

## **Good Governance and Human Rights in Developing Nations Experiences and Challenges**

Mr. Justice R. K. Agrawal Judge, Supreme Court of India

### ***Abstract***

*“Commercialization of biotechnological findings became an important vehicle in the knowledge-based global economy, but it is the law that makes them merchantable by securing intellectual property rights. It is upon the law, and especially intellectual property law, to act as the ‘Gatekeeper’ of ‘Morality and Public Order’, and ‘to tame the genie of science’ although not too severely, for the present and future generations.”*

*Shoshana Berman*

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## **Alternative Sanctions to Convicted Offenders in Criminal Justice System in Bangladesh focusing on Probation and Parole: A lesson from India**

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### ***Abstract***

*The societies of Bangladesh and India are alarmingly victims of rampant criminal activities that result huge number of criminal litigations in the courts of law. Although the cardinal purpose of establishment of criminal justice system is to maintain peace and tranquility in the society by inflicting punishment to offenders there is no apparent sign of gradual decrease of crimes in the society in spite of sentencing remarkable number of offenders with different punishments by the courts in every year. Even it is commonly alleged that after release from prison it is quite tough for the prisoners to reintegrate themselves in the society and resultantly the released prisoners become a harder criminals. Different types of harsh punishments in jails make the prisoners cruel and vindictive and they learn the tactics of dreadful crimes coming in association with other habitual prisoners. Per contra, different kinds of alternative sanctions such as probation, community service, compensation and compromise with victim’s family and alternatives to imprisonment such as parole, conditional release and remission will be conducive in rehabilitation and reintegration the offenders in the society with an expectation of reduction of recidivism and maintenance of peace and tranquility. By introducing alternative sanctions to convicted offenders both the countries may find probable solutions of getting rid from the problem of acute overcrowding in jails and as such save a huge expenditure from government exchequer.*

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## **An Assessment of the Impact of Municipal Laws on the Policing of Cyber Crimes in Nigeria**

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### ***Abstract***

*Internet crime can be defined as unlawful acts using the computer as either a tool or a target or both. Internet networks are used positively to conduct businesses, manage industrial and governmental activities, engage in personal communications and conduct researches. Also certain confidential information are stored or passed through the medium of the internet. Credit cards containing information of users are used as the major means of buying and selling on the internet. Information infrastructure has become a critical part of the backbone of global economies, therefore, it is imperative that the general public be able to rely on the availability of such informational services with confidence that their communications and data are safe from unauthorized access or modification. It then becomes important for these and other information to be more secured. However, the speed of the internet, its affordability and its elimination of distance make the internet the hotbed of crimes globally. Cyber-crime growth has skyrocketed in recent times especially in Nigeria, hence the need for immediate action by law makers to stem the tide. This research, therefore, examines the adequacy or otherwise of the Nigerian legal framework in checking crimes being perpetrated using the internet as a platform with a view to making useful suggestions.*

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## **Menace of Illicit Felling and Timber Smuggling**

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Shreya Solenkey, 4th Year BBA LLB (Hons.), School of Law, Galgotias University, Greater Noida

### ***Abstract***

*Only after the last tree has been cut down, only after the last river has been poisoned, only after the last fish has been caught, only then will you find that you cannot eat money. -Cree Prophecy, Native American. India has seen a triumphant increase in the total forest area by 3775 sq. km. as reported by the Forest Report 2015, on the other hand, there have been innumerable cases of illegal felling of trees and growing unauthorized trade in Timber wood. Efforts have been made to curb this menace, the Indian Forest Act, 1927 does not categorically prohibits felling of trees however it restricts any act in prohibition of any rules made by State Government. Maharashtra & Himachal Pradesh are a few states which has prohibited felling of trees however the actuality of implementation is debatable. The authors will discuss the development of various state provisions regarding felling of trees through case laws, its current position and impact on environment. The authors will further discuss violation of the general provision to not trade in timber thereby analyzing the role of Mafia in Timber Smuggling and its overall effect on environment for only India but also the world. Specific case study of the state of Himachal Pradesh, Kerala, and Maharashtra etc. will be made to understand, both illicit felling and timber smuggling, and the*

*ground reality of implementation of provisions thereby assessing the outcome of abovementioned provisions.*

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## **Dispute Adjudication in Electricity Sector: Issues and Challenges**

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### ***Abstract***

*The Indian electricity sector is presently going through a major transformation. The accelerated pace of generation capacity addition, over the past few years has led to a situation wherein the electricity supply potential is greater than the economic demand, a scenario witnessed never before in the history of the Indian electricity sector . Thus with the changing scenario of electricity sector it gave rise to various disputes and hence an effective dispute resolution mechanism is necessary for promoting growth in electricity sector and protecting consumer's interests. If disputes are not resolved expeditiously, the result will be uncertainty in the sector, which in turn, may affect investment climate. This paper will analyze the impact of the changing electricity environment on the nature of disputes that arise in this sector. It focuses on the need to resolve disputes in an efficacious, expeditious and transparent manner to ensure unhindered growth of the electricity sector and protecting consumer's interests. Some of the main types of disputes currently seen in the electricity sector, as well as the dispute resolution techniques applied to attempt to resolve them. There is a need to make an in-depth study of The Electricity Act, 2003 for improving existing dispute resolution mechanism in the Indian electricity sector from dispute resolution to problem solving. Therefore, the present scholar seeks to make a brief study of the legal provisions relating electricity dispute settlement and then a critical study provides an insight into the Electricity Act, 2003. The paper will discuss why dispute resolution is important in electricity sector and describes the challenges and constraints in dispute settlement along with judicial approach. The researcher will also analyze the various kinds of disputes with the reference to electricity sector. Further, the researcher will examine the practice of regulator in adjudicating electricity disputes with the help of various regulations and case laws.*

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## **Child Abuse and Neglect in India: Time to Act**

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### ***Abstract***

*Child abuse is a condition that is often less identified. Abused child is deprived of its right, hence protecting children from maltreatment and neglect is part of the obligation of all health professionals. Dental professionals are also in an exceptional position to identify and respond to these conditions. Therefore to create a child friendly community, it is prerequisite to transform not only the culture in which children are residing but also approaches and behavior toward them. It is thought-provoking that abuse and infanticide is existing over the centuries, but it is only recently due to change in social values have led to the identification of child abuse as a prevalent medico-social problem nationally and internationally.*

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## **A Study of Regional Rural Banks and Its Impact on Escalation of Agro based Economy**

### **In India**

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Ms. Soumya Aggarwal, Assistant Professor, Amity Law School, Noida

### ***Abstract***

*Regional rural Banks plays a crucial role in the agriculture and rustic development of our country. The RRBS have more reached to the rural area of India, through their huge network and due to more focus of govt. of India now days. By the virtue of the RBI Act, 1935 that “the Bank shall contribute every year such sums of money as it may consider necessary and feasible to do so, to the National Rural Credit (Long Term Operations) Fund and the National Rural Credit (Stabilization) Fund established and maintained by the National Bank under sections 42 and 43, respectively, of the National Bank for Agriculture and Rural Development Act, 1981.” The growth of rural credit in India is deeply dependent on their financial strength. The motive behind the establishment of RRB’s was to exclusively develop backward area and to provide assistance to the*

*agriculture sector of India. The motive of writing this paper is to analyze the to what extent the RRB's has successes to achieve their purpose of establishment by the virtue of banking act and what type of challenges facing by RRB'S (i.e. problems of overdue, recovery, nonperforming assets and other problems) at present to attain their motive of establishment.*

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### **Inquest of Inquest Report**

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Dr. N.K. Bahl, Professor of Law, Dept of Law, Delhi Metropolitan Education, Noida,

Mr. Ashwani Pant, Assistant Professor, Amity Law School, AUUP, Noida

#### ***Abstract***

The law of crimes requires a case to be built by the prosecution which puts the guilt of the accused beyond reasonable doubt. A number of procedural safeguards, therefore, are inbuilt in the run-up to the trial to ensure that none of the steps leading to determination of guilt of the accused are hushed up and rather the State machinery works in an efficient manner. Preparation of the inquest report is conducted under the CrPC as a record of crime which even though not a substantive piece of evidence, is an important basis for determining the commission of the offence.

The present research work throws light on the provision of Inquest Report as contained in Section 174, CrPC, which guides police to inquire and report in cases of suicide. This is confined to the ascertainment of the apparent cause of death of a person. This article throws light on discovering whether in a given case the death was accidental, suicidal and homicidal or caused by an animal. It is with this limited purpose that persons acquainted with the facts of the case are summoned and examined under Section 175, CrPC. The details of the overt acts are not necessary to be recorded in the inquest report.

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### **After 70 years, women in India will be allowed for recruitment in Indian Territorial Army**

Kush Kalra, Advocate, Delhi High Court

#### ***Abstract***

*The public interest litigation under Article 226 of the Constitution of India was filed in Delhi High Court for issuing a writ of mandamus to the respondents (Union of India and Indian Army) to allow female candidates who are gainfully employed to be recruited in Indian Territorial Army at par with Man. Before the Delhi High Court Judgment in this case Territorial Army allows only "Male Citizens of India and Ex-service officers who are medically fit and are gainfully employed in Centre/State Govt./Semi Govt./Pvt. Sector/Self Employed. It is pertinent to mention here that only Male Ex-Service officers can apply for Territorial Army as per the recruitment rules of Territorial Army leaving no scope for Female Ex-Service officers. The eligibility criteria for Territorial Army clearly mentions that "only those male candidates who are gainfully employed are eligible for Territorial Army" This means a Male person who may be employed in Government Service, A Legal Practitioner, A Doctor, A Engineer, Paying Guest Owner, Farmer or*

*Businessman is eligible to apply for territorial army if he is gainfully employed and is aged between 18-42 years of age as on the date of notification for Territorial Army Recruitment. It is a clear case of gender discrimination, inasmuch as service in Territorial Army is offered to employed males but denied to the women, this denial of service in territorial army to women is discriminatory and right to equality is denied to the women which is a hallmark of our Constitution. Article 14 of the Indian Constitution talks about equality. It provides that State shall not deny to any person equality before law or the equal protection of laws within the territory of India. Equality cannot be achieved unless there are equal opportunities and if a woman is debarred at the threshold to enter in to the sphere of profession for which she is eligible and qualified, it is well-nigh impossible to conceive of equality. It also clips her capacity to earn her livelihood which affects her individual dignity. In the last 70 years, women in India have gained entry in all spheres of public life. They have also been representing people at grass root democracy. They are now employed as drivers of heavy transport vehicles, conductors of service carriages, pilots, etc. Women can be seen to be occupying Class IV posts to the post of a Chief Executive Officer of a multinational company. They are now widely accepted both in police as also army services.*

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## **The Journey From Darkness To Light: Redefining Social Disability In The Light Of Children Of Sex-Workers And Their Need For Access To Equal Education**

Aishwarya Deb, LL.M., NALSAR University of Law

Prithwish Roy Chowdhury, Advocate, Calcutta High Court

### **Abstract**

*In a nation, which undertakes to secure 'socio-economic justice' and 'equality of status and opportunity' to all its citizens, the children of sex-workers suffer from social exclusion which raises obstacles in their path of enjoying their rights and liberties. Though these children do not suffer from 'disability', as the term is generally understood, but they are held captive within the shackles of social disability. While the legal institutions are busy formulating special enactments for the benefit of physically or mentally disabled children, they have failed to address the need for education of these children. Although a socio-beneficial legislation, i.e. the Right of Children to Free and Compulsory Education Act, 2009, makes it mandatory for 'every child' to receive compulsory elementary education, yet the children of the sex workers do not get to enjoy education facilities despite the fact that their prostitute mothers' are willing to do anything to provide them a better livelihood. These children, being stigmatized from birth, fail to receive education at par with other children and owing to their mothers' profession; the teachers are often prejudiced and biased. More than often, the so-called 'normal' children do not comfortably mingle with these children in schools which lead to irregularity in attendance and some often prefer to drop-out of school. Even if they want to become self-reliant and be financially solvent in order to uplift the status of their disadvantaged families, lack of equal education opportunities and unpreparedness to face the world promote fatalistic expectations that only little can be achieved. The authors make an attempt to justify as to how education can help in mainstreaming such socially disabled children into the society and discuss the responsibilities of schools, the attitude and role of teachers at an interpersonal level. The argument that is developed in the course of the article is that the social stigma attached to these disabled children can be removed easily if the common*

people make it a point to join hands with the socio-legal institutions in implementing the prevalent laws for the purpose of social inclusion of these children and to achieve the desired goal of social justice.

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### **The Fate of Kyoto Protocol and the CDM (Clean Development Mechanism) Measure**

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#### ***Abstract***

*The third sessions of the UNFCCC, which took place in Kyoto in December 1997, lead to the birth of Kyoto Protocol. This landmark treaty was an attempt to correct climate externalities by imposing GHG-emission reduction standards upon current generations, thereby combating global climate change. The year 2012 marked the cessation of the first commitment period and witnessed the Kyoto Protocol treaty on the brink of fading into irrelevance. In light of this, the leitmotif of this paper is to ascertain the fate of Kyoto Protocol. The paper is divided into seven sections. The first section provides an introduction of the topic and the second section attempts to recite the tale of Kyoto Protocol. The third section attempts to trace the evolution of the Kyoto Protocol from being an instance of 'hopelessness' to a 'diversion' doomed for 'death'. The fourth section attempts to critically analyze the causes of death of the Kyoto Protocol. The fifth section discusses the fate of CDM. The sixth section attempts to analyze the probable shift from 'hard agreement' (The Kyoto Protocol) to 'soft agreement' (The Paris Agreement). The last section concludes the paper with certain overarching observations.*

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### **Lifting the Veil: Tussle between Freedom of Religion and Fundamental Rights and laying the cornerstone for Uniform Civil Code in India**

Ms Shefali Mishra, BALLB (H)

Mr Vibhu Banerji, Bachelor of Laws (Three-year curriculum) at Faculty of Law, University of Lucknow

#### ***Abstract***

*The paper very widely aims to understand the meaning and extent of Muslim personal laws and whether personal law can be subject to the Constitution at all. The judgment of Supreme Court regarding discriminatory practice of instant triple talaq has made it unconstitutional. The Supreme Court has also paved the niche for the prevalence of fundamental rights enshrined in Part III of Indian Constitution (the practice being allegedly violative of Articles 14, 15 and 21) over the Personal laws. Triple Talaq is arbitrary and discriminatory which is against the spirit of Indian Constitution. The law on divorce by men is in misuse that on divorce by women is in disuse. Triple Talaq takes away their right to equality and right to live a dignified life. Values of democracy, secularism, equality, non-violence, human rights and justice as enshrined in the Constitution of India are guiding principles in our struggle for gender justice. In the light of landmark judgment given by apex court authors have critically discussed and did constructive analysis of conflict*

*between religious freedom, given in Article 25 and the right to equality in Article 14. The paper throws light on how the bench has contrasted the broader issues of constitutional rules versus the social norms. Judicial interpretations have also been looked into wherein the courts have laid the procedure of valid divorce by interpreting holy Quran. Paper also highlights that the enactment of Uniform Civil Code could bring an end to this form of injustice done to Muslim women and its implementation for curbing the atrocities being faced by a particular section of society. The provision aims to promote unity and integrity which is mentioned in the preamble of our constitution. This research paper is based on doctrinal research constructed on secondary data.*

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## **Law as a Force v. Law as a Command**

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Lucknow

### **Abstract**

*The age old question of what is law has seen substantial development on the jurisprudential level and the question of what makes us obey the same has always been seen under a psychological filter. The science, the art, the jurisprudence, the chief political and social theories, of the modern world have grown out of Greece and Rome—not by favour of, but in the teeth of, the fundamental teachings of early Christianity, to which science, art, and any serious occupation with the things of this world were alike despicable. The entire paper has a jurisprudential theme. Going out of the sight because of financially beneficial streams of law, this field has been gradually losing a great portion of its ground, but it's the power of the same that drives all the enquiries into law and here also the jurisprudential aspect of jurisprudence is attempted from its purest form. This time however, an enquiry into the latter question is taken from a legal aspect. The attempt to answer this question has been done not from the push that our brain gives us, but from the pull of the understanding of jurists and juridical or man-made decisions. The article has limited itself to the most compelling and vociferous thought schools of law, i.e. the Natural School and the Positivist School. The presentation initiates with realizing the problem of non-realization by the masses, driving into the core concepts of these streams of laws and finally seek for a convulsion of the two topics, if possible. The schools of law stand juxtaposed to each other in a few ways, however the same is not omnipresent, and such merging has been attempted to be identified.*

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## **Ban on Cracker by Supreme Court of India (Judicial Activism)**

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### **Abstract**

*Delhi is one of the major polluted cities of the world. Firecrackers release pollutants such as sulphur dioxide, carbon dioxide, carbon monoxide etc in the air, which causes ailments like asthma and bronchitis. On 12th September 2017 the Hon'ble Supreme Court of India banned fires in Delhi NCR effective till 1st November 2017. By this order people living in Delhi NCR will not be able to use the crackers on Diwali Night. Apart from improving the administration of criminal*



*justice, the Supreme Court has used Article 21 in a very creative manner to improve the quality of life and to imply there from a bundle of rights for the people. In this paper historical and religious views related with the crackers on the Diwali, effect of crackers on air has been explained, in this paper author has explained the role of Judicial Activism or Judicial Legislation, how other major countries has successfully have reduced the air pollution, the researcher has mentioned various suggestions to reduce the pollution level in Delhi.*

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## **Gender Symmetry & Asymmetry in Domestic Violence Act: The Sexist Prejudice**

Shruti Singh, Army Institute of Law, Mohali

### ***Abstract***

*Domestic Violence is a major social quandary, but men who face domestic violence in India have nowhere to head in view that the law doesn't deal with them as victims. In the absence of any systemic data and with more men coming up and reporting violence by women, it is important to understand and examine the issues of violence against men by the opposite gender and associated factors with it. With changing roles of gender and power relations, it is assumed that this issue of violence by women will rise in the future, which will have very far-reaching consequences and implications for the larger chunk of society and also on the relationships between men and women. Through this paper, the author is trying to showcase the dynamics and factors that play or will play a critical role in escalating violence against men by women. Data is based on empirical method of study.*

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