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INDEX

S. No.	Particulars	Authors	Page No.
1.	Ensuring the Fair Trial: A Perspective on Framing Criminal Charges in India	Prof.(Dr.) Sangita Bhalla	1-11
2.	Gender Equality in Indian Secularism	Prof. (Dr.) Rattan Singh	12-21
3.	An Interface between Competition Law and Alternative Dispute Resolution in India	Gurjinder Singh Prof.. (Dr.) Rajinder Kaur	22-32
4	Women Work Participation in India: An Empirical Exploration	Dr. Gulshan Kumar, Ms. Pragti Dixit	33-46
5	Women and Epidemics: A Historical Perspective of Colonial Punjab	Dr. Sasha	47-56
6	Environmental Concerns Amidst Environmental Crisis: A Sikh Perspective	Dr. Navneet Arora	57-67
7	The Art of Teaching Speaking Skills to Budding Lawyers through Poetry	Dr. Chanchal Narang	68-77
8	Rule of Law in a Democracy in the Age of Terrorism	Dr. Shruti Bedi	78-88
9	Judicial Misconduct: Regulation by Intra or Inter Branch	Dr. Arti Puri	89-96
10	Environmental Crime vis a vis Green Criminology: A Study of Unsafe Water of Punjab	Dr. Aman Amrit Cheema	97-112
11	Analysing Transgender of India Is being born with genitalia deformity, their fault? Identifying & Reconstructing A vocabulary and a vision to appreciate 'His' creation	Dr. Ashish Virk	113-127
12	Protection of Geographical Indications in India: An Emerging	Dr. Supinder	128-135

	form of Intellectual Property		
13	Indian Mining Sector: Environmental and Social Relevance	Dr. Gurmeet Kaur Dr. Sabina Salim	136-152
14	Online Dispute Resolution: New form of Cyber Justice system	Dr. Amita Verma	153-158
15	Uniform Civil Code: Quest for Justice	Dr. Jaimala, Ms. Neelam Bhadhan	159-175
16	The complexity of Refugee Regime: Between Responsibility Shifting and Responsibility Sharing	Dr. Jasneet Kaur Walia, Ms. Kajori	176-188
17	Mediation: An Effective Mechanism for Settling Family Disputes	Dr. Karan Jawanda	189—193
18	Men Women and Third Gender: An Abstruse Affair	Ms. Anju Chaudhary	194-207
19	GST Law: Good and Simple Tax Regime	Dr. Bharat	208-217
20	The Evidentiary Value of Forensic Ballistic Expert Report in Indian Criminal Justice System	Dr. Ajay Ranga, Mr. Suresh Kumar	218-223
21	Role of NGO's and Environmental Activism in Modern World	Dr. Anupam Bahri	224-239
22	The Fugitive Economic Offenders Bill, 2018: Key Issues and Analysis	Dr. Virender Negi	240-249
23	An Insight of Prisoner's Rights: Constitutional and Jurisprudential Aspect	Dr. Varinder Singh, Nidhi, Tania Singh	250-259
24	Corporate Social Responsibility Initiatives of Banking Sector in India	Dr. Indu Bala, Mr. Vipul Gupta	260-273

25	Living Constitution of India: Judicial Approach and Legislative Mandate	Ms. Shikha Dhiman	274-281
26	E-Waste: Informal Recycling Practices, Risks Associated and Need for Effective Regulatory Mechanism	Ms. Dolly Singh	282-293
27	Challenges of Legal Education in India	Dr. Sushila Devi Chauhan	294-302
28	Legalisation of Euthanasia in India	Dr. Kamya Rani	303-311
29	Social Justice and the Need of Nuclear Energy in India	Ms. Shivani Gupta	312-318
30	Political Relations of India with U.S. and Russia: A Critical Analysis	Ms. Supreet, Dr Abha	319-330
31	Caste and Democracy in India: Perspectives and Paradoxes	Dr. Nirmal	331-346
32	Soft Skills Trainers: A Short Term Solution for Placements	Ms. Bharti Shokeen	347-361
33	Social Security of Employees	Ms. Shafali	362-375
34	US-India Energy Cooperation: A step towards Clean Energy	Dr. Amita Verma Yatin Kathuria	376-386
35	Bioterrorism: An International Perspective	Dr. Ajay Ranga	387-401
36	Intrinsic Right to get Knowledge and Recognition of Reprography vis-à-vis Copyright: An Analysis	Dr. Amit Ludhri	402-409
37	Administrative and Financial Relations between the Union and States	Ms. Neelam Batra	410-421
38	Parallel imports vis-a-vis the Indian Copyright Law	Ms. Ramneek Kaur	422-432
39	Scientific Evidence in Indian Criminal Justice System with Reference to Ballistic Weapons	Dr Jaswinder, Mr. Suresh Kumar	433-442

40	Mediation and Negotiation of Corporate Governance Disputes and Conflict	Ms. Jasleen kaur	443-458
41	Global Regulatory Regime to Protect the Interests of Contract Labour: A Comparative Analysis	Dr. Bhupinder Kaur	459-471
42	Sexual Harassment of Women at Work Place: Moral Transgression of Law and Psychology Behind it	Kumari Monika	472-479
43	International Perspective of Right to Information	Dr. Komal Krishan Mehta	480-500

ENSURING THE FAIR TRIAL: A PERSPECTIVE ON FRAMING CRIMINAL CHARGES IN INDIA

Prof. (Dr.) Sangita Bhalla*

The right to fair trial is one of the core human rights as well as a foundation to a bunch of other rights. The integrity and authority of a fair trial lie in the avoidance of 'substantial injustice and moral harm' of a wrongful conviction. Our Constitution does not expressly provide a right to 'fair trial', but Chapter III mandates the observance of procedural fairness as an immutable characteristic of judiciary as it plays the central role to make the right to fair trial a reality. Accordingly, our Criminal Procedure Code and the judicial interpretations thereof provide a range of assurances that every criminal trial be conducted by a competent, independent and impartial judge with inherent powers to ensure that the accused gets an effective right to know the charges against him and to put up his defence. Of course, the operational realization of these protections during the criminal trial is preconditioned on the framing of proper charges. In our country, the ultimate power to frame formal charges lies with the impartial courts, unlike many other common law countries where it lies with the biased prosecution. This paper is an attempt to analyse legislative scheme of charge framing (preliminary hearing) as interpreted by the Apex Court, against the backdrop of powers of the prosecution and dilemma faced by the defence.

Keywords: Fair Trial, Framing Criminal Charges, Human Rights

GENDER EQUALITY IN INDIAN SECULARISM

Prof. (Dr.) Rattan Singh

ABSTRACT

Every temple in India does not need to be identical, the divine can be celebrated in different forms. It does not need to be homogenised into sameness. This is the beauty and diversity of secular traditions. But the factual situation is altogether different. Gender inequality is one of the multifaceted issues that have always concerns men and women. This inequality has extended across various facets of society. Discrimination against women and girls is a pervasive and long – running phenomenon that characterises Indian society at every level. No doubt, bundle of provisions of Indian Constitution provides for the gender equality but since independence, there have been many instances, when these provisions have been violated time and again.

Key words: Discrimination, Gender Inequality

AN INTERFACE BETWEEN COMPETITION LAW AND ALTERNATIVE DISPUTE RESOLUTION IN INDIA

Gurjinder Singh

Prof. (Dr.) Rajinder Kaur

ABSTRACT

Competition law is economic regulator tends to promote competition in the market; restricting monopolies in a given market. On the other hand, Alternative Dispute Resolution (ADR) is a legally constructed mechanism to alternatively dispose off legal disputes. A large number of matters ranging from family disputes to commercial one are being disposed off through ADRs. Though competition law and ADR are different in nature yet both are innovations in the regulatory and redressal system respectively. Commercial ADR and Competition Law are different in many aspects but one thing is common between both i.e. both are highly influenced by the 1991's economic reforms. The paper discuss the Arbitrability of the competition law issues. It will explore the arbitrability of the competition law issues in India by elaborating the emergence of Alternative dispute resolutions taking clue from the two celebrated cases Mitsubishi Motors Corp v. Soler Chrysler Plymouth (in United States) and EcoSwiss China Time Ltd. v. Benetton International NV (by European Court of Justice). The nature of the both laws i.e. arbitration law and competition law, which make the point of departure in establishing the arbitrability of the competition law is at the heart of this paper. The Author has ended this Article by discussing the recent Judgment of the Delhi High Court on the Arbitrability of the Competition Law issue which has initiated debate among the pioneers of competition law that whether the dispute affecting the public right (right in rem) can be adjudicated through ADR?

Key words: Arbitrability, Economic Reforms, Market Regulators

WOMEN WORK PARTICIPATION IN INDIA: AN EMPIRICAL EXPLORATION

Dr. Gulshan Kumar*

Pragti Dixit**

ABSTRACT

Employment among women is a sign of financial independence as it indicates greater autonomy at their disposal in leading a dignified life. The importance of economic freedom can never be undermined in the enhancement of overall quality of life of a person. Keeping this in mind, the present study makes an endeavor to sketch out the female work participation in India and to analyse their employment in various sectors of the Indian economy vis-à-vis some other selected countries. The examination uncovers that the male work participation rate is more prominent than that of females. In addition, more women are working in rural sector as compared to urban sector. Apart from this, the wage-rate differentials are prevalent among men and women both in the agricultural and non-agricultural operations. In India, more females are employed in the agricultural sector when contrasted with males. However, in the developed countries, more women are working in the services sector as compared to men. Throughout the world, the labour force participation rate is more among males in contrast to females.

Key words: Employment, work participation, disparities

WOMEN AND EPIDEMICS: A HISTORICAL PERSPECTIVE OF COLONIAL PUNJAB

Dr. Sasha*

ABSTRACT

Gender bias has characterized the institutions, practices and mind set of generations. Women have been subject to inequality in various spheres. Different ideological constructions of gender through different times have restricted the access of women in various spheres including medicine. The patriarchal family structure considered them subordinate to men and they therefore, had limited access to medical treatment. During epidemics, the disadvantageous position of women became more pronounced due to the convergence of patriarchal prejudices from different sources. The patriarchal social structure confined women to the roles that steadily exposed them to disease and then deprived them of access to medical facilities. The individual British administrators and the Indian functionaries at the lower levels, who were as much influenced by patriarchy as the society, did not always consider women's health a matter of equal concern. At any rate, scant attention was paid to the needs of women. In this situation, a large number of women lost their lives due to epidemics, and a larger number suffered from insensitive handling and loss of personal dignity at the hands of the men. Women's unequal position in different spheres of society forms an important area of study. Various studies have been conducted about the bearing of patriarchy on the position of women. However, works on gender and medicine, and epidemics in specific remain scarce. This article, thus, focuses on the systemic disadvantages of women in the colonial Punjab during the outbreak of epidemics.

Key words: Epidemics, Patriarchal, family

ENVIRONMENTAL CONCERNS AMIDST ENVIRONMENTAL CRISIS: A SIKH PERSPECTIVE

Dr. Navneet Arora*

ABSTRACT

There is nothing in the world which has at once been the object of reverence and awe as religion. Religion, one of the oldest institutions of human society, having an ability to control the human life is undoubtedly a sensitive yet pertinent existence of the human society. We try to live as the religion desires and expects from us. Recently, it has been observed that all the world religions are making a call to their followers to protect and save the environment. This step by the religious leaders and participation of religious communities in realizing this unimaginable threat to the human development is worth investigating. The major religions of the globe are seen preaching and propagating the holy texts for saving the environment, in a way moving towards religious revivalism. It is seen as an attempt to return to the roots, to be more God-centered. The objective of the present paper is to highlight the attempts of Sikh based international organization 'Eco-Sikh' in protecting the environment by highlighting the contributions of Sikh Gurus. It has been concluded that religion, a social institution is making sincere efforts in saving the planet from the dangers, which technology has unknowingly created for the present and future generations.

Keywords: Environmental Concerns, Environmental crisis, Religious organisation.

THE ART OF TEACHING SPEAKING SKILLS TO BUDDING LAWYERS THROUGH POETRY

Dr Chanchal Narang*

ABSTRACT

Speaking skills form an important ingredient of the repertoire of a lawyer's linguistic proficiency. An English teacher who is expected to teach literature prescribed in the syllabus and develop speaking skills of the students of ESP group of Law may be in a difficult situation. His/her job may be rendered simplified if s/he is ready to venture into integration of textual input with skill-focussed teaching. Although there are multiple options regarding the choice of genre as a textual input, for the purposes of the present paper, an effort has been made to explore the teaching of speaking skills through poetry. The choice of this particular genre depends upon several inherent features of poetry, which have been explained in the paper. It demonstrates how the teacher can make teaching poetry a pleasurable and fruitful experience for the budding lawyers.

Key words: Speaking skills, ESP of Law, teaching poetry.

RULE OF LAW IN A DEMOCRACY IN THE AGE OF TERRORISM

Dr. Shruti Bedi

Although a democracy must often fight with one hand tied behind its back, it nonetheless has the upper hand.

Aahron Barak

ABSTRACT

To protect and sustain a democracy is baffling for most nations in this age of terrorism. It is an arduous task indeed to expect democratic countries across the world to uphold the rule of law in the fight against terrorism. A fight where there are no rules of war and there are no principles followed. It is a battle to overcome the new threats posed by terrorist groups such as Al Qaeda, ISIS, Hamas, and Boko Haram, where the old rules designed for conventional warfare among nations, have become anachronistic. Therefore, new balances must be struck between preserving people's civil liberties and protecting them against terrorist violence. This paper examines the difficulties faced by the world in upholding the rule of law in the feud against terrorism and looks for a middle ground.

Keywords: Democracy, Terrorism

RULE OF LAW IN A DEMOCRACY IN THE AGE OF TERRORISM

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Keywords: Democracy, Terrorism

JUDICIAL MISCONDUCT: REGULATION BY INTRA OR INTER BRANCH

Dr. Arti Puri*

ABSTRACT

The framers of the Supreme carved a vital role for the Judiciary taking into account the federal system and an empowered citizenry. While setting out the distinct roles of the Legislature, the Executive and the Judiciary, the makers also set up the necessary checks and balances needed for administrative objectivity and accountability. To put the Judiciary to close scrutiny for their conduct, relevant provisions were made which were thought to be enough for dealing with situation as and when it arises. As an institution, the Indian Judiciary has commanded considerable respect from the people of this country. The roots of this high regard lie in the impartiality, independence and integrity of the members of the Judiciary. As it is a well-known fact that the societal perception of Judges as being detached and impartial referees is the greatest strength of the Judiciary, it is therefore, essential that the actions of Judges are transparent and constitutionally sound. The behaviour and conduct of members of the higher Judiciary must reaffirm the people's faith in it. Because perception of bias, misuse of Judicial office for vested interest diminish the dignity of judicial institutions and judges alike.

Keywords: Judiciary, Federal system

ENVIRONMENTAL CRIME VIS A VIS GREEN CRIMINOLOGY: A STUDY OF UNSAFE WATERS OF PUNJAB

Dr. Aman A. Cheema*

ABSTRACT

The plundering of the earth's resources has not until recently been thought of as a crime. The Lackadaisical attitude of the governments and the laws to curb environmental pollution, has opened the eyes of the mankind to the mass destruction of our natural resources. Most threats to human well-being and the eco-system are no longer natural (drought, floods, earth-quakes and the like) but human made. In our technological advancement and our emphasis on ever increasing productivity we have created now manufactured risks – dangers that we have never faced before, for example mass water bodies pollution leading to death of not only aquatic fauna but also human beings. The present study is focused on the waters of Punjab. In the first part of the paper the researcher has analyzed various studies and methodical investigations on Kala Sanghian/ Buddha Nala (Tributaries of Sutlej River) in Punjab. in the second part of the paper, the researcher has scrutinized various investigations that have been undertaken on rising cases of cancer deaths in Malwa Region of Punjab due to underground water pollution. The researcher summed up the paper by highlighting certain propositions for the Government, Industries, Non-Governmental Organizations and the Legislature.

Key words: Resources, eco-systems, environmental pollution

ANALYZING TRANSGENDER OF INDIA IS BEING BORN WITH GENITALIA DEFORMITY, THEIR FAULT? IDENTIFYING & RECONSTRUCTING A VOCABULARY AND A VISION TO APPRECIATE 'HIS' CREATION

Ashish Virk*

ABSTRACT

Nirvana under Hindu mythology and Buddhism is a place for perfect peace and happiness. It is the highest state that someone can attain, a state of enlightenment, where the person's individual desires and sufferings go away. However, in the context of trans-people, it means the traditional way of voluntary surgical removal of all male characteristics, such as the organs and the feelings. Through this process, the non-erectile, undesired penis and the attached scrotum of the eunuch are removed. This ritual has been practiced since the 16th century, and interestingly it's practiced only in India and has no such parallel ritual in the world. It is a voluntary act as the Indian eunuchs firmly believe that the blood loss is duly masculine blood and will result in loss of facial and bodily hair, making their voices more feminine. Moreover, the seniority of a eunuch in the group for any preferential activity is determined by two ways, firstly, when she left home to join the eunuch guru, and secondly, the date of nirvana.

Key words: Nirvana, Eunuch, Transgender

PROTECTION OF GEOGRAPHICAL INDICATIONS IN INDIA: AN EMERGING FORM OF INTELLECTUAL PROPERTY

Dr. Supinder Kaur*

Tarun Kumar**

“Far better to live your own life imperfectly than to live another’s perfectly” – Bhagavad Gita.

ABSTRACT

Geographical Indication is a sort of Intellectual property. The use of a Geographical Indication may act as a certification that the product possesses certain qualities, is made according to traditional methods, or enjoys a certain reputation, due to its geographical origin. Geographical Indications is primarily associated with wines and spirits (e.g., “Scotch whiskey”, “Champagne”), but they can apply to wide varieties of other products such as “Darjeeling Tea”, “Pashmina”, or “Tirupati Laddu”.

Protection of Geographical Indication is important for the commercial advantage to the indicated region and also to the country where the product is located. It is also useful to create employment in rural India.

Key words: Geographical Indication, Intellectual Property Rights

THE INDIAN MINING SECTOR: ENVIRONMENTAL AND SOCIAL RELEVANCE

Gurmeet Kaur*

Dr. Sabina Salim**

ABSTRACT

India, an emerging economy on the global front, has huge potential for mining and quarrying industry in the present scenario. Mining and quarrying is not new to India and mining records of historic past establish beyond doubt the potential of India in realms of mining and quarrying. Historians, archaeologists and geoscientists have documented details on numerous old workings and indigenous mining and quarrying practices in various articles and books. The use of stone tools during the Stone Age, the advent of fire and wheel emphasise use of stone/rock in the various stages of human evolution from nomadic lives to the settled lives. The ruins of Indus-valley civilization (Harrappa and Mohenjodaro) and almost all the different periods in the pre-historic and historic past of the Indian subcontinent spanning period from 6000 B.C. to the present, establish use of metals (gold, copper) and non-metals (bricks, clay, diverse rocks such as sandstone, granite etc. as building stones) for various reasons. It was during British incumbency in India that mining was established as a formalised practice. Many new mineral deposits were discovered and mechanised and planned mining took off. The mining for gold in Kolar, Karnataka and quarrying of trachyte rock (a light colour rock found near Mumbai, erstwhile Bombay, Maharashtra) for building up of colonial set up in south Bombay during the early 20th century, are just two examples to elaborate the magnitude of scale of mining and quarrying during British Raj in India. The exploration for mineral deposits became prolific with the Geological Survey of India, an organisation primarily dedicated to mineral and metal exploration, initiated by the East India Company in the year 1851. The mining and quarrying

industry not only led to industrialization of India but also brought to fore the environmental and social impacts vis-à-vis mining and quarrying practices. This all gradually led to formulation of relevant environmental and social laws encompassing National Mineral Policy, State and Central government policies which took care of environment and social-economic rights of mine workers etc. The latest addition viz. United Nations Framework Classification (UNFC) became mandatory for evaluating mineral resources based on relevant parameters before initiating a mining project in India. Laws regulating mining have been mindful of the social and environmental implications of mining activities. However the need to implement them stringently has gained impetus from the application of the concept of "sustainable development" i.e. development that meets the needs of the present and future generations (UNCED/ 'Bruntland' Report). There is an urgent need for mining activities to expand beyond their area of traditional economic concerns, to new social, economic, and environmental concerns. Environmental law is becoming a significant part of mining regulatory framework. This paper first views the mining activities in India followed by the laws affecting mining access and process and the social environmental relevance of mining activities in light of the regulating legal framework. It then focuses on the mining situation in Niyamgiri hills of state of Odisha.

Key Words: Sustainable Development, Mining Sector, Natural Resources

ONLINE DISPUTE RESOLUTION: NEW FORM OF CYBER JUSTICE SYSTEM

Dr. Amita Verma*

ABSTRACT

The advent of globalization has seen the growth of the concept of Online Dispute Resolution in various national and international jurisdictions. Online Dispute Resolution is one of the forms of Alternate Dispute Resolution which is meant to solve the dispute by using technology and use Alternate Dispute Resolution methods owing to the facts that they are time-saving, cheaper, quicker and more convenient. For all of this, the medium of internet has proved to be of immense potential providing an able medium of communication and information dissemination, and a consequent impetus for e-commerce. E-commerce in India has also given rise to many disputes by the consumers purchasing the products from e-commerce websites. There is no formal e-commerce dispute resolution regulatory mechanism in India as we have no dedicated e-commerce laws in India. This paper basically deals with the various types of Online Dispute Resolution and what is the position of Indian laws for the Online Dispute Resolution and also analyzes the steps taken by different countries to introduce this new method of Alternate Dispute Resolution.

Keywords: E-Commerce disputes, Information Technology, Online Dispute Resolution

UNIFORM CIVIL CODE: QUEST FOR JUSTICE

Dr Jai Mala^{*}

Neelam Bhadhan^{**}

ABSTRACT

India is a world's largest democracy. It is the second most populous country (1,266,883,598 in 2016) of the world. India is a secular state having multi-religions, multi languages, million customs, cultures and communities. Religion has been an important part of the country's culture throughout ages. In our country, religious diversity and religious tolerance are established by the law and customs. Numbers of people in this country are governed by their personal laws. As a result, different treatment is given to different classes of people in their personal laws. The need for a Uniform Civil code in India is one of the most controversial issues remarked in our Constitution. Although it has been discussed and argued several times on different platforms, but the result is as it is. The uniform civil code connotes the idea of the same set of codification of laws pertaining to all citizens, be they Hindus, Muslims or Christians, irrespective of their religion, caste or tribe etc. It is a proposal to replace the personal laws based on the scriptures and customs of each major religious community in India. Article 44 of the Constitution of India provides for Uniform Civil Code for the citizens throughout the territory of India. It clearly states that it is the mandate upon the state as a directive principle of state policy to promulgate a Uniform Civil Code for whole the country.

Keywords: Uniform Civil Code, Constitution of India, Personal Laws, Democracy, Directive Principles of State Policy.

THE COMPLEXITY OF REFUGEE REGIME: BETWEEN RESPONSIBILITY SHIFTING AND RESPONSIBILITY SHARING

***Dr. Jasneet Kaur Walia**

*** Kajori Bhatnagar**

ABSTRACT

The states exercise filtering process which sifts out worthy from unworthy forced migrants, they contribute to legitimating the emerging global migration system, whatever their personal intentions might be. Asylum advocates discuss a polarized global migration regime, which promotes the ever-freer movement of the enfranchised just as it increasingly restricts access to protection or opportunity for the disenfranchised. Conflicting pressures emerging from the needs of developed states complicate this contradictory tension at the heart of contemporary migration control. Developed states need to maintain the primacy of sovereign state borders while participating in borderless global transnational regimes of power and trade; they need to facilitate business mobility and availability of both skilled and unskilled labour, while protecting domestic welfare regimes and service structures from illegitimate claimants. In addition, many developed states face compelling political pressures to promote homogeneity in the face of increasing diversity.

Key Words: Asylum, Refugee, Welfare regimes

MEDIATION: AN EFFECTIVE MECHANISM FOR SETTLING FAMILY DISPUTES

Dr. Karan Jawanda^{*}

ABSTRACT

With the increasing complexities in the social fabric, the volume of family disputes has also increased. People commonly resort to litigation as a means to settle their disputes. However, the adversarial system of litigation is no longer adequate to address the family disputes like those between husband- wife, relating to child custody and parenting, partition of joint family property, care of aged parents etc. This system does not generate a climate of consensus, compromise and co-operation which is a sine-qua-non for resolving family disputes. The parties instead of being guided by reason and logic, at times become slaves of false egos resulting in a prolonged litigation which drains the parties emotionally as well as financially. Thus, many a time's matters which could have been resolved and settled take a turn for the worse. Mediation on the other hand is a simple, less expensive mechanism for resolving a dispute with the help of an impartial mediator who facilitates amicable settlement of disputes. Mediation can be pre-litigative as well as court guided. Provisions for settlement of disputes outside the court find a prominent place in the Civil Procedure Code, the Codified Marriage Laws and the Family Courts Act. However, settlement, reconciliation and mediation in family law matters are largely unutilized. The focus of the present paper is to stress upon the need to promote mediation as a preferred mode of dispute resolution in family disputes. The paper shall bring out the advantages of mediation over litigation. The legislative provisions regarding mediation shall also be outlined along with the case law wherein need for mediation in settling family disputes has been stressed by the Judiciary.

Key words: Mediation, Family Dispute, Joint Family System

MEN WOMEN AND THIRD GENDER: AN ABSTRUSE AFFAIR

Ms. Anju Chaudhary*

ABSTRACT

Despite the social repercussion that the transgender community faces today, history tells a different story of the position they occupied in ancient Indian society. The Kama Sutra, written between 200 and 400 BC, refers to 'the third sex'; Hindu mythology describes half-male and half-female forms of Shiva; and Mughal courts widely respected eunuchs, employing them as consuls to the king. India is presently passing through a transitional period in its history, transition from feudal agricultural society to modern society. The Law has a very important role to play in this transition period, as it deals with people, not commodities.

Key words: Third Gender, Transgender

GST LAW: GOOD AND SIMPLE TAX REGIME

Dr. Bharat*

ABSTRACT

Goods and Services Tax (GST) is for the economic integration of the country just like the political integration done by Sardar Vallabhbhai Patel decades back to integrate India.

The integration of about 565 self-governing princely states after independence took about a couple of years and was completed by late 1949. Sardar Vallabhai Patel played the pivotal role in bringing this about as the first Deputy Prime Minister of India with the key portfolio of Home Minister in the Union Cabinet; earning him the sobriquet 'Iron Man of India'. The way Sardar Vallabhai Patel had united all kingdoms of India, just like that; today GST is uniting all the economically fragmented markets (due to the multiplicity of taxes and state-level barriers) of India. GST is one indirect tax for the whole nation, which will make India one unified common market and its implementation aims at replacing maximum central/state levies and brings the nation to a common market, simplifying the tax structure and ensuring greater compliance.

Keywords: GST, Economic Integration

THE EVIDENTIARY VALUE OF FORENSIC BALLISTIC EXPERT REPORT IN INDIAN CRIMINAL JUSTICE SYSTEM

Dr. Ajay Ranga^{*}

Suresh Kumar^{}**

ABSTRACT

In many cases ballistic weapons (firearms etc.) used in crime are submitted to FSL for its examination. Forensic ballistic expert identifying characteristics of firearms, ammunitions and includes matching bullets with guns, recovery bullets covers, guns, revolvers, machine guns, pistols, tracing fingerprint. In this paper is explaining the introduction, evidentiary value of forensic ballistic experts report under the Indian Evidence Act, 1872, cases and conclusion.

Keywords: Evidentiary value, Ballistic Experts, Indian criminal justice system.

ROLE OF NGO'S AND ENVIRONMENTAL ACTIVISM IN MODERN WORLD

Dr. Anupam Bahri*

ABSTRACT

NGOs are occupying a significant place in the different arenas of life. Each sphere of life is now protruded by the NGOs. The role of NGOs or action groups in different sectors is vehemently discussed in different academia along with the realization by the government machineries and the world level organizations like United Nations. The growing challenges to the environment because of the growth oriented development paradigm of the state both in developed and developing countries can be considered as the very cause of the growth of NGOs which have taken up the issue of sustainability and have come up with different actions to combat the problems related to environment safety and sustainability of earth time to time. The present paper will discuss the same.

Key words: NGO, Environment, Sustainability

THE FUGITIVE ECONOMIC OFFENDERS BILL, 2018: KEY ISSUES AND ANALYSIS

Dr. Virender Kumar Negi*

ABSTRACT

Today the economic environment of the country is being threatened by organized crimes like Asset Misappropriation, Money Laundering, Cybercrime and Accounting Fraud. In the last few years, there has been drastically increasing volume of frauds, especially in the financial sectors in India. The Indian banking system is witnessing financial scams causing significant losses to the public exchequer, thus adversely affecting service delivery.

Key Words: Banking System, Confiscation, Economy, Economic Offences, Fraud, Fugitive Offender, Financial Institutions, etc.

AN INSIGHT OF PRISONER'S RIGHTS: CONSTITUTIONAL AND JURISPRUDENTIAL ASPECTS

Dr. Varinder Singh

Nidhi

Tania Singh

“Even until the death sentence is executed the prisoner has the right to be treated with dignity. The law in India stands for life, even for dying man’s life.”

Justice V.R.Krishna Iyer

ABSTRACT

Right to life is one of the basic human rights. It is guaranteed to every person by Article 21 of the Constitution and not even the State has authority to violate that right. A prisoner, be he a convict or under-trial or a detenu, does not cease to be a human being. Even when lodged in the jail, he continues to enjoy all his Fundamental Rights including the Right to Life guaranteed to him under the Constitution. On being convicted of crime and deprived of their liberty in accordance with the procedure established by law, prisoners still retain the residue of constitutional rights.

Keywords: Life, Fundamental Right, Right to life

CORPORATE SOCIAL RESPONSIBILITY INITIATIVES OF BANKING SECTOR IN INDIA

Dr. Indu Bala^{*}
Vipul Gupta^{}**

ABSTRACT

The Corporate Social responsibility (CSR) as a concept emerged from the work of Adam Smith but gained the familiarity in the late 1970's with the critical words of Milton Friedman. The term CSR signifies the individual's responsibility towards society from which he is deriving the benefits. The CSR as an initiative was started with regard to sustainable development and today focusing on cultural, rural and environmental development. The paper inspects the various CSR initiatives of Indian Banking Industry. The reason for the study is to analyse the major CSR initiatives of banks in India, their comparison and their reporting in its annual reports for the year 2007 – 2017. The study consists of 10 banks selected from each area viz. 4 public sector banks, 2 private banks, 1 cooperative bank and 1 development bank was selected. An index was developed by selecting 10 major initiatives of CSR undertaken and disclosed by banks. If a bank reports an item of information in the annual report, then "1" will be awarded and if the item is not disclosed then "0" will be awarded. Thereafter each bank's corporate social responsibility reporting index (CSRRI) is measured according to which the banks were judged of their performance of CSR. The major areas being focused as CSR policy initiative is education of children, rural development and environment. The results showed that the public sector banks

have shown higher contribution in CSR activities than Private sector banks, co-operative banks and development banks.

Keywords: Corporate Social Responsibility, initiative, CSRRI

LIVING CONSTITUTION OF INDIA: JUDICIAL APPROACH AND LEGISLATIVE MANDATE

Shikha Dhiman

ABSTRACT

Like a living being which changes according to change in time and situation, the Constitution also responds to varied experience in the country. The bare wording of the Constitution postulates that this document as written necessarily meets the requirements of a revamping society without bringing any major alterations in that. In that way, it can be implied that the changes done in the society remodels the Constitution. It was well stated by Justice Anton Scalia of U.S. Supreme Court:

“... the Constitution is not static. It doesn’t mean what the people voted for when it was ratified. Rather it changes from era to era to comport with ... the evolving standards of decency that mark the progress of a maturing society”.

The Constitution of India provides for a framework which entails not only the substantive law but also encompasses the areas of different procedural laws. In order to alter these provisions of substantive as well as procedural laws, Indian Constitution is deemed to be one of those common law jurisdictions wherein the procedure to amend the Constitution itself is neither too rigid nor too flexible. The need for amendment arise either when the change in society demands for it or

when the bare text of the Constitution makes the interpretation ambiguous. Therefore, there are some provisions in the Constitution which, prima facie, appears to be living and hence to be given liberal interpretation like fundamental rights, fundamental duties and directive principles of state policy; whilst on the other side, there are some set of provisions in the Constitution which do not allow for liberal interpretation and therefore demands strict construction of those provisions as the ones which sets out the creation of offices, jurisdiction of courts, procedures in that regard etc. Be it liberal or strict interpretation, it is the sole task of judicial officers to construe the same. But however at the same time, it is always open to the legislatures to alter the provisions who are considered to be more than the interpreters. Hence, it can be enunciated that in order to make a Constitution a living document, it is both the legislature and judiciary that play a vital role in this regard. This will however preserve the roots of the Constitution which stands fundamentally true at all its time. This balances power of legislature and judiciary in amending and interpreting the Constitution, respectively, will thus maintain the very inherent powers of the Court of dispensing justice, which is one of the basic purposes of judiciary for serving the societal interest.

Keywords: Constitution, Living Document, Justice

E-WASTE: INFORMAL RECYCLING PRACTICES, RISKS ASSOCIATED AND NEED FOR EFFECTIVE REGULATORY MECHANISM

Dolly Singh*

ABSTRACT

Information technology has benefited the human societies immensely but it has not been free from the problems. One of the problems associated with revolution in information technology and Digital India has been the growing problem of e-waste. With the increasing use of gadgets, equipment and machines associated with information technology, the problem of e-waste has been assuming the alarming level. Rapidly increasing proportion of e-waste has further compounded the problem of environmental pollution throughout the world. Keeping this scenario in view, the paper attempts to conceptualise the term e-waste, apart from focussing threats posed to the environment and human health. The management of e-waste has become a serious issue and how it has been handled has also been probed here. The effectiveness of rudimentary informal recycling practices employed for handling the e-waste have also been examined. The responsibility of various stakeholders regarding the problem of e-waste and the regulatory mechanism evolved in India to handle e-waste have also been examined in this paper. In the concluding observations some suggestions have been given to handle the problem of e-waste recycling more effectively.

Key Words: E- waste, Digital India, Environment Pollution

CHALLENGES OF LEGAL EDUCATION IN INDIA

Dr. Sushila Devi Chauhan^{*}

ABSTRACT

Legal education plays an important role in developing lawyers who act as social engineers and works towards the cause of nation building. It can also play important role in the establishment of law abiding society. The legal education is a life long process that requires a joint effort by the law colleges, universities, the bar and individual hard work of the law students. The true aim and objective of legal education is to prepare a proficient lawyer.

Imparting of legal education in its true sense it can enable the advocate, judge and law student to work as the guardian of human rights. It is the duty of legal education to make such lawyers who are able to understand the socio-economic realities of the society,

causes of poverty, utility of the existing legal system. The legal education enables the people of the country to know about the areas such as power, water, communication, housing, food stuff and drugs etc.

Keywords: Legal Education, Lawyers, Social engineers

LEGALIZATION OF EUTHANASIA IN INDIA

Dr. Kamyia Rani

ABSTRACT

When a person ends his life by his own act it is called “suicide” but to end life of a person by others though on the request of the person, is called “euthanasia” or “mercy killing”. This paper seeks to discuss what euthanasia is and its possible application in three different occasions of a living person since very birth. In ancient societies of the countries like Greece and India how the practice of self-destruction was a customary, what was the attitude towards the annihilation of life of different religions like Hindu, Muslim, Christian and Sikh. Though the purpose of suicide and euthanasia is self-destruction but there is clear difference between the two. Euthanasia may be classified in five categories and also there are various ways for its application. These apart the opinion of sociologists regarding euthanasia, its legal position in India in view of the Constitution of India, Indian Penal Code and other laws in vogue, so also the position of different countries of the world are all taken for discussion. Although the Supreme Court has already given its decision on this point but still some doubts arise in our point which we need to analyze carefully.

Keywords: Euthanasia, Suicide, Mercy killing

NUCLEAR ENERGY AS A TOOL FOR SOCIAL JUSTICE IN INDIA

Shivani Gupta

ABSTRACT

Dr. Bhimrao Ramji Ambedkar, popularly known as Dr. B.R. Ambedkar or Babasaheb Ambedkar, a man with extraordinary capabilities and a true visionary, mostly viewed and reviewed as 'a Dalit Leader' and 'the Chief Architect of the Indian Constitution', is today, accepted as a 'nation builder' and 'Global Icon' for his contributions in the spheres of understanding individual, caste, Hindu social order, problems of Hindu women, Indian minorities, nation, nation building and many more. Above all his ideas about social justice and its importance in nation building have trapped the thoughts of the mainstream academia and intelligentsia. A just social system seeks to remove social disability resulting in social and economic inequality. Social justice means equal social opportunities shall be available to everyone to develop their personalities. One important aspect in today's time that contributes a

lot in nation building and personality development is the availability of energy or in other terms, the availability of electricity.

This paper is a humble effort to understand and analyze how Dr. Ambedkar's ideas about social justice play a significant role in the extensive revival of nuclear energy in India to meet its energy demands. This paper has been divided into various parts containing a brief introduction about Babasaheb Dr. Bhim Rao Ambedkar, the meaning of social justice and his ideas about social justice, a brief introduction to the concept of nuclear energy and its need in the light of social justice. The last contains the conclusion with some brief safeguards to the use of nuclear energy.

Keywords: Dr. B.R. Ambedkar, Social Justice, Nuclear Energy, Electricity.

POLITICAL RELATIONS OF INDIA WITH U.S. AND RUSSIA: A CRITICAL ANALYSIS

Ms. Supreet Gill*

Dr. Abha**

ABSTRACT

According to a recent survey conducted by the Gallup, an average American citizen considers India sixth most favorable country on the world map and a mammoth number of 72% of the U.S. population echo the same opinion. The recent political history of Indo-US relations can be traced back to the decade of 1990's when India, after the dissolution of Soviet Union, embarked on a much-needed journey of reconstructing its foreign policy in a unipolar world. Presently, India maintains a strategic foreign policy, which is structured in a way that is aimed at facilitating extensive relations with the U.S. and simultaneously encouraging and safeguarding national interests. The key feature of this new age understating is the geopolitical coalition

intended to balance the rise of an increasingly assertive China in the global economy. The last decade has seen a sea change in the relations which can be partly attributed to the weakening U.S. - Pakistan ties and the 2008 turnaround of long-standing American antagonism to India's nuclear program. Today, India and the US share an extensive cultural, strategic, military, and economic relationship. However, this relationship did not grow over night, but was found as a result of carefully woven dialogue exchange over the last century. This research paper will make an attempt to trace the time line of development and the status of relationship between these two countries over the last century, with special focus on the era of independent India. Additionally, the paper seeks to examine the graph of the Indo-U.S. ties during the tenure of different Heads of State in both the countries and critically analyse the same in light of what were the moves that should or should not have been made over the last few decades which dictate the relationship the two countries share today.

Key words: India Russia relations, diplomacy, Politics, Foreign relations

CASTE AND DEMOCRACY IN INDIA: PERSPECTIVES AND PARADOXES

Dr. Nirmal Singh^{*}

Abstract

This article argues that two opposite views on the relationship between Caste (Jati) and democracy have emerged in the Indian academia. Looking at these two opposed values- caste and democracy and highly stratified Indian society characterized by caste system, the objective of the article is therefore twofold- to trace out the historical roots of caste system and untouchability and need for restructuring Indian Society. Article argues that Caste, as a system has continued to reproduce itself through endogamy. Those who strive for the democratic transformational of Indian society, irrespective of political ideology, have to fight against the prevalent caste.

Key words: Caste, Democracy, State, Untouchability

SOFT SKILLS TRAINERS: A SHORT TERM SOLUTION FOR PLACEMENTS

Bharti Shokeen*

ABSTRACT

In recent times, the placement scenario has become very alarming, hitting the biggest institutes of the country. As per the data made available by IITs to the Ministry of human resource development (MHRD), only 66% of the students who have registered for campus recruitment landed a job offer in year 2016-17, as against 79% in year 2015-16. One of the major reasons for poor placement and employability is the poor and limited communication skills of students. Realizing the imperative need of soft skills which will enhance job readiness, these engineering institutes are now seeking

external help from corporate firms which offer some short term and customized programs of 40-50 hrs. Aspiring Minds is one such assessment firm that helps the government institutions, organizations and the corporate world to measure and identify the required talent through the assessment and employability test. Based on the assessment and results provided by AMCAT and to improve the gaps, the institute registered with a professional corporate firm DreamUny for the training of students. The present paper presents the placement challenges of an engineering college of Guru Gobind Singh Indraprastha University, New Delhi, and analyses how far these short term courses are useful in training and preparing the students for placements.

Keywords: Soft Skills, Placements, Employability skills, Communication Skills, Engineering Institutes

SOCIAL SECURITY OF EMPLOYEES

Ms. Shafali*

ABSTRACT

Social security is one of the pillars on which the structure of a welfare state rests and it constitutes the hard core of social policy. Preservation or well maintenance of social security is important to both men and women taskforce so as to make them become more productive at work. If employees are given proper protection then, they no longer worry for tomorrow, this will make them work hard at work and consequently will lead to economic growth. There is a need of planned social security to avoid professional hazards and also to provide better standard of living to employees. This research study is an attempt to put forth social security measures in

organized and unorganized sector for the economic growth of the nation. It also analyses the challenges that are faced by the employees due to the present system in India.

Keywords: Social Security, Employees, Welfare Schemes, Measures

U.S.-INDIA ENERGY COOPERATION: A STEP TOWARDS CLEAN ENERGY

“Chalein Saath Saath; Forward Together We Go”

Dr. Amita Verma^{*}

Yatin Kathuaria^{}**

ABSTRACT

The unexpected surge in the warmth of the relationship between India and the US is the result of the countries climate change commitments at global level and issues of energy security in India. The article provides an outline of numerous bilateral engagements and cooperation's made by the countries to promote energy deployment in India while concentrating on climate change implications at the same time. The article aims at investigating the progress of mutual collaborations in the field of clean energy technologies and renewable energy sector, starting

from historical development in Energy relations between the countries, dating back to 1950s and recent major initiatives like US-India Energy dialogue. The US-India Energy Dialogue of 2005 and PACE programme of 2009 are two major bilateral initiatives which have provided the much-needed impetus to promote energy security and to accelerate deployment of clean energy technologies in India. The U.S.-India relationship is one of the describing partnership of 21st century which will not only benefit both the countries but shall also emerge as source of stability and prosperity for the world.

Keywords: India-US relations, Initiatives, Climate change

Bioterrorism: An International Perspective

Dr. Ajay Ranga^{*}

ABSTRACT

Terrorism is a complex social phenomenon because its causative factors, nature and goals and the identity of the perpetrators vary depending on the epoch or society under consideration. Generally, terrorism is an extra-legal activity that uses or threatens to use premeditated violence to instill chronic fear in a victim in pursuit of strategic goals specified by the perpetrator. The types of terrorism vary depending on motive, function, effect, nature of the violence and mode of combat or strategy.

Keywords: Bio terrorism, Terrorism

INTRINSIC RIGHT TO GET KNOWLEDGE AND RECOGNITION OF REPROGRAPHY VIS-À-VIS COPYRIGHT: AN ANALYSIS

Dr. Amit Ludhri*

ABSTRACT

The issue of right to get knowledge and right of reprography has been emerged in academic circle; particularly when Indian Reprographic Rights Organization (IRRO) is emerging for the protection of publishers and authors of literary work. The right to access or to get knowledge; somewhere may be affected. An imperative is made with an object in this article to analyze the present scenario in the light of intrinsic right to access and to get knowledge. It is also explored

in this article that access to knowledge is an intrinsic right & constitutional goal and fair use of copyrighted material is permissible by virtue of intrinsic right to get knowledge.

Keywords: Reprographic Rights, Access to knowledge, Intrinsic Right.

ADMINISTRATIVE AND FINANCIAL RELATIONS BETWEEN THE UNION AND STATES

Neelam Batra^{*}

ABSTRACT

In a federation, functions between Centre and States are divided and the respective fields of competence are earmarked. Even a quick glimpse at the plan of the allocation of powers between the Union and the States in the Constitution of India will convince anyone of the keenness of the founding fathers to give a dominant place to the Centre in the Federal set up. This is the position in the sphere of legislative relations, administrative and financial relations. To cite few examples, in normal times under Art 256, the Union Government has been empowered to issue directives to a State so as to ensure compliance with the laws made by the Union Parliament apart from emergencies when it has been deliberately provided that the governmental machinery would function as unitary system. Under Article 257 (1) the Union Government has been given the power to issue directions to ensure that the exercise of the executive power of a State does

not interfere with the exercise of the executive power of the Union. The position is not very different in the sphere of financial relations. In the allocation of resources, the Union Government has been given larger number of sources of revenue, while the States have to adjust with fewer sources of revenue

Key words: Administrative, Financial Relations, Revenue

PARALLEL IMPORTS VIS-A-VIS THE INDIAN COPYRIGHT LAW

Ramneek Kaur^{*}

ABSTRACT

If a person has bought goods that are protected by a patent, trademark, industrial design and/or copyright, then one needs to ascertain whether there is a need for a formal agreement with the IP owner(s) to sell those goods in another market(s) (i.e. whether the IP rights are considered to be “exhausted”). The answers to such questions are rather complex and are not only different from one country to another but may also depend on the kind of IP rights involved. This paper attempts to answer such question regarding parallel imports in respect of the copyright law in India.

Keywords: Parallel Imports, Principle of Exhaustion, Copyright, Intellectual Property

Scientific Evidence in Indian Criminal Justice System with Reference to Ballistic Weapons

Dr. Jaswinder Kaur^{*}

Suresh Kumar^{**}

ABSTRACT

In many criminal cases related to ballistic weapons includes small firearms (guns, revolvers, pistols, rifles, assault rifles, machine guns, improvised firearms), and ammunitions (bullets, cartridge cases, black powder, gun powder etc.) were received in forensic laboratory for examination. Each forensic lab has written procedure for packaging and deposit evidence. Ballistic weapons evidence can be recovered in many ways and areas. Firearms, cartridges, bullets etc. are collection evidence after proper channel and sent to the forensic lab. Forensic ballistic experts identify the firearms, ammunitions and prepare report. This research paper has

been discussed through heading like introduction, types of ballistic weapons, scientific evidence in Indian Evidence Act, 1872, cases and conclusion.

Keywords: Scientific Evidence, Indian Criminal Justice System, Ballistic Weapons.

MEDIATION AND NEGOTIATION OF CORPORATE GOVERNANCE DISPUTES AND CONFLICTS

Jasleen Kaur*

“Discourage litigation. Persuade your neighbours to compromise whenever you can as the nominal winner is often the real loser in fees, in expenses and waste of time.”

Abraham Lincoln

ABSTRACT

The better the companies are governed, the more likely that, they will have fewer disputes. Yet, conflict is inevitable, and rules are not always respected. A good corporate framework,

therefore, requires a reliable way to resolve emerging and existing disputes. While conflict management can have positive results which helps to define the important issues that needs resolution, but it has been seen that, full-blown disputes are usually always bad for a company as it can lead to poor performance, scare investors, cause share values to decline, and, in some cases, even paralyze a company. It is not surprising, that today, many corporate disputes have been settled outside of the courts, and that companies are increasingly resorting to alternative dispute resolution (ADR). So, it can be said that, if the contracting parties had their minds attuned towards ADR mechanisms as a management tool, enormous corporate pain and suffering could be avoided easily. This paper explores how consensus based alternatives to adjudication especially mediation and negotiation can help to resolve corporate disputes and, consequently, contribute to improved corporate governance practices, thereby strengthening investor confidence, ensuring business continuity, and reducing the costs to a great length resulting from such unproductive and tedious disputes.

Keywords: Alternative Dispute Resolution, Corporate disputes, Corporate Governance framework, Good Governance, Investor confidence.

GLOBAL REGULATORY REGIME TO PROTECT THE INTERESTS OF CONTRACT LABOUR: A COMPARATIVE ANALYSIS

Bhupinder Kaur*

ABSTRACT

The employment patterns are changing across the globe and India is not an exception. With the advent of Liberalisation, Privatisation and Globalisation, the nature of employment relationships has considerably transformed. Contract labour system has become common feature of modern-day workplaces. Employers have shifted from directly employing regular workers to employing contract workers through intermediaries such as contractors and temporary work agencies.

Employment of labour through intermediaries and establishment of triangular relationships have spread to many countries and grown over the years and it is known in different names in different countries such as temping, contract labour, agency workers, labour dispatch workers, labour brokers system and so on. There is immense increase in use and abuse of contract labour. Indian legislature has enacted Contract Labour (Regulation and Abolition) Act, 1970 to safeguard the interests of contract labour, however the Act has certain deficiencies and needs to be suitably amended. There are no universal international standards for the protection of interests of contract labour in the form of any binding convention from the International Labour Organisation (ILO). It is in this context that this research paper endeavours to fill in the research gap by making an extensive analysis of the legal provisions of some select countries such as Argentina, Norway, Spain, United Kingdom, Brazil, Venezuela, Panama, Chile, Australia and China along with the Indian Law enacted to safeguard the interests of contract labour. It will help to formulate an opinion on the international perspective of the regulatory regime and to rethink about the need to have universal labour standards for contract labour as well as its adoption in Indian law on contract labour.

Key Words: Contract Labour, Temporary Work Agencies, Employment Protection Legislation

SEXUAL HARASSMENT OF WOMEN AT WORK PLACE: MORAL TRANSGRESSION OF LAW AND PSYCHOLOGY BEHIND IT

Dr. Kumari Monika*

ABSTRACT

Gender bias has been prevalent in every society in every age. Earlier it was only with respect to social norms like property, status and hold on religious practices but with the so called advancement of society moving forward in the case of women coming out of their shell and started working outside, the new form of biased practice emerged. The humiliation and embarrassing atmosphere is created around the women targeting her integrity by subjecting her to physical and verbal act of sexual violence. Categorically sexual harassment is nothing but the

sex discrimination because it sexually subordinates women to men and imply natural expression of male agency over women in power at workplace.

Key words: Constitution, employer, Equal Employment Opportunity, sexual harassment, sex discrimination, workplace etc.

INTERNATIONAL PERSPECTIVE OF RIGHT TO INFORMATION

Dr. Komal Krishan Mehta*

ABSTRACT

The word 'information' has been derived from the Latin word 'formation' and 'forma' which means giving shape to something and forming a pattern, respectively. Information adds something new to our awareness and removes the vagueness of our ideas. Information is indispensable for the functioning of a true democracy. People have to inform about current affairs and broad issues like political, social and economic. Free exchange of ideas and free

debate are essentially desirable for the Government of a free country. In a fast developing countries, availability of information needs to be assured in the fastest and simplest form possible. This is important because every development process depends on the availability of information. Viewed from this angle, information or knowledge becomes an important resource. Lack of transparency was one of the main causes for all pervading corruption and Right to Information would lead to openness, accountability and integrity. The barrier to information is the single most cause responsible for corruption in society. Transparency in dealings with their every detail exposed to the public view, should go a long way in curtailing corruption in public life. The Government recognizes that access to information is an essential part of its accountability. Lack of information denies people, the opportunity to develop their potential to the fullest and realize the full range of their human rights. Transparency in administration is a sure technique to minimize the abuse and misuse of administrative discretion. As knowledge is a guarantee against ignorance, so Government's openness is a guarantee against misconduct. Openness negates the ideas of fantastic, arbitrary and oppressive form of Government action. Justice V.R. Krishna Iyer in Menaka Gandhi's case rightly said that "Government which revels in secrecy not only acts against democratic decency but busies itself with its own burial."

Key words: Right to information, human rights, Transparency