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BINODA LAW COLLEGE

NADIHA, SHYAMPUR, DURGAPUR, PASCHIMBARDHAMAN, W.B. - 713211

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About Us:

Binoda Law College is a prestigious institution known for its excellence in legal education. Established with a vision to produce competent legal professionals, the college is affiliated to Kazi Nazrul University, Asansol and approved by the Bar Council of India. Our institution strives to impart quality education and foster an environment of academic rigor, intellectual curiosity, and ethical values.

Vision:

To achieve excellence in imparting holistic knowledge of law by nurturing students in embracing global opportunities in the legal profession.

Mission:

- Providing knowledge for academic excellence
- Disseminate legal knowledge.
- Professionalism in Legal education and Service.
- An innovation, efficiency, quality, continuous improvement in all the processes of the legal system.
- Develop adaptability skills to meet the contemporary challenges of society.

Table of Contents

Message

Our Faculties.....

Legal and Cultural Activities.....

Gallery.....

Students' Corner.....

Teachers' Corner.....



**Chief Patron's
Message**

Dear Students,

As you embark on your journey in legal education, remember that knowledge, discipline, and integrity are the pillars of success. Law is not just a profession but a responsibility to uphold justice and serve society. Your time at Binoda Law College is an opportunity to sharpen your intellect, refine your skills, and cultivate a sense of purpose. Embrace challenges, think critically, and strive for excellence in all that you do. The future of law rests in your hands - make it meaningful.



**President's
Message**

Welcome to Binoda Law College, Shyampur, Nadiha, Durgapur. A mission began in 2021. The mission was to impart quality education and knowledge, to enable the young students of today to become a successful professional as well as a better and responsible citizen of tomorrow who can excel in various walks of life. We have our promises to keep and miles to go before we achieve the ultimate goal.

I would like to thank all my employees for being the backbone of the Institution and providing it time and again that we exist for a purpose- a purpose to satisfy our student's expectations.

Finally, I would like to assure you that together we can do wonders and set many more milestones.



**Secretary's
Message**

Dear Students,

It is our strong belief that every individual has the urge to excel by developing the inborn potential and gifts that they are endowed with. The legal professional is a noble one. The study of law is a rigorous undertaking because our society entrusts lawyer with grave responsibilities. For making a perfect lawyer who is in a position to take the responsibilities, we need a Law institute and courses which are useful for the growth and development of the students.



**CEO's
Message**

Our prime focus is to ignite in our students a sense of leadership. Every initiative is taken to mould and shape our students to be flexible and adaptable to meet global competence. We have identified that problem solving is the key to any successful career and we create and initiate opportunities for our students to learn, unlearn and relearn. A just society can be a reality only when we are in a position to transform young minds. We upskill our students to be patient and to revere perseverance in every activity they are entrusted with. Come learn with us.



From Principal's Desk

Education is indispensable for the development of a person, society or country. Legal education plays a vital role in creating manpower that is well versed in the laws of our land, legal norms of the world as well. The students become competent to analyse the situations people face and find appropriate solutions to them. The students are nurtured by exposing them to practical sessions, internships, skill development programmes and special lectures. Quality education is offered through skilled, experienced and dedicated faculties having academic expertise and legal experiences.

I firmly believe that this institution will keep on flourishing in its chosen field in pace with time.

“Education is the most power full weapon which you can use to change the world”

Our Faculties



Pushpa Kusum
Assistant Professor



Sushmita Bose Banerjee
Assistant Professor



Shreya Chakraborty
Assistant Professor



Riya Mahanta
Assistant Professor



Gargi Mukherjee
Assistant Professor



Dipanjana Mitra
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Solanki Sarkar
Guest Lecturer in Law



Mahammad Uzair
Guest Lecturer in Political
Science



Ashik Mondal
Guest Lecturer in Sociology



Sujit Ghosal
Guest Lecturer in
Economics



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Librarian



Saikat Koner
Library Clerk

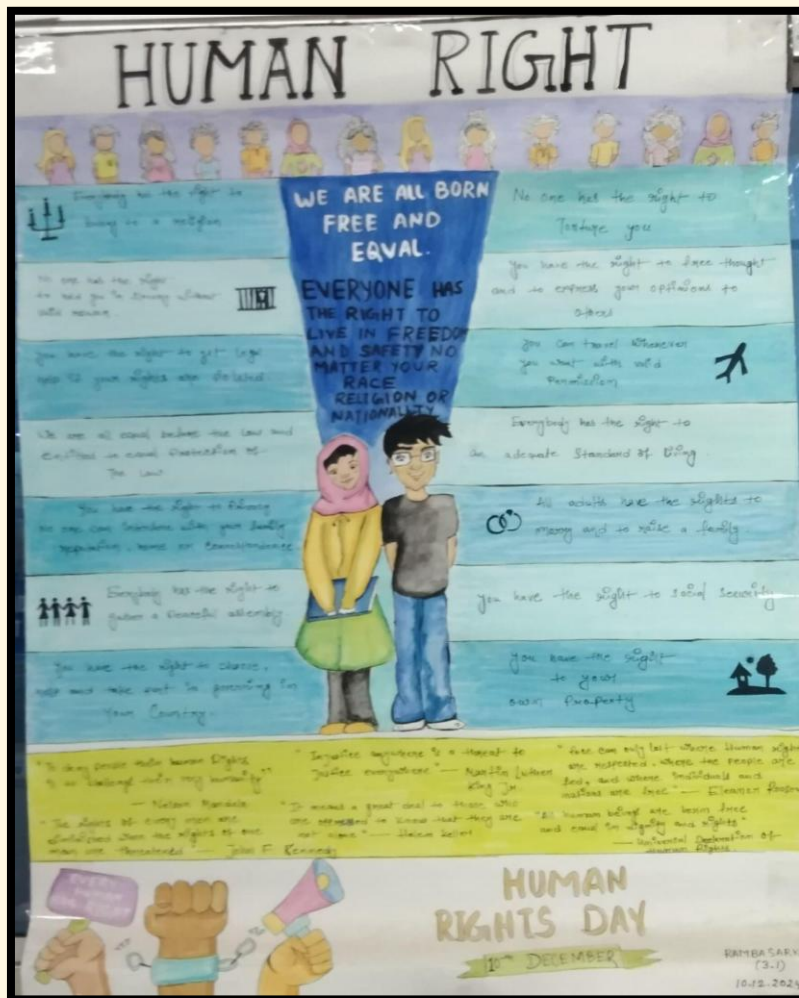
Legal and Cultural Activity



Constitution Day Celebration



ADR Programme







Human Rights Day poster making



Independence Day celebration



Sports Day Celebration





Legal Awareness programme



Anti Ragging poster making competition



Teachers Day celebration



Freshers Welcome





Celebrating the Cultural and Political Leaders



Women's Day Celebration



Saraswati Puja Celebration



World Environment Day

Students' Corner

न्याय की आवाज़: भारतीय क़ानून"

धरती जहाँ धर्म ने ली थी सांस,
क़ानून बना वहाँ का विशेष प्रकाश।
प्राचीन शास्त्रों से अदालतों तक,
सच का सहारा, अन्याय पर नज़र सख्त।
कमज़ोर का कवच, ताक़त पर लगाम,
सच और झूठ का रखता है ताम।
संविधान है इसका दीपक महान,
समानता, स्वतंत्रता — इसके हैं प्राण।
दस्तावेज़ों में, न्यायालय की दीवारों में,
गूँजता है यह फ़ैसलों की पुकारों में।
अधिकार सिखाता, कर्तव्य निभाता,
स्वतंत्रता नहीं मिलती — पर हक से आता।
मुसीबतें हों, विवाद गहराए,
क़ानून फिर भी शांत रह जाए।
देश की आत्मा का है यह दर्पण,
संवारता है, सुधारता — यही है इसका कर्म।

महेश लाल साव

LLB सेमिस्टर 3.6

"ভালো থাকিস"

আমার প্রাণের পরে চলে গেল কে?

বসন্তের এই মাতাল বাতাস টুকুর মত

"এবারের জন্মদিনে তোর সাথে দেখা করতে পারব না রে" কথাটা বলার পরে আমারও বেশ ভয় লাগছিল। আর সেটা তোর কাছে কতটা কষ্টের সেটা বোঝাতে তোর বেশ কয়েকবার কথা আটকে গেছিল ফোন এর ওপারে সেটাও আমার জানা। অনেক বোঝানোর পর অবশেষে বুঝতে পেরেছিলি

যে কারনটা আর কিছু না, আমার চাকরির পরীক্ষা। বছরের অন্যান্য দিন দেখা পাক আর নাই পাক ওই দিনটা দেখা পাওয়া ওনার হাইকোর্ট এর অর্ডার। আর ওই অর্ডার না মেনে চললে, আমার মত মধ্যমেধার মানুষের কপালে দুঃখ লেগে থাকবে এটাই স্বাভাবিক।

সিগারেট এর প্যাকেট থেকে, বৃষ্টিতে ভেজা সব কিছুতেই ওনার কথার নড়চড় না হওয়াতেই ওনার শান্তি, তবে খানিক বকাবকি করলে আমাকেই যেতে হয় রাগ ভাঙতে। আর শেষে ওনার চোখের জল আমার উপরি পাওনা।

তবে এতকিছুর মাঝেও যে ৪টা বছর আমাকে সহ্য করে গেছেন এই অনেক। তোর সাথে না থাকলে বুঝতেই পারতাম না বেধে রাখা আর বিকেলের মেঘে চড়ে ভেসে থাকার মাঝে একটা পার্থক্য রয়েই যায়। ৪ বছরে চারহাজার বার ঝগড়া করার পরেও,

যে মহিলা নিজেই কাঁদতে কাঁদতে বলেছেন

"তুই এরম করলে আমি আর কথা বলব না"

তাকে তো ভালো না বেসে থাকা যায় না।

সমস্ত অন্যায্য আবদার মেনে নিয়ে একটা বেবাক বর্ষার দিন আমাকে তুই উপহার দিয়েছিলি, আর ওই বর্ষা আমার জীবনে তোর মত একটা ভেজা মাটির আবেশ মাখিয়ে দিয়েছিল। একবার বাড়ি ফিরে ফোন করতে ভুলে যাওয়ায় টানা দু দিন শান্তি দিতে ফোন করিস নি। অথচ দু দিন পর নিজেই ভেজা চোখে sorry বলেছিস,

কি করে বলি ওই পাগলামোটা আমার বেটে থাকার রসদ।।

জন্মদিনের দিন হসপিটাল এর বেড এ যখন আমার পায়ে মাথায় হাত ব্যান্ডেজ এ মোড়াআবছা চোখে দেখতে পেয়েছিলাম তুই এসেছিস আমার হাতটা ছুঁয়ে দেখতে, চেয়েছিলাম একবার তাকে ছুঁতে, কারন জানতাম ওই স্পর্শের স্বাদ আমার কাছে তোর ভালোবাসা।

পরীক্ষা দিয়ে বেরিয়ে রাস্তা পার হওয়ার সময় লরি তে ধাক্কা খাওয়ার পর মনে মায়ের আর তোর মুখটা ভেসে উঠেছিল,

যখন আমার দেহটা গাড়িতে করে নিয়ে যাচ্ছিল, আমি কিন্তু ঠিক দেখেছিলাম তাকে, আমার ছটফট করে বিকেলের রোদ্দুর সেদিন বৃষ্টির মত ভিজে গিয়েছে

"কি রে কাঁদছিস নাকি?" আমি তো আছি নাকি।

তাকে আর আগের মত দেখি না আমি, সেই গোলাপের মত ফুটফুটে তুই হারিয়ে গেছিস।

প্রতি বছর জন্মদিন এ এসে আমার কবরে যে গিফট রেখে যাস

সেটা তো আমার আর খুলে দেখা হয় না, তবে তোর মনে তুই যে উপহারটা রেখেছিস আমার জন্য ওটা আমার কাছে তোর আমি।।

পরের বছর আবার আসিস, একটা দিন তো আমাদের দেখা হয়, কি বলিস!

Balancing Truth, Equity, and the Human Spirit

In halls where echoes softly tread,
The scales of justice hang, widespread.
One side for truth, the other for plea,
Balancing rights and equity.
The gavel falls, a solemn sound,
In its wake, the lost are found.
Yet law is not just stone and scroll,
But the heart that seeks to make us whole.
Through shadowed doubt and blinding light,
It guards the weak, it challenges might.
A fragile thread, yet strong as steel,
The law bends not, yet learns to heal.
So let it stand, both firm and fair,
A beacon bright for all who care.
For in its balance, we find our way,
To a brighter, juster, kinder day.

~ **PRIYANSHU RAI BA LLB Sem 5.6**

How AI is solved 19 years old murder case

The case involved the murder of a woman and her 17 days old twin daughters in 2006. The Kerala police used artificial intelligence to digitally age the photographs of the suspects predicting what they might look like today. This AI generated images showed 90% match with a wedding photograph on Facebook, leading to the identification of two men who had been living under false identities for years. This led to the Kerala Police being able to find and arrest the two men.

My opinion regarding AI

If a 19 year old case is solved with the help of AI, then if we can use AI in a positive way in the legal field it will bring great success, and those cases which were pending for a long time will dispose Rapidly. In this way if we can use AI positively then it will bring a blessing for India, and also it will give a great success for Indian legal aspects.

~ Payel Ganguly, BA LLB Sem 5.6

Beyond a letter

The rain hammered against the courthouse windows, a relentless rhythm mirroring the turmoil inside. Judge Mallory sighed, pushing a stray strand of silver hair from her face. Before her stood Elias Vance, a man whose face was a roadmap of hard living, accused of stealing a loaf of bread. A petty crime, yes, but in the heart of the city's poorest district, it was a symptom of a much larger, festering wound.

"Mr. Vance," she began, her voice weary, "you've pleaded guilty. The prosecution requests the maximum sentence."

Elias shuffled his feet, his worn shoes squeaking on the polished floor. "Ma'am, I was hungry. My kids...they ain't eaten in two days."

The prosecutor, a young, sharp-suited man named Reynolds, scoffed. "Hunger is no excuse for theft, Your Honor. The law is the law."

Mallory knew the law. She'd spent her life upholding it. But the law, in its cold, impartial majesty, often failed to account for the human cost. She looked at Elias, his eyes hollow with desperation, and then at the pristine, untouched loaf of bread presented as evidence.

"Mr. Reynolds," she said, her voice firm, "is the prosecution aware of the city's food bank closures? Or the crippling unemployment rates in Mr. Vance's district?"

Reynolds shifted uncomfortably. "Those are extraneous factors, Your Honor. They don't negate the crime."

"Extraneous?" Mallory raised an eyebrow. "Mr. Reynolds, justice isn't a mathematical equation. It's a delicate balance. It requires context, empathy, and a recognition of the human condition."

She turned back to Elias. "Mr. Vance, while I cannot condone your actions, I understand your desperation. I'm going to suspend your sentence, with the condition that you perform community service at the city's soup kitchen. And Mr. Reynolds," she added, her gaze sharp, "I suggest the prosecution look into the systemic issues that led Mr. Vance to this courtroom. Perhaps then, we can truly serve justice."

As Elias was led away, a flicker of hope in his eyes, Mallory leaned back in her chair. The rain continued its relentless drumming, but inside, a small, fragile seed of change had been planted. Justice, she reminded herself, wasn't just about upholding the law. It was about seeing the humanity within it, and striving to mend the broken pieces of a society that so often failed its most vulnerable.

~ **Rambha Sarkar, LLB Sem 3.2**

Concept of Royalty/IP Licensing under FEMA, 1999

Introduction-

The Foreign Exchange Management Act (FEMA) in India oversees foreign exchange transactions, including royalty payment remittances. Royalties are payments made for the use or right to use intangible assets, such as intellectual property rights (IPRs), including patents, copyrights, trademarks, and designs. These payments are broadly classified into three categories: **Intellectual Property Royalties**, for using IP such as patents and copyrights; **Franchise Royalties**, paid by franchisees to franchisors for the use of their brand and business model; and **Performance Royalties**, given to artists or creators for public performances or broadcasts of their work. In the Indian legal context, royalties are not merely payments for goods sold but contractual fees for the right to use specific assets or resources.

Regulatory framework under FEMA

Royalty refers to payments made as consideration for the use or right to use intangible assets, such as **copyrights, designs, models, secret formulas or processes, trademarks, trade names, or industrial and commercial expertise**. Prior to April 2010, Indian resident firms were subject to caps on royalty remittances to foreign collaborators, limited to a lump sum of US\$2 million and royalty payments of 5% on annual domestic sales or 8% on exports without prior regulatory approval. For trademarks and brand names, royalties without technology transfer were capped at 2% for exports and 1% for domestic sales under the automatic route. These restrictions were retrospectively removed from December 2009, but all royalty payments must comply with the Current Accounts Rules.

Compliance and Challenges

Companies engaging in cross-border royalty payments must ensure compliance with FEMA regulations to avoid penalties. While FEMA establishes a framework for royalty payments tied to intellectual property, businesses must navigate regulatory requirements diligently to ensure compliance while optimizing their operations in international markets.

For an Indian company considering royalty payments to a foreign entity, several key factors must be taken into account to ensure compliance with the Foreign Exchange Management Act (FEMA) and to navigate the complexities of cross-border transactions.

Regulatory Compliance

- **Approval Requirements:** Under **Foreign Exchange Management (Current Account Transactions) Rules, 2000 Schedule II**, royalty payments can be made without prior approval for amounts up to **5% of domestic sales** and **8% of exports**. Remittances under technical collaboration agreements where payment of royalty exceeds 5% on local sales and 8% on exports and lump-sum payment exceeds US\$2 million. If these thresholds are exceeded, prior approval from the Ministry of Industry and Commerce is required (***)Omitted by the Foreign Exchange Management (Current Account Transactions) (Amendment) Rules, 2010, vide Notification No. G.S.R.382(E) dated 05-05-10, w.e.f. 16-12-2009. Prior to its omission, item read as 8)
- **Documentation:** This includes licensing agreements, valuation reports, and justifications for the royalty amounts being paid. Such documentation will be vital in case of scrutiny by tax authorities or enforcement agencies.

Legal Risks-

Scrutiny by Authorities: Royalty payments have come under increased scrutiny from tax authorities in India. Cases like *Xiaomi Technology India Private Limited vs. Union of India and Ors.* (21.04.2023 - KARHC) : MANU/KA/4203/202 highlight the potential legal risks associated with cross-border remittances disguised as royalties. Companies must ensure that their royalty arrangements are transparent and defensible.

Transfer Pricing Regulations: The Indian tax authorities require that royalty payments be made at arm's length—meaning they should reflect market rates for similar transactions. Non-compliance can lead to disallowance of deductions and additional tax liabilities.

Intellectual property (IP) royalties are typically structured as a percentage of net or gross revenue generated by the IP, though fixed fees are also common. **Licensing agreements** play a vital role in protecting IP and ensuring the licensor receives fair compensation. Royalty rates can take various forms, including percentages, fixed fees, variable rates, or minimum payments, with variable rates often applied to new IP or based on sales or volume thresholds. Minimum royalty rates guarantee a baseline payment, irrespective of revenue, while payments are usually made monthly, quarterly, or annually.

Accurate valuation of IP is crucial to setting fair royalty rates, employing cost-based, market-based, or income-based approaches to reflect the IP's market value. Factors influencing royalties include the strength of IP protection, its stage of development, uniqueness, market size, competition, and the exclusivity of the licensing agreement. Tools like RoyaltyRange assist in benchmarking and determining appropriate rates by providing databases, One Search bespoke reports, and comparative licensing agreement studies.

FEMA Provisions for Royalty/IP Licensing

FEMA and its associated rules allow payments related to royalties and IP licensing if the transactions fall under **Current Account Transactions** and are generally permitted without prior approval, subject to limits.

Key Rules:

- **Automatic Route:**
 - Payments for royalties or IP licensing agreements are allowed under the automatic route without Reserve Bank of India (RBI) approval if:
 - The agreements comply with FEMA (Current Account Transactions) Rules, 2000.
 - Payments are within prescribed limits (as amended from time to time).
 - For example: Royalty on trademarks or technical know-how can generally be remitted up to a certain percentage of net sales (e.g., 5% for domestic sales, 8% for exports).
- **Approval Route:** If royalty or IP-related payments exceed the limits under the automatic route, prior approval from the RBI is required.

FEMA Compliance for Royalty/IP Licensing

Under the Foreign Exchange Management Act (FEMA), 1999, royalty payments are primarily governed by the following provisions:

- **Section 5** – Current Account Transactions: This section permits current account transactions, including royalty payments, unless restricted by the Foreign Exchange Management (Current Account Transactions) Rules, 2000.
- **Section 10** – Duties of Authorized Dealers: Authorized dealers (such as banks) are responsible for ensuring compliance with FEMA regulations while processing royalty payments.
- **Section 3** – Restrictions on Dealing in Foreign Exchange: This section prohibits transactions in foreign exchange without general or specific permission from the RBI. However, royalty payments under the automatic route are exempt from prior approval requirements.

To ensure compliance with FEMA, entities must:

- **Draft Agreements:** Clearly outline royalty terms, including rates, duration, and scope; Ensure compliance with the Foreign Exchange Management (Transfer or Issue of Security by a Person Resident Outside India) Regulations, 2000.
- **Documentation and Filing:** File necessary documents with Authorized Dealer (AD) banks; Maintain records of agreements and payment transactions.
- **Tax Implications:** Royalties are subject to withholding tax under Indian Income Tax laws, and double taxation agreements (DTAs) may affect the applicable rates.

Recent Developments and Amendments

The liberalization of royalty payment limits in recent years reflects a pro-business approach. Companies can remit payments for technology collaboration agreements without limits in most cases. Attention is required to ensure compliance with other laws, such as Intellectual Property Rights (IPR) laws and the Companies Act, 2013.

Conclusion-

An Indian company exploring royalty payments to a foreign entity must navigate a complex landscape of regulatory compliance, financial implications, and legal risks. By ensuring adherence to FEMA regulations, maintaining robust documentation, and understanding market norms, the company can effectively manage its royalty obligations while fostering beneficial international collaborations.

~ **POULOMI DEB, LLB (H) Sem 3.4**

False Domestic Violence Cases Against Women: A Legal and Social Perspective

Introduction

Domestic violence is a serious issue that affects countless women worldwide. However, the misuse of legal provisions to file false domestic violence cases is also an emerging concern. In India, laws like the Protection of Women from Domestic Violence Act, 2005 (PWDVA) and Section 498A of the Indian Penal Code (IPC) were enacted to protect women from abuse. While these laws have empowered genuine victims, some individuals misuse them for personal gains, leading to legal harassment, financial distress, and damage to reputations.

Understanding the Law on Domestic Violence

India has strong legal provisions to protect women from domestic abuse:

- Section 498A of IPC: Addresses cruelty by a husband or his relatives, including mental and physical abuse.
- Domestic Violence Act, 2005: Provides protection, residence rights, financial relief, and child custody to victims.
- Dowry Prohibition Act, 1961: Criminalizes dowry demands and related harassment.

While these laws serve a crucial purpose, their misuse can have severe consequences for innocent individuals.

Instances of False Domestic Violence Cases

False domestic violence cases are filed due to various reasons, including:

1. Revenge or Personal Disputes – Some cases arise from marital disputes where one partner seeks revenge.
2. Financial Gains – Claims of harassment are sometimes made to secure alimony or property.
3. Custody Battles – During divorce proceedings, false accusations are used to gain leverage over child custody.
4. Family Conflicts – In-laws are often falsely implicated in disputes over property or personal differences.

There have been cases where men and their families have faced arrest, loss of employment, and social stigma due to false allegations, only to be acquitted years later.

Legal Consequences of False Allegations

Filing a false domestic violence case is punishable under:

- Section 211 of IPC – Punishes false charges with imprisonment up to two years.
- Section 182 of IPC – Addresses false information given to public servants.
- Perjury Laws (Section 191-193 IPC) – Punishes lying under oath.

Despite these provisions, many falsely accused individuals struggle for years before proving their innocence.

Impact on society and genuine victims

1. Delays in Justice – False cases burden the legal system, delaying justice for genuine victims.
2. Mental and Financial Stress – Accused individuals face trauma, legal expenses, and loss of reputation.
3. Reduced Trust in Laws – Frequent misuse weakens the credibility of laws designed to protect real victims.

The Way Forward

1. Stricter Penalties for False Cases – Courts should take strict action against those who misuse the law.
2. Gender-Neutral Laws – Revising domestic violence laws to protect all victims, irrespective of gender.
3. Better Investigation Procedures – Police should conduct thorough investigations before making arrests.
4. Awareness Campaigns – Educating people on the proper use of laws and legal consequences of false allegations.

Conclusion

While domestic violence laws are crucial for protecting women, their misuse leads to serious consequences for innocent individuals. A balanced approach is needed to ensure justice for both genuine victims and those falsely accused, thereby maintaining the integrity of India's legal system., loss of employment, and social stigma due to false allegations, only to be acquitted years later.

~ Shibangi Bhattacharjee, BA LLB Sem 5.6

Judicial Reforms in India: The Need for Speedy Justice

The Indian judiciary is one of the most robust legal systems in the world, ensuring justice and constitutional supremacy. However, the system faces significant challenges, including case backlogs, delayed trials, and accessibility issues. The need for judicial reforms is more pressing than ever to ensure timely justice for all citizens.

Key Challenges in the Judiciary

1. Pendency of Cases: As of 2024, more than 5 crore cases are pending in Indian courts. The slow pace of trials, shortage of judges, and procedural delays contribute to this alarming backlog.
2. Infrastructure and Digitalization: Many lower courts lack proper infrastructure, and the adoption of digital tools is slow. While initiatives like e-Courts and virtual hearings have helped, there is a need for widespread implementation.
3. Judicial Appointments and Vacancies: The collegium system for appointing judges often leads to delays. The absence of a transparent and accountable system affects the efficiency of the judiciary.
4. Access to Justice: Legal aid for marginalized communities remains inadequate. High legal costs and lack of awareness further prevent the poor from seeking justice.

Proposed Reforms

1. Fast-Track Courts – Increasing the number of fast-track courts to deal with critical cases like sexual offenses, corruption, and commercial disputes.
2. Alternative Dispute Resolution (ADR) – Encouraging mediation and arbitration to reduce the burden on courts.
3. Judicial Transparency – Implementing AI-based case management systems and improving digital infrastructure.
4. Judicial Accountability Act – Introducing an independent body to oversee judicial appointments and complaints.

Conclusion:-

Judicial reforms are essential to uphold justice, democracy, and the rule of law in India. A proactive approach with technology, transparency, and efficiency is needed to transform the judiciary into a system that delivers justice delayed is justice denied no longer.

~Roushan Prasad, BA LLB Sem 5.4

Legal And Social Issues in India

India, as the world's largest democracy and a country with rich cultural diversity, faces multifaceted legal and social challenges. Despite having a well-established constitutional framework, strong legal provisions, and various welfare schemes, the country grapples with persistent problems like poverty, gender inequality, corruption, caste discrimination, judicial inefficiency, and environmental degradation.

Legal and social issues are deeply interconnected—legal problems affect society, while social evils call for legislative interventions. Addressing these challenges is essential to achieving social justice, equality, and sustainable development as envisioned by the Indian Constitution.

Major Legal Issues in India:-

1. Corruption and Lack of Accountability: Corruption remains a critical challenge in India's governance. It undermines economic growth, erodes trust in public institutions, and creates barriers to justice. Despite laws like the Prevention of Corruption Act (1988) and the establishment of the Lokpal and Lokayuktas Act (2013), implementation remains weak.

Major scandals like the 2G Spectrum scam and coal allocation scam exemplify how corruption penetrates high levels of administration. Everyday corruption in services like healthcare, education, and law enforcement continues to affect common citizens.

Solution: Strengthening anti-corruption bodies, promoting e-governance, increasing transparency, and protecting whistleblowers can reduce corruption.

2. Judicial Delays and Backlog: India's judiciary is overburdened, with more than 4.5 crore cases pending across courts. Delayed justice affects the poor and marginalized most and often results in a loss of faith in the judiciary.

The main reasons include a shortage of judges, procedural delays, frivolous cases, and lack of infrastructure.

Solution: Increase the number of judges and court staff, Promote alternative dispute resolution (ADR), Invest in digitization of court processes and fast-track courts for sensitive cases.

3. Cybercrime and Digital Privacy Issues: With the rise in digitalization, cybercrimes like hacking, data theft, cyberstalking, and online harassment have increased. India lacks comprehensive data protection laws, making users vulnerable to misuse of personal information. The IT Act, 2000, though significant, needs an upgrade to tackle modern cyber threats.

Solution: Enact a strong Data Protection Law, Establish specialized cybercrime investigation cells, Increase digital literacy programs.

4. Gender-Based Violence and Inequality: Despite progressive laws like The Sexual Harassment of Women at Workplace (POSH) Act, 2013 and The Domestic Violence Act, 2005, crimes against women remain rampant. Issues like dowry deaths, rape, female infanticide, and trafficking persist.

Patriarchal mindsets, lack of legal awareness, and poor implementation contribute to this challenge.

Solution: Stringent punishment for perpetrators, Sensitization of law enforcement agencies, Strengthening women's helplines and support systems.

Major Social Issues in India:-

1. Poverty, Unemployment, and Economic Inequality: India, despite being one of the fastest-growing economies, faces high poverty and unemployment levels. The gap between the rich and the poor is widening, impacting social harmony.

Lack of job opportunities, skills mismatch, and ineffective welfare distribution worsen the problem.

Solution: Skill development programs, Strengthen welfare schemes like MNREGA, Inclusive growth policies to reduce the wealth gap.

2. Gender Inequality: Women, despite constitutional equality, face discrimination in education, employment, health, and political participation. Patriarchal norms restrict women's choices and autonomy.

Solution: Strengthen women's education and healthcare initiatives, Promote women's participation in politics and leadership roles, Economic empowerment through entrepreneurship programs.

3. Illiteracy and Poor Education System: Although India has achieved significant progress in literacy, the quality of education remains poor, especially in rural areas. The education system often fails to equip students with practical skills, leading to unemployment.

Solution: Focus on skill-based education, Improve teacher training and school infrastructure, Strict monitoring of education quality in rural and urban areas.

6. Drug Abuse and Rising Mental Health Issues: Substance abuse among youth is rising, leading to crimes, health issues, and broken families. Additionally, mental health problems are increasing due to lifestyle changes, yet they remain stigmatized.

Solution: Strengthen rehabilitation centers and counseling services, Include mental health education in school curricula, National campaigns to destigmatize mental illness.

Legal and Social Reforms Required:

1. Strengthening Institutions and Laws modernize outdated laws and regulations, strengthen regulatory bodies like CBI, ED, NHRC, NCW, etc. and implement police reforms to ensure accountability and sensitivity.

2. Judicial and Administrative Reforms increase investment in judiciary infrastructure, digitization of legal processes to enhance efficiency and improve public grievance redressal systems.

3. Educational and Awareness Programs conduct nationwide campaigns to tackle social evils like dowry, casteism, and communalism, Strengthen civic education to promote constitutional values and Promote scientific temperament and rational thinking.

4. Social Welfare Schemes ensure proper implementation of welfare programs for the poor, women, SCs/STs, minorities, and the elderly and Use technology (like Direct Benefit Transfer) to eliminate middlemen and ensure benefits reach the needy.

5. Role of Media and Technology including responsible journalism to promote harmony and social justice and Use of social media for awareness campaigns and citizen engagement.

6. Youth and Community Participation involve youth in nation-building through programs like NSS, NYKS, and start-up initiatives and Community policing and local governance bodies must be empowered.

Conclusion:-

India's journey toward becoming a developed and equitable society is hindered by complex legal and social issues. While laws exist to tackle these challenges, their weak enforcement and deep-rooted social attitudes prevent real change. Addressing these problems requires a comprehensive approach which includes Legal reforms and institutional strengthening, Social transformation through education and awareness, Economic empowerment of marginalized groups and Collective efforts from government, civil society, media, and citizens.

India's vision of a just, inclusive, and progressive society, as enshrined in the Preamble of the Constitution, can only be realized through sustained and coordinated efforts at every level. This is not just a legal or administrative responsibility but a moral obligation on every citizen to build a better nation.

~ ANKITA DUTTA BA LLB Sem 5.1

Next World

Sunita Williams' return from space is a remarkable achievement in science and technology, showcasing humanity's progress in space exploration. Her mission, along with other astronauts, represents the following key advancements:

1. Technological Breakthroughs

Improved Spacecraft Technology: Modern spacecraft, like Boeing's Starliner or SpaceX's Crew Dragon, are making space travel safer and more efficient.

Life Support Systems: Scientists have developed advanced systems to sustain human life in space for longer periods.

2. Human Spaceflight & Exploration

Longer Stays in Space: Astronauts, including Sunita Williams, are spending extended durations in space, preparing for deep-space missions.

Moon & Mars Missions: Such missions lay the groundwork for future human exploration of the Moon and Mars.

3. International Collaboration

Global Cooperation: Missions today involve teamwork between NASA, ESA, Roscosmos, ISRO, and private space companies.

Private & Government Partnerships: Companies like SpaceX and Boeing are revolutionizing human spaceflight.

4. Future Prospects

Space Tourism: Success in human spaceflight could lead to commercial space travel.

Colonization of Other Planets: These missions bring us closer to living on the Moon or Mars in the future.

Sunita Williams' return is not just a personal achievement but a testament to human innovation, proving that science is taking us beyond our planetary boundaries!

On the other hand, we see a different picture in this world.

As of March 22, 2025, prejudice continues to manifest in various forms globally, affecting individuals and communities across multiple dimensions. Notable examples include Racial and Ethnic Prejudice, Global Trends and Social Disparities. Recent studies indicate that such biases contribute to unequal treatment in various sectors, including employment, education, and criminal justice.

Gender Prejudice-

Workplace Discrimination: Gender bias persists in professional settings, manifesting as unequal pay, limited career advancement opportunities, and reinforcement of traditional gender roles. Women and non-binary individuals often face challenges in achieving parity with their male counterparts.

Religious Prejudice-

Islamophobia and Other Forms: Individuals practicing certain religions, particularly Islam, continue to face discrimination and hostility. This prejudice leads to social exclusion, hate crimes, and policy discrimination in various countries.

Socioeconomic Prejudice-

Classism: Discrimination based on socioeconomic status remains prevalent, with individuals from lower-income backgrounds experiencing reduced access to quality education, healthcare, and employment opportunities. Such biases perpetuate cycles of poverty and limit social mobility.

Disability Prejudice-

Ableism: People with disabilities often encounter societal biases that result in exclusion, lack of accessibility, and limited opportunities. Ableist attitudes can lead to inadequate accommodations and social stigmatization.

Age Prejudice-

Ageism: Both younger and older populations face age-based discrimination. Older individuals may encounter biases that affect their employment prospects and social participation, while younger individuals might be dismissed due to perceived inexperience.

Conclusion:

Addressing these multifaceted forms of prejudice requires comprehensive strategies, including education, policy reforms, and fostering inclusive dialogues to promote understanding and equity across all societal sectors.

Humanity is advancing in many ways—technology, health, and awareness—but also facing new challenges, especially in the environment, mental well-being, and social unity. Whether we are moving forward or backward depends on our collective choices in the coming decades.

~ **Samar Kirtania, BA LLB**

POLITICS: A BARRIER TO JUDICIARY AND ADMINISTRATION

India with its glorified and magnificent history has come a long way to today's modernization. From the ancient time to modern India, political development has played an outstanding role in burgeoning our country's political structure. The advancement started from the ancient times with few traces in Harappan civilization to Myura empire again the second phase developed during medieval India then the modernization took place with the invaders in Delhi sultanate then the Mughals and after that Dutch French and Britishers.

The actual modern development took place during the British period because it not only made input of several political acts which were ruled from the British Parliament but also instigated a new way of thinking in many Indian political leaders, barrister, lawyers and social workers. The first party ever formed to manipulate British rule was the Indian National Congress which played a brilliant role in counterpartying foreign policies and ultimately taking the sovereignty from them creating the Constitution of India through the Constituent Assembly.

Our forefathers of the Indian constitution were so brilliant and visionary that even the constitution was written in the 19th century but it still can regulate the modern form of government. Mao-Tse-Tung a Chinese or popularly called chairman Mao was a Chinese politician, revolutionary, and political theorist who founded the People's Republic of China (PRC) said "Politics is war without bloodshed and war is politics with bloodshed", He believed that Politics and war are the two sides of the same coin the former being the peaceful way of achieving power and the later is the violent way. He believed that both politics and war required strategy, tactics, and the ability to mobilize resources in order to achieve victory.

Hannah Arendt was a political philosopher who wrote extensively on the nature of power and authority. While she did not specifically use this quote, she did argue that politics was a realm of human activity that was distinct from both the private sphere of life and the realm of violence.

In our constitution there is a distinct relevance of separation of power within judiciary administration and legislative. But in today's scenario it has been seen that the legislative is acting as supreme over these two independent authorities. Even it intervenes in the fundamental structure of the constitution.

In today's world, politics has changed where war is the way to do politics and to establish. Giving bribes to administrative officers and many judicial officers to manipulate any case that actually affects the common people. People with power and money specially who are attached with politics misuse their legislative position to do so. In the recent case of RG Kar many news articles came up where there was a blanket of politics attached, for this reason the Hon'ble Supreme court has to take the Suo Muto. Not only this but there are many other criminal cases that have been wiped away before it can knock on the doors of the judiciary. Once politics brought sovereignty to our country which now plays a pseudo broker role in the system which is making the three pillars of democracy a trash box.

"We the people of India" as mentioned in the preamble of our Constitution defines the people's power. We should never forget that we only chose our representatives and we should choose wisely because with great power comes great responsibility but it's an abominable statement to say that with great power comes great corruption and which ultimately threatens the year long war to get our independence.

~ ARNAB DAS LLB(H) Sem 3.4

Requirement of Legal Heir Certificate for Voluntary Condolence benefit

Introduction-

Many organizations do require a Legal Heir Certificate (LHC) to ensure the benefits go to the rightful claimant. This is common if the benefit involves monetary compensation, pension, gratuity, or provident fund claims. Some employers may accept an Affidavit, Succession Certificate, or Family Member Certificate as an alternative to an LHC. If the amount is small or it's a one-time voluntary condolence benefit, the employer may waive strict documentation.

There are legal precedents in India addressing the necessity of documents like Succession Certificates or Legal Heir Certificates for disbursing death-related benefits:

1. Allahabad High Court Ruling (December 2024):

The court held that if a valid nomination exists, a Succession Certificate is not required for claiming death-cum-retirement benefits. The nominee can directly receive the benefits without additional legal documentation. In *Rafat Naaz And Another v. State Of U.P. And Ors.* concerning the death-in-harness of Mohd. Rashid, an Assistant Teacher. His widow, Rafat Naaz, and son, Mohd. Raza Khan, petitioned for death benefits and a compassionate appointment, respectively. A claim was made by Anjum Parveen, alleging to be Rashid's second wife, contesting the widow's claim. The court ruled in favor of the petitioners, ordering the immediate payment of benefits to the widow based on her nomination in service records and directing consideration of the son's appointment request. The court also highlighted the challenges in serving legal notices and the misuse of adjournments by litigants.

2. M. Baburaj vs. State of Kerala (15.07.2022 - KERHC) : MANU/KE/2193/2022

These cases suggest that the requirement for a Legal Heir Certificate or Succession Certificate can vary based on specific circumstances, existing nominations, and the policies of the concerned organization. It's advisable to consult the employer's guidelines or seek legal counsel to determine the exact documentation needed for claiming such benefits. Compensation arising out of motor accident or compensation arising out of land acquisition proceedings or cases involving grant of compensation under the Electricity Act, etc. would not come under the purview of 'debts' or 'securities'. Therefore, in such cases production of a succession **certificate is not mandatory** and the legal representatives or legal heirs, as the case may be, have to convince their status before the court concerned otherwise to realise the compensation. (Para 17)

Deceased did not have a nominee listed with the employer, the process of claiming voluntary condolence benefits or any financial compensation becomes more formalized. Here's how it typically works:

1. Employer's Internal Policy- Some companies may have policies allowing immediate family members (spouse, children, or parents) to claim the benefit without a nominee. Others may require legal documentation to establish rightful claimants.

2. Required Legal Documents- Since there is no nominee, the employer may ask for:

(a) *Legal Heir Certificate (LHC)*- Issued by the Revenue Department or Municipal Authority; Establishes who the legal heirs are (spouse, children, parents, siblings, etc.); Commonly required for financial benefits.

(b) *Succession Certificate (for financial claims)*- Issued by the Civil Court under the Indian Succession Act, 1925; Necessary if the benefit involves a monetary claim, such as gratuity, pension, or unpaid salary.

(c) *Family Member Certificate*- Issued by local Tehsildar/Municipality; Sometimes accepted instead of an LHC, especially for small amounts

(d) Affidavit & Indemnity Bond- Some companies allow legal heirs to submit an affidavit affirming their relationship with the deceased and an indemnity bond to protect the company from future claims.

If There Are Multiple Claimants? - If more than one legal heir exists, all may need to sign a No-Objection Certificate (NOC) authorizing one person to claim the benefit. In case of a dispute among heirs, a court order may be required.

Employer Discretion for Voluntary Benefits- If the benefit is purely voluntary (like a condolence grant), the company may have flexibility in choosing the nominated recipient (e.g., the spouse or eldest child). However, for statutory benefits (gratuity, PF, etc.), they must follow legal guidelines.

Conclusion:

While private companies may exhibit more flexibility in their policies, especially when a valid nomination is in place, the absence of such a nomination often necessitates legal documentation to establish the rightful claimants. It's advisable for employees to ensure that their nominations are up-to-date and for potential claimants to consult the specific policies of the employer in question. In the absence of a valid nomination, both government and private employers may require a Legal Heir Certificate or Succession Certificate to disburse death-related benefits.

~ **POULOMI DEB, LLB(H) Sem 3.4**

Risk or Revolution : Will AI Replace Lawyers ?

AI won't replace lawyers, but it will .

The lawyers who embrace AI as a tool for the right tasks will leave behind the ones stuck in the past. AI can do so many tasks faster than we ever could. However, it cannot build trust, read a room and have the emotional intelligence to guide a client through the toughest moments of their lives. Some lawyers out there are doing AI's job to themselves. They try to automate the human side of this profession.

The Solicitors Regulation Authority (SRA) concluded their report by stating “ the legal market's use of AI is growing rapidly, and this is likely to continue. As systems become even more available, firms that could not previously have used these tools will be able to do so. Indeed it is likely that these systems will become a normal part of everyday life, automating routine tasks.”

There are benefits of AI in legal practice - particularly when used to improve workflow and automate the painstaking, repetitive tasks lawyers might have to undertake. That said, it's unlikely robots will replace lawyers. Practicing law requires human intelligence and emotion, after all clients are human too. AI can't replace a human's critical thinking, legal advocacy skills, or the relationship a lawyer builds with their clients. AI isn't there to replace legal professionals but rather change how they work. Ultimately, AI is a tool to be used and should help lawyers spend more time on the human aspects of the role, such as client relationship and advocacy. Calculator, algorithms and computer based modelling have not replaced most banking or finance jobs, instead they have allowed them to make more money. Similarly AI will enhance the lawyers practice in the legal field. AI can also save money and improve accessibility to data bases.

Similarly consider the other side of the coin. If AI can support the legal world, how is it being used by the criminals? We have already experienced “deep fakes” and voice imitation. Everything has both its advantages and disadvantages. AI will only make great lawyers better and bad lawyers obsolete. But if you want to stay in the game, lean into the part of this profession that no take will ever touch : being a human, because at the end of the day it's upon us only, how we will use everything.

~ Priyanka Paik BA LLB Sem 5.4

Social issues faces In India

Two major issues in India are poverty level and women discrimination.

Poverty in India:

Poverty remains one of the most pressing socio-economic challenges in India. Despite various government interventions, these factors continue to perpetuate financial distress for millions of people. Overpopulation exacerbates poverty by straining resources, reducing per capita availability of essential services, and increasing competition for limited job opportunities. So the Supreme Court of India has upheld the right to reproductive choices while emphasizing the government's duty to regulate population control within constitutional limits.

Second factor is Economic inequality. Economic inequality widens the wealth gap, restricting access to opportunities for marginalized communities. The Indian Constitution, under Articles 38 and 39, mandates the state to secure social justice and equitable distribution of wealth.

Third factor is Illiteracy : Illiteracy remains a major barrier to economic mobility, keeping individuals trapped in low-income cycles. So it is mandatory to educate everyone under the age of 6-14 years so that they know the basic education for their livelihood.

And lastly unemployment : High unemployment rates aggravate poverty by reducing income levels and increasing dependency on state support. The unemployment rates have increased so much in the last few years that many companies like MNC and industries are expelling huge numbers of employees and for that many families are in poverty . So the Indian government should increase the seats of government jobs and also to order the private companies to increase their seats , many young talented students are not getting jobs for the less number of seats in every desired field of work. High unemployment rates aggravate poverty by reducing income levels and increasing dependency on state support.

Women discrimination in India:

Women in India continue to face various forms of discrimination, ranging from gender inequality and safety concerns to unequal wages and social stigmatization. Despite constitutional safeguards and legislative efforts there are many factors that deep-rooted societal biases still hinder the progress of women. First factors we are discussing are Gender inequality and legal safeguards.

Gender inequality remains a significant barrier to women's empowerment in India. Societal norms often restrict women's access to education, employment, and leadership roles. Laws such as the Hindu Succession Act, 1956 (amended in 2005), have ensured equal property rights for women, yet their implementation remains a challenge. Stronger enforcement of anti-discrimination laws and proactive government policies are necessary to bridge the gender gap.

Second factor is safety for women and legal measures for sexual violence. The safety of women in India continues to be a pressing issue, with crimes like rape, domestic violence, and harassment being rampant. It's been difficult for women to work late at night and go out of home alone and sexual threats to them ,these happen because our society has a mind set of women being weaker and they are always under control of all the men that means harassment is not just by outside it can be domestically as well. The Protection of Women from Domestic Violence Act, 2005, provides legal recourse for women facing abuse at home. However, societal stigma and delayed legal proceedings often deter victims from seeking justice to ensure women's safety.

Third factor is education for women. There are numerous cases where women's education is considered a waste of money . Government has issued many schemes like “beti bachao beti padhao” but despite these schemes many girls drop out of school due to financial constraints, early marriage, and social taboos. Strengthening scholarship programs, implementing strict laws against child marriage, and promoting awareness campaigns can help enhance women's education levels.

Fourth factor is Gender pay gap and wage disparities. Women in India often receive lower wages than their male counterparts for the same work. The Equal Remuneration Act, 1976, mandates equal pay for equal work, yet gender pay disparities persist in various sectors. Women also face obstacles in career advancement due to workplace discrimination and societal expectations. Effective implementation of equal pay laws, gender-neutral hiring policies, and workplace diversity initiatives are essential to addressing wage gaps.

And last factor is considering having a girl child is a curse : In many parts of India, having a girl child is still considered a burden due to dowry practices and patriarchal mindsets. The Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994, prohibits sex-selective abortions, but illegal practices continue. Government schemes like Sukanya Samridhi Yojana provide financial support for girl children, promoting their well-being. Awareness campaigns and strict enforcement of anti-dowry laws can help change societal attitudes toward girl children.

~ **Debasmita Bhowmick BA LLB Sem 5.6**

Social Justice and Caste Discrimination in Modern India

Despite constitutional guarantees, caste-based discrimination remains a persistent issue in India. The Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) still face barriers in education, employment, and social mobility. The fight for social justice requires continued legal and policy interventions.

Challenges in Caste Discrimination

1. **Educational Disparities:** Many students from lower castes struggle due to inadequate access to quality education, discrimination in schools, and economic hardships. The dropout rate among Dalits is significantly higher than among upper castes.
2. **Employment Discrimination:** Despite reservation policies, Dalits and Adivasis often face workplace discrimination, lower wages, and limited opportunities in the private sector.
3. **Violence and Atrocities:** Reports show increasing instances of caste-based violence, including lynchings, honor killings, and social boycotts in rural areas. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, remains underutilized.
4. **Political and Social Representation:** Though caste-based reservation exists in government institutions, representation in decision-making positions remains low. Many Dalit politicians face political suppression and social exclusion.

The Way Forward

1. **Strengthening Legal Frameworks** – Strict implementation of anti-discrimination laws and fast-tracking caste violence cases.
2. **Educational Reforms** – More scholarships, inclusive curriculums, and sensitization programs to eliminate caste bias in education.
3. **Economic Empowerment** – Private sector reservation, financial aid, and skill development programs to uplift marginalized communities.
4. **Awareness and Social Change** – Encouraging inter-caste dialogue, awareness campaigns, and media representation to challenge caste stereotypes.

Conclusion:-

True social justice requires a combination of legal, economic, and cultural changes. While India has made progress, caste discrimination persists in various forms. A collective effort from the government, civil society, and individuals is necessary to create a fair and equitable society.

~Roushan Prasad, BA LLB Sem 5.4

The Gavel's Echo

In a court where echoes stay,
Truth and lies collide each day.
A gavel strikes, the voices rise,
Seeking justice, cutting ties.
Blindfolded stands the Lady tall,
Promising fairness to one and all.
Yet whispers creep through power's door,
Does justice serve the rich some more?
A plea unheard, a tear unseen,
A struggle lost in legal sheen.
Laws are strong, but hearts must be,
The keepers of true equity.
So, let not words just fill the air,
Justice thrives when people care.
For in the end, what shall remain?
The gavel's echo—fair or vain?

~ Chandani Sharma, B.A.LL.B Sem 5.4

THE IMPACT OF SOCIAL MEDIA ON MENTAL HEALTH AND RELATIONSHIP

Social media is a form of mass media communication that allows users to interact with each other's ideas, personal messages and content like video. Popular social media platforms include Facebook, Twitter, Instagram, LinkedIn and YouTube. Social media has revolutionized communication, influencing both mental health and relationships.

While it fosters Global connectivity, it also presents psychological challenges, particular for adolescents. Excessive screen time and social comparison contribute anxiety, depression and emotional distress. In 2025, an estimated 5.24 billion people globally will be active social media users, representing a 4.1 % increase from the previous year. Social media can negatively impact our overall well being by fueling anxiety, depression, loneliness and FOMO(fear of missing out).

This is especially prevalent in the teens and young adults exacerbating mental health concerns such as sleep disturbance and self-esteem issues. Additionally, maintaining an idealized online Persona increases social pleasure, further deteriorating psychological wellbeing.

Social media also significantly impacts relationships by altering communication patterns and emotional connection. While platforms facilitate instant interaction, they may also encourage superficial engagement and self objectification and emotional detachment research suggest that excessive use of social media weakens face to face interactions, leading to relationships dissatisfaction and conflicts.

Despite these challenges, social media can offer emotional support and strengthen social bonds. However, its negative effects, such as fear of missing out(FOMO) and relational dysfunction, highlight the need for mindful usage.

Social media is here to stay and will continue to evolve and become more invasive.

~ **JUHINA SULTANA, LLB Sem 3.6**

The Lost Paradise

My childhood is my lost Paradise ,
When I know I cannot enjoy twice
Everything was so simple then,
I think of it today -
Sitting by my window-pane.
Chocolates, candies and toys
Were the only things I thought of
; I danced with joy ,
When mom bought me a new frock !
I loitered around the whole day ,
Playing pranks on others ,
Studies were the things for which
I was least bothered .
Watching television , playing games -
Was a part of my regular routine ,
I remember keeping my books aside ,
And reading adventurous comics like Tintin .
Mom never forced me to sit and study ,
Visiting the park in the evening ,
Was a regular with Daddy .
But as I grew up , all these things vanished ,
It seemed to me as -
From the place of freedom ,
I was banished .
Today , when I recall those memories ,
Tears fill up my eyes ;
And Oh ! god how much I long
To once more visit -
My Lost Paradise .

~ **Priyanka Paik BA LLB Sem 5.4**

The truth behind the mask

Sudipta Bose was the best Defense Lawyer in the city. He lives at Kalighat in Kolkata. He had built his reputation by winning impossible cases and finding ways to protect his client, even when things seemed hopeless. One day a man had come in his office, whose name was Ravi Kumar.

Ravi Kumar had come because of his son who was accused of armed robbery. The police had found him near the crime scene, CCTV footage showed someone wearing a mask that resembled Ravi Kumar's son Alok Kumar. The evidence was not so clear, that's why Sudipta Bose accepted the case.

Sudipta Bose worked hard to find the evidence to prove Alok Kumar is innocent. He reviews the evidence very carefully and he finds the loopholes in this case to defend Alok Kumar. He saw the CCTV footage was blurry, and the mask could have been anyone's.

On the day of the trial, Sudipta Bose went into the court and claimed that his client Alok Kumar is not guilty, he is innocent. But the evidence was not on behalf of Alok Kumar. After some time, a small detail from the CCTV footage resurfaced in Sudipta's mind. The robber had a tattoo on his left hand and wore a gold-plated watch.

He stood up and said, "Your Honor, I need to speak." The Judge Raised an eyebrow. "Go on."

Sudipta Bose says that "I believe we have charged the wrong person, because my client does not have any tattoo in his left hand. The evidence does not match my client."

Suddenly everyone in the courtroom was surprised.

After some time, The judge says slowly, "Case dismissed."

Alok Kumar's father ran to him, tears streaming down her face. Sudipta Bose took a deep breath as he watched them embrace.

~ ANIRBAN DAS BA LLB Sem 5.4

Voice of Justice: Indian Law

In the land where dharma once took birth,
Law stands tall, defining worth.
From ancient codes to courts today,
It lights the path, shows the way.
A shield for weak, a check on might,
It holds the scales of wrong and right.
With Constitution as guiding flame,
Equality and truth, it dares to name.
In dusty files and hallowed halls,
It echoes through the judge's calls.
Rights are guarded, duties taught,
Freedom not given—but bravely fought.
Though trials rise and tempers flare,
Law remains calm, just and fair.
A mirror of the nation's soul—
To mend, to guide, to make us whole.

Mahesh Lal Shaw

LLB (H) Semester 3.6

WINTER ADVENT

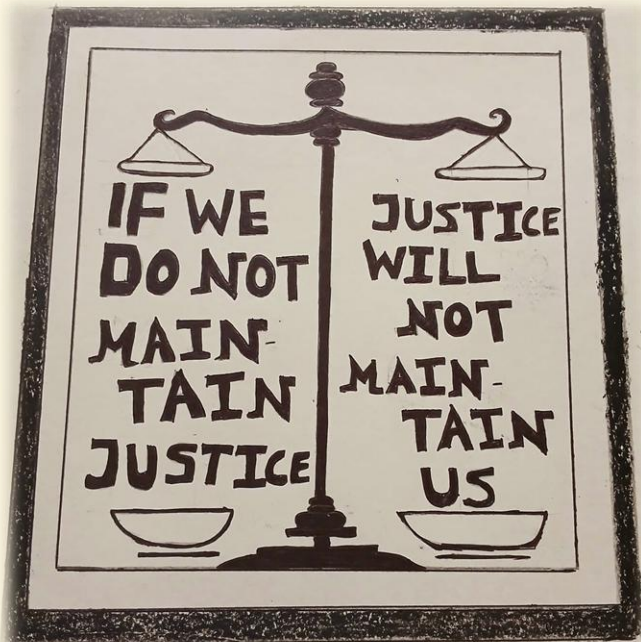
It's a pretty pleasant morning
I'm wandering by the lane
Nothing new to discover
It's all the same

Cold Winds blow swiftly
By my side
Makes me realise
Winter is close by

The sun shines bright
But disappears in the night
And then the moon comes
With it's dim light

The light is low
But still it glows
Lighting up the world
With it's whitish glow

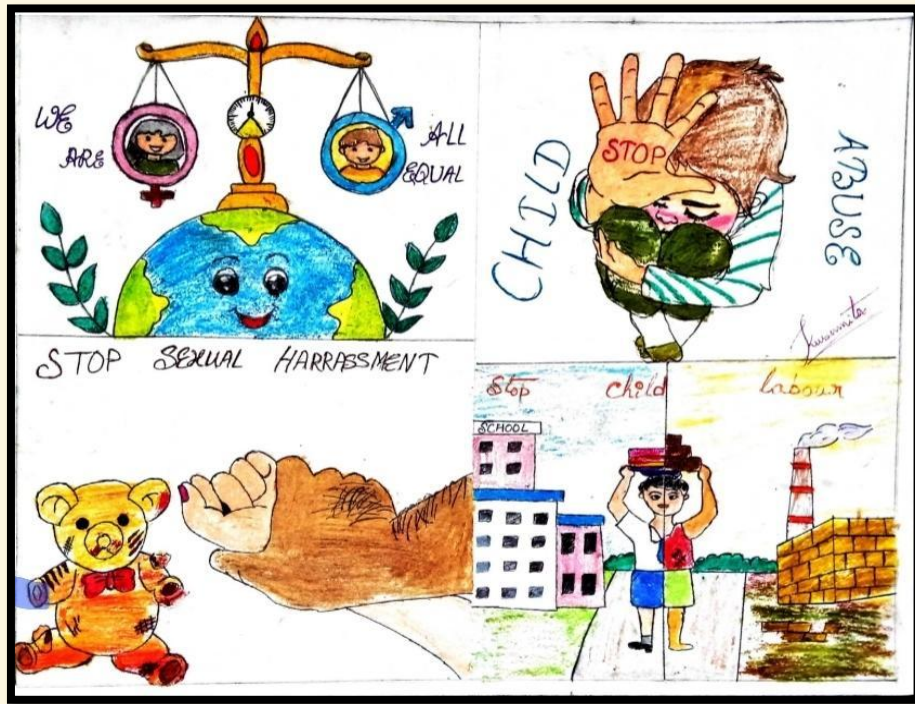
~ **SRISHANK RAJ, BA LLB Sem 5.6**



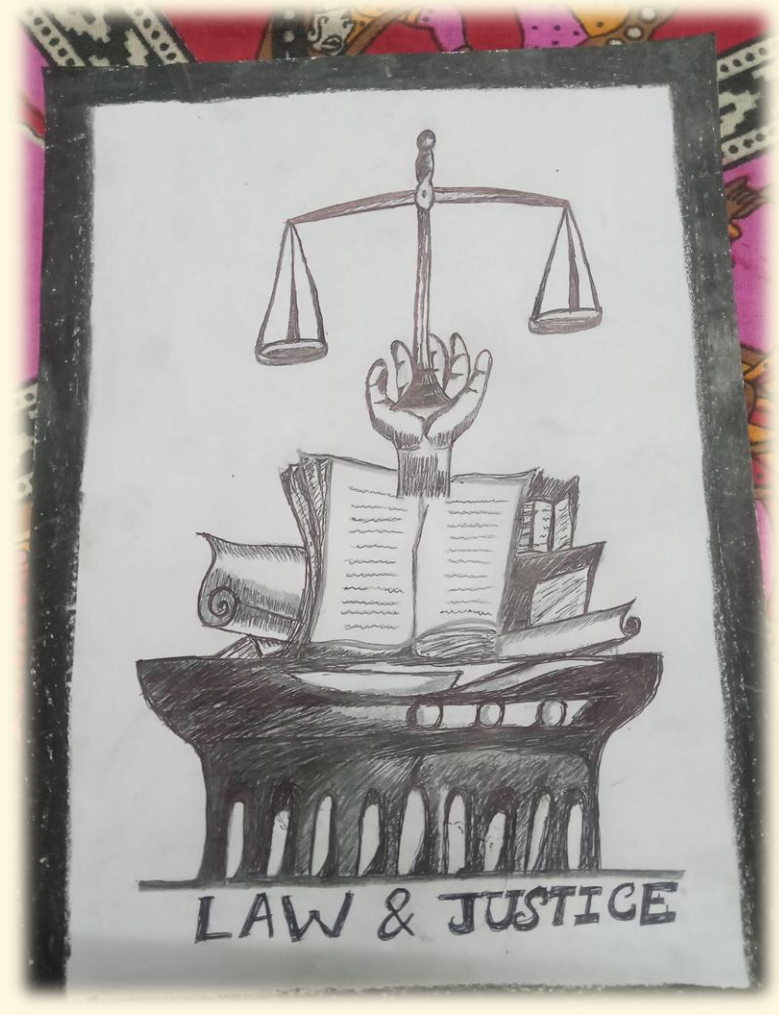
Chandrima Banerjee.
LLB (H) 3.2/Roll = 15.



Artwork by Garima Banerjee LL.B.(H) Sem 3.6



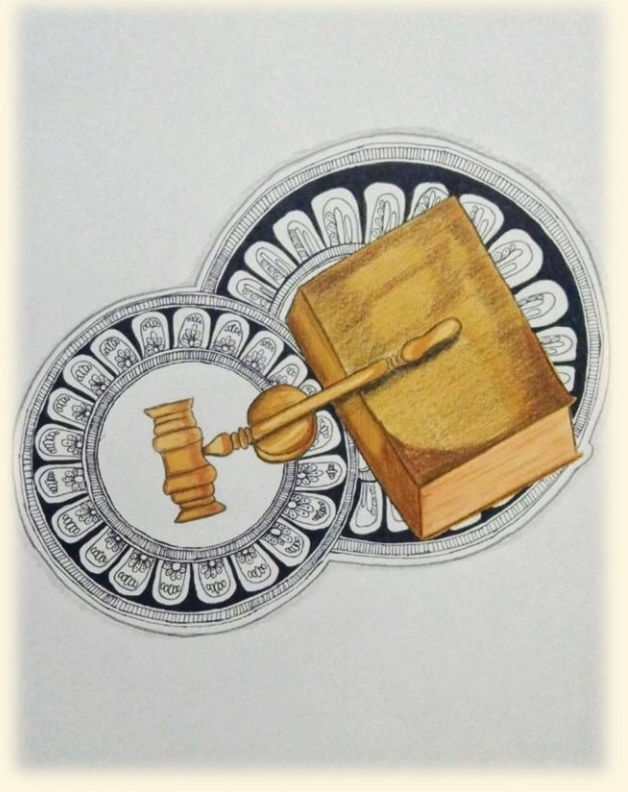
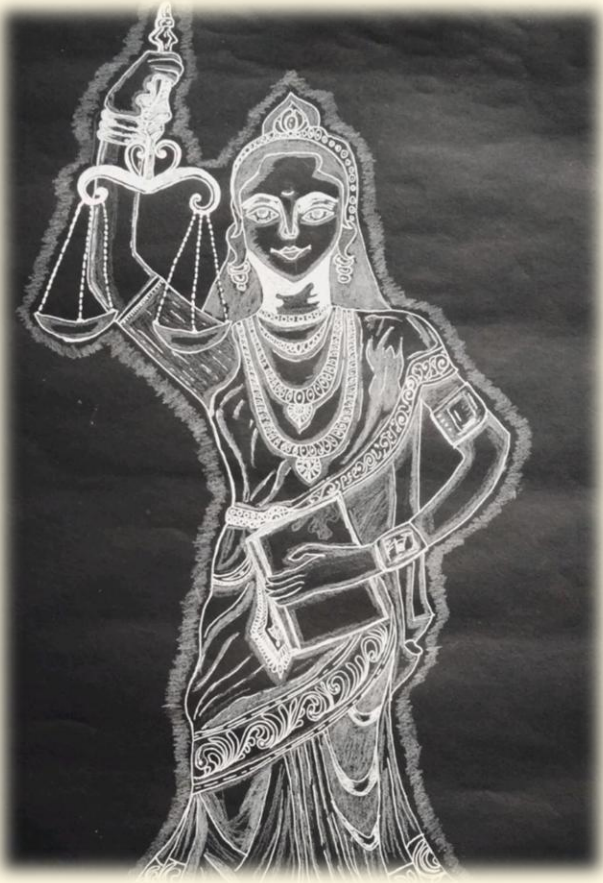
Artwork by Kusumita Ghosh BA LL.B Sem 5.2



Artwork by ARUNAVA GOSWAMI LLB(H) Sem 3.2



Artwork by Sankita Ghosh BA LLB Sem 5.4



Artwork by Rambha sarkar LLB Sem 3.2



Artwork by Debasmita Bhowmick BA LLB Sem 5.6

LEGAL POINTS: ***“Injustice any where is a threat to justice everywhere”***

ARTICLES: **ARTICLE 14 OF THE CONSTITUTION OF INDIA READS AS UNDER:**
“THE STATE SHALL NOT DENY TO ANY PERSON EQUALITY BEFORE THE LAW OR THE EQUAL PROTECTION OF THE LAWS WITHIN THE TERRITORY OF INDIA.”



Teachers' Corner

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Dipanjana Mitra

“Quality is never an accident; it is the result of hard work, determination and perseverance”

Binoda Law College Believes that quality is never an accident, it results from hard work, determination and perseverance. Since I stepped into the teaching profession I have realized that as teachers we have been entrusted with great power that can create and form the future of this country, as Law Teachers more so. All of us at Binoda Law College understand that “With Great power comes great responsibility”. Hence we strive to achieve excellence by optimum utilization of all the resources at our disposal and raising the standards of imparting education in Law.

One Nation, One Election in India: Context and Relevance

Abstract:

India, the world's largest democracy, frequently conducts elections at both central and state levels, often disrupting administrative processes and increasing public expenditure. The concept of One Nation, One Election aims to synchronize these elections to streamline governance and reduce costs. This paper delves into the historical background, constitutional complexities, potential benefits and challenges, political debates, and future prospects of this proposal, providing a comprehensive analysis of its implications for India's democratic and federal structure.

Introduction:

India, the world's largest democracy, conducts elections at both the central and state levels at different times. Currently, almost every year, some state assembly election takes place, significantly impacting administration, economy, security, and political activities. In this context, the concept of One Nation, One Election has emerged as a crucial topic of discussion in India's political and constitutional discourse. The core idea of One Nation, One Election is to conduct elections for the Lok Sabha and all State Legislative Assemblies simultaneously. In other words, voting for both the central and state governments would occur at a fixed time, ensuring that the electoral process is completed in one go, preventing the country from constantly being in an election cycle. After India's independence, for the first two decades (1952–1967), elections at the central and state levels were held simultaneously. However, due to political and constitutional changes, the electoral cycles of the states and the centre diverged.

Supporters of this idea argue that conducting elections repeatedly leads to massive expenditure for the state and disrupts administrative functions. The enforcement of the Model Code of Conduct (MCC) during elections creates a policy freeze, negatively affecting developmental projects. On the other hand, critics contend that India follows a federal system where the central and state governments have separate powers and responsibilities. Holding simultaneous elections may overshadow regional issues under the weight of national narratives, potentially undermining the pluralistic nature of democracy.

In the present scenario, One Nation, One Election is not just an administrative measure but a reform with profound implications for India's political structure, democratic practices, and constitutional balance. This paper will delve into the historical background, constitutional complexities, potential benefits and challenges, political debates, and future prospects of the One Nation, One Election concept, providing a comprehensive analysis of this contentious issue.

The Necessity of 'One Nation, One Election':

1. Frequent elections lead to significant wastage of public funds. Conducting elections once would substantially reduce government expenditure. In the 2019 general elections, around ₹60,000 crore was spent, and this cost is continuously rising. A single election would considerably lower this expense.
2. When the Model Code of Conduct (MCC) is enforced, the administration becomes inactive in policy formulation and implementation. Simultaneous elections would help maintain administrative continuity.
3. Holding elections for national and local issues simultaneously would enhance political awareness among citizens, creating opportunities to address both national and regional problems together.
4. Frequent elections create political tension and division. Simultaneous elections could bring political stability and ensure consistency in policy-making processes.

Potential Advantages:

1. A single election would significantly reduce campaign costs, security expenses, and election management costs.
2. Conducting elections once would ease the burden on the administration by preventing its repeated engagement in election-related duties, thus enhancing the efficiency of governmental operations.
3. Simultaneous elections would encourage citizens to participate more actively, as they would get the chance to express their opinions on state and national issues at the same time.
4. Frequent elections cause repeated political polarization. Conducting elections once would reduce political divisions and maintain social peace.

Potential Disadvantages:

1. Implementing ‘One Nation, One Election’ would require amendments to Articles 83, 85, 172, 174, and 356 of the Constitution — a process that is not easy.
2. Critics argue that this concept could grant excessive power to the central government and interfere with the autonomy of states.
3. National and state elections often focus on different issues. In simultaneous elections, national issues might dominate, causing local concerns to be overshadowed.
4. Conducting nationwide elections simultaneously would require massive coordination among election officials, security forces, and administrative bodies, making it a complex task under the current system.

Constitutional and Legal Aspects:

Implementing ‘One Nation, One Election’ would require amendments to various provisions of the Indian Constitution, including:

Article 83: Determines the tenure of the Lok Sabha.

Article 172: Determines the tenure of State Legislative Assemblies.

Article 356: Empowers the President to impose President’s Rule in states.

Representation of the People Act, 1951: Governs the conduct of elections, which would require necessary amendments.

Political Debate: Why is there Controversy over ‘One Nation, One Election’?

The concept of ‘One Nation, One Election’ has sparked intense debate in India’s political arena. This debate primarily revolves around India’s federal structure, political reality, and democratic values. There is a sharp division between supporters and opponents, with each side presenting arguments rooted in deep political, constitutional, and social significance.

1. Centralization vs. Decentralization:

Supporters of ‘One Nation, One Election’ believe it will reduce administrative expenses and bring political stability. However, critics fear that it will centralize Indian democracy and interfere with the political autonomy of states. India’s political structure is federal, where both the central and state governments have separate constitutional powers. Simultaneous elections may cause national politics to overshadow state issues, potentially suppressing regional concerns.

2. Clash Between National and Local Issues:

Critics argue that holding national and state elections simultaneously would sideline local issues. Each Indian state has its unique political, economic, and cultural context. For example, in Kerala, political discussions may focus on health and education policies, whereas in Uttar Pradesh, agriculture or law and order might take

centre stage. In concurrent elections, national-level parties are likely to prioritize national issues in their campaigns, risking the neglect of local problems.

3. Advantage to the Ruling Party:

Opponents believe that 'One Nation, One Election' could be a political strategy favouring the ruling party. Simultaneous national and state elections may allow the central government's popularity to influence state elections. Particularly, if a party holds power at the centre and enjoys national-level support, it could sway state election outcomes, creating electoral inequality and making it harder for regional parties to compete.

4. Fear of Weakening the Constitutional Framework:

According to India's Constitution, the central and state governments operate on different timelines. Articles 83 and 172 of the Constitution define the terms of the Lok Sabha and State Legislative Assemblies, respectively, at five years each. However, if a state government is dissolved prematurely, fresh elections are held there. Implementing 'One Nation, One Election' would require altering this structure, potentially undermining the federal spirit of India's constitutional framework.

5. Pressure on the Election Commission:

Conducting national and state elections simultaneously would place immense pressure on the Election Commission. India, the world's largest democracy, has nearly 900 million voters. Managing elections on such a massive scale would require an enormous workforce, security forces, and electronic voting machines (EVMs). Critics argue that this could overwhelm the Election Commission, potentially disrupting free and fair elections.

6. Question of Political Stability:

Supporters claim that 'One Nation, One Election' would ensure political stability, as frequent elections disrupt administrative functions and divert governments' attention from policy-making. However, opponents counter that having separate state and central elections gives the public multiple opportunities to evaluate the performance of governments at different levels. Simultaneous elections might reduce these opportunities, potentially diminishing political accountability.

7. Hindrance to Local Leadership Development:

Opponents fear that concurrent elections could overshadow local leaders in favor of national figures. Regional parties and local leadership play a crucial role in Indian democracy. Simultaneous elections would shift the focus toward national issues and leaders, hindering the growth of grassroots leadership.

8. Inequality in Electoral Campaigning:

Currently, political parties adopt different campaign strategies for national and state elections. Simultaneous elections would give larger parties with more financial resources and stronger campaign machinery a significant advantage. Smaller parties and independent candidates might struggle to compete equally.

9. Reduced Government Accountability:

In the current system, the separation of state and central elections holds governments accountable at regular intervals. Frequent elections ensure that governments remain answerable to the public. If elections are held simultaneously, the frequency of this accountability would decrease, which could undermine the fundamental ideals of democracy.

Conclusion: 'One Nation, One Election' – Necessity or Political Strategy?

In a diverse democratic country like India, the concept of 'One Nation, One Election' is a significant and multifaceted issue. Its supporters argue that it will reduce administrative expenses, bring political stability, and ensure continuity in governance. On the other hand, critics believe that it will weaken India's federal structure, neglect regional issues, and concentrate excessive power in the hands of the central government. At the heart of

this debate lies India's diversity and federal structure. According to the Constitution, India is not just a democracy but a federal state composed of a confluence of multiple cultures, languages, and political ideologies. Each state has its unique political, cultural, and social contexts, which may not directly align with national politics. The implementation of the 'One Nation, One Election' concept poses several constitutional and administrative challenges. Multiple provisions of the Constitution would require amendments, which can only be done through a two-thirds majority in Parliament. Moreover, as per Article 368 of the Constitution, certain special amendments would also require the consent of the states.

Additionally, conducting such a large-scale election would put immense pressure on the Election Commission. If a nationwide simultaneous election is held, serious questions arise about how security forces, electoral machinery, and administrative infrastructure would be managed. Politically, the issue is even more sensitive. Different political realities operate at the central and state levels. In simultaneous elections, national issues would take precedence, leaving regional parties and local issues lagging behind in terms of visibility. Critics fear this could reduce the influence of local politics and provide a distinct advantage to the ruling party at the centre.

However, holding elections once would reduce repeated election campaigns, administrative costs, security arrangements, and voter fatigue. The country's economic and administrative structure would become more robust, and governments could maintain continuity in their work.

Future Perspective:

In a vast democracy like India, the implementation of this idea requires extensive discussion beforehand. Reaching a consensus among political parties, making constitutional amendments, ensuring the Election Commission's adequate preparation, and evaluating public opinion are all crucial factors that must be considered before making any decisions. 'One Nation, One Election' is an intriguing concept, but its implementation is highly challenging. In India, making this a reality would require not only constitutional changes but also political goodwill, mutual trust, and public support.

Above all, the core foundation of India's democratic structure is unity in diversity. The true measure of success for 'One Nation, One Election' will be how well it can preserve that diversity. Therefore, rather than rushing into decisions, a more extensive national-level discussion is essential.

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