

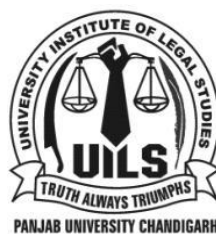
# **JOURNAL OF UNIVERSITY INSTITUTE OF LEGAL STUDIES**

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# LAW AND GENDER DISCRIMINATION IN INDIA

\*Prof. (Dr.) Sangita Bhalla

## **Abstract**

*The systematic inequalities such as violence against women, gender pay gaps, women's disproportionate share of unpaid care work, low levels of women in decision-making and the pervasiveness of discriminatory attitudes, norms and legal frameworks hamper overall development of the society. Recognizing this fact, the twin principles of equality and non-discrimination have been included as basis of all human rights instruments, influencing both the interpretation and enjoyment of various rights. These corollary principles have secured a prominent space in Indian constitutional and legal framework too. However, all over the globe, the lived realities of women's lives have proved that with their purely formal legal approach the constitutional equality guarantees and apparently anti-discrimination provisions have failed to achieve women's de facto equality with men. It has stimulated constructive efforts, both international and national, to reduce and remove gender inequality and ensure women's empowerment based on substantive equality approach. This paper is an attempt to illustrate some significant facets of incessant gender discrimination in India, in the context of its discriminatory or apparently gender neutral laws, policies and action plans. While suggesting that India should fortify its substantive equality approach, the paper advocates for the enactment of a specific anti discrimination law based on the principle that gender discrimination is an affront to dignity of the women and impediment to development of society.*

**Key words:** Gender Discrimination, Human Rights, Sexual Harassment

## OFFENCES AGAINST CHILDREN: LEGISLATIVE AND JUDICIAL ACTIVISM

\*Prof. (Dr.) Kamaljeet Singh

\*\* Vikram Chandel

### Abstract

*The present research paper studies the offences committed against children in India. There is no separate classification of offences against children. Generally, the offences committed against children or the crimes in which children are the victims are considered the crime against children. Indian Penal Code and preventive special and local laws specifically mention the offences wherein children are victims. Lastly, there is discussion about the efforts done by the legislative and judicial mechanism for prevention of offences against children.*

**Key words:** Offences Against Children, Classification, IPC, Special & Local laws, Legislative, Judicial mechanism

# RECOGNITION OF LGBT RELATIONSHIP AND THEIR RIGHTS

\*Prof.(Dr)Rattan Singh

\*\*Shikha Dhiman

## Abstract

*The case for extending the same rights to lesbian, gay, bisexual and transgender (LGBTs) as those enjoyed by everyone else is neither radical nor complicated. The legal obligations of States to safeguard the human rights of LGBT and intersex people are well established in international human rights law based on the Universal Declaration of Human Rights and subsequently agreed international human rights treaties. All people, irrespective of sex, sexual orientation or gender identity, are entitled to enjoy the protections provided for by international human rights law, including in respect of rights to life, security of person and privacy, the right to be free from torture, arbitrary arrest and detention, the right to be free from discrimination and the right to freedom of expression, association and peaceful assembly. LGBT persons are facing various form of violation, which leads to create a different kind of attitude towards such persons. LGBTs often become the victims of crime and violence. The present study examined the factors related to the negative attitude of society towards sexual minorities living in India. This study also explored further the impact of such stigmatization and carrying homosexual identity on the lives of lesbian and gay individuals. The present article provides an exhaustive theoretical underpinning of the development and existence of the stigma of homosexuality in Indian society.*

**Key words:** Sexual orientation, Gender identity and Homosexuality

# CONSTITUTIONAL VALIDITY OF ATTEMPT TO COMMIT SUICIDE: A STUDY

\*Prof. (Dr.) Nishtha Jaswal

\*\*Manpreet Rana

## **Abstract**

*Since the beginning of mankind, humans have been striving for various rights and freedoms. Rights and freedoms are essential for us to live a worthy life. One of the most important of such rights is right to life which means a right to live a meaningful and dignified life. However, a question arises as to whether right to life includes right to die vis-a-vis suicide. This paper aims to discuss the concepts of suicide, attempt to commit suicide and its constitutional validity with reference to Constitutional and legislative measures, judicial pronouncements, views of the Law Commission and the statistical data collected by National Crime Record Bureau. It is suggested that punishing a person who is already a victim of circumstances amounts to double punishment. He needs counselling and help rather than punishment.*

**Key words:** suicide, attempt, Constitution, Article 309, Law Commission, debate



# JUDICIAL APPROACH TOWARDS DELAY IN MERCY PETITION IN INDIA

\*Dr. Rajinder Kaur

\*\* Yugdeep Kaur

## **Abstract**

*Judiciary has always played a significant role through its valuable opinion in the disposal of mercy petitions in India. The power of pardon in India is more of a ministerial act. The delay has become one of the important factors in the disposal of mercy petitions of those on the death row. It is always decided on a case-to-case basis. The author has analyzed the important judgments where delay has been taken as a ground for commutation of death sentence. The objective of the paper is to highlight the non-divergent approach adopted by judiciary while dealing with the mercy petitions only on the ground of delay.*

**Key words:** Mercy Petition, Pardon

# OVERCOMING THE COMPLEMENTARITY CONCERN UNDER ROME STATUTE: ENABLING PROSECUTION OF CORPORATIONS UNDER INTERNATIONAL CRIMINAL LAW

\*Ajay Gulati

## Abstract

*There has been, over the last decade or so, increasing acknowledgment by jurists of the fact that big corporations, especially Multinational Corporations (MNC's) indulge in criminally wrongful behavior. However, MNC's are much too strong economically and geo-politically to be subdued and made to fall in line by national criminal justice system. National prosecutions, which are anyways far and few in between, do not act as deterrents. Consequently, there is a pressing need to judge the criminal behaviour of corporations under a supranational law, preferably International Criminal Law so that any conviction has a global effect on the deviant corporate behaviour. However, International criminal law has not been able to extend its jurisdiction to legal persons, reasons for which are economic as well as political. One such obstacle is the principle of complementarity, which is at the core of Rome statute<sup>1</sup>. currently the most potent arm of International criminal law. This article seeks to find a way out so as to address the concerns of those national jurisdictions which do not recognise corporate criminality and who feel that the principle of complementarity will undermine their sovereignty in case of corporate prosecutions under ICL.*

**Key words:** Corporate wrongdoing, international criminal law, Rome statute, Principle of complementarity, corporate prosecutions

# DALIT WOMEN : VICTIMS OF GENDER BASED DISCRIMINATION

\*Amrit Pal

## **Abstract**

*Economic growth in India has been strong over the past decades. However, the caste disparities are increasing. The situation of Dalit women in India needs special attention. They are one of the largest socially segregated groups anywhere in the world, and make up 2percent of the world's total population. In this paper the devastating effects of the caste system on the educational, social, and economical status of Dalit women in modern India are presented. The aim of this paper is to highlight the harsh reality of the suppression, struggle and torture Dalit women face every day.. The hardships of Dalit women are not simply due to their poverty, economical status, or lack of education, but are a direct result of the severe exploitation and suppression by the upper classes, which is legitimized by Hindu religious scriptures. There are many examples of brave Dalit women who being quite aware of the horrifying truth and despite the heavy odds still strive to put an end to their suffering. In doing so they most certainly ensure a brighter future for the generations to come.*

**Key words:** Dalits, Discrimination, Castes, Women, Violence

# HONOUR KILLING: A MURDER IN THE NAME OF HONOUR

\*Ms Anju Berwal

## **Abstract**

*Killing, though never honourable, is done in the name of honour and justified as an act of valor, done for the greater good of the society. The concept of Honour Killing is neither new to India nor to the World. This is an age old practice, followed worldwide, since ages. The concept of Honour Killing first evolved in the times of the ancient Roman Empire and with the growth and impact of the Roman Empire branched out throughout the world and gradually bore semblance and recognition within the various civilizations of the world. The footprints of this so called tradition can be traced out through the various dynasties of China and can be seen preached by various Greek Kings. In India the tradition of honour killing was first viewed in its most horrible form during the partition of the country in between the years 1947 and 1950 when many women were forcefully killed so that family honour could be preserved.<sup>1</sup> During the partition there were a lot of forced marriages which were causing women from India to marry men from Pakistan and vice versa. And then there was a search to hunt down these women who were forced to marry a person from another country and another religion and when they returned home they were killed so that the family honour could be preserved and they were declared social outcastes from their region.*

**Key words:** Honour killing, Judiciary, Khap Panchayat

# INFLUENCE OF MEDIA, VIOLENCE ON YOUTH

\*Dr. Anupam Bahri

## **Abstract**

*Media plays an integral role in our life. Media in all its forms, print or electronic is a mirror of the times and society we live in. Today, India is having one of the world's most vibrant media markets with many news publications and channels, and a wired reach. We tend to believe and depend more on media for every type of information. The media presents the world two opposing themes; opportunities and risks. Globalisation of media brings opportunities to broaden outlooks and threatens cultural identification and values. Ours society has become a "headphone- centric" society which is always wired to a different world. So, there is an urgent need for media to become socially responsible because youth learns a lot from media these days. Violence in the media is an issue surrounded by controversies, litigations to manage violent content in programming is on-going these days. Media should guide us towards truth and from darkness towards light as it has the magical power to make or mar one's imagination*

**Key words:** Media, Violence, Youth

# WOMEN CAPACITATION AS A TOOL OF DEVELOPMENT

\*Dr. Gulshan Kumar

## **Abstract**

*Present study focuses on the attainment of the Third Millennium Development Goal (MDG), that is, the promotion of Gender equality and Empowerment of women, in India. Constituting to the tune of about 9 percent of the total population of the world, the empowerment of women in India is indeed a gigantic task. Keeping into consideration the resource and time constraint, the ray of hope of attaining the goal of Gender Empowerment till 2015 is getting dimmed. However, the deadline must not put an end to the Indian efforts towards empowering women. By combining facts and evidences, it has been also been tried to highlight the fact that how women empowerment would help in realizing some of the other Millennium Development Goals too.*

**Key words:** Gender, Empowerment, Millennium Development Goals

# FREE TRADE AND RESTRICTIVE TRADE PRACTICES: EXPLORING THE LINKAGES AND THE LAW

\*Harman Shergill

## **Abstract**

*Trade is the key to development. In fact, free trade has been long considered as welfare enhancing. When freedom of trade is granted, controls are removed and liberalization is resorted to, competition receives a boost but in the absence of an efficient competition policy, certain practices restricting trade spring up. Therefore, there is an ardent need to regulate and eliminate these hindrances. The law relating to Freedom of Trade and Restrictive Trade Practices has been analysed in this paper and an endeavour has been made to explore as to whether Restrictive Trade Practices act as barriers to free trade or hamper fair competition. The question whether Freedom of Trade, Commerce and Intercourse guaranteed by the Constitution of India is absolute or is qualified by any restrictions, legislative or administrative, also addressed in the paper. Apart from this, The paper highlights the international as well as national legal regime.*

**Key words :** Free Trade, Freedom of Trade, Competition, Restrictive Trade Practices

# ACID ATTACKS ON WOMEN IN INDIA: AN OVERVIEW

\*Dr. Jaimala  
\*\*Tanya Oberoi

## Abstract

*Acid attacks, especially on women, have seen an alarming growth in India over the last decade. While these attacks have various reasons such as social weakness of women in a male dominated society, the situation is exacerbated by the general neglect of the lawmaker. As acid is inexpensive and easily available it serves as an ideal weapon for the perpetrators. This paper describes the horrendous effect that acid attacks have on the victim psychologically, physically and socially. This paper examines the contemporary laws governing acid attacks and the role of judiciary. The researcher has also tried to overview how certain countries around the Indian subcontinent such as Bangladesh and Cambodia deal with such attacks.*

**Key words:** Acid, Women, Attacks



# MUTUAL FUNDS: AWARENESS AMONGST THE MASSES

Mani Parti\*

## **Abstract**

*In this study attempt has been made to identify the importance of mutual funds in the minds of investors through a questionnaire. The varied segments of investors at SBI branch, sector 17, Chandigarh were given a questionnaire and asked about the importance of mutual funds and common channels of investment preferred by investors. The study also highlights the preferences of young and aged investors.*

**Key words:** Mutual funds, E pooling of small amount of money of small investors in blue chip companies to reap profits

# JUDICIAL CONTROL WITH SPECIAL EMPHASIS ON DOCTRINE OF ULTRA VIRES AND DELEGATED LEGISLATION

\*Monika Negi

## **Abstract**

*It is an accepted phenomenon that the great bulk of parliamentary legislation of social and administrative rather than of the legal kind as it is too busy body cannot cope with all those multifarious functions. The only method to economise the legislative time is delegated legislation. Further, since most of the present day activities of the State relate to socio-economic matters, the legislation tend to be a quite technical and complex affair; expert knowledge is required to work out the details to fully implement the policy in view. This practice requires the effective control over the executive to prevent misuse of power. The paper discuss the device of delegated legislation and its judicial control in the light of doctrine of ultra vires and effectiveness of the doctrine in the context of broad delegation of powers.*

**Key words:** Delegated Legislation, Substantive and Procedural ultra vires, Executive, Legislature and Judiciary etc.

# LIVE- IN RELATIONSHIPS IN INDIA: A SOCIO- LEGAL PERSPECTIVE

\*Nancy Sharma

## **Abstract**

*The institution of marriage has been considered as the foundation of a Society. Due to the changing living patterns in the society it is being observed that individuals prefer to enter into live in relationships in which one can easily depart from the relationship when the individuals find that they are not compatible to each other. The expression 'live-in-relationship' in ordinary sense means that two people living together without intending to establish any kind of permanent relationship between them. But there are many socio-legal matters and questions arise while considering about the relevance and legality of live in relationships in India.*

**Key words:** Marriage, live in relationships, Domestic violence, Judicial Perspective

# A PATENT WAR BIOPROSPECTING OR BIO PIRACY: HOW TO SAVE OUR HERBAL HERITAGE

\*Ritu Jain

## **Absract**

*Law barriers created on intangible properties with exclusive rights on Intellectual Property Rights and its Regulatory Issues play an important in strengthening the national economies. Focus of Indigenous traditional knowledge of community on herbal plants has spread vigorously in the outer world in context of healthcare and healing system. But the commercial interest has outset its own boundaries of biopiracy in shield of bioprospecting of these herbal plants and getting patent of indigenous knowledge without disclosing the fact that there is nothing new or non-obvious. This access to traditional knowledge is required to be protected to regulate the relationship between nature, laws, developers and holders of traditional knowledge.*

**Key words:** Bio-Piracy, Herbal Heritage, Bioprostecting

# STATE RESPONSIBILITY FOR ENVIRONMENTAL HARM: AN ANALYSIS OF THE RECENT DEVELOPMENTS IN INTERNATIONAL LAW

\*Dr. Sabina Salim

## **Abstract**

*State responsibility is the principle by which states may be held accountable in interstate claims under international law. Responsibility in Trans-boundary context normally arises either because of breach of one or more of the customary obligations or breach of treaty or general principles of law. It is now being perceived in international environmental law that even where an activity causing environmental harm is conducted by private parties, as in the Trail smelter case, the issue remains one of state's duties of control, cooperation or notification, which cannot be avoided by surrendering the activity itself in private hands.<sup>1</sup> The state in this sense is a guarantor of private conduct, but its responsibility is direct, not vicarious.<sup>2</sup> The article reviews the recent developments in international environmental law on the principle of State responsibility not to cause damage to the environment of other States or of areas beyond.*

**Key words:** State Responsibility, Reparation, Transboundary Environmental harm

# DEMOCRACY: FLAWS IN THE JUDICIAL ACCOUNTABILITY BILL, 2010 AND NEED FOR AN INDEPENDENT BODY TO ENFORCE JUDICIAL ACCOUNTABILITY IN INDIA

\*Dr Shilpa Jain

## Abstract

*The very reason why the judiciary is considered as the guardian organ of our democracy is that it is at the highest position of being capable of preserving the rule of law. While, the judiciary is armed with the supreme authority to interpret the law one question comes to the fore, repeatedly, forming an everlasting debate on Indian judicial action: How supreme a position does our judiciary hold – whether it is absolutely independent and unfettered by any norm or legal standard? It is in the light of the current Judicial Standards and Accountability Bill of 2010, introduced in the Lok Sabha in December, 2010, that the question of judicial accountability weighed against judicial independence must be revisited. At present, The Constitution of India provides for a cumbersome impeachment process for removal of a judge only of the higher judiciary on the grounds of proven judicial misbehavior and incapacity. However the process of impeachment has proven to be impractical in India. It needs to be understood that with disease of corruption biting into every wing of the government and the rampant practice of maladministration reported by the media, there is some truth behind the fact that good governance is precariously threatened and requires immediate curative measures. This article aims at pointing out the major flaws present in the proposed Judicial Standards and Accountability Bill of 2010 making careful observation with respect to certain significant traits that must be present in an independent disciplinary body for the purpose of enforcing judicial accountability in India.*

**Key words:** Judiciary, Independent, Judicial accountability, Impeachment, Bill 2010

# ADULTERY: COHABITATION WITHOUT MARRIAGE

Sonal Datta

## **Abstract**

*Adultery is a crime in India, punishable up to five years imprisonment under Section 497 of the Indian Penal Code, 1860. Present study critically evaluates the existing provisions and suggests that in changing social dimensions where women are not lesser to men, must also be treated at par for the same act of adultery .*

**Key words:** Adultery, Section 497, Woman

## CHILD SEX- ABUSE: SILENT STIGMA ON CIVILIZED SOCIETY

\*Dr.Virender Negi

### **Abstract**

*Childhood is the most blessed and innocent stage of life. Children influenced by every single event in this age. Therefore being elders it is our responsibility to secure these little angels from any kind of inhuman act or vices. But it seems that we are lacking in our duty towards them and as a result they are being victimized by living beasts. Sexual abuse of children is the hard reality, which can shock the conscience of even god. But the pity is that we being humans are so indifferent towards this offence that it took so long to enact a law dealing with child abuse.*

**Key words:** Child Sexual Abuse, The Protection of Children from Sexual Offences Act, 2012, Negligent Treatment Maltreatment or Exploitation including Sexual abuse, Indian Penal Code