

CHAPTER 24

LAW

Doctoral Theses

242. AQUIL (Shabistan)
Study of Patent Laws : Plant Variety Protection, Traditional Knowledge and Biopiracy.
Supervisor : Dr. Suman Gupta
Th 14827

Abstract

Focuses mainly on three themes. First, it explores the emerging international legal and institutional framework for protection of plant varieties and traditional knowledge. Second, it examines key issues related to the implementation of intellectual property rights and TRIPS in India. Thirdly, it discusses biopiracy and impact of intellectual property rights in developing countries. The thrust of the study is to find out the impact of intellectual property protection on biodiversity, in general and traditional knowledge and issues of biopiracy in particular. An attempt is made to provide the broad perspective of each issue in its historical context. Analyses sui generis system for plant variety protection including the protection of plant varieties and farmers' rights act 2002 in the light of genetic technology, life patents, farmers, rights and food security. The ramifications of intellectual property, viz. biopiracy, biosafety, ethics, morality, public interest and other like issues are discussed. This study exposes some of the pitfalls in the acts passed by government of India to protect biodiversity etc. The study discusses in great detail the issue of protection of traditional knowledge in the context of genetic technology. life patents and plant variety protection. The study suggests a sui generis system for traditional knowledge as a remedy to the existing intellectual property regime. A model bill is drafted on these lines.

Contents

1. Introduction. 2. Plant variety protection. 3. Protection of traditional knowledge. 4. Protection of plant varieties and traditional knowledge, international scenario. 5. Biopiracy and developing countries. 6. Conclusion and suggestions.

243. DASS (Poonam)
Study of Legal Aspects of Cyber Transactions.
 Supervisor : Prof. N S Bawa
 Th 14829

Abstract

Attempts to discuss in greater detail and depth the legal aspects of cyber transactions concerning formation of contracts and intellectual property, both substantive and procedural.

Contents

1. Introduction. 2. Internet and cyber transactions. 3. Formation of e-contract. 4. Writing and signature requirements of e-contract. 5. Protection of copyright in cyberspace. 6. Protection of trade marks, trade secrets and patenting business methods in cyberspace. 7. Cyber transactions and conflict of laws. 8. (a) Electronic evidence; (b) Online dispute resolution. 9. Conclusion and suggestions. Bibliography.

244. RENU BALA
Role of Indian Courts in Sustainable Development.
 Supervisor : Dr. Gurdip Singh
 Th 14826

Abstract

India is facing a major problem of environmental degradation due to an unsustainable pattern of development. The decline in environmental quality is evidenced by increasing pollution, loss of vegetation cover and biological diversity, excessive concentration of harmful chemicals in the ambient atmosphere and the food chains, growing risks of environmental accidents and threats to life supporting systems. The growing environmental pollution is adversely affecting the development and economic growth of India and needs to be arrested without any delay. The Indian courts have taken up the daunting task of maintaining the balance and harmony between the environmental protection and economic growth by implementing the principle of sustainable development. The theme of the present study is to analyse and evaluate the concept of sustainable development, its relevance in the field of the environmental law, and the contribution of the Indian courts to implement the concept. The study gives an account of the attitude of the Indian judiciary towards sustainable development, the rules and the principles

formulated by the Indian courts, the interpretation of the existing statutory provisions in the light of the principle of sustainable development. The implementation of sustainable development is a formidable task for the Indian courts as environmental pollution is a multidimensional problem and the courts need to face several fronts to implement the concept of sustainable development successfully. The courts need the cooperation of the society, executive and the industrial sector. It incorporates the study of reasons for non-cooperative attitude of the society and the industrial sector towards judicial orders and directions issued to implement the principle of sustainable development. It also incorporates the study of the reasons for the poor implementation of judicial orders and directions relating to sustainable development and to find the ways and means to get the cooperation from the enforcing bodies to implement the principle of sustainable development successfully. It further incorporates the study of the existing judicial system, shortcomings of the judicial system, and judicial reforms needed to enable the courts to shape the concept of sustainable development. It includes the study of the fundamental Indian statutory provisions relating to the environment., interpretation of the existing law and legal reforms required to strengthen the courts to resolve environmental matters. The principle of the sustainable development is based on the combination of science, technology, economics and law. The combination of these should be promoted to implement the principle of sustainable development. The study examines the ways and means to promote the above combination in the Indian judicial system.

Contents

1. Introduction. 2. Sustainable development conceptualisation. 3. Sustainable development statutory approach. 4. Sustainable development- A right. 5. Implementation of sustainable development contribution of judiciary. 6. Implementation of sustainable development fundamental problems. 7. Suggestions, critical appraisal and conclusion. Bibliography.

245. SATYA PRAKASH
Parliamentary Privileges in India - A Critical Analysis.
 Supervisor : Dr. Parmanand Singh
 Th 14828

Abstract

Examines the law and practice of parliamentary privileges to meet present and future needs? Do the existing procedures

satisfy contemporary standards of fairness and public accountability? Should parliamentary privileges be codified? Is there the need for code of conduct for legislators? and relationship between parliamentary privileges and fundamental rights. Three draft legislations on the constitution (Amendment) bill, 2005 the parliamentary powers, privileges and immunities bill, 2005 and the prevention of corruption (Amendment) bill, 2005 have been suggested.

Contents

1. Introduction. 2. Evolution of parliamentary privileges (Historical Perspective). 3. Parliamentary privileges-international experience-I:U.K. U. S. A. and Canada. 4. Parliamentary privileges-international experience-II: New Zealand and Australia 5. Parliamentary privileges- Indian experience-I: Privileges and immunities. 6. Parliamentary privileges-Indian experience-II: breach of privilege and contempt. 7. Privileges vis-a-vis ethics for members of parliament. 8. Should parliamentary privileges be codified? 9. Conclusions and suggestions. Bibliography.

M.Phil Dissertations

(LL.M. -- Master of Law --2 Yr Course)

246. DUBEY (Vivek)
Securing Rights of Displaced People Particularly in Light of the Scheduled Tribes (Recognition of Forest Rights) Bill 2005.
 Supervisor : Prof. Gurdip Singh
247. KATIYAR (Deepti)
Protection of Breeder's and Farmers Right.
 Supervisor : Mr. Chandra Sekher
248. LAKHERA (Preeti)
Cyber Crimes in India and Legal Regime to Combat it.
 Supervisor : Prof. S C Raina
249. MANISH CHANDRA
Right to Shelter as a Justifiable Right.
 Supervisor : Mr. T D Sethi

250. PRABHU NARAIN SINGH
Security Council Reforms : Indian Perspective.
Supervisor : Prof. J L Kaul
251. RAJIV VIKAS
Legal and Policy Framework for the Electricity Sector in India.
Supervisor : Dr. Kamla Sankaran
252. SHAH (Shalini)
Legal Aspects of Sustainable Development.
Supervisor : Prof. Gurdip Singh
253. SHARMA (Bhawani)
Professional Negligence of Medical Fraternity and Health Laws in Legal Curriculum.
Supervisor : Dr. S C Raina
254. THAKUR (Nishi Kant)
Protection of Geographical Indications at Global and National Level; An Appraisal.
Supervisor : Prof. Ashwani Kumar

(LL.M. -- Master of Law -- 3 Yr Course)

255. GEBREAMANUEL (Daniel Behailu)
Right of Self-Defence Under the U. N. Charter with Special Emphasis on Anticipatory Self-Defence and Gulf War II.
Supervisor : Prof. Gurdip Singh