

RELIGIOUS OBJECTIONS TO CRYONIC LIFE EXTENSION: AN EXPLORATORY STUDY

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ABSTRACT

Society and religion by nature show resistance to any change in established norms of human behavior. Birth and death are regarded as sacred which fall in the realm of religion or God. Death is primarily perceived as a religious affair among most religions. The Christians bury their dead in the presence of a priest who recites verses from the holy Bible. Muslims too have a *maulvi* present at the time of last rites of their departed souls. Hindus and Sikhs also consider cremation essentially a religious ceremony which is done either by chanting *mantras* or by paying respects at *agurudwara* accordingly. It is said that life and death are in the hands of God and rising from one's death is considered to be a very bad omen. However, problem arises when this established norm faces a challenge at the hands of modern medicine, which is now working to increase the lifespan of humans to a thousand years or may be even raise the dead from their grave. A conservative religious person might perceive this as thwarting God's plan for human mortality. This paper seeks to examine the religious objections to the science of cryonic preservation of the dead and establish how far religion agrees or disagrees with the practice.

Keywords: Cryonics, Death, God, Religion, Morality.

ATTEMPT TO SUICIDE: NEED TO HUMANISE THE LAW

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ABSTRACT

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Life is a stage with one entrance but many exits. Among those, suicide is one exit having a long ancestry. The act of suicide is forbidden in Khoran and the Holy Bible. The common belief among Hindus is that a person who commits suicide will not attain "Moksha" and his Soul will wander around, haunting and tormenting people. In recent times, attempted suicide, though a failed act has gained more importance (than the suicide, a successful act) since it is considered as an offence and is punishable under Section 309 of Indian Penal Code. A lot of conflicting opinions have generated on the desirability of retaining or deleting Section 309 of Indian Penal Code because of some contrasting judgments given by our Courts. Article 21 of the Constitution of India is a provision guaranteeing protection of life and personal liberty and by no stretch of the imagination can extinction of life be read to be included in protection of life. By declaring an attempt to commit suicide a crime, the Indian Penal Code upholds the dignity of human life, because human life is as precious to the State as it is, to its holder and the State can not turn a blind eye to a person in attempting to kill himself. Another set of people are of the opinion that the Section 309 of Indian Penal Code is cruel and irrational because it provides double punishment for a troubled individual whose deep unhappiness had caused him to try and end his life. In India there are innumerable cases wherein religious ascetics fast to death without State intervening and are not punished though such acts amount to attempt to suicide.

Key words: Suicide, Attempted Suicide, Types of Suicide, Section 306 & 309 of Indian Penal Code, legal anomaly.

The Legal Standing of Transgenders in the Advertising Industry: Seeking Equality through Law and Justice

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Abstract

The paper discusses the origin and historical background of transgenders in India and their plight. In a country where the Constitution promises equality in letter and spirit, this gender still has a long way to travel. The paper deals with various problems that transgenders face in a developing country like India. It highlights the constitutional provisions relating to gender equality including the position of transgenders, the role played by the judiciary in the emancipation of their status as "the third gender" along males and females and the role of advertising industry in inculcating an acceptance towards them in the society. It concludes

that the advertising industry needs to extend itself beyond the social barriers and must adopt measures to accept the transgenders as an effective promotion tool.

Keywords: Transgenders, advertising industry, equality, recognition, promotion.

USING MEMES IN LANGUAGE CLASSROOMS OF POST MILLENNIALS

Dr.Chanchal Narang*

ABSTRACT

In the domain of language and literature teaching, teachers follow the prescribed teaching materials and intuitive teaching methodologies. Such teachers may be bound by the syllabi but as long as they understand and try to reach the curricular objectives, they would survive in the tiding and turmoil presented to them by the tech-savvy generation. In the world of today, a teacher who is not updated about the technology can easily perish into irrelevance and obsolescence. The present paper is an instance at the behest of an English teacher who is trying to match her steps with the upcoming generation of Millennials. These students make extensive use of social media and hi tech devices. If the students can be addressed in their language based on the area of their activity, language teaching and learning can emerge as fun-filled and fulfilling exercise. In this context, the teacher-researcher has come across a widely prevalent mode of communication i.e., meme or internet meme and experimented how meme could be used to teach heading writing, proverbs and idiomatic use of language to the adult learners in a language classroom.

Key words: Language Teaching, Proverbs, Idioms, Headings, Meme Making

Understanding Media's Impact on Children: A Synoptic View

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ABSTRACT

Drugs, alcohol and smart phones, the aim of all these products is same i.e. to make the user 'addictive'. The first two are banned for children and a certain age limit is defined before its usage and purchase. Smart phones made a late entry but engulfed one and all irrespective of age and there is no ban on it. You can't put genie back to the bottle holds true for smart technology. They are out and everywhere. The danger they have caused to the children is enormous and alarming. The massive presence of Media and the time spent on media technologies by children are clear indicators that there is a shift in lifestyles and priorities for our new generation. Children as young as in their infancy are exposed to vibrant colours and music of the cell phone. All types of screens (television, cell phone, tablets, video games, etc.) have proved to be the best baby sitters as these not only keep the baby busy but help in

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calming a crying baby. Also, over indulgence with the smart screens is making the young generation dependent on varieties of media. One of the reasons of children's immersion in electronic screens is parents feel safe that the child is in front of them. The growing incidence of crime by Neighbours and friends has left no other option with parents except to leave the child with technology. The continuous presence of technology in fascinated world is effecting the socio- psychological development of the child in many cases. The present paper aims to find out the Social, Psychological and Health impact of media on young children.

Keywords: Media, Electronic Media, Digital Screens.

AN ECONOMETRIC ANALYSIS OF FOOD PRICES VOLATILITY IN INDIA

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ABSTRACT

India represents a development enigma along with numerous paradoxes pertaining to food security. Although there is national food grain self-sufficiency, several households still suffer with food scarcity. High rates of economic growth have been coupled with lofty poverty levels and alarming rates of food price inflation. Food prices play a significant role in maintaining the well-being of an individual and also in mitigating the poverty levels in emerging economies. The main purpose of this study is to identify the direction and magnitude of the factors touching food price inflation in India for some specified period. The paper used the most reliable and consistent econometric tests i.e. Augmented Dickey Fuller, Johansen co-integration analysis followed by Granger Causality test. The paper empirically explicates the dynamic inter- linkages and trends in food prices with its determinants during 1990 to 2018. To analyse the long run association between the food inflation and its determinants- minimum support prices, rural wages, production of food grains and fuel-power inflation, the paper used Johansen co-integration approach followed by the Granger Causality test to examine the direction and causality among the variables. Results exhibited a minimum of one co-integration equation among the variables and the empirical results of equation showed that rural wages, fuel-power inflation and minimum support prices have positive impact on food price inflation while production of food grains was found to be negatively related with food price inflation in India. Also, the study confirms the unidirectional causality running from MSP to Food price inflation.

Key Words: Food price inflation, MSP, rural wages, cointegration, causal relation

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NDIA'S POSITION ON CLIMATE CHANGE: CONTINUITY AND CHANGE

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ABSTRACT

India's stand on climate change (CC) has been the subject of debate amongst the intellectuals, policy-makers, the scientific community and legal fraternity from Stockholm Conference (1972) onwards. India alongwith the support of developing nations changed discourse on environment at outset and by consistently arguing for equity for climate action (CA) which has become the bedrock of UNFCCC (1992) and its operating protocol termed as Kyoto Protocol-2005 (KP). The principle of equity has been spelled out as CBDR-RC which was corresponding with prevailing reality regarding the global carbon cake. Notwithstanding this, the consistent efforts have been made by the developed nations to dilute the principle of CBDR-RC over the period of time. Over the period of time, the ground reality regarding the emission of GHG has also changed dramatically as reported by the fifth report of IPCC-2014. Much before that India's climate change policy started changing as it announced voluntarily to reduce its GHG emissions at MEFEC in July 2009 even before the COP-15 to UNFCCC at Copenhagen held at the end of 2009. It has happened partially due to three-fold increase in India's emission of GHG since 1991, changing ground reality related to global carbon cake and partially to reap dividends on other foreign policy goals by conceding space on CC. Although, India signed and ratified Paris Agreement (2015) and also agreed to a new principle termed as Intended Nationally Determined Contributions-Respective Capabilities (INDC) for CA but still it has been arguing and invoking the principle of equity termed as CBDR-RC.

Keywords: Environment, Climate Change, Legal Policies.

MARITAL RAPE: STUDY OF INTERNATIONAL LAWS WITH REFERENCE TO INDIA

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"The husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife has given herself to her husband which she cannot retract".⁸

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Abstract

In Indian society women during her childhood remains under the control of her father during her young age she remains under the control of her brother and after marriage under the control of her husband, in old age under the control of her son. A woman from her birth to death remains under the control of male. This concept has given birth to male dominating society in India. In such society women are forced to have sex with her husband even without her consent. They bear this pain because there is no provision in Indian law which is protecting them from this atrocity. This paper is talking little about Indian situation of marital rape and mainly discussing international scenario in which laws of some country/states which has made marital rape an offence like Austria, Australia, Belgium, Canada, Ireland, New Zealand, Nigeria Scotland and California has been discussed. This paper is ending with some conclusion and suggestions.

Key Words: Marital Rape, International Law, Trust, Respect, Love, Penetration

GROWTH OF CAPITAL MARKET REGULATION IN INDIA AND USA: An Analysis

*Rohtash¹⁰
**

Dr. Jai Mala

Abstract

A capital market a set of complex and closely connected financial institutions, instruments, agents, markets and so on which are interdependent and interlinking with each other to produce the economic growth within the country. The legislative framework for the capital market regulation mainly developed in the USA, the US economy having the most deepening capital market in the world therefore mainly developing and developed economies in the world followed the US capital market legislative framework for the purpose of regulation of the capital markets in their economies. The present research paper on focuses the comparative study of the legislative framework in the US and the Indian. In this research paper researcher pay due considerations on the effectiveness of the legislations made for the purpose of the

⁸[https://www.worldwidejournals.com/indian-journal-of-applied-research-\(IJAR\)/fileview/December_2013_1385986800_cc62d_76.pdf](https://www.worldwidejournals.com/indian-journal-of-applied-research-(IJAR)/fileview/December_2013_1385986800_cc62d_76.pdf) , visited on 07-01-2020 at 06:30 pm

⁹Sir Matthew Hale SL was an influential English barrister, judge and lawyer most noted for his treatise *Historia Placitorum Coronæ*, or *The History of the Pleas of the Crown*

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capital regulation in India with the working of the law made for the same purpose in the USA and to find out how the Indian legislation could be more efficient.

Key Words: Capital market, Legislative framework

UNFOLDING THE STARTLING DIMENSIONS OF INDUSTRIAL DISPUTES IN INDIA

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ABSTRACT

The present paper is an attempt to unfold the changing dimensions of the industrial disputes in India. It studies the industrial disputes, strikes and lockouts in organised manufacturing sector over a period of twenty two years. The aim of the paper is to find out the incidence and impact of industrial disputes, strikes and lockouts at all India level and in public and private sectors. The analysis has been done at three digit level of industrial classification (NIC 2004). Different statistical techniques have been applied and the results of the study reveal significant details and the changing dimensions of industrial disputes in India.

Keywords: Disputes, Strikes, Lockouts, Labour, Trade Unions.

THE INPUT TAX CREDIT- A KEY ELEMENT OF GOODS AND SERVICES TAX

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ABSTRACT

The complex system of indirect taxation is simplified and consolidated into a single tax known as Goods and Services tax. The imposition of this tax is at the stage of the consumption of goods as well as services but the final burden is on the consumers. This tax is levied at each stage where the value is added on goods or services. The main lacunas of the prior tax regime were firstly the tax was being imposed on tax which is known as cascading effect and

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secondly, the credit of taxes paid on inputs was not available to set off the same against the output tax liability because different types of indirect taxes were being levied by the centre and the state separately. With the implementation of GST, the above mentioned lacunas are overhauled by elimination of the cascading effect majorly by the introduction of the concept of input tax credit in GST. The Input Tax Credit is the mechanism which allows the taxpayer to set-off the taxes paid on inputs against the taxes payable on outputs. The main reason behind this was after the introduction of GST, the tax is being levied by the Central and State Government concurrently.

Keywords: Indirect Taxation, Tax credit, goods and services

RIGHT TO PRIVACY WITH SPECIAL REFERENCE TO PEGASUS ATTACK

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ABSTRACT

Privacy is an individual or a group's ability to isolate or articulate information about them. The boundaries and nature of what is known as private vary from one society to another, but hold similar principles. When a person has something personal, it normally means something spectacular or sensitive to them. Now it is a settled law that the Right to Privacy is fundamental right and that simply cannot be snatched away with mere legislations. From MP Sharma to KS Puttaswamy, the long tread was full of uncertainty and difficulties but the thing has settled forever in the form of a fundamental right. Now another conflict that has to be deal with this right is of Mass Surveillance of the citizens and their right to privacy. Equilibrium has to strike between the state's responsible character and an Individual's right to Privacy. The researcher will try to establish that the fundamental Right will always prevail over the state's mass surveillance needs. The recent attack of Pegasus Spyware is a serious violation of the fundamental rights of the individuals. The attack doesn't only violate the individual's rights but it also impacts the sovereignty of the state as state is not able to distinguish who was behind these attacks. The attack becomes even more severe as currently there are no laws for the data protection in the country that can specifically govern these types of attacks and provide relief to the individuals.

KeyWords: Privacy, Sovereignty, Citizens, Legislations, Data Protection

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HUMAN RIGHTS VIOLATIONS BY ARMED FORCES: CONFLICT OF POWERS AND RESPONSIBILITY

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ABSTRACT

The maintenance of internal peace and security is the basic function and responsibility of the armed forces of the country. In their functioning as law enforcement agencies, they often get confronted with the alleged violations or abuse of certain civil liberties of the community. The paper discuss said violations of human rights of its subjects *by these law enforcement agencies in exercise of their power of maintain proper law and order.*

Key Words: Armed Forces, Human Rights, Jammu Kashmir, Special Powers, Violations etc.

PATRIARCHAL JUDICIARY AS HARBINGER OF GENDER JUSTICE IN INDIA

Dr.Samreen Hussain*

ABSTRACT

This paper tries to present a discursive analysis of judicial decisions and attitudes on the contours of sex discrimination through an examination of reported judgements of the honourable apex courts and different high courts over the last seven decades after the independence. This analysis is in itself neither exhaustive nor it covers the broad spectrum of gender discrimination , but tries to point out problem area as well as the inherent bias and underlying patriarchy in the highest courts of justice.

Keywords: Gender, Justice, Sex-Discrimination.

CORPORATE RESTRUCTURING OF ONE PERSON COMPANY IN INDIA – A ROAD YET TO BE TRAVELLED

Bharat¹⁴

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ABSTRACT

Corporate restructuring by way of Mergers/Amalgamations and Acquisitions of private companies is a well-established phenomenon in the contemporary corporate milieu as restructuring is the famous mechanism adopted world over to achieve growth, synergy,

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diversification and social recognition for the corporations. Keeping in view the fact that the restructuring wave has become the order of the business world, in this article an attempt has been made to introspect the status of mergers and acquisitions in case of one person companies in India. Further, since the legislative mandate of India is not clear on many points, thereby the researchers will compare Indian law on One Person Company with U.S. A. law on Single Member Limited Liability Company to deduce logical conclusions.

Keywords: Acquisition, corporate, India, merger, One Person Company, restructuring.

STATUS OF WOMEN PRISONERS AND THE ROLE OF JUDICIARY: AN ANALYSIS

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ABSTRACT

The prison administration of today's era is completely changed. Now the new word of prisons is the correctional and reformatory institutions because the goal of imprisonment is not only to guard the society from the criminals and to have deterrent effect but to rehabilitate, reintegrate and reform these prisoners in the society. In this backdrop the paper seeks to analyze the status of woman prisoners in India and the active role of judiciary in addressing this sensitive issue.

Key Words: Children, Judiciary, Prison, Sexual Abuse, Women etc.

IMPACT OF DEREGULATION ON OVERALL EFFICIENCY OF COMMERCIAL BANKS IN INDIA

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ABSTRACT

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At present, banking sector in India is on the threshold of an exciting, liberalised, competitive and challenging phase in response to bank deregulation, consolidation and global integration, which can be attributed to the dynamic integration of technological advances, government policies and market forces. Against this backdrop it is important to understand how the Indian banking sector is reacting to the emerging challenges in the period of transition and deregulation. The present study is an attempt to measure the efficiency of all scheduled commercial banks in India after deregulation.

Keywords: Efficiency, Financial System, Capital Formation and Capital Adequacy Norms.

JURISPRUDENTIAL NORMS OF SAFEGUARDING INDIAN WITNESSES: AN ANALYTICAL STUDY

Varinder Singh*

PROLOGUE

The democratic set up of our nation is such that tends to put up an obligation on the State to provide protection to the witnesses by developing various Witness Protection Laws in the country. There are many international laws and conventions with respect of witness protection and hence the same is needed in a country like India. Therefore, while taking into view, the different international standards and witness protection laws in other countries, the State must take appropriate measures to provide protection for witnesses testifying with respect to criminal cases in their country. In our country, we have no such law till date, there is no legislation or special programme that has been formulated in this area. Consequently, as a result of this absence of legislation, the pathetic plight of the witnesses in criminal justice system is increasing day by day. Thence, it is seen that in order to curb such a dilemma, the judiciary had played a significant role in providing a shield to all the witnesses so that no injustice is done or that there is no miscarriage of justice.

The laws of the country provide for an inbuilt right to be dealt fairly in a criminal trial. Ensuring fairness is a fundamental obligation of Judge presiding in the criminal trials, as means of achieving their ultimate objective of achieving justice. Hence, it would be incorrect to say that it is only the accused that has a right of fair trial. That would be turning a Nelson's eye to the need of society at large and the victims or their family members and relatives. Denial of fair trial is as much injustice to the accused as is to the victim, witnesses and their

family members and relatives¹⁵. The role of a Judge is to strike a balance fair trial to accused as well as to the prosecution or the victims and therefore, it maintains the harmony in the court room. There is a need that judges should take more proactive role in the field of witness protection. In numerous cases the judiciary played the constructive role to provide different means and methods to the protection of witnesses which lead to the significant amount of encouragement to establish Witness Protection Programs in India.

ABUSES AGAINST STREET CHILDREN: AN EMERGING ISSUE OF 21ST CENTURY

Dr. Anupam Bahri*

Abstract

There is no way to thoroughly enumerate the various ways in which children around the world are economically exploited and physically mistreated. But the numbers are great and the suffering widespread. Behind the hideous imagery of children beaten or sexually abused by parents; ravaged beyond their years by hard living and drug abuse on the streets; maimed by landmines or turned into killers by war; stricken with AIDS are the all too common struggles against disease, hardship, and family or social traditions that compromise children's humanity or subject them to physical and emotional suffering. While 18 million children work on the streets of India, it is estimated that only 5-20 percent of them are truly homeless and disconnected from their families. Because the street children in India have unique vulnerabilities - the amount of time they spend on the street, their livelihood depending on the street, and their lack of protection and care from adults - they are a subgroup of the Indian population that deserve specific attention in order to ensure that their needs are known. As the most vulnerable group of children in India according to UNICEF, they need to be understood as much as possible. This study illustrates the trend found by most researchers: most children leave their families to live on the street because of family problems. Family problems include such things as death of a parent, alcoholism of father, strained relationships with stepparents, parent separation, abuse, and family violence

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¹⁵ Prakash Chandra Mishra, "Witness Protection: The Supreme Court Approach and its Impact", Cri.L.J., Vol.118(5), May 2012, pp.140

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Key words: Street Children, Physical Abuse, sexual abuse,

DISCIPLINARY PROCEEDINGS AGAINST EMPLOYEES: AN ANALYSIS

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Abstract

Executive authorities perform various functions such as administrative, quasi-legislative, quasi-judicial function. While exercising the quasi-judicial function, the administrative authority is bound to observe the principles of natural justice and to ensure fairness and to secure justice to an employee concerned. The authority decides the case objectively by applying law to the facts and ascertainment of facts by the mean of evidence. In this article effort has been made to study all reasonable efforts made by the competent authority to provide justice by ensuring on fairness on every aspect of exercising power while deciding any disciplinary action.

THE USE OF NEO-DEMOCRATIC METHODS FOR RESOLUTION OF TERRITORIAL DISPUTES WITH SPECIAL REFERENCE TO INDIA: AN ANALYSIS

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ABSTRACT

Intractable territorial disputes can be the legacy of any democratic nation because of errors committed by the previous indigenous governments or colonial governments. In any case if these territorial disputes have been lingering on and could not be resolved despite various political endeavors, these disputes require positive contribution and active participation of citizens for effective, durable and meaning resolution of disputes. Encouraging citizen participation in peace initiatives in form of their opinions and suggestions is the demand of modern evolving democratic values. This paper analyses the case of Belize and Guatemala territorial dispute to argue that citizen participation in dispute resolution mechanisms through referendums can ensure better and positive outcomes, which in comparison to pure political

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mechanisms will be more prudent, effective, durable and above all democratic. The political risks associated with these outcomes will also be minimum as they will be a manifestation of the will of the ultimate sovereign i.e. the citizens.

Keywords: Neo-Democratic, Dispute resolution, Citizen, Political Risks, Peace Initiatives

CHILD SEXUAL ABUSE: LEGISLATIVE AND JUDICIAL INITIATIVES IN INDIA
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ABSTRACT

Child abuse is a state of emotional, physical, economic and sexual maltreatment meted out to a person below the age of eighteen and is a globally prevalent phenomenon. This paper has been analysed through headings like introduction, Global Scenario of Child Abuse, Child Abuse in India, Types of Sexual Abuse, Children Rights under the Statutes (The Constitution of India, Indian Penal Code, 1860, The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, The Protection of Children from Sexual Offences Act, 2012, Amendment, judicial response, recent cases, conclusion and recommendations.

Keywords: *Child abuse, The Protection of Children from Sexual Offences Act, 2012.*

THE MUDDLED NOTIONS ON WRONGFUL DEATH AND ABORTION -A CONCEPTUAL ANALYSIS

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ABSTRACT

As soon as one hears or reads the expression abortion, medical termination of pregnancy and miscarriage, there arises confusion in the mind as to their differences and similarities. The same uncertainty strikes in case of wrongful death and abortion. The intellectual debates around these terms usually also cover pro-choice and pro-life issues. The main aim of the research paper is to set clear the above-stated confusion and also try and place the legal developments in India on the issues of unborn, vis a vis the concerned parts of the rest of the world.

All the above has been touched upon by the author in the light of the latest news of the Madison County probate judge Frank Barger, allegedly 'recognising' the legal rights of an aborted foetus¹. Ever since the development, highlighted by the media, the debate around legal personality of unborn has re-captured the attention of the world, including India.

The roadmap to topical coverage is through the following points:

- 1) issues of bodily autonomy and integrity of the woman*
- 2) difference between WD (a tort) and abortion (criminal, if illegal)*
- 3) the jurisprudence involving 'wrongful death' (WD) claims*
- 4) the overrated case of Roe versus Wade*
- 5) the obvious issue of whether foetus/unborn is a legal person.*

The last two have hardly received any attention in India, leading to a jurisprudential vacuum and intellectual bankruptcy. Not only this, it is the widespread ignorance even amongst the legal fraternity that the latest Alabama case remains largely misunderstood. The author proposes to deal with each of them in decent details.

Keywords: Wrongful Death, Abortion, Roe V Wade, Right to Bodily Integrity, Medical Termination of Pregnancy, Miscarriage.

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ELECTRONIC WASTE – AN EMERGING ENVIRONMENTAL CHALLENGE

Harkirandeep Kaur*

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ABSTRACT

We have to value our environment as an economic capital and not disregard it as a valueless resource. If we perceive it as a dumping ground for wastes of living and industrial operations we are indeed headed for disaster. Electronic gadgets have influenced our life in every aspect. The consumption trends of these appliances have shortened the life-span of these electrical products as every day a new product is launched in the market with more advanced features making the consumers reject the older products. These are discarded and dismantled clandestinely which greatly affect the health of the workers and the environment as these products are composed of harmful chemicals. The problem of e-waste is acute as developing countries are being used as dumping grounds by the developed countries for exporting their electronic waste.

In this paper an endeavour is made to conceptually analyze the composition of e-waste and its harmful impact on human health and environment. The paper would highlight the reasons behind e-waste, the efforts made internationally for tackling the menace of e-waste and analysing the position of e-waste and its management in India.

KEY WORDS: Environment; E-Waste; Harmful Chemicals; Management Rules.

DECRIMINALISATION OF BEGGING: AN ANALYSIS WITH SPECIAL REFERENCE TO JUDICIAL CONTRIBUTION

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ABSTRACT

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The fate of the poor in any given society is a picture of dismay. Falling in the same bracket of abysmal living are beggars who have been shunned by the government and civil society alike.

Beggars elicit either pity or scorn from onlookers. However, looked at from the view of the policy makers, beggars are equated with criminals. The Bombay Prevention of Begging Act, 1959 and its sister legislations have long criminalized beggars in Indian states. While the State's apathy towards beggars was apparent given the criminalizing legislation, beggars were long overlooked by the judiciary also.

The practice of punishing beggars for their ostensible poverty was halted by the Delhi High Court in 2018 in the case of *Harsh Mander & Anrv. Union of India*. The court struck down several provisions of the afore- mentioned Act as being violative of several significant provisions of the Constitution, namely Article 14 and Article 21. The judgment came as a stepping stone to push progressive discussions in the realm of welfare jurisprudence. Doors have now been opened for formulation of laws and policies for enabling the rehabilitation of beggars.

Keywords: Beggar, Constitution, Right to life, Right to Equality, Poverty

ASSISTIVE TECHNOLOGY FOR THE CHILDREN WITH INTELLECTUAL AND LEARNING DISABILITIES- A FAR REACHED DREAM IN INDIA

Nidhi Sharma*

ABSTRACT

Law as we understand is a set of rules which are adopted by the authorities or institutions in order to govern the people living in a society and technology is an organised body of knowledge which gives us a plethora of tools and materials which help the human beings simplify their daily activities in an easier way. Assistive Technology is a new and an emerging concept in the field of technology which specifically caters the needs and requirements of the intellectually disabled. Assistive Technology is an emerging field of technology which is primarily used for making the lives of children who are specially abled better and to enable them to become an equal part of the society. It can be described as a device or any form of service which helps a child with disability to participate in various activities and also feel independent. The laws which specifically deal with the rights of the

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disabled i.e. UN Convention on the Rights of Persons with Disabilities, 2006 and the national regime i.e. the Rights of Persons with Disabilities Act, 2016 specifically provide for the right to accessibility for the intellectually disabled children and also provide that assistive technology should be made available to them. The technology must be such which allows the child to perform those functions which he/she is otherwise not able to perform, however, there are a lot of challenges which hinder the accessibility of this technology to reach the intellectually disabled. The researcher in this paper shall discuss the concept of assistive technology, its meaning, benefits and the legal regimes for the same. The researcher shall also discuss the challenges in way of making this technology available to the intellectually disabled in India.

Key Words: Technology, Law, Intellectual Disability, Disability and Children.

MISINTERPRETATIONS OF NATIONALISM IN CONTEMPORARY INDIA AND ITS IMPACT ON FUNDAMENTAL FREEDOMS

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ABSTRACT

Nationalism is like a DNA, it runs in our genes without intruding upon our normal routine but erupts out whenever there is a demand. The idea of nationalism is a topic of debate in the 21st century. The term nationalism has a very wide scope and it may encompass any act required on the part of citizens in the interest of the nation. Currently, the terms nationalism and anti-nationalism are being defined in a very narrow manner. Every act which supports or appraises the policies of government in any manner or which maintains peace and order, even at the cost of curtailment of fundamental rights is termed as nationalism and every act opposite to it is termed as anti-national. Recently, restrictions are being imposed on our fundamental freedom of expression, right to practice any religion and cultural spirit in the name of nationalism which poses a serious threat to our constitutional values bestowed upon us by our founding fathers. Political leaders are trying to regenerate the meaning of nationalism to achieve their circumscribed objectives.

Keywords: Seditious, Nationalism, Democracy, Speech.

Critical analysis of admissibility of Illegally Obtained Evidence: A Comparative Study of India and USA

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Sachin**

ABSTRACT

Exclusionary Rule is a rule in which the evidences obtained with illegal means by Administrative authorities are excluded when presented in the court of law. The Fundamental purpose of this rule is to restrict the Investigation Officers from gathering such evidences without following the due process of law. In U.S.A., their law provides freedom from unsubstantiated searches and seizures i.e. without warrant and without the sign of judge and right to remain silent. But in India, derivatives use of Custodial Inculpatory and Exculpatory Statements in the ordinary course of business is allowed. There is requirement to amend rules in India to stop the violation of someone's Constitutional Rights.

Keywords: Exclusionary, Searches, Seizures, Constitutional, Rights.

DISTRIBUTIVE JUSTICE-JURISPRUDENTIAL NORMS AND ATTITUDES TOWARDS WELFARE STATE

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ABSTRACT

The Constitution which lays down the basic structure of a nation's polity is built on the foundations of certain fundamental values. The vision of our founding fathers and the aims and objectives which they wanted to achieve through the Constitution are contained in the Preamble, the Fundamental Rights and the Directive Principles. These three may be described as the soul of the Constitution and the testament of the founding fathers to the succeeding generations together with the later Part on Fundamental Duties. Dr.B.R.Ambedkar was the man of millennium for social justice, since he was the first man in history to successfully lead a tirade of securing social justice to the vast sections of the Indian humanity, with the help of a law. Dr. Ambedkar was the man who tried to turn the wheel of the law toward social justice for all. At the time of independence, the Constitution makers were highly influenced by the feeling of social equality and social justice. For the same reason, they incorporated such provisions in the Constitution of India, as, "Socialist",

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“Secular”, “and Democratic” and “Republic”, which reflect it’s from as a “Social Welfare State.” The expression “Socialist” was intentionally introduced in the Preamble.

KEY WORDS: Social Welfare State, Socialist, Justice, Distributive Justice.

Market Concentration and Foreign Direct Investment (FDI) Inflow in the Indian Wireless Telecommunication Market: An ARDL Approach

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ABSTRACT

Indian telecom sector is third highest FDI receiving sector in the country. Previous studies show mixed evidence of FDI influence on market concentration and vice-versa. This paper investigates the relationship between market concentration and FDI inflow in the Indian wireless telecommunication market during the period January, 2006 to March, 2018. Autoregressive distributed lag (ARDL) bounds testing approach to co-integration has been used. An error correction model has been applied to examine short-run dynamics among variables. The estimated model shows the positive and significant impact of market concentration on FDI in the Indian wireless telecommunication market and found unidirectional causality from market concentration to FDI.

Keywords: - Market Concentration, Foreign Direct Investment, Autoregressive Distributive Lag, Wireless Telecommunication.

REPRODUCTIVE RIGHTS AND SURROGACY

Dr. Anju Choudhary¹⁹

ABSTRACT

Surrogacy serves as a solution for infertile and childless parent(s). Surrogacy is also a means to parent a genetically belonging child and is therefore, more often preferred than adoption. India has been classified as a medical tourism destination globally. India is a suitable and preferred destination for planning children through use of surrogates is illiteracy and poverty. These factors contribute to the easy availability of Surrogates, who due to their poor

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economic conditions take up surrogacy as an employment and undergo trauma and sufferings in order to make ends meet for their families, their dreams and aspirations for a better future. The commercial surrogacy also leads to abandonment of children, forced abortions and much more. The Medical Centers providing Assisted Human Reproduction services have turned the reproductive capacity of a woman as a sellable article. It is a matter of great shame that India does not have a Law governing such an important aspect even after passage of over four decades from the day when the first IVF child was born. The absence of law has not only resulted in growth of malpractices in the field of Assisted Human Reproductive Technologies but has also by and far resulted into the exploitation of poor surrogates and the commissioning parents at the hands of the Medical Centers providing Assisted Human Reproductive services.

Key Words: Surrogacy, Motherhood, Assisted Human Reproduction, Law, Infertility, Child

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