

Two-Day National Conference
On
**Role of Law Enforcement Authorities
and Government in Upholding Justice**
(March 2-3, 2018)



Indian Council of
Social Science Research

***CONFERENCE
PROCEEDINGS***

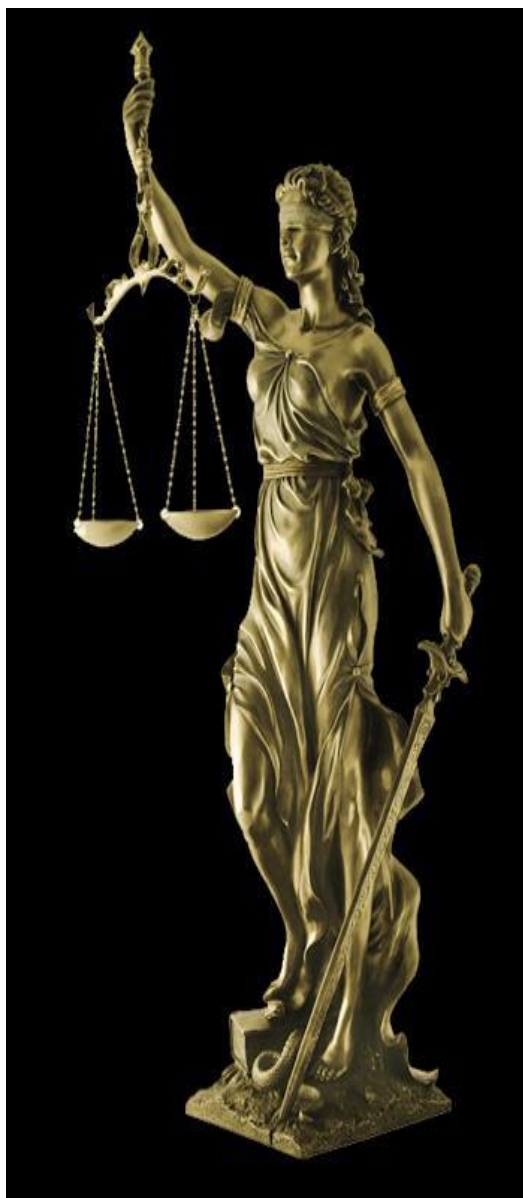
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Pondicherry University

Organized by
School of Law
Pondicherry University
(A Central University)
Puducherry, INDIA

Role of Law Enforcement Authorities and Government in Upholding Justice, March 2-3, 2018

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On
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*Conference
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R.V.Nagar, Kalapet, Puducherry, India

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Prof. Gurmeet Singh

Vice Chancellor

Chief Patron of the Conference

Message

I am happy to know that School of Law, a budding branch of Pondicherry University is organizing a Two-Day National Conference on '*Role of Law Enforcement Authorities and Government in Upholding Justice*', during March 2-3rd, 2018.

The main theme of the conference is to provide a premier interdisciplinary knowledge to scholars, academicians, law enforcement authorities, government officials, corporate and other stakeholders to share and exchange their valuable knowledge, ideas and experiences.

The conference also intends to discuss the most recent trends, innovations and the practical challenges faced by the law enforcements authorities in upholding justice to the socio-economically backward people through Legal Aid Services.

In the present scenario, such event will create a great platform to bring out the difficulties and intricacies faced in enforcing the laws and rules by the Law enforcement authorities for the benefit of Society.

I congratulate the participants and the organizers of this conference and wish the conference a grand success.

Prof. Gurmeet Singh

Vice Chancellor, Pondicherry University

Chief Patron of the Conference



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Prof. Sibnath Deb

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Background and Acknowledgements

Our planet is meant for every individual and its natural resources should be shared by all equally. This is the law of nature. However, the reality is different due to various reasons. Thus, there is a big gap between the developed and developing countries as far as the sharing of natural resources is concerned. Nevertheless, every individual should enjoy certain rights as outlined by the international laws. The Constitution of India also respects the international law and guarantees the fundamental rights of an individual. In order to ensure equality and equity, a number of international and national social policies along the lines of various provisions for international legislation have been adopted by various national and international bodies. It is the obligation of all federal and local governments to ensure the effective implementation of social policies for realizing the very spirit of the same in reality. One of the latest international social policies is the Sustainable Development Goals (SDGs) which has 17 well-defined goals. Every nation should take appropriate measures to achieve all the goals by 2030, as agreed, for which, proper planning and coordination is required amongst all the implementing agencies. If all the social policies are implemented in the truest sense, people across the societies can live peacefully with self-respect and dignity.

In the present changing socio-economic and political national and global scenario, people are becoming more self-centric and some people wish to achieve everything fast. Due to this, sometimes they manipulate the situation, which results in a violation of the rights of others and sometimes, even corruption. For regulating the behavior of people, there are several legislative measures to control the behavior of people. If people violate the rights of others, legal measures are clearly prescribed to penalise different unlawful activities. It is the obligation of the law enforcement agencies and governments to ensure rights of every individual in addition to peace and harmony in the society. Although there are certain challenges in implementing the laws, law enforcement agencies and governments are trying their level best to ensure effective implementation of laws and protect the rights of every individual. Some of the challenges for law enforcement agencies include lack of infrastructure, lack of trained manpower, increasing crime rate, change of modus operandi of crime, caseloads, challenges faced due to false complaints, lack of knowledge among common people about legislative measures, interferences from certain sources, lack of a sense of

responsibility/accountability on the part of some people and inaccessibility to the legal system and a compromise with ethics, honesty and integrity.

Given this background, the school of law proposes to organize the ***‘Two-day National Conference on the Role of Law Enforcement Authorities and Government in Upholding Justice’***, on the **2nd and 3rd of March, 2018** in Pondicherry University. The main objective of the conference is to provide an interdisciplinary platform for scholars, academicians, law enforcement authorities, government officials, corporate sectors, human rights activists and other stakeholders for exchanging knowledge, experience and views on the theme while creating a network and collaborating among the participants. The sub-themes of the conference are as follows:

Sub-Themes of the Conference

- Contribution of political parties in the welfare of the society
- Protection of the rights of men, women, children, aged and differently abled individuals
- Protection of the rights of socio-economically thwarted individuals
- Access for the poor to justice: The role of Legal Aid Services.
- Challenges faced by the police for maintaining law and order, in crime investigation and disposal of cases
- Challenges for the judiciary for timely disposal of cases
- Ethics in the criminal justice system
- Responsibilities of the law practitioners in maintaining law and justice
- Role of the public in ensuring peace and harmony
- Accountability of the law enforcement agencies while discharging their duties
- Strengthening community policing
- Others

We strongly believe that after the deliberation of speech by all the resource persons, abstract presentations and academic discourses, all of us will have a better understanding of the situation and in turn, this knowledge exchange platform will help us to think about the issue from the right perspective and to take appropriate measures in due course in our daily lives and in professional careers for creating a better society for everybody’s peaceful living and happiness.

Nevertheless, there is a need to inculcate values in terms of respectful relationship, honesty, integrity, hard work and a culture of tolerance among the younger generation from the early days of their life through school education so that they behave in a responsible manner when they become older. During value education lessons, students should be reminded of their rights as well as responsibilities. As one wishes that their rights be protected, they should also be equally careful about their responsibilities and discharge their responsibilities sincerely. In other words, it might be stated that if all of us are guided by responsible behavior, we do not need any law enforcement agencies

to regulate our behavior. In turn, responsible behavior by each of us will ensure the quality of life for everyone and life will become more enjoyable with full of happiness.

Let all of us pray for such a society and start behaving in a responsible manner in our day to day lives.

I extend my gratitude to all the dignitaries and resource persons for accepting our invitation, attending the conference and sharing their valuable experience. Participation of all the delegates and sharing of their experiences in the two-day conference made it a successful and memorable event.

I express my sincere gratitude towards Prof David Kennedy, Director, The Institute for Global Law and Policy at Harvard Law School, USA for taking part in the conference through his valuable recorded lecture. I am also thankful to Prof. Kittipong Kittayarak, Director of Thailand Institute of Justice, Bangkok for giving me the opportunity to attend the 'Emerging Leadership Workshop' jointly organized by Thailand Institute of Justice, Bangkok and The Institute for Global Law and Policy at Harvard Law School, USA in Bangkok during Jan.6 - 11, 2018. I had developed a better understanding of the Rule of Law and Policies, after attending the six-day workshop, in the context of the implementation of SDGs, equality and justice. In fact, my learning experience helped me to plan the conference in a better way.

Needless to mention, the support of the Hon'ble Vice-Chancellor of Pondicherry University Prof. Gurmeet Singh and all other administrative and support staff and academic community, scholars and students were indispensable in making the conference a grand success. The hard work of the Joint Secretaries of the conference viz., Dr.G.Subhalakshmi, Mrs. B. Sujatha and Dr. V. Kavida was instrumental in planning and organizing the conference successfully. Finally I thank the authorities of Indian Council of Social Science Research, New Delhi, Indian Bank, Pondicherry University Branch and Pondicherry Gazetted Officer's Society for giving us partial financial support for organizing the conference.



Prof. Sibnath Deb
Organizing Secretary of the Conference
Dean (I/C), School of Law, Pondicherry University

Southern Criminology and Global Cognitive Justice

Prof. John Scott

School of Justice, Faculty of Law
Queensland University of Technology, Brisbane, Australia

Preamble

My initial response on seeing the theme of the conference, which is appropriately broad in its scope, was to approach it loosely, as I believe keynote presentations should try and be inclusive of the diverse themes which are to follow in the conference, while provoking some deeper philosophical or critical questions for reflection and discussion amongst a diverse audience.

While I could say much about the role of law enforcement authorities and government in upholding justice, most of what I know derives from the local, Australian experience, and would reflect my own very specific interests in areas such as rural crime, sex industry regulation and Indigenous justice in Australia.

I also have to confess that prior to receiving this invitation to speak today that I knew very little about law and justice in India. But this is not unusual and I would say that vast bulk of law faculty staff in Australia know very little of the Indian experience. Part of our ignorance is clearly a reflection of training. I am a criminologist, so I tested this by looking at three Australian criminology texts I have recommended to students and not one had an index reference to India. The same was true of the US and British texts I had in my library. I was even surprised to see that when I looked at the best-selling British criminology text, not only was India absent in its index, but I saw Iran, Iraq and Italy included and the 'I' section. This is truly beguiling, given that the three former nations are non-English speaking, are not Commonwealth nations and do not share historical links to the extent of Britain and India.

Like most other criminologists in Australia, most of my overseas knowledge relates the US experience. I have US text books on my shelves, I provide references to US examples to illustrate points from my lectures, and I regularly attend conferences in the US, such as the American Society of Criminology and most of my work to date has drawn on US or British theoretical knowledge. This is the first time I have attended a conference in India. And yet, almost bizarrely, Australia, as a former British colony shares much legal, social and political history with India, to the extent that such academic neglect seems unjustifiable and certainly exposes a bias in the way in which our academic knowledge is produced and disseminated. To take but one example from my own research, I am aware that modern sex industry legislation in both countries has its origins in the Contagious Diseases Acts

of the mid-nineteenth century, which were designed to protect British troops from venereal disease.

Certainly when we reflect on the experience of a conference, which is an exchange of dialogue between diverse parties, such forums seem limited if good ideas cannot attain some broader, indeed global, currency. How can we hope to address the broad and salient theme of the conference, ‘upholding justice’, if we cannot comprehend the type of cognitive justice which would allow for the facilitation of a global dialogue that might capture and translate contributions from a range of geographic contexts.

So, I am not going to talk about the Australian experience of law enforcement and justice today, nor will I attempt to comprehend the Indian experience, but rather I want to reflect on a broader project I have been engaged in with colleagues, which I will refer to as ‘Southern Criminology’. In doing this I will draw on several recent projects I have engaged in, these being: the publication in 2017 of a special issue of the *International Journal for Crime, Justice and Social Democracy* (which I co-edit and which is the Scopus top ranked law journal in Australia) on Southern Criminology; the 2018 publication of the co-edited Palgrave *Handbook of Criminology and the Global South*; and a Routledge book series I am co-editing from 2018 called *Crime and Justice in Asia and the Global South*. Each of these projects has been concerned with creating a global dialogue around justice and a more open and democratic exchange of ideas.

I also draw on the following sources:

Carrington, K., Hogg, R., Scott, J. and Sozzo, M. (2018). Criminology southern theory and cognitive justice. Carrington, K., Hogg, R., Scott, J. and Sozzo, M. (eds.). *The Palgrave Handbook of Criminology and the Global South*. London: Palgrave.

Hogg, R. and Scott, J. (2017). Editorial. *Southern Criminology* (Special Issue) *International Journal of Crime Justice and Social Democracy*. <https://www.crimejusticejournal.com/article/view/395>

Coomber, Donnermeyer, J., K. McElrath and R., Scott, J. (2014). *Crime and Society*. London: Sage.

During the first part of the paper I want to introduce the project of southern criminology and in the second half describe some of the recent challenges to the role of the state in delivering justice, which have global dimensions. I will then briefly touch upon how southern criminology might contribute to a global dialogue that re-envisages and addresses challenges to the role of the state in upholding justice.

The Unequal Playing Field in Global Social Science

‘There is no global social justice without global cognitive justice.’ (Boaventura de Sousa Santos: 2014).

This quote from the well-known Portuguese legal scholar, de Sousa Santos, highlights the fact that knowledge is a commodity and knowledge production does not occur in a geo-political vacuum. So, how is global knowledge in

law and justice studies produced and shared? Where does this production take place? Who are the producers? Whose experiences and whose voices are reflected in dominant academic discourses? How is knowledge disseminated and who gets access to it? These are some of the questions that the project of southern criminology seeks to tackle.

There are many ways of knowing the world and intellectual diversity should be welcomed, both as valuable in itself and as integral to building a just world. And yet, Altbach's (1987) centre-periphery model observes that academic resources are unevenly distributed globally, with Anglo-American universities occupying and controlling most of the means of knowledge production, whereas the developing world occupies a position as consumer and follower.

As the Australian social scientist, Raewyn Connell (2007) argues the global production of knowledge in the social sciences is, like the distribution of wealth, income and power, structurally skewed towards the Global North. Indeed, the influence of North Atlantic countries over knowledge production is even greater in tertiary education than that exerted in trading and financial economies (Marginson, 2014).

As Connell (2007) argues this has severely circumscribed the place of the South in the production of knowledge, reducing it to a handful of subordinate roles, providing a rich data mine for northern researchers or a mere empirical testing ground for northern theories. Ideas and theory have only travelled on a one-way ticket. Accepting their place in the global division of knowledge production, southern thinkers and researchers have looked to outside sources, undertaking their research projects using theories and methods imported from the North and producing knowledge that was usually regarded as of local interest only. This is true of both Australia and India.

Brown (2001), for example, has examined how northern racial theory and its scientific study – ethnology – was applied in India to develop ideas about criminals in colonial India. Part of a broader attempt to categorize peoples and cultures in India. From this developed the notion of hereditary criminal tribes and special legislative measures to categorize and control 'suspect' native communities were justified in the passage of Act XXVII *The Criminal tribes Act* of 1871. The act emerged from one of the first race based scientific studies of crime and criminality in India and was given a caste association, but makes no mistake about it; northern theories of race framed this historically important legislation.

The formation of the modern social sciences was intimately related, not merely to the endogenous problems and questions posed by the advent of urban, industrial societies in the European metropole, but also to the imperial context and character of this global transformation. Northern dominance was derived from the colonization of the life worlds of other societies, which from the very outset constituted an essential feature of the making and extension of an imperial social order (Beckert, 2014). Entrenched development and modernization paradigms, in which northern dominance is seen to rest on the North providing a modernizing trail that others were bound

to follow if they were to be successful, obscures this basic fact. This also conditioned the way ideas, perspectives, theories, problematics and methods peculiar to the history and experience of a small number of northern societies became dominant, managing to present themselves as universal, placeless and providing *the* rational foundation of social scientific knowledge production across the globe.

This much is glaringly apparent if you only consider the graphic representation of the location of academic knowledge in Figure 1. Graham, Hale and Stephens (2011) depict the geographical distribution of Journal Citation Reports (JCR) in science and social science journals and impacts based on the highly influential Web of Knowledge from 2009. The list (of course) is not exhaustive but the JCR does play a vital role in relation to academic standing and the ranking of institutions and individuals. The size of each box represents the number of journals published in the country and the shading reflects the average impact of the country's journals (based on citations of articles in that country's journals: the darker the box the greater the impact). Two features are obvious: the dominance of both the North Atlantic world and that of the Anglophone countries. As the authors observe, there is 'a staggering amount of inequality in the geographical distribution of academic knowledge. The United States and the United Kingdom publish more indexed journals than the rest of the world combined' (Graham, Hale and Stephens 2011: 14).

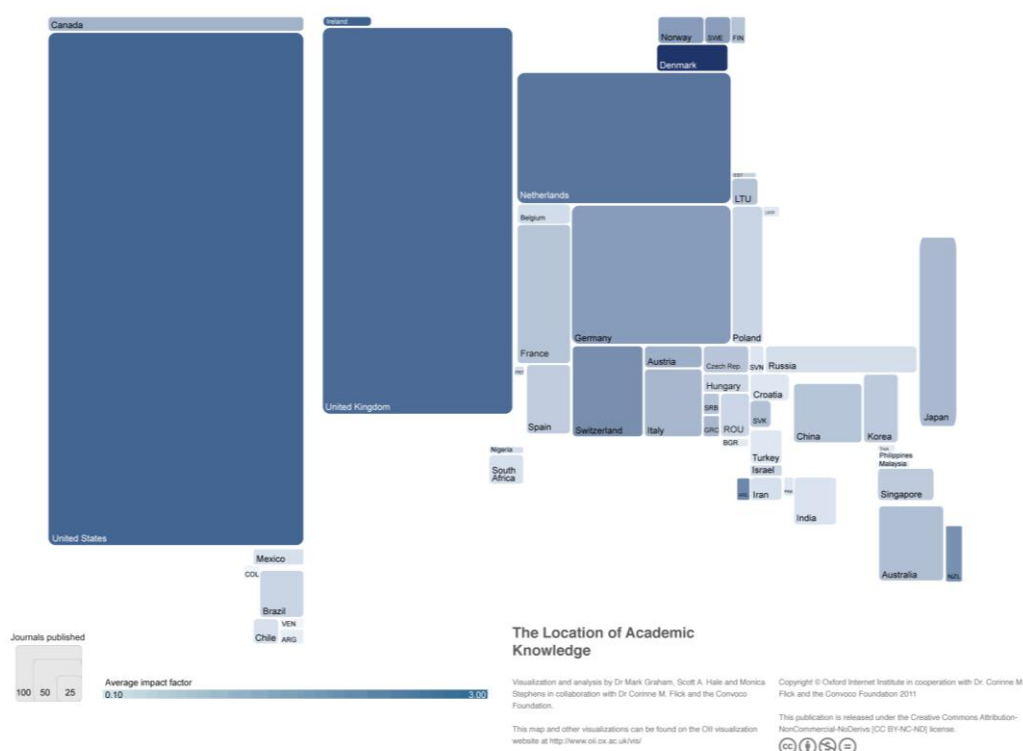


Figure 1: The location of academic knowledge

Source: Graham, Hale and Stephens 2011:

Graham, Hale and Stephens also depict the clustering of academic journal publishers in the Web of Knowledge index for the sciences and social sciences (see Figure 2). A political economy of knowledge here is indicative of North/South inequalities.

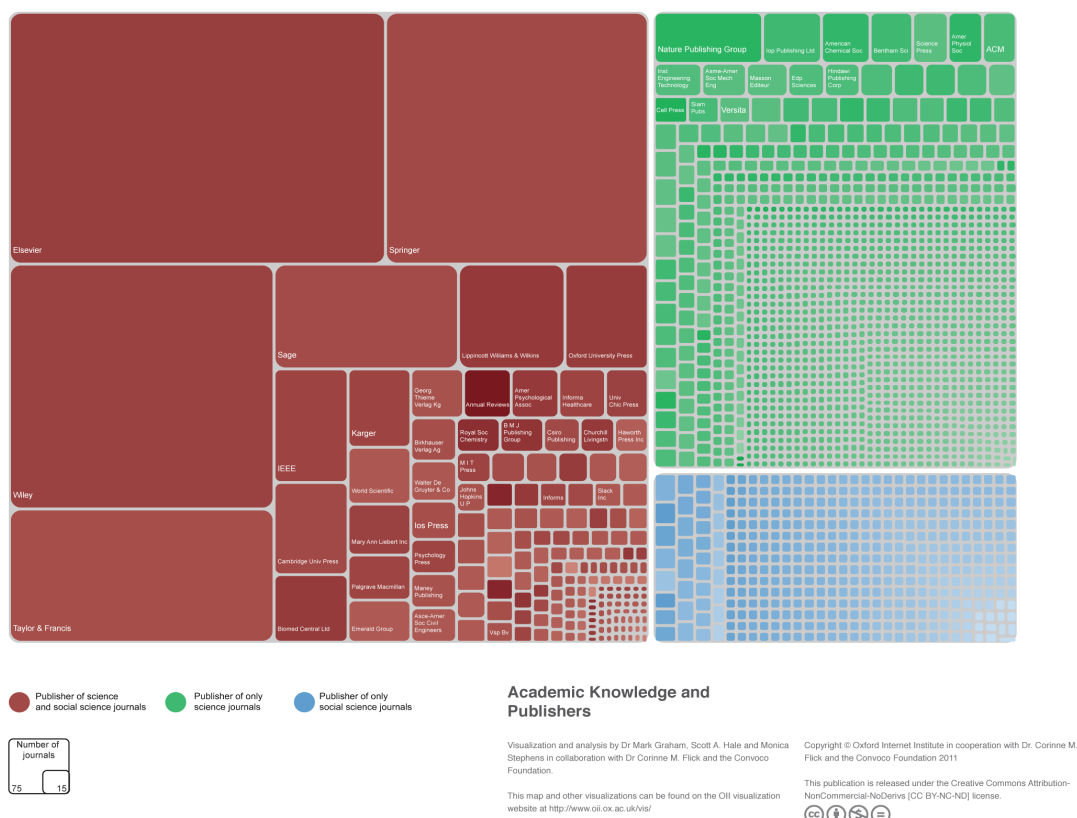


Figure 2: Academic knowledge and publishers

Source: *Graham et al. (2011)*

To what extent might we consider the control and influence of the global North, and specifically that of Anglo-America, over the production of knowledge as hegemonic? As suggested above, there are material and ideological consequences related to the geo-politics of knowledge production. Universities, to take one example, are important sources of status and reputation for contemporary nation-states. On one level the control of knowledge production can be considered in terms of ‘soft’ or ‘disciplinary’ power, where others are co-opted into a neo-colonial program, rather than coerced. Some commentators, such as Simon Marginson (2014), have argued that recent decades have witnessed an increasing democratisation of knowledge and cite the entry of East Asian countries, such as China, into the upper echelons of university league tables as evidence of a weakening of Western or Anglo-American influence and control of knowledge production. Challenges to the status quo include: communications technologies, which have allowed greater access and transfer capability of data and knowledge; cross border partnerships

in research; increasing indigenous capacity in higher education in many countries; and the emergence of more autonomous higher education systems in many countries. Other commentators have been less optimistic, noting that competition to control the means of production of academic knowledge has been largely restricted to a small group of newly industrialised East Asian nations, such as Japan, China, Singapore, Taiwan and South Korea. Further, these nations have uncritically adopted Anglo-American tertiary education policies and standards to promote 'quality' and internationalize their tertiary education sectors. In this way, globalization of higher education can be viewed in terms of processes that maintain patterns of dependency and reinforce traditional power structures and ideologies (Lo 2011).

Connell's (2007) work not only problematizes the dominance of Northern theory, but also indicates that there are alternatives which have been produced post-colonial societies.

Southern Theory

It is in addressing these qualitative imbalances in global social science that southern theory is primarily concerned. Drawing on Connell's work, Carrington Hogg and Sozzo (2016) have called for a de-colonization and democratization of criminological knowledge, which, they argue, has privileged the epistemologies of the global North. In order to elucidate the power relations embedded in criminological knowledge, they propose highlighting certain forms and patterns of crime distinct to the global periphery. They state: 'Southern criminology aims to rectify these omissions by adding new and diverse perspectives to criminological research agendas to make them more inclusive and befitting the world in which we live' (Carrington Hogg and Sozzo, 2016).

The division of the contemporary world into North and South is the more common way of talking about global divides and global social relations that used to be described using binaries like 'developed' and 'developing', 'industrial' and 'industrializing', the 'first' and the 'third world'.

Over 80% of the world's population live in the 'global south', comprising the three continents of Asia, Africa and Latin America and the island peoples of the Indian and Pacific Oceans. (Although located in the geographical south, the countries of Australia and New Zealand are often classified as belonging to the rich North, colonial settler outposts of Britain).

Crime problems in the global North, despite the disproportionate attention lavished on them, generally pale in scale and significance alongside the violence (including armed conflicts, military coups and grave human rights abuses) and other crimes that seriously threaten human security in many global south countries. The countries with the highest homicide rates in the world are located in the south. A large proportion of the world's police and around half the world's 10.2 million prisoners are also to be found in the Global South, across Asia, Africa, Oceania and Latin America (Carrington et al. 2018).

And yet, notwithstanding its apparent significance as a site of obvious (and critical) criminological and legal interest, the global south has remained

marginal to the concerns and research agendas of criminology. This is true today, notwithstanding constant reminders that we live in the era of globalism. But it is also important to note that global interdependence is not new, even if it has taken novel forms and intensified in the recent past. Like their economies and politics, the histories of criminal justice institutions and practices in the global south, together with their experiences of crime and violent conflict, are interwoven with those of from the global north. These histories and connections have also failed to attract much in the way of criminological interest until recently.

The first criminology department in India emerged relatively late, when considering criminology's origins in the global north during the early nineteenth century. It was initiated by police recommendations and The Tata Institute of Social Sciences began a Masters program in 1954 and the University of Saugar (now Hari Singh Gour University) introduced a program in 1958. The Indian society of criminology was established in 1970 and the Indian Society of Victimology in 1994 as the first two national forums for criminological exchange. Nonetheless, the discipline was and continues to be grounded in frameworks which emerged in the global north and the early influence of American criminologist Walter C. Reckless is evident in the development of Indian criminology. This has meant that criminology has typically been more closely associated with sociology as opposed to law departments.

The northern influence also extends to the fact that Indian scholars studied in the west and brought home with them what they learnt to India and other parts of Asia, teaching courses and organizing programs based on northern models. The Chinese scholar Jianhong Liu has argued that early efforts to establish criminology in Asia occurred in first half of twentieth century with translations of western books and scholarly articles. Western scholars also did comparative work in Asian contexts and sought to discover reasons for lower crime rates in some Asian regions.

Bajpai (2011) has bemoaned the lack of development of the discipline in India and argues that the following need to be addressed:

- Basic research contributing to indigenous understandings of major forms of criminality.
- Creating an evolving data base and information based on non-government sources.
- Availability of criminological literature produced in India through the internet.
- Development of national professional bodies comparable with Anglophone nations.
- Wider availability of teaching courses, as with other social sciences.

But, as is the case with criminology more generally, Bajpai's concerns tend to reflect a very nationalistic vision of criminology. In common with the social sciences at large, criminology has tended to be 'terra-centric'. Its close association with European nationalism, made it highly state-centred, sharing the assumptions that salient events and fundamental patterns and processes of development were national and occurred essentially within the borders of states.

It has shown little interest in those processes and forces that transcended national boundaries and linked apparently separate worlds. Its predominant focus has been on crime as a domestic social problem that disturbs the peace of the nation state and on those institutions – local and national criminal law enforcement agencies – which aim to prevent, police and punish criminal offenders. In this way, this conference shares many of the features of criminological thinking elsewhere, which also reflect a very legal grounding of the discipline in the making and breaking of laws.

Southern criminology aims to trans-nationalize and democratize criminological practice and knowledge, to renovate its methodological approaches and to inject innovative perspectives into the study of crime and global justice from the periphery. As an empirical project, southern criminology seeks to modify the criminological field to make it more inclusive of histories and patterns of crime, justice and security outside the Global North. Southern criminology is also a theoretical project that seeks to generate theory and not just apply theory imported from the Global North. So mindful of this, I am hopeful that the next two days might allow for the generation of novel ideas regarding the role of the state in law enforcement.

The Winds of Change and the Diminished State

These relations within and between north and south are today being transformed by novel global economic changes and forces. As the engine rooms of global economic growth have shifted eastward and southward, deserting many of the old heartlands of industrial capitalism, the inequalities and tensions between regions within both North and South have intensified. A mega-rich elite has prospered in large parts of the south amidst the continuing proliferation of poverty and a parallel process has seen the emergence and growth of an excluded class living in in pockets of the north. In both, the hold of the middling classes on secure economic futures grows more tenuous, further contributing to the erosion of popular trust in public institutions and the political class (see, for example, the rise of Trump).

To complicate matters further, the very forces serving to weaken states empower non-state actors (rich individuals, corporations, drug cartels, terror groups) to organize their affairs (economics, politics, violence) outside the effective reach of state laws and enforcement systems, and issue for us to reflect on over the next two days. The old liberal state order, in which crime and war were kept in separate compartments and criminology was substantially indifferent to the latter, is disappearing. These are conditions ripe for the appearance of authoritarian and demagogic politics - as we are witnessing in one country after another, from the Philippines to Russia to Turkey to the US and across eastern and Western Europe – and for the closely related pushing of punitive law and order and securitisation to the forefront of policy agendas. North/south interdependencies, cleavages and structured inequalities are not new, but are being newly, and dramatically, reconfigured by globalisation in ways which ought, for many reasons, to command the interest of criminology and law, but which demands a criminological gaze no longer confined by notions of national sovereignty and territoriality.

The global south has not been immune to myriad of social, political and economic challenges to the role of the state in crime control, elements of which have always been global in character. The general consensus is that the Industrial Revolution produced significant changes to how crime was understood, practiced, and governed. New institutions developed to manage law and order. Amongst these, a state centered legal system that was predictable, systematic and regular. Pre-modern criminal justice has been characterized as retributive, Justice was often haphazard, local, irregular and unsystematic. The shift in power from monarch to the middle classes in the Early Modern period also saw the development of new state political institutions. The shift away from ecclesiastical authority served to reinforce the state's public authority. Eventually the state became the only agency which could legitimately punish offenders. Crime was conceptualized as an offence against the state and therefore society. The new forms of criminal justice which emerged were bureaucratic, providing a more systematic method of judicial administration. In the modern world crime became a matter for public agencies and states. Justice was based on the 'social contract', where individuals gave up certain rights in return for state protection of their persons and property (known as the 'rule of law'). The ideals of universal and individual rights, rather than customary and traditional bonds and hereditary privilege, was central to the new order. Justice was understood in terms of relationships between states and offenders. The systems that developed were largely state controlled and administered by professional bureaucracies exercising legally sanctioned powers over individual offenders. This narrative, very much a northern one, has viewed the expanding role of the state in modernity positively and as an overall good.

In contrast, in a more romantic view of the pre-modern period, the transition from rural village or farm to city and state has been represented as a descent into violence, uncivil behavior and crime. Early criminologists linked crime and social disorder to population increases, poverty, urbanization and lack of education. Pre-modern systems have often been described as practicing 'community law' and contrasted to 'state law'. Under community law the aggrieved victim retained control of the prosecution process with formal court action avoided through extrajudicial settlements and compensation. The objective of the process was restoration of local peace. Post-modern accounts of the history of the criminal justice system and crime have continued to hold a negative or ambivalent attitude towards the modern tradition and celebration of the state's role in crime control, seeing a darker side to the supposed advance of humanity and reason.

Postmodern accounts have their origins in 1970s disillusionment with state central criminal justice systems and advocacy for liberal reform. For a time the new state forces, along with the institutions of civil society, succeeded in reducing crime and maintaining a high degree of order. But having taken over the functions and responsibilities that had once belonged to civil society, in the mid-twentieth century the state was faced with immobility to deliver the expected levels of control of criminal conduct. The idea that the global north was experiencing unprecedented high rates of property and violent crime, along with the widespread fear of crime was pervasive in political, media and cultural presentation of crime. The early justice reform movement was a reaction to the 'crisis of penal modernism', captured in nihilistic slogans like 'nothing works'

indicating the erosion of the myth that the sovereign state is capable of providing security, law and order within its territorial boundaries. Of course, all this was happening in the global north at precisely the time that criminology departments were first emerging in India and the optimistic theories of the 1950s which looked positively on the role of the state in crime control were being taught in India.

Elsewhere policing was facing momentous change. In the global north over the last thirty years there has been growth of public criticism towards the police related to corruption and miscarriage of justice scandals; accusations of race and sex discrimination; increasing public disorder and militarization of police tactics; rising crime and the apparent inability of police to respond to it, and decreasing public accountability as forces have grown larger, more centralized and more reliant in technology. One response to this crisis is that governments have sought to professionalize management standards, improve training, streamline working procedures and make police more open and publicly accountable. Governments have also come into confrontation with police who have appeared guilty of systematic malpractice, and falling down on the job. This has also lead to an erosion of public support.

The following table provides a summary of key shifts in social control:

	Pre-Modern	Modern	Post-Modern
Role of State	Weak, decentralized, arbitrary	Strong, centralized, rationalized	Minimalist state, but often with greater reach and controls
Crime control	Community	Closed institutions	New forms of community control
Status of criminal justice system	Not established or criminal law only one form of social control	Monopoly, but supplemented with new systems	Questioned but not weakened and alternate systems expanded
Role of criminal justice agencies	Not present	Established and strengthened	Questioned, but often further extended
Mode of crime control	Inclusive	Exclusive and stigmatizing	Mixed: retributive aspects remain, but emphasis on restorative justice

The influential British criminologist, David Garland, has commented on recent changes to crime and justice. In his work, Garland has argued that since the 1960s there have been changes in northern approaches to governing crime, and he states that in response to growing crime rates there has been a substantial loss of faith – a loss of legitimacy in the ability of the state or government to deal with the problem of crime. And this has been drawn out through the new strategies that are being used to deal with the problem of crime, as faith has been lost in policing and the effectiveness of prisons. Some of the examples of these new strategies to deal with the problem of crime are things such as: community

policing, crime prevention through situational modification; privatization of criminal justice agencies, especially in terms of policing and punishment and the growth of private security; depanelisation, decarceration and diversion from prison.

While big government has been marked as inefficient, and less money provided for government spending, law and order has been simultaneously depicted by the media and politicians as positive – but government can't pay for it. The shortage of public funds has meant that government solutions to law and order problems have been reliant on the immediately cheaper options, such as more police powers, longer sentences, and more prisons. There has been no forward planning and the longer term costs of such short sighted strategies have been significant, especially as governments have simultaneously tried to lower tax revenue.

In this climate, the promise to deliver law and order and security for citizens was replaced by a promise to punish in a just, efficient and cost-effective way. With the state incapable of controlling crime, but unable to publicly acknowledge this failure, a distinction was drawn between the punishment of crime, which is seen to be the responsibility of the state, and the control of crime, which is deemed to sit beyond the remit of the state

The perceived normality of high crime rates, together with the widely acknowledged limitations of criminal justice agencies, have had a significant impact. In particular, the erosion of one of the foundational myths of modern societies: namely, the myth that the sovereign state is capable of providing security, law and order, and crime control within its territorial boundaries. And yet, as discussed previously, so much thinking about crime control, at least in academic circles has remained highly terra-centric as has political rhetoric about crime control.

This poses a predicament for governments today: they (ministers, officials, agency executives etc.) are faced with the need to withdraw or at least qualify their claim to be the primary and effective provider of security and crime control, but they also see, just as clearly, that the political costs of such a move are likely to be very high. The consequence is that in recent years we have witnessed a remarkably volatile and ambivalent pattern of policy development.

On the one hand, there has been an attempt to face up to the problem and develop pragmatic new strategies that are adapted to it. But alongside these difficult adaptations, there has also been a recurring tendency towards a kind of hysterical denial, and the emphatic reassertion of the old myth of the sovereign state. And in the last decade or so we have seen the coexistence of quite contradictory discourses and strategies responding 'the crime problem' and the state's role in working with criminal justice agencies in crime control.

Restorative Justice

Here I want to draw on one response to this 'crisis' which might be regarded as uniquely 'southern' in its origins. In response to problems of traditional justice, the restorative justice movement has received much attention in recent decades.

Many of the principles and practices of restorative justice have been found to exist in Asian societies for centuries.

Restorative justice has gained much momentum in the administration of justice throughout the world. It differs from formalized, adversarial criminal justice processes in that its views the criminal and anti-social acts from a holistic perspective of fracturing relationships, it asks how justice can be restored and it places the victim of crime at the center of the process of such restoration, bringing offender, victim and community together to solve the problem.

So it was with much interest that I recently came across a paper in *Asian Journal of Criminology* by Latha and Thilagaraj (2013), that extensively documents the historical and contemporary context of restorative justice in India, as well as a range of legal initiatives that represent local attempts to address aspects of the crisis of penal modernism described above.

The authors relate how in Ancient India village conflicts were often settled by tribunals chosen by the parties themselves and village Panchayats, without court interventions. I learnt that 'Panch' means arbitrator and refers to an old and traditional institution in India and Panchayat means assembly of elders and respected inhabitants of a village. Panchayat is a body of five persons and panch a member of that body. The head is a Sarpanch. Three types: Puga – board of persons from different sects and tribes, but in same locality; sreni – a group of interconnected tradesman and artisans belonging to different tribes; Kul – assembly of members of a clan. The article argues that overall the courts have given recognition and credibility to the findings and awards of panchayats. Nonetheless, with economic and social growth and change, they have become increasingly outmoded. Today the term constitutes an arbitration tribunal constituted with the consent of the parties and informal restorative justice practices within villages have been formalized through the introduction of the Gram Nyayalaya Act (2008).

The Lok Adalat system, under the *National Legal Service Authority Act* (1987) is a uniquely Indian approach. It is a non-adversarial system whereby mock courts are held periodically by State Authorities and presided over by retired judges, members of the legal profession and social activists. They require no court fees and there are no rigid procedural requirements. But they also have no jurisdiction on matters relating to non-compoundable offences. This all makes the process timely and efficient. Parties can interact with the judge, which is not possible in regular courts. The focus here is on compromise and is instigated by one party applying to court after other party has been heard. If compromise is reached, an award is made and it is binding of both parties, if not, it goes back to the courts. Both parties agree on a binding settlement executed through legal process. This approach, it is claimed, is good for cases such as: landlord tenant disputes; compoundable offences; motor vehicle accidents; matrimonial cases. Reports from the parties involved suggest that, even if a finding was not for them, the process provides satisfaction.

Conclusion

It is almost 2000 years since the opening of trade networks from China to Europe flourished in what is widely known as the 'the Silk Road'. The

merchants of the Han Dynasty, the citizens of ancient Rome, the monks of the Byzantine Empire and the envoys of the Abbasid, exchanged their wares, language and customs in a geo-political milieu in unprecedented and historically shaping ways. The Silk Road was the 'information highway' of the first millennium and provided the impetus for innovation, ideation and intellectual advancement. A 'new silk road' is required for the '21st century to further facilitate not only trade, but notably here, intellectual reciprocity so that current global problems of justice, which often have the role of the state at their center, can be considered in way that embraces the democratization of knowledge. It needs to be an intellectual endeavor that seeks not to supplant, condemn nor undermine the criminological narratives of the global north; but to liberate, embellish and enhance them with the voices, experiences and intellectual origins of the global south. The primary challenge of contemporary criminology and law lies in redefining geographic and symbolic limits of the disciplines so to create globally connected systems of knowledge. So it is that I come here for the next two days not only to speak to you, but to listen and learn the lessons that can be provided by a fuller global dialogue.

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The ‘Enforcement Crisis’ and Social Rights in India

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Abstract

The provisioning of important socio-economic rights such as the right of education, right to health and the right to livelihood are vital in reducing inequalities and for poverty reduction. Some of these important ‘benefits’ are embedded in laws and are thus viewed as justifiable rights, while in some instances they are viewed as welfare benefits and which depend on budgetary allocations for their availability. The challenge has been to enforce these rights and benefits which are so crucial in creating and maintaining social justice which is a constitutional goal. The duty to obey and comply with the law, including laws where such rights/benefits are located, is a duty cast equally upon private persons as well as state agencies. Yet the effects of non-compliance have wider consequences when the duty bearer of such socio-economic rights is the state. This paper examines the manner in which individuals and groups have used public interest litigation to ensure compliance and enforcement of socio-economic rights. The paper also examines the strategies adopted to enforce similar rights against private entities in India. It focuses in particular the right to decent work condition, employment protection and social security, and their pivotal role in ensuring economic and social justice in the world of work will also be analysed.

Keywords: Social Rights, Enforcement Crisis, India

National Conference on “Role of Law Enforcement Authorities and Government in Upholding Justice”

Justice Ravi R. Tripathi
Member, Law Commission of India
New Delhi

Valedictory Address

1. Dignitaries on the dias and off the dias, dear students, participants, faculty members, invited guests, ladies and gentlemen. I feel privileged to be part of this two-day National Conference on a very apt subject in the present day scenario, “Role of Law Enforcement Authorities and Government in upholding justice”.

2. Gandhiji emphasized the need for establishing a ‘just society’ which he considered: as a necessary ideal for India’s survival as an independent and vibrant nation’ in his concept of Ram Rajya and Swarajya which he elucidated as follows:

- a) “Poorest shall have an effective voice in the making of the Country;
- b) No distinction / existence of rich and the poor;
- c) All communities shall live in peace;
- d) No curse of untouchability or curse of intoxicating drugs or drinks; and
- e) Women shall enjoy the same rights as men. Nehru highlighted the need for ‘social justice’ and ‘only through social justice, chronic poverty in India will be solved, ending of poverty ignorance, disease and inequality of opportunity to wipe every tear from every eye.”

3. Kelsen is of the view that it is not possible to define law in terms of justice for many rules may be unjust but they do not cease to be law. Similarly, Hart describes that:

“A legal system must exhibit some specific conformity with morality or justice, or must rest on a widely diffused conviction that there is a moral obligation to obey it...[it does not follow that] the criteria of legal validity of particular laws used in a legal system must include, tacitly if not explicitly, a reference to morality or justice”.

4. To begin with - ‘Justice’ is a popular term but not that easy to define with required accuracy. The reason is simple, the meaning of the term varies in given set of facts. Not only that the term justice means different things to different people even in the same set of facts.

5. Talking about this, I am reminded of a story in which a person travelling stops at the roadside well to quench his thirst. After having done so while he was resting under a Banyan Tree he saw that in the field creepers, which by no

standard can be said to be strong enough to hold the large pumpkins, which they were bearing. Next moment when he looked up, he saw small fruits in good number on the branches of the Banyan Tree. The first thought that came to his mind was that “Nature has not done ‘justice’ in allocating the fruits to creepers on the one hand and the Banyan tree on the other”. But then soon he was required to change his notion about so called ‘justice’ or ‘injustice’ done by the nature in the matter of allocation of fruits. What happened in between was that one of the small fruits from Banyan Tree fell and hit him on his nose that resulted in *dawn of wisdom* on that person. He immediately withdrew his complaint of injustice and agreed that the *Nature* was just in the matter of allocation of the fruits.

6. The Constitution of India - in the Preamble has a specific reference to ‘justice’. The term is qualified by three adjectives i.e. social, economic, and political. This is required because of the diversity found in our country. In the matter of social, economic and political conditions existing in different regions of our country.

7. I remember that one of the former judges of the Supreme Court had defined ‘justice’ in one of his speeches by saying that:

“When everyone gets as per his needs and no one gets more than what he deserves, it can be said that justice prevails in the society.

This test could aptly be applied to justice, be it social, economic or political.”

8. I wish the Government, as one of the three limbs of the “State” under the Constitution of India, with the help of the Law Enforcing Authorities is able to ensure the situation described in this definition. On economic front if everyone gets as per his ‘needs’ but not to satisfy the ‘lust for money’ and at the same time he does not get more than what he deserves, there will be no occasion for anyone to complain.

9. The term justice in the preamble embraces three distinct forms –social, economic, political secured through the fundamental rights and directive principles. Social justice denotes the equal treatment to all the citizens without any distinction. It means absence of privileges being extended to any particular section of the society and improvement of the condition of economically weaker sections, women in particular. Economic justice denotes the non-discrimination between people on the basis of their economic condition. It involves the elimination of glaring inequalities in wealth, income and property. A combination of social and economic justice denotes what is known as distributive justice. Political justice implies that all citizens should have equal political rights, equal voice in the government. The term equality means the absence of special privileges to any section of the society and availability of adequate opportunity for all individuals without any discrimination. The preamble also secures for all citizens of India, ‘equality of opportunity’. This provision embraces three dimensions of equality, civil, political and economic.

10. When we talk about the law Enforcing Authorities, amongst various authorities “Police” is the frontrunner. Even otherwise police is the closest,

visible representative of the mighty 'State'. The presence of 'Police' makes people feel the existence of 'State', which is otherwise invisible. *What is State for a common man?* 'Police' and the administrative machinery – the revenue authorities, particularly in village in the form of Talati (An officer of Revenue Department) make feel the existence of State.

11. I have no hesitation in saying that if these two agencies adopt a progressive (un oppressive) approach, people at large will have a feeling of “justice being held out to them”.

12. Enforcing law is not just a job but also a commitment. We need to understand that policing is not an easy job, it requires a lot of sacrifices as well as going out of way not out of four corners of law to perform one's duty.

13. In democracy, it is the duty of the State to provide peace, prosperity and justice to the people. This duty can be fulfilled by the democratic government through enforcing the rule of law. Rule of law is the modern name of 'natural law'. The concept of natural law is based on just, fair and reasonable action of authority maintaining rule of law.

14. With the passage of time, there is escalation of crime and lawlessness. Main objective of law enforcement is to maintain peace and tranquility in the country so that people can pursue their vocations without any fear of crime and lawlessness. A complex society faces an increasing array of crime and loss on account of the same. All crimes must be effectively investigated. Investigation is a complex exercise to be undertaken so as to reach to the root cause. Investigation can be defined as a systematic fact finding and reporting process.

15. The sub themes for the conference are very carefully selected. Every aspect of justice, with reference to different class of people belonging to various sections of the society is covered. One of the sub themes is, “protection of rights of men, women, children, aged and differently abled persons” (Divyang)- the newly adopted term, suggestive of a change of mindset towards this particular class of people. In the sub topic titled as “Contribution of Political parties in the welfare of the society” and another topic – “Protection of rights of socio-economically backward people” takes care of the three adjectives suffixed to the term 'justice' in the Preamble of the Constitution. The topics do cover police, judiciary, law practitioners, public at large and law enforcement agencies. Besides various aspects like – timely disposal of cases, courtroom management, ethics in criminal justice system, community policing, the challenges caused by false complaints and political turmoil, are also set out for discussion.

16. This is mentioned only to remind oneself about the vastness of the subject of this two - day conference.

The conference paper has referred to *Theodore Roosevelt* who said that: “Justice consists not in being neutral between right and wrong, but in finding out the right and upholding it, wherever found, against the wrong.”

17. Is it not the same what has been said since time immemorial, that one must stand for right and in doing so one upholds justice? It is very aptly said that not

only the one who perpetrates injustice, but even the one who suffers without opposing the same is equally guilty. It is a call for standing up for 'right' and upholding the justice.

18. The country after independence has seen various measures taken by the legislature to extend justice to the downtrodden, the have-nots and the marginalized sections of the society who were suffering for long due to unwarranted change which has taken control of the society, destroying its pride and has divided the society on 'caste' basis. But let me tell you that passing of legislations alone has never served or achieved the purpose. We will have to sensitize the society as a whole but Law Enforcement Authorities in particular, to see that the vices- deep rooted are uprooted and dignity of all the members of the society is restored and agony is wiped off.

19. It is not a very happy situation when even after passage of long seven decades after independence we are required to struggle to provide basic amenities like potable water, primary education, affordable healthcare, a loaf of bread, if not full square meal to every hungry mouth. But then it is better to be late than never and that is why one must make one's contribution on first available opportunity for achieving these goals. That seems to be the reason that one of the sub themes selected for this conference is "Role of public in ensuring peace and harmony".

20. It may sound simple, and to some even simpler that everyone must discharge ones' duty in utmost sincere manner and if that happens than no injustice will survive. In fact that will be akin to "Ram Rajya". Think of a situation when every single government employee, every single policeman, every single citizen, discharges his duty to the fullest, there will be no existence of corruption, there will be no shirking of responsibility and consequently the 'Blame Game' will come to an end.

21. I thank the organizers of the event for having given me this opportunity to be with the young students, participants and learned faculty members. I wish the institution a very bright future and meaningful existence by serving the society at large. Law and Rule of law are indispensable for any society. Wherever there is rule of law, the justice will be a natural consequence thereof and that will bring peace, prosperity to the society.

Jai Hind.

Invited Speech

Challenges for Judiciary in Timely Disposal of Cases

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Abstract

Access to justice is one of the significant aims of the Constitution of India. The Preamble of the Constitution, the Fundamental Rights, Directive Principles of State Policy, the Fundamental Duties and other operative provisions of the Constitution of India spell out the need and necessity to deliver prompt, inexpensive and speedy justice. The lecture will focus upon the specific Constitutional provisions, pronouncement of the Apex Court, and the recommendations of the Law Commission of India in this regard. In particular, factors like inadequacy of the judges, the quantum of pending cases, transfer of the judges, adjournments in courts, interim orders of the superior courts and their impact and implications on delay for the disposal of the cases and corrective measures to deal with the same will be dealt with. The rationale for comprehensive litigation policy to assuring to better distributive justice which at once promotes basic fundamental rights and protects accountability in democratic governance will also be looked into.

Keywords: Judiciary, Challenges, Disposal, Cases

Role of the Apex Court in Enforcing Human Rights in India

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Abstract

Human rights whenever guaranteed by a written Constitution may be called as fundamental rights in the sense that a written Constitution is a fundamental law of the land although it is not the exhaustive source of Constitutional law which is enforceable by a Court. Thus, customs or usages would have the force of law and would be enforceable if not inconsistent with the fundamental rights of Constitutional law. Similarly, human rights instruments as such would also pave a foundation to such rights as would be enforceable as law. Once it is established to the satisfaction of the Court that a particular human rights instrument exists and is operating then that instrument becomes a part of the Constitutional law of the land and can be enforced in the like manner. It is this Constitutional aspect of human rights which is the subject-matter of the present lecture critically examining the role of the Indian Apex Court together with a treatment of all consequences which result from the guarantee of human rights in the Constitution of India. This lecture also provides a brief outline of various rights as

recognized in the international Covenants, the Constitution of India and judicial enforceability of various human rights in India.

Keywords: Apex Court, Role, Human Rights, India

Challenges Posed by Digital and Cloud Environments to Forensic Investigations

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Abstract

Digital Forensic is the youngest branch of forensic science. It deals with methodologies to preserve, recover, and document electronic evidence. It is defined as application of scientific principles to electronic evidence for judicial review. Started off with disk forensic, it branched out to sub-disciplines like Network Forensics, System forensics, Device Forensics, Live Forensics cloud forensic etc. within a short period of time. The forensics methodology uses reliable and tested tools and adheres to systematic and scientifically proven processes that comprises of 4 phases called Acquisition, Preservation, Analysis and Presentation. Acquisition is the process of discovering and physically gathering electronic evidence. A forensically sound copy of the evidence will subsequently be prepared for preserving evidence so collected. Procedures are in place to document processes so as to prevent tampering or improper handling of evidence in all stages of processing. A structured and detailed investigation is undertaken during Analysis phase and interpret the links and trails in the suspect system and conclude in a report as to what all happened and who or what was accountable for those actions. In the Presentation phase, the report is presented to court or jury for review. Both conventional and cloud environments pose multiple challenges to forensic investigations. To list a few from conventional angles are - Growing Data Volumes Vs. capability of processing environment in Labs; Disparate IT Systems and need to have compatible tools that can manage investigations in all those environments; Vulnerabilities of electronic evidence; Jurisdictional Issues; Shortage of trained resources; Availability of Logs Vs. time take for detection of crimes; Logs with ISPs - Type or format of Information supplied etc. Cloud environments pose a different set of challenges that the forensic community had never come across earlier. Some of the prominent ones - Authorization and access to Data; Authentication & Chain of Custody; Recovery of Deleted Data; Challenges with System Architecture; Jurisdictional and geolocation issues; Dependencies with multiple Clouds Systems; Meta Data, Log Formats and Time Zones; Seizure/ confiscation of a computing resource; Data on Virtual Machine (VM) environments; etc. NIST has identified 65 such challenges for which there are no solutions at this stage as the focus is on developing a clear and accurate understanding of the challenges. Probably the only way to deal with such challenges till we do not have a proper solution is to have the environment complying with a concept called Forensic Readiness. Forensic Readiness is the capacity of an organization to collect evidence in an event that is likely to happen in future thereby minimizing costs and delays in investigation as well as demonstrating due diligence with regulatory

requirements. Based on the type of the cloud service solution taken by an organization, it should have all the required provisions incorporated into a service level agreement with service provider so as to respond effectively to incidents in future.

Keywords: Challenges, Digital and Cloud Environments, Forensic Investigation

Holding Administration, Accountable and Securing Justice

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Abstract

In the 2016 ranking of States in the “Corruption Perception Index” of Transparency International, India with a lowly score of 40 is ranked 79 out of 176 countries. The high-level of corruption, especially in the Public Sector, presents the irony, the Report asserts, of rapid growth in economy alongside increasing inequity. In this paper, an attempt is made to dissect the Indian Legal Order to ascertain causes for the same. The finding is that while the Constitutional Commands are quite robust in making the administration act as a “public trustee”, and responsible to the people, besides accountable for its commissions and omissions, the legal prescriptions and its working operate on a parallel track, as to make a mockery of the Constitutional Aspirations. The need of the hour is to anchor policy, law and its working to the Constitutional Aspirations. In that direction, a few suggestions are made like, following some of the model templates existing in India to emulate and scale up (- for instance, the Lokayukta’s working during the time of Justice Venkatachala and Justice Santosh Hegde in Karnataka, High Court Adalat and its working in Karnataka, for reducing corruption and the adoption and working of Gram Nyayalaya Act, 2008, to justice to the door step of every Indian, etc.

Keywords: Lokayukta, Administration, Accountability, Justice

Timely Disposal of Cases by Judiciary: Issues and Concerns

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Abstract

Constitution of India guarantees Justice- Social, Economic and Political which is the basic feature and envisaged in the preamble. Justice is delivered through judiciary, a co-equal branch of governance under the constitutional framework. Quality and standard of justice was basic theme in judicial organization. High pendency of litigation affected justice efficiency. The average length of trial, lack of efficient management system, lack of special

knowledge and expertise amongst the judges and some other relevant external factors has made to think the necessity for the development of court management system to address the problem and to serve the people with quality and timely justice. Efficient and effective adjudicatory mechanism, speedy trial of cases, and quality assurance are the key essence in delivering justice. Judiciary is overloaded with cases and thus backlogs are mounting. The judiciary is concern with various problems of which long pendency of cases is glaring. Time by itself is a quality dimension and no one can deny it. To address the problem the Supreme Court has created National Court Management System (NCMS). The objective of establishing comprehensive court management system is to enhance the quality, responsiveness and timeliness of court. In the paper attempt will be made to show from an empirical research that how the Court users get affected by untimely delivery of justice and how the accumulation of cases in the judiciary affect the public trust and confidence. The paper also attempted to suggest a framework for making a balance to deliver quality and timely justice.

Keywords: Quality Justice, Timely Justice, National Court Management System, India

Role of Advocates in Upholding Justice: A Critique

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Abstract

Law is one of the ancient profession evolved to ensure order, Justice and fairness in human relations. A lawyer is and must ever be the high priest at the shrine of Justice roped in the priestly garments of truth, honor and Integrity. The monopolistic character of the legal profession entails certain high traditions which its members are expected to upkeep and uphold. The central function of the legal profession is to promote the administration of Justice. The nobility of profession is anchored in the observance and compliance of established professional standard by the lawyers. The Bar and the Bench constitute the two wheels of the carriage of Justice. If they do not work harmoniously, it will lead to miscarriage of Justice. The need for mutual understanding and respect between the two is sine quo non in the process of administration of Justice. In ensuring the rule of law a most significant part is played by the Lawyers. Judges most often shine with the reflected glory of Lawyers. In recent times the pride and the glory of legal professional is shattered due to strikes and court boycotts by a section of the Bar for flimsy reasons having no relevance to the working of the court. This have become a regular feature in our courts. There is a growing tendency among the bar associations across the country to undertake court boycott obstructing administration of Justice. The courts are also unanimous in their verdict that deliberately absenting from court is unprofessional and unethical and there is no legal basis behind the strike or court boycott by the lawyers. In spite of these safeguards available to ensure uninterrupted justice administration, any attempt to punish them would paralyze the working of all

the courts in India as the magnitude of the boycott after the punishment will be greater. This situation tends to obstruct the entire justice delivery system and thereby erodes Rule of Law. This research paper aims to identify the reasons for such strikes and court boycotts by the advocates; to study the adverse impact caused to the Justice delivery system and suggests the possible remedies to retrieve the profession from lost social respect and enable the members of the profession to keep the law as a useful instrument of social order.

Keywords: Law Enforcement Agencies, Court Boycott, Rule of Law, Upholding Justice

Ethical Issues, Mental Disorder and Criminal Law

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Abstract

The paper begins with introduction to mental disorders, its prevalence in India as of today, and its relation to criminality. Discussing the differences between legal insanity and medical insanity, the paper draws attention to large number of mentally ill persons serving their sentence in prisons. In the medical concept of mental illness, the description and criteria for diagnosing a mental disorder put forward by the DSM 5 of the APA Diagnostic and Statistical Manual are presented. It is pointed out through many studies and research findings that there is an established association between certain mental disorders (notably schizophrenia and severe affective disorders) and crimes, committed by the mentally ill persons. The paper points out how the rates of violent and criminal behaviors among the mentally ill persons increases especially if they also abuse substances like alcohol, drugs etc., The judicial view of mental disorders and crime are discussed and how the accused is tried in the court of law in India. Different mental disorders such as schizophrenia, substance abuse, delusional disorders, epilepsy, psychopathy etc. and the application of the provisions of the Section 84 IPC in these cases are discussed. The McNagten rule, the Diminished Responsibility, the competency to stand trial in the court etc., are discussed. While accepting the research findings that there is a significant correlation between mental disorders and criminal behavior, the importance is given to preventing and reducing violent crimes, offending, recidivism etc. by the mentally ill persons, Recommendations are made for improved clinical services, greater social support, targeted drug and alcohol services and specialized community forensic services. In this context the recently passed Mental Health Act of 2016 which replaces the Mental Health Act of 1987 and the positive approach in it towards mentally ill are highlighted.

Keywords: Mental Disorder, Criminal Law, Challenges, Behavior

Abstracts

Sub-theme I: Contribution of Political Parties in the Welfare of the Society

Sub-theme II: Protection of Rights: Men, Women, Children, Aged, Differently-abled, and Socio-Economically Backward People

Sub-theme III: Challenges for Judiciary: Timely disposal, Legal Aid

Sub-theme IV: Challenges for Police: Crime investigation, Law and Order, False Complaints

Sub-theme V: Accountability of Law Enforcement Agencies

Sub-theme VI: Role of Public and Community Perception about Law Enforcement

Sub-Theme I: Contribution of Political Parties in the Welfare of the Society

Bahujan Political Parties and Social Welfare

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Abstract

After Independence, we declared welfare and justice as our goals and we decided to become a Parliamentary democracy. We have a countless number of caste. In a democracy it is important to have space for voice of every of sect of the society. But our society had a history where a humanity is not all visible and justice, in every level, is not served. It is the caste based society which is a huge barrier against the fair distribution of Justice. Unlike any other societies in the world, this caste based social system is a well-designed social construct where each caste is placed vertically and their social status and power over the other is definite. It is not possible to wash away the poisonous practice of caste completely. Even in this progressive 21st century, caste is being practised. This caste system created a vast number of backward people. In such a society caste is a reality and politics will be influenced by caste. As it is, India have seen a number of Bahujan parties and political movements that raised the question of caste and demanded power for the oppressed and the lower caste. In this paper, I am trying to state how these Bahujan parties worked for the welfare of the people and how they work towards establishing social justice. Similarly, minority community parties and other parties representing oppressed communities will be discussed.

Keywords: Bahujan, Political Parties, Political Movements, Social Welfare

Political Parties: Pitch In or Plunder the Societal Welfare

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&

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Abstract

Salus populi suprema lex esto: "Let the good (or safety) of the people be the supreme (or highest) law"

This paper focuses on the contributions, both positive and negative, made by political parties to the welfare of the society. India is replete with a large number of parties representing the tapestry of Indian society. Political parties have played a crucial role in effecting social and political transformation; however

parties across the political spectrum have tended to converge on macroeconomic policy, but continue to diverge on social policies and larger issues that confront India, such as nation building. One can witness the chronic lack of internal democracy coupled with the rise of political corruption and iniquitous practices which are matters of serious concern in India. A broader view of governance, resisting temptations to concentrate power and pursue personal enrichment would enable parties to deliver policies for a better and more just society is the need of the hour. In this paper we shall be seeing in a multi-fold manner as to whether political parties in India are really the backbone of the welfare of society or the undercover exploiters of state welfare. The hurdles that are yet to be crossed and the reforms that can be made in order to ensure a perfect and a complete welfare system is being elaborated and analysed in this paper.

Keywords: Political Parties, Social Welfare, Policy

Emergence of the Cine Political Party's Mushroom in South India: Is it for the Service of the People or for the Survival of their Own?

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Abstract

The trend of the cine politics had come out of pause mode in south India with the emergence and the announcements of the new political parties by the cine actors. The influence of the cinemas and the cine actors on the society is much higher in the south when compared to the northern India. And the trend of forming the new political outfits was first introduced and succeeded by some of the veteran actors like late Shri. M.G Ramachandran in Tamil Nadu and Shri N.T.Ramarao in Andhra Pradesh. Later there were many other actors had come up with similar experiments which remained as an unsuccessful attempts when compared to the earlier. Now the climate was again back with the announcement of the new political ventures by the cine stars. This study mainly concentrates on:

- What makes people turn on the side of the cine glamour politics?
- Why some of the experiments were foiled?
- What is the outcome of the similar experiments in north India?
- What is the influence of these cine political parties in electoral fray?
- Was these successful cine glamour politics are succeeding in a long run?
- Administrative outcome of the governments run by these political parties?

Keywords: Cinema Industry, Experiments, Political Parties, Outcome, New Parties, Trend, North India

Green Federalism and Environmental Justice: Issues and Challenges

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Abstract

India adopted the concept of 'federalism' in the year 1950. Ever since then, it has remained as one of the distinct features of the Constitution of India. The country is envisaged to be both unitary as well as federal according to the circumstances, and hence termed as a 'quasi-federal' nation. In the last six decades, the relationship between the Centre and States in India has been revolving around various grounds such as land, revenue, tax, agriculture, natural resources, etc. Alongside, there have been various environmental issues such as forests, wildlife, water, biodiversity, and mines and minerals that the central and the state governments are said to go hand in hand. Yet, there exist various factors by which the developments and interests of the states are being curbed with regard to the environmental and ecological aspects. The National Environment Policy of 2006 puts forth certain ideas on how powers from the central authorities are to be transferred to the state and local authorities in so far as to ensure that environmental administration is just and salient at appropriate levels of the government. Further, the 73rd and the 74th Constitutional Amendment Acts have enshrined the decentralized approach of administration in the country. Unfortunately, the nodal and administrative framework does not work properly and effectively in all cases and circumstances. Therefore, the research focuses on how the Decentralization power has influenced the Environmental justice in India and the ways in which this has been dealt with by the concept of federalism under the Indian Constitution. The paper mentions certain instances in which the improper environmental governance and justice is suffered at local levels of administration. The paper also envisages on the role of NGTs in ensuring environmental justice, both at Central and Zonal levels of the government, along with suggested certain way forwards in a 'need of the hour' manner.

Keywords: Federalism, Central Authorities, Quasi-federal, National Environment Policy, Environmental Justice, Decentralization

Contribution of Political Parties in the Welfare of the Society

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Abstract

In the world wide all the nation are functioning to depend on the state and government. In the society to throw many changes are arises in the voice of political parties. Some times are performing defects and engrossing. But political parties contributes are cause of over changeable any more revolution or struggle or society changes are move on the political parties. which the nation are totalitarian or self-government or democracy they are based on the future is considered by political parties philosophy in one society welfare of the developmental incidents based upon the political thinks. The state institutions, agencies and procedures related to government. The idea of the 'welfare state' suggests that social policy is mainly a governmental responsibility, though in practice many of the functions of welfare states are undertaken by agencies beyond the government. Governments are run by the political parties. The welfare states are institutional forms of social protection, where the state has come to set the terms on which social protection is delivered. Some writers have argued that state political parties should confine themselves to a more limited range of activity, but if the same activities can legitimately be undertaken by non-state agencies it is difficult to see why they cease to be legitimate if a properly constituted government does them. So more contribution of political parties in the welfare of the society.

Keywords: Political Parties, Contribution, Welfare, Society

Contribution of Political Parties in Welfare of Society

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Abstract

"Now it is evident that the form of government is best in which every man, whoever he is, can act best and live happily." – Aristotle

There are more than 1866 political parties, 6 National parties in India. At State level, in Tamil Nadu, the ruling party is ADMK party and the opposition is DMK party at a National level, the ruling party is BJP (Bharathiya Janata party) and the opposing party is the INC (Indian National Congress). Political parties are mere agents of the people through which the people can organize themselves. They play the function of providing an organizational vehicle for the people. The role of political parties is to form a way of life which recognizes liberty, equality and fraternity of the Democracy as the principles of life. The political parties and legislatures need to recognize citizen's needs and concerns

and to develop relevant programs and policies. Political parties, with the help of public must think and discuss of better strategies of making political parties deliver through good governance, transparency, and sound policies. This abstract discusses about the contribution of political parties and people for welfare of society.

Keywords: Democracy, Equality, Fraternity, Liberty, National Parties, Political Parties, Strategies, Transparency

A General Study on the Efficiency of Multi-Party Democracy in Enforcement of Laws

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Abstract

India is a democratic country where multiple parties exist and have an opportunity of forming the government. When all sections of the society are equally represented there is a possibility that the same party may act as a forum, giving ears to the people and in turn helping legislators enforce laws alongside detaining the true meaning of democracy. In this paper the efficiency of the multi-party system in enforcement of laws are studied. The reasons as to why this system was adopted, how it has been functioning until now and how effective it is in the present days are analysed. The final part shall include the detailed analysis of the study and suggestions on how to maximise the productiveness of the multi-party democracy in India.

Keywords: Multi-party, Democracy, Enforcement of Laws, Equal Representation

The bridge: Party Politics and Social Welfare

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Abstract

Our country, with a robust population of over 1.324 billion citizens is a unique amalgamation of heterogeneous ethnicities, cultures, traditions and origins. This makes way for a very astonishing landscape of co-habitation and dependence between the people belonging to country projected to become the fastest growing economy in the year 2018 according to IMF. The catch here is thought of that of huge disparity between the population and how many sections of the society can't make their voices heard and get marginalised without any help and representation. In a democratic government like that of ours, especially in our country there is a huge onus on these political parties for the welfare of different sections of the societies. There are around 1,866 registered political parties throughout India. One of the criterion for the formation of such political parties

is for the formation of a tool for the upliftment and better portrayal of various communities around the country. Development and better social changes with the eradication of other inimical factors is what forms the main aim of these parties. Hence these parties play a very pivotal role in bringing about social change for the welfare and establishment of a better social landscape. Irrespective of the fact that whether they are in power or are in opposition, their very function of work corresponds towards social well-being. The author in this manuscript subsequently deals with the above mentioned aspects in a consolidated form.

Keywords: Ethnicities, Social Landscape, Political Parties, Welfare

Contribution of Political Parties in the Welfare of the Society

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Abstract

In our democratic system political parties are indispensable, which play a significant role in the electoral process, in setting up candidates and conducting election campaigns. Political parties always have played a key role to transform the social and political position in India and in global platform as well. We, the people are always the silent observer of the actions and inactions of all those political parties, which all exist in the decades following Independence. The disorganised and archaic performance of political parties tormented the economic and social stability of our country in times or more. We have also experienced the agreements of political parties to pursue the alliances and coalitions, power sharing, broken alliance on whim and the balance of power seems to be held not by those at the Union level, but by minor parties on the fringes. Evidently frequent political splits, mergers and counter splits create issues in different level of the society, which create obstruction of welfare towards people by the political parties. Honestly the situation is frustrating in India as Indian political parties lack values. To develop, reform and built up aggressive work culture we need social security system. Being a part of the bigger picture as growing economic power India has hardly unified social security scheme. The social issues are not always different from political agendas. The attitude of the political parties towards the society has to be equalized in order to bring transformation in all directions.

Keywords: Contribution, Political Parties, Welfare, Society

Political Parties: A Path to a Strong Democracy

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Abstract

Democracy is a system of government in which the people themselves vote for the candidates and choose them as rulers. The word democracy originated from Ancient Greece, *Demos* meaning people *kratia* meaning rule. In the modern world democracy is the popular form of Government. Many countries follow democratic form of government, one such successful form of democracy is the British Parliamentary form. Political parties form a vital part of a democracy. It is not essentially necessary that the elections are to be contested in parties, Individual candidates by autonomous means can also contest in elections. But in order to establish consensus in the opinion people and to establish a clear majority, is only viable through contesting elections through political parties. The idea of a political party originated after the American independence in the year of 1787 where the first US political parties calling themselves federalists emerged. Political parties are always based on a strong ideology. Their ideologies are vastly projected in the time of election and people or the demos who agree to the ideology support the ideology. Thus, the political parties can always be a boon or a bane to the society. The author in this paper tries to analyze the scintillating effect the political parties have on the society and whether the emergence of a strong political hold or a party with a majority will pave way to a much stronger majority or vice versa.

Keywords: Democracy, Autonomous Candidates, Ideology, Scintillating Effect, Majority

Political Parties in India and its Role in Welfare of the Society

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Abstract

Generally, a democratic government is considered as people's government run by the people themselves whereas a political party is described as a body of like-minded people having similar views on matters of public concern. A political party operates and seeks political power through constitutional means to translate its policies into practice. Gilchrist defines a political party as "an organized group of citizens who profess or share the same political views and who by acting as a political unit, try to control the government". Political parties with a set of defined characteristics and prior objectives attract and gain the public support. This article reviews the role of political parties, the ruling party

and its policies in bringing up the schemes for the welfare of the society. This paper interprets that the ruling political party and any political party need to have transparency in governance, accountability, and people friendly. Thus the ruling party can govern as per their objectives and design schemes keeping in mind the welfare of the society and benefit the masses.

Keywords: Political Parties, Welfare, Society, India, Government, Welfare Scheme, Transparency, Accountability

Sub-theme II: Protection of Rights: Men, Women, Children, Aged, Differently-abled, and Socio-Economically Backward People

Violence against Minorities in Contemporary India

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&

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Abstract

Indian demography includes all major global religion since centuries. Hinduism is the majority religion and Islam, Christianity, Sikhism, Jainism, Judaism comprises minority religious groups. India has experienced many instances of what is referred to as communal violence since independence in 1947. The frequency and peril of such happening have increased at a malignant rate. Major incidents such as in Gujarat in 2002, Orissa in 2008 and Muzaffar nagar in 2013 that have left thousands dead, many more injured and many more injured and displaced. Current alarming trend is that number of less intense riots and atrocities are increasing at a high rate. This trend will help in avoiding the attention of national media and community. Today right-wing BJP led government is at the centre and in many north and central Indian states. Very soon after BJP led government came into power, there were high degree of political discourses on 'cow', gharwapsi and there were a number of hate speeches that questioned the patriotism of minority communities. Till this moment there were a number of mob lynching of Muslims, Dalits and attacks on churches. There were 20 plus killings in the name of cow and other issues against Muslims. Also it is noted that government and other executive authorities are not taking any actions against such hate crimes. In this paper, these hate crimes against minorities will be discussed and will try find out the microscopic politics behind these crimes. Socio-cultural and economic effects of these attacks will be discussed in detail.

Keywords: Violence, Minorities, India

Murder or Suicide? Cases Studies on Psychological Autopsy

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Abstract

These case studies tested if the Psychological Autopsy could discern the equivocal deaths either into murder or suicide or accident with better accuracy than the conventional mode of interpretation of the material evidences. The suicide assessment checklist prepared in the light of the equivocal death cases in Indian scenario and the global data was applied in understanding the ambiguous cases. Psycho-physiological elements of the decedent and the Psycho-sociological factors are taken into consideration in the evaluation of the cases. The case study also threw light on the better interpretation and the appreciation of the material evidences collected/observed in the scene of crime in the psychological perspectives which are new to the principles of crime scene investigation. It was strange and interesting to know the reason for suicide cases that ranges from simple denial of parents to the child any benefit to the loss of control in the life of the decent. Ethical issues of the decent are compiled while the opinion is furnished. Study confirmed the Psychological Autopsy is of valuable assistance in finding out the possible suicide cases with convincing reasoning when other material evidences points to ambiguity. Findings are in line with the scene of crime investigation conducted by the expert team, the study conducted abroad and the data collected by the NCRB.

Keywords: Equivocal Deaths, Stress Indicators, Psycho-physiological, Psycho-sociological Elements

Instant Triple Talaq Bill: The Question of Equality in Islam

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Abstract

This is remarkable that, The Muslim Women (Protection of Rights on Marriage) Bill, 2017 was introduced in the Lok Sabha recently, and will be taken up for consideration and passing, makes Instant Triple Talaq a punishable offence. In a majority 3:2 judgement the apex court set aside instant triple talaq as a

“manifestly arbitrary” practice. Although the apex court has held that the Sariah Law of divorcing practice in Muslims was against the basic tenets of their holy book, Quran. This verdict has elicited a wide range of responses from within and outside the Muslim fold. Some of these responses varied from the congratulatory tweet from P M Narendra Modi to the defiant statement from the Jamiat Ulema-e-Hind. And many others expressed genuine appreciation for bringing a (legal) end to an obnoxious practice. This Bill should be accepted, which primarily aimed at protecting Muslim women from Muslim men, who weaponised faith in the defence of misogyny and injustice. Whereas the problem relies under this is the political agenda of Hindu right wing force to attack on Muslim Personal Law as portraying as barbaric by introducing Uniform Civil Code. So this paper mainly intends to examine the particular Supreme Court verdict as a whole. Then it is aimed at analysing the paradox of the apex court in a secular state indulging in scriptural exegesis in the process of issuing what should have been an unambiguous judicial verdict asserting equality of citizens before the law and gender justice. And finally which is focusing to understand why the male leadership of the Muslim community displayed a rare sense of inter- Islamic unity IN (even the few Muslim groups theologically unfavourable to instant triple talaq) against the Muslim women and their legitimate grievances.

Keywords: Instant Triple Talaq, Muslim Women, Muslim Personal Law, Uniform Civil Code

An Analysis on the Status of Socially and Economically Backward People

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Abstract

In India there are several people belonging to different religion, caste are living. India is a democratic country. It is the every citizen’s right to enjoy the fundamental rights given under Indian constitutional law irrespective of religion, caste and sex. Human right is the basic right and our Indian constitutional law upheld the right to every citizen of India. Our Indian constitution guaranteed other rights like political, economic, social, cultural rights also. Article 15(4) of our Indian constitutional law empowers the state to make any laws for the upliftment of socially and economically backward people. Article 17 says about abolition of untouchability. Article 340 says about the appointment of commission to investigate the conditions of socially and educationally backward classes. In India people are exploited in the name of religion and caste. In spite of many awareness given to the public the people are still hanging on religion system based relationship. They went to the extreme level to kill the people in the name of religion. Even the politicians are also misleading the people in the name of religion and caste. The weaker sections are still struggling for their day to day life. Women are still treated as sexual thing in the society. Even 6 year old female child is sexually harassed in our

well civilized society. Only laws cannot change the status of the weaker sections. A change has to be brought up in the minds of the people.

Keywords: Constitution, Fundamental Rights, Human Rights

Constitutional Approach towards the Protection of Rights of Socio-Economically Backward People

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Abstract

This paper attempts to highlight on various problems faced by socio-economically backward class. Indian society is characterized by hierarchical caste system, traditional occupational patterns and lifestyles and religions. Low caste members, tribal and women on large scale, were denied rights of education and ownership of assets for centuries keeping them deprived of socio-economic development. Scheduled Castes and Scheduled Tribes have been, for centuries, the most neglected, marginalized and exploited people. In this background, it becomes relevant to protect the socio economically backward classes. According to Article 46 - The state shall promote with special care the educational and economic interests of the weaker section of the people, and, in particular, of the scheduled castes and scheduled tribes, and shall protect them from social injustice and all forms of exploitation. Under Article 340 of the Indian Constitution, It is obligatory for the government to promote the welfare of the Other Backward Classes (OBC). Inclusive growth demands that all social groups have equal access to the services provided by the State and equal opportunity for upward economic and social mobility. It is also necessary to ensure that there is no discrimination against any section of our society. In order to protect the neglected sections of the society, appropriate education and training programmes are needed to be introduced at school and college level. A promotional and proper legal network for supporting marginalized groups also needs to be strengthened.

Keywords: Constitution, Approach, Protection, Rights, Backward People

Upholding the Rights of Senior Citizens: A Critical Analysis

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Abstract

Childhood is the stage of life where the children are completely dependent on their parents and other family members. Late adulthood is also a similar phase to that of childhood making the old aged dependent on their children and others. This is because they become fragile both physically and mentally. The topical concept of Nuclear family has triggered an imbalance in normal life, adversely affecting the elderly people. Children consider their parents as a burden due to increase in life commitments, lack of time and financial intricacies. Parents are sent to Old Age homes either by compulsion or creating a situation for themselves to move; which either way is disheartening. Isn't it the duty of children to take care of their elderly parents! Unfortunately, the scenario has changed and it mandates the enactment of special laws in order to preserve their human rights. This study tries to examine the laws available, the guidelines for the protection of old age persons' rights in India. The authors have used an empirical study to find out the major reasons for the increase in the culture of sending their parents to homes and the level of life satisfaction of the senior citizens living in such homes.

Keywords: senior citizens, human rights, homes, life satisfaction, laws.

Child Abuse

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Abstract

Each day number of children is getting abused. This paper tries to bring out the deep insight about child abuse which is the current emerging issue in India. In a country where 39% of the population are children the nation observed the raise in child abuse cases in recent times. That's when India recognized the really

impact of child abuse which is not still recognized by many nation. The abuse done for a child doesn't only include sexual but also emotional, physical or even neglect. India being a democratic country still fails to take a stand to prevent child abuse. Child sex abuse crimes are dealt under POSOCO act, before enactment of this act it was governed by IPC which had minimal provisions governing this offence and even many loopholes. POSOCO act is general neutral in governing child abuse and it ensures the right of the children. This paper also brings out the need of speedy trial through special courts and the heinous punishments which is already suggested by many. Protection of child abuse and exploitation and upholding the rights of children is a collective responsibility that everyone must contribute their part. Thus this paper concentrates and makes a study on the offence child abuse which has worst consequences in future if the law governing is ineffective and when the society is not changing and gives some suggestions to overcome it.

Keywords: Child Abuse, POSCO Act, Speedy Trial, Heinous Punishment, IPC

Protection of Rights of Socio-Economically Backward People

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Abstract

Once Aristotle quoted "The worst form of inequality is to try to make unequal things equal". Yes today inequality is existing in its worst form. The principle of equality permeates the Constitution of India. All the citizens are entitled to be treated by the state equally, irrespective of their caste, race, religion, sex, descent, place of birth and residence. No citizen may be discriminated against by the state only on any of these grounds. The exceptions to this principle are made in favour of women and children, the backward classes, the Scheduled Castes and the Scheduled Tribes, and the weaker sections. Under Article 15 (3) of the Constitution, any special provision may be made for women and children belonging to all social groups transcending caste, religion etc., for their advancement and welfare in all fields. Under Article 15 (4), special provisions may be made for the advancement of any socially and educationally backward class and for the Scheduled Castes and the Scheduled Tribes. The "advancement" meant here is again in any field. This sub-clause (4) of Article 15 was inserted by an amendment in 1951. Article 16 (4) permits the state to make any provision for the reservation of appointments or posts in favour of any backward class, which, in the opinion of the state, is not adequately represented in the services under it. The expression "backward class" in this sub-clause is interpreted by the Supreme Court to mean "socially and

educationally backward" as is specifically mentioned in the sub-clause (4) added later to Article 15. Article 46 directs the state to promote with special care the educational and economic interests of the "weaker sections of the people", particularly of the Scheduled Castes and the Scheduled Tribes and also directs the state "to protect them from social injustice and all forms of exploitation".

Keywords: Reservations, Socio-economic, Backward People, Constitution of India

Side-Effects in Advancing Towards Capitalism: The Case of (Dis)Honour Killings in Tamil Nadu: A Legal Perspective

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Abstract

Unlike its western counterparts, India is still an advancing capitalist economy. As E.M.S. Namboodiripad would argue, India did not experience a "transition" from a feudal mode of production to a capitalist mode of production, but rather a superimposition of capitalist mode of production over the feudal mode of production. It is in this context that (dis)honour killings must be understood. A capitalist economy does not depend upon caste, gender or any other classification as long as its constituents contribute to it. However, certain "feudal elements", who wish to stick with the feudal relations of production, similar to withdrawal effect, indulge in acts of (dis)honour killings of those who exhibit traits of capitalist relations of production. This is particularly evident in the geometric rise of (dis)honour killings in India, the reason of which is attributed to the 'khap panchayats'. However, in a state like Tamil Nadu, where such "institutionalized" killing is not prevalent, only two cases out of the 188 reported since 2013 were awarded conviction. Such a scenario calls for a deeper study on the role of law in curbing such behaviour and suggest changes. The attempts to legislate in order to curb such (dis)honour killings have been in vain, with mere introduction of 'Prohibition of Interference with Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2015' in the Lok Sabha. This paper would begin with the brief history of 'honour killing' in Tamil Nadu, differentiating the present scenario in Tamil Nadu from the rest of India. It would then analyse the existing legal framework and its deficiencies, especially when tried under Indian Penal Code. This will be followed by the critical analysis of the Bill and the related reports urging the enactment of an exclusive law for honour killing. It would then finally argue on the need for a separate state legislation, especially when (dis)honour killings take different forms in different cultural settings and that, the national legislation would fall short in addressing issues at the ground level.

Keywords: Honour Killing, Tamil Nadu, India, IPC, 2015 Bill

Protection of Rights of Men in Contemporary India

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Abstract

"We all fight over what the label 'feminism' means but for me it's about empowerment. It's not about being more powerful than men - it's about having equal rights with protection, support, justice. It's about very basic things. It's not a badge like a fashion item."- Annie Lennox

Human rights are universal in nature. No one can ever think without existence of human rights. Today every country has unique approach towards women's rights. Everyone is thinking about the women's rights, this creates a lacuna in gender justice by neglecting men's rights. This led to violation of gender justice concept. The recent triple talaq judgement which is an eye-opener for entire society, takes into account the women's rights. After all men are also human, their views, their existence should be taken into consideration. This will help to uphold the concept of justice in entire society. There should be balanced approach in each field; biasness should not be there on the basis of gender. It appeared to be normal until the rights which were demanded by ladies and the youngsters were "for" them. Yet, as the society is continuously evolving these interest for rights are moving towards a stage called "against men". Freedom of speech is for everyone under article 15 of the constitution of India, but whenever a man uses it against a female; he is termed to be sexist. Further, the research paper will deal with some of the constitutional aspects like article 14, article 15, section 498A, 354 of IPC, etc. This research paper will also deal with the lacuna existing in the current system from men's point of view and also provide some solutions as well as suggestions for the problems prevailing in contemporary India. For the purpose of the research, the researchers will use doctrinal methodology.

Keywords: Human Rights, Sexist, Constitution, Gender Justice

Towards a Domestic Legislation against Torture and Its Scope and Implications: A Study

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Abstract

“The greatest tragedy is not the brutality of the evil people, but rather the silence of the good people.”

- Dr. Martin Luther King, Jr.

Torture, like that of slavery and genocide, is prohibited in the international arena. Despite such an express prohibition, as envisaged in various international conventions to which India is a party, torture as a practice continues. Despite India being a signatory of the United Nations Convention against Torture, it has still not ratified the same. The third Universal Periodic Review (UPR) of India saw various states recommending her to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention for the Protection of All Persons from Enforced Disappearances. While India has defended the need for ratification saying that the existing laws provide ample scope of punishment in case of torture being inflicted, there is no proper legal definition of torture in the Indian legislations. While exploring India’s commitment to the world on torture, this paper would present an analysis of the existing laws that deal with torture, such as Article 21 and suggest its deficiencies in the sense of them being limited in scope. This paper seeks to expound the ground reality of torture in India and the need to enact a domestic legislation against torture on the lines of its commitment towards ratifying the UN Convention against torture.

Keywords: Human Rights, Legislation, Torture, Ratify

Decriminalisation of Denotified tribes in India: A Critical Study

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Abstract

For 147 years, the denotified tribes of India have endured the label of ‘criminal tribes’ bestowed upon them by different state machinations. Between 1871 and 1947, a ‘class of people or tribes engaged in systematic commission of non-bailable offences’ were listed as ‘criminal’ under the Criminal Tribes Act, 1871. Undeniably such classification of tribal communities, led 13 million people belonging to 127 communities to live under traumatic environ such as fear of arrest without warrant, constant surveillance etc. After independence the Criminal Tribes Act, 1871 was repealed in 1949. Thereafter those ‘criminal tribes’ were ‘denotified’ by the Government of India during 1952. Today, there are 198 ‘denotified tribes’ in India.

Continued categorization and labelling of ‘criminal tribes’ have severely affected the lives of the people belonging to such communities. Categorical alienation, sheer neglect by the state and stereotyping by the police and civil society have led them to abject poverty and severe social discrimination. A scholarly analysis of the prevailing conditions of ‘denotified tribes’ of India from a contemporary legal perspective would represent an overdue addition to the literature. For just as ‘denotified tribes’ have so far received far less than their due share of attention whether from the commentators or lawmakers. The main purpose of this paper is to raise issues for developing law and policy framework for improving upon the worsening socio-economic and living conditions of the people belonging to the ‘denotified tribes’ of India.

Keywords: Criminal, Denotified, Tribes, State and Society

Protection of Rights of Socio-economically Backward People

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&

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Abstract

A system of social stratification rests upon the unequal distribution of power between status groups having definite position in the prestige hierarchy. Nearly one-third of India’s populations are socially, economically and educationally backward. These classes suffer from disadvantages and disabilities which are age-old and which derive their sanction mainly from the caste system. Focusing on the condition of Adivasis in Assam, the state, whose prime responsibility is to protect and ensure the rights of everyone guaranteed by the Indian Constitution, has not only failed to meet its responsibilities - it has been discriminating against, exploiting and torturing them. Ironically, the Forest Department has been carrying on eviction processes in Assam even after the enforcement of the Forest Rights Act 2006, which recognizes the rights of Adivasis over ‘the forests and forest lands’ from where they ensure their livelihood. Initially, the demand for the rights of socio-economically backward people and equal status in society in India was started by Mahatma Gandhi. After Independence, Government of India passed various resolutions and a ministry was made to safeguard the rights and interests of these people. These include provisions for: statutory recognition (article 342); proportionate representation in Parliament and state legislatures (articles 330 and 332); right to own property in any part of the country (article 19(5)); conservation of one’s language, dialect and culture (article 29); reservation in jobs and appointments (article 16(4)) and promotion of one’s educational and economic interest (article 46).

Keywords: Backward People, Right, Protection

Urban Refugee and their Rights as Human Beings

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Abstract

India has housed a sizeable number of refugees, mainly from its neighbouring countries such as Afghanistan, Bangladesh, Myanmar, Sri Lanka and Tibetans, for several decades now. Yet, the country does not have a policy framework or an overarching law that would streamline and regulate the inflow of refugees into the country. India is not party to the 1951 United Nations Convention on the Status of Refugees and the 1967 Protocol and therefore there is no compulsion on India to formulate a national legal instrument. Most of these refugees are living in urban areas with their families. The problem arises when women from these communities are sexually harassed or eve teased by the local community. Since they have no legal rights except for the UNHCR card they carry as their legal document. Justice is mostly denied to them. When they go to the local law enforcement agency like the police station they are very often ridiculed and sent back. This makes their daily lives difficult. Most of them come to India with the hope of resettlement to a third country through UNHCR. India is their temporary home until they get their resettlement which could take anywhere between 3 years to 15 years depending on their case and the country they come from.

Keywords: Legal Rights, Alien country, Resettlement, Law Enforcement

Trafficking in Human Beings

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Abstract

Trafficking in human beings, especially women and children, is a growing global phenomenon whose impact and consequences go far beyond national borders of any country. Due to its secretive nature, it becomes difficult in identifying victims (Hidden population) secondly victims are themselves reluctant to report their status to law enforcement authorities (reprisal aspect) Consequently, governments are not in a position to accord much priority to identification and data collection of trafficked people making it quite difficult for them to be rescued in first place and traffickers be punished in the second place. Trafficking, flourishes in South Asian region because of vulnerabilities arising out from people's lack of resources, poverty and gender discrimination which are maintained through the collusion of the State, Market and even the family unit. Globalization also has a direct bearing as economic structural adjustment programmes have led to increased impoverishment, displacements, internal strife resulting because of devaluing of national currencies, increasing debts and dependence on foreign direct investment. Trafficking of persons in South Asian region is matter of great international

importance as according to US State Dept. about one third of all global trafficking of women and children takes place in this region alone. One of the prominent realities of this region is India's preponderance over all its neighbouring countries based on its geographical expanse, population, resources and development. India's centrality has special relevance to the trafficking phenomenon given India's dubious distinction of origin, transit and destination. The paper seeks to highlight the various trends and issues with respect to combating of Human Trafficking with India's unique centrality where no two South Asian countries can interact without touching India's land, sea or air space.

Keywords: Trafficking, Crime, Prevention

Legal Services to Mentally Ill and Mentally Disabled: A Critical Analysis of the Government Schemes

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Abstract

Persons with disabilities specifically suffering from mental illness and mentally retarded are marginalized and it looked at the person who is in need of special protection by the state and most importantly society. There are two legislations the Mental Health Act 1987 and the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. India is also a signatory to the UN Convention On the Rights of Persons with Disabilities (CRPD) and India is also one of the countries ratified the same convention, therefore putting obligation to our legal system to ensure the human rights and fundamental liberty to the person with the disability. Legal Services Authorities Act, 1978 and NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015, makes provision to render legal services to the mentally ill and persons with mental disabilities. These legal services try to provide to the people at psychiatric hospitals, homes, and facilities by the sensitized lawyers to represent the best interest of the mentally ill person. Among the various objects of the scheme is to organize awareness programs in remote areas of the country to educate people mental illness is curable and they need to be treated equally with the other persons of the society. Therefore the researchers in this paper has tried to critically analyse the schemes which have been created through different statues enacted for the interest of mentally ill people and what its impact on the society and its development over the period of time.

Keywords: Mental Illness, Autism, Disability, Mental Health Act 1987

POCSO Act: The Question of Identity and Agency of Tribal Women

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Abstract

The Protection of Children from Sexual Offences Act (POCSO Act) was formulated by the Indian Government in 2012 to effectively address sexual abuse and sexual exploitation of children. The act defines a child as any person below eighteen years of age. Almost 1500 cases are being reported from Kerala under this act every year. This paper aims to analyse how the same POCSO Act is used as a weapon to deny basic human rights to tribal population in the Wayanad district of Kerala. The tribal customs allow their men and women to live together according to their wish once they attain puberty, and this act itself is considered as marriage. Between 2012 and 2016, almost 25 married tribal men have been arrested under POCSO Act and kept in custody for months. This was followed by massive protests and the SC-ST Atrocity Monitoring Committee interfering in the case. Most of the men got bail after that but the tribal girls who were the victims of the case were still kept in Nirbhaya hostels and separated from their family. Through this paper, I aim to look at how these women who have immense freedom and voice in their community were isolated and denied agency via this Act. I argue that this can be considered as a violation of essential human rights in a country whose constitution is based on the policy of granting special privileges to the downtrodden and the underprivileged sections of society, especially women.

Keywords: POCSO Act, Tribal Women, Agency, Human Rights

Protection of Rights of Women: A Comparative Analysis in Digital Era

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Abstract

‘Women’ for a better ‘World’ – India being the famous country all over the world for its great tradition and culture where women are given most respected places in the society from the ancient time. The protection of women is one of the enforced movement where the rules and regulations is fully been concerned about a women’s freedom to live in the society with all the dignity and respect which is reinforced as a strategy towards combating poverty, lack of opportunities, gender based violence and any type of violations of ‘WOMEN’S HUMAN RIGHTS’. The condition of women facing the today’s society has become drastic in nature. As per the analysis, the present contribution of women in various sectors are increasing gradually even

while undergoing the toughest time mentally and physically, mainly due to unawareness and lack of knowledge of legal and constitutional rights of a woman. Looking behind the curtain we find all the crimes against women at streets, homes, offices etc..., for the past few years crimes against women in India such as rape cases, acid attacks, murders and stalking. The safety of women is in doubt. The paper will enlighten about the protection of women in the society, their rights and the overcoming of the effective problem in the modern time being compared with the ancient age.

Keywords: Protection; Freedom, Dignity; Legal, Constitutional Rights, Crimes

Sexual Harassment of Men in Society: An Unnoticed Crisis

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Abstract

In today's society, sexual harassment cases have been increasing day by day. Cases related to Women and child abuses are very often reported and there are exclusive provisions and laws to tackle the same. However, there still remains a counter-part suffering of similar nature experienced which is dormant, unnoticed and unrevealed. Though there are many instances happening, none of them are being reported or outspoken. This has become an emerging offence (i.e.) sexual pestering of Men. Because of this, they have become prone to mental disturbances and problems. The paper tries to study empirically the age group of men affected and the importance of implementing special laws for the protection of harassment happening against the male gender. During the process, the authors try to create awareness among the male to open up and start revealing such instances. The study aims to reveal the opinion of the people about the sexual harassment against men and if any special laws are needed to be enacted for the same and punishments for the perpetrators.

Keywords: Men, Harassment, Law, Unnoticed

Inefficacy of Children's Custody under the Present Socio-Economic and the Legal Conditions in India

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Abstract

The family and marriage are the two basic institutions in our society. Marriage whether recognized as sacrament or contract is deemed to be for the whole of the life of the parties thereto smooth running of the family. The changing sociology and statutory innovations are rapidly altering the law and their basic concepts. Promiscuity, sexual behaviouristic and otherwise in the modern age presents many new matrimonial problems. The modern life has placed a great stress and strain on marriage and family which paved the way for frequent broken homes. In a smooth harmonious marital life the custody of children doesn't a matter. But in broken homes the question of custody of children arises between the father and mother. The juristic approach on this sociological feature can be summed up by saying that the fact of broken home and families is acknowledged and attempts are made to solve the aftermath problems of divorce such as custody, maintenance and education of children. India being a Secular Country has diverse personal laws, Hence the question of custody, maintenance and education of minor children arises between the father and the mother under the various Matrimonial Acts¹ in spite of these many laws for hence there is violation of child's rights. This paper has been highlighted on the issue involved and also suggestions for effective application of existing laws.

Keywords: Guardianship, Custody, Hindu Succession Act, 1956, Muslim Personal Law, Role of Judiciary, Effective Measures

Protection of Women and Children Rights in India: The Myth or Reality

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Abstract

The women and children constitute the soul of societies since the inception of civilization. The protection of their rights has not only been guaranteed by the national and international bodies but even by all religions and democratic welfare institutions of the world. India is not an exception to above explanation. In India,

the constitutionally guaranteed equality for women and child rights is juxtaposed with the harsh societal reality. No doubt we have taken care of women and child rights by having Constitutional provisions under the chapters of fundamental rights as well as directive principles of state policy. These constitutional rights are occasionally guarded by the efficient judiciary in India, but this is only occasionally and not regularly. This paper will focus on the status and efficiency implementation aspects of children and women legislations in India. A nationwide study was conducted by ministry of women and child development, government of India. The study found a wide spread incidence of child abuse and women abuse (Children between the ages of 5-12) that are at the highest risk for abuse and exploitation. The study found that 69% of children reported to have been physically abused. In India, focus with regards to abuse is seen more in public domain such as child labour, prostitution, marriage, etc. societal abuses that are a result of poverty such as malnutrition, lack of education, poor health, neglect, etc. are recognised in various forms by the Indian legal system. This paper will also endeavour to suggest remedial measures for enhancing efficacy of child and women rights in India.

Keywords: Women, Child, Indian Constitution, Rights

A Study-based on Violation of Child Rights and their Protection: A Matter of Concern in India

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Abstract

Children are the precious gift to humanity, and future of every society and nation of the world. They bring prosperity and development to the society. On account of their immature mind and tender age, they are the most vulnerable section of the society who can be easily targeted. Because of their innocent nature, children need some special protection and care for their sound and better development. Although the need to protect children against any violence and threat is acknowledged nationally and internationally, still there are evidences of many crimes in the society against children like child labour, child trafficking, child marriage, physical, sexual, and emotional abuse and other similar crimes. In India, many Laws and Acts have been enacted concerning children's' liberty, equality, and fraternity, development, livelihood, free and compulsory education, equal educational opportunity, prohibition of hazardous employment in mines, industries, factories, etc. Thus, the increased rate of crime against children in India is a matter of concern. As per Census 2011, there were 99 million children drop outs, 15 million girl child marriages per year and 10.13 million child labours, as estimated. Moreover, approximately 150 children go missing per day as per National Crime Records Bureau, 2016 in India². Therefore, the responsibility to protect children against crimes and give them their rights rests on the shoulders of the government, the

²<https://www.cry.org/statistics-on-children>

family and other sections of the society as well. This study would focus on the child rights, their violation and protection. In addition to, we provide some useful suggestions to implement these rights successfully, to get rid of these crimes against children.

Keywords: Laws, Acts, Child Rights, Crime, Violation, Protection

Trauma of Socially & Economically Backward Communities in India

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Abstract

Human Rights are the basic right that every human being is provided by each and every Constitution of the States and every individual in the world is inborn with the right of Human Right. The nation does not give away any kind of unfairness towards any individual or group of people rather they only sponsor the welfare and well-being of all persons with equal behaviour. But however, the socio-economic, cultural and political diversities that are prevailing in each state across India, and also due to the politics of the nation states, the free right of Human Rights is taken away from some people due to many reasons. Scheduled Castes and Scheduled Tribes have been, for centuries, the most neglected, marginalized and exploited people. The scourge of untouchability was a blot on the Indian civilization. Despite the constitutional declaration of its abolition under Article 17 of the Constitution, it persists in many subtle and not so subtle ways. It has been an unmitigated tale of prejudice, discrimination and exploitation. At stake, in the ultimate analysis, is the very integrity and survival of Indian society. Without transforming vertical inequality in society into horizontal equality, democracy will have no meaning. Through this paper we would like to discuss about the various vulnerable groups and their constitutional aspects, what constitutes violation of rights of backward communities, what can be done for the empowerment of the socially and economically backward groups?

Keywords: Trauma, Backward Community, India

Justice for Socio-economically Backward Classes: Still an Alien Concept

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Abstract

The paper attempts to highlight the various issues faced by the socio-economically backward sections of the Indian society even after 70 years of independence. In the light of this, we aim to elucidate who actually falls within the purview of 'socio- economically backward sections' of the present society. Also, how they can be brought out of this purview of the so- called 'socio-economically backward section' of the society. We also try to give emphasis to the reasons and manner in which the section in question are being exploited. The socio-economically backward classes are not being justly protected under the legislations which were initially framed for the very purpose. This paper aims to lay down the right manner in which the previously referred to legislations can be executed in order to bring the section in question under the protected umbrella of justice. The paper will refer to real life incidents to supplement the suggestions put forward. The most compromised and neglected section of the society, the socio- economically backward sections are even treated differently while administering the law, according to the report by Centre for Death Penalty more than 80% of the death row inmates who are socio-economically backward are subjected to inhuman torture. This paper will provide solutions to the aforementioned issues and ways to bring this section of the society to the forefront by upholding justice.

Keywords: Justice, Backward Class, Death Penalty

Protection of Rights of Socio-economically Backward People

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Abstract

Not all classes of people are equal in a society; there is a ranking system from upper to lower. With these divisions in picture, the rights that are provided to them are also based on the ranking system and not according to the rules of law. In a society there are both people economically well settled and backward people. Though it is enumerated that all should be entitled to equal rights and it is a necessity but still there is always an inferior approach towards the backward people. Economically backward people are those who are extremely poor having an annual income less than Rs 1 lakh and belong to any backward social community such as SC/ST/OBC/. These people are deprived of their rights and all democratic institutions are occupied by the so called higher caste people. They are sometimes not even provided with the basic rights they are entitled to, which is a very gruesome situation in today's society. Due to the inequality

rendered to the backward people they are under a compulsion to face many problems in various fields like education, employment and other types of institutions. These problems ultimately affect the future of these people which is under a need to be eradicated by proper measures. The rights of the socio-economic people are protected by various legislations which put them in equal positions as that of economically well settled people. These legislations ultimately increase their position in the society in order to live a life with their head high and enhance their self- confidence. This paper thus deals with the protection of rights of the socio-economically backward people and how they are also elevated to a state equal to other people. With this, a balance would be created in the society and the rate of many unlawful happenings in the society would be reduced.

Keywords: Backward People, Right, Protection

Protection from Enforced Disappearance in India

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Abstract

To “disappear” is to vanish, cease to be, to be lost. But the “disappeared” have not simply vanished. Someone, somewhere, knows what happened to them.

Enforced disappearances constitute “a multiple human rights violation” and, therefore, are a matter of serious concern with human rights law. In India, enforced disappearances have occurred most often in regions facing insurgency or armed conflict. For example, according to a report released by the International Peoples Tribunal on Human Rights and Justice in Indian-Administered Kashmir and the Association of Parents of Disappeared Persons in 2012, there had been around 8000 enforced disappearances in Kashmir during the period of 1989 to 2012. Further the reports provide India has not made enforced disappearances a specific criminal offence in its penal code. An offence which is crime against humanity, is not recognized in India necessitates reformation in Indian criminal justice system. Furthermore the problem is a global problem. Nearly every city and village in Syria has a story to tell about enforced disappearances: civilians being snatched off the streets or from their homes by the police, Syrian military or an armed group, never to be heard from again. The victims are usually tortured, killed or enslaved. Their families are left haunted, not knowing if their loved ones are alive or dead. Thus the authors study the International protection against enforced disappearance. Further authors examine the national laws protecting the victim from such heinous

crime. In the interest of justice and safety of victim of enforced disappearance authors emphasizes the need to penalize enforced disappearance.

Keywords: Enforced Disappearance, Human Right Violation, Criminal Justice

Domestic Abuse and Exploitation of Children: An Issue of Human Rights Violation

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Abstract

Indians known for their joint family heritage and everyone in the family was believed to be taking care and showering love to the kids in the family. Among the different proposed causes of high incidence of domestic violence against children their needs and desires to do or not do a particular thing was considered as a childish behavior, hence elders just neglected them which resulted to be the root cause of the problem. Domestic violence against children involves physical, psychological abuse and injury, neglect or negligent treatment exploitation and sexual abuse. Every second children reported facing emotional abuse. Until now, it was unknown that small children are the victims to sexual abuses in the family itself. Girls and boys are at an equal risk of being abused, the later is left outside at his own expense. Equal percentage of both boys and girls faced reported facing emotional abuse. Although there are laws and policies made make the world a better place for children, nothing credible has emerged out of it. While the Constitution of India guarantees many rights to children, neither are they used for a child's neither benefit nor is the child considered as an individual who has his or her own thought process. Domestic Violence against children in India is a hidden phenomenon especially when it is happens at home by the family members domestic violence is silenced or given minimal attention. Hence considering the alarming data, it is of national importance that the issue should be given weightage of national importance.

Keywords: Family Violence, Child Negligent Treatment, Domestic Violence, Exposure to Domestic Violence, Victim

Access to Justice through Law Enforcement Machineries in Protecting Dalit Rights

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Abstract

India is a secular state and *the largest democracy* in the world with a parliamentary form of *government*. Despite being a great democratic country, most of India's 200 million Dalits, or "Untouchables," still suffer from caste discrimination from caste Hindus. They usually are at the bottom of almost every parameter relating to socio-economic well-being or quality of life. In addition, to being targets of physical and sexual violence, Dalits are often required to eat and drink from separate containers in restaurants, attend separate religious services, walk miles to get water, and work in degrading conditions. The existing provisions such as the SC/ST Prevention of Atrocities Act has failed to curb caste atrocities. The increasing atrocities against SCs in the country have been alarming, and at the same time the accessing of justice for SCs have become difficult at every stages of criminal justice system. In this paper, an attempt had been made to discuss about the sensitive and crucial role of the law enforcement and justice delivery machineries that includes of Judges, Advocates, para legal personnel as well as various investigating agencies and many other preventive and enforcement agencies. This paper also throws light on the data on atrocities against SCs in recent years, the gaps in the enforcement authorities and the judiciary delivery system.

Keywords: Justice, Dalit Rights, Law Enforcement Machineries

Protection of Rights of Men, Women, Children, Aged and Differently Abled Persons

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Abstract

Human rights are the basic rights and freedom inherent to every person in the world from birth to death irrespective of race, caste, religion, nationality, ethnicity, etc. These rights based on dignity, fairness, equality, respect, and independence can never be taken away unless in the case of national security.

The Universal Declaration of Human Rights (UDHR) containing 20 articles in it was adopted in 1948 by the U.N. general assembly under the chairmanship of Anna Eleanor Roosevelt. It acts as a bulwark in safeguarding human rights. When we ruminate on the word 'protection' women, children, elderly and the differently abled come into picture first. Being the most vulnerable, their rights are encroached every day in several ways, despite many steps taken by international organisations and the government of our country. Rights are praised more than ever and violated as much as ever. The major reason for this situation is the lack of awareness of the fundamental and basic rights which people are entitled to. The core aim of the paper is to analyse in detail the various types of rights available to an individual, how they are impinged, the different international covenants and policies enforced by the government of a country in protecting their rights. In addition to this, the paper also throws light on how protection of rights of people enables in upholding justice in a country paving a way to build a more righteous and unbiased society to live in.

Keywords: Rights, Citizens, Encroached, Protection, Justice

Roles and Functions of Various Agencies in Conducting POCSO Cases: Judiciary, Prosecutors, Police and Child Welfare Committee

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Abstract

Parliament of India has enacted a special legislation, namely, The Protection of Children from Sexual Offences Act 2012 under Article 15(3) of Indian Constitution, which allows the state to make any special provisions relating to women and children in order to safeguard their rights. The Criminal Amendment Act 2013 amended Section 42 and added Section 42A of POCSO Act providing overriding effect to the act in case of inconsistency with the provisions of any other law. For effective implementation of the provisions of this act, a coordinated effort is required by the Investigating agency, prosecuting agency and the Criminal Courts dealing with the matter. This paper endeavours to highlight the areas in which Magistrates, Special Public Prosecutors, Police and Child Welfare Committee members play a vital role as protectors of rights of children. The act incorporates child friendly procedures for reporting, recording of evidence, investigation and trial of offences. This paper also seeks to examine the challenges faced by various agencies during the trial and investigation. The study has specifically analyzed the issues arising in application of POCSO Act. This paper also makes a comparative study of French Criminal Justice system and Indian Criminal Justice system.

Keywords: Criminal Justice System, Sexual Offences, Magistrate, Special Public Prosecutors, Child Welfare Committee

Cyber Violence against Women in India: A Need for Comprehensive Law

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Abstract

The use of cyber space and its associated features of anonymity continue to influence both positively and negatively on social, economic, cultural, and political aspects of every society. Nevertheless, while the cyberspace have provided secure tools and spaces where women can enjoy their freedom of expression, information and privacy of communication, the same benefits of anonymity and privacy also extend to those who employ ICTs for criminal activities and use the internet to commit violence against women. The use of mobile phones and internet to stalk, abuse, traffic, intimidate and humiliate women is intense in developing countries including India. While, the Information Technology Act, 2000 which was amended in the year 2008, begins to deal with the problem, it does not explicitly deal with all cybercrime and cyber security issues on the person and specifically women. A latest report released by the United Nations Broadband Commission reveals that almost three quarters of women online have been exposed to some form of cyber violence, and urges Governments and Industry to work harder and more effectively together to better protect the growing number of women and girls who are victims of online threats and harassment. With amplified access to broadband, which will translate to increase in use of ICTs and the internet in particular, the present Act of 2000 is ineffective and inefficient enough for controlling the recent developments in Cyber Crimes especially against women in India, it has become very urgent to ensure that strong policy and regulation. Against this background, an attempt has been made to highlight cyber violence against women and analyse the legal provisions relating to cyber-crime against women in India.

Keywords: Cyber Violence, Cyber Space, Information Technology

Reservation: A Way to Steal the Chance of an Economically Deserving Student

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Abstract

It is rightly said that “Education is the most powerful weapon which you can use to change the world” so, to change the face of our country we need to change the present education system by amending the reservation policy. The Constitution provides for equality before law to every citizen irrespective of their sex, caste, creed, religion, language etc. however, the present reservation

policy which was then formulated to up lift the minorities is infringing the Fundamental Rights of the citizens as the circumstances does not remain as then. The minorities are not only adequately represented but are also misusing this policy. The country has reached at a stage where the minorities are capable to stand on equal footing with the general category students. Moreover, we need to understand that allotting seat merely on the basis of caste is stealing away the right of a deserving student. If at all the policy cannot be repealed then the reservation criteria needs to be changed in the sense that the percentage cut off must be increased or else the economically weak and meritorious students should reservation instead of getting the reservation on the basis of an individual' s caste. The research was conducted in order to know the views of the students regarding the policy ways to change the present reservation policy with the help of open ended questionnaire. Therefore, this matter needs to be addressed as an urgent requirement of the hour and the present reservation policy needs to be changed so as to refine the education quality of our country.

Keywords: Education, Reservation Policy, Minorities, Meritorious, Constitutional Amendment

Right to Education of Children of Prisoners

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Abstract

There have been marked changes in the patterns, trends, and nature of crimes over the period, particularly in the recent past. The imprisonment of mother with dependent young children is a problematic issue. The effects of incarceration can be particularly catastrophic on the children and costly to the state in term of providing for their care, and because of the social problems arising from early separation. Indian Council of Legal Aid and Advice also filed public interest litigation in the Supreme Court, asking that state governments formulate proper guidelines for the protection and welfare of children of women prisoners. Thus revealing that the Right to Education of such children is being adversely affected. This paper highlights the problem faced by such children in Indian Jails with specific reference to jail of Uttar Pradesh where the study was conducted. The paper also throws light on various national and International provision protecting right to education for children and various programs undertaken by the Indian government. However, these provisions are highly criticized in the paper as they are hardly being implemented. Some suggestions are also proposed in the paper to protect the right to education of children of prisoners.

Keywords: Women Imprisonment, Children Education, Children, Prisoners, Right, Education

Juvenile Administration System vis-à-vis the Protection of Rights of Children in India

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Abstract

Children represents future, recognition of the rightful place of the child in the society calls for a paradigm shift in the policy agenda i.e. from ‘need-based’ to ‘right-based’ approach. Child-centric human rights jurisprudence has become pivotal in the law’s role in social engineering. There has been a global consensus to the agreement to the Child Rights Conventions 1989. Juvenile justice is the legal system that aspires to protect all children, bringing within its ambit the children in need of protection, besides those in conflict with law. In a civilized society children who are in conflict with law, conjuring an image of violence. The Juvenile Justice System in India, the ripple effect of the criminal justice system, has always been marked by the tussle between the protective approach of juvenile justice and the traditional approach of the latter. Despite the Constitutional guarantees and a plethora of child-centric legislations and civil rights, innumerable India children, face widespread discrimination and deprivation. The nation’s future citizens deserve compassion and best cure. A Child is born innocent, and responsibility should be attributed to such environmental factors that have stirred his criminal tendencies. Under this backdrop the paper will analyze aspects of legal mechanisms resolve minor juvenile offences and review the justice delivery system to provide essential guidelines to protect the rights of children in India.

Keywords: Juvenile, Administration, Protection of Rights, Children

Existing Gender Inequality in Indian Legal System: A Critical Study

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Abstract

All are supposed to be held equal before the eyes of Law. But if one is crooked, wickedly clever have great prospects that some are equal compared to others. Gender Inequality in India refers to Health, Education, Economic and political inequalities between Men, Women and Third Gender in India. Gender Inequality in India is a Multi – Faceted issue that concerns all the three genders in Society. However, When India’s population is examined as a whole women and Third Gender are at a disadvantage in several aspects and ways. In India discriminatory attitudes towards either sex have existed for generations and affect the lives of both sexes. All though the Constitution of India and other Laws in India has granted all its Citizens equal rights, gender disparity still remains. Indian Laws on rape, dowry and adultery have taken care of safety of

women. But these highly discriminatory practices are still taking places at an alarming rate even in recent days. Law is pervasive and affects many aspects of people's lives, women and men alike. As one witness the growing juridification of life that is, the expansion and penetration of the legal sphere into more and more aspects of other social (public and private) spheres the prominence of law and rights in affecting people's lives becomes increasingly obvious. Law and Justice Impact people's capacity to accumulate endowments, enjoy returns to such endowments, access rights and resources, and act as free, autonomous agents in Society. Inequalities in endowments, access to resources and rights, social (and household) status, voice and agency are perpetuated, codified, contested and redressed through norms and the institutions established or resulting from such norms, be they social or legal. Although these inequalities can affect both women and men, women are lagging behind men in many fields.

Keywords: Gender Inequality, Legal Rights, Legislations in India, Justice

Human Rights of Persons with Disability: A Socio-legal Perspective

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Abstract

Human Rights are universal. It includes civil, political, economic, social and cultural rights belong to all human beings, including differently-abled persons. Differently-abled persons are entitled to the realization of all human rights and fundamental freedoms on equal terms with others in society, without discrimination of any kind. Persons with disabilities make up the world's largest and most disadvantaged minority. It is estimated that over 650 million persons around the world live with disabilities. In every region, and in every country in the world, persons with disabilities often live on the margins of society, deprived of some of life's fundamental experiences. Studies related to disability have come with findings that the disabled have little hope of going to school, securing a job, having their own home, creating a family and raising their children, enjoying a social life etc. Disability is associated with illiteracy, poor nutrition, lack of access to clean water, low rates of immunization against diseases, and unhealthy and dangerous working conditions. The principles of International Law of human rights of disabled persons are reflected in Indian Constitution by way of provisions dealing with Fundamental Rights as well as Articles on Directive Principles of State Policy. The Constitution does not provide for any specific provision dealing with the rights of disabled persons. However, Entry 9 of the State List in the Seventh Schedule of the Constitution refers to – Relief of the disabled and unemployable. Apart from the constitutional provisions, the Government of India enacted specific legislations for the protection and augmentation of the Rights of the Disabled. In India though there are laws and policies for protecting and promoting the life of the

disabled to live a life with dignity but the existing scenario does not promote a conducive environment for the welfare of the disabled persons. Therefore, this paper highlights the needs and necessities to protect and promote the basic rights of the disabled and enhance them to lead a life with human dignity.

Keywords: Human Rights, Disabled, Human Dignity, Differently Abled

Protection of Rights of Aged Persons in India: An Analysis towards Implementation and Awareness

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Abstract

The duty of supporting the infant children is necessary to be enforced for the preservation of our race and the duty of maintaining aged persons is equally necessary to be enforced for his happiness. Growing old is a natural process that every human undergoes in one's lifetime. It basically refers to the decline in the functional capacity that occurs due to physiological transformation. Senior citizens are an asset to a society with their pool of varied experiences, ideas, knowledge and expertise. The moral duty to maintain parents is recognized by all people. However, so far as law is concerned, the position and extent of such liability varies from community to community. Most senior citizens are unaware of their rights, either because of illiteracy or lack of awareness. Various international attempts have been made by the UN General Assembly 1991 to address the concerns of senior citizens³. United Nations have also declared 1st of October as International Day for older persons. Various national efforts have also been made to protect the interests of the old aged. In India at present there are very few legislative measures to protect the elderly people's rights. But there are various schemes and policies introduced by the Central Government from time to time for protecting the interests of the aged persons and that could be reached only by the minimum population of the concerned category. The reason might be lack of implementation on one side and lack of awareness on the other side. Hence, this paper is an attempt to analyze the legal and constitutional rights of aged persons, policies and schemes introduced for the benefit of senior citizens in India and also highlight some information about its working and implementation.

Keywords: Aged Persons, Protection, Implementation, Awareness

Rights of Differently-abled Person to Access Higher Education and Employment: An Appraisal

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Abstract

India is home to 2.7 crore people living with one or the other kind of disability. According to the 2011 Census, 2.21 percent of India's population is disabled. Unlike the developed world, India's disabled are made further socially vulnerable by lack of quality education and attitudinal barriers as they continue to deal with the challenges of access, acceptance, and inclusion. India still lags behind in a big way when it comes to removing infrastructural, institutional and attitudinal barriers for the persons with disabilities. Even now, most buildings in India are not disability-friendly, despite the government of India, under the Accessible India Campaign, instructing all ministries to make their buildings accessible to persons with disabilities. Disability in higher education has different implications from that of school Education. Disabled students pose particular challenges to higher education (HE) not only in terms of gaining physical access to buildings, but also in relation to much wider access issues concerning the Curriculum, Teaching, Learning and Assessment. Still a large number of private and even government institutions of higher education have not recognized the needs of differently-abled population and have not done much for it. The present Act of rights to persons with disabilities has increased the quota of reservation for persons with disabilities from 3% to 4% in government jobs and 3% to 5% in higher education institutions. All this looks good on paper. A lot of posts, especially in group A and group B services in the government, continue to lie vacant. And it is the same in higher education institutions. In this background, the present paper attempts to identify the challenges faced by the differently-abled person to access Higher Education and Employment in India.

Keywords: Disability, Education, Employment

Access to Justice for Women with Disabilities

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Abstract

Effective access to justice is essential for ensuring the respect, protection, and fulfilment of all human rights. Women and girls with disabilities, however, experience disproportionate barriers to accessing justice due to discrimination and stereotypes that are based on both their gender and disability. This lack of access to justice—itsself a violation of their rights—increases the vulnerability of women with disabilities to other human rights violations, including violations of their bodily integrity and right to be free from violence, as perpetrators of this violence realize that they can act with impunity when the justice system fails to address the violence. Disability offers a new lens through which to view the effectiveness of access to justice, and the inclusiveness of the justice system as a whole. This paper analyses the experience of people with disabilities through the entire justice system, from making a complaint, to investigation, and through the court/tribunal process. It also considers the participation of people with disabilities in a variety of roles in the justice system - as witness, defendant, complainant, plaintiff, lawyer, judge and juror. More broadly, it also critically examines the subtle barriers of access to justice which exist in the Indian context - including barriers to grassroots disability advocacy, legal education and training, the right to vote and the right to stand for election which may apply to people with disabilities.

Keywords: Justice, Access, Women, Disabled

Reservation: the “one” who deserve

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&

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Abstract

India with its 1.3 Billion population has succeeded in establishing and protection the rights of social and backward class of the society. It is one among the few countries which has protect these rights through a system called “Reservation”. But this protection has been misused lately by the *well-established backward class* called the *creamy layer of the backward class*.

The Supreme Court of India has taken into account the concept of reservation based on caste and not class. Therefore, this paper will distinguish between socially backward class and economically backward class with various vulnerable class of the society and how these vulnerable sects of the society should be read together for the benefit of the individual who actually in need for the reservation and not just to the *well-established backward class*. This paper will also deal with reservation system only to those sectors who are both socially and economically backward and it will further criticise the SC judgement in *Indira Sawhney v. UOI* where creamy lawyer of the India backward society is still termed as social and economically backward class. The creamy lawyer of the society, irrespective of its social and economic background should not be eligible for the reservation because the idea of reservation is to uplift the social and economically vulnerable of the society and not to the already shielded groups who are economically stable but seeking reservation through their social status.

Keywords: Reservation, Creamy Layer, Society, Rights

Justice Long Forsaken: Delving into the Role of Uniform Civil Code to Attain Gender Equality & Justice

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Abstract

The issue of Uniform Civil Code (UCC) *vis-a-vis* personal laws is entangled within the polemics of identity politics, gender equality, minority rights, and most recently, global Islamic politics and universal human rights. The implementation of a Uniform Civil Code and the issue of gender justice are closely connected to each other in the Indian socio-legal perspective. Notwithstanding its need and importance, the politico-legal standpoint of the state about its implementation attracts in-depth legal inquiry as the basic issue of ensuring justice and equality to women is getting trapped in many other contemporary issues. Gender equality and gender justice is not a religious issue; it is a socio-political and legal issue of the country. Guaranteeing these rights as is enshrined in the Constitution is the responsibility of the state, to all people irrespective of religion and caste. In this light, the paper is an attempt to correlate the issue of gender justice and equality to the question of adoption of a uniform civil code throughout the country. Through this research paper, the cardinal role of a legal infrastructure by which gender justice and equality can be achieved is explored. Unless the women, irrespective of their religious affiliation have been conferred equal rights on par with men in personal matters, the constitutional mandate of right to equality of status and opportunity cannot be implemented in its true sense.

Keywords: Article 44, Discrimination, Law Commission Report, Personal Laws, Religious Pluralism

Rights of Senior Citizen in India: Legal Outlook

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Abstract

Senior citizens play a crucial role in shaping the younger generation in our society. The current situations of senior citizens in India are more vulnerable than ever before. According to the recent reports in India nearly 86% of senior citizens are unaware of their basic rights. When it comes to medicines and healthcare, only 68.8% are benefited. The aged persons are under. Popularity in small and nuclear families in urban and cities lead to discrimination and humiliation. There is also a drastic increase in violence of elderly people. There are many international conventions and national level legislations which have been initiated for the protection of old age people. As they are unaware of their own rights aged people face many problems in the society. Abuse and maltreatment of aged people can lead to serious physical injuries and long-term psychological consequences. If the elders are in ill health and suffer from psychological issues they have to face abuse both at home and society. The experience and knowledge earned by old age people in their life are valuable. The society uses this knowledge for its development. For a mere factor of their old age and inability to perform their daily routines aged persons are facing mistreatments. This paper explains the problems faced by old age people and analyses the relevant legal protections both at national and international level.

Keywords: Legislation, Old age, Protection, Society, Violence

Perception of Marginalized Families towards Child Rights

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Abstract

This article reviews the literature concerning the impact of neglecting child rights by the marginalized families which might affect the health and developmental well-being of children. A comprehensive search was conducted and reviewed the literature from which were selected, organised and analysed accordingly. This review finds that the parents and children of marginalized families are (almost) completely unaware of Child Rights. And it also highlights the influential effects on health and developmental well-being of children. It concludes that there is a direct pathway leading to outcomes that needed (appropriate intervention and care has to be taken for the developmental well-being of the children) proper education on the Child Rights and to avoid the child developmental risks which contribute to the holistic development of the

child. Suggestions and Recommendations: This review advocates for initiative steps that to be taken by the government, NGO's, activists, social workers, child psychologists, child developmental specialists, and school teachers to educate the parents of marginalised families on Child Rights.

Keywords: Marginalised Families, Child Rights, Below Poverty Line (BPL), Holistic Development

CRPD Enforcement on Disabled people

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Abstract

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) has been the first human rights Convention to expressly protect persons with disabilities. They are the complementary rights decided by the committee for the rights of the child to government. The most important actions of this committee are 1. Making partnership organizations of persons with disabilities all relevant legislation and regulations should include a prohibition of discrimination on grounds of disability. 2. Provide for effective remedies in case of violations of the rights of children with disabilities. 3. Develop a national plan of action, the relevant provisions. 4. Create a focal point for disability in each relevant department, suggest policies and monitor progress. 5. Develop independent monitoring mechanisms, such as an Ombudsperson or Children's Commissioner. 6. Make concerted efforts to ensure that the necessary resources are allocated to and for children with disabilities and their families. 7. Establish programmes for the deinstitutionalization of children with disabilities, placing them with their families or with foster families who should be assisted with professional and financial support. 8. Conduct awareness-raising and educational campaigns for the public. 9. Implement a system of community services and support for children with disabilities. 10. Ensure that organizations for financially support is been extended their activities. This paper will speak more about the United Nations conventions steps, measures and development.

Keywords: CRPD, Disable Persons, Public Awareness, Protection Rights

Rights of Disabled Persons: A Legal Analysis

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Abstract

Disabled people are most vulnerable group in our Indian society. Disabled people are often discriminated and face serious violations in the society. From education to employment their legal rights are often denied. Its undeniable fact

that the prime responsibility for assuring respect for the rights of disabled people rests with the government, but their recognition to live with dignity rests with the society. India is a signatory of the United Nations Convention on Rights of Person with Disabilities which is one of the vital initiatives by the Government of India. In the international arena, the problems of the disabled are recognized as human rights issue. To certain extent the Indian legislations have achieved to full fill the needs of disabled people. In many sectors the disabled are discriminated. Women already being vulnerable when clubbed with disability face many problems. Political representation of disabled is often denied. Indian Constitution has guaranteed right to equality to all citizens but the disabled people are often discriminated denying their basic rights. Apart from the legislation formulated, a clear and comprehensive procedural mechanism is to be structured for the advancement of rights of disabled. This study will focus on the problems of disabled people and analyses the legal protection given to them both at national and international level.

Keywords: Dignity, Disabled, Education, Employment, Basic Rights

A Study on Women and Family Law: It's Execution in Telangana State

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&

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Abstract

This paper discusses the origin, current implementation and future prospects of irretrievable breakdown of marriage as a ground for divorce under Hindu Law .It is focused to note that the scholars of Family Law and distinguished Jurists of the Supreme Court have always been in support of the non-inclusion of irretrievable breakdown of marriage as a ground for divorce. The opinions of the Court have been changing time and again. This paper also attempts to analyze the reasons for these changes and transitions. In this research paper, I focus a bit and recall back to the very idea of marriage, the origin, and changes owing to the influence of Law on the divorce particularly in such cases in Telangana State. Finally reaching the much debated topic of irretrievable breakdown of marriage. This research paper has extensively argued that there is no reason for the non-inclusion of irretrievable breakdown of marriage as a ground for divorce under Hindu Law. Thus, supporting the idea of the amendment of the Hindu Marriage Act, 1955 for the inclusion of irretrievable breakdown of marriage as a ground for divorce. Also, suggesting doing away with the Act in the long run by the adoption of a Common Civil Code (C.C.C)

Keywords: Marriage, Breakdown, Telangana

Sub-theme III: Challenges for Judiciary: Timely disposal, Legal Aid

Challenges for the Judiciary in Timely Disposal of Cases

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Abstract

The basic Human Right is, to seek Speedy Justice is a direct derivation from the Cardinal principle of Criminal Justice System such as: Justice Delayed Is Justice Denied, Justice with Held Is Justice Withdrawn, and Justice Should Not Only Be Done but Should Also Appear to Have Been Done. The speedy disposal of Court business is a matter which requires the earnest attention of every judicial officer. Delays of law are notorious in this country and tardy justice is often no better than injustice. The dispensation of justice has little meaning if it is not delivered in a reasonably short time, strictly speaking a delayed justice, frustrating the cause thereof, is no justice at all. A good legal system should not only yield proper and just solutions but also these solutions must be had quickly had as infallibility as human agency can guarantee. Delay is a great reproach, and the cry for speedy justice is heard from all quarters, slow justice would be futile, over speedy justice is undesirable, because the hurried justice implies buried justice, speedy disposal of cases should not be constructed to mean that cases should be disposed of quickly to the detriment of justice. While emphasizing the need for speedy justice, Justice Anand has rightly observed that "People want justice, pure, unpolluted, quick and inexpensive and they have every right to receive the same".

Keywords: Judiciary, Challenges, Disposal, Cases

Challenges for Judiciary in Timely Disposal of Cases

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Abstract

In this study, a survey were conducted among Lawyers, Professors, Students and common peoples in the perspective of Indian judiciary system facing challenges for judiciary in timely disposal of cases. Judiciary is the Legal

arrangement of settling legal disputes in a country to deliver Justice. When Indian judiciary is concerned a large number of cases pending for long years become a burden before them. “Justice Delayed is Justice Denied” is the quotes for delayed disposal of cases. Right to Speedy Trial is a fundamental right which is implicit under Article.21 of the Indian constitution. Judiciary faces the major challenges in areas such as vacancies in judiciary, Inadequate number of courts, Lack of specialized knowledge of the judicial officers to tackle the cases, Misuse of Public Interest Litigation, Frequently transferring Judges, lack of maintaining the order of cases for hearing, Specific causes of Delay in civil matters and criminal matters, speedy trial, Incompetent Law officers, Various Committees for legal strategies investigating the timely disposal of cases, Alternate Dispute Resolutions, Suggestions and recommendations to timely disposal of cases.

Keywords: Judiciary, Challenges, Timely Disposal, Cases

Problems of Disposing Cases in the Current Judicial System

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Abstract

India being the world’s largest democracy and second most populated country in the world is faced with the formidable task of disposing of the millions of cases appearing before the 21000 judges in our country. The supreme courts have directed the subordinate courts to expedite the disposal of criminal cases, especially bail petitions that languish for years. The pendency of cases in courts are directly affecting the power of the judiciary to serve justice to its citizens and provide the people with their fundamental rights and as such ‘Justice delayed becomes justice denied.’ The latest in a long line of decisions was pronounced in the case Hussain vs. Union of India, March 2017, wherein it has suggested various steps to dispose of the pending cases. This decision is a succession to the verdict in the 1980 Hussainara Khatoon case where the right to speedy trial was upheld as a fundamental right under Article 21. In this paper I will elaborate on the tasks faced by the Indian Judiciary in disposing of the long running cases and the major reasons for their delay. Problems like lack of adequate infrastructure to hear all cases and the insufficient number of judges to decide upon the case result in considerable pendency. The inculcation of technology and databases to infer the specific requirement of each case and the transparency of courts regarding its procedures and the inability of the courts to be criticised upon have contributed to many long running cases.

Keywords: Judicial System, Problems, Cases

Challenges for Judiciary in Timely Disposal of Cases

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Abstract

Delivery of justice and equity is considered to be the sole motive of the judiciary. 'Justice delayed is justice denied' these words of William E Gladstone signifies that if a legal redress is available for a party that has suffered some injury, but is not forthcoming in a timely manner, it is effectively the same as having no redress at all. It is based on the right to speedy trial as enshrined under article 21 of the Indian Constitution. The Supreme Court held that speedy trial is a fundamental right in the case of Hussainara Khatoon vs. Home Secretary, State of Bihar. Judiciary acts as the guardian of the fundamental rights of the ordinary man. People have faith in the judiciary and it is in the hands of judiciary to reciprocate the same to the society. One of the strong reasons for delayed justice is the lack of adequate judges. There is a need for more fast track courts and recruitment of judicial officers to reduce backlog of cases. Recent verdict of Nirbhaya case stands as examples for delayed deliverance of justice. This should be taken into consideration and check that judicial officers deliver verdicts timely. Adjournment of cases should be minimised. Prolonged deliverance of justice minimises faith of people in the judicial system and hence should be checked periodically. Another reason is the process of appeal and its cost. India being a democratic country with a large population has a huge burden on its shoulder to dispose pendency of suits as the earliest to uphold the interest of public. Judiciary is impliedly obliged to maintain equilibrium between speedy disposals of suits without causing adverse effect to the principle of justice and retain the faith of society in the legal system.

Keywords: Judiciary, Challenges, Disposal of Cases

Goal Set and Difficulties Congregate by the Legal Aid System in India

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Abstract

The concept of Legal Aid Service is to provide free legal services to the poor and the needy people, where the concept proves that law is equal for all and no one is deprived of getting justice due to lack of money, cast and creed. Justice cannot be enjoyed by the particular society and elite, it must be shared equally to everybody. This paper is to find out why Free Legal Aid Services is not benefited by all the people and why there is a lack of awareness in the society in obtaining the same. The objectives of this research paper were to discover

the reason behind the absence of awareness of Legal Aid Services in general and among the downtrodden people in particular. The researcher limited the area of study on flaws of Legal Aid System in India due to absence of awareness and reason for the absence of awareness in the society. To avoid the repetition scholar has reviewed Legal Aid in India and the Judicial Contribution authored by G. Mallikarjun, this paper concludes that “illiteracy as one of the reason for the flaws of legal aid system in India and the poor needs to be educated with legal knowledge by conducting legal literacy programs in the downtrodden society”. The reviewed paper does not provide the ways/ means by which the future young generation can be educated with legal knowledge from the grass root. To identify the research questions and to achieve the objectives the researcher would like to apply the qualitative approach and both doctrinal and non-doctrinal method for this paper. Non-competence of Legal Aid counsels towards the clients, no proper payment for the counsels in legal aid, unawareness in the society were the flaws of the Legal Aid. Here the author tries to highlight the importance of legal education at the school level, which could prevent the young future generations from being unaware of law.

Keywords: Awareness, Legal Aid, Poor, Downtrodden, Society, Education

Challenges for Judiciary in Timely Disposal of Cases

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Abstract

The biggest challenges to the Judiciary is that, long pendency of cases and more particularly the territorial division discussed in section 7 of the criminal procedure code said that “Every state shall be a session division or shall consist of sessions divisions and every sessions division shall be a district or consist of district provided that every metropolitan area shall be separate session’s division and district.” Further section 8 of the criminal procedure code discussed about the metropolitan areas and the state government may, by notification declare that, any area in the state comprising a city or town whose population exceeds one million shall be a metropolitan area and in our district have taluks and taluks population exceeds one million that should be declared as metropolitan area and courts has to be reconstituted according the population. The above one is a bona fide reason for the long pendency of cases backlog in one courts. Non co-operation of the parties in the case and lack judges that is judicial vacuum and non-recruitment of administrative staffs and non-implementation of the 2002 and 2009 amendments made in the civil procedure code and further pending of family cases in all districts, main reason is that parties have to appear and advocates only assist the parties and in the absence of parties’ court cannot do anything sans giving the adjournment.

Keywords: Backlog, Cases, Docket Explosion, Non-Cooperation, Parties, Judicial Vacuum, Non-Implementation, Amendments, Family Cases

Challenges for Judiciary in Timely Disposal of Cases

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Abstract

A nation's legal system is integral to how its citizens look upon issues that concern the country in general and their individual lives in general. Despite having the world's largest constitution, not to mention, which has gone through many amendments still India has not been able to solve the challenges to provide timely disposal of cases. More than three crores of cases are pending in Indian courts, the world's largest democracy. The rule of law cannot exist without an effective judicial system which is capable of enforcing rights in a timely and proportionate manner in a way that inspires public confidence in the administration of justice. Unless there is proper disposal of cases justice cannot be provided to the people who are in immediate need of it, as we all know "justice delayed is justice denied". The scope of the research paper is a theoretical *study on relevant data provided by authenticated sources, compiled, analysed and presented in a detailed manner*. The objective of the research paper is that to emphasize much on the affected people and will cover and will try to solve all the problems like vacancy in judiciary, inadequate number of courts, Abuse of PIL, Lapse of prosecution etc.

Keywords: Vacancy, Judiciary, Courts, Abuse, PIL, Lapse, Prosecution, Rule of Law

Need for Pro-Bono Justice and Role of Legal Aid Service: National and International Perspective

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Abstract

Fiat justitia ruat caelum is the legal aphorism that is present in every legal system of the world. It is not inordinate pronouncement, that this dictum holds a strong bonding between law and belief of the people. The sub theme which this paper proceeds to inspect is Access of poor people to justice: the role of legal aid services. Under the Constitution of India, concept of Justice is embraced as

a sacred philosophy. The abstraction of legal aid is provided under Article 39A of the Constitution of India. The parliament also enacted legal service authority act 1987 to establish institutions at national, state and taluk level for attaining the objectives of this act. When scrutinizing international legal documents, United Nation Declaration of Human Rights (UDHR) 1948 dealt very broadly with the right to fair trial and due process under article 10, 11.1 etcetera. In spite of all these national and international documents still there are lot of people whose cries remain unnoticed for legal aid. This paper will strive to evaluate the situation of legal aid of India in comparison to other countries and how legal aid at an international arena is proffered.

Keywords: Legal Aid, Justice, UDHR, Constitution, Process, Law

The Unmet Needs of the Poor: Access to Justice

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Abstract

Preamble of India provides for securing all its citizens equality of status and opportunity along with JUSTICE, social, economic and political. The objectives have inter-connection, equality promotes justice and justice promotes equality. Equal access to justice is a right that is based on human rights obligations. It is guaranteed against exclusion and inequality faced by many persons living in poverty. People living in poverty face numerous daunting barriers to access to justice, denying them the chance to challenge crime, abuses or human rights violations committed against them. This situation exacerbates their poverty and social exclusion, in a vicious circle of impunity, powerlessness and injustice. To promote equal administration of justice irrespective of economic or other disability and to empower people living in poverty to claim their rights is fundamental for fighting against poverty and tackling growing global and national inequalities, Legal aid was emerged. Legal aid implies giving free legal services to the poor and needy who cannot afford the services of a lawyer for the conduct of the case or a legal proceedings in any court, tribunal or before any authority. The Supreme Court of India got a major opportunity to make an emphatic pronouncement regarding the rights of the poor and indigent in judgement of Hussainara Khatoon to provide free legal aid to the poor. This paper has highlighted the importance of free legal aid in a constitutional democracy like India where a significant percentage of population is under poverty.

Keywords: Preamble, Access to Justice, Constitution, Free Legal Aid, Equality

Upholding Justice-Challenges for Judiciary in Timely Disposal of Cases

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&

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Abstract

This research paper depicts how Indian judiciary has come a long way after the independence in achieving of 'Upholding Justice'. This paper also discusses about how our Indian courts may it be Supreme Court or High courts or any other subordinate courts facing a challenge to uphold justice as they have tons of cases pending. There are millions of cases which need to be disposed but due to the lack of infrastructure and many other factors those cases never saw the daylight of the justice. The amount of backlog is so huge that former chief justice of India T.S Thakur couldn't hold his tears during a court session. This paper will also draw a comparison between Indian judicial system and foreign judicial system to enlighten the fact why Indian courts have so many backlogs. But despite of this situation the Supreme Court is taking many measures to mitigate the pending cases. This research paper will also focus on the measures those have been taken by the apex court and Central Government and funds have been disposed by the Govt. to clear the cluster of the cases and to uphold justice. Many special courts have been set up for speedy disposal of cases. The Supreme Court has said that "Right to speedy trial is a fundamental right under article 21 of the constitution." This research paper will also suggest a few ways how this challenge can be confronted because it is needless to say that, justice delayed is justice denied.

Keywords: Justice, Challenges, Backlogs

Access of Poor People to Justice: Role of Legal Aid and Services

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Abstract

We all are quite aware of rules, regulations, responsibilities, rights and duties that has been primarily codified, eventually modified and then again re-codified to put into practice in our daily lives. This system of rules, regulations, rights and duties has been gradually conceptualized into one term that shall define it all, i.e., Law. But law is not only about these things, its main agenda of existence is imparting justice to people. Justice is the sole objective behind conceptualizing law and if that is not being made accessible to people then, the

whole concept of law and justice is a failure. My paper intends to throw light on the issue of legal aid and services and its availability as well as accessibility to people, with reference mainly to the weaker sections of the society who are unable to afford it. Legal aid is a process or system to help people with legal issues pending in the court and having completely no idea how to deal with it or present themselves in the court. Legal services literally refer to legal help or assistance in the field of law and are offered by lawyers and counsels. But the concept of free legal aid and services is quite different from the general sense of legal aid and services. Normal legal service requires a person to pay fees for the concerned lawyer, but free legal services can be accessed by anyone who is poor or has no money to afford such services but is in great need of one. This makes legal aid and services a welfare provision by the state to people who could not afford counsel from the legal system. Apart from that free legal aid and services also intends in providing individuals with access to justice by allowing individual legal enforcement of economic, social and cultural rights, since the state did not want any poor people or people belonging to weaker sections of the society to remain deprived of justice and law. The initial status of free legal aid and services was that of a welfare provision in many parts of the world; but in the present milieu access to legal aid and services has become a fundamental right of a citizen. In my paper I will be discussing about the past or initial conditions of this concept of legal aid services in different countries of the world and will throw light on the current status of it with main reference to India.

Keywords: Justice, Legal Aid Services, Welfare Provision, Accessibility

Role of Indian Judiciary and Legal Aid in India

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Abstract

The concept of seeking justice cannot be equated with the value of dollars. Money plays no role in seeking justice. - Justice Blackmun in Jackson Vs Bish

Legal Aid implies giving free legal services to the poor and needy who cannot afford the services of a lawyer for the conduct of a case or a legal proceeding in any court, tribunal or before an authority. Legal Aid is the method adopted to ensure that no one is deprived of professional advice and help because of lack of funds. Therefore, the main object is to provide equal justice is to be made available to the poor, down trodden and weaker section of society. Article 39- An emphasized that free legal service was an inalienable element of reasonable, fair and just procedure that the right to free legal services was implicit in the guarantee of Article 21. The Legal Services Authorities Act, 1987 was passed by the parliament of India. The Act prescribes the criteria for giving legal services to the eligible persons. Still there are certain problems in rightly

imparting the legal aid to the poor due to the lack of knowledge and execution on subordinate judicial bodies. In this paper am deal with objectives of imparting legal aid to the poor and the role of judiciary in providing justice to the poor. Legal aid is not a charity or bounty, but is an obligation of the state and right of the citizens. The prime object of the state should be —equal justice for allll.

Keywords: Indian Judiciary, Legal Aid, Legal Services Authorities

Separation of Judiciary and Avoidance of Delayed Justice: Problems and Perspectives

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Abstract

The present judicial system in trial court level is not satisfying the need of the general public. Unwanted delay and unethical adjournments, making a delayed justice leads to denied justice. The present paper tries to understand the problems of the present system and identify the remedy in management of court system with effective manner. At present the subordinate lower judiciary divided in two branches i.e. Civil Court, Criminal Courts combined together one judicial officer take care the District Munsiff Office and proceed the Magistrate Court. It is a main judicial process, as a same thing lower judicial officers interest of area also lead a quantum of pending cases, the present judicial administrative system have no capacity to estimate the judicial officers psychology we will discuss this type of issues raised and try to solve with suitable suggestions on this present paper. The first author as an Assistant Professor of Criminal Law and have a practice of near about 7 years in the Madras High Court discussed this paper under the sub theme of “Role of Law Enforcement Authorities and Government in upholding justice”. So the problem with discussion of the second author. Both authors approach this study by secondary data and their own experience.

Keyword: Court Management, Separation, Judiciary, Criminal Court, Civil Cases

Adjournments Adjourn Justice

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Abstract

Constitution of India provides for a strong and independent justice delivery system, which stands as one of the strong pillars of Indian democracy. But the system is blamed for heavy backlog of cases for the past several years. Though various steps have been taken to overcome this issue it still sustains. Indian

judicial system is based on adversary system of justice delivery, which provides for strong relationship between the two constituents elements of judicial system- bar and the bench. They are the persons through whom justice is being delivered to the common man. But sometimes, they, remains as hurdle for proper justice delivery. One of such reasons is adjournments. Adjournments cause an inordinate delay in getting justice. Sometimes it may be the judges who are liberal in granting adjournments, whereas sometimes there are lawyers who are known to take adjournments on frivolous grounds. Whoever it may be the ultimate result is delayed justice to the needy and as the famous phrase says justice delayed is justice denied.

Keywords: Adjournments, Justice, Indian Judicial System

The Role and Access to Legal Aid in the Present Day: An Analysis

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Abstract

Legal aid means rendering free legal service to the needy section of the society and helping them get justice. At times though, these people are not even aware of such a kind of aid available. In this paper a detailed analysis on, to what extent legal aid service has helped the poor is done, connecting it to how justice has been delivered through the same. The final part shall include a statistical analysis of the study, suggestions on the role of legal aid in the society and if the downtrodden are actually getting justice by the legal aid services by the society.

Keywords: Legal Aid, Legal Service, Justice

Justice Delayed Is Justice Denied

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Abstract

Legal aid is recognised as a fundamental human right to ensure that every individual has access to fairness & impartially of justice. The main aim of any rational society would be to deliver justice and equity to each & every individual who comprises to be part of the society. Legal aid means nothing more than legal representation in court. This paper explores the constitutional & legislative provision for legal aid. Access to justice is a vital part for strengthen democratic

governance. An adequate legal aid system is one of the prerequisites for access to justice. This paper describes the importance & need of free legal aid with the help of case laws in a constitutional democracy like India where a striking section of the society has still not seen the constitutional promises of even the very basic fundamental rights being fulfilled for them. This paper deploys about the ways to improve access to justice in India, for e.g. legal aid, Lok Adalats, arbitration & conciliation etc. Legal aid to the poor & weak is necessary for the preservation of rule of law. Public Interest Litigation is one shining example of how Indian judiciary has played the role of the vanguard of the rights of Indian citizens especially the poor. This paper concludes by saying that the poor illiterate people should be imparted with legal-knowledge & should be educated on their basic rights which should be done from the grass root level of the country.

Keywords: Legal Aid, Justice, Constitution

Justice Delayed is Democracy Denied: Issue of Delayed Disposal of Cases by the Judiciary Affecting the Indian Democracy

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Abstract

Judiciary, which is one of the three organs of the Government, is also the bedrock of Indian democracy. The role played by the Courts in the society is not merely limited to disposing cases, but it extends to disposing cases on time with due regard to the ideals of 'fairness'. However, the Indian judiciary has failed its people by being incapable of protecting their rights and liberties in a manner required to secure their faith in the judicial system for the purpose of administering justice. The delayed disposal of cases has paralysed the Indian judiciary, thereby rendering it inefficient in performing its duty of upholding the Fundamental Right of "Right to life" guaranteed by the Constitution of India under Article 21. This paper aims at highlighting the symbiotic relation that exists between judiciary and democracy, the challenges faced by the judiciary in timely disposal of both civil and criminal cases, lacunae in the judicial infrastructure which is instrumental in impeding the process of dispensation of justice, impact of the political environment on judicial decisions. It further aims to comprehensively understand the reasons behind failure of measures adopted by the Government to address the issue of delayed disposal of cases. Finally, the paper will propose improvements to the existing judicial model, with special emphasis on the evolving concepts of E- judiciary and Alternative Dispute Resolutions, or any similar "out of court settlements".

Keywords: Democracy, Delay, Disposal, E-Judiciary, Government, Judiciary

Access to Justice for the Poor and the Right to Legal Aid in India

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Abstract

The concept of seeking justice cannot be equated with the value of dollars. Money plays no role in seeking justice. – Justice Blackmun in Jackson vs. Bish

Articles 39A Equal Justice and Free Legal Aid

The state shall secure that the operation of the legal system promotes justice, on the basis of equal opportunity, and shall in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Article 39A form a part of the directive principles of state policy and is given under part V of the constitution of India, 1950. It essentially impose a duty on the state to ensure that the legal system function in a manner that further justice, provides equal opportunity and more importantly, devises appropriate mechanism or legislation so that it can extend legal aid free of cost. It is movement because it intends to provide equal protection of law and equal access to justice to all people, particularly the poor who lack means to knock at the door of justice, poor should not be marched upon by the rich because they lack means to seek justice. Equality before law is meaningless unless unequals are made equal. Equal access to justice is a constitutional mandate. The aim of this paper is to study how the right to legal aid has been implemented in India. How the acts interpreted this right to broaden the scope of justice.

Keywords: Justice, Poor, Right, Legal Aid, Access, India

Role of Legal Aid to Maintain Access Justice in Indian Society

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Abstract

Justice is the concept of morality based on the ethics, rationality, law, natural law, fairness, religion and equality. Justice is the result of the fair and proper administration of law. Upholding justice means to uphold the justice of a cause. Equal access to justice is a right that is based on human right obligation. By accesses to justice means that people are capable of claiming their right to protect their livelihood, income, assets and seek a remedy against exploitation. Access to justice has the biggest hindrance on the poor people in the developing country. The main reasons are discrimination, inequality, lack of legal awareness and corruption in the justice system. This papers deals with the provision, how the right of legal aid has been implemented in India, how the judiciary interpreted this right to widen the scope of justice, what are the barriers in ensuring successful legal services, what programs should be implemented to improve the legal aid services. This paper elaborates the importance of legal aid in our country, its impact on our society and most effective legal system. This paper also deals about what is legal aid? , why the right to access to justice is important? This paper also deals with the Article 39A of the Constitution of India. What are the roles of legal Service Authority Act to promote access to legal justice? Even Article 14 and Article 21 of the Indian Constitution along with Article 39A deals with the provisions related to legal aid.

Keywords: Justice, Legal Aid, Constitution, Access, Society, Article 39A

Access of Poor People to Justice: The Role of Legal Aid Services

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Abstract

The Preamble of the Constitution of India states “WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens: Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and opportunity; and to promote among them all Fraternity assuring the dignity of the individual and the unity and integrity of the Nation.”It clearly implies that when justice is implemented in the country,

it should be done without being biased. Yet when it comes to the poorer regions of India there is an evident lack in ensuring access to justice. This prevents them from enjoying their rights and participating in the society on an equal basis with the rest of the population. Although it's mandatory to ensure access to legal aid, it proves to be a challenge because of lack of transportation, distance and awareness of legal services they are entitled to. Apart from this, corruption in the legal system is rampant, wherein lawyers charge exorbitant fees and exploit the poor and uneducated even though Article 39 A of the Constitution clearly states 'free legal aid services to the poor and weaker sections of the society.' Moreover public servants have not performed their duty of tackling the problem by educating the poor about their Fundamental Rights.

Keywords: Constitution, Justice, Legal Aid, Rights, Poor, Access

Decoding Indian Judiciary's Inefficiency in Timely disposal of Cases: A Brief Analysis

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Abstract

"All litigation is inherently a clumsy, time consuming business". - The Chief Justice Warren Burger of American Supreme Court

Justice is the foundation and object of any civilized society. The quest for justice has been an ideal which humankind has been yearning for ages down the line. Justice is a constitutional mandate. Indian Judiciary is known for its fairness, autonomy and equity arranged approach. Be that as it may, as of late the abilities and method for working of Indian Judiciary were under test as a sentiment thwarted expectation and disappointment was seen among the general population of this nation. The Substantial overabundance of cases in the courts and inescapable delay in administering the equity has been to such a degree, to the point that it is hampering public trust and confidence in the legitimate framework and it is having a tendency to disintegrate the nature of social justice and hampering the financial advancement of the nation. An endeavour is made in this article to feature the reasons for legal postponements and to recommend therapeutic measures for enhancing the System.

Keywords: Judiciary, India, Disposal, Cases

Challenges for Judiciary in Timely Disposal of Cases

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Abstract

Justice delayed is justice denied is a famous quote often said, but whether justice is delayed intentionally is the question to be addressed here. Judiciary the third pillar of our nation is predominantly doing its duty with utmost care and caution. The basic tagline of justice delivery system being 100 convicts can escape but one innocent should not be punished. But to keep this tagline justice delivery system should be speedier and cases should be disposed of in a timely manner. We can say that justice has failed if there is no proper and speedy disposal. For instance in the case of Rudal shah –vs. - state of Bihar, the execution of justice was made with such delay that it affected the life of a person. This paper tends to analyse the various causes that result in the untimely disposal of cases and the ways and measures to curb the menace and to bring a solution for the common people and in the interest of justice.

Keywords: Problems, Causes, Speedy Disposal

The Role of Free Legal Aid on Accessing Justice

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Abstract

“The poor and the illiterate should be able to approach the courts and their ignorance and poverty should not be impediment in the way of their obtaining justice from the courts” - Justice P.N.Baghawati

India being a largest country carryout large number of marginalized people who were unable to meet the cost of litigation which resulted in free legal aid. Free legal aid is aims to promote fair and equal justice to all its citizens which is guaranteed under fundamental rights and Directive principles of state policy. The Legal Service Authorities Act,1987 also assures the same. Free legal aid is necessary for fair, reasonable and just procedure. Fair and equal administration of justice is necessary for the welfare of the country. Every prisoner has the right to apply for a legal representative which is assured under the Constitution of India. People because of their illiteracy, poverty were not aware about this. Besides enormous number of schemes they were not known about their basic rights. The role of free legal aid on the marginalized society will be elucidated in the paper.

Keywords: Legal Aid, Services, Access, Justice

Access to Justice for All: The role of Legal Aid Services

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Abstract

The focus of legal aid is on distributive justice, effective implementation of welfare benefits and elimination of social structural discrimination against the poor. Thus, the main object of Legal Aid is to provide easy access of poor people to justice. The Constitution of India under Article 39-A mandates for free legal aid to the poor and weaker sections of society. The Parliament passed the Legal Services Authorities Act, 1987, as amended by the Act of 1994 which came into force on 9th November 1995, aims at establishing a nation-wide network for providing free and comprehensive legal services to the weaker sections. It makes it obligatory for the State to ensure equality before law and a legal system which promotes justice on a basis of equal opportunity to all. Legal aid strives to ensure that constitutional pledge is fulfilled in its letter and spirit and equal justice is made available to the poor, down-trodden and weaker sections of the society. The present paper is an attempt to highlight the constitutional provisions and law relating to free legal aid. It also examines the role of various Legal Aid Services Authorities under the Act, which have been set up for implementing and monitoring legal aid programs in India.

Keywords: Authorities, Constitution, India, Legal Aid, Justice, Poor, Services

Legal Aid: A Path to Justice for Poor

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Abstract

“I think the first duty of society is justice” - Alexander Hamilton

As the saying goes, justice is common to all the people in the society. In a democratic welfare state, all the citizens should be given equal opportunity in order to ensure social, economic and cultural rights. To enhance this, the constitution of the country provides the concept of “LEGAL AID” to ensure proper justice to all the citizens before the court of law. Legal aid means the assistance provided for the people who lack access to the court due to the disability to afford legal representation. Normally, rich and corporate classes are provided with legal services by the law firms, where several domain experts provide high class service at price determined by the markets. While the middle

class who cannot afford these services, approach the individual lawyers. But for people who are poor, are denied access to justice due to several burdens such as travel allowances to approach the court, payment to lawyers etc. Thus, legal aid is a cure medicine to these problems. Legal aid ensures equality before law, right to counsel, and the right to fair trial. This article describes the history of legal aid, legal aid under Indian constitution, and discusses whether the legal aid is serving the poor or there is a need of an alternative to give justice to all its citizens.

Keywords: Justice, Equality, Law, Fair Trial

Timely Disposal of Cases: Challenges for Judiciary in Upholding Justice

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Abstract

The work in this article is to sketch about the challenges faced by the courts in upholding the justice and the efforts taken by them or needed in disposing of the cases in time without delay in justice. The right to speedy trial of a case is also considered as an integral part of the constitution, thus judgments without delay is expected by the public and it is in need to maintain a sense of confidence by the public upon judiciary. Since seventy long years ago we were declared independence but still the process of delivering justice to the people is delayed and it causes frustration as well as loses hope towards the existing judicial system. Though our system of judiciary is considered as best and independent for its path-breaking judgments but still it has got a drawback of delay in justice. In most cases their grandsons appear for cases filed by their grandparents. Hence this is an attempt to analyse the existing situation, reason for their delay in justice, the causes and measures to prevent the delay and to balance the plate of scales between justice delayed is justice denied and hurried justice is buried justice within the parameters of the provisions and procedures of law implemented by the law making agencies and to reach the goal in the judiciary.

Keywords: Judiciary, Disposal of Cases, Challenges, Upholding Justice

Effect and Efficacy of Law Relating to Equal justice and Free Legal Aid in Indian Legal Perspectives

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Abstract

The Legal system in India is not equally accessible to all. The poor section of the society is prevented from using the machinery of justice as the cost of justice is very high. As a result, they are barred from the effective redressal of their grievances, and they have to bear with injustice only for the reason that they cannot pay the price of justice within the framework of the judicial administration. This leads to loss of faith in democracy and rule of law and they are convinced by the thought that the legal system is intended to benefit the rich at the cost of the poor and disadvantaged if the poor cannot get equality before the laws and equal protection of laws as enshrined in the Constitution. The objectives of the study include (i) To appraise Legal provision on Legal aid under Legal Service Authorities Act, (ii) To study the significance of Legal Education and Legal profession to provide legal literacy and legal advice, (iii) To evaluate Judicial System, this provides expeditious and effective resolution of disputes by adopting alternative dispute resolution, (iv) To study the concept “Access to Justice” and justice delivery system at the door steps of the people, (v) To analyze the Role of paralegals to educate the poor about substantive Legal provision as well as Legal institutions for the enforcement of legal rights. The findings of the study will be discussed during the presentation

Keywords: Legal Aid, Justice, Alternative Dispute Resolution

Challenges for Judiciary in Timely Disposal of Cases

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Abstract

“Justice, Social, Economic and Political” is the spirit and vision of our Constitution as adopted by us. It is the duty of the State to secure a social order in which the legal system of the nation promotes justice on a basis of equal opportunity and in particular ensures that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Access to prompt and quality justice is the key for realizing this vision. Denial of ‘timely

justice' amounts to denial of 'justice' itself. Timely disposal of cases is essential for maintaining the rule of law and providing access to justice which is a guaranteed fundamental right. The importance of an effective, efficient and expeditious disposal of cases is what one desires for at the initiation of a case. However, in the matter of speedy delivery of justice, the system has not been successful, largely because of the explosion in litigation which, whilst indicating, in a sense, the confidence of the people in the system, also results in increasing frustration and disillusionment with the said system. In the above backdrop the paper aims to study the various factors that affect the speedy trial and other limitations that hamper the system as a whole. The data shall be substantiated using review of existing literature, judicial review and case laws. The analysis shall be qualitative in nature which involves interpretation, reflection and judgements.

Keywords: Legal Aid, Justice, Citizens, Access

Access of Poor People to Justice: The Role of Legal Aid Services

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Abstract

“From the human rights perspective, persons belonging to the weaker sections are disadvantaged people who are unable to acquire and use their rights because of poverty, social or other constraints. They are not in a position to approach the Courts even when their rights are violated; they are victimized or deprived of their legitimate due. Here lies the importance of access to justice for socially and economically disadvantaged people”, as held by the Supreme Court in a recent judgment. Legal aid is the provision of assistance to people otherwise unable to afford legal representation and access to the court system. Legal aid is regarded as central in providing access to justice by ensuring equality before the law, the right to counsel and the right to a fair trial. An act to constitute legal services authorities to provide free and competent legal service to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizens by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity. This paper will discuss how the Right to legal Aid has been implemented in India, what are the hindrances faced by weaker sections in access to justice and would critically discuss the role played by Legal Aid Services in promoting access to legal assistance.

Keywords: Poor, Legal Aid Services, Justice

Introduction of Information and Communication Technology in Indian Judiciary

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Abstract

Efficient judicial systems are an important factor of economic growth as well as social security. The adequate protection of property rights encourages saving and investment, ensuring certainty of returns resulting from these activities, effective contract enforcement promotes the expansion of trade, discouraging opportunistic behaviour and reducing transaction costs and through social security it initiate to reduce the crime rate and helps to full up the personal rights .In India the duration of proceedings is very high, with significant costs for businesses and public security, reducing confidence in the judicial system .The e-Courts Integrated Mission Mode Project is one of the national e-Governance projects being implemented in Supreme Court, High Courts and district/subordinate Courts of the Country. e-Committee of the Supreme Court of India formed for “National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary-2005”. The Main Objectives are to provide designated services to litigants, lawyers and the judiciary by universal computerization of district and subordinate courts in the country and enhancement of ICT enablement of the Justice System. This paper also provides insights in the potential of ICT to be able to go far beyond than what is proposed in the e-Courts project. The e-Courts project has mainly provided a platform for the consolidation of the ICT infrastructure in the courts. In order to be able to use all this computing machinery efficiently, more services, beyond as envisaged in the e-Courts project have to be developed.

Keywords: Information, Education, Communication, Technology, Judiciary

Role of Legal Aid Assistance: Access to Equal Justice, Opportunities, Contemporary Challenges, and Solutions

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Abstract

This paper will focus on the multiple facets of legal aid services in the modern age. This paper primarily studies the role played by Legal Aid Services in delivering justice to economically weak and vulnerable sections of society. It will highlight the related changes and the challenges, undergone and faced by Legal Aid Services as an increasingly popular, although often misunderstood concept; and how it is evolving. Art.14 of the constitution guarantees to all its

citizens equality before law, irrespective of their social and economic background. Yet, many do not approach the courts owing to lack of knowledge, prejudice, or misconception about the law enforcement system. It is at this juncture that the importance of legal aid services becomes evident and must be discussed. It will present the emergence and importance of modern ideas and concepts of Legal Assistance; substantiated by a comparative study between historical and modern concepts, and methods of providing legal aid and assistance to those seeking justice. The paper will concentrate on the importance and impact of legal aid services in relation with the economically backward sections of the society; and will give special emphasis on the hindrances faced by legal practitioners and authorities in course of dissemination of legal aid and assistance. After detailed observation and analysis, this paper will attempt to provide sustainable and practical solutions to the problems that have been identified. It will also analyse how the efforts and initiatives of law schools and law universities help the poor access justice.

Keywords: Role, Legal Aid Assistance, Equal Justice, Opportunities, Challenges, Solutions

Is the Supreme Court of India going through a Civil War?

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Abstract

The researchers would discuss the current incidence which took place when some of the Supreme Court Judges obligated the working of Chief Justice of India through the means of a press conference. The research paper will also contain some important issues which came out through that press conference such as the powers of the CJI to counter any case which contains his involvement and is there a need of codified duties and powers for CJI to ensure that there should be no misuse of the powers of the CJI. The senior most Judges of Supreme Court of India claimed the misuse of the powers of CJI by the current Chief Justice of India in a press conference without informing various other Judges of the Supreme Court.

Keywords: India, Supreme Court, Civil War

Role of Lok Adalat in Speedy Trial

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Abstract

In day to day life, people are very busy with their work. Everybody is in hurry in every work. In our adjudication system the lengthy procedure and delayed justice are the demerits which we think as a barrier to justice. So the people need speedy disposal of the cases. Lok Adalat is one of the methods of adjudication, by way of settling the dispute through a compromise the needy and poor people also can get free legal service. The Legal Services Authority Act 1987 create a new pathway to our judiciary system. Speedy disposal saving the money of people and are the merits of this Act. According to sec 18(1) of this Act Lok Adalat can have jurisdiction to take the following cases for disposal.

- 1) Any case pending before the court
- 2) Any dispute which is refused to Lok Adalat

In *Sheela Barse vs Union of India* the Supreme Court held that speedy trial is the fundamental right. Section 89 of CPC also says about settlement of dispute outside the court.

In *Katar Singh vs State of Punjab* it is said that right to speedy trial is an essential party speedy trial is an essential part of fundamental right. In *Abdul Rahman vs R.S.Nayak* the court has given given some guidelines for speedy trial justice delayed is justice denied. So the Lok Adalat can perform a main role in judiciary system.

Keywords: Lok Adalat, India, Justice

Access of Poor People to Justice: The Role of Legal Aid Services

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Abstract

'Injustice anywhere is a threat to justice everywhere.'

- Martin Luther King, Jr.

The preamble of the Constitution of India provides an assurance of justice to all the citizens of the country, regardless of the social, economic and political background. The access to all kinds of legal services, inexpensive and expeditious justice is a basic human right. Though, in practice, wealthy persons and large corporation are usually the ones to receive the highest quality of legal advice and representation. The people belonging to a backward, poor background are often neglected and face unfair treatment. Equality in access to

the law for the poor and the rich alike is essential for the maintenance of the rule of law. The Articles 14 & 16 of the Constitution impose an implicit responsibility on the State to ensure that no citizen is deprived of legal assistance for any reasons of economic or other disabilities in order to provide equal justice to all citizens. Also, Article 39-A mandates that the State shall provide free legal aid by suitable legislation or in any other way to ensure that opportunities for securing justice are not denied. Legal Services Authorities Act, 1987 was enacted for such reason of rendering free and competent “Legal Service” to the weaker section as provided, under Section 2(1)(c) of the Act. This research paper examines the present challenges faced by poor people in attaining legal aid, and how legal aid services will help curb this problem.

Keywords: Legal Aid Service, Access, Poor People, Provisions, Constitution

Access of Poor People to Justice: The Role of Legal Aid Services

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Abstract

Poor is defined as the class of people who lack in any material possession or money. Poverty is a multifaceted concept. The access of the poor to the justice system is a debated subject in the light of a mishap, but the discussions or debate does not go further. The access of certain classes of people to the justice system is very much limited, the problem is in identifying that section of the country. Normally the economically backward are identified as poor. There are initiatives to provide legal services to the poor, but as stated above only the economically backward are considered in those initiatives. Denial of justice goes hand in hand with delay in serving justice. Apathy and ineffective governance have created barriers in accessing justice, which has resulted in granting certain sections of society only limited access to the full range of socio-economic and civil-political rights available. The above said poor belong to those sections which face certain barriers. Firstly external barriers like geographic constraints, internal barriers like delay in procedures etc; third, there are ‘quality factors’, which are caused by the uncertain and inconsistent application of law. These factors are to be incorporated into service pattern of various legal services authorities, including the national legal services authority. The current system is not effective to the fullest of the existing need. This paper will concentrate on the above said issues that amount to the delay of justice as well as to the ineffectiveness in the current system to identify the those classes of the public which lack in proper legal support and justice.

Keywords: Access, Justice, Legal Aid, Poor People, Delay

Access of Poor People to Justice: The Role of Legal Aid Services

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Abstract

The paper purports to analyse the legal aid services in India and the role played by the same in administration of justice. The constitution is designed to shield the poorer section in the society and this mandates trenchant and effective functions of legal aid programmes and legal literacy programmes. The economic inequality hampers equality in administration of justice. Economic inequality has made justice beyond the weaker section of people. Since the procedure before court is complicated and technical; the assistance of an advocate is inevitable. The concept of legal aid is to consider such economic needs for litigation. Legal aid is assistance to people who are unable to afford legal representation and access to the court system. Right to legal aid and equal justice is embodied in articles 14, 21 and 22 of the constitution. Equal justice demands access to law and justice to both poor and the rich. Article 39 of the constitution imposes a duty on the state to ensure that the legal system functions in a manner that furthers justice, provides equal opportunity and devises appropriate mechanisms or legislations so that it can extend legal aid free of cost. Legal aid is thus a paramount duty of welfare state. The research shall extend to legal aid in criminal procedure, appeal cases and in code of civil procedure. The provisions of Legal Services Authorities Act 1987 shall be considered for the purpose of this research. The Act prescribes the criteria for giving legal services to the eligible persons.

Keywords: Legal Aid, Assistance, Equal Justice, Poor, Administration, Justice

Access of Justice to the Poor: Role of Legal Aid Services and Other State Factors

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Abstract

"There can be no equal justice where the kind of trial a man gets depends on the amount of money he has." - Justice Hugo Black

Rule of law on which the entire global justice system is based upon can be preserved only if the justice that is delivered to a citizen is completely based upon his acts rather than his status. It is not new to put forth the claim that money buys many things but we the human race, have the credits of including Justice among those goods that can be easily purchased. We live in a scenario (if reports are to be believed) where in the availability of justice varies from each one

depending on the weight of his pocket. So to overcome all such incongruities the legal systems all around the world came up with institutions named as legal aid centres to which all sectors of people are believed to have easy access. The state right from its inception has been persistent in establishing equal standards of justice to all but the human institutions in the form of law enforcement agencies that arose in the middle have toppled the justice system completely. The researcher in this paper would like to discuss about the very concept of irrationality in access to justice and the government's role in bridging the gap through various agencies. The researcher would also like to submit a study on the present state of these legal aid institutions and the ways to overcome the flaws in the system and mutilate the unwarranted limbs and suggest suitable alternatives for the same.

Keywords: Legal Aid, Rule of Law, Justice, System

Access of Poor People to Justice: The Role of Legal Aid Legal Aid Services

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Abstract

The aim of this paper is to study how the Right to Legal Aid has been implemented in India for the benefit of economically backward people. The object behind this is to understand the importance of legal aid in India, its impact on the lives of the people and the need for an effective legal aid system. Peace and harmony is very essential for the growth and development of a nation which can be ensured through fair administration of justice. India's government has a number of programs to improve the lives of the poor, most marginalized people don't know what they are entitled to, nor do they have the power and access to ensure that they get it. To promote equal administration of justice irrespective of economic or other disability, the concept of free legal aid emerged. Legal aid means extending legal assistance free of cost to the poor and needy, to those who do not have the resources to engage a lawyer to represent them in legal proceedings in a tribunal, court or before any other authority. It implies offering legal help to those embroiled in some legal troubles. The poor or marginally usually have very little knowledge about their rights. The legal services act seeks to ameliorate this situation and increase awareness of legal aid. Without giving the poor equal opportunity to access law, it deprives them of legal protection and gives excessive powers to the powerful to exploit them.

Keywords: Legal Aid, Access, Poor, Peace and Harmony

Legal Aid: The Messiah of the Poor

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&

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Abstract

Legal aid has become an important facilitator in the justice delivery system of our country. Before the introduction or awareness of legal aid, the under privileged and poor people were denied justice and were easily cheated. By providing the statistics of the states having the highest crime records and whether all the cases have been provided with sufficient redressal or not, we will analyse the core reason behind the slow justice delivering system of the courts. The importance of legal aid and how legal aids have provided people with a speedier justice delivering process and the number of cases which have been solved through legal aid will be discussed. Thus, a comparison will be drawn between how justice is delivered only through courts and how with the help of legal aids, courts are successfully and efficiently delivering the due needs for each person. The aim of the paper is to portray legal aid as an efficient facilitator in providing justice to our less privileged brethren. The concept of compensatory jurisprudence and the role it plays in providing justice to the poor will also be briefly discussed.

Keywords: Justice, Justice Delivery System, Legal Aid, Compensatory Jurisprudence

Modernization of the Judiciary to Reduce Backlog of Cases

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Abstract

This paper studies the efforts made by the honorable Supreme Court of India and presents a layout of how the prevailing Information and Communication Technology (ICT) can aid Indian judiciary to progress as a system which is more technologically steered with increased transparency. Recent global initiatives with respect to the same are discussed. The major power behind the endeavors made by the honorable Supreme Court and the funds provided by the Government of India is to raise the rate of justice and to reduce the piling up of large number of cases across various courts in India. Several measures have been taken to utilize the potential of the Internet in order to make the life of the litigant easier, that is, mainly to benefit the poor. The e-Courts project has led to the development of National Judicial Data Grid, scanning, digitization and digital preservation of case records, enabling video-conferencing for courts and

jails, etc. This paper also renders insights into the possibilities of Information and Communication Technology (ICT) to be able to thrive beyond than what is offered in the e-Courts project. The e-Courts project has mainly given a platform for the consolidation of the Information and Communication Technology (ICT) infrastructure in the courts. In order to be able to use all this computing machinery efficiently, more services, beyond as envisaged in the e-Courts project need to be developed.

Keywords: ICT, Delay, Judiciary, Backlog, Cases

Economics of Legal Aid Services

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Abstract

There is no doubt that an effective justice system is a pre requisite for development. Recently, India's growth rate is predicted to accelerate favourably in the forthcoming years by the United Nations. But if justice is delayed, the development isn't near. Justice and development go hand in hand. Though India is a developing country, the benefits are not shared equally among the haves and have-nots. The development of Indian legal infrastructure is dependent on the performance of the legal aid cells. An abortive legal aid cell is grass root for an ineffective legal infrastructure. The basic purpose of a legal aid cell is to provide free and qualified legal services. The term "legal service" includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter. It is pertinent to note that a good legal infrastructure can influence development of a nation at all levels. In this research paper, the researcher aims to prove that functioning of the legal aid cells can bring substantial changes to the development of the country.

Keywords: Justice, Growth, Legal Aid, Development.

Role of Legal Aid Services

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Abstract

Legal aid is the fundamental concept of Indian judiciary. Articles 14 and 22(1) also make it obligatory for the State to ensure equality before law and a legal system which gives justice to all its subjects. Those living in poverty or facing mental or intellectual difficulties can face the threat of exclusion from the rights guaranteed by law, facilitating access to essential legal and social services for

these individuals is the role of legal aid. Indigenous peoples also have legal needs that are not being met by the current system. Not only to help the needy, legal aid are been conducted for disposing large number of cases by means of Lok Adalats they voluntary take up case in rural village and they also save the court time. This both the way helps the needy and also helps the villagers with legal knowledge. Now, many law school has brought the concept of legal aid to spread the awareness among the public that they are been provided legal service for free of cost. This paper explains the role and the support given by the advocates and the other legal authorizes for the protection and the justice with is guaranteed by our Indian constitution to its people.

Keywords: Lok Adalat, Right to Free Trail, Human Rights, Legal Assistance

Access of Poor People to Justice: The Role of Legal Aid Services

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Abstract

Legal aid was introduced by way of the Forty-Second Amendment under Article 39A, of the Constitution of India. It obligated the State to provide free legal aid, by introducing legislation and to promote justice equality before law. This constitutional promise reads as under –

“The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.”

An act to constitute legal services authorities to provide free and competent legal service to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizens by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity. India is a developing country. The development in the industrial sector is very much appreciable, but still this progress in the field of industrialization, marketing, finance, etc. cannot hide the indispensable drawbacks of our society like population explosion and illiteracy. These drawbacks, coupled with environmental and social hinges results in increase in poverty and lack of food for people. The paper will focus on legal aid and its role in empowering the poor people in the country.

Keywords: Free Legal Aid, 42nd Amendment, Poor and Needy people, Lok Adalat.

Pendency of Cases: Does It Have a Connection with the Present Court Room Practice: A Case Study with Special Reference to Small Causes Court and City Civil Court, Chennai

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&

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Abstract

Courts are established to administer Justice. Judicial courts are created by the government through the enactment of statutes or by the constitution provision for the purpose of enforcing the law for the public good. “Justice delayed is Justice denied” – a maxim which is to be adhered seriously by the courts today. The pendency of cases in the courts and the difficulties faced by the litigants has a direct bearing not only on him / her, but it has impact on the economic, social and political wellbeing of the state. As on 1.1.2016, 3, 10, 35,237 cases are pending in the district and sub ordinate court across the country and there are only 16,874 judges to try them – that is around 1540 cases per judge. This wide gap in the ratio of judges’ versus cases has a definite impact in the management of court. The Centre for Research and planning in its report in 2015, had said that the sub ordinate judiciary works under severe deficiency of 5,018 court rooms. According to its report 41,775 staff position for sub ordinate court were lying vacant, further affecting the functioning of these courts. These indicators have adverse consequence on the effectiveness of courts. A judge trying cases for days on makeshift rooms cannot be expect to turnout optimal results. Equally shortage of secretarial and support staff on availability of court services, show vital to ensure timeliness. The earliest attempts to address the issue of backlog were in the Ranking Committee Report, 1924- 2012. It concluded that quality of judicial administrative can be improved only when problems of arrears of cases is tackled. Courts have developed Case Information System (CIS), which reflects the information regarding the status of cases, but nothing has been done to the speedy disposal of cases. Early disposal of cases is a challenge and demand the solution and solace to the litigant. In this article we would like to explore from the available data from small causes court and city court, Chennai that “Does the delay in disposal of cases have direct effect on the defective court management system will be analysed further.

Keywords: Small Cause Court, City Civil Court-Staffing, Court Management, Judicial Administration, e-Court

Legal Aid Services Authorities and Their Aid to People for Accessing Justice

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Abstract

“Justitia Nemini Neganda Est” – “No person shall be denied from accessing justice”

The preamble of the Indian Constitution promises to secure all citizens' Justice – Social, Economic and Political. In order to that, the Indian Constitution has established various means to secure the rights of the citizens. Though there are numbers of safeguards available, the persons belongs to weaker sections of the society like members of scheduled tribes, women and children, disabled persons, victims of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster could not access the justice easily by the reason of economic or any other disabilities. To provide legal aid to those persons, legal services authorities have been established at the various levels. The legal aid services authorities arrange free legal aid camps and conduct legal awareness programmes. This study analyses the role of the legal aid services authorities and impact of the effort taken by them in the society.

Keywords: Role, Legal Aid Services Authority, Poor, Access, Justice

Judicial Activism: An Effective Tool towards Upholding Justice

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Abstract

Indian law and jurisprudence stretches back to centuries and it forms a living tradition with its diverse group of people. The key feature of our Constitution is that, despite the adoption of federal system and existence of Central Acts and State Acts in their respective spheres, it provides for a single integrated system of courts to administer both Union and State laws. Among the three organs (Executive, Legislative and Judiciary) of the State, the Judiciary has a remarkable record of ensuring constitutional control over other organs. And through this, it has also gained the confidence and trust of the people. Black's law dictionary defines judicial activism as a judicial philosophy which motives the judges to depart from the strict adherence to precedents in favor of progressive and new policies which are not always consistent with the restraint expected by appellate judges. The inactiveness, negligence and corruption

among the executive and legislature have indeed created a vacuum, leaving the judiciary with no other option but to expand its horizons and fill-up. When the existing legislations failed to provide a path, judiciary started taking on the problems by itself in order to find out a solution through their active interpretation of provisions and use of their practical wisdom. Though the concept of judicial activism is evident to have started long back, it has now become a welcoming stretch exercised by the judiciary in order to meet out the high hopes and aspirations of the litigants. This paper shall bring out the significance of judicial activism to act as tool towards upholding justice. The author also tries to analyze the concept of judicial restraint while discussing about the increasingly emerging idea of judicial activism or judicial overreach.

Keywords: Judiciary, Over-reach, Restraint, Uphold Justice

Family Courts: A Path Forwarding Conciliation of Family Disputes

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Abstract

In India there are many cases dealing with a broad spectrum of issues such as family matters and property which continue for generation. Such cases continue for atrocious periods of time, ranging from 7 to 20 years. In such a scenario, the channeling of cases to different courts setup especially for their purpose not only ensures their speedy disposal but also ensures that the case, being dealt by with experts in courts more effectively. In India as per studies conducted in Mumbai and Delhi, 40% of marriages are heading towards divorce. There are also issues like alimony and misuse of provisions like sec 498A of IPC, sec 125 of CrPc, and Protection of woman from domestic violence which become the topic of great controversy and cause harassment of families and further the personal issues get intertwined with the legal issues and lead to the unnecessary prolonging of the disposal of cases. The Family courts Act, 1984 was part of the trends of legal reforms concerning family disputes in India. This Act was enacted to provide for the family courts with view to promote conciliation in and secure speedy settlements of disputes relating to marriage and family affairs. The most important feature regarding proceedings before this family courts that they are first referred to conciliation and only when the conciliation proceedings fail to resolve the issue successfully, the matter taken up for trail by the court. This paper focuses on the various beneficial aspects of family courts in conciliating the family disputes and also drawbacks in its effective functioning.

Keywords: Family Courts, Family Disputes, Conciliation, Speedy Settlements

Sub-theme IV: Challenges for Police: Crime investigation, Law and Order, False Complaints

Liability of the Police Department: Negligence in Sensitive Issues

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Abstract

From the very inception of civilized society governed by the law that applies to it, also has existed the antisocial elements that disturb the peace and harmony of the society. Hence it has always been a duty of the government to maintain such peace in the society. The government deploys certain law enforcement agencies and authorities for the same. There are a various law enforcement agencies that are controlled by the government, for example the Central Police Force, State Police Force, Border Security Force Etc. It is the responsibility of the government to administer these agencies. The main focus of this research is on the failure of the police department in performance of their duties. Many times it happens that these agencies of the government are negligent in performing their duties causing trouble to the victims. There are many incidences in which the police was negligent in performance of their duties that gained nationwide popularity and urged the people to protest and show their antagonism against these agencies and further forced the government to pay strict attention in the matter. It also encompasses the present procedures in our country under which the police officer are charged for their negligent acts, and also the suggestion and changes that are required to be made for the same.

Keywords: Police, Liability, Negligence, Sensitive Issues

Challenges for Police in Maintaining Law and Order in Crime Investigation and Disposal of Cases

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&

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Abstract

“Understand, our police officers put their lives on the line for us every single day. They’ve got a tough job to do to maintain public safety and hold accountable those who break the law”

-Barack Obama

Going through the newspaper every day, the incidence of crimes in India is increasing at an alarming rate. Today's criminal could be your colleague, neighbour, or someone who is relatively well off and well educated and the society could not expect the orthodox definition that an economically deprived individual could commit crimes. The efficient working of the criminal justice system is important to maintain law and order in the society. The Police department, the executive wing of the state plays a major role in providing security to the citizens. The public in general do not know about criminal justice, victim justice and crime-victim justice and the investigation methods which the police opt for a given case. The public do not trust police because of the harsh treatment which the police inflict upon the wrongdoer. No doubt, police plays a major role in conviction of wrongdoer. The entire criminal justice system depends upon the evidence which is provided through the proper investigation of the police. Improper investigation leads to the acquittal of the wrongdoer and sometimes it may lead to false imprisonment.

"Let the hundred culprits go free, No innocent should be convicted"

The aim of the criminal justice system is discovery of truth and the police officials should play a responsible and a fair role in detecting crimes. Unless foundation of the criminal justice system is strengthened, escape of the convicted continues. The paper deals with the challenges faced by the police officials in investigation of crimes together with the disposal of cases and suggestions thereon.

Keywords: Challenges, Police, Law and Order, Crime Investigation, Disposal of Cases

Political Interference in the Functioning of the CBI: An Overview

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&

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Abstract

Much like the FBI in USA, the Central Bureau of Investigation (CBI) is the premier investigating agency in India, and is a crucial body that investigates high-profile tax evasion cases, political scandals and cases of corruption. The CBI, ever since its inception, has had been mired with controversies. Owing to the fact that it is headed by the Prime Minister of India, it has often been criticized for being a government puppet, investigating only what the government wants them to. Its involvement in high-profile scandals and investigations of reputed politicians has often been criticized. Its constitutional validity has often been questioned by high courts but was upheld by the Supreme Court. This leads to a tripartite coalition where the functional autonomy of the CBI is often compromised. This paper provides an overview on the functioning of the CBI, the status of its autonomy and how political interference has often compromised its working. To that end, the paper

examines the involvement of the CBI in three ground-breaking scandals, namely, the Bofors scandal, the 2G spectrum scam and the Indian coal allotment scam which have had severely tarnished the image of the CBI before the eyes of a citizen of this country. This paper, while examining the legal scrutiny the CBI has faced from the Assam High Court, analyses its functional capability without political interference and provides suggestions for the betterment of the same.

Keywords: Politics, Bofors, 2G Scam, Constitutional

Indian Police: A System Sound or Spoil?

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Abstract

The Indian Police, as distinguished from other forces, has been, since its establishment, working within the ultimate dimensions of the society. But it is unfortunate that a profession as noble as serving the public would have blots of incompetency and inefficacy even in the performance of its basic duties. Police in India touches almost every aspect of public life including security, crime investigation, traffic, maintenance of law & order etc. But the constraints, social, economic and most of all, political, unlike other departments, are rampant in here. Such is the epidemic that hit the system and is incurable. To name, few of them are Administrative Challenges, Dysfunctional administrative setup, Frequent Transfers/Postings, Cruel working conditions, Logistical Challenges, Training and Capability Gaps, Crumbling infrastructure, Low police-people ratio, etc. The ultimate effect of any of such problem is faced by the common man. Public has always been the victim of any of its infamous activity. In this way the department has lost the purpose for which it is meant i.e. serving the public at large. This paper contributes to examine in detail the cause of aforementioned issues and making a detailed analysis of the same. Also, the paper seeks to put forward the possible solutions that would be helpful in simple understanding of the issue at hand.

Keywords: Police, Crime, Law & Order, Investigation, Challenges

Major Problems Faced By Police Force in Law Enforcement which Strikes on Their Accountability

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Abstract

The role of police force in the modern welfare state has undergone a radical change due to its increased sphere of functions. The functional image of police in India is below par and several factors contribute to it like corruption. In order to identify the reasons for the bad image of police force in India, a thorough study of major problems faced by the Indian police is inevitable. The overburden, poor weaponry, lack of human rights education, political influence, deficiency of technologically advanced knowledge etc... are some of the reasons for inefficiency of the police force. Apart from this, legal education is fortunate for each and every member of police force. Finding the solutions for such problems can change the image of the police in the minds of the public and make them efficient to an extent. For serving this purpose, States initiated various policies and appointed Commissions to study upon the matter. The recommendations of the Commissions and the police should be effectively enforced for the proper functioning of the police force. An efficient police force will always be accountable and public friendly. Role of civil police officers is having a prime importance in Democracy.

Keywords: Police, Major Problems, Law, Accountability

Challenges for Judiciary in Timely Disposal of Cases

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Abstract

This paper enumerates the efforts and the time taken by the Courts in India to dispose the cases that knock the door of the court seeking justice. The role of courts in the public arena is not just to mediate question between parties, yet in addition to ensure the rights and freedom of people. To the extent of Indian judicial system is concerned, countless of unresolved cases have deadened the entire justice delivery system. Many convicts are grieving in prisons for number of years without having trail. From one viewpoint, backing of cases significantly and on the other, rate of discarding is very less. Accordingly, the issue of pendency and delay in settling the cases are very noteworthy to discuss. There are a huge number of vacancies in the system which constituent the delay in the system. There are few specific reasons to which the delay occurs such as

delay in investigation, filing of the charge sheet, unnecessary adjournments and so on. Therefore it is noticed that it continues like a chain. The judiciary must aim at disposing of the cases in speedy manner. Henceforth it must aim at opening up more courts with the increasing population growth. This opens an opportunity for recruiting more people in the judicial department. As compared with other nations the number of judges in our country is way less when compared with other developed nations. When justice is delayed, it means that the justice is denied. So such changes would install the faith in the minds of the people regarding the Judiciary.

Keywords: Disposal, Judiciary, Justice, Vacancies, Trial

Challenges for Police in Maintaining Law and Order in Crime Investigation and Disposal of Cases

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Abstract

“Police are not here to create disorder they are here to preserve disorder”

India is a federal country where each state has its own rights and powers prescribed to it by the constitution of India. Activities of the police belong to the state list and they follow an adversarial system inherited from the British common law system. In most of the developed countries police face less opposition compared to the system followed in India. India faces a problem of aggressive democratic structure, which puts a cutthroat scenario in front of the Police where they have to make a bold judgment to maintain the law and order within the legal framework. This paper explains about the powers conferred by the law of the country on the police department and the methods taken by the police in handling the law and order of the country. In particular, the paper deals with the various challenges faced by the police in maintaining the law and order in the society, tactics used by the police during the investigation of a crime and discretionary judgments taken during the time of disposal of cases. In order to maintain a peaceful society it is important to honour and respect the police department.

Keywords: Police, Investigation, Courts, Disposal, System, Judiciary, Law, Order

Maintaining Law and Order, Crime Investigation, Disposal of Cases: Challenges for Police

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Abstract

The police are the sole authority who not only safeguard the society but also maintain peace in the society. The pursuits undertaken by police are the route to render justice. In this era of vagueness and dubiety, the challenges faced by police are much more complex and absurd. The renowned American writer Sidney Sheldon once opined, “*My heroes are those who risk their lives every day to protect our world and make it a better place – police, fire-fighters and members of our armed forces.*” The question that arises is, even after risking their lives, are these heroes able to maintain peace by curbing crime and devastating evil from society thereby upholding justice? This paper will deal with an extensive note of the obstacles faced by police while investigating cases, dealing with changing nature of crime, maintaining law and order and also being governed by nearly 150 year old law. In concluding part, the paper provides some core recommendations not only ensuring justice for the police but society at large. An attempt has also been made to analyse the suggestions posed by various police reform committees formed at different point of time since 1971, but none of the suggestions were accepted due to politicisation of police.

Keywords: Police, Investigation, Crime, Challenges, Justice

Rule of Law in Crime Investigation: A Distant Reality

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Abstract

Police, by the very nature of their functioning are the most visible arm of the state. The most vital function of the state is to ensure protection to the citizen by maintaining law and order and peace in the society. Police are the agency to enforce the will of the state, the way police function is an index of liberty and rule of law in a democratic society. Rule of law essentially means equality before law, and all individuals being subjected to the same laws in the same measure. The ultimate test of rule of law is the way the police and criminal Justice system enforce law, protect innocent citizens, and use coercive power to ensure compliance of law. Police force with uniform is almost unchecked with hardly any instrument of accountability. Illegitimate political and electoral system is an added fuel to this situation. Influence of politician plays predominant role in crime investigation. Expeditious investigation and trial is

one aspect of the rule of law and a component of Article 21 of our Constitution. Speedy trial is a fundamental right under Article 21. For the achievement of equality, it is not a matter of person whether influential or not. Any such differential treatment would attract the wrath of Article 14. There shall be uniform application of criminal law irrespective of the status of the accused. Public interest demands that investigation and prosecution should not be prolonged for years to defeat justice. This paper focuses on challenges faced by the police force to follow the rule of law and requirement of an independent crime investigation.

Keywords: Rule of Law, Equality, Crime Investigation

Challenges for Police in Maintaining Law and Order, in Crime Investigation and Disposal of Cases

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Abstract

The past decade has witnessed a steep rise in crime statistics in India. As per the data of the National Crime Resource Bureau, cognizable crimes under the Indian Penal Code have shot up. The need for better administration of Criminal Justice has been felt by humanity since the dawn of civilization and continues to be the goal of human endeavour. The manner in which police investigations are conducted is of critical importance to the functioning of the Criminal Justice System. Not only serious miscarriage of justice will result if the collection of evidence is vitiated by error or malpractice, but successful prosecution of the guilty depends on a thorough and careful search for truth and collection of evidence which is both admissible and probative. In undertaking this search, it is the duty of the police to investigate fairly and thoroughly and collect all evidence, whether for or against the suspect. Protection of the society being the paramount consideration, the laws, procedures and police practices must be such as to ensure that the guilty are apprehended and punished with utmost dispatch and in the process the innocent are not harassed. This research paper examines the present challenges in the process of investigation faced by the police. The aim of the paper is to highlight the loopholes and find satisfactory solutions for problems faced during disposal of cases.

Keywords: Cognizable Crimes, Investigations, Criminal Justice System, Evidence, Procedure, Practises

Forensic Psychological Assessment: Detection of Deception and Truthfulness in Crime Investigation in Terrorist Case

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Abstract

This case study tested if the Forensic Psychological Assessment can be of significant importance to detect deception and prove innocence in terrorists who is said to be the hardcore criminals and will not reveal any information or sign to detect deception. Forensic Psychological Assessment helps the investigating agency to identify the deceptive person and to exclude the innocent person from the list of the suspects through non-invasive Forensic Psychological Interrogation technique. Forensic Psychological Assessment conducted on terrorist revealed that the hard core terrorists are no longer good liars as they also exhibited characteristics diagnostic criteria that are used in the detection of deception and prove Innocence. Forensic Psychological Assessment from the terrorists involved/ suspected to be involved revealed clear deceptive and truthful parameters. Many innocents are exonerated and actual terrorists are identified. Confession of a terrorist led to the recovery of further evidences and arrests. Such study provides strong effectiveness and the accuracy of the Forensic Psychological Assessment examination in terrorist related cases.

Keywords: Forensic Psychological Assessment, Detection, Deception, Crime Investigation, Terrorist Case

DNA Finger Printing Under the Indian Legal System: Critical Analysis of the Existing Legal Framework in India with Respect to Law Enforcement

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Abstract

DNA Profiling or DNA Finger printing is a tool which serves multi-purpose solution in case of investigative process and paternity disputes. The conventional procedural laws such as Criminal Procedure Code, Indian

Evidence Act as been used to regulate the usage of DNA finger printing in the investigation process. But with the change in the technology and the changing definition of privacy in the Supreme Court decision of Justice Puttuswamy vs. Union of India, there are has be an increased voice for a tailor made legislation to create and regulate the DNA data into a database. The need for a legislation to regulate DNA database is not new in India. There have been numerous attempts to enact a legislation to regulate the DNA database. But then all of them remained as bills since they did not comply with the internationally accepted standards. The authors in this paper would be attempting to give an overall perspective of DNA based investigative techniques as tool for the law enforcement agencies within the permissible limits of the Constitution of India. The authors would be looking briefly into the scientific basis and limitation of using DNA evidence and how the Indian Legal system has accepted the DNA based evidence. Also the authors would be briefly looking into the attempts made by the legislature to create and regulate a DNA databank and what was the major criticism levied against the attempted legislations.

Keywords: DNA, Databank, Legislations, Regulations

Powers of Police Officer in Criminal Investigation: A Herculean Task

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Abstract

The police officer is cornerstone for maintaining law and order in the society. Police plays a prominent role in prevention and detection of crime. Once an offence is committed, then powers of the police officer come in to picture by way of investigation. Section.2 (h) of the Criminal Procedure Code, 1972 has defined the term investigation as collection of evidence conducted by a police officer or by any person other than a magistrate. The registration of first information report is followed by the process of investigation into the alleged crime. It can be said that criminal investigation is one of the most important aspects for bringing both police and the public into contact. The Code of Criminal Procedure,1973 gives power to the police officer to continue with the investigation after receiving the first information report if its discloses cognizable offences. At the same time police has the power to close a matter before and after investigation particularly police officer can foreclose an FIR before an investigation under Section 157 of the Code, if it appears to police officers that there is no sufficient ground/material evidence to investigate the alleged offence. This paper analyses the powers of police officer in criminal investigation and problems faced by them before investigation and after investigation so as to ensure the impartial investigation.

Keywords: Police, Code, Crime, Prevention, Investigation

Judicial-Police Need of the Hour

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Abstract

The recent issues are related to the judiciary are highlighted under this topic. This topic is instigated by the clash between advocate and Chennai metropolitan police in 19th February 2009 in Madras High Court. The first author is an advocate at the time of incident and one of the victim of incident. So this paper is the participated research article. Justice Dhanapalan “PSO” clashed with Railway protection force during a train travel is one of the seedling for this topic. The execution of the warrant and service of the summons it seems enhances burden of the ordinary police organization. In the same way Madras High Court Chief Justice house tragedy further showed the inefficiency of the Tamilnadu police which forced then Chief Justice of the Madras High Court Mr. Justice Sanjay Kisan Kaul to pass an order against the state and the union government to hand over protection of the High Court to the Central Industrial Security Force (CISF). In addition many Judges are suppose to hear some sensitive criminal cases which lead to life threat them and their family. So, special organization namely Judicial police is needed to be inducted to take over the security of judiciary wholly under the supervision of Register General of Concern High Court like Railway Protection Force and Industrial Security Force. The second author second year student of the 3 years LLB in Tiruchirapalli, Govt. Law College is interested in police research. This paper comes under the sub-theme of “Role of Law Enforcement Authorities and Government in upholding justice”.

Keywords: Judiciary, Police, Special, Protection

Challenges Faced by the Police Officers in Crime Investigation: A Study

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Abstract

The significance of the police can be observed in every mode of life for the safety and security of common citizen of India. It is also observed particularly the sincere duties like Dog Squad, Clues Team, Arial survey, Bomb squad of the Police Department by taking care of people in Jataras like “Sammakka-Saralamma” pilgrimage – held in Telangana on 1st to 3rd 2018 officially by the Government. The police Department successfully succeeded in their duties in maintaining Law and Order too. Here it is also called Friendly Policing. They

did perform in their duties with coordination even in Traffic maintenance, Crime (preventing pick pocketing) and taking care of VVIP visits at temples, special observation at Accident zones etc. Recently the Telangana Government has allotted new vehicles for them and GPS technology. Home Guards salary is also enhanced. Is this enough for them to overcome their troubles in duty? No. They need freedom for investigation when incident occurs and new technology should be provided to prevent crime activities in society. The police who are in team investigation of any crime must not be influenced either by superior or any influential politician or higher authorities. This research articles deals with the problems and challenges faced by the police while investigating and suggestions are discussed to be implemented.

Keywords: Crime, Police, Investigation, Obstacles

Legal Aid Services Authorities and Their Aid to People for Accessing Justice

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Abstract

“Justitia Nemini Neganda Est” – “No person shall be denied from accessing justice”

The preamble of the Indian Constitution promises to secure all citizens' Justice – Social, Economic and Political. In order to that, the Indian Constitution has established various means to secure the rights of the citizens. Though there are numbers of safeguards available, the persons belongs to weaker sections of the society like members of scheduled tribes, women and children, disabled persons, victims of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster could not access the justice easily by the reason of economic or any other disabilities. To provide legal aid to those persons, legal services authorities have been established at the various levels. The legal aid services authorities arrange free legal aid camps and conduct legal awareness programmes. This study analyses the role of the legal aid services authorities and impact of the effort taken by them in the society.

Keywords: Role, Legal Aid Services Authority, Poor, Access, Justice

Challenges Caused by False Complaints and Political Turmoil Situation for Police

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Abstract

‘Injustice anywhere is a threat to justice everywhere’ -
-Martin Luther King

Criminal Justice system consists of agencies which enforce law and order. Their main function is to Uphold Justice and Righteousness. Among the agencies, Police department plays a major and vital role in investigating the cases and they are the first point of contact to the people in case of any trouble. The duty of the Investigating Officer is not merely to bolster up a prosecution case with such evidence as may enable the court to record conviction but to bring out the real unvarnished truth. But in most of the instances, the police do not investigate in detail resulting in increase of false complaints which directly affects the innocent who is involved. The paper tries to study about the objectives of police investigation in finding out the offenders connected with the crime, to bring them to justice and not to secure the conviction by any means. The author also discusses about the law provisions related to false complaints and suggestions to lessen the number of such false complaint cases.

Keywords: Police, False Complaint, Investigation, Justice, Innocent

Sub-theme V: Accountability of Law Enforcement Agencies

Free Legal Aid and Speedy Justices

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Abstract

“The concept of seeking justice cannot be equated with the value of dollars. Money plays no role in seeking justice” - Justice Blackmun in Jackson v Bish

“The first step to achieving justice is to make injustice visible”- Mahatma Gandhi

The expression “Legal Aid” implies giving free legal services to the poor and needy who cannot afford the services of a lawyer for the conduct of a case or a legal proceeding in any court, tribunal or before any authority. According to justice P.N.Bhagwati, legal aid means providing an arrangement in the society so that the machinery of administration of justice becomes easily accessible and is not out of reach of those who have to resort to it for enforcement of the rights given to them by law" the poor and illiterate should be able to approach the courts and their ignorance and poverty should not be an impediment in the way of their obtaining justice from the courts. Legal aid should be available to the

poor and illiterate. The purpose of administration of justice is that the innocent must be protected, the guilty must be punished and that there must be satisfactory resolution of disputes. An effective judicial system is that where not only just results are reached but that they are reached swiftly. Faith in the judicial system is determined by its ability to provide accessible, speedy and cost effective justice to all equally. It is a fundamental right of every citizen to get speedy justice, which also is the basic requisite of good judicial administration. Right to speedy justice is extended under the right to life guaranteed by the Constitution. For effective justice dispensation system at least three things are to be provided i.e. access to courts, effective decision-making by judges and the proper implementation of those decisions.

Keywords: justices, legal Aid, speedy justices

Legal Education Curriculum and Criminal Justice

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Abstract

The Indian Legal education system is controlled by Bar Council of India. It prescribed the syllabi for the LLB. LLB Honours, LLM courses. As per the curriculum constitutional law, labour law, law of contract, Family law are divided in two parts. The law of crimes includes Indian Penal Code. The evidence Act and Criminal Procedure Code taught as separate subjects in the subsequent years. The isolated teaching of these subjects in different years lacks co-ordinate and understanding of Criminal law. It reflects later in the practical experience of advocate as they are unable to relate the penal sanction and procedure during the trail of the case. Meanwhile the civil laws like Transfer of property Act are taught along with Indian Easement Act. The number of laws relating to land consolidated as land laws including related local laws. This paper focused in the state wise special legislations. But the Criminal law does not include any minor law in its curriculum. The minor criminal laws are part of all the competitive examination and judicial services. This paper concentrates in the enrichment of Criminal Law Curriculum and teaching methods along with practical manner.

Keywords: Legal Education, Curriculum, Criminal Justice

Unethical Employment: Need for an Indispensable Paramount March of Execution

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Abstract

Man from dawn to the age of digital has enhanced himself from barbaric nature to civilized personality. The world nations substantiate themselves as cultured and civilized. But man and woman in various parts of world are not protected with their basic rights and morals values, considered as civilized. Unethical exploitation and illegal activities against the people, especially vulnerable groups, is still in progress without disruption. Disrepute, unconditional and illegal activities continue against them mainly because of social, economic, political and cultural factors. International Instruments had affirmed and authorized the dignity of life of every individual irrespective of the nations. The Constitutions of all nations including India had strongly declared life as a foremost important right. The Indian Constitution under Article 21 has guaranteed life with dignity not only to the citizens of India, but also to all human being residing in India. Employment in public or private must be dignified. India has introduced various legislations especially on dignified work and environment and also prohibits certain employments, which are considered against nature and law. There are a number of horrible and nastiest employments which are totally prohibited and prevented as they absolutely restrain dignity and human values. The vulnerable groups are mainly forced to do these kinds of prohibited work/employment. Executive is one organ under the Indian Constitution which plays a vital role in execution of law. Further the authority also has an obligation to take necessary steps to avoid people involving or indulging in these kinds of protected and prohibited employment. The study intends to highlight how far the executive are protecting and taking measures against unethical employment.

Keywords: Employment, Need, Exploitation, Unethical Activities

Accountability of Law Enforcement Agencies in India while Discharging their Duties: A Study

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Abstract

The accountability of law enforcement agencies is important for ensuring the public faith in the criminal justice system. Police department's policies, procedures, rules, regulations, training, and supervision must work together for

effective accountability. In the police organisation there must be a system of internal checks and balances to make sure that officers carry out their duties properly and act with integrity. Even though we have an enough police strength in our country but there is lack of public accountability which remained unchanged. The police force distant they from the community and they continued to remain the same. Sometimes police officers act as silent spectators when there is a large violence and never come for the rescue of the victims. The police authorities have been wrongly influenced by the politician for their political gains and it totally breaks the confidence of the public over the police and hence the police officers must be free from illegitimate political and executive interferences. In order to secure the confidence of the public the police officers must act without any discrimination, impartial, efficient and transparent while discharging their duties.

Keywords: Accountability, Police Officer, Transparent, Duties, Public Faith

Responsibilities of Law Practitioners in Maintaining Law and Justice

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Abstract

‘Justice is conscience, not a personal conscience but the conscience of the whole of humanity’ - Alexander Solzheinitzsyn

Article 39A of the Indian Constitution deals with equal justice and free legal aid. Hence it is the duty of the Honourable Government to secure the legal system and to promote justice. In simple terms justice cannot be denied on the basis of poverty. In this regard, the Role of Legal Practitioners are very essential to promote and safeguard Justice. Even though the state Government are very much active in establishing Legal services authority, Legal Aid programmes, etc., it is impossible to attain the justice as described in Article 39A without the role of Legal Practitioners in maintaining the spirit of Justice when analysed with special reference to the legal practitioner’s duty to the society, to the court, to the client and the co- advocates.

Keywords: Article 39A, Co-advocates, Client, Indian Constitution, Justice, Legal Aid, Legal Practitioners, Safeguard Justice

Role of Law Enforcement Authorities and Government in Upholding Justice

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Abstract

Law enforcement in a country is mainly performed by law enforcement agencies. Law enforcement agencies are fully controlled by the government of a country. The central as well as state government is responsible for the entire activity's carried out by these agencies. Both Governments monitor these agencies for the proper enforcement of laws. The Constitution of a country whether written or unwritten mandates law and order as a subject of the state. At the central level, many agencies work as a part of the Union Ministry of Home Affairs which support the state in carrying out their duties and responsibilities. Large Metropolitan cities are operated by police commissionerate under respective state police. All senior Police Officers are the Head of agencies in their jurisdiction who are the members of the Indian police Service (IPS). Law enforcement authorities are nonprofit organizations with in the country. Works with an aim to enforce the law within the territory of a country. These agencies play a tremendous role in protection, implementation and safe guard of law and order in each and every part of the state. Law enforcement agencies need to have a mission statement. It gives their officers to drive protection of the country and its people. Law enforcement agencies are the back bone of civilized society governed by the government of both central and state. Both law enforcement and crime preventions are the core aim of these agencies.

Keywords: Law Enforcement Authorities, Government, Upholding Justice

Ethics in Criminal Justice System: A Study on Victims of Wrongful Prosecution and Incarceration in India

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Abstract

It is the duty of the criminal justice system to ensure that law and order is maintained and delivered with fairness and equity. Corrections being an important area of Criminal Justice system should maintain the standard to make sure that the punishment or rehabilitation must be based on ethical norms. But unfortunately to combat with some issues such as overcrowded prisons are

urgent need. Almost sixty-seven percent of the people in Indian jails are under trials those who not convicted of any crime and currently on trial in a court of law. This paper mainly addressing this issue and provide some measures to eliminate the same. The problem such as death of inmate ill treatment to female prisoners and juveniles are also highlighted in the paper. The author discuss various International and National laws and recommendations regarding prison administration. Then the paper enumerates some of the recent judgments such as The Delhi High Court judgment in Babloo chauhan vs. State Govt. of NCT of Delhi regarding the Law Commission of India to examine the possibility of a legislation for providing relief and rehabilitation to victims of wrongful prosecution in India. Finally, the paper concluded with some suggestions for the implementation of some innovative mechanisms such as e prison system which is yet not implemented in all the prisons in India.

Keywords: Wrongful Prosecution, Incarceration, Prison System

Role of Law Enforcement Authorities and Government in Upholding Justice

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Abstract

This paper enumerates the efforts made by enforcement authorities and government upholding justice and what challenges they face during upholding justice. The main drive behind the efforts made by enforcement authorities and government to enhance the rate of justice. Various steps taken by enforcement authorities and government for how judicial system works and what is the role of State in it. To maintain law and order in multicultural and multi ethnic country like India it is important to enforce laws which has quality of being just, rightness, equitableness by the special local and state police, central law enforcement agencies like Central Bureau of Investigation. These officials aim to comply with certain code of ethics outlining general guidelines to ethical behaviour of police professionals. Also, the Judiciary plays an expert role as a guardian of Constitution values. Government try to harmonise and regulate the fundamental principles. Government supports principle of consistency mechanism.

Keywords: Role, Law Enforcement Authorities, Government, Upholding Justice

Ethics in Criminal Justice System

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Abstract

Ethics is a set of rules which governs the society as in same as other areas like the business, science and criminal justice etc. Ethics is of both the philosophical and historical concept as it has the relation to government, policy making and other international politics for years. It is determined by criteria of behaviour by the well-known groups or institutions. In the way of professionalism one must abide to the ethics made. On the other hand Criminal justice system is one of the most important public service system as the people interact with this system either directly or indirectly on a daily basis. This research paper will focus on the ethical issues of courts in criminal justice system. In detail this paper also shows the importance of the courts to interfere in the ethical issues that has to be addressed and to ensure the criminal justice system is well without any havoc. Also the nature of ethics in criminal justice system is explained with various codes that are conferred. It also focuses on the civil rights that the public must receive without any compromise. The other main challenge in criminal justice that this paper will focus upon is about the ethical issues like the corruption, brutality and off duty behaviour of an individual.

Keywords: Ethics, Justice, Courts, Officers, Cases, Code

Upholding Justice

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Abstract

The political domain of India represents the people of its country for which they are entrusted with responsibilities towards their citizens. Laws play a major role in maintaining peace and harmony provided they are implemented wisely and is made aware to the citizens for whom they are brought into force. Undoubtedly, various amendments and introduction of new acts and rules have been a major step in protecting juveniles, women, and various weaker sections. More than thousands of laws are operating in our country. However, India faces a problem of mismatching between the existence of good laws and their actual interpretation. Citizens; government; judiciary; other public servants, every character has a different role to play when implementing a law. Any loop hole in bringing the law into the picture and implementing it would make the entire process, of making a law, inefficient. Silence of rape victims, corruption done

by public servants, personal interests or biasness of judges when deciding a case, unawareness of law, are few reasons why even today the statistics of victims, facing inequality and injustice, is high. Despite rigorous punishments, the crime rate has not decreased. Why even after seven decades of independence, the country faces inefficiency in providing legal aid and how much does the responsible parties contribute in 'upholding justice' will be presented in the research paper.

Keywords: Lack of Implementation, Responsibilities, Political Domain, Unawareness, Inefficiency of Laws, High Crime Rates

Ethics in Criminal Justice System: An Analytical Study

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Abstract

According to the Encarta Electronic dictionary, ethics can be defined as the study of moral standards and how they affect human conduct or a system of moral principles governing the appropriate conduct for a person or group. Ethics, also known as moral philosophy, is a branch of philosophy concerned with the study of questions of 'right and wrong' and how we ought to live. The scope of criminal justice ethics is usually construed narrowly to encompass a range of concrete and mid-level ethical problems encountered within the primary institutions of criminal justice—police, courts, and corrections—including, for example, use-of-force policies, judicial corruption, and the rights of prisoners. In this recent era, there is an urging need for the study of ethics especially for the criminal justice professionals to quickly recognize the ethical consequences of various actions and the moral principles involved. The researchers, in this paper, have dealt with mainly two questions. The first one being, what the basic ethics in the Criminal Justice System really are and secondly how will these ethics cause any betterment to the society. To reach a definite answer the researchers have firstly given an introduction which also includes the basic working grounds of the professionals of the Criminal Justice System with further elaboration to the parties of such a system. In addition to this the Adjudicating bodies and the safeguards provided to them has been discussed. The study also highlights the constitutional and other legislative provisions provided for the safeguard of the Criminal Justice System. A few case studies have been added that simplifies the entire concept of Criminal justice system. Finally the researchers have concluded this paper with suitable recommendations.

Keywords: Criminal Justice System, Ethics

Criminalizing Marital Rape: Contestations and Contradictions

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Abstract

Upholding women's safety, integrity and honour in the sphere of conjugality has always been a part of Law reform agenda. Legislative measures like Age of Consent 1981, Child Marriage Restraint Act 1929, Dowry Prohibition Act 1961, Matrimonial cruelties Section 498A and Domestic Violence Act 2005 are considered as milestones in India's social reform history. But till date, the implementing legislation on marital rape is facing hurdles. Marital rape cannot be justified on the grounds of conjugal rights as the husband batters his wife for coercive sex which victimizes her to physical as well as sexual violence. It cannot be expected to be taken for granted as it results having the risk of anxiety, depression, intense fear, tendency to commit suicide and death as an extreme consequence. However, having rigid laws against marital rape was not so easy for the state which upholds patriarchal familial norms. The Centre claims that the existing laws addressing violence against women are being misused and the criminalizing marital rape may destabilize the institution of marriage and will be considered as an easy tool for harassing the relatives. In that case, how could a marital rape case be handled? How to tackle a manipulated case? What is the plight of victimized women? Why is the family system being given priority over gender concerns? What has been the gradual development in Indian Jurisprudence? This paper attempts to address these questions with the backdrop of the legal history of India.

Keywords: Marital Rape, Woman, Crime

Law Enforcement Agencies: A Helping Hand in Upholding Criminal Justice

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Abstract

The process of criminal justice is set on motion with the beginning of investigation of a crime and ends with the release of the convicted person. In other words, the criminal justice begins and ends in the hands of the law enforcement agencies. Hence they have an important role to play in enhancing the delivery of justice. They not only help in the aftermath of a crime but contribute to Crime Prevention as well. Their role is vital not only in victim assistance but also essential in the correction process in the prisons. They are

the ones that first communicate to the victims and the offenders. However, there are lacunae in the working of the Criminal Justice System in India and these are not attributable entirely to the law makers or the judiciary but also to the law enforcement agencies. The increase in the efficiency will lead to the improvement in upholding justice in the country. The Criminal Justice System can be strengthened in India by considering and adopting techniques used by various other countries. With the dynamic and ever changing world, the concepts, practices and techniques also need to be changed and upgraded. The paper aims at the importance and contribution of Law Enforcement Agencies in India and also to bring out the drawbacks and challenges faced by them.

Keywords: Law Enforcement Agencies, Role, Importance, Drawbacks

Legalisation of Prostitution in India

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Abstract

This article elucidates the necessity for legalizing the practice of prostitution in India. Prostitution can be termed as trading of sex and sexual practices in exchange for money. The profession of prostitution is not new to India. It has a long history. Prostitution is not only mentioned in some of the popular ancient texts such as Arthashastra, Meghadoot and Kamasutra, but it was also mentioned in Vedas and flourished during the Mughal era as well as in British dynasty. The legal status of prostitution in India is such that it does not criminalize prostitution per se but it does not effectively support prostitution in the country. The benefits of legalizing prostitution can be verified by looking upon countries like Germany, Austria etc. Benefits of legalization include the reduction of human trafficking, child prostitution, consecutive instances of rape and other sexual crimes constantly occurring against women. Further the risk of sexually transmitted diseases such as AIDS can be minimized by enabling registration and thorough medical checkups for the prostitute. Prostitutes can be brought under the protection of labor laws that can lead to the government in earning revenue in the form of taxes and duties. No government has so far been successful in stopping prostitution. Thus, we should also accept the fact that prohibition of prostitution is not purposeful and realize that legalization of prostitution will help the government and society in many areas as elaborated by the author in the article.

Keywords: Legislation, Prostitution, India

The Election Commission of India and Its Contribution to Administrative Law

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Abstract

In India, the three pillars of the democracy are Judiciary, Executive and Administration. Each wing has an important and efficient role to play. To promote the democratic setup, Election commission came up as a separate body. India does not follow the concept of dictatorship and monarchy system; hence Elections are being conducted over here wherein leaders are chosen for a certain period of time. Why there is a need to conduct election in democracy? Why there is a need for a separate commission? These questions are being answered in this paper. Article 324 of the Constitution of India, 1949, talks about the Election commission in India. How this commission was formed? This paper discusses about the historical development of election commission. The Administrative reforms with respect to Elections in India are also a field of major concern. The report, 'Ethics in Governance', of the Second Administrative Reforms harmonized with the recommendation of the Election Commission. The different types of challenges and political pressures are also discussed in the paper which includes certain cases and also the election commission symbol controversy. There is a need to further develop the policies and regulations of the Election Commission. The paper concludes with certain sets of suggestions and recommendations that can be followed to combat problems in future.

Keywords: Election, Election Commission, Administrative, Executive, Judiciary, Law Commission, Article 324

Justice to the Downtrodden: What Can The Legal Frontier Do?

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Abstract

In societies with some legal protections, those who lack the resources for or access to the legal system are often denied these safeguards. It's estimated that four billion people around the world do not enjoy the protections afforded by law. Until and unless poor illiterate man is not legally assisted, he is denied equality in the opportunity to seek justice. Legal aid strives to ensure that

constitutional pledge is fulfilled in its letter and spirit and equal justice is made available to the poor, downtrodden and weaker sections of the society. Legal Aid is the method adopted to ensure that no one is deprived of professional advice and help because of lack of funds. In the scheme of things, largely the poor and marginalized are left out. There arises a series of questions like, how to ensure that children are in school and are not abused or exploited? What about the labour rights of the unorganized poor? What about the government sponsored schemes? Are the poor being exploited by the agencies like police, forest officials, banks etc? Legal aid clinics gain its popularity by soundly propagating all these questions by which they seek to provide equal justice to the poor and weaker section of the society. Through this paper, the researcher intend to assess the role of legal aid clinics and if justice is served in its real meaning or not.

Keywords: Justice, Downtrodden, Legal System

Role of Law Enforcement Authorities and Government in Upholding Justice

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Abstract

The preamble of our constitution guarantees social, economic and political justice. It is the duty of the government and the law enforcement agency to make sure that this justice is enjoyed by the people and are not denied to them .a law enforcement agency (LEA) is any agency which enforce the law. This may be a special, local, state police, federal agencies such as federal bureau of investigation (FBI) or the Drug Enforcement Administration (DEA). The word justice means “harmonious reconciliation of individual conduct in the general well-being of the society” justice must be enjoyed by the people irrespective of cast, religion, race, sex etc. The Government play an important role in maintaining justice. It is often the only institution that can make justice, liberty, equality, into a political value, a reality. More often it is something that can only be provided and sustained in the public sphere by the action of government organization like the court and the legislature. The law enforcement authorities and government together play very important role providing equal justice to the people. “Life is not fair”, is a favourite saying among conservatives. Many policies and programmes forwarded by the government and law enforcement authorities bring a vast change in above said words. Major important decisions taken by both these authorities in upholding justice can be reviewed in my full paper.

Keywords: Government, Role, Justice

Juvenile Justice and Reformatory Theory: An Analytical Approach

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Abstract

The definition of Juvenile may differ from different state but majorly by the UN convention, the children under the age of 18 years are considered juvenile. Here, the need of defining the juvenile is because to hold the liability different to that of majors. Juvenile can be defined as a child who has not attained a certain age at which he, like an adult person under the law of the land, can be held liable for his criminal acts. The juvenile is a child who is alleged to have committed /violated some law which declares the act or omission on the part of the child as an offence. Juvenile and minor in legal terms are used in different context. Juvenile is used when reference is made to a young criminal offenders and minor relates to legal capacity or majority.⁴ The maxim of *Doli Incapax*, there is a presumption of that the child is not competent to commit the crime. In India, Section 82 of the Indian Penal code, 1860 confers immunity to the child below 7 years of age from the criminal liability but a child who is more than 7 years but below 12 years of age the immunity is tend to extend if he as not have enough capacity to understand the consequences of the act. Although the analysis of the motive of punishment can be derived as a way for deterrence, inducing fear, retribution etc. but here for the concern of juvenile the Reformatory Theory of Punishment is where it derives its objective from. Reformatory theory of Punishment can be stated in the study of philosophy. According to this, the criminals are not born and the person who is guilty of any such offence should only pay for the act, it should not extend to the virtue of his existence in the society. Also this theory advocated punishment as a part to bring a reformation in a human being. Juvenile being incapable of understanding the nature of the consequences of the act therefore cannot be tried as same as that to adults, also if the nature of the act is severe and juvenile is punished it should not affect or extend to the future social status of that of the juvenile.

Keywords: Juvenile, Reformatory Theory

Black or White or Grey: Where Is The Demarcation?

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Abstract

The relationship which a legal practitioner shares with the Court, clients, opposite Counsel, other party and the Judicial system is the most profound one

⁴See the Black Dictionary of Law

and the need for their integrity and morality to be in the highest order is the need of the hour. It is indeed true that the law weighs both sides but the duty of an advocate to be fair and to not mislead the Court is an implied pre-requisite. The establishment of Professional Bodies like the Bar Council of India State Bar Councils and the local bars at every district are for precisely the purpose to bring about collective responsibilities for the dispensation of justice. Professionalism of an advocate can neither be codified in a straight jacket formula nor can it be defined in certain black and white terms to be followed by fellow practitioners. It is an understanding through experience which each professional gains to know the difference between the black, white and the grey area. Independence and interdependence of counsels are two sides of the same coin and the mutual juxta positioning of both these qualities makes the legal profession a truly dignified and noble profession. Self-Governance is the key to be followed by legal professionals for maintaining law and justice for no hidden cameras can ensure the responsibilities undertaken by a subtle but powerful oath taken by lawyers in their journey of becoming advocates and legal practitioners.

Keywords: Democracy, India, Black, White, Gray

Ethics in Criminal Justice System

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Abstract

Criminalisation theories and legal policies of all societies have evolved from the foundation of ethics and morality. Various legal systems have considered certain acts to be illegal and unlawful under the guidance from morality and ethics practised in their society. Criminal Justice system is an instrument with the help of which the Government imposes certain standards which must be abided by the subjects of land. There are various factors in existence which places the social order and criminal law policies in order. Ethics refers to both the standards of right and wrong which denotes what ought to be done by humans. This paper aims to study on the role played by ethics and morality in criminal justice system in framing the criminal law policies of the state. For effective working of criminal justice system there should be a strong code of ethics accompanied by responsible agents and machineries administering justice. Various punishments fixed under our legal system took birth from our society's core ethical values. In India we even have a separate category of offences in the name of 'crimes against morality where offenders are punished for the acts done in violation to the ethical standards of the society. This paper also focuses on the issue whether ethics must be considered important in determining the policies of criminalisation.

Keywords: Principles, Morality, Ethics, Factors of Criminalisation, Criminal Justice System, Criminal, Policy and Criminal Law

Ethics in Criminal Justice System Verses Judicial Activism

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Abstract

Criminal justice and ethics are closely related. Criminal justice professionals have been given a certain authority and power by the government, as its agents, to protect the inhabitants of a particular jurisdiction in exchange for a few liberties given up by these residents. This sets them apart from the common civic. Equipped with the accountability to sentinel the public, criminal justice professionals are expected to have elevated moral principles so that the people can trust them with the power they have to protect. Instead of glorifying the position and trust given to them, these professionals get diverted and use their discretion as they deem fit, often leading to devastating consequences. It is a matter of concern that unethical behavior is rampant in all areas of criminal justice, be it among police officers, court personnel, or corrections officers. A strict adherence to the ethical codes, an ethical leadership, and a pride in their professions and the spirit it upholds are important steps. In any democratic society, judicial review is the soul of the system because, without it, democracy and the rule of law cannot be maintained. Judicial review in India is an integral part of the Constitution and constitutes the 'basic structure' of the Constitution. The whole law of judicial review has been developed by judges on a case to case basis. Consequently, the right of seeking judicial review depends on the facts of each individual case; however, there cannot be a review of an abstract proposition of law. The judge needs to use of their discretion at some point or another during the course of their career. Discretionary decisions guided by ethics, can be said to be fair and just, since there are always shades of moral responsibility that are higher than others. Ethics stands more important to judges than any other criminal justice practitioner. The study broadly analyses the ethics in the criminal justice system and also discuss the theoretical framework of ethics in criminal justice system verse Judicial Activism.

Keywords: Ethics, Judicial Justice System, India

Ethics and Good Governance: Administrative Reforms to Combat Corruption

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Abstract

Ethics is a system of accepted beliefs that controls the behaviour, especially such a scheme that is based on morals. Any public institutions funded by tax payers' money will be under the requirement to combat corruption. The

dictionary meaning of the word “Corruption” is understood as the illegal, bad, or dishonest behaviour, especially by people in positions of power. With an effective political will accompanied by a favourable government policy, the best method for curbing corruption is to establish an anti-corruption agency (ACA) and equip it with adequate powers, personnel and funding. The basic characteristics of ACA must be transparency, accessibility and accountability towards its citizens. It is imperative that ACA operates with the paramount integrity to maintain the reputation with objectivity and professionalism communicating effectiveness in their duties. In India, the legislation for this is the Prevention of Corruption Act (POCA). The administration agencies under this Act are the Central Bureau of Investigation (CBI), the Central Vigilance Commission (CVC) at the central level and the Anti-Corruption Bureaus and Vigilance Commissions at the state level. This article assesses the administrative reforms needed for effectiveness of the ACA with reference to the context of governance for the purpose of combating corruption hence entitled, “Ethics and good governance – Administrative reforms to combat corruption.”

Keywords: Ethics, Reforms, Administration, Governance, Corruption, Anti-Corruption Measures

Current Threats to Human Rights: Challenges in Upholding Justice

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Abstract

Police are increasingly using GPS tracking and virtual searcher which do not require physical access to premises, people, papers and effects. Use of surveillance and data mining technologies for monitoring terrorism offer scope for misuse by criminal investigators to track people in an effort to solve lesser crimes. Governments mandate intrusion-prevention systems throughout domestic networks to prevent cyber-attack threats. Whatsapp, Telegram and such mobile apps have more control over free speech and privacy by restricting ubiquitous surveillance by governmental agencies. Desires of personal autonomy drive genetic advancements like new medical therapies; genetic engineering, disease prevention, and efforts to choose some lives and reject others. Computers with Artificial Intelligence are a reality today, with news over social media that they are going to take up a majority part of Wipro’s workforce. Artificially created entities that have some but not all of the attributes of human beings will have constitutional implications over foetal and corporate personhood. Genetically engineered biological weapons of localised and individual manufacture pose severe threat to state security, and may lead to the crippling of legitimate scientific research due to intensive monitoring by surveillance agencies. Legislators, courts, administrative regulation, voluntary cooperation, political activism and technological choices can lead constitutional

translation to shape the contours of the constitutional debate over the rights of human integrity, dignity, autonomy, freedom, privacy, security and personhood. Developing technology has definitely changed constitutional values in the past. Hence a multi-pronged approach is required to translate constitutional and legal values into the next century.

Keywords: Human Rights, Threats, Justice

Ethical Issues in Sentencing Jurisprudence

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Abstract

Sentencing is the decision of what to do with the person convicted of a criminal offense. The ethics of sentencing can be stated as a question of justice. It needs to determine what just punishments are and how sentences can be imposed justly. Leaving aside the question of whether we should punish, there are several important ethical considerations in contemporary sentencing. Our current system of criminal punishment needs acceptable balance between concern for individual interests and social needs. The Indian criminal justice system contains some ethical dilemmas. Among the most important considerations are those dealing with integrity in the sentencing of criminals, the role of insight in the allocation of criminal penalties, and the problem of discriminatory punishment? Whether these considerations can be ever actually meet out? Maybe not, and if that's the case then we are stuck with a flawed justice system that is not 100% ethical and in need of improvement. An examination of the ethics of criminal sentencing raises many questions, but provides few answers. The answers are judgment calls that depend upon the individual doing the judging. Despite the problems inherent in reforming sentencing, there lies an obligation to seek to improve the quality of criminal justice system.

Keywords: Ethical Issues, Jurisprudence, Justice

Ratification of Convention against Torture: The Challenges Ahead

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Abstract

The term 'torture' has not been defined anywhere in the Constitution but the Supreme Court of India categorically stated that Art.21 of the Constitution provides dignified life to all people. However, the custodial torture by law enforcement authorities violates the sacred right. Although, India has few

provisions in certain legislations, guidelines and recommendations by the Supreme Court and Human rights organizations respectively to prevent torture by police authorities and to ensure accountability for violation of the same did not serve any purpose. The custodial deaths and torture are rampant all over India. Further, there is a long pending demand not only from India but also from international community insisting India to ratify the U.N. Convention against Torture, 1987. The Parliament yielded to the pressure and the House of the People had passed a Bill in 2010 but unfortunately it was lapsed. Of late, a Public Interest Litigation was filed before the Supreme Court to ratify the U.N. Convention against Torture. In the meanwhile, the Central Government referred the matter to the Law Commission to examine the issues involved in the ratification of the UN Convention. The Law Commission in its 273rd report recommended that the Government should ratify the Convention and also provides a draft on the Prevention of Torture Bill, 2017 to ensure justice to the victims by making the authorities accountable. In light of the above, the author would like to bring the importance of ratifying the U.N. Convention and impending challenges in it.

Keywords: Convention, Ratification, Torture, Legislations

The Legal Clock to Clear the Backlog and Delay

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Abstract

“DENIAL of ‘timely justice’ amounts to denial of ‘justice’ itself”

These two are integral part to each other. Timely disposal of cases are essential for maintaining the principle of rule of law and providing access to justice which is guaranteed under the fundamental rights in article 14 and 21 of the constitution of India .But the main problem and challenge faced by the Indian judiciary is unable to deliver timely justice on account of poor judge population and judge case ratio in comparison to other countries. In this paper we are going to address the challenges faced by the Indian judiciary and also going to put forth a model to make a change and improvement in the judicial authoritative structure for the denial of timely justice in order to ‘upholding justice ,equity and good conscience’. The study is done on the basis of the comparative approach method with the reference of committee reports and the model of judicial system in other countries which is going to be dealt under the topic named “The Legal Clock To Clear The Backlog And Delay –Challenges.”

Keywords: Backlog, Justice, Delay, Method

Abuse of Administrative Discretion and Accountability: An Analysis

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Abstract

Accountability and discretion of the administrative authorities can be called as the two edges of a sharp sword. Even one can be called as the antithesis of other. In every democratic system administrative authorities may not be in a position to full fill their duty without some amount of discretion in their hands. Even though discretion is rule free space, one cannot completely deny the application of discretion by administrative authorities. Discretion in itself is not bad in law, conferring of absolute discretion is the issue. Always the hypothetical issue here is the extent of discretion which is permissible to the administrative authorities, or in other words if no such parameters are defined what will be the measure of accountability. Here the paper tries to find out the problems of absolute discretion of the administrative authorities and the accountability part of it. The role played by judiciary in dealing with discretion and accountability of administrative authorities.

Keywords: Administrative Discretion, Accountability

Sub-theme VI: Role of Public and Community Perception about Law Enforcement

Challenges for Police in Maintaining Law and Order, Crime Investigation and Disposal of Cases

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Abstract

It is well known that institution of Police is vital to enforce law and order in society; however there are several challenges in order to achieve peace in our society. The inadequacy of numbers of available fit and trained Police personnel in the forces is the biggest reason behind failure in several states where the ratio of public and Police is lower than it should be. The funds allocated for modernisation of the fleets and training by the Government and wireless aids are not very effective because the related training and atmosphere is not there in the respective Police stations. The major challenge before Police administration is the unwanted Political pressure mounted by the local leaders

that generally influences the investigation of certain cases, for instance pressure for bail of a criminal or arrest of an innocent person. Such instances have been known recently through media or legal journalism. The department is controlled by both executive and judiciary as its statutory obligations and as mentioned local leaders also influence the working, so the policy maker must pay heed towards this basic issue of our society. Training of personnel should be in line with the promotion policy in the department, the best cadets should be awarded in that way for better transparency assistance of developed technology should be taken in order to make it as model and friendly Police in the society. The behaviour of Police towards criminal and general people should be regulated with certain measures of accountability which is required for building of trust in the Police. In remote areas the provision of Panchayat Police may be created and the accountability of such force has to be segregated from the regular force and in turn it would also reduce the burden of work from the regular forces.

Keywords: Police, Enforcement, Accountability, Policy

Obstacles for the Police in Crime Investigation

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Abstract

The need for better administration of Criminal Justice has been felt by humanity since the dawn of civilization and continues to be the goal of human endeavor. One of the essentials of administration in modern democracies is the system of Criminal Justice: In the operative part of the system of Criminal Justice there are four distinct components or constituent elements, namely; the Police, that is the investigative agency; the Prosecution, that is the agency to pursue a case in a court of law on behalf of the society; the courts, that is the Judiciary to try and decide about the guilt or innocence of a certain person and the Prison and correctional institutions. In crime investigation police play a major role. And also police play significant role in providing security and dignity to the citizen. Measures to ensure Police accountability are very important. Practice of waiting permission of superior officer for registration has to be immediately curbed. Superiors exercise this power to permit indiscriminately which is very bad in law. Unfortunately the prevalence of malpractice is due to connivance and lack of supervision and it must be remedied. Further training to police as to their attitude with the people is most important. It should be mandatory for issuing receipt for complaint or furnishing a copy of FIR immediately. The crime investigation in India is mostly incomplete due to technology using, political interference, police corruption, numerous pending cases, careless, improper investigation, and so on. This article discusses the challenges faced by the police officers.

Keywords: Police, Investigation, Crime, Obstacles

Desideratum to Strengthen Community Policing in India

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Abstract

“Effective policing relies on the police having the confidence of the communities they serve, and this consultation gives the public an opportunity to contribute to the values and standards they expect of police officers.” - Hazel Blears

The Police have a very important role to play in a democratic set up of Government. They must win the confidence of the People. Good Public Relations are important for any Police Agency. Community Policing is a new Philosophy of Policing where Police Officers and Private Citizens work together in ways to solve contemporary Community Problems relating to Crime, Social and Physical Disorders and Neighbourhood Decay. Community policing as a concept involves an active partnership between Police and the Community in identifying the basic principles which would give rise to Crime and in identifying the solutions in preventing and controlling Crime. It is not a Public Relations Program “to sell the police image to the people” but to acquaint the Police and people in the community with each other’s problems aimed at resolving those problems. The police department, pre-independence, was just used as a tool by the ruling class to ruthlessly enforce the government policies. The principle of Community Policing also envisages the duly responsibility and accountability of the Police to the Community while exercising such authority on behalf of the Community. What a Police Department views as good for the department may not always be good for the Community.

Keywords: Community Policing, Police-People Partnership, Community Participation

Offences Relating to Hindu Temples in Tamil Nadu: Prevention and Prosecution

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Abstract

In the recent era so many crime reports speaks about the Hindu temples in Tamil Nadu. The Hindu temple is one of richest area of every town and village. The Hindu temples are the hotspot of the criminals for enriching themselves which results in number of FIR’s filed in and around the scene of occurrence i.e.,

Hindu temples in Tamil Nadu. The crimes relating to Hindu temples are generally divided in two types that is: 1. Crime committed by temple authorities 2. Crime caused by outsiders. In other way the offences are classified in two different manners that is the crime committed by Hindus another is non – Hindus. The present paper discusses about idol theft in the Hindu temples likewise other crimes. The big question is about the prevention of crime, need of special police and prosecution agency. In addition for effective speedy just, fair trial and disposal of criminal cases in an around of the temple the special court for offences relating to Hindu temples also need to be established. This paper discussed with recent issues relating to idol theft and intervention of the High court in investigation sparked the idea of writing.

Keywords: Offence, Hindu Temples, Tamil Nadu, Prevention, Prosecution

Community’s Perception about Law Enforcement Agencies

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Abstract

“Law is a system of rules that are created and enforced through social or governmental institutions to regulate behaviour.”

Law is a system which is created so as to ensure that the individuals or the community adheres to the will of a state. A country discharges its responsibility to protect its citizens through the police force. Becoming a member of the law enforcement is always taken with pride. Policemen are always looked upon with respect within the society. They are “the protectors” of the society. However, the incompetency of some of the police units has led people to lose faith in them. The demoralisation and lack of discipline of the police force has led the public to fear them as well, they are widely believed to be anti-poor, anti-women, and anti-outcastes. Most people believe that the police perpetrate some crimes themselves, shield criminals, and refuse to register complaints against criminals, fabricate false cases, and frequently resort to illegal detentions at police stations. For ordinary citizens, contact with the police can lead to extortion and bribery. The perception of the Law Enforcement has undergone a drastic outlook. It has undergone from being a “Hero” to becoming a “Villain”. The people’s perception is only reaction of the public to the police, and it gives a reflection of the confidence that the people have on the police. The police force need to step up their game and harbour a stronger relationship with the people of the country.

Keywords: Community, Law Enforcement, Police

The Law of Sedition in India

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Abstract

The present Indian legal system reveals that still today some of the laws passed during the British colonial period were followed as it exists in the same manner. The law of Sedition in India is one of the best example to highlight the above statement. When India was a colony to British the sedition law was used to suppress nationalist dissent in the subcontinent during the 19th and 20th centuries. Even today it is being applied in India. The famous Indian freedom fighter Mahatma Gandhi, was jailed for six years on sedition charges because of the articles he wrote for a weekly journal. In any democratic country people should be free to express their disaffection towards their government. In India this appears to be a myth rather than a reality from British period. Sedition laws were used in India by different governments for the same purpose used by the Britishers during the colonial period. Thus in independent India, the judiciary is assigned with the great task of protecting the rights of individuals in general and fundamental rights under Part III of the Constitution in particular. The judicial pronouncements in the area of sedition have become very vital in safeguarding the rights of individuals and upholding justice. In this research paper the author overview the laws relating to sedition and judicial response to these laws.

Keywords: Indian Penal Code, Sedition, Offence, Constitution, Article 19

A Friend and Foe: Bridging the Trust Deficit between Public and Police

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Abstract

People's perception of police fairness is essential in shaping their cooperation with the police and compliance with the law and implementation of law and order in general. If there is a trust deficit between the police and the public, the society becomes a safe haven for criminals. Whenever there is law and order problem in a city because of anti-social elements and dacoits, when there is intrusion of terrorists in the borders or militant attacks the police and the armed forces are pat at the back and given a free hand to deal with it the way they think fit; but once law and order

is restores, normalcy and peace return, their methods are questioned terming them as perpetrators. This can be compared with Geoff Thompson's Sheep Dog and Wolf Analogy in which the Police are the 'Sheep dog' which protects the 'Innocent herd of Sheep', the criminal is akin to the "wolf". In essence, a citizen recognizes the utility of police only when he is under threat. Rest of the time he dislikes any interaction with the police, even their presence make it uncomfortable for the citizen. So this study proposes to analyze how the public's image of police have an impact over public action such as crime reporting, cooperation with police, compliance with law and to find the correlation between objective indicators (using data from the agency) subjective indicators (public opinion through surveys) of police performance.

Keywords: Friend, Foe, Trust Deficit, Public, Police

Trends in Community Policing with Special Reference to Meghalaya

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Abstract

Historically, the idea of 'Community Policing' grew out of a need to better involve the local public in the wake of increasing crime, improving police-community relations, etc. Community policing cannot be credited as the sole invention of any one nation / region / police force. However, in its modern context the idea may be attributed to and with the formation of the London Metropolitan Police District (LMPD) in 1829. In India, statutorily speaking, there are no specific provisions about community policing under the Criminal Procedure Code (CrPC). But its essence can be observed under this Code. Sections 37, 38 and 40 may be referred to in this regard. In India, law enforcement is a state subject, therefore, there has not been any one initiative from the top i.e. the Central Government level but many at the local police stations, district and state level ones. Several state polices (e.g. Punjab, Karnataka, Andhra Pradesh, etc.) have defined 'community policing' on their websites and issued general guidelines for the public. The NE State of Meghalaya is comprised of 3 main tribes – Khasis, Jaintias and Garos. Community policing in the state is done by and large through the Village Durbars. As many as 1323 Village Defence Parties (VDPs) have been to-date registered with Meghalaya Police. Whether the State can better improve its community policing strategies must be seen in light of other States in India and how they have fared in this regard.

Keywords: State, Subject, Meghalaya, Community

Role of Public in Ensuring Peace and Harmony

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Abstract

This paper deals with the quintessential role of public which is to ensure peace and harmony in the society they live in. An individual can achieve peace any time and at any situations. A society achieves peace and harmony only when the individuals, indefinitely and irrespective of the differences on caste, creed, religion, gender, age etc., ensures both giving and taking of love and care with mutually. Only when this is achieved and when no caste and religion cause the prime play or an upper hand in the society, harmony will be achieved. This paper tries to convey the role of religion played in our society which has been affecting our society's peace and harmony in the on-going days. This paper also deals with an important organ of the society which is the Government, its role and contribution towards the welfare of the society, the actions taken against the problem to ensure public peace and harmony. Thus, this paper tries to conclude that since our parliamentary form of government is for the people, of the people and by the people, the role of government is also required in ensuring peace and harmony in the society despite public's role.

Keywords: Prime Play, Public Peace, Chaos, Parliamentary Form of Government

An Analysis of the Evolving Civil Legal Needs of Marginalised Section in India

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Abstract

Expanding access to civil justice for low income and disadvantaged people involves identifying civil legal needs, developing strategies to meet them and evaluating progress. To these ends, this paper incorporates aspects relating to planning, education and coordination for the enhancement of justice delivery system in India. Through the means of this research paper the authors intend to highlight the importance of fulfilling civil legal needs in a constitutional democracy like India, where a significant population has still not seen the constitutional promises of even the very basic fundamental rights. The Indian Constitution provides for an independent and impartial judiciary and the courts are given power to protect the Constitution and safeguard the rights of people irrespective of their financial status and position in the socio-economic strata. Since the aim of the Constitution is to provide justice to all, it dictates that the judiciary has the duty to protect the rights

of the poor. It is difficult to generalise the legal needs of the rural poor the judiciary has made a significant attempt to safeguard the interests of these marginalised groups and ensure that justice is not denied. The present paper attempts to shed light on these endeavours of the Indian judiciary by analysing aspects of civil legal needs including but not limited to ProBono Resources, Lok Adalats, Right to Counsel and Self-Representation.

Keywords: Civil Legal Needs, Probono Resources, Lok Adalats, Right, Counsel, Self-Representation, Indian Judiciary

Justice and Morality in Indian Legislative Process: A Talk Game in Human Rights Sketch

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Abstract

Morality is taken from the Latin word “moralitas” which means "manner, character and proper behaviour". It is the differentiation of intentions, decisions, and actions between those that are "right and wrong”. Legislations and Morality are closely interrelated particularly in areas that pertaining to abortion, capital punishment, gambling, euthanasia, gay rights, pornography, and sex education which generate conflict over core values. Legislations relating to these matters tend to be technically simple, potentially salient to the general public, and involve higher than normal levels of citizen participation. Citizens want more from government than a collection of goods and services; they also want to live in a society that generally expresses their values. There are good reasons to concern oneself with the problem of the relation between law and morality not only phenomenological, but also fundamentally. It is easy to ascertain that moral problems are especially widely and intensely discussed in public, when the question of the need for legal regulation is raised. Last few years have observed the development of law in the various European nations and in the International European organizations, have been witness to the increasing importance of ethics and morality. There are a growing number of laws that require an explicit consideration of these aspects. Human rights have so many philosophical perceptions under the shadow of morality .However the three brain waves justice, morality and human rights are correlatives and access to justice can only be achieved when these are coupled in a legislative process.

Keywords: Justice, Constitutional Morality, Hart’s Views on Morality, Human Dignity

Janamaitri: An Overview on Community Oriented Policing

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Abstract

The public image of law enforcement agencies impacts the citizen's compliance with law and order. Though the public over time has developed an overall positive view towards them, there is still an underlying estrangement that these agencies face from the public community. The topic of discussion being community perception towards law enforcement agencies, in this thesis we will primarily focus on community oriented policing, which has gained wide acceptance in the recent times and is now being extensively used for effective policing. Further the paper focuses on the Janamaitri community policing program in the state of Kerala, which aims at "Prevention of Crimes- Furthering co-operation and mutual understanding between Police and the Community." and analyzing the changes in public satisfaction with police services and perspective changes of the law enforcing agents amongst the community at large. It envisages a method of policing that is distinct from the traditional style seeking the cooperation of the community, understanding the needs of the community. The study is conducted through an initial overview of the program, followed by a survey of people in the area to enlighten the immediate impact of the program on different aspects of police-public relations such as greater accessibility, accountability, greater sense of security among the populace, and positive perception of police and how these factors are interrelated. Finally the thesis concludes by evaluating the importance of community policing, especially in developing societies, as a way forward for better police service delivery and reforms.

Keywords: Janamaitri, Community Policing, Crime

Need of Nationalized Legislation for Witch Craft in India

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Abstract

The Constitution of India guarantees all its citizens the Fundamental right to live with personal liberty and human dignity under Article 21 of the Constitution and this guarantee is provided to them irrespectively of the locality, caste, creed or gender. So, this right also extends to protect the citizens from the evil of witch craft

hunting which is process by which many innocent people gets preyed to the ruthless and inhuman treatment and many a times even lose their lives merely on ground that they are hampering the society. It is most prevalent in the states of Bihar, M.P., Jharkhand, Haryana, West Bengal, Chhattisgarh, M.P. etc. and these states have their respective laws also. So, the doctrinal research was conducted based on the secondary data to ascertain the prevalent laws in the country regarding the same and also the need to have a nationalized legislature so as to prevent the society and its people from being exploited by the evil of witchcraft hunting. Though there are many national as well as international agencies which are working towards it but in order to eradicate this evil from the root we need to have a nationalized legislation. Also, there is a need for the making the people aware about their rights and to educate them about this so that they will not spoil the life of an innocent person just for their selfish purpose.

Keywords: Witch Craft Hunting, Constitution, Article 21, Society, Nationalized Legislation, Ruthless and Inhuman Treatment

Relevance of Pro-bono Cases in India: An Analysis

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&

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Abstract

Society and Law form the two sides of a coin. A society cannot function smoothly without rule or regulation properly placed and enforced. Persons have the right to access justice to redress their disputes. However, there is a marginalised section of people who are deprived of this right for various reasons such as no resources to hire a lawyer, illiteracy, unawareness, among others. As the saying goes, 'Justice delayed is justice denied'. The Department of Justice of the Indian Ministry of Law and Justice launched the 'Pro-Bono Legal Services' initiative, a web based platform, in April 2017. Apart from this initiative taken up by the Government, various organisations including NGO's have taken up pro-bono cases by hiring advocates and spreading awareness. LokAdalat and State Legal Aid are other initiatives that have been taken up to discharge justice to people. The authors of the research paper would put forth the relevance and importance of pro-bono cases and its significance in India. It would analyse the effect and functioning of the DoJ and the various organisations working in pro-bono cases.

Keywords: Pro-bono, Civil Legal Needs, Lok Adalat, Legal Aid

The ‘Public’ and ‘Tolerance’

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&

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Abstract

The Cambridge dictionary accounts that, ‘public’ means, “relating to or involving people in general, rather than being limited to a particular group of people”. This word accepts each individual, into its fold, thus providing a unity amongst masses. However, no ‘public’ is ever united, and is divided into groups according to individual interests, and each person forms a part of more than one group according to their varied interests on various subjects. Forming ‘groups’ or ‘associations’ and being part of them is a much needed societal process, as long as it is for the benefit of individual growth- mentally, emotionally and physically. However, when these ‘groups’ start terrorizing the ‘public’ in the name of personal interests, the existing peace and harmony in a society go awry. When the conscience of the public is harmed by certain people, the law enforcement agencies are responsible for the situation. On a general note, being a “modern 21st century” society, India needs to be more tolerant, liberal and open about ideas on culture, history, religion, tradition, literature, gender, sexuality, and a lot more things. When ‘the public’ accepts the above said issues as their own, only then will these petty ‘groups’ based on pathetic reasons, stop with their moral policing. But for that, the laws need to change, law enforcement authorities need updating and so does our conscience about what is right and wrong. Through this paper, we aim to give a conclusion on, how as a society, India can progress on an aesthetic level leaving behind its rearward thinking.

Keywords: Group, Interests, Public, Law, Tolerance, Libera

Complete Justice by Restitution

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Abstract

Crime is an integral part of any society, as Emile Durkheim puts it; no society can be crime free. According to him deviant behaviours such as crime strengthens the social bonds among people by reacting to it. The bond can be strengthened only when offender gets punished and the losses suffered by the individual victim of crime get prostituted. The state controlled Criminal Justice System, which we inherited from the British provides very little role for the victims of the crime in the trail process. The plights of the victims are rarely addressed and if at all addressed, it is only by the Higher Judiciary. Though the victim compensation laws have

undergone dramatic changes recently, the functionaries of the system are yet to be fully sensitized about them. The reluctance of the states in implementing the Victim Compensation Scheme envisaged under Section 357A of the Criminal Procedure Code can be observed by the time it has taken for them to issue appropriate order and earmarking necessary funds. Only in a fraction of the cases the court makes a recommendation to the District Legal Services Authorities for awarding compensation to the victims of Crime. The number is even less or virtually zero in the cases of immediate First-aid facility or Medical benefits to provided free of cost to the victims based on the recommendations by the concerned Station House Officer.

Keywords: Restitution, Victim Scheme, LSA, Police, First-Aid

Public Participation as the Cornerstone of Successful Justice Administration: A Study on Community Policing Abstract

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Abstract

Laws are primarily made for curing existing social maladies. But mere legislations would not suffice to serve this purpose. Effective Law enforcement agencies play a pivotal role. The society is changing dynamically which is thereby necessitating radical changes and far-reaching novel interventions in justice administrative setup to combat emerging social issues. It is of more doubt that community policing is one such step towards this cause. The expectations of the public are changing with time. There is a challenge in front of the police to meet these expectations. Community policing will go a long way in meeting the changing expectations of the public. The paper primarily examines the need for institutional change of police as an organization in upholding justice. Concluding with suggestions, the paper also makes a study on the effectiveness and the existing challenges with reference to the intervention through a case study on Kerala picture and its comparison with that of other states. Identifying public policy by police can take this project a lot forward and the media can play a very important role in this process. The 'movement' has great potential in achieving the expected result if adequate emphasis is given on sensitization of both the public and Police.

Keywords: Public Participation, Cornerstone, Successful, Justice Administration, Community Policing

Revolutionizing Community Perspectives about Indian Police

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Abstract

The Indian democracy operating amidst radical ethnical, religious and social diversity to be a shining monument of stability accords its success to its efficacious law enforcement agencies. Police force is indubitably the most visible arm of the state and it is incontestable that efficient policing is impossible without confidence and respect of public. It is therefore imperative to study on community perception about law enforcement agencies zooming in police force. Community perspectives about police reflect the degree of confidence of public towards the police. When the community perspective about police is pleasing, there are voluntary compliances to the prevalent laws and vice versa if the perspective is unpropitious. It is contentious whether Police force in India has triumphed to come out of its repressive British policing culture and come up with policing through public consent and cooperation. Arbitrary arrests, detention, torture and extra judicial killings have blotted the image of police and have led to unparalleled level of public distrust. A police force that is publicly accountable, respectful to human dignity and intrudes in to citizens lives under limited circumstances is the model of democratic policing. Only from this height can the police orderly discharge its sacred duty of law enforcement. To restore the faith of public in police, it is high time that potential steps to diminish the social gap between police and public must be employed. This paper dissects police-community relations and delves in to the possibility and practicability of revolutionizing community perspectives about police.

Keywords: Police-Community Relations, Policing Culture, Democratic Policing, Police Accountability, Police Reform

An Approach to Distinguish the Conditions of Flash Crowd versus DDoS Attacks and to Remedy a Cyber Crime

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Abstract

Flash Crowds are the events that occur due to sudden increase in legitimate traffic towards a single web server due to popularity of that web server or a famous event posted on its web pages. Distributed DoS (DDoS) attacks are the attacking events

conducted by an attacker to overwhelm the web server with huge amount of traffic due to which that web server cannot serve legitimate users. Distinguishing flash crowds from DDoS attacks is very important because the response of the defense system should be different for these two types of traffic. Initially abnormal traffic condition on a web server is detected when there is a huge amount of traffic which is very larger than the normal traffic volume. Our proposed system makes use of flow strength as a metric for assigning suspicion mark to flows in order to group the flows as probable Flash Crowd flows or probable DDoS attack flows. The technique used here is very intuitive, functional and can be proved to be working in a simulation environment and is perhaps applicable for real time usage. We found some cyber-crimes that are “Beyond DDoS Attacks” and we suggested a remedy for “Beyond DDoS Attacks”.

Keywords: Cyber-crime, Attack, Crowd, Remedy

Comparative Analysis of the Good Samaritan Law in India

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Abstract

The Word ‘Good Samaritan’ has its origins from a Parable in the Bible and it refers to someone who helps a stranger, even though he had no obligation to help him. Most States have Good Samaritan Laws which protects individuals who offer assistance to road accident victims, etc. The Good Samaritan Laws of some States even imposes a duty to rescue thereby attracting liability upon failure to act. India does not have a legislation which offers protection to Good Samaritans but the Guidelines issued by the Ministry of Road Transport and Highways have the force of law pursuant to a Supreme Court Judgment which extensively dealt with the issue. There is very little awareness about these Guidelines among the general public and people are still reluctant to help victims of road accidents or crimes. This Paper will analyse the Guidelines by comparing it with the Good Samaritan Laws in select jurisdictions of the United States and France which has a duty-based approach to Good Samaritan Laws. The Paper would analyse the feasibility of a duty-based approach by comparing it with the effectiveness of an incentive- based approach and will try to answer whether Private Individuals have an obligation towards their fellow mates. The Paper will also deal with Medical Professionals and the Duty of care expected from them. Analysing the Good Samaritan Laws in India would help promote the involvement of public in upholding Justice. The State has a duty to protect and the involvement of the Good Samaritans would help the State to effectively carry out its duty.

Keywords: Good Samaritan Laws, Duty of Care; Duty to Rescue

Role of Public in Maintaining Peace and Harmony

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Abstract

“If we are to reach real peace in the world, we shall have to begin with the children.” — Mahatma Gandhi

The role of public is of paramount importance in maintenance of peace and harmony the public had always played an important role in making vibrant societies and rebuilding the nation world over. Our freedom fighters had paved a way for living in our constitution. Every citizen should have this feeling of fraternity, unity and integrity amongst all the people of India transcending religious, linguistic, regional or sectional diversities. If every citizen inherits these feelings, then India will become a peaceful country. The values are lacking in the society. Value education shall have a great Impact in the minds of the public to maintain a peaceful society. This paper also deals with an important organ of the society which is the Government, its role and contribution towards the welfare of the society, the actions taken against the problem to ensure public peace and harmony.

Keywords: Public, Role, Society, Values, Peace, Harmony

Dharmo Rakshyathi Rakshythaha

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Abstract

“Yatho Dharma sthatho Jayam”

The meaning of the said saying is that the person who abides by Dharma will win. The concept of ‘DHARMA’ is the foundation of legal system in India. Dharma can be implicit in Duty. The duty is twofold like public duty and private duty. Dharma or Duty is different from the perspective of different person’s position. The European concept of ‘Rule of Law’ can be compared with the Indian concept of Dharma. In India the legal history started from Vedic age and strengthened with religious prescriptions along with philosophical discourse to the present modern legal system. The concept of Dharma emanated from Vedas, Upanishads, Ramayana, Mahabharata and other religious texts, it was a fertile field enriched by practitioners from different Hindu philosophical schools and later by Jains and Buddhists. Modern law in India varied widely from religion to religion, region to region and from ruler to ruler. Court systems for civil and criminal matters were essential features of many ruling dynasties of ancient India. Common court systems existed under the Mauryas (321-185 BCE) and the Mughals (16th – 19th centuries). It was further secularised by

British rulers and paved the way to the current common law system. In this context this paper attempts to analyse the two concepts i.e. “Law according to justice” and “Justice according to law” and advocates for “victim-centric” criminal justice system.

Keywords: Dharma, Rule of Law, Vedic age, Law & Justice, Victim-Centric

Community Policing and Challenges in India

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Abstract

Community policing is an important pillar of law enforcement across the world. It is practiced in different forms with varying results in different countries. Its main goal is to assist the social environment in creating law and order. Today, India is moving ahead as one of the powerful country we need to have all elements of a powerful and secure nation. One of its important constituents being a potent law and order machinery with effective policing. We have a reasonable police force and a law and order set up whose primary role is to provide a peaceful, orderly and crime –free environment in the society. But today the police are over burden and they focus only on major crimes and give less importance to minor crimes. Crime free environment indeed requires the involvement of community and the police to work together to tackle crime. Though the community police serve the community at large, it faces many challenges while implementing the law and order in to the society. Some of the challenges are inactive participation of society in preventing crime, less attention given from government to the community policing, etc. The study finds the reason for failure of the community policing and a better legal solution for crime free environment.

Keywords: Law, Police, Community, Society, Responsibility

Cybercrimes-Trends and Challenges in Achieving Swachh Digital India Using a Public Cloud: A Case Study

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Abstract

A goal of ICT is to develop a Knowledge Society (Vignan Bharat) that is progressive and free from Cybercrimes and is well-established in terms of Cyberlaws, Cyberethics, Smart Cities (Smart India), Digital India etc. Some consider the terms as fanciful while some, unless and until they read about them in newspaper reports, take them with a pinch of salt. In India, population is high and cybercrimes are increasingly reported day by day. Some cybercrimes have a massive base. Here is a case study, presented from different angles in [1-10], of a cybercriminal outfit that is challenging to the governance and academics for nation building whereas nation building is a continuous exercise. This case study has motivated us to come up with The P-Governance Forum (PGF) <https://sites.google.com/site/sekharaiahk/apeoples-governanceforumwebpage>, an innovative forum. The intent is to disseminate national information by a broad discourse and inculcate in the educated youth national spirit and basic awareness of how to use Internet positively for social good. The case study considers that the Government of Telangana, Cyberabad Police, Government of AP, GoI, higher education system or inadequately to the challenges of cybercrimes in our society and academics. People's Governance Forum is to serve as a remedial machinery to transform ill-guided youth as well-guided youth w.r.t. cyber-crimes in a premier academic institution of our country. The ideation of cybercrimes crept into the case study website outfit knowingly or unknowingly owing to insensitivity to national solidarity. Did the nearly 2000 staff/students in the higher education system register in the cybercriminal outfit website owing to ignorance of or insensitivity to the cybercrimes involved? Did they lack the fundamental skills, democratic value consciousness and national spirit they are expected to have been endowed with? The silence of the educated w.r.t. this kind of cybercrimes in the higher education environment leads to deleterious effects on the society and the nation. Cybercriminal leadership should not have been let to grow side by side with the academic administration. It is necessary to sensitize the students against the cybercriminal outfit content in the university academic environment such that the national consciousness and spirit develop in a good stead in the system towards Smart India campaign. The P-Governance Forum (PGF) is, different from those such as

<https://www.cgg.gov.in/> or <http://www.nisg.org/>, conceived as a citizens'/students' forum. The PGF is result of the trends and challenges, experienced through the case study, of Cybercrimes in the Indian Higher Education Scenario in the last several years. The present Government of Telangana formed in 2014 is in the aftermath of the Cybercriminal Government of Telangana that has had existence since 2011 with its subsidiary outfit, the JNTUH-JAC [Fig.1] as evidenced in the latter's website since the last quarter of 2011. The PGF remedy is the core content of this paper.

Keywords: Quality of National Life, Cybercrimes, Smart Cities, Cybercriminal Government of Telangana.

Analytcs of a Judicial Case Study of Multiple Cybercrimes against the Union of India

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Abstract

In our earlier work, we delineated a case of a culprit website which is involved in the three crimes of (1) Sedition (2) State Emblem of India (Prohibition of Improper Use) Act 2005 violation and (3) Cheating the Nation crime. The organization JNTUHJAC was affiliated to the online cheating 'Government of Telangana' (CGoT) and online seditious 'Government of Telangana' (SGoT). It has been operational in the JNTU Hyderabad University during 2011-14. In our earlier works, we presented a few snapshots of the culprit website's home page from way back machine, a web crawler tool for Internet archiving of websites. The snapshots captured evidence of the usage of cheating & seditious identity 'Government of Telangana' (to which the said JNTUHJAC organization claimed belongingness) by mining the archived website contents. We presented the snapshots of the charge sheet and the judgment. We presented how they served as cyber intelligence alternatives for countering cybercrime. Noticeably, the court considered the examination of Sedition crime in this case. In this paper, the confessional panchanama statement and the evidential proceedings of the case in the examination of the court of law are presented so as to serve to generate national awareness, consciousness and remedies on a better front against cybercrimes such as Sedition Law Violation, Cheating the Nation and Violation of State Emblem of India (Prohibition of Improper Use) Act 2005 in the context of higher educational institutions such as JNTUH perpetrated against the Union of India so that our work generates positive good for our nation.

Keywords: Govt. of Telangana, State Emblem of India, Jawaharlal Nehru Technological University Hyderabad, Joint Action Committee

ICT Based Social Policing for Swachh Digital India

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Abstract

Any illegal activity carried out through the usage of Internet is Cybercrime. In this paper, we present a case study of a cybercrime w.r.t. the culprit organization Government of Telangana (CGoT) that has been purportedly prevalent during 2011–2015 approx. as indicated in the website. Interestingly, the crime is registered against identity theft under Sec. 66-C under IT Act 2000-2008 whereas the complaint was against Sedition crime. The culprit website of JNTUHJAC organization under CGoT was operational in the JNTUH University before the enactment of Andhra Pradesh Reorganization Act 2014. Through the culprit website, approx. 2000 registrations were obtained for the organizations. A snapshot of the culprit website obtained through a web crawler tool was submitted to the police to substantiate evidence. We present, in the case study, the many facets of the moot cybercrime issues related to the JNTUH University academic environment and how they are handled.

Keywords: Information, Communication, Technologies, Criminal, Government, Telangana

Impact of the RTI Act within a Public Authority Organization towards Employee-Employer Engagement: A Case Study

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Abstract

In the emerging world of e-governance, dependable administrative systems are much more sought after than earlier as the automation gives rise to a fading effect on fidelity of organizations in the sense that the administrative authority and the administered vie with each other in that regard in lieu of the natural trust

that was the order of the intra-organizational work setting that was hitherto prevalent. The paper presents an empirical report on the RTI case studies w.r.t. employee-employer engagement in an academic setting. The report is an eye opener w.r.t. enriching the employee engagement in organization towards dependable, accountable organizational behavior by adopting the spirit of the RTI Act 2005.

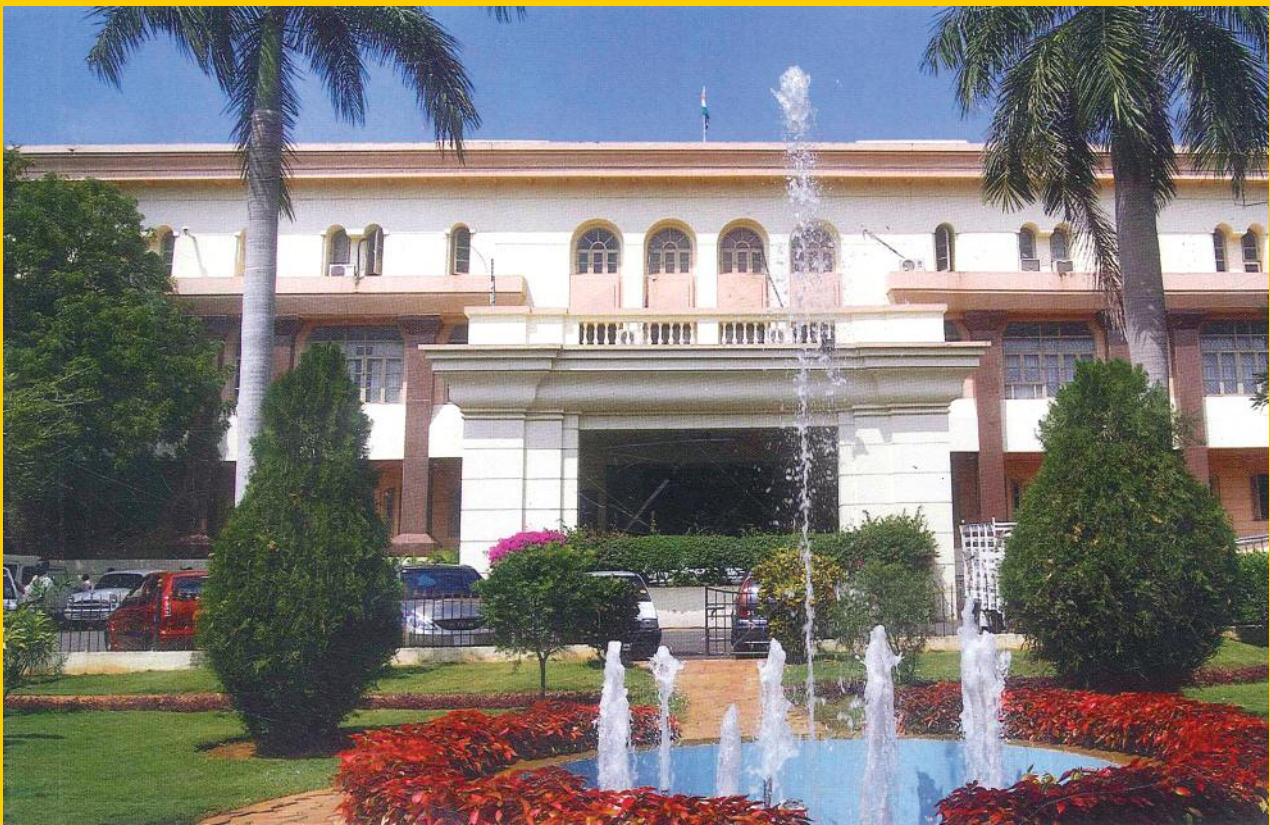
Keywords: RTI- Act2005; Cyber Crime; Employee-Employer Engagement

Pondicherry University

Pondicherry University established under an Act of Parliament in the year 1985 is located in Puducherry. The university has 15 Schools, 37 Departments and 10 Centres offering 175 Post Graduate and Research programs. The university has all the state-of-the-art facilities in all the Schools and Departments paving the way for the students to have a student-friendly, result-oriented academic environment with green ambience. The University has four campuses. The Main Campus is located at Puducherry and the other three off-campus are located at Mahe, Karaikal and Port Blair. The University has made a giant leap in promoting usage of Information & Communication Technology (ICT) products/ services in the areas of teaching / learning, research and administration. The Ananda Rangapillai Library at the University has a collection of more than 2lakh books and over 25,084 e-journals, 7,455 e-books, 36 e-databases and 620 e-thesis. It offers rent-free accommodation to all girl students and provides totally-free education to all the differently abled students.

School of Law

School of Law is a budding branch of Pondicherry University. The School was established in the year 2014-2015 and is heading towards a successful year 4. In addition to Masters in Law, the school also offers one year Post Graduate Diploma courses on Intellectual Property Rights and Criminology. The School focuses on quality teaching and research in law through its program. Besides the traditional classroom lectures, the school also uses diverse modes of teaching, like tutorials, group discussions, seminars, case study methods. The course also includes a scrupulous internship program, in order to equip the students with the practical experiences in the relevant field. The School have moved from customary legal areas to specialty areas like Corporate Laws, Intellectual Property Laws, and International Commercial Laws; addressing the emerging fields of law. While striving to excel in academics, the School also caters to the holistic development of its students.



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