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Gender Equality at work place in Indian Context: legislative and Judicial Perspective

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Abstract

Gender equality is a human right. Women are entitled to live with dignity and with freedom from want and fear. Society can be groomed only in free and fair environment where there will be no place of discrimination between male and female members of society. Indian Society is an example of transition from equality to discrimination and once again from discrimination to equality. Gender equality is also a precondition for advancing development and reducing poverty. Empowered women contribute to the health and productivity of whole families and communities, and they improve the prospects of the next generations. By way of various legislations the interest of Indian women in all fields like Education, Politics, Corporate Sector, Employment, and Domestic Sector has been protected and promoted. In this paper an attempt has been made to evaluate the Gender Equality of Women at workplace.

Keywords: Gender, Women, Workplace

Introduction:

India is one of the countries having ancient, old and distinct culture. In this society there is prevalence of male dominance. In this multi linguistic and multi religious society male dominance is a very common feature. In ancient India, the fact of equal enjoyment of rights and privileges by Women and men gets revealed from the examples of Gargi, Maitreyi, etc. They had all the rights of taking and imparting education as male members had. It was in the medieval period where restrictions were imposed on

enjoyment of Rights and privilege of women. Somehow she came on back foot and became vulnerable. To improve the disadvantageous position of women during 18th century various Social Activists like Mahatma Phule, Gopal Ganesh Agarkar, etc. took initiative for eradicating practices which were derogatory to women.

By one way or other Women are victims of discrimination. It ranges from child marriage, female foeticide, female infanticide, Dowry death, sati practice, sexual offences against her to discrimination at workplace. Both Indian

HISTORY OF DISPUTE RESOLUTION IN INDIA: AN ANALYSIS

DR. SUNITA D. ADHAV¹

Gandhiji said : "I had learnt the true practice of law. I had learnt to find out the better side of human nature, and to enter men's hearts. I realized that the true function of a lawyer was to unite parties given as under. The lesson was so indelibly burnt unto me that the large part of my time, during the twenty years of my practice as a lawyer, was occupied in bringing about private compromises of hundreds of cases. I lost nothing, thereby not even money, certainly not my soul."²

Resolution of disputes between individuals in an amicable way has been an ancient practice in India. The amicable ways that were adopted for it are, in its form, known as Alternative Dispute Resolution System (ADR). Apart from kings courts, these ADR methods adopted and practiced in ancient India were vital in grassroot dispute resolution system.

Ancient India :

It is generally presumed that the commonly prevalent system in Ancient India was monarchy and instances of republic were either exceptions or aberrations. The view is based on the apparent perception that since there were kings in ancient India, the system was that of monarchy.³

In the beginning of the Vedic period people did not have a settled life and were nomads but with development in agriculture people started to settle down in groups. The first Indian civilization arose in the Indus valley⁴ about 2,600 BC. It actually straddled modern India and Pakistan. By 6,500 BC the people of the area had begun farming. By 5,500 BC they had invented pottery. By about 2,600 BC a prosperous farming society had grown up. The farmers used bronze tools. They grew wheat, barley and peas. They also raised cattle, goats and sheep. Water buffalo were used to pull carts. The people spun cotton and they traded with other countries such as modern day Iraq.⁵ The dispute between these merchants were primarily settled through negotiations and mediation.

The decline of the Indus Valley civilization witnessed the arrival of Aryans in India. From their original settlements in the Punjab region, they gradually began to penetrate eastward, clearing dense forests and establishing "tribal" settlements along the Ganga and Yamuna plains between 1500 B.C. and 800 B.C. By around 500 B.C., most of northern India was inhabited and had been brought under cultivation, facilitating the increasing knowledge of the use of iron implements, including ox-drawn plows, and spurred by the growing population that provided voluntary and forced labour. As riverine and inland trade flourished, many towns along the Ganga became centres of trade, culture and luxurious living. Increasing population and surplus production provided the basis for the emergence of independent states with fluid territorial boundaries over which disputes frequently arose.⁶

In earlier times, disputes were peacefully decided by intervention of kulas (family or clan assemblies), srenis (guilds of men following the same occupation), parishads (assemblies of learned men who knew law) before the king came to adjudicate on disputes.⁷ This three tier system played pivotal role in amicable resolution of disputes within its territories.

Panchayats and Dispute Resolution :

the village panchayat played an important part throughout the long course of Indian history. They flourished in India not due to anarchy as was propounded by Sir Henry Maine but, because the Central Government was itself refusing to entertain any suit at the first instance and were deliberately referring all of them back to the village panchayat. The village panchayat thus reduced the burden of

“CHANGING PARADIGMS OF ENVIRONMENTAL JURISPRUDENCE IN INDIA : CONSTITUTIONAL PERSPECTIVE”

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INTRODUCTION

The inter-relationship between human beings and nature is a very old one. For a very long time there has been exploitation of the environment by the humans considering themselves to be at the centre of the world. However there have been instances when the human activities which are very harmful to the environment have created implications on the quality of environment and the need of emphasizing the importance of the environment has surged up. Sustainable development is a process for meeting human development goals while sustaining the ability of natural systems to continue to provide the natural resources and ecosystem services upon which the economy and society depends. While the modern concept of sustainable development is derived most strongly from the 1987 Brundtland Report, it is rooted in earlier ideas about sustainable forest management and twentieth century environmental concerns. As the concept developed, it has shifted to focus more on economic development, social development and environmental protection.

Sustainable development is the organizing principle for sustaining finite resources necessary to provide for the needs of future generations of life on the planet. It is a process that envisions a desirable future state for human societies in which living conditions and resource-use continue to meet human needs without undermining the “integrity, stability and beauty” of natural biotic systems.

- **Ancient Indian Environmental Jurisprudence:**

*“Truth, unyielding cosmic order, consecration,
Ardor and Prayer and Holy Ritual
Uphold the Earth, May she the ruling Mistress
of what has been and what will come to be,
for us spread wide a limitless domain”¹*

The message of the praise hymn to Mother Earth in the Vedas is that the earth mediates between man and the unyielding cosmic order inherent in nature. This natural bond is one of partnership and continuous renewal. So, we can infer from this ancient piece of work that humans and nature are having intimate relationship between themselves. In Ancient India, the nature was worshipped to give respect to it. The nature was enriched and clean as there was no industrialization and advancement of technology that we have today. Some ancient texts tell us that our society paid more attention to protecting the environment than we can imagine. These texts tell us that it was the dharma of each individual in society to protect Nature, so much so that people worshipped the objects of Nature. Trees, water, land and animals had considerable importance in our ancient texts; and the Manusmriti prescribed different punishments for causing injury to plants. Kautilya is said to have gone a step further and determined punishments on the basis of the importance of a particular part of a tree. From this, what comes in front of us is that environmental management and control of pollution was not limited only to an individual or a group, but society as a whole accepted its duty to protect the environment.

In India environmental law has seen considerable development in the last two decades. Most of the environmental

Laws That Teach Humanity: Maharashtra Protection Of People From Social Boycott (Prevention, Prohibition And Redressal) Act Of 2016

● **Dr.SunitaAdhav***

Maharashtra will be the first State in the country to enact a law against social boycott of individuals or families by caste panchayats.¹The Maharashtra legislature unanimously passed the Prohibition of Social Boycott Bill to end the menace of extra-judicial institutions like caste and community panchayats. The Bill, is an initiative among the states in the country to adopt a comprehensive law to root out oppression carried out in the name of age old traditions, caste and religion. The Act was required in the backdrop of prevailing atrocities inflicted on people in the name of tradition, caste and community which cannot be allowed in Maharashtra. The Act terms social boycott as a crime and says anybody indulging in it would face stern action. Citing the reasons why a separate law was needed in the state, the CM of Maharashtra said, "It came to our notice there were 42 cases of social boycott in the district of Raigad alone, which was alarming."²

The draft bill framed a year ago was approved by the Cabinet on March 1, 2016. The Bill disallows social boycott of any individual or groups by caste panchayats or groups of individuals. Social boycott for reasons like inter-caste marriage, rituals of worship or any connection to lifestyle, dress or vocation will invite stringent punishment, according to the Bill.³

Thus the bill, "Maharashtra Prohibition of Social Boycott Act, 2015" aims to uphold the right to live with dignity of all individuals and seeks to remove the social evil of ostracism from the caste ridden society of Maharashtra.

The Maharashtra is the first State to pass such an Act in India, but it is not the first time that Maharashtra is passing such an Act. In 1949, the state of Bombay, which consisted of modern day Gujarat and Maharashtra, passed the Bombay Prevention of Excommunication Act, which aimed to protect the Civil, Social and Religious rights of those excommunicated by their own communities. The Act prohibited the expulsion of any person from his or her religious creed, caste or sub-caste and held any such excommunication to be invalid. Under the law, no community could deprive a person of their right to property, to worship in religious places, to perform funeral rites or other rituals.

In 1951, however, the leader of the Dawoodi Bohras, SyednaTaherSaifuddin, challenged the Prevention of Excommunication Act in the Bombay High Court. The Syedna's contention was that the Act infringed upon his Constitutional freedom of religion by curtailing his right, as the religious head, to discipline the community by casting out "errant" members. The high court upheld the Act and it was appealed again, in the Supreme Court a five judge bench finally ruled it to be violative of Article 26.⁴

Sustainable Development and Judiciary in India: A Critical Analysis

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Introduction:

"The tide of judicial considerations in environmental litigation in India symbolizes the anxiety of the Courts in finding out appropriate remedies for environmental maladies"¹

The above statement aptly explains the role of judiciary in framing and shaping the environmental jurisprudence in India. Adherence to the principle of sustainable development is now a Constitutional requirement as the Polluter Pays Principle and the Precautionary Principle have become integral parts of the fundamental rights.² India has enacted various laws in the field of environment protection from time to time and at the same time the Indian Judiciary has also been very vigilant and played a pivotal role in interpreting the laws and at times even interpreting the Constitution in favor of protection of environment or sustainable development.

There have been various cases in the field of sustainable development. The variety of cases can be classified into categories like:

1. Mining and Quarrying
2. Deforestation
3. Industrial Development
4. Urbanization
5. Rights of Tribal People
6. Climate Change

The Indian Judiciary has given a variety of decisions and that too mostly in favour of environment protection and maintaining the ecological balance. We will be able to understand the view of the judiciary with the help of cases decided.

Mining and Quarrying:

There have been instances where the Apex Court has time and again used the power of Public Interest Litigation to provide the right to live in healthy atmosphere as a part and parcel of the Fundamental Right to Life.

¹*T.N. Godavarman Thirumulpad v. Union of India*, (2002) 10 SCC 606 at p. 625.

²*Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647.

ESSENCE OF CORPORATE SOCIAL RESPONSIBILITY IN INDIA: AN OVERVIEW

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Abstract :

The Corporate Social Responsibility is an essential and important aspect in contemporary business culture. In 21st century success of business cant be assessed only on monetary gain but it has be calculated on social and ethical gesture of every business field.This paper focuses onevolution and benefits of sustainability of Corporate Social Responsibility.This paper also focuses upon developments of CSR in various phases in India. A numeral of companies with good societal and ecological records indicate that CSR activities can be a consequence of a better recital and can produce more profits and growth but same time more important activities lacking behind when business focus more on CSR.

Keywords: *Corporate Social Responsibility,sustainability, benefits,business*

A. Introduction

In the contemporary era, the Corporate social responsibility and ethics have taken shape to excel corporate field socially as well. It is an internal and important aspect of corporate law. There are number of issues that hampers business environment in the society. The impact of corporate social responsibility affects and helps to develop social as well economic status of company at large. In this competitive field of 21st century the realization of CSR is an important tool to maintain asset of national & international market, relation with customers, and continuous growth of business entity. Businesses also focus on customer-centric excellence in terms of high quality products and services simultaneously providing value for money, treating employees fairly and partners as important assets, agility, innovation in products and services, social responsibility, and to build up environmental friendly techniques of production, design, recycle industrial waste-products and conserve natural resources of the country, forest conservation by planting more and more trees and customer solutions for sustainable development in

"NATIONAL ENVIRONMENT POLICY: THE BLUEPRINT FOR A GREEN FUTURE"

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INTRODUCTION

In the modern world of democratic polity there have been three organs of the Government viz. Legislature, Executive and Judiciary. The job of the Executive organ of the Government is the most crucial out of these three organs of the Government. The Legislature can frame legislations and get away with the work. The judiciary can only interpret the law and in case of injustice, administer justice; however, this scenario does not happen very often. Therefore the maximum work in relation to any field is to be done by the executive. In the case of environmental law also maximum work is done by the executive organ. The field of environmental law is very vast and there is a need of varied and technical expertise is necessary for implementing the same. With a view to create a clear vision as to the goals which need to be achieved in this field, the National Environmental Policy was approved by the Union Cabinet on 18th May 2006. This policy is the guiding document of all the further actions taken by the Ministry of Environment Forest and Climate Change and all the administrative organs working under it. "The National Environmental Policy ... is intended to mainstream environmental concerns in all developmental activities."

The National Environment Policy is divided into six sections:

1. Preamble
2. Key Environment Challenges: Causes and Impacts
3. Objectives if the National Environment Policy
4. Principles
5. Strategies and Actions
6. Process of Formulation of Policy

Out of these, the fifth section which discusses the Strategies and actions at length is further sub-divided into eleven sub-sections. They are Regulatory Reforms, Enhancing and Conserving Environmental Resources, Environmental Standards, Clean Technologies and Innovation, Environmental Awareness, Education, and Information, Partnerships and Stakeholder Involvement, Capacity Building, Research & Development, International Cooperation, Review of the Policy and Review of Implementation. It is in this fifth section that the actual implementation mechanism and the policy can be found.

Preamble of the Policy

Across the political spectrum of the country there has been recognition of the vital role natural resources play in providing livelihoods, and securing life support ecological services. In this perspective a need for a comprehensive policy statement has been evident for some time in order to infuse a common approach to the various sectoral and cross-sectoral, including fiscal, approaches to environmental management. As our development challenges have evolved and our understanding of the centrality of environmental concerns in development has sharpened, there is also a need to review the earlier objectives, policy instruments, and strategies.²

This dynamic requires an evolving and flexible policy framework, with a built in system for monitoring and

Women in Defence in India- a Critical Analysis with Special Reference to Gender Inequality

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Abstract

The role of women as soldiers and warriors has been evident in history the world over for centuries. As early as the 15th century, Joan of Arc is said to have led the French army during the hundred year's war against England. Indian military history also boasts of a fair share of women soldiers, Razia Sultan and the Rani of Jhansi being the most famous. Women were also a part of the Indian National Army raised by Subhash Chandra Bose to fight the British. Post-independence, women have for long been serving the Indian Army in the Army Medical Corps, Army Dental Corps and Military Nursing Service. However, beyond this the Indian Army did not induct women for 47 years, after independence The first batch of Short Service Commission women officers was inducted into the Indian Army in the year 1993. This milestone was achieved through generation of considerable debate, both, within and outside defence circles. The debate acquired the hue of a gender issue with terms like equality of the sexes and discrimination against women thrown in for good measure. Since the Indian Constitution guarantees equality of opportunity for all, irrespective of sex, it was considered only right that women should be allowed to join the army as well. Soon enough they found a place for themselves in services like Corps of Signals, Engineers, and Intelligence Corps etc. Apparently they have proved their ability and discharged their duties suitably enough, for what started as a five-year stint has been increased to ten and subsequently fourteen years for a few disciplines. Researcher in this research paper has critically analyses the induction of women in Defence in India with reference to gender inequality in this profession.

Keywords: Women in Defence, Army, Gender Inequality

1) Introduction

Indian women have proved that they can be manifestations of will power, grace, dedication, hard work, brilliance. They

raise their bar and break untouched barriers. Innate intelligence and quickness of judgment have been instrumental not only at critical points in their career paths

Misleading Advertisement and Protection of Consumer through Statutory and Institutional Framework: Indian Perspective

Mayura Borde*

Introduction:

The mind and imagination are powerful tools for advertisement. Every product, every service, has its unique characteristic. Out of a number of goods selection of product is greatly depends upon how Advertisement represents it and how consumer thinks and creates their own interpretation of the advertisement. It largely serves economic purpose.

"An advertisement is no doubt a form of speech but its true character is reflected by the object for the promotion of which it is employed. It assumes the attributes and elements of the activity under art. 19 (1) which it seeks to aid by bringing it to the notice of public. When it takes the form of a commercial advertisement 'which has an element of trade or commerce it no longer falls within the concept of freedom of speech for the object is not propagation of ideas-social, political or economic or furtherance of literature or human thought.'"¹²

Justice J.L. Kapur,

Judge, Supreme Court of India

An advertisement becomes false or misleading, when false or misleading statements are used in advertising. False advertising is any published claim that is deceptive or untruthful. Misleading advertising is any published claim that gives a consumer an incorrect understanding of the product. "Truth" refers to essentially that customers have the right to know what they are buying, and that all necessary information should be on the label as well as in the content of advertisement should be correct.¹³

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¹² Hamdard Dawakhana v, Union of India, A.I.R. 1960 S.C. 554 at 563 referred by RK Nayak ,

"MISLEADING ADVERTISING. AND ITS CONTROL" available at 14.139.60.114:8080/jspui/bitstream/.../Part-C%20_Misleading%20Advertising.pdf retrieved on 5th Sept.2016

¹³ George Cheriyan et al, Study on the Status of Law Enforcement for Misleading Advertisements in India and its Impact on Consumers available at http://www.cuts-international.org/Cart/pdf/Study_on_the_Status_of_Law_Enforcement_for_Misleading_Advertisements_in_India.pdf retrieved at 5th Sept.2016

"APPLICATION OF GLOBAL ENVIRONMENTAL POLICIES IN INDIA : JUDICIAL PERSPECTIVE"

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INTRODUCTION

Man is a lovable child of Nature that's why before invention of human beings; Nature has created a treasure like mother earth where all the arrangements for life have been provided. All the provisions for enjoying life up to its fullest extent have been made. Starting from Sun at sky to fossil fuel within earth's womb. At the time of creation of Human Beings Nature might have an idea that by utilizing intellectual capacity which nature has endowed to human beings they will invent the techniques for utilization of Nature's Gift. Man not only proves the confidence which Nature has showed on him but also starts its exploitation by unsustainable pattern of consumption of these Natural Resources. Now the result of this overexploitation is brought before us in the form of Global Warming, depletion of Natural Resources, climate change, loss of Biodiversity, ocean acidification, deforestation, ozone layer depletion, acid rain, etc. In this 21st century Environment problem becomes more crucial one and hence for the protection of Environment, effort has been started at international level. In this paper various contributory factors like international conferences on environment protection, role of Indian Judiciary for the Protection environment has been discussed.

Development of Indian Law in the Light of International Conferences

The development of Indian laws relating to environment protection is divided into two aspects i.e. Pre 1972 Development and Post 1972 Development. Before 1972, the main laws regarding environment protection were tort laws, laws regarding water, criminal law, easement laws, forest laws and special laws regarding hazardous substances. The Indian Constitution does not directly talk about the Environment Protection, but gives fundamental right to life i.e. Article 21 to its citizen, which is treated as the right to enjoy wholesome environment¹. After 1972, the Indian Government has brought about major changes in environmental law and it has moved from protection of environment through general law to specific law regarding environment. The Stockholm Declaration on the Human Environment 1972 has the significant impact on the Indian Environment Law.

Stockholm Conference

First time global Conference for protection of Environment held at Stockholm on 5th June 1972 known as The United Nations Conference on Human Environment and Development. This conference is considered to be Magna Carta of Environment Protection and Sustainable Development². It lays down 26 Principles for protection and improvement of Human Environment. It proclaimed that Man is both creator and moulder of his Environment which gives him physical sustenance and affords him the opportunity of intellectual, moral, social and spiritual growth³. This conference stress on various aspect like Conservation of natural resources⁴, maintain the capacity of earth to produce vital renewable resources⁵, safeguarding wild life and its habitat⁶, control of discharge of toxic substances⁷, Science and technology as a part of contribution to economic and social development (Precautionary Principle)⁸, etc.

A basic shift in the approach to environmental protection occurred initially between 1972 and 1982. Earlier, the concept was based on the "assimilative capacity" rule as revealed from Principle 6 of the Stockholm Declaration of the U.N. Conference on Human Environment, 1972. The said principle assumed that science

LEGISLATIVE FRAMEWORK for DISASTER MANAGEMENT IN INDIA

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INTRODUCTION

Man is a greatest creation of God. He is endowed with the Intellectual Capacity. By his Intellectual assets he has molded the Nature by advancing the technological development to live his life according to his own way. Though he has invented the technologies still he is unsuccessful in establishing his control over Nature. There are various disaster it may be disaster like Kashmir floods (2014), Uttarakhand flash floods (2013), Ocean Tsunami (2004), Gujarat Earthquake (2001), Latur Earthquake (1994) in India or Nepal Earthquake (2015), tropical cyclones in USA shows that a man is a leaf of grass in front of nature. Disaster is a sudden, calamitous and unfortunate event that brings with it great damage, loss, destruction and devastation to human life as well as property and also hampers the ongoing developmental projects in a particular area being affected by the disaster¹.

TYPES of DISASTER

Disasters are unavoidable. Irrespective of the technological advancements disasters are occurred everywhere; though its vulnerability varies. Some of the types of Natural and Manmade disasters are Floods, Train Accidents, Airplane Crash, Tsunami, Earthquakes, Wild Fires, Rock and Snow Avalanches, Nuclear Accidents, Drought, Cyclones, Tornadoes, Typhoons, etc.

DISASTER MANAGEMENT & its NEED In INDIA

India is vulnerable, in varying degrees, to a large number of natural as well as man-made disasters. 58.6 per cent of the landmass is prone to earthquakes of moderate to very high intensity; over 40 million hectares (12 per cent of land) is prone to floods and river erosion; of the 7,516 km long coastline, close to 5,700 km is prone to cyclones and tsunamis; 68 per cent of the cultivable area is vulnerable to drought and hilly areas are at risk from landslides and avalanches². Gujarat Earthquake (2000) killed around 20,000, Ocean tsunami in 2004 killed 230,000 people, Mumbai Castrophe (2005) killed at least 5,000 people, Uttarakhand flash floods (2013) killed more than 2,000 people.³

Disaster causes a huge loss of life and property. It impacts not only on mental or socio-economic condition of individual but also causes change in political and cultural structure of the affected area. This challenge of nature can be faced only by multidimensional efforts with the help of technology, science, modern techniques, financial and social assistance. Disaster Management is an effort to inquire into the process of a hazard turning to disaster, to identify its causes and rectify the same through public policy. Therefore disaster management is a policy

¹ <https://targetstudv.com/articles/importance-of-disaster-management.html> last visited on 20th Aug. 2016

² National Policy on Disaster Management 2009, National Disaster Management Authority.

³ <http://www.walkthroughindia.com/lifestyle/top-14-worst-and-major-natural-disasters-of-india/> visited on 25 August 2016

INTERNATIONAL PERSPECTIVES ON THE LAW RELATING TO ELECTRONIC CHILD PORNOGRAPHY

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Abstract

Child pornography has been deemed prohibited material internationally. Even though a prohibition on pornography exists under the Indian Penal Code, India per se has no law prohibiting child pornography. An improvement in this situation is the Information Technology Amendment Act 2008, which seeks to prohibit child pornography in electronic form. Under the new Amendment Act, even child pornography over mobile communications would be included. This paper seeks to study the laws on child pornography and make certain recommendations for the Indian situation.

Introduction

The Information Technology Act, 2000 has been amended by the Information Technology Amendment Act, 2008 (Act 10 of 2009). Among the many amendments suggested, one is the addition of section 67B penalizing the publishing, transmitting, collecting, browsing, advertising, etc of material containing sexually explicit content depicting children, causing children to abuse children online, facilitating online abuse of children, as well as recording own abuse or that of others upon children. Thus, various sexual crimes against children over the electronic media have been detailed, which shall be discussed within the scope of this article.

Generally, child pornography involves two types of children - real children and virtual children. Real children would be children of flesh and blood, while virtual children are computer-simulated images of children. Child pornography is of two types. One consists of pornographic files containing images of abuse (both real and simulated) committed on children including custom-made child pornography where sale is of

images of child sexual abuse created in order for the child consumer. The second consists of real time transmission of images of children being sexually abused through technologies like the webcam.

On the international front, in the war against child pornography, Article 34 of the United Nations Convention on the Rights of the Child 1989² lays down that all signatories shall take appropriate measures to prevent the exploitative use of children in pornographic performance and materials. The subsequent Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography mandates international obligation to pass specific laws against child pornography "punishable by appropriate penalties that take into account their grave nature" as well as enable extradition, mutual assistance in investigation and seizure of property. The Optional Protocol further stated that member states of the United Nations were "concerned about the growing availability of child pornography on the Internet and other evolving technologies..." This Optional Protocol has brought child pornography over the Internet, within the ambit of the UN Convention of Child Rights. India is a signatory to this Optional Protocol.

Definitions:

To take a look into the definitions on child pornography that exist worldwide, Article 2 of the Optional Protocol to the CRC³ on the Sale of Children, Child Prostitution and Child Pornography defines child pornography as "any minor representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes" such a

CHILD ABUSE IN INDIA

Adv. Chintamani Ghate¹**Introduction**

Child abuse is a state of emotional, physical, economic and sexual maltreatment meted out to a person below the age of eighteen and is a globally prevalent phenomenon. However, in India, as in many other countries, there has been no understanding of the extent, magnitude and trends of the problem. The growing complexities of life and the dramatic changes brought about by socio-economic transitions in India have played a major role in increasing the vulnerability of children to various and newer forms of abuse. Child abuse has serious physical and psycho-social consequences which adversely affect the health and overall well-being of a child. According to WHO: "Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power."²

Child abuse is a violation of the basic human rights of a child and is an outcome of a set of inter-related familial, social, psychological and economic factors. The problem of child abuse and human rights violations is one of the most critical matters on the international human rights agenda. In the Indian context, acceptance of child rights as primary inviolable rights is fairly recent, as is the universal understanding of it.³

Child abuse in India is often a hidden phenomenon especially when it happens in the home or by family members. Focus with regards to abuse has generally been in the more public domain such as child labour, prostitution, marriage, etc. Intra-family abuse or abuse that takes place in institutions such as schools

or government homes has received minimal attention. This may be due to the structure of family in India and the role children have in this structure. Children in India are often highly dependent on their parents and elders; they continue to have submissive and obedient roles towards their parents even after they have moved out of their parental home. This belief that parents and family are the sole caretaker of the child has proved to have negative effects on child protection laws and strategies. Numbers of cases of child abuse in the home are hard to attain because most of these crimes go unreported. Societal abuses that are a result of poverty such as malnutrition, lack of education, poor health, neglect, etc. are recognised in various forms by the Indian legal system. But India does not have a law that protects children against abuse in the home. Mal-treatment of care givers has the potential to emotionally and mentally harm children to a very different degree. Studies in intra-familial child abuse in the US have shown correlation to delinquency, crime, teenage pregnancy, and other psychosocial problems.

Working definition of child abuse

The Protection of Children from Sexual Offences Act, 2012 defines a child⁴ as any person below the age of 18 years and provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography. These offences have been clearly defined for the first time in law⁵. The Act provides for stringent punishments, which have been graded as per the gravity of the offence⁶. The punishments range from simple to rigorous imprisonment of varying periods. There is also provision for fine, which is to be decided by the Court.

For the purpose of this study, the following

PROTECTION OF CHILDREN FROM ONLINE THREATS: THE NEED OF AN HOUSING

Dr. Ananya Biba

Introduction:

Information technology came into this world as the outcome of the inventions and developments in the hardware as well as software industries and the impetus which was provided with the invention and application of the internet. It has been said time and again regarding the effect of computers on the society that "the world has never been the same after the advent of computers". A thing which was as bulky and hefty which could fit into one room for storage and processing of a few kilobytes of data has now shrunk to the size of a palm of the child which can process and store even terabytes of data, access to the internet as well as be a part of any kind of online transactions, be it pecuniary or otherwise. It is here that the threat of online abuse of children can be realized. It has been accepted that children by the very nature of their age and understanding belong to the vulnerable group of the society. This group of the society can be the one which can be influenced by the least efforts and can be misused or even abused at the hands of others. Cyber crime is one of the most dangerous crime due to the impossibility of tracing the perpetrator of the crime due to the sheer magnanimity of the world wide web...

There have been various instances regarding various issues, a few where the child becomes the victim whereas a few in which the child is used for the commission of crime. In any case, the exploitation of the child in question is inevitable. This paper talks about the effect of such activities on the children and steps taken especially in India. Following can be said to be a broad classification of child abuse:

- **Cyberbullying:** emotional harassment, defamation and social exposure, intimidation, social exclusion²

- **Online sexual abuse:** distribution sexually explicit and violent content, sexual harassment³

- **Online sexual exploitation:** production, distribution and use of child sexual abuse material (CSAM) (child pornography), "sextortion", "revenge pornography"⁴

- **Cyber extremism:** ideological indoctrination and recruitment, threats of extreme violence⁵

- **Online commercial fraud:** identity theft, phishing, hacking, financial fraud⁶

- **Habit formation and online enticement to illegal behaviours:** access to alcohol, cheating, plagiarism, gambling, drug trafficking, sexting and self-exposure

- **Grooming:** preparing a child, significant adults and the environment for sexual abuse, exploitation or ideological manipulation⁷

Current status of children and their vulnerabilities:

Digital technologies offer significant developmental and educational benefits to children. However, the growing access and use of ICT by children also increases their exposure to a potential risks of online abuse and exploitation. Cyber offences against children are spreading and diversifying as new methods are used to harass, abuse and exploit children. In many instances, children are also online offenders. Digital technologies provide new avenues to reinforce and spread existing social and cultural norms as well as to mediate virtual social contexts and relationships. Offline forms of crime and violence against children are finding new forms of expression in the online world and their effects on children are amplified. In many cases offline and online violence are interrelated, with online

DATA PRIVACY IN INDIA

¹ Ms. Shivanjali Bh

Introduction

People are increasingly making their personal information available publically. Today there is an unprecedented amount of personal data available with Government and Private Sector Players. Digital India, Aadhaar and Demonetization drives have added to the already growing pool of personal data with various public and private players to pursue their activities. Indian law does not define personal data. The same has been defined by EU's general data protection guidelines [REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL]² as any information relating to an identified or identifiable natural person. From this definition it is clear that personal information includes biometric and economic information as well.

With the Digital India roll-out, push on digital payments, rising e-commerce penetration, and an unprecedented number of platforms and services transacting PII of individuals, a stronger data protection regime is a must to foster trust in the data ecosystem. With rising cyber crime and data breaches, and absence of strong data protection regulatory framework ensuring consumer protection and right to recourse, individuals tend to resort to non-electronic means for transactions. A survey by the Centre for International Governance Innovation (CIGI), in collaboration with the United Nations Conference on Trade and Development (UNCTAD) and the Internet Society, shows that privacy issues top the concerns that constrain e-commerce growth.

Data privacy and data security³

Although data privacy and data security are often used as synonyms, they share more of a symbiotic type of relationship. Just as a home security system protects the privacy and integrity

of a household, a data security policy is put in place to ensure data privacy. When a business is trusted with the personal and highly private information of its consumers, the business must enact an effective data security policy to protect this data. The following information offers specific details designed to create a more in-depth understanding of data security and data privacy.

Data Security

Data security is commonly referred to as the confidentiality, availability, and integrity of data. In other words, it is all of the practices and processes that are in place to ensure data isn't being used or accessed by unauthorized individuals or parties. Data security ensures that the data is accurate and reliable and is available when those with authorized access need it. A data security plan includes facets such as collecting only the required information, keeping it safe, and destroying any information that is no longer needed. These steps will help any business meet the legal obligations of possessing sensitive data.

Data Privacy

Data privacy is suitably defined as the appropriate use of data. When companies and merchants use data or information that is provided or entrusted to them, the data should be used according to the agreed purposes. Data privacy, also called information privacy, is the aspect of information technology (IT) that deals with the ability an organization or individual has to determine what data in a computer system can be shared with third parties.

Information privacy is the privacy of personal information and usually relates to personal data stored on computer systems. The need to maintain information privacy is applicable to collected personal information, such as medical records, financial data, criminal records, political records

COMPARATIVE APPRAISAL OF CHILD RIGHTS AND CHILD ABUSE

Ms. Shivanjali Bhoite

Introduction

Child abuse occurs when a parent or caretaker physically, emotionally, or sexually abuses, neglects, or abandons a child. Laws regarding child abuse seek to protect children, while at the same time allowing parents the right to raise and discipline their children as they see fit. Controversies over child abuse laws can arise when parents or guardians feel that the government is interfering in their private family life or have removed a child from the home unnecessarily.

Definition of Child

As with other parts of the world, both legal definitions and inclusion criteria in research often vary from country to country. Article 1 of the United Nations Convention on the Rights of the

Child defines a child as a person under the age of 18.

The World Health Organization defines child maltreatment as all forms of physical and/or emotional ill-treatment, sexual abuse, neglect, negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power (Butchart, Putney, & Kahane, 2006, p.9)

Definition of Child abuse in Cambridge Dictionary "behavior in which adults intentionally harm children in a cruel or violent way"

Defining what age a person is or ceases to be a child is a constant debate in India. The Census of India considers children to be any person below the age of 14, as do most government schemes. Biologically childhood is the stage between infancy and adulthood. According to

the UNCRC 'a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier'. This definition of child allows for individual countries to determine according to their own discretion the age limits of a child in their own laws. But in India various laws related to children define children in different age limits.

The Indian Penal Code (IPC) 1860 finds that no child below the age of seven may be held criminally responsible for an action (Sec 82 IPC). In case of mental disability or inability to understand the consequences of one's actions the criminal responsibility age is raised to twelve years (Sec 83 IPC). A girl must be of at least sixteen years in order to give sexual consent, unless she is married, in which case the prescribed age is no less than fifteen. With regard to protection against kidnapping, abduction and related offenses the given age is sixteen for boys and eighteen for girls.

According to Article 21 (a) of the Indian Constitution all children between the ages of six to fourteen should be provided with free and compulsory education. Article 45 states that the state should provide early childhood care and education to all children below the age of six. Lastly Article 51(k) states the parents/guardians of the children between the ages of six and fourteen should provide them with opportunities for education.

The Child Labour (Prohibition and Regulation) Act, 1986 defines a child as a person who has not completed fourteen years of age. The Factories Act, 1948 and Plantation Labour Act 1951 states that a child is one that has not completed fifteen years of age and an adolescent is one who has completed fifteen years of age but has not completed eighteen years of age.



STUDY OF LIVE IN RELATIONSHIP IN INDIA : JUDICIAL PERSPECTIVE

Mrs. Mayura Borde*

Introduction:

Western famous concept of live in relationship where a man and women live together without entering into the formal institution like marriage is now well known in India also This is nowadays being taken as an alternative to marriage especially in the metropolitan cities. Currently the law is unclear about the status of such relationship though a few rights have been granted to prevent gross misuse of the relationship by the partners. Legalizing live in relationship means that a totally new set of laws need to be framed for governing the relations including protection in case of desertion, cheating in such relationships, maintenance, inheritance etc. Litigation would drastically increase in this case. The basic idea of conducting a live in relationship is that the interested couple wants to test their compatibility for each other before going for some commitment. In this Paper the Reasons behind Live-in-Relationship, Approach of Indian Judiciary towards has been discussed.

Reasons behind Live in Relationship:

There are a multitude of reasons why a couple may want to live together. It may be because they want to evaluate their compatibility in a more practical way, or to establish financial security before officially tying the knot. Apart from that, it may be also due to legal constraints that would not allow them to marry – for example, if they belong to the same sex.

Certain individuals may also prefer to be in a live in relationship because in their opinion, relationships are their personal and private matters that ought not be controlled by religious, political and/or patriarchal institutions. Meanwhile, some may prefer cohabitation because such an arrangement does not legally compel them to be in the relationship for an extended period (live in relationships are often easier to establish as well as dissolve).

Live in Relationship and Law:

In some jurisdiction, live in relationships are viewed legally as common law marriage – it may be applicable after the duration of a pre-specified period, or after the birth of a child, or for certain other legally defined reasons. “Law takes its own time to articulate such social changes through a process of amendment. That is why in a changing society law cannot afford to remain static. If one looks at the history of development of Hindu Law, it will be clear that it was never static and has changed from time to time to meet the challenges of the changing social pattern in different time.”- Hon’ble Justice A.K.Ganguly & G.S. Singhvi in *Revanasiddappa & other vs Mallikarjun & others*

Live in Relationship in the eyes of Indian Judiciary:

At the outset The Hon’ble Supreme Court in *Yamunabai Anantrao Adhav v. Anantrao Shivram Adhav* held that where a man having a living lawfully wedded wife marries another woman, his second “wife” had no claim to maintenance under Section 125 of the Code of Criminal Procedure, 1973, even though she might be unaware of his earlier marriage. The Court refused to give any recognition to the fact that they had lived together even if their marriage was void. The man was allowed to take advantage

CHILD IN CONFLICT WITH LAW : NATIONAL AND INTERNATIONAL PERSPECTIVES

Mayura II

Introduction :

Child in Conflict with Law is one who is alleged to have committed an offence and Child in Contact with Law is one who has come in contact with law either as victim or as a witness or due to any other circumstances. Broadly following categories of children could fall under children in difficult circumstances who normally become prey to such circumstances:

- Destitute Children
- Neglected Children
- Street Children
- Children in Labor
- Trafficked Children
- Children of Prostitutes
- Juvenile offenders
- Physically or Mentally challenged Children
- Victims of War, Conflict and Natural Calamities
- Children having refugee status
- Children affected by HIV/AIDS
- Children with disabilities
- Children suffering from terminal/incurable diseases²

A Child is always a Child. A Child cannot be equated with an adult. Any mistake or wrong committed by a Child has to be thought of first in the Child's point of view. He might have done it for need, fun or excitement. If such need, fun or excitement is against law it becomes a 'wrongful act'. From the moment Children are expected to have acquired knowledge of the distinction between right and wrong, adults become less and less forgiving of their actions. Those parents who initially abandon their Children in the wake of their commission of a serious offence come to believe that their Children are inherently

good, but were misled. The belief in the inherent goodness of Children is common across the world and the CRC can be seen as the eloquent recognition of the same.³

International Law for Juveniles :

The child rights and welfare concerns have been addressed in a number of International Conventions, Standards and Declarations including the UN Convention on the Rights of the Child (UNCRC) 1989, the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990, and the UN Convention on Inter-country Adoption, 1993. The World Fit for Children, 2002 and the Millennium Development Goals, 2000. The Government of India ratified the UN Convention on the Rights of the Child (UNCRC) in 1992. The Convention prescribes standards to be adhered to by all parties in securing the best interest of the child. It emphasizes social reintegration of child victims without resorting to judicial proceedings. UNCRC outlines the fundamental rights of children, including the right to be protected from economic exploitation and harmful work, all forms of sexual exploitation and abuse, from physical or mental violence, as well as ensuring that children will not be separated from their family against their will.⁴

Both the CRC and the ACRWC are premised on a set of four principles which guide the consideration of all issues relating to the rights of the child, including the administration of justice. These are the best interests of the child, non-discrimination, the right to life, survival and development, and the right to be heard.⁵

CHILD ABUSE: FORMS, EFFECTS & IT'S SOLUTIONS

Harshvardhan Loh

Introduction

Child abuse is a state of emotional, physical, economic and sexual maltreatment meted out to a person below the age of eighteen and is a globally prevalent phenomenon. However, in India, as in many other countries, there has been no understanding of the extent, magnitude and trends of the problem. The growing complexities of life and the dramatic changes brought about by socio-economic transitions in India have played a major role in increasing the vulnerability of children to various and newer forms of abuse. Child abuse has serious physical and psycho-social consequences which adversely affect the health and overall well-being of a child. According to WHO², "Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power". Child abuse is a violation of the basic human rights of a child and is an outcome of a set of inter-related familial, social, psychological and economic factors. The problem of child abuse and human rights violations is one of the most critical matters on the international human rights agenda. In the Indian context, acceptance of child rights as primary inviolable rights is fairly recent, as is the universal understanding of it. The National Study on Child Abuse undertaken by the Ministry of Women and Child Development, Government of India, in 2005, attempts to understand the extent of the problem, its dimensions as well as its intensity. In addition, it examines two aspects:

(a) Strategies to address the problem of child abuse

(b) Identification of areas of further research based on the findings of the study.

Definition of child abuse: The term 'Child Abuse' may have different connotations in different cultural milieu and socio-economic situations. A universal definition of child abuse in the Indian context does not exist and has to be defined. According to WHO:

Physical Abuse: Physical abuse involves inflicting of physical injury upon a child. It may include burning, hitting, punching, shaking, kicking, beating or otherwise harming a child. The parent or caretaker may not have intended to hurt the child. It may, however, be the result of over-discipline or physical punishment that is inappropriate to the child's age.

It includes slapping/kicking, beating with stick, pushing, shaking

Sexual Abuse: Sexual abuse is inappropriate sexual behaviour with a child. It includes fondle a child's genitals, making the child fondle the adult's genitals, intercourse, incest, sodomy, exhibitionism and sexual exploitation. To be considered 'child abuse', these acts have to be committed by a person responsible for the care of a child (for example a baby-sitter, parent, or a daycare provider), or related to the child. If a stranger commits these acts, it will be considered sexual assault and handled separately by the police and criminal courts.

Severe forms include sexual assault, making the child fondle private parts, making the child exhibit private parts, exhibiting private parts to a child, photographing a child in a nude.

Other forms include forcible kissing, sexual advances during travel situations, sexual advances during marriage situations, exposure – children forced to view private body parts

INTERNATIONAL LAW ON THE MENTAL HEALTH OF THE CHILD- COMPARATIVE STUDY

Ms. Shital Keskar¹

Introduction:

Human rights' violation of persons with mental disability is one of the debatable issues on which much debates and discussions are going on international level. The child with mental disability is no exception to this issue. The child faces more problems due to its position as vulnerable in the society as it is physically as well as mentally immature. Due to its physical and mental immaturity, it is vulnerable and when it is affected with mental illness, it becomes more vulnerable. The children with mental disability are abused severely. Thus, these children require more safeguards for their protection from the abuse and exploitation. Thus, various legislations have been made on international level to protect the mental health of the child and to secure the rights of the children with mental illness.

The WHO is the specialized agency of the United Nations which was established in the year of 1948. It is concerned with the international public health. It defines Mental Health as, "a state of well-being in which every individual realizes his or her own potential, can cope with the normal stress of life, can work productively and fruitfully, and is able to make a contribution to her or his community."² Mental illness means the deviation from the mental well being. Thus a child with mental illness means who is affected with mental disorders like depression, schizophrenia, bipolar disorders, etc. The WHO defines mental disorders as "Mental disorders comprises of some combination of abnormal thoughts, emotions, behaviour and relationships with others".³ The child with mental illness becomes distressed section of the society.

What is meant by child? :

A child means every human being below

the age of eighteen years unless under the law applicable to the child, majority is attained earlier.⁴ A child is considered as the most vulnerable group of the society, as it can be influenced either physically or emotionally by the social evils very easily. Thus the children require more safeguards for their physical as well as mental well being. The Declaration of the Rights of the Child states that, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."⁵ To give effect to this declaration the United Nations adopted the Convention on the Rights of the Child which provided for the protection of the rights of the child.

International Laws for the protection of the child with mental illness:

There is no specific legislation on international level for dealing with rights of the child with mental illness. But we can trace some of the provisions related with the rights of such child in some of the international documents like declarations, conventions, covenants, etc.

1. UN Declaration of the Rights of the Child, 1959:

United Nations General Assembly adopted a Declaration of the Rights of the Child on 20th November 1959 which was based upon the Declaration of the Rights of the Child, 1924 securing the rights of the child. Principle 5 of the Declaration of the Rights of the Child states that the child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.⁶ Thus, the child with mental disability must be given special attention and health facilities as already the child is vulnerable



HRM for Sustainability - Need of an Hour

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Abstract :

Role of Human Resource Management in developing sustainable business organisations is gaining momentum today. Firstly it fosters individual employee sustainability and helps all HRM systems to invite, rejuvenate and develop motivated and engaged employees by making the HRM system completely sustainable. Secondly, the sustainable HRM helps to contribute sustainability of the business by intermingling of top management, key stakeholders and NGOs with help of CSR activities to a certain extent.

In any HRM the measurement of human potential, talent retention strategies and gender diversity in corporate workplace matters the most to every organisation. An equilibrium among these will ensure long time work ethics to stabilise the growth of HRM and its long time relationship with industrial standards. Employee participation and human resource issues hold the key to a highly motivated atmosphere and ensure a stable growth. With CSR activities in place, the cooperation and development of human resource will definitely enhance public image of the company. It proves to be asset to the sustainability. The contribution to society is upliftment of humanity thus creating bonds of brotherhood.

Introduction:

The business society is majorly based on the five M's. They are Man, Material, Machine, Money and Management. The last element of management is utmost importance and holds key to successful implementation of the other four. Money can be flown in the field as per need of the hour. There is always a guarantee that this factor will change with the market tide. Machines are also a stagnant resource made productive to yield results. Materials may vary from raw to finished products, falling in either of the criteria. The most important control of all these factors is Man. Controlling this factor and putting it to utmost use with an equally scalable monetary compensation is what matters the most to every company. Managing this resource and sustaining it is the most difficult part in every organisation.

Employee engagement has also become a key element for companies that want to attract and retain a highly skilled workforce. The benefits of an engaged workforce are wide-ranging. They not only have the capacity to increase productivity, but also can instil company loyalty and trust, which can trickle down to customers as well.

Role of Human Resource Management in developing sustainable business organisations is gaining momentum today. Firstly it fosters individual employee sustainability and helps all HRM systems to invite, rejuvenate and develop motivated and engaged employees by making the HRM system completely sustainable. Secondly, the sustainable HRM helps to contribute sustainability of the business by intermingling of top management, key stakeholders and NGOs with help of CSR activities to a certain extent.



Carbon Credits; Environmental Sustainability and Economics

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Abstract:

Man has been always indebted to the nature which he is also a part of right from the time of evolution. Although with the passage of time this relationship between the man and nature started to become more and more unbalanced and degrading for the nature and environment around. Since then the issue of environmental sustainability came forward and ways were thought upon to tackle this mess of environmental degradation. One of methods by which the issue can be tackled is of Carbon Credits system which can be used internationally. This paper tries to analyse the concept of Carbon Crediting in detail along with what lies in the future for the world. Also the situation of Carbon Credits in India and the huge Economics involved behind the working of Carbon Credits if done in the right way.

What are carbon credits?

The problem of pollution started to gain attention and various countries started acting to curb the increasing menace of greenhouse gases at their individual level. The convention of climate change was agreed at the United Nations Conference on Environment and Development (UNCED) in Rio, Brazil 1992. This convention was the very first step taken internationally to address the problem of climate change and came to be known as the Earth summit, 1992. Till date 197 parties have ratified this convention. The United Nations Framework Convention on Climate Change (UNFCCC) has an objective to, "stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system". Later on for this convention was put in an operational status at the Kyoto Protocol in the year 1997 which made it legally binding for all the countries to follow the greenhouse emission limits set under the convention.

The Kyoto Protocol was signed by the third Conference of Parties (COP) to the UNFCCC in December, 1997. The concept of Carbon Credit was also discussed and finalised in the same Kyoto Protocol. The protocol requires developed and developing countries to limit their Green House Gas (GHG) emissions to individual targets. A very novel idea of carbon credits came in to practice after the Kyoto Protocol was adopted on 11 December 1997 with the objective of achieving quantified emission limitation through specific policies and measures to minimize the adverse effects of climate change. The Kyoto Protocol has created a mechanism under which countries that have been emitting more carbon and other greenhouse gases (including ozone, carbon dioxide, methane, nitrous oxide and even water vapour) have voluntarily decided that they will bring down the level of carbon emissions to the levels of early nineties. The protocol provides for developed countries commitment to quantitative emission reduction targets, while developing countries with the opportunity of their participation to mitigate emissions through the Clean Development Mechanism (CDM). The Protocol agreed 'caps' or quotas on the maximum amount of GHG emission for developed and developing countries. In turn these countries set quotas on the emission of installations run by local business and other organizations, generally

Criminal Liability for non-compliance of Environmental Law: Jurisprudential and Legislative Perspective

Dr. Ananya R. Bibave*

INTRODUCTION:

The principles of Environmental Jurisprudence have changed from being soft norms at international level to ones having liability for non-compliance and this liability has also enhanced from the strict liability to absolute liability. The recent trend is to impose a penal liability in relation to the provisions of non-compliance which can further reduce the environmental degradation along with the payment of compensation under the legislations like the Public Liability Insurance Act, 1991. This liability includes imprisonment along with fines which are to be imposed for making good the loss to the environment that have been caused. The idea of this imposition of criminal liability is similar to the imposition of criminal liability on the Maintenance under Section 125 of the Code of Criminal Procedure, 1973.

Evolution of Concept of Liability in Environmental Issues:

In the earlier times the liability under environmental issues used to be moral in nature. The Indian Vedic philosophy is the evidence of the concept of environment protection as a part of the moral duty or "*dharma*". There are various instances in the Vedas relating to the same like:

*"In whom the sea, canals, lakes wells, tanks, in whom our food and cornfields had their being, in whom this all that breaths and moves, is active may this Earth grant us all excellent eatable and drinkable objects like milk, fruits, water and cereals."*¹

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1 Atharva Veda (A.V.) 12.1.3.

Evolution of Laws Relating to Termination of Pregnancy vis a vis Sex Selection

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Abstract :

Evolution of Laws Relating to Termination of Pregnancy vis a vis Sex Selection Women are blessed by God; they have been given the dispensation to bring out a new life in this world. Right to give birth This universal right is also recognized even by the Indian constitution. If there is a right to give birth, there should also be a right to abortion which gives rise to a dilemma. Abortion is a social issue that provides liberation to women and gives them the power to make their own decisions. But the abortion debate in India would be meaningless if it did not take into account the crucial problem of Female infanticide, female feticide. Various laws permit the termination of pregnancy. Indian Penal Code, Medical Termination of Pregnancy Act recognized the right to terminate the pregnancy. But this approach has led to many social issues. Abortion is the sides of the same coin. On one hand, we have the right to termination of pregnancy and on another hand, we are facing the problem of sex selection leading to a decline in sex ratio to curb this social issue there is Pre Conception and Pre-Natal Diagnostic Techniques Act. Thus the paper focus on the evolution of law for termination pregnancy, its changing approach; its social impact, and change if any needed in legislation.

Key words :- Abortion, Sex Selection, Female feticide.

"It is impossible to think about the welfare of the world unless the condition of women is improved. It is impossible for a bird to fly on only one wing" – Swami Vivekananda.

What is Gender?

Gender is a relatively new concept. It is the social-cultural definition given to girls and boys, men, and women. While nature makes us biological male and female, but this difference has created many other kinds of differences between 'men' and 'women', e.g., aims and objectives, desires and aspirations, duties and responsibilities, dress styles and behavioral patterns, roles and status and may more. Expressed in another way gender is a social construct and refers to norms, values, customs, and practices by which biological differences are transformed and exaggerated into a much wider social system¹. However Indian today offers lots of opportunities to women but still, discrimination is visible in rural and urban areas throughout all strata of society. Even if women are guaranteed equality under the Indian Constitution, legal protection has a limited effect, patriarchal traditions still prevail. These things have affected women in all spheres of life.

¹Kamla Bhansin

Decoding Patriarchy through the lens of caste : A Socio-Political analytical study

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Abstract :

The history of humans and India gives us an account of why some people face discrimination, why few get to enjoy the power. This article focuses on the means (like violence, rape, exploitation, etc.) through which the social division and dominance of gender over another is practiced and tries to find the answers to the above questions. This paper discusses some case studies to understand the exercise. Rape, honor killing, boycott, and many more are the ways through which the idea of control is articulated. Women are at the center of these two notions so is the article. Ambedkar has explained that women are the victims and gateways of the gender and caste system. This article also discusses the Constitutional perspective.

Introduction :

The uniqueness of the caste system of India made it last for more than 3500 years. Many events happened in India where the Caste System should have vanished by the time, but it did not happen. Indian society survives these attacks on the Caste system. We can trace the roots in ancient times, where the land of origin of the Buddhist religion could not accommodate the Dhamma. It spread across the neighboring countries. The caste system withstood the Dhamma.

The Muslim invasion of India which used violence to spread the religion in India also, could not break the basic structure of the caste system. The period of renaissance, the emergence of modernity, and then the British colonization which attacked directly on the Hindu religion, which tried to break the tradition, with reformative laws and providing jobs could not over through the system.

Similarly, the patriarchy has also survived the above factors. Even in ancient times city-states like Athens, when the idea of having a dissent was a punishable crime, exercised Democracies. But women were not treated as citizens. Women were not part of society. Time has changed, so does the nature of patriarchy. But not the purpose of it.

What makes the caste system and the patriarchy survive all these changes and attacks? How has it molded itself according to the time but not lost its purpose? Why a woman is at the center of these two concepts? Why Dr. B.R.Ambedkar said that "I measure the progress of the community by the degree of the progress women have achieved."?

Understanding Caste and gender :

Inequality, discrimination, exploitation, and other forms, methods of oppression to control and segregate the human being in the world, in India it is majorly based on caste and gender. History shows that caste and gender have been influencing the socio-eco-political system.

The definitions of caste as "closed groups", "endogamous group" gives us the idea about the

REHABILITATION AND AFTER-CARE PROCESS OF OFFENDERS IN INDIA: AN ANALYSIS

Adv. Dr. Chintamani Ghatge

Abstract

The process of offenders' after-care and rehabilitation is an important aspect of their institutional care and treatment. Every offender leaving the prison is not compelled to get after-care and follow-up services. A considerable number of inmates from rural areas, as well as agrarian and economic groups, are welcomed back into their families. They easily reintegrate into the social environment. To bridge the gap between their life in jail and their life in the outside world, they merely need some continuous touch with their relatives and some pre-release counselling. The fundamental goal of after-care is to provide assistance, advice, counselling, support, and the eradication of any social stigma to all released convicts as needed. This research paper examines historical events and data related to rehabilitation, as well as how such attitudes have altered throughout time. It also searches for the best way to put the rehabilitative procedures into action. While evaluating the approaches, it tends to evaluate if the current correctional methods can meet the needs of the future.

Keywords: *Rehabilitation, after-care, jail, offenders, correctional methods*

Introduction

Rehabilitative punishment can be viewed as a first step toward a more humane and integrated criminal justice system. Rehabilitation is a lengthy process. Some countries have modernised their institutional goals to adopt a defined mission of rehabilitation and social reintegration, whereas the majority of countries have yet to begin. After-care is a crucial component of any comprehensive crime-prevention strategy. The best of penological practices would be pointless without thorough aftercare and careful follow-up. When ex-prisoners, particularly young ex-prisoners, leave the correctional institution, the harshest part of their sentence awaits them¹. Rehabilitation simply refers to assisting persons who have been incarcerated in reintegrating into society. The goal of rehabilitative sentencing is to keep an individual from committing another crime by implementing a rehabilitation strategy that includes counselling, treatments, cognitive-behavioral programmes, skill training, and family intervention. The new approach is based on the fundamental concept that, because crime is a social truth and a human act, dealing with a criminal does not cease once the crime has been formally defined and a penalty inflicted on the offender in line with the law. It's also important to comprehend crime as a social and individual phenomenon, as well as the need of preventing its commission or repetition².

The concept of rehabilitation is based on the assumption that the offender's unlawful behaviour was caused by some source. The concept holds that, while a crime was committed, the

¹ B. K. Bhattacharya, *Violence Delinquency Rehabilitation*, 1st edn. (Bombay: N. M. Tripathi Private Limited., 1977). at 88

² Ananya Das Gupta, "After-Care of Institutionalized Juveniles in Historical Perspective" in N. K. Chakrabarti, Ed. *Institutional Corrections, In the Administration of Criminal Justice*, (New Delhi: Deep & Deep Publications Pvt.Ltd, 1999) at 16

Study of Development of Right to Privacy and conflicting Issues in India

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Abstract:

Human beings have a natural need to autonomy or control over confidential part of their life. This need is inherent in human behavior and now this has been recognized as fundamental right to privacy. It is not a right against physical restrains but it is a right against psychological restrain or encroachment of right. Some Countries like USA, UK, India has recognized this right as fundamental right. While scholars like Warren and Brandeis, judges have also found this right as one of the necessary right. Lord Denning found its necessity in modern life and also tried to trace out the root of right to privacy in the common law. This paper studies the recognition of right to privacy in International documents, Constitutional Perspective of Right to Privacy in India and challenges in protecting it.

Introduction:

Right to privacy refers to protection of one's personal information from being public or used by other without permission. Privacy is defined as "absence or avoidance of publicity or display; the state or condition from being withdrawn from the society of others, or from public interest; seclusion" in New Oxford English Dictionary. Black's Law Dictionary also refer privacy as "the right to be let alone; the right of a person to be free from unwarranted publicity; and the right to live without unwarranted interference by the public in matters with which the public is not necessarily concerned." In modern age of Information and Technology right to privacy is getting violated every now and then. Thus it is necessary to trace development of privacy laws in India. In this regard it is important to study international perspective of right to privacy

Right to Privacy: International Perspective

Internationally the right to privacy has been protected in a number of conventions. For instance, the Universal Declaration of Human Rights, 1948 (UDHR) under Article 12 provides that:

"No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."

The UDHR protects any arbitrary interference from the State to a person's right to privacy. Similarly, International Covenant on Civil and Political Rights, 1976 (ICCPR) under Article 17 imposes the State to ensure that individuals are protected by law against "arbitrary or unlawful" interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

Thus, ensuring that States enact laws to protect individual's right to privacy. India has ratified the above conventions. The ratification of the Conventions mandates the State to take steps to enact laws to protect its citizens. Although, human right activists have periodically demanded that the State take adequate measures to protect human rights of the vulnerable in society, the right to privacy has received little attention. Similarly, Article 16 of the Convention on the Rights of the Child (CRC) provides protection to a minor from any unlawful interference to his/her right to privacy and imposes a positive obligation on States who have ratified the convention to enact a law protecting the same. India does have safeguards in place to protect identity of minors, especially, juveniles and victims of abuse. However, there are exceptions when the law on privacy does not apply even in case of a minor.