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Human Rights Violations against Persons with Disabilities even in the Midst of Pandemic: A Critical Legal Analysis

DIYANE PHASANNAN¹

ABSTRACT

Until very recently the persons with disabilities were largely excluded from the purview of anti-discrimination and human rights laws. The legal recognition for them was confined to the spheres of welfare and charity law. Though this was only a partial recognition when compared to the persons with non-physical disabilities, the situation was gradually changing, especially in the aftermath of global disability rights movement since the 1970s. This movement culminated in the adoption of the United Nations Convention on the Rights of Persons with Disabilities and also its Optional Protocol in 2006 (UNCRPD). Despite the fact that they are positive steps forward, there were still huge problems underlying these rights of persons with disabilities. Although the existing human rights laws seem to provide equal rights for the disabled, in reality, these instruments have failed to protect the human rights and fundamental freedoms guaranteed to disabled people in the national scenario in spite of four major legislation relating to disability and the comprehensive disability legislation of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act), the lacuna and defects in the legislation was realised very late which ultimately resulted in the Rights of Persons with Disabilities Act, 2016 (RPWD). In spite of all these developments in the disability legislation the human rights violations against these persons are still prevalent and in fact more rampant in the midst of COVID pandemic. Their condition was likely to be worsened if the government proceeded with the amendment to the RPWD Act, 2016, to decriminalize minor offences for improving business sentiment and unclogging court processes. All these call for a need to look into the evolution of the law, its development both in the international and national scenario and the recent move of the government to amend the legislation opening up once again the imminent question as to whether the rights of the persons with disabilities are truly protected.

Keywords: Persons with Disabilities, United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), The Rights of Persons with Disabilities (RPWD) COVID Pandemic, Amendment, Human Rights Violations



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Real Estate, Good Governance and Property Right – Interface and Intricacies

Dr. D. Rangaswamy*

Introduction

The role of the property for the betterment of the human society is remarkable.¹ In the context of its vital importance, right to property has been accorded concrete jurisprudential foundation.² According to *Smith and Lee* property rights are not simply equally important to other rights, but are the most important of all rights. It is a guardian of every other right.³ It is fundamental in a society based upon private ownership of the means of production.⁴ As explored by the *Carol M. Rose*, Bentham regards property not as a right but as a creature of law, and indeed as “nothing but a basis of expectation.”⁵ According to *Bentham* the security of property is vitally important not because property is a right with a political rule, but because a society that safeguards property is wealthy.⁶ Being wealthy, that society can satisfy more individual preferences than a society in which property is at risk. The State being protector of the interest of the citizens, has to play a pivotal role in protecting and promoting the property of the society. When ownership is insecure, it may leads to social revolution. Crucial components of economic development such as Investment and effort in trade or business may be dampened when “Mafia” thugs threaten the successful, or when vaguely-authorized officials siphon off the fruits of

- Assistant Professor of Law, Karnataka State Law University, Law School, Hattihalli, Karnataka*
1. Not generally. See also William Egan, “Property in the Law of Economics,” *Yale Law Journal*, VOL. 67 (1957): 1287 – 1336. Explores the nexus between property, transactions, markets and social control. Warren Swaine, J. B. Van Oosterhout, “Property Rights and Economic Development,” *Review of Social Economy*, VOL. 16, 1911 (April 1911): 214-27. Explores the economic perspective of property in the context of transactions and market-practice rights. David W. Ladd, “Property Rights, Processes and Economic Growth,” *Political Science Quarterly*, VOL. 44 (1929) (October 1929): 5-26. Explores the relationship between property rights and economic growth and analyzes the relative performance of democratic and autocratic rights.
 2. See Robert Hale, “The Theory of Property,” *Yale Law Journal*, VOL. 71, 1961 (October 1961): 1-40. Discusses the right of the property owner in the context of economic theory, contract theory, and utilitarianism. Michael Ball, “A Theory of Property,” *Journal of Law, Economics, & Organization*, VOL. 16, 2001 (Fall 2001): 411-431. Explores the property right for transactions, contract law theory, production theory, institutionalism, value theory, George B. Pappas, “Theories of Property,” *Political Science Quarterly*, VOL. 117 (1902) (June 1902): 241-263. Explores the right to property in the context of legal philosophy of Hobbes, Locke, Rousseau, Fichte, Bentham and J.S Mill.
 3. Cited in; Carol M Rose, “Property Right as Key State Right,” *Notre Dame L. Rev.*, VOL 71, NO 4 (1996): 129-137 at p. 133.
 4. Michael E. Lipton, “The Right of Property and the Law of Theft,” *Ec. J. Rev.*, VOL 90, NO 8 (1981): 1443-1473 at p. 1443.
 5. Bentham, Jeremy, “Principles of the Civil Code,” In *The Theory of Legislation*, by C.K. Ogden, ed., (1951) Cited in, Carol M Rose, *Supranote 1*, at p. 530.
 6. *Principles of the Civil Code*, at 113-14. Cited; Carol M Rose, *Ibid.*, at p. 31.

Analysis of Environmental Disputes under GATT/WTO

Mr. Sunil N. Bagade*

I. Introduction

International trade has gained great significance in the present era. More specifically, it has been regarded as the vehicle of economic development. During the latter half of 19th century the international community realised the importance of free trade and started pursuing the same. At this juncture General Agreement on Trade and Tariffs came into existence presenting the norms of international trade. The important contribution of GATT was introduction of non-discrimination principle in the international trade.¹ This principle ensured the equal opportunity of trade to all the member countries. Thus, it prohibited the discriminatory practice in the trade. This in a major way helped to promote free trade.

No doubt, the development of free trade helped the countries to attain faster economic development, but at the same time it caused severe harm to the quality of environment. The negative consequences of environmental pollution compelled the nations to adopt environmental measures aimed at the protection of quality of environment. This paved the way for trade and environment conflict.

This article aims to explore the origin of trade and environment conflict. It also aims to understand the compatibility of environmental measures having bearing on trade with the core obligations of GATT/WTO. An effort is made to explore the role of Dispute Settlement Body in the resolution of trade and environment dispute.

II. Origin of Trade and Environment Conflict

The origin of trade and environment dispute dates back to the period when the countries were rigorously pursuing free trade policy. The economy of the nations was adversely affected by the great depression of 1930s and also by the Second World War. To attain faster rate of economic growth the nations started focusing on free trade policy. It is observed that the increase in the intensity of international trade exerted more pressure on the industries to manufacture goods in large quantity. To meet the increased demand the industries started overexploiting the natural resources which resulted into severe depletion of those resources. The very process of industrial production is pollution causing activity. The increased industries and the production resulted into various kinds of pollution. Water pollution, air pollution, land pollution etc. are the direct results of trade led growth. In the initial phase the pollution was confined to the territories. But with the industrialization and increased trade environmental pollution became global.²

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1. P. K. Roy, *The World Trade Organization and the Environment*, Harlow, Macmillan Press Ltd, 2000, p. ii.

2. See Hark Park and Walter Labys, *Industrial Development and Environmental* *Bank on the origins of Global pollution*, (USA, Edward Elgar Publications, 1998), p.

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BIODIVERSITY CONSERVATION - NEED FOR EFFECTIVE STATUTORY PROTECTION IN INDIA

Smt. Archana K.

Abstract

Biodiversity is a combination of a wide diversity of plant and animal species and ecosystems including forest ecosystems. It gives valuable support to the livelihood of its people. The biodiversity of the country generates economic benefits to the public and plays significant role in retaining ecological stability. Hence, the use and utilization of the biological resources are regulated by policies and legislations through regulatory instruments. However, many of the legislative enactments failed to control the rapid rate of loss of biodiversity of the country. As the depletion of biodiversity has direct and indirect consequences on the mankind, there is an urgent need for proper actions to protect the nature. In this background, this paper aims to analyse the effectiveness of the legislations in conserving the biodiversity of the country. It tries to identify the lacunas in the existing laws and ways for improving the Indian biodiversity and to prevent further loss through legislative measures.

Key Words: Forest, Wildlife, Environment and Biodiversity Conservation.

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Impact of Seed Monopolization on Indian Agriculture and Farmer

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Abstract

The farmers and agriculture sector contribution towards the conservation and sustainable utilization of the bio-resources are immense and irreversible. Farmers have the practice of agriculture is considered to be great service to the society and this practice was preserved in their tradition and culture. The recent Intellectual Property Rights (IPR) regimes are encouraging commercialization of seed development, monoculture, protection of new plant varieties, microorganisms, and genetically modified organisms. As a consequence, our rich biogenetic diversity is being eroded irreversibly. Earlier, farmers use to get their food grains without any difficulty through traditional method of cultivation, they use to enjoy the freedom of cultivation, crop selling and exchange within and outside their community without any discrimination in the society and this led to prevail harmony in the society. But, now Genetically Modified Seed/Hybrid Variety is destroying the originality of traditional variety. This paper will analyze how today the culture of seed saving and seed exchange which has been the basis of Indian agriculture is under great threat and how new technologies, like the technologies of the green revolution and biotechnology, threaten the cultural and traditional knowledge embedded in the seed and eroded the holistic knowledge of the seed from the community.

Keywords: Seed Monopoly; IPR; Agriculture and Farmers Right

Introduction

Seed is ultimate gift of God and is the first link in the food chain. Therefore, it is considered as the ultimate symbol of food security. It is the embodiment of life's continuity and renewability, of life's biological and cultural diversity. The free exchange of seed among farmers an cooperation and reciprocity has been the basis of transmitting biodiversity as well as food security [1].

Seed not only plays an important part in the culture and life of communities, but also represents the accumulated wisdom of people's knowledge. Conserving seed is considered as conserving biodiversity, conserving knowledge of the seed and its utilization, conserving culture and conserving sustainability [2].

Seeds have religious significance in most parts of India and are an essential component of most religious festivals. According to Hindu mythology, seed is a gift of Lord Brahma. Brahma, the creator, who created seeds as primordial form and it was believed

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Judicial Response Towards the Protection of Prisoners Human Rights in India

Sharmabai S Malage

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ABSTRACT

All the people are born free and equal in dignity and rights. The guiding principle of the Universal Declaration of Human Rights, 1948 lives strong in the hearts and minds of peoples of people. Human rights, being the birth right, are inherent in all the men in that as they are consonant with their freedom and dignity and are conducive to physical, moral, social and spiritual welfare. Therefore, human rights do not mean merely the right to live with humanity but mean the right to live with dignity.

The fundamental objective of criminal justice system is to provide protection of the innocent and to provide due retribution. Every society has a police department for the protection of its law abiding members, it has to make provisions of prisons for the lawbreakers. However, it does not mean that the prisoners have no rights. Except right to movement, right of means of communication, right to work, etc. and trade or business, occupations, professions are equally entitled to enjoy every constitutional and human right like any other ordinary men.

As per the Constitutional provisions every country's judiciary has a great responsibility to protect the human rights of their citizens. Through judicial intervention that has in the Indian context, progressively expanded the human rights content of the law and the Supreme Court, in the period 1974, has been very significant expansion of the human rights of the prisoners. But, in many cases still prisoners are denied the most rights that are fundamental in their being a human being. With this view, the author attempted to analyze the judicial response in strengthening the status to elaborate the fundamental principles in the given circumstances.

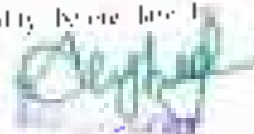
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INTRODUCTION

Judiciary is the most important and independent organ of the government, which is expected to function as the custodian of the constitution, protect the rights of the citizens and to act as a check against the arbitrary actions of the administrative apparatus of the state. The main function of the judiciary is to ensure equality before law.

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Abstract

The article discusses the need for legal awareness among persons with disabilities in India. It highlights the challenges they face in accessing legal services and the role of the state in providing such services.

Persons with disabilities have been facing discrimination and social exclusion in India. The state has a duty to provide legal services to these persons and to ensure that they are treated as equals.

There are people who are disabled by birth or acquired disability during the life time. Due to such disability their requirements are more or others. A disabled person is neglected or ill treated and some even are afflicted & not extended as in regard to meeting persons. In many instances their basic needs are not attended. They are subjected to unequal treatment or deliberately forgetting that they are also entitled to all rights and privileges bestowed in the Constitution of India.

The persons with disabilities are equally entitled to the mandates of Articles 14, 16 and 21 as their able bodied counterparts. They equally have the right to a decent and honourable living. State and its instrumentalities in turn have duty towards them and must endeavour to protect and preserve their rights. However the reality is that there is still ill treatment and this ill treatment or neglect has become a universal phenomenon and mandates a need to create legal awareness on persons with disabilities. The study calls for a need to analyse the problems associated with disability, extent of disability factors that led to the need for an International Convention on Disability, a new legislation on disability in India and the difficulties that come across in its implementation in order to enable the persons with disabilities to enjoy the rights and opportunities on the same wavelength as par with other citizens.

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Need To Create Legal Awareness On Persons With Disabilities: An Onerous Duty On States

Anu Prasanna

Keywords: Disability, Persons with Disabilities, Constitution, International Convention, Implementation, Legal Awareness

Introduction

Disability was viewed as a stigma in the society discriminated persons with disabilities all over the world irrespective of their gender and they continued to suffer from discrimination, lower standards of living and problems of social exclusion. In other words, despite their varied living conditions the disabled had one thing in common, experience of being exposed to discrimination and exclusion. They were excluded from the mainstream of society and denied their basic human rights. As the response to disability started changing since 1970s there is a growing tendency to view disability as a human rights issue. The shift from the medical model towards viewing disability as a human rights issue has been gradual and well within the legislative and administrative framework. However, it is disheartening that human rights abuse against persons with disabilities, especially in institutional settings, are prevalent even today in several States of the world in one way or the other. The disabled communities very often tumble upon discrimination when they struggle in their journey for gaining education, employment and social integration. This is despite the fact that the Constitution of India applies uniformly to every legal citizen of India, whether they are able or disabled either physically or mentally. Although the Preamble to the Constitution clearly states "...secure to all its citizens; Justice, Social, Economic and Political, Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity and to promote among them all Fraternity assuring the dignity of the individual and the


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Judicial Response Towards the Protection of Prisoners Human Rights in India

Dharmabai S Mulage

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ABSTRACT

All the people are born free and equal in dignity and rights. This guiding principle of the Constitution has become the foundation of Human Rights. It has become the basic and essential condition of people. Human rights being the basic rights, are provided to every individual as they are inherent and inalienable. Human rights are not granted to any individual as a privilege, but as a right. Therefore, human rights should include, mainly, the right to live with dignity, but also the right to live with dignity.

The fundamental rights of prisoners are to be treated with respect for the person and to provide the facilities. There is a need for a special system for the treatment of law-abiding prisoners of the law-abiding prisoners of the law-abiding prisoners. It does not mean that the prisoners have no rights. Except right to movement, right to receive visitors, right to work, right to study, right to business, prisoners are usually entitled to enjoy some constitutional and human rights like any other ordinary man.

As per the Constitutional provisions, every citizen's political, social, and economic rights are protected. The human rights of these citizens. Though judicial intervention has been in the Indian context, progressively expanded the human rights of law-abiding prisoners. In the recent past, law-abiding prisoners against violations of the human rights of the prisoners. But, in many cases still prisoners are denied the very rights that are fundamental to their being a human being. With this view, the author attempted to analyze the judicial response in maintaining the status to ensure the basic rights provided to the prisoners.

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INTRODUCTION

Judiciary is the most important and independent organ of the government, which is expected to function as the guardian of the Constitution, protector of right of the citizens and a watch dog against the arbitrary actions of the administrative apparatus of the state. The main function of the judiciary is to ensure equality before law.



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Need for Multi-Method Research Approach in Socio-Legal Research

Smt. Archana K.⁶

Introduction:

Research plays a vital role in understanding and application of law in the society. Legal researches are essentially socio-legal in nature, because to hold the knowledge of law, research requires an interdisciplinary or multidisciplinary approach to analyse and interpret the law and its relation with the society in its widest sense. Hence it is the point where the law meets the science of society. Hence, Socio-Legal Research is theoretically, practically and methodologically dependent on the social sciences.

Laws are the part of the society and it is formulated by perceiving the social values, attitudes and behavior of people. Law also endeavors to control these values, attitudes and behavioral patterns of the people. To understand the law in its widest sense, socio-legal researches assist the researchers. Socio-legal research is a systematic way of understanding the truth and conceptualizing the theories, while explaining the legal phenomenon and suggests the appropriate course of action to be adopted to resolve the problems.

The socio-legal researchers are the daily professional routine for the constitution, students, law makers, judges, lawyers and so on to understand the societal problems emerged due to the lack of legal provision or inefficient implementation of such legal provision. These researchers apply multiple methods and tools of research used in social research to derive the conclusions. The present work deals with the nature and scope of socio-legal research, and the multimethod approach used in such researches. It also analyses the procedure and potentiality of socio-legal research.

Nature and Scope of Socio-Legal Research

Legal research is a systematic, thorough and rigorous process of its origination to increase the knowledge of law. The term 'legal research' takes into its ambit a systematic finding or ascertaining law on an identified topic with a view to acquiring an insight into it or finding an apt solution for the research problem. For legal research, the researcher analyses relevant statutes, recent amendments made on such laws and other rules, regulations, orders, directives and government resolutions which supplement these statutes along with the judicial pronouncements of the highest authority. Researcher's hypothesis on the research problem guide him to conduct systematic research by arranging the analysed data in a proper order to do legal reasoning or rational deduction.⁷

However, the research in law cannot be complete unless it includes the socio-economic factors responsible for the problem and societal values and norms, which influence with law.⁸ The socio-legal research deals with the social aspects involved in the research; it deals with the behavioural patterns and attitude of the people, towards the law. In other words, it is the

⁶ Assistant Professor, Karnataka State Law University's Law School, Bangalore, Hubballi.

⁷ Krishna Vibhute and Filipos Aytalem, *Legal Research Methods Indian and Legal Systems Research Institute*, 2019, 27.

⁸ Ernest M Jones, "Some Current Trends in Legal Research" in S.K. Verma and M. Afzal Wani (Eds.) *Legal Research and Methodology* (Indian Law Institute, New Delhi, 2006) 32-34.

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AGRICULTURE SYSTEMS IN MODERN INDIA

Dr. Bhoomalai S. Mulage

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INTRODUCTION

Agriculture plays a vital role in India's economy. The farm sector is contributing greatly to the productivity and stability of the country's economy, due to which it has been believed that agricultural progress is fundamental to national prosperity.¹ The rural households depend on agriculture as their principal source of livelihood. The importance of agriculture in the economic development of any country, rich or poor, is borne out by the fact that it is the primary sector of the economy which provides the basic ingredients necessary for the existence of mankind and also provides most of the raw materials which when transformed into finished products serve as basic necessities of the human race.

1. BRIEF HISTORY OF AGRICULTURE SYSTEM IN INDIA

Agriculture is the backbone of our country. It exercises a stabilizing effect on the political life of a nation. People engaged in agriculture are simple, honest, peace loving, straightforward, patriotic and contented.² Around ten to twelve thousand years ago, man began to domesticate animals for food. Before this, people relied on hunting and gathering to obtain food supplies. The beginning of agriculture did not just occur in one place but appeared almost simultaneously around the world, usually through trial and error methods with different plants and animals or by long term experimentation. Not much difference is there between the first agricultural revolution that took place thousands of years ago and the seventeenth century agriculture system and it can be said that they were almost the same.

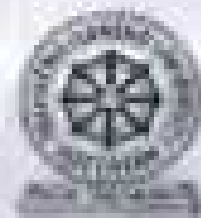
A second agricultural revolution took place in the seventeenth century, with increased efficiency of production as well as distribution which allowed more people to move to the cities as the industrial evolution got under way. In the eighteenth century, the European colonies became the source of raw agricultural and mineral products for the industrializing nations.

Now, many of the countries which were once colonies of Europe, especially those in Central America, are still heavily involved in the same type of agricultural production as they were hundreds of years ago. Farming in the twentieth century has become highly technological in more developed nations with geomatics, technologies like Geographic Information System (GIS),³ The Global Positioning System (GPS),⁴ and Remote Sensing (RS)⁵ while less developed nations continued with the practices which are similar to those developed after the first agricultural revolution, thousands of years ago.

¹ L.C.Sharma, *Legal and Geographical of India* (Darius Bawa, Publishers, 2013) p.1
² S.Nadha and Suresh Singh, *Law and Policy of Agricultural Economy*, (Mumbai: Himalaya Publishing House, 2006) p.12.
³ Shri. U.120 and A. S. Kapoor, *Land and Agriculture of India*, (New Delhi: Metaps Book House, Private Ltd., 1993), p.1
⁴ A geographic information system or geospatial information system (GIS) is a system designed to capture, store, manipulate, analyze, manage, and present all types of spatial or geospatial data.
⁵ The Global Positioning System (GPS) is a "constellation" of 24 developed satellites orbiting the Earth at a distance of 10,900 meters for most of the day.

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Compensation to Victim of Crime: Historical Perspective

*Dr. Rangaswamy D.**

Introduction


The well-known Latin legal maxim *non debet alterius proditionem capere* (one should not endorse the betrayal of another) endorses the moral, legal and philosophical ideology of human society. It spells out that the condition of one man ought not to be worsened by the act of another.¹ Though this principle is analysed by the scholars in connection with civil wrongs, it is equally applicable to the crimes. Crime being a wicked deed of the offender against the stability of the society and hampers the comfortableness of the victims. This trade-mark is regained with polluted motive of criminals is criminalised across all the civilised nations. Virtually, this ~~is~~ old phenomenon is distinctive feature of society since earliest period. Penalising a criminal is

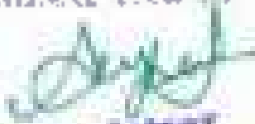
* Assistant Professor of Law, Karnataka State Law University, Nanavara, Hubballi, Karnataka.

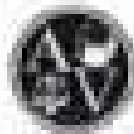
1 JOHN KEURLE, FIFTEEN MORE PRINCIPLES AND MAXIMS OF JURISPRUDENCE (1918).

2 The essential definition of crime is given by WILSON & CLARK, HANDBOOK OF CRIMINAL LAW (1994).

3 See generally, FREDERICK MERTON, HISTORY OF CRIME IN ENGLAND AND THE ILLIAMS & FITZGERALD STEPHEN'S, A HISTORY OF CRIMINAL LAW IN ENGLAND (1963).


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ASSESSING CONTRIBUTION OF INDIAN JUDICIARY FOR THE REFORMATION OF MUSLIM PERSONAL LAW IN INDIA

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Abstract

India is a secular country. Secularism is the basic structure of the Constitution of India. The secular nature of the constitution resulted in unrestrained practice, profess and propagation of their religion according to their own choice. Accordingly, religious diversity is freely practiced and propagated in the country. However, the fundamental religious practices of these religions and their dissimilarities have triggered serious debate in terms of gender justice and the Uniform Civil Code (UCC) of the country. It is a longstanding agenda of the government strategically avoided, but judicially continuously activated in the country. The argument put forward for the support of the UCC is that as the personal laws yield uneven and unjust practice, UCC should be materialized by the government. Contrary to this argument, the argument put forward for the recognition of personal is secular nature of the Constitution. In this context, it is interesting to note that the Indian judiciary has immensely contributed and heralded for the innovation of secularism. Notwithstanding such decisions, the judiciary has equally articulated the inherent injustice associated with the personal practices of Muslim law. The purpose of this paper is to evaluate the Muslim personal law of the country in the backdrop of the judicial verdicts.

Keywords:

Judiciary, Personal laws, Uniform Civil Code, Gender justice

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AGRICULTURE SYSTEM IN MODERN INDIA

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INTRODUCTION

Agriculture plays a vital role in India's economy. The farm sector is contributing greatly to the stability and stability of the country's economy, due to which it has been believed that agricultural growth is fundamental to national prosperity.¹ The vast households depend on agriculture as their principal means of livelihood. The importance of agriculture in the economic development of any nation, rich or poor, is borne out by the fact that it is the primary sector of the economy which provides the basic ingredients necessary for the existence of mankind and also provides most of the raw materials which when transformed into finished products serve as basic necessities of the human race.²

I. BRIEF HISTORY OF AGRICULTURE SYSTEM IN INDIA

Agriculture is the backbone of our country. It exercises a stabilizing effect on the political life of a country. People engaged in agriculture are simple, honest, peace loving, straightforward, patriotic and uncorrupted.³ Around ten to twelve thousand years ago, man began to domesticate animals for food. Before this, people relied on hunting and gathering to obtain food supplies. The beginning of agriculture did not just occur in one place but appeared almost simultaneously around the world, usually through trial and error methods with different plants and animals or by long term experimentation. Not much difference is there between the first agricultural revolution that took place thousands of years ago and the seventeenth century agriculture system and it can be said that they were almost the same.

A second agricultural revolution took place in the seventeenth century, with increased efficiency of production as well as distribution which allowed more people to move to the cities as the industrial revolution got under way. In the eighteenth century, the European colonies became the sources of raw materials and mineral products for the industrializing nations.

Now, many of the countries which were once colonies of Europe, especially those in Central America, are still heavily involved in the same type of agricultural production as they were hundreds of years ago. Farming in the twentieth century has become highly technological in more developed nations with geographical technologies like Geographic Information System (GIS),⁴ The Global Positioning System (GPS),⁵ and Remote Sensing (RS)⁶ while less developed nations continued with the practices which are similar to those developed after the first agricultural revolution, thousands of years ago.

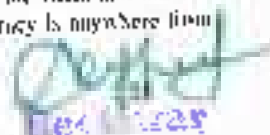
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2 A. N. Sacha and Amarjit Singh, *Fundamentals of Agricultural Economics*, (Mumbai: Himalaya Publishing House, 2000), p.12

3 Shri Chandra and A. N. Kapoor, *Land and Agriculture of India*, (New Delhi: Metropolitan Book Co. Private Ltd., 1959), p.1

4 A geographic information system or geographical information system (GIS) is a system designed to capture, store, process, analyze, manage, and present all types of spatial or geographical data.

5 The Global Positioning System (GPS) is a "constellation" of 24 artificial satellites that orbit the Earth and make it possible for people with ground receivers to precisely determine their geographic location. The function necessary is known as time synchronization.


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**Need for Multi-Method Research Approach in Socio-Legal Research**

Smt. Archana K.*

Introduction:

Research plays a vital role in understanding and application of law to the society. Legal researches are essential socio-legal literature because to build the knowledge of law, research requires an interdisciplinary or multidisciplinary approach to analyze and interpret the law and its relation with the society in its widest sense. Hence it is the point where the law meets the science of society. Hence, Socio-Legal Research is theoretically, practically and methodologically dependent on the social sciences.

Laws are the part of the society and it is formulated by perceiving the social values, attitudes and behavior of people. Law also endeavors to control these values, attitudes and behavioral patterns of the people. To understand the law in its widest sense, socio-legal researches assist the researchers. Socio-legal research is a systematic way of understanding the truth and conceptualizing the theories, while explaining the legal phenomenon and suggests the appropriate course of action to be adopted to resolve the problem.

The socio-legal researches are the daily professional routine for the academicians, students, law makers, judges, lawyers and so on to understand the societal problems emerged due to the lack of legal provision or inefficient implementation of such legal provision. These researchers apply multiple methods and tools of research used in social research to derive the conclusions. The present work deals with the nature and scope of socio-legal research and the multimethod approach used in such researches. It also analyses the procedure and potentiality of socio-legal research.

Nature and Scope of Socio-Legal Research

Legal research is a systematic, thorough and rigorous process of investigation to increase the knowledge of law. The term, legal research, takes into its ambit a systematic finding or ascertaining law on an identified topic with a view to acquire an insight into or finding an apt solution for the research problem. For legal research, the researcher analyses relevant statutes, recent amendments made on such laws and other rules, regulations, orders, directives and government resolutions which supplement these statutes along with the judicial pronouncements of the higher judiciary. Researcher's hypothesis on the research problem guide him to conduct systematic research by arranging the analysed data in a proper order to do legal reasoning or rational deduction.

However, the research in law cannot be complete unless it involves the socio-economic factors responsible for the problem and societal values and norms, which influence such law.¹ The socio-legal research deals with the social aspects involved in the research, it deals with the behavioural pattern and attitude of the people towards the law. In other words, it is the

* Assistant Professor, Karnataka State Law University's Law School, Navanganal, Hubballi. *Khandal Vibhute and Filipos Avramides, Legal Research Methods: Justice and Legal Systems Research Institute, 2006: 22.*

¹ Ernest M Jones, 'Some Current Trends in Legal Research', in S.K. Verma (ed), M. Atal Wari (eds), *Legal Research and Methodology*, Indian Law Institute, New Delhi, 2006: 32-34.



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Human Rights Violations against Persons with Disabilities even in the Midst of Pandemic: A Critical Legal Analysis

DR. ANE PRASANNA¹

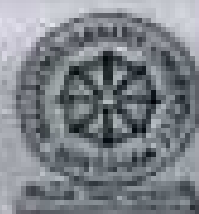
ABSTRACT

Persons with disabilities were largely excluded from the process of globalization and economic growth. The legal recognition for them was confined to the sphere of welfare and charity law. Though this was only a partial recognition which did not place them on equal footing as par with their able-bodied counterparts, the situation underwent radical change, especially in the aftermath of global disability rights movement. This movement culminated in the adoption of the United Nations Convention on the Rights of Persons with Disabilities and also its Optional Protocol in 2006 (UNCRPD). Despite the fact that they are positive steps forward, there were still huge gaps existing in the rights of persons with disabilities. Although the existing human rights laws were to provide equal rights for the disabled in reality these provisions have not been able to protect the human rights and fundamental freedoms guaranteed to disabled people in the national scenario in spite of four major legislation relating to disability and the comprehensive disability legislation of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Act, 1995 (PWD Act), the lacuna and defects in the legislation was realized very late which ultimately resulted in the Rights of Persons with Disabilities Act, 2016 (RPWD). In spite of all these developments in the disability legislation to combat rights violations against these persons are still prevalent and in fact more rampant in the midst of COVID pandemic. Their condition was likely to be worsened if the government proceeded with the amendment to the RPWD Act, 2016, to decriminalize "minor offences for improving business sentiment and unclogging court processes." All these call for a need to look into the evolution of the law, its development both in the international and national scenario and the recent move of the government to amend the legislation opening up once again the imminent question as to whether the rights of the persons with disabilities are truly protected.

Keywords: Persons with Disabilities, United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), The Rights of Persons with Disabilities Act, 2016, Amendment, Human Rights Violations.

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Compensation to Victim of Crime: Historical Perspective

Dr. Rangaraj R.*

Introduction

The well-known Latin legal maxim '*non debet alteri pro alterum culpa conditio inferri*' endorses moral, legal and philosophical ideology of human society. It spells out that 'the condonation of one man ought not to be witnessed by the act of another'.¹ Though this principle is analysed by the scholars in connection with civil wrongs, it is equally applicable to the crimes. Crime being a wicked deed of the offender, against the stability of the society and hampers the comfortableness of the victim. His *rehabilitatio* cannot be attained with polluted motive of criminals is criminalised across all the civilised nations.² Virtually, this age-old phenomenon is distinctive feature of society since earliest period.³ Penalising a criminal is

* Assistant Professor of Law, Karnataka State Law University, Navanagar, Hubballi, Karnataka.

1 JOHN DEBRIGE FIELDMORE, PRINCIPLES AND MAXIMS OF JURISPRUDENCE 2-35 (1854).

2 The meaning, definition and nature of the crime see W.M.C. CLARK, HANDBOOK OF CRIMINAL LAW (1994).

3 See generally, L.K. OWSE PIKE, HISTORY OF CRIME IN ENGLAND (1975) and JAMES FITZMALES STEPHEN, A HISTORY OF CRIMINAL LAW IN ENGLAND (1853).

DOMESTIC VIOLENCE AGAINST WOMEN IN INDIA DURING COVID-19

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Abstract

We all know that the whole world has been shaken by the impacts of the coronavirus outbreak. This is a crisis which none of us have ever faced in our life and neither any one of us have ever expected that something like this can ever happen. This pandemic of Covid-19 though it was first reported in Wuhan, China, but now has stretched its arms in the entire globe and affected every sector. This has led to a great increase in domestic violence against the women who are confined with their abusive partners. Pandemics provide for an enabling environment of fear and uncertainty that may exacerbate diverse forms of violence against women. Economic insecurity, financial instability, isolation from the world, fear of the disease, and day-to-day exposure of the women with their perpetrators are few explanations for the increase in the instances of domestic violence during such times. However, in India, the attempt at legally defining domestic violence reached a milestone with the passing of the Domestic Violence against Women (Prevention and Protection) Act of 2005. This Act was the outcome of the Government's initiative as well as years of concerted efforts by the women's movement in India. The law is an important tool for changing the situation of domestic violence in the country, now the mindset of the people have also changed, instead of pointing fingers at women have accepted that domestic violence is a crime. The paper will explore the problem of domestic violence and guides how it needs to be tackled in a comprehensive manner.

Keywords: Domestic Violence, Women's Rights and Law


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Social Justice And Welfare Of The Informal Sector Workers Under The Indian Constitution

Ms. Dipa Gautalair

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Abstract


Justice ensures fair treatment, equal rights and access to the legal system. The Concept of Social Justice is an indispensable element for a Welfare State. Constitution of India has adopted this concept in the Preamble to the Constitution in the form of Ideals and Philosophy like 'Socialist', 'Social and Economic Justice', 'Equality' etc. and is reflected in the various provisions of the Constitution. This paper is an attempt to analyse the concept of Social Justice and identify the Social Justice related provisions as enumerated in the Indian Constitution which are more relevantly pertaining to the informal sector workers

(Keywords : Justice, Social Justice, Constitution of India and Informal Sector Workers)

Introduction:

The Constitution is a legal document which has a special legal sanctity, it sets out the structure and primary functions of the organs of the government of a State and lays down the norms governing the operation of these organs. It reflects the philosophy and ideology of a Nation State on the basis of which individual's interests and personality is protected. Hence among other ideals and philosophy reflected in the Indian Constitution is the Philosophy of socio-economic justice. The preamble to the Constitution of India promises social, economic and political justice, The fundamental rights in Part III of the Constitution confer certain justifiable socio-economic rights and further the Directive Principles of State Policy in Part IV of the Constitution fix the socio-economic goals which the State must strive to achieve. Hence this paper is an effort to explore the concept of social justice as reflected in the Constitution of India and to identify the relevant Indian Constitutional proclamations relating to the social justice ensuring welfare of the informal sector workers in India.


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Reforming the UN System by Strengthening Economic and Social Council: An Analysis

Dr. Anu Prasanna*

Abstract

While the Security Council exists primarily for settling conflicts...the Economic and Social Council exists primarily to eliminate the causes of the conflict

- Dag Hammarskjöld

These are the words of former Secretary-General highlighting the emphasis given to economic and social development in the Charter of United Nations. Established as one of the principal organs of the United Nations, Economic and Social Council (ECOSOC) since its inception was to provide coordination of economic, social and cultural activities of the UN with the responsibility for advancing international economic and social cooperation and development. The year 2016 marked the 70th anniversary of the ECOSOC that posed some serious questions to be resolved by the international community. The first and foremost among them is (i) whether ECOSOC has fulfilled the expectations of the framers of the UN Charter (ii) in spite of the general recognition of the close link between economic and social development and peace whether this principal organ was given a status akin to Security Council and General Assembly (iii) whether the structural weaknesses of the United Nations in the area of international economic and financial policy are based on a constitutional flaw in the UN Charter itself. All these questions are directing towards reforms in the UN System which is again reflecting the need to improve the UN system by strengthening its principal organs. An attempt is

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AN INSIGHT INTO THE ROLE OF BANKS ON LOANS AND ADVANCES IN THE NATIONAL AND INTERNATIONAL SCENARIO

Dr. Anu Prasanna

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Hubballi

&

Ms. Dipa Gantala

Research Scholar, P.G. Department of Studies in Law,

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ABSTRACT

The commercial sector, particularly the banks, is a very important wing of any country. Bank being a financial institution gets its major portion of money through borrowing and lending. Thus, it acts as a bridge between the savers and the borrowers. The bank then uses the majority of these deposits to lend to other customers for a variety of loans. Therefore, the banks play an important role in offering finance to businesses who wish to invest and expand. These loans and financial investments are required for meeting economic growth and there are different types of bank lending which varies from unsecured personal loans to secured mortgage loans for business loans or business loans. For this, the banks are required to maintain liquidity and ensure a desired credit pattern due to credit pattern. The present economic system demonstrates that banks in India are unable to maintain the desired credit pattern due to various reasons such as large non-performing assets, advances in private sector, increasing political pressure, etc. In this backdrop, it is worthwhile to note that these problems are prevalent in the wake of problems of institutions that govern the banking sector in all corners of their financial dealings. Any effort on the part of the regulatory and administrative authorities and members of the industry to improve in this regard will require close cooperation from the Government and by strictly upholding the principle of Cooperative Federalism rather than indulging in more and more central debts, adopting the suitable process of setting of loans etc. This paper is an attempt to identify the crucial role played by the banks in loans and advances, problems faced and legislative framework regulating loans and advances in India and at international level.

Key Words: Financial Institutions, Loans and Advances, Bad Debts, NPAs, Regulatory and Administrative authorities.

INTRODUCTION

The financial system of a country determines its economic development which is built on the four main pillars namely (i) financial services (ii) financial assets (iii) financial markets and (iv) financial intermediaries. In this regard, financial institutions like central banks, commercial banks, investment banks have always contributed their primordial roles in maintaining the economic stability. Banks which are the backbone of all financial system have always played a pivotal role in economic balance and development of the nations all over the globe. These banks by performing their primary function of accepting deposits from the customers and granting loans and advances have been balancing their own interest and that of the customers at the same time. However, recently the economy is witnessing a shift in the balance making the banks prone to numerous challenges in the name of bad debts, non-performing assets etc., which has been worsened by the increase in the farmer's suicides all over the nation opening up new controversies of writing off NPAs and waiving off loans. It is interesting to note that the banks get a percentage of around 7.5% to 8.5% of Non Performing Asset (NPA) as an allowable provision from their income which reduces their tax liability indirectly indicating that NPAs are helping the banks in reducing the tax tax. Above all, loan waiver schemes are to be viewed only as propaganda by the political parties for gaining



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RIGHT TO LIFE OF INTER-STATE MIGRANT WORKERS AMIDST COVID-19: A CRITICAL ANALYSIS.

Dr. Rajndrakumar Hittanagi*

ABSTRACT

It is now well known that one among the most affected segments of the society amidst COVID-19 pandemic during lockdown period in India is inter-state migrant workers. Normally, the inter-state migrant workers go to other state from their original state in search of work in the hope of leading dignified life. But due to lack of availability of desired work, and other factors they suffer a lot. It is important to make critical analysis of the right to life of the inter-state migrant workers during COVID-19 pandemic in India. Even though we have been at national and international level to protect the rights of inter-state migrant workers, we have observed that the rights of these workers have been seriously affected during this lockdown period. So there is urgent requirement of bringing changes to the existing legal system. There is also a need to analyse socio-political factors affecting the rights of such inter-state migrant workers. As the efforts for returning labour have not reached their last stage, workers have also started their march to protest against such efforts. There is a need to secure the rights of such migrant workers by treating the migration of labour as regulatory in nature. It is also important to note that the problems of the migrant workers were already serious in India, but only this COVID-19 pandemic has given an excellent opportunity to make in-depth analysis of the issues relating to the inter-state migrant workers. It is also pertinent to consider the theoretical underpinnings concerning migrant workers. The authors has specifically responded to this issue along with other regions of the state. The paper attempts to critically analyse the role of civil society and the state in protecting the right to life of such inter-

* Assistant Professor, Karnataka State Law University, Hubballi

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VIRTUAL JUDICIARY: AS A PRINCIPLE OF JUDICIAL CREATIVITY

Dr. D. Rangaswamy* & Mrs. Jayanthi P.S**

ABSTRACT

Denial of access to justice is probably the greatest injustice done. In the middle of the threat posed by the pandemic covid-19 and the lockdown imposed aftermath all across the globe, the whole world order came to a standstill. In order to maintain social distancing, it became essential that public gatherings have to be avoided. Amidst all the pandemic concerns, dispensation of justice, which is the main function of the judiciary also disrupted. During this juncture, to cope up with the changing circumstances, the judiciary has risen up to the occasion and with the assistance of technology holding virtual hearings. The apex court of the country and all high courts have done virtual court proceedings. Taking in to consideration the huge number of backlogs pending and yet to be filed after the lock down period, there is a dire necessity to keep the courts open during a national lock down so that access to justice is not denied to anyone. This paper analyses how the Indian judiciary handled the situation of pandemic outbreak, its consequential lockdown period and also the changes it has made from shifting over to a virtual platform in imparting justice. The paper also tries to look in to the role of virtual courts to tackle the huge backlog of cases and conclude by putting forward certain suggestions in this regard.

Key Words: Virtual, Judiciary, Creativity, COVID-19

INTRODUCTION

It is an undisputable fact that the success of a democracy depends on free and impartial judiciary. Judiciary is the protector of the constitution and it has a major role to play for the prevalence of rule of law. Our judicial system is

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THE ROLE OF WHO UNDER THE AEGIS OF UNITED NATIONS IN COMBATING THE CORONA PANDEMIC: AN ANALYSIS

Dr. Anu Prasanna*

ABSTRACT

There are no shortcuts to a healthier world. 2030 is fast approaching and we must hold our leaders accountable for their commitments

-WHO Director General

Health of all people is fundamental to the attainment of peace and security and since its inception United Nations (UN) had been actively involved in promoting and protecting the global health. United Nations, the torch bearer of peace and security aims to achieve this objective through its principal Economic and Social Council (ECOSOC), ECOSOC co-ordinates the activities of the specialized agencies established by special agreement that brings UN and each of these agencies into relation with UN. Among the other specialized agencies, World Health Organization (WHO) established with the objective of attainment by all people of the highest possible level of health is playing a pivotal role in this direction. In the beginning of the decade WHO identified thirteen priorities covering a wide range of issues affecting people across the globe. With the spread of the pandemic, the deadly virus COVID-19 has taken the lives of innocent people raising the death toll to over 3 lakhs. The COVID 19 novel corona virus pandemic has laid its adverse effects in the economies such as China, US, UK, France, Germany, Italy, Japan etc., and they are at the verge of collapse. The international community is thus startled and shocked of its impact on the political, social, economic, religious and financial structures of the whole world. Because of the widespread impact that health issues have on the

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Art. 25 of the Charter.¹² To the WHO and each organ of answered is whether we will it lives of many who are still in

AN ANALYSIS OF IMPACT OF LOCKDOWN ON THE ENVIRONMENT

Dr. Sunil N. Bagade¹³

ABSTRACT

The outbreak of COVID-19 has brought the whole world to stand still. It can be observed that the affected countries are making all the efforts to prevent the spread of the disease and save the lives of the people. One amongst such measures is nationwide lockdown. As this pandemic is contagious virus, to prevent its spread the countries have announced nationwide lockdown. This measure no doubt has caused greater inconvenience to the people both socially and economically. It has also posed the difficulty to the governments as they are in deep financial crisis. But on the other hand, it has shown the positive side also. Due to the nationwide lockdown all kinds of factories, industries, construction works, motor transportation services and other commercial activities have been shut down. Many of these sectors were using fossil fuel as energy sources, which was the major source of greenhouse pollution. It was the greatest contributor of greenhouse gases and thus was responsible for climate change.

As the vehicular movements have been restricted and industrial and other economic activities have been shut down during the lockdown, the atmosphere is getting cleaned automatically. The quality of air getting better, the quality of the water in rivers is improving gradually, etc. Several such impacts have been witnessed worldwide in terms of lockdown. Thus, the lockdown is showing a positive impact on the quality of environment. When viewed from this angle, the lockdown has positive impact on the environment. However, spread of COVID-19, by the prevention of which lockdown has been imposed, has the potency of causing adverse impact on the environment.

¹² United Nations agree to accept and concur with the present Charter

¹³ Assistant Professor, Karnataka State Law University's

H. B. Halli

TRADE MARK AND DOMAIN NAME DISPUTES: ISSUES AND CHALLENGES

Jagadish A.T & Dr. Rajendrakumar Hittanagi*

ABSTRACT

Trade mark and domain name are the business identifiers and has significant economic value to its holders. Trademark means a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include the shape of the goods, their packaging and combination of colours. Domain names are the addresses on the internet. With the growth of internet, the use of domain name finds a significant place. The challenge that the law has faced in recent years is, how to foster the development of intellectual property on the Internet while preventing its unauthorized use. We have computers for our homes and offices. In the same way, domain names are nothing but simple forms of addresses on the internet. These addresses enable the users to locate websites on the net in an easy manner. The domain name corresponds to various IP (Internet Protocol) numbers which connect various computers and enable direct network routing system to direct data packets to the correct addressee. Domain name disputes are called cybersquatting and there is a need to address it. This paper attempts to address the issues and challenges of trade mark and domain name disputes and addressing the extension of Trade Marks Act, 1999 to domain name protection.

Keywords: Trade Mark, Domain Name, Cybersquatting, Internet, Domain name disputes.

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IMPACT OF THE GROWTH OF SCIENCE AND TECHNOLOGY ON THE REPRODUCTIVE RIGHTS OF WOMEN: A LEGAL ANALYSIS

*Anu Prasaduram**

ABSTRACT

Every State has a legal obligation to fulfill the reproductive rights of women, the most amazing creature of God on the earth. Motherhood, the state of being a mother is unique to every woman and a pregnant woman gets all the respect that she deserves from her loved ones. However, when the same woman fails to beget a child of her own, she is labelled with different names like 'barren', 'sterile', 'infecund', 'infertile'. The advancement in science and technology and development of medicine as a branch of science has resulted in various Assisted Reproductive Technologies (ARTs). All the techniques and trappings of assisted conception like Artificial Insemination (AI), In Vitro Fertilisation (IVF), gamete and embryo donation, surrogacy etc. soon became real boon to the childless couples. The realization of the need for legal regulation in the practice of medicine gradually extended to all related fields including the different concerns of reproduction. Unfortunately, in spite of legal framework for the protection of the reproductive rights of women there is rampant misuse of these technologies which intrude into the right of a woman to have autonomy over her body.

Keywords: Assisted Reproductive Technologies (ARTs), Reproductive rights, Misuse of technologies, Ethical issues, Legal obligation

- I. Introduction
- II. Development of medicine as a branch of science
- III. Legal regulation in the practice of medicine
- IV. Attempts to protect the reproductive rights of women
- V. Rampant violation in laws abusing the reproductive rights of women
- VI. Misuse and abuse on the reproductive rights of women
- VII. Conclusion

I. Introduction

YEARS TOGETHER were taken for 'modern science' to attain its present status of 'exact science.'¹ Over the course of time, with the advancement of science and in order to meet the needs of the contemporary society, the paths of science and technology gradually crossed²

* Assistant Professor, Karnataka State Law University, Hubballi.

¹ Edward Grant, 'History of Science: When did modern science begin?' in *The American Scientist* 105-13 (1957).

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- Accountability and Separation of Powers
- Judicial Activism and Judicial Restraint
- Social Justice and Vulnerable Sections of Human Society
- Textualism in Constitutional Interpretation
- Contours of Power of Pardon in India
- Unwritten Constitutional Conventions and Entrenched Constitutional Text
- Deconstruction of Dichotomy between 'Order' and 'Award' Jurisdictional Issues

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CONTOURS OF POWER OF PARDON IN INDIA

-Prof. (Dr.) G. B. Pali*

I have always found that mercy bears richer fruits than strict justice
-Abraham Lincoln.

Introduction

Human beings are neither angels capable of doing only good nor are they demons determined to destroy each other even at the cost of self destruction. Taking human nature as it is, complete elimination of crime from society is not only impossible but also unimaginable. Crimes are very much part of our society and we have to reflect and correct them and make them other crimes. Social attitude also needs to change towards the deviants so that they do enjoy some rights as normal citizens though within certain circumscribed limits or under reasonable restrictions. That is why every civilised state has a provision to pardon offenders in their criminal justice system to be exercised as an act of grace and humanity in proper cases. As long as people have been thinking about punishment, they have been thinking about the remission of punishment.¹ Mercy is God's grace, a gift to the mankind which gives all an equal chance to mend ways and to correct a deviant behaviour. The power of pardoning offenders has been a privilege enjoyed by the Sovereigns around the world since time immemorial.²

* Professor (Retired), Kamataka Law University, Navaranga, Prabhali

¹ Abraham Lincoln, 14th U.S. President.

² Moore, William Hale, *Pardons: Their Use, Mercy and the Public Interest*, (Oxford University Press, New York, 1995), p. 12

³ The Old and New Testament also mentioned the "divine pardon." References to the prerogative of mercy have also been made in the Muslim Law, Greek Law and Roman Law. For more information, see generally William F. Butler, *The President's Power to Pardon*, 7 *Columbia Law Review* 18 (1897), 28 *Harvard Law Review* 436 (1913).

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Disability and its Inclination Towards Human Rights and IPR: A Legal Analysis in the Light of Visually Disabled in India

(Dr. Anil Prasad)

Abstract

Disability is an impairment that may be related to cognitive, developmental, intellectual, sensory or a combination of these. In legal terms it is the want of legal capacity to perform an act. Different conceptual models have been developed by scholars and international bodies to define disability from time to time. In recent times there is a paradigm shift from the medical model to human rights model of disability wherein, human rights model encompasses the disability policy that acknowledges the human dignity of disabled persons. Human rights are fundamental rights and though viewed as a human rights model human rights violations are rampant among persons with disabilities. These violations are more among hearing disabilities as India has gigantic hearing disabilities and the statistics reveals that of the total population of India with disabilities hearing disabilities are more compared to the other types of disabilities. The problems faced by the persons with hearing impairment are many and varied. They include lack of access to communication, as high priced, expensive intellectual property laws of respective countries, difficulty in procuring books for their further studies or skill development programmes. It is to be noted that these violations are in the midst of the right to education' enshrined in Art. 21-A of the Indian Constitution and also violation of International Convention on disability. The situation of the problem is addressed by the WIPO administered Marrakesh Treaty that makes the production and international transfer of specially-adapted books for people with blindness or visual impairments easier. The treaty allows for copyright exceptions to facilitate the creation of accessible versions of books and other copyrighted works for visually impaired persons, reading disabled persons, those having physical disability etc., Thus the requirement is the effective implementation of the treaty so as to reach its benefits to the millions of beneficiaries spread across the world....

Keywords: Disability, Human Rights Violation, Visual Impairment, International Convention, Marrakesh Treaty, Implementation

Introduction
 One of the most widely ratified treaties in the history of international relations is the Charter of the United Nations, but a Constitution in its true sense. The Charter explicitly recognizes the maintenance of "international peace and security" and "protection of human rights" as

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Judicial Accountability in India: Issues and Challenges

Dr. D. Rangaswamy

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Abstract

The proper administration of justice system being an intrinsic value of rule of law and constitutional governance fundamentally lies with judicial accountability. Though the Indian constitutional jurisprudence is considerably developed in line with international judicial standards, still Indian legal system lacks adequate standard relating to judicial accountability and Code of Ethics. The inadequacy and inefficiency of the system are evident from the very few cases reported against judges despite prevalence of suspicion of corrupt and unethical practices among the judges. This tendency of non-reporting of the cases is reasonably high and relatively complex on account of apparently proved unworkable and unfeasible constitutional mechanism against judges in India. Longstanding judicial reforms of the country and recent constitutional indiscipline of the judges of Supreme Court of India in expressing their anguish over the functioning of the highest apex Court of country by breaking down the constitutional culture has further aggravated the situation. This uncultured constitutional practice has intensified suspicion of efficiency of constitutional governance in infusing propriety and probity to the judicial system of the nation. In this context, this paper examines judicial



SECTION (A) RESEARCH PAPER

AFFIRMATIVE PRINCIPLE: MAKING, BREAKING AND SHAKING (MBS)
APPROACH OF JUDICIARY

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ABSTRACT

The affirmative Principle (AP) is the substratum for a just society. In the backdrop of its immense importance, countries across the globe have inculcated and sustained with AP by providing constitutional as well as legislative status. Judiciary as the roadmap of AP is crystal clear from the decisions of the various Courts. However, it is evident from the judicial verdicts that instability in the judicial approach resulted in fluctuation of the sense of social justice in India. This paper conceptualizes those approaches under Making Approach (MA), Breaking Approach (BA), and Shaking Approach (SA). This threefold approach symbolizes the fact that on the one hand many of the cases decided by the Supreme Court of India (SCI) provoked way for AP by adopting MA and an equal number of the instances wherein SCI has scaled down the sanctity of the AP by invoking BA and SA. This changing nature of the judicial approach heightened the sense of insecurity amongst marginalized sections of the society. A substantial number of the decisions including the decision given Supreme Court of India on 25th August 2020 emphasizing the need for more reservations, attaching the concept of social justice. There are an equal number of cases including the decision rendered by the Supreme Court of India on 27th April 2020 involving 100% reservation provided for Scheduled Tribes in Scheduled Area in the State of Andhra Pradesh is an added crisis to AP. The purpose of the present paper is to analyze the landmarking decisions rendered by the Supreme Court of India wherein social justice is interpreted in a sustained and intermittent manner. The researcher, based on the recent decisions of the Supreme Court, of the firm opinion, that understanding and interpreting AP in its loose sense would seriously dilute the sacred goals encapsulated under the Constitution. The purpose of the paper is to trace out the rationale of assessment of AP by the judiciary and to counter such rationale in the backdrop of the veracity of the AP.

KEYWORDS

Affirmative Principle, Constitution, Judiciary, and Social Justice

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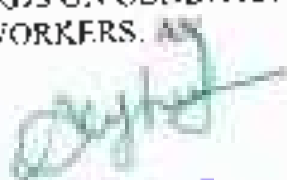
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INTERNATIONAL LABOUR ORGANISATION'S STANDARDS ON CONDITIONS OF EMPLOYMENT RELATING TO INFORMAL SECTOR WORKERS: AN ANALYSIS

Dipa Gautam*

I. Introduction

The expression "unorganised sector" has been used by the Indian National Account Statistics¹ and is regularly identified as informal sector internationally. Unorganised, traditional, unregulated and informal are diverse terms used interchangeably in contrast with organised, modern, regulated, corporate and formal sector. The "Task Force on Definitions and Statistical Issues" which was setup by the National Commission for Enterprises in the Unorganised Sector (NCEUS) NCEUS submitted its Report the year 2007. The report contains a comprehensive Chapter defining the term unorganised sector. The unorganised and informal sector has been treated as the same in the said Report. After considering the complexities and also the definitional issues, it has adopted a wide-ranging definition of the unorganised workers means "All those who are working in the unorganised sector and the workers in the formal sector without any employment security and social security provided by the employers".² The employment in the informal sector can be identified if any one or more of these characteristics are present which includes, firstly; absence of employment security i.e. there is no safeguard against arbitrary dismissal, secondly; lack of work security i.e. there is no protection illness and

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¹ The NAS is a framework that provides an internally consistent description of National macro economy based on the processing of data generated by the entire National statistical system. The estimates of National income and related aggregates and accounts are derived statistics that draw on basic data available from different primary sources. The primary sources consist of data generated as a by-product of public administration system (such as land records, collection of direct and indirect taxes, civil registration of births and deaths, etc.) as well as data collected directly through censuses and sample surveys conducted by official agencies of the Central and State Governments.

² Report of the "Task Force on Definitions and Statistical Issues" by the National Commission for Enterprises in the Unorganised Sector (NCEUS) in the year 2007, p 13.

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Welfare of the Informal Sector Workers under the Occupational Safety and Health Hazards Code, 2020: Scope and Extent

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ABSTRACT

Informal sector is characterised as an employment in which there is no juridical relationship of employer and employee leaving the informal workers without employment security and welfare measures in the Indian labour jurisprudence is based on the contract of employment in which the juridical employment relationship in the aspect for securing workers and human working conditions. Due to this requirement major labour welfare legislations are confined to formal sector. Hence, paper is an effort to analyse the contract of employment in the context of informal sector, understand the policy approach of the Government to secure welfare of the informal in this backdrop and identify the extent of welfare measures for the informal sector workers under Occupational Safety And Health Hazards Code, 2020.

INTRODUCTION

The labour force occupies an important place in the economic growth. Therefore, it is very essential to ensure better labour market conditions to ensure economic growth and the better living conditions of the labour. Understanding the economic of labours' contribution towards the economy and the labour welfare as a fundamental right guaranteed under the Constitution, labour has been placed under the Concurrent List where both the Central Government and the State Governments have powers to legislate and enforce labour welfare legislations in the matters relating to conditions of work, social security and social services, employment and unemployment, and industrial and labour disputes.¹ As a result there is a problem of Central Government and the State Governments legislatures pertaining to various aspects of labour welfare such as wages, social security, working conditions, industrial relations, prohibition of child labour, abolition of contractual labour, abolition of bonded labour, equal remuneration, etc.

The labour force in India is divided into two worker entities, the formal sector and informal sector, interchangeably termed as organised and unorganised sector respectively. Existing labour welfare legislations are exclusively applicable to the workers of formal sector and in the informal sector it concerned there is ambiguity in applicability of the labour welfare legislations due to the juridical conditions of employment in the real sector. Hence, effort has been made in this paper to analyse the concept of conditions of employment, meaning and characteristics of informal sector and informal sector workers and analyse the welfare measures for the informal sector workers under the Occupational Safety and Health Hazards Code, 2020.

The Concept Of Conditions Of Employment And Informal Sector Workers- An Analysis

The concept of "Conditions of employment" is a significant aspect of "contract of employment" arising out of juridical relationship of employer and employee. The contract of employment covers aspects of employment such as wages, wages, hours of work, leave, holidays, rest, over time wages, employment security, after social security and welfare amenities which are to be facilitated by the employer to the employees. These welfare measures are provided in four labour Codes namely, the Occupational Safety and Health Hazards Code, 2020, the Social Security Code, 2008, Code on Wages, 2019 and Industrial Relation Code, 2020. These labour welfare legislations making provision for about

¹ In *Peoples Union for Democratic Rights v. Union of India* AIR 1982, 5C 1475 Supreme Court for the first time declared labour welfare provisions in Part IV of the Constitution namely, humane conditions of work, living wage, social security, etc. as Fundamental Rights.

² See Entry 24, Concurrent list, X Schedule of the Constitution

³ See Entry 23, Concurrent list, X Schedule of the Constitution

⁴ See Entry 22, Concurrent list, X Schedule of the Constitution

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Constitutional Proclamations pertaining to the Welfare of the Informal Sector Workers in India


*Dipa Gautalair**

The informal sector comprises of workers who are vulnerable, oppressed and socially and economically exploited. The nature of the work makes the workers to feel they need right to order to secure their traditional water regulated conditions of employment which include more number of hours of work, lack of basic amenities such as facilities for drinking water, toilets, rest rooms and weekly rest. In the developing economy of the State like India with large informal segment of labour force, the State is required to strictly adhere to the ideologies of social-economic justice enshrined in the Constitution of India in order to ensure welfare of the informal workers. Hence, this paper is an attempt to analyse the concept of welfare and identify welfare provisions as incorporated in the Indian Constitution which are more relevantly pertaining to the informal sector workers with the help of judicial pronouncements.

[Keywords : Welfare, Social justice, Constitution of India and Informal sector workers]

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Implications of Covid-19 Pandemic on the Contractual Obligations in India

Ms. Archana. K*

Abstract

COVID-19 pandemic has caused unprecedented disruptions to business operations and the commercial contracts worldwide. Countries around the world have imposed mass travel bans, temporary lockdowns and extremely restricted human movement thereby bringing an unparalleled halt to domestic and international trade. The measures imposed by the Governments of the respective countries, significantly reduced the capacity of businesses to move goods and services within and across the national borders. It has caused disruption to production and also to supply chain, thereby interrupted the trade across the world. All these developments greatly affected the performance of the contracts of the parties to the contract and thereby reduced their ability to perform their obligations. While some of the contracts could not be performed due to the pandemic situation, some others could be performed at the option of the other party to accept the delayed performance. In such circumstances, the parties claim the common defence of Force Majeure or frustration of contract to avoid the financial liability for breaching the contract. This situation gives rise to several questions: whether this

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Disability and its Elimination Towards Human Rights and HRD: A Legal Analysis in the Light of Visually Disabled in India

Dr. Anu Prashanna

Abstract

Disability is an impediment that may be related to cognitive development, skills, or other factors. It is a term used to describe a condition that is the result of legal capacity, to which different conceptual models have been developed by scholars and international bodies. In recent times there is a paradigm shift from the medical model to a human rights model of disability where human rights model encompasses a shift in thinking from the past in dignity of disabled persons. Human rights model of disability is based on a human rights model where rights, obligations and responsibilities are shared among all people. There is a shift from seeing disability as a medical problem to a social problem and the statistics reveals that of the total population of India, 10% are disabled. The problems faced by the persons with disabilities include lack of access to education, due to its high cost, through intellectual property rights to education, difficulty in participating in their further studies in India. The problem is addressed by the persons with disabilities are in the midst of the implementation of International Convention on Disability. The problem is addressed by the UN administered Marrakesh Treaty that makes the production and international transfer of accessible books for people with blindness or visual impairment easier. The treaty allows exceptions to facilitate the creation of accessible versions of books and other works for visually impaired persons, reading disabled persons those having physical disability etc. It has the requirement is the effective implementation of the treaty so as to reach to the millions of beneficiaries spread across the world.

Keywords: Disability, Human Rights Violation, Visual Impairment, International Convention, Marrakesh Treaty, implementation

Introduction
Charter of United Nations, the most widely ratified treaties in the history of international relations, is not only an ordinary treaty but a Constitution in its true sense. The Charter explicitly recognizes the importance of "international peace and security" and "protection of human rights".



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VIRTUAL JUDICIARY: AS A PRINCIPLE OF JUDICIAL CREATIVITY

Dr. D Rangaswamy* & Mrs. Jayamol P.S**

ABSTRACT

Denial of access to justice is probably the greatest injustice done. In the middle of the threat posed by the pandemic covid-19 and the lockdown imposed aftermath all across the globe, the whole world order came to a standstill. In order to maintain social distancing, it became essential that public gatherings have to be avoided. Amidst all the pandemic concerns, dispensation of justice, which is the main function of the judiciary also disrupted. During this juncture, to cope up with the changing circumstances, the judiciary has risen up to the occasion and with the assistance of technology holding virtual hearings. The apex court of the country and all high courts have done virtual court proceedings. Taking in to consideration the huge number of backlogs pending and yet to be filed after the lock down period, there is a dire necessity to keep the courts open during a national lock down so that access to justice is not denied to anyone. This paper analyses how the Indian judiciary handled the situation of pandemic outbreak, its consequential lockdown period and also the changes it has made from shifting over to a virtual platform in imparting justice. The paper also tries to look in to the role of virtual courts to tackle the huge backlog of cases and conclude by putting forward certain suggestions in this regard

Key Words: Virtual, Judiciary, Creativity, COVID-19

INTRODUCTION

It is an undisputable fact that the success of a democracy depends on free and impartial judiciary. Judiciary is the protector of the constitution and it has a major role to play for the prevalence of rule of law. Our judicial system is

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MARINE POLLUTION AND SOLID WASTE MANAGEMENT

Dr. Bheemabai S. Mulage*

ABSTRACT

The protection of the marine environment has become one of the most important ecological issues of modern times. Indeed, it forms part of that general emergence of environmental consciousness which has captured world attention in the past six to seven decades and which figures so prominently in the politics of international discourse today. Several studies on the sources of pollutants show the major contributory factor to marine pollution is from solid waste sources. The solid waste sources have become the major contributor of pollution and contamination in the marine environment. However many countries have officially banned the disposal of municipal solid waste into the ocean. In the past century, as the world's population has grown and become urban and affluent, waste production has risen tenfold. When the pollution levels rise to unsustainable levels, the impact will be felt not only by living marine ecosystems but also by the economic sectors dependent on them. Presently, solid waste is generating faster than other environmental pollutants, including greenhouse gases. The Marine litter becomes a trans-boundary challenge that is rooted in unsustainable production and consumption patterns, poor solid waste management and lack of infrastructure, lack of adequate legal and policy frameworks and its poor enforcement.

This paper will discuss the problems of marine pollution and waste management and highlights how marine litter poses environmental, economic, health, aesthetic and cultural threats and effective methods for solid waste management.

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THE ROLE OF WHO UNDER THE AEGIS OF UNITED NATIONS IN COMBATING THE CORONA PANDEMIC: AN ANALYSIS

Dr. Anu Prasanna*

ABSTRACT

There are no shortcuts to a healthier world. 2030 is fast approaching and we must hold our leaders accountable for their commitments

-WHO Director General

Health of all people is fundamental to the attainment of peace and security and since its inception United Nations (UN) had been actively involved in promoting and protecting the global health. United Nations, the torch bearer of peace and security aims to achieve this objective through its principal organ Economic and Social Council (ECOSOC). ECOSOC co-ordinates the activities of the specialized agencies established by special agreement that brings UN and each of these agencies into relation with UN. Among the other specialized agencies, World Health Organization (WHO) established with the objective of attainment by all people of the highest possible level of health is playing a pivotal role in this direction. In the beginning of the decade WHO identified thirteen priorities covering a wide range of issues affecting people across the globe. With the spread of the pandemic, the deadly virus COVID-19 has taken the lives of innocent people raising the death toll to cross 3 lakhs. The COVID 19 novel corona virus pandemic has laid its adverse effects in the economies such as China, US, UK, France, Germany, Italy, Japan etc., and they are at the verge of collapse. The international community is thus startled and shocked of its impact on the political, social, economic, religious and financial structures of the whole world. Because of the widespread impact that health issues have on the development it is

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IMPACT OF THE GROWTH OF SCIENCE AND TECHNOLOGY ON THE REPRODUCTIVE RIGHTS OF WOMEN: A LEGAL ANALYSIS

*Anu Prasanna**

ABSTRACT

Every State has a legal obligation to fulfill the reproductive rights of women, the most amazing creature of God on the earth. Motherhood, the state of being a mother is unique to every woman and a pregnant woman gets all the respect that she deserves from her loved ones. However, when the same woman fails to beget a child of her own, she is labelled with different names like 'barren', 'sterile', 'infecund', 'unfertile'. The advancement in science and technology and development of medicine as a branch of science has resulted in various Assisted Reproductive Technologies (ARTs). All the techniques and trappings of assisted conception like Artificial Insemination (AI), In Vitro Fertilisation (IVF), gamete and embryo donation, surrogacy etc. soon became real boon to the childless couples. The realization of the need for legal regulation in the practice of medicine gradually extended to all related fields including the different concerns of reproduction. Unfortunately, in spite of legal framework for the protection of the reproductive rights of women there is rampant misuse of these technologies which intrude into the right of a woman to have autonomy over her body.

Keywords: Assisted Reproductive Technologies (ARTs), Reproductive rights, Misuse of technologies, Ethical issues, Legal obligation

- I. Introduction
- II. Development of medicine as a branch of science
- III. Legal regulation in the practice of medicine
- IV. Attempts to protect the reproductive rights of women
- V. Rampant violation in laws abusing the reproductive rights of women
- VI. Misuse and abuse on the reproductive rights of women
- VII. Conclusion

I. Introduction

YEARS TOGETHER were taken for 'modern science' to attain its present status of 'exact science.'¹ Over the course of time, with the advancement of science and in order to meet the needs of the contemporary society, the paths of science and technology gradually crossed.²

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¹ Edward Grant, "History of Science: When did modern science begin?" 65 *The American Scholar* 105-113(1997).

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THE CONSUMER PROTECTION ACT 2019 : A NEW MILESTONE IN EMPOWERING E-CONSUMERS

Dr. Bheemabai S. Mulage*

Abstract


Technological developments, research backed intensive marketing strategies, entry of multinational corporations, globalization, hedonism, quality of governance, scarce of natural resources, etc. have made the market system more complex and position of consumer more vulnerable, confused, weak and exploited. The present day market is fully under the control of producers. He has the right to design, distribute, advertise and price his product. Therefore, the most essential product becomes very expensive and the consumer has left only the right of not buying it. Buying and selling goods and services through the internet has become a bustling business in today's world. The success of e-commerce in any given country depends on the existence of the relevant legal framework. However, to protect the interest of consumers and reach his expectations, the Consumer Protection Act 1986 has been amended three times but the problems remain unresolved. The Act 1986 was proved to be an inefficient piece of legislation for not keeping pace with the new market dynamics, multi-layered delivery chains, and innovative and often misleading advertising and marketing machinery. The popularity of e-commerce and technology has urged the need of new legislation. To promote, protect and enforce the rights of the consumers' as a class, the government of India has introduced a comprehensive framework by enacting the new Consumer Protection Act 2019. In this background, the article examines the contours of e-commerce and its effect on consumers by analyzing the effectiveness of the redressing system established under the CPA 2019.

Key words: E-Commerce, Consumer Protection and Consumer Protection Act.

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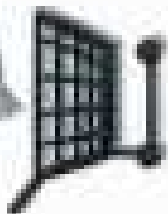

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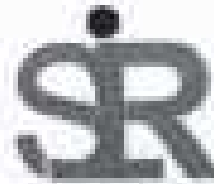
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**ENVIRONMENTAL CRISIS AND INTERNATIONAL
TRADE - A NEED FOR NEW APPROACH**

*Mr. Sunil N. Bagude**

I. Introduction

The economic development has always been the major concern of the countries. In pursuit of the same, the countries have evolved several mechanisms to attain economic prosperity. During 19th century free trade became the important instrument of achieving economic growth at the faster rate. During the said period rules were also evolved in the form GATT agreement in order to ensure the free trade at the international level. This paved the way for significant development of international trade. The development of international trade led to the further expansion of industrialization. The environment provides in abundance the resources for the progress of the society.¹

With the growth of the industries throughout the world the production of goods also increased considerably. It is observed that the domestic market was not sufficient to absorb the products produced in large quantities. This made the nations to explore the trade opportunities with the foreign territories. With the increase in the international trade the demand for the products also increased. This in turn exerted pressure on the industries to produce more. The increased production in turn imposed pressure on the natural resources. Thus the environmental quality got severely affected.

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Judicial Resolution of Trade and Environment Conflict – An Analysis

by Shri Sunil N. Bagade*

During the 19th century, international trade became the most important source of economic growth. The majority of nations began to protect trade with the objective of achieving faster economic progress.¹ In this quest towards economic progress, little or no attention was given to the negative impacts of the trade-induced development, which resulted in severe degradation of the quality of the environment.

When nations started realising the effects of environmental degradation, they adopted various steps to protect the environment. Some of these measures contemplated or resulted in the imposition of restrictions on trade. This paved the way for the conflict between international trade and environmental protection. The nations whose trade activities were affected by the introduction of such measures often challenged them before the Dispute Settlement Body (DSB) of the General Agreement on Tariffs and Trade (GATT).

This article aims at understanding the role of the GATT's Dispute Settlement Mechanism in resolving conflicts between international trade and environmental protection. It also focuses on the different interpretative methods adopted by the DSB for resolving the conflict.

Background to the Trade and Environment Conflict

The increase in the intensity of international trade created more pressure on resources to satisfy growing larger quantities. To meet the increased demand, industries started consuming natural resources resulting in severe depletion of these resources. Broadly speaking, industries cause environmental pollution in one or all of the following three ways:²

- The process of manufacturing goods generates pollutants. The emissions which occur or are otherwise discharged during the manufacturing process cause environmental pollution.
- The increased use of the industrial products cause environmental pollution (to cite two examples, manufactured vehicles produce polluting exhaust emissions and chemical fertilisers damage the environment when used).
- Disposal, whether of the products after use or of wastes and by-products of production, may adversely affect the environment where it involves unscientific disposal methods.

Clearly, the process of industrial production is a pollution-causing activity. Industrial expansion and increased levels of production have resulted in water pollution, air pollution, land pollution, etc., all of which are the direct results of trade-led growth. Although initially, such pollution was confined to the territories of the industrial producer, increased trade has caused environmental pollution to become global.

Global environmental degradation poses severe challenges to all nations. Specifically, the pollution caused by trade-led development has resulted in global warming. Industrialisation has caused considerable increases in the emission of greenhouse gases (GHGs) and has drastically reduced forest cover, destroying a portion of the ability of forests to absorb GHGs and keep the environment safe. Deforestation has drastically affected the environment's assimilation capacity, resulting in an increase in the concentration of GHGs in the environment,³ which in turn results in more radiation getting trapped by the atmosphere and a gradual increase in the earth's temperature.

The world is witnessing the climate change phenomenon. Climate change can be identified by changes in the variability of climate properties that persist for an extended period.⁴ The term includes any change in climate over time, whether due to natural phenomena or as a result of anthropogenic activities. Human-induced climate change has a deleterious effect on the environment and on life on earth.

Acid rain is another global environmental issue. The term "acid rain" refers to a phenomenon where the acidity of rainwater increases when it gets contaminated with chemicals introduced, due to industrial and other emissions of certain pollutants into the atmosphere.⁵

Another major environmental problem is the depletion of the ozone layer – a gaseous layer in the lower part of the stratosphere which encircles the earth. The importance of the ozone layer lies in the fact that it protects life on earth from ultraviolet solar radiation. Ultraviolet rays have harmful effects on human and animal health and on the environment. If human beings are exposed to ultraviolet rays then there is a possibility of contracting disorders such as skin cancer, cataracts, etc. Even other living organisms get negatively affected because of the exposure to ultraviolet rays.

The ozone layer limits the amount of ultraviolet rays reaching the earth; however, this layer is in peril. Emissions from industries and industrial products have severely damaged it. Scientific studies have established that the main reasons for ozone layer depletion are

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- Power of Contempt of Court in India: An Overview
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POWER OF CONTEMPT OF COURT IN INDIA : AN OVERVIEW

Prof. (Dr.) G.B. Patil*

Abstract

The Indian Constitution is based upon the concept of Rule of Law and for achieving this cherished goal, the framers of Indian Constitution have assigned the special task to the judiciary. Among various organs of the government, judiciary the guardian of the rule of law holds key positions, for it is deemed as not only the third pillar, but also the central pillar of democracy. In order to facilitate the judiciary to perform its duties and functions effectively, the dignity and authority of the courts have to be respected and protected at all costs. This power is recognized and has been given a fundamental status by the Constitution of India. The framers of the Indian Constitution recognized the maintenance of dignity of court as one of the cardinal principles of rule of law in a democratic set up. The power and authority to uphold the majesty of the judiciary, has been entrusted to the judiciary itself by empowering it with contempt jurisdiction.

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13. Education for Women's Empowerment: An Evaluation of the Government Education Schemes

Smt. Archana K.

Assistant Professor of Law, KSLU Law School, Navanagar, Hubballi

Introduction

Democracy implies equality for all human beings irrespective of their caste creed race and the gender. As against this basic notion of democracy women are excluded from different walks of life, more so in Education. The Part IV of the Constitution echoes the philosophy of the Constitution, more specifically Article 31 of the constitution mentions the essence of the directive principles. This Article imposes a duty on the State to secure a social order for the promotion of welfare of the people for securing and protecting as effectively as possible the social, economic and political justice. The political freedom of the individual is meaningless and will become an empty slogan for the people unless the government initiates a firm to implement these principles to ensure the guaranteed constitutional values. The Indian constitution defined education as State subject and ensures that the right to education is a fundamental right.

Before the amendment of the Constitution in the Constituent Assembly, it was decided to equip the citizens with education on a war footing for achieving social, economic and political justice without it the representative democracies will have no meaning. Only educated citizens of the country can contribute through active participation by forming public opinion. In India women community forms about fifty percent of the population, hence it is imperative to strategize the political, social and economic advancement of the country without utilizing women power. To make use of the women power to the fullest extent, considering them in all the fields is must and the basic necessity of the state for empowering them is education. Empowerment allows individuals to reach their full potential, to improve their political and social participation, and to believe in their own capabilities. In this direction, government plays a very significant role in enlightening the women community.

Several attempts were made to bring women to their most desires through empowerment. The Government of India amended the Constitution to expressly declare education as fundamental right, it enacted legislation to make education compulsory in India and the Nations.

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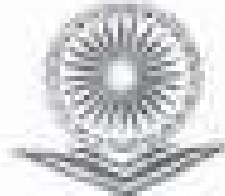
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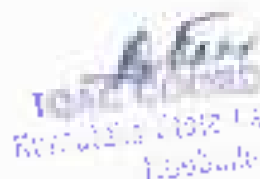
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11. Copy Right Protection in India

Dr. Bheemubai S. Mitage

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Abstract

To promote the progress of Science and useful Arts, the Indian Copyright Act, 1957 provides that entitled thereto, upon complying with the provisions of this Act, shall have the exclusive right to print, reprint, publish, copy and vend the copyrighted work. The ownership of copyrighted work depends on a number of factors. Physical possession of ownership will not always necessarily result in ownership of copyright as well. As per the Act, the copyright subsists in original literary, dramatic, musical and artistic works cinematograph films, and sound recording and the author or creator of a work is the first owner of the copyright in the work, except where such work is created under an employment agreement or where the right has already been assigned. However, the existing Act has undergone methodical changes keeping in view the nature, extent and domain of technology involved to secure the public interest of imagination, invention and resourcefulness. Its main thrust is to provide adequate incentives to authors and creators of miscellaneous copyright works, on the one hand, and make such works reachable to the public on the other hand.

This paper will discuss the different types of authors' rights and the methodical changes in the existing Copyright (Amendment) Act to provide adequate incentives to authors and creators of copyright works.

Key words: Copyright work, Authors' right, Infringement and Remedies

1. Introduction

Intellectual property is the term, related to human brain applied for creativity and invention. Various efforts in terms of inputs of labor, energy, time, skill, money, etc. are required to invent or create something new and useful to the society. The ultimate idea by which invention or creation took place is an intangible property of the person, who burns his right oil for the new and useful invention or creation. Therefore, as per the existing laws of the land, the legal rights or monopoly rights granted to creator or innovator to harvest the economic benefits on their invention or creation. The Intellectual Property Rights (IPR), basically, a state granted rights in

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BOOKS REVIEW

The Contradiction in Disability Law: Selective Abortions and Rights (2016) By Pradha Nizar

(Oxford University Press, New Delhi, India, 2016)

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Dr. Anu Prasad

The Contradiction in Disability Law: Selective Abortions and Rights is a book that demonstrates and addresses how the unproblematic disability-selective abortions are actually problematic. Challenging the legal order on disability-selective abortion provided in the domestic laws- *Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994* (PCPNDT) and *Medical Termination of Pregnancy Act, 1971* (MTP) the author unfolds the paradoxical legal position that prohibits prenatal tests and sex-selection abortions and that which permits disability-selective abortions. This contradicting legal position implies that scientific technology is permitted to eliminate the persons with disabilities establishing that they do not deserve the right to be born. The book makes it apparent that no research has so far analysed the common threat between sex selective abortions and disability linked abortions.

The pain of being a disabled person and the strength gained through the pain is reflected throughout the book as the author though commenced to find out the faults and contradictions in the laws to challenge it has herself justified her book by experiencing disability.

The prologue analyses the legal developments on domestic and international levels and poses so many questions to the readers as to how law plays an unjust and unethical role when it simply prohibits and allows abortions based on the grounds of sex and disability respectively and further proceeds to ask as to how the availability

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Role of judiciary in expanding the horizons of freedom of Speech and Expression

Dipa Gautalair*

INTRODUCTION

Speech and expression is a nature's gift to mankind. Through speech and expression a human being conveys thoughts, sentiments and feelings to others. Hence freedom of speech and expression is natural right which a human being acquires by birth. Therefore, it can be considered as a basic right. The Supreme Court in *Ramlila Mandan Incident* re'held that, Freedom of speech and expression is a basic "human right", "natural right" and it is the mother of all liberties. Apart from this, it plays very crucial role in the formation of public opinion on social, political, and economic matters².

Freedom of expression is vital in a democratic State where people are the Sovereign rulers. As said by Laski "Democracy is a Government by discussion", a democratic State could be successful only when there is effective participation of the people in the Government. Further, Iyer Jennings says, "Without freedom of speech, the appeal to reason which is the basis of democracy cannot be made". It includes the expression of one's ideas through any communicable medium or visible representation, such as gesture, sign and writing. Now media internet and social media has become a vital communications medium through individual's exercise their right of freedom of expression and exchange information and ideas. Hence in modern times the right to freedom of speech has taken a new dimension where in need has arisen to bring new medium of communications within the meaning and scope of freedom of speech and expression as dealt under Article 19(1) (a) *the Indian Constitution*.

LAW OF FREEDOM OF SPEECH AND EXPRESSION UNDER INDIAN CONSTITUTION

On 26th day of November 1950 the people of India gave to themselves, the *Constitution of India*, with a view to make India a Sovereign, Democratic, Socialistic, Secular and Republic state. The main object of the *Constitution of India* is to secure for the citizens of India, liberty of thought and expression³. With the intention to give effects to objectives mentioned in the Preamble, the Constitution makers have incorporated freedom of speech and expression as fundamental right. In order to give effect to these objectives mentioned in the preamble by Constitutional framers, a "freedom of speech and expression" has been guaranteed as fundamental rights under Article 19(1) (a) available to all citizens, subject to restrictions which may be imposed by the State under clause (2) of Article 19.

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1 (2002) 5 SCC 1

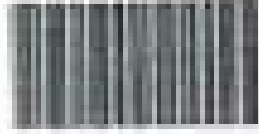
2 *Ramlila Mandan Incident*, re (2002) 5 SCC 1.

3 Preamble to the Indian Constitution.

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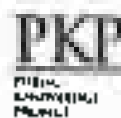
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CORPORATE SOCIAL RESPONSIBILITY: A CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

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<https://doi.org/10.5281/zenodo.2573703>



Abstract

India has reached a turning point in its development activities by enacting a new law for companies i.e. Companies Act, 2013 replacing the old one. The new law has introduced India with the concept of Corporate Social Responsibility. This work is an effort to find link between corporate social responsibility and sustainable development and whether corporate social responsibility has a significant role to play in achieving sustainable development.

Introduction

For a state economic development forms an important component but that itself is not only the goal. Development is an increase in capacity of society to meet human needs and improve the quality of human life¹. That is why the real aim of the state must be to improve the quality of human existence by ensuring healthy and fulfilling lives². This is possible only when State adopts principles of sustainable development. The traditional approach towards development was economic growth as well as the social dimensions. Later during industrialisation material production was considered as the basis of human wellbeing. The twentieth century witnessed the increased output and growth as economic goal by developing country³. By 1960s developing countries focused on equitable growth where social objective such as poverty alleviation were considered as important as economic development for the well being⁴. By early 1980s environmental degradation was witnessed to be a major barrier to human wellbeing. Hence the State felt a need of a development which could protect environment and development which advances social wellbeing⁵.

The Concept of Sustainable Development

The concept of sustainable development cannot be assigned with a precise definition with universal acceptance, as it conveys different meaning to people of varied discipline. An environmentalist interprets it as a preservation of a heritage for future generation. An economist sees it as an economic growth which can be sustained for generations. For a businessman it can be a sustainable profit⁶.

1. *Delisted in jointly produced document called "Caring for the Earth: A Strategy for Sustainable Living" by world commission on environment and development Environment, Development and World World Fund.
2. *Capacity to enjoy environment (2nd edition) (Oxford: Oxford Book Company, 2016) p.28
3. *Global Warming: Sustainable Development in Practice: Performance, Methodology and Applications. First edition. (New York: Cambridge University Press, 2009) p. 20
4. *Ibid p. 21
5. *Sustainable M. Harris "Basic Principles of Sustainable Development", Global Development And Environment Institute Working Paper (2004), USA: Tufts University Medford, 2000) p.5
6. *Ibid p. 7

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ANTI-DUMPING MEASURES: A REGULATORY PERSPECTIVE

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ABSTRACT

Anti-dumping measures, as the name suggests, are taken against the practice of dumping. The concept of anti-dumping measures has been of much value and is considered important in the context of international trade. The present research is one of the preliminary work towards under WTO. Most of the countries have enacted anti-dumping measures to protect their domestic industry from dumping. This study deals with the price behavior of the domestic industry, which is the main objective required to be proved. Dumping can be defined as price which is lower than the normal value of goods in the domestic market. Therefore, there is a need to regulate the practice of dumping. Every country in this sector is required to explain the reasons of their trade, which is the main objective required to be proved. Therefore, there is a need to regulate the practice of dumping. Therefore, where dumping occurs or threatens to occur, national law in the domestic industry is required to regulate the practice of dumping under WTO Agreement to ensure necessary anti-dumping measures.

In the present an attempt is made to explain the procedure to regulate the practice of dumping of goods in order to maintain and large manufacturers who dump their products in the market and the power of national authority under WTO Agreement who enforce necessary anti-dumping measures.

Keywords: Dumping, Domestic industry, anti-dumping measures and domestic authority

1. INTRODUCTION

In the context of the global dismantling of tariffs and increased economic integration, anti-dumping is still an important and increasingly more important. However, when a foreign company exports goods to a country selling products below the normal domestic price, anti-dumping and investigating duty laws have been a preferred means to impose restrictions on international trade. This anti-dumping legislation (AD) was developed by GATT/WTO, aimed to avoid unfair competition by preventing foreign companies from manipulating the market. The concept of AD emerged as the most widespread policy instrument to trade in the last 25 years and almost all WTO member countries have adopted national laws anti-dumping legislation in accordance with the GATT provisions to deal with dumped imports. In this era of globalization, anti-dumping has acquired a special significance primarily as a means of leveling trade practices and providing fair competition.

2. DUMPING

A product is said to have been dumped if it is introduced into the commerce of another country at less than the normal value of the product and it causes/ threatens material injury to an established industry of the country.

In the context of International Trade Law, 'the act of manufacturing or selling in one country, exporting a product to another country at price which is either below the price it charges in its home market or is below the cost of production.'

These definitions claim that, dumping can be defined, respectively, if dumping occurs or threatens to occur, national authority in the domestic industry, or domestic authority has the power under WTO Agreement to enforce necessary action against such practices. Domestic companies export products at very low prices in order to capture markets abroad and to eliminate competitors. To determine dumping, a comparison is to be made between the 'export price' of the product and the 'normal value' of the like product in the exporting country. If the 'export price' is less than the 'normal value', then the product is considered to be dumped.

3. ANTI-DUMPING MEASURES IN GATT/WTO

Based on domestic law provided by large-scale production, and in the absence of dumping under the provision, it enables a domestic producer in the market. This is essential in international commercial practice for export

¹ Available at <http://www.anti-dumping.com> visited on 12.0 2019

² Bhagirath Lal Das, *The World Trade Organization: A Guide to the Framework for International Trade* (Bookwell, New Delhi, 2007) p.205.

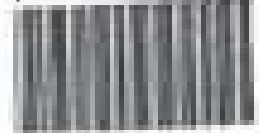
³ Neeraj Varshney, *Anti-dumping Measures under the WTO Regime* (Universal Law Publishing Co., New Delhi, 1st edn, 2007) p.55

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DEVELOPMENT AND HUMAN RIGHTS OF INDIGENOUS PEOPLE: ANALYSIS FROM AN INDIAN PERSPECTIVE

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Abstract

The indigenous people are people who have unique traditions and practices. Development is a process which is aimed at the well-being of the people. The indigenous people have their own way of life and culture. The development process should not be such that it destroys the indigenous people's culture and traditions. The indigenous people should be given the right to participate in the development process. The indigenous people should be given the right to their own land and resources. The indigenous people should be given the right to their own education and health services. The indigenous people should be given the right to their own political participation. The indigenous people should be given the right to their own economic participation. The indigenous people should be given the right to their own social participation. The indigenous people should be given the right to their own cultural participation. The indigenous people should be given the right to their own environmental participation. The indigenous people should be given the right to their own information participation. The indigenous people should be given the right to their own communication participation. The indigenous people should be given the right to their own decision-making participation. The indigenous people should be given the right to their own self-determination. The indigenous people should be given the right to their own self-governance. The indigenous people should be given the right to their own self-reliance. The indigenous people should be given the right to their own self-respect. The indigenous people should be given the right to their own self-fulfillment. The indigenous people should be given the right to their own self-actualization. The indigenous people should be given the right to their own self-actualization. The indigenous people should be given the right to their own self-actualization.

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Keywords: Development, Indigenous People, Human Rights, Self-determination

Key quote: "We cannot have development without security, we will not enjoy security without development, and development requires a most respect for human rights."¹

Introduction

The concept of human rights is not new to Indians. Earlier when the society had evil ongoing practices like slavery, the right of rights to peasants and other labourer class, several movements were started on the basis of natural rights. These natural rights or human rights are those rights which are inherent to every individual recognized by the society and enforced by the state. These rights are inalienable and inviolable because they are not only vital for the development and elevation of human personality and for ensuring its dignity but also because without these rights man is reduced to the level of animal. In a simple word human rights can be termed as the rights which are necessary for a man to enjoy and possess. From the beginning of 20th century especially after the end of Second World War, many national and international documents have been adopted to protect the human rights. In India also many constitutional provisions exist for the noble purpose.

Unfortunately, many indigenous peoples continue to face a range of human rights issues. In fact, the implementation of them rights is far from perfect. Some of the most difficult human rights

¹The UN Secretary General Report (1995) on "In Larger Freedom: Towards Development, Security and Human Rights for All" available at <http://undocs.org/A/50/2005> last visited on 30/01/2019



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CRITICAL ANALYSIS OF WTO'S APPROACH TOWARDS TRADE AND ENVIRONMENT

Sunil N. Bagade*

Abstract: Trade induced development has significantly contributed towards ensuring faster economic growth of the nations. Trade liberalisation has enabled the nations to overcome the economic crisis which has prevailed since World War. No doubt, the trade has facilitated the economic progress at the faster rate, but it has also adversely affected the quality of environment. When trade induced development resulted into environmental degradation, the nations started adopting environmental protection measures. These measures had the bearing on trade. This is where the WTO/GATT is taking up issues relating to trade and environment related matters. The present article aims to analyse the role of WTO in resolving the trade and environment conflict.

Keywords: International trade, Environment, Dispute Settlement Body, WTO/GATT

I. INTRODUCTION


The growth in international trade has contributed immensely towards the economic prosperity of the world as a whole and nations in specific. Before the Second World War the nations were reluctant to adopt free trade policy. Various restrictions imposed by the nations severely hampered the trade between the nations. But after the war the nations' economy got devastated. It is during this period that the nations found hope in international trade for attaining economic progress. Thus the trade received impetus for development.

No doubt the increased trade helped the nations to achieve economic development at the faster rate, but along with it the negatively externalities came to lime light. The trade induced economic development resulted into severe environmental degradation. This made the nations to adopt environmental protection measures. These measures had the direct bearing on the trade. These measures were against the GATT non-discrimination principles. This made the affected nations to challenge such measures before the Dispute Settlement Body (DSB) of GATT/WTO.

Several such cases came to be filed before the DSB requiring it to decide the issues having bearing on trade and environment matters. This is how GATT/WTO came on screen in relation

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CLIMATE CHANGE AND SUSTAINABLE DEVELOPMENT INITIATIVES

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Climate change is a global environmental problem which has been receiving intense attention at national and international levels. Climate change or global warming is an increase in global temperatures that has a negative effect on ecosystems across the world and leads to natural disasters such as global warming, sea level rising, changes in precipitation, and increase in ocean temperature leading to sea level rise etc. The over-exploitation of natural resources and increasing environmental pollution are the root causes for the climatic changes and it has already triggered the adverse effects of climate change on people's lives.

The United Nations Framework Convention on Climate Change defines climate change as "a change in climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods". While climate change results from activities all over the world it may lead to very different impacts on different regions or countries, depending on local or regional environmental conditions and on differences in vulnerability to climate change, independent of the contributions to climate change of these countries.

The United Nations Framework Convention on Climate Change

Climate change is now affecting every country on every continent. It is disrupting national economies and affecting the living people, communities and countries dearly today and even more tomorrow. People are witnessing the significant impact of climate change, which include changing weather patterns, rising sea levels, increasing weather events. The present and most vulnerable people are being affected the most.

The United Nations Framework Convention on Climate Change defines climate change as "a change in climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods". While climate change results from activities all over the world it may lead to very different impacts on different regions or countries, depending on local or regional environmental conditions and on differences in vulnerability to climate change, independent of the contributions to climate change of these countries.

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CASE COMMENTS
SPECIAL RIGHTS OF AUTHORS OF MUSICAL WORK – A
CASE COMMENT ON AGI MUSIC SDN BHD AND ORS. v.
HAIYARAJA AND ORS. MANU/TN/2435/2019

Smt. Archana K.*

The Recent judgment of the Madras High Court on the copyright infringement in music works and sound recordings involving music maestro Haiyaraaja is a milestone judgement in intellectual property jurisprudence. The judgment addresses in depth, the rights of composers and producers. In India, ownership of copyright and rights of the owner is specified under the *Copyright Act, 1957*. In 1994, to implement the provisions of *TRIPs Agreement*, this Act was amended and introduced the concept of performers' rights and created right of *droit de suite*, which allows authors to share in the proceeds from re-sales of original works, which will protect the interest of the creators of musical works.

Unfortunately, in India the real performers or the creators of the musical work of a cinematograph films were not recognised as the owners of the work, because, they do not take part in the financial risk involved in the creation and distribution of the work. The musical work embodied in a sound recording of a movie was recognised as the work of the producer of the film and he will be considered as the copyright holder of the work. Due to such circumstances, many of finest Artists of India suffer in their old age, without any means of accessing the fruits of their labour. To address this deplorable situation and to redress this problem, the recent amendment of 2012 takes into account the interests of authors of musical work, by ensuring the payment of equal royalty to them, thereby balances the rights of the producer and the authors of the musical work.

*Assistant Professor of Law, ESU – Law School, Hubballi

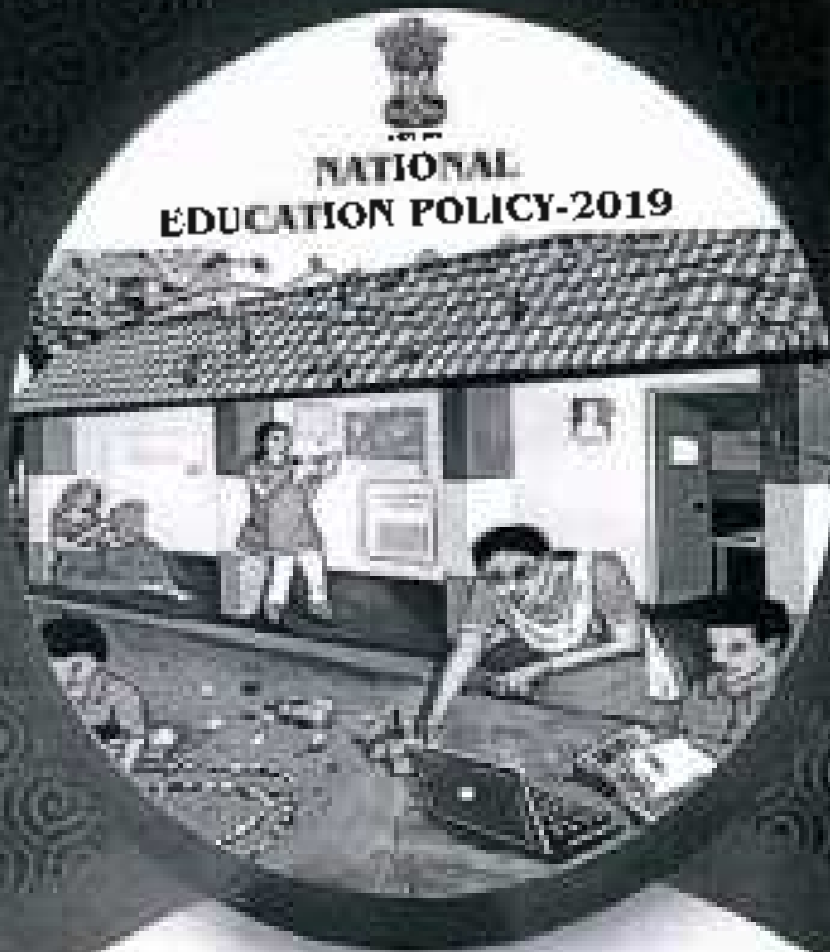

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INTELLECTUAL PROPERTY PROTECTION AND
BIOLOGICAL DIVERSITY CONSERVATION: ENVIRONMENTAL INITIATIVES

Article K

Author: Dr. G. Lakshmi, Karnataka State Law University, Hubballi

ABSTRACT

The article discusses the relationship between intellectual property protection and biodiversity conservation. It highlights the importance of intellectual property rights in the context of biological diversity and the need for a balanced approach to protect both. The article also discusses the role of intellectual property in the development of new technologies and the impact of intellectual property on the environment. The article concludes that intellectual property protection and biodiversity conservation are not mutually exclusive and can be achieved through a balanced approach.

INTRODUCTION

Biological diversity is one of the main important aspects that contributes in various ways to the economy and quality and protects agriculture. And on the other hand, loss of biodiversity has a negative impact on the environment and food security. Food and agriculture biodiversity greatly contribute to the development of the world. Food and agriculture biodiversity greatly contribute to the development of the world. Food and agriculture biodiversity greatly contribute to the development of the world. Food and agriculture biodiversity greatly contribute to the development of the world.

Foundation of mankind and agriculture lies in plant genetic resources. In traditional times, the genetic resources were preserved through the selection and eventually leading to food security. Farmers have been selecting and breeding from generation to generation by choosing, saving and improving plants and animals that were most useful and have thus contributed to the growth of agriculture. Biodiversity for food and agriculture is essentially concerned with the genetic resources of plants, animals and microorganisms. It is the genetic resources that are used to produce food and other products. Biodiversity for food and agriculture is essentially concerned with the genetic resources of plants, animals and microorganisms. It is the genetic resources that are used to produce food and other products.

Later, as a result of growing commitment to sustainable development in the world community, there was a growing awareness of biological diversity, sustainable use of its components, and the need to ensure that biodiversity is not lost. The Convention on Biological Diversity (CBD) was entered into force in 1992. It reported to an increased crop biodiversity. In 2001, the Conference of the Parties Agricultural Organization of AO, adopted ITPGRFA, which seeks to protect and sustain our plant genetic resources for food and agriculture. These international developments had to be complementary to each other but unfortunately, these initiatives turned to become contradictory to each other. In the national level,

<http://www.ijair.org/V2I12018/A32618N.pdf> accessed on 14/09/2019

Dr. G. Lakshmi and Dr. S. Raju, Future Control of Food: A Guide to Intellectual Property and Biological Diversity, *Intellectual Property, Biodiversity and Food Security* (Earthscan, London, 2005) p. 52

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THE CHANGING CONTOURS OF INTERNET SERVICE PROVIDERS' LIABILITY FOR COPYRIGHT INFRINGEMENT ON INTERNET

Dr. Sumi N. Bagade*

ABSTRACT

When Internet platforms were growing their business, they were considered upholder of free speech and hence, were given 'safe-harbour' against third party. It believed that they will self regulate their platforms for illegal content. Over time, these companies acquired millions of users around the world. As these platforms grew, it became increasingly difficult for them to self-regulate the large volume of content flowing through their pipelines. The misuse of data available on platforms, coupled with the growing menace of cyber terrorism has increased the calls for imposition of liability on intermediaries. Especially, as online copyright infringements are increasing the demand for fixing liability on intermediaries has become the call of the day. Furthermore, the anonymity of individual subscribers forces copyright owners to increasingly seek to hold Internet Service Providers liable for the misconduct of their subscribers. However, there is no consensus about the scope of such liability for the reason that they are not in a position to prevent copyright infringement effectively in all contexts. In this article an effort is made to understand the need for imposing liability on Internet Service Providers for copyright violation done by third party. An attempt is also made to ascertain the scope of their liability as contemplated under the relevant laws of India. Apart from the same, judicial approach towards the liability of Internet Service Providers is also examined in this article.

Keywords: Internet Service Providers, Copyright violation, Safe harbour, Strict liability, Vertical Liability, Horizontal Liability.

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An Empirical Study on Visually Impaired in Hubbath-Dharwad Area: A Case Study of Karnataka

By Anil Prasad Rao*

Abstract

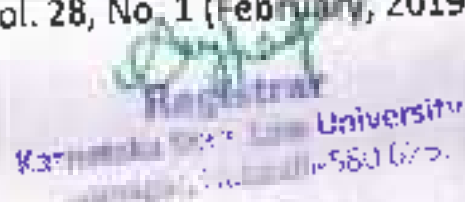
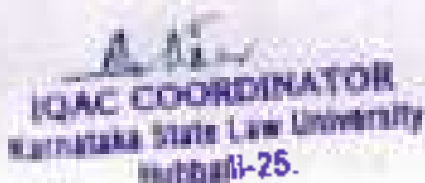
The persons with disabilities among other categories of persons constitute the least privileged in the world. According to the World Health Organization (WHO) around 10% of the world population is estimated to have disabilities and with an estimated 80% of persons with disabilities live in low income States and 80% of persons with disabilities live in rural areas. India is one of the countries with the highest number of persons with disabilities in the world. There is a high incidence of mental, hearing, speech and language disabilities, mental illness, mental retardation, physical disabilities and other disabilities. In most countries and most types of disabilities, even awareness about the accessibility measures in terms of building of physical content and lack of ready for information and communication technologies for persons with disabilities is minimal and the already disabled are excluded from the benefits of the present IT actions and international laws and protocols. In the assistive technology field, persons with less or less severe physical impairments in various spheres of life are struggling to overcome the challenges related to the operation of mobile phones which they could overcome because of the features of the Universal Design. Some of the reasons for the inclusion of the term 'visually impaired' in Karnataka State government's law is that it has an enthralling history of its own. Hubbath-Dharwad are the two cities in the State of Karnataka separated by a distance of 20 kms constituting the second largest city in the State of Karnataka. Dharwad is at an average altitude of 750 meters above sea level, while Hubbath is 640 meters above M.S.L. The blind schools, other institutions and NGOs working for the blind are scattered in Hubbath-Dharwad. A study on the Governmental and non-Governmental institutions has revealed the extent of legal awareness of the existing legal framework. The situation is depressing and calls for an effective implementation of the new legislation for persons with disabilities that is, the Rights of Persons with Disabilities Act, 2016.

Key words: Persons with Disabilities, World Health Organization (WHO), Disabled Rights Groups (DRGs), Visually Impaired.

Introduction

Karnataka State lying in the southern part of India has an enthralling history of its own. The State enriched with the distinctive culture and values has been under the rule of several dynasties that have shaped its history. For a long time the State was under the British rule before it gained independence. The period 1905 to 1920 is described as the period of unification of Karnataka wherein, on one hand, when there was struggle to release India from the clutches of British rule, on the other hand, the freedom

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RELIGIOUS ENVIRONMENTALISM AND THE BIODIVERSITY CONSERVATION IN INDIA

Smt. Archana K.

Abstract

Relation with the nature is an integral part of life of the individual and every society has its own mode of conserving biodiversity to protect the societal interest. In India, conservation of biodiversity was considered as dharma or pious obligation of every individual and as a result, mankind developed love, respect and reverence towards nature, and the religious touch for environment protection contributed for the rich biological diversity of the country. Though Indian culture was imbued by many religious thoughts and philosophies in the past, all of them highlighted the significance of eco-balance and to enhance the quality of life, it compelled the people to nurture and conserve the natural resources. However, the rich religious environmental culture was gradually inhibited and replaced by the profiting motive; increased industrialization and commercialization activities. It led to the exploitation of natural resources and resulted in the biodiversity depletion at an appalling pace. When the moral principles formulated by the religions became ineffective in preventing environmental degradation, biodiversity conservation mechanisms were initiated by the State through formal legislations. In this background, this paper analyses nature of religious environmentalism in India and the effect of religious environmentalism in preventing depletion of biodiversity.

Key Words: Biodiversity, Religious Environmentalism and Natural Resources.

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EVALUATING A NEED OF CONSTITUTIONALISATION OF VICTIM'S RIGHT TO COMPENSATION

Dr. D. Rangaswamy

Abstract

Compensation to the victim of crime is an emerging concept of the criminal justice system in recent decades. The considerable amount of interest has been paid to compensatory jurisprudence. The primordial recognition of the Victim's Right to Compensation (VRC) is to address the devastating impact of the crime. This tendency of the criminal justice system to recognition of VRC is due to judicial verdicts and reformative steps recommended by the reports of various committees and commissions. On account of these developments, the centre and state governments have initiated victim compensation schemes aimed at creating conducive environment for VRC. Notwithstanding, it is evident from the practices of the various countries, including India that compensatory jurisprudence failed to get adequate constitutional status. It should be noted that many of countries have taken keen interest for accused by according constitutional status to their rights. However, the victims' rights are thinly projected and intensively ignored under the constitutional text. In this context the present article explores the gravity of the problem and need of recognition of VRC under constitutional jurisprudence. The article starts with the recent trends of criminal justice system towards rights of victims followed by the emerging need of constitutionalised system for VRC. The article concludes that there is a need of the constitutional recognition so as to balance the interest of the victim as equal as of the accused of the crime.

Key words: victims, rights, compensation, Constitution



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16. JUDICIARY AS REVITALISER OF GANDHISM

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ABSTRACT

The imprint of Mahatma Gandhi on the modern society is unparalleled. He was one of the most eminent leaders of the country who secured a unique place in the political world. He can rightly be called as the father of the nation for his extraordinary contribution for peace and non violence. As the concept of the corruption, communalism, violence, inequality, discrimination and other vices are at peak, there is a great responsibility on the present generation to reconstruct and revitalise our system under the context of the principles laid down by Mahatma Gandhi. The present situation of the global affair made it apparent that humanity could be preserved only through the imulation and practice of the Gandhian principles. Thus, it is well known notion that independent judiciary play an important role in ensuring effective implementation of political thoughts and theories. The present paper deals with the decisions of the Supreme Court of India wherein Gandhian principles have been emphasised and accordingly impliedly cautioned the State Machineries to comply with such values. The paper argues for pivotal role of the Court to bring changes in the society in the backdrop of Gandhian thoughts which have apparently been ignored by the government since independence.

Key Words: Judiciary, Gandhism, Principles, Values

INTRODUCTION

The relevancy and inevitability of the Gandhian thoughts are to be emphasised in a reasonable manner as they are not only for the particular period, society or country rather they are universal, eternal and undying. As K.R. Ling argues – "He is a great, a thinker, a saint, a philosopher and theories far excellence. His thought is comprehensive. It is because of his multi-dimensional thought that the people around the world have remained engaged in exploring, explaining and evaluating the relevance of Gandhian thought for the last five decades. He further said that the more we explore Gandhism, the more we feel grateful and thus get involved in knowing about Gandhian thought and its relevance. It however is not possible for anyone to evaluate and present judgement the relevance, utility and value of one or the other theory of Gandhi (Jandhan Gandhi, 1998, p.129)."