

Promoting Sustainable Economic and Social Reintegration of Returnee Migrants: Bangladesh Perspective

Mr. Thamina Shanzida Sheed

Lecturer, Department of Law, Premier University, Chittagong

Abstract

There has been a general absence of a concrete framework for facilitating the reintegration of the returnee migrant workers. In that respect, reintegration is perhaps the least explored area in migration management in Bangladesh. In the absence of any formal support mechanism for the returnee migrants with mainstream economic activities, the capital and skills brought in may not be put to effective use. This article illustrates the specific problems faced by migrants returning to their home countries and families. It identifies the kinds of supports-logistical, legal, socio-psychological, employment, skills related and financial -- they need to enable them to achieve successful reintegration and avoid re-migration. It emphasizes opportunities for remunerative employment as key to successful reintegration. The final section provides some recommendations that may be adopted in social and economic reintegration process of returnee migrants.

Cooperative Federalism & Misuse of Article 356

Prof. (Dr.) Pradeep Kulshrestha, Professor, School of Law, Sharda University, Greater

Noida (NCR)

Abstract

First Article of the Constitution of India provides that India, that is Bharat, shall be a Union of States. The concept of federalism is therefore the proverbial corner stone of the constitution and the strong Centre State relations play an important role in strengthening cooperative federalism. The cooperative federalism in India and USA differs mainly on the ground of executive discretion in dismissing a duly elected government. Under Article 356 the President of India can assume to himself all or any of the functions of the Government of the State when he is satisfied that situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution. Keeping in view misuse of this emergency constitutional provision, the Apex Court of India has laid down certain safeguards to prevent its misuse by the Executive. Still this provision which the framers of the Constitution considered to be a dead letter, remains quite alive and prone to misuse.

Eagle Eye on the new age of Corporate Governance: A Critical Analysis

Dr. Qazi M. Usmaan

Assistant Professor, Faculty of Law, Jamia Millia Islamia, New Delhi

Abstract

With the surfacing of several scams and frauds in the recent past, issues relating to Corporate Governance have gained a considerable importance in business world. The weak laws and policies on corporate law in India are only responsible for governance failure. In India, since 1990s, the regulators, policy makers and lawyers continuously and effortlessly have been working for the better corporate governance. And as result, the Companies Act, 2013 and Securities Law (Amendment) Act, 2014 have reframed several weak corporate governance norms. But it is interesting to watch, how much these new laws and policies guideline help corporate world to grow. The present research work in dealt with corporate governance divided into three parts, first part; discuss about the recent development in corporate governance particularly after the Companies Act, 2013. Second part; explain about SEBI amendment norms on corporate governance and final part of the paper discuss about the quasi-judicial and regulatory bodies framed to stop fraud and scams.

Mergers and Acquisitions (M&A): Process & Judicial Response

Mr. Atal Kumar, Research Scholar, Mewar University, Rajasthan.

Dr. Santosh Kumar, Research Guide/Supervisor

Abstract

“I believe in innovation and that the way you get innovation is you fund research and you learn the basic facts” **— Bill Gates**

Mergers and Acquisitions have been over a great extent used in developed economies as a growth strategy and is now increasingly getting accepted by Indian businesses as a critical tool of business strategy. The doctrine of merger and acquisition of companies is neither a doctrine of constitutional law nor a doctrine as such statutorily recognized. It is a common law doctrine founded on the principle of property in the hierarchy of Justice delivery system. It should be noted that law is not what is being legislated within the four wall of the parliament but also what the Judiciary decides as according to realist school of Jurisprudence.

Terrorism-A Critical Study Under International Law

Dr. Aditya Tomer, Additional Director, Amity Law School, Noida

Ashutosh Tripathi, Asst.Prof(Law), Amity Law School, Noida

Abstract

The main purpose of this paper is to address few issues which are closely related to the concept of “terrorism” i.e. how the problem of terrorism is related to the fundamental human right of self-determination and how can such a problem be resolved? The issue that runs parallel to this issue is the question of legitimacy of “terrorism” on ground of self defence. Both the issue reflects the proposition of innocent terrorism i.e. assertion of right to “self-determination” and “self-defense” as an excuse to “terrorism”. Having this as a background the researcher furnishes following questions which he attempts to answer in this paper.

- 1. What the defenses of terrorism are as recognized in International Law? Can we depart from such defense to maintain World peace and order as aimed by the International Community?*
- 2. In the backdrop of the existing problems associated with right to “Self-determination” and state sovereignty, what are the probable solutions to achieve a desirable human rights situation?*
- 3. How can we prevent/ combat terrorism stemming from conflicts based on state sovereignty and right to self-determination?*
- 4. How can we reconcile right to self-determination with International world peace and security?*
- 5. Given the situation that states have a fundamental right to self-determination and to self-defense, is terrorism legitimate if it is perpetrated in self-defense or in attempt to achieve self-determination?*

Surrogacy: How far new laws successful in combating issues in regards to surrogate mother and the child

Dr. Santosh Kumar, Asst. Prof, Amity Law School, Delhi & Tushar Ved ,Asst. Prof Amity Law School, Noida

Abstract

Surrogacy is an arrangement where a surrogate mother bears and delivers a child for another couple or person. Commercial surrogacy is legal in India, Ukraine, and California while it is illegal in England, many states of United States, and in Australia, which recognize only altruistic surrogacy. Many infertile couples from all over the World come to India for surrogacy since commercial surrogacy is legal in India. Although this arrangement appears to be beneficial for

all parties concerned, there are certain delicate issues which need to be addressed through carefully framed laws in order to protect the rights of the surrogate mother and the intended parents. It is currently estimated to be a \$2-billion industry. Before November 2015, when the government imposed a ban, foreigners accounted for 80 per cent of surrogacy births in the country. This is because most countries, barring a few such as Russia, Ukraine and some U.S. states, do not permit commercial surrogacy. Many countries in Europe have completely prohibited surrogacy arrangements, both to protect the reproductive health of the surrogate mother as well as the future of the newborn child.

Is India needed sin tax and fat tax?

Dr. Bhupendra Gautam, Assistant Professor, Amity University

Abstract

India has move ahead by achieving the overall development of the country like infrastructure, economic development, education, foreign trade and Good International Image Build up but for maintaining this growth, India require more revenue, and the other side of coin is that there are certain issues which are creating huddles in achieving such growth like obesity, heart diseases, Diabetes, BP, gambling, Smoking etc. To overcome these problems India will have to setup a mechanism by which India will be able to handle all these health issues and can generate extra revenue which can be used for the overall development of the country such mechanism can be named as Sin Tax. With the objective of reducing the habit of consuming harmful product and increasing the revenue generation source, Government imposed extra tax burden on product that are harmful to the society like cigarettes, tobacco, drugs , soft drinks, candies, fast food, etc which is known as Sin tax. Descriptive Research has been used for doing the study on sin tax and data is collected through secondary sources like journal, reports etc. This study attempts to find out the pros and cons of imposing Sin Tax. It will be beneficial for the society or it will create burden on poor and lower income level people.
