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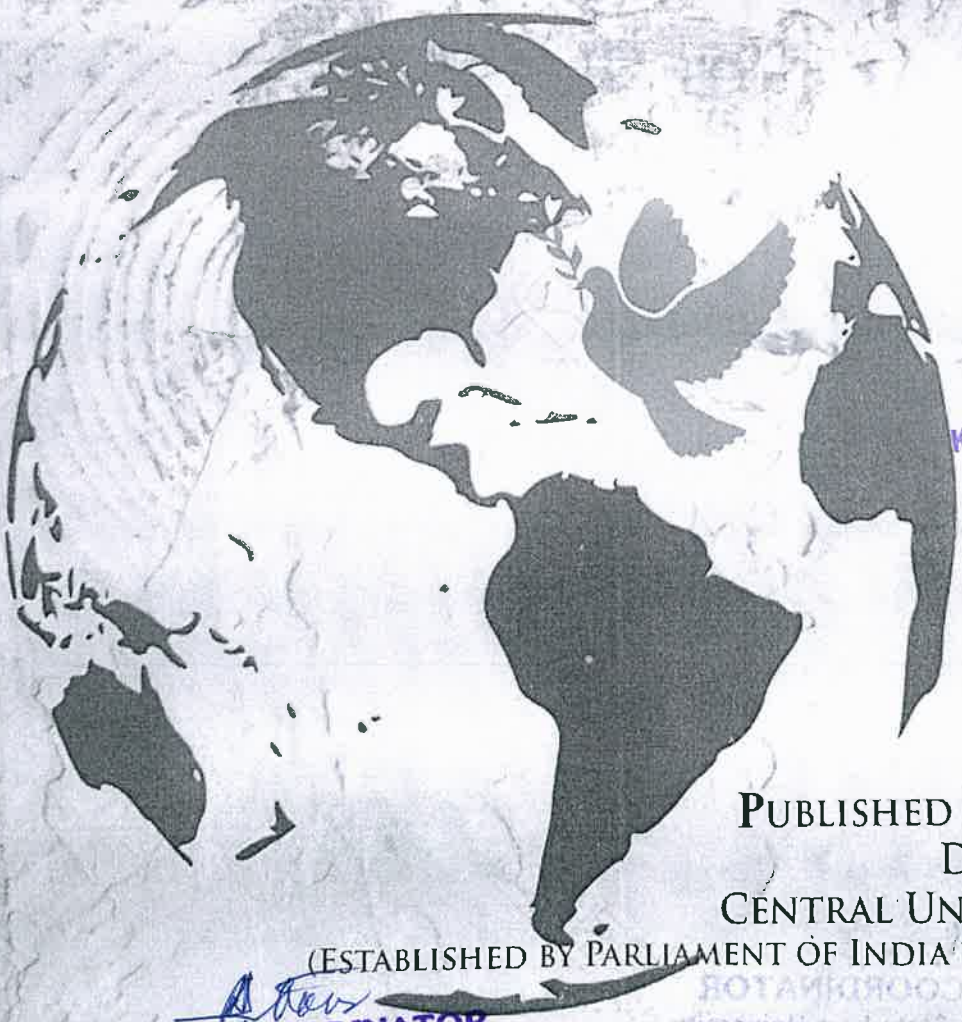
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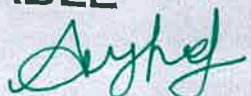
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# ROLE OF UNITED NATIONS IN UPHOLDING THE HUMAN RIGHTS OF VICTIMS OF WAR CRIMES

Dr. Anu Prasanna

## Introduction

The creation of League of Nations had long been advocated in philosophical and juristic writings and became fruitful in the proposal introduced at the Peace Conference of Paris in 1919. The League's objective was "to promote international co-operation and to achieve international peace and security". However, League, the child of the First World War, was a failure. But the failure of the League of Nations to avert a second world war did not destroy the conviction that only by some form of general organisation 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, upon the basis of the Dumbarton Oaks proposals prepared by the four sponsoring states, together drafted the UN Charter.<sup>1</sup> UN aims to achieve rule of law through international peace and security, economic and social progress and development and respect for human rights- three pillars set forth in the UN Charter.<sup>2</sup> 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 aptly be termed 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>4</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

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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).

armed conflicts. Such violations may be done by the armed forces or political leaders having the power to control or authority to give directions.<sup>5</sup> They have been included in many treaties of several international tribunals and the International Criminal Court<sup>6</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>7</sup> The prohibited acts include:

- Murder;
- mutilation, cruel treatment and torture;
- taking of hostages; intentionally directing attacks against the civilian population;
- intentionally directing attacks against the buildings dedicated to religion, education, art, science or charitable purposes, historical monuments or 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>8</sup>

The statutes for the ad hoc tribunals, International Criminal Tribunal for the Former Yugoslavia (ICTY), International Criminal Tribunal for Rwanda (ICTR)<sup>9</sup>, the Special Court for Sierra Leone have extended their jurisdiction over 'serious' violations of humanitarian law.

5 Rosalyn Higgins defines war crimes as inclusive of the violation of the recognised rules of warfare by members of the armed forces, illegitimate hostilities in arms committed by individuals who are not members of the armed forces. See K.C. JOSHI, INTERNATIONAL LAW & HUMAN RIGHTS (3<sup>rd</sup> ed. 2016).

6 ICC is an intergovernmental organisation and international tribunal intended 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<sup>st</sup> July 2002.

7 CASSESE, INTERNATIONAL CRIMINAL LAW 82 (2d ed. 2008).

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 organised 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.



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## Need to prevent persisting cruelty against women in the form of restitution of conjugal rights: A legal analysis

Dr. Anu Prasanna\*

### Introduction

Marriage is the very foundation of civil society, and no part of the law and institutions of a country can be of more vital importance to its subjects than those which regulate the manner and conditions of forming, and if necessary of dissolving, the marriage contract.<sup>1</sup>

In English law, a marriage though a contract, is a contract sui generis. Each legal system determines the attributes of a marriage; at common law it is in essence a consensual union of a man and a woman.<sup>2</sup> Unlike in England, in India among Hindus marriage has always been regarded as sacrament.<sup>3</sup> However, this sacramental character of marriage, which has been distorted, abused and has resulted in a number of anomalies in recent times, Marriage, an indissoluble and eternal bond for life between a man and woman is slowly seen to become 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. Restitution 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>4</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>5</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, over the years, this remedy has been highly misused. 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 rulers in the name of social reforms. This was the only

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<sup>1</sup> Lord Westbury's dictum in *Shaw v Gould* 1868 L.R.3H.L.55 at 82. See J.H.C. MORRIS, THE CONFLICT OF LAW (2005).

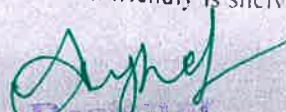
<sup>2</sup> In *Hyde v Hyde* 1866 L.R. 1P& D130 it was held that a marriage is a voluntary union for life of one man with one woman to the exclusion of others.

<sup>3</sup> Three elements of common law marriage are (i) agreement to be married (ii) living together as husband and wife (iii) holding out to the public that they are married. Whereas, marriage in India takes place either following the personal law of the religion to which a party is belonged or following the provisions of the Special Marriage Act.

<sup>4</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>5</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.

  
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# EMERGING TRENDS IN INDIAN RETAIL SECTOR

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## 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\$ 175-200 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

  
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# Women Empowerment Status and Perspectives

Prof. (Dr.) Nandan Sharma

Foreword by:  
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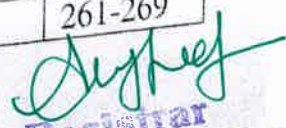
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## CHAPTER III

# 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 its women”

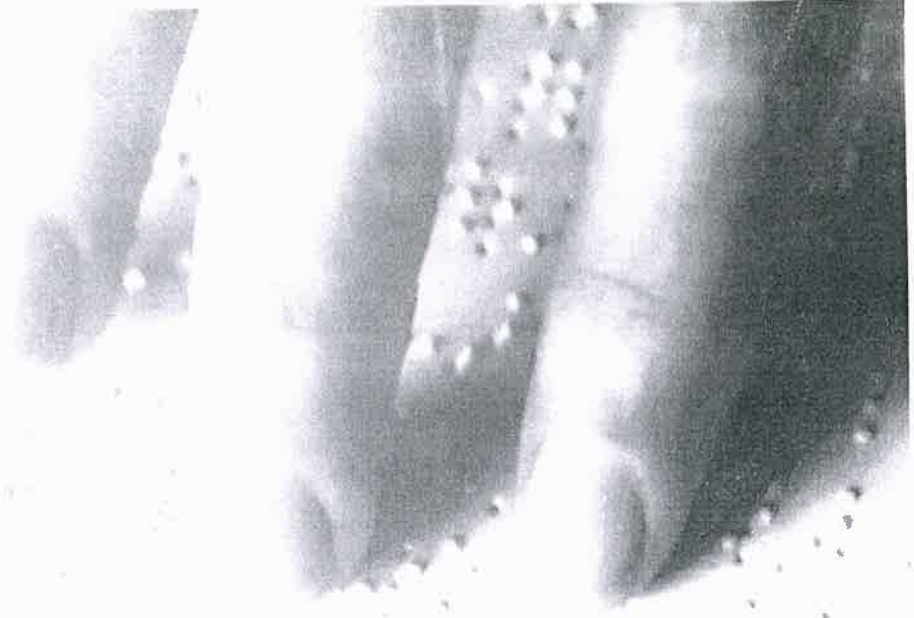
These are the words of Pandit Jawaharlal Nehru, the great leader of India's Independence movement and the first Prime Minister of India. Although Indian society has transformed to a great extent by stretching its arms for the protection of women, the question remains as to whether the nation has fulfilled 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

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

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# ನ್ಯಾಯಚಿಂತನ

(ಮಾಲಿಕೆ-2)

ಕಾನೂನು ಮತ್ತು ಸಾಮಾಜಿಕ ಪರಿವರ್ತನೆ



■ ಸಂ: ಡಾ. ಪಿ. ಈಶ್ವರ ಭಟ್

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಾನೂನು ವಿಶ್ವವಿದ್ಯಾಲಯ, ಹುಬ್ಬಳ್ಳಿ

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(ಮಾಲಿಕೆ-2)

ಕಾನೂನು ಮತ್ತು ಸಾಮಾಜಿಕ ಪರಿವರ್ತನೆ  
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ಯು ಬಗೆಗಳಲ್ಲಿ ವಿಶಿಷ್ಟವಾದದ್ದು. ಮೊದಲ ಘಟ್ಟವನ್ನು (1947 ತಂತ್ರ ನಂತರದ ಹಲವಾರು ಘಟ್ಟಗಳನ್ನು ಬಗೆ ಹರಿಸಿಕೊಳ್ಳುವ ಘಟ್ಟವನ್ನು (1970 ರಿಂದ 1990 ಘಟ್ಟಗಳನ್ನು ಬಗೆ ಹರಿಸಿಕೊಳ್ಳುವ ಘಟ್ಟ) ನಂತರ ಮತ್ತು ಇಲ್ಲಿಯ ಎತ್ತಿ ನಮ್ಮ ದೇಶವನ್ನಾವರಿಸಿದ

ಮಾಹಿತಿ ತೀರ್ಮಾನಿಸಿದ ಘಟ್ಟಗಳು ತೀರಾ ಮುಖ್ಯವಾದವು ಮತ್ತು ಸಮಸ್ಯೆಯನ್ನು ಜಾಗತೀಕರಣದ ಮೂಲಕವಾದವೆಂದು ಖಂಡಿತವಾಗಿ

## 6. ಭಾರತದಲ್ಲಿ ಕೋವಿಡ್-19 ನಂತರದ ಮಹಾಮಾರಿ ನಿಯಂತ್ರಿಸಲು ಸಮರ್ಪಕ ಕಾನೂನಿನ ಅಗತ್ಯತೆ


-ಪ್ರೊ. ಜಿ. ಬಿ. ಪಾಟೀಲ್\*

ಪೀಠಿಕೆ

ಮನುಕುಲದ ಇತಿಹಾಸ ಹಿಂದೆಂದೂ ಕಾಣದಷ್ಟು ವೇಗದಲ್ಲಿ ಕರೋನಾ (ಕೋವಿಡ್-19) ಮಹಾಮಾರಿ ಪ್ರಪಂಚ ಮತ್ತು ಭಾರತದಲ್ಲಿ ಹರಡುತ್ತಿದೆ. ಅದು ವ್ಯಾಪಿಸುತ್ತಿರುವ ವೇಗ, ಅದರ ಪರಿಣಾಮ ಜಗತ್ತಿನ ಜನರಲ್ಲಿ ಆತಂಕದ ಸುನಾಮಿಯನ್ನೇ ಎಬ್ಬಿಸಿದೆ. ಹಿಂದೆಂದೂ ಕಂಡರಿಯದ 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. ಆದರೂ 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. ಕೊರೋನಾ ವೈರಾಣುವಿನಿಂದ ಬರುವ ಕೋವಿಡ್-19 ಕಾಯಿಲೆಯ ಹರಡುವಿಕೆ ತಡೆಯಲು ಕೇಂದ್ರ ಹಾಗೂ ರಾಜ್ಯ ಸರ್ಕಾರಗಳು ಹತ್ತು ಹಲವು ಕ್ರಮಗಳನ್ನು ಕೈಗೊಂಡಿವೆ.

\* ಪ್ರೊ. ಜಿ. ಬಿ. ಪಾಟೀಲ್, ಪ್ರಾಧ್ಯಾಪಕರು, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಾನೂನು ಶಾಲೆ, ಹಾಗೂ ಕುಲಸಚಿವರು ಮೌಲ್ಯಮಾಪನ, ಕರಾಕಾವಿ, ನವನಗರ, ಹುಬ್ಬಳ್ಳಿ-25, ಈ-ಮೇಲ್: patil\_gb62@yahoo.com

  
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ask 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

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

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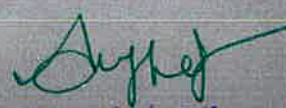
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**Gender Justice, Violence and Women  
Issues and Challenges in India**

Editors  
**Kavita Suri  
Savita Nayyar**

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# HEALTH LAW AND ETHICS

## Critical Reflections



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Nandimath Omprakash V.  
Alexander Thomas  
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*Foreword by*  
Dr. Devi Prasad Shetty



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## CHAPTER 5

# HEALTH LAW IN RELATION TO VULNERABLE POPULATION

CHIDANANDA REDDY S. PATIL AND DR. SUNANDA KOLLI REDDY\*\*

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.

– Sridhar Venkatapuram (*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 Inclusive Public Health Policy that Persons with Disability (PWD) are espousing is described and finally 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.

  
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## 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 is attracting the attention of global leaders. According to the World Population Ageing report of the Population division of the United Nations (2015), "Population ageing - the increasing share of older persons in the population - is poised to become one of the most significant 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."<sup>1</sup> The United Nations declared the year 2002 the 'Year of Older persons', and several steps were initiated aiming at the development of policies and programmes for the elderly by individual countries, described below.

The population of the elderly in India (defined as those aged 60 years and above) is around 143 million as of 2021.<sup>2</sup> While as such this is a large number, the proportion of elderly population in India is steadily rising. According to the 2011 census, 8.24% of the population was elderly, and this is expected to reach almost 20% by the year 2050.

The elderly in India face many problems, in the social (loneliness, insecurity of social status), economic (shrinkage of income, need for money outstrips available resources), psychological (mild and severe mental health problems) and health domains. Of these, the last named is probably the most devastating in terms of morbidity and mortality. The prevalence of chronic disease like Hypertension, Diabetes mellitus, Cancer, 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

\* Dean, KSLU Law School, Hubli.

\*\* Professor, Department of Community Health, Coordinator, Senior Citizen Health Service, St. John's 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/wp-content/themes/helpageindia/pdf/state-elderly-india-2014.pdf> (accessed at July 2020).

## 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, 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.

### Quantum 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, 3% is chemical waste, 1% needles and sharp and 1% is cytotoxic or radioactive waste batteries 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.  
\*\* Pediatric Pulmonologist, Environmentalist, Visiting Professor, Devacha Center for Climate Change, Indian Institute of Science.



## CHAPTER 19

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CHIDANANDA REDDY S. PATIL AND  
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### INTRODUCTION

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Medical waste is generated in the process of diagnosis, management, research and/or communication in the hospital, research centres or at home. The hospital waste generation is a solid waste which is a mixture of various components, in that only 10-15% is infectious waste, blood constitutes 2% of total waste and can transmit various infections from parasites, fungi, bacteria, viruses and is a hazardous waste posing a threat to human health and environment. 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 world the injury from needle skin and sharp injuries will occur as 28 injuries/year/100 beds.

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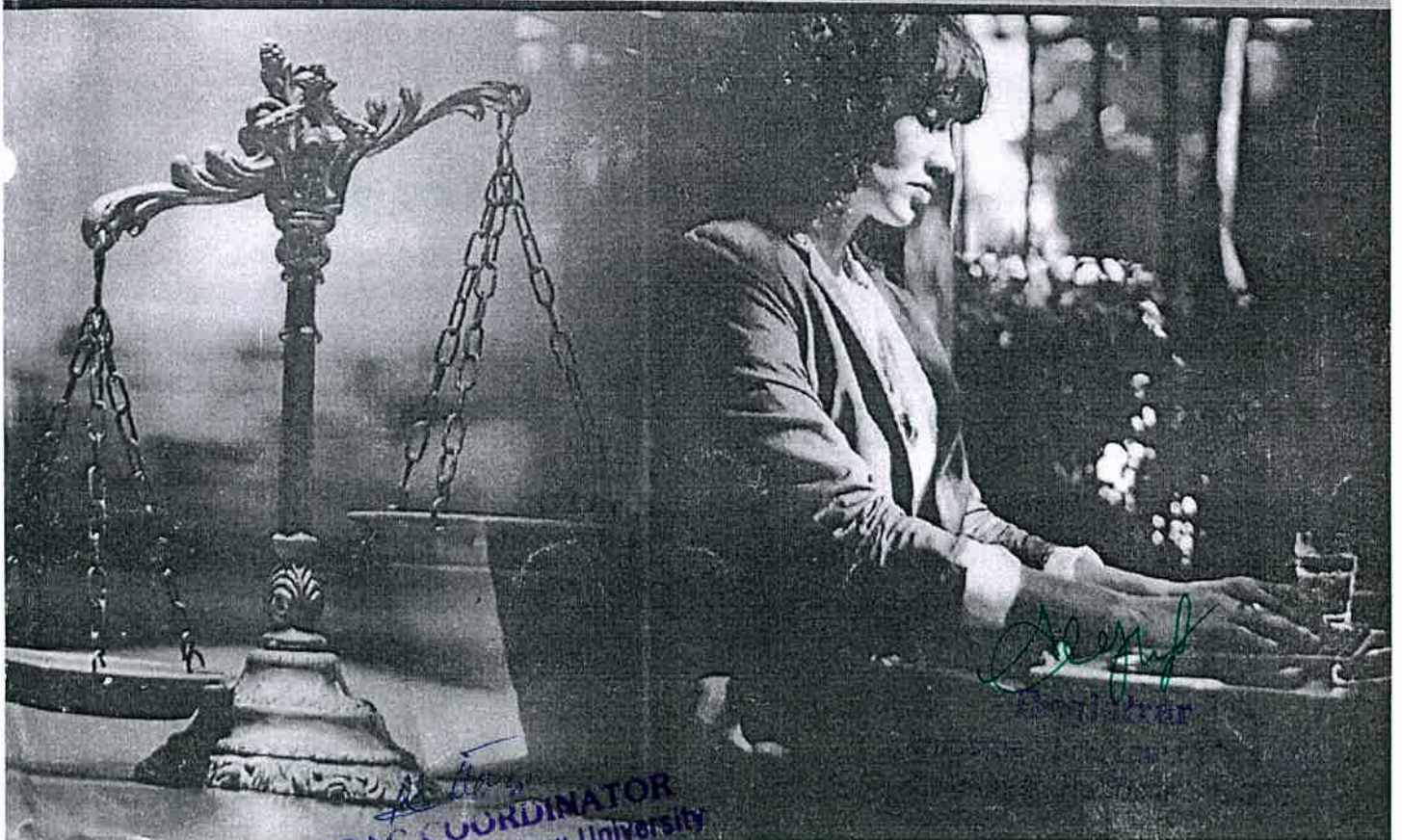
# WOMEN, LAW AND SOCIETY

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


Dr. Anu Prasannan

## 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.

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

## 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*

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## 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.

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Book

# ARTIFICIAL INTELLIGENCE PAST, PRESENT AND FUTURE

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Issues and Challenges in India**

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Book

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

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## 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

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

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

Dr. Dipa Gantalair <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