

ask me about ?



# UNITED NATIONS CONVENTION ON DISABILITY

## TRAVAUX PRE'PARATOIRES

**Anu Prasannan**

*Seetha*  
Registrar  
Karnataka State Law University  
Nava Rahe, Hubballi-580 025.



*Anu Prasannan*  
IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.



UNITED NATIONS  
CONVENTION ON DISABILITY  
*TRAVAUX PRE'PARATOIRES*

Dr. Anu Prasanna

2018

Scholars World

*A Division of*

Astral International Pvt. Ltd.

New Delhi - 110 002

  
IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.

  
Registrar  
Karnataka State Law University  
Hubballi-25, Hubballi-580 07

ISBN 978-93-5267-019-2

International  
Interdisciplinary  
Seminar

# PROCEEDINGS

4-6 January 2018, INDIA

International Interdisciplinary  
Seminar on  
Realisation of Human Rights  
in a Globalised World



*Aysha*  
Registrar

Karnataka State Law University  
Navanagar, Hubballi-580 025.



PUBLISHED AND ORGANISED BY  
DEPARTMENT OF LAW  
CENTRAL UNIVERSITY OF KERALA  
(ESTABLISHED BY PARLIAMENT OF INDIA UNDER ACT 25 OF 2009)

*A. S. S.*  
IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.

# INTERNATIONAL INTERDISCIPLINARY SEMINAR ON REALIZATION OF HUMAN RIGHTS IN A GLOBALISED WORLD

4 to 6 JANUARY, 2018  
THIRUVALLA, INDIA

CENTRAL UNIVERSITY OF KERALA



(Established by Parliament of India under Act No. 25 of 2009)

## EDITORS

Prof. (Dr.) K. C. Sunny  
Dr. Gireesh Kumar J.  
Dr. Jayasankar K.I.  
Aathira Raju  
Dr. Meera S.

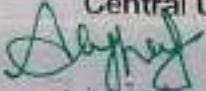
## ASSOCIATE EDITORS

Kavya Salim  
Sreenidhi L.

Organized and Published by:  
**Department of Law**  
**Central University of Kerala**

Website – <http://semlaw.cukerala.ac.in>.  
ISBN-978-93-5267-019-2

  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

  
**Registrar**  
Karnataka State Law University  
Kalyan Nagar, Hubballi-580 025.

UNIVERSITY OF GLOBALLISATION  
HUMAN RIGHTS AND ISSUES RELATING TO GOVERNANCE

Dr. Ann Prasanna

*Role of United Nations In Upholding The Human Rights Of  
People of The World*

Dr. Anesh V. Pillai

*Humanitarian Intervention and State Sovereignty: It's  
Legitimacy under International Law*

Anjana Sathesh

*Right to Good Governance*

Sheena Thomas

*Realization of Right to Privacy in the Digital Age  
- An International Perspective*

Shinsa P. Mathew

*Role of Judiciary In Good Governance: With Special  
Reference To Administrative Functions*

Dr. Shweta Deshpande : *Combating Cyber Terrorism: An Indian Perspective*

A.K. Ananda Krishnan : *Extinguishing the Transnational Pandemic Of Terrorism*

Dr. Shaik Nazim

Ahmed Shafi

*Civil Aviation and Terrorism: A Human Rights Perspective*

Adv. Sachin Menon

*The Legitimacy of State Intervention -Geo  
- Political Opportunism or A Legal Obligation?*

Manu S., Aparna S. S. &

Adv. Pratheesh P Prasad : *Realization of Human Rights in the Era of Globalised Terror  
in Afghanistan*

A.K. Ananda Vishnu,

Anagha Ajith,

Lekshmi Shibu &

Vishvapriya P. Govind : *Implications of Human Rights Interventions on  
State Sovereignty*

Chandini N &

Prof. Dr. Suresh

V. Nadagoudar

Dr. K. Sangeetha

HUMAN RIGHTS OF THE VULNERABLE

*Human Rights and LGBT Communities  
- Issues and Perspectives*

**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

*Sujal*  
Registrar

Karnataka State Law University  
HVT Navanagar, Hubballi-580 025.

Scanned by CamScanner

# ROLE OF UNITED NATIONS IN UPHOLDING THE HUMAN RIGHTS OF VICTIMS OF WAR CRIMES

Dr. Anu Prasadant

## Introduction

The creation of League of Nations had long been advocated in philosophical and juristic writings and treaties (applied in the practical context) of the Peace Conference in June 1919. The League's objective was "to promote international cooperation and to secure international peace and security". However, League, the idea of the First World War, was a failure. It is the failure of the League of Nations to avert a second world war. In the century and a half that exist by some form of general organization of states could a system of collective security be achieved which would protect the international community from the scourge of war. The result was the birth of United Nations (UN) at the San Francisco Conference in 1945 where fifty governments signed the basis of the Organization. The proposals prepared by the great sponsoring states, together drafted the UN Charter. UN aims to achieve peace of the world through international peace and security, economic and social progress and development and respect for human rights- three pillars set forth in the UN Charter. However, the criminal justice system and other forms of justice in different parts of the world have not followed an identical path of development. When it comes to war crimes, in many societies the victim could easily be treated as "the forgotten person" in the administration of justice. The United Nations and its specialized organs have played a pivotal role for the victim oriented criminal justice system. A number of other International entities have since dealt with core issues related to victims of crime and abuse of power. In 1945, the UN War Crimes Commission was constituted under Lord Wright and an agreement was signed in London between the US, UK, USSR and France for establishing an International Military Tribunal. This led to the trial of Nazi leaders at Nuremberg, war crime tribunals under the Security Council and finally the establishment of International Criminal Court (ICC).<sup>1</sup> The role of the UN in upholding the human rights of victims of war crimes therefore, calls for the need to look into the definition of war crimes and also as to who are the victims of war crimes.

## Definition of war crimes and crime victims

War crimes are serious violations of customary or treaty rules belonging to the corpus of international humanitarian law and can occur in both international and non-international

armed conflicts. Such violations may be done by the armed forces or political leaders having the power to control or authority to give directions. They have been included in many treaties of several international tribunals and the International Criminal Court<sup>2</sup> classifies them as follows:

War crimes means grave breaches of the Geneva Conventions and other serious violations of the laws and customs applicable in international armed conflict and in conflicts "not of an international character" listed in the Rome Statute when they are committed as part of a plan or policy or on a large scale.<sup>3</sup> The prohibited acts include:

- Murder;
- mutilation, cruel treatment and torture;
- slavery of hostages, deportation, transfer of population;
- intentional directing attacks against the buildings, dedicated to religion, education, art, science or charitable purposes, historical monuments, hospitals;
- pillaging;
- rape, sexual slavery, forced pregnancy or other form of sexual violence;
- conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.<sup>4</sup>

The statutes for the ad hoc tribunals, International Criminal Tribunal for the Former Yugoslavia (ICTY), International Criminal Tribunal for Rwanda (ICTR),<sup>5</sup> the Special Court for Sierra Leone have extended their jurisdiction over 'serious' violations of humanitarian law.

1 Assistant Professor, Karnataka State Law University, Hubballi. Email: anu\_jyju@yahoo.co.in  
 2 D.W. BOWETT, THE LAW OF INTERNATIONAL INSTITUTIONS 15-21 (1963).  
 3 Charter of the United Nations, Oct. 24, 1945, 1 U.N.T.S. XVI  
 4 MALCOM N. SHAW, INTERNATIONAL LAW (5<sup>th</sup> ed. 2005).

5 Rosalyn Higgins defines war crimes as inclusion of the violation of the recognized rules of warfare by members of the armed forces, illegitimate hostilities in terms committed by individuals who are not members of the armed forces. See KJ JUS IN INTERNATIONAL LAW & HUMAN RIGHTS, 3<sup>rd</sup> ed. 2001

6 ICC is an intergovernmental organisation and international tribunal created to complement existing national judicial systems and may exercise its jurisdiction when certain conditions are met such as when national courts are unwilling or unable to prosecute criminals or when Security Council or individual states refer investigations to the Court. ICC began functioning on 1 July 2002.

7 CASSESE, INTERNATIONAL CRIMINAL LAW 32 (3d ed. 2003)

8 Rome Statute of the International Criminal Court, art. 8. For more information see Art. 8(2) (a)(b), (c)(d) and (e). Under Art. 8(2)(b), the definition covers a protracted armed conflict within a State between governmental authorities and organized armed groups or between such groups.

9 UN Security Council established two ad hoc tribunals for former Yugoslavia and Rwanda in 1993 and 1994 respectively for the trial of persons responsible for atrocities and grave violations of humanitarian law.

**IQAC COORDINATOR**  
 Karnataka State Law University  
 Hubballi-25.

Registrar  
 Karnataka State Law University  
 Navanagar, Hubballi-580 025.  
 Scanned by CamScanner

Book

ISBN: 978-93-5578-165-9

21



# INTERNATIONAL CONFERENCE **PROCEEDINGS**

14<sup>th</sup> DECEMBER 2021, INDIA

INTERNATIONAL CONFERENCE ON  
(9<sup>th</sup> VIRTUAL)  
HUMAN RIGHTS AND GENDER JUSTICE

*Signature*

Registrar  
Karnataka State Law University  
Bachchanagar, Hubballi-580 025.

PUBLISHED AND ORGANIZED BY KERALA LAW ACADEMY LAW COLLEGE  
IN ASSOCIATION WITH CENTRE FOR ADVANCED LEGAL STUDIES  
AND RESEARCH (CALSAAR), TRIVANDRUM

IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.

Scanned by CamScanner

19. **ROLE OF INDIAN JUDICIARY IN SOCIAL TRANSFORMATION OF WOMEN** 97  
 SUSHIL

20. **HISTORICAL DEVELOPMENT OF GENDER EQUALITY FROM ANCIENT TO THE DIGITAL ERA** 96  
 JAY KUMAR

21. **LEGAL INDIVIDUALS AND SUBROGACY: AN INTERNATIONAL PERSPECTIVES** 77  
 SUSHIL

22. **ADOPTION AMONG HOMOSEXUAL COUPLES: HOW FAR IT IS RECOGNIZED IN THE CURRENT SCENARIO?** 104  
 AKSHARASIDAN

23. **LEGISLATIVE APPROACH TO PREVENT CHILD SEXUAL ABUSE.** 109  
 DR. AJINJI PRADHAN

24. **NEED TO PREVENT PERSISTING CRUELTY AGAINST WOMEN IN THE FORM OF RESTITUTION OF CONJUGAL RIGHTS: A LEGAL ANALYSIS** 114  
 DR. JAY PRASANNAN

25. **PROTECTION OF WOMEN: AN ANALYSIS OF CONSTITUTIONAL AND JURIDICAL ISSUES** 118  
 DR. BINDU SANGRA

26. **LEGAL REGULATION OF VOYEURISM** 123  
 DR. CHETANA S. B

27. **INTESTATE SUCCESSION RIGHTS OF IGRO WOMEN IN SOUTHEAST NIGERIA: STRUGGLE BETWEEN LAW, JUSTICE AND CUSTOM** 128  
 DR. GBADE AKINRINMADE & DR. OLUWASEYI A. LEIGH

28. **THE LEGISLATIVE FRAME FOR GENDER EQUALITY IS INEFFECTIVE IN ENFORCEMENT: A STUDY** 134  
 DR. KAVYASHREE NANJAPPA

**IQAC COORDINATOR**  
**Karnataka State Law University**  
**Hubballi-25.**

**Registrar**  
**Karnataka State Law Univer**  
**Navanagar, Hubballi-580 0**



Need to prevent persisting cruelty against women in the form of restitution of conjugal rights: A legal analysis  
 Dr. Anu Prasad

**Introduction**

Marriage as the very foundation of society is part of the social contract that every citizen can be said to have entered into. These which regulate the manner and conditions of forming and functioning of civil society, the marriage contract.<sup>1</sup>

In English law, marriage being a contract, is a contract sui generis. Each legal system determines the contents of a marriage; at common law it is in essence a contract and not of a sacramental character. Unlike in England, in India among Hindus marriage has always been regarded as sacramental. However, this sacramental character of marriage has been distorted, abused and twisted to a number of anomalies in recent times. Marriage, an indissoluble and eternal bond for life between a man and woman has mutated into an illusion. The atrocities against women increasing in a rapid pace have shattered their beliefs in marriage and there are inherent injustices among spouses and to protect the sacramental aspect of marriage, The Hindu Marriage Act, 1955 was enacted which provided certain matrimonial remedies. Section 13 of Conjugal Rights is one such remedy under Section 9 of the Hindu Marriage Act which requires the parties to live together and cohabit.<sup>2</sup> It can be said to be a remedy aimed at preserving marriage and not at dissolving which theoretically may be right but far from reality.<sup>3</sup> This section owes its origin to the Feudal England where marriage was nothing but a property deal and wife was part of man's possession like other chattels. Although in 1970, the remedy by way of restitution of conjugal rights has been abolished in England it is still retained in Section 9 of Hindu Marriage Act. Section 9 specifically says that if the decree is not complied with for a period of one year it gives an additional ground for divorce. Marriage though recognized as a sacrament under Hindu Marriage Act, 1955, after 12 years this remedy has been highly evaded. The non-compliance to the decree of restitution is more ruthless than the remedy itself. The remedy directly affects right to life, right to privacy and right to equality and hence unconstitutional which is defeating the purpose of marriage itself.

**Restitution of Conjugal Rights: Evolution**

The restitution of conjugal rights owes its origin to Jewish laws and found place in Hindu law through British rules in the name of secular reforms. This was the only

<sup>1</sup> Agstian Professor, Karnataka State Law University, Hubballi.  
<sup>2</sup> Lord O esbury's dictum in Shaw v Gould (1862) L.R.3P.D.35 at 42. See J.H.C. MORRIS, THE CONFLICT OF LAW (2005).  
<sup>3</sup> In the case of Hyde (1864), L.R.P. 1110 it was held that a marriage is a voluntary union for life of one man with one woman to the exclusion of others.  
<sup>4</sup> Three elements of common law marriage are (i) agreement to be married (ii) living together as husband and wife (iii) making no secret that they are married. Whereas, marriage in India take place either following the personal law of the religion in which a party is belonged or following the provisions of the Special Marriage Act.  
<sup>5</sup> By section 9 "when either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the district court, for restitution of conjugal rights."  
<sup>6</sup> Recently, The Marriage Laws (Amendment) Bill, 2013 was passed by the Rajya Sabha to amend the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954 which was more women friendly is shelved.

*Anu Prasad*  
**IQAC COORDINATOR**  
 Karnataka State Law University  
 Hubballi-25.

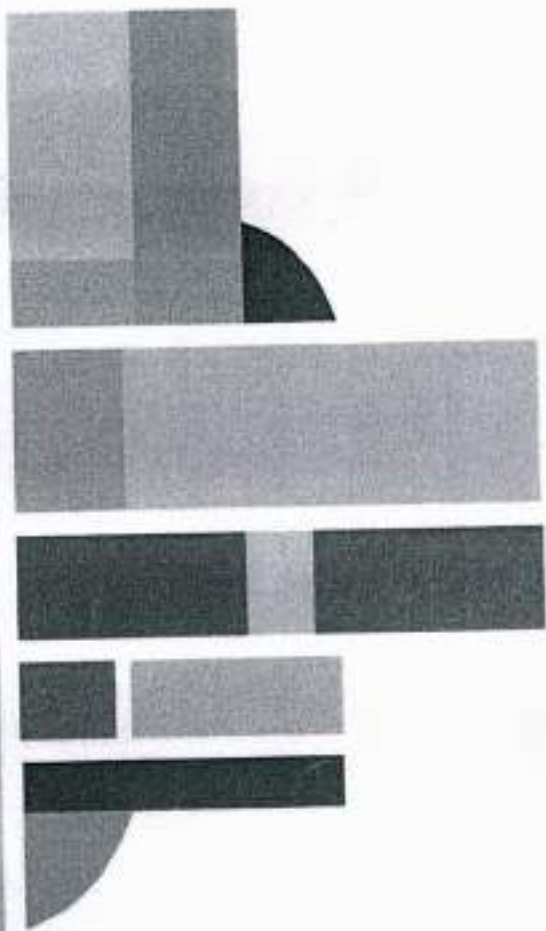
*Anu Prasad*  
 Karnataka State Law University  
 Hubballi-25.



# Retail Sector in India

*Opportunities and Challenges*

**Edited by**  
Pralhad Rathod  
P. Paramashivaiah  
G. Sudarsana Reddy  
B. Shekhar  
B.K. Suresh



*Shekhar*  
**Registrar**  
Karnataka State Law University  
Bengaluru, Karnataka-560 025.

IQAC COORDINATOR  
Karnataka State Law University  
**Himalaya Publishing House**

30. **Customer Satisfaction with Reference to More Retail Store at Tumkur, Karnataka** 195 - 199  
- *Dr. Pralhad Rathod & Dr. G. Sudarshan Reddy*
31. **Foreign Direct Investment in India and Retail Sector** 200 - 205  
- *Dr. H.H. Bharathi*
32. **FDI in Indian Retail Market** 206 - 211  
- *Dr. B. Vijaya & Mr. Anand S. Patil*
33. **The Perils of Food Retailing** 212 - 217  
- *Dr. Ravindra Kumar B*
34. **Hypermarkets in India: Customer Perception** 218 - 221  
- *B. Shashidhar & Dr. Prasad Gowthar*
35. **Foreign Direct Investments: Impact on Indian Market** 222 - 226  
- *Dr. C.S. Yammali & Basavaraj H. Huggi*
36. **Retail Industries in India: Opportunities and Challenges** 227 - 231  
- *Devanajappa S*
37. **Factors Influencing the Consumers to Purchase the Food Products in Supermarkets** 232 - 241  
- *Dr. Ramappa K.H. & Prof. Subbaprasadi*
38. **Comparative Study on Customer Perception towards Supermarkets and Kirana Shops with Special Reference to Ujire** 242 - 246  
- *Suresh Babu K.N. & Mrs. Supriya*
39. **FDI in Single and Multi-brand Retailing in India** 247 - 252  
- *Nishanth, S. & Mr. Rangaswamy*
40. **Rural Retailing in India: Issues and Challenges** 253 - 257  
- *Srinivasa Murthy M.D.*
41. **Retail Banking in India - A SWOT Analysis** 258 - 262  
- *Dr. A.S. Shrivatsheethi*
42. **Emerging Trends In Indian Retail Sector** 263 - 269  
- *Chetan Kumar T.M. & Sunil Bayside*
43. **FDI in Multi-brand Retail Sector** 270 - 276  
- *Dr. E. Subbarajulu, S.V. Phanendra Natar Naidu & Dr. S. Govardhana Naidu*
44. **Retail Sector In India: Analysis of Trends during Global Economic Recession** 277 - 282  
- *Preethi K.A. & Dr. Sripathi K.P.*
45. **FDI: Challenges and Issues in Retailing** 283 - 290  
- *Dr. N.M. Makandar & Dr. R.A. Mulla*

  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

  
**Registrar**  
Karnataka State Law University  
Navanagar, Hubballi-580 025.

# EMERGING TRENDS IN INDIAN RETAIL SECTOR

Chetna Kumar T.M.<sup>1</sup>, Sunil Bagade<sup>2</sup>

<sup>1</sup>Faculty of Law, Department of Management Studies, Karnatak Arts College, Dharwad.

<sup>2</sup>Faculty of Law, Department of M.Com. (CS), Karnatak University (Campus at Karnatak Arts College) Dharwad

## Abstract

The retail sector in India is witnessing a huge revamping exercise as traditional markets make way for new formats such as departmental stores, hypermarkets, supermarkets and speciality stores. Western-style malls have begun appearing in metros and second-rung cities alike introducing the Indian consumer to a shopping experience like never before. The sector is at an inflexion point where the growth of organized retailing and growth in the consumption by the Indian population is taking a higher growth trajectory. Further the large consumer base has attracted many global retailers and domestic corporate to invest in modern retail in India. With the high economic growth, per capita income increases, this, in turn, leads to a shift in consumption pattern from necessity items to discretionary consumption. Furthermore, as the economy liberalizes and globalizes, various international brands enter the domestic market. Retail modernization in India depicts a similar story. Over the past decade, the gross domestic product and per capita income has grown at an average annual rate of seven per cent and five per cent, respectively. India's GDP growth rate for 2010-11 was 8.6 per cent and it is expected to grow by 9 per cent in 2011-12. The Indian retail sector is going through a transformation and this emerging market is witnessing a significant change in its growth and investment patterns. Both existing and new players are experimenting with new retail formats. Currently two popular formats hypermarkets and supermarkets are growing at a rapid pace. Apart from the brick-mortar formats, brick-click and click-click formats are also increasingly functional on the Indian retail landscape. Consumer dynamics in India is also changing and the retailers need to take note of this and formulate their strategies and tactics to deliver the exact expected value to the customer.

## INTRODUCTION

India's retail sector during the past three years has had a compounded annual growth rate of 46.64

per cent. Retail is the fastest growing sector in the Indian economy. Traditional markets are making way for new formats such as department stores, hypermarkets, supermarkets and speciality stores. Western-style malls have begun appearing in metros and second-rung cities alike, introducing the Indian consumer to an unparalleled shopping experience. Retailing in India is of late being hailed as the new sunrise industry. However, currently the retail sector in India is highly fragmented and organized retail in the country is at a very nascent stage. There are about 12 million retail outlets spread across India, earning it the epithet of the 'nation of shopkeepers'. The emergence of the global marketplace and the rise of the 24x7 economy have fuelled the growth of retail across the world. Social and economic trends can define the environment local main street merchants operate. Often, major trends require adjustment in operating philosophy and strategy. Currently, many communities are in a planning process to produce ideas for downtown development and revitalization.

The Indian retail market, which is the fifth largest retail destination globally, has been ranked as the most attractive emerging market for investment in the retail sector. As per a study conducted by the Indian Council for Research on International Economic Relations (ICRIER), the retail sector contributed 22 percent of India's GDP in 2010. In India the vast middle class and its almost untapped retail industry are the key attractive forces for global retail giants wanting to enter into newer markets, which in turn will help the Indian Retail Industry to grow faster. Indian retail is expected to grow 25 per cent annually. Modern retail in India could be worth US\$ 175-210 billion by 2016. The Food Retail Industry in India dominates the shopping basket. The Mobile phone Retail Industry in India is already US\$ 16.7 billion business, growing at over 20 per cent per year. The future of the Indian Retail industry looks promising with the growing of the

market, with the government policies becoming more favorable and the emerging technologies

  
IQAC COORDINATOR  
Karnataka State Law University

  
Registrar  
Karnataka State Law University  
Navanagar, Hubballi-580 025.

Book



Book

SHREERAM'S

e1  
2021

# Women Empowerment Status and Perspectives

Prof. (Dr.) Nandan Sharma

Foreword by:  
Prof. PAM RAJPUT  
Panjab University, Chandigarh



Registrar  
Haryana State Law U  
Gurgaon, Haryana

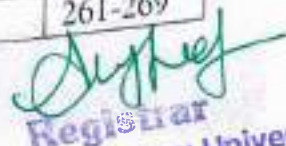
IOAC COORDINATOR  
PUNJAB UNIVERSITY

Copyrighted by Shreeram

# INDEX

	Foreword	
	Preface	iii
	List of Contributors	v
		viii
1.	Introduction	
2.	A systematic insight on the concept of revenge pornography: reasons, repercussions and redressal measures	1-12
3.	An attempt to resolve the problem of women prisoners in the light of restorative justice principles: a legal analysis	13-23
4.	International legal instruments and Indian constitutional provisions for right to health of women in India	24-35
5.	The tipping razor blade balance of gender justice and equality of personal laws	36-46
6.	A critical appraisal of the constitutional status of women in India	47-56
7.	Gender identity and sexual orientation under constitution of India: analysis of rights of homosexuals	60-72
8.	Substance abuse vis-a-vis interpersonal violence against women: with reference to covid-19	73-90
9.	Caste implications of sexual violence: a socio-legal analysis in the Indian context	91-102
10.	Vision of multiculturalism in India	103-113
11.	Constitutionality of menstrual leave for working women in India: a socio-economic dilemma	114-123
12.	Protection of women rights in India: an analysis with special reference to domestic violence cases	124-133
13.	Gender conditioning in the Indian judicial system: a critical analysis	136-145
14.	A study on challenges in implementing SC/ST prevention of atrocities act, 1989	146-155
15.	A study on challenges in implementing SC/ST prevention of atrocities act, 1989	156-179
16.	Gender studies and women empowerment: status of women in India	180-189
17.	Need for gender-neutral laws in India	190-201
18.	Women and elections: transgression of equality in the age of gender neutrality	202-216
19.	Domestic violence during covid-19 lockdown in India	217-229
20.	Women rights protection and judicial activism	230-238
21.	A comprehensive study of the interpretation and understanding of violation of the rights of women in India - are the laws effective?	239-250
22.	A brief on the liberties of Women in India in a judicial perspective	251-260
2	Domestic Violence during COVID-19 lockdown in India	261-269

  
**IQAC COORDINATOR**  
 Karnataka State Law University  
 Hubballi-25.

  
**Registrar**  
 Karnataka State Law University  
 Hubballi-25.

## CHAPTER III

# AN ATTEMPT TO RESOLVE THE PROBLEMS OF WOMEN PRISONERS IN THE LIGHT OF RESTORATIVE JUSTICE PRINCIPLES: A LEGAL ANALYSIS

Dr. Anu Prasad

### ABSTRACT

"You can tell the condition of a nation by looking at the status of women"

These are the words of Pandit Jawaharlal Nehru, the great leader of India's Independence movement and the first Prime Minister of India. Although Indian society has transformed to a great extent by stretching its arms for the protection of women, the question remains as to whether the nation has fulfilled the dreams of our constitution makers. The answer is reflected in the discrimination against women throughout all stages of their life, as a foetus in the womb of the mother and continued as an infant, child, adolescent and even as an adult. Indian culture and religious tradition have undermined her status and has subjected her to more and more discrimination. Her position is unimaginable if she is declared an offender by the society and is convicted and subjected to punishment and spends her rest of the life in the prison. Although the system of imprisonment represents a curious combination of different objectives and theories of punishment which have been changing progressively, the plight of women prisoners and their unresolved problems are endless and

<sup>28</sup> Asst. Professor of Law, Karnataka State Law University's Law School, Hubballi



Book

**NEED TO CREATE  
LEGAL AWARENESS  
ON VISUALLY  
DISABLED IN  
HUBBALLI-DHARWAD  
AREA : AN  
EMPIRICAL STUDY**

**DR. ANU PRASANNAN**

*A. Prasanna*  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

*Anu*  
**Registrar**  
Karnataka State Law University  
Mangalagiri, Hubballi-580025.

NEED TO CREATE LEGAL AWARENESS  
ON VISUALLY DISABLED  
IN HUBBALLI-DHARWAD AREA: AN  
EMPIRICAL STUDY

DR. ANU PRASANNA

  
IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.

  
Registrar  
Karnataka State Law University  
Navanagar, Hubballi-580 025.

 Become  
**Shakespeare**  
.com

✓  
Book

# CRIMES AGAINST CHILDREN IN INDIA

## PREVENTIVE AND PROTECTIVE LAWS

*Edited by*

**DR. GOVIND SINGH RAJPUROHIT**

*B.Sc. LL.B., LL.M. (Gold Medal), M.J.M.C. (Gold Medal), Ph.D.  
Head & Dean, Faculty of Law  
University of Rajasthan, Jaipur*

and

**ABHIMANYU SINGH**

*B.A. LL.B. (NLU Patiala), LL.M., NET  
Research Scholar, Faculty of Law  
University of Rajasthan, Jaipur*

*Foreword by*

**PROF. (DR.) N. K. CHAKRABARTI**

*Vice-Chancellor  
West Bengal National University of Juridical Sciences*



THOMSON REUTERS

*A. Rao*  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

*Devy*  
**Registrar**  
Karnataka State Law University  
Navanagar, Hubballi-580 025.

First Edition 2021

© All rights including Copyrights and other rights reserved and vested exclusively with:

**Thomson Reuters, Legal**  
(A division of Thomson Reuters South Asia Private Limited)

No part of this publication may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, or stored in any retrieval system of any nature without the written permission of the copyright owners.

This book can be exported from India only by the publishers or by the authorized suppliers. Infringement of this condition of sale will lead to Civil and Criminal prosecution.

*Publishers:*  
**Thomson Reuters, Legal**  
(A division of Thomson Reuters South Asia Private Limited)

ISBN: 978-93-91673-95-7


Price in India INR 1275  
Price abroad US \$20.00

Cover image: pinchawee/shutterstock.com

**Note:** Due care and diligence has been taken while editing and printing the book, neither the author nor the publishers of the book hold any responsibility for any mistake that may have inadvertently crept in.

Publishers shall not be liable for any direct, consequential, or incidental damages arising out of the use of the book. In case of binding mistake, misprints, or for missing pages etc., Publisher's entire liability, and your exclusive remedy, is replacement of the book within one month of purchase by similar edition/ reprint of the book.

*Printed and bound in India*  
**Thomson Reuters South Asia Private Limited**  
10th Floor, Building Number 98, IIT Cyber City  
Phase III, Gurgaon 122012  
Phone: + 91 124 488 6700

  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

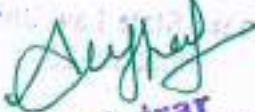
  
**Registrar**  
Karnataka State Law University  
Mavanagar, Hubballi-580001

IQAC COORDINATOR  
KARNATAKA STATE LAW UNIVERSITY  
HUBBALLI-25

## CONTENTS

Table of Cases .....	ix
Foreword .....	xiii
Preface .....	xv
1. <b>Adoption Laws in India: An Evaluation of Personal and Public Laws</b> .....	1
<i>Prof. (Dr.) Naresh Kumar Vats</i>	
2. <b>A Study on Child Trafficking in India: Socio-Legal Challenges</b> .....	14
<i>Prof. (Dr.) G. B. Fatti</i>	
3. <b>Contemporary Perspectives on Law Concerning Breast Milk Substitutes for Infant and Young Child in India</b> .....	28
<i>Prof. (Dr.) Tarun Arora</i>	
4. <b>The Menace of Child Begging: An Analytical Vision and Institutional Approach in India</b> .....	42
<i>Dr. Govind Singh Rajpurohit and Mr. Abhimanyu Singh</i>	
5. <b>Struggle for Elimination of Child Labour: Law and Policies in India</b> .....	57
<i>Dr. S. K. Chaturvedi and Prof. Rajneesh Kumar Patel</i>	
6. <b>Challenges Faced in Safeguarding the Interest of Children Through Child Protection Interventions During COVID 19 Pandemic</b> .....	73
<i>Dr. Shambhu Prasad Chakrabarty, Ms. Biswina and Mr. Abhishek Kodrick</i>	

  
IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.


  
Registrar  
Karnataka State Law University  
Navanagar, Hubballi-580 025.

7.	<b>An Analysis of International Crimes Against Children During Armed Conflict</b> .....	89
	<i>Dr. Punert Pathak</i>	
8.	<b>Judicial Approach in Asserting Child Rights In India: A Situational Analysis</b> .....	111
	<i>Dr. Neelu Mehta</i>	
9.	<b>Basic Framework for Child Security and Welfare under Indian Constitution: A Critical Appraisal</b> .....	125
	<i>Dr. Raj Kumar Yadav and Dr. Ritu</i>	
10.	<b>Child Bride Trafficking in India: A Situational Analysis</b> .....	137
	<i>Dr. Nilesh Kumar Upadhyay and Ms. Mahak Rathore</i>	
11.	<b>Role of Courts in Protection of Children Against Sexual Offences...</b>	154
	<i>Dr. Neha Dixit and Ms. Saranya Bhattacharya</i>	
12.	<b>Deconstructing the Intersection Between Medical Termination of Pregnancy Act and the Protection of Children from Sexual Offences Act. An Endless Battle</b> .....	173
	<i>Dr. Ujjwa Gaurav and Ms. Sonali Sharma</i>	
13.	<b>Child Sexual Abuses in India: An Appraisal of POCSO Act, 2012...</b>	188
	<i>Dr. Harpreet Kaur and Ms. Prabhooor Kaur</i>	
14.	<b>A Case Study of Lost Childhood: Analysing Child Trafficking, Legal Framework and Challenges Ahead</b> .....	203
	<i>Ms. Vandana Bakshi</i>	
15.	<b>Recruitment of Children in Armed Conflict: A Critical Study</b> .....	218
	<i>Mr. Sin Amir Ali and Ms. Anantuma Ghose</i>	

*Shan*  
**IQAC COORDINATOR**  
 Karnataka State Law University  
 Hubballi-25.

*Ayush*  
**Registrar**  
 Karnataka State Law University  
 Navanagar, Hubballi-580 025.

16.	<b>An Analytical Study on the Fundamental Rights of Children in India</b> .....	243
	<i>Mr. Uday Modak</i>	
17.	<b>A Critical Analysis of the Laws Regarding Protection of Children in Cyberspace</b> .....	251
	<i>Dr. Sangeeta Srivastava and Ms. R. Ashwini Mathalakshmi</i>	
18.	<b>A Study on International Frameworks for the Protection of Child Rights</b> .....	273
	<i>Dr. Rajesh Gour and Ms. Shweta Dada</i>	
19.	<b>An Analysis of International Framework for Protection and Prevention of Child Labour</b> .....	289
	<i>Dr. Siturimela Gowdatti</i>	
20.	<b>Analysing "Bois Locker Room" Controversy Vis-À-Vis Prevention of Crimes Against Children in India</b> .....	313
	<i>Lakshmi Mahalingam</i>	
21.	<b>Child Trafficking for Commercial Sexual Exploitation with Special Reference to India: Legal Framework, Challenges and the Way Forward</b> .....	326
	<i>Ruth Alice Thomas, Sheba Rivy Simon, and Bongumala Gangadhar</i>	
22.	<b>A Study on International Framework for Protection and Prevention of Child Rights</b> .....	350
	<i>Ms. Vasudha</i>	
23.	<b>Psycho-Legal Approach Towards Sexual Offences Against Children</b> .....	362
	<i>Ms. Vaneer Kaur Sukia</i>	

  
**IQAC COORDINATOR**  
 Karnataka State Law University  
 Hubballi-25.

  
**Registrar**  
 Karnataka State Law University  
 Navanagar, Hubballi-586 025.

2020-21

24.	<b>Protection of Children from Sexual Offences Act (POCSO) and Salient Aspects – Contemporary Issues and Challenges.....</b>	381
	<i>Ms. Mitsu Parikh and Dr. Sonali Kusum</i>	
25.	<b>Child Marriage: The Unscrutinized Menace of Rural India.....</b>	393
	<i>Ms. Souha and Mr. Atul Anand</i>	
26.	<b>Safety of Children in the Cyberspace and Legal Response In India.....</b>	412
	<i>Mr. Jayanta Boruah and Ms. Namrata Chakraborty</i>	
27.	<b>Bearding the Bear in Its Lair: A Critical Analysis on the Medico-Legal Protocols Pertaining to Child Sexual Abuse in India.....</b>	424
	<i>Mr. Vinayak Jiramb and Ms. Mamta Spali</i>	
28.	<b>Global Focus in Protecting Children from Cyber Crime: Comparative Study of European Union, US and Indian Law.....</b>	442
	<i>Chennaiar S.</i>	
29.	<b>Protection of Children: Intellectual Property and Minor's Rights....</b>	455
	<i>Bushra Tariq</i>	

  
Registrar  
Karnataka State Law University  
Navanagar, Hubballi-580 025.



# ನ್ಯಾಯಚಿಂತನ

(ಮಾಲಿಕೆ-2)

ಕಾನೂನು ಮತ್ತು ನಾಮಾಜಕ ಪರಿವರ್ತನೆ



■ ಸಂ: ಡಾ. ಪಿ. ಈಶ್ವರ ಭಟ್

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಾನೂನು ವಿಶ್ವವಿದ್ಯಾಲಯ, ಹುಬ್ಬಳ್ಳಿ

  
IQ<sup>AN</sup> COORDINATOR  
Karnataka State Law University  
Hubballi-25.

  
Registrar  
Karnataka State Law University  
Javanagar, Hubballi-580 025.

## ನ್ಯಾಯ ಚಿಂತನ

(ಪಾರಿಕ್-2)

ಕಾನೂನು ಮತ್ತು ಸಾಮಾಜಿಕ ಪರಿವರ್ತನೆ  
ಪರಿವಿಡಿ

ಭಾಗ-1: ಸಾಮಾಜಿಕ ಪರಿವರ್ತನೆ ಮತ್ತು ಕಾನೂನಿನ ಪರಿಕಲ್ಪನೆಗಳು

1. ಪರಿವರ್ತನಾಶೀಲ ಸಂವಿಧಾನವಾದ  
-ಡಾ. ಪಿ. ಈಶ್ವರ ಭಟ್ 1-43
2. ಶಿಕ್ಷಣ, ಕಾನೂನು ಮತ್ತು ಸಾಮಾಜಿಕ ಬದಲಾವಣೆ  
-ಡಾ. ಚಂದ್ರಶೇಖರ ದಾಸ್ 44-67
3. ವ್ಯಾಜ್ಯ ಮತ್ತು ಸಾಮಾಜಿಕ ಪರಿವರ್ತನೆ  
-ಡಾ. ನಿರಂಜನ ಪಾನ್ಶೆ 68-81

ಭಾಗ-2: ಪರಿವರ್ತನಾ ವಿಶಿಷ್ಟ ಕಾನೂನುಗಳು

4. ಭಾರತೀಯ ಮಹಿಳಾ ವಿಶಿಷ್ಟ ಕಾನೂನು:  
(Women-Specific Laws) ಕೆಲವು ಟಿಪ್ಪಣಿಗಳು  
-ಡಾ. ಸಿ. ಎನ್. ರಾಮಚಂದ್ರನ್ 82-105
5. ವಾರಕದ ಸ್ವಾಯಂತ್ಯ ವ್ಯವಸ್ಥೆ ಮತ್ತು  
ಪಂಚರಾಷ್ಟ್ರೀಯ ಕಾನೂನು  
-ಡಾ. ವೆಂಕಟೇಶ್ವರ ಹೆಗಡೆ 106-138
6. ಭಾರತದಲ್ಲಿ ಕೋವಿಡ್-ನಂತಹ ಮಹಾಮಾರಿ ನಿಯಂತ್ರಿಸಲು  
ಸಮರ್ಪಕ ಕಾನೂನಿನ ಅಗತ್ಯತೆ  
-ಡಾ. ಬಿ. ಬಿ. ಪಾಟೀಲ 139-181
7. ಸ್ಯಾಮಾನ್ ನಿರ್ದೇಶನ (ಅ)ತಿಪ್ಪಣಿ  
-ಶ್ರೀ ಬಿ. ಎನ್. ಮಂಜುಷ್ಣ 182-198
8. ವಾಣಿಜ್ಯಿಕ ಪರಂಪರೆಯ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಕಾನೂನು  
-ಡಾ. ಪಿ. ಈಶ್ವರ ಭಟ್ 199-243

  
Registrar  
Karnataka State Law University  
Navanagar, Hubballi-580 025.

ನು ಒಗ್ಗಿಗಳಲ್ಲಿ ವಿಶಿಷ್ಟವಾದದ್ದು. ಈ ಮೊದಲ ಪಟ್ಟವನ್ನು (1947-48) ನಂತರದ ಪರಿಷ್ಕರಣೆಗಳನ್ನು ಬಗ್ಗೆ ಹರಿಸಿಕೊಳ್ಳುವ ಪಟ್ಟವನ್ನು (1970 ರಿಂದ 1990 ರವರೆಗೆ) ಬಗ್ಗೆ ಹರಿಸಿಕೊಳ್ಳುವ ಪಟ್ಟವನ್ನು (1990 ರ ನಂತರ ಮತ್ತು ಇಲ್ಲಿಯ ವಿಸ್ತೃತವಾದ ದೇಶವನ್ನಾಳುವುದರ

ಪರಿಷ್ಕರಣೆಯನ್ನು ತೀರ್ಮಾನಿಸಿದ ಪರಿಷ್ಕರಣೆಗಾಗಿ ಸೀರಾ ಮುಖ್ಯವಾದವು ಮತ್ತು ವ್ಯವಸ್ಥೆಯನ್ನು ಜಾರಿಗೊಳಿಸುವ ಕಾರ್ಯವನ್ನು ನಿರ್ವಹಿಸುವುದು

**6. ಭಾರತದಲ್ಲಿ ಕೋವಿಡ್-19 ನಂತಹ ಮಹಾಮಾರಿ ನಿಯಂತ್ರಿಸಲು ಸಮರ್ಪಕ ಕಾನೂನಿನ ಅಗತ್ಯತೆ**

-**ಪ್ರೊ. ಬಿ. ಬಿ. ಪಾಟೀಲ**

**ಸೀರಿಕೆ**

ಮನುಕುಲದ ಇತಿಹಾಸ ಓದಿದೆಯೂ ಕಾಣದಷ್ಟು ವೇಗದಲ್ಲಿ ಕರೊನಾ (ಕೋವಿಡ್-19) ಮಹಾಮಾರಿ ಪ್ರಪಂಚ ಮತ್ತು ಭಾರತದಲ್ಲಿ ಹರಡುತ್ತಿದೆ. ಅದು ವ್ಯಾಪಿಸುತ್ತಿರುವ ವೇಗ, ಅದರ ಪರಿಣಾಮ ಜಗತ್ತಿನ ಜನರಲ್ಲಿ ಆತಂಕದ ಸುನಾಮಿಯನ್ನೇ ಎಬ್ಬಿಸಿದೆ. ಓದಿದೆಯೂ ಕಂಡಿರುವ ಸಾವು-ನೋವು, ಕಷ್ಟ-ನಷ್ಟ ಎದುರಾಗಿದೆ. ಪರಿಸ್ಥಿತಿಯನ್ನು ನಿಭಾಯಿಸುವುದು ರಾಷ್ಟ್ರೀಯ ಹಾಗೂ ಅಂತರಾಷ್ಟ್ರೀಯ ಮಟ್ಟದಲ್ಲಿ ದೊಡ್ಡ ಸವಾಲಾಗಿ ಪರಿಣಮಿಸಿದೆ. ವಿಶ್ವ ಆರೋಗ್ಯ ಸಂಸ್ಥೆ ಸೇರಿದಂತೆ ಜಗತ್ತಿನ ಎಲ್ಲ ವೈದ್ಯಕೀಯ ಹಾಗೂ ವೈರಾಣು ತಜ್ಞರು ವಿಜ್ಞಾನಿಗಳು ಬಹಳಷ್ಟು ತಲೆ ಕೆಡಿಸಿಕೊಂಡು ಈ ಸಮಸ್ಯೆಯ ಪರಿಹಾರಕ್ಕೆ ಮಾರ್ಗೋಪಾಯ ಕಂಡುಹಿಡಿಯುವಲ್ಲಿ ನಿರತರಾಗಿದ್ದಾರೆ. ನಮ್ಮ ದೇಶದಲ್ಲಿ ಈಗಿರುವ ಕಾನೂನುಗಳು ಈ ಸಂದರ್ಭದ ಪರಿಸ್ಥಿತಿಯನ್ನು ನಿಭಾಯಿಸಲು ಸಮರ್ಪಕವಾಗಿಲ್ಲ. ಅದರೂ ಒಂದಷ್ಟು ಈಗಿರುವ ಕಾನೂನಿನ ಚೌಕಟ್ಟಿನಲ್ಲಿಯೇ ಸರ್ಕಾರಗಳು ಕೆಲಸ ಮಾಡಬೇಕಾಗಿದೆ. ಇಂತಹ ವಿಷಮ ಪರಿಸ್ಥಿತಿಯನ್ನು ಸವಾಲಾಗಿ ಸ್ವೀಕರಿಸಿ ನಿರೀಕ್ಷೆಗೂ ಮೀರಿ ಕೇಂದ್ರ ಹಾಗೂ ರಾಜ್ಯ ಸರ್ಕಾರಗಳು ಜೊತೆಗೆ ಸ್ಥಳೀಯ ಆಡಳಿತ ವ್ಯವಸ್ಥೆಗಳು ಸಕಾಲಿಕ ಹಾಗೂ ಸಮರ್ಪಕ ನಿರ್ಧಾರಗಳನ್ನು ಕಂಡುಹಿಡಿಯುವಲ್ಲಿ ನಿರತರಾಗಿದ್ದಾರೆ. ಕೋರೊನಾ ವೈರಾಣುವಿನಿಂದ ಬರುವ ಕೋವಿಡ್-19 ಕಾಯಿಲೆಯ ಹರಡುವಿಕೆ ತಡೆಯಲು ಕೇಂದ್ರ ಹಾಗೂ ರಾಜ್ಯ ಸರ್ಕಾರಗಳು ಹತ್ತು ಹಲವು ಕ್ರಮಗಳನ್ನು ಕೈಗೊಂಡಿವೆ.

ಪ್ರೊ.ಬಿ.ಬಿ. ಪಾಟೀಲ, ಪ್ರಾಧ್ಯಾಪಕರು. ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಾನೂನು ಶಾಲೆ, ಕಾರ್ಗಿಲಿ ಮಂಜಪುರ ಮೌಲ್ವಿಮಾತನ, ಕರೀಕಾವಿ, ನವನಗರ, ಹುಬ್ಬಳ್ಳಿ-25, ಈ-ಮೇಲ್: pail\_b62@yahoo.com

**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

**Registrar**  
Karnataka State Law University  
Navanagar, Hubballi-580 025.

✓  
avlc  
Book

# TRANSITION OF INCLUSIVE AND EXCLUSIVE PRACTICES OF CHILD PROTECTION AND PROMOTION: A MULTIDISCIPLINARY APPROACH

Edited by  
Dr. Rangaswamy D. | Prof. C.V. Kumaran  
Dr. N. Krishna Kumar | Dr. Niju Moni Das

FIRST EDITION

[www.aequilvlc.in](http://www.aequilvlc.in)



*A. K. S.*  
**IOAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

*Chaitanya*  
**Registrar**  
Karnataka State Law University  
Navanagar, Hubballi-580 025.

## PUBLICATIONS

### Books

1. (Co-ed) "Transition of Inclusive and Exclusive Practices of Child Protection and Promotion: A Multi-disciplinary Approach". (Jhansbad: Acqritas Victoria Research Center, 2022)

### Chapter In edited Book

2. "Child Marriage Restraint (Amendment) Bill 2021—A Critique." in Kavita Suri & Savita Nayyar (eds). *Gender Justice, Violence and Woman Issues and Challenges in India*. New Delhi: Kanishka Publishers, 2022. 157-169. (ISBN NO: 978-93-93066-08-4)

### Journal Articles

3. "Compensation to Victim of Crime: Historical Perspective." *Journal of Indian Legal Thought* (2022), Vol.16, (ISSN NO: 2249 - 9989), pp.5-29
4. "Assessing Contribution of Indian Judiciary for the Reformation of Muslim Personal Law in India." *Annual International Journal on Analysis of Contemporary Legal Affairs* (2022), Vol.02, (ISSN NO: 2756-9225), pp.7-27
5. "Affirmative Principle: Making, Breaking and Shaking (MBS) Approach of Judiciary." *Annual International Journal on Analysis of Contemporary Legal Affairs* (2021), Vol.01, (ISSN NO: 2756-9225), pp.1-17
6. "Evaluating Judicial Approach in Transforming Mental Illness." (Co-author) *Gauhati University Journal of Law* (2021), Vol.14 (ISSN NO: 2277-2545), pp.107-127
7. "Judicial Accountability: Issues and Challenges in India." *International Journal of Governance and Public Policy Analysis (IJGPPA)* (2020), Vol.2, No 1 (ISSN NO: 2456 - 0480), pp.31-43 (ISSN NO: 2756-9225), pp.31-43.
8. "Human Trafficking: Victim Perspective." *VBL Law Review* (2020) (ISSN NO: 2456 - 0480), pp.31-43.
9. "Virtual Judiciary as Principle of Judicial Creativity." (Co-author) *VBL Law Review* (2020) (ISSN NO: 2456 - 0480), pp.31-43.
10. "Anti-corruption Laws – Exploring Global Lessons for Local Actions" *KSLU Law Review*, Vol.7, No 2 (2019) (ISSN NO: 2278 - 6996), pp.147-165. (UGC Journal No.41112).
11. "Rejuvenation of Mental Health Law in India: Some Reflections." *RGNIU Law Review* (January - June 2019) Vol.9, No.1 (ISSN NO: 2211 - 4938), pp.85-108.
12. "Evaluating a Need of Constitutionalisation of Victim's Right to Compensation." *Bharathi Law Review* (Oct- Dec., 2018) Vol.7, No 2, (ISSN NO: 2278 - 6996), pp.80-92
13. "Judiciary as Revivalizer of Gandhism." *Asian Journal of Development Matters*, Vol-11, No-2 (December 2017) (ISSN NO: 0976 - 4674), pp.126-132.
14. "Compensation for Victim of Crimes: Myth or Reality?" *KSLU Law Review*, Vol.5, No.1&2 (2017) (ISSN NO: 2278 - 6996), pp.130-154. (UGC Journal No.41112).
15. "Nullity of National Judicial Appointment Commission Act, 2014 – An Appraisal of Perplexity of the Act." *VBL Law Review*, Vol-2 (2016-2017) (ISSN NO: 2456 - 0480), pp.90-106.
16. "Real Estate, Good Governance and Property Rights: Interface and Intricacies." *VBL Law Review*, Vol-3 (2017-2018) (ISSN NO: 2456 - 0480), pp.76-87
17. "Anti-corruption Laws in the pretext of Social Justice in India." *Bharathi Law Review* (Oct-Dec., 2017) Vol 6, No.2, (ISSN NO: 2278 - 6996), pp.19-32. (UGC Journal No.41128)
18. "Real Estate (Regulation and Development) Act, 2016- Context, Purpose and Principles." *KSLU Law Review*, Vol.4, No.1&2 (Oct-Dec., 2017) (ISSN NO: 2278 - 6996), pp.78-90 (UGC Journal No.41112).

  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

  
**Registrar**  
Karnataka State Law Univ  
Navanagar, Hubballi-580

*Transition of Inclusive and Exclusive  
Practices of Child Protection and  
Promotion: A Multidisciplinary Approach*

---

*Edited By*

Dr. Rangaswamy D.

Prof. C.V. Kumarani

Dr. N. Krishna Kumar

Dr. Nilu Moni Das

*Published By*

Aequitas Victoria Foundation

*Published On*

December 2021

  
IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.

  
Registrar  
Karnataka State Law University  
Navanagar, Hubballi-580 025.

**Book Title:** Transition of Inclusive and Exclusive Practices of Child Protection and Promotion: A Multidisciplinary Approach

**Editors:** Dr. Rangaswamy D., Prof. C.V. Kumaran, N. Krishna Kumar, and Dr. Niju Moni Das

**Published by** Aequitas Victoria Foundation\*

Registration Number: 5000060

ISNI Number: 0000 0005 0262 9766

NGO Darpan Unique Id: BR/2021/0294541

**Contact us at:**

[www.aequitas.in](http://www.aequitas.in)

**Phone(O):** +91 8210159245

**WhatsApp:** 8473808112

**Mail:** [managingcommittee@aequitas.in](mailto:managingcommittee@aequitas.in)

**Address:** H/o Shri Sarthak Aryan, C/o Shri Subodh Kumar,  
Old Madhya Bihar Gramin Bank Building,  
Sukurabad, P.O. Sukurabad, Dist. Jehanabad,  
Pin: 804425 (Bihar)

**Print:** Paperback/Online

**Edition:** First Edition

**Language:** English

**Date of Publication:** December 10, 2021

**ISBN:** 978-81-954439-7-0

No part of the publication may be reproduced in whole, or part, stored in a retrieval system or transmitted in any form, or any means, electronic, mechanical, photocopying, recording, or otherwise without the written permission of the publisher, provided no such restrictions shall apply if utilized solely for academic, or non-commercial purposes.

For information regarding this publication, mail to [executive@aequitas.in](mailto:executive@aequitas.in), or WhatsApp at +91 8473808112

All rights reserved

Copyright © Aequitas Victoria Foundation

  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

  
**Registrar**  
Karnataka State Law Univ  
Gajnagar, Hubballi-580  
CO. HUBBALLI

**Gender Justice, Violence and Women  
Issues and Challenges in India**

Editors  
**Kavita Suri  
Savita Nayyar**

**KANISHKA PUBLISHERS, DISTRIBUTORS  
NEW DELHI 110002**

in association with

**OBEROI BOOK SERVICE  
JAMMU-180002**

  
**IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.**

  
**Registrar  
Karnataka State Law University  
Navanagar, Hubballi-580 025.**



2020-21

12794

7. No Evidence for Domestic Violence Addressing Domestic Violence Against Women from a Reproductive Perspective <i>Sahana Shetty and Esha Zarda</i>	105
8. Women in India Victims of Batterer Relationship <i>Rishika Sharma</i>	117
9. Women and Crime Changing Trends from Global to Local <i>Neha Jai</i>	131
10. Crime Against Women An Analysis of Schemes in Union Territories of Jammu and Kashmir and Ladakh <i>Mohinder Sharma and Mohini Jaina</i>	138
11. Void Marriage Relations (Continued) HDFCI - A Case <i>Rangaswamy D</i>	157
12. The Reproductive Rights of the Mother and the Right to Life of the Unborn Child <i>Amal Anand P. Pothan and Pratyaksh Norek Dhallu</i>	179
13. Impact of Covid-19 on Women's Education <i>Shravan Shetty</i>	187
14. K.T. Shetty Senior Secondary School Case A Study of Jammu District in Jammu and Kashmir Arish Choudhary	205
15. A Study of Gender Differences on Mobile Phone Addiction and Texting among Adolescents of Jammu City <i>Kumari Manish Shrivastava and Pallavi Sachdev</i>	221
16. A Study of Psychological Well-being and Psychological Capital among Bank Employees of Jammu City <i>Pratibha Kaur and Pallavi Sachdev</i>	237

  
IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.

  
Registrar  
Karnataka State Law Univer  
Havanagar, Hubballi-580 012  
25-11-2020

BOOK

22

# HEALTH LAW AND ETHICS

## Critical Reflections



Editors

Nandimath Omprakash V.

Alexander Thomas

Arpitha H. C.

*Foreword by*

Dr. Devi Prasad Shetty



THOMSON REUTERS

IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.

Scanned with CamScanner  
Karnataka State Law University  
Mangalore, Hubballi-580 025.

First Edition 2022

All rights including copyright and other rights reserved and vested exclusively with:

**Thomson Reuters, Legal**

*(A division of Thomson Reuters South Asia Private Limited)*

No part of this publication may be reproduced or transmitted in any form or by any means: electronic, mechanical, photocopying, recording or otherwise, or stored in any retrieval system of any nature without the written permission of the copyright owners.

This book can be exported from India only by the publishers or by the authorized suppliers. Infringement of this condition of sale will lead to Civil and Criminal prosecution.

*Publishers.*

**Thomson Reuters, Legal**

*(A division of Thomson Reuters South Asia Private Limited)*

ISBN: 978-93-91340-53-7

Price in India INR 1200

Price abroad US \$16.00

Cover image: Drozd Irma/Shutterstock.com

**Note:** Due care and diligence has been taken while editing and printing the book, neither the author nor the publishers of the book hold any responsibility for any mistake that may have inadvertently crept in.

Publishers shall not be liable for any direct, consequential, or incidental damages arising out of the use of the book. In case of binding mistake, misprints, or for missing pages etc., Publisher's entire liability, and your exclusive remedy, is replacement of the book within one month of purchase by similar edition/ reprint of the book.

*Printed and bound in India.*

**Thomson Reuters South Asia Private Limited**  
10th Floor, Building Number 9B, DLF Cyber City  
Phase III, Gurgaon 122002  
Phone: + 91 124 488 6700

  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

  
**Registrar**  
Karnataka State Law University  
Navanagar, Hubballi-580 025.

Scanned with CamScanner

First Edition 2022

All rights including Copyrights and other rights reserved and vested exclusively with:

**Thomson Reuters, Legal**

*(A division of Thomson Reuters South Asia Private Limited)*

No part of this publication may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, or stored in any retrieval system of any nature without the written permission of the copyright owners.

This book can be exported from India only by the publishers or by the authorized suppliers. Infringement of this condition of sale will lead to Civil and Criminal prosecution.

*Publishers:*

**Thomson Reuters, Legal**

*(A division of Thomson Reuters South Asia Private Limited)*

**ISBN: 978-93-91340-53-7**

**Price in India INR 1200**

**Price abroad US \$16.00**

Cover image: Drazd Irma/Shutterstock.com

**Note:** Due care and diligence has been taken while editing and printing the book, neither the author nor the publishers of the book hold any responsibility for any mistake that may have inadvertently crept in.

Publishers shall not be liable for any direct, consequential, or incidental damages arising out of the use of the book. In case of binding mistake, misprints, or for missing pages etc., Publisher's entire liability, and your exclusive remedy, is replacement of the book within one month of purchase by similar edition/ reprint of the book.

*Printed and bound in India.*

**Thomson Reuters South Asia Private Limited**  
10th Floor, Building Number 9B, DLF Cyber City  
Phase III, Gurgaon 122002  
Phone: + 91 124 488 6700

  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

  
**Registrar**  
Karnataka State Law University  
Navanagar, Hubballi-580 025.

## CONTENTS

Foreword.....	ix
Preface.....	xi
New or Updated.....	xiii
To: Book Book on Health Law and Ethics.....	xv
Notes on Contributors.....	xvii

### PART ONE

#### HEALTH AND LAW - THE MACRO POLICY CONTEXT

Chapter 1—Health as Human Right.....	3
<i>H. K. Nagaraja</i>	
Chapter 2—Law, Medicine and Ethics - Inseparable Interlinkage.....	36
<i>Dr. Vivek Mady and Prof. Russell D'Souza</i>	
Chapter 3—Universal Health Coverage.....	74
<i>Arpita H. C. and Dr. Manoj Raj Mathur</i>	
Chapter 4—Healthcare Financing - Issues and Policy Alternatives.....	88
<i>K. Gayatri, Dr. Alexander Thomas, Dr. Giridhar J. Gyani, and Dr. A. K. Ravi Kumar</i>	
Chapter 5—Health Law in Relation to Vulnerable Population.....	119
<i>Chidamanda Reddy S. Patil and Dr. Sumanta Kotti Reddy</i>	
Chapter 6—Elderly Care and Law.....	148
<i>Chidamanda Reddy S. Patil and Dr. Arvind Kasthuri</i>	

  
IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.

  
Registrar  
Karnataka State Law University  
Nayanagar, Hubballi-580 025.

<b>Chapter 16—Mental Health (Psychiatry) and Law</b> .....	325
<i>Nandini C. Deshpande A., Dr. Binhan C. Malathi and Dr. Suresh K. Vaid</i>	
<b>Chapter 17—Regulating Pharmaceuticals, Medical Devices and Healthcare Technology</b> .....	343
<i>Dr. Smiti I. Chandy, Dr. Jagdish Chaturvedi and D. Samuel Abraham</i>	
<b>Chapter 18—Law of Surrogacy</b> .....	377
<i>Nagarajine Anappa and Dr. Kamini A. Rao</i>	
<b>Chapter 19—Bio-medical Waste Management and Law</b> .....	393
<i>Dr. Manjula Reddy S. Bari and Prof. Dr. H. Putanesli</i>	
<b>Chapter 20 –Medical Research and Law</b> .....	407
<i>Dr. (Col.) A. T. K. Rau, Dr. Shanti Kumar Nair and D. Samuel Abraham</i>	
<i>List of Reviewers</i> .....	429
<i>Index</i> .....	431

*Shree*  
**IQAC COORDINATOR**  
 Karnataka State Law University  
 Hubballi-25.

*Arjun*  
**Registrar**  
 Karnataka State Law University  
 Navanagar, Hubballi-580 025.

## CHAPTER 5 HEALTH LAW IN RELATION TO VULNERABLE POPULATION

CHIDANANDA REDDY S. PATIL<sup>1</sup> AND DR. SUNANDA KOLLI REDDY<sup>2</sup>

A well-ordered society would ensure that all individuals have the capacity to be healthy, and at a level that is commensurate with human dignity in the modern world, which is their right.


- Sudhar Venkatapur on *Health Justice: An Argument from the Capabilities Approach*, 2011.


### INTRODUCTION

With an understanding of health as defined by the World Health Organization (WHO) and conceptualizing health as a human right – much in alignment with healthcare law – it may be apt to begin with a brief introduction to vulnerability and some philosophical underpinnings of viewing justice and Health Laws in the context of health of select vulnerable groups in India. Later in the chapter the new paradigm of Rights approach to Curative Public Health Policy that Persons with Disability (PWD) are espousing is described and usually some perspectives on the way forward are shared.

#### *Understanding Vulnerability*

Vulnerability, according to the Oxford Dictionary, is the “quality or state of being exposed to the possibility of being harmed either physically or emotionally.” A complex concept with multiple dimensions in different contexts, ‘Vulnerability’ as a universally relatable issue, relevant also to health and healthcare law, will be a common thread throughout this article. The health needs of a few of the socially and legally vulnerable groups across a broad canvas are looked at, before shifting the focus to disability as exemplifying the group and discussing specifically in the context of multiple vulnerabilities and intersectionalities that influence access to healthcare.

  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

  
**Registrar**  
Karnataka State Law University  
Navanagar, Hubballi-580 025.

<sup>1</sup> Lectr, KSLU Law School, Hubli.

<sup>2</sup> Professor, Honorary, CARENUPH, Adjunct Faculty SAI DIR, IIPH Hyderabad

CHAPTER 6  
ELDERLY CARE AND LAW

CHIDANANDA REDDY S. PATIL\* AND  
DR. ARVIND KASTHURI†

INTRODUCTION - THE ELDERLY IN INDIA

Ageing of the global population is a demographic phenomenon which has attracted the attention of global leaders. According to the World Population Ageing Report 2015, Population division of the United Nations (2015), "Population ageing is a major trend in the share of older persons in the population - is poised to become a defining feature of the recent social transformations of the twenty-first century, with implications for all sectors of society, including labour and financial markets, the demand for products and services, such as housing, transportation and social protection, as well as family structures and intergenerational ties". The United Nations declared the year 2015 as the Year of Older persons, and several steps were initiated aiming at the development of policies and programmes for the elderly by individual countries, developed and developing.

The population of the elderly in India (defined as those aged 60 years and above) is around 143 million as of 2011.<sup>1</sup> While as such this is a large number, the proportion of elderly population in India is steadily rising. According to the 2011 census, 10% of the population was elderly, and this is expected to reach almost 20% by 2050.<sup>2</sup>

The elderly in India face many problems, in the social (loneliness, isolation, loss of social status), economic (shrinkage of income, need for money) and psychological (mild and severe mental health problems) and health (chronic diseases). The last named is probably the most devastating in terms of morbidity and mortality. The prevalence of chronic disease like Hypertension, Diabetes mellitus, Arthritis and Respiratory illness is higher in elderly persons than among their younger counterparts. The services available to elderly persons in the healthcare sector are not commensurate with the need for such services. In healthcare delivery, the elderly are often neglected.

\* Dean, KSLU Law School, Hubli  
† Professor, Department of Community Health, Coordinator, Senior Citizen Health Service, Kalyan College, Bengaluru.  
1. United Nations, Department of Economic and Social Affairs, Population Division (2015). World Population Ageing 2015 (ST/ESA/SER.A/390). Available at [https://www.un.org/en/development/desa/population/publications/pdf/ageing/WPA2015\\_Report.pdf](https://www.un.org/en/development/desa/population/publications/pdf/ageing/WPA2015_Report.pdf) (accessed at July 2020).  
2. State of the Elderly in India report 2014: HelpAge India 2015. Available at <https://www.helpageindia.org/content/themes/helpageindia/pdf/state-elderly-india-2014.pdf> (accessed at July 2020).

  
IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.

  
Registrar  
Karnataka State Law University  
Hubballi-580 025.  
Scanned with CamScanner



## CHAPTER 19

# BIO-MEDICAL WASTE MANAGEMENT AND LAW

CHIDANANDA REDDY S. PATIL\* AND  
PROF. DR. H. PARAMESH\*\*

### INTRODUCTION

India with the area of 5% global area nearing about 3,185,263 km, rapidly growing urban population and industrialization contribute significantly to the air, water, soil, sound pollution and generates solid waste amounting to 127,486 tonnes per day of municipal waste from household activities, institutional, commercial and hospital activities as per data from the Central Pollution Control Board 2012.

Medical waste is generated in the process of diagnosis, management, research and/or immunization in the hospital, research centres or at home. The hospital waste generation is 1 kg/bed/day which is a mixture of various components, in that only 10-15% is infectious wastes, blood constitutes 2% of total waste and can transmit various infections from parasites, fungus, bacteria or virus and is a hazardous waste posing a threat to human health and life. In addition to various infection that are transmitted from germs, health care waste, various chemical composition, cytotoxic medicines, radioactive materials, sharp needles, knives and disposal items will also contribute to ill health. As per the observation in hospitals in the USA the injury from needle skin and sharp injuries will occur as 28 injuries/year/100 beds.

### Quantity of Bio medical Waste

Quantification of the bio medical waste of different location shows in Table 19.1

### Components of Hospital Waste

Analysis of hospital waste in its various components shows 15% is infectious waste, 10% chemical waste, 1% needles and sharp and 1% is cytotoxic or radioactive waste, syringes and pressurized containers.

The National Environmental Engineering Research Institute in the year 1997 showed the following components of hospital waste in India (Table 19.2).

\* Professor of Law, Karnataka State Law University, Hubli  
\*\* Doctor, Pathologist, Environmentalist, Visiting Professor, Thevachha Center for Climate Change, Indian Institute of Science

CHAPTER 19

BIO-MEDICAL WASTE MANAGEMENT AND LAW

CHIDANANDA REDDY S. PATIL, AND  
PROF. DR. M. PARAMESH

INTRODUCTION

The air pollution of the globe is increasing about 3,185,263 km. rapidly growing  
the population and industrialization contribute significantly to the air, water, soil,  
and pollution and environmental waste amounting to 127,456 tonnes per day of  
waste from the economic activities institutional, commercial and hospital  
waste management from the Central Pollution Control Board 2012

Medical waste is generated in the process of diagnosis, management, research and/or  
treatment in the hospital, research centres or at home. The hospital waste generation  
is a complex which is made up of various components, in that only 10-15% is infectious  
waste, blood, secretions, excretions, waste and can transmit various infections from para-  
sitic, fungal, bacterial and viral hazardous waste posing a threat to human health and  
in addition to various infections that are transmitted from germs, health care waste, vari-  
ous chemical compounds, cytotoxic medicines, radioactive materials, sharp needles, knives  
discarded items will also contribute to ill health. As per the observation in hospitals in the  
State every four needle use and sharp injuries will occur as 28 injuries/year/100 beds.

**Classification of Bio-medical Waste**

Classification of the bio-medical waste of different location shows in Table 19.1.

**Components of Hospital Waste**

General hospital waste in its various components shows 15% is infectious waste,  
Pharmaceutical waste, 1% needles and sharp and 1% is cytotoxic or radioactive waste  
waste and proper use of containers

The National Environmental Engineering Research Institute in the year 1997  
found the following components of hospital waste in India (Table 19.2).

*[Signature]*  
Registrar

Karnataka State Law University  
Navanagar, Hubballi-580 025

*[Signature]*  
IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.

Scanned with CamScanner

book cover

# WOMEN, LAW AND SOCIETY

(Editors)

Prof. (Dr.) Vijender Kumar,  
Vice-Chancellor, Maharashtra National Law University, Nagpur.

Prof. (Dr.) Naresh Kumar Vats,  
Registrar, Rajiv Gandhi National Law University, Punjab.

Mr. Aditya Mishra  
Ms. Akansha Jain  
Mr. Kishor Kumar Mishra  
Dr. Shailendra Kumar



IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.



## Victorious Publishers (India)

D-5 G/F, Ground Floor

Pandav Nagar, Near Shanti Nursing Home

(Opposite Mother Dairy), Delhi-110092

E-mail: victoriouspublishers12@gmail.com

Mob.: +91 8826941497

### Branch Office:

House No. 152, Road No. 12, Patel Nagar, Hatia,  
Ranchi-834003 (Jharkhand)

E-mail: victoriouspublishersjharkhand@gmail.com

Mob.: +91 9973032322

Copyright©: Editors

First Published November 2019

ISBN: 978-93-87294-34-9

Registrar

Karnataka State Law University

Hallur, Hubballi-581 015.


IQ. COORDINATOR  
Karnataka State Law University  
Hubballi-25.


© All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means without the prior written permission of the Editors and Publishers.

# Contents

## Preface

- |  | Page  |
|--|-------|
| 1. Feminism a Concept: Misconceived<br><i>Ajitree Anand Gadbale</i>  | 1-12  |
| 2. Effect of Globalization on Women with Special Reference to Child Bearing: Issues and Challenges<br><i>G. Subhalakshmi</i>             | 13-20 |
| 3. Cyber Space: A Risk to Women<br><i>Oshin Dixit</i>  | 21-38 |
| 4. Indian Women Empowerment: The Ignited Glow of Hope in the Evil of Darkness<br><i>Archana Anil and Amit Yadav</i>                      | 39-52 |
| 5. Role of Female Entrepreneurs in India's Economic Development with Special Reference to Assam: A Study<br><i>Deepti Rekha Talukdar</i> | 53-63 |
| 6. Indian Police & Women: Gender Biasedness to Gender Neutrality<br><i>Samrat Datta</i>  | 64-76 |
| 7. <b>An Alternative Remedy to Redress the Suppressed Cries of Rape Victims in India</b><br><i>Anu Prasanna</i>                          | 77-88 |

  
IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.

  
Registrar  
Karnataka State Law University  
Hubballi-580 025.

Scanned by CamScanner

as they do not  
ss. Thus keeping  
in women must  
ade open to the

# An Alternative Remedy to Redress the Suppressed Cries of Rape Victims in India

Dr. Anu Prasanna

## Abstract

The status of women in the Indian society is deteriorating day by day. Women once viewed by the society as an embodiment of Goddess Lakshmi, Durga and Saraswathy is dragged to the streets by the same society. She is raped many a times by her own blood and the society pretends not to see her bleeding, not even realising that she is her own child. There is an immense increase in crimes in the society and growing heinous crimes targeting women with a view to intrude into her privacy and dignity thereby, inflicting physical and mental trauma for the entire life. This happens in the midst of stringent laws, effective law enforcement machineries and an impartial judiciary. Even though the changes introduced by the Criminal Law (Amendment) Act, 2013 have widened the definition of Rape, it has also left open areas that are prone to invade the privacy of woman. Unfortunately this never reaches the victim on one hand and on the other hand through decisions like *State of M.P. v. Madan Lal* judiciary has expressed that any kind of liberal approach or thought of mediation thoroughly and completely sans the legal permissibility. No doubt these sex offenders are potential dangers to the society and should be kept at arm's length but the question remains how long...there is a need for an alternative remedy to redress the suppressed cries of the victims of rape in India and the answer to an extent lies in restorative justice principles which are more focused on the needs of the victims, the communities and the offenders.

Keywords: Restorative Justice, Victims of Rape, Sex Crime, Mental Trauma, Criminal Law, Judiciary.

*Anu*  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

*Anu*  
**Registrar**  
Karnataka State Law Uni  
Navanagar, Hubballi-58

Scanned by CamScanner

BOOK

**Gender Justice, Violence and Women  
Issues and Challenges in India**

**Editors  
Kavita Suri  
Savita Nayyar**

**KANISHKA PUBLISHERS, DISTRIBUTORS  
NEW DELHI 110002**

**IN ASSOCIATION WITH  
GHEROI BOOK SERVICE  
JAMMU-180002**

  
**IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.**

  
**Registrar  
Karnataka State Law University  
Navanagar, Hubballi-580 025.**

7. No Lockdown for Domestic Violence: Addressing Domestic Violence Against Women from a Legislative Perspective <i>Shilpa Maru and Chaitanya Zorab</i>	105
8. Women in India: Victims of Battered Relationship <i>Rashika Shrivastava</i>	117
9. Women and Crime: Changing Trends from Global to Local <i>Neha Verma</i>	133
10. Crime Against Women: An Analysis of Scenario in Urban Territories of Karnataka and Kerala and Lakshadweep <i>Mohammed Farooq and Shabana Javed</i>	148
11. Child Marriage Restraint (Amendment) Bill 2021: A Critique <i>Ravishankar J.</i>	157
12. The Representative Rights of the Member and the Right to Life of the Union Child <i>Aam Khan B. Pathan and Pradyot Singh Shrivastava</i>	170
13. Impact of Covid-19 on Women's Education <i>Shweta Shrivastava</i>	187
14. K.T. Shetty among Secondary School Girls: A Study of Jakkur District in Jakkur and Kulkarni Ward (Channarayana)	205
15. A Study of Gender Differences on Mobile Phone Addiction and Lifestyles among Adolescents of Jakkur City <i>Kumara Manjula Shree and Pallavi Sridhar</i>	227
16. A Study of Psychological Well-being and Psychological Capital among Bank Employees of Jakkur City District in Kuv and Pallavi Sridhar	237

  
**IQAC COORDINATOR**  
 Karnataka State Law University  
 Hubballi-25.

  
**Registrar**  
 Karnataka State Law University  
 Navanagar, Hubballi-580 025.





Peer-Reviewed  
Indexed Journal Available



Copyright © Journal International Journal on Analysis of  
Contemporary Legal Affairs (AIJACLA)  
AIJACLA is an Open Access, International, English, Blind,  
Peer-Reviewed Journal published since 2011

**AIJACLA**

ISSN (Online): 2583-1437  
Volume 2, 2022

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

### Author Details:



**Dr. Rangaswamy D.**  
Assistant Professor of Law  
Karnataka State Law  
University  
Email: glrvcuuniv@gmail.com

### 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 enunciation 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*

### Paper Details

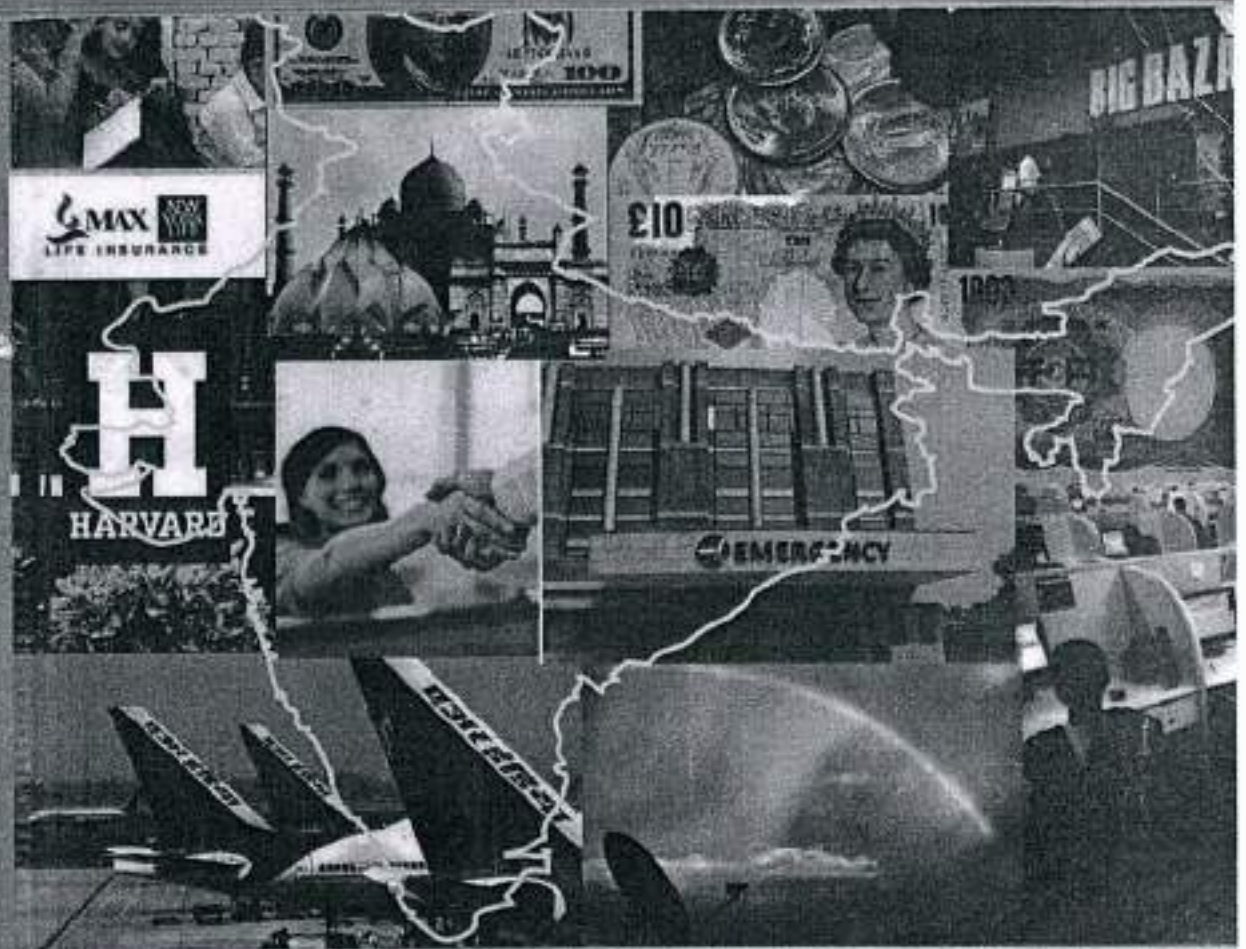
Paper Code: SP-CLA-V2-02  
Category: Special Paper  
Date of Submission for First Review: March 28, 2022  
Date of Acceptance: July 6, 2022  
Citation: Dr. Rangaswamy D., "Assessing Contribution of Indian Judiciary for the Reformation of

**Registrar**

Karnataka State Law University  
Mangalore, Karnataka-575005.

Copyright © 2022, All rights reserved. This article is distributed under the terms of the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License.

**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.



# FDI in Service Sector *Opportunities & Challenge*

K.R. Iqbal Ahmed, Saneem Fatima, M.A. Azeem

*A. K. S.*  
 IQAC COORDINATOR  
 Karnataka State Law University

*S. S. S.*  
 Registrar  
 Karnataka State Law University  
 Navanagar, Hubballi-580 025.

Title of the Paper & Author	Page No.
17. FDI in Multi Brand Retailing - Is Curse or Boon? - Talikonda Neelakantam & Ramesh Chandra Sreedhara	135
<b>HEALTH CARE</b>	<b>141 - 188</b>
18. Foreign Direct Investment in Healthcare: Opportunities and Challenges - Dr. Badiuddin Ahmed, Md Faiz Ahmad & Md Arshed Alam	143
19. FDI and Healthcare in India - The Perspective of Inclusion and Exclusion - Firuz Alam & Md Qwaib Amanullah	148
20. FDI and Life Insurance in India - Opportunities and Challenges - Md. Nayer Azam, Md. Asif Ansan & Masroor Ahmad Haidri	154
21. FDI in Indian Health Care Sector with Reference to Medical Tourism - Dr. Vinay Kumar Negu	162
22. A Study on Impact of Foreign Direct Investment in Health-care Sector - Gajanathi Swathi Kumari	170
23. <b>FDI in Health Care - A Study of Pharmaceutical Industry</b> - <b>Smit N. Bagade</b>	<b>178</b>
<b>EDUCATION</b>	<b>189 - 278</b>
24. Impact of FDI in Higher Education - V. Vaneendra Sastry	191
25. FDI in Education... The Initiatives to be taken or not in India. ?? " - Dr. Saneem Fatima & Pz. Javeed Iqbal Parsa	196
26. Implementing Foreign Direct Investment in Higher Education Sector: Some Concerns, Issues and Realities - Dr. Shazi Hasan Khan	204
27. FDI in Higher Education - A Tool to Achieve The Targeted Gross Enrolment Ratio (GER) - M.A. Qudus	213
28. FDI in Education Sector - Opportunities & Challenges - R. Anita	222
29. FDI in Higher Education in India - An Analysis About Entry of Foreign Universities in India - Dr. G. Rama Krishna	229
30. FDI in Education in India - Concerns and Prospects - Mrs. A. Mary Francis	237
31. Relevance and Realities of FDI in Higher Education - A Study - Dr. Y. Muniraju & Shiva Kumar P. T	244

*A. An*  
**IQAC COORDINATOR**  
 Karnataka State Law University  
 Hubballi-25.

viii

*Deepti*  
**Registrar**  
 Karnataka State Law University  
 Navanagar, Hubballi-580 025.

## FDI in Health Care A Study of Pharmaceutical Industry

- Sunil N. Bagade\*

### Abstract

The pharmaceutical industry in India has become a powerful and self reliant industry during the last decade. This industry has been growing. The Indian healthcare industry is considered to be one of the most profitable markets and is on the way to expand further. The various studies conducted in this regard shows that India is more competitive because of the low cost and the sophisticated treatments offered at hospitals.

The point to be noted here is that India has the advantage of having sophisticated infrastructure, the affordable operations, remarkable quality management and technology have made it one of the most sought after countries. The pharmaceutical industry in India is the third largest in the world today in volume and ranks 14th in terms of value. The sales of every kind of drugs in the country are all set to reach US\$ 19.22 billion in the year 2012. The exports of pharmaceutical items from India have also increased and have joined the league of the top 10 pharmaceutical companies in the global market currently. The Indian pharmaceutical companies have made a mark in both the world market and the Indian market with their skills in reverse processing and manufacturing low cost medicines.

This particular fact provides a great opportunity to the FDI flow into India. This further enhances the quality of the health care industry and makes the world class facilities, treatment available at a low cost. This paper seeks to explore this particular aspect of the effect of FDI on the health care sector. It also seeks to explore the opportunities for FDI in health care sector in India.

*Keywords:* Healthcare industry, FDI opportunity, Growth of Healthcare industry, etc.

### Introduction

Healthcare is one of India's largest sectors, in terms of revenue and employment, and the sector is expanding rapidly. During the 1990s, Indian healthcare grew at a compound annual rate of 16%. Today the total value of the sector is more than \$34 billion. This translates to \$34 per capita,

\* Guest Lecturer, Department of M.Com. (C.S), Karnataka Arts College, Dharwad.

Book

# ARTIFICIAL INTELLIGENCE PAST, PRESENT AND FUTURE

*Edited by:*

**Dr. Ubaid Akram Farooqui**

*Associate Professor  
Department of English  
BSR Government Arts College  
Atwar, Rajasthan*

**Dr. Sudhir Kumar Rawat**

*Associate Professor and Head  
Department of Zoology  
Government Degree Collage, Kasganj, UP*

**S SHARDA GLOBAL RESEARCH PUBLICATIONS**

Reg. No. - SCA/2020/14/137251

JAIPUR • DELHI

  
REGISTRAR  
Ternateka State Law University  
Hubballi-25.

  
Registrar  
Ternateka State Law University  
Kuvempu, Hubballi-580025

*Published by:*

**S Sharda Global Research Publications**  
Shop No. G-11, Ground Floor,  
Airport Plaza, Durgapura, Tonk Road  
Jaipur - 302018 Rajasthan, India

© Publisher

ISBN: 978-81-950252-4-4

Edition: 2022

*All rights reserved. No part of this book may be reproduced in any form without the prior permission in writing from the Publisher. Breach of this condition is liable for legal action. All disputes are subject to Jaipur Jurisdiction only.*

Price: Rs. 670/-

*Laser Type Setting by*  
**S Sharda Global Research Publications**  
Jaipur - 302018 Rajasthan

*Printed at*  
Shilpi Computer and Printers, Jaipur

  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

ii

  
**Registrar**  
Karnataka State Law University  
Navanagar, Hubballi-580 025.

## CONTENTS

Chapter	Topic	Page No.
1	An Analysis of the Application of an Equalization Levy to Digital Services <i>Dr. Lakshkaushik Dattatraya Puri</i>	01-06
2	Multiple Intelligences in Classroom. Views of School Teachers <i>Dr. S. Madhusudanan</i>	07-12
3	Design of Algorithm to Determine Nitrogen Need using Leaf Colour Chart of Wheat in Rajasthan Perspective <i>Vaibhav Bhatnagar, Linesh Raja &amp; Shilpa Sharma</i>	13-17
4	Understanding Image Restoration Basics using Deep Learning <i>Shilpa Sharma, Linesh Raja, Divya Sharma &amp; Vaibhav Bhatnagar</i>	18-30
5	Cyber Security in Financial Institutions <i>Shilpa Sharma, Linesh Raja, Mudit Chaturvedi &amp; Vaibhav Bhatnagar</i>	31-42
6	Deep Learning: A Review <i>Vaibhav Bhatnagar, Linesh Raja &amp; Swami Nisha Bhagirath</i>	43-62
7	Stock Market Value Analysis using Arima Model with Orange Tool <i>Vaibhav Bhatnagar, Shilpa Sharma, Linesh Raja &amp; Swami Nisha Bhagirath</i>	63-70
8	Understanding and Developing Emotional Intelligence <i>Dr. Dayal Sandhu</i>	71-75

9	Role of AI in Sports Injury Rehabilitation <i>Dr. Imran Khan &amp; Dr. Shantanu Sharma</i>	76-82
10	The Effective Usage of Auditory Aids Enhances Teaching-Learning for Students with special Educational Needs in an Inclusive Classroom Settings <i>Fr. Balju Thomas</i>	83-89
11	Artificial Intelligence and Machine Learning: Applications in IoT and SIoT <i>Ms. Harmanpreet Kaur &amp; Dr. Sonia Vatta</i>	90-96
12	e-Banking: Challenges and Opportunities <i>Dr. Sheemabai S. Mulage</i>	96-104
13	The Current Scenario of Solid Waste Management in the Birnagar Urban Local Body of Nadia District, West Bengal: A Geographical Analysis <i>Dr. Ayan Das Gupta</i>	105-117

♦♦♦

*A. Das*  
**IQAC COORDINATOR**  
 Karnataka State Law University  
 Hubballi-25.

*Devgad*  
**Registrar**  
 Karnataka State Law University  
 Navanagar, Hubballi-580 025.



**Gender Justice, Violence and Women  
Issues and Challenges in India**

Editors  
Kavita Suri  
Savita Nayyar

**KANISHKA PUBLISHERS, DISTRIBUTORS  
NEW DELHI-110002**

*an association with*  
**OBEROI BOOK SERVICE  
JAMMU-180002**

  
**IQAC CO-ORDINATOR  
Karnataka State Law University  
Hubballi-25.**

  
**Registrar  
Karnataka State Law University  
Lavanagar, Hubballi-580 025.**

7. No Lockdown for Domestic Violence: Addressing Domestic Violence Against Women from a Legislative Perspective <i>Shalini Sharma and Dr. Jay Zanain</i>	105
8. Women in India: Victims of Bartered Relationship <i>Rashika Sharma</i>	157
9. Women and Crime: Changing Trends from Global to Local <i>Neha Gii</i>	183
10. Crime Against Women: An Analysis of Securities in Union Territories of Jammu and Kashmir and Ladakh <i>Mohinder Jaina and Shobha Jaiswal</i>	148
11. Covid Marriage Restraint (Amendment) Bill 2021: A Synopsis <i>Rangaswamy D</i>	157
12. The Reproductive Rights of the Mother and the Right to Life of the Embryo Child <i>Arjun Abin B. Parthasarathi and Pratyak Singh Bhullar</i>	170
13. Impact of Covid-19 on Women's Education <i>Ashwini Sharma</i>	187
14. K I Skills among Secondary School Girls: A Study of Jorapur District in Jammu and Kashmir <i>Ashish Choudhary</i>	205
15. A Study of Cellular Disorders on Mobile Phone Addiction and Texting among Adolescents of Jammu City <i>Kumari Manya Bhat and Pallavi Sachdev</i>	221
16. A Study of Psychological Well-being and Psychological Capital among Bank Employees of Jammu City <i>Prabhat Kaur and Pallavi Sachdev</i>	237

  
**IQAC COORDINATOR**  
 Karnataka State Law University  
 Hubballi-25.

  
**Registrar**  
 Karnataka State Law University  
 Navanagar, Hubballi-580 025.

Book

**FARMER AND LABOUR MOVEMENT  
AND RIGHTS :  
A SOCIO-POLITICAL NARRATIVE**

*Edited by*

**Ashima Sahni**

Head, Deptt of Political Science  
Kanya Maha Vidyalaya (Autonomous College) Jalandhar, Punjab.

**Ajay Kumar**

Assistant professor, Department of Political Science  
Dr BR Ambedkar PG College Jaipur, Rajasthan

**Sovik Mukherjee**

Assistant Professor in Economics, Department of Commerce  
(Morning Section) Faculty of Commerce and Management,  
St. Xavier's University, KOLKATA



**Bharti Publications**

New Delhi - 110002, India

  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

  
**Registrar**  
Karnataka State Law University  
Mangalore, Karnataka-575 025.

Copyright ©


**Book Title : Farmer and Labour Movement and Rights**

**Editor : Ashima Sahni, Ajay Kumar & Sovik Mukherjee**

All rights reserved. No part of this publication may be reproduced or transmitted, in any form or by any means, without permission. Any person who does any unauthorised act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

**Disclaimer:** The views expressed in the articles are those of the Authors/

  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

  
Karnataka State Law University  
Novanagar, Hubballi-520 015.

## Content

---

1.	Farmers Movement in India : Social Media and Role of Political Narrative	1
2.	Farmers Movements In India	9
3.	Agriculture Sector : A Tool for Rural Development	15
4.	Farming & Farmers in Jammu and Kashmir: Problems, Issues and Challenges	24
5.	Farmer Suicides in India : With a Focus on the Agricultural Sector	30
6.	Causes of Farmer Suicides	41

  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

  
**Registrar**  
Karnataka State Law University  
Navanagar, Hubballi-580 025.

16.	Marxian Working Class: History and Exploitations	110
17.	Zamindari system and farmer labourers	116
18.	Role of Civil Society To Eradicate Corruption	122
19.	Farmers and the Working Class in the Present Scenario	127
20.	A Brief Analysis of Impact of Covid-19 on Labor Class with the Reference to India	131

  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

  
**Registrar**  
Karnataka State Law University  
Navanagar, Hubballi-560 075.

14

## Naxalite Movement in India

*Dr. Bheemabai S. Mulage*

### Introduction

Naxalism is a set of revolutionary thoughts and strategies developed by leaders under the influence of Marxism originally to resolve the problems of exploited peasants. The term 'Naxal' is traceable to name of group of villages Naxalbari in Darjeeling district of West Bengal where a revolutionary peasant movement has started in 1967 with the establishment of the Communist Party of India (Marxist-Leninist).<sup>1</sup> Initially this naxalite movement started in West Bengal, later it spread into less developed areas of rural southern and eastern India, such as Chhattisgarh, Odisha and Andhra Pradesh through the activities of underground groups like the CPI.

In the eastern states of the mainland India (Chhattisgarh, Jharkhand, West Bengal and Odisha), they are usually known as, or refer to themselves as Maoists while in southern states like Andhra Pradesh they are known under other titles. To most of the common people who form part of the movement, the term Naxalite has come to represent a movement or struggle for basic rights. The testimonies convey an anti-system sentiment and suggest that the Naxalites have a fair idea of the important components of their struggle for basic rights as well as knowledge of their opponents like government machinery, landlords, upper classes, big business houses etc. In their view, their struggle for basic rights has met with fierce opposition and condemnation which has turned their 'right' into a 'wrong' in the eyes of a

*Assistant Professor, Karnataka State Law University's Law School Navanagar, Hubballi,  
Karnataka.*

*B. S. Mulage*  
**IQAC COORDINATOR**  
Karnataka State Law University  
Hubballi-25.

*B. S. Mulage*  
**Registrar**  
Karnataka State Law University,  
Navanagar, Hubballi-580 025.



**SHRI DHARMASTHALA MANJUNATHESHWARA LAW COLLEGE**  
**CENTRE FOR POST GRADUATE STUDIES & RESEARCH IN LAW,**  
**MANGALURU, DAKSHINA KANNADA**



(NAAC ACCREDITED B++ COPA 3.9)  
 AFFILIATED TO KARNATAKA STATE LAW UNIVERSITY, HUBALLI  
 RECOGNISED BY THE BAR COUNCIL OF INDIA, NEW DELHI.  
 MANAGED BY, EDM EDUCATIONAL SOCIETY (R), UJIRE  
 PRESIDENT: DR. D. VEERENDRA HEGGADE

**"START-UP INDIA**  
**SOCIO-ECONOMIC OPPORTUNITIES**  
**AND CHALLENGES:**  
**A LEGAL PERSPECTIVE"**

*Dr. Jayraj*  
 Registrar

Karnataka State Law University  
 Manegala, Hubballi-580 025.

*Dr. Dev*  
 IQAC COORDINATOR  
 Karnataka State Law University  
 Hubballi-25.





## Contents

No	Title	Page
1.	<b>Start-Ups for a Self-Reliant India</b> Prof. (Dr.) Sairam Bhat, & Aparna S.	1
2.	<b>The Importance of Vocal for Local in Agriculture Sector</b> Dr. Renuka Gubbewad, Sunil Kalagi & Farhat Sultana	9
3.	<b>Women and Entrepreneurship;</b> Remya C. J., & Vidyaprada K. S.	18
4.	<b>Startup India and Agricultural Sector</b> Amith S M, Ashwini Suraj, & Mohan Kumar K	27
5.	<b>Financial Institutions and their Role in Entrepreneurship Development</b> Apeksha S Kottari	37
6.	<b>Entrepreneurship and Startup India</b> Sreelakshmi V Harihanan & Amith S M	49
7.	<b>Start-Up India: A Step Towards Reducing Informality in Workforce</b> Dr. Dipa Gautalair	56
8.	<b>Start-ups as the Mechanism for Women Entrepreneurship; Women Empowerment</b> Mrs. Chaitra Shetty & Dr. Tharanatha	73
9.	<b>Start-ups India Social Economic Opportunities and Challenges: A Legal Perspective</b> Jenitte Thomas	79
10.	<b>Start-Up India Socio-Economic Opportunities and Challenges: A Legal Perspective</b> Dr. Ashwini P, & Nirupama D.	88
11.	<b>Boost Up the Start Ups Through Tax Exemption</b>	98

# START-UP INDIA : A STEP TOWARDS REDUCING INFORMALITY IN WORKFORCE

Dr. Dipa Gautalair<sup>1</sup>

## Abstract

*Informal employment is predominant in Indian workforce and has major contribution to the economy. Unfortunately, the plethora of labour legislations is mainly applicable formal workers who merely constitute to 10 to 15 percent of the total workforce. The informal workers are deprived of labour welfare legislations due to increasing formality and absence of juridical relationship of employer and employee. On the other hand, 'Start-up India' initiative on part of Government of India is likely to witness as major contribution in reducing informality in the workforce which is one of objective of the International Labour Organisation's Decent Work Agenda. Therefore, effort is made to identify the role of Start-up India in achieving ILO's Decent Work Agenda and thereby reducing informality in the employment and workforce.*

## Introduction

An important feature of labour market situation in India is the predominance of informal employment. India is said to be often-cited example of an enormous and ever-growing informal economy and informal sector. The extent and enormity of informality in the country is said to be in part determined by the way informality is defined and measured in the country. The agricultural as well as non-agricultural activities are considered as part of the informal economy in the country. In India, agricultural activities constitute most economic activities and inclusion of it in the definition of informal sector will demonstrate that India has a very large informal economy and informal employment.<sup>2</sup> The dominance of informal economy for the purpose of income and livelihood is to a great extent since early 80's and even before that is more than 90 per cent of the total force. This trend of informal economy has intensified in the recent years owing to the era of globalisation and economic liberalisation.

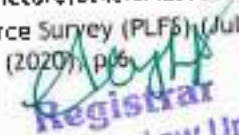
According to Annual Report, Periodic Labour Force Survey (PLFS) (July 2018- June 2019), in India 69.4 per cent of the workers in non-agriculture sector were engaged in informal sector. The share of informal sector among male workers was 71.5 per cent and among female workers was nearly 54.1 per cent in non-agriculture.<sup>3</sup> Presently, 69.5 per cent of the workers

<sup>1</sup> Assistant Professor, KSLU's Law School, Navanagar, Karnataka

<sup>2</sup> ILO, Women and Men in the Informal Economy - A Statistical Picture (Geneva: ILO, 2002) pp. 13-14.

<sup>3</sup> National Statistical Office, Annual Report, Periodic Labour Force Survey (PLFS) (July 2018- June 2019), Ministry of Statistics and Programme Implementation, (2020), p.6.

  
IQAC COORDINATOR  
Karnataka State Law University  
Hubballi-25.

  
Registrar  
Karnataka State Law University  
Navanagar, Hubballi-580 025.