

CHAPTER 26

LAW

Doctoral Theses

01. BHARDEAJ (Anurag)
Legal Regime Governing Food Adulteration in Developed and Developing Nations a Study of U.S.A. and India.
Supervisor : Dr. Suman
Th 25223

Abstract
(Not Verified)

Food is indispensable for life. Our healthy body and mind is the result of consuming safe and healthy food. It empowers our immunity system to remain unaffected or recover quickly by illness of any kind. In the past few months, there has been increased tendency towards consuming safe, healthy and nutritious food as it is the “basic immunity booster” to keep ourselves healthy against deadly COVID-19 Virus. Moreover, consuming safe, healthy and nutritious food will play a vital role to safeguard people against COVID-19 ill-effects before any effective vaccine is rolled out. In both the countries, India and USA, making unsafe food is undeterrently practiced socio economic offence. The present study focusses on various legislations in India and USA regarding unsafe food, their features, achievements and shortcomings, judgements, reports. First chapter is the introduction which highlights how the menace of unsafe food has affected India and the USA. Second chapter deals with earlier laws in India starting from Ancient period to the Prevention of Food Adulteration Act, 1954, their achievements and shortcomings and circumstances which led to their being rendered in-sufficient in recent times. Third chapter discusses the Food Safety and Standards Act, 2006 in India, its historical development, legal provisions, etc. This chapter also discusses the contours to which this act is being accepted in India. This chapter also covers topics like Food Safety and Education, Role played by NGO's in Food Safety. Fourth chapter devoted to the existing legal regimes dealing with unsafe food in the U.S.A. and a parallel is drawn with the laws in India. Fifth chapter lays emphasis on the judicial pronouncements by various courts in India and USA and interpretation done by the courts. This chapter also includes appraisal of the judgements. Sixth chapter is the concluding part which consists of summations and suggestions.

Contents

1. Introduction 2. Food adulteration laws in India: historical development 3. Food safety law in India 4. Food safety law in the United States 5. Indian and American judicial interventions on food safety 6. Summations and suggestions 7. Bibliography.

02. GUPTA (Neha)
Scientific Investigation in the Criminal Justice System: Problems and Prospects.
Supervisor : Prof. Ved Kumari
Th 25229

Abstract
(Verified)

Statistical analyses of the judgments by the High Courts show a dismal picture of the use of scientific techniques. No High Court in the country has more than 50 cases on the three techniques put together. The overall lesser number of cases indicate that the courts still rely on eyewitness testimony more. The prosecution conducts all the three techniques conjunctively and verify the results of one test with the results of another technique in many cases. However, polygraph is the more used scientific technique than the Narco Analysis and Brain Mapping techniques. Contents The subject of scientific investigation has remained secondary in judicial and police trainings while it is almost absent in the legal curricula. This thesis argues that there is an urgent need for including “Forensic Science” in at least the law schools so that the future lawyers and judges get adequate knowledge and training in effective use of new scientific techniques balancing the rights of the accused and successful investigation and prosecution.

Contents

1. Introduction 2. Evolution of investigative agency and scientific evidence 3. New scientific techniques-polygraph, narco analysis, and brain mapping 4. Scientific investigation and constitutional rights 5. Use of scientific techniques by courts 6. Forensic science in legal curricula 7. Conclusion & suggestions. Bibliography. Annexures.

03. GUPTA (Neeraj Kumar)
Eco-Tax for Sustainable development in India: Prospects and Challenges.
 Supervisor : Prof. Usha Tandon
Th 25551

Abstract
(Not Verified)

The study analyses the concept of sustainable development from economic-legal perspectives. The analysis of economic concepts such as negative environmental externality, public goods externality and tragedy of commons highlights unsustainable patterns of production and consumption of natural resources. Comparisons are drawn between the traditional legal regime of environment protection, based on CAC and relatively new phenomenon of MBIs. It has been found that CAC model of regulation contains certain problems which result in improper implementation of laws. It is argued that the eco-tax, as one of the MBIs, can help achieve sustainable level of production and consumption. Further, the study analyses the Indian laws and policies and reaches to the conclusion that in recent past emphasis is being made on use of MBIs for environment protection. The research points that the theoretical framework of GST is not consistent with the eco-tax theories however, the well-established tax regime of India, can be utilised for imposition of eco-tax. It is suggested that the institutions created for GST regime may be utilised for the levying of eco-tax with certain modifications. It is concluded that as the imposition of eco-tax leads to optimal levels of production and consumption, therefore, it will lead to SD in India. Therefore, a law must be enacted which should empower the parliament to impose eco-tax on production and consumption of goods and services and the revenue generated should be utilised for augmenting the environmental standards in India. The work provides a draft legislation for introduction of eco-tax in India.

Contents

1. Introduction 2. Sustainable development : Legal perspective 3. Sustainable development : economists perspective 4.Environment protection laws: comparison of command and control mechanism and market based instruments 5. Environmental laws & policies in India: with special reference to market based instruments 6. Scope of eco-tax under conceptual & legal framework of goods and services tax in India 7. Environmental justice, sustainable development and mbis: role of Indi's higher judiciary 8. Conclusions and suggestions. Bibliography. Annexures.

04. GUPTA (Nidhi)
Human Rights of Women, Honour Killings and the Law : International and National Perspectives.
 Supervisor : Prof. Usha Tandon
Th 25552

Contents

1. Introduction 2. United nations on human rights of woman 3. Human rights and honour killings of women in India 4. Human rights and honour killings of women in Pakistan 5. Human rights and honour killings of women in United Kingdom 6. An empirical study on socio-cultural aspects of honour killings in Haryana 6. Conclusions and suggestions. Bibliography. Appendix.

05. GUPTA (Rashee Jain)
Legal Framework for Women Domestic Workers in India: Issues and Concerns.
 Supervisor : Prof. P. B. Pankaja
Th 25228

Contents

1. Introduction 2. Evolution; growth and conditions of work of women domestic workers and placement agencies in India 3. International legal framework for protection of rights of women domestic workers 4. National legal framework for protection of rights of women domestic workers in India 5. Field study: details of the insight story by the domestic workers, employers and placement agencies 6. Findings, recommendations and conclusion 7.Biblioraphy. Appendices.

06. KASZUBSKA (Katarzyna)
Legal Framework for European Investments in India in the Light of Revival of the Calvo Doctrine in International Investment Law.
 Supervisor : Dr. Siddhartha Misra
Th 25220

Abstract
(Not Verified)

The legal framework for foreign investments in India is composed of international and domestic rules. It governs market access and treatment of foreign investors. Since its economic liberalization in the 1990s, India has been progressively opening up its market to international competition and adopting legal reforms intended to attract FDI inflows. In particular, bilateral investment treaties (BITs) provide investors with legal rights which they can enforce directly against host governments before international arbitration tribunals. The raison d'être behind these special rules for foreign business is the conviction that FDI contribute to the development of

a host country. In recent years, however, the international investment law has come under substantial global scrutiny. The existing system, developed under the domination of Western countries and their understanding of the protection of the multinational companies investing abroad, is no longer generally acceptable. Developing countries, which in the past used to accept that attracting foreign capital requires them to conclude BITs with stringent investment protection standards, are realising that this regime cannot undermine their regulatory powers to protect the non-economic interests. Moreover, the modern change in the direction of global FDI flows, attributed to the raising outward investments from emerging economies, placed Western countries in the role of recipients of foreign capital. In effect, also developed countries recognised that the rules, originally envisaged as guarantees of fair treatment of foreign investors, have turned into privileges, benefiting predominantly big transnational corporations, and can undermine regulatory powers of host states to adopt progressive environmental or health measures in the public interest. In the light of the pressing need for the reform of international investment law, the envisaged EU-India investment treaty provides an opportunity to develop creative solutions to correct the flaws of the current legal system.

Contents

1. Introduction 2. Legal framework for European investments in India: current state of play 3. International standards of treatment of foreign investments: critical analysis 4. Revival of the calvo doctrine in international investment law 5. Eu-India investment agreement an opportunity for a new deal in international investment law 6. Conclusions and recommendations. Annexure. Bibliography

07. KHERIA (Neha)
Laws Elating to cyber Pornography with Special Reference to USA, UK and India : A legal Analysis.
 Supervisor : Dr. Pinki Sharma
Th 25221

Abstract (Not Verified)

In the year 2015, the government ordained to Internet Service Providers to ban certain porn sites but in the wake of criticism, the government soon had to back track its earlier order. The censorship resulted into blocking not only child pornographic sites but adult pornographic sites as well. This step ignited a debate between opponents and proponents of porn. On the one hand, the opponents of porn claim that there is a direct relationship between existence of pornography in the market and crimes committed against women. They claim that because of the internet, the children these days are exposed to all kind of pornography. Thus, the opponents simply demand ban of pornographic sites. On the other hand, proponents of pornography and civil libertarians condemn government action of banning porn and they deny existence of any relationship between pornography and increasing crimes committed against women especially in the absence of any proof of the same. They claim that absolute ban on pornography would infringe their right to FOSE and right to privacy enshrined under Article 19 (1) and Article 21 of the COI. They demand regulation instead of total prohibition of pornographic sites. The whole debate has raised certain issues that need to be deliberated upon. First, does the government have power to impose complete ban on pornographic sites in the light of individual's FOSE and right to privacy? Secondly, if the government has power to ban (partially or completely) pornographic sites, then do we have adequate & efficient laws dealing with cyber pornography or obscenity? Thirdly, can we face the

challenges posed by cyber pornography solely with the help of law or we need aid of other mechanisms? Fourthly, does the Indian Courts have jurisdiction to ensure presence of alleged accused in India for the purpose of trial and conviction?

Contents

1.Introduction and historical background 2.Cyber pornography, constitutional morality and fundamental rights: legality of censoring cyber pornography 3. Law relating to cyber pornography in India with special reference to USA and UK 4.Responsibility of internet service providers and regulation of pornography through modes other than law 5. Jurisdiction in cyber space and cyber pornography 6. Conclusion and suggestion Bibliography.

08. MEENA KUMARI

Insight into law of Talaq in Muslim Personal Law in India: A Comparative Study with Saarc and Asean Countries.

Supervisor : Prof. P.B. Pankaja

Th 25226

Abstract (Not Verified)

All personal laws have some grey areas which require reformation according to the changing social conditions and needs of people. The growth of every personal law has witnessed a conflict of progressive and conservative outlook. Muslim personal law of talaq in India is not an exception. It may not always be possible to achieve complete perfection but certain reforms will definitely take place. Through recent judicial and legislative developments, triple talaq is declared unconstitutional and void. Present doctrinal research insights into the Muslim personal law of talaq in India in comparison with law of talaq in Bangladesh, Indonesia, Malaysia and Pakistan. These countries have codified the law of talaq in order to do attain certainty, uniformity, equality and gender justice. These reforms, in the fitness of things, have a persuasive value for its application and interpretation in India. However sometimes codified law leads to various interpretations which resulted into legal pluralism which has its own peculiar problems. Therefore present research examine and analyze to what extent the law of talaq has been changed in these countries, how it differs from India and to what extent these changes direct a way of reform. This thesis argues that still law of talaq in India involves intricacy. Of course by putting an end of unjust practice of triple talaq or instant talaq would surely a step towards reformation but in order to strengthen and expand the process of reformation, it requires legal certainty. In order to achieve the objectives of the study and to find out the answers to the research questions, comparative design with analytical, functional and legal historical approaches were adopted. Suggestions include a comprehensive codified law of talaq without any ambiguity, provisions for fixed amount of dower, division of marital property on talaq, awareness campaign etc.

Contents

1. Introduction 2.Evolution of Islamic law and its sources 3.Law of talaq as a mode of dissolution of marriage: a historical perspective 4. Law of talaq in India: judicial and legislative developments 5. Law and practice of talaq in saarc countries: special reference to Pakistan and Bangladesh 6. Law and practice of talaq in asean countries: special reference to Indonesia and Malaysia 7. Summary, suggestions and conclusion 8. Bibliography. Appendices.

09. MEGH RAJ

Regulation of Sand Mining in View of Biodiversity and Economic Development.

Supervisor : Dr. Shabnam Mahlawat

Th 25225*Abstract**(Verified)*

Sand is crucial ingredient of concrete that is vital for every development project and backbone for a nation. Exploitation of sand resource should be judicious so that environmental impact could be minimized. Various countries have adopted the concept sustainable development. The concept of environmental clearance and other regulations are instruments to protect environment has also been recognized in various countries. The apex court has recognized concept of sustainable development as part of law of land in C. Mehta v. Union of India (1997) 2 SCC 653 (Taj Trapezium Case), State of Himachal Pradesh v. Ganesh Wood Products (1995) 3 SCC 363, and Narmada Bachao Andolan v. Union of India (2002) 10 SCC 664. Court duty is to balance between developmental activities and environment. Disturbance of ecology cannot be allowed merely on the ground of development. The power and function of administrative agencies has to be guided by delicate balance between environment and development and court also examine the action of an agency on this principle. First one meter column of sand is full of hyporheic life, allowing extraction of such sand would be disastrous for associated life. Policy should be framed after taking the fact that hyporheic biodiversity forms intrinsic part of river ecosystem. Environmental degradation from sand extraction can be reduced by adopted modern methods of extraction and clean technology. Imposition of sand tax and tax for causing environmental harm. When concrete is used for construction of building recycled sand and gravel from debris of building material can be used to minimize natural sand extraction. Illegal sand removal can be reduced by framing strict environmental regulations, penal provisions, monitoring in affected areas, and by proper patrolling in mining prone areas.

Contents

1. Introduction 2. Role of international environmental principles in formation of sand mining regulations 3. Legal control to sand mining 4. Judicial intervention in exploitation of sand resources 5. Regulation to sand mining in different countries : A critical study 6. Conclusion and suggestions. Bibliography.

10. MITTAL (Anchal)

Legal Regulation of Advertising in India.

Supervisor : Dr. Sunanda Bharti

Th 25218*Abstract**(Verified)*

Advertising industry exploits trademark or copyright of product or services in advertisements based on uniqueness, popularity, identifiability and attractiveness. This has been analytically studied in this research which comprises of seven (7) chapters. The first chapter is an introduction to the study. The second and the third chapter contemplate the legal aspects of intellectual property in advertising. The fourth and fifth chapter pertains to the regulatory function. The second last chapter signifies the presence of freedom of speech and expression in advertisements and the inseparable role of reasonable restriction that can curb unscrupulous

advertisements. The final chapter concludes the study with findings to the research questions followed by pertinent suggestions, which may be instrumental in drafting coherent policy to regulate advertising. The research concludes with concluding findings and workable suggestions. The scheme of chapterization is as follows:

Contents

1. Overview of advertisement and need to regulate advertisements 2. Scheme of surrogate advertising and comparative advertising 3. Celebrity endorsement contemporary issues and regulation 4. ASCI: role and contributions in administering advertisements 5. Regulatory framework of advertising in India: a brief 6. Constitutional aspects relating to advertisements 7. Conclusion and Suggestions . Annexures. Bibliography.

11. NEHA

Legal Protection of Persons with Physical Disabilities : National and International Perspectives.

Supervisor : Dr. V. K. Ahuja

Th 25232

Abstract (Not Verified)

In twenty-first century, disability has evolved as an issue of utmost importance that endangers mankind at the behest of social mobility. Persons with physical or mental disabilities have always been considered a subject of social welfare, charity, and protection. They feel disabled not because of their physical or mental disabilities but due to the impediments, which the society created to establish a difference between the disabled and non-disabled. Systematic exclusion and discrimination of persons with disabilities have no rational basis and is precisely due to prejudice, thoughtlessness, and indifference of the society as a whole. The initiative taken by the United Nations Organizations is turning over a new leaf in its approach towards persons with disabilities. In India, the Parliament has passed the Rights of Persons with Disabilities Act, 2016 that aims to explicitly institutionalize a healthy rights regime for persons with disabilities. However, the law has never been and is not the end of all problems because the law only initiates and tries to give rights. The implementation of the laws and the atmosphere or the environment which contemplates it is more important. All the implementing agencies in the governments, as well as society, in general, need to work together to translate the benefits into tangible reality to demolish not only the physical barriers but also the social and mental ones, which impede the development of persons with disabilities. The initiative taken by the United Nations Organizations is turning over a new leaf in its approach towards persons with disabilities. In India, the Parliament has passed the Rights of Persons with Disabilities Act, 2016 that aims to explicitly institutionalize a healthy rights regime for persons with disabilities. However, the law has never been and is not the end of all problems because the law only initiates and tries to give rights. The implementation of the laws and the atmosphere or the environment which contemplates it is more important. All the implementing agencies in the governments, as well as society, in general, need to work together to translate the benefits into tangible reality to demolish not only the physical barriers but also the social and mental ones, which impede the development of persons with disabilities.

Contents

1. Introduction 2. International legal regime on the rights of persons with physical disabilities 3. Protection of the rights of persons with physical disabilities in India 4. Judicial approach towards protection of rights of persons with physical disabilities in India 5. Legal protection of persons with physical disabilities in united states of America and united kingdom 6. Conclusion and Suggestions. Bibliography.

12. PRASAD (Graham Nand)

Corporate Governance and Shareholder Activism in India.

Supervisor : Dr. Rajni Abbi

Th 25224

Abstract (Not Verified)

The great depression of the year 1929 is considered as a watermark for giving way to reforms in the governance of a company and right from that time till the last few years in the cases like the World Com crises, Enron crises have sown the seeds of a number of reforms be it through either the constitution of the committees by the government themselves or through the individual efforts of the shareholders through Shareholder's Activism. These reforms in the affairs of the management, auditing in bold therein also known as corporate governance in the Anglo American system of corporate affairs has percolated into Indians system of company's affairs. Though the provisions like e voting, independent director, protection of the interest of a minority shareholder through a class action suit, greater say of the shareholders in the merger and amalgamation or decision in the major affairs of the company, were already there in the company affairs in European companies and in USA, but most of these provisions could only be brought into statute only after the 2013 companies act which was just a consequence of the Satyam crises. In India various reports must see the light through time to time enactment. But still it is worthy to be noted here that though the pursuance of a case for the enforcement of own right by the minority shareholders are visible in India, then also pursuance of cases by an individual for the enforcement of the collective rights of all the shareholders of a company is still lacking in India which needs to be reformed by both the legislature and corporate players. The examples like Ben Graham, Ross Perrot are still unborn in Indian corporate system. But the hope is high *since the corporate arena has miles to go before it napes.*

Contents

1. Introduction 2. Historical evolution of corporate governance and consequential rise of shareholders' activism in U.S. and India 3. Tracing the growth of shareholder activism in USA and India in light of judicial pronouncements and events 4. An analysis of the changes that have occurred in shareholders' activism in India after the satyam scam 5. Shareholder activism in India in light of various committee reports introduction 6. Conclusion and Suggestion. Bibliography.

13. SANTOSH KUMAR

Corporate Social Responsibility & Protection of Human Rights : A Comparative Study.

Supervisor : Dr. Anupam Jha

Th 25222

Abstract
(Not Verified)

A corporate personality by itself cannot make a contact and do business activities. There are so many numbers of the directors who do business for the Company and for the profit of the Company and progress of the Company. Directors are having responsibility to perform the Corporate Social Responsibility. Earlier the state which was known as police state which was performing the functions of sovereignty, now it was transformed into a welfare state, which aims only to provide social security and betterment for the human beings and does all those activities which are required for justice for all by the procedure of legislation, implementation and establishment of the courts. In that process a large number of civil and criminal laws, Codes and Bye laws have been made. But there is no statutory definition of "Corporate social Responsibility". As in the past Corporate Social Responsibility meant the charitable activities like financial help, construction and repair of religious institutions. So we can say that earlier it was a matter of choice for the company to do some activities for welfare of the society or not. But now, CSR has legal sanction, so what was voluntary now becomes mandatory. The idea behind the introduction of the Section 135 of Companies Act, 2013 is a good approach for supporting the government's attempt to provide equally the fruits of growth and to involve the Company in the progress of the country and to serve humanity & society.

Contents

1. Introduction 2. Corporate social responsibility in history 3. International aspect of corporate social responsibility 4. European union on corporate social responsibility 5. Corporate social responsibility in India 6. Conclusion & Suggestions. Bibliography.

14. SEHGAL (Tanvi)
Revisiting Copyright Law in View of Contemporary Developments.
 Supervisor : Dr. Sunanda Bharti
Th 25231

Abstract
(Verified)

In order to review the contemporary developments in the field of copyright law, this thesis assesses them in three ways. First, keeping in mind the restrictions of space and time certain provisions of the Copyright (Amendment) Act of 2012 have been chosen to discuss at length-the reason behind introducing them, the malady they have redressed, the loopholes that still remain along with suggestions if any, for their effective implementation. This portion forms the most substantial part of the thesis. It is so because the amendment has been the latest and the most comprehensive development in the copyright regime of India. Secondly, in the recent past Indian judiciary has played a pivotal role by giving some path-breaking judgments that have restructured some fundamentals of copyright law. An initiative has been made by the judiciary to make the law progressive by on one hand widening the boundaries of law in order to facilitate access to knowledge by interpreting the fair dealing provisions adeptly and on the other hand adding a new defence of de minimis to ignore trivial copyright infringements. Moreover, in the absence of an explicit law, judicial legislation has played a vital role in redressing some dilemmas in the field of copyright law. Lastly, without transgressing the limits borne by the title of research, an attempt has been made to work on tattoos- an issue which although not recent in its occurrence, has not yet been granted any legal protection to safeguard it as a work of art. The popularity of tattoos amongst the present generation along with complications that emerge upon granting it any formal protection under copyright law, is what has led to its inclusion in the thesis as a matter of contemporary importance.

Contents

1. Introduction 2. Commercial rental redefining rental rights of copyright owners 3. Performer's rights-the beginning of affirmative rights 4. Bollywood amendments changes made to section 17,18 and 19 of the act 5. The new regime of compulsory and statutory licensing in India 6. Judicial involvement in the field of copyright law 7. The conundrum surrounding tattoos and their copyright ability 8. Bibliography.

15. SHARMA (Santosh Kumar)
Socio-Economic Justice in the Context of Law Relating to Senior Citizens in India.

Supervisor : Dr. Alka Chawla

Th 25227

Abstract (Verified)

The topic of research is "Socio-Economic Justice in the Context of Law Relating to Senior Citizens in India", by which the researcher intends to find out the conceptual understanding of two notions reflected herein. Firstly, the concept of Socio-Economic Justice for senior Citizens and secondly, laws in form of acts, policies, rules and regulations for the senior citizens; when the two are read together it helps to realize the objectives of this study. Social-Economic Justice is a wide and a flexible concept; it can never remain constant. What is socially and economically relevant today, may change tomorrow. Thesis has eight chapters. Chapter three highlights the changing demographic situation and the position of senior citizens. Chapter three and seven are basically to highlight the comparative overview of senior citizens at global level and in India. Chapter four deals with the national legal framework and discusses the foundation for the rights of senior citizens under the constitution. Chapter five and six together complete the discussion on specific legislation i.e. the maintenance and welfare of parents and senior citizens in India. Provisions and efforts to give senior citizens help by way of maintenance or subsistence is not the sustainable solution. The sustainable solution lies only on finding out the link which broke the chain when senior citizens were properly taken care of and reasons due to which family members find themselves unable to take care of senior citizens. Shrinking family set-up may be seen one of that links. People need State intervention, to facilitate and take necessary measures not only to let them sustain but to improve the standard of life to make it dignified, as envisioned under Article 21 of the Constitution. In this light State should proactively discharge its obligation towards senior citizens as provided under Article 41.

Contents

1. Introduction 2.Changed socio-demographic structures and problems of senior citizens 3. International legal framework for elderly people 4. National legal framework for the protection and welfare of senior citizens 5. The maintenance and welfare of parents and senior citizens act, 2007: a critical analysis 6. Judicial response vis-a-vis maintenance and welfare of senior citizens in India 7. A comparative overview of socio-economic justice to senior citizens in Japan, United States of America and India 8. Summations & Suggestions. Bibliography. Appendices.

16. SINGH (Brijesh Kumar)
Use of Force by India in Self-Defence: A Critical Analysis in the Light of Present Security Threats and International Law.
 Supervisor : Prof. Anupam Jha
Th 25219

Abstract
(Not Verified)

Use of force is prohibited in Public International Law. It has become jus cogens. International law prohibits use of force to establish world peace but it permits in certain cases resort to use of force. Individual has right to self-defence in municipal law and states in International law. In International law, there are various treaties on the prohibitions of use of force. Anticipatory or Pre-emptive strike is a right provided under international law as right of self-defence. A state can use force against non-state actors in right to self-defence. For present security threats we should be ready to use force in self-defence and before that should solve the problem by negotiation. The present world is witnessing the selective use of force by only a few dominant states. Statutes are present to deal with the issue of the use of force but it is not applied universally. Its application should be objective, impartial and universal. United Nations is formed with the hope that it will prevent future wars. But it is not fully successful in its objective. The prime responsibility to establish peace and security is that of the Security Council. Dominant P-5 states have to become unanimous on the question of peace and security of the world leaving their political rivalry.

Contents

1. Introduction 2. Use of force by international community and its legal justification 3. Legality of anticipatory use of force in self-defence 4. Use of force and non-state actors 5. Use of force in self-defence: practice of India 6. Present security threats 7. Conclusion and Suggestions. Bibliography.

17. SINGHAL (Monika)
Legal Recognition of Transgender as the Third Sex: A Comprehensive Analysis.
 Supervisor : Prof. Vageshw Arideswal
Th 25553

Abstract
(Not Verified)

(Not Veri Transgender is a wider and a broader term, which includes a person who do not correspond to his gender assigned to him at the time of his birth. Meaning a child is born as a male or a female but whose personal sense of identity does not correspond to their naturally assigned sex/ gender. fied) The most omnipresent thing about any living being is that it is generally identified into two broad elements or sexes, i.e. a Male and a Female. The way we see them in our ordinary course of business is as he/ she, man/ woman; the most evident perspective that appeals to our eyes and mind. In fact, we are engulfed with this idea of man and woman being the only acceptable genders in the existing framework of our society. This mindset is absorbed by the law of the land, as the law makers, being humans from the same society are themselves confined into these two acceptable brackets or genders. This binary as such remains unshattered. This classification of binary gender system is primarily based on the biological factorization of an individual owing to the genetic makeup; the most evident ones being the private parts or genitals that practically give male and female their gender identity. However, the main issue arises when

science & society comes across a deviant who doesn't belong to the two popular genders/ brackets. Here we come across the third category, the Transgenders, the likes of which that we usually witness during marital alliances, badhai functions, beggars, dancers, sex worker etc., who do not fit into either of the two genders.

Contents

1. Introduction 2. The transgender community: a historical background 3. Transgenders under criminal and civil laws in India 4. A journey towards understanding the transgenders legal recognition, data collection and findings 5. Transgenders under Indian legal regime-reports, bills/acts and cases 6. Comparative study of laws in various legal systems 7. Conclusion and recommendation. Bibliography. Annexures.

18. TIWARI (Harish Kumar)

Right to Privacy: A Juridical Study with Special Reference to role of Technology in Defining its Scope.

Supervisor : Prof. Raman Mittal

Th 25230

Abstract (Not Verified)

One cannot anticipate and imagine the contours of privacy, which were prevalent in ancient and medieval civilization of India. Over the time, the sea-change in the transformative advancement of information and technology has established a virtual world which appears to be more real than the 'real reality'. These changes have posed some serious challenges before the civilization to protect the traditional approaches of life, which were far more simple, sacred, and mysterious. Meanwhile, the great transformation of our society has created a unique situation in which every person is caught; on the one hand, technology is efficient enough to ease our lives, on the other hand, these very technologies have enslaved the very possibility of autonomous human agency. In contemporary times, people are exposing every bit of their lives with the paradoxical exclamation of privacy rights! Therefore, an effective regime of legal as well as technological advancements may be able to cope up with the challenges what India is facing in contemporary times. Chapter 1 It is introductory in nature and also includes statement of problems, objectives of the study, research questions pertaining to this study, research methodology. Chapter 2 It contains global framework for protection of the privacy rights in the technological advancement era. It includes jurisprudential discourse on origin of privacy rights. Chapter 3 It deals with the interface between the privacy rights and technological advancements in present era. Chapter 4 It deals with the various nuances of social media and its implications on privacy rights in India. Chapter 5 It deals with the analytical explanation, privacy concerns and study regarding a newly enacted, The Aadhaar Act, 2016. Chapter 6 It contains the conclusion of the study with analytical approach of the privacy rights.

Contents

1. Introduction 2. Right to privacy: a fundamental right 3. Right to privacy: databases 4. Implications of social media on right to privacy in India 5. Implications of aadhaar act, 2016, on privacy rights: a juridical analysis from the lense of K.S. Puttaswamy judgment 6. Conclusion and way forward. Appendix. Bibliography.