



MALWANCHAL MIRROR

QUATERLY BULLETIN



**Our mission was
never just to teach
or to treat.
It was to empower,
to uplift, and to
lead change.**



**Mr. MAYANKRAJ
SINGH BHADORIA**
Vice-Chairman,
Mayank Welfare Foundation

FROM THE DESK OF DIRECTOR ...

Dr. Vinod Yadav

Director, Index Institute of Law



Index Institute of Law, Indore has a unique organizational culture that enshrines care values and ethos of accountability, openness, and transparency. The multidisciplinary faculty team constitutes an enabling environment for learning. We are moving ahead with our vision of expanding the quality of Legal education. Our dream to become a world class institution of providing good education in Law, focusing on relevant, dynamic, and flexible learning systems for the development of good Legal Education.

Law Education is the foundation and cornerstone of society, the guiding light as humanity made its way in quest of the unknown.

Habits, attitudes, and skills enable us to explore and flourish. At Index Institute of Law, we strive to understand the fundamental purpose of education by providing opportunities and an environment that is encouraging, inspirational and exciting to our students.

I wish the prospective students a bright and successful learning experience with our institute.



FROM THE DESK OF DEAN ...

Dr. Surendra Kumar Nirala

Dean, Index Institute of Law

As we embark on this new journey, this bulletin represents more than just pages of information; it symbolizes our collective commitment to lifelong learning, compassionate care, and the values that form the cornerstone of the Legal profession. In a rapidly evolving Legal Awareness, staying informed and connected is vital. This bulletin will serve as a bridge between Legal Aid clinic, academic advancements, Moot Court Practice, and Student's engagement.

Through this publication, we aim to highlight the achievements of our students and faculty, share evidence-based practices, explore current trends in Law. It is also a space to recognize the hard work, dedication, and innovation that each of you brings to our institution and beyond.

It will also provide a unique opportunity for our faculty and students to showcase their talents, creativity, and skills through articles, artwork, and other contributions. I also encourage all readers to Actively participate by sharing articles, experiences, and suggestions for future editions.

CAMPUS NEWS

CONSTITUTION DAY 2025

Constitution Day program was organized by Index Institute of Law, Malwanchal University Indore.

The program started with the enlightening of Lamp by Mr. Pankaj Wadhvani (Advocate) The event hosted by Dr. Surendra Kumar Nirala, Dean Index Institute of Law, with precious supported by the Dr Vinod Yadav Director Index Institute of Law.

The introduction speech given by Ms Khushi Narwani Assist. Prof. The students also took an oath to uphold the moral values of constitution, with the aim of guiding their lives and future toward progress.

Mr Bhisma kumar Dehariya , Assistant professorgave a Vote of Thanks As the programme went off in its final moment's. We were privileged to have the presence of esteemed dignitaries, including other luminaries who added to the significance of the day.



Program Report on Expert Session

Index Institute of Law, in collaboration with IQAC Malwanchal University, organized a series of expert sessions across various institutes to promote legal literacy and social awareness. Sessions were conducted at Index Institute of Homeopathic (07/08/2025), Index Institute of Dental Sciences (10/08/2025), and Index Institute of Paramedical Science (05/08/2025), covering themes such as Empowering Women in Law, Indian Constitution and Women Empowerment, and Fundamental Rights under the Constitution. The sessions were led by Dr. Surendra Kumar Nirala (Dean), Ms. Khushi Narwani, and Mr. Bhisma Kumar Dehariya.

Additionally, a seminar on YAARI – Youth Against Ragging was organized with Index Institute of Nursing (14/08/2025) to spread awareness about anti-ragging measures. Through interactive discussions and real-life case references, students gained valuable legal insights, strengthening their analytical skills and understanding of constitutional values and social responsibility.



FACULTY CORNER

Rights of Accused in India



Dr. Surendra Kumar Nirala

Dean,
Index Institute of Law

The Indian Constitution lays down a comprehensive framework to protect the rights of an accused person and to ensure fairness, justice, and accountability in the criminal justice system. These rights are essential to prevent arbitrary action by the State, safeguard personal liberty, and uphold the rule of law. The Constitution balances the interest of society in punishing offenders with the fundamental principle that every individual is presumed innocent until proven guilty.

Article 20: Protection in Respect of Conviction for Offences
Article 20 provides three important safeguards:

Protection against Ex Post Facto Laws (Article 20(1))

No person can be convicted for an act that was not an offence at the time of its commission, nor can a heavier penalty be imposed than what existed at that time. This ensures legal certainty and fairness.

Protection against Double Jeopardy (Article 20(2))

This provision prevents a person from being prosecuted and punished more than once for the same offence. It embodies the principle of *nemo debet bis vexari*, meaning no one should be vexed twice for the same cause.

Protection against Self-Incrimination (Article 20(3))

An accused cannot be compelled to be a witness against himself. This safeguard protects individuals from coercion, torture, or forced confessions by investigative authorities.

Article 21: Right to Life and Personal Liberty

Article 21 states that no person shall be deprived of his life or personal liberty except according to procedure established by law. Over time, the Supreme Court has expanded the scope of this Article to include several rights of the accused.

Following the landmark judgment in *Maneka Gandhi v. Union of India* (1978), the Court held that the procedure established by law must be just, fair, and reasonable, not arbitrary or oppressive. As a result, Article 21 now includes:

- Right to a fair trial
- Right to a speedy trial
- Protection against illegal detention
- Protection against custodial violence and torture

The right to a speedy trial is especially significant, as undue delay in criminal proceedings amounts to denial of justice.

FACULTY CORNER

Rights of Accused in India

Article 22: Rights of Arrested Persons

Article 22 provides specific safeguards to persons who are arrested:

Right to be informed of the grounds of arrest

An arrested person must be told the reasons for arrest to enable them to challenge its legality.

Right to consult and be defended by a legal practitioner

This ensures access to legal representation, which is crucial for a fair defense.

Right to be produced before a magistrate within 24 hours

This provision prevents illegal detention and abuse of police power.

However, Article 22 also provides exceptions in cases of preventive detention, though even then certain procedural safeguards must be followed.

Right to Legal Aid

The Supreme Court has held that the right to free legal aid is an essential component of Article 21. If an accused is unable to afford legal representation, the State has a duty to provide legal assistance to ensure justice.

Protection against Custodial Violence

The judiciary has strongly condemned custodial torture and deaths, holding that such acts violate Articles 20 and 21. Guidelines have been laid down to ensure transparency during arrest and interrogation, including medical examination and proper documentation.

Conclusion

The rights of the accused under the Indian Constitution are essential for maintaining fairness, justice, and human dignity in the criminal justice system. Articles 20, 21, and 22 collectively ensure protection against arbitrary arrest, unlawful detention, and unfair trials. These safeguards maintain a delicate balance between individual liberty and societal interest in crime control. By upholding these constitutional rights, the Indian legal system reinforces the rule of law and strengthens democracy.



FACULTY CORNER

Right to Education (RTE)



**Mr. Bhisma Kumar
Dehariya**

Faculty,
Index Institute of Law

Education is the backbone of a strong and progressive nation. It empowers individuals, reduces inequality, promotes social justice, and strengthens democracy. Recognizing the vital role of education in human development, the Constitution of India guarantees the Right to Education (RTE) as a fundamental right to every child. The Right to Education Act, 2009 is a landmark step towards achieving universal elementary education and creating an inclusive society.

Constitutional Background

Originally, education was included under the Directive Principles of State Policy in Article 45 of the Indian Constitution, which urged the State to provide free and compulsory education to children up to the age of 14 years. However, it was not enforceable by law. In 2002, through the 86th Constitutional Amendment, education was made a fundamental right by inserting Article 21-A, which states that "The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine." This amendment gave legal strength to the dream of universal education.

Right to Education Act, 2009

To implement Article 21-A, the Parliament enacted the Right of Children to Free and Compulsory Education Act, 2009, which came into force on 1st April 2010. The Act makes education a legal entitlement for every child between the age of 6 to 14 years. It ensures that no child is denied education due to financial constraints.

Under this Act:

Education must be free, meaning no child shall be required to pay any kind of fee

Education must be compulsory, meaning the government is responsible for ensuring admission, attendance, and completion of elementary education.

Private unaided schools must reserve 25% of seats for children from economically weaker sections (EWS) and disadvantaged groups.

FACULTY CORNER

The main objectives of the Right to Education are:

- To ensure universal access to elementary education.
- To promote equity and social justice in education.
- To improve the quality of education.
- To reduce the dropout rate.
- To remove discrimination based on caste, class, gender, or religion.

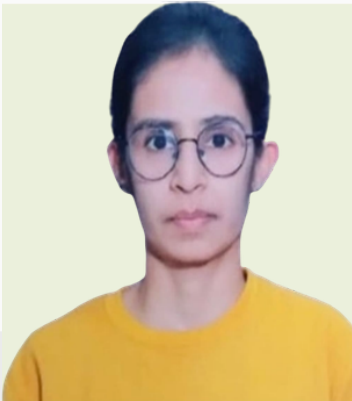
Additionally, the Act promotes a child-friendly and stress-free education system. It prohibits physical punishment, mental harassment, detention, and expulsion of children at the elementary level. This encourages a supportive learning atmosphere that nurtures the overall development of the child rather than focusing only on academic performance.

Overall, the RTE Act contributes to reducing dropout rates and increasing school enrolment, especially among disadvantaged sections of society. By laying a strong educational foundation, the Act empowers children with basic knowledge and skills, which are essential for their personal growth and for the social and economic development of the nation. The RTE Act prohibits physical punishment, mental harassment, detention, and expulsion of children. It also introduced the concept of **Continuous and Comprehensive Evaluation** (CCE) to reduce examination stress and focus on overall development. Overall, the RTE Act plays a crucial role in promoting universal elementary education, equality, and social justice in India.



FACULTY CORNER

Right to Education (RTE)



Ms. Khushi Narwani

Faculty,
Index Institute of Law

Women empowerment refers to creating an environment where women can make independent decisions, enjoy equal rights, and actively participate in social, economic, and political life. In India, women empowerment has become a major focus of national development, as women form nearly half of the country's population. Empowering women is essential not only for their personal growth but also for the progress of society and the nation as a whole.

Historically, Indian women faced discrimination in education, employment, and social status. Practices like child marriage, dowry, purdah system, and lack of education restricted their freedom. However, with the spread of education, social reforms, and constitutional safeguards, the status of women has improved significantly. The Indian Constitution guarantees equality before law and prohibits discrimination on the basis of gender. Several laws such as the Dowry Prohibition Act, Domestic Violence Act, and Equal Remuneration Act aim to protect women's rights.

Education plays a vital role in women empowerment. Educated women are more confident, aware of their rights, and capable of contributing to the economy. Government schemes like Beti Bachao Beti Padhao, Mahila Shakti Kendra, and free education for girls have encouraged female literacy. Today, women are making their mark in every field—education, medicine, law, sports, politics, science, defense, and business.

Political empowerment is another major achievement. Reservation of seats for women in Panchayati Raj institutions has strengthened their participation in local governance. Women leaders like Indira Gandhi, Pratibha Patil, and many chief ministers have shown that women can lead the nation effectively. In recent years, the Nari Shakti Vandan Adhiniyam (Women's Reservation Act) has further strengthened political representation.

Economic independence is a key factor in empowerment. Self-help groups, micro-finance, and entrepreneurship programs have helped women become self-reliant. However, challenges like gender pay gap, workplace harassment, domestic violence, and social stereotypes still exist in many parts of the country.

In conclusion, women empowerment in India has made remarkable progress, but the journey is not yet complete. True empowerment will be achieved only when women are treated with respect, given equal opportunities, and allowed to live with dignity and freedom.

STUDENT CORNER

ESSENTIALS OF VALID CONTRACT



Aryan Chourhdary

Students of BA LLB
Index Institute of Law

A contract is an agreement enforceable by law. Under Section 10 of the Indian Contract Act, 1872, certain essential elements must be present for an agreement to become a valid contract. These essentials ensure legality, fairness, and enforceability of contractual obligations.

The first essential is offer and acceptance. One party must make a lawful offer, and the other must accept it unconditionally. Acceptance must be communicated and should correspond exactly to the terms of the offer.

The second essential is lawful consideration. Consideration means something of value given or promised in return for the performance of a contract. It may be in the form of money, services, or an act. Consideration must be lawful and not opposed to public policy.

Another important essential is capacity of parties. According to law, parties entering into a contract must be competent, meaning they should be of sound mind, not disqualified by law, and must have attained the age of majority.

Free consent is also essential for a valid contract. Consent is said to be free when it is not caused by coercion, undue influence, fraud, misrepresentation, or mistake. If consent is not free, the contract becomes voidable at the option of the aggrieved party.

The contract must have a lawful object. The purpose of the agreement should not be illegal, immoral, or opposed to public policy. Agreements with unlawful objects are void.

Another essential is certainty of terms. The terms of the contract must be clear, definite, and not vague. Uncertain agreements cannot be enforced by law.

Finally, the agreement must not be expressly declared void by law and should comply with legal formalities, if any. Thus, the presence of these essentials makes a contract valid and legally enforceable.



**Essentials of a
VALID CONTRACT**

STUDENT CORNER

ESSENTIALS OF VALID CONTRACT



Khushbu Atadiya

Students of BA LLB
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टॉर्ट्स विधि (Law of Torts) का एक अत्यंत महत्वपूर्ण और व्यापक सिद्धांत लापरवाही (Negligence) है। लापरवाही वह स्थिति है जब कोई व्यक्ति वह सावधानी नहीं बरतता, जो एक सामान्य समझदार व्यक्ति समान परिस्थितियों में बरतता, और इसके परिणामस्वरूप किसी अन्य व्यक्ति को शारीरिक, मानसिक या आर्थिक क्षति होती है। टॉर्ट्स के अंतर्गत लापरवाही का मुख्य उद्देश्य पीड़ित व्यक्ति को क्षतिपूर्ति प्रदान करना तथा समाज में उत्तरदायित्व और सावधानी की भावना को प्रोत्साहित करना है। लापरवाही का अर्थ एवं परिभाषा

लापरवाही का शाब्दिक अर्थ है असावधानी या लापरवाह आचरण। विधिक दृष्टि से, लापरवाही वह कानूनी कर्तव्य का उल्लंघन है, जिसके कारण किसी अन्य व्यक्ति को ऐसी क्षति होती है, जिसे सामान्य सावधानी बरतने से रोका जा सकता था। केवल असावधानी ही पर्याप्त नहीं है, बल्कि उस असावधानी से वास्तविक क्षति होना आवश्यक है।

आधुनिक लापरवाही विधि का आधार प्रसिद्ध अंग्रेजी वाद डोन्घ्यू बनाम स्टीवेंसन (1932) में रखा गया, जिसमें लॉर्ड एटकिन ने पड़ोसी सिद्धांत (Neighborhood Principle) प्रतिपादित किया। इसके अनुसार, प्रत्येक व्यक्ति का यह कर्तव्य है कि वह अपने कार्यों से उन लोगों को क्षति न पहुँचाए, जो उससे प्रत्यक्ष और निकट रूप से प्रभावित हो सकते हैं।

लापरवाही के आवश्यक तत्व

लापरवाही को सिद्ध करने के लिए निम्नलिखित चार आवश्यक तत्वों का होना अनिवार्य है

1. कर्तव्य का अस्तित्व प्रतिवादी पर वादी के प्रति सावधानी बरतने का कानूनी कर्तव्य होना चाहिए। यह कर्तव्य तब उत्पन्न होता है जब दोनों पक्षों के बीच ऐसा संबंध हो कि प्रतिवादी से सावधानी की अपेक्षा की जा सके।
2. कर्तव्य का उल्लंघन: जब प्रतिवादी वह सावधानी नहीं बरतता, जो एक सामान्य बुद्धिमान व्यक्ति बरतता, तब कर्तव्य का उल्लंघन माना जाता है। न्यायालय इस बात की जांच करता है कि क्या प्रतिवादी का आचरण उचित मानक से कम था।
3. हानि या क्षति वादी को वास्तविक क्षति होना आवश्यक है। केवल कर्तव्य के उल्लंघन से, बिना किसी क्षति के, लापरवाही का दावा नहीं किया जा सकता।
4. कारण-संबंध प्रतिवादी की लापरवाही और वादी की क्षति के बीच प्रत्यक्ष और निकट संबंध होना चाहिए। क्षति बहुत दूरस्थ (Remote) नहीं होनी चाहिए।

लापरवाही के प्रकार

लापरवाही कई प्रकार की हो सकती है:

- **साधारण लापरवाही** – सामान्य असावधानी।
- **गंभीर लापरवाही** – अत्यधिक असावधानी, जिससे गंभीर खतरा उत्पन्न हो।
- **सह-लापरवाही** – जब स्वयं वादी की असावधानी भी क्षति का कारण बनती है।
- **संयुक्त या समवर्ती लापरवाही** – जब दो या अधिक व्यक्तियों की लापरवाही से एक ही क्षति होती है।

Res Ipsa Loquitur का अर्थ है “वस्तु स्वयं बोलती है”। इस सिद्धांत के अंतर्गत, कुछ मामलों में दुर्घटना की प्रकृति ही लापरवाही का प्रमाण होती है। ऐसे मामलों में प्रतिवादी पर यह सिद्ध करने का भार आ जाता है कि उसने लापरवाही नहीं की। यह सिद्धांत चिकित्सा लापरवाही और दुर्घटना मामलों में अधिक प्रयोग किया जाता है।

लापरवाही के विरुद्ध प्रतिरक्षाएँ - प्रतिवादी निम्नलिखित प्रतिरक्षाओं का सहारा ले सकता है:

- **सह-लापरवाही**
- **स्वेच्छा से जोखिम स्वीकार करना**
- **अपरिहार्य दुर्घटना**
- **ईश्वर का कार्य** इन प्रतिरक्षाओं के आधार पर दायित्व कम या समाप्त हो सकता है।

लापरवाही में उपचार लापरवाही का मुख्य उपचार **क्षतिपूर्ति** है। इसका उद्देश्य पीड़ित व्यक्ति को उस स्थिति में लाना है, जिसमें वह लापरवाही न होने पर होता। क्षतिपूर्ति आर्थिक, शारीरिक और मानसिक क्षति के लिए दी जा सकती है।

निष्कर्ष: टॉर्ट्स विधि के अंतर्गत लापरवाही का सिद्धांत समाज में सावधानी, उत्तरदायित्व और न्याय की स्थापना में महत्वपूर्ण भूमिका निभाता है। यह न केवल पीड़ित को राहत प्रदान करता है, बल्कि लोगों को अपने कार्यों में सतर्क रहने के लिए भी प्रेरित करता है। इस प्रकार, लापरवाही का सिद्धांत सामाजिक न्याय और विधिक व्यवस्था का एक महत्वपूर्ण स्तंभ है।



ACCREDITATIONS & AFFILIATIONS



EDITORIAL CORNER

Every page of Malwanchal Mirror captures growth, innovation, and the heart of our institution.

Mr. Sankalp Ojha
Editor

Malwanchal Mirror's design celebrates learning, achievement, and the vibrancy of campus life.

Mr. Pranav Sharma
Creative Designer



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