



Nyayik Darpan
Quarterly Newsletter

DEPARTMENT OF LAW

**MAHARAJA AGRASEN INSTITUTE OF MANAGEMENT
STUDIES
ROHINI, DELHI**



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STATUE OF MAHARAJA AGRASEN IN PRECINTS OF MATES

ABOUT MATES

MATES, a pioneering Charitable Trust of conscientious educationists, enterprising industrialists, social activists and philanthropists, has been engaged in a *social mission* to promote and facilitate value added quality education to the youth from all strata of the society.

The trust has been doing yeoman service to the nation by providing professional education in various streams through its flagship institutions- MAIT (1998), MAIMS (2003) and MAU (2013).

The Department of Law, started in 2017, pursuing a five year integrated course BA LL.B, is the latest initiative taken by the trust to impart quality legal education under the guidance and supervision of senior, seasoned, young talented as well as veteran professionals in the domain of legal studies at higher educational level.

The Department of Law is flourishing and growing under the aegis of MATES. Being the youngest unit of MATES family, the department has been getting full support and encouragement to emerge as a leading institution of legal studies. From 2020-2021 session, five years integrated BBA LLB curriculum has been added to the department of Law, thereby giving it a new dimension to strive hard to achieve excellence in the domain of higher legal studies. From 2022-2023 one-year LLM in IPR has also been introduced.

ABOUT DEPARTMENT OF LAW

The Department of Law was established in 2017 with the introduction of five year integrated BA LL.B degree course. Established as a unit of the Maharaja Agrasen Institute of Management Studies, the Department aims to provide quality education with a professional approach to the budding legal professionals. The year 2020 has added another feather to its cap with the start of the five year integrated BBA LL.B course. Both the courses are affiliated to the Guru Gobind Singh Indraprastha University (GGSIPU), Delhi.



The Department of law has been established with a vision to be the center of excellence in providing legal research, training, research, and consultancy. Simultaneously, it has the mission to offer quality legal education, training, research and consultancy and to embody the aspirations of the people and the community, by creating, preserving, integrating, transmitting and utilizing legal knowledge for the development of the society as a whole. It aims to introduce the students to intellectual development, offer opportunities to hone leadership skills, serve the community, and engage with members of the legal profession.

Entry to the five-year course is through the rankings of the CLAT (Common Law Aptitude Test). There is a total intake of 120 students in BALL.B stream and 60 students in BBA LL.B stream every year. From this year i.e. 2022, one year LLM in the field of IPR has also been introduced with an intake of thirty seats.

The Department is equipped with requisite parameters as stipulated by the Bar Council of India and facilities to continue the course in the right earnest. It has senior, seasoned as well as young talented and well qualified faculty. The teacher-student ratio has been kept at the optimum level to meet the requirements of the students and the stipulated norms.

The Department is placed in the sprawling campus of MAIMS which has excellent infrastructure facilities for both the faculty members and the students.

We hope that in the years to come the Law School will be placed as one of the best Law Schools of the country, under the visionary leadership of our founder Chairman Dr. Nand Kishore Garg and Chairman MATES Shri Vineet Kumar Gupta. Under the able leadership of our Principal Dr. Rajni Malhotra Dhingra, and the administrative acumen of our HOD Dr. Praveen Kumar Gupta, the department will surely be shaped as a shining jewel in the crown of MAIMS.

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INTRODUCTORY REMARKS

By Editorial Team

Welcome to Issue 4 of Volume II edition of the Newsletter. Like our previous editions, this too has brought forth stories of academic and co-curricular development, growth, and success, observed at the Department. Department traditionally, has been striving hard to hone skill based and experiential learning of students as well as its faculty members and thus foster their holistic development.

Every educational institution is bestowed with pious duty of extracting true potential of every individual associated to it and at the same time harness the same to fulfill its commitment to human, social and national progression. Department of law has been making earnest attempts of leaving no stone unturned in manifesting the fulfillment of this pious duty in every endeavor and journey it embarks upon.

From the month of July to September, some noteworthy initiatives were Faculty Development Program, Mock Trial Competition, International Conference on IPR and Competition Law, Hindi Diwas celebrations, Value Added Course and establishment of Pro Bono Club at the Institute level. All these developments are epitome of our solemn resolve to become a center of excellence providing legal education, training, research and consultancy. We hope to continue with the same vigor and spirit in future as well.

ACTIVITIES IN THE DEPARTMENT

APPOINTMENT OF NEW DIRECTOR-

PROFESSOR RAJNI MALHOTRA DHINGRA



It was a pleasant morning on 1st August 2022 when our Principal-Dr. Rajni Malhotra Dhingra was elevated to the post of Director of Maharaja Agrasen Institute of Management Studies.

She has the distinction of being the first female Director of the Institute. We are sure that the Institute will grow in abundance under her able leadership. We offer our best wishes to Madam for her future endeavors.

VALUE ADDED COURSE

22nd AUGUST TO 22nd SEPTEMBER 2022



Department of Law organized yet another value added and skill enhancement course on Taxation. A total of fourteen sessions took place. This course was designed by our much capable Faculty member, Dr. Ankit Goel, Associate Professor of the department, to train the students in filing ITR and in the Tax planning in the future. As the Tax laws have become very dynamic, so it is required that everyone understands the tax laws. welcoming everyone and give clearer picture about the Skill Enhancement Course as nowadays tax rules are dynamic so everyone must have understanding of Tax laws.

All sessions were conducted by the in house Faculty Dr. Ankit Goel, Associate Professor. Dr. Ankit Goel is currently working as Associate Professor of Finance & Taxation in Department of Law, MAIMS, New Delhi. Having a Doctorate degree in Finance and MBA he has cleared UGC/NET in both Commerce as well as Management. His research area

includes Personal Finance, Mutual Funds and Taxation He is active trainer of Tally, Finance, Taxation, Financial Modeling

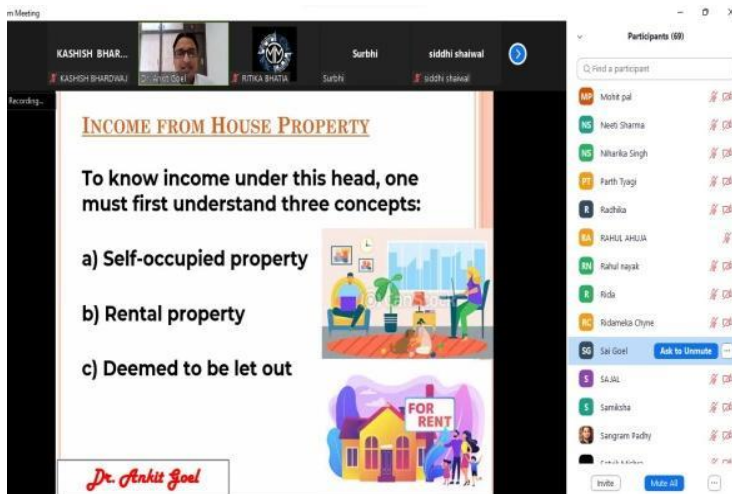
The Inaugural Ceremony took place on 22nd August with the Saraswati Vandana and lighting of lamps. Our Head of the Department Dr. Praveen Kumar Gupta inaugurated the session and congratulated the organizing

team for taking the initiative. He offered his best wishes to the students.



There were a total of fourteen sessions covering a wide area of –Indian Taxation system; Residential Status and Tax Incidence; Taxation Aspect of Salary; House Property and

Business and Profession; Capital gain ; Other Sources; Retirement Benefits ;Deduction u/s 80C to 80 U ; Taxation Aspects of EPF/ESOP/NPS ; Taxation of Various Financial Instruments ;Old vs. New Tax System;26AS/AIS/TDS/TCS; Filing of ITR-1/ITR-2 ; and GST.



With his remarkable expression skills and explaining through examples, Dr. Ankit Goel made the topics easy to understand not only to the students but to other Faculty members also.

MAIMS 1st NATIONAL MOCK TRIAL COMPETITION

1st SEPTEMBER 2022- 17th SEPTEMBER 2022

The first National Mock Trial Competition was organised from 1st September 2022 to 17th September 2022 in a hybrid mode. A total of 34 teams from various reputed law schools all over India joined the event.

THE INAUGURAL CEREMONY:

The inaugural ceremony was conducted online in the presence of Hon'ble Justice Talwant Singh, Judge, Delhi High Court, Hon'ble Ms. Justice Tara Vitasta Ganju, Judge Delhi High Court, Dr. Nand Kishore Garg, Hon'ble Founder Chairman , MATES and Chancellor, Maharaja Agrasen University, Baddi, Prof. (Dr.) S.K.Garg, DG, MAIMS and Prof. (Dr.) Rajni Malhotra Dhingra, Director, MAIMS.

The Guest of honour, Hon'ble Ms. Justice Tara Vitasta Ganju and the Chief Guest, Hon'ble Mr. Justice Talwant Singh made a special address in the ceremony and enlightened the participants by throwing light on the significance of Mock Trial Competition.

THE EVENTS - 2nd & 3rd SEPTEMBER 2022

On 2nd September, 2022, the second day of the National Mock Trial Competition, 2022, started with great zest and zeal. From 9:00 to 10:00 A.M. IST, a researcher's test was conducted for all the participant researchers simultaneously.

The preliminary round I and II of the competition was conducted online. The eight winning teams participated in the Quarter Final round on 3rd September 2022 in online mode.

The Semi- Final and the Final rounds were conducted in a physical mode in the Department of Law, Maharaja Agrasen Institute of Management Studies on 17th September 2022. The Semi-Finals in the Court room 1 was presided upon by by the bench consisting of Mr. Vikram Seth, Advocate, Delhi High Court and Dr. Upma Gautam, Professor, University School of Law and Legal Studies ,GGSIPU .For adjudicating and the Courtroom 2, the bench consisted of Mr. Nishant Anant, Advocate, Delhi High Court and Mr. Aditya Singla, Advocate, Delhi High Court..

The final round of the 1st MAIMS National Mock Trial, 2022 was presided upon by the bench consisting of Mr. Pradeep Rai, Senior Advocate & Vice President of Supreme Court Bar Association; Prof. (Dr). Ritu Gupta, National Law University Delhi; Mr. K.C Mittal, Advocate Supreme Court of India.

The finalists were Campus Law Centre, Faculty of Law, Delhi University and Christ university, Bangalore. The audience was quite impressed by the mooting skills of the participants. There were intense arguments, great courtroom etiquette and exemplary presentation skills, which proved to be a great learning experience. The esteemed judges posed intense questioning to the speakers, and the teams showed great confidence and team spirit.

THE VALEDICTORY SESSION

The 1st MAIMS National Mock trial competition came to an end with the Valedictory Ceremony in the evening of 17th September, 2022 which was graced by the august presence of Hon'ble Mr. Justice Rajiv Shakdher, Judge, Delhi High Court, Hon'ble Ms. Justice Jyoti Singh, Judge, Delhi High Court, Dr. Nand Kishore Garg, Founder Chairman and Chief Advisor of MATES, Mr. Vineet Kumar Lohia, Chairman, MATES, Prof. Dr. S.K Garg, Director general MAIMS and Prof. (Dr.) Rajni Malhotra Dhingra, Director, MAIMS, all Heads of the Department of MAIMS and all the faculty members.

All the guests were given a warm welcome and after lighting of lamp by them and the “Saraswati Vandana”, Dr. Swati Bajaj Seth, Convener of the event, gave introductory remarks.

The Director General of the Institute, Prof.(Dr.) S.K.Garg thanked everyone for the enthusiastic support of every one and highlighted the importance of such events for the overall holistic development of a student. He affirmed that the MAIMS always aims at all round development of all the students and appreciated the efforts of our Founder Chairman, Dr. Nand Kishore Garg to this.

The Guest of Honour Ms. Justice Jyoti Singh, emphasised on the importance of organising such competitions in Law Schools as they give a glimpse of the real practice in a court of Law. Saying that child sexual abuse is an evil prevalent in our society, she said that there are various legislations related to the legal child protection system in our country but there is a need for checks and balances to hail equality.

Further, the Chief Guest Hon'ble Mr. Justice Rajiv Shakdher addressed the audience about the practical aspect of the mock trial proposition and added the reason and the need of making the POCSO

Act. He also made comments on the importance of research for making effective legislation and ended up by wishing all the best to the participants.

The Founder Chairman sir, Dr. Nand Kishor Garg, in his eloquent style emphasized on the reality of the present Judicial system in the society and rightly quoted the famous lines, “Justice delayed is Justice denied”. He encouraged the students to work hard.

The talented students of MAIMS, department of law by performed an act on child abuse naming “katra katra sach”, which ended up by making everyone emotional. Further, the Mock Trial Committee extended gratitude towards the judges for adjudicating the rounds and students coordinators for working hard for organising 1st National MAIMS Mock Trial competition, 2022.

Campus Law Centre, Faculty of Law, Delhi University was adjudged as the winner with the cash price of Rs. 40,000 with certificate of appreciation and trophy. Christ (deemed to be university, Bangalore was declared as the Runner up, with a cash prize of Rs. 25,000 with certificate of appreciation and trophy. MAIMS also provided awards in other categories for the cash prize of Rs. 5000 with certificate of appreciation and trophy, wherein, Best Speaker, Zaid Akram Khan from KIIT, Bhubaneswar; Best Researcher, Shaik Naila from Damodaram Sanjivayya National Law University, Visakhapatnam Best Witness, Sanya Malhotra from Maharaja Agrasen Institute of Management Studies.

At the end Prof. Dr. Rajni Malhotra Dhingra, Director of MAIMS rendered the votes of thanks to all the dignitaries, guests and participants for making the competition a huge success.

HINDI DIWAS

14TH SEPTEMBER 2022

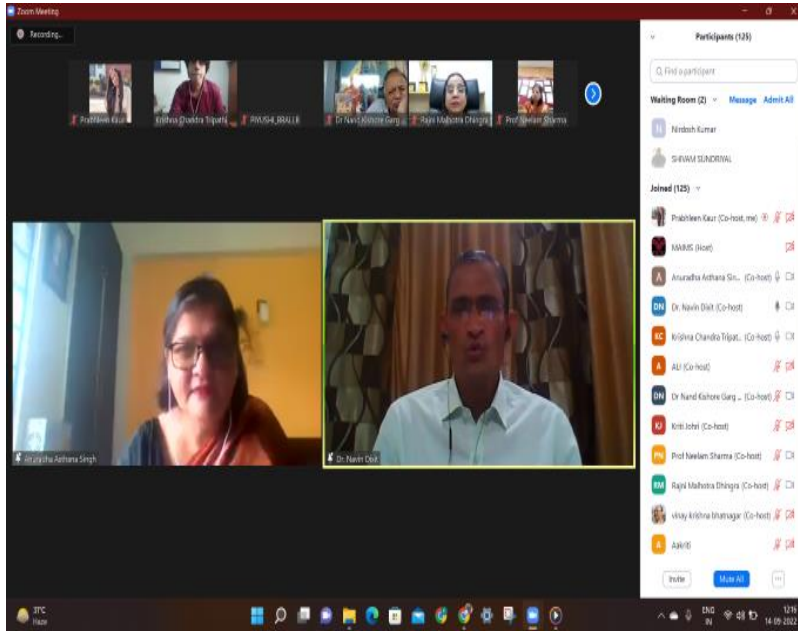


The Department of Law has taken initiative to celebrate the “Hindi Diwas” on 14th September every year since 2021. This year too we celebrated this event in honor of our mother tongue “Hindi”.

More than 120 million people all over the world speak Hindi. The Program was convened by Dr. Anuradha Asthana Singh and Ms. Kriti Johri from Department of Law. This day has been celebrated in India since 1949. A lot must be done to give Hindi the status of “Rashtrabhasha”. We as teachers and students have a responsibility to promote this language and to keep this alive. And this can be done only when it is spoken and written more frequently.

The Department of Law organised this event in online mode. The event took place on zoom platform. It was graced by the presence of Dr. Nand Kishore Garg, Founder Chairman and Chief Advisor, MATES; Prof. (Dr.) S.K.Garg, Director General MAIMS; Prof.(Dr.) Rajni Malhotra Dhingra, Director MAIMS among others. The Chief Guest of the occasion was Dr. Navin Dixit, Assistant Professor and Head, Bhartiya Darshan Vibhag, Sanatan Dharma Evam Bhartiya Gyan Adhyanshala, Sanchi- Baudh Gyan Adhyan Vishwavidyalaya, Sanchi (M.P.).

Dr. Dixit spoke eloquently and extensively on the topic **“Bharat Ki Gyan Parampara Aur Vaigyanik Soch”**. He



spoke on the ancient culture of India which was based on scientific thinking and deep philosophical knowledge. He tried to connect it with the modern scientific learning method.

He explained the various philosophical systems of Ancient India. The Vedas were the most ancient source of vast knowledge on any subject. The students greatly benefitted from his learning which was expressed in hindi.



“Nibandh Pratiyogita” was also organised on this occasion for the students. The topic was “Hindi : Likhne Aur Bolne ki Bhasha Ka Bhavishya” We received many entries on it and Saurabh Pratap Singh, BA (Economics

Hons) and Sanjana Patel, BALLB IXth semester got first and second prize respectively.

INTERNATIONAL CONFERENCE
INTERDISCIPLINARY ASPECTS RELATING TO IPR,
TECHNOLOGY & COMPETITION LAW
29TH SEPTEMBER 2022 - 30TH SEPTEMBER 2022

PANEL DISCUSSION & INAUGURAL CEREMONY

The Department of Law, Maharaja Agrasen Institute of Management Studies (MAIMS), Rohini on 29th September.2022, raised the curtain of one of the most awaited International Conference on Interdisciplinary Aspects Relating to IPR, Technology and Competition Law 2022 in



collaboration with MICHR, Mediterranea University of Reggio Calabria, Italy & Federal District University Centre (UDF), Brazil, in Maharaja Agrasen Auditorium.

The inaugural was preceded by a brainstorming panel discussion which led to a remarkable and stimulating

beginning to the two-day international conference. The Panel discussion revolved around a much debated topic namely “Global Challenges of IPR & Competition Law in New Digital Era” amongst the renowned panelists Prof. (Dr.) Sunanda Bharti from Delhi University, Prof. (Dr.) Sam Goundar, RMIT University Hanoi, Vietnam and Prof. (Dr.) Anuj Kumar Varsha from GGSIPU. The discussion was moderated by Dr. Anant Vijay Maria, Advocate, Supreme Court of India.

Prof. (Dr.) Sunanda Bharti stated some very important topics including the expression “challenges” which is coupled with the debate,

disruption that can be caused by this technology, issues related to piracy, counterfeiting, unauthorized data sharing and unauthorized public disclosures. She also stated that the impact of digitization and technology on various branches of IP hasn't been the same. Furthermore, she said that these issues are biggest areas of concern in today's digital Era. The other



panelist while agreeing to her thoughts, expressed their views on the same. Panelists also put forth their views as how we as society should come together to make technology more accessible to everyone. The status of competition law with respect to big technology companies was another point of discussion. The discussion around this question



involved various issues pertaining to GDPR, Open access knowledge, the degree and extent of regulation to regulate the conduct of these companies, data privacy, etc.

The enthusiastic inauguration of the Conference was marked by the gracious presence of the Guests of Honour, Prof. Dr. Alka Chawla, Professor Incharge, Campus Law Centre, Delhi University and Ms. Jyoti Jindgar Bhanot, Secretary, Competition Commission of India.

The occasion was also graced by presence of Dr. Nand Kishore Garg, Founder & Chief Advisor Mates, Shri Rajneesh Gupta, Secretary

MATES, Prof. (Dr.) S.K. Garg Director General MAIMS, Prof. (Dr.) Rajni Malhotra Dhingra, Director, MAIMS, Dr. Praveen Gupta, Head of Department of Law, MAIMS. The Inaugural Ceremony was also attended and addressed by Angelo Viglianisi Ferraro, Aggregate Professor at Mediterranea University of Reggio Calabria, Italy and Paulo Campanha, Professor, Federal District University Centre (UDF), Brazil in a virtual mode.

Ms. Anshumita, Student, Department of Law, MAIMS marked the beginning of the inaugural ceremony with her auspicious cultural performance offering prayers to Maa Saraswati through Saraswati Vandana. With blessings of Goddess Maa Saraswati the event



proceeded further with lightening of lamp. The event thereafter proceeded with introductory remarks given by Dr. Nisha Dhanraj Dewani, Convenor of IPTC and Associate Professor, Dept. of Law followed by enlightening welcome address by Prof. (Dr.) S.K. Garg, Director General MAIMS.

Prof. Chawla specifically emphasized upon the interdisciplinary aspect of the three streams touched upon by the theme of present Conference.

Ms. Bhanot also elaborated upon the role of regulatory bodies in



regulating abuse of dominance in the market but at the same time preserving and encouraging innovation and market growth with healthy competition. At the end of the ceremony, Prof. Dr. Rajni Malhotra Dhingra delivered

the vote of thanks followed by National Anthem.

The conference witnessed immense response and participation from within and outside India. Besides this the organizing committee has invited distinguished and well-known academicians and professionals as Chair and Co-chair to share their knowledge and experience with the presenters.



The two-day conference was divided into seven technical sessions. More than 60 papers were presented during the Conference. The sessions covered topics like “Global Challenges of IPR and Competition Law in New Digital

Era”; “Legal Challenge of Intellectual Property Rights”; “IPR, Medicine & Public Health”; “Legal challenges of Privacy, Cyber Security and Cyber Espionage”; “Legal Challenges of Privacy, Cyber Security and Cyber Espionage”; “Competition, Regulation and Legal Framework” “Competition, Regulation and Legal Framework”; “Monopolistic Behaviour, Antitrust & Intermediaries”

Meanwhile, a special lecture by Dr. Lisa Lukose was organised at 9 AM on the second day i.e. 30th September 2022. It was a truly enriching session for more than 100 participants online.

VALEDICTORY CEREMONY

The valedictory ceremony of MAIMS International Conference on Interdisciplinary Aspects relating to IPR, Technology and Competition Law, 2022 was held on September 30, 2022 on Zoom platform,

moderated by Ms. Palak Tyagi and Ms. Anshika Jain, students of BA LLB. The event started off with Dr. Nisha Dhanraj Dewani, Associate Professor, MAIMS presenting the introductory remarks, and welcoming everyone to the august gathering. The session was then taken forward by the respected faculty members of Department of Law, MAIMS- Ms. Tanvi Gera, Ms. Madhura Mohan Nikalje and Mr. Mukesh Kalwanu- by way of presentation of the session-wise report of the international conference of 2022.

The presentation was followed by a short video encompassing the meticulously planned two-day journey of the conference, which contained various clippings of Delegates presenting their papers in their respective technical sessions on Zoom, along with one physical technical session, that was held within the building of Dept. of Law. The Guest of Honour, Prof. (Dr.) Irene Calboli, School of Law, University of Texas, USA, emphasized on the importance of digging deeper into the research of IPR and related fields, in order to enhance policy development all over the globe. The second Guest of Honour Prof (Dr.) Raman Mittal, Professor at Campus law Centre, University of Delhi shared a very interesting story with the audience that highlighted the importance of intellectual property rights in today's world.

Our Director, Prof.(Dr.) Rajni Malhotra Dhingra offered vote of thanks at the end of the session. The entire event was successfully coordinated with the assistance and hard-work of student team comprising of Ms. Grishita, Ms. Ritika, Mr. Prince, Mr. Shivam Sethi, Ms. Vineeta, Mr. Vibhor, Ms. Palak Tyagi, Ms. Anshika, Ms. Mimansa, Ms. Sonali, Mr. Avinash, Ms. Anshumita, Ms. Sonika, Mr. Raghav, Ms. Saumya, Ms. Shivangi, Ms. Jahnvi, Ayushi Thukral, Simrit Chaddha, Mr. Sarthak and other student volunteers.

THE PRO-BONO CLUB

17th SEPTEMBER 2022

On 17th September, 2022 Department of Law, Maharaja Agrasen Institute of Management Studies made a new beginning with a noble initiative inaugurating the Pro Bono club, a program under Nyaya



Bandhu scheme by the Department of Law, Ministry of Law and Justice, Government of India. This club was formed with the aim to foster a sense of responsibility towards the unassisted and disadvantaged people amongst the masses. Further, under this scheme,

the Pro Bono club will also resolve grievances from public for the legal aid mechanism. It is an endeavor to create an eco-system for Pro-Bono culture in the country.

Citizens in our country face obstacles in assessing judicial mechanism and a reason for that is they are not able to afford quality legal assistance. The “Nyaya Bandhu” scheme is a step towards bridging the gap between the Pro Bono lawyers with marginalized beneficiaries.

The MAIMS pro Bono Club was inaugurated by Hon’ble Mr. Justice Rajiv Shekdar, Judge, Delhi High Court and Hon’ble Ms. Justice Jyoti Singh, Judge, Delhi High Court with the members of MAIMS

Management and Ms. Mahima Khera, the “Nyaya Bandhu” project head in the Mini Auditorium Hall, MAIMS Campus, on 17th September 2022.

The programme started with the warm welcome speech by Dr. Nisha Dhanraj Dewani, Nodal Officer, Pro Bono Scheme and Ms. Purnima Gupta, Convenor of Legal Aid Clinic, MAIMS. Ms. Mahima Khera, the “Nyaya Bandhu” project head, was our guest from the Department of Law, Ministry of Law and Justice enlightened our dignitaries and attendees about the Nyaya Bandhu scheme under which Government of India initiated to establish a framework for dispensation of Pro Bono Legal Services across the country. Moreover, Ms Mahima Khera explained about the aim of the government regarding the Nyaya Bandhu scheme and guided



about the application of the portal which can be accessed by the beneficiaries and the stakeholders, she has also motivated the attendees to further promote the free legal aid policy and pro bono club for the benefits of needy. During the inauguration ceremony, the participants were given the opportunity to ask question or give the suggestion about the legal aid and free justice policy of the Government of India. Later , the dignitaries were invited on the stage to release the information brochure of Department of Law, Maharaja Agrasen Institute of Management Studies Pro Bono Club. At the end, Ms. Khera distributed the pamphlets, flyers and information kits of Nyaya Bandhu Scheme which amongst our students and the attendees to seek more information regarding the Pro Bono Club Scheme.

ORIENTATION SESSION OF FIRST YEAR STUDENTS

29TH SEPTEMBER 2022

The newly admitted students of BALLB and BBALLB 2022-27 batch and LLM (one year) were welcomed in a ceremony which coincided with the Inaugural session of the IPTC International Conference on, 29th September 2022. The students, eager to join their new Alma-Mater arrived by 10 AM and seated in the Main Auditorium. The main program of orientation started at 1.30 AM sharp.

The five-year journey of the final year students was showcased through a power point presentation. Then various committees of the Department were introduced to the students. Some students of BALLB second year like Ayushi Thakral and Jaskeerat Kaushik shared their views and experiences in the Department of Law, MAIMS. They spoke very highly about all Faculty members.

Seniors of the Department gave a splendid cultural performance. Then Dr. Praveen Kumar Gupta, Head, Department of Law, in his address welcomed the new entrants and shared with them his success mantras which revolve around hard work and dedication. The program ended on a happy note with the singing of the National Anthem.

ARTICLES BY FACULTIES AND STUDENTS

OLD VS NEW TAX SYSTEM: A BIRD EYE VIEW

- **Dr. Ankit Goel, Associate Professor**

We all are very much aware that whatever income is being earned by individuals or companies in an annual year need to pay tax to the government. Every year in February when the government presents budget reveals if any changes in tax system as compared to the previous year. Before 2020 there exist, a tax system proposed by the government which was applicable to all and there was no choice in front of anyone to have any other option other than that. But in Budget 2021 our finance minister proposed a new tax system while keeping the existing system too applicable. Also, a choice is given to each individual either to pay tax from April 1, 2021 according to the new tax system or the individual can continue to pay tax as per the old existing system which now we can say old tax system.

What is New Tax system

In New Tax system government has reduced the tax rates as compared to old tax system but a clue is hidden that it is being implemented that if one is going to adopt the new tax system than the deductions and exemptions which was available in the existing old system cannot be taken in the new system and tax should be paid on all the income which one earns. Those who want to take the benefit of various deductions and exemptions need to adopt the old tax system but there the rates of taxes are high as compared to old tax system.

Which Tax System to Adopt – Old vs New

Now there is a question that which tax system old vs new an Individual Taxpayer should adopt? For this the answer is simple that

every individual needs to analyze his or her part by comparing both the systems and under the system where one is getting less tax payment is beneficial and that should be accepted. There is a choice between the old and new tax system that every year before filing income tax return one can adopt anyone of them. Overall, in a conclusion it can said that those who pay house rent, pay premium of life insurance & health insurance and also invest in various specific schemes which comes under the deductions of 80 should give preference to old tax system whereas those who do not believe in savings under those areas which are having advantage of exemptions and deductions can adopt the new tax system.

IMPLICATIONS AND APPLICATIONS OF HISTORICAL METHOD OF LEGAL RESEARCH

- **Ms. Kriti Johri, Assistant Professor**

Historical method of conducting legal research bears refined significance and relevance in the process of research. Professor B Surendra Rao in his article 'Historicism in legal scholarship' has succinctly highlighted firstly the teleological meaning of history and science followed by description exposition of its relevance in legal research. He firmly argues the shallow meaning and relevance attributed to the discipline of history especially by the scientist community that is unable to relate to the relevance of the past events and facts in the present transactions.

It is here that I would be presenting my first argument on the purposefulness of historical methodology and its application in legal research. Facts and events formulate the foundation of any scientific study which further builds on them with useful tools like observations, inferences and thus establishing correlational behaviour between various factors and their interplay. This mechanism of study or research amounts

to its fundamental characteristic. These facts could be extracted from either the past or present. Studying and analysing the facts operating in present is less challenging relatively for in studying facts recorded in past put an additional responsibility of the researcher to significantly weigh the process that lies behind its recording. In simpler terms, how it was recorded and its verification with other consequent chain of events. The veracity of historical documents is equally crucial. The logical justification put forth by Prof. Rao in advocating it is the sheer possibility of the past event being nothing less than a perception than an undisputed fact. Though legal system in India and other common law countries also revers perception as fact though with relative low significance in the process of analysing and inferencing.

Every fact, be it either from past or present delivers certain kind of knowledge the veracity of which is subject of definite inquiry. Facts from the past come together to make the present and facts existing in present time make up the past in future. Thus, in terms of tenses, this interrelation between past and present times is where legal research finds a ground for study for law is applied by humans for governing their dynamic endeavors with the singular objective of maintaining tranquility and orderliness in their coexistence. A legal researcher be it an academic or advocate cannot turn eyes away from past events or facts for study in search of resolution of present-day obstacles is undoubtedly ineffective and purposeless without positioning the *causa causans* relationship between various factual events.

Therefore, historical method a researcher in carrying out comprehensive prognosis of the existing problem at hand and thus catering to the demand of creating cogent narrative of the same.

DECODING POCSO ACT- FAQ'S

- **Ms. Kavleen Khurana, BALLB 7B**

- ***Why was such an act required in India?***
 - There was a need for legislation like the POCSO Act because there was no proper statute earlier to govern these severe issues, the provisions of IPC were restricted only to women, which are not child-friendly whereas POCSO Act follows gender-neutrality. There used to be many victims who were unaware of the availability of the remedies, procedure of filing a complaint, and process to proceed with a minor victim of child sexual abuse.
- ***Is the procedure defined in the Act child-friendly?***
 - The Act provides child-friendly procedures for medical examination; recording of statement of the child by police and magistrate where it is ensured that the child does not come face to face with the accused; also during the examination of the child in court, the court creates a child-friendly environment and allows a family member/guardian/relative or friend whom the child trusts to be present in the court and provides for special public prosecutors. The aim of the Act is to protect the rights and dignity of the child at every stage of the judicial process.
- ***Contact and Non-Contact Sexual Abuse will be physical (contact) and emotional (non-contact) or will it be penetrative (contact) and non-penetrative (non-contact)?***
 - According to the POCSO Act, Child Sexual Abuse can be divided into Contact and Non-Contact where the contact aspect of sexual abuse includes both Penetrative Sexual Assault and Non-Penetrative Sexual Assault and the non-

contact aspect will include Sexual Harassment (making derogatory remarks, making sexual gestures, showing any kind of pornographic content to the child, threatening to use any such content involving child, stalking etc.) and it will also include online abuse like using a child for pornographic purposes or storing pornographic content involving a child etc.

- ***Can teachers and family members be caregivers?***

- According to POCSO, any person who holds a position of trust or authority with the child is a caregiver which is as follows:

- Police officers or any public servant;
- Member of armed forces or security forces;
- Management or staff of jails, remand home, protection home, observation home, or any other place of custody established by law;
- Management or staff of a hospital;
- Management or staff of an educational institution;
- Any relative by blood, adoption or guardianship or someone sharing a domestic relationship with the child's parent or shares the household with the child;
- Owner, management or staff of any institution providing any services to a child.

- ***What will be the extent of the attempt?***

- Any act which is committed after the completion of preparation for the act with an intention to do so amounts to an attempt i.e. any act that goes beyond the stage of preparation amounts to an attempt.

- In cases of sexual offences, the Courts analyses the facts and circumstances of the case to assess the legal position of that offence.
- For Example: If a person with sexual intent tries to penetrate the body of a child but is unable to do so due to some disturbance caused, and the evidence clearly provides that the person would have surely committed such a Sexual Assault on the child had he not been disturbed, then in such a case it would amount to attempt to commit Penetrative Sexual Assault.
- ***The emotional aspect of the abuse comes under an attempt of abuse?***
 - The emotional aspect of causing mental pain and suffering to a child does not come under the POCSO Act. However, the Act provides that any person who commits any offence with the child is to pay a fine that is reasonable and is in accordance with the suffering (both physical and emotional) of the child.
- ***Is consent by a child a valid defence against sexual offences?***
 - No, any kind of consensual sexual activity between a child (a person under the age of 18 years) and some other person is not recognised under the POCSO Act. According to the Indian Legal System, the consent of any person below the age of 18 years is not valid consent. Therefore, free consent is not required to be proved to validate such consent.
- ***Is disclosing the name of the child in the media punishable?***
 - According to POCSO Act, disclosing the name of the child (a person under the age of 18 years) who has been or is a victim of sexual abuse is punishable under Section 228A of Indian

Penal Code, 1860 with imprisonment up to 2 years and shall also be liable to fine.

- ***Is there any compensation awarded to the victim as a consequence of the abuse?***

- Yes, Special Courts along with the Punishment direct Payment of Compensation prescribed to the child for any physical or mental trauma caused to the victim with immediate rehabilitation if required.
- The following factors are taken into account while awarding the said Compensation:
 - Gravity of the offence;
 - Expenditure incurred on medical treatment;
 - Loss of educational opportunities or employment;
 - Relationship of the child to the offender & child's financial condition;
 - Transmission of venereal disease (i.e., STD, HIV etc.), pregnancy or disability suffered.

- ***Is it applicable when the abuser is a minor?***

- The POCSO Act shall apply in such cases as well but the abuser shall be tried and punished under the Juvenile Justice (Care and Protection of Children) Act, 2015.

- ***What procedures must be followed if a child commits a sexual offence?***

- When a child commits a sexual offence, the case will be under the jurisdiction of the Juvenile Justice Board and he shall be liable under the Juvenile Justice (Care and Protection of Children) Act, 2000.
- After being apprehended by the police, the child is to be sent to the Observation Home and cannot be detained in a police station or jail. Furthermore, a child is entitled to receive bail

even if the offence does not provide for it and such bail shall be issued to the child unless the Juvenile Justice Board is of the view that such bail will expose the child to criminal, moral, physical or psychological danger.

● *How is the POCSO Act different from other IPC provisions?*

S. N.	BASIS OF DISTINCTION	INDIAN PENAL CODE (IPC)	PREVENTION OF CHILD SEXUAL ABUSE (POCSO)
1.	SCOPE OF "SEXUAL ASSAULT"	Definition of 'assault or criminal force to woman with intent to outrage her modesty' given in the IPC is generic.	The acts of sexual assault are explicitly mentioned such as touching various private parts.
2.	AGE-RELATED	IPC provides punishment for the offence irrespective of any age of the victim.	POCSO is specific for the protection of children i.e. under 18 years of age.
3.	QUANTUM OF PUNISHMENT	As compared to POCSO, punishment awarded has a low status of quantum.	Higher punishment is provided under the POCSO Act.

4.	COMPENSATION AWARDED	Compensation awarded is specific to the Act itself.	Compensation to victim is more than what is specified authorized schedule.
5.	INFLUENCE OF GENDER	There is gender-inequality in regards to some provisions of the Act such as Rape, Adultery, etc., which are confined only to women.	The Act follows gender-neutralism and is pertinent to both girls and boys and are considered as minor(s) i.e. under 18 depending on the age.

- *In the event that provisions of another Act are inconsistent with the POCSO Act, which Act will override?*

Being a special law, the POCSO Act will govern the field on sexual offences against children. Besides, Section 42A of the Act clearly states that in the event of inconsistency between this Act and any other law, the POCSO Act will apply. For instance, under the IPC, sexual intercourse by a man with his wife who is above 15 years of age is not rape but amounts to sexual abuse under the POCSO Act. Therefore, due to this, a person who has intercourse with his wife who is between the ages of 15 to 18 years can be prosecuted under the POCSO Act

NEW MEMBERS IN FAMILY OF DEPARTMENT OF LAW

DR. SIMRAN KAUR



She is Ph.D in Business Administration and MA(Psychology). She has more than ten years of industrial, teaching, and research experience. She has to her credit 13 research papers published in journals of national and international repute, including Scopus, ABDC, and UGC listed journals.

DR. DEEPA KAUSHIK



She holds PhD in Law on the subject of healthcare law. She is also a qualified Homeopathic Doctor who completed her BHMS from Delhi University in 2003 and practiced medicine for about ten years. She has research papers published in journals of national and international repute.

MS. PREETI GOEL



Dr. Preeti Goel is a JRF Scholar and currently pursuing PhD in Commerce. She has 4 plus years of teaching experience as Assistant Professor in CPJCHS (Affiliated to IP University) and almost 2 years as Guest Lecturer at DU. She has presented and published many research papers in National and International Journals.

MS. RAJNEET BHATIA



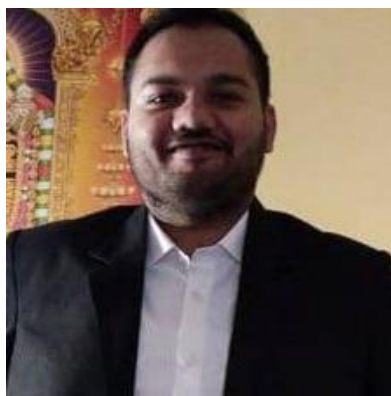
Ms. Rajneet Bhatia has completed M.Com from the University of Delhi & has also qualified UGC NET in Commerce. She is pursuing PhD in Talent Management and Human Resource Management from University of Delhi. She has to her credit two SCOPUS research papers along with several book chapters.

MS. MEENAKSHI GUPTA



Ms. Meenakshi Gupta has done LLM from University School of Law and Legal Studies, GGSIPU. She has specialization in Corporate Law. She has qualified UGC NET in 2022.

MR. DEEPAK BANSAL



He completed his Graduation in Law from University of Delhi and Masters from National law Institute University, Bhopal. He also has 1 year teaching experience at BVIMR, New Delhi. He cleared UGC NET in 2020 & has also practiced as Advocate for 2 years.

MR. SURYA SAXENA



He holds Masters in law from National Law University, Jodhpur. He specializes in Competition Law & Arbitration Law. Besides, he has teaching experience of 3 years & is actively involved in research & writing.

FACULTY ACHIEVEMENTS

Dr. Nisha Dhanraj Dewani

- Handbook of Research on Cyber Law, Data Protection, and Privacy” published by IGI Global Publication House, USA, ISBN10: 1799886417 added in Scopus <https://www.igi-global.com/book/handbook-research-cyber-law-data/272191>.
- Delivered a session on “Privacy and Digital Rights” in APNG Conference in Singapore on 10th September 2022.
- Delivered a session on “Resolving IPR disputes through ADR mechanism” in Value Added Course through USLLS, GGSIP University on 31st July 2022.
- Published an article on “Towards AI: A future of Power or Carnage of Ethics” in Amity Journal of Computational Sciences (AJCS) Volume 5 issue 2 (Jan- June 2022) ISSN: 2456-6616 (Online).
- Delivered a session on “Intellectual Property Systematic Responses to Novel Biomedical Technologies” on 2nd August 2022 in FDP organised by Department of Law, Maharaja Agrasen Institute of Management Studies.

Ms. Kriti Johri

- Enrolled for PhD at National Law University, Jodhpur

NEWSLETTER TEAM

Dr. Anuradha Asthana Singh

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And till we meet again

DAS VIDANIA



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