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# A CONTEMPORARY OUTLOOK ON THE INSTITUTIONAL REFORMS FOR SWIFT RESOLUTION OF COMMERCIAL DISPUTES IN INDIA

Rattan Singh<sup>\*</sup>

RozyMatania<sup>\*\*</sup>

## ABSTRACT

*In September 2021, World Bank Group discontinued the 'Doing business report' after the surge of criticism that the report is highly politicised and jam-packed with discrepancies in the ranking data. India, the developing economy was also attentive to the world rankings and used it as a cornerstone for many of the institutional reforms in the country. 'Enforcing Contracts' as one of the parameters for 'doing business' got the limelight with a series of legal developments such as 'Specific Relief (Amendment) Act, 2018, Commercial Courts Act, 2015, and Arbitration and conciliation Act, 2015. Any economy looking for transnational business and cross-border investment must ensure that the interests of the investors and business entities are secured with a robust contract enforcement regime. This article is an attempt to analyse the commercial dispute resolution mechanism in India and find out whether the institutional reforms suffice to tackle the issues of commercial disputes in India. Commercial courts, Alternative dispute resolution methods like arbitration, mediation, and online dispute resolution are meant to provide the speedy and efficient disposal of commercial disputes. However, the efficiency of each institution depends on a variety of factors. The objective of the present study is to outline the working, legal implications, and shortcomings of each institution, the interplay of all the institutions, and up to the minute developments of each institution. It explores the utility of Court annexed ADR Modes, the multicourt house idea, and the Online dispute resolution method in contemporary times.*

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**KEYWORDS-** Commercial disputes, commercial courts, arbitration, mediation, online dispute resolution (ODR).

# MOB LYNCHING: A HUMAN RIGHTS VIOLATIONS IN INDIA

AmitaVerma<sup>\*</sup>

Anukampa<sup>\*\*</sup>

## ABSTRACT

*Collective violence or violence by a mob when it goes rogue, has been known to India since times immemorial, however the incidents have increased tenfold in the last 6-7 years. The reasons behind the lynching or mob violence incidents differ from case to case, in one case the reason for the collective violence towards the victim is difference in ideology, while in others the alleged underlying reason may be caste difference; being a kidnapper or a child molester; being a black magic practitioner or a witch, etc., but one element common to all these crimes is the alacrity of the people to take law into their own hands and do justice. This paper analyses the history and past occurrences in India along with statistics. It also reflects on the reasons why such incidents are on the rise and the reasons that drive the masses to take law into their own hands. The paper also enumerates the existing legislations and the proposed law for the same, along with suggestions which can help curb the incidents of collective violence.*

**KEYWORDS** – collective violence, mob lynching, violence, human rights violations, extra-judicial killing

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# PROBLEMS OF MIGRANT LABOUR DURING THE PERIOD OF PANDEMIC: NEED FOR SUITABLE LEGISLATION

Virender Negi\*

Prachi Sharma\*\*

## ABSTRACT

*COVID-19, a biological disease, has had a significant impact on the world, affecting not only individual lives but also the economy and way of life. It imposed a state of lockdown in India, resulting in job losses, food shortages, and other financial disasters, as well as an exodus of internal migrant workers working in the private sector back to their homes. People assumed that, with the passage of the Act of Inter-State Migrant Workmen 1979, policymakers were finally taking into account the difficulties experienced by migrants. In light of the recent situation that led to a state-wide lockdown, the Act's protections have been weakened and is insufficient to address the destitution that refugees face. Despite the fact that the Constitution provides these populations with economic and social stability, little effort has been done to ameliorate their plight. This absence of legislation and predictive analysis, coupled with insufficient statistics on interstate migration has allowed the plight of migrants to deteriorate significantly. Impeded by the closure, millions were stuck in cities without any income and had lost their jobs. This paper examines the problems migrants encounter as a result of a lack of legislation. This paper aims to present recommendations for enhancing the working conditions of migrant labour by combining the execution of existing schemes with social programmes.*

**KEYWORDS:** COVID-19, migrant labour, pandemic, human rights, lockdown policy, migrant rights, exodus etc.

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# LEGAL PROVISIONS FOR STREET VENDORS IN URBAN ASIA AND AFRICA: A REVIEW<sup>1</sup>

*Meenu Saihjal\**

*Ashish Saihjal\*\**

*Shashi Kapoor\*\*\**

## ABSTRACT

*The street vendors are an indispensable component of the urban economies of Asia and Africa, yet these economies have always questioned their rights over the urban public spaces making them the conditional residents of the cities. The present paper seeks to know if these economies have framed any legal provision for the street vendors and if such legal provisions have led to an improvement in their welfare and assimilated them in the process of growth in the urban areas. For attaining these objectives, a review of existing literature on Asia and Africa was done. Fifty-two articles were studied and total seventeen countries were analyzed. The results revealed that only nine countries framed explicit laws for regulating street vending and eight economies followed restrictive legal provisions whose aim was to narrow down this profession and to exclude street vendors.*

**KEYWORDS:** Africa; Asia; Legal Provisions; Policy; Street Vendors

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<sup>1</sup> This publication resulted (in part) from the Research Project titled, “The Street Vendors Act 2014: A Study of Implementation Gaps and Level of Awareness amongst Street Vendors in Ludhiana City” (P859). Authors are thankful to Indian Council of Social Sciences Research (ICSSR) and Ministry of Human Resource Development (MHRD), Govt. of India for funding the project under IMPRESS Scheme. The contents of this research are solely the responsibility of authors and does not necessarily represent the official views of funding agency.

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# **SOCIO-PSYCHOLOGICAL IMPACT OF CRIMES ON VICTIMS AND THEIR FAMILY MEMBERS.**

*Anupam Bahri\**

## **ABSTRACT**

*The trauma of victimization has a deep and shocking impact on the victims and their families. It can alter the victim's view towards the society and leave them in miserable conditions which may not be understood by the society. It is essential for society to understand the ways that crime can affect victims psychologically, financially, and socially<sup>2</sup>. The effects of a crime are not only felt by the victim, but also their families. Some effects may be short-term like financial problems which the victims try to cope up with, by using their own resources, or with the help of friends and family but the psychological, and social impact can be long-lasting, over months or even years. The victims of the most seriously affected crime like heinous physical assaults, robberies and particularly rape, as well as the relatives of victims of homicide can develop permanent problem<sup>3</sup>, which will need professional psychiatric or psychological help<sup>4</sup>. Even till now the Indian Penal System is focusing on punishment and retribution despite the decades of social activism, the system has not evolved into protecting the victims' rights or offering them restitution for the crimes committed against them. While there are no consistent findings about victims' challenges in coping with the aftermath of criminal victimization with respect to demographic characteristics, a victim's ability to cope with the impact of crime depends on a variety of factors (National Institute of Mental Health, 2006). This paper will analyze the impact of crime on the victims and their families.*

**KEYWORDS:** crime, socio-psychological impact, victims.

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<sup>2</sup> "Victims' rights - a voice, not a veto", report of the standing committee on justice and human rights, October 1998.

Available at: <http://www.parl.gc.ca/infocomdoc/36/1/juri/studies/reports/jurirp14-e.htm> (Last visited on January 22, 2022).

<sup>3</sup> Available at: <https://courtingthelaw.com/2016/09/01/commentary/effects-of-crime-on-victims/> (Last visited on January 22, 2022).

# **A STUDY ON RIGHT TO DRINKING WATER IN INDIA WITH SPECIAL REFERENCE TO JAL JEEVAN MISSION**

*Dinesh Kumar \**

*Sarita\*\**

## **ABSTRACT**

Approximately 4% of the world's water resources are in India, making it one of the world's water-rich countries. The rapid urbanization of India, the rapid growth of the population, and the rising standard of living have resulted in a high demand for water all over the country. A study by “The Energy and Resources Institute” (TERI) reports that urbanization resulted in an additional demand for water of 12,420 million liters per day (MLD) in 2018. It is also estimated that the country's water demand will grow by 77% by 2050, rising to 1180 billion cubic meters (BCM) from 710 BCM in 2010. Many decades ago, the government had introduced few national water plans to address this aggressive demand. It emphasizes the importance of achieving 100% Functional Household Tap Connections (FHTC) in a short period of time under the current government initiative, Jal Jeevan Mission (JJM), launched in 2019. In addition, the management of grey water, the conservation of water, and the harvesting of rainwater will be mandatory elements of the program. As part of the Jal Jeevan Mission, which will use a community-based approach to water, education, communication, and information will be a major component. A community-driven approach to water will form the basis for the Jal Jeevan Mission which will incorporate extensive information, education, and communication. Water will become the priority for everyone with the creation of a Jal Andolan by JJM. The aim of this study is to know about the Jal Jeevan scheme and its current status in India.

**Keywords:** Government, Jal Jeevan Mission, right to water.

# HUMAN RIGHTS OF PERSONS WITH DISABILITY: NATIONAL AND INTERNATIONAL LEVELS

Anupam Bahri<sup>5</sup>

## ABSTRACT

*Human rights can broadly be defined as several basic rights, which recognizes and protects the dignity of all human beings. A disability could be described as an impairment that can be intellectual, limitations, cognitive, improvement, sensory, exercise, or a mixture of all these. People with disabilities all over the world experience human rights violations, stigma, discrimination, and barriers every day that restrict them from participating in society on an equal basis with others. The disabled persons constitute a major portion of the population worldwide, but they always remain one of the most ostracized and exposed populations. It is very difficult to obtain accurate data on the number of people with disabilities worldwide because approaches to measuring disability vary across countries and according to the purpose and application of the data is not available. The World Health Survey on household conducted in 2002-2004 in 59 countries estimated that about 650 million adults had a disability with about 92 million of those adults experiencing very significant disabilities. The survey also demonstrated that the occurrence of disability is higher in low-income countries where about 18% of the population has a disability, in comparison to high income countries where about 11.8% of the population has a disability. The current paper focuses on the human rights of people with disability. This paper includes various acts, provisions, and policies implemented by the Government for persons with disabilities at the international and national levels. Secondary source of data has been used. Today, newly emerging disability-sensitized communities would work toward the goal of a society for all in promoting economic, social, and cultural rights from a disability perspective, which would play a significant role in the common endeavour of the international community to achieve a society accessible for all.*

**Keywords:** human rights, disability, discrimination.

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## DIGITAL PRIVACY AND LEGAL SAFEGUARDS IN INDIA

Monika Negi<sup>\*</sup>

Kavita Sharma<sup>\*\*</sup>

### ABSTRACT

*In the time of internet, privacy of users is biggest concern of any state. Under Article 21 of Indian Constitution, privacy is a fundamental right. This article discusses digital privacy and legal safeguards in India which basically analyses the landmark judgment given by the bench of 9 Supreme Court judges on 24<sup>th</sup> August, 2017, regarding the privacy when analyzed from the different perspectives, i.e. The Information Technology Act, 2000, The Personal Data Protection Bill, 2019 in India dealing with cyber privacy.*

**KEYWORDS** -privacy, cyber privacy, data technology, fundamental right, constitution, data protection, personal liberty etc.

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# INTERNATIONAL PERSPECTIVE ON RIGHTS OF TRANSGENDER SOCIETAL NOTION REQUIRES MODIFICATION

Lovepreet Kaur\*

## ABSTRACT

*Transgenders are the people whose gender assigned at birth does not match with their self-perception. They usually face apathy from the mainstream society for being different. Indian society has a certain degree of tolerance and acceptance of the transgender community.<sup>6</sup> Despite this, the trans community has still remained an exceptionally marginalised community. This is in respect to access to healthcare, education and job opportunities, whilst facing discrimination. This notion must be changed worldwide for the recognition of their equal rights. Yogyakarta principles<sup>7</sup> have laid out a blueprint for addressing issues faced by the trans community. Our research sheds light upon the travesty of the trans community. We analyse numerous statistics available worldwide regarding common people's perception of transgenders. So, the researcher discusses the rights of transgender under the international instruments and thereby make an analysis of whether these rights are actually availed by them in the society. The researcher also suggests measures to resolve these issues.*

**KEYWORDS-** transgender, transgender rights, standard binary, yogyakarta principles, rigid morality.

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<sup>6</sup> Nanda S. The Hijras Of India: Cultural And Individual Dimensions Of An Institutionalized Third Gender Role. J Homosex. 1985 Summer;11(3-4):35-54. PMID: 4093603 (Last visited on January 10, 2022)

<sup>7</sup> Commission of Jurists (ICJ). 2017. "Yogyakarta Principles - Principles on the application of International Human Rights Law in relation to Sexual Orientation and Gender Identity." Geneva.

# **SOCIAL RECOGNITION OF THIRD GENDER COMMUNITY IN INDIA: AN INSIGHT INTO LEGALITY FOR THEIR MARRIAGE AND ADOPTION**

Mamta Devi<sup>\*</sup>

Samiksha Godara<sup>\*\*</sup>

## **ABSTRACT**

*This study is built on the argument that society's negative attitudes about third gender persons might lead to their rejection, discrimination, exclusion, and ostracization within the family and society. Physical appearance is a factor of influence when people assess others through social categorization processes. As a result, preconceptions and prejudices, if any, become activated. Gender is the first identity that a person perceives upon meeting another person. Much less is known about those who could defy gender standards, such as transgender. The identities such gender queer as inter sex, gender fluidity, third genders, positions outside of gender, and, to mention a few, pose challenges to the gender binary system. Individuals who identify themselves as transgender are likewise opposed to normalizing gender lines. The communities such as Hijras/Kinnars, Shiv-Shaktis, Jogtas, Jogappas, Arachis, and Sakhi face substantial bias and abuse daily in modern India. In India, there is no provision in law to protect transgender individuals. Even though the Indian Constitution makes promises against all types of differentiation, there is debate concerning the concept of third gender and the consequences of such limitations on third-gender rights. By adopting the doctrine research method, this paper discusses the Supreme Court's proactive approach in the NALSA (National Legal Services Authority) judgment, which gave much attention to transgender people. This paper also highlights the historical growth and current status of the transgender communities in various jurisdictions in India. Further, the study discusses the personal laws for transgender people, such as the legality of marriage and adoption.*

**KEYWORDS:** -community, transgender, marriage, adoption, LGBTQ etc.

## **ENVIRONMENTAL JUSTICE IN INDIA- AN ANALYSIS OF ROLE OF NATIONAL GREEN TRIBUNAL**

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Showkat Ahmad Wani\*

Renuka\*\*

#### ABSTRACT

*Environmental justice is part of right to life. The Right to life is meaningless, if we cannot breathe fresh air. We owe this interpretation of right life to the Supreme Court of our country. The environmental jurisprudence is the by-product of judicial activism. However, with passage of time the environmental issues got more and more complex and it became difficult for the judges of normal courts to provide justice as such matters require technical expertise. Due to this reason National Green Tribunal (hereinafter NGT) was established in 2010. India became third country in the world to establish green court after Australia and New Zealand. With initial hiccups and administrative crunches NGT has now been able to establish itself as protector of environmental rights. It has delivered landmark decisions providing environmental justice. This paper has analyses the role of NGT in dispensing environmental justice in India.*

**KEYWORDS-** environment protection, environmental justice, National Green Tribunal.

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# PROTECTION OF RIGHTS OF ELDERLY PERSONS IN INDIA: SENSITIZATION OF SOCIAL SECURITY AND HUMAN RIGHTS

Monika Negi\*

Mehak Chadha\*\*

## ABSTRACT

*Human Rights encompasses within itself enormous rights that it is difficult to put it in strait-jacket formula. Every person in this world is entitled to human rights irrespective of their age, caste, sex, religion and place of birth etc. Protection of the rights of the elderly population of our society becomes all the more indispensable because of the obvious reasons of infirmity, dependency, physiological and psychological ageing, abuse etc.*

*It is a stage in an individual's life which one cannot refute except untimely death. Population ageing is a natural phenomenon and India is no exception to this. Protection under national and international laws have been enshrined to accommodate the pre-requisites required for the senior citizens to live a wholesome life but this study gets flagged with the desire of inculcating comprehensive measures that not only strengthens the national and international protection regime but also aims at achieving the utopia of different level of planning, policy making and programming in favour of considering elders as God in mortal form.*

**KEYWORDS-** human rights, protection, abuse, national laws, population ageing.

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**E-KRANTI – A STIMULUS TO E-GOVERNANCE; PERSPECTIVE AND  
PERCEPTIONS OF THE CITIZENS OF PANCHKULA, HARYANA  
IN POST COVID ERA**

**CA Vikram Nayyar**

**Prof. R K Gupta**

**Dr. Manjul Vaidya**

**ABSTRACT**

*Following the 'Digital India' vision of Government of India (GOI), the State Government of Haryana has accelerated its efforts in providing services to citizens through digital mode and widened the scope of e-service delivery to the citizens. Availability of advanced Information Technological tools augmented by GOI's 'e-Kranti' initiative, created an ideal digital ecosystem to promote e-Governance for empowering citizens. In tune with digital ecosystem, the legacy old procedures and processes involved in service delivery to the citizens were rationalized to ensure an effective service delivery. The post COVID era witnessed a growing trend of online working and use of e-services among the citizens. Leveraging the circumstances caused by COVID, the Government has also launched various initiatives to promote the use of Government's e-portal by citizens to make the Governance mechanism more transparent and efficient. In this background, the State Government of Haryana also promoted the idea of paperless working and minimization of physical interaction between citizens and Government officials. This paper aims to map the experiences and satisfaction levels of users of various e-services offered by one of the districts headquarter of Haryana namely Panchkula.*

**KEYWORDS:** governance, e-Governance, Good Governance, e-Kranti, Information Technology, Information and Communication Technology, Citizen Services