

MANU LAW COLLEGE NEWS LETTER

QUARTLEY NEWS LETTER



JUL- SEP 2024

Vision and Mission

- Vision** - To promote understanding through equality of legal education .
Mission - To contribute towards knowledge generation and dissemination.
- To promote ethical value based learning
- To develop global competencies amongst student

MANAGER'S MESSAGE



Manu Law College a constituent of Manu Welfare and Educational Trust is devoted to the progression of knowledge, learning and understanding in the service of society. It is known to trained individual minds and globalize their collective vision to generate greater sensitivity and awareness. The principle body interested with responsibility of managing and conducting the campus recruitment in Manu Law College, Chiutaha Road, Nichlaul, District - Maharajganj (U.P.) is the career and professional development cell. We provide various opportunities so as to ensure a growth oriented student development process.

Smt. Urmila Singh
Manager
Manu Law College
Chiutaha Road, Nichlaul
District - Maharajganj (U.P.)

DIRECTOR'S MESSAGE



Welcome to the Manu Law College, Institute of Legal Studies. Although our curriculum and classrooms have continued to incorporate new developments in the fields of LAW and technology, we recently started online classes to help minimize the impact of the corona-virus (COVID-19) outbreak on students. The Legal scenario of the world is changing rapidly and the demand of time for the society is increasing about good and value-based advocates as well as judicial officers and the corporate world is also thirsty for trained and qualified lawyers. Our emphasis is not only on the quality of education, but on development of necessary skill as well as our integration of entrepreneurship into the curriculum. I believe students should not only need a strong foundation in core academic subjects, but also need to acquire the knowledge, skills, and points of view necessary to interact successfully across a variety of cultural groups as well as grapple with issues and problems whose causes and foundation are more complex than ever before, that cross local, national and international boundaries and whose solutions require new approaches to problem solving. I worked not only as the top administrative officer in Uttar Pradesh but also worked on social work strategies through educational programs/resources for the weaker section of the community. According to this experience. I can say that rural areas play important roles as the bases for sustainable agricultural development, where very less people are aware of law and the poor cannot hire an advocate. So, I decided to serve the society and make law education affordable and available to each section of the community in Maharajganj District. Manu Law College is an exceptional, selective college for studies and we have dedicated ourselves to meeting to needs of multi cultural groups of students, emphasizing on an interdisciplinary approach to learning. The objective of establishing this Institute of legal knowledge is to give legal knowledge of high quality to the people of Eastern region and to develop the backward area. Although there can be many mediums of earning a employment, but the best medium for social service can be spread of education in the society. In order to fulfill this objective, my father established the Rashtriya Intermediate College in the year 1958, which is unique in this district in the field of carrying on the dreams and thoughts of father. Giving all students for awareness of Legal studies for all round development in this very backward area keeping in mind that all the students of Manu law college can grow in the field of PCSJ, APO, Legal Adviser, Attorney General, Banking, Life Insurance Companies, and also as a Legal Adviser to big Law Firms and by becoming a good Advocate. With this purpose the college was established in 2018-19 We believe in giving the power of knowledge to all our students. Manu law college has always placed the most important emphasis on professional knowledge, which every lawyer should have and this knowledge is imparted to them within the framework of those orders which should be for the study and practice of law. High quality Library. e-library, projector, seminar, group discussion debate, moot court competition, field visit in the field of learning and teaching etc. is trying to impart knowledge through all techniques. It provides greater credibility for all students in their relationships with each other and faculty. It also creates a strong sense of society that generates shared respect for each other as a legal scholar for society in the form of law. I feel that the Manu law college will discharge its role in fulfilling all the limitations in time.

Your's sincerely.

Dr. Dinesh Kumar Singh
Director
Manu Law College
(Retired-C.D.O.)
Ph.D. (Defense Studies) B.J
Author-Power Politics in South

PRINCIPLE'S



Dear Students! Welcome to Manu Law College (MLC). Ever since its inception, the Manu Law College has nurtured a dream, to achieve an academic excellence in legal field. It is amongst one of the premium law schools within Nichloul Town, Maharajganj District in Eastern U.P.. The College is recognized by the Siddharth University, Kapilvastu, Siddharthnagar and approved by Bar Council of India New Delhi and offers a five year B.A. LL.B. (integrated) Law programme and three year LL.B. programme. The study of various legal courses offered at MLC will help in producing outstanding legal professionals and research scholars who will cater the legal requirements of public and private sectors and of the community, in particular, the needs of the vulnerable section of Indian population. The college is well equipped and committed to achieve these desired goals with all its special features. Its unique features are huge infrastructure, legal aid cell, moot court rooms, highly qualified faculties, smart classrooms fully wi-fi connected campus and Library and E- Library facility which consists reference, text, e-books, law reports and journals both National & international. The institution has computer lab, auditorium, playground and separate hostel facility for boys and girls. In recent time, where insurmountable legal issues and problems has posed challenges for governments and law enforcement agencies, the responsibility of the law schools has increased in area of equipping students for these challenges. MLC being a trust realizes that imparting legal education is not only meant to develop employable skill among the students but it is a solemn responsibility to prepare best legal professionals at the campus to empower them to contribute in the society in different capacities. The MLC, strives hard in this direction and since its inception, the MLC has focused to prepare its students to play leading role as best judges, lawyers, research scholars, bureaucrats, public servants and legal philanthropist. At MLC, inspiring and seasoned management, experienced administrative staff and a team of well qualified faculties works in co-operation and with great enthusiasm to achieve the projected aims. The qualified and experienced faculty members have been constantly involved in delivering quality teaching and research to students to cope up with legal requirements of the communities, public institutions and corporate sector. Students are trained and encouraged to participate in seminars, conferences, workshops, debates, declamations, poetries, poster making and street play competitions on different current legal themes. Extensive academic exposure helps in developing the sensitivity and understanding towards societal legal issues and problems and their possible solutions. The students have been active in national moot competitions and are also participating in legal aid camps to make people aware about their rights as well as enlightening them to get their legal issues addressed. I sincerely hope that you make the best use of this incredible opportunity to study at MLC Nichloul. I am confident that the excellent faculty of MLC will inspire and motivate you to work hard to achieving excellence in legal education.

Dr. Akhileshwar Rai
Principal
Manu Law College

VICE-PRINCIPLE'S



Manu Law College has natural advantage of its location. It is situated near the International Border between India and Nepal. It is committed to train students with competencies and employability skills to serve the society. Legal institution in India has undergone a paradigm shift in the last two decades. The option to study in law is by choice rather than by chance, is the essence of the shift. Manu Law College provide new choice of a career which not only empowers young minds to take up social causes but also the opportunities present in a growing globalized world.

A well-administered and socially relevant legal institution is the sine-qua-non for a proper dispensation of justice. The immediate objective of legal education in our country is to produce law graduates equipped with knowledge of substantive and procedural laws, capable of taking active part in the traditional justice delivery system of the country. A transparent and speedy justice administration is the need of the hour which reinforces the faith in rule of law.

The Manu Law College has highly motivated and qualified faculty to guide the students with the help of sophisticated pedagogy in an enabling ambience. The state of art educational technology and well equipped class rooms exists to support the students very effectively. Students of Manu Law College are always motivated to participate and indulge in educational, cultural and sports activities along with academic pursuits just to make them stay abreast with global image of a good human being. I hope that all your expectation are met and that we can help you achieve your goals. I look forward to see you fulfilling the aspirations of the society.

Welcome to Manu Law College, Nichloul, Maharajganj (U.P.)

Rudresh Kumar
Vice-Principal
Manu Law College

CHAIRPERSON PLACEMENT CELL



I consider it to be an honour and opportunity to present you a group of young, dynamic individuals who have been groomed to face challenges that lie ahead for them in the industry and corporate world as a whole. The present batch of our young law students is working hard to be a part of the large dynamic industry. The intensive training and the encouraging learning environment of our institute has made them proficient in the basic as well as specialized fields of relevance for the best placement of our law students. After initial assessment through elaborate psychometric test and screening process the students get training orientation and experimental learning through systematic internship in industry, Civil Courts, High Courts, Supreme Court, N.G.O., Law Firms and various options such as judiciary, corporate practice, litigation, academic, legal process outsourcing, administrative services, banks, legal departments, companies, insurance sector etc. We take up each students counselling individually and prepare students profile according to their interest and goals. We are confident that these young men and women would be an asset to your organisation. Our aim is to actively assist you in attracting and identifying the individuals best suited to your needs and in developing a successful recruitment relationship.

Vision -To promote understanding through equality of legal education.

Mission -To contribute towards knowledge generation and dissemination.

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Welcome to the placement cell, Manu Law College, Nichloul, Maharajganj (U.P.)

1. Nagendra Yadav
2. Sharad Tripathi
Nodal/Placement Officer
Manu Law College

ABOUT THE COLLEGE

Manu Law College was established in the year of 2019 with an objective of imparting comprehensive legal education while promoting cultural, legal and ethical values in order to foster the rule of law. The College is committed to delivering the highest quality of legal education on contemporary areas in order to produce socially relevant lawyers. The vision of Manu Law College is to become one of the best centres of legal education training and research. The mission of the college is to nurture the intellect for the betterment of the nation and humanity through law and social justice. The objectives are to contribute to the national development by instilling a sense of responsibility among the students and cultivating in them the spirit of intellectual freedom qualities of leadership imaginative power and clarity, this temple of learning is affiliated to Siddharth University, Kapilvastu, Siddharth Nagar and is duly approved by BAR Council of India. The college has newly constructed building with well furnished class rooms faculty chambers moot court room which is exact replace of original court well maintained library. It is a centre of excellence in legal education. The sole motive of this college is to help the students to achieve legal awareness leadership and skills. It gives special attention to the practical training so that there is no strain on the student when they enter the court complex after their studies and they can easily take the challenges of the new millennium.

मनु लॉ कॉलेज, निचलौल महाराजगंज के निदेशक डॉ
दिनेश कुमार सिंह को पूर्वांचल विद्युत वितरण निगम
लिमिटेड में मंडल स्तर पर उपभोक्ता व्यथा निवारण
फोरम का स्वतंत्र सदस्य नामित किया गया



मनु लॉ शासन ऊर्जा विभाग के अंतर्गत विद्युत कॉलेज, निचलौल महाराजगंज के नियामक आयोग में उपभोक्ता व्यथा निदेशक डॉ दिनेश कुमार सिंह को पूर्वांचल विद्युत वितरण निगम लिमिटेड में मंडल स्तर पर उपभोक्ता व्यथा निवारण फोरम का स्वतंत्र सदस्य नामित किया गया। दिनांक 6/07/2024 को अधीक्षण अभियंता के कार्यालय पत्रांक 1607/वि० वि० मं० (मह०) दिनांक 06/07/2024 उत्तर प्रदेश निवारण फोरम महाराजगंज मंडल का स्वतंत्र सदस्य के रूप में मनु लॉ कॉलेज के निदेशक डॉ. दिनेश कुमार सिंह को नामित किया गया है। इस उपलब्धि पर प्राचार्य डॉ. अखिलेश्वर राय, उप प्राचार्य डॉ. रुद्रेश कुमार समस्त आचार्य गण एवम कालेज परिवार के द्वारा बधाई दिया गया।

**मनु लॉ कॉलेज, निचलौल महाराजगंज में उत्तर प्रदेश सरकार द्वारा
निःशुल्कस्मार्ट फोन/ टेबलेट वितरण योजना के अंतर्गत स्मार्ट फोन
वितरण समारोह**



दिनांक 10/07/2024 दिन बुधवार को मनु लॉ कॉलेज निचलौल में एल-एल० बी० के छात्र/छात्राओं को उत्तर प्रदेश सरकार द्वारा संचालित स्वामी विवेकानन्द युवा सशक्तिकरण योजना के अन्तर्गत निःशुल्क स्मार्ट फोन वितरण कार्यक्रम में माननीय श्री लल्लन तिवारी जी, पूर्व विधायक, पिपराइच विधानसभा के द्वारा सम्पन्न किया गया। कार्यक्रम का संचालन प्रमोद कुमार यादव एल-एल. बी. चतुर्थ सेमेस्टर के छात्र द्वारा तथा कॉलेज के नोडल अधिकारी उप प्राचार्य डॉ० रुद्रेश कुमार, प्राचार्य डॉ० अखिलेश्वर राय, निदेशक डॉ० दिनेश कुमार सिंह के निर्देशन में सम्पन्न किया गया। इस कार्यक्रम में कॉलेज के समस्त सहायक आचार्यगण एवं कॉलेज परिवार के समस्त सदस्यों का अहम योगदान रहा।

पेड़ लगाओ, पेड़ बचाओ



दिनांक 12/07/2024 दिन शुक्रवार को मनु लॉ कालेज, निचलौल, जनपद महाराजगंज में पेड़ लगाओ, पेड़ बचाओ, जन अभियान-2024 के तहत महाविद्यालय के निदेशक डॉ० दिनेश कुमार सिंह के निर्देशन में सागौन, जामुन तथा अमरूद के कुल 250 पौधों का रोपण किया गया। इस अवसर पर निदेशक डॉ० दिनेश कुमार सिंह ने पर्यावरण एवं जलवायु पर अपने विचारों को विस्तृत रूप से बताया। इस पौधारोपण कार्यक्रम में समस्त सहायक आचार्य तथा कर्मचारीगण उपस्थित रहे।

पंचवर्षीय बी०ए० एल-एल० बी० एवं त्रिवर्षीय एल-एल० बी० सत्र- 2024 -25 के कक्षाओं का शुभारम्भ



दिनांक 01/08/2024 दिन गुरुवार को मनु लॉ कालेज, निचलौल, जनपद महाराजगंज में पंचवर्षीय बी०ए० एल-एल० बी० एवं त्रिवर्षीय एल-एल० बी० सत्र-2024 25 के कक्षाओं का शुभारम्भ छात्र/छात्राओं को बैग, आई०डी० कार्ड एवं लाइब्रेरी कार्ड का वितरण कर किया गया। कार्यक्रम के आरम्भ में महाविद्यालय की प्रबन्धक श्रीमती उर्मिला सिंह एवं निदेशक डॉ० दिनेश कुमार सिंह ने माँ सरस्वती की प्रतिमा पर पुष्प अर्पित एवं दीप प्रज्वलित किया। अपने सम्बोधन में निदेशक ने छात्रों से महाविद्यालय में उपलब्ध आधुनिक सुविधाओं का लाभ लेते हुए अध्ययन कर सरकारी एवं गैर सरकारी संस्थानों में न्यायिक अधिकारी एवं विधि अधिकारी के रूप में अपने भविष्य को सुरक्षित करने हेतु प्रेरित किया। इस अवसर पर जवाहर लाल नेहरू स्मारक स्नातकोत्तर महाविद्यालय, महाराजगंज के हिन्दी विभाग के विभागाध्यक्ष डॉ० राणा प्रताप तिवारी ने छात्रों से एकाग्रचित्त होकर अपने लक्ष्य को प्राप्त करने हेतु प्रेरित किया, तत्पश्चात् महाविद्यालय के प्राचार्य डॉ० अखिलेश्वर राय तथा उप प्राचार्य डॉ० रुद्रेश कुमार ने अपने सम्बोधन में नियमित अनुशासित होकर

अध्ययन करने हेतु छात्रों को प्रेरित किया। महाविद्यालय के समस्त सहायक आचार्यगण ने नवागत छात्र/छात्राओं को आशीर्वचन दिया। कार्यक्रम का संचालन सहायक आचार्य श्री रविन्द्र यादव ने किया जिसमें समस्त कर्मचारीगण तथा छात्रों के अभिभावक उपस्थित रहे।

स्वतन्त्रता दिवस



दिनांक 15-08-2024 को 78वें स्वतन्त्रता दिवस पर मनु लॉ कालेज परिसर में महाविद्यालय की प्रबन्धक श्रीमती उर्मिला सिंह ने झण्डारोहण किया।

कार्यक्रम का प्रारम्भ महाविद्यालय की प्रबन्धक व निदेशक के द्वारा माँ सरस्वती की प्रतिमा पर दीप प्रज्वलित एवं पुष्प अर्पित करके किया गया तथा छात्र/छात्राओं द्वारा स्वागत गीत एवं सरस्वती वन्दना का गायन किया गया। अपने सम्बोधन में निदेशक डॉ० दिनेश कुमार सिंह ने स्वतन्त्रता दिवस के महत्ता पर प्रकाश डाला तथा छात्रों को विधि की शिक्षा ग्रहण कर आत्म निर्भर बनने हेतु प्रेरित किया। प्राचार्य डॉ० अखिलेश्वर राय के स्वागत सम्बोधन के पश्चात् उप प्राचार्य डॉ० रुद्रेश कुमार द्वारा स्वतन्त्रता दिवस के ऐतिहासिक पृष्ठभूमि पर प्रकाश डाला गया। कार्यक्रम को अन्य सहायक आचार्यगण तथा छात्र/छात्राओं ने सम्बोधित किया। इस कार्यक्रम में महाविद्यालय के छात्र/छात्राएँ सभी सहायक आचार्य तथा कर्मचारीगण उपस्थित रहे। कार्यक्रम का संचालन सहायक आचार्य श्री रविन्द्र यादव ने किया।

शिक्षक दिवस



दिनांक 05/09/2024 दिन गुरुवार को मनु लॉ कालेज, निचलौल, जनपद महाराजगंज में शिक्षक दिवस मनाया गया। इस अवसर पर महाविद्यालय के प्राचार्य डॉ० अखिलेश्वर राय ने पूर्व राष्ट्रपति डॉ० सर्वपल्ली राधाकृष्णन के बारे में विस्तार से बताया। महाविद्यालय के निदेशक डॉ० दिनेश कुमार सिंह ने सभी शिक्षकों से डॉ० सर्वपल्ली राधाकृष्णन जी से प्रेरणा लेने की बात कही। इस कार्यक्रम में उप प्राचार्य डॉ० रुद्रेश कुमार सहित सभी सहायक आचार्य, कर्मचारीगण तथा छात्र / छात्राएँ उपस्थित रहे।

इंटरशिप के जागरूकता हेतु कालेज में सेमिनार का आयोजन



हमारे कॉलेज में प्लेसमेंट्स सेल द्वारा आयोजित इंटरशिप उद्बोधन ज्ञान का आयोजन किया गया। जिसमें वाइस प्रिंसिपल सर द्वारा इंटरशिप के महत्व को समझाया गया। बताया कि इंटरशिप छात्रों के लिए व्यावहारिक अनुभव प्राप्त करने का एक बेहतरीन माध्यम है। इस प्रक्रिया के माध्यम से छात्र कक्षा में सीखी गई सिद्धांतों को वास्तविक जीवन में लागू कर पाते हैं।

इंटरशिप के दौरान, छात्रों को उद्योगों की कार्यप्रणाली का ज्ञान मिलता है, जिससे उनके कौशल में सुधार होता है और उन्हें रोजगार के लिए तैयार किया जा सकता है। वाइस प्रिंसिपल ने यह भी बताया कि इंटरशिप छात्रों को नेटवर्किंग का अवसर प्रदान करती है, जिससे भविष्य में नौकरी प्राप्त करने में सहूलियत हो सकती है।

सत्र के दौरान उन्होंने यह भी स्पष्ट किया कि इंटरशिप करने से रिज्यूमे में एक अतिरिक्त मूल्य जुड़ता है, जो कंपनियों को आकर्षित करता है। इसके अलावा, इंटरशिप के दौरान छात्रों को अपने व्यक्तिगत और पेशेवर विकास के लिए दिशा मिलती है, जिससे वे अपने करियर की सही दिशा में आगे बढ़ सकते हैं।

सेमिनार



21 सितंबर को मनु लॉ कॉलेज में "अर्थशास्त्र की परिभाषा" विषय पर एक सेमिनार आयोजित किया गया। इस सेमिनार का मुख्य उद्देश्य छात्रों को अर्थशास्त्र की मूल अवधारणाओं और इसके महत्व से अवगत कराना था।

विशेषज्ञों ने अर्थशास्त्र को संसाधनों के उत्पादन, वितरण और उपभोग के अध्ययन के रूप में परिभाषित किया। उन्होंने बताया कि अर्थशास्त्र न केवल आर्थिक गतिविधियों का विश्लेषण करता है, बल्कि यह समाज की भलाई, विकास और स्थिरता में भी महत्वपूर्ण भूमिका निभाता है।

सेमिनार में छात्रों को विभिन्न अर्थशास्त्रियों के दृष्टिकोण से परिचित कराया गया, जैसे कि एडम स्मिथ और जॉन मेनार्ड कीन्स। इसके अलावा, विशेषज्ञों ने बताया कि कैसे अर्थशास्त्र नीतियों को निर्धारित करने और वैश्विक समस्याओं का समाधान करने में मदद करता है।

छात्रों ने सेमिनार में सक्रिय भाग लिया और कई महत्वपूर्ण प्रश्न पूछे, जिससे चर्चा और भी उत्साहपूर्ण हो गई। यह सेमिनार छात्रों के लिए ज्ञानवर्धक और प्रेरणादायक अनुभव रहा।



सेमिनार "राष्ट्रीय शक्ति और इसके घटक" 21 सितंबर को मनु लॉ कॉलेज में आयोजित किया गया। इस सेमिनार का उद्देश्य छात्रों को राष्ट्रीय शक्ति के विभिन्न पहलुओं से अवगत कराना था। सेमिनार में विशेषज्ञों ने राष्ट्रीय शक्ति को सामरिक, आर्थिक, राजनीतिक और सांस्कृतिक घटकों में विभाजित किया।

विशेषज्ञों ने बताया कि सामरिक शक्ति में सेना की क्षमता और सुरक्षा नीतियां शामिल होती हैं, जबकि आर्थिक शक्ति देश की वित्तीय स्थिरता और संसाधनों की उपलब्धता पर निर्भर करती है। राजनीतिक शक्ति में सरकार की क्षमता और अंतरराष्ट्रीय संबंधों की भूमिका होती है। सांस्कृतिक शक्ति से तात्पर्य है देश की संस्कृति, भाषा और सामाजिक मूल्य, जो राष्ट्रीय पहचान को मजबूत बनाते हैं।

सेमिनार के अंत में छात्रों ने अपने विचार साझा किए और प्रश्न पूछे, जिससे चर्चा और भी रोचक हो गई। यह सेमिनार छात्रों के लिए ज्ञानवर्धक और प्रेरणादायक था।

कॉलेज में टेस्ट का आयोजन



24 सितंबर, 2024 को मनु लॉ कॉलेज में बी.ए. एल.एल.बी. 1st सेमेस्टर के छात्रों के लिए अंग्रेजी का एक परीक्षण आयोजित किया गया, जिसमें कुल 20 अंक थे। इस परीक्षण का मुख्य प्रश्न "क्रिया की परिभाषा, प्रकार और मूड" पर आधारित था। इस परीक्षा में छात्र-छात्राओं ने सक्रियता से भाग लिया, जिससे विषय पर गहरी समझ प्रदर्शित हुई। परीक्षा के दौरान पर्यवेक्षक के रूप में श्री रविंद्र यादव और श्रीमती गुलनाज अंसारी उपस्थित थे।

निःशुल्क-न्यायिक परीक्षा के तैयारी हेतु कक्षाओं का संचालन



निःशुल्क पीसीएस न्यायिक परीक्षाओं की तैयारी के लिए कक्षाएं विशेष रूप से न्यायिक सेवाओं में करियर बनाने के इच्छुक विद्यार्थियों के लिए आयोजित की जाती हैं। ये कक्षाएं प्रतियोगी परीक्षाओं में सफलता के लिए जरूरी कानूनी ज्ञान, विश्लेषणात्मक क्षमता और सटीक उत्तर लेखन पर केंद्रित होती हैं।

इसके अलावा, संवैधानिक विधियों, प्रशासनिक कानून और अन्य समकालीन कानूनी मुद्दों पर भी ध्यान केंद्रित किया जाता है।

पीसीएस न्यायिक परीक्षाओं की तैयारी के लिए कक्षाओं में अनुभवी फैकल्टी द्वारा मार्गदर्शन दिया जाता है, जो विद्यार्थियों को परीक्षा के प्रारूप, समय प्रबंधन और उत्तर लेखन की रणनीतियों से अवगत कराते हैं। नियमित मॉक टेस्ट और उत्तर लेखन अभ्यास भी करवाया जाता है, जिससे विद्यार्थियों को परीक्षा का वास्तविक अनुभव मिलता है और उनकी तैयारी को सही दिशा मिलती है।

ये कक्षाएं विद्यार्थियों को न केवल परीक्षा में सफलता प्राप्त करने में मदद करती हैं, बल्कि उन्हें एक सफल न्यायिक अधिकारी बनने के लिए आवश्यक कौशल और आत्मविश्वास भी प्रदान करती हैं। इस तरह की तैयारी से उम्मीदवार कानून की गहरी समझ और सामाजिक न्याय की भावना विकसित करते हैं, जो एक न्यायिक अधिकारी के रूप में उनके भविष्य के करियर के लिए महत्वपूर्ण होती है।

The Concept of Welfare State under the Indian Constitution

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The concept of a welfare state, enshrined in the Indian Constitution, reflects the ideals of social justice, equality, and the overall well-being of the people. A welfare state prioritizes the collective welfare of its citizens, aiming to minimize inequality and ensure the basic needs of all are met. In the Indian context, this idea is deeply rooted in the nation's struggle for independence and its aspiration to build a just and inclusive society. The Constitution of India, adopted in 1950, serves as a blueprint for establishing a welfare state through various provisions that focus on ensuring social and economic justice for all citizens.

Understanding the Concept of a Welfare State

A welfare state refers to a government system that actively seeks to protect and promote the economic and social well-being of its citizens. It is based on the principles of equitable distribution of wealth, equality of opportunity, and public responsibility for those unable to meet their basic needs. The government plays a key role in providing services such as healthcare, education, housing, and employment opportunities, ensuring that every individual enjoys a minimum standard of living.

In a welfare state, the government intervenes to reduce the disparities that arise from free-market economies, ensuring that the benefits of economic growth and development are shared by all sections of society. This is achieved through policies that regulate wealth distribution, social security schemes, healthcare systems, and the provision of essential services like education and housing.

The Vision of Welfare in the Indian Constitution

The Indian Constitution embodies the vision of a welfare state, as reflected in its Preamble, Fundamental Rights, and Directive Principles of State Policy. These constitutional provisions create a framework for achieving the goals of social, economic, and political justice.

Preamble

The Preamble to the Constitution declares India as a "sovereign, socialist, secular, democratic republic" and aims to secure justice—social, economic, and political—for all its citizens. It emphasizes equality of status and opportunity, ensuring that every citizen has the right to lead a dignified life.

The commitment to social justice in the Preamble reflects the Indian state's responsibility to reduce inequalities and ensure the welfare of all citizens, particularly the marginalized and vulnerable groups. The vision of a welfare state, thus, is rooted in the very foundational values of the Indian Constitution.

Fundamental Right

The Fundamental Rights, guaranteed under Part III of the Constitution, play a crucial role in promoting the concept of a welfare state. These rights ensure the protection of individual freedoms, equality, and the right to life and personal liberty. Some of the key provisions related to welfare include:

1. **Right to Equality (Articles 14-18):** This guarantees equality before the law and equal protection of the laws, prohibiting discrimination on grounds of religion, race, caste, sex, or place of birth. It seeks to eliminate social hierarchies and inequalities, ensuring that every citizen is treated equally.
2. **Right to Freedom (Articles 19-22):** These provisions grant citizens the freedom of speech, assembly, association, movement, and occupation. These freedoms are essential for the realization of individual potential, contributing to the overall welfare of society.
3. **Right against Exploitation (Articles 23-24):** These articles prohibit human trafficking, forced labor, and child labor, ensuring the protection of vulnerable sections of society from exploitation.
4. **Right to Constitutional Remedies (Article 32):** This ensures that citizens can approach the courts to enforce their Fundamental Rights, making the welfare commitments of the state justiciable.

While Fundamental Rights provide a legal framework for individual liberties and equality, the concept of a welfare state is more explicitly articulated in the Directive Principles of State Policy.

Directive Principles of State Policy

The Directive Principles of State Policy, enshrined in Part IV of the Constitution (Articles 36-51), form the cornerstone of the welfare state in India. Although they are non-justiciable, meaning they cannot be enforced by courts, these principles serve as guidelines for the government to frame policies aimed at achieving social and economic justice.

Some key Directive Principles that promote the idea of a welfare state include:

1. **Article 38:** The state shall strive to promote the welfare of the people by securing and protecting a social order in which justice—social, economic, and political—prevails. It also mandates the state to minimize inequalities in income, status, facilities, and opportunities.

2. **Article 39:** This article outlines several principles aimed at promoting social welfare, such as ensuring adequate means of livelihood for all, equal pay for equal work, protection of children from exploitation, and the prevention of concentration of wealth.
3. **Article 41:** It directs the state to provide public assistance in cases of unemployment, old age, sickness, and disablement, and ensure the right to work, education, and public assistance in such cases.
4. **Article 42:** The state is obligated to make provisions for securing just and humane conditions of work and for maternity relief.
5. **Article 43:** The state shall endeavor to secure, by suitable legislation or economic organization, a living wage, decent working conditions, and a decent standard of life for workers.
6. **Article 45:** Originally, this article mandated the provision of free and compulsory education for all children up to the age of 14. Although this was later made a Fundamental Right under Article 21A, it remains a crucial component of the welfare state's vision.
7. **Article 47:** It obligates the state to raise the level of nutrition and standard of living of its people and improve public health.

These Directive Principles, though not enforceable in a court of law, act as moral obligations for the state and have guided various social welfare policies over the years.

The Judiciary's Role in Upholding Welfare Ideals

The Indian judiciary has played a crucial role in interpreting and expanding the scope of the Constitution's welfare provisions. Through landmark judgments, the Supreme Court has elevated several Directive Principles to the status of enforceable rights by interpreting them in conjunction with the Fundamental Rights.

For instance, the right to education, initially a Directive Principle under Article 45, was elevated to a Fundamental Right through the 86th Amendment Act, 2002, and included as Article 21A. Similarly, the right to livelihood was read into the right to life under Article 21 in the landmark case *Olga Tellis v. Bombay Municipal Corporation* (1985).

The courts have also upheld the state's responsibility to ensure basic human rights and dignity, especially for marginalized sections of society. The judicial interpretation of the right to life has expanded to include the right to food, shelter, healthcare, and a clean environment—essential elements of a welfare state.

Welfare State in Practice: Social Welfare Schemes

The Indian government has implemented numerous welfare schemes aimed at reducing poverty, inequality, and social exclusion. These include:

1. **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA):** Provides guaranteed employment to rural households, ensuring livelihood security.
2. **Pradhan Mantri Jan Dhan Yojana:** Promotes financial inclusion by providing banking services to the unbanked population.
3. **National Food Security Act (NFSA):** Aims to ensure food security by providing subsidized food grains to eligible households.
4. **Ayushman Bharat:** A healthcare scheme providing insurance coverage for secondary and tertiary care hospitalization to economically vulnerable groups.

These schemes represent the state's commitment to the welfare of its citizens, addressing various dimensions of poverty and inequality.

Conclusion

The concept of a welfare state is deeply embedded in the Indian Constitution, with the state playing a central role in ensuring social and economic justice for all. While the Preamble sets the tone, the Fundamental Rights and Directive Principles together outline the framework for achieving this vision. Through policies aimed at improving the standard of living, education, healthcare, and livelihood opportunities, the Indian state strives to fulfill its constitutional commitment to welfare. However, challenges remain, and continuous efforts are required to realize the full potential of the welfare state envisioned by the Constitution.

Infringement Analysis in Copyright Law

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Conceptually speaking, copyright infringement analysis in a given factual scenario involves three basic steps – (i) establishing that the work is protected under copyright, exists; (ii) the alleged infringing act falls within the scope of exclusivity offered for that work; and (iii) the act is actually infringing in nature. The scope of this note is limited to direct infringement of copyright.

Standard for Determining Originality

As per Section 13 of the Indian Copyright Act, copyright subsists, *inter alia*, in ‘original’ literary, dramatic, artistic, musical works as well as cinematographic films and sound recordings. The plaintiff in any copyright infringement suit must first establish that his work is original if it is literary, dramatic, artistic or musical in nature. However, originality itself has not been defined anywhere in the Copyright Act. Indian courts have relied upon doctrines laid down in various judicial pronouncements in the UK and the US.

The Privy Council, in the case *Macmillan & Company Ltd. v. Cooper*,¹ approved the principle laid down in *University of London Press v. University Tutorial Press*², which laid down that copyright over a work arises and subsists in that work due to the skill and labour spent on that work, rather than due to inventive thought. This is more popularly known as the ‘sweat of the brow’ theory – originality derives merely from the fact that sufficient labour, skill, capital and effort (whether physical or otherwise) has been applied. This seems to be the original principle adopted in India as well, as illustrated by the Delhi High Court judgment in the case of *Burlington Home Shopping v. Rajnish*

¹ See *Macmillan Company v. J.K. Cooper*, (1924) 26 BOMLR 292

² See *University of London Press Ltd. v. University Tutorial Press Ltd.*, [1916] 2 Ch. 601

Chibber,³ where it was held that a compilation may be considered a copyrightable work by virtue of the fact that there was devotion of time, labour and skill in creating the said compilation.

However, recently, the law in other countries has departed from the ‘sweat of the brow’ doctrine. The landmark US Supreme Court decision of *Feist Publications v. Rural Telephone Service*⁴ rejected the ‘sweat of the brow’ doctrine on the basis that it flouts basic copyright principles and creates a monopoly, and instead, laid down the principle of ‘minimum modicum of creativity’. Effectively, this new doctrine of ‘minimum modicum of creativity’ stipulates that originality subsists in a work where a sufficient amount of intellectual creativity and judgment has gone into the creation of that work.

The Indian Supreme Court, in its landmark judgment of *Eastern Book Company v. D.B. Modak*⁵, departed from both these approaches and for the purposes of Indian law, established a standard of originality that fell midway between ‘sweat of the brow’ and ‘minimum modicum of creativity’. In doing so, the Indian Supreme Court was simply following the reasoning given by the Canadian Supreme Court in *CCH Canadian Ltd. v. Law Society of Upper Canada*,⁶ the case which first established this midway standard. In reality, this midway standard is extremely difficult to practice and implement. According to this midway standard, an ‘original’ must be a “*product of an exercise of skill and judgment*”, where ‘skill’ is “*the use of one's knowledge, developed aptitude or practised ability in producing the work*” and ‘judgment’ is “*the use of one's capacity for discernment or ability to form an opinion or evaluation by comparing different possible options in producing the work*”.⁷ As per the Canadian Supreme Court, this exercise of skill and judgment must not be “so trivial that it could be characterized as a purely mechanical exercise” and must be “*more than a mere copy of another work.*”⁸ At the

³ 61 (1995) DLT 6

⁴ See *Feist v. Rural*, 499 U.S. 340 (1991)

⁵ See *Eastern Book Company v. D. B. Modak*, AIR 2008 SC 809

⁶ 2004 (1) SCR 339 (Canada)

⁷ *Id.* at para.16.

⁸ *Id.*

same time, “*creativity is not required*” to make the work ‘original’.⁹ As evident, a great deal of ambiguity exists around the practical implementation of this standard.

Rights of the Owner

After establishing originality, the next issue for the purposes of infringement analysis is whether the allegedly infringing act falls within the scope of exclusivity delineated to the owner (and to persons authorized by such owner) under the law. The Indian Copyright Act, 1957, under Section 14, defines copyright to consist of certain rights, which varies with each type of work. A detailed exposition of these rights is beyond the scope of this short note. Generally speaking, this includes the right to reproduction, publication, translation and adaptation. In order to successfully prove a claim of infringement, the plaintiff has to establish that the defendant(s) has engaged in one of the acts that falls within the scope of exclusivity under Section 14, depending on the type of work involved.

Infringement Test

Once the rights of the owner have been established, the next step is proving that there is actual infringement. Of course, if the defendant, say, makes copies of a copyrighted work and commercially exploits such copies, nothing further needs to be proved to establish infringement apart from what has been discussed above. However, more complicated questions arise when the defendant the alleged infringing work involved relates to something, which is similar to, but not identical with the plaintiff’s work. In such cases, in order to prove infringement, the plaintiff must show that:¹⁰

1. The defendant *copied* directly from the plaintiff’s work, and
2. The elements copied, when taken together, amounts to an **improper appropriation**.

Copying

⁹ *Id.* at para.25.

¹⁰ See *Arnstein v. Porter*, 154 F.2d 464

The plaintiff must prove that the defendant has copied his work through any means possible and available to him, and the effect of such proof is that the defendant cannot escape liability by claiming innocence and that he had no knowledge of the work which was copyright-protected. Any resemblance between the plaintiff's work and the defendant's work would not necessarily imply an instance of infringement of the plaintiff's work,¹¹ although it may play a role in proving infringement. The copying requirement protects that defendant who has never consulted the plaintiff's work nor has had access to it, but whose work is, because of coincidence or artistic convention, substantially similar to that of plaintiff's.

Recognizing that direct evidence of copying will be rarely available, courts have universally allowed copyright owners to prove copying on the basis of circumstantial evidence, specifically through inferences from the defendant's **access** to the plaintiff's work and from any similarities between two works.¹² Copying can, therefore, be proved by **inference**. It can be inferred that the defendant has in fact copied the plaintiff's work from the fact that the defendant had access to the plaintiff's work and from the similarities between his work and that of the plaintiff's. The rationale behind this is that given the sufficient opportunity that the defendant had to copy the plaintiff's work in addition to the striking similarity between the two works, the evidence in hand is indicative of copyright infringement.

There is a reciprocal relationship between *proof of access* and *similarity* and this relationship is subject to two important limitations:

- “If there are no similarities, no amount of evidence of access will suffice to prove copying”.¹³
- “If evidence of access is absent, the similarities must be so striking as to preclude the possibility that plaintiff and the defendant arrived at the same result.”¹⁴

¹¹ See Paul Goldstein's Goldstein on Copyright, Vol. II 3rd edn., Aspen Publishers, p.no. 9.3

¹² See Paul Goldstein's Goldstein on Copyright, Vol. II 3rd edn., Aspen Publishers, p.no. 9.6. *Urmi Juvekar v. CNN-IBN*

¹³ See *Arnstein v. Porter*, 154 F.2d 464

¹⁴ *ibid*

If the plaintiff offers sufficient proof of access and similarity which would support an inference of copying, the defendant must introduce evidence to rebut such an inference which proves against him.¹⁵

Improper Appropriation

In order to establish “Improper Appropriation”, the plaintiff must meet two tests:

1. The plaintiff must show that the defendant’s work has appropriated that expression of a copyright work which is protected under copyright law;¹⁶ and
2. The plaintiff must show that audiences will perceive substantial similarities between the defendant’s work and the plaintiff’s protected expression.¹⁷

The Protected Expression Test

The first test for improper appropriation is to identify whether the defendant’s work copies any protected expression from the plaintiff’s work, i.e., exclude those elements from the plaintiff’s work, which are not protectable under law. Examples of such elements are expressions which to which the Merger Doctrine¹⁸ applies or the doctrine of “*Scenes a faire*” applies.¹⁹ The Court first separates these elements from the work that is alleged to be copied.

Of course, in reality, the most difficult task is to determine the point at which the unprotectible ideas in a copyrighted work end and where the protected expression starts.

In *Nichols v. Universal Pictures Corp.*²⁰, Judge Learned Hand held that

“When the plagiarist does not take out a block in situ, but an abstract of the whole, decision is more troublesome. Upon any work, and especially upon a play, a great number of patterns of increasing generality will fit equally well, as more and more of the incident is left out. The last may perhaps be no more than the most general statement of

¹⁵ See *Keeler Brass Co. v. Continental Brass Co.*, 862 F.2d 1063

¹⁶ See *Kohus v. Mariol*, 382 F.3d 848

¹⁷ *ibid*

¹⁸ This arises in situations where the idea and expression merge and since copyright law does not protect ideas per se, that element is not protected under copyright.

¹⁹ This relates to those elements, which necessarily have to be present in any form of expression of an idea and hence, not protected under copyright.

²⁰ See *Nichols v. Universal Pictures Corp.*, 45 F.2d 119

what the play is about, and at times might consist only of its title; but there is a point in this series of abstractions where they are no longer protected, since otherwise the playwright could prevent the use of his "ideas," to which, apart from their expression, his property is never extended."²¹

The Audience Test

To establish infringement, the plaintiff must then demonstrate that any audience would find the expression in the defendant's work substantially similar to the plaintiff's work. Courts sometimes refer to this test as an "audience" test and sometimes as an "ordinary observer" test. The principle of this test is that to a third person, or a layman, the two works should seem so substantially similar that they would not be able to distinguish between the two.

Specifically in the context of computer programs, the U.S. Second Circuit Court in the case *Computer Associates International, Inc. v. Altai, Inc.*²², formulated the "Abstraction-Filtration-Comparison" test. This test comprises a three step methodology whereby a court must first break down the program alleged to be infringing into its constituent structural parts, thus segregating the ideas from the expressions through *abstraction*. Then, by examining each of these expressions for exceptions such as the Merger Doctrine, accounting for an expression that is necessarily incidental to those ideas, and other expressions which are public knowledge and are openly available in the public domain, a court would thereafter be able to *filter* out all non-protectable material. Left with the kernel(s) of creative expression after following this process of elimination, the court's last step would be to *compare* this material, protected by copyright, with the allegedly infringing program.²³ This would involve something similar to the test of 'substantial similarity' discussed above. On the whole, one may clearly see the similarities between the test laid down in the Altai case and the original tests followed in the context of other works.

²¹ *ibid*

²² See *Computer Associates International, Inc. v. Altai, Inc.*, 982 F.2d 693

²³ *ibid*

Position in India and Conclusion

The position of law in India is slightly different in this regard. A thorough reading of the Supreme Court's decision in *R.G.Anand v. Deluxe Films*²⁴ would show that infringement in India is normally established through comparison of the two works from a holistic perspective. Although the said decision does specifically state, for instance, that ideas *per se* are not protectable, the similarity in the ideas between the two works involved in that case seems to have been a factor that the Court considered. Therefore, the law in India prescribes more of a total "look and feel" of the work involved, as seen from the perspective of the viewer / audience. Therefore, while courts in the USA have been attempting to go in depth into the subtleties in infringement analysis, Indian case-law paint a much broader, albeit, much more subjective test.

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²⁴ See *R.G.Anand v. Deluxe Films*, AIR 1978 SC 1614