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INDEX

S.No.	Title	Contributors	Page No.
1	Conviction for Murder without Murder Charge: Is Fair Trial in India a Reality or Empty Rhetoric	**Prof. (Dr.) Sangita Bhalla** **Haritika Bhalla**	**1-8**
2	Constitutional Validity of Section 377 IPC: A Debatable Issue	**Prof. (Dr.) Rattan Singh** **Sanighdha**	**9-20**
3	Master Literary Strokes in Dipak Misra's LGBTQ Judgement	**Dr. Chanchal Narang** **Manya Bhola**	**21-26**
4	Addressing the Informality in E-Waste Management Practices: A Challenge for India	**Dr. Pushpinder Kaur** **Dolly Singh**	**27-38**
5	Legal issues relating to Internet of Things in India: A Study	**Dr. Amita Verma**	**39-47**
6	Assisted Reproductive Technology: Legal Response	**Anju Choudhary**	**48-59**
7	Lok Adalats in India: Procedure and Practice	**Dr. Monika Negi**	**60-65**
8	Gender Inequality and Violence against Women in India: An Analysis	**Dr. Babita Devi Pathania**	**66-74**
9	The Fugitive Economic Offenders Act 2018: An Overview	**Dr. Jai Mala** **Dr. Shashi Bhushan**	**75-79**
10	The Consumer Protection Bill 2018: An Appraisal	**Dr. Virender Negi**	**80-86**
11	Implications of 'Crosspathy' in Medical Termination of Pregnancy	**Dr. Shipra Gupta**	**87-96**
12	Filial Piety in Traditional Indian Society	**Dr. Neelam Batra**	**97-113**
13	Raison D'être: A Peep into the Ethos of one Person Company	**Dr. Bharat** **Priya Gupta**	**114-122**
14	The Trend of Judicial Activism in India: Emerging Issue Areas	**Dr. Mayengbam Nandakishwor Singh**	**123-134**

15	Eco-feminism and Its Evaluations in India	**Dr. Anupam Bahri**	**135-150**
16	Administration of Justice in Ancient India: An Appraisal	**Amjad Ali**	**151-162**
17	Relationship of Spiritual Intelligence, Perceived Stress and Life Satisfaction among the University Students	**Kajal Popli**	**163-174**
18	Social Acceptance of Dowry as a Custom: Major Obstacle in the Effective Implementation of Anti-Dowry Laws	**Shaifali Dixit**	**175-182**
19	Rape Survivor: A Victim based Approach!	**Surja Kanta Baladhikari**	**183-197**
1 20	Prevalence of Corrupt Practices in India: Human Rights Perspective	**Supreet Gill**	**198-210**
21	Environment and Technology: A Dialectic Vision	**Shikha Dhiman**	**211-222**
22	The Constitutional Manifestation of Eminent Domain in 21st Century: A Critical Analysis	**Dr. Varinder Singh**	**223-235**
23	The Role of Media Regulators- An Analysis	**Dr. Bhupinder Kaur**	**236-243**
24	MGNREGA Works and Their Impacts- A Rapid Assessment in the State of Punjab	**Dr. Pawandeep Kaur**	**244-256**
25	The Impact of ICT on Socio-legal Theories: An Analysis into the shift from Secondary data to Empirical	**Alamdeep Kaur**	**257-263**
26	The Development of Capitalism and Encroachment of Petty Commodity Production: A Longer View	**Dr. Inderjeet Singh**	**264-277**

27	Secularism in India: Issues in Religious Freedom	**Mohit Saini** **Nidhi**	**278-290**
28	Irradiation of food: technical and jurisprudential aspects	**Shivani Gupta**	**291-297**
29	Soft Skills Trainers: A Short Term Solution for Placements	**Bharti Shokeen**	**298-309**
30	Evolution of Computers and Its Impact On Society and Law	**Namita Bhardwaj**	**310-319**
31	An Analysis of Provident Fund in India	**Shafali**	**320-326**
32	The Travesty of the Indian Biodiversity Law	**Dr. Sabina Salim**	**327-338**
32	The Practice of Female Genital Mutilation in India: An Overview	**Jasneet Kaur Walia** **Parvinder Kaur**	**339-351**
33	Prospects of E-Commerce in India	**Dr. Priyank Mishra** **Ravijot Kaur**	**352-358**

CONVICTION FOR MURDER WITHOUT MURDER CHARGE: IS FAIR TRIAL IN INDIA A REALITY OR EMPTY RHETORIC

Prof. (Dr.) Sangita Bhalla

Haritika Bhalla

ABSTRACT

Based on an analysis of numerous judgments of the Supreme Court, right from the Constitution Bench judgment in Willie Slaney case (1956) to the recent judgment in Kamil case (2018), this paper has tried to identify the judicial approach, while assessing the impact of errors in framing of charges on a criminal trial. Its focus is particularly on the rectitude of conviction of the accused for a substantive offence, even when he is not expressly charged for that offence. The central issue in this paper is whether, in such a case, the Supreme Court treats the right to a fair trial as an adjustable right based on the accuracy of the end result and provides a consequential remedy to the accused only on satisfaction of the 'failure of justice' test, while the court simultaneously indulges in balancing of interests of all the participants in the trial including the general public or whether the Court has adopted an absolutist stance that the right to fair trial remains uncompromised under all circumstances and any departure from the prescribed procedure ipso facto warrants the total extinction of the impugned order.

Keywords: Fair Trail, Conviction for an offence without Charge, Prejudice to Accused, Failure of Justice and Veracity of Decisions.

CONSTITUTIONAL VALIDITY OF SECTION 377 IPC: A DEBATABLE ISSUE

Prof. (Dr.) Rattan Singh

Sanighdha

ABSTRACT

"Autonomy of an individual is important. He or she cannot surrender it to anyone." - Supreme Court Judgement (6 September 2018)

Section 377 is probably one of the most debatable issues of our times. Though, the Supreme Court did put to rest some of the questions and speculations, often raised by the masses, including the homosexual community too. The much anticipated verdict of the Supreme Court delivered on 6 September 2018 was one of the highly anticipated verdict of the previous year. The then CJI Dipak Misra delivered most of the historic judgements of the past and present decade, but this one judgement stood out in today's turbulent times because it helped the Supreme Court in shattering its own conservative image. The verdict was an eye-opener for the people who still possessed a regressive, rather than a progressive mindset. The courage that the presiding justices mustered to deliver the judgement, is beyond expression and deserves high applause and heartfelt appreciation, not only by the homosexual community but also by others. This is because the aforementioned judgement has opened the floodgates to future judgements which may include the question regarding the contradiction between constitutional and social morality; and of which I am now sure constitutional morality is sure to become a victor. The judgement will now bring a revolutionary change in the mindset of the people who till now considered the homosexuals as outcasts and people suffering from mental illness. In the powerful words of ***CJI Dipak Misra,***

"The LGBTQ community needs the rainbow of hope for the sake of humanity. They should be allowed to live with dignity and without pretence. It is time to empower the LGBTQ community against discrimination."

(282 words)

"I am what I am. So take me as I am. No one can escape from their individuality." – Former CJI Dipak Misra

Keywords: Discrimination, LGBTQ, Morality and Dignity**.**

MASTER LITERARY STROKES IN DIPAK MISRA'S LGBTQ JUDGEMENT

Dr. Chanchal Narang

Manya Bhola

ABSTRACT

Gone are the days when differences were pointed out, discussed, and celebrated only in terms of binary distinctions. Today we live in a world, which recognises and even celebrates the differences among individuals. The present research paper focuses on LGBTQ community which is not merely about grouping of various sexually oriented groups - Lesbian, Gay, Bisexual, Transgender and Queer but is about celebrating their rights, their individuality, sexuality, freedom and happily accepting them as a part of our society. The judgement given by Justice Dipak Misra[1] is an iconic judgement not simply because it gave these groups their much needed identity but also due to its literary merit and wonderfully drafted content. This present paper research is an attempt to show how language and literature plays a very crucial role in framing of a judgement and how impactful can the words be in delivering an important message to the society. It is also a fine example when literature meets law.

Keywords: LGBTQ, Judgement, Justice Dipak Misra and Literary language in Law.

[1] Justice Dipak Misra is an Indian jurist who recently retired as the 45th Chief Justice of India and was also a former Chief Justice of the Patna and Delhi High Courts. He is the man behind landmark judgements including - the 1993 Mumbai serial blast case, Nirbhaya rape case, LGBT case - decriminalisation of the *Section 377 and legalising homosexuality*, Adultery case - scrapping of the Section 497 of the Indian Penal Code and the Triple Talaq case to name a few.

ADDRESSING THE INFORMALITY IN E-WASTE MANAGEMENT PRACTICES: A CHALLENGE FOR INDIA

Dr. Pushpinder Kaur

Dolly Singh

ABSTRACT

Information and communication technology have transformed the lifestyles by creating a boundaryless incorporeal environment which has increased the accessibility in every arena of life. This could not have been possible without the innovation and production of electrical and electronic equipment. The uncontrolled and unlimited use of electronic gadgets by every third individual in digital era has given rise to the growing problem of electronic waste. Estimates have shown steep growth in e-waste generation and to these figures gets added the e-waste dumped by developed nations in developing nations like India where 90 per cent of it gets treated by informal sector. The paper examines the methods and implications of informal handling of e-waste, its impact on health of workers and environment. An attempt has been made to examine the legal regime dealing with the management of e-waste. It also analyses how the unsustainable patterns of handling e-waste by the informal sector can be curbed? In the end suggestions have been made to follow environmentally sound practices for handling e-waste and improvements in the legal regime for protecting environment and human health from the dangers of informal recycling practices.

Keywords: E-Waste, Impact on Human Health and Environment, Informal Recycling Practices and Legal Regime in India.

LEGAL ISSUES RELATING TO INTERNET OF THINGS IN INDIA: A STUDY

Dr. Amita Verma

ABSTRACT

Internet of Things is a new and emerging area of concern. Internet of Things has many advantages but side by side has many disadvantages, when the thing or object having device or chip or sensor is connected to the Internet; it is technically possible to be misused. Any device which is connected to the Internet has a possibility of been hacked. Internet of Things has the capability of destructive technology. It created issues mainly security, data protection and privacy, device liability or jurisdictional issues etc. which are the major area concern for the law makers and law enforcement agencies. This paper mainly divided into five parts, firstly the introduction of the topic, second is the meaning and definition then comes the importance, fourthly it deals with the market and business benefits, fifthly deals with the legal issues mainly privacy, data protection, security, e-contract, device liability and the jurisdictional issues along with the legal provisions.

Keywords: Internet of Things, Security, Privacy, Data Protection, E-Contract, Device Liability and Jurisdictional Issues.

ASSISTED REPRODUCTIVE TECHNOLOGY: LEGAL RESPONSE

Anju Choudhary

ABSTRACT

Approximately, 10 to 14 % of Indian population is affected by infertility. Considering the gravity of the problem, the Indian Government urgently needs to enforce a Law dealing with all angles and issues relating to Assisted Human Reproduction. It is further a matter of deep concern that the journey of Assisted Human Reproduction is dated back to October 3'1978, when the first Test Tube baby 'Durga' @ Kanupriya Agarwal took birth as a result of IVF performed by Dr. Subhash Mukhopadhya, the first Indian Doctor to successfully perform IVF in India. The issue requires a deeper concern as 40 Years have passed since the first IVF Baby took birth and still the Indian Government has failed to address the Legal Issues relating to IVF and Assisted Human Reproduction.

Keywords: Assisted Human Reproduction, Surrogacy, Gamete Donor and Artificial Insemination.

LOK ADALATS IN INDIA: PROCEDURE AND PRACTICE

Dr. Monika Negi

ABSTRACT

Article 21 and 39A of the Constitution of India provides for the speedy clearance of criminal trials along equal justice and free legal aid so that there is no unlawful violation of constitutional guarantee to life and personal liberty. To secure these rights the system of ADR has been evolved through specific legislation. In this form of Alternate Dispute Resolution Methods Lok Adalats has been one of the most availed methods being used in Indian courts. The paper discusses the procedure and working of Lok Adalats System in India.

Keywords: Alternative Dispute Redressal Forums, Constitution of India Litigation Lok Adalats, Legal Services Authorities, Nyaya Panchayats, Speedy Justice etc.

GENDER INEQUALITY AND VIOLENCE AGAINST WOMEN IN INDIA: AN ANALYSIS

Dr. Babita Devi Pathania

ABSTRACT

Violence against women violates the fundamental rights which are given under the Constitution of India. It is, however, not out of place to mention that in recent past, the crimes against women have been increased and taken in different shape and size which violate the basic rights and outrage the modesty and dignity of women. There are plethora of laws protecting women's rights and eliminate discrimination but there is failure in implementation of laws effectively. The question comes that why women are still facing violation and discrimination. Women are not adequately represented in political sphere. And there is no effective participation of women in economic, social and political growth of our nation. These are the basic reasons for discrimination and violence. This paper focuses on various laws and how these laws are effectively implemented to eliminate discrimination and violence against women.

Keywords: Participation, Discrimination and Violence against Women.

THE FUGITIVE ECONOMIC OFFENDERS ACT 2018: AN OVERVIEW

Dr. Jai Mala

Dr. Shashi Bhushan

ABSTRACT

The economic offenders abscond from India to defy the legal processes and thus seriously undermine the rule of law in India. The banks and the government become dead beat trying to prosecute willful defaulters of large loans and accused persons of money laundering as they continue to evade legal process by residing out of India. The Fugitive Economic Offenders Act, 2018, gives powers to the government to confiscate property of economic offenders and defaulters who flee. The Act is expected to re-establish the rule of law as the accused will be forced to return to India and face trial for his offences. In this research article researcher have tried to study the salient features of the Fugitive Economic Offenders Act 2018, and how this Act is helpful in preserving the rule of law in India.

Keywords: Economic Offenders, Fugitive Economic Offenders and Rule of Law.

THE CONSUMER PROTECTION BILL 2018: AN APPRAISAL

Dr. Virender Negi

ABSTRACT

It is apprised that The Consumer Protection Act, 1986 is a complete code in itself to promote and guard the rights of the Consumers to its best. It's been long-term that the Consumer Protection Amendment Act is enacted by the Parliament. The fast changing technological and market dynamics in the context of e-commerce in India has necessitated a completely new law to deal with the consumer rights and grievances in the market.

Keywords*:* Consumerism, Consumer, Consumer Protection Act 1986, Goods, Redressal Agencies, Services etc.

IMPLICATIONS OF 'CROSSPATHY' IN MEDICAL TERMINATION OF PREGNANCY

Dr. Shipra Gupta

ABSTRACT

In a move to make abortion services more accessible, the Medical Termination of Pregnancy (Amendment) Bill, 2014 proposes to widen the health service provider base by allowing non-allopathic doctors including the midwives to conduct the termination of pregnancy. The paper seeks to critically analyse the medical and legal implications of these proposed changes in the existing law that would be impliedly allowing crosspathy; that means allowing the practitioner of one system of medicine to prescribe and administer medicines of the other system of medicine.

Keywords: Crosspathy, Abortions and Medical Termination of Pregnancy**.**

FILIAL PIETY IN TRADITIONAL INDIAN SOCIETY

Dr. Neelam Batra

ABSTRACT

In India, the family has been the traditional social institution for the support and care of the parents. Caring of the parents by family members, especially children and grand-children, has been a practice down the ages.It was considered obligatory in the traditional Indian society for the younger ones to respect theirparents and have a high regard for their opinions. The joint family system in such societies provided the required financial and social protection to the parents. The position as the senior most persons in the family and presence of children supplied them with a sense of contentment and pride.[2]

Keywords: Ancient, Father, Joint Family, Patriarchal and Parents.

[2] Indira Jai Prakash, "Psychological Security for Older Persons in India" in R. K. A. Subrahmanya (Ed.), *Social Security for the Elderly,*175(2005).

RAISON D'ÊTRE: A PEEP INTO THE ETHOS OF ONE PERSON COMPANY

Dr. Bharat
Priya Gupta

ABSTRACT

The corporate regulatory framework of India has been remodeled and modulated to a great extent with the other nations with the objective to facilitate the ease of doing business by the Companies Act, 2013. Indeed, it has for the first time veraciously focused on the development and exploration of entrepreneurial capabilities among the masses. The medium opted for bringing this radical transformation is the newfangled concept of One Person Company. This paper is an attempt to peep beneath into the ethos of One Person Company in India. The researchers in their effort to understand the Raison D'etre of a One Person Company have also analyzed the national and international scenario in this regard.

Keywords: Company, Corporate, Entrepreneur, India and One Person Company.

THE TREND OF JUDICIAL ACTIVISM IN INDIA: EMERGING ISSUE AREAS

Dr. Mayengbam Nandakishwor Singh

ABSTRACT

Since the dawn of independence from the clutch of the British rule, Indian democracy has been in the experimenting route. Despite all the pragmatic loopholes of its claim to be one of the bulkiest democracies in the world, it is by far a successful electoral democracy.The fundamental pillars of government are functioning in tandem with the reasonable democratic ethos. Being a large country marred in countless divisional and segmented diversities, the government at times tends to look shaky and irresolute. In such junctures, judiciary becomes so proactive in reminding the government about its constitutional obligations. This paper seeks to address the peculiar historical evolution of judicial activism in India along with the reasons that catapult the trend of activism in Indian judiciary. It also explores the recurrent impasses between executive and judiciary in India.

Keywords: Democracy, Right, Constitution, Power and Justice.

ECOFEMINISM AND ITS EVALUATIONS IN INDIA

Dr. Anupam Bahri

ABSTRACT

Ecofeminism is additionally called environmental woman's rights. This part of woman's rights looks at the associations among ladies and nature. Its name was authored by French women's activist Françoise d'Eaubonne in 1974. Ecofeminism utilizes the fundamental women's activist perspectives of balance between sexes, a revaluing of non-male centric or nonlinear structures, and a perspective of the world that regards natural procedures, all-encompassing associations, and the benefits of instinct. These thoughts of ecofeminism add both a guarantee to the earth and an attention to the affiliations made among ladies and nature. This rationality features the manners in which both nature and ladies are treated by male centric culture. Ecofeminists investigate the impact of sexual orientation classes to exhibit the manners by which social standards apply shameful strength over ladies and nature. This rationality likewise restricts that those standards lead to a deficient perspective of the world and its experts advocate an option perspective that qualities the earth as consecrated to perceives the mankind's reliance on the characteristic world and holds onto all life as important.

Key Words: Ecofeminism, Radical Ecofeminism and Cultural Ecofeminism.

ADMINISTRATION OF JUSTICE IN ANCIENT INDIA: AN APPRAISAL

Amjad Ali

ABSTRACT

A society without justice is a society without peace. The ancient Indian legal system was aware of the phenomena. Therefore, it was aimed to establish a wide-structured judicial mechanism to ensure its citizens justice whenever their rights were infringed. Starting from King at apex position, the duty to adjudicate was conferred upon judicial officers in hierarchal order. The jurisdiction and procedure of judicial units were prescribed and services of legal experts were usually taken while exercising the function of dispensation of justice. The present study tries to make an appraisal about the functioning and procedure of administration of justice which was prevalent in ancient India.

Keywords: Nyaya, Hindu Jurisprudence, Trial by Ordeal, People's Court etc.

RELATIONSHIP OF SPIRITUAL INTELLIGENCE, PERCEIVED STRESS AND LIFE SATISFACTION AMONG THE UNIVERSITY STUDENTS

Kajal Popli

ABSTRACT

Spiritual intelligence as a infrastructure of individuals beliefs, have a basic role in the various fields particularly in the promotion and provision of mental health and the other hand, importance of happiness in the mental health, physical health, efficiency and social participation are the most important priorities in the psychology. Spiritual intelligence have an elementary role in the numerous fields. The aim of this study is to investigate the Relationship between Spiritual Intelligence and Perceived Stress and Life Satisfaction among University Students. A data of 79 undergraduate University students were collected. The Pearson's correlation and regression analysis were performed. The results showed a significant relationship among these variables.

Keywords: Spiritual Intelligence, Perceived Stress, Life Satisfaction and Students.

SOCIAL ACCEPTANCE OF DOWRY AS A CUSTOM: MAJOR OBSTACLE IN THE EFFECTIVE IMPLEMENTATION OF ANTI-DOWRY LAWS

Shaifali Dixit

ABSTRACT

Dowry is a such a custom of society which is continuously prevailing but no educated Indian would expressly accept or own up it with pride, although most of the people still adhere to this disreputable practice. The paper aims at describing that besides huge condemnation, how the dowry system continues to be given and taken in all forms of the society; educated or educated, rich or poor, rural or urban etc. Apparently, the educated and high class people flaunt their eminence by discarding this social evil in their verbal and public discussions but practically the practice of dowry persists to be an integral part of the negotiations that are done in their family marriages[3].

Keywords: Dowry, Anti-Dowry Laws and Changing Dimensions of Society.

[3] P.K. Majumdar and R.P. Kataria, *Law relating to Dowry Prohibition cruelty & Harassment* 1 (Orient Publishing Company, New Delhi,3rd edition).

RAPE SURVIVOR: A VICTIM BASED APPROACH!

Surja Kanta Baladhikari

ABSTRACT

Rape survivors are often seen as a curse in the society where people start believing that the rape victim was herself into some fault for the commission of the crime. A victim of rape is ignored at every stage of a criminal trial at first when the crime is committed by showing the lack of security she has from the state which is equivalent to the respect a woman has in a society thereafter while registering the compliant with the law enforcement agencythereafter during the investigation, trial alongwith sufferings of beinga rape survivor (victim) in the case. It is very important to acknowledge that it is upon the victim the offence is committed and she has to undergo the ordeals of the justice delivery system while she awaits for justice whether it is taking care about her interim needs to that of her present needs along with giving psychological attention to her. She has every right to know about the progress of her case along with a dialogue with the public prosecutor which often a denial as the criminal justice system is more inclined in protection of rights of the accused. It is also very important to analyze how far the victim compensation scheme which is not a statutory right under Section 357A[4] *has been applied uniformly across India. Whether the victims are getting interim compensation accordingly? The increase in punishment or making the laws more stringent than proper implementation is it a victim centric approach or familiarizing the victim and giving adequate representation in the criminal justice system is the right path?*

Keywords: Right to be Heard, Victim Compensation Scheme, Physical & Psychological Needs of the Rape Survivor, Criminal Justice System.

[4] Code of Criminal Procedure, 1973.

PREVALENCE OF CORRUPT PRACTICES IN INDIA: HUMAN RIGHTS PERSPECTIVE

Supreet Gill

ABSTRACT

India stands ranked at 94 on the Global Corruption Perception Index, complied by Transparency International in the year 2013. On the surface, India might be perceived as one of the progressive countries in the sub-continent region, which, in less than 100 years of its Independence from the foreign rule has made an impression on world economy. However, if one dwells deeper to examine the way of functioning, one finds a distressing picture where corruption, bribery and nepotism have plagued even the routine facets of life. Academics from across the globe have been working on neck break speed and making attempts since long to examine the relationship between corruption and violation of human rights. However, what is heartening is that in the recent past even the judiciary has acknowledged the fact that corrupt practices lead to gross violation of human rights. A move applauded from all quarters of judiciary, academia and general public, when Judge A.V. Chandrashekhra rejected Jayalalithaa's plea for bail, stating "corruption amounts to violation of human rights". Corruption may not seem to be synonymous with the term violation of human rights but, it is directly linked to it, i.e. when the corrupt act is expressly used as a means to violate the right, or when the corrupt practice is an essential factor in the chain of events that eventually violates the human right. This paper seeks to establish the relationship between corruption and human rights through examining causes of corruption and its effects on the general population viewed from the prism of scams, scandals and grafts, which have become a way of life for the Indian population.

Keywords: Corrupt Practice, Tradeoff in Power and Unlawful Fortification.

ENVIRONMENT AND TECHNOLOGY: A DIALECTIC VISION

Shikha Dhiman

ABSTRACT

Technology has been known for human progress and development, but on number of occasions it has also been blamed for multiple mishaps in our ecological balance. No doubt, with the increasing technological advancements, lives of people have become easier. However the effects of technology are posing maximum threat on the environment. If it is the technology which is disturbing the atmosphere, then it can be the technology alone which can curb the pollution thereby preserving the environment. Efforts and initiatives have been taken at global level to suppress the same. Indian legislations have also been formed in order to utitilize the technology in a positive way to protect the environment rather than harming the same. Therefore, in order to cull down the ill effects of technology over environment, it is to be better harnessed with its core prospects to get the best out of it for the purpose of environment preservation.

Keywords: Environment, Pollution and Technology.

THE CONSTITUTIONAL MANIFESTATION OF EMINENT DOMAIN IN 21ST CENTURY: A CRITICAL ANALYSIS

Dr. Varinder Singh

ABSTRACT

Right to property is the natural and inherent right of an individual. Citizens have every right to own and possess the property but however under unavoidable circumstances, the property of an individual is usually taken up by the government in the interest of general public. A person has a right not to be deprived of his property except through due process of law, which is in conflict with the right of State to acquire property under the doctrine of eminent domain. The concept of 'eminent domain' is often related to right to property under the Constitution of India has been discussed in this paper. Many debates arose in the Constituent Assembly for the protection of zamindari rights in the light of eminent domain and numerous landmark judgments arose out of that. The research also highlights about the scope and validity of Article 31A of the Constitution of India. Thereafter, focussed is made on the Article 300 A which has been inserted by our legislatures keeping in view the eminent right to property. The provisions of Land Acquisition Act are to be borne in mind while enunciating upon eminent domain in relation to acquisition of property for public purposes. Land Acquisition, Rehabilitation and Resettlement (Amendment) Bill, 2015 has also been discussed, which is the outcome of hue and cry of poor farmers and peasants. The paper concludes by stating that legal reforms are necessary and to be taken as earliest as possible in order to curb this menace prevailing in society.

Keywords: Land Acquisition, Property Rights and Eminent Domain.

THE ROLE OF MEDIA REGULATORS IN INDIA- AN ANALYSIS

Dr. Bhupinder Kaur

ABSTRACT

The media in India is mostly self-regulated, though the Constitutional, statutory and subordinate legislations also do have a fair share. The existing self-regulatory bodies for the regulation of media such as the Press Council of India, which is a statutory body, and the News Broadcasting Standards Authority, a self-regulatory organisation, issue standards which are more in the nature of guidelines to the news related print media and the electronic media respectively. The Press Council Act, 1978 provides for the constitution and working of a self-regulatory body, being a body corporate, called Press Council of India to maintain and improve the quality standards of news and news agencies, to maintain independence, to build up a code of conduct for media, to fuse the sense of accountability and review the censorship practices. News Broadcasting Standards Authority does the very same for television news broadcasters as does the Press Council for newspapers. The Central Board of Film Certification (constituted under The Cinematograph Act, 1952), may order for cut of scenes or may grant different certification to motion pictures with sexual or the like objectionable content which can be shown at restricted places to the restricted audience only. However, it is evident that media content and presentation is not up to the standards which it is supposed to have. It needs reformative corrections including institutional overhauling of regulators too. More participation of media houses in the Press Council and Broadcasting Regulator, its free and fair elections, selection of different field experts rather than only political editors on its Board and the promotion of facts based researched journalism is needed to be done. It is in this regard that this research paper unfolds the role of regulators, their powers and functions and currently operative practices to solve problems in hand. The objective of the research paper is to put forth certain useful suggestions to better regulate media, its people and properties by making reforms in its regulators' constitution and functioning so that the Constitutional goal to promote and preserve democracy and free discourse of information and knowledge, as assigned to media, is appropriately achieved.

Keywords: Media, Press, Regulator, News Broadcasting and Censorship.

MGNREGA WORKS AND THEIR IMPACTS

A RAPID ASSESSMENT IN THE STATE OF PUNJAB

Dr. Pawandeep Kaur

ABSTRACT

"In the last decade huge foreign investment came to India, which helped India to launch World's two biggest Social Programs, one of these is Mahatma Gandhi National Rural Employment Guarantee Act, 2005". "Its aim is to provide the right to work and ensure livelihood security in rural areas by giving at least 100 days of guaranteed wage employment in each financial year to every household in rural area whose adult members volunteer to do unskilled manual work". The scheme is meant to provide employment to at least one person for 100 days in a year, during those four months in a year, when agriculture does not provide any work to the poor rural house-holds. "But unfortunately the mere provision of an Act does not necessarily guarantee its access, and certainly not where the awareness on rights and entitlements is lacking. It cannot be possible in the case of India, which has a number of well designed social policies suffering from major implementation failure".

Keywords: Right to Work, Migration and Self-Employment.

IMPACT OF ICT ON SOCIO-LEGAL THEORIES: AN ANALYSIS INTO THE SHIFT FROM SECONDARY DATA TO EMPIRICAL

Alamdeep Kaur

ABSTRACT

Certain social theories endeavour to stay scientific, explanatory, and objective. On the other hand conflict theories present apparently normative positions, and time and again evaluate the ideological aspects in conventional thought. The present paper concentrates on, first of all, what an empirical socio-legal theory is. The brief history of social theory is also touched upon, basically focusing on the shift from a priori method of studying to the a posteriori. Further the interdisciplinary character of the socio-legal theories i.e. it's being related to economics, political science, jurisprudence. The paper further discusses the very basic question that, whether a social theory can be empirical or not, if yes to what an extent? Next, what turn does socio-legal approach, whether empirical or not, take when there is up surging technological invasion in society. How has technology helped the socio-legal theory to overcome its deficiencies as an empirical science?

Keywords: Capitalism, Communication Technology and Empirical Socio-Legal Theory.

THE DEVELOPMENT OF CAPITALISM AND ENCROACHMENT OF PETTY COMMODITY PRODUCTION: A LONGER VIEW

Inderjeet Singh

ABSTRACT

This paper deals with the impact of development of capitalistic mode of production on petty producers. The petty commodity producers have disappeared with the development of capitalist manufacturing and modern industry. The market of these petty commodity producers was utilized by the large scale industrial production. The artisans and craftsmen producers were forced to leave their production based activities because they faced the stiff competition with factory made products which entered into the villages through traders. The flow of factory made goods rendered many producers jobless and they were shifting towards full time agriculture proletariats or migrate to the cities for the search of livelihood.

Keywords: Capitalism, Capitalist Co-operation, Guilds, Artisans, Petty Commodity Production and Agriculture.

SECULARISM IN INDIA: ISSUES IN RELIGIOUS FREEDOM

Mohit Saini

Nidhi

ABSTRACT

Secularism is the concept which vitalizes the integrated values in the modern society but the trends of multi-pluralistic society is crippled by the new phraseology of pseudo-secularism. India is having multi-dimensional aspects of political processes starting from religious ethos to modern positive secularism. However the religiosity of Indian society comes across different facet of secular norms. Especially in India from the emergence of the metaphysical society to present materialistic aspects of society the religion was misinterpreted at various levels depending upon who conceives about this. The ideology of secularism is facing severe criticism due to the pseudo secularist nature of Indian polity. Religious fundamentalism has resulted in the weakening of democratic and human rights values, no one has come forward to combat pseudo secularism in Indian polity. Over the period after independence of India many changes takes place in Indian Polity. Pseudo Secularism is appeasement of some particular opinion or a group for immediate social and political gains. Pseudo means false. And Secularism means a concept wherein the Government or other entities should exist separately from religion and/or religious beliefs. Every person has a right to preach, practice and propagate any religion of his/her choice. The threat happened from within the state especially the religious fundamentalist and pseudo secularist diluted the constitutional spirit of unity and sovereignty. Pseudo-secularism is the state of implicit non-secular trends in the face of pledged secularism. The term is used by groups who perceive a double standard exhibited within the established secular governing policy towards culturally different groups. India, the land of bewildering diversity, is a conglomeration of people, cultures, languages and religions. India's diversity is reflected in the coexistence of sensuality and asceticism, carelessness and efficiency, gentleness and violence.

Keywords: Pseudo Secularism, Democracy, Federalism and Tolerance.

IRRADIATION OF FOOD: TECHNICAL AND JURISPRUDENTIAL ASPECTS

Shivani Gupta

ABSTRACT

It is not always necessary that the food around us, irrespective of the fact however fresh it may look, is always fit for human consumption. Large amount of world's agricultural produce is wasted due growth of harmful bacteria in it or due to spoilage. This wastage of food can be prevented with the help of various methods. Food irradiation is an efficient method of food processing as this process does not use of any form of chemicals. It is a process that involves the treatment of food using ionizing radiations. It is argued that the technology helps increase the basic shelf life of the food items that too without bringing any significant change in the nutritional qualities of the rations. This makes them widely acceptable as it is easier to maintain international standards regard the quantity and quality of food materials. Considering this, there are both International and National laws pertaining to irradiation of food.

This paper shall concentrate on analyzing the main technology involved with the process, along with its pros and cons. The paper shall also study the various laws pertaining to this technology and attempt to make suitable suggestions and recommendations in this field.

Keywords: Agriculture, Food, Radiation and Radioactive

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. The present paper presents the placement challenges of an engineering college of Guru Gobind Singh Indraprashtha 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 and Engineering Institutes.

EVOLUTION OF COMPUTERS AND ITS IMPACT ON SOCIETY AND LAW

Namita Bhardwaj

ABSTRACT

Computers have evolved from a mere calculating machine into a powerful machine which has the power to assist human beings in every day to day activity. This has led to the mushrooming of many different forms of businesses, social networking websites, e-commerce firms. The overall impact of the speedy progress of computing on society, culture and economy has led to development of new social norms, cultural changes and a robust economy resting on computing and internet. However, this has led to serious legal issues regarding the protection of data which is circulated in the computing environment of billions of people. The present paper discusses the issue of the impact of computers on the society as a whole and the consequent legal developments in supporting the Information technology economy. The paper is divided into five parts. The first part discusses the historical evolution of computers. The second part discusses the impact of computing on society and economy. The third part discusses the impact of computing on law. The fourth part discusses the approaches of different countries. The fifth part contains the conclusion and suggestions.

Keywords: Computer, Cultural Changes, Legal Development and Information Technology Economy.

AN ANALYSIS OF PROVIDENT FUND IN INDIA

Shafali

ABSTRACT

Social security plays an important role in everyone's life. After the retirement the only money which is used to live the life easily and accomplish the daily needs is your saved money in the form of provident fund, pension, insurance and so on. Provident fund is the money which an employee saved from his every month salary deduction for his financial security. This Provident fund money when deposited in banks it will increase the revenue of economy and ultimately it will create funds generation.

Keywords: Social Security, Provident Fund, Saving and Investment.

THE TRAVESTY OF THE INDIAN BIODIVERSITY LAW

Dr. Sabina Salim

ABSTRACT

India was the foremost countries to support the Convention on Biological Diversity at the Rio Earth Summit in 1992 and the Biological Diversity Act, 2002, the Rules of 2004 and the Access and Benefit Sharing Guidelines of 2014 were legislations enacted to prove her sincerity in ensuring the achievement of the objectives of biodiversity conservation, the sustainable use of its components and the fair and equitable sharing of benefits of utilization of the biological resources. However the implementation of the biodiversity laws has been full of pitfalls both for the regulators and the regulated. The last decade especially since 2013, a spate of petitions has challenged most of the acts of the authorities under the Act either in terms of arbitrary interpretation of the provisions of the Act or the vires of the ABS Guidelines of 2014 which sought to incorporate the provisions of the Nagoya Protocol on Access and Benefit Sharing, 2010 which into force 12th October, 2014. The paper seeks to show that the ill fate of Biodiversity law in India is not just poor implementation but also poor legislation. The Act and the rules and regulations need amendments to bring clarity, cogency and legality to the provisions. Instead of showcasing instances of access and benefit sharing with any community or group of people or for biodiversity conservation under the benefit sharing provisions, it seems to be creating hindrances for essential scientific research and business . To achieve the aim of sustainable use of biodiversity and fair and equitable benefit sharing of the bio-resources it is necessary to bring more detail and clarification on the law.

Keywords: Biological Diversity, Protectionism and Enforcement.

THE PRACTICE OF FEMALE GENITAL MUTILATION IN INDIA: AN OVERVIEW

Jasneet Kaur Walia

Parvinder Kaur

ABSTRACT

India is a secular country, where diversity in religions is found. The people of different religions practice their different cultures. Therefore, it is a matter of concern that no religious practice should cause harm to their people. It is myth that Female Genital Mutilation which means the cruel practice of cutting the female genital is practiced in only foreign countries like Africa, South America, the Middle East or tribal areas. Even in India, in the metropolitan cities like Mumbai, where the Bohra community, a Shia sub sect lives in abundance and they used to practice this act on their young girls. It has been seen that this cruel and a painful practice is being done to women by other women for example; their own mothers because they were too the victims of the same cruel tradition. However, in India, there is no law on FGM but recently a case has been filed in the Supreme Court of India to look into the matter. Therefore, this paper proceeds to analyse the concept of FGM, reasons and history behind this cruel practice, consequences or impact of this cruel practice on young girls, role of international organizations like United Nations General Assembly (UNGA) ,United Nations Convention on the Rights of the child (UNCRC), the UN Universal Declaration of Human Rights, of which India is a signatory, various provisions of the Indian Constitution and statutory laws under which this practice is punishable, for example: violation of the POCSO Act ,etc.

Keywords: Female Genital Mutilation, Psychological Violence and Discrimination.

PROSPECTS OF E-COMMERCE IN INDIA

Dr. Priyank Mishra

Ravijot Kaur

ABSTRCAT

The aim of this research article is to give an overall framework of the future opportunities of E-commerce activities in India .It discovers different types of models that are expanding the role of E-commerce not only in India but all over the World. It also finds out numerousaspects that would be indispensable for the developmentof the area and epitomizes various chances available to retail sector , production sector and general public for theiradvancement in E-commerce sector. As e-commerce is becominga lucrative commercial option in the present and future, it is said to bring about and extensive change in the world for retailing and trading.We concluded that the e commerce market in the approaching times will emerge as a prosperous and victorious souk in India.

Keywords: e-commerce, P2P, M-Commerce and CRM.