

CHAPTER 35

LAW

Doctoral Theses

01. ANSARI (Shoaib)
Legal and Regulatory Framework on Data Protection, Privacy, and Cyber Security Issues in India: A Comparative Study with USA, China and European Union.
Supervisor: Prof. Vageshwari Deswal
Th 28336

Abstract

The rapid digitization of economies and societies has ushered in unprecedented opportunities, alongside critical challenges related to data protection, privacy, and cybersecurity issues in India. This thesis critically examines the legal and regulatory framework governing these domains in India, comparing it with the frameworks of the USA, China, and the European Union (EU), while focusing on what an ideal data protection law for India should encompass. India's digital ecosystem faces unique and evolving cybersecurity challenges, including rising incidents of data breaches, cyberattacks on critical infrastructure, privacy violations, and the complexities of cross-border data flows. The study evaluates India's legislative and policy landscape, with a focus on the Digital Personal Data Protection Act and other regulatory mechanisms. It places this analysis within the broader global context, comparing it with the EU's General Data Protection Regulation (GDPR), the USA's sector-specific laws, and China's Cybersecurity Law and Personal Information Protection Law. Employing a doctrinal and comparative research methodology, this thesis identifies significant strengths and weaknesses in India's regulatory approach. Core themes explored include the tension between safeguarding individual privacy and ensuring national security, the adequacy of enforcement frameworks, and India's preparedness for international cooperation on cybersecurity governance. This research offers policy-oriented recommendations aimed at designing a comprehensive and future-ready data protection law for India, informed by global best practices while addressing the country's unique socio-economic and technological realities. By addressing critical gaps, the thesis aspires to contribute to a robust legal framework capable of ensuring privacy protection, fostering public trust, and securing cyberspace amidst rapidly advancing digital technologies.

Contents

1. Introduction 2. Right to Privacy in India: Understanding informational privacy and its various dimensions 3. Data privacy and Protection: Regulatory framework in different jurisdictions, challenges and future directions 4. Privacy challenges in India's cybersecurity context: frameworks and standards 5. Public Perception and awareness regarding data privacy & cybersecurity: an empirical study 6. Conclusion and Recommendations. Bibliography and Annexure.

02. BASIMA U K
Espousing the Need for Regulating Paediatric Intersex Restoration Surgeries : Through a Human Rights Prism.
 Supervisor: Dr. Dinesh Dayma
Th 28337

Abstract

Intersex is an umbrella term for differences in sex traits or reproductive anatomy. Intersex people are born with sex characteristics that do not fit typical definitions for male or female bodies. These differences may be in terms of sexual anatomy, reproductive organs, hormonal patterns, and/or chromosome patterns. Between 0.05% and 1.7% of the world human population is born with intersex traits. Due to their non binary sexual identity, intersex people are stigmatised in almost all spheres of their life and subjected to numerous forms of human right violations to include infanticide and forced medical interventions. As a means to elude this social stigma, the parents opt for Intersex Restoration Surgeries (IRS) on their intersex infants or children to erase the intersex traits. Merely “normalising” the outer intersex appearances disregarding the internal sex traits might end up in taking away even the fertility of that individual. If once assigned sex characteristics does not fit to the subsequently developed sexual orientation, it would make the life of that individual deeply problematic. These are severe human right violations on the persona of the intersex individuals as well as the cascading effect of the same on their parents who respond blindfolded because of their unfailing love and concern for their children. Right to bodily integrity being an intimate right, parents or guardians cannot decide the sexual anatomy of an individual since it’s completely and absolutely an individual choice and decision. In view of the fact that sexual orientation of an individual can be inferred only at a later stage of psychological maturity, it’s inappropriate to assign an individual with a sexual identity during infancy. Even so, in the absence of controlled clinical trials, the efficacy of Intersex Restoration Surgery carried out during infancy is not known.

Contents

1. Introduction 2. International frameworks protecting the human rights of LGBTQIA+ individuals 3. Collating and contrasting intersex restoration surgery (IRS) carried out on intersex individuals and sex reassignment surgery (SRS) carried out on transgender individuals 4. legal approaches to paediatric Intersex Restoration surgery: a comparative analysis of Indian law and the Laws of Malta, Germany, Australia, and USA 5. Balancing medical intervention and child rights: an empirical analysis of pediatric intersex restoration surgeries carried out in India 6. Role of judiciary in shaping the rights of intersex individuals: a review of significant court decisions 7. Findings and Suggestions. Bibliography and Annexure.

03. CHOUDHARY (Anushka)
Foster Care as a Means of Non-Institutional Care in India: Challenges and Way Forward.
 Supervisor: Prof. Kiran Gupta
Th 28338

Abstract

Foster care represents a critical component of non-institutional child care, offering a family-based alternative to institutionalisation for children in need of care and protection. In India, despite the statutory recognition of foster care under the Juvenile

Justice (Care and Protection of Children) Act, 2015, and the formulation of Model Guidelines in 2024 and subsequent state-specific adaptations, its implementation remains limited and uneven. This thesis critically examines the conceptual framework, statutory evolution, and administrative mechanisms governing foster care in India. It highlights the systemic challenges faced in operationalising foster care, ranging from lack of public awareness, inadequate funding, and scarcity of trained personnel to inconsistencies in inter-departmental coordination and the absence of a robust monitoring mechanism. The study adopts a comparative approach, drawing insights from the well-established foster care models in countries like the United Kingdom and the United States of America to evaluate best practices and assess their adaptability in the Indian socio-legal context. Through doctrinal analysis and empirical data, the thesis highlights the need for standardised protocols, capacity building of stakeholders, effective sensitisation of communities, and a child-centric review framework to ensure the rights and well-being of foster children. The thesis further proposes a comprehensive policy roadmap, integrating legal reforms, community participation, and enhanced fiscal support to make foster care a viable and preferred non-institutional care alternative. In a country with a vast population of vulnerable children, the strengthening of foster care is not merely a welfare measure but a constitutional and moral imperative towards securing every child's right to a family and a dignified life.

Contents

1. Introduction 2. Foster Care— concept, origin and evolution 3. Foster Care — International regime 4. Foster Care — legal framework in India 5. Comparative analysis with united states of America and United Kingdom 6. Empirical study on the implementation of model guidelines for foster care, 2016 and model foster care guidelines, 2024 7. Conclusions and suggestions and Bibliography and Annexure.
04. DABAS (Keerty)
Legal Dimensions of Climate Change with Special Reference to India`s NDCs to the Paris Agreement.
 Supervisor: Prof. Usha Tandon
Th 28339

Abstract

Climate change is a multidimensional global challenge, impacting ecological, social, economic, and legal systems. This study critically evaluates the legal dimensions of climate governance with a focus on India`s domestic frameworks in the context of international agreements like the UNFCCC and Paris Agreement. It explores the evolving legal architecture, assessing India`s Nationally Determined Contributions (NDCs), institutional capacities, and the role of sub-national initiatives such as State Action Plans on Climate Change (SAPCCs). India`s climate governance efforts are constrained by fragmented policies, inadequate legal frameworks, and institutional limitations, which hinder effective implementation of its ambitious climate goals. The study identifies significant gaps in enforcement, financing, and capacity-building that undermine India`s progress toward achieving its NDCs. While analysing existing laws for their climate relevancy it emphasizes the urgent need for a comprehensive climate law to enhance policy coherence, strengthen accountability, and align domestic efforts with international commitments. It also underscores the judiciary`s evolving role in shaping climate action through landmark cases addressing the right to a clean and sustainable environment. Employing a mixed-methods approach, including doctrinal analysis and qualitative empirical analysis using expert interviews, and a case study of Delhi`s SAPCC, the research highlights barriers to effective climate action at sub-national levels. The

study further examines the role of climate change cells/departments in coordinating and implementing state-level climate action, highlighting their potential and limitations. The findings reveal delays in SAPCC implementation, insufficient funding, and weak coordination mechanisms. By addressing gaps in law, policy, litigation, and institutional frameworks, the research provides actionable recommendations to strengthen India's climate governance. The study advocates for codifying climate action through framework legislation, drawing insights from global best practices. It proposes a draft framework for a comprehensive climate law in India to integrate international commitments with national priorities, fostering a sustainable, low-carbon future. This work contributes to the broader discourse on climate justice, governance, and policy innovation.

Contents

1. Introduction 2. Climate Change: Meaning and Concepts. 3. Legal Architecture of International Climate Change Regim 4. Indian Legal and Policy Framework on Climate Change 5. Assessing State Action Plans and Institutions for Mainstreaming Climate Action : A Case Study on Delhi SAPCC 6. Codifying Climate Change Law 7. Conclusion, Recommendation. Bibliography and Annexure.

05. DASS (Sonam)
Analysis of Climate Change as an Invisible Issue in Environmental Litigations with Special Reference to India.
 Supervisor: Dr. Shabnam Mahlawat
Th 28340

Abstract

Climate change is increasingly recognized as a critical global crisis, yet legal and policy responses remain inadequate. This shortfall has led to a growing reliance on judicial interventions to address climate-related harms. However, the extent to which climate change is directly acknowledged and addressed in environmental litigations varies significantly across jurisdictions. In India, the judiciary has played an active role in environmental protection through Public Interest Litigation (PIL) and constitutional provisions, yet climate change remains an often invisible or indirect issue in litigation. Conversely, in global North countries, climate litigation has emerged as a distinct field, shaping climate policies through judicial decisions. This research examines the extent to which climate change issues are visible in judicial proceedings in India, analyzing landmark cases and their implications for national climate governance. It further compares these legal approaches with those in global North countries to identify effective judicial strategies and their impact on climate policies. By investigating how courts interpret and engage with climate change, this study seeks to assess the judiciary's role in bridging legislative and executive gaps in climate action. Through this comparative analysis, the research will offer insights into the evolving landscape of climate litigation, highlighting the potential for future legal frameworks to enhance climate governance in India. It aims to contribute to a broader understanding of the judiciary's role in climate action and the effectiveness of legal strategies in addressing climate-related challenges.

Contents

1. Introduction 2. Climate Change: Concept, Causes and Impacts 3. Provisions under International Environmental Law to Combat Climate Change 4. Legal Framework for Climate Change and Environmental Protection in India. 5. Climate Change in Courts Around the World: Role of Judiciary 6. Climate Change and Environmental Litigations in India 7. Conclusions and Suggestions. Bibliography and Annexure.

06. GUPTA (Ayesha)
Rights of Persons in Relationship Other than Marriage: Gender Binary Notions and Beyond- An Analysis.
 Supervisor: Prof. Vageshwari Deswal
Th 28341

Abstract

The concept of marriage has traditionally been the primary legal framework governing personal relationships, determining rights, obligations, and social legitimacy. However, contemporary social dynamics challenge this notion, as individuals increasingly form relationships outside the institution of marriage. Despite legal advancements, the rights of persons in such relationships remain inadequately defined, particularly concerning property rights, inheritance, maintenance, and custody. This research critically examines the legal recognition of relationships outside marriage in India, analyzing how existing laws apply to gender-binary and non-gender-binary couples. It explores constitutional protections, judicial precedents, and legislative gaps to determine the extent of legal security afforded to individuals in non-marital relationships. A key focus is on custody rights, examining how courts adjudicate parental responsibilities in cases where couples separate. The study evaluates the applicability of guardianship laws, the principle of the child's best interests, and judicial interpretations in the absence of clear statutory provisions for non-marital relationships. Furthermore, the research investigates how different jurisdictions approach the rights of individuals in non-marital relationships, offering comparative insights that may inform Indian legal reforms. The study employs a doctrinal and analytical methodology, relying on case law, statutory provisions, and scholarly discourse to assess the evolving legal landscape. This research advocates for a comprehensive legal framework that ensures equality and security for all individuals, regardless of marital status. The findings aim to contribute to contemporary debates on legal recognition, fostering a more inclusive legal system that aligns with constitutional values of justice, dignity, and non-discrimination.

Contents

1. Introduction 2. Constitutionality of relationships other than marriage in India 3. Rights of women living in relations in the nature of marriage. 4. (i) Reliefs for aggrieved women living in relations in the nature of marriage: maintenance, residence and interim relief (ii) Right to residence (iii) Interim relief 5. Rights of persons living in relations in the nature of marriage beyond gender binary notions 6. Parenthood and custody rights of persons living in relations in the nature of marriage 7. Conclusions and suggestions and Bibliography.

07. KUMAR KUNAL
Access to Environmental Justice in the Context of Sustainable Development: Special Reference to the Role of National Green Tribunal.
 Supervisor: Prof. Manju Arora Relan
Th 28342

Abstract

The principle of access to environmental justice lies at the heart of sustainable development, ensuring that environmental rights are enforceable and that marginalized communities have a voice in environmental decision-making. In India, the establishment of the National Green Tribunal (NGT) in 2010 marked a significant institutional innovation aimed at strengthening environmental governance by providing an effective and specialized forum for redressing environmental grievances.

This doctoral research explores the dynamic relationship between environmental justice and sustainable development, with a special focus on the role played by the NGT in bridging this critical interface. The study critically examines the conceptual foundations of environmental justice, tracing its evolution in international and Indian environmental jurisprudence. It further assesses the legal framework underpinning the NGT, analyzing its jurisdiction, procedural mechanisms, and jurisprudential trends. The research investigates how effectively the NGT has addressed issues of environmental degradation, intergenerational equity, and the rights of vulnerable communities, including tribal populations and residents of ecologically sensitive zones. Using doctrinal and empirical methodologies, the study evaluates landmark NGT decisions and their socio-environmental impact, supported by fieldwork-based case studies in select regions. This research also engages with critiques surrounding the NGT's limited enforcement powers, procedural constraints, and issues of accessibility for grassroots litigants. By situating the NGT within the broader framework of sustainable development goals (SDGs) and environmental rule of law, the thesis aims to contribute to a more nuanced understanding of environmental adjudication in India. The study ultimately seeks to recommend legal and policy reforms that could enhance the NGT's capacity to deliver inclusive, timely, and transformative environmental justice, thereby aligning environmental governance with the core tenets of sustainability and social equity. Through this inquiry, the thesis aspires to strengthen the discourse on environmental justice and provide actionable insights for legal institutions, policymakers, and civil society stakeholders.

Contents

1. Introduction 2. Global Environmental Justice Movement: An Overview 3. Environmental Justice and Sustainable Development: Indian Legal Framework 4. Environmental Justice: Judicial Approach 5. Role of NGT: Empirical Study 6. D Conclusion and Way Forward 7. Bibliography and Annexure.

08. NYANGAU (Shem Oganga)

Actualising the Right to Health in the Global South with Special Reference to India and Kenya.

Supervisor: Dr. Santosh Kumar Upadhyay

Th 28343

Abstract

Health is a prerequisite for leading a dignified and fulfilling life. Moreover, a person's health is a fundamental precondition for enjoying their human rights. The flourishing of communities depends on the health of their members, and the state's development hinges on the optimal productivity of its human capital (the citizens). Poor health diminishes a person's productive capacity and impedes the realisation of their potential. A state's social, economic, and political prosperity stagnates when its people's health is not prioritised. Despite its significance, concerns abound that the international law provisions on the universal right to health suffer from ambiguity and lack of conciseness. Even though most states have formally recognised the right to health in their statutory or constitutional provisions, its meaning and scope remains contested. Hence, there is a lack of consensus on the obligations of states under this right. This has led to inadequate and flawed implementation of the right to health in the Global South. Consequently, the provision of the right to health excludes access based on nationality, financial capacity and geographical location, leading to high health inequity. As a result, most vulnerable populations can not access health facilities, goods and services. The Global South bears the highest global disease burden and has the highest mortality rates especially among infants

and mothers. Moreover, catastrophic health expenditures push individuals and families into poverty and exacerbate inequality.

Contents

1. Introduction 2. Theoretical framework for actualising the right to health in the global south 3. Evolution and meaning of the right to Health 4. Role of courts in enforcing the right to health in the global South 5. Universal health coverage: a pathway to actualise the right to health 6. Universal health coverage in the global South: a case study of India and Kenya 7. Conclusions and suggestions and Bibliography.

09. PANDEY (Sonia)
Mental Health of the Victims of Crime: A Socio- Legal Study from the Lens of Restorative Justice.
 Supervisor: Dr. Ajay B. Sonawane
Th 28344

Abstract

Even the best of the judicial decisions cannot necessarily bring home the satisfaction of complete justice to a crime victim unless the victim himself or herself feel that sense of closure in a case. More often than not this feeling of complete justice is taken away from the crime victim in the punitive or traditional justice delivery mechanism. Without any effective participation the victim is expected to accept that judicial decision and believe that justice has been done. Shock, Anger grief, loss, uncertainty, fear, worry, low self-esteem etc. are all included in trauma which the victim faces immediately after a crime and on daily basis, in the retributive criminal justice system which further deteriorates the mental health and psychological well-being of the victims of crime on daily basis. Restorative Justice Delivery mechanism on the other hand through effective Victim participation makes the victim feel they are an important part in the case Most importantly their participation can help them overcome their feelings of helplessness, powerlessness which can assuage their lowered self-esteem which is so important for their therapeutic healing and psychological well-being. This ensures the smooth reintegration of crime victims into their society foster them as a resilient and constructive individual in the society. Further the concern for their mental health and psychological well-being becomes all the more important in the backdrop of current pandemic situation, India's commitment to SDG 2030 and enactment of Mental Health Care Act 2017.

Contents

1. Introduction 2. Evolution of Criminal Justice System: Comparison Between Retributive and Restorative Justice Delivery Mechanism 3. Victims of Crime and Restorative Justice Practices in India: Rhetoric v. Reality 4. Restorative Justice Practices: International Legal and Policy Framework 5. Mental Health of the Victims of Crime: An Empirical Analysis 6. Conclusion and way forward. Bibliography. Annexures.

10. RAWAT (Nishant Singh)
The Constitutional Dilemma of Separation of Power vis-a-vis Judicial Overreach: Examining the Legal framework towards Balancing the Equilibrium.
 Supervisor: Dr. Ruchita Chakraborty
Th 28801

Abstract

This thesis examines the tension between judicial activism and overreach in India, analyzing the judiciary's evolving role in constitutional governance through doctrinal, comparative, and empirical lenses. It explores how the judiciary, traditionally a law interpreter, has ventured into governance, balancing democratic rescue with criticism for exceeding its mandate. The doctrine of separation of powers, rooted in Aristotle, Locke, and Montesquieu, prevents tyranny by dividing authority among the legislature, executive, and judiciary. India's fluid constitutional framework fosters interdependence while maintaining autonomy. Adopted in 1950, the Constitution envisioned checks and balances for accountability without paralyzing governance. However, judicial activism, especially post-Emergency, transformed this equilibrium through public interest litigation and creative rights interpretation. Cases like *Vishaka* and *Union of India v. Rajasthan* showcase judicial innovation advancing justice but also encroaching on legislative and executive domains. The study views overreach as well-intentioned excess, risking institutional imbalance. It traces judicial power's evolution from restraint to dynamic lawmaking, shaped by political and social contexts. A comparative analysis of the U.S., U.K., and South Africa highlights diverse judicial approaches. The U.S. faces the "counter-majoritarian difficulty," the U.K. prioritizes parliamentary sovereignty, and South Africa embraces activism for transformative constitutionalism. India oscillates between restraint and transformation, driven by governance failures. An empirical survey of judges, lawyers, bureaucrats, and academics reveals nuanced views: judges and lawyers see activism as corrective, while academics and bureaucrats warn of policy intrusion. The judiciary is trusted during governance paralysis, but repeated overreach erodes institutional confidence. The thesis concludes that activism strengthens democracy within constitutional limits but endangers separation of powers when unchecked. Judicial restraint, as disciplined wisdom, ensures shared governance. Proposed measures include transparent appointments and constitutional dialogue to restore balance. The judiciary's legitimacy depends on acting as a moral compass, not a governance substitute, preserving the Constitution's promise through institutional harmony.

Contents

1. Introduction 2. The Doctrine of Separation of Powers: Philosophical Foundations and Constitutional Evolution 3. Separation of Powers and the Ascendance of Judicial Review: Tracing the Doctrinal Metamorphosis to Judicial Activism 4. The Continuum of Judicial Power from Activism to Overreach 5. Judicial Power and Democratic Limits: Insights from UK, USA, and South Africa 6. Analyzing Judicial Overreach: An Empirical examination of Judicial Activism and the balance of power 7. Conclusion and Recommendations and Bibliography

11. **RONAK KUMAR**

Examining the Efficacy of Laws Relating to Cruelty against Animals: A Comparative Study.

Supervisor: Dr. Siddhartha Mishra

Th 28345

Abstract

The research titled "Examining the Efficacy of Laws Relating to Cruelty Against Animals: A Comparative Study" explores the ongoing issue of animal cruelty in India, which persists despite existing legal frameworks. It identifies significant gaps between legal provisions and enforcement, particularly in the Prevention of Cruelty to Animals Act (1960), which remains outdated and inadequate to meet current

needs. Through a comparative analysis of animal protection laws in countries like the United States, United Kingdom, and France, the study highlights the evolution of international legal frameworks, penalties imposed, and enforcement mechanisms. It underscores the importance of systems like the FBI's National Incident-Based Reporting System in tracking animal cruelty, recommending similar measures for India. The research employs both doctrinal and empirical methodologies. Doctrinal analysis includes a review of laws and case studies, while empirical research involves interviews with key stakeholders, such as law enforcement officials and legal professionals. This combined approach enables a comprehensive evaluation of the legal framework and its practical implementation. The findings reveal that the Indian legal framework is insufficient in curbing animal cruelty due to weak penalties, poor enforcement, and lack of tracking. The study advocates for a shift from an anthropocentric to an animal-centric legal approach, recognizing animals as sentient beings. It recommends legislative amendments to align Indian laws with global standards, stronger enforcement mechanisms, and public awareness programs. Ultimately, this research aims to inform policymakers and animal rights advocates, offering comparative insights that can guide future reforms and promote a more compassionate legal approach to animal welfare in India.

Contents

1. Introduction 2. International Legal Framework 3. Indian legal framework and comparative analysis 4. Empirical Assessment 5. Conclusion and Suggestions and Bibliography.
12. SAINI (Brijesh Kumar)
Global Climate Change Regime: Its Implications and Mitigation Strategies with Special Reference to Techno-Legal Study in International Perspective.
 Supervisor: Prof. Manju Arora Relan
Th 28346

Abstract

Global climate change is an existential threat that transcends national boundaries, posing severe environmental, economic, and social challenges. This thesis investigates the inadequacy of the current international legal frameworks in mitigating climate change, arguing that emerging technologies must be integrated into these frameworks to create effective, long-term solutions. The research adopts a techno-legal perspective, analyzing the role of international agreements such as the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, and the Paris Agreement, while identifying critical gaps in their implementation and enforcement mechanisms. The study evaluates the evolution of climate science and policy, highlighting the slow progression of international law in adapting to the rapidly increasing impacts of climate change. In addition, the thesis critically examines India's domestic legal framework and its alignment with international obligations, focusing on key legislations such as the Environment Protection Act and the National Action Plan on Climate Change (NAPCC). A central argument of this research is that technological innovations—such as renewable energy systems, carbon capture and storage (CCS), sustainable agricultural practices, and geoengineering—hold immense potential in mitigating climate change. However, the existing international legal regimes have not effectively integrated these emerging technologies into binding global policies. This thesis proposes a reformation of the international climate governance structure by strengthening enforcement mechanisms and promoting the global dissemination of climate technologies. It argues that a techno-legal synergy, which combines innovative technologies with a robust legal framework, is essential for addressing the

multifaceted challenges posed by climate change. The study concludes by offering policy recommendations for enhancing the effectiveness of climate change mitigation through the integration of technology and law in both international and domestic contexts.

Contents

1. Introduction 2. Global Climate Change and its Implication 3. The International Framework of Law for Mitigating Global Climate Change 4. Legal Framework for Mitigating Climate Change: Indian Perspective 5. International Legal Framework for Technology in Climate Change Mitigation 6. Innovative Technologies and Climate Change Mitigation 7. Conclusion and Recommendations. Bibliography.

13. SEN (Shagufta)
Futuristic Wars: Lethal Autonomous Weapon Systems and New Domains of the Hi-Tech World.
 Supervisor: Dr. Parikshet Sirohi
Th 28802

Abstract

In contemporary times, the nature of warfare has evolved into a 'hybrid' and 'asymmetric' conflict, riddled with technology capable of making 'autonomous targeting decisions'. The changing character of warfare and diluting traditional notions of sovereignty are the challenges posed by potential development and deployment of Lethal Autonomous Weapon Systems (LAWS). Situated at the intersection of the war-state-technology nexus, the deterministic nature of LAWS not only dehumanises warfare but also poses moral, legal, and ethical challenges. The conflict between Ukraine and Russia exemplifies how AI-enabled weapon systems have entered the battlefield, and illustrates the widening gap between the diplomatic position and operational practice. Even though states move towards the negotiation of a 'legal instrument' to regulate these weapon systems, they continue to invest in this 'state-of-the-art' technology. At the same time, the prohibition on the use of force and its legal justification are at the brink of reinterpretation under provisions of the UN Charter, i.e. Article 2(4) and Article 51, as LAWS could potentially be used for conducting 'targeted killing operations' or enforcing regime changes. From both a theoretical and empirical standpoint, LAWS not only redefine the 'threshold of force' or what constitutes an 'imminent threat' under collective security, but also blur the criminal responsibility, which, per international debates, 'continues to vest in the human operator', yet remains to be scrutinised. Hence, the prospect of deploying LAWS in the theatres of war in a regulated and justified manner can only be ensured when a design-based approach is adopted towards the operationalisation of autonomy and human oversight during operation, thereby enabling effective 'human-machine' interaction. Ultimately, it is at the level of design and development that policy should be shaped for the appropriate deployment of LAWS, in a manner that aligns with international legal norms in relation to peace and security.

Contents

1. Introduction 2. Autonomous Weapons: Definitions, Conceptual Basis 3. Humanitarian Compliance and Accountability: Bridging the Gap 4. Reimagining War-State Relations in the Realm of Autonomous Weaponry 5. Weaponising Autonomy: A New Use of Force 6. Regulation of Autonomous Weapon Systems 7. Autonomous Warfare: The Empirical Lens 8. Conclusion and Suggestions. Bibliography and Annexure.

14. SOLANKI (Swati)
Victims of Wrongful Conviction: A Socio-Legal Study of Lived Experiences in Delhi, Haryana, and Uttar Pradesh.
 Supervisor: Prof. Vageshwari Deswal
Th 28800

Abstract

This thesis is an empirical socio-legal study examining the lived experiences of formerly wrongfully convicted individuals and their immediate family members within the Indian context. It conceptualizes wrongful conviction as state produced-victimization, treating the wrongfully convicted as direct victim of the criminal justice system and their family members as secondary victims. The scant academic literature on wrongful conviction in India primarily focuses on identifying the causes of wrongful conviction and remains predominantly doctrinal in its orientation. It also engages with the questions relating to the quantum of compensation, but remains abstract and distant from lived experiences. While such approaches are equally important in the evolving landscape of wrongful conviction scholarship, they offer limited insight into how wrongful conviction is experienced as victimization by those most directly affected. This thesis addresses this empirical gap by foregrounding the lived experiences. This thesis employs qualitative methods, including interviews and observations. It is based on fieldwork conducted in Delhi, Haryana, and Uttar Pradesh. In-depth, semi-structured interviews were conducted with 24 formerly wrongfully convicted individuals, 26 family members, and 3 prison officials, supplemented by case documents and field observations. Participants were selected using purposive and snowball sampling techniques, and the data were analyzed using an inductive thematic analysis within an interpretivist epistemology. This thesis examines how wrongful conviction is produced and experienced across successive stages of the criminal justice process. It demonstrates that the phenomenon of wrongful conviction is not an isolated aberration but a cumulative outcome of systemic dysfunctions within the criminal justice process. The findings show that the harms arising from wrongful conviction unfold as a continuum of victimization, starting from the point of arrest and investigation, continuing through trial and incarceration, and extending into the post-acquittal life.

Contents

1. Introduction 2. The Conceptual Framework: Wrongful Conviction as state Produced Victimization 3. From Wrongful Accusation to Conviction: Denial of Fair Trial Guarantees and Institutional Victimization 4. Carceral Victimization: Lived Prison Experiences of the Wrongfully Convicted 5. Family as Indirect Victims: Lived Experiences of Secondary victimization 6. Continued Victimization after Acquittal: Structural Barriers to Reintegration 7. Conclusions, Suggestions, and Future Considerations. Bibliography and Annexures.

15. SONI (Kislay)
Redefining Intellectual Property Rights in the Age of Artificial Intelligence: A Critical Study with Special Reference to the Indian Legal Framework.
 Supervisor: Prof. Alka Chawla
Th 28716

Abstract

The evolving paradigm of Intellectual Property Rights in the age of artificial intelligence is one of the most stimulating areas of law. The anthropocentricity of IPR

framework has always been its foundational pillar. This human-centric approach has also withstood the test of time. Artificial Intelligence seems to be upending this entrenched normative setup. AI is able to create, invent and is astonishingly generating output – which very often – surpasses human intelligence. The new phenomena of automative outputs which are devoid of any human contribution and input is unprecedented in the human history. This indubitably challenges the human-centric framework of IPR law. This doctoral study investigates the contours of copyright, patent and trademark in the light of the challenges posed by the AI output. Various issues pertaining to the concept of authorship, inventorship, ownership etc. are challenged with the ground breaking technology. This doctoral research studies various jurisdiction such as United States of America, European Union, Japan, China, South Africa etc. to assess the jurisprudential development of AI vis-à-vis IPR conundrum. This research also highlights Indian legal set-up and the responses from the authorities. The overarching aim of this doctoral study is to compare and highlight the similarities as well as the divergent approaches adopted by the different countries and their IPR offices. AI is like a double-edged sword. Law has always been slow to respond to the technology. This doctoral study investigates the robustness of IPR regime in responding to the intrusions stemming from the fecundity of AI.

Contents

1. Introduction 2. AI and IPR 3. AI and copyright 4. AI and patents 5. AI and trademarks 6. INDIA'S legal and judicial response to ai and IPR 7. Conclusion and Bibliography.

16. VARSHNEY (Sonam)

Constitutional and Human Rights Aspects of Female Genital utiliation/Cutting: A Socio-Legal Study of Traditional Practice by Dawoodi Bohra Community in India.

Supervisor: Prof. Vageshwari Deswal

Th 28347

Abstract

The research titled “Constitutional and Human Rights Aspects of Female Genital Mutilation/ Cutting: A Socio-Legal Study of Traditional Practice by Dawoodi Bohra Community in India” explores the ongoing issues of domination of cultural practice over women’s rights both nationally and internationally. The historical aspect shows that it is a pre-Islamic practice in the African region which was started to control women’s sexual autonomy. In the slavery system, the families of young girls considered it as a means to get established in upper-class families and get financial support through a guaranteed mark which proves that they were chaste and were the pride of their families. This practice is not mentioned in the Qur’an as religious and thus cannot be considered violative under Art 25 and 26 of the Indian constitution. The research employs both doctrinal and empirical methodologies. Doctrinal analysis includes a review of statistical data, laws, and case studies in the Middle East and North Africa, while empirical research involves questionnaires and interviews with key stakeholders such as law enforcement officials, legal professionals, doctors, and FGC survivors. The findings reveal that the existing Indian legal framework is insufficient in curbing the problem of FGM and therefore we need a specific law. The study advocates for a shift from general laws given for the protection of women and children to a precise legal approach recognizing the specific legislation to reprimand aiding, abetting and FGM in India, it recommends that the legislative enactment align laws with global standards to meet Sustainable

Development Goal 5.3 of 2030 to end FGM worldwide, stronger enforcement mechanisms and public awareness programs. Ultimately the research aims to curb such practices and develop insights that can guide future reforms and promote a more compassionate legal approach concerning the welfare of women and children against such cultural practices. Despite this practice being prevalent in India, the PIL has been pending in the Apex Court since 2017, but no statistical data has been recorded by the National Crime Record Bureau. Through a comparative approach, we find that this practice is widespread across the globe and many countries like the United States, United Kingdom, Sudan, Kenya, Nigeria, France, and Ireland have enacted anti-FGM laws. Therefore, it is the need of an hour that there should be a specific law to ban FGM in India as well, to meet the current needs of society.

Contents

1. Introduction 2. Jurisprudential and Constitutional Aspects of FGM/C 3. The Social and Legal Dimensions of FGM/C in India, Middle East and North Africa 4. International and National Legislative Framework 5. Empirical Research on Legal Rationalities and Medical Realities of FGM/C 6. Empirical Exploration into Lived Experiences of FGM/C in India 7. Conclusion Suggestions and the way forward. Bibliography.

17. YADAV (Anoop Krishna)
Access to Mental Healthcare for Persons with Mental Illness: A Socio-Legal Study in National Capital Territory of Delhi.
 Supervisor: Prof. Anu
Th 28348

Abstract

Today, the issue of human rights for individuals with mental illness has emerged as a crucial area of public debate globally. Across various nations, concerns over the dignity, rights, and treatment of persons with mental illness are gaining widespread attention. The stigma and discrimination they often face, alongside inadequate mental healthcare systems, highlight the urgent need for reforms. This study emphasizes the importance of ensuring that mentally ill persons are treated with respect, autonomy, and fairness, in line with international human rights frameworks, such as the UN Convention on the Rights of Persons with Disabilities, 2006 (UNCRPD). Public awareness, legal protections, and access to comprehensive mental health services are essential in addressing the inequalities and human rights violations faced by this vulnerable population. Access to mental healthcare remains a critical issue worldwide, with numerous barriers preventing individuals from receiving necessary support. This study explores the intersection of national and international frameworks in improving access to mental healthcare, focusing on the Mental Healthcare Act, 2017 in India and the role of United Nations treaty bodies, particularly the UN Convention on the Rights of Persons with Disabilities, 2006 (UNCRPD). In the opinion of researcher to improve access to mental healthcare, a multifaceted approach is necessary, encompassing public education campaigns to combat stigma, policy reforms aimed at increasing funding for mental health services, and the integration of mental health into primary care. Enhancing the availability of culturally competent care and increasing the number of trained mental health professionals are also vital steps. By addressing these barriers and promoting awareness of mental health issues, societies can foster an environment where individuals feel empowered to seek help, ultimately leading to improved mental health outcomes for all.

Contents

1. Introduction 2. International perspective on mental health 3. The evolution of mental healthcare legislation in India 4. Ensuring the rights of persons with mental illness in India: Legal Framework and access to mental healthcare 5. An empirical study on access to mental healthcare in Delhi 6. Conclusions and Suggestions and Bibliography.