charges applicable. The **IQAC** was highly appreciative of the facilities available at the IT lab. The institute brought new Id card Printing Machine to Print ID cards in-house only.
- ❖ **Hostel:** The IQAC evaluated the Hostel facility and various aspects like drinking water facility (**RO Plant**), hot water availability, lift facility, Condition of Rooms, A.C. Facility, etc associated with it. IQAC found the facilities and amenities at par with the best in the business. The IQAC was highly satisfied with the overall evaluation. The institute Installed an ATM machine of Bank of India in the Campus so that withdrawing money becomes convenient for students and staff.
- ❖ **Canteen:** The canteen was visited by the IQAC on a random note and was thoroughly checked for cleanliness, hygiene, food quality and taste and condition of cutlery etc. The IQAC found everything in precise order and was happy with the practices adopted by the staff to maintain cleanliness and hygiene in the canteen. To reduce pollution caused by plastic the management shifted to use of steel utensils in the canteen. The limited availability of fast food at canteen also attracted the IQAC's attention. Overall the IQAC was satisfied with the Canteen and its services. The IQAC also audited

the Bio Gas plant and compost pit operated by using garden waster and leftover food from the canteen and found both the processes as per their satisfaction.

- ❖ **Transport:** The IQAC audited the transportation facility and was pleased to see all the old buses replaced by new ones and noted the available safety measures (fire Extinguishers, camera, emergency gates, etc) installed in the buses. Overall IQAC was satisfied with the overall transport facilities. The IQAC also audited the use of pick up an drop facility for students while going and coming to college hostel during and after vacation at odd hours. The IQAC found the facility useful and appreciated it whole heartedly.
- ❖ **Financial Audit:** The institute conducts audit in two modes –
  - **Internal Audit:** It is conducted on a quarterly basis by C. A. **Krishna Dugaya** who audits all the financial records of the institute.
  - **External Audit:** The External Audit is done by Auditors **A B Doshi** and Company.