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# THE INDUSTRIAL RELATIONS CODE, 2020: AN ANALYSIS

*Prof. Rattan Singh<sup>\*</sup>*

*Sandli Brice<sup>\*\*</sup>*

## ABSTRACT

*Labour Law System in India is characterized by a number of labour legislations. The organised sector is highly regulated whereas the unorganised sector is least regulated. The major challenge in labour reforms is to facilitate employment growth, while protecting workers rights. Recently, Government replaced 29 existing central labour laws with four codes, relating to Industrial Relations, Wages, Social Security, Health and Safety, Welfare and Working Conditions. The Industrial Relations Code, 2020 is an amalgamation of three Acts: The Trade Unions Act, 1926; The Industrial Employment (Standing Orders) Act, 1946; and The Industrial Disputes Act, 1947 which contains 107 sections and 3 schedules, dealing with various issues in industrial relations. This paper attempts to examine, analyze and see the impact of the Industrial Relations before 2020 and after Industrial Relations Code, 2020.*

**Keywords:** Industrial Disputes, Industrial Relations, Labour Reforms, Layoff, Retrenchment, Strike, Trade Unions.

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# ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING: IT'S IMPLICATION ON THE LEGAL SECTOR IN INDIA

*Prof. Dr. Jasmeet Gulati\**

*AyuushmanAroraa\**

*Madhav Goel\**

## **Abstract**

*This paper attempts to analyse the implication of Artificial Intelligence (“AI”) and Machine Learning (“ML”) on the legal sector. The use of AI and ML in the legal sector would help the society at large, in the long run, by extending a helping hand to the judges and boosting the efficiency of the legal system, thus helping us make progress in reducing the enormous pendency of cases in India.<sup>1</sup> Pendency of cases is increasingly becoming a concern for the entire country, with citizens facing delay in justice delivery and having an impact on their rights. In fact, the Economic Survey of India cites that delayed administration of justice and faulty enforcement mechanisms are significant structural roadblocks in the collective path towards higher growth.<sup>2</sup> Besides focusing on the impact that AI & ML will have on the judicial system, this paper also focuses on the implications, both positive and negative, of AI and ML for law firms and practitioners. Finally, this paper seeks to examine the potential pitfalls and the causes of concern that could arise from adopting and integrating the AI system, as well as the possible solutions that can be taken to pre-emptively tackle the same.*

**Keywords:** Artificial Intelligence, Machine Learning

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<sup>1</sup> Law Commission of India Report No. 230 published by the 18th Law Commission of India on 05.08.2009

<sup>2</sup> Economic Survey of India 2018-19 accessible at <<https://www.indiabudget.gov.in/budget2019-20/economicsurvey/>>.

## EXAMINATION OF HEALTH CARE SUPPORT STRUCTURE IN HARYANA

*Jagmohan Singh\**

*Prof. Gulshan Kumar\**

### Abstract

*Real wealth of any country can be assessed through the health status of its citizens as health is a crucial component of socio-economic development. Various factors may influence health status of people but provision of adequate health care support structure is a key factor to protect as well as improve the health conditions of people. Health care support structure includes both physical infrastructure as well as manpower resources dimension. Accordingly, using both dimensions, the present study developed a health care support structure index (HCSSI) for the Haryana State. It has been revealed that Panchkula, Jhajjar and Rohtak districts are performing well as far as health care support structure is concerned, whereas districts like Faridabad, Nuh and Palwal really need avid attention of the Government to move ahead in this direction.*

**Keywords:** Health care support structure, inter-district variations, principal component analysis, Haryana.

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# COMPETITION LAW AND IPR: COMPLIMENTARY OR CONTRADICTION?

Vandana Ajay Kumar\*

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Sachin Bhardwaj\*\*\*

## *Abstract*

*Competition Law is legislated to maintain adequate competition in the market by restricting/ prohibiting/ controlling the trade practices that have or likely to have an 'Significant Adverse Effect on Competition'; whereas the Intellectual Property Laws are legislated to protect the intellectual property for overall growth and development of the society through incentivising innovation. Although prima-facie it may appear that the two laws are contradictory to each other and work in opposite directions, but in the hindsight, both the statutes are complimentary to each other and work in sync to contribute significantly towards growth and development of the society globally. Thus, we may infer that co-existence of competition law and IPR is sine-qua-non to making a positive impetus on the innovation industry, optimised regulated control of markets and protection of consumers' interests.*

**Keywords:** IPR, Competition, Consumer

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## CYBERCRIME INVESTIGATION VIS-À-VIS POLICE REFORMS IN INDIA

*Dr.Amita Verma\**

*Arpit Bansal\*\**

### **Abstract**

*Computers are used as technology for enhancing the modern life in private, educational, commercial and government organizations. This will increase the productivity and efficiency of these entities. On the other hand, the use of technology is the root cause of the criminals for doing unlawful and unethical activities by using the computers. As more and more of our work digitized chances of leaking of data seems improbable and the problem of law enforcement officials, individual and companies need to bear the cost of crime and loss. The era of the new digital technology has provided new avenues for criminals to commit crimes. This technology coupled with networking has on one hand led to innovation and economic growth, but on the other, provided new openings for malicious individuals to commit crimes. They range from sophisticated hackers to common criminals and go as far as foreign intelligence agencies and international terrorist organisations. This paper focuses on Global and National Legal Framework to tackle cybercrime in the modern times.*

**Keywords:** Technology, Forensic Investigation, Electronic Evidence, Cyber Crime.

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## THE OPTIONAL NATURE OF COMPULSORY JURISDICTION OF THE ICJ

*Dr. Karan Jawanda\**

### Abstract

*The International Court of Justice (ICJ) is often referred to as the World Court but it has not been able to perform its role optimally because of lack of compulsory jurisdiction unlike the domestic courts. The reason for such anomaly is that under international law, the consent of a sovereign state is necessary for conferring jurisdiction upon a court or tribunal. Although there is a clause in the statute of International Court of Justice providing for compulsory jurisdiction but the term is more of pretence and less of literal interpretation. This paper seeks to critically analyse the performance of the clause providing compulsory jurisdiction and accordingly suggest the need for provision of enhanced and wider compulsory jurisdiction. The overall objective of the present study is to make suggestions for a robust international legal framework based upon an effective judicial body contributing towards maintenance of rule based world order and international security. The performance of Security Council has been factored in this study to conclude that political expediencies of veto powers cannot outweigh the breach of international obligations when preservation of international peace and security is the paramount consideration.*

**Keywords:** International Court of Justice, United Nations, international law, Security Council, United Nations.

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# HUMAN DYNAMICS IN A BIOLOGICAL DISASTER: REFLECTING ON THE ISSUES INVOLVED AND RESPONSE TO COVID-19

*Dr. Jasneet K. Walia\**

## **Abstract**

*Covid-19, as a disease caused by novel corona virus, caught the whole world unaware and put the humankind through unprecedented circumstances. The paper focuses on human dynamics thereby understanding human behaviour and social interactions during this time of pandemic. The impact of this pandemic on humanity in terms of social, economic, legal and psychological implications is unparalleled. The need of ascribing restrictions on the social interaction of people has led to testing of the basic constitutional features of liberty, fraternity and justice. The impairment caused by the disease, has brought to fore the developments in field of technology especially artificial intelligence. The disease and response mechanism of the same is a cyclical phenomenon that puts the authorities in perplexity of choosing a lesser evil. The need of economy to keep running requires relaxation of rules that puts the life of people under threat. Also, the use of internet jeopardises the concerns of privacy and security. When the world responds to this biological disaster with its available means and wisdom, the need of the hour is to reflect upon the issues, both individually and globally, and find out ways to overcome the calamity for the betterment of the world community at large.*

**Keywords:** Corona virus, human dynamics, covid-19, reverse engineering, social solidarity, universal basic income

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# INDUSTRIAL DISPUTES IN INDIAN PUBLIC AND PRIVATE SECTORS: A CASE STUDY

*Dr. Meenu Sahijpal\**

*Neetu Garg\*\**

## **Abstract**

*The study elaborates the trends and determinants of industrial disputes. The analysis is done for total, public and private sectors in 10 states of India from 1999 to 2012. The analysis suggests that strikes are dominant in public sector while lockouts are dominant in private sector. For analyzing the determinants, the three dependent variables (mandays lost in disputes/strikes/lockouts per worker) are regressed on average real wages, contract worker ratio, female participation rate and average firm size. The paper concludes that average real wages and contract worker ratio have substantial effect on disputes and lockouts in total sector. Average real wages, female participation and average firm size have significantly affected disputes and strikes in public sector and disputes and lockouts in private sector.*

**Keywords:** Industrial disputes, Strikes, Public sector, Private sector, Female participation, Contract workers

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# EMPOWERMENT OF INDIGENOUS/TRIBAL WOMEN UNDER THE UNITED NATIONS SYSTEM: A CRITIQUE

*Babita Devi\**

*Deepak Thakur\*\**

## **Abstract**

*Indigenous/tribal women suffer profoundly for existing gender disparities and discrimination at various fronts, i.e., social, economical, political, cultural and educational throughout the world. Under the United Nations system efforts have been made for the advancement and empowerment of women generally, with a bleak reference to indigenous/tribal women. In the present research paper, the researchers have tried to bring forth the various factors affecting the indigenous/tribal women across the nations along with the critique of the efforts under the United Nations system for their advancement and empowerment.*

**Keywords:** United Nations, indigenous/tribal women, discrimination, exploitation, etc.

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# **MEDIA TRIAL: A TUSSELE BETWEEN FREEDOM OF PRESS AND INDEPENDENCE OF JUDICIARY**

**Dr. Mamta Sharma\***

**Udit Pandit\*\***

## **Abstract**

*The Indian Constitution guarantees freedom of expression on one hand and right to fair trial at another. This article deals with conflicting interest between judicial autonomy and freedom of Press highlighting the necessity to maintain balance between these two basic fundamental rights. In this article, authors have covered various instances where media crossed its limits to enter into the domain of judiciary, violating the basic code of conduct and disturbing the criminal justice delivery mechanism. Further, the judicial opinion has been included on the point of concern. The authors have tried to conclude the tussle by looking into the root cause and by suggesting solutions after thorough examination of case studies and the stand of Law Commission of India on this point.*

**Keywords:** Judicial Autonomy, Media freedom

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## THE DISABILITY RIGHTS OF WOMEN IN INDIA: A CHALLENGE

Anupam Bahri\*

### Abstract

*According to a Human Rights Act, the women with disabilities are at a higher risk of all types of violence in India. Women who are disabilities are unable to escape from violent situations and even call for help. Sometimes they have additional problems like the communication of abusive language. Often the disabled women with mostly give up the legal remedy when the perpetrators are from their own family and sometime even their own caregivers and they have to compromise with the situation. Majority of the disabled women who are unaware of their legal rights, they cannot protect themselves due to a lack of information and even the police personnel rarely provide such information to them. For the Indian disability's women and girls who are facing a higher risk of sexual violence is the greater challenges for them. Women especially with physical disabilities may find it more difficult to escape from such violent situations. The women who are deaf and dumb even may not be able to call for help and easily communicate abuse to others. Women with intellectual or psychosocial disabilities may not know that non-consensual sexual acts are a crime and should be reported. Stigma related to their sexuality and disability compounds these challenges. The present paper is enlightened on this sensitive issues. There is a need to provide adequate knowledge about the sexuality to the women with disabilities which will provide them to understand that they have been sexually assaulted by anyone. There is the need for policy makers to ensure greater accessibility to complaint and redressal mechanisms for women with disabilities. Efforts should be needed to make the strengthen of the legal system and necessary legal aid and any kind of help is to bring the perpetrators of such crime to justice should be provided to them in time. For this mass media can be a great helpful for them as well as to create awareness also in the society. This paper will focus on this issue.*

**Key Words:** Disability, Women Disability, Discrimination.

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## **CHILD LABOUR – THE MOST PROMINENT PRACTICE OF OFFENCES AGAINST CHILDREN**

***Dr. Virender Negi\****

### **Abstract**

*The concern about rights of children and their protection from neglect and abuse has been in momentum throughout the world. The welfare and the significance to the children is one of the foremost feature of civilized society. however, after independence and the commencement of Indian Constitution, children have been conferred many rights and legislative enactments but the hard reality is something very startling, as theses legislations and rights took shallow when we look at the plight and exploitation of children in form of child labour, most importantly in unarranged and unorganized sectors.*

**Key Words:** Child Labor, Constitution, Exploitation, Education, Welfare etc.

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## SECULARISM-THE INDIAN MODEL

*Dr. Monika Negi\**

### **Abstract**

*Religion is a matter of one's faith and belief. In every society it is like bedrock of social – cultural and political institutions. Religion works as a social adhesive which bring and keep people together. In the relation between religion and State is of such nature which cannot be separated. There has been plenty of discussion and plethora of cases with respect to religion and also their implication on the society. The paper seeks to discuss the Indian model of secularism in the light of core values of the Constitution, and judicial interpretations of the secularism in country.*

**Key Words:** Constitution, Fundamental Rights, Indian Model, Judiciary, Religion, State, Secularism etc.

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# MASS MEDIA, WOMEN AND SOCIAL CHANGE IN INDIA: UNDERSTANDING THE INTERFACES

*Dr. Nisha Jain \**

## **Abstract**

*Mass media is an essential pre-requisite of a liberal democracy. It can be one of the simultaneous strategies to be used for creating awareness and spreading consciousness. Though the media space in relation to women has been increasing yet to what extent such increase in the space may be interpreted as a positive gain for women and their projection depends on how such additional space is being put to use. This article makes a modest attempt to understand and analyze the interfaces between mass media and women and how they can bring about social change in India. It also seeks to understand the interfaces between mass media and social change through the various theoretical approaches as well as how the mass media has evolved and performed in the pre and post-independent India. It then juxtaposes these two fundamental themes, especially from gender perspective. This article concludes with the contention that media tends to remain averse to change but under certain conditions it may function as an agent of social change provided other conditions of change also exist.*

**Keywords:** Mass media, women, social change, India.

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## DISPARITIES IN WAGES: A STATE LEVEL ANALYSIS

*Dr. Meenu Sahijpal\**

*Ritu Goel\*\**

### Abstract

*The paper estimates disparities in wages in manufacturing industries in the state of Maharashtra and Andhra Pradesh. Two-digit manufacturing industries have been covered. It is found that in both the states, manufacture of beverages and tobacco products have paid lowest wages to workers during the entire study period. However, highest wages are paid by different industries at different time periods in both the states. The study has also statistically proved that there exists a significant difference in real wages of workers across industries in both the states. The paper has also explored the determinants of real wages of workers in manufacturing industries in Maharashtra and Andhra Pradesh.*

**Keywords:** Wage difference, Manufacturing industry, Labor productivity, Maharashtra, Andhra Pradesh.

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## **BALANCING CONFLICT BETWEEN HUMAN RIGHTS AND INTELLECTUAL PROPERTY RIGHTS: INDIAN PERSPECTIVE**

***Gurujit Singh\****

### **Abstract**

*The concept of human right and intellectual property rights are pertinent for the development of any State. Both concepts inseminate a sense of confidence among the subjects with regards to certain principles apposite for the socio-economic growth of the State and subjects. Though the evolution of the both concepts differ, they overlap to certain extend. While the former value respect, integrity and dignity of individual and create an ecosystem of inclusive growth, the later right appreciate, reward and give recognition to intellectual contribution of subjects. The gradual expansion of both the concept due to technological growth has sometimes create conflict among them. These differences are more reflected in case of education, health, food and traditional knowledge. The flexibility of the State laws analyzing the need of the society respond the conflicting issue with balancing provisions. The paper attempt to identify and highlight such conflict with regards to the three evergreen human right issues related to education, health and traditional knowledge and the balancing attempts under Indian legal system.*

**Keywords:** IPR, Human Rights, Education, Health, Traditional Knowledge.

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## SEXUAL OFFENCES AGAINST CHILDREN IN INDIA: AN ANALYSIS

*Anju Choudhary\**

*Usha Dhillon\*\**

*“In their innocence, very young children know themselves to be light and love.  
If we will allow them, they can teach us to see ourselves the same way.”*

*Michael Jackson<sup>3</sup>*

### Abstract

*The period of initial childhood is a period of prodigious prospect, but then again it is period of prodigious vulnerability. During their initial years, children do not understand their full inherent capacity because of their antagonistic surroundings. Factors like insufficient nutrition, unhinged care giving, stress and restricted inspiration may affect negatively on the child's development. As by the age of six years, the brain of a child has developed to 90% of its adult size and therefore, a stress-free childhood will have a major impact on the overall (physical, emotional and social) development of a child. The offences of child sexual abuse have been conceptualized as one of many forms of violence against children. The offences of child sexual abuse include every type of sexual victimization of child- sexual harassment, pornography, penetrative or non-penetrative sexual intercourse, online sexual abuse, sex tourism and commercial sexual exploitation. The offence of child sexual abuse may occur within and outside the family setting; most of the child sexual abuse takes place in their own homes by their parents and close relatives. According to the data released in 2017 by NCRB (National Crime Records Bureau) 32,608 cases of child sexual abuse were reported and in the year 2018 the number of cases were increased 39,827 and in 2019 the number has increased to 1,48,185. This article has mainly focused upon the various factors responsible for sexual offences committed against children.*

**Keywords:** Child Sexual Abuse, Sexual Harassment, Pornography, Commercial Child Trafficking, Sexual Exploitation, Poverty, Lack of Awareness, Mental Disability.

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<sup>3</sup>Michael Jackson was a multi-talented musical entertainer who enjoyed a chart-topping career both with the Jackson 5 and as a solo artist. He released one of the best-selling albums in history, 'Thriller,' in 1982, and had other number-one hits on 'Bad' and 'Off the Wall.'



## **A LEAGUE OF LITERARY CRITIQUES IN LEGAL SYSTEM- A STUDY OF FRANZ KAFKA'S THE TRIAL**

*Dr. Vandana Garg\**

### **Abstract**

*Franz Kafka's novel, The Trial (1925) sanctions many interpretations within and outside the literary horizons. This research paper is based upon a close reading of the novel The Trial, especially paying attention to the theoretical and conceptual substructures that have prepared the foregrounds for such kind of possibilities. Through this paper, historical, philosophical, social, religious, intellectual and legal perspectives of the novel have been investigated. The Trial give an impression of Kafka's intellectual and philosophical thinking through which he interrogates the legal system and society of those times. Works like The Trial acquired a strong position and became voice of the people to strike back against the social, legal, religious, and political and bureaucratic power structure of particular times. The text offers a wide scope of interpretation and interrogation of man and his relationship with society/religion/law/bureaucracy and state apparatus. The Trial represents the realistic picture of Kafka's time and still shows relevance in present scenario.*

**Key Words:** literary, interpretations, legal, philosophical, Bureaucracy, existence, Kafka.

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## **& PRIVACY INVASION BY SPYWARE: LEGAL CONCERNS**

**Accharpreet Bhardwaj\***

**Prof. (Dr.) Sangita Bhalla\*\***

### **ABSTRACT**

*In these recent times, we are moving towards a digital era where even though the technology is booming but it has its downsides as well. One of its kind is spyware or malware. It is a kind of software that even if your computer is shut down then also someone is watching you through it. It tracks down the websites that one has visited as well as encroached his privacy. Spyware can extract one's personal information, call records, bank account numbers, etc. More sophisticated spyware can even extract the amount of money paid to individuals in a single day. Spyware can access personal information without the victim's knowledge.*

*In this article, an attempt has been made to comprehend the term and concept of 'spyware' in depth. This article also covers various types of spyware explaining its nature and constitution. It also digs deep into knowing how spyware is violating one's privacy without his/her knowledge. The Israeli spyware Pegasus, which has been in news for the past few months is one deadly spyware. Its constitution, recent attacks breaching the privacy of numerous high officials in India has been thoroughly contemplated in this article. This article also sheds light on the construction of the doctrine of trespass to spyware attacks. Apart from this, response and actions taken on international level by legislature, judiciary and administration to protect people from the surveillance of spyware and reduce the cybercrimes have been critically examined in this article. This article also emphasizes the expansion of reforms to be done in the existing Information Technology Act and Telegraph Act so that the incident of Pegasus is not repeated in the future. The stand of judiciary on spyware after the 2019 attacks of Pegasus spyware has been critically examined to comprehend the future actions of the government and judiciary to prevent privacy infringement through spyware. The present article is concluded with the exhortation of enacting a comprehensive Digital Trespass Act urging the incumbent shift of the mindset to construe the attacks of spyware as 'trespassing'.*

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**Keywords:** Trespass, Pegasus, Spyware, Data Privacy