CHAPTER 33

LAW

Doctoral Theses

01. ANJALI
Legal Framework Related to Plastic Waste : An Analysis with Reference to NCT of Delhi.
Supervisor: Dr. Shabnam Mahlawat
Th 29136

Abstract

The widespread use of plastics in contemporary society reflects a significant advancement in technology and industrial development, offering durability, affordability, and convenience. However, this very success has given rise to serious environmental challenges. Improper handling and disposal of plastic waste have led to long-term ecological harm, as plastics persist in the environment for decades without decomposing. Their accumulation in landfills, water bodies, and oceans has disrupted ecosystems, threatened biodiversity, and adversely affected human health. The infiltration of microplastics into food chains has further intensified concerns at both national and international levels. In this context, plastic waste management has emerged as a critical environmental, social, and legal issue requiring urgent attention. Governments across the world have responded by developing regulatory frameworks aimed at controlling plastic production, usage, and disposal. India also faces unique challenges due to rapid urbanization, population growth, and inadequate waste management infrastructure. Recognizing the severity of the issue, the Plastic Waste Management Rules in India have been time and again amended. The present study, titled "Legal Framework Related to Plastic Waste: An Analysis with Reference to NCT of Delhi," undertakes a detailed examination of the existing legal regime governing plastic waste management in India, with a specific focus on the National Capital Territory of Delhi. Delhi provides a significant case study due to its high population density, complex administrative structure, and mounting waste generation. This research analyses the effectiveness of legislative instruments, the role of regulatory authorities, and the contribution of judicial bodies in shaping plastic waste governance. By evaluating both legal provisions and their practical implementation, the study aims to assess the strengths and limitations of the current framework and to highlight areas requiring reform for achieving sustainable and environmentally responsible plastic waste management.

Contents

1. Introduction 2. A historical perspective of development of plastics and their applications 3. Legislative developments and judicial response related to plastic waste 4. Plastic waste management in India and other countries 5. Plastic waste management in Delhi 6. Conclusion and Suggestions. Bibliography and Annexure.

02. DUBEY (Ritesh Dhar)
Semiotics of Equality and Sex Discrimination in the Indian Constitution.
Supervisor: Dr. Kongbrailatpam Ratnabali
Th 29402

Abstract

Right to Equality has twin protections of equal treatment and equal protection. Special laws can be enacted for women under Article 15 (3) for care and protection of women. This study focuses on two of such special laws i.e., Equal Remuneration Act, 1976 and Maternity Benefits Act, 1961. A semiotic analysis has been done of Article 14, Article 15 (3), Equal Remuneration Act and Maternity Benefits Act, 1961 and judgments of the Supreme Court on these laws to uncover the gendered normativity of the constitutional conception of Right to Equality.

Contents

1. Introduction 2. Legal Semiotics and Critical Legal Discourse: Nature and Meaning in Legal Language and Legal Interpretation 3. Right to Equality: Tracing the Constitutional Conception of the Right to Equality 4. Semiotic Analysis of Labour Codes of India: Maternity Benefits and Equal Pay for Equal Work 5. Semiotic Analysis of the Judgments of the Supreme Court on Equal Remuneration Act, 1976 and Maternity Benefits Acts, 1961 6. Conclusion and Way Forward 7. Bibliography.

03. GAURAV KUMAR
Child Pornography, Child Trafficking and Constitutional Obligations of the State to Protect the Children in India.
Supervisor: Prof. (Dr.) Vageshwari Deswal
Th 29140

Abstract

The legal definition of the term 'Child' includes "a person below eighteen years of age", which is most widely accepted nationally as well as internationally. The Indian Constitution also lays down several important provisions for "protection and welfare of children" in the form of fundamental rights as well as casts a mandatory constitutional duty on the State in the form of Directive Principles of State Policy "to protect the children against all forms of exploitation and abuse and to provide them opportunities to develop in a healthy manner and in conditions of freedom and dignity". The main legislations in India dealing with Child Pornography and Child Trafficking are – The Protection of Children from Sexual Offences (POCSO) Act, 2012", the Information Technology Act 2000", the Immoral Traffic (Prevention) Act 1956 (ITPA) and the Bhartiya Nyaya Sanhita 2023. (which replaced the Indian Penal Code, 1860), which have been made stricter by subsequent amendments, but still not much effect has been seen at the ground level and their practical impact remains a matter of serious concern. Despite these comprehensive legal frameworks, the rate of offences against children continues unabated, with the situation having worsened during the COVID-19 pandemic and the resulting lockdown periods. This study aims to have a detailed critical analysis of its implementation and impact of the POCSO Act 2012 as well as The Immoral Traffic (Prevention) Act 1956 (ITPA), with a focus on child protection and sexual abuse cases with special reference to the offence of child pornography and child trafficking as well as to make a comparative study of similar laws and provisions of developed nations such as the UK and the USA.

Contents

1. Introduction 2. International legal instruments and perspectives 3. Legal framework in India to deal with Child pornography and child trafficking 4. Comparative study of legal framework regarding child pornography and child trafficking cases in developed nations of the UK, the USA and China 5. Judicial response towards child pornography

and child trafficking in India: an appraisal of landmark judgements 6. Empirical study– law in action and law in theory 7. Conclusion, Suggestions and Recommendations. Bibliography and Annexure.

04. JAIN (Akshay)
Role of DNA Profiling Legislation in Criminal Justice System: A Comparative Analysis of UK, US And Indian Legal System.
Supervisor: Prof. (Dr.) Sunanda Bharti
Th 29141

Abstract

The integration of DNA profiling technology has transformed criminal justice systems worldwide by enabling precise identification and evidence collection. However, in India, despite advancements in forensic science, the development of a robust and rights-protective legislative framework remains inadequate. This research critically examines India's current regulatory regime governing DNA use, particularly after the withdrawal of the DNA Technology (Use and Application) Regulation Bill, 2019. The country now relies on the Criminal Procedure (Identification) Act, 2022 (CPIA), which allows extensive DNA collection and retention but lacks clear safeguards to protect fundamental rights. This creates a constitutional tension between state surveillance powers and the right to privacy affirmed in K.S. Puttaswamy v. Union of India. The Digital Personal Data Protection Act, 2023 also offers limited relief due to broad exemptions for law enforcement agencies. Adopting a comparative approach, this study evaluates Indian laws against those of the United Kingdom and the United States, where stringent restrictions exist on genetic markers, familial searches, and phenotyping. This comparison highlights significant shortcomings in the Indian system. Methodologically, the research is both doctrinal and empirical. The doctrinal component analyzes key legal documents including the CPIA and the newly enacted Bharatiya Nagarik Suraksha Sanhita, 2023 and Bharatiya Sakshya Adhiniyam, 2023, revealing major gaps and ambiguities. The empirical component (Chapter 5) involves a mixed-methods survey of Public Prosecutors, Police Officers, Academicians, and Forensic Experts, with data analyzed using IBM SPSS and Microsoft Excel. The findings confirm serious privacy risks and legislative lacunae in the CPIA. The thesis concludes by proposing practical legal reforms to ensure proportionality, accountability, and constitutional compliance. Ultimately, this study urges the need for a balanced DNA profiling framework that strengthens crime-fighting efforts while safeguarding individual privacy in India.

Contents

1. Introduction 2. An analysis of legislative evolution: from DNA bills to the enactment of new criminal laws 3. DNA profiling: a comparative analysis of legal regimes in the US, UK, and India 4. DNA evidence and judicial trends in India 5. From rhetoric to reality: an empirical assessment of India's DNA profiling legislation 6. Conclusions and Suggestions and Recommendations. Bibliography and Annexure.

05. JARAIN (Ezekial)
Governance under the Sixth Schedule: A Critical Analysis of the Judicial System in Meghalaya.
Supervisor: Prof. (Dr.) Alka Chawla.
Th 29350

Abstract

The thesis attempts to answer two hypotheses: first, that the statutes of the Khasi Hills Autonomous District Council have played a crucial role in preserving the customary laws of the Khasi people and strengthening the functioning of their traditional institutions; second, the Sixth Schedule has clearly defined the scope of the jurisdiction, power and procedure of the District Council Court (DCC) and the Subordinate District Council Courts (SDCCs) in Meghalaya, but the erroneous interpretation of the rules framed thereunder has resulted in miscarriage of justice. The thesis examines the Constituent Assembly Debates on the Sixth Schedule to highlight its significance in governing Tribal People in the Northeast. It examines the statutes of the Khasi Hills Autonomous District Council, including the role of traditional institutions in the Khasi Hills. Then it analyses the judicial system under the Sixth Schedule in Meghalaya through the lens of the judgements of the Supreme Court and High Courts, particularly dealing with issues of jurisdiction, power, and procedure. The thesis includes the empirical assessment of the functioning of the District Council Court and Subordinate Courts in Shillong. Finally, it contains suggestions for improving the Justice System of the District Council Court and Subordinate Courts in Meghalaya.

Contents

1. Introduction 2. Governance under the Sixth Schedule 3. Judicial System under the Sixth Schedule in Meghalaya 4. District Council Courts and Subordinate Courts: an appraisal of the judicial approach 5. The Functioning of the District Council Court and Subordinate Courts in Shillong: An Empirical Assessment 6. Summation and Suggestions. Bibliography and Annexure.

06. KUSHWAHA (Arvind Singh)
Critical Analysis of the Legal Efforts to Combat Human Trafficking in Rajasthan.
Supervisor: Dr. Narender Kumar Bishnoi
Th 29142

Abstract

This study interrogates the enforcement-to-outcomes gap in the prosecution of human trafficking in Rajasthan, an enduring disparity between enforcement activity and conviction rates. Drawing on the Palermo Protocol's act–means–purpose framework, it conceptualises trafficking as a process crime that frequently fragments into cognate offences (such as wrongful confinement, sexual exploitation, and forced labour). The research adopts an empirical and analytical design, combining doctrinal analysis of international obligations and Indian anti-trafficking law with a predominantly qualitative field inquiry across five districts of Rajasthan namely Jaipur, Jaisalmer, Jodhpur, Bhilwara, and Udaipur which were selected to reflect Rajasthan's urban, border-desert, agrarian, industrial, and tribal contexts. The study period for literature review and secondary materials spans March 2021 to January 2023, while primary fieldwork (including a pilot study) was conducted between January 2023 and September 2024. Primary data were generated through questionnaire engagement, using snowball sampling to reach relevant stakeholders. The core finding is that normative adequacy does not transform into accountability because implementation failures occur systematically at early procedural stages. Key deficiencies include inconsistent FIR registration and offence-labelling, delays in investigation, incomplete victim-centric protection that weakens survivor cooperation, inadequate documentary and digital evidence practices, and fragmented coordination among police, prosecutors, and rehabilitation authorities. These shortcomings compound across the case lifecycle,

increasing attrition and diluting evidentiary value by the time matters reach trial. On this basis, the thesis evaluates: (i) the alignment of Indian anti-trafficking measures with international regimes; (ii) the sufficiency of existing legal and institutional frameworks and state interventions; (iii) implementation efficacy in Rajasthan; and (iv) procedural sources of delay and attrition from investigation through adjudication. It concludes with recommendations to strengthen prevention-linked legal action, improve inter-agency coordination, institutionalise better evidence practices, and enhance victim-centric mechanisms to support sustained participation and improve prosecutorial outcomes.

Contents

1. Introduction 2. International legal efforts to combat human trafficking 3. Indian legal efforts to combat human trafficking 4. legal efforts to combat human trafficking in Rajasthan 5. Legal commitments to ground realities – empirical data analysis 6. Conclusion and Suggestions. Bibliography and Annexure.

07. SHARMA (Shubham)
Dimensions of Modern Slavery with Special Reference to Domestic Servitude and Forced Labour: A Study of Delhi.
Supervisor: Dr. Namita Vashishtha
Th 29144

Abstract

Modern slavery exists in many forms. These include bonded labour, human trafficking, forced labour, and commercial sexual exploitation. In India, these practices have been widely studied by the Legislature, Courts and Academia alike. However, domestic servitude has not received enough attention, especially in cities like Delhi. This study focuses on domestic servitude and tries to understand it better. The study first explains how modern slavery is addressed under Indian law. It looks at Article 23 of the Constitution of India and other labour and anti-trafficking laws. It also studies how courts have understood forced labour. Courts have said that forced labour does not only mean physical force. It can also include situations where people work because of poverty, debt, or fear. Even with these legal protections, domestic servitude still continues inside private homes, where it is often hidden. Because there is not much real-life research on domestic servitude, this study includes interviews with victims, activists, lawyers, and scholars. These interviews help explain the causes and nature of domestic servitude. The study looks at factors such as poverty, migration, caste and gender inequality, debt, and informal work systems. It also studies how the government and other institutions respond, including rescue and rehabilitation efforts, and where enforcement fails. The findings show that domestic servitude continues not only because of individual acts, but also because of deeper social and economic problems. There are also gaps in how institutions work together. The study argues that to fully understand modern slavery, we must look beyond legal theory and study real experiences. By combining legal analysis with field research, this study offers a clearer understanding of domestic servitude and suggests ways to improve law enforcement and accountability in Delhi.

Contents

1. Introduction 2. Modern slavery: historical, conceptual and jurisprudential Foundations 3. Domestic servitude and forced labour: international and national legal framework 4. Judicial approaches to domestic servitude and forced labour 5. Manifestations of modern slavery: empirical analysis in Delhi 6. Conclusions and Suggestions. Bibliography and Annexure.

08. SHUKLA (Shruti)
Mediation as an Effective Tool for Resolution of Intellectual Property Disputes: A Comparative Study of U.S. E.U. and India.
Supervisor: Dr. Vikesh Ram Tripathi
Th 29403

Abstract

The increasing economic significance of Intellectual Property (IP) in the knowledge-based global economy has resulted in disputes concerning various IPRs becoming increasingly complex, technical and commercially significant. Conventional litigation, although essential for adjudication and development of legal precedent, may involve considerable delay, expense, confidentiality concerns and limited flexibility in fashioning commercially viable remedies. These limitations have enhanced the relevance of alternative and consensual dispute resolution mechanisms, particularly mediation, for the resolution of IP disputes. This doctoral research, entitled "Mediation as an Effective Tool for Resolution of Intellectual Property Disputes: A Comparative Study of U.S., E.U., and India," critically examines the effectiveness, viability and legal framework of mediation in resolving IP disputes. The study adopts a comparative approach by examining the mediation frameworks of the United States, European Union and India, with particular emphasis on the evolving Indian framework following the enactment of the Mediation Act, 2023. It also analyses the role of the World Intellectual Property Organization (WIPO), particularly the WIPO Arbitration and Mediation Center, in facilitating IP dispute resolution. The research employs a combination of doctrinal and empirical methodologies. The doctrinal study examines relevant international instruments, statutory provisions, institutional rules and judicial decisions. The empirical component, conducted in Delhi, analyses the experiences and perceptions of 168 stakeholders including retired judges, advocate-mediators, IP litigators, law firm attorneys and officials of the Office of the Controller General of Patents, Designs and Trade Marks. The study finds that mediation offers significant potential for resolving appropriate IP disputes through confidentiality, procedural flexibility, party autonomy and commercially tailored settlements. However, its effectiveness is influenced by the nature and complexity of the dispute, stakeholder attitudes, mediator expertise and the supporting legal and institutional framework. The research accordingly proposes a specialised, context-sensitive approach to IP mediation and recommends measures for strengthening its implementation in India.

Contents

1. Introduction 2. Mediation as an alternative dispute resolution mechanism 3. Mediation in IPR dispute 4. Comparative analysis of mediation frameworks in IPR disputes 5. Empirical study 6. Finding, Conclusion and suggestion.

09. SINGH (Jyoti)
Cyber Warfare and the Use of Force Under International Law with Special Reference to India.
Supervisor: Dr. Shachi Singh
Th 29351

Abstract

The rapid advancement of digital technologies has transformed cyberspace into a critical domain of modern conflict, raising complex questions within the framework of international law. This thesis undertakes a doctrinal and analytical examination of cyber warfare and its relationship with the prohibition on the use of force under

international law, with particular reference to India. The study explores whether cyber warfare may be characterised as a "use of force" under Article 2(4) of the United Nations Charter and whether they are capable of triggering the right of self-defence under Article 51. It highlights that, although international law is applicable to cyberspace, significant uncertainty persists regarding the interpretation of existing legal principles in the context of cyber warfare. The research further analyses the applicability of international humanitarian law (IHL) to cyber warfare, with particular emphasis on the core principles of distinction, proportionality, and military necessity. It also examines key challenges, including neutrality, the application of State responsibility, and the role of non-State actors in cyber warfare. The study underscores the inherent difficulties in identifying perpetrators in cyberspace, thereby complicating the attribution of legal responsibility. The central argument advanced is that ambiguity in international law concerning cyber warfare results in divergent interpretations and inconsistent State responses. The thesis concludes by proposing an international declaratory framework on cyber warfare to guide responsible State conduct in cyberspace, recommending the formulation of a coherent strategic framework on cybersecurity for India, which is based on the comparative State practice, and further advocating, in the long term, the development of a comprehensive international convention on cyber warfare.

Contents

1. Introduction 2. Cyber Warfare and the Prohibition of the Use of Force under International Law 3. Applicability of International Humanitarian Law to Cyber Warfare 4. Principle of Neutrality and Cyber Warfare 5. Attribution and State Responsibility in Cyber Warfare 6. India's Approach to Cyber Warfare under International Law. Conclusions and Suggestions. Bibliography.

10. SIROHA (Abhishek)
Legal Framework Relating to Increased Tourism and Environmental Degradation in the State of Himachal Pradesh: A Critical Analysis.
Supervisor: Dr. Shabnam Mahlawat
Th 29145

Abstract

This thesis critically analyses the legal framework relating to tourism induced environmental degradation in Himachal Pradesh, a fragile Himalayan state witnessing rapid growth in tourism over the past two decades. Tourism has emerged as a major source of economic development, employment generation, and infrastructure expansion in the state. However, unregulated tourism activities, excessive construction, traffic congestion, waste accumulation, deforestation, and pressure on natural resources have severely affected the ecological balance of the region. The study examines whether the existing environmental laws, tourism policies, and institutional mechanisms are sufficient to address these growing environmental challenges. The research adopts a combined doctrinal and empirical methodology. The doctrinal component analyses international environmental principles, Indian environmental legislation, Himachal Pradesh tourism laws and policies, and judicial decisions of the Supreme Court, High Courts, and the National Green Tribunal. The empirical component is based on field visits, stakeholder interviews, questionnaires, and data collected through Right to Information applications from government departments. Major tourist destinations including Shimla, Manali, and Dharamshala were selected to evaluate the practical implementation of tourism and environmental regulations. The thesis argues that despite the presence of various environmental statutes and tourism policies, enforcement remains fragmented, weak, and inadequate to deal with the cumulative environmental impacts of tourism in the Himalayan ecosystem. It

identifies deficiencies in carrying capacity assessment, waste management, institutional coordination, and sustainable tourism planning. The study further examines the conflict between economic development and environmental protection while emphasising the importance of ecotourism and community participation. The research concludes by recommending stronger regulatory mechanisms, integrated environmental governance, improved implementation strategies, and sustainable tourism models to preserve the ecological integrity of Himachal Pradesh while ensuring long-term economic growth and sustainable livelihoods in environmentally sensitive mountain regions for future generations.

Contents

1. Tourism and environment: the interface 2. Increased tourism: impact on Environmental degradation 3. International legal frameworks for tourism and consequential environmental degradation in the mountains 4. Indian environmental law and tourism legal framework of Himachal Pradesh 5. Empirical analysis of tourism and environmental degradation in Himachal Pradesh 6. Parenthood 7. Conclusions and suggestions, Bibliography.