



International Conference on
'Socio-Economic Justice after Seventy Years of India's
Independence: Domestic and Global Challenges'

18-20 November, 2016

Organized by
Faculty of Law, University of Delhi

Prof. Ved Kumari, Head & Dean
Dr. Mahavir Singh, Conference Co-ordinator
Dr. Anupam Jha, Conference Secretary



International Conference on
'Socio-Economic Justice after Seventy Years of India's
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CONCEPT NOTE

Seventy years is not a very long period in the history of a nation but may serve as an appropriate moment in stock-taking the socio-economic developments in the country. India's tryst with destiny, nearly seven decades back in time, was a major event in the history of our people and now we reflect back to assess the development of social, economic and political trends in our lives. India has halved its incidence of extreme poverty, from 49.4 per cent in 1994 to 24.7 per cent in 2011 states the Millennium Development Goals (MDG) Report, 2015. But the catch is that the report set the limit for extreme poverty as those living on \$1.25 or less a day. The nation remains home to one-quarter of the world's undernourished population, over a third of the world's underweight children and nearly a third of the world's food-insecure people. Infant mortality rate has fallen drastically from 88.2 deaths per 1,000 live births in 1990 to 43.8 in 2012. The maternal mortality rate fell from 560 per lakh live births in 1990 to 190 in 2013. On the environmental front, India is one of the few countries that have reduced its carbon dioxide emissions in relation to its GDP. India emitted 0.65 kg of carbon dioxide per \$1 of GDP in 1990, which fell to 0.53 kg in 2010.

The Constitution of India constituted India into a Sovereign Socialist Secular Democratic Republic key to which was the ushering of the socio-economic revolution in the country based

on fundamental rights, directive principles and fundamental duties mentioned in Parts III, IV and IV-A of the Constitution respectively. Most importantly this democratic order seeks to further the cause of justice, socio, economic and political apart from the causes of equality, liberty and fraternity. The cause of socio-economic justice is important to the Republic when seen in the light of centuries of discriminatory and dehumanizing practices employed by our own kind against members of the community, involving the questions of caste, class, sex, gender, profession and place of birth amidst others. Besides the immediate experience of colonial rule informed the decision of founding fathers to ensure that Constitution itself guarantees certain basic and minimum guarantees which would ensure that no government in the future will could deprive its people of their basic rights. This basic framework informed the working of the Constituent Assembly and the resulting fruit of all the effort in the form of provisions for equality before law, reservation for backward classes, abolition of untouchability and freedom of religion. That, however, is not the summation of the social justice trends in India. Supreme Court of India has been playing a very active role in broadening the horizon of socio-economic justice by ever expanding the scope of 'right to life' under Article 21 by judicial way of judicial interpretation as well as intervention. The Republic today stands on the firm foundation of socio-economic justice and democratic participation in a glowing tribute the vision of our founding fathers. This new jurisprudence, uniquely suited to Indian conditions may be called 'social jurisprudence'. It has often achieved a balance between political rights and socio-economic rights. In this exercise the socio-economic rights have been given greater importance in some cases. This achievement has been described as 'singular' in itself by Granville Austin in his seminal work on Indian Constitution.

On the other hand, the Constitution of United States of America originally recognized only civil and political rights. Gradually they also sought to recognise some rights as core rights, which are also called subsistence rights or rights to minimal economic security. These rights include 'unpolluted air, unpolluted water, adequate food, adequate clothing, adequate shelter, and minimal preventive public health care'. These rights are justified by Professor Louis Henkin who observed that:

'In the United States, rights are essentially freedoms.... Neither the Constitution nor the economic, social, political system of the United States entrenches economic and social rights in the spirit of the Universal Declaration of Human Rights and the Covenant on Economic and Social Rights'.

If this view of the Constitution of the United States of America is true, it is much more true of the Constitution of India which explicitly recognizes these rights. The Supreme Court of India has impliedly accepted the theory of 'unenumerated rights' in its interpretation of Article 21. These subsistence rights do not conflict with traditional liberties. On the contrary, they enhance these liberties. For, traditional liberties arose out of protest against oppressive political institutions, while the subsistence rights arise out of protest against oppressive social and

economic institutions. The concept of human rights is complete only when there is acknowledgment of socio-economic rights along with traditional liberties. As a matter of fact, the Supreme Court of India accepted this principle when it laid down in *Minerva Mills Ltd. v. Union of India* (AIR 1980 SC 1789) that there is harmony and balance between fundamental rights and the directive principles of State policy and this harmony and balance is a basic feature of the Constitution. The Supreme Court upheld traditional liberties i.e. fundamental rights when there is political threat to these rights. Similarly, the Supreme Court has to uphold subsistence rights when there is social and economic threat to these rights. Political threats to traditional liberties may be conscious or otherwise. But, the social and economic threats to subsistence rights being conscious these rights command greater attention from the judiciary. As the Supreme Court ensures the enjoyment of fundamental rights by warding off political threats, similarly the Court has also to ensure enjoyment of subsistence rights by warding off social and economic threats. This is the new role of Indian Supreme Court. It is through this role, the new jurisprudence is being evolved.

The agenda of socio-economic justice is brought to the forefront by the development of international legal regime consisting of Universal Declaration of Human Rights, 1948 and International Covenant on Socio, Economic and Cultural Rights, 1966. The impact of international bodies and organizations in this arena is no less significant. Various international fora like World Bank and IMF have been playing a significant role in the determination of and realization of the mandate of social and economic justice for the masses. UN, WTO, WHO and other international organizations have developed policies to address a wide range of global issues such as Severe Acute Respiratory Syndrome (SARS), terrorism, nuclear proliferation and trade liberalization, but ordinary citizens are largely excluded from participating in the global governance of these issues. There is effectively no global level social contract involving international agencies, nation-states, and citizens.

SIGNIFICANCE OF THE CONFERENCE

At the same time many issues, questions and controversies have cropped up that remain unanswered or partially answered or confined to academic discussions shorn of legislative activity and judicial activism. This Conference will aim at bringing to the forefront many of these discussions and seeking to find a constitutionally sanctioned solution the challenges posed by the fast changing world order of our times. An attempt shall be made to explore all socio-economic and psychological dimensions of our struggles towards the achievement of the true socio-economic revolution of rights in India through lego-political means.

The Conference proposes to address the issue regarding access to free and compulsory education and legal developments in regard to realization of the dream of universal primary education for all. In this regard we would like to focus on the developments in the implementation of Right of

Children to Free and Compulsory Education Act, 2009 and its impact on the private schools in the country. We keenly await the participation of academic community on the issues of basic health-care, nutrition and sanitation, and lack thereof, in our towns and cities. Right to health and nutrition have all been recognized as part of right to life by the Supreme Court but their implementation has been tardy and unwholesome in our experience. The Conference intends to bring forth legal strategies towards the realization of this dream. Availability of clean drinking water is major thrust area for the Conference. Focus shall also be laid on the need for clear and concerted efforts at reduction in poverty at all levels and the role of financial inclusion schemes in achieving the objective. In this regard one looks forward to a critical assessment of government's plans, programmes and policies with a view to adopt an integrated approach to access to basic welfare schemes run by the Central and State Governments.

The question of justice for women is another thrust area of this Conference. The need to combat female foeticide and 'Saving the Girl Child' is a key area of deliberation today. Another area of concern is the impact of personal laws on the achievement of the sanguine goal of gender justice in contemporary India. With Supreme Court initiating a *suo moto* PIL in the matter of impact of discriminatory personal laws on women in communities bound by their personal laws. The need for enactment of Uniform Civil Code is once again under consideration of the political, academic and judicial community especially with a view to ensure that gender justice is not defeated at the altar of personal laws. Working women face situations of sexual harassment and assault every day making thereby their right to work a casualty of our unjust social dynamics. We aim to explore various dimensions of this violence and legal remedies for the resolution of the issue. No less important is the situation of women fighting rape, sexual assault and other misogynistic practices in everyday life, be at home or outside. This calls for an immediate therapeutic response from the society, more so from our legal fraternity.

The theme of environmental protection is another focus area of our effort. Protecting the environment itself throws up the issue of balancing of the interests of the weaker sections with the needs of the environment. It is at these times that our true commitment to the principle of sustainable development is put to test. The apocalyptic fears associated with climate change are genuine and are most likely to affect our downtrodden and disadvantaged the most. This conference will adequately focus on the legal developments in India and abroad in the field of environmental jurisprudence. The question if Paris Agreement on Climate Change at COP-21 will help India, or not? is another key debate that we seek to further. At the national level our attention shall be closely focused on the working of National Green Tribunal and other developments in environmental jurisprudence of the country.

The question of reservations for socially and educationally backward classes of Indian society is a key area of debate and discussion with wide ramifications for Indian people. The fact of largest number of constitutional amendments having been carried out in related articles of the Constitution is itself a testimony to the importance and dynamic character of the debate. The question of atrocities on and against the weaker sections of the society is of prime importance to

the entire community as a whole because the goal of social justice is incomplete without our disadvantaged and dehumanized brethren gaining full and effective participation in the community. Focus shall also be laid on the practices like manual scavenging and denial of temple entry to members of Scheduled Castes which persist despite, and much against, the constitutional mandate of the Indian state.

The need for transparency, accountability and combating corruption is a major theme in socio-economic justice today. Absence of transparency and accountability in governance structures leads to a failure in the delivery of basic services like education or healthcare. People lose their faith in the law and order agencies due to large scale of corruption. The contemporary challenge that is posed to everyone is to conquer the menace of corruption in India. We, therefore, seek to address the loopholes in laws and their implementation to ensure that adequate weapons/methods can be utilized or designed to surmount the evil of corruption or lack good governance?

Another development that we seek to address and assess is the impact of globalization and privatization on the human rights of the citizens with special reference to the rights of the working classes, especially in the unorganized sector. Economic reforms, no doubt necessary, have brought in new and major challenges to practice of human rights and their practitioners. The impact of foreign capital and private enterprises on labour welfare is a key area of study.

IMPACT OF THE CONFERENCE

It is expected that the Conference will leave behind a strong impact in generating academic awareness around the issues concerning socio-economic justice at both domestic and global platforms apart from shaping wider public opinion in the country. It is expected that the students, teachers and other administrators will receive a great advantage by participating in the Conference in terms of gaining more knowledge and shaping ideas that will shape their worldview henceforth. It is also expected that this will help reform the syllabus at the level of our faculty and other law schools. Besides the knowledge created by way of Conference will be published as a resource material for future reference. It is known that our Conferences have been followed by wider publication of the proceedings in order to reach wider audience in the country as well as outside. We are also hopeful that it will help serve as a guide for framing better policies and making course corrections, if need be. In this way, we will be able to serve as a think tank aimed at serving the country by proving guidelines for the reformation and transformation of our own institutions at different levels. We are also hopeful that this will go a long way in other institutions taking up similar issues to ensure justice for the poor and down-trodden thereby ensuring greater awareness and activism on the part of the society at large.

Table of Contents

S. No	Title Of The Paper	Author/ Authors	Page No.
I	Concept Note		1
II	Message from Head & Dean, Faculty of Law		13
III	Organising Committee		15
IV	Abstracts		16-85
	Theme 1 Sustainable Development: Need For A New Paradigm		
1	Facilitating Sustainable Development and Securing Socio-Economic Justice with Reference to The Role of National Green Tribunal	Apoorva Roy And Deepak Shukla	16
2	Right to Clean Environment: Progress So Far	Deepshikha Khasa	16
3	Analysing the Role of Government Regulations & Intervention in E-Rickshaw Industry of Delhi	Harshiel Chahal	17
4	The Environment and Human Rights: Role of The Supreme Court of India in Addressing Environmental Issues from a Human Rights Perspective	Insha Hamid	17
5	Protection of Environment from Hazardous Substances	Jyotika Bahl	18
6	COP – 21 Paris Agreement: What it Holds for the Future?	Kislay Soni And Ashutosh Raj Anand	18
7	Problem of Solid Waste Management in Delhi: A Critical Examination of the Response of Law	Leena Kumari	19
8	Paris Agreement on Climate Change: Challenges before India	Lydia Kerketta	20
9	Legal Framework to Regulate Sand Mining for Facilitating Sustainable Development and Securing Socio-Economic Justice in India	Megh Raj	21
10	Attaining Environmental Justice through Environmental Tax in India	Neeraj Kumar Gupta	21
11	India on the Green Path	Nimisha Gupta And Ishangarg	22
12	Role of India after 21 st COP in Paris on Climate Change: How Far it is Benefitted to a Developing Nation to Achieve its Goals of Sustainable Development	Parvesh Rajput	22
13	Legal Interventions for Development of Green Courts to Protect Environmental Components	Surendra Kumar Yadav	23
14	Environmental Justice through Public Interest Litigation	Suresh Kumar	23

	in India and Nepal	Dhungana	
15	Right to Clean Environment	Suruchi Gupta And Tejasv Guglani	24
16	Universal Access to Clean Water	Swati Kumari And Ravi Raman	25
17	Right to Clean, Green and Healthy Environment: A Constitutional Right	Tabassum Chaudhary And Mirzajuned Beg	25
18	Right to Clean Environment	Yamini Ramaswamy	26
	Theme 2 Development Of International Law & Socio- Economic Justice		
19	Impact of International Law on Framing of Laws in India Regarding Socio Economic Justice	Brijesh Kumar Singh	26
20	Food Security Implications of the WTO Agreement on Agriculture for India: Few Suggestions towards a Fair Economic Order	Devdutta Mukherjee	27
21	Round Tripping and Treaty Shopping: is Black Money a Necessary Evil in International Finance?-The Double Taxation Avoidance Agreement (DTAA) between Mauritius and India and the Dilemma	Rajendra Parsad, Anupam Jha and Sameerchand Pudaruth	28
22	Injustice in the Name of Justice: India's Bilateral Investment Treaties and the International Arbitration Courts	Jahangir Ahmad Khan	28
23	Constitutional Enforcement of the Socio-Economic Rights by Court: A Comparative Study	Manwendra Kumar Tiwari	29
24	Litmus Testing of Asian Development Bank as Economic Reformer	Mohammad Nizam Ashraf Khan	29
25	Rule of Law and Economic Justice: Contemporary Study of India and China	Sarthak Roy And Sudipta Roy Choudhwry	30
26	The Intricacies of Amending the Indus Water Treaty Leading to the Violation of the International Law Resulting Desolation of the Socio-Economic State	Saumya Raval	31
27	Trade, Competition and Economic Justice	Sheela Rai	31
28	Are International Justice and Socio-Economic Justice Politically an Obsolete Concept?	Sushmita Das	32
29	India and Global Banking Regulations: An Evolution or Stalemate	Tanya Narula Chaudhury	33
	Theme 3		

	Prejudice, Law and Gender Justice in India		
30	Right to Equality for LGBT: Realty or Myth?	Deepa	34
31	Recognition of Rights of Transgenders by Indian Judiciary: National Legal Services Authority v. Union of India and Ors	Alok Sharma	34
32	LGBT: I am also a Person	Kanu Priya	35
33	The Status of Third Gender in Progressive India	Huma Mehfooz and Neeraj Kumar	35
34	Transgender Rights in India: A Legal Analysis	Sajal Sharma	36
	Theme 4 Right to Employment: Recent Trends in Labour Law and Justice		
35	Reservation: The Rural and Urban Divide	Akash Anand	36
36	Right to Employment: A Question Oof To Be or Not to Be?	Ankeeta Gupta	37
37	Child Labour (Prohibition And Regulation) Act 2016- A Progressive Legislation or a Half -Hearted Approach towards Children, their Childhood and Dignity?	Deepa Kharb	38
38	Emergence of Labour Law Jurisprudence in India after Independence	Superna Venaik	38
39	Right to Employment	Vartika Agarwal	39
	Theme 5 Good Governance: Providing Legal Framework To Development		
40	Narco Analysis Test as a Contemporary Tool of Investigation with Special Reference to the Good Governance in India	Ajay Kr Barnwal And Tarun Bajaj	40
41	Effective Public Grievance Redressal System : A Step towards Good Governance	Anil Kumar Vishwakarma	40
42	Rule of Law and Good Governance in India	Anjay Kumar	41
43	Women Empowerment and Female Foeticide: A Reality Check after Seventy Years of Indian Independence	Anu	42
44	Relationship between Good Governance and Human Rights	Arun Kumar	42
45	Socio-Economic and Legal Challenges of Good Governance in North-East India	-Moatoshi Ao	43
46	R.T.I. Act a Tool of Governance to be Made More Accountable	Manan Aggarwal and Ananya Kumar	43
47	Right to Good Governance	Mansi Shukla	44
48	All India Judicial Services: Expounding the Constitutional Mandate Under Article 312	Narender Kumar Bishnoi	45
49	Financial Fraud in Corporates: the Accountability and Role of Government and Prosecutors	Rakhee Gupta and Abhinav K. Mishra andKavita Yadav	46

50	Role of Tax Haven and its Effect on Economy in DTAA: Issue of Black Money	Shruti Raj Srivastava	46
51	Freedom of Religion and Anti- Conversion Laws in India: An Overview	Siddhartha Fuller	47
52	Alternate Dispute Resolution Mechanisms : A Means to Achieve Access to Justice in India	Sneh Yadav	47
53	Good Governance- Its Historical Prospective and In Context of Panchayati Raj System	Sunil Kumar	48
54	A Critical Analysis of the Land Acquisition Act (LAAA)	Divya Gupta	48
	Theme 6: Globalization And Its Impact On Poverty		
55	Globalization and its Impact on Poverty	Deepak Parashar	49
56	Globalization and its Impact on Poverty	Anuradha Jha	50
57	International Trade Law and Poverty Reduction: Re-Interpreting The 'Connectedness' From The Standpoint of India	Ashish Kumar	50
58	Right to Shelter: The Need of the Hour	Deepak Kumar Srivastava and Govind Yadav	51
59	Globalization- An Impact Analysis on Socialism in India	Seema Singh	51
60	Implementation of Access and Benefit Sharing Mechanism and Promotion of Social Justice in India: A Legal Analysis	Stellina Jolly	52
61	Globalization and Its Impact on Poverty	Kumari Nitu	53
62	Globalisation And Its' Impact On Poverty	Nikita Gupta	53
63	The 17 Goals for India	S.Vinayaditya Reddy	54
64	Legal Protection to The Internal Migrants in India	Shila Mani Devi	54
65	Globalisation and Its Impact on Poverty	Yogyta And Prachi Chahal	55
	Theme 7: Making Education Accessible To All: Rights, Justice And Legal Paradigm		
66	Mitigating Gender Divisions in Child Education: A Study of Initiatives in India	Bharti Chhibber	56
67	Ensuring Socio- Economic Justice to Child Labourer and Street Children through Right to Free and Compulsory Education	Neelam Tyagi	56
68	Right to Education and Gender Justice in India	Niharika Tiwari and Praveen Kumar Singh	57
69	The Constitutional and Pedagogical Paradoxes of Privatization of Higher Education	Yogesh Pratap Singh and Ayaz Ahmad	58
70	The Specter of Caste: Higher Education and the Exclusion of Dalits	Kawalpreet Kaur	58

71	Jurisprudential Analysis of Right to Education in India	Pradeep Kumar	59
72	Securing Future, 'of the State, by the State & for the State', through Education: A Critique of Child Rights	Priyanka Dhar and Anindhya Tiwari	59
73	Inclusion of Children from Marginalized Communities into Private Schools under Right to Education Act, 2009	Randhir Kumar	60
74	Right to Education in India- A Critique	Santosh Pratap Singh	60
75	Right to Education under Attack	Satish Kumar	61
76	Meeting the Gender Parity: A Lesson from Africa	Utsav Kumar Singh	62
77	Article 21A V/S 30 (1): Right to Education V/S Minority Rights	Vishal Sharma	62
	Theme 8: Saving The Girl Child: Battling Female Foeticide In India		
78	Female Foeticide	Arjun Chouhan	63
79	Understanding the Efficacy of Legal Prohibition on Pre-Natal Sex-Determination	Komal Sandhu	64
80	Pre-Natal Sex Determination	Harinath Prasad	65
81	Female Foeticide	Pooja Arora	65
82	Female Foeticide	Rahul Shekhar	66
83	Social Evils in India: Female Foeticide	Venu Parnami and Ankit Pathak	66
84	No Right to be Born- An Analysis of Female Foeticide in India	Zainab Fatima	67
	Theme 9: Health, Nutrition And Legal Trends		
85	Commercialization of Health	Apoorva Ahuja and Wali Nawaz Khan	68
86	Right to Health for Children: Special Reference to Early Childhood	Krishna Kumar	69
87	Starving People Hope for Bites in Free India	Preeti Joshi	69
88	Telemedicine: A New Horizon in Realising Right to Health in India	Khushboo Malik	69
89	Surrogacy in Contemporary India	Lakashya Saini	70
90	Right to Food: Food Safety and Standards Act in India	Mukta Verma	71
91	Death with Dignity for Terminally Ill Patients- A Critical Comment on the Need for Law Reform in India	Ravi Pratap Singh and Peeyush Bhartiya	72
92	Impact of Sanitary and Phytosanitary Measures (Sps) on Health: An Analysis of Maggi Controversy in India	Rita and Ezza	72
	Theme 10: Ensuring Equality: Constitutional Promises And India's Social Revolution		

93	Devadasi....The God's Prostitute	Agrini Rawal	72
94	Sexual Harassment of Women at Workplace: Comparative Study of India and Armenia	Anush Gasparyan	72
96	Political and Social Status of Women in Ladakh	Dalden Angmo	74
97	Tribal Women in Manipur and Legal Intervention	Deborah Darlianmawii	74
98	Constitutional Provisions to Accord Socio-Economic Equality to Women	C.R. Jilova	74
99	Social Empowerment of Dalits under Indian Legal Regime after Seven Decades of Independence: A Critical Analysis	Neelam and Deepti	75
100	Custom, Village and the Politics of Social Exclusion	Sarvesh	75
101	Women's Participation in Politics and Decision-Making: An Evaluation of World Development Report on Gender Equality and Development	Gazala Sharif	75
102	An Introspection to Triple Divorce: Call for Revamp to Realize the Goal of Gender Justice	Hina Kausar	76
103	Violence on Women Involved in Sex Trade	Jyotish Gupta	77
104	Gender Disparity in Literacy: District Level Analysis of Rajasthan	Narender Kumar	77
105	Identifying the Linkages between Sex Trafficking and HIV/AIDS : Social and Human Rights Persective	Neha Gupta	78
106	Engaging with Equality: Policy and Practice in Relation to LGBTQ	Sandhyakumari and Rashmigopi	79
107	Reality of Gender Equality in the Shadow of Personal Religious Laws	Somya Agarwal	80
108	Law and Women in North East of India: Demystifying the Notion of Gender Equality in an Open and Egalitarian Society	Thangzakhup Tombing	81
	Theme 11 : Clean India And Right To Sanitation		
109	Judicial View on Sanitation: Then & Now	Abha Gautam and Naina Srivastava	82
110	Manual Scavengers and Social Justice in India with Special Reference to Employment of Manual Scavengers and Construction of Dry Laterines (Prohibition) Act, 1993.	Varun Chhachhar	82
111	Right to Sanitation: The Constitutional Perspective and a Call to Action	Harmeet Grover	83
112	Right to Sanitation, a Distinct Human Right	Kusum Yadav	83
113	Right to Sanitation: Human Right Associated with Human Dignity	Lipika Sharma and Aprajita Singh	84
114	Manual Scavenging in India: A Critical Study	Nitin Sihmar	84
115	Manual Scavenging: An Unfinished Innings of Government Policy	Surinder Verma and Binod Kumar	85

116	Outraging the Magnificence of Nature: A Serious Call For 'Swachh Bharat'	Swati Bajaj	85
V	Detailed Session Plan		86



International Conference on
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Independence: Domestic and Global Challenges’

Message from the Dean and Head, Faculty of Law, University of Delhi



I welcome you all to the International Conference on “Socio-Economic Justice after Seventy Years of India’s Independence: Domestic and Global Challenges”. Seventy years is a reasonably long period to assess the progress made by India to promote socio-economic justice in India and what challenges are presented to India by the rapidly globalizing world? The Organizing Committee identified eleven sub-themes to provide focus and concrete discussion to cover this vast topic. These sub-themes are:

1. Sustainable Development: Need for a New Paradigm
2. Development of International Law & Socio-Economic Justice
3. Prejudice, Law and Gender Justice in India
4. Right to Employment: Recent Trends in Labour Law and Justice
5. Good Governance: Providing Legal Framework to Development
6. Globalization and its Impact on Poverty
7. Making Education Accessible to All: Rights, Justice and Legal Paradigm
8. Saving the Girl Child: Battling Female Foeticide in India
9. Health, Nutrition, and Legal Trends
10. Ensuring Equality: Constitutional Promises and India’s Social Revolution
11. Clean India and Right to Sanitation

We received overwhelming response to our ‘Call for Papers’ for the Conference and hence, we needed to shortlist the paper presenters keeping in view our budget constraints. This volume contains all the abstracts selected for presentation in various sessions scheduled during 18-20 November 2016. These will be presented in simultaneous sessions held on each theme so that each speaker gets sufficient time to present their topics and there is time for discussion.

It has been very enriching to go through the abstracts as they present multiple issues in each theme. While some have raised hard questions of law and legal provisions, others have focused on the impact of laws on the lives of various groups of people. It is heartening to note that a considerable number of participants have chosen the very current topics like justice to transgender and female foeticide. The presenters are from India and abroad and the presentations also present comparative perspectives from various regions in India and abroad.

I am sure that all of us who will be attending this Conference will be greatly inspired and invigorated by the presentations and discussion in each session. It is my sincere belief that it would open new vistas for reflection and thought and will be a very fruitful experience for all. It is my earnest hope that most of these discussions will be included in the syllabus of various courses that we teach and the deliberations on these themes will not come to an end with this Conference but will continue in our classrooms too. I also expect that some of these abstracts will develop in full-fledged papers and will be published either in a volume or in reputed journals so that people other than participants of this Conference will benefit from the deliberations of this Conference.

Before I end, I must record my deep appreciation for the hard work done by Dr. Mahavir Singh and Dr. Anupam Jha who have been instrumental in proposing this Conference. They successfully aligned with them a team of teachers and research scholars to work tirelessly for months looking after all the detailed aspects that need to be taken care of in organizing a Conference of this scale being attended by scholars from India and abroad. I thank all my colleagues, research scholars, and students who have worked day and night to organize this Conference. I wish for success of this Conference and hope that many more will follow.

Prof. Ved Kumari

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Leading Sponsors

Justice B.B. Parsoon, Former judge, High Court of P & H: Dinner on 18th Nov 2016

Mr. U.K. Chaudhary, Senior Advocate, Supreme Court: Conference Kit

Dr. Ashutosh Nanchahal, Advocate, Patiala House Court: Lunch on 19th Nov 2016

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THEME 1: SUSTAINABLE DEVELOPMENT: NEED FOR A NEW PARADIGM

FACILITATING SUSTAINABLE DEVELOPMENT AND SECURING SOCIO-ECONOMIC JUSTICE WITH REFERENCE TO THE ROLE OF NATIONAL GREEN TRIBUNAL

Apoorva Roy

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The philosophy of right to life under Article 21 enlarges its sweep to encompass human personality in its full blossom with invigorated health and wealth of the citizens to earn the livelihood, to sustain the dignity of person and to live a life with dignity and equality. After independence of India, though there is scientific-technological development to a large scale with speedy industrialisation for mankind, at the same time there has been irreparable loss to mankind by unregulated industrialisation posing serious threats to environment at an alarming rate like the problems of acid rain, global warming, loss of biodiversity and also cumulatively consumption of the planet's natural resources, including clean air, water, biodiversity and healthy soil. Thus the need of the hour is to identify the problem areas and examines the merits and weaknesses of the Indian legal system pertaining to environment justice.

Therefore, attempts are on to stop further damage to the natural environment all over world and law is supposed to play a very important role therein According to the environment assessment studies done by the World Bank from 1995 to 2010, India, as a country, has made fastest progress in addressing its environmental issues. Australia and New Zealand, the developed nations, have established environmental Courts. India is the only nation to have introduced a Judicial Tribunal, being National Green Tribunal, with both original and appellate jurisdictions to address the environmental concerns as well to provide redressal to the aggrieved persons in relation to matters relating to environment.

RIGHT TO CLEAN ENVIRONMENT: PROGRESS SO FAR

-Deepshikha Khasa

Guest Faculty (CLC), Delhi University

Ever since the signing of UN Conference on Human Environment (UNCHE) in 1972, the global community has recognized the essence of environment for the human development. India, being a signatory to the Conference, followed the path by enacting environmental laws in early 1970s. Further, the apex court in various judgments and the directions of National Green Tribunal (NGT) towards securing the goal of a sustainable environment has been praiseworthy.

But, as its downside, the development of a nation has been allegedly brought to a halt. The author will dwell upon the tug of war between the dream of a development on one hand and a movement towards protection of environment on the other. The author seeks to analyse the present status and the progress made since 1947 in this regard.

ANALYSING THE ROLE OF GOVERNMENT REGULATIONS & INTERVENTION IN E-RICKSHAW INDUSTRY OF DELHI

-Harshiel Chahal

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With zero emissions, high accessibility and low operational costs, e-rickshaws emerged as a promising mode of transport in Delhi. However, a policy failure and lack of state involvement in the industry failed to optimise its benefits. These unregistered vehicles sprouted within a legal ambiguity with the incidents of negligent driving reaching an intolerable high. Hence, this study is an attempt to analyse the role of effective governance in the e-rickshaw industry of Delhi. It is based on findings of a primary research survey of 220 e-rickshaw drivers in Delhi and an intensive review of the concerned regulations.

Since 2010, a multitude of institutions worked in isolation to form policies to regulate these vehicles but no substantive gains were made until the Motor Vehicles (Amendment) Act 2015. However, even that could not hinder the blatant flout of registration provisions and safety requirements by the e-rickshaw drivers. The government failed to provide credit facilities and basic infrastructure including charging stations to their operators. Lack of coherency in policies, neglect of lead contamination from batteries and power theft from streetlights are some other challenges identified by the study.

Finally, the paper suggests key policy recommendations including a single, unified regulatory authority to design a well-integrated transit policy and governance systems enabling fleet based operations.

THE ENVIRONMENT AND HUMAN RIGHTS: ROLE OF THE SUPREME COURT OF INDIA IN ADDRESSING ENVIRONMENTAL ISSUES FROM A HUMAN RIGHTS PERSPECTIVE

-Insha Hamid

Research Scholar, Delhi University

All human beings depend on the environment in which we live. A safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, health, food, water and sanitation. Without a healthy environment, we are unable to fulfil our aspirations or even live at a level commensurate with minimum standards of human dignity. At the same time, protecting human rights helps to protect the

environment. In recent years, the recognition of the links between human rights and the environment has greatly increased. The number and scope of international and domestic laws, judicial decisions, and academic studies on the relationship between human rights and the environment have grown rapidly. Incorporating a right to a healthy environment in the constitution of India by Supreme court has extensively widened the scope of Art 21. This paper analyzes the judicial remedies available for environmental protection and some remarkable principles and doctrine propounded by the Indian judiciary. It further views upon the constitutional aspects and the new trends in judicial approach in environmental protection

PROTECTION OF ENVIRONMENT FROM HAZARDOUS SUBSTANCES

-Jyotika Bahl

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Industrial revolution has triggered the growth in setting up of the new industries for providing technologically advanced products thereby pushing up Gross Domestic Products, the National Income, employment and bringing a dent in foreign exchange. But in this process of so called development what was forgotten by the nations was preserving the pristine purity of the environment and natural resources especially from the harms of hazardous substances. It took many years, lives of thousands of people, sustained pain and injury, for the nations across the globe to realise that human health and environment could not be compromised to live in the so called developed world. One of the oldest reported instance by BBC was the Flixborough disaster of 1974 in England. India too, witnessed the leak of methyl isocyanate from the Union Carbide India Limited plant called as the Bhopal gas tragedy which took away lives of many and affects the human and animal population even today. The Fukushima Daiichi nuclear disaster (Japan) which occurred on 11 March 2011 due to melt down of the three of the plant's six nuclear reactors hit by tsunami triggered by an earthquake is another such instance. The plant released substantial amounts of radioactive material increasing the risk of cancer for the people in the vicinity. Though the legislative and judicial wings have been actively engaged in the process of regulating the disasters caused by hazardous substances but such accidents are on a rise calling for appropriate and speedy remedial mechanism for the victims. This paper discusses the understanding of hazardous substances, legislations dealing with regulation of pollution from hazardous substances to remedy the situation, judicial activism to address the issue and the role played by implementation machinery in halting the menace created by operations dealing with hazardous substances.

COP – 21 PARIS AGREEMENT: WHAT IT HOLDS FOR THE FUTURE?

Kislay Soni

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Ashutosh Raj Anand

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Climate Change induced by anthropogenic activities has posed a major threat to the existence of human kind. Massive industrialization coupled with unregulated use of fossil fuels has resulted in a spike of green-house gases in the atmosphere which has triggered an unprecedented change in earth's climate pattern. As Climate Change becomes more and more conspicuous, the clarion call to address the issue becomes stridently clearer. The Rio Summit culminated in *inter-alia* United Nations Framework Convention on Climate Change (UNFCCC) having a mandate of assessing Climate Change patterns and its impact in the global ecology and to provide a platform for negotiations to regulate and mitigate its adverse consequences. Voluminous scientific evidence has firmly entrenched the reality of undesirable Climate Change. This paper will try to look into the role of Conference of Parties and analyze the probable outcomes it engenders in mitigating threat of Climate Change. This paper will also try to focus on the vulnerable section of the people and the nations (Island Nations such as Tuvalu) which would be severely affected if timely actions are not expeditiously realized.

PROBLEM OF SOLID WASTE MANAGEMENT IN DELHI: A CRITICAL EXAMINATION OF THE RESPONSE OF LAW

-Leena Kumari

Research Scholar, GGSIP University

Management of solid wastes has become a critical issue for almost all the major cities in India. Landfill is considered as one of the most popular method of disposal of Municipal solid waste (MSW) in India. Unsecure disposal of waste in open areas are contributors of soil, air and water pollution around the site. Beside that green house gases (GHG) emission from landfill areas is concern to the global warming. The high population growth and industrialization put strain on the basic infrastructural and municipal services of Delhi. According to the Central Pollution Control Board Annual Report on MSW, released in February ,2016 the municipal solid waste generated 8370 metric tonnes per day in Delhi which is projected to rise to 17,000–25,000 tonnes/day by the year 2021. Delhi has four sanitary landfill areas at present i.e., in east Ghazipur, south Okhla and in north Bhalswa and Narela. These solid wastes which are dumped in open area hazardously effect the health of rag pickers, scavengers and residents living nearby it. It also pollute the soil, air and water underneath. These four landfill sites in Delhi have become an environmental hazard that violates the right to clean environment guaranteed by the Supreme Court interpreting right to life under the Constitution. This paper examines the problem of landfills in the context of health, environmental, and social challenges faced by the residents of Delhi. It also examines the response of municipal authorities, legislature and the High Court of Delhi.

PARIS AGREEMENT ON CLIMATE CHANGE: CHALLENGES BEFORE

INDIA

-Lydia Kerketta

Research Scholar, JNU

Climate change is a change in the statistical distribution of weather patterns when that change lasts for an extended period of time, change in average weather conditions, or in the time variation of weather around longer term average conditions. Climate Change is one such global challenge which could only be tackled by joining hands. Over the years, the focus is shifted to the collective responsibilities of the states.

India's emission of CO₂ is relatively low as compared to those of other major economies like USA and China. India pledged under the Copenhagen Accord to reduce its CO₂ intensity (emissions per GDP) by 20 to 25 percent by 2020 compared to 2005 levels. On October 1, 2015, India formally submitted its intended nationally determined contribution (INDC) to the climate agreement due in December 2015 in Paris. The important points are:

- To reduce the emissions intensity of its GDP by 33 to 35 percent by 2030 from 2005 level.
- To achieve about 40 percent cumulative electric power installed capacity from non-fossil fuel based energy resources by 2030, with the help of transfer of technology and low cost international finance including from Green Climate Fund (GCF).
- To create an additional carbon sink of 2.5 to 3 billion tons of CO₂ equivalent through additional forest and tree cover by 2030.

The question arises whether it is equitable to share 'equal responsibilities' or shall it be 'differential responsibilities' depending upon capacity of a state. This can be argued on the fact that it is inequitable to expect to take up the same luggage by least developing and developing countries as by the highly strengthened developed States. An alternative approach can be that the responsibility to reduce carbon emission shall solely be based on the quantity of carbon emission by a State.

Since on 2 October, 2015, India has signed the Paris Agreement and hence will have race against time to achieve the above targets. This will put immense pressure on the Indian economies. India will have to find alternative approaches to bring about industrial growth without compromising with the need to reduce carbon emission at a considerable rate. This will include increased use of solar & wind energy, bringing in greater efficiency in the way energy is produced and consumed, introduction of electric cars and e-rickshaws. To keep of the promise of additional carbon sink, India has to grow more trees and has to focus on its capacity building with regard to water availability. Hence, the paper will summarized by highlighting the challenges and obstructions before India in establishing sources of energy and towards the promises made in COP21.

**LEGAL FRAMEWORK TO REGULATE SAND MINING FOR FACILITATING
SUSTAINABLE DEVELOPMENT AND SECURING SOCIO-ECONOMIC JUSTICE IN
INDIA**

-Megh Raj

Research Scholar, Delhi University

Rivers have been plundered by mafias for extraction of sand and for development of real estate industry. No one seems to be concerned about the environmental impact of unlimited sand mining and its effect on sustainability of human race. Natural resources like air, water, sea, rice and forest etc. are to be enjoyed by public at large and should not be exploited for a private person to fill his pocket. The concept of socio-economic justice requires that ownership and control of this resource must be distributed as best to subserve the common goods. The impact of sand mining on environment is not a myth rather a reality and well established by environmental science. Mining of sand is a major cause of environmental degradation and ecological imbalances in river, ravines and other water bodies and so it violates the well established right of citizens-right to clean and wholesome environment. Sand mining in India is controlled by a complex regulatory system: mineral regulation and environmental regulation. However, practically, the regulatory system is tilted in favor of mineral regulation as the environmental regulations are effectively evaded by the sand miner. In the Indian federal system states have authority to make regulation and execution of such regulation to sand mining. Centre does not have any direct role in regulation of mining of any minor minerals but surely has legislative capacitance when same has tendency to effect the environment. In this paper I will try to address major regulations related to mining of sand that are helpful in sustainable development of nation and provide socio-economic justice to the society as whole. Finally, I would submit some suggestions to improve the present situation also.

**ATTAINING ENVIRONMENTAL JUSTICE THROUGH ENVIRONMENTAL
TAX IN INDIA**

-Neeraj Kumar Gupta

Research Scholar, Delhi University

Environmental jurisprudence revolves around the concept of sustainable development which has been recognised as part of the *lex loci* by the Apex Court of India. It is also considered as the ultimate solution for the concerns related to environment. However, the contours of sustainable development are still evolving at international as well as national levels. On the premises that sustainable development is still an evolving concept and there is ample scope to contribute to this evolving concept, the paper attempts to create a relationship between sustainable development and environmental tax.

In the paper an attempt will be made to analyse the concept of environmental tax at the anvil of various principles such as polluter pays principle, inter-generation and intra generation equity and common but differentiated responsibility at domestic level. The environmental tax as a measure

also gains support from the fact that in a recent order passed by Apex court which mandates the big car manufacturers to set aside a specific amount as compensation for environment pollution.

Thus the aim of the paper is to enquire whether environmental tax can be one of the contributing factors in attaining the sustainable development goals as propounded by international community.

INDIA ON THE GREEN PATH

-Nimisha Gupta and Ishan Garg
Students, I. P. University

Throughout the human history, Man has tried to turn and twist environment according to his own whims and fancies. But in his reckless greed to extract from earth, through the use of science and technology, a stage has now reached when there is an immediate need to protect environment and promote sustainable environment. Various legislations, treaties, agreements and policy measures have been taken at the National and International level to achieve this goal. However, the needs of both the developed and developing nations to tackle the environmental problems are different. The Paris Agreement of Climate change is one of the very first agreements which recognize this distinct requirement. With India to ratify to Paris agreement, the paper will analyse the legal obligations and affect of the agreement vis-à-vis the environmental policy in India. Further, the paper discusses the various provisions of the agreement as it is a combination of binding and non- binding provisions and therefore, not every provision creates a legal obligation on the State. This discrepancy makes the agreement a double-edged sword which India must balance carefully.

ROLE OF INDIA AFTER 21ST COP IN PARIS ON CLIMATE CHANGE: HOW FAR IT IS BENEFITTED TO A DEVELOPING NATION TO ACHIEVE ITS GOALS OF SUSTAINABLE DEVELOPMENT

-Parvesh Rajput
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The present study investigated the effect of 21st COP in present economic environment of the country and find out the way to implementing it in right perspective so that our development would not be affected. The 21st Conference of Parties (COP-21) in Paris is series of meeting where politician from more than 100 countries work towards a global agreement on limiting GHG emissions towards stabilized climates. In simpler words their goal is to help humanity reduce their carbon footprint to avoid the adverse effects of climate change in the near future. Unfortunately, the first 20 meeting haven't yielded much in spite of eventual failure in Copenhagen. The outcomes of the climate change negotiations so far indicate that it has been largely unsuccessful as there was no agreement across the developed and developing countries.

The COP 21 mainly hopes to secure two things.

1. To arrive at a new global deal on climate change to limit CO₂ which is in agreement with nations across the globe?
2. To concentrate on the production of clean energy.

There are concerns about the implementation of this agreement. Though India and other developing countries are giving positive signals to ratify this agreement but still there are some problems which they are facing to implement it in a positive manner. However India is ready to adopt the new technology to reduce her carbon emission but the core issue is remain the same as to how far develop nation forces us to cut carbon emission despite the fact that they are more responsible for the present situation as compare to us. Prime Minister of India made his point while addressing the UN General assembly “when he called for a shift in talk from ‘Climate Change to Climate Justice”.

LEGAL INTERVENTIONS FOR DEVELOPMENT OF GREEN COURTS TO PROTECT ENVIRONMENTAL COMPONENTS

Surendra Kumar Yadav

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Public Interest Litigation (PIL) being major tool has done remarkable job for environmental protection in last three decades. Interventions of many citizens in the form of PIL leads the development of green courts in India and this resulted to provide the ‘right to healthy environment’ and “right to clean air” to citizens as fundamental human rights under Article 21 of the Constitution of India in the process of progressive enrichment of the environmental jurisprudence with principles like sustainable development, polluter pays, public trust doctrine, precautionary principle and intergenerational equity. The Courts’ power to refer scientific and technical aspects for investigation and opinion to expert bodies, enactment of the Environment (Protection) Act, 1986 and finally establishment of National Green Tribunal (NGT) open ways for environmental protection and biodiversity conservation which are necessary for good quality life on earth. The change in CO₂ emission from 1990 to 2011 is 200.4 %; and in 2011, it is 631.02 tones/ Km²; and Forest area in 1990 was 639.390 Km² while in 2015 it became 706.820 Km², with an increase of 10.5 % accounts for 23.8 % land area of the country, are some examples indicating role of judiciary for environmental protection. Still there is need to make legal system more effective and for intervention, education & communication (IEC) to general public along with strict implementation of environmental laws for green development towards sustainable development.

ENVIRONMENTAL JUSTICE THROUGH PUBLIC INTEREST LITIGATION IN INDIA AND NEPAL

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Environment and life are so closely interlinked that it is impossible to imagine one without other. To understand the relationship between the environment and living organisms it is better to

understand.” Environment, Environmentalist, environmentalism, have become the buzzwords, nowadays, in every society. Moreover, all are very much concerned about keeping the environment clean and checking environmental degradation. Several attempts have been made by writers, jurists, commentators, legislatures, etc. to define it.

In the year 1972, from June 5 to 16 under the auspices of U.N.O., a conference was held at Stockholm conference on environment and development. India, declared a remarkable environmental policy for the country four years after the Stockholm conference, the forty second amendment to the constitution introduced certain significant provisions relating to environment.

The Indian and Nepalese judiciary has, during the last decade, shown considerable enthusiasm in relaxing the rigour of *locus standi*, and evolving strategies to compel decision-making agencies to consider environmental criteria. Several leading environmental cases have been heard by the courts and decided by the courts through Public Interest Litigation.

The rapid growth of population, unemployment over exploitation of the natural resources are the problems which are facing the entire world. To curb these problems we need development. The purpose of development is to enable people to enjoy long, healthy and fulfilling lives. The development has to be both people –central and conservation based otherwise it will not achieve this purpose and investment will be wasted.

By simply providing a written code and conventions or signing of treaties would not be sufficient in countering the environmental degradation. To grave situation forced the judiciary to make creative intervention. The judiciary has played a proactive role in the protection of the environmental rights enshrined in the constitution and environmental legislation.

The judiciary of the both countries has to fight at the several fronts to control the environmental pollution to protect the environment.

RIGHT TO CLEAN ENVIRONMENT

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The purpose of this research work is to understand the link between right to life and right to clean environment. The paper starts with the theoretical relationship between the environment and human kind which no longer exist because of human urge to transform his surrounding to meet his increasingly material needs and desires. As we know how over the periods human beings have chosen development over the environment, as a result of this said choice, we see environment degradation. An examination of several cases mentioned in my research shows how Supreme Court of India has been playing a very active role in environmental issues by expanding the role of Right to Life under Article 21 by way of judicial interpretation as well as intervention. The paper elaborates on how right to clean environment is part of right to life, so if somebody is polluting environment he/she is violating rights of others. Also, some implementation

mechanisms such as procedural rights developed at the same time in environment and human rights instruments or the judicial appraisal of environmental protection in the context of enforceable human rights are highlighted in the study.

UNIVERSAL ACCESS TO CLEAN WATER

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The major problem faced by our country is that along with corruption it has not mandated a lot of important measures which are very necessary in the prevention of any future disasters. The need of the hour is not about framing new laws policies but about rightly implementing the already existing ones. The stringency in punitive sanction is also the need of the hour so that the culprits won't go scot free without being punished. The authorities and private persons should act in compliance with minimum environmental standards. But the positive aspect is that judiciary is playing major role in implementing environmental legislation through judicial activism and the role of National Green Tribunal is also important in this regard. *Gandhiji* had said, 'The Earth has enough for everyone's needs, but not everyone's greed.' With the entire world coming together to secure the future and pass on the legacy of the earth to our forthcoming generations we can hope to create resources to satisfy everyone's needs. We all be a part of the solution to combat climate change and ensure clean environment.

RIGHT TO CLEAN, GREEN AND HEALTHY ENVIRONMENT: A CONSTITUTIONAL RIGHT

-Tabassum Chaudhary and Mirza Juned Beg
Aligarh Muslim University

Environmental degradation is one of the most severe problems human beings are suffering from. Many people do not have access to clean air and drinking water and experience health problems due to the increasing pollution. Yet, the existence of national and international environmental law is underrepresented in the national and international legal system. The Indian Constitution is amongst the few in the world that contains specific provisions on environment protection. The directive principles of State Policy and the fundamental duties chapter explicitly enunciate the national commitment to protect and improve the environment. The Indian Constitution also contains the fundamental rights to live in healthy environment which are guaranteed to all citizens.

The aim of the paper is to throw light on the Constitutional Rights related to Environment in India. For achieving aim we have undertaken a concise study of the journals, books, newspapers, and committees reports, etc. which are linked with Environmental Law. The paper deals with general introduction of the environmental laws in India and the amendments made into Constitution of India for environmental purpose. The paper also tells about the Fundamental Rights of an individual and throws light on the enforcement of Writs for environmental matters.

RIGHT TO CLEAN ENVIRONMENT

-Yamini Ramaswamy

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In the history of climate change negotiations an unprecedented breakthrough happened on 12 December 2015 in the form of the Paris Agreement being signed between 195 countries. The agreement aims to cure the defects of its predecessor, the Kyoto Protocol. The Kyoto Protocol was not successful because the major polluters for causing global climate change, the countries from developed world like the USA refused to ratify it. The Paris Agreement aims to achieve the targeted reduction in global rise in temperature through implementing the INDCs (Intended Nationally Determined Contributions). The current INDCs are not sufficient to achieve the reduction in global temperature to well below two degrees centigrade. The agreement aims to achieve this through progressively ambitious emission cuts which will be periodically reviewed every five years. India's per capita contribution (emission intensity) to global carbon dioxide emissions is still well below the world average. This paper aims to study how India is going to implement its INDCs and who are the stakeholders. Will it help in economic growth or is it going to cause extra burden on the exchequer. How are the policy makers going to assess the implementation and analyze the reduction in emission of carbon dioxide? And do we need newer and more stringent legislations to achieve the INDCs. The efficiency of current legislations in curbing climate change and preventing pollution will be analyzed.

THEME 2: DEVELOPMENT OF INTERNATIONAL LAW & SOCIO-ECONOMIC JUSTICE

IMPACT OF INTERNATIONAL LAW ON FRAMING OF LAWS IN INDIA REGARDING SOCIO ECONOMIC JUSTICE

-Brijesh Kumar Singh

Research Scholar, Faculty of Law, University of Delhi

International law is not strictly law in Austinian sense of the term because there is no sovereign power behind it to enforce and impose sanctions that violate it. But still treaties, conventions, agreements are observed by international community with great sanctity. We have article 253 in our Constitution which provides for implementations of international treaty obligations.

Since its inception, United Nations has served as a vehicle of socio-economic development of world people including India. Taking inspiration from the constitutions of world we introduced the ideals of socio-economic justice in our constitution. Men women were given equal right and we abolished discrimination on the ground of religion, race, caste, sex, place of birth.

A series of conferences, protocol, conventions and agreements took place at international level from Stockholm to Paris Agreement at cop 21 provides for clean environment to the people of the world. India accorded well to these agreements. In *M. C. Mehta v. Union of India*, Supreme Court secured protection of environment by propounding theory of ‘Absolute Liability’. India has started many socio-economic schemes to fulfill these goals. Supreme Court of India taking note of inadequate laws for protection of women from sexual harassment at work place took help of international law in providing guidelines in nature of law in *Vishaka and Others v. State of Rajasthan* in 1997. Later on, “The Sexual Harassment at The Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013” could be made by the Parliament of India. Right to education under article 21A of the Constitution of India and its implementation in 2009, Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) 2005, National Food Security Act, 2013 (also Right to Food Act) are in tune with our international obligations. Juvenile justice is provided by the act of Juvenile Justice (Care and Protection of Children) Act, 2015 taking inspiration from the United Nations Convention on the Rights of the Child 1989. India is not compelled by international law to frame municipal laws in conformity with it but it is providing requisite inspiration and raw material to frame domestic laws. So international law has deep impact on framing of laws in India regarding Socio Economic Justice.

**FOOD SECURITY IMPLICATIONS OF THE WTO AGREEMENT ON
AGRICULTURE FOR INDIA: FEW SUGGESTIONS TOWARDS A FAIR
ECONOMIC ORDER**

-Devdutta Mukherjee
Assistant Professor, JNU

The tension between opponents and proponents of the extant multilateral trading system and free trade is palpable in matters of agricultural policy. There has been an incessant tug-of war between liberalization of trade in agriculture by doing away with the array of trade distorting policies on one hand and concerns of food security of developing countries and right to food of its populace on the other. Adducing a theoretical backdrop, human rights-based dimension of the concept of food security shall be perused, discussing the relationship between trade and food security as the function of entitlements. In this doctrinal study from developing country perspective, the WTO Agreement on Agriculture (AoA) shall be analyzed: its history, semantics and implementation rhetoric. The argument that the GATT regime was not responsive to food security and that the rules in AoA systematically favour agricultural producers in developed countries shall find substantiation. Further, it has been observed that clash of interests and conferring of priority to agenda driven by developed states has continued to hamper the subsequent negotiation attempts to foster food security. Modes to reconceptualize AoA to usher in fairness; equalize the playing field for Indian producers; and advance right to food of people shall be explored.

**ROUND TRIPPING AND TREATY SHOPPING: IS BLACK MONEY A NECESSARY EVIL
IN INTERNATIONAL FINANCE?-THE DOUBLE TAXATION AVOIDANCE
AGREEMENT (DTAA) BETWEEN MAURITIUS AND INDIA AND THE DILEMMA**

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In a contextualised approach, the authors revisited the (DTAA) between Mauritius and India to reflect to what extent Round Tripping and Treaty Shopping have an impact in the bilateral agreement between India and Mauritius. The DTAA between India and Mauritius was signed in August 1982, and the spirit of the bilateral agreement and the negotiations which were carried out afterwards successively were to provide exemptions from shareholders who have already been taxed in Mauritius should not be taxed further. However, exemptions from capital gains tax in Mauritius would also mean tax evasion soon became the centre of recent negotiations between the two countries with serious concerns over tax abuses, round tripping and treaty shopping. Nevertheless, despite Mauritius is considered as a tax haven there are still very strong ties between the two countries both historically and financially with mutual economic and financial support in a win-win situation. Indeed, Mauritius contributes to nearly 34% of total Foreign Direct Investment (FDI) flow into India to become of the largest contributors of FDI into India, competing directly with other countries like Singapore, but it was felt by the Indian Government that there are strong abuses against tax evasion in Mauritius, black money and money-laundering, and consequently India had to tread in deep waters to amend its DTAA to prevent round tripping and consequently treaty shopping.

**INJUSTICE IN THE NAME OF JUSTICE: INDIA'S BILATERAL
INVESTMENT TREATIES AND THE INTERNATIONAL ARBITRATION
COURTS**

-Jahangir Ahmad Khan

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School of International Studies, Central University of Gujarat

Bilateral investment treaties (BITs) are a policy instrument for the protection and promotion of foreign direct investment (FDI). FDI is an investment made by a company or an entity based in one country, in the territory of another country. FDI has begun as one of the most important aspects of transnational economic activity since the early 1990s. Developing and developed countries, due to advantages related to FDI have liberalized their investment regimes to attract investment. It has been believed that the maximizing benefits of FDI for the host country can be

significant including enhancement of competitive business environment, technology spillovers, support for human capital formation, improvement of enterprise development and contribution to international trade integration. FDI can also help to improve the environment and social condition of the host country by relocating 'cleaner' technologies and guiding to more socially responsible business policies. All of these benefits finally add to higher economic growth and development which is the main mechanism for alleviating poverty in developing economies like India. However, the impact of BITs on a country's policy space is a question for scholarly analysis. The proposed paper will try to examine BIT and their impact on policy space, with special reference to international arbitration. Indian BITs provide many, investor friendly clauses to invite more and more investors. However, one of the most dangerous clause is investor state dispute settlement (ISDS). The ISDS is mechanism to solve investors-State disputes arising from BITs, by way of international arbitration. However, recently foreign investors have begun using ISDS mechanism to challenge Indian government including its supreme court, in international arbitration courts. White industries and Enron Gas are famous cases, where foreign investors sued Indian government and got billions of dollars as compensation from India. This all is because of international arbitration courts, which are bias and discriminatory in nature. With few cases, I will try to highlight few drawbacks of their institutions.

CONSTITUTIONAL ENFORCEMENT OF THE SOCIO-ECONOMIC

RIGHTS BY COURT: A COMPARATIVE STUDY

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Assistant Professor

Dr. Ram Manohar Lohiya National Law University, Lucknow

The approach adopted by the Supreme Court of India in the enforcement of socio-economic rights cannot simply be equated with the task of ensuring the effective implementation of government schemes related to these rights. Rather, the court in some cases has, apart from ensuring the proper implementation of these schemes, also examined the capacity of these schemes to substantively address the cause of these rights. In order to achieve this, the court has even directed the governments to increase the budgetary allocations of its schemes. However, this is virtually judicial policy making and this sort of policy making therefore, calls forth a serious democratic objection. In my paper, I will make a comparative study of the judicial approaches currently in vogue in some of the other countries like South Africa, where the constitutional enforcement of the socio-economic rights have been taken up by the Courts.

LITMUS TESTING OF ASIAN DEVELOPMENT BANK AS ECONOMIC REFORMER

-Mohammad Nizam Ashraf Khan

Assistant Professor, Galgotias University

The world economy and the international financial system are now very diverse from what was envisioned at the Bretton Woods conference in 1944 when the International Monetary Fund and World Bank were established. Regional institutions, such as the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank have opened to serve the needs of regional populations, but many of the activities of these agencies overlay with those of the World Bank. It is in this backdrop that the paper shall make an attempt to identify the role of Asian Development Bank in promoting economic and social development including the reform of domestic institutions, improving the quality of life of common people, reducing poverty, and providing global and regional public goods. The most hammered areas of economic reforms, few recent Indian industrial corridors and BRICS's New Development Bank shall be the focus areas of this research paper. The paper shall also try to find out the position of World Bank and its intersecting with Asian Development Bank. At the end, the researcher would highlight the relationship between India and Asian Development Bank in the context of economic reforms.

RULE OF LAW AND ECONOMIC JUSTICE: CONTEMPORARY STUDY OF INDIA AND CHINA

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Within international policy circles, there has been aromanticisation of the rule of law with its proliferation and entrenchment in almost all spheres governance. Its increased intensity and outreach in past decades. The international financial institutions such as the World Bank, International Monetary Fund, and government donor agencies proactively pursue the rule of law as a form of interventionist reform across developing economies. There has been a clarion call to establish and strengthen the rule of law with a prescription from donor agencies, international financial institutions and international institutions such as the United Nations. Presently, the rule of law now has become an answer to all the global issues and problems evident from its marketing as a solution to disparately different policy challenges, and, in particular, has become a tool for facilitating economic development. Among the developing economies, India and China have attracted most academic attention as an economic model and scrutiny in recent years especially after the global recession. Indian and Chinese development have fascinated economists as well as policy makers for the past two and half decades for a number of reasons. India and China share the same geography, have more than a billion population, are clubbed together as emerging economies but their trajectories have engaged scholars, policy makers, politicians, and international financial institutions. The comparison ensued to explain the meteoritic economic rise of authoritarian China to claim the second spot in terms of Gross Domestic Product (GDP) against democratic India. Arguably, all economic possibilities have been explored to explain this disparity of economic growth in contrasting terms yet sharing the commonality of rising economically, one almost at a double digit growth rate (China) while

other at almost its half. Their economic development has been well documented but the role of rule of law as an indicator of good governance. The first part of the article addresses the notion of the rule of law, its ambiguities and its role in the judiciary. The second part analyses the concepts of judicial independence and judicial review and contextualises them in relation to India and China. The third part examines the Chinese and Indian legal systems, philosophy and economic growth. The conclusion and recommendations seek to explain the anomalous situation where against the empirical data on judicial independence, judicial accountability, and economic growth in a state where economic and social rights are respected give quite a contrary picture.

**THE INTRICACIES OF AMENDING THE INDUS WATER TREATY
LEADING TO THE VIOLATION OF THE INTERNATIONAL LAW
RESULTING DESOLATION OF THE SOCIO-ECONOMIC STATE**

-Saumya Raval

Student, Gujarat National Law University

The current status of the diplomatic relationship between both the South Asian nations has become rarified to a great extent because of the Hydropolitics of The Indus Water Treaty. The six decades old Indus Waters treaty that deals with six rivers - the three eastern rivers of Ravi, Beas, Sutlej and the three western rivers of Indus, Jhelum, Chenab, allows the waters of only eastern rivers to remain allocated to India. India is under an obligation to let the waters of the western rivers flow, except for certain consumptive use, with Pakistan getting 80% of the water.

The pact, brokered by World Bank, survived three wars fought between the two countries and constant strain in their bilateral ties caters to the ever growing needs of the burgeoning populations. The socio-economic implications of reviewing the treaty becomes necessary with one of the proposed strategy of India is building new hydropower plants along the three rivers which will adversely affect Pakistan.

This research does a socio-economic analysis of what would happen if such a plan is implemented, considering also the fact that India has not yet utilized its 20% share. Such analysis will also consider its impact on India's stature as a just and moral nation at international forums such as UNGA, ICJ and World Bank.

TRADE, COMPETITION AND ECONOMIC JUSTICE

-Sheela Rai

Professor, NLU Odisha

Liberal trade is part of laissez faire theory. Market economy and liberal trade regime are based on the idea of free competition. Let the market choose its survivors. This Darwinian notion of survival of the fittest was used ironically at the same time for both purposes-as a source of individual rights as well as in support of sacrificing individual rights at the altar of overall national welfare gain. Resources of the community should not be wasted to support a loser

because it results in national economic loss. Political and legal reflection of this thinking was the utilitarian movement of greatest good of the greatest number which has been criticized by Hart and Dworkin for sacrificing individual rights. The dichotomy faced by the liberal economic and trade regime in the globalised era is how to balance individual rights with justice to individual. Are notions of justice and competition antithetical to each other or measures taken for economic justice actually ensures fair competition in a liberal trade regime? The paper would highlight this aspect with the help of trade remedy and competition cases decided in India.

ARE INTERNATIONAL JUSTICE AND SOCIO-ECONOMIC JUSTICE POLITICALLY AN OBSOLETE CONCEPT?

-Sushmita Das

Advocate, Delhi High Court

For centuries, jurist defined International law largely in terms of relation between sovereign states. It was only after the Second World war that states did not always safeguard the rights of the citizen and the issue of protecting individual became more important in International Law. Individuals became increasingly seen as subject of International Law.

Social-economic justice is the fair and just relation between the individual and society. Social justice assigns rights and duties in the institution of society, which enable people to receive the basic benefits and burden of cooperation. The relevant institution often include taxation, social insurance, public health, public school, public service, labour law and regulation of markets, to ensure fair distribution of wealth, equal opportunity and equally of outcome.

There have been identified a number of problems that have emerged in connection with the dramatic developments of the past several decades, as well as the likely consequences of a continuation of present trends. When inequalities between the various groups or classes in society reach a certain level, social mobility is hampered. It is generally agreed that for the effective functioning of society, and perhaps for its survival under conditions of freedom and individual initiative, a degree of social Social Justice is required within a given generation and, even more importantly, from one generation to the next. Education and the greater geographical mobility that often comes with it have been the traditional means of improving one's station in life. Lack of social mobility, combined with a high level of income inequality and low political participation, leads to the segmentation of societies. A de facto separation occurs between social groups identified on the basis of their income and wealth, their geographical location, the common ethnic origins of their members, or a combination of these and/or other factors.

Excessive inequality is even an obstacle to economic growth, or more precisely to the broad-based and sustained growth that the United Nations and other international and regional organizations see as a requirement for sustainable, inclusive and people-centred development.

Social justice requires strong and coherent policies in a multitude of areas. Fiscal, monetary and other economic policies, as well as social policies, incorporate specific objectives but must all be geared towards the overall social goal of promoting the welfare of a country's citizens and increasingly, in this age of global interdependence, the citizens of the world. The well-being of citizens requires broad-based and sustainable economic growth, economic justice, the provision of employment opportunities, and more generally the existence of conditions for the optimal development of people as individuals and social beings.

The Socio-economic justice situation was also ambiguous from an international development perspective prior to the great global economic transformation that began to sweep the world in the 1980s. Financial and other forms of assistance to developing country. International economic justice was elusive, however, as the world economy during this period was more a collection of controlled markets than an open field with negotiated common rules, universally accessible opportunities and extensive freedom for all players; a number of developing countries with the requisite capacity, will and dynamism were subjected to serious constraints when they sought to compete in this economy.

INDIA AND GLOBAL BANKING REGULATIONS: AN EVOLUTION OR STALEMATE

-Tanya Narula Chaudhury

Research Scholar at Faculty of Law, University of Delhi

This abstract to the paper is a part of ongoing research on– International Banking Regulations: A study of the implication of Basel III norms on Banking and Banking Regulation in Developed and Emerging Economies including India.

The last Global Financial crisis 2008-09, a combination of Banking crisis, Sovereign Debt crisis and Growth and Competitiveness crisis once again showcased India's ability to survive a crisis situation. The impact of the crisis was intensely felt but it did not crumble the Indian economy when compared with other developed countries. This unique scenario creates curiosity as to how does the internal and external constraints shape India's ability to handle a crisis and whether its ability to absorb shocks limit in any way India's financial growth.

A Banking/Financial crisis in response always initiates a banking reform process and this process can be traced back to centuries, the economics of banking regulation has always been of interest to regulators, economist, politicians and common man alike, given that bank failure is extremely destructive to individuals and to a community, as closing of a bank not only creates hardship on individuals but also paralyses the economic life of the community. Therefore, the reserve requirements and bank soundness have been accepted as prerequisites of stabilization policy and monetary stability. For this reason the G10 nations in 1974 collaborated to establish a committee on Banking Regulations and Supervisory Practices, which was later renamed as Basel

Committee on Banking Supervision, setting minimum standards for the regulation and supervision of banks and these norms have been adopted by most countries including India.

In this paper the history of global banking regulation adopted by India will be traced while critically examining India's conservative ideology, which on one hand does deter possible exposure to a crisis but may also create possible hindrances in the financial growth of the Indian economy

THEME 3: PREJUDICE, LAW AND GENDER JUSTICE IN INDIA

RIGHT TO EQUALITY FOR LGBT: REALTY OR MYTH?

-Deepa

Research Scholar, Faculty of Law, University of Delhi

India is a country whose constitution is based on the principles of equality, liberty, justice and fraternity. By Article 14 Constitution of India provides right to equality to every person in India. Further article 15 and 16 provides for non-discrimination on the ground of sex etc. But the LGBT community face discrimination on the basis of sex or their sexual preferences. There had been various pronouncements by the Apex court and various high courts in the plea of this community of giving them right to be equal as other people (males & females) enjoy under the constitution. The Apex court in NLSA v. UOI has given the recognition to transgender as 'Third Gender'. While the High Court of Delhi in NAZ Foundation case had decriminalised the consensual homosexual acts done in private place hence declared section 377 of IPC to that extent ultravires. But the Hon'ble Supreme Court in Suresh Kumar Kaushal case again made such homosexual acts criminal disregarding article 14 of our constitution which gives us the right to equality.

The LGBT equality offers people the opportunity to make the most of their lives and to make free and healthy choices. So we shall develop a more inclusive model which best solve the crisis faced by LGBT community to attain a true equality as enshrined in our constitution

RECOGNITION OF RIGHTS OF TRANSGENDERS BY INDIAN JUDICIARY: NATIONAL LEGAL SERVICES AUTHORITY V. UNION OF INDIA AND ORS

-Alok Sharma

Assistant Professor, University of Delhi

In a path breaking judgment, the Supreme Court of India has affirmed the constitutional rights and freedoms of transgender persons, including those who identify as third gender and those who identify in a gender opposite to their biological sex i.e. persons, assigned female sex at birth,

identify as male and vice versa. By recognizing diverse gender identities, the Court has broken the binary gender construct of 'man' and 'woman' that pervaded Indian law. The Supreme Court based its reasoning on broad strands of human rights invoking various fundamental rights viz., Articles 14, 15, 16, 19 and 21 of the Constitution. It also relied on principles of international human rights law especially on sexual orientation and gender identity. It further referred to foreign legislations and judgments on gender identity and expression. The implications of this judgment are far-reaching in recognizing the rights of transgender persons in every aspect of life.

LGBT: I AM ALSO A PERSON

-Dr. Kanu Priya
Designation

“Whether I was born this way OR made this way OR chose this way. The important fact is that I am this way.”

LGBT or GLBT is an initialism that stands for **lesbian, gay, bisexual, and transgender**. Sexual activities between the people of same gender are deemed to be illegal and they cannot legally marry. Aren't they persons under article 21?

Lord Denning observed, “The doctrine of precedent does not compel your Lordships to follow the wrong path until you fall over the edge of the cliff. As soon as you find that you are going in the wrong direction you must at least be permitted to strike off in the right direction.”

It can be clearly interpreted by the law makers that Sec.377 that penalises unnatural offences is based on stereotypes that enjoys no logical rationale which renders it arbitrary and unreasonable. But Supreme Court of India felt that it is not pertinent to declare the law as unconstitutional and giving suggestions to the legislature to amend the existing law would be transgressing the judicial limits. Whenever it has come to the infringement of rights of the people in India, judiciary has always stretched itself to protect their rights and it includes giving directions to the other two organs of the government.

THE STATUS OF THIRD GENDER IN PROGRESSIVE INDIA

-Huma Mehfooz and Neeraj Kumar
Faculty, Galgotias University

For any person fundamental rights are of utmost importance, he holds on to them dearly and any abridgement of these rights is treated with extreme severity and our constitution and courts come to his rescue, they can be considered to be sacrosanct. The LGBT community has always been met with a certain prejudice, be it from society and in some scenarios the law enforcement agencies. Although in recent years there has been a progressive shift in the manner that we treat LGBT community, for instance the act of granting them recognition as the third gender, but it would be difficult to say that the situation is in any way ideal. This article aims to study and

understand the conditions of life of the LGBT community while weighing in all the constitutional safeguards that are guaranteed to a person on account of being a citizen of India and answering the ever present conundrum that what have we as a democracy done for the

LGBT community especially in reference to right to equality and have we delivered them a life with dignity?

TRANSGENDER RIGHTS IN INDIA: A LEGAL ANALYSIS

-Sajal Sharma

Assistant Professor, Alliance School of Law, Alliance University

The judgement of the Supreme Court of India in NALSA v Union of India has touched upon an area of rights denial vis-a-vis gender and sexuality. The Honourable Court has laid down a number of rights for them. This includes the creation of a new gender category i.e. the Third Gender. Any discussion on gender based rights must be preceded by an understanding of this complex human construct. How a human being identifies himself or herself in the sexual and gender domain is characterised by societal and his or her own internal construct. It is very fundamental to our existence and conduct in the society. A clear distinction has to be drawn between what the society prescribes at birth and what the biological and psychological construct of a human being relates to in terms of gender. In case of transgender people there is a divergence between the gender identified at birth and the one which is assumed by them. The issue is that society continues to deny, looks down upon and rejects the freedom of choice, rights and preferences of these transgender people as they are in stark contrast and divergent from those in the majority that conform to the binary gender norm. The Constitution of India does not make any distinction between any individual. Therefore the objective of this paper is to analyse the NALSA judgement and the Transgender Persons (Protection of Rights) Bill, 2016 in the light of the dignity and equality principles guaranteed under the Constitution.

THEME 4: RIGHT TO EMPLOYMENT: RECENT TRENDS IN LABOUR LAW AND JUSTICE

RESERVATION: THE RURAL AND URBAN DIVIDE.

-Akash Anand

Assistant professor, Delhi University

India in 2016, which in my opinion is a transition stage, has been seen to ask various questions fringing upon sectors of governance and government. The validity and the implementation of the law of reservation in India have also acquired a questionable position among other issues. There are oppositions to this law which is based on the assumption that it is not a good law for abolishing “casteism” in India and in furtherance that this law is increasing *casteism* by developing hatred among people. Reservations though not a fundamental rights but having been

mentioned in Part III of the Constitution of India also has lead to various *mis-informations* about the law. There is also an argument that law of reservation as a whole was only to be applied for ten years and thus have surpassed its tenure and validity. It is also thought that discrimination as a fact is not present in the Urban India and can only be seen in the Rural India. The paper aims to address all the issues and assumptions, limited to the scope of the paper, with legal decisions and academic literature relating to law of reservation.

RIGHT TO EMPLOYMENT: A QUESTION OF TO BE OR NOT TO BE?

-Ankeeta Gupta

Assistant Professor, University of Delhi

India adds one crore people every year to the active work force. It has often been debated that in the absence of a well-defined employment policy, recognition of the right to work and enactment of statute enforcing the two, India will continue to be plagued by high unemployment and job insecurity.

While it is understood that the State is capable of assuming great many responsibilities yet implementing the right to employment is economically unviable. The State cannot be considered fully equipped to undertake the economic burden of providing salaries to an entire population as it would lead a huge fiscal deficit capable of bringing the economy to the brink of collapse. Further, the State is incapable of providing as many worthwhile jobs to every citizen within the present economic set-up which is commensurate with their education, capabilities and remuneration expectations, unless it undertakes to run industries as part of its initiative which would imply increasing the space for Public Sector Undertakings. However, disastrous consequences will ensue as this is then likely to impact academic development, creativity and progress in the field of the research and development as the State will then endeavor to control every facet of the lives of the people to suit its needs which may or may not have futuristic advantage.

India is not a novice at initiating social sector schemes for the benefit of the masses, MNREGA being the case at point, the success of which is as debatable as the issue at hand. It is pertinent to note that employment generation is the result of an enabled economic environment rather recognition of a right and enforcement of a statute. Once the industries are allowed to flourish, demand for manpower will increase which in turn will lead to job creation. Present day efforts by the State should be directed at developing a thriving industrial sector where principles of ease of doing business are commensurate with international standards, the Make in India initiative is given an impetus by easing of laws while ensuring that the rights of employees are not diluted. Thus in the view of the author, recognizing the right to employment as a statutory right would result in huge financial, economic and academic implications, a risk India is ill-suited to take at this juncture of economic development. Most importantly it needs to be highlighted that in an era of globalization India cannot risk going the socialistic route for creating jobs.

**CHILD LABOUR (PROHIBITION AND REGULATION) ACT 2016- A
PROGRESSIVE LEGISLATION OR A HALF-HEARTED APPROACH
TOWARDS CHILDREN, THEIR CHILDHOOD AND DIGNITY ?**

-Deepa Kharb

Assistant Professor, Indian Law Institute

After the incorporation of fundamental right to elementary education in the constitution as Article 21A and the enactment of RTE (Right of Children to Free and Compulsory Education) Act, 2009, the need to amend the law on child labour, the Child Labour Act, 1986 became more pressing.

Although claimed to be a progressive legislation by the government, the recent amendment of 2016 to the Child Labour (Prohibition and Regulation) Act, 1986 has invoked serious criticism. It is contended that it will legitimise child labour and would result in fostering the existing inequalities and discriminatory practices in society encouraging 'caste based occupation' by allowing children up to the age of 14 to be employed in 'family enterprises'. The clause allowing children to work after school hours "in the family enterprise" and rationalising adolescent child labour by creating a new category of 'adolescents' (the 14-18 age group) who can be employed in 'non-hazardous' occupations contravenes the equitable right of all children to a childhood and their right to live a life with dignity as guaranteed by the constitution and the UN Convention on the Rights of the Child, to which India is a signatory. The author seeks to critically analyse the amendment in the light of the concerns raised.

EMERGENCE OF LABOUR LAW JURISPRUDENCE IN INDIA
AFTER INDEPENDENCE

-Superna Venaik

Assistant Professor, Amity Law School

The imprints of the Preamble of the Constitution of the ILO can be traced in the Preamble of the Constitution of India. Right from inception India wants to assure the citizens with justice- social, economic and political. The goals set out are mainly to (a) direct the "State" to promote welfare of the people by securing and protecting as effectively in which justice, social, economic and political shall inform all the institutions of national life and to minimize the inequality in status, facilities and opportunities etc. (b) To endeavour to secure by suitable legislation to all industrial workers, the conditions of work ensuring a decent standard of life (c) to direct states policy, securing health and strength of workers (d) To provide living wages with special reference to Articles 38, 39, 40, 41, 42, 43 & 43-A of the Part IV of the Constitution.

The Supreme Court of India has also expounded the labour law and has developed various jurial postulates of industrial jurisprudence while interpreting the laws in relations to labour and

management disputes. The main highlight of the paper is to examine the importance of labour jurisprudence. The judgments of *Justice Gajendragadkar, Krishna Iyer, D.A. Desai, R.N. Bhagwati, Chinnappa Reddy, Hidayatullah, RangaNath Mishra* etc. have enriched the vision of labour of industrial jurisprudence in our country. Various Legislations have recognized their rights like right to be represented by co-employee in domestic inquiry, right to adduce fresh evidence, right to be defended by lawyer in domestic inquiry for an allegation of disciplinary action.

RIGHT TO EMPLOYMENT

-Vartika Agarwal

Student, Banasthali Vidyapeeth

Human existence differentiate from other beings depends upon the society it lives in. And, society for its existences requires prevalence of human rights, which ensures a dignified survival of individual rather than mere existence. The right to minimum means to live a life with human dignity is an unwritten implication of the guarantee of human dignity which includes basic living conditions implying some kind of employment. As human survival without the means of livelihood is just like a tree without root which would eventually die. Moreover, realization of human personality is only possible when there is a scope of substantial access to employment because unemployed person loses self-respect, hampering his dignity. But what should be the extent of such a right, because in country like India, even though the government is willing to, it doesn't have resources to provide employment to every citizen. Therefore, this issue is not merely legal it has economic, social and political dimensions also. And, the paper tries to analyze the same keeping in mind that along with political democracy we need economic democracy which would ensures proper means of livelihood, working conditions and other factors too.

THEME5: GOOD GOVERNANCE: PROVIDING LEGAL FRAMEWORK TO DEVELOPMENT

NARCO ANALYSIS TEST AS A CONTEMPORARY TOOL OF INVESTIGATION WITH SPECIAL REFERENCE TO THE GOOD GOVERNANCE IN INDIA

-Ajay Kr Barnwal,

Research Scholar, Central University of Rajasthan

Tarun Bajaj

Student, Lovely Professional University

One of the major objectives of any democratic country is to provide speedy justice which is a significant factor of governance of any country. This has to be done with establishment of truth, the truth which discloses the innocents or guilty with certain process given under criminal law such as investigation. In the early society agencies having traditional methods of investigation but with the passage of time the pattern became sophisticated. It became complex to collect evidence

with the help of traditional methods of investigation were a crime had been committed with the aid and assistance of new technology. It compelled the investigating agencies to change their strategy in the collection of evidence. Looking the increasing rate of crime and decreasing rate of conviction created distrust among the people towards the responsible agencies which shown major threats for the good governance. Therefore these days investigating agencies started to adopt new technology in the investigation which proves relevant in many significant cases. In the contemporary society the human rights also given broader interpretation and no authority given such a power which can abrogates a person of any rights expressly given under Indian Constitution. Through this paper an attempt has been made about the significance of Narco Analysis Test in the investigation and speedy justice which is the ultimate object of good governance of any country.

EFFECTIVE PUBLIC GRIEVANCE REDRESSAL SYSTEM : A STEP TOWARDS GOOD GOVERNANCE

-Anil Kumar Vishwakarma

Assistant Professor, University of Delhi

Corruption deepens poverty; it degrades the environment; it derails development, including private sector development; it can drive conflict in and between nations; and it destroys confidence in democracy and the legitimacy of governments. It debases human dignity and is universally condemned by the world's major faiths. It is considered to be one of the biggest enemies of the good governance. It not only poses a grave danger to the concept of constitutional governance but threatens the very foundation of democracy and the rule of law. In view of the failure to meet the maladministration the effective public grievance system was explored which may investigate into complaint of corrupt practices and can work independently. As a result of long struggle India got the much awaited legislation 'The Lokpal and Lokayuktas Act, 2013.' The effectiveness and efficacy of these authorities dealing with corruption were in discussion on many occasions. This paper is an attempt to highlight the development and importance of this system to address the menace of corruption and how it could be improved to ensure good governance.

RULE OF LAW AND GOOD GOVERNANCE IN INDIA

-Anjay Kumar

Assistant Professor, University of Delhi

Law is closely linked with our society. It truly reflects the nature of life lived by the society. A society cannot remain static as change is the law of nature. The law, in order to respond to social change, should go on changing. The tuning of law to the social needs is an ongoing process. It requires vigilant legislatures and watchful judiciary, for the law to remain always responsive to the social development and efforts to change the conditions of social system so that the changes yield desired results is a part of the rule of law.

The ultimate goal of the rule of law is to do the justice. A welfare state performs the activities of a protector, provider, entrepreneur, Economic Controller and an Arbitrator. The Apex Court has interpreted the term 'rule of law' as a cherished goal of the constitution and has proceeded to establish the same.

Good Governance means the process of decision making and process by which decisions are implemented. It is a part of social change which is essential. Law is an instrument which helps to achieve social change. Our fundamental law i.e., Constitution and other statutes are oriented towards achieving social, economic and political justice. Good governance requires effective participation in public policy, the dominance of the rule of law and an independent judiciary.

In this paper attempt has been made to inter link between how rule of law in India is closely connected with good governance to shape our country as welfare nation.

WOMEN EMPOWERMENT AND FEMALE FOETICIDE: A REALITY CHECK AFTER SEVENTY YEARS OF INDIAN INDEPENDENCE

-Anu

Assistant Professor, Delhi University

The practice of female infanticide has existed in different parts of India for generations, whereas female foeticide relatively new practice and it has assumed a serious challenge even after the seventy years of Indian Independence. As abortion before 20 weeks of pregnancy were legal, female foeticide could not be banned per se. According to a relevant report by the United Nations Children Fund, upto 50 million girls and women are missing from India's population as a result of systematic gender discrimination in India. Women are subjected to violence and discrimination right from birth till death in all spheres including health. Prenatal sex determination with the intention of preventing female births must be viewed as a manifestation of violence against women, a violation of their .

In 1994 the Pre- conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act was passed with the aim of preventing female foeticide. An empirical study was conducted in Chandigarh which shows that 40% doctors agreed that PNDDT act is not effectively implemented for the control of sex determination & 78% doctors said that MTP act is being misused in the country.

The trends of adverse sex-ratio could be more disastrous if economic boom associated with son preference led to infanticides, female foeticides. As the states undergo the demographic transition to smaller families, they will continue to want more boys than girls. Therefore people are using expensive gender selection technologies in a situation even when basic health care is missing. The message needs to go out to the offending medical professionals and bureaucrats in charge of implementing the PNDDT Act, that female foeticide will be treated as the very serious crime and be effectively punished.

RELATIONSHIP BETWEEN GOOD GOVERNANCE AND HUMAN RIGHTS

- Arun Kumar

Assistant Professor, Faculty of Law, UILMS

There is no exhaustive definition of good governance and nor delimitation of its scopes that commands universally acceptance. Basically some concept make the definition of good governance as respect of human rights, the rule of law, transparency in system, accountability process, empowerment of people, solidarity and tolerance. The true test of good governance is the degree to which it delivers on the promise of human rights: civil, cultural, political and social rights. Main purpose of good governance is manage public resources and guarantees the realization of human rights in a manner essentially free of abuse and corruption.

So without the process of good governance human rights cannot be respected and protected in sustainable manner. Human rights cannot be implemented without appropriate legal framework and managing administrative process which is responsible for responding to the rights and needs of population.

Human rights provide set of performance standards against which state and other administrative bodies can be held accountable. At the same time good governance policies empowers individuals to live with dignity and freedom. Concept of good governance and human rights are mutually reinforcing both are based on the principle of accountability, transparency and state responsibility. Article 2 of the International Covenant on Civil and Political Rights requires states parties to respect and to ensure the rights recognized in the Covenant and to take the necessary steps to give effect to those rights.

SOCIO-ECONOMIC AND LEGAL CHALLENGES OF GOOD GOVERNANCE IN NORTH-EAST INDIA

-MoatoshiAo

Assistant Professor, Campus Law Centre

In social sciences, the concept of “Governance” is not new. It is as old as the civilization. Simply stated, it describes the process of decision-making and implementation of the decision. However, since the year 1989, after the World Bank Document on Sub-Saharan Africa, the concept of “good governance” became indispensable to developing nations distinguishing mere governance and administration. The 1989 document was followed by “Governance and Development” (1992) and in 1997 the Bank redefined the concept “good governance” as a necessary precondition for development. In the context of the North-Eastern region, India’s democratic experience of the past seventy years has clearly established that good governance must not only aim at expansion of social opportunities and removal of poverty but also provide an amicable solution to the political crisis in the North-Eastern States. Thus, looking in the present context of time, good governance according to the author is firstly to bring political peace in the region

because in the absence of peace, no developmental and welfare activities of the State could be effectively implemented. Law is a tool of social engineering (Roscoe Pound's theory Social Engineering) and thus the author believes that effective law could help in providing good governance to the people of the region. Therefore, this paper investigates into the legal history and the present arrangements under the Constitution of India and other legal provisions to identify challenges and accordingly suggest solutions. This paper also identifies social, economic, geographical and legal problems and issues in the region and concludes by recommending suggestions for lasting and good governance in North-Eastern region of India.

R.T.I. ACT A TOOL OF GOVERNANCE TO BE MADE MORE ACCOUNTABLE

-Manan Aggarwal and Ananya Kumar
Students, Kurukshetra University

The notion 'freedom of information' was recognized in 1946, during UN's first session, General Assembly adopted Resolution 59(1), which stated: "Freedom of information is a fundamental human right and the touchstone of all the freedoms to which the UN has consecrated International law that guarantees citizens the right to participate in political affairs". RTI act is the tool of governance that has walked Indian administration from darkness of secrecy to the light of transparency, it has also promoted participatory democracy. This act has brought Indian citizens on equal footing to a M.P. or a M.L.A. in terms of getting the information. RTI act was implemented in Oct 2005, since then it has faced many implementation issues, there have been regular debates by government agencies and civil society members on the different aspects of the act like its effectiveness, interpretation etc. Outcome of which is that there are many issues in the act which need to be resolved. Act has to be made stronger so that government departments cannot evade from their responsibility of giving information. It is proposed to strengthen the current provisions and add new provisions wherever required to get a much stronger and more accountable act. In this research thorough theoretical analysis of implementation of the RTI act in its 10 years tenure is taken up and it is found that although the act has a strong theoretical and objective base there are still certain loopholes and void areas which need to be rectified to provide citizens with a perfect tool to fight corruption.

RIGHT TO GOOD GOVERNANCE

-Mansi Shukla
Student, Banasthali Vidyapeeth

The Human Society for its survival, stability and overall development of its individuals requires certain human rights, which are indisputable rights of every human being, to be respected. But, these basic rights invite a number of preconditions for their healthy survival. One such is GOOD GOVERNANCE, because only it can ensure protection and development of these vital rights, which directly affects the status and development of the human resource of a country. When an

individual gets a fit social, economic, political environment along with sound justice delivery system and without corruption and other institutional evils they prosper not only physically and mentally but also intellectually, contributing towards a developed HDI. And, such an environment can be achieved by means of Good Governance only. Therefore right to good governance should be made a basic human right. The paper is an attempt to analyse the conceptual background of the right to governance, its need, present implicit implications and suggested reforms from the perspective of India society which would contribute towards its development.

**ALL INDIA JUDICIAL SERVICES: EXPOUNDING THE CONSTITUTIONAL MANDATE
UNDER ARTICLE 312**

Narender Kumar Bishnoi

Assistant Professor, Delhi University

The Central Government is once again contemplating creation of All India Judicial Services (AIJS) on the pattern of All India Civil Services such as Indian Administrative Services (IAS), Police Services (IPS) and Forest Services (IFS). The AIJS has gathered a lot of attention following the emphasis on its creation as underlined by the PM in his recent address during Golden Jubilee Function of the Delhi High Court.

The mandate for having a unified judiciary, which the AIJS aims to create in the country, draws inspiration from Article 312 of the Constitution. However, its creation has remained elusive due to lack of unanimity among the Union and States. States have expressed concerns that AIJS will be unrealistic due to local language barriers. States are also wary of sharing financial burden following the creation of AIJS.

The Author in the present work attempts to inquire and analyse the rationale for AIJS as found in the Constitutional scheme under Article 312, relevant Report of the Law Commission of India, and the take of Judiciary on this issue.

**FINANCIAL FRAUD IN CORPORATES: THE ACCOUNTABILITY AND
ROLE OF GOVERNMENT AND PROSECUTORS**

-Rakhee Gupta

Advocate

Abhinav K. Mishra

Lecturer, Sharda University

Kavita Yadav

Asst. Professor, Delhi University

“Corporate bodies are more corrupt and profligate than individuals, because they have more power to do mischief, and are less amenable to disgrace or punishment. They neither feel shame, remorse, gratitude nor goodwill”

- Hazlitt

The Fraud in the Indian financial and corporate sector is one of the causes to procure the black money. In year 2011-12 in India 42% corporation suffer from fraud against 27% of global rate, in which Financial Sector is worst hit which accounts for 63%, out of which Banking sector account for 84%. In past some years, we have witnessed a number of fraud cases, piling crores of money as black money, being unearthed and creating stimulation in the corporate-ethics and government tax and public money horizons. The black money created through fraud goes from corporate to greedy individuals and does not contribute in the development and other such public utility usages. The cause of such cases has been the inaccuracy and ineffectively working of the Government departments and prosecutors. This paper keeping in mind the substantial importance of curbing the menace of fraud by corporate sector, analyses the fraud in corporate houses, their implications, causes, role of government and prosecutors and then in the end provides a way ahead approach with suggestions of new laws and practices to be incorporated such cases. The paper takes into account some of the famous cases and then has summarized and put them appropriately in paper. The research paper will be purely based on doctrinal methodology referring to primary and secondary resources.

ROLE OF TAX HAVEN AND ITS EFFECT ON ECONOMY IN DTAA: ISSUE OF BLACK MONEY

-Shruti Raj Srivastava

Student, School of Law, Galgotias University

The present paper interlinks four aspects-tax havens, DTAA, its effect on economy and black money. According to Investopedia, a tax haven is a country that offers foreign individuals and businesses little or no tax liability in a politically and economically stable environment. Double Tax Avoidance Agreements (DTAA) are created so that a resident of a country, who has an income in a second country as a result of business or job, is not taxed for the income in the home country if he has already paid tax on the income in the contracting country. Tax Havens brings in issue of black money however, India is coming up with accounting systems such as implementation of International Financial Reporting Standards (IFRS), Direct Tax Code (DTC) updated with provisions such as General Anti-Avoidance Rules (GAAR) and the Controlled Foreign Corporation (CFC).

This paper deals with tax havens creations and reasons, their functions, roles, etc. It also deals with the relationship of tax havens and DTAA. This paper explains in great length the methods that are employed by companies and individuals to avoid taxes in DTAA countries and policies of government for curbing this menace. This research is proposed to be based on Books, Articles,

Case laws (if any) and Websites. Hence, the methodology used for the research of this topic is analytical and deductive.

FREEDOM OF RELIGION AND ANTI- CONVERSION LAWS IN INDIA: AN OVERVIEW

-Siddhartha Fuller

Research Scholar, University of Delhi

Religious conversions have been debatable since time immemorial but has gained grave importance in modern day context when religion is getting more and more intrinsically mired in the lives of people in general as well as in the policy making process of nations. Our constitution stands on the bedrock of secularism though nowhere in the original constitution the word secularism was mentioned. Indian political circuit, in recent times has seen the dirtiest forms of politico-religious quagmires. With five states of the Indian Union² making laws regulating religious conversions in a span of seven years, adding to existing three state laws, and palpable apprehension in the atmosphere could well be sensed. It is to be noted here that anti conversion laws are not a new phenomenon and though they have become more politicized and negatively publicized after the series of new state legislations they were very much in existence even prior to Independence. This paper is an attempt to analyse the constitutionality of the various anti-conversion laws euphemistically called as “Freedom of Religion Act” and also to check if they fit within the scope and ambit of freedom of religion as guaranteed in the Constitution.

ALTERNATE DISPUTE RESOLUTION MECHANISMS : A MEANS TO ACHIEVE ACCESS TO JUSTICE IN INDIA

-Sneh Yadav

Assistant Professor, University of Delhi

Mario Cappelletti and Bryant Garth point out that the emergence of the right of access to justice as “the most basic human right” was in recognition of the fact that possession of rights without effective mechanisms for their vindication would be meaningless. It was not enough that the state proclaimed a formal right of equal access to justice. The state was required to guarantee, by affirmative action, effective access to justice. In India, while there are factors that facilitate right to access justice, they are negated by improper implementation and lack of infrastructure. Access to Justice is indeed provided by the Constitution in its letter, but, the spirit of it yet to be delivered to all the sections of Indian society.

In this article I would be dealing with alternative dispute resolution as a means to achieve access to justice in Indian perspective, historical background of ADR , need and purpose of ADR in India ,advantages and limitations of ADR, legislative efforts, mechanisms of ADR-Arbitration, Conciliation, negotiation, mediation and lok adalat, and critical analysis of alternative methods

of access to justice and suggest alternative model of access to justice to suit the needs of Indian society.

GOOD GOVERNANCE- ITS HISTORICAL PROSPECTIVE AND IN CONTEXT OF PANCHAYATI RAJ SYSTEM

-Sunil Kumar

Assistant Professor, Campus Law Centre

Good governance is an indeterminate term used in the international development to describe how the public institutions conduct the public affairs and manage public resources. Governance is “the process of decision making the process by which the decisions can be implemented. The concept of governance can be applied not only to government sectors but also in corporate, international, national and local governance also. The concept of good governance often emerges as a model to compare ineffective economies or political bodies with viable economies and political bodies. The concept focuses on the responsibility of government institutions to meet out the demands of the public. The concept is of Having historical importance and is of historical origin. The development of good governance took place with the passage of time. Panchayati Raj Institutions has been given the constitutional status under the constitution of India according to 73rd amendment acts. Part ix of the constitution deals with the provisions of the local self government. As per part ix of the constitution envisages a three tier system of Panchayats , namely (a) The village level;(b) The District Panchayat; (c) The intermediate Panchayat between district and village. Articles 243 to 243O which provides the provisions relating to Panchayats. The historical respective of good governance is also an important aspect. There are some stakeholders of good governance like; executive legislature, judiciary, media, political parties, civil society, private sector etc. there are some states in India who has enacted the rights to services act to strengthen their governance. Some states has started the system like CM Window, SANGAT DARBAR etc. so that the governance can be on right path and people can take the maximum advantage of the government.

A CRITICAL ANALYSIS OF THE LAND ACQUISITION ACT (LARR)

-Divya Gupta

Assistant Professor, Daulat Ram College, University of Delhi

Since independence, land acquisition has remained a controversial issue in India resulting in conflicts between social, economic and political structures. The post-liberalisation economic boom continues to create demand for land to meet the needs of industrialisation, infrastructure building and urban expansion. Finding a way to balance the needs of economic growth, equitable distribution and human rights is perhaps the greatest challenge facing our democracy. This paper attempts to critically examine the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and its amendments to explore whether new land reform leads to social gain, through ensuring fairness and preserving the rights of

individuals, or it merely acts as a burden on the system, causing inefficiencies at individual and social level. This paper also analyzes the impact of this act on industrialization and urbanization which is crucial for economic development. The analysis shows that this act will neither ensure that farmers are adequately compensated for their lost assets, nor guarantee that a scarce resource like land will be put to its most productive use. It will adversely affect the growth of Indian economy by significantly raising the costs of projects, making them economically unviable.

THEME 6: GLOBALIZATION AND ITS IMPACT ON POVERTY

GLOBALIZATION AND ITS IMPACT ON POVERTY

-Deepak Parashar
Student, Law Centre-I

Globalisation in economic terms may be defined as open current and capital accounts and free movement of labour across nations. Theoretical benefits from globalization may occur if capital and labour move from surplus areas to deficit areas thus equalizing returns to both these resources. The paper argues that globalisation as practiced, has made capital freely mobile while labour has been restricted from movement across borders. Moreover, the design of international financial system has forced a number of poor countries to export capital to western development countries by way of maintenance of foreign exchange reserves. The paper further argues that the section of work force which is welcomed in western countries is more of (human) capital with sophisticated skills than labour.

Open capital account has forced another constraint upon social spending via deflationary bias in developmental policies of developing countries. With poverty manifesting itself in form of poor health, education and capabilities of individual in general, the paper argues that globalization as practised has been particularly detrimental to vulnerable sections of society in developing countries. Those who have been able to enjoy fruits of globalization were already endowed with good health, education and capabilities.

GLOBALIZATION AND ITS IMPACT ON POVERTY

- Anuradha Jha
Faculty, GGSIP University

Globalization refers to the process of internationalization that is typical of open economies. Economies in the world today have shifted their aim from self-sufficiency which is production for self-consumption to self-reliance where export surplus is sufficient to finance expenditure on imports. Globalization is the current focus in the present times and it is going to be the order of the future as international economy is getting more and more integrated and the national economies are getting more and more independent. The New Economic order in the world

economy is the outcome of globalization as a force and a process. As a process it may be considered at two levels: macro and micro. At macro level, it is 'Globalization of the world economy'; at the micro level we have 'Globalization of the corporate unit or business'. Global business management has to be people centered. Sustainable human development has to be focus of global business management and industrial development associated with it. The reference is to the new model of economic development whereby it is recognized that the ultimate goal of business, industry and economy across the globe is to ensure peace, prosperity ; environmental protection ; human rights ; democratization ; fertility reduction , social integration ; social sector developments in education , health , hygiene and sanitization such that people on this planet live long and healthy. It is true that economic growth without social justice is inhuman but social justice without economic growth is impossible. The problem of poverty is multidimensional which requires wealth creation as the basis towards human welfare and development.

**INTERNATIONAL TRADE LAW AND POVERTY REDUCTION: RE-
INTERPRETING THE 'CONNECTEDNESS' FROM THE STANDPOINT OF
INDIA**

-Ashish Kumar

Assistant Professor, University of Delhi

Over two decades have passed since the establishment of WTO in 1995. It has now evolved itself into a prominent body administering international trade rules at the global scale, and serving its members as a platform for debate, discussion and decision-making over a range of trade-related issues. Its avowed objective is to establish and maintain a rule-based global trading order on one hand, and poverty reduction and development on the other. There is now a wide recognition of the idea that trade can act as a powerful tool for economic growth and development around the world. The poverty-ridden countries such as India have for long struggled for a development strategy for ameliorating the conditions of the poor masses. However, since the springing of WTO-based system, developing countries such as India have been pushed towards greater integration with the world economy, which has, in turn, brought about rapid economic and developmental transformations. It is often argued that 'free trade' and 'trade liberalization' -the focus of International Trade Law- has created widespread benefits; and India has reaped major economic dividends from her engagement with WTO. In the whole discourse, the connectedness between trade and development has been unmistakably established. Yet, there is an ever growing concern that amid the brouhaha of claimed benefits of WTO-led global trade, developing and poor countries such as India, in reality, have gravely suffered from trade distorting policies pursued by developed countries. It remains the case that trade barriers erected in/by developed markets, contravenes the spirit of global trade order, and surely hinders the developing country pursuit of poverty reduction, economic growth and development.

The present paper will analyse the critical dimensions of WTO-based system, and bring to light the current evidences of its impact on India. In doing so, it will seek the re-interpretation of

connectedness between trade and development from the Indian standpoint (developing country perspective).

RIGHT TO SHELTER: THE NEED OF THE HOUR

-Deepak Kumar Srivastava

Assistant Professor, Hidayatullah National Law University, Raipur

Govind Yadav

Research Scholar, Hidayatullah National Law University, Raipur

Every human being subsisting on this planet is entitled to certain elementary rights which form an indispensable and inherent part of his existence. These rights, known as human rights, are integral components of human life and cannot be denied to even the most servile creature walking on the face of the earth. Right to shelter is one of such rights. Shelter, along with food and clothing, constitutes the bare necessities of every human.

Every individual needs an adequate shelter and this requirement is justified from psychological, physical, economic and cultural point of view.

The object of this research paper is to illustrate the significance of “Right to Adequate Housing” under present circumstances. There has been an insurmountable surge in population residing in slums, urban sprawls and on public properties like pavements. Providing an adequate and decent shelter to these deprived classes is the need of the hour. “Right to Shelter” has been analyzed from both, international and national perspectives. The leading judgments in India pertaining to this right have been included so as to further substantiate the point. The provisions in Indian Constitution and other relevant acts have been enumerated. The existing facts and figures and prevailing challenges have been discussed.

The conclusion arrived at is that there exists a reasonable nexus between human rights and right to shelter. The two form inseparable components and are mutually interwoven. It is also observed that it is incumbent upon the State to provide alternate accommodation to all people who are displaced from their abodes and to ensure their welfare in all possible ways. Providing a modest shelter would help in ameliorating the standards of their lives and make it meaningful, effective and fruitful.

GLOBALIZATION- AN IMPACT ANALYSIS ON SOCIALISM IN INDIA

- Seema Singh

Assistant Professor, Faculty of Law

“Socialism” is a much highlighted spirit in different portion of the Constitution of India. This deeply rooted concept of Fundamental Rights and Directive Principle of State Policy has seen several changes since the inception of the Indian Constitution.

Since independence the development of Indian laws can be categorized into two main areas- Pre liberalization and Post liberalization.

Now through the technological advancements the world has been changed into a global village. Now the strength of any country is decided not on the basis of its geographical size but on the basis of its economic strength.

This competition of attaining more and more economic strength has compelled the States to change their policies. Global bodies like 'World Trade Organization' compelled States to make their policies more investment friendly. This urge for inviting more and more Foreign Direct Investment has created a dis-balance between capitalism and socialism.

The present paper discusses this concept of socialism and its changes from pre to post liberalization.

IMPLEMENTATION OF ACCESS AND BENEFIT SHARING MECHANISM AND PROMOTION OF SOCIAL JUSTICE IN INDIA: A LEGAL ANALYSIS

- Stellina Jolly

Assistant Professor, South Asian University

The global attempts to achieve the Sustainable Development Goals (SDGs) clearly show that our ability to achieve sustainable development will depend on the ability of humanity to fight poverty and the inequality between and within nations and peoples. This is significant as environmental hazards have differential impact on the poorest and marginalized sections of the society. The case of bio diversity protection is no different; most of the hotspots of bio diversity protections are also areas of abject poverty. There has been a host of robust and dynamic legislative and institutional mechanisms aiming to achieve environmental justice at international and national level. The concept of environmental justice attempts to bring a certain level of accountability for the protection of environment and which will reduce the disproportionate impacts of environmental degradation on the poor. Achieving justice in the environmental context requires legal strategies, which will reduce exclusion of the poor from their right to a healthy environment, participation in environmental governance and access to justice. One of such initiative has been in the form of Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization. The greatest impetus behind the Nagoya Protocol was to remedy the unjust impacts in the form of loss of access to resources, exploitation of traditional knowledge. Paper attempts to explore the implementation of Nagoya protocol in India and its challenges in promoting social and environmental justice.

GLOBALIZATION AND ITS IMPACT ON POVERTY

-Kumari Nitu

School of International Studies

Globalization which was first considered to bring prosperity for all has now come up with its own list of repercussions. There is no doubt that it has led to the interaction of nations with the international players of the world in all spheres but at the same time has also led to the dominance of the powerful over the weaker states. Neo-colonialism is in the air. The policies adopted by the national governments to stay in competition have led to several compromises on their part. This in turn affects the policy making and hence the general public is made to suffer. The impact of globalization in accelerating poverty particularly with reference to India has to be seen through a chain of events and not through the means of direct consequences of globalization. The list of events will include the role of multinational corporations(MNCs) in exploitation of resources, the increased demand for foreign goods due to changed lifestyle of the people and its impact on the domestic industries, the poor conditions of the labour, weakening of the trade unions and the destruction of Indian economy under the garb of National Treatment principle etc.

This paper attempts to focus on some of the aspects of globalization which were instrumental in causing and accelerating poverty and will also try to include some suggestions in order to respond to the issue at hand.

GLOBALISATION AND ITS' IMPACT ON POVERTY

-Nikita Gupta

Student, Gujarat National Law University, Gandhinagar

“I recognise that globalisation has helped many people rise out of poverty, but it has also damned many others to starve to death. It is true that global wealth is growing in absolute terms, but new poverty arisen.”

This recent quote by Francis pope recognises the very base of this paper. Globalisation lacks a precise definition. Although it is described as an advancement which lead to development and inter-connection between the economic world around us, but it is also stated as one of the main cause behind rich becoming richer and poor becoming poorer. Nobody can deny that it opens its' gates for fresh avenues for mankind, but while critically analysing the concept of globalisation questions like ‘does globalisation hurt the poor in the society or does it help poor’ arises. The objective of this paper as the title suggests is to study the impact of globalisation over poverty. Studies as already been made on this leads to the conclusion of some stating the positive impact of globalisation on poverty, others the negative impact. The researcher shall use the Human Poverty Index of various countries and the present level of globalisation in those countries to come to a conclusion.

THE 17 GOALS FOR INDIA

-S.Vinayaditya Reddy

Student, University of Delhi.

The concept of the Sustainable Development Goals (SDGs) was born at the United Nations Conference on Sustainable Development, Rio +20, in 2012 with the objective of producing a set of universally applicable goals that balances the three aspects of sustainable development- Environment, Social and Economic. The SDGs replace the Millennium Development Goals (MDGs) which rallied the world since September 2000 with a 15 year agenda to tackle the indignity of poverty. This article traces the achievements and drawbacks of the MDGs in India and makes a modest effort in relating international law with socio-economic justice. With the breadth of 17 goals and 169 targets drafted by the Open Working Group on SDGs, this article is only an exercise for future developmental agendas keeping in mind the local challenges, capacities and resources available. With the job unfinished for millions of people, the SDGs aims to go the last mile on ending hunger, achieve full gender equality, improve health services and get every child into school and thereby shift the world on a sustainable path with 2030 as the target date. Hence, the SDGs must finish the job that the MDGs started and leave no one behind.

LEGAL PROTECTION TO THE INTERNAL MIGRANTS IN INDIA

-Shila Mani Devi

Senior Manager, Indian Overseas Bank

Migration from one area to another in search of improved livelihoods is a key feature of human history. Migration of people is an important factor in developing countries. It affects the course of social and economic development. India has embarked upon the new economic policy in the year 1991, popularly known as liberalization of the Indian economy. The basic feature of new economic policy is to encourage economic reforms and that has increased internal migration. Internal migration is an essential and mandatory component of the economic and social life of the country. The 2001 census shows that internal migration has picked up rapidly during the 1990s. The magnitude and variety of internal migration flows in India, as well as the distresses associated with them, are enormous. Migrants are deprived of basic entitlement including access to food, shelter, drinking water, education and often work in poor condition bereft of any security and legal protection. Laws and regulations concerning working conditions of migrants are largely ineffective, legislation fails because implementing authorities are over-burdened and the authorities see migrants as a low priority. The present paper is an endeavor to observe the laws related to internal migration in India.

GLOBALISATION AND ITS IMPACT ON POVERTY

-Yogyta and Prachi Chahal
Students, Banasthali Vidyapeeth

The nurture of Social and Economic justice, universally brought to the limelight by international legal regime, has influenced the design and formulation of Constitution of India and India's policies, since independence, with adoption of goal of welfare state at its very inception, through which various socio-economic reforms have set in into the state. Resurgence in globalisation, through economic reforms initiated in India in 1991 has believed to have injected a spell of apprehension in the way of dispensation of social justice and has compromised India's ability to nurture and defend the sapling of social justice. Globalisation, Privatisation and liberalisation have adversely affected the Human rights of citizens as it intensifies the impoverishment by increasing the poverty, insecurity and fragmentation of society. With this background, paper entitled “ **In the era of Globalisation , hashumanity hit the rock bottom?** “ , attempts at highlighting the impact of this market-oriented model of development ,on Human rights , with special emphasis on welfare of workers in unorganised sector , and concludes with a discussion of strategic policy issues within the context of debate surrounding impact of Globalisation, private enterprises and economic reforms on practice and protection of Human Rights .

THEME 7: MAKING EDUCATION ACCESSIBLE TO ALL: RIGHTS, JUSTICE AND LEGAL PARADIGM

MITIGATING GENDER DIVISIONS IN CHILD EDUCATION: A STUDY OF INITIATIVES IN INDIA

-Bharti Chhibber
Assistant Professor, University of Delhi

The paper examines how well the issues related to the education of girl child are addressed in India. The paper argues that child education is akin to human right. Though girls form a sizeable part of any country's population, their education levels are definitely below the mark as they are denied access to basic education. The paper begins with a brief understanding of gender divisions in society where girl child rights are violated in the form of female feticide, infanticide, child marriage, domestic violence and lack of education. Most of the time girl child suffers in silence in a patriarchal society deprived of personal liberty and bound by rules made by so-called 'superior male'.

In India according to Article 15 of the Constitution no discrimination can be made among citizens on grounds of religion, race, caste or sex. Likewise, the Constitution prohibits forced labour and trafficking in human beings. Article 24 argues that no child below the age of fourteen years shall be employed to work in any factory or mine. However, it is the implementation stage

that we have to work on through a culture of non-violence and non-bias. In this context, Right to Education Act 2009, India provides for right of children to free and compulsory education till completion of elementary education. The paper analyses initiatives by the Indian state to mitigate gender divisions in education with special programmes for girl child like Sarva Shiksha Abhiyan (Universal Education), Ladli (Loving Daughter), Beti Bachao Beti Padhao (Save Girl Child, Educate Girl Child) The paper further argues that with these programmes India has moved towards a big change in institutional framework of girl child education at the grassroot level. But there are structural and procedural bottlenecks still to be taken care of. These include patriarchal mode of society, preference for sons, poverty and lack of awareness which hamper girl child education. These arguments will be substantiated through case studies from some of the states in India. In the final, the paper offers some policy implications for addressing issues of gender divisions in the field of education in India.

ENSURING SOCIO- ECONOMIC JUSTICE TO CHILD LABOURER AND STREET CHILDREN THROUGH RIGHT TO FREE AND COMPULSORY EDUCATION

-Neelam Tyagi

Assistant Professor, Amity Law School

“A Child is a father of the Man”

-William Wordsworth

Every child is important for the healthy growth and development of a nation. Child labour is social evil and Child labourer and Street children are the most vulnerable groups of any society. Preamble and Article 14, 15 and 24 of the Indian constitution guarantees Justice (Social, Economic and Political) apart from the equality of status and opportunity to everyone. These rights suggests that every child have the full opportunity to develop himself and the duty is cast on the state (under Directive Principles) to safeguard health and opportunities to the child. To protect and provide care and protection to child labour several legal safeguards in the forms of legislations are enacted. However due to various societal reasons the menace of child labour continues (and is expected to increase further) depriving the Child labourer and Street children of their childhood and equal opportunities for seeking education.

Education is crucial for the holistic growth of the child. The healthy progress of the community at large is not possible if attention is not paid towards the education of children. In this direction the Right of Children to Free and Compulsory Education Act, 2009 (RTE) was passed which provides free education to all children of the age of six to fourteen years. Despite such beneficial legislation almost half of India's children are illiterate and do not have access to basic primary education. The benefits of the Act are not actually reaching the deprived. Allegations of lacunae

in the implementation of the Act and the socio-economic conditions are leaving much to be desired.

The current paper will analyse the dynamics of child labour and the status of the RTE Act and will propose certain policy changes for making the dream of access to free and compulsory education for all a reality in a time bound manner.

RIGHT TO EDUCATION AND GENDER JUSTICE IN INDIA

-Niharika Tiwari

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Praveen Kumar Singh

Advocate at Delhi Courts

Right to education in India reflects the changed perspective of the establishment from charity based approach to right-based approach. Education helps us to become an active agent of socio, economic and political changes. Thus, one does not remain mere recipient of the benefits trickled-down by the state. The proposed paper will be based on the hypothesis that right to education is the most important initiative to establish gender justice in India. This paper also presumes that once educated, one's choices and simultaneously the share in decision-making get enhanced. This paper would also explore and analyze the existing laws in India in this regard.

The notion of gender is a social construct based upon the "*ascribed-status*" of a person. It consists of male; female and third-sex. The need for gender justice emerges owing to the fact that due to the patriarchal system and stereotype society female and third sex are bound to have lower status in the society as compared to men at large. Education system, if democratic in nature, can act as a mechanism to empower the people.

THE CONSTITUTIONAL AND PEDAGOGICAL PARADOXES OF PRIVATIZATION OF HIGHER EDUCATION

-YogeshPratap Singh

Associate Professor, National Law University Odisha

Ayaz Ahmad

Assistant Professor of Law, Glocal Law School

The phenomenon of privatization of higher education is being pondered universally and scholarly attempts have already been explored. The Report of FICCI Higher Education Submit 2011 provides that Indian higher education system has unveiled remarkable growth over the last decade to become one of the world's largest systems of higher education. The statistics has made it clear that privatization of higher education is now an irreversible trend in India. However, this trend has produced several paradoxes within the system of higher education: First paradox; education is a social good and should remain exclusively in the hands of the state will find it hard to disagree that given the gauge and intricacy of Indian higher education challenges, the

government will not be in position to single-handedly tackle all the issues. Hence, gradual departure of educational policies from the constitutional principle of social justice to privatization requires new theoretical explanations and their ideological positions as higher learning being treated as a private-meritorious good than a public good. Second paradox; admitting the fact that the structure of political economy of education today has been experiencing incredible change and hence policy judgments towards immense privatization especially with opening up of foreign direct investment in higher education, sustains the democratic practices in the pedagogy? Third paradox; whether the mushrooming of private educational institutions is private in totality, in the light of emergent governmental policies and regulations particularly the reservation policy in private educational institutions? Fourth paradox that has consistently plagued higher education is quality and creativity issue. There is a growing concern that over commercialization has brought decline in ingenuity and quality of higher education and has raised an anxiety. This paper hence examines the changing role of higher education and deliberates upon theoretically nuanced propositions to make sense of the complexities of higher education in general and commodification of knowledge system in particular.

THE SPECTER OF CASTE: HIGHER EDUCATION AND THE EXCLUSION OF DALITS

-Kawalpreet Kaur
Student, Delhi University

Much has been said about caste discrimination in campus spaces post suicide of research scholar Rohith Vemula in HCU. Whether caste is just a law and order phenomenon inside campuses or a real social phenomenon came into discourse more prominently than ever. Education which was seen as a tool for creating spaces of inclusivity and social transformation, after independence, has been silently practicing casteism and is working towards the exclusion of Dalits from higher education. Most of the higher education institutions follow such modes of entrance that automatically guarantees that the Dalit students are made to stay away from it and if they somehow manage to get entry to it, suffer huge psychological pressure in such elite environment of campuses which results in their drop out. It is accompanied by a constant fear of failure administrative indifference, hostile regulations, insults, social and academic stigmatization and rejection. Even though the Amendment made in the SC/ST Act added to the list of activities that is considered to be crime against them but it does not take into account the policies and curriculums of the universities, which inherently assures that they are made to leave these spaces. This paper will attempt to analyse the recent changes that are made in policies of central universities that push a Dalit student back. It will understand how the recently introduced curriculums be it the most debated Four year undergraduate program (which was later rolled back from DU) or the newly introduced choice based credit system in higher education etc. has only furthered this cycle of exclusion.

JURISPRUDENTIAL ANALYSIS OF RIGHT TO EDUCATION IN INDIA

-Pradeep Kumar

Assistant Professor, Modern College of Law Ghaziabad

The thrust of this study is to examine and analyze the jurisprudential approach regarding the enforceability of socio-economic rights in relation to the right to education in India. The concept of social-economic Justice is a living concept and gives substance to the rule of law and meaning and significance to the ideal of a welfare State. The Indian constitution is an illustration of the forces at work in socio-economic Jurisprudence. It sets out the Directive Principles of State Policy fundamental to the governance of the country and spells out a social order in which Justice, Social, economic and political, shall inform all the Institutions of National life.

The greatest contribution of Ehrlich to Sociological School of Jurisprudence lies in scientific approach to Study of Law in its Social Context and his emphasis on relation between law and the life of the Society. His theory of living law came as a vigorous reaction against the analytical positivism. Ehrlich focused his attention on the Social function of Law. The purpose of Law according to him was attainment of Social Justice.

In this project, we will going to examine the views of various jurist in relation to Jurisprudential analysis of Right to Education in India and try to conclude it.

SECURING FUTURE, 'OF THE STATE, BY THE STATE & FOR THE STATE', THROUGH EDUCATION: A CRITIQUE OF CHILD RIGHTS

-Priyanka Dhar & Anindhya Tiwari

Assistant Professors, School of Law, Galgotias University

Education is the most important element for the growth and prosperity of a nation. The poor and marginalized individuals can break through the vicious cycle of poverty and participate in society through the principal means. Despite progress at various levels, children in developing countries are still discriminated in accessing education, health, employment due to a number of factors like poverty, illiteracy, early marriage, violence at home and school. Even though there are a number of legislations that attempt to eliminate discrimination against children, still they do not have access to primary and elementary education. Through this paper, an attempt is made to analyze various provisions in municipal and international law relating to right to education. In addition, an attempt is made to answer important questions as to why right to education is so difficult to achieve in spite of special provisions, which specifically directed towards providing education to women and children under the Constitution of India and various judicial pronouncements, which repeatedly try to uphold these provisions. Lastly, the researcher would

try point out the lacunas in the present system due to which the 86th Constitutional Amendment, which casts a duty on the state to provide free and compulsory education to children, is difficult to achieve.

INCLUSION OF CHILDREN FROM MARGINALIZED COMMUNITIES INTO PRIVATE SCHOOLS UNDER RIGHT TO EDUCATION ACT, 2009

-Randhir Kumar

Research Scholar, Tata Institute of social sciences, Mumbai

Post independent India has witnessed many changes in Indian society directly or indirectly impacting every one's life. However, the situation of the disadvantage child education in Jharkhand is worst, Scheduled Caste and Schedule Tribe people has not improved to a great extent as compared with most of the upper caste groups. They continue to be socially and economically backward as before. There are many central and state level committees, policies and programs to be implemented to develop primary education. There are welfare schemes, constitutional acts and flagship programs to be followed by aided, unaided or minority schools, But even today after six decades of independence, primary education remains an elusive accessible for several children in the country. Although access to schooling has increased for the SCs/STs, retention and completion of schooling are still a major issue for them. It has historically evidences that marginalized groups are facing the problems such as accessibility of quality education, connectivity with glob, cut off socially and pedagogically. And other side of coin welfare legislations would not be sufficient to check this evil.

RIGHT TO EDUCATION IN INDIA- A CRITIQUE

-Santosh Pratap Singh

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The Preamble of Indian Constitution secures three types of justice *i.e.* Social, Economic and political for all citizens of the land. Socio-economic justice requires Socio-economic development envisioned with Socio-economic equality which cannot be realized without proper arrangement of education on the part of the state. Recognizing education as the foremost requirement for all around development of human personality, Article 21-A was added as fundamental right through Constitution (Eighty-sixth Amendment) Act, 2002 to the Constitution of India, which provides that “the state shall provide free and compulsory education to all children of the age of 6 to 14 years as the state may, by law determine.” In consonance with this Constitution amendment, The Right of Children to Free and Compulsory Education Act was passed in 2009 by the Indian parliament but the purview of this Act and said amendment is limited as it ensures education as a right to the children upto the age of 14 years not afterwards which is not aligning with the philosophy of socialistic pattern of society. Judicial attitude on this issue is not traceable as much progressive and path-breaking. This paper will critically analyse

and discuss the possibilities to extend the ambit of right to education maintaining balance between philosophy of social justice and privatization of education at extreme level in present socio-economic conditions of India.

RIGHT TO EDUCATION UNDER ATTACK

-Satish Kumar

Research Scholar, Department of Social Work, University of Delhi

Though Right of Children to Free and Compulsory Education Act, 2009 is a landmark initiative by the Government of India which offers elementary education free of cost to children in the age group of 6-14 years, it serves a limited purpose in civil strife affected areas. This is because it only covers 6-14 age group population and excludes children aged 15 and above while most of the children in civil strife affected areas are late starters and are, therefore, over-aged for their age appropriate class. The study was undertaken to assess the effectiveness of Right to Education Act in one of the worse civil strife-affected district, i. e. Bijapur, of Chhattisgarh. This district has the lowest literacy rate in Chhattisgarh and the second lowest in India. The study ascertained the level of participation of children of different social groups in elementary education for the year 2015-16 and explored the specific factors arising out of civil strife that affect the participation of children in elementary education. The field investigation brought out some important factors such as the destruction of schools, displacement of families, loss of academic records, abduction and disappearance of children, recruitment of children as child soldiers, over-age of children and restrictions on children by left-wing extremists from receiving education, that inevitably affect the participation of children in schools.

MEETING THE GENDER PARITY: A LESSON FROM AFRICA

-Utsav Kumar Singh

ICSSR Doctoral Fellow, Department of African Studies, University of Delhi

IMF has estimated that, **if we raise the number of female worker at par with the number of men, GDP of United States would expand by 5per cent, Japan by 9per cent and of India by 27per cent** (IMF, 2015).

Since the establishment of Millennium Development Goals (MDGs) in 1990, and the transition in Sustainable Development Goals (SDGs) with a time bound target of seventeen goals and one hundred sixty nine indicators at the starting of year 2016, for next fifteen year. The first five goals talk about poverty in any form, hunger, food security, healthy lives, education for all and gender equality. They are indivisible and balance the economic, social and environmental dimensions. These goals can be realized only by fostering gender equality, and not otherwise.

We are very satisfied with statement that ‘the girls in Africa don’t have the same opportunities as boys to get a decent education, that discrimination is shutting women out of the jobs and assets

they need to provide a better standard of living for their families, that the benefits of economic growth are being wiped out because women are having too many children, and that thousands of women are dying in childbirth because they don't have access to basic healthcare'. The contrast of this statement that we rarely hear– that Africa has been making significant progress and even has a thing or two to teach the rest of the world. The African experience and experiment in the recent times can be the starting point for the rest of the world to make the society more inclusive with women as a harbinger of change.

In India, women constitute 48 per cent of the total population. This paper analyzes the government's concerns to meet "GENDER PARITY" in India and how it could follow the experience of African nations, where women empowerment is reflected by their representation in there parliament and key position of decision making.

The paper underscore the initiatives of African Nations in attaching women to the steering positions and enabling them as decision makers rather than mere followers. This approach is a welcome step and countries around the world need to focus more on how to bring women into the position where they could act as key players.

ARTICLE 21A v/s 30 (1): RIGHT TO EDUCATION V/S MINORITY RIGHTS

-Vishal Sharma

Assistant Professor, School of Law and Legal Studies, Galgotias University

Education is a key to development of humanity. Indian Judicial system, *Unni Krishnan* case, has endeavored to read right to education as part of right to life, and which was equally responded by Indian parliament, through Eighty Sixth Constitutional Amendment. Other important part of Indian constitution is minority rights. Right to education became a part of constitution of India in last 25 years only, but minority's right to establish educational institutions of their own choice was present in original constitution also. It is important to analyze whether there is any conflict between articles 21A and article 30 (1) of constitution of India. Whether meaning, scope and nature of education under both these articles is same? Is it a conflict between the individual rights of a child and collective right of a religious or linguistic minority or a conflict between right to a basic education and right to a specialized education? This paper will attempt to focus on these points of conflict. This study is even more important when there are allegations that educational institutions of religious nature are breeding fundamentalism in young minds. Recently, Maharashtra government has also derecognized some *madrassahs* educational institutions. But biggest question which writer is trying to emphasize is; whether these rights can be harmoniously constructed, which could be beneficial for the child's right as well as society's right in general and minority's rights in specific?

THEME 8: SAVING THE GIRL CHILD: BATTLING FEMALE FEOTICIDE IN INDIA

FEMALE FOETICIDE

-Arjun Chouhan

Student, Delhi University

Women are murdered all over the world. But in India a most brutal form of killing females takes place regularly, even before they have the opportunity to be born. Female feticide--the selective abortion of female fetuses--is killing upwards of one million females in India annually with far-ranging and tragic consequences. In some areas, the sex ratio of females to males has dropped to less than 8000:1000. Females not only face inequality in this culture, they are even denied the right to be born. Why do so many families selectively abort baby daughters? In a word: economics. Aborting female fetuses is both practical and socially acceptable in India. Female feticide is driven by many factors, but primarily by the prospect of having to pay a dowry to the future bridegroom of a daughter. While sons offer security to their families in old age and can perform the rites for the souls of deceased parents and ancestors, daughters are perceived as a social and economic burden. Prenatal sex detection technologies have been misused, allowing the selective abortions of female offspring to proliferate. Legally, however, female feticide is a penal offence. Although female infanticide has long been committed in India, feticide is a relatively new practice, emerging concurrently with the advent of technological advancements in prenatal sex determination on a large scale in the 1990s. While abortion is legal in India, it is a crime to abort a pregnancy solely because the fetus is female. Strict laws and penalties are in place for violators. These laws, however, have not stemmed the tide of this abhorrent practice. This article will discuss the socio-legal conundrum female feticide presents, as well as the consequences of having too few women in Indian society.

UNDERSTANDING THE EFFICACY OF LEGAL PROHIBITION ON PRE- NATAL SEX-DETERMINATION

- Komal Sandhu

Faculty, Galgotias University

India's sex ratio is 1000 boys for 940 girls. Who creates this disparity? It isn't God. Don't fill your coffers by sacrificing the mother's womb. People feel that sons will take care of them when they are old. But I have seen aged parents in old-age homes. I have seen families where one daughter serves parents more than five sons.

NarendraModi

It is unfortunate that for one reason or the other, the practice of female infanticide still prevails despite the fact that the gentle touch of a daughter and her voice has a soothing effect on the parents. One of the reasons may be the marriage problems faced by the parents coupled with the dowry demand by the so-called educated and/or rich persons who are well placed in the society. The traditional system of female infanticide whereby the female baby was done away with after birth by poisoning or letting her choke on husk continues in a different form by taking advantage of advanced medical techniques. Unfortunately, developed medical science is misused to get rid of a girl child before birth. Knowing completely that it is immoral and unethical as well as it may amount to an offence; foetus of a girl child is aborted by qualified and unqualified doctors or compounders. This has affected overall sex ratio in various States where female infanticide is prevailing without any hindrance.

For controlling the situation, Parliament in its wisdom enacted the Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (hereinafter referred to as “the PNDT Act”) the same was further amended into the Pre-Conception and Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) (PCPNDT) Act in 2004. The total **number of Convictions in various states till September 2011 are i 4 no. in Delhi, 23 in Punjab, 29 in Haryana, 1 in Chandigarh, 1, 4 in Rajasthan and Gujarat and only 18 in Maharashtra.**(* The remaining 28 states and union territories had either zero convictions or zero cases) (Noted that publications/ formal documentation of such data is not freely available in the public domain).

The number of cases that have led to convictions is so low that it makes essential an investigation of the impediments in the functionality of an effective legal instrument originally conceived as a serious tool to catalyze positive social change.

PRE-NATAL SEX DETERMINATION

-Harinath Prasad

Student, Hidayatullah National Law University

Pre-Natal Sex Determination is not only highly, grimly social issue but now it has turned up heinous crime which is tending in the society towards a unknown worldwar in which the men are suppose to hunt another men including animal for fullfiling his lust and gratification without having any shame or adverse feeling. They will forget about their internal relationship by becoming violent. They will become un-social and forget about the social dignity. In the other there will not be any space for mankind in society itself due to this barbaric practice.

The concept of Pre-Natal Sex Determination does not have solid base in society rather it is a fictitious and illusory view prevailing in society. its roots is the social thinking which is fundamentally based on certain erroneous notions, ego-centric traditions, pervert perception of socialnoers, and obsession with ideas which are totally individualistic sens the collective good.

All involved in female foeticide deliberately forget to realize that when the foetus of a girl child is destroyed, a woman of future is crucified. Some such of the factor are like Economic and social pressures act to make sons much more desirable than daughters etc.

The concept of subordination of female gender is not a new phenomenon rather it was existed from the ancient period in India. In Vedic period women were given equal status in the society and were considered an epitome of power. But commencing from post Vedic period to modern period the attitude of the people live in in society have been change completely and now women are considered to be subordinate than men in society.

The Government of India Through various laws, rules, regulations, policies and amendment it has tried to curb this menace from the society but in vain. Recently in a newspaper report that the rate of conviction of person involve in this heinous crime is being very poor. From 2003 to 2014 only 206 doctors have been convicted our court.

The actual problem lays with the implementation part in the law rather the law itself. The State Advisory Committees which are supposed to help to implement the provisions of the PCPNDT (Prohibition on Sex-Selection) Act, 1994 do not meet regularly. A part from this, there is poor monitoring of ultrasound clinics which are required to maintain records of the scans they conduct but the violation are often let off with a fine.

In view of the above backdrop the author try to analysis the various provisions of the PCPNDT (Prohibition on Sex-Selection) Act, 1994 along with its amendment inserted in 2003 in order to find out the grey areas and suggest some majors to cover up the same for getting desired result from such law. Infact the mental attitude of the persons living in the society plays very important role to arrest this social evil from the society. Therefore the implementation of the law and change of attitude of the person both are equally needed to prevent the effect of Pre-Natal Sex Determination in society. If it is not checked and controlled, its results would be very much fatal, devastating and alarming to the society in general and for mankind in particular.

FEMALE FOETICIDE

-Pooja Arora

KLE Society's Law College, Bengaluru

Throughout the world, nature rules. It balances everything but here in India, nature is over-ruled. India has one of the lowest sex-ratios in the world. India is a country where woman is worshiped as a deity and it is the same country where she is get rid of like a rotten part of the body. Earlier she was killed brutally after her birth but now due to advancement of medical technology, she is not even given right to take birth. Nature bears testimony to this fact that her survival is essential for the continuance of human race. To kill her means to bring an end to the whole human race.

Female foeticide is one of the most nefarious crimes on this earth; perhaps what is detestable is that the people who commit crime belong to the educated class. Female foeticide has become a

social hazard of international significance in the era of ultrasound technology and capitalist modernity. This paper tries to focus on the rationale behind the foeticide, the socio-legal conundrum female foeticide presents and the consequences of this phenomenon on the Indian society. Finally, this paper will review the measures taken to combat this heinous phenomenon for a balanced society.

FEMALE FOETICIDE

-Rahul Shekhar

Student, Galgotias University

“A daughter is one of the most beautiful gifts this world has to give.”

- *Laurel Atherton*

It is only much to our chagrin, that even after about seven decades of Indian independence, the fate of the unborn girl child lays at the mercy of the culture driven patriarchal society which prefers male child over the female child. This preponderant cultural practice has led to female foeticide which is both illegal and immoral. The pre-determination of sex is a harbinger of even more inevitable killings of the girl child. The birth of a girl is considered to be as a malady, as she is a ‘liability’ of her family as against the male child who is an ‘asset’ of the family and who purportedly would support his family, financially. The girl on the other hand is aborted because she is unwanted and is jettisoned like cargo because she is burdensome. Female foeticide is a crime so dastardly that it has approximately victimized the lives of 12 million unborn girls who didn’t even get to experience their first cry.

In this article, we shall deal with the inhumane malpractice of female foeticide and how it affects our society.

SOCIAL EVILS IN INDIA: FEMALE FOETICIDE

-Venu Parnami

Assistant Professor, Amity Law School Delhi

Ankit Pathak

Student, Amity Law School Delhi

Controlled constitution not framed by the Indian Parliament, that is, Preamble might have given us socio-economic justice six decades ago, but the fruits of the hard work demonstrated by constitution makers were negated by the parallel technological advancement. Here, in India, people blindfolded by wish for an heir have managed to travel so far with a white-cane technological process called ‘Pre-natal sex determination’. Every scientific achievement gives birth to new cultural realities. A significant number of people acknowledge the need to safeguard and empower the girl child and agree to pursue, by every possible means, a paradigm shift to eliminate discrimination against women. Even then we have failed to change the basic mind set

which favors ‘producers’ over ‘consumers’. Our individual reason, spirit and desire must give way to collective good then only essence of justice can be seen to be done in the society.

This paper delves into the socio-economic implications of skewed sex ratio in our country while underlying the results attained by PC & PNDT Act, 1994. The researchers aim to produce a constructive study on non-linear, tangled, multi-vocal and disordered legal set up to fight against this menace.

NO RIGHT TO BE BORN- AN ANALYSIS OF FEMALE FOETICIDE IN INDIA

-Zainab Fatima

Assistant Professor, Sharda University

The recent programmes of Government of India like **Beti Bachao Beti Padhao, Selfie with Daughter and** Girl Rising address the issue of female foeticide but still the ground realities are heartbreaking.

Selective and deliberate removal of the female foetus using medical technology is prevalent in India despite having The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 2003 as amended which not only prohibits determination and disclosure of the sex of the foetus but also bans advertisements related to preconception and prenatal determination of sex, the child sex ratio has dipped to 914 in the 2011 which was 927 in 2001.

In 2015 the Supreme Court noticed ineffectiveness of the law highlighting less convictions under it with only 44 cases filed in Delhi and also has not much helped in rising the sex ratio.

The paper attempts to trace the cause of female foeticide and tries to analyze the present national and international laws. It also tries to highlight the various governmental initiatives taken and the judicial attitude towards the issue, followed by suggestions and conclusion.

THEME 9: HEALTH, NUTRITION AND LEGAL TRENDS

COMMERCIALIZATION OF HEALTH

-Apoorva Ahuja & Wali Nawaz Khan

Students, University of Delhi

Health does not imply merely an absence of sickness. It is a state of complete physical, mental and social well being. The right to health has been recognized as a basic human right being universal in application. The Constitution of India also makes it a fundamental right under Article 21 guaranteeing “*Right to Life and Personal Liberty*”. Furthermore, it has also been recognized by the Constitution under Directive Principles of State Policy, making it the primary

duty of the state to improve public health. The various International Treaties, India being one of the signatories to such treaties, also recognize the right to health ensuring access to medical services to all. Despite this background the growing privatization of the healthcare sector in the country has led to large scale commercialization of such services. This trending commercialization in turn has resulted in stark inequalities, discriminatory practices and unjust power relations. The objective of this paper is to highlight the existing trend in the healthcare sector, the effects of this trend and, how it can be combated. The paper also seeks to analyze the policies adopted by developed nations- US, UK, Canada, etc. and compare it with the existing Indian scenario.

RIGHT TO HEALTH FOR CHILDREN: SPECIAL REFERENCE TO EARLY CHILDHOOD

- Krishna Kumar

Assistant Professor, Dr. H.S.GorVishwavidyalaya

India is a signatory to United Nations Convention on Child Rights but there is need to address the health problems primarily the malnutrition and neglect of health of young children. A rights-based rather than a welfare approach is needed to realize child rights, of which health is first and foremost. The right of the child to survival, growth and holistic development require particular attention so that the child may not be deprived of the care, love, health, nutrition etc.

This paper provides an analysis of the present legal framework promoting the Right to health of children during early childhood at International and national levels. The efforts of the government to protect the health of the children through legislative enactments both at national and state level are also discussed.

The paper emphasise the need of the law and policy on mortality and malnutrition for the reflection of special status for the protection of the rights and interests of the young children through the proper implementation of the schemes and ensuring accountability at all levels .

STARVING PEOPLE HOPE FOR BITES IN FREE INDIA

-Preeti Joshi

Faculty, Rajasthan University

Each living being contained certain rights by birth on earth. The right to food and nutrition is the one of them. The pious document of the land enshrines right of food and nutrition in article 21 and 47 of the Indian Constitution .Article 47 is the directive principle which declares that it is the duty of the State to raise the level of nutrition and the standard of living and to improve public health. Global Hunger Index ranks India on 66th position out of 88 nations of World at hunerindex. By which we can assume that millions of peoples are hungry and desperate in India.

We have to think on the reason by which we became failure to provide food to every person living in India. Lighting growth of years reflects the exact scene of poverty and hunger. Peoples are starving at high rate.

India has a great vision to love mankind. It's notion is always remain with poor and weaker section of the society. In this series National Food Security Bill, 2011 was proposed. Indian Parliament has passed this as National Food Security Act, 2013. Its motto is to provide subsidised food at governmental ration shops to needy one. Hence we shall hope that one day there will no place for hunger and every person will enjoy nutritious and healthy food in India.

TELEMEDICINE: A NEW HORIZON IN REALISING RIGHT TO HEALTH IN INDIA

-Khushboo Malik

Research scholar, University of Delhi

The term “Right to Health” is nowhere mentioned in the constitution yet the hon’ble Supreme Court has interpreted it as a” fundamental right” under “Right to life” enshrined under Article21. The right to health is inherent to a life with dignity and Article21 should be read with Articles 38,42,43 and 47 to understand the nature of the obligation of the state in order to ensure effective realisation of this right.

The health of nation is the product of many factors and forces that combine and interact like economic growth, public and private health care infrastructure etc .Despite making huge strides in overall development, the health coverage to majority of our population is still a distant dream. A recent survey by the Indian Medical Society has found 75% of qualified consulting doctors practice in urban centres and 23% in semi urban areas and only 2% from rural areas whereas majority of the patients come from rural areas. Hospital beds per 1000 people is 0.19 in rural and 2.2 in urban areas. This calls for innovative methods of utilization of science and technology for the benefit, of our society and telemedicine assumes a great significance to revolutionize the healthcare system in India. The advances in medical science, biomedical engineering on one side and telecommunication and information technology on the other side are offering wide opportunities for improved healthcare. Thus , adaptation of telemedicine technology offers one of the best options for delivering healthcare for rural and geographically distant population spread across India.

The aim of this paper is to analyse importance of telemedicine in achieveing “Right to Health” in India and highlighting current status of telemedicine services in India to improve healthcare facilities in India

SURROGACY IN CONTEMPORARY INDIA

-Lakashya Saini

M.Phil scholar, Centre for the Study of Law and Governance, JNU

The preamble of India envisaged the principle of socio-economic equality to every citizen of India. However, this goal of preamble have not been fully recognized yet. The recent introduction of the Surrogacy (Regulation) Bill, 2016 has been criticized for interfering with the reproductive rights of surrogate parents. The draft Bill proposes bans on renting a womb for money and allows it only if the woman is doing so for altruistic reasons. With this sweeping ban, the Bill negates the rights of parenthood to single persons, divorcees, widowed persons, single sex couples, live-in relationship partners and others who come outside the patriarchal norm. It is stark violation of the reproductive right of the surrogate parents and it also violates the woman's fundamental right to livelihood which is contrary to Article 14 & 21 of the Constitution. By putting a blanket ban on commercial surrogacy it may thereby turn surrogacy into a black market business, it also a possibility that altruistic mother may be victimized and be subjected to coercion in marital homes to bear a child for their relative. This paper seeks to make an attempt to analyze the draft Bill which has been framed without addressing the actual concerns of the surrogacy arrangements in India, and which will do more harm than good by leading to the exploitation of women.

RIGHT TO FOOD: FOOD SAFETY AND STANDARDS ACT IN INDIA

-MuktaVerma

Assistant Professor, Allahabad University

Right to food, health is basic human right which ensures life of human being. Right to food, health, nutrition has been recognized at national and international level. Article-25 of the Universal Declaration of Human Rights, Article-11 of the International Covenant on Economic, Social and cultural Rights, World Food Summit, 1996, emphasized on right to adequate food and the fundamental right to everyone to be free from hunger. It is matter of concern behind implementation of National Food security Act, 2013. Food safety and Standard Act, 2006, Food safety and Standard Rules, 2011 are measure to provide safe and nutritious food. Article-21, 39, 41, 42, 47, 48 A, 243 G has provision to protect right to life, right to food under fundamental rights and directive principle of state policy. There is need to protect social justice at socio-economic level to provide nutritious food for all with all round development. There should be strict penalty on food adulteration, poor cleanliness and sanitization.

DEATH WITH DIGNITY FOR TERMINALLY ILL PATIENTS- A CRITICAL COMMENT ON THE NEED FOR LAW REFORM IN INDIA

-Ravi Pratap Singh & Peeyush Bhartiya

Students, DelhiUniversity

It is well settled in almost all common law jurisdictions that a terminally ill patient, who is conscious and is competent, can take an informed decision to die a natural death and direct that

he, or she, will not be given the medical treatment, which may prolong his life. There are many patients who have reached a stage in illness where there exists no chance of recovery. Modern medicine and technology may prolong life to no purpose and during such prolongation patient could go through extreme pain and suffering, which the patient may not wish to undergo or would not have undergone if given a chance to decide. The patient may not want medical treatment which will merely prolong life or postpone death. The paper seeks to promote the debate by contending that India is ready to take the step of decriminalizing physician-assisted suicide performed under strict conditions. The case of ‘withdrawal of artificial measures’ for continuance of life by a physician was first decided by House of Lords in *Airedale N.H.S. Trust v. Anthony Bland*.¹ In India the seed for this debate was sown by none other than the Supreme Court in *GianKaur v State of Punjab* when the Court observed that ‘...if he is unable to take normal care of his body or has lost all senses and if his real desire is to quit the world, he cannot be compelled to continue with torture and painful life’. The Euthanasia (Permission and Regulation) Bill, 2007 envisaged a person who is invalid or terminally ill due to accident, disease or birth or suffering from an incurable disease to approach the competent authority to get declarations permitting him to commit physician assisted suicide. But the bill has lapsed on account of dissolution of 14th Lok Sabha.

IMPACT OF SANITARY AND PHYTOSANITARY MEASURES (SPS) ON HEALTH: AN ANALYSIS OF MAGGI CONTROVERSY IN INDIA

-Rita

Student, Punjab University

Ezza

Student, MDU

It is a primary duty of every state to raise the standard of nutrition levels in the public, Improve standards of living and prohibit that which is harmful to health. Inadequate food safety regulations and lack of implementation measures are barriers faced by many countries. International food trade is increasing over the years. In the Indian context there is a sufficient volume of trade, with an increasingly important role being played by MNCs and international brand of food products. The right to health is a fundamental human right which is recognized in international and regional human rights systems. Health has universally been recognised as an important dimension of human flourishing. In particular, it is widely acknowledged that technical measures such as food quality and Sanitary and Phytosanitary (SPS) requirements can impede trade, particularly in the case of developing countries. Indeed, the Uruguay Round addressed the impact of these requirements on trade through the Technical Barriers to Trade (TBT) and SPS Agreements. Apart from international human rights instruments, municipal legal systems also recognise the right to health unambiguously or tacitly. The paper will be presents an assessment of the impact of SPS measures and its impact on health and giving an overview of legal and

regulatory framework of different international legal instruments and national laws of India relating to healthcare with special reference to the maggi controversy. In recent years, there have been considerable developments in international law with respect to the normative definition of the right to health, which includes both health care and healthy conditions. These norms offer a framework that shifts the analysis of issues such as disparities in treatment from questions of quality of care to matters of social justice.

THEME 10: ENSURING EQUALITY: CONSTITUTIONAL PROMISES AND INDIA'S SOCIAL REVOLUTION

DEVADASI....THE GOD'S PROSTITUTE

-Agrini Rawal

Research Scholar, University of Delhi

Right to Equality provides U/Article 14 of Indian Constitutional equally applicable to prevailing devadasi system which needs to be abolished. Devadasi literally means God's (Dev) female servant (Dasi). Devdasi system is an ancient religious practice whereby parents marry their young daughters due to their poor economic conditions to the deity but indirectly her virginity is auctioned to the powerful men and the priests of the temple. There were several kinds of Devadasi prevalent in different parts of India such as KaikolarDevadasis in South India and the Chola Empire, MahariDevadasi of Orissa, Yellamma cult of Karnataka, etc. During British period most of these women were prostitutes or had taken up prostitution as the temples had lost the royal patronage and were no longer able to support them.

Due to the interventions and active participations of many agencies led to the abolitions of devdasi system. In 1930 C.E., Muthulakshmi Reddy the Madras Legislative Council banned the pottu ceremony in Madras. Later, Bombay Prevention of the Dedication of Devadasis Bill (1934 C.E.), Madras Devadasi (Prevention of Devadasi) Act of 1947, The Karnataka Devadasis (Prohibition of Dedication) Act of 1982, Andhra Pradesh Devadasi (Prohibition Dedication) Act,1989 and Goa's Children Act, 2003 were implemented to abolish the system of devadasi in India.

In Modern times these devadasi gradually evolve as prostitutes who lives in utter poverty latter dies a harrowing death due to AIDS or other diseases. Worst is the plight of devadasi children who are eventually bastardized and these children are deprived of their right to a decent life like any other normal child. Hence, the need of the time is to implement laws strictly to wipe out this heinous practice and to rehabilitate them.

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE: COMPARATIVE STUDY OF INDIA AND ARMENIA

-Anush Gasparyan

Research Scholar, Faculty of Law, University of Delhi

The issue of sexual harassment of women at workplace has been a challenge of the decade all over the world. It diminishes the quality of the work and directly affects the norms of the gender equality. Over many years, worldwide, by governments have been introduced laws, procedures, several policies and mechanisms aimed preventing the problem of sexual harassment. It is an interesting attempt to observe the situation of two different countries like India and Armenia, to analyze the effectiveness of the legal tools and to come up with practical suggestions in the form of mechanisms which will be effective solutions for the problem of sexual harassment at workplace.

This article I have divided in to main three parts:

- I shall take a look at the legal framework which prevents sexual harassment at workplace in India and Armenia.
- I shall comment on the situation in both the countries to know if the working women are being secured or observed in the breach and in case why such breach do occur.
- The paper will brought to an end in the form of a summary of vital points made in my course of uniting and a call on concerned stakeholders to do the needful in safeguarding the working women's rights by making suggestions based on international practice.

MARRIAGE REGISTRATION: A NECESSITY OR HYPOCRISY?

-Apanjot Kaur

Assistant Professor, CLC, University of Delhi

There is a general consensus that marriages should be registered and it should constitute as a sufficient proof of marriage. In India, till date recognition of customary marriages has been given the best evidentiary value which makes it difficult to establish registration as a compulsory practice.

In India, registration of all marriages is being made compulsory under the Registration of Births and Deaths (Amendment) Bill, 2012, having regard to the directions of the Supreme Court in *Smt. Seema v. Ashwini Kumar*, Report of the Committee on Empowerment of Women and recommendations of the Law Commission it was proposed to amend the Registration of Births and Deaths Act, 1969 to provide for compulsory registration of marriages without affecting in any manner the State law-making provisions for compulsory registration of marriages in their respective States. However, the registration of marriages there under does not affect any right recognized or acquired by any party to marriage under any law, custom or usage.

India being secular by virtue of its constitution and owing to absence of any uniform civil code, till date have separate enactments governing the validation of marriage in different sects and

divorces. These enactments include Hindu Marriage Act, 1955, Indian Christian Marriage Act, 1872, Parsi Marriage and Divorce Act, 1936, Muslim Personal law. In addition to this list, Special Marriage Act takes care of the marriages performed in a civil manner and does not require marriage ceremonies as per the customs or rights/rituals of the parties; and Foreign Marriage Act deals with the recognition of marriages performed/registered outside the territory of India. Multitude of legislation in addition with the federal nature of the country leads to several problems especially in implementation. For instance the law on validity of a Hindu marriage is governed by the Hindu Marriage Act, 1955, whereas, on one hand, The Registration of Births and Deaths (Amendment) Bill, 2012 makes registration of marriage in India compulsory. The provisions under The Hindu Marriage Act, 1955 does not make registration of marriage mandatory, though it only stipulates that facility for registration of marriage may be provided. Section 8(5) of the Act lays down that failure to register a Hindu marriage shall, in no way affect its validity of marriage. Hence, this study focuses on resolving the conflict between recent development of compulsory registration of marriage and marriage recognised as per the customary practice. As a marriage registered under the state law is equally susceptible to be invalid in the court of law owing to the non-fulfilment of conditions required for a valid marriage and registration of marriage merely provides a presumption in favour of a marriage.

Undoubtedly, there are innumerable benefits of compulsory registration of marriages. The proposed Bill will especially be beneficial to women, and would help in protecting them from unnecessary harassment in matrimonial and maintenance cases and various other aspects like preventing child marriages and for ensuring minimum age of marriage; keeping a check on bigamy/polygamy unless the same is permitted under any law or custom and ensuring that prior wives get notice of intended marriage; enabling married women including the women married to NRIs or foreigners to claim their right to shelter and maintenance; deterring men from deserting women after marriage and also act as a deterrence for parents/guardians from selling their daughters or young girls to any person including a foreigner under the garb of marriage. It will also provide evidentiary value in matters of right of children born from wedlock of two persons whose marriage is registered and the age of the parties to the marriage.

But, at the same time the practical applicability of registration owing to issues such as, what would be the effects of non-registration of marriage, whether registration of marriage creates sufficient proof of marriage or not, and the procedural anomalies regarding the registration of marriage raises question regarding necessity of compulsory registration of marriage. Further, there may exist the issue of implementation of compulsory registration of marriage as the large number of Indian population lives in rural areas and faces lack of resources, facilities and knowledge about legal requirements of registration of marriage, making it difficult to ensure compulsory registration in such cases. Hence, the burden falls upon the government for ensuring that marriage registration facilities are made available to all. Therefore, the state should assume a greater role in developing countries (Parent's patriarchy).

POLITICAL AND SOCIAL STATUS OF WOMEN IN LADAKH

-Dalden Angmo

Research Scholar, Faculty of Law, University of Delhi

Social status of women in Ladakh is better than women of other parts of India. Yet it is difficult to place them equal to men, and definitely not higher. Women in Ladakh can eat, drink, sing and dance together with male counterparts" but that's not everything. The real freedom in a modern democratic society can be measured by people's participation in the governance and policy making irrespective of sex, religion, caste etc. The constitutional protection of one third representation to women in the Panchayati Raj institutions under the 73rd and 74th amendment to the Indian Constitution was a land mark steps taken by the Indian parliament to make the representative democracy a participatory one. Lack of women participation in the local government makes them more vulnerable for the violations of their rights.

Through this article researcher will try to analyze how far the women empowerment strategies/programs at grass root level- by the government of Jammu and Kashmir, are able to make changes in the lives of women of Ladakh by empowering them economically, socially and politically. Secondly, to bring to light the reality and causes of the existing social inequality between men and women in Ladakh

Finally, since the largest room remains the room for improvement, the study will try to identify various measures that, if adopted, will serve the end of justice. The result of the study shall help redesign the existing strategies and give attention to constraints faced by women of Ladakh.

TRIBAL WOMEN IN MANIPUR AND LEGAL INTERVENTION

-Deborah Darlianmawii

Department of Humanities and Social Sciences, IIT Kanpur

Tribal women are known to belong to an egalitarian society. Women in tribal society are often compared with women from caste-based society as having a better position than them. No doubt, tribal women in Manipur are more engaged in social and political affairs than their counterparts. However, the nature of political participation of women is largely limited to casting of votes, taking active role in political activities, but excluded from decision-making. Even though tribal women would take part in political activities like protest, strike, holding bandhs, they are excluded from decision making. Also, with regard to the customary laws, women still has a long way to go to achieve equality as men. Hence, it is clearly evident that tribal women are still facing immense challenges even after seventy years of the nation's independence. In this work, I will highlight certain ways in which legal intervention has been made or are proposed to be

made, so as to bring equality for women. I will also draw attention to certain suggestions made by academia, as it provides large scope or options for legal attention.

CONSTITUTIONAL PROVISIONS TO ACCORD SOCIO-ECONOMIC

EQUAILTY TO WOMEN

-C.R. Jilova

Assistant Professor, Kurukshetra University

The Constitution of India recognizes the fact that the women in India have been socially and economically handicapped for centuries and as a result thereof, they cannot participate in the socio-economic activities of the nation on a footing of equality. The purpose of constitutional provisions is to eliminate this socio-economic backwardness of women and to empower them in such a way as to bring about effective equality between men and women, so that the status of women can be improved. There can be no discrimination in general on ground of sex under constitution but sex can be a sound classification which provides for special provisions in the case of women. What does the expression special provision for women mean? The special provisions which the state may make to improve women's participation in all activities under the supervision and control of the state can be in the form of either affirmative action or reservation.

Article 15(1) and 15(2) prevent the state from making any discriminatory law on the ground of gender alone. The constitution insists on equality of status and it negates gender bias. Constitutional provisions do not prohibit special treatment of women. The constitutional mandate is infringed only where the females would have received same treatment with males but for their sex. In English law but –for –sex test developed to mean that no less favorable treatment is to be given to women on gender based criterion which would favor the opposite sex and women will not be deliberately selected for less favorable treatment because of their sex. Article 15(3) does not limit its scope, it cover the entire range of state activity including that of employment. The constitution, thus, provides equal opportunities for women implicitly as they are applicable to all persons irrespective of sex. However, these articles reflect only de jure equality to women. They have not been able to accelerate de facto equality to the extent the constitution intended. There is still a considerable gap between constitutional rights and their application in the day –to –day lives of most women.

SOCIAL EMPOWERMENT OF DALITS UNDER INDIAN LEGAL REGIME AFTER SEVEN DECADES OF INDEPENDENCE: A CRITICAL ANALYSIS

-Neelam and Deepti

Faculty, VIPS

Recently, an upper caste teacher murdered a dalit man for touching the flour during Navratri and rendering it impure. In another incident seven members of a Dalit family were allegedly beaten up for skinning a dead cow in GirSomnath district, Una. And, a Dalit student of premier

university hanged himself in a friend's hostel room alleging discrimination. Moreover, there is an Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. But, nearly 8 lakh were involved in it according to Census 2011. However, this is not the end.

There are plethora of such incidents such as thrashing poor people for cattle carcass, forced manual scavenging, sexual assault, and incidents urinating on dalits. Dalits make up 17% of India Population. But, Number of crimes reported against SC's per one lakh of their population was 23 in 2014. It mean that rate of crime against SC's was above the national average in 10 states in 2014. Moreover, the filing of FIR rate in crimes against Dalits was 92% but conviction rate was only 29% in 2014. Against this backdrop, this paper examines how much we are succeeded and what more we can do for the social empowerment of these people.

CUSTOM, VILLAGE AND THE POLITICS OF SOCIAL EXCLUSION

-Sarvesh

Assistant Professor, Law Centre -I

The issue of Social exclusion remains an issue of fundamental debate in Indian democracy. The problem is deep-rooted and is acute in post-colonial countries, including India. The culture of social exclusion manifests itself in communal clashes, ethnic riots, political secessionist movements and extremist violence which take place almost routinely. Researcher identifies the social exclusion of rural community, as one of the most key challenges confronting Indian democracy. This paper tries to give a new dimension to the concept of exclusion by portraying vividly the social marginalization of the rural community in Haryana, in the face of the modern nation state. The aesthetics of resistance reflected in the people's struggle to protect their culture and customs is also highlighted.

A sizable portion of the statutory law in Haryana remains incongruent with the attitude and concerns of much of the rural population which lives under it. Contemporary legal system presents an instance of a systematic and gradual displacement of the customary law. This process which begun with the introduction of common law in the nineteenth century, followed by the new constitutional models in the twentieth century has led to a process of slow transformation of an hitherto cohesive multicultural rural society to an individualistic one in which the institution of morality is being replaced with technical expertise. Because of the situation, the people face multiple challenges. On one side they would like to reverse what they perceive as a policy of neglect by strengthening their traditional institutions. On the other they have to cope with the fact that the dynamics of the interface with the formal system have changed also their customary law and traditions. Some feel that the changes have been imposed on them and express their dissatisfaction with this reality by demanding recognition of their ancient customs or in the movements for self-determination.

The paper highlights the role of the state in sanctioning the social exclusion of the village community. The present paper tries to understand the complex interface of custom with the modern legal system and attempts to explain how the modern legal system is transforming the rural reality, supplanting the customary people's law, which is indigenous to the local community, with one which is palpably foreign in its origin and inspiration.

**WOMEN'S PARTICIPATION IN POLITICS AND DECISION-MAKING: AN
EVALUATION OF WORLD DEVELOPMENT REPORT ON GENDER
EQUALITY AND DEVELOPMENT**

-Gazala Sharif
Research Scholar, GGSIPU

The World Bank's World Development Report on Gender Equality and Development (WDR2012) identified women's voice, agency and participation as a key dimension of gender equality and as a major policy priority. Agency, as defined in the WDR2012, is the ability to use endowments to take advantage of opportunities to achieve desired outcomes. In particular, WDR2012 focused on five "expressions" of agency: women's access to and control over resources; freedom of movement; freedom from the risk of violence; decision-making over family formation; and having voice in society and influencing policy. An important expression of women's agency is women's political participation and their ability to fully engage in public life. This background paper focuses on women's ability to play a public role in politics and to influence policy-making. Using the data available, it examines the current status of women in politics and makes the case for the full and equitable participation of women in public life. It analyses strategies that have been used to increase it. Finally, the paper identifies the connections between the five expressions of agency and priorities for future work.

**AN INTROSPECTION TO TRIPLE DIVORCE: CALL FOR REVAMP TO
REALIZE THE GOAL OF GENDER JUSTICE**

-Hina Kausar
Student, Faculty of Law, AMU

The issue of Triple Divorce has always been a matter of controversy in India. It is a weapon of victimisation of women in the hands of Muslim men since they do not understand the true spirit of Holy Quran and interpret it the way they find it best for them. Islam is the first religion in the world to empower women and give them equal legal status but unfortunately this practice has evolved through shallow interpretation of a great text like Quran. Triple Talaq symbolises the subordination, subjugation and suppression of human rights of women.

At present, it is banned in more than 21 Muslim majority countries. Triple talaq violates the Constitutional principles of gender parity and non-discrimination. It is not only repugnant to natural justice and international obligations but also violative of fundamental rights guaranteed under Article 14, 15 & 21 of the Indian Constitution.

It is high time that the Courts in India must declare triple talaq as unconstitutional taking into account the demands of women from the Muslim community and to achieve the goal of gender equality and justice to Muslim women in India.

VIOLENCE ON WOMEN INVOLVED IN SEX TRADE

-Jyotish Gupta

Research Scholar, University of Delhi

For some men, women are commodity and brothels are pick-up center. The history of prostitution can be traced back a long. Women who exploit their bodies rather than their brains are, looked down as examples of immoral behaviour, and thought to be uneducated, sexually promiscuous, and generally inferior to those who find work in normal or reputable occupations. Violence on such women is not considered as grave matter of concern even to the state, which has prime responsibility to secure its citizen. Prostitutes are often regarded as means to release frustration sexual as well as physical sometimes.

The debate regarding the legal regulation of prostitution has waxed and perplexed the large section of Indian society. Few claim that prostitution should remain beyond any prohibition rather they should be regulated as they are part of the freedom of speech and expression and right to life.

Feminist arguments against prostitution focus on its role in reinforcing exist views and attitudes, which on one level imply fail to treat women as serious human beings and, on another level, perhaps promote violence against women.

The main argument behind these debates are whether women involved in sex trade have similar protection mechanism by the state as the women from normal atmosphere are provided? Does the violence caused on such women affect the societal interest?

Many more interrelated questions will be dealt in the detail with the various competitive views.

GENDER DISPARITY IN LITERACY: DISTRICT LEVEL ANALYSIS OF RAJASTHAN

-Narender Kumar

Assistant Professor, University of Delhi

Literacy is the main key factor of development in the society. It creates an important input in overall development of individual and enables them to realize their socio, economic, political responsibility. In India, the overall literacy rate is 73 percent whereas male and female literacy rate is 80.9 percent and 64.6 percent respectively. It shows that more than one-fourth of the country's population is still illiterate and also highlights a slow rate of growth of female literacy compared with male literacy. The male female literacy gap is approximately 16 percent (Census, 2011). The problem of illiteracy, particular in women, is a big issue of concern not only in India but also across the world and this directly impact development efforts (Katiyar, 2016). There are huge disparities in the social, economic, cultural and schooling opportunities available to men and women in India. Amongst all states, Rajasthan is considered a state with low sex ratio and a huge gender disparity in literacy. It comprises 33 districts and the ISOCODE given by International Organisation for Standardization for this state is RJ. The population recorded according to the 2011 census stands about 68 million with sex ratio 921 per 1000. The literacy rate in Rajasthan, as per 2011 census is about 66.11 percent, whereas male and female literacy is 79.19 percent and 52.12 percent respectively. The average literacy rate at urban level is 79.68 percent, in which male and female literacy is 87.91 and 63.81 percent respectively. In addition, the rural average literacy is 61.44 percent, whereas male and female stood 76.16 and 42.20 percent respectively (Census, 2011). Literacy is a multidimensional concept and plays a very important role to eliminate gender disparity at all level. The present study is an attempt to investigate the gender disparity in literacy at district level in rural as well as urban areas of Rajasthan. Sopher's method (1974) is applied to find the district level rural-urban gender disparity in literacy index for Rajasthan. This study is considered unique in nature to find out rural urban gender disparity gap in literacy at district level. The results of the study may be supportive in formulation and operation of literacy programmes at district level in Rajasthan.

IDENTIFYING THE LINKAGES BETWEEN SEX TRAFFICKING AND HIV/AIDS : SOCIAL AND HUMAN RIGHTS PERSECTIVE

-Neha Gupta

Research Scholar, University of Delhi

Human trafficking is considered to be the third most common and violent crime after murder and rape. Though trafficking is done for the purpose of labor in industries, agriculture, households, organ trade, etc. trafficking for sexual exploitation is most common. Sex trafficking is a global epidemic now and is a form of gender based violation as well as a gross human right violation. Trafficked girls often do not realize that they are being trafficked or are entering into prostitution. They are often lured by promises of jobs. The girls usually belong to the weaker economic sections, are less educated. Their documents, passports are confiscated making it impossible for them to flee the bondages of trafficking. Sex trafficking victims are often reported to be denied of condoms and thus suffer from severe health concerns like unwanted pregnancies, health issues resulting from forced and often unsafe abortions. Biologically, women are more

susceptible than men to HIV transmission through sexual intercourse as the lining of vagina provides larger contact area for infection. Also, owing to the illegal nature of trafficking, the victims are often denied access to proper health care. Once infected, they are likely to pass on this deadly disease to their future customers.

The Constitution of India, through Article 23(1) prohibits trafficking and forced labour, and, through Article 21 promises Right to life and liberty, India has also ratified the UN Convention on Transnational Crimes and its three Optional Protocols.

The article examines the relevant international treaties such as the UN trafficking protocol, the Council of Europe Convention against Trafficking, the Convention on Elimination of all forms of discrimination against Women, and, the Indian legislations on the point like The Immoral Trafficking (Prevention) Act, 1956, the Indian Penal Code, and the draft Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016. It aims to examine the salient determinants of trafficking, and, looks at sex trafficking through a public health lens and identifies it as a catalyst as well as a facilitator of HIV transmission. The article also attempts to propose the measures that can be taken to diminish if not curb this menace.

ENGAGING WITH EQUALITY: POLICY AND PRACTICE IN RELATION TO LGBTQ⁺

-Sandhya Kumari and Rashmi Gopi
Students, Miranda House, University of Delhi

Indian democracy from its inception in 1947 has emphasized on achieving development based on economic growth and social justice. But over the years the ideal of social justice got lost in the race for economic growth. Thus by 1990's India witnessed insurrection of little selves claiming right to have dignified life. In this paper we are focusing on evolution of rights discourse of LGBTQ⁺ in post 1991 India and government policies framed to address this section of our society.

This paper is divided into four sections. In the first section, politics of language in marking gender/sexual pluralities and a brief history of LGBTQ⁺ in India has been traced. In the second section, recent judicial interpretations in defining LGBTQ⁺ are discussed. Third section is critically engaging with Transgender welfare policies in the state of Tamil Nadu. Fourth section is focusing on future of LGBTQ⁺ politics and policies in India. The methodology adopted in understanding intent and impact of policies on LGBTQ⁺ is qualitative one. We are taking a case study to further our arguments.

REALITY OF GENDER EQUALITY IN THE SHADOW OF PERSONAL RELIGIOUS LAWS

-Somya Agarwal
Student, Symbiosis Law School, Pune

India is a nation, consisting of individuals from diverse religions and varied backgrounds. Every religion has its own set of personal laws that govern the people. In India each community is governed by its customary laws relating to marriage, succession, divorce, maintenance and guardianship. The personal laws generally confer inferior status to women and emphasise on patriarchy. Hence, women face great rights violation and have been incessantly discriminated against. Given the strong protections of gender equality in India's Constitution, it is puzzling that discriminatory laws against women in name of personal laws are upheld which affect a women's lives so intimately. The unsolved relationship between right to equality and freedom of religion has surfaced on various occasions in front of courts. Despite being provided with various opportunities to recognise and decide the issue of equality in respect of personal laws the courts have failed to do so. The present paper will highlight the status of women in different communities and provide glimpses regarding the effects of religious personal laws on the lives of women. Further, the need for a common civil code in order to transverse the path to gender equality will be discussed.

**LAW AND WOMEN IN NORTH EAST OF INDIA: DEMYSTIFYING THE
NOTION OF GENDER EQUALITY IN AN OPEN AND EGALITARIAN
SOCIETY**

-Thangzakhup Tombing
Assistant Professor, NLU Assam

The interaction of law with the women in the North East states of India had been in the guise of a presumed notion of an open and egalitarian society. The constitutional mandates of A. 371 and the Sixth Schedule ensures to protection of tribal customs, culture, tradition, language and way of life. However, what the constitution did not mandate is the definition of gender and its interaction with law. The customary law system of the tribes of the North East is predominantly patriarchal. The only exception being the practice of matrilineal system found among the *Khasi*, *Jaintia* and *Garo* tribes of Meghalaya. Mizoram being another state which recently enacted women rights on divorce and property. However, the root of patriarchal mind-set being so deeply ingrained it gets reflected in the community's biased approach towards women's rights, status and dignity within the family and the society at large in the realms of marriage, divorce, custody of child, inheritance and ownership of property in contradiction to the presumed concept of equality and liberty guaranteed under As. 14 and 21 of the Constitution of India.

THEME 11 : CLEAN INDIA AND RIGHT TO SANITATION

JUDICIAL VIEW ON SANITATION: THEN & NOW

-Abha Gautam and Naina Srivastava
Students, Banasthali Vidyapith, Rajasthan

A healthy living environment depends on adequate sanitation as without it living forces cannot lead a hale and hearty life. This article seeks to trace out the Indian journey towards ensuring sanitation right from the independence era to the modern day times of *Swachcha Bharat*. Could litigation play a role in providing adequate sanitation to all the citizens of country? To explore this question, the paper focuses on lawsuits involving sanitation public policies.

The paper provides a framework for exploring litigation as a strategy to advance right to sanitation by holding government accountable to human rights norms. The paper discusses the result of an empirical study of Indian Court orders from *Municipal Council, Ratlam V. ShriVardhiChand&Ors.[1981 SCR(1)97]* to *MilunSrayajani Through editor V. Pune Municipal Commissioner[23 December 2005]* issued in last 35 years. The data shows that the Indian Judiciary is willing to improve access to sanitation services. However, a greater effort is needed to achieve the goals of civilization that existed in Hadappa. The paper also provides the recommendations that must be adopted by the citizens as well as Government to accomplish the goal of *Swachcha Bharat Abhiyan*.

MANUAL SCAVENGERS AND SOCIAL JUSTICE IN INDIA WITH SPECIAL REFERENCE TO EMPLOYMENT OF MANUAL SCAVENGERS AND CONSTRUCTION OF DRY LATERINES (PROHIBITION) ACT, 1993.

-Varun Chhachhar
Assistant Professor, University of Lucknow

Shameful, degrading, dehumanizing, disgusting, obnoxious, abhorrent, ‘a blot on humanity’- these are some of the words which are used to describe ‘manual scavengers’, which in plain language means people lifting human excreta with their hands and carrying the loads on their heads, hips and shoulders. Over the years books have been written, article have been published, committees and commissions have been set up, laws have been enacted and crores of rupees have been spent to eradicate manual scavenging. But even after almost six decades of independence nothing has changed. India continues to dehumanise, degrade and shame the most vulnerable amongst us. The Employment of manual scavengers and construction of dry laterines(Prohibition) Act was passes in 1993 and it is on record that some states took over a decade to comply with the act. The scenario even becomes more shameful when we have Right to Life and Personal Liberty enshrined under the constitution of India and on the other and human excreta on shoulders of vulnerable class of society. This paper is an attempt to understand the notion of Social Justice and the present position of manual scavengers in India.

RIGHT TO SANITATION: THE CONSTITUTIONAL PERSPECTIVE AND A CALL TO ACTION

-Harmeet Grover
Student, GGSIPU

Lack of appropriate sanitation facilities is one of the principal obstacles that our nation currently faces, especially in the rural areas, on its road to progress, causing a number of ailments and affecting the health of the populace. Such absence leads to open defecation and improper sanitation causing environment pollution and huge economic suffering to the nation, leading to further relegation. This is possibly the most blatant violation of the basic human rights in this country. The research paper examines the need of such sanitation amenities. Access to basic sanitation facilities is not only necessary for individual well-being, but is significant to achieve gender equality and sustainable development. The approach of Judiciary in this regard has been quite lucid and straight forward. This research paper delves into the chronological history of the involvement of the Judiciary in defining and interpreting this right. Thus, the research paper concludes by suggesting reforms in the legal framework and policy initiatives, through which such objective is achieved, without transgressing other rights guaranteed to the population.

RIGHT TO SANITATION, A DISTINCT HUMAN RIGHT

-Kusum Yadav
Student, BPSMV, Haryana

The jurisprudential essence of socio-economic justice is not a mere provision bestowed under preamble of Indian Constitution rather it is a paramount scramble to achieve the lifeblood of developed human civilisation. Right to wholesome environment also includes right to sanitation, live in just and human condition under **Art-21** of India constitution. In **2010**, the **UNGA** adopted resolution on the human right to water and sanitation and in the same year the **UN committee on economic, social and cultural rights** legally recognised and reaffirmed the –“**right of sanitation as integrated with right to water** ”.

This paper is an attempt to explore the tough challenges faced by modern era & specially developing countries like India to implement qualitative measures and sustainable approach to ensure the right to sanitation on the ground level not just on paper.

RIGHT TO SANITATION: HUMAN RIGHT ASSOCIATED WITH HUMAN DIGNITY

-Lipika Sharma
Research Scholar, Amity University
Aprajita Singh
Student, Amity University

Right to sanitation is basic human right which is directly associated with human decency and dignity. Inadequate sanitation is the root cause of human and environmental degradation. Right to Sanitation basically means availability of facilities for safe disposal of excreta that avoids human, animal and insects contact with hazardous wastes. It entitles everyone without discrimination affordable access to sanitation which is safe hygienic, secure, socially and culturally acceptable and provides dignity. This paper will discuss international documents and commitments related to Sanitation along with Indian Scenario i.e. Constitutional perspective, various laws, rules or regulations dealing with the Sanitation and judicial basis of right to sanitation. Supreme Court of India starting from Municipal council of Ratlam till a judgment on Scavengers have dealt in detail about Sanitation and further in various cases interpreted that right to life includes right to have adequate sanitation. Hence this paper will elaborate on legal instruments incorporating a sanitation dimension, to understand the rationale and approaches of existing legal, policy and institutional frameworks for the realization of the right to Sanitation at National and Local levels. Further implementation challenges, gaps and corrective measures will also be discussed.

MANUAL SCAVENGING IN INDIA: A CRITICAL STUDY

Nitin Sihmar

Research Scholar, Faculty of Law, University of Delhi

Manual scavenging refers to the practice of removing human and animal waste using brooms, tin plates and baskets from dry latrines and sewages and carrying it to disposal grounds some distance away. Manual scavengers are exposed to sub-human conditions of work and face serious health hazards. They are constantly exposed to infection that affects their eyes, skin, respiratory and gastro-intestinal systems. For removing this menace from the society Parliament enacted the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 providing for the prohibition of employment as manual scavengers and their rehabilitation. Part III of the Constitution which contains fundamental rights has been described as the magna carta of India. After more than six decades of the enforcement of the Constitution the inhuman practice of manual scavenging still continues in our society when right to equality, prohibition of untouchability, right to life with human dignity are all fundamental rights. In case of violation of these rights a writ can be filed directly in the Supreme Court. India is an active member of the United Nations and is a state party to International Covenant on Economic, Social and Cultural Rights (ICESCR). Hence there is an obligation to respect, protect and fulfill the right to adequate living condition of every citizen.

This paper proposes to study India's response to this socio-economic menace of manual scavenging in light of various laws, bye-laws and judicial pronouncements. I propose to examine the law as it works on the ground and its success, or failure, in redressing the centuries old regime of denial and deprivation.

MANUAL SCAVENGING: AN UNFINISHED INNINGS OF GOVERNMENT POLICY

-Surinder Verma and Binod Kumar

Center for the Study of Law and Governance, Jawaharlal Nehru University,

Untouchability and discrimination is one of the disgraces, which are faced by Manual Scavenging Caste in India. People of this caste group customarily relegated to the bottom of caste hierarchy and their livelihood is not only confined to clean dry toilet, human excreta, gutters, drains and but also to carry away black soil on their head for disposal without safety. These workforces are blocked by the work, which they do and faces everyday human rights violations. Intense social pressure has confined them to menial work, which repose social stigma of being unclean and perpetuates through practice of untouchability throughout their life.

India is planning to be digitalized and modernized but these people still using traditional methods to clean waste. It is not that government has not taken efforts to ameliorate the conditions of these social groups but concrete action on ground has largely been absent or insufficient. Since 1947 many policies and laws have come to end manual scavenging. Through these policies and laws, government has underlined the importance of dignified and humane conditions of life enshrined under fundamental rights and directive principle of state policy in Constitutional of India. Nevertheless, manual scavenging still exist in the society. On the backdrop, this paper will try to assess exact situation of manual scavengers in current socio-political milieu. Besides, paper also tries to draw the contours of legal development so far and finally suggest the way forward to end this menace.

OUTRAGING THE MAGNIFICENCE OF NATURE: A SERIOUS CALL FOR 'SWACHH BHARAT'

-Swati Bajaj

Research Scholar, GGSIPU

“The cause of many of our diseases is the condition of our lavatories and our bad habit of disposing of excreta anywhere and everywhere. I, therefore, believe in the absolute necessity of a clean place for answering the call of nature and clean articles for use at the time.”

- Mohan Das Karam Chand Gandhi (Mahatma Gandhi)

“A long time ago, i used to wake up earlier and go for a walk along with my grandfather. The aroma in the air was not less than a sense of paradise. My grandfather used to tell me that this is the beauty of the nature given to us by the almighty and we are lucky to have it. However, now my eyes are getting scrawny, though my age is not that much, not even having a white hair on

my head, but alas! i failed to smell the same fragrance now when i step out for the early morning walk with my kid and i also failed to make my kid believe the same which i believed a long time ago.”

What is the difference? Is it the difference of time or is it the carelessness of ‘we the people’ as we failed to protect the almighty’s gift of nature and hence the nature which used to give us the great health is now taking away our health from us.

How it feel when you open the window of your house and a dirty smell from the garbage lying in front of your house, actually thrown out by your own neighbour, enters in? How it feels when you cross a public road and the smell of urine makes hard for you to even breathe? How it feel when despite of having right to life you are forced to live undignified life because of the unhealthy atmosphere surrounding you? How it feel when you eat street food which is actually cooked by the person affected by the disease? How it feel when your loved ones get ill because of the disease which is spread in the environment because of the carelessness of the people like you and others?

It feels actually very feeble. RIGHT!

The problem of reprehensible sanitation is not only the concern of India but the concern of almost all nations. Despite of several steps taken by the government or the people of India, still we are surrounded by the unhygienic environment which is further deteriorating our health and creating various diseases. Among various people, the problem of improper sanitation is mostly faced by the women of our society.

“Sanitation is more important than political Independence”

- Mohan Das Karam Chand Gandhi (Mahatma Gandhi)

In the present research paper, the researcher is willing to focus on the various issues because of the improper sanitation faced by the society especially by the women society and the researcher will also endeavour to give opinion as well as suggestions for the improvement of sanitation facilities.

Detailed Session Plan

Day 1: 18th November 2016

Inaugural and Plenary Session

Day 1	5.30-7.00 PM	7.30 -9.00PM
18 November, 2016	Inaugural Session	Plenary Session
	<ul style="list-style-type: none">• Dean's Welcome – Prof. Ved Kumari, 5.30-5.35 P.M.• Lighting of Lamp & Saraswati Vandana, 5.35-5.50 P.M.• Mr. Mukul Rohatgi, Attorney General of India, 5.50- 6.00 P.M.• Justice Mukta Gupta, DHC, 6.00-6.10 P.M.• Justice Sangita Dhingra Sehgal, DHC, 6.10-6.20 PM• Justice Imman Ali, Judge, SC of Bangladesh, 6.20-6.35 P.M.• Dr. Mahendra Nath Pandey, MoS, HRD, GOI, 6.35-6.50 P.M.• Presidential Address: Prof. Yogesh Tyagi, VC, DU, 6.50-7.00 P.M.• Vote of Thanks- Dr. Mahavir Singh, 7.00 -7.05 P.M.	<ul style="list-style-type: none">• Prof. Upendra Baxi, Former Vice Chancellor, University of Delhi, 7.30- 7.50 P.M.• Prof. B.T. Kaul, Chairperson, Delhi Judicial Academy, 7.50-8.00 P.M.• Prof. Amber P. Pant, 8.00-8.10 PM• Justice (Dr.)B.B. Parsoon, (Retd.) P & H High Court, 8.10-8.20 PM• Mr. U.K.Chaudhary, Senior Advocate, Supreme Court of India, 8.20-8.30 PM• Dr. Ashutosh Nananchal, Advocate Patiala House Court,8.30-8.40• Mr. D.K. Sharma, Senior Advocate,Supreme Court of India, 8.40- 8.50• Presentation of Conference Theme, Dr. Anupam Jha 8.50-9.00 P.M.

Day 2- 19 November 2016

Technical/ Thematic Sessions

Theme 1: Sustainable Development: Need for a New Paradigm

Technical Session 1.1 (10.00 AM -11.30 AM)

Sustainable Development: Need for a New Paradigm (6 Papers)

Chairperson- **Prof. Bharat H. Desai, JNU**

Co-Chairperson- **Dr. Manju Arora Relan, DU**

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Deepshikha Khasa	Faculty	Delhi University	Right to Clean Environment: Progress So Far
2	Harshiel Chahal	Faculty	Delhi University	Urban Public Transport Governance : The case of E-rickshaw Industry in Delhi
3	Lydia Kerketta	Student	JNU	Paris Agreement on Climate Change: Challenges before India
4	Megh Raj	Research Scholar	Delhi University	Legal Framework to Regulate Sand Mining for Facilitating Sustainable Development and Securing Socio-Economic Justice in India
5	Neeraj Kumar Gupta	Research Scholar	Delhi University	Attaining Environmental Justice Through Environmental Tax in India
6	Parvesh Rajput	Student	Punjab University	Role of India after 21 st COP in Paris on Climate Change: How far it is Benefitted to a Developing Nation to achieve its Goals of Sustainable Development

Technical Session 1.2 (10.00 AM -11.30 AM)

Sustainable Development: Need for a New Paradigm (6 Papers)

Chairperson **Prof. Usha Tandon, DU**

Co-Chairperson

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Jyotika Bahl	Student	ILI	Protection of Environment from Hazardous Substances
2	Insha Hamid	Student	Delhi University	The Environment and Human Rights: Role of The Supreme Court of India in Addressing Environmental Issues from a Human Rights Perspective
3	Nimisha Gupta and Ishaan Garg	Student	GGSIU University	India on the Green Path
4	Tabassum Chaudhary	Faculty	AMU	Right To Clean, Green And Healthy Environment: A Constitutional Right
5	Tejas Guglani and Suruchi Gupta	Student	Delhi University	Right to Clean Environment
6	Yamini Ramaswamy	Student	Delhi University	Right to Clean Environment

Technical Session 1.3 (10.00 AM -11.30 AM)

Sustainable Development: Need for a New Paradigm (7 Papers)

Chairperson **Prof. Amber Pant, Former Dean Tribhuwan University, Nepal**

Co-Chairperson **Mr. Shiv Sharma, Retd. District & Sessions Judge, Haryana**

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Apoorva Roy and Deepak Shukla	Students	NLS, Ranchi and NLS, Bangalore	Facilitating Sustainable Development and Securing Socio-

				Economic Justice with Reference to the Role of National Green Tribunal
2	Kislay Soni and Ashutosh Raj Anand	Faculty	DU and Amity University	COP – 21 Paris Agreement
3	Leena Kumari	Student	IP University	Problem Of Solid Waste Management In Delhi: A Critical Examination Of The Response Of Law
4	Surendra Kumar Yadav	Associate Professor	CCS University, Meerut (U)	Legal Interventions For Development Of Green Courts To Protect Environmental Components
5	Suresh Kumar Dhungana	Research Scholar	DU	Environmental justice through Public Interest Litigation in India and Nepal
6	Swati Kumari and Ravi Raman	Students	DU	Universal Access to Clean Drinking Water
7	Vandana Singh	Faculty	USLLS	Sustainable Development, Intellectual Property and Right to Clean Environment

Theme 2- Development of International Law & Socio-Economic Justice

Technical Session 2.1 (12.00 PM -1.30 PM)

Development of International Law & Socio-Economic Justice (6 Papers)

Chairperson **Prof. Bharat H. Desai, JNU**

Co-Chairperson

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Balaji Naika B G	Research Scholar	Center for International Legal Studies Jawaharlal	Victims of Developmental Projects and the Role of World Bank Inspection Panel in International

			Nehru University	Law: Issues and Challenges
2	Devdatt Mukharji	Assistant Professor	Symbiosis Law School, Noida	Food Security Implications of the WTO Agreement on Agriculture for India: Few Suggestions towards a Fair Economic Order
3	Manwendra Kumar Tiwari	Faculty	RMNLU, Lucknow	Constitutional Enforcement of Socio-Economic Rights by Courts : A Comparative Study
4	Rajendra Parsad,, Anupam Jha and Sameerchand Pudaruth	Faculty	University of Mauritius and Delhi University	Round Tripping and Treaty Shopping: Is Black Money A Necessary Evil in International Finance?
5	Saumya Raval	Student	Gujarat National Law University, Gandhinagar	The Intricacies of Amending the Indus Water Treaty Leading to the Violation Of The International Law Resulting Desolation of the Socio-Economic State
6	Sheela Rai	Professor of Law	National Law University Odisha (Cuttack)	Trade, Competition and Economic Justice
7	Tanya Narula Chaudhury	Research Scholar	DU	India and Global Banking Regulations

Technical Session 2.2 (12.00 PM -1.30 PM)

Development of International Law & Socio-Economic Justice (7 Papers)

Chairperson **Prof. S.K. Verma, Secretary General, Indian Society of International Law**
Co-Chairperson **Prof. Dabiru Sridhar Patnaik, Director, Jindal Law School, OP Jindal University**

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Brijesh Kumar Singh	Research Scholar	Delhi University	Impact of International Law on Framing of Laws in India regarding Socio Economic Justice

2	Jahangir Ahmad Khan	Student	Central University of Gujarat.	Injustice in the Name of Justice: India's Bilateral Investment Treaties and the International Arbitration Courts
3.	Mohammad Nizam and Ashraf Khan	Faculty	Galgotias University	Litmus Test of Asian development Bank as Economic Reformer
4	Sarthak Roy and Sudipta Roy Choudhwry	Student	Christ University, Koramangala, Bangalore and Calcutta University, Kolkata	Rule of Law and Economic Justice: Contemporary Study of India and China
5	Sushmita Das	Advocate	Delhi High Court	Are International Justice And Socio-Economic Justice Politically An Obsolete Concept?
6	Vivek Sehrawat	Student	University of Kansas, US	Reforms of International Financial Institutes: Indian Perspective
7	Zubair Ahmed Khan	Assistant Professor	USLLS, GGSIPU	Global Governance To Tackle Biopiracy In India: A Legal Perspective

Theme 3: Prejudice, Law and Gender Justice in India

Technical Session 3.1 (12.00 PM -1.30 PM)

Prejudice, Law and Gender Justice in India (6 Papers)

Chairperson **Prof. Nuzhat Parveen Khan, Dean, Faculty of Law, Jamia Millia Islamia**

Co-Chairperson **Dr. Alka Chawla, Delhi University**

Participants

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Alok Sharma	Assistant Professor	Delhi University	Recognition of Rights of Transgenders
2	Deepa	Research Scholar	Delhi University	Right to Equality for LGBT: Realty or Myth?
3	Huma Mehfooz and Neeraj Kumar	Faculty	Galgotias University	Status of Third Gender in Progressive India
4	Kanu Priya	Assistant Professor	School Of Law, North Cap University,	LGBT: I am also a person

			Gurgaon	
5	Sajal Sharma	Faculty	Alliance University	Transgender Rights in India
6	Vikram Singh	Faculty	Guru Ghasi Das	Social Construction, Identity and Pseudo-citizenship: Distinguished Citizenship Rights of LGBT Communities in India.

Theme 4: Right to Employment: Recent Trends in Labour Law and Justice

Technical Session 4.1 (12.00 PM -1.30 PM)

Right to Employment: Recent Trends in Labour Law and Justice (7 Papers)

Chairperson **Prof. Kamala Sankaran, Prof.-in-Charge, CLC, Delhi University**

Co-Chairperson **Mr. O.B. Lal, Associate Professor, Delhi University**

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Akash Anand	Assistant Professor	University Of Delhi	Reservation: The Rural and Urban Divide
2	Ankeeta Gupta	Assistant Professor	Delhi University	Right To Employment: To Be or Not to Be
3	Deepa Kharb	Assistant Professor	ILI	Child Labour (Prohibition And Regulation)Act 2016- A Progressive Legislation or a Half -Hearted Approach towards Children, their Childhood and Dignity ?
4	Pooja Singh	Advocate	Delhi High Court	Condition of Working Women in India
5	Superna Venaik	Assistant Professor	Amity Law School, Amity University	Emergence of Labour Law Jurisprudence in India after Independence
6	Swati Kaushal	Faculty	Amity University	Implications of Right to Employment
7	Vartika Agarwal	Student	Banasthali, Rajasthan	Right to Employment

Theme 5: Good Governance: Providing Legal Framework to Development

Technical Session 5.1 (2.00 PM -3.30 PM)

Good Governance: Providing Legal Framework to Development (6 Papers)

Chairperson- **Prof. A.K. Koul, Former VC, NLU, Jodhpur & Ranchi**

Co-Chairperson- **Dr. O.P. Sharma, Delhi University**

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Anil Kumar Vishwakarma	Assistant Professor	Delhi University	Effective Public Grievance Redressal System
2	Anjay Kumar	Assistant Professor	Delhi University	Rule of Law and Good Governance in India
3	Arun Kumar	Faculty	UI LMS Gurgaon	Relationship between Good Governance and Human Rights
4	Anu Mehra	Assistant Professor	Delhi University	Women Empowerment and Female Foeticide
5	Mansi Shukla	Student	Banasthali Vidhyapith	Right To Good Governance
6	Narender Kumar Bishnoi	Assistant Professor	Delhi University	All India Judicial Services: Expounding the Constitutional Mandate under Article 312
7	Sneh Yadav	Assistant Professor	Delhi University	Alternate Dispute Resolution Mechanisms

Technical Session 5.2 (2.00 PM -3.30 PM)

Good Governance: Providing Legal Framework to Development (7 Papers)

Chairperson - **Prof. J.L. Kaul, VC, HNB Garhwal University**

Co-Chairperson- **Ms. Manisha Chaudhary, Advocate, Supreme Court**

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Amita Punj	Faculty	NLU, Delhi	Law and Poverty
2	Arti Aneja	Assistant Professor	Delhi University	Corporate Governance
3	Kavita Solanki	Faculty	GGSSIP	Eradicating Poverty in India

			University	
4	Shruti Raj Srivastava	Student	Galgotias University	Role of Tax Haven and its Effect on Economy in DTAA: Issue of Black Money
5	Siddhartha Fuller	Research Scholar	Delhi University	Freedom of Religion and Anti Conversion Laws in India: An Overview
6	Stanzin Chostak	Faculty	ILI	Climate Governance and Good Governance
7	Virat Mani Tripathi	Research Scholar	Delhi University	Constitutional Economics of Good Governance with Reference to Local Self Governance

Technical Session 5.3 (2.00 PM -3.30 PM)

Good Governance: Providing Legal Framework to Development (6 Papers)

Chairperson **Prof. G. Mohan Gopal, Director, RGICS**

Co-Chairperson **Dr. P.B. Pankaja, DU**

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Ananya Kumar and Manan Agarwal	Student	GGSIP University	RTI as a Tool of Good Governance
2	Moatoshi Ao	Assistant Professor	Delhi University	Socio-Economic And Legal Challenges Of Good Governance In North-East India
3	Rakhee Gupta, Abhinav K. Mishra and Kavita Yadav	Advocate and Assistant Professors	ILI , Sharda University and Delhi University	Financial Fraud in Corporates: The Accountability and Role of Government and Prosecutors
4	Samir Mukhopadhyay	IRS Officer		Business Process Re- engineering (BPR) as a measure of Good Governance in Income Tax Department
5	Sunil Kumar	Assistant Professor	Delhi University	Good Governance and Context of Panchayati Raj System
6	Tarun Bajaj and Ajay Kr. Bernwal	Student	Central Univ of Rajasthan and Lovely	Narco Analysis Test as a Contemporary Tool of Investigation

			Professional University	
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Theme 6: Globalization and its Impact on Poverty

Technical Session 6.1 (2.00 PM -3.30 PM)

Globalization and its Impact on Poverty (7 Papers)

Chairperson **Prof. A. Jaygovind, Former VC, NLSIU, Bangalore**

Co-Chairperson **Dr. V. K. Ahuja, DU**

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Anuradha Jha	Faculty	GGSIU University	Globalization And Its Impact On Poverty
2	Kumari Nitu	Student	JNU	Globalisation And Its' Impact On Poverty
3	Nikita Gupta	Student	Gujarat National Law University, Gandhinagar	Globalisation And Its' Impact On Poverty
4	Sanu Rani Paul	Faculty	IFHE, Hyderabad	Neo-Liberalism and its Challenges to Socialism in a Comparative Perspective
5	Seema Singh	Assistant Professor	Faculty Of Law University Of Delhi	Globalization- An Impact Analysis on Socialism in India
6	Shilamani Devi	Assistant Professor	Hidayatullah National Law University	Legal Protection to the Internal Migrants in India
7	Yogyta and Prachi Chahal	Students	Banasthali University	Globalisation And Its' Impact On Poverty

Technical Session 6.2 (2.00 PM -3.30 PM)

Globalization and its Impact on Poverty (7 Papers)

Chairperson - **Prof. Manoj Kumar Sinha, ILI**

Co-Chairperson- **Dr. Rashmi Salpekar, Dean, School of Law, VIPS**

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Ashish Kumar	Assistant Professor	Delhi University	International Trade Law and Poverty Reduction: Re-Interpreting the 'Connectedness' from the Standpoint of India
2	Balwinder Kaur Dr and Silamani Devi	Assistant Professor+Senior Manager, Indian Overseas Bank	HNLU+Delhi	Legal Protection to the Internal Migrants in India
3	Divya Gupta	Assistant Professor	Daulat Ram College, Delhi University	A Critical Analysis of the Land Acquisition Act
4	Deepak Kumar Srivastava and Govind Yadav	Assistant Professor & Student	Hidayatullah National Law University, Raipur	Right To Shelter: The Need Of The Hour
5	Deepak Parashar	Student	Delhi University	Globalization and Its Impact on Poverty
6	S. Vinayaditya Reddy	Student	Delhi University	Sustainable Development Goals
7	Stellina Jolly	Assistant Professor	South Asian University	Implementation of Access and benefit Sharing Mechanism and Promotion of Social Justice in India: A Legal Analysis

Theme 7: Making Education Accessible to All: Rights, Justice and Legal Paradigm

Technical Session 7.1 (4.00 PM -5.30 PM)

Making Education Accessible to All: Rights, Justice and Legal Paradigm (6 Papers)

Chairperson **Prof. Shri Prakash Singh, Department of Political Science, DU**

Co-Chairperson **Dr. Vandana, Faculty of Law, DU**

Presenters

S. No.	Author/Authors	Designation	Institute	Title of the Paper
1	Bharti Chhibber	Assistant Professor	University Of Delhi	Mitigating Gender Divisions In Child Education: A Study Of Initiatives In India
2	Debarati Sarkar	Student	Delhi School of Economics, Delhi University	Elementary Education in India
3	Himangshu Rathee	Student	School Of Law, The North Cap University, Gurgaon	Improper Implementation Of Right To Education: An Impeding Challenge To Future Development
4	Neelam Tyagi	Faculty	Amity University	Ensuring Socio- Economic Justice to Child Labourer and Street Children through Right to Free and Compulsory Education
5	Sukanta Kumar Mahapatra	Research Scholar	TISS Mumbai	Education Policy and Excluded Pupils: Issues of Rights and Access
6	Vishal Sharma	Assistant Professor	Galgotias University	Article 21a v/s 30 (1): Right to Education v/s Minority Rights
7	Yogesh Pratap Singh and Ayaz Ahmad	Faculty	NLUO and Glocal Law School	The Constitutional and Pedagogical Paradoxes of Privatization of Higher Education

Technical Session 7.2 (4.00 PM -5.30 PM)

Making Education Accessible to All: Rights, Justice and Legal Paradigm (7 Papers)

Chairperson **Prof. Usha Razdan, Former Dean, DU.**

Co-Chairperson **S. K. Gupta, DU**

Presenters

S. No.	Author/Authors	Designation	Institute	Topic of Paper
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1	Deepankar Sharma	Student	NLU, Jodhpur	Right To Education And Social Justice: Role Of Judiciary And Legislature
2	Manvendra Singh	Asst. Professor	School Of Law Galgotias University	Right To Education –Help A Child To Get His Basic Human Rights
3	Pradeep Kumar Singh	Faculty	Modern Law College	Jurisprudential Analysis of Right to Education in India
4	Randhir Kumar	Student	TISS	RTE
5	Sakshi Malhotra	Student	NLU, Jodhpur	Learning the Journey of Seven Years of Failure and Success of Primary Education in India: An Analysis of Right to Education Act
6	Utsav Kumar Singh	Student	Delhi University	Meeting Gender Parity: A Lesson from Africa
7	Vandana Mahalwar	Faculty	ILI	Copyright and Access to Knowledge: Need to Balance Conflicting Interests

Technical Session 7.3 (4.00 PM -5.30 PM)

Making Education Accessible to All: Rights, Justice and Legal Paradigm (6 Papers)

Chairperson - **Prof. S.C. Raina, Vice Chancellor, NLU, Shimla**

Co-Chairperson- **Dr. Sarabjit Kaur, DU**

Presenters

S. No.	Author/Authors	Designation	Institute	Title of the Paper
1	Deepak Kumar Swain	Research Associate	JNU	Education as the Fundamental Right and New Education Policy in India
2	Kawalpreet Kaur	Student	Delhi University	The Specter of Caste: Higher Education and the Exclusion of Dalits
3	Niharika Tiwari	Faculty	PG College, Etah	Right to Education and Gender Justice in India
4	Priyanka Dhar and Anindhya Tiwari	Faculty	Galgotias University	Securing Future, 'Of The State, By The State and For The State',

				Through Education: A Critique of Child Rights
5	Santosh Pratap Singh	Asst. Professor	Mangalayatan University	Right To Education In India- A Critique
6	Satish Kumar	Student	Delhi University	Right To Education Under Attack

Day 3: 20 November, 2016

Theme 8 : Saving the Girl Child: Battling Female Foeticide in India

Technical Session 8.1 (10.00 AM -11.30 AM)

Saving the Girl Child: Battling Female Foeticide in India (7 Papers)

Chairperson- **Dr. Kiran Gupta, In-Charge, Law Center-II, DU**

Co-Chairperson- **Dr. Raman Mittal, DU**

Presenters

S. No.	Author/Authors	Designation	Institute	Title of the Paper
1	Abhishek Choudhary	Student	GGSIU University	Sex Selective Abortions And Female Infanticide: A Socio Economic Analysis
2	Arjun Chouhan	Student	Delhi University	Female Foeticide
3	Gulafroz Jan	Assistant Professor	Central University of Kashmir	Female Foeticide in Jammu and Kashmir: A Socio-Legal Analysis
4	Harinath Prasad	Student	Hidayatullah National Law University – Raipur	Pre-Natal Sex Determination
5	Komal Sandhu	Faculty	Galgotias University	Understanding the Efficacy of Legal Prohibition on Pre-Natal Sex-Determination
6	Rahul Shekhar	Student	Galgotias University	Female Foeticide
7	Shilpika Pandey	Student	GGSIU University	Prenatal Sex Determination: Status Of Women Questioned

Technical Session 8.2 (10.00 AM -11.30 AM)

Saving the Girl Child: Battling Female Foeticide in India (6 Papers)

Chairperson- **Prof. Poonam Pradhan Saxena, VC, NLU, Jodhpur**

Co-Chairperson- **Dr. Gunjan Gupta, DU**

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Debarati Sarkar	Student	Delhi School of Economics, Delhi University	Death before Birth: Discrimination and Socio-Cultural Determinants in India
2	Pooja Arora	Student	KLE Society's Law College, Bengaluru	Female Foeticide
3	Sanghamitra Kalita	Student	JNU	Female Foeticide
4	Sunishtha Usha Moghe	Student	NLIU, Bhopal	Female Foeticide vis-a-vis Fundamental Rights under Article 14 and Article 21 of Constitution of India
5	Venu Parnami and Ankit Pathak	Assistant Professor and Student	Amity Law School, Delhi	Social Evils in India: Female Foeticide
6	Zainab Fatima	Assistant Professor	Sharda University	No Right To Be Born- An Analysis Of Female Foeticide In India

Theme 9: Health, Nutrition and Legal Trends

Technical Session 9.1 (10.00 AM -11.30 AM)

Health, Nutrition and Legal Trends (7 Papers)

Chairperson- **Prof. A.P. Singh, GGSIPU, Delhi.**

Co-Chairperson- **Ms. Aishwarya Bhati, Advocate on Record, Supreme Court.**

Presenters

S. No.	Author/Authors	Designation	Institute	Title of the Paper
1	Gaurav	Assistant Professor	Centre For Post Graduate Legal	Reproductive Rights of Female

			Studies, TERI University	
2	Lakashya Saini	Student	Centre for the Study Of Law And Governance, JNU	Surrogacy In Contemporary India
3	Mukta Verma	Faculty	Allahabad University	Right to Food: Food Safety and Standards Act in India.
4	Peeyush Bhartiya and Ravi Pratap Singh	Student	Delhi University	Death with Dignity for Terminally Patients- A Critical Comment on the Need for Law Reform in India
5	Preeti Joshi	Faculty	Rajasthan University	Starving People Hope for Bites in Free India
6	V. Kalaiselvan, Jitin Ahuja and G.N. Singh	Student	Doubt Indian Pharmacopoeia Commission, Ministry of Health & Family Welfare, Government of India	Right to Health and Nutrition Pharmaceuticals in Indian Drug Legislation
7	Vidit	Assistant Professor	University Of Delhi	Realizing Dream of Universal Health Care in India

Technical Session 9.2 (10.00 AM -11.30 AM)

Health, Nutrition and Legal Trends (7 Papers)

Chairperson- **Prof. Ved Kumari, Dean, Faculty of Law, DU**

Co-Chairperson- **Dr. Anju Vali Tikoo, DU**

Presenters

S. No.	Name	Designation	Institute	Topic of Paper
1	Apoorva Ahuja and Wali Nawaz	Student	Delhi University	Commercialization of Health
2	Khushboo Malik	Student	Delhi University	TELEMEDICINE: A New Horizon in Realising Right to Health in India
3	Krishna Kumar	Faculty	Hari Singh Gour University	Right to Health for Children
4	Prerna Dhoop & Vandana Dhoop	Assistant Professor	Nalsar, Hyderabad, Telangana & TISS Mumbai, Maharashtra	A Promise of a Pie to the Indian Poor: A Critique of the National Food Security Act, 2013

5	Rana Navneet Roy	Faculty	HNLU	Legalization of Commercial Surrogacy
6	Rita and Ezza	Student	Punjab University and MDU	Impact of Sanitary and Phytosanitary measures (SPS) on Health: An analysis of Maggi Controversy in India
7	Surbhi Kapur	Legal Consultant	Central Information Commission, New Delhi	Right to Health vis-a-vis Food Safety Regulation in India

Theme 10: Ensuring Equality: Constitutional Promises and India's Social Revolution

Technical Session 10.1 (12.00 PM -1.30 PM)

Ensuring Equality: Constitutional Promises and India's Social Revolution (6 Papers)

Chairperson- **Prof. M.P. Singh, Former VC, NUJS, Kolkata**

Co-Chairperson- **Mr. D.K. Sharma, Senior Advocate, Supreme Court**

Presenters

S. No.	Authors/ Authors	Designation	Institute	Title of the Paper
1	Anush Gasparyan	Research Scholar	Delhi University	Sexual Harassment of Women at Workplace: Comparative Study of India and Armenia
2	Chand Jilova	Faculty	Kurukshetra University	Constitutional Provisions to Accord Socio-Economic Equality to Women
3	Dalden Angmo	Research Scholar	Delhi University	Political And Social Status Of Women In Ladakh
4	Denkila Bhutia	Faculty	Sikkim University	A Study of the Customary Laws of Sikkim with Reference to the Status of Bhutia Women
5	Neha Gupta	Research Scholar	Delhi University	Identifying the Linkages between Sex Trafficking and HIV/AIDS: Social and Human Rights Perspective
6	Ramani Garimella	Faculty	South Asian University	Caste and Social Justice – Reading Roberto Unger and Super-liberalism

Technical Session 10.2 (12.00 PM -1.30 PM)**Ensuring Equality: Constitutional Promises and India's Social Revolution (5 Papers)**Chairperson **Prof. K. Elumalai, Director, School of Law, IGNOU**Co-Chairperson **Dr. Ashutosh Nanchahal, Advocate, Patiala House Court, New Delhi**

Presenters

S. No.	Authors/ Authors	Designation	Institute	Title of the Paper
1	Apanjot Kaur	Assistant Professor	Delhi University	Marriage Registration: A Necessity or Hypocrisy?
2	Deborah Darlianmawi	Student	IIT, Kanpur	Tribal Women in Manipur and Legal Intervention
3	Neelu Mehra and Shivani	Faculty	GGSIU University	Precincts on Entering of Religious Places by Women in India: Gender Bigotry in 21 st Century.
4	Pradeep Kumari	Faculty	Galgotias University	Gender Justice In India
5	Sarvesh	Faculty	Delhi University	Custom, Village and the Politics of Social Exclusion

Technical Session 10.3 (12.00 PM -1.30 PM)**Ensuring Equality: Constitutional Promises and India's Social Revolution (5 Papers)**Chairperson **Prof. S.K. Bhatnagar, Babasaheb Bhimrao Ambedkar University, Lucknow**Co-Chairperson **Dr. Mahavir Singh, Associate Professor, DU**

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	HinaKausar	Student	Department Of Law, A.M.U Aligarh	An Introspection To Triple Divorce: Call For Revamp To Realize The Goal Of Gender Justice
2	Naina	Assistant Professor	University Institute Of Legal Studies, Chandigarh University	Uniform Civil Code Versus Personal Laws: A Gender Justice Perspective

3	Narender Kumar	Assistant Professor	Delhi University	Gender Disparity In Literacy: District Level Analysis Of Rajasthan
4	Somya Agarwal	Student	Symbiosis Law School, Pune	Reality of Gender Equality in the Shadow of Personal Religious Laws
5	Thangzakhup Tombing	Assistant Professor	NLU, Assam	Law And Women In North East Of India:Demystifying The Notion Of Gender Equality In An Open And Egalitarian Society

Technical Session 10.4 (12.00 PM -1.30 PM)

Ensuring Equality: Constitutional Promises and India's Social Revolution (5 Papers)

Chairperson- **Prof. V.K. Dixit, Former Professor, DU**

Co-Chairperson- **Ms. Sonali Basu Parikh, Advocate, Supreme Court of India**

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Agrini Rawal	Student	Delhi University	Devadasi: The God's Prostitute
2	Jyotish Kr. Gupta	Student	Delhi University	Women, Violence and Sex Trade
3	Gazala Sharif	Student	GGSSIP University	Women's Participation In Politics and Decision-Making: An Evaluation of World Development Report on Gender Equality and Development
4	Neelam and Deepti	Faculty	VIPS	Social Empowerment of Dalits
5	Sandhya Kumari And Rashmi Gopi	Student	UPES, Dehradun and Miranda, Delhi University	Engaging with Equality: Policy and Practice in Relation To LGBT

Theme 11: Clean India and Right to Sanitation

Technical Session 11.1 (12.00 PM -1.30 PM)

Clean India and Right to Sanitation (5 Papers)

Chairperson

Co-Chairperson **Dr. Pinki Sharma, DU**

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Harmeet Grover	Student	GGSSIP University	Right to Sanitation: The Constitutional Perspective and a Call to Action.
2	Kusum Yadav	Student	Haryana	Right to Sanitation, A Distinct Human Right
3	Surinder Verma and Col. Balraj Sharma	Students	JNU and DU	Manual Scavenging: An Unfinished Innings of Government Policy
4	Swati Bajaj	Student	GGSSIP University	Outraging the magnificence of nature: A serious call for 'Swachh Bharat'
5	Tapinder Kaur	Student	NLS Patiala	Sanitation and HR

Technical Session 11.2 (12.00 PM -1.30 PM)

Clean India and Right to Sanitation (5 Papers)

Chairperson- **Prof. Kanwal D.P. Singh, GGSIP University**

Co-Chairperson- **Dr. Rajni Abbi, Faculty of Law, Delhi University**

Presenters

S. No.	Author/ Authors	Designation	Institute	Title of the Paper
1	Abha Gautam and Naina Srivastava	Student	Banasthali Vidyapith, Rajasthan	Judicial View on Sanitation: Then and Now
2	Lipika Sharma and Aprajita Singh	Student	Amity University, Noida	Right to Sanitation: Human Right Associated with Human Dignity
3	Nitin Sihmar	Student	University Of Delhi	Manual Scavenging in India: A Critical Study
4	Varun Chhachhar	Assistant Professor	Faculty Of Law, University Of Lucknow	Manual Scavengers and Social Justice in India with Special Reference to Employment of Manual Scavengers and Construction of Dry Laterines (Prohibition) Act, 2013.

Valedictory Session: 2.00 PM

Chief-Guest-	Justice Madan B. Lokur, Judge, Supreme Court of India
Guests of Honour-	Prof. M.P. Singh, Chancellor, Central University of Haryana Prof. Poonam Pradhan Saxena, Vice Chancellor, NLU, Jodhpur Prof. M. Afzal Wani, Dean, GGSIP University
Chairperson-	Prof. Yogesh K. Tyagi, Vice Chancellor, University of Delhi