

DRUG-CRIME NEXUS: HAS INDIAN CRIMINAL JUSTICE SYSTEM BEEN ABLE TO BREAK IT?

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ABSTRACT

Drugs and Crime has a complex interrelationship due to the fact that studies prove that the drug consumers admit more crime than non-consumers, whilst criminals admit more drug use than non-criminals. There are studies that display that those who are drug dependent commit high ranges of crime and use much of their finances to buy drugs. This unwarranted nexus has been a major cause of concern for the criminal investigators and enforcement agencies throughout the world and India is no exception. The Indian lawmakers enacted the NDPS Act, 1985 to eradicate the menace of drug abuse, production and trafficking. In its endeavour to eradicate drug abuse, various techniques of treatment of drug addicts have been provided under the NDPS Act. But time has proven that the NDPS Act has not been able to break this complex nexus between drugs and crime. Hence, to address this issue, the researchers have undertaken the study. The researchers have made an endeavour to carve up the paper into three sections in which the first part contains an introductory overview of the problem addressing the relationship between drugs and crime and a brief explanation on the three explanatory models given by Gorman and White. The second part of the paper consists of the statistical data emphasizing the nexus between drugs and crime in India. Further there is detailed discussion on treatment of drug abuse under the criminal justice system in India with the critical analysis of the provisions of NDPS Act in relation to treatment of drug users. The third part concludes the research work with some improvements in the criminal justice system as suggested by the researchers.

Key words: Drug-Crime Nexus, Criminal Justice System, NDPS Act, Drug Abuse Treatment, Criminological theories.

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PROGNOSIS OF THE POLICE IMAGE IN INDIA: REVISITING, REDEFINING AND RESTRUCTURING

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ABSTRACT

Police image reflects the degree of public confidence in and respect for policing. Police image varies across nations. In some countries Police stand as the symbol of security and protection, while in others it is viewed as an object of hatred and distrust. In Indian scenario, the general population does not perceive a very good image of Police despite countless examples of bravery shown by its personnel and huge success in fighting internal security threats. The author aims to make a prognosis of Police Image in India by studying the determining factors and suggest improvements through revisiting, redefining and restructuring.

Key words: Police Image, Determining Factors, Prognosis, Revisiting, Redefining, Restructuring.

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ADVERSE DRUG REACTION REPORTING SYSTEM IN INDIA: A STUDY

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ABSTRACT

Pharmaceutical products have a close nexus with human life. Therefore it is necessary to make sure that these products are safe for human use. Before a medicine is launched in market for public use it needs to go through the rigid clinical trials to prove its efficiency and also to check for any adverse effects. But it is an undisputed fact that all the adverse effects of a medicine can never be detected in clinical trials because the clinical trials are conducted in controlled environment. But this environment cannot be created at all when the medicine is available for public use. Therefore there is always a strong probability that many adverse effects of a medicine can only be detected in post-market surveillance by Adverse Drug Reaction Reporting System. Therefore there must be some policies at international and national level for post-market surveillance. In this research paper a humble attempt is made by the authors to discuss the Adverse Drug Reaction Reporting System applicable in India and also discuss India's international collaboration to counter the Adverse Drug Reaction. The research paper is ended with conclusion based on entire discussion with certain recommendations on this field.

Key words: Adverse Drug Reaction, Pharmacovigilance Programme of India, National Coordination Centre, Central Drugs Standard Control Organization

PROTECTED CONSUMER UNDER THE NEW CONSUMER PROTECTION ACT, 2019

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Mahipal Lather^{***}

"We see our customers as a guest to a party, and we are the hosts. It's our job every day to make every important aspect of the customer experience a little better."

Jeff Bezos

ABSTRACT

The influence of new technological communication advancements and also increasing influence of social media among people have made a significant impact on shaping the marketplace (like birth & growth of e-commerce markets) for consumers. Therefore, to protect the consumer against the producer and seller and also to create a balanced, competitive and protective regime for the healthy competition practices in the market and amongst the market players, there is an inescapable need to amend/ modify the existing laws or to formulate new laws related to consumers, to protect the interests of the consumers and retain their confidence.

Key words: Consumer protection Act 2019, Consumer rights, e-marketplace, e-commerce

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INTERNATIONAL AND NATIONAL SCENARIO OF COPYRIGHT ISSUES IN DIGITAL MUSIC WITH SPECIAL REFERENCE TO INDIA: A LEGAL STUDY

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ABSTRACT

The development of computers, the internet, and Information and Communication Technologies (ICTs) have brought tremendous changes in every sphere of life. Even music has not been remained untouched by this technology and it has made the creation, duplication, and storage of music quite easy, cheap, and highly cost-effective. But at the same time, there are various copyright issues of digital music. The researcher has taken three important issues i.e., distribution is of music online free of cost without the consent of the author, circumvention of technology measures and removing and altering right management information, and has made a humble attempt to analyse whether there is international and national law to resolve these issues. It has been observed that in India only limited cases about these issues have emerged before the judiciary showing lack of awareness regarding these issues and law.

Keywords: Digital music, MPAA, MP3 files, ICTs, circumvention, right management information

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DECRIMINALISATION OF HOMOSEXUALITY - DISMANTLING THE COLONIAL LEGACY OF SECTION 377 AND ITS AFTERMATH IN INDIA

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ABSTRACT

Section 377 was a re-writing of the anachronistic buggery laws of Britain aimed at punishing the sexual minorities. The enforcement of section 377 caused crippling fear of harassment and prosecution so much so that the LGBT community was forced to deny their sexual identity. After more than 150 years of struggle, it was declared unconstitutional by the Supreme Court in Navtej Singh Johar versus the Union of India¹ judgment, which marked a watershed in the history of LGBT rights. However, the trials and tribulations of the LGBT community continue. Hitherto the debate was about the decriminalization of homosexuality, now it has gone beyond that. To critically examine this issue, the research paper analyses ancient and modern history, judicial and legislative developments and legal implications revolving around section 377, which are broadly divided into 6 parts. The introduction is the first part followed by the historical background of section 377. The subsequent part examines the impact of section 377 on the sexual minorities as the state-sponsored homophobia slowly trickled down to all spheres of the society. Judicial and legal developments in the twenty-first century form the next part of the paper in which a detailed analysis of the myriad judicial pronouncements on the constitutional validity of section 377 is done. In the fifth part, an attempt has been made to detangle the complicated legal implications of Navtej Singh Johar judgment and the concluding observations from the last part.

Key Words: Unnatural Offence, Section 377 IPC, Constitutional Validity, LGBT Community

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¹(2018) 10 SCC 1.

THE MICRO-DYNAMICS BETWEEN URDU LITERATURE AND LAW

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ABSTRACT

From being a minority language to becoming a language used in the court rooms, Urdu lingers on as the language used in law. Initially, in the 19th century, Urdu used to be the courtroom language of the Mughal Court. Later, in 1722, when Warren Hastings had set up 'The Adalat System', Urdu was started to be used as the language of both the Mughal as well as the British Court. Eventually in the 21st century, the Supreme Court even declared Urdu as the second official language in Uttar Pradesh. This research paper therefore is an attempt to trace the journey of Urdu language, how it became a language of the courtroom to merely being used in court judgements to bring a sense of compassion and bring one closer to humanity and to explore the micro-dynamics between this language and law in totality. Apart from quoting couplets from the poetry of Mirza Ghalib, Faiz Ahmed Faiz, Meer Taqi Meer, Firaq Gorakhpuri to incorporating Urdu shayari and ghazals either in the written form or verbal, the judges have a fascination for this elegant language which is apparent in their judgements. This intertextuality is often espoused in the Indian Supreme Court and High Court judgements.

Key words: Urdu, law, Mirza Ghalib, Faiz Ahmed Faiz, Firaq Gorakhpuri.

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**THEORY OF CHECKS AND BALANCES AND ROLE OF JUDICIARY:
AN ANALYSIS**

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ABSTRACT

This paper attempts to analyse the concept of checks and balances between the three organs of the government in India. In India separation of power has been distributed between the three organs, the legislature, executive and judiciary. The legislature is supposed to be engaged in framing laws. The task of the executive is to implement the law. And the task of the judiciary is to resolve all disputes by interpreting the laws and plugging the gaps, if any. The system of strict separation of powers has not been adopted by any country including India, but it is adopted in diluted form. Judiciary is the protector of our constitution rights. Judiciary plays important role in framing guidelines and policies. Judiciary protects us from any harm that is being done by the executive or legislature. Authors tried to analyse into three organs and the relations between them and discussed the extent of application of checks and balances in existing organs of government and its importance in the Constitutions. The attempt is made to identify the extent to which the judiciary has maintained the supremacy in recognising the concept of checks and balance.

Key words: checks and balances, separation of powers etc.

ALTERNATIVE NON-CUSTODIAL SENTENCING OPTIONS FOR THE CAREGIVING PARENTS

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ABSTRACT

As per the latest National Crime Records Bureau Data 2018- 1,999 children are lodged in various prisons in India with their mothers. Internationally Tokyo Rules, Bangkok Rules, Mandela Rules etc. have recommended non-custodial alternative sentencing for the care giving parents both at the pre-trial and post-trial stage. Under the Indian criminal justice system various alternate non-custodial sentencing options largely remain underused; and no special consideration is given to the care giving responsibility of the parent at any stage of the criminal justice process. The paper strives to explore the possibility of alternate non-custodial sentencing to be incorporated and practised in the Indian criminal justice system to save such children from suffering as invisible victims of crime.

Key words: Non-custodial, children of care giving parents, alternative sentencing, Bangkok Rules

COVID-19 AND ITS MANAGEMENT IN INDIA: A LEGAL STUDY

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*Navpreet Kaur**

ABSTRACT

The covid-19 has spread rapidly throughout the world and has assumed the proportion of a pandemic. In the lack of an efficacious vaccine as well as non-availability of suitable chemotherapeutic interventions, mankind is experiencing an unprecedented existential crisis.²The World Health Organization has declared the ongoing outbreak to be a global public health emergency. The structures of social contact critically determine the spread of the infection and the control of these structures through large-scale social distancing measures appears to be the most effective means of mitigation.³ In the present paper the researchers will discuss about the covid-19. While discussing this researchers will highlights the laws which mainly regulate this pandemic and also mention the major steps which are taken by the government of India to control the spread of coronavirus.

Key words:

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²Dr. Harsh Vardhan, "SCIENCE & TECHNOLOGY EFFORTS IN INDIA ON COVID-19", available at: <https://www.mygov.in/covid-19>, (Visited on May 5, 2020 at 10:00 a.m.)

³Dr. Harsh Vardhan, "SCIENCE & TECHNOLOGY EFFORTS IN INDIA ON COVID-19", available at: <https://www.mygov.in/covid-19>, (Visited on May 5, 2020 at 10:00 a.m.)

JURISDICTIONAL ISSUES IN CYBERSPACE WITH RESPECT TO TRANSNATIONAL CYBERCRIMES

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ABSTRACT

The transnational crime is not a new phenomenon. The technological boom has made serious inroads into the legal terrain. The investigation process comprising fact finding and the search for truth is facing legal, technical, operational and political challenges. Admittedly, the job of investigation was never simple and in the present environment "the problems of unenforceability arise largely from the trans-jurisdictional nature of Internet activities. The present paper focuses on the Jurisdictional challenges mainly in the field of cyber crimes and the national and international jurisdiction concept in relation to cyber crimes and in the end with possible solutions, which is the need of the hour.

Keywords: Transnational, cyberspace, cybercrimes, Jurisdictional issues

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**DOMESTIC VIOLENCE IN INDIA DURING LOCK DOWN PERIOD:
AN OVERVIEW**

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ABSTRACT

During the present time when the whole world is battling with pandemic, one of the steps to slow down the spread of the novel coronavirus is stay home, stay safe. Stay home is good but stay safe is a burning question for women in India. Indian women face domestic violence at various stages of life and it generally remains hidden from the public scrutiny even during normal times. It is a blatant expression of patriarchy. The gravity of the crimes as well as the inability to report the same may go up during times of crisis such as the present one.

This paper will try to throw light on the increasing cases of domestic violence amidst of pandemic and researcher has tried to explore effective measures that can be implemented to solve the crisis.

Key words: Domestic Violence, COVID-19, Role of Government

THE STATE OF INDUSTRIAL RELATIONS IN MAHARASHTRA:

A SECTOR-WISE STUDY

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Ms. Neetu Garg

ABSTRACT

The main objectives of the paper are to study the changing pattern and determinants of industrial relations in public and private sectors of Maharashtra. The trend analysis has revealed that lockouts have continuously declined in Maharashtra. But, in case of disputes and strikes, mandays lost has revealed fluctuation. Further, time series analysis has revealed that in Maharashtra, share of contract workers and average factory size have significantly affected the industrial relations. Sector-wise results show that share of contract workers, real wages and average factory size have a significant impact on industrial relations in public and private sectors of Maharashtra.

Key words: Maharashtra, Public and Private Sectors, Industrial Disputes, Strikes.

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PARENTING IN INDIAN CHILD CUSTODY JURISPRUDENCE: AN ANALYSIS

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ABSTRACT

Child custody is one of the most contentious post-divorce issues because it is given to either to mother or father. With the aim to promote the welfare of the child and also to decrease the revengeful fights between the parents, Law Commission of India proposed a change in Indian custodial jurisprudence by recommending introduction of concept of shared parenting through its 257th report. It is this report which the authors have tried to critically analyse in this article. Authors also analyse the evolutionary step of judiciary in this direction. The study is significant because it is mark of change with which not only legal fraternity but also general public should become aware of, as every change begins when social perception of it changes.

Key words: Child Custody, Custody, Divorce, Welfare, 257th Law Commission Report

VOUCHERS UNDER INDIAN GST AND EU VAT DIRECTIVE: A COMPARATIVE ANALYSIS

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ABSTRACT

With the rapid increase in the trend of e-transactions, adoption of coupons, vouchers and gift cards has given new heights to voucher businesses. Vouchers are the instruments which can be given in exchange to receive the supply of goods or services. Before GST, Sales tax and service tax was being charged for the taxability of Vouchers and the complications involved in charging them led to various disputes. With the advent of Goods and Services Tax, provisions for taxability of vouchers were copied from European legislation. However, there are many unresolved problems and one of the major gaps in the GST provisions of India is related to determination of time of supply of vouchers. According to the provisions related to time of supply if it is identifiable then the time of supply is the date of issuing the voucher but if the supply is not identifiable then the time of supply is the date of redeeming the voucher. But there are no set criteria for the determination of the supply as when identifiable and when not which is further required for the taxability of the transaction. So, though the rules for the treatment of vouchers under GST regime are borrowed from EU VAT Directive in order to simplify it but still there are some gaps which are covered by UK VAT but are required to be covered under GST regime.

Key words-Vouchers, VAT, GST and Supply.

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SEXUAL HARASSMENT OF GIRLS IN INDIA WITHIN THE FRAMEWORK OF HIGHER EDUCATIONAL INSTITUTIONS

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ABSTRACT

Sexual harassment has come to be widely condemned as a form of human rights violation, and as an infringement on life and liberty as defined by the Constitution of India. Such behaviour is seen to transgress common dignity, gender equality, and fundamental rights. Sexual harassment is contrary to anti-discrimination laws [Article 15: “Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth” and Article 19(1)(g): Right to Freedom which upholds a woman’s right “to practice any profession, or to carry on any occupation, trade or business.”

Key words- Harassment, Educational Institutions, Gender.

**IT'S A BOY: PRE-NATAL AND PRE-IMPLANATION GENETIC DIAGNOSIS
(PGD)**

A MEANS TO ATTAIN SEX SELECTIVE PARENTHOOD IN INDIA

*Dr. Anju Choudhary **

ABSTRACT

Preimplantation Genetic Diagnosis(PGD) is one of the most powerful inventions of science in the field of Assisted Human Reproduction, which portrays an imaginative future world before us. It has resulted into many ethical, social and legal issues and one of them is sex selection. The use and misuse of the technology is in hands of society. Medical professional only cannot be blamed for this; they only provide what people ask from them. India is pathetically suffering from the problem of sex selection and gender discrimination. People of India shamelessly feel that when techniques like Preimplantation Genetic Diagnosis(PGD) is available, when it is already practiced in few countries of West then why not, it should be used in India. Prohibition on use of PGD is considered as an encroachment on the reproductive autonomy and interference with the reproductive right of a person. Presently law does not impose any restriction on When, with whom, how and how many children one can reproduce in India then why a restriction on selection of sex of future child? Why Preimplantation Genetic Diagnosis (PGD) for gender selection for non-medical reasons is considered as unethical and illegal?

Key words: Preimplantation Genetic Diagnosis (PGD), Sex Selection, Gender Discrimination, Assisted Human Reproduction.

AN ANALYSIS OF THE DEVELOPMENT OF LAW RELATING TO ANTICIPATORY BAIL IN INDIA WITH REFERENCE TO ITS CONCEPTUAL CONTOURS

Dr. Nancy Sharma^{*}

“.. it goes without saying that an accused person, if he enjoys freedom , will be in a much better position to look after his case and to properly defend himself than if he was in custody..”⁴

ABSTRACT

Law relating to anticipatory bail is very substantial as it protects the most valuable aspect of individual's life. Section 438 is a procedural provision. The most relevant consideration for the exercise of a judicial discretion under section 438 is to make balance between the larger interest of the state and liberty of an individual. So the law of bails has to merge two conflicts i.e. the interest of state and its security and on the another side personal freedom or liberty of any member of the society

Key words: Anticipatory bail, bailable and non- bailable offences, blanket bail , judicial interpretation

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⁴ *Emperor v. Hutchinson* ,AIR 1931 All 356, available at <https://indiankanoon.org/doc/1882348/> (Visited on July 20,2020)

CRYONIC LIFE EXTENSION IN TIMES OF COVID-19: NEED FOR REVALUATION

*Dr. Supreet Gill**

*“We all know we must die. But that, say the immortalists, is no longer true...
Science has progressed so far that we are morally bound to seek solutions, just as
we would be morally bound to prevent a real tsunami if we knew how.”⁵*

Bryan Appleyard

ABSTRACT

Cryonic life extension epitomises this yearning for life, and its supporters argue that the aspiration of immortality need not be perceived as an inhumane or selfish desire. However, there are several serious concerns that come with cryonic life extension. In this research paper, the researcher will make an attempt to shed light upon these challenges and will consider the possible consequences, both favourable and unfavorable, especially in times when the entire world is struggling to deal with a pandemic like COVID-19.

It is being suggested that there is a strong need to evaluate the current legal position of several legal systems which presently display a very unfavorable attitude towards pre-mortem cryonic preservation of body. However, in times of a pandemic like the one the world is struggling to grapple with right now, the need of the hour is to re-evaluate our stand on cryonic life extension, especially pre-mortem preservation as there is no known cure for the disease at present and a vaccine does not look viable at least for another year or so. The researcher is mindful that there are a lot of ethical issues surrounding the debate around cryonic life extension, however, one must also bear in mind that a pandemic like this is an exceptional situation where concessions need to be made.

Key words: Cryonics, Covid-19, Pandemic, Legal issues, Revaluation

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⁵ Bryan Appleyard, *How to Live Forever or Die Trying: On The New Immortality* 22,23 (Simon and Schuster, U.K. Ltd. 2007).

THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019:

A CRITIQUE

*Harpreet Kaur**

ABSTRACT

In India there are numbers of persons who are transgender. But they are often being humiliated and abused in public. More so in India before passing the Transgender Persons (Protection of Rights) Act, 2019 there was no statute to protect them. In 2014 the Supreme Court of India in its landmark judgement National Legal Services Authority of India (NALSA) v. Union of India declared transgender people to be a 'third gender', affirmed that the fundamental rights granted under the Constitution of India will be equally applicable to transgender people, and gave them the right to self-identification of their gender as male, female or third-gender. Later the Act of 2019 was passed. In this article salient features of the Act and its drawbacks are elaborately discussed. The rights of transgender under international law are also mentioned in this article. The article is concluded with some effective suggestions to make the present Act more fruitful.

Key words – transgender person, rights of transgender, Recognition of identity, LGBTQ

ARCHAEOLOGICAL FINDINGS AND SOCIO- ECONOMIC CHANGES IN DISTRICT KATHUA (J&K): A PROBE

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ABSTRACT

This paper seeks to understand the explored and excavated archaeological sites of Kathua region. The commencement of Archaeology in Kathua acquainted the world of its rich heritage and culture of it. Kathua was a cradle of culture in ancient period. The exploration of the Kathua region started in 19th century and during their exploration, many archaeological and monumental heritage sites have been reported which attracted the world towards Kathua. From 20th century onwards, Archaeological Survey of India became active in Jammu and Kashmir and explored and excavated many sites of different cultures in the regions.

Key words: Kathua, Dayala Chak, Mananu, Sutah, Basntar, Ptina etc.

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FISCAL RESPONSIBILITY AND BUDGET MANAGEMENT (FRBM) ACT AND PUBLIC DEBT SUSTAINABILITY

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ABSTRACT

Though there is plenty of work on long term debt sustainability, no single definition is there which can be deemed applicable for all times. Given the increased global connectivity on one hand and the ever-changing economic environment on the other, it is best to opt for a fiscal restructuring policy like Fiscal Responsibility and Budget Management (FRBM) act 2003 which targeted debt sustainability in short / medium term framework. In the present study, an attempt has been made to analyse the rule based fiscal consolidation strategy of India. The study covers the fiscal situation of India for post reform period. For the time period under consideration, it was found that, there was reduction in deficit indicators till the recession of 2008 but the process got disrupted during and after recession. The paper concludes that the act and later amendments in 2012 and 2018 have helped the government in reaching the goal of fiscal responsibility amidst external constraints.

Key words: Fiscal Responsibility and Budget Management (FRBM) Act, Debt sustainability, Fiscal correction

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SEXUAL HARASSMENT AT THE WORKPLACE: A BLOW TO HUMANITY

Ivneet Walia *

ABSTRACT

Key words:

INTRODUCTION

“The meaning and content of the fundamental rights guaranteed in the Constitution of India are of sufficient amplitudes to encompass all facets of gender equality....”, these were the lines said by Late Chief Justice Lalit Verma in *Vishakha v. State of Rajasthan*⁶ while giving decision in the case which is considered as a landmark in the field for protection of women at workplace and laid certain guidelines which were later on given a shape of Act [*The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act*, 2013].

The history has revealed in various mythological scriptures that women have been the foundation stone of society and play a very important role. In our country specifically many women have been worshipped over the years and considered spiritual and holy like Goddess Laxmi, Parvati, etc., but when it came to the daily life the women have been subjugated to control of men. We worship the Goddess Saraswathi for knowledge but the female literacy rate is really poor.⁷ The Indian Constitution and the Judiciary have made several laws for the protection of women; it is our duty to ensure that these rights do not remain only on paper. It took the government 15 years after the Vishakha judgement to pass the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act*, 2013.⁸

The term sexual harassment was used for the first time in around the 1970s. It can be categorised into *quid pro quo* harassment and hostile environment harassment.⁹ Sexual Harassment is referred through different terms in other nations. In the Netherlands, “*unwanted intimacy*”, in Italy “*sexualmolestation*” and in Canada “*sexualsolicitation*.” The phrase “sexual harassment” gained the largest acceptance. It has been defined as the worst form of violence in countries like the UK and the USA. Though various laws have been enacted, we still read about harassment cases in 2020.

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⁶Vishaka v. State of Rajasthan, AIR 1997 SC 3011 (India).

⁷ MANUELA CIOTTI, RETRO MODERN INDIA: FORGING THE LOW CASTE SELF, 102-103, (Routledge, 2010).

⁸ Supreme Court Women Lawyers Association v. Union of India and Anr., AIR 2016 SC 33 (India).

⁹SHIVANGI PRASAD & ATTREYI MUKHERJEE, HANDBOOK ON THE LAW OF SEXUAL HARASSMENT AT WORKPLACE, 205-06 (Thomas Reuters, 2017).

GENDER EQUALITY AMIDST COVID-19: ISSUES AND CHALLENGES

*Dr. Seema Sharma**

ABSTRACT

The women is representing fifty percent of world population but her work environment at home or at workplace is exposed to vulnerability during Covid -19 crises. Impact of pandemic has affected her social and economic status and made her life more miserable than before which need to be addressed timely. An attempt is made through this paper to identify gender focal points during pandemic and to analyze legal framework for their protection under existing mandate .I have also examined that is there any need to reform laws or we are adequately empowered to serve the purpose of promoting gender equality. Lastly I have tried to put forth some recommendations to fill up the gaps and to make linkage criteria by involving all stakeholders. This paper will definitely draw attention of policy makers, executors and civil society to respond to gender-related impacts of the pandemic.

Key Words: Gender Equality, Covid -19, domestic violence, right to health

REAL ESTATE SECTOR GOING DIGITAL- AN IMPACT ASSESSMENT AS TO THE ROLE PERFORMANCE OF STATE AS WELL AS NON-STATE ACTORS

*Dr. Bhupinder Kaur**

*Ms. Kritika Sheoran***

ABSTRACT

Digitalisation of real estate sector is increasing on gigantic scale. Apart from the digital record keeping of property records, GIS and remote sensing technology is enabling the Governments to make assessments of property resources and their optimal utilisation. RERA digital portal provides a great platform to the people giving information as to the developers, projects and property agents. Private Websites provide customised information as well as some procedural facilities necessary to undertake a property transaction. It helps the intending transferors and transferees with the facilities to cross check the information and to avail customised services to execute contracts. However the threats posed by the digital regime are equally a matter of concern such as misinformation, breach of data privacy and cyber crimes. There should be proper data protection legislation in India. RERA authority should be quick enough to take strong actions against digital wrongs committed by developers and agents. This research paper endeavours to analyse the positive and negative impacts of digitalisation of real estate sector and to bring forth the legal lacunae which need attention of the legislature.

Key Words: Digitalisation, Real Estate, Property, Developers.

ROLE OF PUBLIC INTEREST LITIGATION IN PROTECTING THE RIGHTS OF WOMEN

*Dr. Priya Singla**

ABSTRACT

Public Interest Litigation is the result of judicial activism and has been seen as an instrument of bringing justice to the doorstep of the poor and less fortunate. It came into existence as a response to an endemic problem of exploitation and injustice caused to the vulnerable sections of the society in India and in many Third World countries. The Indian Supreme Court thus devised the Public Interest Litigation principle; there under the public-spirited citizens or groups can activate the Court to prevent the infringement of fundamental rights/human rights of weaker sections. Public Interest Litigations on women rights have sought the implementation of constitutional and statutory obligations towards women. In this research paper the researcher will discuss that how this instrument of Public Interest Litigation been used by the judiciary for the purpose eliminating discrimination and bringing equal rights to the women and despite the achievements the problems occurred in this whole process.

Key words: Public Interest Litigation, Judicial Activism, Sexual Harassment, Women Rights, Discrimination

**POLITICS OF EMOTIONS: YEATS' POLITICAL THOUGHTS IN THE
PLAY CATHLEEN NI HOULIHAN**

Dr. Jaspal Singh^{}
Kiranjot Kaur^{**}*

ABSTRACT

The research paper attempts to analyze Cathleen Ni Houlihan, the One Act play from the political angle in which the spirit of nationalism symbolized by the old woman becomes the major driving force. The dialogue delivery by the old woman is the area of study of this paper as her point of view is the central political force in the play. The analysis brings out how a patriotic chain develops in order to combat colonial forces.

Key-words: Cathleen NI Houlihan, Gilane family, Traditional Irish folklore, Easter Rising of 1916

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ROLE OF JUDICIARY IN PROMOTING PRISONERS' RIGHT VIS-A-VIS

HUMAN DIGNITY

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ABSTRACT

Part III of the Constitution of India nowhere expressly talks about the right to Dignity. The only place where the term 'dignity' finds a mention in the Indian Constitution is, in fact, in the Preamble to the Constitution. However, with all the judicial activism around this concept, we are now at a place where even after the right not expressly finding a place under Chapter III of the Constitution, it has still been recognized as a fundamental right by its inclusion within the ambits of Article 21 of the Constitution. There has always been much debate around the development and protection of the right to Dignity, it being crucial for maintaining the true spirit of fundamentalism and preservation of human rights. The primary purpose of this paper is to expostulate that the right to Dignity is not a mere concept to niche class or some particular selective individuals but to all human beings. This has been discussed with special emphasis being laid on prisoners' rights as a part of their right to Dignity. The research shall boil down to the question asserting the fundamental rights of the prisoner with special emphasis on their right to Dignity and the vital role played by the judiciary in establishing some of the crucial principles and provisions to thrust upon and safeguard the right of prisoners and embedding the right to Dignity in the domain of prisoner rights.

Key words: Human Dignity, Prisoners' Rights, Constitution, Article 21, Human Rights, Dignity, Fundamental Right, Right to life

RIGHTS OF AN INDIVIDUAL OVER HIS BIOLOGICAL MATERIAL WITH SPECIAL REFERENCE TO COMMERCIAL USE THEREOF: A CRITIQUE

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ABSTRACT

This article aims to analyze the rights of an individual over his separated biological material, including the right to use it for commercial purposes. The author intends to analyze the meaning of ownership and the ethical and legal issues involved in the commercial use thereof in light of relevant judicial precedents. For instance, units of blood donated for transplantation, if found unsuitable subsequently, can be either discarded or used for research. The author further proposes certain criteria and limitations to the proposed use, emphasizing on the right to an informed consent, share in profits, et cetera.

Keywords: Separated biological material, commercial utilization, ownership rights, prior informed consent.

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PRIVATE DEFENCE AGAINST HUMAN BODY – CASE ANALYSIS

Ms. Lovepreet Kaur*

ABSTRACT

Sections 96 to 106 of the INDIAN PENAL CODE, 1860 state the law relating to the RIGHT OF PRIVATE DEFENCE OF PERSON AND PROPERTY. The provisions contained in these sections give authority to a man to use necessary force against an assailant or wrong doer for the purpose of protecting one's own body and property as also another's body and property when immediate aid from the state machinery is not readily available; and in so doing he is not answerable in law for his deeds. Self-help is the first rule of criminal law. The right of private defence is absolutely necessary for the protection of one's life, liberty and property. It is a right inherent in a man. But the kind and amount of force is minutely regulated by law. The use of force to protect one's property and person is called the right of private defence.

Keywords: Private Defence, Person, Property, Human Rights, Violence

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PROTECTION OF RIGHTS DURING INVESTIGATION: ROLE OF MAGISTRATE

*Iram Hasan**

“Magistrates need to apply their mind and not blindly trust the prosecution.

Judiciary has to be on guard to see police is not exceeding its authority.”¹⁰

Sh. Madan Lokur, former Judge of Supreme court of India¹¹

ABSTRACT

Pawn has its own role to play when it comes to chess. Similarly, Magistrate has its own role to play for protecting and safeguarding constitutional and fundamental rights of people during investigation of a criminal case. Criminal investigation is a process involving rights and liberties of people involved be it accused, victim or witness. The Indian Apex Court and High Courts are the guarantors of the fundamental rights being constitutional courts but being the criminal court of first instance, it is the duty of Magistrate to ensure impartial and fair investigation. This research paper is an attempt to analyze the role of magistrate in protecting the rights of accused, victim and witness during criminal investigation. In this paper, the concept of pro-active magistracy has been analyzed in light of the legal/constitutional provisions as well as judicial precedents. The scope of supervisory power of Magistrate during investigation of a criminal case has been analyzed along with the limitations. The research paper also focuses on the stages of investigation as well as rights which are or should be protected by magistrates during investigation. The findings of the study indicate that Magistrates need to play pro-active magistracy to ensure impartial and fair investigation as well as to protect and safeguard human rights during investigation.

Key words: Criminal Investigation; Constitutional/human rights; Fair and Impartial investigation; Role of Magistrate; Pro-active Magistracy.

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¹⁰ Speech in E-seminar organized and published by Live Law on the topic ***“Shooting the Messenger: The Chilling Effect of Criminalizing Journalism”*** on 30.06.2020. The e-seminar was organized for a discussion on the spate of FIRs which had been registered against the journalists across the country under cognizable and non-cognizable offences such as section 124A and 188 of the Indian Penal Code.

¹¹ Justice Lokur remarked that *“Just because police says sedition is made out, magistrate should not say sedition is made out and put the person to police custody or judicial custody. There has to be clear application of mind.”*

THE IMPACT OF TRIAL BY MEDIA ON JUSTICE ADMINISTERING AGENCIES: A CRIMINAL LAW PERSPECTIVE

Pawanpreet

*Singh**

“The Media’s the most powerful entity on earth. They have the power to make the innocent guilty and to make the guilty innocent, and that’s power.

Because they control the minds of the masses”

- Malcolm X

ABSTRACT

The Research Paper discusses the extent and boundaries of Media Trial and its impact on various agencies involved in the Criminal Justice Delivery system. The major focus shall be to generate an understanding of influences of the Media Trial and understanding how it affects the dynamics of a Criminal Trial consequently. The study covers the influences Media Trial could generate on accused, victims, advocates, judges, investigating agencies, witnesses and general masses in a society. While narrating the subject matter, emphasis has been laid on the decided case laws and examples from the recent times.

Key words: Media Trial, Criminal Trial, Influences of Media Trial.

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