



**The ICFAI Foundation for Higher Education (IFHE),**

**Hyderabad**

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Accredited by NAAC with 'A' Grade

## **Proceedings of National Conference**

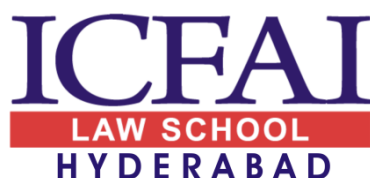
**on**

**“Emerging Trends in Law”**

**April, 16-17, 2021**

**Organized by:**

**ICFAI Law School, IFHE-Hyderabad**



**A constituent of the ICFAI Foundation for Higher Education  
(Deemed to be University u/s 3 of the UGC Act, 1956)**

## Message from the Vice Chancellor



Greetings!

I am happy to know that ICFAI Law School is organizing a two-day National Conference on Emerging Trends in Law to be held from April, 16-17, 2021. The Conference has six technical sessions with eminent speakers from academics and industry. Conferences such as these help in bringing together the academic knowledge of the Universities and the actual issues faced at the ground level. This will help the policymakers to understand and frame relevant legislations in the or in bringing the amendments to the existing legislations. The issues discussed during the conference on Emerging Trends in Law shall open the doors for further research in the area. Such a conference will also provide an exposure to the students, some of whom will soon be working in the International, national or even in the Government and inter-governmental organisations.

I am happy that ICFAI Law School is hosting this conference and hope that the event will generate beneficial ideas and would help exchange of knowledge across academia and the industry. I congratulate the Director Prof. (Dr.) A.V.Narasimha Rao, Dr. P Kesari and the Organising Committee, faculty, supporting staff and students and wish the conference to be a grand success.

**Prof. J. Mahender Reddy**

The ICFAI Foundation for Higher Education, Hyderabad.

## Message from the Director, ICFAI Law School, Hyderabad



Greetings!

ICFAI Law School, Hyderabad is proud to organize its conference on Emerging Trends in Law on April, 16-17, 2021. ICFAI Law School Hyderabad is one of the most prominent and premier schools in India. Espoused to its mission that to carve the mediocre students joining the college into future generation advocates and legal professionals with world class expertise by providing rigorous course work, creating student centric and participative learning opportunities, to solve the complex problems resulting from the changing international business environment.

The conference has been organised around the theme on Emerging Trends in Law such as Judicial Activism in 21<sup>st</sup> century, Legal Education in India, Legal contours of Transgender rights, Changing Dynamics of Live-in Relationship, Human DNA Profiling Bill, Protection of Animal Rights in India, Dilemma in Divorce Theory in relation to Hindu Law, Manhole Deaths and rights of scavengers, Effective Presentation skills, language, gender and power structure, Access to Institutional credit among Scheduled Tribes in Telangana, Promotion and Protection of Human Rights in India, Qualitative Analysis on Cross Dressing Legitimacy with reference to Indian country, Women, Surrogacy Law and Social Justice, 360 Degrees sustainable models in Indian universities, Changing Perceptions in Space Law, Problems and perspectives of Handloom sector in State of Telangana, Challenging a Foreign Arbitral Award in Domestic courts in India, etc., Academic Research and Corporate insights have been collated into this conference proceedings.

I take immense pride and pleasure in inviting all of you to the conference on Emerging Trends in Law and hope each participant will reap the maximum benefit from the event.

**Dr. A.V. Narsimha Rao**  
Director, ICFAI Law School  
ICFAI Foundation for Higher Education

# CONFERENCE COMMITTEES

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- Prof. Dr. J. Mahender Reddy
- Prof. Dr. A.V. Narasimha Rao
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- Dr. Ravindranadh
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- Dr. Iti Vyas
- Dr. N. Padmanabha Rao

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## Judicial Activism

Dr Y Gangi Reddy<sup>1</sup>

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### Abstract :

*The Supreme Court of India is currently handling critical issues which are more fundamental in the history of Indian independence. After the roaster issues raised by some of the honourable judges in press meet, the independence of the investigating agency- CBI and defence and country's security are on the cards of the Apex body. In addition to it, the religious independence and equality issues relating to Shabarmalai temple, Ayodhya temple i are other significant issues before the court.*

*The orders of the Supreme Courts are defied in the case of Shabarimalai temple and Diwali green cracker issues. Though the order is issued in favour of the women to enter into the temple, the religious groups supported by the political fractions, have created a havoc in the recent past near to the temple and resulting in the law and order situation. Though the Apex Court has issued the orders, to avoid more pollution in seriously polluted city -Delhi and other places to use green crackers in the light of Deewali festival. Not much attention is paid and implemented the order. The Court, without giving clarity of the green crackers have ordered to use green crackers for the Deewali , a festival of lights, is the criticism it faced. Another significant case before the Court in the hearing is the Raffile fighter issues. It is an important issue because of its relation to the internal security, solder's motivation and international business transaction. When the government is charged with an allegation of a scam in the purchase of Raffile fighters and fixing of the offset partners for French manufacturer through a government to government agreement, the petitions are filed under the trial before the court. It is a very critical case, as it relates to use of public funds, quality of the military performance when the fighters are inducted into it, Government's role, are some of the important issues associated with the case. However, the Supreme Court has dealt many cases of national importance earlier, we are sure, without compromising at any stage, the court will certainly standby the merits of the case and protect the interests of the country without compromising or coming under the pressure from different parties interested in the issue.*

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<sup>1</sup> Associate Professor, The ICFAI Law School, IFHE, Hyderabad





## Advocates Academy

Dr Y Gangi Reddy<sup>2</sup>

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### Abstract :

*The lawyers are considered as the social engineers as they are the architects of desired society. The legal professionals and judicial system play vital role in upholding the Rule of Law in a country. Rule of Law is the bedrock of the democracy as it strives for balancing the three wings of the constitution and promotes the independency.*

*The law is dynamic and grows organically with the addition of new legislations, case laws, policy documents, research documents, working papers, commission reports and so on. At the same time ignorance of law is not excusable. The spread of advocates with their socio and economic divergences, it will be difficult for them to reach and acquire the required updates from the clouds of law to protect the clients from the complex problems forming part of the new laws and procedures. Every advocate needs to build the knowledge bank for the beneficial use of the society. The social fabric requires well-informed citizens for healthy democratic values and socio-political empowerment.*

*As such, there is a need for continuous learning avenues for the advocates. Advocates need continuous updating on variety of new generation laws and legal principles. A well framed institution having the processes and models to provide the knowledge required for the advocates is the need of the hour. The institution like the Advocates Academy, on lines with the Judicial Academy is desired for providing the trainings, legal forum discussions, organizing the workshops, seminars and symposiums to enlighten the advocates . It should not provide the updations on the happenings in the legal arena, but also a resource centre and repository for the advocates references. The Advocates Academy is already existing in some of the states and other countries propagating the advocacy issues. The states in India, having no such facilities, are required to take immediate initiations for establishing the Advocates Academy for providing continuous learning to the advocates with array of programs.*

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<sup>2</sup> Associate Professor, The ICFAI Law School, IFHE, Hyderabad



## LEGAL EDUCATION IN INDIA

Dr Akbar Khan<sup>3</sup>

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### Abstract :

*The legal education in India has faced many turbulences during last few decades. The Advocates Act 1961 has empowered the Bar Council of India to define and maintain the standards of the legal education in the interest and quality of Bar and Bench. The Legal Education Regulations framed by it by following the due process of law have succeeded to some extent in instilling the quality parameters in imparting the legal education at different levels such as admissions of students into legal education centres, designing of the law programs and curriculum and also before and after the enrolment of the successful students as advocates.*

*There is a wide gap among the legal education institutions offering the legal education across the country. The standards of national law universities, law departments or units of the traditional universities, affiliated colleges of the universities, law schools forming parting of the private and deemed universities varies throwing wide gaps in between quality of the students passing out from such universities. It is because of the structure and financial conditions of the institutions. The national law universities are established with the financial support of the state governments, bar councils and under the patronage of the Judiciary. The state governments have allotted the required land to the national law universities at nominal rates or on free and also allotted quite a handsome amount of budgets initially. As such they are able to develop and build the world class infrastructure including the libraries and moot courts. It makes a significant distinguishing factor among the legal education institutions. The law departments of traditional universities and its affiliated colleges always caught in fund crunches and fall under non-priority sector of such universities. Accordingly, the non-availability of qualitative academic infrastructure and resources impacts the quality of legal education offered by such universities. The varied standards of the legal professionals can be easily noticed among the students passing out from different class of legal education institutions and their impact upon the Bar and Bench.*

*The Legal Education Rules framed by the Bar Council of India have paved a way for standardization of the legal education in India. The frequent inspection of the legal education centres for the purpose assessing the availability of physical and human resources to impart the legal education and accord approvals to the institutions permitting them to impart the legal education is one of the good and sound approach in standardizing the legal education, but, many a times because of various factors such as socio-economic and political and complex business environments. There should be a self regulation and mechanism to assess the availability of infrastructure at the affiliated colleges and approval should be provided at nominal cost so that the funds may be utilized for improving the quality of legal education at their end. All the legal education institutions should be treated at equal pedestal and provide the opportunities for them to grow by providing the financial assistances to the weaker ones.*

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<sup>3</sup> Associate Professor, The ICFAI Law School, IFHE, Hyderabad



## Medical Tourism and Legalities

Dr Madhuri Irene<sup>4</sup>

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### Abstract :

India is becoming the hub of medical tourism of the world. Tourists from various countries like USA, Canada, Britain and Australia are visiting India not only to experience hospitality of Indian culture, but also for treating their ailments. India has laid its prominent footing in the healthcare services in the global market in addition to the computer and software sector because of quality medical education it imparts. The young personnel graduating every year are taking responsibilities of healthcare services and rejuvenating the field with their expertise. The investments in the healthcare industry are mounting in multifold and even the FDIs are showing interest in the healthcare sector. A number of reasons of growth of medical tourism may be quoted like the availability of expertise in the niche areas of healthcare services such as plastic surgery, heart operations, replacement of organs like kidneys, ortho-neuro surgeries and treatments relating to dental care including surgery and cosmetic-dental treatments.

The Indian government is also encouraging the medical tourism. The Indian Health Policy has declared that the 'treatment of foreign patients is equivalent to the export of health services'. The government has also permitting incentives for such services. It is a welcome measure and legal protection to the medical tourism. But, there arises some issues which need to be addressed legally. The foreign patients require post operational care and regular checkup after their treatment to avoid side effects and medical complications. Because of short stay of foreign patients as tourists in India, who came on tourism and availed the healthcare services, the post operational care may not be provided to them as required. It may cause health problems and land the Indian healthcare services providers into legal tangle. And sometimes it may cause concern among other visitors to India effect the medical tourism adversely. The doctors may not have opportunity to monitor the health of the foreign patients in order to advise them properly in the light of the treatment they have. There are other legal barriers for the medical tourism like transfer of funds, insurance coverage, claims settlement, applicability of law relating to drugs and pharmaceuticals etc which needs to be addressed immediately.

In this context there is every need for a comprehensive legislation on medical tourism and use of healthcare services. The legislation should provide for cross-boundary health insurance services. The concept of medical negligence and its application to the foreign patients should be clearly defined to avoid legal complications. The legislation should specify the protection to the Indian healthcare services against untoward incidents or complexities that arise from the medical tourism. As a general principle it should protect the consumers, the foreign patients and define the hierarchy of judiciary to deal with the disputes arising between the service providers and service recipients. The legislation should deter the malafide transactions and moral hazards. A well designed and drafted law is the requirement of the day to address various complexities expected to result of interstate transactions of healthcare services. Care has to be taken to impose responsibility upon the healthcare service providers to contribute part of their income from the medical tourism for treatment of poor of the country.

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<sup>4</sup> Associate Professor, The ICFAI Law School, IFHE Hyderabad



## National Education Policy 2020, a Step Towards International Standardization

Dr Akbar Khan<sup>5</sup>

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### Abstract :

*The right to education is considered as part of the right to life guaranteed under Article 21 of the Constitution of India. Article 45 and 35(f) of the Constitution imposes duty on the Government to provide access to education to all. As part of its constitutional duty, the Government has established Higher Educational Institutions and also encouraging the private players with the excellence in education resources to impart the education to the public. The right to primary education is considered as a fundamental right to the children between the age of 6 and 14 years. The Governments, central and state, have initiated various schemes to promote the primary education and accessing the same by the children.*

*The New Educational Policy 2020 (NEP) pronounced in July 2020 is a visionary document and step towards the standardisation of Indian education system internationally. The Cabinet has pronounced that the new Educational Policy 2020 is an effort to make India a 'Global Knowledge Super Power'. It is considered as one of the major leap towards building a quality education system in India during the last half a decade. With the ever-changing socio-economic and political environment of the world, need for dynamic and quality education system is felt and after enough homework and brain-storming, the NEP 2020 has taken shape envisaging the need to modify the existing educational models prevailing at school and higher education levels. The NEP is planning to embrace the emerging technologies to inject the professionalization and scientific approach to the existing models along with financial support. Another important feather in the hat of higher education is discarding of the age old system of 'affiliated colleges' in next 15 years. It helps the prospects to have fair and equal opportunities. The NEP is also aimed to increase the gross enrolment ratios in the higher education. The formation of single regulatory body in the name of 'Higher Education Commission of India' with four independent verticals is another important element of the NEP 2020. A move towards the establishment of Multidisciplinary Education and Research Universities is aimed to encourage the interdisciplinary and choice based credits approach to the teaching learning process and reduce the gap between the industry and academia. Many Universities in India do not have sufficient facilities today to foster the research which is required to enhance the skill sets of individual students and transform him to employer instead of seeking employment. This move is a step towards the self reliance and self sufficiency.*

*Permitting the foreign universities to establish their campuses in India is a threat to domestic universities as none of the universities in India have ranked at the global higher education rankings. It is a double edge sword as it creates the competition among the Indian Universities to realign themselves to meet the challenge from the foreign universities on one count and the foreign universities may force some of the universities or higher education institutions to close or merge with others as there is scarcity of resources on other side. The entry of foreign universities into India is to be made on selective and need based, if not, they will not only wipe-off the age old universities of India representing our culture and heritage.*

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<sup>5</sup> Associate Professor, The ICFAI Law School, IFHE Hyderabad





## Professional Development and Continuous Education

Dr Rekaraj Jain<sup>6</sup>

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### Abstract :

*The legal professionals play vital role as 'social engineers' in fixing the persistent maladies of the society through probono litigations and otherwise. They are reactive for inconsistent and imbalances that grow up wildly in the society because of immature and incomplete planning and implementations of strategies adopted by the administrators. India being the congregation of the people with multilingual and multi-religious out-looks has multifarious challenges and issues, unknown to the people previously. The dynamics of the society in general and business in specific are throwing numerous unanswered questions for the consideration of the legal professionals, and they stand in the forefront in this facet. Many legal professionals, with their past legal education spelled out in certain limited areas, are facing crisis when new legal issue engrossed with complex socio-political and economic toppings of new era knowledge basis to address and resolve the same. Many professional are in need of updating the social contact base with a support of reorganized and simplified knowledge base for this purpose. It is not easy to mould themselves to the required designs of the day. There is a need for motivation and restructuring of knowledge base on regular intervals. The growth of the knowledge and knowledge groups is the requirement of the date. It is essential to update the intellectual capacities and urges of the legal professionals. The continuous education is the only available resource for multiple questions of the clients and legal professionals. The people at the helm of affairs of the law schools should make the legal professionals possible to attend the simulations and applications. The continuous learning by legal professional through continuous learning with the coordination of law school faculty members is the requirement of the day. The Bar Council of India, as part of their regular functions is organizing and disseminating the knowledge. It helps in the professional development and uplifting of the people. In addition to the BCI efforts, the law schools/colleges across the country are to be given opportunity to adopt some Bar Councils or Bar Associations to impart knowledge relating to latest happenings in the legal field.*

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<sup>6</sup> Asst Professor, The ICFAI Law School, IFHE, Hyderabad



## Legal Contours of Transgender Rights

Dr. Rekharaj Jain<sup>7</sup>

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### Abstract :

*The sex of a human baby is determined at the time of birth either as male or female. An individual is either born as a male or female and at times can be a hermaphrodite. The person's whose gender identity, expression or behavior is different from those typically associated with their assigned sex at birth is termed as transgender. Being transgender does not imply any specific sexual orientation. Therefore transgender people may identify as straight, gay, lesbian, bisexual. Gender identity refers to a person's internal sense of being male, female or something else - a blend of both or neither. For transgender people, however, their birth sex and their gender identity are different. Transitioning from one gender to another is a complex process and may involve transition to a gender that is neither traditionally male nor female. Many countries have enacted laws for recognizing rights of transsexual persons, who have undergone either partial/complete SRS. Today most of the countries now legally recognize sex reassignments surgery. In spite of it they face many legal issues after transition. Transgender face discrimination in nearly every aspect of their lives. Various surveys and reports finding reveals that transgender people experience high levels of discrimination in the area of marriage, employment, housing, health care, education, and legal systems. In India transgender community as a whole, face multiple forms of oppression. In India due to the absence of suitable legislation protecting the rights of the members of the transgender community, they are been excluded from all social, cultural, political and economic spaces, leaving them vulnerable to physical and sexual violence and poverty. India's third gender has finally achieved full legal recognition with Supreme Court landmark ruling in 2014. The Rights of Transgender Persons Bill, 2014 was passed by the Rajya Sabha on 24<sup>th</sup> April, 2015 an historic private Bill to promote transgender rights. Transgenders continue to experience both blatant and subtle forms of discrimination in everyday life. Our society often ridicules and abuses the transgender community. Now it is a time to confront anti-transgender bias in our communities and rebuild a foundation of health, social and economic security for transgender people in our communities. It is not only for the State but also every individual must take responsibility for the pervasive civil rights violations and callous disregard towards transgender.*

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<sup>7</sup> Assistant Professor, Icfai Law School, Hyderabad



## Article 370 of the Constitution of India: A Catagorical Critique

Dr. Irfan Rasool<sup>8</sup>

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### Abstract:

Article 370 of the Constitution and its importance is analyzed in this paper. He traces the history of Jammu and Kashmir and the Union of India . The salient features of the Instrument of Accession executed by Maharaja on 26 October 1947 . The highlights are mainly . Firstly The Instrument of Accession will govern the relationship with the Dominion of India (Article 1 of the IOA)). Secondly no future Constitution of the Dominion of India was to be automatically binding (Article7, IOA). Thirdly a separate acceptance through a separate supplementary Instrument was required (Article 5, IOA) and lastly the internal administration of the State was governed by the Jammu and Kashmir Constitution Act, 1939 (Article 8, IOA). Further faculty discussed draft of Article 306 –A that the Constituent Assembly made it clear that Jammu and Kashmir's association with India would be based 'only' on the terms of Instrument of Accession and the State was still to be governed by the provisions of its own Constitution Act of 1939. As per Article .Notwithstanding anything in this Constitution Article 370(1)(b) The power of Parliament to make laws for the said State shall be limited to (i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and (ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify. 370(1)(c) The provisions of article 1 and of this article shall apply in relation to that State. 370 (1)(d) Such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify :Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-Para (b) shall be issued except in consultation with the Government of the State: 370(3)

Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify: Provided that the recommendation of the Constituent Assembly of the State referred shall be necessary before the President issues such a notification. Faculty concluded by saying that the mischief began with the incorporation of Article 370 in the Indian Constitution, primarily because it is neither consistent with the terms and implications of the Instrument of Accession and not an Instrument supplementary to the Instrument of Accession nor with the federal principles adopted by the Constitution of India.

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<sup>8</sup> Icfae Law School, Hyderabad



## Section 89 of the Code of Civil Procedure 1908 as a Tool of Speedy Disposal of Civil Suits

Dr.Madhuri Irene<sup>9</sup>

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### Abstract:

*Section 89 of the Code of Civil Procedure, which gives the Court the power to refer the dispute for settlement or conciliation was introduced with a purpose of amicable, peaceful and mutual settlement between parties without intervention of the court. However, the issue is that even after more than a decade of its implementation, the provision provided for ADR under Section 89 suffers from many anomalies. The constitutional validity of this section was upheld but the frequency with which ADR is utilized for resolution of disputes remains minute, which arises due to lack of knowledge about the same or on account of the reluctance of the parties. The alternate forums accorded under Section 89 are economically more viable as there are relatively lesser amount of transaction costs and thus, there is a need to make people aware about the same. However, the author believes that the provision under Section 89 is right in its essence but its purpose is defeated due to legal intricacies, draftsmen's error and lack of awareness among individuals. The provision under Section 89 is an attempt to bring about resolution of disputes between parties, minimize costs and reduce the burden of the courts. It is provided for with the sole objective of blending judicial and non-judicial dispute resolution mechanism and bringing alternate dispute mechanism to the center of the Indian Judicial System.*

*Sec.89 deals with the Settlement of Dispute Outside the Court – (1) Where it appears to the Court that there exist elements of a settlement which may be acceptable to the parties, the Court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observations of the parties, the Court may reformulate the terms of a possible settlement and refer the same for –*

*(a) Arbitration; (b) Conciliation; (c) Judicial settlement including settlement through Lok Adalat; or (d) Mediation. Even though Sec.89 has certain limitations like not applicable to Representative suits, Disputes relating to election to public offices, Cases involving grant of authority by the section after enquiry, as for example, suits or grant of probate or letters of administration. Cases involving serious and specific allegations of fraud, fabrication of documents, forgery, impersonation, coercion etc. Cases requiring protection of sections, as for example, claims against minors, deities and mentally challenged and suits for declaration of title against the Government. Cases involving prosecution for criminal offences. Still sec.89 acts as tool for speedy disposal.*

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<sup>9</sup> Associate Professor, ICFAI Law School, Hyderabad





## Missile Technology Control Regime Opportunities and Challenges- India's Legal Perspective

Dr.Sanu Rani Pal<sup>10</sup>

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### Abstract:

MTCR was evolved in April 16, 1987 as a voluntary organization to limit the spread of ballistic missiles and other unmanned delivery systems that could be used for chemical, biological and nuclear attacks. India's entry into MTCR will have greater impact in terms of non-proliferation and export of defense equipment's and transfer of technology to friendly nations. India has a responsibility to contain non-proliferation vertically as well as horizontally, but as MTCR does not prohibit transfer of defense equipment to non-member countries India can benefit through export of defense equipment and technology transfer without fearing the sanctions imposed by the laws of other MTCR countries. As of now, India is a leading importer of defense equipment. Government and Ministry of Defense has come up with various strategies in the recent years to ease defense exports laws in India. In this context the seminar analyses the importance of MTCR, the opportunities it guarantees and the challenges which it poses to the Indian defense export regime. This paper discusses the guideline of MTCR. The MTCR guidelines establish the basis of coordination of export control policies and appropriate procedures in the field of transfers and equipment. The Guidelines and the Annex form the basis for controlling transfers to any destination beyond the member -state. It highlights MTCR and India as India committed to unilateral adherence to MTCR Guidelines since 2008 and had signed Hague Code of Conduct against Ballistic Missile Proliferation (HCOB) which was considered to be complementary to MTCR. India does not have a specialized law facilitating and regulating the export of defense services, goods, technology, design, production facilities etc., and the law relating to MTCR is the Foreign Trade (Regulations & Development) Act, 1992 (FTDR Act, 1992). The Act contains three lists viz; export list, import list and SCOMET list. The SCOMET list deals with the export of strategic items like defense goods, services, technology etc.

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## Gig-Economy and Social Security to Gig- workers in India: A Study

Dr. M Ravindranath & Dr. Manu Datta<sup>11</sup>

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### Abstract :

Gig work is popular in present times due to flexibility and convenience in contrast with traditional fixed time jobs. Gig economy is multi-billion economy in value and provides jobs to millions in India. Digital platforms have enormously extended the scope of gig works in multiple sectors such as information technology, Online Cab Services, delivery of goods and other service sectors. As the name suggests the employees are required to do certain gigs or tasks as per their own convenient timings. However, gig work has its own limitations and drawbacks including job and income insecurity, inherent risks involved in performing jobs and lack of social security in case of any accident or miss-happening. In the absence of employer -employee relation, which is principal characteristic of gig work, protecting hands of labour legislation are not generally available to gig workers. Recently, Social Security Code, 2020 seeks to bring gig workers into protective umbrella of labor welfare legislation and provides for extension of welfare schemes on par with other unorganized sector workers. However, the Code falls short of vesting Substantive rights upon gig workers. In present paper authors seek to find causes responsible for additional vulnerability of gig workers than other unorganized sector workers. The paper further seeks to inquire the need of necessary changes in current legislative framework in order to prevent exploitation of gig-workers.

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<sup>11</sup> Assistant Professors, ICFAI Law School, Hyderabad



## Changing Dynamics of Live in Relationships

Ms Priti<sup>12</sup>

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### Abstract:

India has gradually adopted several western ideas and lifestyles one of which is the concept of live in relationships. Live-in relationship is one of the areas which has been under censure and is considered to be an extremely argued topic in India regarding its legality as well as its repercussions on the society. A long term cohabitation between a major man and a major woman has been equated to a valid marriage.<sup>1</sup> Marriage is generally described as a basic civil right of a person. It is a formal relationship between two people taking place voluntarily by the parties by and large in public, after which the status of the parties are changed to that of a "husband" and "wife". Marriage has a great legal and social significance like inheritance, succession, duty to maintain the household jointly and severally. Marriages in India either take place under the respective personal laws of the parties or under the specific provisions of the Special Marriage Act, 1954 i.e. it is either considered as a sacrament or a contract. The legal consequences of marriage that follow add to the sanctity of this relationship by the virtue of the fact that marriage confers certain status, rights and duties on the parties. A live-in relationship on the other hand is a type of arrangement in which a man and woman live together without entering into the formal relationship of marriage. <sup>2</sup> . This form of relationship has become an alternate to marriage especially in metropolitan cities where individual freedom is the top priority amongst the youth and very few want to get entangled into the hassles of a married life. There are basically two types of live-in relationships; first "by option/choice" and second "by situation/chance."<sup>3</sup> Since there are no specific laws on the subject of live in relationships in India, the definition of live in relationships is not clear and so is the status of the couples in these relationships. The concept of live-in relationships are now gaining popularity and have even found limited recognition in the eyes of the law. Though the debate rages on in public forum with recommendations and opinions yet coming in from various authorities and Commissions to either amend the existing laws or desist from doing so, there have been no amendments to the existing personal law. <sup>4</sup> . The harm caused to a "legally wedded wife" and her children, in a case where a man maintains live-in relationship with another woman without the knowledge of his legally wedded wife and the probability that such legalization will increase the practice of Live-in-relationship.

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<sup>12</sup> Assistant Professor, ICAI Law School, Hyderabad.



## Accessibility for Divyangjan(Persons with Disability) in India

Mrs.L.Lakshmi<sup>13</sup>

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### Abstract:

*India signed and ratified the UNCRPD in 2007. The process of enacting a new legislation in place of the Persons with Disabilities Act, 1995 (PWD Act, 1995) began in 2010 to make it compliant with the UNCRPD and shift from the existing medical model. After series of consultation meetings and drafting process, and with Accessible India Campaign taken up vigorously by Indian Government the Rights of PWD Act, 2016 (RPWD Act, 2016) was passed by both the houses of the Parliament and was notified on December 28, 2016 after receiving the presidential assent. Principles stated to be implemented for empowerment of Persons With Disabilities (PWD) or Divyang Jan are respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons. The RPWD Act, 2016 lays intends to ensure nondiscrimination, full and effective participation and inclusion in society, respect for difference and acceptance of disabilities as part of human diversity and humanity, equality of opportunity, accessibility, equality between men and women, respect for the evolving capacities of children with disabilities. The RPWD Act, 2016 reflects a paradigm shift in thinking about disability from a medical, social welfare concern to a human rights issue. The presentation would highlight the need for inclusion of accessibility provisions in the RPWD Act, 2016 and the duty of the Government and private establishments to ensure the dignity of PWD in providing barrier free environment.*

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<sup>13</sup> Assistant Professor, ICFAI Law School, Hyderabad.



## 19<sup>th</sup> Century African-American Women Slave Narrative

O.Sankar<sup>14</sup>

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### Abstract:

*Faculty discusses that his paper seeks to interrogate the different ways in which the Slave History has been mediated throughout history in the form of writing and the possibilities of retrieving human experience, in this case slave experience, from the 'text', is the primary focus of the chapter. When education is denied to the slaves, we should re-read the available documents to comprehend the text. Also we should re-examine the agencies and the writers who construct the black identity in narration. Historically, such construction was made possible by blacks who had spacial interaction with the whites. Domestic slaves in particular had spacial interaction with the mistress and it is often observed in their writing. The narration of a Black Women primarily emerges from such interaction, and their history has been written. But the conventions of the slave narration and its implied readers somehow restricts the delivery of the narration from their social standing. Such restricted narration down the history is perceived for the empowerment of the narrator and their coloured community. Further he said, for most of the 19<sup>th</sup> Century African American Women writing – the "freedom of speech" is unattainable because of the then existing readership. Their narration has been embedded with anonymity, and their readers has been advised frequently that "It will naturally excite surprise that a woman reared in Slavery should be able to write so well" (Maria Child). These testimonies not only interrupts the narration, but unstabilises the textual space of an autobiography. Nonetheless, their narration has been brought in print and academicians like Jean Fagan Yellin for an instance, retrieves Harriet Jacobs's family history. Further he said the events within the narrative carrying oral essence in the form of soliloquy, aside, lament, gossips, rumors, has to be critically examined. And such attempts provides the clue to analyze the mediation of slave experience within the restricted writing space of 19<sup>th</sup> Century America.*

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**IJARST**

# International Journal For Advanced Research In Science & Technology

A peer reviewed international journal

[www.ijarst.in](http://www.ijarst.in)

ISSN: 2457-0362

## Human DNA Profiling Bill 2015: An Analysis

Dr Damodar Reddy<sup>15</sup>

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### Abstract :

*The seminar presentation started with the discussion on what is DNA and DNA Profiling or Analysis or DNA Fingerprinting or testing or typing and its scientific developments. It proceeded on how DNA Profiling as a forensic technique used in the analysis of body substances used to identify individuals by characteristics of their DNA. The use of DNA Profiling in the investigations and inquiries in the foreign countries and in the Indian legal system in order to expedite the civil and criminal disputes, identify the unclaimed dead persons and to track down missing persons etc. along with the case laws. In the light of this backdrop the analysis of the various clauses of the Human DNA Profiling Bill, 2015 was made. The analysis is made on the various definitions, constitution, powers and functions of DNA Profiling Board, DNA Laboratories and their Standards, Quality Control , Infrastructure and Training of staff, setting up of DNA Data Bank , Confidentiality and Access to DNA Profiles and Offences and Penalties for the contravention of the provisions. Followed by discussion and Question and Answers.*

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<sup>15</sup> Associate Professor, ICFAI Law School, Hyderabad



## Protection of Animal Rights in India

Dr. K.V.Ravi Kumar<sup>16</sup>

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### Abstract :

*All animals should enjoy the same rights as human beings. In legal theory, the 'non-human animals' are merely treated as objects of legal rights and duties, but not the subjects thereof, as animals are incapable of holding legal rights and duties. The step taken by the Uttarakhand High Court in Narayan Dutt Bhatt v Union of India & Others (Writ Petition (PIL) No. 43 of 2014), is a positive step towards the protection of wildlife as such a judgment to will secure environmental interests, but, the question of expanding the definition of legal persons to include animals, involves a deeply contentious issue in law and philosophy. If the rights of animals are truly recognized, the Indian legal system will have to be completely changed to cater to the rights of animals. The use of animals as labor will have to be completely eliminated, to actually recognize their rights.*

*In the society, people were ready to fight against the cruelty to animals such as Bear being dragged on the road, or a Zoo that keeps its animals badly, or a dog being beaten and chained, a Poacher or a restaurant that serves partridge, or venison or veal. Teachers do not know that dissection in schools is illegal, and the Municipal Corporation does not know that chickens cannot be carried stuffed in tempos and that small slaughterhouses situated in colonies are illegal. Policemen do not know about any of the laws pertaining to animal abuse. There is no end to cruelty to animals. You may have found full grown adults stoning and harming stray dogs, shooting innocent birds and leaving completely harmless animals to starvation and death, or seen companies illegally experimenting their products on animals, animals being mistreated and harmed for entertainment in zoos and parks, men carrying an unimaginable number of cattle in a cart or truck, beating them and overloading them. Despite prevailing of the laws to protect the animals, implementation of the laws in preventing the cruelty to animals is weak. Therefore, I made an attempt in this seminar to make awareness about the rights of animals to the society at large.*

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<sup>16</sup> Assistant Professor, ICAI Law School, Hyderabad



## Dilemma in Divorce Theory with Special Reference to Hindu Law

Dr. Madhuri Irene<sup>17</sup>

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### Abstract:

*Under shastric Hindu Law marriage is regarded as an indissoluble union of the husband and wife. Manu has declared that, "Let mutual fidelity continue till death; this in brief may be understood to be the highest dharma of husband and wife". Divorce means dissolution of marriage by a competent court. This presentation discusses divorce under Hindu Law. It analyses how the concept was non-existent under ancient law due to the sacramental nature of marriage, but was introduced under the Hindu Marriage Act, 1955. It is about studies and the different theories of divorce- fault, mutual consent, and breakdown; and also describes the grounds for divorce under this Act, and focus on how these grounds were modified through amendments in the year 1976 and marriage bill 2013. she briefly dwells on the grounds that are available. The pros and cons of addition of irretrievable breakdown as a ground for divorce amidst growing debate about its merits." She explains the dilemma in diverse Judgments through certain case laws.*

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<sup>17</sup> Associate Professor, ICFAI Law School, Hyderabad





## Manhole Deaths: Realising the Unrealistic

Dr.S.Kannan<sup>18</sup>

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### Abstract:

*This paper gives insight on the scavenger and that they possess the lowest occupational status in the social structure of the society from the beginning of the caste system. As per the 2011 Socio-Economic and Caste Census, 1,80,657 households in India were dependent on manual scavenging for income. However many provision in the constitution and also an enactment of a comprehensive legislation on The Prohibition of Employment as Manual Scavengers and their Rehabilitation between 2013 and mid of 2017, nearly 1,400 people have died while cleaning septic tanks and underground sewage across India. Why it happens and why it is stereotyped to particular community and effectiveness of this legislation are taken into consideration for the present study. Further, he says that the legislation prohibits employment of manual scavengers, terming it as a non-bailable offence and offenders could be imprisoned for up to five years and also provides one-time rehabilitation package of Rs.40,000 to the identified manual scavengers. However, no study has conducted to what extent this Act was utilized/benefitted by the manual scavengers. Further he said that the study also analyses the fund allocation and also status of rehabilitation work undertaken by the state governments in India. At the end the study provides the policy measures to eradicate and the alternatives for the manual scavenging occupation in India.*

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<sup>18</sup> Assistant Professor, ICFAI Law School, Hyderabad



## Excluded among the Excluded : The Status of Tribal Women in Telangana

Dr S Kannan<sup>19</sup>

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### Abstract:

*In the process of planned development in India, the different segments of the population uplifted their socio-economic condition by utilizing the educational, occupational and other infrastructural facilities provided by the central as well as state governments. However, certain segments of the population like schedule caste and schedule tribe population were excluded and highly exploited in the process of industrialization and urbanization. The most vulnerable and excluded group in the process is Schedule Tribe population in general and in particular the tribal women. They are the most excluded among the excluded. Against this background the study analyses through the tribal literatures in which way they are excluded in the process of development. The literature review reveals that the factors like mean age of marriage and fertility, sex ratio, literacy and work participation rate can better reveal the status of tribal women. The study covers only the tribal population of Telangana state of India (as it is newly formed in 2014 from the state of Andhra Pradesh and no study conducted on status of tribal women). Further, Scheduled Tribes also constitute about 9.34% (the tribal women constitutes 4.5%) of the total population in Telangana state. The information were gathered from Census of India reports and Statistical Year Book of Telangana. This paper analyze the status of women among the scheduled tribes in Telangana state. Frequent comparisons made by using the factors like mean age of marriage and fertility, sex ratio, literacy and work participation rate to the tribal women with other segments of the women population. Through the analysis, the study portrays the backwards of the tribal women in terms of work participation, literacy, mean age of marriage and fertility. The tribal development policies need to keep eye on the above factors to uplift the status of tribal women in the state of Telangana.*

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<sup>19</sup> Assistant Professor, ICFAI Law School, Hyderabad



## **"FROM BERATED BLINDNESS TO BLOOMING BLUE ECONOMY"- AN EMERGENT CALL TO PROTECT MARINE WEALTH**

Dr. Madhuri Irene<sup>20</sup>

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### **Abstract:**

*As the epical anecdote says when angry Rama positioned his 'Agni Arrow' to dry up the ocean, the Sagar King surrendered before Rama to facilitate Ramsetu. Today our perverted human intellect has polluted and poisoned the oceanic life to satiate its cruel greed for no reason, and the impact of climate change on oceans is found to be catastrophic. The majority of human population gropes in darkness to realize the vitality of marine wealth and health and the global community is just initiating action to protect and preserve the fabulous material wealth, the strength of plant and animals in oceanic waters.*

*The perpetual population growth and unbridled and uneven economic development resulted in increase of anthropogenic activities on land leading to degradation of oceanic eco system. There is a need to resort to "ridge to reef" of "source to sea" approach linking terrestrial, fresh water, coastal and marine ecosystems. A high-level panel of world leaders have formulated an 'Ocean Action Agenda' to ensure that all EEZ (Exclusive Economic Zones) are sustainably managed by 2030. This Action Agenda hopes to (i) produce 6 times more food from the ocean, (ii) generate 40 times more renewable energy and (iii) to contribute one-fifth of the GHG emissions reductions to stay within 1.5 degree Celsius. As stated by the Prime Minister of Norway the humanity's well being is deeply intertwined with the health of the oceans.*

*This write up intends to emphasize on the significance of Blue Economy as a part of national and global economy.*

**Key Words:** Blue Economy, Exclusive Economic Zones, Law of Sea, Oceans, Greenhouse gases

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<sup>20</sup> Associate Professor, ICFAI Law School, Hyderabad



## Effective Presentation Skills , Language, Gender, Understanding the Power Structure.

O Sankar<sup>21</sup>

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### Abstract:

*The development in science and technology made every individual autonomous in learning. It is unlikely in this digital world for a student to be physically present to access knowledge. Every book of History, philosophy, medicine, economics, science and literature are digitalized; and are made available for the students. Further every individual can access information/ knowledge on their computer or from their smartphone. Meanwhile, the digital platform, internet in specific is facing knowledge explosion. That is, sites like Wikipedia/ Quora/ Yahoo answers and other such websites invite its user to edit the contents. When the contents are open for the public to edit, even the 'opinions' of an individuals is passed on as knowledge. Many students rely on information that is gathered on such sites. Thereby making the teachers responsible to guide the students towards proper source of knowledge. Technology also brought observable change in behavior among the students. It is undeniable that the students these days use smartphone in excess, both inside and outside the classroom. The illusion of staying connected elsewhere on social network and ignoring the present can be seen in almost all the students. The juncture of virtual knowledge and the mental absence of the student-learners drive teachers, educators, academicians in formulating different methods to keep the students engaged intellectually in classroom. This paper focuses on the digital distractions, overlapping, and manipulation of knowledge and the importance of classroom learning/ teaching. In precise, it talks about "performance" a method in classroom teaching that includes singing, acting and other activities; and how it enhances both the teachers and the students in knowledge sharing process. In addition to it, the paper also focuses on teacher-centric performances that not only grasps the attention of the students, but creates a space for limitless learning opportunities between teachers and students.*

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<sup>21</sup> Assistant Professor, Icfa Law School, Hyderabad.



## Access to Institutional Credit among Scheduled Tribes in Telangana . A Case study from Sankarpalli Mandal.

Dr. Kannan<sup>22</sup>

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### Abstract:

India having a vast network of financial institutions, with co-existence of dual (formal and informal) financial systems that both operate in the rural credit requirement. A large number of formal and informal agencies lend money to farmers for their short and long term needs. The formal agencies include Cooperatives, Regional Rural banks, Scheduled Commercial Banks, Non-banking financial institutions, Self-help groups, Microfinance institutions and other government agencies. The informal sources comprise money lenders, friends, relatives, traders/shop keepers, employers and others. A large number of formal institutional agencies are involved in the disbursement of credit to agriculture and non-agricultural activities. However, the persistence of money lenders in the rural credit requirement is still a major concern. In this backdrop, faculty has examined the penetration of agricultural and non-agricultural credit flow and has identified the determinants of institutional credit at the tribal household level in Telangana through macro and micro level analysis. For macro level analysis the data collected from Statistical Year Book and Social Development Report of Telangana State to understand the credit flow among the schedule tribes. For micro level analysis on the access to institutional credit facility among schedule tribes in comparative perspective, three villages were chosen from Shankarpally Mandal (having tribal population of 2085, which constitute 3.19% to the total population) of Ranga Reddy District in Telangana state. One of the village situated nearby Mandal office (within radius of 5 km), another village little far away from the Mandal office (within radius of 10 km) and the third village far away from Mandal office (within and above radius of 15 km). From each village all the available Schedule Tribe households with the criteria of resident of that particular village for stipulated period of time (at least for the period of two census years) were included for the study. Semi structured interview schedule was used to collect from the head of Schedule Tribe households. The macro level analysis on access to institutional credit support assessed through holding of bank account, sources of credit facility, rate of interest for loan, duration and security for the loan. Majority of them have bank account (75%), however, the proportionate of the household utilizing non-institutional credit facility with high rate of interest (22%) is higher among schedule tribes in Telangana. They borrowed for household expenditure for long term duration of payment by providing personal security. This call for micro-level explorations that enable comprehension of the linkage between purpose of loan, source of loan, duration of loan and type of security against which loans are provided to the schedule tribes.

This study involves on the micro level analysis which reveals that the village which have close proximity to Mandal office have more access to institutional credit than the villages situated far away from the Mandal office. The reasons for more access in close proximity villages were banks are situated in Mandal head quarter area, educational attainment of the household head, small family size, household expenditure and occupation in non-agricultural sector. The reasons for less access to institutional credit facility for villages situated far away from Mandal office reveals that dependency on agriculture with small land holding, illiteracy, household and medical expenditure and more procedures for formal credit. Further, borrowing from money lender makes him to less right on selling his farm products of his own, which leads to fall in debt trap. At the end the he suggested for policy implication like, formal financial institutions should develop more flexible products and service to meet the income and expenditure pattern of the tribal

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household. Also to establish customer service centers which can be established in the remote villages on alternative days, so as to cover all the remote villages. Judiciary action against money lenders needs serious attention to protect the tribals from their clutches. He suggested Literacy programme for household heads on various schemes on tribal welfare and skill development for alternative employment through audio-video visual methods will improve the prevailing situation.

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## Protection of Human Rights in India.

Dr.K.Ravi Kumar<sup>23</sup>

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### Abstract:

Human Rights are those minimal rights which every individual must have against the State or other Public Authority by virtue of his being a member in human family. These human rights could apply to every person and every part of the world without any exception irrespective of race, sex, religion, creed and color, therefore these rights said to be universal. Human Rights are inherent in every human being, which is basic for human life and its development. These human rights are very much essential for the full development of the human personality and for human happiness. Further he said violations of human rights is a heinous crime against society, and have been taking place in various forms such as discrimination, inequalities, custodial deaths, sexual violence, communal violence, genocide, and abuse of human rights etc., An attempt has been made by faculty to analyse the role of Supreme Court of India in protecting human rights. Through the judicial interpretation, the Apex Court has widened the scope of human rights. Further the major contribution of judiciary to the human rights jurisprudence have been two fold : one is the substantive expansion of Article 21 of the Constitution of India, and the other is the procedural innovation of Public Interest Litigation. Therefore, this topic is choosen for seminar because it is important to Protect Human Rights in general and specifically Role of Supreme Court of India in protecting the human rights at National level is significant to discuss .

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## A Qualitative Analysis of Cross Dressing Legitimacy with Special Reference to India

Dr.Rekharaj Jain<sup>24</sup>

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### Abstract:

*The ways of dressing echoes human prerequisite which attempt to align one's self with a specific sexual group and also reflects sensation of attire. Attires influence and shape the appearance with substantial impression on the construction of social identity. Cross-dressing is morphism of expression of disguise and self-expression usually associated with the opposite sex which has been practiced in ample in many societies. Crossdressing reveals a form of gender transgression indicating the most visible form of gender non-conformity. Crossdressers can be categorized into clear groups-transvestities, eunuchs, transsexual men and drag queens. He further said cross dressing are of diverse diversities and various reasons may be attributed. Mostly crss dressing has been used for purpose of disguise,comfort,and self-expression throughout history including the modern times. Even socio-pyscho and religious inference also reveals that individuals who cross-dressed did so for innumerable reasons. Originally cross dressing was a private affair but currently it is visible openly due to growing acceptance of different sexualities as people are veering away from the strict confines of dress code. Dressing to express sexual orientation adds a different layer of complexity. Laws pertaining to dress varied around the world. Laws criminalizing cross-dressing flourished throughout the 20<sup>th</sup> century, which was perhaps a relection of sciety's perception of cross-dressing as sexual deviance yet cross-dressing existed. Later on cross dressing laws are challenged on varius grounds. One's choice of attire may be described as an expression of individual liberty and autonomy, or an expressive statement protected under the right to freedom of expression. He further said that his paper takes the current stock of the context and aims to bring greater clarity pertinent to the thematic area of concerns regarding a qualitative analysis of cross-dressing legitimacy with special reference to India.*

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<sup>24</sup> Assistant Professor, Icfai Law School, Hyderabad



## Community Sanitary Latrines in insanitary Condition Requires Amendment in Manual Scavengers Act 2013

Dr. Kannan<sup>25</sup>

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### Abstract:

*This Paper emphasized on law relating to Manual Scavenger's Act 2013. The manual scavenger law makes it offence to employ people as manual scavengers to clean insanitary latrines. He further said that it is the responsibility of every local authority whether municipality/panchayat, cantonment board or railway authority that it is responsible for scavengers in its area to identify manual scavengers. He also explained manual scavenger as a person who has been employed to handle undecomposed human waste from an insanitary latrine, open drain or pit/railway track is a manual scavenger under the law. He could have been employed by anyone, someone from their village/by agency/contractor, irrespective of the fact whether employed on regular or contract basis. It discusses about exception to this provision that if any person who is employed to clean human waste and does so with the help of the appropriate protective gear and equipment will not be considered as manual scavenger. It further explains that law prevents manual scavenger by demolishing insanitary latrines. It imposed time bound commitments by local authorities like municipal bodies, cantonment boards and railway authorities. The Act mandates local authorities that within two months it has to carry survey of insanitary latrines in its area and publish a list of all such latrines which were identified during the survey. Within 15 days of publishing the list the authority to send a notice to the person who has constructed/used the insanitary latrine to pull it down. The time given is six months. If not done then another three months is extended if there is good reason. Local authority to build as many sanitary latrines as possible in nine months. Local authorities to build an adequate number of sanitary latrines for the community in their respective areas within three years. Further he said that it is unlawful and an offence under this Act for any person municipality/agency/contractor to build an insanitary latrine or employ a manual scavenger. All the manual scavengers to be discharged immediately. A person who had an insanitary latrine at the time of the Act came into force had to pull it down/convert it within six months. Further extension of three months if good reason exists. It also lays down rules and procedures for the rehabilitation of manual scavengers through training in alternate employment, financial help and help with purchasing property. The law is not implemented effectively and still there are many remote villages where manual scavengers and insanitary latrines found and that the Act should be amended to make it more effective by adding stringent punishments for those who do not demolish/convert insanitary latrines within a certain period and steps to be taken more seriously to rehabilitate these manual scavengers.*

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## Commercialisation of Leisure and Sports: A Case Study of Khanapur Village , Telangana

Dr .S.Kannan<sup>26</sup>

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### Abstract:

*Commercialisation of leisure activities started in 19<sup>th</sup> century in many nations and shown its face in India in the beginning of 20<sup>th</sup> century. However it was intensified after the Globalisation, Privatisation and Liberalisation policy. Commercialisation of leisure activity moved out of the people from drawing-rooms into commercially or corporately operated facilities. Neo-Marxists saw it as inevitable commercialisation of leisure, turning into a market product. It emerged initially in the forms of clubs, entertainment centres, amusement parks, Arts centres, etc. Commercialisation of sports has existed for several decades in India, but only in recent years has the phenomenon been taken seriously on a larger scale. In this context, the present study focuses on how the commercial players playing major role in the recent years to engage their leisure time of the corporate leaders and business man in some sort of physical activity. In order to understand this phenomenon, the empirical exercise conducted in Kanapur village of Gandhipet mandal in Rangareddy district, Telangana. The data collected from all the sports academies emerged in the past one decade and their nature of sports activity provided to their clients. The study also covers who prefers commercialised sports as their leisure activity, how much time and cost they are spending and their satisfaction level. The study finds that people stay whole day in office and their business preferred to spend their leisure activity in sports in order to maintain their physical and mental health. There were thirty five faculty members present and they interacted with the speaker.*

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<sup>26</sup> Assistant Professor, Icfai Law School, Hyderabad



## Women , Surrogacy Law and Social Justice

Astha Srivastav<sup>27</sup>

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### Abstract:

*This Paper analyses as Whether surrogacy enhances women's reproductive liberty or creates a socially unjust arrangement to their detriment is an contentious topic. A meaningful analysis in this regard can be made only if the socio-economic position of the women is involved, their purpose and expectations from the process, as well as their roles and decision-making powers are thoroughly understood. An analysis of rights of the children born out of the whole process as well as the reproductive autonomy of commissioning parents is also required. In India, women have had little bodily autonomy and their agency in the reproductive process is restricted by deep rooted patriarchy, weak position in the familial and social structures and the consequent poor health and educational status. This, along with the rapid development of Assisted Reproductive Technologies has created a paradoxical scenario in which enhancement of women's rights and their exploitation, share an uneasy co-existence in a surrogacy arrangement. As India gears up to adopt the Surrogacy Regulation (2019) Bill, its effect on both the sides of the surrogacy arrangement needs to be scrutinized. The Bill, in its current form adopts a straight-jacketed approach and only partially succeeds in providing just opportunities and rights to all stakeholders. This paper analyses the possible impact that the bill may have on women, particularly in respect of their decision-making powers and their reproductive freedom. It takes into consideration legislations and international guidelines on surrogacy from around the world and experiences gained out of issues which have arisen in lawsuits.*

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<sup>27</sup> Assistant Professor, Icfai Law School, Hyderabad



## 360 Degrees Sustainable Models for Indian Universities

Dr. Arun Kumar<sup>28</sup>

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*Abstract:*

*This paper presents 360 Degrees Sustainable Models in Indian Universities (skill development and entrepreneurship). It emphasises that the key role of higher education institutions is the transition to a more sustainable society. A sustainable university has been defined as a higher educational institution that addresses on a regional or a global level, the minimization of negative environmental, health effects generated in the use of their resources in order to fulfill its functions of teaching, research, outreach and partnership in ways to help society make the transition to sustainable lifestyles. Sustainability is a never ending journey; there is still a wide range of areas where we can better ourselves, both in the research, teaching, and operations. He also highlighted that this research will provide insight into some of the target areas of the Indian Universities, and inspire students, faculty and employees to actively participate in the transition. As Indian universities are having a lot of scope for sustainable improvement, the present research finds the gap of studies that are to be focused on universities.*

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<sup>28</sup> Assistant Professor, Icfae Law School, Hyderabad



## UNLIKELY END OF SINO-US TRADE WAR

Dr. S. Uma<sup>29</sup>

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### Abstract

*A trade war is an economic conflict that takes place because of extreme protectionism followed by a state or states against other states due to several reasons. This takes the form of tariff and other non-tariff barriers in the process of reducing trade deficit. Trade deficit occurs when imports of a country are more than exports. This paper deals with why the Sino-US trade war has been taking place for a long time.*

*The present trade war is happening between two largest economies in the world, United States and China. Though initiated by USA, both the states started increasing tariffs on each other's goods. To reduce high trade deficit, President of United States of America, Donald Trump increased tariffs on imported Chinese products. And China retaliated in the same manner. This paper also explores the reasons for unlikely end of trade war between US and China and also deals with economic and political implications of Sino-US trade war on countries involved and also on India. It also attempts to explore how India can turn trade war to its advantage.*

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<sup>29</sup> Assistant Professor, Icfai Law School, Hyderabad



## Maternal Commitments and Women Workforce Participation in Urban India

Dr. Iti Vyas<sup>30</sup>

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### Abstract:

*This Paper discusses about economic growth and emphasized that, Since 1990, India has witnessed robust economic growth. Despite of this high economic growth, urbanization, declining fertility rates and educational progress, a large part of the urban Indian women are out of the workforce. There is a gross mismatch between economic growth and female participation in the labor force. Many socioeconomic factors are responsible for this low female labourforce participation rate (FLFPR). The faculty tried to explore the relation between motherhood responsibilities/commitments and female participation in the work force. The study made by the faculty is based on the secondary data, sourced from National Sample Survey, World Bank and primary (field) data to examine the impact of having a young child on mother's employment in urban India for the period 1990 to 2019 and its effect on child development. The analysis also looks at household environment, type of care provided to children, parental education, father's occupation etc. to examine the maternal commitments. The Findings of study shows that the care of young children plays an important role in deciding mother's labour force participation, especially when appropriate formal child care facility is not available. The study shows the mixed results when mothers return to paid work within six months after childbirth. Other factors such as family income, father's role, parental education, quality of interaction with children have greater influence on child development than early maternal employment per se.*

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<sup>30</sup> Assistant Professor, Icfae Law School, Hyderabad





## The Threshold of OECD Revised Guidance on Profit-Split Method during COVID-19.

Dr. Vinay Sharma<sup>31</sup>

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### Abstract:

*The global outbreak of the novel Corona Virus (COVID-19) has engulfed the world economy by affecting healthcare systems; impacted financial markets devastated major world economies and disrupted lives and livelihood. It has not only been a supply chain disruption but it has brought to the fore the sustainability aspect in the near term of businesses. Multi-National Enterprises (MNE) are exposed to risk of their business, tax impact on the profits earned by the over a financial period and legal jurisdictions which extend beyond local and international barriers. The impact of COVID-19 is that MNE's have turned their efforts to search for tax havens to reduce their tax liability and in particular to use transfer pricing scenarios to be assessed, by looking and re-examining the role and profile of their entities. MNE's need to analyse global transactions, risks and various assets and bring them to jurisdictions that are least affected so that losses are mitigated. The major issue before MNE's shall be on the perspective of transfer pricing with respect to compliance and the methods of transactional transfer pricing shall be apt to mitigate the crisis. Appropriateness of Transfer Pricing methods would be tested in the current scenario to conclude that Arm's – Length principle has been applied to inter-company transactions. Transfer pricing methods have been conservative and deal with multiple year data which can be co-related to the rules and methods of the Arms-length principle. The role of transfer pricing has been based on the Arm's length principle and the evaluation of the same is done through methods of pricing. These methods followed have been the basis of transfer pricing and these methods have been scrutinized and evaluated by the Organisation for Economic Co-operation and Development (OECD). OECD and G-20 countries have proposed a framework for transfer pricing and the methods of computation so that corporations have used tax havens to reduce their tax payments in that particular country. With these the OECD wanted to look into transfer pricing which would be inclusive of BEPS (Base Erosion and Profit Sharing) and have issued revised guidelines to compute transactions under the transactional profit-split method. In view of COVID-19 there is a need to analyse the role of profit split method vis-à-vis the Arms-length principle by countries and the need to look at controllable and uncontrollable transactions which are defined under the principle. An integrated approach towards the concept of uncontrollable transaction is needed and the methodology of transfer pricing.*

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<sup>31</sup> Assistant Professor, Icfai Law School, Hyderabad



## Plea Bargaining ; A Critical Analysis

Dr.T.Himavati<sup>32</sup>

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### Abstract:

Plea bargaining introduced in Criminal Procedure Code by an amendment of Criminal Law Amendment Act 2005 is an exception to Rule of law which prevails in India .The Indian penal code is specific in providing specific punishments for offences and as per rule of law a criminal court should impose the same punishment without any change. But by introducing plea bargaining concept in criminal procedure code –Negotiations between prosecution and accused is made possible after charge sheet is laid, for a lenient or lesser punishment ,with approval of the judge .This mode of dispensation of Criminal justice was not available till 2005 in our country. The Supreme Court consistently disapproved the application of plea bargaining in its judgments and held that the plea bargaining is unconstitutional and State should dispense justice as statute provides .While that being so the Law Commission of India in its 154<sup>th</sup> Report recommended inclusion of plea bargaining in Criminal procedure code and the said report was approved by V.S. Malimath Committee on Criminal Justice reforms .Thus a new chapter XXIA consisting of sections 265A TO 265 L was added to Criminal Procedure Code giving scope to plea bargaining , which is a new concept in Criminal Law Justice System in India . This procedure is brought on statute book in the public interest to render speedy justice to the accused on one hand and for speedy disposal of huge pendency of criminal cases on the other. The provisions of section 265A TO 265L provide a detailed procedure to invoke the plea bargaining by the accused (subject to limitations).Plea bargaining is the process whereby the accused and the prosecutor in a criminal case work out a mutually satisfactory disposition of the case subject to the approval of the judge. It involves the defendant pleading guilty to lesser offence in return to a lighter sentence than that possible for the lesser charge. Therefore it can be said that plea bargaining refers to pre trial negotiations between the defendant through his or her advocate and the prosecution(and also victim) during which the accused agrees to plead guilty in exchange for lesser punishment with the approval of the judge. Thus it is a tripartite agreement.The concept of plea bargaining should be made more attractive for the accused to opt as alternative to regular court trial in criminal justice dispensation for speedy justice which is required in the interest of society at large. The present provisions of plea bargaining require a relook in the light of provisions of The Probation of Offenders Act 1958 to bestow the non disqualification on the accused (Defendant).

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<sup>32</sup> Assistant Professor, Icfai Law School, Hyderabad



## Stem Cell Protection: Legal and Ethical Issues

Dr. A.Sreelatha<sup>33</sup>

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### Abstract:

*Whether the killing of embryos is a violation of the basic and fundamental Rights, the right to life" The main discussion should not be about when human Life begins even because is almost consensual, at least in biological terms, that it begins when fecundation is completed. Human beings have, since time immemorial, found an unnatural appeal towards increasing their life span and improving the quality of living. It is this allure towards the promise of a better life that has led to the advancement in the field of medicine, this development From a hesitant use of plants and herbs to alleviate the pain experienced by Ancient people which hailed the medicinal properties as magical and the labelling of innocent doctors as witches, carrying out the work of the devil. But when we should recognize to that human life the dignity attributed to each human person and therefore, grant it human rights that should be respected. The embryo ought to be granted the entire list of human rights, just as a human born person, and its destruction should be qualified as a homicide. National organizations are professional dynamic in supporting and advancing this region. Nonetheless, there are many difficulties in current stem undeveloped cell research in India. Neither proper guidelines nor any laws governing the same are present.*

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<sup>33</sup> Assistant Professor, Icfae Law School, Hyderabad





## Regulation of Clinical Trials in India: A Critical Study with special reference to the Drugs and Cosmetics Act, 1940

Aditi Nidhi<sup>34</sup>

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### Abstract:

*Medicines play a crucial role in the development of physical health and welfare. Medicines usually either enable us to prevent or to reduce the pain of other diseases. Generating a new medicine is a complex and lengthy process, and it may take several years for its progression. The development of drugs is the process where once a lead compound has been located through the process of medical discovery; new pharmaceutical medicine is generated and brought into the market. A clinical trial is a scientific term used for testing of newly generated drug to know its safety, efficiency, and efficacy. Any development of new drugs undergoes various tests before being released in the market commercially. India is an eye-catching destination for the healthcare industry to perform clinical trials due to its diverse population, living in various climatic environments, suffering from different diseases on the basis of socio-economic, environmental, and seasonal changes. There are many added advantages for the pharmaceutical companies to have their preferred location like India. The reasons for the same would be the lack of stringent regulation, no accountability, ease of finding participants, minimal government intervention in case of emergencies, cheap human resources, illiteracy, poverty, and compensation, etc. Nowadays, foreign pharmaceutical companies have to indulge in the practice of testing their medicines on Indian citizens without their consent, before launching them in the market. The subjects are not adequately informed about the same which puts them in grave danger. In India, the Drugs and Cosmetics Act, 1940 under Schedule Y provides for the regulatory and approval framework for clinical trials, alongside the Ethical Guidelines of Biomedical research for human subjects recommended by the Indian Council of Medical Research (ICMR). Schedule Y neglects to provide a more efficient and comprehensive framework for regulating clinical trials. The methods used by pharmaceutical companies for conducting clinical trials have raised several critical issues. Therefore, the research aims to carry out a thorough review of the international and national laws on clinical trials, ethical and socio-legal concerns, existing disputes, events, and recent legislative developments and their effects on human subjects and stakeholders.*

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<sup>34</sup> Assistant Professor, Icfae Law School, Hyderabad



## Changing Perceptions in Space Law: A Special Focus on Theory of Non-Appropriation and Commercialization of Outer Space

Dr. Poorvi Kantroo<sup>35</sup>

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### Abstract:

*The non-appropriation principle's definition is the foundation for determining whether resource extraction is legalized in the realm of outer space or not? This has been a debate and topic of deliberation for many analysts and commentators whether to reject an interpretation permitting resource extraction outright, or at the very least tread carefully around it. Undeniably, it is presumed that OST allows ownership of space material blurring the essence of Article, justifying mercantile ambitions. At its very core, the succinct prohibition presents supplementary issues because it omits reference to the role of nongovernmental entities. Subsequently, two questions arising from the OST are whether the non-appropriation principle applies equally to nations and their businesses; and, what the scope of that restriction is. The topic for today's Seminar is to ponder and muse if technology has technology outrun the international law governing outer space? This is a question that poses before the space community as a dilemma presents itself as private entities become capable of space travel and new technology makes asteroid mining a reality. Although the Outer Space Treaty's "non-appropriation" principle prohibits nations from claiming sovereignty over space bodies, but does that constraint include resource extraction. The non-appropriation principle, interpreted in conjunction with existing legal regimes, distinguishes between forbidden appropriation and permissible extraction. Hence the point to ponder is whether the theory of non-appropriation must be dealt with a liberal outlook in the wake of commercialization, or as old fashioned narrow approach is a must to prevent exploitation of outer space?*

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ISSN: 2457-0362

## Merchant of Venice : The Quest for Justice

Dr Padmanabha Rao<sup>36</sup>

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### Abstract:

*The concept of justice in Shakespeare's The Merchant of Venice is both endearing and timeless; its relevance to the human condition which, is inexorably intertwined with sin and grace is central to the play. The trial scene provides a rare glimpse of the inherent divinity and fallibility of the human soul. Nevertheless, the seductive desire for personal revenge is not peculiar to Shakespearean characters; it is universal and exists in everyone and everywhere. The present article is a quest for justice in Shakespeare's The Merchant of Venice. It examines the role of law in the light of Christian values and hints at the consequences of rigid application of the law that would lead one down a sinister path of injustice. The article presents a review of Shakespearean works related to law followed by a brief overview of Venetian Law and finally focusing on the idea of justice as explored in The Merchant of Venice.*

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<sup>36</sup> Assistant Professor, Icfai Law School, Hyderabad



## Justice Irrespective of Gender: Unsex the Women Empowerment Laws

Katiyani Juneja<sup>37</sup>

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*Abstract:*

*Gender is a term given to the anticipated masculine or feminine behaviour or the roles allocated by both the sexes on the social upfront. It is generally accepted that the inequality between men and women stems from such assumptions about the roles assigned to them by the society. This seminar is an attempt to deal with the different perspective of gender justice. It is common that in India women are regularly and continuously subject to harassment but even men's rights activist scored a significant victory in India when the Supreme Court essentially identified them as the victims in the Domestic Violence cases. It is time to recognize the problem of men as a social and public health issue and develop appropriate strategies and interventions. Under these circumstances this seminar dealing with gender neutrality is a welcome one as it has contemporary importance and significance. The seminar attempts to bring to light to the study of gender equality laws from the international perspective in addition to Indian perspective. The seminar focuses upon the comprehensive view on the implications of India's ratification to Convention on Elimination of all forms of Discrimination Against Women (CEDAW), 1979 and its reservation for the provisions of the Convention. Hereby all the relevant statutory laws and judicial trends have also been traced critically.*

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<sup>37</sup> Assistant Professor, Icfae Law School, Hyderabad



## UBER : Issues and Challenges

Ms Sanu Rani Paul<sup>38</sup>

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### Abstract:

*This paper deals with Gig economy. In a gig economy workers act as a medium between the individual buyer and the seller through a for-profit company, which has facilitated the channel with the help of web based or mobile based application which is managed by the company. The employment of the gig workers will be regulated by an agreement between them and the workers are treated as 'self-employed' or 'independent contractors' and not as employees of the online service provider/the for-profit company. Seminar tries to have an overview over the challenges which the Uber is facing worldwide and tracing legal transformations occurred worldwide following the foray of on demand taxi services and an analysis of the same to probe whether the changes proposed to be made to the Indian law is going to address the shortcomings existing in the 'gig-economy' or not. The Business Model of Uber Michael Lewis of Harvard University refers business model as a term of art", he predicted that future companies will be based on business models connected only with the internet. The Emergence of Uber, The taxi service giant was famously named as 'Everyone's private driver' during the time of its inception. Apart from being the first cab service in the 'shared economy' it is also one of the earlier initiatives originated in Paris at the LeWeb Conference, which was an initiative for the Internet Startups way back in 2008. Uber in USA-In USA there are divergent opinions from the Courts of different States on the matter. In Ohio, Ohio employment law consider ride sharing employees as non-employees for the purpose of application of employment law. Whereas in California, in O'Connor v. Uber Technologies Inc., the United States District Court for the Northern District of California allowed a class action certification for a suit challenging Ubers classification of its drivers' as 'independent contractors. Uber in UK-The complex issues involved in the status of gig-employees were widely deliberated in 2016 by the Employment Tribunal in UK in a landmark judgment in the case of Aslam & Ors. v. Uber & Ors., wherein it was decided that the drivers of Uber were not self-employed independent contractors and were in fact workers within the meaning of the Employment Rights Act, 1996 and that they were entitled to the benefit of worker's rights such as paid annual leave, the national minimum wages, rest breaks and pension contributions.*

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## Democracy in Singapore

Dr. Uma Sonti<sup>39</sup>

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### Abstract:

*Singapore is one of the prosperous countries in the world. Since independence in 1965, Singapore was under the rule of one party - People's Action Party. Though the constitution says that Singapore is a democratic country, practically the important prerequisites of democracy like the freedom of expression and strong opposition seem to be absent. This presentation seeks to discuss the role of the government in making this small island city state in to one of the richest nations in the world. To achieve this economic development for a small island without any natural resources was not an easy task. Strict discipline had to be enforced and some civil liberties of the people had to be sacrificed. The presentation deals with the questions like-What are the reasons for one-party rule? Are the freedoms of the people sacrificed for the sake of economic development? Is democracy sacrificed for the sake of economic development? Are the people of Singapore Happy with the situation in country? Is Singapore a Democracy? ends the presentation with a question "Is it justified to sacrifice Democracy for the sake of economic development?" and says that this question is left for discussion.*

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<sup>39</sup> Assistant Professor, Icfa Law School, Hyderabad



## Problems and Prospects of Handloom Sector in Employment Generation in Telangana State

P. Kesari<sup>40</sup>

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### Abstract:

*This paper discusses about the handloom weavers problems and the declining trend of handlooms referring to 2019 census .It refers to challenges in handloom industry like raw material, marketing and sales network in specific are discussed. Lack of reliable data with respect to number of craftsman, their socio economic conditions, poor quality yarn , infra structure required for processing yarn ,financial crisis pose concern for the decline of handloom weavers. Political intervention in cooperative societies is another cause. The paper emphasizes on marketing in handloom sector for good quality products. It concludes by raising concern for decline in handloom sector leading to lack of employment opportunities . It suggests that government should help weavers by bringing about various schemes to uplift these handloom weavers and to keep our tradition and culture intact.*

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## Issues of Internal Migrant Labour in India and Legal Response: An Analysis

Manu Datta<sup>41</sup>

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### Abstract:

*India is a geographically vast and culturally diverse country where people move and settle, permanently and temporarily, for the purpose of employment and other reasons from one geographical area to another. Uneven economic growth and concentration of industrialization in few urban locations has made migration of labour force inevitable. The word migration is used in international arena as signifying movement of people from one nation to another. In India, however, legislature has used the term for inter-state or intra-state movement in labour legislation and thus recognized this particular class of labour as more vulnerable than non-migrant labour. Climate change and Globalization are major factors contributing to increasing rate of internal migration in India. Migrant labour needs special protection of law for various social, cultural and political reasons. The present research paper is intended to highlight some major issues concerned with migration and examine the legislative response including some recent developments.*

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ISSN: 2457-0362

## Objectification of women in media: A Feminist-Legal Analysis

Stithi Dasgupta<sup>42</sup>

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### Abstract:

*In the 21<sup>st</sup> century media is one of the most influential organ of any state and its impact on social-cultural ethos can not be ignored. Gender issues which is one of the most prevalent issue of present day also gets influenced by this influential role of media. Amongst the several concerns of gender disparity, objectification of women is a very critical problem. This research titled "objectification of women in media: A feminist-legal analysis" will ponder upon the problem of objectification of women in media with feminist-legal point of view with focus on electronic media in specific. It will also delve into recent additions in electronic media and legal parlance of India with regard to it.*

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<sup>42</sup> Assistant Professor, Icfai Law School, Hyderabad



## Challenging a foreign arbitral award in domestic courts- An Analysis

Dr.P.L.Jayanthi Reddy<sup>43</sup>

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*Abstract:*

*A foreign award by definition under section 44 of Arbitration and Conciliation Act 1996 means an award passed in such territory as the Central Government by notification may declare to be a territory to which the New York Convention applies. Therefore being mere signatory to convention is not enough. Identifying international dispute is a task ,most importantly the award must relate to arbitration disputes that may be commercial disputes,property disputes ,family disputes etc. Again the challenge is of domicile of party and hence private international law plays an important role. In recent years the growth of International Commercial Arbitration in India is because of rise of disputes in International commercial transactions between foreign and indian parties and parties choosing more of arbitration for resolution. In recent years India was criticized for being an arbitration -unfriendly jurisdiction but currently the arbitration community witnessed significant judicial maturity by Indian courts. The recent Amendment 2015 has brought India a pro arbitration approach rather than an arbitration unfriendly by narrowing the scope of intervention of the Indian Courts in execution of foreign awards and by limiting the scope of public policy of India applicable to foreign awards. This article discusses in the light of several judgments, the excessive intervention of courts prior to 2015 Amendment and role of international conventions, also the hostility it received from arbitration community and the success of arbitration in the current years. There are no strict rules laid down neither in domestic law, nor in conventions and UNCITRAL model law with regard to enforceability of awards. There are many lacunas and challenges in execution of foreign arbitral awards. This article is an attempt to look into those lacunas and to address the problem of enforceability of foreign arbitral award .*

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## Heterogeneity and Spirituality

Dr. Rekharaj Jain<sup>44</sup>

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### Abstract:

*Heterogeneity signifies variability which is often used in distinction to homogeneity. Spirituality is an array of many perspectives and it is quite difficult to assign a precise content. Liberalism and spirituality are distinct aspects of our human existence but hand in hand. In global age spirituality and democracy must stay engaged in equipping its adherents to hold the democratic system. Spirituality and human rights are two indispensable mores which, in diverse ways, contribute immensely to the development of human societies. In an era of globalization, liberalism, democracy and human rights will have the meaning only if we all make a great contribution to human existence through spirituality.*

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<sup>44</sup> Assistant Professor, Icfae Law School, Hyderabad



## **A Critical Analysis on Mahatma Gandhi Rural Employment Guarantee Act 2005**

**Y. Gangi Reddy<sup>45</sup>**

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### *Abstract:*

*This Paper discusses the Constitutional Dimensions of the Mahatma Gandhi Rural Employment Guarantee Act 2005 . The various schemes which are introduced by the government like Jawhar Gram Samridhi yojana, Sampoorna Grameena rozgar yojana, its objectives are analyzed in this paper. The specific activities that are undertaken in enforcing under this Act are criticized. The study finds there are issues of bogus registrations, no equal wages, delay in preparing estimates, requisition of funds based on false measurement of works. All this poses threat of food security and livelihood and quality of life ultimately leading to farmer's suicides. This paper suggests to incorporate in the legislation food security and farmer's safety and security .*

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<sup>45</sup> Associate Professor, Icfae Law School, Hyderabad



## THE CONCEPT OF FREEDOM AND THE CONSTITUTIONAL CONTROL A SOCIO-POLITICAL ANALYSIS

Dr. Dilshad Shaik<sup>46</sup>

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*Abstract:*

*Individual freedom should be subject to social control, otherwise it would be antisocial and undermine national security. Individuals must grow within social boundaries to prevent antisocial or unrestricted growth that can be achieved by harmonizing individual freedom and social control. Freedom must be managed for the benefit of society, but social interests must not be arrogant to justify the complete deprivation of individual liberty. Freedom cannot be independent, but it must be combined with the virtues that accompany it. Freedom and morality; Freedom and law; Freedom and justice; Freedom and public interest; Freedom and responsibility that are closely related to orderly progress and social stability. A human being, a rational individual, must live in harmony with the same rights of those who are different from others in order to achieve the opposite desires. This intertwined network is difficult to define within a defined range of action that can limit freedom of action. Therefore, freedom is not always absolute freedom, but it must be armed within the limits of the law. In other words, freedom as a social concept is a right guaranteed to all members of society, as freedom cannot exist without social restraints, and some freedoms involve the oppression of others. Must not be. When freedom is considered a social order, the problem of establishing freedom must be the problem of organizational resistance that society has towards individuals. Therefore, the freedoms of all citizens are born and must be subordinate to most freedoms. In other words, common well-being is the end of society, ensuring that lawlessness and anarchy do not manipulate social welfare and harmony, and that powerful courses and forces are not at work. Impairing social welfare and order. Therefore, the essence of civil liberty is to keep the individual's liberty subject to the restrictions of social control that can adapt to the needs of dynamic social development. The concept of individual liberty in accordance with social order is consistent with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and other alliances. This paper focuses on the socio-political insights and analyses the pros and cons.*

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## Environmental protection in the framework Of international law - A study

Prof. T. Sita kumari<sup>47</sup>

*“The environment is no one’s property to destroy but everyone’s responsibility to protect”*

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### Abstract:

*The environment is the basis of our survival and the earth’s existence. The environment is the total of the natural surroundings around us. Environmental protection thus refers to the protection and saving of the environment from the dire impact of human and human-made activities. Environmental protection is a matter of domestic interest for almost every country and it also represents no less interest in the international dimension. That is mainly because the activities, that pollute or harm the environment in a certain state, generally tend to backfire also on other states, or on areas that are not subject to the sovereignty of any state. Most serious environmental problems cannot be solved or administrated only by a state unilaterally, but they require an international collaboration between states, more often a joint effort of states. This applies without exception on issues such as global warming, biodiversity, land, safeguarding the quality of air, water, earth and oceans, deforestation and desertification of the planet, administration of the trash and other hazardous waste, also thinning of the ozone layer*

*The paper concerns international environmental law and its main topics delineate: why an international dimension of environmental protection; the lack of direct referring on environmental protection in international law and the use of the state’s responsibility principle. All nations and all people share the same atmosphere and we only have one. Addressing the environmental chaos by all the countries both individually and collectively will be critical to the well-being of the people and prosperity of the present as well as the future generations.*

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<sup>47</sup> Dept. of Law, SPMVV, Tirupati



## **The balance between environmental protection and developmental activities: Past, Present and Future A socio-legal analysis**

**Dr.R.D. Vijayasekhar<sup>48</sup>**

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### *Abstract:*

*The balance between environmental protection and developmental activities could only be maintained by strictly following the principle of sustainable development. This is a development strategy that caters to the needs of the present without negotiating the ability of upcoming generations to satisfy their needs. The strict observance of sustainable development will put us on a path that ensures development while protecting the environment, a path that works for all peoples and for all generations. It is a guarantee to the present and a bequeath sustainability to the future. All environment-related developmental activities should benefit more people while maintaining the environmental balance. This could be ensured only by strict adherence to sustainable development without which life of the coming generations will be in jeopardy. While the right to a clean environment is guaranteed as an intrinsic part of the fundamental right to life and personal liberty, the right to development can also be declared as a component of Article 21. The principle of sustainable development and precautionary principle need to be understood in a proper context. The expression sustainable development incorporates a wide meaning within its fold. It contemplates that development ought to be sustainable with the idea of preservation of natural environment for present and future generations. The primary requirement underlying this principle is to ensure that every development work is sustainable; and this requirement of sustainability demands that the first attempt of every agency enforcing environmental rule of law in the country ought to be to alleviate environmental concerns by proper mitigating measures. The future generations have an equal stake in the environment and development. This paper analyses the interrelation between the environmental protection and the developmental activities for the present and the future based on the past experiences.*

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<sup>48</sup> Principal, Anantha College of Law, Tirupati, AP





## **The Issue of Collective Land Ownership Under African Customary Land Law: The Case of Cameroon**

**Fonja Julius Achu<sup>49</sup>**

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### *Abstract:*

*Customary landholding generally connotes the various methods of acquisition and use including rights and duties that may accrue to any individual or group within a particular society in relation to land. Customary land law in Africa has existed for centuries, serving as an integral part of traditional agricultural economies. African customary land law recognizes the fact that land in Africa is owned collectively by a family, village or community and not by an individual. Therefore, an individual's title to land is rare under African customary land law. Individual ownership of land under African customary land law is a feature of modernization. This paper investigates why land is still mostly held collectively by a family, village or community and not by an individual under customary law. The author accomplishes this by perusing records mainly from documentary and internet search. The data collected constitutes the sources from which customary and statutory law rules are drawn, stated and analyzed in the light of the stated aim of the paper. The results inter alia identify that land is held principally by the family and community under customary law and that the genesis of individual ownership is a product of modernism. The results are significant because they expose the weaknesses of the customary law regarding individual ownership of land.*

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<sup>49</sup> Ph.D. (Yaounde University), Senior Lecturer in Laws, Faculty of Laws and Political Science, University of Yaoundé II, Soa, Yaounde, Cameroon.



## Misleading Advertisements in India: A Comparative and Critical Analysis

Anita A Patil<sup>50</sup>

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*Abstract:*

*The influence of advertisements on consumer choice is undeniable, and that is why advertisements should be fair and truthful. Misleading advertisements distort competition and of course consumer choice. Even after 30 years of enactment of Consumer Protection Act, 1986 and even after a paradigm shift from Caveat Emptor to Caveat Venditor, the manufacturers and service providers of all the sectors exploit the Indian consumers. The question that arises is whether advertising is a boon or a bane. There are always two sides to the coin. Advertising is a must for economic growth but should not be allowed to mislead or become a nuisance factor. Consumer must be aware of his rights, raise voice against exploitation and seek redressal of his grievances. Consumers' consciousness determines the effectiveness of consumerism. It is the duty of the consumer to identify his rights and protect them. The Consumer Protection Act, 1986 does not have any provisions which specifically deal with misleading advertisements. However, they do prohibit "unfair trade practices" and provide for remedies for such cases. Advertisements may be brought under these provisions; however, they are not sufficient to deal with all the aspects of advertisements, which might require regulation. As opposed to India, a number of foreign legislations have specific laws dealing with advertisements. Hence, this paper aims to make a thorough, comprehensive, comparative and critical study of misleading advertisements in India, identify the hurdles to achieving the basic objects of the consumer welfare legislations to control misleading advertisements, and find out the solutions for the same in the Consumer Protection Bill 2015.*

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## Educational Qualifications of Elected Representatives: Need of the Hour for a Progressive Democracy

Masood Ahmad<sup>51</sup>

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### Abstract:

Former Chief Election Commissioner S Y Qureshi has rightly said that the higher the position, the higher should be the qualification. There has been growing concern over the years in India about several aspects of our electoral system. One such is prescribing the mandatory educational qualification for contesting the election of MP and MLA. In the Constituent Assembly, B R Ambedkar remarked that "I think that it is a matter which might be left to the legislatures. If the legislature at the time of the prescribing qualification feels that literacy qualification is a necessary one, I no doubt think that they will do it." This seems to suggest that the framers believed that the power to the Parliament under the omnibus clauses of (which became) Articles 84 and 102, included the power to prescribe literacy qualifications. An attempt has been made in this paper to draw attention to the urgent need for electoral reforms, while making a balance between 'wisdom' and 'knowledge' for the better administration of democracy, in the light of the recent ordinances passed by Rajasthan and Haryana governments. The paper also discusses and critically evaluates the judgment of Haryana High Court in the case of *Rajbala & Others vs. State of Haryana & Others* while citing foreign instances.

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## **The Impact of Artificial Insemination on the Institution of Family: Legal Nuances**

**Dr. D Srujana<sup>52</sup>**

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### *Abstract*

*Brahma is believed as creator of the world. It looks as though human is delegated some of HIS powers as it is evident by Artificial Insemination. Modern medicine and science have allowed opportunities for conceiving children through invitro fertilization , artificial insemination. Infertility in both men and women can be treated by Artificial Insemination.*

*However, lot many legal concerns are around the issue of Artificial Insemination. Sperm taken from other male other than actual husband and on other hand womb of an woman other than the wife leads to many amending question as regards the status of a child and parents. This is because according to the already existing legal position, only legally wedded wife and husband are only treated as parents to children. The laws across the world are fairly inconsistent . To create common, consistent and suitable legal system to accommodate the latest medical developments with regard artificial insemination is the need of the hour across the world.*

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## The Role of Law Commission in Revamping the Overburdened Supreme Court

B Muthu Kumar<sup>53</sup>

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### Abstract

*The Constitutional framers conferred extensive powers on the Supreme Court. The exercise of multitudinous functions heavily burdened the Court with cases within a short period of time after its inception. In spite of curtailing its jurisdiction, the Parliament has amplified it under Article 138 and the Court by its activist approach. Many proposals for reforming the Supreme Court were suggested then. Moreover, the Supreme Court itself expressed its inability in managing its docket on many occasions through its judgments. Nonetheless, it took certain policy decisions in entertaining the cases particularly under Article 32. Moreover, many public interest litigations were filed to restructure its jurisdiction. In this backdrop, the paper analyzes the jurisdiction of the Supreme Court and the downside of judicial activism that has resulted in litigation explosion. The issues relating to direct appeals from Tribunals and Commissions are also examined. Further, the various reports of the Law Commission are studied to know the suggestions to revamp the Supreme Court to its original character as contemplated by the Constitutional framers. Finally, the possible reformatory steps are also analyzed by considering the practicability in establishing the National Court of Appeal.*

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